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SENATE—*Tuesday, November 16, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of us all, who hast given us the gift of this another day, help us to use it wisely and well. Spare us from wasting time on the wrong things or things which do not matter much. Furnish us with clear minds, pure hearts, and dedicated spirits. Keep us ever close to Thee, enlarging our energies and refining our judgments. Help us to be cheerful when things go wrong, persevering when things are difficult, serene when things are irritating. May our compensation be found in work done for a nation aspiring to be better. At the close of day, may we rest in fellowship with Thee and our fellow men.

In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 15, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXEMPTING POTATOES FOR PROCESSING FROM MARKETING ORDERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 423, S. 2672.

The PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 2672, to permanently exempt potatoes for processing from marketing orders.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruits and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–429), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

This bill makes permanent the existing provisions which exempts all potatoes for processing from marketing orders.

Potatoes for canning and freezing have always been exempt from marketing orders under section 8c(2) of the Agricultural Adjustment Act, as reenacted by the Agricultural Marketing Agreement Act of 1937. On February 20, 1970, this exemption was extended to potatoes for other processing, but only for a 2-year period. The bill would make this extension to potatoes for other processing permanent. Potato products are marketed nationally and the competitive disadvantage accorded processors located in order areas and subject to such orders is such as to require exemption of all potatoes for processing.

The Senate and House reports on the legislation approved February 20, 1970, to provide for the 2-year exemption contained the following definition of "other processing."

The term "other processing" is intended to include only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. This occurs in dehydration and in the manufacture of shoestring potatoes and potato chips. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee estimates that no costs would be incurred in carrying out the bill in the current fiscal year or any of the 5 succeeding fiscal years. The attached report from the Department of Agriculture estimates the annual cost of administering any new order * * * for processing would approximate $25,000. By exempting all potatoes for processing from marketing order authority, the bill would save this amount for any order that might otherwise be issued.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) is now recognized for not to exceed 15 minutes.

THE PHASE II ECONOMIC PROGRAM

Mr. PROXMIRE. Mr. President, for 5 weeks, the Joint Economic Committee, of which I am chairman, has held extensive hearings on the new economic program of President Nixon. We went into considerable detail. A number of outstanding economists appeared, representing a broad variety of viewpoints. We also heard from business leaders, labor leaders, and people who had great experience in administering wage and price controls during World War II and the Korean war. I believe that we obtained a broad and substantial background from these hearings.

In addition, in the past week or so, the Committee on Banking, Housing and Urban Affairs has had hearings on the administration's proposed new program for phase II, and has had several sessions in marking up that legislation.

PHASE II NEEDS BIG OVERHAUL

In view of this background I must say this morning that I have come to the painful conclusion that phase II—the wage and price control program as it has been enunciated by the Wage and Price Board—will do far more harm than good for our economy. The newly announced price regulations are so complex and confusing that they will slow business expansion when we need it urgently.

This is not to fault much of the President's action. The 90-day freeze may well have served a useful purpose, and I support it. The President is right in moving away from the freeze toward a general system of decontrol.

But neither the President nor Congress nor the commissions set up by the President seem to have recognized that the heart of the inflation problem has been and remains the extraordinary power over prices and wages of big corporations and unions in fields where prices are administered, not determined, by the marketplace.

Everyone agrees that the great generality of American firms operates in competitive circumstances where the forces of supply and demand determine prices.

Right now, supply greatly—and I mean very greatly—exceeds demand. The economic situation should result in stable or lower prices. After all, with 25 percent of our manufacturing plants idle, with nearly 5 million potential workers looking for employment, America can now supply almost anything. But demand is deficient.

What this means is that the controls over the great majority of American wage earners and the vast majority of firms may be cosmetic or psychological; but that has nothing to do with the simple economic facts of life. We just do not need them.

Furthermore, there are basic weaknesses in the determinations of the President's boards that could have a harmful effect on our immensely productive economic system.

RESTRAINT ON PROFIT MARGINS TORPEDOES BUSINESS EFFICIENCY

Restraints on profit margins—and I can understand the political appeal of that kind of restraint—destroy the prime discipline of the free enterprise system: the drive to hold down costs in order to increase profits.

This restraint on profit margins has a quick superficial political appeal. That is, if wage rates are to be held down, why should not profit rates? The answer is they should not be held down.

It is true, of course, that profits should be made to bear their fair share of the burdens of stabilizations; but the way to do that is to hold down or even roll back prices, not to freeze profit margins.

The consequence of Government action to prevent the widening of profit margins is to torpedo the main reason why businessmen fight to hold down costs.

Why should any businessman cut corners and work night and day to increase his efficiency, if the resulting increase in his profit margins simply results in a governmental refusal to permit him to follow the pricing policies the market will permit him to follow?

The prime superiority of the free economic system in contrast with socialist systems is exactly that the cost reduction discipline is tougher and more emphatic in the free system.

We see again and again that when we have negotiated contracts as compared with competitive contracts, the costs are always higher. We do not have the costs of competition holding down prices.

The Price Commission ruling destroys the discipline that we have built into our economic system. It insinuates a softer way. It tells the businessman to relax, ease up on his drive for efficiency, let costs rise, because he can under the Price Commission's orders reflect those higher costs in higher prices.

So his profit margins will be the same whether he knocks himself out to hold down costs or just relaxes and lets nature take its course, which means less efficiency, less productivity, and, of course, ultimately higher prices.

A basic fallacy of the Price Commission's policies is that it is applying the profit margin rule to individual companies. The result is that the efficient firm can enjoy no greater improvement in its profit margins than the inefficient firm.

COMMISSION COURSES OF ACTION

What the Commission should do is this:

First. It should exempt competitive industries where price and wage behavior has been reasonably stable. I would suggest, for example, that any industry in which prices have risen less than 2 percent in the past year would be exempt; and where wages have risen less than 5 percent, wage earners would be exempt from the mandatory effect of the law. They could and should be influenced by the voluntary guidelines, as they were in the first part of the last decade—in the early 1960's.

This would eliminate millions of firms and tens of millions of individuals who have not been an inflation problem and who are simply confused and hamstrung by redtape.

Second. The Commission should apply the profit rate criteria to entire industries—not to individual firms. This would mean that broad categories of prices—such as in steel and autos—could be stabilized, but individual firms would continue to have an incentive to cut their costs in order to increase their profit margins.

EXEMPT STATE AND LOCAL WORKERS

Third. The Board has wisely and necessarily exempted all Federal workers and left the determination of their wages to the President and Congress. It should follow suit for the millions of State and local workers. The present restriction arrogates to a Federal Government that has made much of the importance of keeping critical decisions close to the people and to their local governments, a decision that State and local governments are every bit as able to make.

Again, the Federal guidelines of 5.5 percent for wage increases should be suggested, and the President should use the great moral force of his office to urge State and local governments to support the national stabilization efforts. It makes no sense for us to exempt Federal workers under the control of Congress at a time when all State and local workers are under the control of State legislatures or are under mandatory Federal law.

Fourth. The Price and Wage Boards should work as rapidly as possible to put themselves out of business. With every month—in fact, with every week—that passes, the mischief of bureaucratic controls of our immensely productive free system will become worse.

VIOLATIONS WILL MULTIPLY

Violations will multiply. There is very little patriotic motivation, perhaps none of the kind there was in the country's only previous experiments with controls, and these controls are far more complex than in World War II or the Korean war.

Furthermore there is a pitfully inadequate enforcement staff, considering the size of the country and the nearly universal coverage of regulations.

Witnesses who enforced the World War II and Korean regulations testified before the committee that in order to do anything like an adequate job we would need well over 100,000 enforcement officials at work. To try to get along with 3,000 officials, of course, is commendatory. We like to hold down bureaucracy. However, we cannot do it if we apply this program universally. We have a simple choice: either to provide the enforcement machinery or to provide what I am suggesting; namely, exemption for those businesses and individuals that have not, cannot, and will not contribute significantly to inflation. Discontent and disaffection with the exceptions in the law will be especially cruel and painful for the majority of Americans who will conscientiously try to abide by it.

Consumer enforcement of price standards will become a bitter joke. How in the world can a consumer determine the productivity of a firm when in most cases the firm itself cannot be sure?

Honest businessmen who want to comply with the law are going to feel in serious jeopardy without an army of cost accountants, economists, and lawyers that only big firms can support.

The President and Congress should set a goal of 6 months for the end of a control system that is sure to engender confusion, inefficiency, and a slowing down of our economic system.

Fortunately, the present law has only 6 months to run. It will expire next April 30. Congress should not renew it at this time. It should put pressure on the administration to find a way to end the program and follow up with a strictly voluntary wage-price guideline approach after next April 30.

The fight against inflation can be far better fought in the long run by more reliance on the free economic system that has so well served the Nation.

The efficiency of our great productive economy, regard for the law, and the fight against inflation are all at stake in this decision.

Mr. President, yesterday the Wall Street Journal published a highly perceptive editorial about the President's phase II economic program.

Although there is widespread public support for the President's efforts to control inflation, many businessmen and labor unions are having serious second thoughts about the fairness, clarity and effectiveness of the phase II guidelines.

For a country committed to free enterprise, it is somewhat surprising that businessmen, economists and financial writers have hailed the imposition of price and wage controls with such enthusiasm.

The phase II guidelines represent a critical departure from our economic system. The Economic Stabilization Act gives the President virtually dictatorial power to control prices and wages without even little restraint from the Congress.

The editorial from the Wall Street Journal is evidence that some financial writers are beginning to rethink and reevaluate the President's new economic policy.

Most people would agree that vigorous action is needed to break the back of inflation; however I seriously wonder whether mandatory price and wage controls need to be imposed on the entire economy, from the giant corporation to the corner drugstore.

These comprehensive controls seem to be particularly inappropriate in view of the meager enforcement staff contemplated by the administration.

If we are to have price and wage controls, there is considerable merit to imposing these controls on the highly concentrated segments of our economy where the forces of competition are not effective.

Mr. President I ask unanimous consent to insert into the Record the editorial from the Wall Street Journal.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Nov. 15 ,1971]

What's a Nice Country Like This Doing Here?

Phase 2 is barely beginning, and yet there is considerable disillusionment with the whole setup, in contrast to the euphoria that greeted the announcement of the new economic policy in August. Perhaps the present mood will lead to more thoughtful discussion of the ultimate meaning and direction of that policy.

So far the disenchantment results mostly from practical or technical considerations. In the past few weeks confusion and uncertainty have ruled the economy; it has become all too evident how many pitfalls lie ahead. The possibilities for error, the inevitability of inequity, the sheer volume of decisionmaking and the nit-picking nature thereof—the grounds for depression are legion.

Not least, of course, many businessmen and union leaders are unhappy with what they regard as niggardly guidelines announced for, respectively, price and wage increases.

Over all broods the justifiable question whether such a program is likely to work, in the stated sense of significantly curbing inflation in a rising economy with decreasing unemployment. It is a pretty ramshackle bureaucratic structure for achieving those goals, and the goals themselves may be, at least to a degree, inherently inconsistent with one another. So if Phase 2 doesn't work in a reasonable time, what then?

It is an ominous question, for part of the trouble with the new economic policy is that it sets the precedent of wage-price controls in peacetime. That precedent having been set, it will be easier for the government to proceed to harsher measures if Phase 2 is a bust.

This is why we think it particularly important for people to examine the political-philosophical implications of the administration's economic program. In other words, what's a nice free country like the U.S. doing messing around with peacetime controls, the very trappings of economic regimentation, anyway?

Some—not many as yet—are saying that what it is doing is heading down the road to socialism. No doubt that is excessive rhetoric for the time being, since no one in the administration seems to be seriously advocating government ownership of the means of production. They are, however, emphatically practicing control, and it's not inconceivable that the distance from control to collectivism could gradually grow shorter.

In any event, and whatever road the nation is now on, it is plainly one leading away from the splendid tradition of economic freedom. And that fact, we suggest, must have political meaning in the broad philosophical sense and quite possibly in the partisan sense as well. To dispose of the latter first, it takes no great profundity to see that if the new economic policy is in fact a failure in the months ahead, the President and his party could be in trouble in next year's election.

As for the broader political aspect, there are those who pooh-pooh the notion that these economic controls are even a potential threat to the American's liberties in general. Well, we suppose they don't necessarily absolutely have to be a threat. But surely it is an awesome risk.

Whether we look back to the corporate state of Mussolini, the totalitarianisms of Hitler and Stalin and his successors or even to older tyrannies, we find that economics and politics are conceptually and pragmatically intertwined. Indeed, it would be passing strange if there were to be a society where people could not speak or move freely but still could do business on a free-enterprise basis. It strikes us as just about impossible.

By the same token, economic freedom has served America well, not only in fueling its tremendous growth over the years but in expanding the individual's whole area of liberty which, in turn, enhances the individual's economic capacity. Again, an inextricable intermingling.

We do not contend that the connection is now unquestionably doomed; only that the connection exists and has been impaired. It will require great care to ensure that economic policy does not in time come to have unpleasant political reverberations.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a 15-minute period for the transaction of routine morning business, with each Senator being limited therein to 3 minutes.

Is there morning business?

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WEICKER. Mr. President, I ask unanimous consent that during the debate on the Percy amendment to H.R. 10947, Timothy Brosnahan and Robert Thompson, members of my staff, be authorized to be on the floor of the Senate with the exception of times when the Senate is engaged in rollcall votes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RELIEF OF ORLEANS, VT.

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 708.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 708) for the relief of the village of Orleans, Vt., which was, on page 1, line 4, before "title", insert, "former".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House of Representatives. This request has been cleared with the majority leader.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Disposition of Foreign Excess Personal Property

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to disposition of foreign excess personal property located in areas outside the United States, Puerto Rico, and the Virgin Islands, for the fiscal year 1971 (with an accompanying report); to the Committee on Government Operations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Consumer and Marketing Service's Enforcement of Federal Sanitation Standards at Poultry Plants Continues to be Weak," Department of Agriculture, dated November 16, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with an amendment:

H.J. Res. 946. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92-453).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. Res. 194. An original resolution opposing the suspension of deportation of Mong Wah Leong (Rept. No. 92-454);

S. 247. A bill for the relief of Albert G. Feller and Flora Feller (Rept. No. 92-455);

S. 1089. A bill for the relief of Robert Rexroat (Rept. No. 92-456);

S. 1675. A bill for the relief of Antonio Plameras (Rept. No. 92-457);

S. 1923. A bill for the relief of Harold Donald Koza (Rept. No. 92-458);

H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido (Rept. No. 92-459);

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer (Rept. No. 92-460);

H.R. 1867. An act for the relief of Bernadette Han Brundage (Rept. No. 92-461);

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari) (Rept. No. 92-462);

H.R. 1931. An act for the relief of Jesus Manuel Cabral (Rept. No. 92-463);

H.R. 1962. An act for the relief of Dah Mi Kim (Rept. No. 92-464);

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes (Rept. No. 92-465);

H.R. 2087. An act for the relief of Park Ok Soo and Noh Mi Ok (Rept. No. 92-466);

H.R. 2107. An act for the relief of Jose Bettencourt de Simas (Rept. No. 92-467);

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez (Rept. No. 92-468);

H.R. 2408. An act for the relief of Louis A. Gerbert (Rept. No. 92-469);

H.R. 2706. An act for the relief of Miguelito Ybut Benedicto (Rept. No. 92-470);

H.R. 2803. An act for the relief of In Kyong Yi (Rept. No. 92-471);

H.R. 2814. An act for the relief of Rea Republica Ramos (Rept. No. 92-472);

H.R. 3041. An act for the relief of Mary James Kates, owner of the Gladewater Daily Mirror (Rept. No. 92-473);

H.R. 3082. An act for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morrie (Rept. No. 92-474);

H.R. 3425. An act for the relief of Helen Tziminadis (Rept. No. 92-475);

H.R. 3475. An act for the relief of Paul Anthony Kelly (Rept. No. 92-476);

H.R. 5422. An act for the relief of The American Journal of Nursing (Rept. No. 92-477); and

H.R. 7085. An act for the relief of Eugene M. Sims, Senior (Rept. No. 92-478).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1481. A bill for the relief of Jose Amaral de Souza (Rept. No. 92-479).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 641. A bill for the relief of Luis C. Guerrero, Guadelupe Guerrero, and Alfredo Guerrero (Rept. No. 92-480);

S. 1299. A bill for the relief of Dr. Biman K. Kastagir (Rept. No. 92-481);

S. 1436. A bill for the relief of Dr. Alfredo R. Soliva (Rept. No. 92-482);

S. 2048. A bill for the relief of Jun Juen Chiu Yee (Jun Juen McNeely Yee) (Rept. No. 92-483); and

H.R. 5419. An act for the relief of Corbie F. Cochran, Jr. (Rept. No. 92-484).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Phillip V. Sanchez, of California, to be Director of the Office of Economic Opportunity, vice Frank Charles Carlucci III, resigned.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, November 16, 1971, he presented to the President of the United States the following enrolled bills:

S. 1026. An act to amend the Small Reclamation Projects Act of 1956, as amended;

S. 2216. An act to amend the Investment Company Act of 1940, as amended; and

S. 2339. An act to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket number 227, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EAGLETON:

S. 2861. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record. Referred to the Committee on Finance.

By Mr. HARRIS:

S. 2862. A bill for the relief of M. Sgt. Ronald W. Bell, U.S. Air Force. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. BAYH, Mr. CRANSTON, and Mr. HART):

S. 2863. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS (for himself, Mr. BAYH, Mr. CRANSTON, and Mr. HART):

S. 2863. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902. Referred to the Committee on Interior and Insular Affairs.

THE RECLAMATION LANDS AUTHORITY ACT

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference, for myself and Mr. BAYH, Mr. CRANSTON, and Mr. HART, a bill designed to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902.

Our predecessors in Congress, recognizing that irrigation is essential to American agriculture, wisely chose to make a public investment in irrigation when they passed this historic 1902 act. Just as wisely, they sought to assure that the benefits of Federal irrigation projects—which would literally transform desert wastelands in the West into the richest agricultural areas in the world—would accrue to small homesteaders rather than land speculators or monopolists. The Reclamation Act stated that landholders could receive federally subsidized water for farms of 160 acres or less, or 320 acres in the case of a man and wife, provided that they live on, or very near, their land. In 1926, Congress strengthened the 1902 act by providing that any federally irrigated holdings in excess of the 160-acre limitation had to be sold within 10 years at preirrigation prices.

Critics of the acreage limitation provision, both in 1902 and today, insist that huge farms are necessary for their efficiency. That is a myth. The giant agribusinesses are efficient only in stifling farm competition and in tapping the Federal Treasury for subsidies. One hundred and sixty acres of prime irrigated farmland, or 320 acres in the case of man and wife, are more than enough to support a prosperous family farm.

Mr. President, the men who championed the Federal Reclamation Act of 1902 were visionary Americans. They understood that land and water, America's greatest resources, were not boundless, and that they must be protected from the few who would monopolize their use.

Delegates to the irrigation Congress in the 1890's, which sought to enlist the Federal Government in irrigation projects, repeated a warning given to Americans by the English historian T. B. Macaulay:

> Your national safeguard lies in your boundless public domain . . . But the time will come when this heritage will have been consumed, this safeguard will have vanished. You will have your crowded Birminghams and Manchesters, and then will come the test of your institutions.

Congressman Oscar W. Underwood of Alabama, who was instrumental in the passage of the Reclamation Act, sounded this same theme when he pointed to the decline of free land and the beginnings of urbanization. In a statement supporting the Reclamation Act, which has a peculiarly modern ring, he said to the applause of the House of Representatives:

> The farm boys in the East want farms of their own. I (the Reclamation Act) gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment.
>
> It will provide a place for the mechanic and wage-earner to go when the battle for their daily wages becomes too strenuous in the overcrowded portions of the East. . . . If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations. . . .
>
> I believe the passage of this bill is in the interest of the man who earns his bread by his daily toil. It gives him a place where he can go and be free and independent; it gives him an opportunity to be an owner of the soil and to build a home. These are the class of men we must rely on for the safety of the nation. In times of peace they pay the taxes and maintain the Government; in times of peril and strife they are the bulwark of the nation, and it is justice to them that this legislation be enacted into law.

And President Theodore Roosevelt, who signed the Reclamation Act into law and insisted upon its 160-acre provision, said:

> We have a right to dispose of the land with a proviso as to the use of the water running over it, designed to secure that use for the people as a whole and to prevent it from ever being absorbed by a small monopoly.

Mr. President, those men were fighting to carry out the Jeffersonian vision of agrarian democracy. They wanted to see an America peopled by prosperous and independent men, free of the control of the baronial landed classes.

Today, nearly two centuries after Jefferson and 70 years after the passage of the Federal Reclamation Act, agrarian democracy exists only as a myth. America's land, once publicly owned, and the federally financed water used to irrigate much of it, are illegally in the control of large land interests.

Not surprisingly, Mr. President, the large land interests in this country have always opposed the Reclamation Act's antimonopoly provisions. The railroads, land speculators, and giant agribusinesses have employed various strategies to get around the 160-acre limitation. What is surprising is the Federal Government's acquiescence in what amounts to a giant land steal and a raid on the public treasury.

Federal reclamation has delivered water to 8 million acres with an annual crop value of $1.7 billion. Congress has appropriated or authorized spending $10 billion on reclamation projects. The amount of the subsidy to Western landowners for irrigation has been estimated to range from $600 to $2,000 per acre.

This money, supplied by the average taxpayer, is buying water for hundreds of thousands of acres of land owned by giant corporations while independent family farmers have not been able to get access to irrigated land. California—the home of the giant agribusinesses—provides a typical example of where the taxpayer's money is being spent. California's Imperial Valley produces about $250 million annually of cotton, sugar beets, lettuce, alfalfa, and other crops. What makes the Imperial Valley so fertile and productive is water brought from the Colorado River by a network of dams and canals built by the Federal Government at a cost of over $200 million.

Because of the Government's outrageous record of nonenforcement of the Reclamation Act, more than half of the irrigated acreage in the Imperial Valley is held by owners of more than 160 acres, and two-thirds of it by absentees. Agribusiness giants such as Purex, United Fruit, and the Irvine Land Co., which owns 10,000 acres in the valley, are reaping huge profits because of the water subsidy. Federally subsidized water is also being delivered to lands in California owned by Tenneco, Getty Oil, Standard Oil of California, and the Southern Pacific Railroad.

The record elsewhere is no better. In the Pacific Northwest, federally dammed water from the Columbia River will soon flow to the vast lands held by Boeing Aircraft, Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii.

Increasingly, the giant agribusinesses are taking control of American agriculture, and they leave no room on the land for the independent family farmers who have been disappearing from rural America at the rate of 800,000 a year.

I do not think the Congress of the United States ever intended to subsidize Boeing Aircraft or Standard Oil in their farming ventures. I certainly hope not.

Mr. President, it is time to put an end to this outrage. At a time when 70 percent of our people are packed onto less than 2 percent of the land, when our cities are on the verge of collapse because of overcrowding, unemployment and welfare, it is essential that we give people a chance to make a living in rural America. But America has no national rural policy for people. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine the future shape of this Nation.

The bill I am introducing today, the Reclamation Lands Authority Act, could be the beginning of a national rural policy. The emphasis of that policy is to serve people and the public interest, not a few large corporations.

The bill, which has been introduced in the House of Representatives by several California Congressmen, requires the Federal Government to buy "excess" land at a preproject market price and to lease or sell it at a postproject market price. This mechanism is greatly preferable to a simple enforcement of the 1902 law. For in that case those purchasing the land at the preirrigation prices called for in the law could receive the enormous windfall now in the hands of the giant corporations.

The American taxpayer has built and paid for the irrigation system that has made our land in the West so valuable. Therefore, he should reap at least part of the gains.

The profits from the sale, lease or use of these lands are to be placed in an education, conservation, and economic opportunity fund. Seventy percent of the revenues from the fund are to be earmarked as grants for public education, following our historic heritage of financing education with land grants. Ten percent of the funds will go into the already existing land and water conservation fund. The remaining 20 percent of the fund shall be made available upon specific appropriation by Congress for the development of public facilities servicing project areas, for promoting economic opportunities of veterans and persons living in substandard conditions and for such environmental and ecological benefits as Congress may authorize.

To administer this program, the bill creates a Reclamation Lands Authority as an independent agency under a board of three members, appointed by and responsible to the President.

The Authority is empowered to determine the uses for which purchased excess lands may be sold, leased or made available for public purposes, and is charged with attaching such conditions to any use of the land "as will preserve open spaces and agricultural greenbelts and into her respects preserve an environment of beauty, health and attractive quality for now and for the future."

The Authority is also charged with encouraging "effective regional, State and local planning of land usage and environmental adjustment in the areas where excess lands are located."

Mr. President, the Reclamation Lands Act provides the chance for us to rekindle the spirit that made America the land of opportunity. This bill would give the independent family farmer, the veteran, and the economically disadvantaged from both our cities and rural areas a chance to start all over again. It would enable us to finance public education—the strength of any free society—with funds created by public water and land development. And it would mark the day when Americans realize that our limited land and water resources cannot be left in the hands of big business.

I would hope that each of my colleagues will give this proposal the serious consideration it merits, and I welcome their cosponsorship of it. Furthermore, I would hope that the Interior Committee will be able to hold hearings on this proposal in the near future.

Mr. President, I ask unanimous consent that at this point the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2863

A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess lands provisions of the Federal Reclamation Act of June 17, 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Reclamation Lands Authority Act".

STATEMENT OF PURPOSE

Sec. 2(a) The Congress declares that it shall be the purpose of this Act to reaffirm the historic purpose of the Federal Reclamation Act, especially as it applies to the development and use of excess lands, and to make that intent and purpose operative in the national interest and the direct benefit of its citizens.

(b) The Congress further declares that it shall be the purpose of this Act to make such disposal and uses of these excess lands as will improve the environment of the Nation through the use of these natural resources to provide resident ownership and operation of family-sized farms, to open new opportunities for veterans and to create open spaces, protect the natural beauty and quality of the habitat of all living things within Federal reclamation project areas, and to provide by the application of the net revenues from the sale or lease of said excess irrigated or irrigable lands to the demonstrated needs of public education and community development, and for other purposes consistent with the historic purpose of the Federal reclamation law.

Sec. 3. To effect these expressed purposes and others which may become imperative as the Nation faces its responsibilities and opportunities to create a healthful environment consistent with the ecological needs of the land entrusted to our care, there is hereby created by a body corporate to administer the excess lands resulting from the enforcement of the provisions of the Federal Reclamation Act of June 17, 1902 (32 Stat. 388) as amended and supplemented, to be designated as the Reclamation Lands Authority (hereinafter referred to as the "Authority").

Sec. 4. To administer the purposes expressed in this Act and enforce the laws pertaining to excess land as prescribed in the

Federal Reclamation Act of June 17, 1902 (32 Stat. 388), as amended and supplemented, the Authority shall be an independent agency responsible to the President, and subject to all laws pertaining to accountability and report. It shall be directed and its activities managed by a Board of three members, appointed by the President by and with the consent of the United States Senate. Their terms shall be staggered, in such a manner as to provide an eight-year term for the designated Chairman, a five-year term for one member, and a three-year term for the other member. They may be reappointed. Their salaries shall be fixed by the President in keeping with the accepted schedule of remuneration for heads of important Government agencies. The Board shall organize itself and its operations, shall select its officials, agents, and employees in keeping with Civil Service standards and practices and said employees shall be included in the Federal roster to share in all legal benefits of Federal Government employment and to be subject to such requirements as to ability and conduct as are thereby prescribed.

Sec. 5. The principal place of business of the Authority shall be located at a place of accessibility within the region of excess lands which it administers.

Sec. 6. Immediately upon the passage of this Act into law, the Authority shall be provided by the Department of the Interior a listing of all irrigated and irrigable lands administered under reclamation laws, denoting specific compliances and failure to comply, declaring noncompliance as excess lands to which all titles, claims, access, entry, and control shall transfer to the Authority forthwith, to be sold, leased, or managed according to the determination and within the purpose of the Act. Such a listing and transfer of lands subject to reclamation law shall be provided the Authority at six-month intervals.

Sec. 7. The Board of Directors of the Authority shall have power and it is hereby conferred upon it, to adopt and enforce all the necessary bylaws, orders, rules and regulations required to effectuate the will of Congress as expressed in this Act.

Sec. 8. The Authority shall have such powers as are conferred on Government corportations generally, and specifically shall have the power of eminent domain. Except as otherwise specifically provided in this Act, the Authority—

(a) shall have succession to its corporate name;

(b) may sue and be sued in its corporate name;

(c) may adopt and use a corporate seal, which shall be judicially noticed;

(d) may make contracts and enter into agreements as herein authorized;

(e) may adopt, amend, and repeal bylaws or provisions thereof; and

(f) may purchase, lease, or accept, hold and use such real and personal property as it deems necessary or convenient in the transaction of its duly authorized business, and may dispose of any property, real or personal, to which it has title according to its authority under this Act.

Sec. 9. In the development of its purpose and the exercise of its duties, the Board of Directors shall select a treasurer and as many assistant treasurers as it deems proper. Board members and treasurers shall be bonded, giving such bonds for the safekeeping of the securities and moneys entrusted as are required by law, and in the case of subordinate officials as the Board shall determine.

Sec. 10. Any member of the Board may be removed from office at any time by the passage of a concurrent resolution of the Senate and House of Representatives, said concurrent resolution stating in specific terms the reason for such action.

Sec. 11. The powers of eminent domain residing in the Board by this Act shall extend to the purchase of any real estate or acquisition of real estate by condemnation proceedings, the title to such real estate being taken in the name of the United States of America, and thereon all such real estate shall be entrusted to the Authority as the agent of the United States to accomplish the purposes of this Act.

Sec. 12. There is hereby conferred upon the Authority all of the powers now residing in the Secretary of the Interior to enforce all the provisions of section 5 of the Federal Reclamation Act of June 17, 1902, section 46 of the Act of May 25, 1926, and all Acts amendatory and supplementary thereto as these apply to the limitation of size of farms to be served by and under provisions of Federal reclamation projects.

Sec. 13. The Authority is hereby authorized and directed to acquire by purchase, eminent domain proceedings, or otherwise, all excess lands in projects governed by Federal reclamation laws at preproject prices as defined in section 46 of the Act of May 25, 1926, and to deposit the proceeds from the sale or lease or use of such lands in the Treasury of the United States in a specially designed "Education, Conservation and Economic Opportunity Fund" which is hereby created to be used exclusively for the purposes of this Act.

Sec. 14. The Authority shall purchase all excess lands at preproject prices which do not reflect the benefits of the Federal financing or construction. The proceeds from the sale, lease, or use of such lands shall be paid into the "Education, Conservation, and Economic Opportunity Fund," and are to be used for the purposes of this Act and administered for said purpose by the Board.

Sec. 15. The Education, Conservation, and Opportunity Fund shall be operated as a revolving fund for the purposes of this Act. Moneys in the fund equal to the cost of lands purchased by the Authority at prewater-project prices, together with such moneys as Congress may appropriate for deposit in the fund for the purchase and management of excess lands, shall be available to the Authority for further purchase of excess lands. Ten percent of the balance in the fund remaining thereafter shall be transferred to the Land and Water Conservation Fund already established by the Congress to be used for purposes consonant with those of this Act, and an annual accounting shall be made to the Authority by said fund and made a part of its annual report. Seventy percent of the balance in the fund available for use by designated agencies and purposes under this Act shall be made available for the benefit of public education and for such expenditures or allocations as the Congress may authorize. Such funds shall be transferred by the Authority to agencies specified by the Congress. The remaining allocable amount in the fund made available for public purposes under the Act shall be made available upon specific appropriation by the Congress for the development of public facilities serving project areas, for advancing economic opportunities of veterans and persons living in substandard conditions, for development of healthful environments and communities needing open spaces, and for such other environmental and ecological benefits as Congress may authorize to be made from the fund.

Sec. 16. The Authority shall determine the uses for which purchased excess land may be sold, leased, or made available for public purposes, and shall attach such conditions at time of sale, lease, or public use as will preserve open spaces and agricultural greenbelts and in other respects preserve an environment of beauty, health, and attractive quality for now and for the future. In determining as between sale, lease, or public use of excess lands purchased, the Authority shall give due weight to benefits to the revolving fund and the advancement of economic opportunity for persons who have served the Nation in the Armed Forces and disadvantaged citizens seeking such opportunity as ownership, lease, or use of irrigated or irrigable lands afford. In the pursuit of these purposes, the Authority shall encourage effective regional, State, and local planning of land usage and environmental adjustment in the areas where excess lands are located.

Sec. 17. In the exercise of its charter under this Act, the Authority is herewith authorized to obtain lands excess to the direct needs of other Federal agencies of the Government which may be declared available where such lands may become a unit of lands administered by this Authority. Such acquired lands shall be treated in the same manner as other excess lands of the Authority.

Sec. 18. The Authority may establish an Advisory Committee to which it shall appoint citizens who neither have nor represent vested interest in excess lands purchased or in the water brought to such lands. The Authority may service such an Advisory Committee and provide for the expenses thereof. Committee members shall serve without remuneration.

Sec. 19. There is hereby authorized for appropriation an amount as may be necessary from the general fund of the Treasury for deposit in the revolving fund designated as the "Education, Conservation and Economic Opportunity Fund" of this Authority, for the purposes of this Act, to be accounted for in the usual manner and to be subject to the same accounting practices as other Government agencies.

Sec. 20. There are hereby authorized to be appropriated for the purchase, lease, and use of excess lands such amounts out of the Education, Conservation and Economic Opportunity Fund as are available and needed by the Authority to carry out the intent and purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1812

At the request of Mr. Tower, the Senator from Utah (Mr. Bennett), the Senator from Nebraska (Mr. Curtis), the Senator from Minnesota (Mr. Mondale), and the Senator from Alaska (Mr. Stevens), were added as cosponsors of S. 1812, to establish within the Department of State a U.S. Passport Service.

S. 1874

At the request of Mr. Magnuson, the Senator from New Hampshire (Mr. Cotton) was added as a cosponsor of S. 1874, the Children's Dental Health Act of 1971.

S. 2579

At the request of Mr. Harris, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 2579, the Ocean Mammal Protection Act of 1971.

S. 2751

At the request of Mr. Thurmond, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of S. 2751, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70.

SENATE JOINT RESOLUTION 108

At the request of Mr. Cranston, the Senator from Maine (Mr. Muskie) was added as a cosponsor of Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

SENATE JOINT RESOLUTION 145

At the request of Mr. Tower, the Senator from Maryland (Mr. Beall) was added as a cosponsor of Senate Joint Resolution 145, to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week."

SENATE JOINT RESOLUTION 154

At the request of Mr. THURMOND, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of Senate Joint Resolution 154, authorizing the President to proclaim the first day of January of each year as "Appreciate America Day."

SENATE RESOLUTION 194—SUBMISSION OF AN ORIGINAL RESOLUTION OPPOSING THE SUSPENSION OF DEPORTATION OF MONG WAH LEONG

(Ordered placed on the calendar.)

Mr. EASTLAND, from the Committee on the Judiciary, submitted an original resolution which reads as follows:

S. RES. 194

Resolved, That the Senate does not favor the suspension of deportation in the case of the alien hereinafter named in which case the Attorney General has suspended deportation pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254; 76 Stat. 1247): A–8912950, Leong, Mong Wah.

SENATE RESOLUTION 193—SUBMISSION OF A RESOLUTION CALLING FOR PEACE IN NORTHERN IRELAND

(Referred to the Committee on Foreign Relations.)

Mr. HARRIS. Mr. President, the past several months have revealed with unmistakable clarity that Ireland's and Britain's only hope is a democratic, tolerant, and united Ireland. Only uniting Ireland and providing guarantees for both religions will end the bloodshed that has gone on there for over 800 years.

A British journalist, Paul Johnson, has pointed out why. He wrote:

> In Ireland, over the centuries, we have tried every possible formula: direct rule, indirect rule, genocide, apartheid, puppet parliaments, real parliaments, martial law, civil law, colonization, land reform, partition. Nothing has worked. The only solution we have not tried is absolute and unconditional withdrawal . . . It is time the crutch of British "peacekeeping" was removed and the Irish forced to come of age.

Or we can listen to former British Foreign Minister, Michael Steward:

> There can be no solution of this problem except in the center of a united Ireland.

I agree with this assessment. Even the British people do. A poll in September revealed that nearly 60 percent of the British people want to end this slaughter in Northern Ireland and bring bewildered British boys home.

Yet if the solution seems so clear, why has it been so unattainable?

One answer has always been the past costly demands of the British Empire. Granting independence to Ireland might have encouraged other sections of the Empire also to demand freedom. So the British were determined to crush the Irish movement, whatever the cost. And the cost was violence over the centuries.

But the Empire is now dead. So this obstacle to Irish independence—totally indefensible in any case—is removed.

Why then should the British remain? There is only one possible reason. That is to prevent civil war and bloodshed bebetween Protestants and Catholics. Yet instead of preventing these, the presence of British troops is actually encouraging the mounting wave of violence. Everyday that they remain, Irish resentment grows. And the toll of innocent victims increases.

In short, British policy has arrived at a hopeless impasse. When British troops were first deployed in August 1969, the official explanation was for the protection of the Catholic population against armed Protestant mobs. Newspapers even reported the Catholics welcoming the troops, offering them cups of tea.

But now the Catholics of Northern Ireland desire nothing more than the departure of the British. They no longer believe that British troops can be impartial. And responsibility for this sudden shift in public opinion, I believe any impartial observer will agree, lies with the authorities in Northern Ireland.

In carrying out the August 1971 detention order, which was officially aimed at "extremists" on both sides, these authorities have arrested around 300 Catholics, but not a single Protestant. The detention order, then, has been used, not to reduce tension in Northern Ireland but to increase it so that now every Catholic family in Northern Ireland harbors deep resentment against the British Government.

Catholic children are in the streets throwing rocks at British troops. Along with their fathers, some carry weapons. A British commander in desperation is driven to announce that in the future his troops will not hesitate to fire on Catholic children. Catholic mothers are involved in the resistance.

This is what 800 years of suppression and neglect have brought—the pitting of Irish civilians, women and children, against seasoned British troops.

Yet, although the urgency of British withdrawal is clear, I believe we must also be honest about the consequences of immediate withdrawal under existing circumstances.

In Northern Ireland there are 1,400,000 Protestants and only 500,000 Catholics. Both groups are divided by centuries of hatred and recent months of division and lost lives.

If the British withdrew, it is unlikely that the Irish Republic's small army—around 8,500 men—would be able to do much more than protect the Catholic-majority areas near the border. In cities like Belfast, however, the Catholic minority would be at the mercy of the Protestant majority. With tempers so high, I believe we have every reason to expect increased violence.

Ireland, then, faces a painful dilemma. On the one hand, the presence of some peacekeeping force in Northern Ireland seems essential. On the other hand, using British troops for any peacekeeping role seems likely to lead to continued and increased violence.

So what is to be done?

I believe the Congress must urge the creation by the U.N. Security Council of a United Nations peacekeeping force for Northern Ireland. This force should be constituted as soon as possible so that the British can announce and hasten their final and irrevocable withdrawal.

The U.N. peacekeeping force should be charged with protecting the civil rights of all the people of Northern Ireland and with ending all forces of discrimination: political, social, economic, or religious.

I believe the Security Council mandate should also name a team of respected mediators who can help the two communities work out the final settlement for incorporation of the six counties into the Irish Republic. The mandate should specify, however, that under any final settlement the Irish Republic shall provide Protestants of Northern Ireland with those guarantees of full citizenship which were denied the Catholic minority in the north for so many years.

This kind of guarantee is necessary to any final settlement but the Protestants of Belfast can be reassured by history. For in contrast to the position of Catholics in Northern Ireland, the position of Protestants in the Irish Republic has always been protected. Perhaps this has happened in part because several of the greatest Irish patriots were not Catholics, but Protestants. I think of men like Charles Parnell.

Who might be chosen for the mediation team? Since both Ireland and the United Kingdom are both planning to become close partners within the framework of an enlarged Common Market, it seems entirely appropriate that the team of mediators be selected from Common Market countries.

Extremism always strives on dreams of outside support. Once it is made clear to Protestant Ultras in the North that they can no longer depend on the British Government to back their repression of the Catholic minority, I believe they will moderate their demands. They will then learn that it is possible to live side by side with Catholics. They will stand ready to work with other inhabitants of the British Isles in joining Belgian, French, German, and Italian Catholics in the construction of a new Europe.

But in my view a U.N. peacekeeping force is important not only from the practical standpoint of keeping peace in Ireland, but also because it supports an important principle—resort to the United Nations when peace is threatened.

When we hear of U.N. peacekeeping operation, most of us think of bitter disputes in Africa or Asia. Seldom do we admit that Europeans or North or South Americans may someday be in need of U.N. machinery to keep the peace.

The British dilemma in Northern Ireland proves we do.

Assisted by the U.N., the final solution in Ireland could take many forms. Northern Ireland might be fully incorporated into the Irish Republic. Or there could be some form of federation worked out by the mediator and the two rival parties.

One solution, however, will never be acceptable because it will never endure. In recent days there have been reports that some are considering a permanent solution through population exchange.

Northern Ireland would cede some of the more Catholic provinces to the South while Belfast and the surrounding area would become a Protestant stronghold.

This is not a solution, it is a postponement of an 800-year-old dispute. It is a step which will encourage further struggle and bloodshed. As former British Defense Minister under the last Labor government, Roy Hattersly, recently wrote:

> In fact, the boundary of Northern Ireland was not made in heaven. It was not even decided according to the will of the Ulster people. It was the product of pressure by party politicians whose main object was the preservation of their own supremacy. It was a direct and calculated gerrymander, so blatant that at the time of the perpetration even the men who drew the crooked line had to promise a revision.

No one pretends that a rump Protestant state would ever be viable without continued support and subsidization from Britain, which may soon tire from the load.

The mistakes of a friend are always hardest to criticize. Britain is a friend and for this reason many would prefer to remain silent. But events will not permit this. The Irish people have taken matters into their own hands and are demanding freedom and tolerance.

It is impossible for the world to ignore their cause. Moreover, when a dispute between two U.N. member states threatens the peace—and the conflict in Northern Ireland clearly does—then it is the duty of the United Nations to play a role. It is the duty of the United States as a member of the Security Council to urge it to play that role. We must end this practice of making the United Nations the court of no resort. Otherwise, we shall find that U.N. peacekeeping machinery no longer functions because of lack of use.

Ireland itself has given generously to the United Nations, particularly in the field of peacekeeping. It has been among the first to earmark troops for this purpose. Now it is time for the U.N. to repay the debt.

It is time for the U.N. to help end 800 years of struggle and bring final peace to Ireland.

Mr. President, I submit the following resolution:

S. Res. 193

Whereas the continuing violence and bloodshed in Northern Ireland is a cause of the deepest concern to friends abroad of both Ireland and the United Kingdom; and

Whereas the original mission of the British troops in Northern Ireland was to interpose themselves as an impartial force between two communities in conflict; and

Whereas the implementation of the internment policy by authorities of Northern Ireland, resulting in the detention of approximately 300 Catholics and not one Protestant, has contributed to the steady erosion of good feeling between the Catholic community and the British troops stationed in Northern Ireland and has rendered the peacekeeping role of British troops there now impossible; and

Whereas nonetheless the immediate withdrawal of British troops under present circumstances would lead to sudden and increased violence and further bloodshed between the Catholic and Protestant communities in Northern Ireland; and

Whereas a dispute which so troubles the political and diplomatic relations between two members of the United Nations should receive the attention of the appropriate body of that organization, namely the United Nations Security Council; and

Whereas both Ireland and the United Kingdom are planning to become close partners within the framework of an enlarged Common Market; and

Whereas given the desire of the peoples of both countries for future partnership within the framework of the Common Market a political settlement with respect to Northern Ireland should be possible which would at last unite Ireland and provide basic constitutional guarantees for all Irishmen regardless of religion or background: Now, therefore be it

Resolved, That it is the sense of the Senate that:

(a) the United Nations Security Council should establish a United Nations peacekeeping force for Northern Ireland which, at the earliest possible date, would assume the peacekeeping role originally assumed by the British troops;

(b) the United Nations Security Council should appoint a team of mediators, preferably from the Common Market countries with which Ireland and the United Kingdom may soon join in partnership, who would be charged with working out a final political settlement with the interested parties leading to the final incorporation of the six northern counties into the Irish Republic;

(c) the mandate of any mediation team should include provisions for: (i) full respect of the civil rights of all the people of Northern Ireland; (ii) termination of all political, social, economic and religious discrimination; (iii) termination of the current internment policy and simultaneous release of all prisoners detained thereunder; and (iv) convening of all interested parties for the purpose of accomplishing the unification of Ireland.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 191

At the request of Mr. HUMPHREY, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Resolution 191, relating to teachers salary increase under the wage-price freeze.

DISTRICT OF COLUMBIA REVENUE ACT OF 1971—AMENDMENT

AMENDMENT NO. 689

(Ordered to be printed and referred to the Committee on the District of Columbia.)

Mr. MATHIAS. Mr. President, I submit for appropriate reference an amendment to H.R. 11341, the District of Columbia Revenue Act of 1971. My amendment would create the District of Columbia transportation trust fund and authorize the District to issue tax-exempt bonds to finance the local share of approved mass transit and highway projects.

I offer this proposal today as a new way to enable the District of Columbia to meet its responsibilities and make its contributions to a balanced transportation system for the National Capital area. At the same time, this amendment would extricate the Congress from a legislative snarl which has become as tangled and unhealthy as the city's daily traffic jams.

Today the transportation picture in the Nation's Capital is "balanced" only in the sense that both highways and the subway are hanging in uncertainty. There is no need to recount the many steps which have brought us to this unfortunate point. It is enough to say that, during the past several years, the dominant philosophy in the Congress has been that roads and rails should proceed in double harness. This amendment provides the singletree for equal effort. Unfortunately, by handcuffing the Metro to freeways we have succeeded only in arresting both.

To many, the source of the delays has been the litigation surrounding certain highway and bridge projects. Ironically, these cases stem directly from acts of Congress, acts intended to insure that all interstate highways would be carefully studied and that certain ones would be expeditiously built. I am sure that most of us would welcome prompt decisions and dislike prolonged controversy. But no matter how clearly and frequently Congress has spoken, no matter how fully the District Government and the Department of Transportation may be committed to carrying out the congressional mandates, the unavoidable fact is that we cannot legislate an end to litigation. The current cases, and perhaps others yet unfiled, will work their tortuous way through the courts whether or not the Metro is being built outside the courthouse door.

Metro has been the victim of the strategy of the past. Delays have already cost WMATA over $80 million, funds which the taxpayers of the region and the Nation will eventually have to provide. Uncertainties seriously threaten the unprecedented regional cooperation on which the Metro plan was built. Worst of all, the current strategy essentially places the Metro system at the mercy of the courts, and grants undue influence to the antifreeway forces which may or may not have the best interests of the subway at heart.

To paraphrase the Biblical injunction, there is a time to battle and a time to build. I believe that the Metro, which has been fully authorized, ought to be built. Beyond the immediate situation, however, I am troubled by the precedent of congressional interference in the funding of the local share of approved transportation projects. Given the bitterness of some highway disputes, it is not hard to visualize a day when the tables could be turned, and the local share of an approved highway project could be held up by arbitrary or disgruntled forces in Congress. This, too, would be very destructive.

The amendment I submit today would free us from all of these difficulties. It would enable the District of Columbia to obligate local revenues—not Federal largesse, but the fruits of local taxation—to secure the local share of capital outlays for the Metro and approved highway projects. It would enable the Congress to chart a new and honorable course.

This legislation has two major aspects. First, it would authorize the District of Columbia government to issue transportation bonds to finance its future capital outlays for the Metro system authorized in the National Capital Transportation Act of 1969, and for the local share of highway and street projects included in the District government's 6-year capital improvements program for fiscal years 1972–77. Funds for highway and street projects could be expended only in accord with the applicable provisions of title 23, United States Code, and the laws of the District of Columbia.

The District's estimated capital outlay needs for the Metro system, including the $72 million included in the current District budget, total about $160.3 million through fiscal 1977. Projected capital outlays for the local share of highway and street construction, assuming that all projects in the current 6-year capital improvements plan are built, will total about $69.6 million through fiscal 1977. Thus the total to be raised by these bond issues during the next 6 years could reach $229.9 million.

In would emphasize that the District will have to borrow this sum of money in any case, whether through the bond issues I propose or through the current system of Treasury loans, if the projects involved are going to be built. This amendment does not authorize any additional capital outlays beyond those already under consideration; its major thrust is to alter the method through which the funds are obtained.

The legislation includes the customary provisions requiring public sale of the District's bonds on the basis of sealed bids, and pledging the full faith and credit of the District for the repayment of principal and interest. Repayment is to begin not more than 3 years after the date of issue of the bonds, and is to be made in substantially equal installments for no more than 30 years. The bonds and interest thereon are to be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

While authorizing the obligation of revenues raised from bond issues only for the specified mass transit and highway projects, the legislation does include limited reprograming authority to enable the District to meet unforeseen or emergency street improvement needs. Such reprograming would require the approval of the Senate and House District Committees and would be limited to projects costing under $1 mililon or involving District outlays of $500,000 or less.

The second major aspect of this amendment is the establishment of the District of Columbia transportation trust fund. Revenues to the fund would be appropriated to the District to be utilized for three purposes:

First, to pay the principal, interest, and premiums, if any, on the transportation bonds authorized in this legislation.

Second, to pay the principal and interest on Treasury loans previously made and outstanding as of January 1, 1972, for the District shares of the Metro and highway construction; and

Third, to repay the emergency and transition loans authorized under this legislation.

The annual demand on this fund by 1977, if all highway projects contemplated are actually approved and built, could total about $26.9 million. Of this about $19.1 million would represent annual amortization of the bonds authorized under the act. The remaining $7.8 million would represent annual amortization of the Treasury loans to the District which are now outstanding for transportation projects, such as loans for the local share of the Metro through fiscal 1970, and loans for such highway projects as the Three Sisters Bridge, for which funds have been appropriated despite its current state of suspension.

To obtain the revenue to meet these obligations the amendment would deposit in the transportation trust fund specified shares of the District's revenues from three local taxes: motor vehicle registration fees, the District motor vehicle excise tax, and the gasoline tax. In fiscal 1972, for instance, when the estimated demand on the trust fund would be only $7.8 million, the fund would receive 75 percent of revenues from the motor vehicle registration fees, or a total of $8.25 million. By fiscal 1977, when annual outlays from the trust fund would have grown to as much as $26.9 million, the fund would receive all revenues from motor vehicle registration fees and the motor vehicle excise tax, and 45 percent of revenues from the gasoline tax.

I would emphasize that no new taxes are involved here. Actually, this legislation does not even involve the use of present taxes for new purposes, since portions of these revenues are now used to repay the Treasury for highway and subway loans. This legislation would simply pull together in a new fund some moneys now divided between the District's general fund and the local highway fund. I might note that the sums diverted from the highway fund would be generally equal to the annual amortization of loans for highway purposes. Correspondingly, the amount taken from the general fund would be generally comparable to the annual obligations for Metro loans which are now repaid out of the general fund.

Additional sections of my amendment authorize interim and emergency short-term loans from the Treasury to the District pending the sale of bond issues, and make appropriate changes in existing law.

Mr. President, the heart of this proposal is authorizing the District of Columbia to enter the bond market to finance its local share of transportation projects. In taking this approach, the legislation follows the concept recommended by the President in 1970 and again this year, when he submitted legislation to shift the financing of all District capital outlays from Treasury loans to municipal bonds. I believe that this overall proposal merits consideration, but in view of the urgency of obtaining full funding in the transportation field, feel that it is appropriate to start the shift from Treasury loans to the bond market in this one specified policy area.

As the President stated in his message to the Congress on April 7:

> Extending this type of bonding authority to the District government is exactly in line with a cardinal principle of the New American Revolution: that the way to help local government become more responsible is to entrust it with more responsibility.

I believe that this amendment meets that standard and intend to press for its adoption.

CREDIT UNION SHARE INSURANCE AMENDMENTS

AMENDMENT NO. 694

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE, for himself and Mr. WILLIAMS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 687

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON submitted an amendment intended to be proposed by him to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 688

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD, for himself, Mr. JAVITS, Mr. MATHIAS, and Mr. STEVENSON, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 10947), supra.

AMENDMENT NO. 690

(Ordered to be printed and to lie on the table.)

TAX DEDUCTIONS FOR CORPORATE POLITICAL ADVERTISING

Mr. HARRIS. Mr. President, our democratic system of government is based on the idea that every citizen, rich or poor, has the same right to effect the policies of government.

The tax deductibility of corporate political advertising violates this principle. If an ordinary person in this country wants to spend some money to promote tax reform, environmental protection, or whatever, ordinarily he has to pay the whole cost out of his own pocket. But if big corporations want to explain their case to the American people, they can—and do—buy millions of dollars worth of TV, radio, and newspaper advertising at the average taxpayer's expense. That is because big corporations get a tax deduction for advertising expenses to promote their views on public issues, while ordinary citizens do not.

Within the last year we have seen the Ford Motor Co., buy tax deductible advertising to argue against proposed Federal safety regulations requiring air bags in all cars manufactured after April 1973. We have seen the oil companies' tax deductible ads showing the efforts they are making to fight pollution, with the clear implication that Government action against such polluters is unnecessary. We have seen the big steel companies buy tax deductible TV time to demonstrate that strip mining is just not the problem those "environmental extremists" make it out to be.

And now we see a group of President Nixon's big business backers organizing once again to spend the taxpayers' money—this time to promote the anti-workingman policies of this administration. Hobart Lewis of Reader's Digest and William Marriott, the hotel and restaurant chain owner, have set up "Citizens for a New Prosperity" to solicit tax deductible contributions for a propaganda campaign aimed at convincing the American people that the Nixon economic policy serves more people than just the President's big business friends.

Yesterday I wrote to Mr. Johnnie Walters, Commissioner of Internal Revenue, urging him to make clear to all the big businessmen whose corporations' funds have been solicited for this blatantly political project that the law does not allow tax deductions for corporate political propaganda. While I believe it is clear that the big business publicity campaign for President Nixon's economic program is not tax deductible under the present law, I think it raises the broader question of the tax deductibility of all corporate political advertising.

As I have pointed out, corporations have increasingly used their regular channels of communications—that is, advertising—to translate economic power into political power. Advertising—what was meant to give consumers a choice in a competitive market—has time and again been changed into a tool of political persuasion.

I believe the time has come for the Congress itself to make clear to the giants of corporate America that the average taxpayer's money is not to be used for political propaganda. That is why I am proposing an amendment to H.R. 10947, the Revenue Act of 1971, to strip corporations of their tax deductions for "any attempt to influence the general public, or segments thereof, with respect to—any matter—not directly related to the distribution by the taxpayer of goods and services."

No more auto industry ads against safety regulations at the taxpayer's expense. No more oil company campaigns for weaker pollution controls at the taxpayer's expense. No more steel industry television spots on the wonders of strip mining at the taxpayer's expense.

Under this amendment the only kind of advertising the big corporations could get a tax deduction for would be those that describe, at least minimally, the characteristics or benefits of its products. Advertising would be considered an "ordinary and necessary business expense" only if it were related to explaining the value of the product to the consumer. That kind of a standard does not seem unreasonable to me.

The ordinary taxpayer has a right to expect that his tax money will not be spent on big business ad campaigns on public issues. The consumer has a right to expect that he will not be subjected to a barrage of political advertising by many of the same corporate interests that already overcharge him for products that do no work.

No economic or other policy can be fairly discussed in this country if the big corporations can use the taxpayer's money to tell their side of the story, while the average person cannot. This amendment would change that. It would help reestablish the principle of equality for all Americans in our political process.

AMENDMENT NO. 691

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 692

(Ordered to be printed and to lie on the table.)

Mr. PASTORE, for himself, Mr. PEARSON, Mr. MANSFIELD, Mr. SYMINGTON, Mr. BENTSEN, Mr. BYRD of West Virginia, Mr. TALMADGE, Mr. KENNEDY, Mr. CRANSTON, Mr. CANNON, Mr. MAGNUSON, Mr. MONDALE, and Mr. HUMPHREY, submitted an amendment intended to be proposed to the bill (H.R. 10947), supra.

AMENDMENT NO. 693

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 695

(Ordered to be printed and to lie on the table.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

FINANCIAL ASSISTANCE TO THE NATIONAL RAILROAD PASSENGER CORPORATION—AMENDMENT

AMENDMENT NO. 696

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. PELL. Mr. President, I introduce for Senator PASTORE, Senator BROOKE, Senator KENNEDY, Senator CASE, Senator WILLIAMS, Senator RIBICOFF, Senator TUNNEY, Senator EAGLETON, Senator HUMPHREY, Senator MUSKIE, Senator BAYH, Senator MCGOVERN, Senator JAVITS, and myself, an amendment to provide $500 million in direct loans and authority for the Federal Government to back up to $1 billion in loans for capital improvements in the urban corridors served by Amtrak.

I am offering this amendment for direct loans and for loan guarantee authority to the bill pending in the Senate to provide a $170 million subsidy grant to Amtrak.

Amtrak is in the unfortunate position of many other programs previously authorized by Congress; that is to say, it was authorized by Congress to do a job and then not given sufficient resources to do that job.

Like the Office of Economic Opportunity program which was told to end poverty, not given sufficient funds, and then criticized by the Congress for not doing its job properly, Amtrak has been told to run both long-distance and urban-corridor trains, then not given sufficient resources for that task, and is now being criticized for not fulfilling its mandate.

It seems to me that if Congress has mandated Amtrak to provide long-distance service, which cannot possibly be economically self-sufficient, then it has a concomitant responsibility to allocate a $170 million subsidy for that service.

This grant, however, is really only sufficient to maintain the status quo for the present level of passenger service in this country. If Amtrak is to become a viable corporation it will have to be dependent upon the revenues it generates from passenger service in our country's urban corridors. It will not be able to generate those revenues unless it has the capacity to make the capital improvements that are needed to make rail passenger service an attractive alternative to congested highways and overcrowded airports.

Studies by the Department of Transportation indicate that increased rail passenger patronage in our urban corridors is nearly in direct proportion to the time competitiveness of rail passenger service to other modes of transportation. The time competitiveness is directly proportionate to the amount of capital improvements made in urban corridors.

Today we have trains such as the Metroliner and the TurboTrain which are capable of traveling at 160 miles per hour. This capability, as the northeast corridor experiments have demonstrated, can make rail transportation an attractive alternative mode of transportation to automobiles and airplanes over distances of 300 to 500 miles.

Unfortunately, because of the deteriorated condition of our roadbeds in our country's urban corridors, these high speed trains cannot travel at the speeds for which they were designed. Consequently, it is of tremendous importance that our country's roadbeds in urban corridors be improved.

The northeast corridor study of 1969 indicated that roadbed investments would result in increased passenger revenues more than sufficient to pay for the cost of those roadbed improvements.

I ask unanimous consent that a summary of this chart showing the relationship between roadbed improvements and increased passenger revenues be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NEAR-TERM COURSES OF ACTION—RAIL PASSENGER SERVICE IN THE NEC 1969

ROADBED IMPROVEMENTS

	Expenditures (cumulative) $M	Running time reductions, minutes (cumulative)	Time to complete, months	Present value in $M of added gross revenues over 10 yrs. at 10 percent discount	Change in revenues less change in expenditures ($M)
New York to Boston	[1] 10.3	19.0	6	30.0	19.7
	21.1	27.8	9	49.9	9.1
	36.2	36.8	10	66.3	1.3
	52.8	46.3	12	77.9	−5.0
	78.2	53.4	12	86.1	−17.2
Washington to New York	16.0	9.9	9	37.5	21.5
	33.3	17.8	10	67.3	12.5
	78.7	28.5	12	107.9	−4.8

[1] Maximum available under HSGT act; no other statutory authorization exists.

Note: Reductions in running times are calculated from demonstration schedules in effect during June 1969.

Mr. PELL. Mr. President, the northeast corridor report in 1971 recommended, on the basis of its earlier projections, that $290 million in loans or loan guarantee authority be provided for northeast corridor roadbed improvements. The 1971 report also recommend $70 million for terminal improvements and $100 million for additional rail passenger vehicles.

The Department of Transportation recommended loans and loan guarantees because of its belief that sufficient revenues would be generated to pay off the cost of those improvements.

Mr. President, I believe this potential for increased revenues for Amtrak through increased investment holds true for each of the urban corridors in the United States.

According to the 1968 corridor task force report of the Office of the Assistant Secretary for Policy Development at the Department of Transportation, 76.5 percent of the urbanized population and 11.3 percent of the land area of the United States are located in the set of 15 corridors identified by the Department of Transportation. Moreover, 67 percent of all passenger travel occurs between distances of 50 and 499 miles.

According to my calculations there are 15 urban corridors in the nation where an increased capital investment would result in increased revenues for Amtrak. These corridors are: Miami-Jacksonville; Oakland-Sacramento; Houston-Oklahoma City; Chicago-Minneapolis; Kansas City-St. Louis; New York-Boston; New York-Richmond; Seattle-Portland; Chicago-Cincinnati; Memphis-New Orleans; New York-Buffalo; Chicago-St. Louis; Chicago-Detroit; Los Angeles-San Diego; Pittsburgh-Philadelphia.

Mr. President, the potential for those urban corridors to not only make Amtrak a viable economic entity but also to relieve urban congestion is dramatically outlined by the fact that one railroad track can accommodate as many travelers as 20 lanes of highways.

Theoretically, this could mean that we would need 300 less lanes of highways in the urban areas of our country and that highway congestion and pollution could be significantly reduced.

Mr. President, the mechanics of this amendment are very simple. The Department of Transportation would first analyze the urban corridors according to their potential for providing increased revenue through increased investment and according to the number of potential passengers to be served. In this analysis, the Department of Transportation would consider the alternative modes of transportation available in the corridors and the amount of investment needed to make rail passenger service competitive.

The Secretary of Transportation would then, in consultation with Amtrak, decide on the level of capital investment in terms of loans or loan guarantees that are best suited for each corridor. In this process, Amtrak and the Department of Transportation would consult with governors and representatives from standard metropolitan statistical areas in the urban corridors to see whether the planned investment coincided with overall transportation plans for that region.

One of the keys to the achievement of a balanced transportation policy is comprehensive regional transportation planning. In order to insure that the urban corridor improvements are consistent with regional transportation plans, my amendment gives the Secretary of Transportation authority to make grants to States, local units of governments and regional agencies to assist in the development of regional transportation plans.

The purpose of my amendment is to provide increased investment in urban intercity rail services; and I hold no particular attachment to the words of art used in the amendment, and I hope that the Senate Committee on Commerce would feel free to substitute words of art satisfactory to them if the purposes of the amendment meet with their approval.

Mr. President, I believe this amendment that I am offering today provides the means for making Amtrak economically viable.

It is very possible that the increased revenues that could be generated from additional investment in capital improvements in our urban corridors could reduce the need for operational subsidies for Amtrak's long-distance trains.

I believe this proposal is a more moderate proposal than outright operational subsidies. It would be my hope that this amendment would be favorably considered.

I ask unanimous consent that my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 696

At the end of the bill insert the following:

SEC. 2. Section 102 of the Rail Passenger Service Act of 1970 is amended by striking out clause (8) and inserting in lieu thereof:

"(8) 'Regional transportation agency' means an authority, corporation, or other entity established for the purpose of improving or providing intercity passenger services within a region or between standard metropolitan statistical areas.

"(9) 'Urban corridor' means a densely populated area containing a series of two or more standard metropolitan statistical areas not more than five hundred miles apart connected by major routes of ground passenger transportation."

SEC. 3. Title VI of the Rail Passenger Service Act of 1970 is amended by adding the following new sections:

"LOANS FOR URBAN CORRIDOR IMPROVEMENTS

"SEC. 603. (a) The Secretary is authorized, on such terms and conditions as he may prescribe by regulations which he may promulgate, to make loans to the Corporation or to a regional transportation agency for the development, improvement, and construction of rights-of-way, terminals, and vehicles to be used for intercity transportation along fixed guideways within urban corridors of the United States.

"(b) Loans made under this section shall be made in conformance with comprehensive regional transportation plans made in consultation with the Corporation, the Secretary of Transportation, and the Governors and to the extent practical, elected representatives from standard metropolitan statistical areas within the region. When allocating loans to the Corporation, the Secretary shall consider the potential revenue to be generated by the improvements planned and the numbers of passengers to be served by the improvements.

"(c) There are hereby authorized to be appropriated such amounts, not to exceed $500,000,000, as may be necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended.

"GUARANTEES FOR LOANS FOR URBAN CORRIDOR IMPROVEMENTS

"SEC. 604. (a) The Secretary is authorized, on such terms and conditions as he may prescribe by regulations which he may promulgate, to guarantee any lender against loss of principal or interest on securities, obligations, or loans issued to finance the development, improvement, and construction of rights-of-way, terminals, and vehicles to be used for intercity transportation along fixed guideways within urban corridors of the United States. The maturity date of such securities, obligations, or loans including all extensions and renewals thereof, shall not be later than twenty-five years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $500,000,000, and the cumulative amount of guaranteed loans to be authorized shall not exceed $1,000,000,000.

"(b) Guarantees for loans provided under this section shall not be made unless such loans are to be made in conformance with comprehensive regional transportation plans made in consultation with the Corporation, the Secretary of Transportation, and the Governors and to the extent practical, elected representatives from standard metropolitan statistical areas within the region. When providing such guarantees, the Secretary shall consider the potential revenue to be generated by the improvements planned and the numbers of passengers to be served by the improvements.

"(c) There are authorized to be appropriated such amounts as may be necessary to carry out this section.

"REGIONAL PLANS GRANTS

"SEC. 605. (a) The Secretary is authorized to make grants to States, regional agencies, and units of local governments in urban corridors to assist in the preparation of comprehensive regional transportation plans developed for purposes of this Act.

"(b) There are authorized to be appropriated such amounts, not to exceed $15,000,000, as may be necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 475

At the request of Mr. PEARSON, the Senator from Minnesota (Mr. MONDALE) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Amendment No. 475 intended to be proposed to H.R. 10947, the Revenue Act of 1971.

AMENDMENT NO. 640

At the request of Mr. CRANSTON, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Amendment No. 640, intended to be proposed to H.R. 10947, the Revenue Act of 1971.

NOTICE OF HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, November 23, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Alfred T. Goodwin, of Oregon, to be U.S. Circuit Judge, Ninth Circuit, vice John F. Kilkenny, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARINGS ON PREDATOR CONTROL

Mr. McGEE. Mr. President, I wish to announce that the Agriculture, Environmental and Consumer Protection Subcommittee of the Senate Appropriations Committee will hold public hearings on December 14, 15, 16, and 17, 1971, to investigate in some detail the matter of predator control in the United States. These hearings will be held in room 1318 of the New Senate Office Building. The morning session will commence at 10:30 on December 14. We will begin at 10 o'clock on the remaining 3 days of the schedule.

The matter of adequate, realistic, and responsible predator control, particularly in the livestock producing States in the western part of the United States, has become a problem of increasing concern and significance in the past several years. For far too many years it was too readily assumed that the only effective means of predator control was simply to kill the predator wherever, whenever, and in what numbers he might be located or hunted down.

More recently, we have attempted to move away from this philosophy and develop alternate and more acceptable methods of controlling predators. At the present time, the Department of Agriculture, through the Agriculture Research Service, is working on methods under which predators can be controlled by nonlethal methods. At my suggestion funds were added to the Department's budget request for the current fiscal year to enable this vital work to go forward. This most certainly is a step in the right direction, but we realize that it is only one step and many questions must be faced and resolved if we are not only to attack, but also solve this problem.

This is a problem which has been neglected for too long. For example, many of us who are interested in this problem were disappointed and amazed to learn that while the so-called predator control program has been in operation under Federal jurisdiction for more than 40 years, there has never been a census taken to determine the number of coyotes we have in this country. Since 1931, when a Federal control program was initiated, there have been various methods designed to kill the coyotes—trapping, shooting, poisoning, and others with varying degrees of results and side effects. In 1964, I have been advised, some 97,000 coyotes were killed as a result of federally sponsored poisoning programs. This is the highest poisoning kill record in any year. For last year, the kill count was 74,000.

These figures give us some idea of the magnitude of the Federal program. I would emphasize, however, that these do not represent the total coyote kill in the United States, but simply represent those animals killed by the poisoning program. It is amazing then, in my opinion, that in a program of this scope, magnitude and cost, no one has taken the time or effort to determine the number of coyotes we have or how many might remain. In other words, while it appears that we have been attacking the problem with vigor and persistence, we have not made any attempt whatsoever to define or determine the scope of the problem itself. It is obvious that in this area we have a great void.

Also, many serious questions have been raised in reference to the figures pertaining to the loss caused by coyotes and other predators. The Appropriations Subcommittee of which I am chairman, has received some figures on predator losses. For example, the Department of Agriculture has furnished figures which indicate that in Wyoming in 1970, predator losses resulted in the loss of 130,000 lambs and mature sheep with the greater share being attributed to coyotes—some 95,000 head. It is not clear, however, on what basis these figures were determined. I think it is important to pin this down—here again to determine the scope of the problem facing us in a definite and positive manner. Without some concrete data as to the scope of the problem it is most difficult to attempt to arrive at a satisfactory and responsible solution.

During the course of our hearings, considerable attention will be devoted to this aspect of the problem. Those who question these figures will be given the opportunity to do so. On the other hand, those supporting the validity of the figures will be given the opportunity to explain the basis on which they are ascertained.

It is clear that existing methods of predator control have had some serious consequences and adverse side-effects. Nontarget species of wildlife have been killed along with some domestic animals even under the program under the jurisdiction of the Federal agencies and Federal personnel. The likelihood of this type of loss is multiplied many times over when we have the situation in which unauthorized individuals administer unauthorized control methods in an irresponsible, if not in an illegal manner. This of course was the suitation which resulted in the tragic poisoning deaths of several dozen eagles in Wyoming earlier this year.

As I have indicated, some alternatives to existing methods are already under consideration. Other alternatives must be considered, however, and it is anticipated that additional courses of action will be scrutinized during these hearings.

We hope to have witnesses testify on all aspects of this problem. Personnel from the various Federal agencies will be asked to testify in order that we might have the benefit of their past experiences as well as their suggestions for future courses of action. We plan to have spokesmen from many of the wildlife and conservation organizations, as well as individuals who have considerable experience and expertise in this area. Representatives of the major livestock organizations have also been invited to testify and I am certain that our witness list will be expanded considerably between now and the date of the hearings.

This is a most appropriate subject for review by this subcommittee. The Department of Agriculture, through the Agriculture Research Service, is a Federal agency with primary concern. The Environmental Protection Agency, with its broad power and authority in the fields of pesticides and poisons also is deeply involved in the overall problem, as is the Council on Environmental Quality. We have an involved and complex problem which deals with Agriculture, the environment and ecology, as well as other aspects. I am hopeful that with the testimony which we shall develop we will be in a position to face up to and resolve the problems in this most troublesome area.

As I indicated previously, these will be public hearings. Anyone wishing to testify is welcome to do so and I would invite any interested individuals to contact Dudley Miles, clerk to the subcommittee, in room 1324 of the New Senate Office Building. The telephone number of the subcommittee office is 225–7272 area code 202.

NOTICE OF HEARINGS BY SELECT COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, I announce that the Subcommittee on Monopoly of the Select Committee on Small Business, on November 23 and December 1, 1971, will continue its hearings on the role of giant corporations in the American and world economies. The hearings will be in room 318 of the Old Senate Office Building and will begin at 10 a.m. each day. These sessions will receive testimony on the subject of corporate secrecy in the field of agriculture and agribusiness.

On Tuesday, November 23, the witnesses will be Mr. Harrison Wellford, of the Center for the Study of Responsive Law; Mr. Jim Hightower and Mr. Philip Sorensen of the agribusiness accountability project; and Mr. Roger Blobaum, a consultant on agricultural economics from Creston, Iowa.

On Wednesday, December 1, the witnesses will be Mr. Tony T. Dechant, president, and Mr. Victor K. Ray, director of public relations of the National Farmers Union; Mr. Gilbert C. Rohde, president of the Wisconsin Farmers Union; Mr. Oren Lee Staley and Mr. Charles L. Frazier, of the National Farmers Organization; and Mr. John W. Scott, national master, and Mr. Robert M. Frederick, legislative director, of the National Grange.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, November 23, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

James S. Holden, of Vermont, to be U.S. district judge, District of Vermont, vice James L. Oakes, elevated.

Ralph F. Scalera, of Pennsylvania, to be U.S. district judge, Western District of Pennsylvania, vice John L. Miller, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan); the Senator from Nebraska (Mr. Hruska) and myself as chairman.

ADDITIONAL STATEMENTS

THE FUTURE OF THE SMALL BUSINESSMAN

Mr. SPARKMAN. Mr. President, one night last week, I was driving home after work and I happened to hear a commentary of Joseph McCaffrey on WMAL radio. I have voiced my concern regarding the future of small businessmen in our country on many occasions and I am more conscious of their problem in recent weeks due to the economic plan now in effect and the results of the many new policies to be enacted in the months to come.

I would like to share Joseph McCaffrey's comments with my colleagues, and I call your attention to a copy of his commentary and ask unanimous consent that it be printed in the Record.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Commentary of Joseph McCaffrey

Recently a small businessman told me that he thought within another twenty years his specie would be extinct.

"We'll have gone the way of the dinosaurs," he told me, "we just can't survive in the present climate."

Since that time I have made it a point to talk to a cross section of small merchants, both in and around Washington and down in the country section of Virginia. Surprisingly, whether they run restaurants, hardware stores, gas stations, clothing stores or what have you—they all tell the same story: they are being snowed to death under paper work.

The owner of a gas station told me that he spends almost as much time in the little cubby hole he has for an office, as he does out in front servicing customers. A restaurant owner, here in the District, says sometimes he has more District inspectors, taxmen, snoopers and what have you in his restaurant than customers.

Another D.C. restaurant owner said he thinks there is a deliberate campaign to strangle all small businessmen to death here in Washington, using red tape. Tax forms, insurance forms, work hour sheets, the list grows every year. Add to this, most of them told me, the problem of finding help.

One store owner summed it up by saying, "Even those with a 7th grade education and unemployed for years seem to think the only job they can take with dignity is manager."

The small businessman may not be extinct by 1990, but his numbers will have been greatly reduced. This is a pity when it is considered that the small businessman, whether he is a shop keeper, or a manufacturer, is really the backbone of our system.

NEW YORK TIMES EDITORIAL ON NOMINATIONS TO THE SUPREME COURT

Mr. HRUSKA. Mr. President, yesterday the New York Times decided to express its opinion on the pending confirmation of the nominations of Lewis F. Powell and William H. Rehnquist to be Associate Justices of the Supreme Court. In its lead editorial, the Times concluded that Mr. Powell was unobjectionable as a nominee, but determined that Mr. Rehnquist was not qualified philosophically to sit on the Court.

In summarizing its opposition to Mr. Rehnquist, the Times employed journalistic shorthand in characterizing him as a "radical rightist." This label evidently results from the conclusion that Mr. Rehnquist "neither reveres nor understands the Bill of Rights."

Mr. President, in the belief that such a bald and unsupported assertion should not go without response, I have today dispatched a letter to the editor of the New York Times. I am most hopeful that the Times will find the space to print my letter, as I believe this response will help to set the record straight in the minds of the many readers of this widely circulated newspaper. In the meantime, so that Senators will have the benefit of my views, I ask unanimous consent that my letter and the Times editorial be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

United States Senate,
November 16, 1971.

Mr. John B. Oakes,
Editorial Page Editor, The New York Times,
New York, N.Y.

To the Editor: In yesterday's lead editorial, you chose to label William H. Rehnquist a "radical rightist" and opposed his Supreme Court nomination on that basis, although you recognize he is "a capable lawyer of impressive academic and intellectual attainment".

If the Times had a factual case against Mr. Rehnquist, it should have been stated. Instead you relied upon journalistic shorthand to characterize a number of issues on which Mr. Rehnquist, as Assistant Attorney General, made public statements in support of the Administration's position. For example, you refer to "no-knock" entry and "preventive detention".

What you describe as "no-knock" is a procedure whereby a police officer, in obtaining a search warrant, can secure further permission from the Court to enter a dwelling without announcing himself, but only under certain limited circumstances: (1) if the Court has found, on the evidence, that the officer's life is likely to be endangered if he identifies himself before entering; or (2) if the Court has found that the purpose of the warrant is likely to be frustrated by the destruction of evidence (such as flushing drugs down a toilet) while the officer stands outside.

Mr. Rehnquist was hardly alone in believing that this procedure is reasonable. This doctrine and procedure has long been practiced and declared constitutional in many states—32 at last count. A majority of both Houses of Congress voted it into law in both the District of Columbia Court Reform and Criminal Procedure Act of 1970 and the Comprehensive Drug Abuse Prevention and Control Act of 1970. Please advise whether your editorial classifies all of the following as "radical rightists": the legislatures and courts of some 32 states, and the majority of the House and Senate in Congress which enacted the District of Columbia and Drug Control Acts—as well as the Federal and District of Columbia judges who apply this law.

What you describe as "preventive detention" is a procedure designed to protect the public in situations where the evidence convinces a judge that one or more serious crimes will be committed by the arrestee if he is released on bail.

One example would be a hold-up in which the victim was shot and the arrestee was apprehended on the premises with a smoking gun in one hand and the stolen money in the other, and the arrestee, moreover, was a known heroin addict whose record indicated that if released he would be likely to support his habit by criminal acts against innocent persons, probably crimes of violence. In all cases, a decision to detain the arrestee can be made only by a judge after an evidentiary hearing at which the arrestee has the right to appear and be represented by counsel; and in no event can he be held longer than 60 days.

Mr. Rehnquist's views on the reasonableness of "preventive detention" were also shared by the majority of both Houses of Congress.

It is an interesting footnote that on the same editorial page on which you condemn Mr. Rehnquist for supporting this procedure, you printed a letter from a New York physician who had been robbed by an admitted heroin addict who had a previous arrest record and who was apprehended with the stolen article in his possession. As the physician pointed out, the arrestee was turned loose on bail and, having failed to appear in court for his hearing, will never be held accountable unless he is arrested for another crime.

You also refer to wiretapping, but fail to point out that in 1968 Congress expressly recognized the propriety and necessity for wiretaps and authorized their use in connection with certain specified types of crime. The enactment by Congress is in full compliance with the 1967 landmark Supreme Court decision on electronic surveillance. (*Berger* v. *New York*, 388 U.S. 41). Are the majorities of the House, Senate and Supreme Court adjudged by you to be "radical rightists" therefore?

As to the limited use of wiretapping for the purpose of gathering intelligence relating to the national secuirty, this is a practice which has been used and defended by every President and Attorney General since the Administration of Franklin D. Roosevelt.

May I suggest that the Times might well re-read the articles written by your Associate Editor, Tom Wicker, and by Mr. Anthony Lewis, who spent so many years covering the Supreme Court. Both of these gentlemen recognize the propriety of confirmation for Mr. Rehnquist, and I don't think the Times overcomes their reasoned arguments simply by coining the label "radical rightist."

In the course of full hearings before the Senate Judiciary Committee, we have seen or heard nothing which would indicate that Mr. Rehnquist's devotion to the Bill of Rights is anything less than total. We believe he is eminently qualified for the Supreme Court, and the Times editorial has pointed to nothing which is inconsistent with that conclusion.

Sincerely,

Roman L. Hruska,
United States Senator, Nebraska.

[From the New York Times, Nov. 15, 1971]

THE COURT APPOINTMENTS

In recent years, the Senate has been loath to argue about the judicial philosophy of Supreme Court nominees. It has generally assumed in the absence of damaging evidence to the contrary that any nominee who is intellectually qualified, honest and experienced in some branch of the legal profession will cultivate the detachment and perspective which the task of judging requires. But inasmuch as President Nixon has to a far greater degree than normal politicized the process of selection and has so insistently proclaimed his determination to remake the Court in his own image, the Senate needs to recall that its traditional deference to Presidential nominations is an institutional courtesy rather than a constitutional command.

Assistant Attorney General William H. Rehnquist's published belief that the Senate has an obligation to inquire into the basic philosophy of a Supreme Court nominee is applicable to his own position today. The question is whether the nominee should be evaluated by the Senate in terms of his specific political, social and economic views—quite apart from the obvious requirements of integrity, ability, temperament and training. Does not the President have the privilege of nominating to the Supreme Court a man or woman of any political orientation that pleases him, without interference by the Senate; or does the Constitution, through its "advise and consent" clause give the Senate the right to reject a candidate because it disagrees with his politics or his philosophy?

The Supreme Court should be above politics; yet, it is obvious that the Supreme Court deals with the stuff of politics. We have repeatedly argued that while the President owes it to the Court and the American people to keep partisan politics out of his judicial appointments, he ought to have the broadest latitude in his selections so long as they are made within the context of the American democratic system. What this means is that the candidate, whether liberal or conservative, of the right or of the left, must not be hostile to the broadly accepted principles of American constitutional democracy. This test the Senate has the right and duty to make.

The choice of Lewis F. Powell presents in this context relatively little difficulty. A leading lawyer of Richmond, a highly regarded member of the profession, a thorough-going conservative in political philosophy, Mr. Powell has demonstrated during a long record of service to the community as well as to the bar that he has the requisite personal, intellectual and basic philosophic qualities.

The same cannot be said for Mr. Rehnquist. Though he is undoubtedly a capable lawyer of impressive academic and intellectual attainments, his entire record casts serious doubt on his philosophic approach to that pillar of the American constitutional system, the Bill of Rights. On every civil liberties issue—wiretapping, electronic surveillance, "no knock" entry, preventive detention, rights of witnesses before Congressional committees and state legislatures, the rights of the accused—Mr. Rhenquist's record is appalling. He seems to have scant respect for the individual citizen's rights to privacy, relying on "self-discipline on the part of the executive branch" to provide the protection needed. But if "Self-discipline" by Government officials were sufficient in such circumstances, why would this nation need the carefully defined safeguards of the Bill of Rights?

What alarms us about Mr. Rhenquist is not the conservatism of his views—Mr. Powell certainly shares that characteristic—but our conviction on the basis of his record that he neither reveres nor understands the Bill of Rights. If this is so, then he certainly does not meet the basic requirement that a justice of the Supreme Court be philosophically attuned to the irrevocable premise on which the American political structure rests; the protection of individual liberty under law, particularly against the repressive powers of government.

The Constitution leaves room for a wide diversity of political and social interpretations and even of judicial philosophy; but through the issues of human freedom as set forth in the first ten amendments there runs a basic imperative that cannot be dismissed and must not be trifled with. A deep-seated respect for these liberties, a belief that they cannot be arbitrarily abridged or diminished by any power, even that of the President, is indispensable for service on the Supreme Court.

Mr. Rehnquist's elevation to the Supreme Court could have a critically regressive effect on constitutional protection of individual liberties for a long time to come. On Mr. Nixon's own premises, the Senate would be within its rights in insisting that while it may be content to accept a distinguished conservative like Mr. Powell, it is not obligated to accept a radical rightist like Mr. Rhenquist.

SOUTH ASIA: THE ROOTS OF THE CRISIS

Mr. KENNEDY. Mr. President, South Asia today stands on the brink of war. Armies have been mobilized. Guerrilla forces are active. And with the escalating tension between India and Pakistan—and the exchange of accusations and threats—it seems to many that the situation in South Asia today merely reflects the chronic problems in Indo-Pakistan relations.

But a review of events since March 25—a quick jostling of our memory—reminds us that the problem in South Asia is overwhelmingly a problem between the ruling military elite in Islamabad, and the Bengali leadership elected in Dacca and now exiled in prison or the refugee camps of India.

Events have moved so swiftly in East Bengal—tragedy has so quickly piled upon tragedy—many Americans have forgotten how and why the tragedy of East Bengal happened. Fewer still understand the ramifications of what the massive flow of refugees into India means, not only to India, but to the stability of the entire region.

An excellent report on the roots of the crisis in South Asia—and its impact upon India—has been prepared by Prof. John P. Lewis, dean of the Woodrow Wilson School at Princeton University. Professor Lewis submitted this report as a special consultant to the Judiciary Subcommittee on Refugees, which I serve as chairman, and is based upon our field trip to India last August.

Mr. President, I invite the attention of Senators to Professor Lewis' provocaative report and ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

INDIA AND BANGLA DESH, A REPORT BY PROF. JOHN P. LEWIS

It would be hard to find a nastier set of problems than those triggered on March 25 by the decision of the Pakistan Government to put down East Bengal separatism by the systematic use of terror. The deaths, injuries, repression, and dislocations inflicted on the 75 million East Bengalis add up to one of the worst man-made disasters of modern history, and they are continuing. Already the Pakistani civil war has spilled into India by far the largest quick, one-way migration of refugees on record—at this writing some eight million. In early August the number still was rising about 40,000 a day.

For India the direct burden of coping with the influx is horrendous. The indirect cost is worst. The problem arose at just that historical moment when the 550 million beleaguered Indians had achieved much their best chance for accelerated economic and social progress since the sub-continent was partitioned and they won independence 24 years ago. Now that opportunity is fast aborting.

Worst still, there are no easy solutions. Indeed, as they find alternative scenarios leading to dead ends, even more thoughtful, less bellicose Indians are lured by the option of a short, limited war. Their purpose would be to kick out the 70,000 West Pakistani forces and establish an independent Bengla Desh regime in East Bengali. This might not be as simple or surgical as they imagine. Surely the international ramifications of the war option could be profoundly dangerous. Blessedly Mrs. Gandhi thus far is eschewing it. But it also seems clear that the costs of delay are high: the more time is required for arriving at a nonmilitary solution in East Bengal, the likelier it is, on several counts, that the quality of the eventual outcome will meanwhile have deteriorated.

In the eyes of most Indians, American policy in the present crisis has been a disaster. They exaggerate both the degree and the importance of the Nixon Administration's support to the Yahya regime and also, probably, the extent to which tougher, more enterprising U.S. diplomocy could promote an acceptable political solution. It is hard just now to imagine any concerting of great power pressures and persuasion that would cause the present Pakistan government to grant enough autonomy to East Pakistan to induce most of the refugees to go home.

Meanwhile, however, ameliorative efforts—major external efforts, mostly economic, to keep the present mess at least in a state of short-of-war tolerability—are urgently needed. This much may be feasible. But it will require the Nixon Administration to revamp the style of the South Asian policy into which, partly by inadvertence, it has blundered in recent months.

1. In the second week of August, together with Nevin Scrimshaw, an MIT nutritionist, Dale de Haan and Jerry Tinker of the Staff of the Senate Judiciary Committee's Subcommittee on Refugees, and an abundant assortment of the American and Indian press, I accompanied Senator Edward M. Kennedy, Chairman of the Refugee Subcommittee, on a tour of the refugee areas in the Indian states of West Bengal and Tripura, bordering East Pakistan. We had also been booked to visit East Pakistan as well as Islamabad in the West before concluding our trip in New Delhi. But a day and a night before our scheduled flight from Calcutta to Dacca we were disinvited. This was a pity. Even though we had expected that any touring outside Dacca would have been on a pretty closely guided basis, we would have liked to add some personal impressions to all that could be gleaned about the internal East Bengal situation from American and other foreign press reports, U.S. Government reporting, the accounts of Western residents and evacuees, and talking with Bengali refugees. We would particularly have appreciated hearing firsthand the Pakistani authorities' own interpretation of the situation. This they evidently had been prepared to give us until they flip-flopped at the last minute—only rather lamely citing critical comments on the continued flow of U.S. arms shipments for which Senator Kennedy was well known before they had agreed to his visit in the first place. The result of the disinvitation was that we saw more refugee camps in India, travelling, in addition to ones near Calcutta, by an Indian Air Force plane to the small Indian state of Tripura abutting East Pakistan on the east, and to areas of northern West Bengal along East Pakistan's northern border.

Ours was no brushing encounter with the camps. Over the space of four days the party visited an assortment of some 20 of various types and sizes out of the several hundred that by then were housing about 4½ million refugees. (The other 3 million arrivals had settled in with relatives, old friends, new acquaintances, or were roaming loose, but in some cases drawing government rations.) Kennedy set a tougher pace than any other Congressional delegation it had been my lot to observe during five earlier years with U.S. AID in Delhi. Having flown straight through from Boston with two nights on the airplane, on Tuesday morning, August 10, he barely paused for the reception amenities laid on by Siddarthra Ray, the Central Government's Minister for West Bengal, and U.S. officials at Calcutta's Dum-Dum Airport before shedding jacket and necktie, donning a newly acquired pair of desert boots and charging off into the mud (the Indians say "slush") of Calcutta's 170,000 Salt Lake refugee encampment as if he were electioneering in South Boston. Here and elsewhere he persistently questioned individuals—able-bodied men, old men, broken men who had lost their wives or children, wives who had lost their husbands, teenagers, students, younger children, one by one, dozen after dozen, eventually hundred after hundred. When had they come? Why? What happened to them? Why did they think they were molested or their relatives or friends killed? Had their troubles come from soldiers or collaborators or both? Was food available in their villages? How many were still working in their factory? How had they come? Did they know what had happened to their land at home? Where had they reached India? How had they been received? How did they find conditions in this camp? What was their religion? Did they plan to return to East Bengal? Under what circumstances?

The answers to the last two questions were usually the same. Hindus (who account for about 80% of the total) and Muslims (who predominated at first and whose arrivals had been picking up again in the days just before our visit) alike asserted their determination to return—but only under conditions of a secure, independent Bangla Desh. The latter should be—some insisted, must be—ruled by their great leader Mujibur Rahman, returned to power from his incarceration and the secret military trial that was now reported to have begun in West Pakistan. How then did the refugees think this could be brought about? Only, said many, by the victory of their insurgent force, the Mukti Bahini. And would they themselves join that fight? Yes, said many of the young men; they already were serving in insurgent units, or were undergoing training—the latter (they usually took care to add) on the Pakistan side of the border. In one camp of 60,000 a resident estimated the local membership of Mukti Bahini at 5,000.

Kennedy's research, like that of the rest of us operating in his orbit, was conducted in a crush of humanity composed considerably of the camera-toting, miscrophone-welding press but chiefly of friendly hordes of refugees. The magic of Kennedy's name together with the well-spread word of his opposition to the policies of the Nixon Administration insured an incessantly tumultuous welcome. The investigation also was pressed much of the time in driving monsoon rain. But gaining something of an eye-of-the-storm effect from his elastic but stalwart ringing by Indian security plainclothesmen, Kennedy, with his own tape recorder at the ready, pressed ahead with his case-by-case inquiry. The first day he worked his way all the way from Calcutta's Salt Lake to the border beyond Bongaon, some 40 miles to the northeast. At lunchtime he was appalled by the suggestion, routine in my old-India-hand experience, that we stop at a government "Inspection Bungalow" to eat our box lunches in out of the rain—not, by God, when there were still refugees to see out there in the rain. We would eat as we drove. Within minutes he was afoot again when, approaching the border, we began to encounter batches of new arrivals with their goods on their heads, as well as endless queues formed up for the cholera and smallpox vaccinations that must precede registration, or in other queues for food rations, for which such registration is prerequisite.

The scene at the border itself might have been staged by Cecil B. De Mille. The frontier was defined by a meandering, untended river. Inland at different points several hundred yards from the opposite shore, a couple of Bangla Desh flags were flying; at least that patch of territory evidently was secure Awami League turf. The monsoon torrent had just stopped and, bathed in late afternoon sunlight, the panorama was as beautiful a bit of watery paddy and palm landscape as I have seen anywhere on the subcontinent. And then, as the American Senator moved down to the water's edge, from an inlet or tributary upstream on the other side, the boats started to come—countrycraft bearing by my estimate about 25 refugees apiece—first a cluster of three, then a half-dozen more. Before the nearest reached India a total of 18 approaching boats were in view. Kennedy wondered whether the event was rigged. Certainly all the arriving passengers were genuine refugees replete with their pitiful parcels of belongings. But had some who had come the night before been sent back, in view of the security of the opposite shore, to reenact their arrival at this propitious moment. Personally, I doubt it. The timing was too perfect. Probably a local official whom I pressed on the point had the right answer: "Sir, you will remember," he said, "that it just stopped raining." Probably both boatmen and passengers had been bunching up for an hour or so under mango trees on the other side while they waited out the downpour.

The balance of this first day Kennedy visited the Bongaon hospital, helicoptered back to Calcutta, had dinner with a former member of the Indian Planning Commission, had drinks with the American press at the Grand Hotel bar, got word of his disinvitation to Pakistan, and issued a restrained comment on same. The following days, if anything, he picked up steam. With Scrimshaw, a physician and one of the world's better nutritionists, at his shoulder, he chased medical problems, especially infant malnutrition from families in their hutments to camp infirmaries to the nearest established district hospitals. Just before midnight in Tripura he visited a reception center. We discussed all manner of problems with camp commanders, state civil administrators, and with Additional Secretary Col. A. N. Luthra, the principal (Calcutta-based) coordinator that the Centre (as Indians call their federal government) has placed in over-all charge of the refugee effort. We inspected latrines which the monsoon had not incapacitated and paced open fields to let Scrimshaw study the degree to which broadcast feces were diarrheic.

We visited one camp reserved for professional people which abounded in school mistresses, and where everyone spoke English. Again in Tripura we had an animated evening meeting with a roomful of intellectuals, including one Dacca University professor just arrived that morning. In Calcutta we met unofficially with some of the leaders of the provisional, in-exile Bangla Desh government. Several times to the consternation of the security people, Kennedy and his staff deliberately crossed up the projected program to head for sectors and visit camps that had not expected us—discovering for one thing, that the Bengali practice of organized slogan chanting, a kind of improvised verse and chorus exercise, conducted by leather-lunged cheerleaders of remarkable stamina, requires little forewarning.

By the end of the fourth day we believed we had gotten about as good a fix on the immediate on-site dimensions of the refugee problem as a small group of tourists readily could in that length of time.

2. The physical condition of the camps was better than I had expected. The West Bengal state administration is not by reputation one of India's strongest, and certainly in recent years it has had more law-and-order distractions than any other. Moreover, the central government's Ministry of Rehabilitation, in charge of refugee relief for the Centre, lacks the galvanized edge developed by those central agencies, especially the Food and Agriculture Ministry, that dealt so resourcefully with the Bihar famine in 1966-67. Yet the fact is that Indian administrators have coped heroically with the unprecedented mass of humanity that has been dumped on them in recent months. Of the majority who are in camps, all are under some kind of shelter from the monsoon, much of it reasonably good. Although there are extreme nutrition problems among the very young and to some extent among the aged, the camp populations as a whole are getting an adequate caloric food intake. To this end India has been running down the substantial buffer stocks of foodgrains she had built up as a byproduct of her agricultural acceleration since the mid-sixties; and the Food Corporation of India (a kind of C.C.C.) together with the district(local government) and camp authorites has been doing a competent job of food distribution.

There are weak spots in the food supply—rice, vegetable oils, dried milk, vegetable proteins. Clothing is scarce, but more will be available before the cold weather sets in. Everywhere neighboring woods and mango orchards are being stripped for fuel. Most organized sanitary facilities have been flooded out by the monsoon, and at any rate the villager residents are not accustomed to use them. The far greater concentrations of human waste, by generating epidemic dysentery and diarrhea and therefore destroying the capacity of post-nursing infants and pre-school children to make nutritive use of such milk and other proteins as are available is the cause of much of the most massive, epidemic incidence of extreme child malnutrition Scrimshaw had ever seen. It was affecting perhaps one-fifth of the under-six-year olds, compared with the 2-to-5 percent of rural East and West Bengal infants so afflicted in their normal habitats, and was killing thousands daily. Similarly, although tubewells for drinking water had been drilled in abundance, many were too shallow, and others lacked the cement caps needed to protect them against contamination. But progressively the wells are being set right; by the time we arrived, Indian nutritionists already had made a systematic study of the problem Scrimshaw found, and the Government is mounting a concerted attack on it. Meanwhile, the frightening cholera epidemic of June-July seems to have been checked. Meanwhile, also, the camps are well ordered. Their command structures are functioning.

The condition of the refugees, of course, is enough to tear any Westerner's heartstrings. But most of those were impoverished, marginally nourished people to start with. Many have been debilitated by the dislocations at home, or from hiding, or by a long trip to the border. A significant percentage have been injured; in Tripura and elsewhere Kennedy visited a number of hospital wards of gunshot and shell fragment cases; we saw a good many adults as well as children who still were the evident victims of psychological trauma.

On the whole, the refugees have found a better way—stop in the camps than they might have expected. And for that they are still grateful—overwhelmingly, as they should be, to the Indian government. A variety of Indian and international voluntary agencies (the latter, as is the wish of the government, being mainly represented in the field by Indian personnel) is helping with supplemental feeding, medical, and other assistance efforts. The voluntary agencies complain about imperfect government coordination. The government, for its part, while finding the voluntary agencies less than invariably realistic, emphasizes the value and effectiveness of their work. However, if it primarily to the Indian authorities that the rest of the world, like the refugees, owes a debt of gratitude for the initial resourcefulness with which the onslaught of need has been met. From all one can gather, for example, the response to this externally imposed burden has been remarkably more effective and diligent than was that of the Government of Pakistan a few months earlier to the cyclone victims in East Bengal.

If as an expedient, however, the camps are a remarkably good show, one does not have to look at them long before staring to worry about the profound underlying, lurking problems they represent—particularly two: The total costs that have been loaded onto the struggling Indian economy, and the souring social and political tensions that are predictable outside and inside these refugee enclaves the longer they persist.

3. As they have assembled the figures both in Delhi and in Washington, U.S. authorities are in substantial agreement with the Government of India as to the costs of the refugee exercise. Per capita, they are running between 20 and 25 cents, or a little less than two rupees, a day. As noted, since the beginning of April, which also happened to be the beginning of the Indian fiscal year, the refugee population has built to about 8 million. The influx has enough continuing momentum so that both the Indian and American calculators expect it (without such major new provocation as would be provided by the feared famine in East Bengal) to run up to 11 or 12 million by the end of this calendar year. Then the estimators assume hopefully (and, we shall see, without much evident basis) that the reverse flow will begin, nearly halving the refugee population in the first quarter of next year with some continuing tapering thereafter. Even with these comparatively sanguine assumptions the total direct costs will come to a little less than $700 million for the Indian fiscal year ending March 31, 1972, to fully $700 million for the U.S. fiscal year ending in June 1972, and to nearly $800 million for the first 15 months of the burden, which will end at that time.

The chances are, as I say, that the burden will be larger than this. But let us take $700 million, or Rs. 5,300 million, as a conservative figure for the present annualized direct costs of the refugees. This is between one-sixth and one-fifth of the total annual outlay on development that India's central and state governments have been managing in the past couple of years. It is equivalent to nearly one-third of the country's total imports. And it almost matches the annual gross non-food aid that the ailing Aid-India Consortium (including the World Bank, the U.S., the U.K., Western Germany, Japan, Canada, France, and several smaller bilateral European contributors) has been able to scrounge up recently. (Because of the inexorable inrcease of India's principal and interest payments on past loans, the Consortium's *net* yearly input to the Indian development effort, aside from the diminishing U.S. PL 480 contribution, already has declined to about $250 million.)

The drag that the refugee problem is placing upon the system can be understood only in terms of these global numbers. Most of the specific commodities that refugees are consuming are Indian products, as, of course, are the administrative and other services that are being extended. But since the Indians feel they have no safe room for additional deficit financing—and since the refugees, for the time being, provide no additional productive capacity but, instead, cause some displacement of scarce transport and other facilities—the funds the Government of India now is allocating to them are tending to be gouged out of the development budget. Moreover, the encroachment is not just on development finance. It also is on the nervous energy of the leadership. The Prime Minister, her advisers, the Finance Ministry, the Planning Commission—indeed most of the developmental leadership and bureaucracy of the Centre and of the directly affected states—are consumed with the ramifications of Bangla Desh.

Distractions of resources and effort could not be more tragically timed. At the moment the disaster struck in East Pakistan—literally a fortnight before—India had achieved her best hope for material and social progress in 24 years. The hopefulness had two parts. The first, the so-called "green revolution," or improvement in agricultural performance from 1966 onward, was of somewhat earlier vintage. The impoverished slow-growing but stubbornly constitutional-democratic Indian economy had particularly rough sledding in the middle sixties. From 1962 to 1967 it was shaken by two short wars, lost two Prime Ministers, got wracked by an unprecedentedly severe brace of back-to-back droughts, and suffered a general economic recession. Progressively, Indian politics appeared to be becoming unstuck. But these traumas, instead of demoralizing the leadership, had the effect of shock therapy in 1965 and 1966. A sensible and comprehensive set of new economic policies was adopted that, in particular, provided thrust, incentive, and running room for a new food-grains technology involving improved seeds, much more fertilizer, and assured water supplies. For five years now the new agriculture, freshened by a more effective indigenous research establishment and reinforced by improving inputs supplies, rural credit and other facilities, has continued to spread. It shows no signs of subsidizing. The direct result is that the annual rate of growth in food productions since 1966–67 has doubled its previous average. The rapid closure of the yawning food deficits that had persisted since the fifties has created much the best base yet for across-the-board economic acceleration—and for a concerted attack on the cruel deficits of low-end poverty and left-over people that also meanwhile had accumulated.

From the 1967 election onward, when the ruling party's Parliamentary majority was further eroded, however, fresh policy initiatives were politically stalemated. Thus the second half of the hopefulness came only in the first days of March 1971 with the landslide electoral victory won by the Indira Gandhi Government. In this, fifth of India's general elections, Mrs. Gandhi brilliantly succeeded in reaching down and around the state-level political machines, Congress party and otherwise, to make contact with the motley array of disadvantaged groups who had been finding new political voices at the grassroots. Breaking the stalemate of contending forces inside and outside the Congress and recouping the muscle of the Centre vis-a-vis the states, the Prime Minister won a rousing mandate for a new brand of populism.

When the votes were counted on March 10, the content of that populism remained in good part unspecified. Moreover, it was clear that efforts to generate additional incomes and jobs for the poor were sure to encounter financial difficulties, especially as to the provision of enough foreign exchange in an era of diminishing foreign aid. Still, there was no question that, added to its on-going agricultural breakthrough, the political breakthrough presented India with much its best chance yet for combining faster economic advance with a real attack on mass poverty.

4. The second of the Kennedy party's two-Calcutta-based days provided vivid localized confirmation of the way the refugee burden is retarding the Indian development effort

at precisely the time it was meant to be accelerating. I peeled off from the camp tour that morning to check out—at an agency, the Calcutta Metropolitan Development Authority, not yet conceived by the end of my own India hitch two years earlier—rumors of exciting new stirrings in Calcutta uplift. To one who had followed Calcutta affairs closely from 1964 to 1969, but had not kept himself informed since, the very idea of major civic advance in that city was slightly incredible.

For more than ten years Calcutta generally has been regarded as the world's sickest city. Long before the latest refugee influx at least a million of the metropolitan area's 7 million inhabitants slept on alleys and sidewalks. Of its 1.4 million households only 12% have exclusive use of a latrine and 14% exclusive use of a water tap. There is vast unemployment and underemployment. Local government has seemed hopelessly fragmented, both functionally and territorially. For a generation the city, compared with other major Indian cities, has been unable to raise local resources effectively. Public facilities and services have deteriorated. Labor unrest is endemic. Murder and mayhem are rampant. The city breeds India's most extremist urban politics, for many of whose partisans violent demonstrations, tramcar burnings, and thuggery are routine forms of persuasion. Industry has been fleeing the city. New private investment had almost ceased. The economic center of all eastern India looked mortally wounded.

The city and the state of West Bengal repeatedly since the middle sixties had been subject to "President's Rule," the procedure the Indian Constitution provides whereunder the Centre can temporarily supersede a state government if it judges the latter has lost its capacity to govern. Worst of all, in terms of the needed therapy, Calcutta and West Bengal had seemed to lose their capacity effectively to represent their exceptional needs in New Delhi. A well-staffed, professionally competent Calcutta Metropolitan Planning Organization, assisted by a series of Ford Foundation consultants, did good work throughout the sixties. But no one seemed to take its analyses, plans, and calls for resources very seriously.

In 1966 CMPO projected a hard-headed, no-nonsense five-year Calcutta Metropolitan Improvement Plan designed to meet the city's deficits in water supply, sewers and drainage, streets and traffic control, schools, public health and other facilities. The plan included an ingenious scheme for supplying simple environmental improvements (privies, watertaps, showers, alley paving, lighting) in Calcutta's sprawling bustees (i.e., squatter hut slums) on the sound premise that it would be at least a generation before any conventional public housing program could cope with the city's deficits in that department. The cost of the five-year plan was projected at Rs. 1500 million. Delhi yawned. Finally, in response to especially strenuous efforts by one strong President's Rule Governor of West Bengal, the Planning Commission in 1969 wrote in Calcutta redevelopment for a five-year figure of Rs. 450 million—just under one-third of the asking price. At the time, since actual annual development expenditures in the city had been bumping along at only a few tens of millions a year, most of us thought this a considerable achievement.

This, then, was the perspective with which on the morning of August 11 at the new headquarters building of the Calcutta Metropolitan Development Authority, where they were still having problems with their lifts, I climbed eight flights to meet the Secretary and senior full-time executive of that agency, Mr. K. C. Sivaramakrishnan, whom I had known slightly in the past. Sivaramakrishnan, a South Indian now in his latter 30s, is a member of the West Bengal Administrative Service and a veteran of CMPO and of industrial town planning elsewhere in the state whom we are proud to claim as 1965 alumnus of the Woodrow Wilson School's Parvin Fellows Program for young officials from developing countries.

Two hours later, the lift having been repaired, I rode back down the eight flights with a new view of the future of Calcutta—if in part because of the sheer infection of Sivaramakrishnan's own vitality, in the main, because of the recent history with which he had been filling me chock-a-block. The transition that the cause of Calcutta's civic recovery has made from aspiration toward implementation in the past 18 months is striking. Credit for further advocacy must go to a few West Bengal officials, and perhaps an assist can be attributed also to such foreigners as Robert McNamara, of the World Bank, and Jan Tinbergen, the Dutch Nobel prize winning head of the United Nation's Committee on Development Planning, who repeatedly have expressed concern about the city's condition. But plainly the responsibility for the decision, made in the late winter of 1970, that without further delay Calcutta required a wholly different order of financial and administrative effort rests squarely with the Gandhi government in Delhi and more particularly with the Prime Minister herself.

The financial sights were pushed up in the CMPO's five-year figure of Rs. 1500 million and beyond. To augment the local authorities' own fiscal capacity, a somewhat clumsy but effective entry tax cordon was laid around the whole metropolitan area. The Centre itself is contributing more than two-thirds of the needed funds. With this base, Calcutta for the first time in years has been going into the bond market with outstandingly good results. The whole metropolitan development effort and all of the finance therefor were put in the hands of the new Calcutta Metropolitan Development Authority. The latter is chaired by the head of the state government, represents both official and non-official interests, is tightly organized, and has power to supersede all of the area's established functional and territorial authorities as to development matters. Being possessed of this power, it now is using those bodies as implementing agencies while it itself concentrates on coordination and on the provision of such common services as central purchasing, the supply of design consultants, and technical manpower recruitment and training.

During its first fractional fiscal year the CMDA program was funded at Rs. 200 million. This year the figure is up to Rs. 500 million—one and two-thirds times the annual rate projected in the original CMPO plan. Moreover, the pressure is on for implementation. By the end of last March, of the 98 projects in the plan, 80 had been sanctioned and had construction underway. Expenditures on the water supply, drainage, transport projects, schools, and the rest already are flowing at an annual rate of Rs. 200 millions (given the usual lags in these things, a very smart pickup). These activities are in process of creating 100,000 extra jobs in the metropolitan area alone, and the long-awaiting bustee improvement program, triggered by a separate Delhi decision last October, is generating employment for several thousand additional young engineers and others of the educated unemployed.

None of this has yet caused visible improvement in the Calcutta law and order situation, nor has it overtly altered Calcutta politics. And, although some turnaround in private-sector planning may be imminent, not much of that is yet evident. But if there is to be a sustained, spreading reversal in the sickness of Calcutta, it is precisely with an effort of the CMDA kind that the therapy must begin. The fact that it has now been launched in a big way cannot be other than heartening to anyone interested in the future of India. If I am not mistaken, moreover, it is a foretaste of the kind of new populism that the Gandhi victory in March was calculated to spread to the whole of, including the disadvantaged masses of rural, India.

But now with the refugee problem, says Sivaramakrishnan, who knows? His program's buoyant budgeting is already a target for the financial authorities who are having to seek offsets to bulging refugee expenditures. Meanwhile the dispersal of refugees into the general Calcutta population is increasing the burden on the city's already classically inadequate services and facilities. And the logistical requirements of refugee support are hobbling his construction program. Take, for example, railway wagons. He needs an inventory of 100 to keep his current requirements of cement, crushed stone, steel, and other materials flowing. His current allotment, thanks to the competing pressure of the refugee program on eastern India's strained transport system, is down to 35.

5. According to the accounting available in Delhi when the Kennedy party reached there, 144 million dollars' worth of foreign contributions in various commodity and cash forms thus far had been pledged to India's refugee needs. The United States, as our government takes some pains to emphasize, is supplying nearly one-half of this total—$70.5 million. Of the latter, half is in form of cash grants routed through the U.N. High Commissioner for Refugees in Geneva. The other half is made up of PL 480 commodities valued at U.S. support prices. And of that $35 million, American rice, whose nominal valuation is above the world market price, accounts for $25 million.

But the main point is that, however its components are valued, the total volume of external assistance to the refugee program to date is scarcely a respectable first installment on what is needed from abroad. If India, which cannot escape single-handed acceptance of the physical burden of the refugees, is to be spared also having to finance a problem that is in no way of her making—if, more particularly, the Indian development effort is not to be derailed in what should be a peculiarly critical period of acceleration—then the rest of the world should pick up the financial costs of refugee support.

The first requirement for serviceable refugee-oriented external assistance, therefore, is that it be large. More specifically, by the end of the current U.S. fiscal year it should amount to at least five times what thus far has been pledged, or to not less than $700 million.

The second need is that refugee aid be flexible and quick-flowing. Although there is useful scope for modest increases in certain PL 480 commodity shipments—notably of cotton, vegetable oils, and soy-fortified bulgar—these requirements probably will not account for more than a small fraction of the total needed special aid flow. Otherwise India does not require concessional American or other farm commodities for direct supply to the refugee population. Rather, she needs the wherewithal to expand general imports so that government budgetary outlays can be raised by the amount of refugee requirements without unacceptable inflationary consequences. As I shall be saying, there is more scope for PL 480-type relief to East Pakistan itself, but on the Indian side of the border, to be useful, most of the aid should be in cash or near-cash form. *And* it should flow quickly. Some donors, notably the U.S., are chanelling most of their India-refugee-destined aid through a U.N. bureaucracy that is conspicuously unused to dealing in large sums. Only a trickle of the inadequate amount now provided has yet reached its mark. It is clear that a special aid flow of the needed dimensions must, like development assistance, move through more direct channels.

The third need is that the special relief assistance be additive. If we would minimize retardation of the development push India so urgently requires at this point, donors must take pains not to substitute general-purpose refugee relief for the regular development loans that they have programmed or would be programming for India. This is one of the reasons why it would make sense, I think, to put the organizing and asssembly of the refugee assistance in the hands of the Aid-India Consortium, which performs the same functions vis-a-vis development assistance. Because it knows the latter business best, it would be best positioned to monitor the genuine additivity of the refugee aid. The other reasons for invoking the Consortium are, first, that, of the various international structures available, only it has proved its capacity to raise resources on the scale presently required; and, second, the Consortium offers the best answer to the issue posed in the preceding paragraph. It has demonstrated its ability to coordinate and cross-reference a set of bilateral flows of general-purpose assistance without injecting a great deal of intervening bureaucracy between the suppliers and the users of funds.

These, as I reflected on it, seemed to be the cost ramifications that lurked behind the refugee camp operations we observed in mid-August.

6. The other lurking problem is that of mounting social and political strains. After the observer has noted that the refugees are being sheltered and fed and has formed some impression of their health conditions, the next thing that strikes him is the monumental idleness of these people. A few have been temporarily employed on the building of the camps themselves, and a few professionals are working in camp infirmaries or beginning to help organize and teach in camp schools. But by and large the camp inmates are producing nothing and doing nothing. Before long, if the refugees remain wards of the Indian Government, a profound restlessness can be expected. The camp populations will become increasingly easy targets for the indigenous Naxalities and other political extremists, who already are busily trying to stir up the visitors against the Indian authorities. West Bengal extremists welcome any increment in civil disruption for its own sake. In addition, they may, despite the refugees' lack of citizenship, not unrealitsically plan to vote for some of them in future elections.

The frictions between the segregated refugees and their local environment can be expected to rise. There is always in eastern India potential for communal outbreaks in any new and concentrated juxtapositions of Hindus and Muslims. Yet the economic frictions are probably more ominous. The refugees are beginning to filter into local labor markets and badly to depress wages in areas already burdened with severe indigenous unemployment and underemployment. In one of the camps we were told about a local farmer who beat up a refugee he caught poaching a fish from the farmer's pond; the next night a score of the culprit's fellow campers returned to do in his assailant. The frequency of such incidents is mounting.

One of the Indian government's motives for bottling up the refugees is to minimize just this kind of interaction with the local economy. On the other hand, under circumstances where officials have neither the means nor intent literally to confine refugees to their quarters in concentration-camp style, the very bottling up can be explosive. It maximizes the idleness of the newcomers; it concentrates masses of them in particular areas; and, by providing them with free subsistence, it encourages them to work at below-market wages.

The commitment to the quarantine format—if you will, to the Palestinian refugee model—is very strong at present. This is because it is thought best to symbolize the Government of India's insistence that the refugees are only temporary visitors and that they must return home to East Bengal. I arrived in Calcutta with the theory that many, especially the Hindu, refugees in fact will not return and that, as a long-term matter, it probably only makes sense, despite the poverty and crowding of West Bengal already, to think of absorbing such an increment of Bengali population into India Bengal. Therefore I suspected it would soon be time for a vast public works program throughout rural West Bengal, organized from the bottom up and sensibly structured, that would be large enough both to sop up local unemployment and draw increasing numbers of the migrant population out of their enclaves into the surrounding countryside. We tried out this line of thinking on several discussants. One was Mr. C. Subramaniam, India's famous green-revolution Food and Agriculture Minister in the middle sixties and now Minister of Planning. Another was Mr. Siddarthra Ray, the Union Minister for West Bengal Affairs. (Ray's is the only central government portfolio oriented to a particular state; it signifies the Centre's estimate of the degree of special attention it will need for some time to give West Bengal.)

Invariably Indians at the political level rejected this absorption thesis out of hand. They, and none more than the Prime Minister herself, are adamant about the necessity for full-scale refugee return. They cite the economic arguments. They emphasize West Bengal's already teeming demography. But what appears to trouble them most is a political projection. There is evidence, apparently documented, that earlier refugees from East Pakistan, who have entered eastern India in several surges beginning in 1947, have tended after their transplanting to join extremist political factions. The leaders of the ruling Congress party, who, American readers should remember, are scarcely reactionaries themselves, fear the same thing would happen again. They are determined not to promote a further radicalizing of West Bengal politics.

The trouble is, the longer the government is so motivated to quarantine the refugees, the greater is the probability that its method will produce the very result it seeks to avoid. A similar consideration, moreover, attaches to the organization and leadership of the East Bengal independence movement. The sheer passage of time is likely to radicalize it also.

The leaders of the stated Bangla Desh government with whom Senator Kennedy and his party met late one evening in Calcutta appeared, under the circumstances, to be eminently reasonable men. They and all of their colleagues who are managing the independence movement in Sheik Mujibur Rahman's absence are elected Awami League members of the Pakistan National and/or East Bengal Provincial assemblies. Their party came to power about as legitimately as one can in a military dictatorship—namely, by sweeping 80% of the East Bengal vote (98% of the seats) in an election conducted by their military Punjabi opposition last December. Their victory gave great hope to Indian constitutionalists across the border. Indeed, remarked I. G. Patel, Secretary of the Ministry of Finance's Department of Economic Affairs, when we lunched with him later in Delhi, this was one of the particular tragedies of the Awami League's repression: It had looked for the brief period from December to March like the best hope yet for normalizing relations on the eastern side of the subcontinent. The Awami League was the most secular of constitutionally disposed Pakistani parties; it refused to trade on Muslim-Hindu tensions. It was committed to parliamentary processes. And it seemed anxious to de-escalate the emotionalism of Indo-Pakistan relations and get on with some of the potentialities for rationalized communications, trade, and joint development projects that so long have been evident between East Bengal and eastern India.

Instead of a program of civil reform, however, the middle-class Awami League constitutionalists with whom we talked in Calcutta now find themselves presiding over an insurgency. They project their struggle with courage and conviction, and they report the allegiance of the overwhelming majority of East Bengalis and their elected representatives. Moreover, from what we could learn from other sources, their claim that the insurgency's fighting force, the Mukti Bahini, is still loyal and responsive to their political authority remains, as of now, valid. Evidently Maoists and other extremist groups, which had been comparatively weak in East Bengal, have not yet begun to compete for control of the insurgency. My guess, however, is that the talents of the official Awami League leadership do not run primarily to the conduct of guerrilla warfare. The longer the struggle persists, thereby both prolonging the internal turmoil within East Bengal and inducing the radicalization of the India-based refugee population, the greater will be the likelihood that conduct of the insurgency, and therefore control of whatever autonomous regime may eventually emerge, will slip into tougher partisan hands.

7. As we headed for Delhi on Friday, August 13, pondering the political implications of all we had seen and heard, the scariest thing was the way the cold-blooded logic of the situation kept pointing toward war. Reports that certain Delhi think-tanks had produced analyses concluding that a short war to establish an independent Bangla Desh was the cheapest, least objectionable of the bad lot of alternatives open to India had sounded rather fanciful when I had heard about them in Princeton. Close-up, however, it was much easier to understand how thinking Indians could be tilting in that direction. Anyone who doubted the ability (as surely, just now, all Americans should) of any government neatly to program a short war—in this case, of India reliably to block along the Punjab-Kashmir frontier to the west while she quickly mopped up to the east—or who feared the great-power repercussions that could be triggered by an Indo-Pak conflict therefore only could the more admire the way Mrs. Gandhi had been resisting such advices. But it became more important to gauge the strength of the pro-war pressures and the durability of the government's present policy of restraint.

For this and related reasons I was anxious for the Senator, before he got deep into his conversations with ministers and officials in Delhi, to have a free-wheeling conversation with a few non-officials whom, over the years, I had found particularly astute observers of Indian politics and foreign affairs. Accordingly I wired Harry Wilhelm, the Ford Foundation Representative in Delhi, asking if he would invite Kennedy, Scrimshaw, and me to have breakfast the next morning with Lakshmi C. Jain, an industrial and export-promotion consultant and former leader of cooperatives whose batting average as a predictor of Indian political developments is the best I know, Rajni Kothari, Director of Delhi's Center for the Study of Developing Societies and one of the more perceptive Indian political scientists, and George Verghese, Editor of Delhi's daily *Hindustan Times* and former press secretary to the Prime Minister. Fortunately, all were good enough to assemble on short notice.

Our Indian friends quickly confirmed the extent of pro-war sentiment, which none of them personally shared. It was prevalent, for example, among parliamentarians. However, it was indeed a view at which people had arrived more rationally than emotionally, and therefore for the time being at least it was somewhat easier to contain. The public, they judged, did not want war; it still wanted the populism and economic expansion for which it had voted in March. There was none of the jingoism abroad, said Jain, that one could remember from the Indo-Pak conflict of 1965. For her part, the Prime Minister was dug into her position of commitment to political rather than military solutions about as firmly as any chief of government could be. But necessarily, the commitment was contingent and reversible.

At this point Verghese put in a plea for logical discourse. Before we got very far, said he, into a discussion of alternative scenarios for arriving at a political solution by means short of overt war, we had better be clear on what we meant by a "solution." What should be the objective? What kind of political arrangements in East Bengal would we regard as an acceptable and viable outcome toward which policy should try to move?

On this point we found we were agreed. None of us thought that it was possible to run the camera backward to conditions before March 25. There had been too much horror. It had, as it were, caused a chemical, not just a mechanical, change. Bengalis, including those who had fled to India, would not for the foreseeable future willingly accept the kind of overlordship by the West Pakistani military that, prior to the repression, the vast majority at least tolerated without rebellion. Secondly, as a group we also doubted the long-run viability of a colonial structure—i.e., with the passage of time, a progressive routinizing and therefore civilizing of the repression of an unwilling population. Obviously this political model had worked at many places in earlier times. But none of us believed it could endure here in a context of 20th century values and communications, given the provocation that now had accrued, the comparative numbers involved, the remoteness of East Pakistan from West, the geography of East Bengal itself, and the enveloping Indian haven for insurgents (which, be it noted, the Indian Government would find it physically, as well as politically almost impossible to foreclose even if it were disposed to do so). The only lasting solution, we therefore concluded, is some large measure of autonomy for East Bengal. At this point one did not know, said our Indian discussants, whether this would mean outright independence or some kind of confederation formula. But plainly the minimum workable objective was a much larger degree of self rule than the Yahya regime thus far had intimated the slightest disposition to grant.

Kennedy agreed. One thing this answer had going for it, he said, was that it is the right one. The East Bengalis were a sizable majority of the nation-state to which they belonged. They were overwhelmingly united on the need for greater autonomy. They had been faithful in pursuing their objective by parliamentary means. Certainly such a people, who now had reaped such havoc for their pains, must get the higher marks in any calculus of the rights and wrongs of the situation.

And wouldn't it be nice, he mused aloud, to be on the right side of such an issue for a change—especially when the side also eventually was going to win.

Embedded in this patch of conversation, it seemed to me, were those aspects of the Bangla Desh affair that give Americans the greatest difficulty. This is because the facts seem to run afoul some of our newest conventional wisdom about foreign affairs. For one thing, an array of sophisticates again has been reminding us it is inappropriate, indeed, rather gauche, to inject much moralizing into our conduct of foreign policy. We are told that the only proper guide for a foreign policy, indeed the only one that permits the maintenance of some order and predictability in international affairs, is national self interest. It is human and acceptable for individual Americans to bleed for the afflicted people of Bangla Desh. But it is inappropriate for the Government of the United States to do so very much.

Second, and related, but with a far broader constituency than this sophisticated rule, there is the surging doctrine of non-interventionism, so painfully learned in Vietnam. This, of course, has a variety of adherents but the most important are the young, who have been profoundly turned off both by the theory of American hegemony and by the way it has been practiced during the past quarter century.

In the third place, we accord great deference to the efforts of any sovereign state to preserve the union—its union—and we recognize that union-preserving exercises often in practice have to get pretty rough. Maybe, after all, Yahya Khan will turn out to be the Abraham Lincoln of Pakistan, and who are we to give him a hard time? Sympathy for union-preserving ventures is, of course, not a new thought pattern with us, but appreciation of the nationalist aspirations of developing countries together with the trauma of Vietnam has given it new vigor. This is true particularly with the young, most of whom do not detect a certain irony in their posture: They, who more than any recent generation are inclined to question the appropriateness of blind, unquestioning allegiance to their own nation-state, seem prepared to bow down to the sanctity of any other jurisdiction that, by whatever historical process or accident, has achieved juridical status as a sovereign state.

In combination, these overlapping mental fashions have lowered a national-sovereignty veil over the whole current Pakistan problem. We have a sense that it is unethical or, on the other hand, that it bespeaks an inept misguided kind of moralizing—take your choice—for American policy to attempt to penetrate that screen. According to these fashions it would be out of bounds for the U.S. Government to adopt the premise at which our breakfast discussion group arrived so readily, namely, that the only workable outcome in East Pakistan is one that is anathema to the present West Pakistan regime.

In this instance such a constraint on American policy is unrealistic. Certainly nonintervention is, in general, an expedient doctrine for us at the moment. Few would deny that too often in recent decades we have erred in the opposite direction. Probably it would continue to be the appropriate decision rule even vis-a-vis a nation-state that was as artificial and improbable a construct as Pakistan—if the abnormality of the separated halves were all that were at issue. Probably also it would not be proper for our foreign policy to second-guess Pakistani juridical integrity even when the parliamentary self-expression of a popular majority had been frustrated by those in control—if a departure from constitutional processes were the leadership's only offense. But the present Pakistani case goes much beyond this. The means used in behalf of the union-preserving end have been so unspeakable that they have defiled their purpose beyond repair. For India the in-spillage of 8 million refugees has removed all possibility of regarding Bangla Desh as exclusively an internal Pakistani problem. But for the rest of the world also the sheer preponderance of terror exercised by the Islamabad military regime since March 25 has eliminated that possibility. Not only is this, as it were, a matter of quantitative morality—not only have the excesses of the means overstepped whatever bounds of discretion a nation-state should enjoy in its internal administration; the means the regime has chosen have rendered the goal of unaltered national integrity inherently unattainable.

In East Bengal the ratio of the number of resident Bengalis to the West Pakistani soldiers presently running the province is nearly 1,000 to 1. The probability is that the thousand will eventually prevail over the one. There is nothing about the preponderance of weaponry or the logistics for its support or the temper of the people that persuasively argues the opposite. Neither the most antiseptic self-interest nor the most abject self-effacement requires the United States to base policy on an assumption that has become inoperative.

8. With first principles settled, Verghese allowed our breakfast to proceed to questions of ways and means. He and his two colleagues talked a good deal about the Indo-Soviet Treaty that had been signed a few days earlier. Two of them, at least, were not keen about it. It enlarged and blurred the framing of the subcontinent's problems. Since treaties never are concluded for the exclusive benefit of one party, the world now would be at least as interested in what the Soviets had gained vis-a-vis China as in what India had gained vis-a-vis Pakistan. Although it was presumably true, they said, that the treaty had been under discussion between the two governments for a year or two, it could not have gotten through parliament until the present Bangla Desh emergency. Very possibly the government did not finally decide to accept it until, in July, if the press reports were right, high U.S. government officials had phoned L. K. Jha, India's Ambassador in Washington, to say that, if a war between India and Pakistan developed and China moved to assist Pakistan, India should not count on American support.

In any event the treaty was now a fait accompli. Its operative provisions were pretty innocuous: they provided only that neither party will join an alliance directed against the other, or give assistance to a third party with whom the other is engaged in armed conflict; and if either party is attacked by a third, the two signatories promise to consult—no more than that is committed. Their government probably meant it, said our Indian friends, when it said it stood ready to sign similar treaties with other countries of the region. Meanwhile, the Indo-Soviet treaty would serve at least temporarily as a deterrent to war.

Of this last our discussants were quite sure. If, as to the possible instigation of war, the greater immediate risk were provocation from the Indian side, then the treaty might have the opposite effect: if hawks were in charge in India, it might unleash them. But given the strength of the Prime Minister's anti-hawkish commitment, the treaty strengthened her hand. It was widely and instantly popular with the public simply because it was reassuring; it made most Indians feel less lonely and exposed and therefore a little less nervous. For the time being it has dampened hawkish impulses. Also I would assume—although this point we did not discuss with these or other Indians—that the Soviets have used the negotiation of the treaty as an occasion for applauding the Prime Minister's policy of restraint and for urging its continuance.

Our breakfast companions, however, mainly valued the deterrence to Pakistan and to China. They, like other thoughtful and (by my past estimate) usually level-headed Indians with whom we talked, were genuinely fearful of a Pakistan-instigated escalation—not because, after 1965 and the further improvement in relative military strength India probably has achieved meanwhile, they thought that the Yahya regime really believes it could handle India in a head-to-head contest. Rather the attempt would be to find a way out of what is becoming an impossible "internal" problem by internationalizing it. Islamabad itself, this reasoning goes, must privately be perceiving the same dead end to its course in the east that is so apparent to others. On its own it does not know, over the long term, how to handle the Bengalis. But if it could convert its civil war into an international war, this would presumably, before India had time to press the hostilities very far, invoke the whole panoply of U.N. Security-Council and peace-making procedures. At this point the single preoccupation of the international community would become stopping the war. Both belligerent parties would tend to be cast as equally guilty, there would be great pressure to stop aid of all forms to both, and the return of conditions to the status quo ex ante, including West Pakistani control of East Bengal, would become a worthy objective. While this would not remove the West Pakistanis' fundamental, self-generated, problem in the east, it would gain time, multiply their options, be likely to produce some fresh international endorsement of their rights in Bengal, and meanwhile injure the Indians.

The Indo-Soviet treaty has gummed up this hypothetical scenario. For one thing, the scheme's riskiest phase, that of the uncertainly long period of Indo-Pak hostilities before the international community moved in to stop the fighting, would benefit from quick and reliable seconding by the Chinese. Now the latter have been more explicitly put on notice that this could bring a confrontation with the Soviets. Secondly, the probability of inciting a Soviet response has been increased for Islamabad itself.

The treaty, therefore, has bought some time for the pursuit of political rather than military solutions to the Bangla Desh problem, and one suspects that Washington itself regards it this way. How much time is a question on which, I felt, our expedition produced very little hard information. Our breakfast companions that morning saw the prime time for political maneuver as only "two or three months." Their past records as observers are so good and so much of the rest of what they said on this occasion made sense that I hesitate to discount their estimate. Yet they did not spell out concrete reasons for such shortness in the tether, and clearly they were motivated to impress Kennedy with the urgency of the situation.

All I can judge myself is that time for solidifying a non-military resolution of the problems on the eastern side of the subcontinent is far shorter than any peaceful man would wish. On the Indian side, at least, the variables are those of political psychology—the psychology of politicians, of the public, and of the two interacting—and therefore are inherently unstable. Much will depend on the avoidance of triggering events. Much will depend, short of the contrivance of a solution itself, on the climate of international concern and support that the Indian leaders perceive during the months immediately ahead and can project to parliament and to the public.

In our breakfast seminar, however, we proceeded to the prospects, within some short period, for the genuine achievement of a political solution.

9. On this subject—on what can be done from outside quickly to arrange an end to the terror and a sufficient measure of self-determination in East Bengal to satisfy the residents and begin to attract home the refugees—I found the Indians, non-official and official and whether breakfasting or in their offices, unrealistic. Barring a spontaneous change of mind and heart on the part of President Yahya Khan and his principal military advisers, there would appear to be only three (non-mutually exclusive) alternatives.

First, the West Pakistan government, and with it its policies, could be changed from within. Some Indians are doing a lot of wishful thinking on this score. They are piecing together fragments of news and rumor about the unease of Pakistani professionals and businessmen with the policy of repression in West Bengal, reactions to the army's casualties in the east, irritations of the other West Pakistani provinces at Punjabi domination, and the second thoughts being entertained by the volatile Zulfikar Ali Bhutto, West Pakistan's recently most active civilian politician. Out of these scraps some of our Indian interviewees were constructing a picture of incipient turbulence. My impression is that they are way off in their timing. Certainly (witness the unseating of Ayub Khan in 1968) the West Pakistani middle classes do have a potential for incisive self-examination, human thought, and for effecting major political and policy changes. But from what one hears from official and private American reports and from third-country journalists now, West Pakistan is quiet. It is at the moment comparatively prosperous. There has been broad popular support for the preservation of the union objective. Information is tightly rationed and therefore there is little widespread knowledge of what has been going on in Bengal. And evidently there is a good deal of tranquilizing fear of the present military incumbents—potential dissidents are reported to be exercising great circumstances. It does not sound like a situation about to blow.

Second, the most widely shared Indian hope is that the Pakistani government can be forced by international economic pressures to change its policies in Bengal. All members of the Aid-Pakistan Consortium except the U.S. have declared their intention not to proceed with development loans until there has been some political resolution in the East. Thus far, as to fresh U.S. loans, the U.S. House of Representatives has sided with the other members of the Consortium against the Nixon Administration, and at this writing it seems likely that the Senate will follow suit. The Congress finds it hard to justify easing Yahya's foreign exchange position, and sees little in the record to support the Administration's counter theory—namely, that retention of the option to make new loans better maintains the opportunity for reasoning with and constructively influencing the Pakistan government. Hence all new development lending, except Chinese, to Islamabad may well remain in abeyance.

But this does not mean that the donors are about to force President Yahya into a change of political course. His foreign-exchange position will for some time be comparatively comfortable. First, the economic aid pipeline—the substantial residual of loans already made and not yet expended—is still running, for all donors including the U.S., and none is presently disposed to turn it off. Second, the disruption in East Pakistan has reduced the nation's imports destined for that wing more than it has cut East Bengal's jute and other exports—from which the Islamabad regime continues to reap the foreign exchange earnings. Third, West Pakistan's own export position is in good shape. It already was gaining before the civil war; it remains strong; and it is being augmented more by the partial diversion to other countries of western wing products previously supplied to East Pakistan than the import side of Islamabad's current account is rising as a result of having now to buy abroad commodities (mainly tea) previously obtained from the eastern wing. Fourth, the regime unilaterally has determined that the emergency entitles it to suspend principal and interest payments on its official foreign debt. Thus far it has exercised this self-created option with respect to about $60 million due foreign-government lenders including the United States. Not only has this thus far provoked no sanctions from donors in the form of aid pipeline suspensions; now Islamabad is trying to persuade the Aid-Pakistan Consortium to broaden and legalize this contribution to its resources by collectively accepting an enlarged volume of debt-service suspension. Finally, West Pakistani industries as a whole seem to have entered the emergency with exceptionally abundant stocks of imported supplies.

Quite clearly the position does not add up to the kind of economic stringency calculated to force a stubborn, let alone fanatic, government into political retreat. As a matter of fact, the country's foreign exchange reserves, which did suffer for a time after the East Bengal repression started, have been edging upward recently. Over time, the continued suspension of new development assistance can indeed force growing degrees of economic austerity upon the regime. And eventually such austerity may interact with other sources of ferment to promote political change. But the degree of economic squeeze now in prospect—and no more radical forms of economic sanction, I should think, have been discussed—offers no quick-acting solution.

The third, and ultimate, hope of the Indians is that the great powers can and will jointly exert enough direct political pressure on Pakistan to cause that government to reverse course in Bengal. Presumably this would require the close concert of some tough persuasion by the U.S., the U.S.S.R., and China. Personally, I find this concept a little mind-boggling. For one thing, it is hard to figure what China, with its well-entrenched antipathy toward India and its presently propitious double-track option vis-a-vis Pakistan (on the one hand, wholly correct maintenance of close government-to-government relations with the national regime, on the other hand, the opportunity to encourage the shifting of the eastern insurgency into more extremist hands) would have to gain from assisting the establishment of a stabilizing constitutionally bent autonomous regime in East Bengal that would be oriented toward the promotion of mutually beneficial relations with India and keeping its guard up against Maoists. However, I do not mean to deprecate these very heady possibilities out of hand. They could become vitally important, and, who knows? Maybe something along these lines gradually can happen, whether beginning with Mr. Nixon's Peking visit, or otherwise. But one does feel confident in guessing that nothing of the kind is likely to occur, or at least be brought to fruition, in the next few months.

Thus, as indicated at the outset, I emerged not only from our talkative first morning-in-Delhi breakfast, but from the whole trip with the conclusion that there are no answers to the Bangla Desh mess that are both good and quick. The eventual achievement of viable arrangements in East Bengal may, before it is finished, owe something to all of the possibilities just reviewed. It will also, no doubt, owe much to the skill and persistence of the insurgency in the province itself. But however the eventual solution comes, it is likely to take a good deal of time. Moreover, as we have seen, this very passage of time will pose substantial dangers. But the alternative of war probably would be worse for India, and in all probability, for the rest of us.

What is urgently needed, therefore—and the most that at this point that can be confidently recommended—is some effective temporizing with the situation. The short-of-war condition must be kept tenable. A pattern of relief that is reconciled with the insurgency must be worked out for East Bengal itself. Mrs. Gandhi must be helped to buy more time and to avoid the derailment of the Indian development effort. Pressures must be allowed to accumulate on the Yahya Khan government. And meanwhile the people of East Bengal, as well as the people of India who are bearing the direct brunt of the refugee problem, must be assured that the world community, while not overreaching what it can effectively accomplish, is arranged on the side of elementary justice.

Although outsiders cannot suddenly pull an ultimate solution out of a hat, they can assist a good deal with this kind of intervening agenda. However, any such approach plainly would require willing, pivotal participation by the United States. Therefore, since official Indo-American relations appear to be in such a parlous condition presently, let me first report on that subject before trying to summarize the kinds of temporizing steps that seem to be required.

Point one is that those American journalists who have been reporting the U.S. Government's stock in India at an all-time low have in no wise been exaggerating. Certainly at no earlier point in my own dozen years of off and on observation have I seen the like of it. Moreover, the profound unhappiness with the Nixon Administration is not confined to official circles, or to those anti-American interests and media that are longstanding parts of the Indian woodwork. Our three breakfast companions, each with extensive American associations and friendships, were vehement in their irritation. A number of the oldest and staunchest friends that the United States has had over the years have contributed shocked denunciations of American policy to the press in recent weeks—former Ambassador G. L. Mehta, who founded the Indo-American Societies of Bombay and Ahmedabad; J. J. Singh, who did business very successfully in New York for many years, was Gandhi's and Nehru's trusted emissary to F.D.R. during World II, and must have been one of the founders of the Indo-American Society in Delhi; Jaya Prakash Narayan, the distinguished neo-Gandhian leader. Indian businessmen, publicists, professionals, academics all are incensed; the feeling cuts across economic and party lines; the bitterness is widespread.

Point two, however, is that the provocations producing almost all of this bad feeling have been fairly recent and quite specific. Overwhelmingly the greatest has been the refusal of the Administration, once the failure to stop the run-out of the military aid pipelines to Pakistan was discovered and reported in June, to turn it off. This has utterly inflamed the Indians. They know perfectly well that U.S. military aid shipments to both India and Pakistan—even those already afloat—were stopped in their tracks in 1965. Thus they know the same could have been done this time, and the deliberate decision, in the face of the Pakistani performance in East Bengal, not to do so sends them up the wall. They are aggravated also, but far less violently, by the United States' dissent in principle (as we shall be noting, its practice has not been different from that of other members) from the Pakistan Consortium's decision to suspend fresh development loans to Islamabad.

Most recently the Indians have been vastly irritated by the U.S.-inspired U.S. effort to station observers of the refugee flow symmetrically in India and East Pakistan. If there is anything guaranteed to trigger Indian sensitivities, it is the habit that third parties have of according a tweedle-dee-tweedle-dum treatment to themselves and their neighbor. They have long felt that their size (more than four times Pakistan's) plus the continuity of their constitutional and secular traditions warrants a differentiation. But now to be bracketed with a regime that, they feel, stands convicted of genocide is abhorrent. "This is the same old pernicious game of equating India and Pakistan," writes J. J. Singh. "When hundreds of foreigners belonging to so many different nations have been going to the refugee camps unhindered for the last four months and have freely reported conditions existing there and what the refugees want and hope for, it is sheer impertinence on the part of the U.S.A. and the U.N.—goaded by the U.S.A.—to want to station U.N observers on Indian soil."

Point three places a further constraint on the picture of total collapse of Indo-America relations that one might derive from reading only *New York Times* headlines. The present animus is focused quite narrowly on the U.S. Government, as distinct from the United States or Americans generally. More specifically, it is concentrated on the White House—on Henry Kissinger and on the President himself. An infrastructure of Indo-American goodwill has accumulated over the years, one that is far less the result of American material inputs than of the convergence of the fundamentals of the two countries' respective political philosophies and the strange affinity that a great many Indians and Americans have had for each other. That this infrastructure remains largely unimpaired would be quickly apparent to any old India hand returning to Delhi these days. Personal relations between Indians and Americans, including those between officials, are not disturbed. Embassy and AID officers are going about their business as usual. The pervasive interest in American life, affairs, and publications is unchanged. Just as many Indians are interested in visiting and studying in the States.

All of this could be detected by any knowledgeable visitor currently. Our party had the additional evidence of the response to Kennedy. This was remarkably warm and in good part spontaneous. No doubt it was partly a tribute to his family. And part was a tribute won on the spot. The Senator's concern about what he had seen in the border country was transparent. He came across as a man of compassion and poise; his talk was candid yet restrained. And he was amazingly good at rising to occasions as required—within the space of one particular hour, for example, negotiating a wholly (to us) unannounced, but elaborately laid on, press conference with aplomb, and then, when a scheduled 'reception by a few parliamentarians" turned into a formal speech-making situation before 500 members of the two Houses assembled in the Central Hall of the Parliament, ad-libbing a graceful, enthusiastically received talk wherein he nevertheless managed to avoid engaging in the criticisms of his government that he wished to reserve for his return home. So Kennedy was impressive as a subject. But he also plainly was seized as an object. In part, of course, the Indians saw him as a possible agent for changing American policy. But more than that he simply provided an occasion for an outpouring of a rather large supply of vintage goodwill toward the United States that had been bottled up by recent events.

I am aware that this last bit of the record, if this report should reach the White House, is unlikely at first blush to be welcomed there. News that the Indians are angry at Richard Nixon but have lionized Ted Kennedy would not be calculated ordinarily to win them fresh consideration from the President or his staff. I earnestly hope, however, that the report may be read more for what it signifies about Indian attitudes toward the United States than about personalities. So considered, it provides further basis for what should be point four in this sequence: namely, that the Nixon Administration has it within its power rather quickly to reverse its popularity index in India and that this would be a good thing—not just from the viewpoint of overseas public relations (which, after all, are not the principal object of foreign policy) but in terms of our national interest.

Unless I am quite mistaken, the Administration's present difficulties in the subcontinent are more the result of bad luck than grand design. In part they might have happened to any administration. Take the equating of India and Pakistan—this is not new to this Administration; it happened time and again in the Kennedy and Johnson White Houses before it; but once one is alerted to the point and understands the Indian reaction (whether or not approvingly) this particular aggravation can be largely avoided.

Or take the overwhelmingly most exacerbating factor, the continuing arms shipments to Pakistan. The most striking feature of this whole episode is the trivial scale of the total value of commodities at issue—apparently no more than a few millions of dollars when the remaining dribble of the pipeline was discovered and, at this writing, one gathers, only something like 2–4 million dollars worth. One can argue, of course, that if the Indians had kept their sense of proportion they couldn't have gotten so excited about so little. But the point cuts at least as well in the opposite direction: Never before, perhaps, has the United States sacrificed so much of the goodwill of a friendly major country for so small a consideration.

My guess is that the U.S. posture on continuing arms flow was established by a conjunction of accidents. First, there was an ordinary garden-variety goof in the bureaucracy: the State Department and White House probably did not know when the cessation of arms aid was announced in April that someone down in the middle echelons of the Pentagon was still contemplating the performance of certain contracts for which title already had been transferred but whose commodities still were in this country and subject to physical blocking. Next, when this confusion surfaced, negotiations with the Pakistanis already were well advanced for the use of Islamabad as the launching pad for Henry Kissinger's secret trip to Peking. But by this point I would also guess (and since attempts to confirm this within the Administration would be quite indiscreet, I have made none) that a further unprogrammed factor had entered: the Pentagon Papers. This supplies the answer to the question that irritated critics of the launching-pad thesis have raised: What was so special about Islamabad as a point of departure? If the Pakistanis would have reacted badly to a blocking of the pipeline dribble, why couldn't Mr. Kissinger have been rerouted from Hong Kong or elsewhere? The point was, I bet, that Islamabad was by now in on the secret; post-Pentagon-Papers, the one thing of which the White House was determined was that there would be no leak. The absolute security of this exercise would be preserved until the President was ready, in his own time, to announce it, as he so effectively did from Los Angeles on July 15.

So much, according to this hypothesis, for the conjunction of accidents that locked the White House into its refusal to stop the dribble. In my own estimate, all of this was simply human, not reprehensible. In itself—if something like this is indeed what happened in the heat of the moment—it proves nothing about misplaced priorities. Other White Houses of recent memory have been just as inclined to become consumed with a particular project and certainly to be as fanatic about the avoidance of leaks. And the stakes, at least for the Administration, probably for us all, in getting the China project off on the right foot were high.

But then at this stage, according to this reconstruction of events, a standard institutional charactertistic of the American governmental system took over. We have, around any modern President, concentric circles of staff personnel whose occupational commitment is to the doctrine of Presidential infallibility. Left to their own devices, they will invariably produce explanations that relieve the President from error or poor judgment. In this instance the infallibility machinery has cranked out, mostly ex post, a great deal of rationale that justifies the arms aid decision in broad geo-political terms and disguises its circumstantial origins.

There is some plausibility in the geo-political case that the Administration's recent behavior vis-a-vis Pakistan and Bangla Desh reflects a systematic reordering of area priorities. George Verghese, the New Delhi editor, for example, points to the brief passage on South Asia in the President's latest annual foreign policy report that says that South Asia is an area of primary interest to the Soviet Union and China—and, by implication, not to the United States. "In our part of the world," he says, "you are much more concerned with West Asia and the Middle East. West Pakistan has a role vis-a-vis the Middle East. East Pakistan has none. Therefore, in a contest between West and East, your geopolitical interest dictates opting for Islamabad."

But surely this kind of grand gaming can be overdone. Nothing on the record really suggests that the White House does not recognize the following propositions: First, the populations of Indian and East Bengal together are almost as large as China. Second, although we propose henceforward to eschew egregious, especially military, interventionism, the continued success of these people in improving their lot and transforming their societies by largely nonviolent and, in the Indian case, constitutional-democratic means, remains a matter of lively self-interest to the United States. Third, in a context that has been radically altered, e.g., by the East Bengal repression, maintenance of an existing policy, e.g., arms to West Pakistan, can be the most inflammatory kind of intervention. Finally, to be arrayed, along with China, as the principal apologist for a supporter of a regime that willfully undertakes and persists in one of the bloodiest repressions in recent history is not particularly helpful to the general conduct of one's foreign policy.

I am also reluctant to accept the gossip which says that the mysteries of the Administration's South Asian policies all stem from the fact that the occupants of the White House find Indians as a class personally irritating, whereas bluff, direct Punjabi soldiers are fellows whom they can understand. I am not skeptical about the fact of the irritation. (Exactly the same personal chemistry as between Indian and Pakistani officials has been attributed to various leaders of previous administration. It is a fact that many Indians do tend to irritate many Americans, just as others of us have a particular affinity for them. As I shall be saying, however, judging from one narrow piece of personal evidence, I am a bit surprised to hear the President himself singled out as belonging strongly to the former group.) But what is dismaying is the idea that the Administration would let such personal harmonics swamp its calculus of a rational, self-interested foreign policy. I happen not to be a partisan of the President's, but I have been impressed by the degree to which the Administration's self-image is that of a systematic operation coolly and logically in pursuit of its conception of the national interest.

Four years ago, at least, when Mr. Nixon came through Delhi, and when (which I attest somewhat ruefully, as a partisan) he proved to be about the most alert, perceptive VIP I briefed in five years, he certainly understood the size of India and the thrust and importance of its development effort together with its peculiar commitment to a constitutional-democratic mode of change. He visited amiably and incisively with the leaders of the Indian government without any signs of incapacitating distate. It is hard to believe that any accumulation of personal likes and/or dislikes meanwhile could have upended the considerable importance he seemed to attach to South Asia at that time.

In one respect one's hopes certainly are well grounded: This is a President who has abundantly demonstrated his capacity for cutting his losses and moving ahead. As noted, the Presidential infallibility machine is in no sense an invention of this Administration. But one fact also persists: Only the President can turn it off. In the case of economic policy Mr. Nixon recently has done so—and with precious little ex-post agonizing over the break with the past. It is time, on a much smaller scale, for such a break on South Asia policy.

Actually, the big components of the policy do not require turn-about change, although some need to be emboldened. The Administration already is embarked on a major relief effort for East Bengal. In fact, it has not been making fresh development loans to Pakistan, but has divided from the rest of the Consortium over semantics: It has wanted to retain its option to do so. But in any event Congress appears likely to take that matter out of its hands; the Administration should acquiesce without further argument, and in process, swallow its semantics. It already has begun to provide special assistance to India in support of refugee costs. Here the sights need radically to be raised, but tentative thinking in this direction also has been shaping within the Administration. So the big policy pieces may already be lining up.

But what is also needed in this case is a change of cosmetics, of style. We must while maintaining the dialogue toughen our approach to the Yahya regime. In particular, the rest of the arms-aid trickle must be turned off—publicly and emphatically. This will be a rough message to deliver (without doubt our Islamabad Embassy will remonstrate to high heaven) but not a great deal tougher, presumably, than the world which, in connection with our new China policy, had to be conveyed to the government in Taiwan—which, recently, at least, had done must less to earn the bad news.

The putting of this new face on the constructive substance that our policy toward the South Asian emergency already is evolving would not assure that Mr. Nixon instantly would skyrocket to the top of the Indian popularity charts. But this would not be the purpose. The back of the present bitterness would be broken. In the eyes of Indians and others the apparent cynacism of American policy would be ended. And—what is most vital at this juncture—the hardiness of the Gandhi Government's commitment to a non-war course would be strengthened.

11. In the last few paragraphs I have digressed from New Delhi to Washington. The actual transit of the Kennedy party from India back to the States began almost exactly a week after our arrival in Calcutta. The two traditional Pan American round-the-world flights, Nos. 1 and 2, cross in the early morning hours in Delhi. The Senator took flight No. 2 east to friends in Honolulu. De Haan, Tinker, and I boarded the flight No. 1, they for Beirut whence they would proceed to visit some Palestinian refugee camps in behalf of their Sub-Committee, I to fly through to New York. Scrimshaw had now gone ahead the evening before to report his observations to WHO and UNESCO groups in Geneva with which he is associated.

Pan Am 1, which U.S. Government personnel stationed in Delhi know well because they have been required for some years to ride it rather than foreign carriers for balance of payment reasons, is something of a milk run. It puts down at Karachi, Beirut, and Istanbul, before going on to Frankfort and London. And this punctuation together with the race with the sun which streches out the day results in a whole series of breakfasts, the first on the leg out of Delhi, a second out of Karachi, and a third, by then accompanied with beer and wine for the repeaters, out of Beirut. Over this sequence of breakfasts (for some reason breakfasts figure heavily in this piece) I tried to think through what the composite content of an adequate "temporizing" program for contending with the Bangla Desh emergency might be. What collection of steps by outsiders would serve best to meet the running costs of the tragedy in East Bengal and help India to avoid war while the elusive, longer-term political solution was somehow working itself out? What I came up with, not greatly altered since, was the following:

First, every effort must be made to forestall events that would trigger such a wave of emotion or despair in Indian as to swamp the Gandhi government's anti-war resolve. One of these could be hard news of the demise of Sheik Mujibur Rahman. If there are any feasible further steps that the United States or any other external party can take to help protect the Sheik, they should be taken forthwith. Another almost sure-fire trigger would be a new surge of refugees—a sharp acceleration in the rate of influx reflecting some new or increased disturbance within East Bengal.

The latter point immediately ties into what I thought of as the second component of an interim policy, namely, adequate and appropriate relief assistance for East Bengal. For the likeliest cause of a new wave—apart from the continuing efforts of the Pakistan Army to evict Hindus—would be an East Bengal famine. There is grave danger of such a famine in the next few months. But probably it can be avoided with a little luck as to the province's rice crop (evidently the outlook has improved marginally in recent weeks), a substantial amount of relief assistance, and some measure of recovery in or replacement of the food transport and distribution system. The latter has been radically disrupted by the civil war.

The relief assistance, as noted earlier, can largely take commodity form. I am not closely informed about issues involving the needed scale of such aid, the breadth of donor representation, or the organization of the supply via the U.N. High Commissioner for Refugees. However, one can be sure such matters will be getting expert attention, thanks to the assignment of Maurice J. Williams, one of the ablest foreign aid administrators the U.S. produced during the sixties and now Deputy Administrator of the Agency for International Development, to take personal charge of the American input into the East Pakistan relief effort.

What is extremely problematical is the interaction between relief assistance and the insurgency once commodities reach Bengal. This subject our traveling party probed rather insistently both with the Bangla Desh provisional government leaders we met in Calcutta and the roomful of intellectuals in Tripura. We got no sure answers. They acknowledged, of course, their concern over the plight of their fellow countrymen back in East Bengal. They recognized also that the international community would be apt to take a dim view of their busting up food trains carrying internationally supplied relief. But they also are full of the fear that the relief (they favor its provision in the least fungible commodity form) will be diverted by the military authorities, to first, to soldiers, second, to collaborators. They may even accept the counter argument—namely, that any distribution system is somewhat venal and inefficient and that even if the factors they fear reduce the efficiency of this system to as little as 50%, the remaining half of the supplies that do get through to their brethren for which they were intended will be far better than nothing. But then they are left with the proposition that it is the business of guerrillas to blow bridges. And when you blow a bridge to prevent your enemy's movement of troops or materiel, you cannot put it back for the next food train.

The question of the status of the 153 U.N. Observers whom the West Pakistan authorities have accepted to participate in relief distribution is a particularly stick one. J. J. Singh, in the communication quoted earlier, and Alice Thorner, an American Paris based economist recently resident in Dacca, writing to the *New York Times,* say that these "Blue Berets" can expect to be shot for consorting with the military regime. On the other hand, the provisional government leaders themselves told us they urgently wanted "international supervision" of the relief supplies. No one I know has yet figured out how to persuade the Pakistani military, while it remains in physical control of East Bengal, literally to stand aside from the relief goods distribution. At least the injection of 153 U.N. personnel sounds like a start toward the establishment of a monitoring system that can have some credibility for outsiders and even for the insurgents.

The short of all this is that the admixture of relief and insurgency is one more problem out of the Bangla Desh set to which there is no neat answer. The best that can be hoped for is a two-sided struggle to keep the situation viable. On the one hand, the Awami League leaders should exercise all possible restraint and selectivity vis-a-vis relief supplies and operations—and it behooves the Government of India, particularly if it would avoid the further refugee influx that could be triggered by a collapse of food distribution in East Bengal, to use all of its considerable influence with the Bangla Desh leaders and their Mukti Mahine forces to this end.

On the other hand, the international relief agents must recognize that there is indeed a civil war going on; that the insurgency, if I may use a curious term, is legitimate; and that, indeed, the sooner it prevails, as almost surely it eventually must, the better off most everybody will be. The reliefers, accordingly, must expect and accept the blown bridges—and try to improvise around them in relief-differentiated forms. They must not be too distressed if some of their supplies are captured by insurgents; the supplies might in that event be distributed rather efficiently. And while it is to be hoped and prayed that the insurgents will unexceptionally spare the "blue berets," even an occasional casualty of this sort should not send the relief agencies or their governments into a panic of recriminations.

The third component of an interim program, as I thought about it between breakfasts, consists of those steps, already discussed in connection with the needed shift in U.S. policy, which, on the one hand would place increasing pressure on the Yahya regime and, on the other, would afford political reassurance to New Delhi: the continued suspension of development lending to Pakistan and, more particularly, the cut-off of the remaining arms shipments.

The final component is the most expensive, and, for those, like myself, who see the obstruction the emergency has raised to India's new development momentum as the most calamitous, if least obvious, of all of its costs, it is the most important. There is urgent need for special, additive, quick-flowing cash or near-cash assistance on the scale already discussed. This will require a virtuoso money-raising effort primarily addressed to the same governments—and, for that matter, to the same family of World Bank financial institutions—that now compose the Aid-India Consortium. Clearly, if the effort is to succeed, the U.S. Government must give it the strongest support and provide the largest fraction, say 40–50% of the total funding. One possibility, therefore, would be to keep the special assistance a wholly ad hoc, ex-Consortium exercise, and for the U.S. to take the lead in trying to raise contributions from other donors in much the same way that Under Secretary of State Eugene Rostow made tour of world capitals twisting arms in behalf of special food aid for India in 1967. My own hunch, however, was that in this case it would be better fully to incorporate the special assistance as a Consortium exercise and let the Bank, albeit reinformed by whatever distinguished, special purpose supporting cast it chose to recruit, bear the brunt of the chairing and money-raising.

At just about this point in our journey some evidence that seemed strongly to support this last estimate came to hand. The August 17 edition of the Paris *Herald-Tribune* came aboard the aircraft carrying the full text of the President's economic speech of the preceding Sunday evening. As I read the latter, the vision of any U.S. Government representative just now traveling to the likes of Tokyo and Bonn for large sums of money for India became less and less credible. But someone must make that trip. One can only hope that the Bank will take it on. If it demurs that its business is exclusively development and that this refugee-related assistance would muddy its mission, the answer already has been given: the near-term future of the Indian development effort depends on nothing else nearly so critically as it does on the degree and speed with which the Government can be relieved of the financal burden imposed by the refugees. Supervision of commodity relief for East Bengal probably would not be an appropriate assignment for the Bank; leading the provision of cash relief to India is:

12. Any friend of sanity in the subcontinent, I would argue, must seek urgently to implement an interim program along some such lines as those just indicated. On the hopeful assumption that something approximating this may indeed be forthcoming, let me finally aim a word back at our friends in India. I have great respect for the thesis that all of the refugees should return to East Bengal. It is right that they should; it will be the best signal of a sound political outcome if they do; it could imperil the communal stability of the subcontinent if they do not; and if most of them do not leave, it will place a grevious additional burden on West Bengal, which that state is ill equipped to handle.

Nevertheless, one essential premise for responsible interim planning is that a substantial portion of the refugees will in fact not leave any time soon. And with respect to this contingency, the hypothesis that, judging from past experience, there is something peculiar about Bengali refugees that makes them turn into political extremists is really not very helpful. A more realistic hypothesis would be that it is the system rather than the refugees that has been at fault. For the past generation both rural and urban West Bengal has provided a grossly inadequate economic and political environment for its least advantaged classes. A high percentage of the past refugees have become alienated from the system simply because a high percentage of them have been economic and social tag-enders. Grinding, discriminatory poverty, not migration, has been the culprit, and what should be in advanced planning now is a massive, locally rooted anti-poverty program for West Bengal strong enough to benefit both its old and new neediest residents.

If a sizable fraction of the refugees do wind up staying in India, it would be fatuous as well as callous for the rest of the world to shrug this off as constituting only a very small percentage increment in the vast Indian population. In fact, the burden would be enormous: it would effectively impinge almost entirely on West Bengal, where, say, 5 million lingering refugees would mean a 12% population increment; and one thing that has not been restraining Indian development is a general shortage of manpower, most particularly in Bengal. Thus permanent residence for the refugees clearly would create for India a just claim on the rest of the world for extra development assistance to help create jobs for the unwanted immigrants. This should be in addition to the special assistance with current refugee costs that has been emphasized in this piece. But the contingency also is one with which the Indians themselves should be prepared to contend.

Indian policy makers and administrators are sick and tired of the string of misfortunes that for the past ten years has kept deflecting their development effort and making it forever appear to the rest of the world as no better than a semi-ambulatory case. Once again they have been hit by a piece of bad luck—this time by a peculiarly complicated piece—that requires emergency therapy. But meanwhile the system, with all of its remarkable political sophistication for a mostly illiterate society, not only has survived; recently it has tended to thrive. One of these days, when the jinx lifts, it is likely to start delivering income and job benefits to the poor at a pace that will confound skeptics. There would be nothing wrong, by way of transition out of the present emergency, with making a head-start on that process in the state which, even before Bangla Desh, was the softest underbelly of the Indian policy.

COMMISSIONER URGES GAS REGULATION END

Mr. HANSEN. Mr. President, in spite of the claims of some consumer advocates, I believe it is—or should be—a well-established fact that the Nation is faced with a natural gas shortage.

The recent announcement by Washington Gas Light Co., that no new gas customers other than occupants of single-family dwellings could be accommodated is sobering news, indeed, but not unexpected by anyone who has followed the trend of events in the natural gas industry.

Since the Supreme Court decision of 1954 that led to the regulation of natural gas prices at the wellhead—the only major fuel under Federal price control—the handwriting has been on the wall.

Dr. Pinkney Walker, a member of the Federal Power Commission and a professional economist, said in a recent address that studies he has undertaken indicate that regulation of producers has not achieved socially or economically desirable results and is not sound public policy.

Commissioner Walker pointed to relationship between prices and discovery-and-development effort. During the period between 1946 and 1961 the average wellhead price of gas increased from 5.3 cents per M c.f to 15.1 cents. During that time the number of gas wells drilled increased 56 percent and gas well footage drilled increased 147 percent.

However, between 1961 and 1970, the average wellhead prices of gas increased only from 15.1 cents per M c.f to 17.4

cents. During this latter period there was a 41-percent decrease in gas wells drilled and a 32-percent decrease in gas footage drilled.

So, in spite of all the rhetoric as to what, or who, has caused the problem, we are faced with the fact of declining reserves while we continue to use more and more of this cleanest and most convenient of all fuels.

In his address at Houston to the National Association of Business Economists' seminar, Dr. Walker said he did not agree, despite its seriousness, with those who think the current gas problem is insoluble. And he did offer some specific suggestions on how we go about solving the problem.

First, he said, investments in energy in general and gas in particular must be made more attractive.

Mr. President, I know that other Senators are as much concerned with the gas shortage and the energy problem as I am.

In order that they, too, may have the benefit of Dr. Walker's study and recommendations for a solution to the gas shortage, I ask unanimous consent that a Wall Street Journal article about his address in Houston and the text of his speech be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FPC COMMISSIONER URGES REGULATION END FOR GAS PRODUCERS— BUT PINKNEY WALKER SAYS MOVE SHOULDN'T BE COMPLETED DURING CURRENT NATURAL-GAS SHORTAGE

(By a Wall Street Journal staff reporter)

WASHINGTON.—Federal Power Commissioner Pinkney Walker resurrected a touchy agency issue by suggesting that the FPC end its 17-year-long regulation of natural-gas producers.

The commissioner, however, said that deregulation shouldn't be completed during the current natural-gas shortage.

Mr. Walker, who joined the five-member commission in May, said studies he has undertaken indicate that regulation of producers "hasn't achieved socially or economically desirable results" and isn't "sound public policy."

The commission since 1954 has regulated the prices producers charge pipeline companies for natural gas extracted from the ground, or the wellhead as it's called.

"My tentative findings suggest that the market for natural gas at the wellhead is substantially more competitive than the markets for a great many products which we have wisely decided not to regulate," Mr. Walker told a seminar of the National Association of Business Economists in Houston. The text of his speech was made available in Washington.

Mr. Walker said that in every natural-gas market there was more market concentration on the part of the buyers of interstate gas—the major pipelines—than there was on the part of the sellers—the major producers.

The commissioner said that if his studies support preliminary findings, he will urge the commission to "proceed immediately" to develop a "properly transitioned program" to decontrol wellhead gas prices.

The only previous commissioner who seriously suggested deregulation of producers was Carl E. Bagge, whom Mr. Walker succeeded. The other commissioners have opposed deregulation of producers. However, some commissioners, including Chairman John Nassikas, have said they favor a "sanctity of contract" requirement. Under such a contract, the FPC couldn't alter a sales agreement between a producer and a pipeline once it was signed. Currently, the commission can approve natural-gas prices between a producer and a pipeline and later change them if it wishes.

A NEW LOOK AT NATURAL GAS

(An address by Dr. Pinkney Walker, Commissioner, Federal Power Commission)

I think it is quite appropriate for a member of the Federal Power Commission to participate in your seminar on "A New Look at U.S. Energy". During the past two years or so the Commission has been going through a painful reappraisal of the natural gas situation. The objective of this reappraisal is to develop a "new look" at natural gas and to determine what are the appropriate regulatory policies and actions for this "new look".

The crux of the natural gas problem, as well as for most other energy forms, is a shortage of reliable domestic supplies. This shortage has in turn led to increased prices, increased imports and limited—at least limited at this time—rationing. These conditions are not kindly received nor easily understood by a nation which has been accustomed to plentiful supplies of domestic energy at relatively inexpensive prices.

Most of you are fully aware of the seriousness of the natural gas situation. But for the sake of perspective, I would like to cite very briefly a few facts. In 1946 the United States had a 32.6 year reserve of natural gas. By 1960 our proven reserves had declined to a 20.2 year supply and by 1970 they had fallen to an 11.9 year supply (excluding Alaska). From 1968 to 1970 consumption of natural gas nationwide was almost twice the amount of new gas reserves found and the gap was widening as the decade ended. The FPC Form 15 data show consumption of gas by interstate customers exceeding additions of new reserves by 3.1 trillion cubic feet in 1968, 7.4 trillion cubic feet in 1969 and 17.4 trillion cubic feet in 1970. As a result, some pipelines have already had to curtail their firm contracts, including a 12.5 percent across the board reduction of service in one recent case, and other pipelines expect to be forced to curtail service in the not too distant future.

This is not a very pretty picture. What were once thought to be unlimited supplies of natural gas at stable or even declining prices are now viewed by some as being inadequate at any reasonable array of prices. It is indeed ironic that our growing awareness of the gas supply problem has occurred almost simultaneously with our concern over the environment and, thus, at the very time when the clean burning characteristics of gas are so much in demand. Having realized the premium value of natural gas, there are now serious doubts about its availability.

The gas shortage has created a great deal of rhetoric as to what or who caused the problem. Although these discussions are interesting and provocative, I prefer not to dwell on them this morning. As a professional economist though, I lean toward an economic explanation of the problem. As Paul McCracken said in a speech here in Houston earlier this year when discussing the gas situation, "If prices are held below the market-clearing level, three results are almost inevitable. Discovery and development will be retarded. Demand will be encouraged where economic considerations would point to the use of alternative fuels. And to the extent that unmet demands must turn to other fuels, their prices will tend to be forced upward."

Dr. McCracken's observation concerning the relationship between prices and the discovery and development effort can be easily demonstrated. Between 1946 and 1961 the average wellhead price of natural gas increased from 5.3¢ per Mcf to 15.1¢ per Mcf. During that same period of time, the number of gas wells drilled increased 56 percent and the gas well footage drilled increased 157 percent. Between 1961 and 1970, however, the average wellhead prices of gas increased much less—from 15.1¢ per Mcf to 17.4¢ per Mcf. Associated with this more modest increase in prices was a 41 percent decrease in gas wells drilled and a 32 percent decrease in gas well footage drilled.

Despite its seriousness, I do not agree with those who think that the current gas problem is impossible of solution. My optimism—cautious though it may be—is founded on two considerations. First, granting that there is only a finite supply of fossil fuels, most data indicate that we are nowhere near the limits of that finite supply. In the case of natural gas, the Potential Gas Committee estimates potential gas reserves in the United States, including Alaska, at 1,178 trillion cubic feet. If this estimate is accurate, our potential reserves are about four and one-half times current proven reserves and more than fifty times total U.S. gas production in 1970.

The second reason for my cautious optimism is the inherent resiliency of the U.S. economy. It is indeed amazing to me that our market system is always able to bounce back from the most adverse conditions. We abuse it, we malign it, we interfere with it, but no matter how we treat it, it continues to expand and to provide us with an ever improving material standard of living. I have always wondered how much better it could perform if we had a little less active intervention and a little more benign neglect, to use a political adage of the day. I am confident that if the proper political and economic environment is created the market system will respond appropriately to the present energy situation and effect the necessary solutions.

I suppose my cautious optimism requires me to offer some specific suggestions on how we go about the job before us. In the case of natural gas, we must begin by acknowledging that the current shortages are just as much a matter of excessive demand for the commodity as it is of inadequate supply. As we move, toward a better supply and demand balance for natural gas, it will be necessary not only to stimulate supply but also to inhibit and possibly redirect demand.

Our objectives can be achieved by two parallel and mutually re-enforcing policy directions. First, investments in energy in general and gas in particular must be made more attractive. In our economic and political system the decision to invest or to not invest is a voluntarily matter and is made on the basis of which investment alternatives are most attractive. In the context of the gas supply problem, this means that producers, pipelines and others cannot be expected to invest in gas exploration and development and in the facilities that are required for transmission and distribution if the expected return on investment is less attractive, all things considered, than the return from alternative investment opportunities.

I should hasten to add that when I speak of making investments in the gas industry as attractive as other investment alternatives, I am not speaking of price alone. Obviously, prices are an important determinant and higher prices increase the anticipated investment return. But many other factors—the degree of risk and uncertainty, expectations concerning the regulatory climate, the costs associated with the regulatory process—these factors and others are weighed in the scales along with price when a decision whether to invest is being considered. Any proposal that would reduce such barriers to investment deserves our serious consideration. It was for this reason that I supported and still support the sanctity of contract provisions and the overall objectives of the Murphy Bill.

Second, we must make the consumption of energy in general and natural gas in particular less attractive. Stated differently, we must create incentives for conserving and using efficiently our remaining energy reserves and disincentives for utilizing these reserves recklessly or inefficiently. In the case of natural gas, the Federal Power Commission can work toward this objective in two alternative ways. First, we can determine administratively who should get the gas and perhaps how much each class of customers or geographical region should get. In other words, we could ration the existing and limited supplies of natural gas by administrative edict. The other alternative is to work toward an array of prices and rate designs which automatically perform the rationing function and which assure an economical and efficient allocation of this limited and premium resource.

There is a lot to be said for the latter approach. It allows the impersonal forces of the market place to determine who gets the gas and who does not. It forces the consumers of gas to make their decisions at the margin and to switch to alternative fuels where it is feasible and economically justifiable. It would encourage the conservation and efficient utilization of this premium fuel. Finally, it does not require arbitrary allocation decisions which may discriminate against some classes of customers and some geographical areas and in favor of others.

There are a number of ways in which the rate structure and rate design could be changed to achieve a more efficient and socially desirable allocation of natural gas. One approach with considerable merit is to modify the rate design so that industrial and commercial users of gas pay a price which represents the full economic value of this commodity. This could possibly be achieved by a reallocation of overhead expenses among the various classes of natural gas consumers. The ultimate objective would be to let the market system ration the existing scarce supplies of gas while at the same time preventing windfall profits. I would urge those of you in this audience who are most intimately affected to give this proposal careful consideration.

The final point that I would like to make this afternoon has to do with the deregulation of wellhead gas prices. I have initiated a number of studies on this subject. The preliminary evidence raises serious questions whether wellhead price regulation is sound public policy. The record of wellhead price regulation over the past decade and the current gas shortages provide substantial evidence that regulation of producers has not achieved socially or economically desirable results. In addition, my tentative findings suggest that the market for natural gas at the wellhead is substantially more competitive than the markets for a great many products which we have wisely decided not to regulate. The nationwide concentration ratio for the four largest natural gas producers, for example, is only slightly over 20 percent. By comparison, about half of the 1031 major manufacturing industries in this country have concentration ratios which are about double that amount. Furthermore, as one indication of entry and vertical mobility within the natural gas industry, between 1957 and 1969 only one producer of natural gas among the top ten at the beginning of the period maintained its rank throughout the period and five producers passed out of the rank of the top ten altogether.

Some of my studies also indicate that even when the regional buying and selling patterns of natural gas are considered, the degree of concentration does not justify wellhead price regulation. In the large South Louisiana market, for example, the largest producer controls about 11.4 percent of the interstate gas sold, the four largest producers control about 33.8 percent of the gas sold and the eight largest control about 54.9 percent of the total. Moreover, I found that in every market there was more market concentration on the part of the buyers of interstate gas—the major pipelines—than there was on the part of the sellers—the major producers.

Let me hasten to add that I am not so naive as to contend that in a time of serious shortage the pipelines could use this market power so as to effectively protect the public interest. In fact, I do not think it would be wise to move to complete decontrol during a period of supply shortage. The preliminary results of my studies indicate, however, that there are the basic ingredients for workable competition in the market for wellhead gas and that over the long pull the public interest would be better served if more and more of the prices and other conditions for wellhead gas were determined in the market place. If the final evidence supports these preliminary findings, we should proceed immediately to develop a properly transitioned program to decontrol wellhead gas prices.

Before concluding, I would like to point out that my suggestions as to how we go about solving the gas problem have related only to those general approaches available to the Federal Power Commission. Obviously, there are many other government agencies, federal as well as state and local, who will and must be involved. Some of the actions which require immediate attention are the possibility of even larger and faster offshore lease sells, the merits of a royalty system on the offshore leases versus the current bonus system, and swift resolution of the Alaskan pipeline situation. Also of considerable importance are the land use bills of the federal government and of the various states. We can only hope that these issues are appropriately and expeditiously resolved so that they do not further and perhaps inalterably aggravate an already serious energy situation.

Finally, I would leave you with one or two thoughts on what might be the repercussions for the energy industry of energy and gas shortages which are of a chronic and protracted nature. I am aware that there are those in industry and elsewhere who have concluded that the current energy shortages will prove beneficial for the industry over the long pull. The argument goes something like this. As the energy crisis becomes more severe and as more people and businesses experience hardship because of the crisis, public and political attitudes will become more sympathetic with the needs of the domestic energy industry. This in turn will lead to public actions and policies which are more in line with those desired by the domestic energy industry as being essential to its long term health and viability.

There may be a substantial element of truth in this line of thinking. But there also are substantial hazards involved. As many of you may know, there has already been speculation in the press that some industrial concerns may be closed during the coming winter because of gas shortages. Without conceding the accuracy of this speculation, let us assume for a moment that the situation could become even worse than has been indicated. Let us further assume that because of an abnormally severe winter, mechanical failures and other uncontrollable events, instead of limited closures of a few concerns, the shortages become so severe as to force a major portion of the industry in the Northeast or Upper Middlewest or elsewhere to shut down for an extended period of time. In other words, let us assume that a major segment of our economy is virtually stalled, with the resultant loss of jobs, payrolls and profits, because of inadequate energy.

Now I ask you to consider the possible political response to this hypothetical, but not totally unrealistic, situation. I do not know the answer. But is it not conceivable that the Federal government might decide that if the private sector cannot provide adequate and reliable supplies of energy perhaps the public sector should? Is it not conceivable that, in the emotional after shock of such a situation, the Federal government might decide to take control of large portions of the private energy industry in order to protect the public interest? Is it not conceivable that such a crisis would result in greater government control of the energy industry and less enlightened and less desirable government policies than currently exist?

What I am suggesting is that a sound program to solve the current energy problem is not likely to be forthcoming from the emotional atmosphere inherent in a crisis environment. For this reason alone, it is imperative that all of us move as expeditiously as possible to solve the energy problem before its very severity precludes a well thought out and economically rational solution.

Thank you.

STUDENT'S VIEW OF CANNIKIN

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to the statement released to the press by the National Student Leader's Task Force on Disarmament. It is a well-reasoned, constructive statement which indicates the concern of our young people for halting the arms race. This task force is made up of student body presidents across the country, assisted by the Student National Educational Association which has the largest paid student membership of any organization in the United States with over 80,000 members. The student leader members of this task force have carried on intensive research in the field of arms control, and their statement, I ask, Mr. President, unanimous consent to have printed in the Record, makes important points worthy of everyone's consideration.

Cannikin is over, but the long term effects are not. The best thing which can be done now is to have our Government take the initiative by calling for a comprehensive test ban treaty and publicly recognize the comparatively marginal value in strategic terms of continued underground testing. Cannikin should become the symbolic end of our testing program and the symbolic beginning of a new arms control program.

There being no objection, the statement was ordered to be printed in the Record, as follows:

National Student Leader's Task Force on Disarmament

We raise our voices today in the hope that the President will turn from his unwise decision to hold the nuclear blast "Cannikin" on Amchitka. This devastating blast wields a power that is 250 times as lethal as the Hiroshima bomb and is the largest yet detonated by the United States.

We are strongly opposed to this blast for the following six reasons:

1. Radioactive venting or leaking of radioactive substances is feared by many environmentalists. Nuclear blast "Long Shot" that was exploded on Amchitka in 1968 leaked radioactive Tridium into surrounding around water a full two months after the test. If this debris leaked out into the Bering Sea the 60 million dollar Alaskan fishing indus-

try would be in peril. The most important point to be made in terms of radioactive venting is that it violates the 1963 Test Ban Treaty, that is so important to international stability.

2. In 1968 the Ad Hoc Panel on the Safety of Underground Testing (prepared by the President's Office of Science and Technology) pointed out possible earthquake risks when dealing with blasts of the magnitude contemplated for Amchitka Island.

3. Tsunamis, or earthquake-induced tidal waves, are another fear. The Alaskan earthquake of 1964 induced a giant wave which killed many people and did much damage in Crescent City, California.

4. A little discussed risk is that of nerve gas leakage. It is thought that several thousand tons of war gas (mustard and Lewisite) were dumped off Amchitka and Shemya Islands after World War II. Could a quake disturb these dormant gases?

5. The SALT Talks may be nearing a crucial juncture where a ban on underground testing is achievable. To blast Cannikan would jeopardize these talks.

6. The argument for the blast for "national defense" is false for the following reasons.

a. The Cannikan blast is to test the Spartan warhead, which is used in the area defense part of the ABM system. The function of area defense has been changed under the new Safeguard system to silo defense.

b. The SALT Talks seem to be moving in the direction of a limited ABM which would restrict the ABM from defense of large geographical areas.

We conclude with the acknowledgement that the Cannikan test will help to further alienate the American people from their President. It also reaffirms the Administration's role as raper of the environment. We as a nation can only hope and work for the day when we have leaders who will restore Amchitka to its rightful status as Wildlife Refuge and thus bar all arms from handguns to city busting nuclear bombs on the island.

Submitted by: Michael A. Hackard, Student Body President, Sacramento State College; and Willis Edwards, Student Body President, California State College at Los Angeles.

UNSANITARY CONDITIONS IN POULTRY PLANTS

Mr. RIBICOFF. Mr. President, the GAO has today provided me their report on the results of their latest inspection of poultry plants. GAO investigators found that American families are buying and eating poultry that has been slaughtered and packaged in factories crowded with filth and refuse.

Some 68 plants were inspected, approximately 1 out of every 5 plants in the Nation. The plants inspected produced over a billion and a half pounds of poultry for American kitchens last year. Some have been inspected previously by the GAO and found unsanitary. Others were picked at random. All 68 were found deficient in various areas. The Department of Agriculture has agreed to supply me within 24 hours the names of these plants and a report on their present conditions.

The conditions in many of these plants are deeply disturbing. An official U.S. Government inspector described one plant as having areas that "gave the appearance of a cheap horror movie scene." Sanitation is described in this plant as "nonexistent." And yet these plants remain open and continue to process food for our table.

The agency responsible for inspection of poultry plants is the Consumer and Marketing Service of the Department of Agriculture. In September 1969, I released a GAO report that showed the failure of the Agriculture Department to assure decent standards in poultry plants. In June 1970, I released a GAO report that showed that the Department's sanitation standards for meat plants were being grossly ignored. Now, once again, evidence emerges that the food Americans eat comes out of unsanitary plants and slaughterhouses.

The GAO report concludes that the Department of Agriculture has failed to enforce its regulations. In one case, a local inspector recommended that a plant repeatedly found in violation of established standards be closed. He was overruled by another official in Washington. The plant stayed open. Another Agriculture Department inspector who had reported violations was threatened by the plant manager.

The GAO concluded that many of the sanitation deficiencies appeared to have existed over a long period of time. The GAO stated its opinion that—

> This situation is indicative of a lack of strong day-to-day enforcement by the agency's plant inspectors and a lack of effective supervisory review. Weaknesses in the agency's enforcement of sanitation standards may be widespread.

For several years I have been trying to find ways to prod our regulatory agencies into action. In addition to the questions I have tried to raise about unsanitary conditions in food plants, I have recently held hearings to look into the dangers raised by the addition of inadequately tested chemicals to our foods. I have also released reports on the inadequacy of Federal regulation of vaccines and on the lack of supervision over the use of experimental drugs on human subjects.

It is time for the American people to demand something better of the agencies that are supposed to be protecting our public health. It is time for agencies such as the Department of Agriculture to explain their repeated failures to enforce minimal standards of hygiene and cleanliness in food plants.

Perhaps we will need new legislation. Perhaps the regulatory structure that is not doing its job ought to be reorganized or abolished and new organizations created which will live up to their responsibilities to the public.

Early next year my Government Operations Subcommittee on Executive Reorganization and Government Research will hold hearings to look into the way the agencies that regulate food and drugs have been operating and what we ought to do about them. It is not only the Department of Agriculture that has failed its job, but many others as well.

Until we have agencies that enforce their standards, American consumers cannot be sure that their food is safe or pure, or even clean.

For too long we have tolerated totally unnecessary dangers to our health and safety. We are out of patience with bureaucratic excuses. We have heard too many of them already. If the people and the agencies we have now cannot do the job, we will have to find new people and new institutions that can.

I ask unanimous consent that the letter of the Comptroller General of the General Accounting Office to me relating to this report and the summary of the report be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., November 16, 1971.

Hon. ABRAHAM A. RIBICOFF,
Chairman, Subcommittee on Executive Reorganization and Government Research, Committee on Government Operations, U.S. Senate

DEAR MR. CHAIRMAN: Enclosed for the use of your Subcommittee is a copy of our report pointing out that the Consumer and Marketing Service's enforcement of Federal sanitation standards at poultry plants continues to be weak. The Consumer and Marketing Service is a constituent agency of the Department of Agriculture.

The report includes recommendations to the Secretary of Agriculture that (1) he reevaluate a recommendation made by Department of Agriculture consultants that the Department establish a separate agency for its consumer protection programs and (2) he explore other and more immediate avenues to improve and emphasize the importance of enforcing sanitation standards.

Because of the importance of proper enforcement of sanitation standards to the consumer, we are also suggesting in the report that, in connection with measures now before the Congress which bear either on the issue of consumer protection or on the food inspection programs of the Consumer and Marketing Service, the Congress consider the possibility of transferring the meat and poultry inspection functions of the Consumer and Marketing Service to a new or an existing department or agency where they could be combined with other consumer protection functions of the Government.

Comments of the Department of Agriculture on these matters have been obtained and are included in the report.

Regarding your interest in an identification of the plants we visited during our review, we understand that the Department of Agriculture will furnish the names of the plants at your request.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

CONSUMER AND MARKETING SERVICE'S ENFORCEMENT OF FEDERAL SANITATION STANDARDS AT POULTRY PLANTS CONTINUE TO BE WEAK

DIGEST: WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) made this follow-up review at poultry plants to determine whether the Consumer and Marketing Service had improved the enforcement of sanitation standards after GAO's earlier reviews. This review covered 68 federally inspected plants, including 17 of the 40 plants GAO covered in its prior review and 51 plants selected at random from five of the leading poultry slaughtering and processing States. The 68 plants accounted for about 19 percent of the 13 billion pounds of poultry slaughtered in the United States in calendar year 1970.

FINDINGS AND CONCLUSIONS: ENFORCEMENT OF SANITATION STANDARDS STILL WEAK

Following GAO's earlier reviews, the agency took some actions to improve the enforcement of sanitation standards, including:

Sending letters to its inspection program employees, including plant and supervisory inspectors, clearly outlining inspection objectives and sanitation procedures and assuring each employee full support for his efforts in enforcing sanitation standards.

Issuing revised procedures, forms, and instructions, including criteria for withholding or suspending inspection to assist inspectors in carrying out the agency's policies.

The actions taken by the agency have not been successful in achieving adequate enforcement at the plants GAO visited. For each of the 68 plants, supervisory inspectors, who accompanied GAO and evaluated each plant for compliance with the agency's standards, reported some deficiencies. The types and extent of the deficiencies, classified as either minor variations or unacceptable conditions, varied from plant to plant.

The evaluations showed that unacceptable conditions:

Continued to exist at most of the 17 plants covered in GAO's prior review. In many cases the conditions were similar to those previously noted.

Existed at most of the 51 randomly selected plants. At many of these plants, the conditions appeared to be of a long-standing nature and were similar to conditions noted at most of the 17 plants.

Four case studies illustrating the types of sanitation problems at the plants GAO visited are included on pages 19 through 39.

After most of GAO's fieldwork had been completed, the agency implemented a revised regulation providing criteria on the amount of moisture which may be absorbed and retained in poultry during processing. When the amount of moisture absorbed is determined to be above the specified limits, the inspector is to require that all poultry processed be held and drained to acceptable levels. Because of the timing of the regulation's implementation, GAO did not determine how well it was being implemented.

CONCLUSIONS

Many of the sanitation deficiencies appeared to have existed over a long period. In GAO's opinion, this situation is indicative of a lack of strong, day-to-day enforcement by the agency's plant inspectors and a lack of effective supervisory review. Weaknesses in the agency's enforcement of sanitation standards may be widespread.

Adequate criteria and policies now exist for enforcing sanitation standards. Such criteria and policies, however, provide only a basis for improving enforcement. In the final analysis the effectiveness with which sanitation standards are enforced depends on the resolve of the agency's employees at every level—from plant inspectors to Washington officials.

Ways must be found to demonstrate convincingly to the agency's inspection employees that consumer protection is the main objective of enforcing sanitation standards and that strict enforcement of such standards is essential.

RECOMMENDATIONS OR SUGGESTIONS

In August 1970 two consultants hired by the Department of Agriculture completed a study of the agency's consumer protection programs. The consultants recommended a number of changes for reorganizing the programs. Most of the recommendations were adopted; however, one recommendation—that a separate agency be established within the Department for consumer protection programs—was not. The consultants stated that the recommendation was predicated on their belief that:

There is an inherent difference between the nature of the agency's marketing activities and that of its consumer protection activities which creates an internal conflict.

Consumer protection is so large an area and has such complex problems that it needs a full-time administrator.

GAO recommends that the Secretary of Agriculture reevaluate the consultants' recommendation because GAO believes that implementation of the recommendation would demonstrate convincingly that the Department was placing emphasis on consumer protection.

GAO recognizes that, should the Department adopt the consultants' recommendation, its full implementation would take some time. Also, if a separate agency were established within the Department, many of the employees now responsible for enforcing sanitation standards would continue to be responsible.

For these reasons GAO recommends also that the Secretary explore other and more immediate avenues to improve and emphasize the enforcement of sanitation standards. Such avenues might include an intensification of efforts already under way to strengthen supervision and to improve the training of inspection employees as well as increased use of disciplinary action when inspection employees do not meet their responsibilities.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department (see app. I) said:

That it initially decided not to adopt the consultants' recommendation to establish a separate agency because the consultants had stated that the meat and poultry inspection program also could function within the existing agency and because one advantage of keeping it there would be that separate administrative support functions would not have to be developed.

That the agency was attempting to respond in specific ways to deficiencies in its supervisory structure which had been totally inadequate and was taking or planning other actions to improve the enforcement of sanitation standards.

That the merits of establishing a separate agency should be considered but that, in its judgment, it would be a grave error to consider the creation of a new agency until the actions already under way and others being planned had been given a reasonable time test.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Congress may wish to consider the matters discussed in this and earlier reports in connection with a number of measures now before the Congress. These measures include bills to establish a separate Department of Consumer Affairs and the President's Reorganization Plan which would transfer the agency's poultry and meat inspection activities to a proposed Department of Human Resources.

NOMINATION OF WILLIAM H. REHNQUIST TO THE SUPREME COURT

Mr. TAFT. Mr. President, I take this opportunity to address the Senate on the pending nomination of William H. Rehnquist to the Supreme Court. The Judiciary Committee has now completed hearings and I have followed the reports from these hearings closely, and I have met and examined Mr. Rehnquist personally. I am convinced that his credentials are superior. I hope we will soon have before us the confirmation of this receptive, brilliant, and dedicated man whose academic and legal background reflect his outstanding qualifications and competency.

Some witnesses before the Judiciary Committee opposed Mr. Rehnquist's nomination and urged that he not be confirmed by the Senate because of his alleged philosophical beliefs. They speak as advocates of special interests and concerns and that is their privilege and duty. They should understand that Mr. Rehnquist was the Assistant Attorney General in charge of the Office of Legal Counsel. In that position he was the advocate for the Department. He spoke frequently before committees of Congress and in other public forums in defense of and in support of President Nixon's policies, actions, and programs. His job was to convince his audience and listeners that what he urged was indeed legal and proper.

Some suggest that some of these positions demonstrate that Mr. Rehnquist is not sensitive to the civil liberties and individual rights of our citizens. I do not believe this to be true. Mr. Rehnquist has stated publicly that he will render judgments on the law and will not interject any personal feelings or previously adopted legal positions into his decisions. This is as it should be with any Justice on the Court.

I urge speedy action on this nomination.

AMERICAN PRISONERS OF WAR

Mr. KENNEDY. Mr. President, we have heard so many optimistic reports recently about the situation in Indochina—about the number of American troops that have been withdrawn, and how "only" six or eight or 10 GI's now die each week—there is a growing temptation to forget our other troops in Indochina who are not being withdrawn: the American prisoners of war.

All of us in Congress have, of course, shared the frustration of the families of American prisoners of war and those missing in action. We know their frustration over the lack of progress that has been made in obtaining the prisoners' release from the many letters we receive each day from relatives across the Nation.

I felt this today from a most eloquent letter I received from the parents of an American prisoner of war from New Jersey—Mr. and Mrs. Edward Miller, whose son has been held prisoner for 3½ years. They write that they "Would be less than frank if we did not admit that at times we are disheartened at no visible sign of a plausible administration effort aimed at prisoner release."

Mr. President, I invite the attention of Senators to the letter Mrs. Miller has addressed to the President and the Congress and I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Franklin Lakes, N.J.,
November 15, 1971.

Dear Mr. President and Mr. Congressman: My son has been a prisoner of war in North Vietnam for 3½ years. Today he is spending his fourth birthday as a prisoner of war. Many of his friends have seen their 5th, 6th and 7th birthdays as prisoners.

If my son could pick up the phone and ask you, Mr. President and Mr. Congressman "What are you doing, sir, to get us out of here?" could you in good conscience say that you really have tried?

And if, in spite of no tangible government plan to obtain their release, some of these men eventually do make it back, and they ask "What took so long?" will you in good conscience be able to give a reasonable explanation?

These men, without complaint, did their job and did it well. Don't they have a right to expect you and all of us to do our job equally well, in this case, to find a way to obtain their release?

Sincerely,

HELEN C. MILLER.

CLARENCE RUPP

Mr. DOLE. Mr. President, today in Wichita, Kans., the Kansas Farm Bureau is holding its annual meeting. This is always an outstanding event on the calendar of Kansas agricultural interests, because the farm bureau has played a leading role in building Kansas reputation as America's wheat State and one of its most important agricultural producers. Kansas farmers have always been in the forefront in the successful application of modern agricultural technology, in the conservation and wise use of the State's great natural resources and in the building of a productive and rewarding way of life in Kansas for themselves, their families and their fellow citizens. The Kansas Farm Bureau has been a continuing positive influence in Kansas agriculture, working not only in behalf of its own members but in behalf of the best interests of all Kansas farmers. This record of high purpose and constructive contribution to the well-being of Kansas farmers is an outstanding achievement for the farm bureau, but even more than an institutional accomplishment, it is a monument to the work of one man, Clarence Rupp, who has served as director of research for the Kansas Farm Bureau for the past 25 years.

Clarence Rupp is retiring this year, and the farm bureau is devoting part of its annual meeting to a salute to him for his unique and priceless contributions to their organization and to all the farmers of Kansas. For a quarter of a century, Clarence has traveled the State to visit farmers, learn their problems, and help them achieve solutions which will mean a better livelihood for themselves and a more productive American agricultural system. He has been one of their most effective and respected advocates with State government and with the Kansas congressional delegation. I became closely acquainted with Clarence when I served as a State legislator and as a Congressman from Kansas' largest and most predominantly rural district, and I have continued to rely upon and appreciate his informed, constructive, and dedicated efforts in behalf of his membership and the rural community.

The Kansas Farm Bureau will not seem the same without Clarence Rupp, but while he is stepping down from his formal post, I know he will have an active retirement and will continue to take a busy part in the affairs of Kansas farmers and agriculture within our State. His many friends around the State will miss him in his familiar role, but all, I am sure, wish him well as he retires.

I add my personal congratulations for a job well done and call the attention of my Senate colleagues to Clarence Rupp's career as an outstanding example of why American agriculture and the citizens of rural America have been and continue to be such a vital, important, and valuable part of our Nation's heritage.

THE TRAGEDY IN ULSTER—III—THE LETHAL ARITHMETIC OF ULSTER INTERNMENT

Mr. KENNEDY. Mr. President, perhaps the most bitter irony of the internment policy that was instituted in Northern Ireland last August is that the policy was supposed to help the local security forces to bring the sporadic violence under control. Now, tragically, we see that the streams of blood have become rivers, and that a new wave of killing and violence has been triggered by the internment policy.

The point is made dramatically clear in a recent article by Mr. Lewis Chester in the London Sunday Times in the issue of November 7, 1971. As the article states, since the adoption of internment, every important index of violence has increased. As measured by six different indices in a table accompanying the article, there has been more death and violence in Ulster in the past 3 months alone—some times substantially more—than there was in the preceding 7 months. Thus, more British soldiers have been killed and injured, more local police have been killed, more civilians have been killed, and the bombing has been heavier and more frequent in the period from August through October than it was in the period from January to July.

As the article points out, these figures strongly suggest that the policy of internment may actually be counterproductive even on its own terms, since internment may well be fueling the violence instead of reducing it. Surely, in light of figures like these, there can be no justification for a continuation of this cruel and repressive policy.

Mr. President, I ask unanimous consent that the article and accompanying table, published in the London Sunday Times, be printed in the RECORD, together with two other articles from the same issue—one written by James Margach, giving a breakdown of persons held under the internment policy, the other written by Brian Moynahan, providing a vivid description of the violent conditions that British patrols now face on the streets of Belfast.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Sunday Times, Nov. 7, 1971]

THE LETHAL ARITHMETIC OF ULSTER INTERNMENT

(By Lewis Chester)

You can prove anything with statistics except, it appears, the elusive proposition that the policy of internment in Northern Ireland has succeeded in containing terrorist violence.

The figures in the table are all drawn from official sources. The pattern they display is depressing when one recalls that the justification for internment, introduced on August 9, was that it would enable security forces to get at the hard-core militants, the gunmen and the bombers. It effectively deprives "suspects" of elementary democratic rights, but it was adopted as a last-resort policy for containing violence.

Since its adoption, every important index of violence—number of security forces killed and injured, number of civilians killed, number of explosions—has risen with great speed. The escalatory point is best estbalished by a comparison of the figures for the first seven months of this year with those for August, September and October.

During the past three months, 86 people were killed compared with 27 during the preceding seven. Of the 33 British soldiers killed, 23 have died since the beginning of August. Of the nine RUC policemen and Ulster Defense Reserve personnel killed, seven have died since August 1. Of the 171 soldiers injured, 104 have sustained their injuries since that date. Of the 700 bomb explosions, over half have occurred since internment. And the bombs are getting bigger. Of the 9,000 odd pounds of explosive used, over 6,000 have been deployed in the past three months.

The Home Secretary, Mr. Maudling, recently turned down the idea of changing the internment policy on the grounds that it would not be in anyone's interests "to release upon the streets of Belfast people who would join the ranks of the murderers."

But the figures point in a different direction. Paradoxically, it seems that the process of "lifting" suspected murderers may lead to a *higher* murder rate. For example, last month 15 members of the security forces were killed, 10 more than in any month prior to internment. Yet throughout October there were around 350 "IRA suspects" under some form of detention without trial. They, at least, could not have committed the reported murders.

The army argues firmly that internment has been a *military* success. They buttress this claim with a different set of statistics which show their progress in locating weapons caches since August 9. Of the 124 rifles picked up this year, 58 have been located since internment, as have nine of the ten machine guns, 84 of the 169 pistols and revolvers, 26 of the 66 shotguns and over 20,000 of the 60,000 rounds of ammunition.

This is encouraging but only up to a point. The virtual impossibility of sealing the border means that illegal weapons can be replaced.

The other important army claim is that since internment they have been able to assist in the arrest of 588 "wanted men," many of whom are now under detention or interned.

In strict military terms, of course, this is another gain but when viewed in relation to the figures for violence it may represent a net political loss. At present, the official figures provide ammunition for those who argue that internment as a policy has been counter-productive, and that this method of neutralizing gunmen has succeeded in creating a new breed of gunmen who did not exist before.

It may be, of course, that what we are now witnessing in Ulster is a last desperate stand by the terrorists before the military imposes its authority. This outcome, however, is not yet reflected in the statistics.

CASUALTIES IN NORTHERN IRELAND

1971	January	February	March	April	May	June	July	August	September	October
Number of British soldiers killed	0	3	3	0	2	0	2	6	6	11
Number of British soldiers injured	5	28	5	5	6	3	15	36	34	34
Number of R.U.C. and U.D.R. killed	0	2	0	0	0	0	0	1	2	4
Number of civilians killed	3	6	2	0	2	0	2	28	11	17
Number of explosions	12	28	33	37	47	50	91	103	173	107
Poundage of explosive used	150	380	231	265	365	519	1,408	1,349	2,292	2,381

[1] Internment introduced August 9.

Note: Figures do not include November casualties.

[From the London Times, Nov. 7, 1971]

ULSTER: 882 HELD, 476 RELEASED IN 3 MONTHS

(By James Margach, Political Correspondent)

Official figures from 10 Downing Street last night reveal for the first time that the number of people rounded up in Ulster—882 in all—in the three months since the controversial emergency power's swoop of August 9 is substantially higher than estimates had suggested. Equally surprising, more than half—476—have already been released.

The figures indicate that the security forces have been casting the net pretty wide in their effort to bring in the gunmen and the bombers of the IRA, and that arrests are still going on at a high rate. But the quick release of 54 per cent does point to a rather poorer flow of intelligence than the Army has been claiming. This is the balance sheet of the 882 arrested:

Released without detention order	416
Released after detention order	50
Released on Advisory Committee recommendation	8
Released from internment on RUC recommendation	2
Total released	476
Held under Regulation 10	16
Held under detention order	112
Interned	278
Total held	406

Regulation 10 of the Special Powers Act authorises the arrest without warrant and *detention for not more than 48 hours* of any person for the purpose of interrogation.

The Advisory Committee has considered the cases of 99 internees; and made 10 recommendations for release, of which eight have been accepted by the authorities and two are being considered; 22 reviews were made on request by people concerned and 77 as part of the general review of all the cases. In addition, 317 people have been charged under the regular laws with offences arising from civil disobedience and causing affrays.

In spite of an impression to the contrary that might have been given by the issuing of such a detailed analysis from Downing Street, Ministers were insistently denying yesterday that the Government was moving towards either direct rule of Ulster from London, or establishing a new Irish Office in Whitehall, under a senior Cabinet Minister, to integrate all policies, civil and military, for Ulster.

"These reports are complete nonsense," a senior Cabinet Minister said to me, "and they can only spread confusion and uncertainty among all sections of the two communities. The Government's policies for dealing witn Ulster will not be amended or modified in any degree—the Prime Minister has already declared his personal determination to see this crisis through to a successful and peaceful solution."

Direct rule, I was told, "would be the final catastrophe and would imply a disastrous breakdown not only in the Parliamentary and Government system at Stormont, but of all the public and civil services as well."

Another Minister told me: "The idea that you can impose a solution, by introducing direct rule, is pure fantasy. The only people who would rejoice at direct rule would be the IRA gunmen; for them it would be a great victory, but for the two communities it would bring only despair and probably precipitate violent reactions among the Protestant majority in protest. The Protestants would be infuriated at what they would regard as surrender to gun law."

It is stressed in Whitehall that a new Irish Office on the lines of the Scottish and Welsh Offices would be of little value. Four senior Cabinet Ministers—the Prime Minister; Mr. Reginald Maudling, Home Secretary; Lord Carrington, Defense Secretary; and Mr. William Whitelaw, Lord President—meet almost daily on Ulster. Permanent officials of departments are in daily conference.

Ulster was tense yesterday following the shooting of a mother of five in Londonderry. Four explosions shook the centre of Belfast—one in a garage, where three men gave a girl petrol pump attendant only 20 seconds to get out. Meanwhile the Police Wives' Association at Armagh sent a strongly-worded letter to Mr. Maulding, the Home Secretary, demanding better protection for RUC men, who, they say, are being sent "on suicide missions daily." In the village of Carrickmore, Co. Tyrone, troops yesterday found what the Army believes to have been an IRA bomb-making factory. The haul included 75 lb of explosives, 1,500 ft of fuse wire and 400 detonators.

[From the London Times, Nov. 7, 1971]

NEW BELFAST BATTLE WEAPONS

(By Brian Moynahan)

NOTE.—As the political argument about the Army's role in Ulster grows, the situation on the streets is worsening. Brian Moynahan has been on foot-patrol with the 3rd Queens and the Greenjackets to see how the soldiers are dealing with a type of harassment unique amongst the world's trouble-spots.)

Whitewash is the latest weapon in Belfast. In the Catholic Lower Falls it is daubed on the walls to head height only. It is concentrated on corners and on the sides of the streets that are exposed to sniper fire from the Divis flats which overlook the area.

In short, it has effectively exposed troops at all the points where they are most at risk during night foot patrols. Last week, jumping from a "pig," an armoured personnel carrier, to start a patrol with a platoon of the Green Jackets, we ran across Lincoln Street. The white paint picked us out immediately. It got us again at the next crossing at Leesom Street, traced us along Cape Street and silhouetted us in Quadrant Street.

There aren't many street lights left in the Lower Falls. Whenever there is shooting, the troops go for the lamps. "Half the rounds we fire are aimed at the lamps," said one rifleman. When they are lit everyone runs past them to the next doorway. Car headlights are used to spotlight troops. A car stopped in Cape Street last week pinpointing the two lead members of the patrol. The first man immediately crossed to the dark side, the other aimed down the beam at the windscreen. The lights went out. "Once we had them on cars, they started on the paint."

Noise is another factor. As soon as you are out of the "pig," whistles blow. They follow you down the streets, marking your position. They are blown behind you to get you to turn; round, blown just as you run across a junction. Football rattles and dustbin lid drumming begins, and is picked up in the other streets. Women sing—"There won't be many of you going home"—and that too is echoed around you.

The "verbal aggro" starts within a few seconds, first from the windows, and then street doors open and women come out and shout. "You f---ing British yellows, your wives are having black bastards in Britain, but you'll never see them. We're waiting for you in Milan Street, you f---ing yellows." "Tell them in Milan Street the f---ers are coming."

Physical "aggro" is planned and dangerous. The army claims that every street in the Lower Falls has a "stag list"—around the clock rota of women to organise and co-ordinate resistance to patrols. They give the first whistle warnings. Then they try to cut off the patrol at the rear, and if possible split it in two by getting up the middle of the street.

Last week it was raining and only about 40 women followed. They tried to cut off the last man. But last month patrols of 30 men were often nearly swamped by crowds of over 200 women and children, pushing them down the narrow streets with bricks. It is a time the troops hate. It is often the prelude to a gun or nail bomb attack and with their concentration on the crowd and its hysteria they feel claustrophobic and helpless. They cannot open fire with women around them.

Suddenly the women disappear. "It's incredible how fast they do it; their front doors are never locked, I've seen a hundred women disappear in a few seconds, and immediately the real trouble starts," said the platoon leader, 26-year-old Sgt. Anderson. As the crowd evaporates, the sub machine gun bursts or bombs come in: sometimes from behind where the crowd has been, sometimes from the other end of the street. Often nail bombs are thrown over the houses from the parallel street.

But the single gunman is most common. He chooses a long straight street, firing his bursts from a street corner at least 300 yards from the patrol. He runs off down a side-street, immediately hands over his weapon to a "keeper," and . . . "by the time we get on to house searches he'll have his feet up in front of the telly watching Match of the Day or something," says Sgt. Anderson.

With the sniper, the range normally goes up to 700 yards, firing from a high block of flats. The Third Queens, who are responsible for the Falls and adjoining areas, think they have pinpointed a regular sniper's position in a flat on the fifth floor of one of the Divis blocks. But returning fire against an uncertain target in a crowded block is not encouraged.

Gunmen working in pairs or fours concentrate on areas of open ground that patrols have to pass, one trying to kill the lead man in the patrol before he can give cover to the No. 2, who becomes the target for the other gunman. If the patrol has moved down too far to be still securing the street corner in its rear, gunmen working in a group can attack it simultaneously from there.

Ambushes are normally based on hoax telephone calls, reporting bombs or stolen cars.

Short streets with limited cover where troops will tend to bunch up, but with easy exit for the gunman to a safe house or to a car, are chosen. Ambushes are usually set near crowded major streets to make the troops feel less isolated, and so more relaxed, and to make it easier to drive off after the burst is fired.

The IRA has its successes operating like this: 24 troops were wounded or killed in the Belfast area in September, 33 last month. But tactics work both ways. The Lower Falls are not patrolled at night in less than section strength. "When you're in there, you feel the odds must be with the gunman. It's a maze of streets. He can run anywhere," said Sgt. Anderson.

But how does he feel? "He's got 30 people against him much better armed and trained. We vary everything the whole time, so he's no pattern to work on. He doesn't know what streets we'll move into, what cover we have. We have to get him to the stage where he just wants to get his burst off on spec, and then get out."

Route patterns and timing are never the same. Last week's platoon was split into two, working on an interlocking U pattern for maximum support. When one section moved up a street, the other was moving down another parallel street two away. Sometimes it is one away, sometimes three.

Direct cover is given on crucial intersections from different corners. Some women ran across the top of a street to give the other section "provocations" which turned out to be purely verbal, quite unaware that any gunman behind them would have been covered.

The noise, the whistling, and the obscenities are almost encouraged. "Hoax" patrols—troops clambering out of a "pig," walking down one street, and picking up the transport at the bottom—are used on the theory that sooner or later the people will simply get tired of being kept up all night shouting at patrols that may not be there.

But the provocation that troops have to put up with without retaliating is intense, particularly in situations which seem to be the prelude to shooting. Three men in the Falls refused to be searched. One grabbed the wireless operator's set and tried to drag it off him. Immediately women came out of houses and milled round him. The rest of the section was against whitewash and visible from the Divis Flats.

Dustbin lids started banging. Two riflemen ran across the street, but could not get through the women. They were jostled back into the middle of the street.

The sergeant ran over—"Move it. I said bloody move it." They were getting bunched up. A car drove slowly past the top of the street, and the "car men" (the riflemen who cover all cars and particularly the tipper trucks the IRA now uses as its armoured cars) knelt and swung with it. The whole feeling was to turn away from Divis.

A rifleman was kicked, hit the man with his rifle butt, and forced his way through the women. The sergeant came back—"Thank God it's raining or we would have had a hundred of them." The man who was cracked by the rifle walked off without a stagger. By Belfast standards it was not even a minor incident.

MERLIN K. DuVAL, M.D.

Mr. GOLDWATER. Mr. President, I should like to take note of the fact that one of our most distinguished Arizona physicians, Dr. Merlin Kearfott DuVal, dean of the College of Medicine at the University of Arizona, has been named to head the office of Assistant Secretary for Health and Scientific Affairs in the Department of Health, Education, and Welfare.

Doctor DuVal, a surgeon and teacher, is an uncommonly fine selection for the difficult job of trying to pull together the uncoordinated health efforts of the Federal Government. We in Arizona know Dr. DuVal's enormous capability, and it is with reluctance that I say today that Arizona's loss is the Federal Government's gain.

I ask unanimous consent that an article on this unusual medical man, published in the November 1 issue of the magazine Modern Medicine be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CONTEMPORARIES

(By Merlin K. DuVal, M.D.)

When the office of assistant secretary for health and scientific affairs was created four years ago in the Department of Health, Education, and Welfare, Merlin Kearfott DuVal was building a medical school in Arizona.

Some argue that events conspired to make the office unmanageable—the 1968 elections, a change of administrations and with it a long delay in appointing an assistant secretary, a delay that caused dissipation of power as agencies reestablished direct ties to Congress and to other high level officials—and there are some who maintain that the office came with built-in limitations, that the job itself is on trial, not the political appointee who holds the office.

Now the mantle has fallen on Dr. DuVal, dean of the College of Medicine at the University of Arizona and a surgeon, teacher, onetime student of music, and man who knows something of the techniques required for survival around legislative halls.

The assignment was given to him—"in effect, I was drafted"—through a kind of odd-man-out agreement between medical administrators who were sought for the post.

"If anybody can pull together the uncoordinated health efforts in the 'H' of HEW, Monte DuVal is the guy to do it," observes Duke University's William G. Anlyan. He sees Dr. DuVal as "one of those rare people" with a blend of ability and diplomacy—and enough of each to move effectively in Washington's often hostile climate.

Even though the office wasn't designed for a pianist-composer, the doctor's earlier preoccupation, someone with a knowledge of harmonics may be needed to make this elephantine bureaucracy swing.

After a few months in residence, Dr. DuVal is "beginning to have an impression that the job is do-able," conceding at the same time, however, that he hasn't yet been tested. In any case, the job is "whatever the individual in it makes it."

He succeeded Dr. Roger O. Egeberg as assistant secretary because the Administration—specifically HEW Secretary Elliot Richardson—wanted "additional strengths brought to this office, something in addition to those Dr. Egeberg already is supplying." Dr. Egeberg remains in HEW as an adviser to Secretary Richardson.

Not the least of these new strengths is a firsthand knowledge of the legislative processes, gained as a medical school emissary to state officials and members of the Oklahoma legislature from 1957 until 1964.

The 48-year-old surgeon, born and schooled in Montclair, N.J., found himself pointed toward Oklahoma in the summer of 1956—"and I didn't even know where Oklahoma was"—when someone he had met only once in his life asked him to go there. He did, for a position as associate professor of surgery at the University of Oklahoma School of Medicine, leaving behind a vacancy for an assistant professor of surgery at State University of New York School of Medicine in Brooklyn.

He taught surgery and involved himself in clinical research with special attention to the pancreas and biliary tree. By 1960 he had become professor of surgery and vice-chairman of the department, and two years later he was made assistant director of the University of Oklahoma Medical Center.

But something else happened to him on his way to Arizona and Washington, D.C.

"Well, I branched out," he said. "I found that I had an interest in working in the community."

It began in the Chamber of Commerce, on whose board he served, and moved from there to a group struggling to modernize Oklahoma City's government. That effort met with enough success to attract the attention of his dean, who promptly handed him the planning and development functions which meant, in short, "selling it to the Oklahoma legislature."

As a lobbyist for the medical school, Dr. DuVal shepherded through legislation to expand the medical center and launch a rebuilding program. But the way he did it apparently aroused not a single shred of partisan yammering.

Perhaps the best test of this came when Sen. Fred Harris (D., Okla.), then a state senator, asked Dr. DuVal to join him in his campaign for the U.S. Senate seat held at that time by J. Howard Edmondson.

"Fred," he protested. "I'm a Republican."

Arizona, also thirsting for the DuVal touch, beckoned during this period and, in October 1963, he agreed to go to Tucson, which had no more than a commitment to start a medical school on the University of Arizona campus.

Life as a dean in Arizona began as a grand tour—more than 3,000 speeches that helped raise $3 million from private sources. That money, coupled with a $4-million grant from the Public Health Service, built the basic sciences building.

The new Arizona school then sold $8.5 million in bonds to be retired from student fees and obtained $15 million more from PHS. The money supposedly was designated for a clinical sciences building, but a dispute nearly torpedoed the project. It ended happily, however, with a 300-bed teaching hospital which included a clinical sciences wing.

"The total plant," said Dr. DuVal, "adds up to $31 million without a dime of state money in it."

Arizona's legislature did provide operating money, and the first class was admitted in the fall of 1967. From that entering class of 32, the first graduates emerged last June. The school is now admitting 64 new students each year and by the fall of 1973, the size of the entering class may be doubled again.

Dr. DuVal's agreement to take the job in Washington was preconditioned by a leave of absence from the University of Arizona.

"I absolutely love Arizona," he declared, "and it is my intention to return; it's a most satisfying place to live."

He is in Washington partly because he senses that he may hold some professional credits which can be spent in a good cause.

"I'd like to do what I can to reconcile the public versus private differences in the health field," he says. "I'm deeply committed to keeping medicine strong and essentially free; the right of self-determination—what hospitals to affiliate with and how to license and certify.

"There is nothing like it in the world. But there is a very fine line between being strong and free and being self-interested.

"The medical profession, as assessed by the public, is focused on its own self-interest at a time when health care is seen as a right. They are not compatible; something has to give. Public expectations must step down a little or the medical profession must yield.

"I believe it is time for physicians to take a bigger step forward. This job offers as good a point for leverage as any other. That's one reason I took it."

A large part of his task thus is to persuade medicine that the present Administration is committed to preserving the profession.

The Administration, he makes clear, views Health Maintenance Organizations (HMOs) as a device designed to "protect those strengths the professionals want to protect."

"They [HMOs] invite the physician to bring an element of control into what he does, on his own terms," Dr. DuVal argues. "The concept of HMOs is, in effect, to leave the professional provider in control. The profession is slow to recognize the strength in that solution."

He knows that HMOs have been the target of a medical backlash. The American Medical Association, for instance, adopted a hands-off policy, neither endorsing nor opposing the concept. Nevertheless, within the AMA skepticism was growing.

"Their own proposal [Medicredit]," Dr. DuVal asserts, "simply doesn't treat the issue. It's a device to pay the bills, not to bring reason or cost control into it. That's why it isn't going anywhere."

"We can talk about quality, about access to care, but the gut issue is cost. Physicians must understand this. The American public cannot afford to be sick."

He contends that the principles to control costs are contained in the Administration's proposals and in the foundation concept—"whether it's fee-for-service or salaried practice is of little consequence to the Administration; the issue is cost and it is predeterminable."

In his judgment, there are two reasons why the medical profession can't bring costs under control. One is its code of ethics, the effects of which are to treat medicine as a nonbusiness. The second is that doctors have no personal financial stake in the resources they use.

"This is what is wrong," he said.

But, under the HMO concept, he adds, both shortcomings can be remedied. They are consistent with the code; moreover, there would be only a certain amount of money available, which means that doctors "won't spend a dime they won't have to."

"A doctor could influence the amount of money he earns by the advice he gives to patients; the less he does for a patient, the more he earns."

However close to a collision with medicine he may be, he remains hopeful that such a crash will never occur. He believes, at this stage, that he still holds some "wholesome punches on my ticket" on both sides of the street, public and private.

"I have been working actively within the AMA," he also points out. "As far as I know, I hold reasonably good credentials with that organization. At the same time, I've held pretty good credential with the Association of American Medical Colleges."

He was a member of the AMA's liaison committee on medical education to the Council on Medical Education and was chairman of the AAMC's Council of Deans and for several years a member of the Executive Council.

He professes the "highest personal regard" for Secretary Richardson—"a man of consummate ability."

"If the issue is whether I can do the job for the secretary," he says, "obviously it depends a great deal on who the secretary is."

Upon coming to Washington, he plunged immediately into a twelve-hour day, seven-day week schedule that left some staff members gasping in awe.

"He's a glutton for work," said one staffer. "It isn't unusual to come back at night and find him here; he works a man-killing schedule."

"Time is going by," explains Dr. DuVal. "Only eighteen months left; that's how long my leave is. I don't have time to fool around."

From the record it would appear that he was never one to fool around. When he and Carol Nickerson were schoolmates back in Montclair they had decided by the time they were in the eighth grade that they would marry when they finished college. They did. Today they have three children—David, 24, a newsman in Tucson; Barbara, 22, who is experimenting with theater as an educational vehicle for children with psychological difficulties; and Frederick, 16, who last summer was a delegate to Boys' Nation.

Dr. DuVal graduated in 1943 from Dartmouth College with a bachelor of arts degree after majoring in music. He was married the following year and in 1946 obtained his M.D. degree from Cornell University Medical College.

He has served on the Board of Governors of the American College of Surgeons, on the Board of Directors of the Southwest Research Foundation, and as chairman of the Governor's Steering Committee to Regional Medical Programs in Arizona and later as director of Arizona's Regional Medical Programs. He also was chairman of the Commission on Education for the Health Professions, National Association of State Universities and Land Grant Colleges; and a member of the Board of Directors of the Arizona Kidney Foundation.

Despite his loyalties to medicine, to the Administration, to Arizona and to the people there, another ranks higher: Mrs. DuVal. Of her, he says: "She is my best friend."

SOVIET PRIORITIES

Mr. PROXMIRE. Mr. President, on several previous occasions, I stated on the floor of the Senate that we must not make the mistake of looking upon the Russians as 10 feet tall. In formulating our policies in this country, both military and international, we should continually keep in mind that the economy of the Soviet Union is being very heavily burdened by their efforts to close the military gap with the United States.

Numerous studies of the economy of the Soviet Union by the Joint Economic Committee have brought out the fact that their civilian economy has suffered and continues to suffer severely from the military burden in that country. Their GNP is only half of ours and when allowance is made for the fact that their population is bigger than the population of the United States, it becomes obvious that per capita GNP is less than half that in this country. Yet, the amounts they are spending, while disputed among experts, are substantial and represent a much greater burden on the individual than in this Nation.

The net result is that the Soviet Union has strong incentives for reducing its military burden and revising its spending priorities. In this respect, their situation is like ours except that their need to revise priorities is much more pronounced because they are severely handicapping the growth of their civilian society.

They know that by overcommitting their resources to military production, they are depriving their program of modernization needed to overcome the technological lag from which they suffer. We understand that at the present time their vast oil and gas complex in West Siberia is going ahead. This will cost a great deal in resources. Likewise, they are undertaking to expand their production of atomic electric power, as well as to improve their transport facilities. They know that a reduction in the level of defense could help to promote the success of their consumption goals, set forth in the nine 5-year plan. These goals purport to improve substantially the qualities of food, clothing, housing, and transport for the Soviet consumer.

I invite attention to a most interesting article entitled "Soviet Priorities at Crossroad," written by Michael Getler, Washington Post staff writer, and published in last Sunday's Post.

Mr. Getler states that the huge outlays for defense in the Soviet Union have been at the expense of their standard of living and that experts in this country believe that this distortion is creating painful pressures on Soviet leaders to rearrange priorities.

He makes the point that the very modern and huge military machine with the underlying industrial production may be the only efficiently run component of the Soviet economy. It is not matched by any civilian counterpart. The Russians still use nine times as much labor and one and one-half times as much land to produce three-quarters of what our farms produce.

These facts should be kept in mind as the United States participates in the SALT talks which are now reconvened. Moreover, it makes the prospects of the President's forthcoming visit more auspicious. In the circumstances, I would hope that proponents of more military spending could tone down somewhat their chronic tactic of conjuring up a Soviet monster.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET PRIORITIES AT CROSSROAD

(By Michael Getler)

By pouring billions of its rubles into new missiles, submarines and warships over the last several years, the Soviet Union has managed to close the military power gap with the United States.

But these huge outlays for defense have come largely at the expense of the Soviet standard of living and, in the view of experts in this country, may now be creating painful pressures of a very different sort for Soviet leaders to begin rearranging their spending priorities.

Russia's civilian economy is widely regarded as technologically backward and grossly inefficient, not only in comparison with the United States but even relative to other states of Communist East Europe.

The modern military machine—and the huge industrial network that supports it—is the pride of the Russian bureaucracy, probably its only efficiently run component. And it has brought the Soviet Union global influence.

But it is not matched by a modern worker's society that Soviet leaders can point to as the model of the good life for other nations to follow.

"What we see," says Michael Boretsky, a senior policy analyst in the Commerce Department and a Soviet specialist, "is Soviet scientists developing the Lunakhod moonwalker—a marvel of scientific and engineering accomplishment by any standard—a dozen or so missile systems, an SST, space station and two dozen new kinds of war ships . . ., while the Soviet government has to go shopping abroad for simple automobile-making technology, machine tools, material handling equipment, chemical plans and much more."

Because of the backwardness of Soviet agricultural technology, the Russians use "nine times as much labor and half again as much land to produce roughly three-fourths of what U.S. farms produce," according to Richard T. Davis, a deputy assistant secretary of state.

Occasionally, a criticism of Soviet priorities emerges from within the Soviet Union itself. In March 1970, an "open letter" from an esteemed Russian physicist, Andrei D. Sakharov, who played a key role in Soviet development of the H-bomb was circulated clandestinely in Russia and openly in the West.

Sakharov claimed that the economic gap between the United States and the Soviet Union was widening in America's favor. "We lag behind in oil drilling . . . gas drilling . . . production of electric power . . . hopelessly lag behind in chemistry and infinitely in computer technology," Sakhrov wrote.

This week in Vienna, U.S. and Soviet negotiators begin the fourth round of the Strategic Arms Limitation Talks (SALT), discussions aimed at putting at least some limitations on the costly, enduring and dangerous nuclear arms race.

Among U.S. experts on Soviet affairs, there is widespread agreement that a SALT agreement early next year would be a major political plus for President Nixon, but that the Russians—whose gross national product is only roughly half of this country's—would gain far more economically.

Yet, despite what appear to be pressing economic problems by Western standards, many experienced Kremlinologists say they are still unconvinced that the top Soviet leadership is willing to reorder Russian priorities in fashion that will really defuse that arms race.

The Soviet motives at SALT, they say, are still unclear.

Are the Russians really intent on a significant change in direction because of compelling economic pressures at home.

Or, with increasing troubles along the Chinese border and decreasing tensions along the NATO border, do they view SALT as just a convenient breather, allowing them to catch up in those areas of weapons technology where they still trail the United States and then translate this into a politically useful edge in strategic power?

Is SALT, as William T. Lee, an economist and Soviet specialist at the Stanford Research Institute, asks, "part of a well thought out program to speak softly while shaping a bigger cudgel?

Some Kremlin watchers believe that Communist Party boss Leonid I. Brezhnev is now personally powerful enough to cut back the military budget in favor of a more balanced economy, if he chooses.

These analysts cite Brezhnev's emphasis at the 24th Party Congress in April on improving the lot of the Russian consumer and worker—if only to improve worker morale and thus productivity at the factory, which is also held to be far below U.S. standards. These analysts argue that this emphasis may mean that Brezhnev has already had his fight with the Red marshals and won.

Others say Brezhnev's rhetoric may only have been "cosmetics," designed to ease fears which spread through the entire Soviet bloc last winter after workers rioted and struck in Poland. The actual statistics of the new five-year plan presented at that congress show only a modest six-per cent rise in production of consumer goods over the five-year period.

If there is to be any serious juggling of priorities, it will have to come at the expense of the military-industrial complex in order to have any real impact on the rest of the economy. The reservoir of talent and tools in that sector will have to be spread around.

But how far the Kremlin's political leaders can safely go, or want to go, in tampering with their pride and joy is another question.

There is no doubt among many specialists here that the Communist Party firmly controls the military.

"This business of the marshals taking over is nonsense" says John R. Hardt of the Research Analysis Corp. (RAC).

"This very heavy emphasis on defense" says RAC's John R. Thomas, "exists because the civilian leadership wants it to."

In the West, say the RAC specialists, the argument is over whether the military has too much power. In Russia, they say, the argument more often is about how much can be safely spent for other things.

Thus, what the Soviet leadership must overcome is not just a powerful military establishment, but their own tendency to rely on military judgment. And, thus far, the buildup of the Russian military has provided the political leadership influence in the world rather than battle scars.

"I think there is a tendency in this country" says the Rand Corporation's Soviet expert Dr. Thomas W. Wolfe, "to project upon the Soviets our own view of the disutilities of military power that don't accord with the Russians' own experience.

"They haven't had a Vietnam. They haven't had great political losses because of the exercise of military power at their disposal. On the contrary, they have solved some very critical political problems for themselves by the brutal willingness to send their forces to fight if necessary in Czechoslovakia, for example.

"I'd be the last one to argue that the Russians weren't at an important crossroads now, but the world of military power looks different to them than to our leadership and defense intellectuals."

THE PROBLEM OF JOBS

Mr. GOLDWATER. Mr. President, we hear a lot of discussion today about the rate of unemployment and about the need for additional jobs to maintain the high standard of living to which the American people are accustomed.

And it certainly is no secret that I feel this Nation is in for serious trouble if we continue to permit the unrestrained attacks on our aerospace and defense technology to go on unchallenged. Many times I have suggested on the Senate floor that we cannot have full or even adequate employment in this country if we turn our backs on progress and if we keep forfeiting our technological advantages to other nations. There is, of course, no way of knowing how much the scuttling of the SST program in the United States will ultimately cost us in terms of markets, jobs, and wages. But we do know that the aerospace industry in this country is hurting and hurting seriously.

Mr. President, my son, Representative Barry M. Goldwater, Jr., represents a district in California which is especially hard hit by the unwise cutbacks in American aviation technology. Because of this, he has made a very careful study of the problem. It shows a 48-percent decrease in the number of aerospace jobs in 4 years. In California alone, the study showed 200,000 workers were laid off between 1967 and 1971, representing a loss in personal income of $2.6 billion.

Because of this study's importance, not only to California but to the Nation and the taxpayers everywhere in this country, I ask unanimous consent that Representative Goldwater's speech entitled "The Future for Aviation and Technology in America" or "Come Ride With Me on the Concorde" be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Future for Aviation and Technology in America or "Come Ride With Me on the Concorde"

(By Barry M. Goldwater, Jr.)

1903 might best be described as a "Wright Turn Of The Century". It was Orville Wright who launched us into the age of powered flight. Simple aviation evolved into specialized aeronautics and ultimately astronautics. On October 4, 1957, the USSR successfully orbited a man-made satellite, Sputnik I. America's Explorer I followed a year later, and the race into space began.

Sixty-six years after Orville Wright had lifted off the sands of Kitty Hawk, another pilot, Neil Armstrong, descended from a strange craft onto the soil of the lunar surface. Man was on the moon. The promise of yesterday became the dramatic, unforgettable fact of today. Man had successfully probed beyond the constrictions of his own planet, and in the greatest of adventures reached out into space and found a sure foothold.

We are now standing at the threshhold of tomorrow. Where do we go from here? Will America retain her leadership in this new era? Will America accept the challenge, and continue to dominate the world in science and technology? And will American aviation make the changes needed to compete successfully in the world market?

Today America stands to lose everything gained through a half century of work. We have seen the deterioration. We have seen *the attack* on technology—the root of all environmental problems. The *attack* on defense. The abstract illusion that our enemies are not real and all this money should be spent for welfare. The *attack* and subsequent defeat of the SST—the monster that poisons the air, deafens our ears, and is the white elephant of the airways.

This misleading and dangerous tendency to *put down* our aerospace and defense technology is hurting America—and it is hurting *you!*

People are put out of work. They have no money for consumer goods, so sales go down and the economy suffers. With less people producing, less taxes are paid—and *you* have to pick up the slack. With more people on unemployment and welfare, *you* pay more taxes to support them. (First Chart)

The story is clear. You can see the decline in employment:

1967—1,392,000.
1970—1,067,000.
1971—800,250.

This is a *48 percent decrease* in four years—it is also 600,000 people out of a job.

In California alone, 200,000 workers were laid off from 1967 through 1971. This is a loss in personal income of $2.6 billion.

This type of loss not only affects you, the house you own, the car you drive, the clothes you wear, your very freedom, but it seriously weakens our nation as a whole—our balance of payments, tax revenues, technological superiority—and our national pride in achievement.

Aviation has been the great punching bag—the scapegoat. The nation will suffer because aviation is suffering.

What is happening, and why?

$144 BILLION IN FOREIGN AID

Since the second World War, the United States has either loaned or given outright over $144 billion dollars in foreign aid. What has been the result?

300 million people in a rebuilt and thriving Europe are happy and healthy.

100 million people in Japan are happy, healthy, and thriving. Their country has been totally rebuilt and with our help, their economy is challenging ours in world markets.

The industrialized countries of the world are now as technologically advanced as America. We've seen to that—We've educated them, financed them, and used our knowhow to build them factories.

But the once-generous heart of America is now bleeding. Our very generosity has been turned against us, in the form of speculation with the American dollar, imports of foreign made goods into this country, and the very dangerous challenge to world markets that we enjoy.

We are rapidly becoming a second-rate nation—not only in terms of military power, but also in terms of technology—the very technology which has improved the quality of our lives, and for which we have been famed throughout the world.

OUR COMPETITION

Various other world powers are rapidly cutting into the markets which previously bought the goods and services produced here in the United States.

They are managing to do this for four reasons:

1. Our competition, in an effort to dominate certain markets, has turned to a national policy. They have nationalized both their manufacturing and operating industries with the expressed purpose of penetrating world markets. In doing this, they help jobs at home, advance technical fallout, and help their balance of trade.

In our country we have not done that; we've relied on people to be creative in a free enterprise system with very little focusing, help, or purpose from the government. This national policy is particularly true in the aircraft manufacturing and airline business.

2. Thanks to American assistance, the industrial equipment, instrumentation, manufacturing facilities, and research labs of the war-torn countries are now about ten to fifteen years more modern than ours.

Since everything was destroyed in the war, our money was used to rebuild completely modern manufacturing plants.

3. The American economy has produced the highest standard of living in the world, and the best paid workers in the world. Our workers receive two to five times as much in takehome pay in our free economy.

4. Our competition not only has lower wages, but also much better productivity to man-hour ratios. The combination of the two is deadly.

We have retained our superiority in the past, despite increasing wage bases, by increasing our output through advanced technology. Constantly increasing productivity per man-hour kept us competitive in world markets crowded with cheap labor.

However, most Americans do not realize that our output per man-hour is going down in the United States and so our competition is closing the gap on our productivity.

A SERIOUS EROSION

Now because they nationalized their industries, because their productivity is improving so radically, because they have gotten these modern machines and because they pay lower labor rates, we are seeing a very rapid and serious erosion of our ability to compete.

For example, the steel industry—we are being out-produced and underpriced abroad. In the area of industrial machinery, in which we have been supreme for our entire history, we are now importing more industrial machinery than we export. In the area of consumer electronics, we are literally out of the business. One plant in the whole country is producing radios. Most of the component parts, even in our own televisions are made abroad, mostly in Japan. Fifty percent of the automobiles in California last year came from outside the United States.

In the field of aviation, while at the moment we do enjoy huge exports, all we have are three civil jets, all fighting for the same market, and we have not produced a new fighter since 1965.

In Europe they have a supersonic transport going into service in two and a half or three years. They have an A300 Air Bus. We have no such animal. Theirs goes into service in 1973 or 1974. They have a Mercury twin engine transport that replaces the DC–9 and the 737. We have no such program. The French and Russians have modern fighter planes which the less developed nations are rushing to buy.

WHY HASN'T INDUSTRY FILLED THE GAP?

The answer to this question is very simple. Aviation has reached the point where beginning a new development program, such as the 747 or the L1011 requires an initial investment of at least a billion dollars.

That sum is three to four times any company's net worth.

Not only that, but there is a time lag of at least ten years before a profit is realized on the enormous investment.

That's just too much for any one company to tackle. It is simply beyond the resources of private enterprise. And our anti-trust laws will not allow business to join together on a huge scale necessary to do the job.

So in Europe, where they don't worry about anti-trust laws, and where they don't worry about the nation putting money into a good business, they can take civil aviation away from us unless we do something.

Because our laws are not flexible and because of the huge costs of new programs, our aviation companies are going abroad for their next projects. General Electric has signed up with France to build the next big military combined commercial engines. This new breed of engine will not be built in the United States, but in France.

Boeing Aircraft Company signed up with Italy to build the next civil transport—a STOL 150-passenger commercial airplane. When the state of the art makes it feasible to build STOL and VTOL aircraft, Americans will be riding on Italian airliners, not made in America. Boeing, Lockheed and McDonnell Douglas have been negotiating with Japan to build a twin engine air bus to compete with the European A–300 wide bodied jet.

Yes, Americans will be riding on French, or Japanese built Air Buses between London and Paris, Los Angeles and San Francisco, Washington, D.C. and New York, and New York and Boston—Airplanes not built in America. Americans and citizens of the world will be riding on supersonic aircraft built in France and England, not in the United States.

Yes, America cancelled her supersonic transport, and with it her preeminence in aviation, her desire to excel and her pride in being number one. We have clearly demonstrated to the industry that our Government, our Congress, those political liberals have turned their back on being a partner to help aviation in this country. So now, Boeing, General Electric, Lockheed, McDonnell Douglas, are going out of the United States to get the financial resources to do the next program.

And, that means that jobs go with them, that means that taxes go with them, that means that the balance of trade goes with them, that means our pride goes with them.

POSSIBLE SOLUTIONS

There are no easy solutions to this complex problem. But, it would certainly help if Americans could demonstrate a national concern. America has always generously extended herself to other nations. We have given of our resources, given of our talent, given of our knowhow. Now it seems we have given too much.

It is time to sound the alarm, it is time to act. It is time to be concerned, about our technological abilities. It is time for Government not to nationalize industry, but rather get its hands out of industry's pockets, to get off industry's back, to allow free enterprise to act, not under a false economy, but under a climate of stability born by lower taxes and balanced budgets. It is time for Government to reevaluate its tax and anti-trust laws, and allow business to operate under a realistic legal code.

If American Aviation Technology is to maintain its growth and leadership—if Americans are to continue taking pride in riding American-built aircraft throughout the world—our Government *must* stop wearing the *Black Hat*—and step into partnership with American industry.

Orville Wright—an *American*—launched us into the age of powered flight.

Neil Armstrong—an *American*—first set foot on the moon.

Where will the next great aerospace pioneer come from? Let's make sure he's an American.

ADDRESS BY SENATOR HUMPHREY BEFORE ST. JOHN'S UNIVERSITY, NEW YORK

Mr. HUMPHREY. Mr. President, recently I had the privilege to speak before an assembly at St. John's University on the occasion of my being awarded an honorary doctor of law degree. St. John's has the largest enrollment and is the largest Catholic university in this country and one of the most prestigious. It has gained its prestige through adherence to the finest, most forward-looking principles of education which any university would want to emulate.

The contribution of St. John's has been to foster the kind of thinking and to encourage the kind of imagination in men's minds, that are so necessary for the betterment of our society. To have received an honorary degree from this great university, is, indeed, a distinction I hold with deep respect. Mr. President, I ask unanimous consent that the text of my remarks on this occasion be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks By Senator Hubert H. Humphrey, St. John's University, Jamaica, New York, November 4, 1971

It is an extreme honor for me to accept this degree which bears the name of one of the most prestigious universities in our Nation. A university earns its prestige through a slow and delicate process of total devotion to the general goal of educating the human mind.

When St. John's University was first conceived, its foundation was already built. It had the principles of the Family of St. Vincent to follow and uphold. When Vincent de Paul formed his "double family," he propagated a movement of service to the poor throughout the world. After his death, the work of his followers has throughout history become synonomous with charity in its highest sense—life and service for every man.

Fathers Edward M. Smith and John T. Landry, founders of St. John's University, applied this Vincentian sense of service to the field of higher education. Through compelling belief in their own faith and in humanity, they established this fine university, which today is an exemplary institution in the field of education.

Certainly, in this time of profound human need, it is essential that education should mold not only the skills of men, but that it should also reach out to their spirit and will, challenging them with the opportunity and demand for a better world in which all our people can enjoy lives of meaning, of purpose, and of fulfillment.

It must have been true that the Dominicans had this vision of a better world. Men could be developed to their full potential.

But I submit to you that this vision, this opportuntiy for educating the whole person, is facing a severe challenge today. The challenge of facts and figures and the challenge of our on-rushing mode of society.

There must be a total redefinition of institutional purposes, a sharp upgrading in the quality of curriculum and methods of teaching, and a total re-evaluation of the administration and employment of resources by our centers of higher learning.

But we cannot begin to address these demands unless we immedately solve the problems of escalating enrollments and potential bankruptcy facing many of our colleges.

The student enrollment increase in public institutions has jumped over 163 percent between 1960 to 1970. There will be between 9 to 10 million students enrolled by 1975 in public and private universities.

While the proportion of young people from our low-income families who have been entering college has increased over the past decade, it is still true that only 7 percent of all our college students come from poor families.

We have a long way to go in providing higher education opportunities for the black and the poor. Many of our colleges are straining their financial resources to expand these opportunities, but it is deeply disturbing that our black colleges are generally in extremely poor financial condition.

Diversity and full access opportunity ought to be the hallmark of American higher education, a principle clearly enumerated in the President's Task Force on Education in its report of August, 1970.

"The diversity of American higher education is central to its strength. This diversity has grown from a tradition that encourages institutional initiative, creativity, self-determination, and autonomy. These characteristics are vital to the strength of our institutions and should explicitly be encouraged and strengthened by national policy."

The report moves right on to the second concern I have raised here this evening.

"American institutions are not serving large numbers of qualified young people who could benefit from post high school education.

"The structure of our society and the patterns of financing higher education for the individual have operated to exclude large numbers of qualified young people from higher education."

I read that as saying that a college education remains primarily the prerogative of the young person from an upper income family. And I find this to be morally, socially, and economically wrong.

Now, the immediate answer to both these problems is substantial federal assistance to all our institutions of higher education.

Let me spell out my immediate concern about sustaining the private, liberal arts colleges of America. I strongly believe that a heterogenous population, a pluralistic society, demands that there be an equal pluralism in the opportunities for post-secondary education offered our young people.

Over the last century we have experienced a swing in the pendulum away from a strict emphasis upon a liberal arts education and toward an obsession with professionalism and technocracy. In 1828, the Yale College "Manifesto" defined education as being strictly non-technical and non-professional.

In 1852, Cardinal Newman defined the "Idea of a University" as being broadly to prepare young men "to fill any post with credit, and to master any subject with facility." It was his belief that a university ought not attempt to provide a professional and technical education.

But today, we too often have replaced this sharp boundary for higher education in America with an equally high fence that sees the demands of a technological society, coupled with the sources of financial assistance which these demands generate, as defining in advance what an American college or university should be all about.

There can be no question that we must continue to expand opportunities for professional, technical, and vocational education in America. One case in point is the serious need to substantially expand the health manpower resources of America, providing more doctors and nurses and para-professional personnel.

But we must also come to recognize again the vital importance of the education of the whole man, which is the genius of the liberal arts curriculum of our private colleges. That is really what we mean when we talk about maintaining the three branches of knowledge for the "A.B. Generalist": The humanities; the physical and biological sciences and mathematics; and the social sciences.

Certainly, St. John's is dedicated to the education of the total person. Its seal with the emblazoned three books—Religion, Culture, and Knowledge—personified this pursuit. And the theme of your centennial celebration propels this great challenge into the future: "Question, Believe, Build Tomorrow—the spirit of the Vincentian priests. They aspire to assist the unsatisfied mind in quest of a broadening education, resulting in the increase of knowledge and the improvement of our world."

We must not let that sense of dedication be sacrificed today.

We must not confuse means and ends in our educational purposes. What do we seek for man on earth? We seek human dignity, personal expression and fulfillment, freedom, and justice. Technology is one instrument by which to achieve these ends. And the value of that tool depends on the intelligence, the judgment, and the creativity of man himself.

Education ought to involve man in *ideas* as well as things; in *ethics* as well as engineering.

We need a society of *compassion* as well as comfort; of humanism as well as hardware; and of freedom as well as food.

It is when ethics and morality shape our environment that science and technology will be seen as an invention to be welcomed, rather than a threat to be feared.

A free society requires more than power and wealth. It must be based on justice and opportunity. The modern industrialized nation needs, too, a sense of compassion and concern—that sense, if you will, of heightened moral sensibility which stems from the arts and humanities, and from religion.

A true liberal education infuses an element of humility and compassion, of humanism and social consciousness.

That lesson is centuries old, as we read in the Book of Micah: "And what does the Lord require of you, but to do justice, and to love mercy, and to walk humbly with your God."

It is for these reasons that I am so deeply concerned that the freedom, the autonomy, and diversity of America's colleges and universities be maintained. I do not believe that government should attempt to dictate the aims of university education. In a democratic society those who govern, can govern well only if they recognize that the university serves society by pursuing the true aim of the university—the pursuit and dissemination of truth.

It is precisely the independence of the university and the college that enables them to stand in judgment over the actions of government and to speak to the course demanded of a free society.

To maintain a balance between the university's independence and the need for social stability requires a self-disciplined and well-educated citizenry.

I call for the establishment of a major commitment by our Federal Government to maintaining the strength and diversity of America's institutions of higher education.

I call for substantial Federal financial assistance to all our colleges and universities. It is estimated that the resource available to our colleges and universities must more than double during the next decade to a level of $41 billion. And the respected Carnegie Commission on Higher Education has called for a decisive effort to eliminate racial and economic barriers to higher education by 1976.

I believe it is time to inaugurate a major new source of financial assistance that follows the student to the college of his choice. This is why I joined in sponsoring vital legislation that will provide direct Federal assistance to students as a matter of right, and on the basis of need.

Particular emphasis is placed on creating effective educational opportunities for young persons from low-income families. And, of special importance, student assistance under this legislation would be coupled with cost-of-instruction aid to the respective institution.

This is the decisive new direction we should be taking in Federal aid to higher education. I intend to make every possible effort to assure passage of the legislation to accomplish this goal.

Let us resolve here and now to make higher education in America—private as well as public institutions—the finest in the world.

We in Congress need your help now if this job is to be done. But you will be committing yourselves to a task of the highest importance to all the people of this great land of opportunity. The charge is laid before us by Thomas Carlyle. In those well-remembered words:

"That there should one man die ignorant who had the capacity for knowledge, this I call a tragedy."

INDEPENDENT COURT ENFORCEMENT

Mr. DOMINICK. Mr. President, on October 28, the Labor and Public Welfare Committee reported favorably S. 2515, as amended, and H.R. 1746 without recommendation. The primary issue concerning the two bills revolves around which enforcement procedure—independent court enforcement or EEOC-held cease and desist powers—will best protect the rights of all parties to an employment discrimination dispute.

Prior to final House approval of independent court enforcement in September, the Wall Street Journal published Elliot Carlson's article on the subject. Mr. Carlson, in providing an objective analysis of the issue, makes some interesting observations which court enforcement opponents have either failed or refused to consider. Mr. Carlson points out that "knee-jerk liberal reactions" assume that cease and desist will accomplish for employees what the NLRB did for unions. This is not necessarily so. Mr. Carlson cites Rutgers law professor, Alfred W. Blumrosen's findings that "minorities have been far more successful achieving their rights through courts than administrative procedures." Professor Blumrosen, who authored a comprehensive minority employment study, "Black Employment and the Law," found that the 32 States presently having fair employment practice commissions with cease and desist powers "have invariably failed in their own efforts to eradicate job bias through administrative cease and desist powers."

Mr. President, I recommend Mr. Carlson's article to my colleagues as it offers clarified analysis to what has unfortunately become a rather emotional and muddled area. I ask unanimous consent that Elliot Carlson's Wall Street Journal article of September 15, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal,
Sept. 15, 1971]

How Best To Toughen the EEOC?

(By Elliot Carlson)

WASHINGTON.—Just about everybody thinks the Equal Employment Opportunity Commission needs more teeth.

A few years ago, the dean of the Columbia University Law School derided the anti-bias agency as "a poor enfeebled thing . . . (having) the power to conciliate but not to compel." The 1970 report of the U.S. Civil Rights Commission described it as almost powerless, slow and saddled with lax administration, high turnover and general inexperience. "We're out to kill an elephant with a fly gun," concluded a former EEOC chairman.

Even the present chairman, William Brown III, agrees the commission's weapons are inadequate. Recently he noted that of 35,445 charges recommended for investigation since 1965, reasonable cause to believe that bias existed was found in almost two-thirds of the cases. Yet in less than half of these was the EEOC able to achieve a totally or even partially successful conciliation.

There's little agreement, however, on how to strengthen the six-year-old agency, as will be evident today, when proponents of two distinct remedies clash in the House. Labor and civil rights groups back a Democratic-sponsored bill that would give the EEOC the same "cease and desist" powers possessed by the National Labor Relations Board and other federal agencies. Business groups and other opponents are rallying behind a Republican-backed alternative that would merely empower the agency to go to court to enforce its orders. Conservatives who would prefer that the EEOC's power not be strengthened have lined up behind the Republican version, seeing it as the lesser of two evils.

Most civil rights advocates write off this Republican-backed alternative as a predictable move to water down an obviously stronger Democratic approach. Yet it's significant that a growing number of scholars strongly committed to civil rights disagree. They doubt that giving the agency cease and desist authority would be either effective or desirable. They think a sort of knee-jerk reaction by liberals is binding them to the potential inherent in the GOP counterproposal.

MR. BLUMROSEN'S ARGUMENT

"An awful lot of liberals haven't stopped to think that what they're fighting for isn't appropriate to the problem," avers Alfred W. Blumrosen, a Rutgers law professor. "They're basing their views on the NLRB experience, and think that because the board helped unions get established the EEOC can do the same for civil rights groups. That's not necessarily so."

In his 1971 book, "Black Employment and the Law," (Rutgers University Press), Mr. Blumrosen argues that minorities have been far more successful achieving their rights through courts than administrative procedures. He also asserts that states have invariably failed in their own efforts to eradicate job bias through administrative cease and desist powers. (Of 34 states with fair employment practice commissions, 32 have such powers.) Others support his argument.

"I doubt whether cease and desist orders could get at the vestiges of bias better than the courts," declares Bernard Anderson, assistant professor of industry at the University of Pennsylvania. "It would take years to build up the guidelines on which to base such orders, but if you had a good case you could be in court next week."

Court action is what the Republican-backed bill provides for. Legal experts find a few of the measure's provisions disastrous, such as one prohibiting class action suits under Title VII of the Civil Rights Act. But there's no question that granting the EEOC court enforcement authority would add considerably to the agency's weapons, now severely limited.

At present, the EEOC may only investigate charges, determine whether "reasonable cause" exists to indicate the presence of bias, and, if so, attempt to conciliate. When wrong-doers prove obstinate, it may only recommend that the Attorney General institute civil action.

This means that a party can successfully defy the EEOC just by sitting tight, secure in the knowledge that eventually the commission must withdraw and that the Justice Department, anxious to conserve its resources, is selective in the suits it brings, says the EEOC's Mr. Brown. "All that an intransigent respondent has to fear," he recently testified before a House committee, "is the unlikely possibility that whomever he has discriminated against will take him to court. This has happened in less than 10% of the cases where our attempts at conciliation were unsuccessful. . . ."

To many civil-rights advocates, the answer is the Democratic-sponsored measure, which would drastically overhaul the government's entire job bias-fighting effort. Indeed, the bill would transfer to the EEOC most federal anti-bias functions, such as the Labor Department's Office of Federal Contract Compliance, the Attorney General's authority to initiate "pattern or practice of discrimination" suits, and responsibility for overseeing antibias efforts throughout the U.S. Civil Service. It would also broaden EEOC jurisdiction to include 10.1 million state and local government employes.

Perhaps the most important to liberals, the bill would empower the agency, after it had exhausted conciliation efforts, to issue cease and desist orders against discriminatory practices and then to seek enforcement of its orders in federal courts. "The EEOC must have cease and desist power," Rep. Shirley Chisholm, the Brooklyn Democrat, recently declared. "Just having them will create a better mode of voluntary compliance and, of course, will provide an additional remedy in instances of intransigence."

No one really knows how either this proposal or its Republican alternative would work in practice. Proponents of cease and desist base their expectations on the performance of the NLRB, whose average time for settlement of cases in fiscal 1970 was 11 months.

Yet critics point out that NLRB cases can remain unresolved for as long as four years when parties appeal board decisions to the courts. While this happens in only a minority of NLRB litigation, they argue that such appeals would be far more frequent at the EEOC, where the law would be less developed and the cases more controversial. They claim that aggrieved persons would do better if the EEOC went first into U.S. district courts, whose median length for non-jury cases in 1970 was 10 months. A weakness in this argument, though, is that some of the courts that would be used the most have the greatest backlogs. Examples: The delay was 35 months for non-jury cases in the Southern District of New York in 1969, 44 months in the Eastern District of Pennsylvania, and 24 months in the Eastern District of Louisiana in 1970.

But speed is only one measure of effectiveness; final results are a better gauge. But by that measure, too, the scholarly critics doubt that complex problems of bias, deeply rooted in many aspects of the society, lend themselves to resolution through cease and desist orders. For one thing such orders issued by the labor board have the relatively limited function of getting parties to negotiate. At the EEOC, they would presumably have to carry a greater problem-solving load. Furthermore, some experts worry that a substantially strengthened EEOC would invite subversion from special-interest groups.

A CHANGE IN PHILOSOPHY

"The very fact an agency has cease and desist makes it necessary for labor and management to be concerned with its make-up," Mr. Blumrosen observes. "You'd see a subtle change in the philosophy of the agency. Its personnel would have less of a civil-rights orientation."

Mr. Blumrosen argues that it is a fundamental misconception to expect the EEOC to do for the civil rights movement what the NLRB has done for the labor movement. This is because the two movements are substantially different. The chief disparity: "the persistence and staying power of the labor movement at all levels of lobbying, pressuring and influencing activity, backed by financial resources which have become stable and significant in recent years."

These qualities, he contends, make labor more effective in dealing with the bureaucracy: precisely because it is deficient in them, "the civil-rights movement would lose muscle at the EEOC. It lacks the staying power to stand up to labor and management in that kind of a contest." Mr. Blumrosen concludes that the civil-rights movement can best compete in court.

Pennsylvania's Mr. Anderson contends that most discriminatory treatment is institutional: subtle practices that leave minorities at a disadvantage because of cultural and educational differences. He doubts whether such forms of bias could be rooted out by cease and desist orders.

"At the labor board, individual cases are decided on individual merits," he observes. Thus cease and desist orders fail to create broad legal principles, and "that's not good enough for race questions." Mr. Anderson questions, for instance, whether any such order could ever have had the impact of the Griggs vs. Duke Power Co. decision, in which the Supreme Court recently held that employ tests, even if fairly applied, are invalid if they have a discriminatory effect and can't be justified on the basis of business necessity.

Less controversial, although also hotly debated, are the provisions that would center in the EEOC virtually all federal job anti-bias efforts. Scattered among a multiplicity of agencies, such programs often have worked at cross-purposes. Most civil rights advocates agree with Clarence Mitchell, director of the Washington bureau of the NAACP, who snaps, "You don't want a lot of different pots when you're just trying to cook one stew."

EFFECTIVENESS QUESTIONED

Yet how effective an anti-bias superagency would be is questioned by at least some. Pennsylvania's Mr. Anderson believes that "competition between federal agencies has contributed to a more rapid expansion of equal opportunities," since agencies have been under at least some pressure to outperform each other. Then, too, some observers suggest that labor is backing the transfer of the Office of Federal Contract Compliance to the EEOC in hopes of weakening it.

They say the OFCC, which has imposed goals and timetables on government contractors for hiring minorities, could lose this authority if it were transferred. This could happen, they say, because the Civil Rights Act of 1964, which established the EEOC, specifically disallows racial-hiring quotas.

According to the conspiratorial theory, labor favors the OFCC's transfer on the expectation that its "goals and timetables" would conflict with the EEOC's ban on quotas, thus depriving the OFCC of its key sanction and, at the same time, "removing a thorn from labor's side," as one exponent put it.

It's by no means clear, however, that this would be the effect of such a move. Some courts, for example, have ruled that "goals" aren't necessarily the same thing as "quotas." And it's hard to imagine that the OFCC would be less effective at another agency. "How could the OFCC be weaker than it is now?" asks the NAACP's Mr. Mitchell.

No doubt, the new powers Congress confers upon the EEOC will profoundly affect the future course of the civil-rights movement. While most civil-rights advocates prefer cease and desist, it's by no means clear that this approach would ultimately prove more effective than merely authorizing the EEOC to ask courts to enforce its anti-discrimination rulings. As Mr. Blumrosen writes: "One court decision is worth 10 written conciliation agreements and one hundred annual reports of administrative agencies."

GENOCIDE AND EXTRADITION

Mr. PROXMIRE. Mr. President, article VII of the Genocide Convention says in part:

> The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

The fear has been expressed that if the United States ratifies this convention we will be compelled to extradite our citizens to foreign courts where they will be tried without any of the benefits of the Bill of Rights. Such a fear is unwarranted because it overlooks two facts.

First, the convention is quite clear in stating that extradition will only be granted according to laws and treaties in force. At the present time the United States is not a party to a single extradition treaty that defines genocide as one of the crimes for which extradition is to be granted. Our adherence to the Genocide Convention would in no way change this. No one can be extradited for genocide until the United States enters into additional extradition treaties. And even then, extradition would be possible only to those specific countries with whom we had those new treaties.

Second, it is a common policy of the United States not to grant extradition unless the Federal Government is assured that the accused will receive a fair trial with all the guarantees of our constitution. Our Government has always acted to protect the rights of Americans. Nothing in this convention will change that policy.

Mr. President, I urge the Senate to ratify the Genocide Convention as soon as possible.

WILLIAM H. REHNQUIST: A MAN OF PROVEN CAPABILITY

Mr. PEARSON. Mr. President, each Senator fully realizes the solemn responsibility associated with the confirmation of a Supreme Court nominee. For hanging in the balance are decisions which affect all Americans in a most profound way. In this regard, both the President and the Senate should seek to nominate and confirm only those individuals who, through their performance as interpreters of the law, have indicated an extraordinary competence and potential to judge in America's highest tribunal.

Mr. President, William H. Rehnquist is a man of proven capabilities, and his record indicates a capacity for growth which has yet to be fully realized. In a few short years, he has risen from private attorney to a position of great responsibility in the Department of Justice. His concern for and work in efforts to help halt the rising rate of crime throughout the Nation has earned him much respect.

Now, at a comparatively young age, he is on the verge of appointment to the Supreme Court, a pinnacle of success achieved by only 98 men throughout our history.

Mr. President, some have argued that Mr. Rehnquist's basically conservative philosophy could be a detriment to the Court. They would have us believe that his conservative political philosophy could carry over to the decisions he makes as a Supreme Court Justice. I would suggest, Mr. President, that although political considerations cannot be totally dismissed in appointments of this nature, it does any man of Mr. Rehnquist's stature a disservice to intimate that personal political beliefs will affect the manner in which he conducts himself while sitting on the Bench.

We who have followed the progress of these nominations in the Senate to date know that Mr. Rehnquist has acknowledged his conservative leanings, both in a political and judicial sense. Yet we also know that he has confirmed, and that his associates have reaffirmed, his strict adherence to the Constitution, to the law, and to his belief that the merits of any individual case will be his only consideration as a Supreme Court Justice. Based on these assertions, I would ask those who oppose Mr. Rehnquist's nomination whether it is fair to judge a man based on what he might think as compared to what he himself has said he will think.

Mr. President, the Senate has a clear responsibility to explore Mr. Rehnquist's record thoroughly in making its decision on whether it should accept his nomination. Yet it is my judgment that a complete analysis will show that this man is eminently qualified to perform the duties which the President has determined he should have. I therefore intend to support the nomination of William H. Rehnquist to the Supreme Court of the United States.

SCHOLARS SUPPORT UNITED NATIONS

Mr. BROOKE. Mr. President, this past weekend, national newspapers published reports that a distinguished group of scholars in the field of international relations had warned against reducing America's support for the United Nations.

I share their alarm over recent suggestions that the United States should reconsider its support for the U.N. as a result of the admission of Mainland China. We have nothing to lose and much to gain by including China, which comprises one-quarter of the world's population, in the deliberations of the world body. China's admission is in our national interest. And while I regret the simultaneous expulsion of Taiwan, I believe we must abide by the democratically made decision of the other members.

Our support for the U.N. must not be diminished. On the contrary, with more inclusive representation of nations in the world body, the U.N.'s potential for resolving international disputes and for providing constructive solutions to problems of hunger, disease, and pollution is greater than ever.

I welcome the statement of the 16 leading scholars of international relations, who met in Boston, Mass., last weekend to draft this joint statement of concern. The views of these men inject a note of reason and scholarly assessment into an ongoing national policy debate. I ask unanimous consent that their statement be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF 16 LEADING SCHOLARS, BOSTON, MASS.

A group of leading US scholars in the field of international organization, meeting in Boston, urged today that the United States not jeopardize its national self-interest by shortsighted actions crippling the United Nations and other international bodies.

Specifically, the group warned against overreacting to the consequences of the seating of the Peoples Republic of China in the UN and other international agencies. On the contrary, the group argued, this action would give the UN new relevance, even though the Republic of China on Taiwan had been excluded. Pointing out that one reason the United States could not use the UN for assistance in negotiating an end to the Vietnam War was the lack of UN membership of three of the major parties to the conflict, the scholars emphasized the value to the United States and to future world peace of a world organization containing friends and adversaries alike.

As to UN finances, the group pointed out that other nations provide up to approximately seventy percent of the contributions to the United Nations. United States contributions, some of which have been under attack in the Congress, have been generous, but by no means excessive in terms of this country's relative wealth and the importance of its international interests. US regular and voluntary contributions to the UN's expenditures in 1970 came to only $1.36 per capita, contrasted with $373 for U.S. military expenditures and less in proportion to average per capita income than contributions of many other poorer members of the world body. The U.S. contribution is but a fraction of what Americans spend for cigarettes and tobacco, liquor, or cosmetics, and substantially lower than the expenditures of the City of New York for either sanitation or fire protection.

Of course, UN expenditures and finances must be kept under constant review. Expenditures not yielding benefits commensurate with cost should be eliminated. Also, growing prosperity should permit some other countries to carry a greater load.

The group urges that President Nixon give a firm lead at this critical moment in supporting a strengthened UN for such purposes as peacekeeping, particularly in the light of the "Nixon Doctrine" which calls for reduced US unilateral intervention in conflict situations.

Members of the group were (titles given for identification only):

Lincoln P. Bloomfield, Professor of Political Science, Massachusetts Institute of Technology.

Daniel S. Cheever, Director, Department of International Affairs, Graduate School of Public and International Affairs, University of Pittsburgh.

Rupert Emerson, Professor of Government, Harvard University.

Lawrence S. Finkelstein, Secretary, Center for International Affairs, Harvard University.

Leland M. Goodrich, Professor Emeritus, School of International Affairs, Columbia University.

H. Field Haviland, Jr., Fletcher School of Law and Diplomacy.

Elmore Jackson, Vice President for Policy Studies, United Nations Association of the United States of America.

Harold K. Jacobson, Professor of Political Science, University of Michigan.

David A. Kay, Associate Professor of Political Science, University of Wisconsin.

Robert O. Keohane, Associate Professor of Political Science, Swarthmore College.

Lawrence Krause, Senior Fellow, The Brookings Institution.

Leon N. Lindberg, Professor of Political Science, University of Wisconsin.

Edward Miles, Associate Professor of International Relations, Graduate School of International Studies, University of Denver.

Joseph S. Nye, Professor of Government and Program Director, Center for International Affairs, Harvard University.

Francis O. Wilcox, Dean, School of Advanced International Studies, Johns Hopkins University.

Oran R. Young, Center for International Studies, Princeton University.

DR. CLAUDE E. HAWLEY

Mr. HUMPHREY. Mr. President, on October 28 my good friend, Dr. Claude E. Hawley, vice president of the John Jay College of Criminal Justice, died at the age of 56. Claude was more than a distinguished political scientist and educator. He was also a philanthropist and a humanitarian. He served as president of the Helen Dwight Reid Educational Foundation and in that role provided leadership and assistance to strengthen our democratic institutions. A former colonel in the Armed Forces, he headed the Psychological Warfare Division in Southeast Asia and later served as Director of External Research for the U.S. Central Intelligence Agency. He also held a responsible position with the U.S. Information Agency.

I ask unanimous consent to have printed in the RECORD the address by the president of the John Jay College, Dr. Donald H. Riddle, delivered at Dr. Hawley's funeral services.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRESIDENT OF JOHN JAY COLLEGE

(By Donald H. Riddle)

As most of you know, Claude Hawley left no family, except for a very large family of friends. His close friend and executor Carney Darron has asked me, as President of the college where Claude served as Vice-President, to preside over this ceremony in which we honor our friend Claude Edward Hawley, and share our sense of loss. The ceremony will be a simple one as befits a man whose personal tastes went beyond the spartan in their simplicity. Indeed it is sad and ironic that this ceremony is probably the most lavish of his life.

Claude was a man who often hid his virtues and displayed his blemishes. His prickly exterior tended to conceal a sensitive, compassionate and fiercely loyal man underneath. Consequently many of his contributions to the John Jay College of Criminal Justice went unappreciated except for his closest associates among the faculty and administration.

His going leaves an enormous hole to fill. Indeed, one member of the college community suggested that I look for three men to fill his shoes. For with Claude, his work was the essence of his life. Months before he came to the college, but after he had agreed to become its first Dean of Graduate Studies, he spent untold hours working on the development of the program he was to head; and from the beginning it was a stronger program than we had a right to expect.

It was Claude's painstaking work on our M.P.A. program which was his abiding academic love, that turned sneers at the upstart "cop college" first into a grudging respect and then to full acceptance within the university and across the country, culminating in his election last spring as the next president of the Council of the Graduate Schools of Public Administration. But perhaps our graduate students appreciated him most. It was they who most readily discovered the surprising depth of that spring of compassion under that bristly exterior.

No student ever found him too busy or too preoccupied to drop what he was doing to listen to a problem and to lend his best efforts to its solution, whether it was cutting some current piece of red tape or to help with a personal or academic problem or to simply make some calls to friends who might give assistance. His impact on students was epitomized, for me at least, by the former graduate student, now with Claude's help a doctoral candidate at U.S.C., who called Friday in tears because he could not afford to come here and who concluded "he helped me so much".

Claude had only limited knowledge of the police but he had such a deep sympathy for the students that the police tended to look upon him as one of them, not understanding that he felt that way about all our students although he did reserve a special place in his heart for the part-time student with the full-time job.

But his greatest contribution to the college did not lie in his obvious role in the development of the Graduate Studies. For more than three years he has been first de facto and then officially the college's vice-president. It is in that role that he became virtually irreplaceable in ways only I can know best, but which these inadequate words can only suggest, but not do justice to. He was the one who cheerfully took on the difficult and unpleasant jobs; who was always there to cut the red tape; who tirelessly worked on getting John Jay the national reputation he believed we merited; who systemically cultivated the respect of every agency which might have an interest in the work of the college. Usually the first to arrive in the morning, and until his illness the last to leave, he lightened the burdens of us all and buttressed us with his intense personal and institutional loyalty. He was the troubleshooter, the one who insisted that we not merely make a decision, but that we also decide who will do it and when, and then he would relentlessly pursue every last detail until the job was done.

In short, he was the one who got things done. It is not surprising that he earned our respect but he also earned and got our affection. Many of us at the college will miss terribly his person. All of us will miss his presence.

NEW YORK CITY GIVES CONGRESS A LESSON

Mr. MOSS. Mr. President, I invite the attention of Senators to an article published in yesterday's New York Times. It concerns New York City's decision to change over completely to the use of recycled paper for all its paper requirements. Beginning soon, the New York City commissioner of purchase will specify minimum percentages of recycled fiber that will have to be in every paper item the city buys.

This step follows the tremendous success of the city's purchases of recycled paper to date. In the words of the commissioner of purchase:

> The partially recycled paper was every bit as good, but cheaper than our previous purchases of virgin paper.

It seems that Congress could take a lesson from New York City. Senators are still unable to receive recycled paper in their regular paper allotment. I buy my own. Not a single Federal agency can use recycled paper, although several have told me they were interested. Why? Because the Government Printing Office has not made up its mind:

> The matter is under study.

Well, I submit that the study has gone on long enough. The unambiguous evidence is in, not only from New York, but from every other user of recycled paper. Recycled paper is every bit as good, but cheaper than virgin paper. With the speed of its studies, I am surprised that the Government Printing Office has moved up from papyrus.

How long must this charade go on? When will Federal specifications be rewritten to permit, let alone require, the use of recycled paper? When will action be forthcoming on the various bills, including my own, to require some use of recycled paper by the Government?

I ask that we move promptly on these matters, for time is of the essence. Every day more trees are cut down needlessly to fill our virgin paper requirements. Every day waste paper that could be recycled is being added to our critical solid waste problem, because we refuse to require it to be recycled. We must move soon to overcome our resource shortages and our solid waste problems before they overcome us.

I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

City To Buy Only Recycled Paper

Paper manufacturers selling everything from official forms to toilet paper to the city will soon be required to use large amounts of recycled paper in their products, Purchase Commissioner Marvin Gersten said yesterday.

"Very soon," Commissioner Gersten said in an interview, "we plan that virtually all paper products purchased by the city will contain some recycled materials."

The program, being prepared by Mr. Gersten's office and the Environmental Protection Administration, follows "the tremendous success" of a $353,992 purchase by the city last spring of a year's supply of bonded stationery containing 20 per cent fabric redeemed from waste paper.

"The partially recycled paper was every bit as good, but cheaper, than our previous purchases of virgin paper," Mr. Gersten said.

CUT IN COSTS EXPECTED

The 32-year-old Commissioner, whose department is responsible for virtually all city purchases, said the move to require use of recycle paper would cut costs; help reduce the city's refuse-disposal problem, which now averages 24,000 tons a day, and act as a conservation aid by using less virgin paper.

While Mr. Gersten indicated that the city was aiming at a 20 per cent use of recycled paper, he pointed out that he had just signed a $10,000 contract for corrugated boxes that will contain 30 per cent recycled material.

By early next year, he said, about $1-million in paper purchases by the city would reflect the requirement on recycled paper.

Of the approximately 1.7-million pounds of paper purchases the city has made since July 1, the start of the fiscal year, about 350,000 pounds contained some recycled matter, Mr. Gersten said.

The official stressed yesterday, as has Jerome Kretchmer, the Environmental Protection Administrator, that he hopes the new city purchase policy will influence major corporations here to follow suit, for both economic and conservation reasons.

Officials of the Environmental Protection Agency are currently drawing up new specifications spelling out the percentage of recycled material the city will require in the thousands of separate paper products the city buys annually.

PROGRAM TO BE EXTENDED

"The next step," the Purchase Commissioner said, "is to extend the recycling program to other materials and find out what we throw away that we don't have to throw away."

Last month, Mr. Gersten was named chairman of a committee on recycling at the annual meeting of the National Institute of Government Purchasing Agents in Cincinnati, where he outlined the city's intentions to set recycling requirements on purchases.

"Since then," he said, "our office has been deluged with requests from private and government organizations, asking for information" on newly devised specifications and on the quality of the recycled material.

RECEIPT FOR FEDERAL TAX PAYMENT

Mr. HATFIELD. Mr. President, on Saturday last, the distinguished Senator from Minnesota (Mr. HUMPHREY) suggested that the American taxpayers have the right to a receipt for their Federal income tax payment—a receipt which would show them where their money had gone—just as they have the right to ask for a full accounting of every other bill charged to them. The amendment offered by the Senator from Minnesota to require the issuance of such a receipt was roundly defeated by arguments such as these: The taxpayers do not want the information; we would be filling the taxpayers' mailboxes with junk mail; the scheme would be subject to a computer error; there would probably be a taxpayers revolt if they were informed how their money is being spent; the services would cost too much—about one-third the price of an F–14 airplane.

I am surprised to hear the distinguished Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, report that he has never in 23 years had a request for any information of this kind. I have had many such requests. I am surprised to hear that receipts for payments of large sums of money are being called junk mail. And I submit that if such information is likely to precipitate a revolt of the American taxpayers, then this body has not been representative of the people. Our democracy is based upon trust in the people, who have a right to know about and to shape the affairs of the Nation through those they elect to office. For these reasons, I support efforts to make this kind of information available.

We are living in a time when confidence and trust in government has been eroding. People find it difficult to translate the policies of government and the money that is spent into concrete terms that they can understand. In my view, one of the most important functions of an elected representative is to bridge this gap between government bureaucracy and the people, and help translate the actions of government in ways that can be understood by each citizen. This was my objective when I undertook to report to Oregonians where their Federal taxes were spent, including, specifically, spending for the war in Vietnam. I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

Where Federal Taxes Are Spent

If you are the head of an average Oregon household, you have paid out $1,101.00 for the War in Vietnam since 1965. Since 1965, over One Billion Dollars ($1,000,000,000) has been paid by Oregon's citizens and corporations in taxes for the War.

The citizens of Oregon paid a total of $94.8 million in tax money just for fighting the War in Vietnam during the last fiscal year (July 1, 1970–June 30, 1971). Yet, spending for the War was only 15% of spending for the military last year. Of the total amount of Federal tax money that came from the pockets of the people of Oregon—$987 million—about $633 million went for military purposes. That is 64 cents out of every Federal tax dollar. In contrast, only 16 cents went for education, health, and welfare.

This is what these costs mean to the average Oregon household:

(1) This household paid $1,427.00 in Federal taxes (not including Social Security) last year.

(2) Of this amount, $915.00 was earmarked for military purposes—$137.00 specifically for fighting the War last year.

(3) And as I stated, since 1965, the War in Vietnam has cost the Oregon household a total of $1,101.00.

But these are just average figures. Using the form on the next page, you may make an evaluation of your own contributions to military spending in general, and to the War in particular. With these figures in hand, you may be interested in hearing more about where Oregon dollars are spent by the U.S. Government, and what these spending priorities mean to Federal aid for projects in the State.

U.S. GOVERNMENT SPENDING (FEDERAL FUNDS BASIS)—FISCAL YEAR 1971

	Percent of total	Billions
Defense spending for all military reasons, including military-related spending)	64.1	$105.5
Human resources	16.5	27.3
Education and manpower	4.8	7.9
Health	5.3	8.8
Welfare	6.4	10.6
Agriculture and rural development	3.2	5.3
Natural resources (including environment)	1.6	2.6
Commerce and transportation	4.5	7.3
Community development and housing	2.3	3.9
International assistance	2.2	3.6
Space research and technology	2.1	3.4
Other	3.5	5.8
Total	100.0	164.7

The above table illustrates the present ordering of national priorities by showing how the U.S. Government spends our tax dollars. New priorities are needed, if we are to restore the general health of the economy and meet the pressing need for Federal funds for water and sewer projects, housing, aid to education, law enforcement, environmental protection, youth care, job re-training, irrigation and flood control, recreational area development, and so on, down a very long list.

Oregon's contribution to the tax money spent by the Federal Government last year is shown in the 2nd table. Included are figures showing what an average Oregon household contributed.

Since 1965, fighting the War in Vietnam has cost the Nation $123,000,000,000 ($123 billion). This figure, however, does not include the indirect costs, such as war-generated inflation, Vietnam veterans' benefits, and rehabilitation for drug-addicted troops. Considering the veterans alone, and using past wars as a guide, it is estimated that the budgeted cost of the War will be increased by at least $60 billion as veterans' benefits are paid out in the future. A further cost will be borne by the U.S. taxpayers as they pay more and more interest on the burgeoning national debt, which is about 80% war-created.

The War has also cost a great deal to Oregon in terms of lost opportunities. While the list of much-needed Oregon projects appears inexhaustible, the list of projects rejected for lack of funds is nearly as long. For example, the City of Portland applied for $600,000 to build an important trunk-line sewer in April, 1970. They were told that funds were not available for the project. Meanwhile, the residents of Mulnomah County were paying $30.7 million just to continue fighting the War in 1971.

In the last six months (through August), requests from Douglas County for Federal assistance in water and sewer projects have totaled $810,700—for rural water facilities construction in the Umpqua Basin, sewage collection facilities construction at Winchester Bay, and construction of a sewage treatment plant at Riddle. Compare the above figure with what the citizens of Douglas County have spent just for fighting the Vietnam War in the last six months: $1.4 million. This comparison is especially significant when you realize that for every water or sewer project in Oregon that is actually funded, there are ten for which there are no funds.

In Lincoln County, where I live, we paid a total of $6,250,000 in Federal taxes last year just to support military spending. As the editor of the Newport News and Times pointed out, this sum would have completely funded a new and much-needed Toledo-Newport high school.

Of course dollars can never measure the deepest tragedy of this War—its human cost. Over 665 young Oregon men have paid with their lives in Vietnam. Thousands more have been wounded, and over 30 are held as prisoners or are missing in action. Still others have become addicted to drugs while in Southeast Asia. All Oregonians feel this loss and grief, and communities throughout the state share in the suffering from the sacrifice of these able, young citizens.

The message is this: In addition to the horrible human costs of death and injury to young Oregon men, the War has caused the people of Oregon to forfeit large sums of money and tremendous economic opportunities. Your community has suffered, and quality of living in your area has gone wanting.

The road to a healthier economy and to a better quality of life—to a vibrant and stronger country—leads away from excessive military spending. The way is through development of community, human resources, natural resources, and commerce. The War has skewed our national priorities for the last seven years; it is time for a change.

Figure your own war cost

Your 1971 Federal income tax ———.

Estate taxes ———.

Gift taxes ———.

Customs duties ———.

Excise taxes (on alcohol, tobacco, amusements, telephone, luxuries) ———.

Your total 1971 Federal taxes (sum of above) ———.

Your contribution to military spending, 1971 ——— times 0.64 equal ———.

Your contribution to the War, 1971 equal ——— times 0.10 equal ———.

Your contribution to the War, 1965–71 ——— times 0.77 equals ———.

CONTRIBUTIONS TO FEDERAL FUNDS FOR U.S. GOVERNMENT SPENDING—FISCAL YEAR 1971

	Taxes from an average Oregon household	Taxes from the State of Oregon (million)
Defense (spending for all military reasons, including military-related spending)	$915	$792
Human resources	236	204
Education and manpower	69	59
Health	76	66
Welfare	91	79
Agriculture and rural development	46	39
Natural resources (including environment)	23	20
Commerce and transportation	64	56
Community development and housing	$32	$28
International assistance	31	27
Space research and technology	30	26
Other	50	43
Total	1,427	1,235
For the war in Vietnam:		
Fiscal 1971	137	119
1965–71	1,101	1,016

DESCRIPTION OF THE RESEARCH

The following method was used to determine what Oregonians paid in fiscal year 1971 (FY71) for the various functions of the Federal Government.

First, the Federal Budget was analyzed to determine the origins of U.S. Government receipts and the locations of U.S. Government outlays.

There are two ways to view the Federal Budget. (1) The *Unified* Budget includes revenues from taxes (individual and corporate income, estate, gift, most excise, customs) plus payments into the Trust Funds (Social Security, Unemployment Insurance, Disability Insurance, Railroad Retirement, Highway Trust Fund, etc.). (2) The Federal Funds Budget includes only the revenues collected from taxes. Since the Unified Budget contains the Trust Funds—money collected for a specific purpose, held in trust, and then paid back—a better picture of national priorities can be gained by examining the Federal Funds Budget, which deals with the funds that are not specifically earmarked, and which can be channeled into the various Government functions according to priorities established by the Executive Branch. (A case in point: Expenditures for defense, which come directly from tax money, cannot be legitimately compared to outlays for Social Security, which the Government previously collected for this purpose and now pays back to the source.)

Budget data for fiscal year 1971[1]

[In billions]

U.S. Government receipts:	
Unified budget	$188.3
Trust funds receipts	54.6
Federal funds receipts	133.7
U.S. Government outlays:	
Unified budget	212.8
Trust funds outlays	48.1
Federal funds outlays	164.7
Deficit (Federal funds budget)	[1]24.5

Federal Funds outlays were sorted into the categories of Table I[1,2]. The defense category includes all spending for military reasons. This includes veterans' benefits, for example, and interest paid on the national debt, which is about 80% war-created. It is a close approximation to include the entire interest, rather than just 80%, in defense costs, because the extra 20% just balances the defense expenditures that are masked by their inclusion in other categories (most notably in international assistance and space research and technology).

Note: The U.S. Government now uses the Unified Budget in reporting all revenues and outlays. The major effect of this reporting is to inflate the appearance of the human resources category while comparatively shrinking defense. The Unified Budget view of Federal outlays, as it is presented in the official U.S. Budget, is shown in Table II.

Second, Oregon's contribution to Federal Funds receipts was determined by finding out what percentage of Federal Funds has come from Oregon in previous years.[3] The data available for such calculation are from fiscal years 1965–1967, and during that time Oregon's contribution was 0.92% of total Federal Funds receipts. (Rough calculations for later years show about the same figure.) Assuming that Oregon's contribution is still about 0.92%, Oregon's contribution for FY71 is $1.235 billion (Table III).

FY65–67 data also showed that corporate concerns in Oregon generated 28% of the total state contribution, a figure that was close to the national average (all corporations in the nation generated 30% of total Federal Funds receipts). In FY71, the contribution of the nation's corporations had fallen to only 20% of Federal Funds receipts. We assume that the Oregon figure remained close to the national figure; ie, that Oregon corporations in FY71 generated about 20% of the total state contribution.

The 1970 Census reported 691,631 households in the State, and an Oregon population of 2,091,385.[4] These figures were used in completing Table III.

Third, the cost of the War was taken from the Senate Foreign Relations Committee Report.[5] The total cost of fighting the War in FY71 was $15.8 billion, or 9.6% of Federal Funds outlays. For the seven years from 1965 to 1971, the War cost was $123 billion, or 13.1% of total Federal Funds outlays for those years. Therefore, one can say that 9.6% of Oregon's FY71 contributions and 13.1% of Oregon's seven-year contribution went for fighting the War (Table IV).

Fourth, the county contributions were computed on a personal incomes basis. Data on Oregon personal incomes was available for 1968 from Oregon Tax Research.[6] Each county's total personal income for that year was figured as a percentage of the state total personal income, and this percentage was used to approximate the country's contribution to the FY71 state total contribution (excluding corporations) to Federal Funds.

Final notes: It is estimated that the budgeted cost of the War will be increased by at least 50% as veterans' benefits are paid out over the next 100 years.[5]

The figures of the Tables are best possible estimates using the available information. To our knowledge, no direct cost accounting has ever been done by the Government that would determine the actual amounts of money, from regions and localities of the U.S., that are used for the various functions of the Federal Government.

FOOTNOTES

[1] *The Department of the Treasury News,* July 28, 1971.

Uses and Sources of Federal Government Funds, Fiscal Years 1970–1972 Congressional Research Service, Library of Congress, February 22, 1971, revised.

The U.S. Budget in Brief, Office of Management and Budget, Executive Office of the President, January 29, 1971, p. 61.

[2] *1971 Joint Economic Report—Report on the February 1971 Economic Report of the President,* Joint Economic Committee, U.S. Congress, 1971, pp. 62–68.

[3] *Federal Revenue and Expenditures Estimates for States and Regions, Fiscal Years 1965–67,* Intergovernmental operations subcommittee of the Committee on Governmental Operations, U.S. House of Representatives, October, 1968, pp. 28–29.

[4] *1970 Census of Population, Oregon Advance Report,* Bureau of Census, U.S. Department of Commerce, January, 1971.

[5] *Impact of the Vietnam War,* Foreign Affairs Division of Congressional Research Service, Library of Congress (prepared for the use of the Committee on Foreign Relations, U.S. Senate), June 30, 1971.

[6] *Your Taxes,* Oregon Tax Research, Vol. 35, No. 6 (June, 1970).

TABLE I.—U.S. GOVERNMENT OUTLAYS (FEDERAL FUNDS BASIS) FISCAL YEAR 1971 (JULY 1, 1970 TO JUNE 30, 1971)

[Dollars in billions]

	Percent of total	Amount
Defense (spending for all military reasons, including military-related spending)	64.1	$105.5
Direct military spending	46.4	76.5
Veterans' benefits	5.9	9.6
Interest on national debt	11.8	19.4
Human resources	16.5	27.3
Education and manpower	4.8	7.9
Health	5.3	8.8
Welfare	6.4	10.6
Agriculture and rural development	3.2	5.3
Natural resources (including environment)	1.6	2.6
Commerce and transportation	4.5	7.3
Community development and housing	2.3	3.9
International assistance	2.2	3.6
Space research and technology	2.1	3.4
Other	3.5	5.8
Total	100.0	164.7

TABLE II.—U.S. GOVERNMENT OUTLAYS AS REPORTED IN OFFICIAL U.S. BUDGET (UNIFIED BUDGET BASIS) FISCAL YEAR 1971 (JULY 1, 1970 TO JUNE 30, 1971)

[Dollars in billions]

	Percent of total	Amount
Defense	35.9	$76.4
Human resources	41.7	88.7
Education and manpower	3.9	8.3
Health	7.0	14.9
Welfare	6.4	10.6
Social security (and related programs)	19.7	44.9
Veternas' benefits	4.7	10.0
Agriculture and rural development	2.5	5.3
Natural resources (including environment)	1.2	2.6
Commerce and transportation	5.4	11.4
Community development and housing	1.8	3.9
International assistance	1.7	3.6
Space research and technology	1.6	3.4
Interest on national debt	9.1	19.4
Other	2.1	4.4
Undistributed intragovernmental payments	−3.0	−6.3
Total	100.0	212.8

TABLE III.—*U.S. Government receipts—Federal funds basis—fiscal year 1971*

	Millions
Total Federal receipts	$133,658

OREGON'S CONTRIBUTION TO U.S. GOVERNMENT RECEIPTS, FISCAL YEAR 1971

	Millions
Oregon's contribution to total Federal receipts	$1,235
Subtract Oregon corporation taxes	248
Oregon's contribution to Federal receipts from personal taxes on residents	987

An average Oregon household's contribution to Federal receipts: $1,427.

An average Oregon resident's contribution to Federal receipts: $472.

TABLE IV.—*Cost of the war to the nation*

Fiscal year 1971: $15.8 billion; or $245 per U.S. household, or $78 a person.

1965–1971: $123 billion; or $1,974 per U.S. household, or $605 a person.

COST OF THE WAR TO OREGON FISCAL YEAR 1971

	Millions
Total	$118.6
Subtract the cost borne by Oregon corporation taxes	23.8
Cost of the war to Oregon residents	94.8

Cost of the war to an average Oregon household: $137.

Cost of the war to an average Oregon resident: $45.

COST OF THE WAR TO OREGON 1965–1971

	Millions
Total	$1,015.5
Subtract the cost borne by Oregon corporation taxes	253.9
Cost of the war to Oregon residents	761.6

Cost of the war to an average Oregon household: $1,101.

Cost of the war to an average Oregon resident: $364.

TABLE V.—*Contribution to Federal funds for U.S. Government outlays by Oregon corporations and residents—fiscal year 1971*

	Millions
Defense (spending for all military reasons, including military-related spending)	$792
Human resources	204
Education and manpower	59
Health	66
Welfare	79
Agriculture and rural development	39
Natural resources (including environment)	20
Commerce and transportation	56
Community development and housing	28
International assistance	27
Space research and technology	26
Other	43
Total	1,235
For the war:	
Fiscal 1971	119
1965–1971	1.016

TABLE VI.—*Contribution to Federal funds for U.S. Government outlays by the Oregon Corporations—fiscal year 1971*

	Millions
Defense (spending for all military reasons, including military-related spending)	$159.1
Human rebsources	41.0
Education and manpower	11.9
Health	13.2
Welfare	15.9
Agriculture and rural development	7.9
Natural resources (including environment)	4.0
Commerce and transportation	11.2
Community development and housing	5.7
International assistance	5.4
Space research and technology	5.2
Other	8.7
Total	248.2
For the war:	
Fiscal 1971	23.8
1965–1971	253.9

TABLE VII.—*Contribution to the Federal Funds for U.S. Government Outlays by the Residents of Oregon—fiscal year 1971*

	Millions
Defense (spending for all military reasons, including military-related spending)	$632.6
Human resources	162.8
Education and manpower	47.4
Health	52.3
Welfare	63.1
Agriculture and rural development	31.6
Natural resources (including environment)	15.8
Commerce and transportation	44.4
Community development and housing	22.7
International assistance	$21.7
Space research and technology	20.7
Other	34.5
Total	986.8
For the war:	
Fiscal 1971	94.8
1965–1971	761.6

TABLE VIII.—*Contribution to Federal funds for U.S. Government outlays by an average Oregon household—fiscal year 1971*

Defense (spending for all military reasons, including military-related spending)	$915
Human resources	236
Education and manpower	69
Health	76
Welfare	91
Agriculture and rural development	46
Natural resources (including environment)	23
Commerce and transportation	64
Community development and housing	32
International assistance	31
Space research and technology	30
Other	50
Total	1,427
For the war:	
Fiscal 1971	137
1965–1971	1,101

NEW TOWNS AND PRIVATE ENTERPRISE

Mr. HUMPHREY. Mr. President, I have taken the floor of the Senate a number of times to urge support for the new town movement. New towns could represent the best of planning, technology, and social involvement.

The development of new towns was spurred by the Housing Act of 1968. In this legislation, four kinds of new towns became eligible for government aid:

First, the free standing town, second, the satellite city, third, the add on—built around an existing small town, and fourth, the new town-in town—a new town within the core part of an already existing city.

We in Minnesota were proud to be the first State that won a loan guarantee commitment from HUD for the new town of Jonathan. The planning of Jonathan places emphasis on the orderly growth and the preservation of open space. This year Minnesota will have another new town development—Cedar-Riverside, less than a mile from the heart of Minneapolis. Cedar-Riverside is an example of a new town-in town.

Additional legislation in 1970 has opened frontiers for the development of new towns. Under title VII of the Housing and Urban Development Act, interest differential payments were made available for both public and new community developers. However, I have discovered that the Nixon administration is not paying the interest differential for new public new community developers. I have introduced Senate Joint Resolution 141 that would require the payment of this differential. I would hope that Congress will act on that resolution.

The importance of new towns to private developers has been clear to many of us for years. Recently, however, this importance is being noticed in such business oriented magazines as Fortune.

In an article published in the September issue of Fortune, Eleanore Carruth examines the whole new towns picture. Her conclusion is worth noting:

> It is much too early to tell how new towns will work out, of course on a number of counts—but they could in themselves be at least a partial solution. By their very existence, moreover, in the standards they set for all other developments, they could lift the level of living for millions of Americans. And, surely that would make the new town experiment worth the undertaking.

I ask unanimous consent that the article entitled "Big Move to New Towns" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVATE DEVELOPERS ARE MAKING THE BIG MOVE TO NEW TOWNS

(By Eleanore Carruth)

The new-town movement is about to come of age in America. Powerful forces—public and private, natural and directed—are converging into a thrust toward large, planned communities all over the U.S. The decade of the Seventies will see scores if not hundreds of such new developments spring up, transforming not just the physical landscape, inside and outside of cities, but the human affairs of millions of Americans as well.

Sometime soon, the Department of Housing and Urban Development will announce its support for at least three projects, bringing to a total of nine the number of new towns it is committed to back. With scores of proposals pouring in from Alaska to the Virgin Islands and all points in between, HUD expects to approve another six to nine over the rest of this fiscal year. Larger plans—and budgets—may be in the cards for fiscal 1973.

The new communities will increasingly, over the next decade, affect the affairs of American business, too. A string of blue-chip corporations—I. C. Industries, Westinghouse, U.S. Gypsum, and Sears, Roebuck, to name a few—have already entered the field, and a good many others are eying it. Private enterprise may make handsome profits on projects where most of the risk is borne by the government. "Ten or fifteen years from now I expect congressional investigations and criticism from the press about the money that developers are making on new towns," says William J. Nicoson, head of HUD's Office of New Communities Development. "And I will welcome them. I don't mind if there are profits—I hope there will be—as long as we get the product."

The new communities will determine the location of a growing proportion of the country's $100-billion-plus construction industry, which accounts for a tenth of the gross national product. New York State expects to channel a full third of its anticipated population growth in the Seventies into new communities. The proportion elsewhere may be higher, or lower, but it is certain to be significant. And because the new communities will try to provide jobs as well as bedrooms, the movement will strongly influence the future placement of both commerce and industry.

THE BEST OF EVERYTHING

To be sure, only a few of these new communities will fully qualify as "new towns" in the sense that purists use that term. The original concept, incorporated to one degree or another into the thirty communities already born of Britain's New Towns Act of 1946, was pioneered by Ebenezer Howard, an English urban philosopher, back at the turn of the century. He envisaged an independent, multifaceted city, planned and built from the beginning to combine the best of two worlds: a full range of urban life and the beauty and serenity of country living.

Ringed by a green belt to preserve open space and prevent sprawl, Howard's city was to be a balanced community, with adequate business and public facilities as well as residential units—a place where people could live *and* work. The ideal new town would also have diversity in housing and income levels, in employment, recreation, and life style.

The native American approach to the new town, however, has so far been considerably more pragmatic than ideal, as seen in many, if not most, of the fifty or more large planned communities that have appeared in the last quarter century. Among the first of the genre were Levittown, Long Island, and Park Forest, Illinois. These were mass housing developments for the new middle class fleeing the central city, but they differed from much of the ongoing growth of suburbia that proceeded mindlessly through tract development strung out over the countryside. These new communities offered not just housing, but a whole way of *suburban* life. Park Forest (population: 30,000), some thirty miles south of Chicago, even gained a measure of national fame in the early Fifties as the home of William H. Whyte's "organization man," who first appeared in the pages of this magazine.

COUNTRY-CLUB COMMUNITIES

Well before the government got involved in the new-town movement, the character of planned developments had been changing in several promising ways. To begin with, the newer ones are starting with a great many more amenities—man-made lakes, green space, golf courses, etc.—and a wider range of public services and community facilities. Many have acquired light industry and commerce. A few have even tried to broaden development by building federally subsidized housing as well as expensive residences, and so diversifying their population mix. Some communities have just evolved in one or another of these directions while others have come a lot closer to the new-town idea in their initial plans for development. Among the latter are Irvine and Valencia in California, and New Orleans East, all planned for a population of a quarter million or more, as well as other, smaller communities such as Clear Lake City in Texas and Westlake Village in California. But even the best of them have been criticized as "country-club communities" with no real urban style.

The two developments in the U.S. most universally admired are Columbia, Maryland, and Reston, Virginia. Their design has been widely praised, and both are expected to return large profits to their backers. Both place great stress on local jobs for their residents—a key concept of the new town—although a considerable number of residents commute to work in nearby Washington and Baltimore. Now that generous backing for the new-town movement is becoming available, Columbia and Reston are generally conceded to be the pioneers and the best available models for emulation. To the men who built them, they add up to considerably more than the sum of their parts. "A new town does not begin with the land," says James Rouse, the creator of Columbia. "It begins with the belief that life can be supported much better in America than we now do in either the inner or outer cities."

But the well-publicized beginning days of Reston and Columbia were also living proof of just how tough the new-town business is—and of the need for a government role. "New towns," says one developer, "are a gulp-and-go-for-broke business." It takes a lot of "front money," perhaps $60 million, to get a good-sized city going—to acquire large tracts of land, make improvements, and give it a communal core. The risks are great and the rewards a long way out. In 1967, five years after beginning Reston, developer Robert E. Simon Jr. found himself squeezed in a tight money market and was obliged to surrender his control to Gulf Oil, which had invested more than $15 million in the new town. Rouse enlisted the support of Connecticut General from the first for the development of Columbia, but in order to get it he had to give the insurance company a half-interest in the project. And he was lucky at that, for as one consultant says, "You don't find a Connecticut General on every corner." The project, started in 1963, has already cost $300 million for land, improvement, and construction out of an ultimate capital value of $2 billion; there are 15,000 people living there now out of the projected 1980 population of 110,000.

It was against this background—and amid growing concern about urban sprawl—that Congress passed the Housing and Urban Development Act of 1968 during the waning days of the Johnson Administration. It has been compared, without too much exaggeration, with the Homestead Act of 1862. "It was just awfully clear," says one of the framers of the bill, "that new towns were a damned expensive experiment, and that private enterprise would be hard pressed to make things go."

STRINGS ON THE FEDERAL MONEY

Under the Housing Act of 1968, HUD recognized not a single concept but at least four kinds of new towns eligible for government aid: the freestanding town; the satellite (such as Columbia and Reston); the "add-on," i.e., built on the nucleus of a small existing town; and the new-town-in-town, a planned community within (or on the fringes of) an old core city. The last category was added in order to obtain the support of the nation's mayors, who feared that federal money for urban aid would be drained off to new communities. Whatever their form, to qualify for HUD aid all the new towns must meet several criteria. They must combine open space with sufficient density for the creation of an urban style of life. They must plan for a balanced development of commerce and industry along with residential and recreational facilities. They must offer equal opportunity for all minority groups in employment and housing and provide a substantial number of low-cost housing units.

Under Title IV of the act, HUD was authorized to issue loan guarantees to private developers of large new communities. With their obligations backed by the full faith and credit of the U.S. Government, developers could then borrow long-term private capital, through either private debt placements or public offerings of debentures, at considerably lower interest rates than would otherwise be possible. The guarantee under the 1968 act could be as much as $50 million for a single project, with a total of $250 million for all loan guarantees. Title IV also authorized some supplemental grants to local governments for the acquisition of land for open space and for the installation of water and sewer lines in HUD new towns.

Congress renewed and expanded its commitment to new towns in the Housing and Urban Development Act of 1970, signed by President Nixon last December 31. Title VII of that bill doubled the ceiling on loan guarantees to $500 million, and extended the guarantee program to public agencies, such as New York State's Urban Development Corporation. Other aid was materially liberalized too. Hud can now issue loan guarantees covering all the costs of acquiring and developing land incurred by government authorities for projects they sponsor, and about 85 percent of the costs in the case of private developers. Beyond the land and improvements, proceeds from guaranteed borrowings can also be used now for a broad range of new-town needs—schools and hospitals, for instance. Developers can borrow money from the government to pay the interest on money borrowed without loan guarantees—for a period of up to fifteen years. State and local agencies are in addition eligible for grants to defray the extra cost of interest on their federally guaranteed borrowings over the rate they would pay for money in the municipal tax-exempt market.

Also of special importance are a panoply of new Title VII grants and loans. One purpose is to stimulate innovative planning. Another is to nurture a city until it can create a tax base large enough to carry itself. Public-service grants, for instance, may be provided for all costs of essential services—education, health, and safety—in the first three years of a project's life.

New communities approved by HUD, moreover, could receive priority for assistance under thirteen existing federal-aid programs that encompass almost every conceivable kind of public facility, from waste-treatment works and access roads to hospitals and neighborhood centers. And HUD can supplement these programs with additional grants. The maximum federal contribution is 80 percent of total expenditures. So, besides the $500 million in loan guarantees and the $240 million in loans for interest payments, hundreds of millions in other loans and grants may be funneled into the new-town program, provided that Congress funds all the Title VII provisions which it has not yet done.

MAKING THE PROGRAM GO

The 1970 act marks a critical turning point for the new-city movement, and not just because it broadened so markedly the scope of the previous act. Under the new law the President must submit to Congress, by February of next year, a report on urban growth, along with his recommendations for rationalizing that growth. How much further Nixon will go at that time is a question. He has been criticized for not attacking the issue decisively and for failing to start on the kind of staff work necessary. It was Congress that took the lead in developing the 1970 Housing Act, and Democratic Congressman Thomas L. Ashley of Ohio who originally introduced an expanded communities-aid bill, which the Administration later joined in rewriting. But Nixon did advocate a balanced national growth policy in his last State of the Union Message, and Secretary Romney spent a lot of time in Europe recently studying new towns. So it is just possible that Nixon may decide to push hard and make new towns a positive area of domestic achievement.

Certainly HUD has begun to lean into the program, which is under the general purview of Samuel C. Jackson, forty-two, assistant secretary for community planning and management and one of the highest-ranking blacks in the Nixon Administration. When he came to the department in early 1969, there were only two people assigned to new towns, and Jackson admits that the program necessarily got off to a slow start. (It took a year and a half to approve the first new community.) The beginning of its formidable task was to identify just what a new community is. The first question was, says Jackson, "What are we talking about?" To head up the Office of New Communities Development, early in 1970, Romney brought in Nicoson, who had previously served as a consultant to HUD. Nicoson, thirty-nine, went from Harvard Law School to the Wall Street law firm of Sullivan & Cromwell, where he specialized in corporate finance. He left in 1968, after his interest had increasingly turned to urban affairs, to set up his own consulting practice. A practical visionary with a lot of hustle, he quickly captured as one of his clients the state of New York. "We can build an environment worth living in," he asserts. And he has been tackling the job with such gusto that one developer declares, "That little guy is the best thing about the whole new-communities program." Nicoson's office now has a staff of thirty people, will add twenty more soon, and action is the order of the day.

DRAWING THEM BACK TO THE OZARKS

In its selection of the communities that it has chosen to back, HUD has come up with a rich mixture of new-town projects, with a considerable diversity of location and role in guiding future urban growth. A $7,500,000 loan guarantee is already in the works for the new town of Maumelle, Arkansas, twelve miles northwest of Little Rock, on the banks of the Arkansas River, which was recently opened to ocean-going vessels with the completion of a $1.2-billion waterway and flood-control project. HUD hopes the new community will attract industry and employment to the central Ozark region, which has been steadily losing both population and jobs over the years.

Flower Mound New Town, Texas, by contrast, got a loan guarantee because it is situated in an area of inevitable growth. It lies between Dallas and Fort Worth and just four miles away from a gaint, 18,000-acre regional airport—the largest in the world—scheduled to open in 1973. In Flower Mound, HUD hopes to demonstrate the advantages of organizing growth, in contrast to the hodgepodge development that surrounds most of the nation's major airports.

Two other HUD communities were selected in order to set standards of development for urban fringes of major cities. Park Forest South, Illinois, is only thirty miles from Chicago, and even nearer Gary, Indiana; St. Charles, Maryland, is twenty-five miles southeast of Washington. St. Charles will inevitably come in for close scrutiny because of its proximity to those two other Washington satellites, Columbia and Reston.

The very first new community to win a loan guarantee commitment back in February, 1970, Jonathan, Minnesota, will build on the small existing town of Chaska, demonstrating still another HUD approach. The emphasis will be on orderely growth and the preservation of open space. Jonathan will probably be "paired" with the latest new community to be awarded a loan guarantee, the new-town-in-town of Cedar-Riverside, a 100-acre development only a mile distant from the heart of downtown Minneapolis and twenty miles from Jonathan. HUD regards new-towns-in-town as a means of accommodating growth within cities while improving the environment.

The pairing concept involves the creation of two complementary communities—one urban, one satellite—each drawing on the facilities and services of the other; ideally, the pair would be linked by a rapid-transit system. The towns HUD may pair already have one tie. Henry T. McKnight, the principal stockholder of Jonathan, also has an interest in the Cedar-Riverside development.

HUD is close to the commitment point right now on at least four other applications, one of them from Simon, who says, "I began thinking about a new town the day I left Reston." Riverton, for which he is seeking a loan guarantee of $12 million, is nine miles south of Rochester and would be the first HUD town in the Northeast. With a population of 27,000, it will be smaller than Reston, but more heterogeneous; as much as 40 percent of the housing will be for low and moderate income groups and there will be an intermixture of housing within individual sections of town. Riverton, moreover, will start with a rich and varied community program, which it will make available to the entire nearby area. A novel feature will be the Riverton Services Barter, a program in which people will trade services instead of money for things they need, so that all income groups can afford the amenities of the community.

A $22-million loan guarantee may soon be approved for Soul City, North Carolina, thereby setting a couple of precedents. The brainchild of Floyd McKissick, former national director of the Congress of Racial Equality, Soul City would be HUD's first freestanding new town and the first to be developed by a black entrepreneur. Forty-two miles north of Durham, the nearest major city, it will provide jobs and housing opportunities for blacks, who will constitute most of the population of 50,000, though the community will be open to all races. McKissick hopes that a good part of the commercial and industrial facilities in Soul City will eventually be owned by its residents. (Two other black groups are talking actively to HUD now about new communities in Alabama and South Carolina.) In addition, a pair of integrated new towns in Texas—one near San Antonio, another near Houston—may receive loan-guarantee commitments soon.

CITIES IN THE TEST TUBE

HUD is using the six communities it has already selected as laboratories for testing innovations of various kinds. Maumelle is working on an experimental system of educational parks that would replace traditional elementary schools. Flower Mound, with that Texas-sized airport nearby, is looking for construction methods that will solve the problem of noise pollution. Park Forest South is emphasizing an in-town mass-transit system that is designed to keep people out of their cars and will connect the compact linear town center with a direct link to Chicago's Loop.

HUD'S NEW TOWNS

	HUD guarantee (millions)	Projected population	Total acreage
Jonathan, Minn	$21	50,000	8,192
St. Charles, Md	24	80,000	7,900
Park Forest South, Ill	30	110,000	8,163
Flower Mound New Town, Tex	18	64,000+	6.156
Maumelle, Ark	7.5	45-60,000	5,319
Cedar-Riverside (Minneapolis)	24	30,000	100

Note: No matter how individual the end product, the 6 HUD communities now underway have a lot more in common than a loan guarantee. All of them are pledged to provide a substantial amount of open space, to develop an economic base, and to build a wide range of housing for a "profile" of the population in each area. Low- to moderate-income housing, some of it subsidized, will account for at least 15 percent and as much as 50 percent of the dwelling units in each community. All the HUD towns will be 20 years abuilding.

St. Charles will focus on housing for moderate-income groups to fill a market gap in the area. Jonathan has formed a separate building corporation for experimental low-cost housing in partnership with Olin, Northern Natural Gas, Burlington Industries, and the Stanford Research Institute. Jonathan is also exploring, under a HUD grant, possible community applications for a two-way, wide-band television system. Cedar-Riverside, designated as an urban-renewal area, is testing the concept of building a new community within a settled section of town.

The developers themselves are as diverse as the new communities they are creating. HUD casts a sharp eye on the qualifications of applicants and regards a good track record in large-scale developments as a big plus when evaluating a project. The principals in three HUD towns bring obvious credentials to the job. Nathan Manilow, who conceived the idea of Park Forest South, built the original Park Forest. He has brought in as partners U.S. Gypsum and Illinois Central Industries, each of which owns 25 percent of the new venture. James Wilson had made his company a major force in Puerto Rican real estate before he turned to the development of St. Charles.

And Raymond Nasher, a partner in Flower Mound, has been the developer of a string of successful real-estate ventures and has served as chairman of the National Commission on Urban Development. He is also involved with Westinghouse in the development of Fort Lincoln, a new community for 16,000 people in northeast Washington, D.C. Begun under federal auspices during the Johnson Administration, Fort Lincoln may also be financed under Title VII.

Jess P. Dum, on the other hand, was in the insurance business before he took on the development of Maumelle. Henry McKnight, with a stake in both Jonathan and Cedar-Riverside, cheerfuly admits to no experience in large-scale development, but he has helped manage his family's extensive landholdings in the Minneapolis area. "In new cities," says McKnight, a former state senator, "nobody is an expert. We're all learning." Intensely concerned with environment, he was the principal author of Minnesota's conservation act of 1963, and that is how he became interested in new towns.

Cedar-Riverside, initially a tax-shelter investment, was started on a shoestring by two neophytes at real estate—Gloria Segal, a Minneapolis housewife, and Keith Heller, a lecturer at the University of Minnesota school of business administration. The project was floundering from lack of capital until McKnight and some investor friends joined the group. All of the developers, however, share an indispensable relish for what they are doing, caught up, as one of them puts it, in "the new-town mystique" of creating a total community.

The differences between Park Forest and Park Forest South illuminate the point. Park Forest is a homogenized, relentlessly middle-class bedroom community built around a regional shopping center. Park Forest South, by contrast, expects to draw its 110,000 population from a broad spectrum of income and ethnic groups, and a sizable proportion will earn their living in a large industrial park that will offer equal opportunity for all minority groups. It will have an internal rapid transit system and a lively downtown—but it will also have bicycle paths, pedestrian walkways, and a forest preserve. Thorn Creek Woods, which lies in part within the boundaries of the new community. Park Forest South will also have a hospital and a university of its own. Beyond the number and variety of tangible ingredients. Park Forest South will be trying for a new-town way of life.

TOWN ATOP THE TRACKS

So far, HUD-guaranteed aid has gone only to private developers of new towns. But now local agencies—municipal, state, and even regional—are trying to get in on the act. Four states have already enacted new-community legislation and many others are considering it, emulating New York State's pioneer move in 1968, when Nelson Rockefeller set up the Urban Development Corporation. Armed with broad powers—e.g., the right of eminent domain and the authority to override local zoning ordinances and building codes—U.D.C. is charged with devising programs to meet the state's housing needs. It is headed by Edward J. Logue, the energetic master rebuilder of New Haven and Boston, who is sometimes referred to in planning circles as Mr. Urban Renewal.

Logue has already proposed two new communities for upstate New York: Amherst, ten miles northeast of Buffalo, designed for 25,000 people, and Lysander, in the Syracuse metropolitan area, for 18,000. He has also announced a $250-million new-town-in-town planned for 147 acres of city-owned land on Welfare Island, which lies in the East River between Manhattan and the borough of Queens. Queens itself may become the home of an offbeat development suggested by Logue just recently: a community of 60,000 persons, complete with commerce and industry, to be built in Long Island City over the Penn Central yards.

Logue has been talking to HUD about loan guarantees in excess of $125 million for his projects. But U.D.C. also has the authority to float $1 billion in tax-exempt bonds in order to finance its programs, and the corporation recently went to market with a $250-million issue. Many, if not most, of the new authorities now coming into being will have similar financing powers, making them independent of tax revenues or even of HUD approval. And that approval may not be forthcoming anyway. The Administration has strongly opposed HUD aid to state and other local governments for new communities, and the issue is being threshed out now at the highest levels.

New York State has a number of other public bodies hatching projects that may or may not get HUD backing. The Battery Park City Authority, another independent state corporation, is going ahead on a ninety-one-acre new-town-in-town for lower Manhattan. The agency would welcome Title VII aid, but it can float up to $300 million in bonds to finance the project. Private developers will of course tend to follow everywhere in the footsteps of these government-sponsored projects, making their own investments within the context of over-all plans. Among other proposals for residential development, Battery Park City is considering one from a consortium that includes RCA, Celanese, the National Corporation for Housing Partnerships, Lazard Freres, and all of the city's major banks.

New laws are also on the books in Maryland, Arizona, Tennessee, and Kentucky. Arizona's Community Development Council is expecting to announce plans for at least two new communities in the near future and Kentucky has provided for several new-community districts within the state, each empowered to create its own development corporation. Other states with legislation pending are Massachusetts, Pennsylvania, and Ohio. The Commonwealth of Puerto Rico has ambitious plans for a dozen or more new towns, all linked by a mass-transit system, to house about half of its expected population growth. A delegation headed by Governor Luis A. Ferré has approached HUD about a loan guarantee for the first such community, for 100,000 people, to be built fourteen miles west of San Juan.

The Appalachian Regional Commission is supporting efforts to obtain loan guarantees for four new communities in Kentucky. Pennsylvania, and Ohio; it is mulling over plans for perhaps twelve more. Lucas County, Ohio, is already under way on the first new town to be founded by a local government—Spencer-Sharples, ten miles to the west of Toledo, located in Congressman Ashley's own district.

TOO MUCH FOR A ROCKEFELLER

The main action is still coming, as it did initially, from the private sector. One source, of course, is the entrepreneur—daring resourceful, independent—who has always accounted for most real-estate development in this country. The six projects that have already received HUD support, as well as most of the proposals that are in the serious pre-application stage, have come from such people. All of them had laid plans for large developments, but without HUD backing none would be likely to produce a new town. As one of them explains, "You have to sell so many lots just to keep going that you lose control of the land, and that's no way to build a new town. Only a Rockefeller can afford to do it." Winthrop Rockefeller, former governor of Arkansas, has in fact recently announced that he may start a new city in his adopted state, but even Rockefeller does not plan to go it alone.

But large corporations are now giving major attention to the new-town movement, and as a group they are becoming a second and independent source of private activity. They do have the financial sinew to go it alone, if they wish or if need be, and some have already said they will do so. Gulf Oil, which has moved into the black at Reston after three lean years, reports that it is "close" to embarking on another new town with or without loan guarantees from HUD. Westinghouse has been so happy with the performance of Coral Ridge Properties, its Florida real-estate subsidiary developing the new town of Coral Springs, that the company has gone across country to tackle, with a partner, a community for 165,000 people twenty miles south of San Francisco. The corporation has provided a master plan for Half Moon Bay and will develop about a third of the 20,000-acre town. Westinghouse is actively seeking other sites now and could be involved in eight or ten new towns by 1975. Chrysler, which also has a large stake in real estate, intends to go into the new-town business as a direct result of the Title VII legislation. The auto maker is looking now at sites for two new communities, one near Detroit and the other near Atlanta. In the Northeast, the Greater Hartford Corp., a consortium of thirty private companies, has set up two subsidiaries to develop three new towns, one within the city limits and two in the metropolitan area.

Florida Gas is well into plans for a new town near Orlando, and may apply for HUD backing. The utility also intends to start manufacturing modular housing within six months. Near San Diego, First National City Bank through its trust department has invested in Rancho San Diego, a new community just east of town. (Local government plans envisage several other new towns north of the city.) Sears, Roebuck, Marshall Field, and Aetna are developing New Century Town north of Chicago. In almost any obvious place to look, and some not so obvious, large corporations are dreaming up plans for new-town projects.

Corporations have already launched a number of really giant in-city developments, of which Philadelphia's fifty-acre Franklin Town, with four corporate sponsors, is only the latest example. Illinois Central Industries, for one, is building a new-town-in-town on eighty-three acres along Chicago's lakefront and plans for a population of up to 50,000. Ford Motor Co. has broken ground on a 2,360-acre development in Dearborn, Michigan. Ralston Purina has proposed a 140-acre development for St. Louis on land adjacent to its headquarters building. And U.S. Gypsum will go on from Park Forest South with a different partner to a new-town-in-town on the fringes of Boston. Present plans call for a two-tier arrangement that will completely separate pedestrian from vehicular traffic. The company is looking for a $50-million loan guarantee from HUD. A good many developments of this kind are predicated on using land that is in whole or in part already owned by a company. The nucleus of the proposed new community of Fairlane, for instance, was once part of the estate of the late Henry Ford.

WITH OR WITHOUT HUD

In the months ahead, many large corporations will be attracted by the HUD cornucopia. Indeed, some with developments already under way are discussing loan guarantees. Gulf wants HUD help with an addition to Reston, and Philip Morris is seeking guarantee support for Mission Viejo. An 11,600-acre planned community in California's Orange County, Mission Viejo already has a population of 10,000 people, as well as some commerce and industry.

All this poses a major policy question of whether HUD should support projects in relatively advanced stages. If it does, the HUD criteria will influence the character and direction of a number of large planned communities, and indeed this may happen no matter which way the decision goes.

In any case, large public corporations will be weighing the merits and demerits of whether to go all the way with HUD on new towns or proceed on their own. Some, no doubt, will opt for independence, for the freedom to build new communities under more relaxed standards, with a less heterogeneous population mix or a different balance between commercial and industrial development. The major impediment to a corporate stampede for Title VII aid is the reluctance of companies to become ensnarled in tedious and time-consuming red tape. "To do business with HUD is a practical impossibility," says a top executive of one corporation that is planning to get into new towns. "It takes too much time and effort." Another complains, "It's a problem with all government, but it's worse at HUD. There seems to be layers in their that don't want the top people to get anything done."

Despite all the corporate activity in new towns right now, some people think major companies as a rule are going to be cautious about making future commitments. Certainly it is true that real estate has lost some of the enchantment it held only yesterday for manufacturing corporations. American Standard, for instance, is leaving the field, and others are cutting back sharply. Boise Cascade, for one, is all but dismantling its development operations after reporting a write-down of $78 million in the second quarter of this year.

Reforms in real-estate accounting rules, both recent and proposed, may act as a damper on activity. The trend is toward consolidation of reporting by subsidiaries. Real estate may involve heavy losses in the early years of operation, and corporations may hesitate to reveal that fact to the stockholders. Returns, moreover, are geared to cash flow and tax losses, which causes problems of evaluation for bankers and the investment community, accustomed as they are to dealing with quarterly earnings statements. Real estate, of course, involves heavy debt, and many corporations do not want to show heavy debt on the balance sheet, because a high debt-to-equity ratio tends to jeopardize the rates at which they can borrow to finance their main businesses.

A lot of companies are aware of these problems and are taking them in stride. Newtown consultant Robert Gladstone believes that more corporations will become involved in large real-estate development and hence new communities. He sees the current disenchantment as "just a little wrinkle" on the over-all trend. "Companies that have been through the mill," he says, "have come out stronger and are building up management expertise within their own organizations."

ACHIEVING CRITICAL MASS

The attraction of new-community investment is the profit in the game. James Rouse has steadily maintained that a new town, properly planned to achieve what he calls a "critical mass," can be a more profitable, more marketable product than haphazard real-estate development. Columbia is now in the black, in that this year it will finally have a positive cash flow and begin to retire debt, but it is still far too early to make any final assessment. That is because most of the profit from Columbia, which some guess may come to well over $100 million pretax for Connecticut General and Rouse Co. to split betwen them, will pile up in the last four or five years of development.

Once a new town is going, land for industry and commerce is worth four or five times as much as residential acreage, and so a new-town developer courts business assiduously. He has to be persuasive because business is reluctant at the start to gamble on a new town. "We only get the swingers then," says one developer. Columbia has managed to entice forty-four companies to its industrial park as momentum—the operative word in the new-town lexicon—has built up. But in order to pull off its biggest coup—landing a $250-million G.E. plant employing 12,000 people—Columbia had to gamble $18 mililon on additional land, plus improvements, with no certainty that the company would in fact locate within the new city. *And* G.E. paid $3 million less for the site than it had cost Rouse to produce it. He took that gamble, Rouse explains, because "it would say to all the world that Columbia was a success," and he expects heavy "economic fallout" from that fact. Commerce and industry that follow G.E. will more than make up for the "investment." Says Henry McKnight, developer of Jonathan, "We are all looking for our G.E." Where a corporation is the developer or partner in a project, an obvious advantage is that it may well decide to locate its own new facility in its new town.

MAKING FORTUNES OFF THE PUBLIC PURSE?

Developers normally look for an annual return of 20 or 25 percent pretax on equity investment—and, as everyone knows, there are a lot of tax advantages in real estate, too. Some have considerably higher expectations. More than a few observers worry about the possibility of such high returns for HUD new towns. Gurney Breckenfeld, associate editor of FORTUNE and author of the recently published *Columbia and the New Cities*, remarks in the book that Title VI "promises to make new-town development a ward of the federal government," and calls it "a splendid chance for a new breed of promoters to grow rich at the public's risk." Others recall the scandal-ridden FHA 608 housing program of the late Forties; slick operators made fortunes out of that program wihout risking any capital.

Still another worry is just the reverse—that sooner or later some projects will flop and so put the federal government into the new-town business directly. Nicoson admits the possibility of failure in some cases. "The program," he says, "guarantees loans, not profits." He does believe, however, that if a wave of public criticism comes, it will come because of fat profits, not deficits. Congressman Ashley, who started the ball rolling n Title VII in the first place, is entirely unworried at the thought of a few flops along the line. "If we don't have failures," he says, "maybe we aren't doing what we should be doing. Maybe we are being too conservative." The risk is worth taking, he adds, because "the alternative is so catastrophic."

Whether new towns are the medicine the country needs to help cure its urban ills is the subject of some debates, however. They have met considerable local resistance on the grounds that their balanced populations will bring too many urban problems to the countryside, and there is a fear of too much industry as well. Several proposed projects are stalled now because of such opposition. In New York City, public officials are pulling and hauling over the possibility of setting up a special, small-scale urban-development corporation to build a new community for some 400,000 people on Staten Island. Rouse Co. is working on preliminary studies for the new-town-in-town under contract to the city of New York, but many residents of the island are fighting the plan. They fear it would change that quiet borough beyond recognition.

A recent article in the *Wall Street Journal* upset a lot of newtown enthusiasts because it reported that Columbia was having many of the problems commonly associated with older cities—drug addiction, vandalism, and the like. And some residents have complained about having too little voice in running town affairs. Indeed a recent task-force report published by the Twentieth Century Fund warns that too little attention has been paid to the governmental aspects of new-town life. "Without adequate machinery to ensure effective democratic processes and procedures," it warns, "there is a danger that these towns will not achieve the more livable environment that is their object."

It is much too early to tell how new towns will work out, of course, on a number of counts. Even their most ardent advocates do not suggest that they are the sole answer to environmental ills or explosive population growth. But they could in themselves be at least a partial solution. By their very existence, moreover, in the standards they set for all other developments, they could lift the level of living for millions of Americans. And surely that would make the new-town experiment worth the undertaking.

THE AMERICAN PACKING INDUSTRY

Mr. COOK. Mr. President, the American packing industry performs so well and so efficiently that many of us are not aware that a $26 billion industry is responsible for the forms in which our goods reach us every day.

This tremendous economic complex is gathering for an annual exposition, starting November 15 in Atlantic City, and I think the event is well worth the attention of Senators.

On that date, in Atlantic City's Convention Hall, nearly 30,000 individuals from all 50 States and from 36 other countries will convene for an annual meeting and the packing/converting exposition, presented by Packaging Machinery Manufacturing Institute.

This is being cosponsored by eight major trade groups—the Packaging Institute, Packaging Education Foundation, Fibre Box Association, National Flexible Packaging Association, Package Designers Council, Adhesive Manufacturers Association, National Paper Box Association, and the Glass Container Manufacturers Institute.

The technological and economic advances made by America in packaging the fruits of our dynamic economy—emphasizing protection, sanitation, distribution, convenience, and environmental protection—make a major contribution to the world's highest standard of living, which our people enjoy.

One important feature of this meeting will be publication of a review of the overall picture in solid waste disposal and the packaging industry's progressive programs in this vital ecological effort.

With our environment now one of our top domestic concerns, we should closely examine the results of this important industry study.

Sixty individual industries will be taking part in the week-long program in Atlantic City. On the program are major conferences on solid waste disposal and recycling—both prime environmental concerns—U.W. metrication, mechanics training for jobs, and other current subjects.

Over-all, Mr. President, the convocation will be something in the nature of a report on the packaging industry's implementation of its dedication to social responsibilities. In our private enterprise system, this is economic statemanship of the first order.

The program also has its international aspects, including discussions of how to develop food packaging systems for emerging nations. The conference has been officially designated by the Department of Commerce as an overseas promotional event.

Modern packaging provides sanitation, product protection, broad geographic distribution, freedom of product selection, convenience in use, out-of-season availability and similar advantages—all for a better standard of life. As a current report on our progress in these fields, the November 15 packaging exposition adds up to a major consumer event.

EQUITY ON CHEESE IMPORTS

Mr. EAGLETON. Mr. President, in this era of drastic rectifications in our international relations, a small, but still important, rectification appears to be slipping through the cracks—one which may not be crucial to the state of the Nation, but which raises questions as to the fairness of our public policies as long at it remains undone.

I refer to the question of cheese imports.

Senators will remember that in 1969, quotas were established for certain categories of cheese, but those costing over 47 cents a pound were exempted. This exemption was designed to facilitate the importation of high-price specialty cheeses not directly competitive with American products.

What has happened in practice, however, is that a considerable amount of directly competitive cheese has found its way into the over 47-cent category. In other words, the intended effect of the original quotas is not being fulfilled.

As I wrote to the Chairman of the United States Tariff Commission last April 16:

> While I am not an expert in this field, I have received a considerable amount of correspondence from Missouri dairy farmers who state, on the basis of solid, factual information, that the original intent of the 47¢ provision has been effectively nullified because producers who export to the United States have simply raised their prices with the result that almost 40% of our cheese imports last year were valued at more than 47¢.
>
> Dairy farmers recognize the delicacy of our trade relations with the EEC and other dairy countries and have, I believe, cooperated very well with the trade agreements we have made in the past. Continued confidence in these agreements depends upon their effectiveness in achieving their original purposes.

On March 12, the President had requested the Tariff Commission to make recommendations dealing with these over 47-cent imports. The Tariff Commission, on July 28, sensibly recommended that the 47-cent price cut off simply be abolished and that quotas be established for all types of cheese, regardless of price. This seems to me to have been a fair and equitable recommendation, fully consistent with the intent of the original cheese quotas.

It is now up to the President to act on the Tariff Commission's findings. Almost 4 months have passed. I now urge the White House to act on this matter in the interests of equity, consistency, and maintaining confidence in the efficacy of our Government.

REDUCED FARES FOR SENIOR CITIZENS ON THE AIRLINES

Mr. MOSS. Mr. President, I am the sponsor of S. 1808 which is before the Commerce Committee and which would have the effect of providing reduced fares for senior citizens on the airlines. By now my arguments in favor of this legislation have become well-known. I only regret that we have not been able to move the bill quickly through Congress.

The whole question of promotional fares has become controversial as of late and the Civil Aeronautics Board, I understand, has the entire matter under consideration. While I do not want to interfere with the CAB's decision I want to state once again my belief that reduced fares for the elderly would have a positive effect on airline economies by raising load factors and airline revenues. Promotional fares in this instance would bring into the marketplace people who do not presently fly. The principal reason the elderly do not fly, of course, is the cost of this form of transportation. Seniors could make ready use of travel on off-peak hours.

I believe there are many reasons why my bill should be passed, even in these turbulent times. Certainly it enjoys the unanimous support of senior citizen organizations and organized labor. It is noteworthy that several airlines have tried to institute such a reduced fare program for seniors and have been blocked in doing so by the CAB. At the same time International Airlines which recently cut rates dramatically enabling thousands of young people to travel abroad have now begun to take notice of the over-65 market.

I ask unanimous consent to have printed in the RECORD a recent New York Times article which notes the reduced fares for senior citizens announced by KLM Royal Dutch Airways. I hope that other airlines will follow suit.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KLM TO CUT FARES FOR "SENIOR CITIZENS" ON ATLANTIC FLIGHTS

> Introducing a new twist to the spreading price war in trans-Atlantic air travel, KLM Royal Dutch Airlines said yesterday that it would offer a "senior citizen" discount fare between the United States and Amsterdam starting Feb. 1.
>
> Offered to persons 65 years of age and older, the roundtrip rate will be identical to the fare KLM will charge "youth" passengers aged 12 to 21: $228 in the summer, and $198 in the off season that covers nine months of the year. Passengers will not be required to stay abroad for any specified minimum or maximum number of days.
>
> KLM is the latest of many airlines to reduce fares after Feb. 1, although it was the first to say it would introduce a senior-citizen rate. The wave of price cutting was touched off by the Sept. 15 announcement of Lufthansa German Airways that it would disavow, starting Feb. 1, an agreement under which almost all trans-atlantic airlines charged identical rates.
>
> The lowest fare between New York and Amsterdam now is $200 for passengers between the ages of 12 and 26. The lowest current individual rate for which older passengers are eligible is $297, which requires a minimum stay of 29 days and a maximum of 45 days.
>
> Besides youth and senior citizen fares, the Dutch line said it would offer a lower excursion rate to passengers of any age The rate will be $255 in the summer and $200 in the off season and require passengers to be abroad 14 to 45 days. KLM said it would offer a $170 round-trip fare over the same route to passengers who contract for at least $70 additionally in ground accommodations, travel in groups of five or more and are gone between seven and 21 days.
>
> KLM's senior citizen fare will apply only to Amsterdam.

THE REAPPOINTMENT OF OTTO F. OTEPKA

Mr. THURMOND. Mr. President, on June 17, 1971, the Senate Judiciary Committee reported the nomination of Otto F. Otepka to be reappointed to the Subversive Activities Control Board. Ever since then his name has appeared on the daily calendar without any move being taken by the leadership to act upon this nomination. This action is particularly regrettable in view of the fact that Mr. Otepka's nomination is for a simple reappointment for a job for which he has been twice considered by the Judiciary Committee and reported favorably. In both events, this favorable action came after careful consideration of the slanderous allegations which have been repeatedly brought against him because of his cooperation when ordered to appear before a subcommittee of the Senate Judiciary Committee. The delay of his appointment is a serious injustice since the case has been thoroughly aired and no grounds whatsoever have been advanced for preventing the Senate to act upon the committee's recommendation one way or the other.

Some people have attempted to say that his case is similar to the case of Daniel Ellsberg which is now before the courts. One has only to look at the basic facts to see that the issues in the two cases are diametrically opposed. The distinguished Washington correspondent for the Chicago Tribune, Willard Edwards, last week wrote a column in which he questioned the continued opposition to a man who has always been a great patriot. Mr. Edwards summarized the differences between the Ellsberg and Otepka cases as follows:

> Ellsberg, by his own account, leaked to the press an estimated 7,000 pages of classified information. It was published without government knowledge or approval. A grand jury labeled this act "conversion to private use of government documents."
>
> Otepka, called upon the Senate Internal Security Subcommittee to provide evidence in answer to sworn testimony disparaging his character, supplied two confidential papers, eight pages in length, to prove the testimony was false. These papers, entrusted to recipients officially qualified to receive them, were examined in closed session. They were not publicized.
>
> Otepka, by the State Department's own testimony, never violated security. The courts will eventually determine if Ellsberg did.

I urge the Senate to consider the injustice which is being done to this man. The Senate should have the opportunity to vote either for or against this nomination.

Mr. President, I ask unanimous consent that the column by Willard Edwards of the Chicago Tribune of Thursday, November 11, 1971, be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Foes Stall Otepka Confirmation

(By Willard Edwards)

Washington, November 10.—Some quality in Otto F. Otepka—perhaps it is his invincible calm under fire—has always provoked his opponents to extremes.

The former security chief of the State Department was the victim of isolation, surveillance, phone-tapping and perjured evidence during his successful, six-year fight (1963–1969) against dismissal on trumped up charges.

He seemed to have won vindication in 1969 when President Nixon nominated him to a short term on the Subversive Activities Control Board and the Senate confirmed the appointment, 61 to 28, in June.

But when that term ended Aug. 9, 1970, and Nixon reappointed Otepka to a full five-year term, his foes began engaging in obstructive tactics which have prevented the Senate, ever since, from recording its will.

Nearly six months ago, the Senate Judiciary Committee, after hearings, recommended Otepka's confirmation. Customarily, such committee indorsements are submitted to the Senate for a vote within a few days.

This one has remained on the Senate calendar and will remain there, according to reliable report, perhaps not to be acted upon before the November, 1972, elections when, Otepka's antagonists hope, a successor to Nixon will be elected.

Dilatory maneuvers are not new to the Senate and sometimes command approval, but this one, under scrutiny, lacks a practical purpose since it does not prevent Otepka from continuing to serve. The law insures his tenure until a successor is provided.

The delay, thus, is regarded by many in the Senate as a petty and spiteful exercise. It merely serves to keep in a kind of legalized limbo an official who made powerful enemies during the Kennedy and Johnson administrations who are still in the State Department under the Nixon administration.

Sen. Mike Mansfield (D., Mont.), the majority leader and technically responsible for entombment of the Otepka nomination, is evasive when asked for the identity of senators responsible for denying the Senate a vote on it. One of those under suspicion is Sen. Edward M. Kennedy (D., Mass.). His brother, Robert, the late attorney general, was one of the first to tangle with Otepka over security procedures eight years ago.

Altho the anti-Otepka campaign began more than a year ago, his opponents are now privately advancing a new excuse for delaying a Senate vote. They compare the Otepka case to that of Daniel Ellsberg who announced that he gave classified documents (the Pentagon Papers) to newspapers and who is now under indictment for this act.

Unless and until Ellsberg is cleared, a small group of senators is reported arguing, no Senate vote on Otepka should be permitted.

What are the facts in this Ellsberg-Otepka analogy?

Ellsberg, by his own account, leaked to the press an estimated 7,000 pages of classified information. It was published without government knowledge or approval. A grand jury labeled this act "conversion to private use of government documents."

Otepka, called upon the Senate Internal Security Subcommittee to provide evidence in answer to sworn testimony disparaging his character, supplied two confidential papers, eight pages in length, to prove the testimony was false. These papers, entrusted to recipients officially qualified to receive them, were examined in closed session. They were not published.

Otepka, by the State Department's own testimony, never violated security. The courts will eventually determine if Ellsberg did.

Meanwhile, on the basis of claimed similarities between the two cases, the Senate is being deprived of the right to vote its judgment on a Presidential nominee recommended for approval by one of its own committees.

NOMINATION OF WILLIAM REHNQUIST TO THE SUPREME COURT

Mr. FANNIN. Mr. President, William Rehnquist has been and is, above all, a man who believes deeply in the Constitution and the rule of law. I do not believe, and everyone who knows him cannot believe, that he would have participated in any activities that would discourage legally registered and qualified voters from participating in elections.

I understand that two affidavits have been signed by persons in Phoenix alleging that they believe William Rehnquist was involved in the harassment or intimidation of black voters in an election in the 1960's.

Mr. President, these affidavits are mighty flimsy and strangely vague. It now is unclear whether the alleged harassment occurred in 1968 as first contended, in 1962 as later stated, or in 1964 as in the current version.

It also is apparent that the persons who say they were harassed are no more certain about who it was that harassed them than they are of the date when it occurred.

We do have the word of a highly respected Arizona Superior Court judge, Hon. Charles L. Hardy, who has told the Judiciary Committee by letter that in 1962 Rehnquist had voiced disapproval of a Republican challenger who was using disruptive practices at a polling place. Judge Hardy is a Democrat who worked for his party in the 1962 election.

Mr. President, to shed further light on this matter, I ask unanimous consent to have printed in the Record an article from today's Arizona Republic concerning the intimidation charge:

There being no objection, the article was ordered to be printed in the Record, as follows:

Doubt Cast on Voter Intimidation Charge

(By Clarence W. Bailey)

One of the two Phoenix Negroes who charged that Supreme Court nominee William Rehnquist had harassed Phoenix voters in 1964 asserted last night he "didn't know" who had asked him to submit an affidavit making the accusation.

After repeated quizzing, Jordan Harris, of 1845 W. Apache St., finally said he was asked to do it by "some of the politicians" he knew, but he insisted he didn't know the name of the person who made the request.

At the same time, Judge Charles Hardy of the Maricopa County Superior Court threw doubt on the validity of the harassment charge in an interview reported by the Associated Press.

Harris' affidavit asserted Rehnquist was attempting to make three voters at Bethune Precinct recite portions of the Constitution before voting. He said he argued with Rehnquist and "We then engaged in a struggle and the police were called in."

Harris said Robert Tate, of 947 W. Watkins, came to help him when the struggle began. Efforts by The Republic to reach Tate last night were unsuccessful.

Phoenix Police Capt. Charles M. Marks, of the special operations bureau, last night checked department records and said he could find no report on the alleged polling place fracas.

"I can't find anything that would substantiate that," Marks said. "I'm not saying it didn't happen, but if it did it wasn't reported to us . . . we have no record of it."

The AP reported Judge Hardy said in an interview that he advised Democratic Party challengers and poll watchers in the same years that Rehnquist advised Republicans.

Hardy said there was an incident at Bethune Precinct in which a Republican challenger got into a scuffle and was escorted from the polling place by two sheriff's deputies. But the judge said it was in 1962, not in 1964, and the challenger was not Rehnquist.

"I have nothing to hide," Harris told The Arizona Republic, although he declined to tell his age or to answer a number of other routine questions about himself.

Some of the details of his life came to light upon examination of files of past news stories published in The Republic and The Phoenix Gazette.

One showed that in March, 1964, Harris, then 52, admitted in Maricopa County Superior Court that he had sold beer to a 19-year-old youth. At the time Harris was the owner of the Friendly Seven Food Market, at 1853 S. Seventh Ave.

He was fined $500 on a plea of guilty to selling spirituous liquor to a minor. Judge Henry S. Stevens sentenced Harris and allowed him to pay off his fine at the rate of $50 per month.

At the time of his plea Harris acknowledged a prior conviction for a similar offense, in 1950.

Newspaper records then showed that Harris had been a railroad cook. Last night Harris said he had once worked for the Atchison Topeka & Santa Fe Railroad, but he declined to tell a reporter what kind of job he had at the railroad.

Another story in The Republic shed more light on Harris' past. It was a Sept. 15, 1961 news account of his being severely wounded in the abdomen by a bullet fired by an irate, 31-year-old woman whose $107 welfare check Harris cashed, withholding $31 he said the woman owed on her grocery bill.

CHINESE ACTIONS IN THE UNITED NATIONS

Mr. THURMOND. Mr. President, much has been said on the floor of the Senate already about the diplomatic defeat which was inflicted on the United States by the United Nations in the vote expelling the Republic of China and installing the Peking regime in its place. At that time I pointed out how the United Nations would become even more of a base for subversion in which the Communist groups of nations would have the power to cause the United Nations to act against the interests of the United States whenever they so desired.

Less than a month has gone by, and already we are witnessing the practical fruit of that tremendous defeat. The Chinese delegation has been seated, and their first speech has consisted of a harangue against the United States and its allies despite the fact that preparations are going forward for the President of the United States to visit Peking.

Mr. President, full accounts of that Chinese speech were published in the New York Times and the Washington Post of November 16, 1971. I ask unanimous consent that these accounts be printed in the RECORD at the conclusion of my remarks.

It is no surprise, however, that the Chinese delegation would make such a speech when we consider that the leaders of the delegation consist of the Chinese agents most experienced in espionage and subversion. In particular, we must note the head of the delegation, Huang Hua, who has long been known as one the most notorious of Mao's agents. I have received an outline of Huang Hua's career in the service of communism and in which I am sure my colleagues would be interested.

Mr. President, I ask unanimous consent that this outline of Huang Hua's career be printed in the RECORD, at the conclusion of my remarks.

As for other key members of the delegation, an article appears in Human Events for November 20, 1971, giving details of their thoroughly subversive backgrounds.

Mr. President, I ask unanimous consent that the article, "Red China Already Turning U.N. Into Subversion Base" also be printed in the RECORD at the conclusion of my remarks.

Finally, Mr. President, I ask unanimous consent that another article from the same issue of Human Events, "Should the U.N. Get Out of the United States?" by DeWitt S. Copp, also be printed in the RECORD at the conclusion of my remarks. There is much interesting background in this article by Mr. Copp including references to testimony in hearings before the Internal Security Subcommittee over which I presided on March 15, 1967, with regard to the United Nations Headquarters Agreement.

This article is particularly useful in analyzing our present situation as a result of the U.N. becoming more and more a base for subversion and espionage and I urge the attention of all Senators to the argument which it makes.

There being no objection, the items was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 16, 1971]

CHINA ASSERTS U.N. MUST END CONTROL BY SUPERPOWERS

(By Henry Tanner)

UNITED NATIONS, N.Y., November 15.—Mainland China, making her formal entry into the United Nations, declared today that the organization's affairs must be handled by all member countries instead of being "manipulated and monopolized" by the superpowers.

Peking's chief delegate, Chiao Kuan-hua, in a firm and obviously measured policy statement, declared that the General Assembly's overwhelming vote in favor of his Government's admission marked "the defeat of the plan of the United States Government in collusion with the Sato Government of Japan to create two Chinas in the United Nations."

Making Peking's first statement to the Assembly, Mr. Chiao forcefully reaffirmed his Government's position that "Taiwan is an inalienable part of China's territory."

NO FORCE ON EARTH

"The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so," Mr. Chiao declared in a statement that hewed close to Peking's publicly established position on many world issues.

After delegates from 56 countries had spoken for five and a half hours to welcome the Chinese, Mr. Chiao, to applause from the delegates, strode to the rostrum from his seat in the fourth row in the Assembly hall.

A tall, lean man in a Mao suit, he removed his glasses to address the packed Assembly hall in Chinese. When he finished, the delegates applauded for half a minute and many came up to shake his hand.

DISCUSSES NUCLEAR ARMS

In the expected bid for leadership of the "third world" nations, Mr. Chiao said that his Government opposed "the power politics and hegemony of big nations bullying small ones or strong nations bullying weak ones."

"Countries want independence, nations want liberation and the people want revolution," he said. "This has become an irresistible trend of history."

He vowed that "at no time and under no circumstances will China be the first to use nuclear weapons." He continued: "If the United States and the Soviet Union really want disarmament, they should commit themselves not to be the first to use nuclear weapons. This is not something difficult to do. Whether this is done or not, will be a severe test as to whether they have a genuine desire for disarmament."

TOUCHES SEVERAL AREAS

Speaking with a piercing voice and almost no gestures, pausing now and then to sip from a glass of water, Mr. Chiao looked intense, but his delivery was not emotional.

"China is still an economically backward country as well as a developing country," Mr. Chiao said. He added: "Like the overwhelming majority of the Asian, African and Latin-American countries, China belongs to the Third World."

Mr. Chiao touched on Vietnam, Korea, the Middle East and the right of underdeveloped countries to achieve economic independence.

On Vietnam, he said that China strongly supported the peoples of Indochina "in their war against United States aggression and for national salvation." He reiterated Peking's call for "immediate and unconditional withdrawal of American and allied armed forces" from Indochina.

On the Middle East, Mr. Chiao reaffirmed his Government's support for the Arabs, saying that "the essence of the Middle East question is aggression against the Palestinian and other Arab peoples by Israeli Zionism with the support and connivance of the superpowers."

Diplomats noted that the term superpowers appeared to imply criticism of Soviet as well as American policies. In the past Peking has opposed to the Security Council resolution of November, 1967, which has been used as a basis for peacemaking efforts but which makes no mention of a possible role of the Palestinian movement. Peking has been a strong supporter of the Palestinian commandos.

STATES CHINA'S SUPPORT

Mr. Chiao said that no outside power had "the right to engage in political deals" behind the backs of the Palestinians and other Arab peoples, "bartering away their right to existence and their national interests."

On Korea, Mr. Chiao stated that American troops still remained in South Korea even though the "volunteers" of the People's Republic of China had "long since been withdrawn."

The Chinese delegate declared that his Government "resolutely supports" national liberation movements in Mozambique, Angola, Portuguese Guinea and South-West Africa.

The Chinese, he said, "will never become munition merchants" but he also stated that his Government provided "free military aid to countries and people who are fighting against aggression."

He added that China's aid was limited, however, because "China's economy is still comparatively backward . . . and what we provide is mainly political and moral support."

TEXT OF CHINA'S POLICY STATEMENT IN THE U.N.

Mr. President, fellow representatives:

First of all, allow me in the name of the delegation of the People's Republic of China to thank you, Mr. President, and the representatives of many countries for the welcome they have given us.

Many friends have made very enthusiastic speeches expressing their trust in as well as encouragement and fraternal sentiments for the Chinese people.

We are deeply moved by this and we shall convey all this to the entire Chinese people.

It is a pleasure for the delegation of the People's Republic of China to be here today to attend the 26th session of the General Assembly at the United Nations and to take part together with you in the work at the United Nations.

ROLE AS FOUNDER IS RECALLED

As is known to all, China is one of the founding members of the United Nations. In 1949 the Chinese people overthrew the reactionary rule of the Chiang Kai-shek clique and founded the People's Republic of China.

Since then the legitimate rights of China in the United Nations should have gone to the People's Republic of China as a matter of course.

It was only because of the obstruction by the United States Government that the legitimate rights of the People's Republic of China in the United Nations was deprived of for a long time and that the Chiang Kai-shek clique, long repudiated by the Chinese people, was able to usurp China's lawful seat in the United Nations.

This was a gross interference in China's internal affairs as well as a willful trampling on the Charter of the United Nations. Now such an unjustifiable state of affairs has finally been put right.

On Oct. 25, 1971, the current session of the General Assembly of the United Nations adopted by an overwhelming majority the resolution restoring to the People's Republic of China all its lawful rights in the United Nations and expelling forthwith the representatives of the Chiang Kai-shek clique from the United Nations and all the organizations related to it.

BANKRUPTCY OF POLICIES OF HOSTILITY

This proves the bankruptcy of the policies of hostility towards the Chinese people and of isolating and imposing a blockade upon them. This is the defeat of the plan of the United States Government in collusion with the Sato Government of Japan to create two Chinas in the United Nations.

This is a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs; this is a common victory for the people all over the world.

Abiding principle and justice the sponsor countries for the resolution—Albania, Algeria, Burma, Ceylon, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, the People's Democratic Republic of Yemen, the People's Republic of the Congo, Rumania, Sierra Leone, Somalia, the Sudan, Syria, the United Republic of Tanzia, the Arab Republic of Yemen, Yugoslavia and Zambia—have made unremitting and fruitful efforts to restore China's legitimate rights in the United Nations.

Many friendly countries which supported this resolution have also made contributions to this end.

Some other countries have expressed their sympathy for China in various ways.

On behalf of the Chinese Government and the people I express heartfelt thanks to the government and the people of all these countries.

Twenty-six years have elapsed since the founding of the United Nations. Twenty-six years are but a brief span in human history. Yet, during this period profound changes have taken place in the world situation.

When the United Nations was first founded there were only 51 member states and now the membership has grown to 131.

Of the 80 members that joined later, the overwhelming majority are countries which achieved independence after World War II.

SEES A TIDE OVER 20 YEARS

In the past 20 years and more, the peoples of Asia, Africa and Latin America have waged unflinching struggles to win and safeguard national independence and oppose foreign aggression and oppression. In Europe, North America and Oceania, too, mass movements and social tides for the change of the present state of affairs are rising. An increasing number of medium and small countries are uniting to oppose the hegemony and power politics practiced by the one or two superpowers and to fight for the right to settle their own affairs as independent and sovereign states and for equal status in international relations.

Countries want independence, nations want liberation and the people want revolution. This has become an irresistible trend of history.

Human society invariably makes constant progress, and such progress is always achieved through innumerable revolutions and transformations. Take the United States, where the United Nations headquarters is situated. It was owing to the vicinity of the Revolutionary War of 1776 led by Washington that the American people won independence. And it was owing to the great Revolution of 1789 that the French people rid themselves of the yoke of feudalism. After mankind entered the 20th century, the victory of the 1917 Russian October Socialist Revolution led by the great Lenin opened up a broad path to freedom and liberation for the oppressed nations and peoples of the world.

The advance of history and social progress gladdens the hearts and inspires the peoples of the world and throws into panic a handful of decadent reactionary forces who do their utmost to put up desperate struggles. They commit armed aggression against other countries, subvert the legal governments of other countries, interfere in other countries' internal affairs, subject other countries to their political, military and economic control and bully other countries at will.

REVOLUTION SEEN AS THE MAIN TREND

Since World War II, no new world war has occurred, yet local wars have never ceased. At present, the danger of a new world war still exists, but revolution is the main trend in the world today. Although there are twists and turns and reverses in the people's struggles, adverse currents against the people and against progress, in the final analysis, cannot hold back the main current of the continuous development of human society.

The world will surely move toward progress and light, and definitely not toward reaction and darkness.

Mr. President and fellow representatives, the Chinese people have experienced untold sufferings under imperialist oppression. For one century and more, imperialism repeatedly launched wars of aggression against China and forced her to sign many unequal treaties. They divided China into their spheres of influence, plundered China's resources and exploited the Chinese people. The degree of poverty and lack of freedom suffered by the Chinese people in the past are known to all.

CAPABLE OF STANDING ON OWN FEET

In order to win national independence, freedom and liberation, the Chinese people, advancing wave upon wave in a dauntless spirit, waged protracted heroic struggles against imperialism and its lackeys and finally won the revolution under the leadership of their great leader, Chairman Mao Tse-tung, and the Chinese Communist party. Since the founding of the People's Republic of China, we, the Chinese people, defying the tight imperialist blockades and withstanding the terrific pressures from without, have built our country into a socialist state with initial prosperity by maintaining independence and keeping the initiative in our own hands and through self-reliance. It has been proved by the facts that we, the Chinese nation, are fully capable of standing on our own feet in the family of nations.

Taiwan is a province of China and the 14 million people who live in Taiwan are our fellow-countrymen by flesh and blood. Taiwan was already returned to the motherland after World War II in accordance with the Cairo Declaration and the Potsdam Proclamation, and our compatriots in Taiwan already returned to the embrace of their motherland.

The U.S. Government officially confirmed this fact on more than one occasion in 1949 and 1950, and publicly stated that the Taiwan question was China's internal affair and that the U.S. Government had no intention to interfere in it.

U.S. "WENT BACK ON ITS OWN WORDS"

It was only because of the outbreak of the Korean war that the U.S. Government went back on its own words and sent armed forces to invade and occupy China's Taiwan and the Taiwan Straits, and to date they are still there. The spreading in certain places of the fallacy that "the status of Taiwan remains to be determined" is a conspiracy to plot "an independent Taiwan" and continue to create "two Chinas." On behalf of the Government of the People's Republic of China:

I hereby reiterate that Taiwan is an inalienable part of China's territory and the U.S. armed invasion and occupation of China's Taiwan and the Taiwan Straits cannot in the least alter the sovereignty of the People's Republic of China over Taiwan, that all the armed forces of the United States definitely should be withdrawn from Taiwan and the Taiwan Straits and that we are firmly opposed to any design to separate Taiwan from the motherland. The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so.

Mr. President and fellow representatives, the Chinese people who suffered for a long time from imperialist aggression and oppression have consistently opposed the imperialist policies of aggression and war and supported all the oppressed peoples and nations in their just struggles to win freedom and liberation, oppose foreign interference and become masters of their own destiny. This position of the Chinese Government and people is in the fundamental interests of the peoples of the world and is also in accord with the spirit of the United Nations Charter.

The United States Government's armed aggression against Vietnam, Cambodia and Laos and its encroachment upon the territorial integrity and sovereignty of these three countries have aggravated tension in the Far East, and met with strong opposition of the people of the world, including the American people.

U.S. WITHDRAWAL CALLED THE KEY

The Chinese Government and people firmly support the peoples of the three countries of Indochina in their war against U.S. aggression and for national salvation and firmly support the Joint Declaration of the Summit Conference of the Indochinese Peoples and the seven-point peace proposal put forward by the Provisional Revolutionary Government of the Republic of South Vietnam. The U.S. Government should withdraw immediately and unconditionally all its armed forces and the armed forces of its followers from the three countries of Indochina so that the peoples of the three countries may solve their own problems independently and free from foreign interference; this is the key to the relaxation of tension in the Far East.

To date, Korea still remains divided. The Chinese People's volunteers have long since withdrawn from Korea but up to now the U.S. troops still remain in South Korea. The peaceful unification of their fatherland is the common aspiration of the entire Korean people. The Chinese Government and people firmly support the eight-point program for the peaceful unification of the fatherland put forward by the Democratic People's Republic of Korea in April this year and firmly support its just demand that all the illegal resolutions adopted by the United Nations on the Korean question be annulled and the "United Nations Commission for the Unification and Rehabilitation of Korea" be dissolved.

The essence of the Middle East question is aggression against the Palestinian and other Arab peoples by Israeli Zionism with the support and connivance of the superpowers. The Chinese Government and people resolutely support the Palestinian and other Arab peoples in their just struggle against aggression and believe that, persevering in struggle and upholding unity, the heroic Palestinian and other Arab peoples will surely be able to recover the lost territories of the Arab countries and restore to the Palestinian people their national rights.

The Chinese Government maintains that all countries and peoples that love peace and uphold justice have the obligation to support the struggle of the Palestinian and other Arab peoples, and no one has the right to engage in political deals behind their backs, bartering away their right to existence and their national interest.

The continued existence of colonialism in all its manifestations is a provocation against the peoples of the world. The Chinese Government and people resolutely support the people of Mozambique, Angola, and Guinea (Bissau) in their struggle for national liberation, and resolutely support the people of Azania, Zimbabwe and Namibia in their struggle against the white colonialist rule and racial discrimination. Their struggle is a just one, and a just cause will surely triumph.

The independence of a country is incomplete without economic independence. The economic backwardness of the Asian, African and Latin-American countries is the result of imperialist plunder. Opposition to economic plunder and protection of national resources are the inalienable sovereign rights of an independent state.

CHINA "BACKWARD" BUT "DEVELOPING"

China is still an economically backward country as well as a developing country. Like the overwhelming majority of the Asian, African and Latin-American countries, China belongs to the Third World. The Chinese Government and people resolutely support the struggles initiated by Latin-American countries and peoples to defend their rights over 200-nautical-mile territorial sea and to protect the resources of their respective countries.

The Chinese Government and people resolutely support the struggles unfolded by the petroleum-exporting countries in Asia, Africa and Latin America as well as various regional and specialized organizations to protect their national rights and interests and oppose economic plunder.

We have consistently maintained that all countries, big or small, should be equal and that the Five Principles of Peaceful Coexistence should be taken as the principles guiding the relations between countries. The people of each country have the right to choose the social system of their own country according to their own will and to protect the independence, sovereignty and territorial integrity of their own country. No country has the right to subject another country to its aggression, subversion, control interference, or bullying. We are opposed to the imperialist and colonialist theory that big nations are superior to the small nations and small nations are subordinate to the big nations. We are opposed to the power politics hegemony of big nations bullying weak ones. We hold that the affairs of a given country must be handled by its own people, that the affairs of the world must be handled by all the countries of the world, and that the affairs of the United Nations must be handled jointly by all its member states, and the superpowers should not be allowed to manipulate and monopolize them.

The superpowers want to be superior to others and lord it over others. At no time, neither today nor ever in the future, will China be a superpower subjecting others to its aggression, subversion, control interference or bullying.

The one or two superpowers are stepping up their arms expansion and war preparations and vigorously developing nuclear weapons, thus seriously threatening international peace. It is understandable that the people of the world long for disarmament and particularly for nuclear disarmament. Their demand for the dissolution of military blocs, withdrawal of foreign troops and dismantling of foreign military bases is a just one. However, the superpowers, while talking about disarmament every day, are actually engaged in arms expansion daily.

The so-called nuclear disarmament which they are supposed to seek is entirely for the purpose of monopolizing nuclear weapons in order to carry out nuclear threats and blackmail. China will never participate in the so-called nuclear disarmament talks between the nuclear powers behind the backs of the non-nuclear countries. China's nuclear weapons are still in the experimental stage. China develops nuclear weapons solely for the purpose of defense and for breaking the nuclear monopoly and ultimately eliminating nuclear weapons and nuclear war. The Chinese Government has consistently stood for the complete prohibition and thorough destruction of nuclear weapons and proposed to convene a summit conference of all countries of the world to discuss this question and, as the first step to reach an agreement on the non-use of nuclear weapons.

PLEDGE ON NUCLEAR WEAPONS RESTATED

The Chinese Government has on many occasions declared, and now on behalf of the Chinese Government, I once again solemnly declare that at no time and under no circumstances will China be the first to use nuclear weapons. If the United States and the Soviet Union really and truly want disarmament, they should commit themselves not to be the first to use nuclear weapons. This is not something difficult to do. Whether this is done or not will be a severe test as to whether they have the genuine desire for disarmament.

We have always held that the just struggles of the people of all countries support each other. China has always had the sympathy and support of the people of various countries in her socialist revolution and socialist construction. It is our bounden duty to support the just struggles of the people of various countries. For this purpose, we have provided aid to some friendly countries to help them to develop their national economies independently.

In providing aid, we always strictly respect the sovereignty of the recipient countries, and never attach any conditions or ask for any privileges. We provide free military aid to countries and peoples who are fighting against aggression. We will never become munition merchants. We firmly oppose certain countries trying to control and plunder the recipient countries by means of "aid."

AID TERMED VERY LIMITED

However, as China's economy is still comparatively backward, the material aid we have provided is very limited, and what we provide is mainly political and moral support. With a population of 700 million, China ought to make a greater contribution to human progress and we hope that this situation of our ability falling short of this wish of ours will be gradually changed.

Mr. President and fellow representatives, in accordance with the purposes of the United Nations charter, the United Nations should play its due role in maintaining international peace, opposing aggression and interference and developing friendly relations and cooperation among nations. However, for a long period the one or two superpowers have utilized the United Nations and have done many things in contravention of the United Nations charter against the will of the people of various countries. This situation should not continue.

We hope that the spirit of the United Nations Charter will be really and truly followed out. We will stand together with all the countries and peoples that love peace and uphold justice and work together with them for the defense of the national independence and state sovereignty of various countries and for the cause of safeguarding international peace and promoting human progress.

[From the Washington Post, Nov. 16, 1971]

China Blasts United States in First U.N. Speech

(By Anthony Astrachan)

United Nations, November 15.—Chinese deputy foreign minister Chiao Kuan-hua called China's presence in the General Assembly today a defeat for U.S. and Japanese plans to create "two Chinas" here and a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs.

Chiao, head of the new Chinese delegation, took a hard ideological line in his maiden speech repeating standard Peking positions. He called for withdrawal of American forces from Indochina, South Korea and Taiwan and supported Arab countries in the Middle East conflict.

His strong remarks contrasted with Chinese expressions of moderation and caution when the delegation arrived here last week.

Chiao talked after 55 nations had made speeches of welcome in the final step in the historic process of seating Peking in the place of Taipei at the United Nations in accordance with the General Assembly vote last month.

In his speech, Chiao made the United States the principal villain, barely mentioning the Soviet Union. He touched on these key points:

On Taiwan, he reiterated China's claim of sovereignty and said all U.S. armed forces should be withdrawn from the island and the Taiwan straits. "The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so," he added.

On Vietnam, which is rarely mentioned in U.N. debates, he expressed Chinese support for "the peoples of the free countries of Indochina in their war against U.S. aggression" and for the seven-point peace proposal put forward by the Vietcong. He called for the immediate withdrawal of all U.S. armed forces from all three countries of Indochina.

On Korea, Chiao expressed Peking support for the eight-point program for peaceful reunification put forward by North Korea last April. He called for the annulment of all "illegal resolutions" in which the U.N. branded China as an aggressor in the Korean war and for the dissolution of the U.N. Commission for the Unification and Rehabilitation of Korea. This is a standard Communist proposal here and this year was taken off the assembly agenda since the two Koreas had begun informal talks through their respective Red Cross societies.

On the Middle East, Chiao said Peking holds that "all countries and peoples that love peace and uphold justice" were obligated to support the struggle of the Palestinian and other Arab peoples against "aggression by Israeli Zionism." He warned against "political deals behind their backs," a criticism of Soviet encouragement to Egypt to make peace if the terms are satisfactory to Cairo.

On Africa, Chiao took the side of the peoples in all the remaining white-ruled countries of Africa "in their struggle against white colonialist rule and racial discrimination."

Chiao said "like the overwhelming majority of the Asian, African and Latin American countries, China belongs to the Third World." He repeated Peking's pledge of support to Latin American countries that assert that their territorial waters extend 200 miles.

The Chinese representative raised some U.N. eyebrows when he said, "The affairs of a given country must be handled by its own people, the affairs of the world must be handled by all the countries of the world, and the affairs of the United Nations must be handled jointly by all its member states, and the superpowers should not be allowed to manipulate and monopolize them."

The reference to the United Nations could presage trouble in the Security Council, where the five permanent members and particularly the United States and the Soviet Union have often set the framework within which the council operated.

Chiao took another dig at Moscow and Washington on disarmament, accusing them of talking about disarmament while engaging in arms expansion.

"China will never participate in the so-called nuclear disarmament talks between the nuclear powers behind the backs of the non-nuclear countries," he said and repeated Peking's call for the complete prohibition and destruction of nuclear weapons along with a pledge never to be the first to use nuclear weapons.

"If the United States and the Soviet Union really and truly want disarmament, they should commit themselves not to be the first to use nuclear weapons," Chiao added.

He said the vote on Oct. 25 to seat Peking and oust Taipei proved "the bankruptcy of the policies of hostility toward the Chinese people and of isolating and imposing a blockade on them. This is a defeat of the plan of the U.S. government in collusion with the Sato government of Japan to create 'two Chinas' in the United Nations. This is a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs. This is a common victory for people all over the world."

The assembly's original intention was to hear less than a dozen welcoming speeches, representing all the U.N. members, but more and more nations kept asking to express their own welcomes. The United States and the Soviet Union were among those that inscribed themselves on the list relatively late.

Chiao, apparently surprised, inserted a paragraph of thanks for the many enthusiastic speeches expressing trust in as well as encouragement and fraternal sentiment for the Chinese people.

U.S. Ambassador George Bush gave a three-paragraph address in which he recalled that despite the deeply felt issues of principle that divided the assembly before the vote, the United States had agreed that the moment in history had arrived for Peking to be in the United Nations.

Bush picked up an element from Chiao's arrival speech at Kennedy airport last

Thursday and referred to the long ties of friendship between the American people and the great Chinese people."

The Tanzanian and Zambian ambassadors said they had a right to celebrate the Peking victory in the U.N. vote any way they wished. This was in reaction to criticism by President Nixon last month over the way several countries expressed their jubilation after the vote count.

Biography of Huang Hua (Wang Jou Mei), Peking's Ambassador to Canada

Born Wang Jou Mei in Kiang Sou in 1915 into bourgeoise family. *1935.*—Sent by family to Yen Ching University outside of Peking. Was organizer of 20 surrounding universities' students groups (20 years of age at this time and a Communist). Organized 10 riots at Yen Ching University during his tenure there. Became acquainted with Dr. Leighton Stewart—Chancellor of the University. Stewart was allowed to be appointed President through exception by Chiang Kaishek and later was the last U.S. Ambassador to China (Nanking).

Huang Hua was arrested while at University for inciting riots. Lived in hiding in Edgar Snow's apartment in Peking. He then went to Yenan with Edgar Snow and took the name of Huang Hua.

1936-1940.—He finished school at the Anti-Japanese University in Yenan. Edgar Snow asked the Communists to have Huang Hua appointed as interpreter for Mao Tse-Tung in 1936 and at this time wrote his book *Red Star Over China.* While serving as interpreter, he had access to all leading dignitaries and was active with the press.

1940-1945.—Spent entire war years in Chungking for New China News Agency with Chou En-lai. Was acquainted with General Yeh Chien Ing who was later the first Mayor of Peking under the Communists in 1945. In 1945 was spokesman for Communists at Executive Headquarters in Peking and was acquainted with Walter Robertson in Peking. In 1949 was appointed to the office in charge of foreigners in China in the office of the Ministry of Foreign Affairs.

1950-1960.—While serving in the Office of the Ministry of Foreign Affairs, aided Ambassador Stewart to leave country. In 1953, after Korean War Armistice, was China's representative at Panmunjom talks. He wrote paper on Germ Warfare during the Korean War and tried to brainwash Korean prisoners for Communist cause. In 1954 was on staff of Chou En-lai's mission to Bandung Conference in Indonesia. Also in 1954, was at the Geneva Conference with Chou En-lai as press spokesman for China.

1960-1965.—Was Ambassador to Ghana and, in fact, Ambassador-at-Large promoting Red China throughout Africa. Worked on Brazzaville takeover in 1964.

1966-1970.—Served as Ambassador to Cairo. During the Cultural Revolution, was the Ambassador never recalled or purged by Red China. In 1970 he returned to Peking at opening of new diplomatic offensive to participate in planning new policies.

1971.—In March 1971, appointed as Red China's Ambassador to Canada. In Canada can be expected to promote Liberation Front of Quebec. He is a member of the Chinese-Cuba Friendship Association.

[From Human Events, Nov. 20, 1971]

Red China Already Turning U.N. Into Subversion Base

Red China's 22-man United Nations delegation received a tumultuous reception upon its arrival in New York last week, with the press seeming to tumble over itself with compliments for the "high quality" of Mao's diplomatic representatives. But even as the new delegation was being hailed by various groups in this country, evidence is accumulating that Red China intends to employ the U.N. as a major tool for promoting Maoist-style espionage and subversion. Consider the following:

China's Deputy Foreign Minister, Chiao Kuanhua, head of the first Peking delegation to the U.N., is believed to have once been an important intelligence operative for Peking. Chiao, for instance, worked for several years with the New China News Agency, which since its inception has been operating as a conduit for intelligence and a cover for espionage.

David Wise and Thomas B. Ross in their well-regarded book, *The Espionage Establishment,* stress that "the main thrust of NCNA's activities is of a diplomatic or intelligence nature, as can be seen from the operations of its busier correspondents." Those named among the busier: Chiao Kuanhua. Moreover, Chiao openly hinted in his remarks to the American press last week that his country would be actively engaged in promoting subversion by supporting "oppressed peoples and nations in their just struggles to win freedom and liberation . . . ."

Chiao's deputy, Huang Hua, the permanent head of the delegation and now ambassador to Canada, also has a long history of engaging in subversive activities. Indeed, as Human Events has pointed out previously and DeWitt S. Copp elaborates on page 13, he is a gifted saboteur and espionage artist. Aside from helping to author the germ warfare charges against the United States in Korea, Huang was instrumental in turning Ghana in the early 1960's into a Peking base of operations against pro-Western countries in Africa.

As Rep. John Buchanan (R.-Ala.), a member of the Foreign Affairs Committee, has said: "From 1960 to 1965 he served officially as ambassador to Ghana but was, in fact, ambassador-at-large promoting Red China and Communist revolution throughout Africa and was an important factor in the Brazzaville (Congo) takeover in 1964."

Before Huang Hua received his U.N. appointment, Rep. Buchanan prophesied that he was "being groomed for the day when China is admitted to the United Nations or the United States follows Canada's lead in granting diplomatic recognition. Then he will be able to encourage and promote revolution in the United States with one hand, while, in keeping with China's two-faced policy, he superficially promotes trade and travel and 'better relations' with the other."

Equally indicative of the role that Red China is likely to play at the U.N. is that Kao Liang, head of Red China's advance party at the United Nations, is a well-known espionage agent who has fostered revolutions throughout Africa. While ostensibly serving as a journalist for the New China News Agency, Kao has been one of Peking's top men in organizing "united fronts" among radicals and in channelling funds, weapons and advice into groups eager to topple foreign governments.

U.S. intelligence maintains a thick file on this "journalist" who was kicked out of India in 1960 for "tendentious reporting" and expelled in 1964 from Mauritius, an island nation off the African mainland.

As authors Wise and Ross have written about Red China's U.N. advance man: "Taking up residence in Dar es Salaam, the capital of Tanzania, in 1961, Kao carried his intrigues the length and breadth of Africa.

"In Dar he lived much too well for a newspaperman. His house and his car were too big, his parties too frequent and his bankroll too large. In short, his lavish ways exposed his cover, as similar habits have sometimes betrayed CIA men, but it seemed to trouble him not at all. In fact, he openly asserted more importance than that of an NCNA correspondent and once checked into a hotel in Burundi as the 'Chinese ambassador.'

"Kao was the prime mover in the pro-Peking coup in Zanzibar in 1964, passing out money and arms to the insurgents, including Sheik Abdul Rahman Muhammed (Sheik Babu), a former NCNA 'correspondent' who emerged as foreign minister. Kao was also active in Mauritius (he was expelled in 1964), Réunion and Kenya, and made a practice of attending all independence celebrations, whether or not invited, with a big roll of money.

"Earlier Kao performed his intelligence assignments under NCNA cover in India (expelled in 1960), Nepal and at the 1961 Geneva Conference on Laos."

One of Kao's colleagues in Africa was a diplomat named Kan Mai, a specialist on guerrilla warfare who held the rank of colonel in the People's Liberation Army. Operating out of the Peking Embassy in Brazzaville (Congo) when the Belgian Congo was convulsed in rebellion across the river in 1964, Kan Mai trained hundreds of guerrillas who would lead major campaigns against the Léopoldville regime. Kan Mai and Kao Liang were also both implicated in the events leading to the assassination of the premier of Burundi.

Thus, less than three weeks after the U.N. "peacekeeping" organization decided to expel Taiwan and admit the mainland regime, Red China appears ready, willing and able to use the world body as a front for subversion on an international scale.

SHOULD THE U.N. GET OUT OF THE U.S.?

Now that the tumult and the shouting at the United Nations has died, the Tanzanian delegate has put away his dancing pumps and the Administration has dropped its public look of stupefaction, it's time for some quiet stock-taking with regard to one important aspect of the United Nations' future.

After 26 years of being domiciled in the United States, wouldn't it make good political sense for the world body to establish its headquarters in some other part of the globe?

The question is asked strictly from the point of view of our best interests and not anyone else's. As the vote on the ouster of the Republic of China and the seating of Peking indicated—for those who need such indication—we have few friends in the world and our allies are our allies more through need than endearment.

The vote, while bitter for many for reasons already enunciated in Congress—has at least cleared the air as to the real nature of the beast. The vote simply proved that the U.N. is an organization made up of several powerful blocs and we are no longer the most powerful. But because of our democratic society and because we are not the most powerful, we are the most vulnerable. It is a salient point to bear in mind when examining the record on how the U.N. headquarters came to be established in the U.S. in the first place.

The decision was not reached at Yalta but at the conclusion of the U.N. founding conference in October 1945. (The conference, which began in April of that year, had as its acting secretary general, Alger Hiss.) However, when a five-man site-selection committee was appointed, headed by Dr. Graveiovitch, Yugoslav, under secretary of foreign affairs, it was not a question of where in the world are we going to put the U.N., but where in the United States are we going to put it.

Of the decision, the late Dean Acheson was to write: "When the United Nations was looking for a site, I believed that it should be in Europe and favored Geneva and Copenhagen but pressure grew for its headquarters to be in the United States. President Truman's offer of the beautiful presidio site on the shore of the Pacific at Golden Gate-seemed a perfect one, establishing its home in the city of its birth. The misplaced generosity of the Rockefeller family, however, placed it in a crowded center of conflicting races and nationalities."

In this last remark, the former secretary of state was referring to how the choice of the Turtle Bay area on Manhattan came about. The recommendation of the site-selection committee to locate in either Fairfield County, Connecticut, or Westchester County, New York was rejected. The mayors of both New York and San Francisco offered their cities. The General Assembly, holding its first meeting in London in January 1946, chose New York.

"Interim" headquarters were first set up at Hunter College, then at the Sperry Gyroscope Plant on Long Island, next at Flushing Meadows, where the World's Fair had taken place in 1939 and finally, through the largess of John D. Rockefeller Jr., at its present location.

Mr. Rockefeller put up $8 million for the purchase of an 18-acre tract along Manhattan's East River and the taxpayers of New York City put up another estimated $3 million. The cost of building the headquarters was put at $65 million and the *entire* amount was given to the U.N. by the U.S. via an interest-free loan to be repaid over a 31-year period at the rate of $1 million to $2.5 million per year. To date the U.N. has repaid $45 million of the loan, *but it does not pay anything until the U.S. has paid its yearly assessment.*

The Soviets, of course, had no objections to the U.N. being located in the United States, and one of their delegates, Mr. Saskin, served on the site-selection committee.

Once the permanent site had been agreed upon it was necessary for the United States government to accept the provisions under which the U.N. would be free to conduct its business. These provisions are known as the United Nations Headquarters Agreement and although the State Department maintains that the agreement is a treaty of force, it may come as a surprise to learn it is no such thing.

In a hearing before the Senate Subcommittee on Internal Security, Chief Counsel J. G. Sourwine testified on March 15, 1967: "The so-called United Nations Headquarters Agreement which was purportedly brought into effect in November 1947, and which is ostensibly operative, as an executive agreement, to amend or suspend U.S. immigration laws, and grant various rights of an extraterritorial nature to the United Nations and its personnel, is not, in fact, an agreement at all because there was no meeting of the minds.

"Amendments and reservations to the agreement made by the U.S. Congress were not adequately reported to the General Assembly by the United Nations Secretariat. Interpretations (or conditions) set out by the Sixth Committee of the United Nations General Assembly were not officially reported back to the U.S. Congress. The agreement authorized by the U.S. Congress was not the same agreement authorized by the United Nations General Assembly. In legal contemplation, this is a clear case of offer, counteroffer, and counter-counter-offer with no valid acceptance on either side. . . . Thus there is no valid agreement."

This then is the somewhat muddied background by which the U.N. came to be in the United States and the "legal" means by which it retains its squatter's rights.

There are more fundamental reasons for encouraging its departure. The first is that since the U.N. inception the Soviet Union and its satellites have used it as a base of operations for espionage and subversion.

In this regard, it can be said that never in recorded history has one power so openly permitted an avowed enemy to pursue its policies of conquest on its home territory behind the facade of diplomatic sanctuary a sanctuary supposedly dedicated to peace on earth.

At least when the Trojans brought the gift-horse into their midst, they did not know what was in it. We have no such excuse. Since 1949 more than 50 Soviet and bloc personnel, assigned in some capacity to United Nations headquarters—either attached to their country's mission or employed in the Secretariat have been exposed by the FBI as doubling in the green fields of espionage. And this is but the tip of the iceberg.

The blasé acceptance and blatancy of this exposure is underscored by United Nations statutes which specify members of the U.N. Secretariat and international organizations (UNESCO, etc.) "shall serve not as representatives of their respective countries, or a region, but as custodians of an international public trust. No member of an international organization shall request or receive instructions relating to the exercise of his duties from any government or member thereof." The salaries of employes of internal organizations are paid by contributions from *all* member nations.

Thus from 1946 through 1970, a portion of the $3.8 billion the U.S. taxpayers have contributed to supporting the U.N. (41 per cent of the organization's total expenses) has actually gone to pay for and promote Communist espionage against the United States.

The highly regarded European research institute. Interdoc, in a recent publication on the subject makes an additional point: "There are those Soviet intelligence officers who have been sent on temporary assignment to the United Nations, such as the General Assembly sessions. These officers usually have several 'unofficial' functions to perform. Sometimes they carry into a country support material for illegal agents; sometimes they are prepared to undertake some special activity of which the local Soviet *Rezidentura* may not even be aware."

Two examples with recent connotations illustrate this point: On March 18 of this year, Dimitri A. Diakonov, Soviet chargé d'affairs in Mexico City, along with four of his KGB cohorts, was ordered to leave the country at once. The reason behind the order was the discovery by Mexican intelligence of a Soviet plot to overthrow the Mexican government.

Although Diakonov had spent his entire career as a KGB agent concentrating on Latin America, he had also managed to serve a term as an employe of the Soviet delegation during the U.N. General Assembly's 11th session. As Interdoc says: "There can be no doubt the double nature of his assignment and of the fact that the United Nations was merely a convenient cover for the special intelligence task he was carrying out on behalf of the KGB."

Sergi M. Kudriavzev, who was recently appointed chief of the Soviet UNESCO delegation (Human Events, Nov. 6, 1971), is considered by Western intelligence agencies to be one of the Kremlin's top operatives. On three occasions he has used temporary U.N. assignments for cover. On one he served as adviser to Andrei Gromyko, who at the time was chief of the Soviet U.N. delegation.

To put such cases in proper perspective, it is estimated by the FBI that more than 80 per cent of Soviet bloc officials who serve at the U.N. in either a temporary or permanent capacity, are engaged in some form of espionage against the United States. Presently there are 66 members of the Soviet delegation and 97 secretariat jobs held by Soviet personnel.

One position that was recently reported on by the New York *Times* was that of director of external relations for the U.N. Office of Public Information. It pays $27,000 a year and is held by Vladimir P. Pavlichenko, a longtime member of the KGB. In October the position was due to expire. Secretary-General U Thant extended it for two years. The U.S. taxpayer has been and will probably continue to contribute nearly $10,000 a year to Mr. Pavlichenko's salary.

Recent deportations of Soviet intelligence agents from Great Britain and Belgium—105 in Great Britain and 42 in Belgium—have given some indication of the extent of the Kremlin's effort to penetrate Western defenses. This is simply a cold fact of international life. But certainly neither country was, or is, willing to permit such activities to continue at the expense of its natianal security and the economic expense of its citizenry.

Not so the United States. Not so for a quarter of a century. Not so the Liberal Establishment, which has fought to carry on the myth of what the United Nations is not, in spite of revelations which have proved time and again that whatever it is, it serves our enemies as a sounding board for propaganda and a base for espionage and subversion.

Now that a majority of the U.N. membership has determined in its infinite wisdom that it is not an important matter to evict a Charter member to make way for a regime it once branded an aggressor, the efforts of the FBI and the New York City police will have to be doubled. Which, of course, will mean that the expense to the taxpayer will be increased.

If anyone thinks for one moment that Red China will not make the same use of the United Nations as that which has been made by all other Communist countries, let him reflect on the words of FBI Director J. Edgar Hoover, spoken before a congressional subcommittee more than six years ago:

"Communist China represents one of the gravest long-range security threats and the FBI is continuing to devote its close attention to coverage of possible Chinese Communist agents and sympathizers in the United States. There is every likelihood that Chinese Communist intelligence activities in this country will increase in the next few years, *particularly if Communist China is recognized by the United Nations and is thereby able to have a diplomatic mission in this country*" (emphasis added).

There is a certain grim irony in the fact that while the director of our nation's internal security warned year after year of consequences to come, Red China has now become a member of the United Nations through the express efforts of the President, his supporters within the Administration and all those without who served his "two Chinas" policy and worked for its establishment at the ultimate expense of the Republic of China.

Be that as it may, the pigeons of Hoover's warning began to come home to roost even before the U.N. vote was taken. There is evidence on record that the Tanzanian delegates are not only versed in gleeful dancing but that members of their mission have also doubled as dispensers of funds from Peking to militant black-Maoist groups in the New York area.

Columnist Victor Riesel recently reported that Communist China is now "openly" supporting Maoist organizations such as the Revolutionary Union. A delegation from RU visited Red China last month and was received by Chou En-lai. Also present was the leader of the Young Lords and former high-ranking U.S. Treasury official Frank Virginius Coe, first named as a Communist agent by Whittaker Chambers way back in 1939.

The Revolutionary Union was founded in 1968 by Leibel Bergman, a veteran Communist, and former Stanford University Prof. H. Bruce Franklin, an avowed Maoist.

"RU's objectives," Riesel wrote, "are a United Front, development of a revolutionary working class, unity and leadership in the struggle to organize a new national Communist party based on Marxism-Leninism and Mao Tse-tung thought, which would lead to the overthrow of the U.S. government by force and violence."

More directly, it has been announced that the No. 2 man in Red China's delegation to the U.N. will be Huang Hua, presently Peking's ambassador to Canada. Hua has been repeatedly described in the press and on the airwaves as being an able diplomat, gifted and suave, known to many old China hands. Hardly anywhere (aside from HUMAN EVENTS) has mention been made that he also possesses the same gifts of a Kudriavzev, for since the '30s, he has also doubled in the Communist pursuits of agitation, propaganda, subversion and espionage. (For more on the possibility of Red Chinese espionage, see page 3.)

He is known to have been the author of the germ-warfare charges against the U.N. forces in Korea and in charge of the brainwashing attempts on POWs.

During his tenure as ambassador to Ghana (1960–66). Ghana became Peking's base of operations in western Africa for propaganda, subversion, espionage and guerrilla warfare. Later ambassador to Egypt (1966–70), Hua was reported to be in charge of Red China's espionage and subversive activities in the Middle East. Now he comes to the United Nations, and to him, of course, will come many other Communist Chinese of a similar bent.

On still another level, in the course of the U.N. debate on China the issue was temporarily set aside by the Soviets and some of their supporters so that they could take time to berate the United States for being unable to protect U.N. foreign nationals against violence-minded groups. The 25-member steering committee has now been requested by the Soviets and several supporters, including Cuba, to do a study on the problem in order to gain some anti-U.S. propaganda mileage. However, we have all learned that there is no way of protecting anyone in a free society from a mindless zealot armed with a rifle or a bomb. And as the membership of the U.N. has increased, the difficulty of protecting its personnel mounts. It is bound to mount even higher with the coming of the Red Chinese and others. The situation offers another good reason why it would be wise to move the organization out of the United States.

If one were to take recent Soviet statements on the problem at face value, it would be difficult for Moscow to disagree to the move. After all, even the great "Russian liberal" Nikita Khrushchev once made the suggestion. So have others in the Congress and elsewhere. As father to the wish, the Canadian Broadcasting Co., in March of this year, devoted a large segment of its evening newscast to a feature on the annual General Assembly meeting taking place in Geneva, Switzerland.

Geneva would, indeed, be a good spot to move the U.N., even though the Swiss get along very well without being members of the organization. However, since "the third world" represents the largest membership bloc, it seems only fitting that a new headquarters be established in some place like Burundi, or Cameron, or Mali or South Yemen. All have equal voting power in the General Assembly with the U.S. All have been recipients of U.S. aid and all, in keeping with the spirit of U.N. "universality," owe the organization varying sums of money for back dues.

In that context both Secretary General U Thant and Secretary of State William P. Rogers have commented on the U.N.'s financial plight, which presently verges on bankruptcy. Of those 59 member nations which did not consider the expulsion of the Republic of China and the seating of Communist China and important matter, 35 are in arrears on their U.N. dues, the Soviet Union and other Communist nations owing $118 million of the total indebtedness of $177 million owed by 76 of the 133 members.

Again on the basis of the "universality" so strongly promulgated by such senators as Edward Kennedy (D-Mass.) and Jacob Javits (R-N.Y.), it can be expected that three more dedicated enemies of the United States will soon be joining the club—East Germany, North Korea and North Viet Nam. Their joining would offer three more reasons for relocating the U.N.

After all, UNESCO is in Paris and the anti-American, pro-Communist activities of that body have had little appreciable effects there. Many of its publications and pronouncements are polemics aimed against the U.S. government. Many of its employes are as opposed to the West as their conferees in New York, and yet, because their efforts are not centered here, they are relatively ineffectual. Move the U.N. from our shore and the result will be the same.

As for U.S. continuance in and contributions to the world body, both should become commensurate with the political and economic realities that apply. The first requires, for the reasons stated, the U.N.'s departure to another location and the second, that our portion of payment be cut back from one-third of the total cost to 6 per cent, a figure based on our population as a percentage of the total population of member countries.

Many congressmen have spoken out in angry reaction to the China vote. But the real surprise is that there is surprise at what some of our schizoid global policies have reaped.

Twenty years ago Whittaker Chambers, writing of his own agonizing ordeal to try to convince inquisitors that he was neither a psychopath nor a liar but a man telling the truth at tremendous personal cost, wrote:

"They were Communist in large part, because they believed that the other side [the U.S.] was hopeless, incapable of understanding history, incapable of understanding its own danger, incapable of understanding the nature of the enemy while he smiled at them in contempt, incapable of understanding those who were stupid enough to try to help them . . . it is a law of history that no one can save those who will not save themselves, whose plight is the proof that they have lost the instinct of self-preservation."

As noted, the Congress has the legal means by which it can propose the removal of U.N. headquarters from the United States. It is urged to consider such action now.

CRITICISM OF NATIONAL LABOR RELATIONS BOARD

Mr. TOWER. Mr. President, on a number of occasions I have spoken from the floor of the Senate against the operations and practices of the National Labor Relations Board. Since I first introduced my proposal to place original jurisdiction of unfair labor practice cases in Federal district courts in the 89th Congress, abuses by the National Labor Relations Board have increased substantially. Criticism of the Board from the public and private sectors, as well as from well-known labor law experts within academic circles, has increased over the past few years. This is due to the Board's continuing disregard for the role Congress gave it and also because there now is pending in the Congress a concrete alternative to the current policy.

On March 23 of this year I reintroduced my NLRB proposal. This proposal would abolish the offices of General Counsel of the Board and examiners. Complainants would have the alternative right to present their own cases before the courts or to have their cases presented for them by a U.S. attorney. If the U.S. attorney refused to prosecute the charge, the individual could still file his own complaint. In addition, the court is authorized after a public hearing, pending final disposition of the case, to issue a temporary restraining order. The temporary restraining order could only be employed after a finding of substantial and irreparable injury to the complainant and that the complainant has no adequate remedy at law.

The strong support for this bill, S. 1320, was manifested when the Senate Subcommittee on Separation of Powers, chaired by the distinguished Senator from North Carolina (Mr. ERVIN) reported it favorably to the full Judiciary Committee on October 28. This action represents an important step towards the realization of meaningful labor law reform.

Mr. President, the record of the National Labor Relations Board in circumventing the intent of Congress is well documented by the report of the Senate Subcommittee on Separation of Powers drawn from the hearings on S. 1320. These hearings clearly show that the NLRB has acted to restrict free employee choice and the related issue of free speech. The decisions of the National Labor Relations Board throughout its history have bolstered the increasingly greater power of the larger unions at the expense of management, small unions and even rank and file members of those larger unions.

I find it difficult to believe that an administrative agency of the U.S. Government would hand down a decision which imposes a union on a group of employees after the employees had rejected the formation of a union through a secret ballot. However, in the celebrated Gissell and Sinclair cases the Board ruled in just that fashion. In affirming both of the NLRB's rulings these cases in *NLRB* v. *Gissell Parking Co.*, 395 U.S. 575 (1969), the Supreme Court seemingly decided that the Board's expertise in the area of labor law far outweighed the employee's secret ballot election and the freedom of speech rights of employers.

In the Sinclair case, the Board issued a complaint charging the employer with election interference. From the case record it seems clear that the employer's campaign contained "no threat of reprisal or promise of benefit" which would be in violation of section 8(c) of the National Labor Relation Act as amended. The Board's decision clearly was neither in the best interests of the employer or the majority of the employees. The only group benefiting from the decision was the union the Board designated as the bargaining agent which the employees were forced to join regardless of the sentiment they expressed in a secret ballot manner.

The record is full of cases in which the National Labor Relations Board has restricted employer and employee rights to the benefit of large unions. The Board's decisions seem legally inconsisent. For often they do not seem based upon the issues involved but rather upon the political and economic complexions of the disputants.

Yet it is not the Board's specific decisions which constitute the strongest criticism of the body, but, rather, the simple fact that these decisions represent a successful attempt on its part to engage in policy formulation. The Wagner Act, the Taft-Hartley Act and the Landrum-Griffin Act clearly delegate to the Board powers only to determine whether unfair labor practices have occurred. The Board has not been empowered to establish new criteria outside its Congressional mandate as to what constitutes an unfair labor practice case.

What exists, therefore, is a blatant exercise of power in a manner which totally disregards the intent of the Congress. We in the Congress must take some of the blame for the record of the National Labor Relations Board. As the creator of this agency which has completely ignored the intent behind the National Labor Relations Act of 1935, the Congress has the duty to act to right this previous wrong.

In essence, the National Labor Relations Board has done more to bring about the current imbalance in labor-management relations than any other organ of the Government. What has happened and what the Congress must do to right the situation was stated by the eminent labor law professor of New York University, Mr. Sylvester Petro, when he appeared before the Senate Subcommittee on Separation of Powers:

> On the premise, then, that Congress must at all costs recover its policymaking supremacy in labor relations, it remains now to establish that the NLRB, with the assistance of the Supreme Court, has arrogated that role to itself and that it has done so in such a way as to encourage abusive, monopolistic unionism contrary to Congress's intention to impose upon unions more or less the same restraints applicable to the rest of the citizenry.

Mr. President, we have heard a great deal in this body about the many forms of usurpation of congressional authority. The record of the National Labor Relations Board is a perfect example of such usurpation. I urge each Senator to look carefully at the record and judge for himself whether the past and current practices of the National Labor Relations Board are in the best interests of all segments of our Nation in accordance with enunciated congressional labor law statutes.

I am confident that after the record is studied the Congress will realize that true reform is needed. The Subcommittee on Separation of Powers came to this conclusion and reported the bill I introduced. I would like to publicly congratulate the chairman of the subcommittee, the distinguished Senator from North Carolina (Mr. Ervin) and the members of the subcommittee for their great public service in calling to the attention of the Nation the terrible record of the National Labor Relations Board.

I have great respect for the chairman of the Senate Judiciary Committee, the distinguished Senator from Mississippi (Mr. Eastland) and the entire committee as a whole. I am confident that S. 1320 will be given careful consideration by the committee in the months ahead.

I therefore, implore all Senators to closely study this record in anticipation of one of the most important Senate debates on labor-management relations, and more importantly one of the most significant debates on the constitutional guarantee of separation of powers to come before the Congress in the post war period. I intend to continue, to the best of my ability, to educate Congress and the American people on the issues involved in this most important matter.

MILITARY RESERVE RETIREMENTS

Mr. TOWER. Mr. President, I am extremely pleased to have had the opportunity to join with my good friend from South Carolina (Mr. Thurmond) as a cosponsor of S. 2767. This bill would authorize members of the reserve components to elect retirement, if desired, at age 50, instead of the current age of 60, under an actuarial pay scale, provided that all other retirement requirements such as the completion of 20 or more years of service are met.

I feel that this proposal is worthy of our most serious consideration. The reserve components are a vital part of our national defense. It is in our national interest to maintain their high level of proficiency.

The reserves will be making difficult and complex decisions concerning manpower problems in the near future. In recent years, with the compulsory draft, the reserve units have experienced little difficulty in maintaining their manpower levels. However, with the pending proposal for an all-volunteer army and the present draft quotas dropping, the reserve units will not be utilized as an alternative method for a young man to fulfill his military obligation. Furthermore, the reserve components have been extremely concerned with their difficulties in maintaining personnel on a long-term basis. Most individuals do not continue to serve after their 6 years of obligated service. The reserve units need to be able to retain these well-trained and experienced men if it is to continue to offer competent leadership.

S. 2767 is one means of making the reserve components capable of attracting new recruits and retaining its present leadership. Furthermore, this system of optional retirement dates is a more equitable method of administering retirement benefits. It will not cost the taxpayer additional moneys.

I feel that we must immediately begin to explore proposals of this nature if we are going to make a successful transition to the all-volunteer army without endangering our Nation's defense capability.

ENCOURAGMENT OF ENACTMENT OF ELECTION LAW REFORM BY THE HOUSE OF REPRESENTATIVES

Mr. CANNON. Mr. President, I have been very much pleased to learn that the House of Representatives will begin debate in the next day or two on election law reform. For many years the Senate has been endeavoring to bring about the enactment of a strong new law to replace the obsolete and meaningless Corrupt Practices Act of 1925. The Senate passed bills in 1960 (S. 2436), in 1961 (S. 2426), and again in 1967 (S. 1880).

This year, with the combined effort of the Senate Committee on Commerce and the Committee on Rules and Administration, a positive and comprehensive bill (S. 382), was reported to the Senate and approved by this body on August 5, 1971, by the overwhelming vote of 88 to 2.

To this date, no election reform bill has been passed by the House of Representatives, despite the crying need for controls and public disclosure and enforcement. Now, however, legislation has been brought before the full House for consideration, and I heartily encourage the Members of the other body to give their serious attention to the adoption of legislation which will restore public confidence in the elective process.

Campaign expenditures and campaign costs have been in a runaway state for many years and will continue to double in successive election years, particularly in presidential election years. Controls over broadcast and nonbroadcast media are needed. Public disclosure of receipts and expenditures is necessary so that the public will know where money comes from and for what purposes it is spent.

Mr. President, in support of my statement regarding the need for reform are several articles which have been published in various newspapers in recent months. I ask unanimous consent to have printed in the Record at the conclusion of my remarks the following news items:

An article from the Washington Post of this date entitled "The Case for Public Financing of Political Campaigns," and an editorial from that newspaper of the same date entitled "The Campaign Spending Bill." An article from the Washington Post of Sunday, November 14, 1971, entitled "The Purchase of Power"; an article from the Washington Daily News of October 27, 1971, entitled "Millionaires Munch on Money Matters"; and an article from the Washington Post of March 21, 1971, entitled "The Nation's Worst Scandal."

These news items and editorials speak forcefully to the point that candidates and parties now look to the very wealthy and to private interest groups for the financing of political campaigns. I hope the House will assist in correcting these deficiencies in the law.

There being no objection, the items were ordered to be printed in the Record, as follows:

Once in a Generation Opportunity—The Case for Public Financing of Political Campaigns

(By Joseph A. Califano, Jr.)

(The writer, now a member of the law firm of Williams, Connolly & Califano, was President Johnson's special assistant for domestic affairs and is counsel to the Democratic National Committee.)

During the remaining weeks before adjournment, the first session of the 92nd Congress has a once in a generation opportunity to clean up the Augean stable of money and politics in America by providng public funds to finance federal election campaigns. If self-interested political considerations of the White House or incumbent congressmen and senators make it impossible to pass such legislation for the 1972 campaign, then it could be made applicable for subsequent elections. The relationship between private wealth and public office is too detrimental to the healthy development of our democracy to be considered solely in the context of an ongoing political campaign.

The vitality of a democratic society depends on the exposure of its citizens to a variety of points of view and personalities. The greatest inhibition on that exposure today is the prohibitive cost of running for political office. This Congress should seize its opportunity to enact legislation which would say to every American, not that his child can grow to be a congressman or senator or indeed President if he has or can get his hands on enough money, but that his child can grow to be a congressman or senator or President if he is the best man with the best ideas. Such legislation may be the single most important act the Congress can take to renew the faith of the American people in the integrity of the institutions of government.

Private wealth has become the most debilitating and corrupting force in American politics today. This has been the case for a longer period than many Americans realize, but increasing evidence of its corrosive influence is being adduced daily, as reporters like Don Oberdorfer and Morton Mintz intensify their coverage of campaign financing and as dramatic events bring home to the American people the too often degrading influence of money on the American political dialogue:

After spending $250,000 in an embryonic campaign for the Democratic presidential nomination, Senator Fred Harris said he was quitting because he was $40,000 in debt and his investment banker angel was either unable or unwilling to put up any more money.

Senator Edmund Muskie, another presidential contender, sharply reduced his staff because of lack of funds. When faced with a choice between the substantive issue side of his staff and political experts, he cut the former, in part because delegate votes in hand help keep the money rolling in.

Herb Alexander, perhaps the foremost authority on campaign financing in the nation, estimates that it costs at least $500,000 for a potential party nominee just to operate his campaign headquarters at the convention.

The reported costs of financing presidential campaigns have risen from $6.2 million in 1940 to $44.2 million in 1968, an increase of more than 700 per cent. In 1968, the Nixon forces spent $3.5 million simply for the purpose of raising money.

Anyone who examines in depth the subject of money in politics is bound to begin asking these questions:

Why do individuals of enormous wealth contribute substantial amounts of money to the presidential candidates of both major parties when they are running against each other? Perhaps to support the two-party system, but more likely to hedge their bets, to assure access no matter who gets elected.

Isn't the relationship between campaign contributions and ambassadorial posts a luxury beyond our national means in the crisis-prone world of the 1970s?

Federal regulations declare the appearance of a conflict of interest as abhorrent as its existence, because of the questions it raises in the minds of the people about the integrity of the Executive branch officials involved: What of the appearance of campaign contributions to a President, senator and congressman who must act on matters that directly affect the source of livelihood and status of the contributors?

Citizens of both parties must be concerned about actions that major leaders have taken to finance their campaigns: the Nixon Fund of 1952; the $1,000 per member President's Club of the Kennedy and Johnson administrations; the frenetic scramble of Democratic presidential hopefuls to small private dinners in New York and California to raise funds for their campaigns; the $500 per plate Republican dinners held last week to raise $5 million from big contributors.

The potential for corruption of official of personal financial gain or game. Equally insidious is the danger that large contributors, by reason of their wealth alone, can influence foreign or domestic policy to suit their personal prejudices. In 1968, Stewart R. Mott attempted to purchase his own foreign policy for 200 million Americans. Mott, whose dovish attitude resulted in enormous personal contributions for Nelson Rockefeller and Eugene McCarthy, mounted a buy-a-dove campaign on Hubert Humphrey after the 1968 Democratic convention. As reported in Fortune magazine in trying to set up a meeting with Humphrey which never took place, "Mott wrote Humphrey a letter in which he made it clear that the presidential candidate would have to modify his views on Vietnam before he could expect any financial support from this group."

Another clear and present danger to the integrity of the elective process is that personal wealth rather than individual merit will be the determinative factor in a political campaign. Probably the largest pre-nomination contribution in history was made in 1968 by Mrs. John D. Rockefeller Jr. on behalf of her stepson's bid for the Republican nomination. From June to September of that year, Mrs. Rockefeller made eight gifts to the Rockefeller for President (New York) Committee in amounts totaling $1,482,625—more than three times the amount that most of the 200 million American citizens make in their lifetimes. Since the Federal Gift Tax applies to contributions of more than $3,000, Mrs. Rockefeller was presumably subject to taxation of as much as $900,000 on the money she gave.

It is difficult to believe that the American people want personal wealth to be such a significant factor in election campaigns or that they enjoy seeing their leaders engage in demeaning activities and subterfuges to obtain the money necessary to get their programs and ideas across to the electorate. The ultimate objective of our democracy should be to take private wealth out of politics at every level, federal, state and local. A good start would be to get it out of Presidential politics. In a 1967 Message to the Congress, President Johnson approved the ultimate goal, but limited his specific recommendations to federal subsidies for presidential campaigns. The continuing erosion of trust in government, our increased concern with the appearance of corruption and the American crisis of political confidence makes it clear that the time has come for radical surgery. It is time to take private wealth out of politics; it is time to free candidates for public office from their dependence on private wealth.

The issues of our society are so complex that those with responsibility to decide them should not have to spend their time trying to raise money to conduct political campaigns or maintain a house in their home district and Washington, D.C., as well. Money must be removed as a factor in the decision whether to run for office, how to campaign for office, whether to remain in public life.

The federal government should provide funds for the conduct of campaigns for the offices of President, vice president, senator and congressman. The method is less important than the concept—whether by the tax check-off plan proposed by Senators Russel Long or Mike Mansfield, the federal drawing account proposed by Senator George McGovern or by the outright appropriation recommended by Lyndon Johnson. The important thing is to get the corrosive influence of private wealth out of American politics.

Once elected, leaders should not have to be concerned about patronizing someone who is "good for a big contribution." Presidents, senators and congressmen should not be required to give up precious time that could be spent on the study of public issues, to individuals whose only claim to their attention and time is that they have the money to help finance their campaigns. President Johnson was deeply offended when he was required to appear at fund-raising dinners to help pay campaign expenses. It is demeaning to the office of the President, he would say, and add: The American people do not want their President running around the country, raising money, begging and pleading for money to run political campaigns; it debases the highest office in the land. This attitude of presidential contenders was un- such broad, bipartisan support for his 1962 doubtedly why President Kennedy obtained reform proposals—support that included Presidents Truman and Eisenhower, as well as former presidential contenders Thomas E. Dewey, Adlai E. Stevenson and Richard M. Nixon.

CONTRIBUTIONS OF 12 PROMINENT FAMILIES, 1968

Name	Number of members contributing [1]	Contribution breakdown			
		Total contributions	Republican	Democratic	Miscellaneous
DuPont	32	$107,000	$99,800	$1,700	$5,500
Field	4	39,000	2,000	17,000	20,000
Ford	8	109,750	57,750	52,000	
Harriman	2	17,000	16,500		500
Lehman	7	51,000	2,500	48,500	
Mellon	22	298,962	278,962	17,000+	3,000
Olin	7	70,000	70,000		
Pew	[2] 11	$213,549	$207,898		$5,651
Reynolds [3]					
Rockefeller	21	[4] 1,714,375+	1,700,875	$13,500	
Vanderbilt	2	12,000	11,000		1,000
Whitney	6	133,500	133,500		
Totals	122	2,766,136	2,580,785	149,700	35,651

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[1] In this analysis, husbands and wives were counted separately. Therefore, Mr. and Mrs. . . would constitute 2 contributing family members.

[2] The estate of J. N. Pew deceased was counted as 1 contributing member.

[3] No contributions.

[4] This Rockefeller total does not include the $356,000 contribution made by Nelson Rockefeller for his own campaign.

[From the Washington Post, Nov. 16, 1971]

The Campaign Spending Bill

At long last, the House of Representatives will focus on Wednesday on campaign spending reform, perhaps the most important subject in long range terms that it has to face in this session. The stakes are huge—the integrity of a democratic electoral process is at stake—and by the end of the week the public will know whether all the words spoken in recent years about the corrupting influence of money in politics can be translated into votes on the House floor. It is by no means clear that those words will be translated into votes. There are those in Congress and out who simply do not want meaningful spending limitations. But if a good bill does not pass the House this year, the public will know where to put the blame as money replaces policy and performance as the key to public office.

It seems hardly necessary to make, once again, the argument for the need of campaign spending reform. Don Oberdorfer laid it out well in an article in this newspaper's Outlook section last Sunday and Joseph Califano elaborates on the theme elsewhere on this page today. But a few facts ought to be driven home. The costs of campaigning have skyrocketed in the last 15 years, a fact not unrelated to the growing use of television as a campaign tool. The best guess now is that spending in 1968 was 50 per cent higher than in 1964 and 100 percent higher than in 1956. As Mr. Oberdorfer pointed out, "High elected office—particularly statewide and national races involving expensive advertising campaigns—is increasingly the preserve of the rich or those who can somehow win the support of major economic interests." It is not surprising that 11 of the 15 major senatorial candidates in the seven largest states in 1970 were reported to be millionaires and that the other four of the 15 were defeated. Something is badly wrong with a political system that lets only the rich, or those who are especially adept at tapping the purses of the rich, rise to the top. And that something is the unlimited nature of campaign spending today.

The House of Representatives has before it a particularly tricky situation in dealing with this subject. The Rules Committee has forwarded three quite different bills, giving priority to one which is the work of Rep. Wayne Hays and the House Administration Committee. The strategy on the House floor of those who want meaningful legislation is to replace that bill with the other two bills—one on spending in the news media produced by Rep. Torbert Macdonald and the House Commerce Committee and the other the campaign spending bill that has already passed the Senate. If that strategy succeeds, good legislation is almost assured. If it fails, the nation is likely to learn in 1972 and in all succeeding elections just how many votes money can buy.

In our judgment, the two most vital elements in a campaign spending bill are reasonable and enforceable limits on spending and timely and enforceable provisions on public disclosure of what has been spent and where it came from. Second to these are limits on individual contributions and repeal of the equal time provisions of the Communication Act which has served more to increase the cost of campaigns than to protect candidates against radio-television favoritism.

The bill which has already passed the Senate comes close to meeting all of these criteria and the House could do far worse than just pass it unchanged. The bill's most serious weakness is its lack of any limits on individual contributions, except those made by a candidate himself, but hanging over this area of reform are the threat of a Presidential veto if additional limits are voted and constitutional questions about the validity of such limits.

The Hays bill, on the other hand, is so full of loopholes that its passage by the House might be worse than the passage of nothing at all. Its spending limits seem both unreasonably low and totally unenforceable. Its reporting provisions are worse in some respects, although better in a few others, than the existing law and its penalty provisions are probably unconstitutional.

By junking the Hays bill and taking the Macdonald bill along with the best parts of the Senate bill the House would produce a piece of legislation of which it could be proud. With that as a base, a conference committee ought to be able to smooth out a final bill rather quickly and let this Congress be the first in history to take seriously this aspect of the problem of money in politics. It could then turn to the other aspect—how the money for campaigning should be raised.

[From the Washington Post, Nov. 14, 1971]

The Purchase of Power

(By Don Oberdorfer)

The future of American politics is up for vote this week on the floor of the House of Representatives.

In a nearly unprecedented tangle conducive to a legislative free-for-all, the House will vote on new rules to govern the raising, spending and reporting of the campaign money which is the fuel and, some say, the curse of the American political system.

The proposed rules are embodied in three separate and competing sets of bills which have been cleared for floor action. Though the proposals would affect nearly all lobby groups and national politicians and touch the very nature of representative government in America, very little lobbying is reported except from some broadcast stations and newspapers resisting limitations on political advertising. Many members of the House like most of the public at large, are only dimly aware of the details or the importance of the legislation.

The Senate, by a vote of 88 to 2, passed its version of new money rules for American politics on Aug. 5 after many months of committee consideration and compromise and three days of floor debate. Unless the House acts without further delay, and in a way which will permit compromise with the Senate's version, the struggle to regulate campaigns for federal office will be dead for this year—and quite possibly for many years to come.

THE PRESERVE OF THE RICH

The problem, simply stated, is that American politicians are more and more dependent on large sums of campaign cash—and thus public officials are increasingly beholden to those individuals and groups who can supply it. High elected office—particularly statewide and national races involving expensive advertising campaigns—is increasingly the preserve of the rich or those who can somehow win the support of major economic interests. As the costs of campaigning skyrocket, so does the influence of the dollar.

Neither regulation nor restraint is provided by the law on the books, the Corrupt Practices Act of 1925, shot through with loopholes and invitations to evasion. Many of its provisions are ignored by office-seekers as well as by those officeholders in the Justice Department who are sworn to enfore it.

The result is a situation of growing concern to many politicians. Speaking of the high cost of running for office, they use words such as "fantastic . . . astronomical . . . absolutely ridiculous" (former Sen. George Murphy, Republican of California) or "scandalous" (Sen. Robert Dole, Republican of Kansas) or "fraught with potential for influence peddling" (former Sen. Ralph Yarborough, Democrat of Texas) or "on the verge of scandal" (Sen. John Pastore, Democrat of Rhode Island). Those are the words of essentially conservative men who have lived by the system; the outside critics are often harsher.

Behind the generalities are down-to-earth particulars, rarely mentioned in congressional debate but well known in congressional cloakrooms. The particulars are facts such as these:

Last Tuesday, the Republican Party raised an estimated $5 million campaign war chest for 1972 by selling $500 dinner tickets to major contributors throughout the nation. Some companies and industries bought entire tables, and one industry—oil—bought most of the 400 tickets for a regional dinner in Houston. Because of defects in federal and state laws, virtually none of the contributions to the $5 million war chest will be disclosed.

The Committee to Reelect the President, the nucleus of the 1972 Nixon presidential campaign, is carrying on a separate fund-raising drive to help the most powerful officeholder in the land. The identity of the contributors is a secret.

Maine Sen. Edmund S. Muskie's Democratic presidential drive has raised campaign funds of nearly $1 million this year, a substantial portion through loans from wealthy businessmen. Promissary notes for at least $250,000 are currently outstanding. The identity of those who have given and loaned this money is a secret.

Sen. Fred Harris of Oklahoma had been telling interviewers that his presidential drive was supported by contributions from unnamed "little people" across the country, and that the funds were adequate to take his campaign into the early primaries next year. Last Wednesday, Democrat Harris withdrew from the presidential race because he had exhausted the line of credit arranged by his major angel, a New York investment banker, and other financial angels failed to come through. Harris said he spent $250,000 in seven weeks as a presidential hopeful, and is $40,000 in debt. The details of who paid what were not made public.

Sen. George McGovern of South Dakota, another Democratic presidential hopeful, is publicizing his efforts to raise campaign funds from "little people." But he, too, has wealthy backers. One of them reportedly offered to put up $100,000 as a salary for a McGovern campaign chairman. It was to be paid in the form of a legal retainer for a lawyer who declined the offer and the job.

U.S. senators and senatorial hopefuls have begun raising funds for next year's Senate campaigns, and some have already hired image-makers and other campaign specialists. Much of the fund-raising is being done through "D.C. Committees" which do not have to report contributions or expenditures. Thus the identity of their financial angels is secret.

In last fall's Senate races, recordbreaking spending was reported in many small and medium-sized states, as well as in major industrial states. In North Dakota, the same two candidates had faced each other six years previously—but this time the winner, Democrat Quentin Burdick, spent roughly twice what he had in 1964; the loser, Republican Thomas Kleppe, spent five times as much as before. In Tennessee, Democrat Albert Gore spent more than $500,000—five times more than in his previous races. He lost to Republican William Brock, whose campaign cost more than $1 million—three or four times more than any Republican campaign in the state before. After the election, Brock's finance chairman said the records had been "flushed," and Brock himself said "I don't want to know" where the money came from.

In the nation's even largest states in 1970, 11 of the 15 major Senate candidates were millionaires, according to the National Committee for an Effective Congress. All the nonmillionaires lost.

Nearly everyone agrees that the unregulated and unreported use of large sums in major elections is a danger to the democratic process and a situation which cries out for reform. The agreement ceases, however, when the talk turns to specific remedies. Political advantages and political futures quickly become involved in consideration of new rules. Some fear it will take a spectacular breakdown in the system—for example, a national scandal with devastating impact on the already eroded confidence in government—to convince a reluctant Congress to act.

A SECOND EFFORT

The current drive for reform began in 1969 at the impetus of the Committee for an Effective Congress, a political fund-raising group which saw the impact of its money being eroded by the vast increase in campaign spending. After more than a year of consideration, Congress in 1970 passed a bill limiting broadcast advertising and repealing the "equal time" provision of the Communications Act as it applied to the presidential race, thus making television debates or free time possible for major presidential candidates. But President Nixon vetoed the bill, charging that it "plugged only one hole in the sieve," and the Senate narrowly upheld his veto.

Senate Democratic leaders, joined later by Senate and House Republican leaders and a number of other lawmakers, began work this year to give Mr. Nixon what he asked for a—comprehensive reform package to deal with what the President himself called "the crushing and growing cost of political campaigning."

The drive for new rules for American political campaigns has centered on four major elements:

1. Limits on Spending. The very low overall limits contained in the Corrupt Practices Act have been made obsolete by the times. And the belief has grown that an overall limit—one sum limiting all kinds of expenditures—would be difficult or impossible to enforce. Thus attention has turned to limiting the visible and more easily checkable political expenditures.

Broadcast spending, particularly for television, is the most sharply rising major cost of campaigns. Since political transactions on stations' books are open to public inspection by FCC regulation, these costs are easily checkable. Other major media costs, such as newspaper, magazine and billboards ads, are also highly visible and thus easily policed. Direct mass mail compaigns and mechanized telephone drives could similarly be policed with relative ease but these are not included in the bill pending in Congress.

Low limits on spending would tend to give incumbents insurance against being ousted by challengers. But high limits—including some proposed during the current debate—become no limits at all.

2. Limits on Contributions. Present law (Title 18, U.S. Code) limits individual contributions to $5,000, which any individual can give to any one candidate or campaign. This has been widely ignored, but Common Cause has brought a federal court suit against the Republican and Democratic National Committees, and the Conservative Party of New York, seeking its enforcement.

Nixon administration officials have strongly opposed limits on individual contributions, claiming they are unconstitutional and unenforceable. Unofficially, they have stated another and perhaps underlying objection—that a limit on individual contributions would reduce the flow of GOP money from businessmen while doing nothing to deter Democratic labor money collected from large numbers of individual workers. The White House has indicated that Mr. Nixon will veto any bill containing low limits on individual contributions.

The Senate-passed campaign bill would repeal the $5,000 contribution limit, thus making the Common Cause suit moot. Common Cause argues that a contribution limit is important under the "one man, one vote" principle.

3. Reporting and disclosure requirements. The present law is so riddled with loopholes and encrusted by lack of enforcement that Citizens Research Foundation, a campaign finance information center, has estimated that more than half of U.S. political spending goes unreported. Yet nearly everyone seems to agree in principle that public disclosure of the sources of campaign cash is a fundamental ingredient of a healthy democratic system.

Some members of Congress have expressed fear that full disclosure of campaign contributions would tend to "dry up" money sources. Lawmakers who raise much of their cash in $25-a-ticket receptions want the new rules to require the names of only those contributors giving more than $25; those who raise money in larger chunks favor reporting requirements which apply only to gifts of $100 or more.

An important submerged issue concerns administration of public disclosure reports in the hands of the Clerk of the House and the Secretary of the Senate, who are employees of Congress and thus subject to pressures from incumbents. Others favor placing administration with the General Accounting Office, which is insulated from many pressures, or with a presidentially appointed elections commission.

4. Public Aid to Campaigns. Various plans to provide tax credits for small campaign contributors or even direct government subsidies to campaigns have been considered in Congress. No such plan is contained in any of the bills now before the House, but Senate Democrats reportedly have drafted several public subsidy provisions as amendments to President Nixon's New Economic Policy tax bill.

A partial remedy is greater access by the office-seekers to the public through free or tax-paid time on TV and radio. The repeal of Section 315, the "equal time" provision of the Communications Act, would permit TV stations and networks to provide free time to major candidates without having to give equal exposure to legions of minor party candidates.

Arguments have been and can be made against nearly any plan to bring regulation and restrictions to the present political jungle of campaign financing. There are constitutional arguments galore, and many questions about the specific application of general provisions. In almost every instance, those who fear change can conjure up circumstances in which the application of the new rules is unclear, or might help one man against another or one party against another.

Hanging over the whole debate, however, is the unseemly fact of the present system, in which money is political power and political power attracts money to a great and growing degree. Unless changed and checked by the votes of the Congress and the signature of the President, the present system of financing elections to major office is a clear and present danger to the democratic process, undermining its representative character as well as its responsiveness to the citizenry, sapping the faith of the people and, ultimately, the consent of the governed.

THE CHOICES BEFORE THE HOUSE

	Hays bill (House Administration Committee)	Macdonald bill (House Commerce Committee)	Senate bill (Sponsored by House Republicans)	Present law (Corrupt Practices Act of 1925)
Spending limit per candidate	$5,000 for all purposes, or 6 cents per constituent (whichever is higher).	5 cents per voting-age constituent for broadcast ads; 5 cents per voting-age constituent for newspaper, magazine ads.	6 cents per voting age constituent for broadcast ads; 4 cents per voting-age constituent for newspaper, magazine, billboard ads; or $30,000 minimum limit for each category.	$25,000 for U.S. Senate, all purposes; $5,000 for U.S. House, all purposes (unenforced).
Examples of estimated 1972 limits:				Estimated broadcast spending (last election):
Typical House District	$5,000 for all purposes	$14,800 for broadcast ads; $14,800 for print media ads.	$30,000 for broadcasting ads; $30,000 for nonbroadcast ads.	Not available.
Senate race (Illinois)	$666,000 for all purposes	$378,000 for broadcast ads; $378,000 for print media ads.	$453,000 for broadcast ads; $303,000 for non-broadcast.	$314,000 (Stevenson—D); $305,000 (Smith—R).
Presidential race	12,000,000 for all purposes	$6,900,000 for broadcast; $6,900,000 for print media.	$8,400,000 million for broadcast; $5,400,000 for nonbroadcast ads.	$12,600,000 (Nixon-Agnew); $6,100,000 (Humphrey-Muskie).
Special media provisions	None	Repeal of "Equal Time" provision for presidential race only (permits TV debates or free time); Broadcast rates cannot exceed "lowest unit charge" for same time period; print media rates cannot exceed charge for comparable commercial ads.	Repeal of "Equal Time" provision for all federal races (permits debates or free time); "lowest unit charge" broadcast rates just before elections.	None.
Limits on contributions	From any individual: $35,000 to any presidential candidate; $5,000 to any Senate candidate; $5,000 to any House candidate; plus limits on candidate's use of his own money.	None	Limits on candidate's use of his own money only.	Individual contributions limited to $5,000 per candidate (unenforced).
Reports of contributions, expenditures	To: Clerk of House, Secretary of Senate—Required only 10–15 days before election, and 45 days after election; reports include all items over $25.	do	To: Federal Elections Commission, clerk of local U.S. district court—Required 4 times yearly plus before elections; reports include contributions $100 or more; expenditures over $100.	To: Clerk of House, Secretary of Senate—4 times yearly plus before elections; loopholes eliminate and limit many reports.

	Hays bill (House Administration Committee)	Macdonald bill (House Commerce Committee)	Senate bill (Sponsored by House Republicans)	Present law (Corrupt Practices Act of 1925)
Penalty for violation	Candidate for President: $25,000 fine; others: denial of seat, disqualification for future elections.	$10,000 fine and 1-year prison term for willful violation.	$5,000 and 5 years prison for media sections; $1,000 fine and 1 year prison for reports section.	$10,000 fine and 2 years prison (unenforced).

Note: All bills apply to candidates for Federal office only. Figures given are for general elections; equal additional sums permitted in most cases for primary, special or runoff elections. Limits given for nonbroadcast spending under Macdonald bill and Senate bill assume that maximum permissible amounts are spent for broadcast ads; unused portions of broadcast limit can be added to nonbroadcast media spending.

[From the Daily News, October 27, 1971]

Millionaires Munch on Money Matters

New York.—About 60 millionaires met for lunch yesterday and decided to put their mouths where their money is . . . in campaign financing.

Chatting amiably at the 21 Club in Manhattan, the men, who were said to represent nearly 25 per cent of all contributions to presidential election races, discussed a memorandum drafted by Howard Samuels, a former plastics manufacturer who now heads the quasi-public Off-Track Betting Corp. The memo called for reform of the country's political and governmental institutions.

One of the organizers of the meeting, Charles Dyson, said the purpose of the luncheon was to discuss ways of introducing business financial techniques into governmental operations. But the guests soon turned to discussing political contributions.

The informal group decided to invite potential presidential candidates to discuss campaign spending reforms. No list of names was drawn up, but several of the men are well-known contributors to many of the democrats now vying for the presidential nomination.

Most of those who attended were reluctant to discuss the meeting. Many were "unavailable for comment." The meeting was not publicly announced.

Mr. Dyson, for example, said he was unable to attend but denied emphatically that the meeting was called to discuss political contributions.

"It was on the invitations that no contributions would be solicited," Mr. Dyson said.

[From the Washington Post, Mar. 21, 1971]

The Nation's Worst Scandal

(By Lloyd Shearer)

Last November, Foote, Cone & Belding, one of the nation's leading advertising agencies, requested the Gallup organization to conduct a poll on the use of TV in political campaigns.

The major result of the poll: 74 percent of the adult American public favors clamping some control on political television advertising.

In contrast to many ad agencies, Foote, Cone & Belding handles no political accounts. Says its president, John E. O'Toole: "We have serious reservations about representing a candidate and his beliefs in 30-second or 60-second spot announcements."

Gallup polled 1609 adult Americans and discovered that the more educated a person is the more likely he is to advocate some restraints on broadcast electioneering.

The poll also showed that 37 percent of those contacted thought TV campaign advertising was "extremely" or "very" influential; 33 percent said it was "somewhat" influential; 26 percent said it had little or no effect; and 4 percent said they didn't know or gave no answer.

The most frequently voiced concern of those who were polled on the subject was that all leading political candidates should have equal TV time and money.

This situation does not exist, and the absence of any present machinery to make it possible is one of the critical failings of American democracy.

Legislators are frequently partial to those special interests and individuals who support them financially and thus make possible their reelection.

A LUCKY FEW

According to Herbert Alexander, director of the Citizens' Research Foundation of Princeton, N.J., 46 of America's wealthiest people contributed approximately $1.5 million to political campaigns during 1968. They favored Republican candidates over Democratic candidates financially by a 13 to 1 margin.

A handful of lucky politicians—Nelson Rockefeller, Charles Percy, and Edward Kennedy—have personal fortunes to spend on campaigns. But the majority of politicians are not so lucky. They must continually seek contributions from men of wealth and power in order to pay for television time which in the past decade has become the most expensive ingredient in electioneering.

Most Americans of wealth and power favor the Republican Party and its candidates. For example, officials of the 56 corporations which won the largest government space, nuclear, and defense contracts in 1968 reported $1,235,402 in political donations. For every $1 they donated to the Democratic Party, they donated $6 to the Republican.

Among the officers and directors of these companies, Henry Salvatori, a director of Litton Industries and also a prime supporter of California's Governor Ronald Reagan, contributed, together with his wife, some $90,000 to the Republican Party. The late Richard Mellon, a director of General Motors, gave $65,000 to the Republicans. Arthur K. Watson, vice chairman of IBM, gave $54,875. Robert Anderson of Atlantic Richfield gave $44,000 to the Republicans.

The Federal Corrupt Practices Act prohibits corporations from making political contributions, but allows corporation executives to donate as individuals.

Some of Richard Nixon's chief financial contributors in the 1968 Presidential race were W. Clement Stone, the insurance tycoon ($200,000); Max Fisher of Marathon Oil (103,000); Henry Salvatori of Litton (83,000); the late Richard King Mellon (50,000); Jack Dreyfus of the Mutual Fund (72,000); Elmer Bobst of Warner-Lambert Pharmaceuticals (55,000), and J. Howard Pew of Sun Oil (50,000).

Some of Democrat Hubert Humphrey's leading contributors in that same race were the late Mrs. Jack Factor ($103,000); Mary Lasker, widow of the advertising executive (60,000); Jack Dreyfus, who also contributed to Nixon (63,000); Herbert Allen, the stockbroker of Allen & Co. (56,000); Norman Cousins, editor of *Saturday Review* (55,000); Lew Wasserman, the former Hollywood agent now with MCA (54,000), and Harry Brandt, the motion picture theater owner (45,000).

THE LOOPHOLE GAME

These contributions represent only the tip of the iceberg. Labor unions, corporations, individuals, special interests—they all find relatively simple and numerous ways of loopholing the Corrupt Practices Act and making money available to candidates for the Senate and House of Representatives.

Labor unions for years have established conduits through which large sums are donated to Democratic candidates from whom labor naturally expects sympathetic judgments and gratitude, and frequently obtains them.

Each candidate for the U.S. Senate and House is required by a laughable Federal law to list all moneys received and spent "by him or by any person for him with his knowledge or consent."

The loophole here lies in the candidate supposedly having no knowledge or giving no consent to any person charged with raising campaign contributions.

Committees are formed which purportedly raise large amounts of money without the candidate in question knowing anything about it. For example, the successful campaign of James Buckley of New York, running on the Conservative Party ticket for the U.S. Senate, obtained contributions through more than 150 committees, some with the most imaginative names.

$700,000 FROM AMPAC

A typical "special interest" political committee is AMPAC, the American Medical Political Action Committee, which distributed approximately $700,000 to various candidates last year, but refused to report which candidates got the money. AMPAC simply distributed its contributions to state affiliates of which only one chose voluntarily to report.

Seven states have no laws that require political candidates to itemize their campaign expenses, while others require only the most superficial accounting.

No one really knows how much it costs to elect a President, a Senator or a Governor. In New York it is estimated that Nelson Rockefeller spent $10 million winning a fourth gubernatorial term. In California, it reportedly cost John Tunney close to $1,750,000 to unseat Sen. George Murphy. In less populous states, campaign costs are smaller.

Where does the money come from? No one knows exactly, but the average voter feels strongly that many legislators are "controlled" or "owned" by their major campaign contributors.

W. Clement Stone, the Chicago insurance tycoon who is a close friend of President Nixon, contributed approximately $650,000 to the Republican Party in 1968 and another $1 million in 1970 through a flock of different committees. While Mr. Stone claims he would no more think of asking a favor of the President than would Ophelia Elgg, a schoolteacher in Podunk, Ark.—the public thinks otherwise.

Thus, as David Lawrence wrote recently, "Some method must be found to dissociate contributions by groups or individuals from the disbursement of campaign funds to particular candidates."

A BILL VETOED

Last year Sens. Philip Hart and James Pearson along with Rep. Torbert Macdonald introduced a bill designed to reform political broadcast spending. The bill would have set limits on political broadcasts. It would have allowed free media time for Presidential candidates. It would have reduced rates for all candidates.

Congress overwhelmingly passed the bill, the first such reform measure in 45 years. But prior to the November elections, President Nixon vetoed the measure. Thanks to superb strategy by Sen. Hugh Scott, the Republican Leader in the Senate, and his Whip, Sen. Robert Griffin, the Senate failed by four votes to override Nixon's veto. Scott, however, did promise to introduce "comprehensive campaign-reform legislation" early this year.

In Great Britain political parties and candidates cannot buy advertising time on television. Each party is allotted time for political use, proportionate to its voter strength in the last election. But in Great Britain the broadcasting media are owned by the Government.

In the United States they are regulated by the Government but privately owned. And whichever candidate spends the most money buys the most exposure.

REFORM MOVEMENT

Because campaign finance throughout the United States has been recognized for years as one of the most pernicious scandals in our national life, many organizations are determined to support any reform effort on its behalf. John Gardner's Common Cause, the National Committee for an Effective Congress and dozens of other concerned groups advocate the complete and honest disclosure of political money to the public, the equalization of competition between incumbent and challenging candidates (the advantage is almost always with the incumbent), a financial ceiling on campaign expenditures, and some method whereby the Government pays the campaign expenses of those candidates running for Federal office.

As things now stand, large segments of the educated public are losing faith in the too high cost of democracy. They suspect that the oil lobby, the labor lobby, the doctors' lobby, the postal lobby, the people with the money and the clout again and again exercise undue influence upon the nation's legislators, confronting them time after time with a conflict of interest and an almost perennial debt of gratitude which must be paid off in special-interest legislation.

THE HIGHER EDUCATION ACT

Mr. PELL. Mr. President, on August 6, 1971, the Senate passed S. 659 a most outstanding and far-reaching higher education bill, one which made tangible many of the good ideas that we in the Senate have had for years. It would establish a base entitlement for post secondary education for those of our Nation's children who wish to pursue such a course and are capable of absorbing the education. It upgrades the post of Commissioner of Education to a challenging and stimulating one, establishes a new National Institution of Education and a National Foundation for Post Secondary Education, and simplifies the very complicated higher education legislation already on the books.

The House has also passed a higher education bill which, while it emphasizes aid to institutions rather than to students, contains many of the same provisions that are in the Senate proposal. The House, because of obvious political exigencies, attached to the higher education bill, their version of the emergency school aid bill, which the Senate had passed some 6 months ago as a separate bill.

Attachment of the emergency school aid bill to S. 659 causes very real problems for the enactment of far more important higher education legislation. For again the issue of civil rights and elementary and secondary school desegregation have been injected into straightforward education legislation. And these concerns will cause even greater problems here in the Senate. I would plead with my colleagues to let educational measures rest on their own merits. As chairman of the Education Subcommittee, I see education legislation used time and time again for matters extraneous to their intent. This was the case with the Elementary and Secondary Education Act of last year and may be the case with the higher education bill of this year.

The primary thrust of S. 659 is to enlarge and improve higher education and make it available to more of our youngsters. It is not viewed as a vehicle for civil rights legislation. I would only hope that school desegregation matters would be considered as separate legislation as it should be.

WAR CORRUPTS PRESIDENCY

Mr. CHURCH. Mr. President, while I welcomed President Nixon's announcement last week of further troop withdrawals, I deplored his implication that an American residual force, including air pilots, will be left in Vietnam. This is not a way to end, but can only extend, our participation in the war. Besides, Hanoi will never give up our prisoners of war so long as we refuse to give up the war itself.

The Blackfoot, Idaho, News editorialized the problem another way:

> The war in Vietnam continues to be the cancer eating on the vital organs of the American nation. It cannot recover spiritually or economically until the war ends and the last American soldier is withdrawn from Indochina.

I ask unanimous consent that the editorial, entitled "War Corrupts Presidency," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

War Corrupts Presidency

> On last Sunday the puppet government we have created in South Vietnam played out its continuing charade of democracy with election ballots carrying only the name of President Thieu.
>
> Sound effects in the background were provided by the dropping of hundreds of tons of bombs over North Vietnam and by riots in the streets of Saigon and other South Vietnamese cities.
>
> The war in Vietnam continues to be the cancer eating on the vital organs of the American nation. It cannot recover spiritually or economically until the war ends and the last American soldier is withdrawn from Indochina.
>
> The one person who could bring the war to an end is President Richard Nixon. Were he to decide that only the radical surgery of a real negotiated peace would save the nation, he would be upheld and supported by a majority of the American people.
>
> But he probably won't make that decision. All indications are that he will continue to anesthetize the American people by claiming he is working for a "lasting peace."
>
> To achieve this "lasting peace," it is predictable that he will continue to rain bombs indiscriminately on the people of Vietnam, Laos and Cambodia. He will continue the destruction of forests, fields and farms. He will continue to kill thousands of non-combatants and create refugees in the hundreds of thousands. He will do this in the name of applying sufficient punishment on the enemy to bring him to a realization of the futility of defying the might of American military force and a strong-willed commander-in-chief.
>
> As a result of the release of the Pentagon Papers, we are beginning to understand how "power corrupts." The axiom reads in full—"power corrupts and absolute power corrupts absolutely."
>
> It is a harsh judgment, but many Americans must understand by this time that we are witnessing the corruption of the Presidency of the United States because of the warmaking power thrust upon it by a frightened people and a frightened Congress. We have vested the Presidency with such awesome control of war-making power, literally the power of life or death over the people of our nation and the people of the world, that the President of the United States appears to be a wrathful Jehovah casting thunderbolts from Mount Sinai.
>
> Such awesome command of power, however, cannot always be exercised in godlike manner. The man ordained to the position by the electorate remains mortal. In the exercise of his power his judgment cannot be divorced from his own ego. A man without a strong ego cannot be elected to the Presidency. In this respect Richard Nixon differs from none of his past three predecessors of the nuclear age that began with Harry Truman. Each of the four were quite conscious of the role they would record in history.
>
> The ego of Truman was neither greater nor less than that of other Presidents before him. Destiny placed him in power in time to preside over the end of World War II. It was his decision that wrote the names of Hiroshima and Nagasaki indelibly into history. But Truman faced all the recriminations that follow a major war. Those who did not live through the era cannot imagine the fear and hatred that rolled the nation as a result of the activities of the witch-hunting legions of the cold war led by Senator Joe McCarthy of Wisconsin. Their passion centered around Truman's "loss" of China when that nation was taken over by its own people and the privileged position of outside powers was ended. (How can we "lose" something we never owned?)
>
> Stung by the McCarthy charge of treason and the Republican charge that the Democratic Party was "soft on Communism," first voiced by the young Senator Richard Nixon of California, Truman was determined to "lose" no more Asiatic real estate and spurned the plea of our valuable wartime ally, Ho Chi Minh, for help in setting up an independent Vietnamese nation in French Indo-China. Truman took the position that the restoration of France to power through reacquisition of its former colonies would better serve the interests of the United States.
>
> During the Eisenhower Administration, the Truman commitment was eagerly built upon by John Foster Dulles, the secretary of state held in awe and deferred to by President Ike.
>
> Ike spurned the advice of Foster Dulles and Vice President Nixon to drop nuclear bombs on the Viet Minh guerrillas or to send in Marines to save the French Army at Dien Bien Phu, but he added to the national commitment in southeast Asia by scuttling the Geneva Agreements' provision for a Vietnamese election on the question of uniting north and south Vietnam. He would explain later that the communists would have won such an election hands down. Ike also advanced the idea that it was well to arm "good Asians" to fight "bad Asians." And under the influence of Cardinal Spellman, Ike approved and provided finances and military supplies for Diem as President of the Republic of South Vietnam in Saigon.
>
> When John F. Kennedy won the election of 1960 by a razor-thin edge over Vice President Nixon, he inherited the CIA-planned Bay of Pigs invasion that proved to be a fiasco.
>
> Kennedy shrank from sending in the full military power of the U.S. to save an assault that was clearly illegal under international law, even though led and underwritten by our secret government. But he, too, was stung by the charge of softness against

communism that Democrats have come to fear as much as Republicans fear the charge of being the party that plans depressions. Kennedy, also hoist by his Inaugural speech, reacted like Truman with regard to the possibility of loss of Indochina real estate. He sent in the Green Berets, then later 15,000 American troops.

In view of Kennedy's growth in vision and statesmanship prior to his assassination, many of his devoted followers have insisted that he would have taken a different course in Vietnam, had he lived, than that taken by his successor.

Would the sensitivity of Kennedy, later revealed to the world in connection with the Cuban Missile crisis have spared us the agony of Vietnam?

(That question is a poignant as one that was raised a few years earlier.)

(What would have happened for the cause of world peace had President Ike been permitted to accept the invitation to visit the Soviet Union? Following the death of Foster Dulles, President Eisenhower seemed to acquire a degree of confidence in his own ability to conduct foreign affairs and took the lead in seeking to reduce the intensity of the cold war. For this and for his services as commander of Allied Forces during the war he was being accepted by the Russian people as an authentic world hero.)

(Suppose he had cancelled that last on the schedule U-2 overflight of Russia by Lt. Gary Powers! The event held all the drama of high tragedy.)

In view of the revealed ego of Lyndon Johnson, it is clear that his pride and the awesome warmaking power centered in his office led to his and the nation's undoing in Vietnam.

There is really nothing on the record to indicate that Richord Nixon is not repeating the same mistakes made by his predecessor. He insists the war is going away while still trying desperately for the victory that eluded John F. Kennedy and Lyndon B. Johnson. The miserable little brown men of southeast Asia refuse to concede defeat in the face of the worst punishment we can heap on them. They will not yield to the experts in the White House and in the Pentagon.

Senator Eugene McCarthy in 1968 spoke what may have been the greatest words of wisdom produced during the political campaign.

In times of turmoil, said Senator McCarthy, the people say what the nation needs is a leader who is a man of action. In saying this the people are wrong, the senator continued. In times of turmoil the leader best for the nation could well be the man who is a philosopher or poet.

In considering the role played by the strong men who have served as presidents in recent years there is a chance that Gene McCarthy was as wise a man as he was impossible as a presidential candidate.

Some historian-observers of the current scene compare this period of history with the period of political turmoil between 1830 and 1860 when the nation was being torn apart by the issue of human slavery.

In the years between the administrations of Andrew Jackson and Abraham Lincoln, the electorate did not re-elect a single incumbent president.

In view of the naked and terrifying power now held by the White House and the relative weakness and ineffectiveness of Congress, the best defense of the Republic may come through refusing any President more than a four-year term until the constitutionally divided powers of government can be restored.

STUDENTS "REACH OUT AND TOUCH" GOVERNMENT

Mr. BELLMON. Mr. President, one of the most rewarding experiences I have had recently was participating in a statewide meeting of Oklahoma campus leaders. The conference at Central State University, Edmond, Okla., October 18 was attended by around 250 students from 40 colleges and universities in the State. Both State-supported schools and private institutions were represented.

On hand to discuss current issues with the students was Donald Rumsfeld, counselor to the President, who had just been named Director of the Cost of Living Council. As a former Member of Congress and Director of the Office of Economic Opportunity, he came to the meeting with a broad background of governmental experience. He aptly demonstrated his ability to communicate with the youthful group on a wide variety of subjects.

This is the second such meeting that has been held in Oklahoma, and the response that has been received convinces me even more of the value of making it possible for young people to "reach out and touch" the Federal Government, as one participant phrased it.

A 19-year-old girl who is serving in the student senate at Northern Oklahoma College at Tonkawa described the meeting and what it meant to her in terms that reflect a positive attitude and an optimistic outlook that, I feel, characterizes the majority of our young citizens. Here are her comments on the program:

> Excellent. Showed youth that our government has not, by any means, closed its ears to what we're saying. I appreciate your concern immensely. If the youth will just open up and listen to you, we will be able to accomplish those steps essential to gain national unity. Please accept my sincere thank you.
>
> To sum up my feelings, to hear someone speak so strongly *for* our government and its policies gives me hope for my future days as a citizen and voter of the United States. It is terribly distressing to hear only the words *against* our nation. Mr. Rumsfeld, you have revived my faifth in President Nixon .Thank you so much for giving us the opportunity to hear you speak.

Mr. President, I am highly encouraged by comments like this from one of the leaders of tomorrow. Other remarks that followed the meeting in Oklahoma implied the same kind of concern for the future of our country and the desire to participate in the processes of policymaking that affect every individual.

In reading over the comments offered by the students participating in the conference, I was so impressed with their sincerity that I wanted to share some of them with other Members of the Senate. I ask unanimous consent that these selected comments, newspaper articles, and other materials pertaining to the conference be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Comments By Participants in Student Leaders Conference at Central State University, Edmond, Okla., October 18, 1971

From a 19-year-old Student Senate member at Northern Oklahoma College, Tonkawa:

"A credit to the initiators, the sponsors. I appreciate the opportunity that you have afforded students. It's a refreshing change from four-minute news broadcasts and attention-getter 'one-liners' in newspapers."

From a 21-year-old political science student at Southwestern State College, Weatherford:

"Excellent program. I was very pleased to have a man of Mr. Rumsfeld's stature share his thoughts and opinions with the assembled students."

From a 19-year-old member of the Oklahoma City University Student Senate:

"I think this program was very beneficial to our understanding of how the government works."

From a 25-year-old student leader at East Central State College, Ada:

"I feel this is an excellent way of the youth confronting the issues, and the administration confronting the youth with the answers.

From a 24-year-old Tulsa Junior College student:

"Congratulations for giving many concerned students the opportunity to reach out and touch our federal government. The program was excellent, especially through the rapport established by Rumsfeld and the direct communication that was initiated."

From a 27-year-old student senator at Eastern Oklahoma State College, Wilburton:

"Very effective means of associating the national policies with the individual. Mr. Rumsfeld invoked the individual's respect, regardless of his political party."

From a 20-year-old sophomore at Altus Junior College:

"Very informative. I definitely feel that both students and government officials both can benefit from these sessions."

From a 19-year-old Murray State College student senate leader:

"I feel that these types of programs would indeed be of a great help in relating students' ideals and views with those of the United States government."

From a 21-year-old student at Oral Roberts University, Tulsa:

"It helped make me realize the hard work of many individuals in government programs. So, right on."

From a 24-year-old instructor and student senate sponsor at Panhandle State College, Goodwell:

"Good meeting, very worthwhile. Gives students a chance to see what makes the executive branch tick. Mr. Rumsfeld was able to communicate well with the group. A realistic look at government."

From a 21-year-old student at Northeastern State College, Tahlequah:

"Interesting. I came down here expecting to hear some 65-year-old man talk about politics and the future. Donald Rumsfeld is sharp, and seems to have a lot going for him."

From a 20-year-old student congressman at the University of Oklahoma:

"The program was very educational and informative; more of this type should be held. Very well handled by Mr. Rumsfeld. He did give specific, personal answers which I appreciated. I had expected the general, noncommittal type answers which students usually get from a speaker. He gave intelligent, logical answers and was very personable."

From a 21-year-old student senator at Cameron College, Lawton:

"Mr. Rumsfeld was great, answered all questions. Treated students with respect. Very informative to government and how it works and its hang-ups."

From a 22-year-old student at Central State University, Edmond:

"Extremely enlightening. I think if we could have more communication like this the problems we have would be known, understood and people would feel closer to the government and its policies. Don't limit it to just the college students."

Nixon Aide Defends Policies Before CSU Students

(By H. C. Neal)

Edmond.—Oklahoma student leaders got probably more first-hand information from the White House Monday than the President's speech writers have received in the last month.

Some 200 students from 30 state colleges and universities attended a rap session at Central State University with outspoken Donald Rumsfeld, 39, top Nixon aide and new director of the economic stabilization program.

Nixon will visit Red China, said Rumsfeld, because "he believes it is not healthy to have the world's largest nation isolated from the rest of the world."

Tough-minded and articulate, Rumsfeld fielded questions for 94 minutes, hitting repeatedly on what he is convinced is the President's dedication to permanent peace and internal economic stability.

Responding to a question about recent oil discovery off the China coast, Rumsfeld said, "There may be oil off the China coast, but it would have nothing to do with the President's visit."

Rumsfeld, mentioned as a possible running mate for Nixon if the dump-Agnew moves succeeds, fervently defended the administration's war, civil rights and economic programs.

Responding to a student question of, "Why should we have any faith in Nixon?" Rumsfelt said:

"Let's look at the war, a prime student concern. All right. The war is winding down. Casualties are down. Costs are down. And draft quotas are down.

"The man has said what he will do and has done it. . . He has fully kept his commitments."

"Now, civil rights," Rumsfeld continued. "The Nixon administration has put more minorities to work in federal government than ever before . . . The budgets for all civil rights programs are up this year to some $400 million. The administration's achievements in civil rights are tremendous."

The speaker said it haunts the administration that "the public perception of those civil rights achievements is poor."

Discussing the reasons for this, he said, "Media must simplify the presentation of the news. In a 30-minute newscast, you've got sports, weather and commercials which cut the actual news reporting time to four or five minutes."

"How can you report something in five minutes which took months to work out?" he asked.

Rumsfeld was asked by a coed what his former agency, the Office of Economic Opportunity, ever did for women.

"We did nothing for women specifically," he replied. "The program was one of opportunity for poor people, not necessarily poor women."

On another question concerning why with its concern for equal rights the government does not draft women into military service.

"Because the law says to draft men," he replied. "If you want women drafted, tell your congressman."

Himself, a former four-term congressman from Illinois, Rumsfeld said legislators do respond to prodding from their constituents. "This is up to you, whether these other civil rights proposals get moving," he said.

"Write your congressman about it."

Rumsfeld also contended that Nixon and his top aides are responsive to "communication" from American voters.

"Those who seek to govern," he said, "would be fools indeed if they did not listen to the governed."

Rumsfeld was introduced by Sen. Henry Bellmon, who co-sponsored his appearance as another in a series of student-White House rap sessions in Oklahoma.

After the two-hour meeting, the speaker characterized Oklahoma collegians as "intelligent and well-informed."

"They asked good questions," he said. "And I enjoyed the session thoroughly."

Rumsfeld was asked if by his appearance the administration is "courting" the new student vote bloc.

"I would think both major parties should make a serious effort to enlist the loyalty of these young men and women," he replied diplomatically.

CHINA PROGRAM SAFE, AIDE SAYS

(By Paul Cartledge)

EDMOND.—President Richard Nixon will not be going to Red China in a "fuzzy-headed euphoric" mood of brotherly love, but as a "cold, hard pragmatist," presidential counselor Donald Rumsfeld said Monday.

Speaking with some 250 student representatives from state colleges and universities in a question-answer session at Central State University, Rumsfeld touched on the issues of the two-China policy, the Vietnamese war and election, the wage-price freeze, civil rights and the Supreme Court among other topics.

Sen. Henry Bellmon, who arranged the student leadership conference, was also present but did not participate in the discussion session.

Rumsfeld, in fielding questions from the predominantly conservative student group, repeatedly drove home the theme that the watchwords of the Nixon administration are pragmatism and caution.

He said Nixon does not look at his role in establishing communications with communist China "in a fuzzy-headed euphoric way that he expects everybody to love everyone else, but he is taking a cold, hard pragmatic approach in an effort to reduce risking future mistakes."

When asked what the President would do if the United States were to support a majority move by the United Nations to admit Red China to the UN and the communists refused as long as the Republic of China remained a member, Rumsfeld said Nixon would do "nothing."

"That would be basically a problem for the two Chinas to work out, he said.

The same theory, he said, is being applied to the Vietnamese elections, in that Nixon does not see the United States in a role of "big daddy" over smaller governments, but rather he sees this country more in a partnership role.

Elaborating on Vietnam, Rumsfeld said "it turns out we are not bright enough to go into another country and tell them how to run their government. In the past we have tried to erect a model of government for other countries."

He said United States' involvement in Vietnam has badly warped the political, social and economic fabric of that country, and that President Nixon is doing "everything humanly possible to wind down that war as fast as he can and get us out."

The economic policies of the Nixon administration are aimed at curbing a growing deficit in the balance of payments and the balance of trade with foreign nations and halting the inflationary spiral at home, Rumsfeld said.

He said the Nixon administration is attempting to form a partnership with other nations on the realization that the United States is no longer the supreme military and economic might of the world.

The wage-price freeze, he said, was a temporary measure to halt the inflationary spiral long enough to put together groups to formulate long-range goals toward a reasonable stability in the economy.

Rumsfeld said President Nixon believes the pendulum swung too far toward the liberal point of view on the Supreme Court and he is now looking for more justices whose thinking would parallel that of Chief Justice Warren Burger and Justice Harry Blackmun, both Nixon conservative appointees.

"There are more minorities working in the federal government today than ever before in the history of this country," Rumsfeld said in response to a question of what the Nixon administration is doing for minority groups.

He said budgets of civil rights and aid-to-the-poor type programs have grown by several hundred per cent under the Nixon administration because more and more programs are now being implemented that were only on paper before.

[From the Edmond (Okla.) Booster, Oct. 21, 1971]

NIXON ADVISER DEFENDS ADMINISTRATION POLICIES

(By Jim Willis)

A predominantly student audience numbering about 300 persons listened quietly Monday afternoon to opening remarks by Central State University President Garland Godfrey and Sen. Henry Bellmon, and then fired a 90-minute barrage of questions at the main speaker of a student leadership conference here, Presidential Advisor Donald Rumsfeld.

The conference, which drew delegates from all of Oklahoma's institutions of higher learning, was sponsored by Bellmon and was the second such conference arranged by him. The first was held in March of 1970 at the University of Tulsa when Dr. Daniel Patrick Moynihan was the featured speaker.

This time, the students' questions went to Rumsfeld, a 39-year-old former four-term congressman from Illinois who is now serving as counselor to President Nixon.

In his opening comments to the students, the seemingly good natured Rumsfeld said, "It was not until I got into the executive branch of government that I became sensitive to its problems and work. It's fascinating to watch the government operate."

The Princeton graduate gave a brief rundown of President Nixon's activities in various domestic and foreign policy areas. These included the draft reform, the Environmental Protection Agency, revenue sharing, the winding-down of American troop strength in Vietnam and Nixon's belief that a change in the U.S.-Chinese relation is vital.

"On the domestic side, concern is that the government exists to serve the people and for no other reason," Rumsfeld stated. "On the foreign side, our purpose is to achieve a period of negotiation and put an end to a period of confrontation."

The advisor stressed his belief that a diversity of power is vital in the United States, and that governmental power must be distributed to state as well as federal agencies.

Following these remarks, Rumsfeld threw the remainder of the two-hour session open to the students for questions and comments from them.

One of the most timely questions asked Rumsfeld concerned the President's wage-price freeze.

"How does the government figure that taking money from the workingman's pockets and putting it in the hands of company coffers can help the economy?" asked one student.

"That's a lot of baloney," was the emphatic reply from the aggressive Rumsfeld. "Profits are lower today than in any time since 1938."

Concerning the subject of "windfall profits" made as a result of the freeze, however, Rumsfeld stated, "There is no profit freeze. Profits are made over a long period of time, and this freeze is only set up for 90 days."

When asked about George Meany's statement that the President's freeze is acting as a "Robin Hood in reverse," Rumsfeld replied, "The concept is nonsense. It won't act as a Robin Hood either way."

Hitting on another area, one long-haired student asked the featured speaker, "Why should we have political faith in the Nixon administration with respect to the war, Kent State and Jackson State and minority groups?"

Answering the questions one at a time, Rumsfeld said the war in Vietnam had been going on for from six to eight years before Nixon took office.

Now, he said, the casualties are down, the draft calls are down and the cost of war is down. He alluded to the fact that troop strength in Vietnam is down from its peak of over 500,000 men in 1969 to less than 200,000 men at the present time.

"I don't know where I'd put better trust than in the Nixon administration," he concluded.

Concerning the incidents at Kent State and Jackson State, Rumsfeld said, "The President obviously had no involvement in them. I don't see how a person could put them up as a challenge to anyone. They were tragedies."

On minority groups, the advisor replied that during his four-term congressional career which spanned the 1060's he discovered, "The promises made on civil rights were greater than the ability to perform."

He stated the President has aided minority groups by opening more jobs for them in the federal government than ever before, by increasing the civil rights budgets by "several hundred percent," and by the establishment of the Food Stamp Program.

When asked why all this hasn't been publicized, Rumsfeld blamed the controversy surrounding the nominations of Judges Carswell and Haynesworth to the U.S. Supreme Court for clouding the progress made by Nixon.

"The perception of what he's (Nixon) done has been clouded by two or three events," he said. "This administration has an excellent record in dealing with minorities."

When asked what the United States is planning on doing to help "have not" nations, the ex-legislator said the government is centering its attention on the international trade balance.

"We're facing a negative trade balance for the first time," he explained. "You can't help 'have nots' when you have a trade deficit.

"President Nixon is working on gaining a good trade balance. This will make us of considerably more help toward other nations down the road."

"What affect do you think the news media has had on distorting the truth?" was another student-fired question Rumsfeld fielded.

Explaining that television stations have only about "four or five minutes" for actual news presentation during an ordinary 30-minute news, weather and sports program, he concluded, "They have to simplify it, and many times the facts cannot be simplified.

"It's an incredibly difficult thing for the public to be well-informed today."

Injecting a question and answer of his own on the subject of school bussing, Rumsfeld stated, "The President's opinion on bussing is clear. He doesn't like it."

"Why has regional background played such an important part in the nominations of Supreme Court justices?" Was still another question on another topic asked him.

When asked to explain the reason, Rumsfeld simply said, "I can't."

"What he's (Nixon) looking for are not justices from any particular part of the United States, but justices whose viewpoints closely approximate the viewpoints of Justices, Berger and Black."

Another student asked, "Why has congress been slow in dealing with the President's initiatives?"

To this, Rumsfeld replied, "I think it's unfortunate, and I think congress has a little reforming to do. I don't think it's as responsive as it should be."

Rumsfeld said one of the main reasons for this occurrence is voter apathy, however.

"It's because you don't put enough pressure on your congressman to let them know what you'd like them to do," he said.

Drawing the afternoon session to a close, the speaker told the gathering of students, less than half of whom had earlier indicated they were Republicans, "The power of our American political system for good or for evil is virtually immeasurable. The power to help guide and direct this country is yours. The responsibility is yours."

Plainly Speaking

(By Senator Henry Bellmon)

As the father of two college students and one recent graduate, I have long believed that today's young people are better educated, better informed and probably more concerned with human events than any previous generations. I am even more convinced of this after participating in a meeting with Oklahoma campus leaders last week.

The meeting at Central State University was attended by around 250 students representing some 40 Oklahoma colleges and universities. Both public and private institutions sent delegates to discuss current issues with Donald Rumsfeld, one of President Nixon's top advisors.

Most of the time during the two-hour session was devoted to questions and answers, and this was what impressed me the most. The questions that were asked covered a wide range of domestic and international issues.

Among other things, the youths wanted to know: "What is the United States doing to help the have-not nations?" "How long will the U.S. support the Thieu government in South Vietnam?" "Why has Congress been dilatory on passing President Nixon's programs?" "How come only men are registered for the armed services?" "What effect does mass media have on policy decisions?"

Some of the questions were quite blunt: "Why should young people have faith in Richard Nixon?" "Why does the President place such importance on regional background in picking Supreme Court nominees?" "Are students' points of view being listened to in the Administration?"

The students were interested in Vietnam, Okinawa, South American regimes, the President's trip to Peking, seating of the Peoples Republic of China in the United Nations, cutbacks in the economic opportunity program, equal opportunities for women, prison reform and the wage-price freeze.

In other words, they were interested in the same things that older adults are, or should be, interested in. How they will use their newly-acquired voting privileges to express their views remains to be seen, but meetings of this type provide one means of allowing youth to become involved constructively in current affairs.

PHANTOM JETS FOR ISRAEL

Mr. HUMPHREY. Mr. President, I read with some dismay today the administration's decision to withhold Phantom jets for Israel, based on their assessment of the Soviet Union's restraint in its own arms shipment program in the Middle East. The Israel Government has denied the validity of this assessment and no doubt will make available to our Government its own findings as to Soviet military shipments. I am informed that the ratio of Israel to Egyptian supersonic jets is 1 to 4. And Egyptian jets include 12 to 20 Mig–23's—the very latest in supersonic jets which were used in missions above Israel about 4 weeks ago. Also a large number of Mig–21's for reconnaissance and operational missions. There are more Soviet pilots in Soviet planes in Egypt than the entire Israel Air Force.

While everyone can appreciate efforts to exercise caution and moderation in an effort to reduce tension in the Middle East, I strongly doubt that the administration's approach is the wisest one to carry out that goal. I can recall only too well the outcome of our hesitation in sending additional aircraft to Israel in the spring of 1970, ostensibly for reasons of our fear in upsetting the newly established cease-fire. The net result was the injection of Soviet planes and sophisticated weaponry, and violations of the cease-fire through the installation of an effective Soviet air defense system along the Egyptian side of the Suez Canal.

The United States made its last deliveries of the Phantom and Skyhawk aircraft in June 1971. The Israeli Government has repeatedly made a request that deliveries be renewed based on their own careful assessment of Soviet deployments in areas affecting Israeli security. Contrary to our own official evaluation, Israeli information sources point to the steady build-up in the Soviet force in Egypt, particularly significant due to the presence of the Mig 23—Foxbat—and the Sukhoi II—Flagon—aircraft, as well as the SA–4 and SA–6 missiles. Added to all this Soviet military input is the promise of more to come, as announced in the Soviet-Egyptian communique of October 13 in which the Russians pledged to take steps to increase the military might of Egypt.

To ignore this ominous data, and that is what we are doing in failing to respond to the Israeli request for the delivery of two to three Phantom jets per month over the next 2 years, we are abandoning caution, or moderation which should be the guideline of our own foreign policy in the Middle East, as well as in the rest of the world. What are we abandoning these guideposts for? Apparently the answer is for what has been until now the illusory promise of an agreement for the opening of the Suez Canal which all parties concerned have been extremely reluctant to accept under the presently proposed terms. Instead of attempting to reduce to a minimum big power involvement in negotiated settlements, the United States has interceded to a degree which it has declined to do in areas such as Vietnam or Pakistan where its intermediary role would be more helpful and more welcome. Instead of preserving a balance of power, and, hence, dissuading the Soviet Union from any attempts to provide Arab military superiority for its own advantage, the United States has decided to continue suspending its deliveries of Phantom jets.

The Congress has counseled otherwise. Both Houses earmarked $300 million in their foreign aid bills for military credit sales to Israel. This credit was intended in large part to go for the purchasing of Phantom jets. Seventy-six U.S. Senators, in a bipartisan effort, cosponsored a resolution calling for affirmative action on the Israel request for Phantom jets. Despite their urgings, the President has chosen to maintain the suspension of our deliveries.

The President is acting on the basis of his own information, which seems to ignore public reports of a serious growth in Soviet strength. While rhetorically basing his whole negotiating posture at the SALT talks on a rough balance in nuclear armaments between the United States and the Soviet Union, the President has apparently opted for a different position in the Middle East. While calling for the strengthening of the ability of our friends to help themselves, the President has apparently chosen to relax this rule in his policy toward Israel.

As yet there is no indication that the administration's present position on the Phantom jets is definitive. I would hope that the most recent decision is reversed. In the meantime I want to point out that the $300 million earmarked for military credit sales to Israel must remain earmarked for Israel. The Senate just passed a foreign military assistance bill which specifically precludes transferring of funds in excess of more than 10 percent of each category of assistance in the bill. The $300 million cannot be used for other purposes, authorized by the foreign military assistance bill unless the President makes a detailed report justifying such a transfer of funds above the 10-percent limit.

In other wards, I am reminding the President that open-ended spending which he lobbied for in Vietnam, Cambodia, and Laos is not permitted in the Senate bill. The $300 million for Israel is for Israel. Congress has determined that the earmarked funds should be used now, not when it is too late and far more costly.

ROY HICKMAN, MOUNTAIN BROOK, ALA., PRESIDENT-ELECT OF ROTARY INTERNATIONAL

Mr. ALLEN. Mr. President, I confess to a tremendous sense of pleasure and pride in the fact that a fellow Alabamian has been chosen president-elect of the prestigious Rotary International.

Mr. Roy Hickman, of Mountain Brook, Ala., is an extraordinarily happy choice for this high post. Among his many qualifications, one in particular strikes a most responsive chord. Roy Hickman came up the hard way. He learned the meaning and value of work at an early age and worked to help put himself through college. His refreshing attitude toward work is expressed in these words:

> Working was the best thing in the world that could have happened to me. It teaches you to appreciate things more if you work for them than if they are handed to you on a silver platter.

Mr. President, the Birmingham News of Sunday, November 14, 1971, published an interesting article written by Frank Truchon which touches on this and other aspects of the philosophy of Roy Hickman, the next president of Rotary International. I believe Members of the Senate and the public will find the article both informative and inspirational. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO HOLD TOP ROTARY POST—WORK, LEARN: HICKMAN DID

(By Frank Truchon)

Roy Hickman of Mountain Brook, 1972–73 president-elect of the 704,000 member Rotary International organization, didn't make his college football team or get his West Point appointment as a youngster because "I only weighed 110 pounds—dripping wet."

Even so, he did win a letter in college, as student manager of athletics at the University of New Mexico. He also attained the rank of lieutenant colonel during World War II while serving with the U.S. Army Ordnance Corps and was later appointed civilian aide to the Secretary of the Army for the state of Alabama.

A more difficult obstacle which he faced and overcame was finding a way to pay his way through college.

As the youngest member of a family of six children, whose father, a Southern Railroad conductor, died when he was just two, the young Hickman had to depend upon himself at an early age to earn extra money.

In high school in Chattanooga, where he was born, he earned pocket change by taking note of the various stores around town that had burned out light bulbs, then going to the store owners the next morning with brand new bulbs to sell.

Although he received some funds each month from an elder brother while in college, he had to work to supplement the cost of his tuition.

While most students might have been content with one job, Roy Hickman sold college annuals, waited on tables in the school dining room and, in his senior year, earned an additional $30 a month as a student instructor in economics, his major.

"Working was the best thing in the world that could have happened to me," he said. "It teaches you to appreciate things more if you work for them than if they are handed to you on a silver platter."

Somehow, between studying (he was a "B" student), working at two and three jobs, and being student manager of athletics, Hickman became business manager of the college annual, president of Pi Kappa Alpha fraternity, president of the student body in his senior year, vice-president of the Inter-Fraternity Council, president of the Letterman's Club and winner of the state Intercollegiate Oratorical Contest during his junior year.

It was during his junior year that his wife, the former Dorothy Dunkerly of Ennis, Tex., arrived on campus.

"It was a small campus and word got around that there was a new girl with 11 pairs of shoes," Hickman said. "I just had one pair of shoes and I thought her father must be very rich," he laughed in describing why he wanted to meet the girl who was to become his wife in 1927.

Hickman's first job upon graduation from college in 1925 was a continuation of one of his part-time jobs—selling high school and college annuals for Southwestern Engraving Co. of Fort Worth, Tex.

The company transferred him to an affiliate in Kansas City. While on a trouble-shooting mission in Alabama for the Burger Engraving Co. in 1926, Hickman took a job with Alabama Engraving Co. as a salesman of annuals.

Over the years, Hickman rose to manager of the college annual division, sales manager, vice president, president and to his present position as chairman of the board. He is also chairman of the board of an affiliate company, Platemakers, Inc.

Hickman's long list of civic activities began in 1933 "when I was told by my boss to take part in the Community Chest." He soon, however, developed his own interest in community affairs.

His civic accomplishments include: past president, Heart of Dixie Chapter of the Association of the United States Army; past national president, Pi Kappa Alpha; past director, National Tuberculosis Association; past president, Alabama Tuberculosis Association; past president, Birmingham Chamber of Commerce; past publicity director, Birmingham Community Chest; past president, Birmingham Sales Executive Club; past president, Executives Club; past president, American Ordnance Post; past president, Downtown Club; chairman, Salvation Army Advisory Board; and member, United Appeal board of directors.

An interest in people and the desire to become acquainted with the major leaders in the community led to Hickman's joining Rotary, which has as its motto "Service Above Self."

He joined the Birmingham Rotary Club in 1935. Six years later he was president of that club. He was state Rotary district governor in 1948–1949, a director of Rotary International from 1954 to 1956, third vice-president of Rotary International in 1955–56, chairman of the 1958 Rotary International Convention in Dallas, Tex.; and chairman of the Rotary International Planning Committee from 1967 to 1969.

Hickman was nominated for the position of president in January and named president-elect in May. He is only the second Alabamian ever named to the presidential post.

Frank Spain, a Birmingham attorney, was president of the organization in 1951–52.

The presidency, Hickman said, is a full-time job. "You devote a full year to it." The position, he said, includes traveling around the world to visit some of the organization's 15,000 clubs in 149 countries.

Hickman's term as president begins July 1, 1972. He said he and his wife will move to Evanston, Ill., to set up housekeeping near the Rotary International headquarters.

The Rotary president-elect said he will probably spend about six months of the year traveling to about 30 to 40 foreign countries. "We'll probably go around the world twice in our year and travel between 30,000 and 50,000 miles"

The purpose of the visits to the various Rotary clubs, Hickman said, "is to report on the progress of Rotary and to encourage local clubs to assist in the development of their communities."

"Rotary International," he stated, "is an association of business and professional men with the desire to serve the needs of the community where they are located. All of them have community projects and those projects justify their existence."

As an example, he said, the Birmingham Rotary Club sends 30 to 40 Birmingham Boys Club members to camp each year, gives Christmas parties at the Boy's Industrial School, and provides the Industrial School with athletic equipment.

Rotary International, he said, also furnishes scholarships to students that wish to do graduate work and conducts a group study exchange program, whereby outstanding young business and professional men travel to and from the United States to study other countries, their people and institutions.

Roy Hickman has come a long way since his failure to make the University of New Mexico football team as a freshman.

When asked for the philosophy which brought about his successful career he replied, "I don't know of any other secret to success than to find a job in a field that interests you and to work with people and learn from them. You can't help but gain from the experiences of others, from their advice and their willingness to share their knowledge. In order to accomplish anything you have to learn to work with people."

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

REVENUE ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, H.R. 10947, which the clerk will state.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unaimous consent that the time for the quorum call be charged equally against both sides on the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEICKER addressed the Chair.

The PRESIDENT pro tempore. How much time does the Senator allot himself?

Mr. WEICKER. Mr. President, I allot myself such time as I may require.

The PRESIDENT pro tempore. The Senator from Connecticut may proceed.

Mr. WEICKER. Mr. President, we come now to the amendment of the Senator from Illinois (Mr. PERCY), which, in effect, would strike section 402 of the Revenue Act of 1971, and in so doing would deny to the highway trust fund some $350 million approximately, which $350 million would come from alcohol and tobacco taxes, or in other words, out of the general fund.

Mr. President, I should like to make clear at the outset that this is not an attack on the highway trust fund. I am not saying that it should not come, but this is not it. Specifically by virtue of section 402 it is the highway trust fund that is attacking the general fund.

The question has to arise at this point in time: Why the transfer? Certainly if there were some dire circumstances that envisaged the halting or slowing down of our highway program, such extraordinary measure or action might be condoned. But in light of the financial condition of the highway trust fund such clearly is not warranted. I am not going to stand before the Senate this morning and point to the surplus of money in the particular fund; rather, I will try to plead the cause for a balanced transportation system in this country.

The only justification that comes to my mind for this particular provision of the Revenue Act is that the best defense is a good offense. As each of us is well aware, the concept of the highway trust fund is now under reevaluation.

Mr. President, material that has been produced by advocates of the trust fund refers to the fact that this fund was created in 1956, as if implying that its age gives to it some special standing whereby it should not be tampered with. In my mind, when we have been 15 years on any program, that is a good time to reevaluate it and see what we have. There is not one of us who is not painfully aware that even though we have built more and better highways throughout the country, the American public moves slower today than it did in 1956. So whatever the concept and however good it was, the fact remains that it is incomplete, that there is a missing ingredient. It is not very hard to find out what that missing ingredient is.

Comparing figures of expenditures for various forms of transportation in the last several years, the figures for 1970, 1971, 1972 show that the Nation spent on aviation $1 billion in 1970 and $1.9 billion in 1971, and the figure will be $2 billion for 1972. During that same period, highway expenditures rose from $4.3 billion to $4.6 billion and now to almost $4.7 billion. Railroad expenditures went from $16 million to $47 million to $56 million. Mass transit spending went from $106 million to $327 million.

Broken down into percentages, so far as transportation is concerned, aviation in 1972 holds about 27 percent of the transportation budget, highways hold about 60 percent of the transportation budget, and rail, both intercity and mass transit, about 5 percent.

I think that clearly paints the picture as to why we cannot move. Any good transportation system has to have three ingredients—highway, rail, and air—but the fact remains that the rail portion is nonexistent.

The other question which comes to my mind is, Who is speaking for the traveler? I am not asking, Who is speaking for the AAA or for the highway construction industry, or for the automobile industry, but, Who is speaking for the traveler? Certainly, when any sort of automobile association or highway construction group puts forth the arguments that those of us who pay our taxes—or user charges, if you will—expect those taxes to go into highways, it is not speaking for me. I own my car, and I like to use it; but the fact is that because we do not have a balanced transportation system, I cannot use it freely or move about as I would like to. So I should like very much to see a portion of the user taxes on highways go to rail, and go to air, if necessary, in order that the present system can be balanced and I can enjoy my travels by whatever mode.

The object of Congress in the area of transportation is to legislate not in the direction of any special interest, whether it is the automobile industry or highway construction industry, but to legislate a good and a balanced transportation system, and good transportation is not just highway transportation.

In respect to the program itself, I think it also important to point out that interstate highways were not designed to be commuter roads; and to the extent that the traffic jams are caused by commuters, the highway lobby should be delighted to go ahead to spend some highway taxes toward mass transportation.

Moving on to another area, the argument has been put forward that these moneys, this $350 million, from the general revenues to be brought into the highway trust fund will be used to enhance highway safety; that the logical area from which to take money is the alcohol and tobacco portion of our general revenues. I think that is ironic. The only possible connection is that of the 55,000 people who die on the highways every year, about one-half of them have been drinking. That is about the only connection. May I point out that if we had decent mass transit in the Nation, we could probably cut the number of these deaths in half. But the argument that we should put that money into safety programs in the highway trust fund makes absolutely no sense at all. The problem is created by the high-speed highways. The problem is created by high-speed automobiles. So, in effect, even though one labels it a safety program, it is actually another subsidy to highway construction and to the automobile business of the Nation.

There are 55,000 people killed annually on the highways of this country, and in fiscal 1972 we will spend an estimated $128 million on highway safety programs alone. Compare that, please, with the figure which I cited earlier, when I said that the entire Federal expenditure for railroads, which would be principally intercity, is $56 million.

Mr. BENNETT. Mr. President, will the Senator yield? Did the Senator use the designation "billion" with "$128" or "million"?

Mr. WEICKER. I used the figure $128 million on the highway safety program.

Mr. BENNETT. I think the Senator said "billion" inadvertently.

Mr. WEICKER. I appreciate the correction of the Senator from Utah.

The estimated $128 million is just for the highway safety program and $56 million is allocated to all intercity railroad transportation. Or to put it again in terms of mass transportation in the United States, $128 million for highway safety programs alone; and the amount to be allocated in 1972 to mass transit will be $327 million. So that is only about one-half the amount that will be spent on mass transit.

Or let us put the two together: I estimate that in 1972 we will spend $383 million for all forms of rail transportation in the United States; and just on highway safety alone, $128 million.

So I think that if we want to have a real safety program in our Nation, if we want to eliminate a good portion of the killing of 55,000 people each year, perhaps we can take this kind of money and allocate it to rail transportation.

As I have said, I speak against the earmarking principle; but if we are going to earmark money from alcohol and tobacco taxes, I think the more logical area would be to conquer drug abuse, but certainly not for the highway trust fund.

Mr. President, I should like to spend a few minutes to discuss what can be done in this country relative to good transportation. Is it going to require highways? The answer clearly is "Yes." But I might add, to those who are responsible for the highway trust fund, if there is an area of expansion that should be considered, it is the local parking problems that have been created by our interstate highways and by the additional thousands of automobiles that use those highways year after year.

It is one thing to build roads into the cities. It is quite another problem for the cities to handle the cars once they have come in. But whether we are talking about safety, which I have covered, whether we are talking about the environment, or whether we are talking about transportation itself, the fact remains that until the Nation acquires a mass transport capability on rail, we are going to get nowhere. No form of transportation can move so many people over such a small piece of real estate as mass transit by rail.

I remember very well, Mr. President, when I represented the Fourth Congressional District of Connecticut in Congress, how everyone throughout the rest of the State of Connecticut said, "Well, his view is pretty narrow, because he just understands the problem of the commuter going from Connecticut to New York, and he really does not understand the transportation problems of the rest of the State."

It was true that my principal preoccupation was with the commuter problem in southern Connecticut, the problem of moving people between the States of Connecticut and New York.

Then, within the last couple of years, whenever I would go up to a city like Hartford, which is representative of many growing areas of our country, I would see another Federal highway going right through the suburbs around the city of Hartford, and everyone would be throwing up their hands in despair, saying, "When is this laying of concrete going to end? Why do we not have a mass transportation system to get us from the suburbs into the city of Hartford?" So the very problem we had been working on in southwestern Connecticut came home to the cities of my State as the people realized that the answer is not just the building of more highways; that if the desired result is that the entire State be plastered from end to end with concrete, then the present highway trust fund system is all right; but, on the other hand, if it is desired to encompass living and moving, then it is not.

The reason I cite the story of southwestern Connecticut and how the message has now come home to the rest of my State is that the same applies nationally. I know that many Senators think this is a problem of New York, or a problem of Chicago, Los Angeles, or Detroit. But what about the growing communities of our Nation? The time to move on mass transportation is now. The cost is as low now as it ever will be. Here we sit in the city of Washington, D.C., with the greatest example at our doorstep. Here we are in the year 1971 attempting to build a mass transit system, whereas, if someone had had some vision, and the system had been built when it should have been built—25 years ago—the streets would not be torn up for the great number of years, that it is going to take; secondly, the cost would have been one-fiftieth of what it will be now; and, third, people would be moving now.

I was amused by a comment made by one of my Senate colleagues yesterday, just prior to adjournment, when he said, "What about all those poor people who are traveling bumper to bumper on the highways coming into Washington, D.C. from Virginia and Maryland? Do you not think they want their money spent to improve those highways and make them wider and better?"

My answer to that is, "No, they do not. What they want is some mass transportation, where they would not even have to get in a car in the first place; then those who are using the highways to go longer distances would be able to do so."

So the argument for more highways and no mass transit hold no water at all. What is meaningful, I think, to all of us in the Senate, regardless of whether we come from the crowded urban areas or the areas of the country which now have space and will be the future population centers, is that lessons written rather clearly and rather painfully in the books by those of us in the crowded urban corridors shall be taken to heart. In essence, what we are saying is "Don't fall into the same trap."

But there is no way of getting out of the trap if we are going to use the same system devised in 1956. There is no way of getting out of the trap if we continue to spend 60 percent of our money on highways and 5 percent on rail.

We talk and talk about the environment, yet here we have it; and with all the talk and all the money that goes into building antipollution devices for automobiles, I would like to see one-tenth of that go into building a decent rail system in this country, one which does not have the problems of pollution that are attendant with the automobile. But because the automobile has become a way of life in this country, we feel stuck with it. Well, we are not. In fact, I feel that probably the greatest boost that could come to the automobile industry would be not to eliminate it or to say we should not have the automobile. That is preposterous. What we ought to have is something new in the way of a vehicle, whether by a change in its engine or by a possibility of that vehicle being put on a track and being guided by automation into urban areas. There are a million possibilities for an imaginative transportation industry. But no, it seems we are just going to sit here 15 or 20 years from now and say, "We passed this great Highway Act in 1956." There will be more and more smog in the atmosphere, more crowding, more bumper-to-bumper traffic, but we will say, "That was a great Highway Act we passed back in 1956."

Mr. President, how much time remains to the proponents of Senator PERCY's amendment?

The PRESIDENT pro tempore. The Senator has used 26 minutes of the time allotted. That leaves 64 minutes.

Mr. WEICKER. I yield myself 5 minutes.

Mr. President, I should like to read into the record the letter sent to the distinguished Senator from Illinois (Mr. PERCY), who is the author of this amendment, by the Office of Management and Budget:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 15, 1971.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: The Administration strongly supports your proposal to amend the pending tax bill to delete the provision which diverts alcohol tax revenues into the highway trust fund.

We believe that taxes paid by the user should bear a relationship to the benefits he receives and total user taxes levied should bear a relationship to the total level of services provided. Using alcohol taxes to fund highway programs does not meet these tests. Furthermore, reducing general revenues by diverting them to the highway trust fund further restricts the already limited funds available for other high priority national needs.

Sincerely,

DONALD B. RICE,
Assistant Director.

I think that sums up the matter pretty well, Mr. President. I will be anxious to hear from the advocates of this "grab" their justification for diverting these taxes from the general fund into the highway trust fund.

I repeat—because I want to make the issue clear this morning—that this is not an attack on the highway trust fund, although I make no bones about the fact that I plan to do that later. This is an attack by the highway trust fund on general fund of this Nation—it is as simple as that—a fund that sits there with a surplus of $3.648 billion and forecasts a surplus of $780 million for fiscal year 1972, attacking a deficit general fund. Now they want to divert $350 million more from general revenues into the highway trust fund.

I sat down and went over this matter. I asked myself, "What can be the reason for this?" I repeat: "The only justification must be the realization by the defenders of this special-interest pool that the best defense is an offense. People are beginning to nibble away at the concept of a highway trust fund, so let us go out and tangle with some of the other elements and try to get more money, and that will divert their attention from this outdated concept that no longer works."

Mr. President, I think it is clear, either to men of a financial bent, such as the OMB, or those who are concerned with transportation—moving about—that this is an ill-conceived provision of the Revenue Act of 1971.

To put it in the words of Winston Churchill, I think the advocates of the highway trust fund have overegged their pudding; that they have gone one step too far in helping themselves to just a little more. Just as crucial, as I emphasized at the outset of my remarks, I want to know who they represent. Certainly they do not represent the American traveler. The ability to move around our Nation is more difficult today than it was in 1956. With all our superhighways, it takes longer to go from New York to Washington, D.C., today than it did 25 years ago.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

The PRESIDENT pro tempore. How much does the Senator yield?

Mr. WEICKER. I yield the floor.

Mr. RANDOLPH. I wanted to ask a question.

Mr. WEICKER. Does the Senator from West Virginia care to have the floor?

Mr. RANDOLPH. I wanted to ask the Senator a question.

Mr. WEICKER. Fine.

Mr. RANDOLPH. The Senator has read into the RECORD a letter from the Office of Management and Budget.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. WEICKER. I yield myself 1 additional minute for the purpose of answering the question of the Senator from West Virginia.

Mr. RANDOLPH. Does not the Senator realize that the Office of Management and Budget has been against trust funds of any type, believing that it was the wrong approach to financing any program in the United States, but that Congress, in 1956, in its judgment—and I believe a well-reasoned judgment—created the trust fund? So that letter today is simply a restatement of the opposition, is it not, of this agency, within our governmental structure?

Mr. WEICKER. No. I cannot agree to those comments by the Senator from West Virginia. He knows as well as I do that the Office of Management and Budget changes from administration to administration and that the people with authority in 1956 are totally different from those who are there now. I believe it is safe to say that any financial arm of the executive branch, be it the U.S. Government, the government of a State, the government of the State of West Virginia, or the government of the State of Connecticut, is basically opposed to a trust fund principle.

Mr. RANDOLPH. That is what I said.

Mr. WEICKER. The Senator intimated that this group was in opposition to the trust fund.

Mr. RANDOLPH. I said the Office. I did not say the group.

Mr. WEICKER. They are a different group of people now. The fact is the highway trust fund exists. It is a fact of life. Their comments relate to this particular "grab"—if we want to call it that—by the trust fund into the area of general revenue. That is what they are objecting to.

Mr. RANDOLPH. I repeat to my able colleague that——

The PRESIDENT pro tempore. Who yields time?

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized for 2 minutes.

Mr. RANDOLPH. I want to continue this colloquy, to indicate my viewpoint, by saying that historically the Office of Management and Budget has been against a trust fund. It was against the airways and the airports trust funds for which my able colleague, I imagine, gave his support. Is that correct?

Mr. WEICKER. Very, very reluctant support at that time. Very reluctant support. I believe that we should have one trust fund for transportation in this country.

Mr. RANDOLPH. I am ready to join the Senator from Connecticut on that point which he has just indicated. That is not a problem for me. I am simply saying that I have supported a trust fund for airways and airports, as has the Senator from Connecticut.

I have supported with my vote in the Senate on every occasion—and, in fact, have helped as a cosponsor to draft legislation—every effort to bring into being a strong mass transit program for the country. Further, I think it is something that should be carefully weighed by any speaker on the floor of the Senate who attempts to speak of those who believe the trust fund should remain as it is until the job is done. There is some effort in the amendment to go too far, to do something which will not express the continued integrity of Congress as set forth in 1956 in relationship to the roadbuilding program in the United States.

When the highway trust fund was created by Congress in 1956, it was intended to finance the development of the American highway network, particularly the Interstate System.

The trust fund approach has been highly successful in carrying out its original purpose, although construction of the Interstate System has not proceeded as rapidly as intended. The revenues provided by the trust fund have brought the Interstate System to 75 percent completion.

The trust fund generates large amounts of money and was intended to do so because highway development of the magnitude needed is extremely expensive. The trust fund, therefore, is an inviting target for those who wish to correct the inadequate financing for other forms of transportation. In recent years there has developed what some observers refer to as a surplus in the trust fund that should be allocated to other purposes. In reality, this so-called surplus does not exist. It is not extra money collected above and beyond our requirements to meet the country's immediate highway needs.

What appears to be surplus is actually the result of the unwise and unjustified withholding of allocations to the States.

For the past 4 years, the national administrations have systematically withheld funds obligated to the States for highway development. As a result, the trust fund has accumulated obligations that must eventually be released to the States.

Over the long run, we can actually anticipate a deficit in the trust fund in terms of current estimates of what will be needed to complete the Interstate System. The 75 percent of the system that has now been constructed cost $41.1 billion. Authorization for the system was increased last year to $69 billion.

The point to remember is that if there had been no withholding there would be no surplus in the trust fund. Withholding has created an artificial surplus as well as extending the time and raising the cost for building the Interstate System.

Mr. President, I repeat, in 1956 the Congress, in passing legislation to accelerate development of the Interstate System, made a pledge to the people of the United States, and as a result, State and local governments acted. This is still a valid pledge and one that must be redeemed. It cannot be properly and expeditiously honored if we start to chip away at the resources of the highway trust fund.

My colleagues know that I have frequently spoken and acted in support of urgently needed programs for all forms of transportation. Mass transportation—which urban areas desperately need—airports and airways, and railways all must be adequately supported as essential components of a balanced transportation system. My votes have been so recorded.

I do not, however, believe that the highway trust fund should be dissipated to compensate for shortcomings elsewhere. This does not reach the heart of the problem and can only delay the day when our total transportation program is placed on a sound financial footing.

Even if all current mass transportation needs were met, highway requirements over the next 15 years would still total more than $100 billion.

The national highway program is a subject of intensive debate in all areas of the country. I welcome this examination as part of the process of developing a more responsive program. In these discussions, though, we must be careful that the facts are not obscured.

While there are some communities that, as is their right, feel they have enough highways, it is the experience of the Committee on Public Works that people all over America need and want better roads. One of the most difficult tasks the committee faces is how to resist the demands for more highways.

Criticism has focused largely on the Interstate System, primarily because it has been the area of most extensive activity for the past 15 years and because it is the most visible.

If anyone doubts the magnitude of our highway needs, I call attention to just a few areas in which the demands for action are enormous and have had to be postponed.

We made what is really only a modest start last year to replace some of the thousands of old, unsafe, and inadequate bridges on our country's roads. The $250 million authorized for this purpose over 2 years is but a fraction of the actual need. More would have been provided if there had not been opposition from the administration.

Spot improvements to existing highways are desperately needed to eliminate severe hazards to safe driving. The Congress considered a spot improvement program last year but encountered heavy opposition from the administration.

The importance of good transportation is recognized as essential to any economic development effort. We have tried to provide it but have been frustrated in this attempt. As a result, millions of people are denied the benefits of the American system because they cannot move easily from place to place. Once again, we have been faced by administration opposition.

Even in the cities, authorizations for the urban highway system do not begin to approach the need. Consequently, we must not delay meeting these needs and let them grow more critical.

I call the attention of the Senate to the fact that last year we created the urban highway system specifically to improve the movement of people and goods within urban areas. This new highway system had the enthusiastic support of the Nation's mayors, who realize the importance of good surface transportation as part of the answer to the needs of the cities.

They were extremely disappointed that more money was not brought to bear on their highway needs. It is the Public Works Committee's intent to significantly increased urban highway authorizations next year, but this cannot be done if the trust fund is restricted by actions such as those contained in this amendment. The mayors know that modern highways are needed to maintain availability of freight, emergency services, and public transportation.

The amendment before the Senate, if approved, would contribute to delaying the very objective its sponsors intend. Without the replacement contribution to the trust fund this amendment seeks to avoid, the road program will be curtailed and completion of the Interstate System delayed even further. This contribution does not add to trust fund revenues: It is merely a needed replacement to compensate for the loss of light truck excise taxes.

Over the currently authorized life of the trust fund, the loss would amount to approximately $2.2 billion and unquestionably push completion of the Interstate System further into the future.

At a time when the Congress is pressuring the executive branch to release impounded funds for highways and many other purposes, it would be unwise for the Senate to approve this amendment indicating our own lack of determination to maintain important programs at the levels we set originally.

Mr. LONG. Mr. President, may I ask the Senator this question? It has to do with the concern I had, when we first put this tax on, to create a trust fund. I did not think that we needed any more taxes to pay for highways. If we look upon the automobile owner as a user of the highways, he pays enough taxes to pay for the highways already. So if we give him credit for the automobile tax which we are repealing in this bill, it was argued that we needed the additional taxes to build the Interstate Highway System. That was voted through—and I voted for it—on the basis that that was what we needed. The public is willing to pay for it on that basis.

What is the excuse today for the impoundment of the money for highways? Why not take off the tax? Was not financing a highway system the basic purpose for putting the tax on gasoline?

Mr. RANDOLPH. It was felt that this country, with its necessity for the movement of people to and from their jobs, as well as the movement of products to markets, needed a system called the Interstate and Defense Highways. This came into being predicated, as the chairman has indicated, on this need. The money was not available except through the imposition of taxes which the public agreed—not reluctantly—to pay; and the job is not yet done in connection with this system of roads.

Mr. LONG. Here is the point. The public was willing to pay this additional tax provided it was used for highways. That was the deal. That was the commitment that was made. That was the faith on which the tax was passed. The Office of Management and Budget proceeded to impound that money and not spend it. They put slowdowns on it, or holdups on the construction, so the money was not spent for the purpose for which it was intended. Then they proceeded to give us a consolidated budget, and on that basis they said they would be in a lot better shape than on an administrative basis, taking the money raised for highways and putting it on a consolidated basis. Look at what they are doing now, using it for foreign aid, Vietnam, and goodness knows what else.

So what we are confronted with, as I see it, is that we are limited to the money going into the trust fund for purposes of constructing highways. They will not let us spend any more than that. Then they will not even spend what we do have in the fund.

Mr. President, I yield to the Senator from West Virginia such time as he may require.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The Senator from West Virginia may proceed.

Mr. RANDOLPH. The Senator is correct in stating the situation. Emotional statements not based on facts will not suffice in this Chamber, even though people interpret the facts differently in connection with this problem.

I point out that impoundment is a reality: $5.4 billion are impounded by the administration. That was done in a degree by the prior administration. I have been very careful to indicate that this has been an executive program in other than just the Nixon administration. The impoundment of those funds, including funds for mass transit, has continued.

Across the board in this country, perhaps $14 billion is at present impounded and is not moving into programs, including highway construction. Not only has the money been collected, it has also been obligated to the States. The States, I remind Senators, are ready and eager to move forward with the construction program. They are ready to place people in work, to use the materials, and to continue to strengthen—although some people would disagree—the movement of people and products in the United States of America.

Mr. LONG. Mr. President, will the Senator from West Virginia yield at that point?

Mr. RANDOLPH. In just a moment. The Senator from Connecticut, for whom I have a very high personal regard, must realize that this morning, in his State, tens of thousands of children were going to their classrooms because they were able to be transported by motor vehicles over the roads of the State which he represents. Tens of thousands of vehicles were moving farm products into the cities to the people who need them, including the movement of necessary supplies of milk for families and for children.

Mr. President, the suggestion of a plastering of the State of Connecticut, or of any other State, I brand as a myth, because that is what it is.

Let us take the "plastering" of the State of Connecticut, as has been charged by the Senator from Connecticut.

Connecticut today has a total of 18,407 miles of roads. I remind the Senator from Connecticut that 10,699 miles of those roads are city streets.

When two-thirds of the road mileage in Connecticut are city streets, it does not bear out the statement that has been made. In Connecticut, as in other States, the job yet to be done is to help the people create roads, and not only roads for the people in the cities.

Mr. LONG. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. LONG. Mr. President, how far behind schedule is the construction of the Interstate Highway System right now?

Mr. RANDOLPH. The Interstate System is about 75 percent completed. The total mileage when the system has been completed will be 42,500 miles.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. RANDOLPH. I yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during today and tomorrow, while the tax bill is before the Senate, I may have a member of my staff on the floor even when I am not present.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. LONG. Mr. President, will the Senator kindly designate the staff member he desires to have on the floor?

Mr. WEICKER. Mr. President, I have already been granted a unanimous-consent request to have Timothy Brosnahan and Robert Thompson on the floor of the Senate.

Mr. CRANSTON. Mr. President, either Roy Greenaway, or Steve Shefler or Tom Halsted will be satisfactory—any one of them.

Mr. RANDOLPH. Mr. President, we were discussing the procedures of having roads open to travel.

Mr. LONG. Mr. President, at the time when Mr. Eisenhower was President, this System was proposed. I thought it was supposed to be completed in about 10 years. What was the completion date, and when can we expect to have it completed?

Mr. RANDOLPH. The anticipated completion date has been moved backward for the real reason that a job of this kind, the greatest public works job in the history of mankind, costs more money year by year to pay men working on the job. It costs more money to purchase the necessary materials for the construction of roads. It costs more money to purchase land and rights-of-way.

Also, to a degree, it has been slowed by the impoundment which the Senator has been discussing today. That has caused delay. However, the original date on which it was believed completion could be achieved was October 1972. It is going to be, I think, 1977 or 1978 before this job can be completed. That is the feeling among the State highway officials in Louisiana and Connecticut and of all other State highway officials. That is the belief of Francis C. Turner, who has been associated with this program from the very beginning.

Mr. LONG. Mr. President, is it not true, based on the Senator's information—and he is as knowledgeable as any other Member of Congress about this matter—that we are already several years behind in getting the Interstate Highway System built. Many segments that have been built are already overloaded. Is that not true?

Mr. RANDOLPH. That is correct.

Mr. LONG. For example, Mr. President, one needs to go no further than the circumferential highway around Washington. Is that not already overcrowded because of people trying to get to work in the morning and to get home in the evening?

Mr. RANDOLPH. Yes. We have been trying to improve the use of that section of interstate highway going into Virginia by constructing bus lanes.

Mr. LONG. In the morning, the beltway is already overcrowded during the period of rush hour traffic.

I will ask the Senator if that situation is not also true elsewhere. For instance, in my hometown, going west from Baton Rouge, the road is completed for only about a mile going west, although it is completed for about 20 miles going eastward, and one cannot get off the highway in the evening at quitting time because it is so crowded that the cars move bumper to bumper.

So as a practical matter, even before the highway system has been completed, it is already overcrowded. We still do not have the main highway going to New Orleans completed. The delay has been such that what has been built is already overcrowded. The road is already 5 years away from the completion date. Now someone is starting to seek more impoundment of funds and to add to the cost of the project, so as to keep us from putting into the system the amount of funds that were projected.

Mr. RANDOLPH. Mr. President, in the State of Connecticut, about 90 percent of the Interstate System is open to traffic. This is very high, and that is understandable. Connecticut is a small State, from the standpoint of construction, as contrasted with some others, such as the State of Louisiana, where approximately 60 percent of the Interstate is open to traffic.

In the State of West Virginia, as we can well understand, because of the rugged terrain and our mountains, it has been very difficult to move forward with our Interstate System. Whereas in some States construction can be continued all year, there are several months during the winter in West Virginia when it is very difficult to build the roads, and the costs are very high.

In a State such as West Virginia or Montana or Wyoming or Nebraska or Utah, or some other States, the costs are high.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table entitled "The National System of Interstate and Defense Highways, Improvement Status of System Mileage as of June 30, 1971."

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE I.—THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS—IMPROVEMENT STATUS OF SYSTEM MILEAGE AS OF JUNE 30, 1971

State	Preliminary status or not yet in progress [1]	Work in progress			Open to traffic				Total designated system mileage
		Engineering or right-of-way	Under construction	Total underway	Toll facilities	Improved to standards adequate for present traffic	Completed to full or acceptable standards	Total open to traffic	
Alabama	18.70	125.31	146.00	271.31		66.80	541.20	608.00	898.01
Arizona	1.00	115.22	144.86	260.08		183.64	727.87	911.51	1,172.59
Arkansas		11.71	46.70	58.41		5.37	462.56	467.93	526.34
California	27.70	205.70	268.60	474.30	10.20	257.00	1,511.60	1,778.70	[2] 2,280.80
Colorado	120.08	58.33	78.38	136.71		81.92	637.74	719.66	976.45
Connecticut	40.21	27.09	9.67	36.76	12.31	48.46	209.24	270.01	346.98
Delaware		3.75	7.72	11.47	14.30		14.84	29.14	40.61
Florida	229.11	217.02	90.05	307.07	56.45		806.70	863.15	[3] 1,399.33
Georgia	38.70	202.97	165.54	368.51		2.32	740.40	742.72	1,149.93
Hawaii		22.44	8.04	30.48		2.69	19.08	21.77	52.25
Idaho		86.12	34.55	120.67		125.46	365.50	490.96	611.63
Illinois	83.82	180.29	166.00	346.29	155.38	147.16	990.57	1,293.11	1,723.22
Indiana	14.30	60.85	152.77	213.62	156.90		744.60	901.50	1,129.42
Iowa	48.42	39.52	104.18	143.70	3.57		585.66	589.23	781.35
Kansas	21.60	56.70	49.35	106.05	187.70	1.75	504.60	694.05	821.70
Kentucky		93.50	61.03	154.53	39.20	16.80	527.43	583.43	737.96
Louisiana	40.91	105.48	184.79	290.27		.86	386.00	386.06	718.04
Maine	2.06	24.60	9.63	34.23	54.48	104.21	117.59	276.28	312.57
Maryland	22.91	7.11	1.58	8.69	53.04	74.55	198.62	326.21	357.81
Massachusetts	21.57	26.41	9.34	35.75	134.41	24.33	254.06	412.80	470.12
Michigan	41.00	113.99	71.60	185.59	5.39	42.96	899.74	948.09	1,174.68
Minnesota	21.32	168.35	124.40	292.75		107.77	492.29	600.06	914.13
Mississippi		33.60	114.50	148.10		17.10	517.00	534.10	682.20
Missouri	27.60	132.00	128.00	260.00	.30	121.40	737.60	859.30	1,146.90
Montana		273.70	214.63	488.33		290.31	409.31	699.62	1,187.95
Nebraska		44.64	35.10	79.74	.22	12.88	387.75	400.85	480.59
Nevada		94.83	31.85	126.68		5.34	402.54	407.88	534.56
New Hampshire		25.42	12.21	37.63	21.02	15.02	140.61	176.75	214.28
New Jersey	18.90	84.90	77.30	162.20	45.70	25.70	131.50	202.90	[4] 384.00
New Mexico	32.16	89.08	49.89	138.97		60.01	767.79	827.80	998.93
New York	135.62	35.65	24.09	59.74	490.38	60.89	600.77	1,152.04	1,347.40
North Carolina	50.03	144.45	106.77	251.22		15.37	522.19	537.56	838.81
North Dakota	22.20	40.40	39.52	79.92		51.94	416.75	468.69	570.81
Ohio	8.73	107.51	73.11	180.62	206.20	64.60	1,073.86	1,344.66	1,534.01
Oklahoma		26.43	39.88	66.31	174.04	17.11	551.88	743.03	809.34
Oregon	24.73	54.90	12.62	67.52		111.16	531.52	642.68	734.93
Pennsylvania	21.43	71.77	87.54	159.31	360.18	8.35	1,004.67	1,373.20	1,573.94
Rhode Island	26.59	6.51	3.71	10.22		5.11	58.36	63.47	100.28
South Carolina	63.02	7.97	163.58	171.55		8.17	514.37	522.54	757.11
South Dakota		116.42	85.71	202.13		37.58	439.25	476.83	678.96
Tennessee		162.90	124.80	287.70		72.30	684.40	757.70	1,045.40
Texas	106.94	398.59	312.44	711.03		246.30	2,102.82	2,439.12	3.167.09
Utah		337.55	136.17	473.72		71.23	391.46	462.69	936.41
Vermont		50.96	56.34	107.30		4.43	208.65	231.08	320.38
Virginia	10.82	178.83	90.43	269.26	37.60	41.65	713.57	792.82	1,072.90
Washington	82.62	86.54	31.03	117.57		159.71	403.33	563.04	763.23
West Virginia	17.69	70.83	125.97	196.80	87.10	.30	209.61	297.01	511.50

Footnotes at end of table.

TABLE I.—THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS—IMPROVEMENT STATUS OF SYSTEM MILEAGE AS OF JUNE 30, 1971—Continued

State	Preliminary status or not yet in progress[1]	Work in progress: Engineering or right-of-way	Work in progress: Under construction	Work in progress: Total underway	Open to traffic: Toll facilities	Open to traffic: Improved to standards adequate for present traffic	Open to traffic: Completed to full or acceptable standards	Open to traffic: Total open to traffic	Total designated system mileage
Wisconsin	110.50	.67	1.92	2.59		24.71	431.05	455.87	568.85
Wyoming	49.27	61.97	27.23	89.20		18.98	756.28	775.26	913.73
District of Columbia	9.36	7.62	1.81	9.43		2.92	7.84	10.76	29.55
Pending	[4] .04								[5] .04
Total	1,631.66	4,699.10	4,142.93	8,842.03	2,306.07	2,864.62	26,855.62	32,026.31	42,500.00

[1] Public hearings have been held on route location, and location studies are underway on many portions of the mileage in this column.

[2] Excludes 7.00 miles chargeable to the Howard-Cramer Act of the total 17.20-mile Century Freeway (I-105) which was added to the system under that act.

[3] Excludes 44.4 miles chargeable to the Howard-Cramer Act, I-5E St. Petersburg-Tampa Bypass which was added to the system under that act.

[4] Excludes 28.00 miles chargeable to the Howard-Cramer Act of the total 35.00 mile Trenton-Asbury Park Spur (I-95) which was added to the system under that act.

[5] Consists of mileage which has not been assigned to any specific route and is a reserve for final measurement of the system.

Mr. LONG. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. LONG. Mr. President, it seems to me that we are several years behind in completing the Interstate Highway System alone, and some segments may be even further behind. I know that the people want to get the job done. I do know that my father was right when he said that in building roads in Louisiana we should always try to build them so that they will be adequate for at least 5 or 10 years in the future.

We are building a system that will be inadequate before it is ever completed. Just try to get around Washington during the busy parts of the day on the circumferential highway. Try to get around the city limits of Baton Rouge at quitting time or in the morning when people are going to work. And this is before the system is completed. Try to get outside New Orleans on the Interstate System now. The cars are bumper to bumper even before the highway is completed; and construction is several years behind schedule. Why do we not go ahead and complete the system?

Mr. RANDOLPH. Mr. President, about 85,000 workers in America are employed at present in the completion of this system.

Mr. LONG. We need a system that is adequate to do the job. We need the jobs; we need the payrolls. Someone in the Office of Management and Budget is talking about creating jobs, on the one hand, and holding up the funds on the other. This kind of schizophrenia ought to be dispensed with. We ought to get on with this vital project.

Mr. President, I would not vote for any of the tax cuts in the bill if it meant a delay of additional years for the completion of highways of this country.

Mr. RANDOLPH. Mr. President, I think it is very important to have in the RECORD the following fact, and it is a fact; it is a collection of facts. We talk about the Interstate System which is necessary to be completed. It is the heavy cost item we are discussing. That was the reason for the trust fund originally. The cost of the systems, instead of $27 billion, is running now to $70 billion, or more. This has been a cost increase across the board, a cost with which the chairman of the Committee on Finance is well acquainted.

Mr. President, we must realize that the highway program in America today is a multifaceted undertaking. I wish there were more Senators in the Chamber to hear the discussion that is now taking place.

In addition to the Interstate Highways, what does the trust fund provide? It provides financing for the development of the primary and the secondary roads of this country. It provides for the urban extensions and the urban highway systems. It provides for traffic flow improvements which are constantly being made throughout the country.

It provides for bridge replacements where they are worn out. Antiquated bridges built 50 years ago are imperiling the safety of those who travel along the highways and over the bridges. It provides for railroad grade-crossing operations in the continuing attempt to provide safety in the movement of cars that pass over the tracks.

The money provides for safety activities which have been moving forward; construction of parking facilities; exclusive bus lanes. I mentioned the one from Virginia into the District of Columbia, and I have advocated these and I have been perhaps the most ardent advocate of these bus lanes. Also, there are bus lanes to facilitate public transportation into other urban ureas.

There is relocation assistance. I remind Senators of what the Committee on Public Works did to meet the problems of the businessman who has been dislocated by the construction of a road. He has the opportunity to come in and present his case, and he is given, in practically every instance, a chance to relocate.

The man and woman dislocated from the family home in which they have lived are being helped these days in connection with relocation assistance.

This is a problem of replacement in housing and economic development to which we have been addressing ourselves in a very constructive way in the Senate and House of Representatives. It is our hope, and very properly so, because it is a part of the highway program, to move more affirmatively into beautification programs which are certainly related to the highway effort.

I think that it is important that I state, and perhaps I shall restate, that the point in this discussion is not the source of the revenue but the actual dollars to replace those deleted by the action of the House of Representatives in repealing the tax on light trucks. This is a fact of life that we face, and I submit that fact to the chairman and other members of the Committee on Finance, and to the entire membership of this body.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. RANDOLPH. Mr. President, I yield to the Senator from New Mexico, who has been very realistic about the program of highway construction as it affects the people of his State and the Nation.

Mr. MONTOYA. Mr. President, I certainly wish to commend the Senator from West Virginia for taking the stand that he is taking here today. I also commend the distinguished Senator from Louisiana, the chairman of the Committee on Finance and manager of the bill, for the stand he has taken.

I do not know whether this has been mentioned, but the different aspects of the tax program which made possible the highway trust fund constitute a contract between Congress, the Federal Government, and the taxpayers who have been contributing to the fund. This contract has many ramifications. A deep moral obligation is involved. That moral obligation is this: The fund has been made up of contributions from taxpayers from every State in the Nation. Priorities are set, based upon the planning by the different States and regions of the Nation, and in some years the planning in some States is not so far advanced that they can use the money that might otherwise be allocated to those States.

In the distribution and allocation of moneys some States are able to avail themselves of these funds because they have advanced planning. However, at this late stage some States, municipalities, and regions will be penalized by the paucity of funds which will be created by this amendment, and that would constitute a violation of the contract which Congress and the U.S. Government has with the taxpayers of those States and localities.

That is why I am very jealous about any tampering with the integrity of the highway trust fund; and any diversion therefrom constitutes a violation of contract and the moral obligation we have with the taxpayers who have made possible this particular highway trust fund.

Mr. President, that is why I commend the Senator from West Virginia and the Senator from Louisiana for trying to uphold the integrity that we should espouse in trying to preserve the highway trust fund as Congress envisaged it and as the taxpayers expected it to operate when they started contributing to it.

I thank the Senator for yielding.

Mr. RANDOLPH. Mr. President, I shall from time to time continue to discuss the amendment now pending. At this time I yield the floor.

Mr. WEICKER. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I should like to respond to some of the comments made by the proponents of this raid on the general fund.

First of all, when we talk about preserving the integrity of the highway trust fund, there is a sensitive reaction to the attacks which are coming against the highway trust fund; but this is not one of them. It is the highway trust fund which is attacking the general fund. That is what we have before us in this provision of the bill to go ahead and divert $350 million out of the general fund which is attacking the general taxes and to put it into the highway trust fund.

This is not an attack on the highway trust fund; rather it is an attempt to stop the highway trust fund from attacking the general fund.

When we talk about the integrity of the highway trust fund, this is the first time the highway trust fund has gone outside user taxes and into another area to try to gain money for its purposes.

Mr. President, my second point is—and I want to make it clear, because I work with the Senator from West Virginia in his capacity as chairman of the Committee on Public Works—even though we might have some disagreement on this issue, no man in the United States is more dedicated to transportation than the Senator from West Virginia. Certainly his many years of work prove it.

So I do not want anybody to be misled by the intensity of the words in this debate into thinking that I have anything but the highest respect for the Senator. I think he has done a tremendous service for the United States. He mentions the word "mobility." That is what the whole argument is about. Mobility does not necessarily mean more highways in the United States of America. Mobility is what we are supposed to achieve. We are not supposed to achieve subsidies for the automobile industry or the highway construction industry. We are supposed to have mobility, and we have less mobility in the Nation today than we did in 1956 when the highway trust fund was started. I repeat, if one does not believe that statement, go out and try to move about.

The point is made that the public intends that these moneys which they pay when they buy gasoline or pay the taxes should go into the highway trust fund. They expect the money to go into highways. I am sorry; that is not the way I intend my money to be used. I want to move. If that means getting some automobiles off the highways and into mass transit, that is exactly the way I would like to have that money used, and as many other Americans would like to have it used.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WEICKER. In a minute. I want to answer some of the comments made by the Senator from West Virginia and the Senator from Louisiana.

The Senator from West Virginia made the point that tens of thousands of young children in the State of Connecticut are going to school today on roads built by these particular funds. The sad story is that there may be tens of thousands of children on the roads in Connecticut—there are also tens of thousands of adults—but no one is moving in Connecticut. There is just one big parking lot.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. WEICKER. I will yield in just a minute.

The Senator described the roads in Connecticut, 18,000 miles, two-thirds of which are in the cities and one-third through the rest of the State; but the fact is that there are no buses in the State of Connecticut and almost no rail service in the State of Connecticut. So there is nothing mysterious in this Nation's experience when we lack certain things, and if we lack mass transit it is all in those figures that I gave—60 percent spent for highway, 27 percent spent for aviation, 5 percent spent for rail. That is it, and you wonder why we do not have mass transit. There should be no wonderment at all. We have not spent a nickel on it.

Lastly, I should like to reply to the comment of the Senator from Louisiana that people have a difficult time getting to work in the District of Columbia, that the highways and beltways are crowded. They are, and they are because we do not have a mass transit system that is operating in this particular area. If we did have a mass transit system, people would be able to move around. We are going to have to build a tremendous number of highways and beltways if all the people are going to drive to work in Washington, D.C., without backing up.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. LONG. It has been my experience that people who cannot see the need for one thing usually cannot see the need for other things. As far as the Senator from Louisiana is concerned, I am for mass transit. I have been voting along that line.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself 1 minute of my time.

Whenever anything is proposed for mass transit, for subways, for buses, I vote for it and am willing to pay my share of the taxes, whether it benefits my State or not. It is something that is needed. It is in the national interest and should be done.

The Senator will find that the penny-pinchers that are against putting the money into this fund are, generally speaking, also against money for mass transit. They are against anything. They are against anything unless it is 100 years behind the times.

Some of us are in favor of doing something before it is needed, and which will be adequate for 10 or 15 years into the future, instead of waiting until its need is created. It will be found that the same people, who join in the fight against completing the highway system, for the most part, will be against mass transit. And that those who are for completing the highway system are also for mass transit. That is true of the Senator from West Virginia, whether it is subways or mass transit, and it is true of anyone who is desirous of having public works to serve public needs.

Mr. WEICKER. Let us focus on this penny-pinching point relative to the highways. I think that is a good point. In 1972 the amount estimated to be spent on highways is $4.699 billion. In that same period of time does the Senator know what is going to possibly be spent on mass transit? $327 million, and $56 million on intercity rail, for a total, roughly, of $375 million.

Does the Senator realize that the small amount of money which they are trying to divert from the general funds to the highway trust fund, some $350 million, comprises the entire budget for mass transportation and rail transportation in the United States? And for the highway trust fund, $4 billion. Penny pinching? Yes, it is penny pinching and, yes, we are 50 years behind the times when it comes to mass transportation. We are not 50 years behind the times when it comes to highway building.

Mind you, Mr. President, I do not speak here against the program for highway building. I am speaking now for a balanced transportation system.

One of the arguments made by the Senator from West Virginia was, "Look at the jobs this will create." There is one thing I have learned in my short tenure in the Senate, when the cause is weak, whether Lockheed, the SST, or the highway trust fund, out comes the make-work argument.

Mr. LONG. Based on the Senator's argument, if we do not have enough swimming pools the Senator would say he would vote against playgrounds because we do not have enough swimming pools. As far as I am concerned, I am willing to vote the money for both swimming pools and playgrounds. I do not see why those who are for mass transit have to take this invidious way of saying we do not have enough mass transit; therefore we are not willing to do anything for highways.

As far as I am concerned, I am willing to provide money for both. I do not understand the idea that one has to fight against highways when he ought to be fighting for mass transit. The idea of being against something that is in the public interest does not make sense. Why does not the Senator have a campaign that will help the people of Connecticut or other big city States by promoting mass transit? The Senator will have my vote. I am trying to help by doing whatever is necessary to take care of mass transit. I am willing to do both, even though in Louisiana, as far as I know, it would not help much.

Mr. WEICKER. My comment on that is that I get back to my opening comments this morning. It seems in this particular instance that we are following the rule that the best defense is a good offense. I am not attacking the highway trust fund. We are not trying to whittle down the highway trust fund. It is the highway trust fund, this provision in the bill, that is raiding the general funds. Let us make that clear. This is not an attack against the highway trust fund. It is trying to repel an attack against the general revenues of the people of this country.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. LONG. The reason we need the money in the fund is that the trust fund is being raided by taking the revenues which it would derive from the tax on light trucks in order to give a tax cut to the purchasers of light trucks. Even though we repeal the tax on light trucks which would provide those funds needed by the highway trust fund, the need for highways for those trucks still remains. So we propose to put money back into the fund so that it will have the money necessary to carry out the highway program. If we are going to reduce revenues that go into the highway fund, we will have to make them up. If the Senator does not want to vote for that tax revision, he can vote against it, but if we are going to take away funds that are very much needed and earmarked for highways, then I think we should put something back in that area, and that is what is involved here.

Mr. WEICKER. In response to the Senator from Louisiana, of course, the funds which the Senator is going after now are not earmarked for highways at all; they are not earmarked for anything. They go into the general fund. He now wants them earmarked, the alcohol and tobacco taxes earmarked, for highways.

Will the Senator please tell me what the relationship between alcohol and tobacco and the highways is—55,000 people are killed on our highways every year, and I cannot think of a better argument for taking that money and putting it into mass transit, so those people would not be on the highways in the first place. Believe me, that would cut down the death rate faster than any highway safety program.

Mr. LONG. Mr. President, the reason is that we need the money here. This money can be earmarked for the highway trust fund just as easily as not. I do not place any great weight on this point, but the fact of the matter is that one of the big arguments for the Interstate Highway System was that it would provide safer highways and eliminate a lot of interchanges and a lot of dangerous intersections, things of that sort. That is where a great deal of the cost of it goes.

I do not know of anything that has created more traffic hazards than alcohol, so at least to that degree it is relevant to the subject.

But to tell the truth, it would not make a lot of difference to me what source we earmarked. The earmarking was made necessary by the Byrd amendment, which occurred before I got here. I voted for it on the theory that President Eisenhower seemed to think that Harry Byrd was the greatest Democrat in the Senate, and Harry Byrd thought we ought to put President Eisenhower's highway program on a pay-as-you-go basis. If I had known that would delay the program for 5 years, I would not have voted for it.

But since we were losing this money from this revenue source, a loss which would delay the construction of the highways, I thought we ought to provide it from another source.

The question is, do we want to go ahead with the construction of the highways, or do we not? I think it ought to be gone ahead with as soon as they can expeditiously and economically be constructed.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LONG. I yield the Senator from West Virginia such time as he may require.

Mr. RANDOLPH. Mr. President, I am sure that my colleague from Connecticut, who has spoken well of me today—and I am grateful, and speak in the same language of appreciation and respect for him—certainly did not mean to say that the State of Connecticut is a parking lot. Did he really mean to say that?

Mr. WEICKER. The Interstate Highway System in Connecticut, and also the New York metropolitan area, is the world's largest parking lot, yes, indeed.

Mr. RANDOLPH. Did the Senator mean to say that the tens of thousands of children who are in school at this very hour did not go to school, tens of thousands of them, by motor vehicle over the roads of Connecticut? The Senator said that they were not in school. Are they not in school there today, as they are in West Virginia?

Mr. WEICKER. I say, first, they probably went over the roads of the State of Connecticut, but if they went on the interstate system, they probably got to school late.

Mr. RANDOLPH. Of course, the highway trust fund helps all roads, as my colleague knows, primary and secondary roads as well as the Interstate System.

Mr. President, I want to reemphasize the support I have constantly given to urban mass transportation programs in this country. Sometimes, if we were to accept what we read as fact, we would wonder the reason for some of the editorial comment.

On November 2, 1971, I joined with 36 other Senators — including Senator Weicker—who addressed a letter to the President, urging the speedy allocation of $900 million provided by Congress for the urban mass transit program in fiscal 1972. I joined with the Senator from Connecticut in addressing that letter to the President of the United States of America. I ask unanimous consent that a copy of that communication be printed in the Record, with the signatures of the 37 Senators involved, the Senator from West Virginia being one of them, eagerly joining with his colleagues.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Nov. 2, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We urge the speedy allocation of the $900 million provided by Congress for the urban mass transit program in fiscal 1972.

There is ample justificaion for committing the full amount of this appropriation.

After years of neglect, the cost of revitalizing and expanding our urban and suburban transportation systems will be substantial.

One striking measure of the cost is the backlog of applications for Federal assistance placed with the Urban Mass Transit Administration. It presently totals $2.6 billion.

That the states and cities will not be able to undertake the job on their own is beyond question. They understandably must look to the Federal Government as their principal source of financing.

Under the 1970 law, which expanded the mass transit program, it will be possible to provide $3 billion over a five-year period to help finance mass transit improvement. However, if the program is to meet the need, as well as live up to the expectations it has created, it must be adequately funded.

The Administration request for a $600 million program level is a step in the right direction. Under this approach, $510 million would be allocated to capital grants, the heart of any effort to replace, improve and expand local bus, rail and subway systems.

Yet we believe that at least the full $900 million appropriated by Congress is needed. Under the Congressional figure, the allocation to capital grants will be $810 million.

The Urban Mass Transit Administration advises that it can commit the appropriated amount between now and the end of the present fiscal year next June 30. In addition, it believes a substantial portion of the $810 million can be put to use quickly on existing construction projects and thereby create jobs in this period of high unemployment.

Mass transit stands at a critical juncture. Without adequate support from the Federal Government it surely will fail in the vital job which only it can perform.

The Federal Government has made a commitment to help the thousands upon thousands of people living in our metropolitan areas deal with their serious transportation problems. We must meet that commitment.

It is essential that the $900 million be made available promptly.

Sincerely,

(Signed by 37 Senators).

Mr. RANDOLPH. From the White House, under date of November 8, from Mr. William E. Timmons, assistant to the President, comes this reply, which I shall read in part. I ask unanimous consent that it be printed in its entirety in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., November 8, 1971.

Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: This is to acknowledge and thank you for your letter to the President of November 2 in which you join with a number of your colleagues in urging the expenditure of $900 million on the Urban Mass Transit Program during fiscal 1972.

As you are aware, the Mass Transit Assist-

> ance Act of 1970 authorized $3.1 billion for the five-year period 1971–1975. The Act did not specify how the total amount should be allocated. It has been the view of the Department of Transportation officials that phased increases throughout the period will be most consistent with the capabilities of systems managers to absorb additional funds and to gradually expand the program. To provide $900 million this year would necessitate a lower funding level in the future; it would be desirable to avoid this "roller coaster" effect. The $1 billion committed to the program in 1971 and 1972 is more than has been expended during the entire history of the program. As to the backlog cited in your letter, I believe it is important to recognize that $1.5 billion of that amount is accounted for in Chicago and New York City alone. In the case of New York, the bond issue to provide "matching" local shares in order to receive Federal funds was defeated November 2.
>
> The Administration feels that the above considerations support the establishment of FY '72 funding at the $600 million level and will facilitate the orderly continuation of progress of the urban mass transit program.
>
> With warm regards,
>
> Sincerely,
>
> William E. Timmons,
> *Assistant to the President.*

Mr. RANDOLPH. He says to the 37 Senators:

> As you are aware, the Mass Transit Assistance Act of 1970 authorized $3.1 billion for the five-year period 1971–1975. The Act did not specify how the total amount should be allocated. It has been the view of the Department of Transportation officials that phased increases throughout the period will be most consistent with the capabilities of systems managers to absorb additional funds and to gradually expand the program. To provide $900 million this year—

Which the Senator from Connecticut wanted and the Senator from West Virginia wanted—

> would necessitate a lower funding level in the future; it would be desirable to avoid this "roller coaster" effect. The $1 billion committed to the program in 1971 and 1972 is more than has been expended during the entire history of the program. As to the backlog cited in your letter, I believe it is important to recognize that $1.5 billion of that amount is accounted for in Chicago and New York City alone. In the case of New York, the bond issue to provide "matching" local shares in order to receive Federal funds was defeated November 2.

Now, the Senator from Connecticut speaks about the overwhelming support for the mass transit program, which I do support vigorously. But the bond issue in New York for mass transportation was defeated on November 2.

I have read this letter into the Record.

It comes from the White House. And so when the Senator says that everyone is against roads and the continuance of the roadbuilding program, and everyone is for mass transit, certainly this indicates that the reverse, insofar as New York is concerned, is true.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. RANDOLPH. I yield.

Mr. LONG. What are we supposed to do now, go up there as Senators of the United States and campaign in New York City, to try to get those people to vote for a bond issue?

Mr. RANDOLPH. Well, the Senator from Connecticut continues to mention New York as the problem area, and I just feel that this is a factual matter, and should be placed in the Record.

I add that 75 percent of the projected mass transit will be by bus, because most communities are not large enough to justify other types of mass transit. This is a fact that should be recognized in the Senate.

Therefore, good roads and streets are needed. They are needed, I repeat, to make mass transit available to most communities, if mass transit is to work.

That was indicated by the Senator from Georgia (Mr. Talmadge) when we voted at an earlier date on this subject.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WEICKER. Mr. President, first of all, let me respond to the Senator from West Virginia in his comments that in our mass transportation of the future, the bus is going to play a very important role. I agree with him. There is no question about that. I think it is a very overlooked area today. But, as the Senator has indicated, many of our communities are too small to go into the mass transit system such as we have in New York or Washington.

Let me make one point clear, so that everyone understands that I am pleading a cause and not a particular role as a partisan Republican or as somebody wedded to the other side of this particular argument, the highway trust fund.

Whether it is the impetus given mass transportation by the White House or whether it is the impetus given by the Democratic leadership, as represented by the distinguished Senator from Louisiana, the chairman of the Finance Committee, I think the progress on mass transit is too slow. I am pleading a cause for a balanced transportation system, and that includes highways. Certainly, there is no balance at all today between the highways and the mass transportation aspects.

I think my friends downtown are going far too slow on this, and so is the committee chaired by the distinguished Senator from Louisiana going too slow, except insofar as it is putting a grab on for additional money for the highway trust fund.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. LONG. So far as the Senator from Louisiana is concerned, I am not chairman of the Appropriations Committee, nor am I even a member of it. I am just chairman of the Committee on Finance. There are many rather unnecessary things this Government spends money for that I do not have much to say about. My duties are to try to see that we have enough money to pay for it, whatever it might be, and to try to keep the Government solvent and to keep the Government operating.

If I had to do it over again, I would not vote for the Byrd amendment to restrict the construction of the interstate highway system to what goes into that fund. Inasmuch as we are so restricted, I feel it is my duty to see that enough money flows into that fund so that we can continue with the proper functioning of Government.

So far as the other funds are concerned, I am willing to vote for whatever it takes to keep the country solvent and to pay our bills, whether it be done by putting on taxes or by going into debt. Whatever it takes, if it is necessary, I am willing to vote for it. That is how I feel about urban transit. Whatever it takes to get on with the business, I am for it, and I will vote for the funds to pay for it.

So far as I am concerned, it is my duty to provide for the citizens of the State of Connecticut and the rest of the Nation, although I have a particular responsibility for those who sent me here. We are seeing that there is enough money to do the job so far as the highway construction is concerned.

PRIVILEGE OF THE FLOOR

Mr. WEICKER. Mr. President, I ask unanimous consent that a member of Senator Percy's staff, Constance Beaumont, be permitted to be on the floor during the debate on this amendment, excluding such time as might be devoted to rollcalls.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I thought the job of this body was to lead, to be out in front of the issues of our time and the needs of our time. I have heard the comment made here, and I can understand it, and I have been given the impression that there are those in this body—not necessarily the Senator from Louisiana and the Senator from West Virginia—who believe that mass transit is something that relates to the crowded corridors of our Nation, principally in the Northeast and certain areas in the Midwest and the west coast, and that it is not a problem for the rest of the Nation.

I just want to give the example again as to this city of Washington, D.C. We are in the process of constructing a mass transit system about 50 years late, and the net result is that this system is going to cost about 50 times as much and is going to take 50 times as long. Connecticut's problem and New York's problem and Chicago's problem and Los Angeles' problem today is very clearly going to be the problem of a great growth area such as New Orleans, Atlanta, Houston—and I can go down the list of burgeoning cities of this country. We are supposed to sit by and say, "There is not enough political pressure, so let us not confront the problem." We know that 50 years from now people will have to dig down in their pockets and pay a great deal more money for what we should have planned for on this floor today.

I think the job of the Senate is to lead. We see the imbalance of the allocation of our transportation moneys. I am not pleading education or anything else. I am speaking in the framework of our allocation of moneys for transportation. When we see, under the conditions that exist today, $4.7 billion go to highways and a paltry $375 million, the same amount that is being raided out of the general fund, go into mass transit, it seems to me that we have abdicated our leadership position.

I understand that in some areas of the country a greater mobility is going to mean more highways, so I believe the system should be flexible. I should not go around reciting my experiences and my solutions to the plains of Kansas. Perhaps their need is for highways. But there is no balance in this system; there is no balance in the allocation of funds.

Again, I get down to the fact that we can talk theory on the floor of the Senate until we are blue in the face, but we know that once outside in the world we cannot move. That is a fact of life. Bumper to bumper on the highway, stacked up in the air, and no rail transportation. That is the story, pure and simple, and it does not take a great genius to figure out where the fault lies. It remains true today as it did many years ago: You pay nothing, you get nothing and that is exactly what we have. We do not have a transportation system in the United States. We have a thousand transportation happenings, but we do not have a transportation system. That is the essence of the argument that is going back and forth here today—not to go ahead and minimize the importance of our highways, but to plead that balance be given to the system. This money is being taken out of the general fund, and it could very well be money that might go into mass transit, so in that respect it does hurt the cause of balanced transportation.

As I said earlier, I cannot argue against the tactic of the best defense being an offense, but that is the only justification that could be put forth for this particular grab at the general fund.

I yield the floor.

Mr. LONG. Mr. President, I yield control of the time in opposition to the amendment to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, more than one-half of the projected highway needs of our country—I say particularly to the Senator from Connecticut—are in urban areas. I repeat: More than one-half of the projected highway needs are in urban areas. These needs have been based on the planning process within the Department of Transportation required by section 134 of the highway law. This law requires that there be total transportation planning. I want to emphasize that for Senators, because mass transit needs are also taken into consideration, as they should be.

I repeat: The trust fund income is needed if we are to meet these immediate needs.

Mr. President, I now yield such time as he may desire to the able Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, it seems that we have a problem in our society that whenever something is successful, it comes under attack. That is the situation we find with the trust fund for the construction of highways. To my mind, over the past 20 years, this Nation has only succeeded in two areas. One is putting a man on the moon and the other is building a system of highways that began to meet the needs of the Nation.

Putting a man on the moon was a result of a national commitment to get that job done.

We had a similar commitment with respect to building highways and that came about merely because of the mechanism of setting up a trust fund to do the job.

We in Alaska had a particular experience in building highways without a trust fund and the net result was, essentially, that we have no highways. It was not until this past year that the Alaskan appropriation came under the trust fund which guaranteed the construction of highways; because when we were left to the vicissitudes of the appropriation process on an annual basis, we wound up not addressing ourselves to the problem, because as other problems occurred other judgments were made, and essentially the continuity of the program was not helped in Alaska.

So this past year, under the Federal aid system, we were able to come under the trust fund. Now we can get our highway programs on a continuing basis.

What is being sought here is to maintain the integrity of this continuity. Of course, what has happened is an incursion into the financial capability. There is no question that there might be a time when this could take place, but for it to take place before the termination of the program will, in my mind, stunt the growth and will impair completion of the entire program.

That is unfortunate. But such is the price of success that this program seems to be paying.

There is no end to the various areas that could be purloined to move money out of the trust fund or from the trust fund area into other areas. We have priorities in all facets of our society, but I would hope that we would give some priority to the communications facet, which essentially is transportation. This Nation made a decision some years ago with respect to the individual automobile—and I am the first to recognize that it has liabilities—compared to other forms of transportation which have not been met; namely, mass transit. I still submit that once we conquer the pollution problem—and I think we will see in this decade a clean automobile—many of the detrimental factors of all of this will not be so apparent as they are today.

Mr. RANDOLPH. Will the Senator from Alaska yield at that point?

Mr. GRAVEL. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. I think that brings into the base a very important development which is in the making. It is important for us to realize that the impetus from the Committee on Public Works is not alone directed to the construction of highways but is also directed to programs of antipollution. Sometimes I am inclined to think that people think the Public Works Committee is interested only in roadbuilding. Yes; we are interested, but we are also interested in antipollution programs. Ninety percent of them have come from the Committee on Public Works. Certainly the development of automobiles free from the pollution which have plagued the movement of cars over a long period of time is now almost a reality. The roads that are now, of course, covered with moving vehicles do have pollution qualities.

Mr. GRAVEL. There is no question that this is the balance that is being developed within the total capability of this Nation. We need balance right within the highway system, and we are getting it. By developing a clean automobile, we are addressing ourselves more directly to urban needs. Many of those needs are not just in subways but involve surface vehicles. The cost of bus lanes, which is mass transit, is financed through the trust fund. I could cite example after example where the funds are applied in a broader concept than has been alluded to in this Chamber in debate over this specific issue. But I think the heart of the matter is certainly that we have a successful program and it is felt that because of this successful program we can cut back the moneys at this particular point in time, when in in fact that is not the case.

The program has been successful by comparison with other programs. But to say that we have arrived at our goal with respect to a highway network in this country, I think can only be said by one who has not traveled around the country.

Last week, I drove from Newark, N.J., to Philadelphia, and then from Philadelphia I took the train to Washington. The road from Newark to Philadelphia, which is certainly part of the eastern megalopolis of this great country, was by a 2-lane highway or a 4-lane highway at best, with traffic lights dotted. at least 2 per mile—red lights predominating. To think that that is the mode of transportation between these major centers today is shameful. We can talk in terms of rapid railroad transportation between these areas but I think we should also talk in terms of having a decent highway between the areas. One should not exclude the other. Why should we punish everyone in this Nation who has already made an investment in an automobile and then tell him that his investment is essentially obsolete because we are going to vector the States in a new area? I would hope that we would have the intelligence to address that problem, too, but not to make obsolete a mode of transportation which we have become adjusted to.

I do not mean adjusted to in the fact that it is a lesser mode of transportation. It is obviously a better mode because it offers a good deal more privacy, a good deal more independent freedom of choice in transportation. All we have to do at this point is to finish that program that we have started, and I think we will find the leadership—and there has been leadership within the Public Works Committee—to adjust the priorities so that we can begin to meet the other needs. We will see that in the thinking which is now percolating and developing with respect to the Highway Act which will ensue after the termination of the Interstate System.

Mr. RANDOLPH. Mr. President, will the Senator from Alaska yield at that point?

Mr. GRAVEL. I am happy to yield to

the Senator from West Virginia, because this is a point which should be expanded on at this time.

Mr. RANDOLPH. The improvements which the Senate and Congress are making in the development of our highway program have not been minimal. They have been progressive. They have been programs of improvement, taking into consideration the problems of pollution, taking into consideration the problems of housing, both as to business and families, taking into consideration safety needs, the problem of parking, the primary and secondary roads, the need to replace antiquated bridges across the country. Across the broad spectrum, in the Senate and House, especially within the Public Works Committee, we have been trying to meet the transition period which we understand is upon us.

Talk about the slowness in the operation of motor cars, buses, or the movement of manufactured products to farms by truck; we cannot expect vehicles to move as if they were magic carpets. We cannot operate that way. Ours is a big country. We have a large population. Whether we like it or not, the people of the United States are impatient; they like to move, and move quickly.

It is indicated that there may be some problem with reference to slow traffic. I repeat that the children of Connecticut went to school this morning over roads in that State, and thousands of them went by bus. The farm products—milk and other products—moved to city dwellers in Connecticut today.

The manufactured products in the industrial State of Connecticut are moving today over the Connecticut highways. This is also true in other States that are metropolitan in nature, such as New York and Massachusetts.

I thank the Senator from Alaska for yielding.

Mr. GRAVEL. Mr. President, there is another point that I would like to bring up, and I think that the Senator from West Virginia might agree with me, in this. I think that if the cutback is approved by the Senate, not replenishing the funds will mean that we are giving some degree of approbation to the President's policy of impounding the highway funds, because it has been our will to see that these funds are expended to complete the program.

If the funds which have been impounded appear to be a surplus, someone will say, "We can cut back the surplus by not adding the funds dedicated to it before," and all that means is, "We now agree that the program should not have gone ahead with the same alacrity, and that is fine."

Well, that is not fine with me. I do not think that the funds should have been impounded to begin with. They should have been spent. The need existed. In fact, we are developing a backlog.

The backlog is there. The funds have been impounded. We are going to make sure that a section of those funds is no longer impounded.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. RANDOLPH. Mr. President, rather than a huge surplus of money, we will actually, over the long run, have a deficit. This is an actual fact. I think it has to be stressed here that the impoundment of the funds—$5.4 billion—adds to the cost of the highway program. When it is delayed, the cost of the mass transit program is increased.

I again remind the Senator from Alaska that Congress authorized $900 million to move forward with mass transit. We did that by Senate and House action. Then, on November 2, of this year, 37 Senators addressed a letter to the President, urging him to release these moneys for mass transportation.

The reply indicated to those Senators that this could not be done because they were not ready, and it would be a roller-coaster action. I have stressed today—and I stress it for my friend, the Senator from Illinois (Mr. PERCY), who has just now come to the Chamber—that when we talk about everyone in a certain State being for mass transit, I have to point out that mass transit money would be used in Chicago and New York City and other cities. In the State of New York, just a few days ago, there was a vote on bond issue to enable the State to receive Federal funds for mass transit. That bond issue was not passed. So not everyone in New York is strongly in favor of the mass transit program. I believe in it. I was one of the 37 Senators who addressed that letter to the President of the United States.

So it is not the case of an impoundment of funds in one location. It is an impoundment of funds totaling about $14 billion. I think that is contrary to the intent of Congress. I think we will have to meet that issue very shortly.

Mr. GRAVEL. Mr. President, a vote to approve or permit a cutback of the funds in the trust fund is, in my mind, a vote to approve the impoundment of the funds that have existed not only for the highway section but also for the mass transit section. That, of course, is 180 degrees from the philosophy or the attitude that the Senate held in sustaining not only funds for mass transit but also for the highway systems.

I do not know what logic is afoot here. I do not know if it is a surreptitious way of saying, "We agree with you, Mr. President, that these funds for the highway system should have been impounded." We recognize that you exercised superior wisdom to ours in this regard. We now approve a percentage of this impoundment in perpetuity. We feel that we are getting too much money.

That is apparently exactly what the Senate has said—that we are getting too much money. That is why it has been impounded. What other reason would there be for impounding funds for a program that Congress decided should move ahead vigorously?

The program has not been accomplished. It is almost finished. The sad thing is that it is able to give great evidence of success in a method of transportation. It seems that we are a good deal like lemmings. We cannot stand prosperity. We seek self-destruction as soon as we begin to enjoy prosperity.

It seems to me that what we are going to say today is that because we have had other areas of transportation that have been unsuccessful, we now seek to hamper the success of this fine program. It is unfortunate.

I would hope the Senate would weigh the problem and see that we are trying to ward off here an effort to invade the integrity of a program which has stood up so well.

I hope the Senate will reject the amendment, realizing the fundamental harm that it will do to this system and that it would set in motion forces which would do harm to other systems, as well.

Mr. WEICKER. Mr. President, I yield myself 4 minutes. After speaking, I will yield the floor to the author of the amendment, the distinguished Senator from Illinois (Mr. PERCY), who has long recognized the need for balanced transportation in this country.

Before doing so, I would like to address myself to the comment made by the Senator from Alaska and the Senator from West Virginia.

Let me make it clear to the Senator from Alaska that when he says that the trust fund is under attack, it is not the highway trust fund that is under attack. It is the general fund that is under attack by the highway trust fund. That is what the issue is.

I hope that I may stand on the floor at some time in the future and attack the highway trust fund, because I think we should have one transportation trust fund, and not something so overbalanced as we have now. But that is not the issue here today. This is a question of a $350 million grab from the revenue fund for the benefit of the highway trust fund, and that is it, pure and simple. This one little picking away of $350 million is almost as much as will be spent in the entirety on all rail assistance in this country in fiscal year 1972. The same amount. $4.7 billion for highways; $350 million for rails.

Now, when the Senator from West Virginia makes the comment relative to magic carpets, and recognizing that we have bumper-to-bumper traffic, and that we have to improve the highway system, the point I am making is if we divert some of this money to mass transportation we will get some of these people off the roads, and what has been built will be made adequate. From the standpoint of safety, if we get them off the roads, we will not kill as many people. We will not have the environmental problems we have today if we can go to a mass transportation system.

I do not care whatever reason you may talk about, Mr. President, if we go ahead and balance the system not only will we meet the ancillary issues but we will be able to move. That is the point I am trying to make. The highways in combination with the mass transportation system will get people moving.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. RANDOLPH. I am in agreement with the Senator's desire for mass transit development in this country. Over and over again, as I said, I have not just spoken, but I have worked for the development of mass transit and the development of urban highways. It is important to stress the fact that 75 percent of the projected mass transit program will be by bus because most communities, said the Department of Transportation, are not large enough to justify other types of mass transit.

Therefore, I say to my colleagues, in good conscience and with deep conviction, that good roads and streets are increasingly needed to make the mass transit available to most communities in this country, and to make the program a really workable program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. Mr. President, I yield myself 1 additional minute to say that comment has been made relative to the defeat of the bond issue in New York State. It was defeated because people are fed up with the way transportation is being designed. It is not a question of more money; it is a question of how we spend it. That is the issue here today. Are we going to continue with this plan devised in 1956, and end up with a highway system and not be able to move about, or have a balanced program and realize that mass transit may be the answer.

It is the way we spend the money, and that is what we speak for, to make sure this money is not diverted to the highways.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, how much time is left to the proponents of the amendment?

The PRESIDING OFFICER. The proponents have 30 minutes remaining and the opponents have 27 minutes remaining. Time is now being charged equally against both sides.

The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. PERCY. Mr. President, I first would like to answer the arguments that have been presented to our colleagues in the letter from the Senator from West Virginia (Mr. RANDOLPH), chairman of the Committee on Public Works. I will take these comments in logical sequence, and I start with the fact that amendment No. 657 is not intended to, and will not, impair funding of highway programs. It is primarily intended to retain the concept that the fund should be supplied by higher user taxes.

Second, at the end of the life of the present authorization for the trust fund—1977—an unexpended balance will remain adequate to balance the loss of excise tax receipts from light trucks and trailers.

Mr. President, I ask unanimous consent to have printed in the RECORD a table from the report of the Secretary of the Treasury on the highway trust fund.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

15TH REPORT OF THE SECRETARY OF THE TREASURY ON THE HIGHWAY TRUST FUND

STATEMENT NO 2—STATUS OF HIGHWAY TRUST FUND, ACTUAL FISCAL YEARS 1957–70, AND ESTIMATES 1971–78, UNDER EXISTING LEGISLATION

[In millions of dollars]

	Receipts									Expenditure				
		Deductions												
Fiscal year	Gross excise taxes	Transfers[1]	Refunds	Net excise taxes	Interest (net)	General fund advances	Repayment of advances (deduct)	Reimbursements from general fund[2]	Total	Interstate highways	Primary, secondary, urban, rural, TOPICS, and urban system[3]	Other[4]	Total	Balance in the fund
Actual:														
1957	1,479			1,479	3				1,482	208	743	15	966	516
1958	2,116		90	2,026	18				2,044	675	809	27	1,511	1,049
1959	2,171		97	2,074	[5] 13				2,087	1,501	839	273	2,613	523
1960	2,642		103	2,539	−3	359	359		2,536	1,861	879	200	2,940	119
1961	2,924		126	2,798	[5] 1	60	60		2,799	1,719	877	23	2,619	299
1962	3,080		131	2,949	7				2,956	1,914	860	10	2,784	471
1963	3,405		126	3,279	14				3,293	2,109	906	2	3,017	747
1964	3,646		127	3,519	20				3,539	2,635	1,004	6	3,645	641
1965	3,786	4	123	3,659	11				3,670	3,016	990	20	4,026	285
1966	4,065	28	120	3,917	[5] 7	70	70		3,924	2,978	937	50	3,965	244
1967	4,684	31	212	4,441	14				4,455	2,976	954	44	3,974	725
1968	4,523	30	114	4,379	34			15	4,428	3,207	947	17	4,171	982
1969	4,889	28	224	4,637	53				9,690	3,149	984	18	4,151	1,521
1970	5,414	28	32	5,354	115				5,469	3,289	1,043	46	4,378	2,612
Estimate:														
1971	5,717	28	119	5,570	180				5,750	3,481	1,147	86	4,714	3,648
1972	5,803	28	116	5,659	245				5,904	3,304	1,301	163	4,768	4,784
1973	6,070	30	116	5,924	285			61	6,270	3,478	1,318	429	5,225	5,829
1974	6,302	31	116	6,155	330			27	6,512	3,802	1,364	582	5,748	6,593
1975	6,520	32	115	6,373	380			24	6,777	3,921	1,383	467	5,771	7,599
1976	6,722	33	114	6,575	440			23	7,038	3,941	1,398	469	5,808	8,829
1977	6,926	34	114	6,778	525			21	7,324	3,535	1,410	491	5,436	10,717
1978[6]	[7] 2,114	11	84	2,019				103	2,122	3,815	3,713	1,219	[8] 8,747	[9] 4,092
Total	94,998	376	2,519	92,103	2,692	489	489	274	95,069	60,514	25,806	4,657	90,977	4,092

[1] Transfers to the land and water conservation fund in accordance with Public Law 88 , approved Sept. 3, 1964 (78 Stat. 897).

[2] Reimbursements to the fund for emergency fund expenditures authorized by the 1964 amendments to the Alaska Omnibus Act, the Pacific Northwest Disaster Relief Act of 1965, and the Federal-aid Highway Act of 1966. Expenditures related to these reimbursements are included in "Other" expenditures (see footnote 4).

[3] Assuming authorizations will be extended for fiscal years 1974–78 at the annual rate of $1,100,000,000 for the primary, secondary, and urban program; $125,000,000 for the rural program; $100,000,000 for the TOPICS program and $100,000,000 for the urban system program.

[4] Includes emergency relief funds; bridge and dam design and construction funds; advances to States; special $400,000,000 of primary, secondary, and urban funds; and $300,000,000 transfer to the right-of-way revolving fund authorized by the Federal-aid Highway Act of 1968. Also includes programs designated for trust fund financing by the Federal-aid Highway Act of 1970—forest highways; public lands highways; economic growth center development highways; bridge replacement; Alaskan assistance; rail crossing demonstration projects; Baltimore-Washington Parkway; highway safety programs (23 U.S.C. 402) and highway safety research and development.

[5] Receipts of interest on investments netted by payments of interest on general fund advances of $5,000,000 in 1969, $1,000,000 in 1961, and $1,000,000,000 in 1966.

[6] Through Sept. 30, 1977.

[7] Includes receipts on tax liabilities accrued prior to Oct. 1, 1977, but collected thereafter.

[8] Provides for complete disbursement of all funds authorized for fiscal year 1978 and prior fiscal years including expenditures estimated to occur after Sept. 30, 1977.

[9] Available for additional authorizations including $1,986,000,000 Interstate System cost indentified by 1970 interstate cost estimate for which authorizations have not yet been provided.

Mr. PERCY. By fiscal year 1978, as the attached table from the report of the Secretary of the Treasury shows, all funds authorized for fiscal year 1978 and prior years, including expenditures estimated to occur after September 30, 1977, are listed in the "expenditures" column. The "balance" column is correspondingly reduced to $4,092 million. Footnote 9 of the table indicates that of this unspent balance, $1,986 million is available to be spent under authorization not yet provided, with the remainder, $2,106 million, remaining in the fund available for additional authorizations.

It is key to note that this amount—$2,106 million—is very nearly the same amount Senator RANDOLPH indicated in the last paragraph on page 2 of his November 15 statement that would be the the total cost to the trust fund of the removal of the excise tax on light trucks and trailers.

In other words, the loss of trust fund receipts of $2.2 billion would be matched by the remaining unspent balance in fiscal year 1978 of $2,106 million, as demonstrated in the attached table.

Third, rather than wishing to "chip away" at the highway trust fund and "dissipate" its resources by offering amendment 657, my purpose is to retain its present funding structure—that of a trust fund entirely supplied by highway user taxes.

Fourth, I argue against diversion of

funds that now supply general revenues into a trust fund whose supporters have always been proud that it has been supplied by highway user taxes.

Fifth, if necessary highway programs cannot be funded and increased revenues are necessary, the appropriate way to raise these funds is to increase highway user taxes.

Sixth, the highway trust fund was established in 1956 to provide a fund for long-term highway construction.

The objectives of the system have very largely been met. Now, 15 years later, it is appropriate to pause and ask what our Nation's transportation priorities are to be. Are we to continue the highway trust fund for another 15 years, unmodified, as the Senator from West Virginia suggests?

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. RANDOLPH. When have I suggested that that trust fund be continued for another 15 years? Point to me any statement I have made.

Mr. PERCY. I felt the implication was made in the letter distributed this morning to our colleagues that this trust fund should be carried on, where he said:

"Even if all current mass transportation needs were met, highway requirements over the next 15 years would still total more than $100 billion."

Mr. RANDOLPH. Let me ask the Senator again. Where is that statement made? The Senator has the statement there. Read it.

Mr. PERCY. I do not have the statement right in front of me. If the distinguished Senator will give me a few minutes on that, I will have a staff member get it. Certainly, if the Senator did not wish to make implications of that kind, I will withdraw the statement.

Mr. RANDOLPH. I would appreciate the Senator's attention to the matter.

Mr. PERCY. Mr. President, it seems clear to me that our highway building objectives must be closely related to the urban development and environmental objectives, and that we should avoid further expansion of the highway trust fund financing by drawing from a new revenue source.

The distinguished Senator from West Virginia has been deeply involved in the highway program for many, many years.

Mr. RANDOLPH. And also urban mass transit.

Mr. PERCY. And also urban mass transit. I am a personal witness to the fact that he has given his support to that program. I was most encouraged, even greatly encouraged, I would say, by the fact that, when we pointed out that highways were destroying housing and putting people out of their homes, and we had no funds for housing, an amendment was made possible, with the support and concurrence of the distinguished Senator from West Virginia. The amendment was to enable us to use highway funds for housing in those situations where there was no other possibility to help those people who were displaced by highways.

As I mentioned last night on the floor of the Senate, the highway system has become part of America.

It has really linked the country together. It has served industry. It has served business. It has served the individual, who has more leisure time and can, for instance, reach our national parks.

By no stretch of the imagination would I wish to imply that I am antihighway construction—not at all. We need a good, balanced, steady, and consistent program of highway construction.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. RANDOLPH. Then, if we need that program, consistent with other transportation needs of the country, why does not my colleague from Illinois want to allow this program to continue until the interstate system is completed? I will dispute the figures. We are going to have a deficit before the job is actually done.

Mr. PERCY. I would like to quote from the 1970 National Highway Needs Report, a Government document published by the Federal Highway Administration of the Department of Transportation, on page 29, in the estimation of highway "needs":

> Maintenance and administration costs are not included. $320 billion in estimated total needs for 1970–1985 can be compared with $293.7 billion given in the 1968 Highway Needs Report for the years 1965 to 1985.

The criteria for calculating these "needs," must be reexamined. I will amplify on this later, but just let me say now that it would seem to me that the figures of the 15th Annual Report on the Highway Trust Fund, communicated by the Secretary of the Treasury, make perfectly clear that we will have, on the basis of estimated user tax revenues, sufficient funds to finish the highway program.

The whole point here is that we are not trying to deprive that program; we are simply trying to prevent changing the whole philosophy of the creation of that trust fund, where the users actually pay the cost, and diverting funds that ordinarily go into general funds. When we have large funds of unused moneys in the trust fund, it does not seem sensible to me to add to that additional funds out of revenues that are desperately needed in a budget that is estimated to be $34 billion in arrears this year.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. RANDOLPH. Where are the unused funds my colleague refers to?

Mr. PERCY. The unused funds are referred to in the report I have submitted and put into the RECORD just now, the report of the Secretary of the Treasury on the highway trust fund.

Mr. RANDOLPH. That is because they will not permit the obligation to move forward. That is the reason.

Mr. PERCY. This report goes right on up to 1978, calling for completion of the Interstate Highway System, and it shows, from estimated sources, adequate funds to cover that entire amount—in fact, with a substantial balance.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. LONG. At what time is this money going to be available to the Interstate System?

Mr. PERCY. It is consistently and steadily available, according to the statement of the Secretary of the Treasury.

Mr. LONG. It will cost $58 billion just to complete the Interstate System, and when completed we are going to be 5 years behind schedule, at a minimum. There are sections in my State and sections up here. Some segments are overloaded and not adequate. We are 5 years away from completion and 5 years behind.

Mr. PERCY. May I interrupt for a moment, because I do wish to reserve time for the distinguished Senator from Kentucky? Would it be possible to have the time used by the opponents in the colloquy charged to the opponents, because they have time?

Mr. LONG. Mr. President, I will be glad to charge 1 minute against the opposition.

Mr. RANDOLPH. All of us today have yielded.

Mr. PERCY. I just do not want to run out of time for the Senator from Kentucky.

Mr. RANDOLPH. I assure the Senator I will cooperate. I will give my colleague from Kentucky part of my time, even though he is opposed to my viewpoint.

I do want to say, in these 30 seconds, the problem is that we have had bridge replacement programs that have been used and we have had spot replacement programs that are necessary to get the funding for. The argument that there is an enormous amount of money available is not correct. We will need every dollar that will come into the highway trust fund to complete the Interstate System and provide for the other types of road systems.

Mr. PERCY. Mr. President, I should like to respond by simply quoting from a letter dated November 16, 1971, from the Treasury Department, signed by John S. Nolan, Deputy Assistant Secretary, who speaks on behalf of the administration. Under the subject, "Is the Highway Trust Fund Well Financed?" the Deputy Secretary says this:

> The Trust Fund balance as of June 30, 1971 was almost $4 billion. Even with the repeal of taxes on light trucks, the balance is expected to rise to almost $4.5 billion by June 30, 1972, and to almost $5 billion by June 30, 1973. By June 30, 1975, the balance is projected to exceed $5 billion. Revenues appear to be more than sufficient to meet projected expenditure. The repeal of excise tax on light-duty trucks does not threaten the ability of the Fund to meet its present obligations.

This seems perfectly clear. What is absolutely clear is that we are short in general funds. We are short in funds for the health needs of the country. We are short in funds for the welfare needs of the country. We are short in funds for the mass transit needs of the country. When we have a very, very large fund of this type, that has guaranteed steady revenues coming into it, well in excess of the projected needs, who can say we are endangering the highway needs of this country?

The present administration does not want to do that, and the present administration has suspended construction on many projects, including highways, just as the Johnson administration did before it. But this was not done because they did not have funds. At no time were they ever out of funds in the highway trust fund. This was done simply because they did not want to add the impact of Federal spending on construction that could be delayed to the already great effects of Federal, State, local, and private spending that were causing the inflationary spiral.

Mr. RANDOLPH. Mr. President, will the Senator yield, and I will yield 30 seconds out of my time?

Mr. PERCY. Yes, on the Senator's time.

Mr. RANDOLPH. In the hearings before the Subcommittee on Roads in July 1970 the Department of Transportation made this response to a question:

> Prompt completion of the interstate highway system is a primary objective both from a financial and traffic service standpoint. Progress towards its completion has, however, been delayed more by Federal fund availability than by lack of progress in route location, design, and construction.

Mr. PERCY. I would like to read from page 5 of the report of the Subcommittee on Economy in Government of the Joint Economic Committee, on which I serve, the report of August 17, 1970, on Federal transportation expenditures:

> The highway "need" estimates contained in the national highway needs reports, which are required to be submitted to Congress every 2 years, are not based on these broad considerations of social cost and benefit. "Need" as used in these reports refers to "capacity adequate to accommodate the highway travel forecost for a given target year." [1] Since funds are apportioned to the States in accordance with their estimated "needs," the financing system contains a considerable incentive to produce inflated travel forecasts, Furthermore, there is persuasive evidence that the "demand" for highways, as measured by traffic volume, is partly a function of highway availability. Increasing the highway mileage may merely stimulate more automobile travel.

I would like also to comment on the statement made by my distinguished colleague from West Virginia when he brought in the issue of why the bond issue was defeated in New York.

Here people were voting down a referendum, a $2.5 billion bond issue. I am not a New Yorker. I was not intimately acquainted with the campaign carried on by Mayor Lindsay and Governor Rockefeller. But the New York Times, on July 16, 1971, indicated in part:

> If they (New Yorkers) want to approve the bond issue, they will have to sanction a split that apportions $1.35 billion for mass transit, but $1.15 billion for highways. A voter may feel that the former—

That is, mass transit—

> is a dire necessity, and the latter—

Highway construction—

> a largely wasteful blight on the land. But he will have to take both or neither.

I point to an article, also in the New York Times, on September 29, 1971, quoting Theodore W. Keel, who is an outstanding attorney and labor mediator, who became unalterably opposed to Governor Rockefeller's proposal, when he indicated:

> Because the $1.15 billion allocated for highways will be at least matched by Federal funds, the effect is to short-change mass transit needs. The bond issue fails to provide for operative subsidies for mass transit, and fails to provide any way to make the users of automobiles to pay a more equitable share of the costs of mass transportation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Fifteen minutes to the proponents of the amendment, and 24 minutes to the opponents.

Mr. PERCY. I yield my distinguished colleague from Kentucky 7 minutes.

The PRESIDING OFFICER. Did the Chair correctly understand the Senator yielded 7 minutes?

Mr. COOPER. I will start with 5 minutes, and hope I can finish.

Mr. President, I have a short statement which I shall read, and then I want to comment briefly on some of the issues that have been raised during the debate.

I have now served on the Public Works Committee for quite a long time. In fact, when I first came to the Senate in 1947 I was appointed to the Public Works Committee. I was occupying a position then similar to that which I have today. We had a Republican Congress and a Republican chairman, and I was next in seniority to him. Today we have a distinguished chairman from the majority party, and I am the ranking minority member of the committee.

When I have come back to the Senate after various absences, I have gone back on the Public Works Committee. I have served for quite a while under the chairmanship of the distinguished Senator from West Virginia (Mr. Randolph). I think he knows that our association and relationship has been the very best, in his case, and I hope in mine. It has been, on the whole, a committee not marked by partisanship, and this approach has been due in large part to the distinguished leadership of the Senator from West Virginia.

But today we are in opposition, and I support the amendment offered by the Senator from Illinois, amendment No. 657, to delete from the bill the committee amendment which would transfer from general revenues to the highway trust fund 7 percent of the total revenue raised by the Federal alcohol excise tax.

Two days ago, when an amendment on this was offered by Senators Ribicoff and Javits dealing with the earmarking of highway trust funds for mass transportation, I opposed the amendment, and I stated on the floor at the time that I thought it a mistake to transfer general revenue funds into the highway trust fund. It is a mistake and this is the basic reason for my support of Senator Percy's amendment. It has always been my position that the proper source of funds for the highway trust fund is the highway-user taxes.

I recognize that in proposing the transfer from general revenue to the highway trust fund, the committee intended to restore the loss of revenue to the highway trust fund occasioned by repeal of the 10-percent excise tax on light trucks. However, I do not consider it proper—differing with my chairman—nor necessary to divert general revenues from the Treasury to the highway trust fund.

The highway trust fund, was established by the Federal-aid Highway Act of 1956, at the time that the Public Works Committee proposed the System of Interstate and Defense Highways on the recommendation of President Eisenhower.

As we know, from the highway trust fund 90 percent of the cost of interstate highways is borne by the Federal Government, as well as 50 percent of what is called the "ABC system" of primary and secondary roads, together with their urban extensions.

I see in the Chamber the distinguished Senator from Virginia (Mr. Byrd). I think all of us will recall that his father, the late Senator Harry Byrd, Sr., was one of those who insisted upon this pay-as-you-go plan for our Interstate Highway System. In fact, he wanted to apply the pay-as-you-go principle to a great many other things. He had a tremendous influence upon the establishment of the pay-as-you-go principle of this highway trust fund.

That historic action, as I say, resulted in highway construction, both for the Interstate System, and for the "ABC" system of primary and secondary routes together with their urban extensions, to be financed from the trust fund—into which were deposited gasoline, fuel and oil taxes, tire taxes, truck, bus, and parts taxes. These highway user taxes are dedicated to the Federal-aid highway construction program.

Until this time—until this proposal today—no funds other than highway user taxes have been deposited or ordered to be deposited in the highway trust fund. On a few occasions—in 1960, 1961, and 1966—the Bureau of Public Roads was required as a temporary measure to borrow on short-term loans from the Treasury, but those were repaid the same year. So it could be said and has been maintained that those who use the highways, support, through their use taxes, construction of those highways—and consequently that the highway trust fund should be reserved for highway purposes.

I want to emphasize that point, because when you begin to argue that it is all right to place general funds in the highway trust fund, it can very reasonably bring the response that the highway trust fund can then be used for other, general purposes. So, those who are so strongly dedicated to maintaining the highway trust fund and to the completion of our interstate highways should be very careful about proposing that general revenue funds be placed into the highway trust fund.

It seems to me that the committee amendment strikes at the heart of this argument—that the highway trust fund is reserved for highway purposes, and breaches the principle of having a highway trust fund supported solely by highway user taxes. If 7 percent of the alcohol excise tax, or any other nonhighway user tax, can be put into the highway trust fund, presumably twice that amount, or 10 times that amount, or any amount from any general revenue source, could be put into the highway trust fund to support additional highway construction—and without regard to the "pay as you go" principle used since 1956 to relate the financing of highways to their use. Conversely, if the committee amendment prevails and the highway trust fund becomes supported in part by general revenues, it will be hard to argue that the highway trust fund should not be used, at times or in part, for general purposes as well as highway purposes.

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[1] 1970 National Highway Needs Report, p. 11.

I think all of us on the committee have come to realize that there has been imbalance in the financing of the various modes of transportation. The committee is moving in the direction of correcting that imbalance, and I think Senator RANDOLPH deserves great credit for that. I noticed an editorial in the New York Times the other day whose criticism of him I do not think correct. He has made many proposals in our committee, and some of them have been adopted, to move toward modes of transportation more nearly adapted to the needs of our cities. These have included such provisions, in the Federal Highway Act of 1970, as section 143, urban transportation planning; section 134, fringe and corridor parking facilities; section 111, urban highway public transportation; section 125, urban area traffic operations improvement programs; and section 106, the Federal-aid urban system.

Only last year, we established in our Highway Act a new Federal-aid urban system, and authorized $100 million this year, and $100 million next year as a start, to try to solve some of the problems of the urban areas. These authorizations are inadequate, and should be enlarged.

The administration has proposed additional flexibility in financing the different modes of transportation, through an overall transportation trust fund, and I would support additional flexibility for the States in the choice of financing their needed mode of transportation systems. It is true, as Chairman RANDOLPH has often pointed out, that mass transit, including bus transit, rail transportation, air transportation, all help avoid highway congestion. Further, for myself I believe the public is coming to the point where it would not object to the use of some portion of the Federal gasoline and other taxes to finance other modes of transportation for their use. As Senator WEICKER has said, transportation users should have a greater range of choice and decision as to the mode of transportation necessary for them.

I agree with the chairman that the balance in the highway trust fund does not represent a surplus. Rather, it is a balance which, together with future receipts into the trust fund, is required to meet the construction obligations which we have authorized the States to undertake.

If the Percy amendment is adopted, I think it is clear that either completion of the Interstate System will be delayed or the highway user taxes increased somewhat in future years. I prefer some delay. I think it would be better to proceed in this way than to destroy the principle of a highway trust fund supported solely by highway user taxes.

I hope the Percy amendment will be adopted.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. I yield 2 additional minutes to the Senator.

Mr. COOPER. Mr. President, I may also say that I offered an amendment last year, which was adopted by the Senate, which provided that the Secretary of Transportation should immediately designate those interstate regions and corridors in the United States that were in critical transportation difficulty, and that the States and communities with the Department of Transportation should work out systems and plans which could use appropriate modes of transportation. In the conference with the House, my amendment which was mandatory, was made discretionary. But Secretary Volpe is proceeding on these plans, on the eastern seaboard, the west coast, the Chicago area, and in the South. So I see light ahead for our urban transportation needs.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks, my statement in the Senate last year upon the adoption of that amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Excerpts from CONGRESSIONAL RECORD]

Mr. COOPER. Mr. President I am joined in offering this amendment by the chairman of our committee, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maine (Mr. MUSKIE), and the Senator from Kansas (Mr. DOLE).

For the last several years there has been a great deal of discussion in the Committee on Public Works, and I am sure in other committees of the Congress, about the necessity of devising means to solve the problems of duplication, waste, and lack of efficient transportation.

This year in our hearings in the Committee on Public Works, Secretary of Transportation Volpe said that the Department is conducting studies and making surveys, and he hoped that by 1972 at the latest he would be prepared to suggest legislation to Congress to meet the urgent question of the necessity of a balanced system of transportation, taking into account all modes of transportation, and the formulation of a national transportation plan and policy.

The Federal-aid highway law now provides, in section 134 of title 23, that the Secretary shall, in cooperation with the States, to conduct surveys and make studies to plan comprehensive transportation systems in metropolitan areas of over 50,000 population, these critical areas of our country where over 70 percent of the population resides. After hearing this testimony, not only from the Secretary of Transportation, also from Senators and Members of Congress, from officials of the State of New York and New Jersey, and others along the Atlantic seaboard, among them to the Governor of Maryland, it seemed to me we should not be required to wait before making a start on this very serious problem.

I offered to introduce the amendment, which I shall read, in the committee. But being advised that there might be a question of appropriate jurisdiction, as between the Public Works Committee and the Committee on Commerce, out of courtesy, I decided not to pursue it in committee, but rather to introduce it on the floor.

I want to read the amendment, because I think it clearly states the purpose and the objective which we are trying to reach:

"(b) The Secretary shall, as soon as practicable, define those contiguous interstate areas of the Nation in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached, or is expected to reach, a critical volume in relation to the capacity of existing and planned transportation systems to efficiently accommodate present transportation demands and future growth. After consultation with the Governors and responsible local officials of affected States, the Secretary shall by regulation designate, for administrative and planning purposes, as a critical transportation region or a critical transportation corridor each of those areas which he determines most urgently require the accelerated development of transportation systems embracing various modes of transport, in accordance with purposes of this section. The Secretary shall immediately notify such Governors and local officials of such designation. The Secretary shall, after consultation with the Governors and responsible local officials of the affected States, provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning including highway planning, to meet the needs of such regions or corridors, composed of representatives of the affected States and metropolitan areas, and shall provide assistance including financial assistance to such bodies. Funds authorized pursuant to section 307 of this title for research and planning may be utilized for the purposes of this subsection."

Mr. President, I am not from an urban area. I am from a rural area. I do not claim to understand the problems of our great urban centers, but for several years I have heard Governors of States such as New York, Maryland, Illinois, and other urban States speak of the duplication of the modes of transportation. If studies could be made to determine whether a highway or a busline or an interurban system or a rail system could be utilized in a balanced way to better meet the needs of that area, there could be a great saving. It would eliminate duplication and waste, and would provide the best possible means of bringing persons and goods into and out of urban areas.

Mr. President, my amendment is a modest start. The authority resides in the act today for the Secretary to require planning and surveys but only in metropolitan areas, not in corridors which could include both urban and rural segments. This proposal carries it a step further to provide that he shall immediately consult with officials of broader areas which have critical transportation needs and then establish planning bodies to begin to tackle this problem.

I do not believe we can wait 2 years. I think the time to act is now, and I believe this is the way in which we can really begin to make some progress on this problem. I think all of us would admit it, is one of the most serious in our country today.

Mr. COOPER. My time is short, and I will finish. With respect to the question of freezing highway funds, impoundment of highway funds began in 1966; approximately $2.9 billion is now impounded. I am informed by the Secretary of Transportation that much of that will be released.

With respect to the completion of the Interstate System, it originally was to be a system of 41,000 miles. Fifteen hundred miles have been added. The delay in construction has been occasioned by adding mileage, by higher costs, by opposition to some segments of the highway system, and it is a natural delay.

In connection with safety, two-thirds of the authorizations of the highway safety program are paid out of the highway trust fund. Again, that was an advance made by the Senate Public Works Committee. I introduced the amendment to provide that expenditures for safety be paid from the highway trust fund for I could think of no better use.

I stand firmly against the transfer of these general funds, this $350 million, from any excise tax, into the highway trust fund.

There is more I could talk about, but I return to the principal point: I want the Interstate System finished and our rural roads improved and made safer; but I urge those who are firmly dedicated to the completion of this highway system not to jeopardize it by commencing the use of general revenues. Let us not increase the deficit condition of the general fund by approving this transfer of $350 million from the general fund to the highway trust fund.

Mr. President, I ask unanimous consent to have printed in the Record a statement I had prepared with respect to the trust fund balance, together with a letter and enclosure from the Secretary of Transportation, dated November 15, 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR COOPER

There have been comments in the Senate about the "surplus" or balance in the Highway Trust Fund—and statements which imply that the Fund is in excess of needs, or of obligations against the Fund authorized by law.

I join the Chairman of the Public Works Committee, on which I serve, in seeking to correct misunderstanding about these balances.

It is true that as of June 30, 1971, the Highway Trust Fund showed a cash balance of $3.65 billion. However, the liability of the Trust Fund at that time for the unpaid balance of approved highway projects under construction was $7.4 billion. I am informed that the situation as of October 30 was approximately the same. In other words, the cash balance of the Trust Fund is only about one-half the liability against the Trust Fund. This occurs because it takes two or three years to build a highway. Once a highway has been contracted for, the State incurs an obligation to pay for it upon completion, and the Federal government is of course obligated to reimburse the States for the Federal share of that construction.

Second, I did talk to Secretary of transportation John A. Volpe yesterday, and asked him about the impounded or withheld funds, sometimes referred to as the "highway freeze." He informed me that at present there is nearly $3 billion of obligational authority withheld. This does not include $5.5 billion in fiscal 1973 authorization, which will be apportioned to the States within the next six weeks.

Reference may be made to the table setting forth the status of the Highway Trust Fund, including estimates for the period 1971 to 1978, contained in the last annual report on the Highway Trust Fund of the Secretary of the Treasury and included in the Record yesterday by the Senator from Illinois.

The table concludes with a figure indicating a $4 billion balance in 1978. However, it notes that $2 billion of this represents cost of the Interstate System, under the 1970 estimates but not yet authorized. Since that time we know that the total cost of the Interstate System has increased from $69 billion to $76.5 billion so that the Federal share will increase from $62 billion to $69 billion. That is there would be a $5 billion deficit in the Trust Fund as now authorized as the Chairman may have pointed out.

Of course these estimates do not reflect the action of the Congress in future years—and we will have a Federal-Aid Highway authorization next year and every two years thereafter.

Consideration will be given to financing the ABC system at a 70% Federal share rather than 50%—and this would require another additional $500 million per year. The bridge replacement program is just getting under way. The spot improvement program to eliminate safety hazards and improve traffic flow should be expanded. And the 1970 Act instituted the Urban Highway System, beginning with a modest authorization of $100 million annually for fiscal 1972 and 1973 which we hope very much will be expanded to meet the pressing needs of the cities and metropolitan areas.

So I do not believe it correct to indicate or imply that the Highway Trust Fund is at a level greater than needed to meet the obligations authorized by the Congress.

On the other hand, it is correct that the balance in the Fund is now scheduled to increase substantially—in fact, by about $1 billion annually—over the next years. This increasing balance is required to pay off the highways by the time the Highway Trust Fund receipts are due to expire, on October 1, 1978. For example, if the Highway Trust Fund were extended for one or two years, collecting the highway user tax receipts during the period these highways are under construction, these receipts over a longer period would cover the obligation as now estimated. In short, the loss of revenues to the Fund by the repeal of the light truck tax could be handled by delaying somewhat the schedule of highway construction.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., November 15, 1971.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR JOHN: Attached is a table showing the current amount of frozen highway funds dating back to 1966, as of June 30, 1971. You will note this includes the additional $400 million in obligation authority recently released, making the total for fiscal year 1972 five billion dollars. The apportionment of 1973 Federal Aid Highway Funds is not reflected in this table.

The balance of $2.969 billion will be further reduced if the third quarter obligation authority should be released on or before January 1, 1972.

Sincerely,

JOHN A. VOLPE.

Apportionments and releases of obligation authority since June 30, 1971

[In millions]

Unreleased apportionments June 30, 1971	[1]$5,532
First quarter fiscal year 1972:	
Release	−1,082
Balance	4,450
Second quarter fiscal year 1972:	
Release	−1,081
Balance	3,369
Additional release for unemployment and safety	−400
Balance	2,969

[1] Commenced in 1966.

FEDERAL-AID HIGHWAY TRUST FUND FINANCING

The Highway Trust Fund balance supports the Federal Government's commitment to reimburse States for payments they make for work done on Federal-aid highway projects. At June 30, 1971, the liability of the Trust Fund for the unpaid balance of Federal funds obligated for on-going highway projects was $7.4 billion—more than double the $3.65 billion cash balance in the Fund at that date. Obligations for Federal-aid highway projects pay out as work is done (progress payments) and are incurred on the basis of estimates of revenues that will be available when claims for reimbursement will be presented. Thus, at any given time, the Trust Fund actually is in the red. This condition will continue until such time as either the authorizations by Congress or the Trust Fund is terminated and a final accounting is possible.

Sometime there is confusion between Trust Fund balances and the amounts represented by the differences between what has been authorized by Congress and what has been actually released for obligation by the Office of Management and Budget. This is referred to as unreleased or "impounded" authorizations. This amount varies with the cycle of apportionment of legislative authorizations and release of obligation authority, with the former an annual action and the latter a quarterly release. The "impounded" amount at this particular time is approximately $8 billion.

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the Record information relating to urban related provisions in the Federal-Aid Highway Act of 1970.

There being no objection, the material was ordered to be printed in the Record, as follows:

FEDERAL-AID HIGHWAY ACT OF 1970—URBAN RELATED PROVISIONS

SECTION 143, URBAN TRANSPORTATION PLANNING

This section requires consultation with local public officials in urban areas of 50,000 population or more with respect to location and design of any proposed highway corridor in the area.

The second part of this Section authorizes the Secretary of Transportation to designate critical transportation corridors and regions and to establish planning bodies to assist in the development of coordinated transportation planning for all modes of transportation needed to meet the demands and future growth of these are as most efficiently.

SECTION 134, FRINGE AND CORRIDOR PARKING FACILITIES

1970 Act continues the demonstration fringe parking program provided in the 1968 Act. This program provides for the development of fringe parking facilities in major metropolitan areas to increase traffic service on existing roads and reduce congestion.

SECTION 111, URBAN HIGHWAY PUBLIC TRANSPORTATION

This section authorizes the construction of preferential bus lanes, traffic control devices, bus passenger loading areas and facilities including shelters, fringe parking to serve bus and other public mass transportation passengers. This section is to encourage the development, improvement and use of public mass transportation systems.

SECTION 125, TOPICS—URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

The 1970 Act extended the program begun in 1968 to reduce traffic congestion and facilitate flow of urban traffic.

SECTION 106, FEDERAL-AID URBAN SYSTEM

This Section establishes a new Federal-aid highway system, the Federal-aid Urban system, in areas of 50,000 population or more to facilitate the flow of traffic and serve the transportation objectives of the community. Funds could be used to supplement the TOPICS and Fringe Parking program.

Mr. COOPER. Mr. President, there have also been comments on the highway safety program which, I point out, has been authorized by the 1970 Federal-Aid Highway Act at a level of $185 million in fiscal 1972, and $255 million in fiscal 1973. Two-thirds of that authorized to be appropriated out of the highway trust fund—that is, $123 million in fiscal 1972 and $170 million in fiscal 1973. I ask unanimous consent that there be included in the RECORD at this point a summary of the authorizations and expenditures of the highway program for prior years, and a brief analysis of the program for this fiscal year, provided me by the National Highway Safety Administration, as I believe this information will be helpful to the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 89-563 HIGHWAY SAFETY ACT

[In millions]

SEC. 402

Fiscal year—	Authorized	Obligations [1]	Trust fund	General fund
1967	$67.0	$2.0		$2.0
1968	100.0	25.0		25.0
1969	100.0	65.0		65.0
1970	0	70.0		70.0
1971	0	75.0		75.0
1972	105.0	80.0	$53.3	26.7
NHTSA	(75.0)	(67.1)	(44.7)	(22.4)
FHWA	(30.0)	(12.9)	(8.6)	(4.3)

[1] Limitation on obligations imposed by appropriation.

SEC. 403

Fiscal year—	Authorized	Appropriated	Trust fund	General fund
1967	$10.0	$4.3		$4.3
1968	20.0	7.3		7.3
1969	25.0	10.6		10.6
1970	30.0	12.4		12.4
1971	37.5	16.7		16.7
1972	80.0	40.7	$27.2	13.5
NHTSA	(70.0)	(38.6)	(25.8)	(12.8)
FHWA	(10.0)	(2.1)	(1.4)	(.7)

HIGHWAY SAFETY STANDARD ELEMENTS

[Dollars in millions]

	Fiscal year 1972 funding (estimated)	
	Sec. 402	Sec. 403 support
Entry—Objective is to insure that vehicles are safe and persons licensed to drive meet these criteria—ability, knowledge, and attitude	$17.2	$3.6
Periodic motor vehicle inspection.		
Motor vehicle registration.		
Motorcycle safety.		
Driver education.		
Driver licensing.		
Codes and laws.		
Pedestrian safety.		
(Pupil transportation—Pending.)		
Control—Covers operational elements relating to the driver, the pedestrian, the vehicle and its load	21.1	30.5
Police traffic services.		
Alcohol in relation to safety.		
Post control and remedial—Objective of this element is to trigger appropriate corrective action when system failures occur	8.5	2.0
Traffic courts.		
Emergency medical services.		
Debris and hazard control and cleanup.		
(Accident investigations—Pending.)		
Program and administration and evaluation	17.0	1.2
Planning and administration.		
Traffic records.		
Subtotal	63.8	37.3
Draw down for administration	3.3	[1] 1.3
	[2] 67.1	38.6

[1] Salaries and expenses.

[2] While obligations based on appropriation action were ($70 NHTSA) ($10 FHWA), actual distribution within $80 level will be dictated by annual work plans submitted by States. This is best estimate of actual distribution of Sec. 402 standard obligations by States.

THE 16 HIGHWAY SAFETY PROGRAM STANDARDS—THE PURPOSE OF EACH

1. PERIODIC MOTOR VEHICLE INSPECTION [1]

To increase, through periodic motor vehicle inspection, the likelihood that every vehicle operated on the public highway is properly equipped and is being maintained in reasonably safe working order.

2. MOTOR VEHICLE REGISTRATION [1]

To provide a means of identifying the owner and type, weight, size, and carrying capacities of every vehicle licensed to operate in the State, and to make such data available for traffic safety studies and research, accident investigation, enforcement, and other operational uses.

To provide a means for aggregating ownership and vehicle information for: (a) accident research; (b) planning and development of streets, highway and related facilities; and (c) other operational uses.

3. MOTORCYCLE SAFETY [1]

To assure that motorcycles, motorcycle operators and their passengers meet standards which contribute to safe operation and protection from injuries.

4. DRIVER EDUCATION [1]

To insure that every eligible high school student has the opportunity to enroll in a course of instruction designed to train him to drive skillfully and as safely as possible under all traffic and roadway conditions.

To insure that commercial driver training schools achieve and maintain a corresponding level of instruction for beginning drivers with recognition of differences between the needs of adults and adolescents.

To provide education courses offering driving instruction to adults.

5. DRIVER LICENSING [1]

To improve the quality of driving by implementing more effective and uniform licensing procedures, and thereby to reduce the number of accidents while also increasing the efficiency of traffic flow.

6. CODES AND LAWS [1]

To eliminate all the major variations in traffic codes, laws and ordinances on given aspects of highway safety among political subdivisions in a State, to increase the compatibility of these ordinances with a unified overall State policy on traffic safety codes and laws, and to further the adoption of appropriate aspects of the Rules of the Road section of the Uniform Vehicle Code.

7. TRAFFIC COURTS [1]

To provide prompt impartial adjudication of proceedings involving motor vehicle laws.

8. ALCOHOL IN RELATION TO HIGHWAY SAFETY [1]

To broaden the scope and number of activities directed toward reducing traffic accident loss experience arising in whole or part from persons driving under the influence of alcohol.

9. IDENTIFICATION AND SURVEILLANCE OF ACCIDENT LOCATIONS [2]

To identify specific locations or sections of streets and highways which have high or potentially high accident experience, as a basis for improvement, selective enforcement, or other operational practices that will eliminate or reduce the hazards at the location so identified.

10. TRAFFIC RECORDS [1]

To assure that appropriate data on traffic accidents, drivers, motor vehicles and roadways are available to provide:

1. A reliable indication of the magnitude and nature of the highway traffic accident problem on a national, State and local scale;

2. A reliable means for identifying short-term changes and long-term trends in the magnitude and nature of traffic accidents;

3. A valid basis for

a. The detection of high or potentially high accident locations and causes

b. The detection of health, behavioral and related factors contributing to accident causation

c. The design of accident, fatality and injury countermeasures

d. Developing means for evaluating the cost and effectiveness of these measures

e. The planning and implementation of selected enforcement and other operational programs.

11. EMERGENCY MEDICAL SERVICES [1]

To provide an emergency care system that will:

I. Provide quick identification and response to accidents;

II. Sustain and prolong life through proper first aid measures, both at the scene and in transit;

III. Provide the coordination, transportation, and communications necessary to bring the injured and definitive medical care together in the shortest practicable time, without simultaneously creating additional hazards.

Footnotes at end of article.

12. HIGHWAY DESIGN, CONSTRUCTION & MAINTENANCE [2]

To assure (a) that existing streets and highways are maintained in a condition that promotes safety, (b) that capital improvements either to modernize existing roads or to provide new facilities meet approved safety standards, and (c) that appropriate precautions are taken to protect passing motorists as well as highway workers from accident involvement at highway construction sites.

13. TRAFFIC CONTROL DEVICES [3]

To assure the full and proper application of modern traffic engineering practice and uniform standards for traffic control devices in reducing the likelihood and severity of traffic accidents.

14. PEDESTRIAN SAFETY [3]

To emphasize the need to recognize pedestrian safety as an integral, constant and important element in community planning and all aspects of highway transportation and to insure a continuing program to improve such safety by each State and its political subdivisions.

15. POLICE TRAFFIC SERVICES [1]

To reduce the deaths and injuries by improving police traffic services in all aspects of accident prevention programs and police traffic supervision, post accident procedures to aid crash victims and to bring those responsible for the accidents to justice.

16. DEBRIS HAZARD CONTROL AND CLEANUP [1]

To provide for the assignment of official responsibilities and for the planning, training, coordination and communications necessary to assure the recognition, reporting, and prompt correction of conditions or incidents that constitute potential dangers; that incident sites are restored to a safe condition; and that traffic movement is expeditiously resumed.

FOOTNOTES

[1] NHTSA Administered.

[2] NHTSA/FHWA Administered.

[3] FHWA Administered.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? Time is being equally divided.

Mr. RANDOLPH. Mr. President, how much time remains to those who are opposed to the amendment?

The PRESIDING OFFICER. The Senator from West Virginia has 24 minutes, and the Senator from Illinois has 3 minutes.

Mr. RANDOLPH. I yield myself 2 minutes to ask the Senator from Illinois, who said he would check it out, where I have indicated that I wanted the highway trust fund to continue for 15 years.

Mr. PERCY. I quote from the memorandum distributed to all Senators by Senator RANDOLPH, commenting on amendment No. 657. I read from the bottom of the first page:

> Even if all current mass transportation needs were met, highway requirements over the next 15 years would still total more than $100 billion.

In response to that, I stated—and I quote the exact words I used:

> Now, 15 years later—after the beginning of the Trust Fund—it is appropriate to pause and ask what our Nation's transportation priorities are to be. Are we to continue the highway trust fund for another 15 years unmodified, as Senator Randolph suggests?

If the distinguished Senator from West Virginia is proposing or has in mind any abolishment of the highway trust fund over the next 15 years, or changing the financing formula of it, I would be very happy to hear that explanation. But I simply inferred from his reference to the need and the requirements for $100 billion over the next 15 years, in the statement we received last night, that it was therefore his feeling and intention that we needed such funding for the next 15 years.

Mr. RANDOLPH. I must say, out of respect to the Senator, and in good humor, that I could not imagine any more illogical evaluation of what the Senator from West Virginia has said.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. RANDOLPH. I yield such time as I may require.

I have said that the unmet needs for highway construction certainly are in the future. Does the Senator from Illinois believe that all the highway needs have been met as of the time he is speaking? He knows they are not met in Illinois.

Mr. PERCY. Oh, no. Of course not.

Mr. RANDOLPH. Mr. President, it is important that we realize that no Member of the Senate had been more an advocate that I, not only with his voice but also with his vote, for mass transit, over and over again, signing, with 36 other Senators, a letter to the President, in the month of November, asking that the funds be raised to the $900 million so that mass transit could move ahead. We then received the response from the White House that $600 million was all that could be used to move mass transit ahead in this country.

So I must repeat and repeat that I am against the raiding—we have heard "raiding" spoken of here many times today—the raiding of the trust fund, which is the purpose of the amendment which has been offered.

I repeat: I think it is important over and over again to say for the RECORD that which is factual—that 75 percent of the projected mass transit problems will be by bus, because most communities are not large enough to justify other types. Therefore, the continuance of the program of building good roads and streets is necessary if we are to make mass transit widely available.

Mr. President, I repeat: More than one-half of the projected highway needs of this country are in urban areas, not in the so-called rural areas. These needs are based on the transportation planning process required, as I have said, by section 134 of the highway law, which requires total transportation planning so that mass transit's needs are also accounted for. The trust fund income is needed if we are to meet these needs.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PASTORE. The Senator mentioned the use of funds for streets. We do not build city streets with the highway fund, do we?

Mr. RANDOLPH. Yes.

Mr. PASTORE. Does the Senator mean streets in the cities? Will the Senator give me an example?

Mr. RANDOLPH. The urban highway street program, which was created——

Mr. PASTORE. The Senator means thoroughfares?

Mr. RANDOLPH. Yes.

Mr. PASTORE. Main streets, but not city streets.

Mr. RANDOLPH. I call them streets within a city. Also, primary and secondary roads.

Mr. PASTORE. The reason why I bring it up is that one of the biggest problems every city has is the rebuilding of its streets.

Mr. RANDOLPH. That is correct. It is an unmet need.

Mr. PASTORE. But I want the record clear that those are not streets that are built with Federal money. That has to come out of municipal money or State money.

Mr. RANDOLPH. The Senator is correct, yes—the unmet needs.

Mr. PASTORE. Running through the city.

Mr. RANDOLPH. Mr. President, how much time remains to me?

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from West Virginia has 17 minutes remaining.

Mr. RANDOLPH. Mr. President, at this point, I desire to read a brief statement in opposition to the amendment which was given to me last night by our able colleague from Tennessee, Mr. BAKER, a member of the Subcommittee on Roads of the Committee on Public Works. He cannot be present during debate today although he had wanted to be here.

Let me read his statement. It is brief but to the point:

> Mr. President, I support section 402 of the committee's bill, which would transfer seven percentum of revenues derived from the federal tax on alcoholic beverages into the Highway Trust Fund.
>
> I am well aware of the argument made by those opposing this provision that it represents the first time in which revenues from other than highway-user related taxes would be channeled into the trust fund. I admit to some qualms about this precedent.
>
> But I think that the overriding consideration must be the commitment of the Congress to the orderly completion of the Interstate system.
>
> This provision is designed, as we all know, to offset the loss in revenues to the Highway Trust Fund that will result from the exclusion of light-duty trucks from the 10 percent manufacturers excise tax, an exclusion which I wholeheartedly support, because it will mean so much to so many rural Americans who use such trucks for basic transportation.
>
> The Interstate highway system is the largest single public works project ever undertaken. It has done more to revolutionize transportation in this country since the completion of the transcontinental railway system. Work on the interstate system has taken a great deal longer than was originally anticipated, and its orderly completion must be seen as one of our highest priorities.
>
> Again, I support the decision of the Committee on Finance to maintain the current level of revenues flowing into the Highway Trust Fund, and I urge my colleagues to reject any effort to delete section 402 from the committee bill.

Mr. GRAVEL. Mr. President, will the Senator from West Virginia yield for a question?

Mr. RANDOLPH. I yield.

Mr. GRAVEL. Briefly, I understand that when the 1956 Highway Revenue Act was passed, one of the provisions was to have a highway users and a nonusers benefit study made. That report was filed with the Senate in 1961. One of the recommendations the report addressed itself to was the point raised by the Senator from Kentucky (Mr. COOPER), that the trust fund should be the recipient of some funds from beneficiaries that were not directly related to highways. Of course that is uses and services rendered nonuser beneficiaries—for national defense, health, community development, and the like.

I wonder whether the distinguished chairman would comment why the recommendations have not been implemented which were made in 1961, or why it took so long—at least up until now—to deal with the concept of these recommendations back in 1961.

Mr. RANDOLPH. The highway taxes were insufficient to carry the load up until this present situation occurred. My reply to the Senator is in connection with defense and health programs, and all the others, that it is absolutely a fact that there are these priorities which are concerned with the user and the non-user contributions. From what I imply from what the Senator has indicated, my reply is yes.

Mr. GRAVEL. But the study that was reported in 1961 recommended specifically that contributions be made to the trust fund by nonuser beneficiaries. Of course, that could only be done by money coming from the general fund, which is apparently what is objected to so violently here. That money comes into the general fund from the trust fund. The study report recommends that this action take place. That report was filed in 1961.

Mr. RANDOLPH. This is the first time it has ever been done.

Mr. GRAVEL. I thank the Senator.

Mr. COOPER. Mr. President, will someone yield me 10 seconds to reply to that?

Mr. RANDOLPH. I yield 10 seconds to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Kentucky is recognized for 10 seconds.

Mr. COOPER. I point out that in those years, in the early days of the system, the Bureau of Public Roads had borrowed some money from the Treasury to meet its obligations. The record will show that they paid that money back in the same year. So it is not analogous to this situation.

Mr. PERCY. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware (Mr. BOGGS).

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BOGGS. Mr. President, I wish to state my support for the amendment offered by the distinguished Senator from Illinois (Mr. PERCY). I associate myself with him, and with the remarks of my distinguished colleague from Kentucky (Mr. COOPER), which he just recently made in support of the amendment.

The section of the bill that places 7 percent of the alcoholic beverages taxes into the highway trust fund, it seems to me, is inappropriate. It violates the principle under which the highway trust fund was established.

The highway trust fund was created as a tax on the users of American highways for the purpose of improving our road network. It has created the best highway transportation system in the world. Liquor taxes do not qualify as a highway-users levy.

The integrity of the highway trust fund is its greatest strength, and I have supported it continuously. The use of liquor taxes for highway construction would lessen that integrity. For this reason, I intend to vote for Senator PERCY's amendment.

Mr. MONTOYA. Mr. President, the Federal Government has been on record since 1956 as having made a commitment to the State and local governments of America and to the general public that it would hasten the completion of the Federal Interstate Highway System. That system is now 75 percent completed, but the rapid completion of this vital highway network is constantly threatened by those who would dilute the resources needed to fill the tremendous needs and expenditures necessary.

There is no real surplus in the highway trust fund. The only "surplus" is one created by the withholding of funds by the executive branch of the Government. Theses funds were collected in the trust fund for the proper expenditure on the completion of the Interstate System and primary and secondary roads, as well as urban highways, bridge replacement, railroad crossings, safety programs, bus lanes in urban areas, and relocation allowance for those who need housing as a result of displacement caused by highway construction. The withholding of these funds has caused a delay in the completion of the program and has raised the cost of the Interstate System for the general taxpayer. Further attempts to delete the funds available for highway purposes will lead to higher costs to the Federal Government and increased frustration on the part of the public which so badly needs the services provided by these roads.

There is a commonly held image among some of the critics of the highway program that the highway needs in America have been met. The fact is that there is still a tremendous need in many parts of this country for further highway construction. This is emphasized by the fact that 56 percent of the 3.7 million miles of roads in the Nation do not have all-weather surfaces. In addition to this need, there are many communities that still have very meager access provided only minimally by inadequate highways.

The trust fund concept is a sound concept. Those who see other crucial transportation needs in the country—and we all admit that there are tremendous needs in a variety of transportation systems—should apply the trust fund concept to other areas. This is in fact what has happened in the airport and airways trust fund, and could very well be provided in other cases. The needs in these other areas simply argue for increased funding in those areas; they do not argue for a cutback in the highway program which still has such a tremendous backlog of unfulfilled needs.

The reduction of $350 million per year in the highway trust fund proposed by the Percy amendment would lead to a substantial and unnecessary erosion of the financial basis of our present highway program. The net effect can only be delay and increased cost to the taxpayer for completion of the highway system. I urge my colleagues to respect the work of the Finance Committee in keeping a balanced revenue approach to the highway trust fund, and the work of the Senate Public Works Committee which has struggled so diligently to establish a balanced highway transportation program for this country.

Mr. RANDOLPH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 11 minutes remaining.

Mr. RANDOLPH. I yield 3 minutes to the distinguished Senator from Virginia (Mr. BYRD).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, I support the position of the distinguished Senator from West Virginia (Mr. RANDOLPH), I must say, however, that I share the concern expressed by the Senator from Kentucky (Mr. COOPER), that general fund revenues for the first time will be used to supplement the highway trust fund.

The reason we are faced with this dilemma is that some of the highway user taxes, on which the highway trust fund must depend, are being eliminated. It is to make up for the elimination of part of the taxes that now go into the trust fund that the Committee on Finance felt it necessary to recommend $350 million from general fund revenues to be put into the trust fund.

The road system has been built entirely by highway user taxes. I think that is the way it should be handled. It would continue to be handled that way, except for the fact that we are now faced with the elimination of certain highway user taxes. In order to make up for that, the committee felt it necessary to recommend that $350 million be taken from the general fund.

I might say that the general fund revenues are being jeopardized not by the recommended action of the Finance Committee but because Congress is preparing to reduce highway revenues. That is the reason that the general fund is being utilized.

Mr. President, I support the position of the Senator from West Virginia who is making such a valiant fight today for the continued development of the Nation's highways.

Mr. RANDOLPH. Mr. President, as I understand it, the time of the movers of the amendment has now expired.

The PRESIDING OFFICER. The proponents have 2 minutes. The opposition has 8 minutes.

Who yields time?

Mr. PERCY. Mr. President, I yield 1 minute to the distinguished Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Illinois for yielding.

Mr. President, to sum up what this involves, two basic things in the pending bill are wrong.

We are violating the integrity of the

trust fund when we go into the general revenue. It is not a raid by those of us who are against the trust fund. It is a raid by the highway trust fund against the general revenue funds of this Nation. That is bad financing. That is bad transportation policy. It is also bad because if there is one aspect of transportation in this Nation that has been given adequate emphasis it is highways. Section 402 of this act does not stand to the credit of those who are responsible fiscally or those who are responsible transportationally.

We have thousands of transportation happenings in this Nation. We do not have a system. I would hope that we could bring ourselves to focus on a better balance, a better distribution of the funds. However, that argument will be made in future days.

The argument today is against an unwarranted raid by the highway trust fund on the desperately short general revenues of the country.

Mr. PERCY. Mr. President, will the distinguished Senator from West Virginia yield to me in view of the fact that I have only 60 seconds remaining and the opposition has 7 or 8 minutes remaining? If they do not intend to use that time, may I ask the distinguished Senator from West Virginia if he will yield part of the time to the distinguished Senator from Massachusetts and allow me perhaps 2 minutes in which to sum up my argument?

Mr. RANDOLPH. Mr. President, I am always in the posture of accommodating even those who are wrong in their position. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, I thank the Senator from West Virginia. As always, he is extremely accommodating, and I appreciate it very much. Mr. President, I rise to support the amendment now before the Senate which I have cosponsored and which I believe represents a step to avoid further distortions in our transportation priorities.

We are faced with a strange situation in which for the first time Federal liquor taxes would be funneled into the highway trust fund to increase an already swollen repository of Federal funds. The highway trust fund has built up a surplus of $3.6 billion. It is anticipated that another $786 million will be unexpended at the end of this fiscal year.

Yet while money for highways sits idle, the cities of this Nation are in immediate and dire need of funds to keep their urban mass transit systems running.

The contrast between the resources available for highway construction and the resources available for urban mass transit is stark indeed.

Over the past 14 years, the highway trust fund has spent $45 billion on highways including nearly $4 billion a year since 1965.

Yet since 1965, less than $200 million a year has been available for urban mass transit. And although the Congress has increased those funding levels somewhat in the past 2 years, the administration decision to withhold those funds has meant that urban transportation needs have been shortchanged. At a time when $900 million is authorized and $2.6 billion in applications are on file, this administration is planning to spend only $600 million.

To divert $350 million into the highway trust fund today would represent an additional perversion of our national transportation priorities. If that money is to be diverted from the general fund at all, then an objective view of where the Nation's greatest transportation priorities exist would dictate adding it to the Federal commitment to urban mass transit.

Diverting 7 percent of the revenues from Federal alcohol taxes into the highway trust fund would only add to the present lopsided and disjointed pattern on Federal transportation expenditures.

Today, cities and States are unable to plan rationally for the transportation needs of their constituencies. The fundamental flaw in our transportation "non-system" is that separate planning and separate funding exist for each mode of transportation.

The result, as the recent national transportation policy statement of the Department of Transportation noted, was that we have a transportation non-system with the following products: urban congestion, severe deterioration of local public passenger service, airport and air traffic congestion, hazards to safety, environmental degradation, and financial distress of major segments of the transport industry.

For these reasons, I introduced S. 295, the national transportation trust fund bill earlier in this session to seek to reorder those transportation priorities.

That bill, which is still pending before the Senate Commerce Committee, would assign the funds from a reinstituted 7-percent excise tax, funds from the highway trust fund, and funds from the airport trust fund into a single national transportation trust fund to finance the Nation's transportation needs.

It is obviously the only rational way to link the Nation's resources with our transportation needs. Comprehensive transportation planning could occur and States and regions could receive funds from this single source to carry out those plans.

Today the reverse is true. No comprehensive planning is possible because cities and States are able to obtain highway funds with ease but mass transit funds are almost nonexistent.

Federal legislation essentially gives them a choice of building highways or building nothing.

And the present language within the Revenue Act only further adds to the problem.

For these reasons, I strongly urge the Senate to approve the amendment now before us.

Mr. President, I ask unanimous consent to have printed in the RECORD my statement in support of national transportation policies, given before the Committee on Commerce on September 23, 1971.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EDWARD M. KENNEDY BEFORE THE SENATE COMMERCE COMMITTEE IN SUPPORT OF NATIONAL TRANSPORTATION POLICIES

Mr. Chairman, I am pleased to have this opportunity to testify before the Committee in support of S. 2279, the National Transportation Act of 1971, as well as to speak on behalf of a corollary measure, S. 295, which I introduced last year and again early this session, a bill to establish a National Transportation Trust Fund.

At the outset, let me say that I would strongly urge this Committee in its evaluation of these bills to seek to combine the best features in a way that insures passage this session of legislation which will establish a firm National transportation policy based on our current needs. I would hope that these three elements will be reflected in that policy:

First, a single transportation funding mechanism such as the National Transportation Trust Fund;

Second, comprehensive, multi-modal regional, state and local planning;

And finally, a system that insures an allocation of federal funds in proportion to the critical transportation requirements of this nation in this decade, with the first priority being adequate funding to the transportation needs of the urban areas.

Mr. Chairman, transportation in the United States today ranges from the sublime to the ridiculous. We can point to a complex of systems that carries people and things more miles each day, in more directions and at greater speeds than any other nation. But we also must admit that disconnected, disjointed, and distorted expenditures of resources on the various modes of transportation have yielded a chaotic, expensive and unwieldy product.

We have a hydra-headed system consuming a steady diet of public and private funds and providing the nation a minimum of benefits.

The signs of major illness within our transportation system are not hard to discover.

—the nation spent $200 billion last year on transportation, yet it takes longer today to get from National Airport to New York than it did in 1953.

—While airlines are contracting to buy $15 million Lockheed tri-star airbuses, the current generation of 747's are flying to San Francisco with up to 70% of their seats empty. At the same time bus transit companies bought the fewest number of new buses than at any time since World War II.

—the federal government spent $3.3 billion on interstate highways last year, yet nearly every major public transit system lost millions of dollars and their pleas for federal assistance to cover right of way maintenance went unheeded.

The recent national transportation policy statement from Secretary Volpe concisely listed the products of our national transportation "non-system"; urban congestion, severe deterioration of local public passenger service, airport and air traffic congestion, hazards to safety, environmental degradation, and financial distress of important segments of the transport industry.

The essential weakness which congress must remedy is that separate programs requiring separate planning and providing separate funding have developed for each mode of transportation.

No city, state, or region is permitted the rational option of devising a comprehensive plan for all of its transportation needs or acquiring federal assistance to spend on the different modes of transportation in its comprehensive plan.

The Federal Government, through law and practice, has prompted a rigid misallocation of resources as a side effect of its attempt to stimulate the construction of an interstate highway system and long-distance air travel.

It is to end this distortion and to permit a flexible response to changing conditions, that I strongly urge creation of a national transportation trust fund. It is time to unify the separate channels of funding which have tied the hands of city and state executives in their efforts to meet the overall transportation requirements of their constituencies.

I am most familiar with how this funding rigidity has affected the people of my own state. In the Boston metropolitan area, a single expressway forced the displacement of 2106 households. Daily in the city of Boston, 160,000 cars form a commuter parade into the downtown area which can absorb only 28,000 in off-street parking. Yet the city can obtain funds for more highways it doesn't need, while it is denied requests for mass transit.

The Governor's Task Force on Transportation reported in early 1970 that current highway plans took "almost no account at all of the job needs of residents, of the housing crisis of the metropolitan area, of the impact on community life or of the impact on the environment."

The 18-month moratorium on highway construction which followed that report continues and a re-study of the proposed routes and possible alternatives is now underway as urban residents seek to find a solution that meets their needs rather than the needs of highway planners.

Without denying the benefits of the highway system—and they are enormous when one solely views the objective of linking the various regions by modern highways—urban residents have other values that the inter-state highway system fails to consider.

Cities can no longer afford to give up two-thirds of their land to the accessories of the automobile, to the highways, to the roads, to the parking facilities. They will no longer accept the pollution and congestion which have accompanied the practice of bringing intercity traffic into the downtown area of our major cities.

Just as critical is the transportation dilemma of the proliferating urban corridors. The Washington-Boston northeast corridor is only one of several fully developed megalopolies. Yet the past efforts at devising an effective transportation system have been hampered by separate pressures from the supporters of air travel, the supporters of more highways, and supporters of more railroads.

Hopefully, the recommendation from the Department of Transportation concerning the Northeast Corridor will signal a new support for comprehensive planning and financing. It was based on a pioneering, multi-modal analysis which began in 1963. I am particularly pleased to see the strong endorsement of high-speed rail transportation. Also I think it is wise, because of environmental problems that have not yet been solved, to propose a further investigation of short take-off and landing and vertical take-off and landing air service.

Unfortunately, the Office of Management and Budget has not yet approved the outlay of federal dollars to implement these recommendations. I would hope that Congress will receive that approval shortly.

I believe that Congress should expedite its consideration of this proposal, permitting full discussion from the various state governors and urban representatives who will be affected.

Although this proposal from Secretary Volpe should be applauded, it remains an anomaly in our national transportation planning and financing. Unfortunately, the revenue sharing proposal which now bears the seal of approval of this Administration is more farce than substance. It excludes nearly 80% of the Highway Trust Fund as well as half of the funds available under the Airport Trust Fund. Instead of flexible financing, the same rigidities which reflect the enormous power of the interest groups involved, have been maintained in this so-called revenue sharing proposal. Future sharing of any funds in the Highway Fund are limited to highway-oriented activities and monies from the Airport Trust Fund are to a large degree limited to aviation activities.

Also, the Administration once more relegates cities and urban mass transit to the role of the unwanted stepchild of U.S. transportation. Congress has authorized $900 million for urban mass transit this year, but the Nixon revenue sharing proposal would assure only $525 million for that purpose. Also, instead of changing the out-of-date allocation formula for highway funds which favors non-urban areas, the Administration locks the old rural mail delivery route mileage factor in the revenue sharing allotment formula.

Thus, by protecting the old treasure chests of federal funds for highways and airports, reducing the assured monies for urban transit, and maintaining distorted allocation formulas, the Administration's revenue sharing proposal perpetuates: "(A system) structurally unbalanced with under investment in some modes and over investment in others . . ."

It is for that reason that I believe a national transportation policy that carries out the implications of the Secretary's own policy statement must include: First, a single transportation funding mechanism such as the National Transportation Trust Fund; second, comprehensive, multi-modal, regional, state and local planning; and finally, a system that insures that our critical urban transportation needs are met.

NATIONAL TRANSPORTATION TRUST FUND

I testified before this Committee last year in favor of a National Transportaiton Trust Fund and later introduced a bill to achieve that goal. I have reintroduced the measure in this session and believe that its passage would represent a balanced, flexible mechanism for financing our transportation requirements.

The National Transportation Trust Fund would receive tax revenues currently channeled into the Highway Trust Fund and the Airport and Airway Trust Fund. These include the revenues from taxes on motor fuel, rubber, trucks, trailers, lubricating oils, truck and bus parts and heavy vehicle use. It also would include the increased passenger fare tax, the tax on general aviation fuel as well as aircraft registration taxes.

In addition, I propose that the 7% excise tax imposed on the sale of new highway vehicles would be retained, with the proceeds of approximately $2.3 billion paid directly into the National Transportation Trust Fund. In addition to the estimated $5 billion from the Highway Trust Fund and the $265 million from the Airport Trust Fund, this would provide a single $8 billion fund to finance our transportation needs.

The bill also requires that a single transportation agency be formed at the state level. To obtain any funds, that agency must design comprehensive, multimodal transportation plans, incorporating the transportation plans of urban areas over 50,000. The bill also encourages interstate cooperation. I would urge any final version to insure a full regional planning capability.

It is important to note that the allocation from the Transportation Trust Fund would be to states on the basis of population as determined in the most recent decennial census. The most acute transportation problems today relate to the pressure of population rather than to the distances between cities. It seems appropriate to match our allotment to present realities. I would suggest that a final version spell out in detail the requirement that the pass-through mechanism assure adequate funding within the state to urban areas, permitting them block grants to carry out their comprehensive transportation plan.

For the past fifteen years, we have watched as nearly $3 billion a year was spent from the Highway Trust Fund to finance the construction of the interstate highway system. Now, in many states, the remaining elements in that system affect the cities. And in many cities, those plans are either not feasible or not desirable.

Yet the states and cities have a simple choice foisted upon them by federal legislation: build highways or build nothing.

They are lured by the availability of ten cent federal dollars, if they build highways. And so they build highways and the nation's changing transportation needs go unmet.

The cities testified last year. The states testified last year. Transportation authorities testified last year. And all pointed to the inadequacies of single mode financing, financing which has distorted our priorities and financing which has severely hindered state and city governments from meeting their own local problems.

It was for that reason that I proposed the National Transportation Trust Fund. And I believe it was for the same reasons that Secretary of Transportation John Volpe stated to this Committee:

"We believe the eventual goal here, at least as I look forward 2, 3, 5, years . . . is the development of a total transportation fund."

I differ from the Secretary only in that I believe the time to approve a National Transportation Trust Fund is not some years into the future. The time is now.

The second element of a new National Transportation Policy which I would urge upon this committee is contained within the bill put forth by Senator Magnuson, S. 2279. This measure, which I have cosponsored, announces an intention of achieving planning that integrates transportation with other social and environmental systems, planning that is multi-modal, planning that permits full citizen participation and planning that is combined with flexible financing allocated according to local, state and regional transportation needs.

S. 2279 provides the nation with an opportunity lacking for three decades, an opportunity to plan, develop and execute a National Transportation policy designed at each appropriate level of government.

Integrated planning of a balanced transportation network cannot be delayed any longer. For only in this way can the new technologies already available in the transportation field be harnessed to local needs, technology such as high speed rail vehicles, tracked air cushion vehicles, STOL and VTOL aircraft.

The Committee for Economic Development stated recently: "More and more, both central cities and suburb are accepting the fact that traffic delays and congestion can be avoided only by bringing together and meshing the plans and policies of state highway departments, airport and bridge authorities, rapid transit authorities, bus companies and all local governments."

Now it is time for the federal government to recognize the need for regional planning. The proposed legislation would establish regional transportation authorities to accomplish this purpose.

In some respects models already tested in the northeast corridor point in the direction outlined in S. 2279. Thus, the corridor already boasts the New England Regional Commission, which since 1965 has completed two comprehensive studies of the transportation needs of this section of the northeast corridor. And most recently, it has filed a proposal for a rail passenger service network for New England.

Hopefully, other regional authorities within the corridor soon will be created along with an overall corridor authority. With regard to the planning mechanism proposed in S. 2279, I would offer the following suggestion for the Committee's consideration: I believe there must be the maximum flexibility accorded to states and cities, particularly to those states with departments of transportation and to those cities which form metropolitan transportation entities. They must have the first opportunity to define the appropriate transportation region for their needs.

The state and city representatives also should be able to serve on more than one regional authority. For example, the State of Massachusetts should be a member both of a New England Regional Authority—which I hope would be the New England Regional Commission—and a northeast corridor authority.

But most important, I would urge that a pass through arrangement be incorporated into the regional planning process. In this way, just as many urban areas receive a specific share of funds allocated to states, so also should they receive funds for planning and be assured that their plan is integrated into the regional plan.

At the local level, this would permit strong citizen participation in the development of metropolitan transportation designs. Too often, the past failure to incorporate neighborhood views into the planning process has meant ivory-tower projects that conflict with local needs and desires.

And in many cases, the resulting conflicts could easily have been avoided had there been community involvement in the planning process at the outset. Also, I would urge that the role of federal co-Chairman be altered to a primarily liaison and advisory function. I believe it would be unwise to create a situation where several governors and the mayors from a region could reach consensus and then find themselves faced with a veto from the federal co-Chairman.

With these modifications, I believe that the regional planning capability presented in S. 2279, would remedy the disjointed planning we have seen in the past and incorporate rational and comprehensive planning as part of a new national transportation policy.

The third element in a new policy is the assurance that priority will be given to the nation's urban areas which face the gravest transportation crises. Although the Urban Mass Transportation Assistance Act was a significant landmark, it fell far short of the current estimates of what is needed during the next decade.

The American Transit Association and the Institute of Rapid Transit calculate that between $28 and $34 billion will be required for new mass transit programs to alleviate urban congestion during the next decade. Yet we have authorized far less.

Cities rightly claim that they are discriminated against in the allocation of transportation funds. The National League of Cities estimates that over half of the nation's $16 billion in highway user taxes will be collected in urban areas but those areas will receive substantially less than their fair share in return. For example, of the money available for non-interstate routes, cities receive $457 million while non-urban areas can expect over a billion dollars."

The Administration has made it even less likely that urban areas will obtain the funds they need for local transportation requirements. Despite the congressional directive to spend up to $600 million on urban mass transit last year, and despite the more than $2 billion in applications on file, the Administration last year chose to parcel out only $400 million. This year, the current file is now at $2.7 billion and congressional authority for $900 million exists, yet the administration has disclosed it intends to approve only $600 million.

I believe that through the creation of a regional planning mechanism with the assurance of pass through funding for urban transportation planning and through the creation of a national transportation fund again with pass through allocation of funds to urban areas, we can assure that the transportation needs of the cities are met.

Mr. Chairman, we have seen the failures of separate transportation planning and single mode financing in the past and the time is long overdue for a coherent national transportation policy which will remedy these failures. I believe the enactment of legislation incorporating comprehensive, multi-modal planning at regional, state and local levels and the creation of a national transportation trust fund would place this nation on the path to resolving its transportation needs in the coming decade.

Mr. RANDOLPH. Mr. President, do I understand that the Senator from Illinois wants an additional minute?

Mr. PERCY. Mr. President, if I could have 1 additional minute for the Senator from Connecticut and 1 additional minute for myself, I would appreciate it.

Mr. RANDOLPH. Mr. President, I am so sorry that the Senators missed the debate this morning. I yield 1 minute to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I am pleased to be a cosponsor of the amendment offered by the distinguished Senator from Illinois (Mr. PERCY) to delete from the pending tax bill the provision which would divert alcohol tax revenues into the highway trust fund.

During the Finance Committee's consideration of the tax bill, I attempted to have this provision eliminated. Unfortunately, the committee decided to retain it.

Last Friday I offered an amendment on the Senate floor that would have earmarked the alcohol tax revenues for use only for urban mass transportation programs. That amendment was rejected by the Senate 32 to 39.

It is both ironic and irrational for alcohol tax funds to be used for highway construction in light of the unchallenged fact that the use of alcohol is the major cause of thousands of deaths each year on our highways. A great need exists in this country for improved transportation, but the need is for improved mass transportation, not more miles of highways. I hope that the Senate will now join with Senator PERCY and myself in deleting the provision entirely.

Mr. RANDOLPH. Mr. President, I yield 1 minute to the Senator from Illinois.

Mr. PERCY. Mr. President, I thank the distinguished Senator from West Virginia.

First, why are we worried about $350 million when we have billions of dollars available to the trust fund?

Mr. RANDOLPH. It is not $350 million for the life of the trust fund. It is $2.2 billion.

Mr. PERCY. That is correct. And that is the very point I make.

Mr. RANDOLPH. The Senator asks why we should worry about it.

Mr. PERCY. Mr. President, if the $350 million were to be set up in a foundation at 5 percent, to get $350 million income a year, that foundation would have to have $17 billion in it. So, this is a very significant action we are taking.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. PERCY. Mr. President, may I yield on the time of the Senator from West Virginia?

Mr. RANDOLPH. Mr. President, the Senator knows that every penny is needed to complete this program. This is an uncontestable situation.

Mr. PERCY. Mr. President, if the Senator from West Virginia feels that more money is needed, I would suggest that if the highway trust fund proves unable to fund the highway programs that are necessary in the future, it would be far more appropriate for Congress to increase revenues from the remaining highway user taxes. For example, the tax on gasoline—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RANDOLPH. Mr. President, I yield 1 additional minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 additional minute.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the entire letter from the Treasury Department in which they indicated that light trucks, by reports published in the papers, have not been properly taxed or have borne an unusually large share, while the heavy trucks have not borne their due share. Therefore, we could raise more revenue by increasing the fuel tax. Certainly we could raise $1,200 million if we put a tax of 2 cents a gallon on leaded gasoline. We could improve the environmental control by putting a premium on gasoline that pollutes the air.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., November 16, 1971.

DEAR SENATOR PERCY: You have asked for a statement of the Treasury Department's position as to the action of the Finance Committee in allocating 7 percent of the excise tax collections on alcoholic beverages (about $350 million) to the Highway Trust Fund to compensate for the loss of approximately the same amount from the repeal of the excise tax on light-duty trucks. The Administration's position on this matter is set forth in the letter from Donlad Rice, Assistant Director, Office of Management and Budget, to you dated November 15, 1971. In this connection, there are several considerations which we previously brought to the attention of the House Ways and Means Committee.

1. The Highway Trust Fund is well-financed. The Trust Fund balance as of June 30, 1971, was almost $4 billion. Even with the repeal of the tax on light trucks, the balance is expected to rise to almost $4.5 billion by June 30, 1972, and to almost $5 billion by June 30, 1973. By June 30, 1975, the balance is projected to exceed $5 billion. Revenues appear to be more than sufficient to meet projected expenditure. The repeal of excise tax on light-duty trucks does not threaten the ability of the Fund to meet its present obligations.

2. Prior to the Committee action, light trucks were taxed *more* than their share of highway costs and heavy trucks less. When the Congress set up the Highway Trust fund in 1956, it directed the Bureau of Public Roads (now the Federal Highway Administration) to make a study of the cost of building roads to meet the requirements of different

types of vehicles in relation to the Federal excises derived from the vehicles, so that the Congress could revise, if necessary, the excises used to finance the Highway Trust Fund. This study (*Supplementary Report of the Highway Cost Allocation Study*) House Doc. No. 124, 89th Congress, 1st Sess., March 24, 1965, came to the conclusion that the Federal highway excises did not recoup from heavy trucks their full share of highway costs. As a result, there were official recommendations for increases in the diesel fuel tax and the annual use tax on combination units. The Congress, however, never took any action on these recommendations.

Published studies demonstrate that trucks with gross weight under 4,000 pounds should pay only .370 cents per vehicle mile but in fact pay .516 cents; trucks weighing between 4,000 and 8,000 pounds should pay .307 cents and do pay .508 cents; and trucks with weight in excess of 8,000 pounds (two axle trucks which generally do not exceed 10,000 pounds gross weight) should pay .272 cents and do pay .554 cents.

3. In general, the earmarking of funds for specific use, as in highway programs, is poor policy. If an expenditure project is worthwhile, it will win in open competition with other expenditure projects. Earmarking vitiates this healthful competition.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. PERCY. There are many ways which we could raise the revenue. Why take it out of the general revenues that are in short supply when we have a $34 billion deficit and when we are turning down programs to feed the hungry people to provide adequate health care, and to provide welfare for our people because of the lack of funds. We have these huge funds in the Highway Trust Fund.

THE HIGHWAY TRUST FUND SHOULD GO DOWN, NOT UP

Mr. PROXMIRE. Mr. President, I strongly support the amendment offered by the Senator from Illinois, which would prevent transfer of revenue from the alcoholic beverage tax to the highway trust fund.

This issue was discussed in the Senate last Friday evening. I pointed out at that time that there is already an enormous surplus in the highway trust fund. I also pointed out that the Joint Economic Committee, after thorough study of this subject, has recommended that the highway trust be phased out.

Every public and private research group which has really looked ahead to our future public needs has concluded that it will be extremely difficult to meet our needs for education, for health care, for public transportation, for housing, unless we actually increase taxes. This is the conclusion of the urban coalition. It is the conclusion of the economic experts at Brookings. I believe it is the conclusion of the Office of Management and Budget, although, of course, they can hardly publicly talk about future tax increases.

In this situation of extreme budgetary stringency in so many areas, it just does not make any sense to transfer funds from general revenues to a specialized use for which enormous surpluses are already available. The Interstate System has made an enormous contribution to the efficiency of transportation between cities. I support the completion of those portions of the Interstate System which are genuinely designed for transportation between cities and which do not impose an excessive social cost in terms of their damage to the environment. Bringing the Interstate System through the heart of our major cities is another question, however. Many of these very expensive proposed urban segments of the Interstate System are being delayed because local citizens oppose them. Local citizens realize that the environmental costs are too high. Local opposition is so strong that many of these highways simply are not going to be built.

This is as it should be. What right has the Federal Government to force our cities to pave themselves solid with concrete? We have no right at all, and fortunately, citizen action groups are increasingly active in reminding us that they have the right to be spared unwanted highways.

Because of this, many of the most expensive remaining segments of the Interstate System will not be, and should not be, completed. One benefit of this will be that it will save the Federal Government some money. But this benefit will be realized only if we can pry this money out of the highway trust fund and make it available for other uses.

This is why I feel so strongly that we should be taking money out of the highway trust fund—either by broadening the uses of this fund or, better yet, by phasing out this fund entirely. To move in the opposite direction; to take money out of general revenues and put it into the highway trust fund really seems an incredibly perverse idea. The archeologist of the future, studying our 20th century civilization, would certainly shake his head in bewilderment to discover that we have taken money away from public transit, or from housing, or from education and put it into building more miles of concrete bringing more automobiles into our clogged cities. But this is precisely what we will be doing if we take money out of general revenues and put it into the highway trust fund.

The amendment by the Senator from Illinois would save us from this perverse action. I urge the amendment be adopted.

Mr. TUNNEY. Mr. President, the vote on the amendment by Senator PERCY, to channel alcohol excise taxes into the highway trust fund, is one of the few occasions on which I am unable to support my distinguished chairman of the Public Works Committee, the Senator from West Virginia (Mr. RANDOLPH). I regret that. But it gives me a special opportunity to speak very directly about my great respect for him and for contributions he has made to our country, and to the cause of environmental protection.

As to the immediate issue before the Senate, I recognize the Ways and Means Committee of the House and the Finance Committee together acted to eliminate the excise tax on light trucks. Although I question whether the automobile excise tax should have been reduced so abruptly, because I think there are other and fairer ways to give tax relief to consumers, I do feel that whatever treatment is given to automobile excise taxes should be extended equally to the taxes on light trucks. Both are frequently used as personal vehicles, and I think this step is needed to avoid unintended discrimination.

As a consequence of this step, however, approximately $365 million in highway trust fund revenues will be lost. The Committee on Finance now proposes to replace these with a diversion of approximately $350 million in revenues from the alcoholic beverage excise tax.

The distinguished Senator from Illinois (Mr. PERCY) proposes we do not take that step of diverting those revenues into the trust fund. I support his proposal.

I have reviewed with the greatest care the thorough and eloquent arguments of my distinguished chairman, who speaks with the experience of his many years of deep involvement with our national highway program.

Briefly, I have concluded that it would be unwise on our present national priorities to confirm a precedent of adding to the highway trust fund from general revenues; that the question of replacement should be raised on its own merits at a later date when moneys in that fund have dropped to a point which makes the question an immediate one; and that we urgently need to examine all questions involving diversion of moneys to the trust fund against our present national needs to allocate far more general revenues to other kinds of transportation systems.

Apart from the immediate issue, however, I think this is an excellent occasion to reaffirm our recognition of the able and forward-looking leadership which Senator Randolph has given to this country in recent years.

During Senator RANDOLPH's chairmanship of the Public Works Committee, our Nation has gained immensely from his sponsorship of the vast range of economic development programs and environmental protection legislation which the Public Works Committee has produced. The productivity of that committee under his guidance speaks for itself and is the best witness to his statute: the Clean Air Act of 1970; the water quality legislation passed unanimously by the Senate in the last few days; major legislation dealing with solid waste management and the recycling of resources; expansion of our national highway programs to cover areas of economic development and provide greater environmental protection; active support for mass transit programs to expand our national commitment to other transportation systems; and most recently, a new extension of the committee's concern toward our most urgent domestic social problems in urban economic and social development. This is an unusual and comprehensive legislative structure. It is a basis for national growth and environmental protection which will give us all the opportunity to improve the quality of our lives during the rest of this century.

Beyond these specific contributions by the committee, I can testify personally to the remarkable freedom and openness of dialog which prevails under Senator RANDOLPH's effective leadership of the Committee on Public Works.

In my 7 years in the Congress, I have never before participated in the kind of thorough dialog and fairminded consideration which characterized the recent long committee discussions of the Federal Water Pollution Control Act Amendments of 1971. I think this insistence on continued open discussion, on allowing all committee members to reach an orderly and fair conclusion to debate, and on keeping open the lines of communication, lies at the heart of the Public Works Committee's extraordinary productivity. All Senators contribute, from the most junior to the most senior; all are heard; innovative ideas are encouraged and tested with imagination and care.

It is a pleasure to serve with my diligent and distinguished colleague (Mr. Randolph) in the public interest. I look forward to working with him in the future as in the past.

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes remaining and the Senator from Illinois has 1 minute remaining.

Mr. RANDOLPH. Mr. President, will the Senator from Illinois yield me 1 minute? I have yielded him 3 minutes.

Mr. PERCY. Mr. President, I am very happy to yield back the 1 minute that the distinguished Senator yielded to me.

Mr. RANDOLPH. Mr. President, it is very important to realize that we are the edge of a breakthrough from the standpoint of motor vehicles which will operate on the highways, roads, and streets of the United States of America with a minimum of pollution.

These are the sort of programs which came from the Committee on Public Works to reduce the pollution from motor cars in the United States of America. In reality we are on the edge of the solution to the pollution problem today. The solution will come and our roads will be used by vehicles moving with a minimum of pollution. The integrity of the fund ought to continue and the fund should be used to construct roads in the United States of America and not be hampered by the amendment proposed by the Senator from Illinois and others.

Mr. President, we in Congress have a responsibility to keep this program moving forward until its completion.

I repeat for the third time today that I am grateful for the opportunity to join in the transportation fund. I have joined in the airport and airways trust fund as well as the highway trust fund. We do need a balanced transportation program in this country. However, it will not be reached by the procedure proposed in the amendment which would be crippling in nature to the mobility of America, the movement of our people, and products in this country.

Mr. WEICKER. Mr. President, will the Senator yield for a question?

Mr. RANDOLPH. I yield, if I have the time.

Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Connecticut has 1 minute remaining.

Mr. WEICKER. Mr. President, I wish to ask my colleague from West Virginia about the integrity of the general fund. The Senator keeps referring to the integrity of the highway trust fund. What is at issue this morning is the integrity of the general fund because it is that fund that is being dipped into by the highway trust fund.

No one is dipping into the highway trust fund; it is the other way around. I hope we have legislation before this body shortly to rectify the situation. Now how about the integrity of the general fund?

Mr. RANDOLPH. Mr. President, if I may reply, I do so by saying it is $350 million a year which will come from the highway trust fund. That is what is proposed in the amendment.

Mr. WEICKER. What is proposed in the bill is $350 million from the general fund.

Mr. PERCY. The Ways and Means Committee discussed in executive session the question of replacing money lost and they chose not to replace it in this way.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. Percy) and the Senator from Connecticut (Mr. Weicker). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY (after having voted in the affirmative). On this vote I have a live pair with the Senator from Tennessee (Mr. Baker). If he were present, he would vote "nay." If I were permitted to vote I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott) and the Senator from Idaho (Mr. Jordan) are necessarily absent.

The Senator from Ohio (Mr. Saxbe) and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Baker) and the Senator from Maryland (Mr. Mathias) are detained on official business.

The pair of the Senators from Tennessee (Mr. Baker) has been previously announced.

The result was announced—yeas 43, nays 46, as follows:

[No. 340 Leg.]

YEAS—43

Bellmon
Boggs
Brock
Brooke
Buckley
Case
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Fulbright
Goldwater
Gurney
Harris
Hart
Hartke
Hatfield
Humphrey
Javits
Kennedy
McIntyre
Milller
Mondale
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Scott
Stafford
Stevenson
Taft
Weicker
Young

NAYS—46

Aiken
Allen
Anderson
Beall
Bennett
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Gambrell
Gravel
Griffin
Hansen
Hollings
Hruska
Hughes
Inouye
Jordan, N.C.
Long
Magnuson
Mansfield
McClellan
McGee
Metcalf
Montoya
Moss
Randolph
Schweiker
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams

PRESENT AND VOTING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Tunney, for

NOT VOTING—10

Allott
Baker
Bayh
Jackson
Jordan, Idaho
Mathias
McGovern
Mundt
Saxbe
Stevens

So the Percy-Weicker amendment (No. 657) was rejected.

Mr. RANDOLPH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 642

The PRESIDING OFFICER. Under the previous order, the amendment of the Senator from Delaware (Mr. Roth) is laid before the Senate, on which there is a limitation of 2½ hours, to be equally divided between the author of the amendment and the manager of the bill.

The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

Sec. . Ceiling on Federal Outlays During Fiscal Year 1972.

(a) Expenditures and net lending during the fiscal year ending June 30, 1972, under the Budget of the United States Government (estimated on page 522 of House Document Numbered 92–15, part 1, Ninety-second Congress) shall not exceed $229,232,000,000.

(b) The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available (including amounts made available to carry out programs to which title IV of the Elementary and Secondary Education Amendments of 1967 as amended or title VI of the Medical Facilities, Construction, and Modernization Amendments of 1970 would otherwise be applicable), such amounts as may be necessary to effectuate the provisions of subsection (a).

(c) In the administration of any program as to which—

(1) the amount of expenditures or obligations is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure or obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

The **PRESIDING OFFICER.** Who yields time?

Mr. **ROTH.** Mr. President, I yield to the Senator from West Virginia.

PRIVILEGE OF THE FLOOR

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that Mr. Bob Davenport and Mr. Ed Barber, both aides of the Senator from Delaware, be permitted to be present on the floor during the consideration of this amendment, with the exception of the time during the rollcall.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ROTH.** Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. **ROTH.** I yield myself 15 minutes.

Mr. President, I call up for immediate consideration amendment 642, an amendment to the pending bill designed to place an absolute ceiling on Federal expenditures during the present fiscal year. This amendment, which is cosponsored by the distinguished Senator from Tennessee (Mr. Brock), the distinguished Senator from New York (Mr. Buckley), the distinguished Senator from California (Mr. Cranston), the distinguished Senator from Kansas (Mr. Dole), the distinguished Senator from Arizona (Mr. Fannin), the distinguished Senator from Florida (Mr. Gurney), and the distinguished Senator from Wisconsin (Mr. Proxmire), is as simple as it is necessary.

Briefly, it would place a lid on Federal spending for fiscal year 1972 at $229,232,000,000, which is the amount contained in the President's original budget request submitted to the Congress in January of this year.

Unlike spending ceilings which have been offered or enacted in the past, this proposal permits no exceptions; if increases are required in one area, there must be equivalent reductions in others. This, it seems to me, is the only realistic way to keep any meaningful ceiling on Federal spending.

As I stated earlier, this proposal would require spending in this fiscal year to be held at the $229.2 billion level, which is the amount requested by the President in January. Since that time, spending estimates have gone up to $232 billion—or an increase of about $2.8 billion. If enacted, this amendment would require a cutback of that amount.

But this amendment calls for a cut of only about 1.2 percent in order to reach the original budget figure. I do not think that is too much to ask the Federal Government to do to assist in the fight against inflation.

The bill we are considering today is before us as a result of the President's efforts to stimulate the private sector of the economy, to reduce unemployment, and to bring under control the inflationary spiral which has eroded so much of the value of the American dollar in recent years.

The President's goals are goals we all seek, and I should state right here that I am in full support of the actions the President has taken to date to right the wrongs in the American economy.

The job is an enormous one and one which will require the cooperation of individuals, business, labor, and Government. We here in Congress can and must set an example for the American people if we wish to enlist the vital support of the public in the fight against inflation. This is an area where the Government must clearly take the lead by putting its own fiscal house in order. Certainly we cannot in good conscience ask labor's cooperation in wage settlements, ask business to hold down prices, and in general call for sacrifices on the part of every citizen if we are not willing to do the same.

If restraint in spending on the part of the Federal Government were nothing more than the example of leadership, the American people have a right to expect from their Government, that alone would be sufficient reason to support this amendment. But the effect Federal spending has on the general economy of this Nation is enormous. Just as it can be an important stimulus to a sluggish economy, it can, when resultant deficits are financed by increasing the money supply, become an uncontrollable engine of inflation.

President Nixon took notice of this fact in his economic message of September 9, 1971, when he said:

> Now, in the coming year, this Congress will face many temptations to raise spending and to cut taxes, in addition to the recommendations I have made. I understand those temptations. In the short run, they will be very popular proposals. But as we look at the realities of our budget at this time, we must face up to this hard fact: any additional spending increases not accompanied by tax increases—and any additional tax cuts not accompanied by spending cuts—will be certain to start us again on a spiral of higher prices.
>
> To spend more than we can afford or to tax less than we can afford, is the sure route to prices higher than we can afford. I ask, therefore, that the Congress be responsible in recognizing these realities.

The distinguished chairman of the House Appropriations Committee (Mr. Mahon) put the problem in perspective in a statement on the House floor on September 22, 1971. Mr. Mahon said:

> I believe the time is coming when we ought to pay more heed to trying, really, to balance the budget. It is not that we can balance it immediately, but if we could stimulate the confidence of the people in the dollar at home and abroad by coming nearer to balancing the budget we could go a long way toward licking inflation.
>
> Probably the greatest engine of inflation—

Mr. Mahon continued—

> is spending far beyond the funds we have on hand to expend as a Federal Government. When the Federal Government over a period of three years expends probably $80 billion or so more than it receives in Federal funds and thus hikes the national debt, it is bound to have a very serious impact, if not a disastrous impact.

Today we are faced with the prospect of a deficit in this fiscal year of staggering proportions. The latest estimate, before the recent action of the Senate on the pending bill, is just under $34 billion. This is by far the largest annual deficit since the early 1940's and the years of World War II.

I am talking here, of course, about the deficit in regular Federal funds—not including the trust funds which are accounted for under the unified budget of recent years, and not the so-called "full employment" budget. But the money in the trust funds, as we all know, is not money that can be used for general Government purposes, and to use a surplus in trust fund receipts in a given year to offset deficits in the regular budget is to engage in a bit of accounting legerdemain that the Federal Government probably would not approve of if it were tried by the average citizen. The unified budget may help to make a bad situation look a little better, but its use does not disguise the fact that the real deficits continue to show up in the growing national debt.

But even keeping in mind the shortcomings of the unified budget as a realistic yardstick for measuring Federal deficits, it should be noted that even after that cosmetic has been applied, the predicted deficit for this year is in the neighborhood of $27 billion—the highest it has been since this form of bookkeeping was discovered.

Even the full employment budget—which is intended to put an even better face on things—shows a potential deficit of $8 billion.

Again I must emphasize that this is before the Senate took its recent action on the current bill. It is my understanding that we have now actually added approximately another $5 billion, by the action the Senate has taken this week, if it is ultimately enacted into law. This would be a serious deficit even under the old accounting method; as a full employment budget it is intolerable. So no matter how you look at it, no matter which form of accounting you prefer, we are facing a budget deficit this year of enormous proportions. Under the Federal funds system it is $34 billion; under the unified budget system it is about $27 billion; and under the full employment budget it is $8 billion.

Mr. **CRANSTON.** Mr. President, will the Senator yield?

Mr. **ROTH.** I yield.

Mr. **CRANSTON.** I am reluctant to interrupt the Senator's statement, but, as the Senator knows, I have to be away from the Chamber for a substantial period of time, and I wanted to indicate my support for the Senator's amendment and express my admiration for the leadership he has provided.

Senator Roth's amendment to put a ceiling on Federal expenditures provides a necessary safeguard against unforeseen problems which could be caused by this revenue bill.

This bill contains numerous tax cuts for the purpose of stimulating our economy—such as the investment tax credit and increased personal exemptions. These tax cuts are intended to stimulate industrial investment and consumer spending.

If the fiscal return on these tax cuts is not as great as we now anticipate, we could end up in a serious fiscal bind which will force interest rates to skyrocket. Hopefully our estimates of return on tax cut investments are correct. But we need to guard against the problems that could arise if we are wrong. By establishing a spending ceiling, the Congress will be sure to take a careful look at what fiscal changes should be made if a fiscal crisis occurs. We can then decide whether to reduce the tax cuts, reduce Federal spending or take steps designed to stabilize interest rates.

This safeguard measure assures a congressional voice in the realinment of our priorities if a fiscal crisis occurs. We should have a voice in that decision. I urge adoption of this amendment.

I again express my gratitude that he has provided this leadership in offering the amendment.

Mr. ROTH. I thank the Senator from California.

Mr. President, I believe it would be most helpful to Senators to have available two tables which concisely show what has been happening in the area of Federal spending over the years. The first table shows the budget revisions for this year, as calculated by the Joint Committee on the Reduction of Federal Expenditures.

Table II is an expanded form of a table submitted last week by the distinguished Senator from Virginia. (Mr. BYRD). It shows the Federal deficit between 1963 and 1972 calculated three ways—Federal funds, unified budget, and full employment budget. In addition, it recounts the total gross Federal debt and the annual interest payments for those 10 years.

I ask unanimous consent that these two tables be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—FISCAL YEAR 1972 (SEPT. 9 BUDGET REVISIONS)

[In millions]

	Outlays	Receipts	Deficit
Jan. 29 budget estimates	$229,232	$217,593	−$11,639
Sept. 9 budget estimates:			
Revisions and up-dating:			
"Uncontrollable" outlay increase	+3,000		
Congressional action on outlays:			
Appropriation bills	+880		
Other legislation	+2,239		
Emergency employment program	+700		
Revenue reestimates		−7,700	
Other, net, including rounding	+949	+7	
Subtotal, revisions, etc	+7,768	−7,693	−15,461
Total, after Sept. 9 revisions	237,000	209,900	−27,100
Sept. 9 budget estimates—Con.			
Reductions and program changes:			
Postponement of Federal pay raise	−$1,300		
Withdrawal or postponement of certain proposals contemplated in the January 29 budget:			
Revenue sharing	−1,600		
Welfare reform, etc	−600		
Social security tax increase		−$1,800	
Other reductions:			
Foreign assistance	−200		
Federal personnel cut, etc	−800		
Import surcharge, etc		+1,700	
Investment tax credit		−2,700	
Personal income tax exemption		−900	
Auto excise tax repeal		−2,200	
All other, net	−500		
Subtotal, reductions, etc	−5,000	−5,900	−$900
Total, after Sept. 9 revisions and reductions, etc	232,000	204,000	[1] −28,000

[1] Based on administration's proposed revenue package, not H.R. 10947 as passed.

Source: Joint Committee on Reduction of Federal Expenditures.

TABLE II.—BALANCES IN FEDERAL FUNDS, UNIFIED BUDGET, AND FULL EMPLOYMENT, LEVELS OF FEDERAL DEBT, AND DEBT INTEREST, 1963–72 INCLUSIVE

[In billions of dollars]

	Federal funds	Unified budget	Full employment budget	Total gross Federal debt [1]	Total debt interest[2]
Year:					
1963	−6.5	−4.8	+4.4	310.8	10.0
1964	−8.6	−5.9	+2.1	316.8	10.7
1965	−3.9	−1.6	+2.4	323.2	11.4
1966	−5.1	−3.8	−6.1	329.5	12.1
1967	−15.0	−8.7	−10.6	341.3	13.5
1968	−28.4	−25.1	−25.2	369.8	14.6
1969	−5.5	+3.2	0	367.1	16.6
1970	−13.1	−2.8	+2.6	382.6	19.3
1971	−30.2	−23.2	−3.2	409.5	2u.8
1972[3]	[4] −33.3	[4] −26.7	[4] −8.0	442.8	21.2

[1] As of Dec. 31.
[2] Includes interest on debt securities held by Government agencies.
[3] Estimated figures.
[4] Based on revenue cuts of $4,900,000,000 passed under H.R. 10947.

Source: Office of Management and Budget.

Mr. ROTH. Table II shows that government spending has—as we all know—risen steadily over the past decade. In 1960, for example, Federal, State, and local government spending amounted to 27 percent of the gross national product. This year, government spending on all levels will account for more than 32 percent of the GNP.

Even more alarming is the fact that Federal spending is becoming less and less controllable. In 1960, income security, veterans' benefits and services, and interest payments on the national debt amounted to 34.6 percent of total outlays. In 1972, it is estimated they will equal 40.4 percent.

As a result of the enormous rise in Federal spending, and the failure of tax revenues to keep pace with the spending, the public debt may rise to a record $429 billion from about $291 billion just 10 years ago. Meanwhile, the interest on the debt has climbed from $8.1 billion to an estimated $21.1 billion in the same period.

These figures do not indicate that the Federal Government has been willing to exercise the restraint that it is now calling on the private sector to practice. And that failure to hold the line in Government spending has, I am afraid, an effect far beyond the confines of our own boundaries; it does not go unnoticed by other nations that we continue to be careless in our own financial affairs. It seems to me that if ever there were a time to show the world we are capable of exercising fiscal discipline, it is now, when the dollar is under such severe attack internationally.

What we need is a determined effort by this Government to control all possible causes of inflation in order to strengthen our bargaining position in the continued negotiations over international exchange rates. By curbing Federal spending, we also reduce the need for additional Federal debt. Foreign holdings of U.S. debt have recently increased to $42.7 billion, more than 10 percent of our public debt. If domestic inflation continues, dollar securities held abroad become less and less attractive as investments and the pressure for the United States to pay higher interest rates becomes the only hedge against foreign redemptions.

The cuts proposed by this amendment will not, of course, solve the many problems that I have alluded to. But I am convinced that quite apart from the financial effects of the spending reduction itself, adoption of the amendment will have an immeasurable psychological effect throughout the Nation and the world by indicating that we in Congress have the determination to face these problems squarely and to do something about them.

I stated earlier that the amendment proposes a reduction of but 1.2 percent from current spending estimates to the original budget figure. This is certainly a modest reduction and one which should not require any deep cuts in existing programs. I have no doubt that greater efforts toward efficient operation throughout the Federal Establishment can bring about this slight reduction with no serious difficulty.

Let me stress this point: A fixed ceiling of $229.2 billion need not produce program cancellations. Managers at all levels of government must be forced to look for administrative "water" in their programs before more effective management is achieved. If we are to strike a balance between private and public awareness of productivity as the index for increased spending, Government must look to its own operations for new and better ways to economize through increased efficiency.

Congressional actions earlier in the

year on appropriations and authorizations have been somewhat helpful. Although we have increased appropriations in some areas and enacted new legislation, we have also trimmed Presidential requests. Our actions here in recent days on foreign assistance call for $905 million less than the administration requested in January. The House Appropriations Committee has just reported the Defense Department bill with a 3-percent reduction, or a cut of about $2.5 billion. I think the political and legislative facts of life are such that we cannot reasonably expect passage in this fiscal year of the proposed $2.4 billion revenue sharing program.

I am very disturbed by the amendments which have been added to this bill on the Senate floor in the past few days which would either increase expenditures or reduce revenues, or both. These additions to the bill—I believe they total $4.7 billion for 1972—will make it even more difficult to keep a rein on the Federal budget without some kind of spending limit. As President Nixon said in his September 9 economic message:

> Tax cuts to stimulate employment must be accompanied by spending cuts to restrain inflation.

I think, then, that the fact that the Senate has seen fit to change the revenue impact of this bill makes it more imperative that my amendment be adopted.

We must also keep in mind the fact that the bill as reported by the Finance Committee contained provisions that would reduce revenues by nearly $16 billion over the next 3 years. These tax cuts—being made to stimulate the economy in the private area—make it mandatory that we hold down Federal spending. In fact, if a bill as comprehensive as the one we are now considering could be characterized in a few words, it would not be inaccurate to say that its purpose is to stimulate economic activity in the private sector. Or, put another way, to invigorate the economy by allowing the American people to use more of their own money the way they think best.

Personal savings have reached a third quarter rate of 7.8 percent. Consumer credit has dropped to 17.2 percent. These two figures indicate that there is a large reserve of potential consumer purchasing power. The bill now before us as well as the wage-price guidelines offered under the phase II program are intended to encourage greater activity in the private sector and at the same time to help eliminate the fear that rampaging inflation is simply a way of life in this country. I firmly believe that the encouragement of private spending must be accompanied by caution in Federal spending.

At this point, I ask unanimous consent to have printed in the RECORD a table showing personal savings and consumer credit for calendar years 1966 through the third quarter of this year.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE III.—PERSONAL SAVINGS AND TOTAL CONSUMER CREDIT

[Dollars in billions]

	Disposable personal income	Personal savings	Percent	Total consumer credit	Percent
Calendar year:					
1966	$511.9	$32.5	6.3	$97.5	19.0
1967	546.3	40.4	7.4	102.1	18.7
1968	591.0	39.8	6.7	113.1	19.2
1969	634.2	37.9	6.0	122.4	19.3
1970	687.8	54.1	7.9	126.8	18.4
1971[1]	749.2	58.0	7.8	129.7	17.2

[1] Preliminary 3d quarter figures.

Source: Board of Governors, Federal Reserve System.

Mr. ROTH. Mr. President, I shall not detain the Senate longer. The amendment, I think, is quite simple: It places a firm ceiling on Federal spending for this fiscal year in the amount requested in the President's budget message in January. That figure—$229.2 billion—is about 1.2 percent less than current spending estimates for fiscal 1972. It means that the current estimates would have to be cut back about $2.8 billion. But as I have indicated before, Congress has already made substantial cuts in many areas, so the modest 1.2-percent reduction should not be difficult to achieve. I think any fears that a ceiling of this nature will require needed programs to be drastically cut are wholly unfounded. Surely there is enough "water" in the great complex of programs administered by the Federal Government to absorb such a cut with no serious effects.

But perhaps more important than the actual dollar savings—important though they are—is the fact that adoption of this amendment will show the American people that the Government is willing to exercise a little restraint in the fight against inflation, too. I think the importance of this psychological factor cannot be overemphasized. We are dealing here with one of the most serious domestic problems we have, and its solution is one which demands leadership from the Federal Government and the Congress.

I urge the adoption of the amendment.

Mr. President, at this time, I am glad to yield 10 minutes to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. PROXMIRE. Mr. President, I want to thank the distinguished Senator from Delaware (Mr. ROTH) for his excellent speech on the amendment which he has offered. I enthusiastically support it.

As I understand it, the amendment places a ceiling of $229.2 billion on Federal spending for fiscal year 1972.

TOTAL SPENDING FIGURE IS DESIRABLE

First of all I believe the principle involved is a highly desirable one. The principle is right. With only rare exceptions, Congress in the past has taken up and passed 15 to 20 individual appropriation bills without considering the totality of their impact. Each was treated separately. Some exceeded the budget estimates. Many were below the estimates. But seldom have they been treated in their totality.

I support the Roth amendment, therefore, because I believe it is time that Congress adopted the regular practice of setting a ceiling on the total of Government expenditures and legislating and appropriating accordingly.

A REALISTIC CEILING

Second, I support his amendment because it is a realistic ceiling. For my own part, I would be willing to set a ceiling even below the $229.2 billion he proposes. No one can argue that it is onerous or punitive or excessively stringent.

The Government of the United States should be able to fund needed and urgent programs within this ceiling. No necessary program for defense, welfare, health, education, or other area need suffer because of the overall ceiling which this amendment proposes.

FISCAL DISCIPLINE

Third, I support it because it can bring a necessary fiscal discipline to Government spending. Nothing in the amendment prevents the Congress or the President from increasing or decreasing spending on any particular program where it has already been authorized by law. But what the amendment does is to provide that if spending in one area is raised, spending in some other area must be decreased. Instead of a policy of "all this and Heaven, too," it will force the President and the executive departments to make tough, hard choices between and among programs.

That is called setting priorities. And that is what a budget and a budget or fiscal limitation can do better than any other instrument.

We often speak of priorities, Mr. President. Everyone is for establishing priorities but the one sure, definite, and specific way Congress can do it is the way the Senator from Delaware (Mr. ROTH) is proposing.

GOOD ECONOMICS

There is yet another reason why I support this amendment; $229.2 billion is the amount of income the Federal Government would take in if we were operating at substantially full employment. It is, therefore, a noninflationary figure.

Even if Federal receipts do not reach $229.2 billion—and they will fall short of that amount by over $30 billion and probably by $35 billion this year—the resulting deficit need not be inflationary provided that spending is limited to the so-called full employment level.

For that reason the ceiling is an appropriate one and represents good economic policy as well as good budgetary policy.

One of the many useful innovations of the Nixon administration which many of us applaud—I have been critical of the President on some things on which he has taken no action—is the fact that he has recognized the full employment concept which economists have been pleading for for a long time. It is a sensible concept that we should calculate in our budgetary policy based on what the revenues will be at full employment. That would be an automatic stabilizing factor to stimulate the economy when it needs stimulating and could restrain the economy when it should be restrained.

RETRIEVES CONGRESSIONAL POWER OVER PURSE STRINGS

Finally, I support the amendment as a needed check on the executive branch of the Government by the legislative branch of the Government. It will help to return to Congress its constitutional power over the purse strings.

While Congress can cut appropriations bills or increase appropriations bills, the actual level of spending or outlays is now controlled by the executive branch of the Government. That is true in the absence of passing a ceiling amendment. Let me illustrate that fact:

In the past few years, Congress has made drastic cuts in the funds for the Pentagon. Altogether, we have cut about $13 billion from the Pentagon requests in the past 4 fiscal years. But each year the Pentagon continues to spend at almost precisely the same amounts; namely, $77 billion in fiscal year 1968, $77 billion in fiscal year 1969, $77 billion in fiscal year 1970, and $74.6 billion in fiscal year 1971—the first small decline.

Thus, while Congress cut the Pentagon estimates or requests by some $13 billion in the past 4 years, the actual cut in spending or outlays for the Pentagon in all of these years was only $2.5 to $3 billion.

There is a simple explanation for that. Congress appropriates, but the executive branch controls the rate of spending or outlays. This is especially true in cases such as Defense, where the Pentagon has a backlog of $35 billion in funds which it can draw on even when Congress cuts its money.

I, therefore, support the Roth amendment because under it Congress retrieves its power to determine the total amount of spending—a power which in the absence of the passage of this amendment it will once again supinely delegate to the executive branch of the Government.

At the same time, this amendment does provide a great deal of flexibility and authority for the President because it gives him the initiative in the determination of where spending must be reduced. I realize that many Senators will vote against this amendment for that reason, but I do not know how else we can do it. If there is a better way, I would certainly support it, but the Roth amendment, it seems to me, is the practical way to set a ceiling.

SUMMARY

This amendment is therefore right in principle. It imposes a needed fiscal discipline. It provides an overall total for Federal spending. It helps to impose spending priorities. It is realistic. It can retrieve for Congress the power over the purse which Congress has lost because it has refused to exercise it.

I support the Roth amendment and I urge my colleagues to support it as one means to help return both fiscal and economic soundness to Federal financing.

Mr. ROTH. Mr. President, I thank the Senator from Wisconsin for his comments and particularly for his arguments in favor of the amendment.

At this time, Mr. President, I yield 10 minutes to the junior Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I rise to support the amendment offered by the Senator from Delaware. I am proud to be a cosponsor.

Mr. President, over 100 amendments to the Revenue Act of 1971 have thus far been submitted. The amendment now under consideration is beyond any doubt the most significant one of them all. The others, by and large, play around with details. The Roth amendment, however, amounts to a solemn declaration that this Congress is determined to impose on itself, to impose on the Federal Government, the kind of fiscal self-discipline which is absolutely essential if we are to succeed in achieving the primary goals of this legislation: namely to stimulate consumption and modernize our industrial plant without at the same time stoking the fires of a new inflation.

For some time, we have all been conscious of the urgent need to curb the inflationary forces from which we are now just beginning to emerge. Yet every day we see new proposals for new ways of spending money, and new proposals for further reductions in revenue, the net effect of which would be to inflate still further our already huge Federal deficit, however calculated. Amendments offered to this act by one Senator alone would increase that deficit by more than $23 billion. The time has simply come when we have to declare a halt; when we have to discipline ourselves to pair each increase in one category of expenditure with either an increase in revenues or a cut in some other category of expenditure.

Earlier this year, the President proposed expenditures of $229,232,000,000 for the current fiscal year. This budget was based on the so-called full employment concept, and it assumed the enactment of a number of the administration's recommendations as to which the Congress has yet to act. On the other hand, the Congress has enacted legislation calling for major expenditures not originally anticipated, and certain of the Federal Government's mandated costs are running at higher than estimated levels. The net result of all this is that as of mid-September, estimated Federal outlays for this fiscal year had increased 1.2 percent to approximately $232 billion. Thus if we exert from this point forward the sort of fiscal restraint which is essential to the achievement of our economic goals, we can with minor trimming end the year within the budgetary limits originally proposed.

Now the figure $229,232,000,000 was not conjured out of the air. It resulted from a careful calculation of estimated revenues which could be anticipated from the existing tax structure if the economy were operating at a full employment level; that is to say, at a level at which no more than 4 percent of the Nation's work force would be unemployed. On the basis of that calculation, the proposel budget would be in balance, on a full-employment projections, and would not be inflationary per se. Although this is a novel basis on which to predicate a Federal budget and estimate its inflationary impact, and although the concept has met with considerable skepticism by those who find it hard to translate red ink into black through the introduction of hypothetical revenues, the full employment concept does have important backing among responsible economists, and it does impose a rigid line of demarcation between inflationary and noninflationary levels of Federal spending.

This the President was careful to point out in his state of the Union and budgetary messages. He emphasized that the concept imposed its own mandatory restraints; and that the price of going over the line would be to continue to feed the inflationary pressures which have so bedeviled us in recent years. It requires in fact, an almost heroic restraint because of the removal of the easier discipline of measuring cash outlays against cash income. This was recently pointed out by Dr. Henry Kaufman, economist for the New York investment banking firm of Salomon Brothers, when he noted in an address before the New York State Bankers Association that—

> The "full employment" budget is noble and highly desirable but the prescription is dangerous and naive unless the government also finds a way to blunt inflation as the budget program unfolds.

This point is critical to an understanding of the importance of this amendment. There is no doubt that the full employment budget has sound conceptual credentials, even if it poses a formidable problem of measurement. What is extremely important is the fact that a sound full-employment expenditure and revenue program can become an uncontrollable engine of inflation if rigid discipline is not imposed upon the Government's spending programs. It is precisely this form of discipline that the Congress has been reluctant to apply; a form of discipline which this amendment would institute in a manner which is both simple and direct.

As things have developed thus far, in part because revenues have fallen short of the administration's projections and in part for other reasons, the originally proposed $229.2 billion in Federal outlays will produce a $5 billion deficit calculated even on the full employment basis; a deficit which stated in more conventional terms will come to between $27 and $34 billion. Thus even by holding to the original line, as this amendment would require, we will not nullify the inflationary impact of Federal expenditures during the current fiscal year, whatever economic theory one embraces. If we are to act responsibly, therefore, we must either determine that we will hold the line on Federal Government outlays, or that we will increase its income. But to increase taxes would be unwise at this particular moment in the business cycle because we would run the danger of stifling the initiatives which we are seeking to encourage.

The only responsible alternative for the Congress, therefore, is to reduce the aggregate level of expenditures to that level which is appropriate to our current rate of taxation. Enactment of this amendment will not eliminate inflationary pressures, but it would represent a major step in the direction of fiscal stability, and it would underline in a most meaningful manner the determination of the Congress to bring inflation under control. I submit that if we take such a step, this Congress will do more to puncture the Nation's inflationary psychosis than any number of executive edicts attempting to outlaw further rises in wages and prices.

The Revenue Act of 1971 as reported out by the Finance Committee will, of course, contribute to this fiscal year's anticipated deficit. The tax cuts for which it provides, however, result from the implementation in one form or another of the administration's requests for investment tax credits, the acceleration of personal tax exemptions, and the repeal of the excise tax on automobiles—measures which are specifically designed to stimulate consumption and improve the efficiency of our industries. In this manner, it is hoped that the resulting economic growth will more than offset the inflationary impact of the tax reductions.

The expected effect of the investment tax credit was described by Dr. Paul McCracken, Chairman of the President's Council of Economic Advisers, in the following manner before the Joint Economic Committee:

> This near term (program) will create jobs and production for a segment of the economy which will stimulate the modernization of our productive facilities so necessary to maintain our competitive position internationally and to achieve the gains in productivity out of which improvements in real wages and material levels of living are achieved.

For this program to be effective, for the administration's entire effort to bear fruits, it is mandatory that inflation be brought under control. There will be no investment forthcoming if a potential investor believes that the benefits to be derived from improved efficiency will be eaten away by further inflation. By the same token, the tax savings which are to be realized by individuals may be added to already record savings, rather than spent for consumer goods, if the public at large continues to be apprehensive about the future of the economy.

I believe deeply, Mr. President, that there is no single action which this Congress can take which would be better designed to give investors and consumers alike that renewed confidence in the basic soundness and stability of the American economy that the adoption of the Roth amendment. This amendment will be tantamount to a pledge to the American people that the Government of the United States is prepared to impose on itself the same disciplines that it has already imposed on American wage earners and American business.

Mr. President, I urge deeply the adoption of the amendment.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I support the proposal offered by the distinguished Senator from Delaware. I do not regard this proposal as a perfect one and I am sure that the Senator from Delaware does not either.

What he is seeking to do is to find some means of getting Federal spending under control. Unless we are able to get Federal spending under control, it seems to me we will not be able to lick inflation.

I do not see how we can ask the working people to hold down their requests for wage increases and ask the business people to hold down their prices unless the Federal Government itself is willing to show some restraint in its spending policies.

Mr. President, the pending amendment would place a ceiling of $229.2 billion on Federal outlays. That compares with last year's outlays—I am speaking of the fiscal year which ended this past June—of $211.6 billion.

So even within this $229.2 billion ceiling there is an increase in Federal spending of $17.6 billion for this one fiscal year. Percentagewise, that is an increase of 8.3 percent, substantially above the Government's guideline for wage increases of 5.5 percent.

As I mentioned earlier it is very difficult to work out an amendment to accomplish precisely a ceiling on expenditures. The able Senator from Delaware has come up with this proposal which, while not perfect, certainly is a starting point and certainly is something that could be helpful in getting Federal spending under control.

I think it is vitally important that the Senate, the House, and the executive branch of Government work together in an effort to reduce these smashingly large Federal funds deficits that the Federal Government has been running.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a table showing deficits in Federal funds and interest on the national debt for the period 1963 to 1972 inclusive, and a table showing Federal finances for the fiscal year 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. BYRD of Virginia. Mr. President, a study of the revenues, receipts, and outlays of the Federal Government in recent years shows that during the 10-year period 1963 through the estimated deficit for 1972, the Government will run Federal funds deficit totaling $151.3 billion.

The significant part is that in the last fiscal year, the one that ended this past June, and the current fiscal year, the two together, the fiscal funds deficits for those 2 years will be $65 billion, as a minimum.

Mr. President, the Senator from Delaware is attempting to do something about these tremendous government deficits. In trying to develop this amendment he has found, as others have found, that it is very difficult to determine a precise method of doing this.

I want to commend him for the time, effort, and ability he has spent on this matter. I think what he is proposing to the Senate today is well worth the Senate trying out. I think it could be, as the able Senator from New York just mentioned, a turning point in this whole question of Federal spending.

The PRESIDING OFFICER. The time of the Senator has expired.

EXHIBIT 1

TABLE 1.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT. 1963-72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficits (−)	Debt interest
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972[1]	143.0	178.0	−35.0	21.2
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

EXHIBIT 2

TABLE 2.—FEDERAL FINANCES, FISCAL YEAR 1971

[In billions of dollars]

	Revenues	Outlays	Deficit (−) or surplus (+)
Federal funds	133.6	163.8	−30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	−23.3

Source: U.S. Treasury Department.

Mr. BENNETT. Mr. President, will the Senator allow me to speak now in opposition to the amendment?

Mr. ROTH. I am happy to do so.

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, as I begin to present the real story of this problem I am reminded of the famous statement that the spirit is willing but the flesh is weak. Sometimes I think it should be the other way around. The flesh is willing but the spirit is weak.

If this were the best of all possible worlds, if all men were completely responsible, completely free from selfishness, if we had no politics, if we could operate this Government on the basis of sound economics, then the proposal could be seriously considered. But unfortunately, none of those things is true.

My friend, the Senator from Delaware, is new in this body. Perhaps he does not realize that we have had a parallel experience to this that began in 1917. In 1917 we placed a ceiling on the national debt, and we said the Government would never be allowed to borrow money if that would breach the ceiling. Every year since that—at least every year I have been in the Senate—we have solemnly met and raised the ceiling. Why? We do so because a ceiling cannot be placed on the amount which must be borrowed because that is determined by other actions of Congress or the President, and the Federal Government cannot be placed in a position where it cannot pay its bills. So we solemnly raise the ceiling, and we are going to have the same experience with this limitation if we attempt to put it on.

I have listened to the figures and I could agree with all of them, if this were the best of all possible worlds. If we could put on a limit or ceiling and enforce it, that would be fine. But it will not be retained intact if other overriding forces begin to operate.

One of the reasons it will not work is that we have a split responsibility. Congress appropriates the money; the President spends it.

Now it has been said here that this is going to be an effective limit on spending.

But, it is not a limit on appropriations. We in this body can appropriate anything that the majority of the Congress will approve and then, when the President, under the ceiling, says he will not spend it, we get into the kind of debate we heard earlier today where the President was excoriated because he is declining to spend some of the money in the highway trust fund.

I have learned, human nature being what it is, that each Member of Congress has a different idea of what the priorities should be. We are all perfectly prepared to say to the President, "You must not spend that money for purpose A. You have to cut that down. But purpose B is what I am interested in, and you cannot put any ceiling on that."

I have a memory of a letter I received a number of years ago from a constituent who was a friend of many years. He sent a letter from the Chamber of Commerce, under pressure, in which he said, "We have got to cut the cost of Government." But there was a "P.S." and the P.S. referred to a program on which "we are not spending nearly enough. Will you please double the appropriation for that particular project?"

That is the psychology under which we are operating here, and I think we all know it. I think it is particularly sensitive in the present situation, because one political party controls the Congress and the appropriations and another political party has its representative in the White House, and we can see the interesting possibilities this presents for next year's campaign. If Congress imposes an overall limit on spending and then sends programs to the President under which he is called upon to spend certain amounts of money, and the President does not spend all those amounts, the people who were in favor of those programs will take to the hustings and excoriate the President from one end of the country to the other.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG. The Senator knows that Congress has moved in both directions. On occasion it has tried to make the President spend money and on occasion it has told the President that he could not spend the money.

The Senator knows that some years ago we passed a bill that required the President to buy so much sugar from the Dominican Republic when Trujillo was in charge down there. Those who brought out the conference report on that bill had to bow their heads and apologize to the Senate and say it was the best they could do. Then President Eisenhower said—

> I am not going to buy sugar from them. All they can do is impeach me, and I do not think they have that many votes.

The majority of the Senate probably encouraged the administration in that attitude because they thought it was the wrong thing to do.

Recently we have enacted laws which provided that the President "shall do this; that he shall spend this money," and then the President would say he was not going to do it. I guess we will be at that same impasse with this amendment. Here is a situation where Congress states, "You cannot spend more than this amount of money." Then every Senator who is interested in a particular matter, if he has enough influence, will make an exception. It might be for a project in Louisiana, on the fire ants, for example. He will succeed in having included in the bill that passes a provision that the President shall spend so much on control of the fire ants, or whatever that Senator's particular project is. Everybody will seek a special provision that a particular amount of money must be spent on a particular project in excess of the limitation. By the time we get through we will say we have a spending limitation, but we will have nullified it by putting in about 50 exceptions which provide that the President shall spend a particular amount of money on this or that particular project.

Mr. BENNETT. We went through that in 1968. We had such a ceiling and Congress excepted from the ceiling—and there would be no exceptions from the ceiling under the present proposal—items which it considered uncontrollable, such as interest, veterans benefits, and social security trust fund payments. They were excepted in the original bill. But did that satisfy Congress? No. When we subsequently passed appropriations bills, we specified that the President could not reduce the appropriations for the Tennessee Valley Authority, for the Commodity Credit Corporation, for public assistance to States, and for aid to schools in federally impacted areas. Adding them together, they amounted to a total increase above the limitation of $6 billion.

I am as sure as I stand here that if we were to pass this bill today we would soon face the very same situation. I do not think there is any way around it.

Mr. LONG. In other words, after we passed the spending limitation, we added more special situations after the fact?

Mr. BENNETT. Yes we did. The last four I mentioned were passed after we imposed the original limitation.

Mr. LONG. So we spent more time undoing what we did than we spent doing it?

Mr. BENNETT. That is right, and we would do it again.

The fact that there is an overall limit which applies only to the President allows Congress to be as reckless as it pleases and makes it possible for the President's political opponents to say, "Well, we voted these benefits, but the President would not give them to you." Then it allows the President, on the other hand, to undo what Congress has done, as we heard earlier today in the debate on the highway trust fund.

To enact a law which sets the two branches of government at odds with each other and gives each a chance to undercut the responsibility of the other is not good government.

Let us go further though. Suppose the limitation has been enacted, the matter is in the President's hands, and he is not having trouble with Congress. If he were to cut back expenditures proportionately, obviously this would not make sense since it would not take the relative need for various programs into account. It also would be unfair, because some departments operate very close to the line and other departments operate very recklessly. And, in passing, I might note that some committees operate very close to the line and some committees operate as spendthrifts. Our committee is being forced to ask for a small additional appropriation because we cannot carry on the program imposed on us with the very modest appropriation originally allotted us.

On the other hand, if the President cuts expenditures back selectively, if he decides from which specific programs the money is to be withheld, he has substituted his judgment for Congress' on priorities and he immediately creates a political storm. He has to try to defend the decisions, but he cannot possibly defend them to the people whose programs have been affected.

Also as I have already mentioned, the bill has no provision for uncontrollable expenses—interest, veterans' benefits, and social security benefits. These amounts change as a result of changing conditions. And yet, under the amendment, if they increased, the President would be required to cut back spending on other programs under his control.

Mr. President, I can understand the motivation for this kind of amendment. I can understand what its sponsors hope to achieve. But I have been through this with respect to the debt ceiling and I have seen how, with respect to an earlier attempt to put a ceiling on expenditures, Congress itself defies its own ceiling. And in the case to which I referred it was not a Congress of one party defying the President of another, but it was a situation in which the same party controlled both the White House and the Congress.

So this is a noble concept, with which I agree in principle, but which I know from experience just will not work. I think all it would do would be to put

President Nixon in an unbearable position.

Mr. LONG. Mr. President, the administration's current budget estimate is $232 billion. That is assuming that the President can carry out the commitment he made to the American people and Congress of reducing estimated expenditures by $5 billion, and I am willing to assume that the President will do exactly what he said he was going to do.

Even in those spending areas, there are going to be some cuts which some of us will not be too happy about.

This amendment would make the President cut back spending even further, to the original budget estimate of $229 billion. But since the President made that original estimate, we have had a considerable amount of inflation; I am informed it is close to 5 percent. That means that since that budget was originally submitted, the estimate would have to be raised by an additional $10 billion just to reflect the increase in the cost of goods and wage rates.

This amendment calls for a major cutback, but without specification as to where it is to come from. I am confident that, if it passed, everyone who voted for it would be in a hurry to rush down and see what he could do about protecting the full amount of each item that affected his particular State, or that he thought was essential to the operations of this Government.

Of course, we all know there are certain things over which we have very little control, such as interest on the national debt, veterans' services, and various Social Security trust fund payments which will have to be made in any event.

Mr. President, we on the Committee on Finance have not had the opportunity to give the matter the study it should deserve. We think it better to rely upon the President, who is already cutting down on a lot of things—more than some of us think he ought to do—to hold down spending to the best of his ability, and rely on him to use his best judgment. It seems to me that that is adequate for now.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. The Senator's comments remind me that I have already been to the White House to remind the President that they have cut $5 million out of needed reclamation funds for the State of Utah, and to ask them if they will please release them. I am just one; we are all in the same position.

Mr. LONG. As the Senator knows, I am a Democrat and he is a Republican, and I may find it necessary to also go down and make requests as to certain items which I regard as essential, that should not be cut back. If we enact this measure, the situation would be even more difficult.

Everyone in the Senate would be willing to cut spending $30 billion, provided they would cut it exactly where they wanted to. But not one of us would be willing to cut spending by $30 billion if some other Senator were to decide where the cut was to come.

Mr. BENNETT. Mr. President, I am tempted to tell another story.

I had not been in Congress very long when I was invited to come downtown and meet a group of businessmen from a State other than mine. I listened for 30 minutes to the most fervent kind of oratory along the lines of "We have got to cut down the costs of the Federal Government."

I asked someone in the group, "How many Federal employees do you have in your State?"

"Oh, we have 30,000. We are very proud of them."

I said, "This would mean firing 3,000 Federal employees in your State."

Then the roof went off. Oh, it would not mean that at all. It meant firing them in Washington. They could not lose a single Federal employee in their State.

This is a natural, human point of view on this situation, and we will never solve it by putting a theoretical limit on expenditures.

Mr. LONG. I thank the Senator. I yield 3 minutes to the senior Senator from Louisiana.

HOUSE JOINT RESOLUTION 946—CONTINUING APPROPRIATIONS, 1972

Mr. ELLENDER. Mr. President, I have consulted both the majority and minority leaders relative to taking up House Joint Resolution 946, a continuing resolution which was sent to the Senate from the House of Representatives last week and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with an amendment to strike out all after the resolving clause and insert:

That the joint resolution of July 1, 1971 (Public Law 92–38), as amended, is hereby further amended (1) by striking out "November 15, 1971" in clause (c) of section 102 and inserting in lieu thereof "December 1, 1971"; and (2) by adding at the end thereof the following new section:

"SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder for foreign economic and military assistance and sales shall not exceed the rate provided for in authorization acts for such assistance passed during the 1st session, 92nd Congress: *Provided*, That, whenever the rate of obligations for such assistance made available under such an atuhorization act as passed by the Senate is different from that contained under such an act as passed by the House, the rate of obligations shall be limited to the lower rate."

Mr. ELLENDER. Mr. President, the existing continuing resolution under which certain departments and agencies of the Federal Government are operating expired at midnight last night, November 15. In brief, three regular annual appropriation bills remain to be enacted—the Department of Defense, District of Columbia, and foreign assistance appropriation bills for fiscal year 1972. The military construction appropriation bill cleared both Houses yesterday, but until such time as the President signs the measure, the programs funded in that bill will be without new obligational authority.

Mr. President, the original continuing resolution, which was signed July 1, 1971, continued existing programs for the period through August 6, 1971. It was amended, first, to continue such programs through October 15, 1971, and, then again, to continue them for the period November 15. House Joint Resolution 946, as it passed the House of Representatives, proposed to extend the expiration date to the sine die adjournment of the first session of the 92d Congress.

There was some objection to taking it up because of the time element. As a matter of fact, it was to expire whenever Congress adjourned sine die.

So yesterday, the President called some of us to the White House, and we discussed the matter thoroughly. It was agreed that the continuing resolution would be extended to December 1 of this year, and that the amount of objections, with respect to foreign aid could not exceed the amount fixed by the Senate in two bills passed last week.

The proposed Senate amendment in the nature of a substitute provides that the amount to be spent will be whichever is lower, the agregate of the two Senate authorization bills the House authorization bill or the amount the present continuing resolution law provides.

This morning we had a meeting of the committee, and the committee agreed unanimously to report the resolution out for action by the Senate immediately so that the activities of the Government provided for in the Department of Defense appropriation bills, the foreign assistance appropriation bill and the District of Columbia appropriation bill could carry on their normal functions. The committee hopes to act tomorrow on the Department of Defense appropriation bill and we hope next week we can take up the District of Columbia appropriation bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read the third time.

The joint resolution (H.J. Res. 946) was read the third time, and passed.

REVENUE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield 5 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, I have been very much interested in the colloquy carried on between the distinguished chairman of our committee and the ranking Republican member, the Senator from Utah (Mr. BENNETT). I agree that we have not been very successful in controlling ourselves as far as expenditures are concerned, but I do want to speak in support of amendment No. 642, which would place this limit on spending that we have been talking about.

I feel very keenly about this. Previously, after discussing it with the distinguished chairman of my committee, I introduced legislation requiring a balanced budget. This requires a constitutional amendment, so it could not be obtained in any short period of time. I recognize it will require years to be approved. But I shall continue my efforts toward that goal, because it must be reached if we are to have full fiscal responsibility.

In the President's budget last January he proposed an outlay of $229,232,000,000 for the current fiscal year. The President concluded he had abandoned the ideal of a balanced budget and was proposing a new concept, the full employment budget.

The President estimated revenues for the current fiscal year of $217.6 billion, thus leaving an estimated budget deficit of $11.6 billion.

Since last January many things have happened. Revenue estimates have been going down. Spending has been going up.

Mr. President, this happens in State government as well as Federal Government. I had the experience of serving as Governor of my State. We were forced to balance the budget, and we were able to do it. We could not do otherwise. I admit that we did not have the complex problems that we have at the Federal level because of the defense of our Nation, but in many other respects we have the same problems and the same desires with members of the legislature as we have now with the Members of Congress. So we cannot just say that spending restraints cannot be made effective.

I agree that if we continue the present attitude that has been expressed by my colleagues, it is difficult to achieve control. We must change that psychology if we are going to accomplish this goal of restraint. But I do feel that it can be done.

Thanks to Congress and increases in the so-called uncontrollables, estimated expenditures for the current fiscal year now approximate $232 billion. Estimates of the deficit for the current year run to $28 billion.

In just one decade Congress and three administrations have managed to spend in the neighborhood of $120 billion in excess of revenues. Interest on the huge national debt is running at more than $21 billion per year.

Now we are suffering the consequences of this ridiculous binge.

Our heavy deficit financing, combined with the increasing flood of imports, has created a crisis in the international monetary and trading system. The dollar has suffered tremendously.

The news in the press this morning is very disappointing. The U.S. balance-of-payments deficit for the third quarter was $12.1 billion, the largest gap in our Nation's history. This is disconcerting. We are all very concerned about it. Our heavy deficit financing combined with the increasing flood of imports have been greatly responsible for the increase in the balance-of-payments deficit.

Deficit spending has encouraged the runaway inflation which forced President Nixon to take the drastic actions of August 15. Through excessive Federal spending, we have damaged the very foundations of our American economic system.

Excessive Federal spending is not the answer to our current problems. The bigger the deficit, the harder it will be to restore a stable economy in the United States.

Heavy deficit budgets are only temporary remedies for unemployment, but the overspending has inflationary consequences that linger for a very long time.

The large lesson of history is plain to see and understand. Failure to hold expenditures reasonably close to the Nation's resources bring higher prices, great burdens of interest on the debt, and high interest rates on all borrowing; it forces other nations to act in ways which cheapen the dollar even if the United States does not nominally devalue.

Mr. President, the attempts to put flexible spending limitations on the 1970 and 1971 budgets were failures.

The only way to control spending is to put an absolute ceiling that would apply to all expenditures and net lending.

I would prefer that this figure provide for a balanced budget, or very close to it.

It is obvious, however, that we will not and cannot have a balanced budget at this point in history.

Although we cannot have a balanced budget, we can make an effort to keep the deficit at a reasonable level.

Mr. President, I feel that our Government certainly should be able to operate on $229.2 billion for the current fiscal year. If the uncontrollables in the budget rise more than expected, then the Congress and executive branch of Government should cut back on controllable programs to keep the spending at a reasonable level.

Without this ceiling there is a seemingly irrestible urge to add programs and additional billions of dollars to Federal expenditures. The reasoning—or lack of reasoning—seems to be: "the deficit already is so large that a few more billion will not hurt."

I submit that the deeper we go into debt, the more insult we add to our already considerable economic injury. It is time to stop evading our fiscal responsibility and start showing the same respect for our national budget that we should for any reasonable family budget or any well-run business budget.

I feel that the adoption of this amendment will certainly be a reminder to all of us and to the people of this Nation of the importance of bringing about fiscal responsibility. Of course, I realize that it is difficult sometimes to turn down a program that seems to be needed very badly. But we must weigh our priorities, and we must realize that the present times are not at all like those that we were in when many of the past decisions which we have talked about were reached.

Mr. President, I urge the adoption of the amendment.

Mr. ROTH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 23 minutes.

Mr. ROTH. I yield myself 5 minutes.

Mr. President, I was deeply concerned to hear some of my senior colleagues say that a ceiling would not work because the times are so serious that whether or not one agrees that they have succeeded in the past, it is absolutely essential that we do what is necessary to develop a sound, growing economy.

I do not think we can ask labor to go without agreed increases; I do not think we can ask business to hold down the price of its products; and at the same time, as the Senator from Virginia (Mr. BYRD) pointed out, put no limitation on Federal spending.

There has been much criticism in recent months that Congress has not exercised its proper role. Certainly, as keeper of the purse, one of its most important roles is to determine the total amount that is to be spent. I believe that it will succeed.

I think that some of the past limitations have had a beneficial effect. I believe the one in 1969, for example, saved at least $1.3 billion, and that is not an inconsiderable amount.

But even more important, it probably prevented the spending from going to an even higher rate.

Much has been made of the political fact that if we put a ceiling on it, the President will then be blamed where cuts are made. I point out that with ceilings or no ceilings, whether you have a Democrat or a Republican in the White House, it has been the tradition for the White House or the President to impound funds. Whether or not you have a ceiling, you are going to blame the President if you do not agree with the action he has taken.

The President has pointed out that he supports a firm ceiling. For example, on July 18, 1970, he said:

> I now ask the Congress to establish a firm ceiling on Federal expenditures.

The chairman of the Ways and Means Committee told me today that he supports some kind of overall spending ceiling. The chairman of the Federal Reserve Board, Mr. Burns, also says that a limitation on Federal spending has a beneficial impact upon the economy.

But the one thing I want to stress today is the critical problem this country faces with respect to the economy. It makes no difference whether you favor more spending for the urban crisis, whether you believe, as others do, that we are spending too little for defense, or whether you believe that the farm areas need new programs. We are not going to be able to do any of these things unless we once more get a strong economy, which is growing without inflation and without unemployment. I believe the only way we can do that is to bring into better balance our total Federal spending.

I think it will be refreshing, refreshing to the people both here and at home, and to the people abroad, if they could see the Senate's taking one step toward bringing the budget into balance.

I should like to point out that today the headlines are indeed disillusioning, especially the one with reference to the U.S. balance of payments, which is now the largest in history. I agree that if we conclude that nothing can be done, if Senators themselves are unwilling to exercise the same restraint that we are asking the average American citizen to undergo, then we cannot succeed. But I say that we are fiddling while Rome burns. It is absolutely important that the Senate discharge its responsibilities. While I will agree with the Senator from Virginia (Mr. BYRD) that this approach is not perfect, I see nothing else that can be done that has more chance of success at this late date.

Mr. TOWER. Mr. President, in a statement here on the floor of the Senate last week I made known my intentions to oppose all amendments to this Revenue Act of 1971 that were not specifically mentioned in the President's program. I did this so that we might obtain as clean a bill as possible. In the past several days, the Senate has shown that this is not its will and some members of the Finance Committee have shown their determination that other matters should also be considered here. Since this determination has been made, I feel that it is incumbent that I now proceed to selectively consider the proposed amendments.

The pending amendment by the Senator from Delaware (Mr. ROTH) is one that should have the support of this body. It sets a reasonable spending limit on the Federal Government, asking us to do our share to help curb inflation. As we are asking the American people to make sacrifices, I believe that we would be remiss in not asking the same of ourselves. In some areas, such as the all important area of national security, we will not be ble to make any cuts. However, there are many programs that we can trim and many others where we can hold the spending level the same as the previous fiscal year, thus putting our own "freeze" on Federal spending. I ask my colleagues to join with Senator ROTH in this endeavor.

QUORUM CALL

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEALL). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. President, I am pleased to join the distinguished Senator from Delaware in sponsoring amendment No. 642 to place a limit on Federal spending.

The President's new economic policy has made an encouraging start toward dampening the expectation of inflation, and thus toward laying a sounder base for renewed economic expansion, but it will be difficult in the weeks and months ahead to avoid measures which will rekindle the expectation of inflation. There has been a good deal of experience in Europe with the employment of "income policies" to curb cost-push inflation. These policies have been marked by failure primarily because the governments which have adopted them have usually continued to pursue inflationary fiscal and monetary policies. In effect, the wage-price freeze and the incomes policy measures adopted abroad have been placed as a lid on wages and prices, while at the same time too much monetary and fiscal heat has been kept under the kettle. Under these circumstances the lid had to blow off and the incomes policies were doomed to failure because they were not accompanied by appropriate fiscal and monetary measures. This will be the big danger for the President's new economic policy.

It is crucial that fiscal policy provide a climate for phase II of the President's economic policy. The Budget Scorekeeping Report of the Joint Committee on Reduction of Federal Expenditures is most disturbing. According to Staff Report No. 10 of the committee the President's budget estimates for fiscal budget 1972 included net budget estimates of $249.0 billion in new budget authority; $229.2 billion in estimated budget outlays; $217.6 billion in estimated receipts, including $3 billion to be derived from new tax proposals; and a projected unified budget deficit of $11.6 billion.

The report continues that in presenting new tax proposals to the Congress, the administration indicated that substantial changes have been made in the fiscal 1972 budget outlook, particularly in the outlay and revenue estimates. For example, it has been stated that revenues, including the proposed tax reductions, will be from $13 to $14 billion less than estimated in the budget in January, and that estimated outlays have increased from $229.2 billion to approximately $237 billion. This $7.8 billion increase in outlays is to be offset by proposed expenditure delays and some proposed reductions amounting to about $5 billion and the new outlay estimate for fiscal 1972 is therefore about $232 billion.

Part of the estimated increase in outlays is the result of congressional actions to September 9, 1971, part is the result of increased costs in the so-called uncontrollable outlays such as unemployment compensation, medicaid, public assistance, postal service, et cetera, and possibly a part is simply the result of reestimates for certain outlays and anticipated supplementals.

Congressional changes in the fiscal 1972 budget to November 4, 1971, are summarized in the report as follows:

> House Actions to date have increased estimated budget authority for fiscal 1972 by $419,455,000; have increased estimated outlays for fiscal 1972 by $5,120,788,000, and have increased estimated budget authority for fiscal 1972 by $1,457,000,000.
>
> Senate Actions to date have increased estimated budget authority for fiscal 1972 by $5,671,267,000; have increased estimated outlays for fiscal 1972 by $5,754,575,000; and have decreased estimated budget receipts for fiscal 1972 by $24,000,000.
>
> Enactments to date have increased estimated budget authority for fiscal 1972 by $2,902,725,000; have increased estimated budget outlays for fiscal 1972 by $2,266,675,000; and have decreased estimated budget receipts for fiscal 1972 by $24,000,000.

The cumulative effect of completed congressional actions—enactments—to date, as reflected in the committee's report for scorekeeping purposes, on budgeted outlays and revenues is to increase the estimated unified budget deficit for fiscal 1972, as revised September 9, 1971, by $3,291 million to $28.1 billion. These actions of the Congress and the September 9 budget revisions result in a Federal funds deficit of about $34.3 billion. These fiscal 1972 deficits compare with an actual unified budget deficit for fiscal 1971 of $23.2 billion, and a Federal funds deficit for fiscal 1971 of $30.2 billion.

The foregoing figures make it crystal clear that for the program to control inflation to succeed, the Government must also make sacrifices.

We are asking working men and women to forgo wage increases. We are asking business firms to hold down prices and dividends. It is fully appropriate that Government spending be curbed. Without fiscal restraint there is not a chance that inflation can be controlled. I urge the Members of this body to join us in placing a fixed ceiling on Federal spending.

Mr. President, in essence, the problem before the Senate—before the whole Congress—is that we are apparently asking the American people to undergo sacrifices which Congress itself is unwilling to undertake. We are asking the American working men and women to limit their wages to a 5.5 percent increase. We are asking business to limit its prices to a 2½-percent increase, but where is the limit on the Federal Government?

The fact is, we would not be in this situation today had it not been for irresponsible spending on the part of this Government over the past decade.

The 1969 fiscal deficit was $25 billion. The deficit was $30 billion last year. The projected deficit for this year is $34 billion. That is placing an unconscionable and an intolerable strain on the economy. At the present time, we are sopping up by excessive Federal spending one out of every three newly created dollars produced in this free enterprise economy of ours.

That means that they are not available for productive investment on the part of individuals and businesses in this country to create jobs. That is why we do not have enough jobs and the money is not available for the purchase of goods and services. That is why we are not buying enough goods and services.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ROTH. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes.

Mr. ROTH. Mr. President, I would like to point out that I believe the ceiling is a realistic one. In fact, it is a very modest restraint that is being put on general spending. All we are asking is that the Federal Government hold down spending $2.8 billion, or 1.2 percent.

I would like to point out that there are a number of areas in which we have not yet acted where we have appropriated less than requested by the President.

As I pointed out earlier, I think it is most unlikely, and I say that reluctantly, that revenue sharing will be passed this year. That means a savings of $2.4 billion. We have already cut back on foreign aid in the amount of $900 million below the original request by the President. However, more important yet, it should be pointed out that the 1.2 percent does not really request any gutting of the favorite program of any Member of the Congress. Many businesses because of the unsoundness of our economy have been compelled to make far more substantial cuts.

Mr. President, I noticed on October 15, 1971, that the chairman of the Appropriations Committee pointed out that on one single item, through internal discipline, the space agency was able to save $75,000 merely because it turned off its lights at one installation. I think this kind of saving is possible without hurting the program. I think we can make it more efficient, more effective, and provide better service for the people at home.

Mr. President, the headlines in this morning's Washington Post add still another compelling reason for us to take actions to put our fiscal house in order. The Commerce Department tells us that the United States recorded its greatest balance-of-payments deficit in history in the third quarter of this year. The deficit, in fact, was greater in the past 3 years than it was in all of 1970.

Mr. President, we cannot continue to operate here as if our actions on Federal spending had no adverse effect on both our domestic and international economic problems. At the same time that we have recorded the greatest deficit in our balance of payments in history, we are faced here at home with the greatest deficit in the accounts of the Federal Government since World War II.

I do not suggest that the adoption of my amendment to place a ceiling on Federal spending this year will solve all of these problems. I do strongly suggest, however, that it will be of some help financially and of great help psychologically, both at home and abroad.

Mr. President, we must show both the American people and our friends abroad that we are sufficiently concerned about this critical problem to do something about it. I suggest that one thing we can do right now is to place an air-tight ceiling on Federal spending for this year.

I urge the adoption of the amendment.

Mr. President, I am very happy to yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Delaware for yielding.

I joined with his immediate predecessor 2 or 3 years ago—I have forgotten exactly, in supporting the Williams-Smathers amendment, a similar move on the part of two very dedicated statesmen, one from the other side of the aisle and one from this side, to take what means persuasion could take to bring expenditures down into bounds that could be dealt with meaningfully within the size of the budget.

I shall vote for the pending amendment. I would like to point out that I have no illusions at all about the effectiveness of this measure. I observed following the passage of the Williams-Smathers amendment that pet programs sponsored by Senators escaped the impact of the restraining influence of that amendment simply by providing that in the case of the particular appropriation the limitation of that amendment would not apply. That was done time after time after time.

I unhappily conclude that there is no way we can at this moment in time, any more than at an earlier time, take an action that will commit us to a course from which we cannot deviate. I am fearful that the same shall be true today. Yet I think it is worth while to support the amendment, to declare our intention of being in favor of the amendment, for whatever effect it may have upon the individual Members of the Senate and Members of the House of Representatives so that they would know there are still some here—and I hope a majority—who do subscribe to fiscal responsibility.

I say that because in the long run, with the kind of government we have, it seems to me that so much is dependent upon the continuing ability of the capitalistic system in a free enterprise economy to be able to deliver. Undergirding that economic system is the time-tested idea that in the long run one must not spend more money than he takes in. It is as true with government as with individuals. We have watched the course of nations as government after government has gone down into oblivion after having continued to be profligate in its spending and not restraining itself, as we all must do if we seek to remain solvent.

If we pursue such a course, we will find that it is not too long until other nations of the world recognize that our dollar is not worth what we would like to believe it is worth.

But these reasons aside, I cannot be unduly optimistic about the effect this amendment will have. In fact, there is no certainty at this moment in time that it will even pass. Nevertheless, that does not detract one bit from the worthwhileness of the worthy effort being made by the sponsors of the amendment to get it passed.

I hope that the amendment will be agreed to so that we might have an understanding with regard to this matter. Let us, here and now, declare our intention and pledge our resolve to be responsible legislators.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Delaware has 1 minute remaining.

Who yields time?

Mr. LONG. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute remaining.

Mr. ROTH. Mr. President, in closing I would like to say that my amendment is as simple as it is necessary. All we are calling for is a restraint of $2.8 billion. As I pointed out, Congress has not acted on $3.4 billion and it is unlikely we will act on much of that. I believe by operating efficiently we can improve on the program.

As I have pointed out in the past the President has supported this concept.

Mr. President, for that reason and because of the important cuts we made in the last week in this revenue measure I urge the support of my amendment.

UNANIMOUS-CONSENT AGREEMENT ON PEARSON AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed this matter with the distinguished manager of the bill.

I ask unanimous consent that when action on the amendment by the Senator from Minnesota (Mr. HUMPHREY) is completed today the Chair lay before the Senate an amendment by the Senator from Kansas (Mr. PEARSON) dealing with rural job development, that time on that amendment be limited to 30 minutes, to be equally divided and controlled between the mover of the amendment and the manager of the bill, and that time on any amendment to the amendment, motions, or appeals, except nondebatable motions, be limited to 5 minutes, to be equally divided between the mover of such amendment in the second degree, motion, or appeal, and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back or consumed. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. McGOVERN) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the

Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Nebraska (Mr. Hruska), the Senator from Idaho (Mr. Jordan), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from Ohio (Mr. Saxbe) and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Baker) is detained on official business.

On this vote, the Senator from Nebraska (Mr. Hruska) is paired with the Senator from Pennsylvania (Mr. Scott). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 39, nays 46, as follows:

[No. 341 Leg.]

YEAS—39

Allen
Anderson
Beall
Bentsen
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hartke
Hollings
Mansfield
McClellan
McIntyre
Pastore
Pearson
Proxmire
Roth
Spong
Stafford
Symington
Taft
Talmadge
Thurmond
Tower
Weicker

NAYS—46

Aiken
Bellmon
Bennett
Bible
Brooke
Byrd, W. Va.
Cannon
Case
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gravel
Griffin
Harris
Hart
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pell
Percy
Randolph
Ribicoff
Schweiker
Smith
Sparkman
Stennis
Stevenson
Williams
Young

NOT VOTING—15

Allott
Baker
Bayh
Dominick
Hruska
Jackson
Jordan, Idaho
Mathias
McGovern
Miller
Mundt
Saxbe
Scott
Stevens
Tunney

So Mr. Roth's amendment (No. 642) was rejected.

Mr. INOUYE. Mr. President, I addressed a letter to the chairman of the Committee on Foreign Relations under date of October 20, 1971.

The letter reads:

October 20, 1971.

Re H.R. 10947
Hon. Russell B. Long,
Chairman, Senate Committee on Finance, Old Senate Office Building, Washington, D.C.

Dear Mr. Chairman: As you know, I am Chairman of the Subcommittee on Foreign Commerce and Tourism, which is vitally concerned with the development of our international trade. With this in mind, I have been reviewing the progress of the proposed Revenue Act of 1971 before your Committee. There is a particular point with respect to the job development investment credit which I respectfully suggest needs further clarification.

Section 103 of H.R. 10947 provides for a limitation of credit to domestic products. This section would exclude "foreign completed property" and "property predominantly of foreign origin" from eligibility for the credit. There is also a reference to this point at page 19 of the Report of the House Ways and Means Committee (H. Rept. No. 92–533, 92nd 1st Sess. 19 (1971)):

"In other words, any finished property imported into the United States is to be treated as foreign property even though substantially all of is value is represented by components which were manufactured or produced in the United States."

"Foreign produced property also includes any property completed in the United States, if less than 50 percent of the basis of the property is attributable * * * to value added inside the United States. . . ."

It should be made clear that all limitations on foreign completed property or property predominantly of foreign origin do not mean that a domestic part of component, which is installed in property completed outside the United States, or in property less than 50% of which is attributable to value added within the United States is deprived of the credit if such property otherwise is considered as Section 38 property prior to the changes contained in the proposed amendment provided by Section 103 of the Bill. In other words, while the finished product, as such, would not be eligible, the component manufactured in the United States would be eligible for the credit. An example would be the domestic manufacture of an engine or motor for an article completed overseas. While the finished article is "foreign completed", and not eligible, the individual components are domestically produced and should be allowed the credit. Such American made parts and components are part of either important export trade or domestic manufacture and should be treated on the same basis as any other American made equipment.

It would seem to me that not to allow the credit on these particular items would be contrary to what we are hoping to achieve in bolstering our export trade. It would also seem to me that a simple clarification in a Senate report would be all that is necesary. The reference in the House Report (see page 19) No. 92–533 leaves the matter somewhat ambiguous and I would appreciate your clarification.

Mr. President, I wish to ask the distinguished chairman of the Committee on Finance, the manager of the bill, if he can give me some clarification.

Mr. LONG. It is my understanding that the President of the United States would have the authority under the bill to extend the credit in the type of situations the Senator has in mind, if he determines it to be in the public interest.

Mr. INOUYE. In other words, it would not require legislative action at this stage?

Mr. LONG. That is correct, it would not.

Mr. INOUYE. I thank the Senator from Louisiana.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 132) extending the duration of copyright protection in certain cases.

The message also announced that the House had passed the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2559) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 489. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point Unit of the Klamath Indian irrigation project, Oregon;

H.R. 950. An act to designate the Veterans' Administration hospital at Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital, and for other purposes;

H.R. 2185. An act to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians;

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes;

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes;

H.R. 6291. An act to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes;

H.R. 7701. An act to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico;

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River Compact;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces;

H.R. 9097. An act to define the terms "widower", "child", and "parent" for servicemen's group life insurance purposes;

H.R. 9418. An act to designate the Mountain Park Reservoir, Okla., as the Tom Steed Reservoir;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid up national service life insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified life plan with reduction at age 70;

H.R. 11350. An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization;

H.R. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.;

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7072) entitled "An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes."

The message further announced that the House had passed without amendment the following bills:

S. 306. An act for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes;

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender; and

S. 629. An act for the relief of Chen-Pai Miao.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1026. An act to amend the Small Reclamation Projects Act of 1956, as amended;

S. 2216. An act to amend the Investment Company Act of 1940, as amended;

S. 2339. An act to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket No. 227, and for other purposes;

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel;

H.R. 6723. An act to provide subsistence allowances for members of the Marine Corps officer candidate programs;

H.R. 6724. An act to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members;

H.R. 7950. An act to repeal sections 3692, 6023, 6025, and 8692 of title 10, United States Code, with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force; and to insert a new section 2003 of the same title;

H.R. 8656. An act to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; and

H.R. 8687. An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic-missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 489. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point Unit of the Klamath Indian irrigation project, Oregon;

H.R. 2185. An act to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians;

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes;

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes;

H.R. 6291. An act to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes;

H.R. 7701. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico;

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River Compact;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes; and

H.R. 9418. An act to designate the Mountain Park Reservoir, Oklahoma, as the Tom Steed Reservoir; to the Committee on Interior and Insular Affairs.

H.R. 950. An act to designate the Veterans' Administration hospital at Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital, and for other purposes;

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces;

H.R. 9097. An act to define the terms "widower," "child," and "parent" for servicemen's group life insurance purposes;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid up national service life insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70;

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 11350. An act to increase the limit on dues for United States membership in the International Criminal Police Organization; to the Committee on the Judiciary.

H.R. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; to the Committee on Aeronautical and Space Sciences.

ASSISTANCE TO HUNGRY PERSONS IN THE SEATTLE AREA BY THE J. C. PENNEY CO.

Mr. MAGNUSON. Mr. President, I know that with the current wave of consumerism in this country, we do not often hear much that is good about business. As chairman of the Committee on Commerce, I am daily made aware of consumer problems.

I was, therefore, most pleased by an article in the November 9 edition of the Seattle Post-Intelligencer. It tells of an effort by the J. C. Penney Co. to assist the many hungry persons in the Seattle area. I think most of my colleagues are aware of the serious unemployment and resultant hunger conditions in my State, and of the commendable volunteer efforts of the Neighbors in Need program to provide food for hungry people. Neighbors in Need feeds 8,000 hungry people every week and receives its support from voluntary contributions.

To support this humanitarian effort, the Penney Co. announced it will match any donation to Neighbors in Need made by any of its employees. This is a highly commendable effort, Mr. President, and I ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Penney To Back Neighbors in Need

The J. C. Penney Co. yesterday anounced a program the company hopes will become a major assist to the Neighbors in Neel food banks.

Under the program, donations to Neighbors in Need by Penney employes will be matched by the company.

All of the chain's 22 stores in the Puget Sound area will participate.

Harland W. Berndt, the company's district sales and merchandise manager, will coordinate the program.

He said he believes it will be "very, very beneficial" to Neighbors in Need.

The Neighbors in Need food bank problem, manned entirely by volunteers, was begun last November in response to the Seattle area's economic slow-down and high unemployment rate.

It operates more than three dozen food banks throughout King County, and has provided free food to many thousands of persons.

However, despite extensive publicity concerning the size of the problem, many of its food banks have been forced to close temporarily from time to time because of shortages of food.

AMTRAK

Mr. MAGNUSON. Mr. President, some of my distinguished colleagues have questioned the wisdom of further efforts by Amtrak to operate long-distance passenger trains. It has been urged that Amtrak concentrate its resources on service in short to medium-distance corridors in densely populated urban areas. It is argued that long-distance trains have no future because of their time disadvantage compared to jet aircraft, and that they are certain to produce large losses that must be made up from the profits of corridor trains, thus diverting resources which could best be used to expand and improve corridor services.

I need hardly remind my colleagues that I have always recognized that urban corridors are where the passenger train has its greatest potential, and that the major effort in terms of financial investment should be made in those areas. Indeed, on July 14, I introduced S. 2279, the National Transportation Act of 1971, which would make available a total of $3,700 million through June 30, 1976, to regional agencies for planning, research and development, demonstrations, and construction of high-speed transportation systems. I am honored that many of those concerned with rail passenger service have joined me in cosponsoring this vital legislation.

Nevertheless, I am convinced that there is a place for a limited number of long-distance trains. They offer unique advantages for tourists and vacationers who want to see our magnificent western scenery in safety and comfort. Travel and tourism is a multibillion-dollar enterprise; leisure time and disposable personal income are increasing every year. In recent years, much emphasis has been placed on attracting more visitors from abroad. Trains are the ideal way for these people to see the United States rather than fly over it. In some areas traversed by long-distance trains, service by other modes becomes undependable and even hazardous during inclement winter weather. Finally, a significant number of people resist air travel for psychological and physical reasons. They are entitled to an alternative.

Figures recently supplied by Amtrak to the Commerce Committee for the months of May and June 1971 cast some doubt on the theory that long-distance trains are sure to be losers and corridor trains are sure to be profitable. It is true that the only route that was profitable was New York to Washington. Boston to Washington broke even, and New York to Philadelphia came reasonably close. Once past these runs, however, the financial picture changes in favor of long-distance trains. No less than nine long-distance routes—including all of the western transcontinental trains—had a better financial performance, on the basis of percent of expenses covered by revenues, than all the remaining corridors. Revenues on the New York to Boston run covered only 50 percent of expenses, which leads one to conclude that the break-even performance of the Boston to Washington trains was accomplished by profits of the New York to Washington segments, making up for losses on the Boston to New York segments. On the New York to Hartford to Springfield run, revenues covered only 27 percent of expenses.

None of this contradicts the basic thesis that the greatest future potential for passenger trains lies in densely populated corridors. The figures do suggest, however, that major improvements in service will have to be made if that potential is to be realized—which in turn may require substantial Government expenditures. On the other hand, some of the long-distance trains might be brought to the break-even point by close attention to quality and operating expenses, well-conceived fare adjustments, and an aggressive promotional campaign aimed at the tourist and vacation market. Also, I would like to see Amtrak explore to a much greater extent than it has to date the possibility of substantially increasing the amount of mail, express, and package freight carried on these trains, consistent with maintenance of high standards of service for passengers.

In view of the Senate's increasing inability to complete its legislative business with sufficient dispatch so as to allow for us to spend any extra time traveling to and from our States, I must confess that I have gone West by train only infrequently in recent years. However, fortunately most Americans are not in our predicament. And if and when we even get back to a more rational legislative schedule, I would be most pleased to have some of the detractors join me and our distinguished majority leader on a trip through the incomparable beauty of the Northwest on the North Coast Limited.

I ask unanimous consent that a summary of financial results of principal Amtrak routes for May and June 1971 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FINANCIAL RESULTS OF PRINCIPAL AMTRAK ROUTES, MAY AND JUNE 1971-CONSOLIDATED, ARRANGED IN ORDER OF PROFITABILITY

	Railroad(s)	Miles	Number of daily trains	Revenues (thousands)	Expenses (thousands)	Revenue, percent of expenses
New York-Washington	PC	227	27	$4,411	$3,348	131
Boston-Washingtonl	PC	456	6	1,418	1,436	99
New York-Philadephia	PC	91	23	1,311	1,472	89
New Orleans-Los Angeles	SP	2,033	1	665	875	76
Chicago-Los Angeles	ATSF	2,222	2	2,345	3,181	75
Chicago-Denver	BN	1,034	2	505	700	72
Chicago-Seattle	MILW-BN	2,289	2	1,571	2,383	66
New York-Flordia	PC-RF & P-SCL	1,426	6	3,226	5,284	61
Los Angeles-Potland	SP	1,189	1	224	383	58
Chicago-Oakland	BN-UP-SP	2,420	1	598	1,026	58
Chicago-New Orleans	IC	921	2	697	1,285	54
Chicago-Houston	ATSF	1,368	2	743	1,414	53
New York-Boston	PC	229	10	502	1,007	50
Chicago-New York	PC	907	2	878	1,775	49
Chicago-St. Louis	GM & O	284	4	229	642	36
New York-Albany-Buffalo	PC	435	15	586	2,074	29
Chicago-Detroit	PC	283	4	106	369	29
New York-Springfield	PC	134	18	80	291	27
Seattle-Portland	BN	186	5	90	361	25
Chicago-Milwaukee	MILW	85	6	80	366	22
Newport News-Cincinnati	C. & O.	655	2	128	581	22
Chicago-Florida	PC-L & N-SCL	1,500	2	391	1,862	21
New York-St. Louis	PC	1,050	2	210	1,074	20
San Diego-Los Angeles	ATSF	128	5	92	649	14

Note: Does not include "corridors" (under 500 miles) in which less than 3 daily trains were operated.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 640

The PRESIDING OFFICER. In accordance with the previous order, the Chair now lays before the Senate amendment No. 640, offered by the Senator from California, which the clerk will state.

The assistant legislative clerk read as follows:

On page 176, beginning with line 9, strike out through page 182, line 8.

The PRESIDING OFFICER. On this amendment, there are 3 hours to be equally divided. Who yields time?

Mr. CRANSTON. I yield myself such time as I may require.

Mr. President, the amendment I have submitted with Senator JAVITS and which Senators FULBRIGHT, HATFIELD, and PERCY have cosponsored, would delete title VI of the bill in its entirety. The title is an economic Tonkin Gulf Resolution. Just as President Johnson took that resolution as congressional agreement to plunge the Nation into full-scale bloody war in Vietnam, a Chief Executive could use the sweeping unilateral authority granted him by title VI to bring about major changes in the world economic structure without further congressional consultation or congressional action.

The provision in my opinion is bad for two reasons:

First. It is yet another delegation of power to the President in an area that should be shared by the Congress. The Executive power in the economic arena needs the advice and the restraint of

Congress no less than does Executive power in the warmaking arena.

Second. Actually, it is a delegation of power that could lead not only to a trade war but to a shooting war. It could initiate a return to the trade wars that in the 1930's fed a worldwide depression, which consolidated the power of Hitler and Mussolini and paved the way to World War II. The provision grants the President authority to bring about major, far-reaching international economic changes which, in the false hope of restoring domestic financial stability, could result in catastrophic repercussions abroad.

We have heard a great deal of debate in recent years over the extent of Executive emergency warmaking powers. More than 50,000 Americans have died in a war in Indochina started and expanded without the formal assent of Congress, and which continues despite the unmistakable wish of more than two-thirds of the American people to end all American involvement.

The repeal of the Tonkin Gulf resolution, the effort to repeal the Formosa Straits resolution, the Mansfield amendment—which a majority of the Senate has now three times approved—are all clear indications of the growing desire in the Senate to make it unmistakably clear that the President should not act unilaterally in foreign affairs. It was this concern which led Senators EAGLETON, JAVITS, and STENNIS earlier this year to propose measures that would strictly limit the President's ability to involve the United States in an undeclared war without the consent of Congress. This is no less needed in the economic affairs field than in the military field.

It is conceivable that the President might see a financial crisis building where some temporary form of economic sanction might appear to be desirable. But, it is difficult to conceive of a need to impose restrictive measures so speedily that there would not be time for the Congress to act. Trade deficits do not strike without warning like intercontinental missiles, or surreptitiously, like torpedo boats in the night. The Government has ample early warning systems to provide advance indications of the nature of an economic emergency, and adequate time to properly consult with the Congress before taking appropriate action. I see a great danger in declaring in advance that such consultation is unnecessary.

Perhaps even more important, however, are the implications of the proposed emergency powers for the worldwide economy. It is precisely because such emergency powers are not so easily available to him that the President now has a greater incentive to negotiate his differences with his trading partners rather than take drastic punitive action.

The last 40 years have shown the tragic consequences of using economic bludgeons instead of negotations to resolve economic differences. The sad history of the trade wars of the 1930's should be enough to remind us of the folly of relying on protectionist measures—no matter how temporary their intended use—to bring about a more favorable trade balance.

The 10-percent import surcharge imposed last August may have relieved the pressure of foreign competition on some American industries, but it has already had serious adverse results abroad. The President has asserted that the 10-percent surcharge was imposed solely as a temporary bargaining tool to provide incentives to other countries to resolve differences with the United States. But history shows, and the recent decision of Denmark to impose its own 10-percent surcharge reminds us again, an economic bludgeon makes a poor "bargaining chip" and results not in a good bargain, but in the erection of retaliatory measures by those who are threatened.

The far wiser alternative to such economic warfare must be to resolve differences through negotiations. The whole trend of international economic policy since World War II has been through negotiated agreements to lower international barriers to trade and develop stabilizing mechanisms.

The General Agreement on Tariffs and Trade, framed at a time when the realities of world trade were quite different from those of today, is far from a perfect instrument—but it is presently the only working set of rules attempting to govern international trade worldwide. If GATT has weaknesses, however, the answer is not to ignore its rules, but rather to seek their modification. In this I share the view of the committee. The 10-percent surcharge, which most countries view as a violation of the rules, has already alarmed and upset our trading partners greatly. Even the publication of reports that the Senate is considering granting the President still more sweeping powers has provided still more unnecessary provocation.

Any actions by this Government which might bring about changes in the world trade structure must be most carefully evaluated before they are undertaken. Control of trade and tariff policy should be shared by Congress and the Executive, and this title, which gives up in advance any congressional authority in this area, should be rejected.

Mr. President, I ask whether the distinguished Senator from New York, a cosponsor of the amendment, wishes to speak at this time.

Mr. JAVITS. Mr. President, I ask the Senator to yield me 10 minutes.

Mr. CRANSTON. I yield 10 minutes to the Senator.

Mr. JAVITS. Mr. President, I have joined in sponsoring this amendment because I believe that the provision, which is clearly not operative unless the President operates it, comes at the wrong time and gives the wrong signal to the world and adds nothing that the President does not already have.

The reason why it gives the wrong signal to the world is that, instead of signaling that we want to work out the problems, which is what the President is constantly saying, we are signaling that we expect to be in a long fight. I emphasize the word "long," because the date stiplated in this amendment, which I think is most ill-advised, is December 31, 1976. December 31, 1976, in round figures, is 5 years from now; and it is almost inconceivable that before then we will not have comprehensive trade legislation—indeed, the chairman of the committee assures us that we will have it next year—which will take account how the present impasse is settled.

I can hardly believe that the world is going to commit suicide and allow us to slip into a depression or a recession worldwide because we cannot come to an agreement on international trade and on international monetary affairs. Yet, that is what this amendment presupposes. It presupposes that we are going to be in for a period of trade war retaliation in which highly flexible and drastic powers must be given to the President for a long period of time. That is precisely what the President is not saying; and it confirms every fear of our trading partners, especially the big ones, who are saying that Connally is too tough, that the United States is not making any proposals, that it is asking for propositions, that it says it is going to use its strength just to stand pat, and that this is very likely to plunge the world into economic turmoil.

So, with no gain, we do not add anything; we are inviting exactly the confirmation of that position by leaving this amendment in the bill. It makes no sense, because it is not needed. Yet, we gratuitously do it. What do we expect people to believe if they see Congress conferring upon the President the long-term power to make economic war? That is what it comes down to.

I am not hawkish at all. In everything I have done in this field, I have been perfectly willing to be as tough as anybody else. But at the same time, I have consulted the fact that we do not only give out; we also take in. Our trade remains pretty much in balance.

The fact is that we have millions of employees in the country who are deeply engaged in the export trade; that our consumers in this country are deeply beholden to the import trade which also is a considerable employer. There are even raw materials which the country must have from abroad—we are not self-sufficient. There is the strange inconsistency of arguing that we can be autarkic and then breaking the United Nations sanctions on chrome, which is something we were very foolish to do, because we wished to protect ourselves in respect of an indispensable raw material we have to import.

Mr. President, in addition to the particular arguments on trade, the fact is that these much-maligned U.S. investments abroad, especially direct investments, are now producing enough money to redress our imbalance in trade and tourism. So our current account is not that unhealthy.

In the future these investments will be considerably more productive, with a substantially growing surplus in sight. These contributions to economy of the United States should not be overlooked.

Also, we are just beginning to analyze and realize the tremendous importance to our exports of the fact that American corporations are operating multinationally in the world. Maturity and good economics indicates that we cannot make everything, not necessarily for ourselves, although we are probably as self-sufficient as any other nation on earth in terms of a high standard of living; but we cannot make everything, unless we want to be profligate and do things which are absolutely unnecessary in the wasting of our resources. We have to rationalize in a trading world.

The President says—and I agree—that we need to make a short-term deal on money, which is important today, and we need to make a longer-term deal on trade barriers, defense burden sharing, and a permanent settlement of the international monetary system.

But for a nation that has just applied such stringent measures, the Germans, who are meeting here at the Hotel Sonesta, in something called the German-American bridge, point out that their imports to the United States now have a cumulative 40 percent levy. That is aggregated from the revaluation of their money, as the mark is floating, from the 10 percent surcharge and the impact of the "Buy American" provision in the investment tax credit. Our authorities agree that they have been behaving very well toward us. Nonetheless, they are suffering with everybody else, and there is grave danger of a serious economic downturn—as a matter of fact, it is happening now—in Germany. Italy is really in the doldrums, and Britain is not much better off.

If the whole world is going to go bad, I assure you that we are going to be dragged down with it. We cannot avoid it, no matter what the advocates of autark may think. That has always been the economic history, and it will be the economic history now.

So, Mr. President, it is almost inconceivable that, quite gratuitously, this particular kind of signal should be given under the blazoned legends of protection of balance of payments. The President acted with respect to the surcharge under the Trade Expansion Act, which does not have a terminal date, and no one has challenged that, and it is actually in effect. He acted with respect to the freeze and phase II under the economic stabilization act, and that is up for renewal and will be handled by the Banking and Currency Committee in both Houses. Indeed, I believe the Committee on Banking, Housing and Urban Affairs expects to report today or tomorrow.

A whole complex of negotiations is going on right now in the world. For example, the Group of Ten—the 10 leading nations of the world in financial terms—are due to have a meeting sometime this month or very early next month. Indeed, it is my understanding that a summit meeting between the Chancellor of Germany and the President of France—as they are the two principal continental European countries concerned—is hinged upon the meeting of the Group of Ten.

No matter how tough Secretary Connally says it is, he says this has to be settled; and we are in the process of trying to negotiate a settlement.

Yet, the argument is that we are asking others for a proposition rather than making a proposition of our own. If the only proposition that we can put forward is a long-term Army, Navy, and Air Force in economic terms, and that is what this particular title would do, that is a poor way to enter into negotiations and get results. And now we see title VI, overkill if there ever was any.

This idea that we are going to put our muscle on the world and the world will respond because we will show them how tough we are, has not worked in the United Nations with respect to the disastrous defeat of American policy with the exclusion of the Republic of China on Taiwan, and it will not be done economically. It has also not worked in Vietnam. The world is not organized that way. Human nature will not respond to that kind of bludgeon.

I repeat, this is the wrong signal, at the wrong time, and without any real necessity for it.

Therefore, title VI should be stricken while we have the opportunity to do so.

A few facts and figures are very important. There is a growing concern in the world that the United States is likely to go protectionist and isolationist, then the world will protect itself the best way it can. Title VI justifies and reinforces this concern.

I ask unanimous consent that a statement I made before a press conference this morning be placed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Javits Joins Cranston in Seeking To Strike Protectionist Section From Revenue Bill

Senator Jacob K. Javits (R–NY) today joined Senator Alan Cranston (D-Calif.) in offering an amendment to strike protectionist provisions from the proposed Revenue Act of 1971.

"In my view, there is no faster prescription for breaking down the international trading order which has served us so well since the end of the war, for promoting rampant regionalism which already is of such concern to the United States and Europe and for encouraging the outbreak of trade wars," Senator Javits said of Title VI of the bill which the Cranston-Javits Amendment seeks to strike.

Under Title VI, the President would be given sweeping powers to declare a balance-of-payments emergency and to impose import quotas or surcharges of 15 per cent without further Congressional consultation or action.

Senator Javits, a member of the Foreign Relations Committee and ranking Republican Senator on the Joint Economic Committee of the Congress, noted that the President has been put on record as not having requested this new authority and not expecting to use it.

Senator Javits called Title VI "a giveaway of Congressional power unparalleled since the passage of the Gulf of Tonkin Resolution." He added: "It is a bad signal to the world. As the Congress and the nation lived to regret this Congressional action which served to accelerate and prolong the Vietnam war, so could we live to regret the passage of Title VI and the trade wars that would follow in its wake."

Following is the text of Senator Javits' statement prepared for delivery on the Senate floor:

Mr. President: The amendment I have joined in cosponsoring with the distinguished senior Senator from California, Mr. Cranston, proposes to strike Title VI—the so-called Protection of the Balance of Payments section—from the proposed Revenue Act of 1971.

The following are my reasons for offering this amendment:

1. It is broad yet seemingly sterile authority. This is apparent in the statement of the press secretary of the President, Mr. Ziegler, on November 9 that the "President did not request this authority and would not expect to use such powers." This Title would accord the President sweeping and almost unlimited powers in the trade area, yet paradoxically, the Committee on Finance decided not to give the Administration the minor authority it had requested to negotiate tariff changes. Press reports indicate that the Committee Chairman is planning to include such authority in new comprehensive trade legislation next year. If the Committee indeed is planning to come up with comprehensive trade legislation next year, why does Title VI in this bill contain some of the most comprehensive, sweeping trade legislation in our history?

2. Title VI, if applied, could contravene totally the most-favored-nation policy which has been a fundamental tenet of our trade policy since 1922, because the title would give the President the authority to apply import quotas or the import surcharge in a completely discriminatory fashion. In my view, there is no faster prescription for breaking down the international trading order which has served us so well since the end of the war, for promoting rampant regionalism which already is of such concern to the United States and for encouraging the outbreak of trade wars.

I call attention to the July, 1971 Report to the President by the Commission on International Trade and Investment Policy which stated, and I quote:

"It is sometimes suggested that the United States should exclude from unconditional MFN treatment countries engaged in practices inconsistent with GATT or which are parties to preferential arrangements.

"While the idea has superficial appeal, it can be seen, on closer examination, to be a recipe for economic warfare. Countries discriminated against will discriminate in turn, and the whole system of trade concessions negotiated since the war could be unraveled . . .

"We conclude that our policy should continue to be based on the unconditional most-favored-nation principle—the principle of nondiscrimination which has governed U.S. trade policy since 1922 and is one of the basic principles of the GATT. Further departures from this principle could open the door to economic warfare and eventually divide the world into regional blocs."

3. It must be recognized that this excessive authority would be accorded the President at a time when the world international economic order faces unusual and dangerous instability. It would come on top of the Buy-American provision of the investment tax credit, to the 10 percent import surcharge charged to be so discriminatory by many of our trading partners—measures which already have brought the world to the brink of an unprecedented trade war—and correspondingly fuel increasing international tensions and real concerns about the reliability of the United States as a trading partner and political ally.

I have been reliably informed that the combination of the Buy-America provision and the import surcharge—in addition to the currency realignments that already have taken place—could reduce West German export sales to the United States by some 40 percent. The impact on the exports of other nations also could not but be in a range that is politically and economically unacceptable to them.

Clearly the passage of Title VI coming on top of the discriminatory Buy-America provision and the surcharge would be a clear signal to the world that we no longer favor an open trading world. This, in turn, would lessen the possibility of the U.S. negotiating the type of package settlement that would best serve our own national interests.

4. I do not feel that Title VI can be viewed in isolation from the recent Senate defeat and revival of the AID bill. They are both part of the same phenomenon, namely the growing world concern of isolationist sentiment among the American people and the American Congress primarily because of our continuing revulsion to the Vietnam war. If the pendulum swings too far this will have an adverse effect not only on our national economy, but also on our national security. Title VI again goes too far and at a particularly sensitive time in our international relations.

5. Much concern has been expressed about the jobs that purportedly have been lost by our international trade and investment activities.

As to trade, the New York State Department of Commerce has indicated to me that more than $26-billion in trade flowed through the ports of New York, balanced fairly evenly between exports and imports. While much statistical work remains to be done, U.S. Bureau of Labor Statistics estimates that each $15-billion in imports provided one million jobs. Unfortunately very little attention has been given to the jobs created by imports in our major port cities, through the establishment of dealerships in addition to the millions of jobs created by exports. We cannot shut off the flow of imports into the United States and expect, in turn, that other nations will not take similar action against our exports to them.

As to American investment overseas, it is already clear that foreign governments are considering measures adverse to these investments. Annual earnings from these investments (including fees and royalties) totaled $7.9-billion in 1970 as compared with $2.9-billion in 1960. These earnings are approximately double the annual capital outflow of U.S. capital involved in U.S. direct investment abroad and our surplus on the capital account in 1970 totaled $3.5-billion. Clearly these earnings have become a major positive and growing factor in our balance of payments—a factor that goes to vitiate the need for the same type of balance of trade surplus we were running in the early 1960s. Again, studies are underway as to the job creation effects of our overseas investment and preliminary data indicates that their effect is a substantial positive element in the overall health of our economy.

Title VI of the bill now before the Senate represents overkill. It is not helpful to the United States negotiating position because the President already has indicated he would not use the authority conveyed therein. And it is a giveaway of Congressional power unparalleled since the passage of the Gulf of Tonkin Resolution. And, finally, it is a bad signal to the world. As the Congress and the nation lived to regret this Congressional action which served to accelerate and prolong the Vietnam war, so could we live to regret the passage of Title VI and the trade wars that could follow in its wake.

Mr. JAVITS. Well, Mr. President, that is a basic fallacy which I have declared before, and I wish to declare it in the most advised and profound way again, a fallacy in the fact that if we think individual nations or groups of nations will try to work this out on a self-help basis, they will not do so.

They will turn, in my judgment—and we are beginning to get confirmation of that from very reliable foreign sources—to the other superpower in the world.

In short, the way this world is organized, someone will set the basic tone and character of world organization. If we do not do it, and do it before the Communist Chinese get strong enough to do it, then the Soviet Union will. If we turn our back on the world, if we isolate ourselves behind high trade and tariff barriers, another superpower will fill the leadership vacuum. Similarly, if the administration abdicates a leadership role in trade policy, another group will fill this vacuum.

It suits the Soviet Union to have a world which is divided into blocs, a world which is antagonistic in terms of economics and trade, a non-MFN world, a free world which falls apart because it does not have the cement of interest in terms of economics to keep it together. That is their interest. If we allow the world to go that way, it will be yielding precisely to what the world is misreading as to the true American purpose, by provisions exactly of the character which are contained in title VI of the bill. I am hopeful since Mr. Ziegler indicated on November 9 that the President did not want this additional grant of authority. Hopefully, the White House understands the dangerous nature of this provision.

I understand that a thing like this gets into a bill of this kind because there is a sweep of popular feeling which it is thought will be assuaged and helped and pleased by this kind of provision. I know. The Senator from California (Mr. CRANSTON) and I discussed this point when I was seconding his splendid initiative in seeking to strike this particular title from the bill. One could have rejected it and said, "Oh, why bother with this? They will not see deeply into that. They will turn us down and that will be the end of it."

I do not feel that way about American democracy. I do not feel that way about the Members of this body. I feel that it is, one, the duty of Senators to stand and explain what they are saying and why. That is why we are here, whether it is easy to do and whether it has wide support or not; and, second, these things are cumulative. They can snowball and I point to the initial defeat of the foreign aid bill. If we begin now to make clear to the world and to the people this point of view, as corroboration crowds in upon us from abroad—and it is crowding in upon us—and we begin to see economic activity drastically declining abroad—and we are beginning to see it, and I shudder to state but I state it advisedly that we will see more and more of it, if we continue this kind of business that is incorporated in title VI—it will confirm to the American people the fact that there must be a change in our attitude, and will feed the very isolationist pressures that past and present Presidents are eloquently warning us about. Small, separate acts help develop a destructive mood that will be difficult to reverse.

Title VI is strictly a matter of attitude and climate. It has no effect whatever beyond what we have to have on the books now except attitude and climate, and I think attitude and climate in title VI are wrong and counterproductive for exactly the kind of settlement we want to make in the world.

I repeat for the third time, it is the wrong signal, at the wrong time, and completely unnecessary. They signal prolonged conflict and a breakdown of principles such as most favored nations which have governed the free trading world since 1922.

For those reasons, Mr. President, I hope that the Senate will have the wisdom to strike title VI from the bill.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. Mr. President, this Nation is running a balance-of-payments deficit at the rate of $3 billion a year, on an official settlements basis and $23 billion on a liquidity basis of measurement. Our balance of trade is also in deficit.

For years there have been those advocating a liberal trade policy who have insisted on keeping what I regard as totally fraudulent trade figures. Feeling that a fair presentation of our balance of trade figures would play into the hands of those who did not like the liberal trade policy, they would leave off the freight costs on the imports and they would add the foreign giveaways to the exports and by doing that could make our balance of trade look $5.5 billion a year better than it actually was.

But, Mr. President, even with that sort of sleight-of-hand bookkeeping, fraudulent as it may be, we are now reflecting a great big deficit in our balance of trade.

But no one is confused about the overall figures. We have a $23 billion liquidity deficit in the overall balance of payments this year, which is the kind of thing that the international monetary fund looks at, which is what everyone can agree on. That is conservative when we look at what is happening in the last quarter of this year; namely, that liquid assets to foreigners reached a level of nearly $70 billion, and our reserve assets are less than $12 billion. That chart appears on pages 134 and 135 of the committee report.

This Nation has engaged in international giveaways and profligacy in aid and in trade to the point that we are becoming internationally bankrupt. Our trade deficit is running at the rate of over $6 billion a year deficit, when the cost of insurance and freight are added to our imports.

The Commerce Department is reporting a trade deficit of $1.5 billion in 1971. The authority we have proposed here would strengthen the President's hand, and give him the power to act to protect the American position in a balance-of-payments emergency. We define the authority of the President to protect our balance-of-payments situation.

The administration had been contemplating to use the Trading With the Enemy Act in the textile dispute. Any time someone does not want the President to do what he finds he is compelled to do, under our very adverse set of circumstances in international trade, they are privileged to run editorials with captions such as "Trading with the Enemy"—as though by trying to save America, the President is treating one of our good friends like Mexico, Canada, Brazil, Japan or some other country, as though they were an enemy of the United States.

We have to do the things that must be done under our present unfavorable situation to correct our balance of payments.

So what we propose in this act is simply to give the President the kind of authority he would need, if he thought it necessary, to move to protect our situation, and that would be to impose a 15-percent surtax instead of a 10-percent surtax to which reference has been made, or to impose selective import quotas, which provides him with flexibility. He does not have to impose restrictions on all countries. He can be selective with regard to where the problem may be.

We give the President authority which he says he does not propose to use at this time. He does not say that he needs it now. However, in all seriousness, we might find ourselves in a situation where authority of this sort would be needed. That would not be at all new.

We gave the President the power to use the interest equalization tax with respect to long-term bank loans and with respect to short-term capital. We gave him that authority. The President said he did not need it and would not use it. He has used it.

We gave him the power with regard to economic stability. He said he would not need it and would not use it. He has needed it and is now using it.

The administration does not have a crystal ball to forecast the future. They say that they do not think they will need it. However, they recognize that the time may come when they will need it. They are not asking that this authority be stricken. We on the committee have been as concerned about this turn of events as any President in recent years and we see how this power may be needed. Congress has always been less liberal on trade issues than the White House. That has been true whether it has been a Republican or a Democratic President.

Here is one situation where the conservatives and strict constructionists are willing to trust the President more than the so-called liberals in this case. We recognize that we should not have to use an act with so forbidding a name as "Trading with the Enemy" and apply it to trading with a friend. So we are providing this power to protect this country in the case of an emergency.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 additional minutes.

Mr. LONG. Mr. President, the President says he does not need it for now. But he does not oppose having the authority in the event it is needed.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. FULBRIGHT. Mr. President, this is until the end of 1976; is it not?

Mr. LONG. The Senator is correct.

Mr. FULBRIGHT. Mr. President, why should it be for such a long period of time? Granted, we are in very serious circumstances at the moment, but in view of the fact that things are so uncertain, I wonder why the Senator feels, and feels so strongly, that this authority should be for such a long period of time.

Mr. LONG. Mr. President, we have had these deficits for 20 years, and we are not getting into the black. Mark my word, I am confident that the facts will not contradict this. In spite of what is happening, we will still have these deficits. We might reduce them, but we will still have them. And this big balance of dollars held by foreign countries against our meager reserves will continue to grow worse rather than better in spite of what we are trying to do.

Mr. FULBRIGHT. Mr. President, does not the Senator think that our ending the war in Southeast Asia and getting away from this enormous growth of military equipment will help?

Mr. LONG. That will help some. I know how strongly the Senator from Arkansas feels about this. However, that is not what is causing the deficit. We have also an unfavorable balance of trade. And in spite of all of the things we can do to pay for the aid in terms of commodities rather than dollars and to find ways to help our balance of payments by shipping our own arms and using our own ships and things of that sort, there will still be a deficit. The unfavorable balance from the war in Vietnam is just one item. Frankly, it is not anywhere near as big as the Senator thinks it is with respect to our overall deficit position.

Mr. FULBRIGHT. Mr. President, I take it that the war in Vietnam and the troops we have on hundreds of bases abroad and the troops in Europe runs up into an amount of $8 billion or $10 billion, does it not?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes.

Mr. FULBRIGHT. Mr. President, they are all connected or influenced by the war.

Mr. LONG. We are winding down the war. Yet the problem is getting worse. Here is a statement on an official settlement basis and a liquidity basis. And looking at both columns, the situation is geting a lot worse in 1971 than it was in 1970. I read the statement:

BALANCE OF PAYMENTS FACT SHEET

[In billions of dollars]

Balance of payments	Official settlements basis	Liquidity basis
1971—January–September annual rate	−31.2	−23.0
1970	−9.8	−3.8
1969	+2.7	−7.0
1968	+1.6	+.2
1967	−3.4	−3.5
1966	+.3	−1.4
1965	−1.3	−1.3
1964	−1.5	−2.8
1963	−2.0	−2.7
1962	−2.7	−2.2
1961	−1.3	−2.4
1960	−3.4	−3.9
Subtotal, 1960–71	[1] −52.0	−53.8
Subtotal, 1950–59	(2)	−17.3
Cumulative total, 1950–71	[1] −52.0	−71.1

[1] 1960–71 only.
[2] Not available.

Source: U.S. Department of Commerce.

Mr. FULBRIGHT. Mr. President, I grant the Senator that. However, we are proceeding upon the basis that we may be winding down the war in Vietnam. However, we committed $341 million in Cambodia, and this is an item that we did not have a few years ago. We have just allowed $350 million for Laos. It was nothing substantial before that. It is true that the CIA was spending money there covertly and we did not know about it. However, we have two items there which, when added together, total $691 million for two very small countries.

It is true that we are winding down the war. However, the increase in the military expenditures is very great indeed. It is a big item if we add all the figures together. There is $2.5 billion in the defense budget for Southeast Asia.

The economy on the settlements basis reflects the flight of dollars during August and the anticipated devaluation. Indeed, it is enormous. The latest figures total $31 billion including this last quarter.

I grant the Senator that it is necessary to do something about it. I am not arguing about that.

I am raising a question about the long-term view which would isolate Congress from having anything to do with it not only with respect to this item, but also with respect to any other field. I would hope that this President would take this matter seriously.

This President is taking seriously our commitment abroad and the maintenance of all of the bases. Many are useless. They are there just from habit. The Senator will remember the fight about the bases in Spain. If we add all of those items together, it amounts to a lot of money.

The Senator minimizes the effect of this a lot more than he should.

Mr. LONG. There are items on which I can vote with the Senator from Arkansas. Some Senators agree on some matters and not on others. I supported the Senator's position with respect to the troops in Europe. I think there are far too many there.

Mr. FULBRIGHT. I do not want to distract the Senator by arguing about the merits of having the troops in Europe or the war in Vietnam. My point is why should we have the long-term authority in respect to this field that relates to all other items, this deficit among them.

I do not want to bedevil the Senator about the troops in Europe or the war in Vietnam. However, these are activities that contribute to this serious situation. I do not want to be part of a measure that relieves the President of any incentive to reduce those expenditures. This matter is serious enough and much more serious than other elements I have mentioned.

Each President seems to pride himself upon the fact that he is following the policies of his predecessor. President Johnson said that he was carrying on the policy of four Presidents. This President is going along with the same thing.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG. Mr. President, in all due deference to the Senator, I suggest that the Senator use the time of the proponents. He is for the amendment, and I think ought to use the time of the proponents rather than to use mine.

Mr. FULBRIGHT. Mr. President, I was taking the opportunity to ask the Senator a question. I did not know there was a lack of time. I thought that there was a lot of time.

Mr. LONG. Mr. President, frankly, I want the Senator to use some time of the proponents. I do not expect to use all of my time. That is why I want them to use theirs.

Mr. FULBRIGHT. The Senator does not want to talk about it.

Mr. LONG. I would be happy to yield to the Senator in due course, but if the Senator is for the amendment, he should use the time of the proponents of the amendment rather than the opponents of the amendment.

Mr. RIBICOFF. Mr. President, I usually find myself on the side of the Senator from California (Mr. CRANSTON) and the Senator from New York (Mr. JAVITS) in most voting. Now, however, I support the proposal that has been made by my chairman, Senator LONG.

I think the distinguished Senator from Arkansas has a valid point. It does seem that 1976 is a long way off. I think without much harm it could be shortened by 1, 2, or 3 years. The date could be December 31, 1973, and nothing would be lost in giving time for the next President to study the matter.

Mr. FULBRIGHT. That is the point I was making.

Mr. RIBICOFF. The Senator from Arkansas in his colloquy with the Senator from Louisiana did discuss one of the basic problems that justified the committee's approval of this amendment. I, too, believe one of our great problems has been the imbalance caused by the expense of the Vietnam war.

It is only fair to point out that many items go into the balance-of-payments deficit. While I have the details for only the first half of 1971, I wish to refer to them so Senators can see how diverse they are.

In trade we are running a deficit of $1.5 billion; in travel a deficit of $1.74 billion; in military expenses the deficit was running at $2.688 billion; dividends and interest had a surplus of $7.83 billion.

When we get down to private remittances, Government pensions and other transfers, there is a deficit of $1.398 billion. Transactions in long-term U.S. capital invested abroad shows a deficit of $9.584 billion, U.S. Government capital showed a deficit of $2.414 billion, U.S. direct investment abroad showed a deficit of $5.37 billion, purchases and sales of foreign securities showed a deficit of $1.498 billion, and U.S. long-term bank and nonbank claims had a deficit of $302 million.

These figures indicate that the problems in balance of payments with which the United States is struggling are many and diverse.

The President has a very difficult task in bringing all of this together and in correcting this imbalance. The present situation is such a tragedy because it indicates the weaknesses in the economy of the United States.

It is a sad thing for us to face up to the fact that we are suffering great economic reverses, with other nations expanding their economies and productivity more rapidly, we now have to face the fact that over the last 25 years we have never had a cohesive foreign economic policy.

I give good marks to the President for the actions he took on August 15. Some of them were long overdue, and what he did caused a shock to the entire world. The great issue at the present time is whether the President, the Secretary of State, and the Secretary of the Treasury will have the wisdom in the months ahead not to turn this original shock into a world-wide recession and a trade war. This will take great negotiating skill on the part of the President, Secretary Connally, and Secretary Rogers.

It is fascinating to me that those Senators who are considered liberals on trade, such as the senior Senator from New York and the senior Senator from California, are now put into the position of opposing the President on an international trade issue. As I read American foreign economic history, regardless of the errors or successes of the various Presidents, every President in recent years has been much more liberal than Congress when it came to international trade. If you want to gage the true feeling of Congress, look at the Harris most-favored-nation amendment which I supported, and which was defeated yesterday by a vote of 55 to 22.

I feel that the Senate today is roughly 2 to 1 strongly protectionist. I do not think that any President can be as strongly protectionist as the Senate. The balance-of-payments amendment developed as follows. When Secretary Connally came before the Finance Committee many of us were disturbed that in the negotiations with Japan the United States was claiming it was acting under the Trading With the Enemy Act. This added insult to injury, considering that the nations we would use this against were now our friends, and with whom we have strong defense and economic relationships. It seemed wrong for the President to seek to correct an economic imbalance by invoking legislation which implied trading with an enemy. The committee felt this should be changed, and that we should not insult Japan and other nations who are not our enemies but our friends. The committee felt it should give the President new authority to enter into negotiations with the various nations with which we do business. That was the basis of the amendment.

The committee amendment would give the President freedom and flexibility to deal with our balance-of-payments and balance-of-trade deficits. Previously, the President could take action under the "Trading With the Enemy Act" to impose import quotas or an import surcharge. The press was full of reports that the President was contemplating using this authority in connection with the textile agreement. It appeared to us that the President should not have to resort to emergency wartime powers which were intended to deal with enemy countries in order to impose import restrictions for balance-of-payments purposes.

We all recognize that long-term solutions to our balance-of-payments problems can mainly be achieved through negotiations. These negotiations would have to cover not only the immediate problem of establishing new rates of exchange or currency parities for the major industrialized countries, but should also include longer-range problems involving nontariff trade barriers, more equitable burden sharing of military expenditures, and an overhaul of the present international monetary system. These negotiations will be long and difficult. Our trading partners will have to forgo some of the advantages which they now enjoy and which have helped perpetuate our deficits, and their surpluses. Patience, understanding, and compromise will be necessary on all sides. Any American President, however, should be able to negotiate from a strong position. This involves, among other things, the kind of authority which the committee bill now provides, plus additional negotiating authorization to deal with tariff and nontariff barriers.

The history of our balance-of-payments deficit is a long one. We began to have deficits in the year 1950, after the European countries and Japan had rather large devaluations of their currencies and deficit persisted in a rather modest way throughout the 1950's until it began to increase to sizable proportions in the late 1950's.

Many Senators will recall that it was President Eisenhower who first ordered the withdrawal of U.S. dependents from Western Europe. President Kennedy was very concerned about the balance-of-payments problem during his administration. He took a number of actions to deal with it, including the tieing of economic aid to procurement in the United States and the imposition of the interest equalization tax on new issues of foreign securities. The overall problem, however, remained intractable. President Johnson was forced to impose voluntary and then mandatory, controls over the outflow of private capital. He incidentally used the "Trading with the Enemy Act" to impose controls over U.S. investments in NATO countries, certainly a most ironic action. But, in spite of all that had been done, our balance of payments burgeoned to historic highs.

Our balance-of-payments deficit must be dealt with in a comprehensive way with action on a variety of fronts, including trade, aid, military and foreign investment. The first step to improve these accounts would be changes in the currency parities which now exist. I believe that the authority contained in the committee amendment should encourage foreign countries to cooperate with us in solving our mutual problems on a negotiated basis. That does not have to lead to trade conflicts if the proper discretion is used in applying this authority.

No one can be certain where these negotiations will lead. But it should be kept in mind by the Senator from New York and the Senator from California that deficits and surpluses represent a double image in the same mirror, because you cannot have a surplus without someone else having a deficit. It has always been easy for the creditor to place the fault of the debt on the debtor.

We should keep in mind that the prosperity of the Common Market was built up on American deficits. The prosperity of Japan was built on American deficits and, I might add, the failure which the Japanese now acknowledge to meet many basic social needs.

Now we have to face the problem of what authority to give the President and his negotiators when they sit down with all trading partners of the world to work out the problems that bedevil all nations.

I believe that what the Committee on Finance has done in this measure is sound. I do, however, believe that the Senator from Arkansas makes a valid point. I do not think we have to go all the way to December 31, 1976. If we made the date December 31, 1973, it would still give the next President, whoever he may be, a year to determine what he wants.

While in the past the Congress has been largely ignored with regard to trade problems, during the last 6 months the executive branch has been in close contact with the Committee on Finance on trade and other matters.

Last January, because of my own concern over these problems, the distinguished chairman of the committee asked me to travel to Europe to gain some insights into what was happening to our economic relationship with our friends. I submitted a report to the chairman of the Committee on Finance, "Trade Policies in the 1970's." Many of the issues I discussed in that report are now being addressed by the President and Secretary Connally. I want to thank the chairman again for having set up the Subcommittee on International Trade, and I appreciate the fact that he designated me chairman.

I will be candid with the chairman, the Senator from California, and the Senator from New York. The deeper I get into the problems of international trade the more uncertainties and complexities I find. I realize this is not only because of the interdependence of trade, investments, foreign aid, and monetary policies, but, because we are now encroaching new worldwide phenomena—such as the tremendous power of the "multinational corporation."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. May I have 5 minutes?

Mr. LONG. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. RIBICOFF. These multinational corporations represent large conglomerations of money and managerial talent, with no distinct national personality. Most of these multinational corporations are originally American. They are located all over—in Japan, Germany, Sweden, Switzerland, England, France, and Italy. This country, and the other nations of the world, are going to have to determine, with respect to these huge and powerful multinational corporations—what controls must be exercised, and who should have jurisdiction over them.

Because of the enormous complexities of the problem, the Congress of the United States must trust in the executive branch to a great extent. I do believe we have begun to establish a closer relationship of consultation with the executive branch on these problems.

The distinguished Senator from Arkansas is a member not only of the Finance Committee, but of the Foreign Relations Committee, which also has a role in these problems and its own problems with the executive branch. I am sure that all members of the Finance Committee are going to continue to watch these international trade, banking, and monetary problems very carefully.

In sum, I do not think we are giving away too much authority. I believe the President needs this flexibility, and that the Finance Committee acted wisely in granting this authority to the President. The only change I would suggest at this time is that the chairman of the committee and the ranking minority member would consult to see whether the year 1976 might represent a greater duration of the authority than we have to give. I think it would be helpful if the date were changed to December 31, 1973.

Mr. BENNETT. Mr. President, will the Senator yield me 3 minutes?

Mr. LONG. Mr. President, I yield 3 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, when the President acted on August 15 he had to go to completely unrelated laws on which to find authority to act, the Trade Expansion Act, and prior trade agreement legislation.

President Johnson had to go to the Trading With the Enemy Act to impose capital controls and President Nixon had to go to the Trade Expansion Act to impose an import surcharge.

Facing the real critical situation that we do, it seems to me entirely proper that the committee which has responsibility for overseas trade should give the President specific legal authority for the future and not leave him dependent on two acts that were not intended for balance-of-payments purposes.

One other comment: About the beginning of this century we had a President who left behind him a saying which I think describes what we are trying to do for our present President. Teddy Roosevelt said, "Speak softly, but carry a big stick."

I agree with the Senator from New York that we expect our President to speak softly, but he does not have much of a stick. He has a twig or so he picked up in an unexpected place. Now let us give him a stick. He does not need to use it. Teddy did not have to use it, but the fact that he had it, made all the difference in the world.

The Senator from New York is worried about the signal we are giving to our friends abroad. If we now turn this proposal down, we are giving a signal abroad that Congress does not want the President to have the power to carry out the program he has and they can afford to thumb their noses at him.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG. The way things stand now, this President does have authority to use. In fact, he has vast authority under the Trading With the Enemy Act, but the act was not drawn with the purpose in mind of regulating commerce with our friends. So one might wish to draw the analogy that, to remedy the situation, the President had a hammer available to him when a pair of pliers would serve the purpose much better.

We have sought to give him authority measured against what his problem is and adequate authority based on what we could see and also flexibility in the authority so he would not have to use it against everybody, but use it just against those he found it necessary to use the authority against.

Mr. BENNETT. And give him a little reserve authority in the bigness of the stick he carried.

Mr. LONG. Exactly.

Mr. BENNETT. Mr. President, I hope our colleagues in the Senate will realize that this is not a fearsome thing we are creating. This is a wise gift of authority to the President, whoever is President, so that he can handle a problem that has been getting worse for a dozen years and needs just the kind of action Secretary Connally and President Nixon are giving.

Mr. FULBRIGHT. Mr. President, will the Senator from California yield me 5 minutes?

Mr. CRANSTON. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I am surprised to hear the Senator from Utah, who is one of the best informed men in the Senate, say "for a dozen years." The truth of the matter is that our balance of payments began to get serious really only in about the last 5 years.

According to the figures that have been handed me by the staff, our imbalance of payments, on an official settlements basis, in 1965 was only $1.3 billion, and on a liquidity basis, the same, $1.3 billion. It looks very fine compared to the $31.2 billion we have now, 5 years later.

It is not a dozen years. There is a tendency on the part of everyone to try to minimize the effect of our military involvement abroad.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BENNETT. According to the Department of Commerce, on an official settlements basis with respect to our balance of payments, we have been in the black only 3 years since 1960, and those years were 1969——

Mr. FULBRIGHT. Mr. President, I do not yield further for that. I said at one point it was $1.3 billion, and that was in 1965. That is a lot different from $31 billion; $1.3 billion is minimal. It is nothing as compared with what it is now, when we look at what we had. I admitted it was not in the black, but it certainly was not far in the red.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Not on my time. I have only 5 minutes.

Mr. BENNETT. Will the Senator yield on my time?

Mr. FULBRIGHT. Yes, on the Senator's time.

Mr. BENNETT. The Senator from Utah said it had been going on for a dozen years. The Senator from Arkansas said it was only for 5 years. The statement I have in my hand shows a negative balance back in 1960.

Mr. FULBRIGHT. That is correct. The Senator said it was getting progressively worse for a dozen years. We will ask the clerk to read the Senator's statement if he has any question about it.

In 1967 it was −3.4. In 1968 it was +1.6. In 1969 it was +2.7. In 1960 it was −3.4. In 1966 it was +0.3.

I was not arguing about that; I said that presently this deficit is $31.2 billion. Every time we bring this into question, everybody says, "No; the war did not have anything to do with it." I maintain it has been the result of the ridiculous foreign policy we have had, not of this administration. I am not talking about Mr. Nixon. I am going back certainly 10 years. We are reaping the rewards of unwise policies that were started long ago.

If the Senator wants to contest that, I am willing to have him do it, even on my time, but later.

We used to be competitive. Now we are not competitive not only abroad but in our own market. They are bringing in Japanese steel to build bridges in Arkansas, not because we in Arkansas want Japanese steel, but because it is cheaper. They are building buildings in New York with Japanese steel. We have overcommitted our country all around the world, beginning a long time back. I think it goes back to Dean Acheson and the Truman doctrine in the forties.

But I do not want to spend too much time on history. It is a dismal story. I am only saying we ought to cut those expenditures down. I know something has to be done now, but I do not agree with the Senator about giving him a big stick to threaten everybody. We are in such bad shape that we ought to speak very softly. We ought not to threaten them, because we are in bad shape, and we are in danger of precipitating a worldwide depression if the Secretary goes about threatening everybody, and asks for sacrifices on their part to make up for serious mistakes and bad judgment on our part.

We have wasted our resources in foolish military ventures over much of the world. Vietnam is not the only one, but it is the one which has set off many other things. Even in Spain, where there is no danger either to Spain or to ourselves, but just because we are in the habit of giving people arms. We tried our best, in the Committee on Foreign Relations, to eliminate that as late as last year, but we were unable to do so, because the administration insisted on the bases. American military officers like to live in Spain, because it is a pleasant place to live.

We have some 360 bases around the world which are classified as major bases, as distinguished from minor installations. I do not recall exactly the distinction between a major and a minor base; I think perhaps a minimum investment of $5 million is involved, and all above that are considered major. But we have wasted our resources in that area.

Then we can go on to a thing like NASA where, because of our vanity and our desire to be first, we have spent $40 billion on going to the moon and related projects. With what we have spent on procuring those moon rocks, we could go a long way toward redressing our balance of payments. It would be wonderful if we could turn those $40 billion worth of moon rocks over to Europe and receive credit at par value for what we have invested in them.

But these are some of the extravagant projects we have invested in, in the past.

I am for giving the President these powers, but not until 1976. I think that would merely take all the pressure off of this administration and anyone connected with it to do what they ought to do in these and other fields. There is no pressure on them, if we are going to allow them to go down this road of quotas and high tariffs and seeking to make somebody pay for our mistakes. It will put off the evil day is all it will do. We will finally have to reckon with it anyway.

I favor what he is doing, because he is beginning to pay for past mistakes, and causing the country to. But I think we have got to be very wise and discreet in the way we treat these foreign countries, whether it be the Japanese or the Europeans. They have gotten rich because of our shortsighted policies. We pay their defense bills far beyond what we ought to, when they are better able to pay them themselves.

I and others, led by Senator MANSFIELD, have tried for years to persuade this and the previous administration to bring home some troops from Europe. We were defeated in votes in the Senate, and the administration, not only this one but its predecessors have continued to pay the defense bills of Europeans much better able to pay them than we are.

So it is an accumulation of mistakes. I say it ought not to go on to 1976, and it ought not to be such a drastic interference with trade as we are threatening to make it.

I think when you look at the markets, I am no expert on the markets as such, but I think anyone in politics has a feeling for the psychology of people, and you can see reflected in what is happening the apprehension appearing on all sides on the part of many of our best friends about the United States. They are not doing it in a hostile manner, but in a very sad manner, small countries like Sweden, Norway, and Denmark, that just feel apprehensive because their greatest protector is weakened. When you speak to a Swede, he is not mad at us. He feels sorry. He just hopes we have enough sense to right our economy, because he feels dependent, they do individually feel dependent on the United States as their traditional friend and protector, which they hope will continue to be their protector.

So they are sympathetic. But we cannot go around insulting them and telling them it is their fault we are in bad shape. That is what our Government has been doing. Mr. Connally is inclined to lay it all on them, that it is all their selfishness and their fault because we are broke, when as a matter of fact it is no such thing. It was our decision to keep the troops there. Bear in mind, we did not have to keep them there. We could have brought them home 10,000 at a time over the past 5 years, and cut them down to half, at least, without disturbing anyone very much.

It is not their fault that we do it. Anyone will accept a gift of that consequence, if it is offered to them. But we just refuse to blame ourselves for our own faults, and that is not a very wise policy.

So I think the authority ought to be limited, and I would hope the administration would feel more discrete in the way they talk to other people in the same boat with us. It is true, if we have a worldwide depression, as we did in the 1930's, they will suffer as much as or more than we will, but that is no consolation to me, or to the American people.

This has got to be worked out together, in a cooperative spirit. It is not a question of competition any more, to see who can be the meanest or the sharpest and who can contribute most to a worldwide depression.

I agree with what the Senator from New York has said. Certainly there is no man more sensitive to worldwide trade, because his constituents probably have more to do with it than anyone else; they have probably played a bigger part in creating this imbalance, in one way, not because they wanted to injure the United States, but because they believed conditions in this country dictated their foreign investments which they have made, to a very large extent, recognizing the facts of life.

So I think the advice of the Senator from New York is eminently proper. Under these circumstances, we do not want to wave a big stick or to threaten anyone. We do want to seek some cooperation with these countries to reestablish a balance in our trade, of course, and our balance of payments.

So I would strongly recommend that this program be reduced and I shall, of course, support the amendment, because it is a step in that direction. If it fails, I shall offer my amendment, which is at the desk, which simply shortens the authority to 1973, as the Senator from Connecticut has already remarked.

But I hope we will not continue our attitude of self-righteous indignation, that this is the fault of everyone else, and not admitting any fault on our own side, because it is our own fault, primarily, that we find ourselves in this condition.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield to the Senator from New York such time as he may require.

Mr. JAVITS. Mr. President, I have rarely heard the chairman of my committee wiser, more brilliant, or better informed on an economic question than the Senator from Arkansas is on this one. He has made a splendid statement of the case, and I rise only to evidence my complete identity with it.

Mr. President, I only wish, because it would be a work of supererogation to repeat anything that he has said so very well and so brilliantly, to add two buttressing points to his point of the length of time as being a major disadvantage in this amendment.

My colleagues should know that the authority conferred upon the President on page 178, lines 11 to 16, gives the President the right to arbrogate the most favored nations clause. He can discriminate against any country on any article. It is an unbelievable grant of power with domestic repercussions since people of the United States who might be discriminated against and could turn upon Congress to see that a fair balance was kept between a quota on item A and a quota on item B. It is another step down the road to all encompassing govenment controls and a less free domestic economy.

The second point, which also represents a tremendous and unnecessary grant of power, is the provision on page 170, line 22, which gives him the right to put on a 15 percent surcharge. Now he has 10. This says 15. How is the world going to construe that, other than that we are telling him to put on 15? There is plenty of trouble now, with 10 percent.

This only emphasizes the point that such a blanket grant of authority at such a critical time is most unwise. Is it not the 10 percent surcharge and the pending discriminatory buy American provision of the investment tax credit enough?

Finally, my colleague from Utah says he had to look to another act to get his authority. We are giving him still a third act now, this tax bill. If it passes in the form in which the committee has put it, he has yet another item to look to. One does have to wonder about the germaneness of this title.

Let us at least confine it to those he now has. The Trade Expansion Act has no limitation date, not even 1976. There are other powers in the agricultural assistance act and in the trading with the enemy act.

The 15-percent instead of a 10-percent surcharge and a long-term date for economic war in the bill arm the President when it is not necessary. The main thing about this is that it is not necessary. He has the authority he needs in the law now. He used it; that is the best evidence. To serve this notice now is very much against our interest.

I agree with Senator FULBRIGHT. If this should fail, I would thoroughly agree with him that, at the very least, the date should be shortened. It makes it less harmful in the sense that it does not represent a long term commitment of policy.

Mr. President, this title is most unwise. It will work out regressively and unhappily for our economy.

Why do we have a big bulge in the adverse balance of payments? As Senator FULBRIGHT said, it is not only the other guy's fault. We have an imbalance of $2 billion because American people travel abroad, and they spend $2 billion more than those who travel here. But try to get $5 million out of Congress for the U.S. Travel Service—I have tried it, right at this desk, and I have failed miserably—to promote travel to the United States. We have also tried to cut our military expenditures in Southeast Asia in the foreign aid bill.

Then we complain that they and they alone are making our imbalance. Are they making our people come there, or are we failing to get their people to come here?

This is crucial: Look at what Americans think of our situation, not foreigners. They are pouring money out of here. They are pouring short-term money out of here to the tune of about $7 billion a year. That is one primary reason why we have an imbalance in payments. They are expressing a lack of confidence in our economic maturity, and we are proving it to them if we adopt this kind of provision.

I hope very much that, buttressed by my chairman—and I never heard him make a better speech on this subject—we will defeat this provision.

Mr. CRANSTON. I yield myself 5 minutes.

Mr. President, I should like to address a question to the distinguished Senator from Utah. I was not quite clear on one point he made.

Has any President at any time invoked the Trading With the Enemy Act against a friendly power with whom we were not at war?

Mr. BENNETT. President Johnson did it in 1966, in order to impose the mandatory investment controls.

Mr. CRANSTON. Against whom was it invoked?

Mr. BENNETT. Everybody. Against the world. It was against the world, but he was aiming at the NATO countries—how ironic the Trading With the Enemy Act against NATO countries.

Mr. CRANSTON. What occurred at that point? What did other nations then do?

Mr. BENNETT. The result of his use of that power was to put controls on Americans who were investing in those countries. The countries, of course, had no recourse, because the effect was felt directly on American citizens, though it was felt indirectly on the countries in which they were investing.

Mr. CRANSTON. Did the administration request this provision in the bill?

Mr. BENNETT. The administration did not specifically request it, but they have made it perfectly clear that they would like to keep it.

Mr. CRANSTON. Were hearings held on this specific provision?

Mr. BENNETT. We did not hold hearings on these words, but the chairman appointed an ad hoc subcommittee, of which Senator RIBICOFF is chairman and of which I am a member. We held a number of hearings on trade problems which helped to develop the necessity for this kind of additional power in the hands of the President.

Mr. CRANSTON. I thank the Senator very much.

The Senator from California does not dispute the fact that we have a very huge adverse balance of payments at this time. The only question is, should Congress then throw up its hands and abandon its own responsibilities, the right to determine what to do about all this, to the President?

The tools offered by title VI to the President are not the only tools that could be used under these circumstances, and this Senator questions very seriously whether they are the correct tools to use in these circumstances.

Mr. BENNETT. The Senator from Utah points out that the jurisdiction of the international trade is in the Finance Committee, and the Finance Committee is recommending the use of these tools. The Finance Committee has approved them and is now recommending them. So this is not an irresponsible act. I think it is properly within the jurisdictional framework of Congress.

Mr. CRANSTON. What others of us question is giving the power to the President, with the possibility then existing of his lifting the surcharge to 15 percent, or the possibility of his totally restricting the right of certain commodities to enter this country at all, which would be a hundred percent barrier, which could be rather extreme.

Without reading them, because I do not wish to take the Senate's time, I ask unanimous consent to have printed in the RECORD two articles which are quite relevant to this matter. One is a recent editorial published in the Wall Street Journal, entitled "Did Protectionism Create Hitler?" The other is an article published in the New York Times, entitled "Smoot-Hawley Revisited," which reviews what happened a generation ago when there were demands for a more restrictive trade policy resulted in the passage of the Smoot-Hawley tariff in 1930. This led directly to a disastrous trade war, with economic barriers erected against us. It was a major contributor to the great depression that caused so much havoc in this country and in many other lands.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DID PROTECTIONISM CREATE HITLER?

The quick answer to that question is obviously no. Yet protectionism helped; it watered the soil that could nurture a Hitler—and other disasters. It is more than a little disheartening that so many in Washington and in the country's executive suites seem to have such short memories.

Granted, the roots of the Hitler phenomenon are gnarled and stretch far back, directly to World War I and even farther into the past of a Germany with little experience in democracy. On the economic side, the hideous post-World War I German inflation was followed by bitter depression, facilitating the rise of a dictator. And of course depression was a general condition in those days, in the U.S. as elsewhere.

The stock-market crash of 1929 heralded the onset of depression in the U.S., but it was less its cause than the result of previous profligacy. Certainly one tangible cause of the protracted nature of the great depression was the Smoot-Hawley tariff legislation of 1930, the very symbol of extreme protectionism. It set in motion a series of international moves that seriously inhibited the movement of trade and money.

As Lewis Douglas, former ambassador to Great Britain, recently recalled in a letter to The New York Times: "Foreign trade withered, prices fell precipitately, all values plummeted; (U.S.) unemployment rose from approximately 5.5 million to 11 million in the short span of about six months. The world was plunged into the deepest depression of which there is any known record.

"These events identify the cause of the economic anguish through which the United States and the entire Western world passed during the Thirties and which was not alleviated until World War II."

"These events identify the cause of the economic anguish through which the United States and the entire Western world passed during the Thirties and which was not alleviated until World War II."

The abiding vice was economic nationalism, and it is not at all difficult to fathom why it should have had such dire results. Have our officials and too many of our executives forgotten the meaning of the word autarky, the notion that a country could be economically self-sufficient? In Nazi Germany it was personified in Hitler's financer Hjalmar Schacht.

The policy is almost by definition regressive. It portends the diminution of healthy relations among nations. Hence, apart from its direct economic consequences, it breeds suspicion and hatred and can become a cause of war.

After World War II the statesmen of the Western world read the record aright. With the U.S. far in the lead, they set about freeing the international movement of men, capital and commerce from the abnormal restrictions of the past. Undoubtedly they could have done more, but they accomplished much. It is no coincidence that the post-war years by and large, for Americans and their counterparts in the other advanced nations, have witnessed mass prosperity unparalleled in history.

For just as economic nationalism—protectionism—is a divisive and depressive influence, so the liberalization of international economic relationships is a powerfully uplifting, broadening and wholesome force. Men do want to be free; it is innate, and a large part of that sense is the freedom to cross borders with one's person, investment and goods as little as possible bothered by the pesky functionaries of economic nationalism.

Why, then, should the U.S. and other nations want to turn back down that dismal road? The U.S. government has taken steps in that direction, and even more ominous is the impression that protectionist sentiment generally is probably stronger today than at any time since before World War II.

Well, as far as the U.S. is concerned, it is true that other countries have been taking advantage of it in recent years. Some more than others, they have imposed a variety of trade restrictions that have the effect of making the U.S. a freer market for their goods than their markets are for America's. This circumstance has enabled the hard-line protectionists, who have never given up, to rehearse their dreary pleas with more impact than heretofore.

But the U.S. ought to be sufficiently grown up to avoid the petty path of trade retaliation, which naturally prompts retaliation against it. We believe Washington had far from exhausted the resources of negotiation to get its trading partners to dismantle their impediments to American exports. Even failing that, the fact remains that protectionism is simply not a viable course.

We do not necessarily contend that unbridled protectionism would bring on political and economic horrors similar to those of the Thirties (although if it is indeed unbridled we would not bet that it wouldn't). We merely say that the liberating history of freer trade is as clear as are the demonstrated dangers of protectionism.

[From the New York Times, Sept. 23, 1970]

SMOOT-HAWLEY REVISITED—TRADE PROTECTIONISTS SHOULD CONSIDER HAVOC CAUSED BY BILL OF 40 YEARS AGO

(By Leonard S. Silk)

COPENHAGEN, September 22.—Representatives of the central banks and finance ministries of 115 countries, assembled here for the annual meeting of the International Monetary Fund and World Bank, are looking anxiously toward Washington as the Congress takes up a bill that would reverse three and one half decades of United States support for freer international trade. The bill adopted by the House Ways and Means Committee, which now goes to the floor of the House, would fix import quotas on textiles, shoes, oil, mink, glycerin and, in all probability, a long list of other goods from abroad. Proponents of the bill contend that it would protect the jobs of American workers, safeguard American industries from low-wage foreign competition, and strengthen the United States balance of trade.

Opponents say it would do none of these things but would aggravate inflation, touch off a trade war, hurt consumers, and damage the American and world economy.

The last time a confrontation on these issues was resolved in favor of protectionist trade legislation occurred 40 years ago when Congress enacted the Smoot-Hawley Act.

Europeans, even more heavily dependent on international trade than Americans, have not forgotten the disastrous train of events set in motion by Smoot-Hawley.

But many Americans including Congressmen, apparently need to be reminded of the dictum of the philosopher George Santayana that those who forget history are condemned to relive it.

The Smoot-Hawley Act was the product of ingrained American political habits and of confused efforts to alleviate particular economic problems.

The Republican party had traditionally favored protectionist tariff policies as a formula for economic prosperity, and the Republican party platform of 1928 promised to relieve the depression in agriculture by raising tariff rates on farm products.

Soon after taking office, President Herbert Hoover called a special session to consider aid for the farmers. Congress met in April, 1929, although the House Ways and Means Committee had started hearings on trade legislation in January.

By June, a tariff bill was reported to the floor of the House in substantially the form recommended by the President.

Then the process of log-rolling and what today is called Christmas-treeing began. A great many amendments were added, raising rates across the entire range of the tariff schedule.

The politically appetizing process of increasing tariff rates and extending coverage continued in the Senate Finance Committee and on the Senate floor.

COMPROMISE ARRANGED

The Senate-House Conference Committee generally compromised by accepting the highest rates set by either house.

President Hoover finally signed the bill on June 17, 1930, although he had threatened to veto a limited revision of the tariff schedule early in the session.

But, as Prof. Frank W. Taussig of Harvard wrote at the time, "when the bill finally came to him, he could hardly do otherwise than approve. His party could not go before the country stultified by having nothing whatever to show for a year's prolonged and conspicuous labor."

Public indignation had run high during the Congressional deliberations, but some of the more important pressure groups traditionally in favor of liberal trade had not maintained firm and unyielding opposition to the bill.

Labor realized that higher prices would result, but succumbed to the chimerical hope that the bill would relieve unemployment, which was already rising seriously, by stimulating domestic output of goods to replace imports.

Farmers were willing to grasp for any protection that might possibly help them, despite their need for foreign markets.

However, a petition of 1,038 economists—including virtually every reputable economist in the country of whatever political view—urged the President to veto the bill, warning that if enacted, it "would inevitably provoke other countries to pay us back in kind."

That 40-year-old petition of the economists has just been reissued by more than 4,000 American economists, together with a new one reaffirming the old warnings of the damage that protectionism would do.

The last time the economists' forecasts were right. Following the passage of Smoot Hawley, there rapidly ensued a series of retaliatory measures in the major trading nations of the world.

TARIFF BARRIERS RAISED

France, Italy, Spain and others raised tariff barriers or introduced drastic quotas in 1930. Switzerland initiated a largely successful boycott of American products. Canada raised its tariff walls to the highest point in its history.

Great Britain passed the Emergency Tariff Act of 1931 and the Import Duties Act of 1932. The British Commonwealth concluded severely discriminatory preferential tariff arrangements in Ottawa in 1932.

The higher trade barriers of the United States frustrated the efforts of the Japanese Government to improve economic conditions through expanded trade and led to a more nationalistic and militant policy. Smoot-Hawley sowed the seeds of the Japanese Asian Co-Prosperity Sphere.

International conventions to work out a truce in the trade war, failed in 1931, 1932 and 1933.

NATION WAS WORSE OFF

The United States was worse off after Smoot-Hawley than it had been before. Other countries raised their tariff rates and other trade barriers even more than we did.

American exports sank like a stone—because of both the higher trade barriers and the spreading world depression, to which the collapse of trade contributed.

By 1932, U.S. exports to Great Britain had fallen to one-third of their 1929 level. In 1932, American exports to Canada and France were only one-fourth of 1929, and, in the case of Australia and Oceania, one-fifth of 1929.

The decline in some specific American export commodities was even more dramatic. Agriculture, the sector that the President had originally sought to benefit, suffered most. Wheat exports, which had totaled $200-million 10 years earlier, fell to $5-million in 1932.

Exports of the automobile industry fell from $541-million in 1929 to $76-million in 1932.

NO PROBLEMS SOLVED

In retrospect, the protectionist Smoot-Hawley Act was worse than futile. It did not solve unemployment or other problems of American labor, industry, and agriculture but, instead, worsened them by helping to shatter world trade.

Its repercussions contributed to the growth of nationalism and economic autarchy in many countries and to the deepening crisis of the 1930's.

Some other philosopher than Santayana has said, "The only thing we learn from history is that we learn nothing from history." Certainly there are no simple re-runs of history.

In Copenhagen this week, Pierre-Paul Schweitzer, the Managing Director of the I.M.F., when asked how far the protectionism of the United States will affect the international monetary system, replied cautiously:

"Well, the United States Government has stated the United States will not switch to protectionist policies. Measures are under discussion in Congress, but I understand they would not be mandatory but just give the President additional leeway. We would be the first ones to deplore, of course, any regression in the freedom of international trade. Presently we are already deploring that there is not more progress."

Other participants here are less guarded, in private conversations, in expressing their worries about the trade legislation before the United States Congress—and the international effects it would have, if enacted.

They firmly state that, if the United States takes a protectionist course, severe retaliation from European and other countries will follow.

Mr. BENNETT. I yield myself 3 minutes.

Is there anything in this bill referring to tariffs?

Mr. CRANSTON. The President will have the power, under this bill, to prohibit the import of certain commodities.

Mr. BENNETT. But does it refer to tariffs?

Mr. CRANSTON. No. It does not use the word "tariffs."

Mr. BENNETT. Under the Trading With the Enemy Act, which President Johnson used and which is still available to President Nixon, a barrier can be raised of 100 percent or 200 percent. I think the fact that the committee decided that it would give the President power to impose a 15-percent surcharge, and by codifying it we effectively put a limit on the height to which he could go. This modifies and softens rather than increases the President's power.

The President said in a letter he wrote to Senator LONG:

> Under present circumstances, the President does not expect to use any of these special authorities. They do, however, serve to strengthen the position of President Nixon and Secretary Connally in the international negotiations should there be any major change in persent conditions which at this time is not foreseen. Under these conditions, the administration does not seek their elimination from the bill.

I referred to the statement made by Teddy Roosevelt:

> Speak softly, but carry a big stick.

The Senator from Arkansas immediately said that because we were going to give the President a big stick, he was going to threaten people with it. The meaning of the Roosevelt quotation is that you do not threaten people. You speak softly, but they know you mean business, because they know you have the stick; and because you have it, you do not have to swing it at them. But if you do not have it, then any threat you may make or any pressure you may attempt to put on or any serious negotiation you may attempt to carry through could be regarded as a bluff, because they say, "He doesn't have the power to do what he says."

The Senator from New York said that if this bill is passed, we would give the President three new laws on which to base his action. In a sense, that is true. But the purpose of this section of the bill is to free the President from the necessity of depending on two laws which were not written for the purpose and which really have to be twisted in order to give him the power to do what he has to do. So I think this is a much sounder and wiser basis on which to give the President and the Secretary the power to do what we all know they are going to do; namely, they are going to negotiate.

Mr. FULBRIGHT. Mr. President, will the Senator from California yield to me briefly?

Mr. CRANSTON. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I regret that the Senator from Utah insists upon using the analogy which Theodore Roosevelt of course used in connection with military affairs. I do not believe that is the right way to approach it. We do not have any big stick in the field of economics to threaten countries with. They know what our situation is. They know what our balance of payments is as well as we do. We should speak softly in the first place—but we have not been speaking softly, we have been speaking harshly, and if we pass this kind of bill it will be considered a long-term policy. We can pull down the whole house as Sampson did, if we want to. But this is not the same kind of situation that Theodore Roosevelt was thinking about. He was thinking about military power, to hit them if they did not behave. We are not in that situation, unless we wish to pull ourselves down together.

To take care of the situation calls for cooperation, not only friendly or discreet talk but actual cooperation in trading with them, or we will start this trade war, as we had in the 1930's. Remember, at that time, there was a big stick, the Smoot-Hawley Tariff Act that we gave the President to use, to do what he wanted to do, and we did it; and look what happened. Many of us remember that.

This is just not that kind of situation; it does not call for force, but for diplomacy. No matter what the President has in mind, if we pass the bill, it will add fuel to the fire and make our European, Japanese, and Canadian friends, and everyone else, even more apprehensive about their belief that we are going to take extreme measures over a long period. That is what is bad about it. It is psychologically bad.

Under these circumstances, I regret the constant analogy to a military situation, in which we are going to exercise some power that we do not presently have, other than to pull everybody down together and that, I know, the Senator from Utah does not want any more than I do.

This calls for discreetness and, I would say, a certain degree of humility in facing these problems, and not saying that other countries are at fault, that only they are the ones who are greedy and selfish. We all share those human frailities. We are not going to sell them the idea that we have always acted wisely and in their interest. In NATO we have helped them, but they have never approved our Vietnam policy so it is a mixed picture. We should recognize that and get on with the business of cooperating with them to rebuild a stable and prosperous international trade.

Mr. CRANSTON. The Senator made the point that the word "tariff" does not appear in the bill. The language that has concerned the supporters of this amendment is that the President is authorized to impose limitations on the quantity or the value, or both, of articles which may be imported into the United States during a balance-of-payments emergency period. That, in effect, amounts to a tariff. That has the effect of a tariff. That can lead to the same kind of retaliation that a tariff can bring from another country.

Mr. CHURCH. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I yield.

Mr. CHURCH. Mr. President, I came into the Chamber just at the time the colloquy occurred between the Senator from California and the Senator from Utah. I must say that it left me somewhat puzzled.

It is true that the provision in question does not refer expressly to a tariff, but as I understand it, the provision would permit the President to impose an import surcharge of up to 15 percent of the value of the imported article during a balance-of-payments emergency.

Now that surtax is, in effect, or is tantamount to, a tariff, is it not?

Mr. CRANSTON. It would seem to me that it is, yes.

Mr. CHURCH. Certainly. It has the same economic effect as a tariff. It is a tariff by another name; is that not true?

Mr. CRANSTON. Yes.

Mr. CHURCH. So even though this provision does not expressly refer to tariffs, the substantive effect of the provision would be to permit the President to impose what is tantamount to a tariff, although it is called a surtax.

Mr. CRANSTON. That is the way it appears to me.

Mr. CHURCH. The other part of the colloquy also puzzled me.

As I understand the argument of the Senator from Utah, he said that this provision should not be regarded as a sweeping delegation of new authority to the President, but that somehow it should be looked upon as a congressional limitation on presidential power, the reason being that the provision limits the President to 15 percent, whereas, if I follow the argument of the Senator from Utah, under at least 2 existing laws the President has general authority to go beyond 15 percent, should he choose.

Well, my question is this: Is there anything in this provision which repeals existing law or cuts back on existing presidential authority?

Mr. CRANSTON. I do not believe that that is the case, but I would defer to the chairman of the committee to answer that question.

Mr. CHURCH. I would ask the chairman of the committee, is there anything in this provision that would repeal or curtail the power the President might otherwise have under other laws, such as the Trading With the Enemy Act?

Mr. LONG. Mr. President, the committee does not have jurisdiction over the Trading With the Enemy Act. We have not sought to amend that act. But there is nothing in this amendment, no authority that the President has in this amendment, that goes beyond the powers the President has under the Trading With the Enemy Act. He can do anything under that act that he can do in this, although that act was not intended for balance-of-payments purposes.

Mr. CHURCH. Yes. That is my understanding. In other words, the President retains whatever authority he now has under other laws. This simply confers upon him express authority to impose surcharges of up to 15 percent and to impose import quotas——

Mr. CRANSTON. Of an unlimited nature.

Mr. CHURCH. Yes, of an unlimited nature. Therefore, I cannot follow the logic of the argument that this provision somehow could be construed as a restriction upon the President. That would be true only if this provision were a substitute for the authority the President already posseses under existing law. Since it is clear that it is no such thing, then, of course, it cannot follow that a restriction upon Presidential authority is involved.

In truth, this is a sweeping new delegation of authority to the President and represents, in my opinion, another step in the direction of congressional abdication in a field that has traditionally belonged to Congress.

Therefore, I cannot accept the arguments I have heard on the floor in support of this provision, and will vote in favor of the amendment offered by the Senator from California to strike this provision from the bill.

Mr. CRANSTON. I thank the distinguished Senator from Idaho for his characteristic, perceptive, and forceful statement in regard to this amendment.

Mr. SCHWEIKER. Mr. President, I rise in opposition to the Cranston amendment, H.R. 10947, the Revenue Act of 1971, includes an amendment approved by the Senate Finance Committee which provides the President with discretionary authority to protect the balance of trade and balance of payments of the United States by allowing him to: First, impose selective or general import quotas, or second, impose an import surcharge of up to 15 percent of the value of the imported article, during a balance-of-payments emergency. The national emergency proclaimed by the President on August 15 is deemed to be a balance-of-payments emergency for the purpose of the legislation.

I strongly support this provision. The pending amendment would strike it. The authority to set quotas can assist the President's efforts to generate the recovery of the domestic economy and, in combination with the investment tax credit, allow U.S. firms to increase their ability to compete worldwide.

This provision is particularly applicable to the problems of the steel industry.

Although a voluntary agreement to limit the import of foreign steel into the United States was made effective as of January 1, 1969, with termination at the end of 1971, this approach has not been successful. The agreement set a limit on the tonnage of steel imports using 1968 as a base period, and provided for annual increases of 5 percent per year. The problem is that foreign steel producers moved from the export of carbon steel into the export of higher priced stainless and specialty steels, thereby selling their products for more dollars per ton.

As a result, the specialty steel industry in this country is in serious trouble. The authoritative daily, American Metal Market, reported on October 14 that the total steel imports for 1971 will exceed the quota for the year by up to 2 million tons. During calendar 1971, the voluntary quota is 14,709,000 tons. The American Metal Market, based on imports to October, estimates the year's total imports at from 16 to 17 million tons.

This year, the Cabinet Committee on Economic Policy issued a report to the President on the steel industry. The report in part said:

> Imports accounted for 13.8 percent of the domestic market in 1970; for specialty steels the import percentage was 22 percent.
>
> Import competition has been particularly intensive in specialty steels (stainless and tool steels) containing expensive alloying elements. These are high value items selling for between $1,200 and $2,000 per ton compared with an average price of $170 per ton for carbon steel. About one-half of specialty steel output is accounted for by relatively small companies; the large integrated companies producing both carbon and specialty steels account for the balance. While total steel imports have declined since 1968, specialty imports rose from 185,000 tons in 1968 to 195,000 tons in 1970, accounting for 18 percent and 22 percent of domestic consumption of such products in those years respectively. Particular product classifications have experienced an even greater loss of markets; imports of stainless sheets show a 35 percent market penetration.

For the most recent complete calendar year, 1970, the foreign penetration of the U.S. market for three types of specialty steels amounts to:

Percentage share of U.S. market in 1970 (second year of voluntary agreement)

[In percent]

Cold rolled sheets	32
Stainless steel wire rods	68
Stainless steel wire	55

The steel industry and the State Department are now negotiating with foreign steel producers in an effort to arrive at a satisfactory voluntary agreement which will protect the domestic industry from unfair foreign competition. It may be that these negotiations will be successful. In the event that they are not successful in arriving at a firm, fair agreement, however, the quota-setting authority in this legislation will permit the President to take positive action to correct the situation. This, of course, applies not only to the steel industry, but also to any other domestic industry facing similar difficulties—and there are many such industries, including textiles, shoes, glass, earthen dinnerware, heavy electrical equipment, tires, and numerous others.

For this reason, I strongly support the balance-of-payments emergency amendment to the Revenue Act of 1971, and hope that it will be retained in the final version of this legislation.

Mr. HATFIELD. Mr. President, I rise in support of the pending amendment to strike title VI from the Revenue Act of 1971. As a Senator from a State where our foreign trade grows in importance every day, I concur with the earlier comments of my colleagues from New York and California that title VI of the bill is unwise, and should be deleted.

I do not need to recount the events of recent months that have buffeted our trading partners around the world. While the import surcharge is the most prominent, I want to point out that the dock strike on the west coast has upset our trading relations with countries on the Pacific basin to such a degree that I fear it will take years to build them up to their former level. Agriculture exports, so vulnerable by their very nature, have suffered to such a degree that efforts of the past decade have been dealt a serious setback by the strike. My colleague from California shares the firsthand knowledge of how this strike has crippled the economy of all three Pacific coast States. I have discussed the long-term effects of this strike with men in my State who are involved with international trade, and they have told me that the United States suffered from a loss of confidence in our ability to supply foreign countries with needed agriculture supplies. The ramifications of the strike—still under the Taft-Hartley cooling-off period—will be felt for years.

I point this out as another factor which has thrown our traditional trade position out of balance. Because of the strong probability of strikes on all coasts, imports increased dramatically in the earlier months of 1971. This was greeted as the final blow to our trade position, and the heated calls for Government action were increased. I am aware of the increase of imports in recent years, but I urge my colleagues to take note of the particular circumstances prevailing in 1971, which caused the spurt in increased imports.

At this time, the international trade picture is clouded, due in large part to the U.S. actions of the past few months. Because world confidence is an important, albeit intangible, contribution to the international trade picture, I fear that the shock waves that such action as title VI would create would cause far greater harm to the United States than could possibly be gained by having this as a "bargaining chip," as some would call it.

Do we, as a body, want to call out to the world that the United States is preparing for a trade war; that we are arming the President with the power to ignite this powder keg; that we are turning away from our positions of the past and are ready to erect new barriers; that the Senate thinks enough of procedures in title VI that we are going to give them to the President, even though he has not requested them?

I will not dwell on the further erosion of congressional power to the executive branch that this section endorses. While I recognize that a certain amount of power must rest with the President, I think we should avoid such action as this provision would authorize—and thereby endorse. I have seen this section of the bill referred to as an "International economic Gulf of Tonkin resolution." We in the Congress should not complain of erosion of congressional powers—and then support such a proposal as is before us now. The Congress should continue to play its proper role in our international trade matters, yet title VI erodes this role. We in the Congress should stand up and be counted on these matters, and not pass off such decisions with the comment that "we now have given this power to the President."

I also want to call attention to what this could signal to the Japanese. I am aware that past trade imbalance has hurt several segments of American industry, and I have urged the Japanese men with whom I have discussed this to accelerate their efforts to open Japan to more American imports. This provision, however, could signal to the anti-American forces in Japan that they should mount the offensive at home in Japan to demonstrate how little the United States really cares about improving relations with Japan. Retaliation could result, particularly in such areas as agricultural exports from the United States.

In summary, I support deletion of this section of the bill. Retaining it would be an unwise move, and a serious step backward in attempts to forge a more liberal trade alliance with our trading partners. International trade is often called a "two-way street," but is much more than that. It is a subtle blend of laws, treaties, tariffs, multi-lateral and bilateral agreements, and the intangible ingredient of confidence. Without confidence, the entire package falls apart. The proposed title VI strikes at this confidence in red-letter fashion. It signals to the rest of the world that the United States is moving away from its former trade position, and other countries could take actions that we are not even aware of today as we debate this. I hope the Senate will delete this section of the pending bill.

Mr. JAVITS. Mr. President, we are now in possession of some facts about what seems to be the important argument in opposition to the amendment, that is, that the President, if he has the authority, should not use it under the Trading With the Enemy Act because it deals with friendly trading partners.

The language in the committee report, on page 136, is as follows:

> The President has broad authority to impose controls over imports under the "Trading With the Enemy Act." The Committee felt that the President should not have to resort to the "Trading With the Enemy Act" when dealing with the balance of payments emergency, particularly with respect to our friendly trading partners.

Mr. President, the argument which I am about to lay before the Senate goes to the question of whether this line of reasoning is valid. The answer is that it is not, and for this reason. We are using almost daily the Trading With the Enemy Act against our friendly trading partners. It is true, as the Senator from Utah argues, that it was used as authority for the overseas investment regulations by President Johnson in 1969. However, it is also true, Mr. President, that it is used all the time against any nation dealing with Cuba, and that includes practically any friendly nation in the world.

So, Mr. President, the idea that this authority is not available is not valid. It is also not valid that we have not been applying this authority regularly against friendly foreign nations. We are using it, and we are using it with friendly countries. It is exactly for that additional reason that title VI is unnecessary. In my mind it is a signal to the world today and it is the wrong signal and at the wrong time.

Finally, as the Senator from Idaho (Mr. CHURCH) cleary implied, we are struggling very hard here with what we consider to be an excessive grant of Presidential authority in respect to war.

This is one of the big historic theses before Congress. Now we propose to do precisely the same thing in a bill with respect to the economic war power. In the age of nuclear weapons, this authority is probably much more likely to be used and much more dangerous to be abused than the war power itself, once we get out of Southeast Asia.

So, Mr. President, I think that in the debate—unfortunately, no one was around to hear it—the proponents of the amendment have made an extremely strong case. I hope that the Senate will act affirmatively on the amendment.

Mr. LONG. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, frankly we are talking of perceptiveness. It all depends on how we view the situation and how we want to talk of the matter. The Senator from Rhode Island is not a protectionist. I have been an internationalist all my life. I have voted for the extension of every trade act that has come before the Senate whether it was under a Republican President or a Democratic President. However, I know that for years we have been struggling over some kind of multilateral or bilateral agreement with some of our friends abroad seeking the limitations of some of the disruptive imports coming to this country from other countries. And we never got to first base.

We sent our businessmen to Japan a few years ago to see if they could not work out an agreement. All that happened is that they were harassed over our involvement in Vietnam. The other day we gave them back Okinawa, to no one's regret. But it has always been a matter of giving and not getting. So when was the first time we got an agreement on the imports of textiles from Japan? It was when the President of the United States imposed an import tax, a surcharge.

That is all we say here, that the President shall have the authority to do thus and so—in order to do what? To protect American industry. I have seen this impasse time and again. We have an Asian desk, a European desk, an African desk, and today we are writing into the law an American desk. That is all its amounts to. I think we are using this example about what happened before and it is unfortunate perhaps that the example was used. I do not think that we should have gone back and brought Theodore Roosevelt into this debate at all. Let us talk about 1971 and 1972 just a little bit.

Frankly, I do not see that we are giving anything away. Certainly I do not think we are hurting any of our friends.

We had a man come before our committee for consideration for appointment in the Commerce Department. He was from the Kodak Co. He was an economist. I said:

> You are the man I have been waiting for. Can you sell a Kodak camera in Japan?

His answer was, "No." I asked him "Why?"

He said it was because the Japanese Government said:

> You can't sell us an American camera. That hurts our industry, and we have to build up our industry and stimulate our economy.

Japan's gross national product has been going along at about 15 percent a year. Where is ours? They have been extending their operations in their factories. We are closing down ours in New England.

The President of the United States loves America as we do. From time to time I have criticized him. But I have never questioned his patriotism nor his responsibility.

I am surprised to hear that the Senator from New York, who was down there for dinner the other night, does not want to trust the President. I am telling the Senate that this is getting to be something.

I had a call only a short while ago from some officials in the State Department and also from the Pentagon wanting me to help them out on the markup of a bill. I said:

> Where are your Republican friends? How do they feel?

A short time ago, we brought up a bill seeking a limitation of what the President could spend. I was surprised to see how the Republicans voted to tell the President how much he could spend and how much he could not spend. The President must have been surprised, too.

We read the comments by the lady, Mrs. McCardle, who reports on the social page of the Post. Just wait until she publishes the next list of those who are invited to the White House.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield the Senator 2 additional minutes.

Mr. PASTORE. Mr. President, all I am saying is that we are going to trust the President of the United States in a time of an emergency to do what is right for America. What is the harm in that?

I am going to vote against the amendment. I think it is time to begin to think about America.

Mr. President, I yield back the other minute that I did not use.

Mr. CRANSTON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. CRANSTON. Mr. President, as I indicated, I was about done. However, I would like to say a word in response to the Senator from Rhode Island.

In the days when they were debating the Smoot-Hawley tariff bill, they had eloquent and witty and forceful speakers, though perhaps none as effective as the Senator from Rhode Island. However, many of the same things were said. They said, "What harm will this do? Let us protect our products. Let us protect our jobs."

That view prevailed and the Smoot-Hawley Act was written into law.

What happened? Other countries started to retaliate. Our products were totally banned from some lands in Europe and elsewhere. A violent trade war occurred, and the U.S. economy and the economy of other nations was wrecked. Let us be very careful about this vast Presidential authority. Let us look ahead at what will happen and let us look back at what happened the last time we did this.

Mr. LONG. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. Mr. President, the United States has had a deficit in its balance of payments for 20 out of the past 22 years. Cumulatively, this deficit exceeds $70 billion. Our liquid liabilities to foreigners are shown on the chart on page 135 of the committee report; they exceed our reserve assets by a ratio of more than 4 to 1.

Mr. President, article XII of the so-called General Agreement on Tariffs and Trade—the GATT for short—permits the use of import quotas whenever a country is suffering from serious balance-of-payments problems. We certainly have a serious problem. Why should we not give the President the authority that the GATT sanctions? Why should the President have to use the Trading With the Enemy Act to protect our balance of payments?

Mr. President, we have seen how other countries maintain border taxes, variable levies, import equalization fees, licensing quotas, administrative redtape, and all kinds of covert devices to protect their balance of payments. The United States has bent over backward to look the other way when our trade interests were hurt in the Common Market, Japan, and elsewhere. Now is the time to say—what is good for our own people, how can we have jobs in this country, and stop exporting them abroad. That is what this committee amendment is all about—it is an effort to arm the President with authority to take care of our own interests.

We are in effect saying: "Mr. President, we trust you to get us out of this balance-of-payments mess. Use this authority with discretion, but help us preserve American jobs for Americans. Do not start a trade war, but if the other fellows hits us over the head, do not turn your cheek but hit him back and make it hurt so he will not want to hit you again."

I ask unanimous consent that some material I have be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARTICLE XII

RESTRICTIONS TO SAFEGUARD THE BALANCE OF PAYMENTS

1. Notwithstanding the provisions of paragraph 1 of Article XI, any contracting party, in order to safeguard its external financial position and its balance of payments, may restrict the quantity or value of merchandise permitted to be imported, subject to the provisions of the following paragraphs of this Article.

2. (a) Import restrictions instituted, maintained or intensified by a contracting party under this Article shall not exceed those necessary:

(i) to forestall the imminent threat of, or to stop, a serious decline in its monetary reserves, or

(ii) in the case of a contracting party with very low monetary reserves, to achieve a reasonable rate of increase in its reserves.

Due regard shall be paid in either case to any special factors which may be affecting the reserves of such contracting party or its need for reserves, including, where special external credits or other resources are available to it, the need to provide for the appropriate use of such credits or resources.

(b) Contracting parties applying restrictions under sub-paragraph (a) of this paragraph shall progressively relax them as such conditions improve, maintaining them only to the extent that the conditions specified in that sub-paragraph still justify their application. They shall eliminate the restrictions when conditions would no longer justify their institution or maintenance under that sub-paragraph.

3. (a) Contracting parties undertake, in carrying out their domestic policies, to pay due regard to the need for maintaining or restoring equilibrium in their balance of payments on a sound and lasting basis and to the desirability of avoiding an uneconomic employment of productive resources. They recognize that in order to achieve these ends, it is desirable so far as possible to adopt measures which expand rather than contract international trade.

(b) Contracting parties applying restrictions under this Article may determine the incidence of the restrictions on imports of different products or classes of products in such a way as to give priority to the importation of those products which are more essential.

(c) Contracting parties applying restrictions under this Article undertake:

(i) to avoid unnecessary damage to the commercial or economic interests of any other contracting party;

(ii) not to apply restrictions so as to prevent unreasonably the importation of any description of goods in minimum commercial quantities the exclusion of which impair regular channels of trade; and

(iii) not to apply restrictions which would prevent the importation of commercial samples or prevent compliance with patent, trade mark, copyright, or similar procedures.

(d) The contracting parties recognize that, as a result of domestic policies directed towards the achievement and maintenance of full and productive employment or towards the development of economic resources, a contracting party may experience a high level of demand for imports involving a threat to its monetary reserves of the sort referred to in paragraph 2(a) of this Article. Accordingly, a contracting party otherwise complying with the provisions of this Article shall not be required to withdraw or modify restrictions on the ground that a change in those policies would render unnecessary restrictions which it is applying under this Article.

4. (a) Any contracting party applying new restrictions or raising the general level of its existing restrictions by a substantial intensification of the measures applied under this Article shall immediately after instituting or intensifying such restrictions (or, in circumstances in which prior consultation is practicable, before doing so) consult with the Contracting Parties as to the nature of its balance of payments difficulties, alternative corrective measures which may be available, and the possible effect of the restrictions on the economies of other contracting parties.

(b) On a date to be determined by them, the Contracting Parties shall review all restrictions still applied under this Article on that date. Beginning one year after that date, contracting parties applying import restrictions under this Article shall enter into consultations of the type provided for in sub-paragraph (a) of this paragraph with the Contracting Parties annually.

(b) Contracting parties applying restrictions under sub-paragraph (a) of this paragraph shall progressively relax them as such conditions improve, maintaining them only to the extent that the conditions specified in that sub-paragraph still justify their application. They shall eliminate the restrictions when conditions would no longer justify their institution or maintenance under that sub-paragraph.

3. (a) Contracting parties undertake, in carrying out their domestic policies, to pay due regard to the need for maintaining or restoring equilibrium in their balance of payments on a sound and lasting basis and to the desirability of avoiding an uneconomic employment of is caused or threatened thereby, they shall so inform the contracting party applying the restrictions and shall make appropriate recommendations for securing conformity with such provisions within a specified period of time. If such contracting party does not comply with these recommendations within the specified period, the Contracting Parties may release any contracting party the trade of which is adversely affected by the restrictions from such obligations under this Agreement towards the contracting party applying the restrictions as they determine to be appropriate in the circumstances.

(d) The Contracting Parties shall invite any contracting party which is applying restrictions under this Article to enter into consultations with them at the request of any contracting party which can establish a *prima facie* case that the restrictions are inconsistent with the provisions of this Article or with those of Article XIII (subject to the provisions of Article XIV) and that its trade is adversely affected thereby. However, no such invitation shall be issued unless the Contracting Parties have ascertained that direct discussions between the contracting parties concerned have not been successful. If, as a result of the consultations with the Contracting Parties, no agreement is reached and they determine that the restrictions are being applied inconsistently with such provisions, and that damage to the trade of the contracting party initiating the procedure is caused or threatened thereby, they shall recommend the withdrawal or modification of the restrictions. If the restrictions are not withdrawn or modified within such time as the Contracting Parties may prescribe, they may release the contracting party initiating the procedure from such obligations under this Agreement towards the contracting party applying the restrictions as they determine to be appropriate in the circumstances.

(e) In proceeding under this paragraph, the Contracting Parties shall have due regard to any special external factors adversely affecting the export trade of the contracting party applying restrictions.

(f) Determinations under this paragraph shall be rendered expeditiously and, if possible, within sixty days of the initiation of the consultations.

5. If there is a persistent and widespread application of import restrictions under this Article, indicating the existence of a general disequilibrium which is restricting international trade, the Contracting Parties shall initiate discussions to consider whether other measures might be taken, either by those contracting parties the balances of payments of which are under pressure or by those the balances of payments of which are tending to be exceptionally favorable, or by any appropriate intergovernmental organization, to remove the underlying causes of the disequilibrium. On the invitation of the Contracting Parties, contracting parties shall participate in such discussions.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., November 13, 1971.

DEAR SENATOR LONG: You have requested a statement of the Treasury Department's position as to the special Presidential authorities contained in H.R. 10947, the proposed Revenue Act of 1971. In very general terms, these authorities would enable the President to extend the provision excluding foreign-produced property from the Job Development Credit after the temporary import surcharge ends, either generally or with respect to particular products or countries; to reinstate the suspended excise tax on imported automobiles and small trucks; and to impose import quotas or an import surcharge at a rate not exceeding 15 percent during the present balance of payments emergency or a new balance of payments emergency period.

The President did not request that any of these be included in the bill. The international negotiations now being conducted by Secretary Connally on behalf of the President to achieve a proper realignment of currency values, elimination of certain tariff and nontariff trade barriers, and more equitable sharing of the burdens of free world defense do not require this special additional executive authority.

At the same time, the inclusion of these authorities in the bill need be no cause for concern to our international trading partners. Under present circumstances, the President does not expect to use any of these special authorities. They do, however, serve to strengthen the position of President Nixon and Secretary Connally in the international negotiations should there be any major change in present conditions, which at this time is not foreseen. Under these conditions, the Administration does not seek their elimination from the bill.

It bears constant repetition that the United States remains as completely committed to free international trade as it has been in the past. We seek only *fair* trade with other nations, in which their goods are not favored by exchange rate imbalances, and our goods are not discriminated against by restrictive trade practices in other countries. The Presidential authorities contained in the bill are wholly discretionary with the President, and, while there is no present expectation that they would be used, their availability at best is directed toward achieving the basic objectives of free and fair trade on a permanent basis throughout the world.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

BALANCE OF PAYMENTS FACT SHEET

[In billions of dollars]

Balance of payments	Official settlements basis	Liquidity basis
1971 January–September annual rate	−31.2	−23.0
1970	−9.8	−3.8
1969	+2.7	−7.0
1968	+1.6	+.2
1967	−3.4	−3.5
1966	+.3	−1.4
1965	−1.3	−1.3
1964	−1.5	−2.8
1963	−2.0	−2.7
1962	−2.7	−2.2
1961	−1.3	−2.4
1960	−3.4	−3.9
Subtotal 1960–71	[1] −52.0	−53.8
Subtotal 1950–59	NA	−17.3
Cumulative total 1950–71	[1] −52.0	−71.1

[1] 1960–71 only.

Source: U.S. Department of Commerce.

Mr. FANNIN. Mr. President, as reported earlier, the deficit in the U.S. balance of international payments as measured by two of the four definitions now used, soared to extraordinary levels in the third quarter. To illustrate the gravity of the problem, the net liquidity balance which until this year had seldom shown a quarterly deficit of as much as $1 billion had a deficit of $9.3 billion—all transactions with foreigners—both private and official.

Mr. President, last February I rose before this chamber to speak out against a serious crisis in our balance of payments and trade and their relationship to one of our industries. On that occasion it was pointed out that:

> Our fault lies not in the pursuit of free trade but in our failure to temper this pursuit with a reciprocal commitment of fair trade.

A dramatic case in point is our domestic steel industry. In 1969 our unfavorable balance of trade in steel exceeded $843 million. Further, in 1969, U.S. imports of steel accounted for 13.3 percent of U.S. consumption. Against this backdrop of foreign participation in our U.S. market the question is asked whether we can expect to offset this market loss through participation in foreign steel markets. The answer is a stark "No." As a result of our rather one-sided Kennedy round concessions, the average post-Kennedy round U.S. tariff for steel products is 6.9 percent compared to 7.2 percent for the EEC and 9.6 percent for Japan. The 7.2 percent EEC tariff is somewhat misleading. In addition to the duty which is impressed upon the CIF landed value—in contrast to U.S. duties which are impressed on the FOB port of origin value of the steel—a border tax is superimposed upon the CIF duty-paid landed value which effectively raises the aggregate of duties and border taxes to 19.4 percent.

Under the impact of the import rise of steel products, employment in our steel industry declined from an average of 593,900 workers in 1965 to 544,000 in 1969. During the first 9 months of 1970, this average dropped to 537,000. I submit that this absolute loss of 47,000 jobs is a price that should not be paid for the sole purpose of enhancing our "foreign relations."

In 1968, under the threat of mandatory quota legislation to curb the foreign appetite for our steel market, Japanese and common market steel producers "voluntarily" agreed to limit steel exports to the United States. It can be said that this "voluntary" limitation has provided the industry with a brief respite. But this approach is akin to treating the symptoms rather than the cause. The long-range answer lies elsewhere—possibly in the reevaluation of our basic trade policies and the establishment of an order or priorities different than those heretofore followed in U.S. trade relations.

Mr. President, in my remarks last February, I stated that with the implementation of the final Kennedy round cuts next January, we will have exhausted all our negotiating currency. We have nothing more to exchange for the dismantling of the tariff and nontariff barriers now effectively excluding our manufactured goods from participating in foreign markets.

It is now a pleasure to report that the Senate Finance Committee has approved an amendment to pending tax bill, H.R. 10947 which provides the President with discretionary authority to protect the balance of trade and balance of payments of the United States by allowing him to: First, impose selective or general import quotas; or second, impose an import surcharge of up to 15 percent of the value of the imported article, during a balance-of-payments emergency.

We have recently witnessed the value of such a tool in the hands of the President with respect to textiles. President Nixon is the first American President since World War II to propose realistic changes in policy. He has been steadfast in his efforts to negotiate voluntary agreements with major foreign producers of textile products which will restore reason and order to our domestic market. What he has attempted to achieve is not the exclusion of foreign textiles but an orderly sharing of the American market.

When the long negotiations with Japan failed, the President turned to the Congress for legislation that would strengthen his hand at the negotiating table. Amid the confusion existing in the Senate during the last weeks of 1970, the trade bill failed to pass.

Further, negotiations with the Japanese failed in a succession of events which ended with the Japanese textile federation announcing its plan, to unilaterally restrain textile imports to the United States. President Nixon responded that the plan was unacceptable and the American textile industry immediately pointed to its obvious deficiencies. Under its provisions, there was little or no likelihood that the increasing tide of textile imports would be controlled.

Finally, after months of futile discussions, the President set a deadline for the negotiations and stated that a textile quota would be imposed if a satisfactory textile agreement could not be reached. Thus, after months of negotiations, and faced with a direct stimulus, the Japanese trade Minister signed an agreement which will allow a reasonable increase in

Japanese imports into this country in the next 3 years.

Mr. President, the administration has tried to protect the steel industry by voluntary agreement between the United States and the steel industries of foreign producing nations. The agreement that went into effect on January 1, 1969, terminates at the end of 1971. It set a limit on the tonnage of exports of steel to the United States in 1968 and provided for an annual tonnage increase of 5 percent.

The voluntary approach has failed.

In the first place, the foreign producers committed themselves as far as possible to following the historical product mix in their steel exports to the United States. They failed to do this. They spectacularly increased the exports of stainless and other specialty steel exports. Those products sell for more dollars per ton than carbon steel.

In the second place, efforts during 1971 by the Department of State to negotiate a new agreement to go into effect in 1972 and give more specific protection to specialty steel have not brought results after 7 months of negotiation by the State Department. If an agreement is negotiated before the end of the year, the U.S. Government has no power to enforce compliance. So abuses can recur.

The threat of an imposition of a quota would prevent abuses.

The specific extent of the noncompliance with the voluntary agreement is obvious in the statistics for the first 8 months of 1971—Department of Commerce figures are the basis. Contrary to the voluntary limitation of an increase of 5 percent a year, that has been exceeded for all kinds of steel as follows:

> 59 percent increase in all steel imports over the quantity in the first 8 months of 1970;
>
> 20 percent increase from Japan;
>
> 114 percent increase from the six countries in the European economic community.

Through October, imports of all kinds of steel in 1971 exceeded the tonnage allowable under the existing voluntary agreement by 22 percent.

The imports under terms of the voluntary arrangement should be 11,576,250 tons.

The imports in fact came to 14,077,233.

Although the Japanese are scolded more than others for their trade practices, the largest violation of the limit comes from the European Common Market countries—19 percent over.

The intrusion of the U.S. market began to increase when times were good. Now that times are bad, the foreign producers are taking an ever larger share of it.

Those tremendous violations show that a voluntary approach is a totally useless means of safeguarding the steel industry, both carbon and specialty.

And the tremendous percentage of the specialty steel market now held by foreign producers shows that a safeguard is vital.

Mr. President, the American industry cannot survive in vigor in the face of that sort of import penetration. The President can correct the situation by using the authority which the balance-of-payments amendment would grant him to speedily conclude an effective binding agreement.

Mr. HANSEN. Mr. President, the morning newspapers contained a shocking figure. The balance-of-payments deficit for the third quarter was over $12 billion, the highest in our Nation's history. Thus far this year, our balance-of-payments deficit is running at an annual rate of between $23 and $31 billion depending on which measurement one chooses to use. Our trade figures are also in deficit for the first time in this century. When measured to include the cost of insurance and freight, our trade deficit for the first three quarters is running at an annual rate of over $8 billion.

The Secretary of the Treasury wants this authority; he asked the committee for more than this, but the committee determined that the other parts of the Secretary's negotiating authority could be reviewed in the context of trade legislation. However, I want to make it clear that he does want to keep this authority in the bill. The authority would enable him to negotiate more effectively with foreign countries. These countries have benefited enormously from our largess and are unwilling to give up any of the advantages we bestowed upon them through our generous trade, aid, and military expenditures. The only way they will bargain effectively with the United States is if they know that it will cost them more not to cooperate than it would cost them to cooperate. That is what this amendment would do.

Mr. President, I ask unanimous consent that a balance-of-payments fact sheet and a balance-of-trade fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALANCE OF PAYMENTS FACT SHEET

[In billions of dollars]

Balance of payments	Official settlements basis	Liquidity basis
1971 January-September annual rate	−31.2	−23.0
1970	−9.8	−3.8
1969	+2.7	−7.0
1968	+1.6	+.2
1967	−3.4	−3.5
1966	+.3	−1.4
1965	−1.3	−1.3
1964	−1.5	−2.8
1963	−2.0	−2.7
1962	−2.7	−2.2
1961	−1.3	−2.4
1960	−3.4	−3.9
Subtotal, 1960–71	[1]−52.0	−53.8
Subtotal, 1950–59	NA	−17.3
Cumulative total, 1950–71	[1]−52.0	−71.1

[1] 1960–71 only.

Source: U.S. Department of Commerce.

U.S. BALANCE OF TRADE FACT SHEET

[In billions of dollars]

	F.o.b. basis	C.i.f. basis excluding aid financed exports
1971—January-September rate	−2.0	−8.5
1970	+2.7	−3.2
1969	+1.4	−4.4
1968	+1.0	−5.1
1967	+4.1	−1.4
1966	+3.8	−1.5
1965	+5.3	+.6
Subtotal, 1965–71	+16.3	−23.5
1964	+7.0	+2.3
1963	+5.3	+1.2
1962	+4.6	+.9
1961	+5.7	+2.5
1960	+4.9	+1.8
Subtotal, 1960–64	+27.5	+8.7
Grand total, 1960–71	+43.8	−14.8

Source: U.S. Department of Commerce.

Mr. HANSEN. Mr. President, the Committee on Finance has been quite concerned that, during the present balance-of-payments emergency, the President does not have sufficient authority to negotiate from a position of strength. The President's only authority to impose broad import restrictions stems from the Trading With the Enemy Act. This act clearly should not be invoked to cope with balance-of-payments problems with friendly countries.

The Senator's amendment would not decrease the President's powers but would force him to use the Trading With the Enemy Act when dealing with our friendly trading partners. Does the Congress want to restrict the President and force him to use the Trading With the Enemy Act in order to protect U.S. balance of payments?

This is not a question of free trade against protectionism. What this amendment involves is giving the President a tool which he can use in the current negotiations over currency realinements, nontariff barriers, and other burden-sharing matters. The Secretary of the Treasury wanted even broader authority to cope with these critical issues. The committee can consider this broader authority in subsequent trade legislation. However, during this emergency period, the committee felt that the authority contained in this bill would help the President in reaching satisfactory agreement on our differences with other countries.

Mr. President, I ask unanimous consent that a statement by the Secretary of the Treasury be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE JOHN B. CONNALLY

After a remarkable quarter century of stability and development, nurtured by close collaboration within the International Monetary Fund and the World Bank, events have challenged the underlying premises and functioning of the system devised at Bretton Woods. Some of those basic premises are now invalid.

Those at Bretton Woods planned for the transition from a war-torn world to a world of reconstruction and peaceful prosperity. The founders could assume, without challenge, a world in which the United States, for a time, possessed the dominant economic and financial power. The challenging goal was to rebuild the strength of others, in a context of flourishing trade, freedom for payments, and rapid development.

Now, our very success has produced new

problems. Trade has grown enormously—but the patterns have not been in sustainable balance. International transactions have been substantially freed and investment accelerated—but we have not learned to maintain an equilibrium in underlying payments or in exchange markets. And, after twenty-five years, international monetary stability can no longer depend so heavily on a single nation.

The announcements by President Nixon on August 15 recognized these long-building realities. In doing so, his intention was to launch the United States into a new economic era—and to assure more balanced and sustainable economic relationships with the rest of the world. His actions accept, as a basic point of departure, the links already emphasized here by several Governors between effective domestic performance, a secure balance of payments, and international financial stability.

We are committed to curbing inflation and revitalizing the American economy—not just this year or next, but for the longer pull. We are committed to ending the persistent deficit in our external payments; indeed, at this point in time, the only choice can be the means to that end, not the end itself. Finally, in taking the difficult decision to suspend the convertibility of the dollar into reserve assets, we are committed to negotiating with our friends for a monetary order responsive to the needs and conditions of this generation.

The United States has not been alone among the countries represented here in grappling with the problem of achieving vigorous growth and productivity while dealing with the destructive forces of domestic inflation.

To cope with this situation, President Nixon moved boldly to apply a 90-day wage-price freeze to make a simple point as forcibly and directly as he could: cooperation in the elimination of inflation is a prime national priority.

We are now deeply engaged in a broad effort, involving all elements in our economy, to develop an effective, forceful follow-on program to the freeze. In a matter of weeks, that program will be announced. At the same time, we will be implementing other parts of the President's domestic program to assure both near-term growth and lasting gains in efficiency, productivity, and technology.

In its entirety, this program is designed to fulfill our first obligation both to ourselves and to the international monetary system: a stable, prosperous domestic economy.

Nevertheless, crucial as they are, I believe it is now fully understood that domestic measures alone cannot deal with the present and prospective imbalance in the external payments of the United States. The specific monetary and trade measures which we introduced on August 15—including the imposition of a temporary import surcharge—will not in themselves solve the problem. They were, however, the necessary first steps to arrest an intolerable deterioration in the balance of payments position of the United States. The deterioration in our position has, of course, had its counterpart in improvement abroad—and only by working together can we find solutions conducive to expanding trade and monetary stability.

I would like to emphasize the connection we see between the balance of payments adjustment now required, on the one hand, and the long-range evolution and improvement of the monetary system on the other.

First, without a full and lasting turnaround in the balance of payments position of the United States, any new monetary arrangements inevitably would break down.

Secondly, such a turnaround cannot be fully assured and lasting unless necessary exchange rate changes are accompanied by trading arrangements that assure fair access to world markets for U.S. products.

Thirdly, a more balanced sharing of responsibilities for the security of the free world can and must be a part of a balanced economic order.

These adjustments are both entirely feasible and eminently desirable in the light of the impressive economic growth and strength of other leading trading nations. Indeed, we believe our objectives are shared by all nations with a fundamental interest in a stable and balanced world trading and monetary system. We also share a common concern in seeing our deficit eliminated by means consistent with open economies and expanding trade.

We do not underestimate the difficulties of the process. But I am in no way disheartened or surprised by the absence of instant solutions in the six weeks since the President's action. The simple fact is that progress is being made. In contrast to early August, I believe there is explicit and general recognition that:

We face together an adjustment problem of substantial magnitude;

There is a need for a broad realignment of relative currency values;

Measures outside of the exchange rate field are a factor in restoring lasting strength in the U.S. balance of payments;

For the longer run, the international monetary system requires far-reaching reform, including a lesser role, at the least, for gold.

Indeed, we are now launched into an agreed program of work toward a solution in all areas as soon as feasible.

Much can be done in bilateral and multilateral negotiations in the weeks ahead.

We are all gratified, I believe, that we have progressed this far. But none of us, at least I don't, mistake progress in understanding and agreement on procedures for the hard policy decisions necessary for a satisfactory solution. Much difficult work remains, both of an urgent and of a painstaking nature.

As you know, the United States has made explicit its own analysis of the needed turnaround in our own balance of payments position. It reflects the hard fact of a substantial underlying adverse trend in our trade position.

Some have urged that the adjustment sought by the United States is too large. We are told time is of the essence. It is said we must be satisfied with an admittedly partial solution, lest restrictions and even retaliation begin and recessionary forces take hold. At the same time, we are told that the quick and partial solution must entail a change in the official dollar price of gold and that our surcharge must be removed as a prelude to negotiations.

We can fully appreciate the expressed concerns. We also fully understand that our surcharge—while applied across the board in a non-discriminatory way—as a practical matter affects products and countries evenly. We are conscious of the political sensitivities of decisions on exchange rates. Yet, in the interest of frankly discussing the issues, I must say plainly that we find a certain inconsistency between the expressed concerns and the proposed remedies.

A change in the gold price is of no economic significance and would be patently a retrogressive step in terms of our objective to reduce, if not eliminate, the role of gold in any new monetary system. Removal of the surcharge, prior to making substantial progress toward our objectives, would accomplish nothing toward correcting the balance of payments deficit. Nor can measures by others to resist exchange rate realignment or other adjustment measures by controls, restraints, or subsidies help the process of resolving the situation promptly and effectively.

We must find more timely and constructive ways to meet these economic and negotiating problems—to avoid the contentious issue of the gold price, to achieve the earliest possible removal of the surcharge, and to help determine the size and distribution of the needed exchange rate realignment. Faced with these difficulties, I believe we should welcome the help that the market itself can provide in reaching crucial decisions.

Many nations already are allowing their currencies temporarily to float, but they have done so with widely varying degrees of intervention and controls. As a result, some adjustments clearly needed are being delayed or thwarted, the process of multilateral decision-making impeded, and political questions multiplied. In this respect, our surcharge and restrictions on capital flows could, like those applied by other countries, themselves be a disturbing influence.

If other governments will make tangible progress toward dismantling specific barriers to trade over coming weeks and will be prepared to allow market realities freely to determine exchange rates for their currencies for a transitional period, we, for our part, would be prepared to remove the surcharge.

This would provide one possible path for moving expeditiously, reversing any tendency to maintain and extend restrictive trade and exchange practices and to provide more satisfactory arrangements for settling individual transactions, consistent with the Resolution that has been proposed to the Governors.

I recognize that floating rates will not necessarily, over any short time period, indicate a true equilibrium. I also know full well from experience that the present fixed rate system has failed to maintain an equilibrium, and we need assistance, during this difficult transitional period, from the objective, impersonal forces of the market place in making decisions.

In any event, we will continue to work in detailed and frank negotiations, bilaterally and multilaterally, to seek agreement on appropriate measures which may most fruitfully achieve and maintain the needed adjustments. This will lay the foundation for constructive consideration of the longer-term problems of our trading and monetary arrangements.

I am following with great interest the suggestions of other Governors concerning the shape of the future world monetary system. These comments bear out what President Nixon said on August 15 regarding the need for a new monetary system. Chairman Schiller forcefully pointed out at the start: we cannot expect or wish simply to go back to the old and familiar.

In contrast to the world that faced the architects at Bretton Woods, there is a far greater balance of strength, particularly among the North American, the European, and Japanese economies. This development—so welcome in its own right—in turn calls for a different and more symmetrical balance of opportunities and responsibilities.

We and the world had grown accustomed to U.S. deficits. The counterpart of those deficits were rather persistent surpluses for others, and those surpluses helped satisfy the individual goals of other countries. But a monetary system dependent on U.S. deficits is no longer tolerable, economically, financially, or politically, for you or for us.

The implications are fundamental. A return to specified parities without United States deficits will require ample alternative sources of official liquidity, internationally managed and controlled. There must be arrangements for adequate exchange rate flexibility, available to all countries, to help maintain a reasonable payments balance. There must be means—more effective than those incorporated in the Fund Agreement at present—of encouraging timely and appropriate action by surplus countries which escape the financial pressures forcing adjustment on deficit countries.

There is another area in which we are, in a sense, victims of our own progress. As economics have become more closely intertwined, as international capital markets become more effective and efficient, and as controls and restrictions are reduced, the potential for volatile and disturbing capital flows expands enormously. This had already been a matter for international consideration before August 15 and for considerable comment at this meeting.

If not yet unanimously acceptable, substantially wider margins are already viewed as a necessary part of any establishment of new parities. Other difficult questions concern the mix of national fiscal and monetary policies, joint or coordinated action in international money markets, and the proper role, if any, for limited restrictions on financial intermediaries—always keeping in the forefront the fundamental need of free and competitive markets to serve the needs of traders and investors.

A number of speakers have already emphasized that, whatever the particulars of new monetary arrangements, a fundamental need will remain for fair, widely understood, and enforceable international codes of conduct in trade and monetary matters. I share that emphasis. The further corollary is that the International Monetary Fund, itself, should play a central role in developing and monitoring such codes.

Discussions of these matters have now been launched not only in the Executive Board but in the Group of Ten. In emphasizing the need for these discussions, I also note these matters are of direct interest not only to large and highly developed countries but to that wider spectrum of Fund membership ready and able to assume a share of the responsibility for maintaining an effective monetary system.

While dealing with the monetary system as a whole, we shall, for our part, also proceed with the associated task of dismantling unfair barriers to trade and impediments, including our own, to the free flow of long-term capital.

We will also need to deal with many questions bearing more specifically upon the economic well-being of developing countries. My Government particularly welcomes the discussion at this meeting and elsewhere of the pressing problems posed by population trends in much of the world, the new emphasis on nutritional and environmental concerns, and the more careful consideration of the implications of external debt burdens.

We are impressed by the growing scope of the traditional activities of the World Bank and its affiliates under the able leadership of President McNamara. President Nixon has called for an increase in the emphasis that we, ourselves, give to multilateral institutions in our development assistance effort, and we plan to continue that process.

The high levels of lending by the World Bank Group are supported for the most part by Bank borrowing in the developed countries. Twenty-five years of activity has encouraged increased direct financial support by all developed countries, and I hope other nations will continue to open their capital markets to the Bank.

As the level of activity expands, the Bank must take even more care with the efficiency and effectiveness of its operations and must question old premises. It is in this light that I welcome the evaluation efforts being undertaken by the Bank. It is important not only that we ensure that the Bank Group processes projects quickly and efficiently but also that its funds have their planned impact—including assurance that these resources are reaching all the people of the developing countries.

As the World Bank Group further develops its ambitious plans, I must also speak frankly of our own situation and intentions. I can do so explicitly with respect to the pending replenishment of the International Development Association, without which the plans for the years ahead will be gravely impaired.

We firmly support that replenishment. In reducing our total of assistance by some 10 percent over the current fiscal year, we mean to avoid any reduction in that major commitment. Within our constitutional system, however, IDA replenishment requires, but has not yet received, Congressional approval. The fundamental sympathy and support of the Congress for IDA over the years has, I believe, been amply demonstrated. Nevertheless, Congress will have to be convinced, as never before, that: first, this development assistance efficiently serves to promote growth in the developing world; and, second, that our own situation will strengthen to the point where this and other burdens on our payments can be safely assumed.

All these official efforts must be supplemented by flows of private capital. I am disturbed when I see instances of developing countries treating private investment in a manner not accepted by international law. In a world already short of capital to meet pressing demands, the adverse effects on the investment climate of such practices are bound, in a very tangible sense, to deny real benefits to the people. The damage in reducing the flow of capital can extend beyond the parties immediately involved to other potential investors or recipients of funds.

It is in this context that the United States firmly supports the creation of the proposed International Investment Insurance Agency. The maintenance of a healthy climate for private investment in those countries which recognize the important role such investment can play has become a matter of concern for all such nations. The interest in this proposal at last year's meeting has not yet produced a result. I am hopeful that a new resolve and firmer commitment to this idea by both developed and developing countries will produce agreement in the coming year.

A logical complementary development would be more active reliance on the Center for the Settlement of Investment Disputes. Of course, the policies of the World Bank itself, in situations when existing foreign investments are unfairly treated, will importantly affect the future climate for the flow of public development assistance as well as for foreign private investment.

In conclusion, I would only reiterate we have a large agenda before us. We all know the present situation has both risk and opportunity.

We should not fear the one nor fail the other.

With the same vision that motivated those at Bretton Woods, we can build a better monetary and trading world.

With wisdom, we can devise monetary arrangements that combine an essential stability with the capacity to adapt.

With courage, we can move together to reduce restrictions on trade and payments, in recognition of our mutual dependence.

With patience, we can work together, finding a balance of opportunity and responsibility for rich and poor alike that fits the imperatives of today's world.

These qualities are present in the men who have come to Washington this week and in the governments they represent. You can be sure the United States will join you in the vanguard of the effort. In this sure knowledge, I look ahead with confidence.

Mr. CRANSTON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, I yield 1 minute to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time which was set aside for the discussion of the Harris amendment this afternoon be vacated with the understanding and on the condition that the 1 hour set aside on tomorrow for his amendment No. 680 be retained for his use, with the further understanding that he may be able to call up during that 1 hour the amendment which he had intended to call up this afternoon, amendment No. 690 and the amendment No. 680, in that order, with a half hour on each of the two amendments tomorrow, the time to be equally divided and controlled as in the previous agreement.

Mr. FULBRIGHT. Mr. President, reserving the right to object, and I shall not object, I wish to propound this inquiry. I have one or two simple amendments relating to the amendment, in the event it does not carry. Is there any possibility of taking it up in the time that has just been made available? Since the Senator is vacating the other amendment, is there any possibility of taking up my two simple amendments? I ask this since the Senator is vacating the time for the Harris amendment.

Mr. BYRD of West Virginia. The amendment of the Senator from Minnesota (Mr. Humphrey) was clocked in next.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, may I have 1 additional minute?

Mr. LONG. I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. How much time does the Senator want?

Mr. FULBRIGHT. Twenty minutes for both of them. They relate to the same matter under discussion on the pending amendment.

UNANIMOUS-CONSENT AGREEMENT ON FULBRIGHT AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the vote on the pending amendment the distinguished Senator from Arkansas (Mr. Fulbright) be recognized to call up two amendments, and that the time on each of the two amendments be limited to 10 minutes, to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, was the time on the Harris amendment today vacated?

The PRESIDING OFFICER. It was vacated.

Mr. BYRD of West Virginia. Was the condition allowed?

The PRESIDING OFFICER. The condition was allowed.

UNANIMOUS-CONSENT REQUEST ON JAVITS AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following disposition of the amendment by the Senator from Kansas (Mr. Pearson) tonight, the amendment by the Senator from New York (Mr. Javits)——

Mr. JAVITS. Mr. President, will the Senator yield to me before he makes that unanimous-consent request?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I do not have the slightest notion as to what is lined up ahead of me. I wish the Senator would not make that request now. I would like to get some idea if we would be called up before 9 o'clock tonight.

Mr. BYRD of West Virginia. Yes. I had already discussed the matter with the Senator.

Mr. JAVITS. Now the Senator has a new lineup with Senator HARRIS and others.

Mr. BYRD of West Virginia. It is now a shorter lineup.

Mr. JAVITS. How many hours do we have before the Senator would get to me?

Mr. BYRD of West Virginia. Twenty minutes on two amendments by the Senator from Arkansas (Mr. FULBRIGHT), 1 hour on the Humphrey amendment, 20 minutes on the amendment by Mr. PEARSON and then the Senator's amendment would come in.

Mr. JAVITS. That is about 2 hours plus voting—at least 3 hours—about 7:30.

Mr. BYRD of West Virginia. If all the time is used.

Mr. JAVITS. Mr. President, I am willing to agree if my amendment can be called up before 7:30 this evening; otherwise I would prefer to take up the amendment tomorrow. Is that satisfactory to the Senator?

The PRESIDING OFFICER. In connection with the Pearson amendment the Senator indicated there is 20 minutes. The desk informs the Senator that the record shows 30 minutes.

Mr. BYRD of West Virginia. Very well. I thank the Presiding Officer. I was mistaken.

Mr. JAVITS. I am willing to agree to an unanimous-consent agreement on Amendment No. 533 provided it is called up by 7:30 p.m. If it is not, I am not prepared to go on with it tonight.

Mr. BYRD of West Virginia. Very well.

Mr. JAVITS. I am happy to do it, so long as we get that time.

UNANIMOUS-CONSENT REQUEST ON GURNEY AMENDMENT NO. 651

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on amendment No. 651, by the Senator from Florida (Mr. GURNEY)—which I have discussed with the distinguished manager of the bill—there be a time limitation of 2 hours to be equally divided between the mover of the amendment and the manager of the bill, with the further proviso that time on any amendment in the second degree, motion, or appeal, except nondebatable motions, be limited to 20 minutes, to be divided between the mover of the amendment, motion, or appeal, and the manager of the bill.

Mr. LONG. Mr. President, I object to that limitation on amendments. Frankly, it is my intention to move to table that amendment, and if the motion to table is not carried, it would seem to me that we should not have any limitation on amendments because that is the whole social security bill. If that amendment is to be voted on, we are on notice that family assistance will be offered as an amendment, and that is something that could keep us here until next January or March. If the Senate wants to legislate on social security, we can call off the committee hearings and go ahead and do our testifying here on the floor of the Senate, which will take some time.

I would say Senators should make arrangements to have Christmas here and we will take whatever time the Senate wants to talk about social security. We can just hold hearings on the floor of the Senate, if the Senate wants to get into social security and open it up to all the amendments that everybody wants to offer. It is a big proposition and if the Senate wants to legislate on the social security bill on the floor of the Senate and consider all proposals in the way of public welfare and things that will be offered, we can make our plans and go about our business. We are nowhere near third reading and final passage on this bill.

First, on the Senator's amendment, with all deference to the Senator—but he is not the best expert on social security in the Senate—I notice his amendment is about 200 pages and would involve $5 or $6 billion. If we are going to get into that we should get into other matters. For instance, the Senator from Connecticut (Mr. RIBICOFF) knows something about social security. He was the Secretary of Health, Education, and Welfare before he came here. There will be other amendments.

I do not see any point in trying to prejudice anybody or taking anybody by surprise.

Mr. President, that amendment is as broad as all outdoors. If anyone has anything else he wants to get involved in, just bring it in and open this up, and put it on the revenue bill, anything that the mind of man can conceive.

I do not know why we should have any limitation. If that amendment is agreed to, I suppose I would be moved to move to recommit the bill. As far as the amendment is concerned, I could not agree to the limitation on further amendments.

The Senator from Connecticut had every right to protect his rights. He said if this is agreed to, he would offer the family assistance plan. Is that correct?

M. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, the chairman of the committee and I have exercised responsibility. The family assistance plan is tied up with the social security bill, H.R. 1, which came from the other body. The distinguished chairman is vitally interested in social security, as I am. He is not as interested in the family assistance program, but he has given assurance to the majority leader and me that the first order of business, depending on when we adjourn and return, will be completion of social security with family assistance, to give us an opportunity to discuss this matter on the floor of the Senate.

The Senator from Louisiana has acted responsibly. In the Committee on Finance, with our diverse philosophies and our diverse thinking, we tried not to jeopardize the basic tax bill. We realize how important this bill is to the country. We agreed to try to keep out extraneous matters that are not related and up to now we have been quite successful in achieving that.

I hope other Senators realize the depth of the problems and the complications. It would mean we would be here until the end of the year. There would be no social security system, family assistance program or tax bill, and there would be complete frustration not only in this body but in the Nation as a whole.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BYRD of West Virginia. I had discussed this matter with the distinguished Senator from Louisiana (Mr. LONG). Apparently there is some misunderstanding between us. As manager of the bill he is certainly within his right to object, and I can appreciate his reasoning.

Mr. LONG. Mr. President, may I explain to the Senate that I am willing to agree to a limitation on that amendment, but I think it is quite a different matter when we get to amendments to the amendment, because other Senators, such as the Senator from Connecticut, would intend to offer the family assistance plan as an amendment, and I am not prepared to agree to a vote on a matter that has been extremely controversial, that we have been debating for a year around here, in a half hour or 20 minutes. If we are going to get involved in that sort of thing, we had better have adequate discussion, and if that amendment cannot be laid aside or tabled, the Senator from Indiana has about 47 amendments on the desk on social security and public welfare, some of which, at least, I would assume he would move to call up. Some of them would be involved in this situation. So I would have to protect my rights with regard to further amendments.

Mr. BYRD of West Virginia. The Senator is within his rights.

Mr. JAVITS. Mr. President, if the Senate wants to get a unanimous consent agreement on my Amendment No. 533, it is entirely agreeable with me if we had 45 minutes, if we reach it by 7:30.

Mr. BYRD of West Virginia. I thought we had already cleared that matter.

Mr. JAVITS. So did I, but they tell me at the desk it was not cleared.

The PRESIDING OFFICER. The Chair understands there was no time limit on that amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time of the amendment to be offered by the Senator from New York, No. 533, be limited to 40 minutes, to be equally divided between the mover of the amendment and the manager of the bill; provided further, that time on amendments in the second degree, motions, or appeals, with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I yield 1 minute to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the

Senator from Kansas (Mr. Pearson) may be added as a cosponsor of the amendment which is before us. His desire to cosponsor it reminded me of the critical stake the agricultural community has in title VI, as the first exports to be hit adversely will be the exports of the agricultural community. Let us be clear that abrogation of the MFN principal which is precisely what we are objecting to in the case of the proliferating preferential trade relations of the Common Market and which are so harmful to our agricultural export interests such as citrus, soybeans, wheat and feed grains, is encouraged by the adoption of this amendment. The amendment again is a signal to the world that the principal of MFN which served us so well is dead as far as the U.S. Senate is concerned.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I yield back my time on my amendment.

Mr. LONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on the adoption of the amendment.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Louisiana (Mr. Ellender), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from Illinois (Mr. Stevenson), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from South Dakota (Mr. McGovern), and the Senator from Illinois (Mr. Stevenson) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

On this vote, the Senator from Oklahoma (Mr. Harris) is paired with the Senator from Pennsylvania (Mr. Scott).

If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Nebraska (Mr. Hruska), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from Ohio (Mr. Saxbe) and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Hruska) would vote "nay."

On this vote, the Senator from Pennsylvania (Mr. Scott) is paired with the Senator from Oklahoma (Mr. Harris). If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Oklahoma would vote "yea."

The result was announced—yeas 29, nays 53, as follows:

[No. 342 Leg.]

YEAS—29

Buckley
Burdick
Case
Chiles
Church
Cooper
Cranston
Dole
Fulbright
Gravel
Hart
Hatfield
Hughes
Inouye
Javits
Kennedy
Mansfield
McGee
Metcalf
Mondale
Moss
Nelson
Packwood
Pearson
Percy
Proxmire
Tunney
Weicker
Williams

NAYS—53

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hartke
Humphrey
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Montoya
Pastore
Pell
Randolph
Ribicoff
Roth
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—18

Allott
Bayh
Dominick
Ellender
Goldwater
Harris
Hollings
Hruska
Jackson
Mathias
McGovern
Miller
Mundt
Muskie
Saxbe
Scott
Stevens
Stevenson

So Mr. Cranston's amendment (No. 640) was rejected.

AMENDMENT NO. 672

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate, amendment No. 672 by the Senator from Arkansas, which will be stated.

The assistant legislative clerk read as follows:

On page 177, line 7, strike out "December 31, 1976" and insert "December 31, 1973".

On page 177, beginning with line 19, strike out all through line 9 on page 178 and insert:

"(c) The President may terminate a balance-of-payments emergency period whenever he determines that the authority conferred by section 601 is no longer necessary to safeguard the international financial or trade position and balance of payments of the United States. A balance-of-payments emergency period shall terminate in any event on December 31, 1973."

The PRESIDING OFFICER. The time is limited to 10 minutes. Who yields time?

Mr. FULBRIGHT. I yield myself 5 minutes.

Actually, we discussed this matter in connection with the previous amendment. I suggested this amendment, anticipating that the previous amendment might be rejected.

All it does is to strike out "December 31, 1976," on line 7, and insert "December 31, 1973." This is what I was talking about with the Senator from Connecticut a few minutes ago.

Inasmuch as most of us hope that this is an emergency and not a permanent change in our attitude toward foreign trade—and we should not be so pessimistic to think that we cannot do anything about it at this stage—Congress would have an opportunity to review the situation in 2 years. Instead of making a long term delegation of power to the President, we simply make it a short one, so that Congress can review it. It would be after the election. I think this is only prudent from the congressional point of view. It does not change any substantive power. The President says he does not need it. He is a great deal more optimistic about the effectiveness of his program than apparently the committee is.

In any case, it is not a substantive change. It merely says that we delegate this power, which is a very broad power, for 2 years instead of 6 years.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RIBICOFF. I opposed the Senator, and the Senator from California, on the previous amendment. But it seems to me that the amendment offered now makes sense. We are giving the President a substantial grant of power, and I think the President should have it. We are in a trade and a balance-of-payments emergency. I hope that the President and Secretary Connally, within the coming year, will be able to come to agreements with our trading partners and work out many of the difficulties that now exist.

In any event, we would still make it possible for the next President, whoever he may be, to have an additional year after the next election to determine whether he needs these additional powers. In this way, the Congress does reserve to itself the basic powers it has now granted to the President.

I believe the amendment offered by the Senator from Arkansas has a great deal of merit. It gives the President and his Cabinet all the powers they need, and at the same time still preserves the basic interests and basic powers of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I reserve the remainder of my time.

I hope the Senator from Louisiana will accept this amendment and that we will not have to have a rollcall vote on it.

Mr. LONG. I yield myself 2 minutes.

Mr. President, the authority granted under this provision would be for a period of only 5 years. All that authority is included within the powers that exist under the Trading With the Enemy Act, in any event. This is just a better way to do it.

If you do not have a few years to look forward to, and the President is not likely to use this authority in any immediate future, he might have only a month or two left to go under the authority. If you hope he might use it if he found it necessary, it seems to me that, without anticipating it being used immediately anyway, it ought to go for enough time in the future when the President might have occasion to use it.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. If the White House changes hands after the election of 1972, the incoming President will have a little less than a year in which to acquaint himself with the duties of his office and to participate in the negotiations that are made possible by this program. While it would be easier for a man who is elected for the second term to live within the 2-year period, it would be very difficult for a new President if he had less than a year in which to operate under this program.

I hope the Senate will reject the amendment.

Mr. FULBRIGHT. Mr. President, I think it is not proper for Congress to make these long delegations of power in a field in which we are supposed to exercise some authority and some influence. I do not understand the determination to abdicate for such a long period.

The Senator from North Carolina and I and others have been complaining about the delegation of power to and the usurpation of power by the Executive, and here we come along in a basic area of taxation and foreign trade, in which my State, as an exporter of agricultural products, is very interested. I think it is very bad psychologically.

I do not understand the pessimism of the Senator from Utah in anticipating a change in the White House. I did not mean to inject that prospect one way or the other. But I think it is an excessively long time to delegate such fundamental power. That is all there is to it.

Someone came up to me and said, "Would you take 1974? That is better than 1976." But it seems to me that 2 years is long enough. If 1974 is agreeable to the committee, I am willing to compromise. I am under no illusion that we can win it over the determined opposition of the managers of the bill.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. If the Senator would make his amendment read "1974," I would be glad to vote for it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I think Senator Fulbright is absolutely right. I think it is not the kind of thing anybody ought to be truculent about. This is a most unusual and extended grant of power, and any limitation on it would be desirable in an exercise of responsibility.

If the committee could accept it, and Senator SYMINGTON and others would support it at 1974, I think the point is made by the Senator, whatever shortening period he effectuates.

Mr. FULBRIGHT. If 1974 will meet the objection, that is all right.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

I modify my amendment to make it "1974."

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. BENNETT. I object.

Mr. FULBRIGHT. I have a right to modify it before the yeas and nays are granted. I asked for it before the yeas and nays.

The PRESIDING OFFICER. The unanimous-consent agreement would prevent the modification of the amendment without unanimous consent

Mr. FULBRIGHT. I will vote on it as it is, then.

Mr. BENNETT. Mr. President, I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the modification of the amendment to read "1974?"

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes.

Mr. LONG. Mr. President, the provision that the Senator seeks to amend does not confer any authority that the President does not already have. The only difference is that it gives him the power to use the authority in a flexible fashion, and he does not have to use it under the authority of the Trading With the Enemy Act which, unfortunately, has been used by President Johnson and others against countries such as France, Belgium, and Holland, with whom we have never been at war; but, for lack of any better tool, they had to use the Trading With the Enemy Act.

This is the sort of authority the President needed when the present balance of payments broke out and he had to find bits and pieces of authority around the countryside to protect our interests.

We are not giving something to the President. We are imposing upon him the power to save this Nation its jobs and its industries, if that becomes necessary. He already has the authority. It is just that we do not want to have him threatening somebody with the Trading With the Enemy Act in the type of emergency we have now, which is a balance-of-payments emergency.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas to amend the amendment to read "1974"? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BEALL). All time on this amendment has now been consumed or yielded back.

The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Louisiana (Mr. ELLENDER), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "Nay."

The result was announced—yeas 52, nays 29, as follows:

[No. 343 Leg.]

YEAS—52

Aiken
Anderson
Beall
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Ervin
Fulbright
Gravel
Griffin
Gurney
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Kennedy
Mansfield
McClellan
McGee
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Percy
Proxmire
Ribicoff
Roth
Sparkman
Spong
Stafford
Symington
Taft
Tunney
Williams

NAYS—29

Allen
Baker
Bellmon
Bennett
Bentsen
Brooke
Byrd, W. Va.
Cotton
Curtis
Dole
Eastland
Fannin
Fong
Gambrell
Hansen
Jordan, Idaho
Long
Magnuson
McIntyre
Pastore
Pell
Randolph
Schweiker
Smith
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—19

Allott
Bayh
Dominick
Ellender
Goldwater
Harris
Hollings
Hruska
Jackson
Mathias
McGovern
Miller
Mundt
Muskie
Saxbe
Scott
Stevens
Stevenson
Weicker

So Mr. FULBRIGHT'S amendment was agreed to.

AMENDMENT NO. 673

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate amendment No. 673. The clerk will report.

The legislative clerk read as follows:

On page 177, lines 21 and 22, strike out "3 years" and insert "2 years".

Mr. LONG. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. Mr. President, I have discussed this matter with the other members of the committee. I do not find the amendment objectionable. We are willing to accept the amendment.

Mr. FULBRIGHT. Mr. President, since the chairman of the committee is willing to accept the amendment, I yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

AMENDMENT NO. 692

Mr. PASTORE. Mr. President, I send to the desk an amendment which adds two new titles to the bill, tax incentives for contributions for candidates to public office, for myself and on behalf of the Senator from Kansas (Mr. PEARSON), the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. BYRD), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Texas (Mr. BENTSEN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Nevada (Mr. CANNON), and ask that it be printed.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have my name listed as a cosponsor.

Mr. PASTORE. Mr. President, I ask unanimous consent that the name of the Senator from Missouri (Mr. SYMINGTON) be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be received and printed and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, I would like to ask the following question of the Senator from Rhode Island. Is this the amendment concerning which there is a 6-hour limitation? In other words, is this the amendment which was discussed last evening, concerning which an order was entered limiting the time to 6 hours, the amendment which was to have been offered by the Senator from California (Mr. CRANSTON) on behalf of himself and others or by other Senators?

Mr. PASTORE. Mr. President, it is the same subject matter. That is how I understood the unanimous-consent agreement. The amendment was to have a 6-hour limitation.

Mr. BYRD of West Virginia. Mr. President, does the amendment deal with political contributions?

Mr. PASTORE. It deals with financial political contributions. It is similar to the one that once passed the Senate, sponsored by the distinguished Senator from Louisiana (Mr. LONG). It adds on a deduction of $100 for contributions made up to $100 to any candidate running for political office, whether Federal, State, or otherwise. It also adds a credit of one-half, not to exceed $25 for contributions actually made. That is the essence of the amendment.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator. I want the Senate to know that this is the amendment which was discussed last evening with reference to the time limitation, and which deals with the subject of political contributions.

It is my understanding that the various Senators who were interested in introducing the subject matter of this amendment in one form or another have now joined together and this is the consensus amendment.

Mr. PASTORE. They are cosponsors of my amendment. The Senator is correct.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. GRIFFIN. What was the understanding, I inquire of the distinguished majority whip? Is the understanding that there is 1 hour on any amendment to the amendment when it is presented?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. GRIFFIN. And there is no set time for this amendment to be considered under the existing order?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. MAGNUSON. Mr. President, will the Senator from Rhode Island add my name as a cosponsor of the amendment?

Mr. PASTORE. Mr. President, I ask unanimous consent that the name of the Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, would the Senator from Rhode Island add my name as a cosponsor of the amendment?

Mr. PASTORE. Mr. President, I ask unanimous consent that the name of the Senator from Minnesota be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. All Republicans are welcome to come forward.

AMENDMENT NO. 563

Mr. HUMPHREY. Mr. President, I call up my amendment No. 563.

Mr. President, there is a technical change in the amendment. In line 1 the amendment should read page 41 and line 24. I ask that the amendment be so modified.

The PRESIDING OFFICER. Without objection, the pending amendment, amendment No. 563, is modified accordingly.

The amendment, No. 563, as modified, is as follows:

On page 41, line 24, strike out "$1,050", and insert "$1,300", and strike out "$525", and insert "$650".

Mr. HUMPHREY. Mr. President, I ask unanimous consent to add as cosponsors of this amendment the Senator from Illinois (Mr. STEVENSON) and the Senator from Utah (Mr. MOSS).

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, the purpose of this amendment to raise the minimum standard deduction—the low-income allowance—from $1,050 to $1,300, for all taxpayers, and thus in conjunction with the personal exemption to eliminate those persons and families below the poverty level from Federal tax liability.

Mr. President, this amendment has several features which can be stated rather succinctly. First, it will give tax relief to the poor and low-income families with incomes under $10,000, and provide tax relief, with 70 percent of the benefits going to families with incomes under $4,500.

I should note that next year the bill before us will provide the same allowance of $1,300 for calendar year 1972. The purpose of this amendment is to apply the $1,300 to calendar year 1971. In other words, it would give immediate impact and fiscal stimulus.

There have been several other amendments pertaining to 1971 offered which the Senators thus far have rejected. One was the amendment sponsored by the Senator from Illinois (Mr. STEVENSON) and me, which would have increased the deduction to $700 instead of $675 for 1971; and then the Bayh amendment—a tax credit for 1971—which lost by just one vote.

Mr. President, the low-income allowance amendment provides genuine tax relief in the calendar year 1971 for families.

Mr. President, if there is any group of American families that deserve some consideration by Congress it is that group of families with incomes under $4,500 and that group that we call lower middle income families of $10,000. These people are the great purchasers of consumer goods because they represent such a multitude of our people. They can help stimulate the economy if they have a little additional purchasing power.

Mr. President, these people have needs unmet and they merit the consideration of Congress in tax relief. Their total tax relief is small compared with the relief for the investment tax credit and for the accelerated depreciation.

I do not want to be misunderstood. I shall vote for the investment tax credit because I believe it has merit. I feel there surely are some needs in the field of depreciation. I deeply regret the Bayh amendment did not pass because I thought it was eminently fair. And I must regret that the Stevenson amendment which would have increased the deduction for the individual taxpayer from $675 to $700 for calendar year 1971 was not agreed to. Fortunately, the Hartke amendment applying to 1972 was passed.

Mr. President, this amendment, as I said, would raise the low-income allowance from $1,050 to $1,300 for taxpayers.

Mr. President, until 1970, the number of families living in poverty was decreasing, for some 39,851,000 in 1960 to 24,289,000 in 1969. Yet, in the last year—with high unemployment and the general depressed conditions of the national economy, the number of persons living in poverty actually increased by 1.2 million or a gain of 5.1 percent. Presently, 25.5 million families live in poverty; 12.6 percent of all American families have incomes below the poverty line. Of these, 25 million persons, 17.4 million are white and 8.04 million are black. That means that 9.9 percent of all whites and 33.6 percent of all blacks in the United States fail to earn enough income to move out of poverty.

And, it brings to $1,100 the median income deficit for all families—the amount of additional money it would take to bring these families to respective poverty levels—just $50 more than the current minimum standard deduction—low-income allowance. Totally, there is a poverty gap deficit of some $12 billion—the amount of dollars it would take to bring all families above current poverty line definitions.

In addition, the Office of Economic Opportunity estimates that there are another 22 million persons classified as "near poor." Many of these "near poor" have incomes that just barely meet their minimum needs. They hover just above the poverty lines and are quickly thrown into the poverty category by increasing unemployment.

Even though the poor and the near poor suffer an income deficiency, what earning power they do have is still subject to Federal income taxation. In 1968, of the $101.5 billion of personal taxes on income and wealth, those persons making less than $6,000 pay over $5.4 billion in direct taxes, $2.8 billion in social security taxes, $2 billion of indirect taxes that are shifted back on wages and dividends, and over $14.5 billion of indirect taxes shifted forward on consumers.

In short, those taxpayers who make less than $6,000 pay 10.2 percent of total Federal, State, and local taxes. Those in this income range pay 8.6 percent of all Federal taxes and 14 percent of State and local taxes.

It is the intention of my amendment to reduce this incidence of taxation for low-income families.

Under the current law, the low-income allowance for 1971 is scheduled to be $1,050, but a portion of that is phased out with a reduction of $1 for every $15 of income. In 1973, the phaseout is eliminated, leaving a flat $1,000 for low-income allowance. The personal exemption, under current law, is $650. In 1972, this amount will increase to $700 and in 1973, to $750. Thus, with current allowances and exemptions, persons with incomes below $1,700 for a single person and $3,750 would not be subject to taxation. When these changes were made in the 1969 Tax Reform Act, the goal was to remove as many poor from the tax rolls as possible.

But, the poverty level has increased—outstripping the combined totals or both the exemption and low-income allowance.

The House of Representatives recognized this fact in the Revenue Act of 1971, which passed the House last month.

The House bill increased the personal exemptions for 1971 to $675 and to $750 for 1972. The House also eliminated the "phaseout" requirement of the low-income allowance—leaving a flat $1,050. For 1972, the low-income allowance increases to $1,300.

The fact remains, however, that the poverty level has increased since the 1969 Tax Reform Act. The question is: for 1971, do the changes recommended in the personal exemptions and the low-income allowance match the increase in the poverty income levels? The fact is that they do not.

Latest available estimates of the poverty level suggest that in fact all the changes taken together do not reach the increases that have occurred in the poverty level.

For example, in 1970, the official poverty level figures for a family of four was $3,944. In 1971, estimates are that the level will be a few dollars less than $4,100. Yet, taking both the $675 exemption and the $1,050 low-income allowance together, the total tax allowance for a family of four is $3,750—that is almost $400 less than the 1971 poverty level for a family of four. Many of the poor remained taxed. The changes I am suggesting will decrease the tax burden of the poor and low-income family.

It will make the tax-free income levels as close to the 1971 poverty levels as possible. And it will provide additional tax relief for low- and moderate-income families.

Under my proposal, an increase in the low-income allowance will save a single individual making $7,500 a total of $58 in income tax. The married family with no dependents, and making $7,500, will save $57, and a married couple with two dependents earning $7,500 will save $60, while a couple earning less than $1,400 will pay no taxes.

In total, approximately 25 million tax returns will be affected, with those taxpayers making under $10,000 affected the most.

The change will remove approximately 2.778 million returns from the tax rolls. Of these, 1.7 million will be from taxpayers making between $0 and $3,000; 691,000 from $3,000 to $5,000 adjusted gross income; 269,000 returns in the $5,000 to $7,000 income range, and 44,000 returns in the $7,000 to $10,000 range.

The total tax reduction for the increase in the low income allowance from $1,050 to $1,300 will be $992 million.

The Treasury loses this revenue. There is no getting around it. But it loses it from those who can least afford to pay and, may I say, those whom society can least afford to tax.

This is an equity amendment.

It means greater economic stimulus—an addition to a sagging economy of almost $1 billion. And, as the House of Representatives report says—

> This increase in the low income allowance will generate more economic stimulus per dollar of individual income tax reduction than would other forms of tax relief.

The House report correctly points out that because the tax reduction goes to those families in the lower income levels, this money is likely to be completely spent. Low-income families do not save—they spend.

It seems to me that such an amendment as this is one of the logical factors we should consider if we want to stimulate consumer spending. There is a need for more consumer spending in this economy. And there is a need for more jobs. The two are linked. This amendment will put money immediately into the economy.

The amendment will also help solve one of the pressing problems in the welfare reform legislation—the high marginal tax rates on low income people. The problem faced by the welfare reform legislation is this: how to provide work incentives, yet still assist the working poor to get out of poverty and help those who cannot work maintain an adequate standard of living. The rate at which the public assistance income is reduced when earning income increases has an important and lasting influence on work incentives. This rate—called the marginal tax rate—should balance incentives and income reduction. Too often, however, the fact that the poor must also pay Federal income taxes means a direct increase in the marginal tax rate—their income is reduced both for taxes and by the amount deducted for work incentive purposes.

My amendment would assure that those families below the poverty level would not be subject to this double taxation marginal tax rate—because these welfare families would no longer pay Federal income tax.

Finally, I would like to quickly deal with one other effect of this amendment: the request by IRS that the bill should be passed quickly so that 1971 returns may be mailed out, with the changes requested by the administration reflected in the withholding tables.

I do not believe that my amendment will affect this mechanical mailing process. The IRS has said that it would prefer a passage date in early November for this bill. I agree.

I do not believe, however, that the IRS request should be a major element in our decision here today. Congress is not a captive of the Internal Revenue Service. The Service serves us. We do not serve it. I see no reason to avoid assisting low income persons just because the IRS requests that we expedite legislation for mailing purposes.

And lastly, if this amendment is accepted, then there are some technical changes that must be made in the withholding rates. These changes are mere table changes that can be accomplished without affecting the content of legislation. They are not a reason for voting against the amendment.

Let me say this in summary:

The change will help low income persons. It will remove these families from the tax rolls. It will decrease the marginal rates for public assistance families. It will provide some badly needed stimulus to the economy. And it will equalize the benefits of the composite tax package—a package that is already weighted heavily in the favor of corporate interest by a factor of almost 3 to 1.

In terms of fairness, this amendment makes sense.

In terms of decency and the responsibilities of a society to those who have less, this amendment is imperative.

So I rest my case on the proposition that here is an amendment that will bring immediate aid and assistance to the family with an income of under $10,000, the vast majority of the benefits going to families with an income of under $4,500.

My figure in this amendment is what will be in the amendment for next year—$1,300—I am simply saying that we should do it this year, because it is this year when we will have to stimulate the economy if there is to be any effect next year.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, may I ask how much time I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. HUMPHREY. I yield 2 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, I want to commend the Senator from Minnesota for an excellent presentation and also for a meritorious amendment. There is no question that he is speaking for the forgotten American trying to make his own way. We are not talking about welfare recipients; we are talking about people who work for a living, and because they work for a living they have an income. Even though it is an income, it is not enough to make ends meet, and they should not have to pay taxes. It is better not to collect the tax than to collect the tax, send it to Washington, and then figure out a program to give it back to them to get them out of the poverty level—in other words, to send the money here to Washington and let Uncle Sam figure out a new gimmick or gadget to get the money into the marketplace.

There was underwithholding this year, and as a net result, the waitress, for example, or the janitor, because there has been underwithholding and there will be a correction of that mistake, on January 15 is going to have less take-home pay than she or he had on December 31. If anyone thinks that does not make any difference, then I suggest he go home and talk to mama on Friday night when the husband brings the check home and she sees there is less take home pay than the month before. She will think he has done someting wrong.

This is an honest approach. I hope our colleagues will listen to the Senator, because he makes good sense.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER (Mr. CHILES). Who yields time?

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield me 4 minutes?

Mr. LONG. I yield the Senator such time as he may require.

Mr. BENNETT. If I may have the attention of the Senator from Minnesota, I am sure he would like to correct the statement he made that this bill has a 3-to-1 advantage for business over individuals.

On page 18 of our report, it shows that for the year 1971, the bill would give individuals a $2,090,000,000 tax reduction, and the taxes for corporations would be increased by $380 million. For 1972, it would give individuals a tax reduction of $5,900 million and would give corporations a tax reduction of $1,910 million.

So the 3-to-1 is the other way around; it is not a benefit in favor of business 3-to-1, but rather in favor of individuals 3-to-1.

Mr. HUMPHREY. May I respectfully suggest, if the Senator will permit me, that if you stretch this out over the next 10 years—and that is what this bill, in many parts, pertains to—you will have a substantial increase in what we call corporate tax benefits over individuals. I do not take it back at all; as a matter of fact, with the accelerated depreciation plus investment tax credits, there are substantial tax benefits above and beyond the individual benefits.

I ask unanimous consent that the following table prepared by Treasury and Joint Committee on Internal Revenue Taxation be printed at this point in the RECORD.

This table clearly shows that benefits to business interest over individual interest are substantial. In fact, the totals show $75 billion for business and $14.5 for individuals.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—DISTRIBUTION OF INCOME TAX REVENUE LOSS—REVENUE ACT OF 1971 (H.R. 10947)

[In billions of dollars]

Calendar year	Business				Individuals			
	ADR	7 percent investment credit	DISC	Total business	Personal exemptions	Standard deductions	Low-income allowance	Total individuals
1971	0.7	1.5		2.2	0.9		0.4	1.3
1972	1.7	3.6	0.1	5.4	1.9	0.3	1.0	3.2
1973	2.4	3.9	.2	6.5			1.1	1.1
1974	2.9	4.2	.2	7.3			1.1	1.1
1975	3.5	4.5	.2	8.2			1.2	1.2
1976	3.7	4.8	.3	8.8			1.2	1.2
1977	3.4	5.1	.3	8.8			1.3	1.3
1978	3.1	5.5	.3	8.9			1.3	1.3
1979	3.1	5.8	.4	9.3			1.4	1.4
1980	3.0	6.2	.4	9.6			1.4	1.4
Total	27.5	45.1	2.4	75.0	2.8	.3	11.4	14.5

Sources: U.S. Treasury, Joint Committee on Internal Revenue Taxation.

Mr. HUMPHREY. I simply say that if we want a stimulus for the economy, I believe in percolate up, not trickle down.

Mr. BENNETT. I assume the Senator wants the truth.

Mr. HUMPHREY. Yes.

Mr. BENNETT. The next year, 1973, the benefit for individuals is $3.6 billion, and for corporations it is $2.355 billion. This is not a 3-to-1 ratio either way, but the benefits are still greater for individuals than for corporations.

Mr. HUMPHREY. What would the Senator say it is, then, if he would like to correct the RECORD?

Mr. BENNETT. I have not added it all up, but each year the benefits are greater for individuals than for businesses.

Mr. HUMPHREY. That is not the way the Senator from Minnesota reads it, but if I am in error, I am willing to correct my statement.

What is the total of the investment tax credit?

Mr. BENNETT. We are not talking about just the investment tax credit. We are talking about the total tax benefits in this bill.

Mr. HUMPHREY. Well, I ask the Senator, what does he estimate the investment tax credit to be?

Mr. BENNETT. The investment credit would provide $3.6 billion in 1972, and $3.9 billion in 1973 to individuals and corporations combined.

Mr. HUMPHREY. All right. How much does that add up to?

Mr. BENNETT. As I said, part of that goes to individuals. On the other hand, offsetting part of the amount which goes to corporations are substantial tax increases provided in the bill for corporations. The Senator should take the totals if he wants a true picture of what the bill does for individuals and corporations and not just pick out a single item and attempt to make a comparison based on it.

Mr. HUMPHREY. Let me say most respectfully that less than $800 million in 1972 goes to individuals in business, but $2,885 million goes to corporate business. Those are the figures of the report.

Mr. BENNETT. But the Senator is looking at individual business relief, not the total relief provided to individuals.

Mr. HUMPHREY. If you add those together, that is $3.6 billion. The total amount of all deductions for 1972 was what?

Mr. BENNETT. I am afraid the Senator's method of calculation and mine are not the same.

Mr. HUMPHREY. Well, let us assume that it is 50–50, and give the Senator the benefit of the doubt. Does he still say that families with incomes under $4,500 a year, or under $3,000—and there are over a million of them—ought not to be given some tax benefits?

Mr. BENNETT. They already are provided substantial relief under the bill. The question is whether about $1 billion of additional relief should be provided to them. It seems to me that there are two important points that should be made with respect to this amendment. The Senator made them but has also glossed them over.

The first is, according to his own figures, that this amendment will cost $992 million this year. We have already reduced the revenues of the Government in this bill, by Senate floor amendments, by $4.4 billion; so this stretches it up to $5.4 billion which, on top of the $7.8 billion in tax reductions for next year in the bill the committee sent to the floor, means we are talking about more than $13 billion of tax reductions just for 1972 alone.

Can we really stand another billion dollars of loss to the Government in order to provide a small amount of benefit to each low-income individual?

The other point that the Senator made was that it had been suggested to him earlier that he should try to get his amendment adopted early in order that it could be reflected on the tax returns for 1971.

The problem is that the tax return forms are already printed. It is too late. The tax tables that the low-income people use to figure their tax are already printed. If this amendment is adopted, the taxpayers will be thoroughly confused, because the figures of $675 for the personal exemption and $1,050 for the low-income allowance are calculated into the tables which the taxpayer will receive with his tax forms.

Mr. HUMPHREY. Will the Senator yield for a brief observation?

Mr. BENNETT. I yield.

Mr. HUMPHREY. I think a lot of the taxpayers are pretty confused under existing law, and would not mind being a little more confused if they could get a little reduction in their taxes.

For example, I think a family that has an income under $3,000, or $5,000, would not mind trading a little confusion for a little tax relief; since they are getting confused now anyway, they would not mind a little more.

In all honesty, it is not an impossible matter.

Mr. BENNETT. No; it is not an impossible matter. But it will create a great deal of confusion—so much so that people will find themselves entitled to refunds that they will not know how to claim, because they will have only the tables that already have been printed which incorporated the lower deduction and exemption amounts. In fact, they may not know the law has changed and they might lose that refund altogether.

Mr. HUMPHREY. I doubt that. I would think that most Senators would be sending their constituents a little note concerning a little additional benefit in the tax law. It would not hurt.

Mr. BENNETT. Seventy million tax returns with a confusing table—an erroneous table if the Senator's amendment is adopted—in them represents a gigantic problem for the Internal Revenue Service and for the taxpayers. If the Treasury reprinted the forms to avoid these problems, the returns could not be sent to taxpayers on time and so they could not claim and receive the refunds they were entitled to—whether or not they resulted from this bill or just from overwithholding—until well into next year. I am sure that would not make the taxpayers very happy.

On top of that, we are now adding another $1 billion to the loss of revenue to the Government, and I think that we should not take that extra $1 billion off, because we have already taken off nearly $13 billion.

I yield 2 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I am sure everyone is deeply concerned about the burdens which fall on people with very low incomes. These burdens are not only taxation, but they involve burdens of paying household expenses and all other things.

The staff of the Committee on Finance prepared some very interesting tables, which are found on pages 665 and 666 of the hearing record. These tables relate to the tax burden.

Senators will find, by glancing at those tables, that it is not the income tax that is the greatest burden upon the people who make a very small amount of money; it is the social security tax. I believe that we are making a mistake if we go on granting relief where the relief is not effective, and at the same time continue to vote for measures that increase the social security tax.

I shall cite an illustration or two. If someone having a wife and two children receives $3,000 in wages, he pays no income tax, but he pays a social security tax of $156. A similar taxpayer who makes $4,000 pays $28 in income tax, but $208 in social security taxes.

At the $5,000 level, the income tax is $170 and the social security tax $260.

Now, in the case of the self-employed—and that means all farmers, operators of unincorporated businesses, shoe repairmen, and the like—the situation is much more marked. Such a taxpayer making $4,000 pays $28 income tax but $300 social security tax. Someone earning $5,000 adjusted gross income from self-employed earnings pays $170 income tax but $375 social security tax.

Mr. President, the way to bring relief from the tax burden for people of low income is to refrain from adding and adding to our social security system, which results in this ever-increasing burden of social security taxes.

I recall when Senator Saltonstall, a very distinguished Senator from the State of Massachusetts, appeared before the Finance Committee in reference to medicare. He pointed out, among other things, that medicare was a proposal to pay the hospital and the doctor bills of everybody who had passed 65, even the well to do and the wealthy. He made a very striking point. He said:

> I don't think we should do this by adding to the social security tax. We will need all we can get from that tax to pay retirement.

He was right. But Congress did not follow his advice. It added to the social security tax.

So these various methods and proposals, well intended as they are, in amending the income tax law, so far as the people of low income are concerned, are not striking at that tax, which is very burdensome on our low-income people, many of whom have to earn their living without the benefit of great skills or training.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, in the hope of getting on with the business, I would be willing to yield back the remainder of my time in opposition.

Mr. HUMPHREY. I will take 3 more minutes.

First, may I say to the able and distinguished Senator from Nebraska that his comments on the social security tax are very meaningful and relevant to this discussion. In fact, Senator MONDALE offered an amendment on Saturday last which would have delayed the increase in the social security tax. Regrettably, that amendment was rejected. That would have applied to income for 1971.

What we have done here is that we have ignored the needs of the people in 1971.

Mr. President, we turned back any relief for 1971 for the taxpayer when the Stevenson amendment was rejected. We turned back the Bayh amendment by a vote of one. We turned back the Mondale amendment on the relief under social security tax increases for 1971.

The junior Senator from Minnesota is saying this: Here we have a chance, with respect to people with incomes under $10,000, with more than 70 percent of the benefits going to people with incomes under $4,500, to give some tax relief in fiscal 1971. This money will be expended in the main stream of commerce.

As the distinguished Senator from Indiana, a member of the Finance Committee, pointed out, if you take tax money from people who have incomes under $4,500, you have to figure out some way to give them help to aid them if their incomes are low; and it costs a great deal more than it does to give them some tax relief.

The main argument against this cannot be on the basis of justice or equity. The main argument has been that it is inconvenient, that the IRS will have trouble. The Senate of the United States has amended this bill already and has already put an amendment in it that affects 1971.

Mr. President, we are not here to make it convenient for the IRS. We are here to make it convenient for the citizen. I submit that if you can justify $1,300 as a minimum income allowance in 1972, you can surely justify it in 1971.

I have a statement from the former Commissioner of Internal Revenue, Mr. Mortimer Kaplan, because I inquired of the IRS and of other people who are tax lawyers and people who served in the IRS. His statement is as follows:

> I am not in a position to comment on the specific estimates of time and cost cited by the Secretary in his letter to Senator Long of October 5, 1971. There is little question that lengthy delays of this legislation would cause some administrative cost and inconvenience. At the same time, these problems are certainly manageable; the Internal Revenue Service will have to make some adjustments, but I do not think that these need have a major negative impact on the efficiency of our tax collection system.
>
> In the last analysis, the Senate must face the responsibility of determining whether the administrative difficulty and cost outweigh the benefits to the nation which would flow from these new proposals.

So, Mr. President, we are going to be changing the tax forms; and even if we are not, there are ways and means of getting taxpayers relief. A corporation will have no difficulty getting its relief from April 1971, for the calendar year 1971. They will have no problem. I do not think that is written into the forms right now. They could not predict at IRS that we were going to adopt it. If the IRS can figure out for corporate lawyers and corporate directors how to have a tax form that relates to 1971 income, I think we can figure it out for low-income families.

I noted here that the increase in the low-income allowance I recommend will save $58 for a single individual making $7,500. A married couple with dependents will have $57. A married couple with two dependents will save $60. A couple earning less than $1,400 will pay no taxes.

I am of the opinion that to remove 2,700,000 returns of low-income people from the tax rolls is justified at this time.

I yield 2 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I rise in support of this amendment to increase the 1971 low-income allowance from $1,050 to $1,300. I believe it is just the sort of added fiscal stimulus that the current economic situation demands.

Our national economy needs help now, not in 1972. We do not know what kind of shape things will be in next year. This amendment will give the economy a boost in 1971, at a time when we all know it can certainly use it.

It is also well-aimed tax relief. By raising the low-income allowance from $1,050 to $1,300 it will have its greatest impact on those families making less than $10,000 a year. These are low- and moderate-income families which are hard pressed to afford even the basic essentials of life. With the added cash resulting from an unexpected 1971 tax refund, they would act to spend the new income immediately and give a major stimulus to the overall economy.

This amendment would also have a great impact on those areas of the country hard hit by widespread unemployment. But putting new money in the hands of those people who need it, the Federal Government would be helping these communities and small businesses to recover from what in many places in our country, has been a long recession.

There has been a lot said about how much people are saving today, but there also can be little doubt as to just who is doing the saving. It is not those people who have a hard time keeping food on the table. It is not those people who would benefit from this amendment. On September 22, William Raspberry, a columnist for the Washington Post made this point rather clear. He said that:

> If the President really wants to stimulate spending and therefore, production and jobs, let him give some major tax breaks to the poor and the new poor—not just the piddling accelerated increase in income tax exemptions. If I know anything at all, it is that poor folk will spend at least all the money they can get their hands on.

Mr. President, I support the pending amendment, and urge its adoption.

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY). The yeas and nays on this amendment have not yet been ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

The result was announced—yeas 46, nays 34, as follows:

[No. 344 Leg.]

YEAS—46

Aiken
Allen
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gambrell
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jordan, N.C.
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Proxmire
Ribicoff
Schweiker
Sparkman
Spong
Stafford
Symington
Tunney
Williams

NAYS—34

Anderson
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cotton
Curtis
Dole
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Javits
Jordan, Idaho
Long
McClellan
Packwood
Percy
Randolph
Roth
Smith
Stennis
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—20

Allott
Bayh
Dominick
Ellender
Goldwater
Harris
Hollings
Hruska
Jackson
Kennedy
Mathias
McGovern
Miller
Mundt
Muskie
Saxbe
Scott
Stevens
Stevenson
Weicker

So Mr. HUMPHREY's amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 4729. An act to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and for other purposes;

H.R. 7072. An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; and

H.R. 11418. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, asked for a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. PASSMAN, Mr. BOW, and Mr. SHRIVER were appointed managers of the conference on the part of the House.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. PEARSON. Mr. President, I call up the amendment previously submitted, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. PEARSON. Mr. President, I ask unanimous consent that further reading of the amendment is dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 35, after line 17, insert the following:

SEC. 109. CERTAIN PROPERTY PLACED IN SERVICE IN RURAL AREAS.

(a) ALLOWANCE OF 10 PERCENT CREDIT.—Section 46 (a) (relating to determination of amount of credit) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) GENERAL RULE.—The amount of the credit allowed by section 38 for the taxable year shall be equal to—

"(A) 7 percent of the qualified investment (as defined in subsection (c)) attributable to section 38 property other than property to which subparagraph (B) applies, and

"(B) 10 percent of the qualified investment attributable to section 38 property which is rural job development property (as defined in paragraph (6)).", and

(2) by adding at the end thereof the following new paragraph:

"(6) Rural job development property.—For purposes of paragraph (1), the term 'rural job development porperty' means property described in section 50 which is used predominantly in one or more rural areas and with respect to which the taxpayer establishes, under regulations prescribed by the Secretary or his delegate, that—

"(A) such property will assist in providing new employment opportunities in the rural area or areas in which it is used,

"(B) such property will be used in the manufacture, processing, assembling, or distribution of personal property (other than in a business consisting primarily of selling or leasing property at retail), or in connection with, or a part of, a facility providing recreation to the public which is not inconsistent with State recreation plans, approved by the Bureau of Outdoor Recreation, and with local economic devleopment plans, and

"(C) the new employment opportunities in the rural area or areas which will be assisted by such property will not result in a decrease in employment in any other area. For purposes of this paragraph, a rural area is any geographical area which is within a county (i) no part of which is within a standard metropolitan statistical area designated by the Office of Management and Budget, and the population growth rate of which, according to the most recent decennial census for which statistics are available, does not exceed the national population growth rate, or (ii) no part of which is within 25 miles of a standard metropolitan statistical area which has a population of 250,000 or more. Such term also means any area comprising an Indian reservation."

(b) Effective Date.—The amendments made by this section shall apply to property described in section 50 of the Internal Revenue Code of 1954.

On page 35, line 18, strike out "109" and insert "110".

Mr. BYRD of West Virginia. Mr. President, would the Senator from Kansas yield briefly?

Mr. PEARSON. Mr. President, I am glad to yield to the acting majority leader.

ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENTS

Mr. BYRD of West Virginia. Mr. President, several Senators have inquired as to how many more votes there will be tonight.

The PRESIDING OFFICER. May we have order so that majority whip can be heard.

Mr. BYRD of West Virginia. Mr. President, I thank the Chair.

In answer to the questions asked by many Senators, there will be one amendment following the disposition of the pending amendment. On the pending amendment, 30 minutes have been allotted.

It is my understanding that there may be an amendment in the second degree to the pending amendment. If that be the case, then 5 minutes is allotted to an amendment in the second degree.

That being the case, if all time is taken on the pending amendment, that will be 30 minutes, and if there is an amendment in the second degree, that will be an additional 5 minutes. There will be one and possibly two rollcall votes, therefore, on the pending amendment.

Following disposition of the pending amendment there will be an amendment offered by the Senator from New York (Mr. Javits), on which there is a time limitation of 40 minutes with 10 minutes on amendments in the second degree.

So, when those two amendments are disposed of, the Chair will lay before the Senate——

The PRESIDING OFFICER. The Parliamentarian informs the Chair that he misinformed the Senator from West Virginia. Amendments to the pending amendments will have 5 minutes, and amendments to the Javits amendments will have 10 minutes.

Mr. BYRD of West Virginia. Mr. President, we will have these two amendments in the first degree and possibly two rollcall votes or three. That should bring us up to about 7:45 or 8 o'clock for the final rollcall vote tonight.

UNANIMOUS-CONSENT AGREEMENT ON GURNEY AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow following the disposition of the second Harris amendment—amendment No. 680—the Chair recognize the distinguished Senator from Florida (Mr. Gurney) for the purpose of calling up his amendment No. 651.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON PERCY AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Gurney amendment No. 651 on tomorrow, the Chair recognize the distinguished Senator from Illinois (Mr. Percy) for the purpose of calling up his amendment No. 679.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. PEARSON. Mr. President, this amendment was originally sponsored by Senators Aiken, Bellmon, Bible, Boggs, Burdick, Cannon, Church, Dole, Eagleton, Hatfield, McGovern, Mathias, Mondale, Schweiker, Scott, Stevens, Tower, Young, and Stafford.

Mr. President, I ask unanimous consent that the names of Senators Griffin, Baker, Cook, McIntyre, and Bentsen be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. PEARSON. Mr. President, I ask unanimous consent that Jerry Walters be allowed the privilege of the floor during the debate on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PEARSON. Mr. President, the act provides for a 7-percent investment tax credit for equipment and machinery for qualifying industries. This amendment provides for an industry, as defined by the bill, involved in manufacture, processing, assembling or distribution of personal property, invests in a rural area, and the rural area is defined as not a metropolitan area in accordance with the standard metropolitan statistical area as set forth by the Office of Management and Budget, and the population growth rate does not exceed the national population growth rate, and no part of which is within 25 miles of a standard metropolitan statistical area which has a population of 250,000 or more. It reaches to those counties that are maintaining the status quo or slipping back.

The amendment provides that industries going in there shall have a 10-percent investment tax credit provided that the new jobs that will be created—and "new" should be underlined because that is the main thrust of the amendment, jobs that are not taken from any other area, whether it be a metropolitan area or another rural area. If that is the case we provide for a 10-percent tax credit.

Mr. President, it is ironic, indeed, that it was the great riots in the cities of this country that first focused our attention on the interrelationship between rural and urban America. Thirty percent of the people of this country live in the rural areas. The statistics go on and on to indicate that 90 percent of our people live on 2 percent of the land, and that out of 2,683 nonmetropolitan areas in this country over 2,500 lost in population in the last census. All these statistics do not in any way provide any measure of understanding of the great migration from rural and urban America, so that today we suffer at both ends of the population scale.

I think we are beginning to understand that industries in the great metropolitan areas may not be economically efficient, socially desirable, or politically practical. So whether we speak of it, as the President did in his State of the Union message of 1970, referring to the need for population balance in this country, or whether we talk about it in terms of rural revitalization, we are talking about at the same time resolving the problems of the rural areas and the cities.

This is not some sort of scheme to "keep them down on the farm" but it is a plan to provide for those who seek the opportunity to remain in the rural parts of America today. The migration that comes picks up in its wave the unskilled, who move to the cities and think they are taking the first step up the ladder of economic success only to slide back to the ghettos and to the welfare rolls; and it takes up the young, the educated, the bright people who are the lifeblood of a community.

So I emphasize that this amendment relates to "new" jobs in rural areas, which vitally affect the quality of life in the cities and rural areas.

Mr. President, I ask unanimous consent that the name of the distinguished

Senator from West Virginia (Mr. Randolph) and the distinguished Senator from Minnesota (Mr. Humphrey) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. I yield to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I am proud to join the distinguished Senator from Kansas (Mr. Pearson) in cosponsoring this amendment.

This amendment is nothing new to this body because the Senator from Kansas has been giving leadership in the matter of dealing with the problems of rural areas of this country for many years and he invited many of us to join in the cosponsorship of this amendment some years back. I am glad there is now going to be this kind of discussion tonight and also the opportunity for the Senate to vote on the proposal.

The President pointed out in his message to Congress on urban community development, March 5, 1971—that 56 percent of our population lived in metropolitan areas in 1950. Today it is 69 percent. The 1970 Census revealed that three-fourths of our population growth in the last 10 years has come in metropolitan areas. If the present trends continue, 77 percent of the 300 million Americans living here 30 years from now will be living on only 11 percent of our total land—excluding Alaska and Hawaii. In Oregon at present, about two-thirds of our population lives on less than 1 percent of our land.

The growth rate of our Nation's metropolitan areas has long been out of balance with that of our rural areas. Metropolitan areas have been growing by about 10 percent every 5 years, while nonmetropolitan areas have been growing at only 4 percent for the same time. Further, our larger cities have been expanding more rapidly than our smaller ones.

Consider the example of Portland's growth compared with the growth of the rest of Oregon. From 1960 to 1970, the Portland Standard Metropolitan Statistical Area—SMSA—grew 22.8 percent. Non-SMSA areas in Oregon grew only 3 percent during that time. The suburb areas of the Portland SMSA experienced a growth ranging from 47 percent—Clackamas County—to 71 percent—Washington County—during those 10 years, while several Oregon counties experienced a population decline. Such an imbalance of growth creates perils for the future.

All the normal problems of any city are intensified as the population becomes more dense—pollution, transportation, waste disposal, police protection, housing, energy supply, and so forth. There is also a deeper social and psychological effect—the erosion of trust between people, and increasing impersonality. A recent experiment conducted by the City University of New York, for example, showed that individuals needing help were between 2 and 5 times more likely to be let into the home of a stranger in a smaller town than in New York City.

A bright future does not lie in the continuing compression of large populations into the metropolitan areas of this country. We can begin to correct the present imbalance of population growth by enhancing the attractiveness of our smaller towns and rural communities. Since the imbalance is caused in large part by an imbalance in job opportunities, I strongly support the amendment of the distinguished Senator from Kansas (Mr. Pearson) to increase the tax credits for commercial and industrial job-creating investments in small towns and rural areas.

I ask unanimous consent that a following table, on eligible Oregon counties for tax credit increase under Pearson amendment be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Eligible Oregon counties for tax credit increases under Pearson amendment—percent in population, 1960 to 1970

Baker	−13.7
Benton	37.3
Clatsop	4.0
Columbia	28.6
Coos	2.8
Crook	5.9
Curry	−7.0
Deschutes	31.8
Douglas	4.8
Gilliam	−23.7
Grant	−9.4
Harney	7.0
Hood River	−1.6
Jackson	27.8
Jefferson	19.9
Josephine	19.5
Klamath	5.4
Lake	−11.4
Lincoln	4.5
Linn	22.2
Malheur	1.8
Morrow	−8.3
Sherman	−12.6
Tillamook	−5.4
Umatilla	1.3
Union	6.6
Wallowa	−12.0
Wasco	−0.4
Wheeler	−32.1
Yamhill	23.8
Ineligible counties:	
Portland SMSA:	
Clackamas	46.9
Multnomah	6.5
Washington	71.2
Salem SMSA:	
Marion	25.2
Polk	33.3
Eugene SMSA: Lane	31.0

Mr. McGEE. Mr. President, as a sponsor of S. 346, the proposed Rural Job Development Act, I heartily endorse and support this amendment. The investment tax credit has been a proven tool for increasing jobs and stimulating the economy. This amendment, if adopted, would increase the investment tax credit in rural areas to 10 percent.

It would be a two-pronged attack on two separate problems which we are seeking to eliminate. It would stimulate the economy in many depressed, rural areas, thereby creating new jobs for the unemployed. Second, it would be a step in the right direction in our efforts to achieve a more balanced national growth. In the past decade there has been an ever-increasing migration of our rural population to the urban centers creating problems of congestion and adverse environmental impact.

Although this amendment will not accomplish all that we envisioned in the proposed Rural Job Development Act, it would be a substantial advancement toward the accomplishment of those objectives.

Mr. President, I urge the adoption of this amendment.

Mr. PEARSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. PEARSON. Mr. President, I yield 2 minutes to the Senator from Connecticut, and then I shall yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. RIBICOFF. Mr. President, I support the amendment of the Senator from Kansas. At the same time I ask all the Senators from the rural areas to understand the similar problems which exist in many cities of America. The amendment which I intend to offer to the Pearson amendment would do for the central cities, when unemployment exceeds 6 percent, exactly what the Senator seeks to do for the rural areas of America.

The truth of the matter is that America's central cities and rural areas now find themselves in the same position. In the last 5 census years 85 percent of the 5 million new jobs created in America have been created in the suburbs, while our rural towns and the central cities have experienced increasing unemployment.

The time has come for all of us to put aside our own regional interests, and admit that both rural and urban America need help.

I am therefore going to vote for the amendment of the Senator from Kansas. I hope every Senator from the major industrial States does likewise. I also hope that Senators from rural areas approve the same treatment for central cities with serious unemployment problems.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I commend the Senator from Kansas.

This amendment has an appeal to me. I am convinced we are going to have to spend billions of dollars with respect to these overcrowded conditions in the cities and the ghettos and all the things that go with it. We have already started.

I am further convinced that to make the areas more livable and to supply more opportunities, we must stop the migration away from the rural areas, villages, and small towns. For instance, I want to see liberal credit extended for people in those communities to buy land and produce units. Ten years from now there will not be any land for these rural people to buy, because corporations are coming in and buying up the land for investments in the future. We are going to have to get financial help for light industry to go into the rural areas.

These are two problems to which the Senator from Connecticut would apply remedies as supplements and complements to each other. This is a small step, but a vital step in the right direction. These are national problems. I look forward to the time when we can have national legislation and join hands in efforts to supplement and complement and help solve the problems that each of us have.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. PEARSON. Mr. President, do I have further time?

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. BENNETT. Mr. President, will the Senator yield me such time as I may require?

Mr. LONG. Yes. Mr. President, I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, this amendment would provide a 10-percent credit for "rural job development property," that is, property predominantly used in rural areas for the manufacture or distribution of personal property. It is not allowed for retail businesses. The credit is allowable only if the property "will assist in providing new employment opportunities in the rural areas" and will not result in a "decrease in employment in any other area." Also, it is allowable only if in an area not within 25 miles of a metropolitan area of 250,000 persons or more. It will result in a revenue loss of $250 million per year.

The Senate should reject this amendment. The purpose of the administration's job development credit proposal is to stimulate growth of the economy as a whole. An additional incentive applicable only to one sector of the economy would have the effect of stimulating growth in that sector at the expense of growth in other sectors. Thus, a likely result of this amendment would be to shift the physical location of new investment rather than to stimulate additional new investment.

From an administrative standpoint, the amendment would require the Internal Revenue Service to make almost impossible Solomon-like judgments to determine the taxpayer's eligibility for the 10-percent credit. How is it to be determined whether the property will assist in providing new employment opportunities? Thus, suppose an existing facility is being modernized and the existence of new employment opportunities will depend on additional sales. Will it increase employment? The judgment must be made when the property is first acquired, not in light of hindsight. Further, these new employment opportunities must not result in a decrease in employment in any other area, again an impossible determination for the Internal Revenue Service to make. The result will be endless controversy and litigation.

The limitation on this additional credit to areas beyond 25 miles from any major metropolitan area is particularly unwise. Why should we force investment into areas on such an arbitrary basis?

How was the 25-mile limit arrived at? Perhaps we should encourage investment at least 30 miles away from metropolitan centers or, perhaps, only 10 miles away. I suggest that each location is a special problem. Along the eastern seaboard in the megalopolis of Boston-Washington it seems foolish to call any investment "rural." In other places, there may be pockets of rural poverty with little growth prospect only 15 miles from a metropolitan area.

The heart of this matter is that rural job development is a complex program. If the amendment were to develop a machinery to identify projects which warrant special Federal aid, the amendment would merit the serious attention of this body. However, that would call for a direct subsidy expenditure program, not a general tax credit.

The revenue loss has been estimated at $125 million for 1971 and $250 million for 1972 and after. But because of the unusual qualitative tests embodied in the amendment, even the revenue estimate is subject to an unusual degree of uncertainty.

In conclusion, the present amendment is no better than a shot in the dark to deliver an unknown amount of tax benefit to unknown firms to locate in areas that may or may not need help. We should not adopt a tax provision resulting in a revenue loss of $250 million per year without some assurance of beneficial effects to the economy as a whole.

Because of the tremendous uncertainties involved in this amendment, I think we would be better advised—and I would so recommend to the chairman—to hold some hearings on the question of how tax benefits can be used to assist rural business and to consider this and other problems, but I do not think it is wise to write this provision into the tax law at this point.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG. The amendment sounded like a better proposition until we were informed that, if this amendment were agreed to, the Senator from Connecticut was going to offer an amendment to also provide tax benefits to industries in ghettos. I remember that our beloved late Robert Kennedy wanted to provide incentives to encourage people to put business in ghetto areas. So, if we vote for the rural areas only, we are going to vote against ghetto areas, and if we assume that we vote for both of them, somebody is going to say, "What about the people who live in between? Why don't you help them?" I am convinced that we will be forced to vote against one-half of our constituents in order to vote for the other half.

Mr. BENNETT. Further, it is difficult enough to identify and delineate the rural area which would qualify for this aid. I do not know where we would start to delineate a ghetto and the various qualifying conditions that would have to apply to make it possible for us to know whether we are in a ghetto.

Mr. LONG. Would this proposal make a distinction between a rural area that is losing population and one that is gaining population?

Mr. PEARSON. Yes.

Mr. LONG. If an area is losing population and this aid is provided for it, then we would discriminate against rural areas that are gaining population. I do not know why some should be eligible for the 10-percent credit and others should not.

I think a much more thorough consideration of this proposition is justified.

Mr. BENNETT. I would be glad to join the chairman in hearings if the Senator would suggest his amendment in the form of a bill to be presented to the committee.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. BENNETT. I am happy to yield.

Mr. HATFIELD. Mr. President, I would like, for a matter of information here, to state that within about 15 minutes I have sat down and have gone over the 36 counties of the State of Oregon, and determined roughly which counties would be eligible under the amendment of the Senator from Kansas. So it is not difficult to delineate, at all, which counties would be eligible under the amendment, and if the Senator from Utah would like, I would be happy for him to see it, and glad to help him make a like determination for such States as Utah.

Mr. BENNETT. It is not too difficult in States like ours, but one would have great difficulty in areas such as that between Boston and Washington, or between Philadelphia and Chicago.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, the chairman made some comments that I think were worthy of reply.

I respect what the Senator from Kansas is trying to do and I think I am trying to do the same thing. We are trying to bring a sense of balance to rural areas of America that are suffering deep economic and social problems and, at the same time, to the central cities that are suffering equally serious economic and social problems.

In the last 10 years, the central cities of the 24 largest metropolitan areas lost 500,000 jobs. The suburbs gained 1.5 million jobs. During the last 5 business census years the 40 largest metropolitan areas gained a total of 5.1 million jobs in manufacturing, wholesale, and retail trade. Of those jobs, the suburbs gained 4,370,000, or 85 percent.

The definition I have in my amendment to the amendment of the Senator from Kansas provides that the central city, as defined by the Office of Management and Budget, must have 6 percent or more unemployment.

It is not difficult to understand where these amendments are directed. We are not taking jobs away from anybody. We are simply trying to encourage American business to look at rural America and the central cities as possible sites for their new undertakings.

Mr. LONG. Mr. President, if we take these two amendments together, they could cost as much as $750 million. Basically, what they amount to is favoring some areas as against other areas. Otherwise, there would be no point in the amendment. So in one instance we would encourage people to locate in the rural areas, and then in the ghetto on the other hand. I am not sure these are the areas where we want to encourage people to go.

If an area is defined as neither a rural area with decreasing population nor a ghetto, its people are discriminated against, and we would have some difficulty trying to justify that discrimination as against the citizens who are not discriminated against. When you discriminate in favor of some, you discriminate against others.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. LONG. We have a great number of taxpayers in this country. I presume it will be the majority we are discriminating against. So you can call it however you want to, by the time you get through discriminating in favor of a rural area—and mind you, if the population is increasing at the national average, they do not get their benefit from the proposal. In addition there are wheels within wheels here, so one cannot be sure whether he does or does not get the benefit. You have to show that the investment provides new employment. This means you cannot qualify by modernizing since this may not provide more jobs. Then you have to show that it will not result in a decrease of employment in some other area.

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. LONG. Just a moment, let me speak. The Senator will have his turn.

I do not think, if I introduced such a bill in the State legislature of my State, to discriminate against some rural areas in favor of other rural areas, and against the ghetto in the average sized city in favor of the ghetto in the larger city, we could pass the bill. Looking at a proposition where you leave out some cities and favor others, or leave some rural areas out and favor others, the people will become irritated with it. In Kansas, it might work out just great. I doubt if it would in many other States.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PEARSON. What was the figure the Senator gave as the total cost of the amendment?

Mr. LONG. The two of them put together, this one plus the ghetto——

Mr. PEARSON. I am in favor of the amendment of the Senator from Connecticut. What will the two of them cost together?

Mr. LONG. As much as $750 million.

Mr. PEARSON. Is it not true also, according to the committee report, that the 7-percent investment tax credit, if the bill passes, would cost about $3.4 billion next year and $3.6 billion in the following year?

Mr. LONG. That is approximately correct but it does not discriminate against any areas in doing this. You can build your plant wherever you like, whether in the ghetto or the rural area or elsewhere, as the case may be.

Mr. PEARSON. That may be so. The Senator made a point about the cost. But was not this entire question of the investment credit, laying aside the question of discrimination, meant to improve the strength of the Nation, and ultimately to pay back to the Treasury, like the GI bill of rights, with an enormous amount of new revenues coming in? Was that not the case——

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. RIBICOFF. Mr. President, I call up at this time an amendment to amendment No. 475 which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF's amendment is as follows:

On page 1, 2 lines from bottom, after "rural" insert the following: "central city".

On page 2, after the word "area," at end of paragraph (c) insert a new subparagraph as follows:

(D) For purposes of subparagraph (A), the term "central city job development property" shall mean property which is used in a central city with substantial unemployment and with respect to which the taxpayer establishes, under regulations prescribed by the Secretary or his delegate, that—

(i) such property will assist in providing new employment opportunities in the central city,

(ii) such property will be used in the manufacture, processing, assembling, or distribution of personal property (other than in a business consisting primarily of selling or leasing property at retail), and

(iii) the new employment opportunities in the areas which will be assisted by such property will not result in a decrease in employment in any other area.

On page 3, line 1, strike (C) and insert (D).

On page 3, line 12, after the word "reservation," insert a new subparagraph as follows:

(D) For purposes of this paragraph "central city" shall mean that governmental unit within each Standard Statistical Metropolitan Area designated and defined as such by the Office of Management and Budget. "Substantial unemployment" is 6% unemployment or as otherwise defined by the Department of Labor.

Mr. RIBICOFF. I ask unanimous consent that the Parliamentarian be authorized to conform the references properly to the amendment of the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senate has 2½ minutes.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, if I may have the attention of the distinguished chairman and the distinguished ranking minority member of the Committee on Finance, we will soon have before us the President's family assistance program. In the Finance Committee, both the Senator from Louisiana and the Senator from Utah have been very strong advocates of work. They want to tie work programs in with welfare programs.

The truth is that poverty and welfare are now endemic to the two areas, rural America and the central cities Senator PEARSON and I are trying to help. How are we going to comply with the President's desire to put people on welfare to work? How are we going to comply with the desire of the Senator from Utah and the Senator from Louisiana to put people to work, unless we find jobs?

If we are going to talk about work, what the Senator from Kansas seeks for rural America and what I seek for the central cities is the opportunity for the people in need to get manufacturing and industrial jobs. There could be no better investment and no greater saving to the taxpayers of all America than to put those people we all want to help back in productive work, instead of make work. This is the gist of the amendment of the Senator from Kansas and my amendment.

Mr. PEARSON. Mr. President, I rise to speak in support of the amendment of the Senator from Connecticut.

I said at the outset that the heart of this matter is the relationship between rural and urban America, and this is one of those unique opportunities where we can seek some sort of legislation, some sort of tools to solve problems in our two great problem areas. If there is discrimination, are charged here——

The PRESIDING OFFICER. Time on the amendment of the Senator from Connecticut has expired. The yeas and nays have been ordered.

Mr. LONG. Mr. President, may I have time in opposition?

Mr. President, what I cannot understand is, if we do not want them to go to the average-size city; if we do not want them to go to the suburbs; if we do not want them to go anywhere within 25 miles of the city unless they locate inside the ghetto, then why give them the 7-percent investment tax credit to begin with? If we are trying to encourage them to locate in rural areas or in the ghettos, then why encourage them to locate anywhere else? It would seem to me, Mr. President, that, instead of applying the credit on an uneven basis, we should apply the investment tax credit equally to everyone, and avoid all the complicated problems we would get into trying to favor taxpayers in one area over taxpayers in another. I submit that this will be difficult to justify.

Mr. BENNETT. Mr. President, will the Senator yield me 1 minute?

Mr. LONG. I yield.

Mr. BENNETT. My idea of a ghetto is the place where people live; and it would seem to me that people should be able to move out of the central city into the rest of the community, of which that is only a part, in order to find a job. As I understand the Senator's amendment, in order to justify this added investment credit, the factory must physically be located in the rundown slums that make up the ghetto.

Mr. RIBICOFF. If the Senator will yield, that is not my amendment at all. It is the central city only. The job has to be in the central city as defined by the Office of Management and Budget. Any place in the central city. The people who will be in the ghetto will have an opportunity to take the subway or bus to get to the job.

Mr. BENNETT. Then, the Senator's amendment would give a very wealthy firm that has a manufacturing plant in the area which contains the central city a 10-percent investment credit, against the 7 percent it would get it were located in a smaller town or even another city with a slightly lower unemployment rate.

Mr. RIBICOFF. If the unemployment in that city were 6 percent and it were creating new jobs for the people who were unemployed; yes.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment of the Senator from Connecticut to the amendment of the Senator from Kansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia: I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. ELLENDER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Pennsylvania. (Mr. SCOTT) would each vote "nay."

The result was announced—yeas 56, nays 24, as follows:

[No. 345 Leg.]

YEAS—56

Aiken
Allen
Baker
Beall
Bellmon
Bible
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Eastland
Ervin
Gambrell
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Magnuson
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Spong
Stafford
Stennis
Symington
Taft
Talmadge
Tunney
Williams
Young

NAYS—24

Anderson
Bennett
Bentsen
Buckley
Byrd, Va.
Cooper
Cotton
Curtis
Dole
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Jordan, Idaho
Long
Mansfield
McClellan
Percy
Roth
Smith
Thurmond
Tower

NOT VOTING—20

Allott
Bayh
Dominick
Ellender
Goldwater
Harris
Hollings
Hruska
Jackson
Kennedy
Mathias
McGovern
Miller
Mundt
Muskie
Saxbe
Scott
Stevens
Stevenson
Weicker

So Mr. RIBICOFF's amendment to Mr. PEARSON's amendment was agreed to.

The PRESIDING OFFICER (Mr. ALLEN). The question now recurs on agreeing to the Pearson amendment as amended by the Ribicoff amendment.

All time on the amendment has been consumed.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are absent on officials business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) would vote "nay".

On this vote, the Senator from Pennsylvania (Mr. SCOTT) is paired with the Senator from Colorado (Mr. ALLOTT). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Colorado would vote "nay".

The result was announced—yeas 60, nays 19, as follows:

[No. 346 Leg.]

YEAS—60

Aiken
Allen
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cranston
Dole
Eagleton
Eastland
Ervin
Gambrell
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Jordan, N.C.
Magnuson
Mansfield
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Spong
Stafford
Stennis
Symington
Taft
Talmadge
Tower
Tunney
Williams
Young

NAYS—19

Anderson
Bennett
Buckley
Byrd, Va.
Cooper
Cotton
Curtis
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Jordan, Idaho
Long
Percy
Roth
Smith
Thurmond

NOT VOTING—21

Allott
Bayh
Dominick
Ellender
Goldwater
Harris
Hollings
Hruska
Jackson
Kennedy
Mathias
McGee
McGovern
Miller
Mundt
Muskie
Saxbe
Scott
Stevens
Stevenson
Weicker

So Mr. PEARSON's amendment, as amended, was agreed to.

The PRESIDING OFFICER. In accordance with the previous order, the Chair asks the clerk to report amendment No. 533, the amendment of the Senator from New York (Mr. JAVITS), which becomes the pending business. Time on this amendment is limited to 40 minutes, to be equally divided between the manager of the bill and the distinguished Senator from New York.

The legislative clerk read the amendment as follows:

On page 51, after line 26, insert the following:

SEC. 310. BUDGET INFORMATION WITH RESPECT TO REVENUE LOSSES AND INDIRECT EXPENDITURES.

Section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended by adding new clauses (13) and (14) to subsection (a) as follows:

"(13) estimates of the losses in revenues for the last completed fiscal year, the fiscal year in progress, and the ensuing fiscal year which result—

"(a) under the provisions of the Federal income tax laws which cause the income tax bases to deviate from widely accepted definitions of income and standards of business accounting by prescribing or allowing (i) exclusion of certain items from gross income, (ii) deductions from income, (iii) credits against tax, (iv) deferral of the imposition of tax, (v) preferential rates for certain classes of income, or (vi) exemption of certain persons from tax, or

"(b) under other Federal tax provisions which grant special or preferential treatment of a similar nature;

"(14) estimates of the indirect expenditures made or to be made by the Government through the application and operation of the Federal tax laws during the most recent fiscal year, the fiscal year in progress, and the ensuing fiscal year, which estimates shall be based on the estimates of revenue losses described in clause (13) and shall be related, insofar as possible, to the expenditures described in clauses (5), (7), and (8)."

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, the sponsors of this amendment with me are Senators MCCLELLAN, HARRIS, HATFIELD, HUMPHREY, PERCY, PROXMIRE, STEVENSON, and CHILES.

Mr. President, the amendment seeks to require the Treasury Department, as a regular proposition, to annually report in connection with the budget the revenue losses through so-called tax expenditures. Tax expenditures result whenever the tax system is used to provide incentives or relief for taxpayers.

For example, there are the revenue losses which will be incurred as a result of the investment tax credit legislation—these will be a form of tax expenditure to encourage productive investment; the depletion for mineral exploration, for oil, and special tax provisions in many other fields may be regarded as tax expenditures.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a list of approximately 50 such tax expenditures, as I have described them, amounting to $40 billion, which is the calculation of the Treasury Department, which it made at one time as to what this amounts to.

The PRESIDING OFFICER. Without objection——

Mr. LONG. Mr. President, reserving the right to object, I think the Senator should tell us the things he wants to publish.

Mr. JAVITS. If the Senator will allow me to present my case——

Mr. LONG. I do not mind but I think the Senator should present it.

Mr. JAVITS. Does the Senator object to my introducing that memorandum?

Mr. LONG. I would like to have the Senator list them.

Mr. JAVITS. Does the Senator want me to read them?

Mr. LONG. Yes.

Mr. JAVITS. The Senator wants me to read them. I have 20 minutes.

Mr. LONG. I will yield the Senator some of my time, but we should know what they are.

Mr. JAVITS. Mr. President, I will not take the time of the Senate to read them all but I will read some of them to give the Senate an idea of what this is about.

As I said, the list is roughly 60 selected tax provisions estimated to cost $40 billion in lost revenues.

I will try to pick some of the large ones. It relates to farm expense and capital gain treatment, $820 million. It relates to excess of percentage over cost depletion, $980 million. It relates to investment credit, $910 million. It relates to deductibility of interest on consumer credit, $1.7 billion. It relates to the $25,000 corporate surtax exemption, $2 billion. Then there is deductibility of interest on mortgages on owner-occupied homes, $2.8 billion; deductibility of property taxes on owner-occupied homes, $2.9 billion; provisions relating to aid to the aged, blind, and disabled, and that is the combined cost for additional exclusive of old-age assistance, $2.95 billion; exclusion of pension contributions and earnings, $3 billion.

It relates to deductibility of charitable contributions of $3.5 billion. It relates to excess of standard deductions over the minimum, $3 billion. It relates to deductibility of nonbusiness State and local taxes, $5.6 billion.

Mr. President, I ask unanimous consent that the entire table may be printed in the RECORD as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EFFECT [1] OF SELECTED TAX PROVISIONS [2]

[In millions of dollars]

	Fiscal years					
	1970			1971		
Item	Corporations	Individuals	Total	Corporations	Individuals	Total
Exclusion of benefits and allowances to Armed Forces personnel		550	550		500	500
Exemption for certain income earned abroad by United States citizens		45	45		40	40
Exclusion of income earned by individual in United States possessions		10	10		10	10
Western Hemisphere Trade Corporations	55		55	50		50
Exclusion of gross-up or dividends of less-developed country corporations	55		55	55		55
Exclusion of income of controlled foreign subsidiaries	170		170	165		165
Exclusion of income earned by corporations in United States possessions	85		85	80		80
Farming: expensing and capital gain treatment			880			820
Timber: capital gain treatment for certain income			140			130
Expensing of exploration and development costs	340		340	325		325
Excess of percentage over cost depletion			1,470			980
Capital gains treatment of royalties on coal and iron ore			5			5
Investment credit			2,630			910
Depreciation on buildings (other than rental housing) in excess of straight line			550			500
Dividend exclusion		290	290		280	280
Capital gains: corporation (other than agriculture and natural resources)	525		525	425		425
Bad debt reserves of financial institutions in excess of actual	680		680	380		380
Exemption of credit unions			45			40
Deductability of interest on consumer credit		1,700	1,700		1,700	1,700
Expensing of research and development expenditures	565		565	540		540
$25,000 surtax exemption	2,300		2,300	2,000		2,000
Deferral of tax on shipping companies	10		10	10		10
Rail freight car amortization				105		105
Deductibility of interest on mortgages on owner-occupied homes		2,600	2,600		2,800	2,800
Deductibility of property taxes on owner-occupied homes		2,800	2,800		2,900	2,900
Depreciation on rental housing in excess of straight line			275			255
Disability insurance benefits		120	120		130	130
Provisions relating to aged, blind, and disabled:						
Combined cost for additional exemption, retirement income credit, and exclusion of OASDHI for aged		2,800	2,800		2,950	2,950
Additional exemption for blind		10	10		10	10
Sick pay exclusion		105	105		105	105
Exclusion of unemployment insurance benefits		350	350		400	400
Exclusion of workmen's compensation benefits		210	210		210	210
Exclusion of public assistance benefits		50	50		50	50
Net exclusion of pension contributions and earnings:						
Plans for employees		3,150	3,150		3,075	3,075
Plans for self-employed persons		160	160		175	175
Exclusion of other employee benefits:						
Premiums on group term life insurance		440	440		440	440
Deductibility of accident and death benefits		25	25		25	25
Medical insurance premiums and medical care		1,450	1,450		1,450	1,450
Privately financed supplementary unemployment benefits		15	15		20	20
Meals and lodging		170	170		170	170
Exclusion of interest on life insurance savings		1,050	1,050		1,050	1,050
Deductibility of charitable contributions (other than education)		3,450	3,450		3,550	3,550
Deductibility of medical expenses		1,700	1,700		1,700	1,700
Deductibility of child and dependent care expenses		25	25		25	25
Deductibility of casualty losses		80	80		80	80
Excess of standard deduction over minimum		3,800	3,800		3,000	3,000
Pollution control amortization			15			15
Additional personal exemption for students		525	525		500	500
Deductibility of contributions to educational institutions		200	200		200	200
Exclusion of scholarships and fellowships		60	60		60	60
Exclusion of certain veteran's benefits		600	600		650	650
Exemption of interest on state and local debt			2,200			2,300
Deductibility of nonbusiness state and local taxes (other than on owner-occupied homes)		5,100	5,100		5,600	5,600

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[1] Estimates are prepared on an individual basis for each item on the assumption that the item would be eliminated from the law without any other changes in the law with respect to the other items. If 2 or more changes in the law are made, the aggregate revenue effect will frequently not equal the sum of the revenue effects of the individual changes. Accordingly, the costs of the items are not additive.

[2] The specific tax provisions were selected by the staff of the Joint Economic Committee.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

Mr. JAVITS. Mr. President, my amendment would also call for this information to be included within the context of the budgetary requirements which the President sets up. This information is prepared by the Treasury Department and it is in the hands of the Treasury Department.

It will be noted that tax expenditures constitute about 20 percent of the aggregate budget, which is of the magnitude of $200 billion.

Mr. President, I am for many of these tax expenditure items myself; I am for most of them. But we should, on a regular basis, know what they amount to. We should know what we do when we make budgetary provisions for housing. We have to crank in what we are allowing in tax preferences to get the total picture.

Mr. President, I have introduced the amendment because I am the ranking minority member of the Joint Economic Committee and the Joint Economic Committee minority has emphasized the importance of this information.

In 1969 I tried to move it as a tax bill and withdrew the amendment when I was assured the information would be made available to us. It was made available for 1969.

Now the Treasury Department opposes this amendment and they say that any Representative or Senator can get the information. The Senator from Louisiana (Mr. LONG) said that he can put it in the RECORD. That is true. But they now oppose this on the ground that they do not know how to define tax expenditure. Nonetheless they say they have the information and will give it to us if we ask for it. If they cannot define it how can they give it to us?

The only way it can get the attention it deserves, and be considered by Congress and the country in any appreciable way, is if it is published and preferably published in the annual budget—hence this amendment.

As I said before, and repeat now, the amendment was introduced because I am the ranking Republican member of the Joint Economic Committee. We have tried to get this information in connection with the annual budget in order to provide a fully meaningful budgetary analysis. I think it is critically important to understand the finances of the country. It will not cost anybody anything. The Treasury says it has this information, anyhow. I respectfully submit to my colleagues that the amendment ought to be approved.

Mr. BENNETT. Mr. President, will the Senator yield to me?

Mr. LONG. I yield to the Senator from Utah.

Mr. BENNETT. The Senator from New York has already mentioned the problem the Treasury sees in this amendment. It is one thing for the Treasury to be able to make a report on these tax preferences, and it is another thing to have a law written which requires a report to be made in a certain way in the budget. The Treasury has suggested some of the definition problems that they see. It says this concept, however stated in words, imposes such insuperable problems of definition and determination that it is absolutely unwise to make its inclusion in the budget mandatory.

For example, is accelerated depreciation on machinery and equipment a "tax expenditure?" Many persons would contend it is, but the Congress in adopting these provisions in the Internal Revenue Code of 1954 observed that—

> The liberalized declining balance method included in the bill concentrates deductions in the early years of service and results in a timing of allowances more in accordance with the actual pattern of loss of economic usefulness.

Other illustrations of potential dispute could be cited. Should the foreign tax credit be treated as such an indirect expenditure when it serves only to prevent double taxation of income earned outside the United States? Without the credit, the combined foreign tax and U.S. tax might well exceed 100 percent, and since the superior right to tax would seem to lie with the place the income is earned, the absence of such a credit might also raise constitutional doubts.

Consider the allowance of a deduction for interest expense where the interest is not business-related, an item generally treated as a "tax expenditure." Is the situation of a taxpayer who acquires his residence by executing a mortgage, while having income from investments, to be differentiated from the taxpayer who liquidates his investments and pays cash for his home? The imputed rental value of owner-occupied residences—which is not taxed—is not ordinarily classified as a taxable expenditure, and it is not clear whether the amendment would require such a classification. Would the ordinary citizen consider that the rental value of his home is income on which he should pay Federal income tax? Clearly not. Yet logic and consistency might well require such a showing if interest expense is to be shown as a tax expenditure.

It would follow—and they get almost too deep for me—that the imputed value of all durable personal assets should be treated as a tax expenditure—personal automobiles, for example. The imputed value of personal assets is not the kind of "income" we seek to tax in the United States. The failure to tax such amounts should not be regarded as a tax expenditure, but the logic of this amendment would require it.

The list of such problems of classification and definition is endless. The Treasury has voluntarily issued tax expenditure estimates on several occasions in recent years, and it seems more appropriate to reserve the manner and extent of presentation of information of this type to administrative discretion, rather than setting up a strict, rigid rule and requiring that these calculations, covering 70 million taxpayers, be made and included as part of the budget documents. It is just the difference between working in a way that is practical and, on the other hand, writing a set of theoretical, rigid rules and then expecting the Treasury to do the work to match their information to those rules. I think it should be left out of the bill.

Mr. LONG. Mr. President, the best I can make of this amendment is that the Senator wants to require the Treasury to publish certain information the way he thinks it should be published. That is all fine, but it so happens that a lot of people would not agree that it ought to be published that way. As far as I am concerned, he can have any information. In fact, he already has it. He put it in the RECORD. He has estimates of how much the various items in his list cost the Treasury.

But how is the Treasury going to determine what to put in the list required under the Senator's amendment. For example, it could be said that the absence of tax on the value a man adds to his property by working in his garden is a tax expenditure. In other words one could argue that income should be imputed to people because they do work for themselves rather than hire somebody else to do it as an expense, and that the lack of tax on this imputed income is a tax expenditure. Where does this determination of what constitutes a tax expenditure end?

We have not had occasion to go into all this. I understand the Committee on Government Operations has scheduled a hearing on a proposal to make the Treasury publish some of the type of information the Senator is interested in. That is all right with me. If they want to bring witnesses in to tell why they should have to publish information in certain ways, I would not object. But here, in a bill that the President says is a "must" bill, the Senator is suggesting a provision should be added when the members of the committee having jurisdiction have not had an opportunity to study its effects. As far as I am concerned, that information is available now. The point is that it should not necessarily have to be published in the way the Senator from New York (Mr. JAVITS) wants it or the way the Senator from Louisiana (Mr. LONG) wants it. As far as I am concerned, we have not had any difficulty getting the information. The Senator from New York has not, either, because he put it in the RECORD. Why should we make it mandatory for the Treasury to publish that information if the Treasury does not want to? This is something that should be left to the appropriate committee to hold hearings on, to consider the objections of the Treasury, and to consider any alternatives that might be suggested.

This is not, however, something that should be put in a bill which is an important priority bill.

The Senator from New York is not the only one who has trouble getting information published the way he wants it. I have been trying to get the Commerce Department to publish trade figures the way I think it should have been done for years, but I am not putting a request on this subject into a bill that has urgency to it. This is a subject which should have hearings, which I understand the Committee on Government Operations has scheduled.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself 1 minute.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Florida (Mr. CHILES), who authored a bill exactly along these lines.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. CHILES. Mr. President, in March I introduced a bill which would have the same effect as the amendment by the Senator from New York. I think the report on the amendment or on the bill I introduced is important. I think, in addition to providing some information to the Senate, it would provide some information to the public. I think, at the same time we pass on all the tax proposals that come before us, we well should report, and it should be available to the public, so it will be known whom we are excluding from the tax and the different allowances that we are setting up for those who will not be taxed. The public should be able to see that information. I think that is all public information that should be in a public document.

I think it is going to affect in a beneficial way the method by which we treat taxes, the way we vote on increases in taxes, and the way we vote on increases in exemptions. It happens very often that, when we provide an exemption, or exception or allowance, the Congress does not think about that again.

We do not realize, as the years go by, that situations change entirely, and where there might have been a very beneficial public policy reason for creating an exemption in 1930, to carry that exemption into 1970 might be completely ridiculous.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. Mr. President, will the Senator tell me to what committee his bill was referred?

Mr. CHILES. To the Committee on Government Operations.

Mr. LONG. Why does not that committee, then, act on the bill, and not request us to act on it? We do not have that bill. As far as I am concerned, if the Senator wants some information he cannot get, I will help him get the information, but it seems to me that to ask the Finance Committee to get involved, on our revenue bill, when the Senator's committee has the jurisdiction, and without any hearings, is to jump the gun. I would urge the Senator to go ahead and conduct the hearings and advise the Senate what he thinks ought to be done. But when the Senator's committee has not even conducted its own hearings, it seems to me, that wanting to put this amendment on the tax bill is going too far.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLELLAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. JAVITS. I yield 3 minutes to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, at one time I was a cosponsor of this amendment. I did not recall that there was a similar bill pending before the Committee on Government Operations. I now recall it, and I had indicated, I think, to Senator CHILES that we would authorize him to hold hearings on that bill.

This amendment, when it was presented to me, had an appeal. I thought it provided for information that the public was entitled to, and information that would possibly be helpful to Congress, and therefore I cosponsored the amendment. It was not to bypass the hearings of the Committee on Government Operations, and I apologize to the Senator from Florida. Just at the time, and in the rush of things, I at the moment did not recall that such a bill was pending.

But I do think there is merit in this matter, and I shall support the amendment. I think the Senator from Florida should have a great deal of credit for having originated the idea and introduced the bill, and I so acknowledge and advise him. I should not have cosponsored the amendment on that account, and I am sorry about it, but I did do it. As the amendment was presented to me, it had an appeal to me that here was information that the public might be entitled to have, and also that it might be helpful to us in performing our legislative duties.

Mr. LONG. Mr. President, there are those of us on the Finance Committee who withheld offering our own amendments. We dissuaded other members of our own committee from offering as many as 15 or 20 amendments on this bill.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired. Who yields time?

Mr. LONG. I yield myself 1 minute.

It would seem to me that if we could withhold our amendments and let this bill go through as a priority item, it is not asking too much of the Senate to let the bill go through as a priority item. Certainly the Senators should not be offering amendments to this bill which are within the jurisdiction of some other committee, where the other committee has a duty to hold hearings and make a recommendation to the Senate before a provision is acted on. Senators should not be offering amendment like this to a bill that the President regards as the most important economic measure to be considered by this Congress.

If we are going to accept proposals like that, between now and 9 o'clock tomorrow morning, how many other Senators will find something which has been sent to another committee, and even before that committee can hold hearings, proceed to come out and offer it on this bill, even though that committee has scheduled hearings and would hold hearings on the measure?

On that basis, I would think we could be here forever on matters that do not belong on this bill to begin with. I hope the Senate will not agree to this, or any other amendment along this line, where the matter is something that should be considered by another committee, or considered in connection with some of the many other measures that will be before the Senate later on.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

On the substantive problem, of course, the Treasury is just throwing up a little dust, as we all know, because they have made the list, and under my amendment, I have not devised the terms, I am using their terms. These are the kind of tax expenditures which they have defined. They made the list. The one which I put in the RECORD was obtained by the Senator from Wisconsin (Mr. PROXMIRE) as chairman of the Joint Economic Committee, showing these various items according to the Treasury's definition. That is all the amendment means.

As to the argument by the Senator from Louisiana, it seems to me that if the issue is desirable, and it seems to us to be desirable, then it ought to be acted upon when the time is proper, which is on a tax bill, not indirectly through the Committee on Government Operations, but on a tax bill; and the Senator from Arkansas (Mr. McCLELLAN), who is chairman of the Committee on Government Operations, thought enough of it to cosponsor the amendment.

There are over 90 amendments here. If this was the only thing being hung on this bill that the Senator from Louisiana could complain about, I could understand his getting exercised about it. But to get exercised about this, on a tax bill, just makes no sense to me. No one is going to introduce 180 more amendments because we adopt this one, which has a direct relevance to the taxes levied on the public, and why, and whether they are properly levied, and what is not levied, and why, and when all we are seeking is information, it is almost inconceivable to me, Mr. President, that there should be a fuss about it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself another minute.

Mr. President, the essence of the situation is simply this: There are tax preferences written into law, thousands of them, $40 billion worth. If they are wrong, knowing about them can benefit every American. If they are right, they of course should be upheld on their own merits. But at least in the same way that we see the budget, and what people are going to have to pay to support it, we ought to see what the tax indulgences are; it is as simple as that, and I cannot see why the Treasury Department would want to obfuscate on it, unless they have something to hide, or they are ashamed of these tax indulgences, or do not want people to know about them. That, it seems to me, is the only reason there can be. I very much hope the Senate will act, as in reality it does, on behalf of the people, and approve this amendment.

Mr. LONG. Mr. President, I am not here to defend the Nixon administration against a charge of hiding something they are ashamed of, if that is what is meant. That will have to come from the other side of the aisle. But it seems to me that if the Senator is charging his administration is withholding information which should be relieved, the question arises, how did he get it? He just put it in the RECORD here, and I insisted that he read some of it. He put it in the RECORD himself. He wants this information published a certain way, in a certain document, and I am not here to really argue about that. All I say is, that does not belong on this bill. We do not have jurisdiction of that matter; it is within the jurisdiction of another committee. They owe the Senate a hearing on the matter, and they are scheduled to have a hearing, and it is their duty to make a recommendation to the Senate, after their hearings, on this matter.

I am curious as to whether the Senator thinks this is a priority bill or not. We on the committee certainly think so. We withheld our amendments because, from our point of view, this bill should be regarded a priority item. But now the Senator wants to put on this measure something that has not even been looked at by the committee having jurisdiction.

Mr. President, if we are going to add this item, we might as well just invite everyone to open up his file drawer and offer anything he wants to. Under this line of reasoning, you can offer anything except a constitutional amendment on a revenue bill. If Senators do not think this bill is a priority matter that ought to reach the President's desk some time between now and January 1, I say to them, "Vote for this," and I then will tell other Senators, "Go ahead and offer your amendments—anything that could conceivably be offered on a revenue bill except a constitutional amendment."

Mr. President, I would hope we could stay out of this matter and other matters of this type that are not related to the bill.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 9 additional minutes.

Mr. LONG. Mr. President, I am prepared to yield back the remainder of my time.

Mr. JAVITS. Mr. President, I will yield my time back, but I would like 30 seconds to say this, on the question of jurisdiction: The Finance Committee has jurisdiction over the Treasury Department.

The Government Operations Committee—its chairman has just spoken, and he likes this proposal—has jurisdiction over all Government departments. But we generally stay our hand when the committee or the Senate is acting on a matter which is directly relevant to the department concerned. The Secretary of the Treasury deals with all Treasury matters. This is a tax matter, and therefore I respectfully submit it belongs in this bill.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LONG. Mr. President, I move to table this amendment, because it is not within the jurisdiction of the Finance Committee, and it need not be in this bill.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Louisiana, (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Illinois (Mr. STEVENSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY, the Senator from Wisconsin, (Mr. NELSON), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Washington (Mr. JACKSON), would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Kansas (Mr. DOLE) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

On this vote, the Senator from Nebraska (Mr. HRUSKA) is paired with the Senator from Pennsylvania (Mr. SCOTT).

If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 35, nays 38, as follows:

[No. 347 Leg.]

YEAS—35

Allen
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Ervin
Fannin
Fong
Gurney
Hansen
Inouye
Jordan, N.C.
Jordan, Idaho
Long
McIntyre
Montoya
Moss
Pastore
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower

NAYS—38

Aiken
Beall
Boggs
Brooke
Buckley
Case
Chiles
Church
Cooper
Cranston
Eagleton
Fulbright
Gambrell
Gravel
Griffin
Hart
Hartke
Hatfield
Hughes
Javits
Magnuson
Mansfield
McClellan
Metcalf
Mondale
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stafford
Symington
Taft
Tunney

NOT VOTING—27

Allott
Bayh
Dole
Dominick
Eastland
Ellender
Goldwater
Harris
Hollings
Hruska
Humphrey
Jackson
Kennedy
Mathias
McGee
McGovern
Miller
Mundt
Muskie
Nelson
Saxbe
Scott
Stevens
Stevenson
Weicker
Williams
Young

So the motion was rejected.

The PRESIDING OFFICER (Mr. ALLEN). The question recurs on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

On this vote, the Senator from Pennsylvania (Mr. SCOTT) is paired with the Senator from Nebraska (Mr. HRUSKA). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 48, nays 23, as follows:

[No. 348 Leg.]

YEAS—48

Aiken
Baker
Bellmon
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Case
Chiles
Church
Cooper
Cranston
Eagleton
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Jordan, N.C.
Mansfield
McClellan
Metcalf
Mondale
Moss

Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Spong
Stafford
Stennis
Symington
Tunney

NAYS—23

Allen
Anderson
Beall
Bennett
Bentsen
Bible
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Eastland
Fannin
Hansen
Jordan, Idaho
Long
Magnuson
Montoya
Smith
Sparkman
Taft
Thurmond
Tower

NOT VOTING—29

Allott
Bayh
Brock
Dole
Dominick
Ellender
Goldwater
Harris
Hollings
Hruska
Humphrey
Jackson
Kennedy
Mathias
McGee
McGovern
McIntyre
Miller
Mundt
Muskie
Nelson
Saxbe
Scott
Stevens
Stevenson
Talmadge
Weicker
Williams
Young

So Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 685

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate amendment No. 685 of the Senator from California (Mr. CRANSTON), which the clerk will state.

The amendment was read as follows:

On page 107, beginning with line 16, strike out through line 24 on page 111, and on page 117, beginning with line 6, strike out through line 23 on page 118, and insert in lieu thereof the following:

"SEC. 401. SUSPENSION OF MANUFACTURERS EXCISE TAX ON PASSENGER AUTOMOBILES, LIGHT-DUTY TRUCKS, ETC.

"(a) (1) SUSPENSION.—Part I of subchapter A of chapter 32 (relating to manufacturers excise taxes on motor vehicles) is amended by adding at the end thereof the following new section:

"'4064. SUSPENSION.

"'The tax imposed by section 4061(a) (2) shall not apply to any article taxable thereunder which is sold by the manufacturer, producer, or importer thereof during the period beginning on August 15, 1971, and ending on January 1, 1973.'

"(2) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following:

"'Sec. 4064. Suspension.'

"(b) LIGHT-DUTY TRUCKS, ETC.—Section 4061(a) (relating to tax on automobiles, etc.) is amended by—

"(1) striking 'Articles' in paragraph (1) and inserting in lieu thereof 'Except for light-duty trucks (described in the third clause of paragraph (2)(B)), articles'; and

"(2) inserting before the last sentence of paragraph (2) (B) the following:

"'Automobile truck chassis or bodies, and automobile bus chassis or bodies, suitable for use with a vehicle having a gross weight of 10,000 pounds or less (as determined under regulations prescribed by the Secretary or his delegate).'"

On page 113, line 1 strike "tax-repealed" and insert "tax-suspended".

On page 114, line 7, strike "tax-repealed" and insert "tax-suspended".

On page 116, line 13, strike "tax-repealed" and insert "tax-suspended".

On page 116, line 15, after "August 15, 1971" insert "and before the end of the suspension period described in section 4064, and".

On page 116, line 25, strike "tax-repealed article" and insert "tax-suspended article".

On page 117, line 3, beginning with "is" strike out through line 5 and insert the following: "with respect to which such tax is suspended under the provisions of section 4064".

"SEC. 402. COMPENSATION OF HIGHWAY TRUST FUND FOR REVENUE LOST BY SUSPENSION OF EXCISE TAX ON CERTAIN VEHICLES."

On page 122, line 5, strike "repeal" and insert "suspension".

On page 122, lines 15-16, strike "after December 31, 1965".

On page 122, lines 19-20, strike "after August 15, 1971" and insert "between August 15, 1971 and January 1, 1973".

"SEC. 403. DISPOSITION OF EXCISE TAXES FOLLOWING PERIOD OF SUSPENSION.

"(a) The Secretary of Transportation shall formulate for submission to Congress by April 30, 1972, a plan for the utilization of funds collected by the Department of the Treasury pursuant to section 4061 of the Internal Revenue Act of 1954 for each year beginning January 1, 1973 and ending before June 30, 1982. The plan shall be limited to allocations for mass transit, the national railway system (that is AmTrak) the construction and improvement of railway corridors (including the northeast corridor), highway safety, airport development and the abatement of aircraft noise pollution, and the abatement of vehicular air pollution: *Provided however,* That no less than 50 percent of said funds shall be allocated to mass transit.

"(b) Upon approval by the Congress of the plan or some modification thereof and enactment of necessary implementing legislation, the Secretary of Transportation is authorized to spend the money collected pursuant to the plan.

"(c) If the Congress does not adopt the Secretary's plan or some modification thereof by January 1, 1973, the funds collected pursuant to section 4061 shall be deposited in an escrow account under the supervision of the Secretary of the Treasury until such time as the Congress shall determine the disposition of said fund.

"(d) Funds allocated by any plan developed by the Secretary of Transportation shall be in addition to Congressional appropriations and approval of grant authority for the said transportation purposes."

ORDER FOR AMENDMENT NO. 692 TO BE LAID BEFORE THE SENATE FOLLOWING DISPOSITION OF AMENDMENT NO. 679

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon disposition of the amendment (No. 679), of Mr. PERCY, the Chair lay before the Senate amendment No. 692 by Mr. PASTORE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHILES ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Thursday the distinguished Senator from Florida (Mr. CHILES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR RESUMPTION OF CONSIDERATION OF AMENDMENT NO. 685

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the period for the transaction of routine morning business the Senate resume consideration of the pending amendment, amendment No. 685, by Mr. CRANSTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the two leaders have been recognized, under the standing order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of the period for the transaction of routine morning business the Senate will resume consideration of amendment No. 685 by Mr. CRANSTON dealing with the excise tax on automobiles. The limitation of time on that amendment is 2 hours, and amendments in the second degree, motions, and appeals, with the exception of nondebatable motions, will be limited to 20 minutes.

Upon disposition of the Cranston amendment the Senate will proceed to the consideration of amendment No. 690 by Mr. HARRIS. Amendment No. 690 by Mr. HARRIS would prohibit deducting special expenses for advertising of public issues. The time limitation on that amendment is 30 minutes, with a time limitation on amendments in the second degree, motions, and appeals, with the exception of nondebatable motions, of 5 minutes.

Upon the disposition of amendment No. 690 by Mr. HARRIS, the Senate will take up amendment No. 680 by Mr. HARRIS, the so-called combined DISC and foreign corporation tax amendment. There is a time limitation on that amendment of 30 minutes, with a limitation of 20 minutes on any amendment in the second degree, motion, or appeal, with the exception of nondebatable motions.

Upon the disposition of the second Harris amendment — amendment No. 680—the Senate will proceed to the consideration of the amendment by Mr. GURNEY, amendment No. 651. That amendment is a social security amendment. There is no time limitation thereon.

Upon the disposition of amendment No. 651 by Mr. GURNEY, the Senate will take up amendment No. 679 by Mr. PERCY. There is no time limitation on that amendment. It is my understanding that the Percy amendment has to do with revenue sharing and welfare.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BENNETT. That amendment would set up a billion dollar temporary fund or a billion dollar one-time fund to be divided among the States to support their welfare programs.

Mr. BYRD of West Virginia. Very well. I thank the Senator.

Upon the disposition of amendment No. 679 by Mr. PERCY, the Senate will proceed to the consideration of amendment No. 692, an amendment which was offered this afternoon by Mr. PASTORE and others, dealing with political contributions. There is a time limitation on that amendment of 6 hours. There is a time limitation on any amendment in the second degree, motion, or appeal, with the exception of nondebatable motions, of 1 hour.

There will be rollcall votes tomorrow. The Senate will be in late tomorrow and, I would hope that the Senate could complete consideration of the bill tomorrow—or at least sometime Thursday—which is a bit farfetched, but at least it is the kind of hope that springs "eternal in the human breast."

Mr. GRIFFIN. Mr. President, will the Senator yield for an observation and a possible correction?

Mr. BYRD of West Virginia. I yield to the distinguished assistant minority leader.

Mr. GRIFFIN. When the Senator referred to the Cranston amendment, No. 685, tomorrow, the Senator indicated a time limitation of 20 minutes on amendments thereto. I believe the agreement was for 30 minutes.

Mr. BYRD of West Virginia. The RECORD of yesterday, at page 41331, shows a limitation of 20 minutes on amendments in the second degree.

Mr. GRIFFIN. The staff advises me the Journal has 30 minutes.

The PRESIDING OFFICER. If the Senator will suspend, I am advised by the Parliamentarian that the Journal states 30 minutes.

Mr. GRIFFIN. I seem to recall raising that point with the assistant majority leader last night and asking that it be 30 minutes, and I recall that he agreed to that. I do not know that there will be amendments offered.

Mr. BYRD of West Virginia. The able Senator is correct. The Journal so states, and so does the RECORD in a subsequent provision.

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 29 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, November 17, 1971, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, November 16, 1971*

The House met at 12 o'clock noon.

Rev. Earl O. Harding, Missouri Baptist Convention, Jefferson City, Mo., offered the following prayer:

We thank Thee, O Lord God of our fathers, for the friendship which unites our country with the nations of the world. We thank Thee for our homes, our country, our schools, our churches, for charity and philanthropy; for they are all the fruits of Thy spirit. Bless our leaders, and may their fear of God inspire all our national policies. Strengthen our desire for righteousness; make us equal to our high trust, reverent in the use of freedom, just in the exercise of power, unfaltering in the protection of the needy.

To our legislators give insight and faithfulness, that our laws may clearly speak the right, and our judges purely interpret them. May wisdom be the glory of our times, and mutual confidence the joy of our Nation, through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11418) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the Senate amendment No. 1 to the foregoing bill.

PRIVILEGES OF THE HOUSE—UNITED STATES OF AMERICA VERSUS JOHN DOWDY ET AL.

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 12, 1971.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum that was issued by the United States District Court for the District of Maryland. This subpoena is in connection with the case of the United States of America v. John Dowdy, et al.

The subpoena commands the Clerk of the House to appear in the said United States District Court for the District of Maryland, Baltimore, Maryland on the 16th day of November, 1971 at 9:30 o'clock A.M., and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

NOVEMBER 9, 1971.

Re United States of America v. John Dowdy, et al. Criminal No. 70–0123–T

Clerk, U.S. House of Representatives,
Washington, D.C.

DEAR SIR: Although the attached subpoena requires your presence for November 16, 1971, the trial is expected to last for several weeks; and we are not certain, at this time, of the exact date which you will be needed to testify. For that reason, we request that you call collect the undersigned as soon as you receive this subpoena so that further arrangement may be made for your appearance.

Very truly yours,
GEORGE BEALL,
U.S. Attorney.
By: JOHN G. SAKELLARIS,
Assistant U.S. Attorney, District of Maryland, 409 U.S. Post Office Building, Calvert and Fayette Streets, Baltimore, Md. 21202

[In the U.S. District Court for the District of Maryland]

SUBPENA TO PRODUCE DOCUMENT OR OBJECT

United States of America *v.* John Dowdy, et al.

No. 70–0123–T (Criminal Docket)

To Clerk, United States House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of Maryland at Room 325, U.S. Post Office Building at Calvert and Fayette Streets in the city of Baltimore on the 16th day of November, 1971 at 9:30 o'clock A.M. to testify in the case of United States v. John Dowdy and bring with you any travel or expense vouchers of John Dowdy for the months of August and September, 1968 and for the months of September and October, 1965.

This subpena is issued upon application of the United States.

November 9, 1971.

John G. Sakellaris, Assistant U.S. Attorney;

Stephen H. Sachs, Special Assistant U.S. Attorney, 325 U.S. Post Office Bldg., Baltimore, Md.

PAUL R. SCHLITZ,
Clerk.
By: CHARLOTTE WILLIAMS,
Deputy Clerk.

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 706) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 706

Whereas in the case of the United States of America against John Dowdy, et al. (criminal action numbered 70–0123), pending in the United States District Court for the District of Maryland, a subpena duces tecum was issued by the said Court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the said court at 9:30 antemeridian on the 16th day of November, 1971, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpena duces tecum beforementioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DR. EARL HARDING, EXECUTIVE SECRETARY OF THE MISSOURI BAPTIST CONVENTION

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, it gives me great pleasure to tell my colleagues a little about the background of the man of God who opened the House today with such an inspiring prayer.

Dr. Earl Harding has served as the executive secretary of the Missouri Baptist Convention for the past 18 years. The great responsibilities he shoulders in this position can easily be seen when we realize that the Missouri Baptist Convention represents 800,000 of the 1.2 million members of the Baptist faith in Missouri.

Before accepting his present position, Dr. Harding served many pastorates in Missouri and at the time he was selected to become executive secretary of the Missouri Baptist Convention, he was serving as pastor of the First Baptist Church in Joplin, Mo., in Dr. Hall's district, which at the time was one of the three largest Baptist churches in the State of Missouri.

Mr. Speaker, Dr. Harding is not only one of the recognized spiritual leaders of our State and Nation, but he is known by his friends and his people as a man who loves and serves his God and his country. He has a passion for spreading the Gospel of Christ and a compassion for people. He takes his role as a citizen seriously and is vitally concerned about the welfare of our country. Certainly, Dr. Earl Harding is one of the leading citizens of the great State of Missouri, and I am very happy that he could be with us today.

RED CHINA DIPLOMACY IN THE U.N.

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, old China hands talk of the difficulty of comprehending the oriental mind. The Nixon administration is in the process of learning about the most complex brand of oriental subtleties, the Red Chinese brand.

Despite the trepidations of many observers who have learned the hard way about Red China, Mr. Nixon embarked some months ago on a full-fledged program of concessions and blandishments to bring about better relations with that country. He sent his trusted adviser on two one-way missions to Peking and announced his intention of following suit in person. These tactics helped to get us roundly defeated in the United Nations on the question of seating Red China and ousting Taiwan. It will be a long time before the United States recovers face from either of these. Whatever else remains to be accomplished remains to be seen.

Now the Red Chinese have repaid us in the same coin which they have used very successfully throughout. After listening to an American speech of welcome, among many others, they gave this Nation the full treatment of blame for all the ills devious Red Chinese minds could concoct.

As everyone knows, the United States will now be expected to rush to the United Nations with more money to pay its bills and more concessions for Red China. And the sad part of it is, we may do both.

AUDITORIUM OF THE UNITED NATIONS EMPTY EXCEPT FOR TWO DELEGATES

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, I have a picture here that was cut from a newspaper recently that I wish all of you could take a close look at.

Mr. Speaker, there is an old Chinese adage that one picture is worth 10,000 words. This picture was taken by the United Press International and it shows the big auditorium at the United Nations empty except for two delegates.

The title of the picture is "Empty Seats."

The story underneath the picture says that many seats were empty in the United Nations yesterday. The topic for discussion was finances.

Is it not strange, Mr. Speaker, how they laugh and shout and dance when the United States is defeated and, yet, they are not there to pay the fiddler for the dancing?

MAIDEN SPEECH OF THE CHINESE COMMUNIST DELEGATES TO THE UNITED NATIONS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, there must be some kind of a lesson for every Member of Congress and every American in the maiden speech of the Chinese Communist delegation at the meeting of the United Nations yesterday.

Mr. Speaker, I hope Mr. Nixon is proud of the fact that he helped get these people in, but who immediately upon their entry into this country started preaching revolution to destroy this country and everything it stands for, to weaken our defenses, to make us pull out our peacekeeping forces out of the Pacific totally and I presume they will eventually get around to including Hawaii. I think the time will come when all Americans will rue the day that Dr. Kissinger ever set foot in Washington.

EDUCATION TAX AID FOR INDIVIDUALS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I was pleased to learn that the other body had taken action on a tax measure which I have advocated for many years. I refer to the Senate's passage of an amendment which would provide a tax credit for anyone contributing toward the education of an individual beyond high school. The maximum credit which could be claimed under the Senate amendment would be $325 a year.

The objective of the Senate action—to provide assistance through tax relief for individuals contributing toward the the higher education of an individual—is laudable.

Although I have sponsored a straight tax credit bill in previous sessions, I feel that my bill, H.R. 5893, which I introduced March 10, would provide more benefits to more individuals.

Under the provisions of H.R. 5893, parents could set up trust funds for their children at a young age, and make a deductible contribution of up to $500 per beneficiary per year. The total could not aggregate more than 10 percent of the parents' gross income per year, and in no event should it exceed $2,500 per year. The deduction would be available to persons in all tax brackets.

The need for tax relief in this area is obvious. The rise in college costs is exceeding income growth. The middle-income taxpayer must bear the brunt of financing government at all levels while at the same time paying formidable college costs. Many programs of financial aid are available to low-income groups but not to middle-income groups.

My bill is an equitable and needed measure. I hope that the House will take action in this area in the near future. Meanwhile, however, I welcome the Senate action as an interim step which moves in the right direction.

TAX CREDIT FOR EXPENSES OF HIGHER EDUCATION

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIE. Mr. Speaker, I am happy to see that the Senate yesterday adopted an amendment to the Revenue Act of 1971 which provides a tax credit for higher education expenses.

For several years, I have introduced similar legislation in the House of Representatives. The amendment adopted by the Senate differs in certain respects from the bill (H.R. 2615) which I have introduced in this Congress, but I am happy to give the amendment my wholehearted support.

Under the amendment, a taxpayer would be allowed a tax credit for the expenses of tuition and fees required for enrollment in higher education and also, for books, supplies, and equipment required for courses of instruction. The formula in the amendment provides that the tax credit would amount to 75 percent of the allowable expenses, not exceeding $200; 25 percent of the allowable expenses exceeding $200 but not exceeding $500; and 10 percent of the allowable expenses exceeding $500, but not exceeding $1,500.

My bill would have allowed 100 percent of the first $200 and would have extended the 10-percent category to expenses not exceeding $2,000.

I am especially pleased to note that the amendment allows the tax credit for expenses incurred in attending a business or trade school, or other technical or vocational schools, providing postsecondary education. I have long encouraged the expansion of postsecondary vocational schools and increased enrollment therein to meet the needs of America's technological society.

In a recent Supreme Court decision, Tilton against Richardson, the Court upheld all but one section of the Higher Education Facilities Act, this section being the one which could have allowed religious-affiliated colleges to use educational facilities for religious purposes after 20 years. There is no question about the constitutionality of providing tax credits for higher education. Consequently, I urge the House of Representatives to accept the Senate amendment authorizing the tax credit for higher education.

MEMBERS INVITED TO RIDE STEAM ENGINE BUS

(Mr. VEYSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VEYSEY. Mr. Speaker, all the Members have received invitations to inspect and to ride in the steam engine bus developed under the joint sponsorship of the Department of Transportation and the Assembly of the State of California.

The bus will be in front of the horseshoe entrance of the Rayburn Building Wednesday morning, November 17, from 11:15 to 12:30.

I urge my colleagues to examine and to take a ride in this vehicle. Tests show that its emissions of pollutants to the air are less than one-half of the allowable levels under the tough California State standards for diesel systems in 1975.

I am particularly proud to call this to your attention, as I was a member of the California State Assembly when it entered into the agreement with the Department of Transportation several years ago for the development of a low pollution propulsion system. It is the first such project ever undertaken between the Federal Government and a State legislature, and may well show the way to further effective cooperation to solve important and vexing problems.

You will be impressed not only with how quiet, clean, and powerful this engine is, but the low budget on which it was developed.

We would like to take you for a ride.

THE WORLD DID NOT COME TO AN END

(Mr. GROSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, on last Wednesday, when the continuing resolution was before the House, we heard claims from numerous spokesmen in behalf of the resolution that unless it was passed and passed right then that the authorization for spending would expire on November 15, and the world would come to an end. The House was stampeded into approval, but the Senate has refused to act.

Imagine my surprise this morning of November 16 to awaken and see the sun shining, the good Lord was still in His heaven, and the foreign aiders were operating at the same old stand.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentlman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DELLENBACK and Mr. ROUSSELOT objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DOROTHY G. McCARTY

The Clerk called the bill (S. 1810) for the relief of Dorothy G. McCarty.

There being no objection, the Clerk read the bill as follows:

S. 1810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, Dorothy G. McCarty of Washington, District of Columbia, shall be deemed, subject to sections 8334(c) and 8339(h) of title 5, United States Code, to have rendered creditable service while employed for the period from August 1, 1947, through April 30, 1952, as an office manager for the United States Senate Restaurant which was operated during such period by Nationwide Food Service.

With the following committee amendments:

Page 1, line 6: Strike "sections" and insert "section".

Page 1, line 7; Strike "and 8339(h)".

Page 1, line 11, after "Service" insert: *Provided,* That she makes the required employee contribution to the Civil Service Retirement and Disability Fund. In the event that such credit is granted for retirement under the provisions of chapter 83 of title 5 of the United States Code, no credit for the same employment for the period from August 1, 1947 through April 30, 1952 shall be granted under the provisions of the Social Security Act (act of August 14, 1935, ch. 531, title II, § 201 et seq., as amended; 42 U.S.C. § 401 et seq.)."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EDDIE TROY JAYNES, JR., AND ROSA ELENA JAYNES

The Clerk called the bill (S. 306) for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes.

There being no objection, the Clerk read the bill as follows:

S. 306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Eddie Troy Jaynes, Junior, and Rosa Elena Jaynes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 2, 1964, upon payment of the required visa fees.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN ROSE BOTTO

The Clerk called the bill (H.R. 1966) for the relief of Helen Rose Botto.

There being no objection, the Clerk read the bill as follows:

H.R. 1966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Helen Rose Botto shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, notwithstanding the provision of section 212(a)(19) of the Immigration and Nationality Act, Helen Rose Botto may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VITO SERRA

The Clerk called the bill (H.R. 5586) for the relief of Vito Serra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THOMAS WILLIAM GREENE AND JILL A. GREENE

The Clerk called the bill (H.R. 4083) for the relief of Thomas William Greene and Jill A. Greene.

There being no objection, the Clerk read the bill as follows:

H.R. 4083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas William Greene and his wife Jill A. Greene, of San Diego, California, the sum of $109.50 in full settlement for all their claims against the United States for the proceeds of a Treasury check issued November 27, 1961, to them as an income tax refund which they never received, but with respect to which they failed to present their claim for the proceeds of such check within six years of the date of issue of such check.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdeameanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF CARILLON FOR MARQUETTE UNIVERSITY

The Clerk called the bill (H.R. 3786) to provide for the free entry of a four-octave carillon for the use of Marquette University, Milwaukee, Wis.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DUTY-FREE ENTRY OF CARILLON FOR THE UNIVERSITY OF CALIFORNIA (SANTA BARBARA)

The Clerk called the bill (H.R. 4678) to provide for the free entry of a carillon for the use of the University of California at Santa Barbara.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FOR THE RELIEF OF CLAYTON BION CRAIG ET AL.

The Clerk called the bill (S. 1866) for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John.

There being no objection, the Clerk read the bill as follows:

S. 1866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, any provision of law to the contrary notwithstanding copyright is hereby granted to the trustees under the will of Mary Baker Eddy, their successors, and assigns, in the work "Science and Health with Key to the Scriptures" (entitled also in some editions "Science and Health" or "Science and Health; with a Key to the Scriptures"), by Mary Baker Eddy, including all editions thereof in English and translation heretofore or hereafter published, for a term of seventy-five years from the effective date of this Act or from the date of first publication, whichever is later. All copies of the protected work hereafter published are to bear notice of copyright, and all new editions hereafter published are to be registered in the Copyright Office, in accordance with the provisions of title 17 of the United States Code or any revision or recodification thereof. The copyright owner shall be entitled to all rights and remedies provided to copyright owners generally by law: *Provided, however,* That no liability shall attach under this Act for lawful uses made or acts done prior to the effective date of this Act in connection with said work, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction or circulation of said work. This Act shall be effective upon enactment.

With the following committee amendment:

On page 1, line 10, strike out "heretofore or hereafter published," and insert in lieu thereof: "heretofore published, or hereafter published by or on behalf of said trustees, their successors or assign."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 35) favoring the suspension of deportation of certain aliens.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the Senate concurent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MRS. KAYO N. CARVELL

The Clerk called the bill (H.R. 2714) for the relief of Mrs. Kayo N. Carvell.

There being no objection, the Clerk read the bill as follows:

H.R. 2714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Kayo N. Carvell shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Mrs. Kayo N. Carvell, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STEPHEN LANCE PENDER, PATRICIA JENIFER PENDER, AND DENESE GENE PENDER

The Clerk called the bill (S. 389) for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender.

There being no objection, the Clerk read the bill as follows:

S. 389 [Report No. 92-646]

Be it enacted by the Senated and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 322(a) of the Immigration and Nationality Act, Carol H. Warren, the legal guardian of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender, may file petitions for naturalization in their behalf under that section, the mother of the said Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender having died prior to the filing of any such petition.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHEN-PAI MIAO

The Clerk called the bill (S. 629) for the relief of Chen-Pai Miao.

There being no objection, the Clerk read the bill as follows:

S. 629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chen-Pai Miao, who was lawfully admitted to the United States for permanent residence on August 30, 1966, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUANITA SAVEDIA VARELA

The Clerk called the bill (H.R. 2792) for the relief of Juanita Savedia Varela.

There being no objection, the Clerk read the bill as follows:

H.R. 2792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Juanita Savedia Varela shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Juanita Savedia Varela, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CRESCENCIA LYRA SERNA AND HER MINOR CHILDREN

The Clerk called the bill (H.R. 3093) for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna.

There being no objection, the Clerk read the bill as follows:

H.R. 3093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of each alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPHINE DUMPIT

The Clerk called the bill (H.R. 4319) for the relief of Josephine Dumpit.

There being no objection, the Clerk read the bill as follows:

H.R. 4319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Josephine Dumpit may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Max A. Dumpit, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendments:

On page 1, line 7, strike out "citizens of the United States" and substitute in lieu thereof the following: "a citizen of the United States and a lawfully resident alien, respectively."

On page 1, line 8, strike out the word "Act." and substitute in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOO YONG KWAK

The Clerk called the bill (H.R. 5179) for the relief of Soo Yong Kwak.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Soo Yong Kwak may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mildred E. and Jay D. Crookston, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 11, strike out the word "case." and substitute in lieu thereof the following: "case: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. HIND NICHOLAS CHABER, GEORGETTE HANNA CHABER, JEANETTE HANNA CHABER, AND VIOLETTE HANNA CHABER

The Clerk called the bill (H.R. 6506) for the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber.

There being no objection, the Clerk read the bill as follows:

H.R. 6505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber, the widow and children of an alien lawfully admitted for permanent residence, shall be held and considered to be within the purview of section 203(a) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

With the following committee amendment:

On page 1, line 8, strike out "section 203(a)" and substitute in lieu thereof "section 203(a)(2)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber and Violette Hanna Chaber."

A motion to reconsider was laid on the table.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

CONFERENCE REPORT ON H.R. 7072, AIRPORT AND AIRWAY TRUST FUND AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 8, 1971.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise in support of the conference agreement on H.R. 7072 pertaining to the administration of the airport and airway trust fund.

H.R. 7072 passed the House by unanimous vote on September 22. As you will recall the principal purpose of this bill was to reassert congressional requirements for the upgrading of the Nation's aviation system. Essentially, the amendments to the Airport and Airway Development Act contained in that bill were designed to assure that specified minimum capital expenditures are made to improve airports and navigational facilities and that trust fund moneys not be diverted for other purposes.

On October 12 the Senate passed a substitute to H.R. 7072. The House subsequently disagreed with the substitute and requested a conference.

I am pleased to bring before you today a conference report which is identical to the House-passed version in all respects as it pertains to the administration of the airport and airway trust fund. This report differs from the House bill in only three areas:

First. We agreed to correct an omission in the original legislation by making American Samoa and the Trust Territory of the Pacific Islands eligible for the grant-in-aid program for airport and navigational facilities development.

Second. We agreed to amend provisions of law which concern the airport certification program. This matter requires some explanation.

For a number of years we have required pilots, mechanics, and aircraft to be certificated by the FAA. In the Airport and Airway Development Act of 1970, the Congress added the additional requirement that airports which serve certificated air carriers also be certificated. This was a logical and necessary addition for air transportation safety. In the 1970 act, we allowed a 2-year period for implementation of the program. The Senate-passed substitute to H.R. 7072 contained an amendment to extend this leadtime for an additional year. Upon information from the FAA and a large number of small and medium-sized airport operators around the country, a case was made to add 1 year to the leadtime—from May 21, 1972, to May 21, 1973. We agreed to the Senate amendment on this matter.

Third. Your conferees also decided to agree to a Senate amendment to the statutory requirements which prescribe terms and conditions for issuing airport operating certificates. As many of you know, the FAA has responsibility for installing air navigation facilities at airports throughout the Nation. Because this is essentially a Federal responsibility, the Senate did not believe it appropriate to require airport operators to make adequate provision for such facilities before they can obtain an operating certificate. Therefore, your conferees agreed to an amendment which would remove this requirement from the statute.

Mr. Speaker, I believe the conference report is consistent with H.R. 7072 as passed by the House. It is identical to the House-passed bill in those major areas which concern the administration of the airport and airway trust fund. Finally, the Senate would have amended the tax provisions of the Airport and Airway Revenue Act. That act came out of the Committee on Ways and Means, and we insisted that no changes in that act be made. The Senate receded.

I urge, without reservation, the adoption of the conference report.

Mr. DEVINE. Mr. Speaker, the Airport and Airways Act amendments which passed the House were intended to make sure that funds collected from airline passengers and put in the trust fund were used for the purposes and in the amounts intended by Congress to enhance safety and convenience to air travelers. It did this by requiring that trust fund moneys be kept intact for the building and improving of airports and the development and installation of improved airways hardware.

It was recognized that some administrative and personnel expense would flow from this effort, and that is provided for. It was not intended that the agency charged with handling the trust fund activities should use it to write off and defray ordinary operating expenses.

In the House version this was accomplished by amending section 14 in title I, the part of the act which emanated from the Commerce Committee. The tax portion of the act which had been handled by the Ways and Means Committee was left untouched, although the actual result of the change would definitely affect the operation of the title II. This was understood and agreed to by the two committees involved.

The Senate bill did not go as far as the House bill in tying down the trust fund. It would have allowed its use for ordinary expenses once the minimum amounts required were spent for facilities. The House prevailed in the conference and the bill reported back to you at this time contains the House language.

Another difference was the fact that the Senate bill did make changes in title II of the act. This was dropped and the House version accepted.

Except for the addition of Gaum and the Virgin Islands to the legislation, this disposed of the trust fund problem.

There has been an entirely unrelated problem under discussion of late which does affect the language and operation of the Airport and Airways Act. The provisions of the act contemplate the start of a program to certify airports and to require certain safety features in order to qualify for such certification. Since the act was passed it has become increasingly clear that some airports will have extreme difficulty in making the arbitrary deadline set forth in the act. It also appears that some requirements may be unreasonable and unworkable as well as unnecessary for certain small airports which still have minimum airline service.

Accepted from the Senate bill and agreed to by your conferees are provisions which extend the effective date of the certification sections for 1 additional year to May 21, 1973. Also, the Senate bill would have completely removed the requirement for certain facilities in order to qualify, but the conference version gives the Federal Aviation Administration some discretion in requiring such conditions where it would clearly appear to be in the public interest to do so.

The agreements reached are in accord with the desires of the House as expressed in the bill considered and passed here, and I recommend approval of the conference report.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. YATES. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 392]

Abbitt
Abourezk
Alexander
Ashley
Burleson, Tex.
Casey, Tex.
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Colmer
Conyers
Dellums
Derwinski
Diggs
Dowdy
Downing
Dulski
Edwards, La.
Evins, Tenn.
Fish
Fisher
Ford, William D.
Fraser
Gallagher
Giaimo
Gibbons
Goodling
Gray
Halpern
Hansen, Idaho
Hébert
Heckler, Mass.
Hillis
Holifield
Link
McCloskey
McClure
McKay
McKevitt
Macdonald, Mass.
Mathias, Calif.
Mikva
Mills, Ark.
Mitchell
Nelsen
O'Hara
Pike
Price, Ill.
Pucinski
Roberts
Runnels
Scheuer
Sebelius
Steed
Stokes
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Widnall
Wiggins
Wright

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 704 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 704

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the

Union for the consideration of the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 704 provides an open rule with 3 hours of general debate for consideration of H.R. 11731, the Department of Defense appropriation bill for fiscal year 1972, and all points of order are waived against the bill.

One reason for the waiver is the fact that H.R. 8687, the Department of Defense authorization bill, has not been enacted into law and there are 22 instances of appropriations in this bill affected by that lack of authorization.

The list is as follows:

On page 3, lines 11 through 18, "Reserve Personnel, Army";

On page 3, line 19 through page 4, line 2, "Reserve Personnel, Navy";

On page 4, lines 3 through 9, "Reserve Personnel, Marine Corps";

On page 4, lines 10 through 17, "Reserve Personnel, Air Force";

On page 4, lines 18 through 25, "National Guard Personnel, Army";

On page 5, lines 1 through 7, "National Guard Personnel, Air Force";

On page 13, line 20 through page 14, line 9, "Aircraft Procurement, Army";

On page 14, lines 10 through 24, "Missile Procurement, Army";

On page 15, lines 1 through 16, "Procurement of Weapons and Tracked Combat Vehicles, Army";

On page 17, lines 3 through 18, "Procurement of Aircraft and Missiles, Navy";

On page 17, line 19 through page 18, line 14, "Shipbuilding and Conversion, Navy";

On page 18, line 15 through page 19, line 9, "Other Procurement, Navy";

On page 19, lines 10 through 21, "Procurement, Marine Corps";

On page 19, line 22 through page 20, line 18, "Aircraft Procurement, Air Force";

On page 20, line 19 through page 21, line 13, "Missile Procurement, Air Force";

On page 23, lines 5 through 14, "Research, Development, Test, and Evaluation, Army";

On page 23, lines 15 through 24, "Research, Development, Test, and Evaluation, Navy";

On page 24, lines 1 through 10, "Research, Development, Test, and Evaluation, Air Force";

On page 24, line 11 through page 25, line 12, "Research, Development, Test, and Evaluation, Defense Agencies"; and

On page 25, lines 13 through 21, "Emergency Fund, Defense";

On page 45, line 13, through page 46, line 20, "Section 738", which makes appropriations available for the support of Vietnamese and other Free World Forces or for the support of local forces in Laos and Thailand, and related costs; and

On page 48, line 9, through page 49, line 2, "Anti-Ballistic Missile Construction."

In every instance cited the sum recommended for appropriation is less than or the same as the sum named in the conference report on H.R. 8687.

In addition, the Appropriations Committee in its report, on page 126, lists and recommends limitations and legislative provisions not heretofore carried in connection with any appropriations.

The bill provides an appropriation of $71.048 billion, which is about $2 billion more than the appropriation the last fiscal year, but less than the budget figure.

With 3 hours of general debate, there is ample time for the bill to be considered thoroughly and in detail.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

The SPEAKER. The gentleman from California is recognized.

Mr. SMITH of California. Mr. Speaker, the distinguished gentleman from California (Mr. SISK) has very ably presented this rule. I agree with every statement he has made. I concur with him and associate myself with his statements, and in the interest of time, urge adoption of the rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. So, then, this closed rule is a further tribute to foot-dragging. Here it is the middle of November and we still have to resort to a rule in order to get an appropriation bill before the House. We are resorting to a closed rule in the sense that all points of order are waived, in order to get this appropriation bill before the House of Representatives, due to the foot-dragging in the other body and its failure to approve authorizing legislation. Is that a correct assessment?

Mr. SMITH of California. Mr. Speaker, I agree with the gentleman, however, in this instance the Rules Committee has had to waive all points of order, because I have three and a half pages here of nongermane matters which have not been approved yet. The House has taken care of many of them. Also there are 45 instances of legislative language which is identical with previous legislative language in previous appropriation bills on defense. There was no objection from the Armed Services Committee thereto.

However, I agree with the gentleman's statement.

Mr. GROSS. I cannot wait for another so-called reorganization bill to come along so that I can vote against it, and this is one of the reasons. I know the splendid contribution the gentleman from California made to that bill, but here is another example of how rape is carried out with respect to the orderly consideration of legislation.

Mr. SMITH of California. I do not think the reorganization bill has anything to do with this bill. We face this every year, because of the delays.

Mr. GROSS. But the House, through the device of rules changes, was trying to establish orderly procedures in considering legislation. At least it seems to me that was the alleged objective of the legislation.

Mr. SMITH of California. I do not object to the gentleman's statement. I will say to him we will have two or three more beauties from the Rules Committee before this session is over, and I hope the gentleman is here on those days.

Mr. GROSS. Mr. Speaker, I will be and I thank my friend from California for yielding.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, before the motion to go into the Committee of the Whole, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 11731, making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, in the body of the RECORD today and to include therewith pertinent extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11731 with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. MAHON) will be recognized for 1½ hours, and the gentleman from Ohio (Mr. MINSHALL) will be recognized for 1½ hours.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Today we begin the consideration of the largest appropriation bill of the year. There are indications that in connection with this bill there will be several hard-fought amendments. One will have to do with an expenditure limitation and one will have to do with the proposed withdrawal of all our military forces from Vietnam. And there will be other amendments. It would seem that the best time to discuss these issues in detail will be under the 5-minute rule when the bill is being read for amendment.

At this time of great international turbulence, it would not be wise to make radical or drastic changes in defense programs. To skyrocket upward or toboggan downward would be unwarranted, unsettling, and possibly dangerous. A steady and stable military program is called for and that is what the pending $71 billion appropriation bill provides. More so than usual, the short- and long-range future is unpredictable.

The Soviet Union has surpassed us in intercontinental ballistic missiles on launcher, but for the current fiscal year our overall military strength is considered sufficient to deter aggression insofar as aggression can be deterred by military strength.

Of course, we know that military strength is only one of the factors in deterring aggression. We know that the will and the unity of the people may often be more important than military strength.

Yesterday I was in the home of Stephen Decatur, which is now an historic place in this city. I remembered the spirit of patriotism and love and support of country which existed at that time. I remembered that toast which he made at Norfolk:

> Our country! In her intercourse with foreign nations may she always be in the right; but our country, right or wrong.

There is some considerable virtue in that. Perhaps there is something philosophically bad about it, but we must not retrogress to the point where we say we will support our opponents, whether they are right or wrong in their opposition to the United States.

Now, the rate of Russian military buildup, if continued, will require next year a more adequate response than the pending bill provides—and I measure my words.

The outcome of the strategic arms limitation talks with the U.S.S.R., the so-called SALT negotiations, remain unpredictable. Whether they will be fruitful or not is very much in doubt.

We are rapidly discontinuing our combat role in Southeast Asia. Apparently some people are not fully aware of this, but we are. As of today, we have made a net withdrawal of some 360,000 men. As of February 1 of next year we will have made a withdrawal of 405,000 men from the peak of over 540,000 men—a withdrawal of almost 80 percent of the number which we had in Vietnam at the peak of the buildup. On about February 1, we are advised that further withdrawals are to be ordered and implemented.

But it seems that some of our people are insisting that we quickly, and perhaps recklessly, withdraw American power from the far Pacific and leave a vacuum which would be against the long-range best interest of the United States. We all want to see the war ended, at the earliest moment reasonably possible, but do we want to walk away and leave a vacuum and see the sacrifices we have made in life and limb and the investments we have made in time and dollars go down the drain? What virtue is there in that?

In World War I did we pull out the troops immediately after the actual combat ended? Of course not. The war ended in 1918, but we did not withdraw all our troops until 1923.

What about World War II? We still have a force of about 280,000 men in Western Europe. Suppose we had withdrawn them immediately after hostilities ceased. We would have left a vacuum. Would the western powers have the strength that they now have, and would it have been possible to prevent world war III? Would we have been able to have had at least some degree of peace during this 25-year period? I do not know but so far a third world war has been avoided.

We were very much concerned about finding an acceptable solution to the war in Korea and when Mr. Eisenhower became President, he completed an agreement that brought an end to the fighting, but what did he do? He left American forces on the scene in Korea after the combat was over to guarantee that we did not lose the fruits of what had been accomplished. Yes, the war in Korea was ended; our objectives were largely attained, and today they remain intact. We did not walk away from a difficult situation.

In Korea we gave blood and treasure. We capitalized on the sacrifices we made in Korea, and we should not forfeit our opportunity to capitalize on the sacrifices that we have made in Southeast Asia.

Mr. Chairman, Indonesia, with its 100 million people, the reservoir of much of the potential economic power in that part of the world, was about to go down the drain, but as the United States asserted its power and influence in the far Pacific, a degree of stability was restored. The country gained the confidence and competence to recover and avoid a Communist take-over.

Yes; we still have one division in Korea and we have spent a lot of money to help strengthen that country and to protect our investment there.

A wise and successful investor does not walk away and leave his investment unprotected.

Now, in the course of our history we come to Vietnam. It has been a frustrating and often disappointing effort. President Eisenhower, President Kennedy and President Johnson all did what they thought was in the best interest of our country in dealing with the problem. President Nixon has followed in the same tradition, seeking to serve the best interests of the Nation. I do not question or impugn their motives under any circumstances and I have no patience with those who would impugn the motives of Presidents of the United States in matters involving the life and death of this Nation, politics aside.

The fact is that we have lost 55,000 men in South Vietnam and invested in excess of $100 billion in treasure. Are we at this late hour going to quickly pull out all our forces and leave a vacuum in Southeast Asia? We did not do it in Korea. We did not do it in Europe after World War II. We did not do it after World War I. We must proceed with caution lest we jeopardize the power and influence of the greatest country in the world.

Mr. Chairman, I think that Stephen Decatur had something when he said, "My country, right or wrong." I grant you that no one knows just what the precise answers are. But we need to be united. We need to look after our own self-interests as a nation.

So, I propose to support the leadership of my country in this foreign policy matter. That is just the way I mean to feel and that is the way I think the majority of this House feels.

So, we must protect our investment in Vietnam and Southeast Asia, not by the use of combat forces but by the presence of power. We should use the presence of power not to fight but to avoid fighting.

We are rapidly discontinuing our combat role in Southeast Asia. As of February 1 of next year there may be some further sharp withdrawals announced.

Now, before I proceed I want to yield to the gentlewoman from New York who is on her feet.

Mrs. ABZUG. I thank the gentleman for yielding.

I wonder if the gentleman could tell us how much money is allocated for Vietnam in this appropriation bill? I have read through it very carefully and I have not been able to determine the amount.

Mr. MAHON. Anyone would have difficulty in estimating how much will be used in Vietnam.

If we maintain a force of about 2.5 million men, if we maintain a certain number of ships, a certain number of aircraft, a certain training program and a certain number of bases, that costs so much regardless of whether or not we are in Vietnam. What personnel level is maintained and how many bases and ships are kept operative at what level is almost impossible to calculate. I would say Vietnam costs will be somewhere between $5 and $8 million.

Mrs. ABZUG. The gentleman said millions. I think the gentleman might have meant billions.

Mr. MAHON. I mean billions.

It is difficult to estimate the figure for a number of reasons. Relatively little money will go for actual combat. What we are trying to do now is to achieve a position where we can maintain our presence and give the South Vietnamese maximum opportunity to exercise their independence and to prevent a complete deterioration in Southeast Asia—to avoid a takeover by the Communists of Thailand, Cambodia, Laos, and South Vietnam.

So it is impossible to state precisely how much from this bill should be attributed to Vietnam. The war at one time was estimated to be costing in the area of $25 billion to $30 billion, and it is now estimated to be costing in the area of $5 billion to $8 or $10 billion.

Mrs. ABZUG. Do you think our role in the self-determination of the people of South Vietnam, when our presence in South Vietnam is costing between $8 and $10 billion, has been fulfilled? We have done nothing to disavow the nonelection which took place recently in South Vietnam in which there were no other choices given the South Vietnamese people whereby they could have a determination in the selection of a leader to help them. This was avoided by Mr. Thieu who saw to it that the opposition leaders were silenced or put into prison.

Is that the way we should spend $10 billion, which you admit that we need to secure the independence of the South Vietnamese people? Should we be spending $10 billion of the American taxpayers' money and the lives of American men and the lives of innocent victims just to secure the corrupt and self-appointed regime in South Vietnam? Is that the fair thing to do for individuals and for the Vietnamese people, or any other people?

Mr. MAHON. If the gentlewoman from New York has concluded, may I say that I am interested in preserving the integrity, the power, and the strength of the United States.

I am interested in seeing that we retain in effective posture vis-a-vis Red China, which menaces all of Asia, and in the long run the security of the United States. I am interested in seeing us maintain a strong posture vis-a-vis the Soviet Union that gives a maximum capability to prevent world war III.

I realize that no government under the sun is perfectly free from criticism, and from mismanagement at times, and from some degree of corruption at times. And that includes to some degree even the United States. It includes, indeed, every country in the world.

Just because I do not like the way the election went in South Vietnam, I am not willing to forfeit or abandon the tremendous investment in men and money of the United States and leave a vacuum of power which would be to the long-range disadvantage of the United States. I do not think that we can undertake to guarantee a pure and democratic government in all of the countries of the world.

We have to look after the United States. We have been seeking to keep freedom alive in South Vietnam, and in the larger sense in Korea, in the Middle East, and in Western Europe.

What we are trying to look after is the long-range interests of the United States. And we have thus far, in this 25-year period, avoided world war III.

Now, if I may proceed——

Mrs. ABZUG. Mr. Chairman, will the gentleman yield one moment further?

Mr. MAHON. I cannot yield further at this time. I will yield the gentlewoman some time later if she wishes and of course she can seek time under the 5-minute rule.

Mrs. ABZUG. All right. Thank you, Mr. Chairman.

Mr. MAHON. Nobody knows precisely what to do about military preparedness at a time like this but a majority of the 55-member House Committee on Appropriations agrees that the pending measure proposes about what should be done at this time.

The dismal state of Federal fiscal affairs had to be considered by the administration and the committee in tailoring the pending measure. The deficit in Federal funds last year was in excess of $30 billion and the Federal funds deficit for the current year will be in excess of $35 billion.

Revenues are being eroded by tax reductions with the hope of stimulating the economy. Large increases are being made in authorization programs and appropriation bills. As Congress cuts taxes and reduces revenues, it should be remembered that Federal spending is estimated to increase this year by $20 billion over last year.

The morning paper advises that in the third quarter of this calendar year, the balance-of-payments deficit was the largest and perhaps the most disastrous in history.

In short, fiscally the Nation is out of joint and the inevitable day of reckoning is approaching.

In this fiscal and economic atmosphere some reductions in the defense budget would be expected. The proposed reduction in the pending bill is $2.4 billion which should result in a spending reduction during this fiscal year of about $1 billion.

It is impossible either in a brief statement or in a lengthy statement to the House of Representatives to describe fully the content of the pending measure but some basic information is in order.

I shall now turn to the committee report and call your attention to some of the information contained therein. The summary pages from the front of the report follow:

The Committee considered budget estimates totaling $73,543,829,000 as presented in the President's Budget, as amended, for fiscal year 1972.

The acompanying bill recommends new appropriations in the total amount of $71,048,013,000, a decrease of $2,495,816,000 below the estimates of which $535,000,000 is offset by transfers. The sum recommended is $1,467,311,750 above the corresponding appropriations enacted for fiscal year 1971.

Congressional action on the bill authorizing Procurement and Research, Development, Test, and Evaluation appropriations specified reductions from budgeted amounts totaling approximately $919,000,000.

The net reductions recommended in the new appropriations requested in this bill total roughly 3 percent of the estimates; ninety-seven percent of the sum requested is recommended for appropriation.

The sums recommended, when added to the balances remaining available on June 30, 1971, will make a total of aproximately $82,000,000,000 available for obligation and a total of approximately $102,000,000,000, including obligated and unobligated funds, available for expenditure in fiscal year 1972 in the accounts included in this bill.

The general transfer authority granted the Secretary of Defense is recommended to be $600,000,000. In addition, transfers totaling $435,000,000 are recomended from prior year accounts along with a $100,000,000 transfer from the Defense Stock Fund and a $58,700,000 transfer from the Air Force Stock Fund.

The sums recommended for appropriation are considered to be sufficient to maintain adequate military strength in Fiscal Year 1972 and will provide the base for carrying that strength forward into subsequent fiscal years. The reductions recommended can be accommodated without denying programs essential to the basic military strength of the country. Many of the actions recommended are intended to provide an increase in military strength through the improvement of management practices and procedures in the Department of Defense. The appropriation of the funds recommended will provide for increased readiness and for the modernization of hardware and equipment in a great number of areas.

A brief summary of the major areas in which changes from the budget are recommended follows:

SELECTED MAJOR AREAS OF COMMITTEE ACTION

[In millions]

1. Procurement funds failing authorization	−$662,600
2. Research, Development, Test, and Evaluation funds failing authorization	−257,000
3. Application of excess prior year funds to FY 1972 program	−535,000
4. Reductions associated with 56,000-man force reduction mandated in Selective Service Act	−313,800
5. Termination of Main Battle Tank Program	−86,600
6. Reduction in Intelligence programs	−181,000
7. Increase for the Civilian Health and Medical Program of the Uniformed Services (Champus)	+128,700
8. Reduction in civilian personnel	−49,435
9. Reductions in Safeguard program	−182,600
10. Reduction of requested transfer authority from $1.0 billion to $600 million	−400,000

It is estimated that budgeted outlays (expenditures) will be reduced by approximately $1.0 billion in fiscal year 1972 by the action of the Committee.

BASIS OF CONSIDERATION

The Committee on Appropriations continues in its strong belief that adequate military strength is the foundation of national survival and must be given the highest priority in the allocation of Federal funds. The magnitude of the sums proposed in the accompanying bill gives substance to this belief. Even though there has been greatly increased spending in many non-defense areas, the national defense program remains the recipient of more appropriated funds than any other program area.

The Committee is keenly aware of the serious threat to the national economy and to the Nation posed by excessive economic inflation. It is currently estimated that the deficit in this fiscal year will approximate $35,000,000,000 on a Federal funds basis and $28,000,000,000 on the unified budget basis. It has increased sharply from the January estimate—due to a fall-off of revenues because of economic sluggishness and pending tax reductions, and higher than anticipated expenditures. The national debt has been increasing at a more rapid pace in recent years and the fact that the Government has been consistently spending far more than it has taken in is a major factor in the inflation which is eroding the dollar all over the world. Inflation has not only adversely affected most of the individuals in the country but has impacted severely on national defense in that the defense dollar buys far less than it bought in past years.

The Government's attempts to control inflation cannot succeed in the long term unless Federal receipts more closely match Federal spending.

With both the need to provide adequate defense and the need to control inflation in mind, the Committee has carefully screened the budget requests for the Department of Defense and has recommended that reductions be made wherever reasonably possible. No essential programs have been adversely affected by the reductions recommended.

Congressional oversight of defense spending plays an important role in national security in compelling the military services to channel their financing into the areas of highest priority. All Defense Budget programs are not of equal priority and too often funds are requested for programs which do not enhance our security in any meaningful way.

Intelligence estimates presented to the Committee show that the Soviet Union is engaged in strengthening and modernizing its military forces. The Soviet Union has passed the United States in numbers of intercontinental ballistic missiles on launchers. The United States still maintains an adequate and credible strategic deterrent force since our missile launching submarines still outnumber those of the Soviet Union and our manned strategic bomber aircraft far outnumber those of the Soviets.

It was probably inevitable that a world power such as the Soviet Union would eventually turn its attention to the construction of a first class deep water navy, and the Soviet has done so. The Soviet ICBM buildup and the Soviet naval buildup are matters over which the United States has no direct control. We must measure their buildup and continue to evaluate their strength and their intentions so that we may be certain that our forces are adequate to discourage on attack based on a Soviet miscalculation of weakness on the part of the United States. The Committee believes that those forces are now in being, and feels that the magnitude and intensity of the Soviet buildup precludes the United States from making drastic reductions in the Defense budget at this time.

While the Strategic Arms Limitation Talks have been in progress, the United States has refrained from increasing its strategic nuclear forces. The Soviets have increased their strategic forces rapidly during the same period. While it appears that today the United States has strategic strike capability which will continue to deter any possibility of a reasoned Soviet attack, the Committee believes that the Department of Defense cannot wait another year on an agreement in SALT while the Soviets produce additional strategic weapons and the United States does not.

The budget did not request one additional strategic bomber or one additional strategic missile, either land-based or sea-based, for our forces and none are provided in the authorizing legislation or in the accompanying bill. The budget does provide for improvements in our strategic forces in that the multi-warhead POSEIDON sea-based missiles are replacing the shorter range POLARIS missiles and the Minuteman force is being upgraded with the introduction of multiple independently targeted re-entry vehicles and hardening.

It has been the pattern of the United States to sharply reduce our military forces after the end of a major conflict. We did so after World War II and again after the Korean War. The War in Southeast Asia is not yet over but active participation by United States forces has greatly decreased. Even so, the Fiscal Year 1972 Budget, and the appropriations recommended in the accompanying bill, represent increases over the previous fiscal year, not decreases. The decreases in military personnel in the past year would lead the Congress to anticipate a budget decrease, not an increase. The increase of $1.5 billion is supported by a number of factors. High costs due to economic inflation have caused defense costs to rise. The desire to continue on-going programs and installations in order to provide jobs and in order to avoid a further increase in unemployment is probably a factor. Also, the military services, as is not uncharacteristic of Government agencies generally, have sought the opportunity to keep their budgets at a high level and have included favored programs in the Budget which could not be funded when the war made heavier demands on appropriations. The Committee believes that this is an area which calls for close Congressional scrutiny during this transition period and has tried to screen new proposals carefully.

First consider that the bill provides $71 billion for the current fiscal year, which is rapidly moving along, having begun on the first day of July.

If we turn to page 2 of the report we see that we have increased the bill over last year by in excess of a billion dollars. The summary table printed on page 2 of the report follows:

SUMMARY OF BILL BY MAJOR CATEGORIES

Functional title	Appropriation, fiscal year 1971 (new budget obligational authority)	Budget estimate, fiscal year 1972 (new budget obligational authority)	Committee bill	Committee bill compared with— Appropriation, fiscal year 1971	Committee bill compared with— Budget, estimate fiscal year 1972
Title I—Military personnel	$22, 397, 857, 000	$21, 291, 969, 000	$21, 021, 974, 000	—$1, 375, 883, 000	—$269, 995, 000
Title II—Retired military personnal	3, 391, 032, 000	3, 777, 134, 000	3, 777, 134, 000	+386, 102, 000	
Title III—Operation and maintenance	20, 121, 894, 000	20, 647, 834, 000	20, 435, 481, 000	+313, 587, 000	—212, 353, 000
Title IV—Procurement	16, 029, 110, 000	19, 681, 660, 000	18, 185, 292, 000	+2, 156, 182, 000	—1, 496, 368, 000
Title V—Research, development, test, and evaluation	7, 004, 187, 250	7, 949, 362, 000	7, 511, 762, 000	+507, 574, 750	—437, 600, 000
(Transfer authority)	(50, 000, 000)	(50, 000, 000)	(50, 000, 000)		
Title VI—Special foreign currency program	2, 621, 000	12, 300, 000	12, 000, 000	+9, 379, 000	—300, 000
Title VII—General Provisions (Additional transfer authority, Sec. 736)	(600, 0000, 00)	(1, 000, 000, 000)	(600, 000, 000)		(—400, 000, 000)
Title VIII—Anti-ballistic missile construction	334, 000, 000	183, 570, 000	104, 370, 000	—229, 630, 000	—79, 200, 000
Total, Department of Defense	69, 580, 701, 250	73, 543, 829, 000	71, 048, 013, 000	+1, 467, 11, 750	—2, 495, 816, 000
(Transfer authority)	(950, 000, 000)	(1, 050, 000, 000)	(650, 000, 000)	(—300, 000, 000)	(—400, 000, 00)0

One would wonder or ask why with the war costs decreasing rapidly we are increasing appropriations. We have given numerous pay increases to our military and civilian personnel and about 60 percent of all the money in this $71-billion bill goes for pay of personnel and for the support of personnel and not for weaponry.

PROPOSED REDUCTIONS

The reductions we have made amount to $2.5 billion.

I will elaborate on many of these matters for the record.

We enumerate the reasons for the reductions. And one reason for the reduction was the reduction provided and mandated by the procurement authorization bill—of $662 million in procurement programs and $257 million in research and development programs.

We recovered from unobligated prior years' appropriations $435 million by the technique of transferring these funds in lieu of new appropriations. Last year we made procurement and R.D.T. & E. funds available for obligation for 2 years or 3 years or 5 years instead of available until expended. Following the periods stated they would revert to the Treasury. So we capitalized on the availability of those funds in preparing this bill for the consideration of the House.

The Selective Service law passed by the Congress provided for a 56,000-man-year cut in the budgeted manpower of the services. As a result of this cutback by the Congress in the size of the military forces, we were able to make a reduction of $313 million.

MAIN BATTLE TANK

The bill provides no funds for the continuation of development of the XM–803 main battle tank of the Army. The bill does provide $20 million for the development of two new prototype tanks. This action terminates the main battle tank program.

It is felt that to continue the main battle tank program would be to throw good money after bad. The main battle tank program was initiated as a joint tank development program between the United States and Germany and was initially funded in fiscal year 1964. Since that time there have been many technical difficulties and cost increases and the Germans have ceased their participation in the program. Approximately $300 million has been provided to date for the program.

The proposed XM–803 is unnecessarily complex, excessively sophisticated, and too expensive. The Army has deleted some of the systems which were proposed for the tank in the earlier days of the program in an attempt to field an austere version of the main battle tank for something around $600,000. It appears that this effort has not been successful and that the XM–803 tanks would probably cost between $850,000 and $1 million each.

What we need are tanks which are rugged and dependable and which are priced so that we can buy the large numbers required to offset the large Soviet tank forces.

The many complex and marginal systems included in the main battle tank program tend to make it unreliable in that each of these complex systems would tend to breakdown and impair the effectiveness of the force.

The House voted to delete the funds for this program on the recommendation of the Armed Services Committee in the passage of the authorization bill. The Senate deleted all the procurement funds and provided that research and development continue. After much discussion the Senate position was agreed to in the conference. The action we are recommending restates the position formerly taken by the House on this matter.

INTELLIGENCE

The bill provides for a reduction of $181 million across the board in the intelligence operations of the Department of Defense. The committee has found the various intelligence operations to have grown beyond the size absolutely necessary to provide needed intelligence. The committee does not question the importance of good intelligence. We must know what our opponents are doing. But we have redundant means of obtaining intelligence, all of which are not essential. It has been generally recognized, both in the Congress and in the executive branch, that some streamlining of the Defense intelligence operations would have to be made. About 10 days ago the President announced a reorganization of the management of intelligence.

In recent years the committee has had many hearings, investigative reports, and other indications of excessive spending in the intelligence area. I believe that the reductions made can be applied in such a way that the essential intelligence requirements of the United States will continue to be met. In fact, we expect an improvement in intelligence operations. Now, excessive data at times clogs the pipeline so that it is difficult to obtain needed intelligence in the time in which it would be most useful.

CIVILIAN PERSONNEL

The bill provides for a reduction of $49.4 million in civilian personnel. The President has stated that civilian personnel in the Government would be reduced by 5 percent in this fiscal year as a part of his program of economic restraints. No specific instructions have been given to the Department of Defense in this area, but the committee feels that the reductions recommended which are far less than the 5 percent indicated by the President are appropriate and will be in line with the President's specific recommendations. The bill provides about $7.8 billion for the civilian personnel of the Department of Defense, not including those civilian personnel funded under industrially funded activities.

We increased the budget for civilian health and medical programs for the uniformed services by $128 million.

We reduced the Safeguard ABM program by $182 million.

Those generally are the big areas where reductions and modifications in the budget were made.

MILITARY PERSONNEL

With respect to the number of people that this bill will support, if we turn over in the report to page 25, we find that on June 30, 1970, we had 3 million men and women in the armed services. It is estimated that at the end of this fiscal year we will have a half million fewer men and women—about 2.5 million. The table from page 25 of the report follows:

ACTIVE DUTY MILITARY PERSONNEL STRENGTHS

[In thousands]

	June 30, 1970 actual	Dec. 31, 1970 actual	Fiscal year 1971 estimate		Fiscal year 1972 estimate	
			Average	End	Average	End
Army:						
Officers	166.4	160.0	158.9	144.6	135.7	129.0
Enlisted	1,153.0	1,069.4	1,065.0	958.7	884.3	808.8
Cadets, USMA	2.8	3.9	3.9	3.9	4.3	4.3
Total, Army	1,322.3	1,233.3	1,227.8	1,107.2	1,024.3	942.2
Navy:						
Officers	80.5	77.4	77.2	74.3	74.8	73.6
Enlisted	607.4	568.2	574.6	544.1	537.7	525.7
Midshipmen USNA	4.5	4.3	4.2	4.2	4.2	4.2
Total, Navy	692.4	649.9	656.0	622.6	616.6	603.5
Marine Corps:						
Officers	24.9	23.1	23.5	21.6	20.7	19.9
Enlisted	234.8	208.6	213.6	189.9	189.1	186.5
Total, Marine Corps	259.7	231.7	237.1	211.5	209.8	206.3
Air Force:						
Officers	129.5	128.2	128.3	125.9	126.0	124.2
Enlisted	657.4	626.8	634.9	627.0	628.5	624.2
Cadets, USAFA	4.1	4.0	4.0	4.4	4.2	4.4
Total, Air Force	791.1	759.0	767.2	757.3	758.6	752.8
Total, Department of Defense:						
Officers	401.4	388.7	387.9	366.4	357.1	346.7
Enlisted	2,652.6	2,473.0	2,488.1	2,319.7	2,239.6	2,145.1
Academy cadets and midshipmen	11.4	12.2	12.1	12.6	12.6	13.0
Grand total	3,065.5	2,873.9	2,881.1	2,698.7	2,609.4	2,504.8

PROTOTYPE DEVELOPMENT

One of the things we are doing in this bill is insisting upon more prototype development, more "fly before you buy," more testing of weapons before we go into production, in order that the problems which have arisen in connection with the F-111, the C-5A, and the F-14 will not be so likely to arise in the future.

This would get us away from the procedure we have followed for years in which we have bought paper aircraft which have too often failed to live up to expectations. In following the prototype hardware development concept we will at least know something of the end product before we involve ourselves in hardware procurement and, hopefully, we will be able to produce better military hardware with fewer defects and at an overall lower cost.

PERSONNEL ACTIONS

We do quite a number of things in connection with military personnel. Heretofore the services have been required to take a certain percentage of their new accessions from mental group IV. Mental group IV individuals are those individuals who score from 10 to 30 on the Armed Forces qualification test, a test where ratings range from zero to 100. They have been taking from 50,000 to 100,000 of these men per year into the service. Much of the difficulty the services have experienced in disciplines has come from this group. We do not negate the program of the services in taking people in these lower mental brackets into the service, but we make a stipulation that these acquisitions shall not be based upon a quota system.

We discussed the recruiting program at great length. As we try to move, hopefully, toward an all-volunteer Army.

We discussed in some detail the fact that this bill contains about $7.5 billion-plus for research and development, and we discussed the programs that are under research and development—and they are very substantial indeed.

FUNDING OF RESEARCH AND DEVELOPMENT CENTERS

Speaking of the request for R.D.T. & E. appropriations, I would like to mention something which came to the attention of the committee this year.

During fiscal year 1971, for test purposes, selected research and development centers were placed under a "service funding" concept of management. This concept is generally referred to in the Department of Defense as a "working capital" or "industrial funded" type of operation. Funds for these types of research and development operations are not obtained directly through the appropriation process, but indirectly through funds appropriated to the services for specific programs or projects. The services then place an order against a particular center for specific research and development work.

Under the "service funding" concept, visibility of the operation at a particular center is, to a large extent, lost to the committee. This visibility is very important in the R.D.T. & E. area. Under the direct appropriation process responsibility can be affixed to a center for carrying out a specific operation. There are also many other advantages, such as reducing funding when appropriate.

The committee would like to retain this visibility and I am requesting the Department of Defense to return to specific line item requests for these centers in presenting the fiscal year 1973 budget request.

We discuss, beginning on page 72 of the report, the procurement program, which is about an $18 billion program for all the services.

I think I should not take any more of the time of the committee to discuss the details of the bill. Anybody who wants to know more of the details, should read the report or portions of the report, and the bill itself, and portions of the nine volumes of the hearings which were conducted.

Mr. Chairman, I shall not undertake to take further time at the present moment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, and members of the committee, I, too, like the chairman, am not going to cover that material which I know will be thoroughly gone into on both sides of each question when the appropriate amendments are offered to this bill.

As you all well know, we have 3 hours of general debate, and it is anticipated at this juncture that, with the amendments and all the discussions thereto, we will be very fortunate if we finish this bill even late tonight, or we might even go into tomorrow. Hopefully, we can finish it tonight.

The chairman has pointed out very well that this subcommittee has concluded its hearings, consisting of some 56 days of testimony with over 8,000 pages of testimony—some nine volumes of very detailed testimony.

Of course, the printed volumes do not include those parts of the transcript that were deleted for security purposes—many pages more. As the Members well know, many of my friends on this side of the aisle and friends on the other side of the aisle have sat on this subcommittee for many years long before my tenure began in 1960. The gentleman from Texas (Mr. MAHON), the distinguished chairman of the Appropriations Committee, has, I think, a total of approximately 30 years on the Appropriations Committee and in the Congress. I think I would be remiss if I did not pay tribute not only to those who serve on this committee, including the chairman and those of the minority and the majority side, but also give due credit to the wonderful staff we have who have worked so tirelessly and diligently in giving of their time and patience and good counsel throughout the years. They have done an outstanding job.

The chairman has summarized the fiscal year 1972 Defense Department appropriation bill in his usually clear and fair manner. In following him, I would just like to underscore two areas which made our efforts to cut this budget often difficult and in some instances even impossible.

I should like to point out to the committee at this point that the House Appropriations Subcommittee over the past 4 to 5 years has deleted from administration requests approximately $15 billion, not with a meat-ax approach, but with a very careful surgeon's approach.

This year we have eliminated $2.5 billion in nonessential spending, lowering the Pentagon's request from $73.5 billion to our recommendation in this bill, which is now before the Members of $71 billion. This is a billion and a half dollars less than was appropriated for the Defense Department in fiscal year 1971.

My colleagues and I have spent many hours of hard and often frustrating work, extending over much of this year, in our efforts to reduce this budget, and I want to emphasize without jeopardizing national security—and it might be well to place our endeavors in that perspective.

During World War II our Nation allocated more than 36 percent of our gross national product, our total economic output, for defense. During the postwar period, defense spending dropped to a low of about 4.5 percent in 1948 and 1949. Then during the Korean war, it surged back to about 13 percent of our gross national product. With this budget it accounts for only 6.5 percent of our gross national product. The lowest that it has been in nearly two decades.

More than half of today's budget—and I want Members to listen very carefully to this—52 percent of it to be exact, consists of pay and benefits for approximately 2.4 million military and approximately 1 million civilian personnel. Our bill provides for a reduction of more than 1 million military, below the peak of Vietnam war strength of 3.5 million in 1968. As fiscal year 1972 closes, we will be at the lowest force level in more than 20 years. It is in this area where we most graphically see the devastation wrought by inflation on attempts to keep this particular budget down.

By the end of fiscal year 1972 we will have some 200,000 fewer personnel than we had in 1964, the so-called prewar year, yet personnel costs in 1964 were 43 percent of the budget, almost 10 percent less than today. Inflation has added over $17 billion to the personnel costs of the Department of Defense, and that figure does not include the recent pay raise.

Just as startling is the projection of retired pay for military retirees. Today's bill—and the report bears me out—includes $3.8 billion for some 870,000 retirees. Since retired pay continues to increase each year, our committee asked the Defense Department to project the number of retirees and the cost in the year 2000. Now listen to this: By the turn of the century we will have an estimated 1.6 million retirees drawing military retirement benefits at an annual cost—an annual cost in the year 2000—of around $36 billion.

Testifying before our subcommittee, the Defense Comptroller, Assistant Secretary Robert C. Moot, said he did not find the term "explosive" too strong a word to describe the impact of inflation on the defense budget.

Another obstacle across the path of our economy efforts has been the Pentagon's compulsion to make decisions and commit billions of dollars on new weapons systems that exist only on paper. All of us have agonized over whether it would be less costly to go ahead or to retreat and start anew on the billion-dollar bungles still haunting us from the McNamara days. The point is, the awful mistakes that have resulted from decisions reached on the basis of paper studies should have pounded home the lesson, "fly before you buy."

I am proud to say that this administration has adopted the "fly before you buy" concept. It is not truly "fly before you buy," but at least during the beginning of the transition period they are starting out on the right track.

Our committee most strongly and emphatically gives its endorsement to the concept of prototype development in the acquisition of new weaponry. Ten years' sour experience and the wasteful expenditure of billions of dollars inescapably prove that better procurement methods must be established. The argument that design and development and competitive testing of a weapon could "take too long" is shot down when we look at the horrible results of the paper studies.

I should like to recount a few of the bad bungles we have had in the past:

The F–111 program. Members have all been aware of this fiasco. The F–111–B program was finally completely scrubbed by the Navy.

The main battle tank program, which I believe should have been scrubbed 2 or 3 years ago. We had at least the courage and foresight to not let them go any further in this year's budget, and took out the MBT funds.

The C–5A. I do not need to say any more except to say that the "fly before you buy" concept will hopefully prevent such boondoggles in the future.

I should like to quote now from the committee report, which says:

> The very complex studies and analyses which have preceded weapons procurement have proven to be more costly than reliable. The results of the paper studies are interpreted differently by different people. Ambiguities exist and errors exist. The ability of men to put all the pertinent factors involved on paper so that other men can make the proper decision as to which of two weapons systems should proceed has proved faulty.

Secretary Laird, I believe, has now put this train on the right track. He has done an outstanding job, and will, I know, make every effort to avoid the derailments that plagued the previous administrations.

Our committee feels that fabrication and testing or prototype models in a competitive environment would minimize the problem of concurrency which has existed between development and production phases of major weapon systems programs. This excessive concurrency has been a serious source of waste resulting in numerous deficiencies in production equipment, reducing the effectiveness or increasing the price of the equipment, or both. And all too often, I must say, both.

To obtain maximum advantage from the prototyping concept, our consensus is that competition should be established between at least two companies on each system, with the incentive of a profitable procurement contract insuring maximum effort on the part of the competitors.

I want to assure my colleagues in the committee that if this administration follows these guidelines—and I believe they will—this will result in savings, as we look down the road, of literally billions of dollars. I am only sorry that the "fly before you buy" concept was not started sooner.

Mr. YATES. Will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman for a question.

Mr. YATES. The gentleman said that he was glad to see the administration had adopted the fly-before-you-buy concept. Would the gentleman say that that approach is applicable to the F–14 program?

Mr. MINSHALL. No. I said in the beginning of the transition period there were certain foibles and weaknesses in this program, but we are transitioning as fast as we can, to avoid the mistakes of the past. This is the plan of Secretary Laird and the administration.

Mr. YATES. With respect to the F-14, it is a concurrency program at present?

Mr. MINSHALL. It is to a degree, and I am sure we are on top of it and will make sure that there is no more waste and extravagance in the program than can possibly be avoided.

Mr. MAHON. Will the gentleman yield?

Mr. MINSHALL. I am glad to yield to the chairman of the committee.

Mr. MAHON. I think in all fairness it should be said that it will probably not be possible to use the prototype approach, the fly-before-you-buy approach, completely on all weapons systems.

Mr. MINSHALL. I said that in my statement, Mr. Chairman, and I certainly concur with you, but at least we are pushing in that direction and we are going to carry out the concept as rapidly and as best we can.

Mr. MAHON. The gentleman is correct.

Mr. MINSHALL. Thank you.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I shall vote for this bill because neither the committee, the chairman of the full committee, nor the staff have had an opportunity to do the preliminary work which is essential to support the changes which I believe to be an absolute must if we are to save our Nation.

Later in this speech I will elaborate on some of the things I say here, giving excerpts from the hearings and debates in the Congress to support my views.

In the first place, I think this Nation is faced with certain realities of life and we will have to review our overall foreign policy and our defense policy and scale down in a great way the total amount that we are spending in the name of defense which is not really that, in my opinion.

As many of you know, I started serving on the Committee on Appropriations in 1943. Except for 2 or 3 years, I have served on the appropriations end of the military operations since that time.

Let me briefly tell you why I want to take this time. It is because, in the first place, after World War II, this Nation set out on an international policy of injecting ourselves into the internal affairs of just about every country in the world which would let us.

THE UNITED NATIONS

Mr. Chairman, because in World War I we had not joined the League of Nations and World War II came along, many people took the simple thought that had we joined the League of Nations we might not have had World War II. That does not necessarily follow. And, at this late date many people might have thought that the United Nations, since we did not get in the League of Nations, might be a deterrent to future wars and might prove to be an instrument for preventing what has happened.

But now we look at it after 15 or 18 years. What it turned out to be was a forum in which all of our enemies could reach the ears of the people of the world through the present news media and then, through our foreign aid program, we had to buy the votes of many small countries which we had created in Africa, most of whom we had gotten into the United Nations. We know the U.N. or a majority of its members now seem to delight in turning down and condemning our country.

Mr. Chairman, largely through various foreign aid programs we have made competitors out of our customers. I know you have heard my colleagues go into many, many details, but this phase of it I do not know that you have had presented to you, but we have had many companies organized for the specific purpose of handling foreign aid programs. Many have made their stockholders rich just to engage in the business of giving away the substance of the American people to almost everyone who would take it. Now after going in debt about $140 billion, this program not only has failed but it has the United States in a bad way at home and abroad.

Mr. Chairman, some years ago there was an investigation by a subcommittee which I had the honor to head to see what we were doing with American dollars and American technical know-how. It developed that we had 723 American experts teaching people all over the world how to produce the same agricultural commodities we produce in the United States today. We feel the adverse effects today.

It was our country that went to Europe and said, "Well, you folks ought to get together and organize for a common market between yourselves, thus it was our Nation which sponsored the European Common Market with our money. However, many did not realize and would not believe that when European countries got together they would make efforts to freeze us out—they see it now.

Mr. Chairman, that is what is happening. I say to you that we have made competitors out of our customers around the world. We have injected ourselves into the internal affairs of just about every country which would let us do it.

Mr. Chairman, foreign aid has not gone to the people of the various recipient countries, it has gone to the incumbent governments. The result is that we have little support around the world. The situation is much the same as if you went into the adjacent States of Virginia, Maryland, or even into Mississippi, took your money there and kept in power in those States officials beyond the time that the people themselves wanted to keep them, and the minute they ever throw out the officials we underwrite, they feel toward us like the people themselves feel today when they finally get rid of the officials we underwrote. In other words, they, in turn, dislike us.

OUR COLOSSUS MILITARY INTELLIGENCE

Now, one of the things that has not been touched upon but which is disappointing to me—and you will not find this in the report because the report reads almost like this committee approves of what has gone on. I do not believe the American people have any idea of the way in which intelligence has been run or rather not run.

My friends, if there ever has been duplication of effort or lack of coordination on anything it is with intelligence. The situation is downright dangerous in my opinion to this country.

You know, they refer to the intelligence community. Why? Because that is the only apt way to describe it. It is almost like trying to run our defense through a town meeting. The various intelligence agencies have trouble knowing each other.

Mr. Chairman, a few years ago we had an investigation at my suggestion and it developed that the Defense Intelligence Agency had 518 linear feet of reports—flat sheets filed face to face—that they had not had an opportunity to examine. We felt the effects in the *Pueblo* incident, the *Liberty*, the Tet enemy offensive in Vietnam. Yes, we had and we have Navy Intelligence, Air Force Intelligence, Army Intelligence, Central Intelligence, but then with our boo-boo in Cuba we set up Defense Intelligence and, in effect, put a fifth wheel on top of the others.

Mr. Chairman, what makes me sad about this situation is that we had to go into this matter with the Secretary of Defense and he brought in one of his good friends who acknowledged that he did not have any experience in military intelligence, but he said he had experience in the study of management and the Secretary of Defense said that this man had spelled out to him how he was going to study this management problem and how he was going to bring together this big backlog and eliminate all of this duplication, which resulted in sending a message around the world, but ended up out here about 30 or 40 miles away at Fort Meade, Md. However, after a year he acknowledged that he had not reorganized this monstrosity of intelligence, so necessary to our safety, the gathering of evidence to support decisions, but had only "put in a better man."

Now, whether there is a better man in charge—and I do not mean to reflect on the men they have, but if the men they have are better than the others it does reflect on the others. My friends, it is the system, or lack of, which is bad. Imagine how hard it is to fix responsibility or to obtain reliable answers where the responsibility is fixed in the intelligence community.

EFFECT OF DEFENSE SPENDING

We now come to the kind of situation we face, and that is that no nation in history has, over a long period of time, spent over half of its total income on defense without ruinous inflation. That is what we are doing and for nondefense programs operated in the name of defense. We found in our subcommittee some years ago, when the Secretary of the Army said, "Listen, we bought $100 million worth of trucks to speed up the economy," that came at a time when we had trucks running out of our ears around the world. We can better spend those funds for needed programs.

I am telling you that defense expenditures are the way we have been running many programs in the colleges and elsewhere, by contract and otherwise; that is the way we have been running our world affairs. Many of these programs may be worthwhile if properly justified. Some may need to go to the Department of Education, or maybe in other appropriations, but they will be viewed for what they are.

The thing about defense is that we have to have it. We have to have defense. Defense is necessary. But except for that fact, as a matter of economics, almost all defense expenditures are 100 percent inflationary. You do not get any useful goods. Oh, you may get a few research results, but you spend your money and you do not have anthing that contributes to the economy.

But if to speed up the economy is the reason we spend, and we must make money flow—and you have been printing it for a long time—I am saying to you we are faced with a restudy of our overall foreign policy, particularly of the United Nations. It has just about pulled us under, of foreign aid and, yes, of defense spending. We are faced with the realities of life. We can no longer take American dollars and underwrite every competing nation around the world, and all these American companies who profit by it.

We must realize that we can no longer carry American experts around the world and make competitors out of our customers. But the fact is that we are going to have to make a study of defense spending or spending in the name of defense and see what part of it is defense and what part of it is something else.

We must turn to the National Guard, to the Reserves, while we center active service in key areas.

You may say, well, you are making this speech—why do you not do something about it? But I am like you. Though I would eliminate many things I have discussed now, however, as to defense, I am going to see that we have protection, just like my chairman, until we can make these studies so we may cut these items and know what we are doing. We are caught in this situation. But the storm signals are out. If you do not believe it, just look around you.

I said in 1964, and in 1965, and in 1966, that we were in Vietnam because of foreign aid, and I said then that we were never going to get out until we told the South Vietnamese what we are going to do, and mean it, because they will never voluntarily let us pull those billions of dollars out of their economy. We could never do anything that would satisfy them. As I said then, and I say it again, we are going to have to see what is in the true interests of the United States. The time has come that you cannot afford to put something not really defense under the name of defense spending and not feel the effect of it; that will not hold any more; it will not work.

I heard my good friend, the gentleman from Ohio, make a statement a moment ago. He said:

> I have not had time to discuss the effect of inflation on military spending.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I thank the gentleman for yielding me the extra time.

And to repeat, the gentleman said:

> I have not had a chance to discuss the effect of inflation on defense spending.

I recall a few years ago that the cost for the same things was increasing about 7 percent a year because of inflation. Well, let us look at the other side of it, and that is: What is the effect of defense spending on inflation? It is the major cause—and much of it nonessential.

I dare say that nondefense items in the defense bill probably have the major adverse effect. I will say again—and in the RECORD I am going to place, under the permission I received earlier, the details on the *Liberty* and the *Pueblo*, and the Tet offensive, and the statements by this man who came to investigate and reorganize the Defense Department, and ended up becoming Secretary of the Army, and said that all he had done was get a better man because he decided a better man was better than a reorganization.

Oh, I know you read in the paper where the same man, and my good friend, is now going to reorganize intelligence. His statement again was in the press, on paper so to speak. The only thing is, his predecessor did not put it on paper.

Perhaps I have gotten nowhere with this, but I hope somewhere, some time, that the President, and other officials on down the line, will read these hearings, make these reviews of our spending policies. If they study the facts I believe they will decide we are going to have to rearrange our objectives and start over.

I now quote from prior presentations made here and in our hearings.

[Excerpt from CONGRESSIONAL RECORD,
Oct. 24, 1967]

IT IS TIME TO CHANGE OUR COURSE

(Speech of Congressman JAMIE L. WHITTEN, to the Fall Services Affairs Conferences, Reserve Officers Association, Biloxi, Miss., November 4, 1967)

VIETNAM

From a modest beginning—300 military assistance and foreign aid advisors in 1955—we escalated our involvement to 692 advisors in 1957, and to 10,000 by the end of 1962. In 1963 the Secretary, who each year estimated when our "involvement" would be over, joined by former Senator Lodge, said the maximum number we would need was 16,500. By July 1965 this number had gone up to 72,000; by November 1965 it had increased to 165,700, and an admitted military operation was on. No longer could the fantasy that our military personnel were there only to counsel and advise be maintained. Today, we know that we have more than 464,000 Americans in Vietnam engaged in combat up to the hilt. The latest plan, according to the President, is for an increase to 525,000 men by June 1968 . . .

Most of our people do not seem to know just how little united support we have in South Vietnam, where our enemies "hide among the people" which means that the South Vietnamese on our side won't report the other South Vietnamese, the Viet Cong who each night war against our men.

Recently I have studied still further the history of Vietnam, of both North and South Vietnam. According to all the records, the South Vietnamese, allied with us, have historically managed to get by with others doing most of the fighting, even during the French occupation. In the early days of the present war, when our men were there to counsel, to advise and then to supervise, the South Vietnamese of course carried the brunt of the fighting, which was sporadic. But as time has passed, more and more the full weight of the war has been placed on the shoulders of our American boys.

I know you, like me, find it difficult to accept the fact that a hundredth-rate power such as North Vietnam, supported by the Viet Cong, has our Nation, with all its power, tied down half-way round the world. To me, every additional day such a condition continues increases their claim to victory and further weakens our position.

I say here and now we must call on North Vietnam for an immediate peace. If this is not forthcoming, we must knock out every vestige of military power or supporting strength in North Vietnam. We owe to the more than 464,000 Americans we have there now, and to the others who are expected to be assigned there soon, this all-out action. Then, as soon as the job is done, we must turn to local officials in South Vietnam and say:

"We have developed your country. We have built your roads, harbors, and airfields. We have brought you almost unlimited military equipment and taught you how to use it. We have provided more supplies and set up more reserve supplies than your country has ever known. We have virtually knocked your opposition out. Now that we have put you in the saddle, it is up to you to carry on, for we have done our part."

And then we need to come home.

[Excerpt from CONGRESSIONAL RECORD,
Sept. 2, 1968]

THE "LIBERTY" AND "PUEBLO" INSTANCES

(Mr. WHITTEN asked and was given permission to revise and extend his remarks.)

Another thing that is most disturbing is the ships, the *Liberty* and the *Pueblo*. In the *Liberty* instance the message warning the *Liberty* they were in dangerous waters and to move first went to the Philippines. Message then came back here and was filed at Fort Meade, and never reached the ship, *Liberty*. A second message was then sent out and went to the ship, *Little Rock*, in the Mediterranean, and then to Morocco. Of course, the ship had been struck before any word ever got to it. Human error is always possible—but it seems impossible that we have a system where such things could happen, and the folks here sending out messages have no way of knowing whether the message was received.

With regard to the *Pueblo*, the number of conflicts or incidents between us or the South Koreans and the North Koreans had increased some tenfold within 12 months, and yet our people, from the hearings, seemed to have had no idea that this might indicate any greater likelihood of trouble. According to the testimony, the North Koreans had made numerous passes at the ship to our knowledge prior to its being stopped.

And prior to that, though we knew this ship was in, to say the least, dangerous waters and unescorted, we had made no arrangements through the United Nations to permit the South Korean Air Force, 15 minutes away, to protect such ship in case of need. Of course, earlier we had agreed that the South Korean Air Force, which we largely finance, would be subject to the orders of the United Nations and not to the United States.

All of these things, when coupled with our situation in the rest of the world, to me mean that we must have a wholesale review of not only the war in Vietnam, but of our foreign policy generally.

REVIEW OF INTELLIGENCE SYSTEM NEEDED

So far as intelligence is concerned, when we woke up to the fact that with all of our Central Intelligence, the Russians had missiles in Cuba before we knew it. Instead of a wholesale reorganization of the Central Intelligence Agency, we seemingly set up in the Defense Department an entirely new unit, which doubtless cost us billions of dollars, called the Defense Intelligence Agency. If you will read the hearings in part 4, pages 400 through 524, you will wonder how we have done as well as we have. This Agency had all sorts of knowledge of the preparations and movements incident to the Tet offensive, but apparently little idea that the North Vietnamese would strike on a holiday, which they did. If you will read these pages, you will find that when our committee made an investigation, the Defense Intelligence Agency had 517 linear feet of raw intelligence that had not even been analyzed and that it took an average of about 8 days for a piece of raw intelligence to be completely analyzed.

You will note that it is said that hot intelligence gets quicker handling; but someplace, somehow, it would appear that we are getting such a huge volume of miscellaneous information that present systems seem to be breaking down because of numbers and agencies and money spent. Certainly some remedy should be forthcoming.

[Excerpts from appropriation hearings, March 1970]

MONDAY, MARCH 23, 1970.

INTELLIGENCE ACTIVITIES OF THE DEPARTMENT OF DEFENSE

WITNESSES

Robert F. Froehlke, Assistant Secretary of Defense (Administration).

Vice Admiral Harold G. Bowen, Jr., Deputy Assistant Secretary of Defense (Intelligence).

Robert E. Morrison, Executive Assistant, Deputy Assistant Secretary of Defense (Intelligence).

Robert I. Curts, Management Analyst, Deputy Assistant Secretary of Defense (Intelligence).

RESPONSIBILITIES OF SPECIAL ASSISTANT FOR INTELLIGENCE

Mr. MAHON. The committee will resume its hearing.

Mr. Whitten will Chair the committee.

Mr. WHITTEN. We are glad to have with us this afternoon the Honorable Robert F. Froehlke, who is wearing two hats—the Assistant Secretary of Defense for Administration, and also Special Assistant to the Secretary of Defense for Intelligence . . .

Mr. WHITTEN. On August 1, 1969, Secretary Laird issued a memorandum assigning Mr. Froehlke his special duties and outlining his responsibilities, which are:

1. To establish an intelligence resource review and decisionmaking process which will encompass:

(*a*) A mechanism for making comparisons and appropriate tradeoffs between major intelligence activities and programs so that DOD decisionmakers can select the most efficient and effective system for collecting, processing, producing, and disseminating intelligence.

(*b*) A 5-year intelligence resource plan.

(*c*) A procedure for identifying and surfacing major issues of intelligence resource allocation and management.

(*d*) A continuing system for review of intelligence collection requirements balanced against collection resources.

2. To improve intelligence communications among DOD agencies and between the Department of Defense and other agencies.

3. To evaluate intelligence organizational relationships, roles, and missions.

4. To review security policies and eliminate unnecessary classification and compartmentation.

The assignment of this special responsibility followed a review by Mr. Froehlke of the management of intelligence operations in the Department of Defense during the spring and summer of 1969.

Mr. Secretary, we realize it has been only about a year since you began your review of defense intelligence operations. However, the committee was desirous of your appearing to discuss with you first-hand your responsibilities and the new organization you are heading.

I believe, Mr. Secretary, that you were forewarned of the committee's desires when you appeared before the committee for the first time on June 23, 1969, in support of the budget for secretarial activities for fiscal year 1970. Of course, we want to be apprised of your opinions on the overall organization of intelligence operations in the Department of Defense.

Mr. Secretary, we welcome you and your associates before the committee. I see you have a prepared statement. You may proceed.

GENERAL STATEMENT

Mr. FROEHLKE. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the committee, I am pleased to have the opportunity of appearing before this committee to discuss the 1971 budget estimates for intelligence activities. . . .

Mr. Chairman, you read from that assignment from Secretary Laird in opening the session this afternoon.

Each member of the subcommittee has been furnished a copy of this statement and of my report.

My prime responsibility is to establish a way of looking at defense intelligence resources which will let us make tradeoffs between major programs to get the most return for the least dollars. This involves three related actions.

First, I must develop an intelligence resource plan which will lay out, for a 5-year period, what we expect to spend on all major intelligence programs. This plan must show how and why all of the programs fit together and why we need the money, people, and machines in any part of the program.

Second, I must look at intelligence resources as a whole instead of the previous piecemeal approach. Such a review should correct previous errors in resource allocation as well as to surface problems so that current and future resource decisions are made on the best available information on the problem.

Third, I must establish a system for a continuous matching of requirements versus resources. I am doing this so that intelligence activities will not be overtasked, and so that the important requirements get the priority they deserve.

My primary responsibility is for resource management. . . .

[Excerpts from appropriations hearings, June 1971]

REORGANIZATION OF INTELLIGENCE AGENCIES

Mr. WHITTEN. What happened to your assignment of reorganizing the intelligence community? Where did it disappear?

Mr. FROEHLKE. When I was appointed to this position, the Secretary directed me to perform four specific assignments: (1) I should look at the management of resources and make any improvements necessary to make sure the allocation of resources would improve; (2) he told me that I should improve communications among the Defense intelligence agencies, including CIA, and the State Department; (3) he told me that I should take a look at the organization of the intelligence community, and recommend any actions that my study would develop; (4) he asked me to look at the compartmentation and classification situation within Defense and come in with any recommendations. He did not specifically order me to make a reorganization, unless I thought that was the best way to better allocate resources or correct a problem that my study developed.

Mr. Chairman, may I respond to another statement you made?

ASSIGNMENT OF INTELLIGENCE OFFICERS

Mr. WHITTEN. Certainly.

Mr. FROEHLKE. You indicated the possibility that I was being taken over. I recognize anybody new to Washington runs the risk of being taken over by the bureaucracy, the military, or any oldtime Washingtonian. I also recognize that I would be the last one to recognize that.

Mr. WHITTEN. My statement was to some degree facetious.

Mr. FROEHLKE. I think it is a real danger.

Mr. WHITTEN. My thought was based on having listened to your statement.

Mr. FROEHLKE. That is a very real danger. I do want to point out an important point. No one at this head table is an oldtime intelligence type. I am a manager from civilian life, and each one of the officers at the table has not been in intelligence—

Mr. WHITTEN. I would not be so proud of that. We have had some good people in intelligence.

It does raise an issue of whether we should assign people to head intelligent agencies who do not know about intelligence. I agreed with the Secretary when he brought you in, that we needed someone outside to take an objective look at this matter. Now I find that your assignment has changed.

You have so confined yourself and so eliminated your activities that you have pulled yourself in to where your original assignment seems to have been lost sight of. You are a civilian trained in business and analysis of operations and you were supposed to bring to a head the sum total of all of these intelligence operations. Now it seems that you have fenced yourself around, from your own statement, so that the original assignment seems to have been lost in the shuffle somewhere.

I raise this question that you may give the answer.

QUESTIONABLE CHANGE IN ASSIGNMENTS

Mr. FROEHLKE. I do not believe, at least as I understood my original direction from the Secretary, in August of 1969, that my assignment has changed, and that assignment was not to move in and operate the various intelligence agencies, it was specifically to remain out of the operational area, and to allocate resources. This was the first and foremost assignment.

PERSONNEL CHANGES TO IMPROVE INTELLIGENCE ORGANIZATIONS

Mr. WHITTEN. Just tell us briefly what you have done to reorganize intelligence operations to keep another Cuban situation from occurring. What have you done about the 518 linear feet of records that the Defense Intelligence Agency had not gotten around to reviewing? What have you done to keep these and other things from happening again? Have you gotten acquainted with the various agencies to the point that you are now thinking that it was not your job to reorganize and coordinate intelligence activities?

The more questions I raise, the more chance you have to answer. I do not make any apologies for raising these questions because I think you have too many cooks in the kitchen. Sitting on this side of the table you begin to wonder about the intelligence community—at least I do.

When I see these experiences happen to the intelligence community, that rather confirms my thought that Defense has too many cooks. I thought you were going to bring these intelligence operations together—maybe I gathered the wrong opinion. I will go back and review the hearings but I think that was your assignment as you so described it to the committee.

I do not see where you have done anything like that from listening to your statement. What have you done specifically to coordinate and prevent another Cuban situation or another Tet offensive situation? What have you done to coordinate these activities?

Mr. FROEHLKE. No official in the Defense Department can say he is not concerned and has no responsibility for the various situations you described, Mr. Chairman. However, that is not my primary responsibility. As to the specifics, I think the one specific that I have done that will most insure that this will not occur is that I have joined in the selection of Don Bennett as the Director of DIA, Admiral Bowen as my Chief Deputy for Intelligence, and Admiral Gayler as Director of NSA.

Mr. WHITTEN. You have been serving as a personnel officer.

PERSONNEL TO SOLVE PROBLEMS

Mr. FROEHLKE. I have assisted in that area. I think in the long run, as I indicated in my statement, and this is a platitude, but I firmly believe it, people are going to solve the problems.

Mr. WHITTEN. Mr. Froehlke, I do not mean to be argumentative, but again speaking from recollection, it was organization and management that you were an expert in. You came from the business world where you had analyzed businesses that were not running right and you knew how to analyze them and organize them so they would run right.

Now you tell me what you really had in mind was to get people and keep the system as it is. You have done a good job of selecting people but you do not tell me that you improved the system. I am quoting your last answer.

Mr. FROEHLKE. Generally, if I have to make a choice, you correctly described my choice. I would take people every time over reorganization.

Mr. WHITTEN. You would not do that if your assignment was to study the organization which I understood you were here to do. If that was your assignment, you would not neglect your assignment to go out and find people and keep the same old system.

Mr. FROEHLKE. I did study the organization which was my assignment. As a result of the study I recommended that there be no radical change in the organization.

Mr. RHODES. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this is a bill which has the unanimous support of the members of the subcommittee. It is a very important bill because it provides for expenditures for the entire Defense Establishment of the United States. It has always been an important bill but I think is particularly important now because of the fact that we are winding down the war in Vietnam and are shifting gears in matters of defense so that we can start to do some of those things that we should have been doing back in the sixties and the early seventies in order to make sure our Nation's strength is sufficient for the challenge we face in the future—not from the people of Southeast Asia—not from the people of Europe—but from the Communist world which, next to ours, has the most sophisticated military establishment that the world has ever seen. I say next to ours—and when I say that I mean only today. I do not necessarily mean 2 or 3 or 4 years from now because as we have seen in our hearings, and the record of the hearings is replete with this—many of the best military minds of our country feel that the Russians, and yes, the Chinese, are well on the way of catching up with us in many vital areas of defense. In fact, in some areas they are ahead of us today.

During August I took the opportunity which was offered by the recess of the Congress to visit the 6th Fleet in the Mediterranean. During that time I was able to fly out to the aircraft carrier, U.S.S. *America*, to land on the ship, to take off later in an EC–2 and to go down and see firsthand some of the ships that the Russians have in the Mediterranean.

I was enabled to have briefings which compared the ships we face against the ships that we have and believe me it does not leave one very complacent to have such a briefing as that and to see the ships of the Russian Fleet in the Mediterranean literally bristling with armament. They have the most sophisticated and newest types on the line now, and they are building many more ships than the ones that I saw—many more ships than we are.

Under the waves of the Mediterranean and under the waves of the oceans of the world there is a Russian submarine fleet, much of it nuclear powered, which is second only to our own submarine fleet.

This is the reason why many of us felt that the DLGN nuclear frigate which was in the budget originally should have been funded. We would have gone ahead and appropriated $14 million which would have allowed the Navy Department to procure long leadtime items for this frigate.

We are now constructing three nuclear frigates. It is true it is an expensive ship. But they are very capable ships. And when you sail across the ocean as my good friend the gentleman from Pennsylvania pointed out in the Committee on Appropriations and you have a nuclear aircraft carrier you need not three nuclear frigates as escorts—you need four—one on each corner. It is going to be necessary for us to provide these frigates and many of us hoped we could begin with this bill.

However, be that as it may, we have gone ahead with the shipbuilding program and it is our hope that in the years to come we will be able to accelerate this building program so that we can have a Navy in the future which will continue to be second to none.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Indiana.

Mr. DENNIS. The gentleman in the well mentioned a moment ago that he would like to have spent another $14 million for a frigate. I am much inclined, from what has been said, to agree with the gentleman. I was looking at page 40 of the report, where I noticed that we have a provision for some $24 million for public affairs, public relations, and public information activities of the services. I am just wondering whether that might not be a soft spot, or whether there might be other soft spots where we could pick up $14 million and put it in a frigate or something that would do us some good and give us some muscle.

Mr. RHODES. I certainly compliment my good friend from Indiana's vigilance in trying to find soft spots in the budget. However, I would point out to my good friend that in the middle of page 40 there is a table on expenditures for public affairs, which indicates that in fiscal 1972 we will be spending some $17 million less for public affairs than we did in fiscal 1970, which I think the gentleman would agree shows a healthy trend.

Mr. DENNIS. I certainly agree with the gentleman——

Mr. RHODES. However, there are certain requirements for the delivery of information to the media and to the people of the country which the Department of Defense is expected to perform. I say to my friend it would not be possible, in my opinion at least, to cut the appropriation earmarked "public affairs" any further.

Mr. DENNIS. Well, the gentleman may be quite right. I certainly feel that you are going in the right direction.

I just cannot help but remember a little trip I took, and I know many of us have taken trips. I took one with the Air Force which was a very instructive trip, and I know it was valuable to me and all those on it, but I have always wondered why we had to fly in a luxury plane, stop at the plush hotels and have a brigadier general shepherd us around, when we could have stopped at the BOQ and have ridden on a regular bomber and have gotten the same job done.

Of course, I went where the Air Force took me, as anybody else would, but I would have been just as satisfied if they had taken me where I used to live, to the BOQ, instead of to the Broadmoor; and if we would do that, and if we would add it up, it would save a good deal of money.

Mr. RHODES. Mr. Chairman, let me compare a few figures that we have on this bill as compared with others. In the first place, let us talk about manpower. The manpower situation is that we will drop one and one-quarter million people since 1968. This is a definite reduction in manpower since the Vietnamese war was begun to be wound down.

Many people have talked about the Vietnamese war dividend, and I have heard people ask "Where it is?" Here we are winding down a war which used to cost $30 billion a year which now costs somewhere between $5 and $8 billion. People say "Where is the dividend? Where has it gone?"

Here is where it has gone. These figures are given in 1964 dollars, and they represent the Department of Defense appropriation for every year since then. For 1964, in 1964 dollars, the Department of Defense spent $50.8 billion; in 1965, it went down to $45.3 billion; in 1966, it went to $51.2 billion; in 1967, it went to $61.7 billion; in 1968, it went up to $68.4 billion; in 1969, it was $65.4 billion; in 1970, it went down to $59.4 billion; and in 1971, it was $53.2 billion; and in 1972, in 1964 dollars, this budget we are asked to approve today would cost $49.8 billion.

This is in comparison with the $76 billion, in 1972 dollars, which is in this bill, which means that the number provided in this bill is $27 billion in excess of the number of dollars which would be required in 1964 dollars. So in many respects our dividend from the Vietnamese war has gone to inflation.

Let me mention some more figures. In fiscal year 1964 military basic pay and related items cost $8.4 billion, but the cost of the 1964 program in fiscal year

1972 dollars would have been $15.6 billion.

The civilian payroll was $7.3 billion in 1964 dollars. It was $11.8 billion in 1972 dollars. The military payroll was $8.4 billion in 1964 dollars and would have been $15.6 billion in 1972 dollars, the total for the fiscal year 1964 military outlay was $50.8 billion in 1964 dollars, and after the inflation factor of 49.2 percent, it would have been $75.8 billion in 1972 dollars.

Let me give another figure which is rather interesting. In fiscal year 1968, at the height of the Vietnamese conflict, we were spending on defense $99.920 billion in 1972 dollars. In other words, for the 78.027 billion we spent on defense in 1968, if that amount had been spent in 1972 dollars, it would have been $99.920, almost $100 billion.

Now, compared to that expenditure for fiscal year 1968, the fiscal year 1972 budget, of course, in 1972 dollars, is $76 billion. So, since 1968, there has been already a dividend of $23 billion in 1972 dollars from the wind down of the Vietnamese war.

Where has it gone? Let me give some other figures. Nondefense spending since 1967 has gone up $67 billion. Since 1964 it has gone up $90 billion. Compare this, if you will, with the fact that defense expenditures are down very considerably.

Applying the inflationary factor of 49.2 percent, that still is an increase of nondefense spending of $45 billion since 1964, even in 1964 dollars. So, Mr. Chairman, it is very easy to see what has happened to the Vietnam dividend. It has gone to inflation, and to very substantial increases in nondefense spending.

There will not be any possibility, in my opinion, of having anything more in the way of a meaningful Vietnam dividend until several things happen. One of them, of course, would be the successful completion of the SALT talks, if that is possible to do. Another would be the completion of some sort of arms limitation treaty beyond SALT.

But this is wishful thinking at the present time. In this fiscal year of 1972, the care with which we all must approach the responsibility which we have of defending this country dictates, Mr. Chairman, that this bill be passed without serious amendment and that we proceed from there to go ahead to provide for the defense of this country.

Mr. SIKES. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Alabama (Mr. ANDREWS).

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 393]

Abbitt
Alexander
Blackburn
Buchanan
Byrnes, Wis.
Carey, N.Y.
Celler
Clark
Clausen,
  Don H.
Clay
Conyers
Corman
Derwinski
Diggs
Dowdy
Downing
Dulski
Edwards, Calif.
Edwards, La.
Eilberg
Findley
Flowers
Fraser
Fulton, Tenn.
Fuqua
Giaimo
Gibbons
Goodling
Gray
Halpern
Hanna
Hansen, Idaho
Hastings
Hébert
Hillis
Horton
Jarman
Kastenmeier
Kuykendall
Landrum
Leggett
Link
McClure
McKevitt
McKinney
Macdonald,
  Mass.
Mathias, Calif.
Mikva
Mills, Ark.
Poff
Preyer, N.C.
Rees
Reid, N.Y.
Roberts
Rodino
Rosenthal
Scheuer
Sebelius
Steed
Taylor
Widnall
Wiggins
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11731, and finding itself without a quorum, he had directed the roll to be called, when 367 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order of no quorum was made, the gentleman from Alabama (Mr. ANDREWS) had been recognized for 10 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in support of this bill making appropriations for the Defense Department for 1972 and totaling approximately $71 billion. The Committee held extensive hearings and built up about seven volumes of testimony and went into all phases of the Defense Department very thoroughly. I think we have brought a good bill to the Members, as good as could have been expected.

I am disappointed in certain areas of the bill naturally. I have been here a long time and I have never seen a bill that met my satisfaction in every respect. One thing that disturbs me about this bill is the lack of support for our Navy. Our Navy has been sadly neglected for the last 15 years, and as a result this afternoon we might have a Navy second to the Soviet Navy—and naval experts will tell you that.

Russia, on the other hand, has had a phenomenal buildup in its navy, in its surface ships. I do not believe there is any question but that they are way ahead of our Navy in all respects except that of the carrier. For some reason, known only to themselves, they have not placed emphasis on carriers and, so far as we know, they have no carriers.

Within the next 2 years we will have in the water, in operation, three nuclear powered aircraft carriers. The *Enterprise* is now in the water; the others are the *Nimitz* and the *Eisenhower*.

We have funded to date seven frigates to be used by those carriers to make up task forces. A nuclear powered carrier, to be effective and to be safe, must have four frigates, one on each corner.

We have already appropriated $50 million for an eighth frigate, which would give us a total of eight frigates, which would take care of two of those carriers.

In this bill before us today there is no money for that eighth frigate. The $50 million heretofore appropriated has been rescinded, and there is no lead item money for the eighth frigate.

They tell us that a carrier without those four frigates, figuratively speaking is about like a man buying a new suit of clothes and having no shoes.

I hope that the Senate will see fit to put money in the bill—$14.6 million—long lead item for the eighth frigate. I had hoped to see $14 million in this bill to continue purchasing lead items for that eighth frigate. And when we get the eighth frigate and get the third carrier, we still will need four additional frigates. It is just that simple, four frigates for each carrier.

I have been told by knowledgeable naval people that if we had an encounter in the Mediterranean between our 6th Fleet and the Russian fleet today the issue would be in doubt. It is doubtful whether we could represent our interests and protect ourselves with that 6th Fleet.

Eighty percent of the ships in our fleet are more than 20 years old, many of them over 25 years of age, and 20 years is the life expectancy of a ship. On the other hand, 80 percent of the ships in the Russian fleet today are less than 10 years old.

"It's later than you think."

Now we are reaching what we all hope and pray to be the end of the war in Southeast Asia.

Our troops are being withdrawn on schedule and at a fast pace. That naturally reduces the cost of the war as reflected in this bill. I have not approved of the way the President prosecuted this war. However, I have supported him. I have not voted for the Mansfield amendment or any amendment of that type, and there will be one offered here which is comparable to the Mansfield amendment before this bill is completed. The thing which worries me and which frightens me is the future of our prisoners of war. If we cannot get a return of those prisoners while we are strong in Vietnam, I wonder how effective our pleas will be for the return of them when we get down to the point of real weakness in South Vietnam.

A lady called me last Sunday afternoon. She is one of the finest ladies in my district. She was not emotionally upset; she was not crying, but she was brokenhearted. Her son had been a prisoner of war for 6 years—6 long years—and she asked me:

> Congressman, why have you not voted for the Mansfield amendment?

She thought that that amendment would return the prisoners of war and end the war. She said:

> I will tell you, the House did not lack but 12 votes of passing it. I am surprised that you did not vote for it.

Well, that was a hard question to answer, I tried to assure her that the President was doing all in his power to get those prisoners returned. I expressed to her the hope that he knew more than I did about what was going on; and I hope and pray that he does and I hope and pray that he has some plans to get the return of those prisoners. I would hope that he would tell the American people as much as he can about those plans. As far as I know, there is nothing concrete that you can put your finger on. There is nothing that you can tell these brokenhearted parents.

You are going to have an opportunity to vote on an amendment here today that will make you think that if you adopt that amendment those prisoners will be returned and this war will come to a quick end. The chairman gave me a letter signed by the national coordinator of an organization in that field.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I yield the distinguished gentleman from Alabama 2 additional minutes.

Mr. ANDREWS of Alabama. Here is what she said. I will not read the letter, because I do not have the time, but I hope each one of you gets a copy of it. She said categorically that her organization, which is the National League for Families of American Prisoners Missing in Southeast Asia, that she hopes you will vote against this so-called Boland amendment. I have my thoughts about how this war should have been prosecuted from the time it first started. I said from the well of this House many times over a period of 7 or 8 years that had I been running that show, I would have given the North Vietnamese and the Vietcong 30 days to get out of there and, if not, I would have knocked them out with the Air Force. You never could have won that war down there on the ground. This was a guerrilla type of war, and every expert in the world will tell you that in that kind of war you cannot hope to win unless you have a superiority of 10 to 1.

I am happy to see the action wound down in Southeast Asia. I hope the President will keep the Air Force stationed there, however, so that we can get that job done and stop fooling around about these prisoners of war.

I am going to offer another suggestion to the President: After we get our troops withdrawn but still have a sufficient number of Air Force people over there, with sufficient aircraft and bombs, let us serve notice and quit playing around with them, to either bring those prisoners of war down to the DMZ and release them to us on a date certain, or we are going to blast them off the face of this earth.

Mr. Chairman, that is the only way I see we can get those prisoners back.

Mr. Chairman, these are difficult times for our Nation. We know that we must maintain a high level of military strength to insure our national survival.

At the same time, we know that our economy is racked by a crippling inflation, fueled by runaway spending by our own Federal Government.

Our national debt is staggering, having increased rapidly in the last few years, and we are assured that such increases will continue.

The dollar is taking a beating all over the world, and that means that our defense dollar buys far less than it did a few years ago.

Therefore, Mr. Chairman, the Defense Appropriations Subcommittee faces a difficult task in providing sufficient funds to keep our defenses strong, while at the same time making certain that unnecessary budgetary items were not included, thereby providing a measure of relief for our inflation ills.

The committee knows full well that deficit estimates for this fiscal year are approximately $35 billion on a Federal funds basis and $28 billion on the unified budget basis. It knows full well that our Government cannot control inflation on a long term basis unless Federal receipts begin to match more closely Federal spending.

The President's budget for fiscal year 1972 recommended $73,543,829,000. The committee recommends $71,048,013,000 in new appropriations, which represents a decrease of $2,495,816,000 below the estimates of which $535,000,000 is offset by transfers.

The sum recommended by the committee is $1,467,311,750 above the corresponding appropriations enacted for fiscal year 1971.

The net reductions recommended in the new appropriations requested in the bill total roughly 3 percent of the estimates. Of the sum requested, 97 percent is recommended for appropriation.

In taking its action, the committee feels that the amounts recommended for appropriation will be, first of all, sufficient to provide our Nation with adequate military strength in fiscal year 1972 and, secondly, will give us the necessary base for carrying this strength forward into subsequent fiscal years.

We realized that reductions had to be made, and I believe that the committee acted wisely and cautiously in this respect. Those reductions that have been made can be accommodated without denying programs essential to the basic military strength of our Nation.

We are attempting to provide an increase in military strength through the improvement of management practices and procedures in the Department of Defense.

The appropriation of funds recommended in this bill should provide for increased readiness, as well as the modernization of hardware and equipment in many areas.

The action of the committee should reduce budgeted outlays by about $1 billion in fiscal year 1972.

In the consideration of this bill or any other bill which deals with the military might of the United States, we would all do well to realize that the Soviet Union, despite its participation in the strategic arms limitation talks, is building up militarily.

We cannot sit on our hands, while a power with the might of the Soviet Union, dedicated to our destruction and world domination, grows into an unstoppable military menace.

We must be certain that our own forces are adequate to discourage any attack based on a Soviet miscalculation of weakness on the part of the United States.

The committee, in its consideration of this bill, certainly realized the threat posed by the Soviet Union, and decided rightly that Soviet actions alone would prevent our making any drastic reductions in our defense budget at the present time.

While the budget did not request any additional strategic bombers or strategic missiles, the budget does provide for improvements in our strategic forces through use of the multiwarhead Poseidon sea-based missiles and the upgrading of our Minuteman force.

The fiscal year 1972 budget, and the appropriations recommended in this bill, represent increases over the previous fiscal year, even though our active participation in military operations in the Vietnam war has decreased.

This $1.5 billion increase is due in part to high defense costs, which are affected by inflation just like anything else, and to the desire to continue ongoing programs and installations in order to provide jobs.

The committee has reported a good bill. Extensive hearings have been held on budget requests, so much so that nine volumes of hearings have been printed, totaling 7,590 pages.

Mr. Chairman, I urge passage of this bill.

Mr. MINSHALL. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. Davis).

Mr. DAVIS of Wisconsin. Mr. Chairman, I share the pride that other members of this subcommittee have expressed in this bill and the report that accompanies it.

I suppose that there is not any one of us who could say fairly that this bill is exactly the way that he would have prepared it, but I do ask you to consider the fact that this is a product of good prehearing work, of exhaustive and yet selective emphasis in our hearings, and the acceptance of the responsibility by the members of the subcommittee.

Oh, I know that you have probably heard from some of your colleagues that this bill is too big, that it is $1.5 billion over last year's bill, and the inference is that we were rubberstamps for the Pentagon.

Mr. Chairman, I think we must give proper weight to the advice of the managers of our national defense.

If the members of the committee will read the report—and it is a detailed report—I think they will be convinced that we have not been afraid to apply our judgment to the recommendations which have come to us. You will find this judgment in many instances involving heavy responsibility, but responsibility falls on the shoulders of those who are able to carry it. I think we have carried that responsibility.

Mr. Chairman, it has been a matter of concern to all of us that increasing dollars are buying less and less of the hardware of defense. I suppose there is validity to the argument that is made that it just does not make sense to develop a new weapons program unless we are to have the best. The sophistication of defense and the ever-increasing cost of new systems are indeed expensive. Reflecting our concern in some cases we have discontinued programs, significant programs, programs that in many instances would have increased the defense capability of our country. It is always something of a gamble for which we must take the responsibility when we discontinue a program with instructions to develop systems that are less sophisticated and less costly, but this in several instances we have done.

As another example of applying our judgment, contrary to recommendations that were made, I would direct your attention to pages 62 and 63 of our report in which we deal with the matter of the use of private shipyards in order to maintain the conversion, alteration, overhaul, and repair capabilities of the private shipyards of this country. We were tempted to take some arbitrary action in this regard to reflect the picture of a constant descending percentage of such work being done in the private yards.

But we chose the route of the language in the report to attempt to bring this matter forcibly to the attention of those who have this administrative responsibility.

In this, as in other areas, we did resist the temptation to take the bull by the horns, and instead by persuasion and information to indicate, forcibly, action to be taken by those in charge of the day-to-day administration, and in some cases the legislative committees.

On pages 11 and 12, for instance, you will find a discussion of the proliferation of generals, colonels, admirals, and captains in the armed services of our country.

Frankly, because we had directed the attention of the people in the Defense Department to this problem a year ago, with no apparent results, I had personally favored a direct limitation being written in the defense bill, but in deference to the opinions of my colleagues I did settle for the language which appears on pages 11 and 12 of the report.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The House of Representatives, in the Congress of the United States, is fixed by law at 435 Members, no matter how big the country gets. Why can we not insist upon the same thing for the general officers in the armed services?

Mr. DAVIS of Wisconsin. I think the problem there is that while the total personnel, unlike the personnel of this House of Representatives, which is constant, the total personnel of our armed services are going down and down but the number of people in the higher ranks are going up and up, and I think this is a very serious problem.

I think that, unless, having twice called it to their attention now, the Committee on Armed Services, and of the personnel people in the Pentagon, if they do not take some constructive, direct action in the course of this current fiscal year, the time will then come when we will have to take some direct action by way of a limitation in an appropriation bill.

I do not favor that procedure, but I think that, failing in persuasion we will have to take that kind of direct action.

Then on pages 47 and 48 of the report, you will find a discussion of the projections of the cost of our retired military personnel. We hear discussion currently about recomputation of those benefits. If you will look on page 48 and look at the bottom figure in the lower right in the report, you will see a projected cost with the recomputation in the year 2000 of in excess of $43 billion. We simply cannot carry that kind of a load in the defense appropriation bill which is in essence not productive of the defense of this country. I think that if the Committee on Armed Services is going to give serious consideration to increasing the retired service benefits, they owe it to us to bring to us a contributory system so that the net cost to this Government will not reach that kind of figure, which will run 60 percent of the current defense costs of our country as of this year.

Yes, this is a $71 billion bill, and yet less and less of these annual appropriations are providing for the hardware of our defense. Certainly Congress must weigh carefully the dollar impact of the actions which are taken which will increase the cost of our defense, and will not directly increase the competence of the defense of our country.

This bill with its $71 billion does not include pay raises which will take effect sometime during the fiscal year.

It does not include the recomputation for the retirement which is currently being considered. And in spite of the great improvements that we have seen in recent years it probably does not adequately reflect the acceleration of costs on the many long-term items—the acceleration during the interim years of construction or the costs of modifications and modernizations as new technological advances are made.

Mr. Chairman, in summary this bill has been well considered. The decisions were carefully and responsibly made, and it ought not to be weakened by unselective reductions or confused by extraneous amendments.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to my friend, the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I hope I am not asking a question that has already been answered. But did the gentleman say that funding of the pay raise that went into effect just the other day is or is not contained in this bill?

Mr. DAVIS of Wisconsin. It is not included in this bill, in accordance with the usual practice.

Mr. GROSS. And the pay increase for the military connected with the Federal employees' pay bill, that would become effective next July 1, unless it is again postponed—and which would have become effective on January 1—no provision for that is made in this bill either; is that correct?

Mr. DAVIS of Wisconsin. That is correct.

Mr. GROSS. How will Congress fund either of those pay increases if not in this bill?

Mr. DAVIS of Wisconsin. It would be through a supplemental appropriation bill. But I suspect maybe some part of it may be absorbed—but I would have to estimate that the best part of it would have to be separately appropriated in the supplemental bill.

Mr. GROSS. And by the supplemental appropriation bill the gentleman means the catchall supplemental that will be acted upon before this session of the Congress adjourns sine die?

Mr. DAVIS of Wisconsin. I would doubt that. But I would guess it would probably be in a supplemental bill next year.

Mr. GROSS. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I yield to the distinguished gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, this bill comes to the floor against a background of increasing support in the Nation and in this House for setting a withdrawal deadline subject to release of American prisoners.

Since July the Harris polls have reported that a majority of the public concludes that the President has not told the American people the complete truth about the war. Fifty-five percent of the public are opposed to leaving even 50,000 noncombatant troops. Fifty-seven percent oppose continuing to use bombers and helicopters. Seventy percent object to sending $1 billion a year in military aid to the South Vietnamese. Sixty-five percent now think it is "morally wrong" for the United States to be fighting in Vietnam.

The President continues to talk not only of a Vietnam settlement but of an Indochina peace embracing Cambodia and Laos. The bait he offers is a pullback from the entire area including U.S. Air Forces in Thailand. Meanwhile, from Vietnam, come television pictures of soldiers who resent anyone saying, as the President did on November 12, that only a few casualties now are occurring.

The Prisoners of War/Missing in Action Families for Immediate Release Committee fully supports the view that a termination date must be established.

The $71.05 billion provided in the bill for fiscal year 1971 represents a significant increase in defense spending at a time when many expect defense expenditures to be heading in the other direction. Despite net reductions in appropriations for military personnel of almost $1 billion from last year's bill, the bill this year is almost $1.5 billion over the $69.58 billion appropriated from fiscal year 1971.

The upturn results from increases over last year's appropriations for new weapons systems totaling $2.85 billion—$2.16 billion in procurement and $693 million in R. & D. The Appropriations Committee in its report says there is a desire to stimulate the economy and help relieve unemployment through increased defense expenditures. If Federal expenditures are to reduce unemployment why not spend on water resources and environmental improvement, rather than on "think tanks" and "dummy drives"?

The bill proposes abolition of the service quota system for recruitment of low-IQ personnel into the Armed Forces. Did you realize before that we had such a policy of seeking low IQ recruits for the armed services? Can you believe it?

The Appropriations Committee levied a number of cuts at various "outside" think tanks funded by DOD, and a number of social science research projects being conducted by the Army. The committee cut $1.8 million from $7.4 million requested for the Research Analysis Corp., $2.1 million from $8.6 million requested for the Center for Naval Analysis, $3 million from $11 million requested for the Rand Corp., $2.5 million from $11 million requested for the Institute for Defense Analysis, and deleted entirely $5.7 million requested for the Institute of the Individual Soldier. Requests totalling $18.4 million for various Army social science projects were cut a total of $4.9 million. Did you realize this was going on? Can you believe it?

The committee also noted the proliferation of colonels, admirals, and generals in the services, pointing out that there are more three- and four-star generals and admirals in uniform now than at the height of World War II, when there were 12 million men in uniform.

Did you realize this? Can you believe it? Have we not made enough defense mistakes on the side of high and wasteful spending? Is it time to demand more efficiency and economy?

Is it not true, as the organization of POW/MIA's and others assert that the only remaining interest in Vietnam is the release of our POW's, and the October election travesty has consigned to history the proposition that we are in Vietnam to assure self-determination for the people of South Vietnam? They argue that only by setting a withdrawal deadline can we secure the release of the POW's.

The Boland amendment would prohibit use of funds for military operations in Indochina only after U.S. prisoners are returned. In the absence of Executive willingness to establish a deadline, does Congress not have a clear responsibility to do so in light of the overwhelming desire on the part of the country for such a deadline?

After every major war in recent history, defense expenditures have gone down. The committee bill instead contains $1.5 billion in increases over last year. I say "no."

I urge my colleagues to support the Boland and Aspin amendments and if necessary to oppose this bill. Krogers urges consumers to "live better for less", let us have the Defense Department try it.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 11731, the Department of Defense appropriation bill for fiscal year 1972. As a member of the House Committee on Appropriations and its Defense Appropriation Subcommittee, I am satisfied that the committee has carefully scrutinized the budget requests of this administration and has made reasonable and responsible reductions in those requests. The bill before the House today would appropriate $71,048,013,000 or over 3 percent less than requested for fiscal year 1972.

Major areas of reduction include a 50,000-man force reduction mandated under the draft laws, reductions in the Safeguard anti-ballistic-missile program, and elimination of duplication in military intelligence operations. I believe these reductions are consistent with sound national security requirements. Having previously supported elimination of the draft and having voted against the Safeguard program, I am pleased with these actions by the Appropriations Committee.

Perhaps further cuts could have been made but it is important to note that during the past 4 years, the Congress at the recommendation of the Appropriations Committee has reduced Defense Department appropriations by the sum of $15 billion. With the gradual slowdown of U.S. military involvement in Vietnam this has reduced the military budget from more than $83 billion to the level recommended to the House today. This is true even though there has been tremendous inflation in cost of materials and we have authorized military pay increases of more than $17 billion, salaries making up 60 percent of defense spending. It should also be pointed out that a goodly portion of the dollars for materiel is for armaments to be delivered years hence. So to a great extent we must anticipate future needs and possibilities.

This trend toward reduction in defense spending has been approved by Congress, partially in response to the need for more careful appraisal of the necessity for such spending. It has in my opinion been a most responsible and well considered action. I want to commend the committee and especially the staff for their work and outstanding report.

Two areas of both national interest as well as concern to my constituents are covered under this legislation. The first relates to drug abuse in the military and efforts to control this alarming problem. The legislation before the House contains no cuts in requests for drug abuse programs, an indication that the committee feels quite strongly that firm and effective steps must be taken to treat and rehabilitate those servicemen who have become addicted. I was pleased to participate in hearings on this subject earlier this year and to have supported full funding for these important programs. A special budget amendment has been approved appropriating more than $34 million for identifying and treating those servicemen addicted to heroin. In addition the bill appropriates more than $13.8 million for military personnel to support the drug abuse control programs.

Of particular importance to residents of the Queens, N.Y., area is the statement of the Appropriations Committee in opposition to the proposed closing of the obstetrical department at St. Alban's Naval Hospital. The proposed shutdown would create a hardship for naval personnel and their families in our area and I am quite pleased that the committee has stated that it "expects the Navy Department to carry out its obligations to provide continued full medical services at the St. Alban's Naval Hospital, New York, including an obstetrical department."—Committee report, page 63.

Finally Mr. Chairman, I want to again express my complete support for an amendment to be offered by our distinguished colleague, the gentleman from Massachusetts (Mr. BOLAND) to prohibit the use of these funds for any U.S. military operations in Indochina subject to the release of U.S. prisoners of war and no later than June 1, 1972. I have supported similar amendments in the past, Mr. Chairman, and I am convinced that Congress must exert this kind of pressure in order to assure that our military role in Indochina will be brought to a close. The American people have been frustrated time and time again by signs that our role might be brought to a conclusion. The tragic loss of life in Indochina and the loss of spirit at home have been too costly to consider prolonging our announced withdrawal. This establishment of a date for withdrawal and a clear statement of our policy on this issue can lead to a real negotiated end to the war and the release of our prisoners. We have been in South Vietnam for 10 years, they have had their elections, it is time for South Vietnam to assume their role and responsibility. There are funds included for their Vietnamization program.

The amendment to the defense appropriation bill will also protect us against further expansion or relocation of our military role by prohibiting use of funds for a military role in Cambodia and Laos as well as North or South Vietnam. Surely we can unite behind such an amendment with its assurance against future Vietnams.

I urge my colleagues to support this amendment and to vote for the defense appropriation bill of 1972.

Mr. MINSHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I gave the Boland end-the-war amendment my most careful consideration last week on Thursday, when our full committee met to mark up this appropriations bill.

And I was one of that majority of 31 to 15 that voted, then, to defeat it.

Now, in all candor, that particular vote gave me some trouble. For I have held to the position for some years now—beginning back in the time when to do so was not as politically popular as it now is—that our overinvolvement in the tangled affairs of the people of South Vietnam was a tragic mistake. And I have also, both persistently and consistently, and both by my votes and public statements, deplored the fact that the Congress—which, under our Constitution, is supposed to at least share with the President the responsibility for shaping this Nation's foreign policy—has, since its adoption of the ill-fated Tonkin Gulf resolution, found itself incapable of expressing itself in any definitive sense relative to the manner and method of correcting that mistake.

Again, with all candor, those votes and public statements on my part have not always been appreciated by either the majority of my colleagues, nor by our leadership, on this—the Republican—side of our center aisle. However, I have found it difficult—indeed, impossible—to declare that a war which I thought was engaged in by our Nation for the wrong reasons, with the wrong methods and in the wrong place, under a Democratic President, had somehow become right when carried on by a Republican President.

Naturally enough, I have appreciated and applauded President Nixon's efforts to wind down that war; albeit with such a degree of gradualism that it has been difficult for me to conceal my impatience. But whatever else can be said, it is surely true that the President has successfully reversed the trend of instinctive escalation which was part and parcel of the policy he inherited almost 3 years ago. Americans no longer argue whether or not we should be fighting a ground war in Southeast Asia; they argue instead about the timing and the totality of our withdrawal—and there is an important difference.

However, the questions still facing us are crucial. They involve the advisability of retaining in Vietnam a residual force of several thousand troops for protection of U.S. facilities and logistical support of the Saigon Government. They involve the wisdom—and the morality—of continued widespread bombing attacks in both Vietnams, Laos, and Cambodia. They involve the negotiating posture of the United States in Paris. They involve our efforts to get our prisoners-of-war back home.

And finally—and no less importantly—they involve the role of Congress in the months ahead in sharing with the President some of the many decisions which must be made in these areas of concern. It is this role that we turn to once again today, perhaps with an overbearing sense of déjà vu. For it was only a few months ago—in consideration of the Military Procurement Authorization bill—that we entertained what became known as the Nedzi-Whalen amendment, calling for an end to American involvement in Southeast Asia by December 31, 1971. That amendment was similar in intent to the Boland amendment at present, although its effectiveness was questionable due to the legislative vehicle to which it was attached.

I did not vote for the Nedzi-Whalen amendment. Instead, as some of you may recall, I offered a substitute for the amendment that would have conditioned any application of a "cut off" date upon the happening, prior to April 30, 1972, of two related events: the arrangement of a cease-fire; and the consummation of an agreement for the identification and exchange of prisoners of war.

It was my feeling that such congressional language would not unduly hamstring the President, but would instead encourage negotiations; and I believed then, as I believe now, that this war can only be brought to an end for all the parties involved through negotiations.

Merely ending our involvement in the war does not necessarily mean that fruitful negotiations will take place; even less does it mean that the fighting and carnage will cease for the peoples of Southeast Asia. Thus, I felt the proper role of Congress was to "lean a little" on the President—to say, in effect, "we want you to seriously negotiate, and if you think setting a tentative deadline date for American withdrawal is helpful, we want you to set such a date." But my substitute amendment did not force upon the President an arbitrary deadline date without requiring some concessions from the other side—and hence, I felt it a better vehicle for expressing congressional sentiment.

Well, my substitute was defeated; and then, the Nedzi-Whalen amendment was defeated as well. Since then there has been no apparent breakthrough on the negotiating front. However, also since then, this Congress has expressed its sentiment that we should completely withdraw from combat in Southeast Asia as soon as we can negotiate the release of our prisoners-of-war. The conferees' compromise on each of the so-called Mansfield amendments was a clear signal to the President of our desire for an end to this war through negotiations, and he has accepted that signal. This is as it should be, for as the Christian Science Monitor editorialized yesterday:

> Ultimately, of course, any settlement in Vietnam must be a political one. It is now just a matter of finding the correct combination of carrot-and-stick techniques that will satisfy both sides. We can only hope the numbers come up soon.

Of course, we also have to bear in mind the fact that, in their original form in the other body, the Mansfield amendments came down hard on setting a "date certain" for our total withdrawal from the Indochina theater, first as the "sense of Congress" and then, later, as being "the policy of the United States," though the effectiveness of this was questionable, again considering the vehicle used.

Finally, as we also know, the conferees reverted back to "the earliest practicable date" approach, and that is the language the President now has before him as a provision in the Military Procurement Act of 1971. The President has not yet signed that bill, so far as I know, but it is assumed he will do so with whatever degree of stated reluctance.

With this backdrop, we now have before us the Boland amendment which, in effect, sets for the President next June 1 as that earliest practicable date for total U.S. withdrawal. Its sponsors argue Congress must now take this initiative because the President refuses to establish any such terminal date—and then they further argue, along lines we have heard before, that this simple act is the "magic key" that will unlock and swing wide open the door that has so far barred either meaningful negotiations or the identification and release of those Americans held prisoners of war.

I wish I could be as sure as those sponsors that the scenario they have prepared will be played out as easily and as exactly as they envision it. But it can be argued just as persuasively that the establishment of such a deadline—through cut-and-dried congressional action—would give the other side even more of a reason to be intransigent. It is this fear that prevents me from supporting the Boland amendment—no matter how much superficial appeal it has to those of us who are sick of this war, and sick over what it has done to our country over the past 6 years.

What, then, do I think Congress should do? I could answer that question with more confidence if I knew what was in Richard Nixon's mind. But, since I do not, I can only work on the basis of what would be in my mind, were I in his shoes.

If that were the case—and I am grateful it is not—I would now be bending my every effort toward negotiating a larger settlement of this areawide conflict than merely total U.S. disengagement. But, at the same time—and this is a crucial point—I would be using for all they were worth the final acts of our disengagement to buy the best bargain I could. As essential elements of that bargain, I would want the identification and return of all Americans held anywhere in any Southeast Asian prison camp, and I would want the arrangements for this worked out and tied down before I anted up my last chip.

I would also want to work out a larger Indochina settlement than just one getting us out of South Vietnam. We owe the people of South Vietnam—after all the anguish and bloodshed we have helped put them through—more than a mere wave of farewell from our last troopship as it pulls out of Saigon harbor. And we also owe the people of Cambodia and Laos at least one last effort at ending all of the Indochina fighting—not just American participation therein—for these people have already endured far, far too much suffering.

Then, too, I would be thinking ahead about the practical side of all this for my own people. I would know—without constantly needing to be reminded of it—how tired my people were of this conflict and how desperately they want to be shed of it. And I would fully understand why many of these same people—after accepting the simple lesson we have all learned from Vietnam to the effect that there are limits to what is possible, and limits to what is truly in our national interest—now want no part, or as small a part as possible, of the world outside our own boundaries. So, understanding all that, I would want that wider settlement of this whole Indochina conflict so that I would not feel compelled to ask these people, in the years ahead, to support programs of indirect military assistance for those Southeast Asian nations still being subjected to externally supported aggression.

And I would be looking forward to my forthcoming visits to both Moscow and Peking because, rightly or wrongly, they both had "client states" in the same area, too, and maybe—just maybe—they shared with me the desire to somehow neutralize the area again, but to do it right this time, so that we could all three of us look to other interests. I would have to look in those directions, because I could see little, or no hope of any meaningful breakthrough on the negotiating fronts in either Paris or Hanoi.

And, as I thought about all this, I would realize that I did not have much left to dicker with. With my troop strength dwindling fast toward a residual force of some sort—and remember that, if the troop withdrawal rate remains next year at its newly announced level, we will be down to only about 45,000 men in Vietnam by next June 1—I would recognize the fact that about 20,000 of those men would be assigned to logistics, handling the military supplies I would hope to be still authorized to send to South Vietnam and protecting my supply bases, while the rest would be crewing, maintaining, and supporting my remaining helicopter fleet, or assigned to perhaps three tactical air squadrons and, maybe, four artillery battalions, all held in reserve to give the South Vietnamese military units emergency assistance, should they need it. Beyond these forces, I could probably have a few advisers out in the field with those South Vietnamese military units.

But, that would be it—and what it all would mean was that the American combat role in Vietnam was at an end and could not, given the force of public opinion here at home, again be revived.

Thus, the only real bone I would have in the enemy throat would be the continued maintenance of even this small a residual force, my determination to continue to provide South Vietnam, Laos, and Cambodia with military supplies so long as Congress permitted and they continued to need it, plus, of course, my threat to go on using my strategic bomber force from bases in Thailand or elsewhere for purposes of harassing the enemy in his base areas and interdicting his supply routes.

As to this latter item, I hope I would realize—from my own instincts as well as from such studies as the recent Cornell University indepth look at "The Air War in Indochina"—that my use of this kind of aerial firepower was not only very costly but also largely ineffective, and quite likely counterproductive from a politico-military viewpoint. Thus, I would hope I would want to stop it—or at least cut it back sharply—just as soon as possible, but I would want something in return for doing so.

And all these items would be my store of bargaining chips, at both Moscow and Peking—admittedly, not very many, but now I have to make do with what I have left if I am to make one last try at getting that larger settlement.

Now, Mr. Chairman, to get back to the situation at hand, what would our adoption of the Boland amendment, in its present form, do to those bargaining chips? In attempting to answer, I recognize the fact that when it comes to saying anything about Vietnam these days, "Truth is in the eye of the beholder"—since, for every truth about Vietnam, there is an opposing truth.

But, at least in my judgment, our adoption of the Boland amendment would wipe those chips off the board. Put another way, the Boland amendment would knock the props out from under the President as the only negotiator we have for purposes of producing an acceptable settlement of this tragic conflict.

The amendment's author said to me, the other day, that all his amendment does is "keep the President's feet to the fire." I've been doing that, too, in my own way, with my recent votes, including those for the Mansfield amendments. But this is not the Mansfield amendment in either variation thereof. Nor, even if it were, can it properly be alleged—despite claims to the contrary—that the President has actually yet refused to set that date certain. Instead, this effort is an outright congressional mandate to end this war for the United States regardless of the nature and manner of its ending.

As such, it puts the President's feet into the fire—rather than holding them to it—and thus threatens to destroy whatever bargaining leverage he has left for use at either Moscow or Peking.

I do not argue that Congress cannot take this ultimate step. Of course, we can—and it would indeed be an "historic action" as the amendments sponsors put it. But I do argue that for us to take any such action now—out of our own rising tides of impatience and in response to our constituents' manifest frustrations—would be a most irresponsible and, from the longer ranged viewpoint, quite probably a counterproductive action, as well as one damaging to the prospects for world peace.

We have—after a long journey and much backing and filling—just completed the task of finding a consensus as to the "policy of the United States" for terminating this war, and for the recovery of those held prisoner therein, at the earliest practicable date, and in the doing thereof we have urged the President, in his capacity as negotiator, to establish a final date for our total withdrawal from Indochina. As soon as he signs the Military Procurement bill this will be the established foreign policy of our Nation insofar as the same relates to Indochina.

Let us now, then, give that same President the opportunity, along with the needed flexibility, for effectuating that policy by voting down the Boland amendment.

Mr. MINSHALL. Mr. Chairman, I yield 15 minutes to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman and Members of the Committee, it is an honor for me to be associated with the distinguished members of the Defense Appropriations Subcommittee, many of whom have served on that committee, as the gentleman from Ohio has pointed out, for decades. Their experience is vast, their responsibility is great, and the remarks that I make here in the course of this general debate this afternoon are made with a sense of deep humility as I have been a member of the Defense Subcommittee for but 1½ years. I shall confine my comments chiefly to basics and not to details.

Our distinguished chairman's (Mr. MAHON) conscientious devotion to duty is paralleled by that of Mr. MINSHALL, Mr. RHODES, Mr. DAVIS, Mr. ANDREWS of Alabama, Mr. SIKES, Mr. FLOOD, Mr. ADDABBO, and Mr. MCFALL whose labors are reflected in eight thick volumes of subcommittee hearings for fiscal year 1972 alone.

In this single appropriations bill we have before us almost half of the budget of this country. In this appropriation more than half is for salaries, for pay and allowances of personnel. This is 52 percent at the present time. I am concerned about this, Mr. Chairman, because we are talking now about implementing an all-volunteer Army.

The experts tell us that if we have a volunteer Army, the cost of personnel in the military budget will go to 69 percent while the Soviet Union spends only 20 percent. I think we need to remember that Rome also hired itself an army, and when it started hiring itself an army and its young men turned to material things and material pleasures and left the fighting for Rome to the hired hands, that is when the Roman Empire crumbled. We could well take that fact to heart today, because in a very real sense the state of American defenses as reflected in this bill that is before us now is not good. And I say this with all due respect to the optimistic assurances of our learned and capable Secretary of Defense, Mr. Laird.

The Soviet Union is ahead of us in missilery. It is ahead of us in known numbers of missiles. It has a substantial number of huge SS–9's with supermegatonnage warhead capabilities ready for delivery. We have Minuteman with a much smaller warhead, a lesser overall number in holes in the ground in this country, the exact locations of which are undoubtedly already bracketed by the Soviet Union.

A lot of money has been spent on an anti-ballistic-missile system. We talk about this as a means of having some leverage to persuade the Soviet Union in the SALT talks at Helsinki to make some concessions. Maybe we will mutually agree that we will not have an ABM system. Maybe there will be provision for inspection. There must.

But this is mostly a delusion because for both sides the eyes of an ABM system are above ground—the radar—and any substantial megatonnage warhead exploded in the atmosphere above the United States or the Soviet Union by a missile which would not be intercepted, would incapacitate that radar and effectively destroy the capability of any ABM system including what the Soviets have around Moscow.

This vulnerability to a knockout nuclear blow in the atmosphere is a matter of common knowledge. It is not classified. It is perfectly obvious even to the unexpert; and yet we are and have been spending billions in this direction for a surface ABM. I have grave questions about the value of this because the true retaliatory capability we have in terms of a deterrent to persuade those who might be inclined to commit aggression is in our nuclear-powered, missile-carrying undersea vessels. It is in our submarines, our Polaris and Poseidon conversions, with their ability to hit a designated target from far out under the sea and with their MIRV capability to scatter from differing angles.

And yet we know that the Polaris missile boats and even the Poseidon missile boats are limited in terms of range. Poseidon has a little bit greater range than Polaris, but either can only operate from certain parts of the world to be able to hit certain parts of the world from the ocean, which confines their available ocean range and increases their vulnerability to detection. The Yankee class submarines being built by the Soviet Union, as reported in Jane's Fighting Ships, are adding nuclear missile carrying and attack submarines to the Soviet fleet resulting in a growing lessening of our present thin advantage in weaponry being built up under the seas.

Yet when we look to the Air Force, even there we find no new bombers any where near production. We even find it suggested in the other body that the B-1 bomber ought to be deferred and delayed.

There are continuing huge cost overruns, even with respect to planes funded in the present bill.

Mr. Chairman, what is really happening in defense procurement for our Nation is that America is pricing itself out of a defensive capability. We are paying more for what we are getting for our defense dollar than any other nation of the world. We are getting less and less per dollar invested. I do not know what it will take in order to restore a certain amount of verve to those who work within and for our Defense Establishment, so we can get our costs down, but somehow we must arrive at a system in relation to the defense of this country in which personnelwise we will have many less personnel in our Air Force and Army and Navy who will be provided with fewer but superior weapons.

We have to think about our mounting procurement and personnel costs and how the system under which we have been and are operating has become tremendously expensive, leading to huge cost overruns, often resulting from substantial underbidding by contractors who later make it up by cost overruns. We should turn to prototype production and then have an in-house clearing out of cost overruns in the Defense Establishment itself by tightening up our contract provisions.

Also somewhere along the line we must develop in this country a cruise missile capability comparable to that which the Soviet Union has at the present time. We are alarmingly late with this as well as remarkably disingenuous.

Mr. Chairman, this Nation must build up its defense capabilities. We must stay so strong in America that no other nation of the world dare attack us. We are not doing this now. Unless we keep America strong enough militarily to deter attack upon us, everything will go down the drain.

Renewed appeals to revise priorities in spending are almost always at the expense of defense dollars. They are the largest controllable amount of dollars in the Federal budget—those in the defense budget. At a time when the Soviet capabilities are demonstrably being increased in almost every field, from missiles to ships to submarines, we need to spend more in defense of this country, not less.

Of course, waste is to be eliminated and cost overruns must be checked, and defense procurement costs must be adjusted downward, but the sad truth is that more billions of dollars are needed for defense of the United States at this hour and not less. We should be building five times as many naval vessels and twice as many submarines. The United States should be much further along than it is in the Navy's deep long-range submarine program, ULMS which should be sharply accelerated. All of this is in the name of survival. It is a reality. It is for our survival as a free nation with our people living free from totalitarianism and the terror that is still the affliction of private life under communism.

Most alarming in the U.S. overall defense posture is the deplorable status of the U.S. Navy. The latest edition of the authoritative Jane's Fighting Ships credits the Soviet Union with superpower status in terms of its naval vessels inbeing and rates the U.S. Navy as inferior at the present time, with the situation steadily worsening. Even after reducing the fleet to a 700-ship level, most of those remaining are at least 20 years old and many date back to World War II. Few modern replacements have been authorized and fewer are actually on the ways. The Soviet Union, however, is presently expanding its new and efficient navy at three times the rate of the United States. At the same time, the Soviets are constructing additional shipyards to further accelerate their naval expansion. As with tactical aircraft and missiles, the Soviets have taken the lead in the oceans of the world and are making every effort to increase their lead.

The disquieting Soviet military advantage coincides with a rise in isolationism and antimilitary feeling in this country which is based on the naive belief that even defensive weapons, rather than the aggressive designs of men and nations, are the true causes of war. This is simply not so. In the rush to satisfy domestic priorities such as exist in no other nation, the damage to our defense capabilities is appalling. We cannot put the cart before the horse. It is impossible for this Nation to advance the principles upon which it is founded without first assuring freedom from outside aggression. Often forgotten is that in the last analysis, it is the American people who stand to lose a 200-year experiment in freedom—an experiment in which the well-being of the individual has risen to heights never before equaled. We, as representatives of the American people, cannot afford to fail in our responsibilities to provide an adequate national defense.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I compliment the gentleman from New Hampshire on a very interesting statement the gentleman has made.

Can the gentleman give us any idea of what this would cost in appropriations, and if not, can the gentleman even tell us where we can cut elsewhere to balance the increases?

Mr. WYMAN. I would say it would be a $3 billion increase in the coming fiscal year. After that it would depend upon the services requests and demonstrated need. We should make countervailing decreases chiefly in the costs of personnel, in my judgment.

Mr. Chairman, I want to make a few observations now on the subject of a proposed cutoff date for military costs in Vietnam. There has been a great deal of talk about this here today. The gentleman from Alabama referred to it, and there has been wide discussion that the gentleman from Massachusetts will offer an amendment to this bill to place a deadline in the so-called existing Mansfield amendment which is now the law and attach it to the appropriations bill by way of a limitation.

We all want out of Vietnam—yesterday for that matter. But there is a right way and a wrong way out. We must have assurance of protection of our reduced forces there to the last man. We must have our prisoners returned and accounted for beforehand—or there is little chance we will ever get them back.

President Nixon is taking us out of Vietnam. He is taking us out of Vietnam responsibly. He has us down under 200,000 troops. We will be down to fewer than 50,000 by next summer. And those will be support troops, not combat troops.

But the minute we put a deadline into the bill, a cutoff date—and I believe it important the American people realize this—then we deliberately cut the ground out from under the security of our men in the field, whether they are support or combat troops, because if the amendment to stop all the expenditure of funds passes, it would make it unlawful to pay the salaries, to supply the training, to do the things necessary to keep a fighting team in the field. No guns, no ammunition, no funds, no food—all while the enemy attacks. How silly can you get in the haste to get out of a tragic involvement of a prior administration. Should funds be required by law to be cut off at a certain date, without an assured capability for the protection of our troops as they are withdrawn, then obviously we may imperil the lives of tens of thousands of Americans who will still be over there.

By that very act we would stop the pay for training Vietnamese who are here being trained by us to operate the superior technological equipment we provided over there. We want them to be risking their lives to defend their national integrity as distinguished from having American boys risking theirs over there.

A required deadline would tie the hands of the President. I believe it would be a great mistake.

As the gentleman from Alabama said, what is our President going to negotiate with, if the Congress of the United States directs:

> Whether or not you get the prisoners back there will be no more money for this war by June 1, 1972?

This is a very serious consequence. It should be remembered that the Mansfield amendment is now law at the present time, which states the policy of the United States to get out just as soon as we honorably and responsibly can do so. And the President of the United States is doing this. He has been doing it ever since he became President as he pledged to do to the American people. President Nixon is keeping his word. The Mansfield amendment merely reflects what the President is and has been doing all along, without it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman overlooks

the negotiations that have been taking place in Paris, where the negotiators for the other side have indicated that if a definite date is set for the U.S. troops to be withdrawn from Indochina, arrangements can be made for the return of our prisoners of war. And I assume that negotiations can finally get on a level which will bring the hostilities in Vietnam to a close.

Mr. WYMAN. I would observe to the gentleman that I suspect, without knowing it, that the rather dismal proposition has been already presented to the other side at Paris to the effect that "If you give us our prisoners back we will get out by a certain date," and I suspect it has been rejected. I say dismal because unless South Vietnam can defend itself 50,000 American lives have been lost in vain.

I cannot see having a bill passed by the Congress that cuts off money and support for the Vietnamization program, cuts off the capability of defending the men who are still there, and aggravates a potential prisoner situation by not requiring that we have the prisoners in hand beforehand.

If one has looked at all to the proposal suggested to be amended to this bill later on today or tomorrow, as the case might be, one will find there is no explicit condition precedent that we should have the prisoners in hand beforehand.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. WYMAN. I yield further.

Mr. YATES. The gentleman knows I am one of the sponsors of the so-called Boland amendment, and I signed the separate views that appear in the report on this bill. It was explained in the committee that the purpose of the amendment is to implement the so-called Mansfield amendment, and the Mansfield amendment establishes as one of its conditions that the prisoners of war shall be returned before our troops are withdrawn from Vietnam.

Mr. WYMAN. I have to respectfully differ with the gentleman. I say that the condition in the so-called Mansfield amendment which was supposed to have insisted on that, or which allegedly contained that, by its terms is not that explicit.

From what I have seen in the way of the proposition suggested by the gentleman from Massachusetts—it may not be that way when actually offered—it does not expressly require as a condition precedent that the prisoners shall have been returned to us first, before the cutoff date becomes effective.

I say to the gentleman, while I certainly respect his right to file such views as he may wish, I read from the additional views, page 127 of the committee report:

> The reason for this is clear and simple—the Executive Branch refuses to establish a termination date for getting our military forces out of Indochina.

I would like to observe, as a member of the Defense Appropriations Subcommittee, that I think the integrity and reliability and responsibility and good faith of the military personnel and the civilian part of the military who testified before us cannot be seriously questioned.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MINSHALL. I yield the gentleman 5 additional minutes.

Mr. WYMAN. All of them have testified before us that it is contrary to the best interests of the security of the United States and contrary to the best interests of getting our prisoners back and accounted for who are over there and contrary to the best interests of getting us disengaged in Vietnam and Southeast Asia permanently to have a cutoff date announced to the enemy in advance. I think it would be a great mistake for this Congress, with all due respect to the views of the gentleman from Illinois, to insist on such a cutoff date and publishing it to the world.

Mr. SIKES. Will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Florida.

Mr. SIKES. I think the gentleman made a very able statement on this perplexing and troublesome problem. May I point out in support of his position that what is proposed here is a unilateral action on our part, with not a scintilla of evidence from any reliable source in the North Vietnamese Government or their negotiators in Paris that they would honor such action on our part.

Mr. WYMAN. I agree with the gentleman.

Mr. YATES. Will the gentleman yield further?

Mr. WYMAN. I cannot yield to the gentleman any further at this time.

Mr. RHODES. Will the gentleman yield briefly?

Mr. WYMAN. Yes. I yield to the gentleman, briefly.

Mr. RHODES. As the gentleman from Florida said, the probability is the fact that this very proposal has been made in Paris many times and has been turned down.

Mr. WYMAN. That is correct. It is my understanding. I wish it could be announced officially to the American people, however.

Mr. Chairman, all of us, I am sure, the gentlewoman from New York, the gentleman from Illinois, all of us, are concerned about America's strength, not just in a military sense but in what you might call a character sense. We realize that what is needed here is a renewal of our dedication to flag and country, to honor and courage.

Today in the minds of young people and some of the Members of this body and in the minds of too many Americans there are grave questions about American honor and integrity. To a certain extent, unfortunately, this is justly so. Taiwan wonders right now about American honor. The GI's in Vietnam wonder about American honor. They were sent over there to risk their lives in a war that we never fought to win. Israel wonders about American honor. We are sending no more Phantoms over there while the Soviets build up the Egyptians. West Germany wonders about American honor. And so do I.

What should we do? I think first we should materially increase our defense procurement including research, and reduce the cost of our military personnel. Secondly, we should demand weighted voting in the United Nations—each nation's vote to reflect 25 percent on the basis of population and 75 percent on the basis of the gross national product—and then insist that the contributions to the expenses of the U.N. should be in accordance with each weighted voting strength. I think it is important that we should make it clear we are going to get out of Vietnam, as President Nixon is taking us out, with all deliberate speed, and that eventually we will get out of all of Southeast Asia not only with regard to combat troops but with regard to support troops as well. And once our prisoners are back and we are out, then I think we should make it very clear to any American President, whether Democrat or Republican, that there will be no future commitment of American personnel to war anywhere in the world without a prior declaration of war by the Congress of the United States.

Mr. CHAMBERLAIN. Will the gentleman yield?

Mr. WYMAN. I yield to the gentleman.

Mr. CHAMBERLAIN. Mr. Chairman, I think the gentleman made an excellent statement today.

I commend the gentleman particularly for pointing out how we have been living off the shelf and what we must do in the future for the security of this Nation.

Mr. Chairman, the gentleman being from New Hampshire, I would like to ask if it is not true that the people in New Hampshire will have a primary election there on March 7 this coming year——

Mr. WYMAN. Yes.

Mr. CHAMBERLAIN. And, that is just a little more than 3 months from now. The President will be making his accounting to the New Hampshire people for his conduct of this war. This is one thing which, in my opinion, we have overlooked when we talk about a date certain for the pullout of our troops.

Mr. Chairman, there will be 17 primary elections around this country. I say that setting a date certain as has been suggested as an amendment is not necessary. The President knows these primaries are to be held and he has told the American people he expects to be held accountable, and they will hold him accountable. He accepts this. Therefore restricting the President as has been suggested by insisting on a date certain is totally unnecessary.

Mr. WYMAN. I think it would help if the people were told more clearly all of the things which President Nixon is doing and has done in taking us out of Vietnam.

Mr. CHAMBERLAIN. I commend the gentleman for his statement.

Mr. SIKES. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, since this legislation has in it the procurement of a great deal of equipment and ships and so forth, all of which would require the use of steel, I think it is very interesting to present to the House the action taken at the U.N., a United Nations bulletin which just arrived which reads as follows:

> The U.N. General Assembly, with the People's Republic of China casting its first vote, called on the United States today to

> prevent the importation of chrome from Rhodesia.
>
> By a vote of 106 to 2, with 13 abstentions, the Assembly expressed "grave concern" at Congress' decision last week to permit Americans to import Rhodesian chrome in defiance of a security council embargo.
>
> China voted in favor of the resolution. Only Portugal and South Africa opposed it. The United States did not take part.
>
> "We do not participate," said astronaut Alan B. Shepard, Jr., when the chair reached the United States in the rollcall. Shepard is a delegate to the 13-week assembly.

Mr. Chairman, the first vote of the Red China delegates gives some idea as to how badly the United States was defeated when our closest friend in the U.N. was dumped by these same nations who can and will twist Uncle Sam's whiskers on every vote. It is beat the United States days in the U.N.

Mr. Chairman, let me say this to you. Every pound of steel going into these new ships you are going to build, every pound of steel going into the armaments you are going to build and procure requires chrome ore. The Japanese and the Russians and every other steelmaking country in the world is procuring Rhodesian ore. They were a part of the U.N. embargo. But, the audacity of this group—U.N.—whom we have nurtured and fed since its beginning to condemn the Congress of the United States when this was the first move it has made in 25 years to defend itself against international piracy makes me wonder why our delegate had not the time or the inclination to get up and defend the elected representatives of the people of the United States.

I want to say to you that brokers in the world today, the brokers of chrome ore voted to condemn us for importing chrome ore. Yet, they are the brokers who are buying it from Rhodesia and shipping it to the United States. If the nations were not bringing Rhodesian ore, in violation of the U.N. embargo, Rhodesia would be shut down.

Mr. MAHON. Mr. Chairman, I yield 15 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, Defense appropriations bills are always extremely interesting and important. This is the best opportunity presented to Congress to exercise oversight and guidance to the Nation's Armed Forces in the discharge of their great responsibility. A sound and adequate defense is essential to the security of America. Cost problems make this objective increasingly elusive—for instance there is the matter of modernization.

Modernization, which is dependent upon procurement, is the key to the future successes in combat of American military forces. Our force levels are consistently lower than those of the Communists. The numbers of planes, ships, tanks, and guns which we have are constantly dropping behind the numbers in the hands of Communist forces. It does not make sense to keep trying to tell ourselves that our personnel and our weapons are better. Communist weapons are as good as any in the world and some of them are more modern than ours. It is seriously to be doubted that they are having the morale and disciplinary problems which we are having. I think it better to call the shots the way they are than to lull ourselves into false security.

With that background, we must face up to the fact that this year's procurement for new weapons and weapons systems totals $18,185 million. This is $2,156 million above fiscal year 1971 funds. It should be clear that increasing costs, including inflation are much more than the increase in the appropriations. We are not catching up. We are falling further behind. We must spend more for modernization. High prices thus far have made it impossible to acquire enough new and modern weapons to offset the growing strength of Soviet and other Iron Curtain countries. Wages and salaries are a big contributing factor—50 to 60 percent of the costs of American weapons are in this area, contrasted to 20 to 25 percent for the Russians. They get 2-to-3 times the weapons for a dollar that we get.

I know the facts of life. We are not going to cut wages. And we are all aware of increasing pressure for additional tax moneys for domestic problems. There can never be enough money to satisfy all the demands, and of course, many of the demands are fully legitimate. In addition, the American public and the Congress are concerned about the mounting costs of defense.

These costs as often as not are headlined in the newspapers as waste. There is always waste when we deal with sums as big as defense appropriations, and more particularly there are huge cost overruns, but a determined effort is being made through this committee and others and through top officials in the Pentagon to keep unnecessary costs as low as possible. Nevertheless, the problem of obtaining congressional approval for adequate defense funds is growing year by year. The Russians are watching this and they will be tempted to flex their muscles. They have had to back down in previous confrontations because we possessed superiority in weapons. They have not forgotten and it rankles them. We no longer possess superiority. They know it. There may be other confrontations. The first time we have to back down will be the time when our system of Government begins the long, sad march downhill to oblivion. These are not idle words. These facts must be considered when further cuts are proposed.

Speaking of weapons and modernization, I have seen a recent statement that the French armaments industry is now the world's third largest. At any time a country with money finds that it cannot buy from traditional sources the weapons which it needs, France is ready to provide them. For instance, the Irish Republic, during the Ulster crisis, has been unable to turn to Britain, its traditional arms source, for armored cars. The French promptly provided 50. They are selling tanks to Greece and other countries which want American tanks but find them unavailable. They are selling aircraft all over the world, including South America, South Africa and Rhodesia. Only the United States and Russia produce more weapons.

The sad part of this commentary is that many of the countries which buy from France would prefer American weapons and equipment. Because of various commitments which make no sense to me, our arms manufacturers are not permitted to sell to these nations or our State Department says they can not afford modern weapons. Neither of these is impressive reasoning to the countries concerned. They buy from the French. The American manufacturer loses the business and more and more of our people in the weapons and aircraft industries become unemployed. This is a very important area in which America's interests are being neglected. The sale of weapons is accompanied by training teams and by technicians who have an excellent opportunity to assist America's objectives abroad. When these technicians and training teams are not American, they are Russian or French or whatever nationality, and they are not boosting the United States or its objectives for peace in the world.

It will be noted that the committee has taken strong action on tanks. For years the United States has been seeking to develop a new main battle tank. We entered into an agreement with the Germans in 1963 for a new tank. Historically, the Germans have been rated the best tank people in the world and this seemed an excellent opportunity to obtain the best tank that could be built. It is hard to determine who was at fault, but the joint effort failed and it was terminated in December 1969. The Germans now are building two advanced models of their best tank, the Leopard, utilizing some of the features proposed for the joint main battle tank such as engine, transmission, and suspension system.

The U.S. Army attempted to carry on the design begun under the joint effort, but as the cost advanced, began to cut back on improvements which originally were planned. Estimated costs had reached the frightening sum of $850,000 per unit. An austere version of the main battle tank was projected to cost $600,000 per unit. Later estimates indicated that even the austere version might cost as much as a million dollars, and there are too many indications that the tank would not possess some of the most important features needed in a modern tank. It contains expensive and complicated features and some automatic systems that can be expected to break down and require an excessive number of trained technicians to keep it in operation. It has an engine of doubtful capacity. It does not have such important assets as the ability to fire in motion which is possessed by Russian tanks. The Russians may well have taken over from the Germans the status of the best tank people in the world. They have first-class tanks. They have three times as many as we and our allies. Sixty-five percent of our tank force is made up of the old M–48's which represent the technology of the early 1950's. This is not an encouraging picture.

It is essential that we stop dilly-dallying on tanks and get down to the development of the best tank we can at a more reasonable cost. That is what the committee is trying to accomplish by terminating funds for the main battle tank and adding $20 million for a new prototype program. It is possible that a very effective tank can be developed by improvements upon existing models. We know the Israelis were able to take our M-48 tanks and by improvements in the gun and turret develop a first-class fighting weapon. I know of no reason why the United States cannot do as well using the most modern tanks we have and the most advanced techniques now available to us. These, of course, are the M-60A1 and the M-60A1E2. Apparently the U.S. tank program needs someone who can knock heads together and require results. We do not want to spend the decade of the 1970's falling further behind the Russians. At the very least, we should avoid spending another $200 million in development costs to match that already spent in this hitherto nonproductive program.

The Nation must have a better tank for the years ahead. The soldier who fights on the ground suffers most of the casualties in war. A good tank is essential for the success of his operations.

The Russians are building a new and modern fleet with emphasis on heavy surface vessels and nuclear-powered submarines. They are second only to the United States and the majority of their ships are much newer than ours.

Our navy also is confronted with a serious threat from Russian cruise missile ships. Many of these are small, fast vessels which fire an effective missile we are not yet prepared to counter. These missiles also are found on major ships and submarines. In this, the Russians have devised a dangerous answer to American sea power. This weapon apparently was fully in operation before we knew much about its existence. It poses a serious threat, particularly to U.S. surface vessels and I question that sufficient emphasis is being placed on countermeasures and on the development of a similar American capability.

We hear much about the Russian Foxbat which is now seen in the skies around Israel. It has a ceiling of 80,000 feet and a speed of mach 3½. It is the world's most advanced aircraft. It is ironical that the United States could have had an operational aircraft with characteristics that are very similar 5 or 6 years ago. The House Committee on Appropriations funded the F-12, a titanium high-altitude mach 3 aircraft, in two successive years. The Pentagon refused to produce the plane because of excessive costs. I saw the prototype and was very much impressed with it. A modification of this aircraft is the RF-71 which is being produced today for reconnaisance purposes.

Safeguard funding may be a controversial item in this bill. Most of the Safeguard moneys, including military construction, are carried here rather than in the military construction bill because of delays in authorization. Details will be found on pages 15 and 16 of the committee report. It is highly significant that the funds for Safeguard will allow continuation of sites near Grand Forks and Malmstrom Air Force Bases, and advanced preparation for sites at Whiteman Air Force Base and Francis E. Warren Air Force Base. The language in the authorizing legislation apparently eliminates the possibility of deployment at the National Command Authority site near Washington, but funds are available which may be used for minimum required research on protection of the Capital area.

This is in striking contrast to the need for 12 sites which once the Pentagon felt to be essential if we are to provide reasonable protection from a Russian or a lesser number for a Chinese missile strike and to enable us to launch a retaliatory strike. Very probably this situation is in part a result of the SALT talks. The Russians have been able to lull us into a sense of security. This is what usually happens when we become involved in endless negotiations with other powers. We have obtained nothing firm from the SALT talks except occasional statements from the negotiators which express pious hope and help to soothe the American public. In the meantime, the Russians have an antiballistic missile capability which they continue to improve.

Every American family that has a loved one in uniform is worried about drugs and morale problems in the services.

A few months ago the American people were bombarded by the news media with horror stories about widespread use of drugs, low morale and serious problems of discipline among U.S. Forces. There were even instances where U.S. soldiers refused to follow orders for combat or patrol duty. The worst of these cases have been in Vietnam and that is to be expected for that is where the fighting is and the fighting has in large measure been done by men who did not volunteer to risk their lives in that far away part of the world. Serious problems have also been reported in Germany where extremely poor housing has aggravated the picture, and to a much lesser extent in the United States.

It has been said many times that an Army without discipline is a mob, and here, I think, is the basic problem that affects our Forces today. The hearings will show that I asked many questions of military witnesses in an effort to pinpoint the real cause of trouble among military personnel. Two things were particularly alarming to me. I could not assure myself that the top people in the Pentagon have a realistic knowledge of the problem or its causes. I think many of them are too busy with top level problems and too far removed from what is happening in the ranks. I was unable to find, and this is even more disturbing, that a realistic training program is in progress for junior officers and noncoms to equip them to deal more effectively with morale and discipline problems of today's enlisted personnel.

The young men in military forces today are just the same as those of their age group in college or in civilians careers or on the streets. They are knowledgeable. They do not consider themselves bound by customs of earlier generations.

They are subjected to massive doses of propaganda by the malcontents and Communist sympathizers and some of them believe what they hear and read. A majority of them are serving because they were drafted. Some are college graduates doing work which they consider far beneath their capabilities. They have been told time after time even by highly placed people in the Congress of the United States that Vietnam is a waste of time and that we should get out now; they should not be required to serve anywhere against their will.

It is hard to exercise leadership and discipline under these conditions, much harder than in other wars. It takes a special brand of leadership and training. I am confident we have the leaders but I do not think we have the training to enable them to obtain the results that are required.

Idleness is a big part of the problem. The fighting is almost over in Vietnam. Training apparently has not been particularly rigorous anywhere in the world. Idle young men in uniform are going to seek ways to work off steam. Every military force in history has had its problems of discipline and morale when troops are idle. It should not take very long for our military leaders to discover how these matters were dealt with under earlier circumstances in other countries.

Today's efforts are being directed toward an all-volunteer force. Despite all the good intentions of the world and a very tremendous boost in pay and other activities, the effort is probably going to fail. America just is not geared to the concept of an all-volunteer force, particularly where the Army is concerned. That is where the dirty work is done, where most of the dying takes place when there is combat.

I have been puzzled by the failure of the services to take full advantage of the opportunities which they have to obtain personnel already on duty or to attract others with prior service. For instance, I have had many instances called to my attention of 20-year men with good service records being discouraged from continuing for another 10 years on active duty. If a man is good enough to make 20 years, he should have qualifications which make him desirable for 30. He has had training, usually in several specialties. I find also there are many men with prior service who leave the Armed Forces thinking to enjoy a better life in civilian ranks or whose families were unhappy about constant change of station and family separation, later they realize that they left advantages in the service which they do not find on the outside. There seems to be a strange reluctance on the part of the services to permit these prior servicemen to reenlist. Here again is a source of trained men who can rejoin the active services with efficiency that a new recruit could not possibly offer.

We in the committee also found instances where witnesses complained about the difficulty of obtaining an adequate number of junior officers or where they were not available long enough to permit the best use of their services. This does not square at all with the fact that many of the ROTC graduates who are obligated for 2 years of active duty are permitted to leave the uniformed ranks after 3 months. It simply does not appear that full use is being made of the junior officers who are available in this category. I feel that a more realistic appraisal of these and similar categories is in order.

It will be well for the services to give much more thought to the problem of retaining personnel in the regular forces and in the reserves if the all-voluntary concept fails to produce. Money is not going to be sufficient. We have tried that time and again. There must be an educational process to bring back to the American people a consciousness of the importance of military service and appreciation for the patriotic motives which should be associated with military service. In that connection, I think it is proper to ask what is happening to America's appreciation for those who wear or have worn their country's uniform, and in particular why so little is being said and done about the service of those returning veterans who fought in Vietnam. It has been a tradition in America to display through parades and other public events the esteem in which we hold those men and women who have served our country well and honorably in its fighting forces. It is not to our credit that this show of appreciation and esteem is now being neglected. We must not forget. There are forces at work in this country which seek to destroy the Nation's faith in its Armed Forces. Proper demonstrations of appreciation and support will help to overcome the difficulty of retaining personnel in our peacetime forces in the years ahead.

It is obvious that the principal fight on this bill will be in the form of an end-the-war amendment. By some magic the proponents expect to bring about an automatic end to our involvement in Southeast Asia and free the prisoners of war in 6 months. This is not magic, it is alchemy, and it is a sad play on the hopes and emotions of the families of those Americans missing in action and presumed to be prisoners of war.

Let us consider this rationally. There is not the slightest reason to believe that the act of specifying a date for U.S. withdrawal would influence North Vietnamese policies toward the prisoners of war or toward the conduct of the war itself. The chances are that having gained a date for end of U.S. participation they would simply demand further concessions—like handing over the Saigon Government to the Communists. There is not a scintilla of evidence to show any positive commitment by any North Vietnamese official. All that we have are the statements of touring Congressmen and others who feel that they have received assurance from someone, somewhere, that an end of war declaration by the U.S. Congress will automatically convert the North Vietnamese warlords into gamboling lambs who want to live happily at peace with the world forevermore, and assure the safe return of nearly 1,500 missing Americans, most of whom it is sad to relate, probably have long since been dead.

No, Mr. Chairman, this amendment can serve no useful purpose for the United States or the POW's. It can only tie the hands of a President who has done a remarkably good job in extricating U.S. forces from the difficult and complicated controversy in Southeast Asia. The American military has all but ceased ground combat. A few will have to remain and let us not go off into the wild blue yonder about residual forces. We have forces all over the world. It is considered essential to the U.S. and free world interests that we follow such a policy.

We cannot write off Vietnam and Southeast Asia and forget them. They still are a very important part of the world to U.S. and free world interests.

If we adopt the amendment proposed, we tie the President's hands. We free the Communists to take advantage of many alternatives which now are closed to them. The President must have this flexibility to carry on to a successful conclusion our objectives in Vietnam. Remember that the North Vietnamese negotiators in Paris can end all the uncertainty and bring about assurance of peace and return of prisoners of war at any session they wish by a simple statement of intent. Yet in all the years of wasted effort by our negotiators in Paris the North Vietnamese have not in a single instance showed good faith or good intentions. Do not play their game here today in the U.S. House of Representatives.

It is up to all of us in Government, whether in Congress or in the Pentagon, to assure that we make every possible effort to obtain the most efficient use of the funds that are made available for defense. No one enjoys paying the high taxes with which we are faced today, but the average American believes in an adequate defense, supports it, and will not complain as long as we can assure him that his money is being used carefully and wisely and that it will furnish this great Nation the degree of national security which it deserves and requires.

Mr. MINSHALL. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman and members of the committee, I understand that it will be suggested that we attach to this bill for military appropriations a rider specifying substantially that none of the money appropriated is to be used for the conduct of any military operations in Indochina after June 1, 1972.

There is an old and familiar saying, "It's a hell of a way to run a railroad." With all due respect to my colleagues who sponsor or support this proposed amendment, in my judgment this is, in truth, "a hell of a way" to determine the military program and the foreign policy of the United States.

It is important to remember that we are not now deciding whether or not we ought to have intervened with troops in Vietnam. Neither are we considering—as I agree that we should—ways and means which may be devised for a greater degree of prior consultation by the Executive with the Congress, before American troops are again committed to military action abroad.

On the contrary, we are in the midst of an ongoing war, which the Commander in Chief is engaged in phasing out, in accordance with a considered plan; and we are at a point, during the course of that war, when the Commander in Chief is about to enter into delicate personal negotiations with the heads of state of the principal powers which back our current antagonists with money, with diplomacy, and with arms.

Who can tell, at this point—how can any Member of this House determine—whether a reasonable and necessary implementation of American policy in the Orient will or will not require the presence of some residual American forces in Vietnam after June 1, 1972? How can we possibly determine that such forces will be needed there on the 31st of May, and will no longer be necessary on the 1st of June? As the distinguished chairman, Mr. Mahon, said earlier after years of effort and the pouring out of blood and treasure in Vietnam are we, when the war is nearing its end with a measurable degree of relative accomplishment and success apparently at hand, to throw it all away by ill-considered action in this body? Since when, I ask the House—since when has any sensible approach to statecraft determined that high national policy should be decided, war should be waged, peace made, and the future should be charted by the vote of 435 Members of a legislative body, met to pass on an appropriation bill?

Consider, too, the fact that the President of the United States is about to travel to Peking and to Moscow. Shall we send him off to these difficult discussions handicapped by a congressional expression of lack of confidence in him and in his policies, and crippled by public notice to the opposition that the President and the Nation will, in any case, be helpless to act in any manner, to any degree, and anywhere in Indochina after the first day of next June? Is this the will of the American people? I do not think so; and, to me, it is almost incredible, Mr. Chairman, that such conduct should be seriously suggested by responsible representatives of a free republic.

I urge the defeat of the so-called end-the-war amendment.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I can seldom remember hearing anyone express my own views with such logic, and I want to associate myself with the statement that the gentleman just made.

Mr. DENNIS. I thank the gentleman for his statement and his contribution.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MINSHALL. Mr. Chairman, I have no further requests for time, and reserve the balance of my time.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. Flynt).

Mr. FLYNT. Mr. Chairman, once again the House of Representatives finds itself acting on a defense appropriations bill and today finds attached to the report on that bill additional views which call for an end to the war in Indochina by a date certain. I support those additional views. My signature appears thereon. When the amendment is introduced to implement those views, I shall support it. I shall vote for it and I hope that it will be adopted.

A few minutes ago one of my good friends, who came to Congress about the same time I did and whose views generally coincide with mine, except on the issue of the Vietnam war, and I were discussing the Boland amendment. He chided me for my position in ending the war by saying: "There were only five Americans killed last week."

I think that is five too many. If there had been only one killed, I would think that one is one too many when the decision has already been made and announced to withdraw our forces from Southeast Asia.

Members of this body have divergent views which are poles apart on the subject of the war in Vietnam. Some believe that it should be terminated immediately, others apparently believe that it should be carried on forever. I do not question the motives of any Members of this House for the views which he holds. One of the most tragic results of this whole question of Vietnam is that some have come to question the very loyalty of those who disagree with them, sometimes apparently solely because of their disagreement. Some Members are so sure of the righteousness of their own views on this war that they seek to gag other Members, and deny them simple and very brief extensions of time in which to express their views.

Mr. Chairman, this is one bill on which I wish there were unlimited debate so that every Member could have as much time as he desires to bare his conscience and his soul and say whatever he desires for as long as he desires on the subject matter of the amendment which will be offered later today by the gentleman from Massachusetts (Mr. BOLAND) and of which I am a cosponsor.

While there are several provisions of this bill which some of us would like to change by taking away funds in some instances and adding funds in others, we are basically of one accord on all of the provisions of this bill with the exception of the amendment which, if adopted, will be renumbered section 745 which reads as follows:

> On page 48, after line 7, insert:
>
> "SEC. 745. In line with national policy as set forth in Title VI (the Mansfield Amendment) of the Military Procurement Act of 1971 calling for termination of all U.S. military operations in Indochina at the earliest practicable date and prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners, and notwithstanding any other provision in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after June 1, 1972."

In my opinion it is very clear that the authors of this amendment have the same objective that the President of the United States has. That objective is to stop all combat roles by U.S. Armed Forces in Indochina as soon as possible. The President and the Secretary of Defense have announced that this is the policy of the administration. This amendment says the same thing except it goes a step further and adds the words "not later than June 1, 1972."

Mr. Chairman, I personally—and with some experience in military operations—oppose the policy of gradual withdrawal just as strongly as I oppose the policy of piecemeal commitment of forces. Any student of military history as well as those who have been a part of it know from such history or experience that piecemeal commitment of forces is an open invitation to disaster. It violates all of the principles of war, tactical and strategic, which have guided successful military commanders throughout history. Gradual withdrawal or piecemeal disengagement likewise violates those same principles of war.

Mr. Chairman, I would never have adopted or implemented a policy of piecemeal disengagement, but that decision was not mine to make. The decision to disengage has already been made by the decisionmaking authority. The only decision left for me to make is whether I want to prolong the process of piecemeal disengagement over what could be a period extending to several years or do it by a time certain. The decision for disengagement having already been made by others, and I have made my decision to try to set a date. I want to be a part of the decisionmaking process which the House of Representatives, the Senate concurring, has the constitutional authority to make—to set June 1, 1972, as the termination date for combat and support roles of U.S. forces in Indochina and for their total withdrawal, subject to the release of all American Prisoners of War—prior to that time. The announced piecemeal withdrawal of forces invites total destruction of the comparatively small residual force which remains.

As long as there is piecemeal disengagement and as long as a residual force is left in Indochina, there is no basis for negotiation for the release of the American prisoners of war held by North Vietnam and the Vietcong, unless a reliable commitment has already been made to the President of the United States by China that China guarantees such release.

This morning while driving to work, I heard on the radio news a statement attributed to the President "that General Abrams will have to get along with less than 90,000 troops, perhaps as few as 65,000 by next July—1972." Since the President is reported to have announced that by July 1, 1972, that General Abrams will be reduced to 90,000 troops or perhaps as few as 65,000, he has destroyed the basis to negotiate for the release of our prisoners of war. Unless the President already has a reliable commitment for the release of American prisoners of war, he will have no basis of strength upon which to negotiate. If he already has such a commitment from China and North Vietnam upon which he can rely, then there is no further reason for retaining a residual force in Southeast Asia.

While this may be an oversimplification of a long and complex subject as far as the issue of the release of American prisoners of war is concerned, the President already has a reliable agreement that they will be released or else he is denigrating any chance he has to negotiate for their release. In either event, he might as well stop the war and bring back all the U.S. troops.

Mr. Chairman, the establishment of a residual force in Southeast Asia would, for all practical purposes, turn back the clock to either 1956 or 1961 when we adhered to the policy of sending advisers to the Army of South Vietnam. That policy escalated to a combat role in which at one time more than 550,000 American troops were committed. The late Senator Richard B. Russell, of Georgia, told President Eisenhower that if he sent U.S. troops to serve as advisers to the South Vietnamese, he would eventually have to send 200,000. His prescience and his vision were based on his long-time service as chairman of the Senate Appropriations Subcommittee on Defense and as chairman of the Senate Committee on Armed Services. The only error contained in his predictions was the number of men we would eventually have to send.

Mr. Chairman, the Department of Defense informs me that 3,155,650 men have been committed to Vietnam with more than 550,000 committed at a single time.

Any decision to make a complete withdrawal from Vietnam by a date certain will be a traumatic and agonizing experience. I am willing to make such a decision because it is to me no more traumatic or agonizing than to augment a policy of piecemeal disengagement and to establish a residual U.S. force in Vietnam.

What would be the purpose of such a residual force? Would it be for the sole purpose of maintaining the Dictator Thieu as the U.S. appointed "President" of South Vietnam? If this is the case and if events of the next 8 months prove that to be the case, I will never again vote for an authorization or appropriation bill which has funds used to place, maintain, or perpetuate in office in a foreign country a dictator who will not permit the name of an opposing candidate on the ballot. In 1971 there were two major potential candidates, General Minh and General Ky, each of whom had and has a substantial following among the people of South Vietnam, possibly as great or greater than President Thieu would have without the military support of the United States. If either of them had remained a candidate and had dared to go down to the wire in a campaign for President against Thieu, he or they would probably have suffered the same fate as the candidate in the presidential elections of 1966 and who according to last reports is still imprisoned like a common criminal.

The statement that the United States is in Vietnam at the request of our allies is one of the most damnable fictions of all time. It may at one time have had some semblance of validity but for many years, and certainly now, the United States is committed in Vietnam at the request of nobody except United States-appointed Vietnamese puppets.

I quote from a letter from an American soldier to a friend back home in which, among other things, he describes how newsmen pose shots supposedly taken in action in which he says:

> Hell, I've never been so disillusioned with our country after my experience over here. He continues, however most of my disillusionment comes from the sorry . . . attitude of the Vietnamese people. Especially the educated leaders of this country are so rotten—dirty no-good thieves. They are Communist-haters but all have fat bank accounts in foreign banks. They deposit every month several times their salary in these bank accounts

> outside the country. In this one area—where I was adviser to the [deleted] and also adviser in psychological warfare—the U.S. government (through Vietnamese channels) was paying salaries to 338 cadres. The cadres were supposed to be pacifying an area five villages in size. However there were only about 50–60 cadres working in the area. So this meant a group of about three minor government officials (Vietnamese) were stealing $4,000 per month. I reported this but nothing was done. I raised so much [flak] about it that they transferred me out to a straight combat unit. At the same time this was going on, the Vietnamese reports were very rosy and you would believe the war was almost won. They said that we distributed some 4 million pills and treated several thousand villagers when we had no medicine at all—it had disappeared before it reached us—more likely sold in the big cities. They said my battalion [250 men] killed or captured 175 Viet Cong. However I have seen only two bodies and about eight prisoners in all of our actions. Even accounting for the ones dragged away after they're dead by the Viet Cong, I think we killed only 21. However we lost 50 of our men killed and 35 wounded and 16 captured. I personally saw and helped carry out 25 of our own dead—but they report we lost about 12. But these false paper reports satisfy Washington.

This is typical of many such statements which have been related to me by numerous American soldiers who have returned from Vietnam. Some have said that the reports of "body counts" and "enemy casualties" have been so ridiculously high that some units resorted to wanton killing of women and children to lend some credibility to these exaggerated enemy casualty reports.

The U.S. policy in Vietnam has totally prevented the national plebiscite which was promised to the people of Vietnam—North Vietnam and South Vietnam alike—in the Geneva Accords in 1954. If this plebiscite had been held, I do not know what the result would have been, but in my opinion whatever the outcome, it would have been far, far better for the people of Vietnam, the people of the world, and especially the people of the United States, if that plebiscite had been held and the decision made at that time. We have artificially imposed our will on the people of South Vietnam and are trying to impose it on the people of North Vietnam. If anyone seriously thinks we can succeed in doing either, he is badly mistaken.

Information which is effectively declassified because it is now in the public domain, states that in one report as far back as 1953, the Central Intelligence Agency showed an active interest in one Ngo Dinh Diem, who at that time was not even living in Vietnam, but was living in exile. The same report adds:

> This new information makes a monkey of the Johnson Administration's claims that we have come to the aid of our allies (in Vietnam). In reality, we have come to the aid of our own unpopular puppets. (New York Times, February 12, 1968, Page 9.)

Mr. Chairman, I have never visited Vietnam and I sometimes regret that I have not done so, if for no other reason than to learn firsthand what a farce this entire military operation has been. I think that if I had gone, I might have seen through some of the tactics which have been used on many visitors to that area of the world.

One officer described in some detail the methods used by the commanders in Vietnam and their staffs to inspire a positive attitude in visiting dignitaries who began flying into Saigon in ever increasing numbers "for a closer look at the war."

The same officer says:

> We may not have learned to pacify Vietnam, but the efficiency of the High Command in dealing with visitors is a wonder to behold . . . Depending on the (visitor's) orientation, the first dinner and meeting are scheduled for maximum impact. If the (visitor) is a potential critic . . . the dinner and briefings are used as an initial assault to break down his resistance . . . The location of the dinner is determined by the (visitor's) rank . . . When the entourage reaches the briefing room, a well-oiled mechanism is brought into play. The various staff officers spring to attention and introductions are made. When the (visitor) is seated, the overture begins.
>
> Because many of the (visitors) are smart and tough, and could possibly see through the fancy footwork, the briefing takes place on the first night. Although it is only 9 P.M., in Saigon, it is 3 A.M. or later in the (visitor's) physiology.
>
> The exhausted (visitor), takes in very little but is too vain to admit it later or too embarrassed to ask for another run-through. The next morning, still exhausted, he is rushed off on a skillfully conducted tour of certain battle areas, after which he flies on home.

Mr. Chairman, the foregoing has become commonplace during our venture into Vietnam. It has become a foray into a grandiose attempt to deceive ourselves that we are there for a rightous cause, in the interests of the United States and that our mission is being successfully accomplished. Nothing could be further from reality. Objective future historians will undoubtedly record that we were not there for a righteous purpose nor for the protection of legitimate U.S. interests, that in the end we deceived no one and after 16 years of unqualified and unwarranted meddling in the internal affairs of an Asian country, our efforts were not successful.

Fifty-five thousand Americans dead, over 400,000 wounded and only God knows how many prisoners of war and missing in action, together with $235 billion in borrowed money expended in a futile effort is a horrible price to pay for this noble experiment into Asian politics. On top of this tangible cost in lives and treasure, we have lost face in the Orient and prestige throughout the world which we may never recover, and have created a division among our people greater than any time since the period of 1861–65. The overall population of this country has never supported the war in Vietnam, although at times the majority may have given lipservice to it. As a result of this casual, almost indifferent attitude by most of our people, the grief, suffering, and hardship not only of our American casualties but of their families has virtually been ignored with callous indifference by most of the population.

This attitude among most of our people may be due to in whole or in part to the fact that they have never been convinced of the rightness of our official position in Vietnam, or the righteousness of our cause, or that this war was in any way in the best interests of the United States and its people.

Had the vast body of Americans believed in this war and that it was in our national interest, they would have supported it as totally as our people supported our war effort in World War II.

Mr. Chairman, I feel as if I owe a debt to my constituency which I can never repay, as well as an apology which I can never adequately make for not having adopted this very posture against the Vietnam war 7 years ago. I came very close to taking the same position which I take today on September 30, 1964, when I said:

> I sincerely believe that we need revision of our Foreign Policy in which we clearly announce that policy and make it a policy of strength and stability.
>
> We must soberly acknowledge the global dangers which confront us. We must bring to the defense of this nation every ounce of loyalty, devotion, and courage that is within us, and do so without reservation or hesitation.
>
> In an effort to be objective and fair, I must say that I am greatly concerned about the future of our position in Southeast Asia, particularly South Vietnam. I do not set foreign policy but if I were asked, I would recommend a policy of leading South Vietnam to victory against the Viet Cong or else get out.
>
> Our prestige there suffers daily in the morass of hesitation and indecision. It may be that since the overthrow and assassination of the Dinh brothers that the South Vietnamese Government leaders do not want to win. If the present Vietnamese leaders do not have the will to win, we cannot supply that vital ingredient.
>
> If we cannot inspire and lead them to victory, we should get out and save what face we can.

Many people to whom I have related this, including some of those who were present when I said it have very properly asked me:

> If you felt that way in 1964 why didn't you do something about it then?

The only answer which I could give then and the only answer which I can give now is that there are certain times and certain circumstances when you have to trust somebody and take certain things on faith. It turned out that I trusted the wrong people and that I took certain things on faith that simply were not so.

In 1964 I believed and recognized then that our military involvement in Vietnam was a serious mistake. I supported it only because I had an undeserved faith that those who made decisions had information that I did not have and I believed that they had the interests of the United States of America in their hearts and minds. As soon as I reached the decision that our military involvement in Vietnam was a tragic mistake, and that those who made the decision to so involve us may have had no more and no better information than I had, I began to turn my efforts toward terminating the tragic mistake of our involvement in Vietnam. Since 1964 there has been an intensive effort, amounting to mob hysteria, to compound the mistakes of 1964 instead of making some effort to correct them.

Mr. Chairman, in July 1966, when the House considered and debated the defense appropriations bill that year, I came very close to making the same speech then that I make today. But even in 1966 I still had that faith which I no longer have. On July 20, 1966, I said and I quote from the Record of that day:

Mr. Mahon. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. Flynt].

Mr. Flynt. Mr. Chairman, I support H.R. 15941, and I support the total appropriated amount of $58,611,045,000, and I support it without reservation or equivocation. I support it because the security of the United States of America and the defense of freedom on this planet depends upon it. I am grateful to the distinguished chairman of the Committee on Appropriations for his generous allocation of time to me and for assigning this time immediately following the members of the Subcommittee on Defense Appropriations.

The subject matter of this bill is not questioned by any Member of this House. I hope that it will pass by a unanimous vote.

Mr. Chairman, if the bill provided a greater or a lesser amount, my support of this appropriation bill would be equally strong. The easier course of action would be to commit my remarks to writing and to extend them in the Record at this point. However, I subscribe to the words of Edmund Burke:

"All that is necessary for the forces of evil to triumph is for good men to do nothing or to remain silent."

I have no question about the need for the amount contained in this bill, but I do have certain questions which should be asked. As a member of the Committee on Appropriations I have that right, and this is the proper forum for such questions to be asked. The first question—and it is of a general nature—is what is our policy and what is our objective in our present military commitment and our involvement in war in Vietnam.

We shall follow our troops and our flag in any direction, but we are entitled to know our destination and the purpose of the trip.

There have been certain decisions which have led to our massive commitment in Vietnam which I have opposed. If I had been called up to make the original Vietnam commitment, I probably would not have made a military commitment in Vietnam under the unstable political conditions which existed. Yet, when the Commander in Chief, and indeed three separate Commanders in Chief, committed our men at arms and the flag of our country, he committed me at the same time. It is my purpose as a citizen of America and as a Member of this body to support this country and this Government in every way that I can.

When the bullets are flying, and the honor and prestige of this country are committed on a foreign battlefield, politics should properly end at the waters' edge.

It is the responsibility of each of us in the official capacity in which we serve to make certain that the members of the armed services committed in Vietnam receive the unreserved support of the Congress of the United States and of the American people.

Especially, it is the responsibility of us to make certain that the funds which are appropriated in this general appropriation bill for the Department of Defense, are expended wisely in such a manner that the commitment and honor of the United States are upheld.

Therefore, I renew the question which I have earlier raised: What is our policy in Vietnam, and where is it going to lead?

In the early part of this year, in a conference participated in by a number of my colleagues and myself, with a number of our counterparts from the House of Commons of Great Britain, we received there a substantial consensus of the thoughts of officials, businessmen, and private citizens, of probably the greatest ally that this country has, Great Britain.

There were those who spoke quite frankly during this conference. There were those who were alarmed by the lack of a definite, stated policy of our position in Vietnam, and where that policy will lead.

Mr. Chairman, there were those, including various senior members of the House of Commons—and there was one who had served as Prime Minister and another who was formerly a Minister of Defense in the British Government—who were outspoken in their belief that unless the United States of America took such action as might be necessary to promptly terminate this military involvement in Vietnam and with a military victory, that the alternative might be a 30-year land war on the continent of Asia. These men know from experience and their own national history what is involved in military operations in Asia.

Each of us deplores the possibility of a 30-year land war in Asia or a prolonged military involvement in warfare there.

It is extremely doubtful that this, or any other Western power, could survive a land war in Asia of the duration and magnitude that such a contingency would require.

Therefore, Mr. Chairman, I think the time is not only present, but it has longer since passed, that our military objective in Vietnam be announced and that it be announced in language so clear that it can be understood throughout the world by friends, foes, and uncommitted nations alike.

Many of my friends at home as well as many of our colleagues feel—and with this I must agree—that a military solution alone does not hold the complete answer to what is taking place in Vietnam. However, just as I recognize that fact, I firmly believe that we cannot achieve the other and equally great solution without first achieving a military victory in the same way that every military force of the United States through World War II has always achieved victory when committed to warfare, declared or undeclared.

The Chairman. The time of the gentleman from Georgia has expired.

Mr. Lipscomb. Mr. Chairman, I yield the gentleman from Georgia 5 additional minutes.

Mr. Flynt. I thank the gentleman from California.

Mr. Chairman, during the past few weeks I have had the opportunity to meet with and to discuss in both small and large groups, the war in Vietnam. As a result of those conferences and meetings, I think that there is absolute assurance that the people with whom I have talked, the people of the Sixth District of Georgia, and as near as I can ascertain, all of the people of our great State not only love our country, but they support it and its policy. They support our Government, right or wrong, and whether they agree with the administration or not, they support the policy of the United States and our Armed Forces engaged in Vietnam. However, I am convinced that this support would be more enthusiastic and 10 times as strong if there were a definite announced and stated policy of terminating this war with dispatch, with honor, and with victory.

Mr. Chairman, I regret that I did not follow my remarks on July 20, 1966, by offering an amendment to set a termination date for U.S. combat operations in Vietnam. I have no illusions that such an amendment would have been adopted on July 20, 1966, but subsequent knowledge proves to me, at least, that it would have been the right thing to do.

When I came to the full realization that what we were hearing about the Vietnam war was only what the administration wanted us to hear, I came to the position which I now hold. If there had not been a change of administration on January 20, 1969, I would have come to this position then. I still delayed taking this position because I recognized the fact that President Nixon had not started this war but had inherited it, and in his campaign for the Presidency in 1968 he assured the American people that he was going to bring it to an end. I believe that this assurance given to the American people was the deciding factor in his election to the Presidency. The vote for President in 1968 was so close that I believe that the President would not have been elected in 1968 had he not made this assurance.

Believing his assurance that he was going to terminate the war and also he was going to terminate our military presence in Southeast Asia, I withheld my immediate change of position and wrote the President the following letter:

Washington, D.C., *April 17, 1969.*

The President,
The White House,
Washington, D.C.

Dear Mr. President: During the Easter recess, nearly everyone with whom I spoke asked my impression of your first three months as President, and of your administration generally.

You would be pleased with what I said publicly and privately. In both prepared remarks and in response to questions, I spoke in very high terms of you as a man of great ability, strong character and great integrity. I praised your Cabinet appointments. I expressed my intention to do my part to make your administration a success and to strengthen our country. I believe my constituents feel the same way.

The overriding issue in the minds of nearly everyone is the Viet Nam war and its conduct. With great respect, Mr. President, a significant factor in your election was the faith that the American people had that you would change the old policy, abandon the idea of appeasement, and either terminate the war by a military victory, or denounce the old policy as a tragic mistake and withdraw unilaterally, if necessary.

The people with whom I talked were *appalled* that the Secretary of State, my good friend Bill Rogers, reportedly told the Senate Foreign Relations Committee that the policy of this administration was not to achieve a military victory.

They feel and I feel that this statement by the chief architect of American foreign policy (next to yourself) was tantamount to a victory for Ho Chi Minh, North Viet Nam and the National Liberation Front. If that is our policy there is no reason for our enemies to come to terms at any negotiating table. When the belligerents are as unevenly matched as the United States and North Viet Nam, a failure for us to prevail militarily is a complete military *and* political victory for our enemy.

War should be avoided at all costs, save cowardice, but once we are committed to war there is *no* alternative than to apply every available means to bring it to a swift and decisive end. War's very object is victory—not prolonged indecision.

There seem to be among your advisers those who fear what China will do and recommend to you a course of action which would appease Red China. Those who so advise you are blind to every clear lesson of history.

The seizure of the Pueblo in 1968 and the shooting down of an American unarmed reconnaissance aircraft on 15 April 1969 would never have taken place except for the apparently indefensible position we take in Viet Nam. All other nations, friend and foe alike, are now looking on us as a gutless paper tiger instead of a world leader.

If this policy continues, we will be subjected to an interminable series of humiliations which include acts of piracy and acts of war.

One of my British friends recently asked me why we were so concerned about the spread of communism in Southeast Asia when we were oblivious to a total Communist take-over 90 miles from the United States mainland. I could not answer.

Mr. President, there may be reassuring facts to which I do not have access. If there are, arrange for these facts to be made available to me. I shall keep inviolate their classified status, but I need such facts in order to give some kind of assurance to the people whom I represent.

I feel that the Paris negotiations are a farce at best and a fraud at worst. They seem to be doing nothing but prolonging the Viet Nam war. This country cannot survive a prolonged war in Southeast Asia or a resumption of the Korean War, and we are perilously close to having to engage in both simultaneously.

Mr. President, I shall support your decision to achieve a military victory or to withdraw. I can no longer support a continuation of the present no-win policy.

This letter is not being written to serve as a springboard for a public statement. It is written because I think the future of our country demands that I write it to you.

I believe that I am entitled to a reply from you because I need some answers for questions which my constituents ask me.

With great respect and high esteem, I am

Sincerely yours,

JOHN J. FLYNT, Jr.,
Member of Congress.

In December 1970, I reached the decision that if the war in Southeast Asia is going to be terminated that the Congress and Congress alone must do it. Accordingly, since that time I have voted for every amendment that I thought would bring about the end of the war in Southeast Asia, and I have voted against all legislation which I believe will have the effect of continuing and perpetuating this war. This policy I shall continue to follow. I shall not vote against the defense appropriation bill, but I shall vote for it only after I have made every effort to amend it so as to terminate the Vietnam war.

I urge the adoption of the amendment which will terminate the war on or before June 1, 1972.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I rise in support of this bill in general, but for a number of months I have been studying the F–14 program and I cannot help but be struck by a number of unanswered questions that surround this program. For example, are the carriers on which the F–14 will be stationed excessively vulnerable especially to nuclear attack? Do the Soviets have an aircraft truly superior to the present U.S. aircraft? Does the variable-sweep wing used in this plane have more advantages than disadvantages? Will the Phoenix missile and its associated electronic systems prove to be an effective weapon in conjunction with the F–14 airframe? In sum, despite the extremely optimistic claims of the Navy, is the F–14A clearly a better aircraft than the present F–4?

The importance of these questions is compounded by the enormous size of this program. Some estimates of the 10-year cost of this program run to $25 billion.

Mr. Chairman, my major concern with the F–14 program is that the Navy is moving into production too rapidly with the F–14A. Eighty-six of these planes are currently under contract, despite the fact that there has been no Navy flight test or evaluation of the plane—merely company testing. A number of components of the F–14, which are critical to the development of the plane as an effective weapon system, such as the B engine, are over 1 year behind schedule. The AWG–9 fire control system and the Phoenix missile have not been fully tested. A significant failure in any of these subsystems could jeopardize the entire system.

In the past, the production of vast quantities of weapons before performance has been demonstrated, has led directly not only to substantial cost overruns but also to weapons that are defective and in some cases unusable.

It must be remembered that 141 F–111's were purchased before the Air Force determined they were so underpowered they could not be deployed.

However, the Navy argues that the F–14A is the only U.S. plane that can counter the main Russian threat—the Mig–23 Foxbat—and is therefore urgently needed and the program cannot be slowed down.

Much controversy still exists as to whether the F–14A is substantially better than the improved F–4J with maneuvering slats and an up-to-date fire control system. There are paper studies in the Pentagon that prove both sides are right, but I think the Congress has bought too many airplanes—based on paper studies. It is time we see the results of real competition in flight.

My real fear is that the Navy is embarking on a multibillion-dollar program which may not produce a plane that is really better than the one we already have.

The reason for my concern over this question is the very substantial difference which exists in the Pentagon's own studies comparing the major criteria of the F–14A and the improved F–4J essential for a true air-superiority fighter. The divergence in claims is astounding.

During the Senate debate on the F–14, Senator SYMINGTON quoted a Pentagon study which claims that the F–4J is superior to the F–14A, thus corroborating another study that Senator PROXMIRE had quoted. The Symington study seemed to show that the F–4J outclimbs the F–14A; at combat gross weight, the F–4J outturns the F–14A; and the F–4J also accelerates faster than the F–14A from cruise speed.

However, on the other side of the battle of paper studies, Admiral Zumwalt claims that "analyses consistently show the F–14A will be significantly superior to the F–4J." The admiral's studies show the F–14A with 50 percent better acceleration; 15 to 55 percent better in combat rate of climb; and 40 percent better turn radius.

Mr. Chairman, how is a mere Congressman going to decide between these widely divergent counterclaims? With this kind of divergence, we have to reconcile the claims, and I think I have a sensible proposal that is in the spirit of the Pentagon's "fly before you buy" policy.

The Navy has assured me that the full capabilities of the F–14A and its weapons systems should be verified in the June 1972 second Navy preliminary evaluation. June 1972 would be a logical time for the Navy to make its case for the urgent need for the aircraft by staging a direct competition, or fly-off, between the F–14A and the improved F–4J, to make some concrete determinations as to the relative effectiveness to the two planes. To assure fairness in the competition, the GAO should closely monitor these tests. The two planes should be compared over the full range of their flight characteristics and with the latest measurement techniques.

If it turns out that the F–14A is not substantially better than the F–4, the program should be slowed down immediately. Depending on the outcome, alternative aircraft should be pursued, such as a new lightweight fighter similar to the plane the Air Force plans to build as a complement to the F–15—a concept that the committee vigorously supports.

If the planes are essentially comparable in performance it is of devastating significance when we are thinking of replacing the F–4 with the F–14A's costing more than four times as much per plane.

If the Navy refuses to compare these two planes in a fair flight competition, I would be extremely suspicious and I think there are many in Congress who would want to know what the Navy is trying to hide.

Despite all these reservations about performance of the F–14, the Navy alleges that a further slowdown would entail a breaking of the contract with Grumman, which it claims would add about $1.5 billion to the total acquisition cost. This contract was made in direct violation of the Pentagon's "fly before buy" policy. It should never have been made. But this is not the first time the Pentagon has violated its "fly before buy" policy, and it will not be the last unless the Congress bites the bullet and forces the Pentagon to accept the consequences of its haste-makes-waste policies.

Never again should the Defense Department be allowed to put Congress over the barrel, as we are today. Never again should the Congress allow the Defense Department to go into production, into mass production, on a weapons system that has not been fully tested and evaluated.

Mr. Chairman, I yield back the remainder of my time.

Mr. MINSHALL. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. I thank the gentleman for yielding.

I take this time to ask a couple of questions of the chairman of the committee.

It is my understanding—and I hope the chairman agrees with me—that some of the best personnel we have in all the services are the rated personnel, the men who fly airplanes, whether for the Army, the Marines, the Air Force, or the Navy; and that they are essential to the future of our military services. They are men we want to encourage to stay in the services and to develop their talents, skills, and motivation.

Also, some of these very same people are the brightest young men we have—junior officers who want to go to schools of one kind or another to improve their talents and career advancement and their contribution to the service and to the Nation.

Section 715, as I understand it, says that no funds in this act shall be used for proficiency flying except in accordance with a Department of Defense order, and there shall not be required the performance of proficiency flying, but they may permit such flying except in the case of members who have been assigned to courses of instruction for 90 days.

It seems to me we are saying that the rated personnel who want to go to school and develop themselves better are not going to be permitted to fly. Am I wrong in my evaluation of this section? If not, could the gentleman please tell me why we do not want our students to continue their flying?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. Yes, of course; I yield to the gentleman from Texas.

Mr. MAHON. To maintain airbases and airplanes and maintenance crews for these students did not seem to be wise or necessary under the circumstances. This was provided for in the law last year, and, to the best of my knowledge, there have been no serious problems arise as a result. I do know that some people are not entirely happy with it.

Before these students or any rated officer can return to operational flying after going to a school or after being assigned to nonflying duties, it is necessary to go through an extensive retraining program. The proficiency aircraft most pilots fly are far less sophisticated than the aircraft they would be flying when they return to an operational billet. Perhaps this would contribute to their enthusiasm for flying but would be of very minimal value insofar as their fitness for military duty was concerned.

It was just thought that this was an appropriate way to deal with this situation. We have provided in this section for the possibility of making some reductions in the cost of proficiency flying by not requiring people to do proficiency flying under certain circumstances in order to get flight pay.

I would be glad to say to the gentleman, who is a very distinguished and very able Member of the House, that I will be glad to look into the matter further. I am sure the subcommittee will, too. It may be that some modification can be made.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MINSHALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. Chairman, I would like to advise the gentleman that it was the intent of the committee in denying these students the right to perform proficiency flying that while attending school they should spend their time behind the books rather than behind the throttle. To send these pilots to school costs a considerable sum of money and they should devote their full time and attention to that schooling.

Mr. TALCOTT. I commend the chairman and the ranking member and the full committee for trying to save some money. I think that we can save considerable amounts of money which are used in developing flying schools and in creating flying facilities and in the maintenance of aircraft and facilities if they are not necessary to maintaining flying proficiency.

I simply wanted to be assured that rated personnel who become students would be permitted, like other personnel, to fly, to keep up their proficiency, if they desired.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I am concerned with the provisions of section 713 (c) which appear on page 34 of the bill. When the House reads the bill for amendment I shall offer an amendment to change the section by limiting the power it gives to the President to 60 days at the end of which time he would be required to come to the Congress to obtain its approval for the additional troops that he has called up. The reason for my amendment is that this section gives the President a blank check to give him the right to call to active duty as many troops as he thinks necessary even though that number exceeds the mandatory troop levels that have been established by the military committees of the House and the Senate and by the funding of the Committees on Appropriations of the House and the Senate. What awesome power to give to the Chief Executive and without check.

Some years ago when President Truman seized the steel companies, the Supreme Court decided that he had exceeded his powers as Chief Executive having acted without congressional authority. In his decision Justice Jackson said:

> We may say that power to legislate for emergency belongs in the hands of Congress but only Congress can prevent its power from slipping through its fingers.

In section 713(c) of this bill, it is proposed that Congress should relinquish its power, should let it slip through its fingers by giving complete authority to the President to call up as many men into the Armed Forces as he thinks necessary. Even the gravest emergency should not provide the Chief Executive with such power without congressional approval. The Constitution gives the Congress the responsibility and the authority to raise armies and to provide the funds to pay for them. It is a joint responsibility. Congress must be consulted.

Even the best of Presidents should not have such power, for all Presidents are mortal with human failings. If he is a good President, he will not want such power. If he is a bad President, he certainly ought not to have it.

If there is any lesson to be learned from Vietnam it is that the Executive should not be permitted to act without congressional supervision.

Unfortunately, too often the Congress has deferred in its judgment to that of the executive branch. Unfortunately, too, these days the executive branch has come to assume that in matters of foreign policy—especially foreign policy which may lead to wars—the Congress is under the duty to accept the judgment of the executive branch.

Too frequently the executive branch has failed to follow the sage advice of the late Senator Vandenburg that the Congress should be informed and consulted before the takeoff and not merely at the end of the crash landing of an ill-fated venture.

And, that is the purpose of my amendment: To bring the Congress into the picture before we are so overcommitted by the President that it almost impossible to extricate ourselves. In this day and age when wars can break out anywhere on the face of the globe, when it may be decided that American Armed Forces should be dispatched to an area of conflict in order to influence the decision, the Congress must be consulted. In a time when wars need not be declared—indeed today that formality is rarely observed—in a time when wars can be undertaken solely by Presidential decision, it is of critical importance that there be congressional review and that such review occur within a reasonable period.

In the absence of a declaration of war, the only oversight Congress has of a Presidential action initiating American armed intervention is through its power over the purse strings. Section 713(c) proposes to waive that power and to give the President the absolute right for the duration of a fiscal year at least to do as he wishes with our Armed Forces expanded to any size he sees is necessary without having to come back to Congress for funds to assist such action.

I believe the authority requested is excessive, arbitrary and unreasonable.

I shall offer my amendment at the appropriate time.

Mr. MAHON. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Chairman, from all appearances, President Nixon has convinced most Americans that he is ending our involvement in Vietnam and he is now mesmerizing them with the illusion of action to end our economic chaos. The defense appropriations bill before us today offers a prime opportunity to set the record straight on both counts.

First of all, the President is not getting us out of Vietnam. It is apparent that he has every intention of maintaining a permanent military presence in Southeast Asia and of merely substituting increased air warfare for the decline in ground combat. It is also apparent that the withdrawal of our uniformed combat forces is being more than matched by the escalation of covert activities, particularly in Laos and Cambodia, under the aegis of the Central Intelligence Agency.

Actually, Mr. Nixon no longer has to rely on a massive U.S. military force in Vietnam. He obviously feels the American people will tolerate any level of air combat, regardless of how much of Indochina is laid waste in the process. And with the failure of Congress to effectively prevent the President from conducting a secret war through the CIA and through paid mercenaries, his freedom to continue our tragic involvement in Southeast Asia remains unchecked.

The fraud of his Vietnam policy is more than matched, however, by the fraud of his economic policy, as evidenced by the bill before us now. The economic dislocations under which so many millions of Americans are suffering are the direct result of our involvement in Southeast Asia and the continued dominance of defense spending is our first national priority. The defense appropriations bill on which we will soon vote perpetuates a distortion which not only has been a prime cause of inflation, but which also has seriously retarded our ability to meet urgent domestic problems.

More than a billion and a half dollars of this $71-billion bill is earmarked for one item: procurement of ammunition for all Army weapons except missiles. The committee would have us spend half a billion dollars more on this item than spent last year and this increase represents fully a third of the total increase in the bill over last year's defense money bill. If the war in Vietnam is ending and our troops are coming home, why are we spending so much more on ammunition for the Army?

Let me read you the paragraph from page 84 of the committee report. It says as follows:

> This appropriation finances the procurement of ammunition for all Army weapons except missiles. It also provides industrial facilities needed for production of ammunition end items and components, the modernization of Army ammunition plants, and the layaway of Government-owned plants and equipment at the time ammunition production is completed and where it has been established that the facilities will be required in the event of mobilization.

Now, Mr. Chairman, let us analyze that paragraph to see why we need another one-half billion dollars more for ammunition for the Army. What happened to the wage-price freeze? Why does it cost that much more money to manufacture these items? Do we need it for the industrial production—for the production of ammunition? Do we mean that after all these years we no longer have industrial facilities with which to produce this ammunition? Do we need it for the modernization of Army ammunition plants? What is meant by this?

They say that we want it for "the layaway of Government-owned plants and equipment at the time ammunition production is completed, and where it has been established that the facilities will be required in the event of mobilization."

Are we preparing to mobilize for some unknown war, and that is why we have to spend half a billion dollars more this year than last year?

I wish that the distinguished gentleman from Iowa (Mr. GROSS) were to take this bill apart in the same way that he takes apart the bills that we propose for education and for housing. But certainly if the Committee on Appropriations is as concerned about what they refer to on page 3 of the report as excessive spending affecting the economy, it would seem to me that the half-billion-dollar increase should not be for ammunition for the Army or for building toward any future mobilization, but should be spent on the legislation that we propose for education, for housing, and for the needs of this country.

Mr. Chairman, it is precisely this kind of unnecessary and unproductive spending that causes the inflation about which the committee expresses such deep concern in the report accompanying this bill.

If the Committee on Appropriations wants to end unemployment and bring our economy out of the doldrums, let it bring forth increased appropriations for housing, health programs, mass transit, and education. Let it not resist our attempts to reorder spending priorities through such efforts as the Hathaway amendment to the education appropriations bill. And let the committee insist that the White House end the totally unjustifiable freeze on more than $12 billion in congressionally approved appropriations for housing and community development programs. These measures will stimulate the economy. These measures will create jobs where they are needed most. And these measures will enable us to get on with the important work of repairing the fabric of American society that has been so cruelly torn by the war in Vietnam.

We are told that the war is being wound down. But the military budget goes up. This is the only time in American history that we will spend more for the military at the end of a war than while the war was still going strong. It is time to ask some hard questions.

Why is it that in a period when the yearly costs of the war in Vietnam have been cut in half from the high of about $25 billion in fiscal 1969, the military budget should rise?

Why is it that the United States, 25 years after World War II, still stations over 300,000 troops plus their 200,000 dependents in Europe and spends about $14 billion a year on NATO defense?

Why do we continue to devote a disproportionate share to the defense of Europe when the European nations have never met their NATO commitments when their balance-of-payments position contrasts favorably with ours, when their population is in fact larger than that of the United States, and when they have made a full and complete recovery from the devastation of World War II?

Is it not about time that the doctrine President Nixon enunciated at Guam—the doctrine which proclaims that—

> We shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense—

Be applied to Europe?

And why should defense spending rise when the Secretary of Defense has publicly proclaimed that the basic concept of our military strategy has changed from the two-and-a-half-war concept to that of having sufficient forces to fight one major war and one minor war.

In my view, this bill should be defeated. That is the only way we will get a reassessment of the proper role of defense spending. But I realize there is little likelihood sufficient votes can be mustered against this bill.

The very least we must do, therefore, is to adopt the Boland amendment setting a June 1 deadline for termination of our military operations in Southeast Asia, and the Aspin amendment reducing the military appropriations for fiscal 1972 to the level of the last fiscal year—$69.5 billion.

This administration has done nothing to put the Nation's spending priorities where the needs really exist. Congress must accept the challenge.

Mr. TEAGUE of Texas. Mr. Chairman, my greatest concern at this time is the potential danger to our defense posture from the standpoint of tactical fighter aircraft. The only tactical fighter aircraft, productionwise, available to the Air Force, as I understand it, at this time, are the F–4, the F–111, and the A–7.

The F–15 and AX are in the development stage, but will not be available in sufficient production quantities until sometime after 1975; more than 4 years from now.

It is disturbing to note that as the F–111 and the A–7 lines are closed, only the F–4 and the F–15 would be in production with one manufacturer and a monthly tactical fighter aircraft delivery rate of less than 10 per month in calendar year 1974. The potential danger to the defense posture of the United States by our low total tactical aircraft inventories and minimum number of aircraft production lines require that existing production lines remain in being. The options with present aircraft types should be continued until the United States is guaranteed that future aircraft developments are proven and available in sufficient operational quantities to meet any potential threat to this country.

Mr. VANIK. Mr. Chairman, I object to many of the provisions in the $71 billion defense appropriation bill under debate today. I will support amendments to terminate American military involvement in Southeast Asia as of June 1, 1972—if our POW's are released—and to provide that the total defense appropriation for fiscal year 1972 shall not exceed the amount appropriated in fiscal year 1971.

If these amendments fail, I feel that it will be necessary for me to cast my vote against this bill.

The American people have clearly and overwhelmingly indicated that they want this war to end. As 14 members of the Appropriations Committee stated in separate views to this legislation:

> The story of the immense and immeasurable loss to this country, in lives and limbs, in resources, in spirit, in direction and in the imbalance of our overall defensive posture, has been told again and again. The even greater costs to the people of Southeast Asia similarly have been spelled out.

The publication and discussion of the Pentagon Papers and the travesty of the recent presidential election in South Vietnam have accelerated our people's disgust and sorrow with this tragic war. A Harris poll released November 11 indicates that those who feel that our involvement cannot be morally justified has jumped from 47 percent to 65 percent.

The Mansfield amendment, accepted

as title VI of the military procurement bill, calls for the termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for Americans missing in action. By indicating a specific date of withdrawal the North Vietnamese will be induced to cooperate on the issue of POW exchange.

If the amendment is not accepted, I must vote against the total bill, because recent court decisions have held that continued congressional approval of Department of Defense appropriations has, to the satisfaction of the courts, demonstrated national support of a war conducted through proper constitutional channels.

I do not support endless continuation of this war. I believe that our Constitution and separation of powers doctrine has been severely hurt by the fact that this war has gone on for 10 years, at one time engaging 500,000 men, has cost us over 55,000 men killed, all without a formal declaration of war and national debate by the Congress. According to the courts, Congress has, for all practical purposes, declared war by approving appropriations of the Department of Defense. For the sake of the Constitution and the future policy decisions of this Nation, this practice must end.

The court cases in this area are worth describing in more detail. On October 21, 1971, the U.S. Court of Appeals for the First Circuit handed down a decision in the case of Massachusetts against Laird. In this case Massachusetts sought a declaration of unconstitutionality concerning our involvement in Vietnam, since war had not been declared or ratified by the Congress. It, therefore, sought an injunction against the Secretary of Defense barring further orders to duty in Southeast Asia of Massachusetts men, if, within 90 days of a decree, the Congress did not declare war. In addition, Massachusetts claimed damage both as a sovereign State and to its citizens, citing the deaths and injuries of its inhabitants, consequential loss of their prospective civic and tax contributions, increased claims of dependents, additional burdens on its economy, mass demonstrations, and damage to its public's morale.

Complaints that would be valid in any State of the Union. The State of Massachusetts held that participation by the United States in hostilities other than an emergency is unconstitutional unless initially authorized or subsequently ratified by a congressional declaration of war according to the constitutionally established procedures in article I, section 8, clause 11, of the Constitution." The State did say that constitutionality could be achieved by a "constitutional equivalent" for a declaration of war or by specific ratification of executive actions.

The Court upheld the executive branch, saying:

> All we hold here is that in a situation of prolonged but undeclared hostilities, where the executive continues to act not only in the absence of any conflicting Congressional claim of authority but with steady Congressional support, the Constitution has not been breached. The war in Vietnam is a product of the jointly supportive actions of the two branches to whom the congeries of the war powers have been committed.

To support this appropration bill would be to support the indefinite continuation of the war. This I cannot do.

Even if the war question were not at issue, I would seriously object to some of the major programs which are being funded by this bill.

The bill includes an appropriation of nearly $1.2 billion for the ABM Safeguard system. At a time when the SALT negotiations are continuing, at a time when the President is planning a visit to Moscow, I seriously question whether this appropriation should be made at this time. It is argued that it is needed to convince the Soviets that we mean business. If so, why not appropriate the money on a contingent basis. Otherwise, we may be pouring concrete and ordering equipment that we will soon scrap.

The bill also includes funds for purchase of the F-14 aircraft for the Navy; yet, weapons systems on which this plane is dependent have not yet been proven or, in cases, developed. This advanced fighter, on which there has already been heavy cost overrun, is designed to protect the fleets' aircraft carriers. But the wide range of missiles and submarines which the Soviets could deploy against these ships makes them so vulnerable that serious question must be raised about the placing of fighters worth $16.6 million apiece on board these ships. I will vote to strike out the appropriation for the F-14 aircraft.

In a bill of this dimension, it is impossible for the legislator to prudently evaluate and monitor such an immense package of public spending. It seems that this legislation is presented in this way to suppress inquiry and the initiatives of economy. Irrational and excessive military spending can no longer be tolerated. The Congress and the American people must be more active and informed participants in decisions which constitute so large a commitment of manpower and resources. It is my hope that this legislative process can be made more responsive to the real needs of the national security. Under the confusing conglomerate of a $71 billion expenditure of the taxpayers' dollars in a single bill, this legislation presents a most difficult and impossible task to the legislator who endeavors to participate constructively in the critical decisions which are involved in a bill of this magnitude.

Mr. STRATTON. Mr. Chairman, I want to take a moment to pay special tribute to the Appropriations Committee for the action that they took in connection with the so-called main battle tank, the MBT-70 or as it is now designated, the XM-803. Although the conference version of the defense authorization bill provided funds for continued research and development on this tank, I have been fighting against it, as Members know, for several years as an unnecessary and extravagant waste of the taxpayers' money.

I am delighted to see that the facts which I have been presenting to the House and also to the conference, incidentally, have registered with the Committee on Appropriations and that they have now very wisely eliminated from this bill all funds for the main battle tank program.

The reasons for this action are spelled out in some detail on pages 73, 74, and 75 of their report. They can perhaps best be summarized by making three specific points.

First, the Army has finally succeeded in marrying the Shillelagh missile to the chassis of the M-60A1 tank, which is currently our main combat tank in Europe. This effort, stalled for technical reasons for too long a time, has finally succeeded, so that now the M-60A1E2 is a reality, and this new tank, combining the combat capability of the M-60A1 and the Shillelagh missile firing capability of the Sheridan, represents a capability which is almost as good as the MBT-70. Moreover, it is available now, whereas the MBT-70 would not be available at best for at least 3 or 4 more years.

Second, the costs of the MBT-70, as the Appropriations Committee has very clearly pointed out, have continued to soar, so that even if the MBT-70 were to become available, it would cost some $900,000 a copy for a single tank, mind you, compared to only $450,000 a copy for the M-60A1E2, which, as I have already indicated, performs almost as well and is available immediately rather than 4 or 5 years in the future.

Third, there has never been any real problem of the superiority of Soviet tanks to our own in the European theater. Every top Army commander has indicated that the M-60A1, which has been the standard tank available in Europe, is superior to the best that the Soviets can put against it. The trouble has been that we just do not have enough of them compared to the tank inventory of the Warsaw Pact countries. Instead of spending hundreds of millions of dollars on the MAT-70 these past few years we would have been much better advised to have procured more of these tanks that are already in inventory, and which have so well demonstrated their capability of doing the required job.

Instead of that, as I pointed out several years ago, we closed down the M60 assembly line for a considerable time, and many of the M60 tanks which we had in inventory then we sold or even gave away to other governments, although in fact we needed them desperately ourselves to provide an adequate deterrent to Soviet tank forces in the NATO area.

This is another case of the Army spending money on weapons which cannot be available until some distant, future date, and even then with only dubious capabilities, and at the same time neglecting to provide for our Armed Forces the weapons we need here and now to meet the threat which we presently face.

I do support the committee's recommendation for further research to develop a new tank that will represent a significantly improved capability for the period of 10 or 15 years in the future. But I would point out that judging from the experience of our German friends, who were originally associated with us in the MBT program, the path of the future lies in the direction of smaller and more maneuverable tanks rather than in the concept of a land battleship, which is what has laid behind the MBT–70.

As one who has been a strong supporter of an adequate defense, I take this opportunity to point out again that my support has never represented blind acquiescence to any and every project put forward by the Department of Defense. In this case I am especially pleased to see that a fight which I have been waging several years and against very bitter opposition from the top levels of the Army and the Defense Department has now finally been won.

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD).

Mr. MAHON. The gentleman from New York made a very pertinent observation with respect to the ammunition budget of the Army; however, on an analysis of the facts, it should be quite apparent that a comparison of the fiscal years 1971 and 1972 new obligational authority budget requests are misleading.

First of all, the ammunition budget of the Army contains a certain amount which does not buy ammunition per se; namely, production base support. Funding for production base support buys production tooling, pays for the layaway of unused facilities, is used to modernize ammunition production plants, and things of this nature. In the fiscal year 1971 budget, the amount for production base support was about $125 million, and for fiscal year 1972, it is approximately $230 million, an increase of about $100 million over last fiscal year.

The largest part of the $230 million for production base support for fiscal year 1972 is for modernization of certain Army ammunition plants and the layaway of others.

Our report shows that the fiscal year 1971 budget for ammunition is about $940.4 million. But this is in new money. Actually, the fiscal year 1971 program for ammunition was $1.1 billion, only about $400 million less than this year's program.

The Army was able to finance over $200 million of the fiscal year 1971 ammunition program from prior year balances. This is the reason the Army only has a $940.4 million budget to finance a $1.1 billion ammunition program in fiscal year 1971.

I have already explained $100 million of the $400 million difference. Now, of the remaining $300 million increase in ammunition for fiscal year 1972, approximately $200 million will be used, hopefully, to replenish previous drawdowns of our war reserve ammunition stocks. assuming the tempo of ammunition consumption in Southeast Asia remains at the current level. This was all taken into consideration at the time the fiscal year 1972 ammunition budget was prepared.

Another point I wish to make is that the fiscal year 1972 budget for ammunition is not all for the needs of our U.S. forces. I would estimate, based on data provided by the Army, that of the fiscal year 1972 Army request for ammunition, approximately $800 million will be used by South Vietnamese and other free world forces which will now perform the major combat role in Southeast Asia.

I hope I have adequately answered the concern and observation of the distinguished gentleman from New York. The gentleman has raised a good question and he can be sure that the committee will look into this area very carefully.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I have read, as I am sure all of the Members of the House have, the "Additional Views" that are found on pages 127 and 128 of the committee report, which are signed by 14 members of the House Committee on Appropriations. I share their interest and their concern they have expressed for our prisoners of war.

The question that I would like to pose is that I take this as a finding and a conclusion that you gentlemen, you 14 gentlemen have reached when you say that the negotiators have stated also "that if a deadline is established, the prisoners will be returned to us."

I would like to have you gentlemen identify for the RECORD the negotiators by name, and the countries they represent, who have specifically and definitively gone on record as saying that if we would set a deadline for withdrawal then our prisoners would be returned.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I will be happy to yield to the gentleman, but only for the purpose of identifying those negotiators.

Mr. YATES. I am one of those who signed this statement.

Mr. LENNON. I yield to the gentleman to identify by name and nation those negotiators whom you quote here as saying this will assure us the return of our prisoners if we will set a date certain, meaning June 1, 1972.

Mr. YATES. If the gentleman will yield——

Mr. LENNON. I yield for that purpose only.

Mr. YATES. I would refer the gentleman to a recent newspaper report that appeared some months ago, and I do not have the names at my fingertips at the present time.

If the gentleman will yield for one further point——

Mr. LENNON. I yield if I have the time.

Mr. YATES. I have a letter here from the Prisoners of War and Missing in Action Families for Immediate Release, addressed to Representative BOLAND——

Mr. LENNON. I cannot yield any further. I want to tell the gentleman that if he is relying upon any representations of the negotiators representing North Vietnam that he is pouring water down the drain, and I think he ought to know that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YATES. The gentleman talks about pouring water down the drain. The fact is that Vietnam is the drain and we have poured much too much blood and money down that drain. That will continue under the present schedule as announced by the President and Secretary Laird. We must take a new initiative. I believe the Mansfield amendment was and is such an initiative. It requires a return of our prisoners of war. The amendment which will be offered by the gentleman from Massachusetts (Mr. BOLAND), implements the Mansfield amendment and I support it.

Mr. MAHON. Mr. Chairman, I ask that the Clerk do now read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; $182,791,000.

Mr. EDMONDSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I support the defense appropriations bill on most points and also appreciate the committee's effort to obtain reductions in some program costs. I hope the committee is justified in its statement that—

> No essential programs have been adversely affected by the reductions recommended.

Your committee report states that—

> Adequate military strength is the foundation of national survival.

I share that belief and must place on record my concern over several items involved in this legislation.

The committee report points with good reasons to the continuing Soviet naval buildup.

It is most regrettable that the legislation authorizations needed to keep our own shipbuilding and conversion programs at the level needed to assure U.S. naval leadership were not provided, and the committee understandably could not finance these unauthorized programs.

Most of the blame for the $310 million cut in naval procurement and conversion must therefore be placed with the Congress itself for our failure to authorize the recommended programs, and I believe this failure is most regrettable.

There is no more ominous development on the international scene today than the growing power and deployment of Soviet naval forces, especially when contrasted with our own aging and increasingly limited naval strength.

I urge the great Appropriations Committee, which has long struggled with this problem in the face of a growing war weariness in our country, to continue its efforts to keep our Navy at full efficiency and adequate strength.

I urge the Congress to fulfill its responsibility to the country on this same vital issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plant; $3,905,000,000, and in addition, $50,000,000, of which $25,000,000 shall be derived by transfer from the Defense stock fund, and $25,000,000 shall be derived by transfer from "Procurement of Aircraft and Missiles, Navy, 1971/1973", to remain available for obligation until June 30, 1974.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

Mr. DELLUMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 394]

Abbitt
Alexander
Ashley
Blackburn
Blatnik
Celler
Clark
Clausen, Don H.
Clay
Conyers
Derwinski
Diggs
Dowdy
Downing
Dulski
du Pont
Edwards, La.
Evins, Tenn.
Garmatz
Gibbons
Goodling
Griffiths
Hagan
Halpern
Hanley
Harsha
Hébert
Heinz
Hillis
Jones, Ala.
Landgrebe
Link
McClure
McDade
McKevitt
Macdonald, Mass.
Mathias, Calif.
Mikva
Miller, Calif.
Mills, Ark.
Poff
Reid, N.Y.
Roberts
Rooney, Pa.
Rosenthal
Runnels
Scheuer
Sebelius
Seiberling
Springer
Steed
Widnall
Wiggins
Wilson, Charles H.
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11731, and finding itself without a quorum, he had directed the roll to be called, when 375 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. BINGHAM

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York (Mr. BINGHAM).

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: Page 17, line 13, strike out "$3,905,000,000" and insert in lieu thereof "$3,103,400,000".

Mr. BINGHAM. Mr. Chairman, this amendment would strike slightly over $800 million for procurement of the F-14 plane. The R. & D. would not be disturbed.

This action, Mr. Chairman, reflects action taken by the Committee on Armed Services earlier this year. They did not provide authorization for the procurement of the F-14. That authorization was voted in the other body and later accepted in the conference.

Furthermore, the distinguished Committee on Appropriations clearly and carefully considered what I am proposing here this evening, and it so states on page 76 of the committee report. I would like to read that to you:

> The committee seriously considered the possibility of halting further production of this aircraft at this time.

Mr. ROONEY of New York. Mr. Chairman, a point of order. The Committee is not in order and it is obvious that no one seems to be paying any attention to the gentleman from New York.

Mr. BINGHAM. I thank my colleague from New York.

I was quoting from the committee report, which says:

> The Committee seriously considered the possibility of halting further production of this aircraft—

That is, the F-14—

> at this time, returning it to R.D.T. & E. status only.

If the members of the committee would look at the committee report on page 77, they will see a series of reasons why the F-14 procurement should not be voted at this time and why we should save the $800 million that is called for. That page is full of reasons.

For example, reference is made to the problem of this plane in relation to the best plane the Soviets now have, the Foxbat, Mig-23. This proposed F-14A cannot begin to cope with the Mig-23. It has a ceiling of some 50,000 feet. The Foxbat Mig-23 goes over 80,000 feet and recently has been going along the Israeli coast at over 80,000 feet.

The proposed F-14A has a speed at this time of Mach 2.5. The Foxbat has a speed of 3.8.

Mr. Chairman and members of the committee, we are proposing to procure an aircraft here that is already obsolete before it has been bought. It is obsolete in relation to the best plane that the Soviets have.

Further reference is made in the committee report about some of the other problems.

It says the F-14A is predicted to achieve significant increases in performance over the F-4 aircraft. It is predicted to increase. We do not know that it is going to increase the performance of the F-4. The F-4 is a great plane and it has been proved over and over again. Here we are told that it is predicted that the F-14A will be a little better. But we do not know that. The fact of the matter is—and the committee report so states—that the F-14A is going to cost four times as much as the F-4. All we are told is that it is predicted it will be a little better.

Finally, the committee report says the F-14B is the aircraft that the Navy desires for the fleet. That is not what we are getting here, Mr. Chairman and members of the committee. We are not getting the F-14B; we are getting the F-14A.

That is not what we are getting here, Mr. Chairman and Members of the Committee. We are not getting an F-14B. We are getting an F-14A. The F-14B has been deferred indefinitely. They have had problems with the engine.

Mr. Chairman, I am not asking you to take my word for the fact that this $800 million is an unwise expenditure. Let me quote briefly to you from Newsday, the publication from Long Island, where the F-14 is made. Incidentally, I think my amendment would be in the best interests of the Grumann Corp. They are going to go broke trying to make this aircraft at present prices. They will be in the same situation of Lockheed. Here is what Newsday said:

> The F-14 is: (1) an awful hodgepodge of everything that's wrong in modern American combat aircraft design; (2) a flat contradiction of what many of the Navy's own combat pilots recommend; and (3) an expensive (more than $20 billion) proposition that does not meet any present or projected Soviet threat.

Again from Newsday:

> The F-14 might even be worth the money if it had any hope of being a good airplane. The F-14 does not.

On the basis of my study over the past several years of the F-14 and our needs in the tactical aircraft field, it is my conclusion that about all that can be said in support of the F-14 is that it is the only thing we have in the way of a new fighter. That is a sad conclusion, because I am convinced that, even if it lives up to the expectations and predictions of the Navy in terms of performance, it will be no match for the planes and missiles the Soviets are already deploying. In short, we are building a plane that is already out of date before it is into production. It is a plane whose predicted capabilities are not significantly greater than those set for the ill-fated F-111. It is a plane that is being built to meet decade-old requirements—requirements we failed to meet with the F-111. It is, in fact, in many ways, little more than a warmed-over F-111. It is the wrong plane, for the wrong mission, at the wrong time.

We have been told by the military that we need this plane to meet and counter the threat posed by, among other things, the Soviet Mig-23—the so-called Foxbat. Aviation Week, in its October 18, 1971, issue reports that Mig-23's have been tracked by both Israeli and American observers in operation over Israel at speeds as high as 3.5 times the speed of sound, at altitudes in excess of 70,000 feet. These and other reports indicate that the Mig-23 is equipped with rather simple but reliable air-to-ground and air-to-missiles.

What kind of plane are we building to match this Mig-23?

A plane—the F-14, of course—whose most ardent proponents say it will fly at only 2.5 times the speed of sound, and no higher than about 50,000. "No problem," says the Navy. The F-14 will use its Phoenix missiles to bring down any hostile, high-flying Mig-23. But how will the F-14 be able to distinguish a high-flying Mig-23 from, say, an off-schedule commercial supersonic transport (they also fly higher and faster than the F-14)? The F-14 is not equipped to make either radar or visual identification. And even if it could, there is serious question whether the Phoenix missile will be able to perform reliably when directed at very high-flying targets.

For dogfights at lower altitudes, we already have a highly successful and capable airplane—the F-4. Most experts agree that numbers of aircraft and teamwork are as important for successful dogfight capability as the performance characteristics of the plane. At $16 million per copy, it is doubtful whether we will be able to afford enough F–14's to achieve the numerical advantage we could have simply by buying additional relatively inexpensive F–4's.

When it comes to defending the carrier fleet, the F–14 will be of similarly limited value. The facts of life are that in the face of a concentrated and determined attack nothing is likely to protect the fleet. For that very reason we are reducing our emphasis on carrier-based forces. Like the ABM defending our cities, about all the F–14 and its Phoenix could do would be to protect aircraft carriers from accidental attacks from the air, and again like the ABM it is highly questionable whether the F–14 is worth its high cost simply as protection against accidental attacks against carriers.

All of this assumes, of course, that the F-14 will perform up to the predictions and expectations of its proponents. Even that, however, is subject to debate, since the plane is currently only in the very earliest stages of flight testing. As far as I am able to determine, the most crucial part of the testing—test-firing of the Phoenix missile from the F–14 in flight—will not even begin until near the beginning of fiscal year 1973.

How did we arrive at this situation in which an outdated plane appears to be the only option we have? A complete answer to that could fill volumes. In brief, however, it seems that the Navy has been so intent upon coming up with a plane that would meet cost and performance specifications after the F–111 fiasco that it has been willing to settle for an outdated plane—a plane so similar to the F–111 that the F–111 experience could help assure this plane would at last meet Navy specifications, even if those specifications are a decade out of date. In addition, the Navy has refused to look at designs and prototypes of more sophisticated aircraft that are now within the state of the art for fear of having to admit the shortcomings of the F–14.

It seems to me that the only solution to this problem is to get busy immediately on prototypes of aircraft that could provide a realistic counter to the Mig–23—aircraft which could be built under the "fly before you buy" policy from which the F–14 is apparently exempt. I am informed that, if the parliamentary situation permits, an amendment will be offered to add $50 million to this bill for the very purpose of buying prototypes for a better tactical fighter, and if such an amendment is offered I certainly intend to support it.

At the same time, I think we simply must terminate the F–14 as soon as possible, even if it is the "only thing we have" at the moment. The A version of the F–14, which is the only version that will be available in the next 2 or 3 years, is no better than what we have now or could buy at half the price. In that amount of time we could come up with prototypes of aircraft truly comparable or superior to the Mig–23, and have a fly-off among them to see which one we want to build.

The committee report notes that it is the "B" version of the F–14, with its more powerful engine, that the Navy wants, not the "A." We bought 140 F–111's that turned out to be so underpowered they could not usefully be deployed, and we are about to do the same thing by buying F–14A's. Do we never learn?

It is constantly argued that to eliminate the funds for the 48 more F–14A's in the 1972 appropriation bill would break our contract with Grumman. It is my judgment that that contract has already been broken by Grumman through the delays in the aircraft's development and the unavailability of the B version.

Grumman has agreed to provide the next 48 aircraft at the contracted price, so the Navy has not challenged the contract. But Grumman also has notified the Secretary of Defense that it expects to lose over $300 million should it have to provide the 313 planes in the contract at the contracted price. It is inevitable, therefore, that we are either going to have to renegotiate this contract in the near future and pay a significantly higher price for the F–14, or we are going to find ourselves bailing out Grumman as we did Lockheed.

For these reasons, Mr. Chairman, it is my conclusion that we should cancel procurement of the F–14 now so that Grumman and other manufacturers can get on with the development of a truly capable and modern aircraft that is more than a warmed-over F–111. The investment we lose by canceling the F–14 now will, in my judgement, be more than recouped in savings on a new and more capable fighter.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for an additional 5 minutes.

Mr. ROONEY of New York. I object.

The CHAIRMAN. Objection is heard.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. MAHON. The Committee on Appropriations spent hours, days, weeks, and months studying the problems involved in the F–14 program. We fully understand that the project is not perfect and if we could go back and undo what has been done, that would be desirable in some respects. It is not possible to do that because the contract has already been made. If, by our actions, we cancel the procurement of the 48 F–14 aircraft in the fiscal year 1972 request, that action will increase the cost to the Government in the sum of about $1.4 billion, according to representatives of the Navy. So the committee simply was not willing to take the responsibility of increasing the cost of the F–14 program by $1.4 billion.

We have considered this subject at length. We have had extensive hearings. The committee is familiar with the facts that were presented by the gentleman. But the only solution we know of to this problem is to hold the feet of Grumman to the fire and make them perform on the contract which they have entered. Grumman is in difficulty because they have not obtained a number of military and space program contracts, which they had anticipated, and there is no doubt but that other problems will arise in the future. But we feel that under all the circumstances this is the best that can be done at this time, and I am confident that the House will accept the judgment of the committee in connection with this matter rather than approve the amendment which has been offered.

I ask that the amendment be defeated.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Chairman, I certainly support the remarks made by the distinguished chairman of our subcommittee. This committee has literally spent hundreds of hours looking into the various aircraft programs of the Navy, the Air Force, and the Army. We gave particular attention to the F–14. The F–14 is urgently needed by the Navy to maintain its superiority. No aircraft can be modified, the F–4 notwithstanding, to do the job that is required.

I hope that the committee will defeat the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Did I hear the gentleman say that Grumman is in financial difficulty?

Mr. MAHON. Grumman is in financial difficulty with this contract. The gentleman from New York (Mr. BINGHAM) proposes to release the company from the contract by canceling it on the floor of the House, which, according to the Department of Defense, would result in a program cost increase of at least $1.4 billion because of the program stretchout and renegotiation of the contract.

So this is the situation we are in.

Mr. GROSS. Am I to assume from that statement that this is a bailout of another aerospace outfit?

Mr. MAHON. This is not a bailout. The amendment would be a bailout, but the position of the committee is not a bailout.

Mr. Chairman, I ask for a vote.

Mr. STRATTON. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, I do not want to delay the House, but I think it is important to answer a few points the gentleman from New York (Mr. BINGHAM) has made. He said first of all that the House had stricken the money for the F–14 in the defense authorization bill, and it was only the Senate that put it back in. That is not exactly an accurate statement of what happened.

At the time the defense authorization bill was before our Committee on Armed Services, the Secretary of Defense had not yet made up his mind on the question of whether to go ahead with the existing contract for the F–14A version of the plane, or whether to break that contract and proceed to the F–14B version with its improved engine. The gentleman from Louisiana (Mr. HÉBERT) chairman of the Committee on Armed Services, wanted to defer any new money for the F–14 until the Defense Department had made up its own mind on what it wanted to do with the problems the gentleman from Texas has already referred to, including the tremendously expensive costs that would be involved if we were to break the contract.

When the authorization bill got to the Senate, the Department had made up its mind, the Senate put the F–14 money in the bill, and the chairman of our committee indicated his full support of that position. Our full committee later indicated its support, and the F–14 money was included in the conference report by mutual agreement.

The gentleman from New York says the F–14 is not superior to the Soviet Mig–23 Foxbat. I am constantly amused by those who regularly oppose Defense appropriations and also Defense research appropriations, and who then come to us and say, "What is the matter with you fellows on the Armed Services Committee? The Russians have better planes than we do. Why don't you get us better and faster planes?"

We have trouble developing any plane at all these days considering the pressures to cut money for research and development on defense projects. The best plane we have today, the F–4, was laid down 15 years ago. As a matter of fact, the F–14 does not fly as high as the Foxbat, but it has a missile that can shoot down the Foxbat at its higher altitude, and if the Soviet plane decides to come down and tangle with the F–14 in a dogfight at a lower altitude, it can outmaneuver the Soviet plane and shoot it down. That point has been made very clear in all the material on this plane.

Finally, the gentleman from New York suggests that this is a terribly expensive plane compared with the F–4. But the F–4, as I have said, was laid down 15 years ago. We all know what has happened to aircraft costs since then. But let me also point out that unit costs for an airplane depend upon on number of copies we buy. Secretary Packard has suggested we carry out the existing F–14 contract, buy the number contracted for of the version, and then move as swiftly as possible to develop and buy the B version. In the long run this will be the cheapest thing to do, as the gentleman from Texas has already indicated, and when we buy more copies the unit cost will come down.

So, Mr. Chairman, I urge that the Bingham amendment be defeated.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I want also to join with the gentleman from New York concerning the fact that the F–14 is a fine airplane and below 60,000 feet it can certainly outmaneuver and shoot down the Foxbat. Is it not also true that the F–14 is the only plane we have which is projected to carry the Phoenix missile? The other plane, the F–4, cannot do it, and if we try to make that plane do it, we would lose the present capabilities of the F–4 aircraft?

Mr. STRATTON. That is certainly true. It is also true that is the only new plane we have in this field, and we have to go ahead with it quickly.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I think first I would like to say there is no question the House did not authorize this amount when the authorization bill was before this body—whatever the reason.

Secondly, this is not something on which the distinguished chairman of the Appropriations Committee and the Appropriations Committee alone have spent many hours. It so happens this is something I have studied quite profoundly. The Chairman may remember I have raised this question over the past 2 or 3 years about the F–14. With Senator HARTKE of the other body I submitted a report on the subject in quite some detail some months back. It is not something I come to, so to speak, at the last minute.

As to whether this plane will adequately provide defense against the Foxbat this is seriously questioned in an article I have from the National Observer, a very reputable and I would say conservative publication:

> The F–14 cannot adequately protect Navy carriers from the threats it is designed to meet. Even if it worked perfectly, the F–14's Phoenix missile system could be saturated by enemy attacks. It is more likely that the Phoenix will be countermeasured, outmaneuvered, and in fact will seldom work at all under combat handling conditions.

My colleague from New York (Mr. STRATTON) suggested it is strange that I should be here suggesting we are not moving fast enough in the development of an adequate airplane to meet the Soviets latest plane. It may be strange, but that is precisely my position. Whatever happens to this amendment, I will support an amendment to be offered later on by the gentleman from Pennsylvania (Mr. MOORHEAD) to call for additional funds for the development of prototypes of more advanced and capable planes. I believe we need fast, highly maneuverable planes. We need planes to compete with the Foxbat.

Finally, Mr. Chairman, I should like to quote the Appropriations Committee. The committee indicates that there will be cost increases if the contract is broken, but there will be increases only if we go ahead and buy all these F–14's in the end. If we do not buy the F–14's we will save money.

The committee indicates also they do not believe that Grumman will be able to carry through on the contract at these present prices. The committee says:

> The Committee believes, however, that probably the Navy will be forced to restructure the current contract. If the contractor can prove significant losses, as he predicts, the Navy decision to hold to the contract this year may be merely delaying on the inevitable.

That is what the committee is asking us to do, to hold to the contract this year despite the anticipation that at some point in the future, as the gentleman from Iowa pointed out, we will have to bail out Grumman the way we bailed out Lockheed.

I repeat, I cannot believe that this contract is in the best interest of Grumman or of Long Island. It is a contract headed for disaster. It is the wrong place at the wrong time.

I ask Members to vote for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTES WITH CLERKS

Mr. BINGHAM. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BINGHAM. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BINGHAM, MINSHALL, EDWARDS of California, and MAHON.

The Committee divided, and the tellers reported that there were—ayes 76, noes 311, not voting 44, as follows:

[Roll No. 395]

[Recorded Teller Vote]

AYES—76

Abourezk
Abzug
Aspin
Badillo
Barrett
Bergland
Bingham
Burton
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Culver
Dellums
Dingell
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Ford, William D.
Fraser
Fulton, Tenn.
Gaydos
Gibbons
Green, Pa.
Gross
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Howard
Hungate
Jacobs
Kastenmeier
Koch
Leggett
Long, Md.
McCloskey
Madden
Mazzoli
Metcalfe
Mink
Mitchell
Moorhead
Moss
Nedzi
Nix
Obey
O'Hara
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rosenthal
Roybal
Ryan
Sarbanes
Scheuer
Schwengel
Seiberling
Smith, Iowa
Stokes
Thompson, N.J.
Vanik
Vigorito
Waldie
Whalen
Yates
Yatron

NOES—311

Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Biester
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Donohue
Dorn
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Gettys
Giaimo
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Griffin

Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
Lujan
McClory
McCollister
McCormack
McDonald, Mich.
McEwen
McFall
McKay
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Miller, Ohio
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—44

Abbitt
Alexander
Blackburn
Blatnik
Bow
Celler
Clark
Clausen, Don H.
Derwinski
Diggs
Dowdy
Downing
Dulski
Edwards, La.
Garmatz
Goodling
Griffiths
Halpern
Hébert
Hillis
Landrum
Link
McClure
McCulloch
McDade
McKevitt
Macdonald, Mass.
Mathias, Calif.
Mikva
Miller, Calif.
Mills, Ark.
Morse
Mosher
Poff
Roberts
Rooney, Pa.
Runnels
Sebelius
Stanton, James V.
Steed
Sullivan
Widnall
Wiggins
Wright

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therfor; plant equipment, appliances, and machine tools, and installation thereof in public or private plants, and vehicles for the Marine Corps, including purchase of not to exceed two hundred forty-one passenger motor vehicles, for replacement only; $118,100,000, and in addition, $10,000,000 which shall be derived by transfer from "Procurement, Marine Corps, 1971/1973", to remain available for obligation until June 30, 1974.

Mr. FRASER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Massachusetts (Mr. HARRINGTON) and I had intended to offer an amendment to this bill freezing further MIRVing of land-based and sea-based strategic missiles. We decided to forego this effort, not because we were completely pleased with the recommendations of the committee in this area, but to help focus important attention on the important Boland and Aspin amendments that we will be considering shortly.

Mr. Chairman, I am sorry that our time is such that it is not feasible to offer an amendment on this subject because, again this year, as has been true through the recent years, both the authorizing committee and the appropriating committee have given full funding to every strategic arms request that has been made by the administration.

What we are doing in this bill—a 1-year bill—is funding additional warheads on our submarines equal to 50 percent of the total Soviet land-based and submarine strategic force now in being.

By this one appropriation alone, we are going to put onto the top of our missiles half as many warheads as the total Soviet inventory already in place on land-based and submarine-based systems.

There is not any good reason to continue to spend billions and billions of dollars on MIRV's in anticipation of an ABM system that does not exist today, and which will not exist, because we apparently are going to reach an agreement under the SALT talks.

This expenditure is a waste of the taxpayers' money, and it is a destabilizing advance in the strategic arms race that has no place in an appropriation bill that is designed to fit the needs of the defense of the United States.

I am sorry that the Committee for some reason buys lock, stock, and barrel, every strategic arms request that comes down the pipe. We do not need all these warheads. We do not need to MIRV all of our land-based and sea-based missiles when the purpose for this MIRVing was an ABM that the Soviets never built.

I just continue to wonder why it is that the Committee will not take into account the fact that the circumstances have changed which led us to the original decision to provide for a MIRV system.

I hope some day this House will begin to stand on its own feet and begin to ask tough questions of the Department of Defense that may lead us to a more moderate and prudent expenditure in the arms race, in this strategic arms race, and one that will allow us to level off what is otherwise a very compelling race indeed.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. STRATTON. I think the gentleman ought to know that the Committee on Appropriations is not just a tool of the Pentagon, because they took out of the bill the money for the MBT-10. They said that was going to cost two or three.

It was included in the authorization bill, but the Committee on Appropriations very wisely recognized that this was a waste of money, and took it out, and I think we ought to commend them for it.

Mr. FRASER. You are talking about the money for which system?

Mr. STRATTON. I am talking about money for the main battle tank, the MBT-70, or the XM-803.

Mr. FRASER. The point I am making is you will not find in the bill any reduction in the strategic weapons. Money for the advanced bomber is here. Money for the new ULMS system is here. Money for the needless MIRV system is here. Money is in here to harden Minuteman missile sites. Instead of having only twice the number of warheads that the Soviet Union has, we will have four times or five times what the Soviet Union has, and when the Soviets then move along to respond to us, the Department of Defense will sound the alarm and they are going to say that the country is in great danger.

The whole thing is an enormous waste of the taxpayers' money.

Mr. Chairman, let me detail my concerns more specifically.

Multiple independently targetable reentry vehicles—MIRV's—were the U.S. response to the assumption that the Soviet Union would deploy an extensive ABM system. A Soviet nationwide ABM deployment has not taken place. The only Soviet system is around Moscow, and it can be overwhelmed and Moscow destroyed by the warheads from one Poseidon-equipped submarine.

Further, indications are strong that an ABM agreement will soon be accomplished in the course of the strategic arms limitation talks—SALT. Last May the President announced his determination to achieve this significant arms control measure. Last Friday, the President reiterated his belief that we are going to reach an agreement. On October 21, Deputy Secretary of Defense David Packard spoke optimistically about achieving a SALT ABM agreement.

The anti-ABM function of MIRV is no longer a credible rationale for our continuing deployment of MIRV's. Dr. John S. Foster, Jr., Director of Defense Research and Engineering, told the Senate Armed Services Committee on April 19 that if an ABM agreement were concluded, "there would be no need for the United States to deploy a MIRV."

On March 9, 1971, Gen. John D. Ryan, Chief of Staff, USAF, testified before the House Appropriations Committee—page 785, part I of the committee hearings:

> For example, we know the Soviets since August 1968 have been testing an SS-9 [the largest Soviet missile] with three re-entry vehicles [RV's]. We believe, on the basis of what we have observed from these tests, that they are working on a MIRVed SS-9, using an entirely different method of dispensing the (deleted) re-entry vehicles than we do in our Minuteman III. We think that this MIRVed SS-9, designated the (deleted), will eventually be able to take under attack (deleted) Minuteman silos. But given the estimated CEP [accuracy] of the basic SS-9 booster and the estimated yield of the warhead, each RV, at the present state of development, would have only a (deleted) chance of putting a Minuteman silo out of commission. Even without Safeguard, this (deleted) MIRV version of the SS-9 would not constitute a very severe threat to the retaliatory capability of our Minuteman force as a whole.

The impending SALT limitation on ABM deployment and the lagging Soviet SS-9/MIRV program indicates that there is no need for the United States to continue deployment of MIRV's. The committee recommends that the United States continue to deploy through MIRVing additional warheads. The six Poseidon conversions funded by this bill means that over 850 additional warheads will be added to our nuclear strategic inventory—almost half the number of warheads—1,900—now possessed by the Soviet Union on their land- and submarine-based strategic missiles. While it is true that these additional U.S. warheads are smaller than the Soviet warheads, each has at least twice the destructive power of the nuclear bombs dropped on Hiroshima and Nagasaki in World War II.

On our submarines alone—when the 20 Poseidon conversions we shall have funded to date are completed—we shall have over 3,500 separately targetable warheads, totally immune to a first strike while at sea. This is in addition to over 1,300 land-based warheads—not seriously threatened by the Soviet SS-9 according to General Ryan—and our B-52 bomber force which is two and one-half times the size of the Soviet long range bomber force. Development and procurement of the short range attack missile—SRAM—and development of the subsonic cruise armed decoy—SCAD—funded by this bill will greatly increase the effectiveness of the U.S. B-52 force.

The Congress continues to approve nuclear strategic weapons programs without question. We must begin to exercise independent judgment in this area. Enough is enough. Too much only leads to a continuing and escalating arms race. Mr. Chairman, it is my hope that the responsible committees will look more carefully at this area of the Defense Department budget.

Mr. MAHON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, in response to the remarks of the gentleman from Minnesota, it should be pointed out that while we are increasing the number of warheads in our strategic inventory by MIRVing, the Soviet Union is deploying additional ICBM's and is engaged in vigorous efforts to improve their strategic nuclear forces. Their activities in the area at this time are more vigorous and certainly more provocative than are ours.

I might also point out that as we increase the number of warheads in the inventory by MIRVing, we are decreasing the overall megatonnage in the process.

I am concerned that we are taking chances in the area of strategic forces. As I stated earlier, the Soviets have surpassed us in the number of ICBM's deployed on launchers.

The committee report contains a section which describes our strategic nuclear forces program and under permission granted I will include that section of the report in the Record at this point:

Strategic Nuclear Forces for Deterrence

Strategic forces, both offensive and defensive, are the backbone of our military strength. They are the primary deterrent to strategic attacks. They face an aggressor contemplating less than all-out attack, with an unacceptable risk of escalation. They are essential to the maintenance of a stable political environment within which the threat of aggression or coercion against the U.S. and its allies is minimized. Our strategic forces must be numerous enough, efficient enough, and deployed in such a way that an aggressor will always know that the sure result of a nuclear attack against us is unacceptable damage from our retaliation. That makes it imperative that our strategic power not be inferior to that of any other state.

The concept of strategic sufficiency on which U.S. policy is based has two meanings. In its narrow military sense, it means enough force to inflict a level of damage on a potential aggressor sufficient to deter him from attacking. In its broader political sense, sufficiency means the maintenance of forces adequate to prevent us and our allies from being coerced. Thus the relationship between our strategic forces and those of the Soviet Union must be such that our ability and resolve to protect our vital security interests will not be underestimated.

Our purpose, reflected both in our strategic programs and in our Strategic Arms Limitation Talks (SALT) proposals, is to maintain a balance, and thereby reduce the likelihood of nuclear war. Insofar as we can do so by unilateral decisions, we seek to obviate the need for costly, wasteful, and dangerous cycles of strategic arms deployment.

The fact we have begun to discuss strategic arms with the USSR is in itself important. Agreement in such a vital area could create a new commitment to stability and influence attitudes toward other issues.

In planning strategic forces to meet the military criteria for deterrence, our principal objectives, derived from the sufficiency criteria, currently include:

Maintaining an adequate second-strike capability to deter an all-out surprise attack on our strategic forces.

Providing no incentive for the Soviet Union to strike the United States first in a crisis.

Preventing the Soviet Union from gaining the ability to cause considerably greater urban/industrial destruction than the United States could inflict on the Soviets in a nuclear war.

Defending against damage from small attacks or accidental launches.

For several years we have maintained three types of strategic forces—land-based ICBMs, bombers, and submarine-launched missiles. Each is capable of inflicting a high level of damage in response to a nuclear first strike. Taken together they have an unquestioned capability of inflicting an unacceptable level of damage. This concept takes advantage of the unique characteristics of each delivery system. It provides insurance against surprise enemy technological breakthroughs or unforeseen operational failures and complicates the task of planning attacks on us.

A number of programs to strengthen our strategic offensive forces will be continued in FY 1972. The Budget includes funds for procurement of additional quantities of the new MIRV'ed Minuteman III missiles and conversion of six more fleet ballistic missile submarines to the MIRV'ed Poseidon configuration. Also included are funds to upgrade Minuteman silos against nuclear blast and radiation effects, and to reduce the vulnerability of Minuteman II missiles to nuclear radiation effects while in flight.

No increase in the total number of ICBM and SLBM launchers is proposed this year. These forces continue to include 1,000 Minuteman ICBM's, 54 Titan II ICBM's, and 656 Polaris and Poseidon SLBM's, however; the MIRV programs funded in this budget will provide a substantial increase in the number of available strategic warheads. This increase will help to ensure that our nuclear deterrent forces remain sufficient in the future regardless of what actions our opponents might take.

In the strategic bomber area, funds are included in the FY 1972 Budget to continue engineering development of the B-1 intercontinental bomber, which is designed to replace the aging B-52 fleet. The first of these planes could become available in the late 1970's, however, no decision has been made on production of the B-1. In order to enhance the capability of our bombers to penetrate air defenses in the future, development of the Short Range Attack Missile (SRAM) will be completed and procurement will be continued. SRAM is designed for use against terminal bomber defenses. In addition, development of the Subsonic Cruise Armed Decoy (SCAD) will be continued. SCAD is an advanced penetration aid designed to counter possible area defenses of the late 1970's.

Because of inherent uncertainty about achieving an acceptable agreement at the Strategic Arms Limitation Talks and the resulting uncertainty about the invulnerability of the strategic forces in the future, the strategic forces program includes continued study and design of a new system, the Undersea Long Range Missile System (ULMS). This system could become available in the late 1970's if a decision is made to deploy it, and it would serve to enhance significantly our strategic deterrent.

The strategic defensive forces also contribute substantially to our strategic posture of sufficiency. The Safeguard Anti-Ballistic Missile (ABM) program supported in the Bill will provide additional protection for the Minuteman missile force. Funds are included in this bill for continuing construction at two sites now underway in the Minuteman fields.

With respect to air defense, additional reductions are being made in the current system, primarily in surface-to-air missiles. Coverage of the most important threat corridors will still be provided pending the modernization of this system. In connection with that modernization, funds are included in the FY 1972 Budget for the continuation of development of AWACS, a new airborne warning and control aircraft that would operate along with a new over-the-horizon radar and an improved interceptor. Research effort on the new radar will also be continued in FY 1972.

The cost of the Strategic Forces in fiscal year 1972, for the accounts covered in this bill, is estimated at $7.6 billion.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Chairman, I understand it is the plan of the House to adjourn at about 6 o'clock this evening. I will move that the Committee rise very shortly, and then I will ask unanimous consent to take up the continuing resolution which was passed by the House and sent to the other body, and has been passed with an amendment by the other body this afternoon and which is to be messaged back to the House, as I understand it, as soon as the Committee has risen.

Then the question before the House will be what disposition to make of the continuing resolution. If we are to get that done by 6 o'clock, it is going to be necessary for the Committee to rise very shortly.

I do not believe we have further time for additional amendments, but if the Clerk could read until we have an amendment I think it would save us some time on tomorrow.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed eight hundred and sixty-four passenger motor vehicles (including four medium sedans not to exceed $3,000 each) for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; $1,510,998,000, and in addition, $50,000,000 shall be derived by transfer from "Other Procurement, Air Force, 1971/1973", to remain available for obligation until June 30, 1974.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask someone knowledgeable on this bill about the F–111, which was a predecessor of the F–14 in the matter of failure. Can the gentleman give me a rundown on what is proposed for the F–111 in this bill? I am not sure from the language in the report as to what is proposed for that plane. That is the aircraft, the contract for which had to go to Texas for some strange, unexplained reason. That is the aircraft that Robert Strange McNamara sponsored. How many of those planes are in the air these days?

As a result of the billions the taxpayers have invested in that contract, how many of those F–111's are in the air? Are most of them grounded by virtue of defects of one kind or another?

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. CONTE. I just want to make the observation that I do not see anybody breaking their legs to get up here to answer the gentleman's question, and it is a very worthy question.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the Chairman of the committee.

Mr. MAHON. The total program for the F–111 would provide 530 aircraft, a much smaller number than were originally contemplated, and therefore the cost per aircraft, of course, is far above the original estimate. Moreover, many mistakes were made on the F–111. Among other things, the Navy version of the F–111 was eliminated. The bill before us provides for 12 additional F–111's.

Mr. GROSS. At a cost of how much per copy?

Mr. MAHON. There is $112 million in this bill for the 12 additional F–111's, and then there are additional funds provided. Let me be more accurate, if the gentleman will permit me.

Mr. GROSS. I wanted to inquire about that, too, but first of all I should like to point out that that is at the rate of $10 million per copy, is it not? Twelve more is at the rate of $10 million per plane?

Mr. MAHON. Yes.

Mr. GROSS. This plane was supposed to be produced for about $4 million each, was it not?

Mr. MAHON. Well, I do not remember the exact figure if we had bought the larger quantity originally provided for. But it was estimated that the F–14 would have a program unit cost of $11.6 million, and now the program unit cost is about $16 million per copy. The reason for the increase in F–14 program unit cost, of course, is the result of reducing the total number of aircraft to be bought from about 700 to only approximately 300.

Mr. GROSS. The gentleman is making it harder to accept all the time. I thought it was about $10 million. The gentleman now says it is $16 million. It is incredible, is it not, Mr. Chairman?

Mr. MAHON. I was just referring to the program unit cost of the F–14, not the F–111.

Mr. GROSS. It is incredible, is it not?

Mr. MAHON. It is incredible the way the costs of aircraft and all weapons increase. The reason we canceled out the main battle tank is that it looked like it would cost about a million dollars per copy for a tank. We have in this bill, despite the fact that it is a $71 billion bill, funds to provide for only something over 400 fixed wing aircraft for all the services, plus about 440 helicopters for the Army and Navy. War is getting so expensive I do not know how the costs can be met.

In World War II we produced about 240,000 aircraft, and we lost almost 70,000 aircraft. But now with the additional gadgetry and the heavy, expensive aircraft we are in this very difficult situation. I regret it. I am sure the gentleman regrets it.

Mr. GROSS. I am sure the gentleman's review of World War II is accurate, but I can read about that in some history of the Air Force.

Let me ask the gentleman this question. What is the $183,800,000 for "Program over target"? What is a Program over target?" Is that a cost overrun?

Mr. MAHON. I was trying to point out to the gentleman that the overrun in cost of all weapons that have been bought in recent years is very considerable.

The overrun in the cost of the program over target for the F–111 is represented by the figure the gentleman has just explained.

Mr. GROSS. So that $183,800,000 cost overrun is applicable to the F–111?

Mr. MAHON. The gentleman is correct.

Mr. GROSS. My God. This story gets worse by the minute.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. This is a very interesting colloquy between the gentleman from Iowa and the Chairman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the last word.

The only thing that has not been explained is the difference in cost of an F–111 which will fly, and the cost of an F–111 which will not fly. It has not been explained.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. It has not been stated yet that the F–111 will stay in the air. It has been grounded time and time again in this country and in Vietnam because of defects.

Mr. THOMPSON of New Jersey. That is why I mentioned to the gentleman that the cost given now is for something on the ground as distinguished from the additional cost in the future of making that plane fly. My information is that it will not fly.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Of course, the F–111 flies, and of course it has had its problems, which we all regret.

There are a total of over 300 F–111's and FB–111's flying today in an operational capacity. We have the 20th Tactical Fighter Wing deployed overseas at Upper Heyford, England now. There are two other F–111 tactical fighter wings operational today in the United States, with a fourth new F–111 wing being formed at Cannon Air Force Base in New Mexico.

In addition, we have four FB–111 squadrons operational, two squadrons at Pease Air Force Base in New Hampshire and two at Plattsburg Air Force Base in New York.

I would like to say, in defense of the FB–111, that it has unsurpassed all-weather tactical capability for the delivery of both nuclear and conventional weapons. It is unique in its all-weather, long-range attack capability, and it has secondary capabilities in close air support, counter-air, and in other tactical missions.

Now to answer specifically the questions of the distinguished gentleman from Iowa. There are over 300 flying today—243 F–111's and 74 FB–111's—and none are grounded by virtue of major defects of one kind or another.

The $183.8 million for prior year overtarget and unfunded deficiency costs is essentially the difference between the estimate of the contract cost and the actual contract cost. In essence, these costs are the result of abnormal inflation and unusual technical difficulties experienced by the contractor, particularly in the avionics area.

I believe that time will confirm that, despite its much-publicized problems—many of which were normal developmental problems experienced by all new aircraft developments—the F–111 will make a major contribution to our strategic and tactical forces.

Mr. PRICE of Texas. Mr. Chairman, I am strongly opposed to any amendment which would delete funds for the purchase of additional F–111 fighter aircraft. As I have in the past, I must again stress that my support for the F–111 comes directly from the perspective of one who has had the privilege of flying this plane. As a former jet fighter pilot in the Korean war and one who has acquired a deep concern over the adequacy of the air arm of this Nation's national defense system, I have made a special point of flying the F-111 and putting it through its combat paces. And it is from this informed viewpoint that I state my strong confidence in and support for this most remarkable, unique, and capable aircraft.

Mr. Chairman, it deeply troubles me that the F-111 has been the center of much controversy and misinformation. We have been told on different occasions that the F-111 is unsafe, that it has not lived up to its expectations, and that it has become excessively costly.

To the charge that it is unsafe, I point out that its accident record is lower than any other aircraft in the Century series—which includes nine different planes.

To the claim that it is ineffective, I point out that Air Force experts have given it the highest marks for performance. It is acknowledged to be the best aircraft in the world today for delivering a payload on a heavily defended target, day or night, and in the very worst kind of weather, and it is the one plane over which the Soviets have acknowledged concern at the SALT talks. Furthermore, there is no other combat-ready aircraft today that can span the gap between the worn out B-52 and the B-1 which is on the drawing board.

And with regard to costs, the only way our Nation can realize cost effectiveness in any aircraft procurement program is by building enough to do the job for which the program was devised. We must concede that this is an expensive plane, but we should also realize that the bulk of the cost stems from the sophisticated research and development that was required in such a complex undertaking, as well as the expense of tooling up for production. Now that these hurdles have been topped, the subsequent cost per plane must of necessity decline as production continues to dilute fixed costs.

Mr. Chairman, much much more could be said in behalf of the F-111, but suffice it to say this is an excellent aircraft, a mighty weapon with which to deter aggression, and any move to prevent its further deployment would be short-sighted and dangerous.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further mesage from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 946. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

> Strike out all after the resolving clause and insert:
>
> "That the joint resolution of July 1, 1971 (Public Law 92-38), as amended, is hereby further amended (1) by striking out 'November 15, 1971' in clause (c) of section 102 and inserting in lieu thereof 'December 1, 1971'; and (2) by adding at the end thereof the following new section:
>
> " 'SEC. 108. Notwithstanding any other provisions of this joint resolution, obligations incurred hereunder for foreign economic and military assistance and sales shall not exceed the rate provided for in authorization Acts for such assistance passed during the 1st session, 92d Congress: *Provided*, That, whenever the rate of obligations for such assistance made available under such an authorization Act as passed by the Senate is different from that contained under such an Act as passed by the House, the rate of obligations shall be limited to the lower rate.' "

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, this is a most unusual procedure. Within the last 5 minutes, we have received House Joint Resolution 946 back from the other body with an amendment which frankly I cannot understand. The distinguished gentleman from Texas, who is asking unanimous consent that we concur in the added-on amendment, has very kindly provided me with a copy of the said amendment by the other body. At first blush, this would, if we adopted their language, of course, reconstitute the very Foreign Aid Assistance Act which that other body knocked out in the form of an authorization bill passed by this body and sent to them.

In the second place, for the life of me under the added section 108 I cannot understand why we should concur in a continuing resolution that would actually authorize even minimal appropriations for something which the other body eliminated so far as authorization is concerned.

Certainly if we believe in a system of checks and balances, with authorizing committees and appropriating committees to offset each other, and do not want to eliminate the legislative committees versus the appropriating committees, we must cease and desist from accepting these. I believe I have heard the gentleman himself say that.

In addition to all that, Mr. Speaker, I cannot understand, under section 108, whether the new Senate action on a separate foreign economic assistance authorization or a military assistance and sales authorization would be the governing factor determining the minimum of appropriations under the continuing resolution, or whether it would be the House-passed authorization, because it simply says:

> Notwithstanding any other provision of this joint resolution, obligations incurred hereunder for foreign economic and military assistance and sales shall not exceed the rate provided for in authorization Acts for such assistance passed during the 1st session, 92d Congress.

If I may stop right there and parenthetically interpret, there has been only one authorization act which has been in the form of a bill passed. There is no act of any kind that has been signed into law. That authorization legislative proposal passed by this body and sent to the other body was killed and has been eliminated out of hand.

So it must be referring either to their new foreign economic assistance program, which is one separate bill which has been proposed and which presumably in due course will come to this body for action—although I thought the Constitution said that the people's House originated appropriations, trade, tariffs, taxes and levies—or it must refer to military assistance and sales. Unless there can be some adequate explanation for this, because of lack of logic, because of expediency involved, I must be constrained to object.

I yield to the gentleman from Texas for any explanation he might have.

Mr. MAHON. I thank the gentleman for permitting me to undertake to respond to the many questions he has asked.

Let me briefly outline the situation. We passed a continuing resolution in the House last week—on November 10—which provided for continuation of all ongoing programs in the Government, including the foreign aid programs, for which Congress has not yet completed action in the regular annual appropriation bills. We merely extended the date of the then current continuing resolution—which expired yesterday, November 15—to the sine die adjournment of this session.

The other body has today struck out the sine die adjournment date and made the cutoff date December 1—a 2-week extension—which in my judgment is not realistic, but nevertheless that was the action of the other body.

The other body, in addition to changing the date, also decided that the rate for operations during the 2-week period for the foreign assistance program—which was continued in the House version of the continuing resolution—should be modified. I personally think, under the circumstances, that such a modification is in the right direction. The other body took into consideration the fact that some time ago the House passed an authorization bill on foreign aid which the other body voted down—they killed it—but on which they subsequently reversed their position, more or less, by passing, by a very considerable vote, two substitute foreign aid bills which in total amount are somewhat below the original House bill which had been killed by the other body.

The House version of the continuing resolution extension provided for continuing the rate for operations with respect to foreign assistance on the same basis as has obtained since July 1, which amounts, in total, to about $3.396 billion on an annual basis. For the 2-week period, November 16–30, the effect of the Senate amendment is to step the annual rate for operations down to about $2.6 billion—a stepdown of $700 million plus.

Those figures are not spelled out in the continuing resolution, but that would be the dollar consequence of the Senate modification for the 2-week period.

Mr. HALL. Mr. Speaker, that is the point to my reservation, if the gentleman will let me at that point ask him to explain where he arrives at the $2.6 billion figure. Is that the figure for foreign economic assistance in the other body's recent action or is that for the military assistance appropriation in the other body? How does one, in view of no stated figure, arrive at a minimum expenditure of $2.6 billion of this continuing resolution?

Mr. MAHON. Under the wording of the resolution as passed by the Senate, the rate for operation in each of these programs, both military and economic aid, is the lower of the current rate, the rate in the killed House bill as it passed the House, or the rate in the substitute Senate bills. Of course, the Senate bills in most instances were, I believe, lower.

I would expect that when we pass the regular appropriation bill for foreign aid the appropriations will be considerably reduced below even the reduced total applicable during the 2-week period under this continuing resolution.

Mr. HALL. Well, Mr. Speaker, the gentleman just said that no figure is presented here, but he thinks it will be $2.6 billion. I am simply trying to arrive at how you determine that figure. Is that the total of the other body's currently passed foreign economic assistance and military assistance and sales appropriation that they are going to tender to this body?

Mr. MAHON. Continuing resolution rates for operation are determined on a program-by-program basis. Where the Senate authorization bill is lower, that is the rate. Wherever it is not lower, then the rate of the House-passed authorization bill or the rate that has obtained since July 1, whichever is lower, would pertain.

Mr. HALL. I understand that, and of course that is in the final proviso which I did not read. I do not want to take up the time of the Members. I understand it is the lower of any, but I do not know how you can determine when this says "acts," "authorization acts," or "assistance acts," and there is no act or statute except the one for last year. I do not know how you can determine what the lesser figure of even the total of the two would be unless we stipulated it.

Mr. MAHON. Actually, perhaps it would have been better had the term "bill" or "authorization legislation" been used instead of the word "act."

Mr. HALL. Yes. But that is what they are asking us to accept by unanimous consent.

Mr. GROSS. Will the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. I want to compliment the gentleman from Missouri for pointing out that there is no such thing as an act involved here in the sense that approval has been given by both the House and Senate.

There should be no reference in this continuing resolution different from that contained under an act passed by the House. The House bill authorizing foreign aid is as dead as a dodo bird. It is the deadest horse you ever smelled. It was defeated by the other body. There is no such thing as a House authorization act. It is completely unreal even to mention it in a continuing resolution.

Mr. MAHON. Will the gentleman yield further?

Mr. HALL. I will be glad to yield to the gentleman from Texas.

Mr. MAHON. It is I believe clear—and I am certain it was made clear in the other body—that the word "act" or "acts" in this instance refers to the authorization bills on the subject passed by the House or by the Senate at this session.

Mr. JONAS. Will the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from North Carolina.

Mr. JONAS. With respect to the question as to how the $2.6 billion figure was arrived at, I think if the gentleman will examine the table that is available the gentleman will see that in every instance the lower figure is used; that is, the figure that is lower between the current rate of expenditures and authorizing legislation that has cleared one or the other of the two Houses.

For example, the first item on the table is Technical Assistance. The current rate of spending as of November 15 is $181,864,000, but the authorizing figure was above that at $187,906,000. But the figure we use that is available under the continuing resolution is the lower of those two figures which is $181,864,000, and that same pattern runs through the entire table and the gentleman can see by examining it that the lower of the two figures is used to arrive at the $2.6 billion figure.

Mr. HALL. First, I would be glad to accept all of that if I knew exactly what it meant, but referring here to foreign economic and military assistance sales on the one hand or authorization acts on the other hand, even with the rather lame explanation of semantics about the action in the other body's language or explanation pertains to not a law but to action passed by one body or the other, and it is impossible to determine under this section and this continuing joint resolution which of the lower of all is going to be used.

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, that is exactly why this table was prepared, so as to show that the current rate of spending authorized in this continuing resolution would be only about $2.6 billion; whereas, the current rate of spending before the continuing resolution was $3.3 billion plus, a substantially reduced rate of spending.

Mr. HALL. Mr. Speaker, there are some of us who think that $2.6 billion, whether it is substantially reduced or not, is much too much for this foreign aid give-away.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. HALL. Yes, I yield further to the chairman of the Committee on Appropriations.

Mr. MAHON. The $2.6 billion figure is approximately $700 million below the ongoing rate, which I think is very desirable in that it is an improvement over the original continuing resolution which was sent to the other body.

Mr. HALL. Mr. Speaker, I do not think there is anything desirable about it and I object.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas,

Mr. HAYS. Mr. Speaker, reserving the right to object, is there anything in either one of these continuing resolutions—is there any money in them for the organization up in New York which only today voted by a of 100-and-something to 2 to censure this body?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, the assessed dues which are paid by this Government for membership in the United Nations were carried in the State Department appropriation bill managed on the floor by the gentleman from New York (Mr. Rooney). That bill has been enacted into law.

However, there are funds in the pending resolution for voluntary payments to certain organizations and programs sponsored by the United Nations—as there have been all along.

Mr. HAYS. The answer then is yes, is that right, to my question?

Mr. MAHON. Will the gentleman restate his question?

Mr. HAYS. Mr. Speaker, I simply asked the gentleman if there was any money in this continuing resolution for the organization up in New York commonly known as the United Nations—I will stand corrected: the gentleman from New York (Mr. Rooney) says the East River Debating Society—is there any money in it for that organization, or the United Nations, or whatever you care to call it, some of which could not be printed if I said them.

Mr. MAHON. Let me first say that I am not aware of what the United Nations has done today. I have been heavily involved all day in managing the Defense appropriation bill here on the floor, and have not had an opportunity to read the papers or time for any other business.

To answer the gentleman's question, there are funds in the continuing resolution which would be available over a period of approximately 2 weeks for voluntary payments to certain organizations or for certain programs sponsored by the United Nations.

Mr. HAYS. Well, I just want to censure them, and I object.

The SPEAKER. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I move to take from the Speaker's table the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the joint resolution.

PARLIAMENTARY INQUIRIES

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, my parliamentary inquiry is this:

Is this motion subject to debate?

The SPEAKER. The Chair will state that if the gentleman from Texas desires to be recognized it would be subject to debate, and the gentleman from Texas would have control of the time.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, my second parliamentary inquiry is this: This would require a two-thirds vote; would it not?

The SPEAKER. The Chair will state that it would not require a two-thirds vote; only a majority vote.

Mr. GROSS. Mr. Speaker, would the gentleman from Texas explain what he is attempting to do now?

Mr. MAHON. First, as the gentleman from Iowa knows, I asked unanimous consent to agree to the Senate amendment, and send it to the White House so that a large segment of the Government would not be working without legal authority in violation of law, and which it is today. That is what I was trying to do, because I felt it would make Congress look better in the eyes of the country, and better in the eyes of the Congress to act responsibly that way.

That having been objected to, I then asked unanimous consent to go to conference with the other body. That was objected to.

And so now, having under the rules of the House authority to do so, I have moved that we send this joint resolution to conference.

Mr. GROSS. Can the gentleman move on the same day that a Senate amendment is brought up?

Mr. MAHON. I can, and I have, and I am in compliance with the rules.

Mr. GROSS. Let me ask the gentleman from Texas, how long would this continue the continuing resolution? What is the date certain?

Mr. MAHON. The date certain on the resolution is December 1, but we have to go to conference, and we probably could not do that tonight.

Mr. GROSS. Is this a continuing motion, or to send it to conference?

Mr. MAHON. This is a motion to send it to conference.

Mr. GROSS. Well, can that be considered on the same date?

Mr. MAHON. Yes.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, my parliamentary inquiry is this:

Can this kind of a motion be made on the same day the message is received from the Senate?

The SPEAKER. The Chair will state to the gentleman that the answer to his question is "Yes; it can be."

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. Speaker, who has control of the time?

The SPEAKER. The Chair will state that the gentleman from Texas (Mr. MAHON) has control of the time.

Mr. MAHON. I have the floor, under rule XX, which permits this action, and I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. MAHON, WHITTEN, PASSMAN, BOW, and SHRIVER.

FULTON OPPOSES CUTS IN FEDERAL EDUCATION AID TO TENNESSEE

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, today, I received a notification packet from the Department of Health, Education, and Welfare Office of Education including a letter which began:

> We are pleased to inform you . . .

What I was informed about was far from pleasing. Buried in the packet was this note:

> This year 15 States will receive less than the amount available for their LEA's (Local Educational Agencies) under Title I of the Elementary and Secondary Education Act. Your State is one of these.

Further investigation revealed that Tennessee as a whole in fiscal year 1972 would lose more than $3.1 million in Federal aid to education funds. Nashville-Davidson County would find its educational assistance chopped by more than $143,000.

The reasons given for these cutbacks were, first, that the Office of Education and Related Agencies Appropriation Act for the first time since 1966 did not contain a floor provision assuring each State "no less than the year before"; and second, that the limited funds provided under this measure had to be allocated so that States with substantial increases in the number of low-income children, facing per pupil costs higher than the national average, would receive whatever increases could be found. That the money for these increases had to come from somewhere was obvious; that States providing education at a lower cost level would be forced to foot the bill for their neighbor States' "educational affluence" has now become a fact of life. It is the old story—robbing Peter to pay Paul.

I am not advocating that funding to those States requiring more support in the future be cut, or even kept at fiscal year 1971 levels. I realize that inflation strikes every area, including education—and strikes in some States harder than in others. I would also not want to see jeopardized the educational programs of those States slated to receive more funds, would not want curtailed the training of children into whose hands our Nation will pass in years to come.

I do not, however, like to see the children of my State, Tennessee, or my district discriminated against, having their educations placed in jeopardy. This prospect now clearly stares us in the face. That any child should ever have his education threatened, that any school district or State agency should be forced to cut back for the "public good" of another district or State agency is, in my opinion, action opposed to the "public good."

Perhaps the die has been irrevocably cast for this year's allocations. Perhaps nothing more can be done—though I prefer to think something can, and will work to see everything possible is done to boost Tennessee's education funding. I would certainly hope, however, that at least when next year's funding levels are decided, we would not have to worry who will benefit, at whose expense. We must learn that our children's—all our children's—education is America's gain, that students in all 50 States must be listed as "educational beneficiaries" if our future is to be as brought as our past.

VOICE OF AMERICA SHOULD BROADCAST IN YIDDISH

(Mr. RYAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, the decision of the U.S. Information Agency to broadcast a 10-minute Russian-language program twice a week to Soviet Jews is an inadequate and disappointing response to the repeated urging of a large number of Congressmen and Senators that the Voice of America broadcast in Yiddish into the Soviet Union in order to demonstrate our moral and psychological support for Soviet Jewry.

On May 26 I introduced a resolution—House Resolution 454—calling upon the Voice of America to broadcast in the Yiddish language into the Soviet Union. This resolution has now been cosponsored by over 100 Members of the House, and has 22 cosponsors in the Senate.

By broadcasting in Yiddish to the Soviet Jews we will be showing support for them by reaching them in their mother tongue. In the 1959 Soviet census—the latest data available—it was reported that 2,267,000 Soviet Jews speak Yiddish. Most of them can understand Russian as well. But the significance of broadcasting to them in their own mother language cannot be underestimated.

Perhaps the most eloquent words about the importance of the Yiddish language to Soviet Jewry are those which Der Nister, one of the major Yiddish writers and one of Stalin's victims, wrote some years ago:

> I write in Yiddish not because I cannot write in any other language or in a language which is more widely used, but because there is no one with whom you can be as sincere, honest, and truthful as you are with the mother who gave you birth. What sense can all of my work have if I should think that the language of my people is dying out? I have always been an optimist. I believe in the existence of my people and my language.

The precedents for broadcasting to the Soviet Union in Yiddish exist. Currently, the Voice of America broadcasts to several population groups whose numbers are less than the total of Soviet Jewry. For example, the Voice of America broadcasts in their native languages to 1.3 million Estonians, to 1.8 million Slovenians, to 1.9 million Latvians, to 2.73 million Lithuanians, and to 2.83 million Georgians, and to 2.94 million Armenians.

During the course of the past several months, many of us concerned with this problem have called upon the U.S. Information Agency—the agency responsible for the operations of the Voice of America—to undertake such broadcasting. In response to our requests the USIA has now agreed to broadcast a special 10-minute program twice a week.

This 10-minute Russian-language program, to be broadcast as part of a regular religious half-hour program for Russian Orthodox believers, fails to meet the cultural, religious, and national needs of Russia's three million Jews. A 10-minute program is far too brief and it will not give either moral support or vitally needed information. Only regularly scheduled programs in Yiddish for much more substantial amounts of time will indicate to members of the oppressed Jewish minority of the Soviet Union that they are not alone in their struggle for equality.

While the decision to establish a 10-minute program indicates some recognition of the need for a change in policy, the new program is deficient for the following reasons:

First. A 10-minute program can hardly fulfill the function of presenting a well-rounded and comprehensive broadcast dealing with a variety of items of interest to Soviet Jews.

Second. As part of a religious program directed mainly to Russian Orthodox believers, it will be difficult to attract a special Jewish audience.

Third. It appears that only religious items will be broadcast. There is just as great a need for cultural news and for news of current political events to be broadcast.

Fourth. A 10-minute broadcast can hardly portray adequately the range and variety of American Jewish life.

Fifth. It would also seem that this program will be prepared by regular Russian-language personnel who are not attuned to the special cultural and national needs of Soviet Jews.

Thus, the decision is a token gesture which falls far short of our full moral obligation to Soviet Jewry. Certainly the U.S. Information Agency should do more. It is essential that we in the Congress and the public continue our efforts to bring about substantial Voice of America broadcasting in the Yiddish language to the Jews of the Soviet Union.

PRESIDENT NIXON'S VISIT TO PEKING

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, the American people for the most part have high hopes and fairly high expectations concerning President Nixon's visit to Peking. It will be a unique visit historically and with respect to the magnitude and sensitivity of matters discussed. There will not be one word spoken by either of the two principals which the other will not be obliged to carefully weigh, analyze, and file for future reference. While the final joint communique may not shake the world, there ought to be some general references in it which give comfort to those truly seeking a "generation of peace."

Both parties will bring to the conference what might be described as unpaid accounts. The list is long and varied on both sides. One should employ caution before suggesting additions. I have but one. As a member of the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, I have seen close up in many communities across this land the agony of drug abuse. Hearings before the subcommittee have disclosed the huge new burden of addiction acquired overseas, particularly by our troops in Vietnam. We would like to believe that never in the past, certainly never in the future, could the problem be discovered to derive from the deliberate policy of a duly constituted government. The Nixon visit to Peking is itself an acknowledgment that the Peking government is de jure as well as de facto. And while all the requirements of protocol should be observed they should not veil candor. They will not on the Chinese side I am sure. Candor on our own part would require acknowledging the threat to our society that dope addiction poses. No country could wage a more devilish war, with more potent weaponry than one with the means and the will to infect our people in this way.

A question which we would hesitate to put to the Chinese Government were there absolutely no basis for putting it, is whether the easy availability of cheap and highly potent opiates to our GI's in Southeast Asia or our people at home can be attributed in any degree to deliberate action or inaction by the Peking government. Why explore this unpleasant subject in a goodwill visit? Because in the long run goodwill depends on mutual faith and respect. Lingering doubts which dilute the cementing process of bilateral talks must be resolved. But why should any suspicion exist concerning Chinese participation in the opium war on young Americans? There have been periodic reports of shipments of opiates from China. These are discounted by the State Department which reports that—

> There are no indications that the People's Republic of China controls the opium trade in Southeast Asia or Hong Kong, even though ethnic Chinese figure prominently in the trade.

The Justice Department, however, according to the Washington Post of this morning, reports that some 5,000 or more mainland Chinese have entered the United States since 1965 often for the purpose of sabotage and narcotics traffic.

The State Department could certainly be forgiven an inclination to wish away stumbling blocks to the new cordiality. One would be tempted and in fact relieved to let the matter drop right there, were it not for published excerpts of a book about Egypt's Nasser which purport to record his conversations with Prime Minister Chou En-lai in 1965. The book, written by Mohammed Heikal—editor of Al-Ahram and close confidant of Nasser—is due to be released next year. Excerpts have been published recently in the London Sunday Telegraph. The following is an extract from the October 24 issue dealing largely with the aforementioned talks between Nasser and Chou En-lai.

> The other main topic was Vietnam. American involvement in Vietnam was growing under Johnson and the whole world was concerned with the dangers of the situation. The non-aligned nations played a large part in expressing the world's concern. Nasser, Nehru and Tito all called attention to Johnson's folly and spoke long and often about the danger in which he was putting the world. Nasser wanted the Americans to withdraw and allow the people of Vietnam to settle their own fate. But Nasser had a surprise in store for him.
>
> When he and Chou dined together in Alexandria on June 23, Chou said that he did not want Johnson to withdraw any American soldiers. On the contrary, he wanted the United States to send more and more of its young men to Vietnam. "We are afraid that some American militarists may press for a nuclear attack on China and we think that the American involvement in Indo-China is an insurance policy against such an attack because we shall have a lot of their flesh close to our nails.
>
> So the more troops they send to Vietnam, the happier we shall be, for we feel that we shall have them in our power, we can have their blood. So if you want to help the Vietnamese you should encourage the Americans to throw more and more soldiers into Vietnam. We want them there. They will be close to China. And they will be in our grasp. They will be so close to us, they will be our hostages.
>
> One of the remarkable things Chou said that night when talking about the demoralisation of the American soldiers was that "some of them are trying opium, and we are helping them. We are planting the best kinds of opium especially for the American soldiers in Vietnam."
>
> President Nasser looked at him in some disquiet, but Chou went on, "Do you remember when the West imposed opium on us? They fought us with opium. And we are going to fight them with their own methods against them. We want them to have a big army in Vietnam which will be hostage to us and we

> want to demoralise them. The effect which this demoralization is going to have on the United States will be far greater than anyone realizes."
>
> Nasser felt that possibly Chou was exaggerating a little. But Chou had his plan absolutely clear in his mind. There was no doubt that he intended to do exactly as he said.

There is no question that the drug problem in America today is far greater than anyone realized in 1965. The year in which illegal entry of Red Chinese gathered momentum. A disavowal that any such statement was made by Chou would be indicative.

The Egyptians or at least their Russian sponsors may have reasons to generate American hostility toward the People's Republic of China. Positive assurance that China will do all in her power to establish proper controls on all drug traffic would be even more significant. Practical steps to implement international controls would be the best gage of intent.

Of course times have changed in one respect. It is now not so much American nuclear power that Chou fears as Russian. What effect this change in the balance of distrust would have on his allegedly expressed desire for the continued proximity of U.S. "hostages" no one knows. Taking the quote at face value, we may be excused for inquiring if our withdrawal rate has been too fast, although the Chinese U.N. delegate would have appeared to lay that question to rest in his engaging opening address.

The only thing that emerges with clarity is the obscurity of Chinese policy and purpose. Experience may justify the confidence that the President does go into any such meeting unequipped to deal with ambiguity. But he should make one thing very clear, the destruction of American lives and communities through drugs is a threat that must be dealt with satisfactorily at every revealed source.

MOORHEAD CHARGES SAIGON ECONOMIC REFORMS IGNORE UNFAIR EXCHANGE RATE HURTING THE UNITED STATES

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I want to make it clear today that my remarks are not antiforeign aid.

But one of the things foreign aid was not designed to do was waste the American taxpayers' money—nor was it intended to hurt U.S. labor and industry by expanding the export trade of Japan and Europe.

Yet this is exactly what is happening to us in Vietnam because our alleged ally refuses to permit America to pay a fair price for local goods and services needed in our common defense effort.

President Thieu announced some economic reforms in Saigon yesterday, but he and the National Assembly totally ignored the one needed most—a fair exchange rate for official U.S. Government purchases. Despite the change to 400-plus for the accommodation rate, the official rate continues at an artificial 118.

As a result, America will continue to pay almost three and a half times the real cost of goods and services. This monetary injustice has cost us almost half a billion dollars in the last 3 years. Vietnam takes this money and spends almost 90 percent of it in Japan and Europe.

As President Nixon tries to put our economic house in order, I certainly hope he uses some strong cleanser on this grimy sink.

Mr. Speaker, for months the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations has been making strong representations to the Department of State, AID, and the Treasury on the inequitable rate of exchange in Vietnam. I am informed that pressure helped to hasten the latest economic reforms in Vietnam, even though they are greatly deficient. Vietnam has offered half a loaf to America. That just is not good enough any more.

THE CURRENT CIVIL WAR IN PAKISTAN IS ONE OF THE MOST APPALLING TRAGEDIES OF THIS CENTURY

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, the current civil war in Pakistan is one of the most appalling tragedies of this century. Since the Yahya Khan regime launched its attack on the civilian population of Bangla Desh on March 25, an estimated several hundred thousand Bengalis have died in the fighting. And, nearly 10 million refugees have been literally driven from their country by the Government of Pakistan and its army of occupation in the east.

These unfortunate refugees now live in squalid camps in India where hunger and disease are their constant companions. Every day, hundreds of small children reportedly die of malnutrition in the camps. The refugees are today literally without hope. Words fail to convey the horror in East Bengal and the refugee camps of India. Perhaps John Kenneth Galbraith came closest to describing the situation in the title of his recent essay in the New York Times Magazine: "The Unbelievable Happens in Bengal."

Mr. Speaker, we should all be familiar with the details of the reign of terror launched by the Pakistani Government on the night of March 25. Since then every act of brutality conceivable has been inflicted on the people of Bangla Desh. It should also be pointed out that the Pakistan Government's launching of this aggression was the last in a series of attempts by the Yahya Khan regime to reverse the results of a democratic election which gave the Awami League a majority in the constituent assembly.

For the last 10 years the United States has been mired down in Vietnam allegedly to guarantee self-determination for the Vietnamese and to prevent the north from imposing its will on the south. The situation in Pakistan is not dissimilar, with the west seeking to impose its will on the east.

The State Department and the administration have been decidedly silent, though, on this latest threat to the self-determination of peoples. The reasons for this sudden loss of interest in the democratic rights of the people of Asia are not hard to discern. One has only to review the history of U.S. relations with the various authoritarian governments of Pakistan.

Since the early 1950's the United States has peddled millions of dollars worth of arms to Pakistan, presumably to shore up this bulwark of the free world in the face of potential Soviet or Chinese aggression. In an incredible seizure of myopia, the Eisenhower administration accepted Pakistani pledges that these arms would not be used against neighboring India. The brief, but bloody, 1965 Pakistani-India war showed how valid those promises were. As Chester Bowles noted in a recent Saturday Review article:

> Every Indian casualty in the conflict was caused by an American bullet, bombshell or hand grenade.

Undoubtedly, these same American-supplied weapons are being used today against the civilian population of Bangla Desh.

The cold war mentality which led to the arms shipments in the first place prevails today in the White House and in Foggy Bottom. Yahya Khan is a foe of the Russians so he must be a friend of America, goes the rationale. Despite the blood on their hands, friends of America are not to be criticized. Hence, Yahya Khan remains a citizen in good standing of the free world. Further, to depart from our business-as-usual attitude toward the Pakistan regime would create a power vacuum which the newly discovered Communist Chinese could fill. Not of least importance, too, Henry Kissinger might lose his landing rights at Islamabad Airport. The American Government, which has vocally condemned every last Vietcong atrocity, suddenly loses its voice when confronted with the genocidal policies of Yahya Khan.

Mr. Speaker, this administration seems to have a particular affinity for dictatorships, wherever they may be found on the political spectrum. The President, as we know, is about to journey to the ideological wellsprings of godless communism. The Vice President meanwhile has been chalking up an admirable record of visits to rightwing dictators. By his recent trip to Greece, he conferred America's blessing on the colonels' enlightened attitude toward basic civil liberties. And we should not forget the Vice President's visit to Fascist Spain last July to help Franco celebrate the anniversary of the overthrow of the Spanish Republic.

Meanwhile, the democracies of this world have increasingly been given the cold shoulder by this administration. Two of our closest allies, Japan and Canada, have been repeatedly mistreated and spurned by the President, with Amchitka only the latest insult. But I digress.

The situation in Bangla Desh is a nightmare; it is a crime against humanity; it must stop. The administration has been appallingly equivocal in its approach to the Pakistani civil war. To be sure, the President, after nearly 8 months of delay, last week finally shut off arms shipments to Yahya Khan. And, the United States has led all nations in providing relief supplies to the refugees. But more needs to be done.

To begin with, the civil war must be ended on an equitable basis. The present American attitude toward the Pakistani regime has only catered to continued violence and intransigence. I propose that we reverse this policy and let Khan and the world know that we, in no uncertain terms, condemn his brutal military policies. We should shut off all forms of assistance to the Islamabad government, except for relief supplies to refugees. If necessary we should organize an international boycott of Pakistan until Yahya Khan comes to an equitable settlement with the Bengalis. Only in the face of outspoken international condemnation will he cease his aggression against Bangla Desh.

In the interim, more must be done to relieve the plight of the 10-million refugees rotting in the DP camps around Calcutta. As Senator Kennedy has pointed out, India will require $800 million in the year ahead to provide for the refugees. Hundreds of millions more dollars are necessary to aid war victims still in East Pakistan. It is our moral duty to provide a large portion of these funds and to pressure other governments in the developed world to contribute substantially more than they have. India simply does not have the resources to care for these refugees by herself, and I doubt that Yahya Khan could care less, so it is up to the developed nations to step into the breach.

Mr. Speaker, I urge the House to go on record supporting the forthright stand I have outlined today. To this end I have introduced a resolution expressing the sense of the House with respect to the situation in Pakistan. I am proud to have as cosponsors for this resolution Mr. Abourezk, Mrs. Abzug, Mr. Burton, Mr. Corman, Mr. Dellums, Mr. Drinan, Mr. Forsythe, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Harrington, Mr. Leggett, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Moss, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Ryan, Mr. Sisk, and Mr. Thompson of New Jersey. Also, Mr. Charles Wilson will join me in cosponsoring this resolution later this week.

These Members share my view that our Government can do more and must do more to end the Pakistani civil war and the suffering resulting from it. Only by so acting can we begin to rediscover in our foreign policy, principles of compassion and justice.

Under unanimous consent, Mr. Speaker, I submit at this point a number of articles concerning the situation in Pakistan as well as the text of my resolution. Additionally, I would call the attention of my colleagues to several other worthwhile statements on the Pakistani situation which have appeared previously in the Record. These are "the Testimony of 60 on the Crisis in Bengal" inserted by Senator Kennedy on October 28—page 37930—and excerpts from Senator Kennedy's report to the Subcommittee on Refugees, appearing on November 1—page 38404:

Resolution

Whereas there is a tragic suffering and loss of life in Pakistan and India caused by starvation, disease and civil war in and about the eastern Indian states and East Pakistan and these conditions prevail today;

Whereas this situation has been caused and aggravated by the Pakistani Government in pursuit of genocidal military policies which constitute a crime against humanity;

Whereas increased shipments of food and medical supplies are needed to reduce the tragic rate of starvation and related deaths: Now, therefore, be it

Resolved, That it is the sense of the House that: (1) the President should act to increase significantly the amount of surplus stocks, relief moneys, noncombat aircraft, medical personnel and other such supplies and personnel as may be necessary for relief purposes; and that (2) this relief assistance should be made available to international relief organizations directly involved in the alleviation of conditions within South Asia and proportionate amounts should be made available to the Government of India; and that (3) the President should immediately suspend all forms of assistance to the Government of Pakistan, save humanitarian relief supplies, pending a peaceful settlement of the civil war in that country; and that (4) the President urge the Pakistani Government to end the strife in that country, such urging being undertaken through direct diplomatic channels and through the offices of the Southeast Asia Treaty Organization; and that, (5) the Government of the United States should solicit the cooperation of other nations in this humanitarian effort.

[From Washington Monthly, November 1971]

Tragedy in Bengal: The Role of American Foreign Policy

(By Edward M. Kennedy)

On the evening of last March 25, the Army of Pakistan launched a systematic campaign to suppress political opposition in East Bengal. The details of what has followed have been blurred by press censorship and deception. But the heart of the story has become clear to the world: the soldiers of Pakistan have moved so brutally against their nominal countrymen that hundreds of thousands have died and over nine million more have fled across the borders into India. Each day the flow of Bengali refugees continues—spilling into India towards the disease and hardships of inundated, makeshift camps, while the Pakistani government blandly announces that everything is under control and appeals for the refugees' return.

Americans must begin to understand this massive human tragedy, and our role in it, so that we can recognize the bankrupt response of our government and set it right. It is time for Americans to understand that we must rescue the ideals of our foreign policy from cold calculations that have not only shaken and demoralized South Asia, but many other parts of the world as well.

The issue from the beginning in East Bengal has been self-determination and democratic principle. East Pakistan, or the province of East Bengal, is the more populous half of a country that has been divided by more than 1,000 miles of Indian territory since the establishment of Pakistan in 1947. After suffering both political and economic domination from the West Pakistanis for more than two decades—after years of martial law and unfulfilled election promises—the East Bengalis finally succeeded in obtaining a free election throughout all of Pakistan last December 7. The election was administered by martial law authorities and, at the time, was loudly proclaimed fair by the government of President Yahya Khan. It produced in East Bengal an overwhelming mandate—almost 90 per cent of the vote—for the Awami League party and its leader, Sheikh Mujibur Rahman.

The Awami League was thus given a majority in the promised Pakistan National Assembly, charged with drafting a new constitution for returning the nation to civilian, democratic rule. But what happened next formed a pattern of delay and deception, followed by the invocation once again of martial law. Negotiations between Sheikh Mujib and President Yahya Khan over the party's six-point proposal for regional autonomy dragged on and deteriorated—erupting in terror and bloodshed suddenly on the night of March 25.

For while the East Bengalis negotiated for democracy and autonomy, the West Pakistan army prepared for repression and organized terror. What I saw recently in India was the human debris from that night of terror and the subsequent months of violence.

The brutal suppression of East Bengal is the third disaster to befall that area in the past year. In the summer of 1970, floods destroyed crops and killed thousands of people. In November, a cyclone hit the coastal region and killed an estimated 400,000 people. Now comes a man-made disaster, whose fury is producing even greater death and widespread misery among those who survive. And unlike the natural disasters, the current suppression has cemented the traditional bitterness of the Bengalis toward the Pakistani government. Many Bengalis now reason that if there were ever a time to push toward independence, that time is now. And, apparently a majority of the refugees in India are determined not to return home, until this goal or some form of autonomy is achieved.

Those who flee East Pakistan do not expect to find a promised land as they trek into the camps around Calcutta and the other border areas—by and large the poorest of India. Even in normal times, the poverty in these areas is among the most depressing in the world. And despite enormous efforts by the Indian government, the refugees find cholera, malnutrition, dysentery, and overexposure. They find all the ways to die that poor, spent people experience when they are heaped together with inadequate food, shelter, medical care, or sanitary facilities. The refugees do not walk to India out of hope of a better life. They flee because of the immediate threat of terror and death at the hands of the Pakistani soldiers. Added causes in recent weeks are growing food shortages and the threat of famine, especially in the rural areas.

Despite cables and reports from the field, this massive human tragedy is not yet understood by our government or the world. Although the plight of the refugees has been a source of urgent concern for many in Congress, and the Subcommittee on Refugees, it is not until you see it first-hand that you can begin to understand the immensity of the suffering. For only by visiting the refugee camps can you sense the feelings of the people or understand the forces of violence which continue to push them from the Bengal countryside.

MISERY'S VARIABLES

Although we were unable to see the source of the refugee flow, because the government of Pakistan refused us entry into East Bengal, all evidence available to the subcommittee suggests conditions are continuing to deteriorate in the countryside. However, in India, we managed to visit refugee areas along the entire border of East Bengal—from Calcutta and West Bengal in the west to the Jalpaiguri and Darjeeling districts in the north, to Agartala in the State of Tripura in the east. I listened to scores of refugees, struggling to survive in flimsy shelters in open fields or behind public buildings—or trudging down the roads of West Bengal after days and even weeks of desperate flight.

I found that conditions varied widely from one camp to another. But they varied around a rather general level of misery, for many of the camps defy description. Those who suffer most from the hunger, the congestion, the lack of medical supplies, and the frightful conditions of sanitation are the young and the very old. Many of the infants and aged have already died. And it is possible—as you pick your steps among the others—to identify those who will be dead within hours, or whose lives surely will end in a matter of days.

You see children with legs and feet swollen with edema and malnutrition, limp in the arms of their mothers. You see babies going blind for lack of vitamins, or covered with sores that will not heal. You see in the eyes of their parents the despair of ever having their children well again. And, most difficult of all, you see the corpse of the child who died just the night before. When you look up, of necessity, from the eyes of one refugee who mourns his family and you see similar men and women and children packed together as far as the eye can see, then you have an inkling of what is meant by the phrase "seven million refugees." Now there are nine million.

The story is the same in camp after camp. Compounding this misery is the growing number of civilian casualties that are swamping India's already overburdened hospital system. As I walked through hospitals in Tripura and elsewhere, I saw children who had been shot. While I was visiting one hospital, doctors carried in a woman who had been shot through the side. Most of the refugee casualties are brought across the border by their friends or relatives. Each day the toll mounts as border villages are subjected to shelling from both sides. Inevitably, there are untold numbers of other victims who remain unattended and uncounted in East Bengal.

The refugees come from all kinds of backgrounds. One 55-year-old civil servant among the civilian casualties, a railroad official with 35 years of service, told me of an inexplicable assault on his railroad station by the Pakistani army. "I do not know why they shot me," he said. "I don't belong to any political party. I was just a railway clerk." Most of the refugees, however, are poorly educated villagers—the people who make up the bulk of the population in East Bengal. I talked with dozens of such people on the Boyra-Bongaon Road north of Calcutta, on a day when at least 7,000 new refugees had crossed the border. Nearly all were farmers. Most were Hindus, from districts south of Dacca, on the fringe of the area affected by last fall's cyclone. Many of these people were still in visible stages of shock, sitting listlessly by the roadside or wandering aimlessly. They told stories of atrocities, of slaughter, of looting and burning, of harassment and abuse by Pakistani soldiers and their collaborators. Monsoon rains were drenching the area, making it difficult for the refugees to walk and adding to the despair on their faces. To those of us who went out that day to visit refugee areas, the rains meant no more than a change of clothes. But to those refugees it meant still another night without rest, food, or shelter.

It is difficult to erase from your mind the look on the face of a child paralyzed from the waist down, never to walk again; or a child quivering in fear on a mat in a small tent still in shock from seeing his parents, his brothers, and his sisters executed before his eyes; or the anxiety of a 10-year-old girl out foraging for something to cover the body of her baby brother who had died of cholera a few moments before our arrival. When I asked one refugee camp director what he would describe as his greatest need, his answer was "a crematorium." He was in charge of one of the largest refugee camps in the world. It was originally designed to provide low-income and middle-income housing, and has now become the home for some 170,000 refugees.

CABLES UNDER THE CARPET

What has been America's response to this man-made disaster?

Incredibly, we have been unconscionably silent. Neither the President nor the Secretary of State has yet made a single public statement condemning the West Pakistan government's policy of violence and repression. And not until late in the summer—months after the tragedy began—did the President publicly comment on the situation in South Asia. In fact, there is enough evidence to suggest that our government has sought to minimize in public the serious threat to peace caused by the massive flow of Bengali refugees into India. We have consistently downplayed the threat of famine in East Bengal and understated the role of American arms in our relations with the West Pakistan government.

On the question of famine, our government as early as June 21 had official reports from the field—let alone earlier information from international agencies—predicting serious food shortages in some areas of East Bengal. Cables from the American Consul in Dacca, one of the few official sources of information about human conditions inside East Bengal, were warning the State Department in Washington that the threat of outright famine was great. One such confidential cable on July 6 reads as follows:

> Specter of famine hangs over EP [East Pakistan] and prospects for averting widespread hunger, suffering and perhaps starvation not repeat not good. GOEP [Government of East Pakistan] officials largely enervated by fear of military. UN moving far too slowly. . . .
>
> In official circles in Pakistan famine is a forbidden word. The line being taken by the GOP and the GOEP is that stocks are adequate and no major food problems are in sight. Nonetheless, it is our view that famine conditions . . . will probably prevail in much of EP over the coming year. Moreover, because of line the GOP/GOEP are taking, prospects for averting famine conditions not repeat not good.

When press queries about famine were made in mid-July, State Department spokesmen seemingly went out of their way to protect the sensibilities of the Pakistani government by consciously understating the potential for famine in East Bengal. This neglect of field reports prompted the American Embassy in Islamabad to file this cable of protest on July 15:

> We are concerned . . . that department stating publicly that there is no evidence in field reports which would bear out predictions of coming famine in East Pakistan. Perhaps spokesman not apprised of most recent field reports which indicate famine real possibility.
>
> In our view, public statements inconsistent with this line likely impair effectiveness of our representations here. . . . Further public statements . . . should reflect recent field reporting.

It was not until July 22, in response to questions from members of the Subcommittee on Refugees, that Department of State officials publicly recognized the situation. We can only speculate why our government refused, for so long, to speak candidly of the potential for famine in East Bengal; for the net effect of minimizing the seriousness of the problem was to reduce the urgency of our response and to defer needlessly those substantive international efforts that were needed to save human life.

SHIPS IN THE NIGHT

Although in the early days of the East Bengal crisis it looked as though our government's policy suffered simply from a lack of candor and a lethargy towards the urgent humanitarian needs involved, it did seem as though we were ending our military participation with the government of Pakistan. On April 20, the State Department announced an end to the shipment of further American arms to Pakistan. In a letter to me on that date, the Department stated explicitly:

> . . . we have a modest program of cash and credit sales to Pakistan of non-lethal military end-items as well as some spare parts and ammunition. We have been informed by the Department of Defense that *none of these items has been provided to the Pakistan Government* or its agents since the outbreak of fighting in East Pakistan, March 25–26, *and nothing is presently scheduled for such delivery.* (emphasis added)

On May 6, the chairman of the Senate Foreign Relations Committee received a similar letter, as did other members of Congress.

Yet on May 8, the Pakistani ship *Sunderbans* left New York harbor for Karachi, West Pakistan, laden with American military supplies. Neither the press nor the Congress knew of its departure. Its sailing says a great deal about the course and purpose of the Administration's policy towards South Asia. And contrary to every impression—at least prior to the Department of State's testimony befor the Refugee subcommittee on June 28—U.S. military supplies were continuing to flow to West Pakistan.

Some have tried to explain the apparent discrepancies between our officially stated policy and the continued shipment of arms by noting that the phrase "scheduled for delivery" has a more intricate meaning than commonly assumed. "Delivery" in the Department of Defense means, they say, the transfer of title, which occurs long before actual shipment. Once military goods have been "delivered," the shipper must obtain a license from the Department of State's Office of Munitions Control before actual shipment. All this can take up to a year.

But such ornate descriptions of the military aid process, or apologetic claims of "bureaucratic bungling," cannot explain away the continued shipment of military equipment to Pakistan. This was made clear in the June 28 testimony before the Subcommittee on Refugees. After a reported White House level review of the arms policy toward Pakistan, Deputy Assistant Secretary of State Christopher Van Hollen admitted "that there may be certain items moving in the future based upon items turned over by DOD (Department of Defense) prior to April, or on commercial licenses that are still outstanding." In other words, the Administration determined not to embargo the $27.4-million worth of arms still in the pipeline as of March 25. Such an embargo could have been effected with just a few phone calls.

Under current policy, therefore, military supplies still flow today to Pakistan—not in the quantities that might have been shipped if new licenses were granted, but in sufficient quantities to help the Pakistani army in its suppression and to carry enormous symbolic weight.

IF WE DON'T, SOMEONE WILL

The State Department, as outlined in Mr. Van Hollen's testimony, has given three reasons for this policy. First it is said that an embargo would "be seen as an unwarranted intrusion into an essentially internal problem, which can only be resolved by the Pakistanis." The implication is, of course, that we can somehow maintain a hands-off posture towards Pakistan while still sending military hardware to its military government. But surely this is a contorted argument. For the cold fact is that we are already involved—with our guns and our money, with more than a decade of economic and military assistance. Our aircraft and our tanks have been reported in action, even by U.S. officials.

So the question is how we should be involved; whether we should continue supplying more arms, or supporting instead efforts toward political accommodation in East Bengal and humanitarian programs for the millions in need.

A second argument advanced by The State Department to justify not cutting off military supplies is that it "would cause Pakistan to rely exclusively on other sources of supply." In other words, if we don't supply the equipment, somebody else will. This is, and always has been, a weak and very defensive argument, capable of justifying *any* policy as long as there is a single party in the world who will fill the void if we abstain. It relies not on the positive merits of a program, but on the fact that other nations might be willing to do what we should not be willing to do. The fact is that in Pakistan arms are already being imported in great volume from China and elsewhere, and our supplies are only a small portion of current Pakistani military imports. So why not cut our symbolic ties?

The State Department replies rather obliquely that the third reason for continued military sales is that it would indeed be seen as a symbolic sanction. As Mr. Van Hollen testified, "Such sanctions . . . would undermine our efforts to maintain a productive political relationship with the Government of Pakistan, [to] encourage the Government of Pakistan along constructive lines in the areas of mutual interest, namely in the areas of relief, of refugee return, and of political accommodation." This argument has become the heart of the Administration's position, even though the government of Pakistan has shown only token "mutual interest" in such matters as humanitarian relief and political accommodation.

As the Administration has put the rationale, subsequently military aid is required to maintain our "leverage" over the Pakistani government in order to push for a cessation of the killing and political repression. But surely there is no more specious an argument than this, which says the establishment of "leverage" requires regular contributions to the very problem being addressed. It would be better to cut off military aid, as well as general economic aid, and then make its restoration contingent upon some demonstration of humanity on the part of Pakistan, than to mindlessly continue the arms flow in the hope of some day achieving that leverage. As it is we are bargaining against ourselves.

Although it was clear from testimony before the subcommittee that our continued military aid to Pakistan flows directly from Administration policy, many observers continue to believe it is a product of bureaucratic inertia. It would certainly seem so from a General Accounting Office (GAO) investigation, which recently uncovered nearly $10-million worth of "Offer and Acceptance" contracts, in which the U.S. took the initiative in offering Pakistan military equipment, such as parts for fighter aircraft, like the F-104. Needless to say, Pakistan accepted the offers, and at least one contract was "Validated and Approved for Implementation" in July, long after authorizations for new arms shipments had been declared forbidden. The State Department, while surprised at the existence of the contracts, has taken the position that the goods could not be shipped without licenses, which would not be granted under existing policy. Accordingly, the contracts were called mere contingency items in case of policy changes in the future. Whatever the facts are—which the GAO is seeking to clarify during its current investigation—there is considerable evidence that the State Department's control over what sails for Pakistan is woefully deficient and sadly confusing.

It is time for Americans to ask their leaders just what kind of government is it that we seek to influence—and for what purpose? The uses of "leverage" and "forceful persuasion" are, of course, very familiar to Americans from our part in the Vietnam war. In Saigon, after seven years of active military involvement—where Americans have been asked to sacrifice nearly $100 billion and at least 46,000 lives to uphold the concept of self-determination and democratic principle—we are confronted today with a cruel joke on "democracy" and "self-determination." In Vietnam we are supporting a military elite which calls an election "free" after it eliminates all significant opposition.

Less than 2,000 miles from Saigon, in East Bengal, we have seen the results of a popular election, but watched silently while a military regime jails the man chosen in that free election to be the country's leader. Worse, we have actually supoprted that regime, while it suppressed the results of that election and destroyed in the process all the principles for which our country has sacrificed so much for so long only a few miles away. Perhaps the only difference between Vietnam and Pakistan is that in Pakistan we have made no pretense of acting in support of principles, so that, in effect, no principles can be violated.

If the answer of this Administration toward the excessive moralism and involvement of Vietnam is to be the new pragmatism of Pakistan, then I fear we have failed to learn the true lesson of Vietnam. For we cannot afford to substitute the twisted moralism that involved us in Vietnam with a twisted amoral "pragmatism" that keeps us involved with Pakistan. It is simply too offensive to some of the ideals Americans have long stood and fought for, and by which we try to take our bearings in the world.

PSEUDO PRAGMATISM

The implications of the tragedy of East Bengal on American foreign policy should now be clear.

First, we must do an about-face in our relations with the nations in the area. We must understand that the face of America today in South Asia is not much different from its image over the past years in Southeast Asia—the image of an America that continues to support military repression and to fuel military violence. It is the image of an America comfortably consorting with an authoritarian regime. It is the image of an America citing its revolutionary past and crowing about its commitment to self-determination, while servicing with money and guns the military juntas that suppress change and ignore people's aspirations.

The situation in East Bengal should be particularly distressing to Americans because the leaders of East Bengal—now constituting themselves as the government of Bangla Desh—have not come to America for assistance. As one Awami League official said to me in Calcutta: "Many nations and people come to America to ask for billions of U.S. dollars for more guns, more supplies. We Bengalis ask only that you provide nothing—no guns, no money to either side—that you simply remain neutral."

If we chose, rightly or wrongly, not to involve ourselves in support of self-determination, then the advice of neutrality not only avoids compromising the principles for which we stand, but also is sound foreign policy. For rather than the mindless and fruitless practice of following old habits in our dealings with military cliques in South Asia, neutrality may in fact provide us with leverage that is real and effective.

Secondly, Americans must realize that we are failing in our job as humanitarians. Somehow, our government has almost managed to sleep through a nightmare in East Bengal that should have spurred us into action immediately. For over three long months, after six million refugees had streamed across the border into India, our government offered less than $3 million in aid. Seven long months later, the Administration has contributed less than $240 million in humanitarian aid to either India or Pakistan, with an additional request for $250 million sent to Congress only last month. All this is still far less than that required. Our government knows from its own reports that India alone will need at least $800 million over the coming year just to maintain the refugees in camps. So far our contribution has been some $83 million, plus $20 million in development loans.

To be sure, as the Administration has pointed with pride, we have contributed the largest share of the total humanitarian aid India has thus far received. But the pride is quickly dispelled when we see the vast dimension of the burden being carried by the government and people of India. Simple humanity demands that America and the United Nations accept the truth that this heavy burden should be shared more fully by the entire international community.

If America is to fulfill its traditional role as the leading humanitarian nation of the world community, then America must take the lead in bringing international aid and relief to the millions of refugees and other victims of this international tragedy. Our leaders should begin to use every forum in this country, and every forum in the world, to focus attention on the inhumanity now being perpetrated in East Bengal, and on the urgent need to bring peace and relief to that troubled area.

Finally, we must ask serious questions about what our attitude toward the tragedy of East Bengal says of our new "pragmatic" foreign policy—a policy which too often makes moral and humanitarian principles expendable. I, for one, believe that these considerations—elusive though they may be—still matter. In the long run, the practice of such principles shape international esteem and goodwill, and they represent those important foreign policy variables which diplomats may try to, but cannot really ignore in the treaty rooms. Further, our actions abroad cannot help but be affected by what we think of ourselves, and our self-esteem must sink with every revelation about our government's policy towards the military regime of Pakistan. Our actions toward East Bengal have demonstrated a largely mechanistic and insensitive calculation of what is within our national interest and tradition.

South Asia today is on the brink of war and even greater tragedy, and our government's policy bears a special responsibility. For our continued military and economic support of the military regime in Islamabad has encouraged Pakistani intransigence and fed frustrations in India and East Bengal. It is long overdue for us to rescue our foreign policy from a course that has been disastrous both to our best traditions and interests in South Asia.

THE UNBELIEVABLE HAPPENS IN BENGAL

(By John Kenneth Galbraith)

One day in the summer of 1961 I drove in the monsoon some 40 miles to the north of Calcutta to inspect an unpromising agricultural college which the United States was assisting and to look at the beginning of a new experiment in dairy husbandry. For generations the most congested bustees of Calcutta had harbored a considerable number of dairy stables, each of which added marginally to the filth, stench and flies of the city and some of the world's most polluted milk to its sustenance. Now the cows and buffalces were to be relocated to solid, concrete-floored stables in the marvelously lush green countryside—palms, paddy, patches of tall hemp, ponds covered by wastes of water hyacinth—of West Bengal.

Ten years later—just after Labor Day this year—I visited the Haringhata Dairy Farm again. The stables had been considerably expanded. There were still cows and water buffalo about. From one complex of six stables they had, however, been extruded. Their place had been taken by 72,000—seventy-two-thousand—women, children and men from East Bengal. Each stall—perhaps 5 by 7 feet—now housed a family—usually of five or six. The box stalls, favored locations offered more privacy, had more. The Haringhata camp is one of 10 grouped closely around the town of Kalyani in West Bengal. It is one of 615 camps in West Bengal, a notably crowded state where land that is reliably above the level of the surrounding and intruding water is very scarce. And it is one of some 938 camps in all India. One camp housing 164,000 is halfway across India in Raipur in the state of Madhya Pradesh.

Every figure associated with the population movement from East Bengal—the word refugees is no longer descriptive—numbs the mind. Since March of this year, more than nine million people have made their way across the border—approximately twice the number that moved west at the time of partition in what was then considered one of the greatest population movements of all time. About two and a half million of the migrants have found shelter with relatives or friends or are surviving without it on the Calcutta streets in the company of those who are still there from the earlier migrations. The rest—by now about six and a half million—are in the camps. In September, after some slowing down in the summer, movement again averaged 33,000 a day. In India, the resources for caring for these people at the lowest level of maintenance is blood squeezed from a very dry stone.

It has been, in fact, a compassionate and organizational achievement of the first magnitude. The Indians have a reputation, not wholly unearned, for being articulate but rather reckless managers. I used to think when I was Ambassador—and I am now fully persuaded—that they were also nearly unique in their capacity to contrive something out of almost nothing. The camps affirm this talent and notably its presence in the agency in charge, the Ministry of Rehabilitation. It is a talent born partly out of a long-standing necessity to make do with very little; partly it is the achievement of a bureaucracy which, going back to the tradition of British India, combines a great deal of authority and responsibility in the man in charge.

The most vivid manifestation of this contrivance is the Salt Lake Camp on the outer edge of Calcutta not far from Dum Dum airport. Until last March it was a vast unoccupied acreage, built up by sand dredged from the Hooghly, a monument to a still unrealized dream of a new garden suburb. (Such dreams, invariably unrealized, are endemic in Calcutta.) Now Salt Lake is a city of more than 160,000 souls holding the all-time record for urban growth. Roughly 2 by 1½ kilometers in area, it contains 1,200 basic structures, each with 12 cubicles, each of the latter sheltering a family. (There are numerous other individual and communal shelters.) Walls are of coconut matting, roofs are of polyethylene sheet. The structures—they can hardly be called buildings—are neatly aligned in streets. There are warehouses for the food ration, very elementary hospitals, the beginning of schools. Wells, called water points, have been drilled and equipped with power pumps from West Germany. Latrines are being built and the stench from the earlier absence of all sanitary facilities has been suppressed by a liberal spreading of chloride of lime.

In all the camps, including the cow stable, those who were in business in East Bengal have again set up shop, for wherever more than two people congregate in India, one opens a store. Often the total stock in trade is a few cents' worth of sticks for cooking fuel or a handful of greens. A couple of crude tables and some chairs make a tea shop. Presiding, not without authority, over each of these vast and sudden communities is the camp commandant, like many others concerned with the refugee effort usually a former Indian Army officer. Many people owe their survival to the availability of these men, who are occupationally experienced in camp sanitation, administration and discipline and accustomed to exercising authority.

There is something else which adds an aspect of cheer to the camps and that is the curious composition of the camp population. It consists of grandparents, women and a vast number of children. There are almost no young or middle-aged men. No one makes a secret of the reason: "They are away training with the Bangla Desh Liberation Army." The absence of the young men is "the only thing that makes my task tolerable, a young official responsible for the survival of several hundred thousand people told me cheerfully. In the camp hospitals and special feeding areas are youngsters, mostly under 5 or 6, who are suffering horribly from malnutrition. Some, the doctor fear, have suffered permanent damage. For the rest, one's impression is of exuberant juveniles for whom the present misfortune is an unprecedented adventure and the appearance of an oversized visitor an occasion for unadulterated enjoyment. Perhaps something must be attributed to the Bengali temperament; they are accustomed to getting much amusement from very little. Mostly, no doubt, it is the indomitable spirits of the very young.

To the north of Calcutta and nearer the border, the camps, the kids notwithstanding, are a good deal more grim. Tarpaulins, slung over ridge poles and pinned to the earth at the edges, make a low, crude and uncomfortable tent. Every tarpaulin extant in eastern India was acquired for this purpose and the supply gave out long ago. In numerous of the smaller camps, wretched hovels have been contrived out of straw and palm thatch. Yet farther north are the camps that one could not reach. They were cut off by floods and, in some cases, under water. People were existing on railroad embankments and roads.

But in all the camps, the margin between survival and death from hunger, exposure and disease is still perilously thin. Less than three rupees' worth of food is available for each refugee per day—not quite 40 cents a head. In September, distribution to outlying camps was being made excruciatingly difficult by floods—some were depending on air-dropped supplies. And still refugees streamed in. "I could handle the people I have," one official observed. "But how do you plan when you've no idea how many will arrive tomorrow?"

There is at least a chance that a new and larger wave is in the making. It would, in a sense, be the third. The first followed the deployment of the Pakistan Army, the shooting and the arrest of Sheik Mujibur Rahman, and consisted, among others, of people who felt politically threatened. This, naturally, included many Moslems. Then for many months most of the migrants were Hindus. In this part of the world whenever there is trouble it is the religious minority that feels threatened; its departure is regularly encouraged by a little terror from those who will then get the property. And of course there have been many suggestions that the Pakistan Government hoped to pacify East Bengal, at least in part, by diverting antipathy from itself to the Hindus. Now the danger is of a new movement motivated by fear of food shortages and starvation in East Bengal. This would affect Moslems and Hindus alike and send both communities across the border. In the increased migration of early September some officials were counting an increased proportion of Moslems.

One ghastly danger, much feared by responsible Indians earlier this year, has not developed. That was communal resentment, both in the camps and in India generally, over the fact that so many of the migrants were Hindus and leading, in turn, to action against the Moslems. The Indians have been calm, and communal friction in the camps seems to be totally lacking. An American visitor for his education on the policy of the Nixon Administration is greeted by deafening shouts for Sheik Mujibur from the predominantly Hindu population.

Not all of the problems caused by the migration are to be found in the camps. There are serious ones outside and worse ones just over the horizon. The most obvious of these concerns the relations of the camp population to the political and social life of West Bengal—and the other states bordering on East Bengal. (One of these states, Tripura, has had its population almost precisely doubled by the influx.) Given a few months, grave tension will arise between the camp population, which is sustained at a minimum level of life by the Government, and the surrounding masses who must scrounge an equally slender existence on their own. Already there have been complaints that men and women in the camps, desperate for a few extra rupees, have been taking work outside at rates at which the local workers cannot survive.

More disagreeable is the political prospect. Bengal, or rather Calcutta and the outlying towns, live now on the edge of violence. There are several political murders, many involving rather imaginative dismemberment, each week. The area is saved from revolution only by the extreme mistrust and hatred with which the several revolutionary parties, including the outlawed Naxalites, regard each other and the considerable certainty that, given population, resources and the nature of the revolutionaries, there is no conceivable form of revolution that would not make everything worse.

Finally, there is the further and ever greater certainty that unless there is a settlement, there will be brutal fighting in the border areas of East Bengal, with the further chance that this will develop into a major clash between the regular armies of India and Pakistan.

In recent weeks the mood on both sides has become increasingly tense and ugly. There are numerous Indians who would readily sacrifice the sympathy that India is winning on this issue to the seemingly simple course of a military solution. (Nothing would do more to support Pakistan's claim of Indian complicity in an effort to destroy her.) And, without doubt, there are Pakistanis with a suicide complex. But even if both Governments keep their heads—or are persuaded to do so—continued guerrilla conflict in East Bengal, with recruits and support from India, has infinite possibilities for escalation.

This prospect is inherent in the absence of the young men from the camps. Without the slightest doubt, they are away preparing for guerrilla operations—it would be incredible, given the popular support for autonomy, self-determination or independence in East Bengal, had they simply settled down in the camps to accept their fate. And it would have been equally against nature had the Indian Government tried to enforce such passiveness. As the country dries out in the next weeks, they will be going back over the border. There will be more shooting, more suffering (and also much, much more migration), unless something can be done. What can be done?

The needed effort comes in two parts. There is first the terribly urgent but unglamorous task of helping the Indians to take care of the people in the camps and helping do for them what the Indians cannot afford.

In accepting the refugees and the responsibility for their survival, the Indian Government (by World Bank estimates) committed itself to an expenditure of some $750-million by next March and no one knows how much thereafter. The cost would be great for any country; for India, it amounts to between one-sixth and one-seventh of all the funds available to the central Government for development. The promised help from other countries, for what should by any reasoning be an international rescue effort, has so far been only about $140-million to $150-million, of which about half has been committed by the United States. We must do a great deal more—Senator Kennedy has a proposal before the Senate to provide $400-million—and the other rich countries must be urged (or shamed) into becoming serious. Germany, Japan and France have each promised less than $5-million.

This is merely to provide food and minimal shelter. Much more is needed to make life tolerable and, for some, possible—to provide protein for rehabilitation diets for the children, clothing as the colder weather approaches for a juvenile population that is virtually naked, blankets, a greater variety of medicine, soap, tooth powder and, hopefully, some school books. For this part of the effort, it is impossible to exaggerate the importance of the work (and needs) of the volunteer agencies. I was especially impressed by the effectiveness of two British-sponsored agencies—The Save the Children Fund and Oxfam, the latter having an American collection arm—and Caritas, the local arm of the Catholic Relief Agency. All struck me as operating with a minimum of administrative overhead and lethargy.

But if immediate sustenance is important, so is the more durable solution. That is for the people to go home. Under the best of circumstances that will be difficult. As I have noted, the great majority of the migrants are Hindus—something over half of the Hindu population of East Bengal has now moved out. Movement of this population into Calcutta and West Bengal has been going on for a long time; there will have to be an exceptional feeling of security before it can be persuaded to return and, as a practical matter, many will remain in India under any circumstances.

The requisite feeling of security will not be achieved—I cannot think there is any knowledgeable and candid person who disagrees—until East Bengal is allowed to govern itself. That it wished to do so was made wholly clear in the elections a year ago. That it has been made more amenable to government from Islamabad (and by the less populous West Wing) after the events of this year no one can imagine. Americans who have a past association with India are suspected, perhaps rightly, of an Indian bias. John Sherman Cooper, on returning to the Senate from being Ambassador, told friends, at least half-seriously, that he did not intend to work more than half-time for India. But in these last months it is the Americans who have been the closest to Pakistan—who have lived and worked there—who have been the most ardent exponents of some effective form of self-government for East Bengal. They have led the lobbying effort in Washington on behalf of Bangla Desh (the Bengal nation) and more than any other group helped persuade the House of Representatives to vote the suspension of aid to the Yahya Khan government, pending some form of self-government for East Bengal.

I have spoken of self-government. A visitor to India, even one with the exiguous credentials of an ex-Ambassador, is pressed hard to say that there can be no solution short of total independence. He is also pressed to say that the United States should take some fairly sanguinary action to bring it about, the pressure being strongest from those who have complained most eloquently about American imperialism in the past. Those of us who have urged a less ambitious policy in Indochina are in a poor position to ask for American remedial action elsewhere in Asia. And my instinct is to avoid being categorical about indpendence—an ambiguity that is pleasing neither to the Bangla Desh mission in India nor the Indian press Perhaps there are formulas short of independence which will mean the same in self-government and in a sense of security for East Bengal.

Although we have no remedy, we can end the wrong kind of intervention, which is to say we can end the tacit support that the Administration has been giving to West Pakistan. It is a politically disastrous policy for the Administration itself. Although the military aid to the Pakistan Army is not very significant and no economic aid can be sufficent to offset the costs of suppressing the sullen and mutinous majority in East Bengal, our support can be enough to cause the military government in Islamabad to continue with the effort. It means, in consequence, that the Administration acquires a contingent responsibility for a new civil war just as (hopefully) it is detaching from another one, 2,000 miles to the east. That, surely, makes no sense. Nor does it make sense to share in the international opprobrium the effort at suppression invites.

Without our support there is at least a chance that West Pakistan will concede effective self-government to East Bengal as the most practical solution for all concerned. It would, no doubt, be inordinately optimistic to expect this to happen immediately. Although in the fiscal year ending last June per capita income in Pakistan dropped for the first time in several years—and the annual increase in industrial production fell from 11 to 2.4 per cent—most of this is to be attributed to the near collapse of the East Bengal economy, West Pakistan is still prosperous. But over time the costs of putting down resistance and maintaining an unpopular government in Bengal will mount. Taxes will rise; funds for investment will dwindle. Funds from abroad will run out. There are many practical-minded people in West Pakistan to whom this prospect will not appeal:

From people knowledgeable on Pakistan affairs (which I am not) one hears that there is already a considerable group of businessmen and civilian politicians who question the wisdom of a long-continued effort at suppression in the East Wing—who hold that effective self-government in East Bengal is the only solution. Some have recently suggested that Zulfikar Ali Bhutto, the most powerful civilian politician in West Pakistan, and a man who operates with both ears to the ground, has had such thoughts. Somewhat more certain is the weariness in Pakistan with military rule. And it is impossible to imagine that any civilian government replacing that of Yahya Khan could avoid coming to terms with the Bengalis—who, we cannot remind ourselves too often, are in the majority. No civilian government could sustain itself in Islamabad and Dacca while using the army to keep down insurrection in the Bengali countryside.

So, plainly, military and economic support to the Yahya Khan government postpones the only possible solution. And symbolic support, which allows that government to believe that suppression in Bengal has our approval, is almost as damaging as support that is in substantial amount.

Let me add one final word about arms. There is only one long-term hope for peace on the Asian subcontinent and that is what might be called the North American formula. There, as on this continent, the dissolution of European colonial power left one very large country and a coterie of surrounding smaller ones. In North America this has been a tolerable solution for one major reason: No one (at least since Napoleon III) has imagined that either Canada or Mexico could be a serious military competitor with the United States, and the nightmare that Cuba as an arm of the U.S.S.R. might become so has receded while, in the tension it briefly caused, admirably proving the point I am making. In consequence, the United States is able to regard its neighbors with a combination of tolerance and indifference. They, on their part, have been able to concentrate on the difficult but not impossible problem of living in our vicinity. The result is by no means perfect, especially for our neighbors. But the solution works, and it is both peaceful and wholly stable.

On the Asian subcontinent the same development was arrested by the effort, inspired by John Foster Dulles, to build up Pakistan as a military power. It is doubtful if, as a nation, we have ever taken any action that was more categorically mischievous and wicked. The notion that the arms so supplied had relevance only against Russia was a hopeless fantasy. All countries arm against their major enemy; for the Pakistanis that, as a matter of course, was India. (That Pakistan seriously altered the balance of power against the U.S.S.R. was also a fantasy and a terrible libel on the Red Army.) Meanwhile the development of Pakistan as a possible military rival encouraged all of the wrong attitudes in India. Instead of developing the benignity that a large country should have for a smaller neighbor, numerous Indians made a political career out of hating Pakistan. Compromise on border questions in Kashmir or Kutch became impossible or difficult. Resources were wasted on arms. And, in 1966, the policy led to actual conflict. It also led Lyndon Johnson, in one of the most sensible actions of his Presidency, to cut off military support to both countries. It was incredible that it was ever resumed.

Now with the break between the two wings of Pakistan there is no alternative to the North American solution. West Pakistan, although economically more progressive than most of India, is a very small country in comparison. With a sullen and costly East Bengal in subjection it is *even* weaker than by itself. So no one can any longer suppose that it is a serious military rival of India any more than it is a serious bastion against the Soviet Union. We cannot bring about a North American type solution—in particular we cannot do much to induce its prime requisite, which is development of the tolerant and large-minded attitude in India that is appropriate to a large country with small neighbors. But we can at least move on from the errors of Dulles and bring totally to an end the arms policy that is the surviving symbol of the old policy. We can remove this barrier to the only possible arrangement by which India and her smaller neighbors (the two parts of Pakistan either in independence or as some federation of self-governing states) can live in harmony.

[From the Washington Post, Nov. 5, 1971]

BENGALI REFUGEE'S DESPAIR: "I HAVE LOST ALL HOPE. . . ."

(By Jim Hoagland)

CALCUTTA.—Sasa Dhar Mandal is only dimly aware that some of the world's most high-powered diplomacy is being exerted ostensibly on his behalf. Moreover, the 70-year-old carpenter scarcely cares anymore.

"I'm not going back, no matter what the outcome is," Mandal said recently, in a reference to his former home in East Pakistan. "I have lost all hope in human nature and promise."

Mandal is one of the 9.5 million East Pakistani refugees who have fled into India in the past seven months in the wake of a political crisis that triggered an outburst of violence between the civilian population and the Pakistan army.

The refugees' presence in India is severely pinching this country's economy and has helped provoke a continuing and serious threat of war between India and Pakistan.

American, Soviet, British and other diplomats are reliably reported to be engaged in efforts to head off a military conflict between the two countries by seeking a political solution that will promote a return of the refugees to East Pakistan within a few months.

Indian Prime Minister Indira Gandhi is lobbying intensively on her current trip to Europe and the United States for increased Western pressure on Pakistan to create conditions to draw all the refugees out of the sprawling and squalid camps where they now live, largely at India's expense, and back to East Pakistan.

Mandal is one of those who say that no such conditions exist, despite the extreme hardship and filthy conditions that surround him and 250,000 other refugees in the camp that has grown up at the edge of Calcutta.

He says that he was so thoroughly frightened by what he saw in East Pakistan before he fled four months ago that he and the 17 members of his immediate family who fled with him intended never to return.

HUMAN TRAGEDY

This decision, if repeated by enough others, would represent not only a measure of enormous human tragedy that has struck East Pakistan, but also a serious threat to India's own stability, in the view of a number of highly qualified analysts here.

Part of the threat arises from what appears to be India's failure—some economists outside the government term it a refusal—to lay contingency plans for the possibility that millions of the refugees may still be in India a year from now, or longer.

That idea is politically unacceptable to India, which estimates that it will cost $700 million to feed and shelter the refugees through the end of next March. Some Indian leaders are saying privately that the refugees must and will, be gone by the end of the year.

But a political solution that would make that possible seems nowhere in sight to most observers here, many of whom fear that a painful prolonging of the crisis will make it increasingly difficult to get many refugees to go back at all.

According to most estimates, between 10 and 20 per cent of the refugee population is composed of Moslems, the predominant religious group in Pakistan.

Most of them are expected to go back without much delay if a settlement is reached in East Pakistan. But whether all of the 8 to 9 million Hindus who have fled here will return is more problematical. They appear to feel much more exposed to what may continue to be a continuing instability in this area for some time to come.

REFUGEE EXODUS

The families of the 10 million Hindus who lived in East Pakistan before the refugee exodus began had declined to move to India when the two countries voted for partitioning in 1947, to allow Hindus to migrate to India and Moslems to Pakistan for safety.

Communal riots have flared in both countries periodically since then, but there has been no violence approaching the scale of the present crisis, which was precipitated by the election last year of a national parliamentary majority of the Awami League, the East Pakistan-based party that favored more autonomy for the divided country's eastern wing.

Charging the Awami League with plotting secession, military ruler Yaha Khan effectively overturned the election results on March 25 by arresting the charismatic Awami League leader, Sheikh Mujibur Rahman and unleashing a brutal military campaign against the civilian population of East Pakistan.

The Hindu community had solidly supported the Awami League and became the primary target for reprisals.

The people who live in West Bengal State around Calcutta are coreligionists and are of the same ethnic and linguistic group as the Bengalis.

This makes it easier for the refugees to blend into the area, but it also means that they will have to be largely absorbed by the already poverty stricken and politically unstable West Bengal, which does not begin to have enough land or jobs available for its own 44.5 million people.

Mandal, the carpenter, has a major advantage over most of the refugees, who are landless farmers or cultivators of tiny strips of land. He has a skill which is in demand in Calcutta, and should be able to earn a living there.

But like many of the 50 refugees this correspondent interviewed in three days, he feels he has little to go back to in any event. He owned 1¾ acres of land on which he grew rice, but his house has been sacked and his land occupied by East Pakistani loyalists who are not likely to give it up without a fight.

BLOOD KINSMEN

Monoranjan Talukdar had seven acres of land that he tilled before he fled. He knows that almost every one of his 225 blood kinsmen have also left East Pakistan and scattered in camps in India. "My home was burned, my crops were looted, and my family is all here now."

Golpal Biswas, a 38-year-old farmer who had to rent a plow and a bullock each year to cultivate his two-thirds of an acre of land in rice and jute, replied when asked about returning: "I am eating here. This is better than being shot there."

Few of those interviewed would state flatly as Mandal that they had no intention of returning. Most said that they would return only after East Pakistan became an independent country.

Others said they would return if Sheikh Mujibur were released and issued a call to return coupled with a personal pledge of safety for them. They would not accept such a call from any other East or West Pakistani leader, most said.

Although the sampling is far too small to provide much insight into the larger problem of getting the refugees to return, one pattern it disclosed has also been noticed by missionaries and relief worker who spend much time in the refugee camps.

Those interviewed who had been in the camps for the longest periods of time held the most dogmatic and politicized views about conditions for returning, while newcomers were more flexible.

The Rev. John Hastings, a Methodist minister who is deeply involved in refugee work here, says "after three months of living in the camps, people tend to lose hope in the future and have to reach for a faith in something," even if that hope seems immediately unrealistic.

Moslems Join Human Torrent

(By Jim Hoagland)

Calcutta, October 25.—The line begins at Bangaon, and stretches intermittently back 25 miles to the East Pakistan border. A human torrent continues to rush down India's narrow country roads seven months after the Pakistani army unleashed its brutal strike in the Bengal area.

Clutching naked children in their arms, the women are often clad in rough burlap cloth, the sheer and colorful saris they usually wear left behind in the suddenness of their flight or destroyed on the 10-to-20 day march that many of them have made. The women also carry the vaccination certificates they have received at the border crossing in Bangaon, a district headquarters. They will receive a food rations card and be assigned to one of the still swelling 877 refugee camps along the Indian-Pakistan border.

Many of the men carry their families' belongings in cardboard suitcases, small trunks, or just bundled in a cloth. But others carry nothing. East Pakistani refugees are still pouring into India at a rate of 15,000 to 20,000 persons a day, according to official Indian estimates.

The continuing flow not only adds to India's already staggering burden in feeding and sheltering 9.3 million Pakistani refugees, but also seems to push back the chances for repatriating those already living in the squalor and desolation of the camps.

ATROCITIES RECOUNTED

For, despite official Pakistani assurances to the outside world that it is now safe for the refugees to begin returning and resume normal life, many of the new arrivals bring out with them the same kind of atrocity stories that were chronicled in detail in the world press when the crisis began on March 25.

"The army and local sympathizers looted and burned my shop last week," Radhashan Banik, a 40-year-old grocer from Faridpur district said in Bagda, an Indian village three miles from the border. Mohammed Azul Rahman, a school teacher in Kushtia broke down in tears as he tried to tell a missionary, at another border crossing point, about the beating that soldiers had inflicted upon him two weeks earlier. "It is too terrible to remember," he sobbed.

The newcomers' "vivid accounts," which cannot be verified from this side of the heavily armed border, reinforce the fears and bitterness of the refugees already here and thus raise the tensions in the Asian subcontinent to an even higher level.

For if the war that India and Pakistan appear to have teetered on the edge of for the past two weeks does come it will largely be because of the intractability of the refugee problem, in the view of well-informed analysts here.

ARGUMENT FOR WAR

Some Indian leaders have argued strongly in private that Indian forces must move into East Pakistan and secure an area to which the refugees can return in the next few weeks.

Otherwise, the strain they exert on India's already huge economic and social problems will supposedly produce irreparable harm. Thus far, this argument has been resisted in New Delhi.

Pakistan, on the other hand, may calculate that a military conflict with India would bring enough international involvement to provide more of a chance for a graceful exit from the continuing bitter civil strife in its eastern wing, according to a widely held view here.

Indian officials in Calcutta and at the relief camps scattered throughout West Bengal assert that there is no immediate prospect of food shortage for the refugees.

But they express mounting concern about India's ability to continue paying for the great majority of the expenses involved in caring for the refugees. Each new arrival costs the Indian government about three rupees, or 22 cents, for every day that they remain for food, shelter, and health care.

[From the New York Times, Oct. 5, 1971]

Growing Strains Between United States and India Viewed as Eroding Bonds of Friendship

(By Max Frankel)

Washington, October 4.—Slowly, yet unmistakably, the bonds of friendship and strategic interest between the United States and India are dissolving.

The strains and irritations spawned as a result of rebellion and repression in East Pakistan have been obvious in recent months, but there is also now discernible beneath the surface a more basic shift in attitudes here. Some degree of official annoyance has always plagued relations between Washington and New Delhi. And for half a year now, these customary tensions have been exacerbated by President Nixon's refusal to denounce Pakistan and by his eagerness to repair communications with China—the two neighbors that India fears and resents the most.

The Indians, in turn, have further frayed sentiments here by seeking strength in a new intimacy with the Russians and by making a vigorous display of their resentment of American conduct.

It is thought here that Prime Minister Indira Gandhi's visit to the White House early next month may take some of the heat out of the immediate quarrels. It seems doubtful, however, that she can arrest an underlying deterioration.

The depths of the rift are discernible so far only in private discussions with leading officials. But whenever India is mentioned to them, the response is remarkable, both for what is said and what is left unsaid.

PRO-SOVIET STANCE DISCERNED

Quickly brought to the surface here are contentions that the Indians have been pro-Soviet for a long time and, despite their professions of nonalignment, deeply antagonistic to American positions on such issues as Vietnam, the Middle East, and arms control.

Moreover, the Indians are almost always spoken of in tones of deep annoyance, as not very "lovable" people, while their government is said to have become singularly "obsessed" with the rivalry against Pakistan and therefore "short-sighted" about everything else. The Indians are variously described as uncooperative and arrogant and as deserving of official sympathy only on humanitarian grounds.

Almost never heard any more in top Government circles here are the great generalizations that stimulated an enormous American emotional and financial investment in India over the last two decades—$9-billion in aid alone.

India is no longer referred to as an Asian "showplace" of development by democratic means. She is no longer talked about as the great "alternative" to totalitarian prescriptions for economic progress. She is no longer seen as particularly useful in luring other poor nations from the temptations of Communism. Indeed, as the fear of Communism has receded, so has the positive interest in the subcontinent.

NEW STATUS FOR CHINA

Whereas China has been accorded almost big-power standing in the new American view of Asia—as a nation with which the United States, the Soviet Union and Japan must now share influence in the Pacific—India remains merely an object of policy. Specifically, she is regarded as only the largest country of a vast subcontinent in which the main American objectives are the preservation of a big-power balance of influence and of commercial access for American enterprise.

There remains a firm intention to help promote economic development in both India and Pakistan. For as President Nixon wrote in his State of the World message last winter, South Asia's progress is important to the United States because "we cannot deny our humanitarian interest in the well-being of so many people with such exigent needs" and because "unresolved enmities [between India and Pakistan] could make the area vulnerable to an undesirable level of foreign influence."

But these cool suggestions of concern appear to have become also the limit of American commitment. There is no particular fear that American coolness may drive the Indians toward greater dependence on the Russians. On the contrary, some high officials have been heard to remark in moments of irritation that Moscow was most welcome to a larger share of the annual cost of assisting India.

Thus gradual separation of so-called humanitarian feelings from ideological and strategic interests in South Asia suggests a more rigorous application than anywhere else of President Nixon's new foreign affairs doctrine, as defined in last year's State of the World messages: "Our interests must shape our commitments, rather than the other way around."

NO MORE "INDIA LOBBY"

It is certainly a far cry from the days when the surface irritations were kept in check, in and out of Government here, by a kind of "Indian lobby," personified by former Ambassadors Chester Bowles and John Sherman Cooper. The success of India's democratic experiment was deemed an important policy objective even in the darkest years of the cold war, when the Eisenhower Administration drew Pakistan into military alliance and looked upon India's practice of neutrality between East and West as "immoral."

Pakistan did not yield a greater diplomatic return. She used her American-made arms largely to fortify her position against India. She, too, refused to support American policies in Vietnam and the Middle East. She was among the first of the "Western" allies to repair relations with Peking—in return for support against India—and evicted Americans from a major air base in return for some Soviet support.

Yet the Pakistanis have somehow fared much better than the Indians in official American estimation. Their leaders are generally discussed in sympathetic terms and President Agha Mohammad Yahya Khan is thought to have been sincere in his desire to transform a military regime into a constitutional government. And his help this year in smoothing President Nixon's path to Peking is warmly appreciated.

ARMS SHIPMENTS CONTINUED

Officials here do not condone President Yahya's repression of the autonomy movement in East Pakistan. But they refuse to denounce it and have refused to cancel what they say were only modest amounts of previously ordered shipments of spare parts and other military equipment for the Pakistani Government.

The passionate Indian response to these American policies have only added to the annoyance here. Mrs. Gandhi's Government is privately accused of stirring up anti-Americanism. It is also accused of aiding Bengali guerrillas in East Pakistan and risking outright war for the secret purpose of dismembering Pakistan once and for all.

Even so, American officials resent the persistent Indian charges of unfeeling hostility in Washington. They say that they entertained high hopes for India's economic progress and political stability after Mrs. Gandhi's resounding victory in the general election last March. They point to the immediate provision of $70-million and the plan to provide $250-million more to help care for the eight or nine million refugees who have poured into India from East Pakistan.

"EMOTIONALISM" BLAMED

Some high officials here will even acknowledge that a combination of bad luck and bureaucratic error upset their attempts to appear evenhanded in response to the turmoil in East Pakistan. But they blame Indian "emotionalism" for prolongation of the crisis and resent India's refusal to urge restraint upon the East Pakistan rebels.

With India's cooperation, American planners contend, they could probably help to negotiate a fair degree of autonomy for the eastern half of Pakistan from the long dominant western section. Over the years, they say, this might even evolve into independence or at least a considerable weakening of the joint Pakistani state.

But there is no sympathy here for the argument that high passions in New Delhi make such even-handedness appear cold and hostile. In a most peculiar diplomatic inversion, it is now India's turn to make what it will of American "nonalignment."

DIVIDED ATTENTION FROM MRS. GANDHI'S HOSTS

WASHINGTON.—One hour after leaving a White House session with President Nixon, who had asked his entire Cabinet to sit in, India's Prime Minister, Indira Gandhi, was telling a packed National Press Club lunch Friday about a "reign of terror" in East Pakistan.

"What is taking place is not a civil war," said the slender, sari-clad head of the world's largest democracy. "It is punishment of civilians . . . it is a cynical way of getting rid of one's opponents."

Mrs. Gandhi conspicuously avoided referring to "East Pakistan." Instead, in her slightly accented meticulous English, she used the term "East Bengal." To many, she seemed to be implying that the eastern wing of Pakistan, with its 70 million people of Bengali stock—minus nearly 10 million refugees now in India—never again would willingly accept the rule of the West Pakistan military junta headed by President Yahya Khan.

This also is the opinion increasingly discernible here among junior and middle-grade officials in close touch with the continuing campaign of repression that the Pakistan Army has been waging for seven months against all in East Pakistan—Moslems and Hindus alike—who are suspected of favoring Bangla Desh, or East Bengali independence.

If senior policymakers—President Nixon, Henry A. Kissinger, his National Security assistant; Secretary of State William P. Rogers and Joseph J. Sisco, Assistant Secretary for Near East and South Asian Affairs—share this appreciation, however, it is not evident.

"Our policy," Mr. Sisco insisted to a senior Indian diplomat not long ago, "is to preserve the territory integrity of Pakistan."

The reasons, as United States officials explain them, are both complex—and slightly reminiscent of cold war ideology.

Basically, Washington fears that a breakup of Pakistan might spark an Indo-Pakistanti war or at least throw President Yahya into the arms of Peking, which, they say, has long been supplying Pakistan with arms to offset Russian arms supplies to India.

The United States itself began arming and subsidizing Pakistan in 1954—at the height of the cold war—to bolster the subcontinent against Soviet aggression. It embargoed most arms after the Indo-Pakistan war of 1965. Now, after 17 years and the expenditure of $4-billion in arms, food and other aid, the bureaucratic momentum is still rolling inexorably forward. Pakistan is a favorite aid target.

Mr. Nixon and his officials, others say, "like" the Pakistanis—especially the tall, English-speaking martial Punjabis such as President Yahya and other military leaders. The Americans find them uncomplicated, reliable, grateful for United States help and easy to deal with.

By contrast, many American officials privately describe the Indians as uncooperative and given more to talking about "democracy" than to standing up to the Russians.

In fact, the recent Indo-Soviet 20-year agreement—after successive United States governments had furnished $9-billion in aid to India since World War II—irritated and puzzled the Nixon Administration. It also compounded the pro-Pakistani and anti-Indian trend visible throughout the Administration here.

President Yahya's bloodletting in East Pakistan has been viewed here more in sorrow than in anger. There is virtually no moral indignation evident among policymakers. Rather, they tend to agree that President Yahya has been clumsy, that he should have defused the Awami League's drive for autonomy (and subsequently for independence) with less adverse publicity. They complain that United States plans for economic development in Pakistan have been set back.

Administration policymakers deny Indian assertions that American diplomatic and military backing for the Yahya regime is bolstering its repressive campaign. The United States, they say, has stopped issuing new arms licenses since March 25, though they concede there is still more than $2-million in spare parts and ammunition in the "pipeline."

The United States has also, they say, ceased economic development aid to Pakistan until the situation clears up, and has repeatedly warned President Yahya "privately" about the bad image his actions are creating around the world and the need for a "political" settlement.

"We don't have much leverage with Yahya," said a State Department source. "But we'd have none at all if we were to come out openly and blast him."

So far, officials note, the United States has prevailed on him to accept a United Nations presence in East Pakistan, to which Washington has so far contributed $154-million for relief and rehabilitation. (It has given $80-million for refugees in India). Bangla Desh sympathizers charge that the Pakistan Army is commandeering chartered United Nations river boats and trucks to move and help supply its own forces.

United States officials also claim that President Yahya's gestures toward restoring civilian rule in East Pakistan—gestures that the Bangla Desh adherents term "cosmetic"—are belated, but better than nothing.

In two days of talks here with Mr. Nixon, Prime Minister Gandhi probably has not changed the Administration's predilection for Pakistan. However, she appears not to have minced her words.

In his welcoming remarks Thursday, the President cited India's recent disastrous "typhoons and floods." Quietly, but with deep conviction, Mrs. Gandhi reminded the President—and the Government—that the "worst tragedy is a man-made tragedy of vast proportions," namely the flight of nearly 10 million refugees into India, with more streaming in each day.

"I came here," she said, "in search of some wise impulse that has sometimes worked to save humanity from despair."

As she prepared to return to India and as Mr. Nixon flew to his weekend retreat at Key Biscayne, Fla., it was unclear whether Mrs. Gandhi's warning would evoke a "wise impulse" in time to avert further tragedy.

PEACE AT THE U.N.—COMMUNIST STYLE: MAIDEN SPEECH OF CHINESE DELEGATES TO THE UNITED NATIONS ATTACK THE UNITED STATES

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the U.N.'s newest delegate—the Chinese Communist Party—has arrived in New York and has now delivered its maiden peace speech in that international body.

As expected, the announced "peace-seeking" goal of the Chinese Communist Party is to attack the United States and use its U.N. position to promote revolution around the world. And, as was predictable, our sensation-seeking communications media has now made available to the enemy its opinion-molding machinery.

As the days pass and the American people continue to be barraged with the prison-garbed Chinese Reds laughing at them from their morning newspapers and leering at them from their TV sets, they will conclude that "peace" to the Communist Party of China is the same "peace" sought by all Communist movements—a condition attained only after all opposition to communism is destroyed. Coexistence is unknown to Communists.

The majority of the U.N. members wanted Red China in the United Nations. These same members should encourage the United Nations to move to Peking to see if the communications media of that country would give the free world spokesmen the opportunity for top news coverage in Red China. Red China and the United Nations deserve one another, but not as honored guests in a U.N. sanctuary in New York.

To those Members who will continue to grow disillusioned at international peace-seeking Communist style, there is something you can do. Discharge petition No. 10, to discharge H.R. 2632 to revoke and rescind U.S. participation in the United Nations, is at the Clerk's desk awaiting your signature.

Exemplary of the U.N. direction was today's condemnation of this Congress for last week's vote 251 to 100 to authorize free trade in chrome ore, which is vital to the defense of our Nation, between Rhodesia and the United States.

Mr. Speaker, my people did not send me to Washington to abide by U.N. dictates or intimidations nor to surrender their vote by giving foreign aid dollars to a bunch of international bureaucrats who apparently feel that as unelected demagogues they are free to run the world.

Public Law 92-77 of the 92d Congress, which passed this House as H.R. 9272 and was signed into law August 10, 1971, contains under title I, Contributions to International Organizations, an appropriation of $107,888,041 which is earmarked for the United Nations and specialized agencies.

Under this same title I, "General Provisions—Department of State," is found in section 104, the following:

General Provisions—Department of State

* * * * *

Sec. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization or which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

This title may be cited as the "Department of State Appropriation Act, 1972."

Since it should be obvious to most by now that the U.N. is not a peace organization but rather a one world government organization hiding behind a peace cloak, one wonders where the attorneys are who will institute action to cut off any funds from reaching "an international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship;" or "for the promotion, direct or indirect, of the same."

I insert in the Record at this point the rollcall vote of the United Nations General Assembly to condemn the action of this Congress of authorizing chrome trade with Rhodesia:

FOR

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Botswana, Bulgaria.

Burma, Burundi, Byelorussia (SSR), Cameroon, Central Africa (republic), Ceylon, Chad, Chile, China, Colombia.

Congo (Brazzaville), Congo (Kingshasa), Cuba, Cyprus Czechoslovakia, DaHomey, Denmark, Ecuador, Equatorial Guinea, Ethiopia.

Fiji, Finland, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, Hungary.

Iceland, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan.

Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Mali.

Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Norway.

Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Rumania, Rwanda, Saudi Arabia.

Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Syria.

Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Republic, Tanzania.

Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

AGAINST

Portugal and South Africa.

ABSTAINED

Belgium, Brazil, Canada, Dominican Republic, El Salvador, France, Greece, Guatemala, Italy, Luxembourg, Malawi, Netherlands, United Kingdom.

ABSENT AND NOT VOTING

Bhutan, Bolivia, Cambodia, Costa Rica, Israel, Maldive Islands, Mauritius, Nicaragua, Qatar, United States.

I insert the related newsclipping, as follows:

[From the Washington Post, Nov. 16, 1971]

China Blasts United States in First U.N. Speech

(By Anthony Astrachan)

United Nations.—Chinese deputy foreign minister Chiao Kuan-hua called China's presence in the General Assembly today a defeat for U.S. and Japanese plans to create "two Chinas" here and a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs.

Chiao, head of the new Chinese delegation, took a hard ideological line in his maiden speech repeating standard Peking positions. He called for withdrawal of American forces from Indochina, South Korea and Taiwan and supported Arab countries in the Middle East conflict.

His strong remarks contrasted with Chinese expressions of moderation and caution when the delegation arrived here last week.

Chiao talked after 55 nations had made speeches of welcome in the final step in the historic process of seating Peking in the place of Taipei at the United Nations in accordance with the General Assembly vote last month.

In his speech, Chiao made the United States the principal villain, barely mentioning the Soviet Union. He touched on these key points:

On Taiwan, he reiterated China's claim of sovereignty and said all U.S. armed forces should be withdrawn from the island and the Taiwan straits. "The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so," he added.

On Vietnam, which is rarely mentioned in

U.N. debates, he expressed Chinese support for "the peoples of the three countries of Indochina in their war against U.S. aggression" and for the seven-point peace proposal put forward by the Vietcong. He called for the immediate withdrawal of all U.S. armed forces from all three countries of Indochina.

On Korea, Chiao expressed Peking support for the eight-point program for peaceful reunification put forward by North Korea last April. He called for the annulment of all "illegal resolutions" in which the U.N. branded China as an aggressor in the Korean war and for the dissolution of the U.N. Commission for the Unification and Rehabilitation of Korea. This is a standard Communist proposal here and this year was taken off the assembly agenda since the two Koreas had begun informal talks through their respective Red Cross societies.

On the Middle East, Chiao said Peking holds that "all countries and peoples that love peace and uphold justice" were obligated to support the struggle of the Palestinian and other Arab peoples against "aggression by Israeli Zionism." He warned against "political deals behind their backs," a criticism of Soviet encouragement to Egypt to make peace if the terms are satisfactory to Cairo.

On Africa, Chiao took the side of the peoples in all the remaining white-ruled countries of Africa "in their struggle against white colonialist rule and racial discrimination."

Chiao said "like the overwhelming majority of the Asian, African and Latin American countries, China belongs to the Third World." He repeated Peking's pledge of support to Latin American countries that assert that their territorial waters extend 200 miles.

The Chinese representative raised some U.N. eyebrows when he said, "The affairs of a given country must be handled by its own people, the affairs of the world must be handled by all the countries of the world, and the affairs of the United Nations must be handled jointly by all its member states, and the superpowers should not be allowed to manipulate and monopolize them."

The reference to the United Nations could presage trouble in the Security Council, where the five permanent members and particularly the United States and the Soviet Union have often set the framework within which the council operated.

Chiao took another dig at Moscow and Washington on disarmament, accusing them of talking about disarmament while engaging in arms expansion.

"China will never participate in the so-called nuclear disarmament talks between the nuclear powers behind the backs of the non-nuclear countries," he said and repeated Peking's call for the complete prohibition and destruction of nuclear weapons along with a pledge never to be the first to use nuclear weapons.

"If the United States and the Soviet Union really and truly want disarmament, they should commit themselves not to be the first to use nuclear weapons," Chiao added.

He said the vote on Oct. 25 to seat Peking and oust Taipei proved "the bankruptcy of the policies of hostility toward the Chinese people and of isolating and imposing a blockade on them. This is a defeat of the plan of the U.S. government in collusion with the Sato government of Japan to create 'two Chinas' in the United Nations. This is a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs. This is a common victory for people all over the world."

The assembly's original intention was to hear less than a dozen welcoming speeches, representing all the U.N. members, but more and more nations kept asking to express their own welcomes. The United States and the Soviet Union were among those that inscribed themselves on the list relatively late.

Chiao, apparently surprised, inserted a paragraph of thanks for the many "enthusiastic speeches expressing trust in as well as encouragement and fraternal sentiment for the Chinese people."

U.S. Ambassador George Bush gave a three-paragraph address in which he recalled that despite the deeply felt issues of principle that divided the assembly before the vote, the United States had agreed that the moment in history had arrived for Peking to be in the United Nations.

Bush picked up an element from Chiao's arrival speech at Kennedy airport last Thursday and referred to the long ties of friendship between the American people and the "great Chinese people."

The Tanzanian and Zambian ambassadors said they had a right to celebrate the Peking victory in the U.N. vote any way they wished. This was in reaction to criticism by President Nixon last month over the way several countries expressed their jubilation after the vote count.

AMTRAK SHOULD GIVE PASSES TO RETIRED RAIL EMPLOYEES AND SO FORTH

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Florida. Mr. Speaker, today, I introduced a bill which is identical to H.R. 11253, which was introduced on October 14 by my colleagues Messrs. SCHERLE, PRICE, and CRANE, and later on October 21 by Congressman CARTER and on October 27 by Congressman SHRIVER.

I am happy to join with them in this legislation.

These bills will authorize the National Railroad Passenger Corporation to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents, on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970.

They are designed to correct an oversight caused by the Rail Passenger Service Act of 1970 setting up Amtrak. We will, by these bills, if they become law, in effect be giving due recognition to these retired workers for their contribution in building, maintaining, and operating our Nation's rail passenger system, at insignificant direct cost to the companies involved. If passed this legislation will provide the much needed and well-deserved relief to those who now have the time to enjoy the fruits of their past labors.

Transportation is one of the major problems confronting our older citizens. Its importance has been stressed by the White House Conference on Aging. Response to questionnaires showed that many of the 200,000 elderly citizens who responded could not for financial reasons take full advantage of available transportation services. The elderly placed transportation behind only health and income as their major concern.

Further, only 1 percent of those citizens aged 65 and over crossed a State line last year. Their travel in intrastate and intercity. Certainly any rise in prices and the cost of living effects all of us to varying degrees, but those existing on a fixed income are the hardest hit.

The lives of our senior citizens are troubled enough without the U.S. Government permitting hard-earned benefits to be taken away with the single stroke of a pen. Enough expectations of comfort in old age are dashed by rising prices, spiraling inflation, rising health costs and limited earnings without taking away an earned benefit. I am sure the cost of riding on a passenger train—most of which I understand are not fully loaded—can be borne by the U.S. Government, and the railroads, as part of the compensation due retired employees as I firmly believe it should.

ON SOLUTION TO POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL), is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, today we are concerned about solving pollution problems and no Member of Congress is lacking in interest in this area. Many bills have been introduced, all with noble objectives, indicating a great desire to get something done.

Mr. Speaker, I share this interest and concern, but I am concerned because of the pressure and rush. many of us worry about so much hurry. We may hold out too much promise with some of the proposed legislation before us which will not fulfill the promise because we will not have adequately considered this legislation.

One area that seems to be neglected as we wrestle with the problems of solution to the pollution of our waters is avoiding, evading or forgetting the greatest potential for solution.

Mr. Speaker, that potential lies with the development of and completion of the watersheds in America, the areas where we produce all the foods and fibers for our people. It has been my belief and conviction that there is no solution to pollution without a program to complete all the conservation and watershed programs that are planned and can be planned in America. It is for this reason that I am supporting and pursuing the possibility of including in any pollution bill that may come out of the Public Works Committee a commitment that a large share of the money and the program planned will be dedicated to the further development of our watersheds.

U.S. TROOP STRENGTH IN EUROPE

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, the subject of a reduction in the U.S. troop strength in Europe has long merited the attention of Members of Congress. Only a few short months ago it occupied a great many hours of debate in the other body when Senator MANSFIELD took the lead in attempting a cutback. Advocates of such a move may have lost that round but the fight is far from over. It had been my intention to offer an amendment to this bill but because of the problem that we face in the House with respect to germaneness, it is not feasible. Knowing of the increasing concern of so many of my colleagues, it had been my hope that we could have made the record on this point crystal clear. However, now the distinguished Members of the other body, who do not have the problem of germaneness that we encounter in the House, have an opportunity once again to put a limitation on America's military presence in Europe. It is my sincere hope that they will sieze this opportunity to do so.

Persuasive arguments can be found for reducing what heretofore has been an open-ended commitment on the part of this Government. There is our balance-of-payments deficit, European prosperity, and the very pressing domestic needs of our own Nation. Now that we have taken other steps toward the restoration of an economically robust America, let us take this further step and do it in partnership with our NATO allies.

Any discussion of the American commitment to NATO must start in the perspective of the late 1940's, when the cold war necessitated a response to what appeared to be a menacing threat to our Western European friends from the Red Army. It was then that we joined the North Atlantic Treaty Organization pledging with our NATO Allies that "an armed attack against one or more of them in Europe or North America shall be considered an attack against all." At that time it was an appropriate reaction but today the picture is quite different. No reasonable person seriously entertains the notion that the Soviet Union is about to march on Europe. Secondly, most of our European friends are enjoying prosperity and they have been revitalized both politically and economically. It is clear to this member of Congress that policies deemed appropriate to the 1940's must not be expected to last into the 1970's. It is high time that we recognize the changing realities and substitute rigid alternatives for an inflexible status quo. I submit that if we can ask our Asian friends to follow the course of Vietnamization, then we can ask our Atlantic partners to follow one of Europeanization.

I am not proposing that we end this military alliance, neither do I suggest that we remove all our troops. What I do propose is that the time has come for the Europeans to play a larger roll in their own defense. Any change that we make must come about through an agreement with our NATO partners. I believe that recent signs of congressional dissatisfaction ought to be a signal that we in the Congress mean business. Withdrawal critics argue that we must not take any precipitous action but I would remind these critics that reduction in NATO forces has been long talked about. As far back as 1963 in the Saturday Evening Post, President Eisenhower said:

> Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economies were restored, the matter was then considered too delicate a political question to raise. I believe the time has come when we should start withdrawing some of those troops.

The same critics of troop withdrawals have repeatedly stated such a show of strength was necessary to sustain the morale of our European friends. That argument has worn pretty thin. President Eisenhower put it succinctly when he declared:

> One division can show the flag as definitely as several.

Again on the subject of European reaction, I submit that the leaders of nations are in the best position to mold public opinion. In this case, it is the European defense officials reaching an accord with our own Government who will be in the best position to stabilize European reactions in such a way so that there will not be an erosion of morale or anxiety over the security of Western Europe.

To argue against a reduction in our troop level, ignores our advanced airlift capabilities for a quick response in the advent of aggression. Any decision by the Soviet Union to launch a large scale attack would not come without warning. Signs of imminent danger would appear such as: canceled troop leaves, movement of full divisions or other maneuvers of unusual size, as well as submarine contacts. It is impossible for all or a combination of these events to be carried on unnoticed. There would be plenty of opportunity for the NATO countries to mobilize and with the advent of the C5A, the mammoth troop carrier, reinforcements, up to whole divisions from the United States, could be on hand at almost a moment's notice. So from a strategic standpoint, a large American troop withdrawal from Europe need not diminish in any way the capability of the NATO countries to defend Western Europe.

There is a good deal of confusion over the actual savings that the United States would acrue if we followed a policy of substantial force reduction. Let me set the record straight. The budget cost of maintaining present strength of United States forces in Europe lies somewhere between $12 and $14 billion a year. Those who use that figure have in mind in addition to bringing back our troops, mothballing the Sixth Fleet, and deactivating air squadrons and certain divisions.

A second figure that is also used is the balance-of-payments cost. If these forces were brought home but were kept available for a flexible response back into Europe, the difference in the cost would be around 1.5 billion.

Up to this point I have talked primarily about only one method of reducing our NATO bill, and principally it has centered around a reduction of forces within the present NATO framework, but there are other roads to travel worthy of consideration. For example, several of my colleagues and I have introduced resolutions which would encourage our NATO allies to assume more of the NATO defense burden. I believe this concept is meritorious. For example, they could assume the cost of some of the functions now carried out by U.S. personnel. Second, they could begin to pay salaries of 70,000 German nationals now employed by the United States. Third, other countries could begin to assume the cost of construction of roads, runways, transportation, and utilities.

All Americans are familiar with the constant air defense readiness that we enjoy with our Air National Guard. The potential for this same type of deployment of manpower is possible within NATO if our allies would allow their reserves to fly certain aircraft and perform duties at air control and warning sites. The United States could save nearly a billion dollars if the NATO burden was shared in this manner.

Speaking candidly, we know that assignment by the military to a NATO country is often a reward for those who have in a prior military assignment faced difficulties and dangers, possibly under fire in Vietnam. In effect, they are being rewarded with a taste of the good life but at an extreme cost to the American taxpayer. While I have great compassion for those who have served in Southeast Asia and for others who are nearing the end of their duty to our country and who are similarly rewarded, I believe there are other ways we can show our appreciation. It has been suggested that we should seriously consider putting all of our troops in Europe on a hardship basis. In effect this means short tours of duty without the presence of dependents.

If this were done, the savings would be enormous. For in West Germany alone, we presently support 150,000 dependents of some 210,000 servicemen. I propose that we bring home those 150,000 dependents. Furthermore, and in addition to the suggestions for burden-sharing that I put forth earlier, I am making the following specific recommendations:

A phased withdrawal of American troops, totaling 75,000 over the next 12 months, drawing upon those considered to be general support troops as well as from the non-U.S., European command troops, consisting of couriers, auditors, and communications personnel.

The Navy prides itself on its flexibility and its independence of foreign bases. As a demonstration of this independence, the ships of the Sixth Fleet are home-ported in the United States. However, there are several bases in the Mediterranean area that have grown so in the last 15 to 20 years that the fleet has become more and more dependent on them. Our NATO allies should be expected to support the southern flank of NATO by more direct support for the Sixth Fleet through base facilities, logistics, and antisubmarine warfare forces. The Navy could use this support and revitalize its service force. Additionally, new construction of merchant marine vessels where feasible might be required for increased flexibility.

I further suggest that we reduce the number of nuclear weapons presently stored in Europe, permitting us to demobilize some of the personnel that are now involved in the security operations.

At a time when some European currencies are stronger than our own, and our balance-of-payments deficit is so dangerous, Congress has a responsibility to question the wisdom of a NATO commitment which is far in excess of what we can afford. It is time to force a showdown and change the rules of a game that has seen Europe reap the benefits and the United States shoulder the burden.

The NATO treaty stresses consultation and interdependence among its members.

Operating within that spirit, I believe we must take immediate steps to reduce our troops by 75,000 over the next year, in addition to seeing to it that our NATO partners make other substantial contributions toward a more stable economic balance. Our goal must be a new partnership, based upon frankness and mutual confidence. Such a new partnership ought not to confine itself solely to the question of military security. It should be one that increases economic and social ties among the Western peoples. If Europe is important enough to defend, there should be no question then that it is important enough for us to address ourselves to these equally vital elements of European security.

I want to leave my colleagues with just one final thought—it is this. The United States is the mightiest country on this earth. We can do almost anything we want to do—except one thing, and that is everything.

CONTEMPT CITATION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, I have today asked the National Labor Relations Board to request immediately a contempt citation against striking dockworkers at New Orleans.

I made the request in a wire to Edward B. Miller, Chairman of NLRB, as follows:

EDWARD B. MILLER,
Chairman, National Labor Relations Board, Washington, D.C.:

The dockworkers at the Port of New Orleans have gone on strike in open and flagrant defiance of the National Labor Relations Board and a New Orleans Federal District Court back-to-work order. Such utter contempt for the law is doing violent and irreparable damage to American agriculture, related industries, and their employees.

Today, millions of bushels of corn are being stored on the ground throughout the Midwest, because shipping is at a standstill and storage facilities are filled to capacity.

Monday, the price of corn and soybeans on the Illinois River dropped 5 cents per bushel at news of the strike. Many farmers must sell their grain, even at distress prices. Experts estimate that farmers are losing more than $1 million each day the strike continues.

America's agricultural markets abroad are being lost at an alarming rate as a direct result of the strike. One of the largest Japanese buyers today shifted purchase of 20,000 tons of corn from U.S. to Mexico because of strike. Similar shifts have previously been made to Argentina, South Africa, Thailand, and Australia, all because of strikes. This further weakens U.S. balance of payments position, which has just suffered worst quarter in history.

Urgently request NLRB seek contempt citation of striking dockworkers in New Orleans. Strike was determined by the court to be a secondary boycott and illegal under the law. Delay in requesting the citation would seem totally unjustified. Moreover it worsens the U.S. balance of payments deficit, hurts farm income, and handicaps farmers in their ability to buy the products of union labor. Most farmers, I am sure, join me in recognizing the legitimate interests of dockworkers in job security and income. But every responsible citizen must reject defiance of a federal court order.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. On July 1, 1854, Abraham Lincoln made the following statement about our system of government:

> Most governments have been based, practically, on the denial of the equal rights of men. Ours began by affirming those rights. They said "some men are too ignorant and vicious to share in government." "Possibly so," said we, "and by your system you would always keep them ignorant and vicious. We propose to give all a chance; and we expect the weak to grow stronger, the ignorant wiser and all better and happier together."

INTRODUCTION OF FOREIGN INVESTMENT AND MULTINATIONAL CORPORATION CONTROL ACT

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, on August 5 of this year, I spoke at length on the House floor about the difficulties our workers and industries have been having due to various aspects of our foreign trade and investment policies. In my remarks, which begin at page 29836 of the August 5 CONGRESSIONAL RECORD, I addressed myself to the problems created by multinational American-based corporations, low wages for workers abroad, deferred or forgiven taxes upon foreign subsidiaries of American corporations, special low-tariff rates given to foreign-assembled goods which use parts or raw materials shipped to assembly points from the United States, and foreign production using technology developed at the expense of American taxpayers.

Much of the "foreign" competition which we are facing these days is in fact competition with foreign-based divisions or subsidiaries of American corporations. As I noted on August 5:

> At the end of World War I, there were about 250 foreign subsidiaries of U.S. corporations; during the year 1970 alone, more than 8,000 such subsidiaries were established. In 1950, the investment in these foreign subsidiaries was about $4 billion; in 1970, it came to some $70 billion. Furthermore, it has been suggested that if the amount of foreign capital controlled by these American corporations is added, the total for 1970 is more like $100 billion in overseas investments. About half of this money is in the European Common Market, and about 40 percent in Great Britain.
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> There are other contenders for the foreign markets of the European countries, but the position of the U.S. firms is overwhelming. In the three biggest European markets—France, Germany, and Great Britain—40 percent of direct investment is accounted for by three American firms—Esso, General Motors, and Ford. In all of Western Europe, 20 U.S. firms account for two-thirds of the investment. The internationalization of capital among giant U.S. firms is at present very high.
>
> About 70 percent of the value of the direct foreign capital stake in the United Kingdom—£3½ billion, or $3.4 billion—was American-owned in 1968. The largest 50 American finance firms in Britain account for more than four-fifths of the total capital stake, and of this, three-fourths is directed to four industries—oil refining, motorcars, chemicals, and electrical engineering, which also happen to be the most research-intensive industries.
>
> The $70 billion invested in 1970 produced at least $200 billion of business in that year; some economists have suggested that the total approaches $500 billion, or about one-fourth of the gross national product of the non-Communist world. It has been estimated that at their present rate of growth, the multinational corporations will produce one-half of the entire world's output of commodities by the year 2000.

In the 10 months since I came to Congress, these difficulties have been very much on my mind. I and my staff have held many discussions with union representatives to find out just what can and should be done in an effort to correct some of the grave inequities resulting from our foreign trade and investment policies.

My distinguished colleague, Mr. BURKE of Massachusetts, has introduced H.R. 10914 on behalf of the AFL–CIO. I think that most of the provisions of that bill are excellent ones, and in a lengthy conversation which I had with Mr. Ray Denison, legislative representative of the AFL–CIO, it was clear that we agreed on almost every point. The one significant point on which we disagree—at least for the present—is that of blanket quotas on the importation of foreign-made goods into the United States. What disagreement we have is strictly over means, for I am equally concerned about protecting the jobs and living standards of American working people, and my record over the years clearly reflects this.

It is my belief that establishing blanket quotas on goods manufactured abroad, whether they are produced by wholly foreign-owned corporations or multinational American corporations, could lead to a tariff war reminiscent of the disastrous Smoot-Hawley period of the 1930's. In erecting high tariff walls to try to protect American industry and labor in the short run, we entered into a tariff war which undoubtedly prolonged the Depression for several additional years. I am fearful that establishing a quota system would open the door to events that we could not control, subjecting us to punitive reprisals and risking a repetition of the experience under Smoot-Hawley; furthermore, I believe that other measures—those upon which the AFL–CIO and I agree—may be sufficient to turn the tide. If we try these other avenues and they do not do the job, I will be quite willing to reassess my position regarding blanket quotas. For the present, I feel that the risks we would run with such a quota system are too great in the absence of proof that nothing else will work.

Therefore, I am today introducing the Foreign Investment and Multinational Corporation Control Act of 1971. I believe that its provisions can do the job of stemming the outflow of American jobs, capital, and technology, and I hope that my colleagues on both sides of the aisle will lend it their support.

A brief analysis of the bill follows:

Title I of the bill removes many of the tax breaks which have led American corporations to establish subsidiaries abroad. Special sections of the Internal Revenue Code which allow them to defer taxes on their foreign income almost indefinitely are removed. The dollar-for-dollar foreign tax credit for corporations is repealed, though they will still be able to deduct these taxes from gross income in the same manner as domestic taxpayers may deduct State income taxes from their gross income. The most conservative method of depreciation—the straight-line method—is required for foreign assets. Transfers of patents and other technological improvements to foreign nationals and foreign corporations are made fully taxable.

Title II of the bill creates the Foreign Trade and Investment Commission combining functions in this area which are presently spread around various locations in the Treasury, Commerce, and Labor Departments.

Title III of the bill provides a new, faster procedure for cracking down on foreign manufacturers' efforts to establish U.S. markets by selling their goods here for less than their fair market value.

Title IV of the bill broadens the circumstances under which special quotas on imports of specific items may be established. At present, this may be done only if the major factor in the increased volume of imports of a product is the granting of concessions by a foreign government under the terms of a trade agreement. Under the Abzug bill, these special protective quotas could be imposed if a substantial factor in the increased volume of imports of a product is the granting of concessions by a foreign government, whether or not they are granted under the terms of a trade agreement.

Title V of the bill grants the President broad authority to prohibit or limit exports of American capital and technology where such exports will result in a decrease of domestic employment.

The way in which the export of technology works is that scientific theories are developed and tested in the United States using American facilities. The bulk of the cost of this development is borne by the American taxpayer, not only through direct Government funding of research and development, but also by virtue of the fact that development expenditures are tax deductible as business expenses. Once these new methods and machines are developed to the point where they can be used in production, they are often exported through licensing and patent agreements, joint ventures with foreign producers and the building of subsidiary facilities in other countries. Thus, the benefits of these new techniques, developed at the expense of the American public, do not flow to our economy.

Title VI of the bill repeals those sections of the Tariff Code—sections 806.30 and 807.00—which have permitted American manufacturers to assemble goods abroad using cheap foreign labor, then pay duty based only upon the "added value" of the cheap labor. These items of the Tariff Code, which were adopted in 1963, have been a major factor in encouraging the development of operations such as the textile operation south of the border. Item 807, for example, provides that if a garment is cut here in the United States with material produced in the United States, and is shipped outside the country to be assembled and returned here for sale, then the customs duty is to be paid only on "the added value" of the foreign operation. That is, the tariff will be levied only on the very low cost of the Mexican labor in the case of the border zone plants. Obviously, the smallness of the tariff cost makes it quite profitable to use this cheap labor, despite the additional charges for shipping the goods.

Item 807 requires that in order to be eligible for the special tariff rate, the cut textiles going abroad for assembling must be United States made. Once a bolt of material has been cut, however, its country of origin cannot be ascertained. Therefore, textiles which are produced overseas and cut in the United States are managing to reap the benefits of item 807. This loophole has had a disastrous effect upon the American garment, costing tens of thousands of jobs in the past 10 years.

The title will also beef up labeling requirements with regard to foreign-made components and for foreign-assembled products.

I include the full text of the bill at this point in the Record:

H.R. 11783

A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of United States capital, jobs, technology and production, control multinational corporations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Investment and Multinational Corporation Control Act of 1971".

PREAMBLE

In order to accomplish the domestic and foreign policy goals of the United States, it is necessary to promote and maintain a fully employed, innovative and diversified production base in the United States. In recent years rapidly increasing imports, sometimes promoted by foreign government assistance or unregulated unfair trade practices, have all but eliminated certain domestic industries, and are threatening to destroy critical portions of the United States production base. It is the intent of Congress, in enacting this statute to insure that this destruction does not occur.

To this end, this statute should be interpreted to insure that the production of goods which have historically been produced in the United States is continued and maintained. To the extent that production of such goods has been transferred abroad, it is the intent of Congress that this production be encouraged to return to the United States. Moreover, as new products are developed and marketed in the United States this legislation should be administered such that a fair proportion of such production is maintained in the United States.

TITLE I

Sec. 101. Title I

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Sec. 102. Taxation of Earnings and Profits of Controlled Foreign Corporations.

(a) In General.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by inserting after subpart H thereof the following:

"Subpart I—Controlled Foreign Corporations

"Sec. 991. Amounts included in gross income of United States shareholders.
"Sec. 992. Definitions.
"Sec. 993. Rules for determining stock ownership.
"Sec. 994. Exclusion from gross income of previously taxed earnings and profits.
"Sec. 995. Adjustments to basis of stock in controlled foreign corporations and of other property.
"Sec. 996. Records and accounts of United States shareholders.

"Sec. 991. Amounts Included in Gross Income of United States Shareholders.

"(a) Amounts Included.—

"(1) In general.—If a foreign corporation is a controlled foreign corporation for an uninterrupted period of thirty days or more during any taxable year, every United States shareholder of such corporation who owns (within the meaning of section 993(a)) stock in such corporation on the last day in such year on which such corporation is a controlled foreign corporation shall include in its gross income, for its taxable year in which or with which such taxable year of the corporation ends, its pro rata share of the corporation's earnings and profits for such year.

"(2) Pro rata share of earnings and profits.—A United States shareholder's pro rata share referred to in paragraph (1) is the amount—

"(A) which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 993(a)) in such corporation if on the last day, in its taxable year, on which the corporation is a controlled foreign corporation it had distributed pro rata to its shareholders an amount (i) which bears the same ratio to its earnings and profits for the taxable year, as (ii) the part of such year during which the corporation is a controlled foreign corporation bears to the entire year, reduced by

"(B) an amount (i) which bears the same ratio to the earnings and profits of such corporation for the taxable year, as (ii) the part of such year described in subparagraph (A) (ii) during which such shareholder did not own (within the meaning of section 993(a)) such stock bears to the entire year.

of this subpart, under regulations prescribed by the Secretary or his delegate, the earnings and profits of any foreign corporation, and the deficit in earnings and profits of any foreign corporation, for any taxable year—

"(1) except as provided in section 312(m) (3), shall be determined according to rules substantially similar to those applicable to domestic corporations,

"(2) shall be appropriately adjusted for deficits in earnings and profits of such corporation for any prior taxable year beginning after December 31, 1971,

"(3) shall not include any item of income which is effectively connected with the conduct by such corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States, and

"(4) shall not include any amount of

earnings and profits which could not have been distributed by such corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

"(c) Coordination With Election of a Foreign Investment Company to Distribute Income.—A United States shareholder who, for his taxable year, is a qualified shareholder (within the meaning of section 1247(c)) of a foreign investment company with respect to which an election under section 1247 is in effect shall not be required to include in gross income, for such taxable year, any amount under subsection (a) with respect to such company.

"(d) Coordination With Foreign Personal Holding Company Provisions.—In the case of a United States shareholder who, for his taxable year, is subject to tax under section 551(b) (relating to foreign personal holding company income included in gross income of United States shareholders) on income of a controlled foreign corporation, the amount required to be included in gross income by such shareholder under subsection (a) with respect to such company shall be reduced by the amount included in gross income by such shareholder under section 551(b).

"Sec. 992. Definitions.

"(a) United States Shareholder Defined.—For purposes of this subpart, the term 'United States shareholder' means, with respect to any foreign corporation, a domestic corporation which owns (within the meaning of section 993(a)), or is considered as owning by applying the rules of ownership of section 993(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation.

"(b) Controlled Foreign Corporation Defined.—For purposes of this subpart, the term 'controlled foreign corporation' means any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned (within the meaning of section 993 (a)), or is considered as owned by applying the rules of ownership of section 993(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"Sec. 993. Rules for Determining Stock Ownership.

"(a) Direct and Indirect Ownership.—

"(1) General rule.—For purposes of this subpart, stock owned means—

"(A) stock owned directly, and

"(B) stock owned with the application of paragraph (2).

"(2) Stock ownership throughout foreign entities.—For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation or foreign estate (within the meaning of section 7701(a)(31)) or by or for a partnership or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

"(b) Constructive ownership.—For purposes of section 992, section 318(a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any domestic corporation as a United States shareholder within the meaning of section 992(a), or to treat a foreign corporation as a controlled foreign corporation under section 992(b), except that—

"(1) In applying subpargaraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all of the stock entitled to vote.

"(2) In applying subparagraph (C) of section 318(a)(2), the phrase '10 percent' shall be substituted for the phrase '50 percent' used in subparagraph (C).

"Sec. 994. Exclusion From Gross Income of Previously Taxed Earnings and Profits.

"(a) Exclusion from Gross Income.—For purposes of this chapter, the earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991(a) shall not, when such amounts are distributed directly, or indirectly through a chain of ownership described under section 993(a), to—

"(1) such shareholder (or any domestic corporation which acquires from any person any portion of the interest of such United States shareholder in such foreign corporation, but only to the extent of such portion, and subject to such proof of the identity of such interest as the Secretary or his delegate may by regulations prescribe), or

"(2) a trust (other than a foreign trust) of which such shareholder is a beneficiary, be again included in the gross income of such United States shareholder (or of such domestic corporation or of such trust).

"(b) Exclusion From Gross Income of Certain Foreign Subsidiaries.—For purposes of section 991(a), the earnings and profits for a taxable year of a controlled foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991(a), shall not, when distributed through a chain of ownership described under section 993(a), be also included in the gross income of another controlled foreign corporation in such chain for purposes of the application of section 991(a) to such other controlled foreign corporation with respect to such United States shareholder (or to any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder in the controlled foreign corporation, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary or his delegate may prescribe by regulations).

"(c) Allocation of Distributions.—For purposes of subsections (a) and (b), section 316(a) shall be applied by applying paragraph (2) thereof, and then paragraph (1) thereof—

"(1) first, to earnings and profits attributable to amounts included in gross income under section 991(a), and

"(2) then to other earnings and profits.

"(d) Distribution Excluded From Gross Income Not To Be Treated as Dividends.—Any distribution excluded from gross income under subsection (a) shall be treated, for purposes of this chapter, as a distribution which is not a dividend.

"Sec. 995. Adjustments to Basis of Stock in Controlled Foreign Corporations and of Other Property.

"(a) Increase in Basis.—Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which it is considered under section 993(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in its gross income under section 991(a) with respect to such stock or with respect to such property, as the case may be, but only to the etxent to which such amount was included in the gross income of such United States shareholder.

"(b) Reduction in Basis.—

"(1) In general.—Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 994(a) shall be reduced by the amount so excluded.

"(2) Amount in excess of basis.—To the extent that an amount excluded from gross income under section 994(a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

"Sec. 996. Records and Accounts of United States Shareholders

"(a) Records and Accounts To Be Maintained.—The Secretary or his delegate may by regulations require each person who is, or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be prescribed by such regulations as necessary to carry out the provisions of this subpart.

"(b) Two or More Persons Required to Maintain or Furnish the Same Records and Accounts With Respect to the Same Foreign Corporation.—Where, but for this subsection, two or more persons would be required to maintain or furnish the same records and accounts as may by regulations be required under subsection (a) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of subsection (a) for such other persons."

(b) Technical and Conforming Amendments.—

(1) Section 864(c)(4)(D) is amended to read as follows:

"(D) No income from sources without the United States shall be treated as effectively connected with the conduct of a trade or business within the United States if it consists of dividends, interest, or royalties paid by a foreign corporation in which the taxpayer owns (within the meaning of section 958(a)), or is considered as owning (by applying the ownership rules of section 958(b)), more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

(2) Section 951 is amended by adding at the end thereof the following:

"(e) Taxable Years Ending After December 31, 1971.—No amount shall be required to be included in the gross income of a United States shareholder under subsection (a) (other than paragraph (1)(A)(ii) of such subsection) with respect to a taxable year of a controlled foreign corporation ending after December 31, 1971."

(3) Section 1016(a)(20) is amended by striking out "section 961" and inserting in lieu thereof "sections 961 and 995".

(4) Section 1246(a)(2)(B) is amended by inserting "or 991" after "section 951" and by inserting "or 994" after "section 959".

(5) Section 1248 is amended—

(A) by striking out subsection (b);

(B) by revising subsection (d)(1) to read as follows:

"(1) Amounts included in gross income under section 951 or 991.—Earnings and profits of the foreign corporation attributable to any amount previously included in the gross income of such person under section 951 or 991, with respect to the stock sold or exchanged, but only to the extent the inclusion of such amount did not result in an exclusion of an amount from gross income under section 959 or 994.";

(C) by striking out in subsection (d)(3) "section 902(d)" and inserting in lieu thereof "subsection (h)", and by adding at the end of such subsection "No amount shall be excluded from the earnings and profits of a foreign corporation under this paragraph with respect to any United States person which is a domestic corporation for any taxable year of such foreign corporation ending after December 31, 1971."; and

(D) by adding at the end thereof the following:

"(h) LESS DEVELOPED COUNTRY CORPORATION DEFINED.—For purpose of this section, the term 'less developed country corporation' means—

"(1) a foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of section 955(c)(1) or (2), and

"(2) a foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of section 955(c)(1), and—

"(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of section 955(c)(1)(A); and

"(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in section 955(c)(1)(B)."

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to taxable years of foreign corporations ending after December 31, 1971, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) The amendments made by subsection (b)(4) shall apply with respect to sales or exchanges occurring in taxable years beginning after December 31, 1971.

SEC. 103. REPEAL OF FOREIGN TAX CREDIT ALLOWED CORPORATIONS.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of the United States) is amended—

(1) by revising subsection (a) to read as follows:

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer other than a corporation, who chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b). Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences).";

(2) by revising subsection (b)(1) to read as follows:

"(1) CITIZENS.—In the case of a citizen of the United States, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and";

(3) by revising subsection (b)(4) to read as follows:

"(4) NONRESIDENT ALIEN INDIVIDUALS.—In the case of any nonresident alien individual not described in section 876, the amount determined pursuant to section 906; and"; and

(4) by striking out subsections (d) and (e).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 78 is repealed.

(2) Section 535(b)(1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(3) Section 545(b)(1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(4) Section 841 is repealed.

(5) Section 882(c) is amended by striking out paragraph (3).

(6) Section 884 is amended by striking out paragraph (4).

(7) Section 902 is repealed.

(8) Section 906 is amended—

(A) by striking out "and foreign corporations" in the heading thereof;

(B) by striking out in subsection (a) "or a foreign corporation" and "(or deemed, under section 902, paid or accrued during the taxable year)";

(C) by striking out in subsection (b)(3) "or 881 (relating to income of foreign corporations not connected with United States business)"; and

(D) by striking out subsection (b)(4).

(9) Section 904(g) is repealed.

(10) Section 960 is repealed.

(11) Section 1503 is amended to read as follows:

"SEC. 1503. COMPUTATION AND PAYMENT OF TAX.

"In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under section 1502 prescribed before the last day prescribed by law for the filing of such return."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

SEC. 104. DEPRECIATION ON FOREIGN ASSETS.

(a) EARNINGS AND PROFITS OF FOREIGN CORPORATIONS.—Section 312(m) (relating to effect of depreciation on earnings and profits) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) FOREIGN CORPORATIONS.—In applying paragraph (1) or (2) for purposes of computing the earnings and profits of a foreign corporation, the amount of depreciation which would be allowable for the taxable year with respect to any property shall be determined on the basis of the useful life of such property in the hands of such foreign corporation."

(b) DEPRECIATION ON PROPERTY LOCATED OUTSIDE THE UNITED STATES.—Section 167 (relating to depreciation) is amended by redesignating subsection (m) as subsection (n) and by inserting immediately after subsection (l) the following:

"(m) DEPRECIATION ON PROPERTY LOCATED OUTSIDE THE UNITED STATES.—In the case of any property which either is located outside the United States or is used predominantly outside the United States (other than property described in section 48(a)(2)(B) (i), (ii), (iii), (iv), (v), or (vi), subsection (b) shall not apply and the term reasonable allowance as used in subsection (a) shall be an allowance computed under the straight line method on the basis of the useful life of the property in the hands of the taxpayer."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply with respect to taxable years beginning after June 30, 1972.

SEC. 105. TRANSFERS OF PATENTS, ETC., TO FOREIGN CORPORATIONS.

(a) RECOGNITION OF GAIN.—Section 367 (relating to foreign corporations) is amended by adding at the end thereof the following:

"(e) TRANSFERS OF PATENTS, ETC., TO FOREIGN CORPORATIONS.—Notwithstanding any other provision of this subtitle, any gain realized on a transfer of a patent, an invention, model, or design (whether or not patented), a copyright, a secret formula or process, or any other similar property right to any foreign corporation in an exchange to which this section is applicable shall be recognized."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers of property made after the date of enactment of this Act.

SEC. 106. EXCLUSION FOR EARNED INCOME FROM SOURCES WITHOUT THE UNITED STATES.

(a) LIMITATION OF EXCLUSION.—Section 911(c) (relating to special rules) is amended by adding at the end thereof the following:

"(8) CERTAIN COMPENSATION NOT EXCLUDABLE.—No amount received for services performed—

"(A) for a domestic corporation of a domestic partnership, or

"(B) for a controlled foreign corporation (within the meaning of section 992(b)),

may be excluded under subsection (a)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to amounts received for services performed after the date of enactment of this Act.

SEC. 107. SUBMISSION OF REPORT ON INTERNATIONAL TAX COMPLIANCE.

Not later than December 31, 1972, the Treasury Department shall submit to the Congress a report on the administration of the income tax imposed by the Internal Revenue Code of 1954 as it applies to business activities carried on outside the United States by United States corporations, whether directly or through foreign entities. Such report shall include, but not be limited to, a discussion and analysis of the enforcement and compliance problems encountered by the Treasury Department in such administration.

TITLE II—UNITED STATES FOREIGN TRADE AND INVESTMENT COMMISSION

SEC. 201. ORGANIZATION OF THE COMMISSION—MEMBERSHIP.

(a) The United States Foreign Trade and Investment Commission (referred to in this subtitle as the "Commission") shall be composed of three commissioners to be hereafter appointed by the President by and with the advice and consent of the Senate. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of foreign trade and investment problems and efficiency in administering the provisions of this part. Not more than two of the commissioners shall be members of the same political party. One member of the Commission shall be a representative of public interests, one shall be a representative of labor interests, and one shall be a representative of industrial interests.

(b) Terms of office of the commissioners first taking office after July 1, 1972, shall expire, as designated by the President at the time of nomination, one at the end of every second year following July 1, 1972. The term of office of a successor to any such commissioner shall expire six years from the date of the expiration of the term for which his predecessor was appointed, except that any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

(c) The President shall annually designate one of the commissioners as Chairman and one as Vice Chairman of the Commission. The Vice Chairman shall act as Chairman in case of the absence or disability of the Chairman. A majority of the commissioners in office shall constitute a quorum, but the Commission may function notwithstanding vacancies. No commissioner shall actively engage in any other business, vocation, or employment than that of serving as a commissioner.

(d)(1) Whenever, in any case calling for findings of the Commission in connection with any authority conferred upon the President by law to make changes in import restrictions, a majority of the commissioners voting are unable to agree upon findings or recommendations, the findings (and recommendations, if any) of any one of the commissioners may be considered by the President as the findings and recommendations of the Commission.

(2) Whenever, in any case in which the Commission is authorized to make an investigation upon its own motion, upon complaint, or upon application of any interested party, one-half of the number of commissioners voting agree that the investigation should be made, such investigation shall thereupon be carried out in accordance with the statutory authority covering the matter in question. Whenever the Commission is authorized to hold hearings in the course of any investigation and one-half of the number of commissioners voting agree that hearings should be held, such hearings shall thereupon be held in accordance with the statutory authority covering the matter in question.

TITLE III—AMENDMENTS TO THE ANTI-DUMPING AND COUNTERVAILING DUTY ACTS

SEC. 301. AMENDMENTS TO THE ANTIDUMPING ACT.

The Antidumping Act of 1921, is hereby amended to read as follows:

"SEC. 201. (a) Whenever a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value and an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, there shall be levied, collected, and paid on such merchandise, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to the difference between the purchase price or the exporter's sales price and the foreign market value (or, in the absence of such value, the constructed value).

"(b) The United States Foreign Trade and Investment Commission (hereinafter called the "Commission") is hereby authorized to investigate complaint(s) filed with it on behalf of any industry by a firm or group of workers, to make such investigation as it deems necessary, and to issue orders to effectuate the provisions of this Act. Commission proceedings and actions under this Act shall be completed within four months of the filing of a complaint, and shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code. Any final order entered in any such proceeding shall be made on the record after opportunity for a Commission hearing and shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code and to the provisions of chapter 7 of title 5 of the United States Code.

"(c) Whenever the Commission has reason to believe or suspect from information presented to it, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value or, in the absence of such value, than the constructed value, it shall forthwith publish notice of that fact in the Federal Register and shall direct the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to it, until the further order of the Commission, or until the Commission has completed its investigation in regard to such merchandise.

"SEC. 202. (a) Upon information of the issuance of an order by the Commission providing for the imposition of a special dumping duty, the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall, through the proper officers, impose the special dumping duty on all imported merchandise, whether dutiable or free of duty, of a class or kind prescribed in the Commission's order, entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping was raised by or presented to the Commission, and as to which no appraisement report has been made before such order has been made." (Plus conforming changes in subsequent sections.)

SEC. 302. AMENDMENTS TO THE COUNTERVAILING DUTY LAW

The countervailing duty law (section 303 of the Tariff Act of 1930, 19 U.S.C. 1303) is amended to read as follows:

"Sec. 303. Countervailing duties

"Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly and bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this Act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this Act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The United States Foreign Trade and Investment Commission is hereby authorized to investigate complaint(s) filed under this section or upon its initiative and to issue orders to effectuate the provisions of this section. Such orders shall be made on the record after opportunity for a hearing. Upon information of the issuance of an order by the Foreign Trade and Investment Commission, the Secretary of the Treasury shall, through the proper officers, impose the additional duty prescribed therein. Foreign Trade and Investment Commission proceedings and actions under this section shall be completed within four months of the filing of a complaint, and shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code, and any final order entered in any such proceeding shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code."

TITLE IV—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962—ADJUSTMENT ASSISTANCE

SEC. 401. PETITIONS AND DETERMINATIONS.

Section 301 of the Trade Expansion Act of 1962 is hereby amended to read as follows:

"§ 301. Petitions and determinations

"(a)(1) A petition for tariff adjustment under section 1981 of this title may be filed with the Foreign Trade and Investment Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

"(2) A petition for a determination of eligibility to apply for adjustment assistance under part II of this subchapter may be filed with the Foreign Trade and Investment Commission by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance under part III of this subchapter may be filed with the Foreign Trade and Investment Commission by a group of workers or by their certified or recognized union or other duly authorized representative.

"(3) Whenever a petition is filed under this subsection, the Foreign Trade and Investment Commission shall transmit a copy thereof to the Secretary of Commerce.

"(b)(1) Upon a request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition by the petitioner under subsection (a)(1) of this section the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether, as a result in substantial part of concessions, bounties, grants or other incentives granted by any foreign government or any instrumentality of a foreign government, an article is being imported into the United States in such increased quantities as to contribute substantially toward causing or threatening to cause serious injury to the domestic industry producing an article which is like or directly competitive with the imported article.

"For the purposes of section 301(b)(I) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(b)(1)), as amended by this Act, the term 'industry' means the aggregate of those firms or appropriate subdivisions thereof which produce a product or component threatened by imports. Where the product or component is produced in a distinct part or section of an establishment, whether or not the firm has one or more establishments, such part or section shall be considered an appropriate subdivision.

"(2) In making its determination under paragraph (1), the Foreign Trade and Investment Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, unemployment or underemployment, loss of fringe benefits, and decreased or stagnant wages.

"(3) No investigation for the purpose of paragraph (1) shall be made, upon petition filed under subsection (a)(1) of this section, with respect to the same subject matter as a previous investigation under paragraph (1), unless one year has elapsed since the Foreign Trade and Investment Commission made its report to the President of the results of such previous investigation.

"(c)(1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under part II of this subchapter, the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether, as a result in substantal part of concessions, bounties, grants or other incentives granted by any foreign government or any instrumentality of a foreign government, an article like or directly competitive with an article produced by the firm is being imported into the United States in such increased quantities as to contribute substantially toward causing or threatening to cause, serious injury to such firm. In making its determination under this paragraph, the Foreign Trade and Investment Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities of the firm, inability of the firm to operate at a level of reasonable profit, unemployment or underemployment in the firm, loss of fringe benefits, and decreased or stagnant wages.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under part III of this subchapter, the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether as a result in substantial part of concessions, bounties, grants or other incentives granted by any foreign government or any instrumentality of a foreign government, an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivsion thereof, is being imported into the United States in such increased quantities as to contribute substantially toward causing or threatening to cause, unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(d) (1) In the course of any investigation under subsection (b) (1) of this section, the Foreign Trade and Investment Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to produce evidence and to be heard at such hearings.

"(2) In the course of any investigation under subsection (c) (1) or (c) (2) of this section, the Foreign Trade and Investment Commission shall, after reasonable notice, hold public hearings if requested by the petitioner, or if, within 10 days after notice of the filing of the petition, a hearing is requested by any other party showing a proper interest in the subject matter of the investigation, and shall afford interested parties an opportunity to be present, to produce evidence, and to be heard at such hearings.

"(e) Should the Foreign Trade and Investment Commission find with respect to any article, as the result of its investigation, the serious injury or threat thereof described in subsection (b) of this section, it shall find the quantitative restriction on such article which is necessary to prevent or remedy such injury and shall make modification of the quantitative restraints determined under title II of this Act as is necessary to put into effect the determination made under this section.

"(f) (1) The Foreign Trade and Investment Commission shall report to the President the results of each investigation under this section and include in each report any dissenting or separate views. The Foreign Trade and Investment Commission shall furnish to the President a transcript of the hearings and any briefs which may have been submitted in connection with each investigation.

"(2) The report of the Foreign Trade and Investment Commission of its determination under subsection (b) of this section shall be made at the earliest practicable time, but not later than 6 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Foreign Trade and Investment Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

"(3) The report of the Foreign Trade and Investment Commission of its determination under subsection (c) (1) or (c) (2) of this section with respect to any firm or group of workers shall be made at the earliest practicable time, but not later than 60 days after the date on which the petition is filed.

"(g) Foreign Trade and Investment Commission proceedings under this title shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code. Any final order entered in such proceeding shall be made on the record after opportunity for a Commission hearing and shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code and to the provisions of chapter 7 of title 5 of the United States Code."

SEC. 402. PRESIDENTIAL ACTION AFTER FOREIGN TRADE AND INVESTMENT COMMISSION DETERMINATION

Section 302 of the Trade Expansion Act of 1962 is hereby amended to read as follows:

"§ 302. Presidential action after Foreign Trade and Investment Commission determination—General Authority

"(a) After receiving a report from the Foreign Trade and Investment Commission containing an affirmative finding under section 301(b) of this title with respect to any industry, the President may—

"(1) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under part II of this subchapter,

"(2) provide, with respect to such industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under part III of this subchapter, or

"(3) take any combination of such actions." (Plus conforming changes in subsequent sections.)

TITLE V—FOREIGN INVESTMENT AND TECHNOLOGY EXPORT CONTROLS

SEC. 501. (a) The President is hereby authorized to prohibit any person within the jurisdiction of the United States from engaging in any transaction involving a direct or indirect transfer of capital to or within any foreign country or to any national thereof when in the judgment of the President the transfer would result in a net decrease in employment in the United States. The President is hereby authorized to issue regulations to effectuate this section.

(b) Any person who violates a valid regulation issued under authority of subsection (a) shall be liable to a fine of not more than $100,000 and imprisonment for not more than one year for each violation.

SEC. 502. (a) The President is hereby authorized to prohibit any holder of a United States patent from manufacturing the patented product or using the patented process, or from licensing others to manufacture the patented product or using the patented process, outside the territory of the United States when in the judgment of the President such prohibition will contribute to increased employment in the United States. The President is hereby authorized to issue regulations to effectuate this section.

(b) The patent of any patentee who violates any regulation validly issued hereunder shall be unenforceable in the courts of the United States.

TITLE VI—OTHER FOREIGN TRADE PROVISIONS

SEC. 601 REPORTS BY THE EXPORT-IMPORT BANK OF WASHINGTON AND OTHER AGENCIES.

(a) Section 635g of title 12 of the United States Code is hereby amended to read as follows:

"The Export-Import Bank of Washington shall transmit to the Congress semiannually a complete and detailed report of its operations. The report shall be as of the close of business on June 30 and December 31 of each year."

The report shall include detailed information from which a judgment can be made of the effects Bank operations are having on U.S. exports, imports, and employment.

(b) Section 2394(a) of title 22 of the United States Code is hereby amended to read as follows:

"(a) The President shall, while funds made available for the purposes of this chapter remain available for obligation, transmit to the Congress after the close of each fiscal year a report concerning operations in that fiscal year under this chapter. Each such report shall include information on the operation of the investment guaranty program and on progress under the freedom of navigation and nondiscrimination declaration contained in section 2151 of this title. Each such report shall also contain a detailed review of the extent to which projects financed under any foreign assistance program are exporting their output to the United States, and the extent to which section 2370(d) of title 22 has been complied with."

(c) A new subsection C is added to section 2 of title 29 of the United States Code as follows:

"2c. The Bureau of Labor Statistics shall collect, collate, and report at least once each year, or, more often if necessary, full and complete statistics on the conditions of workers employed by the United States Government and United States Corporations outside the territorial limits of the United States and the products and distribution of the products of the same. For purposes of this subsection a worker shall be deemed to be employed by a United States corporation if the business organization employing him is more than 10 per centum beneficially owned or controlled by United States Corporations."

SEC. 602. (a) No producer, manufacturer or dealer shall ship or deliver for shipment in commerce any goods containing foreign made components unless such goods are clearly marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article or container will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country or countries of origin of the foreign made components.

(b) No producer, manufacturer, or dealer shall advertise for sale in Commerce any goods containing foreign made components unless such advertising clearly indicates to an ultimate purchaser in the United States the English name of the country or countries of origin of the foreign made components.

(c) The Secretary of Labor is hereby authorized to issue such regulations as he deems necessary to effectuate this section.

(d) Whoever willfully violates this section shall be fined not more than $10,000 for each violation.

SEC. 603. (a) Schedule 8, part 1, subpart B of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out item 807.00;

(2) by striking out item 806.30;

(3) by striking out headnote 3; and

(4) by redesignating headnote 4 as headnote 3.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the ninetieth day after the date of the amendment of this Act.

SEC. 604. Section 481(a) of the Tariff Act of 1930 (19 U.S.C. 1481 (a)) is amended—

(1) by redesignating paragraph (10) thereof as paragraph (11);

(2) by striking out "and" at the end of paragraph (9); and

(3) by inserting immediately after such paragraph (9) the following new paragraph:

"(10) Such information as to product description as is required to be made a part of the entry by provisions of the Tariff Schedules of the United States Annotated issued pursuant to section 484(e) of this Act; and."

CRIME CONTROL THROUGH REVENUE SHARING: A NEW PROGRAM FOR THE 56 LARGEST CITIES

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 60 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, this country is beset by many problems, but I am convinced that the one hitting closest to home, producing the most anxiety among our citizens—and I know this because my constituents in Cleveland, Ohio, keep after me about it—is the problem of crime on the streets and the people's fear of crime. My colleagues here would hardly challenge this statement, because Congress has recently been according a high priority to crime control legislation.

Historically, the Federal Government had not involved itself in this problem, leaving the cities and counties to cope with it—since local governments are wisely charged with the primary responsibility in this area under our Constitution. But by the mid-1960's, crime had reached such high levels that pressure began to mount on Congress, and also on the executive branch, to launch programs of assistance to the local governments. The result was the Omnibus Crime Control and Safe Streets Act of 1968 which set up a Law Enforcement Assistance Administration in the Justice Department. This agency has been generously funded, winning increasing appropriations from Congress. For fiscal year 1972, it was awarded $698,919,000—a total representing the full amount that President Nixon had requested. LEAA is one of the few Federal agencies whose asserted financial needs we have not quibbled with. In fact, there is good reason to believe that, had the President sought an even larger budget for LEAA, he would have received it. For Congress had already authorized total expenditures of $1,150,000,000 for LEAA in fiscal 1972.

But, Mr. Speaker, despite our willingness—really, our eagerness—to give this agency all the financial support it asks for, its program has not worked. We know this because the crime rate and crime totals around the country keep rising, with crimes of violence setting the pace. This is obvious to our constituents, who, of course, are not fooled by Justice Department attempts to reassure them with phony communiques that juggle statistics and suggest "progress" in the war against crime. For example, when I mentioned the Safe Streets Act to one of my constituents, she suggested a better name for the legislation might be the Unsafe Streets Act.

But most citizens probably are not yet familiar with additional evidence that the LEAA program is not working. I doubt whether most Americans realize that the pipeline for Federal assistance funds is so clogged with redtape that much of the money is stuck there, and in fact has been stuck in the pipeline for a year or two or even more. If the money leaving Washington is intercepted at the State capitals, becoming unspeakably tardy in reaching the large cities where most of the crimes are being committed, then what good is the money?

I doubt too, whether most Americans realize that much of the money is not being channeled, even when it finally does reach the end of the pipeline, to the areas most afflicted by crime.

The fact is that the Law Enforcement Assistance Administration—a new bureaucratic structure that was needed—has in turn spawned hundreds of new intrastate "regional" bureaucracies that definitely are not needed—a whole new layer of government interposed in many States between the crime-ridden metropolitan areas and the State governments that have responsibility for pushing Federal funds into the cities. These regional entities, each of them in most cases comprising many counties—rural territory with an urban core—fail in many places to accord top priority to city needs, and they become a factor in slowing down the flow—or trickle—of Federal funds into the high crime areas.

I am wondering, as well, Mr. Speaker, whether my colleagues here yet realize that the Safe Streets Act amendments enacted last year have not proved effective. Congress intended, through those amendments, to see to it that large urban areas did get a higher proportion of LEAA funds. In many places around the country, this intention is not being carried out by LEAA and the State governments. Instead, we have more redtape, and further delay. Almost a year has passed, but LEAA still has not issued all the regulations needed to fully implement the amendments.

Mr. Speaker, I believe that this situation is bad and inexcusable, but I do not believe it is hopeless. I am convinced that reform can be achieved through an honest appraisal of where we stand, and through some fresh thinking on where we ought to go. I am persuaded that, through further but more sweeping amendments to the Safe Streets Act, a streamlining of LEAA operations can be accomplished without doing violence to the basic structure of the program provided for under that statute. I submit that my State of Ohio, under a new administration headed by Gov. John J. Gilligan, has shown us a direction that we ought to take. That road heading toward a truly effective crime control program was in fact mapped for us even earlier by President Nixon, in his messages to Congress pertaining to revenue sharing. I fail to understand why the President has not followed through by pushing for legislation implementing his special message on crime control revenue sharing—or why that particular message, rather oddly, fell short of proposing to bring us to the point where true revenue sharing leads.

Nonetheless, I feel that the President's philosophy on revenue sharing, and the basic principles he enunciated, are eminently sound—especially where they pertain to a system of revenue sharing targeted on crime control. And it is for these reasons that I rise here today in this Chamber, Mr. Speaker, to introduce an Emergency Crime Control Act of 1971—a measure which seems to me to be wholly in accord with the President's thinking, and therefore meriting the President's support, which I hope will be forthcoming before the crime crisis during his administration grows worse.

PROPAGANDA BY THE ATTORNEY GENERAL

Before I detail the provisions of this new legislation, however, I feel it necessary, as I have said, to be candid about the crime plague that endangers American men, women, and children, particularly in the large cities. For if we in this Congress believe, as our Attorney General, John N. Mitchell, professes to believe, that the fear of crime "is being swept from the streets of some—though not all—American cities," then we will have little motivation to act in this Chamber. When the Attorney General made that statement recently, I disputed it insofar as it might have pertained to Cleveland—CONGRESSIONAL RECORD, September 16, 1971, page 32259. I said at the time that it was not the fear of crime, but rather people, that had vanished from the streets. This is a fact that would not be contested by anyone in my congressional district, whereas what Mr. Mitchell has been saying in press releases, accompanying—and "interpreting"—FBI statistical reports, has been challenged, as my colleagues here know, by nonpolitical authorities who follow crime trends. Therefore when Mr. Mitchell, in convoluted prose, pats his Justice Department on the back for figures that show a "decelerating rate of increase" of crime, I think we can safely conclude he is making political statements in the hope of keeping alive, with points for his side, a public issue on which he unfortunately—and illogically—rode to power.

More objective persons seeking plain facts on which to base public policy will prefer the unadorned prose of the FBI Uniform Crime Reports, the phrasing of which, ready-made, in prefabricated sentences, give us the same depressing message from year to year.

On page 4 of the 1969 report we find this statement:

> In calendar year 1969 almost 5 million Index offenses were reported to law enforcement agencies, a 12-percent increase over 1968. The violent crimes as a group made up 13 percent of the Crime Index total and rose 11 percent, with murder up 7 percent, forcible rape 17 percent, robbery 14 percent and aggravated assault 9 percent. . . . The Crime Index rate for the United States rose from 2,235 offenses per 100,000 inhabitants in 1968 to 2,471 in 1969, an 11-percent increase in the victim rate. The rise in the national crime rate since 1960, or the risk of being a victim of one of these crimes, has more than doubled.

On page 5 of the 1970 report we find this statement:

> In calendar year 1970 an estimated 5,568,200 Index offenses were reported to law enforcement agencies, an 11-percent increase over 1969. The violent crimes as a group made up 13 percent of the Crime Index total and rose 12 percent, with murder up 8 percent, forcible rape 2 percent, robbery 17 percent, and aggravated assault 8 percent. . . . The Crime Index rate for the United States rose from 2,477 offenses per 100,000 inhabitants in 1969 to 2,740 in 1970, an 11-percent increase in the victim rate. The national crime rate, or the risk of being a victim of one of these crimes has increased 144 percent since 1960.

Bringing us up to date is the FBI interim report for January–June 1971—released to the public on September 30—which begins:

> Crime in the United States, as measured by the Crime Index offenses, increased 7 percent during the first six months of 1971 compared to the same period in 1970. The violent crimes as a group were up 11 percent. Robbery was up 14 percent, murder and aggravated assault 10 percent and forcible rape 7 percent.

Turning aside from prose in any form, even the FBI's matter-of-fact version, I find statistics such as these for Cleveland—comparing, respectively, the first 6 months of this year with the corresponding period last year: Homicides, 121 and 133; forcible rapes, 194 and 160; robberies, 2,675 and 2,645; aggravated assaults, 935 and 863.

Mr. Speaker, there are the facts that tell us why people have been swept from the streets of Cleveland and other cities of like size. And these facts form the backdrop against which further legislative action must be taken by this Congress. We must do better than Mr. Mitchell would have us believe we have done.

FEDERAL FUNDS LYING IDLE

Mr. Speaker, there is a second criterion for judging the LEAA program, and this too informs us that the Federal Government has failed. Assuming for the moment—though I certainly do not concede this point—that LEAA funds are being channeled properly, the fact remains that the money is not, within a reasonable time, reaching the places where it can be spent. The President has asked for the money, Congress has appropriated it, LEAA has put it in the pipeline—but as I have pointed out, incredibly large amounts have moved not at all, or hardly at all. This fact emerges from excellent hearings conducted recently by the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations. Presiding was my distinguished colleague from Connecticut, the Honorable JOHN S. MONAGAN. At one point Mr. MONAGAN was told by a witness from Congress' own General Accounting Office—on July 22, 1971:

> In many States they have not yet used their 1969 (Safe Streets) funds or the 1970 funds.

This same witness said at another point:

> We believe that the inertia evidenced by the aforementioned figures is a matter which should be of concern both to the Congress and LEAA, particularly in light of the high priority assigned the (crime-fighting) program.

Mr. Speaker, as all of us here know, it is the States which, receiving the Federal funds we appropriate, take responsibility for distributing it in the form of grants for crime control planning, and for crime-fighting projects, in the various governmental subdivisions under State jurisdiction. Documents obtained for me by the General Accounting Office, from the Justice Department, contain some startling information. For example, as of June 30, 1971—the close of the 1971 fiscal year—more than 6 percent of the 1969 LEAA funds still had not been disbursed by the States to grantees. Of the 1970 funds, more than half—51.1 percent—were still being held at the State level. And, of the 1971 funds, that year already having been concluded, 92.1 percent was still unspent because the States had not yet forwarded the money.

Mr. Speaker, again, as of June 30, 1971, 21 of the 50 States—including my own State of Ohio—still had not distributed more than half of the 1970 funds they had received from LEAA. The 21 States, and the amounts disbursed in each, were:

[In percent]

California	24.8
Connecticut	46.4
Florida	47.7
Georgia	40.7
Hawaii	42.6
Massachusetts	44.8
Michigan	41.9
Minnesota	48.9
New Jersey	41.0
New York	27.5
Ohio	40.4
Pennsylvania	49.0
South Carolina	47.3
South Dakota	34.2
Tennessee	46.3
Texas	46.4
Utah	49.1
Virginia	36.9
Washington	36.0
West Virginia	46.8
Wisconsin	50.0

Furthermore, the 1971 fiscal year ended with 10 States having made no distribution at all of 1971 funds. The 10 were: Alabama, Alaska, Connecticut, Florida, Hawaii, Minnesota, Nevada, Oregon, South Dakota, and Virginia.

The following States had distributed less than 1 percent of their 1971 funds: New York, Ohio, Oklahoma, Tennessee, and Washington.

The following States had distributed 5 percent or less: California, Georgia, Michigan, North Dakota, Pennsylvania, West Virginia, and Wisconsin.

Along these same lines, Mr. Speaker, I have a letter from the Ohio Department of Urban Affairs in which Joseph L. White, an aide to Governor Gilligan, described to me the situation that administration inherited when it took office earlier this year. I have already indicated that Ohio has since reorganized the program. Mr. White wrote:

> As of February 28, 1971, over one-fourth of our 1969 allocation ($310,166.34 of $1,057,514.90) remained unspent and unencumbered, even though such funds were scheduled to lapse on June 30, 1971. As it turned out, we lapsed less that 3% of our allocation.
>
> Our 1970 Action Grant, as of February 28, 1971, revealed that, out of $9,563,000, only $1,300,180.90 had been encumbered. By September 30, 1971, we had allocated $8,553,000, with another $886,000 worth of projects in process and about to be funded. This leaves a balance of $124,000 yet to be awarded. Of course, 1971 funds were being awarded during this period as well.

I also obtained from Mr. White a list of 59 crime-fighting projects around the State where local authorities had had to wait 8 to 18 months before receiving LEAA funds.

I note, too, that in testimony before the Monagan subcommittee, Henry Ruth, director of the New York City Criminal Justice Coordinating Council, said:

> The federal funds that we received in the last three years would run the New York City criminal justice system for about seven days.

Incidentally, my office as been in contact with Mr. Ruth, and he has sent me—in the form of a scroll some 12 feet in length, when unrolled—a bureaucratic "flow chart" showing each of the steps that must be taken before Federal funds become available for spending by the city.

The Monagan subcommittee only last week received a statement from the U.S. Conference of Mayors, a copy of which was sent to me as well, because of my interest in this issue. The statement describes "a byzantine bureaucratic structure of check-offs and approvals which make local applications for funds a difficult and lengthy process, with many levels trying to impose their notions of what is best upon the local government at the bottom of the pile." The statement continues:

> All these review steps create a tremendous cash flow problem at the local level. Delays in Safe Streets bureaucracy are making cities increasingly reluctant to count on Safe Streets funding for any program of major impact in the criminal justice area. The funding is just too uncertain.
>
> Local programs which are to be funded under the Safe Strets Act must be planned as part of the city's total criminal justice budget for a particular year. Once a program is put in the budget, it becomes an integral element of the whole city's criminal justice strategy, and delay in implementation harms the city-wide crime control effort. It is not unusual at this time for cities to wait for six to twelve months to get final approval of a grant application. Once that application is approved, it takes even more time, sometimes another three to six months, to get the money which has been promised.

Commenting on the situation that existed in Ohio until recently, Clarence Rogers, then Cleveland's chief police prosecutor, told a subcommittee of the House Judiciary Committee last year:

> The local applications must first be submitted to the staff of the NOACA (regional) agency. That staff must then submit these applications to a 27-member Law Enforcement Advisory Committee for approval. Once approved by that committee, the applications then must be approved by a six-member Regional Planning Council of NOACA. One more hurdle remains; that is, these applications must be approved by the 47-member board of NOACA. At this point, our proposal has completed a 6-month, 200-mile trip, from Cleveland to the State Capitol where tentative approval has been given. From the State Capitol, it is a relatively short trip to Washington.

In spite of all this evidence, Mr. Speaker, we find Jerris Leonard, LEAA Administrator, saying in a statement he submitted to the Monagan subcommittee:

> The flow of funds in LEAA programs has been moving at a rather rapid pace.

After acknowledging there has been some tardiness—a part of it for reasons which, in fairness, are beyond LEAA's control—Mr. Leonard concluded:

> Taking into consideration all of these factors which effect the flow of funds under LEAA programs, it is my firm conviction that this program has moved forward both from a fund flow standpoint and from a program movement standpoint *as rapidly as possible* (italics are mine).

I submit, Mr. Speaker, that if it is not possible, as Mr. Leonard says, to move the funds faster under the program as presently structured, then why should we resign ourselves to this fact? Obviously, important changes are called for. The fact that Mr. Leonard and his superiors in the Nixon administration are not urging this themselves does not absolve us in Congress from the responsibility for acting.

A SPRINKLING OF FUNDS HERE AND THERE

Mr. Speaker, an important and constructive achievement of the Safe Streets Act has been enhancement of the State role in the administration of criminal justice. Not only have the States been able to strengthen their own crime control institutions, such as correctional facilities, but the Federal funds they have been receiving are enabling them, too, to draft comprehensive statewide plans and to assist rural areas and smaller communities in their own planning and projects. Many States have also launched programs for education and training of law enforcement officers. All this has been to the good, but the fact remains that in the large cities, where most of the crime occurs, State officials do not have experience and expertise comparable to that of the local officials, nor do the State officials have the primary responsibility—let alone the know-how—for bringing crime under control. And, of course, State officials are not as visible, or as accountable, to the public as are the mayors, county commissioners, prosecutors, trial judges, probation officers, and police chiefs. While I do believe that the States should continue to expand their efforts with LEAA assistance, I feel also that the time has arrived for us to acknowledge the fact that the large urban areas have their own role to play, and that they must achieve autonomy through further amendments to the Safe Streets Act.

As stated in the 1970 Municipal Yearbook of the International City Management Association:

> Unfortunately, states and cities have a long history of conflict, and the law enforcement assistance program inherited the distrust and suspicion of earlier state-city clashes.

This has become evident, in my opinion, through the "regions" created by most of the States for administration of the Safe Streets Act. Rather than dealing directly with the cities, many States decided to do so indirectly by forcing the cities into multicounty regions, in which the interests of the large metropolitan areas became submerged.

For example, in my own State, until the recent reorganization by Governor Gilligan, Cleveland and Akron found themselves part of the same seven-county region.

The 27-member regional board had only seven representatives from Cuyahoga County—Cleveland. Cleveland had its troubles under this arrangement, but in many other places around the country, large cities have fared even worse.

In a statement submitted to the Monagan subcommittee last week through the U.S. Conference of Mayors, Police Chief Bernard L. Garmire of Miami, Fla., related that his city—the second largest in Florida—"has the dubious distinction of having the highest crime rate in the Nation." He continued:

> During the entire three and one-half years that the Safe Streets Act has been in operation, Miami has not received so much as a dime of either planning or action monies from the State of Florida's block grant program . . . Rather, Miami has been placed in a four-county planning region, and with 10% of the population of that region, we have 2 of 17 votes. We are dealing with two new levels of bureaucracy within the State which report through two more federal levels to Washington; all levels are operating without explicit guidelines and without any clear understanding of their proper roles.

As a result of situations like this, safe streets funds are being dissipated "in the form of a thin dew"—as one writer has observed—that covers both rural and urban areas. I submit Mr. Speaker, that in the large cities a heavier watering of safe streets funds is needed to cause meaningful crime prevention programs to sprout, and also to thrive financially.

The National Urban Coalition has said:

> The major failing of the regional networks is that most of them are artificial structures devoid of legal or political powers. . . . The regions are not governing entities having tax powers and funding available to them other than the money granted by the state planning agency. . . .
>
> Most regional networks, as they are presently constituted, add nothing to criminal justice programs except an unnecessary additional layer of bureaucracy. These regional networks should be abolished unless they are operational, are carrying out programs which require a regional body, and constitute voluntary combinations of units of local government. Major cities whose interests cannot be properly addressed when submerged in a regional organization should be allowed to deal directly with state agencies.

This is what Ohio has now done, Mr. Speaker, setting what I believe is a good example for other States to follow. Therefore, the legislation I offer here today includes certain provisions along these lines.

FAILURE OF THE 1970 AMENDMENTS

Mr. Speaker, the problems to which I have just alluded—that of cities being slighted under the Safe Streets Act—are not, of course, being aired here for the first time. Extensive hearings were held last year by the Judiciary Committees in both the House and Senate, and amendments to the act were adopted—Public Law 91–644—designed to alleviate these problems by putting pressure on the States to assure the metropolitan areas a fair proportion of safe streets funds.

But, as it happens, there has been no real progress. One reason for this, I believe, is the attitude of LEAA Administrator Jerris Leonard, the man charged with implementation of the amendments. He told the Monagan subcommittee:

> Those who know the (LEAA) program best are the nation's governors.

I disagree. In my opinion it is the mayors, much closer to the problem of crime on the streets, who can better judge the LEAA program. And, in their statement last week to the Monagan subcommittee, this is what the mayors had to say about implementation of the 1970 amendments:

> Today, as we again look at the Safe Streets Program, certain changes have taken place, but they have not necessarily improved the position of the cities. The 1970 Amendments have been signed and the state and federal goverments have had ample time to implement the new program directions indicated by the Congress. Further, the states and the federal government have had another year to gain experience and gear up their administrative machinery to efficiently administer the federal resources allocated to them.
>
> Some states have used this new experience and implemented the 1970 Amendments properly, and the results have been demonstrated in improved and simplified funding for cities. California, Michigan and Ohio are notable examples of positive action.
>
> Unfortunately, the states to which we can point as having made significant improvements in the fund distribution process are the exception rather than the rule. Generally, the problems Mayor Gribbs outlined in his statement 16 months ago persist, and in many cities new problems have emerged to make the situation even more difficult now than it was last year. There is widespread failure to comply with the spirit of the law as it relates to distributing funds to cities to fight crime.
>
> Delays in making decisions and allocating funds persist. LEAA has yet to clearly define its mission and priorities. The agency has not given states proper leadership or set directions for programs for which cities can apply to receive assistance.

Mr. Speaker, I have obtained from the LEAA a draft of some of the guidelines that would implement the 1970 amendments. As of November 1, 1971, these regulations had not yet been promulgated, although they had been in circulation for some time. My staff was advised that day that the draft, excerpts from which are reprinted here, were to be officially adopted soon, with no major changes likely. It seems clear to me from a reading of the draft that the LEAA has decided, contrary to what I believe to have been the spirit of the 1970 amendments, not to zero in on the highest crime areas, but rather to spread some more of the "thin dew," thickening it a bit for the cities—but not as much as Congress had intended, in my opinion. The excerpts follow:

> 3. ASSISTANCE TO HIGH CRIME/LAW ENFORCEMENT ACTIVITY AREAS, LOCAL PARTICIPATION AND FUND BALANCE
>
> *a. Assistance to high crime/law enforcement activity areas*
>
> Section 303 of the Act requires the Administration, prior to approval of any State plan, or revision thereof, to make a determination that the plan provides for the allocation of adequate assistance to deal with law enforcement problems in areas of both high crime incidence and high law enforcement activity. The primary focus of LEAA inquiry will be the State's major cities and metropolitan areas where crime incidence, law enforcement costs, and crime control activities and resources are high in relation to the State-at-large. It is recognized, however, that other areas of relative high crime incidence and activity may exist, as identified by the State pursuant to specifications in the foregoing paragraph. These too would need to be embraced within LEAA's required statutory finding.
>
> In exercise of its responsibilities, LEAA will examine the adequacy of funding provided for specific individual communities and areas, which are presumed to be high incidence/activity areas as defined below. It must be demonstrated in the plan that an adequate level of Part C and Part E block grant assistance from State, county, and municipal resources is being allocated for the direct benefit of law enforcement operations and citizens in these jurisdictions:
>
> (i) Any city, county, or urban area where crime incidence and activities constitute 20% or more of major crime incidence and total law enforcement expenditures, whether or not crime rates are comparable or excessive in relation to other communities, or
>
> (ii) Any city or county with—
>
> A population in excess of 150,000, and
>
> An annual "index" rate for serious crime (Part I offenses, as indicated in the most recent FBI Uniform Crime Report) of at least 2,500 offenses per 100,000 population, and
>
> Annual per capita law enforcement expenditures (police, courts, and corrections combined) of at least $25.
>
> The foregoing is not meant to exclude jurisdictions slightly short of the stated minimum criteria or smaller areas which, for special reasons, the State planning agency feels should be characterized as high incidence/activity areas, or to preclude the State planning agency from seeking to rebut the foregoing presumption by facts negating a finding of high incidence/activity for a particular area within the scope of the presumption.
>
> In construing 'adequate assistance', LEAA will consider on a state-by-state basis, whether a formula used by the SPA for fund allocation throughout the state appears to take into account such demographic, eco-

> nomic and crime factors as to afford reasonable emphasis in areas of high crime/high law enforcement activity as contemplated by the Congressional mandate.
>
> It will be noted that in determining the share of Federal assistance from block grant funds being received by a large city or major metropolitan area, assistance from all sources may be included in the calculation so long as the benefits from particular awards directly apply (either totally or by reasonable apportionment) to the residents of the area. Thus, grants to regional units, councils of governments, counties or even locally based State offices may be calculated in determining assistance allocated to a particular large city, along with funds granted to the city, if the funds are used directly in the city or for city residents or agencies. Where grants of local funds benefit residents both inside and outside a particular metropolitan area or large city, a reasonable proration (explained in the plan text) may be used to determine the share allocable to the covered area.
>
> State plans are required to demonstrate, with appropriate dollar figures and program identification, for the year just past and the current action year, that adequate assistance has been allocated to high incidence/activity areas in accordance with statutory and guideline criteria.
>
> Estimate, from each program, the amount of Part C and Part E funds allocated (i) to units of State governments; (ii) combinations of units of general local government; (iii) to local units of government and; provide an estimate of the funds from each program allocated for the direct benefit of law enforcement operations and citizens in areas of high crime and high law enforcement activity.
>
> Explain the balance achieved in terms of geographical, functional, and jurisdictional distribution.
>
> With regard to high incidence/activity areas which qualify because of special problems but are not large population areas (e.g., Indian reservation problems, border law enforcement, heavy tourist areas) the Administration will expect a reasonable allocation level to address the problems of such areas. Such situations will be addressed on a case-by-case basis in reviewing plans for high incidence/activity area funding adequacy.

THE OHIO PLAN

Mr. Speaker, as I pointed out earlier, the new administration in Ohio has adopted an impressive and innovative plan for carrying out the Safe Streets Act—one that avoids many of the pitfalls and inequities which occur in other States, and one that appears to hold promise for solving some of the funding and redtape difficulties I discussed at the beginning of this presentation.

Governor Gilligan, acting through his Department of Urban Affairs, headed by Bruce L. Newman, has abolished the 15 intrastate, multicounty regions that existed under the previous administration. He is moving instead toward a system under which the State will deal directly with its six largest counties—Cuyahoga, Cleveland; Franklin, Columbus; Hamilton, Cincinnati; Lucas, Toledo; Montgomery, Dayton; and Summit, Akron. In these six major population centers, the crime rate is 25 percent higher than in the State as a whole. These counties, for the purpose of the Safe Streets Act, are to be known as regional planning units—RPU's. Each RPU will be held responsible for preparing an annual comprehensive crime control plan for all the units of local government within the county, and the needs of the entire criminal justice system—courts, corrections and law enforcement—will have to be reflected. Once the RPU's plan has been accepted by the State, it will receive a block grant of funds from the State's LEAA allotment—in the same way that the State receives its own block grant from LEAA. The autonomy that the State has in spending Federal money will be reflected, to a large extent, by a similar grant of freedom to the RPU's—through the grants they will receive. Each RPU then would be responsible for funding its own crime control projects. This greater flexibility for the local governments will permit them to get projects started without going through the laborious application and approval process. Things could get done in half the time now necessary, Mr. Newman has said. The State will allot money to the RPUs under a formula which weights the crime factor twice as heavily as population. For example, Cuyahoga County has some 16 percent of the State's population, but more than 23 percent of the crime. Therefore it will get nearly 21 percent of the funds to be made available to the RPU's by the State. The amount of the block grant that each of the six RPU's could qualify for, based on LEAA's fiscal 1972 allocation to Ohio, follows:

RPU's:	*Amount of funds*
Cuyahoga	$3,340,980
Franklin	1,731,047
Hamilton	1,485,354
Lucas	872,645
Montgomery	1,218,922
Summit	1,045,968

Mr. Speaker, returning to a point I made earlier, the Ohio plan permits true revenue sharing, not the limited form of revenue sharing now inherent in the Safe Streets Act, under which only the States get a generous grant of Federal funds, to be disposed of largely as the States please. Under the Ohio system—which is consistent with President Nixon's general revenue-sharing plan—there would be a meaningful pass-through of funds to the local governments. I submit, then, Mr. Speaker, for reasons that President Nixon himself has so eloquently stated, that the Ohio plan merits consideration as a model for reorganization of the Federal Government's safe streets program.

BLOCK GRANTS FOR LARGE CITIES

Mr. Speaker, why should large metropolitan areas get a block grant of Federal funds? Because, as LEAA's Mr. Leonard acknowledges, "all wisdom does not reside on the banks of the Potomac." Mr. Leonard believes there is wisdom as well in the State capitals, and therefore he approves the system under which the States share—indeed, have the principal voice—in operation of LEAA programs. Buy why stop at the State capitals? An extension of Mr. Leonard's logic leads inescapably to the proposition that all wisdom does not reside in the State capitals, either. Somewhere out there in the big cities, there must be people with brains, experience, and motivation sufficient to deal with crime at least as successfully—or no worse—than it is now being dealt with at the State and Federal levels. The fact is, it is even conceivable that crime might indeed be dealt with more effectively by those public officials most directly concerned with it.

Mr. Speaker, we still do not know—after more than 3 full years of the LEAA program—what causes crime or, once it occurs, how to cope with it in a manner that best serves the interests of society. Since these answers have so far eluded the Federal Government and all 50 State governments, why not give the cities an opportunity? Is it not possible that a city, given a healthy infusion of financial assistance, might come up with an answer or two? What have we got to lose? We know from the crime statistics that the LEAA program as presently structured is enjoying no success. Is it so sacrosanct that it must not be changed? Let us consider, rather, the prospect that, under a new arrangement, a metropolitan area somewhere in the country might achieve a measure of success. Perhaps its program could then be replicated in other cities. The key, in my opinion, is to give cities sufficient sums of money quickly, and to accord them flexibility in budgeting the money for projects that the cities themselves perceive to hold promise.

PRESIDENT NIXON PAVES THE WAY

Mr. Leonard told the Monagan subcommittee:

> I am curious about the motives of much of the criticism of LEAA. I will suggest again—that much of it stems from an end-run attempt to discredit revenue sharing, since the LEAA block grant aproach is its prototype. Revenue sharing is a partnership with the people. Those who oppose it exhibit a distrust of the people having a large voice in the operation of their government.

Mr. Speaker, I, obviously, am a critic of LEAA, but I am certain Mr. Leonard could have no quarrel with me—for I am in favor of giving the people a larger voice in the operation of their Government than he is. I advocate revenue sharing, in fact, to a degree that Mr. Leonard shrinks from. I want to give it to the cities, rather than restrict it to the States. It would be folly, Mr. Speaker, for Mr. Leonard to suspect my motives, for, as it happens, much of what I advocate has been inspired by messages that President Nixon has sent to Congress since I have been here. And Mr. Nixon, of course, should also be Mr. Leonard's source of inspiration—since Mr. Leonard serves him, as I do not.

What has Mr. Nixon said that is pertinent to this discussion? On February 4, 1971, he said in his message to Congress on general revenue sharing:

> Ironically, the central advantage of revenue sharing—the fact that it combines the advantages of Federal taxation with the advantages of State and local decision-making—is the very point at which the plan is frequently criticized. When one level of government spends money that is raised at another level, it has been argued, it will spend that money less responsibly; when those who appropriate tax revenues are no longer the same people who levy the taxes, they will no longer be as sensitive to taxpayer pressures. The best way to hold government accountable to the people, some suggest, is to be certain that taxing authority and spending authority coincide.
>
> If we look at the practice of government in modern America, however, we find that this is simply not the case. In fact, giving States and localities the power to spend certain Federal tax monies will *increase* the influence of each citizen on how those monies are used. It will make government *more* re-

> sponsive to taxpayer pressures. It will *enhance* accountability.
>
> In the first place, there is no reason to think that the local taxpayer will be less *motivated* to exert pressure concerning the way shared revenues are spent. For one thing, the local taxpayer is usually a Federal taxpayer as well; he would know that it was his tax money that was being spent.
>
> The reason for this is that "accountability" really depends, in the end, on accessibility—on *how easily* a given official can be held responsible for his spending decisions. The crucial question is not where the money comes from but whether the official who spends it can be made to answer to those who are affected by the choices he makes. Can they get their views through to him? Is the prospect of their future support a significant incentive for him? Can they remove him from office if they are unhappy with his performance?
>
> These questions are far more likely to receive an affirmative answer in a smaller jurisdiction than in a larger one.
>
> In addition, each constituent has a greater influence on policy as the number of constituents declines. An angry group of commuters, for example, will have far less impact in a Senatorial or Congressional election than in an election for alderman or county executive. And it is also true that the alderman or county executive will often be able to change the local policy in question far more easily than a single Congressman or Senator can change policy at the Federal level.
>
> At the local level, however, the situation is often reversed. City councils, school boards and other local authorities are constantly spending revenues which are raised by State governments—in this sense, revenue sharing has been with us for some time. But the separation of taxing and spending authority does not diminish the ability of local voters to hold local officials responsible for their stewardship of *all* public funds.
>
> In short, revenue sharing will not shield State and local officials from taxpayer pressures. It will work in just the opposite direction. Under revenue sharing, it will be harder for State and local officials to excuse their errors by pointing to empty treasures or to pass the buck by blaming Federal bureaucrats for misdirected spending. Only leaders who have the responsibility to decide and the means to implement their decisions can *really* be held accountable when they fail.

And on March 2, 1971, President Nixon said in a message to Congress that advocated a special revenue sharing program, focused on crime:

> Equally burdensome are project-by-project requirements for prior Federal approval of grants. These requirements often delay the availability of much needed funds; generate Federal, as well as State and local, bureaucratic delay, and inject needless confusion into the Federal, State and local relationship. Rigidity in adhering to exact requirements is rewarded, and new or imaginative ideas are frequently lost because they fail to fit exact bureaucratic guidelines.
>
> And, because the Federal Government, with all the best intentions, cannot really know the needs of the States and local government units as well as the people who govern at those levels, these grants frequently cannot be aimed with real precision at the needs which exist at those levels.
>
> I have long supported the concept of block grants which permit State and local governing units to receive financial assistance on the basis of what *they* know is necessary.
>
> I believe the time has come to further reform our system of providing financial assistance, and to streamline, where we can, the system of grant aid by adopting a system of Special Revenue Sharing which provides the benefits of Federal assistance without the burdens of assistance built into the present grant programs.
>
> This program is based on the assumption that those who bear responsibility at the State and local level are best qualified to identify their enforcement problems, and to set the priorities and develop the means to solve these problems. It is designed particularly to encourage and provide for experimentation and innovation in the search for more effective solutions to the crime problem.

In this crime message, however, President Nixon inexplicably failed to follow his arguments to the ultimate conclusion. For some reason, he did not propose crime control to large population centers, as well as the States. The State-centered LEAA program remains intact under the Nixon plan, with some proposed changes. For example, while the States would continue to draft comprehensive crime control plans, review and approval of the plans would not be required before Federal money would begin flowing to the States. Legislation implementing this plan was introduced in the House—(H.R. 5408)—and the Senate—(S. 1087)—but the administration has not pushed either bill. I hope the President has not forgotten them, for they could become a vehicle for the kind of action I advocate.

Mr. Speaker, on March 5, 1971, President Nixon had delivered to Congress still another special revenue-sharing message, this one dealing with urban community development. In this message he again supplied us with a rationale for extending revenue sharing to cities for crime control purposes. The President said in the urban community message:

> This Special Revenue Sharing program is built upon a fundamental faith in the inherent capacity of local governments to govern well—if they are given sufficient resources and sufficient responsibility.
>
> Some will argue against such a program by contending that a number of State and local officials will prove to be unresponsive or irresponsible. But this is no reason to reject revenue sharing. Whenever one is dealing with thousands of local officials, there is always a danger that some will prove to be less worthy of one's confidence than others. That is always the risk of moving toward greater freedom—it necessarily becomes more difficult for any one authority to guarantee how the many will behave.
>
> The question is *not* whether revenue sharing is a foolproof way to avoid bad decisions. No system can do that. The question is whether—on balance—revenue sharing is more likely or less likely to produce *good* decisions than our present system of grants-in-aid.
>
> The question is not whether there are risks in this program. Of course there are. The question is whether the rewards outweigh those risks.

THE EMERGENCY CRIME CONTROL ACT OF 1971

With the philosophical sanction, then, of the White House, Mr. Speaker, I offer my Emergency Crime Control Act of 1971, and I ask that my colleagues here bear with me while I explain its provisions. I ask also that the Justice Department, preoccupied so far with defending the existing LEAA program, open its mind now to the proposals I make here. This bill, like most others introduced in this Chamber, is a first draft—no doubt with imperfections. Prompt comments from the Justice Department—hopefully, constructive comments—could serve either to improve the legislation, or at least to precipitate further debate on one of the urgent issues of our time.

First, the bill seeks to establish new entities for LEAA purposes, termed "high crime urban areas." Such an area is defined as—

> Any city with a population of not less than 250,000 and any counties, boroughs, or parishes, if any, with respect to which such city substantially uses or shares services relating to law enforcement.

There are 56 such communities in the United States, according to the 1970 census. The figure of 250,000 is obviously arbitrary, but it was selected for two reasons. First, I believe it necessary, because of the useless "thin dew," to select a relatively small number of communities that could be soaked in a solution of tax funds thick enough to prompt the growth of meaningful crime control projects. Second, as Joseph C. Goulden pointed out last November in an excellent article in the Nation magazine:

> The crime rate in cities larger than 250,000 is double the national rate.

The reason for including counties—not merely cities—in the so-called high crime urban areas is that, in most jurisdictions, the city controls the police force alone, while the county operates the courts and correctional facilities. Although most of the crime occurs in the central city rather than in the suburbs surrounding it, no comprehensive programs could be launched were the courts and correctional officials not brought into the planning and operation.

Second, the bill provides for an automatic pass-through of LEAA planning funds to the high crime urban areas. The State would act merely as a conduit, receiving the money from LEAA and relaying it. The amount of planning funds that a high crime urban area would receive would be a percentage of the planning funds the State gets from LEAA—that percentage being figured on the basis of the formula recently devised by the State of Ohio—a formula wherein both population and crime incidence is taken into account, with the crime rate being accorded twice the weight as population.

Third, the bill stipulates that such grants "be in lieu of any other grant under this subsection to any unit of general local government or combination of such units which is located within the boundary of such high crime urban area." In other words, all LEAA planning funds would go exclusively to the high crime urban area in the first instance, and none of it need be shared at that stage with any governmental entity within the area or comprising the area.

Fourth, the bill asserts that each high crime urban area, "shall constitute a separate regional planning unit." This would preclude its becoming submerged in any larger intrastate region that might exist for LEAA purposes inside the State. As a separate regional planning unit, the high crime urban area would—

> (A) assist in the development of the comprehensive State plan, (B) take receipt from the State planning agency of all Federal funds granted under this part for use in such

high crime urban area, and (C) assist in coordinating all law enforcement efforts within such high crime urban area which are in whole or in part assisted by Federal funds . . .

Fifth, the bill provides for an automatic block grant, from the State, of action and project funds to the high crime urban areas. Here, too, there would be an automatic pass-through of Federal funds, based on the Ohio formula. Receipt of the block grant would hinge only on two simple conditions. First, the State would have to receive a plan for use of the money, although there would be no requirement for awaiting review and approval of the plan. To impose such a requirement would serve only to delay the flow of funds. This feature is consistent with President Nixon's special revenue-sharing plan. The second condition would be that the State be notified that an Urban Law Enforcement Council has been organized within the high crime urban area. This Council, consisting of representatives of the city and county governments, would receive the funds and also be responsible for programing use and distribution of the funds within the high crime urban area. Until such a Council is organized, the State would be forbidden to hand over the block grant. It is my firm belief, Mr. Speaker, that the prospect of receiving a significant amount of money would provide sufficient incentive for the city and county officials to join hands to develop a comprehensive plan. There has been a delay in funding Ohio's large urban areas, under the Ohio plan, because not all the city and county officials have come together to draft a plan. In the meantime, the State has been funding individual projects within the urban areas. But under my proposal, projects within the geographical confines of the high crime urban area could not be funded by the State unless the Council has been organized to receive the money and sanction the project. Where there is initial foot-dragging on establishing a Council, I should think it would end quickly under my proposal, because civic pressure on the public officials would become overwhelming. One could expect such pressures to develop when it becomes known that a significant sum of money is available to the area, but it has not been claimed because of bickering or stubbornness by elected officials.

Sixth, the bill would give to the Council exclusive control of all LEAA funds contained in the block grant to the high crime urban area. The bill says:

Each such block grant shall be designed to cover all law enforcement programs and projects which are undertaken within the high crime urban area.

THE SPECIAL IMPACT PROGRAM

In addition to this basic restructuring of the LEAA, I am proposing also, at this time, a new emergency program to rapidly channel crime-fighting funds to urban areas where the immediate need is so desperate. For much too long now, residents of our cities have been victimized by a crime rate greatly exceeding that of suburban and rural areas. I do not think they should be made to wait a moment longer for additional protection.

More money alone will not solve the crime problem in our cities, but at least it will put more policemen on the beat, help law enforcement officers to obtain modern equipment, and allow other needed improvements—now in the criminal justice system as a whole.

For these reasons, I urge the enactment of a temporary 3-year program of direct Federal block grants to the high crime urban areas for law enforcement purposes.

In this connection, then, title II of the Emergency Crime Control Act of 1971 provides for temporary "special impact grants" to the high crime urban areas—"to enable them to accelerate the initiation or expansion of programs and projects designed to cope with the unique and growing problem of urban crime." These grants would be made directly to the councils by LEAA, and would not be channeled through the States. The grant would be based wholly on the population of each area—$5 per capita. Total cost of the special impact program would be about $362,500,000 a year for 3 years. For fiscal year 1972, this would require supplementing the appropriation for LEAA, but in that event, the total appropriation still would fall within the figure authorized earlier by Congress. Purposes of these grants would be to give the urban areas a truly adequate sum of money, hopefully for developing experimental and innovative projects. There would be absolutely no strings attached, in contrast to the block grant received from the States, which would be subject to certain restrictions and matching requirements already written into the Safe Streets Act. Under the special impact program, funding would be immediate. Again, only two prior conditions would have to be met. First, LEAA would have to receive notification that a council has been organized; second, the council would have to file a plan indicating how the money is to be used—but, again, review and approval of the plan would not be required prior to funding.

Further the bill states that it is the intention of Congress that the special impact funds are to be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement purposes.

Another reason for the Special Impact grants, Mr. Speaker, is that the so-called discretionary funding program of LEAA has not been operating as it should. My colleagues here will recall that, under the discretionary program, LEAA holds back a certain sum of money that is omitted from the initial distribution to the States. Out of this sum, LEAA funds projects that the agency itself selects. Some cities that have felt neglected by their States have looked to the discretionary program for relief. However, it has been LEAA's policy to funnel the discretionary funds, too, through the States. This has been the case even though the Comptroller General said in a ruling issued January 5, 1970—B–157179—that there is ample authority in the Safe Streets Act for the LEAA administrator to dispatch discretionary funds directly to the cities. One result has been, ironically, that it takes even longer for cities to receive discretionary funds from LEAA than it does for them to receive regular Safe Streets funds from the States. The U.S. Conference of Mayors, in its statement filed with the Monagan subcommittee last week, had this to say about the discretionary program:

The discretionary grant program, that element of the Safe Streets Act to which cities have looked with some hope ever since the start of the program, is also becoming increasingly difficult for cities to participate in. Though the legislative history surrounding enactment of the Safe Streets Act, and language in the statute itself, clearly intended for LEAA to provide support for projects developed at the local level, the discretionary program is increasingly being used by LEAA to impose its "impact" priorities on the cities.

Unfortunately, LEAA is having difficulty deciding what its "impact" priorities should be, thus making it impossible for cities to apply for discretionary grant assistance and get any idea of whether the project will be funded.

Earlier this year, LEAA indicated to cities that there would be a large surplus of discretionary grant funds available in fiscal 1971 and that the cities should take immediate action to develop projects for which these funds could be used. On this invitation, many cities spent considerable money and effort developing applications for projects which would improve their criminal justice systems in areas of most urgent concern.

Applications for funds filed under this program now total well over $200 million. Hopes were high. However, only $70 million is available and despite the high level of quality applications, LEAA has yet to set its own priorities and very little of this $70 million has been allocated. As a consequence of the frustrations arising from this experience, cities and counties are likely to avoid the discretionary program in the future except where a program is a low priority and can be set aside for a time or deleted without damage.

For example, Portland, Oregon submitted 13 applications for discretionary funding in 1971. Nine proposals were rejected, one funded and three are pending. No reasons were given for the rejections, and the funded project was not the highest priority. The city gave the state a list of its discretionary priorities, which was worked into the State's list of priorities. The proposals which have been funded by LEAA were at the bottom of the list. Meanwhile, the county bought a building to operate grants which have failed to come in. In another case in the same city, the LEAA regional office recommended that Portland seek refunding of a "Large City Special Grant" under another category. It was a high priority program and was rejected. They could have continued it in the same category had not the Regional Office, in error, intervened."

Appended here, Mr. Speaker, is a list of the proposed high crime urban areas and their populations. Some of the areas take in more than one county because the central city is served by criminal justice facilities of more than one county:

New York, N.Y	7,895,563
Chicago, Ill	5,985,710
Los Angeles, Calif	7,632,075
Philadelphia, Pa	1,950,098
Detroit, Mich	2,669,604
Houston, Tex	1,843,705
Baltimore, Md	905,759
Dallas, Tex	1,327,321
Washington, D.C	756,510
Cleveland, Ohio	1,721,300
Indianapolis, Ind	793,590
Milwaukee, Wis	1,123,088
San Francisco, Calif	715,674
San Diego, Calif	357,854

San Antonio, Tex	830, 460
Boston, Mass	735, 190
Memphis, Tenn	722, 114
St. Louis, Mo	622, 230
New Orleans, La	593, 471
Phoenix, Ariz	968, 487
Columbus, Ohio	833, 249
Seattle, Wash	1, 156, 638
Jacksonville, Fla	528, 365
Denver, Colo	514, 678
Kansas City, Mo	809. 961
Atlanta, Ga	1, 022. 979
Buffalo, N.Y	1, 113, 491
Cincinnati, Ohio	924, 018
Nashville-Davidson, Tenn	447, 877
San Jose, Calif	1, 064, 714
Minneapolis, Minn	960, 080
Ft. Worth, Tex	762, 086
Portland, Oreg	878. 676
Toledo, Ohio	484, 370
Newark, N.J	929, 986
Oklahoma City, Okla	699, 092
Oakland, Calif	1, 073, 184
Louisville, Ky	695, 055
Long Beach, Calif	7, 032, 075
Omaha, Nebr	389, 455
Miami, Fla	1, 267, 792
Tulsa, Okla	429, 732
Honolulu, Hawaii	630, 523
El Paso, Tex	359, 291
St. Paul, Minn	476, 355
Norfolk, Va	307, 951
Birmingham, Ala	644, 991
Rochester, N.Y	711, 917
Tampa, Fla	490, 265
Witchita, Kans	350, 694
Akron, Ohio	553, 371
Tucson, Ariz	351, 667
Jersey City, N.J	609, 266
Sacramento, Calif	631, 498
Austin, Tex	295, 516

At this point, Mr. Speaker, I enter also, for the consideration of my colleagues, the text of the Emergency Crime Control Act of 1971. The bill follows:

H.R. 11813

A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Crime Control Act of 1971".

TITLE I—PLANNING AND LAW ENFORCEMENT GRANTS TO HIGH CRIME URBAN AREA

DEFINITION OF HIGH CRIME URBAN AREA

SEC. 101. Section 601 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (d), by inserting after "means any" the following: "high crime urban area", and

(B) by adding at the end thereof the following new subsection:

"(m) 'High crime urban area' means any city with a population of not less than 250,000 and any counties, boroughs, or parishes, if any, with respect to which such city substantally uses or shares services relating to law enforcement."

HIGH CRIME URBAN AREAS TO CONSTITUTE SEPARATE REGIONAL PLANNING UNITS

SEC. 102. Section 303 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "and" at the end of paragraph (11), striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and ", and adding at the end thereof the following:

"(13) provide that in addition to other regional planning units, if any, which may be established within the State, each high crime urban area within such State shall constitute a separate regional planning unit which shall (A) assist in the development of the comprehensive State plan, (B) take receipt from the State planning agency of all Federal funds granted under this part for use in such high crime urban area, and (C) assist in coordinating all law enforcement efforts within such high crime urban area which are in whole or in part assisted by Federal funds under this title."

PLANNING GRANTS TO HIGH CRIME URBAN AREAS

SEC. 103. Section 203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by inserting "(1)" immediately after the subsection designation "(c)";

(B) in the third sentence of subsection (c), by striking out "In" and inserting in lieu thereof the following: "Except as provided in paragraph (2), in"; and

(C) by inserting immediately after subsection (c) the following new paragraph:

"(2) (A) In allocating such 40 per centum of funds to units of general local government under this subsection, each State planning agency shall grant to each high crime urban area within its jurisdiction an amount which is determined by the following formula:

"(i) Multiply 1 times the percentage of the State population which resides within the particular high crime urban area.

"(ii) Multiply 2 times the percentage of the incidence of all crime in the State which takes place in the particular high crime urban area (as determined by the use of suitable crime statistics).

"(iii) Add the products determined under clauses (i) and (ii), and divide the sum of the products by 3.

"(iv) The quotient determined under clause (iii) represents the percentage of such 40 per centum of funds which shall be granted in each case under this subsection to each high crime urban area.

"(B) A grant made under this paragraph to a high crime urban area shall be in lieu of any other grant under this subsection to any unit of general local government or combination of such units which is located within the boundary of such high crime urban area."

LAW ENFORCEMENT BLOCK GRANTS TO HIGH CRIME URBAN AREAS

SEC. 104. Section 304 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after "Sec. 304." the following: "(a) Except as provided in subsection (b)," and by adding at the end thereof the following new subsection:

"(b) (1) Notwithstanding the provisions of subsection (a), each State planning agency shall make a block grant in lieu of program and project grants to each high crime urban area within the State which (A) notifies such agency that there has been organized within such area an Urban Law Enforcement Council and (B) submits to such agency a plan for the use of such grant. Such notification and submission of a plan shall be in lieu of any application for assistance under this part on behalf of any other unit of general local government or combination of units of general local government which is included within the boundary of such high crime urban area. Each such block grant shall be made directly to the Urban Law Enforcement Council (or such fiscal agent as the Council may designate), and each such Council shall have the responsibility for determining the manner and method in which each such grant is used within the high crime urban area it represents. Each such block grant shall be designed to cover all law enforcement programs and projects which are undertaken within the high crime urban area.

"(2) Each State planning agency shall grant to each high crime urban area an amount which is determined by the following formula:

"(A) Multiply 1 times the percentage of the State population which resides within the particular high crime urban area.

"(B) Multiply 2 times the percentage of the incidence of all crime in the State which takes place in the particular high crime urban area (as determined by the use of suitable crime statistics).

"(C) Add the products determined under subparagraphs (A) and (B), and divide the sum of the products by 3.

"(D) The quotient determined under subparagraph (C) represents the percentage of all funds (available from the State under this part for grants to units of general local government and combinations of such units) which shall be granted in each case to each high crime urban area.

"(3) The Urban Law Enforcement Council for each high crime urban area shall be composed of representatives of (A) each city within such high crime urban area with a population of not less than 250,000, and (B) each county, borough, or parish, if any, with respect to which each such city substantially uses or shares services relating to law enforcement."

TITLE II—SPECIAL IMPACT GRANTS TO HIGH INTENSITY URBAN AREAS

SEC. 201. Title I of the Omnibus Crime Control and Safe Streets Act is amended by redesignating parts F, G, H, and I as parts G, H, I, and J, respectively, and inserting after part E the following new part:

"PART F—GRANTS FOR COMBATING CRIME IN HIGH-CRIME URBAN AREAS

"SEC. 471. It is the purpose of this part to provide Federal financial assistance to certain urban areas in order to enable them to accelerate the initiation or expansion of programs and projects designed to cope with the unique and growing problem of urban crime.

"SEC. 472. The Administration shall make a block grant under this part to each high crime urban area which (A) notifies it that there has been organized within such area an Urban Law Enforcement Council (as provided for in section 304(b)(3)), and (B) submits to it a plan for the use of such grant. The Administration shall make a block grant under this part to each high crime urban area in the amount of $5 per person multiplied by the population of such area as determined by the most recently available decennial census. It is the intention of the Congress that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amount of funds that would otherwise be made available for law enforcement purposes.

"SEC. 473. If the sums appropriated for any fiscal year for making grants pursuant to this part are not sufficient to pay in full the total amounts which all eligible units of general local government are eligible to receive under this part for such year. then the amount available for grants to such eligible units shall be ratedly reduced if necessary.

"SEC. 474. Grants shall be made available under this part for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974. At the close of the fiscal year ending June 30, 1974, no further grants shall be made under this part. There is authorized to be appropriated such sums as may be necessary for the purposes of carrying out this part."

LONG-TERM FINANCING FOR CORPORATION FOR PUBLIC BROADCASTING

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. MACDONALD) is recognized for 30 minutes.

Mr. MACDONALD of Massachusetts. Mr. Speaker, today I am introducing legislation which will provide long-term financing for the Corporation for Public Broadcasting.

In 1967 the Carnegie Commission urged that the Corporation for Public Broadcasting be financed on a long-term basis in order to permit its operation free from "political interference." The legislation which created CPB and which came out of the communications subcommittee following the Carnegie Commission report did not establish the mechanism for true permanent financing of CPB. It was felt that more time and study were required before making such an important decision.

At that time Congress authorized $9 million to be appropriated to enable the Corporation to come into being. It was made clear that this was intended to be "seed money" pending a long-range financing plan to be submitted by the administration. In the committee report which accompanied the Public Broadcasting Act, the need for permanent financing was stated clearly and concisely by the ranking minority member of our committee, Congressman William Springer, who urged that "a workable and acceptable plan must be presented or all that we have done to date will be for naught."

But to date, 3 years into this administration's term, the Congress and the American people are still waiting for such a plan from the executive branch. Last year during the 1972 budget preparation period a decision was made by the administration to develop financing legislation for CPB. Nine months ago, the President renewed the commitment delivered when he stated in his proposed budget for fiscal year 1972:

> Legislation will be proposed to provide an improved financing arrangement for the Corporation.

After a series of unending delays we are still without an administration plan.

My responsibilities as chairman of the Communications and Power Subcommittee of the Interstate and Foreign Commerce Committee require me to point out the seriousness of the present situation: further delay will jeopardize the continuation and endanger the effectiveness of public broadcasting. Absent a financing plan for this purpose, we must face up to the fact that discontinuance of public broadcasting is a logical consequence. Unless action is taken immediately millions of Americans who have gotten into the habit of looking and listening regularly to public broadcasting for quality programing in both the education and the entertainment fields will be deprived of that source of relief from the often banal offerings of commercial broadcasting.

The responsibility for initiating the promised permanent financing legislation within the executive branch lies with the Office of Telecommunications Policy.

Its director spoke at the recent convention of the National Association of Broadcasters—NAEB—in Miami and criticized public broadcasting for the directions in which he claimed it was heading. Yet all he could say about the administration's plan to improve CPB financing was that it lay in the distant future if public broadcasting continues to be structured as it is today and moving in the direction it seems to be headed. And still we in the Congress wait.

Developments during this year, capped by this suggestion by an administration appointee that public broadcasting structure itself in his image, illustrate more clearly than ever the need for permanent insulation of the Corporation from outside interference and control.

Public broadcasting is being subjected to a new technique developed in Washington which can be termed "intimidation by raised eyebrow." While the current administration certainly did not originate the technique, it has refined it to a real art. A well-placed phone call, a well-timed speech, or a coincidental personal investigation can all apply that Government pressure which we had hoped the media were protected from by virtue of the Constitution or an act of Congress.

The theme of freedom from governmental pressures has been dominant in virtually all discussions of permanent financing for the Corporation for Public Broadcasting. I have repeatedly emphasized that the presence of Federal money must not turn public broadcasting into a voice of the Government. For while public broadcasters must depend upon Federal sources for funding, they must be assured that they will be free from any Federal control over programing.

The Chairman of the Federal Communications Commission, Dean Burch, reiterated the point in his testimony before the Communications Subcommittee in April of 1970:

> The Commission wishes to stress, however, as it has in the past, the crucial importance of obtaining for the Corporation at the earliest possible time a permanent financial base not dependant upon annual appropriations. The Committee will recall that the Carnegie Commission recommended establishment of permanent financing of a very substantial order at an early date. Too great a delay in finding the permanent financing solution will adversely affect the development of the Corporation and thus of the nation's noncommercial educational system.

In the absence of an administration plan for financing, I have decided to introduce a bill which is designed to embrace the characteristics of permanent financing and which is at the same time consistent with sound economic principles that do not impose unreasonable burdens upon any segment of the economy.

This legislation would establish a special fund in the Treasury known as the "Public Broadcasting Fund."

Money would go into the fund through a 2-for-1 matching program with a definite base amount set aside for the Corporation. The bill calls for maximum funding limits over a 5-year period 1973 through 1977. It also provides that of the total amount received by the Corporation from the fund each year, not less than 30 percent shall be distributed to public television and radio stations. This provision will insure that continued and increased support to the stations will remain a top priority of the Corporation.

The matching provision in my bill is intended to provide an incentive for increased non-Federal support. I am hopeful this will encourage State and local governments, as well as private sources, to increase their contribution to this unique and greatly-needed public service.

It is important, I believe, that this proposed funding plan will permit the Corporation to maintain administrative discretion over program and station support grants, as well as all other services provided by the Corporation.

In order for the Corporation to discharge its responsibility to build and strengthen a public broadcasting system that best serves the greatest number of American listeners and viewers, it must be free in its decisionmaking responsibility. The Public Broadcasting Act of 1967 is grounded on that principle.

The full promise of public broadcasting cannot be achieved until a plan for permanent financing is put into effect. I am confident the Congress will recognize this fact and adopt this much needed legislation. Also, I encourage the administration to work with us in a cooperative spirit of support for our efforts.

Mr. Speaker, I include a summary of this legislation and urge its consideration by my colleagues.

Analysis and Summary

Variations of the "matching fund" concept were included in both the Corporation's authorization bill for fiscal years 1971 and 1972. This "matching fund" proposal does embrace the characteristics of permanent financing which are consistent with sound economic principles that do not impose unreasonable burdens upon any segment of the economy. Those characteristics are:

1. Protection from extraneous influence and control;
2. Large in amount;
3. Stable and assured;
4. Capable of increases over time;
5. Devoid of harsh economic effects on commercial broadcasting or other enterprises, or on particular segments of the public;
6. Sensible in linkage between those who pay and those who benefit;
7. Compatible with (and encouraging to) growth of non-Federal financing.

Explanation of the proposed technical changes in the 1967 Act, and a description of the "matching fund" section including the levels of funding requested over a five-year period follows:

TITLE I—EXPANSION OF SCOPE AND IMPROVED FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

Sec. 101.

(a) (J). New subparagraph (J) is intended to provide Corporation authority to "encourage and assist the utilization and development" of new technology (nonbroadcast) for the production and distribution of educational radio and television programs.

(b) (K) (1). Subsection (K) of the Act (financing section) is amended to provide for the establishment of a special fund in the Treasury known as the "Public Broadcasting Fund." A five-year appropriation is requetsed calling for the following amounts:

(1) $65,000,000 for fiscal year ending June 30, 1973;

(2) $90,000,000 for fiscal year ending June 30, 1974;

(3) $120,000,000 for fiscal year ending June 30, 1975;

(4) $140,000,000 for fiscal year ending June 30, 1976; and

(5) $160,000,000 for fiscal year ending June 30, 1977.

(b) (K) (2). This section establishes procedures for distributing funds from the Treasury Fund to the Corporation.

(A) A base of $35,000,000 in fiscal year 1973; $40,00,000 in fiscal year 1974; and

$50,000,000 in each of the three succeeding fiscal years is provided from the Fund directly to the Corporation for its own use.

(B) An amount which equals one-half of the non-Federal support for public broadcasting (match provision) is also made available to the Corporation provided, however, the *total* amount distributed to the Corporation does not exceed $65,000,000 in FY 1973; $90,000,000 in FY 1974; $120,000,000 in FY 1975; $140,000,000 in FY 1976; and $160,000,000 in FY 1977.

The matching provision is intended to provide an incentive for increasing non-Federal support to the public broadcasting system. The multi-year funding levels represent projections made by the Corporation over the past three years and agreed as reasonable by the Administration. They are in keeping with the needs of the system and the anticipated growth of non-Federal income to the system as a whole.

(b) (K) (3). This subsection provides that the Corporation will distribute not less than 30% of the total amount received from the fund each year to the stations.

(b) (K) (4). This subsection provides that the Corporation shall set "Standards" for eligibility and distribution of the funds provided under the proceeding paragraph.

(b) (K) (5). Provides that monies paid from the Treasury Fund to the Corporation shall be paid at the beginning of each fiscal year.

In summary, the characteristics of this proposal provides for:

(1) Creation of "Public Broadcasting Fund" within the Treasury;

(2) Authorizes deposits in the Fund for a five-year period;

(3) Amounts authorized:

(a) A definite amount of $35 million increasing to $50 million after 3 years; and

(b) An "incentive" amount (one-half of the total, non-Federal funds received by the whole non-commercial system).

(4) Of the Federally appropriated funds under the bill, 30% would be distributed to the stations according to standards established by the Corporation.

PERSONAL ANNOUNCEMENT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, on Monday, November 15, 1971, I was necessarily absent from the House Chamber on official business where I was discussing current legislation before the annual conference of the North American Judges Association.

During the proceedings, a number of rollcall votes were taken on bills which were brought up under suspension of the rules. Had I been present, I would have voted as follows:

I would have voted "yea" on roll No. 386, the Cancer Attack Act, H.R. 11302, which passed with a vote of yeas 350, nays 5.

I would have voted "yea" on roll No. 387, membership in international criminal police, H.R. 11350, which passed with a vote of yeas 344, nays 0.

I would have voted "yea" on roll No. 388, copyright protection, Senate Joint Resolution 132, which passed with a vote of yeas 300, nays 49.

I would have voted "yea" on roll No. 389, disability and death pension, H.R. 11651, which passed with a vote of yeas 351, nays 0.

I would have voted "yea" on roll No. 394, dependency and indemnity compensation, H.R. 11652, which passed with a vote of yeas 350, nays 0.

I would have noted "nay" on roll No. 391, redwood tracts taken for parks, H.R. 11080, which was defeated by a vote of yeas 148, nays 203.

COMPREHENSIVE TEST BAN TREATY—CAN IT BE VERIFIED

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 15 minutes.

Mr. HOLIFIELD. Mr. Speaker, on October 27 and 28, 1971, the Joint Committee on Atomic Energy held public hearings on the matter of nuclear test detection identification, and location. These open hearings were held by Congressman MELVIN PRICE, chairman of the Subcommittee on Research, Development and Radiation. The purpose of the hearings was to determine progress that had been made in the ability of seismologists to differentiate between earthquakes and underground nuclear explosions.

Beginning in the late 1950's, the Joint Committee has been in the forefront of those who wished to understand the process of nuclear test detection, identification, and location so that we could achieve what all world leaders should want—and that is a comprehensive nuclear test ban treaty which could be undertaken by all nations without fear that clandestine and undetected nuclear tests could take place for the development of weapons. The October 27–28 hearings were to update the last Joint Committee hearings held in 1963.

I would like to commend my colleague, MEL PRICE, for an excellent job. The Joint Committee hearings were geared to understanding the technical accomplishments which would or would not allow the United States to enter into a comprehensive test ban treaty.

I believe the hearings brought out two significant points.

First of all, a determined evader could conduct nuclear tests with a good probability of not being caught if he stayed below the 20-kiloton range. Nuclear weapons scientists tell me that much could be accomplished in nuclear weapons development below that range.

The second significant point brought out is that onsite inspection would not be of as much value as we previously thought if the basic seismic data did not reveal a reasonably precise location for an onsite inspection team to search.

The subcommittee is now giving consideration to holding follow-on hearings to look into the broader aspects of the detection, identification, and location of seismic events as they relate to a comprehensive test ban treaty. I believe clearly that we have taken a significant first step by obtaining the technical data associated with developments of seismology in the field of underground nuclear test detection. The scientific testimony received appears to indicate that much more must be done before the United States can have any real assurance that clandestine underground nuclear tests conducted by potential adversaries could be identified and located by so-called national means.

A broader issue which has in it hidden potential danger to our national security is whether for international political reasons we are willing to make a judgment that it is not significant what can be accomplished below 20 kilotons. Before making this judgment, I would like to receive more reassuring testimony than I heard at the October 27–28 meetings.

In connection with the vitally important question of detection, identification, and location of nuclear weapons tests, I think it is well to point out, as I did in a statement last April 13, that the press has consistently given an optimistic interpretation to the accomplishments that seismologists have made in identifying nuclear weapons tests. An example of this can be found in a Washington Post article of last April which the headline "Tiniest A-Blasts Identifiable Now." This article states, in part, the following:

> The improvements in explosion detection now enable seismometers as far away as 4,000 miles to pick out weapons tests with less force than one kiloton.

The article of course does not go into the matters of identification and location of a particular detonation. I contrast that with the responsible reporting by the Stockholm International Peace Research Institute—SIPRI—in its 1971 progress report entitled "Seismic Methods for Monitoring Underground Explosions" which indicates that, and I quote:

> We can also identify as such explosions from known test sites if they are equivalent to an explosion with a yield of 20 kilotons or more in hard rock.

The members of the SIPRI Seismic Study Group come from various nations throughout the world and are outstanding seismologists and students of world affairs. I would like to list them at this point in the RECORD:

Prof. Liviu Constantinescu, Bucharest, Romania.
Dr. David Davies, Cambridge, Mass.
Dr. Ulf Ericsson, Stockholm, Sweden.
Prof. Eugene Herrin, Dallas, Tex.
Dr. V. Karnik, Sporilov, Czechoslovakia.
Dr. Pierre Mechler, Paris, France.
Prof. S. Miyamura, Tokyo, Japan.
Prof. Ivan Pasechnik, Moscow, U.S.S.R.
Prof. Frank Press, Cambridge, Mass.
Dr. H. Thirlaway, Berkshire, England.
Dr. T. G. Varghese, Bombay, India.
Dr. Kenneth Whitham, Ottawa, Canada.

With improvements which we all hope will be available in the future, the SIPRI report indicates the probability of identifying explosions with yields as low as 2 kilotons in hard rock. However, this study points out that even with future improvements this result, while valid for the Western United States, still needs verification for other regions. I would like to point out that the Western United States is probably the world's best calibrated area from a seismic point of view.

At this point in the RECORD I would like to include a summary from the 1971 progress report published by SIPRI on this matter.

SUMMARY

The discriminant based on the relative excitation of surface waves and body waves by earthquakes and explosions has continued to be the most successful means of identifying events. Explosions are found to generate significantly less surface waves that earthquakes for a given excitation of body waves.

Using this technique, we may make three distinct statements about seismic discrimination capability on a global basis.

(i) With the currently deployed instruments we can identify as such almost every earthquake in Eurasia that is reported by a standard agency (United States Coast and Geodetic Survey). We can also identify as such explosions from known test sites if they are equivalent to an explosion with a yield of 20 kilotons or more in hard rock.

(ii) Major instrumental developments now being applied in new deployment of instruments is likely to lower this explosion threshold to 10 kilotons in hard rock in the next two years.

(iii) Looking further ahead, results from studies of explosions and earthquakes in the Western United States indicate that a lower threshold should be attainable everywhere. There are sufficient differences between explosions and earthquakes that explosions with yields as low as 2 kilotons in hard rock can probably be identified with improved definitions of discrimination parametres. This result, while valid for the Western U.S., needs verification for other regions. If verification is obtained, the establishment of this capability on a global basis will require substantial investment in an improved network.

The only events which at present cannot be effectively discriminated by the body-wave/surface-wave discriminant are explosions of less than 20 kilotons in hardrock and earthquakes that generate anomalously low surface waves. A recent Canadian study indicates that the number of earthquakes falling into the latter category is very small. Thus the lack of a surface wave for small explosions can be a valuable aid to discrimination.

The above figures are all based on experience with explosions at existing test sites. Theoretical predictions of discriminative capability can be made for explosions sites at any other location. They show that there are at present regions in which explosions of somewhat larger yield could be fired and not be identified. Improved instrumentation will lower this threshold too.

Other discriminants based on spectral differences between explosions and earthquakes have as yet only proved of limited value.

The reasons for discrimination are still not perfectly understood, but it is suggested that the nature of the long term displacement at the focus of an event controls the marked differences in excitation of surface and body waves. There is still a need for more detailed work on the nature of the seismic source and radiation from its vicinity.

At low yields discrimination becomes prey to variability in properties of the Earth both near the source and along the propagation path. As yet these have not produced an insurmountable obstacle to discrimination.

Modest instrumentation changes such as recording conventional instruments on magnetic tape may significantly improve surface **wave detection capability.**

Firing an explosion in softer rock can raise the yield threshold for discrimination. **It is also possible to pursue techniques to conceal explosions—an inadequate amount of data exists for a full evaluation of some of these techniques and appropriate counter**measures.

Finally, Mr. Speaker, I would like to point out that the report from the SIPRI seismic group has certainly been recognized as an authoritative document. In the November 5, 1971, issue of Nature magazine we find the following statement:

> Indeed, the seismologists are understandably divided on the issue—some of those who gave evidence in Washington last week were confident that it would be feasible promptly to extend the test-ban to cover underground tests, but others thought the time had not come. From a strictly technical point of view, this ambivalence is borne out by the 1971 progress report of the Stockholm International Peace Research Institute (SIPRI) on *Seismic Methods for Monitoring Underground Explosions*, Dr. David Davies' latest supplement to the first report on seismic detection methods now distributed from Stockholm. The improvements of technique in the past two years have been considerable—new instruments now being laid out should make it possible two years from now to discriminate between explosions and earthquakes by remote methods where the explosions are equivalent to ten kilotons detonated in hard rock.

This particular article was printed before the Cannikin test took place. However, it does point out that those who truly study these exotic scientific subjects should be more carefully listened to than the doomsday prophets.

I request that the entire article be included at this point in the RECORD.

WILL THE TEST BAN EVER BECOME TRUE?

These are confusing times for those who hope that the partial test-ban treaty will one of these days be extended to cover explosions beneath the ground. In the United States (see page 6) President Nixon seems finally to have agreed to let the underground test in the Aleutians take place. The Joint Committee on Atomic Energy in Washington has also been mulling over the question—the chances are that it will accept the Department of Defense's view that it would be unwise at this stage to extend the partial test-ban. Indeed, the seismologists are understandably divided on the issue—some of those who gave evidence in Washington last week were confident that it would be feasible promptly to extend the test-ban to cover underground tests, but others thought the time had not come. From a strictly technical point of view, this ambivalence is borne out by the 1971 progress report of the Stockholm International Peace Research Institute (SIPRI) on *Seismic Methods for Monitoring Underground Explosions*, Dr. David Davies' latest supplement to the first report on seismic detection methods now distributed from Stockholm. The improvements of technique in the past two years have been considerable—new instruments now being laid out should make it possible two years from now to discriminate between explosions and earthquakes by remote methods where the explosions are equivalent to ten kilotons detonated in hard rock. There is even a chance that the limit of discrimination will settle at two kilotons when there is more experience of the advanced instruments.

The Cannikin test in the Aleutians is worrying for several reasons. It will most probably not trigger off an earthquake, and to that extent the Atomic Energy Commission was probably within its rights. The ecological dangers of which people have spoken are themselves ill-defined and improbable, although the way in which the Council on Environmental Quality has declined to comment on the AEC's environmental statement is a slap in the face for those who have been waiting for great things from the council. The real objection to the Cannikin test is political. For one thing, it gives offence to neighbouring countries, Canada and Japan in particular. For another, since it seems to be acknowledged that the test is part of the programme to develop warheads for anti-ballistic missiles, the occasion seems to serve notice that the SALT talks are making less rapid progress than people had been hoping. Dr. James Schlesinger, the chairman of the AEC, said last week that he did not expect the tests to affect the talks; most of his listeners will believe that that can be true only if the talks are going badly. It is true, of course, that the Soviet Union has only recently fired an underground explosion in its testing ground at Novaya Zemlya, so that both partners in the talks seem to be following the same despondent line. Unhappily, even here the facts are not clear. The AEC says that the most recent Russian test was of a weapon with a yield of three megatons or more, but the calibration of the magnitude of the surface waves produced by explosions of different power (reported by Dr. P. D. Marshall and his colleagues on page 8) suggests that the Russian explosion most probably had a power less than 1.5 megatons. The amplitude of the surface waves have after all been published. The question in people's minds is bound to be whether the AEC is trying to make five megatons in the Aleutians seem a little more palatable to everybody by exaggerating the size of the explosion.

The difficulty of discriminating between underground tests and earthquakes will, in principle, never be solved. The more sensitive the instruments become, the greater will become the number of tiny earthquakes which they record and the greater will be the possibility that quite small, nuclear explosions will go undetected. And it will not be long before instruments are refined to the point at which it will be necessary to distinguished nuclear explosions from other artefacts—ordinary chemical explosions, for example. In other words, there is plainly a limit to the perfectibility of a monitoring system operated by remote control. The practical question, is therefore, to decide at what point in the progressive improvement of seismic detectors it will be best to say that the time has come to settle for a treaty.

What are the risks? The United States Congress and those government departments which fan its suspicions of any agreement that lacks provision for on-site inspection will always of course be able to shelter behind the view that no treaty can bring utter security. Any comprehensive test-ban treaty based on remote control is bound to allow some small explosions to go undetected. The question, from the point of view of the United States, is whether the Russian government has a military need to test weapons with an explosive power of a kiloton or two, whether it would risk the contumely of being discovered by some other method—espionage, perhaps—to have broken a treaty for the sake of such minisicule explosions and whether, in any case, there would be a military advantage in making such tests. After all, the days of the tactical nuclear weapon are over. In short, the point has probably been reached when a slavish insistence on on-site inspection has come to seem an attempt to avoid what could be an exceedingly valuable international agreement. The longer this goes on—and the Soviet government is as much to blame as the American—the more discreditable it will seem.

AMENDMENTS TO BE OFFERED BY MR. FREY OF FLORIDA TO AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS TO H.R. 11060

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, during the markup of the Campaign Communications Reform Act, I offered, among other strengthening amendments, one which would allow a candidate to spend his money as he wished while maintaining the overall 10-cent spending limitation. My amendment was based on the fact that what we are trying to prevent is someone buying an election. Why should it be OK to spend all of your money on newspapers but wrong to spent it on radio and television? Campaign techniques vary and each district and each State present different problems, stressing the need for flexibility in campaign reform legislation.

My amendment, which would allow this, passed the full committee several times, but eventually lost when the Macdonald substitute was adopted by a 23 to 20 vote. While I am still very much in favor of an approach with complete flexibility, and feel anything less is discriminatory toward radio and television, the overriding issue here is the need for getting campaign reform now. The people in this country are questioning the integrity of our political system and all of those involved in the political process. If we do not take steps to insure that individuals of both parties do not "buy" seats by tremendous spending, the faith in our system, which is already tenuous, will be weakened further. Therefore, in the spirit of compromise, because of the great need for reform, and because I fear the chances will be poor next year to adopt such legislation, I am offering an amendment that will do the following:

First. Keep the overall spending for radio, television, newspapers, and magazines at 10 cents per voter population or $40,000, whichever is greater;

Second. Increase the amount expendible for the broadcast media to 6 cents or 60 percent of the $40,000, whichever is greater, in lieu of the 5 cents limitation on radio and television now in the bill;

Third. And amend the communications price index to conform to the change.

The full text of the amendment to be offered follows:

AMENDMENTS TO BE OFFERED BY MR. FREY OF FLORIDA TO AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS TO H.R. 11060

Page 4, strike out lines 8 through 21, and insert in lieu thereof the following:

SEC. 105. (a) (1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents (or such greater amount as may be certified under paragraph (4) (A) (i)) multiplied by the voting age population (as certified under paragraph (4) (B)) of the geographical area in which the election for such office is held, or

(ii) $40,000 (or such greater amount as may be certified under paragraph (4) (B) (ii)), or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

Page 6, beginning on line 24, strike out "in the Federal Register" and all that follows down through "1972." in line 3 on page 7, and insert in lieu thereof the following: in the Federal Register—

(i) an amount which bears the same ratio to 10 cents, and

(ii) an amount which bears the same ratio to $40,000,

as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972.

THE 18-YEAR-OLD VOTE—A PERCEPTIVE COMMENT BY EDWARD BOURASSA ON THE NEED TO REGISTER

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, this year we lowered, at long last, the voting age to 18 for all elections.

However, ratification of that constitutional amendment is but the first step in making this lower voting age really meaningful. Now the task facing us is to get the newly enfranchised young voters to register to vote.

Registering is not a glamorous event. Neither is it always convenient. But it is extremely important, for without it the lower voting age will be but another meaningless promise.

Recently, a constituent of mine wrote a persuasive letter on the importance of registering to vote, to the editor of the Keene, N.H., Evening Sentinel. Edward Bourassa, chairman of the social studies department of Keene High School was moved to write this letter following a colloquy wih a disaffected former student. His response was to make an eloquent and perceptive plea to young people to register to vote, a plea that deserves a wide audience.

I would like to insert the letter at this point in the RECORD.

TO NEWLY ELIGIBLES

To the SENTINEL:

I should like to address this letter to the young, newly eligible voters in the Keene area.

Recently I met a former student of mine in a local store. As he and I talked the conversation came around to registration of young people 18 to 20 to vote.

I asked him if he had gotten his name on the checklist. Somewhat to my surprise he said he wasn't sure he was going to register.

This fact, in retrospect, shocked me. He was a bright, mature individual so alienated from the system that he was not going to participate. This meeting of a teacher and a former student has prompted me to write this letter in the hopes of communicating with as many of my ex-students as possible.

WHAT THE PEOPLE DO BEST

Many of us read a book by Walter Lippmann entitled "The Public Philosophy." You will recall that Lippmann exhorts us to participate in government by doing that which the people only can do best—select those to govern us. If we leave this selection to others we get the type of government we deserve, one which does not represent us but only the vested interests of those who vote.

Thus, I urge all young people to register and vote. The system will work. If you choose to "cop out" you are only inviting what John Adams cautioned against in the early days of the Republic: "The end of every democratic experiment is a man on horseback."

EDWARD F. BOURASSA, JR.,
Chairman, Social Studies Department, Keene High School.

TRUE FACTS REVEALED ON PUBLIC PRAYER AMENDMENT

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, a few weeks ago great consternation was developed over the Nation by the proposed amendment to our Constitution which would alter, for the first time in our history, the Bill of Rights section of this historical instrument protecting liberty and freedom of American citizens. After extended debate on the House floor I think it was revealed to the satisfaction of Members that the key word in this proposed amendment, to wit: "nondenominational prayer" was a complete misnomer and meaningless.

Toward the close of the long debate the sponsors of the amendment recognized this fact and asked the House of Representatives to substitute "voluntary prayer" for "nondenominational prayer." This admission by the sponsors of the legislation made the purpose of the proposed amendment meaningless and was the deciding maneuver which, fortunately, brought about the defeat of this effort to amend the time-honored Bill of Rights section of our Constitution which existed for over two centuries.

Mr. Speaker, I include with my remarks excerpts from an article by Carl T. Rowan in the Chicago Daily News, and also excerpts from an editorial in the Hammond Times of November 12, 1971:

NO RELIGION IN PRAYER BILL FIGHT

(By Carl T. Rowan)

WASHINGTON.—Now that the House has rejected the school prayer amendment, it ought to be obvious to Americans that that bitter confrontation really had nothing to do with religiosity or piety.

We see Republicans favoring school prayers by almost 5 to 1, but Democrats opposing the proposed constitutional amendment by a margin of 5 to 4. Does anyone propose to argue that Republicans are more devout than Democrats?

We see members of the Black Caucus lined up solidly against the amendment. Does anyone contend that this proves whites are more godly than blacks?

The vote and the debate preceding it made it pretty clear that this was just a struggle of political ideologies, of liberals versus conservatives, of those who cherish the Bill of Rights and those who find that it keeps getting in the way of their pet ideas as to what kind of country this ought to be.

Small wonder that some of the most devout men in the House voted against the prayer amendment. They saw it for what it was: an attempt to erode the Bill of Rights by people who would like to impose their views of morality, righteousness, political wisdom and human worth on everyone else.

Revealing also were the remarks of one congressman who noted that the Supreme Court that outlawed school prayers was the "same court that said newspapers can lie about you, that Communist-oriented newspapers can publish any government secrets it can buy or steal, and that has prescribed rules to protect the rights of criminals against the law-abiding."

That is a pretty mean political tirade from a man whose alleged goal was to get God back into the schools. It illustrates the wisdom of that old Spanish proverb: "Never leave your corn to dry before the door of a pious man."

It would be pleasant enough to forget the school prayer debate as just another challenge beaten back. But when we see it as the political assault that it was, and note how narrowly it was repulsed, we dare not forget.

All the issues about which Americans grow passionate these days are easily reduced to the "them" and "us" syndrome. "Them" criminals and "us" law-abiding people. "Them" welfare chiselers and "us" working people.

"Them" minorities trying to move into "our" suburban neighborhoods.

All too often, the "thems" are the weak, the oppressed, the have-nots, and about the only thing they have going for them is the Bill of Rights and the 14th Amendment. Which is why the "us" and "our country" crowd gets so disgusted with that Bill of Rights. It makes it so inconvenient for the "us" gang to control or get rid of "them."

If all it took was a passionate majority to change the Constitution, not only would we now have prayer in the schools and a bedlam of religious conflict, but the Bill of Rights would surely be stripped away.

And that is testimony anew to the wisdom of the men who drafted that Constitution and made it so hard to change.

No "Ersatz Religion"

It's bewildering how the American people resist government intervention in some areas and welcome it in others.

Short of crisis situations most everyone objects to government interjecting itself in anything personal. Private enterprise is what made us a great nation and what will keep us that way, we argue defensively.

What is more private, however, than a man's relation with his God? Still there are those who would invest government with an intermediary role—especially with children. They want compulsory, government-OK'd prayer in the public schools.

Fortunately, a majority of the House of Representatives senses the peril latent in such a role. It is succinctly stated in Speaker Carl Albert's declaration: "I'm not prepared to let the meddling hand of government, at any level, to any degree, be placed on any man's altar."

The House soundly rebuffed attempts to amend the Constitution, supposedly so it would plainly allow praying in school. (A reading of the resolution shows its redundancy; it provides for nothing not already permissible.)

The prayer advocates' resolution specified non-denominational prayer. That's an exercise in semantics aimed at overcoming objections to the constitutional proposal. But even where the term incorporated in a successful amendment attempt, who's to decide what's non-denominational?

Were the desires of the prayer advocates ever incorporated in the Constitution, before many months elapsed the various religious denominations would be attacking school authorities over the kind of non-denominational prayers being said. Next they would be running to the government for rules and regulations.

The same would happen even with the 11th hour substitution in the amendment resolution of "voluntary" for non-denominational prayer. Voluntary connotes self-initiated, even spontaneous. Would school officials allow students unexpectedly to utter prayers? Hardly. Not at the expense of orderly classrooms.

And to set aside a period in the school day for a voluntary prayer eliminates the voluntary feature and finds a government agency prescribing regulations pertaining to religion.

In time the country, because of government meddling, would have the "ersatz religion" of which Rep. Robert F. Drinan, a Jesuit priest, warned in the House debate.

GUN CONTROL—A PERSISTENT MYTH

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the myth seems to persist in some circles that it is possible to halt crime by making it difficult or impossible for law-abiding citizens to obtain or possess guns. This myth manages to continue in spite of the fact that places with the strictest gun control laws seem to have the highest crime rates.

Last week, the Boston, Mass., Globe and Herald Traveler carried front page stories which should put to rest once and for all that myth, if only the minds of gun control advocates were open on the subject.

A 64-year-old patient in a nursing home, bedridden, by skillful use of a handgun managed to protect himself against three housebreakers, who were terrifying the nursing home. He managed to kill one of the three housebreakers.

After reading these stories, all I can say is, who in his right mind would want to ban guns of any kind, when the result would only be to deprive people like John Clark of the means to protect themselves, while allowing hoodlums to continue to terrorize law-abiding Americans?

The two articles follow:

Bedridden Patient Kills Bandit

(By Paul Sawin)

A 63-year-old bedridden paraplegic yesterday shot and killed one of three young hold-up men after they had struck his mother and a nurse in a Dorchester nursing home.

"They were coming in to get me," John E. Clark told police later. "I had to do something."

Clark, paralyzed by an automobile accident nearly 20 years ago, said he has kept a pistol at his bedside ever since because it made him "feel better."

About 4 p.m. yesterday, three knife-wielding youths invaded the Gamble Nursing Home at 13 Algonquin St. owned by Clark's mother, 87-year-old Mrs. Opie Gamble.

Police were told the trio demanded money and knocked Mrs. Gamble and a nurse on duty, Miss Rita Donahue, 50, to the floor when told there was no money.

Clark said he was waiting with the pistol in his hand when the three entered his nearby room.

After firing three warning shots into the wall over the heads of the men, Clark took aim at one and fired again.

The man doubled over and shouted, "I'm hit." He staggered from the home followed by his companions.

Minutes later, responding to a call from Clark's mother, who had escaped from the home by a fire escape, police found the wounded man on the sidewalk.

Dead on arrival at Carney Hospital with a bullet wound in the left side of his chest, was a youth tentatively identified by police as James MacIver, 19, of Washington Street, Brighton.

"I can't imagine what they were expecting to get," said William Gamble, another son of the owner. "We keep no money here."

The invasion of the home took place shortly after Miss Donahue had refused to open the door to a man seeking a "Mr. Welch."

"I went upstairs to the second floor because one of the patients had heard a noise," she said.

"While checking around, I heard some shouting and started down the stairs. There were three men in the hall struggling with Mrs. Gamble.

"She was furious. She kicked one of them and when they said they wanted money, she shouted 'What makes you think we'd keep money around here with the likes of you around.'"

Mrs. Gamble was knocked down by one of the men and Miss Donahue was struck twice and threatened with a knife.

"I never saw a knife so big," the 50-year-old nurse said, "or one so shiny."

When the men entered Clark's first-floor bedroom, Mrs. Gamble, a widow of 40 years and a heart patient, went to the second floor. A patient helped her get through a window to the fire escape. She climbed down and then went through backyards to a neighbor and telephoned police.

"I don't think they believed I would shoot," said Clark, a former longshoreman, store detective and taxi cab driver.

His brother, William, said the men stopped a moment, when they saw the gun, then started moving toward the bed.

"He fired three times into the wall and then shot at one of them."

After running from the home, the wounded man collapsed on the sidewalk just as a cab was pulling up with an elderly woman about to visit a patient.

One of the men shouted to the cab driver to "wait a minute" but the passenger urged him to drive on. He did, and the suspects deserted their wounded companion and fled on foot.

It was not the first time Mrs. Gamble or Miss Donahue had faced holdup men.

William said his mother had chased an intruder from the home recently when she surprised him in the kitchen. "She just picked up a butcher knife and went after him," he said. "Probably it was a good thing for him he did escape."

Miss Donahue faced a bandit several years ago while working in a South Boston store. "I think that one was just as bad. He knocked me down and I thought that was going to be it for me."

Both women were treated for bruises by Dr. Nathan Brenner.

Lt. John Barry said he thought Clark had shot the intruder from about 10 feet away. He said the pistol was either a .32 or .38 calibre. He added that Clark had a right to have the gun.

He said that several nursing homes in the immediate area had been broken into recently.

None of the other 17 patients in the home were bothered by the men, William Gamble said, and some of them may not even have known what was going on.

Minutes after the men entered the home, Gamble said, telephone wires were cut and there was no way of notifying police.

"We heard about some kind of trouble here from a neighbor who monitors police calls. I live around the corner but by the time my wife and I arrived, everything had already happened.

"I wanted to make sure my mother was all right. With her heart, anything could have happened."

An ironic twist to the robbery attempt was in the only thing taken in the invasion.

It was a Social Security check one of the men took from the main desk. It was found outside the home on the sidewalk.

The recipient patient had died.

Paraplegic Kept Gun by Bedside—Intruder Shot by Patient in Nursing Home

(By Richard Weintraub)

A 64-year-old former private investigator who has been bedridden in a Dorchester nursing home for more than 20 years shot and killed one of three men who entered the home yesterday with the apparent motive of robbery.

The dead man is James D. McIver, 19, of Washington street in Brighton.

According to Police Det. Lt. John Barry Jr. the men entered the Donald Leslie Nursing Home at 13 Algonquin st., Dorchester, yesterday about 4 p.m.

After terrorizing a nurse and the 85-year-old owner of the home, they attempted to enter the room of John E. Clark, 64, where the shooting took place.

Clark said he kept the .38 caliber hand

gun in a drawer beside his bed. Police said he had a permit for the weapon. He is a paraplegic. He said he had $1.40 in the room.

According to witnesses, McIver left the house with the aid of his two companions. He was found in front of a house two doors away from the nursing home.

He was dead on arrival at Carney Hospital at 4:21 p.m. from a bullet wound in the left side of the chest.

According to Lt. Barry, the men entered the home and cut the telephone wires. They assaulted two women, Mrs. Opie Gamble, the 84-year-old owner of the home, and a 50-year-old woman who is a nurse. They searched the women for money.

Mrs. Gamble is Clark's mother.

According to Clark, two men came to the doorway of his first-floor room minutes after he heard the commotion and screams of the two women elsewhere in the home.

"One of them started into the room and I warned them I had a gun," Clark said. "He came on and I fired a warning shot into the wall. I fired another shot and missed and the two men (one who came into the room and another who waited in the hall) fled into a kitchen across the hall."

Three men then attempted to enter his room, Clark continued, two through a sliding door that connects with another first-floor room and the third from the hallway.

"They were hollering 'Get the guy with the pistol,' " Clark said, and they threw a number of books and a small cardboard cupboard at him, strking him in the face.

"I fired another shot and missed," Clark said. "Then one of them came at me with a razor. I took another shot and he doubled up and ran."

According to witnesses, Mrs. Gamble struck one of the men during the struggle and, despite the fact she uses a cane because of her advanced age, managed to get out of a second floor window and climb down a fire escape to seek the assistance of neighbors in calling the police.

Neither the women nor Clark were seriously hurt. They were treated at the home by a police doctor.

At the time of the incident, there were four employes and 17 patients—the full capacity—in the home. Aside from Clark and the two women, no one was attacked.

Police are seeking the two men who were with McIver. One is described as about 6 feet tall and light skinned, the other as about 5 feet 9 inches tall and darker. Both had Afro haircuts.

Both men were carrying straight razors and fled from the scene on foot.

While police said drugs might have been a motive for entering the nursing home, a glass-front cabinet containing a number of bottles of drugs that was immediately opposite the door to Clark's room appeared untouched.

PROPOSED AMENDMENTS TO H.R. 11060

(Mr. FRENZEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, I intend to offer the following amendments to the bill, H.R. 11060, when it is under consideration in the Committee of the Whole later this week. I submit my amendments in the RECORD at this point.

AMENDMENTS TO H.R. 11060, AS REPORTED OFFERED BY MR. FRENZEL

Page 9, line 23, strike out "between the tenth and fifteenth" and all that follows down through "such election" in line 2 on page 10 and insert in lieu thereof "on the 10th day of March, June, and September, in each year, and on the 15th and 5th days next preceding the date on which the election is to be held, and also on the 31st day of January following the election."

Page 10, line 4, insert after the period the following: "Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt."

Page 13, beginning on line 1, strike out "not later than the forty-fifth day after the election" and insert in lieu thereof "on the 31st day of January."

Page 2, line 20, strike out "202(c) (2)" and insert in lieu thereof "203(c) (2)".

Page 3, strike out lines 19 through 23 and insert in lieu thereof the following:

"(8) The term 'Commission' means the Federal Elections Commission established under section 202."

Page 3, line 25, strike out "202(b) (2) (C)" and insert in lieu thereof "203(b) (2) (C)".

Page 4, insert after line 16 the following:

"FEDERAL ELECTIONS COMMISSION

"SEC. 202. (a) (1) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of six members, not more than three of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the Commission and shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, one for a term of ten years, and one for a term of twelve years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of twelve years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(2) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

"(3) The Commission shall have an official seal which shall be judicially noticed.

"(b) It shall be the duty of the Commission—

"(1) to develop and furnish to the person required by the provisions of section 206 to file any report or statement prescribed forms for the making of the reports and statements required to be filed with it under such section;

"(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

"(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this Act;

"(4) to make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

"(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

"(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

"(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as it shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as it shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

"(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

"(9) to prepare and publish such other reports as it may deem appropriate;

"(10) to assure wide dissemination of statistics, summaries, and reports prepared under this Act;

"(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of section 206, and with respect to alleged failures to file any report or statement required under the provisions of section 206; and

"(12) to prescribe suitable rules and regulations to carry out the provisions of sections 201 through 207 of this Act.

"(c) (1) Any person who believes a violation of this Act has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Commission, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

"(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

"(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

"(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

"(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

"(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it deems necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

"(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

"(l) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request."

Redesignate the succeeding sections of the bill (and references thereto) accordingly.

Page 14, line 13 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 15, beginning on line 6 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 15, line 14 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 15, line 19 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 16, line 4 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 16, beginning on line 7 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 16, line 11 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 16, line 15 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 16, beginning on line 16 strike out "supervisory officer" and insert in lieu thereof "Commission".

Page 16, strike out line 19 and all that follows down through line 24 on page 17 and insert in lieu thereof the following:

"PENALTY FOR VIOLATIONS

"Sec. 206. (a) Any person who violates any of the provisions of section 202, 203, 204, or 205 of this Act shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) In case of any conviction under this section, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only."

Page 4, strike out lines 19 through 21 and insert in lieu thereof the following:

"Sec. 202. (a) The aggregate amount of expenditures made for the use of communications media by any candidate for Federal elective office on behalf of his candidacy or by any other person on behalf of the candidacy of such candidate—"

Page 5, strike out line 13 and all that follows down through page 6, line 2, and insert in lieu thereof the following:

"(b) The limitation on expenditures for the use of communications media applicable to any election for Federal elective office is 10 cents multiplied by—

"(1) the population of the State in which the election is held, in the case of a primary election for President or an election for Senator, Representative at Large, Delegate, or Resident Commissioner;

"(2) the population of the congressional district, in the case of an election for the office of Representative (other than Representative at Large); or

"(3) the population of all the States and the District of Columbia (A) in the case of a general election for the office of President, and (B) in the case of all presidential conventions or primaries for the office of President."

Page 6, immediately after line 20, insert the following:

"(3) For the purposes of this section, the term "communications media" means television and radio broadcasting stations; newspapers, magazines, and other periodical publications; and billboards."

Page 6, strike out line 21 and all that follows through page 7, line 24.

Page 6, insert after line 20 the following:

"(d) (1) For purposes of this subsection the term—

"(A) 'price index' means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) 'base period' means the calendar year 1970. (2) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall compute an amount which bears the same ratio to cents as the price index for the twelve months preceding such calendar year bears to the price index for the base period. The 6-cent amount computed under subsection (b) of this section shall be increased by the amount so computed under the preceding sentence, rounded to the next highest cent. Each amount so increased shall be the amount in effect for such calendar year."

Page 8, strike out line 1 and all that follows down through page 9, line 12.

And renumber the following sections accordingly.

Page 6, line 9, insert "(A)" before "an expenditure".

Page 6, line 13, insert before the period the following: ; and (B) any amount expended for entertainment or food at, or direct mail advertising for, any fund-raising event shall not be considered to be an expenditure for purposes of this section (notwithstanding any provision of section 201)

MICHAEL J. HARRINGTON APPEALS FOR THE RIGHTS OF SOVIET JEWS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, our colleague, Michael J. Harrington of Massachusetts, has sent a letter to Miss Yatgar S. Nasriddinova of the Council of Nationalities of the Supreme Soviet, U.S.S.R., in which in a very scholarly statement he raised certain questions on the discriminatory practices of the Soviet Union vis-a-vis its Jewish minority. What Mr. Harrington asks in his letter after analyzing the appropriate Soviet laws applying to the respective issues is and I quote him, "only that [the U.S.S.R.] carry out those laws that [it] has made."

This brilliant analysis by Mr. Harrington is particularly timely in view of the fact that the question of whether or not the Soviet Union is discriminating against its Jewish minority has been the subject of a hearing before the European Subcommittee, chaired by Representative Benjamin S. Rosenthal. While the analysis is superb and logical, one must see in reading the letter how outraged our colleague is that these discriminatory practices are taking place and his letter is probably the very best way to point this out.

To date there has been no reply from Miss Nasriddinova.

The letter follows:

Congress of the United States,
House of Representatives,
August 26, 1971.

Miss Yatgar S. Nasriddinova,
Council of Nationalities, Supreme Soviet, Moscow, R.S.F.S.R., U.S.S.R.

Dear Chairman Nasriddinova: The Congress of the United States has repeatedly voiced concern over your country's policy towards its Jews. In light of recent and impending trials of Jews in the U.S.S.R., I, as a member of the U.S. House of Representatives, feel it necessary to reaffirm my position.

Our statements in the past have been ones of moral outrage. That sense of the Congress and of the country is in no way diminished. I feel very strongly, however, that there are also dispassionate, legal aspects of the problem that it would be appropriate for us to consider together as the legislators of our respective governments. It is with this in mind that I present the following ideas.

As a legislator, I am concerned with the serious effect the issue of Soviet Jewry has had on every aspect of U.S.-U.S.S.R. relations. You are, I am certain, aware of the intensity with which the American people have reacted to the Soviet Jewish question. The feeling against this one policy has inevitably exacerbated more general anti-U.S.S.R. feeling in this country on all levels. In a letter sent to Soviet Foreign Minister Gromyko in December 1970, Secretary of State William P. Rogers questioned how harmonious U.S.-U.S.S.R. relations could be maintained if you take actions against Jews that arouse anti-Soviet sentiment in the United States. This point was elaborated on by former Supreme Court Justice and U.N. Ambassador Arthur Goldberg: "I say to the Soviet leadership . . . do not jeopardize the cause of peace for so foolish and needless a cause. The American people will never, even for mutual self-interest, collaborate with a regime that glories in its repression. We in the House of Representatives are saddened that one policy of your country is having such a deleterious effect on the friendship and international peace both of us seek. In the interests of that friendship and peace, I ask that you reevaluate your policy towards the Jewish nationality.

Speaking as one lawmaker to another, I address the issue of this reevaluation from a legal point of view, asking only that you carry out those laws that you have made. I am, in fact, deeply disturbed by what appears to be a very blatant contradiction between the law of the Soviet Union and its practices regarding its Jewish minority. I find such a dichotomy between the written and the executed surprising in view of V. I. Lenin's emphatically stated position that a constitution is fiction when law and reality part. Of course, this dichotomy is, to some degree, a weakness of every nation, not excepting my own. I am certain, too, we agree that both our governments must strive to eradicate such fundamental dichotomies. It is in this spirit that I ask for your consideration on this matter. Let me enumerate four specific areas of concern.

In the area of emigration, the following legal rights seem to hold. The U.S.S.R. voted for Article 13/3 of the Universal Declaration of Human Rights, which states that "Everyone has the right to leave any country, including his own and to return to his country." The Soviet Union signed the United Nation's International Covenant on Civil and Political Rights, in which Article 12/2 states the doctrine that "everyone shall be free to leave any country including his own." The same right is guaranteed by the International Convention on the Elimination of All Forms of Racial Discrimination; this was ratified by the Supreme Soviet. Not only, in fact, has the Soviet Union signed its name to these documents of international law, but its leaders have reaffirmed them verbally and in writing, to the United Nations and in policy statements. You reported to the United Nations, for example, that unless there was a case of an impending court sentence, jail term, or army service, there were no restrictions against a Soviet citizen emigrating for the purpose of reunification of families. In 1966 in a statement made in Paris, France, and subsequently printed in both *Pravda* and *Izvestia,* Premier Kosygin noted that "the door is open and no problem exists here."

I am puzzled by what seems to be evidence to the contrary. Certainly emigration restrictions have eased in the past several months but the openness guaranteed by the laws cited above simply does not appear to be a reality. Countless letters and proclamations have been received at the United Nations, in the United States, and in Israel expressing the desire of Soviet Jews to leave and the barriers preventing them from doing so: "I apply to you in an open letter, because to my repeated applications to the Soviet authorities with the request to permit me to emigrate to my relatives in Israel, I have been receiving refusals, which in accordance with the accepted order, were given orally, by telephone, without any stated reasons for the refusal nor any indication of the identity of the persons who made these decisions" goes a letter by a Russian woman in October 1966, very much characteristic of the scores I have read, that clearly show violations of the laws listed above.

I am also somewhat puzzled by what seems to be a violation of the legal rights of the Jews in the area of religion. According to information provided by the Soviet Union to the United Nations Commission on Human Rights, the following laws exist: freedom of worship is protected; twenty people can register and receive privileges of a religious group, including the rental of a building; religious groups are allowed to form a national association; it is permissible to publish letters using government paper and printing; and the government provides religious articles. In 1959, the U.S.S.R. delegation to the United Nations noted that "'In the Soviet Union freedom of . . . worship is scrupulously protected and safeguarded by State as a constitutional right of Soviet citizens . . .'" These rights were reaffirmed in the *Great Soviet Encyclopedia*. I am not requesting special treatment; I am again only asking that, in the context of your ideology and legal framework, the religious rights granted by law be extended to the Jews.

According to letters from Jews in the Soviet Union testimony of those who have emigrated, and accounts by visitors, the Jews are persecuted as a religious group far more severely than are other groups. Jews are not allowed to form a religious association serving as a uniting force both within the U.S.S.R. and with Jews outside the country. The right to religious articles is violated, too, in the case of the Jews, and all visitors to the U.S.S.R. report a real dearth of such articles as *Tallisim* and *tfillin*. There has been no Hebrew Bible printed since the Revolution; there is no religious periodical allowed; a small number of calendars have finally been published by synagogues in Moscow and Leningrad; and demands for prayer books have not been satisfied by the limited press runs of 1957 or 1969. The Government has officially noted that none of these privileges is needed any longer as atheism is becoming the dominant national religion. Yet, according to observers, very few of these practices died natural deaths, and many were very blatant victims of government pressure. Furthermore, the throngs at Simchat Torah services and the Government's own charges that there is a black market for Jewish religious articles, testify to the demand for religious privileges and to the impression that the U.S.S.R. is, in fact, violating its laws on religion.

Discrimination, and more specifically, anti-semitism, are outlawed by several legal provisions. The first decree of the Provisional Government abolished tsarist discrimination against minority groups. In November 1917, Lenin and Stalin signed the Declaration of Rights of Peoples which officially did away with "all national and national-religious privileges and restrictions." Article 123 of the 1936 Constitution states that:

> Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, government, cultural, political, and other public activity is an indefensible law.
>
> Any direct or indirect restrictions of the rights of . . . citizens on account of their race or nationality . . . is punishable by law.

In 1962 the U.S.S.R. ratified the UNESCO Convention against Discrimination in Education, which says that nations must "abrogate statutory provisions and any administrative practices which involve discrimination in education."

In fact, according to the facts available to us, there appears to be discrimination. Jews are restricted from jobs in many areas of the government, including high-level and security-sensitive positions; the fact that Jews have been phased out of many elite positions was admitted by both Premier Khrushchev (in his "make room for our own intelligentsia" remarks) and Minister Furtseva (in a similar statement). There is also a *numerus clausus* in education, a fact verified by the following: the drop of Jewish enrollment in universities and colleges, a statement by Svetlana Alliluyeva that she knew such restrictions existed, and a 1963 statement printed in *Kommunist* and *Bulletin of Higher Education* that "annually planned preferential admissions quotas" were in effect.

Cultural rights are more difficult to view in this legal pattern. In examining the legal aspects of cultural questions, I do, however, find one area in which there appears to be a fairly clear-cut violation. The 1936 Constitution guaranteed in Article 121 the "right of instruction in schools . . . in the native language." In 1959, Russia adopted a statute titled, "Concerning the Strengthening of the Connection of the Schools with Life and the Furthest Development of the System of Peoples' Education in the R.S.F.S.R.;" Article 15 reads, "The education in school will be conducted in the native language of the students; the right is given to parents to decide with what language to register their children." There is a provision for a class in a language if the number of parents requesting it is at least ten. In 1962 the U.S.S.R. signed the UNESCO Convention against Discrimination in Education, in which Article 5 stated that nations were "to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and . . . the use of the teaching of their language.

In reality, such an opportunity evidently does not exist for Jews who wish to have schools in Yiddish. Soviet officials note that the Jews are too widely dispersed; yet there are several other widely dispersed groups who do receive the option of education in their own tongue. Officials have also noted that the Jews are so far along on the process of assimilation that there is no demand. I cannot help but be concerned with the fallacies in this kind of reasoning. First of all, if the Jews are assimilating, which some, of course, are, it is partly because they were not given the opportunity to have such institutions to preserve their national identity as Yiddish schools. Furthermore, it is absolutely impossible to believe that there are not ten Jews who want this privilege; it certainly seems that the practice must be strongly and officially frowned on so that parents are afraid to make requests.

In stating these four points, I have tried to present as accurate and concise a picture as possible. I would hope that you respect the sincerity of my concern and, as a lawmaker, appreciate the validity and urgency of my arguments. Again in the interest of friendship between our nations, I urge you to act on my recommendations.

Yours sincerely,

MICHAEL J. HARRINGTON.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CELLER (at the request of Mr. BRASCO), for today and balance of week, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Goldwater) to revise and extend their remarks and include extraneous matter:)

Mr. Burke of Florida, for 5 minutes, today.

Mr. Eshleman, for 30 minutes on November 17.

Mr. Schwengel, for 5 minutes today.

Mr. Esch, for 5 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. McKay) to revise and extend their remarks and include extraneous matter:)

Mrs. Abzug, for 10 minutes, today.

Mr. James V. Stanton, for 60 minutes.

Mr. Macdonald of Massachusetts for 30 minutes, today.

Mr. Danielson, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel, and to include extraneous material.

Mr. Whitten to revise and extend and include extraneous matter with his remarks on H.R. 11731 in Committee of the Whole.

Mr. Yates, to revise and extend his remarks made in the Committee of the Whole.

Mr. Flynt, to revise and extend his remarks made in the Committee of the Whole, and to include extraneous matter.

Mr. Mahon, to revise and extend his remarks made in the Committee of the Whole, and to include certain pertinent extracts and additional material.

Mr. Stratton, to revise and extend his remarks made in the Committee of the Whole, on the subject of the main battle tank.

(The following Members (at the request of Mr. Goldwater) and to include extraneous matter:)

Mr. Riegle.

Mr. Nelsen.

Mr. Hosmer.

Mr. Broyhill of Virginia.

Mr. Duncan.

Mr. Wyatt.

Mr. Zwach in four instances.

Mr. Whitehurst.

Mr. Frey.

Mr. Schmitz.

Mr. Pettis.

Mr. Archer.

Mr. Schwengel.

Mr. McDonald of Michigan in two instances.

Mr. McEwen.

Mr. Bob Wilson.

Mr. Crane in five instances.

(The following Members (at the request of Mr. McKay), and to include extraneous matter:)

Mr. Celler in two instances.

Mr. Adams.

Mr. Flood in two instances.

Mr. Brasco.

Mr. Hungate.

Mr. Jacobs in two instances.

Mr. Evins of Tennessee.

Mr. Rangel in two instances.

Mr. Patten in two instances.

Mr. Harrington.

Mr. Boland.

Mr. Moorhead in three instances.

Mr. Rogers in five instances.

Mr. Daniel of Virginia.

Mr. Hagan in five instances.

Mr. Carey of New York.

Mr. Edwards of California in three instances.

Mr. Bingham in three instances.

Mr. Addabbo in two instances.

Mr. Hicks of Washington in two instances.

Mr. Diggs.

Mr. Begich in five instances.

Mr. James V. Stanton.

Mr. Wolff in three instances.

Mr. Van Deerlin.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel;

H.R. 4729. An act to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and other purposes;

H.R. 6723. An act to provide subsistence allowances for members of the Marine Corps officer candidate programs;

H.R. 6724. An act to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members;

H.R. 7072. An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes;

H.R. 7950. An act to repeal sections 3692, 6023, 6025, and 8692 of title 10, United States Code, with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force; and to insert a new section 2003 of the same title;

H.R. 8656. An act to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status;

H.R. 8687. An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; and

H.R. 11418. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1026. An act to amend the Small Reclamation Projects Act of 1956, as amended;

S. 2216. An act to amend the Investment Company Act of 1940, as amended; and

S. 2339. An act to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission, docket No. 227, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 155. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel;

H.R. 6723. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs;

H.R. 6724. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members;

H.R. 7950. A bill to repeal sections 3692, 6023, 6025, and 8692 of title 10, United States Code, with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force; and to insert a new section 2003 of the same title;

H.R. 8656. A bill to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; and

H.R. 8687. A bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 17, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1288. A communication from the President of the United States, transmitting an amendment to the request for the limitation of program activity transmitted in the budget for fiscal year 1972 for the Export-Import Bank of the United States (H. Doc. No. 92–175); to the Committee on Appropriations and ordered to be printed.

1287. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to provide for the regulation of rates of air carriers and foreign air carriers in foreign air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1289. A letter from the Director, Defense Security Assistance Agency, transmitting a report for the fourth quarter of fiscal year 1971 on preliminary deliveries of excess articles, pursuant to section 8(d) of Public Law 91–672 [confidential]; to the Committee on Foreign Affairs.

1290. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the disposal of foreign excess property by the Department of Defense during fiscal year 1971, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. H.R. 11738. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes; with amendments (Rept. No. 92–670). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 11782. A bill to amend the District of Columbia Redevelopment Act of 1945, as amended, to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878, 20 Stat. 107, as amended (sec. 7–605, District of Columbia Code), and for other purposes; to the Committee on the District of Columbia.

By Mrs. ABZUG:

H.R. 11783. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, control multinational corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 11784. A bill to authorize a 2-year program of financial assistance for all elementary and secondary school children in all of the States; to the Committee on Education and Labor.

By Mr. ANDERSON of California (for himself and Mr. Harrington):

H.R. 11785. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ASPIN (for himself, Mr. Danielson, Mr. Dingell, Mr. Gude, Mr. Hechler of West Virginia, Mr. Mitchell, Mr. Moorhead, Mr. Reuss, Mr. Scheuer, and Mr. Seiberling):

H.R. 11786. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 11787. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. HALPERN (for himself and Mr. Donohue):

H.R. 11788. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 11789. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KYROS:

H.R. 11790. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MADDEN:

H.R. 11791. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H.R. 11792. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas:

H.R. 11793. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small businesses; to the Committee on Ways and Means.

H.R. 11794. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 11795. A bill to require the National Railroad Passenger Corp. to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mrs. DWYER:

H.R. 11796. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. FAUNTROY:

H.R. 11797. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FAUNTROY (for himself and Mr. Harrington):

H.R. 11798. A bill to establish an equal employment opportunity program for the protection of employees of the Library of Congress; to the Committee on House Administration.

By Mr. FAUNTROY:

H.R. 11799. A bill to provide for public ownership of the mass transit bus system operated by D.C. Transit System, Inc., and other private bus transit companies engaged in scheduled regular route operations in the Washington metropolitan area, and for other purposes; to the Committee on the District of Columbia.

By Mr. GETTYS:

H.R. 11800. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. HÉBERT (for himself and Mr. Arends):

H.R. 11801. A bill to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' Home; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 11802. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11803. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 11804. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11805. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LUJAN:

H.R. 11806. A bill to authorize the exchange of certain lands between the Pueblo of Acoma and the Forest Service; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD of Massachusetts:

H.R. 11807. A bill to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 11808. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI (for himself, Mr. William D. Ford, Mr. Meeds, Mr. Hawkins, Mrs. Mink, Mrs. Chisholm, Mr. Biaggi, Mrs. Hicks of Massachusetts, Mr. Mazzoli, Mr. Badillo, Mr. Perkins, Mr. Bell, Mr. Veysey, Mr. Peyser, Mr. Dent, and Mr. Gaydos):

H.R. 11809. A bill to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years; to the Committee on Education and Labor.

By Mr. RHODES (for himself, Mr. Forsythe, Mr. Archer, Mr. Del Clawson, Mr. Wyman, Mr. Thone, Mr. Michel, Mr. Frenzel, Mr. Shoup, Mr. Saylor, Mr. McClure, Mr. Cleveland, Mr. Frey, Mr. Conable, Mr. Shriver, Mr. McClory, Mr. Baker, Mr. Miller of Ohio, Mr. Mizell, Mr. Kyl, Mr. Burke of Florida, Mr. Dennis, and Mr. Scherle):

H.R. 11810. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RHODES (for himself, Mr. Anderson of Illinois, Mr. Belcher, Mr. Hall, Mr. Kuykendall, Mr. Scott, Mr. McCollister, Mr. Schwengel, Mr. Halpern, Mr. Zwach, Mr. Young of Florida, Mr. Steiger of Wisconsin, Mr. Dickinson, Mr. Broyhill of North Carolina, Mr. Pelly, Mr. Hunt, Mr. Sebelius, Mr. Quie, Mr. Talcott, Mr. Whalen, Mr. Carter, Mr. Steiger of Arizona, Mr. Poff, Mr. Duncan, and Mr. Mailliard):

H.R. 11811. A bill to amend the Federal Salary Act of 1967, and for other purposes;

to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.R. 11812. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. JAMES V. STANTON (for himself and Mr. SEIBERLING):

H.R. 11813. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.J. Res. 969. Joint resolution to establish a Commission on Philippine Guerrilla Recognition; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.J. Res. 970. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H. Con. Res. 460. Concurrent resolution requesting the President to proclaim April 1 of each year "National Cancer Awareness Day"; to the Committee on the Judiciary.

By Mr. HANLEY:

H. Con. Res. 461. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. LINK):

H. Res. 707. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. HEINZ:

H. Res. 708. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

283. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to extending the income tax benefits given married persons to single persons, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 11814. A bill for the relief of Claude V. Alcorn and 21 others; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 11815. A bill for the relief of Kim Hyun Hei; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

154. By the SPEAKER: Petition of Foreign Service Post 1857, Veterans of Foreign Wars, Oklahoma City, Okla., relative to U.S. payments to the United Nations; to the Committee on Foreign Affairs.

155. Also, petition of Benjamin Remsen, Jersey City, N.J., relative to foreign policy; to the Committee on Foreign Affairs.

156. Also, petition of John F. Orth, Prospect, Conn., relative to redress of grievances; to the Committee on the Judiciary.

157. Also, petition of David W. Wion, Leavenworth, Kans., relative to impeachment of a judge; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SOLDIER LENDS A HAND

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HAGAN. Mr. Speaker, in these days when stopping a passing motorist on the highway to assist another traveler in distress is becoming increasingly difficult, it is worthy of note when one stops, helps, saves a life, and risks his own. This was the commendable role of Dennis F. McCranie, 22 Delmar Circle, Savannah, Ga., on September 20, 1971.

Sp4c. David Luke, a Fort Stewart soldier, lost control of his truck carrying several hundred gallons of gasoline on I–16 near Savannah. The truck overturned and caught fire. Luke managed to escape from the cab, but collapsed on the ground with his clothing on fire. McCranie was passing in the opposite lane. He stopped his truck and rolled Luke to a nearby pool of water and extinguished the flames, burning his own hands severely. He then ran back to his company truck and radioed his company dispatcher for help. He stayed with Luke until an ambulance arrived a few minutes later.

Luke was rushed to the Tuttle Army Hospital at Hunter Army Airfield in critical condition, with second and third degree burns over 90 percent of his body.

Lending a hand is nothing new for McCranie, who 2 months ago helped free a truckdriver pinned in his cab following a collision on Highway 17, south of Savannah.

An article follows:

SOLDIER BURNED IN FUEL BLAST

(By Don Rhodes)

A 21-year-old Ft. Stewart soldier escaped from the fiery wreckage of a two-and-a-half-ton Army fuel truck Monday afternoon after the truck went out of control and over turned on I–16 near Dean Forest Road, police officials reported.

SP4 David Luke of the 102 Quartermaster unit at Ft. Stewart was listed in critical condition at Tuttle Army Hospital at Hunter Army Airfield Monday night. He was being treated for second and third-degree burns covering 90 per cent of his body.

A passing motorist, identified as Dennis McCranie of 22 Delmar Circle, was credited by police with rolling the burning soldier into a small pool of water and extinguishing the soldier's burning clothes.

As a result of the accident, the eastbound lane of traffic was backed up for about two miles for at least two hours, police said.

The accident occurred about 1:25 p.m. Monday as the soldier was driving to Hunter Army Airfield the two-and-a-half-ton truck from Ft. Stewart. Two six-foot long tanks with "several hundred gallons" of JP-4 Army gasoline were on the truck's rear section, authorities said. "Luke apparently ran off onto the left side of the highway where he travelled 426 feet," the State Patrol said.

"He must have thought he had control of the truck and attempted to turn right back onto the Interstate."

BURSTS INTO FLAMES

The truck overturned on the driver's side and slid 59 feet before it burst into flames, travelled another 78 feet on its side and came to rest partly on the expressway and partly on the emergency ramp.

McCranie, the rescuer told police he saw Luke climb from the passenger side of the vehicle and collapse onto the ground.

McCranie said he rolled the soldier down an embankment and into a pool of water.

McCranie then went to a company truck he was driving and radioed his company dispatcher to call the police and send an ambulance.

As the soldier was transported to Hunter in the ambulance, a Medivac helicopter from Hunter landed on I-16 in an attempt to aid other possible victims, but no other injuries were reported.

Garden City Fire Dept. members arrived at the scene and sprayed water on the burning wreckage until Hunter Army firefighters arrived and sprayed foam to extinguish the blaze about an hour later.

An Army "Crash Recovery" wrecker towed off the charred remains of the truck about 4 p.m.

Dozens of Army enlisted men and several high-ranking officers were at the scene, along with state and county police from seven motor units.

"There's no doubt about it that Mr. McCranie did a very courageous act," said State Patrolman J. S. Underwood Monday. "He should be commended for his quick response in helping that soldier."

HIS AIM: TO "LEND A HAND"

"My first reaction was to stop and lend a hand."

That's how 50-year-old Dennis F. McCranie described his thoughts Monday after he went to the aid of a Ft. Stewart soldier who jumped from a burning Army truck on I–16 Monday afternoon.

But lending a hand is nothing new for McCranie, who two months ago helped free a truck driver pinned in the cab following a collision on Highway 17 at the Newport River bridge south of here.

Referring to Monday's crash, McCranie, of 22 Delmar Circle, said he was driving a company truck in the opposite lane when he saw SP4 David Luke lose control and crash.

SCOOPS WATER

When Luke leaped from the burning truck and collapsed—his clothes on fire McCranie rolled the 21-year-old soldier down a hill into a shallow ditch, where he scooped water on him until the flames were out.

McCranie then ran back to his company truck and radioed his dispatcher for help. He stayed with Luke until an ambulance arrived a few minutes later.

A pair of burned hands are his souvenirs of the incident.

The burns are not major. In fact, McCranie drove to a doctor for treatment himself.

Asked about the help he gave, McCranie is modest: "Had he not gotten out himself, I couldn't have saved him."

McCranie, a field service man for Tri-State Tractor Co., diagnoses and repairs machine troubles in the area.

During World War II, he saw action with the Navy on an LST in the Pacific and was with the U.S. Army in Korea.

ILENE GOLDMAN TESTIFIES ON THE USE OF PHOSPHATES IN DETERGENTS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. KOCH. Mr. Speaker, there is much controversy on whether to use or not to use detergents which contain phosphates. More research is apparently still necessary before a viable detergent will be found that will be both safe to use and free of pollutants.

On October 29, Congressman REUSS held hearings in his Subcommittee on Conservation and Natural Resources on this subject. Ilene Goldman, who is cochairman of an organization entitled "Consumer Action Now, Inc.," presented excellent testimony before this subcommittee on the use of phosphates. I would, at this time, like to include a copy of her speech in the RECORD:

TESTIMONY OF ILENE GOLDMAN, COCHAIRMAN OF CONSUMER ACTION NOW

Chairman Reuss and members of the subcommittee, we thank you for the opportunity to share our views with you. It seems that communication in the long run may be the key to this entire controversy.

First let met explain the activities of Consumer Action Now. I think this will help to clarify our tremendous concern over the detergent issue. We are not scientific experts. We are an environmentally concerned consumer group.

Our prime function is to try to educate the public while educating ourselves about any number of environmental problems of today. We attempt to do this through extensive research. We have the aid of scientists, both industrial and ecological. We use any source that can provide us with valid information. We write, phone, or visit any willing informant—and some who aren't so willing. Then, through a monthly newsletter, we pass along this information to our readers.

Our first "action project" was the posting of a detergent phosphate countposter in some of the leading supermarket chains in New York City. The response of the public and the media was enormous.

We knew immediately how anxious people were to help in the environmental crisis.

Trying to keep the phosphate posters updated in the months that followed would have been comical if it had not been so frustrating. It seems redundant to even capsule the ups and downs of such efforts since the turmoil in this area is past as well as very current history.

The plight of industry has been fairly well spelled out by experts. I would, however, like to tell you of a few experiences of the housewives caught in the midst of all of this.

CAN has twenty ladies, dedicated to finding information about products safe for their home as well as their environment. Most of us are mothers. We don't want our laundry products to be the cause of the possible death of a few children or the death of a few lakes. So we are looking.

Each of our members tried one or more of the no-phosphate detergents as they came on the market. Nothing startling to report. Some liked some—some liked others.

Then one of our mothers spent a fairly uncomfortable night with her son. She sat beside the bath tub that he sat in . . . soaking in baking soda . . . to relieve the red, itching rash that covered his body from chin to toe. This was one of the mothers who had tried Ecolo-Gy. Two other mothers had less severe, but similar experiences with this product.

CAN was now aware of the hazards of metasilicates on a first hand basis. Proper testing had obviously not been done on this product. The government or the manufacturer should have done more extensive testing. This should be a law. The consumer should not be the guinea pig.

We had no other dramatic misfortunes while we used the no-phosphate detergents. Still, it is uncomfortable to think of bringing home a highly caustic substance, such as carbonates, to clean the clothes. However, our fears show something of an inconsistency. Probably most homes are equipped with bleaches, dishwasher powders, drain cleaners, and furniture polishes that are extremely toxic.

We are careful with these toxic products, because we have been educated to know they are toxic. Housewives can be taught.

Few of us would choose a caustic product if there were viable alternatives. We want to protect our families, but we also want to protect our waters.

If there is not general agreement over how much of a villain detergent phosphates are in the eutrophication process. there is at least general agreement that phosphates *are* a contributing factor.

And if there is some dispute about the percentage of our waters that are being effected at all, there is at least general agreement that some of our lakes have already been so affected as to have died an unnatural death.

Phosphates are a part of the problem. Improper sewage treatment is part of the problem. Carbon is part of the problem. Nitrogen is part of the problem. Fertilizers are part of the problem. Human waste is part of the problem. If we keep enumerating parts of the problem, we could all go crazy.

At least cutting down on phosphates in detergents might be the starting point toward a solution. It is something the manufacturer can do. Buying low or no-phosphate products is something the consumer can do. We all want to feel that our help is needed. We all want to help.

Recently . . . the surgeon general's statement led us into a total state of confusion. And I'm afraid that is where most of us remain. I can barely get my children to school on time because of the number of people who stop me to ask what they should be using in their washing machines. Worse still . . . many don't ask. They just throw up their hand and say that they are going back to their old detergent, high in phosphates or not.

Lever Brothers and Colgate Palmolive, two of the three leading detergent companies, have brought all of their products down to an 8.7 level of phosphorous. The cleaning at this level apparently is acceptable. If Procter and Gamble and all the smaller companies came down to the 8.7 level, the detergent phosphorous entering our waterways would be cut by 25%.

It is a beginning. Proper sewage treatment is at best two or three years away. Perhaps 5 to 10 times that where no sewage treatment plant now exists. This will be an expensive and lengthy process, and a very necessary one.

But we can't wait. According to the Nader Task Force Report on water pollution, one-third of the U.S. population has no sewage treatment at all. A large portion of detergent phosphates end up in ground water, lakes and streams.

From 50 to 70% of the phosphorus in municipal sewage is contributed by detergents. Detergents are said to be responsible for from 30 to 70% of the total phosphorus load on lakes and streams.

So if proper testing takes time and proper sewage treatment takes time, it would seem logical to cut down the phosphate content in existing products immediately. That seems neither drastic nor hysterical. In fact it seems sane and necessary.

New York State will have such a law effective as of January 1st. We are definitely in favor of this.

With all of the information and misinformation around, many of our CAN members have been most comfortable in simply using soap and washing soda. It provides no wash day miracles, but those seem to be at a premium at this point in time.

Of course, there are problems with soap, too. Apparently soap effects the flame retardent finish on fabrics. New flame proofing finishes are being researched.

Also soap does an adequate job in soft water areas, but not in hard water areas.

Soap use to be more effective when our clothes went through the wringer in our old machines. The curd, or combination of soap and minerals, was wrung out of the clothes, rather than being spun back through them. Our updated machines are built to accommodate our updated phosphate detergents.

CAN members use a low phosphate detergent from time to time. This seems to help the machine and rid our clothes of any residue. It is one temporary solution.

It would probably be very helpful for every housewife to know the hardness of the water in her area. Many are uninformed about this. Public service announcements could quickly educate people about the water type in their locality. The Soap and Detergent Industry could further help by including instructions for the use of their products in soft, medium, and hard water areas.

The consumer should also be made aware that fewer or no phosphates are necessary for good cleaning in soft water areas.

Consumers should urge the training of qualified people to run the Provisional Algal Assay Procedure test on the waters near them. If no eutrophication is occurring, their alternatives may be different.

The fact is that there may not be just one answer to the detergent dilemma.

We have been told repeatedly by the Soap and Detergent Industry that it is not only difficult, but virtually impossible to manufacture and distribute one product with a varying phosphate content.

So there may have to be more than one solution. Variety may be the spice of life. It may also be necessary to the survival of our very finite planet.

Since I have just used the word eutrophication, I would like to pause a moment to talk about words and their meanings.

As a part of each of our newsletters, we try to simply define terms used in that issue. Some ecological words and catch phrases are thrown around so freely these days. I think many of us find ourselves using terms that we've incorporated into our vocabularies before we really know what they mean. So I would like to make clear what I do mean when I use the word eutrophication.

The Soap and Detergent Industry has made a distinction between eutrophication and pollution. They are partially correct in doing so. Natural eutrophication is a very slow transformation of land bound water areas into swamp, marsh and solid land.

Cultural eutrophication is a very much speeded up process caused by nutrient rich wastes reaching a lake from municipal and industrial sources. In the eyes of industry, this is still a natural process, and not to be considered pollution.

This is a matter of semantics.

An excess of any natural component in the growth process is a pollutant. Excess, by definition, is an abnormal quantity. As such it disturbs the natural or normal balance of the eutrophication process.

As I mentioned in the beginning, communication may be the key to finding a solution. Anything . . . and this includes word play . . . done at this late date to camouflage or further cloud what is going on in our environment or in the laboratory test tubes, renders the greatest possible disservice to the consumer.

Since we're defining terms, let me make it clear that the word consumer is intended to include each and everyone of us. Terms such as Government officials, or industrial spokesmen, leave out a vast majority of people. In fact, most collective nouns do. However, whether we like it or not . . . we are all consumers. And as consumers, we must be informed.

So, it would seem, we are back to consumer education. How do we achieve it?

The most obvious and immediate answer is proper labeling. Maybe industry is correct in saying that the consumer will be confused by too much information on the box however, in all fairness, it is possible to have a label be informative without being confusing. Surely the consumer would be no more confused than he or she is by all the contradictory statements flying around at the present time.

At least then, he could read and evaluate for himself.

President Nixon has stated his firm belief that the consumer has a right to know, and a right to choose.

The right to choose has always been accepted in our competitive society. The right to an informed choice may be a comparatively new thought, but an essential one.

Our second constant plea is for proper testing . . . no matter how difficult or time consuming. In fact, our awareness of these difficulties in testing makes us a bit timid about demanding immediate substitutes for phosphates. We might get them. And without proper testing, we don't want them.

Six billion pounds of anything in one year's time which will find its way into our grounds and waters is a formidable consideration. Care must be taken.

With our growing population and decreasing supply of natural resources, we can't tolerate even one major mistake.

In closing, let me just summarize a few thoughts.

It is the consumer's right to have a choice of thoroughly pre-tested products. This should be an informed choice. Informed through proper labeling.

A proper label should contain:

1. A complete list of all ingredients in order of their abundance in the product.

2. A measure of potential health hazards should be clearly stated.

3. Instructions as to what to do if the product is improperly used.

4. Proper instructions as to the products use according to the softness or hardness of the water.

5. "Keep out of reach of children" should be printed in bold letters, as it should be on all toxic cleaning products.

This information should be present on all cleaning products.

There should also be a conscientious consumer education program. This could be done through the aid of advertising, community education, and school programs.

At the same time, government and industry must continue to search for every possible solution. Proper sewage treatment, which I've only touched on, must be pursued and perfected.

Child proof packaging must be further researched.

We must all seek answers and stop all the buck passing and finger pointing. The responsibility lies with all of us—government, the press, industry, and the consumer. What we owe to each other is a high standard of clear communication of information and views.

We owe this committee a debt of thanks for making such an exchange of ideas possible through these hearings.

CAN is putting out a card on 100% recycled paper that simply reads . . . "Treat the world as though it were your home." It is. And we must.

Thank you for listening.

EMPRISE CORP., OF BUFFALO, N.Y., NOW LINKED TO THREE DIFFERENT ORGANIZED CRIME FAMILIES

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. STEIGER of Arizona. Mr. Speaker, Emprise Corp. indicted by a Federal grand jury along with Detroit and St. Louis Mafia family figures earlier this year is now found to have had a long time financial relationship with a New Jersey Mafia leader, Gerard Catena. The State of New Mexico has found Emprise unfit to operate a race track in that State. The State of Arkansas, by order of a majority of their racing commission, has ordered Emprise to divest itself of its holding in a dog track in that State largely because of their associations with organized crime figures and dishonest testimony before the commission.

It would certainly appear that both of these States are correct. Other States had better look at Emprise's holdings in their area.

The company referred to in which Emprise and Catena were involved is engaged in the manufacture of slot machines in the Chicago area. The following will document the Catena relationship with Emprise:

ITEM 4—SEC LETTER OF MAY 29, 1968

In June, 1963, the then owners of the Lion Manufacturing Corporation (the family of the late Raymond T. Maloney) sold substantially all of the assets of that company, together with name and business goodwill to a new corporation which had been formed for the purpose of making such acquisition. The new corporation (originally known as K.O.S. Enterprises, Inc. and immediately after the acquisition as Lion Manufacturing Corporation) was formed by a group which came together through the action of Mr. O'Donnell who, as an employee of the former owners (Maloney interests), became aware that the business was available for purchase, following the death of Mr. Maloney, who had founded the company in the early 1930's. Mr. O'Donnell contacted several parties who, because of their business operations in the vending industry, were aware of the Lion operations.

As a result of these contacts and ensuing discussions, the acquisition transaction took place. Record and beneficial ownership of the new corporation and related information is set forth in the following paragraphs:

1. At the outset (June, 1963), the record ownership of the new Lion Corporation ("Lion") was as follows:

Name and number of shares	
William T. O'Donnell	250
Sam W. Klein	333
P. J. Prince	333
Emprise Corporation	334
Barnet Sugerman	250
Abe Green	250
Irving Kaye	250
Total	2,000

2. Promptly after the formation of Lion, all shares were transferred, of record, to Emprise Corporation, as voting trustee. Such transfers were made to implement a collateral security arrangement in favor of Emprise, based upon the guarantee by said company, of a bank loan to Lion of approximately $1,000,000, the proceeds of which were utilized in the purchase transaction.

3. Each of the original shareholders paid $100 per share for the shares issued to each of them, or a total of $200,000, the balance of the purchase price being funded by the aforementioned bank loan.

4. At the outset, Messrs. Green and Sugerman entered into a separate agreement with Mr. Gerard Catena, copy of which is attached, declaring that Mr. Catena was entitled to beneficial interests in one-third of the shares held by Messrs. Green and Sugerman. According to information furnished by Mr. Catena's accountant, Mr. Catena bore his proportionate share of the initial purchase price. Accordingly, beneficial ownership differed, at the outset, from record ownership in respect of these three parts as follows:

Record	
Green	250
Beneficial	
Green	166⅔
Sugerman	166⅔
Catena	166⅔

5. Between 1963 and 1966, the following changes in stock ownership (record and beneficial) took place (through transfer of voting trust certificates, while the aforementioned voting trust was in effect):

A. Mr. Frank Prince sold his 333 shares to Emprise and Sam Klein, in equal amounts. The price paid for such shares was an aggregate of $50,000.33. The approximate date of such transaction was April 1964.

B. Barnet Sugerman died and his beneficial interest was acquired by Messrs. Green and Catena, in equal amounts, in June, 1964. The purchase price for the shares was $17,500, borne equally by said purchasers, which payment was made by the assumption of a bank debt in such amount owed by the late Mr. Sugerman (copy of agreement attached). The record ownership of such shares were to remain with Mr. Green, who was to continue acting as Mr. Catena's nominee. Inasmuch as the voting trust still continued, no official transfer of the shares was made to Mr. Green.

C. By agreement dated July 2, 1965, Mr. Catena sold total prices of $175,000 (copy of agreement attached). Under the terms of the agreement, the seller acknowledged that the shares would be sold through Mr. Green, as the record owner, to Mr. William T. O'Donnell, but Mr. Catena's sales agreement is directly with Mr. Green. The shares were thence acquired by Messrs. O'Donnell, Green and Kaye in approximately equal amounts, so that their aggregate beneficial holdings became virtually identical. Mr. O'Donnell's purchase of the 250 shares was for the equal accounts of himself, Messrs. Green and Kaye, and each has borne their respective portions of the purchase installments due under the July 2, 1965 agreement.

D. On or about January 1, 1966, the original voting trust of all the shares was terminated and share certificates were issued to O'Donnell (500), Kaye (250) and Green (250). The O'Donnell certificate reflected the additional 250 shares he had acquired from Catena, via Green, which shares were subsequently divided between O'Donnell, Kaye and Green so as to bring their shares interests into approximately equal status. The 500 share interest of Sam Klein continued to be subject to the voting trust by reason of separate agreement between Klein and Emprise.

E. The Sam Klein voting trust agreement with Emprise was concluded concurrently with the redemption, by Lion, of the 500 shares then owned beneficially by Emprise (i.e. 333 shares originally owned, plus 167 acquired by Emprise from Prince). This took place in April, 1966 and the price paid to Emprise for said 500 share interests was $245,000.

F. At the conclusion of the voting trust, the share ownership (record and beneficial) of Lion, by reason of (i) the foregoing transactions, (ii) the declaration of trusts for their children, on or about January 1, 1966, by Messrs. Klein and Kaye and (iii) the distribution of certificates out of the voting trust, was as follows:

Name and number of shares—Record and beneficial

William T. O'Donnell	333
Sam W. Klein	300
Abe Green	334
Irving Kaye	(a) 233
Sam W. Klein, Trustee	200
Irving Kaye, Trustee	(a) 100
Total	1,500

(a) Although Kaye's trust declaration for his children was dated 1/1/66 the transfer of shares into a separate trust account took place in July 1967.

G. At the time of the original acquisitions of interests in Lion:

a. Emprise Corporation was owned by Mr. Louis Jacobs of Buffalo, New York who was and is believed to still be the principal stockholder of Sportservice Corporation.

b. Barnet Sugermen was then a partner with Abe Green in numerous vending machine and other businesses, in many of which Mr. Catena held interests.

c. Frank Prince was a major shareholder of Universal Match Corporation.

H. The present addresses of the present principal stockholders of Bally are set forth in the company's prospectus in Registration Statement No. 2–23537. The current addresses of Emprise, Jacobs, Catena and Prince will be forwarded to the staff as soon as obtained.

BANNING DDT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HUNGATE. Mr. Speaker, the recent Environmental Pesticides Act passed by Congress highlights the fair balance we seek to strike between man and nature.

The following articles from the Christian Science Monitor of October 30, 1971, indicates the difficulties by reminding us that the World Health Organization still refuses to ban DDT, and it is the world's largest user of it. Once again, the world's problems do not always bring self-contained simplistic solutions.

The article follows:

BANNING DDT

Very soon—perhaps within a week, almost certainly by spring—the Environmental Protection Agency must come up with a decision on the continued use or total banning of DDT in the United States.

Administrator William D. Ruchelshaus has been forced to the wall in making a decision on the difficult and emotion-charged issue by a court order, stemming from a suit filed by the Environmental Defense Fund.

It will not be an easy decision to make. The known environmental hazards of DDT to wildlife, caused by its distribution upwards through the food chain, and its as yet unproven but highly suspect impact on human beings, make strong case for a total ban. Yet DDT remains the most effective insecticide for combating certain crop-eating and disease-carrying pests. This accounts for the fact that the World Health Organization has refused to ban it, and remains the world's largest single user of the chemical.

Given the deep division between honest and impartial experts, and balancing the needs of the food-rich and healthy United States against the poverty-, hunger-, and disease-prone populations of the developing countries, the present situation reflects the current state of the art of pest control.

But that state must be improved. The United States of all countries can best afford to forgo the use of a highly questionable chemical. At the same time, it should take the lead in researching out solutions leading to the ideal of a balanced farm ecology in which toxic pesticides play no part. Until this end is attained, the poor developing nations will feel forced to go on using DDT or other chemicals with Jekyl-Hyde properties.

OPPOSITION TO FEDERAL CHILD CARE MOUNTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. RARICK. Mr. Speaker, as American citizens learn about the insidious child development programs, more voices of protest are raised. I insert in the RECORD at this point a few of many statements of opposition which I received in this weekend's mail:

NOVEMBER 8, 1971.

Congressman JOHN RARICK,
House Office Building,
Washington, D.C.

DEAR SIR: The following telegram was sent to President Nixon on October 22, 1971:

"We, delegates to the Archdiocesan Council of Catholic Women Convention now in session, representing 40,000 women in the Archdiocese of Seattle, beg you, Mr. President to please veto the child care bill.

"(Signed by over 250 delegates' names.)"

A copy of each delegates' name could be sent, if you wish. This wire was sent from the Sea-Tac Holiday Inn at about 2:00 p.m. The delegates are all Presidents of all Catholic Church Guilds in every parish throughout Western Washington. We felt that if the truth were known about this bill, the opposition would be much greater; but we have had a virtual news black-out concerning this in the Seattle area.

Our thanks to you for all your efforts on behalf of the U.S. We pray for your (and ours) success in this effort.

Sincerely,

MRS. JOSEPH E. REGAN,
Vice-President, North-Central Deanery, ACCW.

SEATTLE, WASH.

[From the Everett (Wash.) Herald, Nov. 11, 1971]

ASKING VETO

The Silver Lake Community Women's Club has sent a telegram to President Nixon imploring him to veto the bill.

This bill threatens to destroy parental authority and the family way of life.

There are too many dangerous loopholes, particularly concerning child development, child advocacy, and federal subsidizing.

Telegrams are speedy—that is what is needed now!—Wire your President.

Silver Lake Community Women's Club,
Mrs. Sue Milliken,

SILVER LAKE COMMUNITY WOMEN'S CLUB,
MRS. SUE MILLIKEN,
Acting Secretary.
MRS. HONEY BROWN,
Publicity Chairman.

EVERETT.

[Friends of Michigan Schools, Lansing, Mich., Oct. 27, 1971]

HOW MUCH IS $2 BILLION

I remember back in World War II when the U.S. Senate was passing billions of dollars of appropriations with machine-like regularity for the armed forces and they got to a minor bill on an appropriation for the purchase of army mules. Many hours were spent discussing the price that should be paid for a good Missouri mule. In other words, the Senators were discussing something they understood and their minds were able to comprehend. With the amounts increasing every year, the problem of comprehension becomes more acute.

How much is 2 billion dollars? The following illustration will give you some idea:

President Nixon has asked the Congress to repeal the excise tax on automobiles and this will result in a savings of about $200 on the cost of a new car. It is predicted that 10,000,000 cars and trucks will be sold in 1972. $200 per vehicle figures out to be $2,000,000,000. S 2007, which is an appropriation bill to extend the Economic Opportunity Act of 1964 for 7 more years, is up for consideration by the U.S. Senate next week. Title V of the OEO Act of 1964 is amended to read as follows:

STATEMENT OF FINDINGS AND PURPOSE

Sec. 501 (a) The Congress finds that—

(1) Millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years;

(2) Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available as a matter of right to all children regardless of economic, social and family backgrounds. . . .

WHAT WILL THIS PROGRAM COST?

For the purpose of providing training, technical assistance, planning, and such other activities as deemed necessary to implement this Title V, there is appropriated $100,000,000 for the fiscal year ending June 30, 1972. For the purpose of carrying out this program there is authorized to be appropriated $2 billion for the fiscal year ending June 30, 1973. Every time you see a freight train load of new cars or a semi load on the expressway, I hope you will be reminded that it will take all of the excise tax at $200 per car sold in the United States to pay for this new program. Remember this is only the beginning—it is estimated that within a few years the cost may soar to as much as $10 billion annually! According to a confidential HEW study, "A day-care center that ministers to children from its sixth month to its sixth year will have more than 8,000 hours to teach him values, fears, beliefs, behavior and eventually it is an enormously powerful influence over what the child will become."

LEGISLATIVE EMERGENCY MEMO, CINCINNATI, OHIO, OCTOBER 1971

With only 24 hours notice, and without benefit of a printed committee report, normal procedures in handling legislation were bypassed; the House approved by the vote of 186 to 183, the Comprehensive Child Development Act, as an amendment to H.R. 10351, which originally was limited to continuing programs first authorized by the Economic Opportunity Act, 1964. Not one person appeared opposing the bill, though highly qualified witnesses applied. Of the 183 members of the House who voted against this Child Control Act, 134 are Republicans, including Minority Leader, Ford, and only 21 Republicans voted for it. Clearly the President's party has spoken against this measure, giving President Nixon excellent ground to veto the entire bill.

For more information read "The Child Advocates: What Do They Really Want?" Speech by Congressman John Rarick in the House of Representatives, and we're indebted especially to Congressman John G. Schmidt, California, for these facts quoted from his Weekly News Report:

"The most important fact about the comprehensive child development programs authorized by this bill, is not the power given to the agencies that will run them, but the purposes that are set for them. The bill lists 13 separate purposes for which Federal "Child Development" funds may be used, including (in addition to basic day care) "comprehensive physical and mental health, social and cognitive development services, especially designed health, social and educational programs, including after-school, summer, weekend, vacation, and overnight programs . . . medical, psychological, educational, and other appropriate diagnosis, and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers, utilization of child advocates, to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children."

All of this refers primarily to children under the age of six, and all of it is to be carried out by the government, in conformity with policies laid down by a new Office of Child Development in the Department of Health, Education, and Welfare, which this bill would create. The potential for abuse should be obvious, simply from reading the list of purposes. No facet of a child's life is omitted. The intention is clearly to put government in place of the parent. Surely our faith in God and individual responsibility for life, liberty, and the pursuit of happiness demands that we wire President Nixon to veto this bill. Political Opinion wires cost only $1.25 for fifteen words. Call 721–2640, or write—(Here's a sample:)

"President Richard M. Nixon . . . the White House . . . Washington, D.C. Urgently request presidential veto comprehensive child development legislation concurring with 134 Republican Congressmen."

MARGARET S. KLING (Mrs. J.),
Republican Precinct Chairman.
CINCINNATI, OHIO.

ALERT—PARENTS INVOLVED IN LEGISLATIVE ACTION, EL PASO, TEX.

You may never have to place your child in a government controlled child care facility. But, what about your grandchildren? While the government isn't likely to force children to be placed in child care centers, all the signs point to *coercive* measures that the government can use. For instance:

1. There will be the coercion of a tax break: The 1970 Report to the President on the White House Conference on Children, page 284 suggests: ". . . alteration of tax schedules to provide tax relief to families who have children in developmental care."

2. There will be the financial necessity: The cost of providing child care and developmental services is estimated to be in the trillions of dollars—financed by your taxes, which means that many mothers will have to work (thus, putting their children in child care facilities) not just to pay for luxuries, but to help provide the necessities of daily living. Dr. Urie Bronfenbrenner, a Head Start founder, has suggested that indeed, it may be necessary for the taxpayers to settle for lower stock dividends or just one car so government child care can be financed.

3. Your child may suffer the stigma of being "different." If a mother does not place her pre-school child in a child care facility, by the time that child is old enough for first grade the child may, as a result of having missed "enrichment programs" or "group experiences" be decidedly different to the extent that he may be considered "culturally or emotionally disadvantaged" or just plain "retarded" or otherwise stigmatized.

If nothing else will convince you, consider this quote from the 1970 Report to the President of the White House Conference on Children, page 278:

"A daycare program that ministers to a child from six months to six years of age has over 8,000 hours to teach him values, fears, beliefs and behaviors."

Whose values will be taught. Yours or the government's?

Whose beliefs will be taught. Yours or the government's?

Who and what will your child be taught to fear?

What will be taught as proper behaviors?

If you do not have children, your taxes will still help pay the fantastic expense of the total child care and development planned by the federal government. *One way or another, no one will remain untouched.*

Over 100 bills relating to child care/child development are pending. Some have already been introduced into Congress and these bills are moving quickly, both in the House and the Senate. S. 2007 has already been passed by the Senate. Write or wire your Senator or Congressman and let them know how you feel about government controlled child care. Make your letters brief, to the point and polite.

[Letter to the Editor of Seattle Times, Oct. 20, 1971]

CHILD CONTROL IS HERE

It just needs the President's signature—An OEO Amendment bill, S2007, passed by both the House and Senate, contains sections of enabling legislation which will remove final authority of parents over children and place such authority at the federal level.

This act guarantees every child shall have the 'right' to develop to his 'maximum' potential and even provides an advocate in every neighborhood who will intervene in family situations whenever he should deem it necessary to guarantee the child's 'rights' be protected.

It establishes councils at the local level which will determine policy relating to the educational, physical, medical, psychological, mental health, social, and cognitive development of all children. Diagnosis, identification and treatment of barriers to a child's development are now to be a matter of federal concern. The means of implementing such services, such as funding, designing a program of daily activities to cover every aspect of a child's life from infancy are included in the provisions.

It specifically "provides that children in the area served *will in no case be excluded* from the programs operated pursuant to this part because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in non-public schools when they attain school age."

Urge President Nixon to veto this and any other legislation designed to remove authority of parents over their children. This is expected to be on his desk in the next day or two. Send your messages at once.

CONNIE BAMESBERGER.
SEATTLE.

[Newsletter of the Republican Club for Business and Professional Women of Greater Kansas City, Mo.]

ASK FOR PRESIDENTIAL VETO

The Federal Child Control Act passed the Senate Sept. 9th and the House Sept. 30th. This is one of the most dangerous pieces of legislation to come before Congress. The Bill lists 13 separate purposes in which Federal "child development" funds may be used, including (in addition to basic day care).

Comprehensive physical and mental health;

Social congenitive development services;

Specially designed health, social and educational programs;

Medical, psychological, educational and other appropriate diagnosis of visual, dental, hearing, speech, nutritional, and other physical, mental and emotional barriers to full participation in child development programs;

Utilization of child advocates to work on behalf of children (under the age of 6) to secure all these services.

The Senate Bill, S2007 was pased as an amendment to the extension of the Office of Economic Opportunity Act.

The House Amendment, HR10351, passed 186–183, thus winning by only 3 votes.

There is little hope of significant changes in the child care-advocacy-child development legislation. The Bill can be kept from becoming law now by a Presidential veto. So, please wire President Nixon and urge him to veto S 2007 and HR10351.

Of 183 House members voting against the Bill, 134 were Republicans, including Republican minority leader Gerald R. Ford. Of 186 voting for the Bill, (House) only 21 were Republicans. So the President's party is largely opposed to this Federal Child Control legislation.

Now that we have the thoughts of the children controlled by the present school system, think what a catastrophe it will be when the socialists take over the control of the children altogether.

Wire now: "President Nixon I urge you to vote against bills S2007 and HR 10351."

[Newsletter of September to October 1971, Parents of New York United (PONY–U, Inc.) P.O. Box 20, Clarence, N.Y.]

As we start our third year of publishing this newsletter, the Social Planners are steamrolling ahead to implement what they feel will be the ideal society. Congress has already passed Child Advocacy Bill (S–1414) and S–1512 which provides for a national network of pre-school child day-care centers, as amendments to S–2007. Now they will go to the President for his signature. This bill provides federal funds for "experts" to determine the "needs" of all children on a nationwide basis. "Experts," such as the highly influential educator Paul Brandwein from the Center for the Study of Instruction in Sciences for Social Sciences, who believes that children under the influence of the home are mentally ill and come to school "wounded" and must be "healed" by the teacher. We urge you to send a Public Opinion Telegram to the President as soon as you receive this newsletter and request, "Please veto Bill S–2007 which includes amendments S–1414 and S–1512" and sign your name.

"The hand that rocks the cradle rules the nation." Historically this was so in America. Conversely, in totalitarian countries, the government rocked the cradle and ruled the people dictatorially and mercilessly.

Congress is currently confronted with several legislative proposals in a variety of forms, all seeking to turn control over the lives of our children to the Federal Government. S–2007 is the start in the program to federalize America's children.

In the five volumes of testimony not *one* person appearing at the hearing on S–2007 opposed the bill. No group of concerned parents or taxpayers' groups was invited to testify.

Now that the Federal Government has gotten its political iron foot inside the door of the local school house, the provisions of the various bills for child development programs extend progressively toward the day when the Federal Government assumes complete control over children commencing at birth and our schools become child development experimental laboratories.

PPBS (Program, Planning & Budgeting

System)—The New York State Education Department has already adopted this system, and schools throughout the state have started various degrees of implementation. For those who missed the accounts in our newsletters last year, let us give you a brief resume.

PPBS is a computer retrieval system and, as such, it is designed to account for a product. As used in education, that product will be the knowledge and behavior of a child or teacher, or administrator. It is based on a pre-determined concept, a "goal" and objective Goals and objectives are the specifications which the product must meet. If it does not meet the specs, it is recycled until it does. The key here is that in order to adjust the cycling to effect the desired concept, everything which affects the product (knowledge and behavior) must be correlated to all the other imputs to determine the proper controls to add.

PPBS programs already verify this point. The programs, for instance, not only are reference to matters directly relating to studies, but also to environment, including but not limited to, social, political, economic, religious, familial, background, and so forth. All of these points of information are fed into the computer, and are stored in its memory, available for retrieval at any time.

Engineered change is a fundamental premise of the "Progressive Educationists" to use teachers and administrators as "social engineers" and "change agents". Honest educators and traditional teachers who refuse to go along with this experiment in mind control, which is the target of PPBS, will be recycled and eliminated if they do not forget about course credits and grade point averages to become social engineers and behavioral motivators. Subject matter will be forgotten altogether and replaced with clinical counseling to develop fully functioning individuals whose main purpose for being in school, apparently, will be to learn to acknowledge traits which inhibit flexibility. During the past several months there has been a mounting campaign to abolish tenure for teachers. Computers will identify effective teachers, and by "effective" it is clear that they mean teachers who adapt. It is not hard to guess what will happen to the traditional teacher who, without tenure, is inclined to resist.

Nor is it hard to guess what will happen to your child if the computer decides that the home and parents are hindering the Social Planners "desired behavioral objective" if the President signs into law the child advocacy and national day-care centers.

[Iowans for Moral Education, Box 114, RR3, Washington, Iowa]

WHOSE CHILDREN? YOURS OR THE STATE'S?

There are groups and individuals, both in and out of Government circles, who are and have been working to promote programs that will create a *drastic* and *fatal change* in the United States of America!!! These people—many socialistic minded (the next step is communistic)—are working to control and mold the minds and lives of the children and youth of this nation. In order to accomplish their goal, namely "control of the total child", the Christian home and family must be undermined!!!

A U.S. Department of Health, Education, and Welfare news release, dated June 8, 1971, states: "Two HEW agencies are combining their resources and funds to *test a new concept, known as child advocacy,* that is expected to increase public awareness of the *social, educational,* and *emotional needs of children.*

"The *two agencies involved* in the pioneering venture are the Office of Education's Bureau of Education for the Handicapped, and the Health Services and Mental Health Administration's National Institute of Mental Health.

In a joint announcement today, U.S. Commissioner of Education Dr. Sidney P. Marland, Jr., and NIMH Director Dr. Bertram S. Brown, said the two agencies will fund six innovative child advocacy demonstration projects, totalling $656,000.

"These projects," said Dr. Marland, "while serving to develop child advocates, have as their ultimate goals promoting and improving the total community resources and the delivery of services for the emotional, social and educational development of all children within their target neighborhoods."

"The six grants selected from 33 applications submitted to the Joint Planning Committee for Children-made up of representatives from NIMH and OE—were awarded to:

Central City Community Mental Health Center, Los Angeles, California.

Prince Georges County Public Schools, Upper Marlboro, Maryland.

Learning Institute of North Carolina, Durham, N.C.

Philadelphia Urban League, Philadelphia, Pa.

Dade Wallace Center, Nashville, Tenn.

Mexican American Neighborhood Civil Organization, San Antonio, Texas.

"The child advocacy concept is an outgrowth of the Joint Commission on Mental Health of Children. It again came to public attention during the *White House Conference on Children,* held last December. . . ."

NOTE.—"The child advocacy concept is an outgrowth of the Joint Commission on Mental Health of Children." An advocate is a "counselor/intercessor," (between parent and child, school and child, etc.).

To the "uninformed" or "indifferent" this may sound "well and good". However, what are the purposes and proposals of the above mentioned Joint Commission? What effect will the "many and well laid plans" of these "social, socialistic planners" have upon your life, the life of your child or grandchild, niece or nephew, friend; their/your faith in the Eternal God; what effect will these plans have on their/your/our freedoms and nation?

The children and youth of this nation are called an "industry" by the Commission. (God says, "Children are an heritage of the Lord . . ." Ps. 127:3)

Some individuals with good intentions, who have a real concern for the well being of children, have said, "Some children need an advocate." The question must be answered, "Whose children need an advocate?" Again we look to the Commission's recommendations.

"Systems must therefore be developed which (1) have access to all the children, so that they are known and their development monitored; and (2) provide a pattern of services in which are available the settings, comprehensiveness and continuity of care for infants, children, and their families even when their parents cannot arrange for or get the necessary care themselves. To be truly effective, this requires a *universal monitoring system* so that at least we know where all the children are and which ones are not getting to private or public services."

Throughout the country, parents are being influenced to enroll their pre-school children in nursery schools of various names. In Washington, D.C. babies 18 months to 3 years old are attending school for 10 hours a day, 5 days a week. This is an experimental school however this type of school is desired by the social planners for all the children in the U.S.

In the Final Report of the Joint Commission on Mental Health of Children, Inc., we find some interesting statements:

"Schools originally were intent on the development of the mind as a primary mission. *The body and spirit were the responsibility of the home and the church.* As these two institutions decline in influence, the schools are required to assume more responsibility for the education of the "whole" child. . . . *"Schools must begin to provide adequately for the emotional and moral development of children* as well as for their development in cognition or thinking. . . . "The school, as the major socializing agency in the community, must assume a direct responsibility for the affective and value components of child development equal to its concern for cognition. . . . *"The chief instrument to achieve the reorientation called for above is through the creation of Boards of Child Advocacy. . . . "They should all, however, reach aggressively into the community, send workers out to children's homes, recreational facilities* and *schools. . . .*

"They should assume full responsibility for all education in the community as opposed to schooling—including pre-primary education, parent education, and community education. . . . "Every child and youth in America", "from conception through age 24", are to be included.". . . the report speaks of ". . . meeting the needs of the *total* child in the community." . . . They recommend that, "Congress and States should initiate legislation to stimulate development of pre-primary education to serve *all* children . . ."

More than 100 national child development and advocacy measures (bills), under various names, have been introduced in Congress. Some Congressmen have been led to believe the proposed plans are not compulsory, however even a cursory reading of the bills and recommendations of the Joint Commission, as revealed in this summary (*not* taken out of context), shows the intent to include "all the nation's children". These are far reaching proposals which must be *discontinued.* It is interesting to note that the Congressmen introducing these bills consistently (90–98% of the time) vote for socialistic legislation that undermines our Republic and Constitutional Government. Organizations involved in the research prior to introduction of many of these bills, and groups promoting them are also found to be consistently oriented toward socialistic philosophies. This alone should raise serious questions in the minds of those who might be inclined to believe child advocacy is a good plan. It seems strange when so many men (fathers) are without jobs that so many "do gooders" are working so hard for Child Care—Child Advocacy programs—to put children in "away from home schools"—so mothers can work. The question needs to be asked and answered truthfully, "What's wrong with mothers staying home and raising their children in their own homes?" More jobs would then be available for fathers. Our nation became the most progressive, productive and free nation on earth when this procedure was followed.

If these child development-advocacy measures are implemented our children will become literally "wards" of the state—"The state's children", called just that in Sec. 1177 of S. 1414, a Bill to amend the Social Security Act by providing for the establishment of a Child Advocacy Program.

A young mother asked this question, "Do any of you remember the film "Hitler's Children"? I remember seeing that film when I was about 13 and it stuck in my mind because it was so horrible. Young people were separated from parents and placed in indoctrination schools. There was no religion and hard core young adults, who would kill their mother if she dared to be against their cause, were muscle for the corrupt rulers. Women were placed in dorms for the sole purpose of bearing children for the cause. The men were in the military and allowed to visit every so often, there were no families. Any opposition was exterminated. When I saw that film I was so thankful and proud that my country was not like that, that I had parents I could believe in. I could pray to God and have a say in my future. But the country has changed and I'm not so proud any more, because it's become corrupt and is destroying all the true values that are left."...

With the ever increasing use of the term "Mental Health" in every area of our society, one begins to wonder who determines the mental health of the psychiatrist, psychologist, educators, etc., who are saying others than themselves are mentally ill. Indeed, these individuals who are trying to impose their mentality and "humanistic hang-ups" on the children and parents of this nation are in reality the mentally-spiritually ill!!! As the young mother, a former college student, quoted previousy, states, "The educators, who have human faults, are saying that they are more intelligent than the parents and should teach our children everything they need to know. As far as I am concerned all the college degrees in the world will not make an individual intelligent. All it means is that he has read literature and comprehended it well enough to pass a test. It doesn't mean that he has good common sense compassion toward his fellow man, good morals, or love for his country. . . All through the Bible parents, not educators, are told to teach their children. The Bible also says that parents will be held responsible for their children before God, not before educators. I honestly believe that parents who sit back and hand their children over to such practices as these will be held accountable before God on judgment day."

An increasing number of persons (as they become informed) are becoming alarmed at the proposals for social change which are departing from Biblical morality and Judaic-Christian principles. A concerned Congressman writes: "You certainly have reason to be alarmed over the proposed legislation for day care centers, the child advocacy system, and the degrading PPBS, PEP, and PACE programs. I am striving to help my constituents keep informed of these insidious attempts to turn our free country into a totalitarian socialistic one. . . . My only suggestion to you is to inform your local, state, and national public officials and at election time try to elect pro-American officials. . ." (Letter dated June 23, 1971)

Remember!! These programs are funded by tax money and could be stopped if the voters work against and vote against every elected official who supports these socialistic programs!! Souls of children are at stake!! Dear readers, it is time to seek some old paths—God is alive!! His Word as revealed in the original writings is True and must be followed for true Peace of Mind—real mental health. God says, "Stand ye in the ways, and see, and ask for old paths, where is the good way, and walk therein, and ye shall find rest for your souls." Jer. 6:16. "For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life." John 3: 16. God also says in II Chron. 7:14, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin, and will heal their land."

[From the Newport Harbor Ensign (Corona del Mar, Calif.), May 27, 1971]

DAY CARE IS CHANGE AGENT

(This is a continuation of the March 9 speech given at the Harbor Forum meeting by Dr. Joseph Bean, former member of the Glendale unified school district board. He is describing the program of John Dewey and his colleagues to use public schools to change society and the economic system into collectivism.)

(By Dr. Joseph Bean)

Another matter which Americans should be following with concern is the rapidly developing reality of the school for children 2 to 5 years of age. In the opening days of his administration in 1969, President Nixon established the Office of Child Development, out of which grew plans for the construction of a large number of day care centers for the child under kindergarten age of five. These centers are planned not only for children whose mothers work but for all children from two to five.

As noted earlier, the people working in these government programs want to have access to the child at this early age, before he has had a chance to learn the wrong things from his parents. The maladaptive behavioral patterns developed at home can thus be prevented, they contend. This eliminates the necessity of the unlearning process when the child enters regular school.

By the time he reaches kindergarten, his thought processes will have been directed away from traditional values and the child will not need sensitivity training at a later age. This will save everyone a lot of trouble. Whereas child care centers in the past have been custodial or baby-sitting facilities, the new centers will be learning centers. The NEA states that when the centers begin to operate on a wide scale, educators will assume a formal responsibility for children when they reach the age of 2.

As was to be expected, when the White House Conference on Children and Youth met in Washington last December, one of the important matters to come before the conference was the establishment of these child care centers. Great urgency was assigned to the program. It would cost between 6 and 10 billion dollars a year to operate the centers, and I do not know how many billions for construction.

A system of child advocates will probably be established this year, with one advocate to represent children at the national level, one at each state level, and one for each community. The advocates would be responsible for policy-making and enforcement for all persons under 21, and the system would guarantee every infant 7 new rights which we will not take time to enumerate here. The advocate would stand as "protector" between parent and child.

There is more and more being said about developing the kibbutz (and this word is used) for American children, and the idea already has the backing of some congressmen. As in the communal settlement in Israel, the kibbutz house here would take the child at an early age, even at birth in some instances, and the child would be reared by the state. Elizabeth Koontz, president of the NEA in 1968 and named head of the new network of child care centers by President Nixon, is pushing for the establishment of this sort of arrangement for children. The kibbutz has the backing of numerous influential people.

[From the Piedmont-Oakland (Calif.) Bulletin, Sept. 15, 1971]

THE FAMILY—A NEWLY DISCOVERED EVIL?

"The American home," Professor Ashley Montagu of Rutgers University said recently, "is an institution designed for the systematic creation of mental illness in children."

We'd like to think that Prof. Montagu was kidding, but we can't be sure. The fact is that there are more than a few so-called child experts and other far-out planners who are seriously urging the complete break-up of the family, with the children to be taken from their homes and raised and educated by the Government to achieve "full child development."

Now this view is not merely an abstract subject for conversation in certain intellectual circles, it has been incorporated in more than 100 bills now before Congress including H.R. 6748 recently approved by the House Education Subcommittee. And most of this legislation has the blessing and support of the U.S. Department of Health, Education and Welfare.

One of the key proposals is the plan to establish government-operated day care centers for children (ages six months to six years) of working mothers. But the plan does not stop there. It envisions the eventual control and "development" of all children along lines which the vast army of social planners in Washington feel are necessary to make the average child acceptable to his peers. Such training would also—not incidentally—prepare the rising generation to accept more and more socialist controls and a "new kind of society."

George Orwell's "Big Brother" government of "1984" may come sooner than that!

Aside from the destruction of normal family ties which Federal child control would bring, one of the dangers of such control is the continuing desire of certain physicians and scientists to experiment with children. A little publicized regulation appearing in the "Federal Register," Aug. 30, 1966 by the Food & Drug Administration of the Department of Health, Education and Welfare, under the title, "Consent for Use of Investigational New Drugs on Humans; Statement of Policy," Section 130.37(a) reads: ". . . the act provides that regulations on use of investigational new drugs on human beings shall impose the condition that investigators obtain the consent of such human beings or their representatives, *except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings.*" (Emphasis added).

The exceptions certainly open the door for possible abuses. And there have been charges of such abuses. For instance, several years ago New York State Senator Seymour Thaler declared that municipal and state hospitals in New York City were performing medical experiments on indigent patients without their consent. He also said that Willowbrook State Hospital on Staten Island "took 500 mentally retarded children, 3 to 9 years old, and injected them with a live hepatitis virus because officials wanted to start a hepatitis research program."

How accurate the senator's charges were we don't know, but the important thing is that human beings, and children especially, should never be put in a spot where they could become the guinea pigs for the experimenters and the social planners. Yet, this is what much of the legislation now before Congress would make possible.

Write your congressman to oppose these child "advocacy" schemes, or if you're not a letter writer and you agree with the views of this editorial, clip it out and mail it to him. It could help to prevent a government takeover of the younger generation.

[From the Piedmont-Oakland (Calif.) Bulletin, Aug. 4, 1971]

FEDERAL CONTROL OF CHILDREN?

There is deep and increasing concern over the many proposals now before Congress to establish "child advocacy" laws which would, in effect, provide a sort of ombudsman to represent juveniles against their parents, their school and even the courts whenever these children claim abuse, neglect or other unjust treatment.

The principal danger with "child advocacy" laws is that they would tend to drive a wedge between parent and child instead of serving to unify the family. They would also substitute State control more and more for parental authority.

Admittedly, there are parents who are not fit to be parents and under existing laws in acute cases children are removed temporarily or permanently from their control. But whatever faults might be corrected through injecting more State control into the home, the school and courts would certainly be outweighed by the mischief it would create.

Any law or practice that would be of genuine benefit to children deserves support. But experience shows that government at any level is not equipped to take over the duties of parents or to dictate in detail just how children shall be raised.

The basic question is whether government shall be allowed to become the "big brother" to every person under 21 (and eventually over 21) and have virtually full control over the "minds and bodies" of America's youth.

Recently, national columnist Paul Scott pointed out that part of this developing struggle over the control of children centers around the establishment of federally financed child day care facilities for working mothers.

On the face of it, such centers might well serve a constructive purpose in enabling the working mother to have good care for her offspring while supporting, or helping to support, her family.

Ah, but there's a catch! The plan as conceived at the White House Conference on Children held late last year is not merely to keep tykes happy while mama is away but to undertake "full child development" from the time the babes enter at six months until they leave at six years of age.

Who will dictate what kind of "development" there will be? Lest you think we're overly suspicious, Columnist Scott notes that among the "powerful forces at work both within and outside of Government" supporting federally-financed child centers are those who "want to create a new world that accepts new types of families beside the traditional nuclear family, consisting of father, mother, and offspring living together. The new life style would include communal group marriages, single unwed parent families, and even homosexual families with children."

Then there is the statement by Dr. Edward P. Zigler, head of the Department of Education and Welfare's Office of Child Development who said of the proposed day care centers: "Bringing these children together at an early age of life (first six years) is one of the best ways to achieve socio-economic integration." And, we might add, to train them along lines which the social planners and experimenters deem, in their great wisdom, to be best for the youngsters, their parents and the country as a whole.

Finally, there is the question of money to finance such massive programs. Dr. Zigler says it would cost only $400 million the first year but by 1974 it would cost $12 billion annually.

To us, that seems a mighty fancy price to pay for something that would certainly cause far more harm than good.

[From the National Laymen's Digest (Wheaton, Ill.), Sept. 15, 1971]

YOUR CHILDREN ARE THE TARGET

Leaders of the Communist Party of the United States are on record in the official party publications as having called for the federal government of the United States to appropriate fantastic sums of money for relieving mothers of the responsibility of raising their children and for putting their children in "Day Care" Centers so that the psychiatrists, psychologists and "molders of the new citizen" can work on the kids, from 1 year of age on up.

Now comes the shocker! A spate of bills have been introduced into both the House of Representatives and the United States Senate by the usual liberal legislative coterie calling for the exact same thing, with the initial appropriation to be at least 10 billion dollars and then increasing, year after year, to astronomical sums! "Day Care," or "Child Care," centers are to be built in every sizeable city in the U.S. and staffed by "professionals" who will help erase all the "prejudices" of the little tots which might have been instilled in them by their ignorant parents and prepare them for the brave new perfect society which the brain-twisters promise to bring in, worldwide.

Such "care," it is also stated, will allow the mothers who are now on "welfare" to take jobs, supposing of course, that all the welfare mothers" *want* to work instead of getting a federal handout! Even mothers who don't need to work can take advantage of this State training so as to release them for other things. Some of the advocates also mention that some mothers just aren't capable of raising children correctly, and, therefore, should turn the children over to the experts. A White House Cabinet post for the top federal administrator of these programs has even been suggested. He or she will be known as the Child Advocate.

[The Tacoma (Wash.) News Tribune, Oct. 21, 1971]

BIG BROTHERITIS

Working women, members of Women's Lib and other groups have been advocating a system of child care centers, subsidized by the Federal Government, to free them from the restrictive life of small children at home. Congress is well on the way toward granting them their wish.

It would not hurt, however, for all parents, including the advocates, to take a look at the fine print. The House of Representatives already has passed its version of the program, providing for the establishment of Child Development Programs, Child Development Councils, and a model Federal Government Child Development Program.

If that does not cover everything, the bill also would establish National Child Advocacy Projects, a sort of neighborhood trouble finder.

These various projects would have much to say about the early lives of young children, including their "mental, physical and social examination, diagnosis, identification and treatment." The neighborhood advocacy offices would be empowered to advise, recommend and take "such actions as may be appropriate" regarding a child or his family.

America is going through some profound social changes, but is it ready to abandon the family and its concept of parental responsibility? Is it going to hand this responsibility over to the state? Provisions such as those Congress has under consideration would take a long step in that direction.

[From the Western Sun (Everett, Wash.), Oct. 1, 1971]

NEWS & COMMENT

(By Willis Tucker)

The first piece of legislation that will see our future generations become "children of a federal clerk" was passed in the House yesterday and we can't help but believe it was the beginning of doomsday for individual freedom.

If these seem like strong sentiments, they should be, for anytime the rearing, caring and education of your child in its most impressionable age is left to a maid hired by the federal government, we are in deep trouble.

In the first place, mothers should be home with children from 0 to 6 years of age. They need their mothers for the zillion things that only mothers can do. Like love. If we must spend $20 billion (yes, friends, $20 billion—and that's only a start) a year, it would be far better to pay the mother who is destitute to stay home rather than pay her—in effect—for going to work and leaving her child with a stranger.

This program will cost billions of dollars a year for the rest of our lives, increasing each year as delegation of parental authority and responsibility becomes easier to live with psychologically.

But this is only the beginning. There are dozens of similar bills now floating around the House just waiting for our Congressmen to give them the formal blessing. We are still puzzled at why it takes so many bills with different numbers and different titles—and different sponsors—to fill the need for federal babysitting services. Frankly, it smells to high heaven and the cost is in equal proportion to the stench.

Representative ——— of Oregon gave the weakest argument of all for the child care measure: "This is not a takeover," she said. "This is quite different. It gives children of working mothers . . . a place to go where somebody does care."

Mrs. ———, and any woman, should know that nobody can ever replace a child's mother. Not even a carefully selected federal clerk. Or perhaps it would be appropriate to say, especially a federal clerk.

MICHIGAN STATE LEGISLATURE PROPOSES AMENDMENT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the secretary of the Senate of the State of Michigan, Beryl I. Kenyon, has forwarded to me a copy of Senate Concurrent Resolution No. 172 adopted by the Michigan Legislature on October 28, 1971, which applies to the Congress for a convention to propose as an amendment to the Constitution of the United States the following article:

> No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin.

A copy of this resolution is also being sent to each of the legislatures in the several States. Under the procedure provided in article V of the Constitution, when two-thirds of the State legislatures make similar applications to the Congress, a convention is then called to propose such an amendment. If it is then approved by legislatures or conventions in three-fourths of the States, the amendment is ratified.

I commend Michigan Senate Congressional Resolution 172 to the attention of my colleagues, many of whom share deep concern over the question of the busing of schoolchildren:

SENATE CONCURRENT RESOLUTION NO. 172

(Offered by Senators Bowman, McCauley, Gray and Lodge)

A concurrent resolution applying to the Congress for a convention to propose an amendment to the Constitution of the United States

Resolved, By the Legislature of the State of Michigan, That said Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

ARTICLE ——

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and be it further

Resolved, That this application by the Legislature of the State of Michigan constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and be it further

Resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Michigan interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendmetns on the same or different propositions; and be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

Adopted by the Senate, October 27, 1971.

Adopted by the House of Representatives, October 28, 1971.

BERYL I. KENYON,
Secretary of the Senate.
T. THOS. THATCHER,
Clerk of the House of Representatives.

THE LITTLE WHITE HOUSE STILL DRAWS THOUSANDS

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HAGAN. Mr. Speaker, after more than two and a half decades, the Little White House at Warm Springs, Ga., still draws thousands of visitors from over the world.

The death of Franklin D. Roosevelt came at a critical hour in America's history. He had led his country longer than any man. The news of his death shocked the world.

It is no wonder that already this year 41 countries have been represented among the thousands of visitors. The Little White House memorial is well operated and is a credit to the memory of a great President.

Mr. Speaker, I would like to bring to your attention and that of my colleagues an article on this subject which appeared in the Savannah Morning News on November 1, 1971. The article follows:

FDR SITE TOURIST MAGNET

Warm Springs.—Tourists from 41 foreign countries included Roosevelt's Little White House in their tour of America this year. Almost a thousand guests from overseas visited the shrine at Warm Springs.

Georgians continue to lead the list of visitors to the late president's home. Of the 128,557 persons who toured the house and museum, almost one-third were from Georgia. Next came Alabama with about one-third as many as Georgia, then Florida, Tennessee, Ohio, North Carolina and South Carolina, in that order.

All 50 states had residents to sign in at the Little White House. Visitors also came from the District of Columbia, Puerto Rico, the Canal Zone and Canada.

Tourists often spend the major part of the day at the Roosevelt home and museum and about the grounds, reported executive director Frank W. Allcorn Jr. Visitors since the Shrine opened in 1943 now exceed 2,360,000.

Roosevelt's Little White House is located 70 miles south of Atlanta on Ga. 85-W and U.S. 27-A. 38 miles north of Columbus. It is open from 9 a.m. until 5 p.m. each day.

DECISION OF THE U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT, COMMONWEALTH OF MASSACHUSETTS, AGAINST MELVIN R. LAIRD

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HARRINGTON. Mr. Speaker, tomorrow we will be voting on an amendment to the appropriations bill requiring an orderly withdrawal from military involvement in Southeast Asia. Last month, the First Circuit Court of Appeals invalidated a Massachusetts statute challenging the war in Vietnam on constitutional grounds. The statute claimed that the war violated the constitutional requirement that Congress declare war. The court, with all three judges of the circuit court in agreement, held that Congress in fact had legitimated the war by repeatedly appropriating funds for it. With this pronouncement by the highest court yet to rule on the question of the war, it is no longer possible for Members of this House to claim that their vote for the appropriation can be divorced from the question of the legitimacy of the war itself. I urge all of my colleagues to read this opinion written by a former Member of this body who can hardly be accused of unfamiliarity with its processes—and to keep it in mind when they vote on the Boland amendment.

The court opinion follows:

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT

(No. 71-1177)

COMMONWEALTH OF MASSACHUSETTS, ET AL., PLAINTIFFS, APPELLANTS, VS. MELVIN R. LAIRD, ETC., DEFENDANT, APPELLEE

COFFIN, *Circuit Judge.* The question sought to be raised in this action is whether the United States involvement in Vietnam is unconstitutional, a war not having been declared or ratified by the Congress. Plaintiffs seek a declaration of unconstitutionality and an injunction against the Secretary of Defense barring further orders to duty in Southeast Asia of Massachusetts inhabitants if within ninety days of a decree the Congress has not declared war or otherwise authorized United States participation.

The individual plaintiffs are residents of Massachusetts and members of the United States forces who are either serving in Southeast Asia or are subject to such service. They allege that their forced service in an undeclared war is a deprivation of liberty in violation of the due process clause of the Fifth Amendment. The Commonwealth of Massachusetts is a plaintiff pursuant to an act of its legislature proscribing military service by its inhabitants in the conduct of extra-territorial non-emergency armed hostilities in the absence of a Congressional declaration of war and directing its Attorney General to bring an action in the Supreme Court, or in the event of a final determination that such action is not one of which that Court has original jurisdiction,[1] an action in an inferior federal court to defend the rights of its inhabitants and of the Commonwealth. M.G.L.A. c. 33 app., § 26-1.

The complaint, alleging active engagement by the United States in Indochina in armed hostilities "for the last six years," traces the familiar and unhappy history of escalation since 1950: assistance to the French, the first American casualties in 1959, the accumulation of 23,000 "military advisors" by 1964, the Gulf of Tonkin Resolution in the same year, and the subsequent exponential increase in air strike sorties, troops, casualties, and expenditures. The complaint repeatedly alleges the absence of a Congressional declaration of war or ratification. The Commonwealth alleges damage both as a sovereign state and as *parens patriae*, citing the deaths and injuries of its inhabitants, consequential loss of their prospective civic and tax contributions, increased claims of dependents, additional burdens on its economy, disadvantage to its absentee voters, mass demonstrations, and damage to its public's morale. It also asserts its interest in "maintaining the integrity of the Constitution" which is allegedly impaired in that "one branch, the executive, has exercised war-making powers, which the Commonwealth and its sister states had agreed would be exercised only by Congress."

The district court dismissed the complaint, relying on the alternate grounds that the controversy was not justiciable and that, if justiciable, continual Congressional legislation in support of the Vietnam war was implied sufficient authorization. 327 F. Supp. 378 (D. Mass. 1971).

As to threshold matters, we reject respondent's claim that subject matter jurisdiction is lacking. As we understand the argument, it is partly a restatement of arguments against justiciability. What remains is the contention that, since the substantiality of plaintiffs' constitutional claims is challenged, there is lack of subject matter jurisdiction, citing *Powell* v. *McCormack,* 395 U.S. 486, 514 n. 37 (1969). No such doctrine can be drawn from *Powell;* the contrary was made clear in *Baker* v. *Carr,* 369 U.S. 186, 199 (1962), i.e., that only if a claim is absolutely devoid of merit or frivolous could dismissal for lack of jurisdiction be justified. Nor do we find any merit in the claim that the individual plaintiffs, particularly those serving in Southeast Asia, lack standing. *Berk* v. *Laird,* 429 F. 2d 302 (2d Cir. 1970).

We do not see, however, that Massachusetts achieves any special status as a protector of the rights of its citizens, solely as United States citizens, and not as a sovereign with unique interests. *South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966). *See also,* Note, *The Supreme Court as Arbitrator in the Conflict Between Presidential and Congressional War-Making Powers,* 50 B.U. L. Rev. 78, 79 n. 9 (Special Issue 1970). The traditional rationale is that the federal government is "the ultimate *parens patriae* of every American citizen," 383 U.S. at 324. This admittedly seems inappropriate in a suit challenging the constitutionality of a war waged by the putative *parens.* Suffice it to say that some of the plaintiffs are properly before us.

While the challenge to the constitutionality of our participation in the Vietnam war is a large question, so also is the question

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Footnotes at end of article.

whether such an issue is given to the courts to decide, under the circumstances of this case. The Supreme Court has thus far not ruled on the latter issue in this context. Other federal courts have differed in their rationales.[2] Scholars have probed "the political question" and have found it just as much an impenetrable thicket as have the courts.[3]

In our own search for a principled resolution of the question of the appropriateness of our deciding the merits, we seek first to understand the theory of the complaint, then to identify the appropriate legal standard, and finally to apply that standard to the issue raised.

The Massachusetts statute, pursuant to which plaintiffs bring this action, is based on the simple proposition that participation by the United States in hostilities other than an emergency is unconstitutional unless "initially authorized or subsequently ratified by a congressional declaration of war according to the constitutionally established procedures in Article I, Section 8, Clause 11th, of the Constitution." [4] M.G.L.A. c. 33 app., § 26.1. The complaint expands this theory by recognizing that constitutionality could be achieved by a "constitutional equivalent" for a declaration of war or by specific ratification of executive actions.

In any event, despite some language charging the executive with exercising the "war-making powers" of Congress, the thrust of the complaint is not that the executive has usurped a power—the power to declare war—given to Congress. There is no claim that the executive has made any declaration. The charge is, rather, that since hostilities have long since transcended a response to an emergency, both Congress and the executive have acted unconstitutionally in sustaining the hostilities without a Congressional declaration of war. In effect the relief sought by the complaint is to order the executive to "get out or get a declaration from Congress."

Plaintiffs have understandably devoted considerable attention to the criteria of justiciability catalogued in *Baker* v. *Carr*, 369 U.S. 189 (1962).[5] In assessing what have been termed the "prudential" and "functional" factors,[6] they assert that there are judicially discoverable standards for determining whether hostilities in Vietnam require a declaration of war; that no nonjudicial policy determination is required—only a determination of authority; that no lack of disrespect to coordinate branches will be shown, but, rather, respect for the Constitution; that circumstances do not require unquestioning adherence to a political decision already made; and that, with a court acting as final arbiter, there is no risk of embarrassment from multifarious pronouncements.

We are not so sanguine that these factors can be so easily disposed of. Perhaps they impose no insuperable obstacle to principled decision in the case of long-continued, large-scale hostilities. But, once given the principle that a plaintiff may challenge the constitutionality of undeclared military operations, a court must be prepared to adjudicate whether actions are justified as emergency ones needing no declaration, or have gone beyond this bound. In the latter event the court must adjudicate whether Congress has expressly or impliedly ratified them. Workable standards, fact finding, the prospect of conflicting inferior court decisions, and other factors might well give pause to the most intrepid court.

We do not, however, rely on these factors. Partly we feel that to base abstinence on such pragmatic, if realistic, considerations is not desirable unless so clearly dictated by circumstances that it cannot be mistaken as abdication. Moreover, on a question so dominant in the minds of so many, we deem it important to rule as a matter of constitutional interpretation if at all possible. Finally, and of course most pertinently, we derive recent guidance from the Supreme Court's approach in *Powell* v. *McCormack*, 395 U.S. 486 (1969), giving dominant consideration to the first decisional factor listed in *Baker* v. *Carr, supra*. This is the inquiry "whether there is a 'textually demonstrable constitutional commitment of the issue to a coordinate political department' of government and what is the scope of such commitment." 395 U.S. at 521.

To this critical factor of textual commitment, plaintiffs devoted one paragraph of their lengthy brief. They construed the issue as "judicial assessment of executive action in Vietnam against a constitutional standard." So phrased, the issue is of course, by definition, committed to the judiciary. Were the issue to be so defined, the Court in *Powell* v. *McCormack, supra,* would have spared itself much difficulty by stating simply that the issue was "judicial assessment of the action of the House in expelling a member against a constitutional standard." [7] In short, to any issue of challenged authority could be affixed the phrase "judicial assessment", and, by the affixing, the criterion of textual commitment eradicated. While the Court in *Powell* finally was able to pose the issue before it in substantially similar terms, it was only after a very lengthy discussion concluding that there had been no textual commitment of the unlimited power of expulsion to the House, and that none of the other factors of non-justiciability listed in *Baker* v. *Carr, supra,* applied.

These observations do not spare us the task of trying to identify the scope of the power which has been committed to a coordinate branch in this case. The complaint at one point alleges that the executive has usurped the war-making power of Congress but more generally alleges that, the executive errs only in proceeding to make war without Congressional declaration or ratification. This very ambiguity underscores the fact that the war power of the country is an amalgam of powers, some distinct and others less sharply limned. In certain respects, the executive and the Congress may act independently. The Congress may without executive cooperation declare war, thus triggering treaty obligations and domestic emergency powers. The executive may without Congressional participation repel attack,[8] perhaps catapulting the country into a major conflict. But beyond these independent powers, each of which has its own rationale, the Constitutional scheme envisages the joint participation of the Congress and the executive in determining the scale and duration of hostilities. To Congress is granted the power to appropriate funds for sustaining armies. Article I, Section 8, Clause 12th. An analogous power given to the President is his power as Commander-in-Chief to station forces abroad. Article II, Section 2. *Johnson* v. *Eisentrager*, 339 U.S. 763 (1950). Congress has the power to concur in or to counter the President's actions by its exclusive authority to appropriate monies in support of an army, navy and air force, Article I, Section 8, Clause 12th,[9] and by granting letters of marque and reprisal. Article I, Section 8, Clause 11th.

While the fact of shared war-making powers is clearly established by the Constitution, however, and some of its elements are indicated, a number of relevant specifics are missing. The Constitution does not contain an explicit provision to indicate whether these interdependent powers can properly be employed to sustain hostilities in the absence of a Congressional declaration of war. Hence this case.

The brief debate of the Founding Fathers sheds no light on this.[10] All we can observe, after almost two centuries, is that the extreme supporters of each branch lost; Congress did not receive the power to "make war"; the executive was given the power to repel attacks and conduct operations; the Congress was given the power to "declare" war—and nothing was said about undeclared hostilities.

Under these circumstances, what can we say was "textually committed" to the Congress or to the executive? Strictly speaking, we lack the text. Yet it "[d]eciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation", *Baker* v. *Carr, supra,* 369 U.S. at 211, surely our task is more than passing. We must have some license to construe the sense of the Constitutional framework, wholly apart from any doctrine of implied powers inherent in sovereignty, *cf. United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 315–18 (1936).

We observe, first, that the Founders' silence on the subject of hostilities beyond repelling attack and without a declaration of war was not because the phenomenon was unknown. In The Federalist No. 25, Hamilton, in opposing a proposed prohibition on raising armies in time of peace, described the effect of such a prohibition in these words: "As the ceremony of a formal denunciation of war has of late fallen into disuse, the presence of an enemy within our territories must be waited for, as the legal warrant to the government to begin its levies of men . . . ." The Federalist No. 25, at 156 (Mod. Lib. ed.) (Hamilton)

Secondly, we note that the Congressional power to declare war implies a negative: no one else has that power. But is the more general negative implied—that Congress has no power to support a state of belligerency beyond repelling attack and short of a declared war? The drafters of the Constitution, who were not inept, did not say, "power to commence war". Nor did they say, "No war shall be engaged in without a declaration by Congress unless the country is 'actually invaded, or in such imminent Danger as will not admit of delay.' " (Language from Article I, Section, 10, proscribing states from engaging in war.) Nor did they resort to other uses of the negative as they so often did elsewhere. *See, e.g.,* Article I, Section 9. And the "declare" power was not, like the "judge" power of the House of Representatives, Article I, Section 5, in a context limited by another specific provision, such as that specifying the three qualifications of a Representative. *See Powell* v. *McCormack, supra*.

Finally, we give some significance to the fact that in the same "power to declare war clause", Article I, Section 8, Clause 11th, there is the power to grant letters of marque and reprisal. Were this a power attendant to and dependent upon a declared war, there would be no reason to specify it separately. Indeed, it was first broached by Gerry as a matter not included in the "declare" power. 2 Farrand 326. Nevertheless, this is a power to be invoked only against an enemy. It is clear that there can be an "enemy", even though our country is not in a declared war. *Bas V. Tingy, 4 U.S.* (4 Dall.) 37 (1800).[11] The hostilities against France in 1799 were obviously not confined to repelling attack. This was an authorized but undeclared state of warfare. *See also, Prize Cases*, 67 U.S. (2 Black) 635 (1862).

As to the power to conduct undeclared hostilities beyond emergency defense, then, we are inclined to believe that the Constitution, in giving some essential powers to Congress and others to the executive, committed the matter to both branches, whose joint concord precludes the judiciary from measuring a specific executive action against any specific clause in isolation. *Cf. Oetjen* v. *Central Leather Co.*, 246 U.S. 297, 302 (1918).[12] In arriving at this conclusion we are aware that while we have addressed the problem of justiciability in the light of the textual commitment criterion, we have also addressed the merits of the constitutional issue. We think, however, that this is inherent when the constitutional issue is posed in terms of scope of authority.

In the circumstance where powers are interrelated, Mr. Justice Jackson has said that:

"When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference, or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 637 (1952) (concurring opinion).

We need not go so far as to say that in a situation of shared powers, the executive acting and the Congress silent, no constitutional issue arises. Here the complaint itself alleges the escalation of expenditures supporting United States efforts in Vietnam from $1.7 billion in 1965 to over $30 billion annually today, and a total expenditure over the past decade of $110 billion. Whether or not such appropriating and other actions of the Congress during the past six years can be said to amount to an "equivalent" of a declaration, or express or implied ratification is an issue we do not reach. At the very least, the complaint reveals a prolonged period of Congressional support of executive activities.

All we hold here is that in a situation of prolonged but undeclared hostilities, where the executive continues to act not only in the absence of any conflicting Congressional claim of authority but with steady Congressional support, the Constitution has not been breached. The war in Vietnam is a product of the jointly supportive actions of the two branches to whom the congeries of the war powers have been committed. Because the branches are not in opposition, there is no necessity of determining boundaries. Should either branch be opposed to the continuance of hostilities, however, and present the issue in clear terms, a court might well take a different view. This question we do not face. Nor does the prospect that such a question might be posed indicate a different answer in the present case.

Affirmed.

FOOTNOTES

[1] The Supreme Court denied leave to file a similar complaint, Justice Douglas contending in dissent that Massachusetts had standing and that the matter was justiciable. *Massachusetts* v. *Laird*, 400 U.S. 886 (1970). Since the disposition does not purport to decide the case, it technically does not qualify as a "final determination" as required by the Massachusetts statute. We do not deem this fact relevant to the proceedings before us.

[2] The spectrum of analysis is indicated by the positions taken vis-a-vis the "political question" in the following cases: *Luftig* v. *McNamara*, 373 F. 2d 664, 666 (D.C. Cir.), *cert. denied*, 389 U.S. 934 (1967)—"plainly the exclusive province of Congress and the Executive"; *United States* v. *Sisson*, 294 F. Supp. 511 (D. Mass. 1968)—evidence, policy considerations, and constitutional principles beyond normal judicial expertise; *Velvel* v. *Johnson*, 287 F. Supp. 846 (D. Kan. 1968)—activities of government "under the direction of the President, fall within the political question", 287 F. Supp. at 850; also, committed to both branches, *id.* at 852; also, "decisions of basic national policy, as of foreign policy, present no judicially cognizable issue", *id.* at 853; *Davi* v. *Laird*, 318 F. Supp. 478 (W.D. Va. 1970), "clearly demonstrate commitment . . . to the legislative branch", *id.* at 482, and to the other "political branches", *id.* at 484; *Berk* v. *Laird* [I], (E.D. N.Y. 1970) (unreported)—issue committed to Commander-in-Chief; *Berk* v. *Laird* [II], 429 F. 2d 302 (2d Cir. 1970)—orders to fight are generally justiciable, the judicially discoverable standard being some mutual participation of Congress and the executive, but would be political question if standards lacking to judge adequacy of participation; *Berk* v. *Laird* [III], 317 F. Supp. 715 (E.D. N.Y. 1970)—"Congressional authorization here is sufficiently 'explicit' to satisfy constitutional requirements", *id.* at 730, but method of authorization is a political question; *Orlando* v. *Laird* [I], 317 F. Supp. 1013 (E.D. N.Y. 1970)—"reality of the collaborative action . . . required by the Constitution has been present", *id.* at 1019; *Orlando* v. *Laird* [II], F. 2d (2d Cir. April 20, 1971), *cert. denied*, October 12, 1971—standard is some mutual participation, sufficiency of participation is not foreclosed by political question doctrine, but choice in form between a Congressional declaration and war-supporting legislation is a political question, courts having no standard by which to judge. *Contra*, *Mottola* v. *Nixon*, 318 F. Supp. 538 (N.D. Cal. 1970)—this is an issue of "plain constitutional interpretation", *id.* at 551, from which courts ought not "shy away on 'political question' grounds", *id.* at 550.

[3] For overview, see Note, *The Supreme Court as Arbitrator in the Conflict Between Presidential and Congressional War-Making Powers*, 50 B.U.L. Rev. 78, 83–84 (Special Issue 1970). For analysis in terms of "classical", "prudential", and "functional" views, see Scharpf, *Judicial Review and the Political Question: A Functional Analysis*, 75 Yale L. J. 517 (1966). For an exposition of the "classical" view, see Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 Harv. L. Rev. 1 (1959) and for critical comment on *Powell* v. *McCormack*, 395 U.S. 486 (1969), see Note, *The Supreme Court, 1968 Term*, 83 Harv. L. Rev. 1, 62–77 (1969). *See generally*, Monaghan, *Presidential War-Making*, 50 B.U.L. Rev. 19 (Special Issue 1970); Note, *Congress, The President, and The Power to Commit Forces to Combat*, 81 Harv. L. Rev. 1771 (1968); Velvel, *Undeclared War and Civil Disobedience*, (1970).

[4] The Congress shall have power . . . to declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."

[5] Those factors were "a textually demonstrable constitutional commitment of the issue to a coordinate political department; or lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multi-farious pronouncements by various departments on one question." 369 U.S. at 217.

[6] *See* Scharpf, n. 3 *supra.*

[7] Similarly, the plaintiffs' theory does not account for the failure of the Court in *Luther* v. *Borden*, 48 U.S. (7 How.) 1 (1849) to pose the issue as "judicial assessment, against a constitutional standard, of failure of Congress to guarantee a republican form of government."

[8] 2 Farrand, *The Records of the Federal Convention of 1787*, 318 (1911).

[9] *See also*. Note, *The Appropriations Power as a Tool of Congressional Foreign Policy Making*, 50 B.U.L. Rev. 34 (Special Issue 1970).

[10] It was, from the skeletal report in Farrand [(2 Farrand, 318–319)], less than encyclopedic in its coverage. The sequence of deliberations was as follows: (1) the draft constitutional provision, allowing the Congress "to make war" was moved; (2) Pinkney opposed, saying the Senate was better suited for expedition and wisdom than both houses jointly; (3) Butler, for the same reasons, thought the power should be in the President; (4) then Madison and Gerry moved to change "make" to "declare", "leaving to the Executive the power to repel sudden attacks"; (5) Sharman [sic] thought the existing wording "stood very well", permitting the executive "to repel and not to commence war" and feeling that "declare" would "narrow" the power given to Congress; (6) Gerry interjected that he "never expected to hear in a republic a motion to empower the Executive alone to declare war"; (7) Elseworth [sic] said it should be more easy to get out of war than into it—but added that war "is a simple and overt declaration, peace attended with intricate and secret negotiations"; (8) Mason was against giving the power of war to the Executive or to the Senate; he was "for clogging rather than facilitating war; but for facilitating peace". 2 Farrand 318–319. The Journal records a first vote of 5 to 4 against changing "make" to "declare" and a second vote of 8 to 1 for making the change. 2 Farrand 313. One member was persuaded to vote for the change by the argument that "make" might be understood to mean "conduct", which was an executive function. Butler then moved to give Congress the power "to make peace"; this failed 10–0 Farrand 319.

[11] Justice Washington stated that "If [a war] be declared in form, it is called solemn, and is of the perfect kind . . ." but that "hostilities may subsist between two nations, more confined in its nature and extent being limited to places, persons and things; and this is more properly termed imperfect war. . . ." 4 U.S. (4 Dall.) at 40.

[12] "The conduct of the foreign relations of our Government is committed by the Constitution to the Executive Legislative—'the political'—Departments of the Government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision." 246 U.S. at 302. *Cf. Hamilton* v. *Dillin*, 88 U.S. (21 Wall.) 73 (1874). "[W]hatever view may be taken as to the precise boundary between the legislative and executive powers in reference to [trade with the Confederacy during wartime] there is no doubt that a concurrence of both affords ample foundation for any regulations on the subject." 88 U.S. (21 Wall.) at 88.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

GOLDEN JUBILEE IS MARKED BY MSGR. DONATO G. VALENTE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. DULSKI. Mr. Speaker, I was honored to be present Sunday, November 7, as a long time friend of mine, Rt. Rev. Msgr. Donato G. Valente, marked the 50th anniversary of his ordination to the priesthood.

Most of Monsignor Valente's priesthood—34 years—has been spent at St. Francis of Assisi Roman Catholic Church in Buffalo. During this period, he supervised construction of a new church, a school, a convent, and a rectory. These accomplishments are true reflections of his priestly dedication and leadership.

At the Golden Jubilee Testimonial Dinner for Monsignor Valente the principal remarks were made by Most Rev. Pius A. Benincasa, D.D., Auxilary Bishop of the Buffalo Diocese. The general chairman of the affair was Michael A. DiVincenzo with Michael A. Marchiolo serving as toastmaster.

Mr. Speaker, as part of my remarks I include an article by Mrs. Matthews in the Buffalo Courier-Express, also a parish biography of Monsignor Valente:

[From the Buffalo Courier-Express]

PRIEST TO MARK JUBILEE

(By Anne McIlhenney Matthews)

The Golden Jubilee of a great Buffalo priest will be celebrated with auspicious ceremonies Nov. 7. He is the Rt. Rev. Msgr. Donato G. Valente of St. Francis of Assissi Church on Schiller St.

He is one of the last two representatives of a wonderful Buffalo family. The father, Michael, came over from San Fele, as a laborer in 1881, with his wife and four children. He worked hard "at everything" says his son, Herman, who has done the same.

They lived in Beaver Alley and Scot St., then they moved to Hogan's Alley in "the Hooks" and then to a flat in Maiden Lane. About 1903–04 they moved to Busti Ave. (now Front Ave.) Four more children had been born . . . Father Don in March 11, 1893. As his big brother Herman says: "He was a real regular boy. He got into all kinds of trouble in grammar school."

Expelled by the principal, he went to Canisius High School and had a change of career and image. He decided to become a priest and enrolled in the Jesuit order and went to St. Andrews-on-Hudson.

The rigors of this order were too much for the frail lad and after five months he was sent home. He enrolled in Canisius High School and College and after graduation went to St. Bonaventure for grooming as a secular priest.

During all this Father Valente made the Hall of Fame at Canisius as a baseball player, and last year he was the recipient of the Peter Canisius Medal.

Msgr. Valente came from a poor but valorous family and earned his way through the priesthood via a loan from the Diocese which he paid back. For 10 years he assisted Rt. Rev. Msgr. Joseph Gambino at the Holy Cross Church at Maryland and Seventh and then he served throughout the depression in Falconer. Since that time he has been at the St. Francis of Assisi Church.

All of his sisters and brothers born in Italy are deceased—Mrs. Mary B. Tauriello, Anthony V., Dr. Frank V. and Dr. Victor V.

Of the four children born in Buffalo only two survive, Msgr. Valente and his brother Herman of Blue Hill Springville (summers) and Longboat Key, Florida (winters). James V. a brother, and Sister Mary St. Francis a nun of the order of the Good Shepherd are both deceased. Msgr. Valente is 78 years old.

Herman, the only surviving brother, is noted as a "squire" in Springville. His cabin home is a rendezvous for many well-known Buffalonians during the summertime. A fabulous cook, he is known as "Mister Frigidid" in Springville. This is a dish with basic thin-sliced potatoes, garlic and seasonal vegetables. Sometimes he accompanies it with dandelions and ham in the spring, and steak and corn in the fall.

Usually Herman retires to Florida at the first frost. This year he will delay his trek south until after the golden jubilee of his brother. In remembering the early days of his family in Buffalo Herman recalled as typical the career of his doctor brother.

"It wasn't easy," he said. "But lots did it. He just had four jobs before school opened, stores, furnaces, etc. We all did!"

A PARISH BIOGRAPHY OF RT. REV. MSGR. DONATO G. VALENTE

There have been many milestones in the life of Donato G. Valente. This one—the completion of fifty years of service in God's Priesthood—must be for him one of the greatest and most fulfilling.

His beginnings are well known to his parishioners and other friends. Born in Buffalo on March 11, 1893, son of Michael and Mary Josephine (Caputi) Valente, he and seven other children in the family managed to survive a childhood filled with hard work and loving discipline. Donato's youth was spent in many schools, because the family moved about quite a bit. Because of the lack of parochial schools at that time, he attended Public School No. 3 (Perry Street), No. 2 (Lower Terrace), and No. 1 (Seventh Street), in that order, surprisingly.

In September 1909, Donato registered at Canisius High School on Washington Street.

"It was my first experience in a Catholic school," he said, "the first time in an all boys school, the first time I wore a new suit, and the first time I ever made a spiritual retreat. All these things coming together at the same time made an extraordinary impact on my life."

During his high school years, Donato pitched on the Canisius Baseball Team, and after graduation, he entered the Jesuit Order at Poughkeepsie on the Hudson. The date was July 31, 1913, the feast of St. Ignatius Loyola. He wanted to be a priest like his teachers. But, after a few months, homesickness and the fear of unworthiness caused a nervous breakdown and he was forced to return home.

In 1914, he enrolled at Canisius College and again played on the baseball team. He received his Bachelor of Science degree in June 1918.

AN EARLY ORDINATION

In September 1919, he began his theological studies at St. Bonaventure Seminary—now Christ the King Seminary—where he applied himself wholeheartedly to his vocational training. Ordination Day came earlier than he expected—November 5, 1921—mainly because at the time the Diocese of Buffalo was in dire need of Italian-American priests. There were 21 in his class, ordained by the late Bishop Turner. (Today, only three remain, and Monsignor Valente is the oldest.) He was the first Italian-American priest born and educated in Buffalo for the Buffalo Diocese.

He was 28 years old, and his first assignment was to his home parish, Holy Cross Church, on Buffalo's west side, where he served for ten years.

In October 1931, in the midst of the depression, he was appointed pastor of Our Lady of Loretto Church in Falconer, New York. "Many factories were closed," he recalls, "and the collection averaged $15 on Sundays." This assignment lasted until June 30, 1936.

On July 1, 1937, he became pastor of St. Francis of Assisi Church in Buffalo, where he is today and where he will soon complete 35 years of service to the parish and to the community as well. His accomplishments are numerous and outstanding. After only five years at St. Francis, he succeeded in erasing a long-standing debt of over $26,000 which had been a burden to his predecessors for many years. The church and school, however, were extremely old at this point and soon would have to be replaced. (Incidentally, St. Francis of Assisi parish was then the only Italian parish in the City of Buffalo that supported a parochial school.) After paying the mortgage on the old property, the people expected a new church, but the late Bishop O'Hara ordered Father Valente to build a new school first. This was done at a cost of $200,000 and dedicated by Bishop O'Hara on September 10, 1950.

CONVENT HAS PRIORITY

Now, the parishioners expected a new church. But the Bishop intervened again, this time on behalf of the nuns who were commuting back and forth from the convent in Williamsville each day in all kinds of weather. And so the convent was built next, completed in 1952, at a cost of $90,000. Also, during this period, the parish was acquiring neighboring properties (six houses and a few lots) to make room for the new church and rectory.

The year 1959 was an especially eventful one. The cornerstone for the new church and rectory was laid and, as was inevitable, on January 5th, Father Valente was elevated by Pope Pius X to the dignity of Domestic Prelate with the title of Right Reverend Monsignor.

In May 1961, St. Francis of Assisi parish had a new church and rectory at a cost of $522,000.

Throughout the years, Monsignor Valente also spread his talents in other directions and his zealous work earned him various honors.

On September 28, 1949, Bishop O'Hara appointed him Spiritual Director of Holy Name District 8, and he continues in that post to this day.

On June 16, 1963, Canisius High School awarded him an Honorary Diploma as a Golden Jubilarian, at the high school's graduatioin exercises. It was presented to him by Father Donald L. Kirsch, S.J., who was then President and Rector.

CANISIUS HALL FAME

In April 1967, he was admitted and inscribed in the Baseball Hall of Fame at Canisius College for the years 1915–17.

Monsignor Valente is a past member of the Canisius High School and Canisius College Board of Governors; Life Member of the Di Gamma Honor Society of Canisius College; Perpetual Member of the Jesuit Seminary Association; Perpetual Member of The Society for the Propagation of the Faith; and Perpetual Member of St. Mary of the Angels Aid Society.

He is an eighteen year member of the Founders Club of Canisius High School. (The purpose of the Founders Club is to promote and actively support, endow and maintain by financial means and otherwise, the new Canisius High School of Buffalo, with its long history of educational achievement under the guidance and direction of the members of the Society of Jesus and pursuant to its charter from the Regents of the State of New York.)

This year, on June 13, Monsignor Valente was presented with the Peter Canisius Award, the school's highest award, for "outstanding services and devotion to Canisius High School." It was presented by Father Vincent P. Mooney, S.J., President and Rector of the school. Very few people have had this honor conferred upon them.

Monsignor Valente is now 78 years old. There is no doubt he will continue to earn new laurels as the years go by through his tireless service to God and to his fellow man.

The parishioners of St. Francis of Assisi recognize that they have been blessed with a spiritual leader of the highest calibre. They are, therefore, grateful to God for this opportunity to extend to Right Reverend Monsignor Donato G. Valente sincere congratulations on the occasion of his Golden Jubilee in the Priesthood, and to wish him many more years of continued good health and happiness in God's service.

OFFICE OF EDUCATION PROGRAMS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. PEYSER. Mr. Speaker, the Office of Education has prepared an excellent list of its programs which I would like to make available to the Members of the House in the hope that it will provide a useful index in their work with the Office of Education.

The list follows:

GROUP I: FOR CONSTRUCTION

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. Public schools	School Aid to Federally Impacted and Major Disaster Areas (P.L. 815).	Aid school districts in providing minimum school facilities in federally impacted and disaster areas.	$20,040,000	Local school districts	OE's Division of School Assistance in Federally Affected Areas.
2. Community colleges, Technical institutes.	Higher Education Facilities Act—title I.	Construct or improve academic facilities.	10,320,000	Public community colleges and technical institutes.	State commissions.
3. Other undergraduate facilities.	Higher Education Facilities Act—title I.	Construct or improve academic facilities.	32,680,000	Undergraduate institutions other than the above.	State commissions.
4. Interest subsidization, undergraduate and graduate facilities.	Higher Education Facilities Act—title III.	Loan assistance to construct or improve higher education facilities.	29,010,000	Public and private nonprofit institutions and building agencies.	OE—HEW Regional Offices.
5. Vocational facilities	Appalachian Regional Development Act of 1965.	Construct vocational education facilities in the Appalachian region.	24,000,000	State education agencies in Appalachian region.	OE's Division of Vocational and Technical Education.
6. Vocational schools	Vocational Education Act of 1963, as amended.	Construct or improve area vocational education school facilities.	(See 11–6)	Public secondary and post-secondary schools providing education in five or more fields.	State boards of vocational education (information from OE's Division of Voc.-Tech Education).
7. Public libraries	Library Services and Construction Act—title II.	Aid construction of public libraries	9,500,000	State library administrative agencies.	OE's Bureau of Libraries and Educational Technology.

GROUP II: TO INSTITUTIONS AND AGENCIES FOR PROGRAMS, INSTRUCTION, AND ADMINISTRATION

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
1. School maintenance and operation.	School Aid to Federally Impacted and Major Disaster Areas (P.L. 874).	Aid school districts on which Federal activities or major disasters have placed a financial burden.	$592,580,000	Local school districts	OE's Division of School Assistance in Federally Affected Areas.
2. Strengthening instruction in critical subjects in public schools.	National Defense Education Act—title III.	Strengthen instruction in 10 critically important subjects.	47,750,000	Local school districts	State education agencies.
3. Strengthening instruction in nonpublic schools.	National Defense Education Act—title III.	Loans to private schools to improve instruction in critical subjects.	250,000	Nonprofit private elementary and secondary schools.	OE's Division of State Agency Cooperation.
4. School library resources and instructional materials.	Elementary and Secondary Ed. Act—title II.	Support provision of school library resources, textbooks, and other instructional materials.	90,000,000	Local education agencies	State education agencies.
5. Supplementary centers	Elementary and Secondary Ed. Act—title III.	Support supplementary educational centers and services.	[1] 146,248,000	Local education agencies	State education agency or OE's Division of Plans and Supplementary Centers.
6. Vocational programs	Vocational Education Act of 1963, as amended.	Maintain, extend, and improve vocational education programs; develop programs in new occupations.	486,658,455	Public schools	State boards of vocational education (information from OE's Division of Voc.-Tech. Education).
7. Occupational training and retraining.	Manpower Development and Training Act of 1962, as amended.	Provide training programs to equip persons for work in needed employment fields.	140,000,000	Local school authorities (public, private nonprofit).	State vocational education agency (information from OE'S Division of Manpower Development and Training).
8. Desegregation assistance	Civil Rights Act of 1964	Aid school boards in hiring advisors training employees, and providing technical assistance on school desegregation.	8,700,000	School boards and other agencies responsible for public school operation.	OE's Division of Equal Educational Opportunities.
9. Teacher institutes (desegregation).	Civil Rights Act of 1964	Improve ability of school personnel to deal with school desegregation problems.	[2] 7,300,000	Colleges and universities	OE's Division of Equal Educational Opportunities.
10. Group projects abroad for language and area studies in non-Western areas.	Mutual Educational and Cultural Exchange Act, and P.L. 83-480 (in excess foreign currency countries).	Promote development of international studies.-	[3] 3,190,000	Colleges, universities, consortiums, local and State education agencies, nonprofit education organizations.	OE's Institute of International Studies.
11. Institutional cooperative research abroad for comparative and cross-cultural studies.	P.L. 83-480	Promote research on educational problems of mutual concern to American and foreign educators.	[4] (See II–10)	Colleges, universities, State departments of education.	OE's Institute of International Studies.
12. Modern foreign language graduate fellowships.	National Defense Education Act—title VI.	Enable U.S. institutions to assist graduate students training to be teachers or other specialists in foreign language and area studies.	[2] 6,000,000	Colleges and universities with language-area studies programs or summer programs of intensive study.	OE's Institute of International Studies.
13. Consultant services of foreign curriculum specialists.	Mutual Educational and Cultural Exchange Act and P.L. 83-480 (in excess foreign currency countries).	Support visists by foreign consultants to improve and develop resources for foreign lanaguage and area studies.	160,000	Colleges, consortiums, local and State education agencies, nonprofit education organizations.	OE's Institute of International Studies.
14. Language and area centers.	National Defense Education Act—title VI.	Support foreign language and area centers at U.S. institutions of higher education.	6,940,000	College sand universities	OE's Institute of International Studies.
15. Educational Personnel Training and Development.	Education Professions Development Act (P.L. 90-35).	Support to broaden and strengthen training of teachers and other educational personnel.	59,700,00	State and local education agencies, colleges, and universities.	OE's Bureau of Educational Personnel Development (limited applications will be accepted due to continuation costs of ongoing programs).
16. Special programs serving schools in low-income areas.	Education Professions Development Act (P.L. 90-35).	Train and retrain persons for career ladder positions and staff in urban and rural poverty schools and introduce change in the ways in which teachers are trained and utilized.	74,100,000	State and local education agencies, colleges, and universities.	OE's Bureau of Educational Personnel Development (limited applications will be accepted due to continuation costs of ongoing programs).

Footnotes at end of table.

GROUP II: TO INSTITUTIONS AND AGENCIES FOR PROGRAMS, INSTRUCTION, AND ADMINISTRATION—Continued

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
17. Media Specialists	Education Professions Development Act—Parts C and D.	Train specialized personnel for State or local instructional media support.	$1,800,000	Institutions of higher education, State and local education agencies.	OE's Bureau of Libraries and Educational Technology.
18. Projects in environmental education.	Environmental Education Act—(P.L. 91-516).	Develop environmental awareness through education programs.	3,514,000	Colleges, universities, and post secondary schools, local and State educational agencies, research organizations and other public and and private nonprofit agencies, institutions and organizations.	OE's Environmental Education Program, office of Priority Management.
19. Institutes, short-term training programs, and special projects.	Education Professions Development Act—part E.	Train teachers, administrators, and specialists serving or preparing to serve in higher education.	5,000,000	Colleges and universities	OE's Division of College Support.
20. National teaching fellowships and professors emeritus.[3]	Higher Education Act of 1965—title III.	Strengthen the teaching resources of developing institutions.	[3] (See 11-61)	Developing institutions nominating prospective fellows from established institutions and retired scholars.	OE's Division of College Support.
21. Research training	Cooperative Research Act—(amended by ESEA—title IV).	Develop and strengthen programs for training educational research personnel.	3,500,000	Education agencies and public and private institutions and organizations.	OE's National Center for Educational Research and Development.
22. Information and recruitment grants.	Education of the Handicapped Act—title VI-D (P.L. 91-230).	Improve recruiting of personnel and dissemination of information on educational opportunities or handicapped.	[2] 500,000	Public or nonprofit agencies, organizations, private agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
23. Educational broadcasting facilities.	Public Broadcasting Act of 1967, as amended.	Aid in the acquisition and installation of broadcast equipment for educational radio and TV.	13,000,000	Nonprofit agencies, public colleges, State broadcast agencies, education agencies.	OE's Bureau of Libraries and Educational Technology.
24. Training for library service	Higher Education Act of 1965—title II-B.	Increase opportunities for training in librarianship.	2,000,000	Colleges and universities	OE's Bureau of Libraries and Educational Technology.
25. Public library services	Library Services and Construction Act—title I.	Extend and improve public library services, institutional library services and library services to physically handicapped.	46,568,000	State library administrative agencies	OE's Bureau of Libraries and Educational Technology.
26. Interlibrary cooperation	Library Services and Construction Act—title III.	Establishment and operation of cooperative networks of libraries.	2,640,500	State library administrative agencies	OE's Bureau of Libraries and Educational Technology.
27. College library resources	Higher Education Act of 1965—title II-A.	Strengthen library resources of junior colleges, colleges, universities, and post-secondary vocational schools.	11,000,000	Institutions of higher education and combinations thereof and branches of institutions of higher education.	OE's Bureau of Libraries and Educational Technology.
28. Undergraduate equipment grants (including CCTV).	Higher Education Act of 1965—title VI-A.	Improve undergraduate instruction	12,500,000	Institutions of higher education including vocational and technical schools and hospital schools of nursing.	OE's Bureau of Libraries and Educational Technology.
29. Student loans—matching funds.	National Defense Education Act—title II.	Loans to post-secondary institutions unable to meet program's matching obligations.	2,000,000	Accredited educational institutions (including business schools and technical institutes).	OE's Division of Student Financial Aid.
30. Cuban student loans	Migration and Refugee Assistance Act.	Provide a loan fund to aid Cuban refugee students.	4,800,000	Colleges and universities	OE's Division of Student Financial Aid.
31. College work-study	Higher Education Act of 1965—title IV-C.	Provide part-time employment for post-secondary students.	[5] 401,000,000	Colleges, universities, vocational and proprietary schools.	OE's Division of Student Financial Aid.
32. Educational opportunity grants.	Higher Education Act of 1965—title IV-A.	Assist students of exceptional financial need to go to college.	[6] 175,300,000	Institutions of higher education	OE's Division of Student Financial Aid.
33. Talent Search	Higher Education Act of 1965—title IV-A, as amended by the Higher Education Amendments of 1968—title I-A.	Assist in identifying and encouraging promising students to complete high school and pursue post-secondary education.	5,000,000	Institutions of higher education and combinations of such institutions, public and private nonprofit agencies, and public and private organizations.	OE's Division of Student Special Services.
34. Upward Bound	Higher Education Amendments of 1968—title I-A.	Precollege program for young people from low-income backgrounds and inadequate high school preparation.	32,669,000	Institutions of higher education and secondary or post-secondary schools capable of providing residential facilities.	OE's Division of Student Special Services.
35. Student special services	Higher Education Amendments of 1968—title I-A.	Assist low-income and handicapped students to complete post-secondary education.	15,000,000	Accredited institutions of higher education or consortiums.	OE's Division of Student Special Services.
36. Follow Through	Economic Opportunity Act of 1964.	Extend gains into primary grades of deprived children in Head Start or similar pre-school program.	60,060,000	Local education or other agencies nominated by State education agencies in accordance with OE and OEO criteria.	Application by invitation only.
37. Programs for disadvantaged children, including neglected and delinquent children in local institutions.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To meet educational needs of deprived children.	1,372,315,840	Local school districts	State education agencies.
38. Program for migratory children.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To meet educational needs of children of migratory farm workers.	61,075,497	Local school districts	State education agencies.
39. Programs for children in State institutions for the neglected and delinquent.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	Improve the education of delinquent and neglected children in State institutions.	19,296,851	State parent agencies	State education agencies.
40. Programs for Indian children.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To provide additional educational assistance to Indian children in federally operated schools.	12,094,000	Bureau of Indian Affairs schools	Bureau of Indian Affairs, Department of Interior.
41. Bilingual education	Elementary and Secondary Ed. Act—title VII.	Develop and operate programs for children aged 3-18 who have limited English-speaking ability.	34,880,000	Local education agencies or institutions of higher education applying jointly with local education agencies.	State education agencies and OE's Division of Plans and Supplementary Centers.
42. Dropout prevention	Elementary and Secondary Ed. Act—title VIII.	Develop and demonstrate educational practices to reduce the number of children not completing school.	10,000,000	Local school districts in low-income areas and with high percentages of dropouts.	State education agencies and OE's Division of Plans and Supplementary Centers.
43. Programs for the handicapped.	Education of the Handicapped Act—title VI-B (P.L. 91-230).	Strengthen educational and related services for handicapped children.	37,450,000	State education agencies	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
44. Media services and captioned film loan program.	Education of the Handicapped Act—title VI-F (P.L. 91-230).	Provide cultural and educational services to the handicapped through films and other media.	6,000,000	Groups of handicapped persons, nonhandicapped groups for training purposes.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
45. Deaf-blind centers	Education of the Handicapped Act—title VI-C (P.L. 91-230).	To develop centers for children and parents.	7,500,000	State education agencies, universities, medical centers, public or nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
46. Programs for the handicapped in State supported schools.	Elementary and Secondary Ed. Act—title I (P.L. 89-313, amended).	Programs for children in State operated or supported schools for the handicapped.	48,998,483	State education agencies	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
47. Early Childhood centers for handicapped children.	Education of the Handicapped Act—title VI-C (P.L. 91-230).	Develop model preschool and early education programs for handicapped children.	7,500,000	Public agencies and private nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.

See footnotes at end of table.

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
48. Regional resource centers to improve education of handicapped children.	Education of the Handicapped Act—title VI-C (P.L. 91-230).	Develop centers for educational remediation of handicapped children.	$3,550,000	Institutions of higher education, State and local education agencies, or combinations within particular regions.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
49. Adult education	Adult Education Act of 1966, as amended.	Provide literacy programs for adults.	61,134,000	State education agencies	OE's Division of Adult Education Programs.
50. State administration of ESEA title I programs.	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750).	To strengthen administration of ESEA title I.	16,650,000	State education agencies	OE's Division of Compensatory Education.
51. Strengthening State education agencies.	Elementary and Secondary Ed. Act—title V.	Improve leadership resources of State education agencies.	33,000,000	State education agencies and combinations thereof.	OE's Division of State Agency Cooperation.
52. Planning and evaluation	Elementary and Secondary Amendments of 1967—title IV.	Improve State planning and evaluation of Federal programs.	3,825,000	State education agencies	OE's Division of State Agency Cooperation.
53. State administration	National Defense Education Act—title III.	Strengthen administration in State education agencies.	2,000,000	State education agencies	OE's Division of Plans and Supplementary Centers.
54. Incentive grants	Elementary and Secondary Ed. Act—title I (amended by P.L. 91-230).	Encourage greater State and local expenditures for education.	9,301,820	State education agencies who exceed the national effort index.	OE's Division of Compensatory Education.
55. Special grants to urban and rural school districts with high concentrations of poor children.	Elementary and Secondary Ed. Act—title I (amended by P.L. 91-230).	Improve education of disadvantaged children.	25,192,500	Local school districts	State education agencies.
56. Cooperative education programs.	Labor-HEW Appropriation Act of 1970.	Support for planning and implementation of cooperative education programs.	1,700,000	Colleges and universities	OE's Division of College Support.
57. State administration of HEFA program.	Higher Education Facilities Act of 1963.	Help States administer programs under HEFA—title I.	3,000,000	State commissions that administer program.	OE's Division of Academic Facilities.
58. Facilities comprehensive planning.	Higher Education Facilities Act—title I.	Help States plan higher education construction programs.	(See 11-57)	State commissions that administer program.	OE's Division of Academic Facilities.
59. To endow agriculture and mechanic arts colleges.	Bankhead-Jones and Morrill-Nelson Acts.	Support instruction in agriculture and mechanic arts in the land-grant colleges.	12,600,000	The 69 land-grant colleges	OE's Division of College Support.
60. Strengthening community service programs.	Higher Education Act of 1965—title I.	Strengthen higher education capabilities in helping communities solve their problems.	9,400,000	Colleges and universities	State agencies or institutions designated to administer State plans (information from OE's Division of University Programs).
61. Strengthening developing institutions.	Higher Education Act of 1965—title III.	Provide partial support for cooperative arrangements between developing and established institutions.	51,850,000	Accredited colleges and universities in existence at least five years.	OE's Division of College Support.
62. Cuban refugee education	Migration and Refugee Assistance Act.	Help school systems meet the financial impact of Cuban refugee education.	15,500,000	School districts with significant numbers of Cuban refugee school age children.	OE's Division of School Assistance in Federally Affected Areas.
GROUP III: TO INDIVIDUALS FOR TEACHER AND OTHER PROFESSIONAL TRAINING AND FOR STUDENT ASSISTANCE					
1. Occupational training and retraining.	Manpower Development and Training Act of 1962, as amended.	Train unemployed and underemployed persons in all sections of the Nation.	(See II-7)	Persons referred by State employment services	Participating institutions (information from OE's Division of Manpower Development Training).
2. Media specialists	Education Professions Development Act—Parts C and D.	Train specialized personnel for State or local instructional media support.	$1,800,000	Prospective and/or experienced school media, specialists, administrators, and teacher trainers.	OE's Bureau of Libraries and Educational Technology.
3. Desegregation training grants.	Civil Rights Act of 1964	Improve ability of school personnel to deal with desegregation problems.	[2] (See II-8)	Teachers and other personnel of public schools.	Participating institutions (information from OE's Division of Equal Educational Opportunities).
4. Personnel training to educate handicapped children.	Education of the Handicapped Act—title VI-D (P.L. 91-230).	Prepare and inform teachers and others who educate handicapped children.	33,945,000	State education agencies, colleges, universities, and other appropriate nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Training Programs.
5. Physical education and recreation for the handicapped.	Education of the Handicapped Act—title VI-D (P.L. 91-230).	Training physical education and recreation personnel for the handicapped.	[2] 700,000	Public and other nonprofit institutions of higher education.	OE's Bur. of Ed'n. for Handicapped, Division of Training Programs.
6. Special programs for children with specific learning disabilities.	Education of the Handicapped Act—title VI-G (P.L. 91-230).	Services, training, and research for children with specific learning disabilities.	2,250,000	State education agencies, colleges, universities, and other appropriate nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Training Program.
7. Research training	Cooperative Research Act (amended by ESEA—title IV).	Improve training for educational research personnel.	(See 11-21)	Institutions training research personnel.	Information from OE/NCERD, Division of Manpower and Institutions.
8. Fellowships for higher education personnel.	Education Professions Development Act—part E.	Training persons to serve as teachers, administrators, or educational specialists in higher education.	5,044,000	Institutions of higher education with graduate programs.	OE's Division of University Programs
9. Adult education teacher training grants.	Adult Education Act of 1966, as amended.	Improve qualifications of teachers of adult education courses.	[2] (See II-49)	Teachers and teacher trainers of adult education courses.	Participating institutions (information from OE's Division of Adult Education Programs).
10. Educational Development	Mutual Education and Cultural Exchange Act.	Provide opportunity for educators to observe U.S. methods, curriculum, organization (elementary, secondary, higher).	560,018	Educators from abroad (administrators, teacher trainers, education, ministry officials).	OE's Institute of International Studies.
11. Teacher exchange	Mutual Educational and Cultural Exchange Act.	Promote international understanding and professional competence by exchange of teachers between U.S. and foreign nations.	[1] 39,900	Elementary and secondary teachers, college instructors, and assistant professors.	OE's Institute of International Studies.
12. Technical assistance training grants.	Act for International Development of 1961.	Provide specialist training to foreign educators and strengthen education and economy in developing nations.	[3] 3,500,000	Foreign nationals from countries with which U.S. his biolateral technical assistance agreements.	AID Mission with the concurrence of the local education ministry (information from OE's Institute of International Studies).
13. Modern foreign language graduate fellowships.	National Defence Education Act—title VI.	Enable U.S. institutions to assist undergraduate and graduate students training to be teachers or other specialists in foreign language and area studies.	(See II-12)	Graduate students in approved language and area studies programs; undergraduates in approved summer intensive language programs.	Participating institutions (information from OE's Institute of International Studies).
14. Fellowship opportunities abroad.	Mutual Educational and Cultural Exchange Act, and P.L. 83-480 (in excess foreign currency countries).	Promote instruction in international studies through grants for graduate and faculty projects.	[4] (See II-10)	Faculty in foreign languages and area studies.	Institutions of higher education at which applicants are enrolled or employed (information from OE's Institute of International Studies).
15. Cuban student loans	Migration and Refugee Assistance Act.	Aid needy Cuban refugee college students to finance their education.	(See 11-30)	Cubans who became refugees after January 1, 1969.	Participating institutions (information from OE's Division of Student Financial Aid).
16. Student loans	National Defense Education Act—title II.	Provide for low-interest loans to college students.	286,000,000	College students	Participating institutions (information from OE's Division of Student Financial Aid).
17. Educational opportunity grants.	Higher Education Act of 1965—title IV-A.	Assist students of exceptional financial need to go to college.	(See II-32)	College students of exceptional financial need.	Participating institutions (information from OE's Division of Student Financial Aid).

Footnotes at end of table.

GROUP III: TO INDIVIDUALS FOR TEACHER AND OTHER PROFESSIONAL TRAINING AND FOR STUDENT ASSISTANCE —Continued

Type of assistance	Authorization	Purpose	Appropriation	Who may apply	Where to apply
18. Graduate fellowships	National Defense Education Act—title IV.	Increase the number of well-qualified college teachers.	[8] $26,910,000	Prospective college teachers working toward doctoral degrees.	Participating institutions (information from OE's Division of University Programs).
19. College work-study	Higher Education Act of 1965—title IV-C.	Provide part-time employment for post-secondary students.	(See II-31)	Post-secondary students	Participating institutions (information from OE's Division of Student Financial Aid).
20. National teaching fellowships and professors emeritus.	Higher Education Act of 1965—title III.	Strengthen the teaching resources of developing institutions.	[9] (See II-20)	Highly qualified graduate students or junior faculty members from established institutions and retired scholars.	Participating institutions (information from OE's Division of College Support).
21. Training for library service	Higher Education Act of 1965—title II-B.	Increase opportunities throughout the Nation for training in librarianship.	2,000,000	Prospective and/or experienced librarians and information specialists.	Participating institutions (information from OE's Bureau of Libraries and Educational Technology).
22. Media services and captioned films training grants.	Education of the Handicapped Act—title VI-F (P.L. 91-230)	Improve quality of instruction available to deaf persons.	[2] (See II-44)	Persons who will use captioned film equipment.	OE's Bur. of Ed'n. for Handicapped, Division of Educational Services.
23. Interest benefits for higher education loans.	Higher Education Act of 1965—title IV—B.	Provide interest benefits for student loans through commercial lenders.	196,600,000	Students in eligible institutions of higher and vocational education.	Participating lenders (information from OE's Division of Student Financial Aid).
24. Fellowships abroad for doctoral dissertation research in foreign language and area studies.	Mutual Educational and Cultural Exchange Act.	Promote instruction in international studies through grants for graduate and faculty projects.	1,000,000	Prospective teachers of language and area studies.	Participating institutions (information from OE's Institute of International Studies).
GROUP IV: FOR RESEARCH					
1. Education research (Basic, applied, and regional research).	Cooperative Research Act (amended by ESEA—title IV).	To expand knowledge about teaching and learning and improve educational practice.	$7,000,000	Colleges, universities, education agencies, private or public groups, or individuals.	National Center for Educational Research and Development.
2. Educational research (Development Activities).	Cooperative Research Act (amended by ESEA—title IV).	To develop educational alternatives which will resolve major problems in education.	9,000,000	(Same as IV-1)	OE's National Center for Educational Research and Development.
3. Dissemination	Cooperative Research Act (amended by ESEA—title IV).	Provide for dissemination of educational information and improved practices to the educational community.	7,600,000	(Same as IV-1)	OE's National Center for Educational Communication.
4. Experimental schools	Cooperative Research Act (amended by ESEA—title IV).	Study feasibility of major educational reforms in total setting.	15,000,000	(Same as IV-1)	OE's Experimental Schools Program.
5. Anacostia school community project.	Cooperative Research Act (amended by ESEA—title IV).	(Same as IV-4)	2,250,000	(Same as IV-1)	OE's Experimental Schools Program.
6. Nutrition and health	Cooperative Research Act (amended by ESEA—title IV).	Pilot studies coordinating health services and education.	2,000,000	Local education agencies	OE's Office of Nutrition and Health.
7. Foreign language and area research.	National Defense Education Act—title VI.	Support research on improved instruction and materials development in modern foreign languages and area studies.	1,000,000	Colleges and universities, public school systems, professional organizations, individuals.	OE's Institute of International Studies.
8. Libraries and Educational Technology.	Cooperative Research Act (amended by ESEA—title IV).	Library and information science research and demonstration.	2,750,000	Colleges, universities, school districts, State governments, other nonprofit groups.	OE's Bureau of Libraries and Educational Technology.
9. Institutional support	Cooperative Research Act (amended by ESEA—title IV).	Conduct research on the major areas of continuous concern in education and develop and test educational innovations until ready for classroom use.	33,000,000	Colleges, universities, agencies, and organizations.	OE's National Center for Educational Research and Development.
10. Vocational education research.	Vocational Education Act of 1963, as amended.	Improve vocational education	9,000,000	Education agencies and private institutions and organizations.	OE's National Center for Educational Research and Development.
11. Vocational research (Special projects).	Cooperative Research Act (amended by ESEA—title IV).	Improve educational preparation for careers.	18,000,000	Education agencies, public and private institutions and organizations, and individuals.	OE's National Center for Educational Research and Development.
12. Handicapped research and demonstration.	Education of the Handicapped Act—title VI-E (P.L. 91-230).	Promote research and demonstration on education of the handicapped.	15,455,000	State education agencies, local school districts, nonprofit private organizations, public groups.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
13. Special programs for children with specific learning disabilities.	Education of the Handicapped Act—title VI-6 (P.L. 91-230).	Develop model centers for the improvement of education of children with specific learning disabilities.	(See III-6)	State education agencies, colleges, universities, and other appropriate nonprofit agencies.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
14. Overseas research in language and area studies in non-Western areas.	Mutual Educational and Cultural Exchange Act, and P.L. 83-480 (in excess foreign currency countries).	Promote development of international studies through grants to institutions for support of group or individual (faculty and Ph.D. dissertation) research.	(See II-10 and III-24)	Colleges, universities, consortiums, local and State education agencies, nonprofit educational organizations.	Participating institutions (information from OE's Institute of International Studies).
15. Physical education and recreation for the handicapped.	Education of the Handicapped Act—title VI-E (P.L. 91-230).	To do research in areas of physical education and recreation for handicapped children.	300,000	State or local education agencies, public or nonprofit private educational or research agencies and organizations.	OE's Bur. of Ed'n. for Handicapped, Division of Research.
16. Career education community project.	Cooperative Research Act (amended by ESEA—title IV).	Demonstrate career education	2,000,000	Colleges, universities, agencies, institutions.	OE's National Center for Educational Research and Development.

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[1] At least 15 percent for handicapped.

[2] Programs which include educational personnel training.

[3] Includes $3,000,000 in appropriated excess foreign currencies, $190,000 from Higher Education.

[4] Taken from a total $3,000,000 in appropriated excess foreign currencies.

[5] Includes $156,400,000 for academic year 1971-72 (supplementing $1,000,000 from the 1971 appropriation) and $244,600,000 for 1972-73.

[6] Includes $10,000,000 to augment 1971 funds for academic year 1971-72. The remaining $165,300,000 is for 1972-73.

[7] Includes funds contributed by foreign governments on a cost-sharing basis.

[8] Continuation costs only; no new fellowships approved for fiscal year 1972.

[9] Appropriated in previous years.

HELLER: EXPANSION A MUST

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HANNA. Mr. Speaker, on Thursday last I brought to the House's attention what I considered to be salient observations on the administration's current economic policies. Specifically, I found unwarranted the fears that a new inflationary pressure would result from a modest expansionary effort.

While I supported this observation with an analysis of the role played in inflation by the Federal deficit and a less than full employment economy, others have found the administration's reticence equally disturbing for different, although related, reasons. I offer at this point for this body's careful and dispassionate consideration an article from yesterday's Washington Post by Walter Heller which elucidates but another of these vital points:

HELLER: EXPANSION A MUST

(By Walter Heller)

(NOTE.—Dr. Heller, former Economic Council chairman under Presidents Kennedy and Johnson, wrote the following article at the request of The Washington Post. He presently is professor of economics at the University of Minnesota).

Conventional economic wisdom associates stimulation of demand with an increase in inflationary pressures. The fear of these pressures has perhaps stayed the hand of the White House in its new economic program. Why else would it have accompanied its bold wage-price and international monetary initiatives on Aug. 15 with such a weak-kneed program of fiscal stimulation?

The wait-and-see attitude at the Federal Reserve Board may also reflect a fear of rekindled excess demand inflation—wait and see if that $100 billion year really develops without moving from a supportive to an aggressive policy of monetary expansion.

The traditional answer to the "take-it-easy, inflation-is-just-around-the-corner" approach to economic expansion is based on the existing $70 billion GNP gap, 6 per cent unemployment, and 73 per cent operating rates in manufacturing. With this much slack, and no bottlenecks in sight, rising demand will express itself in rising output, more jobs, and higher incomes, not in higher prices.

At a time when excess demand is $70 billion away—a time when it will take three consecutive annual $100 billion advances in GNP just to catch up once more with our economic potential—bold fiscal and monetary expansion carries little risk of inflation.

But to argue that economic slack will keep expansion from being converted into inflation is essentially a passive or negative argument. Less well understood is the positive argument that, given reasonably effective wage-price restraint in Phase II, strong expansion will actually help subdue inflation. Strong expansion will generate the rising productivity that provides the vital grist for the mills of the Price Commission and the Pay Board in grinding out more moderate price and wage yardsticks as Phase II progresses.

Rising demand and rising output in today's slack economy quickly translate into rising output per man hour. Overhead costs are spread thinner. As more units of output are produced with the same machinery, equipment and plant, and without a corresponding increase in payrolls, average unit costs of output will fall.

Left to themselves, producers would be sorely tempted to capture most of this productivity surge in higher profits and higher wages, sharing little of their gains with consumers. The genius of an effective incomes policy, of successful Phase II wage-price restraints, will be to nudge business and labor into sharing their gains with consumers and thus convert rising output into receding inflation.

Within broad limits, the more rapidly output rises, the larger will be the productivity advance that the Price and Pay boards have to play with, i.e., to use in setting tough standards for prices and wages without unduly squeezing business profits and labor earnings.

For example, if productivity advances at a 4 per cent clip in 1972, the Pay Board's 5½ per cent yardstick for average pay advances would imply an increase in average unit labor costs of 1½ per cent. But if recovery lags and productivity crawls ahead at only a 2 per cent rate, a 5½ per cent wage standard would imply a 3½ per cent increase in unit labor costs, thereby making it far more difficult for the Price Commission to clamp a tight lid on prices.

On the more optimistic assumption of a 4 per cent productivity advance, converted into a tighter price yardstick and a consequent easing of inflation during 1972, the Pay Board would have less cost-of-living catch-up to build into its 1973 yardstick. It could then lower the 1973 pay standard a notch toward the 3 per cent trend growth in productivity.

In short, since productivity is the name of the game, rapid expansion is vital to the success of Phase II. And, in turn, success in Phase II will translate into more consumer and investor confidence and hence a stronger expansion.

Another vital interlock of expansion is with our international monetary and trade negotiations. On one hand, a successful reordering of exchange parities and a relaxing of trade barriers can make an important contribution to sound economic recovery. But again causation runs the other way as well. How can we expect our trading partners to bear the economic brunt of more expensive exports to us and cheaper imports from us unless we soften the blow by vigorous expansion of U.S. demand?

Given the current softness of many foreign economies, negotiations that will cut their exports and boost their imports are generating great unease and trepidation. To create an atmosphere within which our trading partners can come half way or even more, we must be able to assure them that vigorous U.S. economic expansion will offset much of the adverse trade effect of renegotiated parities and lowered trade barriers.

In other words, U.S. negotiators have to be able to hold out the prospect of a strong favorable income effect as a short-run offset to the negative price effects of U.S. initiative.

Given these imperatives, both the Price Commission and the Pay Board, not to mention our international monetary and trade negotiators, should exact a firm "do-all-possible" pledge from the administration and the Federal Reserve System to assure speedy economic recovery in 1972. With much of the economy other than autos and housing still listless, the President should be calling on the Congress to step up the temporary tax relief in the bill which is now before the Senate.

The Senate should sharply enlarge personal income tax relief. Without compromising federal revenues in the longer run—when they will be needed for high-priority social uses and for the renewed battle against demand inflation when we reach full employment—a temporary tax reduction—for example, a "recover tax credit" of perhaps $100 per married couple—should be enacted for 1972.

This would add another $5 billion to disposable income, thus energizing consumer spending and putting some of our grossly underutilized industrial capacity (roughly a quarter of our manufacturing capacity is idle today) back to work.

Side-by-side with this action, the Congress should declare a moratorium on further payroll tax increase. What economic sense does it make to cut income and automobile taxes to stimulate the economy and then let $7½ billion in new payroll tax hikes in 1972 ($3 billion already in the law plus $4½ billion on the way via H.R. 1) to nullify much of the stimulative effect?

For better balance in the tax bill and to protect the revenues for the longer pull, the Senate should drop the depreciation liberalization (ADR's) completely and limit the 7 per cent investment credit to a two- or three-year period.

In short, bolder expansionary policy is not only the fastest way to generate the jobs we desperately need, boost labor earnings and profits, and create incentives to increase capital spending for new capacity—but given reasonable vigilance in our price and wage boards in Phase II, it will also be an effective engine of disinflation.

THE 1971 QUESTIONNAIRE RESULTS: SEVENTH DISTRICT OF MICHIGAN

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. RIEGLE. Mr. Speaker, every year I send a congressional questionnaire to every person in the Seventh Congressional District of Michigan in order to learn where my constituents stand on the issues. I have just finished compiling the results of this questionnaire and have included these findings in my latest newsletter. With your permission, I would like to insert my newsletter into the CONGRESSIONAL RECORD at this point so that all concerned citizens in America will know how the people of Michigan's Seventh District feel about many of our pressing problems.

CONGRESSMAN DON RIEGLE REPORTS TO YOU

THE ECONOMY—NO. 1 PRIORITY

FALL 1971.

It is clear that the economy has been in trouble for the last three years. People out of work, rising prices, a worsening balance of payments—were some of the danger signs that indicated that drastic action was required.

Many of us in the Congress have long argued for a change in our national economic game plan. An end to the Vietnam war—a reduction in federal spending—some direct government action on prices and wages—were some of the recommendations designed to help.

On August 15th, President Nixon—in a major change of policy—announced a new economic game plan. It included the 90-day freeze on prices and wages—a surcharge on imports—the recommended removal of the auto excise tax—and other major changes.

Clearly emergency action of this kind was urgently needed. Something had to be done. Despite some reservations—it was time for unity.

Under these circumstances I have supported the President's actions. I have pledged my support to the basic goals the President has outlined—and I have supported the two specific actions the President has already taken—the 90-day freeze—and the postponement of pay increases for government employees. I have since received this letter from the President.

"THE WHITE HOUSE,
"Washington, D.C., October 4, 1971.

"DEAR DON: I want you to know how much I appreciate the support you have given for the objectives of our new economic policies by your vote against House Resolution 596, which would have disapproved the deferral of federal pay increases.

"Your responsible action on the floor today advances economic stability and is in the overriding public interest.

"With best personal regards,
"Sincerely,
"RICHARD NIXON".

Looking ahead at Phase II—many things are not yet clear.

The next step is for all segments of our economy—consumers, labor and management—to participate equally in working out fair and voluntary principles of control which everyone can respect. The best way to stop inflation is not with permanent bureaucratic controls imposed from the top, but with everyone sharing equally in the responsibilities and sacrifices voluntarily—with no group or individual asked to carry an unfair burden.

Congress, representing the people, will have to work with the President to insure that all points-of-view and approaches are heard. This general outline for Phase II is only the first planning step. Now it becomes everyone's responsibility to weigh his own personal interest, together with the national interest. If we fail to work out a mechanism that is fair for everyone, it will not work for anyone. I am committed to the joint effort of developing that mechanism.

Two items of particular interest:

EXISTING AUTO CONTRACTS

My own initial opinion is that the existing auto contracts—with previously negotiated wage improvements—meet the price/wage stabilization criteria set forth by the President. Auto wage and price increases—percentage wise—have not been the primary cause of inflation in the country. It is my hope that the cost-of-living council will find the existing contracts acceptable.

AUTO EXCISE TAX REPEAL AND AUTO IMPORTS

If the auto industry is to remain healthy—both for job holders, shareholders and customers—it is essential that the unfair 7% auto excise tax be removed. Also, while foreign cars have been allowed to flood the U.S. market, American built automobiles are today prevented from competing in foreign markets—because of hidden taxes and other unfair tariff-type barriers. If foreign autos are going to be sold in the U.S. without interference—then American autos must be free to compete the same way in other countries.

INVITATION EXTENDED

You are invited to an Open House at your new local Congressional office Saturday, Nov. 27, 9 a.m. to 3 p.m., 432 N. Saginaw Street, in the Metropolitan Building, Office No. 300—Right across from the Durant Hotel and our previous office at 425 Detroit Street. Congressman Riegle and his staff will be there to meet with you, to handle any problems or questions you may have, to explain all the services of the office, and to welcome your suggestions for how this office can better serve you and our community. Coffee, cider and donuts will be served.

Lt. Dehlin came to Washington to express to me his strong feelings about both the futility of U.S. involvement in Vietnam and the poor treatment received by some of our injured veterans in military hospitals. The Vietnam war is not over yet. While the U.S. is slowly withdrawing troops, the killing goes on—and we are still spending 10 to 15 billion dollars there *this year*. It's time to set a final date for American withdrawal—so we can stop the killing and waste—and free the American POW's and MIA's. Recently in the House—192 members voted to set a final withdrawal date—we only need 26 more votes to stop this unjustified war. I will continue to do everything in my power to help end this war.

FIGHTING DRUGS

The drug problem in America is far more serious than most people realize—and it's getting worse. There is an urgent need to understand this problem—and find answers that work.

How bad is the problem

There are an estimated 1200 drug addicts in the Flint area—some 18,000 in Michigan—some 350,000 in the U.S.

Drug-related crimes cost us over $8 billion each year.

The average heroin user must spend $30 a day on his "habit"—often he must resort to crime to get these funds.

As many as 30% of our troops in Vietnam have been estimated to be using hard drugs.

What has been done so far

For too long the hard facts about drugs have been swept under the rug. We have relied too much on law enforcement crackdowns—which deal with the surface of the problem—but not the underlying causes and effects. This has put law enforcement in the unworkable position of trying to solve a problem—that is beyond their resources and scope.

Hard drug addiction is a sickness—and it takes medical and psychological help to deal with it. The best way to stop drug addiction is by preventing it from starting in the first place. All of us can and must do more to help our young people find jobs and meaning in their lives so they do not try escaping reality with drugs. For too long, we failed to realize that drug abuse is often the result of degrading social conditions, and a sense of personal uselessness. When life offers hope and meaning—few people turn to drugs.

We must change our approach—by offering to help the drug addict overcome his addiction—treating his problem in a way that can solve it. If we fail to do this—drug addicts not only may turn to crime to support their addiction—but their lives and human potential will be wasted. And then everybody loses.

There has also been a lack of coordination in tackling the drug problem. It has been a collective failure—shared by all. For too long, drug abuse has been viewed as a disconnected set of problems—drug production—smuggling — addiction — rehabilitation — prevention, etc. This finally reached such a ridiculous extreme that nine different Federal agencies and ten different Congressional committees were involved with drug problems.

Finally, we are beginning to wake up to the true nature and extent of the problem. These important steps are now underway:

Here at home

Several important—and effective—drug abuse programs are underway in our area. Many local people have provided outstanding leadership in tackling this problem—and building programs that work.

If you need help—advice—or wish to volunteer your own services, please contact:

Genesee County Regional Drug Abuse Commission—acts as a coordinating body for drug information and funding sources, with a membership consisting of such community organizations and interest groups as the Mott Foundation, the Board of Education, SODAT, Rubicon House, Inc., and many others. They can be reached at 232–1181.

Rubicon House, Inc.—Flint's first comprehensive resident therapeutic community for heroin addicts, fashioned after Odyssey House in New York. 238–0483.

Sirna Center—the only methadone center in Genesee County, an outpatient center which provides methadone and group therapy. 238–2721.

SODAT—an out-patient treatment center using no medication, with two facilities—one in Flint and one in Grand Blanc. 235–0202.

UP, Inc.—a youth drop-in center. 238–4639.

RAP House—a crisis intervention center using group and individual counseling by paraprofessionals, in Fenton. 629–5354.

NATIONAL

$202 million are being authorized for drug programs in 1972 compared to $68 million in 1969. ($72 million for law enforcement, $88 million for rehabilitation treatment, $19 million for education and training, and $23 million for research.)

I believe we must drastically increase this amount, especially in the areas of assisting local rehabilitation and treatment programs, research, public education and prevention. Right now we are spending less money for drug treatment in one year than we spend in Vietnam in three days.

The President has proposed—and I support—a coordinated assault on the problem beginning with a Special Action Office in the White House that would develop overall strategy, goals, priorities, and evaluate performance.

A LOCAL-FEDERAL PARTNERSHIP BRINGING OUR TAX DOLLARS BACK HOME

Many of our local programs and service organizations have a working or a financial relationship with the federal government.

This is one way that our tax dollars come back to where we live and work—often local people are in the best position to determine how to use these resources to serve our community.

Our Congressional Office works closely with community programs and groups to help insure maximum cooperation in this local-federal partnership. While the leadership and hard work is done on the scene by local people, our office works to provide program information, technical assistance in working with federal agencies, status reports, counseling on grant applications, and a voice in legislation that might affect our local programs.

Here are some of the projects which we have been involved with over the past year.

Genesee Regional Drug Abuse Commission: aided in obtaining tax exempt status.

Community Learning Program, Model Cities: participated with citizens, staff, and consultants in community learning seminars.

Minority Business Enterprise: arranged technical counseling through Small Business Administration to explain programs and participation.

Region V Crime Commission (Genesee, Lapeer, Shiawasee): clarifying Congressional intent that suburban and rural areas not be excluded from allocation of funds through Law Enforcement Assistance Administration.

Lapeer Housing Commission: an additional 30 units for senior citizen housing from Dept. of Housing and Urban Development.

GLS Comprehensive Health Planning Council: A grant of $32,500 from HEW for the development of comprehensive health care plan.

SODAT: A grant of $248,753 from the National Institute of Mental Health to expand drug treatment program.

Michigan Carpentry Contractors Association (Detroit): A grant from Dept. of Labor for pre-apprenticeship training program.

237 Homeownership Counseling Program: successfully fought battle to keep this program from being cancelled within Appropriations Committee.

235 Housing Program: fought to get investigation and follow-up by Dept. of HUD and Congressional Committees of problems raised by citizens, school and community officials, homeowners, builders, etc.

Sewage Treatment: grants for Davison, Flint, Columbiaville, North Branch, Flint Township, Grand Blanc, Fenton, Grand Blanc Township, Mt. Morris Township, Vienna and Thetford Townships.

RESULTS OF SPRING, 1971 QUESTIONNAIRE

The economy

The most urgent problems:	*Percent*
Inflation	34
Gov't Spending	30
Taxes	21
Unemployment	11
Prices	7
Wages	4
Interest rates	2

Are the Administration's economic policies clear to you?

Yes	22
No	58
Not sure	21

Are these policies working?

	Percent
Yes	8
No	58
Not sure	33

What action should be taken to help the economy?

Wage and price controls across the board	35
Reduced interest rates and expanded money supply	26
Wage/price controls for selected industries	15
Informal government pressure and voluntary restraints on wages/prices	14
Tax deductions for business to invest and expand	12
Deficit spending for government	5
Increase government spending	2

Do you expect to save more or spend more compared to last year?

Save more	18
Spend more	48
About the same	35

ECONOMIC PREDICTION FOR 1971 AND 1972

[In percent]

	Good	Fair	Poor	Not sure
1971	11	49	34	6
1972	25	33	23	18

REVENUE SHARING

Government should give federal tax revenue to state and local governments with no strings attached:

	Percent
Not sure	13
Agree	30
Disagree	58

	Excellent	Good	Fair	Poor
Alternatives to revenue sharing:				
Raise State and lower Federal taxes	20	31	18	32
Clear guidelines on how to spend the shared revenue	25	33	20	22
Full Federal funding of welfare programs	29	23	13	34
Confidence in Government ability to spend money wisely:				
Federal Government	3	17	36	45
State government	3	22	37	37
Local government	6	22	28	44

Opinion on revenue sharing

Will decrease responsibility of state and local government:

	Percent
Agree	32
Disagree	44
Not sure	24

Won't make any difference—

Agree	28
Disagree	47
Not sure	25

THE DRAFT

End draft, convert to volunteer army, except in times of a declared war:

Agree	63
Disagree	30
Not sure	7

Favor a year of national service for all young men:

	Percent
Agree	64
Disagree	28
Not sure	8

Favor a year of national service for young women without children:

Agree	44
Disagree	45
Not sure	11

ENVIRONMENT

Are you willing to accept strong penalties for violating pollution restrictions:

Yes	89
No	5
Not sure	6

There should be strong penalties for corporations and private organizations who pollute:

Agree	93
Disagree	3
Not sure	3

Consumers should be willing to pay price increases resulting from antipollution expenses:

Agree	54
Disagree	36
Not sure	10

All levels of government should help clean up the environment even though this may mean higher taxes or cutting services:

Agree	56
Disagree	31
Not sure	13

Education and voluntary restraints are better than tough regulations:

Agree	33
Disagree	51
Not sure	15

Set up an Environmental Trust Fund using federal tax revenues:

Yes	61
No	22
Not sure	17

CITIZENS' VOICE

In addition to our political parties, are new Citizens' groups needed to give a more effective voice in government?

Strongly needed	58
Slightly needed	24
Not needed	18

Would you be willing to participate (time, energy, and money) in a new Citizens' group?

Yes	30
No	31
Not sure	39

HEALTH AND MEDICAL CARE

Problems and Priorities:

Cost of health care	54
Availability of doctors	18
Services for the poor and needy	14
Quality of health care	6
Adequacy of medical insurance	6
Adequacy of medical facilities	3

Who should be covered by a new national health plan?

Only the poor and needy—

Yes	37
No	62

The average working American who can afford some but not all of the costs.

	Percent
Yes	66
No	34

Everyone regardless of need—

Yes	32
No	67

Who should pay the cost of national health insurance?

Citizens should pay cost through higher social security taxes.

Yes	38
No	62

The Federal Government should pay out out of general income taxes.

Yes	55
No	45

Everyone should contribute to their premiums according to their ability to pay.

Yes	71
No	29

Should the government regulate doctor and medical fees?

Yes	62
No	38

Should those covered by the National Health Insurance be willing to accept an available or assigned doctor at a public clinic?

Yes	59
No	41

SOUTHEAST ASIA AND THE VIETNAM WAR

Do you favor a withdrawal of all U.S. troops from Vietnam by the end of this year?

Yes	70
No	30

Are you satisfied that President Nixon is keeping his campaign promise to end the war?

Yes	32
No	49
Not sure	19

How soon should our troops be withdrawn from Vietnam?

By the end of this year	63
Mid 1972	14
End of 1972	14
1973 or later	13

Should Congress terminate the President's power to use U.S. air support in Cambodia and Laos?

Yes	47
No	53

Should Congress declare war on North Vietnam?

Yes	17
No	83

Should Congress permit the President alone to determine how the war is to be conducted?

Yes	15
No	85

SUPERSONIC TRANSPORT (SST)

Should the U.S. spend $290 million on the SST?

Yes	12
No	76
Not sure	12

HOW WOULD YOU ALLOCATE THE MONEY IN OUR NATIONAL BUDGET? WOULD YOU SPEND MORE, LESS, OR THE SAME ON EACH OF THE FOLLOWING?

Budget area	Billions	We should spend (percent)— More	Less	Same
Defense	$77.5	6	73	21
Vietnam	15.0	5	81	14
ABM program	1.3	26	43	31
Military pay raises	3.9	44	27	30
Atomic Energy Commission	1.9	18	40	43
Foreign aid	4.0	3	77	19
Environment	3.6	72	6	22
Water quality	1.1	77	3	20
Air quality	.2	75	4	21
Natural resources	4.2	65	6	29
Land management	.83	53	14	33
Recreation	.62	45	19	37
Peace Corps	.07	21	34	45
Space research	3.2	13	60	27
Manned flights	1.3	12	64	24
Health programs	16.0	43	13	39
School lunch	.56	32	29	39
Food stamps	2.0	20	53	27
Medicare-medicaid	12.4	43	17	41
National Institutes of Health	1.7	45	14	41
Cancer research	.01	74	4	22
Civil rights	.46	19	48	31
Housing and community development	$4.4	25	44	31
Transportation and commerce	10.9	20	27	54
Highway program	4.9	29	21	50
Air transportation	1.8	12	47	42
Post office	1.3	21	27	53
Education and manpower	8.8	55	13	32
Elementary and secondary education	1.8	58	10	33
Higher education	1.1	43	20	37
Vocational and adult education	.49	53	14	33
Poverty—OEO programs	1.0	28	39	32
Social security	34.2	49	10	41
Veterans' benefits	11.0	34	9	57
Anticrime	.7	76	4	20
Department of Labor	7.2	12	39	49
Department of Agriculture—Farm program	9.5	21	42	37
General Government costs—Agencies, etc	4.9	3	66	32
Executive department—Presidency	.07	3	56	41
Judicial—Courts	.14	22	42	36
Congress	.41	4	53	43
Interest on national debt	19.6	17	36	47
Revenue sharing with States	5.0	51	21	29

RIEGLE VOTES IN CONGRESS

Bill	Riegle vote	House action
Increase social security benefits	Yes	Passed.
Cut of funds for SST	Yes	Do.
Lower voting age to 18	Yes	Do.
Stop sending U.S. troops to Vietnam after Dec. 31, 1971	Yes	Defeated.
Allocate more funds ($728,000,000) for education	Yes	Do.
Increase funds for the space program	No	Passed.
Prohibit new military expenditures in Vietnam and Southeast Asia after January 1972	Yes	Defeated.
Strike out $3,000,000 for homeownership counselinlg	No	Do.
Withdraw al U.S. troops from Vietnam within 9 months subject only to return of U.S. POWs	Yes	Do.
Emergency Employment Act—create public servi,ce jobs for the unemployed	Yes	Passed.
Establish drug treatment program for Vietnam soldiers	Yes	Do.
Authorize funds for new medical schools associated with Veterans' Administration	Yes	Do.
Add $82,400,000 for vocational rehabilitation	Yes	Do.
Add $64,000,000 for child welfare services	Yes	Defeated.
Prohibit the establishment of detention camps	Yes	Passed.
Comprehensive child development program	Yes	Do.
Equal Opportunities Act continuation	Yes	Do.
National Legal Services Corporation Act	Yes	Do.
Postponement of Federal employees pay increases until July 1972	Yes	Do.
Constitutional amendment for equal rights for women and men	Yes	Do.

YOUR CONGRESSIONAL ACTION LINE

Military

I heard on the radio that a General's helicopter was shot down in Vietnam—and I think my son was the pilot. The broadcast said there were a few survivors. Can you help me find out whether my son is still alive?

We called headquarters at the Pentagon and in less than one-half hour received a call back saying that her son was alive and well.

Veterans

I was forced to miss some work this year due to recurrence of a World War II injury. I have lost my job—my wife is seriously ill—and the Veterans Administration refuses to provide legitimate compensation.

After contacting V.A., a full review was made of his case and the V.A. determined that the man indeed deserved full unemployment compensation which he is now receiving.

Medicare

For eight months I have been applying for reimbursement of my 1969 and 1970 claims but have received no answer. I need the money for my current medical bills. Can you help me?

We contacted Medicare, and within one month total payment of $341 for '69 and '70 was received.

Nursing home

My husband is in a nursing home, classified as skilled care. He's not well enough to move, but they say he has to leave because we can't pay the higher fees. What can I do?

After talking with the nursing home, his caseworker and the State, we found that the controversy involved a disagreement between the State and the nursing home over the higher rate. We arranged for the patient to stay in the home at the new rate, with Medicaid covering the balance.

Immigration

I want to adopt an orphan Korean boy who is at a baby's home in Seoul, but am running into years of obstacles and red tape.

By working through the State Dept., the Visa Office, the American Embassy in Seoul, and the Christian Children's Home—and by introducing a private bill to the House Judiciary Committee, the boy was finally able to come to Flint this October.

Social security

Tragedy has hit my family and I am worried about our seven children. I have back and heart trouble, which has kept me out of work for two years and in the hospital for 110 days. Also, my wife is sick and can't find work due to the depressed economy in Flint. Both the state and the federal Social Security offices have turned down my request for help.

We personally took all of the facts and documentations directly to the Commission of Social Security in Baltimore and requested a field investigation, which proved that this family was eligible for disability compensation. They immediately received their rightful benefits.

MEETING WITH YOU PERSONALLY

I will continue a regular schedule of visits to every area of Genesee and Lapeer Counties so that you can reach me personally. Please come if you have a government-related problem, wish special information, or want to talk about the issues. I look forward to seeing you.

I will send you a post card in advance letting you know when and where I will be in your area. Our schedule in recent months included the following:

Spring: West Flint, Flint and Mt. Morris TWP, Lapeer, South Flint, Burton TWP, Northeast Flint, Genesee and Burton TWP.

Summer: Davison, Goodrich, Otisville, Grand Blanc, Athens, Central Flint, Swartz Creek, Linden, Flushing, Clio, Montrose.

Fall: Mt. Morris, Lapeer, Fenton.

IMPROVING HOMES FOR SENIOR CITIZENS

Earlier this year Congressman Riegle joined Congressman David Pryor of Arkansas and Congressmen Charles Diggs and John Conyers of Michigan in conducting hearings in Detroit on conditions in Michigan's nursing homes and homes for the aged. Similar hearings were held this year in Dallas, Kansas City, Philadelphia and the District of Columbia.

Congressman Riegle and his colleagues heard testimony from private citizens, representatives of the Michigan Nurses Association, UAW leaders, senior citizens councils and many other concerned groups. Some conclusions from the Michigan hearing included:

The conditions and problems in Michigan's nursing homes are no different from conditions in similar facilities around the nation.

The need exists for increased inspections of such facilities along with stricter licensing provisions.

The present capacity of these homes in Michigan is inadequate to meet the full needs of our senior citizen population.

The public has had difficulty getting all the facts and examining the conditions of many homes.

As a result of the hearings, the House Subcommittee on Governmental Operations is now conducting hearings on the problems of the aged in the United States. Congress may soon consider legislation co-sponsored by Congressmen Pryor, Riegle, and others, which would establish a select committee of the House to make a complete investigation of all matters pertaining to senior Americans and then bring these facts to the public. Also the Administration is taking action—through HEW and the Social Security Administration—to improve the quality of nursing homes by evaluation and certification of state agencies and local facilities. On Oct. 5, HEW Secretary Elliot Richardson said:

"The Federal Government will not support nursing homes which cannot properly assure the health, comfort, and dignity of older people who can no longer be taken care of at home."

HEW notified six nursing homes—including two in Detroit—they are being dropped from the Medicare program Oct. 25, with state withdrawal of Medicaid payment expected to follow.

"With the addition of six extended care facilities terminated today, a total of 25 have been dropped from the Medicare program since the beginning of the year. Another 362 withdrew from the Medicare program voluntarily during the same period, many because they could not, or would not, upgrade to meet Medicare quality standards. An additional 58 facilities upgraded after being notified of impending termination action.

"The enforcement of Medicare quality

standards in fiscal year 1971 included more than 4,900 completed surveys of extended care facilities, the investigation of over 1,000 complaints, and in excess of 8,000 visits of facilities to correct deficiencies and improve services provided. In addition, there were 250 direct Federal surveys of extended care facilities to check on the quality of the State agency findings and enforcement followup."

WHO ARMED PAKISTAN?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. SCHMITZ. Mr. Speaker, the Armed Forces Journal of November this year had two extremely interesting articles concerning recent events in Pakistan. In order to make this material available for the review of my colleagues I would like to insert both articles into the RECORD at this point. The first is by Brooke Nihart and the second by Col. Robert D. Heinl, Jr.

The articles follow:

WHO ARMED PAKISTAN?

(By Brooke Nihart)

Chicom small arms and light crew-served weapons were responsible for over 90% of the Bengali dissident casualties, The Journal has learned from reliable diplomatic and intelligence sources. This revelation is in dramatic contrast to the automatic assumption on the part of many Americans and foreigners alike that, since the U.S. gave and sold weapons to Pakistan from 1954 to 1965, American weapons were used to put down dissenting Bengalis in East Pakistan. The facts, which American politicians and journalists didn't bother to check, or, if they checked, did not choose to use, reveal quite the opposite.

The facts of military aid to Pakistan—what part of U.S. aid has been used in East Pakistan, and what weapons actually have been used in the killing of an estimated over 200,000 dissidents—will come as a surprise to Americans, especially as the public has been subjected to a drumfire of half truths and plain misinformation from some of their elected representatives on Capitol Hill and from their daily newspapers. Washington insiders, alluding to the old "China Lobby," are beginning to refer to an "India Lobby" as the source of much of the sound and fury.

The facts of the matter seem to be these:

After the 1965 Indo-Pakistani War the Pakistan Army was completely re-equipped with Chinese rifles, machineguns, and mortars, and the West German G3 assault rifle. The Chinese weapons furnished included the AK47 assault rifle, the RPD light machinegun, and 60mm and 82mm mortars. The Chinese built a factory in East Pakistan to produce ammunition for these weapons, and for logistical reasons the troops in East Pakistan are armed with them. The German-built G3 factory is in West Pakistan, as are the other ammunition factories. These are the types of weapons that inflict most of the casualties in low-level conflict such as the insurgency in East Pakistan.

The only American-made arms in East Pakistan were 30 to 40 M24 light tanks and 16 F-86 jet fighters, although the latter may have been among those CF-86s bought from West Germany. These were used against the dissidents *only during the first three or four days* of the counter-action. The tanks were mainly used in shows of force, although on one occasion some shelled the university in Dacca, undoubtedly causing a number of casualties. The jet fighters were seen taking off armed with rockets and returning with the rockets expended.

The M24 light tank was developed in WWII. It weighs 20 tons, is armed with a lightweight 75mm gun, and is protected by about one inch of armor. It was built by Cadillac and Massy-Harris in 1944. About 124 were delivered in Pakistan in 1955, and the 50 or so remaining are kept running by cannibalizing and adapting spare parts from commercial sources. No spares have come from the U.S. government for years.

The F-86, North American Aviation's venerable Sabre jet which swept the Korean skies clear of MiG-15s in 1951-53, was delivered to Pakistan prior to 1959. The PAF still operates about eight 16-plane squadrons of F-86s, or a total of 128. Over half of these, however, are Canadian CF-86s obtained from West Germany. Spares initially were provided under the Pentagon's Foreign Military Sales program, but the F-86 has been so long out of USAF inventory that most spares now are procured from commercial suppliers and from surplus dealers both in the U.S. and abroad, as most air forces equipped with F-86s have been disposing of them.

When the Pakistan Army was ordered, on 25 March, to put down the East Pakistani separatist movement, they did so with enthusiasm and apparently excessive and wanton use of force. Over 200,000 deaths have resulted. But even this grisly toll out of a population of 70-million can hardly be termed "genocide," as the victims' Indian coreligionists And Washington's "India Lobby" were overquick to charge.

The two divisions of Pakistani Army troops in the East were reinforced by two additional divisions, deployed without heavy equipment from West Pakistan. They came by ship and by air—eight PAF C-130Bs received some years before under the Military Aid Program (MAP) and nine Boeing 707s (seven owned, two chartered) of Pakistani International Airlines (PIA), a commercial carrier.

After the 1947 Partition of the Indian Sub-Continent, Pakistan's Army was equipped with a variety of British weapons, from small arms to tanks and artillery. The small arms are now used by police and paramilitary groups, while any tanks and artillery remaining are used by reserve formations.

After joining SEATO/CENTO in 1954, Pakistan was re-equipped with U.S. armor, artillery, and aircraft—M24 light tanks, M47/48 medium tanks, a few M59 and M113 armored personnel carriers, 106mm recoilless rifles, 105mm/155mm/8-inch howitzers, F-86 fighters, eight F-104 fighters, and a few B-57B light bombers.

At the time of the 1965 Indo-Pakistani War all U.S. MAP aid was stopped. MAP was resumed in the spring of 1966 under an informal U.S. policy, but only for spare parts for non-lethal equipment. No end-items of military equipment were provided.

In April 1967 a formal policy was established by the U.S. Permitted was the purchase for cash or by credit arrangements of spare parts of *all* equipment and ammunition. The U.S. announced its willingness, on a case-by-case basis, to negotiate the sale of *non-lethal* end-items to Pakistan. Under this policy the eight C-130B transports and some training aircraft were sold. The policy is still in effect.

Since the 1965 cut-off of U.S. arms, Pakistan has gone to France, Germany, China, and the Soviet Union for arms. France has provided Mirage IIIE jet fighters, Alouette III helicopters, and four *Daphne*-class submarines. Germany sold the mentioned CF-86 jet fighters, Cobra anti-tank guided missiles, and G3 assault rifles and a factory to make them.

After the U.S. arms cut-off in 1965, Mainland China filled the arms vacuum with 225 T-59 medium tanks, 122mm howitzers, 70 or more MiG-19 jet fighters, mortars, and small arms. Not to be outdone by its rival, China, the Soviet Union about 1967 sent Pakistan 150 T-54/55 medium tanks, 20 PT-76 light tanks, and 200 130mm guns.

In 1970, partly to offset Chinese influence through its arms supply and partly as a gesture of support to the liberalizing Pakistani government, the U.S. decided on a "one-time exception" to its non-lethal equipment policy. The offer was on a cash-and-carry, full-price basis. In the deal were to be 300 M113 armored personnel carriers, 14 Northrop F-5 jet fighters to replace a like number of obsolete and inoperable F-104s, seven B-57s to replace a like number lost through non-combat attrition, and four maritime patrol aircraft of a type which was never determined. The offer was realistic on the part of the U.S., as Pakistan had over $250-million in foreign exchange reserves at the time, while the price for these weapons, so greatly desired by Pakistan, was but $80-million. However, Pakistan wanted the sale to be on credit. The U.S. said, "No deal," and *none of these weapons were delivered* to Pakistan, contrary to some popular belief both here and abroad.

MAP STOPPED?

The foregoing facts as developed and reconstructed by The Journal demonstrate that essentially and for all practical purposes—especially counter-insurgency—U.S. military aid to Pakistan ended in 1965 at the time of the Indo-Pakistani War. Beyond that point U.S. military aid has been largely non-lethal—training items, spare parts to keep weapons and equipment operational in support of CENTO/SEATO goals, and some defensive items such as anti-tank ammunition to defend against India's superior tank force.

Meanwhile, it has been Russia and China who have poured armaments into Pakistan for their own political advantage. These included both mid-intensity war weapons such as tanks and jet fighters as well as low-intensity war or counterinsurgency weapons such as small arms.

Coincident with the outbreak of armed dissidence in East Pakistan in March, the U.S. government on 25 March stopped all military aid to Pakistan. Two furors over alleged violations of the ban in June and October were compounded of misunderstanding, misinformation, and partisan politics, and led to more credibility gaps among all involved.

The New York Times broke a story on 21 June that a Pakistani ship was about to leave New York with a military aid cargo and another had left in May, both apparently in violation of the ban. The cargo was alleged to contain eight aircraft and quantities of spares for military equipment. Other reports mentioned 2,000 rounds of ammunition.

As it turned out, the aircraft were, in reality, eight boxes of aircraft spare parts averaging 100 pounds per box. The words "spare parts" had been omitted on the bill of lading, but the weights should have been a tipoff that aircraft were not being shipped. The ammunition turned out to be .22 caliber Hornet, a light hunting cartridge used in pilots' survival kits to bring down small game for food.

The facts, according to official DoD sources, are these: In April, to implement the 25 March decision to ban further arms aid, DoD ordered military depots to administratively hold up any Pakistan military materiel shipments. State held up any further issue or renewal of export licenses. The net effect of these actions was embargo, although that emotional term was not used.

Meanwhile, $6.1-million worth of supplies, mostly spare parts and from commercial sources, had been licensed, contracted and/or paid for, and were in the pipeline—in trucks or railroad cars, in warehouses under control of shipping agents, or loaded into ships at dockside. Legally, these shipments belonged to Pakistan, even though physically they may have been on U.S. soil, emphasized the DoD official.

In apparent disregard of domestic and international law, as well as the effects on U.S.-Pakistan relations, Senator Frank Church (D-Idaho) demanded that the President seize the Pakistani-owned goods in the U.S. and even have the Coast Guard seize the Pakistan-flag ships carrying the goods on the high seas.

The DoD official explained that, during this period, while Pakistani-owned property was allowed to leave the country, a diplomatic dialogue was maintained with Pakistan, with the U.S. urging restraint in the handling of her internal problems.

This diplomacy has paid off, the official said, and suggested the following had resulted:

General Tika Khan, the commander in East Pakistan and responsible for the initial blood bath, was removed.

Civilian government, under a Bengali, has been restored.

General amnesty for dissidents has been offered.

The doctrine of "mass responsibility" for dissident activity has been banned.

More recently, in October, Senator Edward M. Kennedy (D-Mass.) charged that the U.S. was continuing to deal with Pakistan for the supply of military materiel. He exhibited Pentagon "offer and acceptance" documents for nearly $10-million in spare parts for B–57s, C–130s, F–86s, F–104s, H–43 rescue helicopters, T–33 and T–37 jet trainers, and cartridges for explosive cutters of underwater mine mooring cables.

The materiel had little or no application to the type of low-level operations being conducted in East Pakistan, and indeed it was not intended to ship them until the "embargo" was eventually lifted, officials have stated. As State Department officials pointed out, none of the materiel could be exported without a State-issued license, which had not been requested or issued. Obviously, cognizant officers in the Services were going through the paperwork exercise necessary before any military aid transaction can take place, and in anticipation of aid resumption.

As a further result of the hue and cry over "arms" to Pakistan, the Senate Foreign Relations Committee in mid-October voted sanctions against Pakistan until the President reports that Pakistan is cooperating fully in attempts to stabilize East Pakistan and resettle refugees who have fled to India. The sanctions would include a cut-off of all military, economic, and other assistance and all arms export licenses.

As a counterpoint to the Senate action, which observers say merely exacerbates difficult relations with Pakistan and has little or no direct bearing on the plight of the East Pakistanis, reports from Karachi state that recently the Pakistani merchant ship *Sipsah* arrived with a cargo of small arms and ammunition from North Korea.

Of course, it is arms such as these, not spare parts for obsolete aircraft and explosive cutters for mine cables, that can be and are being used against dissidents. "But," as one Pentagon observer put it, "the Senators have no vote in Pyongyang and are not running against Kim Il Sung."

RUSSIA WIELDS TWO-EDGED SWORD IN THE INDO-PAKISTAN CRISIS

(By Col. Robert D. Heinl, Jr.)

Nothing better illustrates the ironic complexities of the tangled web of international military assistance than that Russia, India's great and good friend, is continuing to provide arms assistance to Pakistan, India's mortal enemy.

Like the United States, but from different motives, the USSR is giving military assistance to both sides and is blandly working both sides of the street.

It is, of course, well known that Russia is extending virtually unlimited arms aid to India, and that the United States is helping Pakistan (though on a scale disproportionate to the resulting uproar both in India and at home).

What is little known is that we are also sending small but vital amounts of military assistance to India, and that the Soviets are doing the same for Pakistan.

UNITED STATES GETS FLAK

The difference is that Russia is reaping solid political advantages for her large-scale, wide-open distribution of arms throughout the subcontinent, whereas the United States gets nothing but flak from all parties and predictably from world reservoirs of residual anti-Americanism.

Another difference in both cases is that of scale and kind.

Since the 1965 Indo-Pakistani War, Russia has become India's largest supplier of military equipment (more than $1.5-billion up to 1969 alone, unspecified greater amounts since).

On the other hand, however, when the Soviets opened their floodgates after 1965, the United States and Britain embargoed any kind of military supplies to either party, and only during recent years has this extremely tight restriction been even slightly relaxed.

SPARE PARTS

Today, the United States is providing India with limited quantities of mostly nonlethal automotive and aircraft spares.

Surprisingly, however, we are also giving India vitally needed artillery and aerial fuses—items exclusively lethal and certainly far more so than the small quantities of .22 caliber cartridges which provoked such an outcry when discovered among the recent U.S.-licensed much-vexed shipments to Pakistan.

On the other side of the lines, in Pakistan, both U.S. and Russian programs are small.

The main difference is that the USSR program will continue indefinitely until Russia finds it politically inopportune.

By contrast, U.S. shipments to Pakistan—not really a program at all—have consisted solely of nonlethal materials purchased and paid for in cash by Pakistan, appreciably before the outbreak, last March, of the East Pakistan crisis. No more have been authorized.

About 80% of what we permitted the Pakistanis to import comprises aircraft accessories and spares, the remainder mostly being automotive parts.

For her part, Russia continues to support the Mi–8 helicopter force she gave Pakistan in 1968 in what was widely read as a reward for then-President Ayub Khan's having closed down the secret U.S. communications-intelligence installation at Peshawar.

Russia is also providing spare parts for Pakistan's approximately 375 T–54, T–55, and T–59 Russian tanks (some acquired through China in earlier times) and her more recently acquired 20 PT–76 light tanks.

NEED RUSSIAN SPARES

Without Russian spares, Pakistan's armed forces, already hurt by maintenance and parts deficiencies, would find themselves in some difficulty.

Important as this is to Pakistan, Russia's contributions to India by comparison are momentous.

Just a year ago—to give a noteworthy example—India produced its first complete MiG–21, using factories established by the USSR.

The MiG complex, which started by putting together assemblies from Russia but has now gone to original production, consists of three plants: engines at Koraput, air-to-air missiles and electronics at Hyderabad, and airframes at Nasik.

The MiG–21 is India's air-superiority fighter. Today she has seven MiG–21 squadrons which include over 120 aircraft, some imported, and an increasing number homemade.

India's other Russian mainstay is the excellent Sukhoi 7B fighter-bomber.

Since 1969, she has received over 100 of the Mach 1.6 Su–7Bs which are now organized into five attack squadrons.

The Indian Army reportedly puts great hopes into the Su–7B to give it better air support than was received in the 1965 war.

For air defense, Russia has provided India with over 50 SA–2 surface-to-air missile (SAM) complexes, some of which are said to be sited for defense of the MiG factories.

At sea, normally operating from the Russian-built naval base at Vishakapatnam on the Bay of Bengal, India has what some officers call its Russian Navy.

This consists of four F-class 2,300-ton attack submarines complete with a trim new Russian tender, five *Petya*-class frigates, two LSTs, and (by rumor) six or more *Oha* coastal guided-missile boats.

In Kipling's day, the players were Russia and Britain. Britain has now retired to the sidelines, and the United States at present seems headed that way.

WHO WILL WIN

Russia is playing with greater determination than ever, and China—in Napoleon's phrase, the sleeping giant—is fully awake.

Who will win this game is hard to see. For the moment, as so often elsewhere, Russia seems ahead.

As for India and Pakistan—the nominal principals—and their tormented subcontinent, it is even more difficult to see them as anything but ultimate victims and losers.

BUSING OF SCHOOLCHILDREN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. DERWINSKI. Mr. Speaker, early in this session I cosponsored various measures which would have prevented busing of schoolchildren to achieve racial quotas.

Therefore, I wish to emphasize my support of the amendment included in the House version of the Higher Education Act, which prohibits busing of schoolchildren to achieve racial balance.

As all of us know, many parts of our Nation have witnessed the forced busing of schoolchildren many miles from their homes in order to achieve a racial balance, and have seen that this solution to the problem is not only expensive but is also unworkable. From the experiences a number of school districts within my congressional district have had with forced busing edicts, it is obvious to me that the interests of education are not served by arbitrary percentage rulings. Also, the effective administration of neighborhood schools has diminished, the children suffer from lack of educational benefits, and the vague social benefits to be derived from busing are questionable.

In addition, Mr. Speaker, I do not believe that the Justice Department, HEW, nor the courts have respected nor properly interpreted the intent of Congress in this area. Specifically, I believe the Supreme Court has legislated in this field and that the Justice Department and HEW have been interested in prosecuting local districts rather than improving educational opportunities.

Mr. Speaker, I wish to emphasize again that had I been present on November 4 when this matter was on the floor of the House, I would have supported the amendment which would prohibit busing of schoolchildren.

PACKAGING/CONVERTING EXPOSITION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, the American packaging industry performs so well and so efficiently that many of us are not aware that a $26 billion industry is responsible for the forms in which our goods reach us every day.

This tremendous economic complex is gathering for an annual exposition, starting today in Atlantic City, and I think the event is well worth the attention of my colleagues.

In Atlantic City's Convention Hall, nearly 30,000 individuals from all 50 States and from 36 other countries are convening for an annual meeting and the Packing/Converting Exposition, presented by Packaging Machinery Manufacturing Institute.

This is being cosponsored by eight major trade groups—the Packaging Institute, Packaging Education Foundation, Fibre Box Association, National Flexible Packaging Association, Package Designers Council, Adhesive Manufacturers Association, National Paper Box Association, and the Glass Container Manufacturers Institute.

The technological and economic advances made by America in packaging the fruits of our dynamic economy—emphasizing protection, sanitation, distribution, convenience, and environmental protection—make a major contribution to the world's highest standard of living, which our people enjoy.

One important feature of this meeting will be publication of a review of the overall picture in solid waste disposal and the packaging industry's progressive programs in this vital ecological effort.

With our environment now one of our top domestic concerns, we should closely examine the results of this important industry study.

Sixty individual industries will be taking part in the week-long program in Atlantic City. On the program are major conferences on solid waste disposal and recycling—both prime environmental concerns—U.W. metrication, mechanics training for jobs and other current subjects.

Overall, Mr. Speaker, the convocation will be something in the nature of a report on the packaging industry's implementation of its dedication to social responsibilities. In our private enterprise system, this is economic statesmanship of the first order.

The program also has its international aspects, including discussions of how to develop food packaging systems for emerging nations. The conference has been officially designated by the Department of Commerce as an overseas promotional event.

Modern packaging provides sanitation, product protection, broad geographic distribution, freedom of product selection, convenience in use, out-of-season availability, and similar advantages—all for a better standard of life. As a current report on our progress in these fields, the November 15 packaging exposition adds up to a major consumer event.

UNHOLY POWER

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. GROSS. Mr. Speaker, the following is the text of an open letter which Mr. Hamilton A. Long, a retired lawyer of Philadelphia, has written to certain leaders in Congress in protest to the unholy usurpations and delegations of power to the executive branch of government.

Mr. Long, in addition to years of legal practice, is a veteran of both world wars and a writer in the field of constitutional law and philosophy.

His letter follows:

1. *All members of the Congress* (as well as all judges in the USA et al, totalling 10,000) *have just been mailed* a copy of my constitutional study entitled: *The Constitution Betrayed;* which proves the fraud on the Constitution perpetrated since the 1930's by all three Branches of the Federal government through wholesale usurpations of power—still increasing massively at present—in *domestic affairs. In this "Open letter,"* I desire to stress *foreign aid's* equal flouting of the Constitution's limits on Federal power and of the traditional American philosophy's basic principles, besides the aid program's other fatal defects—amounting to a calamitous fraud which can be remedied only by total termination of this monstrosity.

2. *The Constitution is supreme legally* over everybody and everything—especially over all things governmental and all public servants, sworn to obey and support it always. *Treaties* are entirely subject to the Constitution; are invalid (indeed non-existent in its eyes if inconsistent therewith)—likewise *Executive Agreements*—if conflicting with this basic law of the people. See, for example, *Reid v. Covert* 354 U.S.1; *The Federalist* no. 33 by Hamilton; Jefferson's *Manual of Parliamentary Practice,* Sec. 52; especially Hamilton's *The Federalist* no. 75 warning that The Framers intended in the Constitution to bar the danger inherent in allowing the President to have power alone to make international agreements; and Madison's letter to Jefferson in 1798 (*Letters and Other Writings,* Lippincott & So., 1865; v. 2, p. 140–141) stating:

"Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."

Washington's *Farewell Address,* warning similarly, is too familiar to need quoting here. The contrary pretenses of demagogues, charlatans and other belittlers and violators of the Constitution and of traditional American principles are a stench in the nostrils of self-government.

3. *The traditional American policy*—embodied in the Monroe Doctrine's *two-sided* precept: that the USA would (a) *stay out of the Old World's* (Eurasia's) governmental affairs and endless wars while (b) *resisting Old World intrusion* into New World affairs governmentally—was thus phrased by Secretary of State (later President) John Quincy Adams in his July 4, 1821 address, when some were urging that the USA intervene actively in South America's struggles for freedom:

"Wherever the standard of freedom and independence has been or shall be unfurled, there will America's heart be, her benediction, her prayers. But *she goes not abroad* in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the *champion and vindicator only of her own.* She will recommend the general cause by the contenance of her voice, and by the benignant sympathy of her *example.* She well knows that by once enlisting under banners other than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy and ambition, which assume the colors and usurp the standards of freedom. The fundamental maxims of her policy would insensibly change from liberty to force. . . . She might become the *dictatress of the world.* She would *no longer be the ruler of her own spirit.*" (Emphasis added)

America has indeed lost her own soul but not gained the world—through the Wilson, FDR, Truman, Eisenhower, Kennedy, Johnson, Nixon madnesses globally, Nixon's now extending into Cambodia hugely and Laos substantially with a build-up for the Israel-Mid-East trap to succeed that of Vietnam). All losses and no gains, judged by traditional Americanism, for Posterity's just heritage! To label as "isolationists" those who oppose this wrecking operation—destruction of everything for which America had traditionally stood, with the people "lied" into every foreign war by their leaders—and who support American tradition in this connection, is most vicious demagogy: the usual resort of those who are bankrupt morally and intellectually, perpetrating more lies, frauds.

4. *The British-American foreign policy of the USA,* since FDR's regime (see attached item) started using America's strength and youth (to be killed globally, inviolation of the Constitution's limitation of military purposes and uses of men and money to the *"common defense"* of the States of the Union) in a vain attempt to rescue, revive the British Empire—wrecked by this very global imperialism-militarism—resulted in World War II's giving the USSR potential dominance of all Eurasia and environs (Britain, Japan, North Africa); and the entire post-1945 U.S. foreign policy has been a mask to hide this hideous reality from the gulled American people. At the same time, the Kremlin has gleefully aided and abetted America's being thus self-gutted from within morally, spiritually, economically, politically—bled white by being over-extended globally—by the Kremlin "Tar-Baby tactic"; trapping Sucker Sam into playing Brer Rabbit to Moscow's Tar-baby globally. First Europe (NATO), then Korea, then Vietnam; and next the Mid-East due to British and BIG OIL interests and Israel's being treated as "The 51st State" of the USA (per article in N.Y. Times 6/5/71, page 29 former U.S. Minister David G. Nes). All anti-Constitution!

5. *The Constitution makes each and every such usurpation a nullity;* therefore there can be no morally or legally binding commitment of the USA, by their defaulting pub-

lic servants, under the label of treaties, or Executive Agreements, or under-cover deals, or otherwise, to this end. This is true of the fake "Doctrine" of every President from 1945 to date—rank usurpations.

6. *Foreign aid*, military and economic, is only a facet of foreign policy and suffers from all its inherent defects—notably anti-Constitution (see, for instance, *Annals* of the Congress for Jan. 10, 1794—Madison et al in House of Representatives—and Justice Joseph Story's *Commentaries on the Constitution of the U.S., 1833, Sec. 919*). Economic fallacies and falsities involved are too well known, widely publicized, to merit discussion here.

7. The writer is well known as a foe of the Kremlin and its Communist conspiracy in the USA—for instances, as author of U.S. House of Representatives Document 213 (1953) against Communist teachers; also in testimony before various Congressional committees over the years.

WIDOWS' STOCK PLIGHT INVESTIGATED BY SECURITIES AND EXCHANGE COMMISSION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Moneysworth consumer magazine recently published an article concerning two widows who—according to the article—were almost "Merrill-Lynched."

The story disclosed that two widows of the same economic income and level were given directly opposite and conflicting investment advice.

I called the matter to the attention of the Chairman of the Securities and Exchange Commission, who investigated the story and provided me with a report.

Because of the interest of my colleagues and the American people in this most important matter, I include my correspondence with Chairman William J. Casey, Chairman of the Securities and Exchange Commission—together with the article and report of the Commission—in the RECORD.

The correspondence and material follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., November 9, 1971.
Hon. JOE L. EVINS,
Chairman, Committee on Small Business, House of Representatives, Washington, D.C.

DEAR MR. EVINS: In response to your request, I am enclosing a report which was prepared by our Division of Trading and Markets concerning *Moneysworth* and Merrill Lynch, Pierce, Fenner & Smith, Inc. Please let me know if we can assist further.

Sincerely,
WILLIAM J. CASEY, *Chairman.*

MEMORANDUM PREPARED BY THE DIVISION OF TRADING AND MARKETS IN RESPONSE TO A LETTER FROM HON. JOE L. EVINS

Mr. Evins wrote to us about an article entitled "How Two Widows Nearly Got Merrill Lynched" which appeared in the May 3, 1971 issues of *Moneysworth*, a self-styled consumer newsletter. We regret that we were not able to respond to Mr. Evins sooner. The delay has been caused, in part, by our need to seek satisfactory answers to the immediate questions and to design safeguards which would prevent a recurrence of the problem.

Briefly stated, the matter about which Representative Evins wrote is as follows. Two employees of *Moneysworth* represented themselves as widows in quite similar circumstances and wrote to Merrill Lynch for investment advice.

The first "widow", a Mrs. Bates, asked for specific stock recommendations and directed her letter to the "Investment Advisory Service" at Merrill Lynch's main office. Mrs. Bates received a detailed response from Merrill Lynch's Securities Research Division which gave specific stock recommendations based upon "the outlook for the economy and (Mrs. Bates') personal investment goal." The second "widow", a Mrs. Fier, sent her letter to a Brooklyn, New York branch office of Merrill Lynch. She asked for general advice and stated that she did not want a salesman to call upon her. A registered representative sent Mrs. Fier a copy of the prospectus for Puritan Mutual Fund, together with a handwritten note which suggested that she convert her securities holdings into a professionally managed fund. The stock Mrs. Fier was asked to convert into mutual fund shares are identical with and in the quantities as the stocks Mrs. Bates was asked to consider buying. *Moneysworth* gave the matter front page attention in its May 3, 1971, edition.

The Commission's staff has held several in depth discussions with Merrill Lynch and it has examined phases of the firm's procedures relating to its portfolio analysis program. The firm has advised us that the action taken by the registered representative who serviced Mrs. Fier was in violation of its policy which provides that any correspondence to a customer must be typewritten on firm letterhead and reviewed prior to mailing by the manager or his deputy and that recommendations contained in the letters must be consistent with research opinions, factual and in good taste.

Merrill Lynch has advised us that it has admonished its employee in writing and that it has revised and recirculated to its branch managers the firm's policy concerning the handling of customer requests for advice and recommendations.

Our inquiry was not limited to the incidents reported in *Moneysworth* but included an additional examination of the firm's portfolio analysis program. As a result of this examination, we have communicated our views to Merrill Lynch that its program should be changed so that (1) it explains fully and fairly the different treatment that participants in the program receive depending upon the size of the portfolio to be analyzed and whether the analysis is made by branch office personnel or the firm's research department; (2) there are established adequate safeguards to assure that the objectives of the analyses are to prevent recommendations from being made for the purpose of generating commissions and (3) there are adopted adequate firm-wide supervisory procedures over the program to assure the accuracy of the advertising and literature promoting the program and to ascertain that the implementation and administration of the program are being carried out as represented.

We appreciate the opportunity to consider the matter in light of our statutory responsibilities and hope that we have been helpful.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., April 27, 1971.
Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: Thank you for your letter of April 23, 1971, with which you enclosed the May 3d issue of *Moneysworth* and referred to an article concerning Merrill Lynch, Pierce, Fenner & Smith.

I have asked the staff to review this material and furnish me with a report as promptly as possible. I will write you again as soon as I have heard from them.

Sincerely,
WILLIAM J. CASEY,
Chairman.

APRIL 23, 1971.

Chairman WILLIAM J. CASEY,
Securities and Exchange Commission,
Washington, D.C.

DEAR CHAIRMAN CASEY: Please read, note and take appropriate action.

Report hereon will be appreciated.

With very best wishes, I am

Very sincerely yours,
JOE L. EVINS,
Member of Congress.

[From the Consumer Newsletter (N.Y.) Moneysworth, May 3, 1971]

HOW TWO WIDOWS NEARLY GOT MERRILL-LYNCHED

Merrill Lynch, Pierce, Fenner & Smith is the world's largest securities firm. It does an astronomical $125-billion a year in selling and buying securities, much of it for small investors. Merrill Lynch prides itself on its business with small investors. It claims to have over one million of them and spends $14-million a year in advertising to attract new ones.

Over the years, the single most effective means of attracting new customers, Merrill Lynch has found, has been to offer a free "portfolio analysis." Merrill Lynch runs ads in newspapers and magazines throughout the country offering to tell small investors whether they should hold onto or sell the stocks they own. If a change is deemed advisable, Merrill Lynch then "volunteers" to handle the transaction. These portfolio analyses purport to be scientfically conducted and are offered under the guise of a "public service." In its ads, Merrill Lynch crows about the probity of its portfolio analyses and about its lack of self-interest in conducting them. "Don't be surprised if we tell you that some of those dear old blue chips you've been holding for years are the best things in your portfolio," says a recent ad for Merrill Lynch in *Newsweek*, insinuating that its analyses are conducted with only the investors' interests—not Merrill Lynch's—in mind.

Is this really true? Are Merrill Lynch's portfolio analyses on the up-and-up? Or are they a crude, and perhaps even cruel, gimmick for drumming up business at the expense of the unsophisticated and unwary?

To find out, *Moneysworth* recently conducted the following experiment:

On November 8th, Dorothy Bates, *Moneysworth's* articles editor, sent a letter to Merrill Lynch as follows:

"Gentlemen: I would like your advice on investing some money. Recently my husband died and I received a little more than $50,000 when they sold his business. I'm 60 years old but I'm still working as a secretary. I'll probably retire in a few years and my friends tell me I can get more money if I put my money in stocks than if I leave it in the bank. When I retire, I'll be getting Social Security, but I'll probably need more to be comfortable. I would like to invest about $40,000 in stocks. Please tell me which stocks to buy.

On November 17th, Mrs. Bates received an elaborate, 1500-word reply from Joseph Reilly, of Merrill Lynch's "Portfolio Analysis Department, Securities Research Division." It discussed the general state of the economy and Mrs. Bates' specific needs. It ended with a recommendation that she buy the following securities: $10,200 worth of Addressograph-Multigraph bonds, 200 shares of Winn Dixie Stores, and 100 shares each of General Foods, J. P. Morgan, Ford Motor, and Peoples Gas. Total cost: $40,900. Mrs. Bates was told that she would later be contacted by a sales representative, and, indeed, she was.

On November 22nd, five days after Mrs.

Bates received her letter, Miriam Fier, *Moneysworth's* business director, sent a letter to Merrill Lynch as follows:

"To Whom It May Concern: I am a 58-year-old widow, currently employed as a bookkeeper. Some years ago, my husband died and left me with an estate that today is worth about $50,000. Of this, about $9,000 is in cash, and $41,000 in securities. Below is a list of the securities I own. I want to be sure that when I retire in a few years, I shall not be in financial need. I expect to be receiving Social Security. Do you advise me to sell the securities I now own? Or hold onto them? Or switch them for other securities?"

To the bottom of Mrs. Fieri's letter was appended a list of securities. They were the very same ones that a week earlier Merrill Lynch had recommended to Mrs. Bates.

Now note: The financial circumstances of both women were identical. Both were widows. Both were working. Both were about 60 years old. Both hoped to retire in a few years. Both said they would receive Social Security. Both had been left estates of the same size by their husbands. Both had the same financial objectives.

Note also that during the week intervening between the time that Merrill Lynch wrote to Mrs. Bates and the time that Mrs. Fier wrote to Merrill Lynch there was no significant change in the stock market or the national economy.

Now comes the acid test: What would Merrill Lynch tell Mrs. Fier to do?

On December 3rd, Merrill Lynch, through Walter Skerrett, sent Mrs. Fier an invitation to meet with him, a prospectus for the Puritan Mutual Fund, and the following terse note:

"Dear Mrs. Fier: My suggestion would be to convert your security holdings into a professionally managed fund."

Imagine! Merrill Lynch was telling Mrs. Fier to get rid of the very same securities that a few days earlier it had touted to Mrs. Bates as a sound investment!

Does this prove that Merrill Lynch, in its portfolio analysis program, is guilty of duplicity and perhaps even fraud? Or did *Moneysworth's* experiment result in a fluke? Frankly, we don't know. But we do know this: If Mrs. Fier had stuck with the securities that had been recommended for Mrs. Bates, Merrill Lynch's profit would have been zero. If she had switched, Merrill Lynch's profit (through brokerage fees and commissions) would have been $2,425.

Last December 2nd, Merrill Lynch's board chairman, Donald T. Regan, addressed the Rotary Club of Dallas. His subject was "Other People's Money." He moralized at great length about the responsibilities of stockbrokers in handling other people's hard-earned savings. Said he: "Members of the Wall Street community are handling, caring for, and giving advice about other people's money . . . We have special obligations. We have to make rules, and see that they are continuously carried out, for the protection of customers."

Moneysworth's editors say "Amen," and would, for Mr. Regan's sake, paraphrase Matthew XXIII, 14: "Woe unto you, hypocrites!, for ye devour widow's houses."

THE POLICE ROLE AND JUVENILE DELINQUENCY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. PICKLE. Mr. Speaker, in all the controversy and confrontation between young people and the police all over the world, it is easy to lose sight of an intensive, very important, and ongoing effort being made to find the best tools possible to deal with juvenile delinquent problems.

Richard W. Kobetz and the International Associations of Chiefs of Police have just completed what may well prove to be the definitive work in this field for some years to come—a book entitled "The Police Role and Juvenile Delinquency."

Mr. Kobetz not only lays out policy guidelines for police-juvenile operations in light of recent court rulings and new insights from continuing research, but also goes beyond this primary objective of the work.

He has delved into the nature and extent of the delinquency problem. He has summarized the progress of dealing with juveniles across the country. And, to give an added perspective to his readers, he has both traced the chronological development of police-juvenile relations and explored the future role of the police in dealing with this field.

The research and the book were made possible through a grant from the Health, Education, and Welfare Department—and on looking at the finished product, I think we can say that this was money well directed and well invested. This information will be most helpful in my district—the model cities program in Austin has recently initiated a juvenile probation program.

BROOKLYN COLLEGE PRESIDENT REVIEWS CURRENT POLITICO-SOCIO CLIMATE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. PODELL. Mr. Speaker, it is my pleasure to call to the attention of our colleagues to an address by Dr. John W. Kneller, president of Brooklyn College, Brooklyn, N.Y., to my congressional district advisory committee, of which Dr. Kneller is chairman, on September 30, 1971 in Brooklyn, N.Y.

I commend Dr. Kneller's profound and poetic thoughts to those searching for an understanding of the current politico-socio climate.

His address follows:

Nearly a year ago I had the privilege of speaking to you as our committee began its working season. Like most academics and school children, I persist in my belief that the year begins with fall, so I enjoy this continuity, this sense of having come full circle. But while I enjoy it, I do not trust it. Continuity is comfortable, but circles are closed. A year's passing does not necessarily mean we have done anything except survive.

I did not come back here tonight to say the same things I said a year ago, wrapped in different metaphors. I have reread the words I spoke, and I am dissatisfied with them, though I liked them at the time.

I think you can understand the process by which those words separated themselves from me and became a speech I would no longer give. It has to do with the shape of the year between—something to do with My Lai and with Attica; something to do with a recession that cocks its head when you say "depression." Something to do with the deaths of three of our children's superstars—at least two from drug overdoses. Something to do with the teetering budget on which the education of our children must balance; something to do with school buses in Brooklyn and school buses in Texas. It has to do with the Berrigans in the dock and with a subsidy for Lockheed and with words scrawled stark across a subway map: "man on moon! on earth your mama is hungry!" It has to do with the terrible, twisted truth of the Pentagon Papers at last spread out for people to read.

But it also has to do with the faces I pass on campus; with the face of Ramsey Clark speaking at Commencement last June, and people answering telephones to take pledges for sickle-cell-anemia research this fall. It has to do with Congressmen standing against the ABM, the SST, the draft, the war.

I am not the same person I was a year ago; I have changed in the changing climate of the world around me, and in the changing climate of the world in which I work. I have been touched by words I have read, faces I have seen; molded by music I have heard, ideas I have had. And I have tried to give myself to change in order to grow, but it is always a struggle.

To some extent we are at the mercy of the time we live in, and I am no exception. I am alive in a world that has begun at last to be conscious of its injustices; if only it had begun sooner! The deep and deadly meaning of racism, of war, of discrimination by religion and by sex, the waste of the earth—it has taken so much of my life to only partially understand these things. I am made impatient by my desire to have been born with that understanding, so that I could have spent my life on solutions instead. But evolution, whether social or personal, is a slow business, and I was not born with the excruciating consciousness of other people's sufferings. And when I did begin to know of them, I did not realize at first that my freedom from hunger and poverty and discrimination was simply luck; I did not know that I would have to work for those freedoms for others to feel human myself.

All I really know now is that we will get no further, we supposedly human beings, until we deal with the petty hatreds that divide us. As long as we are willing to leave someone hungry or in need, it doesn't matter who we are, or who the victim of our indifference is—we will stay bogged down right where we are, and I, for one, am getting pretty damned impatient with this stage of evolution. Not, mind you, that I have accepted it myself. My state of consciousness is not what I would want it to be. There are times when being my brother's keeper makes me too sanctimonious, or too pained. And then just when I really begin to feel I *am* my brother's keeper, I discover I have left out my sister. I get discouraged at the mistakes I make, but I don't see any other way to live life than to keep working to wipe out the arbitrary prisons of the mind that entrap so many, within and without.

My theme, then, is change. To me, change is the essence of education. Learning is not the process by which a block of ignorance or misinformation is replaced by a block of information. Learning is the process that changes human beings. To put it another way, the effectiveness of education is measured by the amount of change it brings about in human beings. Since change is taking place all the time, education is going on all the time whether we are aware of it or not. Education is often involuntary; it is often negative and harmful. Being beaten for a crime you did not commit, having your playmate's mother call her child away from your game together because you are the wrong color or religion—these are involuntary educational experiences. Peddling herion, mugging a stranger, cheating on an examination—these are negative educational experiences, direct and powerful ones which have a crippling effect. The failure of education in our schools and colleges is attributable to the fact that they have remained bastions of self-perpetuating sameness and have ignored the powerful forces, positive and negative, voluntary and involuntary, that work relentlessly outside their walls.

The latest failure is, of course, Attica. Attica, with its graceful Greek name, redolent of man's ancient history and of the perishable nature of his past civilizations. Is it now the symbol of our decline? For me, the tragedy of our *Attica* is twofold. It is our failure to recognize that people and the world they live in will change and that our institutions must change with them or face extinction. It is also our failure to understand that education—voluntary or involuntary, good or bad—is taking place all the time in our prisons, whether we want it to or not. Our only hope is to substitute for the cruel devastating ordeal that is all we have to offer now in our prisons an education that is a liberalizing, humanizing experience. That is what prison means to me.

We have talked about prison reform for a long time. We have known that society takes revenge for alleged and actual crimes committed against it without reducing the number of those crimes or bettering the human condition. We have known for decades that our penal fortresses have made more criminals than free men and women. We have talked about penal reform, yet we have not demanded it. Will we now at last demand it over the bodies of the Attica dead—guards and prisoners alike?

The outlook is not promising. We tolerate silence—we even tolerate lies concerning what happened at Attica. Why? Why only two meals a day? Why only one shower a week? One change of underwear? Why the refusal to release a list of wounded, the refusal to allow doctors, lawyers, officials and relatives to communicate with prisoners? Why no information on those killed, while families suffered the cruelest uncertainty imaginable? Why the lies about the slit throats? Can we really expect reform without demanding answers to these questions and without really being willing to pay the price of reform not only in dollars but in action? The answer is not to build a special prison for 600 "troublemakers," the newest euphemism for politically active prisoners. We must tear down the Atticas of the country and get about the business of changing minds, changing institutions, changing ourselves.

Institutional change. It is this committee's reason for being. We have chosen, along with Congressman Podell, to try to make changes in the housing situation. In city planning and urban development; to work for court reform and for better legislation on the drug problem; to improve health care, within hospitals and outside of them; to study the welfare picture, and the treatment of the aged; to consider problems of taxation; to inform ourselves about ecology; to take a level look at business, labor, education. We have divided ourselves into committees to study these areas—and certainly we should add prison reform. We are to make the most informed recommendations we can to Congressman Podell, as we have done in the past. But we cannot stop there. We must make our recommendations to anyone who will listen, and to those who won't, and most of all we must make them to ourselves.

We must not tie ourselves to the dreary concept of what-has-always-been, or we will never be able to envision—much less make real—what can be, what should be, what must be, if we are ever to escape the endless, useless busy work of our lives, the constant preoccupation with method at the expense of people. Sometimes it seems to me that we have invented these unwieldy ways of doing things, these astonishingly inefficient and heartless bureaucracies, in order to shield ourselves from the frightening business of facing ourselves and discovering what we might be, if we dared to grow—if we dared contemplate what we might be without them.

It is hard. Just so long as we were not shot down at Attica, on trial for My Lai, just so long as there is blood when we need it, and important people we know when we need a favor, and money to pay for all the toys our children want; and for our cars, and appliances, and gadgets, just so long as no misfortune befalls us, we don't feel the urgency to change anything. We look away and if we see injustices, it is not our own furniture in the street. We are used to our old complaints; they have grown comfortable. We complain about future shock and busing. Those of us who are not businessmen or bankers can point out that it is a strange wage-price freeze that doesn't freeze profits and dividends too; those of us who are businessmen and bankers can explain why that would not be a good idea. Some of us maintain the belief that no really NICE person would ever be found in a jail or a welfare office or a public hospital or an old people's home or any of the other agencies so desperately in need of reform. And the world grinds slowly round and round, forever a closed circle, never a spiral.

Let us do more. Let us first change one institution in our own lives, prove we can still risk, still grow. Let those of us who talk about court reform, sit for one long evening on the hard benches in night court, and look at our neighbors there; let us see and feel the misery and anguish and injustice that multiplies itself across this country, night after night. If we are talking about city agencies, let each of us spend an entire morning sitting and watching what goes on in a welfare office, or a public clinic, or a medicaid application center, or an unemployment office, or any of the places we might spend huge chunks of our lives if we were a little less lucky. Let us go into homes for the aged, not as a publicized fact-finding team, but quietly, and spend more than a moment looking at those whose eyes will open and close forever on the same cracked dull wall. Are we to despise the old and the sick and the poor for being old and sick and poor? If not, we must not countenance the horrors they must live with.

Having studied, in your subcommittees, so many aspects of institutionalized life, you have a realistic idea of the problems and weaknesses inherent in each. You have concentrated on those which might be helped by legislation. But think now on how *you* might use your knowledge. Surely each of you sitting here is a part of at least one institution. Surely those institutions need changing. Surely you have the creativity and courage to change them. Imagine how the world would be if it matched your gentlest ideal; surely there is at least one bridge from here to there which you—you in particular—know how to build.

We cannot change the world unless we can change our country, and our only chance to change our country is to change its institutions. We will never do it unless we understand that the people who have built them, the people who staff them, the people who tolerate them, and the people who suffer because of them—are all ourselves.

Let us make issues real for ourselves, in our own lives; let us for once look at the people for whose sake have become issues. Let us not simply talk. Ecology, for instance, is a word. But in our lives, gasoline, detergent, recycled paper and tin cans are facts. Air and water are facts and becoming entranced with a word will not clean them.

Let us be sure we know what we are concerned with, beyond words; let us be sure we know why we are concerned. Why change is so urgent, why it is worth the discomfort it causes. The poor will always be with us, it has been said; but when will we be with the poor? Let us not shield ourselves from the pain of some of the more powerful kinds of learning. There were tears on the face of Robert Kennedy as he held a starving child on his lap in Appalachia; there were tears on the faces of the Vietnam veterans who left their medals on the steps of the Capitol; there were tears on the fact of Senator Michael Gravel when he read from the Pentagon Papers. Men do cry, when they are deeply human and deeply moved.

Most human beings cry; when they invest themselves in life with their whole hearts, and finally come to understand that behind the barricades of habit and words and we've-always-done-it-this-way are people, and the people are trapped. The first step is to realize that, and the second is to do something to free them, something to tear down the unresponsive grey walls of dead institutions, and build again with love and care and imagination. Too many never even reach the first step—never really recognize the humanity of all those people sitting silent, patient, in all those waiting rooms we have created, all those waiting rooms we tolerate because we ourselves need not sit in them. Let us not be numbered among those who will abandon the people who *must* sit in them, unseen, uncared for, robbed even of their names. If we have to force ourselves to be able to face them, then let us go and do it—and learn some of the things we would perhaps prefer not to know about ourselves.

How else will we ever leave the Berrigan trial behind with the Inquisition, My Lai with the Slaughter of the Innocents, Attica with the Black Hole of Calcutta? How else will we ever be able to accept each other and move towards the changing face of the unknown, which is not to be found on the moon, but in ourselves?

NUCLEAR POWER IN BRITAIN—A MORE TROUBLED VIEW

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HOSMER. Mr. Speaker, in his remarks in the other body on November 12, the senior Senator from Washington, at page S18391 of the CONGRESSIONAL RECORD, reflects a somewhat admiring view of nuclear power development in the United Kingdom. A somewhat more troubled view of the state of the nuclear power industry in Britain is reflected in an article by Nigel Hawkes appearing in that same day's issue of Science magazine. The article follows:

BRITAIN: NUCLEAR POWER INDUSTRY FACES CRITICAL CHOICE ON REACTOR

The British nuclear power industry is facing difficult days. For the umpteenth time in living memory, the Central Electricity Generating Board (CEGB)—the major electrical utility—is dithering over which type of power station to build next. The decision is important because it will determine the type of thermal nuclear station that will run alongside the fast breeder reactors in the last 20 years of the century. There is even a possibility, though a slim one, that the CEGB will abandon British reactors in favor of American designs.

The current state of indecision has it root in a dismal recor dof retarded growth and a failure to compete with other nations that has afflicted the British nuclear industry for 15 years. In the mid-1950's the government announced an ambitious program of building power reactors, but the plan quickly became mired as a sluggish economy caused electric power demand to grow more slowly than predicted. The program ran afoul as well of fears that brisk development of nuclear power might result in severe unemployment in the coal industry. Then in the mid-1960's, the Atomic Energy Authority (AEA)—the counterpart of the U.S. Atomic Energy Commission—embarked on a second and equally ambitious program which found Britain building an advanced type of gas-cooled reactor that worked well enough but that turned out to be for more expensive, and far less attractive to foreign utilities, than had been hoped.

In a short-lived boom, Britain exported two nuclear stations in the mid-1950's, one to Japan and one to Italy. Since then, there have been 12 lean years without a single foreign sale, a situation made harder to bear by the nearly total domination of the world reactor market (outside the Soviet bloc) by American light water-cooled reactors. But to bow to the inevitable and import U.S. would be to throw away a massive investment technology (as the French are now doing) in research and development. It is unlikely that anybody is ready to do this yet.

Thus, at the present juncture, the CEGB's decision promises to have a duel impact on the British nuclear industry. Its choice of reactor will not only set the pace and direction of reactor construction in Britain, but it will also bear heavily on the salability of British reactors abroad.

While the CEGB makes up its mind, everything else stops. As a monopoly purchaser, its word is law; and until the nuclear companies know what that word is, they cannot plan ahead with any conviction. Meanwhile, the CEBG has an embarrassment of choice. It could decide to stick to the Advanced Gas Cooled Reactor (AGR), a British design that first won its way to the front in 1965 in (supposedly) open competition with U.S. designs. Another contender is the Steam Generating Heavy Water Reactor (SGHWR), which has been operating successfully in prototype form for 4 years, but which has never been built on a commercial scale. The High Temperature Reactor (HTR), developed jointly with other countries in the Organization for Economic Cooperation and Development, is a third and still more remote possibility. Finally, and for reasons that nobody can quite fathom, the U.S. light water designs are being carefully assessed for the first time since 1965.

The two companies responsible for building British nuclear stations are The Nuclear Power Group (TNPG) and British Nuclear Design and Construction. They are the only two survivors of the five consortia that were set up in the 1950's, when nuclear power was the new thing. By the late 1960's, there were only three; and then in 1968 the number was reduced to two, in a badly botched reorganization by Technology Minister Anthony Wedgwood Benn.

The two consortia are in the unfortunate position of having to build power stations designed by someone else. the AEA, which designed the stations, has exerted a strong but baleful influence over the industry right from the start. Nobody denies that it is a competent outfit, but it has always had to design reactors rather than sell them, and it has done little to strengthen the consortia.

The British still have two chances of producing a reactor that will sell overseas. One is the SGHWR, a neat design using a heavy water moderator, light water coolant and enriched uranium fuel in individual pressure tubes. The design seems safe, economical, and straightforward to build, and a 100 megawatt (Mw) demonstration reactor has been operating without trouble since 1967.

Several foreign utilities have shown interest in the SGHWR. For a while, it seemed possible that Finland would buy one, but the deal fell through. (As a measure of the state of British competition, it should be noted that Finland did buy a small, conventional reactor from the Soviet Union. This so far, is the only reactor sale the U.S.S.R. has made outside Eastern Europe.) Recently TNPG submitted a tender to the Australian utilities for an SGHWR at Jervis Bay. Eventually the decision to build the plant there was deferred, but not before the CEGB had managed to upset the sales effort by saying publicly that it preferred another system, the HTR. Since then, it has changed its mind again, and now simply says that it is "undecided."

Naturally enough, foreign utilities are suspicious of a system that does not have wholehearted support in its own country. If an SGHWR is to be exported, one will have to be built at home, the argument goes. The best chance of this may come from one of Britain's smaller utilities, the North of Scotland Hydro Board, which has sought tenders for a 660 Mw station. While the CEGB deliberations go on, that proposal hangs fire.

The second British chance to export is the fast breeder reactor. An experimental fast reactor has been operating at Dounreay in Scotland since 1959, and the prototype fast reactor (PFR) on the same site should be putting 250 Mw into the national grid next year.

So far, Britain's fast reactor effort has gone well. There have been no embarrassing incidents at the 14 Mw experimental plant (unlike the troubles at the Enrico Fermi plant on Lake Michigan), and the PFR is only a year behind schedule, not too bad for a completely new design. (The delay was caused by difficulties in fabricating the roof of the pressure vessel.) The PFR uses mixed plutonium and uranium oxides as fuel and is cooled by liquid sodium. The entire reactor and primary sodium circuits are contained within a single "pot," which has no penetrations below the level of the sodium; all external connections are made through the roof of the primary vessel, from which the rest is suspended. The primary sodium circuit through a heat exchanger, and the secondary circuit raises steam to drive the conventional turbines.

The AEA has tried hard to allay suspicions about the PFR's safety, insisting that the sodium is surprisingly easy to handle, and even has its own advantages. It does not expand on cooling, so it can, if necessary, be allowed to cool down right where it is in the pipes. Lengths of pipe can then be taken out for repair and even welded back into place with the solid sodium in situ. Any leaks that develop will be slow, because the sodium is not pressurized.

SELF-PERPETUATION PLUS

The PFR's fuel load is 4 tons of plutonium. Each year it will consume all of this, but at the same time will produce another 4 tons, plus a little more, in the breeder blanket around the reactor. In this region, uranium 238 is converted to plutonium by the flux of neutrons from the center of the core. Thus the PFR is a power station and a fuel manufacturing plant at the same time, and the physics is rigged so that it actually makes a little more than it consumes. At the end of 10 years or so, if the calculations are correct, this accumulated excess will be enough to start up another fast reactor.

Although the PFR is behind schedule, the AEA's confidence in it is unshaken. "We're into the finishing straight" says R. V. Moore, head of the AEA's fast reactor effort. "Testing and commissioning starts early next year and criticality is expected towards the end of 1972. We're not going to rush the start-up program."

Rush or not, the AEA is almost falling over itself in the effort to move quickly from the prototype to the first commercial fast reactor. "In the past the country hasn't done frightfully well in getting a smooth transition to the commercial phase," Moore admits. "We're determined to get over this. For the past 2 years, the electricity boards, the nuclear companies, and the AEA have been studying the problems involved in phasing in a program of fast reactor power stations. A strategic plan has been evolved and agreed which leads up to an option to build a 'lead' station, starting construction in 1974."

The crucial word is "option." This program, if it is followed, would actually involve selecting a site for the first commercial breeder next year, before the PFR is even on load, and awarding a hardware contract in 1974, after less than a year's PFR operation. For a completely new system, this might well amount to rushing the fences. "What we're saying is that we *could* order as early as 1974," a CEGB spokesman told *Science*. "That would mean we would be commissioning the first station round the turn of the decade."

While it might be in Britain's interest to get the fast reactor program going as soon as possible, this plan almost defies credibility. The first commercial station, when it is built, will be a 1300 Mw plant, with two 660 Mw turbines. Capital costs are expected to be the same as for the current generation of reactors—around $245 per kilowatt installed—but fueling costs should be halved and then reduced to a third of present levels within a decade. The AEA believes that it still has about a year's lead over the French *Phenix* and considerably more over U.S. efforts. The Soviet Union is a dark horse, but is not expected to be much commerical competition anyway.

Whether or not the planned program is followed is of rather academic interest to the two consortia. They need work much sooner than 1974 to keep their heads above water.

To confound the confusion even more, yet another reactor policy committee has been established by the Department of Trade and Industry, successor to Benn's Ministry of Technology (see *Science*, 2 July). Chairman of the committee is Peter Vinter, an official in the department, and his fellow members are CEGB Chairman Sir Stanley Brown and AEA Chairman Sir John Hill. The Vinter committee has the crucial task of injecting some sense into British reactor policy—but, as usual, it has no representative from either of the consortia.

Presumably one of the committee's purposes is to guide the CEGB's faltering hand in the choice of a thermal reactor system. In the way of these things, however, the study is being coordinated by the CEGB itself; thus the committee runs the risk of merely rubber-stamping CEGB decisions, a criticism levelled at its predecessor. An even worse danger is that of failing to agree—and there are precedents for this, too. In 1963, the Powell committee was unable to choose between the AGR and the U.S. designs.

Either way, the formation of the committee has so far done no good at all. While it deliberates, no decisions will be taken, no contracts awarded. So the consortia are even worse off—an ironic result, since one of the purposes of setting up the Vinter committee was (according to one account) to strengthen the industry.

HOW FIRM A FOUNDATION?

The present situation shows British administration at its very worst. The companies are being urged to sell reactors overseas, without knowing whether they have a firm home base from which to do so. The CEGB is vacillating, but is unwilling to accept direction from anybody else. The AEA, leading from the rear, is urging everybody else to build fast reactors.

And the Department of Trade and Industry, dedicated as it is to keeping out of industry's hair, is busy interfering in what ought to be private decisions between the CEGB and its suppliers.

Worst of all, what is almost certain to emerge is a policy of no-change. The chances are that the CEGB will continue to build AGR's. They are more expensive than rival systems, but it would be equally costly to switch over. It is very difficult to imagine the U.S. designs getting a foothold in the British market—because of the loss of face. There is also a feeling, though nobody is rude enough to say it publicly, that PWR's and BWR's are not as intrinsically safe as the British designs.

Unless the demand for electricity picks up, however, the industry may be forced to reorganize itself once again. In the future, the CEGB is likely to be ordering about 4000 Mw of new power stations a year, not all of them nuclear. This rate of ordering is certainly not enough to keep both consortia happy, unless they can pick up some overseas orders as well. If the two consortia are forced to merge—or if one drops out of the business—the final shape of the industry would be much as a House of Commons committee recommended back in 1967. The trouble is that it might be 4 or 5 years too late.

AMERICA CAN TAKE PRIDE IN TAIWAN'S ACHIEVEMENTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. CRANE. Mr. Speaker, in the light of the United Nations' decision to expel the Government of Taiwan from that body, it is interesting to note that few have taken the time or the trouble to reflect upon the achievements of that government and upon the tragedy we have witnessed for all of the free nations of the world, in which those achievements were rewarded only with the world's scorn and ostracism.

Mr. George Todt, president of the American Center for Education in Hollywood, Calif., and columnist for the Evening Outlook of Van Nuys, Calif., recently devoted a number of his columns to the question of China. He has visited Taiwan and brings to the subject a knowledge and concern which have been evident in very few of those who have seen fit to discuss this subject in recent days.

He points out that—

> The Republic of China has become a great showplace for those nations which have met successfully the challenge of rising expectations among their people for a better life.

The United States extended extensive foreign aid to Taiwan for 14 years, from 1951 to 1965, and Mr. Todt notes that—

> Nowhere else in the world was it used more effectively for the purposes actually intended by the American people. The uninterrupted and almost miraculous economic growth continued apace on the island even after the Nationalists voluntarily ended our aid.

Despite the record of the Nationalist Chinese, and despite the fact that the Communist government in Peking has repeatedly violated the United Nations Charter, the United Nations has cynically decided that Taiwan must give up its seat in the United Nations to that very Peking government. The fact that Peking has invaded India, committed genocide in Tibet, murdered millions of its own citizens, and has been declared guilty of aggression by the United Nations itself in Korea, seemed of little importance to the delegates assembled in New York.

It is not the friends of the United Nations, Mr. Todt reminds us, who have advanced the cause of Peking's entry and Taiwan's expulsion, but its enemies. He writes:

> The U.N. Charter says that a new member must be devoted to peace; Red China is not so devoted by any stretch of the imagination. She is only devoted to exporting revolution and war.

Mr. Todt declares that "those who wish the U.N. well" would have served its best interests by "resisting the temptation to hug the Red Chinese leopard to their bosom—certainly, until this leopard has been made to change its spots."

I wish to share several of George Todt's columns with my colleagues, columns which are written before the fateful action by the United Nations, and insert them into the RECORD at this time:

[From the Evening Outlook, Nov. 24, 1970]

ADMISSION OF RED CHINA WOULD MOCK U.N.'S GOALS

(By George Todt)

"Make haste slowly."—Latin proverb.

Will Communist China be admitted to the United Nations next year? Last week's close vote seems to indicate that it will. And that's not good. It is a question, insofar as the United States is concerned, of "heads, you win—tails, I lose!"

Despite Red China's pretense throughout the years of not really being interested in a U.N. seat for herhelf—purely as a face-saving device—that fact is her Communist cohorts have carried on a relentless struggle in her behalf for 20 years.

The intrasigence of the Reds, their refusal to compromise their plans and the timelessness of their aims have paid them rich dividends. They simply stick together waiting for the flimsy facade of the so-called Western alliance to come apart at the seams. Just sweat it out!

Biggest indirect assistants to the Communist aims are Western businessmen who think of Red China only in terms of the fast buck. For favorable potential trade terms, they are willing to jeopardize national security.

Nicolai Lenin once chortled that the capitalists were so obsessed with desire to make money they would even vie for the bids for the hemp with which the Communists would hang them when they came to power. A grim joke, but he made his point.

It is true there are persuasive arguments for bringing Red China into the U.N.: The Peking governments speaks for 700–950 million people, perhaps a fourth of the population of the world; possibly, if Red China were in the U.N., she would mellow and become easier to handle; why not show how truly big we are and accommodate Red China even though guilty of the most reprehensible actions in the past?

But the world stage is not a dream world and it would be best to be practical in our examination of any wishful thinking, however well-intentioned, so let us examine the counter-arguments to such suggestions.

In the first place, there is much question of whether the dictatorship of Red China really speaks for the oppressed masses. Perhaps as many as 50 millions may have been purged—exterminated is a more descriptive word—because they dissented with the brutal, uncivilized pirates who usurped power in a bloody, military takeover beginning in 1949. There was no election.

If anyone honestly thinks Red China would mellow and become a reasonable, responsible partner upon entering the U.N., he ought to stand in the corner on his pointed little head. She would be dedicated instead to only one main objective: the downfall of the capitalistic, free enterprise United States. The reason: the balance of the Western alliance would fall into the Communist empire the next day without the firing of a shot.

The Western bloc of nations has enough trouble now holding their heads above water in the U.N. when contesting the adept Communist bloc and "third force" nations—some with only half a million population, but whose vote equals that of the United States anyway.

Put the power and prestige of Red China, which is unalterably opposed to the United States and her American way of life, on the side of those now opposing us—and it might be akin to laying our collective heads on the chopping block. Why do it?

Instead of paying blackmail to this international bandit, would it not be a better course of conduct on our part to insist that the membership standards of the U.N. not be lowered to a point so low even Red China could get in—but insist that the Red Chinese first reform and mend their ways before being given any possible membership consideration?

The U.N. Charter says a new member must be devoted to peace; Red China is not so devoted by any stretch of the imagination. She is only devoted to exporting revolution and war.

Those who wish the U.N. well will serve it best by resisting the temptation to hug the Red Chinese leopard to their bosom—certainly, until the leopard has been made to change its spots.

[From the Evening Outlook, Feb. 20, 1971]

U.S. OVERTURES TO PEKING FAIL TO BRING RESPONSE

(By George Todt)

As seen from the official American point of view, there is little doubt that Communist China continues to pose a potential threat to non-Communist countries wherever its power to subvert their governments effectively may be brought to bear.

However, the threat against her neighbors on the border is not considered as grave as in former years. This is due to the much-expanded strength of the Eastern Asiatic non-Communist nations and their increased ability to handle Red subversion on their own terms.

During much of the Great Cultural Revolution, just now ending, Peking had only a single ambassador abroad. Now there are close to 30 as the Reds attempt to put a better diplomatic foot forward. They are interested, understandably, in securing favorable trade agreements—which they are doing with some success—and an eventual seat in the United Nations.

There are many persons who welcome such diplomatic initiatives on the part of the Reds in fervent hopes, justified or not, that possibly the Peoples Republic has renounced the lunatic behavior and misguided philosophy of the Cultural Revolution and former times since the advent of Chairman Mao. There is, also, a large body of world opinion which holds that some of our more pressing problems defy solution unless the Red Dragon may be brought to the diplomatic conference table. There are reasons advanced for all seasons.

One of our thorniest problems yet to be resolved if Red China is to be seated ultimately in the United Nations revolves about the Republic of China on the Island of Taiwan. We are committed irrevocably by treaty and bedrock moral principles to prevent a Red takeover of the Nationalists under our tried and tested ally, Generalissimo Chiang Kai-shek.

But that happens to be the name of the game, insofar as Peking is concerned. The supreme autocrat, Mao, insists that he will not condescend to join the U.N. any other way. It is a question of the irresistible force meeting up with the immovable object.

It should be noted, however, that we consider it in everyone's interest—despite any appearances to the contrary—that Red China should become more closely associated with necessary mutual attempts to solve vital problems of international concern.

The U.S. diplomats have tried sincerely to do their part in this direction and have met with Red Chinese ambassadorial delegations at Geneva and Warsaw more than 135 times since 1955, admittedly with impoverished results, if any. Peking has been suspicious of our intentions and motives. But lately there seems to have been some slight relaxation of their fanatical approaches to domestic and foreign policy. A breakthrough is unlikely but not impossible to achieve sometime later. Who knows?

At any rate, here is what we have done unilaterally to try to get the show on the road: (1) permitted noncommercial tourist purchase of up to $100 of Chinese goods; (2) relaxed restrictions relating to travel to permit almost anyone with a legitimate purpose to travel to mainland China on an American passport.

Also, (3) permitted unlimited tourist purchases of Chinese goods, enabling tourists, collectors, museums and universities to import Chinese products for their own accounts; (4) permitted American-controlled subsidiaries abroad to conduct trade in nonstrategic goods with mainland China.

Also, (5) announced selective licensing of American-made components and related spare parts for non-strategic foreign goods exported to China; (6) lifted the restriction on American oil companies abroad bunkering Free World ships bearing non-strategic cargoes to Chinese ports. Other steps are under consideration in the general area of contacts and trade.

Red China has not had the courtesy, generosity or good manners to reciprocate in the matter of concessions anywhere along the avenue of this decidedly one-way street of traffic.

Her negative kind of motto, in this instance, might best be summed up: "Your friends are my friends and my friends are MY friends."

So what's the percentage? What's new? What's in it for us?

[From the Evening Outlook, Feb. 23, 1971]

America Can Take Pride In Taiwan Achievements

(By George Todt)

Some insistent and strident voices in the United States habitually demand "instant accommodation" with the People's Republic of China, under various guises, but such is hardly possible at the present time. For we honor our commitments and obligations with our allies, strange as it may seem to unethical minds oriented merely to expediency and power politics.

We are bound by the terms of the Mutual Defense Treaty of 1954 with the Republic of China, presently based on Taiwan. We are committed to its defense, as well as the Pescadore Islands, but not necessarily other territories now under Nationalist control.

The 1955 joint resolution of the House and Senate authorizes the President to act in defense of such territories, however, if he considers such action "required or appropriate in assuring the defense of Formosa and the Pescadores"—or to assist the government of the Republic of China in returning to the mainland.

The last part provides for interesting speculation. Had we assisted Generalissimo Chiang Kai-shek back to the South China landing he once contemplated, could he have held on and created at least a buffer zone between Peking and Hanoi? What effect might it have had on the present Vietnam war in which we are heavily engaged today?

In the meantime, we have provided our ally generous military assistance and he has cooperated fully in making available to us needed bases and facilities on Taiwan to support American forces in Vietnam. The strategic importance of this area cannot be overestimated.

But even beyond this important factor, the Republic of China has become a great showplace for those nations which have met successfully the challenge of rising economic expectations among their people for a better life.

We extended extensive foreign aid to Taiwan for 14 years, from 1951 to 1965, and nowhere else in the world was it used more effectively for the purposes actually intended by the American people. The uninterrupted and almost miraculous economic growth continued apace on the island even after the Nationalists voluntarily ended our aid.

The combination of imaginative and effective government economic planners and administrators, joined together with the considerable talents of a hard-working people, create a potential for the further economic and social development of Taiwan to the stage of a modern industrial society.

The accumulated experience of Nationalist China with the problems of development now constitutes a valuable resource for the Asian community as a whole. She has expanded her active cooperation in development programs not only with the countries in Eastern Asia, but in Africa as well.

This kind of worthwhile cooperation with other nations has gained a great deal of newly won respect for the Republic of China.

Our close association in constructive economic matters, our shared interest in strenghtening the security and progressive development of the over-all East Asian region, together with our treaty commitments to the defense of Taiwan and the Pescadores, are the basic foundation of our close relationship with the Republic of China.

These considerations are also the basis of our support of the government of the Republic of China on the world stage. Despite divided opinions as to whether she may be the only legitimate government of all China—Nationalist and Communist together—there can be little informed doubt on the truly most important score.

And that is, quite simply, the record of accomplishment on Taiwan and the constructive role now being played on the international scene by the government and people of the Republic of China fully merit for her a rightful place in the world community of nations.

That is the official American position—belligerent Red China and Chairman Mao to the contrary, notwithstanding!

THE RIGHT TO LIVE—A MORAL ISSUE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mr. HOGAN. Mr. Speaker, I recently participated in a Right to Life Day sponsored by the Maryland Human Life Committee, which included various speakers presenting medical, moral, religious, and political arguments against legalized abortion.

The speeches were uniformly excellent, and I insert in the RECORD an address delivered by the Reverend Robert T. Woodworth, chairman of Maryland Chance of a Life Time and Pastor of Open Bible Broadcasts, Inc. His address provides a cogent religious argument against abortion:

The Right To Live—A Moral Issue

(By The Reverend Robert T. Woodworth)

> "All men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life."—U.S. Declaration of Independence

The Right to Life is a God-given right not to be abrogated by men nor laws. To all thinking theologians, political philosophers, and honest historians our American political philosophy has a strong religious and moral foundation. We are governed by laws rather than men; and it is the *law* that gives to all men the right to life, not men. In America the individual is more important than the needs of the state or the decrees of other men.

When we apply these principles to the right of the unborn to be born, it has a particularly moral and religious meaning. Abortion has been considered by many to be the narrow opposition of the Roman Catholic Church handed down by tradition; or precepts of the religious heirarchy. But evangelical and fundamental Protestants who maintain the Bible as the infallible authority in moral matters have also looked upon the termination of fetal life with repugnance.

The moral obligation in whether to abort or not to abort is that all efforts should be utilized to save the lives of *both* mother *and* child. No person may elect to terminate the life of another. Only the state, after due process of law, trial by one's peers, and conviction of a capital offense may legally or morally determine to take away the right to live. Even this is still undergoing serious scrutiny; and the enigma is that often the same persons who oppose taking the life of a convicted criminal, may also see nothing wrong in killing the innocent unborn who have had no moral choice to do good or evil. Or, as Dr. L. Nelson Bell has asked, "Has the willful murderer more rights than the unwanted child?" (*Christianity Today*, June 18, 1971) "An Alternative to Abortion." Dr. Nelson Bell is a former Presbyterian medical missionary, the father-in-law of Dr. Billy Graham. He writes with conviction: "As a physician and a Christian, one who can well understand the emotional agonies involved for parents and daughters, I urge all concerned not to accept what seems to be the easy way out, but to face up to the fact that a human life is involved—a life that cannot defend itself and is in no way responsible for its plight." Dr. Bell, executive editor of *Christianity Today* continues, "The consequences of sin cannot be avoided, but they must not be compounded by a further step in the wrong direction." As the doctor points out, there is a waiting list of childless couples who have waded through all the complex legal paperwork to adopt somebodys "unwanted" child. There is a Christian alternative to abortion.

In my statement before the Maryland Legislature which was reprinted in the *Congressional Record* ("Egypt, Rome, and Maryland," Feb. 26, 1971) I pointed out the Biblical history of infanticide at the births of Moses and Jesus—how the world might have lost the greatest law-giver and Savior of mankind. But some will argue that the differences is in killing infants already born alive between aborting babies not yet born. The argument is that the fetus up to six months is not viable, not yet a person, therefore extinguishable as an appendix or adnoid.

Using the Bible as an authority, we can conclude that Almighty God does consider the unborn as a person. Job speaks of himself as having life and personality in the womb (*Job 10:18–19, 31:15*) The Psalmist talks of belonging to God from his mother's belly (*Psalms 22:9–10*). He speaks of being upheld by the Lord before birth (*Psalms 71:6*).

The wise man in *Ecclesiastes 11:5* concludes that as man does not fully understand embriology, or how a complex human is formed in the womb, neither can we know other works of God. The Prophet Isaiah speaks repeatedly of prenatal human existence. He says the Lord formed and made His Children and chose them still in the womb (*Isaiah 44:2, 24 49:5*). In another passage the Lord addresses man and called him *"a transgressor from the womb."* (*Isaiah 48:8*). The Prophet proclaims he was called by name in his mother's womb (*Isaiah 49:1*). And *Isaiah 66:9* asks about abortion, *"Shall I bring to the birth, and not cause him to bring forth? saith the Lord. Shall I cause to bring forth, and shut the womb? saith thy God."* Even the Prophet Jeremiah claims, *"The Word of the Lord came to me, saying, Before I formed thee in the belly, I knew thee; and before thou camest forth out of the womb I sanctified thee, and I ordained thee a prophet unto the nations."* (*Jeremiah 1:5*)

The angel spoke to the virgin Mary about life before birth (*Luke 1:31*). and when Mary visited her cousin Elizabeth the baby John leaped in her womb at the good news! (*Luke 1:41, 44*)

The Michigan State Supreme Court has recently ruled that the fetus is a person. The ruling written by Justice Thomas E. Brennan came just a few days before the Michigan House of Representatives voted on an abortion bill. Justice Brennan said, "If the mother can die and the fetus live, or the fetus die and the mother live, how can it be said there is only one life? The phenomenon of birth is not the beginning of life; it is merely a change in the form of life."

Reverend Charles Wesley Ewing, President of Evangelical Church Alliance and a resident of Michigan, commented in a letter to me, "The result of this ruling makes it possible for the estate of a baby stillborn because of an accident to sue for damages. But I think this gives us a strong argument against legalized abortion. The fetus is a person, a life of itself, and in destroying the fetus we are destroying a life."

The official journal of the California Medical Assn. (*Calif. Medicine*, Sept. 1970) says in an editorial entitled, "A New Ethic for Medicine and Society":

"The traditional Western ethnic has always placed great emphasis on the intrinsic worth and equal value of every human life regardless of its stage or condition. This ethic has had the blessing of the Judeo-Christian heritage and has been the basis for most of our laws and much of our social policy. The reverence for each and every human life has also been a keystone of Western medicine and is the ethic which has caused physicians to try to preserve, protect, repair, prolong and enhance every human life".

It is this Christian ethic that is being eroded and corroded today by those who would assume that awful responsibility for deciding who shall live and who shall die. Such genetic engineering has been the corrupting influence of cultures ruled by tyranical dictators in our generation in some other nations.

Abortion is summarily the termination of innocent life, and totally unethical and immoral. Certainly the divine injunctive against murder applies to the killing of a life already conceived, a separate human being with the right to live. The plea is for the chance for all God's creatures to live. The alternative is sin.

MORLAN W. NELSON

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, November 16, 1971

Mr. CHURCH. Mr. President, next month Idaho will lose a government employee who has served the State, and for that matter the Nation, with high competence and ability for 33 years.

He is Morlan W. Nelson, and he is retiring as supervisor of the Soil Conservation Service snow survey team. In Idaho, his talents are of great importance, for they involve the art of water supply forecasting; and water is the lifeblood of Idaho.

Earlier this month, the Messenger-Index of Emmett, Idaho, editorialized on Mr. Nelson and his contributions to Idaho:

> As a professional snow man, he has brought the art of water forecasting to remarkably accurate practicality with minimum cost and maximum safety. As in other areas of his special interests, he has brought continuing scholarship to his profession, and he is said to know more about snow than any other man in the United States—probably more than most people would believe there is to know about snow.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REMARKABLE SCHOLAR

One of the most remarkable men in Idaho will be retiring next month after 33 years with the Soil Conservation Service, and it is appropriate to recognize Morlan W. Nelson not only for his professional competence but also for his practical scholarship in other fields.

Nelson is the retiring supervisor of the SCS snow survey section. As a professional snow man, he has brought the art of water forecasting to remarkably accurate practicality with minimum cost and maximum safety. As in other areas of his special interests, he has brought continuing scholarship to his profession, and he is said to know more about snow than any other man in the United States—probably more than most people would believe there is to know about snow.

Nelson's interest in snow probably stems from wartime service as a ski troop instructor. His interests, however, and his scholarship are more far ranging. He is considered an outstanding American authority on birds of prey, and probably is more widely known as a falconer and trainer of eagles than as a snow survey supervisor.

As an indication of Nelson's scholarship, his interest in birds of prey led him to a study of ecological factors that might account for the gradual disappearance of the peregrine falcon, and this in turn led him to some revolutionary new discoveries about weather cycles of about two-century intervals associated with technical changes in the core of sunspots.

Never content with the merely superficial aspects of theory, Nelson did exhaustive research on his weather cycle ideas so thoroughly that it was published in book form by the University of Pennsylvania and subsequently corroborated by independent research based on his work throughout the world.

Thus in Russia, for example, Nelson might be best known not as a snow man or a falconer, but as an expert on weather cycles.

Among a few, Nelson probably is better known as an authority on old book bindings. This is a field to which he has brought great zeal as a scholar, and at his Boise home he has a marvelous collection of books many centuries old.

All these fields indicate a remarkable capacity to inquire and to learn. That is why Nelson probably will reach greater achievements in his retirement. He and his birds of prey are planning "newer and bigger" features for the environment through movie and television productions.

There is much more to be learned from Morland W. Nelson, for here is a scholar who will never stop learning.

AMENDMENT PROPOSED TO PARTIALLY REPEAL EQUAL-TIME REQUIREMENT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. VAN DEERLIN. Mr. Speaker, at the proper time, during tomorrow's consideration of the various Federal election reform proposals, I intend to offer an amendment calling for the partial repeal of section 315—the so-called equal time provision—of the Communications Act.

The amendment would repeal the section 315 restrictions on coverage of presidential, vice presidential and Senate candidates. It also would requie a study by the Federal Communications Commission, to be completed no later than Jan. 3, 1973, to recommend further adjustments, including possible extension of the repeal to cover House candidates as well.

The text of the amendment follows:

AMENDMENT OFFERED BY MR. VAN DEERLIN TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS TO H.R. 11060

(Page and line references to Macdonald amendment)

Page 2, strike out line 18 and all that follows down through line 5 on page 3, and insert in lieu thereof the following:

"PARTIAL REPEAL OF EQUAL-TIME REQUIREMENTS; STUDY

"SEC. 103. (a) (1) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ', except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States, or a legally qualified candidate for the office of United States Senator, in a general election'.

"(2) The second sentence of such section is amended by striking out 'any such candidate' and inserting in lieu thereof 'any legally qualified candidate for public office'.

"(b) The Federal Communications Commission shall conduct a study to determine what safeguards may be necessary to assure reasonable access to broadcasting stations by legally qualified candidates for Federal elective office following the repeal of section 315(a) of the Communications Act of 1934 in the case of general elections for such offices. Not later than January 3, 1973, the

Commission shall submit its recommendations for implementing legislation to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Commerce of the United States Senate."

FEDERAL JUDGES ON TRIAL BY THEIR PEERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. RARICK. Mr. Speaker, experience teaches us that we must go to the source to find out the cause of the problem. If something goes wrong with the plumbing in our house, we seek the advice and aid of a plumber; we certainly do not expect a lawyer to know that much about the inner workings of a drainpipe.

Likewise, if we are convinced that a problem exists in our Nation's judicial system—and I am—we should go to a jurist for his opinions and his advice. In doing so, we certainly might find a solution to our problems.

Two recent articles from the liberal Washington newspapers carry interesting comments by various members of the legal profession—lawyers and fellow jurists—accusing their extreme liberal, left-wing, pseudointellectual brethren of "trying to 'wrench' far-reaching social changes without regard to the facts, the law or the principle of the separation of powers."

Judge Edward A. Tamm of the U.S. Circuit Court of Appeals, writing for himself and his colleague Judge Wilbur K. Miller, accused their colleague on the appeals court bench, Judge Skelly Wright, of practicing liberalism for the sake of liberalism, without regard to the law. Judge Tamm's comments are worth noting as an indication of what is essentially wrong with the American judicial system:

> The practice of choosing the philosophically eclectic, rather than the established legal precedents, is unfortunately a pursuit of abstract liberalism for its own sake, rather than an adjudication of the law governing an individual case.

I include related news articles detailing the observations of American jurists on the problems confronting the judiciary at this point in the RECORD:

[From the Washington Star, Nov. 16, 1971]

TWO COLLEAGUES ASSAIL WRIGHT

(By Betty James)

Two judges on the U.S. Court of Appeals for the District have accused Judge J. Skelly Wright and other colleagues not named of trying to "wrench" far-reaching social changes without regard to the facts, the law or the principle of the separation of powers.

In a scathing opinion on the recording of deeds with racially restrictive covenants, Judge Edward A. Tamm wrote for himself and Judge Wilbur K. Miller:

"The practice of choosing the philosophically eclectic, rather than the established legal precedents, is unfortunately a pursuit of abstract liberalism for its own sake, rather than an adjudication of the law governing an individual case."

Wright dissented in the case, decided by the three-judge panel.

Wright is perhaps best known for his controversial decision on public schools in the District which have transformed public education here.

In another recent controversial decision of the court's liberal wing, a three-judge panel again delayed construction of the Three Sisters Bridge. The opinion in that case was written by Chief Judge David L. Bazelon.

Tamm wrote, in the deed case, "The dangerous illusion that the courts, upon the pretext of ruling upon a particular case, may articulate with great sympathy and understanding upon all of the social evils of the nation, is implausibly fashionable in some areas of judicial rulings, with a resulting horrible economy of law."

The rulings presumably are made more acceptable by using such euphemisms as civil rights, constitutional rights, discrimination and the public interest, regardless of whether the record contains factual data supporting the conclusion, Tamm said.

Of Wright's dissent, Tamm wrote, "The vigor of our dissenting brother requires us, reluctantly, to point out, respectfully, his unfortunate failure to distinguish between the facts in this record and the fluency of his self-created rhetoric upon which he bases his erroneous conclusion."

The suit in which the opinion was filed contended that the District recorder of deeds' actions in filing deeds with restrictive covenants was in violation of the 5th Amendment and the Fair Housing Act of 1968. Filed as a class action by the American Civil Liberties Union, the suit was rejected by District Court and again in the latest opinion.

Although the covenants are still attached to some deeds, they haven't been enforceable since 1948 when the Supreme Court outlawed them.

Tamm said the recorder of deeds isn't giving the approval of the state to the contents of deeds filed.

"The recorder, the cold steel safety deposit box of the real estate industry, merely preserves documents," he said.

He asserted: "We reach our decision somewhat reluctantly. . . . We firmly believe the legal result of this case to be correct. . . . This, however, is not to say there is no remedy for an unfortunate situation. It merely means the remedy sought is beyond the ken of the judiciary. . . . Restrictive covenants . . . do not find favor with this court."

Congress has the power to deal with the problem, Tamm said.

In his dissent, Wright declared that Congress already has passed a series of civil rights laws, including the fair housing legislation, that are applicable. Tamm said the thrust of the wording of the fair housing statute is toward advertising in the market place.

The same arguments that persuaded Tamm and Miller were found by Wright to be "lame excuses for denial of racial justice which the Supreme Court rejected long ago."

He declared, "The evils emanating from governmental acceptance of housing discrimination permeate our entire society. Generations of governmental participation in racial zoning have yielded a bitter harvest of racially segregated schools, unequal employment opportunity, deplorable overcrowding in our center cities, and virtually intractable racial polarization."

Defending himself against the charge of trying to "wrench far-reaching social changes" at the expense of separation of powers, Wright contended "under our law the judiciary, too, has the obligation of enforcing constitutional rights."

[From the Washington Post, Oct. 17, 1971]

THE BAZELON OPINIONS: NO ONE IS EVER NEUTRAL

(By Sanford J. Ungar)

On David Lionel Bazelon, the most powerful judge in Washington below the Supreme Court and the constant focus of controversy, nobody is neutral.

Says a prominent Washington lawyer: "I think that Bazelon is a first-rate craftsman in the way he analyzes and interprets legal theories and precedents. He is not given to careless or off-the-cuff decisions."

On the other hand, this is the view of one U.S. District Court judge: "I think that Bazelon is one of the worst things that has ever happened to the administration of criminal justice in Washington. I don't even read his opinions anymore."

The attorney, a leading civil libertarian, was commenting in the contexting of several recent decisions from the U.S. Court of Appeals for the District of Columbia with which he was pleased. In some of those, Chief Judge David L. Bazelon had been on the three-judge panel of the court.

The judge made his remarks to a reporter just as he received a copy of an appellate decision reversing a criminal conviction because of an alleged error on his part during the trial. Bazelon was a member of the panel.

But even without the exhilaration of victory of the humiliation of reversal, their observations would be characteristic for their lack of moderation.

A debate over Bazelon's judicial philosophy and his activist role, which has gone on intermittently almost since he first took the bench here in 1949, recently started up again.

In the last three months alone, he wrote or joined in appellate decisions that:

Held the D.C. government responsible, legally and financially, for the alleged misconduct of any police officer who might have been improperly trained or instructed.

Reversed the conviction of a narcotics offender because the trial judge would not admit testimony on the amount of heroin or cocaine required to satisfy an addict's daily habit.

Struck down almost everything the government had done to prosecute the 12,000 people arrested here last spring during the May-day antiwar demonstrations.

Ended use here of the "Allen Charge" traditionally employed to end deadlocked juries back for a decision on whether a defendant is guilty of a crime.

Ordered reconsideration of a lower court's ruling that the Atomic Energy Commission's plan for a major underground nuclear test on an Alaskan island complied with relevant laws and treaties.

Directed a complete review of the plans to build the Three Sisters Bridge across the Potomac River between Georgetown and Arlington, sharply criticizing a cabinet member and a congressman in the process.

During the same period, he also was active on a few other judicial matters.

Bazelon dissented angrily from a Court of Appeals opinion that affirmed the conviction of a juvenile whose records had been lost by the court considering the case.

To the dismay and public objections of some of his colleagues, he named a committee of the Judicial Conference of the District of Columbia to study the police and government response to the Mayday protests.

In another dissent, he accused his fellow judges of "sweeping (problems) under the rug" by deciding not to rehear a case involving the insanity defense in Washington before the full Appellate Court of nine judges.

All the while, of course, Bazelon remained a member of the committee on child development of the National Academy of Sciences and of the advisory panel on legal research of the Battelle Memorial Foundation in Seattle.

He stepped down from his term on the national advisory council of the National Institute of Mental Health, but continued as a clinical professor of the legal aspects of psychiatry at the medical school of George Washington University and in a host of other—all unpaid—outside positions.

And, as he passed his 62d birthday last month, Bazelon showed no signs of slowing down or of regretting a single action he had taken.

Critics of the "Bazelon Court," as it is inevitably called, often turn first to the apparent frequency of the chief judge's appearance in major cases.

They contend that he rigs the selection of panels to sit on cases, keeping the best and most crucial ones for himself and his liberal colleagues, then writing the most important decisions.

Nathan Paulson, clerk of the Court of Appeals, insists, however, that cases are assigned among the appellate judges on a purely random basis, with the names of judges and the numbers of cases ceremonially drawn from plastic bowls and then matched as each of the eight annual sittings is set up.

Statistics compiled by Paulson for fiscal 1971 also indicate that each member of the court sat on about the same number of cases, between 115 and 125, and that opinions were evenly distributed as well.

Court observers and those who have worked closely with Bazelon during his 22 years on the bench are adamant that he does nothing that any other judge could not do, finding great issues in run-of-the-mill criminal appeals.

Even at the example of slowing down some appeals, he also has insisted on appointing a new lawyer at the appellate level who might uncover mistakes made by the one who originally represented the defendant at trial.

Bazelon is known for being tough on the trial judges whose work he reviews.

"He simply will not be swayed by the argument that the District judge tried hard or that he is a nice guy or that the case is an old one that doesn't matter much anyway," said one apostle of Bazelon last week.

To the argument that Bazelon was never a trial judge and therefore cannot understand the inherent problems in some cases, his defenders respond that this is a good thing, which maintains balance in appellate standards.

For the past year or so, Bazelon's leadership on the Court of Appeals here—because of its unusual jurisdiction over direct appeals from federal regulatory commissions, the most powerful of the 11 in the nation—has been increasingly challenged.

Few people expect the three conservative judges named by President Nixon to be in accord with Bazelon very often, but other, more surprising disputes have also appeared.

Judge Harold Leventhal, for example, considered a Bazelon ally from the moment he was named to the court by President Johnson in 1965, has publicly disagreed with the chief judge on a number of occasions, sometimes stating his reasons in writing even when not required to do so.

Among the 15 federal District judges over whom the Court of Appeals has jurisdiction, there probably are 15 different views of Bazelon.

Respecting judicial etiquette, none will discuss him on the record. The judge quoted above was willing to make it clear privately, however, that he considers some Bazelon opinions ridiculous. Another complained that his style is too harsh. But a third District judge stated flatly: "I think he's terrific."

Some observers contend that after years of criticism and the 1970 D.C. crime act, which gradually removes much of the Court of Appeals' criminal jurisdiction, Bazelon himself has become more cautious.

Judge J. Skelly Wright, whose opinions as a rule are more rhetorical and often go further, has gradually taken over leadership of the court's liberal bloc, they argue.

Regardless of who is more liberal, critics say, Bazelon is so activist that he permits a partisan political attitude to influence many of his decisions.

But one wistful supporter of Bazelon suggested that if the chief judge is making mistakes, they are in the opposite direction—that he is being too careful.

He cited Bazelon's vote with a unanimous appellate panel last spring against freeing Leslie Bacon, who was arrested here, and charged as a material witness in the bombing of the U.S. Capitol. Miss Bacon was sent in custody to testify before a federal grand jury in Seattle.

Only recently, the Ninth U.S. Circuit Court of Appeals in San Francisco, more bold than Bazelon and his colleagues on this point, ruled that Miss Bacon had been held illegally last spring.

In almost all of the recent controversial cases, they maintain, he merely has insisted that government agencies toe the line as spelled out in specific statutes.

The chief judge characteristically refuses to discuss his decisions in public.

But some legal scholars who have reviewed Bazelon's entire career insist that, despite popular usage of the term to describe conservative judges, he is the epitome of the "strict constructionist."

Sources close to Bazelon say that he set out some major guidelines of his current judicial philosophy, as it applied to civil and administrative cases, in a decision last January directing the Environmental Protection Agency to reconsider banning the pesticide DDT.

"Courts are increasingly asked to review administrative action that touches on fundamental interests in life, health and liberty," Bazelon wrote.

He proclaimed "a new era in the history of that long and fruitful collaboration of administrative agencies and reviewing courts." But in that new era, Bazelon warned, courts no longer will "bow to the mysteries of administrative expertise."

Others suggest that Bazelon's philosophy is more aptly summarized on the underside of a china turtle on his desk at the U.S. Courthouse.

"Consider the turtle," it reads. "He makes progress only when his neck is out."

MOORHEAD FOR HOUSE VERSION OF CANCER BILL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. MOORHEAD. Mr. Speaker, due to pressing business in my district, I was not able to be in the Chamber on Monday, when the House passed several bills under a suspension of the rules.

I would like to go on record as saying had I been present and voting yesterday, I would have voted for the House version of the Cancer bill and for the other bills which passed under a suspension of the rules.

ILLEGAL IMMIGRATION

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. McDONALD of Michigan. Mr. Speaker, numerous factors have been cited in the past year or so to explain the rising unemployment rate in the United States.

Some have attributed it to the winding down of the war. Others have cited sluggishness in the construction field or the adverse impact of cheap imports on American industry.

One factor that has received little attention is the growing tide of illegal immigration into the United States, particularly from Mexico and the Caribbean.

This added, illicit burden on the economy has brought us much cheap labor, perhaps as many as 2 million persons. But it has resulted in the loss of jobs by Americans and it has swollen our welfare rolls. Richard Starnes of the Scripps-Howard Newspapers recently wrote a well-researched indepth analysis of the problem of illegal immigration and what it means to the American economy. His article, which appeared locally in the Washington Daily News, and a column on the subject by the same writer should be read thoughtfully by every member of the House. Something must be done.

The article and column follow:

A SCRIPPS-HOWARD SPECIAL REPORT

(By Richard Starnes)

WASHINGTON, Nov. 8.—A growing torrent of illegal immigrants has all but overwhelmed the U.S. Immigration and Naturalization Service and has spread bitterness and demoralization through the ranks of the men who police America's borders.

Although a number of short-term causes of the influx have been identified—notably drought and depression in Caribbean and Latin American countries—some observers are alarmed that the first wave of one of the great migrations of history may actually be under way.

If that is happening, these sources say, dramatic and far-reaching changes affecting the way the United States guards its borders inevitably are in store.

Whatever the causes, the human wave of illegal aliens has reached crisis proportions. In a growing controversy where little agreement can be found, there is general agreement on this point among the Immigration and Naturalization Service (INS) and its critics.

During the 1971 fiscal year ending last June 30, INS enforcement personnel intercepted and turned back 412,000 persons who had succeeded in crossing the border illegally. This was 23 percent greater than the total for the previous year, nearly 60 per cent over the 1969 fiscal year.

But even though this army of illegal immigrants was turned back, there are likely between one million and two million illegal aliens remaining in the U.S., holding jobs, using welfare services, and every month sending unknown—but clearly enormous—sums to kin back home in their native lands.

Eighty five per cent of the illegal immigrants who are intercepted are Mexican. This fact causes dismay among students of immigration policies and problems, for the economic and social pressures sending this human tide against undermanned U.S. borders seem destined to grow in the decades to come.

Mexico, with one of the highest birth rates in Latin America, annually is adding about two million persons to its job market. But it is creating fewer than 200,000 jobs a year, a circumstance inexorably leading to the classic solution of hungry people throughout history: Mass migration.

"The pressure is going to increase, increase and increase," one INS source emphasized. "We are the richest nation on earth and to the south we have a chronically depressed, under-developed, overpopulated country of 50 million that is separated from the United States by a badly undermanned border.

"And on the north, between the United States and Canada there is a 2,000-mile border that is virtually unguarded. In fact, there are more than 200 roads that cross the Canadian-U.S. border that have no inspection stations at all."

Another growing problem, and one likely to become worse as over-population and economic recession deepen in emerging island republics is illegal immigration from the Caribbean.

"In Trinidad, just for one example," an INS source noted, "there is unemployment upward of 200 per cent. No power on earth can stop a man or a woman in an economy like that from trying to find a better place. For all of them, the United States remains the promised land."

Much of illicit penetration of the U.S. borders from the Caribbean is done via Puerto Rico, a U.S. commonwealth with unlimited legal immigration to the mainland. Reaching Puerto Rico is easy from other Caribbean islands, and once there it is equally easy to assume Puerto Rican identity and hence gain easy entry to mainland America.

INS policy makers, while conceding the magnitude of the problem, insist that a huge expansion of immigration enforcement personnel will not solve it.

"I think we could have enough men to stand along the entire (Mexican-U.S.) border holding hands and not stop the influx," James Greene, INS chief of operations, says.

INS officials use words such as "hysteria" and "propaganda" to describe the growing alarm over illegal immigration, and Greene is blunt in saying "a good deal of it is generated by the unions."

The unions representing INS and Border Patrol personnel quickly admit they are doing so. Edward Kavazanjian, an INS criminal investigator for ten years and national liaison officer of the INS National Council of the American Federation of Government Employes (AFGE), is an outspoken critic of the present administration of INS. Among the charges he made during an interview:

Faced with an incredibly escalating problem, INS now has fewer enforcement personnel than ever before.

Illegal immigration across U.S. borders is "uncontrolled", principally due to "the general disintegration and disorganization of INS."

"Organized smuggling rings are now in full operation on both the Canadian and Mexican borders, relatively untouched by our feeble anti-smuggling efforts."

Systematic counterfeiting of immigration documents is widespread.

Guardedly, INS admits that some of these charges are true (although it stoutly disputes the magnitude of the problem). Where INS and its guardians in Congress differ sharply with critics of the Immigration Service is in the remedies that should be applied. Additional manpower, they insist, is not the answer.

"We would much rather see the economic incentive for illegal immigration removed," Greene declares. "Although it is now a violation of the law to smuggle, harbor or assist an illegal immigrant, it is not against the law to give him a job. We want to see that changed."

(This quirk in immigration laws led last month to an embarrassing episode for the Nixon Administration. In Gardena, Calif., INS agents raided a food packing plant owned by Mrs. Romana Banuelos, who is U.S. Treasurer-designate, and arrested 36 illegal aliens who were working there.

(Mrs. Banuelos, who was in the plant at the time, said she did not know illegal aliens were employed by her company, and charged the raid was "an attempt by Democrats to block my nomination as Treasurer of the United States." The White House quickly pointed out that there is no law against employing illegal aliens.)

INS refuses to speculate on the number of illegal immigrants now in this country, or on the number that may be employed. The unions, however, insist the number working exceeds one million, and extrapolates from that estimate the guess that each year these aliens are exporting hundreds of millions of dollars to Mexico and elsewhere, thus contributing to U.S. balance of payments problems.

Both AFGE and INS spokesmen are also bitterly critical of the Social Security Administration, which, they say, issues Social Security cards to any applicant without demanding proof of citizenship.

Also contributing significantly to the problem of illegal immigration is the foreign visitor who may enter the country illegally, as a tourist or a student, but who at the end of his legal stay does not return to his homeland but vanishes into the U.S. economy.

"When a visitor or student steps off the airplane," said one angry INS enforcement official, "we are required to grant him a six-month permit. We can't demand proof of ability to support himself, we can't even demand that he produce a return ticket home. Thousands of these legal visitors immediately violate the terms of their visas by going out and taking jobs away from American workers.

"And it is a mistake to assume they take nothing but menial work. We conducted raids on a number of Catskills (N.Y.) Borscht circuit hotels last summer and arrested 30 Brazilian illegal immigrants who were holding jobs as chefs and waiters paying $200 to $300 a week. One of them had $6,000 in the bank."

Another INS agent, in New York's woefully overburdened district office, noted bitterly that last month there was less than 5,000 available for detention and deportation of illegal immigrants.

"One of our criminal investigators arrested a man last week that he had been hunting for two years on a fraudulent passport charge. He was ordered by the District Inspector to release the man for voluntary deportation, presumably because there wasn't money enough to keep him locked up."

(Under "voluntary deportation" orders an alien is simply told to return to his homeland, usually within 30 days. But many do not, and INS rarely has the manpower to follow up the cases.)

Although Mexicans numerically constitute the overwhelming bulk of illegal immigrants, some INS officers are more concerned over the less numerous but potentially more troublesome problem by other nationals.

"Thousands of Communist Chinese seamen have jumped ship in Vancouver and Montreal," an INS official said, "and have been smuggled across the border. They're working now in the United States—and posing a potential threat to national security."

Rep. Richard C. White, D-Tex., whose district includes El Paso, a place where many INS and border Patrol personnel are stationed, has become a bitter critic of immigration policies, echoing union charges that the agency is understaffed and poorly managed.

In a blast at INS last month, White charged illegal aliens were taking jobs from U.S. citizens, were "undercutting American wages," overburdening relief rolls, and themselves being victimized by smuggling rings, unscrupulous employers, and "are often driven to law-breaking in order to make a living."

These conditions exist, White charged, "principally because the directors of the Immigration and Naturalization Service and Border Patrol have by dereliction of duty or by incredible ignorance failed to ask for sufficient funds from Congress . . ."

A few days later Rep. John J. Rooney, D-N.Y., who oversees INS funds in the House Appropriations Committee, came to the defense of the agency, declaring that Rep. White "expertly exaggerated" the situation. Rooney joined INS spokesmen in urging passage of a law making it a crime to give work to illegal immigrants.

"The present major incentive (to illegal immigration) is economic in nature," he said. "Employment (here) offers seven times the wages for equivalent work in Mexico. Employers in Texas find such help beneficial, because the workers are tractable, they will work for less than organized labor, and are not demanding as to fringe benefits and working conditions."

Rooney urged White and other critics of the illegal immigration and INS' role in halting it to join in support of a bill, now pending in House and Senate, which would prohibit hiring of aliens who are here illegally.

ON ENDING THE INFLUX

(by Richard Starnes)

An enormous increase in illegal immigration has led to an alarming breakdown in this country's ability to police its borders, and to intercept and deport aliens who are wrongfully in the United States.

An account by Scripps-Howard reporter Richard Starnes offers these dismaying figures:

In the 12 months ending last June 30, U.S. Immigration and Naturalization Service (INS) arrested and sent home some 412,000 illegal immigrants. But qualified observers estimate that between one million and two million more have eluded INS and have vanished into the U.S. economy.

Virtually all these illegal immigrants come here seeking work. Many take jobs at substandard wages and work under conditions approaching peonage. They are often exploited by unscrupulous employers, and, of course, they are afraid to seek redress in the law. A tremendous number of illegal immigrants send a sizeable percentage of their wages to kin in their native lands, adding significantly to the U.S. balance of payments embarrassment.

Illegal immigrants also contribute to the unemployment of American workers, particularly in unskilled areas where joblessness is most acute. In cities such as New York, Chicago and Los Angeles (three principal havens for illegal immigrants) these unfortunate men and women are a drain on welfare rolls and other social services.

INS tacitly concedes these facts, although it demurs at fixing any firm figure on the number of illegals remaining in the country. But—in a fashion wholly uncharacteristic of bureaucracy—the agency is resisting any substantial growth in its enforcement personnel. Its critics, a group which includes a number of veteran immigration officers, charge INS is a badly managed, barnacle-encrusted oldline bureaucracy with too few people and a bad case of paralysis.

The problem, moreover, seems destined to become worse. The bulk (85 per cent) of illegal immigration comes from Mexico, where the people live in a cruel vise of overpopulation, drought and poverty. In Mexico as well as elsewhere in Latin America, the pressure is bound to grow worse.

In its own defense INS makes two valid points.

First, it is obvious foolishness for the Government to issue Social Security cards to aliens who cannot legally take work in this country, and Congress should forbid the practice. It is not unduly burdensome to require proof of citizenship (a birth certificate would do) as a condition of obtaining a Social Security card.

Equally important, a gaping loophole in the immigration law must be closed. It is illegal for an American citizen to smuggle or to aid or harbor an illegal immigrant. And the alien who works without proper authority is breaking the law. But the American who hires an illegal immigrant breaks no law. This must be changed. A bill now in the Congress provides criminal penalties for employers who knowingly hire illegal immigrants, and it is a measure deserving support.

But even if these changes can be made, it seems plain enough that INS itself badly needs revamping and revitalization. Congress (which also has before it an omnibus immigration bill that it may get around to debating in a year or so) should give serious consideration to a broad investigation of INS, its policies and personnel, and its ability to deal with a grave national problem.

HUNGARIAN FREEDOM FIGHTERS DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BEGICH. Mr. Speaker, on the 21st of October, William A. Eagan, Governor of Alaska, proclaimed October 23, 1971, Hungarian Freedom Fighters Day. This effort is one designed to express the people of Alaska's support of the spirit and drive for freedom shown by the people of Hungary during their revolution of 15 years ago that was to be later crushed by Communist totalitarianism.

It is the duty of the citizens of the United States, as the leaders of freedom in the world, to show their support for those struggling to throw off the oppressive chains of communism. We must keep the desire for self-determination and freedom alive in these people so they may someday attain the fundamental human rights deserving to all men.

The people of Alaska wish the people of Hungary to know that we, as Americans, support them in their desire for freedom.

I am inserting a copy of the proclamation for the inspection of my colleagues.

Proclamation—Hungarian Freedom Fighters' Day

The people of Alaska are sympathetic toward the efforts of the people of Hungary to free themselves from the chains of communist totalitarianism, and we, in America, are reminded of our commitment to the purposes of the Hungarian Revolution by the presence of nearly fifty thousand refugees within the borders of the United States.

October 23, 1971, will mark the 15th anniversary of the day that the people of Hungary won their freedom, later to be crushed. It is of crucial importance for us, as Americans, to morally sustain the hope and faith of the Hungarians, and all captive peoples in their eventual freedom.

The freedom loving people of Hungary look to the United States as the citadel of human freedom, to the people of the United States as leaders in bringing about their freedom and independence. It is incumbent upon us free citizens to appreciatively recognize that the people of Hungary, with those others who share their destiny, constitute not only a primary deterrent against a global war and further aggression, but also a prime positive means for the advancement of world freedom.

The people of Alaska wish to express their dismay over the denial of fundamental human rights and self-determination to the people of Hungary.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim Saturday, October 23, 1971, as Hungarian Freedom Fighters' Day and urge that all of our citizens pay special tribute to these loyal and brave people by studying the plight of Hungary and recommitting themselves to the just aspirations of the Hungarians.

COMMUNIST CHINA AT THE U.N.

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. CRANE. Mr. Speaker, prior to the admission of Communist China to the United Nations, those who opposed this step argued that were the Communist Chinese to join and participate in that organization they would do so on their own terms. They would not adhere to the Charter's declaration of human rights, nor would they agree to renounce the use of force. They would, it was argued, simply subvert that organization and turn it into a forum which might be used to foment violent revolution. It would no longer be, even in name, an organization devoted to peace.

While it may be too soon to make any definitive statement in this regard, the first formal statement at the U.N. by the representative of the Peking government seems to support fully the arguments set forth by those who opposed its admission.

Rather than state its dedication to peace, the chief Chinese delegate, Chiao Kuan-hua, declared that—

> The Chinese people are determined to liberate Taiwan and no force on earth can prevent us from doing so.

He stated that rather than peace,

> Countries . . . want liberation and the people want revolution. This has become an irresistible trend of history.

The Chinese delegate did not seek in any sense to temper his words. He accused the United States of "aggression" in Vietnam and with regard to the Middle East he stated that—

> The essence of the Middle East question is aggression against the Palestinian and other Arab peoples by Israeli Zionism.

Instead of arguing in behalf of a world at law, an ideal to which the United Nations is dedicated, the Chinese delegate expressed his support for guerrilla movements in Mozambique, Angola, Portuguese Guinea and South West Africa.

After reading the speech of Chiao Kuan-hua it seems that the Peking government is more dedicated than ever to the precept of Mao Tse-tung that "Power comes out of the barrel of a gun." How the United Nations will fare as an organization dedicated to peace while it includes in its number a nation which openly proclaims its support for violence is difficult to tell.

I wish to share Mr. Chiao Kuan-hua's speech with my colleagues, and request its insertion into the Record at this time.

[From the New York Times, Nov. 16, 1971]

Text of Policy Statement by Chinese Delegate Before General Assembly of U.N.

United Nations, N.Y.—Following is the text of the address delivered in the General Assembly today by the chief Chinese representative, after speeches by other delegates welcoming the Peking delegation to the United Nations.

CHIAO KUAN-HUA, CHINA

Mr. President, fellow representatives:

First of all, allow me in the name of the delegation of the People's Republic of China to thank you, Mr. President, and the representatives of many countries for the welcome they have given us.

Many friends have made very enthusiastic speeches expressing their trust in as well as encouragement and fraternal sentiments for the Chinese people.

We are deeply moved by this and we shall convey all this to the entire Chinese people.

It is a pleasure for the delegation of the People's Republic of China to be here today to attend the 26th session of the General Assembly at the United Nations and to take part together with you in the work at the United Nations.

ROLE AS FOUNDER IS RECALLED

As is known to all, China is one of the founding members of the United Nations. In 1949 the Chinese people overthrew the reactionary rule of the Chiang Kai-shek clique and founded the People's Republic of China.

Since then the legitimate rights of China in the United Nations should have gone to the People's Republic of China as a matter of course.

It was only because of the obstruction by the United States Government that the People's Republic of China was deprived of its legitimate rights for a long time and that the Chiang Kai-shek clique, long repudiated by the Chinese people, was able to usurp China's lawful seat in the United Nations.

This was a gross interference in China's internal affairs as well as a willful trampling on the Charter of the United Nations. Now such an unjustifiable state of affairs has finally been put right.

On Oct. 25, 1971, the current session of the General Assembly of the United Nations adopted by an overwhelming majority the resolution restoring to the People's Republic of China all its lawful rights in the United Nations and expelling forthwith the representatives of the Chiang Kai-shek clique from the United Nations and all the organizations related to it.

BANKRUPTCY OF POLICIES OF HOSTILITIES

This proves the bankruptcy of the policies of hostility towards the Chinese people and of isolating and imposing a blockade upon them. This is the defeat of the plan of the United States Government in collusion with the Sato Government of Japan to create two Chinas in the United Nations.

This is a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs; this is a common victory for the people all over the world.

Upholding principle and justice the sponsor countries for the resolution—Albania, Algeria, Burma, Ceylon, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, the People's Democratic Republic of Yemen, the People's Republic of the Congo, Rumania, Sierra Leone, Somalia, the Sudan, Syria, the United Republic of Tanzania, the Arab Republic of Yemen, Yugoslavia and Zambia—have made unremitting and fruitful efforts to restore China's legitimate rights in the United Nations.

Many friendly countries which supported this resolution have also made contributions to this end.

Some other countries have expressed their sympathy for China in various ways.

On behalf of the Chinese Government and the people I express heartfelt thanks to the government and the people of all these countries.

Twenty-six years have elapsed since the founding of the United Nations. Twenty-six years are but a brief span in human history. Yet, during this period profound changes have taken place in the world situation.

When the United Nations was first founded there were only 51 member states and now the membership has grown to 131.

Of the 80 members that joined later, the overwhelming majority are countries which achieved independence after World War II.

SEES A TIDE OVER 20 YEARS

In the past 20 years and more, the peoples of Asia, Africa and Latin America have waged unflinching struggles to win and safeguard national independence and oppose foreign aggression and oppression. In Europe, North America and Oceania, too, mass movements and social tides for the change of the present state of affairs are rising. An increasing number of medium and small countries are uniting to oppose the hegemony and power politics practiced by the one or two superpowers and to fight for the right to settle their own affairs as independent and sovereign states and for equal status in international relations.

Countries want independence, nations want liberation and the people want revolution. This has become an irresistible trend of history.

Human society invariably makes constant progress, and such progress is always achieved through innumerable revolutions and transformations. Take the United States, where the United Nations headquarters is situated. It was owing to the victory of the Revolutionary War of 1776 led by Washington that the American people won independence. And it was owing to the great Revolution of 1789 that the French people rid themselves of the yoke of feudalism. After mankind entered the 20th century, the victory of the 1917 Russian October Socialist Revolution led by the great Lenin opened up a broad path to freedom and liberation for the oppressed nations and peoples of the world.

The advance of history and social progress gladdens the hearts and inspires the peoples of the world and throws into panic a handful of decadent reactionary forces who do their utmost to put up desperate struggles. They commit armed aggression against other countries, subvert the legal governments of other countries, interfere in other countries' internal affairs, subject other countries to their political, military and economic control and bully other countries at will.

REVOLUTION SEEN AS THE MAIN TREND

Since World War II, no new world war has occurred, yet local wars have never ceased. At present, the danger of a new world war still exists, but revolution is the main trend in the world today. Although there are twists and turns and reverses in the people's struggles, adverse currents against the people and against progress, in the final analysis, cannot hold back the main current of the continuous development of human society.

The world will surely move toward progress and light, and definitely not toward reaction and darkness.

Mr. President and fellow representatives, the Chinese people have experienced untold sufferings under imperialist oppression. For one century and more, imperialism repeatedly launched wars of aggression against China and forced her to sign many unequal treaties. They divided China into their spheres of influence, plundered China's resources and exploited the Chinese people. The degree of poverty and lack of freedom suffered by the Chinese people in the past are known to all.

CAPABLE OF STANDING ON HER OWN FEET

In order to win national independence, freedom and liberation, the Chinese people, advancing wave upon wave in a dauntless spirit, waged protracted heroic struggles against imperialism and its lackeys and finally won the revolution over the leadership of their great leader, Chairman Mao Tse-tung, and the Chinese Communist party. Since the founding of the People's Republic of China, we, the Chinese people, defying the tight imperialist blockades and withstanding the terrific pressures from without, have built our country into a socialist state with initial prosperity by maintaining independence and keeping the initiative in our own hands and through self-reliance. It has been proved by facts that we, the Chinese nation, are fully capable of standing on our own feet in the family of nations.

Taiwan is a province of China and the 14 million people who live in Taiwan are our fellow-countrymen by flesh and blood. Taiwan was already returned to the motherland after World War II in accordance with the Cairo Declaration and the Potsdam Proclamation, and our compatriots in Taiwan already returned to the embrace of their motherland.

The U.S. Government officially confirmed this fact on more than one occasion in 1949 and 1950, and publicly stated that the Taiwan question was China's internal affair and that the U.S. Government had no intention to interfere in it.

UNITED STATES WENT BACK ON ITS OWN WORDS

It was only because of the outbreak of the Korean war that the U.S. Government went back on its own words and sent armed forces to invade and occupy China's Taiwan and the Taiwan Straits, and to date they are still there. The spreading in certain places of the fallacy that "the status of Taiwan remains to be determined" is a conspiracy to plot "an independent Taiwan" and continue to create "two Chinas." On behalf of the Government of the People's Republic of China, I hereby reiterate that Taiwan is an inalienable part of China's territory and the U.S. armed invasion and occupation of China's Taiwan and the Taiwan Straits cannot in the least alter the sovereignty of the People's Republic of China over Taiwan, that all the armed forces of the United States definitely should be withdrawn from Taiwan and the Taiwan Straits and that we are firmly opposed to any design to separate Taiwan from the motherland. The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so.

Mr. President and fellow representatives, the Chinese people who suffered for a long time from imperialist aggression and oppression have consistently opposed the imperialist policies of aggression and war and supported all the oppressed peoples and nations in their just struggles to win freedom and liberation, oppose foreign interference and become masters of their own destiny. This position of the Chinese Government and people is in the fundamental interests of the peoples of the world and is also in accord with the spirit of the United Nations Charter.

The United States Government's armed aggression against Vietnam, Cambodia and Laos and its encroachment upon the territorial integrity and sovereignty of these three countries have aggravated tension in the Far East, and met with strong opposition of the people of the world, including the American people.

The Chinese Government and people firmly support the peoples of the three countries of Indochina in their war against U.S. aggression and for national salvation and firmly support the Joint Declaration of the Summit Conference of the Indochinese Peoples and the seven-point peace proposal put forward by the provisional revolutionary government of the Republic of South Vietnam. The U.S. Government should withdraw immediately and unconditionally all its armed forces and the armed forces of its followers from the three countries of Indochina so that the peoples of the three countries may solve their own problems independently and free from foreign interference; this is the key to the relaxation of tension in the Far East.

To date, Korea still remains divided. The Chinese people's volunteers have long since withdrawn from Korea but up to now the U.S. troops still remain in South Korea. The peaceful unification of their fatherland is the common aspiration of the entire Korean people. The Chinese Government and people firmly support the eight-point program for the peaceful unification of the fatherland put forward by the Democratic People's Republic of Korea in April this year and firmly support its just demand that all the illegal resolutions adopted by the United Nations on the Korean question be annulled and the "United Nations Commission for the Unification and Rehabilitation of Korea" be dissolved.

The essence of the Middle East question is aggression against the Palestinian and other Arab peoples by Israeli Zionism with the support and connivance of the superpowers. The Chinese Government and people resolutely support the Palestinian and other Arab peoples in their just struggle against agression and believe that, persevering in struggle and upholding unity, the heroic Palestinian and other Arab peoples will surely be able to recover the lost territories of the Arab countries and restore to the Palestinian people their national rights.

The Chinese Government maintains that all countries and peoples that love peace and uphold justice have the obligation to support the struggle of the Palestinian and other Arab peoples, and no one has the right to engage in political deals behind their backs, bartering away their right to existence and their national interest.

The continued existence of colonialism in all its manifestations is a provocation against the peoples of the world. The Chinese Government and people resolutely support the people of Mozambique, Angola, and Guinea (Bissau) in their struggle for national liberation, and resolutely support the people of Azania, Zimbabwe and Namibia in their struggle against the white colonialist rule and racial discrimination. Their struggle is a just one, and a just cause will surely triumph.

The independence of a country is incomplete without economic independence. The economic backwardness of the Asian, African and Latin-American countries is the result of imperialist plunder. Opposition to economic plunder and protection of national resources are the inalienable sovereign rights of an independent state.

CHINA BACKWARD, BUT DEVELOPING

China is still an economically backward country as well as a developing country. Like the overwhelming majority of the Asian, African and Latin-American countries, China belongs to the Third World. The Chinese Government and people resolutely support the struggles initiated by Latin-American countries and peoples to defend their rights over 200-nautical-mile territorial sea and to protect the resources of their respective countries.

The Chinese Government and people resolutely support the struggles unfolded by the petroleum-exporting countries in Asia, Africa and Latin America as well as various regional and specialized organizations to protect their national rights and interests and oppose economic plunder.

We have consistently maintained that all countries, big or small, should be equal and that the five principles should be taken as the principles guiding the relations between countries. The people of each country have the right to choose the social system of their own country according to their own will and to protect the independence, sovereignty and territorial integrity of their own country. No country has the right to subject another country to its aggression, subversion, control, interference or bullying. We are opposed to the imperialist and colonialist theory that big nations are superior to the small nations and small nations are subordinate to the big nations. We are opposed to the power-politics hegemony or big nations bullying small ones or strong nations bullying weak ones. We hold that the affairs of a given country must be handled by its own people, that the affairs of the world must be handled by all the countries of the world, and that the affairs of the United Nations must be handled jointly by all its member states, and the superpowers should not be allowed to manipulate and monopolize them.

The one or two superpowers are stepping up their arms expansion and war preparations and vigorously developing nuclear weapons, thus seriously threatening international peace. It is understandable that the people of the world long for disarmament and particularly for nuclear disarmament. Their demand for the dissolution of military blocs, withdrawal of foreign troops and dismantling of foreign military bases is a just one. However, the superpowers, while talking about disarmament every day, are actually engaged in arms expansion daily.

The so-called nuclear disarmament which they are supposed to seek is entirely for the purpose of monopolizing nuclear weapons in order to carry out nuclear threats and blackmail. China will never participate in the so-called nuclear disarmament talks between the nuclear powers behind the backs of the non-nuclear countries. China's nuclear weapons are still in the experimental stage. China develops nuclear weapons solely for the purpose of defense and for breaking the nuclear monopoly and ultimately eliminating nuclear weapons and nuclear war. The Chinese Government has consistently stood for the complete prohibition and thorough destruction of nuclear weapons and proposed to convene a summit conference of all countries of the world to discuss this question and, as the first step, to reach an agreement on the non-use of nuclear weapons.

PLEDGE ON NUCLEAR WEAPONS RESTATED

The Chinese Government has on many occasions declared, and now on behalf of the Chinese Government, I once again solemly declare that at no time and under no circumstances will China be the first to use nuclear weapons. If the United States and the Soviet Union really and truly want disarmament, they should commit themselves not to be the first to use nuclear weapons. This is not something difficult to do. Whether this is done or not will be a severe test as to whether they have the genuine desire for disarmament.

We have always held that the just struggles of the people of all countries support each other. China has always had the sympathy and support of the people of various countries in her socialist revolution and socialist construction. It is our bounden duty to support the just struggles of the people of various countries. For this purpose, we have provided aid to some friendly countries to help them to develop their national economies independently.

In providing aid, we always strictly respect the sovereignty of the recipient countries, and never attach any conditions or ask for any privileges. We provide free military aid to countries and peoples who are fighting against aggression. We will never become munition merchants. We firmly oppose certain countries trying to control and plunder the recipient countries by means of "aid."

AID TERMED VERY LIMITED

However, as China's economy is still comparatively backward, the material aid we have provided is very limited, and what we provide is mainly political and moral support. With a population of 700 million, China ought to make a greater contribution to human progress and we hope that this situation of our ability falling short of this wish of ours will be gradually changed.

Mr. President and fellow representatives, in accordance with the purposes of the United Nations Charter, the United Nations should play its due role in maintaining international peace, opposing aggression and interference and developing friendly relations and cooperation among nations. However, for a long period the one or two superpowers have utilized the United Nations and have done many things in contravention of the United Nations Charter against the will of the people of various countries. This situation should not continue.

We hope that the spirit of the United Nations Charter will be really and truly followed out. We will stand together with all the countries and peoples that love peace and uphold justice and work together with them for the defense of the national independence and state sovereignty of various countries and for the cause of safeguarding international peace and promoting human progress.

DAIRY IMPORTS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ABOUREZK. Mr. Speaker, whether one accepts the concept of import quotas or not, the fact remains that where such quotas exist, every effort should be made to plug up all possible loopholes. Since 1966, there has been a tremendous increase in dairy imports because importers have found ways of legally evading the various quotas which apply on many dairy import items. The Tariff Commission would hold hearings and presidential action would seek to close the loophole. But each time the importers would find some new means of evasion.

For example, in January 1969 a number of cheeses were placed under quota, but it was decided that any cheese in categories which cost more than 47 cents would be exempt. The idea was that these primarily represented specialty cheeses, which are not normally manufactured in the United States. But this had proven to be another loophole. By 1970 cheeses in this category accounted for 25 percent of all dairy imports and in recent months have been increasing in some instances by as much as 115 percent.

As a result of this, the President did ask the Tariff Commission to make recommendations on the problem. Hearings were held and on July 28 the Tariff Commission recommended to the President that the 47-cent price break be abolished and that a quota be established for various types of cheeses regardless of prices. Although this recommendation was made over 8 months ago, there has been no further action. In fact, importers have been expanding their imports on the assumption that when and if import quotas are imposed, they will be based on past import figures. Clearly, if imports are large, quotas will be large.

I would commend the President for asking the Tariff Commission to hold hearings and the Commission for doing so promptly. However, now that the recommendations have been made, I see no reason for the delay in implementing them.

CHILD DEVELOPMENT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ARCHER. Mr. Speaker, I have been pleased recently to see among my colleagues a growing awareness of the hidden dangers within the OEO extension bill presently in House-Senate conference. I suspect many of my colleagues are still suffering under the delusions fostered by the schemers and supporters of this idea, namely, that it is a Federal day-care plan. Let me remind you that day care was provided for in H.R. 1. "Child development," on the contrary, is far, far more. In a recent article Stanton Evans, the editor of the Indianapolis News described it this way:

> Child development is conceived as embracing just about everything that has to do with the physical, mental, and emotional well-being of the child. Its benefits, moreover, are not to be limited to the welfare population or the working poor; they are explicitly intended to reach into every echelon of society, envisioning all American children as potential wards of government.

The very idea of the Federal Government telling parents how to raise their children is repugnant to me—and, I am confident, to American parents. Not only is it unnecessary; it is wrong. Government has no right to interfere with the natural workings of the family unit. Something is gravely amiss in our national priorities when the National Government worries more about rearing the children of decent families than about such natural and proper concerns of the Nation as national security and economic stability.

This "child development" is a multi-billion-dollar proposal—probably $10 billion in 2 years. How can we, gentlemen, even think of spending such immense sums for something not really necessary and probably a waste of the investment, or possibly even counterproductive of the investment, in that we may produce a generation of insecure and unloving Americans.

Mr. Stanton Evans' article deals more eloquently than I with the problems inherent in this legislation. I include his article from National Review Bulletin, in the RECORD at this point:

AT HOME

Bit by bit the other advocates of "social engineering" in Washington are building the machinery required to convert America into a totalitarian society.

These are strong words but they are used with some deliberation. It has become apparent in recent months that certain theoreticians in the academic and political communities are out to achieve the most crucial goal of every totalitarian regime—to supplant the authority of the family with the power of the state, and to place the upbringing of children under the control of self-styled bureaucratic experts.

While it would be a wild exaggeration to say we are approaching the excesses practiced in Nazi Germany or the Communist nations, it is no exaggeration to say we are headed in the same direction. Running controversies over busing of schoolchildren, sex education and certain aspects of the population-control campaign reveal the pattern clearly. Plainer still is the recent drive for "child development" legislation which, carried to its logical conclusion, would intrude the power of the state into the most intimate concerns of family life. The "child development" label, in fact, is a misnomer; what we are dealing with might more aptly be described as "child control."

Bills have passed in both House and Senate which would increase and systematize federal intervention in the matter of raising children through a number of devices including "child development" programs and councils, and massive resort to day-care centers. In this pursuit, child development is conceived as embracing just about everything that has to do with the physical, mental and emotional well-being of the child. Its benefits, moreover, are not to be limited to the welfare population or the working poor; they are explicitly intended to reach into every echelon of society, envisioning all American children as potential wards of government.

Just how thorough this intervention is meant to be is suggested by the Senate committee report on the bill which says it would authorize the Federal Government "to involve itself in comprehensive physical and mental health, social and cognitive developmental services (including family consultation), specially designed programs (including after-school, summer, weekend and overnight programs); identification and treatment of physical, mental and emotional problems . . . ; prenatal services to reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation; . . . training in the fundamentals of child development for family members and prospective parents; use of child advocates to assist children and parents in securing full access to other services; and other activities."

To this end the Federal Government will solicit customers for day-care centers to watch over children, foster a network of child-development councils, local policy councils, a national center for child development, and a child-development research council. The Senate bill contained a further provision—frowned on in conference committee—for a system of "child advocacy" in which freelance trouble-shooters set up in local communities would be empowered to inquire into and take "appropriate" action concerning alleged problems of children. Just what "appropriate" action might consist of is a matter of interpretation.

The fundamental child development idea is that parents left to their own devices are incapable of raising children properly and that government must step in and supply the necessary expertise. Child developer Jacob Javits put the matter succinctly when he stated in the Senate: "We have recognized that the child is a care of the state. State law recognizes it. Federal law has recognized it in many affirmative programs. This is but the summation, the articulation, in a sophisticated way, of programs to deal with the care of children insofar as society is interested in a sound, healthy, educated and well-cared-for child."

In keeping with this view, the Senate bill itself says it is "essential that . . . such programs be undertaken as a partnership of parents, community and state and local government with appropriate assistance from the Federal Government." Just how all these levels of government got themselves dealt in as "partners" with parents in the matter of forming the emotional and psychological life of the child is not made clear. That it is and should be so is the starting assumption of people like Javits, who wants government "to see to the adequate development of the child, whatever may be his economic status, if that development is deficient."

Child-development types are particularly strong on getting hold of the child at as early an age as possible, the better to mold his psyche. One chilling quote to this effect appeared some months ago in a journal of the National Education Association, stating in a forecast for the Seventies that "as non-school preschool programs begin to operate, educators will assume formal responsibility for children when they reach the age of two. . . ." Again, the same general theme that has popped up in the controversy over busing.

The outlook for the family in all this is suggested by Dr. Urie Bronfenbrenner, a child developer and admirer of the kibbutzim in Israel, who states that "communal forms of upbringing have an unquestionable superiority over all others." He surmises that when the benefits of communal procedure are fully realized, the family "will dissolve within the context of the future social commune." So turn your calendars forward, everybody—1984 may be nearer than you think.

LANGUAGE OF HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 as the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

CONGRESSWOMAN BELLA S. ABZUG TESTIFIES ON TREATMENT OF JEWS IN THE SOVIET UNION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mrs. ABZUG. Mr. Speaker, the Subcommittee on Europe of the House Committee on Foreign Affairs has been holding hearings on the treatment of Jews in the Soviet Union. The obstacles placed in the way of Soviet Jews who desire to retain their Jewish identity are many, and the pressure of American public opinion can do much to ease the situation.

The subcommittee was kind enough to invite me to express my views on the subject; in an effort to inform all of my colleagues about the situation in the Soviet Union. I include the text of my statement in the RECORD at the conclusion of my remarks.

The text follows:

STATEMENT TO SUBCOMMITTEE ON EUROPE ON TREATMENT OF JEWS IN THE SOVIET UNION

My testimony before this subcommittee of the House Foreign Affairs Committee is a natural consequence of a lifetime of involvement in the fight for human rights for all people. As a Congresswoman representing a district which in its diversity is a microcosm of New York. I am daily called upon to defend the human rights of a multi-ethnic constituency. As the only Jewish Congresswoman in the House, I am particularly sensitive to the serious problems facing the third largest Jewish community in the world—the three million Jews in the Soviet Union.

For Jews who have chosen to assimilate, there have been relatively few problems of employment and educational opportunities. But for Jews who seek to identify and live as Jews, with unrestrained access to Jewish-language and Hebrew-language cultural, religious and educational institutions, insurmountable obstacles have been placed in their way.

In the first three decades of the Soviet regime, the State supported a wide network of cultural and educational institutions and activities for Jews in Yiddish. Today, these institutions have, for the most part, been dismantled. Only occasionally are Yiddish books published; a Yiddish literary magazine, Sovietish Heimland, appears monthly, and much of its edition of 16,000 is for export.

Soviet legal prohibitions on discrimination against religious, national and social groups are being flouted. The courageous assertion of Jewish consciousness by Soviet Jews continues to represent a remarkable phenomenon and is evidenced by the tens of thousands of young Jews who gather to sign and dance outside of the synagogues in various cities on Simchat Toral and other festivals.

Although ideologically the Soviet government is committed to atheism, formally it allows for freedom of religious worship. However, unlike other recognized religious bodies, Judaism is not permitted any central or coordinating structure, and publication of prayer books and Bibles is limited.

Jews who have sought to leave for Israel or to rejoin broken or scattered families elsewhere have encountered difficulty, harassment and imprisonment. It should be noted, however, that the Soviet Union has shown increasing evidence of its sensitivity to world opinion by easing some emigration restrictions.

During my visit to Israel recently, I was informed by government officials at an Absorption Center which provides temporary homes and training facilities for immigrants, that the number of Soviet Jews migrating to Israel has been stepped up to 1,000 per month. The expectation was that 12,000 a year would be coming from the Soviet Union, about 10,000 from the United States, with most of the others coming from Canada and Latin America.

Despite the apparent relaxation of immigration barriers by the Soviet government, many more Jews are waiting to be granted exit visas. Some are in prison or labor camps. A particularly tragic case is that of Silva Zalmanson, a young Jewish woman serving a 10-year sentence in a labor camp for allegedly participating in a plot to hijack a Russian plane. Mrs. Zalmanson is reportedly seriously ill with tuberculosis.

I have called on the Soviet government to show compassion in this case by immediately releasing this young woman and allowing her to emigrate to Israel, as appears to be her wish.

There remain, of course, millions of Soviet Jews who for many reasons will choose to stay in the Soviet Union. I feel a keen sense of responsibility to them as well. I therefore join my colleagues in urging the government of the USSR to permit its Jewish citizens the right to live as Jews and to preserve their cultural and religious heritages, or to leave for Israel or for any other country to which they wish to emigrate.

I welcome the announcement by Attorney General Mitchell several weeks ago that he intends to use his parole authority to admit as many Jews from the Soviet Union as are able to obtain exit visas and who wish to come here.

I would also like to direct the attention of this body to the very serious plight of thousands of Jews in Syria who face constant harassment and imprisonment just for being Jews. Twelve Jews were recently arrested for attempting to flee the country. Reports from Jews who have managed to escape to Israel have contained gruesome tales of torture, midnight raids upon Jewish homes, and the virtual house arrest of the Syrian Jewish population. I would hope that our government would speak out in their behalf and help them to seek refuge elsewhere.

My concern for the rights of Jews everywhere, in the Soviet Union, in Syria, in the United States, wherever they may live, requires me to condemn the terroristic acts of the Jewish Defense League, which is neither Jewish in its ethics nor anything but provocative in its actions. The JDL's demagogic misleader proves daily that he is less concerned with the plight of Soviet Jewry than he is with his oft stated attempt to rupture the detente that exists between our country and the USSR. His encouragement of terroristic and violent Acts has been a disservice both to the Jews in the Soviet Union and to the peace of the world. I am heartened by the fact that his group has been repudiated by every important leader and organization in the Jewish community, as well as by Premier Golda Meir and Ambassador Abba Eban of the State of Israel.

In conclusion, I join with the millions of people dedicated to human rights who are urging that Soviet Jews be granted all of the rights of full Soviet citizenship and be permitted the right to live as Jews or to emigrate.

THE URGENT NEED FOR CAMPAIGN SPENDING REFORM

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. PATTEN. Mr. Speaker, I was not surprised to discover that 91 percent of constituents who responded to my latest legislative questionnaire believe that an urgent need exists for campaign spending reform. No other question received such a high and overwhelming response.

Their deep concern is justified because most Americans are alarmed over the dangerous trend of having money—and not merit—determine who is to be elected to public office.

In the 1970 campaign, for example, out of the 15 major candidates running for the U.S. Senate in the seven largest States, 11 were millionaires. And according to recent estimates, spending in the 1968 campaign was 50 percent higher than in 1964—and 100 percent greater than in 1956.

Mr. Speaker, this trend toward "buying" public office must be reversed, for it not only discourages outstanding and meritorious candidates from running for public office, but also thwarts democracy itself.

That is why I cosponsored a bill on April 7, 1971, that would promote fair practices in the conduct of election campaigns for Federal elective offices.

Title 1 would amend the Communications Act of 1934 and limit campaign expenditures.

Title 2 contains amendments to the criminal code and calls for disclosure of Federal campaign funds.

And title 3 would provide tax incentives for contributions to candidates for Federal offices.

It is obvious to any realist that the Corrupt Practices Act of 1925 is not an effective or respected law and that it should be replaced with legislation that provides the reform so desperately needed in campaign spending and several other important areas.

Mr. Speaker, I strongly urge my colleagues to vote for a bill that will give candidates for public office the protection they deserve from those who believe that wealth alone qualifies them for public office. But even more important, I believe that Congress should pass legislation that will encourage not the wealthiest candidates to run for public office, but the best—in ability, in integrity, in leadership, in achievement, and in dedication.

I hope that we remember what Senator EDWARD M. KENNEDY said when he introduced the Campaign Financing and Lobbying Reform Act of 1971. A strong and consistent supporter of reform, Senator KENNEDY said:

> In an era where calls for reform are heard on many fronts, the call for reform of our election laws has gone strangely unheard. To me, however, this is where reform ought to begin, because if we cannot keep our democracy running and responsive, no amount of reform in any other area can succeed.

And I also hope that Congress remembers what today's New York Times editorial pointed out with such reason and truth:

> The integrity and responsiveness of democratic self-government are in doubt when money barricades the path to public office.

Mr. Speaker, we have the wisdom to know what is right. The question is: Do we have the courage to do what is right? I hope that we do, for more than Congress is being carefully watched this week by the American people—and perhaps the world. History will also be watching—and recording—our votes. And the conscience of every Member of Congress will be peaceful or troubled, depending on whether they vote for what is right, or for what is expedient.

I have great faith in the Congress and in the American people. I believe that Congress will do what is right and pass a strong, fair and necessary bill that will provide real campaign spending reform.

AEC CHAIRMAN JAMES R. SCHLESINGER DECLARES CANNIKIN NUCLEAR UNDERGROUND TEST SUCCESSFUL WITH NO EARTHQUAKES OR TIDAL WAVES RESULTING AND RADIATION CONTAINED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Chairman James R. Schlesinger of the Atomic Energy Commission recently gave a detailed report to the members of the Public Works Appropriations Subcommittee, of which I am honored to serve as chairman, concerning the Cannikin nuclear test under Amchitka Island in the Aleutians.

Chairman Schlesinger testified that the test was completely successful as anticipated, with full safeguards and safety insured. The 5-megaton explosion caused no tidal waves or earthquakes, as some alarmists had feared. Any radiation from the explosion was completely contained.

The Spartan missile warhead was proven as an effective instrument of national defense in the antiballistic missile system.

The AEC Chairman testified further that there was little—only minimal—damage to the environment and suggested that fish in the area were not contaminated and thus safe for human consumption.

The hearing was extensive and covered all aspects of the nuclear test, and I am pleased to report that this report is most helpful and illuminating, assuring safety and security.

In this connection I place in the Record herewith my opening statement and excerpts from Chairman Schlesinger's testimony.

These statements follow:

Opening Statement by Representative Joe L. Evins

We have called this special hearing for a special purpose.

As we open these hearings, we want to welcome the Chairman of the Atomic Energy Commission—Chairman James R. Schlesinger—the newly appointed Chairman of the AEC. We have asked Chairman Schlesinger to give us a report on the results and his analysis of the recent Cannikin nuclear explosion test under Amchitka Island in the Aleutians.

This 5-megaton explosion was 250 times more powerful than the Hiroshima explosion and did possibly involve some scientific and political risks.

Funds for the Cannikin test were appropriated by this Committee and thousands of concerned citizens have written letters and sent telegrams to this Committee, to the Congress, the White House, and the Atomic Energy Commission expressing apprehension over the test.

Further, Japan and Canada filed official protests against the test and the United States Supreme Court, by a vote of four to three, decided against postponement of the test.

While this Committee supported the fund request by the AEC and Department of Defense, a number of advisers had some qualms about this experiment—important though it is to our national defense.

This test involved the detonation of a warhead of the Spartan missile which is the primary weapon of the Anti-Ballistic Missile System of the United States.

Unfortunately, such tests seem necessary, in the view of many nuclear and defense scientists, as long as the nuclear arms race continues.

As we climb up the ladder of nuclear escalation, it seems that each rung must be tested.

Certainly it is the hope of many that it will not be necessary to step further up the high explosion test ladder.

We recognize that our Nation must defend itself against attack and must maintain its technological and defensive strength and superiority.

The only alternative would be an enforceable agreement between the United States and the Soviet Union limiting the production and deployment of nuclear weapons—and let's hope such an agreement can be achieved.

Mr. Chairman, we are aware of your public statements that this test was successful.

We understand there were no tidal waves or earthquakes of any appreciable proportion as a result of the Cannikin test.

The Committee will be interested in your further report and more detailed analysis of data and results of the test.

We will appreciate your statement on your conclusions following the test and your providing this Committee with a report first on this most recent test will be appreciated.

After this, the Members of the Committee may have further questions concerning other aspects of the Commission's programs—particularly with respect to the Calvert Cliffs Decision—and what actions are being taken by the Commission to implement this decision.

Statement by Dr. James R. Schlesinger, Chairman, U.S. Atomic Energy Commission

Mr. Chairman, I am pleased to have this opportunity today to report to the Committee on three activities of the Atomic Energy Commission which recently have attracted considerable Congressional and public interest.

These areas are: the proof test of the Spartan warhead for our Anti-Ballistic Missile system which took place November 6 on Amchitka Island; the implementation of the Federal Court decision in the Calvert Cliffs case; and the work we are doing to carry out President Nixon's policy of commercial demonstration of a fast breeder reactor by 1980 to help meet the nation's needs for clean energy.

First, let me discuss the Cannikin test on Amchitka.

As you know, before that test was conducted there were a number of melodramatic statements concerning the possibility of Cannikin triggering a major earthquake, causing a tidal wave, or otherwise resulting in substantial environmental damage. Based on our extensive experience and our calculations, we were confident there would be no such disastrous consequences. I was present on Amchitka with my wife and two of my daughters when the Cannikin device was fired. Congressman and Mrs. Craig Hosmer also were there as was Congressman Orval Hansen.

I can report with pride that the Cannikin test appears to have been successful based on a quick look at the diagnostics, and we should now be able to introduce the Spartan warhead into the weapons inventory within the appropriate deployment schedule. From the environmental standpoint, damage was minimal. There were no large earthquakes, no tidal waves, no releases of radiation. To date there are no indications of any significant environmental impact beyond the area of the immediate test site, and none was anticipated.

As a matter of interest, it is possible that the nation may have received an unexpected benefit from the Cannikin test. Dr. E. R. Engdahl, a research physicist at the Palmer Seismological Observatory in Alaska, has stated the test may have provided information which will be useful in preventing spontaneous earthquakes. Dr. Engdahl has suggested that explosions such as Cannikin could be used to relieve stresses in the earth's crust, thus minimizing the chances of a buildup which would result in an earthquake. The matters merits further study by experts in seismology, both within the Commission and outside.

SENATOR BYRD AND FAP

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. DANIEL of Virginia. Mr. Speaker, on November 1, Senator Harry Flood Byrd, who like myself is privileged to call himself a Virginian, addressed the Senate briefly on the subject of welfare reform or, as he so properly labeled it, "welfare expansion." Senator Byrd possesses the happy faculty of being able to reduce his comments to readily understood basic English; in this statement he has once more done this.

The rockbottom soundness of his thinking was not lost on the editor of the Richmond News Leader, who commented on Senator Byrd's statement Friday, November 5. I respectfully insert the editorial in the Record, so that my colleagues may be aware of this reaction to the Senator's forthright statement.

The editorial follows:

[From the Richmond (Va.) News Leader, Nov. 5, 1971]

Senator Byrd and FAP

Virginia Senator Harry F. Byrd, Jr., is to be commended for taking a strong stand against the Nixon Administration's Family Assistance Plan.

In an eloquent speech on the Senate floor, Senator Byrd explained his opposition to FAP in terms that should impress even the most avid supporters of the plan. First, the Senator said, FAP lacks adequate work incentives. It would establish the precedent of a guaranteed annual income. It would cost $5 billion more a year in Federal funds than the present welfare system. The number of persons on welfare would increase from 14 million to 26 million. And last, the Department of Health, Education, and Welfare would have to hire 80,000 new employees to administer the program.

These are telling points against FAP, which parades as a welfare reform program. It does not reform, as Senator Byrd pointed out; it merely expands, continuing the trend of recent years. In fiscal 1962, the Federal government spent $2.7 billion on welfare; in the current fiscal year, it will spend around $14.2 billion. Under FAP, these costs would increase by some $5 billion, according to HEW estimates; quite likely the actual increase would be far in excess of $5 billion.

Beyond the matter of increased costs, which the Federal government certainly cannot afford, a number of other questions occur. Is the nation really willing to adopt a guaranteed income plan, even at the rate of $2,400 a year for a family of four? The record of the Social Security program suggests that in time the minimum would exceed reason, as Congress bowed to political pressures to provide more, ever more. By making the poor eligible for welfare benefits, FAP also would thrust dependency upon millions of Americans who have chosen to earn their own way.

The results of several studies suggest that the work incentives supposedly incorporated into FAP are not effective at all. FAP is no "workfare" plan, as the Administration suggests; it would encourage indolence and reward dependency. It would increase the vast bureaucracy of HEW, which already has too great a grip on the American public. It would commit the nation firmly to the concept of the welfare state, providing cradle-to-the-grave security. Even now, some sociologists say that the public has an obligation to support anyone whether he chooses to work or not, giving a hint as how FAP, if approved, would expand in the future.

Everyone agrees that the current welfare program is a mess and badly needs revision. Its slipshod administration cries out for thorough overhaul. But as Senator Byrd says, any program that would double the number of recipients and increase the costs by one-third or more hardly constitutes reform. The President has asked Congress, as a part of his economic policies, to delay the effective date of FAP until July 1, 1973, although some members of Congress hope to tack it on to an unrelated measure and make it effective sooner. Because of its many faults, FAP should not be postponed merely until the beginning of fiscal year 1974, but forever.

FEDERAL ELECTION REFORM

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. McKINNEY. Mr. Speaker, this week Congress will grapple with the reform of our Federal election laws. Traditionally the House floor has been the burial grounds for effective, enforceable election legislation. As a result, we are now reaping the benefits of 46 years of legislative loopholes and inconsistencies.

Let me for a moment run through some of the more salient points I have uncovered.

Ever since the Corrupt Practices Act was adopted in 1925, no—and I repeat—no candidate has ever been prosecuted for a violation. Now I do not wish to needlessly impugn the integrity of my fellows, but what kind of a hard hitting law do we have that in the last 46 years has not found one case of malfeasance.

Another fact you might find of interest: In the Nation's seven largest States in 1970, 11 of the 15 major candidates were millionaires. Now if this indicates a trend, I would just say that while I certainly applaud any man who can make a million dollars, I do not recall the Constitution recommending or mandating individual fiscal acumen as a prerequisite for holding Federal office. As a matter of fact, as a lad in school I was taught almost the opposite—that our Constitution was written to protect the people from the abuses of power and wealth that were so common in the aristocracies and monarchies of Europe.

Of all the measures so far introduced, I find the Senate measure the most effective legislative tool so far presented. The measure which passed the Senate, 882, consisted of the following points:

First, repeals section 315 equal time;

Second, limits charges for radio and television time to "lowest unit cost" in periods before primary and general elections;

Third, limits spending by Federal candidates to 5 cents times the number of eligible voters—population over 18—for broadcasting, and 5 cents for newspapers, magazines and billboards;

Fourth, requires detailed periodic reports by all candidates, individuals, and committees in all campaigns for Federal office. This would extend requirements for filing reports to all primary elections, the presidential nominating process and State and District of Columbia committees not now covered; and

Fifth, creates an independent Federal Elections Commission.

However, I believe two modifications which will be offered on the floor would strengthen the measure.

The repeal of section 315 has drawn criticism from some as leaving candidates at the mercy of biased local broadcasters. Recognizing such a possibility and being cognizant of the fact that an effective alternative is not feasible for floor debate at this late date, I support efforts to defer the repeal of section 315 and mandate the Federal Communications Commission to study the issues involved and propose new stautory safeguards before January 1, 1973.

I further support the establishment of a Registry of Election Finance in the General Accounting Office. The registry would have the same duties and powers as the Independent Election Commission proposed in the Senate bill but would be governed by a seven-member board, two of whom would be appointed by the Speaker of the House, two by the President pro tempore of the Senate, two by the President and the Comptroller General.

The restoration of public confidence in the integrity of our electoral process is the question before Congress. If we are to encourage integrity and responsiveness in Government, then passage of S. 382 is of paramount importance.

THE DETRACTORS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. HUNGATE. Mr. Speaker, the chairman of the board of editors of Trial Magazine recently wrote an editorial that should be of interest to all lawyers and legislators.

The editorial follows:

THE DETRACTORS

(By Alfred S. Julien, Chairman, Board of Editors)

Who speaks for the bar?

Who defends the judiciary and the American court system?

Is it the Chief Judge of the Supreme Court of the United States when he says: "All too often overzealous advocates seem to think the zeal and effectiveness of a lawyer depends on how thoroughly he can disrupt proceedings?"

The words "all too often" make this an overblown complaint lacking validity. A preliminary study sponsored by the Association of the Bar of The City of New York, funded by the Ford Foundation, after querying 1600 judges, reports in-court misbehavior by lawyers as insignificant. A working trial judge, William O. Mehrtens, U.S. District Judge in Miami says: "I have really had no problem at all. I know of none that the other judges have had."

A ready forum for criticisms are programs of the American Bar Association. For example, Attorney General Mitchell also used the American Bar Association proceedings in London to deprecate the American system when he said: "The hydra of excess proceduralisms, archaic formalisms, pretrial motions, post-trial motions, appeals, postponements, continuances, (and) collateral attack can have the effect of dragging justice to death and stealing the very life out of the law."

For Mr. Mitchell's information, and hopefully for his English audience: *Justice is alive and well and living in the United States.*

Can the champion of the bar be Senator Percy? During a July Senate Permanent Investigating Subcommittee hearing, he put this barbed question to an unidentified witness: "Would you agree with street talk that Judge S. is the best judge money can buy?"

The reply, which was permitted to go unchallenged, was: "I would agree with you 100%. But there is no judge in New York I couldn't reach."

These well-placed judges and politicians really are not our spokesmen, they are the *detractors.*

The bar and the judiciary have often been fair game for unfair critics. But now the leading gamesters are to be found in our midst.

Meanwhile, we do not lack for critics outside our ranks. In a recent book entitled *Search for Justice,* four newsmen say: "American Justice works accidentally if at all."

These pundits base their generalization on three cases: (1) Clay Shaw in Louisiana; (2) J. Earl Ray, the convicted slayer of Dr. Martin Luther King and (3) Sirhan Sirhan, who killed Senator Robert Kennedy.

It is probably coincidental that in all three cases these writers concede American justice accomplished a proper result.

Where then are our defenders? Why should our critics go unchallenged?

There must be some bar association official who knows that thousands of cases are tried daily and that since the communist trials, before Judge Harold Medina in 1949, only the Chicago trials before Judge Hoffman in 1969 and the recent Black Panther acquittals before Justice Murtagh in New York this year raised any issue regarding proper advocate behavior.

The questions arising in these rare cases, one of which remains to be determined on appeal, do not typify the day-in and day-out behavior of our trial bar. Sometimes judicial abrasiveness incites the behavior, the propriety of which is in question.

This year it appears to be the "in" thing to applaud the English system while derogating our own.

Our system is infinitely superior.

We cherish the jury; England considers it a luxury, unnecessary to its civil causes and, according to one of its authorities, shortly to be considered a matter for elimination in criminal cases involving, "complicated financial and commercial transactions." (Paper delivered by Sir Frederick Lawton, Judge of Her Majesty's Supreme Court of Judicature, at the meeting of the American Bar Association, 1971.)

England, a nation of many mistakes, has forgotten her own William Blackstone, who said: ". . . trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. And, if it has so great an advantage over others in regulating civil property, how much must that advantage be heightened, when it is applied to criminal cases."

Civil rights are the backbone of our system. But England permits the imprisonment of suspected persons, such as the Irish rebels, indeterminately without hearing or trial.

Sir Lawton also said: "Justices are the Queen's delegates to perform her constitutional duty of maintaining law and order." Are they really saying things like that in 1971? Not even a wig can cloak the impoverishment of an idea of allegiance to the Crown rather than to the people.

Judge Lawton also stated: "We have the advantage over you of a smaller body of case law and statute law. As a Judge, I can go weeks on end without having cited to me a single case. The principles of our criminal law are now firmly established."

Everything fixed, easily ascertainable, and categorized! How different from our common law, which occasionally changes because it must never be rigid but constantly attuned to progress.

For a Senate Committee to provide house room to vilify our judiciary—as one which can easily be bought—brings monstrous injury to our system. This ugly smear damages our entire judiciary. It has to hurt every judge where he lives.

In 37 years of practice before hundreds of judges, I have met some judges who had leanings. But all men have preferences and none is perfect. I have never known a truly corrupt judge. The judiciary of this country has an extraordinary record behind it.

Trial's columns will be open to the defense of the bar and the judiciary against all critics, without and within. And, whatever malaise exists in our profession will likewise be reported.

The lawyer and the judge—and most importantly, the public—are entitled to nothing less.

GOLDEN HORSESHOE HONORED

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WHITEHURST. Mr. Speaker, the activities of a patriotic American organization have been brought to my attention, and I want to share the group's accomplishments and goals with my colleagues.

The organization is the Golden Horseshoe, founded on the 234th anniversary of George Washington's birthday, February 22, 1966. It is devoted to the pursuit of patriotism and has become best known for its service to veterans. It sends books, magazines, and other small items designed to boost the morale of servicemen in hospitals. The founder, W. Glenn Elliott, has received letters of appreciation from the Veterans' Administration, the Red Cross, and many hospitals receiving the service offered by the Golden Horseshoe.

The story of W. Glenn Elliott and the Golden Horseshoe is well told in a front page article written by Howard Swindle and published in the July 29, 1971 edition of the Virginia Beach Sun, a leading weekly paper serving the resort city of Virginia Beach, Va. I include the article at this point in the RECORD:

GLENN ELLIOTT—OLD-FASHIONED, FLAG-WAVING AMERICAN PATRIOT

(By Howard Swindle)

W. Glenn Elliott, 74 white-haired and bow-tied, had just finished telling about driving a Model-T Ford ambulance through the ruts of a war-torn France in 1918 and about his mule named Maude.

Elliott's experiences sounded much like those of novelist Ernest Hemingway, also an ambulance driver, during his tour in Italy. Perhaps it was these experiences, encountered more than 50 years ago, that led Elliott to his "labor of love" the American Society of the Golden Horseshoe.

Navy Lieutenant Philip Heth, Elliott's next door neighbor and close friend, describes the society as "an organization dedicated to good, old-fashioned, flag-waving American patriotism."

True to Elliott's lifestyle, every jar has a small red, white and blue flag taped to it. Elliott's den, or "office" as he calls it, is covered with small flags and boxes of jars. On a cluttered cot lies a large, faded flag. I've got to get another flag," Elliott said, "this one's getting pretty old." He flies it in front of his house every day, and he says he'll continue to fly it until the war in Vietnam ends.

Of his cross-country fund-raising trips, Elliott says, "We do anything and everything we can possibly do to revive patriotism in Americans." Though the American Society of The Golden Horseshoe (the name comes from an event in development of colonial America) concerns itself primarily with servicemen overseas, it also attempts to have the flag flown from as many places as possible.

And, if ever there was an old-fashioned flag waver, it would have to be W. Glenn Elliott, World War I ambulance driver, World War II lieutenant colonel in the Virginia State Guard and current advocate of anything patriotic.

Hanging in a prominent place in Elliott's home within earshot of Oceana Naval Air Station is a plaque from a naval evacuation hospital in DaNang, Vietnam. The hospital along with other military and veteran hospitals throughout the world, has reaped the benefits of Elliott's flag-waving brand of patriotism. Since he founded the Society of The Golden Horseshoe in early 1966, the organization has sent more than $18,000 in cigarettes, tobacco, peanuts, candy and books to servicemen everywhere.

About every 10 days, Elliott gets in his nine-year-old Chevrolet for a tiring trip that takes him through Chesapeake, Suffolk, Petersburg and Richmond collecting money from nearly 100 quart jars he has placed in restaurants, small grocery stores and other businesses. It is the pennies, nickles, dimes and sometimes quarters left in these jars by customers that finance a pack of cigarettes, a bar of candy or a can of peanuts for a GI in Vietnam.

The society lists as honorary life members former Alabama governor George C. Wallace, Senator Harry F. Byrd, Jr., Virginia Beach councilman Frank A. Dusch and former Senator A. Willis Robertson who suggested the society's name.

One of the society's most recent campaigns revolves around gaining support "for our leaders in their defense of J. Edgar Hoover and the FBI." But a talk with the society's founder leaves little doubt as to the primary aim of the society—helping the serviceman.

Elliott, a former adjutant of the Virginia American Legion and a civil service worker, speaks proudly of his family's military service. "One of my forefathers fought in the Revolutionary War," he said. Since then, there have been relatives in the War of 1812, the Civil War, the Spanish American War, World Wars I and II, the Korean Conflict and Vietnam.

At the age of 69, Elliott exhausted all avenues trying to volunteer for duty in Vietnam so his grandson wouldn't have to go. He told a neighbor. "That's one less young man who'd be shot at—I've already lived a full life."

A small picture frame with an American flag and three rows of ribbons hangs in Elliott's office. "Those belonged to my son Jack," he says. "Raising children you can be proud of, is one of the most noble things a parent can do." His son, a member of a flight crew during World War II, was killed during a mission over Germany.

Elliott's campaign to send gifts to servicemen dates back to World War II when a cigarette salesman told him he could send tobacco overseas tax free. He took time off from his post as editor and business manager of the Virginia Legionnaire magazine to pass out containers for the funds.

Today, Elliott has an agreement with several tobacco companies in which they pack the cigarettes and send them directly from their factories. "Since they're sent tax free," Elliott says, "we only pay about 11 cents per pack." He has similar agreements with peanut and candy manufacturers.

To pacify one woman who was "hard against tobacco," Elliott changed the sign on his cannisters from "Send Tobacco to Men in Vietnam" to "Send Goodies to Men in Vietnam." "After I changed the sign, she let me put a jar in her store," he said.

He said a few gift packages sent to individuals in Vietnam have come back stamped KIA (Killed in Action) and MIA (Missing in Action).

Elliott's cannisters also serve as a pretty good barometer for public opinion on the war in Vietnam. "When Lieutenant Calley was being tried, donations went up quite a bit," Elliott said. Thinking people might give more money if they were contributing to veterans in government hospitals, Elliott changed a few of his signs, emphasizing the veteran. "Those cannisters with Vietnam written on them drew quite a few more donations than the others (those emphasizing the veteran)," Elliott said.

"You'd be surprised how many (jars) are tampered with," Elliott said. "Some are gone. Some are broken. I'm sometimes lucky if a third aren't broken or stolen."

Occasionally when he packs a box of gifts for men in Vietnam, Elliott encloses a letter asking the GI's to write businessmen who have allowed him to put cannisters in their stores. "That's just so they (businessmen) will know the money is going where I say it's going," Elliott said. As treasurer of the society, he keeps records of incomes and expenditures which he makes available to members periodically.

"About 90 per cent of our dues goes for sending items to Vietnam," Elliott said. "Postage is one of the big things."

Though Elliott won't admit it, his travel expenses every 10 days are another big expense—an expense not completely covered by donations. "Oh, I dip into my jeans every once in a while," he said. "I've got clothes to wear, food to eat and a place to sleep and I just thank the Lord that I can spend my time doing something to help, however small it might be."

U.S. SENATOR JAMES L. BUCKLEY SPEAKS BEFORE THE NEW YORK FARM BUREAU

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. McEWEN. Mr. Speaker, I insert in the RECORD for the benefit of my colleagues the speech delivered by New York junior Senator JAMES L. BUCKLEY, before the New York Farm Bureau in Ellenville, N.Y., on November 8, 1971. It is a thoughtful presentation of concern for our environment with a balanced understanding of the need of public support for the cost that must be borne.

The speech follows:

I would like to thank you for this opportunity to be with you tonight—for several reasons, first of all, I have far too few opportunities to meet with members of the extensive farm community of New York State. Secondly, I am a country boy by upbringing and "druthers", and I am always grateful for a chance to shake away from the soot and noise of our cities for the clean air and beauty of rural New York. Finally, you provide me with an audience of intuitive conservationists, an audience of men and women who because you live on the land and from the land, understand better than most that man must learn to coexist in harmony with nature, if in the last analysis, he is to survive.

The American Farm Bureau Federation has been actively working to protect the environment long before the public-at-large understood that a problem existed. Because of your work over the years, and that of others who have shared your early concern, the American public has finally come to understand that one of the most important needs of our age is to learn to curb, and finally to eliminate, the contamination of the air and water and land which, in the last few years, has reached epidemic proportions.

Happily, the cumulative effects of this educative work has finally aroused a broad public interest in ecological matters, and this fact alone justifies the hope and expectation that we will at last redirect our energies towards learning to live with our natural environment and not in conflict with it.

Perhaps I am more conscious than most as to the suddenness of this new public awareness because in 1968, when I first found myself involved in a statewide political campaign, and one in which I know I had absolutely no chance of winning. I decided that so long as I was engaged in the ordeal of marathon speechmaking, I might as well be sounding the environmental alarm, by trying to convince my listeners that what Rachel Carson had been writing about was not fantasy, but rather the hard facts about a clear and present danger to human life and to the natural order.

I am sorry to say that I met with such stares of blank indifference that I soon had to drop the subject. One of my principal supporters, in fact, sent me a letter chastising me for wasting campaign time on a "non-issue."

Yet just one year later, the President of the United States established the fight against pollution and to preserve some of what remained of our natural heritage as a central objective of his administration and the word "ecology" had become a battlecry.

For the first time, the public interest had become so captured by a concern for the preservation of the environment that effective public action had become possible, and the prosecution of polluters thinkable.

But the very strength of the interest which has developed has in it its own dangers, because we must avoid the kind of unreasonable demand for Eden now which could yet discredit the cause of conservation in the eyes of a public which is producer as well as consumer, a public which has become accustomed to the material luxuries created by our technology, a public which in the last analysis will determine how fast, and at what cost, we will be allowed to pursue our necessary environmental goals.

Having come this far on a wave of well-directed emotion, we must now lower the volume and concentrate on the development of programs and attitudes which will lead us towards cleaner waters and cleaner air, to better land uses and to a fuller life at achievable rates and at acceptable costs.

I can think of no better place to talk about the environment than here in New York State, and to an organization such as yours.

This State of ours, perhaps more typically than most, is a composite of what is beautiful and what has become ugly in our life.

Throughout virtually every region of New York one can still find meandering streams, quiet villages, forested mountains, orchards and vineyards, truck and dairy farms, small lakes.

It is still possible for millions of our people to find that serenity and spirtual uplift which comes from a personal immersion in nature. New Yorkers who trouble to do so can still find for themselves what Thoreau meant when he wrote, "in wildness is the salvation of the world."

Yet in almost every region of New York, we still see factories belching out their fumes or pouring pollution into our lakes and streams, and our people still carelessly littering the land.

You are meeting in one of the most beautiful areas of the country; and yet you can board an airplane just a few miles away and, within a few minutes, be hovering over one of the world's great cities, a city which more often than not these days is obscured by an atmospheric pall which hides the mounds of garbage and debris which demean a city whose galleries, theatres, skyscrapers and concert halls beckon visitors from around the globe.

The American Farm Bureau and others have done a magnificent job in educating the public as to the ecological facts of twentieth century American life and in sparking the interest which is quite literally revolutionizing public attitudes. But we need to do more. We now need to make sure that the public fully understands the difficulties and the costs which will be involved in seeking to achieve our environmental goals. We need to encourage a well-informed and balanced view of the job that must be done.

One starting point, it seems to me, is to discourage the tendency to seek out a special villain. The fact is, there is no single culprit. As our friend Pogo accurately observed: "We have met the enemy and he is us." For too many millennia, human beings have simply taken their natural surroundings for granted. Yes, our factories have poured their wastes in ever-greater volume into our air and waters—but so have our municipalities and so have we as the eager consumers of all those material goods which are produced by our industries.

I submit that there is nothing much to be gained from pointing fingers but there is a great deal to be lost from indiscriminate accusations. I have been on the Public Works Subcommittee on Air and Water Pollution long enough to learn something about the response of American industry to increasingly tightened antipollution controls.

Certainly some companies have dragged their heels; certainly there have been complaints about excessive regulation or unreasonable goals and many of these have been well taken.

But I have been deeply impressed by the sense of commitment which so many of our industrial managers have shown in working to abate pollution once they have determined the standards they are expected to meet.

Yes, there is the threat of the stick. But there is also that willing display of good citizenship which is so characteristic of this country.

To cite a few figures, the chemical industry last year spent $600 million for pollution abatement. Expenditures by the automobile, electric utilities, and petroleum industries—this year alone—total almost one and one half billion dollars.

On the average, American companies will have increased their pollution-control spending 46 per cent this year over last; and they will spend at least $18 billion over the next five years to meet newly-defined standards.

Now I am not here as a propagandist for American business, but merely as one who deeply believes that we will make the greatest progress if the public recognizes that all elements of our society have in fact been at fault and that they are all now beginning to work together—and to work together with increasing effectiveness—to achieve our commonly desired goals.

This brings me to the second area where I believe the public needs to be better informed.

Because we are not yet able to swim with impunity in every lake and every stream of New York State, because we still must penetrate a veil of yellow smog to land on New York City's airports, the public tends to think that there has been no response, or at least an inadequate response to the environmental crisis which they have only lately come to understand.

Somehow, in our insistence on instant results, we are apt to lose sight of the very real progress which has been made in just the past two years.

Although we have had State and Federal anti-pollution laws on the books for decades, polluters are only now being prosecuted precisely because only now have we as a people begun to take the problem of pollution seriously and therefore have made the prosecution of major employers and taxpayers possible.

At the national level, we have reorganized our institutions in a fundamental manner in order to more effectively mobilize our environmental efforts.

The new attitude towards governmental responsibility was succinctly put on New Year's Day, 1970, when President Nixon observed, while signing a bill which established the new Council on Environmental Quality "it is literally now or never." As if to underscore his seriousness, the President devoted a major portion of his State of the Union address that year to the subject of the environment, and followed that speech with a special message to Congress. It included thirty-seven specific actions and proposals to enhance environmental quality—the most comprehensive environmental program ever presented. The package included a ten-billion dollar Clean Waters Act, requests for more rigorous air and water pollution standards, higher fines for violators, and considerably more money for other research and enforcement purposes.

Subsequent proposals have been impressive in their variety and scope. They range from the provision of billions of dollars for new and improved waste treatment facilities to the creation of new wildlife refuges; from ordering a crackdown on alligator poachers to providing the States with millions of dollars with which to purchase land areas for recreational use; from tightening controls over the discharge of toxic and hazardous materials to provision for long range research for the development of alternative pollution free ways of generating electricity.

But what I believe to be the most significant evidence of this commitment to environmental quality is the fact that purely ecological considerations are now being accorded more than "equal time," so to speak, in determining whether specific projects will be allowed to go forward. This has been made clear on several occasions when projects of great value, as measured in traditional economic terms, have been terminated precisely because of a demonstration of their adverse environmental impact, and despite the fact that these decisions required the abandonment of sizable investments.

I need only cite the cancellation of the plans for a super jetport in the Florida Everglades, the suspension of the one-third completed trans-Florida Canal; and most recently, the decision not to permit construction of two oil production platforms as well as the suspension of operations on thirty-five Federal leases in the Santa Barbara Channel.

A certain amount of criticism has been levelled at some of the Federal activities. But I can certify to you from my own experience that any deficiencies—and believe me, there are many—are not attributable to any lack of a desire to take realistic and effective action to abate pollution and to protect natural areas. The fact is that an extraordinary effort is underway and new enforcement and planning agencies are necessarily experiencing the most severe growing pains as they try to put themselves together from scratch in order to be able to assume and execute the enormous responsibilities which have been thrust upon them.

You know from your own experience that what I have described in terms of the Federal effort is mirrored by the work being done in New York. As it is now being done across the nation—as state and local governments begin to come to grips with their own environmental responsibilities.

We now come to another area which is far more difficult for the public to grasp but about which it is particularly important that we educate the public lest they be led to expect the impossible.

I speak now about the extent of our ignorance in so many areas which are essential to our understanding of environmental cause and effect; and therefore, to our understanding as to how best to control air and water pollution, how best to use our lands.

We have learned just enough about ecological interrelationships to know that we cannot do anything which has a significant impact on any one element of our biological or physical surroundings without triggering a chain of reactions which can be quite startling in their ultimate effect.

We start tampering with the natural state of our streams in order to achieve a measure of flood control, and suddenly we find that we have unleashed downstream floods and erosion, that we have lowered our water tables and that we have upset biological balances.

We spray new wonder insecticides to protect a patch of forest from a particular pest, and lo, a decade or so later we begin to wonder what has happened to the duck hawks we used to see about.

We take the suds out of detergents and think we have licked the problem only to find our lakes turning green from the phosphates we have poured down our drains.

But then, as we try to focus total blame on detergents for the phenomenon of eutrophication, we find that we have oversimplified the problem as phosphates are not the only nutrients which will cause an excessive growth of algae nor are detergents the only source of the phosphate enrichment of our waters.

We start substituting other materials for the phosphates in our detergents only to learn, as we did recently, that the substitutes are in other ways far more hazardous.

We are therefore beginning to learn that we must proceed with utmost caution, that we must test out each new substance, each new technique for its most extended biological consequence. We also know that there are other causes of pollution of our waters than those that can be identified with the discharge from our sewers and factories. Thus if we are really to restore the kind of water quality we all want, we are going to have to find out ways of controlling the so-called non-point sources of pollution. But as of today, no one quite knows how to identify all of these or how to measure their impact; and once we have this information in hand, we will still have to figure out what we will be able to do about them and at what cost.

This gap in our knowledge is particularly apparent in trying to assess the total impact of modern agriculture on the environment. Until recently, animal wastes were not thought of as a problem. If anything, they were considered to be a beneficial part of the natural recycling process through which valuable minerals were returned to the soil, as in fact they were so long as our farm animals were not crowded together into unnaturally close quarters. But all this has changed with the increasing trend towards large commercial feedlots and the assembly-line production of poultry. These practices have resulted in huge concentrations of animal wastes which are now known to have a most direct and adverse effect on our water resources.

The fertilizers which have so increased the productivity of our farms inevitably leech into our streams, thus adding significantly to their eutrophication. The accumulation of inorganic salts and minerals in the soil are beginning to threaten farm lands across the Nation; and the widespread use of certain pesticides has injected long-lasting chemicals into natural food chains with sometimes far-reaching consequences which no farmer would have desired or could have anticipated.

An enormous investment in time and money will have to be made to better understand the nature and extent of the environmental impact of these agricultural activities, and to develop alternative means of insuring the continued productivity of American farms while protecting our lands and our waters for future generations of American farmers.

The work to achieve this knowledge will be materially speeded by legislation which was enacted by the Senate last week. I speak of the Federal Water Pollution Control Act of 1971, which unless modified by the House of Representatives, will allocate $10 million per year for research into the agricultural sources of pollution. Furthermore, the act will require each State to conduct a careful study of these and other non-point sources of pollution and by 1974 to file a report with the environmental protection agency in Washington identifying them and detailing proposals for bringing them under control. Thus by the middle of this decade we can hope to have the information in hand which will enable us to develop an effective nationwide strategy for coping with some of our most elusive forms of pollution.

But all this will take time, a lot of time, and it is vitally important that the American public be made to understand the necessary lag between research and action and between action and achievement.

The last point I would like to make is I believe the most important one. It involves the matter of cost.

We cannot move effectively into the difficult field of pollution control without the deepest sense of realism as to what is involved; and that which will have the most important impact on the public-at-large will be the realization that what needs to be done will be costly, at times very costly. But at the same time, we who are involved in the formulation of public policy and in the definition of public goals in the field of the environment must recognize that there are limits to the extent of the costs which the public will be willing to incur or which the public ought to be asked to incur over any given period.

If we are to avoid the kind of reaction among our citizens which could seriously set back the environmental struggle, we must be sensible, we must recognize that we will have to settle for something less than the ideal not only because the ideal may not in fact be achievable, but because of a recognition that we will in both the shorter and the longer run accomplish more by striving for ninety-five per cent of the ideal at a cost which the public will accept than we will by trying for the additional five per cent at a cost so high that the cause of the environment will be repudiated by a public which will not go back to kerosene lamps or the days of the horse and buggy.

What we can do, and I think must do at an early date is to develop techniques for measuring the true costs of all human activities—a system of accounting which will reflect in full the environmental costs. The social costs. We will need such tools if we are to be able to engage in an unemotional examination and demonstration of the true social and economic trade-offs which are involved in planning for the most effective use of our resources and in employing our technology to achieve the fullest degree of social and economic progress.

There are, of course, some things which can never be priced. How, for example, do you measure the value of a sunset or of the sound of a wood thrush at twilight?

But by and large, in most instances where we are concerned with human activities and their consequences it should be possible to develop techniques in which the true balancing of accounts, including most specifically and most particularly the environmental accounts, can be demonstrated. In the meantime, however, we must remind the public and remind ourselves that the savings which we have hitherto realized from the free use of our land and water and air as dumping grounds for our wastes must henceforward be charged to the cost of the goods and of the services which we consume.

I have gone to some length to suggest the need to keep the American people constantly informed as to what is really involved in our new commitment to incorporate the quality of our environment into our concept of the quality of life. I feel deeply about this because, as I indicated earlier, we have only recently reached a point where true progress is possible; and we have reached it only because we have finally mobilized into the cause of conservation a vast majority of Americans who at last understand that their own lives and happiness and health and prosperity are inextricably intertwined in the health of the natural world in which they live.

But if the American people should ever decide, or if sufficient numbers of them should ever believe, that conservationists have gone to extremes, that they are making excessive demands, or that they are being unreasonable in what they expect of the rest of the nation, then as of that time we will have suffered a setback of a kind which we quite literally cannot afford.

This, I submit, is one of the most important tasks which lies ahead; to maintain that public confidence, that public support which will make it possible, in this decade, to achieve a profound revolution in man's understanding of his role on planet earth.

THE SO-CALLED PRAYER AMENDMENT

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. HELSTOSKI. Mr. Speaker, last week I joined 161 Members of the House in voting to reject the so-called prayer amendment to the Constitution. My reasons for opposing such an apparently harmless and worthwhile measure are complex and I would like to set them forth at this time for the benefit of my colleagues and constituents.

First, Mr. Speaker, let us examine the need for the proposed amendment. The popular belief is that the Supreme Court in the early 1960's banned the recitation of all prayers in the public schools. This is simply not the case. No decision of the Court has ever forbidden voluntary prayer recitals by American citizens in the public schools or in any other public place. To do so, I firmly believe, would be in violation of the first amendment's guarantee of the free exercise of religion.

What then, has the Court said with respect to religious exercise in public schools? In 1962, the Supreme Court ruled that public officials, in this case the board of regents of the State of New York, may not compose a prayer and direct its recitation in the public schools. In subsequent cases the Court extended this doctrine to forbid mandatory Bible reading or recitation of the Lord's Prayer in the schools. Frankly, I can find no fault in the Court's logic or motives in arriving at these decisions.

Official authorship or sponsorship of school prayers is clearly a violation of the first amendment's injunction against state establishment of religion. Stated simply, the government must remain absolutely neutral in matters of religious belief and practice. In the instances of the Bible and the Lord's Prayer which I mentioned, it should be clear to all of us that these practices could not help but be offensive to the religious beliefs or nonbeliefs of many schoolchildren and their parents. Catholics, to take one example, do not recognize the validity of the King James version of the Bible and Jews, in another example, do not recognize the New Testament from which the Lord's Prayer is excerpted. In short, the Court has not ruled in any manner which is contrary to the Constitution's guarantee of the free exercise of religion or long-cherished American principles of absolute freedom of conscience in matters of religion. On the contrary, the Supreme Court has actually strengthened these protections.

Since the Court has not restricted the right of schoolchildren to participate voluntarily in prayer, what do proponents of this amendment seek? From a reading of the defeated amendment I cannot tell. The original version of the amendment sought to guarantee the right to participate in "nondenominational" prayer. Now, what in the world is a "nondenominational" prayer? The difficulties involved in writing a prayer to meet this definition were most succinctly pointed out in a recent statement signed by leaders of a number of national religious organizations, including the Baptists, Episcopalians, Jews, Methodists, and Presbyterians:

> The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of "nondenominational" prayer. . . . If such a proposed amendment should become part of the Constitution of the United States, a new religion of "nondenominationalism" would in a measure become established which could destroy the integrity of both church and state.

This view, I would point out, was also shared by the American Bishops' National Catholic Conference and ROBERT DRINAN, S.J., a Jesuit Member of Congress and one of our leading constitutional authorities.

Another fault in the prayer amendment was pointed out by William Van Alstyne, of the Duke University Law School:

> But even supposing . . . that a prayer could conceivably be composed sufficiently "nondenominational" so as to become acceptable under the proposed amendment, still it must be clear that any such prayer must necessarily be so flat, dry, stale, and unprofitable as scarcely to fulfill the authentic religious needs of anyone inclined to participate in it.

In view of the inadequacy of the "nondenominational prayer" phrase, the House substituted the word "voluntary." While this eliminates one ambiguous word, I fail to see how it is any great improvement. If, indeed, the actual thrust of this vague amendment is merely to affirm the current state of affairs, that is to permit voluntary prayers which are already permitted, indeed protected, by the first amendment, then the prayer amendment is superfluous. If the impact of this amendment is to be something more than that, then its vague wording opens a Pandora's box which will lead to endless litigation in the courts and a possible undermining of the absolute separation of church and state guaranteed by the first amendment. At best, then, the prayer measure is meaningless; at worse, it is a breach in the wall separating government and religion. The distinguished Jesuit weekly America has summed up the true nature of the prayer amendment calling it "ill-written, mischievous, and misconceived."

Mr. Speaker, another of my objections to passage of the prayer amendment is the manner in which it was brought before the House. No hearings were held on this measure and no opportunity has been given for a full investigation of its language, its meaning and its intent. Furthermore, only 2 hours of debate were permitted on the floor on this measure and the amendments to it. Perhaps the most serious business in which the Congress can engage is considering amendments to the Constitution. Is it a quick and hurried debate, coupled with a complete lack of a hearing record of committee report, the proper framework for undertaking this task? I think not and refuse to be a party to such slipshod legislative procedures.

As the National Council of Churches pointed out in a recent pamphlet opposing the prayer amendment:

> The first amendment has safeguarded religious liberty and other basic religious freedoms for nearly two centuries. If it can be amended now for this purpose without profound and careful consideration, it may be easier to amend for other purposes.

And a legal scholar from New York, Leo Pferrer, has pointed out another aspect of the dangerous precedent which this amendment could establish:

> It would encourage amending the Constitution to overrule every Supreme Court decision that does not meet with universal favor. It would reduce the Constitution to the level of a statute which is easily repealed or amended, a consequence which Chief Justice John Marshall warned against in more than one of his great decisions.

In conclusion, Mr. Speaker, I would like to point out that I regard prayer and religious devotion to be basic and vital to the soul of America. The places for instilling religious beliefs, however, are the family, the church, the Sunday school, or the religious school. The public school, while charged with the duty of training pupils in their civic duties and respect for their fellow man, cannot and should not get into the area of promoting religion. The prayer amendment, which raised such a specter, has fortunately been defeated.

Under unanimous consent, I include at this point in the RECORD excerpts from several articles and editorials on the prayer amendment:

[From the New York Times, Nov. 9, 1971]

VICTORY FOR RELIGIOUS FREEDOM

Defeat in the House of the proposed constitutional amendment to permit nondenominational prayer in the public schools has averted a threat to the separation of church and state—by an uncomfortably narrow margin. The final vote—240 for the amendment and 162 against—was only 28 short of the required two-thirds majority, admittedly only a first step in the process of amending the Constitution.

Since the question involved the very basis of religious freedom, it is disconcerting that so many Representatives fail to see that their support of piety, no matter how sincere, bespeaks a faulty understanding of the relationship between government and religion. Ever since the Supreme Court ruled on the issue in 1962, the banning of prayers from the public schools has been widely misunderstood, and often deliberately misrepresented, as an example of godless forces undermining spiritual values.

In reality, the Court simply upheld two vital principles: the right of every American to choose his form of worship for himself and the prohibition of any religious ritual composed or imposed by an agency of the state, such as a school board.

The narrow margin of the House vote suggests a need for a better understanding, not only in the schools but in Congress as well, of the basic intent of the Bill of Rights.

[From the New York Times, Nov. 5, 1971]

FREEDOM TO WORSHIP

The sponsors of the constitutional amendment to permit nondenominational prayer in the public schools, on which the House will vote Monday, are trampling on the very principle on which religious freedom is based. They plow ahead against the determined opposition of most leaders of organized religions—Protestant, Catholic and Jewish—who surely cannot be suspected of antireligious leanings.

Those who spearhead the drive to undo a crucial constitutional safeguard fail to comprehend that banning prayer in the public schools is essential to protecting the sanctity of prayer. By the same token, Congressmen ready to vote for the amendment because they are afraid to appear lacking in piety show a dismal deficiency in civic courage. Theirs is a failure to lead and enlighten their constituents. Specifically, they fail to explain that the amendment would, in fact, interfere with the right of home and church to determine and guide the children's worship. Fortunately, mounting opposition to the amendment by clergy, constitutional lawyers and law school faculty members affords evidence that the seriousness of the issue is beginning to be recognized.

Representative Robert F. Drinan of Massachusetts, himself a Jesuit priest, said in opposing the amendment that a nondenominational prayer is a meaningless "to whom it may concern" appeal. Yet the danger inherent in such prayer is serious because it invests state authorities, such as school boards, with the power to create religious exercises. This is nothing less than state usurpation of the power to establish and prescribe religion.

Freedom to worship cannot exist without the freedom to determine one's form of worship, including also the right not to worship at all. This is not, as the amendment's sponsors would have it, a matter for public opinion polls to decide. The early history of this nation was marred by repressive efforts, in the name of piety, to impose on dissenting and often deeply religious minorities the religious beliefs and dogmas of the majority. The proposed amendment would have the effect of subverting once again the constitutional protection of religious freedom.

[From the Washington Star, Nov. 6, 1971]

WILL THE HOUSE "VOTE AGAINST GOD" MONDAY?

No American who both cares about the Constitution and takes his religion seriously, be he Christian, Jew or Moslem, can be very happy about what the House of Representatives may do on Monday.

For that is the day upon which the House will vote on a proposed constitutional amendment which would overturn 1962 and 1963 Supreme Court decisions banning organized prayer in public schools. Having obtained the necessary 218 signatures for the discharge petition allowing H. J. Res. 191 to bypass Rep. Emanuel Celler's Judiciary Committee, where the proposal had been bottled up for eight years, it is at least even money that the proposed amendment will receive the required assent of two-thirds of those present and voting to send it on to the Senate.

We are, after all, moving into an election year, and no congressman is anxious to vote against God, although one might observe that the Deity is no more at the disposal of Rep. Chalmers P. Wylie, R-Ohio, the amendment's sponsor, than at that of the Supreme Court.

The proposed amendment to the First Amendment states:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

Sounds innocent enough, doesn't it? But what constitutes a "nondenominational" prayer? Such a "prayer," as one wag has pointed out, would have to begin with the phrase, "to whom it may concern." In short, if a prayer were made truly nondenominational, it would become meaningless and the net effect would be to dilute rather than to enhance reverence for God and respect for the various denominations.

And in this respect it is worth noting that 38 religious leaders and organizations are on record as *opposing* the proposed amendment. These include the American Baptist Convention, the Baptist General Conference, the North American Baptist Conference, the executive council of the Episcopal Church, the United Methodist Church, the Church of the Brethren, the Lutheran Church in America, the United Presbyterian Church, the Unitarian-Universalist Association, the Churches of Christ, the Mennonites and a variety of Jewish groups.

The opposition of the churches to the proposed amendment centers on the fact that, as they correctly observe, it "could destroy the integrity of both church and state."

For somebody, if the amendment passes both the House and the Senate and is approved by the required three-fourths of the "states" legislatures, is going to have to draw up that prayer. Who will that "somebody" be? In all likelihood, it would be local school boards.

If the school board happens to have an overwhelming majority of Catholics on it, will that "nondenominational" prayer contain a reference to the Virgin Mary, and how will that sit with fundamentalist Protestant children who happen to attend schools under the board's jurisdiction? What if the situation is reversed and the prayer composed is alien to Catholics? What about Jewish children?

Assuming that every school board in the United States went out of its way to care for the sensitivity of minority groups—and that is a sweeping assumption not justified by a reading of history—what would be the effect? Would the bland, meaningless prayers they would compose not constitute (in violation of the First Amendment) establishment of a "religion" of nonsectarian secularism?

There is indeed a place in our national life for prayer. Never has there been a greater need in men's lives for the great truths taught by all the world's major faiths. But the mystery and majesty of religion is too precious a gift to be dealt out by rote at recess like milk and cookies.

Let it be learned first at the knees of one's parents, and later at church, synagogue or mosque. But neither parents nor priests can delegate this responsibility to school boards or principals. To do so would be both to authorize an unwarranted intrusion by government into affairs of the spirit and to demean the relationship between man and God.

The Bill of Rights, of which the First Amendment is a part, never has been amended. To do so now would be to tamper with the bulwark which has served both church and state so well for nearly 180 years.

As the late Hugo L. Black once wrote, "It is only by wholly isolating the state from the religious sphere and compelling it to be completely neutral that the freedom of each and every denomination and of all non-believers can be maintained."

That is as true in 1971 as it was in 1791 when the Bill of Rights was framed.

This Amendment Beats Them All

Certainly, one of the bigger bags of hokum to reach Washington in a long time is the school prayer amendment, which will come up for a vote in the House on Monday.

Congressmen often joke about bills against sin and for motherhood. This one beats them all. It would be harmless, if it didn't threaten to clutter up the Constitution—and become thereby a permanent monument to phony piety.

The movement to enact the amendment started with a pair of Supreme Court decisions in the early 1960s which struck down the prayers at the start of each day.

I have no particular objection to prayer. There may even be something to the assertion that our society would benefit from a renaissance of Godliness.

But I remember school prayers in my own day as a kind of a joke. Not only did they not put us in a Godly frame of mind, they made ritual seem foolish. I can assert, without fear of contradiction, that I am not a better man for having said prayers in my youth before my arithmetic class.

President John F. Kennedy's comment on the Supreme Court's rulings at a press conference in 1962 remains, I think, most clearly to the point. There was an "easy remedy," he said, for those who disagree: "Pray a good deal more at home and attend our churches with a good deal more fidelity."

But the school prayer crowd wasn't satisfied with such a remedy. They've worked hard to shove prayers down the throats of every American public school kid. They've pitted the Lord against the Supreme Court and, powerful as the Court is, it's an uneven contest.

The amendment, with deceptive simplicity, does nothing but authorize "nondenominational prayer" in public buildings. It does not define "nondenominational" and, indeed, many experts believe there is no such thing.

In fact, since the Supreme Court's decisions, almost every organized religious body has come around to oppose the amendment: The Lutheran Church in America, the American Baptist Convention, the Southern Baptist Convention, the United Methodist Church, the National Council of Churches, the American Jewish Congress.

The other day, the United States Catholic Conference—representing the Catholic bishops—said the amendment would "accomplish nothing" and have no impact whatever on the religious education of children.

For the most part, the church groups have acquired a healthy wariness about the possibility of government involvement in religion. They see the amendment as a real incursion on the constitutional guarantees of religious freedom.

The bishops pointed out, interestingly, that the amendment may actually become an invitation for the Supreme Court to strike down prayer in, say, Congress or the White House, on the grounds that they are not "nondenominational."

Most congressmen would prefer not to vote on the issue at all, because of the hysteria attached to it. In 1964, the House Judiciary Committee held extended hearings, which so discredited the amendment that it died quietly in committee.

This time, Rep. Emanuel Celler, chairman of the committee, chose to ignore the threat—with the result that proponents successfully bypassed him through a rarely used discharge petition to get the measure to the floor.

"The guys are scared to death," said one congressman. "They know the amendment's ludicrous but, if they don't like voting against motherhood, imagine how they feel about voting against God."

God, indeed! The amendment concerns not God but religious conformism, far removed from God. Does anyone really believe this amendment will contribute to public morality, social stability or religious conviction?

But pressure in support of the bill—mostly from the fundamentalist segment of the population—has been growing all week. Counterpressure from formal church and civil liberties groups has been hard-pressed to keep up.

At last count, opponents of the amendment had about 115 sure votes, out of the 145 needed to defeat the required two-thirds majority. Characteristically, the Democratic leadership was doing little leading. As the weekend approached, the prospects for both sides seemed to be touch-and-go.

Prayer Votes and Politics

(By Mary McGrory)

Rep. Gillespie V. (Sonny) Montgomery of Mississippi was preaching to the House in its moment of spiritual trial, but he chose to appeal not to its conscience, but to its self-interest.

"Let us," he thundered, "consider the practical politics of the prayer amendment. Eighty-five percent of the American people are for prayer in the public schools."

"Let us lay our cards on the table," he said, totally abandoning the sacred for the profane. "A vote for is much easier to explain than a vote against."

It was a bit of earthly wisdom that was beyond dispute—one had only to think of the fate of Ralph Yarborough, who lost his Senate seat from Texas last spring, partly because he had not damned the Supreme Court decision of 1963 outlawing public-school prayer.

PRAYER WON'T HURT

"I don't know of any case where prayer has spoiled anyone," said Montgomery, "physically, mentally or emotionally."

That, too, is not a matter of argument. Surely today's students would be better engaged in praying than in some of the antisocial activities which so many members of the House think are a direct consequence of the Supreme Court.

Still, most of the criminals who are contributing to the record crime rate went to school when prayer was the beginning of the daily ritual—and it obviously did not deter them.

The House, like the country, is full of people who trace the outbreak of promiscuity and pornography and violence to the Supreme Court's anti-prayer decisons.

Yet Richard Nixon has had a chance to name four justices, and even the new pair now under consideration, while as conservative as he could ask about wiretapping, dissent and civil liberties questions, shows no promise of voting otherwise than did the Earl Warren court. As a matter of fact, the Warren Burger court in two school prayer cases, has issued decisions similarly distressing to the "Impeach Earl Warren" set.

Distressed for a different reason was the Rev. Robert F. Drinan, D-Mass., the only Jesuit congressman and a man nobody would want to say was not on the Lord's side, spoke vehemently against a constitutional amendment providing for "non-denominational prayer" in public buildings.

"It will do nothing to advance religion," he said, "It will be a detriment to religion."

The most cogent argument in the House debate yesterday was made by a freshman, Mike McCormack, D-Wash., who said that what a divided, polarized country needs least is religious strife.

Under the amendment, the thousands of

school boards in the country could have determined the content of school prayer, and the opportunities for denominational warfare would have been unlimited. Inevitably, prayers would be challenged by dissident denominations, and inevitably, the quarrel would take the issue back to the Supreme Court.

LOOK UPWARD

Rep. Joe Waggonner, D-La., accused the anti-prayer forces of having "cobwebs in your head."

"Don't be concerned about what earthly judges will say," he cried, pointing upward, "but about the Supreme Judge above."

But the constitutionalists carried the day by 28 votes. The House rejected what Richard Nixon likes to call "the popular political choice." It will perhaps go hard with them in their home districts and Republicans like House leader Gerald E. Ford may be as happy to have the issue as they would the victory.

When it seemed that the House was going to defy Heaven, Rep. John Buchanan, D-Ala., hastily introduced an amendment substituting "voluntary" for "nondenominational", and adding a provision for "meditation." If the idea of a six-year-old child meditating made any converts, they weren't enough when the final vote on the amendment came.

Rep. Drinan who will have less trouble than most explaining the matter to God and the public, acknowledged that it took considerable courage to appear to cast a vote against "God, piety and morality." A field day for the Pharisees in the next election seems guaranteed.

While the pro-prayer forces immediately announced the fight would go on despite the defeat, the agitation for constitutional change may have lost its force. The President, in announcing his latest nominees, declared it would henceforth be bad form for middle America to show disrespect for the court, and since his choices appear to be no more sensitive to what Rep. Chalmers Wylie, R-Ohio, called "Mr. and Mrs. Average America's bill," than were their predecessors, it seems the matter may rest although not in peace.

Tomorrow's Hard Decision for the House

There are days when the agony of being a congressman exceeds the honor, and Monday will be one of them. For barring some unexpected delay, the House tomorrow will finally come to grips with the public school prayer issue it has been shoving aside for eight years.

Many representatives had hoped it would never reach the floor, and are fretting today over what they perceive as one of the most politically perilous votes of a lifetime. For some, from the more homogenous districts, conviction clashes squarely with political expediency. How does one explain back home, in next year's race, that he "voted against prayer" out of devotion to the country's constitutional heritage which includes the guarantee of total religious freedom?

It's a large subject to cover in a TV political spot, and certainly no explanation will suffice for the emotional proponents of the Prayer Amendment to the Constitution, which is before the House. But in spite of all the heat that's on, more than a few representatives have found their courage and taken their stands against the measure. Speaker Carl Albert of Oklahoma, who represents many fundamentalist folk in eastern Oklahoma, says he will oppose the amendment and doubts it will pass.

We hope he's right. Certainly those trying to block history's first serious effort to alter the Bill of Rights have gained yardage in recent days. This is mainly due to forthright statements of opposition from leaders of religious groups as diverse as the Southern Baptist Convention and the United States Catholic Conference.

Also, the opponents were reinforced this week by a well-reasoned plea from 343 constitutional lawyers, law school deans and law professors in more than 60 law schools across the country. They drew the dimensions of the danger in a few words:

"American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people until now deemed practically unamendable. If now, for the first time, an amendment to 'narrow its operation' is adopted, a precendent will have been established which may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. . . . If the first clause of the Bill of Rights, forbidding laws respecting an establishment of religion, should prove so easily susceptible to impairment by amendment, none of the succeeding clauses will be secure."

The same idea was expressed in simpler terms the other day by a Western congressman who had made his decision: "If in everything we do, we have to amend the Constitution, we'll destroy that document." Numerous amendments are before Congress—on racial busing, revenue sharing and other matters—but none is so parlous as the Prayer Amendment, for it is aimed at the heart of the Constitution.

This blockbuster was designed, of course, to demolish the Supreme Court rulings of the early 1960s that prohibited official prayers and Bible reading in public schools. The decrees were based on the First Amendment ban of any law "respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." Critics of the court were quick to charge that the clauses aren't applicable to school prayer, that they refer only to the establishment of a state religion or the repression of religion, and that the court had upset practices that had long been upheld.

But the Constitution wasn't handed down fully interpreted; that process goes on day by day as logic is extended and social change continues.

And the court in 1962 made a powerful case that it could no longer sit by while prayers prescribed by units of government were recited in the schools. It reminded that "this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and 1549, set out in minute detail the accepted form and content of prayer. . . ."

That is precisely what the advocates of the Prayer Amendment now propose to do—establish acceptable prayer written by arms of government for use in the schools. They would embrace after two centuries the Old World technique of religious indoctrination that drove their forefathers to these shores. In religious zeal, they have forgotten history. By whatever name it is called, their proposal would use the power of government to enforce religion, and both religion and government stand to suffer.

This would be achieved by imposing on the schools a "nondenominational prayer" called for in the pending amendment. But, as 38 religious leaders and organizations have pointed out, there is no prospect of the major faiths agreeing on what constitutes such a prayer, the diversity of religion being what it is.

Inevitably, this would diminish individual religious freedom in some degree. At worst, as the opposing religious groups stated, it "could destroy the integrity of both church and state."

In their heavy pressuring of House members, some of the pro-amendment people reveal an incredible naivete. The prayer proposal is presented as the solution to America's anguish over crime, drugs and rebellion. One publication pressed upon congressmen asks, "Why are these men at Attica prison?" and bears a photograph of rioting inmates with clenched fists raised. The implication is that they are there because they heard no prayers in public schools. But who can imagine any social or spiritual transformation obtaining from the mechanical recitation of whatever vapid composition might finally be sanctioned under this amendment? In its final form, someone has quipped, the "prayer" might have to be addressed "to whom it may concern" if it is to be truly nondenominational.

Moreover, the proponents seem to be saying in effect that religion has fallen upon such hard times that it cannot flourish without the coercive power of government. Such a conclusion, it seems to us, is a denial of faith in both the potency of religion and the key underpinnings of American government. It's our guess that this amendment ultimately would reduce rather than reinforce the strength of institutional religious pillars.

That weakening would begin as the devisive influence of the amendment became apparent—as denominations competed to get their versions of "nondenominational prayer" accepted as legally valid. The legal standardized versions finally agreed upon probably would be objects of endless dispute, and the friction could only cost the churches in public regard.

Most church leaders understand all this and Congress would do well to heed them, for they certainly have the propagation of religion at heart. They also understand that if law can be used to serve religion, law might also be used someday to repress it. The House owes the country and posterity a ringing reaffirmation of faith in the principle of church-state separation. The Bill of Rights must be handed on to the next generation intact, and the mail received by representatives in recent days shows a growing public awareness of that necessity.

Let there be no misunderstanding—religious faith in America needs to be revitalized and expanded. But we're confident that countless people who haven't been heard from firmly believe this is in the province of the family and the church, never to be dealt with through the legislative process. That is the concept the House should uphold with courage tomorrow.

[From the Washington Post, Nov. 8, 1971]

The Prayer Amendment

Sometime today, the House of Representatives will vote on a proposed constitutional amendment designed, according to its sponsors, to put prayer back into the public schools. The vote will come at the end of a short debate—the House has allotted only one hour for discussion of this attempt to change the First Amendment—but at the end of a long campaign. Ever since the Supreme Court first spoke on this matter in 1962 there has been agitation throughout the country for such an amendment. It is agitation which, in our view, has been based on a misunderstanding both of what the Court did and of why this country's history and traditions compelled it so to rule. Thus, while we fully respect the sincerity and good intentions of those who have labored so long for this amendment, we hope the House will reject it firmly today.

As we noted last week, the prayer amendment has produced a remarkable division inside many of the nation's religious groups. A campaign by individual citizens and churches who believe prayer in the schools is needed to stop the moral deterioration of the nation was largely responsible for bringing this matter to the House floor on a discharge petition. On the other hand, the leaders of many of the country's religious organizations have been at the center of the campaign to defeat the proposal once it was set for a vote. As a result of this conflict, deep emotions are loose inside some denominations; we note, for instance, that the Southern Baptist conventions of North Carolina and Texas are on opposite sides of this fight. Such splits suggest the controversial nature of the amendment and the threat it holds of igniting religious strife. That, alone, is sufficient reason for the House to reject it today but there are other, more persuasive reasons.

Some of these reasons rest deep in America's history, springing from the fears that existed when a new nation was founded and a First Amendment was written. Others grow directly from the practical consequences that the adoption of this currently proposed constitutional amendment would bring. It is to these that we turn first.

The framers of the prayer amendment drafted it to overcome to some extent the Supreme Court decisions on Bible reading and prayer in the public schools, by making possible the daily recitation in the schools of nondenominational prayers. But it is on this point that a question of vagueness arises. The text of the amendment says:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

This language misses entirely the point of the Supreme Court decisions. The Court has never said an individual cannot *participate* in prayer—denominational as well as nondenominational—in a public building. What it has said, in 1962 and again in 1963, is that government officials, including teachers, cannot *sponsor* such a prayer when their sponsorship brings pressure to bear on individuals either to participate or to be branded as outsiders. Nothing in the proposed amendment deals with the question of sponsorship, so that conceivably the language may add nothing and may change nothing—though that plainly is not the intent of its sponsors. In other words, it deals with the real question involved in the prayer cases only by indirection and through vagueness.

The second question to be raised about this proposal is how a "nondenominational prayer" is to be defined. The principal proponent of the prayer amendment, Rep. Chalmers P. Wylie, recently addressed himself to this question in an exchange of correspondence with Rep. Sam Gibbons. Mr. Wylie wrote:

> . . . An example of an appropriate nondenominational prayer would be the New York State Regents' Prayer, which was composed by a Jewish rabbi, a Catholic priest, and a Protestant minister . . .
>
> It is fair to say, also, that a prayer could be nondenominational in the context of the overall school program even if it would be regarded as sectarian if considered in isolation. It would seem to be legitimate for the appropriate authorities to permit the different religions represented in the school or other vicinity to take turns in offering a prayer of their respective religions. . . .

Contrast the first part of that with the recent statement signed by the leaders of several national religious organizations, including the Baptists, Episcopalians, Methodist, Presbyterians and Jews. They said.

> The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of 'nondenominational' prayer. . . . If such a proposed amendment should become a part of the Constitution of the United States, a new religion or 'nondenominationalism' would in a measure become established which could destroy the integrity of both church and state.

A third question raised by the proposal is who would decide what prayer is to be used in the schools. Mr. Wylie says that "the composition or selection of the prayer would be the function of the local school authorities." We cannot help wondering what this would do to local school board elections in a community sharply divided along religious lines. Or what it would do to the federal courts which would have to decide whether a particular prayer was nondenominational any time a parent wanted to complain.

Overriding these drawbacks, however, is the philosophical argument against the proposed amendment. This is an argument based on the need for strict separation of church and state, for complete religious freedom without the slightest impingement by government. It is an argument we have made many times in many contexts and will not belabor again. It should suffice to say now that we believe the proposed amendment would alter the arrangement of our liberties which led Mr. Justice Jackson to write almost 30 years ago:

> If there is any fixed star in our contitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

DIFFERENT KIND OF RIGHT

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. PETTIS. Mr. Speaker, as the Ways and Means Committee continues its hearings on national health insurance, I believe an editorial from the Orange Cove, Calif., News entitled "Different Kind of Right" will be of interest to our colleagues:

DIFFERENT KIND OF RIGHT

Everyone, including the medical profession, now considers adequate medical care a "right". The only point where a difference of opinion enters the picture is how to provide that right—at a cost acceptable to taxpayers and patients.

In considering medical care a right, the danger arises that it will be lumped in with other such rights as freedom of speech, religion and press. The latter can be guaranteed by law. The right to good medical care involves far more, however, than merely passing a law. Exercising our "right" to good medical care is dependent upon the services of a good doctor, rather than a law. In reality, medical care for all is a goal that can be achieved only through strengthening and broadening the superior medical system which this country already possesses, buttressed by federal action that will facilitate the use of that system.

The medical profession is working on programs to increase the numbers of doctors and health care personnel and enlarge the capacity of medical facilities. In addition, to help resolve the economic barrier, the American Medical Association has developed its Medicredit program which, through insurance and tax credits, would go a long way toward establishing high-quality medical care as a right. The idea that simply passing a law creating a multibillion dollar National Health Insurance system would solve our medical problems and guarantee our "right" to medical care is pure fiction.

As one prominent physician commented, this would be like declaring air travel a "right". If this were done in a brief period, it takes little imagination to visualize the state of congestion that would overtake air terminals and airlines. As the physicians points out, ". . . in both medicine and air travel it takes time to create the supply needed to meet new demand. In the meantime, a growing demand works against a relatively constant supply. The result . . . is inflationary."

HONORS "GENTLEMAN JIM"

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WOLFF. Mr. Speaker, on Saturday, October 9, 1971, the community of Bayside, N.Y., honored one of its greatest residents, James J. "Gentleman Jim" Corbett, who lived there from 1902 until his death in 1933. The ceremonies were conducted upon the lawn of Mr. Corbett's former house, where the memorial boulder and bronze plaque are located, and which is now owned by Mr. and Mrs. Thomas A. Claro who acted as host and hostess to the assemblage. The house is located at 221–04 Corbett Road.

The Right Reverend Monsignor Kelly gave the invocation and the benediction. The highlight of the program was an acappella chorus made up of students from the Bayside High School which the group had organized under their own auspices. They were ably led by Miss Ho Lee. The group of youngsters rendered two delightful numbers and made a most favorable impact which Jim Corbett would have appreciated if he could have seen and heard them.

Walter S. Dayton, whose father built the house and later sold it to the Corbetts in 1902, was master of ceremonies. Mr. Dayton reminisced about Jim Corbett, whom he had known personally as a youngster, and recalled that when his father told his mother, a Quaker, that a prize fighter would be her new neighbor, she worried that he might have an unfavorable influence on her five sons. It turned out that Jim became a wonderful neighbor and was an influence for good not only upon the five Dayton boys, but on all the boys in the community.

In my remarks at the dedication, I spoke of the great influence that James Corbett had upon his successors in the "ring" and that Jim had raised boxing from a virtual barroom brawl to a dignified sporting event; that Jim proved that brains and skill could outdo brawn.

Jim Corbett's voice was reproduced on tape from phonograph records he made years ago, and Mrs. Edmund Balsdon played a short tape recording in which Mr. Corbett compared prize fighting in his day with what might be called modern bouts.

Mrs. Carlyle Hall, Bayside Historical Society vice president, arranged the day's program and introduced the high school chorus.

The formal dedication of the Corbett memorial was made by Joseph H. Brown, president of the society, who stated that the bronze plaque was donated by Madison Square Garden Boxing, Inc., through the president of the boxing division, Mr. Harry Markson.

Brown related why his society chose to honor "Gentleman Jim's" memory:

Because of the fine example he set for the youth of his time in this community. Because of the fine example Mr. Corbett set for those who were to follow him in his profession of boxing. Because of the fine example Jim set as a neighbor and community resident aiding with his time and talent and with his name events of many local organizations and community groups.

Brown then added these remarks in dedicating the plaque:

His name will endure as long as courage and skill and sportsmanship are cherished in this land of ours. Gentleman Jim, Sir, we dedicate the boulder and plaque in your memory.

INVESTIGATE BOTH SIDES BEFORE ACCEPTING NADER'S COMMENTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BOB WILSON. Mr. Speaker, we are well aware of the attention Ralph Nader enjoys in the press. His utterings are quoted extensively and we can read almost daily headlines that scream about another Nader "expose." Unfortunately, Mr. Nader's comments seldom are checked out against the facts before they fall into print, and Americans are reading more about his opinions than about the truth. In fact, I believe Mr. Nader's difficulty in distinguishing fact from opinion may one day bring doom to a cause that began with admirable intentions but now is losing respectability. Recently Mr. C. Howard Hardesty, Jr., senior vice president of Continental Oil Co. spoke before the South Carolina Petroleum Council's annual convention about some of Nader's tactics. Most of the speech quoted from an unusual letter Mr. Hardesty had written to his son and daughter, who reflected the younger generation's naive tendency to accept Nader's pronouncements as gospel, without seeking the "other side." I insert Mr. Hardesty's letter in the Record for the benefit of our colleagues:

Dear Sally and Kim: Your mother and I are very pleased with how you are progressing. Keep it up. Your clear minds which rightly questioned our use of cigarettes and predinner cocktails, raised several questions which deserve more of an answer than I could extemporaneously serve up. So I will favor or inflict you with a few thoughts which time has permitted me to pull together. In case you want to sign off early and give this the deep six, I'm going to tell you that we live in a pretty good country—a country with a deep commitment by our people—including business and industry to improve our environment. With a little common sense on the part of all of us, you'll be a proud citizen, as I have been, of a country which is the leader among nations.

I believe we stand on a common ground. Both the goals of your generation and my generation are similar. We want social progress for *all* citizens and we want to advance human knowledge in broad areas. We want an advanced standard of living available to all our fellow men and women. We want to live and work in an environment that is better than just satisfactory and which supports the physical and mental wellbeing of all of us. We want a sense of security so that the goals we achieve cannot be disturbed by forces beyond our control.

Kim, I suppose I should rest better because Ralph Nader says there is no fuel crisis. But, if, as he says, the so-called "energy crisis" is solely the product of advertising, then we have just witnessed the most successful advertising campaign ever conducted in the history of man. It is not that simple and I recognize that it's always dangerous to take on a person like Nader after his reputation is established. It's hard for me—for two reasons:

First: If I didn't publicly quarrel with him when he attacked other segments of business, then why do I raise my voice now? Is it a matter of "whose ox is being gored?" I'd rather think it is because he is addressing himself to an area where I have some knowledge of the facts.

Second: I happen to believe in the role of the critic when he supports himself with facts. I also believe in the role of muckrakers—however prejudicial that term sounds—as long as he remains responsible. Let me make sure you understand how I use the term "muckraked" by quoting from its originator, Theodore Roosevelt.

"The men with muckrakes are often indispensible to the well-being of society, but only if they know when to stop raking the muck and to look upward to the celestial vision above them, to the crown of worthy endeavor.

"There are beautiful things above and around them and if they gradually grow to feel that the whole work is nothing but muck their power of usefulness is gone."

Nader has in the past rendered a service to this country. In his way, he and his troops have provoked all of us to re-examine our approach to problems. The business community was made to recognize that reasons behind their conduct and their approach to problem-solving had to be laid before the American public.

Unfortunately—and too often—incomplete and inaccurate data combined with innuendo are used as the tool. We are now approaching the time when concerned citizens demand and deserve more than criticism which is not supported by fact or aided by constructive solutions.

This most recent blast of Nader's moves me toward the position of Thomas R. Sheppard, Jr., publisher of LOOK Magazine, who calls them a Disaster Lobby which is basically opposed to the free enterprise system and will do anything they can to bolster their case for additional government controls over industry.

With this in mind, I can tell you that I would be willing to meet Mr. Nader any time to discuss the realities of the energy problems this nation faces. I ask merely that he bring his facts and leave his conjectures at home.

Is this unfair? Do we really have a fuel shortage? Who says that we are facing an "energy crisis"? The people who have studied the problem in depth are lined up against Mr. Nader.

President Nixon said in his Energy Message: ". . . in the last four years it (energy consumption) has been growing at a faster pace and forecasts of energy demand a decade from now have been undergoing significant upward revisions . . .

"In the years ahead, the needs of a growing economy will further stimulate this demand."

A spokesman for the Department of the Interior has found that: "After years of supposing that we could count on all the energy we needed, we are now finding that the focus of our concern has suddenly moved from the disposal of abundance to the rationing of scarcity."

The Senate Interior Committee began their study of a National Fuels and Energy Policy with this observation:

"There have been numerous symptoms in recent years of failures in our energy system. A few examples of the energy crisis will serve to illustrate an ominous picture.

"The number of summer blackouts in the United States has increased from eight in 1966 to 34 in 1969. In 1970 it rose to 54.

"During the past winter, 39 of the Nation's 181 largest utilities were seriously short of power and had dangerously low reserves of generating capacity."

The National Petroleum Council recently pulled together more than 200 experienced people from all the energy industries—oil, gas, coal, nuclear—to study our energy requirements and supplies—and here are a few highlights of what they said:

Assuming no change in government policies, by 1985 our nation will be confronted by:

(1) a 45% short supply in natural gas as compared to demand;

(2) a required doubling of coal production;

(3) an increase in nuclear power generation by 100 times; and

(4) the importation of about 15 million barrels of oil per day.

Are the implications clear to you? Can you imagine the numbers of tankers, refineries, terminals, employees, coal mines, railroad cars, generating stations that all this will involve?

These conclusions have also been accepted by other responsible groups. G. J. Tankersley, President of the American Gas Association, whose main goal is keeping the pipelines full, recently stated:

"There's really no mystery as to how the deliverability gap developed in the gas industry. It is simply a case of demand increasing faster than our ability to develop new sources of supply. Gas has, for example, provided over 50 percent of our nation's new energy requirements over the past 25 years. Supply, on the other hand, has been unable to keep pace with rising demand, and in 1968, we started on a 'deficit spending' course—since that time, our proved reserves in the lower 48 states have regularly declined."

No one who earnestly searches for the truth can run from the fact that for the past three years—1968, 1969 and 1970—new gas supplies discovered in the lower 48 states have only been about one-half of the total gas produced and used. By 1973, South Louisiana (which produces about one-third of the gas used in the United States) will not be able to meet gas deliverability requirements on an annual basis.

No, Sally and Kim, Ralph Nader has just committed an injustice to this nation. Now more than ever before we need intelligent, rational decisions. More than ever before we need a cooperative effort between all positive forces in our life—government, industry, labor, conservationists and consumers to plan for our future. Misstatements—inaccuracies and half-truths critically delay this process. In his haste to muckrake—to make a headline—he ignores the efforts of those who devote their lives to finding and producing the energy requirements of this nation. In all the days ahead let us remember Mr. Nader's statement made on October 29, 1971, that the "energy crisis" was merely a promotion of the fuel firms' advertising departments. Let us also judge his other pronouncements accordingly.

Without facts but armed with opinions, Nader is now creating a dark and brooding sense of doubt—doubt about the extent and the sincerity of the commitment by government and industry to solve one of the most serious problems of our decade. The challenge of providing adequate fuel for our nation is great. We will have to accelerate our exploratory efforts, search in hostile environments, conserve whenever we can and greatly improve our efficiency of use. Attainment of our goals will flow not from the muckrakers, but from the cooperative efforts of all of us who want this nation to move forward.

As Chairman of the American Petroleum Institute's Committee on Air and Water Conservation, I deeply resent his statement that ads that oil companies are working toward the improvement of the environment are especially misleading. A few facts will label this the big lie.

Is not expenditures of $2 billion dollars in 5 years working toward improved environment? That's what our industry has spent on pollution abatement.

Is not $501 mililon dollars a year a contribution of some sort toward a better country? That's what the oil and gas companies are spending this year to clean up their house. This one industry is spending more in one day than all the municipalities in this country are spending in a month. How can it be said that we are ignoring our responsibilities?

Is not more than 75 current and completed projects funded in 1971 by the oil industry and the Environmental Protection Agency including 36 research and demonstration projects funded by the industry alone a step in the right direction?

What we are really looking for is a reasonable balance—call it a parity—between what our super technology can produce and what our not-so-super bank balances can afford. If three years ago someone had guaranteed Detroit that they could sell all their 1972 models at twice their current price, then we would be a lot closer to a non-polluting car. That doesn't mean meanufacturers would have made a dollar more. But by using special metal alloys and perhaps platinum in a a catalystic muffler we could be far ahead of today. But is it right—does it make sense to produce a desired product at prices we can't afford and which does not reflect a balance of our societal means?

The free enterprise system has stood for an important balance: the superior product at the most competitive price. I happen to believe we cannot afford to lose that kind of parity.

We're making progress. Don't sell this country and the free enterprise system short. Even the amount of gases in urban air is dropping sharply. New York City's Department of Air Resources reports year by year decreases in sulfur oxide, nitric oxide, carbon monoxide and aldehydes since the Department began monitoring the air in 1965. Similar declines have been recorded in other big cities, in a recent New York Times article, Professor Matthre Creason of Johns Hopkins University states: "There has been a general decline in all pollution during the past thirty or forty years. In some cities the sulfur dioxide content of the air is only one-third or one-fourth of what it was before World War II."

That may seem hard to believe because most of us hear only about the current problems and we don't take time to make comparative judgments.

But professionals like Harold Gotaas, Dean of the Technological Institute of Northwestern University decry what he calls "emotional and exaggerated views of water pollution." Dean Gotaas stated that "never in history has the quality of water supplies been better. Today's concern over water pollution stems from aesthetic rather than health considerations," the Dean said, and because it does we should study carefully any extravagant counter measures.

You may both have heard that the industry is the cause of all pollution and therefore we must turn from the capitalistic system. Do you really believe that pollution is the creation of capitalism? Recently, Anthony Wayne Smith, President of the National Parks and Conservation Association and Chairman of Environmental Coalition for North America states that "the problems of the poisoning of air, water and soil, which Fromm and others think may prove lethal, are universal, not the fruit of any single economic or political system." Mr. Smith went on to describe the trying problems which the Russians have in preventing and reversing the pollution of Lake Baikal in Siberia, the largest body of fresh water in the world. Journey around the world and you will find that people, not their form of government, create pollution.

Don't misunderstand me. The environmental challenges are large, they cannot be ignored, but they can and will be conquered. The cost is enormous—hundreds of millions of dollars—which our generation, your generation and all future generations will have to pay. We can cry for a cleaner world, but let's not cry when we get the bill in increased prices and taxes. But it is counterproductive to assert—as Nader did—that one industry is ignoring its responsibilities.

Now, Sally, about your editorial to insulate America's shorelines: I must say that outlawing industry on our shorelines is an understandable "knee-jerk" reaction. Its so easy when we are faced with a problem to say "let's pass a law—let's make it illegal." Laws, alone, will not solve the great problems of society whether they deal with equality, segregation, drugs or pollution. The right state of mind is far more important.

In my opinion, Delaware will repeal its industrial prohibition pasesd more in response to emotion than logic. What special right does one state have to pass its problems on to its neighbor? In the long run, can it say "Yes, we need energy to build our economy, but build a stable for our horse-power in the yard of our neighboring states. Yes, we want the wheels of commerce to roll but someone else must turn the crank." Can we enjoy the shade of the tree without raking up the leaves?

These conflicts will be resolved when sane minds, divorced from emotionally charged atmospheres, recognize that we need natural resources to maintain our economic progress and that they can be harvested and used in a planned way which does not undermine our environment.

This nation desperately needs the energy from all reservoirs including offshore opportunities. This nation needs the coal and minerals including those which must be surface-mined. We need oil terminals, refineries and LNG plants on our eastern seaboard. We need nuclear plants, and lots of them, and unless you want to wither on the vine, intelligently plan for and make adequate provision for them. These needs cannot be ignored with the hope that they will go away. We must engage in the kind of planning which will permit their development in a way which will still preserve for us an adequacy of nature undisturbed. This planning must result in action now, not tomorrow.

Wouldn't it be nice if we had two worlds? One for our life of progress, social and technological achievement, business, space, industry, factories, coal mines, oil wells, housing and cities. The other would be just on the other side of the door where we could step into the peace, the quiet and the beauty of nature untouched by human hand. To provide a power balance between this need for energy and progress and this need for an undisturbed environment is a challenge which all of us—your generation and mine—must face—and must resolve. The time is upon us to find and to build on the truth. I have no fear but that you will find answers in your time—as we are finding them today—which will move people and society forward. That's really the only direction any of us can tolerate.

In closing, if you have not already turned to more interesting reading, your parents won't apologize for the world in which you live. Our half century has been a good one and when you have traversed more than fifty percent of your material existence, I hope you and your generation will have:

Built as many hospitals;

Erected and staffed as many schools and colleges;

Opened the exciting doors of education to as many people;

Cured as many ills and conquered as many new fields in medicine;

Made as much progress in communications;

Opened as many opportunities for minorities;

Given as unselfishly of yourself for the protection of your nation from aggression;

Aided as many sick and starving people around the world;

Traveled beyond the moon both in reality and in hopes;

Provided a balance—a parity—in the forces which propel us forward, and,

Please be ever mindful of and devoted to the one almighty power—God—which guides the destiny of all mankind.

I am confident you will.

Love,

DAD.

AIRSTRIPS NEEDED AT KAKE AND ANGOON, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BEGICH. Mr. Speaker, recently, I received a letter and a resolution from the Southeastern Alaska Community Action Program concerning the need for an airfield at Kake and Angoon, Alaska. SEACAP believes that the construction of an airfield at these two sites is vitally necessary.

The city of Kake depends upon the float airplane service for its economic and day-to-day survival. Having landed at both of these sites on occasion, I also realize the need for airstrips there. It is time the people of Kake and Angoon were given the priority they deserve. It is essential to the progress of these areas and of Alaska that they be provided with the provisions needed for their growth.

The SEACAP resolution urges the State of Alaska to place an airfield at Kake and Angoon high on its list of priorities. The following is a copy of the resolution for my colleagues' inspection.

RESOLUTION No. 17

Whereas, The City of Kake is dependent on Float Airplane service; and

Whereas, All other cities in Southeastern have, or are getting airplane landing fields; and

Whereas, An airfield is badly needed in Kake, and Angoon.

Now therefore be it resolved: That SEA CAP urge the State of Alaska to give high priority to an airfield at Kake and Angoon.

REPORT OF AN FBI INVESTIGATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. HARRINGTON. Mr. Speaker, another distressing example of the Nixon administration's attitude toward the press and basic constitutional rights came to light last week with the report of an FBI investigation of Daniel Schorr, a newsman for the Columbia Broadcasting System.

The official explanation was that Mr. Schorr was being considered for a job in the administration. But, if such a job possibility ever existed, the White House failed to inform Mr. Schorr.

As James Reston wrote in this Sunday's New York Times:

> The FBI investigation of Mr. Schorr is even clumsier than other similar investigations and the explanation of that investigation—that they were thinking of giving him a big Government job—is almost funny, until you realize that this sort of thing is actually organized and put in train with the FBI by the political image-makers on the White House staff who claim executive privilege and immunity from questioning by the Congress when they are caught in these peculiar manipulations.

The steady, quiet erosion of our individual freedoms is no less deadly than overt, violent repression. It insinuates itself, becomes part of the daily diet and can create an invisible stranglehold through apathy and acceptance. As Mr. Reston puts it, this administration which purports to be the most open in terms of ideas and communication, "is by far the most closed administration since the last World War."

I wish to insert Mr. Reston's column in the RECORD.

The column follows:

BUT IF YOU LAUGH, IT HURTS

(By James Reston)

WASHINGTON.—In the last few months, the Administration has been putting the cops on the Washington reporters again, and there is a lot of talk around here, most of it a little melodramatic, about some dark Administration plot to intimidate or discredit its critics in the press and the networks.

Ever since the publication of the Pentagon papers, the Justice Department, instead of quitting when it was behind, has been using the F.B.I. to try to prove that there was some kind of conspiracy against the Government in the publication of these papers.

This is understandable. The Government has the right and even the duty to protect the privacy of its official papers, but its methods are astonishing. It has demanded by subpoena the transcript of an off-the-record talk by Daniel Ellsberg made to a private meeting of the members of the Council on Foreign Relations in New York. The F.B.I. has also been inquiring into the private records and even the bank accounts of Neil Sheehan, who broke the Pentagon papers story in The New York Times, and into the private records of his wife as well.

This has been going on now for over three months, while a grand jury in Boston is summoning Vietnam critics out of Harvard and M.I.T. and friends of Mr. Sheehan to tell what they know about Dr. Ellsberg and Mr. Sheehan. And the habit of using police methods in these delicate Government-press relations seems to be growing.

For example, William Beecher of The New York Times wrote a report on the progress of the U.S.-Soviet arms talks late last summer, and the Administration has actually been giving lie-detector tests to some of its own officials who are suspected of being the source of his information.

And the latest object of the Administration's concern is Daniel Schorr of C.B.S., a tough-minded and admirably nosy old pro, who has been raising some interesting questions about the mystifying contradictions and "clarifications" in the Administration's social and economic policies and has had the audacity to suggest that the re-election of Mr. Nixon is not essential to the well-being of the Republic.

Thereupon Mr. Schorr suddenly discovered not only that the White House was protesting to his boss at C.B.S. about his reporting but that the F.B.I. was questioning his neighbors and colleagues about his personal life and professional qualifications. When this was made public, the White House explained that Mr. Schorr was being considered for an important Government job, which he had never heard of and the White House refused to identify. The laughter that greeted all this is still rattling through Washington.

So, obviously, there is something pretty fishy in all this, but probably less than meets the eye. When odd or mysterious things happen in Washington, and you are asked to choose between two possible explanations—a conspiracy or inefficiency complicated by stupidity—it is usually wise to bet on inefficiency and stupidity.

The long investigation of Mr. Sheehan and the legal demand for Dr. Ellsberg's speech before a private meeting at the Council on Foreign Relations are a puzzle. The F.B.I. doesn't have to ask Mr. Sheehan's next-door neighbor if she has any letters from him with his signature; they have his signature on his White House and Pentagon press passes, and there is no mystery about what Dr. Ellsberg has been saying about the Pentagon papers, for he has said it all in public.

The F.B.I. investigation of Mr. Schorr is even clumsier, and the explanation of that investigation—that they were thinking of giving him a big Government job—is almost funny, until you realize that this sort of thing is actually organized and put in train with the F.B.I. by the political image-makers on the White House staff who claim executive privilege and immunity from questioning by the Congress when they are caught in these peculiar manipulations.

The whole thrust of these intimidating investigations shows the most abysmal ignorance or misunderstanding of what a reporter's function is. His job is to gather all the information he can, just as a President's ambassador is expected to report all the information he can gather at his post. What is done with that information is not the reporter's responsibility but the newspaper's.

Mr. Sheehan and Mr. Schorr are only agents of the institutions for which they work, and to single them out and harass them does not really help the Government but merely stirs up the whole communications fraternity, which, under attack, and only then, is a kind of mutual aid society.

It is easy to understand the zeal of these anonymous image-makers in the White House. They see the terrible dilemmas before the President and resent the critisism of his policies, but one wonders about their judgment, their secrecy and their immunity from questioning. The Washington press corps was here before they all arrived and will be around long after they have gone back to commercial huckstering. It has had to deal with the manipulation of pros on the White House staff from Roosevelt to Johnson, all of whom were at least available for questioning, but President Nixon is served, if that is the word, by some key self-righteous amateurs who have forgotten what destroyed President Johnson and what Mr. Nixon himself said on his way to the White House.

"It's time," Mr. Nixon said in the 1968 campaign, "we once again had an open Administration—open to ideas *from* people, and open with its communication *with* the people—an Administration of open doors, open eyes, and open minds."

Well, the plain truth is that this is by far the most closed Administration since the last World War.

And the irony of it is, while all the closed doors and the F.B.I. investigations are intended to protect the President, discredit his critics and enhance his "image," they merely dramatize his weakness and revive the old doubts about his tricky and manipulative politics.

THE CLEANEST CITY IN CALIFORNIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. EDWARDS of California. Mr. Speaker, in this era of what may be referred to in history as the age of pollution, I am proud to be able to report on a community in my congressional district which is hopefully reversing that trend. Fremont, Calif., has just proved itself to be the "cleanest city in the State of California."

It was announced that Fremont had won the coveted $10,000 Stauffer Trophy which was awarded by the California Anti-Litter League at its annual statewide conference in Anaheim, Calif., on November 8, 1971.

This trophy will be displayed at the Fremont City Hall for 1 year and in addition the city was presented with a check for $1,000 to carry on with its cleaning, painting and planting programs.

I know the citizens of Fremont must be very proud and particularly proud of the efforts of all their citizens which served on the city beautiful committee.

This committee in existence since 1956 submitted the following list of their efforts; sponsored the cleanest school contest, fall and spring cleanups, the litter "pile-on" program where youth groups collect litter in big piles for hauling off to the dump, and the litter bag program to urge car dealers and the city to supply litter bags to the public. The committee also encouraged service groups to participate by putting benches in parks, encouraged garden clubs and nursery owners to donate and plant trees, organized half price dumping days in cooperation with local dumps, and got high school students to clean weeds from a cemetery and remove old tires from a canyon. The committee has also encouraged city staff members to remove old junk cars from public and private property.

Their latest project in cooperation with the Fremont Chamber of Commerce was to sponsor the environmental design awards luncheon to honor businesses, public agencies, and private individuals for good architectural design and landscaping.

Just an example of what one community, Fremont, Calif., has done with various beautification programs.

IN OPPOSITION TO THE NOMINATION OF LEWIS F. POWELL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. CONYERS. Mr. Speaker, on November 9, 1971, I testified on behalf of myself and the congressional black caucus against the nomination of Lewis F. Powell of Richmond, Va. Accompanying me was Mr. Henry L. Marsh III, veteran civil rights lawyer who represented the Old Dominion Bar Association which also opposes the nomination. What we feel makes our position difficult is that we are not dealing with a professionally unqualified nominee. We feel, however, that his judicial philosophy, as expressed through his conduct and policies as a prominent civic and State leader, is inimical to the best interests of the American people, and of blacks and other minorities in particular.

In voting on a presidential nomination to the Court, we believe that a Senator ought to vote in the negative if he strongly believes that the nominee's views on the great questions of his day would do the country an injustice if he were to sit on the Court. On the basis of the information provided by Mr. Marsh and others, we believe that the nominee's understanding of the large issues of the day would make it harmful to the country for him to sit and vote as a member of the Court. Can we afford a nominee on the Court whose presence would drive a wedge between the Constitution and those whom it is designed to protect? The oppressed in our society have had no more precious champion of their rights than the Supreme Court. What would be the sense in breaking their last, thin grasp on justice?

I am submitting for the Record, a copy of my testimony and an illuminating article by Charles L. Black, Jr., of the Yale Law School on senatorial consideration of Supreme Court nominees:

Testimony of Hon. John Conyers, Jr., Before the Senate Judiciary Subcommittee Considering the Nomination of Lewis F. Powell as a Supreme Court Justice

Mr. Chairman and distinguished members of the subcommittee, I appreciate the opportunity to testify before you on a matter of such great importance as the nomination of Lewis F. Powell as an Associate Justice of the Supreme Court.

In considering Mr. Powell or any other nominee to the Court, no one would deny the Presidential prerogative of examining a potential candidate's philosophy before placing his name before the Senate for confirmation. Nor is there any requirement of the type of philosophy a nominee should espouse. But it also follows that there is nothing to preclude the Senate from laying bare that nominee's predilections, but indeed it has a responsibility to do so.

Many of the founding fathers feared that nominal "advice and consent" of the Senate on nominations to judgeships would create a dependency of the judiciary on the executive. It was their intent to make the judiciary independent by insisting on joint action of the legislative and executive branches of each nomination. Consequently, as Charles L. Black, Professor of Law at Yale University, has pointed out, such inquiry is consistent with the Senate's constitutional duty in advising on presidential nominations:

"A Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by doing so."

Competency as a legal technician is not sufficient cause for appointment in the Supreme Court. Since judges by definition must sit in judgment, exercising what Oliver Wendell Holmes called the "sovereign prerogative of choice," they must bring more to their task than a highly specialized technocracy. What a judge brings to bear upon his decision is the weight of his experience and the breadth of his vision, as well as his legal expertise. In the words of Felix Frankfurter, a justice ought to display both "logical unfolding" and "sociological wisdom." Or, as Henry Steele Commager put it: "Great questions of constitutional law are great not because they embody issues of high policy, of public good, of morality." Similarly, great judicial decisions are great not because they are brilliant formulations of law alone, but because they embody highmindedness, compassion for the public good, and insight into the moral implications of those decisions.

I. POWELL'S RECORD ON THE RICHMOND SCHOOL BOARD

For the past several days, the press and Lewis Powell's supporters have been treating us to a view of Mr. Powell which would have us believe that he was the champion of the successful, gradual integration of the Richmond public schools. As *Time Magazine* put it, Mr. Powell, as Chairman of the Richmond School Board, presided over the "successful, disturbance-free integration of the city's schools in 1959."

While it is true Mr. Powell sat on the School Board of the City of Richmond from 1950 to 1961, serving as its chairman during the last eight years of that period, something less than successful integration took place. The opinion of Circuit Judge Boreman, not noted for his liberal views, in *Bradley v. School Board of the City of Richmond, Virginia* clearly documented the fact that in Richmond, only a matter of months after Mr. Powell had left the city School Board, "the system of dual attendance areas which has operated over the years to maintain public schools on a racially segregated basis has been permitted to continue." [317 F. 2d 429 1963) at 436.] What the very words of the United States Court of Appeals, Fourth Circuit, indicate beyond a shadow of a doubt is that Lewis Powell's eight-year reign as Chairman of the Richmond School Board created and maintained a patently segregated school system, characterized by grossly overcrowded Black public schools, white schools not filled to normal capacity, and the school board's effective perpetuation of a discriminatory feeder or assignment system whereby Black children were hopelessly trapped in inadequate, segregated schools.

The entire text of the *Bradley* opinion is submitted for inclusion into the record of these proceedings, so that it may be carefully scrutinized by this committee and members of the Senate in order that a more accurate view may be gained of the conditions that existed under the Powell administration.

Under his guidance, the Richmond School Board maintained a "discriminatory 'feeder' system, whereby pupils assigned initially to Negro schools were routinely promoted to Negro schools." To transfer to white schools, they had to "meet criteria to which white students of (the) same scholastic aptitude (were) not subjected." [317 F. 2d, at 430.] The Court found that, including the years when Lewis Powell was the leading policymaker on the Richmond School Board, the infant plaintiffs in the *Bradley* case were "able to escape from the 'feeder' system only after the District Court made possible their release by ordering transfers." [317 F. 2d, at 436.]

Listen to the words of Judge Boreman, as he describes the state of the Richmond public school system which Mr. Lewis Powell and his supporters so proudly point to as a prime example of his "sensitivity" to the needs of Black people:

"It is clear, as found by the District Court, that Richmond has dual school attendance areas; that the City is divided into areas for white schools and is again divided into areas for Negro schools; that in many instances the area for the white school and for the Negro school is the same and the areas overlap. Initial pupil enrollments are made pursuant to the dual attendance lines. Once enrolled, the pupils are routinely reassigned to the same school until graduation from that school."

The deleterious effect of eight years of Lewis Powell's control over the education of the Black and white children of the city of Richmond is clearly pictured in the statistics cited by the Court:

"As of April 30, 1962, a rather serious problem of overcrowding existed in the Richmond public schools. Of the 28 Negro schools, 22 were overcrowded beyond normal capacity by 1775 pupils, and the combined enrollments of 23 of the 26 white schools were 2445 less than the normal capacity of those schools." [317 F.2d, at 432–3.]

As of 1961 when Mr. Powell left the Richmond School Board only 37 Black children out of a total of more than 23,000 were attend-previously all-white schools in Richmond.

A fair examination of the evidence suggests that Lewis Powell, in this instance, certainly was no respecter of the decrees of the very Court for which his nomination is now being considered. For in *Brown v. Board of Education* [347 U.S. 483] and *Cooper* v. *Aaron* [358 U.S. 358], the Court had found that it was primarily the duty of the *School Board* to eliminate segregationist practices in the public schools. But as the *Bradley* opinion notes, the Richmond School Board could not even claim that a reasonable start had been made toward the elimination of racially discriminatory practices. [317 F.2d at 435.] "The Superintendent of Schools testified that the City School Board had not attempted to meet the problem of overcrowded schools by requesting that Negro pupils in overcrowded schools in a given area be assigned to schools with white pupils." [317 F.2d, at 435.] Rather than admitting that it had failed, the Richmond School Board was blaming the "Pupil Placement Board" and others for what was clearly, as the Court decreed in *Bradley*, its own miserable dereliction of duty.

Powell, in a letter to the City Attorney, dated July 20, 1959, wrote that "The entire assignment prerogative is presently vested in the State Pupil Placement Board, and although the law creating this Board may be shaky, it has still not been held invalid. In any event, it is our basic defense at the present time." Here, Powell is clearly letting a weak governmental agency take the blame for what in fact were his own segregationist policies where pupil assignment was concerned.

Numerous other cases which deal with the conditions of the Richmond schools during the era of Mr. Powell's chairmanship document the horrendous conditions which he helped to perpetuate and institutionalize. In *Warden v. The Scohol Board of Richmond*, a special meeting of the School Board of Richmond on September 15, 1958 is shown to have recommended that an all-white public school be converted to an all-black school in order to perpetuate segregation [*Lorna Renee Warden et al. v. The School Board of the City of Richmond, Virginia, et al.*] Obviously Mr. Powell's sanction of the maintenance of a dual system of attendance areas based on race offended the constitutional rights of the black school children who were entrapped by Powell's policy decisions. From the foregoing evidence, it does not appear that Mr. Powell was a neutral bystander during these critical years of Richmond's history. In fact, the record reveals that Mr. Powell participated in the extensive scheme to destroy the consitutional rights that he had sworn to protect.

When Lewis Powell resigned from the Richmond School Board in order to take his place on the Virginia State Board of Education, an editorial in the March 3, 1961 edition of the Richmond *Times-Dispatch* praised him for the fact that "the two new *white* high schools (were) planned and built during his chairmanship." (Emphasis added) There were those in Richmond who had good cause to be justly proud of the masterful way in which Mr. Powell had perpetuated the antiquated notions of white supremacy through a clever institutionalization of school segregation.

II. POWELL'S RECORD ON THE VIRGINIA STATE BOARD OF EDUCATION

The defenders of Lewis Powell's record in the field of education proudly point to his support of the "Gray Proposals" in the 1950's as proof-positive of his "courage" in the face of those who were advocating the stiffer line of "Massive Resistance" *vi-a-vis* the *Brown* decision. His early support of these proposals, it can be documented, was translated into his later actions as a member of the State School Board, which, I shall show, also served to foster substantive segregation in the public schools—this time on a state-wide scale.

On August 30, 1954, the Governor of Virginia appointed a Commission on Public Education (known as the "Gray Commission") to examine the implications of the Supreme Court's *Brown* v. *Board of Education* decision of May 17, 1954 for the school segregation issue in the State of Virginia.

The Gray Commission made at least three separate reports to the Governor—on January 19, 1955, June 10, 1955, and November 11, 1955. In summary, these "Gray Proposals" called for legislation which would provide "educational opportunities for children whose parents will not send them to integrated schools." [*Race Relations Law Reporter*, Vol. 1, No. 1, 1956, p. 242]:

"To meet the problem thus created by the Supreme Court, the Commission proposes a plan of assignment which will permit local school boards to assign their pupils in such manner as will best serve the welfare of their communities and protect and foster the public schools under their jurisdiction. The Commission further *proposes legislation to provide that no child be required to attend a school wherein both white and colored children are taught and that the parents of those children who object to integrated schools, or who live in communities wherein no public schools are operated, be given tuition grants for educational purposes.*" (Emphasis added. Ibid.)

In order to implement the tuition grant strategy, the Gray Commission called for the amendment of Section 141 of the Virginia Constitution—which had formerly prohibited public funds from being appropriated for tuition payments of students who attended private schools—so that "enforced integration (could be) avoided".

I submit the entire text of the "Gray Proposals" into the record of these proceedings, so that all may view its other recommendations, which include the following:

1. That no child be required to attend an integrated school.

2. That localities should be granted State funds upon certifying that such funds would be expended for tuition grants (to send, in practice, white children to segregated, all-white private institutions).

3. That the State Board of Education be empowered to liberalize certain conditions in the distribution of State funds (so that, in practice, tuition grants, transportation costs, institutional fees, and other expenses involved in supporting the multitudinous new white private schools could be met).

Thus was the idea of using tuition grants as a means of circumventing the intent and spirit of the *Brown* decision first expressed. The Gray Proposals subsequently became the policy of the State of Virginia and its Board of Education. White parents who refused to send their children to integrated public schools but who could not afford to carry the entire financial burden of sending them to segregated private schools were soon subsidized by publicly-funded tuition grants, or "pupil scholarships" as they came to be called.

That Lewis Powell was a supporter of the tuition grant strategy there is little doubt. The actual minutes of the Virginia State Board of Education show that Powell was present at numerous meetings between 1962 and 1968 at which the regulations governing the payment of tuition grants were approved, the actual appropriations of funds for these grants were made, and annual reports summarizing the total outlay of State and local moneys for the "pupil scholarships were given." The total annual outlay in Virginia for these tuition grants was enormous. During the 1962 to 1963 school year, for example, a total of $2,252,995.07 paid from State funds and local funds advanced by the State for the localities was paid out in the form of tuition grants of various forms (Minutes of the Virginia State Board of Education, Vol. XXXIV, p. 84, August 22–24, 1963).

The minutes of the State Board's special meeting of July 1, 1964, clearly indicate that Lewis Powell was present when, by a *unanimous* vote, a resolution was passed which facilitated the filing of tuition grant applications by Prince Edward County parents. This July 1, 1964, vote, which clearly documents Lewis Powell's favorable stance towards the tuition grant strategy in Prince Edward County, Virginia, is a particularly crucial one. For in the case of Prince Edward County, all public schools were closed for five full years, from 1959 to 1964. Lewis Powell was on the State Board of Education for a full three of those five years. As the text of the Fourth Court of Appeals indicates, "the county made no provision whatever for the education of Negro children; white children attended segregated foundation schools financed largely by state and county tuition grants to the parents." [*Griffin* v. *Board of Supervisors of Prince Edward County*, 339 F. 2d 488.] For five years, only white children attending private schools subsidized by publicly funded tuition grants received an education in Prince Edward County.

Foundation schools, for white students only, thrived and were supported almost entirely by public funds in the form of tuition grants. They were staffed with the same white teachers as formerly taught in public schools. Despite such findings as those of the Court of Appeals in *Griffin* that such practices were constitutionally impermissible, that the payment of tuition grants to parents desiring to send their children to such schools was enjoined so long as those schools remained segregated, and that the entire tuition grant practice constituted discrimination on racial grounds [339 F. 2d 486], there has been no indication that Mr. Lewis Powell individually or the State Board of Education collectively ever opposed the perpetuation of this practice.

On July 1, 1964 the minutes of the State Board of Education show that Lewis Powell voted for a resolution authorizing retroactive reimbursement to Prince Edward parents who had paid tuition for their children's attendance at private schools during the 1963–4 school year. There could be no clearer or more candid declaration of Lewis Powell's intentions with regard to the school segregation issue than his support of the unanimous vote on that day. A random sampling of the entire range of the Virginia State School Board minutes from 1962 to 1968 reveals that on at least eight occasions, Lewis Powell was present at meetings at which specific tuition grants were made, not only in Prince Edward County, but all over the State of Virginia. A Survey of the minutes also has produced proof of at least three instances in which Mr. Powell was present while the "Regulations of the State Board Governing Pupil Scholarships" (tuition grants) were adopted.

Also of prime importance in evaluating Mr. Powell's behavior on the Virginia State Board of Education is the lack of information that he did anything but acquiesce in the face of the State Board's routine accreditation of segregated, all-white, private schools. For example, at a meeting of the State Board on March 26, 1964, with Powell recorded as present, a list of 65 private secondary schools was approved and accredited. These private, all-white, segregated schools included some of the same ones—Huguenot Academy, Surry County Academy, and Prince Edward Academy for which the U.S. District Court for the Eastern District of Virginia found that publically-funded tuition grants were the main support. The minutes of these meetings fail to indicate that Mr. Powell voted against the accreditation of such schools, despite the District Court's decree in *Griffin* that the further payment of the grants for use in those schools was suspended so long as they maintained segregation. Notwithstanding the Federal District Court's admonition that "the State cannot ignore any plain misuse to which a grant has or is intended to be put," [239 F. Supp. at 563], the State Board of Education continued to process and approve applications for tuition grants without making any investigation to determine whether the schools were embodying racially discriminatory policies. Looking at the record, it is clear that Mr. Powell was in fact the "champion" of segregation rather than champion of integration as has been suggested.

The question can legitimately be asked—what was it that Lewis Powell was trying to preserve as Chairman of the Richmond and Virginia public schools? Was it merely, as Powell maintained in yesterday's testimony, the preservation of the public school system *per se* that he was unflinchingly interested in? I cannot condone the simplistic acceptance of Mr. Powell's literal word in this matter. For what was the public school system of Richmond in 1958 or even in 1961 but a microcosm of white supremacy—all white, under-attended, well-equipped schools *vis-a-vis* overcrowded, dingy, all-black schools. Cannot Mr. Powell's "saintly" crusade for the presentation of the Virginia-style of "equal" public education be viewed as an inherent desire on his part to preserve a system which to so fine a degree sought to further institutionalize the Virginia schools' own peculiar brand of racism? Are not his lofty pleas for the maintenance of public education at any cost often refuted by a record which finds Mr. Powell rejecting the obviously vulnerable positions in favor of more sophisticated schemes which have effectively preserved segregation.

III. POWELL'S DIRECTORSHIP OF CORPORATIONS IMPLICATED IN RACIAL DISCRIMINATION

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race. Powell is a member of the Board of Directors of 11 corporations. (His firm also represents many of these corporations.)

It is vital that the distinction be drawn between Mr. Powell's behavior as an attorney and his behavior as a private citizen. One could argue that an attorney should not be held accountable for his actions due to the inherent nature of legal advocacy. But, as a member of the Board of Directors of corporations which have been adjudged guilty of violating various provisions of Title VII, Powell cannot automatically escape blame. A Director is by definition a policy-maker and shares the legal responsibility of the conduct of his corporation.

Lewis Powell is both the legal counsel and a Director of the Philip Morris, Inc., one of Virginia's largest tobacco companies (he has been a Director since 1964). Philip Morris has been the defendant in at least one major Title VII case, *Quarles v. Philip Morris, Inc.* [279 F. Supp. 505]. Here, a civil right action was brought by a group of Blacks in a class action. The U.S. District Court held that the evidence established that two Black employees had been discriminated against as to wages. The discrimination on the basis of race against these employees, the Court held, had been clearly proven. The Court also held that Philip Morris, Inc. had discriminated against Quarles and the Black employees hired in the prefabrication department prior to January 1, 1966 with respect to advancement, transfer, and seniority. It held furthermore that prior organization of departments on a racial basis had prevented Blacks from advancing on their merits to jobs open only to whites. New "non-discriminatory" employment policies had only partially eliminated disadvantages, the court ruled. Plaintiffs were awarded relief to compensate for damages suffered as the result of this blatant example of employment discrimination. According to the records of the Equal Employment Opportunity Commission, the Chesapeake & Potomac Telephone Co., another corporation on which Mr. Powell serves as a Director, is currently being investigated for possible Title VII violations.

IV. POWELL'S BELONGING TO RACIALLY SEGREGATED CLUBS

Mr. Powell has personally and publically admitted that he is a long-standing member of both the Country Club of Virginia and the Commonwealth Club of Richmond. He has confirmed that he never sought to alter their policies against the admission of Blacks. Powell-supporters have been contending that his claim that he used the country club membership largely to play tennis and has only infrequent lunches at the Commonwealth Club [New York Times, October 26, 1971], is in itself a defense for his voluntarily joining and frequenting openly-segregated places of leisure. His volunteering of the information that he belongs to these clubs is similarly held by his supporters as a "defense."

Neither of these tacts can hide the fact that a potential Supreme Court Associate had a clearly enunciated policy which forbade the hiring of any Black attorneys—ever. Greene claims that his charge is based on a statement attesting to this notion made by one of the associates in Hunton, Williams itself. Notwithstanding Powell's denial, the fact remains that his law firm has never and does not yet employ any Black attorneys. This information is consistent with Powell's record of racial discrimination in other areas of his activities.

VI. POWELL AND THE RICHMOND ANNEXATION ISSUE

A common tactic supported by the white power structure in Virginia has been to annex areas to city areas, thereby diluting much of the Black voting strength. Recently, Richmond annexed part of the surrounding white suburbs. The net effect of this annexation was to decrease the Black population of Richmond from 55 percent down to 42 percent.

In *Holt* v. *Richmond* [U.S.D.C., ED. Va.], a suit was brought under Section 5 of the Voting Rights Act to "de-annex" the suburbs. The suit was brought by a Black Richmond citizen as a class action on behalf of Richmond's Blacks. The Justice Department has disclosed documents which show that Powell urged Attorney General John Mitchell to reverse his ruling that Richmond's annexation of suburban areas violated Black voting rights (see the Chicago *Sun-Times*, October 30, 1971). Last August, Powell wrote a letter in an unofficial capacity—acting as an interested citizen—claiming that 43,000 suburban residents were being annexed to expand the city's tax base, not to dilute the voting power of the city's Blacks. The Justice Department, however, refused to withdraw its objection. It was held in a recent District Court opinion, that the primary purpose and effect of the annexation was to dilute the voting strength of the black citizens of the City of Richmond, a view in direct contradiction to Powell's.

Mr. Lewis Powell's lifestyle, his view of government as evidenced by his activities on the boards of education, his close association with a variety of corporate giants, his public conduct, his membership in the largest all white law firm in Richmond, his support of segregated social clubs, and his defense of the status quo, are inconsistent with the kind of jurist needed for the Court in the 1970's and '80's. These considerations take on more weight when one considers the tremendous problems which our country will be facing during those decades.

Men of good conscience should be asking themselves this question: Can we afford a nominee on the Court whose presence would drive a wedge between the Constitution and those whom it is designed to protect? The oppressed in our society have had no more precious champion of their rights than the Supreme Court. What would be the sense in breaking their last, thin grasp on justice?

(From the Yale Law Journal, volume 79: 657, 1970)

A NOTE ON SENATORIAL CONSIDERATION OF SUPREME COURT NOMINEES

(By Charles L. Black, Jr.)

If a President should desire, and if chance should give him the opportunity, to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate. Few constitutional questions are then of more moment than the question whether a Senator properly may, or even at some times in duty must, vote against a nominee to that Court, on the ground that the nominee holds views which, when transposed into judicial decisions, are likely, in the Senator's judgment, to be very bad for the country. It is the purpose of this piece to open discussion of this question; I shall make no pretense of exhausting that discussion, for my own researches have not proceeded far enough to enable me to make that pretense.[1] I shall, however, open the discussion by taking, strongly, the position that a Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

I will open with two prefatory observations.

First, it has been a very long time since anybody who thought about the subject to any effect has been possessed by the illusion that a judge's judicial work is not influenced and formed by his whole lifeview, by his economic and political comprehensions, and by his sense, sharp or vague, of where justice lies in respect of the great questions of his time. The *loci classici* for this insight now a platitude, are in such writers as Oliver Wendell Holmes, Jr., Felix Frankfurter, and Learned Hand. It would be hard to find a well-regarded modern thinker who asserted the contrary. The things which I contend are both proper and indispensable for a Senator's consideration, if he would fully discharge his duty, are things that have definitely to do with the performance of the judicial function. The factors I contend are for the Senator's weighing are factors that go into composing the quality of a judge. The contention that they may not properly be considered therefore amounts to the contention that some things which make a good or bad judge may be considered—unless the Senator is to consider nothing—while others may not.

Secondly, a certain paradox would be involved in a negative answer to the question I have put. For those considerations which I contend are proper for the Senator are considerations which certainly, notoriously, play (and always have played) a large, often a crucial, role in the President's choice of his nominee; the assertion, therefore, that they should play no part in the Senator's decision amounts to an assertion that the authority that must "advise and consent" to a nomination ought not to be guided by considerations which are hugely important in the making of the nomination. One has to ask, "Why"? I am not suggesting now that there can be no answer; I only say that an answer must be given. In the normal case, he who lies under the obligation of making up his mind whether to advise and consent to a step considers the same things that go into the decision whether to take that step. In the normal case, if he does not do this, he is derelict in his duty.

I have called this a constitutional question, and it is that (though it could never reach a court), for it is a question about the allocation of power and responsibility in government. It is natural, then, for American lawyers to look first at the applicable text, for what light it may cast. What expectation seems to be projected by the words, "The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court. . . ."?[2] Do these words suggest a rubber-stamp function, confined to screening out proven malefactors? I submit that they do not. I submit that the word "advice," unless its meaning has radically changed since 1787, makes next to impossible that conclusion.

Procedurally, the stage of "advice" has been short-circuited.[3] Nobody could keep the Pres-

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Footnotes at end of article.

ident from doing that, for obvious practical reasons. But why should this procedural short-circuiting have any effect on the *substance* so strongly suggested by the word "advice"? He who merely *consents* might do so perfunctorily, though that is not a necessary but merely a possible gloss. He who *advises* gives or withholds his advice on the basis of *all* the relevant considerations bearing on decision. Am I wrong about this usage? Can you conceive of sound "advice" which is given by an advisor who has deliberately barred himself from considering some of the things that the person he is advising ought to consider, and does consider? If not, then can the Presidents, by their unreviewable short-circuiting of the "advice" stage, magically have caused to vanish the Senate's responsibility to consider what it must surely consider in "advising"? Or is it not more reasonable to say that, in deciding upon his vote at the single point now left him, every Senator ought to consider everything he would have considered if, procedurally, he were "advising"? Does not the word "advice" permanently and inescapably define the *scope* of Senatorial consideration?

It is characteristic of our legal culture both to insist upon the textual reference-point, and to be impatient when much is made of it, so I will leave what I have said about this to the reader's consideration, and pass on to ask whether there is anything else in the Constitution itself which compels or suggests a restriction of Senatorial consideration to a few rather than to all of the factors which go to making a good judge. I say there is not; I do not know what it would be. The President has to concur in legislation, unless his veto be overridden. The Senate has to concur in judicial nominations. That is the simple plan. Nothing anywhere suggests that some duty rests on the Senator to vote for a nomination he thinks unwise, any more than that a duty rests on the President to sign bills he thinks unwise.

Is there something, then, in the whole structure of the situation, something unwritten, that makes it the duty of a Senator to vote for a man whose views on great questions the Senator believes to make him dangerous as a judge? I think there is not, and I believe I can best make my point by a contrast. The Senate has to confirm—advise and consent to—nominations to posts in the executive department, including cabinet posts. Here, I think, there is a clear structural reason for a Senator's letting the President have pretty much anybody he wants, and certainly for letting him have people of any political views that appeal to him. These are his people; they are to work with him. Wisdom and fairness would give him great latitude, if strict constitutional obligation would not.

Just the reverse, just exactly the reverse, is true of the judiciary. The judges are *not* the President's people. God forbid! They are not to work with him or for him. They are to be as independent of him as they are of the Senate, neither more nor less. Insofar as their policy orientations are material—and, as I have said above, these can no longer be regarded as immaterial by anybody who wants to be taken seriously, and are certainly not regarded as immaterial by the President—it is just as important that the Senate think them not harmful as that the President think them not harmful. If this is not true, why is it not? I confess here I cannot so much as anticipate a rational argument to which to address a rebuttal.

I can, however, offer one further argument tending in the same direction. The Supreme Court is a body of great power. Once on the Court, a Justice wields that power without democratic check. This is as it should be. But is it not wise, before that power is put in his hands for life, that a nominee be screened by the democracy in the fullest manner possible, rather than in the narrowest manner possible, under the Constitution? He is appointed by the President (when the President is acting at his best) because the President believes his world-view will be good for the country, as reflected in his judicial performance. The Constitution certainly permits, if it does not compel, the taking of a second opinion on this crucial question, from a body just as responsible to the electorate, and just as close to the electorate, as is the President. Is it not wisdom to take that second opinion in all fullness of scope? If not, again, why not? If so, on the other hand, then the Senator's duty is to vote on his whole estimate of the nominee, for that is what constitutes the taking of the second opinion.

Textual considerations, then, and high-political considerations, seem to me strongly to thrust toward the conclusion that a Senator both may and ought to consider the lifeview and philosophy of a nominee, before casting his vote. Is there anything definite in history tending in the contrary direction?

In the Constitutional Convention, there was much support for appointment of judges *by the Senate alone*—a mode which was approved on July 21, 1787,[4] and was carried through into the draft of the Committee of Detail.[5] The change to the present mode came on September 4th, in the report of the Committee of Eleven[6] and was agreed to *nem. con.* on September 7th.[7] This last vote must have meant that those who wanted appointment by the Senate alone—and in some cases by the whole Congress—were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum. The whole process, to me, suggests the very reverse of the idea that the Senate is to have a confined role.

I have not reread every word of *The Federalist* for this opening-gun piece, but I quote here what seem to be the most opposite passages, from Numbers 76 and 77:

"But might not his nomination be overruled? I grant it might, yet this could only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted, by the preference they might feel to another, to reject the one proposed; because they could not assure themselves, that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain, that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected, and might have the appearance of a reflection upon the judgment of the chief magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice from family concession, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

"It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.[8]

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"If it be said they might sometimes gratify him by an acquiescence in a favorite choice, when public motives might dictate a different conduct, I answer, that the instances in which the President could be personally interested in the result, would be too few to admit of his being materially affected by the compliances of the Senate. The *power* which can *originate* the disposition of honors and emoluments is more likely to attract than to be attracted by the *power* which can merely obstruct their course. *If by influencing the President be meant restraining him, this is precisely what must have been intended* [emphasis supplied]. And it has been shown that the restraint would be salutary, at the same time that it would not be such as to destroy a single advantage to be looked for from the uncontrolled agency of that Magistrate. The right of nomination would produce all the good of that of appointment, and would in a great measure avoid its evils."[9]

I cannot see, in these passages, any hint that the Senators may not or ought not, in voting on a nominee, take into account anything that they, as serious and public-spirited men, think to bear on the wisdom of the appointment. It is predicted, as a mere *probability*, that Presidential nominations will not often be "overruled." But "special and strong reasons," thus generally characterized, are to suffice. Is a Senator's belief that a nominee holds skewed and purblind views on social justice not a "special and strong reason"? Is it not as "special and strong" as a Senator's belief that an appointment has been made "from a view to popularity"—a reason which by clear implication *is* to suffice as support for a negative vote? If there is anything in *The Federalist Papers* neutralizing this inference, I should be glad to see it.

When we turn to history, the record is, as always, confusing and multifarious. One can say with confidence, however, that a good many nominations have been rejected by the Senate for repugnancy of the nominee's views on great issues, or for mediocrity, or for other reasons no more involving moral turpitude than these. Jeremiah Sullivan Black, an eminent lawyer and judge, seems to have been rejected in 1861 because of his views on slavery and secession.[10] John J. Crittenden was refused confirmation in 1829 on strictly partisan grounds.[11] Wolcott was rejected partly on political grounds, and partly on grounds of competence, in 1811.[12] There is the celebrated Parker case of this century.[13] The perusal of Warren[14] will multiply instances.

I am very far from undertaking any defense of each of these actions severally. I am not writing about the wisdom, on the merits, of particular votes, but of the claim to historical authenticity of the supposed "tradition" of the Senators' refraining from taking into account a very wide range of factors, from which the nominees' views on great public questions cannot, except arbitrarily, be exluded. Such a "tradition," if it exists,

exists somewhere else than in recorded history. Of course, all these instances may be dismissed as improprieties, but then one must go on and say why it is improper for the Senate, and each Senator, to ask himself, before he votes, *every* question which heavily bears on the issue whether the nominee's sitting on the Court will be good for the country.

I submit that this "tradition" is just a part of the twentieth-century mystique about the Presidency. That mystique, having led us into disastrous undeclared war, is surely due for reexamination. I do not suggest that it can or should be totally rejected. I am writing here only about a little part of its consequences.

To me, there is just no reason at all for a Senator's not voting, in regard to confirmation of a Supreme Court nominee, on the basis of a full and unrestricted review, not embarrassed by any presumption, of the nominee's fitness for the office. In a world that knows that a man's social philosophy shapes his judicial behavior, that philosohpy is a factor in his fitness. If it is a philosophy the Senator thinks will make a judge whose service on the Bench will hurt the country, then the Senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote. I have as yet seen nothing textual, nothing structural, nothing prudential, nothing historical, that tells against this view. Will someone please enlighten me?

FOOTNOTES

[1] I shall not provide this discussion with an elaborate footnote apparatus. I am sorry to say that I cannot acknowledge debt, for I am writing from my mind; experience teaches that, when one does this, one unconsciously draws on much reading consciously forgotten; for all such obligations unwittingly incurred I give thanks. I have had the benefit of discussion of many of the points made herein with students at the Yale Law School, of whom I specifically recollect Donald Paulding Irwin; I have also had the benefit of talking to him about the piece after it was written.

HARRIS, THE ADVICE AND CONSENT OF THE SENATE (1953) came to my attention and hands after the present piece had gone to the printer. This excellent and full account of the entire function would doubtless have fleshed out my own thoughts, but I see nothing in the book that would make me alter the position taken here, and I hope a single-shot thesis like the present may be useful.

[2] U.S. CONST. art. II, § 2, cl. 2.

[3] Even this short-circuiting is not complete. First, the President's "appointment," *after* the Senate's action, is still voluntary (Marbury v. Madison, 5 U.S. (1 Cranch) 137, 155 (1803)), so that in a sense the action of the Senate even under settled practice may be looked on as only "advisory" with respect to a step from which the President may still withdraw. Secondly, nominations are occasionally withdrawn after public indications of Senate sentiment (and probable action) which may be thought to amount to "advice."

[4] 2 RECORDS OF THE FEDERAL CONVENTION OF 1787, at 83 (M. Farrand ed. 1911).

[5] *Id.* at 132, 146, 155, 169, 183.

[6] *Id.* at 498.

[7] *Id.* at 539.

[8] THE FEDERALIST No. 76, at 494–95 (Modern Library 1937) (Alexander Hamilton).

[9] *Id.* No. 77, at 498 (Alexander Hamilton).

[10] 2 C. WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 364 (rev. ed. 1926).

[11] 1 *id.* at 704.

[12] *Id.* at 413.

[13] L. PFEFFER, THIS HONORABLE COURT, A HISTORY OF THE UNITED STATES SUPREME COURT 288 (1965).

[14] C. WARREN, THE SUPREME COURT OF THE UNITED STATES HISTORY (rev. ed. 1926).

AGING

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. DUNCAN. Mr. Speaker, I would like to include in the RECORD today an article on aging from the Medical World News, October 22, 1971. This is an extremely interesting discussion which I would encourage my colleagues to read:

AGING: INVESTIGATORS PROBE BIOCHEMICAL, GENETIC ASPECTS OF UNIVERSAL "DISEASE"

In his science-fiction novel, *Methuselah's Children*, Robert A. Heinlein created a group of Americans, the Howard Families, who lived to ages of two centuries or more. Their longevity was no scientific miracle, said the story; rather it resulted from selective breeding. In the late 19th century an organization called the Howard Foundation sought out young men and women who each had four living, vigorous grandparents, and by offering generous financial endowments induced them to marry within the group. The novelist's idea was based on more than fiction: Long-lived forebears have long been regarded as a common trait among long-lived people. One authority, Dr. Nathan W. Shock, director of the National Institute of Child Health and Human Development's Gerontology Research Center in Baltimore, states: "Human beings with long-lived parents live an average of four years longer than those with short-lived ancestors."

But even that generality is now in question. Dr. Erdman Palmore, associate professor of medical sociology at Duke University's Center for the Study of Aging and Human Development, reported recently that a study at the Durham, N.C., center showed no correlation between an individual's life span and his parents' ages at death. And Dr. D. F. Chebotarev of the USSR Academy of Medical Sciences in Kiev reported that a study of 27,181 Soviet citizens above the age of 80 also found no evidence of inherited longevity.

Nevertheless, science continues to pursue one of nature's prime secrets from several approaches. In the lineage of mice and fruit flies, selective breeding has produced strains that live half as long as their species' normal life span. And as long ago as 1934, Dr. Clive M. McCay of Cornell University restricted caloric intake of laboratory rats and increased their life span nearly a third over that of control groups. More recently, Dr. Denham Harman of the University of Nebraska College of Medicine tried such antioxidants as butylated hydroxytoluene (BHT), a commercially used food additive, and ethoxyquin, originally developed as a rubber antioxidant. Adding 0.5% BHT to the diets of laboratory mice increased their mean life span by 30% to 40%; ethoxyquin did equally well. Dr. Alex Comfort, director of the Medical Research Council's Group on Aging at London's University College, reported early this year that he had confirmed the ethoxyquin experiment, extending the lives of C3H mice by about 15%.

Dr. Morris H. Ross, at Philadelphia's Institute for Cancer Research, in a more sophisticated version of the classic McCay experiments, has shown that life expectancy in rats is influenced not only by the amount of food consumed but by the proportion of protein and carbohydrate in the diet. Furthermore, the risk of spontaneous tumors is directly related to caloric intake, while the severity of malignancy and type of tumors the animal is likely to develop are related to protein intake. "Rapid growth rates, structural or biochemical, are not commensurate with prolonged life span and reduced risk of age-associated diseases," he reported.

Body temperature, too, appears to be related to longevity and the rate of aging—at least in cold-blooded animals. Dr. Roy L. Walford, professor of pathology at UCLA medical school, found that lowering the water temperature by 5 C to 6 C doubled the life span of the annual fish, *Cynolebias*. Furthermore, fish living in colder water grew faster and became larger than those in warmer water, and a higher ratio of soluble to insoluble collagen in the colder fish suggested a physiological retardation of aging.

At the NICHD Gerontology Research Center, Dr. Charles H. Barrows Jr. has found that manipulating the diet and temperature of rotifers, tiny aquatic animals smaller than a pinhead, can triple their longevity. If the temperature is lowered from 35 C to 25 C, their life span increases from 18 days to 34; if their food intake is halved, they survive for 55 days. More important, the two types of change lengthen different parts of the rotifers' lives: Food reduction adds to their youthful egg-producing period, while lowered temperature does not alter their normal young fertile period but stretches out the later post-breeding stage.

Dr. Bernard L. Strehler, professor of biology at the University of Southern California's Rossmoor-Cortese Institute for the Study of Aging in Los Angeles, thinks the same principle holds true for warm-blooded animals. "There are no exceptions that I know of to the rule that animals live longer at lower temperatures," he says. "Among hibernating animals such as bats or hamsters, those that are forced to hibernate more often live longer, which fits in with invertebrate studies. The question is whether long-lived people have slightly lower-than-average body temperatures, because if you apply the same mathematical rule that applies to all the animal studies so far, then a few degrees Centigrade drop in body temperature could add something like 15 to 25 years to human life. And that could account for practically all the difference that one sees in human life span. This requires some study—it might be a good predictive index of longevity."

These and other accomplishments have led some authorities to speculate that dramatic extensions of human longevity may not be far in the future. Dr. Comfort has predicted a 10% to 20% increase by 1990. And the Rand Corporation's 1964 Gordon-Helmer study and the 1969 Smith Kline & French Delphi studies predicted a 50-year increase in human life expectancy by 1990 and 2023, respectively. Dr. Robert W. Prehoda, a California technological forecasting consultant, has predicted that if all major causes of aging could be controlled, human longevity might indeed be stretched to the Howard Families' 200 years.

Whether the major causes of aging can be controlled depends largely on what they are, a question on which experts differ with gusto. "It has often been said that gerontology has never lacked theories or concepts to explain biological aging, but has lacked convincing data to support them," NICHD's Dr. Barrows told last year's annual meeting of the Gerontological Society. But, as authorities seek to gather "convincing" data, a number of theories have emerged. Among them:

Cross-linking. First suggested by J. Bjorksten in 1941, the theory that the progressive formation of intermolecular cross-links in collagen gradually increases its rigidity and causes aging, has fallen out of favor. "Collagen cross-linking is not a cause but simply a result of aging," says Charles G. Kormendy, coordinator of academic research at Bristol Laboratories in Syracuse, N.Y. Many gerontologists now agree.

Molecular errors. Proposed in 1963 by Dr. Leslie E. Orgel of the Salk Institute for Biological Studies in San Diego, Calif., the error theory is that in the normal course of protein synthesis the wrong amino acid will occasionally be slipped into a protein chain being assembled. In most proteins the faulty molecule would just be "diluted out," but if the error occurred in a synthetase, one of the enzymes that makes proteins or nucleic acids, it would make other defective proteins in an exponentially increasing chain of errors that could eventually lead to an "error catastrophe," with the cell's protein-synthesizing machinery finally grinding to a halt. Experimental findings by several investigators, working with fungi and fruit flies, appear to support the theory. But others say there is no evidence that such errors occur in nature.

Mutation. Because irradiation shortens the life of experimental animals in ways that resemble premature aging, many biologists believe that aging and death are caused by a gradual information loss in DNA molecules. Experiments with chemical mutagens, however, have failed to produce similar results.

Autoimmunity. In 1959, Sir Macfarlane Burnet of the University of Melbourne, Victoria, Australia, theorized that aging might be a progressive failure of the immunological system. UCLA's Dr. Walford believes that this is caused by accumulated mutations in immunocyte clones, which in turn may attack body cells or be attacked themselves once their antigenic properties are changed.

Professor Burnet, in a more recent version of his theory, suggests that if the Hayflick limit on cell division in vitro is also present in vivo, then organs made up of or containing proliferating cells must gradually lose their functions as they age.

Looking for an organ that is vital to maintaining the body's integrity and whose cells proliferate rapidly, he selected the thymus as the most likely candidate in view of its rapid cell turnover and the known atrophy of the thymic cortex in later life.

As the thymic function slows down, he theorized, the thymus-dependent lymphocytes become less effective in their job of immunological surveillance and destruction of such "forbidden clones" as premalignant mutations or mutated lymphocytes that produce autoimmunity.

He pointed out that the thymus-dependent immune system is known to function inadequately in patients with Hodgkin's disease and advanced cancer. In addition, there is evidence that healthy people over 65 are progressively less able to mount antibody responses to new antigens, while the capacity to form autoantibodies increases.

Testing the autoimmunity theory by giving immuno-suppressives to mice, Dr. Walford found that azathioprine marginally improved their life span. And Dr. Werner Braun of Rutgers University improved the immune response of experimental animals by "priming" them with such double-stranded polynucleotide complexes as poly A:U, poly C:G, and poly I:C, before challenging them with a heterologous antigen.

Free-radical attack. The basis for Dr. Harman's antioxidant experiments is the hypothesis that such free radicals as hydroxy (HO) and hydroperoxy (HO) are released by the peroxidation of polyunsaturated fats; free radicals interacting with cell membranes and enzymes disrupt their structures and functions and damage the lysosomes, leading to tissue destruction and the formation of lipofuscin.

This type of reaction, sometimes called autoxidation, is the basis of many industrial and natural decay processes, such as the drying of oil paint, explosion of plastic bombs, and the rancidification of butter. Dr. T. L. Dormandy of London's Whittington Hospital has referred to the phenomenon of physiological free-radical reactions as "biological rancidification."

Since free-radical reactions are an interaction between unsaturated fats and oxygen, one way to decrease their frequency might be to reduce the proportion of polyunsaturates in the diet, and Dr. Harman found that when C3H mice and Sprague-Dawley rats were divided into groups whose diets included lard, olive oil, corn oil, or safflower oil, their mean life spans were, respectively, 29.3, 27.3, 26.5, and 24.3 months.

The primary site of free-radical formation appears to be in the mitochondria, and Dr. Harman now postulates that this is the site of the elusive "biological clock" that determines the rate of aging.

He points out that small animals generally have high basal metabolic rates and short life spans. "Since all living things have essentially the same basic biochemical processes, how are these differences produced?" he asks. "Dogs die of the same things as we do, cancer and cardiovascular disease and the like, but the disease processes develop and run their course five times as fast as in people. Aging somehow controls this rate. If we can interfere with the aging process, it should postpone the cancer or heart attack or whatever the individual eventually dies of" Dr. Harman speculates.

Until recently, the multiplicity of theories, and the comparatively unsophisticated experiments that some gerontologists devised to test them, often led investigators in the more rigorous disciplines to consider the field not quite respectable. "It wasn't so much that it wasn't respectable," comments Dr. Comfort, "as that some guy would want to try something, so he would try to learn DNA chemistry in three months flat. Then he'd do a mixed-up experiment that would never satisfy the molecular biologists, and publish it."

But sophistication is setting in, due partly to the annual series of postdoctoral courses jointly sponsored by NICHD and the Jackson Laboratory at Bar Harbor, Me., the third of which was held in mid-September. "This is the most useful thing any country is doing at the moment in gerontology." Dr. Comfort says. "The arrangement is to have about 20 of the best investigators in the country and about 20 faculty together for a whole fortnight. The first time around we had a lot of gerontology, but not much good science—all theory. Last year we had a lot of good scientists who were aghast at the sort of experiments the gerontologists were doing. They would say, 'Well, I don't know about gerontology, but I do know about DNA.' This year the same people were back, and they'd started to do experiments to answer the questions. That means that the really sophisticated biochemical techniques that you have in America are now being applied to these questions. I think that the institute, by the very skillful planning of this course, has managed to upgrade the standard of research in the whole subject, without upsetting anybody by telling them they were doing bad work."

Another Bar Harbor faculty member, Dr. Richard C. Adelman, assistant professor of biochemistry at Temple University's Fels Research Institute in Philadelphia, agrees. "Thanks largely to this effort by NICHD, people from other fields, with a good deal of expertise in their fields, are being alerted to problems in aging," he says. "And as a result some fundamental problems are being attacked for the first time."

He is a good example himself—soon after being "alerted to problems in aging," he reported the discovery that the time required to induce certain enzyme activities in experimental animals depended on age. It took 18-month-old rats twice as long as two-month-old rats, for instance, to show hepatic tyrosine aminotransferase activity after they were given equivalent doses of adrenal corticotrophic hormone (ACTH), and a similar age-dependent lag was found in the induction of some 20 other enzymes.

"We are at no stage where we can even imply some kind of practical application," Dr. Adelman says, "but what I think is significant about this work is that it is really the first time that a biochemical parameter can be used to measure physiological age."

If the effect, or one like it, could be adapted as a test to measure the rate of aging, especially in man, it could open up important avenues in aging research. Without such a test, experiments in extending human longevity would take a generation or more to show results. In the absence of a single such useful test, Dr. Comfort has suggested a battery of 59 individual test items, ranging from counting the percentage of gray hairs and checking reflexes to histological studies requiring biopsy and, as members of a study group die, autopsy findings.

"If we had such a battery of tests, we could try things like dietary experiments on humans right away," he says. "It would be a bit much to ask people to stay on a low-calorie diet for 50 years on spec, you know. They might stay on it for five, though, and you might be able to see whether there was a difference in the rate of aging in the three-to-five-year term. That could be done right away, and it wouldn't offend the FDA, since no medicine would be given. This assumes you can start it in later life. Since you can't do such an experiment on children, you would need adult volunteers. As to antioxidants, it would be a little previous to try them in humans, since we have no evidence yet that they work as such."

A quite different line of approach, studies of aging in tissue culture, was opened up by the discovery a decade ago of the "Hayflick limit," which contradicted accepted belief at the time. Dr. Leonard Hayflick, then at Philadelphia's Wistar Institute, found that human embryonic lung cells do not divide and grow indefinitely in tissue culture, but age and die after about 50 doublings.

The dogma that animal cells properly nurtured in tissue culture were, in effect, immortal, grew from the work of the Nobel Prize-winner, Dr. Alexis Carrel, who reported in the 1930s that fibroblasts from an embryonic heart of a chicken could be kept alive indefinitely in tissue culture. But Dr. Hayflick, now professor of medical microbiology at Stanford University medical school, notes that even with today's precise lab techniques no one has been able to culture actively dividing chick cells longer than about a year. It now seems certain that Dr. Carrel's results were produced by the unwitting addition daily of new, viable embryonic cells to the chick embryo extract that he used as a nutrient.

The error was compounded by the discovery that often mouse cells in culture would, indeed, go on dividing indefinitely. Later, other kinds of vertebrate and insect tissues were found to do the same. But Dr. Hayflick points out that these immortal "cell lines" are always abnormal in some respect, unlike the "cell strains" that die after a limited number of divisions. In fact, he says, cell lines have actually undergone a transformation that is indistinguishable from the transformation of normal cells into tumor cells. "The interesting thing is that this correlates exactly with what happens in the whole organism," Stanford's Dr. Hayflick says. "You can transplant an animal tumor indefinitely—we have animal tumors that have been transplanted since the turn of the century. But normal cells transplanted from one animal to another have a finite lifetime. So there's a perfect correlation between in vivo and in vitro behavior of cells."

Not only do embryonic cells stop dividing after about 50 doublings (10), Dr. Hayflick found, but cells from the lungs of adult humans reach phase 3—the stage where division slows down and stops—after only about 20 doublings. Furthermore, when cells of his original WI-38 strain were frozen in liquid nitrogen and then reconstituted years later, they "remembered" how many times they had divided and took up where they had left off as long as ten years before. More than 10 ampules have now been reconstituted, at a rate of about one a month, and all yielded cell populations that doubled 40 to 60 times when pre- and post-freezing divisions are totaled.

A far more precise correlation between donor age and cell doublings, confirming and extending Dr. Hayflick's findings, was reported last year by Drs. George Martin and C. J. Epstein at the University of Washington medical school in Seattle. They found that skin cells cultured from the arms of 100 subjects ranging in age from fetal to 90 years, showed a decrement of 0.2 population doublings per year of donor life.

But Dr. Hayflick does not think that people age because their cells stop dividing. "That's nonsense," he says. "I think we have achieved in tissue culture what is never—or only very rarely—achieved in the whole animal. It may represent the ultimate limit that we may perhaps someday achieve.

"What does us in now, as far as clinical aging signs are concerned, I believe to be those things that change in the cell during that period of time prior to its loss of ability to divide—or to function. It's those earlier events, say, ten, 15, or 20 doublings before the loss of division potential, that manifest themselves as what we call age changes. So you're done in by them well before your cells have stopped dividing.

"There are two schools of thought in gerontological research," he goes on. "One that says we age because our cells that divide have lost that ability, so there's a loss of numbers; the other says we age because the cells that don't divide, like neurones and muscle cells, lose their functional capacity over a long period. But that's a false distinction, because the division capacity of cells *is* a function. So it's the decrement of function, whether it be manifest in loss of doubling, loss of making enzymes, or what have you, that may affect aging."

There are also two main schools of thought about the reason for cells losing their power to function. One is that the cell simply runs out of genetic program, or genetic message. "The argument is that a cell is recycled at conception," Dr. Hayflick explains. "Its genetic program is rewound like an alarm clock, and it plays out its message over 80 to 100 years. When the program is all played out, that's it. From an evolutionary standpoint nature selects for survival only long enough to propagate itself, just as rocket engineers don't worry about which system will fail first in a space probe after it completes a Mars fly-by. The recycling takes place when there is hybridization between native and foreign genetic material—the male and female gametes. That is the reason for sex from nature's viewpoint, the randomization of the genetic material."

The opposing theory is that all cells accumulate damage in their information-containing molecules. "The argument is that over a long period, insults to the information-containing molecules occur, either at the Orgel level of producing new enzyme molecules or in the genetic message itself," says Dr. Hayflick. "Eventually it will reach a point where the cell's repair enzymes cannot cope with so many insults to the integrity of the information molecules, or are themselves damaged, and the cell loses its ability to function."

One possible mechanism for this loss of function has been found by USC's Dr. Strehler and Dr. Michael D. Bick, who is now at Harvard Medical School. Working with soybean cotyledons, they found that the plant organ seemed to lose certain subspecies of transfer RNA for leucine. Later they realized that certain synthetases lost the capacity to charge, or aminoacylate, these particular RNA subspecies.

"We used this plant system as a model to look at aging," Dr. Bick explains. "The cotyledon is an aging organ throughout its entire life span of about three weeks. The moment the plant starts to germinate, it starts to decrease in its functional capacity, while providing the rest of the plant with nutrients. Our most recent results indicated that in the aged system there is an inhibitor of the charging reaction. Apparently a complex is formed between the tRNA, the charging enzyme, and this apparent inhibitor, which prevented complete charging. This, of course, reduces the capacity to produce certain proteins as a function of age.

"Aging in this particular system is probably genetically programmed. The repressor may be a protein produced for some other reason, that performs some other function at a certain stage, and then at a later stage in the life of the cotyledon performs an inhibitory function.

"These losses are not across the board—all enzymes or all tRNAs. It is selective; some stay at the normal level, and some are lost. That's really interesting, because it implies that everything isn't just going to pot, but certain specific components of the translational machinery are lost. Then the critical question is whether there is a loss in turn of the cell's translational capacity. These are the types of experiments we hope to get into and haven't yet.

"This is where we need to be, and this is where this research is finally coming today, to look at the very basic control mechanisms in cells. It seems that everything eventually has to come back to the flow of information—the DNA–RNA–protein route."

Bristol's Kormendy agrees. "The results in aging studies are most likely to come in three areas of basic research: one is these regulatory processes, another is free-radical reactions in the mitochondria, and finally the neurohumoral regulation. The last one is very important, because very little work has been done on that biochemical level," he says.

At Franklin Square Hospital in Baltimore, Dr. William Reichel has concentrated on a much more graphic model of aging—progeria. This tragic and rare disease—the literature records only 50-odd cases—turns infants into miniature ancients with straggly gray hair or baldness, wrinkled, sagging skin, fragile bones, and heart disease. The patients usually die in their teens. The boy on this issue's cover died of severe congestive heart disease, a very old man in appearance, at the age of 11.

The similar Werner's syndrome usually appears in late adolescence, follows a somewhat similar natural history, with death of apparent old age a few years either side of 40. About 130 cases have been recorded. Dr. Reichel believes it may be merely a later expression of progeria.

"Since I became interested in these diseases, I have stressed that they represent an important model for studying aging," says Dr. Reichel. "Undoubtedly, any syndrome in children that resembles aging has some importance. Especially if there is an inborn genetic error, it's important to find out what it is, since it might be the same genetic mechanism that regulates our aging process."

And he thinks there is such a genetic error: Three progeria cases involving multiple affected siblings, and one resulting from a consanguineous marriage, suggest an autosomal recessive trait. Werner's syndrome is known to be transmitted by that route.

Two other extremely provocative findings support progeria's role as a form of premature aging. The University of Washington's Drs. Martin and Epstein found that fibroblasts from progeria patients (supplied by Dr. Reichel) rarely survived more than two doublings in tissue culture. And, in two cases, Dr. Reichel and Dr. Rafael Garcia-Bunuel, professor of pathology at Johns Hopkins University, reported postmortem findings of lipofuscin, the poorly understood "age pigment" that accumulates in the cells of some organs, particularly in the brain and the myocardium, in old age and in several rare diseases characterized by severe mental impairment.

"But Werner's syndrome may be even more important to medicine than progeria" Dr. Reichel points out. "What's exciting about it is that it's so absolutely, clearly an autosmoal, recessive trait—which is still questionable in progeria—and that suggests one gene and hence a single enzyme is the cause. That's why these diseases could be as important to studies of aging as Burkitt lymphoma has been to cancer studies."

He doubts that lipofuscin can be implicated as a causal mechanism in aging or any of the disease states in which it is found. "I don't think lipofuscin is the cause of anything," he says. "I think it just happens to be there, because when you see lipofuscin many other things are wrong with an animal or with a cell. I think there are more primary mechanisms at play, and that lipofuscin deposition is only the most end-stage change."

But the question of whether it does any harm is still unanswered, he admits. "I worked on that problem specifically for four years at the NICHD center in Baltimore," he says. "We tried to devise experiments to correlate physiological function with morphological change. But we couldn't do it, by histochemistry or radioautography."

Kormendy is not sure. "Direct as well as indirect evidence strongly suggests that lipofuscin is a depository of denatured cellular debris such as peroxidized lipids and membrane fragments, and free-radical-mediated malondialdehyde-protein adducts," he told last month's Zurich forum on the control of human aging, sponsored by the Gottlieb Duttweiler Institute. "Although we have no proof that lipofuscin de facto interferes with normal cellular function, its preponderance during aging, particularly in the neurons of the brain and in the heart muscle, could hardly be regarded as inconsequential." He added that a number of rare diseases characterized by massive lipofuscin deposition in the brain are accompanied, without exception, by severe mental impairment. (Not, however, progeria or Werner's syndrome, which are not featured by senility or senile dementia. "The children have normal intelligence," Dr. Reichel says.)

In any case, at least three drugs have been found that are reported to disrupt lipofuscin deposition: meclofenoxate—developed in France for treatment of presenile and senile mental disorders and available on the European market; kawain, a mild central nervous system stimulant; and magnesium orotate, a pyrimidine-base metabolite. The latter two are reported by a Hungarian research group to prevent lipofuscin deposition and to restore learning behavior in rats with induced encephalopathy.

As new findings hint at a not-too-distant understanding of the basic mechanism of aging, governmental and public interest has grown for practical reasons. Some 10% of the U.S. population is now older than 65, and 86% of these senior citizens suffer from one or more chronic diseases. Two out of three federal health care dollars and between 25% and 30% of all medical care and medical costs in the U.S. are for this 10% of the population.

Recognition of the problem is reflected in growing government spending for aging research. In the 1971 fiscal year, NICHD's Adult Development and Aging Branch spent about $8.76 million on research into aging processes, and this year's congressional appropriation is just under $12 million, although the funds have not yet been apportioned by the Office of Management and Budget.

The last White House Conference on Aging, in 1961, recommended the establishment of an aging institute in NIH, and this year's conference is expected to repeat the recommendation. Hearings on a bill to set up such an institute have been held in the Senate, and House hearings are expected sometime during the present session. Even so, many gerontologists do not have high hopes of the bill's passage by this Congress.

"The past year or two have shown a phenomenal increase in interest in aging, not only in medicine but in all areas." says Dr. Carl Eisdorfer, director of the aging research center at Duke University and president-elect of the Gerontological Society. "In the U.S. this is largely attributable to the White House Conference on Aging, which is coming up next month. But there is great interest on the international scene, too. In a number of ways things are happening that signal a real interest in studying the aging process.

"For one thing we have never really separated aging from illness; one of the problems in this field has been understanding how much is old and how much is sick. We really don't understand the aged or the aging process, and so because there is a very high correlation between old age and illness, we have somehow got deluded into assuming that it's all right for old people to be sick," Dr. Eisdorfer continues.

"But some of our recent work on blood pressure and intelligence has pretty well demonstrated that what a lot of people have accepted as a normal process of aging—the loss of intelligence between 65 and 75—is actually related to hypertension. In the group of subjects without hypertension, or where it has been controlled, we see no intellectual drop.

"As for life span, over the past 70 years we have achieved most of our medical advances in preventive medicine and pediatrics. The reality is that we actually haven't done much to increase the life span of anybody over the age of about 15. Estimates vary, but they tend to be about two years.

"When we find a cure for cancer, life span will go up about a year and a half. If we cured the whole cancer-cardiovascular-renal-pulmonary-disease complex we would probably raise the average life span about ten years.

"But we don't even have a good idea of what the appropriate expected life span for a human being should be. I do know we have 13,000 people over 100 years old in the U.S. today. Incidentally, they are the fastest-growing subgroup of the population."

That's close to the maximum documented life span, which, according to Dr. Comfort, is about 113 in England, the nation that has had birth certificates longest. Meanwhile, most gerontologists discount the claims of oldsters in Soviet Georgia and Asia to ages of 150 and more—somewhere around 110 appears to be the maximum human life span in nations where birth records are reliable. "But then, societies that have birth certificates seem to militate against reaching these ages," Dr. Comfort suggests. "They are only reported in very remote areas—it may be because the records are wrong, or because living in remote areas makes you live longer, you can't really prove which is which."

But the maximum could change as knowledge of aging advances. Dr. Eisdorfer sees nothing impossible in the notion that, if Dr. Strehler's hunch is right and lowering body temperature could increase longevity, people might sleep in special waterbeds, or special bedchambers, fitted out to chill the sleeper several degrees. "It's just a technical problem" he says, "no more complicated than setting up a renal dialysis unit in someone's garage."

Dr. Ewald Busse, chairman of Duke's psychiatry department, president-elect of the American Psychiatric Association and Dr. Eisdorfer's predecessor as director of the gerontology center, concedes the possibility of lengthening the human life span but warns that it would have enormous social consequences. "What worries me is *then* what would we do," he says. "Let's not get caught again in scientific advances without sensible planning to cope with advances in technology."

As to whether anyone now alive is likely to benefit from such advances, Dr. Strehler has an answer: "I'd be very surprised if people who are under 30 now wouldn't benefit. I'm 46; I think I might get a year or two out of it."

UKRAINE—THE LARGEST CAPTIVE NON-RUSSIAN NATION IN THE U.S.S.R. AND EASTERN EUROPE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. FLOOD. Mr. Speaker, it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine.

With a population of over 45 million, Ukraine is one of the most resourceful nations in Europe, and if it were not under the domination of Russian Moscow, it would surely again become "the granary of Europe" in an advanced economic framework of industry and agriculture. Also, the country's geographic location, extending from the Carpathian Mountains toward the Caucasus and above the Black Sea, is a most strategic one as concerns developments in Europe, Asia, and the Middle East.

Because we shall hear more and more about this largest captive nation in Europe, I submit for our popular edification the illuminating section on "Ucrainica in American and Foreign Periodicals" in the world-respected journal of East European and Asian affairs, the Ukrainian Quarterly. The section, prepared by Dr. Lev E. Dobriansky of Georgetown University, regularly shows the growing interest in this captive nation and, above all, the prominent myths and misconceptions that many in the West still cling to when analyzing or commenting upon the Soviet Union, Russia, or Ukraine. It is high time these myths were dissipated, and a Select House Committee on the Captive Nations would be the most effective way of doing it. The Ukrainian Quarterly, vol. XXVII No. 2, summer, 1971:

UCRAINICA IN AMERICAN AND FOREIGN PERIODICALS

"Jews, Russia and Israel," an editorial. *The Washington Post*, Washington, D.C., November 13, 1970.

Covering a number of issues, this editorial deals with anti-Semitism in the USSR, the Russian threat to Israel's survival, and anti-Russian demonstrations by Jews in this country. A young Jew who left Moscow is significantly quoted as saying "What it all comes down to is that they want us to disappear. Not to leave, but to disappear quietly into the surroundings. But we won't. We will retain our identity, hopefully outside Russia, but in Russia if necessary."

The problem of suppression, of course, is not only related to the Jews in the USSR, and is so recognized in this editorial. However, there is no reason to infuse misconceptions in this recognition. Referring to the Jewish renaissance in the USSR, the editor states, "It suffered from neo-Stalinist practices that afflicted writers and intellectuals, young people, Ukrainians and other Soviet minorities." As the largest non-Russian nation both in the USSR and in Eastern Europe, Ukrainians can scarcely be viewed as a minority. Moreover, the issues involved in these practices are different.

"The Geographical Expression of Mainland China," a paper by Lev E. Dobrianski. *Congressional Record*, Washington, D.C., December 22, 1970.

An historic First Sino-American Conference on Mainland China was held in Taipei, Republic of China, in December 1970. Some forty scholars on both sides participated. This paper was delivered in part from the viewpoint of experiences in the Soviet Union and their relation to those in mainland China.

For example, in giving some perspective to the enormity of Red China's recent "Cultural Revolution," it points out, "Red guards were used by Stalin in the man-made famine of the early 30's in Ukraine, northern Caucasus and southern Russia, but by no means were they unleashed with the reckless and tragi-comical abandon witnessed on the mainland. . ." The paper also dwells on the "subjects of Peiping's nationalities problem, similar to that of Moscow. . ." It stresses, "the fact is that we are dealing with the two last remaining and important imperial complexes in the modern world."

"Ukrainian Rite Catholics Protest Rome's Role," a report by George Dugan. *The New York Times*, New York, January 2, 1971.

A concise coverage is presented in this report of the continuing campaign for a Ukrainian patriarchate in the Catholic Church. More or less accurately, it cites the six million Ukrainian Rite Catholics in the world, with about 300,000 in this country. It points out that the Ukrainian Rite is the largest of the Eastern churches, though it does not enjoy the same semi-autonomous status of the others and is under the control of the Curia in Rome.

The report alludes to "fears that such a step would intensify the persecution of the church in Soviet-dominated areas and impede ecumenical contact with the Patriarchates of the Russian and Greek Orthodox Churches." These alleged fears appear rather specious when it is considered that such persecution could hardly be more intense than now and that this issue scarcely can be predicated on the other dimension of Rome's ecumenical contacts. As mentioned, "Ecumenical Council Vatican II encouraged the establishment of patriarchates."

"Khrushchev's History," an article by John P. Roche. *The Washington Post*, Washington, D.C., January 27, 1971.

Concerning the so-called memoirs of Khrushchev, this writer, who displays more perception and insight than quite a number of other columnists, simply passes on the speculations that the disclosures incited. Grouped into two schools of thought, the "hards" planned it to discredit the "softs" and their liberalizing advocacies in the USSR. On the other hand the "softs" aimed to undermine the "hards" and their Stalinistic bents. For him, "it may be 20 years before this Byzantine riddle is solved."

That may be, but the fact remains that Khrushchev's disclosures on events in Ukraine were extraordinarily revealing. Almost all of them supported the analyses and claims made by specialists concerned with this most vital problem in the Free World. Indeed, even the writer, who is not a specialist in the area, senses that while "at many points Khrushchev covers his tracks, particularly his record as Stalin's executioners in the Ukraine, he engages in little moral posing."

"Secret Hand Behind Czechoslovakia's Invasion Revealed," a commentary. *The Guardian of Liberty*, Munich, West Germany, September 1970.

This story relates the proverbial enlistment of a young man, in this case a Czech, by the KGB for operations in the Czechoslovak armed forces. For over fifty years the same story has been repeated with countless different nationals. Those who have followed the Russian record of duping foreign nationals can only, and truly, ask "So, what's new?" However, for many inattentive Western ears the opposite side of the record must be played, because for them and the so-called new generation it is new.

What is of significance here is the assignment he received. As he puts it under the pseudonym of Sasha Demidov, "On my return I was assigned to Dept. 3/L, a small group devoted to the supervision of Soviet citizens and Czech citizens of Russian or Ukrainian origin. This is naturally a very delicate operation and the group works directly for the KGB chief in Czechoslovakia, and is in cypher contact with KGB stations in East Germany, Poland, Hungary and, of course, the Soviet Union."

So, again, what's new? The nature of the Russian political animal is spying and conspiratorial, he nests in a network made possible only by the existence of the USSR. Once this is dissolved, one way or another, even the oppressed Russian will begin to breathe fresh air, historically after 500 years of this.

"Russians Have Killed 21.5 Million People to Set Up Communist 'Paradise,'" an article by Walter Blaine, *National Enquirer*, New Jersey, February 7, 1971.

Here, too, it is definitely educational and of social utility to report on the numbers of lives sacrificed in the Soviet Union, but those who have processed such data twenty and more years ago cannot again but ask "So, what's new?" The article is based on a report prepared for the Senate Internal Security Subcommittee by Professor Robert Conquest.

Neither this article nor the report itself reveals anything that hasn't been known by responsible students of the USSR. To quote, "A Ukrainian official said after the 1933 harvest was taken from the starving population: This was a test of our strength and their endurance. Millions of lives may have been lost but we won the war and the collective farm is here to stay.'" Estimates have placed the loss from 2 to 15 million lives.

What lags in these supposedly new exercises in research are the interpretations given to the data. The title of the report itself indicates this, "The Human Cost of Soviet Communism." More accurately, it should be "The Human Cost of Soviet Russian Imperio-Colonialism." To explain collectivization solely in terms of "building socialism" and eradicating "the *kulaks*" is pitiful from both an historical and political viewpoint.

"Vatican Move Irks Ukrainian Students," a report. *The Washington Post*, Washington, D.C., February 27, 1971.

In this news item from New York, a Student Committee for a Ukrainian Catholic Patriarchate "expressed its indignation at the appointment of Msgr. John Stock without the consent of the Ukrainian metropolitan and the synod of bishops." Msgr. Stock was appointed by the Vatican as an auxiliary bishop to Archbishop Ambrose Senyshyn in Philadelphia.

The latest criticism and agitation are parts of a broader compaign aimed at the establishment of a Ukrainian Catholic Patriarchate. The issues involved in this subject are far more complex and explosive than what appears in slogans and placards on the demonstration front. As in so many other sectors of our society, the cost of pursuing wrong methods and techniques of dissent will be borne, to a greater or lesser extent, by all concerned with the overall problem of a free Ukraine. There are constructive, alternative ways of handling this specific problem without in the least affording residual benefits to the known enemies of Ukrainian freedom.

"In Order Not to Cloud the Truth," an article by Ivan Rybalka. *Prapor*, Kiev, Ukrainian S.S.R., September, 1970.

Vehement attacks against "bourgeois nationalism" never cease in the Soviet Union. Propaganda-wise, they constitute the order of the day, and all who have some stake in the regime participate in them, even a so-called "Doctor of Historical Sciences," as presumably this writer is. "Anti-communism" also is a favorite and persistent target. "The main ideo-political weapon of imperialism at the present stage is anti-communism," he opines.

The objects of this particular attack against imperialism's "anti-communism" make for interesting reading. The USIA, research institutes at Columbia University, George Washington University and Southern California, and a variety of "leagues" and "assemblies," such as the Anti-Bolshevik Bloc of Nations, "Assembly of Captive Nations of Europe," etc. are included. The so-called doctor comes up with many of such inaccurate descriptions. His ill-tempered wordage includes "fascist time-servers," "bandits and criminals" and similar dispassionate designations.

Of course, "In that black band of traitors to their peoples are also Ukrainian bourgeois nationalists," he writes. He then, with his penchant for inaccuracy, includes the Ukrainian Congress Committee of America with other admittedly emigre or government-in-exile groups. No matter how intense the the diatribic attacks against nationalism and anti-communism may be, the forces they represent are invincible. For fifty years the Soviet Russian totalitarians have attempted to annihilate them, but they keep reappearing in one form or another in the USSR itself.

"The Conservative Reply," an article by William F. Buckley, Jr. *The New York Times*, New York, February 16, 1971.

On the really silly question raised in some American circles today—"Is there Really No Difference Between Beria and J. Edgar?"—this conservative writer puts forward a solid defense for J. Edgar Hoover, the director of the F.B.I. Rad-Lib forces in the U.S. have targeted Hoover and aim at a further undermining of popular faith in our authorities.

Aside from the nature of this current controversy, positive merits arise with evidential references to notable events of our times. This writer invokes the fact of Khrushchev having "taken an active part in the Stalinization of the Ukraine." More accurately, it should be "Russification of Ukraine." In his criticism of a former associate on the *National Review* staff, the writer states that the associate saw "no discernible moral difference between Nikita Khrushchev and Dwight Eisenhower, because as commander in chief of the Allied Expeditionary Forces Eisenhower had killed as many people as Khrushchev had in the Ukraine." Twisted thinking is obviously not a preserve of only certain groups and circles. Nonetheless, at least notable facts have a way of being infused into even the most ludicrous of controversies.

"The Genocide Convention and the 92d Congress," a statement by Senator Proxmire, Congressional Record, Washington, D.C., January 25, 1971.

For years, Senator Proxmire of Wisconsin has been the main and persistent supporter of the ratification of the Genocide Convention by the U.S. Senate. Although seventy-five other states have ratified the treaty and it is accepted as part of international law, the United States has sat on the sidelines for the past twenty years. In the 92nd Congress, the Senate Foreign Relations Committee has passed on it with majority vote, but the chief question now is whether two-thirds of the Senate will ratify it.

In this statement the Senator pointedly refers to Russian-sponsored genocide in Ukraine. As he states it, "Ukrainian patriots were killed, exiled, intimidated, and repressed, with their nationalism snuffed out and their culture crippled." He then adds, "International barbarism murdered 6,000,000 Jews during World War II."

"How's Your Ostpolitik?", a column by James Burnham. *National Review*, New York, January 12, 1971.

The writer of this column on "The Protracted Conflict" dwells on the Polish unrest and rightly points out at the start that after "each explosion in the Soviet Empire we are invariably told by the experts that this is the last gasp." This broken-down record has been played for twenty years, and doubtlessly will be repeated after the next inevitable explosion, for there will be many in the Russian Empire.

He comments toward the end, "It would not be surprising, even, if we heard before long from inside the Soviet Union: Conditions in the Baltic states and in the Ukraine, for example, including the presence of an anti-Russian nationalism, are in many respects similar to those in Poland."

Brandt's *Ostpolitik* is the latest expression of Western desire to come to terms with not mythical Communism, but Soviet Russian rule over Eastern Europe—"everyone," says the writer, "except the East Europeans." And how true this is.

"The Barriers to Detente," an article by Richard Pipes. *The Washington Post*, Washington, D.C., November 29, 1970.

Professor Pipes, who is a professor of Russian history at Harvard University, presents a thoughtful and historically grounded analysis of the obstacles to a detente between the USSR and the U.S.A. Religious, political and intellectual forces of the past are traced to cite basic differences in outlook.

On past Russian suppression or neutralization of nationalist opposition, he cites an example in the 18th Century where "Moscow effectively emasculated resistance along the southern border by admitting into the ranks of the Russian gentry the Cossack elders, the most vociferous champions of Ukrainian 'liberties.'" The janissariat principle has been traditional in imperial Russian politics, whether white or red.

Another well made point is that "neither Stalin nor his successors ever regarded the countries of Eastern Europe as sovereign states; to them, in the calculations made in their political subconscious, these were all along as yet undigested parts of the Russian domain, exactly as Kazan, Siberia or the Ukraine had once been for czarist governments." In short, traditional Russian imperialism surges forward, now under the mask of communism.

"Archbishop Ambrose Senyshyn On Christianity in Soviet Ukraine," a statement and insertion by Hon. Edward J. Derwinski. Congressional Record, Washington, D.C., December 22, 1970.

A lengthy article written by William Willoughby of the *Washington Evening Star* under the title "Message to Americans—It's No Time for Fiddling" is introduced by Congressman Derwinski into the nation's annals, with his own preliminary statement. The article, published in the December 19 issue of the paper, dwells extensively on the first lecture delivered by Archbishop Ambrose

Senyshyn in the Roman Smal-Stocki Lecture Series of the Ukrainian Catholic Studies Foundation at St. Josaphat's Seminary in Washington, D.C.

The subject of the lecture was "Christianity in Ukraine." It described the conditions to which Ukrainian Christians, both Catholic and Orthodox, have been subjected in captive Ukraine. As Willoughby concluded, "Senyshyn had an unspoken but clearly implicit message to all Americans: "Take stock of the true freedoms we have and never sell them short. This is no time to be fiddling on the roof.' " The Congressman rightly points out, "His reaction to this first lecture is worth reading."

"Cites Ukrainians As Friends of Reds," a letter by Thomas J. Veteska. *The Tablet*, New York, January 28, 1971.

Sometimes one wonders how much to ascribe to neurotic hallucinations or to vicious motivation some of the twisted mangling of facts and misinterpretations people are given to. A choice example of this is this letter which conjures up a mythical "Ukrainian servility to Communism." For decades Western analysts, not to speak also of Soviet Russian and quisling Ukrainians, have consistently referred to "the outstanding anticommunist record of Ukrainians in Eastern Europe," and here a gross untruth was permitted to be printed in a renowned Catholic organ.

The points on Ukrainian "functionaries and government officials" serving Moscow, Ukraine as "a center of anti-Semitism," and about some "liquidation of the Greek Catholic Church in Slovakia" are indicative of either a sick mind or of a corroded soul. Facts and myths can be slanted; here they are cast in LSD proportions.

"The Genocide Convention," an article by Lev E. Dobriansky, *Congressional Record*, Washington, D.C., November 25, 1970.

The comprehensive article which appeared in the autumn issue of this journal, was introduced into the *Record* by Congressman Derwinski of Illinois. The author of the article has had long experience with this treaty, dating back to 1950. He had the privilege of knowing and working for the treaty's ratification with Dr. Raphael Lemkin. As the Congressman states it, "The author knew and worked with Dr. Raphael Lemkin, the father of the convention, and his organization has supported the treaty's ratification for over 20 years." Reference here is made to the Ukrainian Congress Committee of America.

Aside from arguments pro and con anent the treaty, steps are being prepared to honor Lemkin should the Senate ratify the convention. Mr. Derwinski indicates as much in his comment: "For the second time in two decades, the author of this article recently testified on the treaty and recommended a post-humous honor for Dr. Lemkin should the Senate ratify the treaty, which in his judgment is long overdue."

"Moscow's Problems," an article by Harry Schwartz. *The New York Times*, New York, December 28, 1970.

In a perceptive and hard-hitting analysis of Moscow's pressing problems, the writer, a member of the newspaper's editorial board, concentrates on the non-Russian nations in the USSR. He points out: "Specialists on the Soviet Union know, moreover, that there are signs of disaffection among all the major minority nationality groups of the Soviet Union from the Ukrainians, Balts and Moldavians in the West to the Moslem peoples of the Caucasus and Central Asia." He continues, "From many directions the men in the Kremlin are under pressure to grant greater autonomy to the non-Russian half of the Soviet population." Well-taken, but just this critical point, that if it is a "non-Russian half" (in reality, it is more) then why the mischaracterization of "minority nationality groups."

An excellent point made by the writer appears in the observation: "But now Moscow seeks to contain that same explosive power within its own borders as Ukrainians, Latvians, Azerbaijanis, Georgians, Uzbeks and others ask why they, too, are not entitled to independence on a par with Egyptians, Zambians, Pakistanis, etc." To abet this desirable tendency, action by the West had been proposed along this line nearly twenty years ago. It is never too late to resume it.

"The Reality of the Captive Nations and the Pressing Need for a Special Committee," selected insertions. *Congressional Record*, Washington, D.C., December 22, 1970.

This particular issue of the *Record* contains a wide assortment of material relevant to the basic captive nations subject, ranging from a scathing Moscow article on "U.S. Anticommunism" to Captive Nations Week observances. The article written by A. Borisov and appearing in Moscow's *International Affairs*, November 1970, gives a good indication of how the Kremlin dreads any implementation of the Captive Nations Week Resolution (Public Law 86–90). For a spot analysis to the newcomer in this basic of all fields—because it deals with oppressed peoples—the material gathered here should be an eye-opener.

In his prefatory remarks, Congressman Derwinski of Illinois well observes that "the recent events of the suppressed defection of the Lithuanian sailor and the riots and political changes in Poland underscore again the blunt reality of the captive nations as well as the pressing need for a Special House Committee on the Captive Nations in the 92nd Congress." Work on this is proceeding on schedule. Such a committee will remedy the condition the legislator portrays when he states, "Relatively few of us are aware of the continuing discussion and popular activities bearing on the captive nations, Captive Nations Week, and our policy toward the Red Empire *in toto*."

MEMORIAL RESOLUTION FOR THE LATE CLINTON M. HESTER, CHAIRMAN, EXECUTIVE COMMITTEE, MADISON MEMORIAL COMMISSION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, and as a member of the James Madison Memorial Commission, I include the following resolution of the Commission in memory of the late Clinton M. Hester:

RESOLUTION

The members of the James Madison Memorial Commission record with genuine sorrow the death of Clinton M. Hester, Esquire, a member of the Commission since its creation and for several years Chairman of its Executive Committee. Mr. Hester was a lifelong student of the Madison period of our country's history and deeply interested in the Madison Memorial Commission. He was firm in his determination that Madison, who played such a leading role in the formative years of our nation's history, should be memorialized in an appropriate manner. We regret that his hope to see this realized in the form of the Madison Memorial Library of the Library of Congress to the accomplishment of which he contributed so substantially could not be fulfilled. He was untiring in promoting the aims of this Commission. His devotion and his valuable services as Chairman of our Executive Committee will be a constant reminder of his exemplary citizenship.

FAMILY FARM ACT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ZWACH. Mr. Speaker, last week I introduced the Family Farm Act because the retention of the land by our true farm families, not by corporate giants, is of prime importance to the economy and future survival of our countryside.

The purpose of the bill I introduced is to protect the efficient, modern farming operation that produces a great proportion of our Nation's food supply from the unfair competition of large corporate structures that choose to enter farming on a commercial basis. It is urgent that action be taken in this Congress to stop the rapid move to more integrated farming by the corporations and conglomerates whose principal sources of income are in commerce and who are already greatly favored under our tax laws and by the availability of corporate financing.

Section 7 of the Clayton Act prohibits the acquisition of stock or assets of one corporation by another corporate structure where such action may lessen competition or tend to create a monopoly. The Sherman Act, in section 2, prohibits monopolization or attempts to monopolize any part of trade or commerce among the States. Section 3 of the Sherman Act prohibits contracts, combinations in the form of trust or conspiracy in restraint of trade or commerce.

Large corporations have been acquiring farmland or controlling farm production of some commodities without any notable challenge under this antitrust and antimonopoly legislation. Perhaps the domination of production of some products, such as broilers and eggs, and some vegetables, by large corporations is not clearly subject to challenge under these laws—although some action would seem to have been in order.

Nevertheless, to fill this apparent void, if one truly exists, it is necessary to act in a clear and concise manner.

Examination of the provisions will disclose that the prohibition contemplated in the bill will in no way hamper farmer-owned and operated cooperatives and associations. Nor will it prohibit farming by the normal successful local businessman who may be farming in his home community. In fact, when you consider that the Main Street merchant, the local banker, the social institutions, and the very life of many hundreds of small towns and communities depend on a prosperous agriculture, you realize those people may have as much at stake in this bill as the efficient family farmer.

I have discussed the current farm price situation several times recently. Without repeating my concern over current prevailing prices for grain and the probable lower prices of livestock to follow, let me cite these facts—while farm product prices generally have declined, the costs of production have risen. Since 1967, interest has increased 34 percent, taxes have gone up 46 percent, the cost of farm motor vehicles has increased 24 percent, and farm machinery prices have increased 28 percent.

The time has come to move on several fronts if we in this country are to continue to enjoy the benefits of a stable food supply, produced on efficient farms that are family owned and operated.

CRIME IS CAUSED BY CRIMINALS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. MICHEL. Mr. Speaker, this week's National Observer carries a very thought-provoking article entitled "Crime Is Caused by Criminals." The authors, law Professor Fred E. Inbau of Northwestern University and Frank G. Carrington, are with the Americans for Effective Law Enforcement, Inc., of Chicago, and the article is reprinted from the annals of the American Academy of Political and Social Science.

Professor Inbau and Mr. Carrington point out that during the decade of the 1960's permissiveness for lawless, violent acts, and safeguards for the criminal accused reached singular heights in the United States, and at the same time, while our population grew by 13 percent, serious crimes increased by 148 percent. This is no coincidence, they say, and they go on to explore the factors which have led us to the point where we abandon our city streets at dusk for the comparative safety of bolted doors.

The law-enforcement processes in this country have broken down, they contend, with the result that more and more criminals are free to prey upon the law-abiding. The breakdown, they say, stems from failure to apprehend, convict, and incarcerate criminals, and "when we analyze each of these failures, it becomes apparent why we are not safe and why a hard line is needed."

I urge all my colleagues to read the following article and give some serious thought to what Professor Inbau and Mr. Carrington are telling us:

"CRIME IS CAUSED BY CRIMINALS"

(By Prof. Fred E. Inbau and Frank G. Carrington)

The problem propounded by the topic of how to mount an effective crackdown on crime can be brought into perspective by considering two phenomena of the decade 1960 through 1969. They are: (a) during that 10-year period, safeguards for the criminal accused and permissiveness toward lawless, violent acts reached heights in the United States such as no other nation has ever witnessed and (b) in the same span of time, while our population increased by 13 per cent, *serious crimes increased by 148 per cent*. The two are not coincidental. In any society, the incidence of lawlessness is directly related to the number of criminally inclined individuals who are at liberty to prey upon others, and it is precisely the permissiveness shown toward criminals in this country which has resulted in their being free to practice their depredations to an unprecedented extent.

Crime is caused by criminals; the fact is as simple as that. When a strong-arm robber slugs his victim in order to relieve him of his watch and wallet, he has committed a crime. No amount of elaboration on the question of whether or not the assailant came from an environment of poverty or a broken home makes the robbery itself any the less a crime. Likewise, when a youthful demonstrator, intolerant of this country's pace in solving its social problems, throws a rock that strikes a policeman on the head, an aggravated assault has been committed. Apologists for criminal behavior may wring their hands as much as they like about the robber "striking out at a society which has brutalized him" or the demonstrator "merely expressing his idealistic young concern"; the fact remains that both are criminals.

The answer, then, to the question of how to mount an effective crackdown on crime lies basically in first recognizing that crime is committed by criminals, and second, in getting as many criminals as possible out of circulation so that they are no longer free to victimize the law-abiding.

This position is called the "hard line" on crime. It is not fashionable among certain liberal social scientists, who have been characterized by Attorney General Mitchell as being able to ". . . explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber." To these individuals, the "hardliner" is simplistic, or "lacking in compassion." We suggest that neither of these appellations is valid, and that, instead, he may be better described as one who takes a realistic position with regard to the crime problem.

It is quite true that there is nothing particularly compassionate toward a law violator in advocating that he be locked up; yet it would seem that the worthy object of compassion would be the victim rather than the assailant, the oppressed rather than the oppressor. If a 75-year-old woman on a ghetto street is knocked to the pavement because she has the temerity to struggle with a husky 18-year-old purse-snatcher—the result being a broken hip which, at her age, may never mend—the most elementary concepts of fairness would seem to dictate that the victimized woman is more deserving of our sympathy than her attacker.

When liberality dictates that the lawless remain free to victimize others, it is clearly misplaced. This, in sort, is the hard-line position that we believe to be both realistic and valid; it favors consideration for the victims of crime and for public safety above that for the offender himself.

THE HARD-LINE APPROACH

Let us consider, then, the hard-line approach to the problem of crime in light of our stated aim of suggesting how to mount an effective crackdown on the criminal. First, we shall sketch the dimensions of the crime picture in this country with special emphasis on the truly intolerable extent to which crime victimizes the poor. Next, we will glance briefly at public opinion about crime—the line the law-abiding majority of our citizens want taken. We then turn to the specifics—why we are not safe from the criminal and, more importantly, what can be done about it.

Before proceeding to this analysis, however, one point must be made. Just because we favor a hard-line approach, it does not mean that we are insensitive either to the factors in our society which breed criminals or to the tremendous importance of the rehabilitation of those who have been convicted and are amenable to rehabilitation. The breeding factors of crime—environmental, hereditary, educational, social, and economic—are, of course, elements which go into the making of a criminal. Anyone who is seriously concerned with the over-all problem, be he a hard-liner or not, must recognize the importance of these breeding factors, and he must also subscribe to the view that once a person has committed a crime every feasible effort should be made to rehabilitate him. But there is nothing incompatible between an acceptance of those two positions and a recognition of the need to make our society reasonably free from criminal harm—especially between now and the time when we are able to make effective progress toward those two general objectives. Moreover, we must not lose sight of the fact even if we should develop effective rehabilitation procedures, we will still have a serious crime problem unless we recognize the need for effective criminal sanctions. . . .

The right to be safe from criminal harm—particularly among the poor and the racial minorities—has become an illusion. They are the ones who are most often the victims of crimes of violence—murder, rape, robbery, and aggravated assault. These crimes have increased 130 per cent during the past decade, and the upward trend continues undiminished.

Professor Herbert L. Packer of Stanford University reported in 1970 that street crime victimizes ghetto dwellers at least 100 times more than it afflicts the affluent citizens who live in the suburbs. A recent story, "Black Crime Preys on Black Victims," released by the Associated Press, described the problem:

"Between 70 and 80 per cent of major big city crime is harbored in Negro or predominantly Negro precincts. Little is visited upon whites. On police maps, the colored pins flock gregariously in ghetto neighborhoods detailing the rapes and robberies."

The undeniable fact is that the poor pay for crime in a most usurious way. . . .

More dramatic than statistics on crime is the manner in which the lives of all of us, particularly the poor and members of minority groups, have had to be adjusted because of the ever-present threat of violent crime. In most of our cities, the law-abiding citizens have had to surrender possession of the streets after dark to the robber and those who may even bludgeon someone out of sheer delight. Many persons are literally afraid to leave the sanctuary of their homes for fear that they will fall victim to some form of violent attack; and for those who must be out on the streets, protective measures, unheard of ten years ago, are being used. Taxicab drivers, for example, no longer favor their passengers with opinions because the customer cannot hear the driver through the two-inch thickness of bulletproof glass which separates the front and rear seats of most taxicabs today. Bus riders must prepare themselves with the exact amount of their fares because, nowadays, bus drivers do not carry change in order to discourage robberies. In short, we have been forced to accommodate our lives to the specter of criminal terror.

Although the human misery and the physical and mental suffering inflicted upon the victims of crime are the most hideous aspects of the picture, the devastating economic impact of crime, upon victim and nonvictim alike, must also be considered. The total annual price tag for all forms of lawlessness in the country has been estimated to exceed 51 billion dollars. It takes very little imagination to conceive of what could be done with that kind of money toward alleviating some of the social ills that beset this country. . . .

Why is our crime picture as horrendous as it is, despite overwhelming public opinion against lawlessness? The answer lies in the fact that in many—far too many—cases, the law-enforcement processes in this country have broken down, with the result that more and more criminals are free to prey upon the law-abiding. This breakdown is threefold, and stems from:

1. Failure to apprehend criminals.
2. Failure to convict criminals.
3. Failure to incarcerate criminals.

When we analyze each of these failures, it becomes apparent why we are not safe and why a hard line is needed.

The deficiency of failure to apprehend in our criminal justice system is related to the law-enforcement function, but this in no wise means that it is the fault of our police departments. By and large, the caliber of law enforcement, man for man, has never been higher than it is today; yet, more and more often the police find themselves at a tremendous disadvantage in their efforts to apprehend criminals. One reason for this is the shortage of policemen, particularly in the core cities where they are needed most.

THE THIN BLUE LINE

Few major cities have enough men to do the job, and recruitment is difficult. With crime rising to unprecedented heights, the police line has never been stretched thinner. In addition, and all too often, the already meager police strength in certain cities is being diverted away from the proper police function—the apprehension of criminals—to peace-keeping duties at demonstrations, sit-ins, and sundry other "protest" activities. It is axiomatic that a police officer "baby-sitting" at a rally of one sort or another is unavailable to watch for the burglar and the robber and perhaps thus, by the very visibility of his presence, deter the commission of crime.

Another reason for underpolicing in some areas of large cities is the understandable reluctance of police officers to subject themselves to the risk of assassination while on patrol. As this article was being written, four police officers in New York City were shot, two of them dying as a result, simply because they were policemen, although in the minds of the assassins they were, of course, "Fascist pigs."

All police officers accept the risk of being killed in the prevention of serious crime and in the course of apprehending criminals, but it is asking too much of them to incur the increasing risk of an assassin's bullet.

Police are also becoming more reluctant to make arrests at the scene of a crime or disturbance out of fear that they will perhaps attract a crowd and touch off a riot, or for fear that an arrest of certain individuals or groups of individuals will result in allegations of "police brutality" or other false charges.

Court-imposed restrictions of an unrealistic nature—which in our opinion were not constitutionally or practically required—serve to further inhibit the conscientious police officer; for instance, the Miranda rule requiring a litany of advice about legal rights before the interrogation of an apprehended suspect can be conducted.

Even if a criminal is arrested, the likelihood is great that he will not be convicted. According to Senator John L. McClellan of Arkansas, in recent years verdicts of not guilty in robbery cases have increased 23 per cent, and in burglary cases 58 per cent. The hedge of procedural safeguards which the Warren Court erected around the person accused of a criminal offense and the efforts of the judiciary to "police the police" have created such a maze of technical requirements for police conduct that, in case after case, obviously guilty persons must be freed because an officer neglected to act with the propriety demanded by the Court. Senator McClellan has characterized this situation as one in which the Court's rulings have threatened "to alter the nature of the criminal trial from a test of the defendant's guilt or innocence to an inquiry into the propriety of the policeman's conduct."

At the core of the barrier which has been erected between the factual guilt of a person and the legal proof of guilt is the so-called "exclusionary rule." This rule, which was made a part of the jurisprudence of this nation by a Supreme Court in 1961, holds that no evidence, regardless of how relevant or probative it may be, can be used against a defendant if it was improperly obtained. For instance, if a dope pusher has been found in possession of narcotics but the search of his person, automobile, or room which revealed the narcotics is held to have been illegal *for any reason,* the narcotics cannot be used as evidence against him. Thus, the upshot of the exclusionary rule is that the *question of actual guilt or innocence is completely disregarded;* if the policeman has blundered in the slightest, the guilty party must be released—returned to society, free to continue his career of crime. The same is true of a defendant whose confession is rejected because the police interrogator failed to tell him that he had a right to remain silent, that whatever he says can be held against him, that he is entitled to have a lawyer present, and that if he could not afford a lawyer one would be provided free. Compounding the handicap is the fact that once a lawyer comes on the scene the standard advice is to tell the client to keep his mouth shut.

THE WRONG REMEDY

If all police work consisted of willful or wanton disregard for the legal rights of criminal suspects, the exclusionary rule might have some validity; but even then, the way to keep the police in line is by direct action against them, and not through the route of setting the criminal free in order to teach the police a lesson. The exclusionary rule works to return the criminal to the street, with an absolute and total disregard for the rights of those whom the newly released criminal may decide to victimize next. . . .

On one recent day in Chicago—identified in a local newspaper editorial as a red-letter day for convicted criminals—the following events occurred:

A 16-year-old killer of another teenager was found guilty of murder. He was placed on probation for five years because it was his "first offense."

A 17-year-old pleaded guilty to setting fire to a police car, striking a policeman, throwing rocks and bottles at policemen, and grabbing a policeman's gun while resisting arrest. He, too, received probation. This was his "first offense."

Three Black Panthers pleaded guilty to buying machine guns and hand grenades for the party's arsenal. Each one was given three years' probation, even though two of them had been fugitives and one had been convicted of assault and battery growing out of the shooting of a policeman.

These cases are illustrative of one of the reasons why the streets are no longer safe.

Contrary to the general belief that, since crime and population have both increased considerably within the past ten years, our state and Federal penitentiaries must be bulging with inmates, the number of prison inmates is just about the same, if not slightly less than it was in 1960. Twenty-nine states have experienced a decrease in prison inmate population as of March 1971. Consider the situation in three of our largest states. In New York, the prison population in 1960 was 17,207; last March it was 14,554—*down* 2,653. In Pennsylvania there were 7,802 prison inmates in 1960; in March 1971, there were 6,422—*down* 1,380. In Illinois, 9,064 in 1960; 7,206 in March 1971—*a decrease* of 1,858.

The Federal inmate population decreased by 3,699 during the period 1960–1967, the latest year for which officially released figures are available.

Thus we see one of the most logical reasons for rampant crime: Even after they have been convicted, criminals are returned to the streets because some judges simply will not incarcerate them, no matter how vicious or depraved their crime.

The answer to what can be done lies, in our opinion, in a massive outpouring of active citizen concern and involvement. The attitude of the law-abiding majority (and again we stress the fact that this majority crosses all lines of color and class) is definitely hard-line, but it must be translated into action. When that is done, the crime picture in the United States will improve.

PROTECTING THE POLICE

1. *In the area of failure to apprehend criminals,* there must be massive citizen support for the policeman when he is doing his job properly. This will create a climate under which police recruiting will be enhanced and officers will not hesitate to do their job for fear of civil suits by vocal pressure groups such as the American Civil Liberties Union and other "police watcher" organizations. A strong public sentiment against civilian review boards, and demonstrable public outrage against attacks on the police—as opposed to grumbling in country club locker rooms and at cocktail parties—would do more toward overcoming the problems of shortages of policemen and "underpolicing" than any other single thing.

2. *In the area of failure to convict criminals,* public outcry and pressure are necessary to curtail drastically those contrived "rights" of criminal suspects which serve only to protect the guilty without any compensating benefits. This can be done without diminishing the basic rights of all citizens. For instance, the Fourth Amendment's guarantee of freedom from unreasonable search and seizure must be preserved, but it can be done without the use of an exclusionary rule that turns so many guilty persons loose; moreover, it is ineffectual, anyway, as a police disciplinary measure.

The exclusionary rule should be removed from our criminal justice system and replaced by procedures for dealing directly with the officer who wilfully violates a person's Constitutional rights. Great Britain has never had the automatic exclusionary rule as we know it, and that country has never been turned into a police state.

THE BUSINESS OF THE COMMUNITY

3. *In the area of failure to incarcerate,* there are those who believe that the sentencing process is nobody's business but the judge's. This is not true. It is the function of a judge to sentence a convicted criminal; but the sentence itself—the determination of whether, or how soon, a potentially dangerous felon will be released into the community—is clearly the business of the community whose safety is involved. Just as the President, a governor, or a state or national legislator is accountable to the people in the final analysis, so is a judge whether elected directly or appointed by elected officials. In this area, citizen concern can be translated into action, as has been done already in several jurisdictions, by citizens' groups who follow a judge's sentencing record and then report, pro or con, to their fellow citizens.

Our suggested solutions to the crime problem are admittedly "hard-line,'" but we believe that such an approach must be taken. If crime is to be significantly diminished, the concern of the law-abiding citizen will have to be translated into constructive action. Lawlessness threatens to engulf this country, and a firm stand is necessary to stem the tide. Nonpartisan educational groups can be formed to inaugurate and follow through on projects that will harness citizen support for proper, nonabusive law enforcement. Particularly in the appellate courts it has been found effective to file "friend of the court" (*amicus curiae*) briefs in support of the law enforcement side of the question in important criminal law cases. With citizen action such as this on the scene against crime, the future is encouraging.

RISING CRIME IN THE NATION'S SCHOOLS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, it is a shocking thing—even in this day when so much that used to be shocking has become commonplace—to hear that crimes committed by children, both in the schools and on the streets, is rising at a precipitous rate.

According to a New York Times front-page story by Wayne King:

> Crime by children, some of it serious and committed by youngsters not yet in their teens, is arousing growing concern among parents, the police and school authorities across the country.

The National Commission on the Causes and Prevention of Violence found in 1969 that during the 10-year period of 1958 through 1967, there was a 300-percent increase in assaults by 10- to 14-year-olds and a 200-percent increase in robberies by this age group. Reports from school and law enforcement spokesmen in 13 cities indicate that this trend is continuing.

Mr. King quoted Harry S. Hodgins, Jr., chief security supervisor for the Baltimore city schools, as saying that:

> There had been every kind of crime in the Baltimore schools from ordinary shakedowns for lunch money right through armed robbery in the halls at pistol point.

The situation is even worse off the school grounds. Last year in Baltimore, for example, there were 12,835 arrests of suspects under 18, up from 10,595 in 1969. Also there were 526 arrests of children of 10 years old or under, including one for murder.

A similar pattern is reported by most school and police officials who blame "a general breakdown in family discipline, racial animosities and changing school patterns that place poor children in contact with the more affluent."

The reaction, nationwide, has been to station more police in the schools. I would like to point out, Mr. Speaker, that it can be very frustrating indeed for a child to be forced to attend a school because of his race or because of the economic position of his parents, and that there is not a school anywhere where the "barnyard pecking-order", as cruel as it may be, does not to some extent exist. The changing school patterns principally caused by court decisions, are made to order for violence.

I submit that the rate of children's crime will continue to rise and more and more policemen will have to be stationed in the schools as long as the social engineers and the courts demand forced economic and racial integration.

Only a constitutional amendment to prohibit the assignment of any child to a particular school because of his race, creed or color, can return us to some semblance of sanity. I hope every one of my colleagues in the House will vote for House Joint Resolution 620.

At this point I insert the New York Times report on children's crime.

[From the New York Times, Oct. 4, 1971]

CHILDREN'S CRIME RISING ACROSS UNITED STATES

(By Wayne King)

Crime by children, some of it serious and committed by youngsters not yet in their teens, is arousing growing concern among parents, the police and school authorities across the country.

While it is not new, juvenile authorities generally agree that the problem has grown substantially worse in the last few years, both in the number of offenses and their seriousness. And while there is a lack of national statistics that might back it up, there is a feeling that both the victims and the perpetrators are getting younger.

For the most part, the crimes are "petty" in terms of the money or property involved—shakedowns for lunch money, bicycle thefts, pilfering from school lockers—but some are serious and violence is not uncommon.

Reports from school and law enforcement officials in 13 cities indicate that the trend noted in 1969 by the National Commission on the Causes and Prevention of Violence is continuing. The commission found that in the 10-year period 1958 through 1967, there was a 300 per cent increase in assaults by 10 to 14-year-olds and a 200 per cent increase in robberies by this age group.

"We've had just about everything in schools short of murder," says Harry S. Hodgins Jr., chief security supervisor for the Baltimore city schools, "everything from ordinary shakedowns for lunch money right through armed robbery in the halls at pistol point."

Off the school grounds, the problem is worse. The Baltimore police report that last year there were 12,835 arrests of suspects under 18, up from 10,594 in 1969.

TOTAL OF 526 UNDER 10 ARRESTED

Moreover, in the age group 10 years and under, there were 526 arrests, including one for murder, 22 for robbery, 169 for burglary, six for auto theft, 12 for arson, nine for aggravated assault, 104 for larceny and four for narcotics violations.

In Los Angeles, as in most other cities, bicycle theft has become commonplace, and the police department there is considering creating a 25-man "bike section" to handle the problem.

In the Roslindale section of Boston, a woman complained that "in our neighborhood, I hear you can go up to a kid in front of the local ice cream shop and say you want a 10-speed Peugeot racing bike and he'll ask you what color."

THE BEST INDICATOR

Although not considered the most serious child crime problem—shakedowns and "muggings" are regarded as more dangerous—bicycle thefts are probably the best indicator of the growth of crime committed by children against other children.

The police and other juvenile authorities generally agree that the other categories, particularly shakedowns, are not reported as often because of the threat of reprisal and the generally lower dollar value of the stolen property.

Robert Ehrman, a disciplinary officer in the Sacramento school system, says instances of extortion, backed up by threats, are increasing more noticably than other problems.

"It's usually a two-or-three kids-on-one thing," he said, "extortion or just the sheer delight of scaring the hell of some small kid.

A COMMON PATTERN

The greatest increase and highest incidence is from the fifth or sixth grade through the ninth grade, Mr. Erhman observed, a pattern reported by most other school officials.

Although the problem of petty extortion is not a new one—a Pittsburgh school principal recalls a situation 12 years ago in which one student demanded and got 50 cents from another student each school day for two years—juvenile officials say it has grown serious within the last three to five years in most areas.

The reasons given by police and school officials vary, but those most often cited are "a general breakdown" in family discipline, racial animosities and changing school patterns that place poor children in contact with the more affluent. The general increase in crime by all groups is also cited.

For whatever reasons, juvenile crime rates have been rising far faster than the adult rate. From 1960 though 1970, according to the Fedeal Bureau of Investigation police arrests for all criminal acts except traffic violations rose 31 percent, while arrests of those under 18 more than doubled—a pace more than four times the population increase in the 10 to 18 age group.

LESSER RATE FOR ADULTS

Adult arrests for violent crime in the same period went up 67 per cent, while for juveniles they increased 167 per cent.

Generally, the police and other officials who deal with juvenile offenders keep no related statistics on the victims of juvenile crime, and there is, thus, no accurate gauge of an increase in children's crime against their peers, although there is general agreement that the problem is getting worse.

Reaction to increased youthful crime has largely taken the form of more policing of schools and surrounding areas, usually with private guards. *Dade County schools had a security force of five men in 1968: today it has 98.* Most other school systems have bolstered their patrols similarly, but parental concern remains.

"Mothers are frightened these days of what might happen to their daughters at school," said a Miami teacher whose three children attend public schools. She reported that at a Coral Gables Junior High, many girls were afraid to enter lavatories because of shakedowns by other girls, some of whom have brandished razors.

And a Boston father said: "My 14-year-old son got punched in the mouth at a park the other night because he wouldn't yield up a radio when ordered to by a peer who was drunk.

"It was not a traumatic experience," he said. "My kid was a little bit small and thinks that most things can be settled nonviolently."

TRUCKS ARE ESSENTIAL TO AMERICAN PROSPERITY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. COLLINS of Texas. Mr. Speaker, the other day I was talking to my friend Hub Hill about trucks. Hub heads up Strickland Transportation whose home base is Dallas and their trucks cover the Midwest.

Keeping trucks rolling is vital to the American economy. Let me give you some of the basic facts that show trucks' economic impact on America.

There are 8 million men and women employed by the trucking industry. This is more than the total population of 10 States—Delaware, Nevada, Idaho, Wyoming, Maine, Arizona, New Hampshire, Vermont, New Mexico and Rhode Island—total, 1970 Census: 7,862,335.

Each year trucks use 23,500 million

gallons of gasoline and other fuel. This is equivalent to the capacity of one column of tank trucks—7,500 gallons each—bumper to bumper, on a 4-lane highway from Hong Kong to Los Angeles.

Annually 404 billion ton-miles of freight are hauled by trucks—equivalent to sending the 42.5-ton Apollo spaceship on 20,328 round trips to the moon—233,814 miles distant—or one a day for 56 years.

Yearly 1,500 million quarts of oil are used by trucks. If put in quart cans, laid end to end, it would be enough to extend more than five times around the earth—or 131,628 miles.

Of the 109 million motor vehicles in the United States 17,800,000 are trucks. There is one truck to serve every four households in America.

Annually 118 million pounds of copper are used in truck manufacture, enough copper to mint over 16 billion pennies.

About 9,800,000 gallons of paint and thinner are used annually in truck manufacture, enough to paint 1,225,000 average frame houses.

Three out of four tons of all freight are hauled by truck. If trucks were to stop running for 24 hours, America's entire economic machinery would grind to a halt.

Aluminum: 63 million pounds are used annually in truck manufacture, enough to make 1.9 one-quart saucepans for every housewife in the United States.

Rubber: 1,200,000 tons are used annually by trucks, enough rubber to provide boots and shoes for the Army, Navy, and Marines for 1,071 years.

Tires: 26 million; and 18 million tubes are used annually by trucks. If the tires alone were used, they would form a chain from Chicago to Paris to Berlin and on to Honolulu.

Glass: 40,200,000 square feet are used annually in truck manufacture. Enough to cover 24 major league baseball stadiums plus 27 major college football bowls.

Antifreeze: 31,200,000 gallons are used annually by trucks, enough to keep 351 Olympic size swimming pools—165 feet by 75 feet—from freezing at 10° above zero—Fahrenheit.

Each year the trucking industry's expenditures approach $74,300 million. This total consists of $57 billion for labor; $5.6 billion for motor fuel and oil; $11.7 billion for new trucks and trailers, replacement parts and accessories, tires, and tubes.

Taxes: $5,300 million in highway use—Federal and State, are paid annually by the trucking industry, enough money to build a four-lane superhighway from New York City to Atlanta, and on to San Francisco, a total of 3,378 miles.

Mr. Speaker, we are all proud of the trucking industry. It plays a vital and active part in the growth and development of our Nation.

SENATE—*Wednesday, November 17, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almghty God, Creator, Preserver, Redeemer, and Judge, guide, we beseech Thee, the Senate of the United States that its actions may enhance the welfare of the Nation and promote the higher interests of Thy coming kingdom. Be with each Member of this body answering each one's need according to his personal requirements. Deliver each one from the sins of temperament, from petty provocations, and from vexation or exasperation with one another. Lift each Member above the divisive and contentious spirit into a unity of purpose which nothing can destroy. Grant that each one may so listen to the prompting of Thy spirit that he may concert his best efforts for freedom, peace, and justice in the world of our time.

Hear us in the Redeemer's name. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 12, 1971, the President had approved and signed the following acts:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah; and

S. 30. An act to establish the Arches National Park in the State of Utah.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 16, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar under New Reports will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The second assistant legislative clerk read the nomination of Phillip V. Sanchez, of California, to be Director of the Office of Economic Opportunity.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ESTABLISHMENT OF A CONQUEST OF CANCER AGENCY

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1828.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, which was to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as "The National Cancer Attack Act of 1971".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that cancer is the disease most feared by Americans today;

(2) that new scientific leads, if comprehensively and energetically exploited, may significantly advance the time when more adequate preventive and therapeutic capabilities are available to cope with cancer;

(3) that cancer, heart, and lung diseases and stroke are the leading causes of death in the United States;

(4) that the present state of our understanding of cancer, heart, and lung diseases and stroke is a consequence of broad advances across the full scope of the biomedical sciences;

(5) that in order to provide for the most effective attack on cancer it is important to use all of the biomedical resources of the National Institutes of Health, rather than the resources of a single Institute; and

(6) that the programs of the research institutes which comprise the National Institutes of Health have made it possible to bring into being the most productive scientific community centered upon health and disease that the world has ever known.

(b) It is the purpose of this Act to enlarge the authorities of the National Cancer Institute and the National Institutes of Health in order to advance the national attack upon cancer.

NATIONAL CANCER ATTACK PROGRAM

SEC. 3. (a) Part A of title IV of the Public Health Service Act is amended by adding after section 406 the following new sections:

"NATIONAL CANCER ATTACK PROGRAM

"SEC. 407. (a) In his capacity as an Associate Director of the National Institutes of Health, the Director of the National Cancer Institute shall coordinate all of the activities of the National Institutes of Health relating to cancer with the National Cancer Attack Program.

"(b) In carrying out the National Cancer Attack Program, the Director of the National Cancer Institute shall:

"(1) With the advice of the National Cancer Advisory Council, plan and develop an expanded, intensified, and coordinated cancer research program encompassing the programs of the National Cancer Institute, related programs of the other research institutes, and other Federal and non-Federal programs.

"(2) Expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of the opportunities for the conquest of cancer in areas of special promise.

"(3) Encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research.

"(4) Collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer research data bank to collect, catalog, store, and disseminate insofar as feasible the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country.

"(5) Establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for research and set standards of safety and care for persons using such materials.

"(6) Support research in the cancer field outside the United States by highly qualified foreign nationals (where the Director determines that such support can reasonably be expected to inure to the benefit of the American people); support collaborative research involving American and foreign participants; and support the training of American scientists abroad and foreign scientists in the United States.

"(7) Support appropriate manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators, physicians, and allied health professional personnel, for participation in clinical and basic research and treatment programs relating to cancer, including where appropriate the use of training stipends, fellowships, and career awards.

"(8) Call special meetings of the National Cancer Advisory Council at such times and in such places as the Director deems necessary in order to consult with, obtain advice from, or to secure the approval of projects, programs, or other actions to be undertaken without delay in order to gain maximum benefit from a new scientific or technical finding.

"(9) (A) Prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the National Cancer Attack Program, after opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the National Cancer Advisory Council; and (B) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the National Cancer Institute.

"(c) The National Cancer Advisory Council shall meet at the call of the Director of the National Cancer Institute or of such Council's Chairman, but not less than four times in each calendar year.

"(d) (1) There is hereby established the President's Cancer Attack Panel which shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Attack Program. At least two of the members of the panel shall be distinguished scientists or physicians.

"(2) (A) Members shall be appointed for three-year terms, except that (i) in the case of two of the members first appointed, one shall be appointed for a term of one year and one shall be appointed for a term of two years, as designated by the President at the time of appointment, and (ii) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(B) The President shall designate one of the members to serve as Chairman for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel, and shall be allowed travel expenses (including a per diem allowance) under section 5703(b) of title 5, United States Code.

"(3) The Panel shall meet at the call of the Chairman but not less often than twelve times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the Chairman shall make such transcript available to the public.

"(4) The Panel shall monitor the development and execution of the National Cancer Attack Program under this section, and shall report directly to the President. Any delays or blockages in rapid execution of the program shall immediately be brought to the attention of the President. The Panel shall submit to the President annually an evaluation of the efficacy of the National Cancer Attack Program and suggestions for improvements, and shall submit such other reports as the President shall direct. At the request of the President, it shall submit for his consideration a list of names of persons for consideration for appointment as Director of the National Cancer Institute.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"SEC. 408. (a) The Director of the National Cancer Institute is authorized to provide for the establishment of fifteen new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Such centers may be supported under subsection (b) or under any other applicable provision of law.

"(b) The Director of the National Cancer Institute, under policies established by the Director of the National Institutes of Health and after consultation with the National Cancer Advisory Council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers (including, but not limited to, centers established under subsection (a)) for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 405), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training (including training for allied health professions personnel) and (4) demonstration purposes, but support under this subsection (other than support for construction) shall not exceed $5,000,000 per year per center. Support of a center under this section may be for a period of not to exceed three years and may be extended by the Director of the National Cancer Institute for additional periods of not more than three years each, after review of the operations of such center by an appropriate scientific review group established by the Director of the National Cancer Institute.

"CANCER CONTROL PROGRAMS

"SEC. 409. (a) The Director of the National Cancer Institute shall establish programs as necessary for cooperation with State and other health agencies in the prevention, control, and eradication of cancer.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $40,000,000 for the fiscal year ending June 30, 1974.

"AUTHORITY OF DIRECTOR

"SEC. 410. The Director of the National Cancer Institute (after consultation with the National Cancer Advisory Council), in carrying out his functions in administering the National Cancer Attack Program and without regard to any other provision of this Act, is authorized—

"(1) if authorized by the National Cancer Advisory Council, to obtain the services of not more than fifty experts or consultants who have scientific or professional qualifications, in accordance with the provisions of section 3109 of title 5, United States Code (but any such expert or consultant may be appointed for a period in excess of one year);

"(2) to acquire, construct, improve, repair, operate, and maintain cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the National Cancer Institute for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(3) to appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(5) to accept voluntary and uncompensated services;

"(6) to accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

"(7) to enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(8) to take necessary action to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the National Cancer Institute and the other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"SCIENTIFIC REVIEW; REPORTS

"SEC. 410A. The Director of the National Cancer Institute shall, by regulation, provide for proper scientific review of all research grants and programs over which he has authority (1) by utilizing, to the maximum extent possible, appropriate peer review groups established within the National Institutes of Health and composed principally of non-Federal scientists and other experts in the scientific and disease fields, and (2) when appropriate, by establishing, with the approval of the National Cancer Advisory Council and the Director of the National Institutes of Health, other formal peer review groups as may be required.

"(b) The Director of the National Cancer Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the National Cancer Advisory Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the National Cancer Attack Program during the preceding calendar year and a plan for the program during the next five years.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 410B. For the purpose of carrying out this part (other than section 409), there are authorized to be appropriated $400,000,000 for the fiscal year ending June 30, 1972; $500,000,000 for the fiscal year ending June 30, 1973; and $600,000,000 for the fiscal year ending June 30, 1974."

(b) Section 301(d) of the Public Health Service Act is amended by adding at the end thereof the following: "*Provided further*, That, under procedures approved by the Director of the National Institutes of Health, the Director of the National Cancer Institute may approve grants for research or training purposes—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without requirement of review and approval by the National Cancer Advisory Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by such council."

REPORT TO CONGRESS

SEC. 4. (a) The President shall carry out a review of all administrative processes under which the National Cancer Attack program, established under part A of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer groups reviews, in order to assure the most expeditious accomplishment of the objectives of the program. Within one year of the date of enactment of this Act the President shall submit a report to Congress of the findings of such review and the actions taken to facilitate the conduct of the program, together with recommendations for any needed legislative changes.

(b) The President shall request of the Congress without delay such additional appropriations (including increased authorizations) as are required to pursue immediately any development in the National Cancer Attack program requiring prompt and expeditious support and for which regularly appropriated funds are not available.

PRESIDENTIAL APPOINTMENT OF INSTITUTE'S DIRECTORS

SEC. 5. Title IV of the Public Health Service Act is amended by adding after part F the following new part:

"PART G—ADMINISTRATIVE PROVISIONS

"DIRECTORS OF INSTITUTES

"SEC. 454. The Director of the National Institutes of Health and the Directors of the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke shall be appointed by the President. The Directors of the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke are designated as Associate Directors of the National Institutes of Health, and shall report directly to the Director of the National Institutes of Health."

EFFECTIVE DATE

SEC. 6. (a) This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) The first sentence of section 454 of the Public Health Service Act (added by section 5(a) of this Act) shall apply only with respect to appointments made after the effective date of this Act.

And amend the title so as to read: "An Act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible."

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendment of the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT conferees on the part of the Senate.

PROGRAM FOR THE REMAINDER OF THIS SESSION

Mr. GRIFFIN. Mr. President, I should like to ask the distinguished majority leader if he can give us some further information concerning the schedule.

Mr. MANSFIELD. Mr. President, I am glad that the distinguished acting Republican leader has raised that question at this time.

We are in the middle of the week, and I am sure that Senators would like to know, insofar as possible, what the schedule will be.

The pending bill will, of course, not be finished today. Hopefully, it may be finished tomorrow.

It is anticipated that it will be followed by the defense appropriation bill.

There are other bills on the calendar that will be considered if and when any slack develops.

There will be a Saturday session, and I hope that the attachés would notify Senators on both sides of the aisle to that effect.

It is anticipated that on Monday next the Senate will be able to take up phase II of the President's economic program.

It is my understanding that there is no possibility, before Thanksgiving, of taking up the two nominations to the Supreme Court. Evidently, there is some difficulty concerning their consideration in committee. But the program I have just announced will keep us more than busy down to and including the conclusion of business on Wednesday next, November 24, 1971, a week from today.

The Senate will then take a 2-day recess on Thanksgiving Day and Friday, the day following. We hope that in the following week the Senate will be able to conclude its business and adjourn sine die. However, that remains to be seen. There are many obstacles to overcome. The accommodation and understanding of the entire Senate are necessary.

May I say that I am delighted with the attitude of the Senate up to this time in trying to help the joint leadership dispatch the legislation which is before us.

Mr. GRIFFIN. Mr. President, if I may respond with respect to the majority leader's comments concerning the two Supreme Court nominations, I do not know whether, when he says there is some difficulty, he is referring to the fact that the Committee on the Judiciary has not yet reported them.

Mr. MANSFIELD. That is what I meant. Their names are not on the calendar.

Mr. GRIFFIN. But if and when the names are reported by the Committee on the Judiciary, I assume it would be the intention of the joint leadership that we would get to the consideration of those nominations as rapidly as possible.

Mr. MANSFIELD. The Senator is correct. "As rapidly as possible" would depend upon the progress of legislation in the meantime—appropriation bills, the phase II program, the pending business, the Defense appropriation bill that will come up very shortly, and the other appropriation bills which I do not believe will involve too much controversy. There may be some debate on the defense appropriation bill. There are several other bills of significance. The fish inspection bill is ready for action. We would also like to attempt to give some consideration to the education bill now at the desk, and the voter registration bill. These are extremely important measures and deserve expeditious consideration. How far we will get with those bills remains to be seen.

Mr. GRIFFIN. I wish at this point to register my deep concern about the importance of filling those two seats which are vacant on the Supreme Court.

Mr. MANSFIELD. I agree.

Mr. GRIFFIN. And that we do so in this session. I cannot quite imagine even the thought of the Senate's adjourning sine die without having considered and voted on the two Supreme Court nominations. I hope the majority leader is not suggesting that may happen. I should think that we would remain in session until New Year's Eve, if necessary, to vote on those two nominations.

Mr. MANSFIELD. The Senator is putting into my mouth words which I did not intend to utter, because I feel that if the nominations are reported from the committee, the Senate should give them an expeditious consideration as possible and that they could be disposed of, one way or the other. But these other measures—though they may be legislative—are exceedingly important as well. I would hope their consideration would be treated with similar concern. I am just citing facts, and should repeat that evidently we could in no case get to the two nominations before late next week at the very earliest, in view of the developments which have occurred in the Committee on the Judiciary.

Mr. BYRD of West Virginia. Mr. President, may I ask the majority leader, Is he not emphasizing, by what he has said, the necessity for clearing the decks of all other important legislation as expeditiously as possible, so that when the nominations are before the Senate they can be acted on as quickly as possible? Is the leader not saying, in essence, that the reason why we met last Saturday and why the Senate will meet this coming Saturday is to expedite action by the Senate on all other important legislation, so that when these two nominations come before the Senate, they will not have additional roadblocks, such as appropriation bills, placed in their way?

Mr. MANSFIELD. The Senator from West Virginia has said what I thought I had said, but he has said it so much better than I, and I appreciate it.

Mr. GRIFFIN. I thank the distinguished majority whip for clarifying the situation. If I misunderstood the majority leader, I regret it.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there morning business?

OUR LARGEST BALANCE-OF-PAYMENTS DEFICIT IN HISTORY—IMPENDING TRAGEDY

Mr. SYMINGTON. Mr. President, as Senators are well aware for more than 8 years I have been expressing growing concern about the fact the Nation continues, year after year, to show a deficit in its balance of payments, some as high as $10 billion, others "only" $2 to $3 billion—but always a deficit.

When these statistics were reported, year after year, toward the back of the Wall Street Journal or buried in the rest of the financial news of major newspapers, some economists and Government officials took note, but no real action.

Now, however, the latest balance-of-payments figures are so shocking in their warning as to warrant a large headline on the front page of our papers yesterday.

These statistics, just released by the Commerce Department, show that the third quarter balance-of-payments deficit doubled from the previous quarter to an unbelievable $12.1 billion; and even more alarming is the fact this deficit, projected on an annual basis, would result in a yearly deficit of $31 billion.

The Wall Street Journal attributed a large part of this decline in our position to the fact that "most major foreign countries are not letting their own currencies float upward with complete freedom. Instead they are conducting 'dirty floats,' so that their central banks are still taking in dollars as they sell off enough of their own currencies to keep the market price of the latter from rising too sharply." As a result, there was a jump of more than $11 billion in liquid liabilities to foreigners.

Although the Department of Commerce reported that the gap between exports and imports is narrowing, this is a sad commentary indeed in view of the fact that for many previous years the United States has reported a healthy trade surplus, sometimes as high as $7 billion annually.

From the standpoint of the future value of the dollar, the seriousness of this deteriorating situation cannot be overemphasized; so let us hope that some positive steps be taken promptly by this administration to reverse a trend that could end ultimately in economic disaster.

THE FARMERS ARE THE ONES WHO ARE GETTING PLOWED UNDER

Mr. SYMINGTON. Mr. President, the St. Louis Post-Dispatch of Sunday, November 14, contains an article by James Deakin entitled "Politics Plows Under Secretary of Agriculture Hardin." In that I come from an agricultural State, this matter is naturally of great interest to my constituents.

I cannot agree with the headline, because the people really being plowed under are not the Secretary of Agriculture, rather the farmers themselves; and this because of the policies this administration instructed Secretary Hardin to carry out.

This is but one of the reasons why I am astonished to note that one of the chief authors of said policies, Prof. Earl L. Butz, is now being recommended as the successor to Mr. Hardin.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Politics Plows Under Secretary of Agriculture Hardin

(By James Deakin)

Washington, November 13.—When South Dakota's two seats in the House of Representatives were won last November by Democrats for the first time in more than 30 years, the days of Secretary of Agriculture Clifford M. Hardin were numbered.

Ten of the 16 House seats that Democrats took from Republicans were in farm areas. Democrats took governorships away from the GOP in Idaho, Minnesota, Nebraska and Wisconsin. Republicans who had been persuaded by President Richard M. Nixon to run for the Senate were defeated in Minnesota, North Dakota and Utah.

With the Administration clearly facing a political rebellion on the traditionally Republican farm belt, it probably was inevitable that Mr. Nixon would seek to improve his standing with the nation's 3,000,000 farmers and their families before next November's presidential election.

This week, the President did just that. He accepted the resignation of Hardin, a quiet administrator whose abilities and competence were acknowledged widely but who had not caught the fancy of the farm belt.

To replace him, Mr. Nixon selected a former assistant secretary of agriculture, Earl L. Butz, who is considered more attuned to the political aspects of farm policy. Butz is likely to attract more attention than Hardin did: he is an outspoken man with strong views on agriculture that are likely to be highly unpopular in some quarters.

Hardin, a soft-spoken agricultural educator, is moving to the quieter atmosphere of the board room at Ralston Purina Co. in St. Louis after almost three years in one of Washington's oldest established storm centers.

Although White House spokesmen insisted that Hardin's resignation was not related to the Administration's troubles in the farm belt, Mr. Nixon presumably was receptive to the opportunity to install a new face at the Agriculture Department.

The President showed that he was aware of the farm revolt by announcing at the same time that he had changed his mind about abolishing the Agriculture Department. He said instead that he would retain it as a sovereign power in his Cabinet.

This decision, the President said, "should have a significant effect in reassuring farmers."

Last March, Mr. Nixon proposed a governmental reorganization that would have abolished the Agriculture Department along with six others. The reaction from farm leaders was predictable.

They received the idea with misgivings, saying they feared that the interests of agriculture would be submerged in the proposed new superdepartments of human resources, community development, economic affairs and natural resources.

Although agricultural policy is a mystery to many Americans, politicians of both parties agree on one salient fact of life: If farm income drops, the Agriculture Secretary will become a political liability to the Administration unless he is replaced.

Hardin, more than any of his three immediate predecessors—Charles Brannan, Ezra Taft Benson and Orville L. Freeman—retained a high degree of personal popularity and respect despite a steady decline in farm prices since the mid-1960s.

But when Hardin's policies failed to stop the price decline, Mr. Nixon found it convenient that the Secretary found it impossible to resist a lucrative offer to become vice chairman of Ralston Purina.

And despite the White House's disavowals, there are reports on Capitol Hill that politics did play a part in Hardin's resignation.

Mr. Nixon is said to have been warned by Midwestern Republicans that unless there were changes at the Agriculture Department, the farm-state defection to the Democrats would attain massive proportions next year.

One of the main farm belt complaints against Hardin was his refusal to use the wide latitude given the Secretary of Agriculture under the 1965 farm bill to raise the prices of agricultural products by increasing federal price support levels.

With corn selling for 93 cents a bushel last month at county elevators in the Midwest and with wheat prices at no-profit levels, there will be intense pressure on Butz, the new Secretary, to make greater use of the so-called commodity approach, which Republican administrations have not favored.

Butz referred to the serious political problems posed by the glut of corn and declining corn prices when he appeared before reporters at the White House Friday with Mr. Nixon and Hardin. Turning to Hardin, Butz said:

"The price of corn, Mr. Secretary, is too low for comfort."

But there is some question whether Butz, who was closely associated with the free-market policies of former Secretary Benson, will really make much use of the commodity-by-commodity price-support concept, which is identified with Democratic administrations.

The approach favored by the Nixon Administration was embodied in the Agricultural Act of 1970, which Hardin pushed through Congress. It emphasized a high volume of farm production to boost agricultural exports.

The basic effort was to increase farm income by enabling farmers to get better prices in the free market, including foreign markets, rather than to increase federal price-support levels on individual commodities.

Hardin was active in persuading Congress to reject an alternative approach proposed by a coalition of 22 liberal and middle-of-the-road farm organizations, including the National Farmers Union and the National Grange.

That proposal emphasized increased restriction of farm production to maintain prices. Hardin's role in its defeat left political wounds that Butz may not be able to heal.

Moving to St. Louis will give Hardin, an enthusiastic fisherman, an opportunity to become acquainted with Missouri's famed bass fishing.

Before coming to Washington, Hardin fished—whenever possible—for northern pike, walleyes and bass at the family's year-round cottage on Lake Okoboji in northwest Iowa.

Hardin acquired the pleasant lakeside retreat when his children started to leave home. "Cliff wanted to have a place that would be fun for them to visit," Mrs. Hardin has said.

Hardin, 56 years old, is an inveterate pipe smoker and an occasional golfer. He is relaxed, soft-spoken and easy-going in manner. He seldom appears flustered.

The pressures of academic and Government life have left Hardin little opportunity for reading. He says he hasn't read a novel in years. He tries to keep informed, however, on everything related to public policy and world affairs. He often gets up early to read for an hour before heading for his office.

Mrs. Hardin, the former Miss Martha Love Wood of West Lafayette, Ind., has a degree in teaching. They met when he was a student at Purdue University.

Hardin grew up on his father's 200-acre grain and livestock farm about 35 miles east of Knightstown, Ind. During the Depression, his father went to Florida each winter to raise celery. At 16, his son took over the operation of the home farm. His father's celery venture prospered, and the elder Hardin eventually became president of the Knightstown Bank.

In the Depression, however, the family was poor. Hardin was able to attend Purdue by winning a 4-H scholarship. In time, he earned a doctorate in agricultural economics, studying at both Purdue and the University of Chicago.

Much of his academic career was spent at Michigan State University, where he became dean of the school of agriculture. In 1954, he moved to the University of Nebraska as chancellor, a position he held until President Nixon selected him to be Secretary of Agriculture.

Only one of Hardin's five children, James, 13, lives at home with his parents. The others are scattered throughout the country. They are Mrs. Larry A. Wood, San Diego, Calif.; Mrs. Robert S. Milligan, Washington; Mrs. Douglas L. Rogers, Ohio, and Clifford W. Hardin, Kansas City.

BUTZ—AN AGRIBUSINESS MAN

Mr. SYMINGTON. Mr. President, with reference to the philosophy and activities of Prof. Earl L. Butz, President Nixon's nominee for Secretary of Agriculture, an informative article entitled "Butz an Agribusiness Man," in the Washington Post of Sunday, November 14, presents various facts in some detail.

What is perhaps most disturbing in the article is that, even though such conservative organizations as the Farm Bureau have come out in favor of the right of the farmers to collective bargaining, Professor Butz apparently agrees with the thinking of two of the companies from which he has been receiving heavy annual fees in addition to his salary as a professor; namely, that farm people should not have such a right. Mr. Butz himself is quoted as stating:

> I will have to reserve judgment of that issue.

I ask unanimous consent that this article and an article by William Blair in the New York Times of Tuesday, November 16, "Nixon's Choice for Farm Chief Labels His Opponents 'Political.'" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 14, 1971]

NOMINEE FAVORS BIG FARMS—BUTZ AN AGRIBUSINESS MAN

(By Nick Kotz)

LAFAYETTE, IND., November 13.—The man President Nixon has nominated to be the next Secretary of Agriculture is an outspoken exponent of, and has profited from, an agricultural revolution characterized by large integrated "agribusiness" firms and a declining number of farmers.

Earl L. Butz, 62, now dean of continuing education and chief fund raiser at Purdue University, has strong views on "the farm problem" and has participated in agribusiness in ways that already have drawn criticism from some advocates for small farmers.

Butz was nominated last week by the President to replace Clifford Hardin, who is becoming vice chairman of the Ralston Purina Co.

In an extensive interview with The Washington Post, Butz discussed both his personal ties to major agribusiness firms and his viewpoint that there are still far too many inefficient farmers in agriculture.

"Adapt or die" is still Butz' viewpoint, meaning that farms must continue to grow larger and more closely associated with agribusiness if they are to survive in today's economy.

Sens. George McGovern (D-S.D.), Hubert Humphrey (D-Minn.) and Milton Young (R-N.D.) all have indicated they will question Butz closely about either his farm views or his business ties at a confirmation hearing to be held by the Senate Agriculture Committee.

Today Sen. Fred R. Harris (D-Okla.) urged the President to withdraw the nomination on grounds that Butz "is clearly an agent of the giant agribusiness corporations that are driving the small farmers of America off the land."

Butz has many supporters, however, including William Kuhfuss, president of the American Farm Bureau Federation, who said that the appointee's "understanding of agricultural problems and appreciation of the importance of the market place and the free enterprise system will serve farmers and the nation well."

Butz, who served as an assistant secretary of agriculture during the Eisenhower administration and as dean of the Purdue Agriculture School from 1957 to 1968, said he earned $26,800 last year as a board member of three giant agribusiness corporations. Other income included his $35,000 university salary and $2,000 as a board member of an Indiana insurance company.

Butz said he was paid $12,000 by the Ralston Purina Company, a major feed manufacturer and chicken producer; $10,000 by International Minerals and Chemicals Corp., a producer of agricultural fertilizers and chemicals, and $4,800 by Stokely-Van Camp, a major producer of canned foods. He owns stock in all three.

Butz was a board member of Ralston Purina, International Minerals and of J. I. Case Co., a farm machinery manufacturer, during most of the years he served as dean of the Purdue Agriculture School. His $3,000 a year Case directorship ended several years ago when that firm was bought out by Tenneco, a conglomerate with extensive agribusiness interests.

Butz told The Washington Post he believes that Ralston Purina and International Minerals contributed funds to university agriculture research while he was dean. University records show that International Minerals contributed annually to Purdue research from 1963 through 1971, basically to develop a chemical the company was interested in. The company's contributions to research projects totaled about $75,000 in this period.

Butz stresses that the industry-financed research projects were taken on without any restrictions and with the results made public.

"I make no apologies to anyone for the participation I have taken in agribusiness companies," Butz said.

"These companies provide a market to farmers. These activities were to the farmers' interest."

When he took the Ralston Purina directorship in 1958, a year after he left as an assistant to President Eisenhower's Agriculture Secretary, Ezra Taft Benson, the Indiana Farmers Union charged, that this constituted a conflict of interest with his job as dean of the Purdue School of Agriculture.

State NFU President John Raber complained at the time that Purdue as a land grant college should be helping farmers; Ralston Purina, by contrast, was working toward an "integrated" poultry with a single ownership for production, processing and sales to supermarkets.

Following his nomination as Secretary of Agriculture, the question of a potential conflict in Butz' corporate role was raised again.

Oren Lee Staley, president of the National Farmers Organization, criticized Butz "as one of those land grant college educators who was supposed to assist all farmers in America, but who identified instead with giant agribusiness corporations . . . at the very time they were driving thousands of bonafide family farmers to the wall."

"Many people regard Mr. Butz as a symbol of the betrayal of agriculture by some of its educational institutions to giant corporate interests" Staley said.

In an interview, Butz dismissed the complaints of conflicts of interest.

"I regard agriculture as being much broader than just farmers tilling acres," he said. "The total job is to feed and clothe America economically and with quality products. As an educator I have a responsibility to all segments of American agriculture."

Consumer advocate Ralph Nader has said the integrated poultry system represented "poultry peonage" for the farmer, who ends up feeding chickens under contract. But Butz said he believes "the chicken farmer fared better with vertical integration than he would have without it."

In 1959, a year after assuming the Ralston Purina directorship, Butz wrote an article for farmers entitled "Don't Be Afraid of Integration."

He still holds the same view, but he strongly contends that the family farmer will not be replaced by agri-business corporations.

"We will always remain a nation of family farmers because agriculture does not lend itself to a takeover by corporations." For example, Butz said companies such as Ralston Purina are now finding their vertically integrated poultry business unprofitable and are withdrawing from it. He also questioned whether conglomerates such as Tenneco will prove to be successful farmers.

But in Butz's view the migration from the farm and the consolidation into much larger farming units still has a long way to go. He said he predicted that the 2.9 million farms of today will be reduced to 1.9 million in 1980, continuing the trend of the last 40 years. The country has one million commercial farmers today but will probably have only 600,000 in 1980, Butz said.

"The trends are going to continue no matter what government does or what administration is in power," said Butz. "The nation lost a million farms under Ezra Taft Benson and it wasn't his fault. It lost another million farms under Orville Freeman and it wasn't his fault. Nevertheless, political demagogues will always criticize whoever is in power over the farm issue."

"This trend toward less farms is not bad," said Butz. "From a national point of view it is good that we have been able to produce an increasing amount of food with the work of a smaller percentage of our population. This releases people to do something else useful in our society.

"If the goal is to have lots of people on the land then the ideal would be China or India, with millions mired in subsistence agri-subsistence agriculture. We produce our food with 5 per cent of the population. It takes Russia 50 per cent and India 85 per cent. China is a paper giant because a large share of its resources are required to keep its people alive."

"Agriculture is making a transition from being a way of life to a way of making a living," said Butz. Nostalgically, we still look at it as a way of life but agriculture is now big business."

Butz says he still holds and always will hold the economic philosophy that agriculture would be better off with less government control, including price support programs. But as a realistic and practical matter, he said, some production and price controls will be needed in the years ahead.

"My job now becomes a difficult and a different one. I realize that we're going to have political pressures to do things that are sound and some that aren't sound. I perceive my job as finding the magic line between economic soundness and political realism," he said.

"From a short-range point of view, agriculture is an industry that needs assistance. You can't get the supply and control situation under control without assistance," he said.

But in terms of his long-run belief in the free marketplace as the determinant of change, he said: "Adapt or die. That's a harsh law but it always has worked. If we hadn't used that law, we'd still be riding in buggies and plowing with horses . . ."

Regarding the present income situation for farmers, Butz said the "price of corn is too low, but there are some bright spots—soybean prices are better than at anytime in history, dairy prices are the best ever, hog and cattle prices are coming up."

Butz is noncommittal on the current legislative effort of farmers to require agribusiness processors to bargain collectively with groups of farmers who seek increased power in the marketplace.

Even the conservative Farm Bureau came out in favor of such legislation after agribusiness firms refused to bargain voluntarily with its collective marketing attempts.

One of the firms that turned down the Farm Bureau on collective bargaining is Stokely-Van Camp, of which Butz is a director. Ralston-Purina, another firm he has served as a director, also has refused bargaining arrangements with the National Farmers Organization and has angered the NFO by beginning efforts at integrating the hog industry.

Asked whether he would support a collective bargaining bill such as the one proposed by the Farm Bureau, Butz replied: "Does the grower need legislation for bargaining? He's got bargaining strength now in co-ops if he'll only use it. I'll have to reserve judgment of that issue."

[From the New York Times, Nov. 16, 1971]

Nixon's Choice for Farm Chief Labels His Opponents "Political"

(By William M. Blair)

Washington, Nov. 15.—Dr. Earl L. Butz of Purdue University, President Nixon's choice as the new Secretary of Agriculture, said today that he was prepared to defend his record against charges that he favored big business over farmers.

He labeled opposition to his nomination "political" and said that he had no illusions about the "tough road" he faced.

He spoke by telephone from his home in Lafayette, Ind., as the Senate Agriculture Committee scheduled a hearing for Wednesday and Democrats marshaled opposition to him. The White House was active in seeking support from Republican members of the Senate committee.

Senator Jack Miller of Iowa, ranking Republican on the Senate committee, laid the current problems in agriculture on the White House's doorstep. Mr. Miller, who has been critical of the Administration's policies because of low feed grain prices, said, "No matter who is Secretary of Agriculture, problems that demand solution have to have the full cooperation of the White House."

FORCEFUL AND HELPFUL

He described Dr. Butz as having a "sensitivity for farmers" and said that he would be "forceful and helpful."

At the same time, a California Democrat, Senator John V. Tunney, joined other Democrats in saying that Dr. Butz "seems to favor an acceleration of corporate agriculture."

He made his charge at a hearing of a Senate Agriculture subcommittee on a bill to permit farmers to organize associations to bargain with commodity buyers.

The American Farm Bureau Federation, the country's largest and most conservative farm organization, also supports a farm bargaining bill that Dr. Butz has opposed.

It was learned that the White House had solicited support for Dr. Butz from the Farm Bureau and received a telegram of support from William F. Khufuss, the bureau's president. A Farm Bureau official said that the organization had not been consulted on Dr. Butz's nomination. Neither had other farm organizations, which have split on the nomination.

The National Grange gave Dr. Butz its endorsement, but the militant National Farmers Organization and the National Farmers Union opposed him.

Representatives of the major farm groups are expected to testify at the Senate hearings.

DEMOCRATS TO TESTIFY

Democratic Senators Hubert H. Humphrey of Minnesota, George McGovern of South Dakota and Fred R. Harris of Oklahoma will also testify. They all criticize Dr. Butz because of his directorships of companies affiliated with agriculture.

Mr. Humphrey has also charged that Dr. Butz is "one of, if not the chief, architect of and spokesman for" the policies of former Secretary of Agriculture Ezra Taft Benson.

Dr. Butz was Assistant Secretary of Agriculture under Mr. Benson in the Eisenhower Administration, which sought to get the Government out of farming and eliminate farm subsidies.

Another ranking Republican on the Senate committee, Senator Milton R. Young of North Dakota, was understood to have told Mr. Nixon today that he opposed Dr. Butz. Mr. Young clashed with Dr. Butz over policies affecting wheat and other commodities in the nineteen-fifties when Dr. Butz was at the Department of Agriculture.

Dr. Butz said that he had resigned his directorships in four companies, including the Ralston Purina Company of St. Louis. Secretary Clifford M. Hardin, who resigned last week, will join that company as vice president.

Dr. Butz also said that he had put his "modest" stock holdings in a blind trust.

"I am coming to Washington clean," he said.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriations, Fiscal Year 1972 (S. Doc. No. 92–43)

A communication from the President of the United States transmitting proposed supplemental appropriations for fiscal year 1972, in the amounts of $91,531,000 in budget authority and $273,635,000 in proposals not increasing budget authority (with an accompanying paper); to the Committee on Appropriatitons and ordered to be printed.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Payments From Special Fund to Lockheed Aircraft Corporation for C–5A Aircraft Program During the Quarter Ended September 30, 1971," Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Paying For Services of Supervisory and Teaching Physicians in Hospitals Under Medicare", Social Security Administration, Department of Health, Education, and Welfare, dated November 17, 1971 (with an accompanying report); to the Committee on Government Operations.

Reports Relating to Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 1893. A bill to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes (Rept. No. 92–490).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 1857. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (Rept. No. 92–487).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2560. A bill to establish the official residence of the Chief Justice of the United States by private gift to the States (Rept. No. 92–491).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

S.J. Res. 153. Joint resolution designating each week which begins on the first Sunday in March as "National Beta Club Week" (Rept. No. 92–488).

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

H.R. 11341. An act to provide additional revenue for the District of Columbia, and for other purposes (Rept. No. 92–489).

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

H.R. 6283. An act to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes (Rept. No. 92–485).

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

S. 2097. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse (Rept. No. 92–486).

Mr. RIBICOFF. Mr. President, today I am filing the committee report on S. 2097, as amended, the Drug Abuse Office and Treatment Act of 1971 which the Committee on Government Operations approved this morning.

First, Mr. President, I would like to pay tribute to our committee chairman, Senator McCLELLAN, for the leadership he provided in the preparation of this bill. His great knowledge and experience in the field of drug abuse legislation made a major contribution to this legislation.

Further, I would like to pay special tribute to Senator MUSKIE, chairman of the Subcommittee on Intergovernmental Relations, for his work in developing the bill which the committee reports today. Senator MUSKIE's concern about the problem of drug abuse precedes our consideration of this legislation. Prior to President Nixon's comprehensive drug message and the introduction of the original version of S. 2097 by Senator CHARLES H. PERCY and 15 bipartisan cosponsors, Senator MUSKIE had already introduced a similar bill, S. 1945.

Because Senator MUSKIE had already introduced his bill, both his legislation and the President's proposal were assigned jointly to the Subcommittee on Executive Reorganization and Government Research, which I chair, and to Senator MUSKIE's Subcommittee on Intergovernmental Relations.

During committee consideration, Senator MUSKIE's knowledgeable and persistent attention to several areas made a valuable contribution to the final form of the bill. Senator MUSKIE insisted on providing the special action office with a scope sufficient to enable it to address all parts of the drug abuse program. He also strongly supported the addition of a provision for the development of a national strategy on drug abuse, covering both law enforcement and treatment programs.

Our two subcommittees held 6 days of hearings. Testimony was heard from colleagues in both Houses of Congress, administration spokesmen, State and local officials, doctors and researchers, and past victims of drug abuse. The hearings enabled us to develop a clear picture of the great expansion of drug abuse in the Nation. We learned that both the number of drugs being abused and the new populations directly affected by the problem has risen greatly.

Our hearings also focused on the drug problems of youth and military personnel, particularly in Vietnam. As a result, these hearings documented the need for improved direction and coordination of the drug abuse treatment programs.

But the hearings revealed that the drug abuse problem was broader than the legislation before us. The proposed scope of the office was too narrow. In addition, some of the powers sought for the office were excessive.

As the hearings concluded, a strong bipartisan effort developed to improve the bill, involving myself and Senators MUSKIE, HUGHES, JAVITS, PERCY, and GURNEY. A new bill bearing the same number and establishing a White House Special Action Office of Drug Abuse Prevention was carefully drafted defining appropriate powers and embracing the proper scope for dealing with the problem. An important addition was made in the form of a provision calling for the development of a national strategy against drug abuse, embracing the education and treatment aspects, along with the law enforcement, border control and international aspects. Thus for the first time, we will have a unified national plan to combat drug abuse.

The bill reported by the Committee on Government Operations is a major step forward in the effort against drug abuse. Comprehensive in scope and mindful of the location of the Special Action Office in the Executive Office of the President, the legislation gives the Director important powers which will enable him to coordinate, make more rational, and give better direction to the Federal programs designed to combat drug abuse.

I ask unanimous consent to include in the RECORD, after this statement, a brief comparison of the reported bill with the original administration proposal.

Under previous order of the Senate the bill is referred to the Committee on Labor and Public Welfare for a period of 30 days.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

COMPARISON BETWEEN ORIGINAL AND AMENDED S. 2097

SCOPE

Original: Education, training, treatment, rehabilitation, research—"treatment side" only.

Amended: Education, training, treatment, rehabilitation, research—plus limited powers over law enforcement, international control.

Original: No provision.

Amended: Calls for a National Strategy integrating law enforcement and treatment.

POWERS

Original: President extends life of Act.

Amended: No provision.

Original: Replace personnel.

Amended: No provision.

Original: Transfer monies from program to program.

Amended: No provision.

Original: Direct operation of programs.

Amended: No provision.

Original: Provide overall planning and policies and establish objectives and priorities on treatment side.

Amended: Same.

Original: Prepare and make available appropriations for treatment side.

Amended: Review and modify budget requests and make appropriations available for treatment side.

Original: Transfer programs without Congressional approval.

Amended: Transfer programs only with Congressional approval.

Original: No provision.

Amended: Recommend and consult on law enforcement and international controls.

Original: No provision.

Amended: Consult on classification of drugs and IND and NDA drug status.

SPECIAL PROVISIONS

Original: No provision.

Amended: Special fund to provide additional support for successful programs and encourage innovation and demonstrations.

Original: No provision.

Amended: Technical assistance to State and local governments to assist them in assessing their drug problem and meeting these problems.

Original: No provision.

Amended: Policy defined for Civil Service and Veterans' Administration respecting drug abuse.

TO BE ADDED BY HUGHES' SUBCOMMITTEE

Original: No provision.

Amended: Drug abuse institute in NIMH.

Original: No provision.

Amended: Grant program for treatment and rehabilitation programs in States and localities.

Mr. MUSKIE. Mr. President, the compromise drug bill reported to the Senate by the Committee on Government Operations represents a significant breakthrough in our national effort to combat drug abuse.

This legislation is a bipartisan effort involving the administration and Senators of both parties.

Mr. President, I must especially commend the outstanding work of the senior Senator from Connecticut (Mr. RIBICOFF) whose Subcommittee on Executive Reorganization and Government Research considered this bill jointly with my own Subcommittee on Intergovernmental Relations. Senator RIBICOFF's efforts were a key factor in the development of this compromise bill.

I would also like to commend the efforts of Senator PERCY, the sponsor of the administration bill, Senator JAVITS, and Senator GURNEY for their effective work toward reaching this compromise. And, in particular, I would like to cite Senator HUGHES, who has long provided leadership in the Senate in this important area, for his efforts in helping to draft this important legislation.

I believe this bill is significant in several respects.

First, it calls for the development of a comprehensive, coordinated long-term Federal strategy to combat drug abuse, providing, for the first time, a mechanism to develop a unified Federal policy against drug abuse, focusing all of our resources, including law enforcement, treatment, education, and research.

Second, the bill creates a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to pull together heretofore scattered Federal antidrug programs. The Special Action Office will be broad in scope, responsible for determining the Federal policy toward treatment, education, and research programs, for recommending and consulting on law enforcement policy and for coordinating all Federal drug programs.

Third, it requires that the Veterans' Administration provide treatment and rehabilitation services for any former servicemen suffering from drug addiction, no matter the status of their discharge and it requires the Civil Service Commission to develop treatment and rehabilitation programs for drug addicts employed by the Federal Government.

All of these provisions were part of legislation introduced earlier this year by Senator HUGHES and myself with Senators JAVITS and WILLIAMS.

Other significant provisions in that earlier bill will now be considered in the Committee on Labor and Public Welfare. Those provisions include the establishment of a National Institute on Drug Abuse within the Department of Health, Education, and Welfare and the authorization of funds for a major national commitment to treat drug addicts.

Those items are the proper concern of the Committee on Labor and Public Welfare. It is my anticipation that they will be added in that committee so the bill the Senate finally considers will be comprehensive legislation that will make a significant impact on the serious drug problem.

Mr. President, this proves once again that outstanding legislation in the public interest is the result of a genuinely bipartisan effort. It is most significant that Senators on both sides of the political aisle have put partisan considerations aside in drafting this legislation to deal with one of the most serious problems facing our Nation today.

BIPARTISAN EFFORT MARKS MAJOR NEW DRUG LEGISLATION

Mr. PERCY. Mr. President, I am highly pleased to announce that bipartisan agreement has been reached within the Government Operations Committee over major new drug legislation which sets up in the White House a Special Action Office for Drug Abuse Prevention with exceptional authority and mandates for the first time a comprehensive long-term drug strategy for the Nation to be developed by a top-level strategy council and promulgated by the President.

S. 2097, as amended, was unanimously reported by the committee at an executive session this morning. As acting ranking minority member of the Government Operations Committee, I originally introduced that bill on June 18, 1971, and was joined at the time by a bipartisan group of 15 Senators. Thirteen additional Senators subsequently cosponsored the bill.

I am deeply grateful that an issue as potentially volatile and critical as drug abuse—an issue which raises sensitive concerns regarding the relationship of law enforcement to treatment for dependency—has not been sacrificed to narrow political gain in the face of upcoming national elections. I cannot commend highly enough the outstanding personal contributions of the principal cosponsors of S. 2097, as amended, in reporting out of Committee a measure which reflects the best features of the several proposals which were considered.

Joining me as principal cosponsors of the bill are Senator JOHN MCCLELLAN, chairman, Government Operations Committee; Senator ABRAHAM RIBICOFF, chairman, Subcommittee on Executive Reorganization; Senator EDMUND MUSKIE, chairman, Subcommittee on Intergovernmental Relations; Senator JACOB JAVITS, ranking minority member of the Subcommittee on Executive Reorganization and of the Committee on Labor and Public Welfare, to which S. 2097 will be referred; Senator HAROLD HUGHES, chairman, Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare; and Senator EDWARD GURNEY, ranking minority member, Subcommittee on Intergovernmental Relations.

Other distinguished colleagues cosponsoring S. 2097 are Senators SCOTT of Pennsylvania, BYRD of West Virginia, ALLEN of Alabama, BEALL of Maryland, BROCK of Tennessee, CHILES of Florida, JACKSON of Washington, MATHIAS of Maryland, ROTH of Delaware, SAXBE of Ohio, BOGGS of Delaware, HANSEN of Wyoming, CASE of New Jersey, BROOKE of Massachusetts, GRIFFIN of Michigan, BENNETT of Utah, DOLE of Kansas, JORDAN of Idaho, TOWER of Texas, BELLMON of Oklahoma, SCHWEIKER of Pennsylvania, PEARSON of Kansas, HUMPHREY of Minnesota, and METCALF of Montana.

The bill now goes to the Labor and Public Welfare Committee, by prior agreement. That committee has worked closely with the Government Operations Committee on this critical measure and as a result, I am confident that, after dutiful consideration by that committee, the bill can be before the Senate for floor action in short time.

S. 2097, as reported out of the Committee on Government Operations constitutes a major bipartisan effort, was worked out in close cooperation with the administration and has the enthusiastic support of the President.

With this support, I am hopeful that the bill we report will help achieve the highest aims we have set in countering the drug crisis that besets the Nation.

We can now proceed to quarantine the parasitic dependency on drugs that is afflicting our cities and our suburban and rural areas, feeding upon crime, gnawing at individual and societal well-being, preying upon our youth, ravaging our education and military institutions, and inflicting irreparable pain and hardship upon families and communities across the country.

We have waited far too long already. If we are to control drug abuse, we must now recognize that education, training, treatment, rehabilitation, research, and law enforcement impact on one another. An immediate Federal response is needed which combines effective law enforcement against illicit drug traffic with effective treatment programs to rehabilitate the victims of drug abuse.

Instead, over the years, the Federal Government has not been organized for a concerted drive against the factors which nourish drug addiction. Efforts to reduce drug demand have been appended, almost as an afterthought, to programs aimed at mental illness, poverty, and crime. The focus of these efforts has been tainted as a result. Thus, we have examined addiction within particular subcultures or geographic areas, but have not addressed ourselves to the pervasive conditions in our society as a whole which give rise to what has become a nationwide demand—and for that reason a national tragedy.

For months, I have sought an answer to the persistent question of what it is about our society, about our life, about our values that leads so many of our citizens, such a large segment of our youth and GI's to turn on, tune in, drop out, and in so doing risk physical and psychological dependence, disease, and death. I am confident that as a result of the priority attention Congress and the President place on the problem through this measure, we will be able to better comprehend the root causes of addiction and deal with them accordingly.

The bill, S. 2097, establishes statutorily a White House office with exceptional authority, presently headed by Dr. Jerome H. Jaffe pursuant to an Executive order, to function through June 30, 1975, by coordinating the national effort against drug abuse and concentrating the resources of the Nation toward that purpose.

The office will provide overall planning and policy, and establish objectives and priorities for Federal drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation, and research, including such programs and activities in HEW, OEO, Justice, VA, Civil Service, Labor, Defense, and State.

With respect to these same programs and activities, the Director may modify budget requests; review program implementation plans and make appropriations available; require the submission of information and reports; evaluate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

The Director may also make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs and activities and he shall consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

In addition, S. 2097 provides for the development by a strategy council and promulgation by the President of a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. Members of the strategy council will be the Director of the Special Action Office, the Attorney General, and the Secretaries of HEW, State, and Defense.

Mr. JAVITS. Mr. President, S. 2097, the Drug Abuse Office and Treatment Act of 1971, reported today by the Government Operations Committee, responds to an undeniable, long-standing failure in government organization and operation—resulting in a crippled and ineffectual response to the critical national drug abuse problem. Drug abuse research, treatment, education, and prevention will all benefit in that important treatment modalities of all kinds, including methadone maintenance, will be considered and evaluated centrally.

The bill as reported, represents a major, bipartisan compromise reached after extensive negotiations over a period of many weeks between the White House, the Attorney General and Senators RIBICOFF, MUSKIE, HUGHES, PERCY, GURNEY, and myself. I commend all parties to this compromise for their determined effort to reach such broad agreement on a sensitive issue of singular national importance. I particularly commend our distinguished chairman, Senator MCCLELLAN for his leadership in developing this legislation.

In proposing S. 2097, the administration has put a high priority upon the marshalling of existing and new resources in a genuinely innovative effort to improve our performance in dealing with this intrinsically complex problem.

If our drug abuse programs at the Federal level are going to receive wide public support, we must have an intelligent, coordinated, and consistent drug policy at the national level. The largest, single obstacle to the achievement of that objective has been the fragmentation of effort in drug abuse control among so many Federal and local agencies, each of them jealously guarding its independent prerogative and authority.

The Special Action Office proposed in this bill—under the able direction of Dr. Jerome H. Jaffe—is intended to overhaul the capacity of the total government to integrate and coordinate the Federal role in this area. We will now be able to consider seriously how we can go about changing public attitudes toward drugs, and developing realistic social controls. Hopefully, we may yet be able to have a significant impact upon the treatment and rehabilitation problems now overwhelming the Nation's health and social welfare agencies.

The bill has been referred to the Labor and Public Welfare Committee where several important additional provisions within the jurisdiction of that committee will be considered. As ranking Republican member of that committee, and as author, with the Senator from Iowa (Mr. HUGHES), of the provisions that will be added to the bill, I am confident that they will be acted upon expeditiously. The further assistance of Senator HUGHES, who has long provided outstanding leadership in this field will be invaluable as our committee and the Senate considers this critically important legislation.

Mr. McCLELLAN. Mr. President, I am proud of S. 2097 and the efforts of my distinguished colleagues—particularly Senators RIBICOFF, MUSKIE, PERCY, and JAVITS—in processing this very comprehensive bill to fight drug abuse. That this measure was reported unanimously today from our committee in my judgment bespeaks its merits and the effective role all of our Members feel it will play in leading our Nation's attack on the evils of illicit drug use.

We badly need the coordination and direction this bill will provide in our fight to eradicate illegal narcotics activity. I am confident this legislation will help us to combat trafficking in drugs and hopefully restore to useful life thousands of those who have been victimized and enslaved through the use of such instruments of destruction.

The illicit drug traffickers and the victims of drug addiction cause an untold amount of suffering not only to the users and their families—but also to the social, political, and economic fabric of our Nation. S. 2097 will help us to move promptly and bring to bear the full weight and impact of our resources against this insidious enemy.

We must prevent drugs from crippling more of our youth—both civilian and military—and from crippling the future of this great land. The money called for in S. 2097—$202 million over the present and next 3 fiscal years—is a modest investment, indeed, if we can overcome the costly horrors this menace has already wrought in America, and hopefully rehabilitate many of those who have suffered in its grasp. We must take positive action now to eliminate this threat lest it escalates beyond control.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today, November 17, 1971, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 4729. An act to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and for other purposes;

H.R. 7072. An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; and

H.R. 11418. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS:

S. 2864. A bill to amend the Agricultural Act of 1970 to authorize the Secretary of Agriculture to make, for purposes of farm production history, appropriate adjustments in the per acre yield of farms on which production has increased substantially as the result of the introduction of irrigation on such farms. Referred to the Committee on Agriculture and Forestry.

By Mr. HATFIELD:

S. 2865. A bill to amend the Social Security Act to provide for partial general revenues financing of benefits under title II thereof, to make social security benefits subject to income taxation, to permit individuals covered under certain other retirement programs to elect not to be covered under social security, and to provide for the financing from general revenues of the health insurance programs established by parts A and B of title XVIII of such Act. Referred to the Committee on Finance.

By Mr. HARTKE (for himself, Mr. COOK, Mr. CRANSTON, Mr. HANSEN, Mr. HUGHES, Mr. RANDOLPH, Mr. STAFFORD, Mr. TALMADGE, and Mr. THURMOND):

S. 2866. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency death pension, and for other purposes; and

S. 2867. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation. Referred to the Committee on Veterans' Affairs.

By Mr. BIBLE:

S. 2868. A bill for the relief of Antoine Georgios Andriopoulos. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2869. A bill to provide for the inclusion in printed media advertising and upon billboards of a conspicuous statement of a cigarette health warning; and

S. 2870. A bill to provide for regulation of business franchises, to require a full disclosure of the nature of interests in business franchises, to provide for increased protection of the public interest in the sale and operation of business franchises, and to provide for fair competition in the negotiation of franchise agreements. Referred to the Committee on Commerce.

By Mr. HUMPHREY (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. MONTOYA, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS):

S.J. Res. 177. A joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans. Referred, by unanimous consent, to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 2865. A bill to amend the Social Security Act to provide for partial general revenues financing of benefits under title II thereof, to make social security benefits subject to income taxation, to permit individuals covered under certain other retirement programs to elect not to be covered under social security, and to provide for the financing from general revenues of the health insurance programs established by parts A and B of title XVIII of such act. Referred to the Committee on Finance.

FINANCING REFORM OF SOCIAL SECURITY AND MEDICARE

Mr. HATFIELD. Mr. President, I send to the desk a bill to amend the Social Security Act.

Mr. President, an index of the humanity of any civilization is how it takes care of its elderly. In our society, we have provided social security since 1935—albeit somewhat behind the first social security legislation which originated in Bismark's Germany in 1881. Still, for us it was a noble experiment. Virtually all Americans have grown to love and support the social security system. However, the system has become so encumbered with changes since its inception that few really know how it works, and even fewer would attempt to criticize it. Yet, there are upon examination, many shortcomings of the present system, some of which I would like to focus on today.

Today, social security is neither social nor security. It is not social in that all society does not equally participate. Nor is it security in that some are excluded, many are paid too little to retire on, and the trust fund concept is a sham that has little relationship to the insurance principles.

Let me first elaborate on the social part of social security. That is, who pays for the retirement of the elderly? As it now stands, as emphasized by the President's 1971 Advisory Council on Social Security and by the reports of the Brookings Institute, the social security system represents a transfer of income from lower and middle-income workers to the elderly unemployed. Social security contributions that support the system are not really insurance premiums, they are taxes. In fact, young workers could get three times the benefits from a private plan for such a level of contributions. And they are taxes on the wage of workers—currently the first $7,800 of earnings, but to rise to the $10,200 level in 1972, and $14,000 by 1980 in the House-passed bill (H.R. 1). The current 5.2-percent tax on wages up to this level is matched by an equal amount from employers. But as the Brookings Institution studies have shown, this additional tax is really also paid by workers because employers shift this tax back to workers in lower wages—or fewer jobs.

This means that the social security tax is now the most important tax for all workers earning under $10,000 per year. By next year, its total cost to the $10,000 worker will exceed that of his income tax obligation, assuming a family with two children. Under the existing bill this will rise to a 15-percent tax on the earnings of the $10,000 man by 1977, a far cry from the original measure 36 years ago that taxed each employee and employer 1 percent on the first $3,000 of wage earnings.

Thus, the social security contributions, really a payroll tax, have become the second most important tax in the American fiscal system—approaching $50 billion, second only to the income tax. But, the critical point here is that this tax falls on the lower and middle-income wage and salary workers because the tax rate falls to zero once income rises to about $7,800 this year and $10,200 next year. The tax is at zero on all nonwage income—dividends, rent, interest, and profits. Thus, the original concept of insurance for the retired wage earner on an equitable basis is negated.

Having established that the social cost of providing for the elderly is borne inequitably, but by the current generation of lower and middle-income working people, let us now turn to the security aspect of social security. More than 27 million Americans receive social security benefits. More than 90 percent of Americans are covered by the system. But how does the system work in providing security?

Surely, for some recipients, $100 a month is not a sufficient pension on which to live.

Surely, for the wealthy the social security benefits are not really needed, nor for that matter, even taxed.

Surely, for some, they do not represent work actually done. It is possible to qualify for social security by having had shares in oil lease operations that are defined as self-employed income.

Surely, for others, that growing number who choose to work after 65 and add to the national product, there are no social security benefits even though they might have paid social security taxes all their working lives and are still taxed after 65 on their current incomes.

And surely, there is no vast trust fund to pay out pensions for the future—the trust fund is only $36 billion, about 1 year's payments—for the payments are primarily financed by taxes on the working generation. And that is the critical point. To run the social security system as a private pension scheme is a myth recognized by social security experts. To put the system on a true actuarial basis would mean generating a fund equaling $200 billion by 1986 and nearly $1 trillion—equal to our current GNP—by the year 2025. To maintain this myth in the law means much higher payroll taxes now on the current generation. In fact, social security taxes would be falling, rather than increasing, if it were recognized that the most appropriate way to run a social security system is on a pay-as-you-go system. This is how many European countries are doing it—it is also the way it should be done here. The present system is based on the totally unrealistic assumption that wages will not rise over the next generation—and thus tax rates now have to grow higher over the years to pay for the greater cost of pensions in the future. This really means that the unified Federal budget tends to get more and more financial support from wage taxes on the lower- and middle-income groups, rather than from our traditional progressive tax sources, such as the income tax. Indeed, while the income tax rate is falling, the social security rate is rising. The fellow making just under $200 a week will see his social security tax payments rise from $405 to $755 by 1977, while his income tax payments are scheduled to fall. This also means that the fall in the income tax payments by the rich—for some the rate has fallen from 91 percent to 50 percent—is really being subsidized by higher payroll taxes on lower- and middle-income workers.

WHAT SHOULD BE DONE?

Recognizing that taking care of the elderly is a social responsibility of the rich as well as the middle- and lower-income workers; and

Recognizing that benefits should flow to all Americans in adequate amounts to sustain a decent living standard;

I propose the following recommendations:

First, social security taxes and payments should be on a purely pay-as-you-go basis to avoid the overtaxing of the current working generation. Anyone who has studied this subject knows that it is always the current generation of workers that must provide for those not able to work. It is unfair to use a payroll tax to finance other current projects of the Government which can and should be paid for by traditional progressive tax measures based on the ability to pay;

Second, the social security benefit system should be separated from medicare with respect to financing, while medicare would continue to be administered by the Social Security Administration. Medicare would be financed by general tax revenues which would significantly lower the burden on the wage earners who are presently bearing the financial responsibility for it;

Third, the payroll tax should be made optional to the worker as long as he or she is a member of an insurance or pension program of at least comparable magnitude in his or her judgment. This is only fair in that private insurance and pension plans now offer more incentive than would the Federal plan on a free market. And the goal is security in one's old age; and

Fourth, the first $100 per month of social security benefits should be financed out of the general revenue, not the payroll tax. Today, an individual can be eligible for benefits of a program into which he has paid very little, the burden falling on the other wage earners contributing to social security. If it is accepted that an individual is entitled to benefits that are not related to how much he has contributed to social security, then the middle and lower wage earner should not have to bear the primary responsibility.

This plan could both spur recovery—by across-the-board payroll increase for workers to spend—and fight inflation by cutting labor costs of unit production as well as to revive business profits. It would increase employment and help the American balance of payments in competing with imports, while making exports more competitive. The new burden of social security would be more equitably distributed than the old burden of disproportionately taxing the lower and middle income workers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2865

A bill to amend the Social Security Act to provide for partial general revenues financing of benefits under title II thereof, to make social security benefits subject to income taxation, to permit individuals covered under certain other retirement programs to elect not to be covered under social security, and to provide for the financing from general revenues of the health insurance programs established by parts A and B of title XVIII of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINANCING FROM GENERAL REVENUES OF FIRST $100 OF SOCIAL SECURITY BENEFITS

SECTION 1. Section 201 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(i) In addition to any monies appropriated, pursuant to the preceding provisions of this section, for any fiscal year to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, there is authorized to be appropriated to each such Fund in or with respect to each fiscal year, commencing with the fiscal year ending June 30, 1973, an amount equal to the amount of the expenses (other than administrative expenses) of each such Fund which are attributable to payments from such Fund, during such fiscal year, of monthly insurance benefits under this title to individuals (excluding, in determining the amount of such expenses incurred with respect to any individual, so much of any monthly insurance benefit of such individual as exceeds $100)."

ELECTIVE EXEMPTION FROM SOCIAL SECURITY COVERAGE BY INDIVIDUALS COVERED UNDER CERTAIN OTHER RETIREMENT PROGRAMS

SEC. 2. (a)(1) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"SERVICES EXCLUDED UNDER ELECTION MADE BY INDIVIDUAL COVERED BY QUALIFIED RETIREMENT PROGRAMS

"(p) Notwithstanding the provisions of subsection (a), the term 'employment' shall not include any service with respect to which an election under section 3121(r) of the Internal Revenue Code of 1954 applies."

(2) Section 211(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (8);

(B) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (9) the following new paragraph:

"(10) There shall be excluded any income (and related items) with respect to which an election under section 1402(i) of the Internal Revenue Code of 1954 applies."

(b)(1) Section 1402(a) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended—

(A) by striking out "and" at the end of paragraph (9);

(B) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (10) the following new paragraph:

"(11) there shall be excluded any income (and related items) with respect to which an election under subsection (i) applies."

(2) Section 1402 of such Code (definitions relating to tax on self-employment income) is further amended by adding at the end thereof the following new subsection:

"(i) ELECTION OF EXEMPTION BY INDIVIDUALS COVERED BY QUALIFIED PROGRAMS.—

"(1) IN GENERAL.—Any individual who at the close of his taxable year is covered by a qualified retirement program (as defined in section 3121(r)) may, at his option, in such manner and form and at such time as the Secretary or his delegate shall by regulations prescribe, elect to be exempt from the tax under section 1401 for such taxable year. An election made by an individual for any taxable year under this paragraph shall be irrevocable (and may not be subsequently changed by amendment of such individual's return for such year or otherwise).

"(2) APPLICABILITY OF ELECTIONS.—An election made by an individual under paragraph (1) shall apply with respect to all income derived during the taxable year for which it is made from every trade or business carried on by such individual (and with respect to all deductions attributable to each such trade or business and any distributive shares of income or loss therefrom), and shall be effective with respect to any payments of estimated tax for the taxable year under section 6153 which fall due after it is made.

"(3) REQUIREMENT OF SIMULTANEOUS ELECTION WITH RESPECT TO EMPLOYMENT.—No election may be made for any taxable year under paragraph (1) by an individual who during such year performed service which constituted (for would but for an election under section 3121(r) constitute) 'employment' for purposes of chapter 21 unless such individual also makes an election with respect to all such service under section 3121 (r); and, under regulations prescribed by the Secretary or his delegate, the election under paragraph (1) shall also include or be accompanied by such an election under section 3121(r)."

(c) Section 3121 of such Code (definitions under Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:

"(r) SERVICE EXCLUDED UNDER ELECTION MADE BY INDIVIDUAL COVERED BY QUALIFIED RETIREMENT PROGRAM.—

"(1) IN GENERAL.—For purposes of this chapter other than for purposes of the taxes imposed by section 3111, the term 'employment' shall not include any service with respect to which an election under paragraph (2) applies.

"(2) ELECTION OF EXEMPTION.—

"(A) IN GENERAL.—Any individual who at the close of his taxable year (which shall be determined in the manner provided by section 211(e) of the Social Security Act) is covered by a qualified retirement program may, at his option, in the manner provided in subparagraph (C), elect to be exempt from the tax under section 3101 for such taxable year. An election made by an individual for any taxable year under this paragraph shall be irrevocable (and may not be changed by amendment of such individual's return for such year or otherwise).

"(B) APPLICABILITY OF ELECTION.—An election made by an individual under this paragraph shall apply with respect to all service performed by such individual during the taxable year for which it is made which would constitute 'employment' for purposes of this chapter but for this subsection.

"(C) MANNER OF ELECTION.—An election by an individual under this paragraph to be exempt from the tax under section 3101 for any taxable year may be made only by filing a claim (which must be included in or accompany an election made under section 1402(i)(1) in the case of an individual who is described in section 1402(i)(3)) for a special refund of such tax under section 6413(d), by means of a credit against the income tax on account thereof under section 31(b) for such taxable year or otherwise.

"(3) MEANING OF 'QUALIFIED RETIREMENT PROGRAM'.—

"For purposes of this paragraph (and for the purposes of section 1402(i)) a 'qualified retirement program' means a program designed to provide, for workers covered thereunder, retirement, survivor and disability benefits which the Secretary of Health, Education, and Welfare determines to be comparable in value to the retirement, survivor, and disability benefits provided to individuals covered by the insurance program established by title II of the Social Security Act. An individual shall be deemed to have been covered by a qualified retirement program at the end of his taxable year only if he made (or had made on his behalf) contributions to, and was covered by, such program for all of the months of such year."

(d)(1) Section 6413 of the Internal Revenue Code of 1954 (special rules applicable to certain employment taxes) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) SPECIAL REFUNDS ARISING OUT OF EXEMPTIONS BASED ON COVERAGE OF QUALIFIED RETIREMENT PROGRAM.—

"(1) IN GENERAL.—If an employee described in section 3121(a)(2)(A) receives wages from one or more employers for services performed during the taxable year, such employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate).

"(2) NOTIFICATION TO SECRETARY OF HEALTH, EDUCATION, AND WELFARE.—The Secretary or his delegate shall promptly notify the Secretary of Health, Education, and Welfare of each special refund allowed under this subsection."

(2) Section 6413(c) of such Code (relating to special refunds) is amended—

(A) by inserting "Based on Multiple Employment" after "Refunds" in the heading; and

(B) by inserting after "during such year" where it appears in clause (D) of paragraph (1) the following:

"(after the application of section 3121(r)(1) in any case to which it applies)".

(e) Section 31(b) of such Code (relating to credit for special refunds of social security tax) is amended—

(1) by inserting "or 6413(d)" after "section 6413 (c)" in paragraph (1); and

(2) by inserting after "to which paragraph (1) applies" in paragraph (2) the following: "and which represents a special refund allowable under section 6413(c)".

(f) Section 205(c)(5)(F)(i) of the Social Security Act is amended by inserting after "information returns" the following: ", elections made under sections 1402(i) and 3121(r) of the Internal Retvenue Code of 1954,".

(g) The amendments made by this section shall apply only with respect to taxable years beginning after the date of the enactment of this Act.

FINANCING OF MEDICARE PROGRAMS FROM GENERAL REVENUES

SEC. 3. (a)(1) Section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income) is amended—

(A) by striking out subsection (b) thereof; and

(B) by striking out "(a)" at the beginning of such section.

(2)(A) Section 3101 of such Code (relating to rate of tax on employees) is amended—

(i) by striking out subsection (b) thereof; and

(ii) by striking out "(a)" at the beginning of such section.

(B) Section 3111 of such Code (relating to rate of tax on employers) is amended—

(i) by striking out subsection (b) thereof; and

(ii) by striking out "(a)" at the beginning of such section.

(3) Section 6051(c) of such Code (relating to statements required to be furnished to employees by employers) is amended by striking out the last sentence thereof.

(4)(A) The amendments made by paragraph (1) shall be effective in the case of taxable years beginning after December 31, 1971.

(B) The amendments made by paragraph (2)(A) shall be effective with respect to wages received after December 31, 1971.

(C) The amendments made by paragraph (2)(B) shall be effective with respect to wages paid after December 31, 1971.

(b)(1) Section 1832 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(i) There are authorized to be appropriated to the Federal Hospital Insurance Trust Fund for each fiscal year (commencing with the fiscal year ending June 30, 1972) such sums as may be necessary to assure a sufficiency of monies in such Fund to permit the making of such payments therefrom as are authorized by law. Any funds authorized to be appropriated to such Fund by this subsection for any fiscal year shall be in addition to any funds authorized to be appropriated for such year to such Fund under any other provision of law."

(2)(A) Section 1837 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of this title, if, for any month, any individual is entitled to the insurance benefits provided under part A, such individual shall be deemed to be enrolled in the insurance program established by this part for such month and to be entitled to the benefits provided under such program."

(B) Section 1839(c) of such Act is amended by adding at the end thereof the following new sentence: "The preceding provisions of this subsection shall not be applicable to any individual deemed, under section 1837(f), to be enrolled in the insurance program established by this part."

(C) Section 1840 of such Act is amended by adding at the end thereof the following new subsection:

"(j) For purposes of this part, any premium owed by an individual, who is deemed (under section 1837(f)) to be enrolled for any month in the insurance program established by this part, shall be deemed to have been timely paid."

(D) Section 1844(a) of such Act is amended—

(i) in paragraph (1), (I) by inserting "(disregarding from such aggregate any premiums deemed to be paid under section 1840(f))" immediately after "Trust Fund", and (II) by striking out "and" at the end thereof;

(ii) in paragraph (2), by striking out the period at the end thereof and inserting in lieu of such period "; and"; and

(iii) by adding after paragraph (2) the following new paragraph:

"(3) a Government contribution equal to 200 per centum of the aggregate of the premiums deemed to be paid under section 1840 (f)."

By Mr. HARTKE:

S. 2869. A bill to provide for the inclusion in printed media advertising and upon billboards of a conspicuous statement of a cigarette health warning. Referred to the Committee on Commerce.

ADVERTISING THE TAR AND NICOTINE CONTENT OF CIGARETTES

Mr. HARTKE. Mr. President, enactment of the Public Health Cigarette Smoking Act of 1969 made possible a statutory ban on television and radio broadcasting of cigarette advertising.

Today I am introducing a bill to make it unlawful for any person to advertise cigarettes without depicting the portion of the package that bears the following statement:

> Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health.

Further, my bill adopts the 1969 act requirements that this statement must appear in conspicuous and legible type in contrast by topography, layout, or color with other printed matter on the package.

Mr. President, in the 1969 committee report the chairman of the committee and the chairman of the Consumer Subcommittee, said that—

> Cigarette advertising in the broadcast media has been by far the most offensive means of cigarette promotion to the public health community, particularly because of the defenselessness of young people against the impact of radio and television.

Today, cigarette advertising is off the airwaves as a result of congressional action.

In 1969, it was said that advertising in newspapers and magazines "can perform a socially useful function by disclosing relative tar and nicotine levels."

Today, that function is generally being performed by the manufacturers.

In 1969, it was pointed out that without a warning in advertising, "the public will have no meaningful defense, even against a massive onslaught of print advertising employing themes designed to obscure the medical verdict against cigarette smoking."

Mr. President, my bill would achieve all of the goals called for in 1969 to protect the American consumer and would preclude a deception which might well provide an unwarranted competitive advantage where none should exist.

By Mr. HARTKE:

S. 2870. A bill to provide for regulation of business franchises, to require a full disclosure of the nature of interests in business franchises, to provide for increased protection of the public interest in the sale and operation of business franchises, and to provide for fair competition in the negotiation of franchise agreements. Referred to the Committee on Commerce.

FRANCHISE FAIR DISCLOSURE ACT

Mr. HARTKE. Mr. President, the recent proliferation of franchises and the ever-increasing possibility that many citizens may be damaged permanently by the gross misrepresentations of franchisors has made it quite clear that the time has come for the Federal Government to protect individuals against exploitation by unscrupulous franchise corporations. We find ourselves in a situation where would-be small businessmen are ruined before their businesses ever get underway.

The franchise business is growing at an ever-increasing rate. Today there are over 40,000 franchises that did not exist just 5 years ago. Recent years have seen burgeoning franchise sales records. For example, in 1969–70, the sale of franchises reached an estimated $90 billion per year, with an estimated 1,000 franchisors and some 500,000 franchisees operating nationwide. This mammoth marketing system now represents some $100 billion in retail sales annually. In light of these circumstances, there are no acceptable statutes or uniform codes that regulate the behavior of the franchisor-franchisee relationship in what has become one the Nation's largest industries.

The Franchise Fair Disclosure Act, is an attempt to provide State and local governments with a basic outline and standard of procedure. We must remember that while franchising as a marketing method is not new on the American financial stage, the recent phenomenal growth is. Therefore, legislation is needed to bring order to this field and to control its enormous growth while such statistical information is developed. My bill will accomplish this goal.

Likewise, Mr. President, legislation is needed to protect the individual. In many cases, persons who enter into a franchise agreement have invested their savings in anticipation of promised earnings. We are dealing here with a great American dream—a man's wish to operate his own business and benefit from the enterprise's success. Unfortunately, in far too many cases, dreams are crushed and life earnings lost to disreputable franchise corporations.

As the scope and intensity of involvement becomes broader, there is a shift in the success of the enterprise from the corporation to the franchisee. Too often, prospective buyers of a franchise are misled by such advertisements or brochures which read "no experience necessary," or "we provide everything." In many cases, experience may be quite helpful, and the franchisor does not supply everything as the advertisement indicated. The time has come for a comprehensive bill to protect the buyer of a business, as well as to ensure the integrity of the franchise industry.

Mr. President, the bill I propose would compel all franchise operations in the United States—including the District of Columbia and U.S. Territories—to be registered with the Federal Trade Commission—FTC.

The FTC would be empowered to review all applications for registration to determine if the franchisor has acted in good faith in his efforts to produce fair and full disclosure of all facts directly or indirectly related to the franchise operation. Registration would also act as a bank for collecting statistical data on franchising. The disclosure of these facts would be made to all franchisees and to the FTC, except in cases where the Commission has seen fit to exempt disclosure.

Exemption from disclosure is permissible under the provisions of this bill if the franchisor has demonstrated himself to be of solid financial standing and has operated at least 25 franchises over a specified period. The Federal Trade Commission, however, would have the power to require franchisors of this latter type to file fair and full disclosure statements.

The bill provides that the disclosure statement shall contain such information as the Commission may require by law, and any other information the Commission may request of the franchise corporation. The disclosure statement would include: Disclosure of the franchisor's name and State of incorporation; the names, addresses, and biographical data concerning each of the franchisor's directors and principal officers; a statement as to whether the franchisor or any of its directors or officers has been involved in certain legal or quasi-judicial proceedings; and a series of statements concerning franchise fees, costs, and obligations.

The disclosure statement set forth in this bill will protect the individual, and at the same time insure future progress in the franchise industry. For too long, we have gone without this much-needed legislation. This bill has the ability to oversee one of our Nation's largest industries. The bill also provides for authorization of legal action for those who are injured as a result of a failure to comply with the rules and regulations of the Federal Trade Commission. Legal action would include treble damages, including attorney's fees and reasonable court costs.

Mr. President, I feel my bill provides not only for the present situation, but for the future. I urge the Senate to give this proposal full consideration. The future of franchising and small business in this Nation may well be determined by our actions on this bill. I ask unanimous consent that the complete text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2870

A bill to provide for regulation of business franchises, to require a full disclosure of the nature of interests in business franchises, to provide for increased protection of the public interest in the sale and operation of business franchises, and to provide for fair competition in the negotiation of franchise agreements

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Franchise Fair Disclosure Act of 1971."

FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that it is in the public interest to enact protective legislation against unfair and deceptive acts and practices which have developed in the interstate sale, operation, and termination of a wide variety of business franchises by the use of the mails and instrumentalities of interstate commerce. The Congress further finds that in consequence of unfair and deceptive acts and practices numerous purchasers of business franchises have suffered substantial losses as a result of the failure or omission by franchisors to provide full and complete disclosure concerning the prior business experience of the franchisor, the nature of the franchisor-franchisee relationship, the nature of the franchise contract, the prospects of the franchised business and other facts essential to a businessman's determination of the desirability and profitability of the franchise. In consequence of the above findings, the Congress determines that it is in the public interest to (1) require that each prospective franchisee be provided with the information necessary to make an intelligent decision regarding franchises being offered for sale, (2) prohibit the sale of franchises that may lead to unfair or deceptive acts and practices or involve the likelihood that the franchisor's promises will not be fulfilled, (3) require the definition and regulation of unfair and deceptive acts and practices in the operation of franchise businesses and termination of franchise agreements, and (4) provide such administrative, civil, and criminal remedies as are necessary to make such requirements and prohibitions effective.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Commission" means the Federal Trade Commission.

(2) The term "person" means an individual, corporation, partnership, joint venture association, incorporated organization, or any other form of business organization.

(3) The term "franchise" means every aspect of the relationship between a franchisor and franchisee, created by an oral or written agreement or understanding or series of agreements, understandings, or transactions, which involve or result in a continuing commercial relationship of definite or indefinite duration, where a franchisee is granted or permitted to offer, sell, or distribute goods or commodities manufactured, processed, or distributed by the franchisor, or the right to offer or sell services established, organized, directed, or approved by the franchisor, and where the operation of franchisee's business franchise is substantially associated with a franchisor's trademark, service mark, trade name, advertising, or other commercial symbol designating the franchisor, and where the operation of franchisee's business is substantially reliant on goods or services or a marketing plan or system prescribed or supplied in substantial part by the franchisor. Unless specifically stated otherwise, such term includes an area franchise as hereinafter defined.

(4) The term "franchisor" means a person who grants a franchise.

(5) The term "franchisee" means a person to whom a franchise is granted.

(6) The term "area franchise" means any contract or agreement between a franchisor and a subfranchisor whereby the subfranchisor is granted the right, for a consideration given in whole or in part for such right, to sell or negotiate the sale of franchises in the name of or in behalf of the franchisor.

(7) The term "subfranchisor" means a person to whom an area franchise is granted.

(8) The term "franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business under a franchise agreement, including but not limited to, any such payments for goods or services.

(9) The term "sale" or "sell" includes any contract of sale or disposition of a franchise or interest in a franchise, for value. The term "offer," "offer for sale," or "offer to sell" includes any attempt or offer to dispose of or solicitation of an offer to buy a franchise, or an interest in a franchise, for value.

(10) The term "commerce" means trade or commerce in franchises or transportation or communication relating thereto among the several States, or between the District of Columbia, any territory of the United States, or any foreign country and any State, territory, or the District of Columbia, or within the District of Columbia.

(11) The term "territory" means the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Islands, and the insular possessions of the United States.

(12) The term "write" or "written" shall include printed, lithographed, or any other means of graphic communication.

(13) The term "disclosure statement" means any disclosure statement, prospectus, circular, notice, advertisement, letter, or communication, written, or by radio or television, which offers any franchise for sale or confirms the sale of any franchise, except that a notice, circular, communication, or letter in respect of a franchise shall not be deemed to be a disclosure statement if it states from whom a written disclosure statement meeting the requirements of this Act and any rules or regulations promulgated by the Commission hereunder may be obtained, and does no more than identify the franchise, state the price thereof, state from whom it can be purchased, and such other information as may be prescribed by rule or regulation of the Commission.

AUTHORITY TO EXEMPT FRANCHISES

SEC. 4. The Commission may from time to time by its rules and regulations, exempt from the disclosure requirements of this Act any franchise:

(a) if the franchisor has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than $5 million; or if the franchisor has a net worth, according to its most recent audited financial statement, of not less than $1 million and is at least 80 per cent owned by a corporation which has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than $5 million; and (b) has had at least 25 franchisees conducting business at all times during the 5 year period immediately preceding the offer and sale; or has conducted business which is the subject of the franchise continuously for not less than 5 years preceding the offer or sale; or if any corporation which owns at least 80 per cent of the franchisor has had at least 25 franchises conducting business at all times during the 5 year period immediately preceding the offer or sale; or such corporation has conducted business which is the subject of the franchise continuously for not less than 5 years preceding the offer or sale; and (c) Discloses in writing to each prospective franchisee, at least 48 hours prior to the execution by the prospective franchisee of any binding franchise or other agreement, or at least 48 hours prior to the receipt of any consideration, the following information:

(1) The name of the franchisor, the name under which the franchisor is doing or intends to do business, and the name of any parent or affiliated company that will engage in business transactions with franchisees.

(2) The franchisor's principal business address and the name and address of its agents authorized to receive service of process.

(3) The business form of the franchisor, whether corporate, partnership, or otherwise.

(4) The business experience of the franchisor, including the length of time the franchisor (i) has conducted a business of the type to be operated by the franchisees, (ii) has granted franchises for such business, and (iii) has granted franchises in other lines of business.

(5) a copy of the typical franchise contract or agreement proposed for use or in use in this State.

(6) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases.

(7) A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or fees which the franchisor collects in whole or in part on behalf of a third party or parties.

(8) A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchisor.

(9) A statement as to whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchisor or his designee services, supplies, products, fixtures or other goods relating to the establishment or operation of the franchise business, together with a description thereof.

(10) A statement as to whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services offered by him to his customers.

(11) A statement of the terms and conditions of any financing arrangements when offered directly or indirectly by the franchisor or his agent or affiliate.

(12) A statement of any past or present practice or of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee or subfranchisor in whole or in part.

(13) If any statement of estimated or pro-

jected franchisee earnings is used, a statement of such estimation or projection and the data upon which it is based.

(14) A statement as to whether franchisees or subfranchisors receive an exclusive area or territory.

UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO FRANCHISE AGREEMENTS

SEC. 5. (a) It shall constitute an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act for any franchisor, subfranchisor, or agent thereof, directly or indirectly—

(1) to sell or offer for sale any franchise unless a disclosure statement with respect to such franchise is in effect in accordance with the provisions of this Act and any rules or regulations promulgated by the Commission hereunder is furnished the prospective franchisee at the inception of any discussions or negotiations for the sale of such franchise.

(2) in selling or offering for sale any franchise—

(A) to employ any device, scheme, or artifice to defraud;

(B) to obtain money or property by means of a false or misleading representation with respect to any information included in the disclosure statement or with respect to any other information pertinent to the franchise and upon which the franchisee relies; or

(C) to engage in any transaction, practice, or course of business which operates or would operate as an unfair or deceptive act or practice with respect to a franchisee.

(b) Any contract or agreement for the purchase of a franchise covered by this Act shall be cancellable at the option of the franchisee upon delivery of written notice to the franchisor, if a valid disclosure statement is not in effect as provided by this Act and is not delivered to the prospective franchisee at least seven days in advance of his signing such contract or agreement. In the event of any such cancellation, the franchisor shall forthwith return to the franchisee any sums theretofore paid to the franchisor or to any third party on the direction of the franchisor.

EFFECTIVE DATE OF DISCLOSURE STATEMENT AND AMENDMENTS THERETO

SEC. 6. (a) Except as hereinafter provided, the effective date of a disclosure statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine having due regard to the public interest and the protection of purchasers. If any amendment to any such statement is filed prior to the effective date of such statement, the disclosure statement shall be deemed to have been filed when such amendment was filed.

(b) If it appears to the Commission that a statement or any amendment thereto is incomplete or inaccurate in any material respect, the Commission shall so advise the franchisor within a reasonable time after the filing of the statement or amendment, but prior to the date the statement or amendment would otherwise be effective. Such notification shall serve to suspend the effective date of the statement and any amendments until thirty days after the franchisor files such additional information as the Commission shall require.

(c) If at any time a change shall occur affecting any material fact required to be contained in the statement, the franchisor shall promptly file an amendment thereto. Upon receipt of any such amendment the Commission may, if it determines such action to be appropriate in the public interest or for the protection of purchasers, suspend the disclosure statement until the amendment becomes effective. A failure to file any amendment required hereunder shall terminate the effectiveness of the offering statement.

(d) If it appears to the Commission at any time that the disclosure statement or any amendments thereto include any false or misleading statement of a material fact or omit to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commission may issue an order suspending the effectiveness of the disclosure statement; at the same time, the Commission shall give notice and an opportunity for hearing (at a time fixed by the Commission). When such statement has been amended in accordance with such order, the Commission shall promptly so declare and thereupon the order shall cease to be effective.

(e) The Commission is empowered to make an investigation to determine whether an order should be issued under subsection (d). In making such investigation, all of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission.

(f) Any notice required under this section shall be sent to or served on the franchisor or his authorized agent.

(g) A franchise offering shall be deemed in effect for a period of one year from the effective date of the disclosure statement and shall be subject to renewal in accordance with rules and regulations promulgated by the Commission.

INFORMATION REQUIRED IN DISCLOSURE STATEMENT

SEC. 7. (a) A disclosure statement shall contain such information as the Commission may by rules and regulations require as being necessary or appropriate in the public interest or for the protection of prospective franchisees, including, but not limited to—

(1) The name of the franchisor, the trade name(s) or trademark(s) under which he intends or is doing business, and the name of any parent or affiliated company that will engage in transactions with franchisees.

(2) The name of the State or other sovereign power under which the franchisor is organized and the location of the franchisor's principal place of business.

(3) the names and addresses, educational and business background, and biographical data, stated individually, of the directors, or persons performing similar functions, the chief executive, and the financial, accounting, and principal executive officers, chosen or to be chosen, if the franchisor is a corporation, association, or other entity, of all partners, if the franchisor is a partnership, and of the franchisor if the franchisor is an individual.

(4) A statement as to whether the franchisor or any of its directors, stockholders owning more than 10 per centum of the stock, or chief executive officers;

(a) has been convicted of a felony, or pleaded nolo contendere to a felony, or has been held liable in a civil action which involved fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

(b) is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any State denying registration to or revoking or suspending the registration of such person as a securities broker or dealer or investment adviser or is subject to any currently effective order of any national securities association or national securities exchange (as defined in the Securities and Exchange Act of 1934) suspending or expelling such person from membership in such association or exchange; or

(c) is subject to any currently effective order or ruling of the Federal Trade Commission; or

(d) is subject to any currently effective injunctive or restrictive order relating to business activity as a result of an action brought by any public agency or department, including, without limitation, actions affecting a license as a real estate broker or salesman.

Such statement shall set forth the court, date of conviction or judgment, any penalty imposed or damages assessed, or the date, nature and issuer of such order.

(e) is subject to any currently effective injunctive or restrictive order or ruling relating to business activity as a result of action by any public agency or department; or

(f) has filed bankruptcy or been associated with management of any company that has been involved in bankruptcy or reorganization proceedings.

(5) The business experience of the franchisor, including the length of time the franchisor has conducted a business of the type to be operated by the franchisee; has granted franchises for such business; and has granted franchises in other lines of business.

(6) Recent financial statements of the franchisor. The Commission may by rule or regulation prescribe the form and content of financial statements required under this Act, the circumstances under which consolidated financial statements may be filed, and the circumstances under which financial statements shall be certified by independent certified public accountants or public accountants.

(7) A description of the franchise offered or to be sold, and a general description of the franchise business.

(8) A copy of the franchise agreement proposed to be used.

(9) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases.

(10) A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or fees which the franchisor collects in whole or in part on behalf of third parties, markups on land, buildings, leases, signs, equipment, or supplies, and all other terms of the offer for sale, including a full disclosure of the total investment to be made by the franchisee.

(11) A statement of the lowest royalty fee for the use of a service mark, trade mark, or trade name which it charges to any other of its franchisees in the United States.

(12) A statement of those fees which may be refunded, in full or in part, and the circumstances under which such refunds may be made.

(13) A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchisor, and any limitations as to the right to sell, transfer, move, renew, or terminate the franchise.

(14) A statement as to whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchisor or his designee services, supplies, products, fixtures, or other goods relating to the establishment or operation of the franchise business, together with a description thereof, including the cost.

(15) A statement as to the goods, products, services, training programs, supervision, advertising promotion, and other management services to be provided by the franchisor.

(16) A statement of the length of time it will take to obtain the franchise, and the average length of time between the signing of a franchise agreement and the opening of the franchisee's outlet.

(17) A statement as to whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited

in the goods or services offered by him to his customers.

(18) A statement whether the franchisor requires the franchisee to participate personally in the direct operation of the franchise.

(19) A statement of the terms and conditions of any financial arrangements when offered directly or indirectly by the franchisor or his agent.

(20) A statement of any past or present practice or of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee in whole or in part.

(20) A statement of the number of franchises presently operating and the number proposed to be sold, indicating which franchises, if any, can be owned and their addresses.

(22) A statement of the number of franchisees, if any, that operated at a loss during the previous year.

(23) A list of at least ten representative operating franchisees, with their addresses and telephone numbers, situated similarly to the franchise being offered and located, to the extent possible, in the same geographic area.

(24) Subject to any limitations imposed by the Commission, a statement of available earnings of past and present franchises and a fair analysis of their performance, including records of failures, and resales to the franchisor.

(25) A statement as to whether franchisees and subfranchisors receive an exclusive area or territory.

(26) A statement as to the methods and responsibilities of the parties in determining the site for the franchisee's outlet.

(27) A statement setting forth such other information as the Commission may require.

(28) A statement setting forth such information as the franchisor may desire to present.

(29) A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from the use of the public figure in the name or symbol of the franchise.

(30) When the person filing the disclosure statement is a franchisor, the statement shall include the same information concerning the subfranchisor as is required from the franchisor pursuant to this schedule.

(b) The disclosure statement shall not be used for any promotional purposes before it becomes effective, and then only if it is used in its entirety. No person may advertise or represent that the Commission approves or recommends the sale of any franchise. No portion of the disclosure statement shall be underscored, italicized, or printed in larger or bolder type than the balance of the statement unless the Commission requires or permits it.

REGISTRATION OF FRANCHISES

SEC. 8. (a) Applications for registration, registration renewal statements and amendments thereto, shall be signed and verified by the franchisor or by the subfranchisor.

If the Commission determines that the applicant has failed to demonstrate that adequate financial arrangements have been made to fulfill obligations to provide real estate improvements, equipment, inventory, training or other items included in the offering, the Commission may by rule or order require the escrow or impound of franchise fees and other funds paid by the franchisee or subfranchisor until no later than the time of opening of the franchise business, or, at the option of the franchisor, the furnishing of a surety bond as provided by rule of the Commission, if it finds that such requirement is necessary and appropriate to protect the public interest.

(b) The application for registration shall contain such information as the Commission may by rule require.

(c) The Commission may suspend or revoke the registration of any franchise if it finds with respect thereto—

(1) that there has been a failure to comply with any of the provisions of this Act or the rules of the Commission pertaining thereto, or

(2) that the offer or sale of the franchise would constitute misrepresentation to, or deceit or fraud of the purchasers.

(d) The Commission may vacate or modify the suspension or revocation of a franchise registration if it finds that the conditions which caused such suspension or revocation have changed.

(e) A franchise offering shall be deemed duly registered for a period of one year from the effective date of the registration, unless the Commission by rule specifies a different period.

(f) A registration may be renewed under such procedures as the Commission by rule shall require.

(g) A franchisor shall promptly notify the commissioner in writing of any material change in the information contained in the application as originally submitted, amended or renewed. Such notification shall constitute an application to amend the registration. The Commission may by rule prescribe what constitutes a material change for purposes of this section.

PROMULGATION OF RULES AND REGULATIONS

SEC. 9. (a) The Commission is authorized to promulgate such rules and regulations as it deems necessary to implement and interpret this Act, including but not limited to, rules and regulations defining as unfair and deceptive certain acts and practices of franchisors such as directly or indirectly engaging in competition with any franchisee using methods which constitute unfair methods of competition under the Federal Trade Commission Act (terminating, canceling, or failing to renew a franchise without adequate notice and otherwise protecting the rights of the franchise; using unfair and deceptive methods to induce a franchisee to sell back his franchise business to the franchisor or a third party).

(b) Rules and regulations shall be promulgated by the Commission pursuant to section 553 of title 5, United States Code.

CIVIL LIABILITIES

SEC. 10. (a) In case any part of a disclosure statement, which has become effective, contains a false or misleading statement of a material fact, or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, or in case any franchisor commits an unfair or deceptive act or practice in violation of a rule or regulation promulgated by the Commission hereunder, any person expending money in connection with acquiring a franchise covered by such offering statement from a franchisor, subfranchisor, or agent thereof, during such period as the statement remains uncorrected, or any person who has suffered damage by reason of such unfair or deceptive act or practice of a franchisor may sue at law or in equity, in any court of competent jurisdiction, the franchisor, subfranchisor, or agent.

(b) Any franchisor, subfranchisor, or agent who commits any unfair or deceptive act or practice in violation of a rule or regulation promulgated by the Commission hereunder, or who sells a franchise—

(1) in violation of section 5, or

(2) by means of an offering statement containing a false or misleading statement of a material fact or by omitting to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

may be sued by any person who was damaged as the result of such violation or by the purchaser of the franchise.

(c) The suit authorized under subsection (a) or (b) of this section may be brought to recover damages up to three times damages sustained or the cost of the franchise, whichever is greater, including reasonable attorney's fees and reasonable court costs.

(d) Any person who becomes liable to make any payment under this section may recover an equitable contribution, as in cases of contract, from any person who, if sued separately, would have been liable to make the same payment.

OTHER LAWS AFFECTED

SEC. 11. Disclosure or other requirements of a State with respect to franchises inconsistent with those set forth in this Act shall be preempted. Nothing contained in this Act shall be construed to repeal, invalidate, or supersede the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

OTHER REMEDIES

SEC. 12. (a) It shall be a violation of section 5(a)(1), of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person subject to the provisions of this Act to fail to comply with any requirements imposed upon such person by or pursuant to any rule or regulation of the Commission promulgated under this Act, or to violate any provision contained in this Act.

(b) The Commission shall have all of the rights and remedies with respect to this Act as the Commission has with respect to violations of section 5(a)(1) of the Federal Trade Commission Act.

(c) Whenever it shall appear to the Commission that any person is engaged, or is about to engage, in any act or practice which constitutes or will constitute a violation of this Act, or any rule or regulation prescribed thereunder, the Commission, acting through any of its attorneys designated by it for such purpose, may in its discretion, bring an action in any district court of the United States, United States court of any territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this Act.

JURISDICTION OF OFFENSES AND SUITS

SEC. 13. The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction of offenses and violations under this Act and under the rules and regulations prescribed pursuant thereto, and concurrent with State courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this Act. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the offer or sale took place, if the defendant or his agent participated therein, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254 and 1291 of title 28 of the United States Code. No costs shall be assessed for or against the Commission in any proceeding under this Act brought by or against it in any court.

UNLAWFUL REPRESENTATIONS

SEC. 14. The fact that a disclosure statement with respect to any franchise has been filed or is in effect shall not be deemed a finding by the Commission that the disclosure statement is in any way true and accurate in substance or on its face, or be held to mean that the Commission has in any way passed upon the merits or given approval to such franchise. It shall be unlawful to make or cause to be made, to any prospective purchaser any express or implied representation contrary to the foregoing.

PENALTIES FOR WILLFUL VIOLATIONS

Sec. 15. Any person who willfully violates any provision of this Act, or any rule or regulation promulgated thereunder, or any person who willfully, in a disclosure statement filed under this Act, makes any false or misleading statement of a material fact, or omits to state any material fact required to be stated therein or necessary to make the statements therein not false or misleading, shall upon conviction be fined not more than $10,000 or imprisoned not more than five years, or both.

JURISDICTION OF OTHER GOVERNMENT AGENCIES

Sec. 16. Nothing in this Act shall relieve any person from submitting to the respective supervisory units of the Government of the United States information, reports, or other documents which may be required by law. The filing of a registration statement hereunder shall not be deemed to confer any immunity from liability for violation of any other laws.

LIMITATION OF ACTIONS

Sec. 17. No action shall be maintained to enforce any liability created under section ——— unless brought within two years after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or if the action is to enforce a liability created under section (1), unless brought within two years after the violation upon which it is based occurred. In no event shall any such action be brought by a franchisee more than three years after the sale of the franchise to the franchisee.

CONTRARY STIPULATIONS VOID

Sec. 18. Any condition, stipulation, or provision binding any person acquiring any franchise to waive compliance with any provision of this Act or of the rules and regulations prescribed thereunder shall be without effect and void.

ADDITIONAL REMEDIES

Sec. 19. The rights and remedies provided by this Act shall be in addition to any and all other rights and remedies that may exist at law or in equity.

By Mr. HUMPHREY (for himself, Mr. Bayh, Mr. Bentsen, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. Montoya, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Stevenson, Mr. Tunney, and Mr. Williams):

S.J. Res. 177. A joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans. Referred, by unanimous consent, to the Committee on Labor and Public Welfare.

GREATER OPPORTUNITY FOR SPANISH-SPEAKING AMERICANS

Mr. HUMPHREY. Mr. President, we live in a society in which significant change often seems to come in sudden bursts in reaction to disclosure of a situation that has existed for many years.

In the decade of the 1960's, Americans "discovered" many things about their society that had been hidden or had become invisible beneath a veneer of postwar prosperity.

We discovered that there were nearly 40 million Americans living in poverty.

We discovered millions of American adults and children hungry and living on inadequate diets.

We discovered that our environment was being poisoned to the extent that our health was in danger.

We discovered that much more had to be done in Congress and all across the Nation to secure equal opportunity for millions of black Americans.

And we discovered that American cities were becoming unlivable for the millions of Americans forced to live in them and for those who yearly migrated to urban America from rural areas.

The American public was made aware of those great domestic problems by men and women in and out of Government willing to look and probe beneath the surface of American society. As a result of their courage and foresight the United States has begun to confront these problems and to identify how they might be solved. Progress has been made. Certainly not enough. But at least we are aware of the scope and magnitude of what must be done to improve the quality of life for all Americans.

But the identification of the urgent needs and problems of millions of Americans during the 1960's was not by any means a complete or thorough process.

And in the hectic pace of public discovery and commitment of resources, there were groups of people left behind and problems unidentified. I do not believe that we can continue to rely in the 1970's on a somewhat haphazard system of identification of existing and often deep-rooted problems that suddenly become crises when the public is made aware of them by a perceptive book, magazine article or television program.

The Federal Government itself must take a more active role in bringing to the attention of all the Government agencies and all branches of Government in addition to private organizations and individuals, the needs of people.

I am introducing today a Senate joint resolution which will begin to have the Federal Government identify the economic and social condition of 12 to 15 million Spanish-speaking Americans.

I believe these people have been left behind in our efforts to eradicate poverty, provide justice, and eliminate racial prejudice in American life.

The 12 to 15 million Americans who identify themselves as Spanish speaking trace their origins from Mexico, Puerto Rico, Cuba, Central and South America and other Spanish-speaking countries. Slightly more than half of these people are of Mexican-American origin with nearly 20 percent of this population comprising people of Puerto Rican origin.

The plight of Spanish-speaking Americans is one of a people striving for justice and equal opportunity. They continue to be the victims of racial, economic, social, and political discrimination which forces them into a type of second-class citizenship. And although their self-identity and racial pride have been reinforced in the past few years as they attempt to gain the equal rights they deserve, national public awareness of the urgency of their special needs is negligible.

In many cities throughout the Nation—in Los Angeles, New York, Denver, San Antonio, and Chicago, to name just a few—many Spanish-speaking Americans live in a cycle of poverty from which it is extremely difficult to escape.

Deplorable housing, poor diets, an education designed primarily for white middle class children, job discrimination, menial labor, and unemployment are all part of "barrio" life in American cities and towns. In New York City, 55 percent of the Puerto Rican males over 25 living in an identified poverty area had less than 8 years of education. And in Los Angeles, 69 percent of the Mexican-American residents of East Los Angeles between 25 and 34 years of age completed less than 4 years of high school.

Education is the key to greater economic and social opportunity in American life.

And the special bilingual needs of Spanish-speaking children, though much discussed, are not being met by either the Federal or State governments. Bilingual education is essential not only to retain cultural self-identity, but to improve the learning processes of American children whose mother tongue is not English. The failure of Spanish-speaking children to learn and achieve in school is often the result of language problems. It is understandable that the dropout rate among Spanish speaking in high schools is very high.

The poverty cycle in which millions of Spanish-speaking Americans are caught leads inevitably to dead-end jobs, menial labor, and unemployment. And unemployment is rampant in Spanish-speaking communities all across the Nation.

We know that unemployment is serious among Spanish-speaking teenagers and adults and far surpasses the high unemployment rate among whites. Unemployment figures for Spanish-speaking citizens are provided at irregular intervals by the Labor Department's Bureau of Labor Statistics.

But there is no monthly report of national unemployment among the Spanish speaking published by the Bureau of Labor Statistics in their monthly summary which is widely reported in the press and on television.

At the beginning of each month the American public is informed of the national unemployment rate for the white and black population. I see absolutely no reason why America's second largest minority—the Spanish speaking—should be excluded from this reporting procedure especially since regional statistics indicate that unemployment among the Spanish speaking is greater than white unemployment and is equal to or greater than the alarming level of black unemployment.

Members of Congress, the public, and certainly members of the executive agencies and departments have a need to know the monthly unemployment rate for Spanish-speaking citizens.

No one can tell me that 12 to 15 million people represent too insignificant a group to be included in the Department of Labor's monthly statistical reporting.

I am sure that my colleagues on both sides of the aisle would agree that the commitment of Federal, State, and private resources cannot occur without an accurate assessment of need. The social statistics concerning the condition of America's Spanish-speaking citizens are needed now without continued delay.

The joint resolution that I am offering today asks the Department of Labor and the Census Bureau to cooperate in order to include the national unemployment rate of Spanish-speaking Americans in the monthly unemployment report for the white and black population published on the first Thursday of every month.

The resolution further asks the Labor and Agriculture Departments and the Census Bureau to publish statistics that will provide indicators of the social and economic condition of Spanish speaking citizens in urban and rural America.

Mr. President, we are a Nation that is desperately in need of more information about all of our people. I believe that we can no longer continue to view the degradation and misery of poverty and hunger in America without knowing its exact dimensions so that we can provide the resources to eradicate it.

The Spanish-speaking Americans are rightly demanding equality and justice. But I do not see how we can begin to meet these demands unless we are cognizant of the true needs of this great people.

Too much time has passed for us to delay any more. The Federal Government must be responsive. The progress of Chicanos, Boricuas, and Hispanos toward justice and equality must not be delayed. I think the first step is recognition and public awareness of need. After this, we must begin to provide the tools to meet demands that have gone unmet for too many decades.

Mr. President, I offer this resolution for myself and Senators Brooke, Moss, Hatfield, McGee, Bentsen, Muskie, Kennedy, Bayh, Mondale, Nelson, Cranston, Williams, Harris, Case, Javits, Montoya, Pell, Stevenson, and Tunney.

I am also pleased to announce that Congressmen Badillo and Roybal are introducing this resolution in the House.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 177

Whereas, nearly 12 million Americans identify themselves as Spanish speaking and trace their origins from Mexico, Puerto Rico, Cuba, Central and South America and other Spanish speaking countries; and

Whereas, the Spanish speaking in America have made significant contributions to enrich American culture and have served their nation well in times of war and peace; and

Whereas, a large number of Spanish speaking Americans suffer from racial, social, economic and political discrimination and are denied the basic opportunities they deserve as American citizens and which would enable them to begin to lift themselves out of the poverty that they now endure; and

Whereas, state and Federal governments and private organizations are now unable to determine accurately the urgent and special needs of the Spanish speaking in the United States because there is not a regular, nationwide evaluation of the economic and social status of Spanish speaking Americans; and

Whereas, the provision and commitment of state, Federal and private resources can only occur when there is an accurate and precise assessment of need, Now therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, that the Department of Labor in cooperation with the Bureau of the Census immediately begin to undertake the collection and compilation of data in order to provide for the monthly publication by the Bureau of Labor Statistics, beginning not later than January, 1972 of the nationwide unemployment rate among Spanish speaking Americans; and that the Bureau of the Census and the Department of Labor and the Department of Agriculture undertake further efforts to collect and publish regularly statistics which provide indicators of the social and economic condition of Spanish speaking citizens in urban and rural America.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1893

At the request of Mr. Bible, the Senator from Washington (Mr. Jackson), the Senator from the State of Idaho (Mr. Church), the Senator from Montana (Mr. Metcalf), and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of S. 1893, to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes.

S. 2349

At the request of Mr. Tunney, the Senator from Florida (Mr. Chiles), the Senator from New York (Mr. Javits), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Proxmire), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 2349, the Voting Rights Act Amendments of 1971.

S. 2837

At the request of Mr. Pell, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 2837, the Museum Services Act.

SENATE RESOLUTION 195—SUBMISSION OF A RESOLUTION CALLING FOR THE PRINTING AS A SENATE DOCUMENT A REPORT BY THE GENERAL ACCOUNTING OFFICE

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following resolution:

S. Res. 195

Resolved, That there be printed, with illustrations, as a Senate document a report compiled by the General Accounting Office at the request of the Committee on Government Operations entitled "Financial Management in the Federal Government—Volume II"; and that there be printed one thousand five hundred additional copies of such document for the use of that committee.

SENATE CONCURRENT RESOLUTION 51—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE RIGHTS OF ALL PERSONS TO EMIGRATE

(Referred to the Committee on Foreign Relations.)

THE RIGHT TO EMIGRATE

Mr. BUCKLEY. Mr. President, I am today submitting, on behalf of the Senator from Tennessee (Mr. Brock) and myself, a concurrent resolution, conforming precisely to one introduced in the House of Representatives by Congressman Jack Kemp, which expresses "the sense of the Congress that the President, acting through the United Nations, should present to the United Nations General Assembly in fitting manner the issue of the right to emigrate from and also return to one's country."

We are all aware of the persistent violations by Communist nations of the fundamental right of emigration, one that is specifically written into the United Nations' Universal Declaration of Human Rights. This persistent refusal to allow a citizen to leave has most recently been dramatized by the plight of Russian Jews who seek to find a new life elsewhere.

This resolution has been the subject of hearings before the House Foreign Affairs Committee. I am advised, further, that it is acceptable to the Department of State; and that its language has been reviewed by members of our U.S. delegation, and is acceptable to Ambassador Bush.

Mr. President, I urge the House of Representatives and the Senate to act promptly on this concurrent resolution.

The concurrent resolution (Senate Concurrent Resolution 51), reads as follows:

S. Con. Res. 51

Whereas the Congress is concerned about the fact that some nations have not adhered to the United Nations Declaration of Human Rights which specifically recites that all people have a right to expatriate themselves—to pass freely from state to state, to remove themselves from a jurisdiction which they find destructive or offensive to their rights; and

Whereas the vengeful trial of Jews attempting to leave Lengingrad, the plight of hundreds like Rita Gluzman whose husband has not been allowed to emigrate from Ukraine to join her and their baby son in Israel, the killing of approximately 65 people trying to flee East Berlin, the brutal beating, recapture, and subsequent prosecution of the Lithuanian seaman on an American Coast Guard vessel, the expressed fear of Solzhenitsen that if he accepted the Nobel Prize in Stockholm, he could be barred forever from his Russian homeland are all evidence of the fact that some nations have not honored the aforementioned basic and internationally recognized human right, and right of everyone to leave any country and return to his own country; and

Whereas both authoritative world opinion and international law consider the right to leave and to return as a fundamental human right binding on all governments; and

Whereas this extremely important moral issue has never been brought before the United Nations General Assembly: Now, therefore, be it resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting through the United Nations, should present to the United Nations General Assembly in fitting manner the issue of the right to emigrate from and also return to one's country.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 697

(Ordered to be printed and to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill (H.R. 10947) to provide a job development investment credit to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 698

(Ordered to be printed and to lie on the table.)

Mr. COTTON submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 699

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS (for himself, Mr. Scott, and Mr. Cook) submitted an amendment, intended to be proposed by them, jointly, to amendment No. 692, proposed by Mr. Pastore, to the bill (H.R. 10947), supra.

AMENDMENT NO. 700

(Ordered to be printed and to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 701

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS (for himself, Mr. Scott, and Mr. Cook) submitted an amendment intended to be proposed by them jointly to amendment No. 692, proposed by Mr. Pastore, to the bill (H.R. 10947), supra.

CREDIT UNION SHARE INSURANCE AMENDMENTS—AMENDMENT

AMENDMENT NO. 702

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

NOTICE OF HEARING ON NOMINATIONS IN THE U.S. DISTRICT COURTS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, November 23, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Charles M. Allen, of Kentucky, to be U.S. district judge, western district of Kentucky, vice Henry L. Brooks, elevated.

Clarence C. Newcomer, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, vice C. William Kraft, Jr., retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

NOTICE OF HEARINGS ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, I wish to announce hearings on the following bills relating to the general subjects of compensation for victims of criminal acts and to establish a group life insurance program for persons engaged in law enforcement and related fields:

S. 16, to provide civil remedies to victims of activities prohibited by title IX of the Organized Crime Control Act of 1970. [Sens. McClellan and Hruska]

S. 33, to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers. [Sen. Kennedy]

S. 750, to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation. [Sen. Mansfield]

S. 1946, to authorize the Attorney General to provide a group life insrance program for State and local government law enforcement and firefighting officers. [Sen. Humphrey]

S. 2087, to provide benefits to survivors of police officers killed in the line of duty. [Sens. McClellan and Hruska]

S. 2426, relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659 of title 18, U.S.C. [Sen. Bible]

S. 2748, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty. [Sen. Boggs, et al]

The hearings are scheduled for Tuesday, November 30, 1971, at 10 a.m., in room 3302 of the New Senate Office Building.

Any person who wishes to testify or submit a statement pertaining to the subject matter of any of the above-listed bills should communicate with the Subcommittee on Criminal Laws and Procedures, room 2204, New Senate Office Building, telephone 202-225-3281.

ADDITIONAL STATEMENTS

THE CONGRESS—PARTISAN OR RESPONSIVE ON CONSERVATION

Mr. MANSFIELD. Mr. President, Secretary of the Interior Morton spoke recently at Princeton on the conservation issues we face as a Nation. He gave a comprehensive sketch of the sweep of events that have marked our impact on our land and resources.

He then listed some of the agenda for America as he sees it—and with much of it I can agree.

However, Secretary Morton also observed:

> Our system of government is now facing the great test. The Congress will prove whether it is partisan or responsive. I have always believed that partisan politics are a secondary consideration—but if Congress does not act on these proposals, the truth will out.

I regret that Secretary Morton believes that if the Congress which is made up of Democrats and Republicans, does not pass the administration's litmus test it is acting as a partisan.

I see a not so veiled threat that come campaign time the Congress will be tagged for the failure of the administration to achieve.

The deep well of interest and concern for our Nation and its land and resources is fed by the hopes and aspirations of the American people. They have asked their Government—not just the Congress and not just the executive and not just the judiciary—they have asked their Government to meet the issues. As with any Nation—any people there are differing views on priorities as well as on the best cause to take.

Before the Secretary and his associates are propelled too far down the path in assessments of partisanship and responsiveness, a few salient facts may prove useful.

ORDERLINESS

The concept of a Department of Natural Resources has been long discussed. President Franklin D. Roosevelt moved toward it. President Harry Truman commissioned ex-President Hoover to study the whole field of organization. One of Mr. Hoover's recommendations dealt with a Department of Natural Resources—and I do not recall in the Eisenhower years that it received much attention. In the Kennedy-Johnson era, Senator Ted Moss introduced legislation to reach this goal and again there was not executive branch enthusiasm. Now President Nixon has his Ashe Commission and his proposals. Republican and Democratic administrations and Congresses have not been able to fashion a new organization for Government in the resources field. When it is achieved it will be a bipartisan accomplishment.

LAND-USE PLANNING

It just happens that Senator Henry M. Jackson and Senator Edmund Muskie led in proposing a national land-use policy.

Comprehensive water resources planning and the creation of the Council on Environmental Quality are areas where Congress has led.

Powerplant siting and strip mines reclamation, two topics Mr. Morton said were high on the President's list have an equally long record of positive interest by the Congress.

To claim that "The President has initiated a concept of land-use policy which includes the protection and management of the public lands on the basis of multiple use and sustained yield" is quite at odds with the facts. When the Nixon administration came into office the act of September 19, 1964, Public Law 88-607, the public land multiple use and sustained yield act was in operation. This law was temporary, having been extended in 1967 along with the Public Land Law Review Commission.

Now that act has expired—in fact it expired in December 1970. The administration was on notice it would expire then but only recently has it come forward with a legislative proposal and this well after Members of Congress had introduced bills to reenact this legislation, in fact, before the act expired Members of the Senate offered to work with the administration to prevent its expiration and their encouragement was nil.

The 1872 mining law has been a subject of long controversy. There are before the Congress a number of bills to reform this policy, but it was not until October 12, 1971, that the administration presented its counterproposals.

There are going to be honest differences of opinion on this legislation which I dare say will find some Republicans and some Democrats holding different views than the administration.

Recently the Senate enacted by a vote of 86 to 0 the Water Pollution Act to strengthen or resolve in this vital environmental area. I do not say that a vote of 86 to 0 indicates a perfect bill but one would have to have a wild imagination to claim it was a partisan bill. Yet, now the administration is having some second thoughts and may seek to modify its basic thrust.

I point out these facts to observe that in my view the American people are fed up with the games politicians play. I regret that the Secretary of the Interior chose at the Distinguished Lecture Series at Princeton University to inject this notion of a political litmus test on environmental legislation. He opened and closed his talk speaking of the Redwoods. The quest to secure their preservation was so absolutely politically bipartisan that it drives home that this is a fact of life. Even more, this legislation took several years to evolve for there were deep differences between contending points of view for there were differences on the philosophical points and on the best means to achieve goals when these were set.

There is more than enough for each of us to do in meeting the environmental challenges man faces. I have little doubt that the American people are going to consider whether their Government is responsive to their needs. More than whether new policies are chartered is involved. There will be an even greater interest in whether the laws in existence are executed faithfully by the administration and whether the funds needed for these vital domestic programs are sought in budgets and then wisely expended.

Finally, I am intrigued by the use of "responsive" as the opposite of "partisan." For in fact the Congress like the Executive can be bipartisan yet still be unresponsive. The Executive and Congress also can be extremely partisan and most responsive. When the Congress has been nonresponsive to a President's requests, it has usually also been quite bipartisan in rejecting his proposals. So the issue we in the Congress and those in the administration face alike in the judgment of the people is simply whether we are both responsive—producing viable solutions to real issues.

Solutions to the stresses man is placing on his environment must be found. In a free society of men dedicated to representative government to achieve their destiny, responsiveness requires that we work together with good will and an honest respect for differing ideas.

Mr. President, I ask unanimous consent that the text of Secretary Morton's speech of November 8, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address by the Honorable Rogers C. B. Morton, Secretary of the Interior for the Distinguished Lecture Series, Princeton University

In early May of 1967, in the primeval forest along Lost Man Creek in the Coast Range of California, a lumbering crew laid its chain saws to the bark of a magnificent tree. As the roaring machines chewed into a trunk broader than the encircling arms of five men, they spat out the chips and the dust of three thousand years growth. This cutting marked the end of a long and bitter struggle, by man for the life of a unique natural asset found nowhere else in the world.

The heap of sawdust at the foot of the stump was more than the debris of a few minutes' work, more even than the symbol of defeat for those who had fought to save the tree. It was the transect of three millennia through which man has steadfastly and passionately wrestled with nature for supremacy . . . and it was an exemplary instance in the never-ending tug-of-war between civilized man and the natural resources which support his civilization.

In the beginning, the steps of man were very soft upon the Earth. Early man was a hunter. He filled his belly by stalking animals and gathering wild plants. He was brighter than most of the species but for two million years he created no more impact upon his environment than did other animals, probably less than herds of elephants or towns of prairie dogs. He drew his milk from the great breast of nature. Though most of the secrets of the Earth were a mystery to him, he lived in the knowledge that he was dependent upon them for survival.

The changes that man has wrought, to secure comfort, pleasure, and wealth for himself since that primordial era are incredible. From the flint and shards of the stone age, we have leapt to the labs and reactors of the computer age. The productivity of our time is immense, bringing its wonders and benefits to more of our people than ever before. Its ingenuity is acute, delivering us plastics and lasers, contact lenses, and TV dinners, nuclear spectre, and man on the moon . . . and, above all else . . . speed, fantastic speed, in its many forms.

But our charts and graphs can certainly be elusive. They often make the net gains seem greater than they actually are. For they fail to take into account the environmental costs which have accumulated unpaid. The leeched-out farmland, the smog and the sludge, the enormous piles of waste, the cacophony of noises, and the darkening of our waters. These are the exhausts of 20th century technology. They are the effluent of our affluence.

To put all this into perspective, will you go back with me now to the day that a small timid band of pilgrims first glimpsed the bleak shoreline of Cape Cod. On the other side of this new, foreboding continent, the venerable redwood was looking down on 2000 years of its own biography.

The new colonists feared the mystery and darkness of the new world but their vitality was challenged by its gargantuan stores of natural resources, and their own hope for riches . . . the wilderness was for the plucking and its dismemberment began almost immediately.

The same marvelous abundance had always been a fact of life for the primitive peoples of North America who predated the colonists for thousands o years. But the Earth developed few scars from the Indian, who had no conception of Anglo-Saxon private ownership, but felt he was merely one part of a vast land-nature equation into which he was woven. His life style was interlocked with his world in a struggle for existence and his only riches were his skill and his strength.

As soon as the beachhead of American life became established, the eyes of those first citizens turned to the West. Sodbuster, trapper, prospector, and trader; the buffalo hunter, pioneer, explorer and lumberman . . . all immediately began to extend the boundaries of the Nation ever westward . . . this was manifest destiny.

The new government assumed the role of promoter and in 1803 we acquired our first great piece of real estate . . . The Louisiana Purchase.

In 1804, President Jefferson sent Lewis and Clark up the Missouri River to report first hand what lay to the northwest.

Then . . . Texas and Oregon was acquired in 1846; California in 1848; The Gadsden Purchase in 1853; Alaska in 1867; and Hawaii in 1898.

So that by the end of the 19th century, geographic expansion of the Nation was essentially complete. Now, there is no more land to buy.

Masses of sodbusters and homesteaders migrated to the grasslands and prairies of Middle America with plows in their hands and wheat in their dreams. The Homestead Act of 1862 had traded them title to quarter sections of ground in exchange for the promise to plow and to farm . . . but there was no contract to preserve it from the wind and the erosion which it brought.

As the prairie states opened, were fenced, and then plowed; the West was opened by the new attraction of gold. Within two years following the 1848 Gold Strike at Sutter's Mill in California, the population of that state jumped from 14,000 to a quarter of a million.

Again, Washington took an active role and the Mining Law of 1872 was established. This act provided that prospectors had free access to search for minerals on the public lands . . . it established the doctrine of finders-keepers. If valuable mineral deposits were found, they became the private property of the prospector. In many cases, this law has allowed the mineral industry to go in, excavate thousands of acres of land . . . and then abandon the hole to the government . . . to the people . . . unreclaimed.

We have progressed, through the 1960's, in the spirit of this early legislation. We have been living as if the sun would burn out in 2071 . . . using our resources as if they were going out of style . . . leaving no need for conservation. But if we continue to attack the stock piles of nature with no thought for the future, we will come to a screeching halt in far less time than it took us to get here from the day we declared our independence.

This is not to say that human life, in some numbers will not survive in the biosphere, but rather that the dynamics upon which cultural expansion depends, will have eroded away.

In spite of this bleak record . . . I am optimistic.

In my view, all the indicators point to a new era of conservation and environmental preservation. The signs of a dawning environmental conscience are appearing. Its seeds are being sown throughout the land—in government—in industry—in the universities—in the home—everyone is an environmentalists.

Very few of us know what to do with our new conscience, but the motivation for change is with us. It is electrifying. It is gratifying.

My optimism is well-founded. In the last three years we have made more progress toward controlling the geometrically escalating degradation than in all our past political history.

But the methods by which we have hacked our civilization out of the wilderness have established strong and hard-to-change patterns. Reform will not come easily. We will experience some discomfort in the land. New values must be accepted. New self-discipline must be a part of our life-style.

The new values will be based on the sum of what man is paying for the conversion of natural resources and what the environment is paying. If the environment is to remain qualitatively constant, man must pay the entire bill. We can no longer allow the quantitative progress which we achieve in meeting the material demands of a higher civilization to eclipse the qualitative values of the environment—and the very spirit of man.

To begin, we must have orderliness. Orderliness in the use of our land is foreign to us. If we are going to stabilize the environment, we can no longer proceed without a sense of order in how we lay out our occupancy of the land. Where the critical factor has always been a quick buck, it must now be environmental quality—and conservation of resources.

I am convinced that land use planning and positive implementation is paramount not only to environmental management but also to the development of a higher social order and a broader cultural opportunity.

The President has initiated a concept of land use policy which includes methods for power plant siting; for strip mine reclamation; for the protection and management of the public lands on the basis of multiple use and sustained yield; and for repeal of the 1872 Mining Act, substituting procedures which will eliminate indiscriminate mining practices and ensure environmental control.

Our system of government is now facing the great test. The Congress will prove whether it is partisan or responsive. I have always believed that partisan politics are a secondary consideration . . . but if Congress does not act on these proposals, the truth will out.

Man's environment in the world is an ecological system. It is the sum of all of the living and nonliving. Its components support the chain of life. Some natural resources have been depleted, and foreign sources of supply have become less plentiful and more insecure. Thus the environmental problems become more evident. The Nation suddenly has become aware of the full importance and significance of the need for the conservation. Management of natural resources and the protection and preservation of the environment are instituted not only to sustain and provide for continued social and economic growth and the quality of life, but for man's well-being and survival.

The natural resource and related environmental challenges facing the Nation are:

To extend the life of our finite resources through more efficient development, secondary recovery, prudent use, and recycling.

To efficiently manage our renewable resources through multiple use and sustained yield.

And to preserve natural assets for the sake of preserving them . . . for posterity rather than material gain.

In short, we must begin to appreciate the blinding speed at which our civilization and its works are now developing. We must not fail to proceed with caution for quality . . . in spite of our velocity . . . a velocity which often seems overwhelming.

If the redwood tree, during whose lifetime most of the important history of the world has transpired, could somehow momentarily blink its eyes, it would miss more than it had witnessed in all of the previous years of its existence. For the biography of the redwood has centuries for pages.

It is a chronicle whose inscriptions were engraved by nature. Man and machine took her pen for their own and wrote a new evolution which compressed the courses of millennia into a single century and begat both the marvels and the horrors of our technic age.

The redwood is actually a symbol of our time. It is the old man of the biosphere, threatened by machines, the love children of the technosphere. The truth of the redwood has eluded us in the past. Our faith in the machine has tricked us into the belief that we are free of natural law. We now are aware that this is simply not the case, for a world with no room for its redwoods is a world that will return to the sands.

NOMINATIONS TO THE SUPREME COURT

Mr. GOLDWATER. Mr. President, distinguished Members of the Senate, the American Bar, and the general public continue to speak out in favor of the two nominations to the Supreme Court, those of Mr. Powell and Mr. Rehnquist.

Certainly, one of the most highly respected and knowledgeable men of the law in this body is the distinguished Senator from Arkansas (Mr. McClellan). He has written his opinion of the two nominees for the New York Times of Tuesday, November the 9. I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Two Distinguished Nominations

(By John L. McClellan)

Washington.—The Senate is now considering William H. Rehnquist and Lewis F. Powell, Jr. for the Supreme Court. A special genius of the American people has been a commitment to the rule of law, not of men; the Senate fulfills a sacred duty in advising and consenting to the nominations submitted by the President.

Three issues face the Senate: (1) Do these nominees have personal integrity? (2) do they possess professional competency? and (3) do they have an abiding fidelity to the Constitution? No Senator has a duty to vote to confirm any nomination forwarded by the President that cannot pass this test. In my judgment, that is what the decision is all about—not about the so-called "Warren Court" or the "Burger Court" or even the "Nixon Court." Those labels are the stuff of journalism, not constitutional law.

Since these nominations were announced, I have examined the public record of these two men without prejudgment. I would note that I have found nothing in the public record of either man that raises any question whatsoever of lack of integrity or competency. I am convinced that any challenge on either of those grounds will utterly fail.

There is room on the United States Supreme Court for liberals and conservatives, Democrats and Republicans, Northerners and Southerners, Westerners and Easterners, blacks and whites, men and women—these and other similar factors neither qualify nor disqualify a nominee. After personal integrity and professional competency, what is crucial, in my judgment, is the nominee's fidelity to the Constitution.

In recent years a majority of the Supreme Court—no doubt in good faith but nonetheless with mistaken judgment—began to impose new standards on the administration of criminal justice in the United States on both the Federal and state levels. These decisions have not enforced the simple rule that law enforcement agents must "live up to the Constitution" in the administration of justice. Instead, these cases have, to a significant degree, created and imposed on a helpless society new rights for the criminal defendants. Some of these new rights have been carved out of society's due measure of personal safety and protection from crime.

Indeed, since 1960, in the criminal justice area alone, the Supreme Court have specifically overruled or explicitly rejected the reasoning of no less than 29 of its own precedents, often by the narrowest of five-to-four margins. In 1967, the high watermark of this tendency to set aside precedent, the Court overturned no less than eleven prior decisions. Twenty-one of the twenty-nine decisions the Court overruled involved a change in constitutional doctrine—accomplished without invoking the prescribed procedures for the adoption of a constitutional amendment. Seven of these represented a new reading of old statutory language—accomplished without the intervening of Congressional action and Presidential approval. And this is the significant point: 26 of these 29 decisions were handed down in favor of a criminal defendant, usually one conceded to be guilty on the facts.

The pursuit by some jurists of abstract individual rights defined by ideology, not law, has threatened to alter the nature of the criminal trial from a test of the defendant's guilt or innocence into an inquiry into the propriety of the policeman's conduct. In my judgment, these decisions, however well-intentioned, have come at a most critical juncture of our nation's history and have had an adverse impact on the administration of justice. Our system of criminal justice, state and Federal, is increasingly being rendered more impotent in the face of an ever-rising tide of crime and disorder.

It is for these reasons that I, for one, welcome these two distinguished nominations.

I recognize, of course, that there are some who challenge these nominations, arguing that the Senate should reject them because of the nominees' positions on such issues as confessions or wiretapping. Yet I have seen nothing that either nominee has said that is more critical of the work of the Supreme Court in these areas than that which Justice Black and Harlan themselves have repeatedly voiced in dissent. I know, too, that the Senate, in processing the 1968 Crime Act, voted 55 to 29 to limit the impact of the Miranda rule on confessions, and 68 to 12 to authorize the use of court-supervised wiretapping in major investigations. I cannot believe that these nominations should or will fail of confirmation for these reasons.

The people of the United States ratified the Constitution to establish justice, to insure domestic tranquility and to secure the blessings of liberty. We must not emphasize one aspect of the Constitution to the exclusion of another. It not only wrongs the Constitution but it will also ultimately jeopardize both the safety and the liberty of our people.

THE ENDINGS OF NOVEMBER

Mr. CHURCH. Mr. President, the editorial page of the Washington Post recently contained a descriptive piece about the month of November, wherein nature makes a sharp break with the preceding months of birth, growth, and maturation. The editorial makes an apt comparison between nature's tempered cruelties and the more heartless depredations of man. If November be a month of "endings," as the editorial says, we are assured, nevertheless, that come spring there will occur a time of new beginnings.

Mr. President, I ask unanimous consent that the editorial published November 16, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Endings of November

The show is over, the cup of Nature is emptied, the eyelids of autumn are swung shut. Choose any way of saying it, but the meaning of November is the same—a month of endings. The great sways and heaves of once full-leaved oaks, whether in woodlands stands or city parks, are still, their barebone limbs and branches now etched against gray skies like giant spider webs. The green leaves of July are the brown mulches of November, a forest floor-covering that blankets the earth and keeps warm the hibernating snakes and moles. Innumerable powers, visible and invisible, have ended their work by now. The earth has produced its fruit, men—or at least the wisest among them—have gathered it, and Nature is silent again. It returns to the mute sources of its being.

Yet much can be heard in this silence, if we have an ear to listen. Follow a wind one day and go to examine some trees that don't mind company. You will learn something about the birds, absentee tenants of spring and summer nests that can now be seen in leafless surprise. So that's where that family of thrushes lived, we say, recalling songbirds from a summer day. Or, how daring of the jays to nest so far out on a limb; they must be the New Left of the woodlands. For shape and gracefulness, what can match the hanging nest of the oriole?

Nature is romanticized by many, especially by those who view it afar through field glasses of living-room safety. But November, with its harsh endings, cuts through the romance to show terror and finality. Go south, hibernate, store your nuts, find a barn—these are the cruel warnings of survival as winter comes on. No excuses, no appeals to a higher court are allowed. Some animals and trees will make it, some not. But a difference exists between Nature's harshness and man's. Beliefs, causes and crusades for which humans maim and kill each other in one era may be mere yawns to the next; no constancy can be found in man's cruelty. We may wake tomorrow morning to a new chaos, with no warning to go south or find a barn. In Nature, though, cruel winters have been coming for billions of years, in eternal regularity. But the endings are tempered with the mercy of warning. Unlike us, the birds can return to their nests after the devastation.

DEATH OF DR. LEON BANOV, CHARLESTON, S.C.

Mr. HOLLINGS. Mr. President, the city of Charleston and the entire State of South Carolina recently lost one of its most distinguished citizens. He was Dr. Leon Banov, the retired director of the Charleston County Health Department.

Dr. Banov had a long and productive life. The tragedy is that, at 83, he was still active and still contributing to his adopted land. He will be truly missed—both for the quality of his work and the kind and generous nature of his personality.

I ask unanimous consent that two articles detailing the life of Dr. Banov, one from the Charleston, S.C., Evening Post of November 5, 1971, and another from the Charleston, S.C., News & Courier of the same date, be printed in the Record. I ask also that an editorial from the Charleston, S.C., News & Courier of November 6, 1971, be printed in the Record.

It was my privilege to know Dr. Banov and to be counted among his legion of friends. I join not only thousands of South Carolinians, but people from all over the world, in mourning the passing of this true humanitarian.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Charleston (S.C.) Evening Post, Nov. 5, 1971]

Dr. Leon Banov Dies in Accident

A two-car collision Thursday night claimed the life of the retired director of the Charleston County Health Department.

Dr. Leon Banov, 83, of Campbell Drive was pronounced dead on arrival at the County Emergency Room shortly after the accident, which occurred on U.S. Highway 17 near Parish Road about 7:30 p.m., Coroner Jennings Cauthen said.

An autopsy has been ordered.

According to the coroner, Banov was a passenger in a car driven by Dr. John F. Shaul of Legare Street. Their car was heading north on Highway 17 and, while attempting to make a left turn, it was struck on the passenger side by a car driven by Frank Washington, 32, of Ritter.

The collision occurred in the southbound lane of Highway 17, he said. Washington's car was travelling south at the time of the accident.

Dr. Shaul and a passenger in Washington's car were treated at the County Emergency Room. Washington was not injured.

Dr. Banov retired in 1961 after 49 years of service with the Charleston County Health Department.

He was born in Poland on July 5, 1888, a son of Alexander Banov and Mrs. Sonia Danielewicz Banov. As a young child he was dressed as a shepherd boy following a flock of sheep and escaped into Germany to avoid the Russian persecution of Jews.

His family came to Charleston and he attended the public schools here. After running his own drugstore for several years, Dr. Banov received a degree from the School of Pharmacy at the Medical College of South Carolina in 1907. He became assistant city bacteriologist in 1912 and entered medical school, receiving his degree in 1917. He was an instructor in the School of Pharmacy from 1913 to 1917.

In 1918, he became chief food inspector for the city and the following year was responsible for making Charleston the first city in the world to require the pasteurization of milk.

He became County Health Officer, a post he was to hold for 41 years, in 1920. His campaign of public health education and preventive medicine resulted in the eradication of smallpox from Charleston and a great decline in infant and maternal mortality rates.

From 1926 to 1936 he was also City Health Officer and was the only man to be both county and city health officer. In 1936, the Charleston County Health Department was organized and Dr. Banov became its director.

He was named assistant professor of public health and preventive medicine at the Medical College in 1926, associate professor in 1947 and professor in 1949.

In 1930, he was a delegate to the International Hygiene Congress in Dresden, Germany, and in 1949 he served as a member of the President's National Health Assembly. Beginning in 1950, he served for three years as a consultant to the U.S. Public Health Service.

In 1949, he was named an outstanding leader in public health by the American Board of Preventive Medicine and Public Health. Later he was nominated by the American Public Health Association for the Lasker Award in public health.

Upon his retirement, the new health center on Lockwood Drive was named in his honor and he also received an honorary doctor of laws degree from the College of Charleston.

In 1970, he was awarded the James A. Hayne Award by the S.C. Public Health Association.

Dr. Banov was an officer in a number of organizations, including president of the International Health Officers Association, the Medical Society of South Carolina, the Charleston County Medical Association and the Southern Branch of the American Public Health Association. He was also vice president of the American Association of Public Health Physicians and executive secretary of the Public Health Physicians and executive secretary of the Charleston County Tuberculosis Association which built Pinehaven Hospital.

In January, he published "As I Recall—The Story of the Charleston County Health Department", a history of his years with the department.

[From the Charleston (S.C.) News & Courier, Nov. 5, 1971]

Former Health Director Dies in Accident

Dr. Leon Banov, 83, retired director of the Charleston County Health Dept., was killed last night in an automobile wreck on the Savannah Highway at Parish Road.

He was pronounced dead on arrival at Charleston County Emergency Room about 7:45 p.m.

I. S. Martin of the S. C. Highway Patrol said Dr. Banov was a passenger in a car driven by Dr. John F. Shaul of 36 Legare St.

The Shaul car was headed north on Highway 17 about 7:30 p.m., the patrolman said, when it attempted to make a left turn and was struck broadside by a car driven by Frank Washington, 32, of Ritter.

The accident occurred in the southbound lane of Highway 17. Washington's auto was headed south and struck the Shaul car on the passenger side where Dr. Banov was seated, the policeman said.

Coroner Jennings Cauthen said an autopsy has been ordered to determine the cause of Banov's death.

Dr. Shaul and a passenger in the Washington car, identified as Robert Grant, 37, of Ritter were treated at the Emergency Room and released.

Washington was not injured.

Dr. Banov, who lived at 61 Campbell Dr., was first named country health officer in 1920 and director of the County Health Dept. in 1937.

He retired in 1961 after 49 years of service.

He was born July 5, 1888, in Suwalki, Poland, a son of Alexander Banov and Mrs. Sonia Danielewicz Banov.

At the age of 9, he was smuggled out of Poland to escape Russian oppressors. He and his parents later moved to the United States where the family settled in the Red Top section of Charleston County.

Dr. Banov attended public schools in Charleston and worked in drug stores during school years. He received a degree in pharmacy in 1907 for the Medical College of South Carolina and operated a drug store here from 1908 to 1912.

Starting as assistant cty bacteriologist in 1912, Dr. Banov remained from then on in public health, continuing as a special consultant to local, state and federal health agencies after retirement.

He was chief food inspector for the city from 1918 to 1920.

Dr. Banov became an instructor in the School of Pharmacy at the Medical College in 1913 and served in this capacity until 1917. While an instructor, he studied at the college and in 1917 received a degree in medicine.

In 1926 Dr. Banov became assistant professor of public health and preventative medicine at the medical college. He was named an associate professor in 1947 and professor in 1949.

In 1930, he was a delegate to the International Hygiene Congress in Dresden, Germany, and was appointed by President Herbert Hoover as a delegate to a White House convention on child health and welfare.

Dr. Banov was selected by the American Board of Preventive Medicine and Public Health, Inc. as an outstanding leader in public health. He was also nominated for the Lasker Award in Public Health by the American Public Health Assn.

Dr. Banov was a special consultant to the U.S. Public Health Service Chronic Disease Division from 1950 to 1953.

Over the years, Dr. Banov held numerous memberships in professional organizations and was president of the International Health Officers Assn., the Medical Society of S.C., the Charleston County Medical Assn., the Southern Branch of the American Public Health Assn., and vice president of the American Association of Public Health Physicians.

He was executive secretary of the Charleston County Tuberculosis Assn. which built the original Pinehaven Hospital.

Dr. Banov announced his retirement in 1961 at the dedication of the county's new health center on Lockwood Blvd. which was named in his honor.

Since his retirement, the physician has been honored on several occasions by civic clubs and in May, 1970, was awarded the James A. Hayne Award by the S.C. Public Health Assn.

In 1961, he received an honorary doctor of laws degree from the College of Charleston.

In January of this year, Dr. Banov published a book entitled "As I Recall—The Story of the Charleston County Health Department" in which he traced much of the 50-year history of the department.

[From the Charleston (S.C.) News and Courier, Nov. 6, 1971]

Dr. Leon Banov

A citizen admired for nearly half a century of service in public life and beloved for his personal qualities, Dr. Leon Banov was Charleston's lucky acquisition from European oppression. As a child of nine he escaped with his family from Poland, then under domination of imperial Russia. He grew up in Charleston, studied pharmacy and later earned a degree as doctor of medicine.

Since 1912, first as assistant city bacteriologist, then as chief food inspector and subsequently as director of the County Health Dept., he grew with the community and the advancement of medicine. Dr. Banov's reputation likewise expanded through consultations and travel. Through he retired in 1961 he still pursued a busy schedule, receiving additional honors along the way.

The News and Courier has had occasion many times to commend Dr. Banov during his lifetime. His death in an automobile accident at age 83 causes us deep sorrow, which we share with a vast number of associates, friends and admirers.

DANGER SIGNALS INCREASING IN UNITED STATES-CANADIAN RELATIONS

Mr. CHURCH. Mr. President, Canadian disaffection with the United States is taking on the proportions of a major storm.

"Dangerous protectionism," as Hobart Rowen of the Washington Post describes it, "unleashed by President Nixon's new foreign economic policy on August 15" stimulated the storm. The 10 percent surcharge affects about 25 percent, or close to $3 billion of Canada's annual shipments to the United States. In addition, the investment-tax credit, which would apply to U.S.-made equipment and machinery only, could bite into $1 billion more of Canadian southern-bound exports. All this on top of a national unemployment average of 7.1 percent.

In Canada, a nationwide anti-Yankee campaign is growing. It is now being fueled by a report prepared by the Revenue Minister which recommends "direct government action to control foreign direct investment in Canada," a move obviously aimed at investors from the Colossus to the South.

Mr. President, I urge that the executive branch reconsider its foreign economic policies vis-a-vis Canada. While the President is refashioning our relations with Peking and Moscow, it appears that our dealings with Ottawa—and Tokyo, New Delhi, the EEC capitals, and Latin America—are worsening at a fast rate.

I ask unanimous consent that a series of articles on United States-Canadian relations be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 13, 1971]

Curb Investors, Canada Urged

(By Claude Lemelin)

Montreal, November 12.—A secret memorandum presented to the Canadian cabinet last May urged "direct government action to control foreign direct investment in Canada", a move primarily aimed at U.S. investors, it was disclosed today.

Revenue Minister Herbert Gray recommended among other things the establishment of a screening agency to examine any projected takeover, new investment, expansion, or licensing agreement envisaged in Canada by a foreign-controlled company.

The agency would have the authority to block any takeover or new investment and also to negotiate with the foreign firm an arrangement which, in its opinion, would better serve the interest of Canadians.

U.S. investments are by far the largest foreign investments in Canada's economy and amount to roughly $31 billion, of which about $20 billion is in direct ownership of Canadian firms.

The establishment of the new agency is the main recommendation of the highly confidential memorandum of which an abridged version was published Thursday by the Canadian Forum, a Toronto intellectual magazine.

The Trudeau government had refused until now to publish the Gray report, prepared by a task force appointed in November, 1969.

Last May, even while the cabinet was studying the report, Prime Minister Trudeau questioned the usefulness of publishing the contents of the report.

"We are conscious of our responsibility in the step we have taken," wrote the editorial committee of the Canadian Forum in its introduction. "As the authors of the Gray report themselves acknowledge in their introduction 'the Canadian public, including the business community, is expecting a policy statement from the government.' We agree.

"A policy judgment was also required in our decision to take this initiative at the present time. In a recent interview, the prime minister expressed on behalf of many people in this country his concern that the United States would buy up more and more of our country' if the present policies of the Nixon administration were to continue. It seems to us, however, that the onus of responsibility on the issue of foreign ownership lay primarily with the Canadian rather than the American government."

Judging from the abridged version published yesterday, the Gray report is a very detailed and sophisticated study of foreign ownership in Canada. The issue is considered in its many dimensions and analyzed through cost-benefit analysis.

On the whole, however, the report is a much more radical critique of foreign investments and of its impact on the Canadian economy than one could expect from previous statements by Trudeau and his colleagues.

In a statement issued by his office, Trudeau acknowledged the Canadian Forum document was based on a government study, but denied that it represented government policy. A foreign investment policy has been under consideration for some time by the government, he added, and would be announced "in due course."

The Canadian cabinet appears to be sharply divided over the exact nature and powers of the new foreign investment control agency.

This conflict delayed the issuance of the foreign investment policy statement until last August. Since then, Ottawa has carefully avoided initiative that might add to mounting tensions with Washington.

United States interests have more capital invested in Canada than in the whole of Europe. The total American investment is about 75 per cent of all foreign investment in Canada.

The Gray report values at somewhat less than $30 billion the book value of Canadian subsidiaries to foreign firms. These investments are heavily concentrated in the mining, petroleum and manufacturing industries. Fifty-eight per cent of the manufacturing sector's assets are foreign controlled.

According to data compiled by the government for the years 1946–67, only $9.7 billion of the total $43.8 billion invested by foreign-controlled firms in Canada were obtained from abroad. Hence, capital inflow financed only 22 per cent of foreign firms' expansion. The rest of the necessary funds were obtained from Canadian sources.

The introduction is a useful summary of its general outlook: "The high and growing degree of foreign, and particularly U.S. control of Canadian business activity has led to a Canadian industrial structure which largely reflects the growth priorities of foreign corporation.

"Many of these corporations invested in Canada to extend the markets for their manufacturing. Subsequently, Canada has become locked into accepting a pattern of innovation and technological development originating abroad. Other corporations invested in Canada to extract resources for home consumption.

"In either case, the extent that these corporations were influenced by their home environment, their investment decisions reflected the industrial priorities of foreign governments and economies. This in turn has contributed to the integration of the Canadian economy into the world economy in a way which could make it increasingly difficult for Canada to realize its growth and employment objectives."

[From the Washington Post, Oct. 24, 1971]

CANADA: OUR FURIOUS FRIENDS

(By Claude Lemelin)

MONTREAL.—Relations between Canada and the United States have become increasingly strained since Aug. 15, when President Nixon jolted the international community by imposing his 10 per cent import surcharge and floating the U.S. dollar.

During the two months since then, the tone of public and private communications across the celebrated "longest undefended border in the world" has been raised to a new and grating pitch. Relations between Ottawa and Washington, once cited to the international community as a paragon of harmony, have deteriorated to the point where mutual distrust delays the resumption of fruitful negotiations.

A watershed may have been reached in U.S.-Canada relations. Even if the two nations succeed in patching up their disagreements in the coming months, it may well be that they are destined to grow further apart. Certainly, the Nixon administration's unilateral disruption of trade across the 49th parallel—the most intensive in the world—has compelled the Trudeau government to grope for an alternative to North American integration for the Canadian economy.

Such an "agonizing reappraisal"—a borrowed phrase used by Canada's Minister for Trade and Industry, Jean-Luc Pepin, in a speech delivered in Houston earlier this month—would merely extend to economic policy a basic decision taken three years ago by the Trudeau government in the field of foreign policy. To dilute the pervasive American influence that grew out of Canada's special and privileged postwar relationship with the United States, Ottawa then decided to "diversify" its foreign policy by establishing diplomatic relations with China and developing closer links with the Soviet Union, as well as by tightening existing relations with Europe, Japan and other countries in the Pacific basin.

It is unlikely that an early removal of the American import surcharge would end the search in Canada for an economic alternative. Come what may, Ottawa is expected at the very least to pursue with a new urgency its drive for diversification of Canada's economic relations.

"What happened once can always happen again," a government official close to Prime Minister Trudeau remarks. "We can no longer afford to be without contingency plans in the face of future isolationist moves by the U.S. government."

Last week, Soviet Premier Alexis Kosygin's visit to Ottawa provided the Trudeau government with the opportunity to explore one such alternative: The expansion of trade and economic cooperation with the Soviet Union. A general exchanges agreement was signed, providing for regular contacts and possibly joint scientific and cultural projects, and both the Canadian and Soviet leader expressed high hopes for future trade between the two countries. But despite Trudeau's use of Mr. Kosygin's visit to induce the Nixon administration into a more amenable posture on U.S.-Canada economic relations, the Canadians harbor no illusions about the significance of the Soviet "alternative." No matter how fast Soviet-Canadian trade expands in coming years, it could not possibly compensate for any substantial shortfall in Canada's exports to the United States.

THE AUGUST 19 MEETING

The relentless deterioration in U.S.-Canada relations began at a meeting in Washington on Aug. 19, during which Treasury Department officials questioned the long-term viability of Canadian manufacturing industries within the North American economy and raised doubts about the desirability of maintaining relatively free access to the U.S. market for those industries. The same officials also indicated that policies recently implemented by Canada to spur the development of technologically advanced industries north of the border were unacceptable to the United States and suggested that Canada specialize instead in the extracting and processing of raw materials for American industry.

During the meeting, held at the urging of the Canadians and attended by Finance Minister Edgar Benson and his colleague Jean-Luc Pepin, Treasury Secretary John Connally refused to exempt Canada from the 10 per cent import surcharge. But the Canadians were less disturbed by Connally's rejection of their one specific request, which they half-expected, than by his officials' open challenge to the continental assumptions that have guided Ottawa's economic policies for more than a quarter century.

Unlike Japan, Britain and the Common Market countries, Canada was not unduly disturbed by the monetary aspects of President Nixon's new economic program. But the import surcharge and the "buy American" clause attached to the 7 per cent investment credit now before Congress were quite another matter.

Canada's exports to the United States reached $10.2 billion last year—representing 68 per cent of Canada's total exports and almost 15 per cent of her gross national product. The surcharge would severely affect more than a quarter of Canada's exports to America—$2.5 billion of goods—while the "buy American" clause would jeopardize an additional $300 million of Canadian machinery exports southward.

Canadian officials claim that such drastic curtailment of foreign trade would destroy in a single year more than 100,000 jobs, thus raising Canada's already high unemployment rate—7.1 per cent last month—by two full percentage points at the very least. Given the fast growth of the labor force and the inevitable concentration of unemployment in Quebec, the French-speaking province where separatist sentiment has been growing steadily in recent years, this prospect horrifies the Trudeau government.

In addition, the substantial tax break the United States would grant to the Domestic International Sales Corporations (DISCs) proposed by President Nixon would significantly reduce business investment in Canada. The DISCs—which Canadian officials maintain would violate the General Agreement on Tariffs and Trade—would receive long-term deferral of U.S. income taxes by acting as U.S. firms' domestic funnels for foreign sales, thereby encouraging the firms to substitute exports from American plants for production by overseas subsidiaries. About half of Canadian manufacturing industry and more than 60 per cent of resource industries are owned and controlled by American corporations. Consequently, any substantial disincentive to foreign investment enacted by Congress is bound to bring about economic stagnation in Canada.

For all those reasons, the Canadian cabinet decided on Aug. 16 to press at the earliest opportunity for an immediate and unconditional exemption of Canadian products from the import surcharge. Canadian embassy officials in Washington had strongly advised against the ministerial trek; U.S. Treasury officials had let them know that Secretary Connally had more pressing things to do than listen to Canadian grievances, and that the administration could not afford to take anything but a hard line.

But the Trudeau government could not afford to ignore internal political considerations: Not to go to Washington would have provided opposition parties with choice ammunition a few months away from the next federal elections. It was also felt in Ottawa that, even if an early exemption from the surcharge could not be expected, a top-level meeting would still be useful, if only to probe the Nixon administration's long-term views on U.S.-Canada relations and to remind it of the disastrous impact its new "game plan" would have on the Canadian economy.

After the rebuffs of the Aug. 19 meeting in Washington, the Canadian cabinet quietly began to draw up—almost from scratch—contingency plans to safeguard the country's economic interests. What shocked the Canadians into this fundamental economic review was not so much the U.S. Treasury's emphasis on the admittedly substantial bilateral balance-of-payments surplus from which Canada has benefited in the last two years—the first such surpluses since 1891. (Ottawa and Washington don't even agree on figures; according to Canadian statistics, the surplus was $1.1 billion in 1970, while U.S. statistics put it much higher, at $1.6 billion.) The Canadians were totally unprepared for a major onslaught against Canada's industrial development policies, an onslaught that could easily have been construed as an unwarranted American intrusion in the country's internal affairs.

REPORT OF THE U.S. VIEW

Canada's trade and development policies toward the United States are essentially mercantilist, U.S. Treasury officials are reported to have said. Not only do Canadians want to sell their natural resources, for which the United States has an urgent need, but they try to expand by all possible means—efficient or not—their output and exports of manufactured goods. Whenever the Canadian government agrees to import anything from the United States—be it automobiles, aircraft, military equipment or computers—it always tries to negotiate "Canadian content" and other offsetting clauses. In fact, the Nixon administration often has the impression that Canada would prefer not to import anything from the United States, it was further said. (Canada's imports from America totaled $9.2 billion in 1970, more than the total for Japan and Britain combined.)

In recent years, Treasury officials allegedly went on, Canada's industrial development has become distinctively more interventionist and more aggressive. Rather than let market forces freely determine the location of manufacturing plants within North America, Ottawa attracts U.S. firms to Canada with a wide range of subsidies. Branch plants recently established by Control Data and IBM are obvious examples.

Thus, concluded the American spokesmen, there are several aspects of Canadian economic policies that inevitably lead to dilemmas and contradictions with the United States. Many of Canada's secondary industries are inefficient and excessively dependent on the U.S. market, while their artificial expansion has put a ceiling on U.S. exports of manufactured goods to Canada. How, then, is the United States expected to get the foreign exchange it needs to buy Canadian raw materials? Canadians would clearly be better off if their secondary industries were based on the processing of natural resources. Continental economic integration could then proceed without conflicts of interest arising regularly between Canada and the United States.

Despite the near panic those blunt statements provoked within the Canadian government, politicians maintained a shocked silence in Ottawa for several weeks while officials probed further the Nixon administration's intentions toward the Canadian economy. When a second meeting in Washington between civil servants failed to dispel the ominous signs of a U.S. retreat into protectionism and economic nationalism, the Canadian cabinet feverishly began to draw up its contingency plans, both to counter the immediate threat of the U.S. import surcharge and to reassess Canada's longterm development strategy and trading pattern.

ACTIONS BY CANADA

On Sept. 7, Canada became the first country to take legislative action seeking to neutralize the impact of the import surcharge on its trade with the United States. For the remainder of the current fiscal year, which ends next March 31, $80 million has been allocated for so-called "employment maintenance grants"—a thinly disguised form of export subsidy that will enable firms exporting more than 20 per cent of their output to America to maintain at least in part their competitive position in the U.S. market. If the surcharge outlasts the current fiscal year, a further $200 million is expected to be allocated to the employment maintenance program. Ottawa also announced special government purchases of food exports that have been hurt by the U.S. surcharge. The resulting stocks will be donated to the world food program.

Also following the Washington meeting, Trudeau announced the indefinite postponement of talks with the United States on joint development and exploitation of energy resources on a continental basis. The Nixon administration is eager to negotiate with Canada a North American free trade agreement for energy resources, so Trudeau's curt announcement, justified by lack of ministerial time, given Canada's urgent economic problems, could be interpreted as a subtle reprisal against Secretary Connally's poker tactics.

Opposition parties in the House of Commons have repeatedly called for the imposition of a surcharge on Canadian exports of natural resources. Business lobbies in Canada have begun to press more and more forcefully for the imposition of a retaliatory surcharge on imports of manufactured goods from the United States.

On Oct. 15, Canada again became the first of the United States' trading partners to make substantial budgetary adjustments to neutralize the impact on her economy of the Nixon program. The $1 billion supplementary budget tabled by Finance Minister Benson included a 7 per cent cut in corporate income taxes, a 3 per cent in personal income taxes and new spending programs designed to boost employment this winter.

Since the shortive visit to Ottawa of Secretary of Commerce Maurice Stans on the last weekend of September, there have been no official communications between Ottawa and Washington, short of normal diplomatic contacts. During the IMF meeting at the end of September, however, John Petty, assistant secretary of the Treasury for international affairs, convoked the Canadian press corps in Washington for an unusual on-the-record briefing.

Though Canadian correspondents generally interpreted this move as a thinly disguised attempt at U.S. arm-twisting, Petty actually tried to dispel the ominous impressions gathered by Canadian ministers and civil servants during their August meetings with U.S. Treasury officials. He categorically denied that it was the Nixon administration's policy to reduce Canada to the role of raw material supplier for the United States; indeed, he expressed satisfaction at the recent expansion of Canadian output and exports of manufactured goods. To be sure, Petty reiterated Washington's criticism of several aspects of Canadian economic policies, but he emphasized that these disagreements could easily be resolved through bilateral negotiations.

UNOFFICIAL CHANNELS

Canadian officials were not displeased by Petty's somewhat irregular initiative, but wondered why the Nixon administration chose not to make its views known through official channels. Puzzlement verged on irritation when the Chicago Tribune, on Oct. 11, published an alleged Treasury document entitled "Grievances Against Canada." The document listed 17 U.S. demands (including unilateral tariff changes amendments to Canada's tax reform bill, and revisions of her industrial development policies) as conditions for the exemption of Canadian goods from the import surcharge.

"We believe there is nothing wrong with communication (channels)," Prime Minister Trudeau told the House of Commons in answer to questions by opposition members. The problem, Trudeau said, is that "it is not American policy to put the proper stuff into the channels which would satisfy the Canadian people."

Ottawa's reaction to the Chicago Tribune article exemplifies the Trudeau government's tough, yet subdued stand toward what are literally considered in the country as "beggar-thy-neighbor" policies by the Nixon administration. Canadian officials first expressed skepticism about the authenticity of the document—at least on its status as a policy statement. The external affairs secretary, Mitchell Sharp, duly acknowledged a State Department denial that the list of grievances represented in any way official policy toward Canada. But at the same time, Sharp began to list Canada's own grievances against the United States, thereby implying that, in Ottawa's view, the Chicago Tribune leak had been deliberate and represented the U.S. Treasury's response to a tough speech in Toronto three days before by the national revenue minister, Herbert Grey.

Sharp mentioned the maintenance of the American Selling Price on chemicals, in violation of a commitment made during the Kennedy round of tariff cuts; the U.S. ban on the importing of uranium, of which Canada has the largest world reserves; the manufacturing clause in the U.S. copyright act, which prevents a Canadian author from selling in the United States more that 1,500 copies of a book published in Canada without forfeiting his copyrights; and restrictions on Canadian immigration into the United States. Why Canada should want to encourage the emigration of citizens is beyond comprehension, but no doubt the issue is a useful bargaining point since Canadian laws here are notably more liberal than America's and the country has recently received a substantial influx of U.S. immigrants—draft-dodgers, protesters against the Vietnam war, critics of the American way of life and whatnot.

"We have a long list," Sharp added, tongue-in-cheek, "but I think that these are matters that ought to be negotiated between our countries in the ordinary way and certainly ought not to be associated with the surcharge."

BARRAGE OF STATEMENTS

Quite obviously, then, the Trudeau government has been far from innocent of recourse to "unofficial" or "improper" channels. Indeed, Canadian ministers have mounted since mid-September a barrage of increasingly aggressive statements on the future of U.S.-Canada relations. Sharp fired the first shot in New York on Sept. 21; he was soon followed by Trudeau in Ottawa, Jean-Luc Pepin in Houston, Herbert Grey in Toronto and Edgar Benson all over the place.

"Suggestions from responsible authorities in the United States that Canada should reduce its secondary manufacturing industry and concentrate on the exploitation and processing of natural resources are as insensitive as they are misinformed," said Sharp. "We have the fastest-growing labor force in the world. Extractive and processing industries could not begin to absorb the labor force we have today, let alone provide the new jobs we need now and in the future.

"The enunciation of the Nixon Doctrine," continued the Canadian minister, "and more particularly the economic measures taken by the United States last month, has effectively, perhaps brutally, challenged some of our assumptions and led us to re-examine our position as an industrial and trading nation.

"Needless to say, we in Canada are asking some pretty fundamental questions about the future. We have proceeded in the postwar period on the assumption of freer trade and stable trading relationships between Canada and the United States, relationships which have been profitable to both countries. The announcement of Aug. 15 could not help but shake that assumption and, as a government responsible for the security and prosperity of more than 20 million Canadians, we have to look at the alternatives," Sharp said.

A PROUD NATION

Trudeau was even blunter on Sept. 23, during one of his infrequent television interviews. "When the Americans look at what they're doing they say: "Well, you know, we're doing this to the Japanese and we're doing this to the Europeans." They don't seem to realize what they're doing to Canadians. If they do realize what they're doing and if it becomes apparent that they just want us to be sellers of natural resources to them and buyers of their manufactured products—all these 'ifs'—I repeat we will have to reassess fundamentally our relation with them, trading, political and otherwise.

"They will have to realize that Canadians are also a proud nation," the prime minister warned "and that if they are really trying to rearrange the North American continent so that we are just a supplier and that we won't be able to find jobs for our growing labor force and we won't be able to have an advanced technological society that we can manage ourselves, that is a very, very serious hypothesis. I don't think the Americans realize this or envisage it."

As part of Canada's reassessment of her economic relations with the United States, Sharp earlier this month submitted to the Canadian cabinet an External Affairs staff study outlining the various alternatives. None of the theoretical possibilities—which range from a trade war to a common market arrangement with the United States—has yet been excluded, Trudeau recently noted. But Sharp indicated earlier that, in practice, a common market arrangement was out of the question. This would provide not only for free trade between the two countries, but also for a common North American tariff against the rest of the world. It is felt in Ottawa that, given the relative size and political weight of the two economies, such an arrangement would virtually shift the responsibility for Canadian commercial and development policies from Ottawa to Washington, thereby drastically eroding Canada's sovereignty.

[From the Christian Science Monitor, Nov. 10, 1971]

TARIFF CLOUDS DARKEN UNITED STATES-CANADIAN BORDER

(By Bruce Hutchison)

The Canadian public is shocked by the United States Senate Finance Committee's proposal that President Nixon be given power to increase the American tariff surcharge and impose a 7 percent excise tax on foreign automobiles.

But the Canadian Government says it is much more alarmed by congressional legislation that would give special tax privileges to American export industries.

Opposing retaliatory moves of any sort against the United States, Finance Minister Edgar J. Benson told Parliament that the Senate committee's tax and tariff plans were preliminary and not decisive. They might or might not be enacted into law, he said. And if they were, it was "very unlikely" that the President would enforce them.

In any case, he added, it was "too early in the game" for Canada to become excited by threats of increased import levies on its massive sales in the American market.

SERIOUS THREAT SEEN

More serious, Mr. Benson warned, was the proposed establishment of domestic international sales corporations with large tax advantages, export subsidies, and a motive for reducing their present business in Canada.

While Mr. Benson answered the parliamentary opposition's attack on his economic policies, Canadian and American officials were meeting privately in Ottawa to consider the deepening controversy between their governments, especially on the free-trade automotive agreement.

What came out of this conference, if anything, was not disclosed, but further meetings are planned in the two capitals.

The Canadian Government has said that it is not actually negotiating commercial problems with the United States, only discussing them in a general way. It seems to be waiting for some clarification of the larger international-currency dispute before it advances any major trade proposals of its own.

MOTION VOTED DOWN

In the meantime it easily voted down a Conservative Party motion condemning it for failure to improve Canada-United States relations or to foster Canadian economic independence.

Heath McQuarrie, chief opposition spokesman, said the "hot line" between Ottawa and Washington had "gone cold" and the government had adopted an anti-American posture which could mean economic disaster to Canada.

Mitchell Sharp, Minister of External Affairs, denied any feeling of hostility toward the United States, though admitting that the government was unhappy about recent American protectionist policies.

He reminded the Conservatives that the low point in neighborly affairs had been reached under their government in 1963 when it accused the United States of interfering in Canada's affairs and was defeated at the polls.

A meandering two-day debate showed neither government nor opposition ready to undertake retaliation against the United States and both eager for improved relations with it.

Only the left-wing New Democratic Party denounced the government for what it called inadequate response to growing American protectionism.

[From the Washington Post, Nov. 11, 1971]

Protectionist Danger—Treasury's Foray Into Foreign Policy

(By Hobart Rowen)

If one needed proof of the dangerous protectionism unleashed by President Nixon's new foreign economic policy on August 15, it may be found in the vote of the Senate Finance Committee to give the President sweeping new powers to impose trade quotas. Beyond that, the committee voted to allow the President to slap a tariff surcharge of 15 per cent on imported products, even more severe than the 10 per cent additional charge put in place on August 15.

The 10 per cent surcharge, to the rest of the free world, has become a unique symbol of the new inward look of America, a determination on the part of President Nixon to assert U.S. will, forgetting the niceties of international co-operation. Ironically, Mr. Nixon imposed the surcharge under the authority of the Trade Expansion Act of 1962, a contradiction in terms that would be erased by the new restrictive legislation being discussed by the Senate Committee.

But as harmful to free trade as is the surcharge—dramatically evidenced by a total of more than 2,000 requests for product exemption filed with the Treasury Department—there are phases of the new foreign economic policy that may be even worse.

Take the matter of the proposed 7 per cent investment credit, titled the "Job Development Credit" in an abortive effort to avoid it being labeled a bonanza for business. The credit, as most businessmen admit, is unlikely to do much more this year than to add to business profits: it is most unlikely to stimulate production and jobs because output is so far below existing capacity. That's the first weakness of the proposal.

There is no real connection between the investment credit and job development—and the administration doesn't seem interested in creating such a link. Yet, at least one way is at hand in Senate bill 2632, proposed by Senator Javits of New York, which would give a specific tax credit for each additional employee hired over the preceding year.

But beyond this deficiency of the administration bill on the domestic side, it carries a "Buy American" feature which is anathema to some of our closest trading partners. That is to say, the 7 per cent credit is allowed for purchases of domestic machines, and is not allowed for foreign purchases.

When the "Buy American" feature of the "Job Development Credit" is combined with the 10 per cent import charge, the supplier of foreign capital goods is at a disadvantage of about 27 per cent. And if the devaluation of the dollar is taken into account, the "swing" in favor of the American capital goods seller is probably 30 per cent or more.

The figure may seem staggering, but it is correct. An example provided by a British study (U.K. capital goods producers would be hard hit) goes as follows:

Compare businessmen A, B, and C, each of whom makes $1,000 gross profit over the period of depreciation of any investment asset he buys.

Businessman A buys no machinery, and pays a tax of $480 (the corporate rate of 48 per cent per $1,000 in the top bracket).

Businessman B buys an American-made machine costing $100. His taxable income is reduced thereby to $900, and his tax is $432 (48 per cent of $900). In addition, the 7 per cent Job Development Credit lops $7 off his tax bill making it $425. Compared to Businessman A, he saves $55 in tax, and the final cost of the machine is $45 ($100 minus the $55).

Businessman C buys a foreign machine which costs $100, and pays a $10 surcharge. His taxable income is reduced to $890, and the tax payable is $427.20 (48 per cent of $890). Compared with Businessman A, he saves $52.80, and the final cost to him of the foreign-made machine is $57.20 ($110 minus $52.80), or $12.20 more than the $45 cost of Businessman B's machine.

Thus, the "Buy American" provision gives Businessman B a 27.11 per cent preferential margin over Businessman C. The shift in exchange rates against foreign suppliers easily raises the margin to 30 per cent or more.

"On this basis," asks an indignant European, "who the hell would want to buy a foreign machine?"

Other countries have resisted this kind of discriminatory practice, using investment incentives primarily to advance the modernization of their industry. The Nixon plan tends to defeat the very notion inherent in "Job Development": the provision of a way of making American factories more competitive by using the best, lowest priced machines available.

But the new American foreign economic policy, under Treasury Secretary John Connally's guidance, bowls along without regard to whether the Buy American investment credit is a breach of the GATT (General Agreement on Tariffs and Trade) as our trading partners insist it is.

We as a nation seem to be oblivious to the views and concerns of our friends, even the great fears building up among the Canadians, our nearest big neighbor and our No. 1 trading partner. The special relationship that we have enjoyed with Canada is on the verge of coming apart.

Over their strong objections (and those of much of the rest of the world), we bulled ahead with the Cannikan atomic test. Now, although the import charge has a tremendous impact on the Canadian economy, the only request for surcharge exemption that is likely to be considered seriously is for lumber—because American building and political interests are worried about a shortage.

The danger in protectionist measures is that one gets used to them. Like drugs, they are addictive. The combined August 15 measures in the foreign economic field, if not soon removed or alleviated, could set off a sickening round of discriminations and retaliations that, as the National Planning Association said in a good report over the weekend, could get out of control.

Mr. Nixon might do well to restore the management of foreign policy to the State Department: Treasury Secretary Connally would seem to have enough of a job planning to get the domestic economy moving out of a rut.

Canada's New "Anti-Americanism"

(By Mitchell C. Lynch)

Ottawa.—Is Canada going anti-American? Prime Minister Pierre Trudeau says certainly not. The government, through the cabinet, says relations between the two countries are as warm and friendly as ever. And no polls have shown that the Canadian people themselves are getting hot under the collar about their neighbors to the south. ("Some of my best friends—and relatives—are American," deadpans Charles King in a recent column in The Ottawa Citizen.)

So, with all that evidence in hand, the hottest topic from Vancouver to Halifax today is why Canada is turning anti-American.

The Canadian House of Commons recently held an extraordinary two-day debate. The topic: "the continuing deterioration" of relations between Canada and the U.S. Navy a newspaper columnist in Canada is probing much else than the widening gap between Ottawa and Washington.

The letters-to-the-editor column in most newspapers is devoted almost exclusively to anxious Canadians saying they like Americans. And an American correspondent in Canada can't have a quiet drink at his favorite bar without receiving many unsolicited assurances from his fellow patrons that *they* aren't to be counted among the other Canadians who don't like Americans.

The whole controversy—or noncontroversy—looms as a major election issue next year. What's hard to determine now is which side will use it—Mr. Trudeau's Liberal Party or the opposition Conservative, or Tory, Party. The Tories say the Liberals will blame the U.S. for Canada's economic plight while the Liberals say the Conservatives will howl that Canada wouldn't be in such economic hot water if the government had maintained closer ties with Washington.

(This certainly wouldn't be the first time the U.S. was an election issue in Canada. In 1911, for instance, the incumbent Liberals ran on the idea of establishing a common market with the U.S., while the Tory slogan was, "No truck nor trade with the Yanks." The Tories won handily.)

The latest swirl on relations with the U.S. was caused by a strangely coincidental series of events. On one side were President Nixon's new economic policy and the nuclear blast at Amchitka, while on the other were the recent visits of Soviet Premier Kosygin and Yugoslav President Tito, plus Canada's strong support for admitting China to the United Nations. All of this came amid Ottawa talk that Canada must lessen its dependence on the U.S. and begin to look elsewhere for trading partners—a "re-examination of our ties," Mr. Trudeau calls it.

A DEVASTATING EFFECT

The new economic policy is expected to have a devastating effect on Canada, which is America's biggest trading partner. The 10% import surcharge, for instance, affects about 25%, or close to $3 billion, of Canada's annual shipments to the U.S. In addition, the investment-tax credit, which would apply to U.S.-made equipment and machinery only, could bite into $1 billion more of Canadian southern-bound exports.

Partially as a result of these U.S. moves, Canada's seasonally adjusted unemployment rate in mid-September—one month after Mr. Nixon announced his new policy—shot up to 7.1% of the labor force. Ottawa immediately announced a 7% cut in corporate taxes and a 3% reduction in personal income taxes. It also instituted a $498 million winter works program for such job-creating projects as road-building, housing construction and erecting federal exhibition buildings throughout Canada. The jobless rate dropped to 6.7% in October, but that decline didn't cause any jubilation in Ottawa. "That still represents an awful lot of people out of work by anybody's standards," concedes a government aide.

A Canadian delegation, led by Finance Minister Edgar J. Benson, went to Washington shortly after the Nixon program was announced to see if Canada could get an exemption from the surcharge. After all, the delegation said, Canada had done nothing to cause America's woes; the Canadian dollar had been floated more than a year earlier, and Canada had set up no discriminatory import barriers against American goods.

What the delegation received, it's known now, wasn't a flat no, but a reminder that Canada had posted a $1.09 billion balance-of-trade surplus with the U.S. last year. In addition, the Canadians were reminded, Ottawa in 1965 signed an automobile trade agreement with Washington that contained a few temporary "safeguards" to enable the Canadian industry to get on its feet. The safeguards are a complicated set of insertions in the agreement that include ways of maintaining a certain degree of "Canadian content" in autos sold in Canada.

Washington argues that it's time these safeguards were removed. After all, it adds, the agreement was aimed at allowing autos and auto parts duty-free access across the border from both sides.

"The Yanks have lowered the boom on us," says one disgruntled Ottawa aide. "They're belting us at a time when we're weak as hell."

MR. TRUDEAU'S ASSERTION

This hard-nosed attitude, to many Canadians, gives credence to Mr. Trudeau's assertion that Americans "neither know very much nor care very much really about Canada." When asked if he still felt this way a few weeks ago the prime minister said, "I suppose that they wouldn't have changed overnight and suddenly begun massively caring about Canada."

Mr. Trudeau is expected to give Mr. Nixon a refresher course in Canadian affairs when the two meet here in Ottawa sometime next spring.

This lack of concern, Canadians say, was reflected again when the U.S. detonated the nuclear blast at Amchitka in the Aleutian Islands. The Canadian parliament had adopted a resolution condemning the planned test, protesters had taken to the streets in Canada and petitions bearing hundreds of thousands of names had been sent to Washington.

In the meantime, though, a curious thing happened. Soviet Premier Kosygin came to Ottawa and during a luncheon toast hinted that Canada was being victimized by "economic miscalculations" of the U.S. Without mentioning the U.S. by name, Mr. Kosygin said the Canadian economic unrest "is all the more unacceptable when these miscalculations aren't due to chance circumstances, but in fact rendered inevitable by the pursuit of policies creating focuses of tension and conflict in various parts of the world."

Many Canadians obviously resented this outside intrusion in what they felt to be a U.S.-Canadian squabble. Robert L. Stanfield, head of the Conservative Party, reportedly received a standing ovation when he said, "It is inappropriate, it is stupid . . . to encourage Soviet leaders to use a Canadian platform to attack the United States."

PRESIDENT TITO'S VISIT

The slight unease caused by Mr. Kosygin's visit was heightened a week later with the arrival of Yugoslav President Tito in Ottawa for talks. At the same time, Canada voted for the admission of Peking to the U.N.

"It is evident," columnist George Bain said in The Toronto Globe and Mail, "evident even to the government, that an uncertain number of Canadians share this vague fear that somehow, as a country, we have been very recently dangerously anti-American—dangerous because we are bound to pay for our sins."

Heath MacQuarrie, who would be external affairs minister if the Conservatives were to win power in the next election, said, "It would be naive, regrettably naive, perhaps dangerously naive to suggest that all is well" between Canada and the U.S.

Nonsense, says Mitchell Sharp, external affairs minister. "It is childish and, I suggest, very immature to suggest the tentative and the positive Canadian moves toward better and more rewarding relations with China, the Soviet Union and other Communist nations are an act of defiance toward the United States."

He said Mr. Kosygin was merely repaying a visit that Prime Minister Trudeau made earlier this year to the Soviet Union; President Tito was merely dropping by on his way back from Washington; supporting China in the UN was a logical extension of Canada's recognition of Peking in October 1970.

The U.S. isn't alarmed about President Nixon's forthcoming trips to Peking and Moscow, Ottawa says. And anyway, adds Mr. Trudeau, Canada considers the Soviet Union its neighbor to the north, across the Arctic. "Canada and Canadians want very much to look to the north, as they long have looked to the south, and see friends in each direction."

So why all the fuss? "Conflict is a function of contact," Mr. Sharp says. "Canada has very little in the way of conflict with Mongolia," he adds. "Our relations with that country might be regarded as the model for all nations—if we were to overlook the fact that our contact with the people of Mongolia is almost non-existent.

"No two nations in the world have so many contacts at so many levels, official and non-official, as Canada and the United States."

J. Leonard Walker, president of the Bank of Montreal, goes deeper than that. He says Canada has a "love-hate relationship" with the U.S. While Canadians enjoy the overflow of wealth and technology from America, he says, at the same time they resent the intrusion on their culture of the American way of life and the dependence they have on the U.S. in general.

[From the Washington Evening News, Nov. 13, 1971]

NATIONALISM IN THE NORTH

It should be disquieting to American policy-makers that, under the pressure of President Nixon's aggressive international economic policy, Canadian officialdom has adopted a more nationalistic tone in discussing the problems of sharing the continent with us. This is not surprising, given the buy-American content of the August 15 pronouncement from Washington and the pains that were taken to blame the United States' problems on dirty tricks abroad.

The Canadians soon learned that neighborliness, heavy dependence on our trade and inoffensive behavior in the monetary field would get them no favors in the application of American protectionism. Fair enough, maybe, except for the impression gained at the same time that our officials would prefer that Canadians forget about building up their own sophisticated industries and concentrate instead on supplying raw materials and fuel for ours.

Nothing could contribute more to the fears of some Canadian nationalists that the smaller nation's sovereignty is threatened by American economic dominance. Americans control more than half of Canadian industry, so the business decisions on which many Canadian job-holders depend are made by foreigners operating primarily under U.S. law and government policies. This is a natural breeding ground for resentment, as is the pervasiveness of American cultural influences north of the border.

Prime Minister Trudeau by all standards is a moderate on the subject, balancing the preservation of Canada's national identity against the need for outside capital to develop industries and provide jobs for a growing labor force. He is a believer in the interdependence of nations and an opponent of the Quebec nationalism that would split his nation.

Trudeau's statements about American policy now have a new edge, reminding us about Canadian pride. He questions whether Washington should want to wipe out Canada's trade surplus while Americans are drawing substantial income from Canadian investments. He suggests that we may be fulfilling Marxist prophecies about imperialism as the "last stage of capitalism."

The Canadians are no slouches as businessmen and negotiators, and their suspicions may be exaggerated. But Washington and Ottawa must concentrate soon on restoring the spirit of cooperation that can make the best joint use of North American resources and of the inextricably tied markets of the two countries.

TRIBUTE TO FORMER SENATOR HOLLAND

Mr. COTTON. Mr. President, I shall always remember Spessard Holland as he was when I first came to the Senate and later joined him on the Appropriations Committee. He was then the beau ideal of a Senator—in appearance and in all the qualities of mind and soul which equip men for service here. With a toga upon his shoulders and a fillet around his snow-white locks, he could have stepped back through the ages and walked the Praetorian pavements on terms of complete equality with any senator of ancient Rome. It was but natural that the tremendous tasks which he was then laying down should have left their mark upon him, and that his slackening powers should have found thereafter only those occasional bursts of fiery zeal with which he sometimes roused himself to action which stirred the Senate. He was passing into the evening of his life—an evening destined to be long and golden, warmed with the color of an autumn day. He was surrounded by the solicitude of an adoring family—and we shared that solicitude with them. He has now fallen to sleep and has been laid to rest. Our grief is tempered by the reflection that we have been privileged to know him and to love him.

AN ECONOMIC STRATEGY

Mr. TALMADGE. Mr. President, on November 5, 1971, Mr. Archie K. Davis, president of the U.S. Chamber of Commerce, spoke to the World Trade Council dinner of the Atlanta Chamber of Commerce. Mr. Davis spoke on the topic of "An Economic Strategy for the 1970's." His remarks are very timely, and I commend them to each Member of the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN ECONOMIC STRATEGY FOR THE 1970's

(By Archie K. Davis)

I wish to speak briefly but pointedly about the dilemma that faces our Nation today. We have come a long way since World War II. We have paid a heavy price in the rehabilitation of war-ravaged lands. We have been generous to a fault in bearing the major burden of military protection for ourselves and our allies while, at the same time, playing a magnificent role in the economic rehabilitation of emerging nations.

This combination of generosity and altruism has not been without great gain to ourselves.

The growth of world trade since the defeat of the fascist powers has been phenomenal. World exports have risen from $54 billion in 1948 to $310 billion in 1970. Although international trade is a smaller portion of our output than in most industrial nations, the United States is the world's largest trading nation. From 1950 to 1970, our total trade, including imports and exports, has risen from $18 billion to $83 billion.

The Southeastern states have led in this trend; their trade volume has grown 500 per cent from 1950 to 1970 compared to 400 percent for the nation, and now amounts to $11.6 billion annually.

The states from Norfolk to the New Orleans Customs districts produced and exported over 7.5 billion dollars worth of goods in 1970 and imported over four billion. Nearly 300 million tons of shipping a year now pass through the major ports of this region, an increase of over 300 per cent from the 95 million tons of twenty years ago. In 1965, an estimated 335,000 jobs in the eight Southeastern states depended on exports, and now the total is undoubtedly in excess of 500,000.

The post-World War II era of Bretton Woods has provided an astonishing outburst of creative human energy in many fields associated with foreign commerce. During this period, the United States not only poured out more than $125 billion in foreign aid and economic rehabilitation, but became the world's largest exporter of capital, with $105 billion now invested abroad. During this period, the foreign sales, estimated for U.S. based multinational corporations, rose to more than $200 billion annually, with American management, marketing, financing and production techniques widely distributed throughout the world. During this same period, the European Economic Community has grown steadfastly and with infinite poise—promising to accomplish, in one generation of peaceful negotiation, what centuries of war had failed to achieve. Japan and the Republic of Germany have risen from the ashes of defeat to attain positions in world output second only to the United States and the Soviet Union.

In all of this, our great nation has played a role of sacrificial assistance and enlightened self-interest unique in world history. We have actively sought the reduction of barriers to international trade and travel. Tariffs have been reduced by three fourths; the majority of the free world's quantitative trade restrictions have been removed, and both people and capital now move across national boundaries in greater volume and with greater ease. We have not been alone in this leadership, nor have the gains of Europe and Japan, in terms of income and wealth, been achieved at the expense of the United States. Far from it. The postwar period since 1946 has seen a cooperative growth of wealth, in most industrial countries of the free world, that defies comprehension. And we must never forget that it is this multinational economic expansion of output, trade and investment—the breaking down of barriers between peoples—that offers the greatest hope for peaceful coexistence and world order.

But the post-war era of American scientific and technological supremacy in the world economy has come to an end. We now face a new era of more intensive international competition at a time when we can no longer carry the major burdens of world order and world reconstruction. Nor can we further indulge the misconceptions that have encouraged fiscal irresponsibility at home and weakened the dollar abroad. Deep-rooted and persistent inflation characterizes our economy, and we have now been forced to the realization that we can no longer safely ignore rules of reason, prudence and self-discipline. That was the significance of President Nixon's dramatic move on August 15.

His bold, decisive initiative offers our nation, and the world, historic risks as well as historic opportunities. The risks are that the greatest bastion of free, competitive enterprise, in a reflex action of self-defense, may now turn inward, in both economic and political philosophy. The opportunities are, through renewed constructive and cooperative action, to achieve another step forward in the slow, and sometimes painful, evolutionary process toward a more open world and greater human welfare.

President Nixon had no choice but to arrest the forces that were slowly but surely sapping our economic vitality. The symptoms of our creeping incapacity, both at home and abroad, have been long apparent. They included the 20-year chronic U.S. balance of payment deficits, the resulting decline in our gold reserves from a postwar high of $25 billion to less than $10 billion, the drop in our share of world exports from 25% in 1948 to 14% in 1970, and, for the year 1971, the first trade deficit since 1893. Add to these unnerving statistics the fact that the purchasing power of the dollar has declined by 27% since 1965, then, even those who know the dangers of wage-price controls, can only applaud the President for his recognition of the emergency facing our nation, the inter-relationship of the many factors involved, and the necessity of suspending, temporarily, the disciplines of a free market both domestically and internationally.

The international objectives of our new economic policy must provide for a revaluation of exchange rates among our major trading partners to reflect a more realistic relationship between currencies. This new policy would also call for greater flexibility of rates in the International Monetary Fund rules to permit easier and more frequent adjustments without precipitating speculative money flows or periodic international crises. A third requirement would be to improve the mechanism of international reserves in order to gain a more rational scheme of management than is now possible from reliance principally on gold and dollars in international settlements. A fourth would be to bargain downwards the trade restrictions of our major trading partners, against U.S. goods and capital entering their markets, in exchange for selective removal of our import surcharge.

Prompt success in these negotiations is vital to creating a new period of expanding trade and investment. Delay in reaching agreement increases the risk of starting a wave of retaliation which could spread, at worst, into a deepening world-wide depression. The stakes are high.

But even granting the success of current negotiations, the inflation here at home casts into vivid profile some deep-seated economic problems which haunt the birth of a new creative age of world cooperation, and threaten to drag us back into destructive isolationism.

THE THREAT OF CHRONIC INFLATION

The reason is that inflationary tendencies in our economy have become chronic because of the rise of the welfare state, the inordinate economic and political power of organized labor, and the increasing shift of employment into the service industries.

The welfare state pushes the Federal government, under any administration, towards chronic budget deficits. We have had 16 years of such deficits in the 21 fiscal years since 1950. Such regularly recurring deficits contribute to expectations of inflation even though deficits incurred in recessions may not, in a technical sense, contribute to excess monetary demand. The record is clear—the United States simply has not kept its own fiscal house in order.

Working people are victims of inflation caused by Federal deficits at high employment, which force the monetary authorities to create too much money too fast. But in an inflationary environment of prolonged momentum, such as the guns-and-butter inflation since 1965, the excessive market power of labor unions, even though only one out of five workers is a union member, makes for chronic inflation by building cost-push forces into the structure of wages and salaries throughout the economy. The result is familiar to us all—taking the form of wage settlements far in excess of productivity gains.

But if wage increases amount to 30 per cent or more, compounded over three years, while the trend of productivity is 9 per cent compounded over three years, then, in an economy pledged to full employment, employers have little choice but to yield and pass on higher costs to the consumer. It is at this very point we see the connection between domestic inflation and our deteriorating world position in trade and investment.

The result of the wage-price spiral has been loss of competitive advantage for American products both at home and abroad in the world's market place. There is no way U.S. products, built with labor costs of $4.25 per hour, can compete, for instance, with Japanese products built at labor costs of $1.00 per hour, if the U.S. has no advantage in technology, resource cost, or management methods.

But inflationary pressures are pushing up our costs at just the time when Europe and Japan offer a new competitive challenge to our mass production industries and jobs. The rapid move of EEC countries towards economic unity gives their industries, for the first time in this modern industrial era, economies of scale in production comparable to those we have long enjoyed.

Japan has so harnessed science and technology as to more than double our growth rate since World War II. Japan generates such growth through vigorous saving and investment—which systematically embraces new technology, previously a significant U. S. advantage. The Japanese people save and invest more than 20 per cent of their personal income compared to our savings rate of 5-to-6 per cent. Meanwhile, the postwar growth surge in Europe and Japan has resulted in our falling behind several of our trading partners in the average age of physical plant. For example, two-thirds of Japanese steel capacity is less than nine years old, in contrast to our steel industry where two-thirds of capacity is over ten years old. Furthermore, after passage of the 1969 tax act and repeal of the investment tax credit, the U. S. capital cost recovery system now compares unfavorably with those of all major industrial nations that depend on private capital for investment.

Meanwhile, the shift of employment here from goods-producing to service industries may see two-thirds of our labor force employed in service industries by 1980. In order to maintain the real growth in our output, which is the basic source of our capacity to reduce poverty, we need to concentrate on improving productivity in the service industries as well as in manufacturing and agriculture.

The hard truth is that we are losing in the race for industrial efficiency. The U. S. has long been fabled for know-how, which has been the foundation of our economic dominance, but in the past five years the annual increase in productivity per man-hour has lagged alarmingly behind that of all our major rivals.

In short, then, even if the current negotiations for new monetary and trading rules are successful, the United States will still face more intensive competition from a unified Europe and a technologically sophisticated Japan. And, unless we change our strategy, there will be no hope of success if a growing welfare state, excessive union power, and a shift to services continue to push costs upward at a faster rate than productivity gains.

STRATEGY FOR THE SEVENTIES

What, indeed, should be our strategy? Should we follow the lead of labor leaders and their Congressional supporters? This would mean a further growth of the welfare state combined with out-and-out protectionism. It would mean economic policy decisions favoring public rather than private investment. And it would mean excessively rising wages, including an untenable minimum wage policy, combined with larger Federal deficits without regard to productivity. There is no surer way to destroy America's competitive capability.

It is ironic that we should describe as "liberal" the policies now embraced by labor leaders. They would protect U.S. produced goods by systematic quotas on imports. They would protect some U.S. jobs by prohibiting the export of capital which is now, incidentally, bringing home $7.9 billion annually in earnings. They would expand the welfare state by guaranteeing a minimum money income for all families, whether working or not, at levels even now being pushed up from $2400 for a four-person family, proposed by President Nixon, to $3400, or $4800, or even, at the extreme, to $6500. Taxes would sky-rocket, output would slow down, the welfare rolls would expand by literally millions of families. These same "liberals" even now are proposing a scheme to provide Federally-financed national health insurance at an estimated first-year cost of $60 billion.

Union leaders favor these public investment policies at the expense of private investment. They claim that President Nixon's proposed Job Development investment tax credit is a profit "windfall" to business. The facts are that corporate profits, after taxes, are a declining share of GNP, a declining share relative to employee compensation, and a declining share of the corporate sales dollar. After-tax profits of U.S. corporations, since 1950, have dropped from 6.6 to 4.4 percent of GNP, from 3.9 to 2.4 percent of the sales dollar, and from 12.0 to 7.2 percent of employee compensation. And, as already noted, our capital cost recovery system compares unfavorably with that of our trading partners.

The excessive power of union leaders, and their sometimes arrogant exercise of this power, is reflected in their behavior towards the Phase II wage and price control program. Their demands for retroactive pay increases, and for deferred increases exceeding any reasonable wage guidelines, would if granted, destroy the effectiveness of Phase II. Out of 82 million working people in the country only about 20 percent belong to unions. What equity is there in granting retroactivity to an infinitesimal part of this percentage but denying it to the rest? What effectiveness is there to a freeze if retroactivity is granted? Yet, the union leaders are threatening non-cooperation with the Pay Board if their demands are not met.

At this time of national crisis, with the future well-being of every citizen so deeply involved, it is unthinkable that they would be so callous and arrogantly selfish as to walk away from their responsibility to the nation. It would be further proof of the absolute need for labor law reform. Why should such a powerful segment of our society, which, under law, can bring this nation to its knees, be accorded privileges and immunities not available to others under our democratic system of government? Unquestionably, the policies of the union leaders are leading us directly toward isolation and depression when the ravages of inflation inevitably take their toll.

The key to competitive capability in world trade is *productivity*. The challenge of the new era lies in the will to shape our industrial strategy in the light of today's circumstances, predicated upon faith in the traditional values of an open world. Surely the recent record of the free world's growing wealth justifies faith in freedom. Surely the harshness of fettered life in the regimented communist world justifies skepticism of government controls such as our union leaders advocate.

An economic strategy for the seventies requires above all that we conquer our chronic inflation by getting and keeping the government's fiscal house in order. This means not higher taxes but less public and more private spending to meet both economic and social needs. It requires that we face the fact of today's excessive union power in objective labor law reform. It requires recognition of the need for government measures to stimulate research and capital investment in order to restore and maintain the comparative advantage of our sophisticated technology. It requires a new examination of the need for society to bear some of the costs of adjustment which growth and change impose on particular people, industries, and regions as we adjust our economy to meet tomorrow's demands.

Such a strategy should and can be combined with international economic and monetary arrangements based upon increased cooperation among free world trading nations through the liberalization and expansion of trade and investment. The truth remains as valid today as ever that trade among regions of the world, along lines of comparative advantage, creates mutual gains in income and wealth. What is needed is a new code of monetary and commercial rules of the game, mutually negotiated, which provides for the financing and administration of fairer, as well as freer, economic intercourse among nations. This is the only true road to peaceful development.

But more than anything else, we in America must wake up—wake up to the realization that we are not necessarily invincible. Burdened down with frustration, war-weary, disillusioned and fed up with taxes, acutely sensitive to the thanklessness of our friends and allies whom we have supported over the years, and somewhat embarrassed by many aspects of our own mismanagement, we stand in imminent danger of committing the cardinal error of *withdrawal,* and saying to hell with it.

That is human nature, but we had better think twice. We must cut the cloth of our strategy to fit the pattern of a clearly defined national purpose. And that purpose must embrace the long-range goals and aspirations of a nation that stands for peace, but must always be strong enough to keep the peace. In that sense we can yield leadership to no other.

But national purpose without national will is meaningless. And it is here that our great American heritage must strengthen our faith. As we struggle to maintain our place in this new, one-world that is emerging at the dawn of the twenty-first century, let us not forget the sacrifices, the discipline and the collective will of our forefathers who pioneered the then new world of over two centuries ago. Our obligation to them is enormous, and an abiding recognition of this responsibility could just perhaps be the beginning of a bright, new day in the history of the United States.

BEYOND OKINAWA

Mr. CHURCH. Mr. President, no country in Asia is more important to the United States than Japan, nor does any country in Asia have greater potential to contribute to the peace and stability of Asia. I believe that the ratification of the Okinawa Reversion Treaty removes the last vestige of American occupation of Japanese territory as a result of World War II. The treaty represents the depth of friendship and good faith between Japan and America, and formalizes a relationship of equality between the two countries.

However, Japanese-American differences still exist. As the New York Times stated in an editorial on November 15, recent administration measures "are exacerbating a growing new rivalry between the two nations in the economic sphere."

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 15, 1971]

Beyond Okinawa

There is irony in the Senate's vote last week ratifying the treaty restoring Japanese sovereignty to Okinawa after 25 years of American rule. For while the United States thus moved to wipe away the last major irritating vestige of the Japanese-American military conflict during World War II, the large majority in favor of ratification was due in part to Administration measures that are exacerbating a growing new rivalry between the two nations in the economic sphere.

These include the new agreement forced on Japan to limit textile exports to the United States and President Nixon's 10 per cent import surcharge. At the very time the Senate was voting to eliminate the Okinawa nettle, Secretary of the Treasury John B. Connally Jr. was in Tokyo pressing the resentful Japanese for new economic concessions.

The Okinawa pact, which still requires ratification by the Japanese Diet, does not put an end to Japanese-American differences, but it is a necessary step toward putting relations on a firmer footing to deal with the problems of a new Pacific era. This pragmatic accommodation to mutual interests offers a promising guide to the future cooperation which is essential for the security and prosperity of both nations.

NOMINATION OF WILLIAM H. REHNQUIST TO THE SUPREME COURT

Mr. HRUSKA. Mr. President, as a former member of the Subcommittee on Separation of Powers of the Senate Judiciary Committee, and as the ranking member of the full committee, this Senator is well aware of the doctrine and the set of problems usually labeled "separation of powers." One of the greatest features of our Constitution and the Government which it created is the balance between the various branches and the check that each has on the other two. Everyone in the executive, judicial, and legislative branches of the Federal Government should be aware of and dedicated to the preservation of this separation. This I very strongly believe.

It is for this reason that I was most concerned when I heard it asserted that William Rehnquist was in favor of an extension of the authority and power of the executive branch at the expense of its two coequal sisters. No nominee should be confirmed for the Supreme Court if he holds such views.

Now having examined the nominee's statements and testimony before congressional committees on this subject, and having listened to Mr. Rehnquist's statements at his confirmation hearing before our committee, it appears that this is simply another instance in which rhetoric has far outdistanced facts. I believe that I can state positively that the allegations that the nominee is insensitive to the doctrine of "separation of powers," that he favors "unchecked executive power" are totally false. Let me discuss this question in greater detail.

During the recent hearings, Joseph Rauh, speaking for the Leadership Conference on Civil Rights, concluded that Mr. Rehnquist is "a lawyer who believes in unchecked executive power." And in the Washington Post, Prof. Arthur S. Miller of George Washington University's National Law Center stated:

> A fair judgment, then, would be that as assistant attorney general, Rehnquist has been an "activist," one who assiduously sought ways to aggrandize presidential (and governmental) power.

These allegations are completely untrue and unfounded.

Before proceeding to specific items I want to reiterate a point that has been made before but conveniently overlooked by the opponents of Mr. Rehnquist. All of the instances cited as proof that the nominee favors unchecked Executive power stem from his statements as an advocate. As the President said in his television address, Mr. Rehnquist is the President's lawyer's lawyer. In this position we clearly should recognize that he has the lawyer's traditional duty of advocating his client's causes, in his case the policies of the President and of the Department of Justice. This role requires Mr. Rehnquist, as a lawyer, to use every rationally defensible argument on behalf of his clients.

Thus, even if Mr. Rehnquist personally is not persuaded by a particular argument or even if he were a judge, he would not be persuaded by that argument, as an advocate under our system he is required to argue it. The only restriction on this rule is that an argument be presented in good faith, that is, it must be a position that a reasonable person could take.

If the nominee had taken similar positions as a sitting judge or had offered them voluntarily as a private person, the conclusion drawn from them might have more weight, but as an advocate's position they should be treated as legal arguments rather than private beliefs. Even as an advocate, however, I conclude that Mr. Rehnquist's beliefs, as gleaned from public statements, clearly established him more as a legislative populist than a defender of untrammeled Executive power.

One of the primary criticisms of the executive branch is that it sometimes asserts the authority to undertake a particular action under the legal doctrine of inherent executive power. Thus, whenever a specific power is not found in the Constitution, an administration, whether Democratic or Republican, is tempted to take the easy way by stating to its critics that its power is inherent. There have been many attempts, Mr. President, to link Mr. Rehnquist with this doctrine. It is this Senator's belief that in fact Mr. Rehnquist rejects this theory.

In hearings on the Executive's impoundment of appropriated funds before Senator ERVIN'S Subcommittee on the Separation of Powers, one administration witness alluded to the Executive's power to impound funds as inherent regardless of congressional intent that moneys be spent on specific projects. Mr. Rehnquist, on the other hand, did not adopt this argument although in the case under consideration he reached the same conclusion. He found the discretionary Executive authority derived solely from the statutes enacted by Congress and commented that, at least in the domestic area, Congress could pass a statute directing the President to spend appropriated funds. The constitutional provision that the President "take care that the laws be faithfully executed" would then require that the funds be spent. No inherent power would permit a contrary result. This position, I submit, clearly does not admit interpreting the nominee's philosophy to be one favoring unchecked Executive power.

During these same hearings Senator GURNEY proposed a hypothetical situation in which U.S. intelligence learns of an imminent threat by another nation to launch a missile directed at the U.S. Capitol. He asked whether in the absence of congressional action the President would have the power to act. In the remarkable exchange that followed, Professor Miller who sat on the panel and who, as you will recall, has charged Mr. Rehnquist with advocating unchecked governmental power stated:

> May I say that is an instance in which I think the President, at least in my judgment, not only has the power but the obligation to act in certain instances. *But I am a little reluctant to put it on the basis of law.* I am willing to go along with Justice Jackson in his opinion in the *Korematsu* case and say there are certain instances where we do not want to put the color of law on some of these things. If the survival of the Nation is at stake, even the survival of some soldiers, yes. But put this under the color of law, then we are running down dangerous paths. I would prefer, as Justice Jackson said, in the *Korematsu* case, to go ahead and do it, but do not come up to the Supreme Court and get a stamp of approval for it. (Hearings before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary on Executive Impoundment of Appropriated Funds, 92d Cong., 1st Sess. 252 (1971).

It seems to me that Mr. Miller, the critics of Mr. Rehnquist, has himself in this instance made a good statement of the doctrine of inherent Executive power. Mr. Rehnquist was quick to object to the view of the Executive's ability to act without a legal basis and stated his objection to Professor Miller's statement as follows:

> "If you add that qualification, certainly there are many questions that do not readily lend themselves to judicial decision. *I would personally dislike the inference that the President is not under law in some situations.* I agree with the Chairman that if you look at the Constitution and read cases like *In re Neagle* and *Curtis-Wright*, the President has the powers *under the law* that are necessary to respond to these emergencies. But I would shy away from the doctrine that he is a law unto himself under certain circumstances." *Id.* (emphasis added).

Mr. President, I submit that this testimony clearly indicates that the philosophical learnings of Mr. Rehnquist are definitely away from any advocacy of unchecked Executive power.

More emotional than the impoundment issue, is the nominee's advocacy of warrantless wiretaps in cases involving the national security. I would remind the Senate that five previous Presidents, beginning with Franklin Roosevelt, asserted such power. In addition, under the Omnibus Crime and Safe Streets Act of 1968, the Congress authorized Government wiretaps. It expressly stated that the President's power in national security cases was not to be limited in any way by the act. Since the Nixon administration inherited both the congressional legislation and the historical precedents from past Congresses and Presidents, it can hardly be argued that Mr. Rehnquist has advocated some newly devised scheme to increase Executive power.

What is notable is the nominee's legal approach in defending this policy when challenged by court action. As the testimony in the confirmation hearings make clear, the Government originally intended to argue its case on the basis of an inherent executive power to wiretap. This theory implies, of course, an executive free to act without constitutional constraints. At the instigation of Mr. Rehnquist, however, others were persuaded that wiretapping creates a constitutional problem under the fourth amendment that must be tackled head on. This change of strategy to a clear recognition of fourth amendment issues and away from the attempt to justify the policy on inherent powers indicates, as do the impoundment hearings, the nominee's dedication to the rule of law.

I said earlier that in my estimation, Mr. Rehnquist's philosophy might better be characterized as those of a legislative populist. He clearly believes that the Congress decides policy and when that policy is determined, the Executive has the duty to carry it out. In discussing the wiretapping authority granted by the Congress under the 1968 Act the nominee has stated:

> "It is not to the Department, but to the courts, that any final decision as to the constitutionality of legislation passed by Congress is confided. . . . If . . . the Department of Justice, as it did in this case, proceeds on the assumption that it will enforce any law enacted by Congress unless its unconstitutionality is clear beyond a doubt, the question is then placed in a position where it may ultimately be decided by the courts . . . I believe this is a far more faithful adherence to our tripartite system of government than for an agency of the Executive Branch, such as the Department of Justice, to take it upon itself to decide that a law enacted by Congress and signed by the President is unconstitutional, and that therefor it will not be enforced. (Speech of December 2, 1970, at the University of Hawaii.)

Those who criticize the nominee for advocating unchecked Executive power would do well to ponder this philosophy. It seems to me that a person who refused to carry out duly enacted measures of Congress would be more susceptible to charges of executive arrogance than persons of Mr. Rehnquist's persuasions who feel the executive branch is duty bound to follow the policies of Congress.

Another example of his philosophy along these lines deals with another provision of the 1968 act. That provision can be interpreted as providing that the Government in a criminal prosecution, seek to obtain the admission of confessions into evidence which, under our view of the case would be excluded by the rule adopted by the Supreme Court in Miranda against Arizona. Although some wrongly have suggested that the nominee is on record as stating that this case should be overruled, what he actually said is that the Government should follow the dictates of Congress. He said:

> It is not at all unreasonable to suggest that the government, if it felt the occasion warranted such action and especially if it were acting under a mandate from Congress, would be entirely within the role allocated to it under the adversary system if it were to ask the Supreme Court of the United States to overrule the decision in *Miranda* v. *Arizona*. (Speech on April 20, 1970 at the University of Arizona.)

This is one more instance, it seems to me, where the nominee is unfairly criticized for arrogating some power to the Executive when in fact, he is merely advocating that the Executive follow the dictates of Congress.

Just as it cannot fairly be stated that the nominee favors unchecked Executive power at the expense of the legislative branch, neither can it be said that he has been unmindful of the constitutional role of the courts. He has not criticized the Supreme Court and its decisions, although, as I stated earlier, as an advocate he believes that the Executive should follow the congressional policies where Congress has specifically authorized that a reconsideration of certain decisions be sought.

Some have suggested, particularly in relation to the May Day arrests, that the executive branch had arrogated to itself the determination of what constitutional rights persons are entitled to. An attempt to categorize Mr. Rehnquist's views as adopting this position is misplaced. He has stated, albeit in another context, that:

> [T]he Supreme Court is traditionally under our system the body to which is confided the power to decide the meaning of constitutional terms. And I do not think either Congress, or the Executive, at least for many years, have said that, you know they rather than the Supreme Court should hold that power.
>
> Certainly the Supreme Court gives weight to acts of the Executive and of the Congress in making its determination, but traditionally I think its determination rather than that of either other branch has been final. (Hearings Before the Subcom. on Separation of Powers of the Senate Comm. on the Judiciary on the President's Pocket Veto Powers, 92d Cong., 1st Sess. 23 (1971)).

I submit, Mr. President, that William Rehnquist is an ideal nominee for the Supreme Court insofar as the interests of the Senate and of the entire legislative branch are concerned.

We have heard a good deal of late about judicial conservatives and judicial activists. I suggest that regardless of the merits of that controversy, on the basis of past statements, the nominee can only be categorized fairly as an executive conservative. Those who would characterize him as an activist have wrongly placed their own interpretations on his advocate's statements which are admittedly strong and effective. I think it entirely inappropriate to interpret strong advocacy as a philosophical position that the Executive has unchecked powers. On the contrary, Mr. Rehnquist has eschewed the easy arguments such as inherent powers, and has shown a deep understanding of the fine constitutional distinctions that underlie our constitutional doctrine of separation of powers. We are fortunate to have the opportunity of confirming such a man as Associate Justice of the Supreme Court.

LOUIS F. ISON, PRESIDENT, KENTUCKY FARM BUREAU

Mr. COOK. Mr. President, recently the Louisville Courier-Journal published an article about Louis F. Ison, president of the Kentucky Farm Bureau. Mr. Ison, who calls himself a "one hundred percent farmer," operates a 469-acre farm in Mercer County, Ky. Because of the many problems facing the farmer these days, I would encourage Senators to read the views of a farm leader and "one hundred percent farmer." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOUIS ISON: FARM BUREAU CHIEF ALSO "100 PERCENT FARMER"

(By James R. Russell)

HARRODSBURG, KY.—The rolling land comprising Highview Acres north of here is a miniature of Kentucky's agriculture, with its tobacco, livestock, grain and pastures.

And the man who farms it is a 5-foot 8-inch Kentuckian who refers to himself as being "one-hundred percent farmer."

He is Louis F. Ison, who is starting his seventh one-year term as the non salaried president of the Kentucky Farm Bureau Federation. He quipped in a recent interview, "Actually, I'm only 5–7½ and just throw in an extra half-inch when I feel like bragging a little."

With his organization totaling 119,265 family memberships, or some 400,000 persons, the 56-year-old farm leader said that agriculture is still the main thrust of his group.

"We're more conservative in our approach than some of the other farm organizations, but our objectives are the same," he said.

"I believe the future of agriculture is getting brighter for those of us who can stand the pressures. And in a few years, farming will be more economically rewarding, but first the farmer must have greater bargaining powers and a more orderly system of marketing."

BALANCE HUMILITY WITH CONFIDENCE

Described by one of his colleagues as a man who has successfully balanced humility with confidence, Ison sees farming as "still a way of life, even with its hard work and increasing production costs.

"The intangible benefits are great," Ison said. He added however, that the farmer needs some tangible rewards to keep going. Pointing to what he called the "gap" between farm income and that of other segments of society, Ison said that current farm parties, at about 67 per cent, are the lowest since the depression of the 1930s.

"But the productivity of farmers has doubled that of industrial workers in the past 10 years, and the price we, as farmers, pay for our efficiency is overproduction and lower prices," he said.

"The consumer is the ultimate benefactor, but then the housewife still complains about her grocery bill, when in reality her supermarket cart has everything in it from hardware to hair nets and shaving cream to panty hose."

Food is the greatest bargain around today, with the consumer spending about 17 per cent of his disposable income to eat, Ison said. The food bill in some countries takes 80 per cent or more of the family's earnings, he noted.

BELIEVES FARMERS SHOULD UNITE

Normally low-keyed, but capable of producing a theatrical flourish, Ison acknowledge two prejudices: agriculture and the Farm Bureau.

He said that the political potency of the "farm bloc" is a thing of the past, but that the farmers voices can still be heard if united.

"And those voices are best combined through farm organizations, particularly Farm Bureau; if I didn't believe that, I shouldn't be president of it," he said.

Besides low farm income, Ison sees organized labor's continued demands for wage hikes as among the biggest problems facing the country.

"Labor must be willing to accept controls and restrains like everybody else," he said indicating that increased labor demands puts added pressure on the farmer through rising costs of farm production needs.

"I don't see the rapid decline in the family farm as many people do," he said, "but each year there's a greater number of people who farm along with (holding) a job in town. These people have an intense interest and love for the farm, and I definitely see a place in agriculture for the part-time farmers."

BELIEVES IN COUNTY AGENTS

Ison, a 1936 graduate of the University of Kentucky College of Agriculture, is strong supporter of the Extension Service, and said that his organization was instrumental in the return last year to the county agent system back after UK had changed the program in favor of area specialists.

He said that county agents are still the main and most reliable source of information available to a farmer, and he chided Kentucky's farmers for not taking greater advantage of UK's Cooperative Extension Service.

Ison and two partners, Douglas Brown, 44, and David Canada, 22, farm 469 acres in Mercer County. It's a general farming operation, Ison explained, including 6.7 acres of burley tobacco, a 40-cow dairy herd, 80 purebred Angus brood cows, grain and pastures.

Ison is a charter member of the Mercer County Farm Bureau, organized in 1941, and he has held several posts in the Kentucky organization before being elected president in 1965.

He is one of the seven directors from the Southern region on the national board and on the 27-member board of directors of the American Farm Bureau Federation.

His Farm Bureau duties take him away from his farm about half of his time, he said, and his wife, Alma, interjected that she'd been practically a widow for six years, a period that corresponds with her husband's term as president.

Elaborating on his absences from home, Ison told this story on his mother-in-law, Mrs. Lee Sanders, who at 94 is having a little hearing trouble:

She answered the phone one evening, and it was Ison calling to say that he wouldn't be in for supper. "Say you won't be in all summer? Well, all right," Mrs. Sanders said, hanging up the telephone.

POINTLESS FINCH

Mr. CHURCH. Mr. President, Mr. Pete Laine, one of our leading reporters covering the Latin American scene, calls Robert's Finch's travels to six Latin countries "pointless." Mr. Laine sums up my views quite well. I ask unanimous consent that his article published in the Miami Herald of November 12, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

To See Our Latin "Friends"?—Finch Is Off on a Pointless Trip

(By Pete Laine)

WASHINGTON.—White House counselor Robert Finch left for Latin America Thursday on a trip so pointless on the surface that some feel it must have secret goals.

Will Finch do a Kissinger by feigning sickness while he slips into Chile to make friends with Cuban Premier Castro, the hemisphere's other prominent tourist?

It's hardly likely. Finch, unlike Kissinger, is sort of a spare wheel around the White House. Critics say he knows nothing about Cuba anyway and little more about the rest of Latin America.

Yet he is taking a 19-member party to six nations in two weeks as a personal representative of President Nixon on what is firmly labeled a Presidential trip.

Such trips are rarely made without purpose, yet two advance press conferences have failed to make clear just why Finch has packed his bags.

At the second news conference Wednesday he went out of his way to deny again that he will discuss removal of Nixon's import surcharge, which is the other main issue in U.S. Latin affairs.

Finch has given these vague reasons for his journey: he will "sign a number of minor agreements . . . review economic questions . . . demonstrate President Nixon's continuing concern . . . carry on the dialog . . . do a lot of listening."

The U.S. Information Agency reported that Finch was going to try to halt the flow of drugs into the United States from Latin America—but Finch failed to mention drugs at either of his news gatherings.

All this failed to satisfy the Washington grapevine, which has speculated instead that Nixon was obliged to make some sort of showing for the long-neglected region—and chose to send Finch because Secretary of State William Rogers couldn't spare the time.

Finch, it is suggested, has been told to try to soothe the Latins so they won't cause his boss too many headaches in 1972.

If Finch embraces his hosts too hard, he may get spiked by their medals. Five of the six nations he is visiting are dictatorships.

When he was asked why he was not going to any of the few remaining Latin democracies. Finch said it just happened there wasn't any business there to attend to.

The nations on his schedule are Peru, Ecuador, Argentina, Brazil, Honduras and Mexico. Also going are Assistant Secretary of State Charles Meyer, Surgeon General Jesse Steinfeld, and White House Communications Director Herb Klein.

At Wednesday's press conference, Finch became the first administration official to challenge, at least publicly, Treasury Secretary John Connally's view that the United States has no friends left in Latin America.

"I heartily disagree," Finch told a questioner. "We have a great many friends there."

He said he was "pleasantly surprised" that 18 of the 22 Latin nations backed the United States in the U.N. showdown on the China issue.

His party is due back in the United States Thanksgiving Day.

MORE EVIDENCE ON CIGARETTES

Mr. MOSS. Mr. President, the Tobacco Institute, in its zeal to put doubts in the public mind and, by the way, to increase sales of cigarettes, purchased, undoubtedly for a large sum of money, full-page advertising space in the program of the John F. Kennedy Center for the Performing Arts. The headline of the advertisement is "The Question About Smoking and Health Is Still a Question" and is replete with the same arguments which have been fully answered by medical science years ago.

It is offensive to me to find more of the twisted denials of medical consequences of smoking from the Tobacco Institute, in the concert program of a building memorializing a great American President, the man who, among his other achievements in his too short life, commissioned the Surgeon General's Advisory Committee on Smoking and Health. The very statement offered in the advertisement is untrue, answered repeatedly by responsible medical people.

Since the Tobacco Institute is continuing to grasp at straws, here is one they might roll in their next cigarette. It is a report which comes from, of all places, the University of Louisville Medical School. The report tells us of the research of Dr. Condict Moore, who found that in 203 cigarette smokers who were successfully treated for cancer by surgery or X-rays, 40 percent of those who continued smoking got a second cancer, whereas only 6 percent of those who quit ended up with cancer again.

Mr. President, I ask unanimous consent that an article concerning this matter, published in the New York Times of October 26, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Recurrence of Cancer Is Linked in Study To Continued Smoking

(By Lawrence K. Altman)

Cigarette smokers who continue the habit after being successfully treated for cancer face a much greater risk of developing another cancer in their mouths, throats, voice boxes or lungs than do persons who quit smoking after successful treatment, a Louisville physician has reported.

The physician, Dr. Condict Moore of the University of Louisville Medical School, said that he had studied 203 cigarette smokers who had been successfuly treated for cancer by surgery or X-rays.

He said that 40 per cent who went on smoking got a second cancer in areas exposed to smoking, whereas just 6 percent of those people who quit got another malignancy.

Dr. Moore emphasized that the statistical difference indicated that the new cancers resulted from continued tobacco exposure rather than from recurrences of the old malignancies.

"The difference in second cancer incidence is surprisingly large," the Louisville physician said in the issue of the Journal of the American Medical Association that was published yesterday. Dr. Moore noted that his difference occurred in people who stopped smoking even "at the relatively advanced age of nearly 60 years."

Dr. Moore said that the 203 persons in his continuing study had had their cancers controlled for an average of seven years. The period of successful cancer control ranged from three to 18 years.

All 203 patients, who were treated at a city hospital, a Veterans Administration hospital or a private office in Louisville, were strongly advised to stop smoking to reduce the risk of developing a second malignancy because Dr. Moore said they had "a fundamental predisposition to cancer."

Of the 203 patients, more than half, or 122, kept on smoking cigaretts and 49 (40 per cent) acquired second cancers in their mouths, throats, windpipes or lungs. In contrast, Dr. Moore said that of the 81 former smokers, just five got another cancer in the anatomical areas that were exposed to tobacco smoke.

Dr. Moore said that it was unlikely that an inability to stop smoking might be a symptom, rather than a cause, of a basic, constitutional predisposition to cancer.

GAO REPORT ON POULTRY PLANTS

Mr. RIBICOFF. Mr. President, yesterday I released a report prepared by the General Accounting Office concerning the unsanitary conditions which exist in many poultry slaughterhouses and packaging plants. The GAO inspected 68 plants across the country, about one-fifth of the plants in the Nation. Americans ate more than a billion and a half pounds of poultry from these plants last year.

The names of the 68 plants inspected by the GAO between October 1970 and March 1971 have now been made available to me together with a report prepared by the Department of Agriculture giving the Department's description of the current status of the 68 plants.

The GAO found that every plant had some deficiencies when inspected, with sanitary facilities at many being virtually nonexistent. The GAO has declared that it believes conditions in these plants are probably typical of conditions in most poultry factories and slaughterhouses.

The Department of Agriculture, charged with the responsibility of enforcing Federal meat and poultry inspection laws, has found that many of the plants continue to have substantial violations.

I am confident that unless something is done to change our present regulatory system, a GAO report in 2 more years will uncover the same deplorable conditions once again. Apparently Upton Sinclair's 65-year-old book, "The Jungle," is going to continue to be an accurate description of contemporary America.

Something must be done to change this situation. If Federal regulation of food processing is to be meaningful, it must be carried out by agencies whose highest priority is the health and safety of consumers. The Department of Agriculture has come to represent too many other interests to protect consumers effectively. It may be necessary to transfer its consumer protection functions to an agency responsive to consumers, with general responsibility for food plant regulation.

Even reorganizing the Federal food inspection system will not be sufficient, however. Time after time we have seen institutions designed to protect the consumer fail in their mission. I have, therefore, supported legislation to establish an independent Consumer Protection Agency with authority to represent the interests of consumers before other agencies.

Many who opposed my bill last year, including the administration, now support the independent agency concept. The dispute this year is over the scope of the consumer advocate's right to participate on behalf of consumers in another agency's activities.

My legislation would insure that the Consumer Protection Agency would have the right to participate to protect the consumer's interest in any agency decision. Under my bill, for example, the Consumer Agency would be able to participate in Government's decisions concerning its inspection programs.

The House bill to create a Consumer Protection Agency is also now before my Subcommittee on Executive Reorganization and Government Research. Unfortunately, the House bill fails to give the Consumer Agency adequate authority to protect the interests of consumers.

For example, the House bill would not give the Consumer Advocate the right to participate in most of the important decisions taken by the Department of Agriculture with respect to inspection of food plants. The Advocate could not participate in Agriculture Department decisions to close or suspend the operation of a plant; in decisions about the rules for inspectors looking for violations; or in decisions about the resources to be devoted by the Agriculture Department to its inspection programs. The sorry conditions that now prevail in spite of the Agriculture Department's inspection programs graphically illustrate the need for the presence of a consumer advocate in the regulatory process at all of these decision points.

But even if we develop an effective inspection system, we will still have to depend to a great degree on the food packagers and processors themselves to make certain that the system works. Federal inspectors cannot be present every day. Private industry has the primary responsibility to assure that its products are wholesome, safe and clean. This does not seem too much to ask. In the past, however, the only times the industry seems to have shown much interest in cleaning its own house is after the publication of reports by the General Accounting Office.

We cannot wait 2 years between every housecleaning and allow pollution of our food supply in the meantime.

I ask unanimous consent that the list of 68 plants and the Agriculture Department report on their current status be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GAO REPORT

PLANTS INCLUDED IN GAO REPORT TO ILLUSTRATE THE TYPES OF SANITATION PROBLEMS AT THE PLANTS GAO VISITED

Case study, name of plant, and location

Plant A; Marshall Durbin & Co., Inc., Jasper, Alabama.

Plant B; Great Lakes Duck Farm; La Porte, Indiana.

Plant C; Luck's, Inc.; Seagrove, North Carolina.

Plant D; Yoakum Packing, Ltd.; Yoakum, Texas.

LISTING OF PLANTS SELECTED AT RANDOM AND VISITED BY THE GENERAL ACCOUNTING OFFICE

Plant number, name of plant, and location

Alabama

192; Gold Kist, Inc. (formerly Pillsbury Farms); Guntersville.

413; Gold Kist Poultry; Boaz.

1317; Wayne Poultry Company; Albertville.

1254; Valley Industries, Inc.; Ashland.

323; Ralston Purina Company; Trussville.

Arkansas

457; Springdale Farms, Division of George's Feed & Supply Co., Inc. (formerly Demand Foods Co.); Springdale.

208; Springdale Farms, Division of George's Feed & Supply Co., Inc. (formerly Loyd's Poultry Processing Co., Inc.); Springdale.

138; Campbell Soup Company; Fayetteville.

963; Ralston Purina Company; Springdale.

607; Garrett Poultry Co., Inc.; Rogers.

112; Franz Foods of Arkansas, Inc.; Green Forest.

350; J-M Poultry Packing Co., Inc.; El Dorado.

275; Valmac, Inc.; Pine Bluff.

121; J. K. Southerland, Inc.; Clinton.

212; C. Finkbeiner, Inc.; Little Rock.

846; Hanford Produce Company; Clarksville.

Georgia

1480; Tip Top Poultry, Inc.; Marietta.

243; Wilson Laurel Farms, Inc.; Cumming.

1272; Swift & Company; Douglas.

311; Swift & Company; Gainesville.

1279; Conagra, Inc. (formerly Red Hat Poultry); Dalton.

184; Elberton Poultry Company; Elberton.

40; Pillsbury Farms; Ellijay.

7373; Talmadge Farms, Division of Cagle's, Inc., Lovejoy.

1277; Gold Kist Poultry, Athens.

1246; Gold Kist Poultry, Canton.

1257; Marell Poultry Company, Murrayville.

865; Eng Frozen Foods, Atlanta.

North Carolina

510; Rose Hill Poultry Corp., Rose Hill.

844; Watson Seafood & Poultry Co., Inc., Raleigh.

1324; Gerber Products Co., Ashville.

1; Holly Farms Poultry Ind., Inc., Wilkesboro.

842; B & H Foods, Inc., Charlotte.

14; Holly Farms Poultry Ind., Inc., Hiddenite.

16; Mid-State Farm Coop. Co., Silver City.

187; Morton Frozen Foods, Concord.

1399; Luck's Inc., Seagrove.

Texas

812; Market Produce Co., Inc., Division of Pilgrim Industries, Inc., Arlington.

647; Byerly Foods, Inc., Dallas.

2276; Whiteman Foods, Alto.

175; Burgess Poultry Market, Inc., Nacogdoches.

973; Ralston Purina Company, Nacogdoches.

508; City Poultry Processing Co., Houston.

788; Yoakum Packing, Ltd., Yoakum.

1137; Holly Farms, Inc. (formerly Reneau Bros. Poultry & Egg Co., Inc.), Seguin.

845; Mott's Inc. of Mississippi, Nixon.

7035; Taylor Turkey Ranch, Ovalo.

7050; Hill Country Foods, Goldthwaite.

635; Plantation Foods, Inc., Waco.

13; Campbell Soup Company, Paris.

430; Handy-Andy, Inc., San Antonio.

LISTING OF PLANTS INCLUDED IN PRIOR REPORT AND VISITED BY THE GENERAL ACCOUNTING OFFICE

Plant number, name of plant, and location

Alabama

1307; Marshall Durbin & Co., Inc., Jasper.

Illinois

762; A. F. Murmann & Co., Rockford.

Michigan

1234; Nottawa Gardens Corp., Athens.

Minnesota

279; Swift and Company, Marshall.

Mississippi

1262; Hens Incorporated, Bay Springs.

308; B. C. Rogers & Sons, Inc., Morton.

North Carolina

802; Southeastern Poultry of North Carolina, Charlotte.

449; Swift & Co., Greensboro.

Ohio

6810; United Poultry, Inc., Cleveland.

Virginia

56; Rockingham Poultry Marketing Cooperative, Inc., Broadway.

199; Rockingham Poultry Marketing Cooperative, Inc., Stanley.

Wisconsin

161; Brakebush Brothers, Inc., Westfield.

301; Dairyland Poultry, Inc., Endeavor.

254; Hartwig's Poultry Farm, Inc., Johnson Creek.

1237; Wright Broiler Co., Inc., Shawano.
701; Tillman Produce Co., Inc., Wilton.

Indiana

1365; Great Lakes Duck Farm, La Porte.

STATEMENT PREPARED BY THE CONSUMER AND MARKETING SERVICE, DEPARTMENT OF AGRICULTURE, ON STATUS OF SANITATION AS OF NOVEMBER 10, 1971 IN PLANTS VISITED BY THE GENERAL ACCOUNTING OFFICE

CURRENT STATUS OF SANITATION AT FEDERALLY INSPECTED PLANTS

Marshall Durbin and Co., Jasper, Ala., P 1307

The overall condition of this plant has improved since the GAO visit. However, crowded conditions result in maintenance problems and present an unsatisfactory appearance. Problems continue to be experienced with condensation associated with ice augers and the offal house. Corrections to structural deficiencies are underway. New ceiling for the eviscerating room is being programmed for completion at an early date. Improved supervisory control has been established and the plant has received specific instructions regarding continued application of sanitary requirements. Failure to maintain acceptable standards will result in withdrawal of Federal inspection.

A. F. Murmaun & Co., Rockford, Ill., P 762

A marked upgrading of plant facilities and daily sanitation instituted by the Company has resulted in satisfactory compliance to approved product standards. Driveways and parking lot are improved through resurfacing and accumulation of debris around plant has been removed. Additional action is programmed such as floor repair and cleanup of overhead lights and conveyors. Present conditions of the establishment would provide grant of inspection.

Great Lakes Duck Farm, La Porte, Ind., P 1365

Inspection was suspended from this plant because of unsatisfactory conditions of the facility and the failure of the Company management to effect corrections. The suspension remained in effect until all corrections were made. Operations resumed on October 8, 1971.

Nottawa Gardens, Corp., Athens, Mich., P 1234

Slaughter of poultry has not been conducted at this plant for the past 10 months. Some structural changes are necessary and these are being accomplished. The facility is acceptable at this time for a grant of Federal inspection. Continued maintenance and more attention to detail in cleanup is required.

Swift & Co., Marshall Minn., P 279

This plant is being maintained and operated in an acceptable sanitary manner. The facility is no longer considered a problem plant with reference to sanitation requirements.

Hens, Inc., Bay Springs, Miss., P 1262

This plant presents continuing problems because of facility sanitations control. The Company management is considering a move to a new location.

B. C. Rogers & Sons, Morton, Miss., P 308

Present operations of the plant are acceptable to approved product sanitation. A number of deficiencies in equipment and facilities have been corrected or improved. Unacceptable items noted in the last supervisory inspection pertain to facility and equipment which are of daily routine maintenance.

Southeastern Poultry of North Carolina, Charlotte, N.C., P 802

Present condition of this facility is such that a grant of Federal inspection would be approved. Although an older plant, acceptable product sanitation is achieved on a continuing basis.

Swift & Co., Greensboro, N.C., P 449

Federal inspection has been withdrawn from this establishment and the facility is closed.

United Poultry Inc., Cleveland, Ohio P 6810

A number of minor variations to acceptable requirements exist at this plant. However, none involve product contamination. There is intensive programming to correct minor deficiencies. Supervisors have been instructed to assure that maintenance program is carried out and maintained daily.

Rockingham Poultry Marketing Cooperative, Inc., Broadway, Va., P 56

This plant has shown marked improvement in plant facility maintenance and in approved sanitation requirements. Insect and rodent control is now satisfactory. There are no current deadlines for facility change or major structural improvements in the slaughter operations. A part of the plant operation has been rejected and facility and equipment deficiencies will be corrected before opreations are allowed to resume.

Rockingham Poultry Marketing Cooperative, Inc., Stanley, Va., P 199

Overall operation of this establishment is satisfactory. Daily sanitation acceptability, both preoperational and operational, meets acceptable standards. There are no major programmed changes necessary at this time. Plant modeling has achieved desired results in the production of wholesome product.

BakeBush Brothers, Inc., Westfield, Wis., P 161

This plant has modern facilities and equipment and are generally maintained in good condition. More attention is being given to daily routine sanitation and several minor facility improvements are being made. Line speed is being controlled to assure proper ready-to-cook product and sanitation requirements.

Dairyland Poultry, Inc., Endeavor, Wis., P 301

The facilities of this establishment are marginal. Although the plant has made a number of facility and equipment improvements the general condition of the buildings presents a continuing problem. Plant layout is not satisfactory for efficient operation and inspection. Concerted effort is being made to correct all sanitation deficiencies. Lacking corrections by plant management the plant will be denied Federal inspection.

Hartwig's Poultry Farm, Inc., Johnson Creek, Wis., P 254

This plant's further processing facilities were reconditioned in January 1971, which involved the processing room, freezer, cooler, shipping-receiving and dry storage areas. Slaughter operations have been rejected since January 1971, and inspection will not be granted unless major renovation is accomplished.

Wright Broiler Co., Inc., Shawano, Wis. P 1237

Inspection was withdrawn on April 20, 1971.

Tillman Produce Co., Inc., Wilton, Wis., P 701

This facility is producing wholesome product although the age of the buildings and some equipment will continue to present a problem to management and the inspection personnel. Although extensive renovation was performed in early 1971, continuous maintenance on a daily basis is required and is being performed.

Gold Kist, Inc. (formerly Pillsbury Farms), Guntersville, Ala., P 192

Deficiencies in this plant have been programmed with plant management. The plant has closed at times in an effort to meet their responsibilities. The inspector-in-charge has been directed to make sure that operations are such that will eliminate contaminated product from being shipped. Rust on the ice crushes is much improved. There is a continuous program to remove the rollers one at a time to remove the rust. Condensation is being controlled to the extent that it is not contaminating the product. The offal loading area is not completely enclosed. Moisture test indicates that product is in compliance.

Gold Kist Poultry, Boas, Ala., P 413

Several facility and equipment changes have been made in this plant. At the present, inspectors must resort to halting operations more than would normally be expected. Items such as drip pans and flumes to direct excessive water to floor drains are needed. These items plus adjustments on new equipment, particularly the changing of eviscerating lines to eliminate dragging viscera, are to be corrected immediately. The offal facility is not acceptable. The present hopper cannot properly be cleaned and will be replaced or modified as soon as management determines which is most economical. Until such time, inspectors have been instructed to double check offal operations. The final product is acceptable and potential is good for a much smoother operation.

Wayne Poultry Company, Albertville, Ala., P 1317

This plant is generally good. Recent reviews have shown that inspectors need to insist on better housekeeping, both prior to and during operations. Inspectors have been instructed to follow through on routine sanitation and also repair cooler walls and correct deficiencies regarding outside openings. The finished product in this plant is very acceptable and with more attention to the above items, we can see no problems with this operation.

Valley Industries, Inc., Ashland, Ala., p. 1254

Inspection supervision is much better in this plant. The inspector-in-charge has evidenced intensions of maintaining a clean plant. Plant management is more cooperative in correcting and dealing with problems involved in a food producing plant. Water sediments have been eliminated with the addition of two filters. The general conditions of this plant are good. Unacceptable conditions found on a preoperative sanitation are corrected before operations begin.

Ralston Purina Company, Trussville, Ala., p. 323

This plant should be considered as good, the major problem being an ineffective maintenance program. Augers and pipes must be repaired to prevent condensation. This is to be corrected immediately. Continuous chillers need seam repairs to eliminate possible contamination and to provide greater ease in cleaning. Until the chiller seams are repaired, inspectors will assure that sanitation is acceptable before operations begin. This can be done but requires more surveillance from inspection and in turn costs the plant more in operating time and labor. Regardless, management and inspectors have been instructed that operations are not to be allowed unless sanitation is acceptable.

Springdale Farms (formerly Demand Foods Co.) Springdale, Ark., p. 457

This is an older plant that is showing some deterioration, but is being kept acceptable for Federal inspection by an ongoing maintenance program. Much galvanized metal has ben replaced by stainless steel. Repair of facilities is being made on a continuing basis; also housekeeping and sanitation are greatly improved. Additional action is programmed such as improved lighting and the repair of damaged walls, doors and floors.

Springdale Farms (formerly Loyd's Poultry Processing Co.) Springdale, Ark., p. 208

Sanitation in this plant has greatly improved. Operations have been halted numerous times but results have been realized. Deadlines have been given on maintenance and repairs of facilities and equipment. No product is allowed in the cooler unless tightly wrapped with plastic covers. A new cooler is scheduled for completion April 1, 1972. This plant has changed management and seem to want to comply with the regulations. While we get verbal understanding of problems that must be corrected, the halting of operations brings forth the usual tense relationships. Inspectors and management have been informed that there will be no let up until compliance is attained.

Campbell Soup Co., Fayettville, Ark., P 138

This plant has recently completed and occupied a new facility. The facilities reviewed by GAO have been completely replaced. On the last review of this new facility no unacceptable items were recorded.

Ralston Purina Company, Springdale, Ark. P 963

This plant is acceptable and no major problems are encountered with sanitation and facilities. The problem of condensate has been corrected by installation of a new ventilation system. Some condensate is still present over the crovac freezing system but no danger of product contamination exists. This system is enclosed and the product is protected at all times. Operations are smooth and sanitation is well above minimum standards.

Garret Poultry Co., Rogers, Ark. P 607

This plant is in generally good condition both from the standpoint of facilities and operations. Facilities and equipment have only minor deficiencies and are corrected on a normal plant maintenance program. Deficiencies in sanitation are caused by an apparent labor problem of management. This makes it more difficult for inspection personnel to maintain an adequate sanitation program which is evidenced by the amount of down time this plant has in order to operate.

Franz Food of Arkansas, Inc., Green Forest, Ark. P 112

Facility and equipment problems in this plant have nearly all been programmed for repair or replacement. Work is progressing well on walls and floors that needed repair. Much has already been completed. About the only problem at this time is minor facility corrections.

J-M Poultry Packing Company, Inc., El Dorado, Ark. P 350

This plant presently is acceptable for Federal inspection. Extensive remodeling is now in progress. Glass board has been installed to eliminate flaking paint on walls of the ice pack cooler. Sanitation is being handled on a daily basis.

Valmac, Inc., Pine Bluff, Ark. P 275

Peeling paint from ceilings and walls was a constant problem in this plant. Paint was barely six months old when problems forced the scraping of flaking paint before operations began on a daily basis. These areas have now been sandblasted and resealed. The maintenance program is effective and does not interfere with daily operations. Sanitation is acceptable with no problems encountered with the final product.

J. K. Southerland, Inc., Clinton, Ark. P 121

The overall condition of this plant is good. On the last review no unacceptable items were recorded. Flaking paint on some walls has been corrected by repainting. The review indicates this plant is producing a wholesome product under satisfactory conditions.

C. Finkbeiner, Inc., Little Rock, Ark. P 212

Considerable renovation of this plant has been completed over the past twelve months. Sanitation problems encountered are handled on a daily basis by the assigned inspector and in no way detract from the overall facility. Maintenance and housekeeping procedures have progressed nicely.

Hanford Produce Company, Clarksville, Ark. P 846

This plant is presently acceptable for Federal inspection. Continued maintenance is required due to normal wear and tear.

Tip Top Poultry, Inc., Marietta, Ga. P 1480

Sanitation and housekeeping are basically acceptable in this plant. Some improvements have been made in physical structures and others have been programmed with management. Holes in the floors of shipping dock have been repaired. Non-potable water lines have been identified. Chiller joints have been properly sealed. All areas of product contact were clean before operations began at the time of the last review.

Wilson Laurel Farms, Inc., Cumming, Ga. P 243

All deficient areas in this plant are correctable and have been scheduled with plant management. All areas with sanitation deficiencies are corrected prior to the starting of operations. Only boxed or covered product is permitted in the cooler until the scheduled refinishing is completed.

Swift and Company, Douglas, Ga. P 1272

Many improvements have been made in this plant. The management has accepted their responsibilities in operating a food producing plant. A complete review was made on September 20, 1971. A score of 93.5 was recorded which indicates the improvement in this plant. Acceptable product is being produced under acceptable conditions.

Swift and Company, Gainsville, Ga. P 311

Inspection withdrawn June 1971.

Conagra, Inc. (formerly Red Hat Poultry) Dalton, Ga. P 1279

Some walls are in need of repair, particularly the cooler. The offal door and conveyor need replacing. These deficiencies have been programmed for repairs and deadlines given plant management. Problems have been encountered with particles of paint in the ice-making room. The paint has been scraped and the ceiling cleaned to preclude any contamination of ice. In general maintenance has been a problem but has improved. Plant management and inspection personnel have been well informed as to their responsibilities and will be expected to maintain sanitary operation and a wholesome product at all times.

Elberton Poultry Company P 184

The facilities, sanitation and operations in this plant have greatly improved since the GAO review. Only minor deficiencies have been encountered on recent reviews. The last review showed no items being marked unacceptable, however, there were items noted that needed correction.

Pillsbury Farms, Ellijay, Ga. P 40

This plant is well equipped to meet inspection standards. There is ample room for equipment, good lighting and facilities. The main problem is a lack of a continuing sanitation program. Daily checks by inspectors have had to be increased and the plant placed on a "go-no-go" basis. Some floors need repairs and have been programmed for completion. The ceiling in coolers need work. No product is allowed in coolers without complete protection. With increased surveillance from inspectors and efforts by plant management on the above-mentioned areas, this should be a good plant. At present there is no product contamination and the end product is acceptable.

Talmadge Farms, Division of Cagle's Inc., Lovejoy, Ga., P 373

During the past 10 months this plant has maintained a continuous program of improvements. A two-story building has been completed. The canning and sausage operations have been moved into this building. A new floor has been poured in the old canning room. This room will not be used until the walls and ceiling are completed. Four rooms in the dry curing department have been remodeled and the others have been programmed for completion. The floor has been patched in the old cooler and a new cooler is under construction. On the last review no product contamination was observed. All equipment had been properly cleaned before operations began.

Gold Kist Poultry, Athens, Ga., P 1246

There has been a tremendous amount of remodeling done in this plant. A new floor has been poured in the eviscerating room. A new ice room has been completed. The outside area has been paved. Sanitation is much better throughout the plant. Supervision has directed both management and inspection of their responsibilities. A new ceiling is being programmed for the eviscerating room. Other minor deficiencies are continually being corrected on a day to day basis.

Gold Kist Poultry, Canton, Ga., P 1246

This plant is an older building and probably could not be made a thing of beauty without completely rebuilding from the ground up. Improvements have been made in facilities and equipment, but much is still to be desired. The final product is wholesome and sanitation is acceptable. Inspectors must constantly be on guard for sanitation deficiencies; however, operations are halted and frequent clean-ups are accomplished. Management accepts the fact that operations will be hampered in order that we complete the objective of a wholesome product. This plant will be closed the week of Thanksgiving and new ceilings installed. Plant management will determine before January 1, 1972, whether to completely renovate the present facility or build a new plant. Regardless of the decision to renovate or build, acceptable sanitation will be maintained.

Marell Poultry Company, Murrayville, Ga., P 1257

This is a relatively new plant and has no great problems. Preoperative sanitation is a problem and new procedures have been implemented. Inspectors are instructed to place reject tags on any equipment and not allow operations to begin until the equipment is satisfactory. The inspector in charge is to report daily to his officer in charge until further notice. Another problem of pest control in non-product areas has been solved. In general this plant is good and certainly a wholesome product is the end result.

Eng Frozen Foods, Atlanta, Ga., P 865

Operations discontinued (inspection withdrawn, June 1971).

Rose Hill Poultry Corp., Rose Hill, N.C. P 510

Improvements at this plant have progressed satisfactorily. Maintenance of production areas has presented little problem. Better housekeeping practices in maintenance rooms and the box storage area has been accomplished. Also, additional lights have been installed and security over condemned materials has been increased. This plant meets requirements for operating under Federal inspection.

Watson Seafood and Poultry Co., Inc., Raleigh, N.C. P 844

Considerable progress has been made on the facilities of this plant in the past year. Walls and ceilings have been repaired. Deficiencies also existed in the handling of condemned products, in the workshop and box storage areas, and the holding cooler. All of these items have been corrected. A few minor deficiencies are in the process of being corrected. Company management has accepted their responsibilities for sanitation and good operating procedures.

Gerber Products Co., Ashville, N.C. P 1324

Overall operation and sanitation is presently considered good. Also, facilities and maintenance is above average. Deadlines have been met and none are due at this time.

Holly Farms Poultry Ind., Inc., Wilkesboro, N.C. P 1

The overall operation of this plant is good. Sanitation is well above average and presents no problems other than the sheer enormity of checking such a large plant. One problem encountered is worn equipment which is scheduled for replacement by January 1, 1972. No deadlines are due at this plant at the present time.

B & H Foods, Inc., Charlotte, N.C. P 942

Sanitation and operations of this plant are presently considered good. Sanitation has lapsed on occasions, but has been satisfactorily corrected on a daily basis. This is a very small plant with above average facilities and there are no significant problems at the present time.

Holly Farms Poultry, Ind., Inc., Hiddenite, N.C., P 14

This plant is acceptable for Federal poultry inspection. The overall sanitation and operating procedures are good. Facilities and the maintenance program are also good. The last review indicated no unacceptable items.

Mid-State Farm Coop., Cp., Siler City, N.C. P 16

A great deal of progress has been made at this plant over the past year. Handling of product, elimination of condensation, control of rust and flaking paint, operational housekeeping, and others are much improved. Several pieces of equipment still need replacing and preoperative sanitation needs improvement. In many instances inspectors must hold up operations until minimum sanitation requirements are met. Unless plant management can demonstrate a more effective cleanup program, the delaying of operations will likely continue.

Morton Frozen Foods, Concord, N.C., P 187

Many improvements have been made on the facilities of this plant. A new ceiling was installed in the picking room. Shackles, chains, and suspensions have been replaced. New sheet metal has been obtained for the pickers. Some deficiencies have been programmed for completion by management. Sanitation has improved with inspectors holding up operations until cleaning is accomplished. Wholesome product is being produced while continued progress is being made in upgrading an old building.

Luck's, Inc., Seagrove, N.C., P 1399

A marked upgrading of plant facilities and daily sanitation has resulted in satisfactory compliance. Control of dust and drainage on the outside premises has been accomplished by new paving, grading and using oil as a binder. Grass has been planted and unused scrap either hauled away or neatly stacked. Additional action is programmed such as further paving of outside premises, repairs to damaged title on inside walls, and through wall pipe passages are to be closed. Storage, product handling, and housekeeping are considered superior. Present conditions of the establishment would provide grant of inspection.

Pilgrim Industries, Inc. (formerly Market Produce Co., Inc.), Arlington, Tex. P 812

Sanitation and facilities are generally good in this plant. Several cracks in floors are in need of repair and have been programed for correction. Outside premises especially around the dumpster need cleaning. This was immediately corrected. Maintenance program is good and problems are minor. Corrections in sanitation are handled immediately on daily basis.

Byerly Foods, Inc., Dallas, Tex. P 647

This plant's facilities and operations are generally acceptable. Facility deficiencies are minor and corrected through an adequate maintenance program. Sanitation deficiencies are corrected on a daily basis before operations begin. The last review indicated no unacceptable items.

Whitman Foods, Alto, Tex. P 2276

A recent review has not been made of this plant. It only operates 4 to 5 weeks per year. At the present time this plant is closed. A review will be made before operations begin to assure that sanitation requirements are met before starting the plant.

Burgess Poultry Market, Inc., Nacogdoches, Tex. P 175

This plant was destroyed by fire December 15, 1970. Inspection withdrawn.

Ralston Purina Company, Nacogdoches, Tex. P 973

Facilities and equipment are presently acceptable. Minor variations are no more than could be expected and are corrected as they appear through an enforced maintenance program.

City Poultry Processing Company, Houston, Tex. P 058

Some deficiencies have been noted due to normal building and equipment deterioration. An effective maintenance program was lacking and has been initiated. Continuous chiller seams are hand cleaned and will continue to be hand cleaned and inspected until an acceptable sealer is available. Sanitation problems are handled on a daily basis with discrepancies corrected before operations begin.

Plant D. Yoakum Packing, Ltd., Yoakum, Tex. P 788

The operations in this plant are acceptable. Most deficiencies found are of minor nature and corrected before operations begin. The last review showed no unacceptable conditions found. A new door to the kill floor has been installed.

Reneau Brothers—Poultry and Egg Company, Inc., Seguin, Tex. P 1137

Several minor variations and some unacceptable items were noted and corrected during the last supervisory inspection. These were primarily sanitation and routine procedure deficiencies that are normally handled on a daily basis. This does not detract from the overall acceptability of the plant. Continued maintenance and more attention to sanitation is required.

Motts, Inc., Mississippi Nixon, Tex. P 845

This is an old plant with more than usual maintenance problems. A vigorous renovation program is underway and progress is readily recognizable. Ceilings are a major concern and are to be replaced in their entirety. Product is protected at all times and sanitation discrepancies are corrected on a daily basis. This plant has come a long way in the past 12 months. Continued efforts should greatly improve this plant's capability and allow them to clean and operate without as many slow downs and shut downs by inspection.

Taylor Turkey Ranch, Ovalo, Tex. P 7035

At the time of the last review this plant was unacceptable for Federal inspection. This is a seasonal plant that hasn't operated in several months. Floors, walls, and ceilings are in need of repair and the plant will not be permitted to operate until these items are corrected.

Hill Country Foods, Goldthwaite, Tex. P 7050

This plant is acceptable for Federal poultry inspection. The last review indicated some minor maintenance deficiencies which have been corrected. Sanitation problems are handled daily before operations begin.

Plantation Foods, Inc., Waco, Tex. P 635

Sanitation and facilities in this plant are quite good. The maintenance program is one of the better and operations are generally performed with efficiency.

Campbell Soup Company, Paris, Tex. P 13

This plant's operations and facilities are acceptable for Federal inspection. This is a modern plant that is well maintained. The last review was very good with all items being acceptable except one minor variation.

Handy Andy, Inc., San Antonio, Tex. P 430

This is a modern plant with good facilities. The maintenance program is not keeping up with needed repairs. This could be due to mostly new equipment not yet needing attention. Based on observation the maintenance need will arise rather swiftly if the trend continues. Pest control has needed attention and will be checked closely in the future. Pipes for air agitation in chill vats have been replaced because of unsanitary conditions. Some chill vats were flaking, galvanizing and have been rejected for use. Other than the above items, this plant is not considered a problem. However, inspectors will need to keep a closer surveillance in the future.

WATER POLLUTION PROBLEMS

Mr. PELL. Mr. President, 2 weeks ago the Senate approved S. 2770, a bill which would launch a realistic, comprehensive, and effective program to combat the country's very serious water pollution problems.

I supported the passage of that bill because I believe it will provide, for the first time, a program on a scale equal to the magnitude of the problem.

For the same reasons, I was amazed and shocked to read news reports that the administration is now seeking to undermine and weaken this water pollution control legislation during consideration in the House of Representatives.

Perhaps the administration believes that the current deep public concern over water pollution and other environmental problems is something of a fad that will pass away; or that the American people can be satisfied with nothing more than talk about protecting our environment. If so, then the administration is terribly and tragically wrong, both about the problem and the determination of the American people to solve it.

Evidence continues to pile up that our environmental problems have not been exaggerated. Indeed, we continue to see evidence that the problem may be more serious than we have thought.

Today, for example, the University of Rhode Island has made public a study indicating that areas of Narragansett Bay, previously considered unpolluted, may in fact be chronically polluted with hydrocarbons from petroleum.

The study, conducted by John W. Farrington of the university, and supported by the Environmental Protection Agency, and the national sea-grant college program, is disturbing, because it suggests that our marine pollution problems may indeed be far greater than we have previously suspected. I ask unanimous consent that a summary of the study be printed at the conclusion of my remarks.

The University of Rhode Island report, I believe, underscores the necessity of mounting the most vigorous water pollution abatement program we can, and I believe the Water Quality Standards Act, recently passed by the Senate, represents just such an effort.

The report also supports a point I have made repeatedly. We need more knowledge of the specific effects of varying levels of pollutants on the marine environment and on human life.

Mr. Farrington's study disclosed the presence of petroleum hydrocarbons in shellfish in Narragansett Bay. But we do not really know what this means in terms of the shellfish population or human health, because we have no standards of permissible levels of hydrocarbons in shellfish.

It is ironic that a few miles from Narragansett Bay is the National Marine Water Quality Laboratory, charged with the responsibility for developing marine water quality criteria. That laboratory is laboring in grossly inadequate, temporary quarters, even though Congress appropriated money 9 years ago for modern facilties.

The Senate adopted my amendment to the Water Quality Standards Act, requiring that this laboratory be built. I hope the administration now will not wait for final passage of that bill, but will proceed as quickly as possible with the construction of this vital research facility.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HYDROCARBONS FOUND IN NEW BAY AREAS

Hydrocarbons, possibly derived from petroleum products, have been found in sediments and clams in parts of Narragansett Bay considered unpolluted up to now.

John W. Farrington, who has completed requirements for a doctoral degree in oceanography at the University of Rhode Island, said in a recent paper that some areas of Narragansett Bay, including areas in the West Passage where the waters are designated as unpolluted and shellfishing is not restricted, may be chronically polluted with oil. Mr. Farrington delivered his paper at the University of Delaware.

Sources of the oil include sewage treatment plants, storm sewers, repeated small spills from tankers and Naval vessels, and motor oil from small craft, he said.

"The presence of this oil raises the question of the potential danger to shellfish consumers," Mr. Farrington said.

He emphasized, however, that there are no standards of permissible levels of hydrocarbons in shellfish. Nor is it known that the hydrocarbons found in the shellfish in the bay could have any adverse effects on humans.

Toxicological studies are now being initiated by the Food and Drug Administration (FDA) to determine the potential danger of hydrocarbons to humans, according to Darrell Schwalm, a shellfish consultant to the FDA in Boston.

He was among the URI, federal and state officials who attended a meeting at which Mr. Farrington discussed his findings at URI's Narragansett Bay Campus last Friday (Nov. 5).

Other participants of tha meeting included Dr. Clarence M. Tarzwell, director of the National Marine Water Quality Laboratory in West Kingston; Carleton A. Maine, chief of the division of water supply and pollution control in the state Department of Health; John N. Cronan, deputy chief of fish and wildlife in the state Department of Natural Resources; Capt. James Verber of the Public Health Service at Quonset; Dr. John A. Knauss, provost for marine affairs at URI; Stuart O. Hale, assistant to the provost; and Dr. James G. Quinn, assistant professor of oceanography under whom Mr. Farrington did his graduate work at URI. Dr. Quinn is the co-author of Mr. Farrington's paper.

Mr. Farrington estimated that about 75 million gallons of hydrocarbons are discharged into the country's coastal waters every day through sewage effluents.

His research points up the fact that it is becoming more critical to "watch what we allow to be discharged from our sewage outfalls," Dr. Quinn said.

Hydrocarbons are an important group of organic compounds containing only hydrogen and carbon in varied structural combinations.

Hydrocarbons were found in shellfish taken in three locations and sediments from eight locations covering an area starting at the Fields Point and East Providence sewage treatment plants on the Providence River, continuing through the upper bay and the West Passage, and ending off Beavertail at the southern tip of Conanicut Island.

As a comparison, samples of hard shell clams found in Charlestown Pond, a coastal salt marsh and lagoon area on the south shore of the state cut off from most sources of oil pollution, were analyzed and found to contain no detectable levels of petroleum hydrocarbons.

The area around the sewage treatment plants is designated as polluted and is closed by the state department of health to shellfishing. Due to sewage overflows, the upper part of the bay is also closed to shellfishing following heavy rains, based on fecal coliform counts. Most of the West Passage has been considered unpolluted, however.

Although there are several possible explanations for the presence of hydrocarbons in the sediments and shellfish from "unpolluted" areas of the bay, Mr. Farrington said that the most likely sources are in the petroleum products, such as used oil, in the sewage effluents of the Fields Point and East Providence plants, and in small oil spills.

Based on analyses of the effluents, Mr. Farrington estimates that 350,000 liters, or about 79,450 gallons, of hydrocarbons a year are discharged by the sewage treatment plants into the river. The exact nature of the hydrocarbons is not known, but the analyses point to a petroleum source.

The explanation that "best explains the observed data" is as follows:

Oil in the sewage effluents, coupled with that in small oil spills, is adsorbed by—that is, it adheres to the surface of—particles of matter in the water. Under certain conditions, some oil can even form its own particulate matter. Most of this matter is then deposited on the bottom.

While the oil is being deposited, it begins to break down and some constituents dissolve in the water. Some of the particles with oil on them are filtered by the hard shell clam and become incorporated in the clam's tissue. The breakdown of the oil slows down in the clam, while continuing at the same rate in the sediment. This results in the difference in the amount and types of hydrocarbons found in hard shell clams and sediments from the same location.

The concentration of hydrocarbons in the shellfish varies from 94 parts per million of dry weight near the sewage outfalls to 11 parts per million near the mouth of the bay.

Dr. Quinn said that hydrocarbons in shellfish tend to build up in the lipids or fatty tissue. "The next question is what do the hydrocarbons do to the shellfish biochemically? We can't just trust that the animal will purify itself over a period of time," he said.

Research on the effects of hydrocarbons on lipid metabolism of shellfish is continuing at URI's Graduate School of Oceanography, Dr. Quinn said.

Mr. Farrington is presently conducting research with Dr. Max Blumer, who is continuing his study of the effects of the 1969 West Falmouth oil spill, as a post-doctoral investigator at the Woods Hole Oceanographic Institution.

Mr. Farrington's paper is based on research he did at URI for his doctoral thesis over the past three years. Funding for the project came from the Environmental Protection Agency and the Sea Grant Program of the Commerce Department's National Oceanic and Atmospheric Administration.

NOMINATION OF WILLIAM REHNQUIST

Mr. FANNIN. Mr. President, for the past several weeks, the entire life of William Rhenquist has been subjected to a microscopic examination. Absolutely nothing has been discovered that should detract from his magnificent qualifications to be an Associate Justice of the Supreme Court.

We who have known William Rehnquist for a number of years knew exactly what all of the investigations would reveal. We knew that William Rehnquist is a man of the highest character as well as a man with a brilliant legal mind.

Mr. President, my colleague from Arizona (Mr. GOLDWATER) summed it up well in today's New York Times. I ask unanimous consent that an article written by Senator GOLDWATER be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"A MAN OF THE HIGHEST PERSONAL INTEGRITY"

(By BARRY M. GOLDWATER)

WASHINGTON.—Liberal opponents of Supreme Court nominee William H. Rehnquist will never find a more difficult target.

Almost a week of hearings before the Senate Judiciary Committee plus thousands of hours spent searching out a lifetime of records and comments by the Phoenix attorney have left nothing to object to except Mr. Rehnquist's political views.

It is estimated that never before have so many journalists, academicians, legal experts and others spent so much time on the qualifications of one nominee.

And what emerges from the thousands of words, voiced and written, about Mr. Rehnquist are these salient facts:

Mr. Rehnquist is a man of the highest personal integrity and professional competence.

Mr. Rehnquist is a man who takes the trouble to see both sides of all issues to which he addresses himself.

Mr. Rehnquist is a man who has demonstrated himself to be thoughtful and moderate; a man whose beliefs and convictions are well within the mainstream of this country's thinking.

Perhaps one of the greatest pluses for Mr. Rehnquist which emerged from a nonstop inquestion by liberal polticians, commentators and journalists was his ability to maintain his poise and temper under the most extreme and trying circumstances.

He has proven to friends and critics alike that he wears pressure well, and is a man of such breadth and balance that his severest critics were had put to find even short passages of his past statements to quote out of context.

It would be unfair to say that the Phoenix attorney is a man devoid of political and social convictions. As an acquaintance of many years, I know him to be a man who believes that the protection of individual rights should extend not only to the accused but also to society as a whole. He perhaps could fairly be described as a man who believes in a system based on ordered justice, who is deeply concerned about threats to our democratic processes.

Some, but by no means all, of Mr. Rehnquist's opponents have lately begun to use smear tactics in an effort to prevent his confirmation. The tactics by now have included exaggerations of his views, outright distortions of his public statements, plus a considerable variety of vicious labels and characterizations. It may be a measure of desperation, but the fact remains that now that the committee questioning has failed to destroy Mr. Rehnquist's chances, he is being called a "right-wing zealot," a "radical of the right," a "laundered McCarthyite" and an "extremist in favor of executive supremacy and diminution of personal freedom."

In my opinion, the opponents of Mr. Rehnquist overstepped themselves and defeated their own purpose when they seized on a casual talk-show claim that the President's nominee was a member of the John Birch Society. Almost as soon as the charge hit the airways, the nominee filed a sworn statement with the Judiciary Committee denying that he was now or had ever been a member of the Birch Society. Unfair as the charge was, the effort of the A.D.A. leader, Joseph Rauh, to use it for smear purposes may have tipped the Senatorial scales in Mr. Rehnquist's behalf.

Rauh's attempt to cast doubt on Mr. Rehnquist's denial of membership and his obvious attempt to smear the nominee through a process of guilt by association blew up right in his face. It brought from Senator Edward Kennedy of Massachusetts, a committee member with admitted reservations about the nominee, a warning not to spread charges without evidence. Kennedy further told Rauh: "You have left an atmosphere that I think is rather poisonous."

Mr. FANNIN. Mr. President, I also invite the attention of Senators to four other columns which have been published recently in the press. These articles discuss the Rehnquist nomination and the role of the Supreme Court in general. I ask unanimous consent to have printed in the Record columns by William F. Buckley, Jr., James J. Kilpatrick, and Richard Wilson, and an article by Anthony Lewis which appeared under a London dateline in the New York Times.

There being no objection, the items were ordered to be printed in the Record, as follows:

Would Senate Liberals Confirm Justice Cardozo?

(By William F. Buckley Jr.)

If one were to ask the question about former justices of the Supreme Court, "Who is the fairest of them all?", there would be many answers: But no list of the great Supreme Court justices of this century would exclude the name of Benjamin Cardozo. A learned friend now calls to my attention that notwithstanding that Cardozo was worshipped in his day, which is not that remote (he died in 1938), one wonders whether the liberals in the Senate would nowadays vote to confirm a man with such a record.

In brooding over appointments to the vacancies in the Supreme Court, Fred Graham, who covers the court for the New York Times, wrote recently, "The suspicion is that what Mr. Nixon really has in mind is a Supreme Court that will quietly attend to its own judicial backyard, and will not interfere with what the other two branches and the states want to do." That of course is not only what President Nixon has in mind, but substantially what the framers of the Constitution had in mind. Certainly that is substantially what Cardozo had in mind. And yet, in recent days, in the New York Times Prof. Alan M. Dershowitz named Cardozo as the judicial exemplar, whom Nixon's choices should seek to emulate.

Judge Cardozo always distinguished between the function of the legislature and the function of the court. Soon after being named to the Court of Appeals, he concurred in a decision of that court affirming the conviction of Dr. Margaret Sanger for the offense, under the law as it stood, of disseminating birth control information. The court's objection, in which he joined, noted breath-takingly that it was not the business of the courts to consider arguments "touching social conditions and sociological questions." These, the court held, were "matters for the legislature and not the courts."

On this point, Cardozo more or less held firm throughout his life, the most conspicuous exception being his vote to condemn the National Recovery Act as unconstitutional. It was the keel of his judicial philosophy, singled out by his eulogist, Atty. Gen. Homer Cummings, at his memorial service. For Cardozo, Cummings said, that doctrine was not an "aphorism but a burning truth."

Cardozo seldom interfered with state legislation. Although he did on one occasion invalidate the sentencing of a Communist under an anti-anarchy law, he took pains to point out that he was observing merely that a Communist is not an anarchist, that he was not disputing the constitutional authority of the state to "protect itself by prohibiting the teaching of revolutionary doctrine."

And, in the field of criminal prosecutions, Cardozo came face to face with many problems still being actively debated. For instance: Do you or don't you admit evidence even if it was procured by trespass or other unlawful means? Cardozo believed that the purpose of a trial was to ascertain whether accused was guilty.

He never held the 5th Amendment as binding in the state courts, and indeed he did not consider either it, or even a jury trial, as generically indispensable to freedom: "Few would be so narrow and provincial as to maintain that fair and enlightened system of justice was impossible without them (trial by jury and the privilege against self-incrimination) . . . justice . . . would not perish if the accused were subject to a duty to respond to orderly inquiry." For the record, Justices Hughes, Brandeis, and Stone concurred.

I am indebted to James Jackson Kilpatrick for a little arithmetic on the Supreme Court's 1970–71 term. The court handed down 121 written opinions. Twenty-eight of these were 5-to-4 decisions. Of the 28, eight dealt with statutory questions. The rest were cases arising under the Constitution. The court conservatives won thirteen, lost six, and tied one (U.S. versus Arizona). Burger and Blackmun voted as one in all 20 cases. On the liberal side, Douglas, Brennan, and Marshall never broke ranks. White joined the two conservatives in 16 out of 20 cases, Harlan and Stewart in 15 of them, Black in only 9. The exemplary Cardozo, whom Messrs. Powell and Rehnquist should indeed seek to emulate, would have joined the conservative bloc.

Rehnquist's Record Is Result of Advocate Role

(By James J. Kilpatrick)

Nine of the last 12 nominees to the U.S. Supreme Court were sitting judges when their names went to the Senate. It was not much of a problem to read their reported opinions and to get a line on their cast of judicial thought.

A more difficult task is presented in getting a line on Lewis F. Powell, Jr. and William H. Rehnquist, the President's nominees for the vacant Black and Harlan seats. They are active lawyers, one in private practice, the other as government counsel; they think, speak and act as advocates, not as judges. Their high calling has made them players, not umpires, and this role needs to be kept in mind.

It needs especially to be kept in mind in the matter of Rehnquist. He is coming under heavy fire just now from a number of civil libertarians who are offended by things he has done or said as assistant attorney general. He has, for example, been "tough on demonstrators." He has "supported preventive detention." He has "defended a President's unrestrained power to eavesdrop on private citizens." The impression is being cultivated that Rehnquist is somewhat to the right of Torquemada and just to the left of Genghis Khan.

A very different impression may be formed from a careful reading of Rehnquist's speeches and prepared statements over the past three years. These make a stack of papers 4 inches high. To study them is to gain a picture of advocacy at its best—of argument compelling in its force, but founded in reason. One also sees Rehnquist, as the quintessential lawyer, living by the commandment of Canon 6 that his obligation is to represent one's clients "with undivided fidelity." His clients, of course, have been the attorney general and the President.

Yes, he is tough. He speaks to the Newark Kiwanis Club on Law Day of "the new barbarians" and he is cool to cold: "I do offer the suggestion in the area of public law that disobedience cannot be tolerated, whether it be violent or nonviolent disobedience. I offer the further suggestion that if force or the threat of force is required in order to enforce the law, we must not shirk from its employment."

He is wholly a man of the law: "The minority, no matter how disaffected or disenchanted, owes an unqualified obligation to obey a duly enacted law. Government as we know it could not survive for a day if it permitted any group to choose the laws which it would obey, and those which it would not obey."

In another Law Day address, this one in Houston, he defends the government's position in the matter of violent demonstrators. He has no apologies for sweeping them up: "I suggest to you that, quite contrary to the views expressed by the defenders of the radicals, these actions of state and federal governments are only the most minimal sort of responses to very intense and serious provocation, and that these actions on the part of the government are not only thoroughly defensible but absolutely necessary. They are absolutely necessary not only for the preservation of order, but for the preservation of liberty itself. . . . We must not equate dissent with disloyalty. . . . But I would like to pose the corollary that neither should we equate destruction with dissent."

Time after time, one finds Rehnquist defending "the balancing approach," and "the reasonable approach." In a speech at Tempe, Ariz., in December 1970, he provided a superb defense—agree or disagree—of the case for "preventive detention." He is constantly remarking that "all or nothing" solutions cannot be accepted. He is contemptuous of the excesses in federal surveillance activities. These at one point "rather clearly got out of hand."

Rehnquist is not the most felicitous writer one might encounter. He splits infinitives. He mangles verbs. He falls into the "may or may not" constructions that smack of redundancy. He has not mastered the distinction between "less than" and "fewer than."

The syntax is not so important. Rehnquist, on his advocate's record, offers a brilliant intellect and a scholar's patience. On the court he may disappoint Nixon and he will disappoint me, but he promises to make a tremendous judge.

Rehnquist Underscores Ideological Issue

(By Richard Wilson)

The nomination of William Rehnquist as a justice of the United States Supreme Court presents the issue between President Nixon and the Democratic Senate majority in a unique and direct way.

No fringe questions cloud the issue. Rehnquist's record as a lawyer is without blemish. No reproach arises from his personal life, his financial affairs, or his intellectual qualifications.

Rehnquist is an activist conservative. It does not wash that in the Justice Department he merely did a lawyer's duty as an advocate of his client's cause. The record shows that he did so with the force of conviction. His record as a private lawyer equally supports the conclusion that he has articulated the rational conservative position as a believer, and by no means in the sense that a lawyer might defend an accused murderer whom he suspected, in his heart, to be guilty.

A vote against Rehnquist in the Senate, therefore, must be based largely upon opposition to his politico-legal philosophy as revealed in his record as a lawyer. Is this a group basis upon which to oppose a President's nomination of a Supreme Court justice?

There is no use saying that lawyer-trained senators are above basing their votes on such differences. If William Kunstler were to be nominated to the Supreme Court he would be opposed as a dangerous radical who could not be trusted as a judge. It is precisely the difference between a Rehnquist and a Kunstler which makes the point. Rehnquist respects the processes of law and Kunstler does not.

If innocence of all politico-legal doctrine or ideology were to be made the definitive qualification of a Supreme Court justice, the court would not have seated Charles Evans Hughes, Earl Warren, Hugo Black, Felix Frankfurter and others. Hughes was governor of New York and a candidate for President. Warren was governor of California and a candidate for vice president. Both were Republicans and adhered to a certain political philosophy.

Black and Frankfurter were liberals in their time and very active as such. That was a major reason why they were appointed to the court. Others were appointed for the same controlling reason. One law school dean came to prominence as a supporter of Franklin D. Roosevelt's court reorganization plan and he was subsequently appointed to the court.

A senator must judge whether or not a nominee's past record of advocacy and his political orientation is such as to disqualify him from being a fair and able judge weighing all sides of an issue. Fair-minded and able men often come to different conclusions, as the Supreme Court illustrates very often. Justices supposed to be "liberal" or "conservative" often end up the opposite or somewhere in between.

President Nixon has placed on the scales by which a senator weighs a nominee's qualifications the idea of "strict construction" of the Constitution. Just what this phrase means is beyond clear definition. It might be said that under strict construction of the Constitution the President of the United States could not conduct the Vietnam war without direct congressional authorization and declaration. Would Nixon agree to that? Even the strict constructionists on the Burger court evidently do not.

Strict constructionism has become a code-phrase for inflexible adherence to the past which Nixon himself negates nearly every day in his executive policies. It was a mistake to introduce the idea, for the court is compelled to move with the times as it did so dramatically in the school desegregation cases. In these cases the strict construction of the Constitution changed the centuries-old pattern of American life.

The current need is not for those trapped by the past, but for men with minds of penetrating depth unswayed by shibboleth and fixed concepts. Rehnquist brought that kind of a mind to the problem of legally rationalizing opposition to long prevailing concepts which were supposed to be "liberal" and therefore sanctified, as was the separation of the races so long sanctified.

So, a senator who votes against Rehnquist must say to himself: "This man is qualified, evidently brilliant, capable of growth, and with an enviable grasp of the law. But I cannot support him because he doesn't fit my definition of a liberal." Experience shows this is a poor way to measure judicial qualification.

[From New York Times, Nov. 11, 1971]

After Rehnquist

(By Anthony Lewis)

London.—The problem now troubling American liberals in the nomination of William H. Rehnquist to the Supreme Court was foreseen years ago by Judge Learned Hand. In his Holmes Lectures at Harvard he said:

"In so far as it is made part of the duties of judges to take sides in political controversies, their known or expected convictions or predilections will, and indeed should, be at least one determinant in their appointment."

Judge Hand was not using the word "political" in its narrow partisan sense. If our judges are to decide controversial national issues in the guise of lawsuits, he was saying, then they will be chosen in part for their ideology.

It is difficult for liberals to deny the premise. They know that for years they cheered the Supreme Court on as it advanced values of which they approved. Now a conservative President wants judges with different values. Is it logical to deny him that power, or even democratic? After all, the Presidential appointing power is the only means of seeing that the Court even distantly reflects the changing outlook of the country—as it must.

From this it follows that a President, should be allowed ample ideological scope in choosing a Supreme Court justice. There are limits—a racist would be disqualified—but they are broad. And so, many Senators who entirly disagree with Mr. Rehnquist's right-wing ideas will nevertheless properly vote for his confirmation.

But a more basic issue will remain—the one that really interested Judge Hand. That is the issue of the appropriate limits on the judicial function. Should judges be dealing with heated social and economic controversies? Or should they limit themselves to tamer matters of more traditional law?

In recent years it has gone out of fashion to ask such questions. Mr. Justice Frankfurter's plea for judicial self-restraint seems long ago and far away. Few seem to remember the terrible lesson of the 1920's and 1930's, when self-willed judges almost destroyed the Supreme Court.

Instead we have what could be called the neo-realist view. It was put with candor in 1958, the same year as Judge Hand's lectures, by Prof. Charles L. Black of Yale:

"We are told that we must be very careful not to favor judicial vigor in supporting civil liberties, because if we do we'll be setting a bad precedent. Later on, we may get a bench of [conservative] judges . . . [but] suppose the present Court were to shrink from vigorous judicial action to protect civil liberties. Would that prevent a Court composed of latter-day McReynoldses and Butlers from following their own views?"

Professor Black's rhetorical question expects a negative answer, but it is not so clear that restraint on the part of a liberal Court would have no effect when the pendulum swings. Certainly Brandeis, the greatest intellect who ever sat on the Supreme Court, thought otherwise. Again and again he held back from results that he personally desired because he thought he would encourage other judges to push their views in other cases.

Of course there is no convenient formula to set the limits on the judicial function. Every judge will have his own deep instincts about the values essential to the American system. Brandeis deferred to most legislative judgments, however foolish they appeared, but not when it came to freedom of speech or privacy: He thought they were too fundamental to the whole constitutional scheme.

The justices of the Warren Court did not decide the great cases as they did out of sheer perversity, as some of the sillier critics seem to think; they were carrying out what they perceived to be their duty. If they had changed their minds because they anticipated adverse reaction, they might have been said to lack courage.

The Warren Court is to be criticized not for its motives but, occasionally, for its judgment. It overreached from time to time. For me the outstanding example was the *Miranda* case: A narrow majority, without convincing basis in history of expert consensus, read a particular code of police procedure into the general language of the Constitution.

Judicial intervention on fundamental issues is most clearly justified when there is no other remedy for a situation that threatens the national fabric—when the path of political change is blocked. That was the case with racial segregation and legislative districting; it was not the case with *Miranda*.

Judge Hand would have excluded all such matters from the courts, but that remedy would be too drastic. We have long since come to rely on the Supreme Court as an essential medium of change in our rigid constitutional structure. What we can ask of the judges is modesty, a quality required not only by man's imperfection but by the fragile nature of the judicial institution.

FORCED BUSING AND THREAT TO NEIGHBORHOOD SCHOOLS

Mr. SPARKMAN. Mr. President, in this day, when so many of us throughout the whole Nation are concerned with the threat against our neighborhood schools and with the problem of forced busing, it is good to read such an editorial as published in the Mobile, Ala., Press Register of Sunday, November 14, 1971. I think it is a fine analysis and cross-section of views throughout the country.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Busing by Force Loses Ground Fast

If the trend of attitude on the issue continues, it soon may be difficult to find a voice anywhere in the nation that will speak out unreservedly in favor of the political atrocity of busing school children by federal force for racial purposes.

The Gallup Poll and other recent surveys have shown the great strength of public opinion against that atrocity.

Not to be left at the post in throwing cold water on forced busing, Sen. Henry M. Jackson of Washington State, who would like to land the Democratic presidential nomination next year, says that although believing in school integration in the "fullest sense," he would "oppose moving my daughter from a good school to a bad one."

More and more politicians who have been vague in the past on where they stand on busing by force are backing away from that political atrocity today in the face of mounting nationwide condemnation of the practice.

Editorially, the Christian Science Monitor currently says: "There should be prudence in the use of busing. Busing can at best be a temporary aid to desegregation, even though educators say there can be no meaningful desegregation without busing.

"Busing may never be successful until it is truly voluntarily accepted and of course then it would likely not be necessary."

Rep. John M. Ashbrook of Ohio joins the ranks insisting on busing restraints. His position, as he summarized it in the House:

"In view of the need to improve the education of children in all of our schools, whatever their racial composition, I think that federal funds should be restricted to educational purposes.

"So long as we permit the use of these funds for busing, it is a major temptation to every federal and state court, and even to state agencies, to order extensive and unpopular busing program on the theory that the costs will be picked up by the federal government."

Forced busing is on the defensive in the United States. It is losing ground both among the people as a whole and among politicians as a group.

Few plunges into the preposterous have been as untenable and vulnerable as herding school children into buses by federal blackjack for transportation out of their own neighborhoods into strange and often faraway neighborhoods in the name of promoting racial balance in the classrooms.

In a broadside at forced busing, the Chicago Tribune says editorially:

"Busing is tremendously expensive in terms of money, time and energy—all of which can be better used than by making premature commuters out of school children."

Another way in which busing is tremendously expensive is easily pinpointed: The disservice inflicted upon school children.

Correctly, the Tribune reasons that the schools "never should have been burdened" with the expectation of being made the "sole agency for increasing racial integration in American society."

Forced busing is a product of political brainstorms more than a product of anything else. In practice, it is a form of political dictation obnoxious to an obviously great majority of the American population.

SECRETARY OF STATE WILLIAM P. ROGERS

Mr. DOLE. Mr. President, the last few weeks have been filled with news on developments in foreign policy—from the President's announcement of the summit conference in Moscow to today's coup in Thailand. The day-to-day pace of these events is often difficult for most Americans to follow. So it is a welcome document that can provide a clear explanation of these events and can put foreign activities into perspective.

I refer to Secretary of State William P. Rogers' address last Friday before the 62d anniversary convention of the professional journalism fraternity—Sigma Delta Chi—which included college and professional newsmen. In an excellent survey of our foreign policy and its implications over the last 3 years, and a revealing series of questions and answers, the Secretary has put into a few pages the meaning of what has gone on around the world for all to understand.

Mr. President, I ask unanimous consent that the transcript of Secretary Rogers' address be printed in the Record, so that my fellow Senators may have the opportunity to review recent developments in the foreign policy area.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the Honorable William P. Rogers

Members of the head table, ladies and gentlemen, I would like to, if I may, make a few introductory remarks and then suggest that if you have some questions, I will try to give an answer to those questions.

I am particularly pleased to be here today at this meeting of Sigma Delta Chi for many reasons:

First, I have always had a very deep and abiding interest in the media. I must confess, however, that I expected to see some of the same, older faces that I have been accustomed to. I had no idea that we would have so many young men and women here today. I am very pleased that that is the case.

As I said, I have had over the years, a great interest in the press and had the privilege of representing the press on a number of occasions, and particularly in connection with the First Amendment right.

I always have supported the First Amendment, as you might expect, the right of free speech, fress press—until I became Secretary of State. [Laughter and applause.]

FOREIGN NEWS IS BAD NEWS

I want to, in order to lay a little ground work for what I am going to say preliminarily, point out that in the field of foreign affairs, the news that is made is always bad news. There is very little attention given to good news.

And in the case of the United States, we are to blame for the bad news, no matter where it occurs, because we are the strongest and most powerful, successful, if you will, nation in the world. We have a heavy responsibility in dealing with international affairs, and people do blame us for things that happen, regardless of whether we could have prevented it, regardless of whether we were prepared to meet the humanitarian needs that developed in any kind of crisis.

I was reminded of this not so long ago when my briefing officer came in in the morning reciting what happened throughout the world during the night. Every morning I get a briefing of that kind. And this particular day, everything he said was bad. There wasn't a bit of good news, and I finally said to him, "The news is very bad today, isn't it?"

And he said, "Mr. Secretary, the news is very bad today."

I said, "Is there any good news anywhere in the world?"

And he said, "No, sir, there's no good news in the world." [Laughter.]

"But," he said, "I will say this, and you may be pleased to note, that there is some bad news that we are not to blame for." [Laughter.]

I said "What's that?"

And he said, "The Aswan Dam is leaking." [Laughter and applause.]

JUDGE FOREIGN POLICY IN RELATIVE TERMS

Well, I want to say that the only way that it's possible to judge foreign affairs is in relative terms. You have to ask yourself: "How do we stand today compared to where we stood at some other time?"

Now I don't suppose there has been a time in the history of this country when international affairs was in a more fluid state throughout the world. And for that reason, I think it's a particularly interesting time to be alive and I think particularly you young men and women who are interested in journalism should feel very fortunate.

There is a tendency in this country to say that we are becoming less involved in the world. And others say we should become less involved in the world.

Now I want to say to you ladies and gentlemen that I disagree on both points.

We are not becoming less involved in the world.

We should not become less involved in the world. However, it is important to change the character of our involvement, and that is what the foreign policy of this Administration, your Government, is attempting to do.

I would like, just briefly, to discuss three areas that demonstrate this point:

MILITARY COMMITMENTS VS. INVOLVEMENT

First, in military matters, we have treaty commitments that oblige us to act in certain ways throughout the world. This is the result of the bipartisan foreign policy that has existed since World War II.

But we felt that we were too deeply involved in terms of numbers; our presence was too great; that we could live up to our treaty commitments with fewer number of people, with a presence that, was not so intrusive; and as a result of that in the last two and a half years we have reduced our troop strength in the Pacific by 420,000. And as you know, the President will soon make a further announcement.

Now I'm not speaking just about Viet-Nam; I'm speaking about the Pacific area. We have reduced our troop strength in Korea, Viet-Nam, Japan; in Thailand, Taiwan and the Philippines, 420,000 Americans have been brought home from those areas, and we still are able to maintain our treaty commitments and to carry out the obligations that we have as a nation.

ECONOMIC POLICY WITHOUT PROTECTIONISM

In economic terms, we have as you know, adopted a new economic policy. Some feel that this policy is designed to build a wall around the United States, a protective wall, that we'll go back to a position in the world of "protectionism." But I can say to you ladies and gentlemen, that that is not the case.

The United States benefits from free trade just as the whole world benefits from free trade, and we are the greatest trading nation the world has ever known. And speak as you will about foreign assistance, the way we can benefit the less developed countries is to make the United States a better marketplace for them.

There's no amount of money that we can spend in terms of foreign assistance that would in any way equate the benefits that they would receive if we continued to keep our marketplace open. And the United States is dedicated to that end. We have to play our role in helping less developed countries develop their economies.

Now our new economic policy is designed to do one thing, and that is to make the economic picture of the world more fair.

As a result of World War II we took on a great obligation to assist other nations, and some of the things that have existed up until recently, have been because of inertia. We continued the policy that we initiated a long time ago; so that nations like Japan and Germany that benefited as a result of some of the efforts that we have made in the past; now have become very strong economic powers, and the policies that this Administration has adopted, are merely designed for the purpose of making trade more fair; making the monetary picture more equitable; making it clear that we are going to share more equally the burdens of our mutual defense.

But none of the things that we have done or plan to do, in any sense of the word, is designed to go back to a period of "protectionism."

EMBARKING ON AN "ERA OF NEGOTIATIONS"

The third area that I would like to discuss very briefly today, is our position in political terms throughout the world. I don't suppose that there has ever been a time in our history when we've had more initiatives for peace underway than we do at the present time.

President Nixon promised in his Inaugural that we would embark on an era of negotiations, and we have carried out that pledge. I can illustrate it in a few ways here today.

First, on Monday (November 15), the SALT Talks, the Strategic Arms Limitation Talks, will resume in Vienna. These talks, as you know, have made progress and have focused on central issues of great importance. The two agreements that were signed on September 30th on the Hot Line between Moscow and Washington, dealing with nuclear accidents, were described by the members of the press as "appetizers." (Two years ago they might have been considered "breakthroughs.")

When the talks resume in Vienna, the United States and the Soviet Union will intensify their efforts in a very serious and substantive way. Our efforts will be directed toward achieving an agreement within the framework of the May 20th announcement made by the President and by the Soviet leaders of Moscow, which contemplates a limit on both protective and offensive weapons.

Having concentrated on ABM, on the defensive weapons, during the Helsinki round last summer, we and the Soviets will be discussing offensive limitations in greater detail in Vienna during the coming session. We have every reason to be hopeful that those negotiations will result in a successful conclusion.

BERLIN FORCE REDUCTIONS ON THE MOVE

Now in addition to these SALT Talks, Europe has been the scene of other, very active negotiations. For example, as you know we have achieved a preliminary settlement dealing with Berlin. At the present time there are talks under way between the two Germanies, and if the two Germanies are able to carry out the specific commitments that are necessary, pursuant to the agreement of Four Powers, we believe that this problem which has plagued society since World War II can be greatly improved, and the tensions alleviated.

We also, as a result of the fact that the Soviet Union now has made a positive response to the NATO initiatives on Mutual and Balanced Force Reduction, feel that there is some hope that those discussions could at some point get under way.

The former Secretary General of NATO, Mr. Brosio, has been named as Explorer and will go to Moscow with the thought in mind of discussing with the Russians how we could initiate those discussions dealing with Mutual and Balanced Force Reductions in Europe.

As you probably know, we also are contemplating the possibility of a Conference on European Cooperation and Security.

So that in the European picture particularly, there are very active negotiations going on which could lead to a much more peaceful climate in that area of the world.

THE MIDDLE EAST: CONTINUING THE 16-MONTH CEASE-FIRE

In the Middle East, as you know I am sure, we have taken a very—played a very active role, and as a result of that there has been a ceasefire in effect for sixteen months.

We have urged the parties to take further practical steps toward an interim agreement, which would be a litmus test for peace. This step would help maintain the cease-fire. It would divide the two nations. It would diminish the risk of confrontation between the national powers. It would give a new lease on life to efforts to achieve a final peace settlement.

We have suggested to the parties that ways be found to intensify the negotiating efforts. The practical fact is that the discussions between the parties have reached the stage where the differences are difficult to rectify by means of negotiations at a distance. What is required, are negotiations in close proximity so that the parties can exchange thoughts quickly. So one nation could say, "If we're prepared to make the following concession, would you be prepared to do the following?"

As it is, long distance discussion—it's a very cumbersome procedure.

We are very concerned about the buildup of forces in South Asia, and the rising number of armed clashes over recent days along the East Pakistan border.

We are apprehensive that these clashes might lead to an outbreak of hostilities in the days ahead.

We believe that a war would solve nothing, but would merely add to the mass of problems that already exist in the area.

In view of these concerns, we have urgently counselled both sides to exercise maximum restraint.

QUIET DIPLOMACY IN THE SUB-CONTINENT

We have also been the principal supporters of an international program designed to meet the problems that have arisen from the huge exodus of refugees from East Pakistan into India; and through quiet diplomacy on both sides, we are seeking to encourage steps which would diffuse the situation, get a dialogue going between those principally concerned, with a view to making practical progress toward a political accommodation.

And then finally, as you know, the President is planning to meet at the Summit with the two great Communist powers.

The current situation is unique in this post war world. For the first time since 1945, a United States President will visit the Soviet Union. For the first time ever, a United States President will visit China.

SUMMIT CONFERENCES LEAD TO "GENERATION OF PEACE"

The President is undertaking these trips in the same spirit that we are undertaking all our negotiations. We realize that fundamental differences divide us from the Soviet Union, and from the People's Republic of China; and that our problems cannot be solved overnight.

We approach these visits with modest expectations, but with the hope that such serious and intensive efforts could lead to peace during our generation.

It's an undeniable fact that peace depends in very large measure on these efforts to reconcile differences on a variety of issues, in a variety of ways, and in a variety of forums.

As I see it, that is the principal reason why the United States must remain deeply involved in the affairs of the world.

Ladies and gentlemen, let me say in conclusion that there are four points I would like to leave with you:

The first is that at no time in the history of this country has the Government ever undertaken such comprehensive and intensive efforts for peace as we are undertaking.

Secondly, the world, as a result of the efforts that have been made, is a more peaceful place to live in than it was two-and-a-half years ago. The war in Africa, which was a disastrous war with a tremendous number of casualties, has ended. In the Middle East, as I indicated, there has been a cease-fire for about sixteen months and we all hope and pray that it will continue. The war in Viet-Nam is deescalated to the point where there is very little combat, certainly very little combat as far as American troops is concerned.

Third. The progress that has been made, at least from the standpoint of the United States, has been pursuant to a policy that we announced at the beginning of this Administration. It has been a policy that's pursued in an orderly way. I'm sure that there are phases of it that some of you do not agree with, but that's inevitable in our society. But in any event, the progress that has been made, has been made pursuant to a plan, pursuant to the policies that were announced earlier on in the Administration, and they've been implemented successfully to date.

NIXON LEADERSHIP LEADING TO LASTING PEACE

And the fourth point I would like to make is that I think as a result of this leadership on the part of the United States, and particularly on the part of President Nixon, that he has achieved in the world picture, is a position of leadership for peace which holds out great hope for the prospects of a generation of peace. I know that all of us who are working in government, and I'm sure that all of you here today, have the same hope that we can succeed in conducting our foreign policy in such a way that would lead to a generation of peace.

Thank you. [Applause.]

I didn't keep standing to encourage the applause; but to suggest that I would be happy to take your questions.

Q. Mr. Secretary, what immediate results might we look for from the President's trip to Peking and Moscow?

A. Well, I think that—— [Requests for a repetition of the question.]

The question is: What immediate results do we expect from the President's trip to Peking and Moscow.

In the case of Peking, because we have not had any contacts with the People's Republic of China for so long, I think we have to begin with modest expectations. I think the mere fact that the trip is being taken, and we would hope that there would be some possibility of further contacts subsequent to the visit, in itself, would be a concrete result of considerable proportions; because the fact that a nation like the People's Republic of China was isolated for so long, in itself, we thought was a bad situation. We believe the fact that the People's Republic of China is now a member of the United Nations and is establishing diplomatic relations with many other countries and is playing a more active role in international diplomacy, will help to reduce tensions in the world.

Secondly, we would hope that there would be some possibility of an exchange of journalists, of students, doctors, scientists, and so forth.

Then possibly as time goes on, there could be an increase in trade. I think that the trade possibilities are somewhat limited to begin with because of the nature of the relationship; but we would hope there would be some possibility of increased trade.

Now in the case of the Soviet Union, because we have had very active diplomatic relations with them for so long and we are engaged in so many discussions there, we would hope that there would be some more concrete results achieved; and I would hope there would be progress in the SALT Talks. We certainly will have an opportunity to talk about the progress that is made in Berlin. So there are, I think, some prospects from the trip to Moscow, of some considerable concrete results.

Q. If the Government hadn't told us why they went to China, how it was all set up—secret trip with Kissinger and all that—how do we know that you are going to tell us all the details of the trip? And what kind of assurance do we have of that?

A. Well the question really is: How do you know that the Government is going to tell you everything that happens, because we didn't tell you about Mr. Kissinger's trip, and so forth.

Well I don't think that the premise on which you base your question is very good.

The reason that there was no advance publicity about Mr. Kissinger's trip is because that was the only way we could work it out. We weren't sure, of course, what the results of that visit would be; and we agreed at that time that there would be simultaneous announcement from Peking and Washington; and the announcements were made by agreement at the same time, and they were the same announcement.

Now I suppose that all I can say to you is that when you have a government, you have to believe them. We are not going to mislead the American people. [Laughter.]

And I would be glad to answer any questions about this that you want. I have told you what our purposes are.

We have very modest expectations about this visit. We have indicated—

Q. Mr. Secretary—

A. We have indicated, I might just finish by saying we have indicated to our Allies that we're going to continue to honor our treaty commitments.

Now I don't know what to say, except that we have no intention of misleading the American people about the purposes of our visit to Peking and Moscow.

On the other hand, I think the American public supports the idea of these visits, and we will make known the result, as soon as it's possible to make those results known.

As I say, if you agree with the People's Republic of China that you will make an announcement at a certain time in a certain way, we have an obligation to live up to that agreement. And that is what we did.

Q. How do you feel about Mr. Kissinger's going to China and Moscow . . .

A. Well, in the first place, Mr. Kissinger went to China. He didn't go to Moscow.

But, I feel fine about it. [Laughter.]

Q. Mr. Secretary, has the publication of the Pentagon Papers hurt our relationship with any foreign powers at all?

If so, how?

A. Yes, it did.

How lasting those effects are going to be, I can't predict. But we had numerous complaints from governments to the effect that "they were shocked that this could happen."

Because some of the conversations we had with those governments were made with the understanding that they would not be made public.

Now in diplomacy, this is inevitable at times. There are times when you ask another government to assist as a mediator, or in some other role which could be very helpful in the cause of peace, and if that government says that for political reasons at home, or some other reason, it would not like to have that fact known.

Now there's nothing insidious about that. That is just a practical fact of life. We have, I think to some extent, reassured the governments that this is not going to be a continuing practice and we are not going to release things that we agree we'll not release—so I think it's too early.

I am sure that initially, it hurt us with other governments. How lasting that effect will be, I can't say.

Q. Mr. Secretary, how can we regain our leadership in the United Nations after the defeat on Taiwan?

A. Well I don't think we lost our leadership in the United Nations because of the defeat on Taiwan. That suggests that any time you lose a vote in a democratic institution, you lose your leadership.

The whole point of a democracy is that sometimes you win, and sometimes you lose; and you are bound by the majority of votes.

I don't think that we lost our prestige in the United Nations.

In the first place, I think our position was sound; and I think people will recognize it as sound.

Secondly, I think people feel that we made a good, stiff, hard, fight to succeed.

And third, we acknowledged right after the defeat that it would not affect our relations with the United Nations, that we would continue to support it and continue to be an active participant.

So I don't think we have lost at all. In some ways, I think we've gained. I don't think you lose prestige every time you have a defeat. If you believed that, you wouldn't really believe in the democratic process.

Q. Sir, there has been some speculation that the United States is declining to almost a second-rate power. Since our involvement in Viet-Nam and our de-escalation of Viet-Nam, how have our diplomatic relations been with our allies?

A. Well, any time you are going through a period of change, you have some problems with your allies; and certainly our new economic policy has created some problems.

In terms of our standing throughout the world, that just is not true. We have not lost our standing in the world. We are, by far, the most prominent and powerful nation in the world.

Sometimes, I hestitate to say it, because it sounds so immodest. I think sometimes it's better if we're a little self-effacing. But the fact is that the position of the United States is probably adversely affected by our power.

So the mere fact that we are so powerful and so successful, has caused a certain amount of annoyance and irritation on the part of other nations; and I suppose that's inevitable. That's been true throughout history.

Generally speaking, our relations with our allies is very good. We've got problems that we're working on, but we are going to solve the problems and we're going to continue to have very close alliances as we have had in the past.

Q. I noticed that the United States is apprehensive that trouble may break out between India and Pakistan. There has been some speculation that war may break out soon. Whose side would the United States take if we get into that, or would we remain neutral?

A. Did you hear the question? No? Good, I'll go to another question. [Laughter.]

Q. The question really was, if a war breaks out between India and Pakistan, whose side are we going to take?

The answer is, we have good relations with both India and Pakistan. We have, as you know, provided more assistance to India than any other country in the world, and we have provided a good deal of assistance to Pakistan.

Since 1965, we have not provided any substantial military equipment, except by way of spare parts to either side. We have had an arms embargo on every major item. We have provided spare parts because up to 1965, we provided military equipment for both India and Pakistan; so the Government took the decision at that period of time, that we would continue to supply spare parts because otherwise they wouldn't have been able to get them for the equipment that we provided, and we would not supply arms to either side. That is our present position. We are not supplying arms to either side, and recently we have not granted any licenses for further spare parts, so we are not providing any military equipment to either side.

Now, diplomatically, we are going to do all we can to prevent a war from breaking out, and obviously if a war should break out, we are going to do everything we can to stay out. We have no intention of getting into any other war . . . [Applause.]

Q. Some of our colleagues in Washington press corps panels here, are talking about a credibility gap, and I have not been able to reconcile in my own mind how you can say, on the one hand, you have no intention of misleading the American people, yet we were not advised of Mr. Kissinger's whereabouts. Does your statement mean that you are willing to mislead us on a short-term basis but not on a long-term basis? [Applause.]

A. Well, that's a little bit like some of the discussions we used to have in philosophy classes; that if you say that a Government cannot do what we did in that instance, then I think it is quite impractical. There are times when it is important for practical reasons to do what we did. Now, that wasn't misleading, except for a couple of days [laughter.] and we had an agreement. Well, if you agree with the idea that the visit should take place—and most people do—and you accept the proposition, which is the correct proposition, that we couldn't have done it except as we did it, then do you seriously argue that we should have jeopardized the visit? Now, I don't think you do. I think, on reflection, you will say to yourself, "Well, that was a practical thing to do, and that is the kind of thing that happens in human affairs generally." I suppose that everybody has told a little white lie once or twice, hasn't he? [Applause.]

Q. Mr. Secretary, back to the India-Pakistan question, the U.S. announced just prior to Indira Gandhi's visit with the President, that there would no longer be any military assistance sent to Pakistan. Now, I am wondering how this affects our relations with Pakistan and what their reaction was?

A. Well, it's a good question. Our relations with Pakistan will not be affected because we did work it out with the leaders of Pakistan. We explained that it was causing very serious problems here domestically. It was misunderstood. It was causing a problem in India because it had taken on an importance far beyond its means. And it was agreed that this would be done. So, we have tried not to pass judgment on the events in the sub-continent. We have tried to maintain friendly relations with both sides. We have very active consultations underway with both India and Pakistan, and we would hope that our role will help in alleviating some of these problems.

Q. Mr. Secretary, nobody in the media or otherwise has commented upon the "overseas Chinese" reaction to what happened in the United Nations. I would like to know what you have learned, or what you feel, about the "overseas Chinese" [inaudible] bankers in Southeast Asia feel about is happening and what this means to us in terms of our foreign policy in that part of the world?

A. I think it is difficult to answer that question because they don't speak with one voice. There are lots of different viewpoints among the overseas Chinese, and I suppose it would be the same as the reaction throughout the world. There are some who look upon it unfavorably and others who support it, so I don't believe it is possible to answer that.

I think there is this recognition, though, in the world, that because of the recent policy decisions of the Peoples' Republic of China, and because the Peoples' Republic of China has been more active diplomatically, that it was inevitable that they would become members of the United Nations.

Now, as you know, we felt that it was desirable to have Taiwan represented, too, because in the absence of that representation, the voices of 14 million people are not heard. As you know, the other nations, at least a majority of them, disagreed with us. What the overseas Chinese feel about that, I'm not sure.

Q. Mr. Secretary, are there any day-to-day negotiations concerning the American prisoner-of-war issue, and do you hold any further hope on the Paris Peace Talks, and do you feel the President's trips to Moscow and Peking will in any way affect the outcome of the Peace Talks?

A. Well, in answer to the first question. yes, there are discussions going on about the prisoners of war. So far they have not been fruitful. We would hope that at home point they would be. As you know, Ambassador Porter continues to talk about the prisoners of war at the Paris Peace Talks. Whether there are prospects for successful negotiations in Paris or not, I don't believe it is possible to predict. Certainly there has been no progress to date.

We continue to hold out hope that at some point, the North Vietnamese might decide to negotiate seriously about the end of that conflict. But, as the United States continues to withdraw its troops, as we are doing, the problem becomes more and more a problem for the Vietnamese people.

On the third part of your question, I don't think it is possible to predict what the outcome will be of the President's visits.

Q. Mr. Secretary. the United States supported a two-China policy. Are you also a supporter of a two-Viet-Nam policy and a two-Korea policy?

A. Well, I don't like to characterize the policies in that simplistic way. We have felt that in the case of the People's Republic of China and the Republic of China, it would be well to have them both represented in the United Nations, not necessarily because of a two-China policy or a one-China policy, but just as a practical political matter. We favored the representation of those 14 million people on Taiwan.

As to the Korean situation, we are pleased that there are discussions now going on between the two parts of Korea. This is something I failed to mention. This is also a development that is very encouraging. It's the first time since the Korean conflict. But I don't like to label our policy in that manner.

Q. Mr. Secretary, if Dr. Kissinger's mission to Peking had been a failure, would we ever have heard about it?

A. Yes, you'd have heard about it. [Laughter.] We would have said we tried and it didn't work.

Q. Do you foresee any conditions in the near future under which this country and the Peoples' Republic of China will exchange full diplomatic missions?

A. Well, certainly at the present time, they take the position that they will not have diplomatic relations with any nation that has diplomatic relations with the Republic of China, so that I think at the moment the chances are not good. What would happen in the future, the long run, I think is not possible to predict.

Q. Even with the President's trip?

A. Well, it's not possible to predict, no.

Q. Mr. Secretary, Barbara Walters on NBC the other morning was commenting that the President should take women reporters or commentators on the trip. Are they going to be able to go?

A. Say that again? [Laughter.]

Q. Barbara Walters commented on her "Today" program the other morning, I think it was Tuesday morning, about the President taking women reporters and commentators on the trip to Peking. Are you going to take them? I think they should go, myself. What do you think about it? [Applause.]

A. Let's take a vote. [Laughter] I am sure that women will be included. Frankly, I haven't seen the list, so I'm not sure the list has been compiled yet, but I think you made a good case.

Q. Mr. Secretary, with the President being so closely identified with the initiatives toward peace, can these initiatives survive his failure at the polls next November?

A. Well, the Sigma Delta Chi has already decided that is highly theoretical. [Applause.]

Q. You have emphasized before that the United States is now making such comprehensive efforts to peace that has ever been made before. Yet, there has been a charge that the United States policy essentially in the world has not changed, [inaudible] a government more receptive, such as, in Viet-Nam, during the Nixon Administrations term of office, there have been more bombs dropped, more bomb tonnage than in any terms of office preceding that. At least that is what the *Washington Post* says. Does the point make Viet-Nam just an academic question; that is, a man named Jacques Cousteau recently said over his fifty years of investigating the oceans, that he has seen the oceans deteriorate fifty percent.

Now, if that occurs, then Viet-Nam is going to be an academic question. And I'd like you to tell us, in what sense has the Administration tried to improve both of these matters. And earlier in this—excuse me—but there was a man in your Administration named Secretary Hickel that seemed to be very much concerned about these issues, and in fact at the time they banned DDT, he was fired the next day. [Applause.]

A. The question was, what are you doing about the environment? [Applause.]

There are a good many things about it. Obviously the bombing is one of those things that all Americans wish were not necessary, but as far as the environment is concerned, we have many things underway. As you know, Russell Train is the head of the Environment Council; and in the case of the State Department, we have Chris Herter, who is the son of a former Secretary of State, who is actively preparing for the Stockholm meeting dealing with the environment under the auspices of the United Nations. It is a major problem in the world. We are committed to doing everything that we can, including the expenditures of a great deal of money to help solve these problems. And I think particularly because the environmental problems are not basically political problems, we should be able to work out arrangements with all nations to make progress in this area. I have been particularly pleased that in the discussions we had with the Soviet Union, they approach it in the same way.

Q. Mr. Secretary, I am a Viet-Nam combat veteran. My wife is Vietnamese. I know what has happened to the family structure in Viet-Nam through the American war effort and the Communists. I know what has happened in one family and you can multiply that a million times. I feel bad about the Americans who died and I feel bad about the Vietnamese who have died. What are we going to do, after the fighting is finished, to rebuild what we have done over there?

A. I guess most of you heard the question, and it is a very good question. We are going to offer—we have offered, and are prepared to help to rehabilitate South Viet-Nam. As you know, both President Johnson and President Nixon have indicated a willingness to help North Viet-Nam. You are absolutely right. We have a great responsibility to the people in that area to help them. The devastation has been very great. I have been in Viet-Nam twice, and I must say we are encouraged by the progress that has been made but there is a great deal of repair work that has to be done, and the United States is fully prepared to assist in that regard.

Q. Mr. Secretary, I'd like to return to Pakistan for one moment, if I may. India is the largest and most important country in that part of the world, and it has always had a non-alignment policy. Does the Administration have any fear that our Pakistan policy may change that non-alignment?

A. No, I don't think so. When Prime Minister Gandhi was here, we talked about that matter. She assures us that their non-alignment policy will continue regardless of the recent treaty which was signed with the Soviet Union. We have no reason to doubt that. We have, as I say, contributed a great deal to both nations in the way of foreign assistance, and the legislation that was passed by the Senate yesterday provides further economic assistance of that type.

Q. Mr. Secretary, how has Mr. Nixon's China policy affected our relations with the Republic of China and Japan?

A. Well, in the case of the Republic of China, I think the answer is obvious that they have been very disappointed in developments. They are particularly disappointed at the result of the United Nations. On the other hand, I am sure, and have complete confidence in it, in the sense that they know we did everything we could to succeed, and they have expressed their appreciation for our efforts. So I think our relations are as good with the Republic of China as they could be under the circumstances. When I say "under the circumstances," I mean, considering the fact that they are naturally disappointed.

As far as Japan is concerned, I think our relations are good. I was particularly pleased that the Okinawa Treaty was enacted, was ratified, with such speed by the United States Senate. And I think this is a good example of what I started out by saying, and that is that good news gets very little attention. I don't suppose there has been a more historic event in several decades than the return of Okinawa to Japan, as it was accomplished

By mutual agreement, by working together carefully over a long period of time, working out all the intricate details that were involved in that treaty, and having it ratified by the Senate by such a huge vote—I think it was 86 to 6, something of that kind—and the Japanese people, I am sure, appreciate it very much. It is one of the few times in history that land of that kind, that size territory, has been returned to the vanquished. And I think it is something that all American can be very proud of.

Q. Mr. Secretary, thus far today, you have failed to discuss Latin America. Would you briefly outline the present United States policy concerning Latin America, and, to be specific, what do you see in the chances of United States reopening displomatic relations with Cuba?

A. Well, the two questions, of course, are quite separate. As far as Latin America is concerned, we consider that it is an area of primary concern in the United States, and I think it is fair to say that we have not been able, for reasons which are quite apparent, to do some of the things that we hoped we could do. For example, we have not opened our markets to Latin America, as we should. We have to do that. I did say earlier in my remarks that one of the ways to help the less developed countries is to provide a market place for them. And the best market place for the Latin American goods is the United States. We have to do that, and we haven't.

We have to replenish the IDB funds, and that is underway. Congress has now—I am encouraged by the fact that they are moving on that front.

There are other things that we have to do for Latin America. We are in the process now. I think it is very easy, as you have suggested, to put Latin American problems on the back burner, because we have so many other problems involving peace and war. But, we must not do that. Our Latin American friends are very important to us and we are very important to them. And they have, over the years, grown to have a very special relationship with us, particularly in the trade field, and we have to continue that.

So, we are now in the process of trying to improve our relations with Latin America, and take more fully into account some of the needs that they have.

Q. Mr. Secretary, you have told us that Mr. Kissinger's trip to Peking would have been jeopardized by prior disclosure in the press, and that the disclosure of the Pentagon papers has hurt our image around the world. I wonder if you could back that up a little more fully and tell us exactly how the disclosures would have adversely affected Mr. Kissinger's trip, and how the disclosure of the Pentagon papers has adversely affected our image around the world, other than just embarrassment by other countries at this disclosure?

A. Well, I attempted to do that a little earlier by saying that in the case of discussions with other nations, by the very nature of diplomacy, there are a lot of things that you have to talk about with other nations that you can't talk about in public. That has always been the case. That is true of every institution. That is true of newspapers. I know something about it because I was connected with a newspaper. When you have a Board of Directors meeting, you don't have it in public. There are some things that you, by logic, are supposed to talk about privately. Now, in diplomacy, that is particularly true, and there are nations that expect to talk with us about matters which they expect us to hold in confidence. And in this case, these nations expressed very deep concern about whether we would be able to talk with their governments in confidence or not. It is just that simple.

Q. Yesterday at lunch, Max Frankel of the Washington Bureau's Chief of the *New York Times* was discussing the Government's case against the *New York Times* for publishing the Pentagon papers. I'd like to know what, if anything, is done by Washington to incite those expressions of diplomatic concern?

A. Nothing. Let me be sure, now, that you listen to the answer. Are you suggesting that we went to other governments and said, "Please come in and complain?"

Q. It appeared to me there was some intimidation by the United States.

A. Oh, I don't think that is serious. I'd like to talk to you about that. No, we had cables from other governments immediately, and we had their Ambassadors come in and talk to me at once. We have enough complaints without stimulating them. [Laughter.]

Q. Do you foresee any possibility that the United States might withdraw support of Israel; that President Nixon might make a deal with the Russians?

A. Could you say the first part of the question again, please?

Q. Do you foresee any incidents in which the United States might withdraw support to Israel. There have been pressures, for example, for the President to make a deal with the Russians, or some comment that this would make relations with Russia better. Now, might we withdraw support from Israel?

A. No. I'm glad you asked that question because it illustrates the problem we have around the world. When we adopt a new policy, a policy of trying to get along better with the People's Republic of China, we have to be sure that our friends and allies do not think that we are doing it at their expense. And when we discuss matters with the Soviet Union, we have to convince our friends and allies that it is not at their expense. And it is not an easy thing to do, because of articles that are written, and speculation, and so forth.

Now, in answer to your question, specifically, the United States has supported Israel since the inception, and we have made it clear that we are going to continue to support Israel's sovereignty, its right to be free from interference from its neighbor. We have provided a great deal in terms of supporting assistance. In fact, yesterday, when the Foreign Assistance Act was up, someone raised this question with me, and I called the members of the Senate who are concerned with it and said that I would make it clear to them that it was the policy of the Administration to authorize the expenditure of all the money that was included in that bill. And there was, at that point, another $85 million for supporting assistance to Israel. So the United States, in its efforts to get along with other nations in the world, is not going to do it at the expense of our friends and allies.

Q. Mr. Secretary, we have had summit conferences before. What is there different about Moscow and Peking that would offer some assurance of peace, or some prospect of peace?

A. Well, the question is, what is new about the summit conferences with Peking and Moscow. Well, of course, the thing that is new about the summit meeting with Peking is that we have never had one before. You can't be any newer than that. [Laughter.]

Now, as far as the Soviet Union is concerned, President Nixon said that he did not want to have a meeting of the summit unless he felt that there were prospects for some concrete results, and that is why we waited until the Berlin Agreement; that is why we waited until there had been progress in the SALT Talks. So we now think that there is some prospect of progress at the summit meeting. I'll take just one or two more questions.

Q. Mr. Secretary, specifically, how will foreign aid be restructured because of recent voting on the foreign aid bill?

A. I'm not sure. It is a matter now really between the Senate and the House of Representatives.

I would like to say this, however, that we would very much hope that a continuing resolution would be enacted, because in the absence of a continuing resolution, we are in direct conflict with what is called the "Deficiency Act." The Deficiency Act says that no member of the Executive Branch should authorize or obligate funds without an authorization and an appropriation by the Congress. So that if, after November 15th, there is no continuing resolution, and we authorize any expenditure of funds, for example, if we approve the purchase of a plane ticket or buy new supplies or anything of that kind, we violate the law, and the anti-Deficiency laws says "you shouldn't obligate any funds until Congress has authorized it." So we very much hope now that in view of the fact that both the Senate and the House of Representatives have made it clear that they favor a Foreign Assistance Act, that in order to provide for orderly government, and to make it possible for the people in the program itself to operate without fear of violating the law, that the Congress will pass a continuing resolution making it clear that we have that authority.

I'll take one more question.

Q. Mr. Secretary, now that our government has implemented a ten percent surcharge, I would like to know what steps are being taken to stop the generation of a trade war?

A. Well, we have very active talks going on, in the first place, with a Group of Ten being scheduled. We have discussions going on with other governments—the Japanese, the Canadians, and the Latin American countries, trying to work out a solution to this difficult problem. And, as I indicated earlier, it involves monetary matters. It involves elimination of some of the trade barriers, and it involves more active burden-sharing on the part of our allies. We are also having talks with Germany about burden-sharing, offset discussions, and I think we can work it out so it will be satisfactory in the final analysis, and will be for the mutual benefit of all free societies.

Ladies and Gentlemen, I want to thank you, very much.

[The session terminated at 2:30 p.m.]

FORMER SENATOR EDMONDSON'S DEATH AN UNTIMELY LOSS

Mr. BELLMON. Mr. President, many Oklahomans were shocked and saddened today by the untimely death of J. Howard Edmondson, a former Member of the Senate and former Governor of Oklahoma.

J. Howard Edmondson deserves a prominent place among Oklahoma's outstanding political leaders. He was a courageous, effective, and innovative Governor. His administration produced many progressive changes and reforms in Oklahoma government which contributed significantly to the State's progress and development.

Among the most outstanding accomplishments of the Edmondson administration were the establishment of central purchasing, which resulted in substantial savings to the State government, and a merit system for State employees, which brought greater stability and security to the operation of State agencies.

As Oklahoma's youngest Governor at the time of his election in 1958, Edmondson literally brought a fresh breeze to the statehouse. He spearheaded an infusion of young blood and new ideas into government that has prevailed, to the benefit of the citizens of our State.

His brief tenure in the Senate was characterized by serious and dedicated service to his constituents in Oklahoma. In his private life since leaving government service, he has continued to be an influence in the political affairs of our State.

Personally, we were good friends. I share the deep feeling of sorrow felt by all who knew and admired him. His tragic, untimely death at such an early age is a great loss to our State.

My deepest sympathy is extended to his widow, his children, his brother, ED, who serves as Representative from Oklahoma's Second District, and other members of the family.

U.S. TRADE RELATIONS

Mr. BELLMON. Mr. President, a story in this morning's Washington Post by Frank C. Porter shows that finally responsible officials in our Government are beginning to speak out forcefully and constructively on the inequity of trade relations between this Nation and others. I refer to the story headlined "Connally Firm on Tariffs."

In this article, Secretary of the Treasury John Connally calls attention to Japanese tariffs on live calves which doubled the cost of a 300-pound animal delivered to Japan.

This restriction, which has been put into effect to protect a small scale and totally inefficient Japanese beef industry, has long been a source of concern to me. For many months our office has been working to initiate feeder cattle exports of lightweight feeder cattle into Japan. When we started there was no tariff, but once it appeared this project would succeed, the Japanese put on a tariff of $135 per head. Of course, this high duty made the project uneconomical.

As a result of this action, I have recommended that before we remove the 10-percent surcharge on Japanese imports into the United States, we insist that the Japanese remove duties and restrictions on the importation of American beef or feeder cattle.

Also in the Post article, Mr. Porter writes:

> He took the Japanese to task for tariffs and taxes that increase the cost of a $2,200 Pinto to $5,000 in Tokyo while the competitive Datsun sells at $2,000 in the United States.

Further, Secretary Connally states that "in trying to redress these imbalances we do not intend to become provincial. We shall not resort to protectionism."

Mr. President, this is the kind of realism and strong language which this Nation has needed for years. I strongly commend Secretary Connally for his analysis of one of this Nation's most pressing basic problems and for his forthright and courageous manner in bringing this situation to the attention of our Nation and the world.

I ask unanimous consent that this article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONNALLY FIRM ON TARIFFS

ALLIES' FAILURE ON CONCESSIONS TO U.S. SCORED

(By Frank C. Porter)

Treasury Secretary John B. Connally sharply criticized Japan and Western Europe last night in a hard-hitting speech suggesting that American efforts to win trade and monetary concessions overseas so far have made little progress.

Connally, who returned Saturday after a swing through the Orient, made no mention of any success in the worldwide talks.

Nor did he indicate any softening in the three-month-old general tariff or this nation's unilateral decision to let other currencies float against the dollar.

In remarks after he delivered the prepared speech, Connally said: "They tell us to remove the surcharge and revalue the dollar and we'll talk to you. That's not exactly the basis on which I'd like to talk."

Connally said these are not decisions that will be made by finance ministers or treasury secretaries. "They are of the highest political importance. They will be made by Premier Sato, Prime Minister Trudeau, President Nixon, President Pompidou and Willy Brandt."

Rumors had been rife that the Secretary would announce some loosening in these policies or even withdrawal of the tariff altogether in his address to the Economic Club of New York last night.

As it turned out, he indicated no retreat from the tough stance he took toward this country's trading partners immediately after President Nixon announced his new economic policy Aug. 15. Gone was the conciliatory tone he had used frequently among finance ministers of non-Communist nations at the International Monetary Fund meeting here late in September.

He rebuked Japan for removing import quotas on cattle only to impose a tariff on calves equal to the full value of a 300-pound animal.

He took the Japanese to task for tariffs and taxes that increase the cost of a $2,200 Pinto to $5,000 in Tokyo while the competitive Datsun sells at $2,000 in the United States.

"At the same time, are we wrong to point out that European discrimination diverts Japanese goods from those outlets into the American market?" Connally asked. "The Common Market countries, which make up a market comparable to the American market, now accept only five per cent of all Japanese exports. The United States accepts 30 per cent. Is that fair?"

In a question-and-answer session, Connally said the Japanese are complaining about increases in their imports.

"Their imports are up by 4 per cent over last year," he said, "but their exports are up 25 per cent."

Connally said there have been predictions of a recession in West Germany by Dec. 1. But, he said, "they have 1 per cent unemployment and we have 6 per cent."

"They are bringing in Poles, Spaniards, Italians, Hungarians and others to do their work. If they have a recession, they might have to send some of those fellows home."

Connally said that the United States has stood for years "like some Atlas, underwriting the stability of the world's currency system so that trade could go on without uncertainty."

But severe imbalances have developed that threaten this nation's strength in carrying out its world responsibilities, he went on. In trying to redress these imbalances, Connally said, "we do not intend to become provincial. We shall not resort to protectionism."

In fact, Connally charged, "those who would withdraw from our world responsibilities are the true protectionists—the true isolationists."

He then took a swipe at Congress. Throughout Asia he heard first-hand "the cries of alarm" over American efforts to kill foreign aid, Connally said.

"I am conscious that—too often—it seems a lonely effort to fight the forces in the Congress seeking to turn this nation away from the principles of free and nondiscriminatory trade," he said.

On domestic matters, the Secretary took note of uncertainties over Phase II of the wage-price stabilization program. "The truth of the matter is that absolute certainty is the last thing we want if we do believe in a free system," he said.

But there are some things of which one can be sure, Connally told the businessmen gathered at the Waldorf-Astoria in New York City:

"You can be certain that the rate of inflation is going down.

"You can be certain that price increases are going to level off.

"You can be certain that the rate of inflation will be cut roughly in half by the end of 1972.

"You can be certain that the actions of the Pay Board are going to diminish the wage-cost push in this country.

"You can be certain that the stimulation from the President's recommendations to the Congress, and the Congress' action on all the proposals, will result in the stimulation of this economy.

"You can be certain that 1972 is going to be a better year than 1971."

In another part of Manhattan, according to the Associated Press, Chairman Wilbur D. Mills (D-Ark.) of the House Ways and Means Committee suggested that time may be running out on the administration's international negotiations.

"There is every evidence that, as the timetable for lifting the additional duty on U.S. imports remains indefinite, the negotiating leverage for achieving a meaningful realignment of currencies will be dissipated," Mills said.

He also told the 58th National Foreign Trade Convention he thinks that the U.S. position is weakened by the fact that President Nixon imposed the import surcharge without specific congressional authorization, creating uncertainty as to what the national trade policy is.

AGRICULTURE VIEWS OF REPRESENTATIVE SCHERLE, OF IOWA

Mr. YOUNG. Mr. President, Representative BILL SCHERLE, of Iowa is one of the few actual farmers serving in either the House of Representatives or the Senate of the United States.

Representative SCHERLE, being an actual farmer himself, has his thoughts and interests deeply rooted in the soil. His is an influential and powerful voice for the farmer in the Congress of the United States. The views he expresses should be of vital interest and concern to every Member of Congress.

Time magazine for November 22, contains an article based on an interview with Mr. SCHERLE which, I believe, represents the thinking of the average farmer, not only in Iowa, but throughout the United States. Since agriculture is the biggest and most important segment of our entire economy and, because the prosperity of our entire Nation depends in very large measure on the prosperity of agriculture, I believe the views expressed by BILL SCHERLE are entitled to the widest possible exposure.

Mr. President, I ask unanimous consent that the article be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRUSTRATIONS OF A RURAL REPUBLICAN

(Few politicians are in a better position to reflect the intensity of anger and restiveness among the nation's farmers than Iowa Republican Congressman William J. Scherle, 48. A husky (6 ft. 3 in., 249 lbs.) feed-grain and livestock farmer from a diversified agricultural area near the Missouri River, the three-term Congressman has vainly tried to warn the Nixon Administration about its political vulnerability in the Midwest. He expressed his frustration last week to TIME Correspondent Jess Cook:)

Farmers are going to be very vindictive in 1972, but we can't seem to reach these Administration people about the seriousness of the situation. I would think the '70 election would have been a lesson. Nixon can make all the trips to China and Moscow he wants to, but the greatest impact on the voter is mood. If a farmer goes to the polls with a jingle in his pocket and the weather is right and he can pay for his new equipment, he'll vote for the incumbent. If not, he'll go to vote with vengeance in his heart, and the people in power will be out by 8 o'clock that night.

There isn't one single guy today at the White House who has an agriculture background. Take the presidential aide handling agriculture and the environment, John Whitaker. You know what he is? A geologist! What the hell does a geologist know about agriculture? Secretary Hardin is an economist. You can take all the economists in the world and lay them end to end, and they'll never come to a conclusion. My initial reaction to Dr. Butz? Oh hell, another professor! I was hoping for someone from the soil. But I'm reserving judgment until I find out what his policies and programs are going to be.

One of the White House aides came up to me a couple days ago and said he had helped us out on corn prices. I thought maybe he had set aside another million acres. Then he told me he had eaten a couple of ears for dinner the night before. He didn't even realize that's a different kind of corn.

It's difficult for me to comprehend the lack of astuteness on the part of our party. This is one issue the Democrats have completely captured. You've got guys like Humphrey and McGovern who are making inroads, who know the farm problem. The White House talks about rural development. But who's running with it? Hubert Humphrey. He recognizes the fact that there are no job opportunities for our young people in rural America today. I sent telegrams to the White House urging that agrobusiness be represented on either the wage or price council. I didn't even get the consideration of a reply. And there isn't one farm figure on those boards.*

We are now piling corn on the streets in Iowa for the first time. The dock strike is partly the reason, but the fantastic surplus is another. Back in February any ordinary working farmer could see what was going to happen. There was no excuse for the Agriculture Department to encourage more planting. Farmers are still harvesting now, but in a couple months they're going to start settling up—paying for their gas and fertilizer and taxes. Then they're going to find out that the crop the Agriculture Department caused and the farmers produced isn't going to have any value to it.

All those hogs are going to go to market next October, a month before the election. Small calves will go late next summer and in early fall. Everything points right now to low prices again for livestock around election time. No matter what is done from now on, this 1971 experience is what's going to carry through next fall. Many of my people will have no place to go except further into debt. When that farmer settles up, he's going to be damn mad. Unfortunately, there's only one person on the ballot to be mad at: the President.

NOMINATION OF WILLIAM REHNQUIST TO THE SUPREME COURT

Mr. FANNIN. Mr. President, it is perfectly clear that William Rehnquist was not involved in any voter harassment during the 1964 election in Phoenix.

The two men who have signed affidavits making the allegation were wrong both as to when the incident occurred and who was involved.

A statement by the former Maricopa County Republican Committee chairman and some fine investigative reporting by a Phoenix Gazette newswoman have clarified just what happened, who was involved, and when.

Mr. President, I ask unanimous consent to have printed in the RECORD a story explaining the incident published today in the Phoenix Gazette.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUILDER SAYS REHNQUIST NOT INVOLVED AT POLLS

(By Lois Boyles)

A Valley builder today charged that attempts to misconstrue the facts apparently are being made by two Phoenix Negroes who have accused U.S. Supreme Court nominee William Rehnquist of harassing blacks at the polls during 1964 voting.

Ralph Staggs, who was Maricopa County Republican Committee chairman two years earlier, said there was an incident involving a GOP challenger at the Bethune Precinct in 1962. He said it did not involve Rehnquist.

Staggs and a news story in The Phoenix Gazette on Nov. 7, 1962, agree that the Republican involved was Wayne C. Bentson.

The news account stated that Bentson "said he had challenged 12 voters because he felt that in the past some voters were not qualified. Those challenged were asked either to prove their address or their literacy by reading a part of the U.S. Constitution."

Bentson reportedly "grappled" with Pat Marino, a Democrat poll watcher. Police, reports the news article, "quieted them down and advised them to take up the matter with the county attorney's office if they wanted to press charges."

In sworn affidavits signed by Jordan Harris, 1825 W. Apache St., and Robert Tate, 947 W. Watkins, Rehnquist was accused of intimidating and harassing blacks waiting to vote at the Bethune Precinct during the 1964 general election balloting.

The affidavits, plus one prepared today by Staggs, are expected to be considered tomorrow by the Senate Judiciary Committee which will hold a closed-door session on Rehnquist's nomination.

In his affidavit, which he said was picked up today by a federal marshal for placement on a plane to Washington, Staggs declared:

". . . I strongly feel that the opponents of his (Rehnquist) appointment are attempting to misconstrue this activity on general election day 1962 as somehow happening on general election day 1964."

News stories of the 1964 general election do not mention any problems in the Bethune Precinct. A news account the following day cited reports of "substantial harassment of Democratic voters" in several precincts but stated that Robert H. Allen, state Democratic chairman, listed only Murphy, Riverside, Butler, Sierra Vista, Sullivan and Glendale No. 4. Bethune was not mentioned in the news article.

In explaining the Staggs stated in his affidavit that:

"Because of several past elections prior to 1962 wherein the Democratic Party had made a practice of voting tombstones and moveouts in Maricopa County the Republican Party for the general election of 1962 established what is known as a challengers committee."

Staggs said first class mailings were sent out to all voters where "the above illegal voting activity had been occurring . . ."

He said "any attempts to vote the registrations of mailings returned because persons had died or had moved out of the precinct, county or state were challenged."

The former chairman said he had appointed Wayne Bentson as a challenger for the Bethune Precinct and that "during voting . . . on General Election Day 1962 Wayne Bentson became involved in attempting to challenge illegal voting."

The affidavit states that Harold Musgrave, a courier from Republican County Headquarters, arrived at the precinct about the time the argument started. "Harold Musgrave personally assisted in removing Wayne Bentson from the voting place and called . . . headquarters wherein the Phoenix city police were then called to investigate the matter."

In capital letters, Staggs declared "I further hereby certify to the best of my knowledge that Mr. Bill Rehnquist on general election day 1962 was nowhere in the vicinity of 'Bethune Precinct' when this activity occurred nor anytime during general election day."

The FBI made some initial checks of squabbles that occurred during 1962 but U.S. District Court Judge Carl Muecke, then U.S. Attorney, said this investigation was halted when both political parties agreed after the voting that nobody would file complaints.

Muecke said nobody has asked him about the 1962 complaints so far except eastern newspapers and national news magazines. "The FBI hasn't asked me about it," he said and neither have Sen. James O. Eastland, D-Miss., chairman of the judiciary committee, nor Sen. Birch Bayh, D-Ind.

As for Rehnquist, Muecke said he had no idea if the nominee was involved in any election day activity in 1962, but "I don't recall seeing him." Rehnquist, at that time, Muecke pointed out, was just another lawyer. "I didn't know he was going to be nominated to the U.S. Supreme Court."

CATOCTIN NATIONAL PARK

Mr. MATHIAS. Mr. President, most Americans have heard of Camp David, the presidential retreat in the Catoctin Mountains of Frederick County, Md. Far fewer are yet familiar with Catoctin National Park, the 5,700-acre preserve which surrounds Camp David and offers a variety of recreational and educational opportunities to the people of the East.

In an interesting, enthusiastic article in the New York Times travel section on November 7, Mr. Paul J. C. Friedlander summarized his own weekend visit to Catoctin National Park, which he styled as "a beautiful preserve, easily reached, readily familiar, and physically easy to explore." In addition to describing the natural beauty of the Maryland piedmont, Mr. Friedlander paid a well-deserved tribute to Catoctin's superintendent, Frank Mentzer, who has developed a fascinating folk culture center and a number of very effective environmental education programs.

As Mr. Friedlander concluded:

> It is a nice thing to have such a friendly, beautiful little park devoted jointly to people and nature so close to the Northeast's megalopolis.

Those who have discovered Catoctin National Park share this assessment of its value and its charm. To acquaint more citizens with the attractions of this important national asset, I ask unanimous consent to include Mr. Friedlander's article in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WEEKEND IN CATOCTIN PARK

(By Paul J. C. Friedlander)

OUTSIDE CAMP DAVID, MD.—President Nixon helicoptered in here the Friday night of the weekend we had chosen to explore Catoctin National Park, which may help explain the unusual dateline. We rubbed shoulders against the No Trespassing signs and the triple fences that enclose Camp David, the official Presidential hideaway in the center and at the highest point of Catoctin Park. We saw from the highway the seemingly unmanned entrance gates and sentry box, and some of the electronic protective devices that insure Presidential privacy; and we spoke with the official who is responsible for security up to the outermost gate where the Army's selected guard units and the Secret Service take over.

But if we had not asked this security man directly we would not have known the President was in residence here. He didn't bother us and we apparently didn't bother him, and his unseen presence far beyond the thick stand of trees did not limit our activities and those of the hundreds of other citizens who wandered freely in and out of the park that long weekend.

His presence, strictly a coincidence, underscored the purpose of our trip; to investigate the theory that if Catoctin is good enough for all the Presidents of the United States since Franklin Delano Roosevelt, it must also be good for us common people as well. And it is.

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* Scherle is correct, although it should be noted that raw agricultural products are exempt from the controls and the Secretary of Agriculture is a member of the parent Cost of Living Council.

SMALLEST WILDERNESS PARK

Catoctin, about 5,700 acres in size, is the smallest wilderness park in the Federal system and one of the youngest. It is a low-key, friendly park, not overwhelming in beauty like Yosemite, nor in size and natural wonders like Yellowstone, nor in grandeur like Grand Canyon. Yet in its simple rolling uplands and small, rounded mountains—its highest peak is 1,420 feet—it is a beautiful preserve, easily reached, readily familiar and physically easy to explore.

The park's origin goes no farther back than 1936, when the Federal Government bought up the worn-out farms on which 50 families still struggled and, calling the place the Catoctin Recreational Demonstration Area, proved that it was possible to create parks out of exhausted land.

Thurmont, the park's gateway in western Maryland, is only 59 miles inland from Baltimore, only 20 miles south of Gettysburg's battlefields and about 240 miles from New York if you detour frequently for covered bridges and sightseeing.

Something besides distance and size sets this park apart from other national parks and that is its dedication by its fairly new superintendent as a place to be used by all the people. It is an outdoor park for outdoor folk and it is an education institution wherein city children from the ghettos of Baltimore and Washington and from schools in nearby communities spend weekends, weekdays and sometimes whole weeks in organized camp-schools, working at regular school programs and learning about nature and the environment directly from that environment.

Another major contribution by Supt. Frank Mentzer, who has been here only three and a half years, is the preservation and demonstration of the colonial culture of this region of Maryland in a Folk Craft Center.

Catoctin is the most northeasterly spur of the Blue Ridge Mountains and the area was settled beginning in 1733 by Philadelphians needing farmland and by immigrants, mostly Palatinate Germans. Their Appalachian culture, heavily overlaid with their Moravian religion, was similar to, yet different in details from that of Appalachia farther south and west.

Each Saturday and Sunday from Memorial Day to Labor Day an old blacksmith works in a genuine dirt-floor smithy; we saw him sweating an iron rim onto a foot wheel for the pottery exhibit. There a young woman pots, a carpenter rives shakes (cuts shingles by hand) using 18th- and 19th-century carpenter tools; the broommaker sews brooms, a local woman cards wool, spins and weaves; another woman makes lye soap and jams in a working kitchen. All tools and utensils pre-date 1850, the arbitrary cut-off point when modern machinery began to replace simple tools of the old craftsmen.

The Catoctin Tourist Association sells the center's products in a shop whose profits are plowed back into the center. For next spring and summer, Mentzer plans week-long craft classes with local artisans as instructors.

There are no gates to shut the public out of Catoctin Park; there is no admission charge to enter the park, no admission fee for the Crafts Center. At the old General Store you can buy genuine broomcorn brooms made by an 80-year-old broommaker, apple butter, Applachian wooden spinning-tops and genuine Appalachian handicrafts.

SIZE IS LIMITING

There are the usual camp, tent and trailer sites for rent, and free picnic areas. Although the size of the park limits the length of hiking trails into the woods, there is room to backpack away from everyone else. One trail demonstrates the making of charcoal, once a major industry here; another leads to a bootleg still that thumps and makes moonshine alcohol on weekends. It is perhaps Catoctin's most popular exhibit, although a chemical added to the mash makes the end product undrinkable.

If, like most of the population, you are addicted to taking in the beauties of nature from an automobile, you can do that here as well. A self-guided motor tour employing a mimeographed guidesheet helps visitors "Enjoy a leisurely 6.8-mile loop drive along the backroads of Catoctin Mountain. Wildflowers, historic sites, vistas and points of interest are identified by marker or vehicle mileage."

The first 1.6 miles of road are, as the guidesheet warns, rough and rocky, unpaved, a trail wide enough for only one car and slippery in the rain. It is maintained as what it was originally—a north-south wagon road. Off the loop road run horse and snowmobile trails along abandoned logging roads used years back when oak and chestnut trees were cleaned out of these forests for the tannic acid their bark contributed to the local leather tanning industry. That industry died when the tanbark trees were used up, a moral stressed repeatedly in the park's environmental classes and lectures.

AUTOMOBILE TRAIL

Advocates of the "forever wild" school of park preservation must shudder at the thought of Superintendent Mentzer's automobile trail, but I can testify that our drive was a beautiful experience that did us good and the park no injury. It led us up to the mountain and down the other side through autumn colors muted by haze and low-hanging clouds and into a richly cultivated valley whose distant gold and red slope curled up into clouds resting on the opposite mountain.

Such views are too good to reserve only for Presidents and backpackers. Besides, after spending a long day poking into every facet of the park's operations, I was in no shape to undertake a 6.8-mile hike.

The fall foliage, at its peak on our weekend, is gone, and the Craft Center will not be open to the public until next spring, but the park soon will welcome winter visitors—cross-country skiers, showshoers, snowmobilers, hikers, campers whose outdoor life knows no calendar.

Florida-bound motorists may find Catoctin a valuable pause in their driving, not far off their main route, especially if they start west of the Hudson River. Mentzer claims the park is at its most beautiful with a light layer of snow whitening the forest. Winters are comparatively mild here in the lee of the Appalachian Range, and roads to and inside the park are kept open all winter. Spring comes early, the trails are said to be dry and usable in March.

It is a nice thing to have such a friendly, beautiful little park devoted jointly to people and nature so close to the Northeast's megalopolis. Nice not only for our Presidents but also for the rest of the citizenry. In another month or so I intend to see what Catoctin looks like in its winter dress and I plan to return late in the spring for a refresher walk through the Craft Center.

CHROME ORE FROM RHODESIA

Mr. McGEE. Mr. President, nearly 2 months ago I urged this body to reject efforts allowing the United States to purchase chrome ore from Rhodesia in violation of a U.N. ban on such actions.

At that time, I warned that such action would be detrimental to our interests on a number of fronts including our future relations with black African nations. I warned that such action on the part of the United States would adversely affect the successful pursuit of our two-China policy in the United Nations. However, this body saw fit to defeat my attempts to delete that section of the military procurement bill which forced us to violate that U.N. ban. I believe the U.N. vote against our two-China policy can in part be laid at the feet of the U.S. Senate.

I also warned that such action would hinder Great Britain in her present negotiating efforts with the Rhodesian Government. In this morning's edition of the Washington Post there appeared an article by Jim Hoagland which substantiates these fears expressed almost 2 months ago.

The deliberate action of this body to violate our treaty commitments has resulted in repercussions highly detrimental not only to this Nation, but for many of our allies as well.

I ask unanimous consent that Mr. Hoagland's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 17, 1971]

BRITAIN SAID HINDERED BY U.S. RHODESIA MOVE

(By Jim Hoagland)

SALISBURY, Nov. 16—British Foreign Secretary Sir Alec Douglas-Home reportedly said today that the proposed American lifting of sanctions on Rhodesian chrome imports has seriously undercut Britains' bargaining power in the current negotiations with the white settler rebel government of this southern African country.

Sir Alec's comment was reported by a delegation of six mulatto Rhodesian leaders who met with him this afternoon here. All six were present at the meeting and all agreed in an interview with The Washington Post on the paraphrase of Sir Alec's remark.

They also agreed that Home had given them the impression that Britain felt it had to settle with the white government now before sanctions were further eroded.

AGREEMENT SEEN NEAR

They added that they came away from the 50-minute meeting, held at Sir Alec's invitation, with the impression that a settlement was imminent, but that it would be a settlement unacceptable to Rhodesia's nonwhite majority of 5 million.

Agreement has apparently been reached on four of the five points being discussed by the two sides.

The Rhodesian side was apparently balking at giving concrete assurance that steps would be taken to remove racially discriminatory laws enacted since the unilateral declaration of independence in 1965 by Prime Minister Ian Smith's government, the mulattos said.

British spokesmen declined to comment on any of the discussions being held by the foreign minister, nor on his second day of talks with the government and a wide spectrum of Rhodesian citizens.

The 240,000 whites account for less than one-twentieth of Rhodesia's population of more than 5 million. Aside from the 5 million blacks, there are 20,000 mulattos, persons of mixed ancestry known here as coloreds.

The mulatto group reported that Home said time was running out for reaching a settlement, citing U.S. Congressional action to allow imports of Rhodesian chrome in defiance of United Nations sanctions on Rhodesia as proof that sanctions were being rapidly eroded. The American move had blown a large hole in the sanctions wall in Sir Alec's view, it was reported.

AWAITS PRESIDENT'S SIGNATURE

Resumption of Rhodesian chrome imports has been approved by both the Senate and the House of Representatives in an amendment to the defense authorization bill which is expected to be signed by President Nixon.

Gerald Raftopoulos, chairman of the National Association of Colored People and leader of the mulatto delegation, said that Sir Alec seemed resigned to accepting a two-stage settlement that would leave political power in the hands of the whites for the foreseeable future, with only a vague commitment to eventual majority rule.

The first stage would leave largely intact the 1969 republican constitution, which guarantees that Africans cannot achieve more than parity with whites in parliament.

The second stage would involve undefined mechanisms that would lead to the possibility of African rule through increased education and employment opportunities, to which voting rights would be tied.

In both stages there would be "a blocking system" in Parliament that would at first protect rights of the black majority under white rule, and then protect the rights of the minorities under black government.

Home treated Rhodesian's independence as an accomplished that that Britain and the rest of the world were powerless to change, Raftopoulos and the others said, and counseled them that nonwhites would never get a better settlement than at the present time.

When they pressed him for outside supervision of any agreement reached with Smith and for foolproof guarantees against racialist changes to the constitution, Sir Alec replied that Britain had devised constitutions for black African states that had been promptly torn up and Britain had been powerless to intervene.

He reportedly said that since Rhodesia was no longer a colony, the British could only try to persuade Smith to come to an agreement.

"Britain seems eager to settle on just about any terms," said Gaston Thornicroft, another member of the delegation. "The (Rhodesian) whites will be fools if they don't accept this. It smells like a sell out.

"Sir Alec was just being courteous in listening to us, Thornicroft added. He clearly had his mind made up. What is involved now is a formal handing over of power to the same people who are imposing racial discrimination on us, and trusting them to see there will be no discrimination. They will do as they like."

When the British Conservative Party ousted the Labor government in last year's elections, Prime Minister Edward Heath said a new attempt would be made to reach a settlement with Rhodesia.

Home's current talks are the first high-level negotiations on the issue since Smith and former Prime Minister Harold Wilson held unsuccessful talks in 1968.

Since 1963, Britain has been trying to get the white settlers to accept five principles as part of an independentce agreement. As originally outlined, the principles call for unimpeded progress toward majority rule under the terms of a liberal 1961 constitution since repudiated by Smith's government; guarantees against changes to the constitution that would nullify that progress; an immediate improvement in the political status of the African population; progress towards ending racial discrimination; and a method of testing public opinion in Rhodesia that would satisfy the British that any settlement reached was acceptable to the Rhodesian people as a whole.

Sir Alec was said to have assured the mulatto delegation that the test of acceptability was "well under control" and that he saw no problems in reaching agreement on the other principles, with the exception of specific measures to end racial discrimination.

ARTHUR BARRIAULT

Mr. MANSFIELD. Mr. President, a gentleman, a scholar, and a first-rate newsman, Arthur Barriault celebrates his 57th birthday today. For 27 years, Arthur has covered the Hill for NBC, and in doing so he has endeared himself to all of us because of his innate decency and his unfailing courtesy and consideration.

When speaking of Arthur, words become superfluous, so all I will say for all Senators on both sides of the aisle is, happy birthday, Arthur, and may you have many more. You have earned our respect and affection.

CONTINUED ABUSE OF WELFARE PROGRAM

Mr. CURTIS. Mr. President, pointing, as an example, to the recent fate of the foreign aid bill, Anthony Harrigan, in a column published in the Indianapolis News of November 15, has suggested that continued abuses and efforts by liberals in Congress to up the ante may threaten the welfare program with the same fate.

As a matter of fact, Mr. Harrigan did not mention the recent example of abuse in New York, which I regard as the epitome, where a woman succeeded in getting a medicaid card for her dog. Fortunately, she was only testing the system and was not serious in her intention to make use of this tax-provided benefit.

In somewhat the same vein, another outstanding journalist, Jenkin Lloyd Jones, writing in the Washington Evening Star of October 23, has suggested that we may be passing through the golden age of welfare. He believes angry taxpayers may yet revolt—and soon—may "grab the meat ax" and have at the entire welfare program, chopping down the good with the bad.

I believe both the facts and the reasoning contained in these two columns very much merit the attention of Senators who desire true welfare reform, and they constitute a useful word of warning to those who would play "pie in the sky" politics with this issue. The real needy, who are in need for reasons beyond their control, will unjustly suffer if the lobby for expanding welfare turns the taxpayers against all welfare. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Indianapolis (Ind.) News, Nov. 15, 1971]

TRUE WELFARE REFORM

(By Anthony Harrigan)

WASHINGTON.—Welfare funds are being used to support prostitutes and drug addicts and finance hippie communes, according to testimony given at a Pennsylvania House of Representatives investigating committee hearing in Reading, Pa., last month.

That's only a segment of the national scandal involving welfare. In several states, food stamps have been distributed to strikers. In New York State, thousands of employable welfare recipients have resisted efforts to put them to work.

It is no wonder that increasing numbers of informed Americans are indignant in the face of these and other revelations of misuse of the taxpayers' money.

Rep. Adriano Mastrangelo, in a recent report on welfare abuses in the Keystone State, cited the following situations:

"Public welfare funds were paid to a convicted prostitute for eight months because she sprained her ankle.

"Public welfare funds—$132 a month per person—are being collected by a group of hippies who put the money in a common fund. One hippie went to Europe for five months but his relief payments were continued and his checks contributed to the common 'pot' by fellow hippies in his absence.

"Public welfare funds were paid to a woman living with an employed man not her husband."

In New York State, State Rep. John E. Kingston recently noted that there is data that indicates "significant numbers of persons failing to comply with the new work law." He wrote in a letter to *The New York Times* that "8,800 employable recipients (of welfare) have resisted efforts to put them to work."

The Food Stamp Act, Public Law 88–525, also has been used to aid the undeserving. Last year, for example, food stamps were distributed to strikers at General Motors plants. The food stamps served as a subsidy to members of the striking United Auto Workers. Proponents of food stamp legislation are seeking expansion of the program which cost $248 million in 1969 and which now costs more than $2 billion a year. A total of 9.2 million Americans now receive this form of welfare aid.

Food stamps are among the most irritating welfare giveaways. Working citizens only read about welfare checks. But they see the free-loading of the food stamp recipients in neighborhood grocery stores.

Recently, I received several letters regarding food stamp abuses from readers of this column. Mrs. James E. Rowland of Chester County, Tenn., wrote:

"I hate to go to the supermarket and buy bologna and the cheapest ground beef and watch the ones that have the stamps, much better-dressed than I am, loading their carts with country ham, steaks, and the most expensive cakes and cookies, and soft drinks by the case. . . . I have worked all my life and I don't want any handouts. But I am tired of working and giving part of what I make to the leeches who are better off than I am. Just what can be done about this?"

Unquestionably, many Americans share Mrs. Rowland's indignation. Their indignation will be all the greater when they learn of efforts by Senate liberals and the White House to obtain quick approval of welfare expansion legislation.

The Nixon administration is trying to get its hurtful Family Assistance Act out of the Senate Finance Committee as soon as possible. Sen. Abraham Ribicoff (D–Conn.) has another enormously expensive welfare bill that he is pushing. His bill is backed by a coalition that includes the AFL–CIO, the League of Women Voters, Common Cause, and Americans for Democratic Action.

The promoters of increased welfare would do well to consider the fate of foreign aid legislation, another pet liberal project over the last two decades. Public dissatisfaction with the foreign giveaways finally resulted in defeat of the foreign aid bill. The same thing could happen to welfare legislation if the White House and senatorial liberals keep proposing new programs as election time draws close. A day of reckoning could come for both the White House welfare planners and Sen. Ribicoff's coalition.

The promoters of welfarism should realize that working Americans are sick of the domestic giveaways and want to tighten welfare requirements. The New York Assembly has realized that and approved a requirement that welfare recipients pick up their welfare checks at state employment offices. The Empire State now insists that able-bodied reliefers make a serious effort to get a job.

No other Western democracy has the welfare mess in which the U.S. is involved. Prof. Nathan Glazer of Harvard recently wrote in *Commentary* that in Sweden and England welfare is thought of as emergency aid but that "welfare has come to be seen in America as a regular means of family support."

If President Nixon and the Congress want to reform the welfare system, they must make sure that public assistance is limited to the aged and destitute.

[From the Washington Star, Oct. 23, 1971]

Rising Resentment Toward Welfare

(By Jenkin Lloyd Jones)

It may be an unthinkable thought, but it is possible that at this moment the United States is passing through the Golden Age of Welfare.

The thought will be hard to get used to, for we have been well-conditioned to think of ever-expanding social agencies, ever-proliferating social workers and ever-escalating welfare costs.

But there are a few wisps of black cloud scudding across the sky, a few storm signals beginning to flutter. For a nationwide taxpayers' revolt may be gathering.

You see it manifested in the ever-more-frequent defeat of local bond issues. A year or two ago only "frills," that public improvements people could easily do without, were failing in the bond elections. Now "nuts-and-bolts" items—water works, disposal plants, street projects, schools—are beginning to have trouble.

People first express their tax anger at those expenditures they can most directly control, which are local. State expenditures are more remote, federal spending remoter still. But distaste for rising taxes can eventually be felt as far away as Washington.

It is a political truism that the poor do not control spending in any field, not even spending in their own behalf. The nonpoor do, for they are in the majority. Poverty programs, therefore, depend upon the enthusiasm, or at least the acquiescence, of the nonpoor. When the nonpoor get turned off, the programs will languish.

We may, therefore, be approaching the time when the best political speech will not be the one in which every paragraph begins: "We must do more. . . ."

For taxes are drawn from the fruits of labor and risk. And where poverty programs fail to produce desirable results, those who labor and risk will eventually express their disillusionment. Compared to the vast group which contributes more to government than it asks from it, the clout of those who ask more from government than they contribute to it is feeble.

This may be the reason why recently you haven't seen "many poor people's marches" led by Rev. Ralph Abernathy. Or welfare pickets parading around the state capitol or city hall. They aren't going over so well any more. The cabdrivers are angry, the bartenders cynical, the store clerks sarcastic.

The idea is that there is a nobility attached to the perpetually poor dies hard among aristocratic "liberals," whose contact with them is sketchy. Perhaps they subconsciously seek to atone for their coming-out parties and their prep schools by "identifying" with the losers. It is a form of instant humanitarianism, even if they keep guards at their gates.

But there are no such illusions among the working proletariat. They have been poor. They know struggle. They have few tears for nonstrugglers.

Candidates may soon discover that it is no longer politically rewarding to demand still greater appropriations for welfare programs that have apparently failed. Failure is becoming too plain. The rise of dependency, irresponsibility and crime, even as outlays for their cure have risen, can no longer be shrugged off. Americans will not underwrite ever-growing chaos with ever-larger checks forever.

Yet there is much the public money can do to uplift the poor. We are simply very new at this idea of national charity. We had no experience to go on. For the first time in history we told a man that subsistence would be guaranteed him whether he chose to work or not, and some of us are aghast that many have chosen not.

We told ourselves that human beings asked only opportunity. This is not true for many human beings. Slums are characterized by empty libraries and full beer joints. Poverty is often the result of a lack of purposeful organization within the individual, himself.

Under the lash of necessity even a disorganized man will struggle to eat. Remove that necessity through free charity and the struggle ceases and endless demands for more begin.

We learn from experience. We should now have enough experience with welfare to know that some theories don't work. But the sociologists will not audit them, for many are their own brainchildren. Many politicians will not audit them because they authored the welfare bills.

So angry taxpayers will eventually grab the meat ax. And the danger is that good programs will suffer with the bad.

THE TRAGEDY IN ULSTER—IV—DISSOLUTION OF STORMONT

Mr. KENNEDY. Mr. President, the London Times of November 8, 1971, contains a major article by Mr. Hugh Monro entitled "Paradox of Political Reform at Stormont." In this article, Mr. Monro makes the point that it would be futile to reform Stormont, the Government of Northern Ireland, which now exists to protect the dominant position of the Protestant majority. As Mr. Monro states, Stormont is incapable of real reform. The only effective alternative is the dissolution of the present Stormont and the institution of direct rule from London, a step that may lead in the future to a united Ireland.

Mr. President, I ask unanimous consent that Mr. Monro's article may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the London Times, Nov. 8, 1971]

Paradox of Political Reform at Stormont

(By Hugh Munro)

Northern Ireland was partitioned from the rest of Ireland because of demands from the local Protestant majority, and the primary aim of Stormont since then has been to organize and maintain the defence of the Northern Protestants against the nationalist majority in the whole island. The trend of current policy is to try to adapt the political system so that it protects the Northern Roman Catholics from being overwhelmed by the local Protestant majority. But Stormont simply cannot perform these two roles at the same time. Reform, in other words, subverts the whole idea of Stormont as it has so far been known.

A state can only make sense as long as it is based on a common patriotism; without it, it is not possible to organize a reliable security force, which is willing to face danger, on behalf of the state. Until now Stormont made sense because it was based on the belief in a Protestant state. While we may dislike the "Ulster" patriotism behind the old Stormont we cannot deny its vigour or the effectiveness of the B–Special security force it helped to motivate. But if the new Stormont is to be non-sectarian what form can its underlying patriotism take?

"Britishness"? Hardly. Northern Irish feelings about Britain divide the province, not unite it. An Orangeman for example is certainly loyal to Britain—but only because Britain is Protestant. Catholics would be attracted to the British ideal of fair play but when Unionists have been pressed by Britain to give a greater political voice to Catholics they have tended to switch their loyalty from Britain—in 1912 to Germany, in 1969 to UDI. When "loyalism" is at its most intense it is intensely disloyal.

A PATRIOTISM TO UNITE

Is "Irishness" the key? Certainly both Nationalists and Unionists are Irish but there is the need for a partiotism to unite the Northern Irish as Northern Irish. Irish patriotism, as it stands, is subversive for Northern Ireland. For a patriotism which could unite Northern Protestant and Northern Catholic we must turn to the seat of local, provincial fellow-feeling, which unites Munstermen, for example, or the people of the English West-country.

The plain truth is that a state which could withstand the storms which rage in the North today cannot be built on such a weak foundation. A man might play a hard game of rugby for a non-sectarian Northern Ireland but no one will die for it or even suffer for it. Such a state cannot organize a security force to defend itself.

On this view the immediate aim of Mr. Heath, Mr. Faulkner and Mr. Lynch as also of the Social, Democratic and Labour Party for a non-sectarian, reconstructed Stormont is a will-of-the-wisp, and no British soldier should be asked to risk his life in pursuit of it. Ironically it is the extremists whether they fight for a Protestant state or for a united Ireland who have an aim which makes practical sense and not the moderates.

On this view the change from the old Protestant Stormont to the new non-sectarian one is a change from something to nothing: from a body which made sense, to a body which makes none. No wonder the transition process which involves British pressure on Stormont to pass laws it does not want to pass has used up two moderate premiers already and is using up a third and will use up any more who offer.

The whole point of the current moves to reform Stormont is to create social harmony, not to ensure effective government. But Stormont cannot serve as a working party for social harmony and a source of firm government for a divided community at the same time. If Britain is not to turn towards a united Ireland and is not to go back to the other (but objectionable) policy of a Protestant "Ulster" there is no alternative to effective direct rule involving as it does, British control of the police and judiciary. By eliminating the contentious constitutional issues from its debates and reducing it to a coordinating body for local authorities, Stormont has the best chance of creating social harmony and the patriotism which would build Northern Ireland into an effective entity, capable of non-sectarian regional government.

IMPORTANT SHARE IN POWER

The shattered structure of Northern Ireland can only be reformed from the ground up, by building on the foundation of the local authorities. By the adoption of proportional representation, the promise to give non-Unionists a better share in power can be positively fulfilled. But in the field of central government that promise can only be fulfilled—and it must be fulfilled, if there is to be any end to the turmoil—negatively by reducing the scope of politics in the North. If the Unionist monopoly of central power must be broken, and if shared power means ineffective government, then power must be transferred elsewhere—to Westminster.

When reform is seen in this light the refusal of the Social, Democratic and Labour Party and the Nationalists to engage in talks ceases to matter. What point is there in talks when it is not practicable to give these parties any important share in central power? Far more welcome to them, and more practicable, would be reductions in Unionist power for which neither their consent nor their participation in talks is needed. Indeed the necessary task of reducing Stormont's powers would be harder if the Unionists felt it was being done at the request of the Social, Democratic and Labour Party.

The point must be appreciated. The old Stormont will not reform itself and the attempt to make it do so is only prolonging the turmoil and destroying moderate men. Stormont's power over law and the police must be removed before the experiment can begin to find out to what extent a non-sectarian Stormont can make sense. And it must be regarded as an experiment carried out with an open mind and an acceptance that Stormont may never make much sense at all and that the only patriotism which can unite Northern Protestant and Northern Catholic in a stable community will be Irish patriotism.

Reform in the North equals constitutional change equals effective direct rule; and effective direct rule may lead to a united Ireland. And the only workable alternative to reform is a "Protestant parliament for a Protestant people".

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

REVENUE ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, H.R. 10947, which the clerk will report.

The second assistant legislative clerk read as follows:

(H.R. 10947). A bill to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The PRESIDENT pro tempore. The pending business is amendment No. 685. The debate on the amendment is limited to 2 hours, with 30 minutes on amendments in the second degree.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield briefly without losing his right to the floor and without this time being charged to his time on the amendment?

Mr. CRANSTON. I am delighted to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so orderd.

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

The PRESIDENT pro tempore. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, amendment No. 685, offered by the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Massachusetts (Mr. KENNEDY), and myself, is designed to set aside revenues collected from the automobile excise tax after a one and one half year suspension of the tax and apply these funds to the solution of serious transportation-related problems—mass transit, air pollution control and research, Amtrak, highway traffic safety, and airport development and noise control.

The President's proposal, embodied in the Revenue Act of 1971—H.R. 10947—recently reported from the Finance Committee, would permanently repeal the 7 percent excise tax on the sale of new automobiles. Under present law, the tax, which now goes almost entirely into general revenues, would be gradually phased out between now and 1982. More than $20 billion of badly needed Federal revenues would be lost as a result of repeal. Our amendment would suspend the tax for a year and a half rather than repeal it.

Under normal circumstances, I would not advocate even a one and a half year suspension of the tax. But we have been boxed in by the President's announcement that he would end the tax. The President has no power to end the tax without the approval of Congress. However, some 8 million people may well think that he guaranteed them that they will get $200 off their 1972 cars retroactive to August 15.

Many families are counting on that guarantee; the automobile industry has based sales campaigns and production schedules on it.

Congress cannot reverse history at this late date. All we can do is to try to set things aright for the future.

To protect those people who purchased or plan to purchase automobiles on the basis of the President's assurance that they would receive a tax refund and so stimulate short-term consumer demand, our amendment would suspend the excise tax until January 1, 1973. While the tax is suspended, the Secretary of Transportation would be charged with preparing a program for use of the revenues derived from the excise tax when it is reimposed on January 1, 1973. The program would have to allocate no less than 50 percent of the funds for mass transit purposes, and the remainder for air pollution research and control, improvement of the national rail transportation system—Amtrak—highway safety and related programs, airport development and noise control, and transportation research and development. The Secretary would be charged with reporting back to Congress by April 30, 1972. At that time Congress would approve, modify, or disapprove the program.

If, by January 1, 1973, Congress did not approve a program for allocating funds derived from this excise tax, the funds produced from the reinstatement of the tax would be held in escrow until Congress did pass such legislation.

The issue raised by this amendment is: Shall we sacrifice $20 billion in Federal revenues between now and 1982 in order to stimulate the purchase of 2 to 3 million additional cars, or shall we spend that money for transportation priorities such as mass transit, improved rail systems, and highway safety?

Two to three million more cars will mean more pollution, more congestion, more demand for highways to eat up the countryside, and more cars per city parking space, and in this case it will mean less money for needed transit systems, less money for Amtrak, less money for highway safety, less money for airport development, and less money for research on pollution control.

We are told that repealing the excise tax will stimulate auto sales and in turn create jobs, but spending money for mass transit, improved rail systems, and airport development will also create more jobs. In fact, expenditures in these areas will probably create even more jobs because, as recent experience has shown, increased auto sales generally result in increased overtime and not new employment.

The administration has also urged that repeal of the excise tax is needed to stimulate immediate consumer demand. But repeal is unnecessary to serve even that purpose. Our amendment, which suspends the excise tax until January 1, 1973, will stimulate short-range consumer demand without sacrificing $20 billion in long-term revenues. The $20 billion which we will save can be used for vital transportation needs such as mass transit.

The Urban Mass Transit Administration estimates that this Nation needs $32 billion for mass transit alone over the next decade. But we have only authorized obligations of $3.1 billion over the next 5 years and the administration has refused to even spend the funds approved by the Appropriations Committee.

Two weeks ago Senators WILLIAMS and CASE and 34 other Senators including Senator STEVENSON and myself sent a letter to the White House protesting the freeze on mass transit spending. The reply we received pointed out that New York City has just refused to pass a half billion dollar bond issue for the construction of improved rapid transit as evidence of disinterest by major cities in this program. The administration drew the wrong conclusion, and, I think, a rather astounding conclusion. Local taxpayers, already overburdened by fiscal demands, often cannot afford the one-third matching fund requirement. That requirement should be reduced to 10 percent in matching funds. An increased Federal contribution will require more Federal money for mass transit. This bill will help to provide those funds.

To conclude that when a bond issue is voted down it means the people are not interested in that subject is utterly ridiculous. Bond issues are frequently voted down in connection with education. That does not mean that the people are not interested. The fact that bond issues are voted down is evidence that property taxes are out of hand and outrageously high. It is the least fair tax because it is a tax on possessions and capital. It could drive people out of business, out of their homes, and off their farms.

If the administration does not understand this, they have little understanding of the problems facing many people of our Nation.

A second major purpose to be served by this bill will be to allocate needed funds to Amtrak. Congress set up Amtrak to improve rail transit. We must now make sure that Amtrak is adequately funded. We must provide them with the wherewithal to build improved long-range rail systems such as the Metroliner. If Amtrak is not given the funds to modernize, the whole Nation will be cheated. We will be denied an efficient high-speed alternative to airplane and auto travel.

Amtrak needs funds now. Last week Amtrak declared that it needed $140 million in additional funds for equipment improvements. The excise tax should be applied to provide those funds and help develop this transportation system.

This amendment provides us with a unique opportunity to make a clear statement of our national transportation priorities. We can either forsake $20 billion in Federal revenues for the production of more cars, more pollution and more congestion, or spend $20 billion for more mass transit, Amtrak, highway safety, airport development and vehicular pollution control.

The decision should be easy. We should adopt this amendment.

Mr. STEVENSON. Mr. President, will the Senator yield?

Mr. CRANSTON. I am happy to yield such time to the Senator from Illinois as he may require.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I commend the distinguished Senator from California for his clear and forceful statement about this amendment, which both of us have offered.

It is always easier to cut taxes than to increase or reimpose taxes. It might be instructive to review what the Senate has done in recent days. The bill as reported by the Committee on Finance recommended tax cuts which amount to about $11.6 billion annually. On the floor of the Senate, amendments have been offered and agreed to which would add to that sum approximately $5 billion annually. This means, it seems to me, that with such a large prospective loss of revenue, there will not be a chance to provide the revenues, or anywhere near the revenues, the Nation needs for an adequate transportation system in the near future.

Mr. President, the amendment would reimpose the excise tax on automobiles as of January 1, 1973. It would give the purchasers of automobiles the relief that has been promised them. It would give the economy a boost at a moment when it needs it; then it would reinstate a significant source of revenue, and reinstate it for transportation purposes. Without the reinstatement of this tax we would make the production of more pollution-spewing automobiles, which are already congesting the streets, a high national economic priority. It just does not make sense. It would make sense, it seems to me, to take these funds which the Federal Government will not have available if the excise tax is permanently repealed, and earmark them for transportation, as this amendment does.

This amendment would provide about $20 billion for transportation over a 10-year period. At least one-half of that sum would be allocated to mass transit. The other half would be for other forms of transportation, including Amtrak and the development of urban rail transportation corridors. It would be made available for safer streets, for traffic control, and for safety devices. It would be used for airport development and to relieve the noise near our airports. It would also be used to relieve ourselves of the air pollution which results principally from the automobile.

If our amendment prevails, funding for mass transit could be more than doubled for the 5 years beginning in fiscal 1971.

The President has asked for only $3.1 billion for mass transit, though the Urban Mass Transit Administration estimates that plans already on the drawing boards will require some $32 billion in capital expenditures over the next 10 years, two-thirds of which must come from the Federal Government's mass transportation assistance capital grant program.

Even with these additional funds, we still would not come close to meeting our responsibilities to the people of our cities for improved mass transit facilities.

Without the additional source of revenue our amendment would make available, it would become virtually impossible in the future to provide any additional funds for mass transit facilities.

This year the President plans to spend about $600 million a year for mass transit in the whole Nation, even though Congress has made $900 million available. That sum is not enough to aid the cities of New York and Chicago alone. Our amendment, Mr. President, would make, roughly, $1 billion more a year available for mass transit facilities.

I would emphasize, in closing, that the amendment would in no way affect the highway trust fund, unless it is to help it. It does not divert any funds from the highway trust fund. It, in fact, reimposes the truck excise tax as of January 1, 1973, and earmarks the revenues from that tax for the highway trust fund. At the same time, it would put the revenues from the alcohol tax back into the general revenues. So it will end up a washout, and with no adverse effect on the highway trust fund.

The highway trust fund could benefit from this amendment. Funds from the excise tax could be used for the so-called "spots" program, for the repair of city streets, for the provision of traffic signals, stoplights, and the like. These programs are presently funded by the highway trust fund. Funds for such critical needs in cities across the entire country could be made available as well under the plan worked out by the Secretary of Transportation pursuant to this amendment.

Passage of the Cranston-Stevenson amendment would relieve some of the pressure on the highway trust fund. That pressure is mounting. It is coming from Governors. It is coming from mayors. It is coming from citizens who want additional Federal assistance and who need it for mass transit facilities, for Amtrak, for airports, and so on. They are looking to the highway trust fund.

The pending amendment could lead to the creation of a general transportation fund; and if it did so, it would, as I have said, take some of the pressure off the highway trust fund.

I want to again commend the distinguished Senator from California (Mr. CRANSTON) for his statement and for offering this amendment. It offers us our best chance in the future to begin to meet the critical needs across the entire country for rail transportation, airports, mass transit in the cities, and safer city streets. Without it, things are going to go from bad to worse. Less money will be available for such needs, and we will have a classic example of perverted priorties. Our highest economic priority should not be the production of pollution spewing automobiles on our crowded streets. This amendment could put us well on the way to an adequate transportation system in the Nation.

I thank the Senator and yield the floor.

Mr. CRANSTON. Mr. President, I thank the distinguished Senator from Illinois.

The PRESIDENT pro tempore. How much time does the Senator yield himself?

Mr. CRANSTON. One minute. I thank the distinguished Senator from Illinois for his generous remarks and, more, for his creative part in developing this measure. It was his suggestion that broadened it to assure that there would be coverage of other needed aspects of transportation specifically covered by the proposal. I think that makes the original plan which I introduced far more meaningful and constructive and should win for it far more support in this body.

I yield the floor.

The PRESIDENT pro tempore. Who yields time? What is the pleasure of the Senate?

Mr. BENNETT. Mr. President, I yield myself such time as I may require in opposition to the amendment.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, this amendment will be very unpopular, particularly in the State of the Senator from California, which has the largest automobile market in the United States. It provides, in effect, that the reduction in automobile prices made possible by the repeal of the 7-percent excise tax will last effectively for only 16 or 17 months, and then will be reinstated. That represents from $150 to $200 per car.

The Senate has not challenged the decision of the committee to remove the tax, and it is difficult for me to believe that Senators will turn right around and say, "Yes, we will leave it off for 15 months, but we are going to put it right back on again after that."

I can understand the concern of Senators from States having large cities with serious traffic problems wanting to find a solution for that problem. I think that in California, San Francisco has already gone a long way in providing a mass transit system without Federal help. From what I know of Los Angeles, any mass transit system, if developed, must be developed with the use of the streets, because the city spreads over so wide an area that an attempt to develop a subway system would be prohibitively expensive. The old rights-of-way that used to be available for the interurban system have long since disappeared, and it would be prohibitive to attempt to reacquire them, in my opinion.

Mr. President, this amendment, even acknowledging its desirable objective, is, in my opinion, ill-timed and ill-prepared, and has a very serious defect. If the purpose of the amendment is to set aside money which can be supplied for mass transit, Amtrak, highway safety—I do not know why the latter is in the language, because it is taken care of now by the highway trust fund—airport development, and the abatement of aircraft noise pollution and vehicular air pollution, then it would seem to me we are getting the cart before the horse. We are saying, "Provide the money; then after a while we will set up the program."

When we developed the highway trust fund, the committees involved spent months studying the problems it involved and might create, and we legislated the highway program before we started to set aside the money.

It is the objective of the sponsors of this measure to have the money start coming in on January 1, 1973. So they have all of the year 1972 to introduce authorizing legislation to develop the program. The amendment says, in effect, "The Secretary of Transportation is supposed to develop the program." That is a surrender of the responsibility of Congress to the executive—something which most Senators who, I suspect, will support this amendment always object to.

This is saying: "First raise the money; then we will come up with the program," when it should be saying, "We will come up with the program; then we will decide how to raise the money."

This mixture of objectives as stated in the amendment is very curious. They are going to put in money for mass transit, for intercity rail transit, for Amtrak, and for airport development. In other words, it looks as though they have lumped everything into this proposal except the use of the automobile itself.

Maybe we should have a trust fund or a program to finance Amtrak, which has nothing to do with mass transit. Maybe we need to expand the existing trust fund to handle the cost of airport development. Yet we are asked now through the back door, to provide the money before we know what the program is.

There is another weakness about this particular amendment. It does not say how much of the money that might be raised should be allocated to mass transit, except that at least 50 percent should be. Maybe it should be 80 percent. It does not say anything about the allocation of funds to the other objectives of the amendment. That is the reason why legislation to set up the program should precede the attempt to raise the money, in my opinon.

So I say the amendment is ill timed. This is not the time for it. We have got the cart before the horse. It is ill prepared, because we do not have the basic guidelines for distributing the money. As I have stated, it is a complete reversal of the philosophy of many Senators who, I assume, would support it, in that it says that Congress should relinquish its authority to the executive. This proposal throws the problem over to the executive.

There is a better way to do it. As I said, we have a year before this amendment would take effect, and any money could be put in the fund. If the proponents of the proposal think it is worthwhile, let them take that year and go through the process of setting up a program. Then let Congress decide, whether this is the way to raise the money and how much of it should be allocated to each of these purposes. Maybe there are other meritorious purposes. Maybe some of those specified in the amendment should come out. On its face, I think highway safety should come out, because that is already covered by the highway trust fund.

I wonder also if the Senator realizes that under the present law, the excise tax on automobiles goes steadily down and will finally be eliminated in 1983. In January 1973, it will have dropped from 7 percent to 6 percent. I do not have at my fingertips the scale on which it will drop beyond that time. But if the Senator is depending on the present law, and is just suspending it, then the funds for these purposes are going to drop off according to the schedule in the present law.

Mr. President, I cannot believe that the Senate will want to reverse itself so soon. I cannot believe that any Senator will want to go to his constituents—the 60 million or 70 million of them who own automobiles—and say, "Well, we are very sorry; the cost reduction we give you by taking off the excise tax is good only for next year; and then we are going to tax you again—you, the farmers who use light trucks and the many millions of you who live in areas where there is no mass transit need. We are going to tax you $150 to $200 per car in order to devote the money to the few areas in the United States where the density of the population presents a mass transit problem."

I hope the Senate will realize that this amendment, however well intentioned, has not been thought through. I hope its sponsors will realize that they have a year, if they want to try to develop it in an orderly fashion. Then they can come back with a program and ask us to raise the money. Then they will not be asking us to raise the money blindly while saying "We expect somebody to develop a program."

The PRESIDENT pro tempore. Who yields time?

Mr. CRANSTON. Mr. President, I yield myself not more than 5 minutes.

The PRESIDENT pro tempore. The Senator from California is recognized for 5 minutes.

Mr. CRANSTON. First, I thank my good friend from Utah, with whom I often work on the same side of measures, but with whom now, on two consecutive days, I have found myself on opposite sides, for his helpful advice about what may be possible and what may be needed in California. I will take my chances on determining what may be possible in California and what may be needed there.

San Francisco, indeed, has, on its own initiative, developed a mass transit system. However, it has cost more than $1 billion, and it is only a partial system, covering only a part of the bay area.

Los Angeles experts on rapid transit do not believe that they can depend only on surface transit in the streets. There is a plan, that would cost $2.5 billion, that is generally deemed by experts there to be what is needed for rapid transit within the central city of Los Angeles. California has probably had more problems with the smog that automobiles produce, more problems with the congestion that overuse of autos causes, more problems with the urban sprawl that accompanies transportation systems dependent almost entirely upon automobiles, more problems with Amtrak, more problems with air safety, more problems with many aspects of our automobile-based transportation system that this amendment is designed to improve.

The Senator from Utah stated that the amendment is ill-prepared, that we do not have information with respect to the basis on which the funds would be dispensed. He complains that we are giving the Secretary of Transportation the opportunity to devise a plan, and he charges that this is a surrender of power to the executive branch.

I feel that we surrendered incredible power yesterday, under the guidance of the Senator from Utah, in the field of trade relations. This is not a surrender of power. We have asked the expert in this field, the Secretary of Transportation, to recommend a plan, and then to come back to Congress with it. We have given no blank check in this amendment to the executive branch

The Senator suggested that perhaps 80 percent, not 50 percent, should go to mass transit. Congress could make that determination, with the guidance of the Secretary of Transportation.

The Senator indicated that he felt there were several faults in the proposal, most of all the fault that we have not come up with a precise plan at this point for the use of the excise tax. I ask the Senator from Utah this question: If this amendment is rejected and if we subsequently do come up with a detailed and sound plan for the use of the excise tax for forms of transportation other than automobiles, will the Senator support a move to reassess the excise tax for that use?

Mr. BENNETT. The Senator from Utah will not say in advance that the imposition of a tax on automobiles is the most equitable way to cover the cost of transportation needs that do not involve automobiles. The theory on which the highway trust fund was set up was that the people who used the highways would be taxed to pay for construction of the highways. This is exactly the opposite. This amendment says that the people who do not use the mass transit system will be taxed to pay for the construction of that system.

I think that would require a great deal of study; and, offhand, I don't think I could support it, philosophically.

Mr. CRANSTON. I ask the Senator how he fits into that philosophy what I understand to be his support of a move to get the alcohol tax put into the highway trust fund.

Mr. BENNETT. The decision of the committee to put the alcohol tax in the highway trust fund was made at the very urgent request of the chairman and members of the Committee on Public Works. We in the Finance Committee considered ourselves simply a vehicle to carry out the desires of our friends on the other committee.

So far as the Senator from Utah is concerned, any reallocation of taxes by which it could have been made up would have been satisfactory. But at the very urgent and earnest importuning of the members of the Committee on Public Works, we took that action.

Mr. CRANSTON. I thank the Senator.

I would make one correction in the Senator's understanding of our amendment. The amendment would not reinstate the tax on agricultural haulers, so that the farmer would not be paying for rapid transit or other forms of transportation called upon by the plans to be presented by the Secretary of Transportation.

One other point I should like to make is that I believe that automobile owners are among those who would gain the most by this amendment. If this amendment is adopted, other forms of transportation will be made available that will relieve congestion for those who must depend upon automobiles for their transportation or those who insist upon doing so.

Second, it will speed the day when we will have less pollution from automobiles. Everybody, whether he drives a car or not, presently has his health threatened by the pollution that comes from current automobiles. This is a colossal problem in my State. I understand that it is also, to some extent, now a problem in Utah, although I do not know whether automobiles are the source of the smog I have seen in the skies of Utah when I have visited that State.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. BENNETT. I yield myself such time as I may require.

I should like to begin with a little lesson in geography for the Senator from California. The city of Salt Lake is in a bowl surrounded by mountains, and we are constantly subject to the meteorological phenomenon known as inversion, where the air hangs dead over the city, and that is the cause——

Mr. CRANSTON. I understand that, because we have the same problem in Los Angeles.

Mr. BENNETT. That is the cause of the difficulties we have in Salt Lake City.

I share the concern of the Senator from California on the question of pollution of the atmosphere by the use of automobiles. But it is obvious that the Government has a very definite program to try to solve that problem, and it is not dependent on the diversion of funds provided by the amendment.

One or two other problems have come to my attention since I spoke earlier. If we take this tax off now and put it back on again in 15 months, and everybody knows it is going on, the year 1972 will be the most chaotic one can imagine, both in the manufacturing and the purchasing of automobiles. The factories will be called upon to greatly increase their output for 1 year, because everybody will want to get a car before the price goes up. One of the objectives of the President's program, however, of which this is a part, is to try to stabilize and level out production.

The Senator from Michigan probably can tell us what proportion of our national economy is related to the automobile industry.

Mr. GRIFFIN. One out of every six jobs.

Mr. BENNETT. One out of every six jobs in the United States is related to the automobile industry, he informs me.

If you build automobile production up to a tremendous peak in 1972 and then cut it back sharply in 1973, which is what will happen under the amendment, not only will you have greatly disrupted the stability we are trying to create, but also, you will have done, I believe, very serious damage to this important part of our economy.

I have been in the retail automobile business, and I know something about the way in which cars are sold. With the knowledge that the tax is going back on in 1973, 1972 might become a seller's market. Allowances on used cars could be forced down, because the dealer would know that as soon as 1973 began, his customers would have to pay from $150 to $200 more for a car, and he might as well get part of it in 1972. So one of the effects of the program undoubtedly would be to raise the price of new cars and lower the value of used cars in 1972.

Going to the matter of airport development, we already have the Airport and Airways Development Act of 1970 which provides for a 10-year system of expenditures for airways facilities, only part of which will be paid by the airway users. It is generally recognized that the users charge on general aviation is inadequate. Through the first half of 1970, airways expenditures will exceed the airway users charge by almost $1 billion. It is unfair to load this $1 billion on those who buy automobiles, many of whom never use the airways and never have an opportunity to use them. The man or woman who has to have a car to drive to work, I think, would feel resentful to know that they will have to pay $150 or $200 more for their car in order that those rich individuals who can afford private aircraft, as well as the big commercial airline companies, will have their tax burden reduced.

Now, Mr. President, I am glad to yield to the Senator from Michigan (Mr. GRIFFIN) such time as he may require.

Mr. CRANSTON. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I am glad to yield, if the Senator would allow me to make a brief statement first.

Mr. CRANSTON. The Senator from Massachusetts (Mr. KENNEDY) is supposed to be in committee. However, if I could yield him about 3 minutes to offer a modification to my amendment so that he could go to it, I know that we would both appreciate it very much.

Mr. GRIFFIN. Is it an amendment to this amendment?

Mr. CRANSTON. It is not one that will take time. It is just a modification of the amendment.

Mr. GRIFFIN. I am glad to yield to the Senator now.

Mr. KENNEDY. I thank the assistant minority leader very much.

Mr. President, will the Senator from California yield to me?

Mr. CRANSTON. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am supposed to chair a hearing and I appreciate this accommodation very much.

Mr. President, I would like to ask the primary sponsor of the amendment whether he would agree to a modification of his amendment as follows:

> On line 10, page 4, instead of the word "railway" insert the words "urban transportation."

As I understand it, that is the standard boilerplate language to include the objective of the Senator's amendment in considering the rail corridors. This is a technical amendment to conform with the understanding of the Department of Transportation and it is important that the amendment conform to that understanding. Would such a technical modification be acceptable to the primary sponsor of the amendment?

Mr. CRANSTON. I thank the Senator from Massachusetts for his suggestion. It is a constructive one and in accordance with the understanding of the Department of Transportation which cited the great need for further transportation facilities in the northeast corridor of the country. This same problem applies elsewhere.

Mr. President, I ask unanimous consent that I may modify my amendment in accordance with the suggestion of the Senator from Massachusetts.

The PRESIDENT pro tempore. Without objection, it is so ordered; and the modification will be made.

Mr. KENNEDY. Mr. President, has the modification to the amendment been accepted?

Mr. CRANSTON. Yes.

Mr. KENNEDY. Mr. President, do I correctly understand that there has been a ruling to accept my modification?

The PRESIDENT pro tempore. It has

been agreed to, to modify the amendment of the Senator from California.

Mr. KENNEDY. Mr. President, I want to add my voice in commendation of the efforts made on this problem by the Senator from California and the Senator from Illinois. It is an extremely imaginative and creative effort to help achieve a balanced transportation system. The vote yesterday that was taken on the Percy amendment, which failed by only three votes, indicates that there is a growing awareness in this body of the importance of reshaping our transportation system.

Mr. President, the amendment now before the Senate would direct revenues from the 7-percent auto excise tax into a single account as a first step toward the creation of a national transportation trust fund.

As a cosponsor of this amendment, I believe it is important to recognize several points at the outset.

First, this amendment will not affect current plans of consumers or auto manufacturers since it will not take effect until January 1, 1973. Until that time, the auto excise tax will be suspended to provide an emergency stimulus to the economy.

Second, revenues from the reinstated tax after January 1, 1973, will be used to meet urgent national transportation requirements. The anticipated $2.2 billion a year will be used for mass transit, Amtrak, highway safety, airport development, and the abatement of aircraft noise pollution and vehicle air pollution.

Third, in response to my suggestion, the original amendment has been modified to include a specific authorization to the Secretary of Transportation to use a portion of these funds to meet the transportation needs of the Northeast Corridor and the Nation's other developing urban corridors.

Mr. President, permanent repeal of the auto excise tax represents a $2 billion a year incentive for manufacturing more automobiles at a time when our transportation system already is suffering from overdependence on the automobile.

Although the illness of our transportation system has been diagnosed repeatedly, the patient has been unwilling to accept the prescription for its cure.

The national transportation policy statement by the Department of Transportation only 2 months ago listed the symptoms of our national transportation "nonsystem": urban congestion, severe deterioration of local public passenger service, airport and air traffic congestion, hazards to safety, environmental degradation, and financial distress in many segments of the Nation's transport industry.

Separate modes of transportation have developed independently with separate planning and separate funding. The result has been a fundamental disruption of our transportation priorities.

Highways have been funded from an almost unlimited account that has been pumping over $3 billion a year into concrete for the past 6 years.

Yet the Nation's cities have been unable to obtain even one-tenth as much for urban mass transit. Mass transit expenditures averaged less than $200 million between 1965 and 1970.

Even with the passage of the Urban Mass Transportation Assistance Act last year in which $3.1 billion was authorized over 5 years, the administration has hamstrung the program by impounding appropriations.

Now with $2.6 billion in requests from the Nation's cities, the administration has announced it will spend only two-thirds of the $900 million which is authorized.

Today, cities and States are unable to plan rationally for the transportation needs of their constituencies. They are forced to seek funds from a Federal system that has given them the unpleasant choice of building highways or building nothing.

For these reasons, I introduced S. 295, the national transportation trust fund bill, earlier in this session to reorder those transportation priorities. That measure, which still is pending before the Senate Commerce Committee, would have combined the existing trust funds as well as the revenues from the auto excise tax into a single fund.

The current amendment does not in any way affect the existing highway and airway trust funds. But it does provide a separate source of revenue—revenue from the auto excise tax—to finance a broad range of transportation services.

Mass transit—where our greatest needs exist, where the Institute of Rapid Transit estimates that between $28 and $34 billion will be needed over a decade, and where the transportation committee of the National Conference of Mayors has called for emergency appropriations just to keep our mass transit systems running—would receive 50 percent of the proceeds from this fund.

In addition, in an effort to take action which will meet the crisis in the Northeast Corridor and to provide preventive medicine for the Nation's other urban corridors, the amendment now contains a separate authorization for the transportation needs of the urban corridors.

There are currently 15 urban corridors across the country, including Boston-New York, New York-Washington, New York-Buffalo, Philadelphia-Pittsburgh, Miami-Jacksonville, Chicago-Indianapolis-Cincinnati, Detroit-Chicago, Chicago-St. Louis, St. Louis-Kansas City, Milwaukee-Minneapolis, Seattle-Portland, Oklahoma City-Dallas-Houston, Memphis-New Orleans, and Oakland-Sacramento.

These are densely populated areas containing a series of two or more standard metropolitan statistical areas not more than 500 miles apart connected by major routes of ground passenger transportation.

All of these corridors would be eligible for transportation assistance under this amendment.

And there is specific reference to the Northeast Corridor, essentially Washington to New England, because that is where we must take action immediately.

After 8 years of study, the Northeast Corridor transportation project of the Department of Transportation issued its final report and recommendations in September.

The report found the Northeast Corridor to be the most extensively urbanized region in the Nation with some 44 million persons, 20 percent of the Nation's population, living on less than 2 percent of the Nation's land.

The sprawling growth of suburbia and exurbia, the exodus of industry and population from the central city, the steady concentration of people in new metropolitan areas joined in an urban band 500 miles long—all have created the transportation crisis.

Traffic congestion on the highways and congestion at airport terminals already exist so that travel times both by air and by road are declining between Boston and New York and between Washington and New York. In fact, it takes longer today on the average to get from National Airport to New York than it did in 1953.

The report noted that:

> Aircraft and terminal delays between 1968 and 1969 increased 20 percent. Almost 30 percent of this delay was registered at five major Corridor airports.

It was after years of detailed investigation that the final report recommendations were made. And I believe it is essential that action be taken now to begin to put the recommendations into effect.

The amendment now before us would authorize funds for that purpose.

The major recommendation of the study for the current decade was to improve the passenger railroad service to provide 2-hour nonstop New York to Washington and 2¾ nonstop from New York to Boston. A 3-year program would include $100 million for right-of-way improvements between Washington and New York, $190 million in similar improvements between New York and Boston, $70 million for terminal improvements and $100 million for additional vehicles.

This would mean more high speed Metroliner-type cars, improved passenger comforts, greater frequency of schedules, and both nonreservation and nonstop service.

The result would be a major reduction of the air and road congestion within the corridor, a reduction in pollution and an increase in passenger service. The resulting profitmaking potential would fund additional improvements in the 1980's that would decrease nonstop rail service time from downtown Washington to downtown New York to 1½ hours and to 2 hours between New York and Boston.

As more people used high speed trains within the corridor, congestion on the highways and congestion at the airports would be substantially reduced.

This would be the model for similar steps in the other corridors to meet transportation needs before a crisis develops.

For these reasons, I am pleased that the amendment now before the Senate contains a specific authorization for the use of the revenues from the auto excise tax for the construction and improvement of transportation in the urban corridors of the Nation.

I feel that along with the other authorizations for mass transit, highway safety, air and noise pollution, this amendment will move the Nation toward the goal of a balanced transportation system that can carry people where they want to go, in the manner they want to travel and at costs they can afford.

I strongly urge approval of this amendment.

I thank the Senator from California very much for yielding to me.

Mr. CRANSTON. I thank the Senator very much for his constructive aid on the bill and for his stanch support.

Mr. PELL. Mr. President, I rise in support of Senator KENNEDY's perfecting amendment to Senator CRANSTON's amendment which would restore the 7-percent excise tax on automobiles next year and would funnel those funds into other modes of transportation.

Mr. President, in the Northeast Corridor we have had study upon study recommending improvements in rail passenger service. This past September, the Department of Transportation recommended the expenditure of $460 million for upgrading of roadbeds, purchase of new vehicles, and the improvement of terminals.

I think there is no doubt that in the Northeast Corridor any significant change or development of new highways is prohibitive because of lack of available land and community objections.

In our Northeast Corridor we can best aid the highway traveler by providing alternative rail passenger service which drains off the congestion on our interstate highways.

Consequently, I support this amendment to provide earmarking of a portion of the automobile excise tax for rail passenger improvements.

The PRESIDENT pro tempore. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself such time as I may require.

To me, Mr. President, this is an incredible amendment, incredible for a number of reasons. The distinguished ranking minority member of the committee has pointed out that if it actually were to be adopted, it would result in a tremendous surge in the manufacture and sale of automobiles during the period between now and January 1973.

Some, perhaps with tongue in cheek, have criticized the automobile excise tax repeal proposal of President Nixon as having something to do with the political fortunes of the junior Senator from Michigan.

I suppose, if that were really a factor, I should be wholeheartedly in favor of the amendment now being offered by the Senator from California, because surely there would be no unemployment in Michigan during the months ahead until January 1973 and automobile sales would certainly skyrocket.

However, what would happen after that might well be an economic disaster for my State and for other areas of the Nation.

There would be economic chaos if this incredible amendment of the Senator from California were to be adopted.

Mr. President, I think the amendment is incredible from another point of view. My senior colleague from Michigan, Mr. HART, has appropriately and accurately characterized the 7-percent excise tax on automobiles as a consumer sales tax. That is exactly what it is.

If we repeal the 7-percent excise tax on automobiles, as proposed by President Nixon, the consumer will benefit directly. If the amendment of the Senator from California were agreed to, and the auto excise tax were reinstated, then a sales tax upon the consumer would be reimposed, in effect beginning in January 1973. Frankly, I am appalled that Senators who regard themselves as liberals should choose this regressive way of raising revenues for a purpose, of course, which has nothing to do with the sale or the use of automobiles. As the Senator from Utah has said, we need mass transit, we need airports—and the need exists whether or not automobiles are sold.

The junior Senator from Michigan is very much in favor of mass transit development. He has voted for bills and amendments which have sought to advance programs in this area.

It would seem to me that the question now is, how shall we finance mass transit programs? Shall we do it through a very unfair and regressive kind of taxation by using a sales device that hits hardest at people in the lower income categories? Or shall we use the more progressive graduated income tax which is already available if the Congress wishes to raise more revenues?

I am amazed that Senators who regard themselves as liberals would even consider using a form of sales tax as the way to finance such costly programs as mass transit.

Beyond that, of course, the excise tax on automobiles is an unfair and discriminatory tax which should have been removed years ago. I should think that if the Senator from California believes that a sales tax or an excise tax is the appropriate way to raise revenue for such a laudable purpose as mass transit, then he would favor imposing the excise tax on manufactured products other than automobiles. I wonder if perhaps some of the products that are manufactured principally in the State of California might not be included and similarly taxed, in order that the whole burden would not fall on just one industry.

One of the principal reasons why President Nixon recommended repeal of the auto excise tax, as I understand it, related to his concern about our balance-of-trade situation. One reason why our trade balance has been deteriorating is that we have found it more and more difficult to sell American-made automobiles in the world market. We are finding it more and more difficult, not only because of the tariff and nontariff trade barriers of other countries, but also because, incredibly, our own country, unlike other countries, imposes, in effect, a 7-percent duty upon our own automobiles before we send them out of the country. After adding the 7-percent tax, we then try to sell them in the world market.

We do not do that to any other manufactured product we try to sell in the world market. We do not try to impose such a tax on refrigerators.

We do not impose such a tax on washing machines or anything else and then try to sell them in the world market.

In effect, through the excise tax we are imposing a tariff on ourselves with respect to the automobiles we seek to sell in the world market. No wonder we are having problems with the trade-balance picture.

Mr. President, as I have said, the auto excise tax is a highly discriminatory tax. It is a tax that should have been removed a long time ago. It has continued in effect, in large part, because many people have forgotten why the tax was imposed in the first place.

The auto excise tax was imposed in 1917. It was a temporary wartime tax, imposed to discourage the sales of automobiles so the automobile production facilities could be used to manufacture war materiel and for other war purposes.

In World War II, once again the tax that was primarily designed to discourage the sales of automobiles so that the production facilities could again be used to produce tanks and other war materiel.

During the Korean war and the Vietnamese war, perhaps the same justification for such a tax could be cited. However, now we are winding down and getting out of the war in Southeast Asia.

Mr. President, this is an incredible amendment. I cannot believe that the Senate would agree to it. I have great faith that the Senate will reject it.

Mr. CRANSTON. Mr. President, I yield to the Senator from Illinois such time as he may require.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I supported the Kennedy amendment, recognizing as he and the Senator from California do, that urban rail transportation corridors extend through communities which are rural and lie between major urban areas. These corridors, for example, include the routes between Chicago and Detroit and between Chicago and Kansas City.

It is certainly possible that the northeast corridor would be one of the principal beneficiaries of this amendment.

There should be plans to develop those corridors. But my State of Illinois, the State of Michigan and the State of California, and indeed all States would benefit from the amendment and the amendment offered to it by the Senator from Massachusetts.

The distinguished Senator from Michigan has announced that he is "amazed" and "appalled" at this "incredible" and "ridiculous" amendment. I will not resort to such adjectives. However, I would say this, that I and many others are, to say the least, surprised that this administration, or any other, would offer legislation which would make the production of more death-dealing, pollution-spewing automobiles for our congested highways and streets the Nation's No. 1 economic priority—and at the expense of other domestic needs, including transportation.

Many were surprised that this industry would be singled out for special treatment. That is exactly what has happened Congress has already faced up to the excise tax and has provided for its gradual repeal by 1972. One reason to repeal it now is to give certain consumers, those well off enough to buy automobiles, a break, and at the expense of other consumers purchasing other products.

The real purpose is to benefit one industry, the automobile industry. We recognize, as does the Senator from Michigan, that many other industries are dependent upon the automobile industry. That argues, as this amendment does, to suspend the excise tax on automobiles for 1 year. It would give relief to the automobile industry and provide a stimulus to the economy.

If the administration's rosy predictions about the consequences of the new Nixon economics come about, we will get the economy going. Next year the automobile industry will be in fine condition, and then this excise tax can be used to benefit industries all over the country. Manufacturers of mass transit equipment could, for example, benefit.

It is argued that the elimination of the excise tax on automobiles will stimulate car sales and, therefore, create more jobs. But mass transit funds would create jobs, too, and also help meet the need of people across the entire country for adequate mass transit facilities.

I am sorry that the distinguished Senator from Utah, the ranking minority member of the Committee on Finance, is not in the Chamber, because he valiantly, day in and day out, has fought one proposal after another to provide tax reductions. One amendment after another has been offered on the floor of the Senate to give relief to taxpayers, and one amendment after another he has, usually successfully opposed. He has argued effectively, and with alarm, about the adverse effect of these tax cuts, particularly tax cuts for people, as opposed to business. The Committee on Finance has already approved tax cuts of about $11.6 billion annually, most of them for business. On the floor of the Senate we have added to that sum another $5 billion in tax cuts. That means total annual tax of about $16.6 billion. That would not be so serious, but for the fact that it looks as if the Government will run a deficit for fiscal year 1972 of about $28 billion.

The distinguished Senator from Utah has joined us. I have made the point that we are running a $28 billion deficit for 1972, and that there were adopted in the Committee on Finance and on the floor of the Senate tax reductions that will cut taxes by about $16.6 billion annually. Now we come along with a modest proposal to stop decreasing the revenues of the Federal Government, after a 1-year suspension, for the sake of the economy and the automobile industry, and it is opposed.

Now that the Senator from Utah has returned to the Chamber, I should like to ask him a few questions.

Mr. BENNETT. I am sorry. I was temporarily away from the Chamber.

Mr. STEVENSON. I apologize for interrupting the Senator. I was just saying that the Senator has pointed out eloquently and oftentimes successfully how the Treasury—the budget—cannot take these repeated tax cuts. Here we are offering increased revenue after a suspension of the excise tax for 1 year, and the Senator opposes it.

My question to the Senator is simply: Where is the money going to come from? The administration estimates that the Federal Government should furnish $20 billion over the next 10 years for mass transit alone.

In addition, I am sure there are many communities in Utah, as there are in many other States, where more funds are needed for improved rail passenger service, whether it is through Amtrak or the development of urban corridors.

Where is the money to come from? I am sure the Senator from Utah has mayors and community leaders across his entire State who want additional funds for safe city streets, the repair and maintenance of city streets, and traffic signals. Such funds are available now under the highway trust fund, but in inadequate amounts. I think the Senator would agree.

He mentioned the authorization for the Airport Development Act. Enough funds are not available or authorized in the future for the improvement of our airports and for the relief of those who live in the proximity of airports and are subject to the noise of those airports.

Here we are giving up a source of roughly $2 billion a year. We have adopted tax cuts tentatively of $16.6 billion annually. The Government is running a $28 billion deficit for 1972.

Where is the money going to come from?

Mr. BENNETT. The Senator from Utah can point out, for instance, that since we began to debate this bill on the floor of the Senate we adopted an amendment allowing a tax credit of $2.2 billion for education. Let us eliminate that tax credit. That is one place the money can come from.

The Senator is saying we should wipe out the tax reductions on automobiles but must retain all the other tax reductions we have made. Actually, if the Senator's amendment should be agreed to the money would not go into the general fund. It would go into a special account, which Congress has resisted up to this time, for mass transit, for airport improvement, and for other purposes.

The Senator asks where the money is going to come from. Another possibility would be to reduce the $800 exemption to $750—the figure the House adopted—and pick up the $2 billion. Or, as I said, we could reverse our decision on the tax credit for education and pick up $2 billion.

In other words, I do not think we should say to ourselves that there is any difference on the effect of the general revenues between one proposed reduction and another. Actually, the problems that the Senator describes will have to be met, if they are met, out of the general revenues; and those problems will not be solved by saying we should reinstate this tax or that tax. I do not think it is wise to try to earmark this particular tax or that particular tax for a special purpose.

So I would just say to the Senator from Illinois that the final answer is, the money is going to come from the taxpayer, and generally it does not make too much difference what type of taxation we use to get it with respect to the particular dollar that is spent.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. GRIFFIN. I find myself in general agreement with the Senator from Utah on many points. But I would like to interpose some disagreement—

The PRESIDING OFFICER. The Senator from Illinois has the floor. Who yields time?

Mr. BENNETT. Mr. President, I will yield the Senator 3 minutes out of my time.

The PRESIDING OFFICER. Does the Senator from Illinois yield the floor?

Mr. STEVENSON. I yield the floor.

Mr. GRIFFIN. I think it makes a great deal of difference what kind of a tax is used—difference in terms of whom will bear the heaviest burden of the tax.

I wish to reemphasize a point I made before. The excise tax on automobiles is essentially a sales tax, and a sales tax is a very regressive, unfair tax in that it imposes a heavier burden, relatively speaking, on the lower income groups.

There was some reference earlier to the fact that the rich buy automobiles. Sure, the wealthy buy automobiles—but a great many more automobiles are sold to those who are not wealthy. Every family, with few exceptions, in our country buys automobiles. Indeed, the biggest item in the family budget is the family automobile. It is interesting that anyone who regards himself as a liberal would advocate use of a most regressive form of taxation—such as a sales tax—when the more progressive form of taxation, the graduated income tax, is available.

So, I would suggest that there is a very essential difference as to which kind of a tax is used.

Mr. BENNETT. I appreciate the comments and the point of view of the Senator from Michigan. He is correct that the regressive nature of the auto excise tax is one of the important reasons why we are getting rid of the tax.

Mr. GRIFFIN. We have taken it off other items.

Mr. BENNETT. We have taken it off everything except telephone service, and liquor and tobacco which has been subject to tax for a very long time.

Mr. President, I yield such time to the Senator from Arizona as he may desire.

Mr. FANNIN. Mr. President, I would like to ask the Senator from Illinois how this could be special relief when the automobile industry has been discriminated against by this tax for years, and the consumer has been paying this tax as a penalty for years, which has been a great disservice to the workingman.

I think he realizes, if we can refer to California, that because of our inability to compete in the automobile market, we have seen a tremendous increase in the number of automobiles coming into this country, small automobiles particularly. In fact, and perhaps the distinguished Senator from California knows more about this than I do, there is a factory that is going to be built in Canada by the Toyota Co. which is further going to complicate the problem.

I would remind him that this is a penalty that has been assessed against this particular industry, and not against other industries. We are not taking it off; we are just relieving them from that discrimination. In doing so, we are relieving the consumer, and not the manufacturer. This relief has to be passed on to the consumer. I do not think that is doing too much.

Mr. STEVENSON. I am sure the Senator does not mean that this is the only industry subject to an excise tax.

Mr. FANNIN. It is the only one that has been discriminated against all these years with an excise tax. It is the greatest industry that has been discriminated against.

Mr. STEVENSON. I do not doubt that the revenues from the excise tax on this product are the greatest, because the volume of production and sales in the industry are the greatest, but excise taxes apply to many products.

Mr. FANNIN. It was brought out by the Senator from Utah that there are other excise taxes.

Mr. BENNETT. Mr. President, if the Senator will yield, the only major Federal excise tax left, if the bill is passed, is the excise tax on telephones.

Mr. STEVENSON. Perhaps it is only a question of semantics, but may I ask what the taxes on alcohol and tobacco are if not excise taxes?

Mr. BENNETT. The Senator again needs correction. Since the beginning of the Nation we have had taxes on alcohol and tobacco, and they are so built into our pattern that we take them for granted. I take them for granted and forget them. I will admit that we still have excise taxes on tobacco and alcohol. They have been there for nearly 200 years. But practically the only modern excise tax that affects products or services which will remain after the bill passes is the tax on telephones. They were many more in World War II, and one by one we have taken them off, and we are now moving to take the excise tax on automobiles off.

Mr. FANNIN. I might point out that the taxes on alcohol and tobacco were designed to discourage the consumption of those particular products. So I think those taxes are in a completely different classification from what we are talking about. We are talking about the excise tax on automobiles.

How can it be said that the amendment will help offset the $5 billion-plus of revenue loss that the Senate has added to the bill? The amendment provides fully for the expenditure of the money saved by the amendment. So that is not a correct assumption.

I am sure that the problems in Chicago and other parts of Illinois are great. In fact, I am familiar with the Chicago bus authority and the problems it has had with the buses. I have seen the number of miles that those buses have traveled. Any encouragement to replace them would certainly assist insofar as environmental effects are concerned, and I believe that is a very important point. There is a very serious problem in the downtown area of Chicago, which I am sure the Senator recognizes. But the amendment would put in a deterrent—the excise tax which will remain—to the replacement of those vehicles, as well as automobiles and small trucks. That would not be good from the standpoint of the environment.

Insofar as the current year is concerned, this proposal would be fine. As a matter of fact, it would probably mean that there would be many more sales of cars and much more employment in the automobile industry in 1972 than would otherwise be the case. The administration has already estimated that this reduction will result in 600,000 additional domestic automobile sales and 150,000 additional jobs, not counting dealer employees. In a period such as this, this represents an important contribution toward lowering the level of unemployment.

The difficulty with the proposal is, however, that it will encourage individuals to purchase 1972 models instead of 1973 models. What we want to do is increase the total number of purchases, not merely move purchases up from 1973 to 1972. We do not want a Niagara of purchases in 1972 and a desert of purchases in 1973. That is exactly the kind of cyclical problem we are trying to avoid.

I would also like to point out that the number of cars on the road really is not dependent on whether there is a tax on automobiles. In the long run, the number of cars on the road will not be decreased by this proposal. Actually, this proposal simply means that there will be a smaller number of new cars and a larger number of old cars on the road. But that, however, does have important ramifications for the environment.

As the Senator well knows, old cars are the real polluters, and therefore, the amendment is counterproductive from the standpoint of improving the environment.

I also would say it is counterproductive from the standpoint of what is happening economically in this country. I do not know if the Senator is familiar with the U.S. balance of trade for selected products, and what is happening in this Nation of ours with the imbalance of trade, and has been happening over the past few years.

Imports of cars into the Senator from California's State have increased fantastically, having almost doubled in the last few years. Foreign car sales have now, I think, in the first 6 months of this year, reached about 35 percent of the total car sales, and as far as the total U.S. balance of trade for selected products is concerned, automobiles in fact represented a $2 billion deficit. I think this is vitally important, because it indicates that we are becoming less and less competitive in the world market.

The repeal provision, of course, would help as far as this industry is concerned. I feel that the Senator, in his proposal, is certainly being counterproductive to what we are trying to accomplish.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, I yield myself such time as I may require.

First, let me point out to the distinguished Senator from Arizona something that I do not believe we have made clear in our explanation of this amendment. It does not reimpose the excise tax on buses and/or agricultural haulers.

Mr. FANNIN. I realize that. It is very clear, as far as the equipment that is involved.

Mr. STEVENSON. Well, in response to the remarks of the Senator from Arizona and the Senator from Utah—and I do not have any desire, Mr. President, to extend this debate—let me just say that it has been suggested that this excise tax is different from other excise taxes, including the alcohol tax which goes back some 200 years to the origins of the Republic, as the Senator from Utah pointed out.

If there was not an excise tax on automobiles 200 years ago, it may have been because there were not any automobiles 200 years ago. Since then, of course, the automobile has arrived on the scene, and has become the single most serious offender against the environment.

Mr. FANNIN. Well, the Senator is answering his own question, then, because we did not have the problem that has been expressed by the Senator from Utah and the Senator from Michigan. This was put on as an emergency measure and a revenue measure. But as far as the liquor and tobacco taxes are concerned, that was not the case. The purpose of the liquor and tobacco taxes was to discourage the consumption of those products.

Mr. STEVENSON. Well, I hesitate to quarrel, but it has been my impression over the years that excise taxes have been intended to be revenue producing measures when adopted by Congress.

This tax is a substantial source of revenue. Congress has faced up to the fact that it should be, in an orderly way, repealed. Our amendment does nothing to interfere with the actions already taken by Congress. The excise tax would be phased out by 1982, as has already been decreed by Congress. Our amendment would simply provide that, after this 1-year suspension of the tax, the funds from that continuing source of revenue would be earmarked for transportation.

I think the Senator from Utah made the essential point. I asked him where the money was going to come from. We all admit the critical need for improved transportation services. A first-rate transportation system in the country might do more for the economy and for our competitive position in the world than almost any single thing that we could do. Other countries, like Japan, do more for transportation than the United States.

The point has been made that we can get the revenues which we all concede are needed, not only for mass transit but for improved airports, for improved living conditions in proximity to airports, for safer city streets, for our urban corridors, and for adequate rail passenger service. It is suggested by the Senator from Utah that those revenues, which by and large we all admit must be obtained, may be obtained by repealing the tax credit for education.

Mr. President, I think that makes the point. The Senator is implying that the production of more automobiles that would result from the repeal of the excise tax on automobiles, more automobiles for our crowded streets, more pollution-spewing automobiles, is more important than education. That is the basic difference between us.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. STEVENSON. I am glad to yield to the Senator from Utah.

Mr. BENNETT. I cannot imagine that my colleague would assume that in answering his question, I was stating my personal priorities. He asked me about other sources, and I indicated that there are other sources. It is unfair to now infer that because I mentioned it, I have stated that the manufacture of automobiles is more important than education.

Mr. STEVENSON. I am not making any assumptions at all. I asked the Senator where the money was going to come from, and he said we could repeal the tax credit for education.

Mr. BENNETT. I said we could get it from many sources, and I read the Senator the list of things in this bill that represent a $2 billion tax cut.

Mr. STEVENSON. Many sources except, apparently, a tax on the production of automobiles. I think that, Mr. President, is basically the difference. I do not want to increase taxes for individuals; I do not want to repeal tax credits for education; but I do recognize that the tax money has to come from somewhere, and say that the production of more pollution-spreading automobiles for our crowded streets should not be our highest economic priority.

The excise tax is a reasonable source of revenue. The revenue spent on public transportation is going to help the economy. An improved transportation system would help the economy. The expenditure of funds for improved transportation facilities, improved airports, safer city streets, and our urban transportation corridors would produce jobs and other benefits throughout the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I am prepared to yield back the remainder of our time, after just one moment, if the other side is prepared to do so.

I would like to clarify one point. The proponents of the measure have said several times that we are reimposing the 7-percent surtax. That will not be done. The tax, under the provision that provided for it, will go down. It would be reimposed at 6 percent under the amendment, would drop down to 5 percent after 2 years, and would taper off thereafter.

Mr. BENNETT. Mr. President, it was the Senator from Utah who called that to the attention of the Senator from California. I did not say we were reimposing a 7-percent excise tax. I said it was proposed to reimpose a tax that would go down to 6 percent.

Mr. CRANSTON. Perhaps it was the Senator from Michigan who referred to the reimposition of the 7-percent surtax. I was, of course, aware that it would go down, as my statements have indicated.

The Senator from Utah displayed an interest in California. I would like to point out that the citizens of Salt Lake City would perhaps benefit from this amendment also, since there is a $500,000 application for a bus transportation assistance program there. I do not know where that money is to come from, if we do not find some way, such as the method we are proposing, to get the money for transportation.

The President is presently withholding $200 million that was supposedly made available through our committee under the contract obligation procedure for road transit. That money is not being freed.

Mr. President, I am prepared to yield back my time, if no one else wishes to speak.

Mr. BENNETT. Mr. President, I yield myself 2 minutes, and then I will be prepared to yield back the remainder of my time.

The point I want to make again is the point I made in the beginning: We are going at this backwards. We should develop a program for these purposes, and then we should find ways to finance it. This amendment raises the money first and then says we hope the Secretary of Transportation can come up with a program.

Mr. President, I think this amendment is ill-timed. I think it is ill-prepared. As I said earlier, it transfers to the executive department a responsibility that belongs to Congress.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. GRIFFIN. Throughout the debate it has been assumed, or may have been assumed, by some, that the sale of new automobiles increases pollution. It should be taken into account in this debate, that by reason of legislation which this Congress has passed—legislation which has established very tough and strict pollution standards upon the automobile industry—the sale of new automobiles which, in turn, replace old automobiles, will actually result in a significant reduction in pollution. Of course, it is the old automobiles that are polluting the air. As new automobiles are sold and replace old automobiles, the air will be cleaner.

So we should not assume in this debate that the sale of new automobiles necessarily means more pollution.

Mr. BENNETT. I agree with the Senator from Michigan.

Mr. President, I am prepared to yield back the remainder of my time, if the other side is.

Mr. CRANSTON. I yield back the remainder of my time.

Mr. BENNETT. I yield back the time in opposition.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment, as modified.

Mr. BENNETT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS) and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay".

The result was announced—yeas 25, nays 64, as follows:

[No. 349 Leg.]

YEAS—25

Brooke
Byrd, Va.
Case
Church
Cranston
Eagleton
Fong
Fulbright
Gravel
Hatfield
Hollings
Hughes
Javits
Kennedy
Long
McGovern
Moss
Muskie
Packwood
Pell
Ribicoff
Stevenson
Tunney
Weicker
Williams

NAYS—64

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Eastland
Ellender
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
Metcalf
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—11

Allott
Bayh
Dole
Dominick
Ervin
Hruska
Mathias
McIntyre
Mundt
Saxbe
Scott

So Mr. CRANSTON'S amendment, as modified, was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1810) for the relief of Dorothy G. McCarty, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1866) for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Leonore D. Hanks, David E. Sleeper, and DeWitt John, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate.

H.R. 1966. An act for the relief of Helen Rose Botto;

H.R. 2714. An act for the relief of Mrs. Kayo N. Carvell;

H.R. 2792. An act for the relief of Juanita Savedia Varela;

H.R. 3093. An act for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 4319. An act for the relief of Josephine Dumpit;

H.R. 5179. An act for the relief of Soo Yong Kwak; and

H.R. 6506. An act for the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 306. An act for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes;

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender;

S. 629. An act for the relief of Chen-Pai Miao;

S. 708. An act for the relief of the village of Orleans, Vt.; and

S.J. Res. 132. Joint resolution extending the duration of copyright protection in certain cases.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1966. An act for the relief of Helen Rose Botto;

H.R. 2714. An act for the relief of Mrs. Kayo N. Carvell;

H.R. 2792. An act for the relief of Juanita Savedia Varela;

H.R. 3093. An act for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 4319. An act for the relief of Josephine Dumpit;

H.R. 5179. An act for the relief of Soo Young Kwak; and

H.R. 6506. An act for the relief of Mrs. Hind Nicholas Chaber, Georgette Hanna Chaber, Jeanette Hanna Chaber, and Violette Hanna Chaber.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 946.

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. Mr. President, yesterday, the Senate passed House Joint Resolution 946, the continuing resolution, with one amendment, changing the expiration date from the sine die adjournment of the first session of the 92d Congress, which had been proposed by the House of Representatives, to December 1, 1971.

The Senate amendment also set a ceiling on foreign economic and military assistance and sales at a figure of not to exceed the rate in the authorization bills which passed the Senate and the House of Representatives for foreign assistance, or at the current rate for fiscal year 1971, or the budget estimate for fiscal year 1972, whichever is the lower figure.

Last night, the House requested a conference with the Senate on this joint resolution.

I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. MCCLELLAN, Mr. PROXMIRE, Mr. INOUYE, Mr. YOUNG, Mrs. SMITH, and Mr. HRUSKA conferees on the part of the Senate.

REVENUE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate amendment No. 690, offered by the Senator from Oklahoma (Mr. HARRIS), which the clerk will now report.

The assistant legislative clerk read as follows:

On page 3 of table of contents, after section 702, insert the following:

"TITLE VIII—TO PROHIBIT CORPORATIONS FROM ENJOYING TAX DEDUCTIONS FOR ADVERTISING NOT DIRECTLY RELATED TO THE DISTRIBUTION OF A COMPANY'S GOODS AND SERVICES".

On page 209, line 14, insert the following:

"TITLE VIII—TO PROHIBIT CORPORATIONS FROM ENJOYING TAX DEDUCTIONS FOR ADVERTISING NOT DIRECTLY RELATED TO THE DISTRIBUTION OF A COMPANY'S GOODS AND SERVICES

"SEC. 801. Amend United States Code, title 26, scetion 162(e)(2)(B), to read: 'in connection with any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections, referendums, or any matter (except as otherwise provided in this section) not directly related to the distribution by the taxpayer of goods and services.'."

The PRESIDING OFFICER. There is a time limitation of 30 minutes on the amendment, 15 minutes to the side.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. BYRD of West Virginia. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Oklahoma may proceed.

Mr. HARRIS. Mr. President, the amendment would prohibit corporations from enjoying tax deductions for advertising that is not directly related to the distribution of the corporation's goods or services.

I have just picked up the current issue of Life magazine, dated November 19, 1971. In thumbing through the magazine—and one can do this with any magazine—I note here a huge double page ad that must have cost a considerable amount of money. The headline is: "No-fault auto insurance. If insurance companies are for it, shouldn't you be against it?"

The article says that if one wants to, he can contact the office of this insurance company, the Traveler's Insurance Co., and find out what they have to say about no-fault insurance. They say that they will tell anyone who calls what should be done.

Mr. President, I ask unanimous consent that the advertisement to which I have referred be printed in full at this point in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

NO-FAULT AUTO INSURANCE—IF INSURANCE COMPANIES ARE FOR IT, SHOULDN'T YOU BE AGAINST IT?

Some people say no-fault is the answer to all the auto insurance problems. Everything from the high costs to the length of time it can take to collect a claim.

Some people say no-fault is the answer to nothing.

Several states already have it.

Several more are considering making it law.

We happen to think that, while no-fault is a good place to begin, there are a great many more things that should be done.

However, knowing what you think of insurance companies—and knowing that some of you may find it a bit hard to believe that any insurance company could be for anything that could lower rates and make claims easier to collect—we'd like to do something better than give you our opinion.

We'd like to supply you with enough information to have your own opinion. (After all, it is your money that's at stake.)

So if you call or write The Travelers Office of Consumer Information, we'll send you out a simple explanation of no-fault. As unbiased as we can make it.

We'll tell you what major no-fault insurance plans have been passed or are being considered.

We'll tell you how the various plans are supposed to work.

We'll tell you what problems they could solve and what problems they can't possibly solve.

And, of course, we'll tell you what we think ought to be done.

Then you can make up your own mind. Before your state legislators make up theirs.

And if you have any less lofty questions on your mind—or any problems—our Office of Consumer Information will do its best to help you with them too.

Call toll-free weekdays, from 9 to 5 Eastern Time (800) 243-0191.

Call collect from Connecticut 277-6565.

Or you can write, if you prefer, to The Travelers Office of Consumer Information, One Tower Square, Hartford, Connecticut 06115.

THE TRAVELERS.

Mr. HARRIS. Members of my staff called Travelers. The ad carries the implication they are for no-fault insurance. Actually, they are against Federal no-fault insurance which would save people about $1 billion in premiums. They are also even against State no-fault insurance over $2,000. Losses over $2,000 should be insurable losses, according to Travelers.

The point is they were able to propagandize us by that ad, which is a tax-deductible business ad, paid for out of business expense.

I picked up Newsweek magazine dated November 15, 1971. This can be done with any magazine these days, it is becoming so prevalent. Here is an ad by Rockwell-Standard Co. that states we should disperse the population in this country. As it turns out, they have a good idea how that should be done. They say that only a good highway system can make population dispersal practical. I suppose that means as opposed to mass transit, or other forms of transportation, from which the public might choose.

The point is not their position on the issue. The point is that they were able to propagandize us on a public issue using the corporate business tax deduction.

The same thing is true with respect to United States Steel, when they tell us strip mining is not so bad; and the same thing is true about Standard Oil of New Jersey when they tell us how well they are cleaning up the air, and for us not to get excited about pollution.

Mr. President, I ask unanimous consent that the advertisement from Newsweek may be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

IF YOU WERE PLANNING A COUNTRY, YOU WOULD NOT CROWD 70 PERCENT OF THE PEOPLE INTO 2 PERCENT OF THE LAND—MAYBE WE OUGHT TO HAVE A PLAN

It's a fact. We're a nation blessed with over 3 million square miles and yet we jam, pack and squeeze 142 million people into just 74,000 square miles. That's only 2% of the land!

Think of the problems—health, mental health, crime, poverty, water and air pollution, drug addiction—that are so much a part of these crowded conditions.

The obvious answer is to develop a plan to spread jobs, opportunities and people around. First, we must have the leadership and backing that only the Federal government—and we, the people—can supply. Second, we need the cooperation and involvement of industry.

And third, we need our good highway system—only highway transportation can make population dispersal practical.

For a challenging look at the problems and opportunities of population dispersal, write the American Trucking Association, Inc., Dept. R-S, 1616 P St. N.W., Washington, D.C. 20036. As for the new booklet, "The Geography of Survival." It's the beginning of a plan.

ROCKWELL-STANDARD CO.

Mr. HARRIS. Mr. President, I wish to call the attention of Senators to the chart on the right in the rear of the Chamber. The Senator from Arkansas is looking at it now. It shows the permanent effect of President Nixon's tax bill as first proposed. Out of the total $9.4 billion tax cut proposed only $1.5 billion was to go to the average working man and woman. So when there is lobbying for that proposal it is lobbying for an antiworking man proposal and for a specific proposal that has billions of dollars of impact on the economy and the taxpayers. It mostly goes to big business, as we note from the chart and from the discussion that has taken place in this Chamber.

Later some of the President's close friends formed an organization called Citizens for a New Prosperity, which is one of President Nixon's campaign slogans, it seems. It takes a lot of nerve to talk about prosperity while we have 5.5 million people unemployed.

The point is they are not just talking about being against inflation. On the right in the rear of the Chamber we have a chart which states, "Fighting inflation is everyone's business." It goes on to state that President Nixon's tax program will create 500,000 new jobs and that we should be for it. That is wrong, in my view, but even if it were right, it is wrong for this group. Citizens for a New Prosperity, to be able to solicit business for contributions of $2,000 to $25,000, tax deductible money, and say "You can do this as a legitimate business expense," and, in effect, propagandize the taxpayers at their expense to vote for this tax bill that will give about $74 billion in tax cuts to big business over the next 10 years.

No wonder big business would want to spend tax deductible corporate funds to lobby for that and, in the process, for President Nixon's reelection. That is wrong.

My bill would provide if they want to run an ad in the newspapers talking about their products, the goods they produce and sell that would be a legitimate business expense, but that they cannot use deductible corporate funds to attempt to persuade the general public.

This has nothing to do with lobbying, but it does have to do with trying to persuade the general public on a general issue not related to the company's business, goods, and services. That should not be a tax deductible business corporate expense.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, as the proponent of the amendment has suggested, the heart of his amendment is contained in the words "not directly related to the distribution of a company's goods and services." That is a pretty stiff and complete prohibition. Under it a corporation could not announce that it is now 50 years old. It could not congratulate any person for a particular civic achievement. It could not even announce it was closing for the funeral of its president.

This attempt to hamstring corporations by denying them the right to use tax deductible money for any purpose except that which the Senator would interpret as being directly related to the distribution of its goods and services, is far too stringent. The law already prevents the use of these funds for influencing legislative matters, elections, or referendums.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG. Would this amendment make it a nondeductible item for a business concern at Christmas time to have an ad saying "Merry Christmas"?

Mr. BENNETT. It would.

Mr. LONG. Or, "Happy New Year"?

Mr. BENNETT. Anything not related to the sale of its product. Actually the initial example the Senator from Oklahoma started out with did involve a directly related expense. He cited an ad of an insurance company relating to no fault insurance. I cannot think of anything more directly related to the sale of insurance than a discussion of a new type insurance that may be made available.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. BENNETT. I yield.

Mr. LONG. Recently in Louisiana a war veteran returned. He had won the Medal of Honor and we were very proud of him. We had a day in honor of this young man. People took out ads in the newspapers saying, "Congratulations. Welcome home." Would that be tax deductible?

Mr. BENNETT. That would not be tax deductible. Nothing would be tax deductible that did not specifically relate to the "distribution of a company's goods and services."

Mr. LONG. Mr. President, will the Senator yield further?

Mr. BENNETT. I yield.

Mr. LONG. Suppose a business took out ads in a booklet published by the graduating youngsters of a high school. Businesses often take out ads congratulating the graduates of the class of 1971 in a little yearbook. That ad would not be deductible?

Mr. BENNETT. It would not be deductible. If a patriotic corporation decided to devote part of its advertising budget to urge people to buy U.S. savings bonds, that would not be deductible.

Mr. LONG. Or an ad for the Boy Scouts?

Mr. BENNETT. Or for the United Givers Fund.

Mr. HARRIS. Why should it be deductible?

Mr. BENNETT. In this arena in which public issues are debated, every other organization that could buy that kind of ad would buy it with tax-exempt money—the labor unions, the foundations, and the organizations that are put together attracting academicians or other groups.

The Senator is now saying to this important segment of American industry, "All your opponents can attack you with tax-free dollars but you may not respond in that manner. You must pay taxes on the dollars you use to respond in a debate that goes on in a community."

It seems to me that since we have carefully limited the use of corporate funds to influence political issues or political elections, a limitation, by the way, which does not apply to labor unions or foundations, on business advertising is most unwise. I think we are going much too far if we make it impossible for corporations to say, "Merry Christmas" or "Welcome home, Joe" or "Buy savings bonds" or "Join the Community Chest," and that is the effect of the amendment. It is an idea gone completely rampant, far beyond the level of rationality, and I hope the Senate will reject it.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Are amendments to the amendment in order at this time?

The PRESIDING OFFICER. They are not in order until all time on the amendment has expired or been yielded back.

Mr. GRIFFIN. And how much time remains on either side?

Mr. GRAVEL. Eight minutes to the proponents and 9 minutes to the opponents.

Mr. LONG. Mr. President, I yield myself 1 minute.

I am sure the Senator has the best of intentions, and I think I am in agreement with much of what he would like to achieve, but the amendment obviously has much that we do not want to do and existing law already contains much of what the Senator is trying to achieve.

Under the proposal a business concern could not even run an advertisement in a newspaper which showed a picture of Smokey the Bear and which said, "Keep Louisiana green. Do not start forest fires," because it did not relate directly to the distribution and sale of its goods. This proposal has a number of other problems that would have unintended results.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. It will force the Internal Revenue Service to look over every advertisement that every corporation publishes to see whether the expenses for it are deductible.

Mr. LONG. The Senator is a very able member of our committee——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 2 more minutes.

Ordinarily, I would think he would offer an amendment of this sort in the committee, so we would have a chance to study it and work refinements into it to help meet it objectively in a sound manner. The purpose of a committee of the Senate is to try to look at suggestions a Senator may make and to remove those facets that would reach unintended results and retain the parts that would bring about the intent of the Senator to the extent the committee is in agreement. There are all sorts of results involved here that I am sure the Senator does not intend should be reached, and that the public would not applaud for a moment.

I would think, under the circumstances, that the amendment should not be agreed to at this time. In due course the committee could look at suggestions along this line and perhaps recommend some parts that we think make good sense and not recommend those parts that would reach unintended results, and which I am sure the American people would not approve.

I yield to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I shall vote against the amendment. Of course, corporations may have one point of view and others may have another point of view. Labor unions are already exempted under the law.

We have heard much in recent weeks about the right to know under the first amendment. In this case, the amendment would prevent people from hearing all sides of a question. There might be issues between labor and management. There might be questions affecting a community, a State, or a country. I think this is a wrong step to take, because it is a step toward throttling of opinion and different views and contradicts the great lessons we have been learning in recent weeks and months about the first amendment.

I think the amendment should be voted down.

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, I am probably one of the few Members of this body that was ever engaged in a business that required extensive outlays for advertising. We who buy advertising look upon the expenditure as being up to our judgment. I tried to find an ad, but evidently they did not run one this week, of a great machine tool company, Warner and Swasey, in which that company rarely speaks about its fine products, but talks about America, about freedom, about the free enterprise system, about the need for better products and better work. Under the proposed amendment, that type of advertising would be prohibited.

I think the judgment of what an ad should contain is the prerogative of the man who is spending the money. We have watched labor unions come here or out of New York and take full-page ads in the New York Times and the Washington Post and tell us what to do on subjects that have absolutely no relation to labor or the working man.

I am reminded that a few years ago an effort was made, successfully, by the Sierra Club to block the construction of dams of the Grand Canyon for the central Arizona project. That advertising was made up of outlandish lies, but it was their money. I do not agree that lies should appear in advertising, but it was up to the people reading them to determine what was the truth and what was not the truth.

Under this amendment we are going to make it just impossible for companies or anybody else to support America, support the American Legion, support the Boy Scouts; we are going to make it impossible for the American advertising dollar to be spent on anything that is contrary to the wishes of the framers of the amendment.

I think I speak for every advertising person in this country when I say it is a bad amendment, it is a dangerous amendment, and it should never be considered.

Mr. LONG. Mr. President, I yield 1 minute to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, my distinguished senior colleague talked about the first amendment. One of the serious questions that bothers me about this proposal is that it states:

> To prohibit corporations from enjoying tax deductions for advertising not directly related to the distribution of a company's goods and services.

Let us take a television station, whose goods and services are to sell time on the air. Will its editorials be prohibited from taking a public position because, obviously, it take this time and at the end of the year deducts the cost of that time as a part of its cost of doing business? When it comes on television, it is not to sell time, but to say to the people of the community that they should give to the Community Chest. Is that not a public service to urge fundraising for the benefit of a community? Are we contravening the first amendment if that company exercises its right because it contributes that time and deducts it as a cost of doing business? Under this proposal, it is prohibited from extending that service to a community.

Mr. LONG. Mr. President, I yield my remaining time to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, when the time expires, if the pending amendment is not tabled, I intend to send to the desk a perfecting amendment to the pending amendment. And I wish to indicate that if my perfecting amendment should be adopted, I would then be for the amendment offered by the Senator from Oklahoma. I believe the amendment of the Senator from Oklahoma has a certain amount of merit, but it should be balanced. My perfecting amendment would add the following language:

> And likewise funds collected and used by any labor organization shall be subject to taxation if used in connection with any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections, referendums, or any matters not directly related to the representation of its members for purposes of collective bargaining.

For a long time there has been the serious problem that union dues collected from workers, who in many instances have been required to pay dues in order to work, have been used for purposes not related to collective bargaining. The workers' dues are often used on a tax-exempt basis to advertise for and against matters which have no direct relationship to their interest as workers.

I wonder if the Senator from Oklahoma would accept my perfecting amendment. If he would, then I would vote for his amendment.

Mr. HARRIS. Mr. President, I yield myself such time as I may require.

I certainly would not accept the amendment. It is an obvious attempt to kill this amendment, and to make it possible for a lot of big business people, as a tax deductible item, to support President Nixon's reelection and his anti-workingman program.

Mr. LONG. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes remaining. The Senator from Louisiana has no time remaining.

Mr. LONG. Mr. President, I move that the amendment be laid on the table.

The PRESIDING OFFICER. That motion is not in order until the Senator from Oklahoma either uses or yields back the remainder of his time.

Mr. HARRIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. HARRIS. Mr. President, may I just say this, in final summation of the arguments in support of this amendment: If you pick up any magazine these days, you will find, as I have with the two that I have put in the RECORD, that every issue contains advertisements where big corporate giants are using tax deductible corporate funds as a business expense to propagandize the taxpayers. The difference between that and the labor unions' situation, Mr. President, is that those of us who are taxed to do that for that corporation, as consumers and as taxpayers, do not get a chance to control that corporation. The members of the labor union can vote on its policies.

I am not talking about lobbying here; that is another matter which I think we ought to go into down the road somewhere. But the customers of the Travelers Insurance Co. do not get a chance to decide whether the Travelers Insurance Co. will use, in effect, their tax funds to propagandize them against no-fault insurance. The same is true of the Ford Motor Co. The Ford Motor Co. used corporate funds as a business deduction to buy advertisements telling us that air bags were not a good idea. I think they are wrong; but the issue is not whether or not they are wrong. If they want to propagandize us, they ought not to be able to use tax-deductible funds to do so.

This amendment does not provide that a corporation cannot buy advertisements to say what it wants to about no-fault insurance, or whatever. It just says the cost cannot be a tax-deductible expense. We intended, when we passed these tax laws, that the only expense connected with the sale of the goods or services or products of the corporation should be deductible.

The committee had already concluded its work and reported when we saw what was happening with this organization called Citizens for a New Prosperity. They are asking big business to make corporate contributions as business expense items to propagandize the public on the so-called new prosperity, the Nixon economic program, and his tax policies. I pointed to a specific advertisement by which big business that stands to reap $74 billion over the next 10 years in tax windfalls under this bill will use corporate funds to advertise and tell the public what a good deal that is for them.

That is wrong, Mr. President. Unlike members of labor unions, who can vote on union policies, or members of foundations, who can vote on policies, we consumers of the products of big business do not get a chance to vote on their policies. They ought to be able to advertise if they want to, but they ought not to ask us to help pay for such propagandizing.

Mr. President, I yield back the remainder of my time.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. If a motion to lay on the table is made and does not prevail, would an amendment to the pending amendment then be in order?

The PRESIDING OFFICER. It would be in order, before action on the amendment of the Senator from Oklahoma.

Mr. LONG. Mr. President, I move to lay the pending amendment on the table.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the motion of the Senator from Louisiana (Mr. LONG) to lay on the table the amendment of the Senator from Oklahoma (Mr. HARRIS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. McGEE), and the Senator from New Hampshire (Mr. McINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 68, nays 19, as follows:

[No. 350 Leg.]

YEAS—68

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Eagleton
Eastland
Ellender
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hatfield
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
Miller
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—19

Chiles
Fulbright
Gravel
Griffin
Harris
Hart
Hartke
Hollings
Hughes
Humphrey
Kennedy
Mansfield
McGovern
Metcalf
Mondale
Montoya
Nelson
Ribicoff
Stevenson

NOT VOTING—13

Allott
Bayh
Dole
Dominick
Ervin
Hruska
Inouye
Mathias
McGee
McIntyre
Mundt
Saxbe
Scott

So the motion to table was agreed to.

DEATH OF FORMER SENATOR J. HOWARD EDMONDSON OF OKLAHOMA

Mr. HARRIS. Mr. President, it is my sad duty to report to the Senate that this morning, my colleague Mr. BELLMON and I received word of the death of the Honorable J. Howard Edmondson, former Governor of Oklahoma and late a Member of this body.

My wife and I extend our deep sympathy and condolences to Mrs. Edmondson and the family.

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. EASTLAND. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2559.

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate the amendment of the House of Representatives to the bill (S. 2559) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans which was in line 10, after "title" insert ": *Provided*, That loans made under this section shall not be included in applying the $100,000,000 limitation in section 309(f)(1)".

Mr. EASTLAND. Mr. President, the bill, as passed by the Senate, authorizes the Farmers Home Administration to make emergency insured loans. These would be made from the agricultural credit insurance fund for resale to private investors. Under section 309(f) of the Consolidated Farmers Home Administration Act of 1961, there is a limit of $100 million on the amount of loans which can be made from the agricultural credit insurance fund and held for sale by the Secretary at any one time. With the additional loan volume provided for by the bill this limitation would be inadequate, particularly in the case of emergency loans where prompt action is needed. The Senate has already passed S. 1806, which would increase this limitation from $100 million to $500 million, but the House of Representatives has not as yet acted on S. 1806. The House amendment to S. 2559, therefore, would exempt the emergency loans provided for by it from the $100 million limitation.

Mr. President, I ask unanimous consent that background information relating to this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND—AGRICULTURAL CREDIT INSURANCE FUND ACTIVITY

1. The Agricultural Credit Insurance Fund is used to insure the following loans:

Program and 1971 volume

Farm ownership	$263,000
Soil and water	4,700
Recreation	2,700
Water and sewer systems	231,600
Grazing	7,000
Irrigation	400
Indian land acquisition	5,000
Total	514,400

2. Section 309(f)(1) of the Consolidated Act states that "The aggregate of the principal of such loans made (that is, loans made through the Fund) and not disposed of is not to exceed $100 million at any one time."

3. *Reason for the $100 million limitation:* The intent of this limit is to cause the Farmers Home Administration to insure and sell its loan paper in the shortest possible time (so as to transfer the financing of the program from government funds to private sector funds).

We are able to work with the $100 million limitation with the loan volume itemized above.

The emergency loan program would cause an additional flow of approximately $100 million through the account (FY volume $127 million; 1972 FY Estimated $140 million).

4. *Special Characteristics of Emergency Loans:* Under the emergency loan program we must be prepared to respond to need as it develops. That is: to make loans when they are needed and in the amounts needed. Characteristically, demand for emergency loans tends to be concentrated in a short period of time. This generates a heavy flow of loan paper and this extraordinary emergency loan volume added to regular loan volume being made outside the emergency area might cause the paper in the account to reach the limit. This would force us to discontinue new loan making until the excess paper is sold.

5. *Reason for exempting emergency loan paper from the limit:* It would not be consistent with Congressional intent in authorizing emergency loans to place an extraneous impediment in the way of prompt disbursement of loan funds.

Mr. EASTLAND. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 680

Mr. HARRIS. Mr. President, I call up my amendment No. 680 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment reads as follows:

In the table of contents, strike "Title V—Domestic International Sales Corporations", and insert in lieu thereof the following:

"TITLE V—TAXATION OF CONTROLLED FOREIGN CORPORATIONS

"Sec. 501. Undistributed earnings and profits of controlled foreign corporations taxed to United States shareholders.
"Sec. 502. Definition of controlled foreign corporation.
"Sec. 503. Definition of United States shareholder.
"Sec. 504. Amounts included in gross income of United States shareholders.
"Sec. 505. Exclusion from gross income of amounts received from previously taxed earnings and profits of controlled foreign corporations.
"Sec. 506. Adjustments to basis of stock in controlled foreign corporations and of other property.
"Sec. 507. Taxes deemed paid by corporate United States shareholders.
"Sec. 508. Special rules for foreign taxes paid in year of receipt of previously taxed earnings and profits of controlled foreign corporations.
"Sec. 509. Rules for determining ownership of stock.
"Sec. 510. Exceptions to application of section 367.
"Sec. 511. Controlled foreign corporation electing to be taxed on income from all sources.

On page 123, line 3, strike the following: and insert in lieu thereof the following:

"TITLE V—DOMESTIC INTERNATIONAL SALES CORPORATIONS"

"SEC. 501. UNDISTRIBUTED EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS TAXED TO UNITED STATES SHAREHOLDERS.

"The undistributed earnings and profits of a controlled foreign corporation shall be included in the gross income of its United States shareholders in the manner and to the extent set forth in this subpart.

"SEC. 502. DEFINITION OF CONTROLLED FOREIGN CORPORATION.

"(a) CONTROLLED FOREIGN CORPORATION.—For purposes of this subpart, the term 'controlled foreign corporation' means—

"(1) any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total values of shares of all classes of stock, is owned, directly or indirectly, by not more than 10 citizens or residents of the United States on any day during the annual accounting period of such foreign corporation; and

"(2) any foreign corporation which is created or organized after December 31, 1971, which is not a controlled foreign corporation within the meaning of paragraph (1), and of which 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or 10 percent or more of the total value of shares of all classes of stock, is owned, directly or indirectly, by one citizen or resident of the United States on any day during the annual accounting period of such foreign corporation.

"(b) CORPORATIONS ORGANIZED IN LESS DEVELOPED COUNTRIES.—

"(1) IN GENERAL.—For purposes of this subpart, the term 'controlled foreign corporation' does not include a corporation which is created or organized under the laws of a less developed country (as defined in paragraph (2) and which derives, for its annual accounting period, at least 80 percent of its gross income from sources within such country (determined with the application of subsection (d)).

"(2) LESS DEVELOPED COUNTRY.—For purposes of this subsection, the term 'less developed country' means (in respect of any foreign corporation) any foreign country (other than an area within the Sino-Soviet bloc), or any possession of the United States, with respect to which on the first day of the annual accounting period of such foreign corporation, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of this subpart. For purposes of the preceding sentence, an overseas territory, overseas department, overseas Province, or overseas possession may be treated as a separate country. No designation shall be made under this paragraph with respect to—

Australia
Austria
Bahamas
Belgium
Bermuda
Canada
Denmark
France
Germany (Federal Republic)
Hong Kong
Iceland
Ireland
Italy
Japan
Liechtenstein
Luxembourg
Monaco
Netherlands
Netherlands Antilles
New Zealand
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
United Kingdom
Union of South Africa
Yugoslavia

"(c) FOREIGN PERSONAL HOLDING COMPANIES.—For purposes of this subpart, the term 'controlled foreign corporation' does not include a corporation which for its annual accounting period is a foreign personal holding company (as defined in section 552).

"(d) SOURCES OF INCOME.—

"(1) IN GENERAL.—For purposes of subsection (b) and section 504(f)(2), the source of any item of gross income of or a foreign corporation shall be determined under regulations prescribed by the Secretary or his delegate, except that—

"(A) the items of income described in paragraph (2) shall be treated as income from sources outside the country under the laws of which such foreign corporation is created or organized; and

"(B) notwithstanding the provisions of paragraph (2), the items of income described in paragraph (3) shall, in the case of a foreign corporation created or organized under the laws of a less developed country, be treated as income from sources within such country.

"(2) Income treated as income from sources outside the country of incorporation.—The items of income referred to in paragraph (1) which shall be treated as income from sources outside the country under the laws of which a foreign corporation is created or organized are—

"(A) gains, profits, and income, computed in accordance with regulations prescribed by the Secretary or his delegate, derived from the sale of personal property which is not produced by the selling corporation and which is sold for ultimate use, consumption, or disposition outside the country under the laws of which such foreign corporation is created or organized;

"(B) commissions derived in connection with the sale of personal property which is sold for ultimate use, consumption, or disposition outside such country;

"(C) interest on bonds, notes or other interest-bearing obligations of individuals not residents of such country and of corporations not created or organized under the laws of such country;

"(D) amounts received as dividends from a corporation not created or organized under the laws of such country;

"(E) compensation for the rendition outside such country of technical, managerial, engineering, construction, scientific, or like services;

"(F) rentals or royalties from property located outside such country or from any interests in such property, including compensation for the use of, or for the privilege of using outside such country, patents, copyrights, secret processes and formulas, goodwill, trademarks, trade brands, franchises, and other like property (including rentals and like payments in respect of motion picture films or television tapes);

"(G) premiums on insurance or reinsurance to the extent paid to insure against risks outside such country; and

"(H) earnings derived from the operation outside such country of ships or aircraft.

"(3) Income treated as income from sources within a less developed country.—The items of income referred to in paragraph (1) which shall (notwithstanding the provisions of paragraph (2)) be treated, in the case of a foreign corporation created or organized under the laws of a less developed country, as income from sources within such country are—

"(A) gains, profits, and income, computed in accordance with regulations prescribed by the Secretary or his delegate, derived from the sale by such corporation of personal property produced by it in less developed countries, if at least 80 percent of the value of the assets of such corporation used in its trade or business are located in less developed countries;

"(B) gains, profits, and income, computed in accordance with regulations prescribed by the Secretary or his delegate, derived from the sale by such corporation of personal property produced in such country (whether or not produced by such corporation) from raw materials, components, or other products produced in such country, if at least 80 percent of the value of the assets of such corporation used in its trade or business are located in such country;

"(C) if such corporation is engaged in carrying on the banking business, interest on bonds, notes, or other interest-bearing obligations of individuals who are residents of less developed countries and of corporations created or organized under the laws of less developed countries, if at least 80 percent of the value of the assets of such corporation used in such business are located in less developed countries;

"(D) gains, profits, and income attributable to the operation of transmission lines, railroads, communication lines, buses, trucks, or aircraft within less developed countries, if at least 80 percent of the value of the assets of such corporation used in its trade or business are located in less developed countries; and

"(E) earnings derived from engineering and construction in less developed countries, if at least 80 percent of the value of the assets of such corporation used in its trade or business are located in less developed countries.

For purposes of subparagraph (A) of this paragraph and of subparagraph (A) of paragraph (2), a foreign corporation shall be treated as having produced personal property sold by it, only if the total cost of manufacture, production, fabrication, and processing of such property by the selling corporation, exceeds 125 percent of its cost of raw materials, components, and other products going into such manufacture, production, fabrication, or processing.

"(e) Annual Accounting Periods.—For purposes of this subpart, the annual accounting period of any foreign corporation is the annual period on the basis of which such foreign corporation regularly computes its income in keeping its books.

"(f) Cross Reference.—

"For rules for determining ownership of stock for purposes of subsection (a) of this section, see section 959.

"Sec. 503. Definition of United States Shareholder.

"(a) In General.—For purposes of this subpart, the term 'United States shareholder' means a citizen or resident of the United States who owns or is considered as owning (within the meaning of subsection (c)) stock of a controlled foreign corporation or of a corporation which would be a controlled foreign corporation but for section 502(b).

"(b) Exception.—With respect to a controlled foreign corporation as defined in section 502(a)(2), the term 'United States shareholder' does not include any citizen or resident of the United States who owns, directly or indirectly, less than 10 percent of the total combined voting power of all classes of stock entitled to vote of such corporation, and less than 10 percent of the total value of shares of all classes of stock of such corporation. In determining ownership of stock for purposes of this subsection, the rules of constructive ownership of section 509 shall apply.

"(c) Ownership of Stock of Controlled Foreign Corporation.—For purposes of subsection (a) and of section 504(a), a citizen or resident of the United States shall be considered as owning stock of a controlled foreign corporation (or of a corporation which would be a controlled foreign corporation but for section 502(b)) which he owns through one or more foreign corporations, foreign partnerships, or estates or trusts the gross income of which under this subtitle includes only income from sources within the United States. For purposes of the preceding sentence, stock owned, directly, or indirectly, by or for a foreign corporation, foreign partnership, or an estate or trust the gross income of which under this subtitle includes only income from sources within the United States shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

"(d) Citizen or Resident of the United States.—For the purposes of this subpart, the term 'citizen or resident of the United States' means—

"(1) an individual who is a citizen or resident of the United States,

"(2) a domestic corporation,

"(3) a domestic partnership, or

"(4) an estate or trust (other than an estate or trust the gross income of which under this subtitle includes only income from sources within the United States).

"Sec. 504. Amounts Included in Gross Income of United States Shareholders.

"(a) Undistributed Earnings and Profits.—If a foreign corporation is a controlled foreign corporation on any day of an annual accounting period beginning after December 31, 1971, every person who is a United States shareholder of such controlled foreign corporation on the last day in such period on which such foreign corporation was a controlled foreign corporation shall include in his gross income, for his taxable year in which or with which such period ends, that portion of the undistributed earnings and profits of such controlled foreign corporation for such period equal to the amount he would have received as a dividend if on such last day there had been distributed pro rata to its shareholders by the corporation an amount which bears the same ratio to the undistributed earnings and profits of the corporation for such period as the part of such period during which the corporation was a controlled foreign corporation bears to the entire period.

"(b) Certain Foreign Taxes Deemed Paid.—A United States shareholder which is a domestic corporation described in section 507 (a) or (b) shall, under regulations prescribed by the Secretary or his delegate, include in its gross income for the taxable year an amount equal to the taxes deemed paid by such corporation under section 507 for such taxable year.

"(c) Certain Loans.—If a foreign corporation which would be a controlled foreign corporation but for section 502(b) makes a loan to—

"(1) a controlled foreign corporation, or

"(2) a shareholder who is a citizen or resident of the United States,

owning, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock, in such foreign corporation, then the amount of the loan shall be treated as a distribution of property to such borrower by such foreign corporation with respect to stock owned by the borrower. In determining ownership of stock for purposes of this subsection, the rules of constructive ownership of section 509 shall apply.

"(d) Treatment as Dividends.—Any amount included in the gross income of a United States shareholder under subsection (a) or (b) for any taxable year shall, except for purposes of section 502 and except as provided in regulations prescribed by the Secretary or his delegate, be treated as an amount distributed as a dividend by the controlled foreign corporation to the United States shareholder on the last day of the annual accounting period of the controlled foreign corporation.

"(e) Earnings and Profits Not To Be Included Twice.—For purposes of subsection (a), the earnings and profits of a controlled foreign corporation for any annual accounting period shall, with respect to any United States shareholder, not include—

"(1) that portion of any distribution which is received by the controlled foreign corporation from another controlled foreign corporation (or from another foreign corporation which was a foreign controlled corporation) and which is paid from earnings and profits of such other corporation which for any prior taxable year were included in the gross income of the United States shareholder under section (a).

"(2) that portion of any distribution which is received by the controlled foreign corporation from another foreign corporation (whether or not a controlled foreign corporation) and which is attributable to a distribution by another controlled foreign corporation (or by another corporation which was a controlled foreign corporation) from earnings and profits of such other corporation which for any prior taxable year were, by reason of the application of section 503(c), included in the gross income of the United States shareholder under subsection (a), or

"(3) that portion of any amount received by the controlled foreign corporation (other than as a distribution described in paragraph (1) or (2)) which is attributable to a distribution by another controlled foreign corporation (or by another corporation which was a controlled foreign corporation) from earnings and profits of such other corporation which for any prior taxable year were, by reason of the application of section 503(c), included in the gross income of the United States shareholder under subsection (a).

"(f) Special Rule for 1968.—

"(1) In general.—Except as provided in paragraph (2), there shall be taken into account for purposes of subsection (a) only 50 percent of the undistributed earnings and profits of a controlled foreign corporation for its annual accounting period beginning in 1968.

"(2) Exception.—Paragraph (1) shall not apply to any controlled foreign corporation which for its annual accounting period beginning in 1968 derives more than 20 percent of its gross income from sources outside the country under the laws of which it is created or organized. For purposes of the preceding sentence—

"(A) the source of any item of income shall be determined under section 502(d), except that paragraph (3) of such section shall not apply, and

"(B) the following items of income shall (notwithstanding the provisions of section 502(d)(2)) be treated as income from sources within the country under the laws of which a controlled foreign corporation is created or organized:

"(i) gains, profits, and income, computed in accordance with regulations prescribed by the Secretary or his delegate, derived from the sale by such controlled foreign corporation of personal property;

"(ii) if such corporation is engaged in carrying on the banking business, interest on bonds, notes, or other interest-bearing obligations;

"(iii) gains, profits, and income attributable to the operation by such controlled foreign corporation of transmission lines, railroads, communication lines, buses, trucks, or aircraft; and

"(iv) earnings derived from engineering and construction by such controlled foreign corporation.

"Sec. 505. Exclusion From Gross Income of Amounts Received From Previously Taxed Earnings and Profits of Controlled Foreign Corporations.

"For purposes of this chapter, gross income does not include—

"(1) that portion of any distribution which is received by the taxpayer from a controlled foreign corporation (or from a foreign corporation which was a controlled foreign corporation) and which is paid from earnings and profits of such corporation which for any prior taxable year were included in the gross income of the taxpayer under section 504(a);

"(2) that portion of any distribution which is received by the taxpayer from a foreign corporation (whether or not a controlled foreign corporation or a corporation which was a controlled foreign corporation) and which is attributable to a distribution by a controlled foreign corporation (or by a foreign corporation which was a controlled foreign corporation) from earnings and profits of such corporation which for any prior taxable year were, by reason of the application of section 503(c), included in the gross income of the taxpayer under section 504(a); or

"(3) that portion of any amount which is received by the taxpayer (other than as a distribution described in paragraph (1) or (2)) and which is attributable to a distribution by a controlled foreign corporation (or by a foreign corporation which was a controlled foreign corporation) from earnings and profits of such corporation which for any prior taxable year were, by reason of the application of section 503(c), included in the gross income of the taxpayer under section 504(a).

For purposes of this chapter, that portion of any distribution excluded from gross income under paragraph (1) or (2) shall be treated by the taxpayer as a distribution which is not a dividend.

"Sec. 506. Adjustments to Basis of Stock in Controlled Foreign Corporations and of Other Property.

"(a) Increase in Basis.—Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which he is considered under section 953(c) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in the gross income of the shareholder under section 954(a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount is included in gross income in the return of the shareholder, increased or decreased by any adjustment of such amount in any redetermination of the shareholder's tax liability.

"(b) Reduction in Basis.—Under regulations prescribed by the Secretary or his delegate—

"(1) the basis of a United States shareholder's stock in a controlled foreign corporation (or the basis of a shareholder's stock in a foreign corporation which was a controlled foreign corporation) shall be reduced (but not below zero) by an amount equal to that portion of any distribution with respect to such stock received by him from such corporation which is excluded from gross income under section 505(1), and

"(2) the basis of property by reason of which a person is considered under section 503(c) as owning stock in a controlled foreign corporation (or the basis of property by reason of which a person was considered as owning stock of a foreign corporation which was a controlled foreign corporation) shall be reduced (but not below zero) by an amount equal to that portion of any distribution received by him with respect to such property which is excluded from gross income under section 505(2), or to that portion of any amount received by him with respect to such property which is excluded from gross income under section 505(3), as the case may be.

"Sec. 507. Taxes Deemed Paid by Corporate United States Shareholders.

"(a) Taxes Paid by Controlled Foreign Corporation.—Any United States shareholder which—

"(1) chooses the benefits of subpart A of this part for the taxable year,

"(2) is a domestic corporation which owns at least 10 percent of the voting stock of a controlled foreign corporation, and

"(3) includes in gross income for such taxable year under section 504(a) any portion of the undistributed earnings and profits of such controlled foreign corporation for its annual accounting period ending in or with such taxable year,

shall, for purposes of section 901 (relating to allowance of credit for taxes paid to foreign countries and possessions of the United States), be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such controlled foreign corporation to any foreign country or to any possession of the United States, on or with respect to the undistributed earnings and profits of such controlled foreign corporation for such annual accounting period, as the amount of such undistributed earnings and profits so included in gross income bears to the entire amount of such undistributed earnings and profits. For purposes of the preceding sentence, if such controlled foreign corporation owns 50 percent or more of the voting stock of another foreign corporation which is not a controlled foreign corporation and from which it receives dividends in such annual accounting period, such controlled foreign corporation shall be deemed to have paid an amount, determined under section 902(b), of income, war profits, or excess profits taxes paid by such other foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of such other foreign corporation from which such dividends were paid.

"(b) Taxes Paid by Controlled Foreign Subsidiary of Foreign Corporation.—A United States shareholder which—

"(1) chooses to have the benefits of subpart A of this part for the taxable year,

"(2) is a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation (whether or not a controlled foreign corporation) which owns 50 percent or more of the voting stock of a controlled foreign corporation, and

"(3) includes in gross income for such taxable year under section 504(a) any portion of the undistributed earnings and profits of such controlled foreign corporation for its annual accounting ending in or with such taxable year,

shall, for purposes of section 901, be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such controlled foreign corporation to any foreign country or to any possession of the United States, on or with respect to the undistributed earnings and profits of such controlled foreign corporation for such annual accounting period, as the amount of such undistributed earnings and profits so included in gross income bears to the entire amount of such undistributed earnings and profits.

"(c) Taxes Attributable to Undistributed Earnings and Profits.—For purposes of subsections (a) and (b), the income, war profits, and excess profits taxes paid or deemed paid to a foreign country or possession of the United States by a controlled foreign corporation on or with respect to undistributed earnings and profits for an annual accounting period shall be the same proportion of the total income, war profits, and excess profits taxes paid or deemed paid to such foreign country or possession of the United States for such period as the undistributed earnings and profits for such period bears to the total earnings and profits for such period.

"(d) Application With Section 902.—

"(1) Taxes deemed paid by domestic corporation.—In any case in which a domestic corporation receives a distribution from a foreign corporation, any portion of which is excluded from gross income under section 505 and is treated as a distribution which is not a dividend, the income, war profits, and excess profits taxes paid or deemed paid by such foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of such foreign corporation from which such distribution is made, shall not be taken into account for purposes of section 902 to the extent such taxes were deemed paid by such domestic corporation under subsection (a) or (b) for any prior taxable year.

"(2) Taxes paid by foreign corporation and not deemed paid by domestic corporation.—Any portion of a distribution from a foreign corporation received by a domestic corporation which is excluded from gross income under section 505(z) shall, notwithstanding the last sentence of section 505, be treated by the domestic corporation as a dividend for purposes of taking into account under section 902 any income, war profits, or excess profits taxes paid to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of such foreign corporation from which such distribution is made, which were not deemed paid by the domestic corporation under subsection (a) for any prior taxable year.

"Sec. 508. Special Rules for Foreign Taxes Paid in Year of Receipt of Previously Taxed Earnings and Profits of Controlled Foreign Corporations.

"(a) Increase in Section 904 Limitation.—In the case of any taxpayer who—

"(1) either (A) chose to have the benefits of subpart A of this part for a taxable year in which he was required under section 504(a) to include in his gross income any portion of the undistributed earnings and profits of a controlled foreign corporation, or (B) did not pay or accrue for such taxable year any income, war profits, or excess profits taxes to any foreign country or to any possession of the United States;

"(2) chooses to have the benefits of subpart A of this part for the taxable year in which he receives a distribution or amount which is excluded from gross income under section 505 and which is attributable to earnings and profits of the controlled foreign corporation which were included in his gross income for the taxable year referred to in paragraph (1); and

"(3) for the taxable year in which such distribution or amount is received, pays, or is deemed to have paid, or accrues income, war profits, or excess profits taxes to a foreign country or to any possession of the United States with respect to such distribution or amount;

the applicable limitation under section 904 for the taxable year in which such distribution or amount is received shall be increased as provided in subsection (b), but such increase shall not exceed the amount of such taxes paid, or deemed paid, or accrued with respect to such distribution or amount.

"(b) Amount of Increase.—The amount of increase of the applicable limitation under section 904(a) for the taxable year in which the distribution or amount referred to in subsection (a)(2) is received shall be an amount equal to—

"(1) the amount by which the applicable limitation under section 904(a) for the taxable year referred to in subsection (a)(1) was increased by reason of the inclusion in gross income of the amount of undistributed included under section 954(a) and the amount (if any) included in gross income under section 954(b) with respect to such amount included under section 954(a), reduced by

"(2) the amount of any income, war profits, and excess profits taxes paid, or deemed paid, or accrued to any foreign country or possession of the United States which were allowable as a credit under section 901 for such taxable year and which would not have been allowable but for the inclusion in gross income of the amounts described in paragraph (1) of this subsection.

"(c) Cases in Which Taxes Not To Be Allowed as Deduction.—In the case of any taxpayer who—

"(1) chose to have the benefits of subpart A of this part for a taxable year in which he was required under section 954(a) to include in his gross income any portion of the undistributed earnings and profits of a controlled foreign corporation; and

"(2) does not choose to have the benefits of subpart A of this part for the taxable year in which he receives a distribution or amount which is excluded from gross income under section 955 and which is attributable to earnings and profits of the controlled foreign corporation which were included in his gross income for the taxable year referred to in paragraph (1):

no deduction shall be allowed under section 164 for the taxable year in which such distribution or amount is received for any income, war profits, or excess profits taxes paid or accrued to any foreign country or to any possession of the United States on or with respect to such distribution or amount.

"Sec. 959. Rules for Determining Stock Ownership.

"(a) Constructive Ownership.—For purposes of section 952(a), section 953(b), section 954(c)—

"(1) Stock owned by foreign corporations, etc.—Stock owned, directly, or indirectly, by or for a foreign corporation, foreign partnership, or an estate or trust the gross income of which under this subtitle includes only income from sources within the United States shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

"(2) Family and partnership ownership.—An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family or by or for his partner. For purposes of this paragraph, the family of an individual includes only his brothers and sisters (whether by the whole or the half blood), spouse, ancestors, and lineal descendants.

"(3) Options.—If a person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

"(4) Stock owned by controlled domestic corporations.—A citizen or resident of the United States who is a shareholder of a domestic corporation which if it were a foreign corporation would be a controlled foreign corporation is defined in section 952 (a)(1) shall be considered as owning proportionately stock owned, directly or indirectly, by such domestic corporation. A citizen or resident of the United States who owns, directly or indirectly, 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or 10 percent or more of the total value of shares of all classes of stock, of a domestic corporation which if it were a foreign corporation would be a controlled foreign corporation as defined in section 952(a)(2) shall be considered as owning proportionately stock owned, directly or indirectly, by such domestic corporation.

"(5) Stock of foreign corporations controlled by other foreign corporations, etc.—A foreign corporation, foreign partnership, or an estate or trust the gross income of which under this subtitle includes only incomes from sources within the United States owning, directly or indirectly, more than 50 percent of the total voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock, of a foreign corporation shall be considered as owning all of the outstanding stock of such foreign corporation.

"(b) Application of Constructive Ownership Rules.—

"(1) Paragraphs (2), (3), and (4) of subsection (a) shall be applied for purposes of section 952(a) only if the effect of the application is to make a foreign corporation a controlled foreign corporation.

"(2) Stock constructively owned by a person by reason of the application of paragraph (1) or (3) of subsection (a) shall, for the purposes of applying paragraph (1) or (2) of subsection (a), be treated as actually owned by such person; but stock constructively owned by an individual by reason of the application of paragraph (2) of subsection (a) shall not be treated as owned by him for purposes of again applying such paragraph in order to make another person the constructive owner of such stock.

"(3) If stock may be considered as owned by an individual under either paragraph (2) or (3) of subsection (a) it shall be considered as owned by him under paragraph (3).

"Sec. 960. Exceptions to Applications of Section 367.

"(a) Certain Exchanges Involving Corporations in Less Developed Countries.—If, within three years after December 31, 1967, a controlled foreign corporation transfers assets to a corporation described in section 952 (b)(1) (relating to certain corporations organized in less developed countries), or distributes stock in a corporation described in such section, then in determining the extent to which gain shall be recognized on any such transfer or distribution, the provision of section 367 (relating to foreign corporations) shall not apply.

"(b) Liquidation of Certain Foreign Subsidiaries.—In the case of the receipt by a domestic corporation of property distributed in complete liquidation of a controlled foreign corporation, section 367 shall not apply in determining whether section 332 applies, if such domestic corporation includes in gross income as a dividend the entire amount of the accumulated earnings and profits immediately before such distribution of such controlled foreign corporation which had not been included in the gross income of the domestic corporation under section 954(a) for any prior taxable year as a United States shareholder of such controlled foreign corporation or of any other controlled foreign corporation.

"Sec. 961. Controlled Foreign Corporations Electing To Be Taxed on Income From All Sources

"(a) Election.—Any controlled foreign corporation (other than a life insurance company, as defined in section 801) may elect, in accordance with the provisions of this section, to be taxed on income from sources within and without the United States.

"(b) When and How Made.—An election under subsection (a) may be made by a controlled foreign corporation for any annual accounting period at any time during the first month of such period or at any time during the month preceding such month. Such election shall be made in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) Years for Which Effective.—

"(1) In general.—An election made under subsection (a) by a controlled foreign corporation shall be effective for the annual accounting period of such corporation for which it is made and for each succeeding annual accounting period for which it is a controlled foreign corporation. Such election may be revoked only with the consent of the Secretary or his delegate.

"(2) Termination.—An election made under subsection (a) by a controlled foreign corporation—

"(A) shall cease to be effective commencing with any annual accounting period for which such corporation is not a controlled foreign corporation;

"(B) shall cease to be effective commencing with the annual accounting period for which a revocation of such election is effective; and

"(C) may be terminated by the Secretary or his delegate commencing with any accounting period with respect to which such corporation fails to comply with the regulations prescribed under this section.

"(3) Election after termination.—If a controlled foreign corporation has made an election under subsection (a) and such election has ceased to be effective, or has been terminated, under paragraph (2) of this subsection, such corporation may make a new election under subsection (a) only if the Secretary or his delegate consents to such new election.

"(d) Effect of Election.—If a controlled foreign corporation makes an election under subsection (a)—

"(1) such corporation shall be subject to the taxes imposed by this chapter on its taxable income (computed as provided in this section and in regulations prescribed under this section);

"(2) subpart B of part II of this subchapter shall not apply to such corporation; and

"(3) section 954 of this subpart shall not apply to shareholders of such corporation; for any annual accounting period of the corporation with respect to which such election is effective.

"(e) Gross Income.—The gross income of a controlled foreign corporation which has made an election under subsection (a) shall include gross income from sources within the United States and without the United States.

"(f) Taxable Income.—

"(1) In general.—Except as provided in paragraphs (2), (3), and (4), the taxable income of a controlled foreign corporation for an annual accounting period for which an election made under subsection (a) is in effect shall be determined under regulations prescribed by the Secretary or his delegate. Any such regulation—

"(A) shall apply for any such period only if it has been prescribed prior to the first day of such period; and

"(B) may provide that any provision of this title (other than this section) shall not apply, or that any such provision shall apply only in part, in determining the taxable income of controlled foreign corporations making elections under subsection (a).

"(2) Carrybacks and carryovers.—In determining the taxable income and computing the income tax liability of a controlled foreign corporation which has made an election under subsection (a), the provisions of sections 172 (relating to net operating loss deduction), 904(d) (relating to carryback and carryover of excess foreign tax paid), and 1212 (relating to capital loss carryover) shall apply, except that any net operating loss incurred, any tax paid, or any capital loss incurred to certain foreign corporations) is amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following new subsection:

"(e) Certain Controlled Foreign Corporations Treated as Domestic Corporations.—For purposes of this section, a controlled foreign corporation shall, with respect to any annual accounting period for which an election made under section 961(a) by such corporation is in effect, be treated as a domestic corporation, but only with respect to any foreign corporation which it controls within the meaning of subsection (d)(1)."

(c) Clerical Amendments.—

(1) Section 367 (relating to foreign corporations) is amended by adding at the end thereof the following new subsection:

Cross Reference.—

"For exceptions to the application of this section in the case of certain exchanges involving corporations in less developed countries and liquidations of controlled foreign corporations, see section 960."

(2) Section 901(a) (relating to foreign tax credit) is amended by striking out "960" and inserting in lieu thereof "957".

(3) Section 902(e)(2) is amended by striking out "960" and inserting in lieu thereof "957(d)(1)".

(4) Section 904(g)(1) is amended by striking out "960(b)" and inserting in lieu thereof "958".

(5) The table of subparts for part III of subchapter N of chapter 1 is amended by striking out "Subpart G. Export trade corporations."

(6) Section 1016(a)(20) (relating to adjustments to basis) is amended by striking out "961" and inserting in lieu thereof "956".

(7) Section 6038(b) (relating to effect of failure to furnish certain informtion) is amended by striking out "960" each place it appears and inserting in lieu thereof "957".

(d) Effective Date.—The amendments made by this section shall apply with respect to annual accounting periods of foreign corporations beginning after December 31, 1971, and to taxable years within which or with which such annual accounting periods end.

"(i) Cross References.—

"(1) For allowances of deduction with respect to dividends received from a controlled foreign corporation from earnings and profits accumulated during an annual accounting period for which an election under subsection (a) is in effect, see section 243(d).

"(2) For allowance of foreign tax credit to a controlled foreign corporation for an annual accounting period for which an election under subsection (a) is in effect, see section 901(e).

"(3) For information required of a controlled foreign corporation for an annual accounting period for which an election under subsection (a) is in effect, see section 6038."

(b) Technical Amendments.—

(1) Section 243(d) (relating to deduction for certain dividends from foreign corporations) is amended to read as follows:

"(d) Certain Dividends From Foreign Corporations.—For purposes of subsections (a) and (b) of this section and for purposes of section 245, any dividend from a foreign corporation from earnings and profits accumulated—

"(1) by a domestic corporation during a period with respect to which such domestic corporation was subject to taxation under this chapter (or corresponding provisions of prior law), or

"(2) by such foreign corporation during an annual accounting period with respect to which an election made under section 961(a) by such foreign corporation was in effect,

shall be treated as a dividend from a domestic corporation which is subject to taxation under this chapter. The preceding sentence shall not apply to the extent such dividend is from earnings and profits attributable, under regulations prescribed by the Secretary or his delegate, to income allowed as a deduction under section 961(f)(4)."

(2) Section 901 (relating to foreign tax credit) is amended by redesignating subsection (f) as (g), and by inserting after subsection (c) the following new subsection:

"(e) Foreign Corporations Treated as Domestic.—For purposes of this subpart (except for purposes of applying section 902(b)), a controlled foreign corporation shall, with respect to any annual accounting period for which an election made under section 961(a) by such corporation is in effect, be treated as a domestic corporation, except to the extent dividends, accumulated profits, and taxes of such corporation are attributable, under regulations prescribed by the Secretary or his delegate, to income allowed as a deduction under section 961(f)(4). For purposes of applying the preceding sentence to section 902(a), such controlled foreign corporation shall be treated as a domestic corporation only with respect to a foreign corporation which is not a controlled foreign corporation and 50 percent or more of the voting stock of which is owned by such controlled foreign corporation."

(3) Section 6038 (relating to information with respect for any annual accounting period prior to the first annual accounting period for which the first election made by such corporation under subsection (a) is effective shall not be taken into account. For purposes of applying such sections for an annual accounting period for which an election made by a controlled foreign corporation under subsection (a) is in effect (whether or not such election is the first election made by such corporation)—

"(A) each annual accounting period of such corporation commencing with the first accounting period for which the first election by such corporation was effective shall be treated as an annual accounting period for which an election made under subsection (a) is in effect, and

"(B) no annual accounting period prior to such first period shall be taken into account.

"(3) Percentage depletion.—In determining the taxable income of a controlled foreign corporation which has made an election under subsection (a), the deduction provided by section 613 (relating to percentage depletion) shall not apply.

"(4) Annual accounting periods beginning in 1968.—In the case of a controlled foreign corporation to which section 954(f)(1) applies and which has made an election under subsection (a) for its annual accounting period beginning in 1968, there shall be allowed as a deduction in computing its taxable income for such period an amount equal to 50 percent of its taxable income (computed without regard to this sentence) from sources without the United States (but not in excess of its entire taxable income).

"(g) Consolidated Returns.—Paragraph (3) of section 1504(b) (excluding foreign corporations from definition of includable corporation) shall not apply to any controlled foreign corporation for any accounting period for which an election made under subsection (a) is in effect.

"(h) Regulations.—The Secretary or his delegate shall prescribe such regulations as he may deem necessary in order that the income tax liability of any controlled foreign corporation which makes an election under subsection (a) and of each United States shareholder of such corporation, both during and after the annual accounting periods for which an election is in effect, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the income tax liability of such corporation and each such shareholder and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

Mr. HARRIS. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, this amendment would delete the provision to permit the creation of the Domestic International Sales Corporation—DISC. In its place it would substitute provisions to end, as DISC does not, the special and unwarranted tax advantages now enjoyed by U.S. firms operating overseas.

In DISC we find much of what is wrong with the American tax code. Like existing loopholes, it is a proposal that over time will instill an even greater sense of unfairness and ill will among taxpayers. Over time it will represent another step toward wider scale efforts at tax evasion.

On virtually every count it fails the test of good taxation. Its economic effects are uncertain even to officials who must defend it. Its revenue effects are unfair to the majority of taxpayers who will not benefit from it. Its technical provisions are unclear to those who must administer it.

It is even inconsistent with the rest of the President's economic program. In looking through its provisions, one has the distinct impression that in the panic to provide some emergency program in mid-August to replace the President's failing economic program, harassed bureaucrats late at night cleaned out their files. Since no one in the White House could understand the proposal, it was decided not to strike it.

Meanwhile, a number of eminent tax experts and economists have come forward with irrefutable arguments against this totally unnecessary giveaway. And today I urge the Congress to study this measure carefully enough to understand why it must be voted down decisively.

There are, in effect three principal reasons to defeat the DISC. They are briefly that it is unworkable, unfair, and undesirable.

UNWORKABLE

It is unworkable because of other steps being taken by the administration to boost U.S. exports.

The primary reason why the United States trade position has suffered is not the lack of a DISC but basic maladjustment in the relationship of the dollar to foreign currencies. The President's new economic policy recognizes this central fact and takes direct steps to deal with it. Thus the United States severed the link between the dollar and gold and forced a realinement of foreign currencies by floating the dollar.

The next measure is formal negotiation of new parities. But this is precisely why the DISC is unworkable.

In reaching a new parity level with the U.S. dollar, other nations will insist on taking into account the DISC and other trade gimmicks, which are as much a feature of the trade landscape as high tariffs, restrictive quotas or misalined price ratios. Without such gimmicks, the parity level the United States can persuade other nations to accept will, other things being equal, be higher. But with gimmicks such as the DISC, the level they accept will be lower.

There is another point. In trade negotiations, foreigners will always claim that the DISC is worth more than it really is. They will press the United States to accept a lower parity level for their currency than is really justified. Since no one can explain the final effect of the DISC, the U.S. bargaining position is of necessity weak.

In brief, there is not the slightest chance that the DISC will increase the level of U.S. exports. Whatever gain we might derive from such a system—and it would be minimal at a very high cost in tax fairness—other nations would immediately offset by refusing to revalue their currency as much as we would like.

UNFAIR

The DISC is unfair. It benefits a handful of companies which already are assured enormous gains because of future changes in the exchange rate.

I am fully persuaded that the American people would demand that the Congress decisively reject the DISC if more of us understood the basic economic fact that any devaluation of the dollar is equivalent to a large and open subsidy to exporters.

For what does devaluation mean? It means that, while the rest of us agree to pay foreigners more for imported goods, our exporters earn more not because of any effort on their part but simply because the dollar is devalued relative to other currencies.

A devaluation may be necessary. If a nation cannot pay its way abroad, it has no choice but to devalue. But before we pass out additional subsidies, we should clearly understand which part of the economy benefits from the original action of devaluation.

In the U.S. economy, it is a very small sector. A handful of giant companies, around 100, account for approximately 50 percent of U.S. exports. It is these companies which will receive the export subsidy, worth billions of dollars, caused by the U.S. devaluation.

I contend that, when we are already giving these few companies so much, it makes no sense to provide them with even more by creating the DISC.

As approved by the Senate Finance Committee, the DISC when fully operative will benefit U.S. exporters by about $400 million each year. This revenue loss to the U.S. Government will occur even if the DISC does not stimulate one additional dollar in exports. The reason is that, although the administration does not like to emphasize this, DISC advantages apply to existing exports as well as any increase.

I cannot imagine a tax measure more poorly conceived.

UNDESIRABLE

The DISC is undesirable on other counts.

An extraordinary complex measure, the DISC has no counterpart elsewhere in the world. But to the degree that it was effective, we can be certain that it would be copied. In that event whatever benefit the U.S. economy derived would be offset. Experience in the Fifties and Sixties has demonstrated that trade gimmicks are quickly copied.

A major departure in U.S. tax practice, the DISC has not received adequate study. The Treasury has not come up with a single study of DISC. The only available study, performed by the Congressional Joint Committee on Internal Revenue Taxation, raises serious questions concerning its desirability. The President's Commission on International Trade and Investment Policy refused to recommend DISC in its recent report.

A new loophole, the DISC does nothing about the root cause of the problem. Secretary Connally has contended that DISC is necessary in order to make it "as attractive from a tax standpoint for U.S. companies to produce goods in the United States for export to world markets as it is for them to build their factories in foreign countries and produce abroad." He was referring to the fact that profits made by foreign subsidiaries of U.S. firms are not presently taxed unless and until paid out as dividends to the U.S. parent company.

But his statement amounts to the extraordinary contention that we need a new tax loophole in order to correct damage caused by a loophole already in existence. It apparently never occurred to the administration to close the existing loophole, and we may guess why. Giant corporations which benefit from the existing loophole and now export U.S. jobs would object.

CONCLUSION

It is imperative, then, that the Senate defeat this poorly thought out proposal. In its place it should adopt tax measures which truly deal with the problem of exported jobs.

In 1962 the Kennedy administration proposed legislation which would tax each year American corporations on their current share of the undistributed profits realized in that year by subsidiary corporations in developed countries. Unfortunately, under pressure by the giant multinational corporations, the Congress approved this measure only in part. It restricted its scope to so-called tax havens.

It is time, not simply to act against the most outrageous tax abuses found in tax "havens," but unfair tax shelters of any kind. We must end totally unnecessary and artificial inducements to U.S. firms to locate abroad.

Today I am introducing an amendment which would correct the mistake made by the Congress in the early sixties. An exception is made for certain operations in less developed countries.

This comprehensive legislation applies to "controlled foreign corporations" which meet the following criteria:

First, any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock, is owned, directly or indirectly, by not more than 10 citizens or residents of the United States on any day during the annual accounting period of such foreign corporation; and

Second, any foreign corporation which is created or organized after December 31, 1971, which is not a controlled foreign corporation within the meaning of the first paragraph, and of which 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or 10 percent or more of the total value of shares of all classes of stock, is owned, directly or indirectly, by one citizen or resident of the United States on any day during the annual accounting period of such foreign corporation.

Over the years since 1962 this legislation has repeatedly been introduced and repeatedly defeated by the combined pressure of the giant corporations. It is time that the Congress assess the damage which their unjustified tax advantages abroad are inflicting on the American worker. It is time to stop caving in to a few and consider the interests of the majority of the country.

Mr. President, if a firm had a subsidiary in Oklahoma or Indiana, they would be taxed upon undistributed profits.

However, if that company had a subsidiary in Rome or in London, the tax can be deferred. The effect is to give inducements to industry to locate their plants abroad.

We should stop that and not give a subsidy to businesses that we hope will export more, but that we actually do not have any idea will do so. We should cut out the subsidy that is now inducing industry to move elsewhere and manufacture their goods.

Mr. LONG. Mr. President, I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Oklahoma (Mr. HARRIS). I have no doubt concerning the good intentions of the Senator's proposal. We are all interested in protecting the revenue of the U.S. Treasury. And we are all interested in preserving jobs in the United States.

This provision, first placed in the bill in the House and later approved by the Senate Finance Committee, does that very thing. For all practical purposes, we can only tax that income that comes into the United States that is earned here. It would be nice, of course, if we could increase our coffers by taxing the activities that took place in a far removed foreign country where none of the profits ever touched the United States.

As a result, if a concern in the United States wants to go into a foreign market—it might be Canada—they can move their factories to Canada. They can establish their business in Canada. That concern pays the Canadian taxes. But even though it is owned in the United States, we do not tax the income until it is returned to the United States, and that is for a very practical reason. We cannot very well do otherwise.

The DISC proposal which the Senator from Oklahoma would strike out is a method whereby we can keep the factory in the United States, segregate its activities relating to exports, and have, in general, the same tax consequences that we would have if the factory were moved outside of the United States to Canada, for example. In other words, the DISC proposal—which means Domestic International Sales Corporation—is offered here in order to make it possible that American companies can keep their payrolls in the United States and have the same tax consequences as if they were to remove those payrolls from the United States and have the entire operations abroad.

Mr. President, in substance this proposal provides that a company can create a domestic international sales corporation that is separated for tax accounting purposes from all their other operations. And they can transact their business in this country and export their products. The jobs remain in the United States. That tax is deferred to that separate entity created. There is a tax deferral there.

The Senate Finance Committee wrote a further provision into this title, and in order to get the advantage of this tax deferral, the money must be spent for the building and expanding of new plants in America. That is the sole idea of it.

DISC

The Senate Finance Committee bill contains a provision of major importance in keeping jobs in the United States—the provision for creation of domestic international sales corporations, or DISC's. The purpose of this legislation is to correct a distortion in our tax structure which encourages our companies to manufacture abroad for foreign markets. It eliminates this encouragement by providing an incentive for U.S. companies to continue manufacturing in the United States for export, thus preserving and creating jobs at home. In doing so, it stimulates U.S. exports in a manner entirely consistent with our international obligations and treaties.

A DISC is a United States corporation entitled to defer tax on one-half of its export sales income. These domestic corporations will ordinarily be organized as sales subsidiaries of U.S. companies, but they may be organized by any U.S. taxpayer or group of taxpayers engaged in export sales. To obtain the favorable tax treatment, 95 percent or more of their gross receipts must be from export sales and 95 percent or more of their assets must be used for export selling and related purposes. The benefits are carefully confined to insure that the beneficial treatment will be limited to export sales.

Further export stimulation is assured by a rule permitting a DISC to retain its tax-deferred income only if it reinvests that income in qualified export assets, or lends to U.S. producers engaged in export production.

Thus, as I have said, the DISC is primarily designed to create jobs. It will do so by stimulating exports of U.S.-produced goods, and thereby reduce the export of U.S. jobs. The DISC will do so by helping to offset the effect of foreign export incentives which reduce the ability of our exports to compete in third country markets and which encourage U.S. manufacturers to establish plants abroad to take advantage of those incentives. The DISC proposal will remove a real impediment to maintaining and expanding facilities in the United States for export production.

The DISC approach is trade expanding rather than contracting through tariffs or quotas. It is a positive inducement to private action rather than an additional form of Government-imposed limits or controls on U.S. business. It will be effective as soon as it is passed in persuading companies to maintain and increase their export sales, thus preserving and creating employment in the United States.

The Committee on Finance made three substantial changes in the DISC proposal as introduced by the Treasury. First, it limited the DISC rules to a period of 10 years to insure that Congress reexamines the functioning of this change in our tax laws. If DISC proves as valuable to our exports as expected, then the President, at that time, may request its extension.

Second, the committee reduced the amount of income entitled to deferral to one-half of the DISC's income. This was a substitute for the complexities and inequities of the so-called incremental approach the House adopted in approving DISC. Finally, the bill now contains provisions making it largely impossible for the tax-deferred income of a DISC to be used to invest in foreign subsidiaries.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

I understand the Senator from Oklahoma wants to request the yeas and nays on the amendment.

Mr. CURTIS. I yield.

Mr. HARRIS. I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. CURTIS. Mr. President, as reported by the committee, the benefits available to DISC's are reduced from the Treasury's original proposal, and there are more safeguards to assure that these benefits are used to stimulate exports. A 10-year life for the DISC is sufficiently beneficial to induce U.S. businessmen to take advantage of it. Any lesser duration would not be sufficient. By the same token, a further reduction in the percentage of income eligible for DISC treatment would make the DISC so unattractive, compared with operating under the generous tax incentive provisions of foreign countries. Therefore, I urge that you pass this legislation as reported by the Senate Finance Committee. The substitute language will not really enhance the Federal Treasury.

Mr. President, I ask that the remainder of the time that I had yielded to me be returned to the use of the Senator from Utah.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time does the Senator suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, the distinguished Senator from Nebraska made it very clear that this country will receive tremendous advantages from the DISC program. The Treasury Department has presented ample material to show that there will be a substantial increase in exports due to DISC of $1.5 to $2.5 billion a year.

But what is also very important is what would happen if we followed the recommendation of the Senator from Oklahoma for taxing foreign subsidiaries of U.S. companies. First, taxing them currently, as the Senator recommends, would not produce any appreciable revenue for the United States. Foreign countries now tax subsidiaries of our companies at an average rate of 38 percent. When the earnings of those subsidiaries are actually distributed to the U.S. parent company, the foreign country imposes a withholding tax of 15 to 25 percent. Since we allowed these foreign taxes to be credited against the U.S. tax on the earnings of the subsidiaries, there would be no net U.S. tax collected. In addition, the foreign subsidiaries would suffer from a competitive standpoint—they could not compete with foreign-owned companies.

Let me now return to DISC. This week the Commerce Department has reported the worst balance-of-payments quarter ever recorded for the United States. The reestablishment of an equilibrium in our balance-of-payments requires the effort of everyone. One of the most important factors will be a sustained export effort by the United States.

Unlike other developed countries, the U.S. Government has not pursued a meaningful export policy. In the area of income taxation our policy has in fact produced a comparative disadvantage for our exporters compared with foreign manufacturing and sales by foreign manufacturers and foreign based subsidiaries of U.S. companies. The DISC proposal is a step in reordering our tax policy to place U.S. exporters on a tax basis up to now obtained only through foreign investment and by U.S. competitors.

If we are to avoid controls and restrictive measures as we pursue a program to strengthen the U.S. balance-of-payments position, we must do more than we are now doing to promote exports. In many cases, our firms consider exporting the least important segment of the sales effort. For smaller and medium-sized firms there is a belief that sales efforts directed solely at American buyers bring the quickest and greatest return.

Firms giving substantial consideration to overseas sales often focus largely on production abroad. We must increase the number of firms who engage in export and the volume and value of exports by those already so engaged. The DISC proposal accomplishes this by making exports more attractive than they now are. The DISC, through an expanded export effort, will create new opportunities for U.S. production and needed jobs for American workers. It will elevate the export department to independent corporate status with separate promotional profits and sales targets.

I urge that the amendment be rejected.

Mr. HARRIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. HARRIS. Mr. President, it is amazing to me to hear someone say, "We hate to export all these jobs and have American companies open subsidiary plants overseas," and then say, "We hate to put all of our American-owned subsidiaries in Europe at a competitive disadvantage." It would be better to let them stay here and compete. That is what this amendment would do.

I call attention to the statement by Secretary Connally when he testified before the Committee on Finance in favor of this. He said that DISC is necessary in order to make it:

> As attractive from a tax standpoint for U.S. companies to produce goods in the United States for export to world markets as it is for them to build their factories in foreign countries that produce abroad.

He was referring to the fact that profits made by foreign subsidiaries of U.S. firms are not presently taxed unless and until paid out as dividends to the U.S. parent company.

But his statement amounts to this. It is an extraordinary contention by Secretary Connally and the opponents of this amendment that we need a new tax loophole to give $400 million to corporations to correct damage caused by a loophole already in existence.

Apparently it never occurred to the administration or Secretary Connally to close the existing loophole. We do not need to open a new loophole with a great giveaway to corporations in this country when what we could do to achieve the result many say they want to achieve, and that I would like to achieve—keeping jobs in the United States—is to make it less attractive through a tax loophole for a company to locate subsidiaries in other countries.

The way to do so is to close the loophole, to make it less attractive to move, as Royal Typewriter Co. is now moving from Hartford, Conn., to London, and as others have done.

This amendment would strike the new loophole, DISC, and close up the existing loophole.

One of these days we will have to begin to think about corporate responsibility for runaway plants. We have seen many plants go from New England, for instance, to North Carolina and then to Mexico, perhaps over a period of 20 years, or, as Royal Typewriter has done, move from Hartford, Conn., to London.

Up to now most people have said that skill that is left will have to become the responsibility of the public and that the taxpayers will have to assume increased responsibility in regard to the employees left behind, with unemployment compensation and retraining and so forth.

We do have a public responsibility, obviously, in both regards, but it is about time that we also began to think about corporate responsibility. What about the responsibility of the corporation that leaves a community and leave the schools unsupported? What about those left without jobs? A corporation ought not to be able to move out of a community whether to go to another State or another country, without a residual responsibility to the community itself and its workers.

If we move in that direction, we will stop many runaway situations where businesses leave communities and leave the employees and the people of that community with overwhelming burdens as a result of their desire for greater profit by moving. That is what we ought to be doing, rather than giving additional tax incentives to big corporations, as this proposal would do.

An excellent summary of arguments against the DISC proposal has been prepared by Prof. Stanley Surrey, former Assistant Secretary of the Treasury, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF ARGUMENTS AGAINST DISC PROPOSAL

I. Proposal eliminates 50% of an entire activity—exporting—from income tax.

II. Proposal involves a revenue loss of nearly $1 billion over the next four years.

III. This sweeping exemption of export income, with its resulting large revenue loss, is taken without any presentation by the Treasury of any economic study or data to demonstrate why, where, and how this step will increase our export trade. Indeed, the revenue loss will exceed any possible benefits to our export trade.

IV. Direct steps now underway to improve the U.S. trade position, such as the realignment of foreign currency exchange rates, are the key to trade improvement and make the Proposal obsolete.

V. Proposal involves tax reduction for our largest corporations.

VI. While Proposal is phrased in terms of "deferral of tax" and for "export profits"—it becomes exemption and for much more than export profits, reaching into manufacturing profits.

VII. Proposal provides corporations with tax-free money for domestic use—having nothing to do with exports.

VIII. Proposal is inconsistent with our other tax rules and does not find any parallel in the tax rules of other countries.

IX. Proposal is likely to cause foreign retaliation and emulation which will hurt our trade balance.

X. Proposal is complex, with many surveillance problems and many inroads on existing rules, so that its weaknesses and further loophole potential will be fertile hunting ground for tax avoiders.

XI. Proposal is contrary to 1969 tax reform efforts.

THE DISC PROPOSAL TO SUBSIDIZE EXPORTS

(By Stanley Surrey*, Assistant Secretary of the Treasury under Presidents Kennedy and Johnson)

As approved by the Finance Committee, the Revenue Act of 1971 contains a tax Proposal, called DISC, designed to subsidize exports by freeing 50% of export earnings from income tax. This memorandum outlines arguments why the DISC Proposal is undesirable.

I. *Proposal Eliminates An Entire Activity—Exporting—From Income Tax*

The DISC Proposal is intended to exempt as much as possible of the export trade of the U.S. from income tax for a lengthy period, perhaps indefinitely. Such a major change in our tax system is contrary to the basic concept of an income tax, has no counterpart elsewhere in the world, and is a complex, costly, and undesirable step.

Such a step, if taken at all, should be taken only on the soundest of arguments, on the basis of careful and full documentation, on an analysis that clearly demonstrates—not just states—that the United States will realize demonstrable benefits from the step, and that no alternative of direct assistance is available and feasible. There is no such showing here.

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*Revised (with the author's permission) in the office of Senator Gaylord Nelson to take into account the changes adopted by the Senate Finance Committee.

II. *Proposal Involves a Revenue Loss of Nearly $1 Billion over the Next Two Years and Close to $1 Billion Annually Thereafter*

The DISC Proposal is no minor tax measure. As approved by the Finance Committee the annual revenue loss would be about $400 million when the Proposal is fully operative. This is the loss that will occur even if the Proposal does not stimulate an additional dollar of exports. It is a built-in, inevitable revenue loss since the Proposal provides a tax subsidy for *existing* exports and is not limited to the export growth, if any, induced by the subsidy. Even in the first four years, the Proposal will lose close to $1 billion.

Yet there is no case made—nor can it be made—that such a high and expensive expenditure priority is merited by these exporters and their activities. Nor is there any concrete analysis or data that the revenue loss will achieve demonstrable benefits for the United States—in market contrast to the recognizable benefits to be achieved through expenditures to meet our social problems—expenditures that must now be kept back to make way for $1 billion to exporters.

III. *Proposal Not Supported By Data, Analysis, or Economic Studies*

In the public presentation of this Proposal by the Treasury both in 1970 and 1971, and in the Ways and Means Committee Reports of 1970 and 1971 describing it, there is no study presented, no data made available, no economic case put forth to demonstrate the effect of this subsidy on the export trade and to demonstrate why, where and how the purpose of the subsidy—an increase in U.S. exports beyond what would result in the absence of the subsidy—will be accomplished.

The prime basis for the Proposal—and the Treasury's belief that it will increase exports—seems to be in these words of former Secretary Kennedy, quoted (p. 18) in the Committee Report:

"I believe this shift in taxation would help signal to industry that improved export performance is a national objective of high priority; it would help build the consciousness and attitudes toward exports that this country has been sorely lacking."

The "signal" and the "consciousness" come at a $1 billion price over 4 years. Where else is Congress spending so much money on so intangible a ground? No expenditure program—even a minor one—would be presented to the Congress or adopted by it on the basis of such a woefully inadequate, almost non-existent, supporting case. Yet since this is a "tax incentive", the Treasury presumably feels that it is permissible to spend $1 billion without even the support that an expenditure program of a few million dollars requires.

IV. *Direct Steps Now Underway to Improve the U.S. Trade Position, Such As Realignments of Foreign Currency Exchange Rates, Make The Proposal Obsolete*

The DISC Proposal is really an obsolete item left over from earlier blueprints on how to improve U.S. trade. The United States is now engaged under the President's New Economic Policy in direct steps that go to the central international factors which have adversely affected our trade position. Gimmicks such as DISC which hold no real promise of trade improvement should now be discarded along with the other blueprints and the new direct steps pushed vigorously instead.

The U.S. trade position has suffered from a basic maladjustment in the relationship of the dollar to foreign currencies. The President's New Economic Policy has recognized this central issue and involves direct steps to deal with it. The dollar has been cut loose from gold, forcing a realignment of foreign currencies and the negotiation of new parities. The temporary 10% surcharge on imports emphasizes the seriousness of the competitive disadvantage forced on the United States by the previous maladjustment and is a catalyst to negotiation and ultimate agreement on new alignments. The process of revision of the international monetary system, of reduction in non-tariff barriers to trade, and of sharing of defense burdens, set in motion by the President's measures, should have a beneficial effect on our long-term trade position.

With these direct steps underway, the DISC Proposal becomes obsolete. Certainly we do not need a gimmicky tax divice with no promise of improving our trade position when we are now engaged in major steps designed directly to sweep away the crucial handicaps we faced under the previous international monetary arrangements. At a time when we are working toward rational new arrangements, a permanent tax windfall to exporters is an out of place, obsolete carryover from a past that dealt in patches and gimmicks rather than the central issues.

V. *Proposal Involves a Tax Reduction For Our Largest Corporations*

The subsidy and revenue loss will in large part go to our largest corporations and represent a windfall to them. It becomes tax reduction for the 100 or so of our largest corporations who account for a major share of all U.S. exports—about half of our manufacturing exports alone are made by 93 companies. Such a reduction and such an expenditure are not in keeping with our fiscal situation or our national priorities.

VI. *While Proposal Is Phrased in Terms of "Deferral of Tax" and For "Export Profits"—It Becomes Complete Exemption and For Much More Than Export Profits, Reaching Into Manufacturing Profits*

The Proposal stresses that it will just *defer* 50% of the tax on *export profits*. But clearly the Treasury does not expect a mere few years deferral, for it recognizes that businesses will not alter their operations and organization for that. So the Proposal must envisage a long period of deferral. Such a deferral becomes the equivalent of exemption.

Indeed, in the description which it first circulated to business groups, the Treasury said the deferral for export profits would go on for at least ten years and where exports increase—and they do naturally year to year—the period would be longer. But in these days of high interest rates, a postponement of tax—a borrowing interest-free from the Government—is the equivalent of exemption. The Treasury earlier said as much—"deferral for a substantial period reduces significantly the impact of a tax and, of course, deferral that lasts indefinitely can have substantially the same effect as an exemption from tax." The NAM in its earlier 1970 testimony has described the Proposal just that way: "Its specific purpose is to increase exports by deferring, *perhaps indefinitely,* the U.S. tax on some part of profits from exports." (Italics added)

But even indefinite deferral is not required. For a profitable company, the present value of fifteen years deferral of tax is just about worth the amount of the tax itself—which makes deferral the equivalent of exemption.

Moreover, the deferral is even extended further under the part of the Proposal that on liquidation or disqualification of a DISC it can spread payment of the tax ten years forward into the future.

The Proposal is presented in terms of deferring tax on "export profits." Presumably it is intended to cover the profit attributable to the sales activities associated with exports. But its specific provisions for the determination of export profits sweep in manufacturing profits as well. Under the arbitrary formulas presented to determine DISC export earnings much—in some cases all—of the manufacturing profits will be included as well. Indeed, it is this inroad into the manufacturing profits that attracts most of the supporters.

The formulas define DISC export earnings as 50% of the difference between cost and sales price, or 4% of the sales price, whichever is greater. In many cases, it is likely that 4% of sales price could place the entire profit on the sale within DISC export earnings. For those industries with low rates of return on sales—agriculture for example—the entire profit from manufacture to sale will be included.

VII. *Proposal Really Means Providing Corporations Tax-Free Money For Domestic Use or Foreign Investment—Having Nothing to Do With Exports*

A DISC is permitted—indeed encouraged—to lend its 50% tax-free income to its parent company to be used to buy plant and equipment, or for research. The loan is costless to the parent. Indeed, this is the key to the Proposal. But the assets obtained through the loan proceeds—or the research done—need have nothing to do with exports. The funds can go entirely to domestic production. There is absolutely no tracing of the 50% tax-free income into export activities.

The loan can be in the proportion, of the total existing production assets of the parent, that its export sales are to total sales. Hence if a parent has $20 million of facilities, and its export sales are 20% of total sales, $4 million can be used for purely domestic purposes that do not relate to exports. There is no tracing required of the loan to facilities or equipment actually used in production for export. This could go on year after year for an established corporation which started with export sales. Indeed, the whole Proposal is geared to this, since a DISC is required to reinvest its profits and most DISCs would soon run out of real export activities on which to use their profits. Hence the permission under DISC to the parent to use the export sales income for its production activities becomes the key to indefinite deferral (House 1970 Committee Report, p. 17)—and the absence of tracing becomes the key to use for non-export activities.

The Proposal in effect gives financial assistance to companies who have exports even though they do not use the money for export activities. The statement in Secretary Connally's testimony before the Senate, "the deferral of tax on DISC income is available so long as the income is, in effect, used for export related activities," is simply inaccurate.

The requirement added in the House version that the loan to the parent must be matched by an increase in plant, machinery, equipment, support production facilities or research and experimental expenditures in the United States does not change the above remarks. These activities are not required to have any relation at all to exports. Moreover, for our major corporations ordinary domestic expansion will provide satisfaction of this requirement, and leave the DISC funds available for foreign manufacturing if the corporation so desires.

VIII. *Proposal, Though Described as Involving the Use of Domestic Export Subsidiaries, Will In Reality Encourage Foreign Subsidiaries and Bring Back Tax-Haven Operations*

The DISC Proposal is described in terms of the creation of domestic export subsidiaries—Domestic International Sales Corporations. But the technical structure of the Proposal is an encouragement to the use of *foreign sales subsidiaries*—FISC—in addition to the DISC, since a DISC plus a FISC gives more exemption than a DISC alone. Moreover, the structure encourages the use of tax-haven countries in which to locate the foreign sales subsidiaries. Much of the 1962 anti-tax haven reform legislation is thus discarded and tax-havens are brought back to the scene.

The taxpayer's goal, when adding the FISC, will be to locate it in a tax-haven country so that foreign taxes are not a problem. The Proposal permits tax-haven operation for a FISC by here sweeping away the 1962 reform provisions designed to prevent tax-haven abuse. Moreover, the taxpayer will want to keep the DISC price low on sale to a FISC tax-haven, and thus he will become involved in controversies over price with the Internal Revenue Service on a wide scale.

The Treasury presentation did not describe these aspects in detail and the 1970 Committee Report does not consider their implications. As a consequence, apparently their effect was not considered in the revenue loss estimates, so that those estimates are on the low side. Moreover, the stimulus to use foreign subsidiaries makes DISC more helpful to the larger corporations than to small business.

IX. *The Proposal is Justified by the Treasury in These Terms:*

(a) Export Income is Partly Foreign Source Income

(b) Deferral of Tax On Export Income is Similar to Deferral of Tax on Foreign Manufacturing Subsidiaries

(c) Other Countries Are Not Taxing Exports

THESE JUSTIFICATIONS ARE NOT VALID

(a) To say that export income is partly foreign source income proves nothing. The U.S. has always taxed income from foreign sources as well as domestic sources when the income is obtained by U.S. corporations and individuals. Royalties, dividends, interest, etc., when paid by foreigners are foreign source income in the same sense, but are taxed when received here in the U.S. by a U.S. corporation And so export sales to foreigners made by US. corporations are taxable—and always have been—though they can be called foreign source income in the same sense.

The treaty policy of the U.S. goes to great lengths to insist that the export income of the U.S. is income to be taxed by the United States and *not* by other countries. That policy therefore seeks to prevent other countries from taxing our export trade and will permit such foreign taxation only where the U.S. exporter is operating through a permanent establishment in the foreign country.

The Treasury says that the DISC "approach is consistent with the basic philosophy of the U.S. tax system" (Statement of Sec. Kennedy). The contrary is the case—it is completely inconsistent with the application of the income tax to export income ever since 1913. It is completely inconsistent with our entire treaty policy since our first tax treaties in the nineteen-thirties.

(b) The fact that our foreign manufacturing subsidiaries are not generally taxed by the U.S. until their income flows to the U.S.—the tax is "deferred"—does not justify this Proposal. For the price of deferral in the case of these foreign manufacturing subsidiaries is payment of foreign income taxes. Those taxes are substantial and in many cases close to—or more than—our own income tax. (The Treasury says that the *effective foreign tax* rate on all foreign subsidiary operations of U.S. businesses was about 38.6% in 1964. Foreign marginal tax rates are often in the 50% or upper forties range. The U.S. effective corporate tax rate in 1965 for all industries was 37.8%.)

Deferral for our foreign manufacturing subsidiaries has not meant exemption from income tax—it has meant payment of income taxes to other governments. But the deferral of DISC means exemption from 50% of all tax—domestic and foreign—and in no way resembles the treatment of investment in our foreign subsidiaries.

Any deferral for our foreign manufacturing subsidiaries, ends when the income is brought back into the U.S. as dividends, or even when it is still owned by the foreign subsidiary but is invested in U.S. assets such as domestic facilities of the U.S. parent. But the DISC income is already in the U.S. Moreover, it can be invested in U.S. domestic facilities or activities of the U.S. parent having nothing to do with exports—and still avoid 50% of the income tax.

Moreover, if deferral for our foreign manufacturing subsidiaries is a material benefit and inducement to investment abroad, the obvious course is to end the deferral and leave the U.S. tax system in a neutral posture between investment abroad and investment at home. But this the Treasury will not do. Instead, it says we should keep our tax incentives to investment abroad and then it says we must exempt export income because of the tax incentive to foreign investment. The whole approach is clearly a boot-strapping operation, and one that ends up leaving a large gap in the income tax and being highly discriminatory in favor of those taxpayers engaged in foreign activities as compared with domestic activities.

(c) The Treasury presentation talks of other countries which "defer their tax on export income or exempt such income from tax, to a greater or lesser extent." But nowhere is it flatly stated that other important exporting countries—countries with which the U.S. may be compared—systematically seek to exempt from income tax 50% of their entire export trade. The fact is that the exemption inherent in the DISC Proposal goes far beyond the treatment of export income in any comparable country.

The House 1970 Committee Report, following the Treasury presentation, states as justification for the Proposal that "A number of foreign countries, for example, have the so-called territorial concept of taxation under which they do not tax foreign source income at all" (p. 16) This is simply inaccurate. Such countries do tax export sales to foreign independent customers. It should be noted that about 85% of U.S. export sales are to foreign independent customers, and there is no indication that foreign patterns differ materially. Where the sale is to a foreign affiliate, such as a subsidiary, some countries may not tax the profit realized by the subsidiary when repatriated to the parent, but they will tax the profit on the sale to the foreign subsidiary.

Moreover, these "territorial approaches" are usually a relic of tax history, traceable to schedular tax systems and colonial trade, with no affirmative intent to subsidize exports. The Finance Ministries of some of the countries using this approach understand its weaknesses and defects and are moving thru tax reforms to reach the present U.S. system. It would be irony indeed for the U.S. now to take the leadership in setting the tax clock back.

Some foreign countries do have some specific income tax incentives for exports. But the U.S. should be countervailing against such provisions, should be insisting they are contrary to GATT, and should be taking whatever other action is feasible in negotiation. That should be the U.S. role—and not the role of going much further by exempting 50% of all export income from tax and setting in motion a spiral of more and more tax escapes in the export field.

X. *Proposal Is Likely To Cause Foreign Retaliation and Emulation Which Will Hurt Our Trade Position*

In the Treasury presentation of the Proposal there is no material presented to demonstrate that this sweeping change in our tax rules and the resulting subsidy to exporters will not produce retaliation or emulation in other countries. Such a reaction abroad will tend to offset or exceed any potential gains to our trade balance sought through additional exports stimulated by DISC. If other countries emulate—and why shouldn't they since their exporters will demand equal treatment from their Governments—then the U.S., the largest and strongest nation, will have been the leader in tearing a big hole in the income tax. The U.S., the leading economic country in the world, should not be the instigator of the tax chaos.

Other countries may see DISC as a violation of GATT—whatever the U.S. Treasury says as to the status of DISC—and resort under GATT to countervailing duties against our exports. Or other countries may decide to emulate us and themselves adopt DISC or some variation—or even some new device—seeking thereby to advance their exports. But whatever the form of the reaction abroad, it is bound to hurt our trade balance and reduce if not remove, or indeed reverse, the export benefits claimed for the Proposal.

Foreign countries in self-defense will also have to revise their tax treaty rules and other tax rules and administrative practices, which up to now have been beneficial to U.S. exporters. The result will be an increase in the ways by which foreign countries will now tax our exports in situations in which our exports have been previously unaffected by foreign tax systems.

Tax treaties now uniformly exempt an exporter selling goods within a country from that country's income tax unless those activities constitute a "permanent establishment" in that country, a phrase which the treaties define narrowly so as to relieve an exporter from being involved in the tax system of the countries to which he is exporting. This treaty policy rests on the assumption—valid up to now—that the exporter will be taxed in his own country and double taxation can thus be avoided by freeing him of tax in the country of destination. But under DISC the U.S. exporter will be subject to only 50% tax, and hence other countries will begin to remove their liberal treatment of the U.S. exporter.

Moreover, where a DISC is selling through a permanent establishment or foreign subsidiary in a country with a significant corporate tax. the DISC will seek to fix the inter-company price at a high level, since the higher the price, the greater the exemption from U.S. tax under DISC. The foreign country, to protect its revenues, therefore must administratively check these DISC prices. Up to now, since the U.S. taxed the export sale, our exporters were largely free from this price check abroad; under DISC they will attract the examination of foreign revenue agents.

Many of the less-developed countries have been seeking to expand their tax systems to reach the profit on exports to their countries, and have sought to chip away at existing international tax standards which exempt exports in the countries of destination unless a permanent establishment exists. Under DISC, these countries will be considerably encouraged in pursuing our exporters, both because of the exemption under DISC from U.S. tax and because the technical rules of DISC treat export income as foreign source income (income arising outside the United States) when the goods are sold for consumption outside the United States. This use of a "destination" rule to determine foreign source income is an open encouragement to those countries to apply the same destination rule and make *our* export income *their source* income and subject to their tax.

XI. *Proposal Is Complex—With Many Surveillance Problems and Many Inroads on Existing Rules—So That Its Weaknesses and Further Loophole Potential Will Be Fertile Hunting Ground For Tax Avoiders*

The Proposal is no simple, readily applicable method of assistance. It is seriously complex—with its complexities and its technical rules likely to grow and grow as time goes on. For taxpayers will want to push more and more income into the DISC device—royalties and services are examples—and seek more and more ways to use the income without disturbing the deferral. The Treasury will have to cast its surveillance over a vast array of activities to seek to confine the deferral to "exports"—goods coming to the U.S. for processing and then sent out; goods sent abroad for some processing and then returned; foreign subsidiaries of DISC with their own activities that may involve services and other assistance to foreign manufacturing subsidiaries; transportation activities of DISC companies that intermingle exports, imports, and all kinds of goods over the world; companies that shift the place of production around and fill foreign orders in the U.S. but then manufacture abroad for use in the U.S. (just a switching of the place of manufacture).

The Proposal also cuts across many established rules—for example, it would validate the use of tax-havens all over again.

It is hard to see the justification for so much complexity and gadgetry—it is really impossible to see it in this situation when there is no assurance that any real benefit to the U.S. will come from all of this technical maze.

In all probability, many a tricky maneuver exists in these technical rules. Thus, the formulas for determining export income create more "foreign source income" than would exist under regular allocation rules. Suppose a company with manufacturing subsidiaries abroad creates a DISC, runs its exports through it, distributes the profits each year since it is not concerned with deferral—but by so doing and without actually increasing its exports, does technically increase the amount of "foreign source income" attributed to its existing exports and hence is able under the foreign tax credit rules to use the foreign taxes on its foreign manufacturing to shelter the U.S. income from its exports. The DISC here thus becomes an incentive to help investment abroad, despite higher foreign tax rates on that investment, rather than to increase our exports. (1970 Minority Report, p. 178).

The technical DISC rules will permit a taxpayer, contrary to existing rules, to shift the allocation of some of his costs of production away from exports and attach them to domestic sales, thereby increasing the amount of "export income" exempt under DISC.

XII. *Proposal Contrary to 1969 Tax Reform Efforts*

The Congress spent in 1969 an arduous year in legislating tax reform. Most of the effort went into reducing money spent through the tax system on matters that were not a necessary part of the income tax structure but were back-door ways of spending Government funds—the use of the tax system for non-tax ends. The Treasury now wants to turn its back on that Congressional effort and spend $1 billion over four years for non-tax purposes, but cloak it as part of the income tax. If this occurs, some future Congress will have to struggle with removing this tax preference—when the income tax windfall of exempting the whole export trade becomes clear to the public. But why start down this road at all, why reject all that was learned in 1969? If assistance is to be given by the U.S. Government to our export trade, as a priority matter under our budgetary policies, it should be done directly and not as part of the income tax.

The Proposal is a negation of the entire 1969 tax reform effort. That effort showed how hard it is to dislodge tax preferences—tax incentives—once planted in the Internal Revenue Code. Tax history is replete with the cycle of today's tax incentive becoming tomorrow's tax preference and tax loophole. But the entrance into the Code of an incentive—just present it with no back-up study, no analysis, no economic data but only the statement it will help by creating the right image—is in marked contrast with the efforts to dislodge the incentive once its wastefulness and preference aspects become plain to all. For then it is part of the status quo and its beneficiaries will resist any change. This can be especially true in the case of the DISC device, which will require corporate organizational changes and different methods of doing business for all our exporters. Once the business patterns and structures forced by the DISC become imbedded in business operations, it will be extremely difficult if not impossible to alter the DISC tax rules even though those rules simply mean tax reduction for some but no benefit to the United States at large.

Mr. HARRIS. I also call attention to an editorial published in the Wall Street Journal of September 30, under "Review and Outlook." The title of the editorial is "That Shiny DISC."

The editorial states that Professor Surrey's objections are persuasive and can be augmented, and it comes out against this proposal as a way of doing something about the exporting of jobs.

I ask unanimous consent that the editorial may be printed at this point in the RECORD.

There being no objection, the editoral was ordered to be prnted n the RECORD, as follows:

THAT SHINY DISC

While not everything can be applauded in the new tax package that emerged from the House Ways and Means Committee last week, there is at least one evidence that the committee is fulfilling its obligation to check administration impetuosity.

Chairman Mills and his committee took some of the shine out of an administration tax gimmick designed to encourage American business corporations to step up their export activity. If the idea dsappears entirely before the tax bill becomes law, it will be no great loss.

The idea in question is the administration's proposal that American corporations be allowed to set up "domestic international sales corporations," or "DISC," to handle their export business. DISCs would be allowed to "defer" federal income taxes on profits from exports if those profits were applied to new export or "export-related" activities.

In a recent Washington Post article, Harvard Law School tax expert Stanley S. Surrey said that the administration proposal would, to a large degree, have been an exemption, not merely a deferral, that it would have revived the "tax haven" idea that Congress tried to kill nine years ago and that it would have cost the government some $1 billion a year. Professor Surrey, who was the Treasury's top tax specialist in the Kennedy and Johnson administrations, added that there is very little assurance that the tax bonus would in fact boost exports appreciably.

Professor Surrey's objections are persuasive and can be augmented. The use of special tax incentives to further public policy is a doubtful technique in principle, to begin with. It soon gets the entire tax structure out of kilter, creating loopholes for some taxpayers and transferring to others the burden that has been lifted from the fortunate. The result is a sense of unfairness and ill will among taxpayers, which is the first step towards wide scale efforts at evasion.

There are still other objections. DISC is another example of the practice, which is becoming too popular, of trying to fudge against the accepted rules of international trade.

U.S. authorities who try to justify such activities insist that other nations give incentives to exporters. They do, but such things are partly a matter of degree, and *few nations have gone as far as the original DISC proposal* would have gone toward an outright exemption from income taxes. The U.S. already is inviting retaliation from its trading partners for its 10% surcharge on imports and it is not likely that tense trade relations can withstand much further aggravation.

Further, there is a serious flaw in the idea that subsidizing industry somehow makes it more competitive. A subsidy supplies the means to become less, not more, competitive, as should have been adequately proved a long time ago by the heavily subsidized U.S. ocean-shipping industry.

Despite all these objections and despite the fact that DISC-type proposals have been cut out of some tax bills of past years, Ways and Means did not kill DISC outright this time. The committee tried to provide that the tax benefit would actually be an incentive and at the same time sharply cut its potential impact on revenues. In the new version, DISC tax benefits would be based mainly on the amount by which their export sales exceeded the three previous years.

Treasury Secretary Connally doesn't think this would be sufficient "incentive" to exporters. In our view, it is a better incentive than the original, since only measurable gains would be rewarded.

But the Ways and Means version still doesn't answer the objection to tax incentives in principle. Nor does it preclude the possibility that once DISCs are established they will win further concessions. With that thought in mind, we would be very happy if the full Congress decides to send this particular DISC sailing, far enough that it wouldn't be likely to return.

Mr. HARRIS. Mr. President, the amendment would strike DISC, the new loophole for big business, and insert in lieu thereof the closing of a present loophole which gives tax incentives to corporations to locate subsidiary plants abroad.

In 1962 President Kennedy recommended the provision that is contained in my amendment.

On page 294 of the Public Papers of the Presidents appears an excerpt relating to this subject, under date of April 20, and I ask unanimous consent that an excerpt be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TAX TREATMENT OF FOREIGN INCOME

Changing economic conditions at home and abroad, the desire to achieve greater equity in taxation, and the strains which have developed in our balance of payments position in the last few years, compel us to examine critically certain features of our tax system which, in conjunction with the tax system of other countries, consistently favor United States private investment abroad compared with investment in our own economy.

1. *Elimination of tax deferral privileges in developed countries and "tax haven" deferral privileges in all countries.* Profits earned abroad by American firms operating through foreign subsidiaries are, under present tax laws, subject to United States tax only when they are returned to the parent company in the form of dividends. In some cases, this tax deferral has made possible indefinite postponement of the United States tax; and, in those countries where income taxes are lower than in the United States, the ability to defer the payment of U.S. tax by retaining income in the subsidiary companies provides a tax

advantage for companies operating through overseas subsidiaries that is not available to companies operating solely in the United States. Many American investors properly made use of this deferral in the conduct of their foreign investment. Though changing conditions now make continuance of the privilege undesirable, such change of policy implies no criticism of the investors who so utilize this privilege.

The undesirability of continuing deferral is underscored where deferral has served as a shelter for tax escape through the unjustifiable use of tax havens such as Switzerland. Recently more and more enterprises organized abroad by American firms have arranged their corporate structures—aided by artificial arrangements between parent and subsidiary regarding intercompany pricing, the transfer of patent licensing rights, the shifting of management fees, and similar practices which maximize the accumulation of profits in the tax haven—so as to exploit the multiplicity of foreign tax systems and international agreements in order to reduce sharply or eliminate completely their tax liabilities both at home and abroad.

To the extent that these tax havens and other tax deferral privileges result in U.S. firms investing or locating abroad largely for tax reasons, the efficient allocation of international resources is upset, the initial drain on our already adverse balance of payments is never fully compensated, and profits are retained and reinvested abroad which would otherwise be invested in the United States. Certainly since the postwar reconstruction of Europe and Japan has been completed, there are no longer foreign policy reasons for providing tax incentives for foreign investment in the economically advanced countries.

If we are seeking to curb tax havens, if we recognize that the stimulus of tax deferral is no longer needed for investment in the developed countries, and if we are to emphasize investment in this country in order to stimulate our economy and our plant modernization, as well as ease our balance of payments deficit, we can no longer afford existing tax treatment of foreign income.

I therefore recommend that legislation be adopted which would, after a two-step transitional period, tax each year American corporations on their current share of the undistributed profits realized in that year by subsidiary corporations organized in economically advanced countries. This current taxation would also apply to individual shareholders of closely-held corporations in those countries. Since income taxes paid abroad are properly a credit against the United States income tax, this would subject the income from such business activities to essentially the same tax rates as business activities conducted in the United States. To permit firms to adjust their operations to this change, I also recommend that this result be achieved in equal steps over a two-year period, under which only one-half of the profits would be affected during 1962. Where the foreign taxes paid have been close to the U.S. rates, the impact of this change would be small.

This proposal will maintain United States investment in the developed countries at the level justified by market forces. American enterprise abroad will continue to compete with foreign firms. With their access to capital markets at home and abroad, their advanced technical know-how, their energy, resourcefulness and many other advantages, American firms will continue to occupy their rightful place in the markets of the world. While the rate of expansion of some American business operations abroad may be reduced through the withdrawal of tax deferral such reduction would be consistent with the efficient distribution of capital resources in the world, our balance of payments needs, and fairness to competing firms located in our own country.

At the same time, I recommend that tax deferral be continued for income from investment in the developing economies. The free world has a strong obligation to assist in the development of these economies, and private investment has an important contribution to make. Continued income tax deferral for these areas will be helpful in this respect. In addition, the proposed elimination of income tax deferral on United States earnings in industrialized countries should enhance the relative attraction of investment in the less developed countries,

On the other hand, I recommend elimination of the "tax haven" device anywhere in the world, even in the underdeveloped countries, through the elimination of tax deferral privileges for those forms of activities, such as trading, licensing, insurance and others, that typically seek out tax haven methods of operation. There is no valid reason to permit their remaining untaxed regardless of the country in which they are located.

Mr. HARRIS. Mr. President, I sum up by saying, let us not create a new loophole, a new giveaway. Let us take away the present giveaway and close the present loophole for moving away.

Mr. BENNETT. Mr. President, this amendment would strike the DISC provisions in their entirety from the bill and substitute instead provisions which would tax U.S. companies on the income of their foreign subsidiaries. The Senate must reject this amendment, which would have catastrophic adverse effects on U.S. industry and U.S. employment.

As to DISC—at a time when our balance-of-payments deficit has reached the rate of $31 billion per year and our international trade posture is at a critical juncture, it is unthinkable that we should remove from this bill the one provision designed to increase exports and thus increase our balance of trade. DISC is designed to keep jobs in the United States by encouraging manufacture for export. The House, after careful study, cut back the DISC proposal as originally recommended by the administration. The Senate Finance Committee found an even better way to keep the DISC proposal but limit the benefits, including a limit to prevent investing tax deferred DISC profits in foreign plants or equipment. The DISC as so limited will result in a revenue loss of only $100 million in 1972 and $170 million in 1973, as stated in the Finance Committee report. This is a very small price to pay in terms of the tremendous revenue losses under other provisions of this bill to keep jobs in the United States and to deal in some meaningful way with our present balance-of-payments emergency.

As for taxing currently the foreign income of foreign subsidiaries of U.S. companies, I cannot think of more irresponsible action than attempting to make such a fundamental and complex change in our entire tax system, vitally affecting our international relations, by a Senate floor amendment without public hearings and without committee study and action. It will produce no increase in U.S. tax revenues in the long run. It will effectively drive our companies out of foreign markets in many cases, and as a result there will be a significant loss in U.S. employment at domestic plants of U.S. companies producing basic elements of products which are assembled abroad at foreign plants for foreign sale. The net effect will simply be to prejudice U.S. companies with no basic long-term benefit to U.S. workers, U.S. industry, or the international economic position of this country.

Before going into more detail, I would point out that the Commission on International Trade and Investment Policy, the so-called Williams Commission, consisting of distinguished representatives of business, labor, and the universities, after carefully considering the matter of taxing income of foreign subsidiaries of U.S. companies, reached the following conclusion:

> Thus, the present U.S. system of taxing foreign-source income probably represents the most practical approach to a basic neutrality between the taxation of domestic and foreign production while at the same time limiting the adverse impact of taxation on the competitive position of U.S. firms operating abroad.

They reached this conclusion because Congress exhaustively considered this matter in 1962 and decided to tax only the income from so-called tax haven operations. Income from foreign manufacturing operations does not escape U.S. tax; it is taxed when repatriated to the United States. The foreign taxes are paid currently as the income is earned, and these taxes are credited against the U.S. tax when the income is repatriated and subject to U.S. tax. Thus, there is no tax forgiveness on such foreign income—merely tax deferral as to the excess of the U.S. tax over the foreign tax. This is a sensible system which does not unduly prejudice U.S. companies vis-a-vis their foreign competitors, which also pay only the foreign taxes currently. It has worked well for all these years. We should not change it now.

Now, for more detail as to DISC—

The tremendous importance of the DISC in keeping jobs in the United States must be recognized. DISC is a provision which is an incentive for U.S. companies to continue manufacturing in the United States for export, thus preserving and creating jobs at home. In doing so, it stimulates U.S. exports in a manner entirely consistent with our international obligations and treaties.

The benefits of DISC are carefully confined to insure that the beneficial treatment will be limited to export sales and to companies which engage in no activity other than export sale. Further export stimulation is assured by a rule permitting a DISC to retain its tax deferred income only if it reinvests that income in qualified export assets, or lends to U.S. producers engaged in export production.

DISC will also serve to offset the effect of foreign export incentives which reduce the ability of our exports to compete in third country markets and which encourage U.S. manufacturers to establish plants abroad to take advantage of those incentives. The DISC proposal will remove a real impediment to maintaining and expanding facilities in the United States for export production.

The DISC approach is trade expanding, rather than contracting through tariffs or quotas. It is a positive inducement to private action rather than an additional form of government imposed limits or controls on U.S. business. It will be effective as soon as it is passed in persuading companies to maintain and increase their export sales, thus preserving and creating employment in the United States.

The Senate Finance Committee made three substantial changes in the DISC proposal as introduced by the Treasury. First, it limited the DISC rules to a period of 10 years to insure that Congress reexamines the functioning of this change in our tax laws. Second, the committee reduced the amount of income entitled to deferral to one-half of the DISC's income. This was a substitute for the complexities and inequities of the so-called "incremental" approach the House adopted in approving DISC. Finally, the bill now contains provisions making it largely impossible for the tax deferred income of a DISC to be used to invest in foreign subsidiaries.

Thus, the benefits available to DISC's are reduced from the Treasury's original proposal, and there are more safeguards to assure that these benefits are used to stimulate exports. We should not lose this opportunity, at a very small cost in terms of revenue loss, to deal with the problem of maintaining and increasing U.S. employment, and improving our balance-of-payments position. I urge the Senate to reject the amendment of Senator HARRIS.

As for the matter of discouraging foreign investment by taxing foreign currency, this question was extensively debated in 1962 and resolved in favor of the current law whereby most manufacturing income abroad is deferred until distributed as a dividend.

Even if some U.S. investment abroad is deterred, this does not mean that U.S. exports will be increased in the same industries that can no longer invest abroad. There are many circumstances in which it is necessary to invest abroad to meet foreign-content requirements or avoid costs inherent in exporting—lower foreign wage rates; foreign tariffs and nontariff trade barriers. The DISC proposal contemplates that the tax motive would be removed from the consideration of whether to invest in the United States or abroad. From the tax standpoint it would favor the United States. A broad assault on foreign investment would be counterproductive. Substantial exports are made to U.S. affiliates and would not otherwise occur. Dividend remittances have been a positive balance-of-payments factor for more than a decade.

Any effort to handicap U.S. investment abroad does nothing to affect foreign-owned competition which benefits fully from foreign tax incentives and tax holidays.

The practical consequence of current taxation is that there would be no additional U.S. tax revenues. Foreign effective tax rates, as determined by U.S. tax rules, are lower than the U.S. rate. The overall effective rate in 1966 was approximately 38.6 percent. When distributions are made on foreign income most foreign countries impose a withholding tax on that income. The withholding taxes, together with corporate income taxes on manufacturing, will equal the U.S. tax rate on the dividend. Most companies would make current distributions in order to assure themselves of obtaining the tax credit and would then reinvest the after-tax proceeds in the foreign affiliates as a contribution to capital. In addition, foreign countries would be tempted to increase their rates to soak up the U.S. taxes. The net result would be simply to increase the level of foreign taxes on our companies with no tax gain to the United States. This is equally counterproductive.

For this additional reason, Senator HARRIS's amendment should be rejected.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS) and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

The result was announced—yeas 28, nays 59, as follows:

[No. 351 Leg.]

YEAS—28

Burdick
Byrd, W. Va.
Chiles
Church
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Humphrey
Jackson
Kennedy
Magnuson
Mansfield
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Proxmire
Randolph
Stevenson
Symington
Williams

NAYS—59

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Eastland
Ellender
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Moss
Packwood
Pastore
Pearson
Pell
Percy
Ribicoff
Roth
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—13

Allott
Bayh
Dole
Dominick
Ervin
Hruska
Mathias
McGee
McIntyre
Mundt
Saxbe
Scott
Sparkman

So Mr. HARRIS' amendment (No. 680) was rejected.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. GRAVEL) laid before the Senate a message from the President of the United States submitting the nomination of Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury, which was referred to the Committee on Finance.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 651

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the amendment (No. 651) of the Senator from Florida (Mr. GURNEY), which the clerk will state.

The second assistant legislative clerk proceeded to read the amendment, to add a new title: title VIII, amendments to the Social Security Act.

Mr. GURNEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. I send to the desk a modification of the amendment.

The PRESIDING OFFICER. The modification will be stated.

Mr. GURNEY. I ask unanimous consent that the reading of the modification be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

Insert at the end of the amendment:

"(c) Notwithstanding any other provision of law, during the period beginning January 1, 1972 and ending with the close of December 31, 1972, the percentage of Federal matching that would otherwise be applicable for money payments to individuals under sections 3(a)(1), 403(a)(1), 1003(a)(1), 1118, 1403(a)(1), and 1603(a)(1) of the Social Security Act shall be increased by ten percentage points."

Mr. GURNEY. I ask unanimous consent that staff members Glenn R. Markus and Francis J. Crowley be permitted to be present on the floor to assist me during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, the pending amendment which I offered is, I feel, most important and long overdue. Its provisions are basically similar to the pending bill dealing with social security and medicare improvements, S. 2512, which I introduced earlier in this session.

There is no one in this Chamber who can deny the plight of our elderly American. He has been left to his own meager resources, ofttimes shut off from the mainstream of life, and always denied an adequate existence. He has surely been the principal casualty of inflation. We have not done this intentionally, but we have done it through neglect. I submit that the time has come to end this neglect.

There is another pattern of behavior which I believe must now be ended. That is the use as a political football of legislation designed to aid the elderly American.

Time and time again, provisions designed to improve and upgrade social security coverage and medicare coverage have been attached to unpopular bills in the hopes that these urgently needed and necessary social security and medicare reforms serve as a savior for the less popular causes.

All too often, the social security reforms prove only to be additional casualties of legislation containing unpopular provisions.

I submit it is therefore time to end what appears to be the perennial bondage of aid to the older American, to politically unpopular legislation. I had this in mind when I introduced S. 2512. I had this in mind when I offered the pending amendment.

A favorable vote on this amendment would clearly and adequately reflect the feeling of this Chamber that these reforms are not only long overdue and needed, but must be enacted now.

My amendment is purposely a noncontroversial one. There is little in the amendment which in one form or another has not been approved by the Senate and the other body this year or in many cases, last year.

The amendment consists of three basic parts:

First, the provisions relating to old age survivors and disability insurance.

Second, there are provisions relating to medicare, medicaid, and maternal and child health.

Third, the amendment contains provisions relating to certain aspects of welfare.

I. SOCIAL SECURITY REFORMS

Part A of the amendment contains several provisions which I think are an absolute minimum necessity. There are many who would say that the increases provided for are not enough and that more should be done. I would agree with this criticism. Yet, I feel that all of these provisions will constitute major and important improvements and I felt it important to keep the figures within what I realistically thought could be expected to win approval of this body.

The first provision I should mention in terms of social security reform is the provision of a 5-percent increase in benefits, effective July 1, 1972. I think that this is at least a year overdue and must be passed. Admittedly, 5 percent is not a tremendous sum of money, but for someone presently receiving, say, $146 a month, the extra $9 they would receive under such an increase would surely come in handy. It would definitely help in meeting necessary basic minimum expenses.

A second provision for social security reform contained in this amendment is in keeping with my feeling that the time has long since passed when social security reform should be treated as a political football. The amendment contains a provision to establish automatic cost-of-living adjustments in benefits, and in contribution and benefit bases, both to be established by the Secretary of HEW.

By tying social security benefits to a cost-of-living scale, we would provide a mechanism for relatively expeditious adjustments in social security benefits to reflect any higher cost of living. Presently, retired military and other Federal employees have such a cost-of-living provision in their retirement plans. The vast majority of these persons receive good pensions, considerably higher than that received by the average social security annuitant. If a cost-of-living factor is necessary for Federal employees with substantial pensions, it cannot be denied that it is at least as necessary for social security recipients—millions of whom try to eke out the twilight years of their lives on poverty income. This amendment provides that social security benefits would rise to reflect a rise in the cost of living. These changes are to be effected by the Secretary of HEW.

This cost-of-living provision would also eliminate, once and for all, social security increases serving as a free common carrier for assorted bits and pieces of other legislation, some of which should not be passed at all.

Third, the amendment provides for an increase in widow's benefits from the present amount of 82.5 percent of her husband's benefit to an amount equal to 100 percent of the deceased husband's benefit. This is also most important, indeed critical. We are all aware of the plight faced by millions of widows across the Nation. Not only does a widow suffer the loss of her husband, but automatically her income is cut despite the fact that most of her expenses—her rent, car, electricity, heat, water, and so forth, remain the same. Right on the heels of the great personal loss in the death of her husband comes a substantial loss of income.

This provision would at least enable her to maintain a stable financial floor and to prevent the crisis of a personal tragedy from being further complicated by financial catastrophe as well.

When one takes together the 5 percent benefit increase along with the increase in widow's benefits, the following example might be given. A widow who currently receives $146.70 a month in social security benefits would receive an additional $8.90 a month from the 5 percent benefit increase included in this amendment. Adding to that the widow's benefit increase, she would receive an extra $31 per month bringing the total monthly benefit to $186.60, an increase of nearly $40 a month and over 20 percent more than she is currently receiving.

The pending amendment also contains a provision which establishes an age 62 computation point for men. This provision will, in effect, allow a man to have his social security benefits computed on the same basis as a woman's social security benefits. Under present law, a woman is provided with an age 62 computation point while men are given an age 65 computation point. The effective result is that a woman with precisely the same earnings record as a man would draw benefits approximately 8 percent higher than those of a man. This amendment would provide equal benefits for equal earnings, and I think this is the only reasonable and equitable thing to do.

Another provision contained in this amendment is an increase in the earnings limitation on social security recipients. Presently set at $1,680 per year, this limitation in effect deters a retiree from continuing to lead some kind of productive life. Such an encouragement of inactivity is, I feel, totally un-American. We are discouraging people from working. We should be encouraging the older American to participate in all aspects of life, rather than adding another incentive toward isolation.

I know a little about this, because I live in a State where there are a great many social security retirees, Americans who led an extremely active and productive life. I have heard many complaints about the fact that they cannot work productively and cannot earn as much as what little job they could get would return. This is an inequity that should have been eliminated a long time ago.

I have long felt that we should do away with this earnings limitation altogether. Such proposals have not been successful in past sessions of Congress.

In S. 2512, I inserted a provision to raise the earnings limitation to $3,000. However, in view of the fact that the higher figure has never been acted upon by either the Finance Committee or the Senate, and in line with my hope that we can keep this amendment noncontroversial, I have lowered the figure to $2,400. This is the figure that the Senate approved last year and I am sure that the Senate can agree on it again.

Comparing social security to civil service retirement, once again we see that civil service annuitants can draw retirement benefits regardless of whether they hold a job. Social security annuitants are not so lucky. This is another area requiring the enactment of additional equity.

Section 818 of this amendment is, I feel, also an important one. It provides for reduction in the waiting period for disability benefits. Under present law, a person who becomes disabled must wait 6 months from the time he notifies the Social Security Administration to the time that he can begin to draw benefits, and the benefits are not retroactive. This, in effect, amounts to a 6 month wait before one can begin being compensated for benefits which he is entitled to at the time of the notification.

Now, in S. 2512, I had provided for a reduction in this period to 4 months. Once again, I have modified this in the present amendment in order that there may be agreement on social security reform at this time. This amendment provides for a waiting period for disability benefits for 5 months, and in effect, adds an additional month of benefits over and above that provided by present law.

My amendment also provides for an increase in eligibility for childhood disability benefits. Under the present law, benefits are paid until the disabled child of an insured, retired, deceased, or disabled worker reaches age 18. My amendment would continue the benefits until the child reaches age 22, or until the end of a school year or semester.

II. MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH REFORMS

The major provision of the pending amendment in the area of health is a provision for medicare coverage for the disabled. We all realize the difficulty that the disabled have in finding insurance in the private sector. One criticism of this inclusion, however, has been that the high cost would preclude such an extension. However, I would respectfully submit that the present unmet need for health insurance protection for the disabled of our Nation is so great that this legislative action can no longer be deferred. Every study in this area has recommended such inclusion. It is abundantly clear that we should not procrastinate any longer on this matter. This is something that we can all agree here and now is necessary and appropriate legislation that should be passed.

This part of the amendment also provides for improvements in operating effectiveness of the medicare program. A most important provision is that which establishes funding for experimental and demonstration projects to develop incentives for cost cutting in the provision of health services. New and improved planning of health facilities and the prudent use of funding must be employed if any significant gains in controlling health costs are to be made. Health costs have been escalating at a wild pace similar to our welfare costs.

Expansion, modernization of facilities, and treatment must be evaluated, coordinated, and planned on a rational basis. This amendment would assist in that approach. Experience under the present medicare, medicaid, maternal and child health and other third party programs clearly demonstrates that there is little incentive in containing costs or providing health services in any efficient and effective manner. These demonstration projects with alternative methods and techniques of reimbursement may give us the information we need to help keep down the rising costs to the program of the delivery of health services.

That is a step in the right and a forward direction.

This amendment also provides for limitations on coverage of costs under medicare.

We all recognize the fact that medical costs can and do vary from one institution to another. This results from differences in size, the nature of services provided, the type of patient treated, the location of the institution and various other factors affecting the delivery of needed health services.

However, variations in cost can result from inefficient operation or the provision of plush surroundings. While it is true that a patient who desires these amenities should not be denied them, it is also true that medicare/medicaid should not have to pay for these nonessential services.

This section, then, gives the Secretary of HEW authority to set limits on costs recognized as reasonable for institutions within particular geographical areas.

The institutions will be informed in advance of the limits of government recognition of incurred costs and thus have the opportunity to act to avoid incurring nonreimbursable costs. Since these limits will be defined in advance, the health care institution could charge the beneficiary for services in excess of, or more expensive than, those that are deemed necessary for proper health care.

Also included in my amendment is a requirement that extended care facilities have at least one full-time licensed practical nurse on its staff, and care in intermediate care facilities would be subject to professional audit and utilization review requirements. Thus, care in extended care facilities would be subject to a review by medicare/medicaid to ascertain the institution's proper utilization of medicare funds, and plant a safeguard against the inefficient use of funds.

My amendment also provides payments under medicare to health maintenance organizations. Certain large medical care organizations seem to deliver medical care more efficiently and economically than the medical care community as a whole is able to. This is due in part to their operation on a prepaid basis at fixed amounts, which gives them incentives to keep costs low and control utilization.

Medicare does not currently pay for such comprehensive programs on a prepayment basis. Consequently, the financial incentives to economical operation in such programs have not been available to medicare. Section 864 of my amendment corrects this problem. Medicare would contract with such organizations, and would reimburse them on a capitation basis at a rate equivalent to 95 percent of the per person costs of medicare beneficiaries in the area, with actuarial adjustments, taking into account variations in patient mix. Profits accruing to the HMO's would be passed on to the medicare enrollees in the form of expanded benefits.

This amendment also contains a provision for payment of fees for physical therapy services and other therapy services. At present, physical therapy is covered as an inpatient hospital service, extended care service, home health service, and incident to physician services. It is also commonly furnished by a hospital, extended care facility, home health agency, or clinic. It is not now covered by medicare when the service is furnished in the therapist's office.

This would seem to make little sense. Many times the therapist's office may be more accessible than the facility to which the beneficiary must now travel to obtain the service. Also, the cost of treatment when given in a therapist's office would often be less costly. Therefore, my amendment permits physical therapy services to be paid for, when they are given by a registered physical therapist in a home or office.

Now possibly the most controversial subject when the medicare program's coverage is discussed is whether or not coverage of chiropractic services ought to be allowed. I have heard letters and received comments on both sides of the question. Chiropractors and their patients have urged coverage. Others in health fields have claimed that such services should not be covered under the medicare program. Because of the controversy involved, this amendment provides for a study of the validity of covering chiropractic services under medicare. I believe that only in this way can we decide whether or not this care should in fact be covered in the program.

The pending amendment also provides for the establishment of professional standard review organizations. This kind of proposal was originally developed by the distinguished senior Senator from Utah (Mr. BENNETT). It has received substantial recognition and deservedly so.

A significant amount of health services paid for by medicare and medicaid are currently in excess of those which would be found to be medically necessary under appropriate professional standards. Furthermore, in some instances, the health services which are provided are of unsatisfactory professional quality.

Professional standards review organizations would be sponsored by organizations representing substantial numbers of practicing physicians—usually 300 or more—in local areas. Established by the Secretary of HEW throughout the United States, these organizations would assume responsibility for comprehensive and ongoing review of services under medicare and medicaid.

The purpose of this section is to assure proper utilization of care and services under medicare and medicaid utilizing a formal professional mechanism representing the broadest possible cross section of physicians in an area. This provision should help provide better physician care under the medicare and medicaid programs.

Finally, following up the President's recent criticism of the quality of care in some of our nursing homes, I have included in this amendment a provision which was added by the Senate Finance Committee to last year's social security bill. This provision permits public access to records concerning a nursing home's qualifications for coverage in the medicare program. Such coverage requires, for instance, adequate fire protection and sufficient medical personnel to be employed by a health-care facility. This means that should an institution fail to meet these medicare qualifications and fail to correct itself within 90 days, the fact that the institution was not eligible and is not qualified, shall be made public. This type of public information and public access to this kind of record is desirable if we are to maintain our good nursing homes and raise the quality of some of the poorer institutions.

Part C of this amendment contains provisions relating to welfare. My files are full of letters from persons in my own State of Florida who are in the unfortunate position of requiring additional assistance from the State welfare programs to supplement their income on social security. What happens to these people when their social security benefits increase is shocking. When their social security benefits increase, their welfare benefits, their aid to the aged, blind and disabled benefits are lowered by an equal amount. Thus, these people who are unfortunately dependent upon receiving aid from two sources find themselves no better off after a social security increase than they were before.

Because of this, the pending amendment provides, in effect, that should an individual receive an increase in social security benefits of, say, $10 a month, the State could not reduce its assistance to that individual by the same $10. Instead, the aid to the aged, blind, or disabled recipient would receive the additional income, with the Federal Government paying the additional cost.

Finally, when the amendment was called up by me, I sent a modification to the desk which would allow a Federal matching increase in Federal funds to the States, because there has been a good deal of talk and argument to the effect that we should not introduce a social security measure at this time because it was feared that if we were to do so, the family assistance plan is going to rear its ugly head at the same time, as some people have said.

All of us know that we need the family assistance plan. The welfare plan is unfortunately long overdue. But we have not been able to come to agreement as to what it should be. In the meantime the States are suffering a severe financial burden in continuing the kind of burgeoning and expanding welfare needs.

I know some of the arguments that will be made. They will say that if we add social security to the bill, we have to add the welfare provisions because many States would go bankrupt.

I have tried to anticipate that by adding to the latter part of the bill a provision which would provide for a 10-percentage point increase in Federal matching funds to the States for welfare programs. This provision is effective only 12 months, from January 1, 1972, through December 31, 1972. The sole purpose of this provision is to relieve the terrible financial burden on the States while the Senate acts rationally on welfare reform.

All of us here are well aware of the present crushing burden that welfare programs place on the financial resources of the States. All of us are also aware of the need for a comprehensive reform of our present archaic and inadequate welfare system. What this amendment would do is provide emergency relief to the States until welfare reform is achieved.

I chose the period of 1 year, feeling that it would take possibly up to 6 months to get the family assistance plan or some workable welfare reform enacted by Congress. And if we do not enact it in a 6-month period, we can certainly forget about it, because by that time, it being a presidential year next year, we will be out of business for all practical purposes.

I have put in another 6-month provision, allowing a year altogether, including a 6-month transition period for the States to take over on whatever new welfare plan is to be put into effect.

It seems to me that this ought to at least satisfy the argument and the complaint of some of the welfare enthusiasts and advocates here that we should not have social security unless we have welfare plans. Frankly, I do not see that the two have anything to do with each other.

That is the main reason why I have introduced the amendment. I have introduced it, of course, as a separate bill prior to that time. For the life of me, I have never been able to understand why every time we have a social security bill it has to be coupled with something else.

We have a lot of retirement plans in the Federal Government. We have a retirement plan for the military, a huge retirement plan. We do not, when we consider one of those programs, tie it up with a welfare plan or some other piece of legislation. We have had retirement bills for the Federal employees and for the railroad workers. I do not recall that we have tied them up with some other obnoxious piece of legislation, either.

For the life of me, I cannot understand why we have to put off increased benefits for the elderly people until we have some controversial piece of legislation that we do not want to let get by.

I think that it is time that the Senate face up to its responsibility to the older Americans and considered this legislation by itself.

Mr. President, the problems confronting the older American are too well known by all of us to require any lengthy or detailed recitation. Yet, there is a mammoth chasm between our recognition of very real problems and our acting to resolve them. Each passing year increases the economic problems of old age. Economic slowdown, increases in living costs, decay of metropolitan centers and services, inadequate transportation facilities—I could well spend my entire time doing nothing more than listing the problems confronting the older American.

There are, however, certain figures I should like to point out. Today, there are more than 4.7 million older Americans living below the poverty line and this number is constantly increasing. If the present trend of easing older workers out of the work force continues, this number may well accelerate.

The situation confronted by the older or, indeed, even middle-aged worker seeking to obtain employment is not promising. Hearings held by the Special Committee on Aging, of which I am a member, have clearly shown that discrimination exists in the employment of the middle-aged and older worker because of age.

Also, the most economically disadvantaged of the older Americans is the woman. The elderly woman living alone or with nonrelatives is, according to Social Security Administration studies, the most economically disadvantaged in our entire society, with over 60 percent classified as poor and near poor. Especially hard pressed, of course, are those widows who are not covered by social security because they were not payroll workers during their lifetimes, but instead, were fulfilling the traditional role of mother and housewife. The widows find themselves confronted on the death of their spouse with reduced and totally inadequate benefits.

In the area of medical care, we are confronted with another crisis. Since the enactment of the medicare program in 1965, there have been four social security increases, equivalent to approximately a 50-percent increase. Yet, expenses for participating in medicare have advanced much faster than the increase in these social security benefits. Moreover, charges for services performed by physicians and by hospitals have also increased dramatically to a point where in fiscal 1970, a total of $10.6 billion was spent in public programs providing personal health on behalf of the elderly, and $5.1 billion spent privately.

Thus, improvements and adjustments in the experimentation of health delivery service systems is an absolute necessity.

As I have stated, these provisions in this amendment are all things that are noncontroversial, as far as what they provide is concerned. They have been processed by the House and the Senate either this year or last year. They are long overdue. They are desperately needed by the elderly people and by those on medicare and medicaid. I think the time has come for us to face up to our responsibilities and not permit them to be held hostage to welfare reform any longer. They need the money and they need it now.

I understand the administration is opposed to this. They sent a letter to all of us. I received a letter from the Secretary of Health, Education and Welfare, and he said that we have a comprehensive social security and welfare bill, H.R. 1, under consideration by the Committee on Finance, and that the administration is opposed to any nongermane amendments.

For the life of me, I think this amendment is far more germane than any we have considered in the last few days. The argument made by the Secretary in his letter is precisely the argument I make. They strongly oppose any separation of H.R. 1 from welfare reform for obvious reasons. As long as they have social security around serving as a vehicle for welfare reform, they will be able to get welfare reform passed more expeditiously and they will probably get a bill passed that is less advantageous and more detrimental to the United States.

If we separate these bills and let welfare stand on its own feet and be worked over so that welfare will finally pass this body on its own with a substantial vote, we will have a welfare formula that will work.

I say we will do the administration a great favor if we separate these two and pass social security now, which is so desperately needed.

Mr. President, what I am saying when I set out some of these facts is nothing more or less than that we need to act and act today on this amendment. The Senate must live up to its responsibilities to improve the plight of the older American in our society. We must, here and now, vote favorably on the proposals contained in the pending amendment and get on with meeting our responsibilities in this area.

Mr. President, I reserve the remainder of my time.

Mr. BENNETT. Mr. President, is the Senator from Utah correct in assuming there is no limitation on time?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARTKE addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. Does the Senator want me to yield for a question?

Mr. HARTKE. I wish to offer an amendment.

Mr. BENNETT. Mr. President, I yield for that purpose. I ask unanimous consent that I may yield to the Senator from Indiana for the purpose of introducing an amendment, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask that my amendment which is at the desk, an amendment to the Gurney amendment, be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 105, line 14, delete section 838 and add the following new section:

ONE-YEAR REDUCTION IN SOCIAL SECURITY TAX RATES

SEC. 838. (a) (1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and before January 1, 1973" in paragraph (3) and inserting in lieu thereof "and before January 1, 1972";

(B) by striking out "and" at the end of paragraph (3);

(C) by redesignating paragraph (4) as paragraph (5) and inserting after paragraph (3) the following:

"(4) in the case of taxable year beginning after December 31, 1971, and before January 1, 1973, the tax shall be equal to 5.9 percent of the amount of the self-employment income for such taxable year; and".

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended—

(A) By striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "the calendar year 1971"; and

(B) By redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) with respect to wages received during the calendar year 1972, the rate shall be 4.1 percent;"

(3) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended—

(A) By striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "the calendar year 1971"; and

(B) By redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) with respect to wages received during the calendar year 1972, the rate shall be 4.1 percent;"

(b) The amendments made by this section shall apply only with respect to taxable years beginning after December 31, 1971.

Mr. HARTKE. Mr. President, for the record, this amendment deals with the question of pay as you go on financing for the social security system. In substance it keeps the fund at the present level and provides 1 year reduction of the present social security tax from the present level of 4.6 to 4.1 percent.

I thank the Senator for permitting me to introduce the amendment.

Mr. BENNETT. I am happy to do so.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, before I begin to discuss this particular amendment, I would like to make my latest report on the cost of the amendments we have adopted to date. The bill of the Committee on Finance would have cost the Federal Government $1.7 billion lost in revenue in 1971. We have added an additional $1.1 billion in lost revenues for 1971. The committee bill would have cost the Federal Government $7.8 billion in 1972. We have added an additional $5.2 billion for 1972. Through 1980 the bill of the Committee on Finance would cost the Treasury $68.3 billion. The amendments we have added to date would raise that to $125 billion, which is a few billion dollars short of doubling it.

It seems to me that those of us who blithely suggest this is only a billion dollars do not realize the course on which we have set the Government and do not realize that these costs, while they may be very small the first year—we are given to that bad habit—because although the first year would be $1.1 billion, it would be about $56 billion over 10 years.

As we continue in the discussion, I want to keep this up to date.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing the losses in revenue from the floor amendments year by year from 1971 to 1980.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EFFECT OF SENATE FLOOR AMENDMENTS TO H.R. 10947 AS REPORTED BY THE SENATE FINANCE COMMITTEE AS OF NOV. 16, 1971

[In millions of dollars]

	Calendar years										
	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	Total
$800 exemption		−1,833	−1,921	−2,009	−2,097	−2,185	−2,273	−2,361	−2,449	−2,537	−19,665
Child care deduction		−205	−215	−225	−235	−245	−255	−265	−275	−285	−2,205
Farm equipment made retroactive to January 1971	−75										−75
Unemployment compensation: increased benefits		−470									−470
Unemployment compensation: increased taxes		+237	+248								+485
Excise tax on metropolitan buses		−4	−4	−4	−4	−4	−4	−4	−4	−4	−3.6
Baker excise tax amendment	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.
Industrial revenue bonds	-----	−10	−25	−40	−60	−80	−105	−130	−160	−200	−810
Tax credit for higher education up to $325 per student		−2 200	−2,300	−2,400	−2,500	−2,600	−2,700	−2,800	−2,900	−3,000	−23,400
Minimum standard deduction—$1,300 for 1971	−1,005										−1,005
Investment credit (rural and city jobs)		−775	−829	−887	−949	−1,015	−1,086	−1,162	−1,243	−1,330	−9,276
Total	−1,080	−5,260	−5,046	−5,565	−5,845	−6,129	−6,423	−6,722	−7,031	−7,356	−56,457
Individual nonbusiness	−1,005	−4,712	−4,446	−4,650	−4,856	−5,062	−5,270	−5,478	−5,688	−5,902	−47,069
Individual business	−75	−135	−145	−222	−237	−254	−272	−290	−311	−332	−2,273
Individual total	−1,080	−4,847	−4,591	−4,872	−5,093	−5,316	−5.542	−5.768	−5,999	−6,234	−49,342
Corporation		−413	−455	−693	−752	−813	−881	−954	−1,032	−1,122	−1,115

Office of the Secretary of the Treasury, Office of Tax Analysis, Nov. 16, 1971.

Mr. BENNETT. Mr. President, there has been a great deal of discussion on the floor about the relative effect on corporations and individuals of the proposals contained in the present law and in this bill. We have been told over and over again that under the present circumstances corporations fair so much better than individuals that it is necessary to step up the tax reductions for individuals in order to equalize it. In this period of 1971 to 1980, inclusive, the tax reductions for individuals from floor amendments are $49-plus billion and the tax reductions for corporations are $7 billion. So we have leaned over at a rate of 7-to-1 in comparing reductions for individuals and corporations. Yet somehow, some of my colleagues cannot get this through their heads and keep coming back to us and saying, "My additional tax reduction is necessary because we have treated corporations so much better than we have treated individuals."

Now, going to the amendment which is before us, I wish to read a letter which has been addressed to the Republican leader, Senator Hugh Scott, by Elliott Richardson, Secretary of Health, Education, and Welfare.

The letter reads:

> Dear Senator Scott: I would like to supplement and reemphasize my letter of November 15, 1971 concerning the Administration's opposition to non-germane amendments to H.R. 10947, the Revenue Act of 1971.
>
> We have been most pleased by renewed assurance that the Senate Finance Committee will resume consideration of H.R. 1, the Social Security and Welfare Reform bill, following disposition of the Revenue Act and will report the bill to the Senate early next year. We strongly urge that any proposals relating to Social Security or welfare, including State fiscal relief with respect to welfare costs, be considered in connection with H.R. 1 and not as amendments to the pending Revenue bill.
>
> The Administration's opposition to inclusion of amendments affecting the Social Security Act in the Revenue bill stems both from the urgent need to expedite action on the Revenue bill and to allow for adequate consideration of such amendments in the context of the Social Security welfare reform bill to which they are germane.
>
> I hope you will join with us, and urge others to do so, in the effort to speed passage of an unencumbered Revenue bill and to oppose inclusion of non-germane amendments in that bill.

The amendment suggested by the Senator from Florida would increase Federal expenditures by about $5 billion a year.

Mr. President, as a member of the Finance Committee, and if I may presume to do so, speaking for at least most of the members of that committee, we are disturbed, frankly, that a Senator who is not a member of the committee should undertake to write our legislation for us on the floor of the Senate, without giving us an opportunity to subject that legislation to the normal committee hearings and committee discussions. To take the bill as it came from the House and write it in to the bill on the floor of the Senate is to negate an important part of the legislative process, to deny many people who would want to be heard on these proposals the opportunity to have their say, and to deny to us in the committee the opportunity to consider alternative solutions to all these problems.

I would agree that it would be a wonderful world if we could take all the bills for which we are responsible and handle them simultaneously and instantaneously. In the nature of our particular assignment, the legislation has to originate in the House of Representatives, and we may not start to work until the House sends a bill over to us.

We have a revenue bill and a welfare-social security reform bill. Under the circumstances, the committee felt, and the President strongly urged us to do so, that we should handle the revenue bill first. We have to carry it all the way through in the processes of the committee. Then we have to handle it on the floor, in conference, and back on the floor again.

I have been on the floor 9 and 10 hours a day since last Friday, with no chance to hold hearings while we are involved in this debate, and it is going to be impossible for us to get to the process of considering H.R. 1, with its social security and welfare proposals, until after we are through here. I do not know how long the Congress will stay in session. As soon as we are through here, we will start to work on H.R. 1, and we will stay with it until the job is completed.

In practice, I know that means we cannot finish it up until some time early next spring. But that is no reason why we have to bypass the whole committee process, why we have to have the bill that came over from the House, why we have to deny people the opportunity to be heard, why we have to give up the chance we would have to consider alternative proposals. If we take that position, then we, in effect, have said to the House, "Well, you write the bill. We will give you our power. We will give up our right to look at it and we will take your bill without question."

It is for that reason that I, as the ranking minority member on the Finance Committee, and I am sure the chairman of the Finance Committee, feel that this is not the way to handle so important a bill.

I recognize that politically it is very appealing. This is an opportunity to make a political record. That kind of thing can only bring bad legislation.

So, Mr. President, when the proper time comes, either the chairman or I will move to table this measure, but I understand there is another member of the Finance Committee in the Hall who would like to have an opportunity to comment on it, and at this time I am prepared to yield the floor to the Senator from Connecticut (Mr. Ribicoff).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. RIBICOFF. Mr. President, certainly the amendment offered by the distinguished Senator from Florida is a worthwhile amendment. It contains elements with which none of us can disagree. As a matter of fact, each and every one of these proposals, if my memory is right, came out of the Finance Committee unanimously. I do not recall any member of the Finance Committee voting against these suggestions.

I think it is only fair, however, to point out to the Senate the significance of adopting these amendments. I have in my hand my amendment to H.R. 1, relating to the President's family assistance program. My amendment is 133 pages long. Should the proposal of the Senator from Florida not be tabled, I will then send to the desk and call up my amendment to the President's family assistance program.

The administration came to the chairman of our committee and to me and to the distinguished majority leader (Mr. Mansfield) and expressed concern about H.R. 1. It is no secret while the committee is practically unanimous in its support of social security, when it comes to H.R. 1 and the family assistance programs, there is great controversy in the Finance Committee.

It is my feeling that when the family assistance program comes to the floor of the Senate, after lengthy debate, the family assistance program will eventually be adopted.

I had originally intended to offer my version of the family assistance program as an amendment to the tax bill. However, I also recognized that the President's basic proposals in the tax bill are essential for the economy of our Nation. Taking anything up as controversial as a family assistance program at this time would lead to very extended debate, which would probably take us through Christmas. This would only give us a simultaneous failure of three basic measures that the country needs—the tax proposals of the President, the social security proposals which the Senator from Florida supports, and the family assistance program.

I know the distinguished Chairman of the Finance Committee is not enthusiastic about the family assistance program. But from my experience with the Finance Committee and the various men who have chaired it, even though they may not be sympathetic to a proposal, they have never denied a President or the Senate an opportunity to work their will on a basic measure presented to the Finance Committee. This can be affirmed by the distinguished Senator from Utah (Mr. Bennett), who has been on that committee much longer than I.

The majority leader met with the chairman of the Finance Committee and with me. He told us that he had an obligation as majority leader to grant the President of the United States an opportunity to have any major proposal submitted by the President come to the floor for a vote. The majority leader pressed the chairman of the Finance Committee and myself to that end.

The majority leader, the chairman of the Finance Committee, and I came to the following understanding, which we then related to the entire membership of the Finance Committee, both Republicans and Democrats. Priority would be given to the tax bill and it would be moved to the floor as soon as possible. We would keep off the tax bill, so far as possible, the social security features of H.R. 1, the welfare features of H.R. 1, and the medicare features of H.R. 1.

The chairman of the Finance Committee then told the majority leader that, depending upon the time needed to complete this bill, the time remaining before adjournment, and the date we resume after our recess, the Finance Committee would immediately complete its hearings and move H.R. 1 to the floor of the Senate.

Consequently, the chairman of the Finance Committee and I both, with different objectives, agreed with one another that we would object to and fight the social security features and any change in welfare provisions, in order to preserve the integrity of the tax bill. We also agreed to assure the President and this body that there would be an opportunity to vote on social security and the family assistance program. To date we have tried to comply with this promise.

There are two amendments, one already brought up today and the other to be brought up later in the afternoon, that would shatter the understanding of the majority leader with the chairman of the Finance Committee and myself. They are the amendments concerning social security submitted by the distinguished Senator from Florida (Mr. GURNEY) and the amendment relating to welfare submitted by the distinguished Senator from Illinois (Mr. PERCY). We feel it is incumbent upon us, although we agree with many of the objectives of those proposals, to fight against them now.

Speaking for myself personally, I am sure that assurances could be given by the chairman of the Finance Committee and the ranking minority member that the measures sought by both the Senator from Florida and the Senator from Illinois could be made retroactive.

It should also be pointed out that the distinguished Senator from Indiana (Mr. HARTKE) has at the desk some 50 amendments covering social security. Those amendments encompass virtually each and every provision of the amendment offered by the Senator from Florida. The Senator from Indiana is a member of the Finance Committee. After conversations with both the Senator from Louisiana and me, the distinguished Senator from Indiana, who is one of the strongest advocates for social security reform and social security enlargement, has not offered his amendments.

So to agree to such amendments as those offered today would be unfair to this body, to the Finance Committee, to the President of the United States, and to the people throughout the country who depend upon our having an opportunity to vote upon the basic family assistance program and social security.

It would be my hope that either the ranking minority member or the chairman of the Finance Committee would move to table this amendment. It is not that we do not believe the amendment is meritorious, because it is. I commend the Senator from Florida for having such a deep interest in behalf of social security recipients. But I can assure the Senator from Florida that there is not a member of the Finance Committee, be he conservative or liberal, be he Republican or Democrat, who does not also have a strong commitment to social security beneficiaries, and who will not do everything in his power to move the social security amendments to the floor as soon as possible.

I would predict that before February is over, or before March is well on its way, H.R. 1 will be before the Senate and will be acted on, which will afford the Senator from Florida the opportunity he wants and needs.

Mr. MANSFIELD. Mr. President, will the distinguished Senator yield?

Mr. RIBICOFF. I am happy to yield to the majority leader.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Connecticut in what he has just said. I note that the distinguished chairman of the committee is in his chair at this time. I ask him, Is it not true that I met with the distinguished chairman of the Committee on Finance and the distinguished Senator from Connecticut, the distinguished Senator from Georgia (Mr. TALMADGE), and others to discuss the possibility of reporting out H.R. 1, which the President refers to as his No. 1 legislative priority? Is not that the case?

Mr. LONG. That is exactly true. I would like to make one thing clear to the Senator, however.

The President subsequently informed me that as of this moment, the bill before us, this tax cut provision to get the economy moving, is his No. 1 priority.

Mr. MANSFIELD. Exactly.

Mr. LONG. And he wants this bill to go ahead of H.R. 1, so much so that he does not want the provisions H.R. 1 on this bill, even if we were to vote to put it on here. He feels that nothing must jeopardize the tax measure now being considered, and he feels that putting the provisions of H.R. 1 on this bill would definitely jeopardize enactment of H.R. 10947, the revenue bill we have before us.

Mr. MANSFIELD. If the Senator will yield, I want to corroborate what he has just said, because, at the President's specific request, the welfare proposal was laid aside so that the measure now before us would receive immediate consideration, due to the economic situation in which the Nation finds itself at the moment.

Furthermore, if my understanding is correct, the agreement among the Senators already mentioned and others was that H.R. 1 would be retained as a single package covering social security and welfare, a goal sought by the President as well as most of the members of the House of Representatives; and I believe further that the distinguished chairman indicated to those of us who were in attendance with him at that time, some weeks ago, that it was his intention, if at all possible, to endeavor to get H.R. 1 out and reported to the Senate no later than the middle of February—if possible to do so.

Mr. LONG. We were talking about that approximate date, and of course that depends upon when Congress comes back in. It might require some further time to report that bill. As the Senator knows, I am a little bit more ambitious about being able to set a specific date for reporting than some others. But we are agreed that this is a priority matter, it is the first order of business, and we ought to go ahead with it once the pending measure, H.R. 10947, the President's tax package, is out of the way.

We cannot make decisions on H.R. 1 on the basis the Senator from Florida suggests, because it involves what the President himself has described as the most revolutionary welfare proposal made in the history of the country by any President. That is the so-called family assistance plan, which is a very controversial matter, and the people of this country are entitled to be heard on it.

Those who favor the family assistance plan and have been strongly for it feel that it prejudices their chance to pass a family assistance plan if it is separated from the rest of H.R. 1, so they are determined to offer the family assistance plan to the other part of H.R. 1 in the event that those other parts are called up.

We passed what for the most part is in the Gurney amendment a year or so ago, and the House would not even go to conference with us because they wanted to talk about the whole thing at one time.

So we have the same problem on both sides, and the only way to resolve it is to do our job in reporting to the Senate the bill we think ought to be passed. Then, having done that, the Senate should work its will. The parts of H.R. 1 and last year's Senate bill which are embodied in the Gurney amendment will be before us and we can vote on them. There is not too much controversy, even though we will undoubtedly want to increase the cash benefits and if the committee does not, the Senate will. But then we will have to reach a conclusion about the difficult problems involved in the family assistance plan.

In some respects, we are making progress. We are solidifying our thinking on some aspects of this matter, but a great deal of controversy still remains in the family assistance plan. The matters involved there are so momentous that they just should not be disposed of lightly. No one should try to dispose of those enormous issues by walking in on the Senate floor and trying to dispose of them in an afternoon. That is at least a 6-week job for a committee, and it should be as able a committee as the Senate can put together. I am proud that the Finance Committee has jurisdiction over it because of the enormity of the problem.

Then, a committee having done its work, the Senate ought to take up that matter and thoughtfully consider it. The discussion should be on what the committee reports, both for and against, both sides of the argument, on the momentous issues involved in the family assistance plan.

Mr. MANSFIELD. I agree with what the distinguished chairman of the committee has just said.

May I say, also, that I am in full sympathy with what the distinguished Senator from Florida is trying to achieve and what the distinguished Senator from Illinois (Mr. PERCY) later will seek to achieve in this body. But I think that if you bring in social security issues and welfare issues as amendments to this bill, which now has the highest priority and which affects all the population of this Nation—the social security recipients and the poor as well as many others—you endanger the possibility of getting out a bill and restoring the economy within a reasonable period of time. Prolonged even further, I believe, will be a full consideration and disposition of all areas of reform covered by the Gurney amendment, the Hartke amendments, the Percy amendments, and others. To be frank, these matters should be considered as a part of H.R. 1, which ultimately may well be the most important bill to come before this Congress.

I do have some questions about the $2,400 subsistence payment—a guaranteed annual income, so to speak. Some Senators wish to raise that figure to $5,500. That seems even more questionable. But I realize that something must be done, that welfare is getting out of hand, that the costs are increasing rapidly year by year. This bill may be the answer, but I find it difficult to accommodate myself to it. I am trying to keep an open mind.

The point is, I would like to consider all these factors in relation to H.R. 1, at which time both the welfare proposals of the President of the United States and his social security suggestions could be considered in toto, and on that basis occupy the undivided attention of the Senate, after the appropriate committee, the Finance Committee, has had a chance to work its will prior thereto.

So I would hope that those who are offering social security amendments would keep in mind that they are just hindering the passage of this bill; they are tending to tear apart H.R. 1, which should remain as a package. That is the way it was intended. I hope it remains so.

Therefore, I would join the distinguished Senator from Connecticut (Mr. RIBICOFF), the chairman of the committee, and others in doing what could be done to bring about a separation of these issues.

Mr. LONG. There is no doubt in my mind that if you try to put the social security provisions of H.R. 1, or the welfare provisions of H.R. 1, on this bill, you are not going to get either of them. You are not going to get the President's economic package, and you are not going to get H.R. 1, either. All you are going to do is spend a great deal of time doing on the floor of the Senate the kind of things we would be doing in the committee as an an agent of the Senate.

Mr. RIBICOFF. The distinguished chairman was not in the Chamber when I pointed out that, should this amendment not be tabled, I would feel obliged, because of the agreement I had with the Senator from Louisiana and the distinguished majority leader, to offer as an amendment to the pending amendment my family assistance plan, which encompasses 133 pages. This would undoubtedly lead to a very extended debate and discussion, which would then lead to the failure of this entire bill. Social security would not pass, family assistance would not pass, nor would the President's economic package pass. It would be tragic for this Nation on all three counts.

Mr. LONG. Frankly, if that situation should develop, I hope I would be permitted to offer some of my amendments before the Senator offers his amendments. Let me give the Senate an idea of what it is in for when we become involved in legislating social security amendments on the floor—just to seek the Senate's judgment on some of the issues that should be decided.

Would the Senate like to lift the social security earnings limitation? Some suggest that.

Here are some other amendments I think the Senate would find appealing. One of them would reduce the age of eligibility for retirement benefits to 60. That has been favorably considered by the Senate, and I think the Senate might want to do that again.

We had a rather inconclusive debate on the child care provision last year. I think the child care provisions in H.R. 1 need an instrumentality capable of implementing them. We should consider that issue.

There is the matter of disability benefits affected by the receipt of workmen's compensation; one amendment would eliminate the limitation that workmen's compensation and social security payments not exceed 100 percent of what a person was making before he was sick or injured.

Then the Senate should give us a judgment on the repeal of the earnings test completely, which some have suggested, and we could see what the Senate would like to do on that matter.

Some do not think 5 percent is a sufficient social security increase. We ought to decide whether we want a 5-percent or a 10-percent increase across the board. So we will have to vote on that.

Then we can see what we want to do about special minimum benefits for certain categories of people, and we have a suggestion that we drop out additional years of low earnings. This would increase the income for many people. It is popular.

We have a suggestion with regard to the reduction in the waiting period for disability benefits.

I am anxious to seek the support of the Senate on a program to extend medicaid to cover the mentally ill. There has been some controversy about what it would cost. Some contend it would cost $500 million, but I am satisfied that if closely drawn, it would not cost more than an additional $200 million a year.

In addition, it would be well to see what the Senate wants to do about the coverage of prescribed drugs. That is a very important matter that has been brought to our attention by the Senator from New Mexico—Senator MONTOYA—and others. We would be entitled to know what the Senate would want to do about that.

I have prepared a statement supporting my proposal to extend medicare to cover catastrophic health insurance for all citizens. That would cost only $3 billion, and it would do a great amount of good for many less fortunate people in this Nation who have sustained very high hospital and doctors' expenses during the year. In addition, I am rather persuaded that the hospitals have a good argument with regard to a proposed possible change in their medicaid payments. I have been impressed by their arguments and I am inclined to offer an amendment to help the hospitals with their problems.

Those are matters that the Senator from Louisiana thinks we are entitled to have an answer to from the Senate, when we get into these areas. Those matters, I would hope, could be presented before we get around to the Senator's amendment, because we might not be able to get to a vote on this between now and January next.

Mr. RIBICOFF. I certainly would defer to my distinguished chairman by giving him priority to offer his amendments. As I listened to those amendments, it seems clear we will be here not only on Christmas, not only on New Year's Day, but until March 1 of next year when H.R. 1 was scheduled to be voted on originally, before we would even dispose of Senator GURNEY's amendment. I feel sorry for this Nation and its economic woes and problems if we have to wait that long for action on the President's tax proposal.

Mr. MANSFIELD. If the Senator will yield there, we could not pass a defense appropriation bill, we could not consider the nomination of the President's two nominees to the Supreme Court, we could not have a foreign aid bill—not that we will have one—but this would put the clincher on it.

I understand, for example, in addition to what has been said, that the distinguished Senator from Indiana (Mr. HARTKE) has at least 50 social security amendments. We would not finish them this year. We would adjourn sine die at noon on January 3, 1972, and this would be the pending business, and where the President's program and his nominees to the Supreme Court would end up, no one knows.

Mr. LONG. This is part of the work that must be done by the Senate. That is why we have committees. I have always thought it was a fine thing to have a balance on committees. I have tried to see that on the Finance Committee we had an appropriate number of chairs for the liberals, represented, for example, so ably by the Senator from Connecticut (Mr. RIBICOFF), as well as some chairs for fine conservatives, so that we would try to reasonably reflect what the Senate would want to do about these matters. From time to time, I try to cast my vote to reflect what the Senate is most likely to do, feeling it is something we should do and that we should have the judgment of the Senate on these things. But we cannot follow the same procedure on the floor of the Senate. All we can do is to offer the amendments and proceed to debate them and vote on them and see what the Senate wants to do.

SEVERAL SENATORS addressed the Chair.

Mr. GRIFFIN. Mr. President, I am not quite sure as to whom all this oratory is being directed. But if it is being directed to this side of the aisle, let me say that I am one Senator who has gotten the message. It is rather clear that if we want to get the tax bill through, we had better not get involved with controversial matters unrelated to the tax package. As much as I favor the amendment of the

Senator from Florida (Mr. GURNEY), and I would like to vote for it, unfortunately, it would open up a Pandora's box, and if it were adopted we would be here indefinitely arguing about welfare reform and social security amendments.

It is very encouraging and heartening that the distinguished majority leader and the chairman of the Finance Committee are working so hard to help get the President's package through. I say that in all sincerity. However, when some of the other amendments are offered, having to do with unrelated matters—such as campaign contributions, which are important and should be considered separately—I hope we will see the same vigorous determination to put those matters aside, so this tax bill can be enacted as rapidly as possible.

Mr. MANSFIELD. May I say that we get the message on this side of the aisle, too. But there is a great deal of difference between 50, 75, or 100 social security amendments and a single amendment having to do with election financing.

After all, we have to depend upon big labor, big corporations, rich men, the American Dairy Association, the American Milk Producers Association, the American Medical Association, for the funds which are needed to conduct a presidential campaign. All we are trying to do is to bring equity back into the democratic process and preserve democracy, and keep it from falling into the hands of those who depend upon contributions and people who have the tendency, if not to buy politicians, at least to try to influence them.

Every Senator knows that if someone gives us $1,000, $3,000, or $5,000, that while we say, "No, this makes no difference," when they write us a letter or want to see us, we read the letter a second time and we spend a little more time with the donor than we do with anyone else. These are facts. They are economic facts.

So all we are asking for, in the Pastore-Talmadge amendment, is equity. What we are getting away from is the dependency on large corporations, large labor unions, and various other organizations which are politically oriented, representing various professions and the like. I think that this is the fairest objective that could be achieved if we want democracy to work as it should work and reduce in the process dependency on the rich and the big economic interests.

SEVERAL SENATORS addressed the Chair.

Mr. GURNEY. Mr. President, I knew I was going to get some discussion on my amendment, but I did not think I was going to get the political campaign issue in.

In answer to the distinguished majority leader, I do not know how it is in Montana, but in Florida, Democrats and Republicans seem to do all right in raising money. I do not believe that we need a campaign bill here.

Back to social security. We are talking here as to what the distinguished chairman of the committee pointed out, that there are some amendments to his amendment that people would like to offer.

I would not ask the embarrassing question of either the Senator from Connecticut or the Senator from Louisiana, whether they would object to my amendment. I think that the Senator from Connecticut has already answered that. He agrees with most of it. But what I would like to ask him is this, and it seems to me that this is the whole nub of the problem: The distinguished Senator from Connecticut, for whom I have the greatest regard and affection, and the distinguished chairman, the manager of the pending bill, have both stated that the bill is a good one, that the amendment is a good one, and that it has provisions in it which should be passed.

Mr. LONG. They should be good. We wrote them. That is where the Senator got them from.

Mr. GURNEY. That is precisely what I was going to say. They have been kicking around here for 2 years.

Mr. LONG. We passed them in the Senate.

Mr. GURNEY. Yes; we passed them in the Senate last year.

Mr. LONG. What happened after we passed them? The House would not even talk to us about that bill.

Mr. GURNEY. The point I want to make is that there is a great difference between the social security amendments I offered here and the family assistance plan or welfare reform. Both the distinguished Senator from Connecticut as well as the distinguished Senator from Louisiana have put their finger right on it; that is, that welfare reform is controversial. There is a great deal of difference of opinion on it.

I read the distinguished chairman's statement that he made last August in this Chamber, regarding the family assistance plan. I do not believe he agrees with me on the social security amendments, but I agree with him on the family assistance plan. But, for the life of me, I do not see why social security, every time it comes before this body or the other body, or the whole of Congress, has to be hostage to something that is controversial.

I will never forget, when I first arrived in the House of Representatives, one of the first things we had to consider was a social security increase tied to medicare. That is how medicare got through Congress. I am not arguing whether that was good or bad, but I will say that it never would have gotten through Congress, at least not through the House, in 1964, if it had not been hooked onto social security—that is, in the form that it was passed.

I do not see why 27 million older Americans—and that is just about how many older Americans there are who are drawing social security—every time we need an increase, every time we need a reform—and heaven knows, the chairman knows the legislation better than I, that in this amendment reform is long overdue, about 2 years—should be tied to something that is controversial.

For example, in the past few days, we have had the Magnuson amendment to benefit those who are unemployed. We have had the Hartke amendment, increasing exemptions for everyone. We have had the Humphrey amendment to aid farmers. We have had the Williams amendment to aid bus owners. We have had the Tunney amendment regarding child care. We have had the Hollings amendment to aid people who want to send their kids to college and get an education.

We have had the Pearson-Ribicoff amendment for both city and farm folks who were unemployed. But we cannot do that for 27 million older Americans. Why? It is because that provision is tied to a very controversial bill, and the administration—and I disagree with them heartily—and some of the people in the House and some of the people in the Senate say that we can get an unpleasant or a controversial bill and tie it up with social security. I think we should get over that hangup. We should let social security stand on its own and let the welfare system stand on its own.

Mr. RIBICOFF. Mr. President, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, might I say to the Senator that I seriously considered offering the amendment the Senator has at the desk. I would have liked to do it. However, I discovered that those at the White House were determined not to let us pass the social security bill without an answer on the family assistance plan one way or the other.

I was determined, and I am satisfied in my own mind, that even if we could succeed here—and I do not think we can pass this bill until we have finally either defeated the family assistance plan or given some kind of an answer in the terms of an alternative to it—but even if we did, I am fully convinced that when we meet with the House, the chairman and the ranking members of that committee—two very fine Members of the Congress, able statesmen, Representative MILLS and Representative BYRNES—will take the attitude that since we are not willing to talk to them about something that they have sent us, they will not talk to us about our proposal.

Nothing will happen. In all that time we will be at loggerheads with those people and delaying matters that much longer.

Everyone wants to do it by the ground rules that they themselves favor. I do not blame anyone for that. I would like to pass everything in the bill without the family assistance plan. Many would like to pass it with the family assistance plan. That matter will have to be fought out, and should be, on its own merits.

I criticized the House when they would not talk to us after we passed the social security bill last year. The House would not even talk to us. They would not even pick the bill up off the desk. And the social security benefit increase was held hostage to the family assistance plan.

However, I did succeed this year in getting through an amendment to pay the 10 percent social security increase, and that is now law. We put it on the debt limit bill and persuaded the House to let that go through while they were preparing their new social security bill, H.R. 1, and getting it to us.

We have had some cooperation. However, I can promise the Senator that, if I was ever convinced of anything in my life, I am convinced beyond any peradventure of doubt that Representative MILLS and Representative BURNS will not talk to us about this bill unless we are willing to talk to them about theirs. If we are not willing to talk to them about their measure, they will not talk to us about ours.

They are not arbitrary or unreasonable men. They know that they speak for the House of Representatives and they know that the House is a coequal body. I am afraid that they are under the impression that the House is a superior body. But they will not yield for a moment so long as the Constitution says that the House shall initiate revenue bills.

They have ways of saying no which are absolutely beyond any peradventure of being misunderstood. There is no doubt that they will not take it. All we can ever do, if we ever get there—and I have my serious doubts of that—is argue and struggle with them and then come back and inform the Senate that they will not agree with it, which is something we already knew to begin with.

I have been through it. I can tell the Senator that they are not mean or unfair. But they are tough, and they know when they want to take a stand. They do not have the same rules in the House that we have in the Senate.

When I hear about democracy and think of the rule they have in the House of Representatives where the House might agree with the Senate 99 percent, but yet when the Senate sends them an amendment, one man might not agree to picking up the piece of paper off the Speaker's desk and there is nothing the other 99 percent can do.

When I see that kind of arbitrary situation under the House rules, it makes me wonder how democratic a body the House is. However, that is how it is. And we have to live with that and do the best we can under the circumstances.

I am fully convinced that the Senator from Connecticut is right and that the President is right about this matter. I am fully convinced that the Senator from Utah is right. And while I agree, so far as I know, with everything in the amendment with perhaps one or two minor differences, I would be the first to say that we would do our best, but that it would be very difficult to achieve what he wants. We would have a fight on the family assistance plan and, whether we like it or not, we cannot bypass that.

Here is an amendment the Ribicoff amendment, that is 133 pages long. Frankly, if I do say so, the word of the Senator from Connecticut is just as good as that of the Ways and Means Committee. When they say they will do something, they will.

Mr. RIBICOFF. Mr. President, I yield to the Senator from Indiana.

Mr. HARTKE. Mr. President, I thoroughly agree. I think that we have to make up our mind today whether we will proceed with the social security or whether we will proceed with welfare reform.

I am 100 percent in favor of the measure the Senator from Connecticut put together on welfare reform. I am a cosponsor and I am honored to be on that program with him.

I see a situation developing here on the floor in which every Senator is going to be faced with the fact that either we stay until January 3 or we get on with the job. I agree with the Senator from Florida. The provisions of H.R. 1 are wholly inadequate. They are not good enough for the old people. We are probably doing nothing for them.

There is an amendment at the desk which has been there for maybe 2 months, ever since the House bill was reported. I put it on the desk so that everyone would know that I was going to press for a 10-percent increase on social security.

The Senator from Florida is going for only 5 percent. As of now, it should be at least a 10-percent increase in social security if we want to give them anything.

The amendment of the Senator from Florida provides for 5 months' waiting time before eligibility for disability benefits, whereas my amendment provides for only 3 months.

The amendment of the Senator from Florida does nothing to improve the H.R. 1 provision about the dropout years. It does nothing about the definition of disability. It does nothing to improve the H.R. 1 provision for a special minimum benefit. It does nothing to equalize coverage for men and women. It does nothing about combining parts A and B of medicare. He does nothing about covering prescription drugs under medicare; he does nothing about covering eyeglasses; he does nothing about covering hearing aids; he does nothing about covering what I say are false teeth, but my wife says are dentures. Whatever we call them, his amendment does nothing about that.

It does nothing about the recommendation of the Secretary of Health, Education, and Welfare yesterday when he said we were going on a pay-as-you-go basis. The Department opposed it, but they have changed their minds and now come up with that recommendation.

If we start now on Social Security amendments, we will be here for a long, long time. It is only by virtue of the fact that we will have to adjourn sine die that we will have to stop without doing a better job than the Gurney amendment does. It does not do half enough for the old people. If we want to do something for them, we should not just give them a lot of sweet talk. I do not like the sweet talk. That is why my 49 amendments are at the desk.

I have said repeatedly on the floor of the Senate that I would not call up these amendments unless the door is opened by others. I am saying to the distinguished chairman of the committee and to the distinguished ranking minority member of the committee that I am still prepared to live by that statement. I know the distinguished Senator from Connecticut stated on the floor of the Senate that he will introduce his welfare reform proposal, and if he does not do so I will. That is not all. We will probably have other proposals to add to the bill. The Senator from New Mexico is in the Chamber. One of the greatest reforms and opportunities given to elderly people was the King-Anderson bill. That was medicare.

Mr. President, we can get the job done but not if the Senate is going to combine all this important social legislation with the revenue bill.

Mr. BYRD of West Virginia. Mr. President, I will vote to table the Gurney amendment to H.R. 10947. My decision to support the tabling motion is based on my belief that H.R. 10947 is not the proper bill to which this amendment should be offered.

H.R. 10947 is a tax bill which is designed to stimulate and improve this country's current economic situation. It is essential to the economic stability of this country that this measure be enacted as soon as possible. I think all of us are aware of the position which has been consistently taken by the House conferees, and we all know that they would not accept the pending amendment, even if it were adopted to the Senate version of H.R. 10947. Therefore, to attach this amendment to H.R. 10947 would be a futile gesture which would accomplish nothing except to unnecessarily raise the hopes of our 26 million citizens currently receiving social security benefits.

Since my election to Congress, I have sponsored and supported legislation to provide realistic social security benefits, and to strengthen the structure and administration of the social security system. On February 18, 1971, when I introduced S. 865, to amend the Social Security Act to provide actuarially reduced social security benefits at age 60 and full benefits at age 62, I stated on the Senate floor at that time that I also favored a 10-percent across-the-board increase in social security benefits.

The Senate Finance Committee is currently considering a new social security bill and I am informed that the bill will be reported early next year. When that bill is before the Senate, I shall support across-the-board increases and other needed improvements in the social security system. In addition, I will offer S. 865 as an amendment to the committee bill if the provisions of S. 865 are not included in the bill as reported by the Senate Finance Committee.

Mr. President, one Member has already informed me that he has 50 amendments dealing with social security which he will offer if this bill is "opened up" to this area of legislation. Therefore, even though I support the objectives of the Gurney amendment, and applaud Senator GURNEY for his efforts and his objective, I am voting to table it because I fear that if the bill is opened to such amendments, this bill—encompassing phase I of the President's economic proposals—will not see final action in the Senate for a long time to come.

Mr. GRIFFIN. Mr. President, I have already indicated to the Senator from Florida what I think is the practical and realistic thing to do. But I imagine he must have tears running down his cheeks as he has listened to the explanations as to why it is impossible to find money in the Treasury to help 21 million older folks while at the same time we are to be confronted with an amendment that will dip deeply into the Treasury to finance the campaigns of politicians. As I understand it, the amendment will provide for a checkoff on the income tax form, which will assure a $6 million campaign kitty for George Wallace, for example. That should just about guarantee that he would be a candidate again.

If the campaign checkoff amendment is agreed to, it would require the reprinting of income tax forms for 1972 which have already been printed by the Treasury Department. Nobody knows exactly what adoption of the amendment would cost. But I understand that the provisions would cost approximately $100 million. That is the money of taxpayers.

There have been no hearings, and if the amendment were agreed to in the Senate, apparently the Senate would expect the House to agree to it without debate. It seems to me the taxpayers should know something about this amendment—a lot more than they know now. It seems incredible to me that the argument made against the social security amendment of the Senator from Florida could be made and the Senate will still be confronted with other amendments, like the campaign financing amendment, which should not be considered as part of this tax package but as separate legislation.

Mr. GURNEY. Mr. President, I certainly would like to commend the distinguished Senator from Michigan, the Republican whip, for the remarks he made on the campaign proposal.

As far as the social security amendments are concerned, there have been two hearings in the House, one hearing in the Senate and the amendments have been around here for 2 years.

For the life of me I cannot see how this body would table these amendments and then go ahead with the campaign proposal that has not had hearings and which deals with an unrelated subject, and pass it.

In that connection, I wish to say that I think it is the obligation of every politician, if he wants to serve in public office, to raise his own money and get himself elected. When he starts depending on the taxpayers to have some sort of checkoff dues system at tax time to raise money for us to run for the Senate, the House, or the Presidency, we have reached a sad state of affairs in the political life of America. I hope whatever happens to my amendment, the campaign amendment is killed. If my amendment is tabled, then the other one also has to be tabled.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment of the Senator from Indiana.

Mr. BENNETT. Mr. President, in view of all the discussion, I move that the amendment of the Senator from Florida be tabled.

Mr. GURNEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah (Mr. BENNETT) to table the amendment of the Senator from Florida (Mr. GURNEY). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. DOLE) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

The result was announced—yeas 81, nays 11, as follows:

[No. 352 Leg.]

YEAS—81

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Eagleton
Eastland
Ellender
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
Mondale
Montoya
Moss
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—11

Chiles
Dominick
Gurney
McClellan
Metcalf
Miller
Packwood
Pastore
Pearson
Percy
Thurmond

NOT VOTING—8

Allott
Bayh
Dole
Ervin
Mathias
McIntyre
Mundt
Saxbe

So Mr. BENNETT'S motion to lay Mr. GURNEY'S amendment on the table was agreed to.

AMENDMENT NO. 679

The PRESIDING OFFICER. In accordance with the previous order, the Chair lays before the Senate the amendment No. 679 of the Senator from Illinois (Mr. PERCY), which the clerk will state.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new title:

TITLE VIII—FISCAL RELIEF FOR STATES WITH RESPECT TO STATE PUBLIC ASSISTANCE PROGRAMS

FISCAL RELIEF FOR STATES

SEC. 801. Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"FISCAL RELIEF FOR STATES

"SEC. 1122. (a) The Secretary shall, subject to subsection (c), pay to any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) which has a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act, for each quarter beginning after June 30, 1971, in addition to the amounts (if any) otherwise payable to such State under such title on account of expenditures as cash assistance, an amount equal to the excess (if any) of—

"(1) an amount equal to the lesser of—

"(A) the amount of the non-Federal share of the expenditures, under the State plan approved under such title or such part A (as the case may be), as cash assistance for such quarter (not counting any part of such expenditures which is in excess of the amount of the expenditures which would have been made as cash assistance under such plan if such plan had remained as it was in effect on June 30, 1971), or

"(B) an amount equal to 125 per centum of the amount referred to in clause (2), over

"(2) an amount equal to 100 per centum of the non-Federal share of the total average quarterly expenditures, under such plan, as cash assistance during the four-quarter period ending June 30, 1971.

"(b) For purposes of subsection (a), the non-Federal share of expenditures for any quarter under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act as cash assistance referred to in subsection (a)(1), means the excess of—

"(1) the total expenditures for such quarter under such plan as, respectively, (A) old-age assistance, (B) aid to the blind, (C) aid to the disabled, (D) aid to the aged, blind or disabled, and (E) aid to families with dependent children, over

"(2) the amounts determined for such quarter for such State with respect to such expenditures under, respectively, sections 3, 403, 1003, 1403, and 1603 of this Act and (in the case of a plan approved under title I or X) under section 9 of the Act of April 19, 1950.

"(c) No payment under this section shall be made for any quarter to any State on account of expenditures, as cash assistance under a State plan of such State if—

"(1) the standards, under the plan, for determining eligibility for, or the amount of, cash assistance to individuals under such plan have been so changed as to be less favorable, to all (or any substantial class or category) of the applicants for or recipients of such assistance under the plan, than the standards provided for such purpose under such plan as in effect on June 30, 1971, and

"(2) the amount of the non-Federal share of the expenditures, under such plan, as cash assistance for such quarter is less than 150 per centum of the non-Federal share of the expenditures, under the State plan, as cash assistance for the quarter ending June 30, 1971."

Mr. JAVITS. Mr. President, by request of the Senator from Illinois, I yield myself 5 minutes at this time.

The PRESIDING OFFICER. The Chair informs the Senator from New York there is no time limitation on this amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that amendment No. 679 be modified by changing the essential operative dates in one case from June 1, 1972, to June 30, 1971, which would limit the operation of this amendment to 1 year, and in another case a limitation date on the time for determining total expenditures which is recorded in the amendment.

The PRESIDING OFFICER. Will the Senator suspend until order is restored? The Senate will be in order.

The Senator from New York may proceed

Mr. JAVITS. Mr. President, I will start over again.

I ask unanimous consent that a number of changes be made in the amendment.

First, Mr. President, a parliamentary inquiry. Is unanimous consent necessary, in view of the fact that there is no unanimous-consent agreement on time on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. So unanimous consent is not necessary?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I send to the desk a series of modifications in the amendment, and ask that they be stated for the information of Senators.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

On page 2, line 5, insert after 1971, "and prior to July 1, 1972."

On page 2, line 17, strike out "June 30, 1971" and insert in lieu thereof, "December 31, 1970."

On page 2, line 24, strike out "June 30, 1971" and insert in lieu thereof, "December 31, 1970."

On page 4, line 5, strike out "June 30, 1971" and insert in lieu thereof, "December 31, 1970."

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. I understand the Chair to rule no unanimous consent is required in this situation.

The PRESIDING OFFICER. If the Senator from Illinois were offering the amendments, it would not require unanimous consent. Because the Senator from New York is acting on behalf of the Senator from Illinois, it would require unanimous consent.

Mr. JAVITS. I would then ask, as a matter of accommodation to the Senator from Illinois, that there be no objection to this proceeding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. INOUYE. Will the Senator accept further modifications to include in the amendment the people of Guam, Puerto Rico, and the Virgin Islands?

Mr. JAVITS. Will the Senator be good enough to wait until Senator PERCY gets back? I would be unable to do so on his behalf.

The Senator from Illinois wishes me to explain to the Senate that the reasons for the amendments to his amendment are the following:

First, the cutback of the date to July 1, 1972 results in making it a 1-year instead of a 2-year operative period for this amendment to take effect. The result of cutting back the date when the amendment freezes benefit levels which various States share from June 30, 1971 to December 31, 1970 is to deal with the problem of eight States where welfare cutbacks were made prior to June 30, 1971. Hence, if the amendment took effect with the benefit levels frozen at June 30, 1971, certain of the recipients, who had already had cutbacks, would have further cutbacks, and therefore the date of December 31, 1970, avoids that situation and retains the status quo among the States, as these cutbacks were dictated by the relationship between the States and the Federal Government.

The eight States which are benefited under Senator PERCY's amendment by that particular change are Alabama, Delaware, Georgia, Louisiana, New Mexico, New York, South Dakota, and Washington. May I say at once that as far as my State of New York is concerned, though I shall vote with Senator PERCY, it does not represent, according to the facts and figures as analyzed for me by our State authorities, any appreciable matter for the State of New York, so I do not speak personally. It is just my conviction that this is a very desirable amendment in terms of the totality of the country, rather than its having any particular benefit for New York. For New York, it makes a modest difference, but it does not mean enough for us to have offered such an amendment, or for me necessarily to join in it, except as a matter of conviction as a Senator.

Mr. President, the welfare problem is probably the most difficult for all of the States, for my State as well as most other States; and for the great cities, of course, it is simply unbelievable. The increases in the welfare rolls, in the course of the last years, have run to 200 and 300 percent in the larger cities, and the city of New York, being the largest, gets the worst rap in that regard.

What has happened is literally a massive demographic shift of the population of the country, and the artificial—because today, in economic and social terms, they are artifiicial—barriers drawn around cities by prerevolutionary political lines have literally stranded them, without any real economic or social base.

One can move, I suppose, from any major city into its suburbs, and they are absolutely indistinguishable. That is certainly true of the city of New York. Moving between New York City and any one of our major boroughs, you would not know it unless you saw a sign. That is true in social and economic terms.

This has happened because of the diminution in the farm population; with the heavy emphasis upon farm population in the South, there have been most drastic shifts of population in our country, substituting for the normal tax-paying or rate-paying middle class of the cities an enormous population of very low income, and, in addition to having a very low income, having grave shortages in skills and tremendous social problems attributable to racial and economic background, as in the city of New York, where today probably somewhere between one-quarter and 30 percent of the city is composed of blacks and Puerto Ricans.

In due course, they will be splendid citizens, and we will be happy that they came. But right now it is very tough, because this is the period of change and gestation.

I saw figures this morning on one city which were really unbelievable. The city of Boston, where the shift has had less of an impact, perhaps, than on Detroit, Chicago, or any of a number of other great cities, in the committee presided over by the Senator from Connecticut (Mr. RIBICOFF) we saw in 10 years, a 14 percent—which is unbelievable in terms of magnitude—population shift from the central city of Boston to its suburbs and the shift that went with that of the so-called minority population—that is, the new population who were welfare clients, and so forth—was infinitesimal. The shift was definitely the white middle-class population. Of course, this erodes the tax base, which creates new welfare and a mass of other problems, and it lessens the effectiveness of schooling and creates segregation problems, de facto segregation problems in schools, and so forth.

This enormous welfare crisis has literally broken the backs of the States and the cities. Even my own State of New York, which Governor Rockefeller has run so magnificently in terms of finance for many years, now just cannot do anything except cut back. It cannot borrow; it cannot tax. It simply must cut back. At this point, the cutback is to the bone; because people really are being reduced and being placed in conditions of very serious want by the nature of the cutbacks which must, because of the terrible situation we face, be indiscriminate.

Because the President put over the family assistance plan for a year, and the crisis is now rather than a year from now, this amendment proposes that with respect to up to 25 percent of previous welfare payments, the United States shall, for 1 year, take up the slack of the excess of payments in this fiscal year on welfare against the previous fiscal year.

Mr. President, Senator STEVENSON, Senator PERCY's colleague from Illinois, is very informed on this subject. He has indicated to me his desire to explain it in detail, and I, therefore, yield the floor.

Mr. STEVENSON. Mr. President, first, I commend the senior Senator from New York for his characteristically lucid exposition on this critical subject.

I also commend the senior Senator from Illinois for the submission of this amendment for emergency welfare relief.

It does not take any elaboration to persuade Members of this body that we do face in the country a crisis, a welfare emergency. It is an emergency which exists in Illinois; it exists in most States of the Union. I am somewhat troubled by the circumstances which led to this emergency. There, it seems to me, is an example of how unresponsive our political system can be. It has been clear for years that the Nation's approach to welfare has been on a collision course with disaster.

The President first proposed welfare reform early in 1969, but, although his proposal passed the House, the Senate was unable to act upon it before the 91st Congress ended. A revised version of welfare reform, H.R. 1, was introduced almost a year ago, and it still has not been acted upon and approved in any form by Congress.

Our legislative body at the national level, aware of a crisis which has been growing for many years, has failed—and has continued to this moment its failure—to act.

Now that we have ignored major welfare reform, it becomes necessary to consider emergency relief. It is unfortunate that we face this necessity. It would be far better, in my judgment, if we could face up to the need for permanent legislation for a major overhaul of our whole welfare system. I am concerned, too, that the circumstances which have helped create this emergency may now continue it.

The amendment offered by the senior Senator from Illinois is not, as the Senator from New York has explained, permanent legislation. It is 1-year legislation. It is simply intended to help the States, to tide them over a very difficult period, during which Congress will, hopefully, act upon permanent legislation.

I think many of us may have hoped, as I did, that the Emergency Employment Act would provide at least some major temporary relief.

I should like to share with the Senate some figures on what has become of the assistance to the State of Illinois under the Emergency Employment Act. It has not begun to solve or even help our problems in Cook County.

The State of Illinois received $47 million under the Emergency Employment Act. Of that sum, 37 percent was allocated to Cook County. Cook County has 52 percent of the unemployment in the State of Illinois. Cook County has 74 percent of the welfare recipients in the State of Illinois. But it receives 37 percent of the $47 million allocated to the State under the Emergency Employment Act.

I have tried to persuade the Department of Labor to correct this imbalance and to help out in Cook County, but the executive branch—the Secretary of Labor in this case—has not been any more responsive than has the Legislature. The Secretary has retained within his control $35 million in discretionary section 5 Emergency Employment Act funds. These are funds which could be made available throughout the country, including Cook County, for the purpose of hiring people in need of work, for public services, who otherwise end up on the welfare roll.

With no response from the executive branch, there is little left, it seems to me, except for Congress at this point to adopt emergency legislation which would tide us over until such time as we can act on permanent legislation; and in the meantime save a great deal of financial difficulty for States and, more important, a great deal of personal distress for suffering people.

I hope very much that the Senate will act favorably on the amendment which has been offered by my colleague from the State of Illinois.

I yield the floor.

Mr. PERCY. Mr. President, I deeply appreciate Senator JAVITS bringing up this amendment for me in my absence. I appreciate the support that has been offered by my colleague, Senator STEVENSON, a cosponsor of the amendment, who, as a former treasurer of the State of Illinois, is intimately acquainted with our financial problems, shared by Illinois and all States today.

Therefore, on behalf of Senators STEVENSON, BROCK, BROOKE, MCGOVERN, HARRIS, TUNNEY, CHURCH, BAYH and myself, I called up amendment No. 679. This amendment would offer emergency financial relief to the States of this country to help them solve the welfare crises which many of them are facing.

I also offer the amendment on behalf of 21 Governors, who have stated to me their support for it and their desperate need for the funds it will provide. The 21 State chief executives who are behind this amendment are Governors Ogilvie of Illinois, Carter of Georgia, Anderson of Montana, Egan of Alaska, Askew of Florida, Smith of Texas, Peterson of Delaware, Kneip of South Dakota, Dunn of Tennessee, O'Callaghan of Nevada, Holton of Virginia, Andrus of Idaho, Licht of Rhode Island, Shapp of Pennsylvania, Scott of North Carolina, Docking of Kansas, McKeithen of Louisiana, Meskill of Connecticut, Whitcomb of Indiana, Ray of Iowa, and Love of Colorado.

Mr. President, I offer this amendment reluctantly. I had originally hoped that it would not be necessary to bring up the subject of welfare during consideration of the tax bill. But we cannot ignore those millions of Americans who have inadequate food, clothing or shelter, and who have been lopped off State relief rolls in the past weeks, days or months because of a lack of available State funds. We are all aware of the fact that the Governors and States of this country are staggering under crushing deficits and cannot find the money to pay for both welfare costs and other urgent State needs as well. Governors of many States are being forced to make cruel choices—between funds for welfare recipients and funds for education, for mental health, for environmental protection, and for a variety of other pressing needs. Mr. President, it should not be necessary for the Governors to have to make choices such as this.

Mr. President, the bill as reported from the Senate Finance Committee does nothing for the poor of this land. Even as amended on the floor of this Senate, it does nothing for the very poor. You get tax relief from this bill if you have the money to buy a car, if you are an exporter, if you are a highway contractor, if you are a corporation, if you earn enough money to pay taxes. But you get nothing if you are poor and cannot earn an income. The attitude of this bill seems to be "Let them eat ADR's."

As reported from the committee, the bill will put money in your pocket:

If you are buying capital equipment.

If you own a livestock herd.

If you are a big utility.

If you are a corporation with depreciable property.

If you have children in day-care centers and are a taxpayer.

If you are buying a new car.

If you are buying a new truck.

If you are an exporter.

As amended on the floor, the bill will help you:

If you are buying a new bus.

If you are buying farm equipment.

If you are buying garbage trucks.

But there is nothing in this bill for the very poor—those who lack food, shelter, and clothing.

Mr. President, the bill also does nothing to help alleviate the budget problems of the States. The States are staggering under the welfare burden. This amendment is offered, quite simply, to prevent the States from going bankrupt.

The debate a year ago centered on the most appropriate form to get aid to the States. We discussed whether the aid should take the form of federalization of the welfare system or revenue sharing. The debate was on how best to get money to the States, not whether there should be aid.

We now are even more acutely aware of the extent of the States' fiscal crisis. We now know where the money should go—to help the aged, the blind, the disabled. The question is whether it is going to get there in time to have any effect. Mr. President, the States are not cutting back on benefits to the blind, the disabled, and the aged because they are heartless. They have been forced to because they are running out of money.

Mr. President, there have been fears expressed both in this body and outside that my amendment would delay and slow down the impetus for H.R. 1, the welfare reform bill. I do not think this is true.

Mr. President, to allay some of these fears, Senator JAVITS has, on my behalf, asked for modification of my amendment to limit its provisions strictly to fiscal 1972. That way no one can argue that this amendment will delay the enactment of H.R. 1, because, even in its original version, welfare reform would not have gone into effect by July 1, 1972. In view of the additional postponement requested by the President under his new economic policy, there is no way that adoption of this amendment can delay enactment of H.R. 1.

And, Mr. President, the argument that this amendment would delay the enactment of H.R. 1, assumes that H.R. 1 will be enacted, a debatable assumption at best. Although I support it, I am not confident that H.R. 1 will be enacted. The Congress has debated welfare reform since the President requested it in August of 1969. And we have had nothing to vote on in this body to date. Nothing. And even if we enacted welfare reform today, it would not help poor people or the States before July 1973.

Mr. President, why should the poor of this country pay the price for congressional delay? Why should the taxpayers of all States pay the price of congressional delay?

Mr. President, the Governor of my State, Richard Ogilvie, did not ask me to offer this amendment in an effort to delay welfare reform. He was the first Governor to publicly support the President's family assistance plan in 1970. He has not wavered in his support of welfare reform. But what are he and the other Governors to do about their fiscal crises as Congress procrastinates on H.R. 1?

Mr. President, the amendment I am offering today, the emergency welfare relief amendment to H.R. 10947, is to try to help resolve the fiscal plight of our States due to the welfare crisis.

A decade of liberalization and expansion of the Nation's welfare programs has finally come to a halt. State after State is cutting back on public assistance programs. A July HEW announcement showed 22 States making sharp reductions in welfare benefits and almost all other States considering or making changes in their welfare programs:

New York and New Jersey have cut payments back by 10 percent.

Kansas has reduced its ADC payments.

Maine and New Jersey have dropped their aid program for dependent children with an unemployed father in the house.

North Dakota, South Carolina, Utah, Alaska and New Jersey have reduced benefits for the elderly.

Illinois has made cutbacks in its general assistance program.

Although residency requirements have been declared unconstitutional by the Supreme Court, several States, including Illinois, have tried to put them into effect to forbid aid to those coming from outside the State.

In Texas this year, voters in a statewide referendum voted no when their State legislature proposed liberalizing a stringent maximum for welfare costs established by the State constitution.

Reports from State capitals illustrate the crisis nature of the situation. Welfare departments in at least 20 States entered the calendar year 1971 with a deficit that required additional appropriations from their legislatures. Illinois, for example, faces a $180 million welfare deficit in this current fiscal year.

Four sets of figures further indicate what has happened to welfare costs across the country over a span of 35 years: According to the Social and Rehabilitation Service, in 1936, total welfare expenditures—Federal, State and local—were $350 million. By 1950, costs had risen to $2.489 billion; in 1960, to $4.039 billion; and in 1970, to $14.347 billion. In three and a half decades welfare costs have increased 4,099 percent, with no end in sight.

The States' reaction to skyrocketing welfare costs only dramatizes what has been clear for some time: State taxpayers are fed up with the welfare morass. They have borne an increasing burden over the years to perpetuate an unworkable system deplored by everyone, and they, finally, have said, "enough." The States, therefore, have no resources left for additional welfare help. Federal Government action is essential. Yet, the welfare reform legislation remains in committee in the Senate without any hope of action this year.

I see no alternative at this point but to propose an emergency welfare relief measure that would bring the States additional financial help, for the human costs of what some have termed "meat ax cuts" is very real, and to many, agonizing. In legislative bodies we tend to slip into impersonal jargons. When we speak of welfare, we discuss benefit levels, eligibility rules or work requirements. We forget, sometimes, that behind these words are real people, mostly children, and old, blind and disabled people. Welfare cutbacks mean that these people who are already living in want, deprivation and desperation will have even less food on their plates, even less access to proper medical care, and even less hope.

Today, I ask my colleagues to support me in this stopgap measure to help mitigate the human damage of welfare cutbacks and bring States short term fiscal relief until welfare reform takes place. My emergency welfare relief amendment would protect States from a 25-percent increase in welfare costs over their June 30, 1971 expenditures. Federal spending has been made close ended in this legislation to insure welfare cost control.

Mr. President, this bill embodies the thoughts of Governor Ogilvie of Illinois and other Governors with whom he has worked in trying to find a solution for the States to the welfare crisis that has them staggering.

This bill would cost about $1 billion. This compares to the additional $5.5 billion that implementation of welfare reform would cost or the $5 billion cost of general revenue sharing per year.

Mr. President, this money is to help solve an immediate crisis our States are facing with welfare. It is for a specified purpose for a specified period of time. Hopefully, reform of the welfare system can be accomplished by Congress within the next year to be implemented within the next couple of years. But in the meantime, our States need emergency financial assistance for their welfare costs and that is what this amendment today is designed to do.

I would like to state that my reluctance to attach my amendment to this bill was somewhat overcome when I realized the dire necessity of many of the people that welfare is aimed at helping. After all of this information, including our own, about what the States have done to cut down on the abuses in the welfare system, it is, after all, their responsibility to do this. I fully support work requirements and have always supported work requirements for welfare recipients. I fully support every option to be taken by the State to cut out welfare paid to people who do not need it. I fully support every effort to try to find ways so that college students cannot get together in a commune and say that they are a family and then get welfare and food stamps or commodity food distribution, whatever it may be, when their parents are taking them as tax deductions, and they are away at school and could work. There are many abuses of the welfare system, including some people on welfare that simply are there because they would rather not work. But I would say that the incidence of the latter category is small.

My own experience in trying to find ways to help reduce the cost of welfare has been that these people are on welfare—95 percent of them—essentially because they simply cannot find employment. They have, either because of their physical disability or physical condition, been unable to be available for employment. Or they either have a deficient education or skill which disqualifies them for the kind of employment that is available. So, we are not talking about knocking off the welfare rolls people that should not be there.

I am assuming that if we believe in the federal system, and if we believe in government being close to the people that, for the most part, the counties, townships, and States are doing a reasonably good job of trying constantly to screen their welfare rolls to take off the deadbeats and those that do not belong there in the first place.

I have confidence that the list of the Governors whose names I read, many of them coming from conservative States and conservative parts of the country, are not the kind of Governors looking for a Federal handout or looking only for the Federal Government to pick up their problems. They have a real problem, a problem accentuated by many factors, not the least of which is the presence of an economic slow down which has created more unemployment in many parts of the country, going up as high as 17 percent in some areas.

Mr. LONG. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I am glad to yield to the Senator from Louisiana for a question.

Mr. LONG. I gain the impression that this amendment is more or less tailored to the Illinois situation.

Could the Senator explain to me what the Illinois situation is and how it developed?

My understanding is that this problem which is so acute in Illinois developed in considerable measure because of a situation there, where the State reduced its contributions to general assistance recipients in Cook County. I would appreciate it and it would help my understanding of it, if the Senator could tell me how this situation developed, how this crisis arose in Cook County which makes this such a pressing issue in the Senator's State.

Mr. PERCY. May I first state to my distinguished colleague that I would not offer an amendment that would cost a great deal of money if it were simply to solve an Illinois problem. It is for this reason that, before I would offer the amendment, I suggested to my Governor that he take this up at the Governors' Conference and see if it was a universal problem. It was the distinguished Governor of West Virginia who said that there was a universal problem. He felt that we should discuss it with all the Governors to see what kind of solution this amendment would present to the problems they are facing with welfare. It is for this reason that 20-some Governors, including the Governor of Louisiana, who cabled me—

> I strongly support immediate emergency legislation to provide fiscal relief from rising welfare costs.

I will put the entire telegram in the RECORD at the appropriate time.

Mr. LONG. I am aware of the fact the Governor sent the Senator that telegram. I am aware of the Louisiana problem. I have discussed it with the welfare administrator in Louisiana as well as with the Governor. I think I understand what the Louisiana problem is, but I am not sure that I understand the problem in the State of Illinois and how it came to be so pressing.

I would say to the Senator that some of the Representatives from that State did meet with me about it and explained to me that there was a need for additional fiscal help in Illinois. I would be willing to help the Senator, provided we could do something that would be on a formula basis that would treat all the States fairly.

Mr. PERCY. Right.

Mr. LONG. Provided it not jeopardize the tax bill we are trying to pass now. But I do not understand, even though I have had some information made available to me, how this situation developed in Illinois that is so pressing, more so than in other States.

Mr. PERCY. Let me repeat, I will be happy to explain the Illinois situation, but I do so only on the basis that, whatever our situation is, the same conditions exist in other States, but possibly for different reasons.

In Illinois, we face this kind of problem: We have first, a constitutional requirement that does not permit us to incur any indebtedness for operating expenses, so that the Governor cannot spend any more money than he has the revenue for. The State legislature, imposed against great resistance 2 years ago, for the first time in its history, an income tax on the people of the State of Illinois, an absolutely crucial and necessary measure. But welfare costs in Illinois has increased more than 285 percent since 1966 to an unprecedented $1.053 billion, which State officials anticipate spending for fiscal 1972.

What has caused such an increase in a State where there is not so much unemployment as in other States may be the fact that more people are aware of certain rights that they had before but never knew about. It may also be the fact that we do have, of course, more children and a certain amount of migration. Nevertheless, the pattern of the escalating costs has been going on for a number of years.

The tremendous increases in the State's welfare caseload—up 130 percent from 1966—has left Illinois with a $180 million welfare deficit. Governor Ogilvie decided immediately to put a freeze on all State hiring, on all budgets, and, finally, he decided that he would have to cut back on welfare to avoid across-the-board cutbacks in all the welfare programs that would, mainly, affect children, the aged, blind, and disabled—he decided to cut back on general assistance—a State program involving mainly single people and childless couples.

Cutbacks in the general assistance program mainly affected Cook County, therefore, the county decided to file suit against the State, challenging the Governor's authority to make cutbacks. The court decided in favor of the county, and enjoined the Governor from making any welfare cutbacks.

Many extremely harsh things were said about the necessity for the cutbacks. Many argued that Illinois could cut back, especially on road construction, and a lot of other things before cutting back on welfare. The fish and wildlife program was mentioned as an example. But the State's total fish and wildlife budget is $7.4 million, only 4.1 percent of the $180 million welfare deficit.

Governor Ogilvie, facing a court injunction against welfare cutbacks and a State constitution prohibiting deficits, has no recourse but to raise taxes. However, the thought of imposing more taxes just could not be justified in view of the fact that an income tax had been imposed only 2 years ago.

Moreover, I do not think the Governor could raise the taxes. Many Governors are faced with such situations. Where can they get the money from? From funds for mental institutions? From primary and secondary education funds? That is not the way to solve this problem.

We certainly would not want our Governors run out of their States on a rail or be tarred and feathered. Governor Ogilvie, in desperation, has turned to the Federal Government. He has said:

> There is no other source for help. We have been promised welfare reform. We have been promised revenue sharing. We have been counting on those sources for new revenue.

Governor Ogilvie was the first Governor to support welfare reform, and he has supported it fully. He is also supporting revenue sharing. But nothing has come from these fiscal programs for 1972, and none is in sight for 1973.

Because this situation affects not only Illinois but many other States, the chairman of the Governors' Conference telegraphed all the Governors to support my amendment to provide emergency fiscal relief to the States.

The welfare problem is not an exclusively Illinois problem. It is a problem of all the States. The State allotment formula developed was the simplest and fairest we could possibly devise. And we added a ceiling to the hold-harmless provision to insure welfare cost control.

Mr. LONG. Mr. President, my reaction to the problem is that I would be willing, if we could agree on a formula, to vote for a measure that would provide fiscal relief to every State.

I do not agree with the formula that the Senator has. But the billion-dollar figure does not stop me. My thought was that if we could agree upon what we thought was an appropriate formula, I would be willing to vote to provide a billion dollars to the States of the Union and then let them spend it in the way in which they wanted to spend it.

Some States really should make some economies in their welfare program. For example, some States are now beginning to experiment on the idea of finding jobs for welfare recipients.

In some States there should be economies. For example, it has been reported to me that a random study in Cook County of their general public assistance program indicated that 33 percent of the 1,200 cases studied at random were ineligible for any type of welfare payment and that 15 percent were eligible for transfer over to the Federal category under which Illinois would then have Federal matching and, of course, save at least half of the cost of the welfare payment.

It is my understanding that it was in this general assistance program that the State cut back on its sharing in Cook County. Just the proper administration of the program would appear to offer a saving of 40 percent. The State ought to save that before we have to make it up for them.

In New York City, under their general assistance program, the State undertook to require that employable persons pick up their welfare checks at the State employment office, with the State employment office attempting to refer people to jobs or to get them to do some work for the welfare money they were drawing. The State found that 18 percent did not even show up to pick up their checks. Before New York comes to us and asks the Federal Government to pick up the tab for New York for their general assistance program, the least they can do is to take off the rolls the 18 percent that did not bother to pick up their checks.

It would appear that if the State of New York is not sufficiently anxious to get the money to the recipients in New York City, to mail the checks to them or deliver them to the homes, some of the recipients are not sufficiently interested to pick them up because somebody might ask them to do a lick of work. That is part of the problem, I guess.

The Governor of Maryland is looking into the welfare program in his State. And the last estimates I saw were to the effect that they will save $18 million if they take the cheaters off the welfare rolls. If I remember correctly, they found one person in Maryland who was getting $11,000 a year in welfare payments under various names.

In this sample of general assistance recipients in Chicago, one-third of the recipients were totally ineligible for welfare and 15 percent were eligible for transfer to the Federal category. Certainly the one-third who were ineligible ought to be taken off the relief rolls, and the 15 percent who are eligible for transfer over to the Federal categories where the Federal matching is 50 percent should be transferred so that the State can save that 50 percent.

Illinois and New York are not the only States with a problem of having ineligible persons on welfare. We have had people in Louisiana who were drawing as many as five checks, the same person going down and qualifying for several checks.

Some of those things are things that the States ought to be doing to put their house in order before they ask the Federal Government to bail them out by paying for ineligible recipients with 100 percent Federal funds.

Goodness knows, I would like to see the Federal Government do some things to straighten out this welfare mess. For instance, the Department of HEW recently came through with regulations to the effect that even if a person on the rolls is totally ineligible, he cannot be taken off the rolls without a hearing. That seems fair enough, to give him a hearing first. But after the welfare agency holds the hearing, let us assume that he is found to be totally ineligible. Even though the welfare agency determines that he should come off the welfare rolls, the Department of HEW requires that they must keep him on those rolls if he wants to appeal the case. HEW originally even wanted to require that the agency supply a lawyer for the appeal, even though there is no mistake whatsoever in the finding that was made in the very beginning.

There is every incentive for a lawyer to draw the case out forever because the man is drawing welfare checks while the proceedings are going on. When the matter is finally decided 1 year later, and it is found that he was not entitled to one nickel, the welfare agency cannot get the money back. So here is a person who received payments for a year though he was not entitled to a nickel, and then we are forced to keep paying during the appeal when there was no basis at all for the appeal, and having done that, payments cannot be withheld until all appeals and all delays have been exhausted and every reason is given why the lawyer needs the delays and gets the delays. All this time the man is getting the check. Mr. President, all this happens under regulations of HEW.

By being required to put on the rolls all of these people who do not belong on the rolls and being required to keep them there, the State is having to cut back on what they pay deserving cases where the people should be getting the money.

In the State of Louisiana the crisis was caused when the court struck down the man-in-the-house rule. The court said that the State could not consider as available any income of a man who was there with a woman whose children look like him. The Senator is familiar with that issue, of course.

Mr. PERCY. I would like to finish my statement but first I will inject these remarks.

The first question raised by the chairman of the committee is whether the formula developed by this amendment is aimed just at the State of Illinois or whether it has universal application. I said I would not take the time of the Senate, for a matter concerning only the State of Illinois, important as that is. That is why we have now heard from 21 Governors.

The formula developed can be quickly computed from the HEW table which lists the actual amounts paid by the States in the fiscal year ended June 30, 1970.

For instance, in Louisiana the actual cost was $50,995,000. My amendment would provide to the State of Louisiana a maximum of $12,739,000. This, according to the formula in my amendment, is 25 percent more than fiscal year 1970 expenses.

For every State the formula applies in the same way. There is not a State in the Union which would not be eligible for some funds, but it is assumed the amount they are paid will have a reasonable relationship to welfare needs and problems in that State.

I admit that in a State such as the State of Washington events have occurred in the past year to increase employment and welfare costs very substantially. But I would hope that even the $25,534,000 provided by this amendment, while not adequate, would be of some assistance to the State of Washington.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PERCY. I yield for a question.

Mr. LONG. Yes, I wish to pose a question to the Senator. Would it not be more fair, if you are going to provide $1 billion to the States, to provide every State with $75 per recipient on their welfare rolls, say in June 1971, on an across-the-board basis? If that were done, instead of getting $13 million, Louisiana would get $28 million; Alabama, instead of $9 million would get $21 million. It would not be quite as advantageous for Illinois, but they would do well. Instead of getting $66 million they would get $52 million. If we are going to pay money to the States, that kind of formula would have more appeal to me. Frankly, it occurs to me that this is how it logically should be done, if it is to be done: to say to all the States, we will give you $75 per welfare recipient. In terms of dollars, this will do about the same thing nationally.

Some States have been progressively cutting back to meet their problems, as Louisiana has been forced to do, and other States find an immediate crash situation so they would receive more under the Senator's suggestion.

Mr. PERCY. Mr. President, in reply, I am not wedded to this particular formula at all. But I could not agree to any other formula until I have had sufficient time to study its impact and particularly its cost, because I started out with several premises. First, there must be some relationship between what has been paid in the past and what we would pay in the future. Second, there should be some relationship between the State effort and the Federal effort, so that the Federal Government is not assuming an obligation the States should have borne before, but did not.

Third, I provide a ceiling limit of about a billion dollars. I felt we could not ask the administration, in equity, to add to its budget more than a billion dollars, but that is about 10 percent of what would have been paid under revenue sharing and welfare reform in any one year anyway.

I tried to conscientiously get that billion dollars back by voting against amendments, even amendments such as the one my colleague from Illinois put forward, which was a modest increase in the personal exemption from $675 to $700. That proposal was defeated by just a few votes. I did not like to go against my colleague but I kept thinking of our poor Americans who have no income. What does it mean to a man to get another $25 exemption from Federal tax if he has never seen a form 1040? That is why I fought so vigorously against taking $350 million of alcohol tax receipts from the general revenue, and divesting them to the highway trust fund, away from what I considered to be social and other programs that people desperately need.

I have tried on the floor of the Senate to find a billion dollars and not just irresponsibly to say, "Let us add $1 billion. What is the difference? We will have a $34 billion Federal funds deficit, so why not make it $35 billion."

I think it is irresponsible to have a deficit of $34 billion, let alone $35 billion. But I cannot find Americans in more desperate need than those to be helped by this formula.

On the point of welfare "cheats" and the lack of followthrough by the States: If people are told they have to come to a Government office to pick up their welfare checks, a lot of people will not come and get their checks. I do not know whether those people at home are able bodied or not, or whether they just do not want to show that they are able bodied. I say let us crack down on that.

Many years ago my family was on welfare, and I remember our shame and mortification. I can recall how ashamed we would have been to have seen a welfare truck roll up to give us food. So we worked, and we worked. It is humiliating and it is degrading to have people on the backs of society who should be on their own feet. I do not want to help anybody who is able bodied and employable get on the welfare rolls. On the other hand, there was a time in my life when we needed help, and if we did not have it I do not know what we would have done. There are many myths about people on welfare. The Senator from Connecticut put in the RECORD studies, made by HEW at his request, which dispel many of those myths.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. LONG. With reference to the illustration I gave of 18 percent in New York, that was 18 percent of general assistance welfare recipients not receiving Federally shared aid, but under the State program, where everyone of them was classified as capable of working. Eighteen percent of this group that was supposed to be available to work did not even show up to accept their check. I read an interview in which even the Governor of New York said that it would look to him as though 18 percent did not belong on the rolls. When these able-bodied people, presumably able to work, did not even show up to pick up their welfare check, one is led to believe that either they have jobs or that they must not be persons who should legitimately be drawing welfare money.

Mr. PERCY. I am not in disagreement one bit with the premise that has been enunciated. I feel very strongly that States in the past have been lax in this matter, and the fact that they have been lax is evidenced by another insertion in the CONGRESSIONAL RECORD of October 20, 1971, by the Senator from Connecticut, which showed cutbacks that have been made by some 20 States. They found ways to reduce welfare costs by tightening up administration, changing some of the rules and regulations, getting rid of some abuses. I wish every State in the Union had done that. I favor all those measures, and favor them strongly, and there are many more things that can be done to make welfare delivery systems more effective, more efficient, and less costly.

May I point to the fact that I have gone from one end of my State to the other and I have tried, as the ranking Republican member of the Appropriations Subcommittee on the District of Columbia, to become familiar with problems both in Illinois and right here in Washington, D.C. I would take the distinguished Senator—and he himself could take me, because he knows the city well—and we could find some "deadbeats." But I am also sure that for every "deadbeat" we could find 19 others who fully needed and deserved their welfare payments.

Recently I went with Arthur Flemming to visit luncheon feeding programs for the elderly carried on in Washington. He is chairman of the White House Conference on the Aging, and a former Secretary of HEW. We have talked about the problem. We went at random, and talked with people at random as to why they were there and what they would be eating if they did not have that meal right there.

The answers left us absolutely convinced that, although we might find one or two who had come in to take that meal—and they have to pay 25 cents or contribute by working—most of them did not come in there because they had the money to go to restaurants and eat, but they came to that common eating place because they had no place else to go and that was probably the only hot meal they could have all day long. This is a situation we see almost everywhere in this country.

On pages 41224 and 41225 the distinguished Senator from Connecticut placed in the November 15, 1971, CONGRESSIONAL RECORD an exceptionally interesting study by the U.S. Department of Health, Education, and Welfare, which made a thorough analysis of welfare payments. They studied the facts and the myth.

It has been asserted that most of the people on welfare are lifetime recipients. The fact is that, on the average, the person on welfare across the country has been on welfare 23 months. That does not mean that there are no first, second, third, fourth, or fifth generation people on welfare. There are some, but in most cases they are for the most part on and off, as their circumstances permit.

I do not want to reiterate this material, because it is already in the RECORD, but I would like to review these various factors to point out that there is a great deal of truth in what has been said. The administration is not in favor of throwing any of this money down the rathole. The great majority of these people need help. I know the Senator from Louisiana, who is most compassionate about people's problems, knows we cannot do away with welfare without doing away with the moral commitment of the United States—qualities of mercy and compassion that we stand for as a nation.

Mr. LONG. May I say that the problem is not in the aged category or in the disabled category, to which the Senator makes reference. The States are handling those people very well. We have already passed a bill, and we will pass it again, which will provide additional money so disabled and elderly people can live better.

Our big problem, as the Senator knows, is in the aid to family with dependent children category. It is in that category that everyone agrees something ought to be done.

For example, little or nothing effectively is being done in most cases to make the fathers of those children contribute something to the support of their children. The welfare payment can amount to virtually a payment not to marry the mother. If the father marries the mother, then his income is legally available to the family and they lose their welfare benefits.

The President made reference to the fact that some husbands leave their families so the families can go on welfare. The answer to that ought to be not to put the family on welfare, but to pursue that fellow and make him support his family. We ought to have a Federal child-support law. The States have procedures, but they do not work efficiently when the father crosses State lines. That father should be made to contribute to the support of the family, and if he refuses to contribute to their support he should be put in jail. That is the way it was before we had any welfare program, and it has a salutory effect on paternal responsibility. In many instances today the father is living right there with the mother, but the father does not admit that those are his children and the mother does not say they are his children, because if they did that, they would not be drawing the welfare money.

Frankly, that is the kind of situation that caused Louisiana to say that if she was going to be made to put those types of people on welfare, it would break down our system. That was done, and it resulted in big cutbacks.

The Federal Government would do a better job for itself and others if it had a sensible program where welfare would be reduced if aided in seeking a contribution from the father, or provide more benefits where a mother was actually a widow, where the husband had died, or even where the husband had gone to a penitentiary and was not available for support, rather than have a situation where the father is right there but by virtue of the fact that they do not marry, she draws the full amount with no reduction just because they did not marry and the mother and the father did not admit the paternity of the child or the husband was not identified.

Those matters ought to be corrected in the old-fashioned way, by requiring a determination of who the father is and to pursue him if he leaves the State, and garnishee his check if need be.

Unfortunately, welfare has been permitted to become an excuse or substitute for the old-fashioned remedy, which was better—where the father was working, he ought to be made to support his children, whether he married the mother or not. I think the Senator will agree with that.

Mr. PERCY. I absolutely agree, and certainly, if Louisiana is pursuing this question vigorously and has any ideas that would be available to other States, I think the other Governors would be receptive to them.

Louisiana is spending $51 million despite these tactics that have been used, which are certainly justifiable. If a man fathers children, I think he has a great responsibility, and I think the law has a responsibility to pursue him and cause him to fulfill his financial and moral obligations, so that he, and he alone, bears the responsibility for his action, rather than the general public. To let him just walk away with no responsibility and with no attempt to pursue him, I think, is wrong.

The question gets down to "how do you find them?" How do you identify them? What is the cost to society of pursuing him, beyond a reasonable attempt?

But I do feel that the Senator has made a very good point. Time after time, the distinguished Senator from Connecticut has pointed to instances which definitely prove the present welfare system is not working and we have to reform it. We have to junk the whole system and start over, and the tremendous responsibility for that rests right on the shoulders of the Finance Committee, at this particular time.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. PERCY. I am happy to yield for a question.

Mr. RIBICOFF. I think the statement the Senator has made is the reason, frankly, that I am against his proposal. His amendment is meaningful and his proposal is worthy, but the time has really come to reform the entire welfare system. The Senator's amendment will put off welfare reform by a stopgap measure, taking care of the problems of the States financially without taking care of the problems of the people at the same time.

What also bothers we about the Senator's proposal is that it merely takes care of the problems of the current fiscal year 1972. May I say to the Senator from Illinois that a proposal which I have submitted, which is controversial, will be in the Finance Committee for markup. I do not expect to have a majority of the Finance Committee with me. I do expect to have a majority of the Senate with me. My feeling is that the Senator from Illinois will be with me when the time comes.

My proposal goes along with the plan of the Senator from Illinois, but it does not presently take care of the current year the way his proposal does. I assure the Senator from Illinois that I will amend my proposal to cover fiscal year 1972, to make sure that once the States' expenditures during 1972 exceed a given amount, the Federal Government will pick up the excess.

The reason I am so concerned about what the Senator is trying to do is that he is talking about only 1 year. My proposal, beginning July 1, 1972, takes the calendar year 1971 as a base and insures over a 5-year period that no State will pay more than 90 percent, 75 percent, 50 percent, 25 percent, and then zero percent of its calendar 1971 public assistance costs. By fiscal 1976, the States, the cities, and the counties will be completely out of the welfare business, and it will be federalized and nationalized.

I have felt for a long time that welfare is a national problem and the States should get out from under it. I am in agreement with what the Senator has proposed today but my concern is that at this time it will help torpedo real welfare reform. If it can be said that the States can come in and have fiscal relief year by year, there will be no impetus for welfare reform to work out many of the changes we need in the program, and to implement the President's family assistance program, with which I am in basic agreement.

Consequently, we have been most anxious, both the distinguished chairman and myself, even though we start from different ends of the spectrum, and even though the distinguished chairman does not approve of many of the welfare proposals of President Nixon, to proceed with welfare reform.

The majority leader met with the distinguished chairman of the Finance Committee and me concerning H.R. 1. It had been my original intention to put H.R. 1 on the tax bill that is now before us. I have watched the Senator's votes, and I do believe that the Senator agrees with the President that the bill now before us is important.

The agreement entered into between the majority leader, the chairman of the Finance Committee and myself was that, in order to move the President's tax program, we would oppose non-tax matters. Social security matters and welfare matters would all be brought up under H.R. 1.

The distinguished chairman of the Finance Committee promised the majority leader and the President of the United States that H.R. 1 would receive priority in the Finance Committee. Depending upon when we adjourn and when we resume in January, the chairman of the Finance Committee has promised that he will start and finish the hearings, which he estimates will take about 2 or 3 weeks. Then the Finance Committee will mark up H.R. 1. Immediately thereafter, the majority leader will give it the No. 1 priority on the Senate floor. Therefore, well before fiscal 1972 is over, the proposal of the Senator from Illinois will be before the Senate, and the State of Illinois will be in a position to receive the funds the Senator would like to have attached to this bill.

But the Senator from Illinois puts me in this embarrassing position, as well as the Senator from Louisiana: We have given our word to the administration, of whose party the distinguished Senator is a member, and the majorty leader that we would not go ahead now with either social security or welfare amendments. We agreed that we would fight for the President's basic tax measure, but that if other Senators succeeded in adding either social security or welfare amendments, then all bets were off. The Senator from Louisiana would then be free to offer many of the social security amendments which we all believe in, and I would be free to put in my welfare bill.

My welfare reform bill is 133 pages long. It is very controversial. There are many facets of the welfare bill that many Members of this body disagree with, and disagree with violently. It is so complex and so far-reaching that the Senate is entitled to thorough debate.

I would say, from my experience in the Finance Committee, that I have never known a chairman of that committee, including the distinguished present chairman, who has ever failed to move a bill to the floor just because he disagreed with the purport of the bill. That situation prevailed with the father of the distinguished present Senator from Virginia (Mr. BYRD). I remember that when he was chairman of the Finance Committee, there were many measures with which he disagreed. But he knew that he had the responsibility, as chairman, to move the bills to the floor, to give the Senate an opportunity to work its will.

The distinguished present chairman, the Senator from Louisiana, takes exactly the same position. What this means, if the Senator's amendment were adopted, is that I would then bring forth my entire welfare proposal. Then the distinguished Senator from Indiana (Mr. HARTKE) would bring up his 50 social security amendments. At that stage, we would not have a tax bill, we would not have a welfare bill, and we would not have a social security bill. We would be here Thanksgiving Day, Christmas Day, and New Year's day, and probably adjourn sine die on January 2 and resume on January 3. Consequently, the distinguished Senator from Illinois would not be accomplishing anything for his own State or for the other States so hard-pressed by rising welfare costs.

I assure the Senator from Illinois that his proposal is a good one. It will have my support in H.R. 1 in my amendments to H.R. 1. In addition to saving the States harmless for fiscal 1972, as the Senator desires to do—I commend him for this and I will support him on it in committee—my proposals will also take his State, my State, and the other States out of the welfare business by fiscal 1976. This is one of the greatest boons we can give to every State, county, and city in our Nation.

Mr. PERCY. Mr. President, I appreciate the exchange on this point and the clarification of the position of the distinguished Senator from Connecticut. As he knows, I originally wanted this amendment to be in H.R. 1. I would be the last one to want to slow down H.R. 1. But I began to get nervous about it. I began to feel that this might take a great deal longer, that January would somehow go into February and into March and into April.

It is very difficult to tell a person who has been evicted from his apartment, and it is very hard to tell a mother with children who has had her budget cut 60 percent: "You wait and tell those children to wait, because we are going someday to get around to finding a formula to help you out."

But the Senate has had no problem of taking care of other people in this bill. As I went through this bill, I began to see who was getting all the benefits. I have only been in the Senate for 5 years, and we have reduced taxes four times, while at the same time the States and communities—the mayors and the Governors—have had to increase their taxes and face sharp political reactions.

The reason why I finally decided that we simply had to try to amend this bill is that, first, I cannot in my own limited judgment, see fast enough action on a reform bill, whether it is the bill of the distinguished Senator from Connecticut or H.R. 1.

The Finance Committee has produced a remarkable bill to correct certain inequities and to aid certain groups, but there is nothing in this bill for the very poor.

You get tax relief from this bill if you have the money to buy a car. That must make the poor people of this country laugh, to know that we are going to stimulate the economy by building more automobiles and by giving an excise tax reduction for those people who have the money to buy new automobiles. They wait around now—it has been since August 15—and auto production has not gone up, and unemployment and new hikes are not increasing. Inventories have been reduced, but the reduction of the excise tax has not yet helped the 6 to 7 percent of the people in the Detroit region who are out of jobs. But this bill does not help the poor people who never dreamed of having enough money to buy a new or even a used car.

You get tax relief if you are an exporter, or a highway contractor, or if you are a corporation. If you earn enough money to pay taxes, you benefit from this bill, but you get nothing if you cannot earn an income, or if you do not file a return. I suppose the attitude of the bill, as someone has said, ought to be, "Let them eat ADR's."

As reported by the committee, the bill would put money in the pockets of people who are buying capital equipment, and I support that element. I hope it will stimulate the economy and make us more efficient. But that does not address the problems of those who need the help most.

If you own a livestock herd, you are helped by this bill. If you are a utility, you are helped by this bill. If you are a corporation with depreciable property, you are helped by this bill's accelerated depreciation proposals. I support those provisions, because the United States has been grossly inequitable in its treatment of capital resources as against other industrialized countries. If you have children in a day care center and are a taxpayer, you are helped by this bill. And I support that. But it does not help people at the lowest end.

If you are buying a new truck, you are helped by this bill. If you are buying a new bus, you are helped by this bill. If you are buying farm equipment, you are helped by this bill. If you are buying a garbage truck, you are helped by this bill. But there is nothing in the bill for the very poor.

That is why I appreciated the immediate sympathetic response of the Senator from Connecticut, who realized that something must be done, and done as early as possible. But when I could get no agreement from either the administration, or powerful members of the Senate Finance Committee, or the committee itself that they would support this amendment as an amendment to H.R. 1, or as an amendment to the bill offered by the distinguished Senator from Connecticut, I was left with the only recourse of amending the bill that is immediately available.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I have prepared a table entitled "Deficits in Federal Funds and Interest on the National Debt, 1963–1972 Inclusive." I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1963-72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficit	Debt interest
1963	83.6	90.1	6.5	10.0
1964	87.2	95.8	8.6	10.7
1965	90.9	94.8	3.9	11.4
1966	101.4	106.5	5.1	12.1
1967	111.8	126.8	15.0	13.5
1968	114.7	143.1	28.4	14.6
1969	143.3	148.8	5.5	16.6
1970	143.2	156.3	13.1	19.3
1971	133.6	163.8	30.2	20.8
1972[1]	143.0	178.0	35.0	21.2
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the Senator from Illinois has asked that we not act on his measure until he returns from the cloakroom. I have a statement on campaign financing that I should like to make, awaiting his return to the floor.

Mr. President, we will be debating today a proposal on campaign-financing reform offered by my distinguished colleague, the senior Senator from Rhode Island, and many others from this side of the aisle.

One of the outstanding features of their amendment is the $1 tax checkoff to help finance Presidential elections—an idea I fought for vigorously on this floor in 1966 and then unsuccessfully sought to retain during 5 weeks of sometimes heated debate in 1967.

I rise to reiterate my support for such a one-man, one-vote, one-dollar tax checkoff, which I believe takes a huge stride down the road toward good government.

While I feel constrained not to sponsor the amendment we will be debating today—for various reasons—I can support it if this one-man, one-vote, one-dollar feature of public financing for presidential campaigns is included. But, I must stress that I have little enthusiasm for another feature of this amendment: the $100 tax deductions and the $25 tax credits for contributors.

While many large campaign contributions are made in good faith, others are designed to promote special interests. In my opinion, this sometimes borders on corruption, one of the evils that can be eliminated from presidential elections if my proposal for a $1 tax credit for every American is adopted.

Mr. President, there has been discussion all year about reviving the campaign-financing feature I struggled for in 1966 and, again, in 1967—one man, one vote, one dollar.

My distinguished colleague from Rhode Island, Senator PASTORE, has been providing leadership in this area and his bill, which we passed last summer, had some financing features in it.

However, it was agreed that these provisions should be stricken from my colleague's bill because it was felt we were taking too big a bite at that time and that financing ought to be handled separately.

Mr. President, I have recognized fully since then that such financing features—including my proposal of one man, one vote, one dollar—might be offered on the tax bill we are now considering. If we are to have any kind of campaign financing reform in time for next year's presidential electon, this bill would be a proper vehicle because, otherwise, it would be too late for the 1972 campaign.

However, if I were to sponsor such a proposal as chairman of the Committee on Finance, I should have given earlier notice to my colleagues on the committee that I intended to do so.

To do otherwise might well have been deemed deceitful conduct for the chairman of the Committee on Finance, and the floor manager of the President's tax package.

I informed my counterpart on the committee and the majority leader that I would not introduce such an amendment.

Since that time there has been a big upsurge of sentiment for this proposal. My decision not to introduce the amendment certainly does not indicate any lack of enthusiasm for my one-man, one-vote, one-dollar tax checkoff. I shall vote for it, and support it in the debate.

It now appears, after 5 long years, that the time has come for my proposal for a one-man, one-vote, one-dollar tax checkoff to elevate the highest elective office in America above the demeaning, compromising hat-in-hand quest for private donations—if you can truly call them that.

The basic issue should rise above partisanship today on this floor. I can support it—if it includes my one-man, one-vote, one-dollar proposal for nonpartisan, public financing of presidential elections by all Amercan taxpayers.

Mr. President, I ask unanimous consent to have printed in the RECORD a forceful editorial which was published in the Washington Post this morning, entitled "Money and Politics: On With Reform"; as well as sundry other material which appeared in various publications analyzing the various procedures, debates, and positions taken by Senators on this and related issues through the years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MONEY AND POLITICS: ON WITH REFORM

The Senate will get a chance this afternoon to finish its part of a job it began earlier this year—rationalizing and purifying the business of financing election campaigns. This will come when the Democratic leaders in that body try to add on to the tax reform bill provisions to make possible the public financing of presidential campaigns and to encourage individuals to contribute small sums to the candidates of their choice in other elections. It is an opportunity the Senate ought to seize. The time is ripe. The need is urgent to take this second step—the campaign spending bill which goes to the House floor today is the first—in breaking the link between the big money and big politics.

There will be, no doubt, partisan political overtones in any discussion of these proposals. That comes about because the Republicans are rolling in money these days and see no need for such changes while the Democrats are in a state of bankruptcy and are eagerly searching for any mechanism which will get them back on the road to fiscal stability. But the basic issue transcends partisan politics. Presidents ought not to have to spend their time participating in the kind of closed-circuit spectacular that Mr. Nixon was involved in last week in order to bankroll their parties. Other office-holders and would-be office holders ought not to have to beg for funds in order to conduct election campaigns. The proposals before the Senate provide a way out of that vicious circle in which big money—whether it comes from rich individuals, labor unions or other organizations—can buy a candidate's sympathetic ear and sometimes his votes once he is elected. It is worth remembering that although it is the Democrats who are poor today and the Republicans who are rich, it has not always been that way and there is no guarantee it will remain that way in the future.

The tax credit or deduction plan, which

would permit an individual to write off small political contributions, has been proposed and supported time and again by various Presidents and other public officials. We have backed it for almost 20 years and we still regard it as the simplest and least troublesome method by which parties can raise more funds and more individuals can be encouraged to participate financially in the political system. The public financing plan, while a good one in principle, is far more complicated. There are, for example, questions about how it would effect a third or fourth party candidate. Those, we trust, will be clarified by the debate in the Senate this afternoon so that it can send along to the House its second major contribution this year towards freeing politics from the corrupting influence of money.

VOTING ON CAMPAIGN FUND ISSUE

The Senate between 1966 and during 1967 changed its position several times during the course of six roll-call votes on the campaign fund issue. This was due entirely to vote switches by Democratic Senators in combination with absentees on one side or the other. Republicans in 1967, as on the original 1966 vote, almost solidly opposed the campaign financing law. The one GOP exception was Thruston B. Morton (Ky.), former Republican National Committee chairman, who voted both for and against retaining the law. In addition, Clifford P. Case (R. N.J.) announced in 1966 that he favored the Act (although he did not vote, but voted consistently against it in 1967.

A total of 15 Democratic and two Republican Senators changed their positions on one or more of the roll calls on the issue. Of these, eight were consistent in their changed views between 1966 and 1967. The following Senators switched from support of the Act in 1966 to consistent opposition in 1967: Democrats J. W. Fulbright (Ark.), Wayne Morse (Ore.), Joseph S. Clark (Pa.) and Harry F. Byrd Jr. (Va.) and Republican Case. The following Senators switched from opposition to the Act in 1966 to consistent support in 1967: Democrats E. L. Bartlett (Alaska), Birch Bayh (Ind.) and Fred R. Harris (Okla.).

The other nine Senators who switched on the issue in 1967 were: Democrats Lister Hill (Ala.), John J. Sparkman (Ala.), Edward M. Kennedy (Mass.), Stuart Symington (Mo.), B. Everett Jordan (N.C.), A. S. Mike Monroney (Okla.), Claiborne Pell (R.I.) and James O. Eastland (Miss.), and Republican Morton. In most cases, however, Senators switched on only one vote.

CAMPAIGN FUND ISSUE

Because the Constitution forbids the Senate from initiating legislation involving taxes, Senators must add riders to House-passed bills if they wish to authorize new programs related to the tax system. Thus the Senate in 1966 amended H.R. 13103, a House bill dealing with foreign investments in the United States, to contain the Presidential Election Campaign Fund Act, and in 1967 Senators sought to repeal that Act by adding such a rider to the Administration's investment tax credit bill.

The 1966 Presidential Election Campaign Fund Act was the most important legislation approved by Congress relating to campaign financing since the 1925 Corrupt Practices Act and 1940 Hatch Act. The 1966 Act permitted taxpayers to check a box on their tax forms if they wished to allot $1 of taxes to Presidential campaigns. The money from the resulting fund was to be divided evenly between the Democrats and Republicans by a formula determined from the number of votes cast in the preceding election. (Based on 1964 returns, each party would receive approximately $30 million.) If a minor party won more than 5 million votes—something no minor party had ever done—it would receive $1 for each vote over 5 million for the next election. The Act was the first plan for federal financing of U.S. election campaigns ever enacted.

In 1966, the Senate passed H.R. 13103, authorizing the fund, nine days before final adjournment. Before passing the bill, it approved the fund by a 33–39 rollcall vote. House conferees accepted the fund with an amendment raising from 1.5 to 5 million the minimum number of votes a minor party had to receive to qualify for funds under the Act. On the last day of the session Albert Gore (D. Tenn.) led an attack on the campaign fund and called for defeat of the entire bill, which contained numerous special interest riders. Gore's motion to kill the conference report was defeated by a 15–37 rollcall.

In 1967 Gore continued his fight, and on the opening day of Senate debate on the investment tax credit he offered, in conjunction with John J. Williams (R. Del.), a motion to repeal the fund. The move was sturdily opposed by the author of the 1966 Act, Senate Majority Whip Russell B. Long (D. La.). The Senate was unusually evenly divided on the issue and neither Gore nor Long was willing to accept defeat. The result was five weeks of repetitive and at times unusually vitriolic debate during which the Senate in effect voted three times to repeal the 1966 Act and three times to retain it in some form. Republicans were almost unanimous for repeal. The GOP traditionally had much larger available sources of private contributions than did the Democrats, and so many GOP Senators were not sympathetic to the concept of federal campaign financing. Most Senate Democrats fell into two categories—those who wanted to repeal the fund and write a new law, and those who wanted to keep the 1966 Act with amendments. The Administration was in the latter category and lobbied vigorously during the weeks of voting. Vice President Hubert H. Humphrey several times used his position as President of the Senate to aid Long.

The final compromise solution, suspending the tax check-off system until Congress adopted guidelines governing distribution of the money from the fund, was put forward by Senate Majority Leader Mike Mansfield (D Mont.). In the end, the chief actors disagreed on the effect of the provision. Williams claimed that it "got rid of the Act immediately" and Long predicted that the Act would be in operation by the 1968 elections. (Long's prediction was not fulfilled.)

ARGUMENTS FOR THE FUND

The chief argument for retention of the 1966 Act was that it would free Presidential candidates from the necessity of having to accept private contributions which might prejudice their decisions. Another argument, often stated by Long, was that existence of a large public campaign fund would put a poor man on an equal level with a rich man in a Presidential race.

Supporters of the Act also contended that, although candidates for other offices would not qualify for funds under the Act and third party Presidential candidates probably would not qualify, existence of the campaign fund would have the effect of making more private money available to them.

Long and the other Senators who spoke in favor of retention agreed that the 1966 Act had serious flaws, and Long made a number of tentative proposals for alterations. However, they argued that to repeal rather than amend the Act—the first campaign spending legislation since 1940—would end chances for any campaign spending reform.

ARGUMENTS AGAINST THE FUND

Those Members who spoke for repeal were agreed on the need for reform of the existing situation. However, they argued that the Long Act was so weak that it could make the existing situation worse. They also held that if reforms of campaign spending practices—such as reporting—were not tied to provisions for federal participation in campaign financing, reforms would never be made. Gore referred to that as the "carrot-and-the-stick approach." He said the 1966 Act "gave up the carrot without any reform at all. Without this carrot, reform will continue to elude us."

Among specific criticisms of the 1966 Act were the following: there were no safeguards against corrupt practices; there were no guidelines as to how the money should be spent; there was no limit on private contributions and these would be commingled with public money; the practical effect of the bill was to deny money to third parties; reform should include Congressional as well as Presidential campaigns; the Act was unclear as to who in a national party would receive and disburse money; the national parties would be made much freer from local controls, and would have great power to punish local candidates who strayed from the party line by setting up independent local organizations and by deciding how much money to spend in each state. In addition, Gore questioned the $1 tax checkoff system itself. He said it began an unwise new system of earmarking tax revenue which, in its logical extension, would see taxpayers deciding whether they wished to support the Vietnam war or the "war on poverty."

SENATE-HOUSE PROCEDURES

The performance of the Senate during April was an interesting illustration of the manner in which that chamber sometimes legislates. It also provided a striking contrast between the operations of the two houses of Congress—the House of Representatives with its usually tidy and efficient floor procedures and the Senate with its virtually unlimited debate, its boundless Senatorial courtesy, and its indulgence of Senators with favorite projects.

Majority Leader Mike Mansfield (D Mont.) said that "misunderstandings" produced the confusion and delays. There were other reasons, also. Delays were caused in part by the absence of Senators, who were out of town even though 1967 was not an election year. Undoubtedly most important, however, was the reluctance of Majority Whip Russell B. Long (D La.) to admit defeat on the principal issue at stake—repeal of the Presidential Election Campaign Fund Act—and the failure of Mansfield to even attempt to take control of the situation until after three weeks of confused voting.

In the House, by contrast, a bill is considered under tight restrictions which only rarely allow action to continue for more than two days and which prohibit any amendments not strictly germane to the legislation. Debate seldom is allowed for more than a few hours. Few roll-call votes occur because of the parliamentary procedures that are used.

The House procedures are even tighter for tax bills (including the one that tied up the Senate in April) and for Social Security tariff and similar legislation. These types of bills almost always are considered under closed rules which prohibit any amendments from the floor; all that is allowed is one motion to recommit the bill to committee, either with or without instrucion for changes. The purpose of this restriction, supporters say, is to prevent logrolling.

The Senate has no such qualms. Tax bills and other pieces of legislation sometimes are used as vehicles for a variety of related or unrelated amendments which a Senator considers important or useful and which, not infrequently, have not had a favorable reception in committee. In the case of tax legislation there is another reason that the Senate resorts to riders: the Constitution requires that revenue measures originate in the House, which means the Ways and Means Committee. The Senate Finance Committee is restricted to amending House tax bills. The Senate does not often load a bill with unrelated amendments. But when it does the event can be spectacular. An example was the 1966 Foreign Investors Tax Act which became known as the Christmas Tree Bill because of the multitude of unrelated amendments that were added in committee and on the floor—among them, the amendment authorizing the Presidential Election Campaign Fund Act.

Senate riders sometimes are the result of logrolling, sometimes are accepted simply out of courtesy to the sponsoring Senator who has a strong interest in the proposal, and sometimes are approved simply because they are popular but with the knowledge that they will be quietly dropped in conference later.

CHRONOLOGY OF SENATE FLOOR ACTION

The Senate spent more than five weeks debating HR 6950 and the campaign fund issue. Following are the highlights of the action:

April 3—Senate begins debate. Albert Gore (D Tenn.) proposes an amendment to repeal the Presidential Election Campaign Fund Act of 1966. Debate on the issue continues until April 12.

April 12–13—Senate accepts various amendments to tighten operation of 1966 law.

April 13—Senate by 48–42 roll call accepts Gore-John J. Williams (R Del.) amendment to repeal the act July 1. Gore's April 3 amendment for immediate repeal, is withdrawn.

April 14–19—Senate votes on numerous unrelated amendments, including Social Security payments, education tax credits and excise taxes, accepting many of them.

April 20—Senate by 46–42 roll call accepts amendment by Russell B. Long (D La.), called the Honest Elections Act of 1967, which provided a Presidential election financing scheme similar to that under the 1966 Act.

April 25—Senate by 64–22 roll call adopts recommittal motion by Majority Leader Mike Mansfield (D Mont.) with instructions to drop all previously adopted floor amendments, to add wording repealing the 1966 Act on July 31, and to require the Finance Committee to report amendments to the 1966 law within six weeks. HR 6950 was immediately re-reported with the changes specified in the instructions.

April 25—Long offers amendment to delete July 31 repeal date added by Mansfield recommittal instructions. Senate rejects Williams motion to table Long amendment by 41–43 roll call.

May 2—Senate by 46–52 roll call rejects Long amendment to delete July 31 repeal date. Long continues fight.

May 9—Senate by 48–48 roll call rejects Gore-Williams amendment to make the Act inoperative after Sept. 15 unless Congress provides otherwise. Vice President Humphrey votes "nay" to break the tie although his vote was not necessary.

May 9—Senate by 93–4 roll call accepts Mansfield amendment to prohibit appropriations and disbursement of funds under the 1966 Act and to prohibit the $1 income tax checkoff system from going into operation until Congress adopted "guidelines" governing the distribution of funds.

May 9—Senate by 93–1 roll call passes HR 6950, as amended by Mansfield language (*above*), and sends it to conference with the House.

CAMPAIGN EXPENDITURES

As political campaigns increased in complexity and costliness, the almost endless variety of expenditures approached the point where they defied a complete categorization. Alexander Heard, in *The Costs of Democracy,** published in 1960, noted just a few:

"Radio and television broadcasting eat up millions. Thousands go to pay for rent, electricity, telephone, telegraph, auto hire, airplanes, airplane tickets, registration drives, hillbilly bands, public relations counsel, the Social Security tax on payrolls. Money pays for writers and for printing what they write, for advertising in many blatant forms, and for the boodle in many subtle guises. All these expenditures are interlarded with outlays for the hire of donkeys and elephants, for comic books, poll taxes and sample ballots, for gifts to the United Negro College Fund and the Police Relief Association, for a $5.25 traffic ticket in Maryland and $66.30 worth of convention liquor in St. Louis. . . ."

Electronic campaigning—radio and television—came to occupy a greater and greater portion of campaign budgets. In 1956, total expenditures for political radio and TV broadcasting at all levels during the general elections was about $9.8 million. The figure was more than $14 million in 1960 and about $24.6 million in 1964. The three major television networks in 1968 reported political broadcasting charges of $8.9 million for the Presidential primary and general election campaigns that year. The amount was more than double of the 1964 total of $4.1 million. (For additional figures, see p. 118).

Other major expenditures during election campaigns included newspaper advertising, which for a moderate statewide campaign was likely to consume 10 to 15 percent of the total budget; public relations firms, which took 40 and 23 percent, respectively, of direct expenditures by the Democratic and Republican national committees in 1960; and public opinion polls. In addition, large sums were needed for campaign materials (buttons, bumper stickers, brochures, etc.); headquarters and staff, which were likely to take between 20 and 30 percent of most campaign budgets; billboards; and expenses of actually getting the voters to the polls on election day, which have been estimated to account for one-eighth of all campaign expenditures.

PROPOSED REFORMS

Congress in the postwar years considered a number of proposals aimed at tightening regulations over election spending and freeing candidates from over-dependence upon large contributors and special interest groups. Little actual action resulted. Following is a year-by-yar review of Congressional action.

1948—In its final report on a study of the 1948 Congressional elections, the House Campaign Expenditures Committee recommended a "substantial raise" in existing limits on campaign expenditures, pointing to the increased costs of goods and services, as well as the large population increase since passage of the Corrupt Practices Act of 1925.

1951—The House Special Committee to Investigate Campaign Expenditures, in a report on the 1950 House elections, Jan. 3 said it favored repeal of a number of provisions of the Federal Corrupt Practices Act of 1925 and the Hatch Act (1939). The Committee said it was "patently impossible for a candidate to conduct a Congressional or Senatorial campaign" within the existing limitations of expenditures, and that the "unrealistic" $3 million annual limitation on the national political committees was "an invitation to criminal violation." The Committee also recommended that primaries be included under political financing regulations, political committees be precluded from receiving and spending funds on behalf of a candidate without his written authorization and that the prohibition against participation in elections by federal employees be eliminated or liberalized.

1953—In a Jan. 24 report, the 82nd Congress Elections Subcommittee of the Senate Rules Committee proposed that the limit on spending for national political campaign committees be increased from $3 million to $10 million a year. The Subcommittee also recommended that the limit for spending by Senatorial candidates be increased from $25,000 to $50,000 or an absolute limit of $250,000, based upon a sliding scale of up to 10 cents for each vote cast in the last primary or general election for the office in the candidate's state. On June 1, Sens. Carl Hayden (D Ariz.), Thomas C. Hennings Jr. (D Mo.) and Robert C. Hendrickson (R N.J.) introduced a bill (S 2081) containing these provisions, plus a ceiling of $25,000 (instead of the existing $5,000) on spending by candidates for the House. No action was taken on the bill.

1955—The Senate Rules and Administration Committee June 22 reported a bill (S 636), which had been introduced by Hennings (D Mo.), to include campaign costs in primary elections under the federal regulation limiting expenditures; require all committees active in campaigns for federal office to file financial reports (instead of only those active in more than one state); and increase the spending limit for Senatorial candidates in both primary and general elections to $50,000 and for House candidates to $12,500. The bill also would have raised the existing $3 million limit on spending by national committees, according to a formula based on the number of votes in recent elections, to approximately $12 million. The bill received no floor action in the Senate.

1956—A Select Senate Committee, in an April 7 report, recommended that Congress re-evaluate the Federal Corrupt Practices Act. Specifically, the report suggested that Congress consider the advisability of amending the election laws to require that every candidate for federal office designate a fiscal agent officially authorized to solicit and accept campaign contributions and required to make this information a matter of public record. The Committee also recommended that every person, political committee organization making more than $5,000 in campaign contributions in any one year be required to file a detailed accounting with the Secretary of State of each state.

1957—A bill (S 2150) increasing the maximum spending limits for political campaigns was reported Aug. 2 by the Senate Rules and Administration Committee but received no further action. As reported, S 2150 would have increased the limit for national committees to a figure equal to 20 cents for each person who voted in the last Presidential election; for Senate and Representative-at-Large candidates to $50,000 or more, depending upon the number of voters in the preceding general election; and for other House candidates to $12,500 or more based on the number of voters.

1960—A bill (S 2436) increasing the limits on campaign spending but tightening provisions for disclosure was passed by the Senate but not acted on by the House. S. 2436 was reported July 23, 1959, by the Senate Rules and Administration Committee and passed Jan. 25, 1960, by a 59–22 (D 38–15; R 21–7) roll-call vote. As passed by the Senate, the bill increased the spending limit for Senate and Representative-at-Large candidates to $50,000 or a level established by the number of voters in the previous election; for other House candidates to $12,500, or a sliding maximum based upon the number of voters in the preceding election; and for nominees for President and Vice President at an amount equal to 20 cents times the number of votes cast in any of the three preceding elections, which would have set the ceiling at approximately $12 million and $6 million, respectively, in 1960. The House took no action.

1961—A truncated version of the "clean elections" bill passed by the Senate in 1960 was approved by the Senate Sept. 15, 1961, by voice vote but was not acted upon by the House. As passed, the bill (S 2426) raised the annual limit on campaign spending by political committees to an estimated $14 million, under a sliding scale formula; increased the spending limits for Senate and Representative-at-Large candidates to $50,000, and for other House candidates to $12,500.

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* Alexander Heard, The Costs of Democracy, University of North Carolina, 1960.

Also in 1961, Sen. Maurine B. Neuberger (D Ore.) and four co-sponsors introduced a bill (S 1555) to establish a federal election finance fund which would share up to half of a candidate's radio-television expenses. No action was taken on the measure.

1962—The President's Commission on Campaign Costs April 18 issued a report recommending a series of proposals to encourage greater citizen participation in financing Presidential campaigns. The Commission had been named Oct. 4, 1961, by President Kennedy. Chairman was Alexander Heard, dean of the University of North Carolina Graduate School. Among the Commission's recommendations were that:

Individuals be given a credit against their federal income tax of 50 percent of political contributions, up to a maximum of $10 per year or, as an alternative, a deduction from taxable income for contributions up to $1,000 a year.

The current $3 million annual limit on expenditures of interstate political committees and the $5,000 limit on contributions by individuals to those committees be repealed, leaving no limit.

All candidates for President and Vice President and committees spending at least $2,500 a year be required to report expenditures made in both primary and general election campaigns.

A Registry of Election Finance be established to help enforce political financing regulations.

The Government pay the "reasonable and necessary costs" of a President-elect's facilities and staff during the "transition" period between election and inauguration.

President Kennedy May 29 submitted five draft bills to Congress encompassing proposals identical or similar to those made by the Commission. The only bill reported (HR 12479) was one to finance transition costs. This bill was reported by the House Government Operations Committee Sept. 19, but the measure died when Rep. Gerald R. Ford (R Mich.) Oct. 1 objected to consideration of the measure under the Consent Calendar, stating that the $750,000 authorization figure for each fiscal year concerned was too high.

1963—President Kennedy April 30 sent to Congress two draft bills to stiffen reporting requirements for campaign finances and to give tax benefits to campaign contributors in order to encourage support of political candidates and committees. Both proposals had been recommended by the President's Commission on Campaign Costs in 1962, but neither was acted upon.

1964—A provision to allow taxpayers to claim a deduction for campaign contributions of up to $50 for individuals and $100 for married couples was added to the Administration's omnibus tax bill (HR 8363—PL 88-272) by the Senate Finance Committee but was dropped in the Senate-House conference.

1966—Reform of U.S. political campaign finances advanced on a number of fronts in 1966. For the first time in U.S. history, Congress approved a form of federal subsidy for the costs of Presidential campaigning. President Johnson sent Congress a comprehensive campaign finance reform law that covered all Presidential and Congressional campaigns, both in the primary and general election stage. Congress also clamped down on corporate tax deductions for advertisements in political journals.

Significant developments of 1966:

President Johnson, in his Jan. 12 State of the Union address, called for tax incentives to stimulate small contributions to political parties and "make it possible for those without personal wealth to enter public life without being obligated to a few large contributors." He also urged revision of "present unrealistic restrictions on (campaign) contributions—to prohibit endless proliferation of committees, bringing local and state committees under the Act—to attach strong teeth and severe penalties to the requirement for full disclosure of contributions."

President Johnson's draft of a campaign spending reform bill, forwarded to Congress May 26, envisaged sweeping reforms in the field. Not only were primary campaigns, both for President and for Congress, brought under the reporting requirements, but also a provision was added requiring all Members of Congress to report annually all gifts and income from personal services of more than $100 which they received from sources other than Government salary and securities income. Taxpayers were to be allowed to deduct from taxable income up to $100 for contributions to any candidate or political committee—local, state or federal—in each calendar year.

The Senate Rules and Administration Committee refused to hold hearings on the Presidential recommendations, reporting out instead a much weaker reform bill sponsored by Sen. Howard W. Cannon (D. Nev.). But in the House Administration Committee, several days of hearings were held and a subcommittee drafted a bill closing loopholes in the Presidential measure and strengthening it in several respects. No House action was taken.

At the urging of Senate Finance Committee Chairman Russell B. Long (D La.), the Senate added to the Foreign Investors Tax Act, and both houses of Congress approved, a measure establishing a Presidential Election Campaign Fund, to be financed by voluntary $1 tax form checkoffs by the country's taxpayers. The measure was expected to channel $30 million or more into the Presidential campaign chests of each major party in Presidential election years. Though the legislation was criticized on a number of counts, President Johnson signed it into law and it was expected to act as a catalyst for further Congressional action in financing federal campaigns.

In the wake of widespread adverse publicity about political journals published by the major political parties with tax-deductible corporate ads at rates of up to $15,000 a page, Sen. John J. Williams (R Del.) persuaded the Senate Finance Committee to attach an amendment to the Administration's excise tax bill totally prohibiting tax deductions for the cost of advertisements in political advertising journals. No move was made to strike the amendment as it went through the House and Senate, and it became law with the President's signature March 15. The amendment deprived national political committees of a growing source of indirect income and cut off a traditional source of funds for state and local political committees, thus adding to pressures for other laws to help the parties with their financing problems.

1967—Congress made inoperative Sen. Long's 1966 measure establishing a Presidential Election Campaign Fund, but the fight over the action (HR 6950) tied up the Senate for more than five weeks.

The Senate passed a bill (S. 1880) that extended the reporting requirements of the Corrupt Practices Act to spending in all primaries and conventions for President, Senator or Representative. The bill, the broadest campaign finance reform measure ever to clear a chamber of Congress, also required reports from intrastate political committees, which were exempted by existing law, and removed the existing ceilings on spending by political committees and Congressional candidates.

A subcommittee of the House Administration Committee reported an even more comprehensive bill (HR 11233), sponsored by Reps. Robert T. Ashmore (D S.C.) and Charles E. Goodell (R N.Y.), but the bill remained stalled in the full committee. A coalition of Northern Democrats, who feared restrictions on spending by organized labor, and of Southern Democrats, who opposed the bill's reporting requirements for primaries, blocked full committee approval.

Sen. Long's Finance Committee in November reported a bill (HR 4890) which embodied S 1880 plus a comprehensive plan for federal subsidies to Presidential and Senate campaigns. However, no further action was taken on the measure.

1968—Congress again failed to act on campaign financing and reporting reform. Congress, however, did pass a bill (HR 17325) to permit tax deductions for corporate advertising in Presidential nominating convention programs.

1969—Outgoing Attorney General Ramsey Clark Jan. 17 submited to Congress proposed legislation that required all committees spending $1,000 or more in support of a candidate for federal office to file reports whether they operated in more than one state or not; placed a $5,000 limitation gift by one individual to a candidate or committees supporting that candidate; repealed the $3-million limitation on spending by a political committee but required more complete reports; required financial reports from persons contributing more than $10 to support a candidate; required reports of committees or groups supporting a national convention campaign; and created a bipartisan commission, appointed by the President, to administer the law.

REPORTED NATIONAL-LEVEL POLITICAL SPENDING

Year, man elected	Expenditures	Percent	Total vote	Cost per vote[1] (cents)
1912—Wilson (D):				
Total	$2,876,816		15,034,000	19
Republican	1,076,548	37.4		
Democrat	1,134,848	39.4		
Progressive	665,420	23.1		
1916—Wilson (D):				
Total	4,726,155		18,528,000	26
Republican	2,441,565	51.7		
Democrat	2,284,590	48.3		
1920—Harding (R):				
Total	6,887,872		26,769,000	26
Republican	5,417,501	78.7		
Democrat	1,470,371	21.3		
1924—Coolidge (R):				
Total	$5,366,277		29,095,000	18
Republican	4,020,478	74.9		
Democrat	1,108,836	20.7		
Progressive	236,963	4.4		
1928—Hoover (R):				32
Total	11,598,461		36,806,000	
Republican	6,256,111	53.9		
Democrat	5,342,350	46.1		
1932—Roosevelt (D):				
Total	5,146,027		39,759,000	13
Republican	2,900,052	56.4		
Democrat	2,245,975	43.6		

Footnotes at end of table.

Year, man elected	Expenditures	Percent	Total vote	Cost per vote[1] (cents)
1936—Roosevelt (D):				
Total	$14, 116, 343		45, 655, 000	31
Republican	8, 951, 602	63. 4		
Democrat	5, 164, 741	36. 6		
1940—Roosevelt (D):				
Total	26, 917, 051		49, 900, 000	54
Republican	18, 864, 117	70. 1		
Democrat	8, 052, 898	29. 9		
1944—Roosevelt (D):				
Total	26, 193, 311		47, 977, 000	55
Republican	16, 195, 376	61. 8		
Democrat	9, 997, 935	38. 2		
1948—Truman (D):				
Total	8, 771, 819		48, 794, 000	18
Republican	3, 686, 775	42. 0		
Democrat	2, 266, 231	25. 8		
Labor	1, 291, 343	14. 7		
Progressive	1, 365, 389	15. 6		
States Rights Party	162, 081	1. 8		
1952—Eisenhower (R):				
Total	19, 421, 287		61, 551, 000	32
Republican	12, 229, 239	63. 0		
Democrat	5, 121, 698	26. 3		
Labor	2, 070, 350	10. 7		
1956—Eisenhower (R):				
Total	$21, 518, 260		62, 027, 000	35
Republican	13, 220, 144	61. 4		
Democrat	6, 492, 634	30. 2		
Labor	1, 805, 482	8. 4		
1960—Kennedy (D):				
Total	27, 202, 155		68, 838, 000	40
Republican	12, 950, 232	47. 6		
Democrat	11, 800, 979	43. 4		
Labor	2, 450, 944	9. 0		
1964—Johnson (D):				
Total	38, 079, 829		70, 645, 000	54
Republican	19, 314, 796	50. 7		
Democrat	14, 948, 791	39. 3		
Labor	3, 816, 242	10. 0		
1968—Nixon (R):				
Total	56, 397, 261		73, 212, 000	77
Republican	29, 592, 832	52. 5		
Democrat	12, 577, 715	22. 3		
Labor	7, 241, 259	12. 8		
George C. Wallace's American Independent Party	6, 985, 455	12. 4		

[1] Figures represent total spending divided by the number of votes cast. The actual cost-per-vote figures are higher since the spending figures are not complete.

Note: The above figures are the best available summaries of general election campaign spending reported by national-level committees of the Republican, Democratic and major third party groups since 1912, plus labor organization spending since 1948. It should be noted that the figures provide only the roughest guide of spending. Accounting methods of political committees have varied drastically over the years. In some cases, fund transfers from committee to committee have been counted; and in others, they have not. And some figures include totals of local political groups.

In all cases, funds listed here represent only a fraction of total spending. For example, the figures do not include reports of all national-level committees, of congressional candidates or on primary and State level campaigns.

Source: Citizens' Research Foundation, Governmental Affairs Institute, the Two Party System in the U.S. by William Goodman.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I rise in opposition to the amendment. As I understand the amendment, it would require the Federal Government to pay 100 percent of the increased costs of welfare over what was spent last year.

It is true that the proponents of the amendment have now reduced that to a 1-year proposal. Nevertheless, the original intention was to make it permanent law.

I am inclined to believe that, if we do it for 1 year, it will become permanent law. It carries a very bad principle. Whenever we have a situation where one unit of government provides the money and another unit does the administering, the taxpayers are denied the ordinary checks and balances and the safeguards that bring about the best possible administration.

If this amendment were to become law, it would mean that for this year, the State of Illinois, or the State of New York, or the State of California, or any other State in the Union, could not only expand its welfare rolls as to the number of people on welfare, but could also raise their payments and could do so without spending one dime, because this amendment guarantees to the States that whatever increase there is will be borne by the Federal Government.

Mr. President, the amendment would cost $1,088 million. It will be grossly unfair to a State such as I have the honor to represent in part, the State of Nebraska. It is not in keeping with sound principles of administration and, furthermore, it is not fair to the Federal taxpayers living in the various States. We already have a huge deficit. To take on this burden of another $1 billion is not fair to Federal taxpayers residing in Nebraska, in Illinois, New York, California, or elsewhere.

A vote for this amendment will be a vote for further Federal deficits with all the evils that it carries.

There are many other reasons why it should not be favorably considered at this time, including the fact that it will open up the door to all manner of welfare reform proposals, which means that the tax bill will not be enacted this year.

In closing, I invite attention to the fact that the greatest force for welfare and reform in America is a strong and vigorous economy. When the economy is strong, jobs are plentiful and individuals with a small amount of training who have been denied certain advantages can then get jobs.

Whenever the economy is on the decline, those people find it most difficult to get employment. The greatest welfare reform anyone can promote is to support those things which will give us a strong and vigorous economy, a growing and expanding economy, where jobs are plentiful.

That does not come about by increasing the Federal deficit. It will not come about by jeopardizing passage of the President's tax package.

QUORUM CALL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that exhibits showing and demonstrating to the Senate the actual need for the type of funds I provide for in this amendment and exhibits to support those conclusions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Tentative estimates of State allotments under emergency welfare relief amendment—Con.

[Amounts in thousands]

Alabama	$9, 400
Alaska	1, 059
Arizona	2, 266
Arkansas	4, 876
California	292, 330
Colorado	10, 191
Connecticut	21, 833
Delaware	1, 664
District of Columbia	6, 991
Florida	10, 378
Georgia	12, 268
Hawaii	5, 043
Idaho	1, 816
Illinois	65, 744
Indiana	8, 598
Iowa	8, 777
Kansas	6, 036
Kentucky	9, 392
Louisiana	12, 739
Maine	3, 185
Maryland	21. 210
Massachusetts	69, 532
Michigan	56, 722
Minnesota	11, 187
Mississippi	3, 644
Missouri	18, 695
Montana	1, 194
Nebraska	3, 680
Nevada	1, 033
New Hampshire	1, 310
New Jersey	36, 514
New Mexico	3, 096
New York	169, 742
North Carolina	5, 167
North Dakota	1, 513
Ohio	31, 855
Oklahoma	16, 144
Oregon	9, 032
Pennsylvania	77, 732
Rhode Island	7, 946
South Carolina	3, 294
South Dakota	1, 931
Tennessee	6, 240

Tentative estimate of State allotments under emergency welfare relief amendment—Con.

Texas	$34,462
Utah	3,343
Vermont	2,533
Virginia	5,997
Washington	25,534
West Virginia	4,132
Wisconsin	13,334
Wyoming	390
U.S. total	1,088,117

EXPLANATION OF EMERGENCY WELFARE RELIEF AMENDMENT INTRODUCED BY SENATOR CHARLES H. PERCY TO H.R. 10947

General: The purpose of this amendment is to provide *limited fiscal relief* to States prior to the effective date of the State Savings provision (Section 503) of H.R. 1, and at the same time to protect welfare recipients from reductions in the support levels paid by States in the programs for the Aged, Blind, Disabled, and Families with Dependent Children. The amendment recognizes that the large increase in costs to States results from ever increasing caseloads, and protects States from a portion of the added cost.

Sub-section 1126(a) provides that there will be quarterly payments, *in addition* to the regular Federal matching sums provided for support payments in the Old Age, Blind, Disabled, and Family with Dependent Children aid programs. The payment will be equal to the increase in State expenditures above the average quarterly expenditures by that State in Fiscal Year 1971 but not to exceed 25 per cent of such average quarterly expenditures.

Sub-section 1126(b) defines the State expenditure levels. Such expenditures are limited to cash assistance payments for the Adult and Family welfare programs.

Subsection 1126(c) provides an additional limitation and a condition to the receipt of the *additional* payment. Clause (1) limits the increased costs to those expenditures resulting from payment levels in effect on June 30, 1971. Clause (2) conditions the additional payment provided by this amendment on maintenance of support payments at levels at least as high as those paid on June 30, 1971, except where the increase in quarterly cost is so great as to exceed 150 per cent of the average quarterly expenditure for Fiscal Year 1971. Where State cost increases are greater than 150 per cent of Fiscal Year 1971, a State may reduce payment levels so that costs do not exceed 150 per cent.

Failure of compliance does not affect the usual matching provision but *only* the additional payment established by this provision.

WELFARE CUTBACKS

Mr. RIBICOFF. Mr. President, today I am making public the results of a study prepared for me by the Department of Health, Education, and Welfare regarding the cutbacks being made all across the country in payments to recipients to aid to families with dependent children.

The study's data indicates that the time is long past due for welfare reform to be enacted. Such reform will enable the Nation to provide adequate benefits to alleviate human suffering and will relieve the intolerable fiscal burden on many of the States of the Nation—from Georgia to Wyoming, from Connecticut and New York to California.

From July 1970 to September 1971, 20 States from every region in the country have decreased some or all of their AFDC payments.

The study provides a State-by-State analysis of actions involving welfare payments.

Most of these States want to make a wholehearted effort to help the needy. But the prospects of fiscal ruination have forced them to make their already inadequate benefits even less adequate. The fiscal relief crisis is a crisis, then, not only for the States, but for each and every welfare recipient, 7½ million of whom are children.

In Connecticut, for example, benefit levels have been averaged out into a flat "equal monthly allowance" grant, resulting in benefit cutbacks for 30 percent of Connecticut's AFDC caseload, which amounted to 105,000 recipients—78,600 of whom were children—in May 1971, the latest month for which precise data is available.

The implementation of a flat "equal monthly allowance" grant would save the State of Connecticut more than $2 million a year, including administrative cost reductions of $150,000 per year.

But while the Connecticut reductions in income assistance, rental payments and medical aid to hold the line on welfare costs which have increased five times in the last decade in Connecticut, the costs in terms of human misery will inevitably increase.

No State should be faced with having to protect its fiscal integrity at the expense of its neediest citizens.

It is abundantly clear that the time for welfare reform is now. The alternative is continuing human misery and State bankruptcy.

I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 13, 1971.

Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.
Attention: Jeff Peterson.

DEAR SENATOR RIBICOFF: As indicated in a call today to Mr. Peterson's secretary, we apologize for the delay in responding to your letter of September 15, concerning the trends in AFDC benefit levels. The attached information was provided to us by John L. Costa, Commissioner of the Assistance Payments Administration. It includes a summary of state actions regarding the AFDC benefits and the effect on a family of four with an assumed income as well as on a family of four with no other source of income.

The detailed tables were developed to further illustrate for you the effects of state agency charges on determining eligibility and the amount of the assistance payment. In some situations the change in policy did not decisively result in either an increase or decrease for all recipients.

In thirty-one states there was some change, either an increase or decrease in AFDC policy for determining need and the amount of the assistance payment since July 1970.

Sincerely,
[Mrs.] PATRICIA REILLY HITT,
Assistant Secretary for Community and Field Services.

A. GENERALIZED SUMMARY OF EFFECT OF STATE AGENCY CHANGES IN AFDC POLICY SINCE JULY 1970

States which have decreased some or all payments in AFDC:

1. Alabama, June 1971.
2. California, June 1971. (?)
3. Connecticut, September 1, 1971.
4. Delaware, June 1971.
5. District of Columbia, August 1970.
6. Georgia, June 1971.
7. Kansas, September 1, 1971.
8. Kentucky, September 1970.
9. Louisiana, January 1971.
10. Maine, July 1970.
11. Nebraska, September 1971.
12. New Jersey, July 1971.
13. New Mexico, April 1971.
14. New York, May 1971.
15. Nevada, July 1971.
16. South Dakota, April 1971.
17. Utah, October 1970.
18. Vermont, September 1971.
19. Washington, April 1971.
20. Wyoming, July 1970.

States which have increased payments for all AFDC recipients:

1. Arkansas, May 1971.
2. Colorado, July 1, 1970.
3. Hawaii, July 1971.
4. Illinois, July 1970.
5. Maryland, July 1971.
6. Wisconsin, March 1971.

B. DEFINITE EXPLANATION OF EFFECT OF CHANGES IN STATE POLICY IN NEED DETERMINATION IN AFDC SINCE JULY 1970

Summary tables—not mutually exclusive

I. States which have decreased payments for all AFDC recipients. Reduced number of persons eligible for a payment:

1. District of Columbia, August 1, 1970.
2. Kansas, September 1, 1971.
3. New Mexico, April 1971.
4. New York—The change in New York State actually resulted in increases for most AFDC recipients in all the counties excepting New York City and the seven surrounding metropolitan counties. Most AFDC payments for families in New York City and the surrounding counties were decreased. (Mostly New York City and 7 metropolitan counties), May 1971.
5. Utah, October 1970.
6. Washington, April 1971.

II. States which have decreased payments only for AFDC recipients with income and reduced number of persons with income eligible for AFDC.

1. Alabama, June 1971.
2. California (If New Welfare Reform Act of August 13, 1971 is implemented).
3. Delaware, June 1971.
4. Georgia, June 1971.
5. Kentucky, September 1970.
6. Louisiana, January 1971.
7. Nebraska, September 1971.
8. Nevada, July 1971.
9. Wyoming, July 1970.

III. States which have consolidated payments into a partial or total "flat" grant. May have increased or decreased payments:

1. Connecticut, September 16, 1971 (Not fully analyzed).
2. Massachusetts, August 1970 (Probably more increased).
3. New Jersey, July 1971 (Probably more decreased).
4. North Dakota, July 1971 (Probably more increased).
5. South Dakota, July 1970 (Probably more increased).
6. Vermont, September 1, 1971 (Probably more increased).

IV. States which have reduced other aspects of AFDC program:

1. New Jersey—Dropped AFDC–UF July 1971.
2. Maine—Dropped AFDC–UF, July 1971.

V. States which have increased payments primarily for families without income and decreased payments for families with income:

1. California (If Welfare Reform Act of August 1971 is implemented).
2. Nevada, July 1971.
3. Delaware, June 1971.
4. Georgia, June 1971.
5. Kentucky, September 1970.
6. Wyoming, September 1970.

VI. States which have increased payments to families with income. Families without income, no change.

1. Mississippi, June 1971.
2. Missouri, December 1970.

C. MOST RECENT CHANGES IN AFDC STANDARDS AND PAYMENTS METHODS FROM [1] JULY 1970 THROUGH SEPTEMBER 1971

1. *Alabama*—As of June 1971, Alabama

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[1] All calculations based on AFDC Family of Four (1 Adult + 3 Children).

changed method for determining the amount of the assistance payment.

Prior to June 1971 and After June 1971

State Standard, $230—No Change.

Maximum=$50 1st eligible child; $30 each additional eligible child to a maximum of $170; $110 maximum for a family of four—No Change.

Agency payment was 35% of the budget Agency applied 35% reduction to the deficit[2] standard.

Example:

(a) Assume no income:

Standard	$230
Countable income	0
Budget deficit	230
35%	81
Payment	81

(b) Assume $100 countable income:

Standard	230
Countable income	100
Budget deficit	130
35%	46
Payment	46

Example:

(a) Assume no income:

Standard	230
Reduced standard	81
Countable income	0
Budget deficit	81
Payment	81

(b) Assume $100 countable income:

Standard	230
Reduced standard	81
Countable income	100
Budget deficit	0
Payment	0

Result: Most families with income either received decreases in payments or were ineligible. Families without income were unaffected. Reduced the number of families eligible for AFDC.

2. *Alaska*—Effective September 1, 1970, agency revised and increased maximums on payments. Most families probably received increases in payments.

3. *Arkansas*—As of May 5, 1971, State agency increased standard of need and State agency maximums on requirements.

Result: All families (with or without income) received increases of about $2 per person.

4. *California*—As of June 1971, in accordance with Section 402(a)(23) of the Social Security Act, California increased maximums on payments. For a family of four the maximum payment increased from $221 to $261. California Welfare Reform Act of 1971, Chapter 567 of Senate Bill 796, approved by the Governor August 13, 1971, includes new maximums and revised Statewide standards of assistance. Revised standard for a family of four is $314; the revised maximum is $280. The Act provides for income to be applied to the maximum.

Prior to 1971 Act

(a) Assume no income:

Standard for LA	$328
Income	0
Deficit	328
Maximum Payment	261

(b) Assume $100 countable income:

Standard for LA	$328
Countable income	100
Deficit	228
Payment	228

If Reform Act of 1971 is implemented

(a) Assume no income:

State-wide maximum	$280
Income	0
Deficit	280
Maximum payment	280

(b) Assume $100 countable income:

State-wide maximum	$280
Countable income	100
Deficit	180
Payment	180

Result: If California Welfare Act is implemented; Most families with income will receive decreased payments. All families without income will receive increases in payments. The number of families eligible for AFDC will be reduced.

5. *Colorado*—Effective 7/1/70, agency increased payments to 100% of standard; removing a 75.52% reduction.

Prior to July 1, 1970

(a) Assume no income:

State standard	$235
Reduced to	198
Income	0
Deficit	198
Payment	198

(b) Assume $100 countable income:

State standard	$235
Reduced to	198
Income	100
Deficit	98
Payment	98

After July 1, 1970

(a) Assume no income:

State standard	$235
Income	0
Deficit	235
Payment	235

(b) Assume $100 countable income:

State standard	$235
Income	100
Deficit	125
Payment	135

Result: All families received an increased payment. More families eligible for AFDC.

6. *Connecticut*—Effective 9/2/71, implemented partial flat grant, averaging some special needs into the basic standard.

7. *Delaware*—Effective June 1971, agency removed maximums on payments and ratable to standard, and implemented a 60% ratable to the budget deficit.

Prior to June 1971

(a) Assume no income:

State standard	$287
Reduced standard	237
Income	0
Deficit	237
Maximum	149

(b) Assume $100 countable income:

State standard	$287
Reduced standard	237
Income	100
Deficit	137
Payment	137

After June 1971

(a) Assume no income:

State standard	$287
Income	0
Deficit	287
60%	172
Payment	172

(b) Assume $100 countable income:

State standard	$287
Income	100
Deficit	187
60%	112
Payment	112

Result: Families without income received increased payments. Families with income could receive decreases in payments. Probably increased number of persons eligible for AFDC.

8. *District of Columbia*—Effective August 1, 1970, agency changed percentage reduction from 85% to 75%. Most families received decreases. Probably decreased eligibility.

9. *Georgia*—Effective June 1, 1971, agency changed payment method. Increased standards and maximums and applied a percentage reduction to the standard.

Prior to June 1, 1971

(a) Assume no income:

State standard	$208
Income	0
Deficit	208
Maximum	133
Payment	133

(b) Assume $100 countable income:

State standard	$208
Income	100
Deficit	108
Payment	108

After June 1, 1197

(a) Assume no income:

State standard	$226
Reduced standard	164
Income	0
Deficit	164
Maximum	149
Payment	149

(b) Assume $100 countable income:

State standard	$226
Reduced standard	164
Income	100
Deficit	64
Payment	64

Result: Families without income received increased payments; families with income received a decreased payment. Increased eligibility for families without income; decreased eligibility for families with income.

10. *Hawaii*—Effective July 1971, agency increased standards. Families with and without income received increased payments; probably increased number of persons eligible for AFDC.

11. *Indiana*—Effective April 1971, agency imposed maximums were increased.

Prior to April 1, 1971

(a) Assume no income:

Standard	$355
Income	0
Deficit	355
Payment (maximum)	150

(b) Assume $100 countable income:

Standard	$355
Income	100
Deficit	255
Payment (maximum)	150

After April 1, 1971

(a) Assume no income:

Standard	$355
Income	0
Deficit	355
Payment (maximum)	175

(b) Assume $100 countable income:

Standard	$355
Income	100
Deficit	255
Payment (maximum)	175

Result: All families without income and some families with income received increased payments: probably increased number of persons eligible for AFDC.

12. *Illinois*—Effective August 1970, agency increased standards and maximum for shelter. Most families received some increase in payments. Probably increased number of persons eligible for AFDC.

13. *Kansas*—Effective September 1, 1971, the State agency applied a further reduction to the standard, from 94% to 70%.

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[2] Budget deficit refers to the difference between income and full standard or income and maximum or reduced standard as identified.

Prior to Sept. 1, 1971

(a) Assume no income:	
Standard	$282
Reduced standard	268
Income	0
Deficit	268
Payment	268
(b) Assume $100 countable income:	
Standard	$282
Reduced standard	268
Income	100
Deficit	168
Payment	168

As of Sept. 1, 1971

(a) Assume no income:	
Standard	$290
Reduced standard	216
Income	0
Deficit	216
Payment	216
(b) Assume $100 countable income:	
Standard	$290
Reduced standard	216
Income	100
Deficit	116
Payment	116

Result: All families, with and without income, received decreased payments. Reduced the number of families eligible for assistance.

14. *Kentucky*—Effective September 1970, the State agency revised method for determining need. Instead of applying two ratables, one to the standard and one to the deficit, agency applied one ratable of 73.1% to the standard. Urban and rural maximums removed in effect.

Prior to September 1970

(a) Assume no income:	
Full standard	$264
Reduced standard	216
Income	0
Deficit	216
86.5%	187
Payment	187
(b) Assume $100 countable income:	
Full standard	$264
Reduced standard	216
Income	100
Deficit	116
86.5%	100
Payment	100

After September 1970

(a) Assume no income:	
Full standard	$264
Reduced standard	193
Income	0
Deficit	193
Payment	193
(b) Assume $100 countable income:	
Full standard	$264
Reduced standard	193
Income	100
Deficit	93
Payment	93

Result: Families without income received increased payments. Families with income received decreased payments. Probably little effect on eligibility for AFDC.

15. *Louisiana*—Effective January 1, 1971, agency changed budgeting methods; agency applied a 51% ratable reduction to the standard instead of a 51% ratable to the budget deficit.

Prior to Jan. 1, 1971

(a) Assume no income:	
State standard	$204
Income	0
Deficit	204
Fifty-one percent	104
Payment	104
(b) Assume $100 countable income:	
State standard	$204
Income	100
Deficit	104
Fifty-one percent	53
Payment	53

After Jan. 1, 1971

(a) Assume no income:	
State standard	$204
Reduced standard	104
Income	0
Deficit	104
Payment	104
(b) Assume $100 countable income:	
State standard	$204
Reduced standard	104
Income	100
Deficit	4
Payment	4

Result: There was no change in payments for families without income; families with income received decreases in payments; reduced number of families eligible for AFDC.

16. *Maine*—Dropped AFDC UF as of July 1, 1970.

17. *Maryland*—Effective July 1971, agency changed ratable from 59.5% to 60%. All families received an increase of $1 per person.

18. *Mississippi*

Effective June 1971, agency increased percent of deficit met from 30% to 40%. Maximums not changed.

Prior to June 1971

(a) Assume no income:	
Standard	$232
Income	0
Deficit	232
30%	70
Maximum	60
Payment	60
(b) Assume $100 countable income:	
Standard	$232
Income	100
Deficit	132
30%	40
Payment	40

After June 1971

(a) Assume no income:	
Standard	$232
Income	0
Deficit	232
40%	92
Maximum	60
Payment	60
(b) Assume $100 countable income:	
Standard	$232
Income	100
Deficit	132
40%	53
Payment	53

Result: Families with income received increases in payments. There was no change in payments for families without income. May have increased eligibility for some families with income.

19. *Missouri*

Effective December 1970, agency increased standard.

Prior to December 1970

(a) Assume no income:	
Standard	$325
Income	0
Deficit	325
Maximum	130
Payment	130
(b) Assume $100 countable income:	
Standard	$325
Income	100
Deficit	225
Maximum	130
Payment	130

After December 1970

(a) Assume no income:	
Standard	$338
Income	0
Deficit	338
Maximum	130
Payment	130
(b) Assume $100 countable income:	
Standard	$388
Income	100
Deficit	238
Maximum	130
Payment	130

Result: Some families with income received increases in payment. There was no change in payments for families without income. May have increased eligibility for some families with income.

20. *Nebraska*—Effective April 1971, in accordance with Section 402(a) (23) of the Act, maximum increased by $26. Effective September 1971, agency applied a 94% ratable to the standard.

Prior to September 1971

(a) Assume no income:	
Standard	$347
Income	0
Deficit	347
Maximum	226
Prior to April 1971	200
Payment	226
(b) Assume $100 countable income:	
Standard	$347
Income	100
Deficit	247
Maximum	226
Prior to April 1971	200
Payment	226

After September 1971

(a) Assume no income:	
Standard	$347
Reduced standard	326
Income	0
Deficit	326
Maximum	226
Payment	226
(b) Assume $100 countable income:	
Standard	$347
Reduced standard	326
Income	100
Deficit	226
Maximum	226
Payment	226

Result: As of April 1971, all families without income received increased payments and some families with income received increased payments. As of September 1971, some families with income received decreases in payment. There was no change in payments for families without income. Probably reduced the number of families eligible for AFDC.

21. *Nevada*—Effective July 1971, State agency increased standard and changed method for determining need.

Prior to July 1971

(a) Assume no income—detail of method not elaborated because of its complexity:	
State standard	$317
Income	0
Payment	143
(b) Assume $100 countable income:	
Payment	$128

After July 1971

(a) Assume no income:	
State standard	$320
55% Reduced standard	176
Income	0
Deficit	176
Payment	176
(b) Assume $100 countable income:	
State standard	$320
Reduced standard	176
Income	100
Deficit	76
Payment	76

Result: Families without income received increased payments. Families with income received decreased payments. Probably increased eligibility for families without income.

22. *New Jersey*—Effective July 1971, agency consolidated standard into flat grant. "Averaged" flat grant could either mean a decrease in payment for some families or an increase in payment for some families. Probably reduced number of families eligible for AFDC. Agency dropped AFDC UF program as of July 1971.

For State AFWP program, agency eliminated the disregard of earned income of the first $30 and ½ of the remainder and applied a lower standard than is used in the AFDC program. Prior to this change, the disregard of $30 and ½ was applied in the State provided assistance program for all underemployed and unemployed families with children.

23. *New Mexico*—Effective April 1971, agency reduced percentage on budget deficit from 90% to 88%.

Prior to April 1971

(a) Assume no income:

Standard	$203
Income	0
Deficit	203
90 percent	183
Payment	183

(b) Assume $100 countable income:

Standard	$203
Income	100
Deficit	103
90 percent	93
Payment	93

After April 1971

(a) Assume no income:

Standard	$203
Income	0
Deficit	203
88 percent	179
Payment	179

(b) Assume $100 countable income:

Standard	$203
Income	100
Deficit	103
88 percent	91
Payment	91

Result: All families with and without income (excepting those who were receiving the maximum) received decreased payments. Probably reduced the number of persons eligible for AFDC.

24. *New York*—Effective May 15, 1971, agency applied a 10% ratable to the basic standard excluding shelter and fuel for heating.

Prior to May 15, 1971

(a) Assume no income:

Full standard	$336
Income	0
Deficit	336
Payment	336

(b) Assume $100 countable income:

Full standard	$336
Income	100
Deficit	236
Payment	236

After May 15, 1971

(a) Assume no income:

Full standard	$336
Reduced standard	313
Income	0
Deficit	313
Payment	313

(b) Assume $100 countable income:

Full standard	$336
Reduced standard	313
Income	100
Deficit	213
Payment	213

Result: All AFDC recipients in New York City and metropolitan counties received decreased payments. AFDC recipients in upstate counties may have had an increase. May have reduced the number of families eligible for AFDC.

25. *North Dakota*—Effective August 1970, agency removed an 11% ratable reduction to the standard. Effective July 1971, agency implemented a "flat grant."

Prior to August 1970

(a) Assume no income

Full standard	$282
Reduced standard	261
Income	0
Deficit	261
Payment	261

(b) Assume $100 countable income:

Full standard	$282
Reduced standard	261
Income	100
Deficit	161
Payment	161

After July 1971

(a) Assume no income:

Standard	$300
Income	0
Deficit	300
Payment	300

(b) Assume $100 countable income:

Standard	$300
Income	100
Deficit	200
Payment	200

Result: All families received increased payments. Eligibility for AFDC probably increased.

26. *South Dakota*—Effective July 1970, agency removed ratable reduction to standard and implemented flat grant. As of April 1971, agency applied an additional 10% reduction.

Prior to July 1970

(a) Assume no income:

Standard	$310
Reduced standard	276
Income	0
Deficit	276
Payments	276

(b) Assume $100 countable income:

Standard	$310
Reduced standard	276
Income	100
Deficit	176
Payment	176

As of July 1970

(a) Assume no income:

Standard	$300
Income	0
Deficit	300
Payment	300

(b) Assume $100 countable income:

Standard	$300
Income	100
Deficit	200
Payment	200

April 1971

(a) Assume no income:

Full standard	$300
Reduced standard	270
Income	0
Deficit	270
Payment	270

(b) Assume $100 countable income:

Full standard	$300
Reduced standard	270
Income	100
Deficit	270
Payment	170

Result: Most families, with or without income, received decreased payments. Number of persons eligible for AFDC probably reduced.

27. *Utah*—Effective October 1970, agency removed maximum and implemented a ratable reduction to the standard.

Prior to October 1970

(a) Assume no income:

Standard	$239
Maximum	212
Income	0
Deficit	212
Payment	212

(b) Assume $100 countable income:

Standard	$239
Maximum	212
Countable income	100
Deficit	112
Payment	112

After October 1970

(a) Assume no income:

Standard	$271
Reduced standard	189
Income	0
Deficit	189
Payment	189

(b) Assume $100 countable income:

Standard	271
Reduced standard	189
Countable income	100
Deficit	89
Payment	89

Effect: Decrease in payments to all families. Probably reduced eligibility for AFDC.

28. *Vermont*—Effective September 1, 1971, agency implimented flat grant, adding $2 per person to the State standard.

Result: Increased payments to most families. Effect on eligibility unknown.

29. *Washington*—Effective April 1971, agency redefined standard of need and implemented per person reductions varying by family size.

Prior to Apr. 1, 1971

(a) Assume no income:

State standard	$321
Income	0
Deficit	321
Payment	321

(b) Assume $100 countable income:

State standard	321
Income	100
Deficit	221
Payment	221

After Apr. 1, 1971

(a) Assume no income:

State standard	$282
Income	0
State standard	282
Reduced payment	270

(b) Assume $100 countable income:

State standard	282
Income	100
Deficit	182
Payment	182

Result: Decrease in payments for all families. Reduced eligibility for AFDC.

30. *Wisconsin*—Effective March 1, 1971, agency adjusted standard and changed ratables.

Prior to Mar. 1, 1971

(a) Assume no income:

Standard	$248
Reduced standard	198
Income	0
Deficit	198
Payment	198

(b) Assume $100 countable income:

Standard	248
Reduced standard	198
Income	100
Deficit	98
Payment	98

After Mar. 1, 1971

(a) Assume no income:

Standard	255
Reduced standard	217
Income	0
Deficit	217
Payment	217

(b) Assume $100 countable income:

Standard	255
Reduced standard	217
Income	100
Deficit	117
Payment	117

Result: Most families received an increase in payments. More families probably eligible for AFDC.

31. *Wyoming.*—Effective July 1970, agency adjusted standards, changed ratables and increased maxim

Prior to July 1970

(a) Assume no income:

Standard	$312
Reduced standard	268
Income	0
Deficit	268
Maximum	200
Payment	200

(b) Assume $100 countable income:

Standard	312
Reduced standard	268
Income	100
Deficit	168
Maximum	200
Payment	168

After July 1970

(a) Assume no income:

Standard	283
Reduced standard	260
Income	0
Deficit	260
Maximum	227
Payment	227

(b) Assume $100 countable income:

Standard	283
Reduced standard	260
Income	100
Deficit	160
Maximum	227
Payment	160

Result: There was an increase in payments for families without income. Some families with income will have received decreases in payments. Effect on number of families eligible for AFDC probably neglible.

Mr. PERCY. Mr. President, in talking about the concern that I had with H.R. 1, the major question that I had with H.R. 1, the major question that comes up in the minds of the Governors and all other people dealing with the critical financial situation of our States concerns how fast the Senate can really act. The House of Representatives has responded in magnificent fashion to a very complex fashion. And under the leadership of Representative MILLS and the able support he has received from his committee, each member of which recognized the urgency behind the House acting very promptly on the bill and sending it to us, they sent us the bill promptly.

We have heard, and I have heard, of the scheduling that has been done on the Senate side. I am fully cognizant of the very urgent matters that must be considered because of other crisis that are ahead of us such as the revenue bill itself and such as phase I, phase II, and perhaps phase III legislation which will be required at some time or other to vitalize the American economy. Certainly we have urgent need for time in which to pass the appropriation bills, foreign aid authorization and others. So that we have now a schedule for H.R. 1 to be considered by the Finance Committee early next year.

I am not exactly clear in my own mind how expeditiously the committee can handle this and when we can expect to have it on the floor and when possibly we could have it up for passage by the Senate.

The reason I offered the amendment to the pending bill was my concern for the fact that months would pass and that thereby there would be no relief and no explanation which could be given to the impoverished people who are now adversely affected in the various States across the country.

Mr. President, I ask unanimous consent that all the telegrams I have received from the Governors of 20 States and other concerned citizens, indicating the plight faced in their States from East to West and North to South, be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

HELENA, MONT.

Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C:

I am in strong support and agreement with your efforts to sponsor an emergency welfare relief amendment providing a hold harmless freeze on State welfare costs for fiscal year 1971 levels. This will meet a current need in Montana. I sincerely hope your efforts will succeed. Copy of above wire sent Senator Mansfield, Senator Metcalf, Representative Melcher, and Hon. Charles Percey.

Sincerely,

FORREST H. ANDERSON,
Governor of Montana.

BATON ROUGE, LA.
November 15, 1971.

Hon. CHARLES PERCY,
U.S. Senator, Senate Office Building, Washington, D.C.:

I strongly support immediate emergency legislation to provide fiscal relief from rising welfare costs. Your proposal for an emergency welfare relief amendment providing a hold harmless freeze on State welfare costs at fiscal 1971 levels is highly desirable but Congress must go beyond hold harmless in order that we may continue meeting our welfare obligations to the needy of this State. My previously expressed position urged as a temporary relief an increase by twenty percent in the Federal formula for matching state funds in the assistance programs. This was considered a stop gap measure for immediate relief to the States pending final enactment of welfare reforms embodied in H.R. 1 which I urge your continued vigorous support.

JOHN J. MCKEITHEN,
Governor of Louisiana.

CHICAGO, ILL.

SENATOR CHARLES H. PERCY,
Washington, D.C.:

The Welfare Council of metropolitan Chicago supports your amendment to the tax reform bill providing for a 1.1 billion emergency appropriation for welfare assistance to the States. The ultimate solution to the problem of financing public assistance rests with the Federal Government in such an emergency measure in light of the absence of action on H.R. 1 and revenue sharing is essential to prevent needless human suffering and further deterioration in an already chaotic situation.

JOSEPH M. WELLS,
President.
JOHN H. BALLARD,
Executive Director.

HARTFORD, CONN.,
November 16, 1971.

SENATOR PERCY,
Washington, D.C.:

I strongly support the emergency welfare relief amendment which is to be launched on the Senate floor today providing a whole harmless freeze on State welfare costs at fiscal 1971 levels. Urge your support for this amendment because of its fiscal relief from rising welfare cost.

GOV. THOMAS J. MESKILL.

NOVEMBER 15, 1971.

[Copy of telegram sent to Senators Mansfield, Scott, and Schweiker.]

Senator PERCY.
CHARLES BYRLEY,
Director, National Governors' Conference:

I urge your support of Senator Percy's amendment to the Revenue Act of 1971 to provide $1.5 billion in emergency welfare relief funds to states as interim measure pending Congressional action on permanent welfare reform proposals. Your support of the Percy amendment would save the Commonwealth over $78 million in this fiscal year.

MILTON J. SHAPP,
Governor.

PIERRE, S. DAK.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: May I add South Dakota's voice in support of your efforts to amend the pending tax bill which will provide immediate fiscal relief of State welfare costs. I endorse your proposal to hold the State harmless at the fiscal 1971 level, but would endorse any temporary legislation to increase Federal participation and current public assistance and medical care cost for the period beginning after July 1, 1971. I have expressed my support of the resolution submitted to Senator Long by the national council of State public welfare administrators of APWA. I would prefer the APWA resolution. Copy of this telegram being sent to Senator Mundt, Senator McGovern, and Senator Long.

RICHARD F. KNEIP,
Governor of South Dakota.

PIERRE, S. DAK.

Senator RUSSELL LONG,
Senate Office Building,
Washington, D.C.

Following telegram sent to Senator Percy, quote:

DEAR SENATOR PERCY: May I add South Dakota's voice in support of your efforts to amend the pending tax bill which will provide immediate fiscal relief of state welfare costs. I endorse your proposal to hold the State harmless at the fiscal 1971 level, but would endorse any temporary legislation to increase Federal participation and current public assistance and medical care cost for the period beginning after July 1, 1971. I have expressed my support of the resolution submitted to Senator Long by the national council of state public welfare administrators of APWA. I would prefer the APWA resolution. Unquote. Copy of this telegram sent to Senator Mundt, and Senator McGovern.

RICHARD F. KNEIP,
Governor of South Dakota.

NASHVILLE, TENN.

Senator CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.

I have asked Senators Howard Baker and Bill Brock to support your amendment to the pending revenue act of 1971 "to hold states harmless" at their FY 71's welfare cost. This fiscal release to States from spiraling welfare costs is urgently needed.

WINFIELD DUNN,
Governor.

DOVER, DEL.

Senator CHARLES PERCY,
New Senate Office Building,
Washington, D.C.:

This is to advise of my support for an emergency welfare relief amendment providing a hold harmless freeze on State welfare cost at fiscal 1971 levels. I have contacted Senator Boggs and Senator Ross of Delaware to advise them of my support and urge them to give favorable consideration to the measure.

RUSSELL W. PETERSON,
Governor, State of Delaware.

AUSTIN, TEX.

Hon. CHARLES PERCY,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

I fully support your emergency welfare relief amendment providing a hold harmless freeze on State welfare cost at fiscal 1971 level, and have urged the Texas Senators and my fellow Governors to support this amendment.

Until the time that comprehensive national welfare reform legislation can be enacted, the States must receive temporary fiscal relief from rising welfare costs.

PRESTON SMITH,
Governor of Texas.

JUNEAU, ALASKA.

Senator CHARLES PERCY,
Washington, D.C.:

Relating to immediate fiscal relief from rising welfare costs, Regarding your supporting an emergency relief movement I strongly recommend that the "hold harmless" be included in increased Federal matching so that no State shall receive less than 60 percent regardless of whether the State has title XIX. Alaska is the only State in the Nation getting less than 50 percent Federal matching. Fiscal year 1971 freezes Alaska into an unrealistic low percentage. Presently 30 percent.

WILLIAM A. EGAN,
Governor.

CARSON CITY, NEV.

Senator CHARLES PERCY,
Senate Office Building,
Washington, D.C.:

As Governor of Nevada, I fully support any plan that will decrease welfare costs to the State. If the proposed amendment to be introduced by you this week will hold all State costs to the fiscal 1971 level, and if any additional costs will be financed by the Federal Government, then I can support it. If it will not accomplish these goals, it cannot have my support.

Cordially,

MIKE O'CALLAGHAN,
Governor of Nevada.

BOISE, IDAHO.

Hon. CHARLES PERCY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I certainly concur in the need for immediate fiscal relief for States from rising welfare costs. While I support an action to bring about this relief, this, in no way, limits my concern about other aspects of welfare reform

CECIL D. ANDRUS,
Governor of Idaho.

TOPEKA, KANS.

Hon. CHARLES PERCY,
U.S. Senator from Illinois,
Senate Office Building,
Washington, D.C.:

The national Governor's conference has informed me of your plan to introduce legislation which would result in immediate welfare fiscal relief for States.

For months, I have urged congressional action to assume Federal responsibility for the welfare programs the Federal Government now largely dictates to the States. As I understand your proposed legislation, a hold harmless freeze would be placed on State welfare costs at fiscal 1971 levels—with the Federal Government assuming additional costs above that level. Such a proposal would be welcomed fiscal relief for the States and a step in the proper direction toward Federal assumption of the responsibility for the welfare situation it has helped to create.

I wholeheartedly support the concept of the legislation you are considering. The need for immediate fiscal welfare relief for the States is urgent. The Kansas legislature in 1971 rebelled against rising costs of welfare and as a result of legislative cuts the department of social welfare found it necessary to prorate welfare costs in the current year.

Prospects for the legislature funding increased costs of the present welfare program are not good. The continued discussion at the national level by both political parties of the failure of the present system of welfare and the need for reform makes it difficult to obtain additional State and local funds prior to reform of the system. Failure on the part of Congress to provide reform measures without additional costs of the welfare system resulting from which unemployment and rising costs could have tragic results.

With every good wish,

ROBERT DOCKING,
Governor of Kansas.

DES MOINES, IOWA.

Senator CHARLES PERCY,
Washington, D.C.:

Respectfully request your support of Senator Percy's emergency welfare relief amendment providing a hold harmless freeze on state welfare costs on fiscal 1971 levels.

Respectfully submitted.

ROBERT D. RAY,
Governor of Iowa.

RALEIGH, N.C.

Senator CHARLES PERCY,
Senate Office Building,
Washington, D.C.:

I urge your consideration and support of emergency welfare relief amendment sponsored by Senator Percy to give fiscal relief from rising welfare cost.

ROBERT W. SCOTT,
Governor of North Carolina.

TALLAHASSEE, FLA.

Hon. CHARLES H. PERCY,
Senator, State of Illinois,
Washington, D.C.:

Tentative information we have received indicates that the emergency welfare relief amendment offered to H.R. 10947 by Senator Percy would provide fiscal relief for the state in the general assistance program. It is my hope that you will support this type of relief for the States and, if possible, extend the proposed protection to increases in the cost of medicaid.

REUBIN O. D. ASKEW,
Governor, State of Florida.

Mr. PERCY. Mr. President, I therefore ask the distinguished chairman of the Finance Committee—who has dealt with some of the most complex problems that the Nation has faced and has proven time after time that when his powerful influence is put behind something it moves and it moves rapidly, and who has a very fine and able committee consisting of some of the most distinguished and knowledgeable Members of the Senate—what sort of time schedule might reasonably be expected. And I would like to enlighten the Senate as to the attitude of the administration. It has vigorously and forcefully opposed the amendment I have now offered simply because it feels that it should be dealt with on a social security bill rather than on a revenue bill.

I would like to clarify an understanding I have from the administration as to their attitude in this kind of emergency situation if it were offered as an amendment to H.R. 1.

Mr. LONG. Mr. President, I said to the majority leader earlier today and I said earlier in discussion with him and with other members of the committee prior to that time that it is my hope we can bring the bill out by March 1. It may be that we could have it out here by February 15. That may depend on what schedule the Senate pursues.

I have to make one reservation. If the President of the United States comes here with some request that he considers so urgent that everything else should stand aside, we will have to consider that request. Other measures would have to stand aside while we voted on such a measure. That is the way I feel even though I am a Democrat, and I believe that the Senator from Illinois would feel the same way about that matter.

H.R. 1 would be our pending business right now had it not been that we were asked to proceed with this measure that is pending before the Senate which does have emergency aspects to it.

I believe, assuming the Senate comes back early, that we ought to be on the floor with the bill about February 15. If the Senate does not come back early, depending on how long this session continues, we should have the bill out by March 1.

That is about the scheduling, and I believe this may be my best estimate. I should think that we ought to be voting on H.R. 1 either in the latter part of February or the early part of March. That is my guess.

Mr. PERCY. Mr. President, I think this schedule, when known to the Governors, would relieve them of some of the deep concerns I have had expressed to me over the last few days by some of the Governors that have telephoned me. They looked for much longer deliberations and possibly a filibuster.

They were losing faith that the bill would really see the light of day or that the Senate would act as promptly as the House has. There has been a question as to the support of the administration for H.R. 1. I would not want to ask the distinguished Senator for information that would be privileged. However, to the extent that he can reveal conversations that he has had with either the President or top officials in the administration, does the Senator share the view I share, that the administration has placed a very high priority on the passage of this legislation and feels that welfare reform is an exceptionally important part of their overall program and that from the administration's standpoint, it represents a top priority, and when they assign a top priority to it, it can help very much with the work of the chairman of the committee who always wants to work with the administration, whether it be Democratic or Republican?

Mr. LONG. My understanding is that the administration does place a very high priority on the revenue measure we have in the Senate. That is the basis on which we were proceeding at the time the President proposed this economic package before us now. When this is behind us, we will treat it in that way. It is a priority item on which we are moving. The Senator understand we are going to have some differences on the welfare parts of this bill and in due course, I hope we can work out something to help on the problems the Senator suggested.

Mr. PERCY. I have discussed this problem, as I have discussed many problems, with the distinguished senior Senator from Connecticut. In this field I consider him one of the most knowledgeable men in the Senate if not in the United States. I received indications of support from other cosponsors. I deeply appreciate the efforts of the Senator from New York (Mr. JAVITS) in connection with this legislation even though he is not a cosponsor; he indicated he is for it and spoke on it. But I was deeply disappointed that the Senator from Connecticut could not see fit to support it. I am fully cognizant of the reasons. I fully understand and realize the risk involved if the floodgates were opened up for months if welfare were mentioned. I was deeply appreciative of his indication that although he could not support this amendment on the bill he would support it if it were offered as an amendment to H.R. 1.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. RIBICOFF. Mr. President, the Senator has my assurance that when I present what I consider to be a substitute for H.R. 1, with his permission the proposal of the Senator from Illinois will be incorporated. In addition I will acknowledge that this addition is the proposal of the Senator from Illinois.

Mr. PERCY. There will be no pride of authorship, but I am deeply appreciative of that assurance.

I wish to address a comment and inform the chairman of the Committee on Finance of a conversation I had which culminates a series of conversations I had with the administration. The executive director of the domestic council in the White House is John Ehrlichman. When he speaks, he speaks for the administration and the President. I had a number of conversations with Mr. Ehrlichman, who, together with Mr. Shultz and Secretary Richardson, and others, has been very cognizant of the problems faced by many States and the peculiar problems faced by the State of Illinois, and there are problems peculiar only to Illinois in this case.

I have not addressed myself only to those problems but there are problems and the administration has tried to be helpful, as it always tries to be helpful. In this case there is no real solution to those problems. There may be interim steps that could be taken as temporary expedients to help, but there is no real solution.

Mr. Ehrlichman is cognizant that this is the only route that would provide help for all the States and he is cognizant of the fact that the decision had been made to set back the schedule on revenue sharing, which we all want to see done and I want to see done very badly. He is cognizant that H.R. 1 had been set back 1 year and that this presents an unusual problems to the States.

Therefore, Mr. Ehrlichman has agreed—and committed the administration to support legislation—that the President will support not 125 percent but 120 percent of the levels enunciated in my amendment; that it will support an amendment as an amendment to H.R. 1 retroactive to July 1, 1971. So the States could at least count on this. If they count on the passage of a welfare reform bill they can count on that, with interim steps for the whole period of time retroactive to July 1, 1971, and until welfare reform goes into effect.

In other words, if the amendment of the Senator from Connecticut takes effect July 1, 1972, as the effective date, it would support an amendment for 1 full year. If the effective date of H.R. 1 is July 1, 1974, it would support an interim amendment effective for 2 years.

I think this support on their part, pledging support of the Office of Management and Budget is a recognition that we must assure the Governors of the States that we recognize their problem; that we have delayed the full solution and cure and that an interim step and relief will be provided on this emergency basis; and although I feel this measure can be supported in one fashion or another by the chairman of the Committee on Finance, my final question before I decide what to do on this present amendment would depend upon his feelings which I feel rather confident will be a full understanding of the problems of the States and the people affected. I am pleased we have been able to work out a promise and a hope for the solution of this immediate problem as well as the long-range problem.

Mr. LONG. H.R. 1 has language which does meet this problem. We have not passed judgment on that, but this Senator personally expects to vote for something to help the States during the interim period.

I have indicated to the Senator I personally think there might be a better way to do it on a different formula and that the cost of the interim aid is not what bothers this Senator. It is more a matter of working out a formula that would be equitable to all the States. I do not think that the Senator's amendment, in terms of total dollars, would be vastly different under the approach I would take, and the approach the administration would take. In either event, the State would receive substantial help, allowing for some difference in how one might approach it from one point of view and how it might be approached from another point of view. The problem is similar. I would approach it from a different point of view, as I indicated, but I would be willing to vote to do something about this matter.

I believe the Senator can count on some help for the problem he has in mind, in view of the fact that H.R. 1 has language of that sort which already has been passed by the House.

The Senator from Connecticut is a very able advocate. He had much support for his position and he committed himself to the Senator's position. I would be willing to provide help for what occurs between now and when we get to that bill. I regret we cannot do it now but we are in a situation which is not entirely the fault of anybody. It is really the fact that those strongly for H.R. 1 have been unwilling to permit us to pass upon items involved in that bill piecemeal. I understand their position. Those who are against the family assistance plan but who are for other things in the bill recognize we will have to get to this big issue and arrive at a conclusion. But what the Senator has is something I regret to say is something that will have to await settlement of the bigger issue. When we do I hope we can provide help for the type situation the Senator has been describing.

Mr. PERCY. Can we talk about figures for a moment because the dollar is a concrete way of gaging how much effort we are willing to put behind this. My amendment would be $1.88 billion. The administration has indicated its willingness toward something less than that, although I assume what they are talking about is in excess of three-quarters of a billion dollars, if it is 80 percent of the information that I had.

In private conversations, we did mention figures. Would the Senator care to indicate whether the figures I am talking about are in the ballpark as far as the amount he would be willing to support is concerned?

Mr. LONG. As far as I am concerned, that is the case. I cannot speak for the other 15 members of the committee; I am speaking for myself.

Mr. PERCY. About $1 billion is not unreasonable, or between three-quarters of a billion dollars and one billion per annum?

Mr. LONG. Senator, a figure of $1 billion in this area does not shock me at all.

Mr. PERCY. May I ask this one last question: Recognizing that there are different formulations that could be taken, I could not support a formulation that would suddenly be a whole new approach, which would offer a windfall gain to some States that did not use their money for welfare. This would have some relationship to the efforts made by States in the past? Would those general criteria be taken into account in developing a formula?

Mr. LONG. Senator, if we were voting on your proposal today, I would offer a substitute for it that would provide $75 per recipient on welfare as of June 1971, and that would provide $52 million for Illinois. To me, that would be the logical way to distribute the $1 billion. But I am no dictator in the Finance Committee. I do not claim to be the man who runs the committee, or anything of that sort. This Senator just suggests what he thinks. I do not think the total dollar figure the Senator is talking about is out of line.

Mr. PERCY. And the criteria of some relationship to past efforts, without windfall gains to States or giving money to States that cannot demonstrate a need for it, would be taken into account in whatever formulation was developed?

Mr. LONG. Senator, if one looks upon this as a revenue-sharing type thing to help States in this problem, a person could arrive at one conclusion. Some States might not want to spend the money on welfare, and if they did not want to spend it for that purpose, perhaps they should not be required to; but as for those that did have the problem that we are discussing and that wanted the money for that purpose, as far as this Senator is concerned, I have suggested how I think the formula might be fairly devised. It is not drastically different from the formula that the Senator from Illinois has devised, as far as Illinois is concerned.

It may very well be that the committee would prefer to accept the formula the Senator has suggested here. It is not going to upset me if the committee does, as a part of H.R. 1.

I would have been offering something to provide a stopgap in this measure, myself, if it had not been that I was personally convinced that it was not going to prevail and that it was going to either stop or impede a very essential measure that must become law. I sympathize with the Senator, and I will try to cooperate with him in working this matter out.

Mr. PERCY. I appreciate very much what the distinguished Senator has said. I am still somewhat concerned and very reluctant about the possibilty of going into some formulation that would provide money for highways for some States and would provide money for other types of expenditures that had no real relationship to the need. This is an emergency measure. It is to deal with poor people.

Mr. LONG. Some States have had to cut back in education, health, and highway construction in order to provide money for welfare. If they have done that, it would not be quite fair to them to require them to put all this money into welfare when they have already taken money out of other programs to put into welfare.

Mr. PERCY. Then, the formulation I have enumerated would be perfectly adaptable for those States, because that money is in welfare, and if this money goes back into Louisiana, for example, when the State of Louisiana gets $12,739,000, that then means that that $12,739,000 can go right straight into education or other matters the money for which is now being absorbed by welfare.

I am not saying that it is perfect, but the formulation has to have some relationship to the costs of welfare and to the case needs in that particular State. Every State needs money and would like to have money, but what we are really trying to do in a social security bill and a welfare bill is take care of welfare problems, and not have a revenue bill.

I think we are close enough in our thinking and philosophy and approach that I would trust we would not have any problem with this matter. Certainly, I would not want to encumber this bill with something that would open up a lot of other matters that do not deal directly with revenue and to delay the proceedings of the Senate. We have this very clear understanding and we have the commitment of the administration, for which I am very grateful indeed, and I know every Governor in the United States will be grateful for this kind of help, and I know there will be tremendous pressure from the Governors to back H.R. 1, because this is the answer they have been looking for to shake up this system, with all the ills of which the Senator has so eloquently spoken, and start over again and see if we cannot do a much better job next time.

With that assurance and commitment, I feel comfortable in withdrawing the amendment, and I thank my distinguished colleague.

I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

EXPLANATION OF A VOTE

Mr. ROTH. Mr. President, on Monday, November 15, 1971, I was recorded as voting "yea" on legislative rollcall 334, appearing on page 41280, of the CONGRESSIONAL RECORD when actually my position was in opposition to the amendment then being voted on.

The vote was on amendment No. 655 to H.R. 10947, introduced by the Senator from Alabama (Mr. SPARKMAN) to make municipal bonds taxable when used for construction of water facilities unless such water is made available to the general public, and increasing tax exempt status on such bonds from $1 million to up to $5 million.

Since the amendment carried 55 to 23, my vote would not have changed the results. I am not certain whether the error is mine or occurred in the recording, but in any event I would like to be recorded at this point in the RECORD as being opposed to the amendment.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, November 17, 1971, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 306. An act for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes;

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender;

S. 629. An act for the relief of Chen-Pai Miao;

S. 708. An act for the relief of the village of Orleans, Vt.; and

S.J. Res. 132. A joint resolution extending the duration of copyright protection in certain cases.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL 9 A.M. SATURDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday night, it stand in adjournment until 9 o'clock on Saturday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GOLDWATER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the remarks of the distinguished Senator from Florida (Mr. CHILES), the distinguished Senator from Arizona (Mr. GOLDWATER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MANSFIELD AMENDMENT

Mr. CHURCH. Mr. President, I am very much disturbed to read on the news ticker that the President has indicated today that he regards the Mansfield amendment, written into law by both Houses of Congress, to be without force or effect.

The Mansfield amendment is now part of the law of the land and, as such, it is not subject to dismissal by the President. The U.S. Constitution does not provide for items vetoed by the President.

Congress has declared it a national policy that all American troops be withdrawn from Indochina by a date certain, once the release of American prisoners of war is assured.

President Nixon has chosen to disregard the Mansfield amendment, saying it is without binding force and effect. What is he going to do next? Is he going to dispatch Henry Kissinger, his foreign policy adviser, to Capitol Hill to disband Congress? It is the height of fashion these days in Southeast Asia to establish one-man rule, one-man elections, and to disband parliaments. It happened in South Vietnam recently, it happened in Cambodia, and today it happened in Thailand. But in this country we have a government of law, not a presidential dictatorship.

If it is the President's intention to set aside, in this offhand way, the Mansfield amendment, passed by both Houses of Congress, the Congress should now enact enforcement legislation, utilizing the power of the purse, a power which belongs exclusively to Congress; and it should enact it in such form as to enforce the provisions of the Mansfield amendment.

I favor such legislation; I shall sponsor such legislation; and I hope Congress will pass such legislation.

ORDER FOR ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 8:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS CHILES AND GOLDWATER TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, the distinguished Senator from Florida (Mr. CHILES) be recognized immediately after the recognition of the joint leaders, for not to exceed 15 minutes, and that the equally distinguished Senator from Arizona be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR NO MORNING BUSINESS TOMORROW AND FOR RECOGNITION OF SENATOR MATHIAS TOMORROW

Mr. MANSFIELD. I ask unanimous consent that there be no period for the conduct of morning business tomorrow, and that as soon as the distinguished Senator from Arizona (Mr. GOLDWATER) completes his remarks, the equally distinguished Senator from Maryland (Mr. MATHIAS) be recognized for the purpose of offering an amendment to be voted on at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 692

The PRESIDING OFFICER. Under the previous order, the amendment of the Senator from Rhode Island is before the Senate.

The Senator from Rhode Island is recognized.

The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

At the end of the bill, insert the following:

TITLE IX—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE

SEC. 901. ALLOWANCE OF CREDIT

(a) Subpart A of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end thereof the following new section:

"SEC. 42. CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of so much of the political contributions as does not exceed $50, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MARRIED INDIVIDUALS.—In the case of a joint return of a husband and wife under section 6013, the credit allowed by subsection (a) shall not exceed $25. In the case of a separate return of a married individual, the credit allowed by subsection (a) shall not exceed $12.50.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section—

"(1) POLITICAL CONTRIBUTION.—The term 'political contribution' means a contribution or gift of money to—

"(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, or in any National, State, or local convention or caucus of a political party, for use by such individual to further his candidacy for nomination or election to such office;

"(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office;

"(C) the national committee of a national political party;

"(D) the State committee of a national political party as designated by the national committee of such party; or

"(E) a local committee of a national political party as designated by the State committee of such party designated under subparagraph (D).

"(2) CANDIDATE.—The term 'candidate' means, with respect to any Federal, State, or local elective public office, an individual who—

"(A) has publicly announced that he is a candidate for nomination or election to such office; and

"(B) meets the qualifications prescribed by law to hold such office.

"(3) NATIONAL POLITICAL PARTY.—The term 'national political party' means—

"(A) in the case of contributions made during a taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of ten or more States, or

"(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

"(4) STATE AND LOCAL.—The term 'State' means the various States and the District of Columbia; and the term 'local' means a political subdivision or part thereof, or two or more political subdivisions or parts thereof, of a State.

CROSS REFERENCES.—

"For disallowance of credits to estates and trusts, see section 642(a)(3)."

(b) Section 642(a) (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(3) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit against tax for political contributions provided by section 42."

SEC. 902. DEDUCTION IN LIEU OF CREDIT.

(a) Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as 219, and by inserting after section 217 the following new section:

"SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in section 42(c)(1)) payment of which is made by such individual within the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The deduction under subsection (a) shall not exceed $100 for any taxable year. In the case of a separate return of a married individual, the deduction for any taxable year shall not exceed $50.

"(2) VERIFICATION.—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 42 (relating to credit against tax for contributions to candidates for public office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(d) CROSS REFERENCE.—

"For disallowance of deduction to estates and trusts, see section 642(i)."

(b) Section 642 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) a new subsection as follows:

"(i) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the deduction for contributions to candidates for public office provided by section 218."

SEC. 903. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years ending after December 31, 1971, but only with respect to political contributions, payment of which is made after such date.

TITLE X—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Subtitle A—Presidential Election Campaigns

SHORT TITLE

SEC. 1001. This subtitle may be cited as the "Presidential Election Campaign Fund Act of 1971".

DEFINITIONS

SEC. 1002. For purposes of this subtitle—

(1) The term "authorized committee" means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term "candidate" means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of sections 1004 (a) (1) and (2), the term "candidate"

means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

(3) The term "Comptroller General" means the Comptroller General of the United States.

(4) The term "eligible candidates" means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this subtitle set forth in section 1003.

(5) The term "fund" means the Presidential Election Campaign Fund established by section 1006(a).

(6) The term "major party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(7) The term "minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 per cent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

(8) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

(9) The term "presidential election" means the election of presidential and vice-presidential electors.

(10) The term "qualified campaign expense" means an expense—

(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

(B) incurred within the expenditure report period (as defined in paragraph (11)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

(11) The term "expenditure report period" with respect to any presidential election means the period beginning with the first day of September before the election or, if earlier, with the first day in the year on which a major party at its national convention nominated its candidate for election to office of President of the United States, and ending 30 days after the day of the presidential election.

(12) The term "Secretary" means the Secretary of the Treasury.

CONDITION FOR ELIGIBILITY FOR PAYMENTS

SEC. 1003. (a) In order to be eligible to receive any payments under section 1006, the candidates of a political party in a presidential election shall, in writing—

(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

(3) agree to an audit and examination by the Comptroller General under section 1007 and to pay any amounts required to be paid under such section, and

(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 1008.

(b) In order to be eligible to receive any payments under section 1006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 1004, and

(2) no contributions to defray qualified campaign expenses (or expenses which would be qualified campaign expenses) but for subparagraph (C) of section 1002(10) have been or will be accepted by such candidates or any of their authorized committees, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 1006 (b)(2).

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

(c) In order to be eligible to receive any payments under section 1006, the candidates of a political party (other than a major party) in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 1004, and

(2) such candidates and their authorized committees will accept and expand or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 1006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

SEC. 1004. (a) Subject to the provisions of this subtitle—

(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 1006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of Census in June of the year preceding the year of the presidential election.

(2) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 1006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

(3) The eligible candidates of a political party (other than a major party) in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 1006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates of a minor party entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the power of—

(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

(c) The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

CERTIFICATION BY COMPTROLLER GENERAL

SEC. 1005. (a) On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 1007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 1006 the payments to which such candidates are entitled under section 1004.

(b) Certifications by the Comptroller General under subsection (a), and all determinations made by him in making such certifications, shall, except as provided in section 1007, be final and conclusive, and shall not be subject to review in any court.

PAYMENT TO ELIGIBLE CANDIDATES

SEC. 1006. (a)(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Presidential Election Campaign Fund". There are hereby appropriated to the fund each fiscal year, out of any moneys in the Treasury not otherwise appropriated, an amount equal to the sum of the amounts designated during the fiscal year by individuals under section 6096 of the Internal Revenue Code of 1954 for payment into the fund.

(2) If, after a presidential election and after all eligible candidates have been paid the amounts to which they are entitled under section 1004, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

(b)(1) Upon receipt of a certification from the Comptroller General under section 1005 for payment to the eligible candidates of a political party, the Secretary shall, except as provided in paragraph (2), pay to such candidates out of the fund the amount certified by the Comptroller General.

(2) If, at the beginning of the expenditure report period (as defined in section 1002 (11)) with respect to a presidential election, the moneys in the fund are less than the aggregate of the amounts which all eligible candidates would be entitled to receive under the provisions of paragraphs (1) and (2) of section 1004 (a), then each payment out of the fund pursuant to the provisions of such paragraphs (1) and (2) shall be reduced pro rata to take into account such deficiency in the fund, and payments pursuant to the provisions of paragraph (3) of section 1004 (a) shall be made only out, and to the extent, of moneys remaining in the fund after all such payments pursuant to such paragraphs (1) and (2) have been made for the presidential election.

EXAMINATIONS AND AUDITS; REPAYMENTS

SEC. 1007. (a) After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

(b)(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 1006 was in excess of the aggregate payments to which candidates were entitled under section 1004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 1004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 1006(b)(2)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 1006 was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 1006.

(c) No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the Treasury to the credit of the fund.

INFORMATION ON PROPOSED EXPENSES

SEC. 1008. (a) The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 1005), and

(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

(b) The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), (1) prepare a summary of such statement and (2) publish such summary, together with any other data or information which he deems advisable, in the Federal Register.

REPORTS TO CONGRESS; REGULATIONS

SEC. 1009. (a) The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

(2) the amounts certified by him under section 1005 for payment to the eligible candidates of each political party; and

(3) the amount of payments, if any, required from such candidates under section 1007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 1007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necesary to carry out the functions and duties imposed on him by this subtitle.

CRIMINAL PENALTIES

SEC. 1010. (a)(1) It shall be unlawful for the eligible candidates of a political party for President and Vice President in a presidential election and their authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 1004 with respect to such election.

(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(b)(1) It shall be unlawful for the eligible candidates of a major party in a presidential election or any of their authorized committees knowingly and willfully to accept any contribution (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 1006(b)(2)) to defray qualified campaign expenses (or expenses which would be qualified campaign expenses but for subparagraph (C) of section 1002(10)) incurred with respect to such election by such eligible candidates and their authorized committees.

(2) It shall be unlawful for the eligible candidates of a political party (other than a major party) in a presidential election and their authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidates and their authorized committees.

(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(c)(1) It shall be unlawful for any person who receives any payment under section 1006, or to whom any portion of any payment received under such section is transferred, knowingly or willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(d)(1) It shall be unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this subtitle; or

(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this subtitle.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(e)(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 per centum of the kickback or payment received.

(f) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, or to make contributions to such candidates or any of their authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $1,000.

(2) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

EFFECTIVE DATE

SEC. 1011. The provisions of this subtitle shall take effect on January 1, 1972, except that section 1009(b), and so much of any other section as authorizes or directs the Comptroller General to prescribe rules and regulations, shall take effect on the date of the enactment of this section.

Subtitle B—Presidential Election Campaign Fund Advisory Board

ESTABLISHMENT OF ADVISORY BOARD

SEC. 1051. (a) There is hereby established an Advisory Board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the "Board"). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act of 1971.

(b) The Board shall be composed of the following members:

(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

(2) two members representing each political party which is a major party (as defined in section 1002(6) of the Presidential Election Campaign Fund Act of 1971), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following the date of the enactment of this Act and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

(c) Members of the Board (other than members described in subsection (b) (1) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

(d) Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States.

Subtitle C—Miscellaneous Amendments

PRESIDENTIAL ELECTION CAMPAIGN FUND ACT OF 1966

SEC. 1061. (a) Sections 303, 304, and 305 of the Presidential Election Campaign Fund Act of 1966 (80 Stat. 1587) are repealed.

(b) Effective with respect to taxable years beginning after December 31, 1970, section 6096(a) of the Internal Revenue Code of 1954 (relating to designation of income tax payments to the Presidential Election Campaign Fund) is amended to read as follows:

"(a) IN GENERAL.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 1006(a) (1) of the Presidential Election Campaign Fund Act of 1971. In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be so paid into the fund."

(c) Section 5 (relating to the Presidential Election Campaign Fund Act of 1966) of the Act entitled "An Act to restore the investment credit and allowance of accelerated depreciation in the case of certain real property", approved June 13, 1967 (Public Law 90–26, 81 Stat. 58), is repealed.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, on condition that the time be charged to neither side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. May we have the amendment offered and discussed tonight and then give the Senator an hour to discuss it further tomorrow?

Mr. MATHIAS. I will offer it very shortly.

Mr. PASTORE. We could discuss the Senator's amendment tonight.

Mr. RANDOLPH. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. RANDOLPH. Will there be rollcall votes this evening?

Mr. MANSFIELD. I do not think so but I cannot foreclose that possibility.

Mr. PASTORE. I would hope that Senators would remain here—we shall not stay too long—and listen to what is said.

Mr. MANSFIELD. The distinguished assistant majority leader has indicated that some Senators may bring up amendments tonight which may call for rollcall votes.

Mr. BYRD of West Virginia. If the Senator will yield, these amendments would not be in connection with the pending amendment.

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. Does the Senator wish the time divided on the Mathias amendment tomorrow?

Mr. MANSFIELD. The other amendments would be separate and apart and not tied in with the Pastore-Talmadge-Cannon-Cranston amendment.

The PRESIDING OFFICER (Mr. BUCKLEY). The Chair would inquire of the Senator from Montana, whether time on the Mathias amendment is to be equally divided.

Mr. MANSFIELD. Yes, to be equally divided between the Senator from Rhode Island (Mr. PASTORE) and the Senator from Maryland (Mr. MATHIAS) tomorrow, the period, as close as possible, between 9 a.m., and 10 o'clock. There will be a vote on the Mathias amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. COOK. Mr. President, I ask unanimous consent that during the course of the discussion on this amendment, and any amendments thereto, that Mr. David Huber from my office be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Rhode Island (Mr. PASTORE). Time is under control. Who yields time?

Mr. PASTORE. Mr. President, I yield myself whatever time is necessary to make my presentation.

Mr. President, I ask unanimous consent that the names of the Senator from Nevada (Mr. BIBLE), the Senator from Indiana (Mr. BAYH), and the Senator from Michigan (Mr. HART) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, just a little more than 3 months ago in this Chamber, the Senate of the United States overwhelmingly voted to enact election campaign reform legislation.

In recognition of the scandalously high cost of campaigning for Federal elective office, and the outmoded reporting and disclosure laws regarding campaign expenditures and contributions, the Members of this body—Republicans and Democrats alike—worked closely together and passed a measure which many, including myself, believe to be one of the most significant pieces of legislation in this century. Hopefully the House will act on it soon and the country will be immeasurably better for our joint efforts.

Every Senator knows thoroughly the provisions of S. 382, and I will not presume upon the Senate's time to review them. It is a comprehensive bill that places realistic and enforceable limits on campaign expenditures for Federal elective office in the broadcast and nonbroadcast communications media; it requires frequent reporting and disclose of contributions and expenditures by candidates and their committees so that the electorate may know the source of a candidate's campaign funds and their distribution.

Finally, it creates an independent, bipartisan Federal Elections Commission to assure that these requirements are enforced strictly, fairly, and impartially.

This legislation in and of itself will, if enacted, go a long way toward restoring the confidence of the American people in their democratic system. It will also go a long way toward assuming that the merit of the candidate and not the amount of his resources will be the sole criteria of his fitness for public office.

But, Mr. President, an opportunity is before us, because of circumstances unique to this time and place, whereby we may take the one added step necessary to perfect what is already a magnificent effort by the Members of this body—and that is the amendment I have introduced.

It is with this ideal in mind, and only for this reason, that I now offer an amendment to H.R. 10947 which would provide an incentive for the small contributor to aid the candidate of his choice in any Federal, State, or local election; and would also provide for Federal financing at the option of the candidate in all general elections for the Office of the Presidency.

I want to say, at this juncture, because I do not want it to be misunderstood, that there is nothing in the amendment that inhibits President Nixon in anyway, or that affects him in anyway unless he chooses to be so affected. This is a completely bipartisan effort. When the amendment was drawn, I did not have the Democratic Party in mind for 1972. I did not have the Republican Party in mind for 1972. As I develop the reasons and give the explanation, it will become clear to every Republican in this body that there is nothing in here to take advantage in anyway of the situation that now exists with reference to the treasury—either of the Republican Party or of the Democratic Party. It has nothing at all to do with that. I will develop that during progress of debate on the amendment.

Here truly, Mr. President, is an opportunity for the ordinary citizen to work his will in an area that all too often has been the special province of the large contributor or the vested interest. Amazingly simple in its operation and enforcement, completely impartial in its application, and certainly ample in its allowances, this amendment is that final step which, in my judgment, places the entire matter of electing representatives of the people where it belong—with the people.

Briefly the amendment contains the following features, and each one is distinct from the other. Each one is distinguishable from the other, but related in a way that makes a complete package.

They are:

First. An income tax credit of one-half of an individual's actual contributions. However, the credit may not exceed $25 in the case of an individual, or $12.50 in the case of married persons filing separately.

Second. On the alternative, an income tax deduction for an individual's actual contributions. The deduction not to exceed $100 in the case of an individual, and $50 in the case of married couples filing separately.

Third. The contributions entitling an individual to a tax credit or deduction may be contributions to a candidate for any elective public office—Federal, State, or local. They may be made for any election—general, special, or primary, or in obtaining a nomination through a primary or party convention.

That applies only to the credit and to the allowance and not to the checkoff of the $1. In other words, the checkoff of the $1 does not apply to a primary but goes into a fund for all eligible candidates in the general election for President.

Fourth. The contributions may be made directly to the candidate or to a committee for the nomination or election of one or more persons.

Fifth. The amendment also provides public financing as an alternative way of financing general election campaigns of presidential or vice presidential candidates. Candidates who elect public financing must forego private financing except to the extent provided under limited contingencies as set out below.

Taxpayers wanting to provide for public financing may do so by designating in their income tax returns that $1 of their taxes—per taxpayer—is to be used for the public financing of presidential campaigns. These funds are to be made available in the form of permanent appropriations for both major and minor party presidential candidates under a formula set out in detail in the summary I am submitting at the end of my statement.

Mr. President, I ask unanimous consent to have that summary printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, it should be pointed out that under this amendment a presidential candidate has the discretion of deciding whether he will accept public financing or finance his campaign privately. If he elects to accept public financing, he is limited in his expenditure to the extent provided in the amendment. If he elects to finance his campaign privately the limitations contained herein for publicly financed campaigns would not apply. However, the limitations contained in the legislation that passed the Senate on August 5—S. 382—the Federal Election Campaign Act of 1971 would apply.

EXHIBIT 1

SUMMARY OF CAMPAIGN FINANCING ACT OF 1971

Title IX.—*Tax Incentives for Contributions to Candidates for Public Office.*

Title IX allows taxpayers a credit against tax or a deduction against income for political campaign contributions. If a credit is taken (sec. 901), the credit is to be for one-half of the contribution but the credit is not to be in excess of $25 in any year. If a deduction is elected (sec. 902), the maximum deduction in any year may not exceed $100.

The credit or deduction is to be available for contributions to candidates for Federal, State or local public office for use by them in a primary, general or special election or in obtaining a nomination through a primary or party convention. The contribution may be made directly to a candidate of the taxpayer's choice or to a committee for the nomination or election of one or more of such persons.

This title is to be effective (sec. 903) with respect to taxable years ending after December 31, 1971.

Title X—*Public Financing for Presidential Campaigns.*

Title X provides public financing as an alternative way of financing general election campaigns of presidential and vice-presidential candidates. Candidates who elect public financing (sec. 1003) must forego private financing (except to the extent provided under limited circumstances as set forth below). Taxpayers (sec. 1061) who want to provide for public financing may do so by designating on their income tax returns that one dollar of their taxes (per taxpayer) is to be used for the public financing of presidential campaigns. These funds are to be available in the form of permanent appropriations for both major, and minor, party presidential candidates. The funds are distributed under a formula outlined below. The principal rules governing this public campaign financing provision are as follows:

(1) Each year taxpayers may designate on their income tax returns that they want $1.00 of their tax liability to be used for the public financing of presidential campaigns (sec. 1061(b)). In the case of joint returns the husband and wife can each separately designate—or check off—the use of one dollar for this purpose. If everyone were to designate one dollar this would, based on the present levels of filing, indicate a total of $113 million with respect to one year.

(2) Permanent appropriations are to be made to the "Presidential Election Campaign Fund" of the amounts designated by taxpayers under the "check-off" system (sec. 1061(b)). After the election any unneeded balances in the fund are to be transferred back to the general fund of the Treasury (sec. 1006(a)(2)). Payments are made to a candidate from this fund upon certification of the Comptroller General as to the appropriate amount of the payment (sec. 1005). If the total amount of the payments provided for under the formulas (set forth below) is greater than the amount available in the appropriate account in the fund (because taxpayers have not "checked off" enough on their tax returns) the actual payments made to the candidates (or their committees) involved are to be decreased on a pro rata basis (sec. 1006(b)(2)).

(3) Separate rules as to the distributions are to be made for major and minor party presidential candidates. A separate rule is also provided for parties which, before an election, do not qualify as either a major or minor party, but in that election obtain a significant vote. A major party is one which, in the last presidential election, obtained 25 percent or more of the votes cast (sec. 1002(6)). A minor party is one which in the last election obtained 5 percent, but less than 25 percent, of the votes cast (sec. 1002(7)).

(4) Funds to be distributed with respect to a major party candidate (sec. 1004(a)(1)) are to be 15 cents times the number of residents in the United States age 18 or over (as determined by the Bureau of the Census in the year before the presidential election). This would mean a distribution of

approximately $20.4 million to each of the two major parties for the 1972 election.

(5) Minor parties are to receive an amount which is the ratio of their vote in the last presidential election to the average of the amount received by the major parties in that election applied to the entitlement of a major party (sec. 1004(a)(2)). For example, it is understood that the average vote received by the two major parties' candidates in the last election was 31.25 million. The Wallace vote in that election was 9.8 million, or 31 percent of the average of the two major parties. If each of the two major parties is eligible to receive $20.4 million, the Wallace (if his party qualifies for election in 1972) would be eligible to receive $6.3 million.

(6) New Parties, and minor parties to the extent they do better in the current campaign than in the last, are to be funded after the presidential campaign (sec. 1004(a)(3)). A new party may obtain private contributions before the campaign on a "loan" basis—that is, they are to be refunded to the contributors after the campaign if the candidate receives a sufficient vote to be eligible for public funds (secs. 1003(c), 1007(b)(4) and 1010(c)(1)). Under this provision (sec. 1004(a)3)), a new party, or minor party's candidate is eligible for public financing in the ratio of the votes he receives in the current campaign to the average of the votes received by the major party candidates in the current campaign applied to the amount to which the major party candidates are entitled. Where a minor party candidate receives an entitlement before the election but is eligible for a larger entitlement under this provision, he can receive under this provision) the excess of this tentative entitlement over the amount received before the election.

(7) The amount received by a minor party, or by a new party (sec. 1004(b)), candidate cannot be greater than the amount received by a major party candidate, or (if smaller) the campaign expenses of the minor or new party candidate less contributions received (which are either retained or have been expended).

(8) Major party candidates (and their authorized committees) who have elected public financing generally cannot receive private contributions with respect to a presidential campaign except to the extent that they receive less than their entitlement (because the "check off" on tax returns was insufficient) (sec. 1010(b)(1)). Minor party candidates can receive contributions but they cannot spend more than is permitted of a major party candidate (sec. 1003(c)).

(9) Major party presidential candidates who elect public financing may not spend more than the amount which would be allocated to them if they received their full allotment (sec. 1010(a)). This limitation applies both to candidates and also to all committees which the candidates has authorized, in writing, to incur expenses for him. No other committee, with respect to any candidate, may spend more than $1,000 in any year (sec. 1010(f)(1)). The amount which may be spent with respect to any candidate applies only to the general election and not to primaries or party conventions. It applies to campaign expenses incurred in the period beginning with the day on which any major party nominates its candidates (or September 1 if earlier) and ending 30 days after the election (and includes property, services or facilities which was purchased earlier but used during this period) (sec. 1002(10)). Campaign expenses, as defined here, include all expenses incurred in the furtherance of a campaign which are spent for any legal purpose (sec. 1002(10)).

(10) The Comptroller General is to audit the qualified campaign expenses of the candidate for each political party for president and require payments to be made to the Treasury Department in the following cases (sec. 1007)). First, if he determines that any payments made to the candidate (or his committees) were in excess of the amount to which he was entitled, an amount equal to this excess amount must be paid to the Treasury Department. Second, if the Comptroller General determines that candidates of a major party received private contributions (except to the extent permitted where they did not receive the full allotment because of an insufficient "check off" on tax returns) an amount equal to these contributions must be paid to the Treasury Department. Third, if the Comptroller General finds that payments made to eligible candidates were used for purposes other than for qualified campaign expenses (or to repay loans obtained for such expenses), he is to require amounts equal to these amounts to be paid to the Treasury Department.

(11) Candidates of political parties for President are, on at least a weekly basis in the months before the election, to furnish the Comptroller General with a detailed statement of the campaign expenses incurred by them and their authorized committees to date, as well as the campaign expenses they propose to incur subsequently (sec. 1008). The Comptroller General is to prepare a summary of these statements and publish them.

(12) The Comptroller General is also to submit a full report to the Senate and House as to the qualified campaign expenses incurred, the amounts certified by him for payment and the amount of repayment required, if any (sec. 1009).

(13) The following criminal penalties are provided by title X (sec. 1010):

(a) A penalty of $5,000 and one year in jail, or both, where campaign expenditures are knowingly and willfully incurred in excess of the payments to which eligible major party candidates are entitled;

(b) A penalty of $5,000 and one year in jail, or both, where public financing has been elected and contributions are knowingly and willfully received by major party candidates or their committees (except where there is not the full allocation to them because of an insufficient "check off" on tax returns), or where contributions have been received by other party candidates in excess of expenditures a major party candidate could make;

(c) A penalty of $10,000 and 5 years in jail, or both) for persons who knowingly and willfully use payments received under this provision for purposes other than qualified campaign expenses (or to repay proceeds used to defray qualified campaign expenses);

(d) A penalty of $10,000 and 5 years in jail, or both, where persons knowingly and willfully furnish false, fictitious or fraudulent information to the Comptroller General with respect to the provisions of this title or exclude any such information, or who otherwise falsify or conceal evidence relevant to a certification or audit by the Comptroller General, or fail to furnish him with information when requested;

(e) A penalty of $10,000 and 5 years in jail, or both, for persons who give or accept kickbacks or illegal payments in connection with qualified campaign expenses of eligible candidates or their authorized committees. In this case, in addition, an amount equal to 125 percent of the kickback or payment received also must be paid into the Treasury Department.

(14) The title creates a Presidential Election Campaign Fund Advisory Board to counsel and assist the Comptroller General in performing his duties under this provision (sec. 1051). The Board consists of the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House, together with 2 members representing each major political party (the latter being appointed by the Comptroller General upon recommendations from the political parties) and 3 members representing the public (selected by the other members of the Board).

(15) Title X generally takes effect as of January 1, 1972 (sec. 1011).

This provision is similar, although not identical, to a provision favorably reported by the Senate Finance Committee in 1967.

Mr. PASTORE. Mr. President, this is the way it will work. I have already explained the credit. One-half of what one contributes to a candidate or to one of his qualified committees, the credit not to exceed $25, or an allowance to be deducted from the gross income actually made to a candidate or to a qualified committee, not to exceed $100 deduction.

And in the case of a President and Vice President, we have a checkoff of $1 that must be the choice of the taxpayer, and that money goes into fund that is later distributed to eligible candidates in the general election.

This is the way it works. The two major candidates of the major parties are entitled to 15 cents multiplied by the number of people in the United States 18 years of age and over, to be determined in June of the year preceeding the election year by the Bureau of Census.

According to the calculations we now have, that amount, insofar as the Republican candidate and the Democratic candidate is concerned would come to approximately $20 million for 1972.

Once a candidate is nominated and he chooses to become eligible under this section, he is confined to the spending of the $20 million—period. But in the case of President Nixon, if he feels that he has more than $20 million, and does not want to come under the section, he can spend all he wants to spend. Except, of course, if we do pass the law that is now pending in the House that places a ceiling on expenditures in the communications media.

What I am trying to make clear is that this is no attack upon President Nixon or the Republican Party. If President Nixon chooses to go his way, the $500 that individual spent last week would not be wasted.

The reason why I made this provision is because I do not want anyone on the other side of the aisle to go away with the impression that this is some kind of a scheme to get at the treasury of the Republican National Committee.

Now, someone might say to me, "All right, how about a candidate of a minority party?" Now, if he has received 5 percent of the vote in the last election, and he chooses to come under the provisions of this amendment, he can spend up to the amount that any candidate of a major party can spend. Provided, however, he would only be entitled to an amount of money that bears the same ratio to the amount of money to which candidates of major parties are entitled, as the number of popular votes his party received in the last presidential election bears to the average number of popular votes received by the candidates of the major parties. In other words, if the two principal parties each received 3 million votes—and I am giving this only as a simple example—the average would be 3 million votes. If the member of a minority party received 1 million votes, he would be entitled to one-third of the $20 million. But if he has spent more than the one-third and he expects to collect the money from the U.S. Treasury, he has to turn back to his contributors an amount equal to the amount he collects from the Federal Government.

Otherwise, he would be unjustly enriched. And the same applies to a candidate for the first time, a new party. In his case, 30 days after the election, its determined what his vote was on election day as against the average vote of the two major party candidates. He is entitled to a refund in that amount provided he has not collected more than that. And if he has, he has to turn the private contributions back to his contributors.

If any candidate does not use up all of the $20 million he may be entitled to, he not only has to make a complete accounting of where it went, but he also has to return it to the contributors. He cannot put it in his pocket.

That, simply and concisely, is the measure. It is not complicated. It is very simple. It is only a question of if we want to do something about giving a democratic chance to every man who seeks the office of President.

We know today that unless one has independent wealth or unless he becomes beholden in one way or another he cannot seek the office. And I am not being critical of this because that is the style and the fashion of doing it today, and we have all done it. We have all collected our money from holding a banquet or having a committee. There is nothing wrong. That is the American way.

However, the time has come when we have to recognize the fact that if we give the chance to seek the presidency to a poor man or a man of moderate means without becoming obligated to vested interests or to any group, whether business or labor or what have you, we have to do something about public financing. That is what this is all about.

There are three legs to this stool, and we feel that by the adoption of the third leg, the stool will stand erect. If one wants to sit on it, he had better vote for the third leg.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. COTTON. Mr. President, the particulars were not quite clear to me, are these all voluntary contributions?

Mr. PASTORE. These are all voluntary. That means the return is voluntary; the allowance is voluntary; and the check off is voluntary. It is a voluntary act on the part of the taxpayer. If the taxpayer owes the government $200 that he has to pay anyway, then he and his wife can designate one dollar apiece to be given to this fund to be used for this purpose. He does not designate a party. Otherwise, it would be lopsided.

Mr. COTTON. Mr. President, the calculation has been made that in all probability the bill would make available $20 million for each of the two major candidates.

Mr. PASTORE. That is correct; the President and Vice President.

Mr. COTTON. How can we depend on that? How do we know that enough citizens will respond enough to guarantee that?

Mr. PASTORE. Does the Senator mean in the event it does not happen that we establish a fund of that size? Then we will have to come and take a look at it. The hearings indicated pretty much that a lot of people would like to have the opportunity to participate in the election of a candidate to the Presidency. The checkoff is only with regard to the office of the Presidency. In addition there is a provision in the amendment that meets this point.

Mr. COTTON. Mr. President, that is up to the time of the election.

Mr. PASTORE. Each year.

Mr. COTTON. So that there is no period of time prior to the election when a national candidate can know in advance how much resources he will receive out of this public fund in order to plan his necessary advertising, his necessary action, and the various campaigns?

Mr. PASTORE. He would know. For instance, if we pass this law, when we file our tax returns in April 1972—an election year—they will know pretty much how much is in the fund.

Mr. COTTON. Mr. President, may I say to the distinguished Senator that frankly I am not sure how this works.

This is not a hostile question, but I think it is a very real question. The Senator said emphatically, for instance, that this amendment cannot affect the President of the United States. For example, President Nixon, unless he chooses to come under the law would be perfectly free to say, "I think I can get more money for my campaign from individuals supporting me if I do not take money from this special fund."

Mr. PASTORE. He already has it.

Mr. COTTON. Yes, but in spite of the excellent eloquence of the Senator from Rhode Island, if the President said he would not take limited taxpayer's money, I can hear those mighty voices of the cynics reverberating among the rafters, "Oh, he is going to the fat cats. He does not want to go to the people."

Therefore, I think the President would think long and hard before he said, "No, I do not want to run with this money; I want to get it somewhere else."

Perhaps that would be justifiable. I am not arguing the merits. But I am not sure it allows perfect freedom to reach all the people because it does seriously affect the President if he does not choose the limited taxpayer's fund.

Mr. PASTORE. I am hopeful this will be a supplement to the bill we passed which placed a ceiling on the amount that can be spent. I hope this will be a supplement to that as much as that is a supplement to this.

I did not want it to be argued on the floor that I was trying to do this to attack the President because the Republicans have already reached more money than the $20 million. I wanted to obviate that. I want my colleagues on this side of the aisle to know and to understand there is nothing Democratic or Republican about this amendment. Frankly, it does not make that much difference to me.

Mr. COTTON. I thank the Senator.

Mr. PASTORE. I think the time has come, and I think the Senator will agree, when something has to be done about the idea that a man who runs for the Presidency has to be either personally wealthy or has to become beholden to a lot of people with vested interests.

They said the same thing about John Kennedy, that he was a rich man and that somebody else was a poor man. They said it about Rockefeller and they said it about Roosevelt. They have said it about other Democrats and about Republicans. It has been said that a candidate was either rich in his own right or that he got his wealth from his family. But people do not take that too seriously.

The only reason I removed that ceiling as far as the Presidency is concerned is because we did not want to be accused of making this a punitive measure.

Mr. COTTON. I understand that perfectly. I am not suggesting the Senator is not perfectly sincere. It is true that whether the President is a Democrat or a Republican, nothing succeeds like success and it has been my observation that it is a lot easier for a man occupying the great office of the Presidency to go out and raise money than it is for a man who is a candidate for a nomination to oppose him, because people like to bet——

Mr. PASTORE. On the winner.

Mr. COTTON. On the odds. I certainly am in sympathy with the purpose of the Senator from Rhode Island; otherwise I would not have voted for his reasonable reform bill in committee. I get the Senator's point. As a matter of practical fact, it cannot be said that the problem is that of the President saying, "I will take the $20 million or such part of it as comes in from the people," because if he makes the other decision and says, "I am going to my friends to raise my own money," then immediately he is charged with depending on the fat cats and being owned by them.

Mr. PASTORE. There are only two alternatives here. We either make this apply against the President, even though he does raise his own money and cannot spend more than $20 million, which the other party can take from the treasury—it has arguments for and against, and one must accept the theory it is impossible to aid poor people to run for the Presidency and confine it as a matter for the rich.

Now, with television, radio, and what have you, when one considers that to become President of the United States a candidate has to raise and spend millions of dollars, could the Senator from New Hampshire afford it? I know I cannot afford it.

Mr. COTTON. I have not had to face up to that problem since I have yet to run for President.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LONG. It seems to this Senator that we would be doing both parties a major favor in the long run. I do not think it helps the Republican Party to have it said that the Republican Party is the party of the rich and have someone say that all these people contributed this money and that this man was named ambassador and put up all this money, or that this fellow was named to this office, and this one to that. It is not good for the country to have people alleging that these large contributions are involved in decisions in Government.

Furthermore, it is not right to have a situation where a fellow like Harry Truman who is doing his best—telling vested interests that he is not going to see it their way, regardless of what it costs him—goes into a town and has to get on the telephone for half the night to raise money to get his train out of town because he would not compromise his duty as President.

The last time I saw Harry Truman when he was President of the United States I told him I would like to call on him sometime when he was out of the Presidency, and I knew people calling on Thomas Jefferson made him a poor man when they came to call on him at his home in the country in Charlottesville. They caused Thomas Jefferson to die a poor man. Harry Truman said that was not why Thomas Jefferson died a poor man. He said Thomas Jefferson died a poor man because he would not compromise the Presidency. He said, "I have not compromised the Presidency."

That kind of President should have enough money to go out and explain why he did what he did as President, rather than not being able to pay his expenses because he did not have people to put up the money. The Presidency should be above those considerations.

Mr. PASTORE. The idea contained in this checkoff is the idea of the Senator from Louisiana. The only reason I adopted it is that I know for personal reasons, because he is manager of the bill before us, he could not undertake it on his own. He made that decision clear. But I do hope he supports the amendment when it comes up for vote. His amendment was passed by the Senate and it was passed by the House. This idea of the checkoff was his idea. Later it was nullified, but it is the Senator's idea and I think it is a brilliant idea, and I hope it becomes law and that the Senator will support it.

Mr. LONG. I will support it and I will vote for the package if this is a part of it. We should make some progress toward the proposition that a candidate for President of the United States should be completely free from any consideration as to where the money is going to come from to pay for campaign expenses.

Mr. PASTORE. That is the name of the game and it is what this is about.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. PELL. Mr. President, I like the bill very much. I congratulate my senior colleague on it. I intend to support it.

I have one question. I think it is a good idea that the expenses of campaigning for the presidency should come from public moneys during the course of the campaign. Why would it not be simpler to pay for it out of general revenue rather than having a checkoff which will have the expense of adding it up?

Mr. PASTORE. It adds up to the same thing. The money that is paid in will have to be paid in anyway and the taxpayer has the feeling he is doing something about financing the presidential campaign.

Mr. PELL. But somebody will have to add up all of these amounts.

Mr. PASTORE. No, the taxpayer would just put a checkmark, and the dollar goes there.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. TALMADGE. The difference is that the amendment offered by the distinguished Senator from Rhode Island makes it voluntary. The taxpayer does not have to check off the dollar unless he desires to do so, and if he fails to exercise his decision in the affirmative, it is not forced upon him, whereas if we appropriated money directly from the Federal Treasury, we would be spending money frequently against his will to support candidates he frequently is opposed to.

Mr. PELL. That is a good answer.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CRANSTON. I have one question. If there is not enough money in the general pot from the checkoff for each of the candidates to get the money provided, then they are permitted to raise money separately?

Mr. PASTORE. Yes, but only up to the amount he would be entitled to under the provisions of my amendment.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. ALLEN. I am very much interested in the proposal of the distinguished senior Senator from Rhode Island, and I note in his analysis of the amendment, on page 3, paragraph 5, that if each of two major parties is eligible to receive $20.4 million, the Wallace campaign, or Wallace ticket, if his party qualifies for election in 1972, would be eligible to receive $6.3 million. That is based, I believe, on the assumption that all of the votes that were cast for Governor Wallace for President in 1968 were cast for him as the candidate of one party. Is that correct?

Mr. PASTORE. I do not know exactly what the Senator means by "for one party."

Mr. ALLEN. For his party.

Mr. PASTORE. His party. Yes.

Mr. ALLEN. The fact is that the Governor was running in the various States under eight different party tickets, and he did not run under one party throughout the country. Apparently, it is the intent of the distingushed Senator from Rhode Island to assure that this third-party effort of Governor Wallace under whatever ticket would share pro rata in the campaign fund. Is that not correct?

Mr. PASTORE. That is correct.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. COOK. I must say to the Senator from Alabama that that is not the way the bill reads.

Mr. ALLEN. That is the point the Senator from Alabama is making.

Mr. COOK. I would like to make very clear to the Senator from Alabama that when the synopsis reads that the Governor will receive $6.8 million, or whatever it is, that just is not true. The Amercan Party will receive a sum of money, as the Democratic Party will receive a sum of money, as the Republican Party will receive a sum of money, as the other seven parties that Governor Wallace ran under will receive a sum of money, because there are two sections in the bill—one for those who will receive money from 0 percent to 5 percent, and they will have to pay their expenses and get that later, after the election, and those from 5 percent up to 25 percent, who will receive a percentage of the funds during the course of their running.

When anyone says, or when the newspapers say, as they said yesterday, that George Wallace would receive $6.8 million, let me point out that the American Party will receive a sum of money, or the other seven parties will receive a sum of money, if they qualify as coming between 5 to 25 percent of the vote.

Mr. ALLEN. Will the Senator show the junior Senator from Alabama where the amendment says any party is going to receive anything?

Mr. PASTORE. Wait a minute. The money goes to the candidate. The bill that we passed last time said the party. I purposely changed it to the candidate, or committee designated by him, or someone authorized by him. I will be very frank that one could strain the language, but I want it clear that section 5 is only an example of how it goes. I think, within the framework of the law, if Governor Wallace's name appeared on five tickets, they could be named altogether because it goes to the candidate rather than to a party.

Mr. COOK. May I again ask the Senator to turn to the language contained on page 8, under paragraph (2), lines 12 and 13? He has got to be the candidate of a political party for election to either such office, and he has got to be on the ballot in 10 or more States.

Mr. PASTORE. That is right.

Mr. ALLEN. Will the Senator show me where a party is getting anything, as the Senator stated he would do?

Mr. COOK. The point I am trying to make is that it is based on a percentage. First of all, it cannot be on a percentage. If it is based on a percentage Governor Wallace got, it could not be based on anything except the people who voted for the President and Vice President of their respective parties or their candidates. Otherwise, the 15-percent differential would not be in there.

Mr. ALLEN. I also would like the Senator to point out where the amendment says that those candidates who got less than 5 percent of the vote would get anything. He stated that such parties would get something if they got from 0 to 5 percent. I would like to see that pointed out.

Mr. PASTORE. Who said that? The Senator from Kentucky said that; I did not say that.

Mr. ALLEN. Yes.

Mr. PASTORE. Look at page 14 of the amendment, subparagraph (2):

> The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 1006 equal in the aggregate to an amount which bears the same ratio to the amount computed—

And so forth.

Under that construction, I think we could very well add them up, if it was Wallace's name.

Mr. ALLEN. Yes.

Mr. PASTORE. Frankly, if the language should be polished, I would have no objection to it.

Mr. ALLEN. Would the Senator, then, be amenable to perfecting language?

Mr. PASTORE. I would, if the Senator has perfecting language. In other words, if he ran on five different tickets, he is still the candidate and they are counted all together, because next time he might run on one ticket, and if so many people voted for him, we should add up the votes. I do not care how many tickets he ran on.

What may have led to the ambiguity is that this language is copied pretty much from the language reported by the Finance Committee under the sponsorship of the Senator from Louisiana (Mr. Long), and at that time the money was being paid to a party rather than a candidate.

Mr. ALLEN. That is exactly the point the Senator from Alabama made.

Mr. PASTORE. I changed it. So I think, within the meaning of my change, if we could get some perfecting language, I would be happy to accept it.

Mr. ALLEN. I will offer the language at the proper time.

Mr. PASTORE. Yes. Will the Senator show it to our staff?

Mr. ALLEN. Yes; right away.

Will the Senator from Rhode Island yield so that I may make a unanimous consent request?

Mr. PASTORE. I yield for that purpose.

Mr. ALLEN. Mr. President, I ask unanimous consent that there may be inserted in the Record at this point an excerpt from the 1969 Congressional Quarterly Almanac, "Final 1968 Presidential Election Results," giving the election results in all 50 States, and showing the party designation under which Governor Wallace ran in the respective States.

If the Senator has no objection, I would like to introduce this. Also a copy of the Senator's analysis of the amendment.

Mr. PASTORE. It has been put in the Record.

The PRESIDING OFFICER. Is there objection?

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

POLITICAL REPORT—FINAL 1968 PRESIDENTIAL ELECTION RESULTS

[Key to symbols: D—Democrat; I—Independent; AI—American Independent; AP—American Party; W—Wallace Electors; CPK—Conservative Party of Kansas; IA—Independent American; CP—Courage Party]

State	Total popular vote				Electoral vote			Plurality	Percentages		
	Nixon (R)	Humphrey (D)	Wallace (AIP)	All others	Nixon	Humphrey	Wallace		Nixon	Humphrey	Wallace
Alabama[1] (D)	146,923	196,579	691,425	14,982			10	(AIP) 494,846	14.0	18.7	65.9
Alaska (I)	37,600	35,411	10,024		3			(R) 2,189	45.3	42.6	12.1
Arizona (AI)	266,721	170,514	46,573	3,128	5			(R) 96,207	54.8	35.0	9.6
Arkansas[2] (AP)	190,759	188,228	240,982				6	(AIP) 50,223	30.8	30.4	38.9
California (AI)	3,467,664	3,244,318	487,270	52,335	40			(R) 223,346	47.8	44.7	6.7
Colorado (AI)	409,345	335,174	60,813	5,867	6			(R) 74,171	50.5	41.3	7.5
Connecticut (W)	556,721	621,561	76,650	1,300		8		(D) 64,840	44.3	49.5	6.1
Delaware (AP)	96,714	89,194	28,459		3			(R) 7,520	45.1	41.6	13.3
Florida (W)	886,804	676,794	624,207		14			(R) 210,010	40.5	30.9	28.5
Georgia (I)	380,111	334,439	535,550				12	(AIP) 155,439	30.4	26.8	42.8
Hawaii (AP)	91,425	141,324	3,469			4		(D) 49,899	38.7	59.8	1.5
Idaho (AI)	165,369	89,273	36,541		4			(R) 76,096	56.8	30.7	12.5
Illinois (W)	2,174,774	2,039,814	390,958	14,203	26			(R) 134,960	47.1	44.2	8.5
Indiana (W)	1,067,885	806,659	243,108	5,945	13			(R) 261,226	50.3	38.0	11.4
Iowa (AI)	619,106	476,699	66,422	5,454	9			(R) 142,407	53.0	40.8	5.7
Kansas (CPK)	478,674	302,996	88,921	2,192	7			(R) 175,678	54.8	34.7	10.2
Kentucky (AP)	462,411	397,541	193,098	2,843	9			(R) 64,870	43.8	37.6	18.3
Louisiana (AP)	257,535	309,615	530,300					(AIP) 220,685	23.5	28.2	48.3
Maine (W)	169,254	217,312	6,370			4		(D) 48,058	43.1	55.3	1.6
Maryland (W)	517,995	538,310	178,734			10		(D) 20,315	41.9	43.6	14.5
Massachusetts (I)	766,844	1,469,218	87,088	8,602		14		(D) 702,374	32.9	63.0	3.7
Michigan (AI)	1,370,665	1,593,082	331,968	10,535		21		(D) 222,417	41.5	48.2	10.0
Minnesota (AP)	658,643	857,738	68,931	3,198		10		(D) 199,095	41.5	54.0	4.3
Mississippi (I)	88,516	150,644	415,349				7	(AIP) 264,705	13.5	23.0	63.5
Missouri (AP)	811,932	791,444	206,126		12			(R) 20,488	44.9	43.7	11.4
Montana (AP)	138,835	114,117	20,015	1,437	4			(R) 24,718	50.6	41.6	7.3
Nebraska (AP)	321,163	170,784	44,904		5			(R) 150,379	59.8	31.8	8.4
Nevada (IA)	73,188	60,598	20,432		3			(R) 12,590	47.5	39.3	13.2
New Hampshire (W)	154,903	130,589	11,173	633	4			(R) 24,314	52.1	43.9	3.8
New Jersey (W)	1,325,467	1,264,206	262,187	23,535	17			(R) 61,261	46.1	44.0	9.1
New Mexico (AI)	169,692	130,081	25,737	1,828	4			(R) 39,611	51.8	39.7	7.9
New York[3] (CP)	3,007,932	3,378,470	358,864	46,421		43		(D) 370,538	44.3	49.7	5.3
North Carolina (AP)	627,192	464,113	496,188		12		[4] 1	(R) 131,004	39.5	29.2	31.3
North Dakota (AP)	138,669	94,769	14,244	200	4			(R) 43,900	55.9	38.2	5.7
Ohio (AI)	1,791,014	1,700,586	467,495	603	26			(R) 90,428	45.2	42.9	11.8
Oklahoma (AP)	449,697	301,658	191,731		8			(R) 148,039	47.7	32.0	20.3
Oregon (I)	408,433	358,866	49,683	2,640	6			(R) 49,567	49.8	43.8	6.1
Pennsylvania (AI)	2,090,017	2,259,405	378,582	19,924		29		(D) 69,388	44.0	47.6	8.0
Rhode Island (W)	122,359	246,518	15,678	383		4		(D) 124,159	31.8	64.0	4.1
South Carolina (I)	254,062	197,486	215,430		8			(R) 38,632	38.1	29.6	32.3
South Dakota (I)	149,841	118,023	13,400		4			(R) 31,818	53.3	42.0	4.8
Tennessee (AP)	472,592	351,233	424,792		11			(R) 47,800	37.8	28.1	34.0
Texas (AP)	1,227,844	1,266,804	548,269	489		25		(D) 38,960	39.8	41.1	19.0
Utah (AI)	238,728	156,665	26,906	269	4			(R) 82,063	56.5	37.1	6.3
Vermont (W)	85,142	70,255	5,104	902	3			(R) 14,887	52.8	43.5	3.2
Virginia (AI)[5]	590,319	442,387	321,833	6,950	12			(R) 147,932	43.4	32.5	23.6
Washington (AP)	588,510	616,037	96,990	2,744		9		(D) 27,527	45.1	47.2	7.4
West Virginia (AP)	307,555	374,091	72,560			7		(D) 66,536	40.8	49.6	9.6
Wisconsin (I)	809,997	748,804	127,835	4,902	12			(R) 61,193	47.9	44.3	7.6
Wyoming (AI)	70,927	45,173	11,105		3			(R) 25,754	55.8	35.5	8.7
District of Columbia	31,012	139,566				3		(D) 108,554	18.2	81.8	
Total	31,785,480	31,275,165	9,906,473	244,444	301	191	46	[6] (R) 510,315	43.4	42.7	13.5

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[1] Alabama—Humphrey total is a combination of National Democratic (54,144) and Independent Democratic (142,435) votes; the AIP Wallace vote was cast as Democratic in this state.

[2] Arkansas—Nixon, Humphrey, and Wallace vote each increased by amendment to early canvass in Jefferson County.

[3] New York—Humphrey total includes 311,622 votes as Liberal candidate.

[4] 1 North Carolina Republican elector cast his vote for Wallace.

[5] Virginia—Wallace vote increased by 1,561 over State canvass for vote in Shenandoah County omitted in original report.

[6] Because of Humphrey's 3d-place finish in the South, plurality column does not add up to national total.

Source: Based on complete vote totals reported to Congressional Quarterly by the Governmental Affairs Institute.

Note: Total popular vote cast: 73,211,562.

Mr. CANNON. Mr. President, I am a cosponsor of this amendment to provide broad incentives to all citizens of the United States to make political contributions to the candidates and the political parties of their choice.

This amendment goes beyond any that has ever been offered before. It would permit a taxpayer to claim up to one-half of his contribution to a candidate for elective office as a tax credit, but not to exceed $25 for the taxable year. Alternatively, the amendment would permit the taxpayer to claim a tax deduction, but not to exceed $100 for the taxable year.

Furthermore, the amendment would permit the taxpayer to check off on his income tax return the sum of $1 for use in presidential elections.

These tax benefits should encourage citizens to participate more actively in the elective process by making some cash gift to or in behalf of chosen candidates while exercising the right or privilege to write off in some degree the cost of the contribution.

For many years the Senate has been attempting to achieve for the elective process the same kind of treatment as is given to other religious, charitable, civic functions; namely, a tax benefit for gifts. In various election reform bills, as amendments to tax reform acts, and in many other legislative proposals, efforts have been made to accomplish some relief for the tremendous burdens put upon candidates and political parties.

Studies conducted by committees of the Congress, newspaper articles, accounts filed by various political committees and others, all point out the astronomical rise in the cost of campaigning for election to political office.

Television and radio and newspaper programs and advertisements result in millions of dollars of expenditures by candidates seeking nomination or election to the Office of President, and candidates for election to the Senate or the House of Representatives are obligated to spend awesome amounts of money to gain public exposure.

In order to raise the money required, these candidates and their representatives are obliged to seek the support of very wealthy individuals or special interest groups for large contributions. It is logical to believe that those groups and those individuals expect to gain access to the successful candidates for some support of their own problems.

In order to alleviate this pressure, to relieve the candidates from moral obligation, there should be a tax benefit which would permit millions of dollars of contributions from the people of the United States to flow to the candidates and parties of their choice. In return, the people should be given some relief in the form of a tax credit or deduction. This would result in the popular belief that, as in the case of charity, or education, or religious causes, the United States was sharing with the people in the support of the democratic process.

Mr. President, I enthusiastically endorse the principle of tax benefits for political contributions, and I hope that the Senate will give its wholehearted support to a proposal to reduce the terrible financial burden that currently rests upon candidates and those who support them.

I ask for the adoption of this amendment, No. 692.

Mr. BENTSEN. Mr. President, the last presidential election, according to the figures, cost approximately $100 million. An objective study by a nonpartisan foundation tells us that over 90 percent of the contributions come from less than 1 percent of the people; and every survey you see these days shows lessening confidence of the people in the institution of Government and its leadership. It is no wonder, with this kind of lack of participation and contributions by the people of the United States. It is apparent that the time has come for substantial reform in the laws pertaining to campaign contributions.

This body earlier this year passed some very significant legislation that would put limitations on campaign spending and establish stronger reporting requirements as to where those funds were coming from. Related legislation is now before the House of Representatives. It is my hope that a strong and meaningful bill will emerge from this Congress in the way of election reform, to show that we, the people's elected representatives, are fully aware of the need for basic changes in both the form and substance of financing campaigns. We must broaden the opportunities for participation in financing campaigns and make funding less dependent on the wealthy.

The people of this Nation are demanding to know the sources of campaign financing, and they have a right to know from whence comes the "mother's milk of politics." More important, it seems to me, is the means by which people participate. The base of financing must be broadened so that more people can become involved in the basic exercise of providing the means for candidates to get their messages across to the public, to really be able to discuss the issues and inform the public of their views.

This would mean, of course, less dependence on big contributors. Thus, if we do our job, this Congress will provide positive legislation for controlling spending, revealing the sources of funds, and permitting a system of checkoffs of public financing of campaigns.

Let me emphasize, Mr. President, that as the recipient of campaign contributions, during a very recent campaign, I am not making a categorical condemnation of those who now contribute.

In my case, and I believe in most cases, those who support us financially do so not with the intent of demanding a quid pro quo, or a favor for a favor, but because they believe as we do or because they have a sense of public responsibility.

There are, of course, abuses, and it is these abuses which are publicized and which bring about the deterioration of confidence of the people in their public officials. This, Mr. President, is the biggest and most compelling reason that we should enact legislation which permits a form of public financing of campaign funding through a checkoff system on our income tax returns.

I know that it would be easy, as a Democrat, to base arguments on the inequities of contributions to the two major parties, but that, Mr. President, is not the basic issue.

The issue is nonpartisan, and it is that all citizens, rich and poor alike, must be given an opportunity to participate. The income tax checkoff principle is an attractive and sound way, I think, to deal with the problem.

There should be no injection of partisanship into this issue. Indeed, we have seen in the past strong bipartisanship support of the principle. President Nixon has expressed support of the principle of public financing, and it is expected that that support and opinion will carry some weight on the other side of the aisle. His predecessor before him expressed his support, and I would hope that that would carry some weight on this side of the aisle. Before him, we found President Truman and President Kennedy both expressing support of public financing and funding of presidential campaigns.

Any time that we find a campaign for the Presidency of the United States reaching the astronomical cost of $100 million, when we see the figure in the seventies double what it was in the sixties, and in the sixties double what it was in the fifties we can see where we are heading. When we can see 90 percent of the contributions coming from less than 1 percent of the people, we can understand the dissatisfaction of the people in nonparticipation and feeling cut out of the process. The Federal Communications Commission has the record of what was spent last time in the campaign on radio and television, and they tell us that after the convention, between the convention and the election, on radio and TV alone, approximately $15 million was spent during the presidential campaign; $15 million, an incredible sum. And when you add to that the costs of the primaries, the cost of direct mail, billboards, and advertising, you can see where we are headed in campaign financing in this country.

I contend, Mr. President, that such expenditures require the shedding of more light on the origin of the contributions, in addition to providing some means of offsetting the dependence on major contributors—and I include in my list of major contributors.

Congress and public officials must not be in a position of having had money-bags pay their way, be it big business, big labor, or any particular big interest to which they are obligated.

The arena of political funding must be extended beyond just the wealthy or the special interest groups. Politics in the United States must become less of a game of big contributions and more of an art of talent and ideas and dedication.

In truth, Mr. President, political campaign spending has become so outrageously expensive that, as a consequence, the potential for candidates to become dependent on the pursestrings of the monied continues to grow.

If we are concerned with the dangers threatening our democratic form of government, if we are concerned with the eroding confidence of the people in their government, if we are concerned with the limited participation of the people in their government, then we must be concerned with the problem of campaign spending.

Sometimes I have the feeling that we feel that democracy is an immortal thing. But it is not; it is a fragile, living thing. It needs input; it needs the participation of people if it is to survive.

I fervently believe that limitations on spending for campaigns and the checkoff system of contributions can return political campaigns to their proper orbit of creativity, objectivity and independence of the finanacal powers who would too readily open their pursestrings to influence the direction of legislation.

Wealth must not be allowed to become the yardstick for political talent. Political success must not be allowed to become equated with financial success. The people of this country must not be forced to choose among competing financial interests, but should be permitted a free choice of men and ideologies and ideas. They must be permitted to choose from independent candidates, minimally influenced by the great financial sources which have the wherewithal to share their wealth in campaigns.

The statistics of mounting spending for political campaigns are alarming.

I have cited the geometric increase in compaign spending over the last 30 years. It will continue apace if we do not do something about it. Continued ballooning of campaign costs will permit special interest groups to exercise increasingly perilous influence over the candidates.

This amendment by the distinguished Senator from Rhode Island to provide public financing of general election campaigns for presidential and vice-presidential candidates permits the candidates a choice: that is, candidates who elect public financing must forego private financing except in limited circumstances. The amendment allows taxpayers a credit against taxes or a deduction against income for political campaign contributions.

It is good legislation, it is popular legislation, and it is needed legislation. And virtue comes easy when it serves the best interests of democracy.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself such time as I may require.

First let me say to the Senator from Alabama, if he will bear with me just a moment, I read from page 9, item 7:

> (7) The term "minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

There is a distinction in finances between 0 and 5 and 5 and above 5.

Mr. ALLEN. A candidate getting less than 5 percent gets nothing, because the definition says at least 5 percent.

Mr. COOK. As the Senator from Rhode Island said earlier, about how expenditures can be made for candidates not for parties, I think one has to assume that has to be the case, and he would then have to foot the bill for his candidacy, because we provide for loans and then a means by which they receive these loans and pay them back. One would hope this would be an assumption.

I think title I represents a very important step forward, and I think the people of the United States should have a right to write out a check to the candidate of their choice, regardless of what level it is, and know that they are deducting that to the limits that are presented in this bill on their income tax return, and they know exactly for whom they have expended that money, whether it be $5 or $10 or whatever.

It is my objection that we are saying to the American people that we now need a welfare system and, contrary to what the Senator from Texas has said, that we are going to take it out of this arena, that we are going to take it out only as to two or three individuals—the candidates for the Presidency of the United States. Five hundred and thirty-five people are going to be elected, and they are not going to have any checkoff at all. And they are going out after their contributions—the Senator from Rhode Island is, the Senator from Alabama is, and the Senator from Texas is—and if he has a reporting law in the State of Texas, I assume he will show that somebody gave him $5,000 or $1,000, or whatever the case may be.

So this business that, somehow or other, this is going to make the entire political arena virtuous is falling on deaf ears so far as the Senator from Kentucky is concerned.

Article I, section 8 of the Constitution reads:

> The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States. . . .

So I assume that what we have to argue to the American people is that to provide the funds for the presidential candidates, it has to be for their general welfare; and that we have to provide to each of the major party candidates $20 million because it is in the general welfare of the United States. It is not in the general welfare of 535 other people—well, one-third of the Senate at one time and 435 Members of the House.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. PASTORE. The Senator from Rhode Island is not suggesting for one moment that this is a cure-all for all the evils that exist in the matter of campaigning and the expenses of campaigning. We did pass a bill not too long ago, and it is now in the House, that I hope will bring some semblance of sanity to the question of the scandalous amounts of money that have to be spent in order to win a public office, whether it is the Senate, the House, a governorship, or other State office.

It is true that this applies only to the Presidency; but if we are going to start, would not the Senator from Kentucky admit that that is the place to start?

Mr. COOK. I admit it, and I thank the Senator for the remark. I think what we then have to say and have to look forward to—what we have to say to the American people is: "The next step, ladies and gentlemen of this country, is that you are going to be asked to check off on your tax return, you are going to be asked to utilize the tax funds for the benefit of the operation of your Government, not only the funds to handle the election for the Presidency of the United States, but you are going to have to pay into the Treasury, out of your tax dollars, for the election of Senators, for the election of Members of the House."

I hope we do not go down into the States, because at least in title I of this we allow for contributions to be made to offices at all levels.

Let me bring up one other point.

Mr. PASTORE. Will the Senator yield on that point?

Mr. COOK. I did not interrupt the Senator from Rhode Island.

Mr. PASTORE. It is not a matter of interrupting. The Senator is making certain assumptions.

Mr. COOK. Did the Senator not say, "Is this not the place to start?"

Mr. PASTORE. That is right. But I did not say that because we are going to do it for the Presidency, this opens the door to do it for all other offices.

Mr. COOK. What did the Senator mean when he said this is the place to start if, in fact, there are in the Federal Government an elected President, an elected Vice President, and 535 Members of Congress?

Mr. PASTORE. That is right.

Mr. COOK. Are we saying that if this is a start and this is the place to start—was it the message that the Senator from Rhode Island wanted to make to us that the next place we have, after we get through with this, is to see that we have public financing for all Members of Congress?

Mr. PASTORE. It is the prediction of the Senator from Rhode Island that when we get beyond the office of Presidency in this regard, the Senator from Kentucky and I will be only a memory in the Senate of the United States.

Mr. COOK. I am sure that is correct. But I asked the Senator a question as to what he meant when he said this is a good place to start.

I also say that the Senator from Rhode Island, in his opening discussion, said we no longer had to have poor candidates who could try to get the nomination as against candidates who had a tremendous amount of wealth and could do this without the help of their own finances.

I suggest that one read section 1002, item 2, which states that this applies only to nominees of parties after a convention. That means that the money would be available to the respective candidates for the respective parties after their conventions. That means that an individual who wanted to get a nomination—an individual, for example, in this body, on that side of the aisle—a Senator HARRIS, a Senator McGOVERN, a Senator MUSKIE, has to have a means of complete financing up to the time of the convention. Then, at the point he receives the nomination at his party convention, he will receive sums of money from this fund.

Mr. PASTORE. Will the Senator yield on that point? Is the Senator suggesting we include primaries? If he is, we will have a donnybrook, and the Senator knows that as well as I do.

Mr. COOK. I say to the Senator from Rhode Island that he includes primaries and party caucuses and party conventions in the ability of the American individual to make a check out to the candidate of his choice.

I might say to the Senator that under title IX he provides all this. He provides that the person may write out a check. I read from title IX, for the benefit of the Senate:

> (A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, or in any National, State, or local convention or caucus of a political party, for use by such individual to further his candidacy for nomination or election to such office;

So in title IX we are saying that the tax credit that is allowed to the individual who wishes to make a check out to the candidate of his choice is totally deductible by him, all the way down to the party caucus or the party convention or a primary. We are then saying that as to the checkoff, the only time this money is available to the candidate is after his party convention. Where does he get all this money before the party convention?

Mr. PASTORE. By his credit.

Mr. COOK. Does the Senator mean he borrows it?

Mr. PASTORE. No. The individual can give it to him and take it as a credit.

Mr. COOK. How about the individual before then who wants to give him a half million dollars?

Mr. PASTORE. He cannot take more than a hundred dollars.

Mr. COOK. Now he cannot deduct any of it. As the law is now, he cannot deduct any of it.

The point I am trying to make is that the argument is being made that this is going to make all presidential candidates Mr. Clean. The only thing I am saying—and I say this to the Senator from Texas, because he said we have to see to it that nobody is beholden to anybody—is that under this bill, the only time money can be given to a candidate is after he is the nominee of his party convention, and in this instance it is in August. Where does he get all these funds and how does he get all the money up to August? How does he get all the money to run in New Hampshire, Florida, California, Oregon, Wisconsin, Minnesota? He gets it the same way he is getting it now. If he is beholden to anyone now, he will be beholden to them then. The only thing he does is from August until the election in November he has a fund from which to draw; is that not correct?

Mr. PASTORE. No. The Senator is partially correct.

Mr. COOK. Tell me where I am wrong.

Mr. PASTORE, The Senator is wrong in this respect, that the individual now, if this bill is enacted, the individual, rather than going to a banquet and be harassed by collectors, can make his contribution to a person who is campaigning in New Hampshire, say, and have it as a deduction or a credit.

The Senator talks about Mr. Clean. I am not trying to clean up anyone. Just trying to wash our faces a little. If we can do that, that is clean enough for me.

Mr. COOK. Our faces might get washed, but the situation is still there, where one is beholden to come up into public office. The Senator is trying to give the impression that somehow or other we will wash everyone's face. I doubt seriously that we will accomplish it.

I would also say, what do we say to the American taxpayer when he gets his tax return? We say, "Put a check on this little box. We are not going to tell you who it will go to, because it is none of your business. We will divide it up later. You will make your contribution to the political system but you are going to have no knowledge of where your money will go. You are not going to have a part of the system. Perhaps the money may actually go to someone you do not want to be President of the United States at all. We are not asking you whom you want it to go to, but we are creating a fund and the money will go into that fund."

By the way, we know it is an election fund. It is estimated by the IRS that there are 113 million tax returns filed. Let us suppose that everyone checks $1 in that little box. That is $113 million. That will go into the political fund. As of the last election, the greatest amount of money that could be paid out to candidates was $48 million. The taxpayers will have made $113 million in political contributions to their Government for a political purpose; $48 million of it will go for that purpose and the remainder under the terms of the bill, under title X, item 2, page 17, will revert to the general fund. It will go into the Treasury of the United States. It is not going to be used for the purpose we told the taxpayers, only a percentage of it will be used, and the balance will be used in a way that the taxpayer will know not how it will be used, and yet he will be picking out a little space that will say, "The Presidential election campaign fund."

Now let us assume he also pays in the $113 million and only one candidate takes out, and the other decides not to. The taxpayers have paid in $113 million—$20 million has been paid out to one candidate, to a particular person, and $83 million is in the general fund, which is not the purpose for which it was earmarked.

Mr. LONG. Where would it have gone, if the checkoff had not been made? Would it not have remained in the general fund?

Mr. COOK. If you want to keep it in the trust fund for political deductions, let it stay there for the next election. If the people of the United States are putting tax funds in there for that purpose, let us not have that purpose——

Mr. LONG. Why does not the Senator offer an amendment, then, to bring that about?

Mr. COOK. Oh, I have a number of amendments. I will get around to that.

Mr. LONG. Will the Senator yield for a further question?

Mr. COOK. Yes, I yield.

Mr. LONG. When I was up in the gallery a few moments ago, I believe I heard the Senator say, while he was speaking on the floor, that this is not going to eliminate a candidate's need for money because he will have to run in a primary anyway. We are going to have an election next year, and sometimes we cannot legislate beyond what we can see. We have reason to think that Nixon will be the Republican candidate. I certainly hope so. I do not believe the Republicans could do any better than that. I think he is a fine fellow. At least this will take him beyond the need for money in primaries, because by the time the primaries come around, he will have the nomination of his party. The Senator does not have any doubt about that, in his heart, does he? In that election, we will free one of these candidates from having to go out and grovel for money. For at least half the campaign, if this man does what the Senator thinks he will do, he will take the money available to him so that he does not have to grovel for money to finance his campaign.

The Senator does not want him to have to grovel for the money, to go hat in hand asking for it, does he? Why not leave it so that there is the $1 contribution available from each taxpayer which will take care of all his financial problems.

Mr. COOK. May I say to the Senator from Louisiana, that is not what bothers me. The remarks of the Senator from Rhode Island when he started out, that this is not an issue that has anything to do with the Republican Party as such, I am not here wanting to argue that, about any disagreement about this bill, because I am not worried where Nixon will get his money, or anyone else. I merely state to the Senator from Louisiana that, to me, it goes deeper than that.

When a constitutional government in a republican form of government has to check off funds from tax returns, to supply the funds for the political system and by reason of supplying those funds for the political system, we should know, to begin with, that the two major parties were not created, not established, by any instrument, or by the Constitution, but will be frozen in with the largest sums of money, so that a third or a fourth party will never be able really to come up and be a vital part of this Nation. Then I want to tell you, if we have to freeze the political parties, to the extent we are going to ask the taxpayers to contribute to a political party, that they know not where their money goes, then maybe it is time that we changed the form of government in this country.

If we have to say that under a constitutional form of government it cannot survive unless the political principles of the Congress of the United States legislate so that the public will pay for a campaign, whether they like it or not——

Mr. PASTORE. No—no——

Mr. COOK. I take that back——

Mr. PASTORE. You have to take that back.

Mr. COOK. Strike it. Strike it.

Mr. PASTORE. That is the whole case.

Mr. COOK. They have to check that little box. By the way, it is conceivable that we have put $113 million. But suppose only 4 million or 6 million people check the box? Suppose we have only $5 million or $6 million in the fund to run two presidential or three presidential candidates, on a percentage basis? What do we do then? Give them a little money and say, "Go on out, Senator. Go on out with your presidential candidate and grovel with that money that the American taxpayers have decided they did not want to provide. The political system is a viable system alive in this country, and you have to make up the difference."

Mr. LONG. Must we grovel for the whole thing?

Mr. COOK. I have run for the Senate one time. I hardly remember any time during the course of that campaign that I had to grovel for campaign contributions. Maybe the Senator from Louisiana has. I do not know. But this Senator has not. I do not feel that I had to.

Mr. LONG. I had to go out and ask people for money to run in a campaign. I know what it is to run that way, when you have to plead for money.

It would seem to me particularly hard to run for the Presidency on that basis. It would seem to me that campaigns should not be decided because candidates do not have enough money or because one man put in the money and the other man had to borrow it, making him obligated to the moneylender. It should be worked out so that the Republican Party and the Democratic Party both have enough money to run their campaigns to explain the issues to the people.

Mr. COOK. I have no disagreement on that. In my State of Kentucky, to run as a Republican, it is 2 to 1 against you. It is probably not that kind of relationship in Louisiana. It is probably easier to run as a Democrat in Louisiana than to run as a Republican in the Commonwealth of Kentucky. I must say to you it makes it tough in my State to run as a Republican.

Mr. LONG. Frankly, the last time I ran, it was my opponent that was having the difficulty raising money. Notwithstanding that, I was willing to vote for legislation which would make money available to both sides, to campaign and make their case. I would be willing to limit myself to the same amount as the other fellow.

Mr. COOK. Mr. President, that is awfully magnanimous of the Senator. I recall very clearly during the course of the last election campaign debate in the Senate that it was my privilege to debate the matter with the Senator. I felt that, on a par, if we take a Senator who is already here and give him this amount of money, since he is here and has the opportunity to use that money, and if it is even-steven, on a dollar-for-dollar basis, the Senator has a pretty good deal, I admit.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOK. Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, one point that concerns me very seriously is where we are and where we are going.

Let us take into account what we are doing. I would like to put a question to the Senator from Kentucky to see if he agrees with me. The dollar checkoff is an attractive concept. In fact, it says that everyone will pay a little, that no one will pay a lot, that it is voluntary, and no one has to do it. This sounds infinitely superior to anything we have ever tried before, so much so that it has a certain siren call; enough so that we ought to examine it a little more carefully.

Would the Senator agree that this provision of the bill for the application of Federal tax money toward campaigns for the Presidency and Vice-Presidency of the United States is not a contribution of private funds but that it is a contribution of funds coming from the U.S. Treasury, collected in the form of income tax?

Mr. COOK. The Senator is correct.

Mr. BAKER. And what we are saying is that, of the money that otherwise might be the money of the Internal Revenue Service, of all of those dollars that we are collecting, we will appropriate a certain percentage of those general fund dollars to be used in political campaigns.

Mr. COOK. The Senator is correct. To give a simple example, if a taxpayer owes $200, he will check that box off for $1; $199 will go into the general fund of the U.S. Treasury and $1 will go into the political campaign.

Mr. BAKER. But that dollar would have otherwise gone into the general funds of the United States.

Mr. COOK. The Senator is correct.

Mr. BAKER. And that dollar would have been available for social security benefits, for housing, transportation, and for any other purpose when we start the business of establishing the relative priorities of this country.

Mr. COOK. The Senator is correct.

Mr. BAKER. Mr. President, the things that concern me, if the Senator will yield further, are two basic concepts. We have to concern ourselves with the reality that we are about to put the Federal Government into political campaigns and into the financing of them with general tax revenues. We are going to let the Comptroller General of the United States decide, without the benefit of any judicial review, whether one side or the other has compiled with the regulations or not.

Mr. PASTORE. Mr. President, will the Senator yield on my time for a question?

Mr. BAKER. In a second, I will yield.

The second thing that bothers me about title X of this amendment is that this bill—like the previous bill which was discussed in the committee on which the distinguished Senator from Rhode Island and I both serve, the Commerce Committee—in my judgment, provides a built-in bias in favor of the incumbent. In this particular case, it may be an advantage in favor of the President in the White House, a Republican, because it is probably easier for the incumbent with his background and record to run without having to spend as much money for public recognition as he would otherwise.

This is not the time for the Congress of the United States to say that the American political system has become so incestuous that we are going to provide money from the public funds for our own perpetuation in office.

That is what we are about to set out on.

Mr. COOK. The Senator is correct.

Mr. PASTORE. Mr. President, will the Senator yield on my time, because I think the RECORD ought to be clear on this matter?

Mr. BAKER. I yield.

Mr. PASTORE. Does not the Senator feel that giving the people of this country an opportunity to elect a President, regardless of whether he is rich or poor, is worth it?

The Senator talks about social security. Nobody has worked harder for social security than I have.

The Senator talks about housing. No one has worked harder for housing than I have.

I should like to give everyone a chance to participate so that we may get the best man to become President of the United States, no matter whether he is Republican or Democrat.

I think it is worthwhile to have a taxpayer say, "I put $1 of my taxes on the line to see that the best man became President. It makes me a part of that."

Mr. BAKER. Mr. President, I think this is working in precisely the other direction. The Senator is providing that instead of having a better opportunity in this matter, he is subsidizing a sterile campaign between two people, financed by the Federal Treasury, and unwittingly by the tax money of the people of the United States.

Mr. COOK. Mr. President, may I say that we are not subsidizing two individuals, and I think this becomes philisophically more serious. We are subsidizing the two major parties, who can say how much they will get if there is that much money in the fund.

So, what we do is build into the major political parties of this country almost the unavailability of any other party to ever have substantially or seriously a voice, or maybe nothing but a voice in the political system of this country.

I might say that nowhere in the Constitution of the United States does it say that there shall be two parties, one Republican and one Democratic. It says that there shall be a republican form of government.

This says, as the former senior Senator from Delaware, former Senator Williams, used to say when he was here:

> This is the political candidates' poverty fund, and what it says is that you have a built-in guarantee that you can start off with this much and you are away ahead of anyone else. If you want to get in this arena, you must first get established. Before getting established, you have to pay your own money. Then you have to get up to 5 percent, and then you get in on the front end instead of on the back end.

So, they are building into the political system really and truly a type of functioning and governmental interference, if you will, in the political system that is going to see to it that very seldom will we ever see in the history of this country the chance for a new political party to seek the office of the Presidency.

Mr. BAKER. Mr. President, in the consideration of this amendment, particularly title X, we must consider what we are about, because we are in fact altering the basic political structure of this country. We are putting the Federal Government directly in the business of partisan political campaigning. We are institutionalizing the campaign for President and Vice President of the United States. And we are putting the whole system under the direct, immediate, and detailed scrutiny of a Federal official. I believe that this country has not reached the point where we want to have any element of the Government supervising the free, elective process, let alone subsidizing it. And that is precisely what this does.

Mr. COOK. Mr. President, when the Senator from Rhode Island so eloquently spoke of the individual taxpayer of the United States saying, "I contributed; I contributed," he is not contributing at all. He is taking part of his tax dollars that would ordinarily and properly go in the general fund of the United States for its operations, a dollar bill that could be utilized somewhere other than in the political arena, for the purposes of general welfare of some of the people and the safety of the Nation.

Mr. BAKER. I agree. And I call the Senator's attention to section 1106, on page 17, which says:

> There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Presidential Election Campaign Fund." There are hereby appropriated to the fund each fiscal year, out of any moneys in the Treasury not otherwise appropriated, and so forth.

This is tax money, and the dollar checkoff does not show us the fact that if we did not dedicate it for campaign funds, these general fund treasury dollars could be used for any other purpose. And this is not the sort of altering of the fiscal situation in this country that is called for at this time.

Mr. COOK. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, the Senator from Tennessee has done an excellent job of pointing out how basic is the question before the Senate. To me it is somewhat incredible to realize we are in a position of soon having to vote on this question, having only been able to read today the printed copy of this amendment which is being offered as a rider on the tax bill that has been reported by the Committee on Finance. It seems incredible that the Senate would seriously consider such a decision without the country at large having had an opportunity to understand what the amendment is about and to have some public debate about it and to realize that if we should vote for it in the Senate it will not have any hearings in the House. It will not have an opportunity to be debated in the House because it will only be considered by the conferees. What happens in the conference I do not know but if the conferees accept it this basic decision would be made in this way. It is incredible to me that that could happen.

Mr. COOK. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the names of the Senator from Maine (Mr. MUSKIE) and the Senator from California (Mr. TUNNEY) be added as cosponsors of Amendment No. 686 to the pending amendment.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

Would the Senator from Maryland clarify the request. Amendment No. 686 is now worded as an amendment to the bill.

Mr. MATHIAS. Yes. It is amendment No. 686.

The PRESIDING OFFICER. To the bill.

Mr. MATHIAS. Yes.

PRIVILEGE OF THE FLOOR

Mr. MATHIAS. I further ask unanimous consent that Joel Abramson of the staff of the Committee on the Judiciary be allowed to be present on the floor during debate on the Pastore amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS and Mr. PASTORE addressed the Chair.

Mr. MATHIAS. I wonder if I could make a few observations at this point?

Mr. PASTORE. The Senator from Maryland has the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I am very much troubled by some of the implication of this so-called Pastore amendment. I want to say there is a lot of good in it. I want to say that title IX, the first part of the Pastore amendment, as it has been presented by the Senator from Rhode Island to the Senate, I think is a very constructive and positive contribution to our consideration of doing something about a reform of the campaign process.

I think that the key to title IX is the fact it does invite participation. It invites individuals to become participants in the elective process. This is a subject which has been of very great importance for 50 years. Theodore Roosevelt philosophized on the subject and urged Congress to do something about providing some new means of raising money for presidential campaigns. I think that the provisions of title IX, which are very close to, and I might say to the Senator from Rhode Island, superior to amendment No. 686 which I have pending with respect to tax credits and tax deductions, provide a great contribution to this debate and the Senate's opportunity to do something now about reform of the campaign processes.

But when I turn attention to title X, I have some problems. This morning the Washington Post in an editorial said:

> The tax credit or deduction plan, which would permit an individual to write off small political contributions, has been proposed and supported time and again by various Presidents and other public officials. We have backed it for almost 20 years and we still regard it as the simplest and least troublesome method by which parties can raise more funds and more individuals can be encouraged to participate financially in the political system.

It goes on to say—that completes the comment on title IX. One point here I think was a little difficult.

Mr. PASTORE. Why does the Senator not read the entire editorial.

Mr. MATHIAS. I am about to.

Mr. PASTORE. Read it all.

Mr. MATHIAS. There is one point made here, made earlier, that title X was the only way to help reform financing of campaigns, title IX was discussed in that part of the editorial and then the editorial goes on to say:

> The public financing plan, while a good one in principle, is far more complicated. There are, for example, questions about how it would effect a third or fourth party candidate. Those, we trust, will be clarified by the debate in the Senate this afternoon so that it can send along to the House its second major contribution this year towards freeing politics from the corrupting influence of money.

I do not think we have done that. It does need clarification, and as the Senator from Rhode Island said last spring, the checkoff plan was 10 years ahead of its time. I would say it is still at least 9 years and 9 months ahead of its time.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. I yield.

Mr. PASTORE. As one grows older time passes faster. So I covered the 10 years in 1 year.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the entire editorial which was published in the Washing Post this morning may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MONEY AND POLITICS: ON WITH REFORM

The Senate will get a chance this afternoon to finish its part of a job it began earlier this year—rationalizing and purifying the business of financing election campaigns. This will come when the Democratic leaders in that body try to add on to the tax reform bill provisions to make possible the public financing of presidential campaigns and to encourage individuals to contribute small sums to the candidates of their choice in other elections. It is an opportunity the Senate ought to seize. The time is ripe. The need is urgent to take this second step—the campaign spending bill which goes to the House floor today is the first—in breaking the link between the big money and big politics.

There will be no doubt, partisan political overtones in any discussion of these proposals. That comes about because the Republicans are rolling in money these days and see no need for such changes while the Democrats are in a state of bankruptcy and are eagerly searching for any mechanism which will get them back on the road to fiscal stability. But the basic issue transcends partisan politics. Presidents ought not to have to spend their time participating in the kind of closed-circuit spectacular that Mr. Nixon was involved in last week in order to bankroll their parties. Other office-holders and would-be office holders ought not to have to beg for funds in order to conduct election campaigns. The proposals before the Senate provide a way out of that vicious circle in which big money—whether it comes from rich individuals, labor unions or other organizations—can buy a candidate's sympathetic ear and sometimes his votes once he is elected. It is worth remembering that although it is the Democrats who are poor today and the Republicans who are rich, it has not always been that way and there is no guarantee it will remain that way in the future.

The tax credit or deduction plan, which would permit an individual to write off small political contributions, has been proposed and supported time and again by various Presidents and other public officials. We have backed it for almost 20 years and we still regard it as the simplest and least troublesome method by which parties can raise more funds and more individuals can

> be encouraged to participate financially in the political system. The public financing plan, while a good one in principle, is far more complicated. There are, for example, questions about how it would effect a third or fourth party candidate. Those, we trust, will be clarified by the debate in the Senate this afternoon so that it can send along to the House its second major contribution this year towards freeing politics from the corrupting influence of money.

Mr. MATHIAS. Mr. President, let us come to the heart of the question. What we are trying to do is broaden the base of participation in American politics. What we want to say to the American people is that every citizen should have the kind of interest, participating influence, which is represented by his equal vote. But will title X do that? Will title X, by increasing the amount of money in the political pot, increase the participation of individual citizens? That is the real question, and the question we should be thinking about at 10 o'clock tomorrow when we vote on whether to strike title X. Will this increase participation?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. If 50 million taxpayers check off $1, then 50 million people are participating, and that is the answer. That is exactly what we are trying to do, to broaden active participation.

Mr. MATHIAS. I say this with great respect. I have to disagree with the Senator. There is very good authority. I have the greatest respect for the Senator.

Mr. PASTORE. And so do I for the Senator from Maryland.

Mr. MATHIAS. But what we are doing here is making a big political pot and we have not done what the editors of the Washington Post said should be done—provide clarification. This is the kind of provision that got the plan into trouble in 1966 and 1967.

Mr. COOK. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. COOK. The Senator said that if 50 million people check off $1 then 50 million people are participating, but if 50 million people put a checkmark, they are designating dollars they already owe to the Federal Government, dollars that are coming out of the tax funds they owe to the Federal Government.

How can we sit here and say that he is participating?

Mr. MATHIAS. I agree with the Senator from Kentucky. It is not only a question, but what the participation is.

Let me concede to the Senator from Rhode Island that, yes, to check off on the tax return would cause $1 to flow into the political pot and that is participation, but when the taxpayer has no further control over what happens to that money it is participation of a thin and anemic kind.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MATHIAS. I yield.

Mr. PASTORE. The Senator talks about control. Why, the greatest reward is the fact he is electing and having a chance to elect the best man possible for the Presidency of the United States, no matter how much money he has. That is the reward. We are talking about the Presidency of the United States. The Senator is talking about politics and campaigns. We are talking about the Presidency.

Mr. MATHIAS. We are talking about participation——

Mr. PASTORE. In the Presidency.

Mr. MATHIAS. In the process of choosing the President of the United States.

Mr. PASTORE. And what is wrong with that?

Mr. MATHIAS. And participation is what we want, and that is what I am not sure we are going to get through the process in title 10.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I yield.

Mr. LONG. The Senator made a statement about control. Does he mean control of the dollar or control of the man in the office? From my point of view, I want the man in the office to be completely free to do what he wants in his conscience and to be responsible to all the people, whether they voted for him or not. The checkoff provides that the man who did not vote for him can help keep him above the influence of private money, just as the man who did vote for him can.

For myself, I do not want President Nixon to be obligated to anybody. Even though I may have voted for someone else, I want him to be a free man. He is a good President, and I want him to be free to do what he thinks is right, and not have to show me any more attention than anyone else. He is everybody's President and he should be free to do as he thinks is right.

Mr. MATHIAS. And the Senator from Louisiana knows I agree with him and that the 98 other Senators agree with him. There is no right-minded person in this country who does not agree with that, but what we are talking about is control of a pot, of a very large pot of money.

Let us recall what was said on this subject by our former colleague, the Senator from Tennessee, Senator Gore. Speaking in the Senate in 1967 he said:

> It would tend to cloak all of the campaign fund with the aura of public finance, making segregation and identification more difficult, and all of this would be done without any safeguards whatever. All of the money could be used in one State or in a few States. It could be used to reward or punish candidates for the Senate or candidates for Congress. It would tend to restructure the whole political party system, concentrating power in two political bosses in Washington.

Mr. LONG. Does the Senator know that after Senator Gore made that speech he helped write this bill the Senator is talking about and helped bring it out and was prepared to vote for it?

Mr. MATHIAS. It is a better provision.

Mr. LONG. The man the Senator claims as his authority supported this provision, which evolved after those provisions were debated and reported out of the committee. I am glad the Senator claimed him as his authority, because he supported a bill very similar to this one.

Mr. MATHIAS. In the 1966 bill the money went to major parties. In effect, it went to the chairmen of the two parties, and would have been an enormous political power placed in their hands. In the present Pastore proposal that is not the case. It goes to the nomineee of the party to whom the checkoff goes. That is an improvement, but I do not think it is a perfection of this concept.

Mr. LONG. Do not use Senator Gore as the Senator's authority. He had his doubts resolved and voted for the very provision the Senator is referring to. He supported it.

Mr. MATHIAS. Again let me return to the debate of 1967. I would point out that on the motion of the Senator from Delaware, Senator Williams, to strike this provision, a vote which occurred on October 12, 1966, of course Senator Gore did vote to strike. But getting back to the question of what is going to be the effect of this political pot of money on the participation of the average citizen in the election process, the late Senator Kennedy from New York said in that debate:

> I think that it would remove the local party from power. Take the national chairman of the party out of power just before the convention. He will go to various States across the country. If this money is in his hands he could say to the people in New York or California or any other State, "I can get you a million dollars." He can dictate the selection of national candidates and exercise great leverage over the selection of the national ticket.

Let me say again, I understand the difference between the proposal which was then before the Senate and the one now before the Senate, but the problem is the same. I do not think the degree is as acute as it was then, but the problem is the same—that we preclude any control whatever. We are creating this political pot which can be applied in various parts of the country without restriction, at the will of the party nominees, and it can have an enormous effect.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. KENNEDY. I take issue with the Senator from Maryland. How can he question the fundamental integrity of the nominee of either of the two political parties when we are about to entrust one of them with the responsibility of being President of the United States? The Senator from Maryland objects to trusting the nominee of the Democratic or Republican Party with $20 million, and yet he is will to trust the man who is elected with a $200 billion Federal budget. He is willing to trust him with the whole country.

There is another flaw in the Senator's argument. If the Senator is worried about adequate contols over funds spent under the checkoff, why is he not worried about controls over funds obtained under the $25 credit, which are going to political candidates? What about the $100 deduction?

If we are going to accept the logic of the Senator from Maryland, why not strike the whole amendment? If we are going to talk about control in relation to the checkoff, the same kind of reasoning applies to the $25 and $100 deduction.

The Senator from Maryland said that one of the important purposes of the legislation is to broaden participation in elections. Certainly, that is one of the fundamental objectives.

But we have a second objective, too, which is just as important. And that is the objective of eliminating the bar to an individual's becoming a candidate because he cannot afford it. So I think we have two purposes. We have the $25 credit and we have the $100 deduction to increase public participation. We also have the checkoff, to eliminate the barrier of private wealth to public office. For the first time, we are trying to eliminate the inequity that a candidate may be barred from the highest office in the land because of his inadequate financial resources.

That is what President Eisenhower was talking about in 1968, when he spoke of the evils of private financing for public office.

So when the Senator is addressing himself to the checkoff, which everybody agrees is going to provide the best source of funds for a nominee, I hope he will consider all its aspects.

There are many reasons why this proposal deserves support. I, for one, do not think we could have a better investment of the taxpayer's funds.

The Senator from Kentucky asked the Senator from Rhode Island if this is the beginning. I hope it is. I hope it is the beginning. I hope we are going to seize the opportunity to create legislation that will provide public funds for public candidates. I hope we will enact legislation to guarantee that a candidate is not dependent on special interests in this country or dependent on financial resources of his own.

If this is a beginning, I think it is a good beginning. I think all of us can find ways to question one or another of the particular details of this amendment. But I think the work the Senator from Rhode Island has done, and the work the chairman of the Finance Committee has done on this amendment, is some of the most significant work that has been done in Congress on any kind of reform issue.

We have in our hands the opportunity to take a major step to open up the elective process to candidates who have ability and commitment, but who are lacking the financial resources to run for office.

Mr. BAKER. Mr. President, will the Senator from Massachusetts yield?

Mr. MATHIAS. I have the floor.

Mr. BAKER. Let me just say briefly, I hope it is not the beginning. I entirely agree with the junior Senator from Kentucky that if this is in fact the beginning gambit in the institutionalizing of a Federal system that provides public money for the election of all elected officials, then I think we have arrived at a sorry state.

I do not mistrust the man who is about to be President of the United States, whether he is the Republican or Democratic nominee, and I cannot recall that I have ever mistrusted the nominee in that respect. But, Mr. President, I do mistrust and have a deep suspicion of the propriety of the Federal Government itself, the Federal bureaucracy, the executive department, the legislative department, or even the judiciary presiding in detail, and without the right of appeal, over the elective process by which it is selected.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MATHIAS. I have the floor.

Mr. KENNEDY. Does the Senator deny that the nominees are going to be spending the $40 million, in any event?

Mr. BAKER. I do not deny that, but does the Senator deny that the Comptroller General of the United States——

Mr. KENNEDY. Why is not the Senator from Tennessee just as apprehensive——

SEVERAL SENATORS addressed the Chair.

Mr. MATHIAS. Mr. President, I have the floor. I would like to express a thought which——

Mr. PASTORE. I know, but there was a little bit of colloquy that involved the Senator from Massachusetts.

Mr. MATHIAS. Let me yield to the Senator from Massachusetts a moment, then I would like to get back to my thought.

Mr. KENNEDY. The point is, as I understand it, approximately $35 million was expended in the last campaign by the Republican nominee for the Presidency. In any event, it is well in excess of $20 million. He had the responsibility for that money. No one is questioning that. Why does the Senator begrudge him the fact that he could have, in lieu of that, the $20 million that would be provided under this provision? I cannot understand the logic of his point.

Mr. BAKER. Mr. President, the logic, very briefly, is this: I do not care that that sum of money is expended in presidential campaigns, but I would point out that it is spent under the aegis of the person who hopes to be President, and not under the aegis of the Comptroller General, who has the authority to prescribe rules and regulations as to what will be spent.

Mr. KENNEDY. The Senator objects to the safeguards written in here, in other words? The rules and regulations to provide a better——

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER (Mr. HART). Senators must speak one at a time. The Chair's sympathy is with the Official Reporter. The Senator from Maryland has the floor.

Mr. MATHIAS. I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. MATHIAS. I have yielded to the Senator from Kentucky.

Mr. COOK. I would hope even the Senator from Massachusetts would not like the language in the bill on page 16, line 23, which reads as follows:

> Certifications by the Comptroller General under subsection (a), and all determinations made by him in making such certifications, shall, except as provided in section 1007, be final and conclusive, and shall not be subject to review in any court.

Mr. KENNEDY. What is so distressing about that language?

Mr. COOK. Would you not like to have an opportunity, if you were the candidate——

Mr. KENNEDY. What bothers the Senator from Kentucky so much about that?

Mr. COOK. Very much. I will tell the Senator from Massachusetts, and I am sorry it does not bother him.

Mr. KENNEDY. Go ahead and tell me why it would.

Mr. COOK. I am extremely sorry it does not bother the Senator.

Mr. PASTORE. Go ahead and tell him. You have not told him yet.

Mr. BAKER. I will tell him, if anyone will yield.

Mr. MATHIAS. Mr. President, I have the floor. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, if we continue in this vein, we will soon be more concerned about the process by which we pick the Comptroller General than the process by which we pick the President.

Mr. COOK. May I say, in further fairness to the Senator from Massachusetts, why not just take that section out? Why not take it out, and leave everything else the way it is, and then debate the measure?

Mr. KENNEDY. Will the Senator support the bill if we do?

Mr. COOK. On the basis that if there is inequity in respect to the various candidates in regard to their affidavits, that they have a means by which they can solve those inequities as a matter of law, and not as a matter of the individual judgment of the Comptroller General of the United States. As the Senator has heard my remarks up to now, he knows that is one thing I do not support.

I am saying it makes it much more onerous, in the entire debate on title X, that one would give the Comptroller General of the United States the right of individual judgment, without the right of review by anyone, as to how these matters will be disposed of as between the candidates who will submit affidavits on the cost of election campaigns. That is the only point I make, and I think it is a valid one, and I am delighted that the Senator from Massachusetts permitted me to make it.

Mr. LONG. Mr. President, when we had this matter before us 5 years ago, the point was made that we needed more safeguards, and so we have provided more safeguards. The money cannot be spent unless the candidate wants to spend it. If one wants safeguards, we suggest that someone who is neither part of the administration nor under the control of one of the parties—in other words the Comptroller General—have the responsibility in such matters. Since he is supposed to be beyond politics, he would see to it that the reports are filed and that the money appears to be spent the way it is supposed to be spent.

This was the big question that was raised the time before; Senators wanted safeguards, so we gave them safeguards. It seems to me that first we have complaints that you cannot trust the man running for office to spend his money the way it should be spent, and then when we get that matter settled, we hear complaints that "Oh, no, the Comptroller General is going to be watching."

I wish Senators would make up their minds, or at least decide which one is going to make one argument and which one is going to make the other, because the way the arguments are going back and forth, they meet each other coming around the corner, and are bumping each other to pieces. If one would make one argument and the other the other, we could keep up with where Senators stand.

The whole point is that when we had this matter up 5 years ago, it was argued that there should be safeguards. We have provided the safeguards, the lack of which was the reason Senator Gore—while he favored the proposal when we reported it out of the committee—was not for implementing it after it came to the floor.

Mr. MATHIAS. I would observe that the Senator from Louisiana has been around that track, and he understands where we are closing the circle, but I would like to get back to the point the Senator from Massachusetts made, because I think it is interesting, and a contribution to this debate.

He says the motion to strike title X places in question the integrity of presidential nominees.

Now, I think we are getting to something that is useful, and beginning to talk about the guts of the matter.

I should like to raise the question: Does not title 10 itself—the necessity for title 10—raise the initial question of the integrity of candidates for the presidency? If there were not some question about how we want to spread participation and relieve candidates from financial pressure, what would we be talking about here?

The Senator from Massachusetts has made a helpful statement in getting us to the point where we should go. But I would point out, of course, that title 10 does not resolve the problem which existed, which exists today, and which would exist if title 10 had become law in the first place. It applies only to the nominee, and we have candidates for the presidency—full-blown, in blossom, and some, even, who have faded and wilted—and we are not even close to the national conventions.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I yield.

Mr. LONG. Why must the Senator strain at gnats and ignore the big issue? I have seen people run for office when they did not want to run at all. I have seen some fine, honorable men run for Governor of a State. Some of these fine, honorable men who run for office make statements that they would not have made if they had not been hard up for money.

Highway contractors have had agreements with whoever was highway commissioner that appointees would be acceptable to the highway contractors. The conservation commissioner would be asked to promise that deserving people, favorable to the oil fraternity, would be appointed to positions in that department; that they would. in effect, have a veto over who the appointees might be. Candidates should not have to meet those terms. I do not know about the Presidency; I have not had that much familiarity with the Presidency. But I have seen people make commitments that they did not want to make and start out determined that they were not going to make any and find themselves head over heels in debt and making commitments they had no intention of making.

I do not know why the Senator would want to make the Government that way.

I recall the first time my father ran for Governor in Louisiana—at least the first time I was old enough to remember my father running for Governor in Louisiana. He came home and wanted my mother to sign a homestead waiver so that he could sell the house. He meant to sell the house and put every last nickel he had in the race and wind up owning no home and having debts on top of that. My mother said she had worked so hard to have a home for the children that if it did not mean enough to the people who were supporting him, it did not mean that much to her to see him as Governor, and that she was not going to sign a homestead waiver.

Good, honorable people are confronted with this problem.

In regard to having the Comptroller General watch how the candidates spend their money, when we are talking about the big issue, the idea is that you want to put government above money. If you have more money than you need, the rest goes back to where it would be to begin with, in the Treasury. It would be all right with me to keep it in the fund.

Why does the Senator want to strain at those gnats when he is swallowing that camel?

Mr. MATHIAS. The Senator is very eloquent and interesting, but he is not addressing himself to me, because that is not my point.

The point that I think is important is how we are going to broaden the process of participation. The Senator from Massachusetts and the Senator from Rhode Island have supported the concept which is implicit in title IX, a concept that I supported back in the spring. That is the concept of individuals making their own choices as to the candidates and the parties they want to support, and the amounts they want to support them with—a highly flexible system. I think it is a good system.

Incidentally, that is the heart of this proposal which would help a candidate for governor, because, as drafted by the Senator from Rhode Island, it does include local officials. I think that is a very applicable provision. The Senator from Louisiana and I are in total agreement on it.

Mr. LONG. No, we are not. I would be willing to go along with that if——

Mr. MATHIAS. I thought the Senator from Rhode Island said that the Senator from Louisiana was in favor of it.

Mr. LONG. I will support this package because this package moves us toward good, clean government, eliminating the pressure of money to control the decisions of those whom we elect.

It does make money easier to raise. A person is permitted to deduct a $100 campaign contribution. Most people who make a $100 campaign contribution think they are entitled to a little more consideration than the fellow who does not make a campaign contribution, and generally speaking they get it. Some of them expect altogether too much.

Frankly, it is not good that people have to make commitments they do not want to make in order to get money with which to run for office.

Mr. MATHIAS. We agree totally on that.

What about this possibility: Suppose you are going to consider a checkoff, but instead of having a taxpayer really lose control of it, when he has made that check in the box on his return, suppose he could designate the candidate or the party to which he wants his dollar to go?

Under the present system—when you get down to the nuts and bolts of it—what you are really doing is financing the major and the minor parties in presidential elections. It is very hard to say that my dollar is only going to go to the man I want to see be President, when, in fact, you put it all in a pot and you divide it up.

The former Senator from Minnesota, Mr. McCarthy, is talking about founding a new party. He would get his share. The Governor of Alabama presumably will be a candidate, or may be a candidate, of the American Party, and he would get his share. He really would be getting his share of my money. The candidates of both major parties would be getting their share.

Mr. LONG. Under this bill, if you want to put up $1 as a self-serving campaign contribution because you want one man to get it and you hope the other man is not heard at all—that is, if you want to serve your own interest rather than make a campaign contribution so that both parties will be heard—then you make your $1 campaign contribution of your own money and claim a tax credit for 50 percent. If you are making it so only one side will be heard you get a 50-percent tax advantage. If you make it for the advantage of the country, not for yourself, you get a 100-percent advantage for 100 cents.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. We thought of the suggestion that the Senator has made, and we gave it considerable thought. The only trouble with it is that it becomes lopsided. I think it would be most unfair.

Mr. MATHIAS. How does the Senator mean it becomes lopsided?

Mr. PASTORE. If you have more Democratic taxpayers than Republican taxpayers, you could end up with the Democrats marking off to the tune of $20 million and the Republicans only $5 million. That would not be fair.

What we are trying to do is to give both sides the same amount of money, so that the issues, the personality, the appeal of the individual becomes the decision to make, not the amount of money that is invested to give him the Madison Avenue look.

Mr. COOK. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. COOK. With regard to what the Senator from Louisiana just said, that if a person does not want to check it off and go into the fund, he makes that contribution directly to the presidential candidate and then gets a deduction of 50 percent, I would remind him that when we are talking about making contributions to presidential candidates, if the presidential nominee takes from the fund, he must make an affidavit, under penalty of perjury, that no contributions to defray qualified campaign expenses or expenses which would be qualified campaign expenses but for paragraph (c), and so forth, have been or will be accepted by such candidate or any of their authorized committees.

Mr. PASTORE. That is correct.

Mr. COOK. So if he wants to make that contribution after he is the nominee of the party, and as the nominee of the party he wants to take from the fund, he cannot take that contribution. Is that not correct ?

Mr. PASTORE. That is correct.

Mr. COOK. So what the Senator has said is not correct.

Mr. LONG. A man can still contribute to the primary. How would it be done then? Suppose the person's candidate wants to take the high road and some of his supporters want him to take the low road.

Mr. COOK. Then, let us include primaries, under the theory of the Senator from Louisiana.

Mr. LONG. If this proposal works the way I think it will, I think the day will come when primaries are included. If the Senator cannot agree on this much, then he cannot agree on anything in the way of public financing.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CRANSTON. The Senator from Louisiana is correct. If there is a $1 donation to a candidate, you write that off on your income tax return and you get a 50-cent credit, and it is not taken out of that fund.

Mr. COOK. I cannot argue with the point made by the distinguished Senator from California. I can only say that the Senator from Louisiana said that if that individual did not want to check on his tax return that the money go into the presidential campaign fund but that the dollar go to a particular nominee of a political party, and he wanted to make sure that he got that money, under this bill the presidential nominee has to sign an affidavit that he has received and accepted no contributions of any kind.

Mr. PASTORE. That is correct.

Mr. COOK. That is correct.

Mr. PASTORE. It is done there deliberately, and it is the right thing to do. You cannot take the public money and at the same time go out and raise all the other money.

Mr. LONG. But you could still contribute to a man in the primary, under this bill.

Mr. COOK. In other words, he has to grovel for his money in the primary but not in the general election.

Mr. LONG. If I had my way, he would not have to grovel then, either. I would like to fix it—and this bill would fix it—so that at least one of the two men, the incumbent, would not have to grovel at all for money.

Harry Truman said, and Harry Truman was correct, that the incumbent usually gets the nomination of his party.

Mr. PASTORE. Here they are the other day—and it goes for Republicans and Democrats—a series of dinners were held and it cost $500 a ticket—you do not mean to tell me that they give me money for the welfare of the party? They all have an angle. Now, anyone who comes up with $500, unless he happens to be your brother or sister, husband or wife, or has got an angle. That $500 is connected with an angle.

Mr. LONG. At least you can let him know that you know him and his telephone number. You can call him even though you may not have time to talk to anyone else.

Mr. MATHIAS. I want to say this before I yield the floor. Think about this overnight and we will debate it more tomorrow before we vote, but we still come back to the question: What is going to broaden the political process in this country? The creation of a big fund financed out of the Treasury by tax dollars is not necessarily going to increase or broaden political participation. It may keep it speeded up. It may hire some hacks on Madison Avenue. It may pay for some television time or some radio time. It may even get you in the country weeklies, but it is not necessarily going to broaden the political process.

That is the critical question that the Senator from Massachusetts raised. How do we relieve a candidate for the presidency from questions that really impugn his integrity? That is what we address ourselves to when we vote on this measure. If this were the only proposal before the Senate, I might feel differently about it. But it is not. The Senator from Rhode Island has a constructive, additional proposal, title IX, and I intend to support it very strongly because I think it will be helpful. But title X I do not believe adds to the process.

Mr. PASTORE. I want to say to the Senator from Maryland that he has made the point very clearly. I want to say to my colleague from Tennessee (Mr. COOK), that he has been consistent. He is very much against this bill. That is his prerogative. I know where he stands. I want to give him credit for being consistent. He has not deviated from that position at all. There are some who feel the other way. The argument can be made, to and fro, but what we are trying to achieve is an ideal, trying to get the election of the President of the United States out of the grip of money—money and vested interests, and trying to make it as pure as we can. Naturally, we will never get it perfect. But now, where we have to spend millions of dollars to get just a half hour on television, it has become prohibitive. The point is, something needs to be done about it. If we can bring it into proper context, the people may begin to understand people, candidates, and issues much better than the glory of money.

Mr. CURTIS. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. CURTIS. Under the Senator's proposal, will it be possible to make additional contributions to a presidential race if the bill is passed?

Mr. PASTORE. The Senator means if a person takes advantage of money available?

Mr. CURTIS. Yes.

Mr. PASTORE. He cannot collect any other contributions from anyone.

Mr. CURTIS. No committee in his behalf?

Mr. PASTORE. No committee on his behalf. That is the limit.

Mr. CURTIS. What is the situation if he borrows, anticipating this, and he makes his anticipation too heavy?

Mr. PASTORE. He would have to pay it back. As a matter of fact, I want to make that clear, if he borrowed money during a primary period, that is one step. But what happens to the money, no matter whether it be a Republican or a Democratic convention, if he chooses to come under this—and there is nothing to compel him to come under it—but if he chooses the alternate way of coming under public finance, he must abide by the conditions of this amendment.

Mr. CURTIS. But suppose others, totally unconnected, disconnected, with him, decide that they will support him or oppose him? How are we going to stop that?

Mr. PASTORE. If the money goes to him, he has got to give it back.

Mr. CURTIS. No, I do not mean that—

Mr. PASTORE. That is in the other bill which is pending in the House. When that comes back here, we will be able to straighten that out. This all has to do with the ceiling, only that. That is in the bill in the House now, and I hope it will come back to us.

Mr. COOK. I did not vote against it. I voted for it and worked hard to get it approved. As the Senator from Rhode Island stated, we have pounded hard on that issue, in as difficult language as we could get, to solve every problem that involves individual cases involving independent campaigns. The question was raised about labor unions. This comes from a report that is in the House:

> It must be the responsibility of the candidate when time is expended on television or funds are expended in ways directly or indirectly for that candidate, he must assume the responsibility of those things being a part of his total limitation.

Mr. CURTIS. But what I am asking is, how are we going to stop a situation in campaigning where one will be against the incumbent? Will it not inure to the benefit of his opponent? How on earth are we going to muzzle the citizens of the United States? How can we prevent them from going to the post office and buying some stamps and writing a letter telling their friends that they believe John Doe should not be continued in office? How are we going to muzzle that kind of thing?

Mr. COOK. I can only tell the Senator relative to the news media that this Congress has the responsibility——

Mr. CURTIS. Suppose someone wants

to go on the air and explain his experiences with an incumbent and the reasons why he is opposed to that incumbent, and he does not think it is in the public interest for that incumbent to be reelected?

Mr. COOK. I can only say that this person is assuming his responsibility by taking a half hour on radio—

Mr. CURTIS. I am talking about a free American citizen who wants to participate in the election and speak his own mind.

Mr. COOK. I believe that would involve the question of the first amendment——

Mr. LONG. I do not believe we could do anything at all on that, about the right of any individual citizen, or any Senator, to stand on a street corner and shout for the candidate of his choice, or to mail out letters to personal friends or to others, or to put a sign out in the front yard or on the side of the house saying, "I am for Joe Smith for President." But that is not the point. The principal point is that we would not have adequate funds available, and any American citizen has a right to make his position known on the issues to the public. That is the right of the individual, his own right to express himself. He is protected by freedom of speech and there is nothing we can do to regulate that. I do not think there is much we can do to regulate newspapers, either. They often editorialize, as we know, on behalf of the candidate of their choice.

Mr. COOK. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from Kentucky has the floor.

Mr. COOK. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I yield 10 minutes or 15 minutes, whatever the Senator from Massachusetts wants.

Mr. KENNEDY. Mr. President, I must say, having listened to this debate from its beginning this evening, all I have heard from the opposition is, first, a few differences about the GAO regulations, one of which is that there would not be adequate protections in the administration of these resources. Second, I have heard some questions about whether we can trust a candidate for President of the United States with a pool of $20 million.

I think those points are easily answered. If these are really the strongest arguments—and perhaps there have been others which I have been unable to gather during the course of the past 2 hours—then I think we ought to go ahead and agree to the amendment this evening.

I am really amazed that these are the only arguments presented. As I have listened to the debate, I must say that I have increased my own commitment to the concept and to its approach as worked out by the Senator from Rhode Island (Mr. PASTORE) and the chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG). The Senator from Louisiana has been interested in this field for many years. He really is the author of the checkoff concept. He has been extremely perceptive over the period of the last 5 years, since this issue was first raised in Congress in 1966, and he deserves great credit.

In the actions we took in the Senate earlier this year, we have already gone a major part of the way in our efforts to achieve election reform. The steps we took in the area of broadcast spending and reporting and disclosure were major victories. However, if we are to go the final mile, we must accept the concept of public financing for campaigns for public office.

That is the best way I know to insure the integrity of the whole election process. The proposal which has been placed before the Senate provides resources to presidential candidates, and it also provides incentives for the broadest and widest participation in the political process—a goal that all of us want to achieve and which all of us believe will give new strength to our political system.

Mr. President, I again commend those who have introduced the amendment. I am delighted to be a cosponsor of it.

Mr. President, let me make a few more general remarks about the amendment.

The Congress stands today at what is perhaps its most significant crossroad of this century in the movement for real reform in the financing of American political campaigns. We have the chance today to move political financing out of the shadows of the special interests and into the sunlight of public responsibility.

By voting for the presidential election campaign fund amendment, we will establish a new principle for campaign financing, the principle that public funds should be used to support the campaigns of candidates for public office. It will be a new departure in American public life, full of promise for the future, full of potential, at last, for making our Government truly responsive to the people.

For generations, we have blindly accepted the principle of private financing, long after the principle had become twisted and distorted in a way that no democracy worthy of the name could tolerate. For years, we have talked of campaign slogans in phrases like the politics of peace, the politics of hope, and the politics of reconciliation, but behind it all was a much more cynical form of politics—the politics of money.

No one denies that the most serious problem in the American political process today is the problem of campaign financing. The skyrocketing cost of election campaigns has produced a situation in which all but the wealthy—or their friends—are prohibited from running for public office.

The potential political candidate of modest means is being driven from the field. Unless he is a person of wealth himself, he faces the choice of either running a shoestring election campaign or relying on a few large contributors. If he takes the shoestring route, he faces the prospect of almost certain defeat. If he goes the route of the large contributors, he inevitably creates the sort of ambiguous relationship in which he is obligated—or appears to be obligated—to his wealthy supporters.

Today, at a time when all our institutions are under question, the hundreds of millions of private dollars now pouring into election campaigns are giving politics the air of dirty business. The abuses breed cynicism among our citizens and dropouts from our democracy.

Indeed, it has been well said that in America today, we have the best political system that money can buy, and it is a disgrace to every basic principle on which the Nation stands.

Many distinguished Americans have recognized the problem. President Eisenhower was one among those who have stated it most eloquently. As he said in an article in 1968:

> We have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet, the fact that we may be approaching that state of affairs is a sad reflection on our election system.

The time has come to recognize the stranglehold that private financing has placed on our political system. If we have the courage of our convictions, we will vote for the pending amendment, and thereby establish the long-overdue principle of public financing for political campaigns.

The idea of public financing first saw the light of day in Congress 5 years ago. In October 1966, under the leadership of Senator RUSSELL LONG of Louisiana, the chairman of the Senate Finance Committee, Congress enacted the Presidential Election Campaign Fund Act of 1966 Public Law 89–809. Under the act, individual taxpayers were authorized to designate $1 of their income tax to be placed in a special fund to be used for financing Presidential election campaigns. Because the tax checkoff provision was based on the principle of direct public financing of political campaigns, the act was highly controversial. One of its principal virtues, however, was that it served the extremely useful purpose of stimulating a far-reaching national debate on a variety of possible methods of reforming the financing of political campaigns.

In his message to Congress on the "Political Process in America," in May 1967, President Johnson took up the call. He emphasized his support for direct public financing of political campaigns, and suggested a series of basic amendments to the original 1966 Act. In addition, President Johnson recommended that Congress undertake an extensive review of other methods of financing election campaigns by methods such as direct appropriations, tax credits or deductions, treasury vouchers, and various matching grant plans. In June 1967, after extensive controversy, Congress enacted legislation prohibiting implementation of the 1966 act until statutory giudelines under the act were enacted.

Then, in November 1967, after comprehensive hearings and executive sessions, the Senate Finance Committee favorably reported H.R. 4890, the Honest Elections Act of 1967. As reported by the committee, the bill contained a complete revision of the 1966 act. It authorized public financing of both presidential and senatorial election campaigns, and it answered virtually every objection of the opponents of the original act of 1966.

Now, we have struggled through two more national campaigns since the bill was ready—the presidential campaign of 1968, and the congressional campaign of 1970. We know that the problem is worse and that the need is greater.

And, so today, we have the chance to act to meet the need. The presidential election campaign fund amendment offered by Senator JOHN PASTORE is similar in most respects to the legislation recommended by the Senate Finance Committee in 1967, except that it applies the principle of public financing only to presidential campaigns. The chief provisions of the amendment are as follows:

First. Under a "tax checkoff" method, each individual taxpayer is entitled to specify on his tax return that $1 of his taxes is to be used for the public financing of presidential campaigns. On joint returns, husbands and wives may each use the checkoff. If all taxpayers take advantage of the provision, approximately $113 million would go into the fund each year, based on the current number of taxpayers.

Second. The amount of funds determined by the checkoff is appropriated from the Treasury into a Presidential Election Campaign Fund. The amendment contains a "permanent appropriations" provision in order to avoid any controversy that might take place in Congress if the transfer of funds were to be left to the regular annual appropriations process. If the Fund contains any unused balance after a presidential campaign, the balance is returned to the Treasury. If the amount of the Fund is too low to provide the payments to which presidential candidates are entitled under the amendment, the payments are decreased pro rata, and private contributions may be accepted to make up the difference.

Third. Presidential candidates are given the option of either electing public financing for their campaigns, or continuing the present method of private financing. If major party candidates elect public financing, they may not accept private contributions, and they may not spend more than the amount of public funds allocated to them. Minor party candidates receiving public funds may also receive private contributions, but they may not spend more than the amount that a major party candidate receiving public funds may spend.

The same overall limits apply to all political committees authorized by a candidate to support him. Unauthorized committees supporting candidates who elect public financing are limited to expenditures of $1,000. None of these limits are applicable to candidates who continue to finance their campaigns privately and who do not elect public financing.

Fourth. Candidates of a major party—a party polling 25 percent or more of the votes in the preceding presidential election—are eligible to receive an amount equal to 15 cents multiplied by the number of eligible voters in the Nation. On the basis of current population estimates for 1972, major party candidates would be entitled to receive about $20 million.

Fifth. Candidates of a minor party—a party receiving between 5 and 25 percent of the vote in the preceding presidential election—are eligible to receive an amount based on their percentage of the vote of the major candidates. For example, under this formula, since Governor Wallace received 31 percent of the average vote for the two major candidates in 1968, he would be eligible to receive 31 percent of the funds available to each major party candidate in 1972, or about $6 million.

Sixth. Candidates of a new party are entitled to receive retroactive reimbursement based on their showing in the current election, if they win more than 5 percent of the vote. A new party may accept private contributions in the form of loans, to be returned if the party's showing in the election qualifies it to receive public funds.

In addition, candidates of a minor party are eligible for increased public funds if they make a better showing in the current election than in the preceding election.

Seventh. Public funds will be available only for expenses incurred for the period beginning with the date of the candidate's nomination—or September 1, whichever date is earlier—and ending 30 days after the election. Expenses for items and services incurred earlier, but used during this period, will also be covered. Thus, public funds will not be available for the expenses of primaries or party conventions. If a candidate electing to use public funds has excess private contributions left over from his primary campaigns, he cannot spend the private funds during the general election campaign.

Eighth. The distribution of public funds will be made by the Comptroller General, subject to strict auditing and accounting procedures, backed up by substantial civil and criminal penalties for violations.

In addition, the amendment also includes a major provision establishing a tax credit of $25 or a tax deduction of $100 for political contributions. These tax incentives are applicable to contributions to all candidates—Federal, State, or local—and to all elections—general, special, or primary. This provision is essentially the same measure that Senator CANNON, Senator PEARSON, and I had already offered as a separate amendment to the pending tax bill, and I am pleased that it is now a part of the overall amendment.

One of the most important points about the public financing amendment is that it has been carefully designed to meet all of the major constitutional, practical, and political objections to the version originally enacted into law in 1966.

The 5 to 25 percent formula strikes a reasonable balance for minor parties and new parties. It neither freezes them out entirely, nor encouraged them excessively. The threshold showing required of such parties is low enough to prevent "locking in" the existing two-party system, and yet high enough to prevent the artificial proliferation of splinter parties set up merely to have a political joyride at the taxpayer's expense in a presidential election year.

As the following table indicates, at least six minor parties would have qualified for public financing since 1892 if the provision had been in effect:

MINOR PARTIES RECEIVING APPROXIMATELY 1,000,000 OR MORE VOTES, 1892–1968

	Party	Popular vote	Approximate percent
Year and candidate:			
1892: James B. Weaver	People's	1,027,329	[1] 9
1912:			
Theodore Roosevelt	Progressive	4,216,020	[1] 28
William Howard Taft	Republican	3,483,922	[1] 23
Eugene V. Debs	Socialist	897,011	[1] 6
1920: Eugene V. Debs	do	917,799	4
1924: Robert M. LaFollette	Progressive	4,822,856	[1] 17
1948:			
Henry A. Wallace	do	1,157,172	2
J. Strom Thurmond	State's Rights	1,169,021	2
1968: George C. Wallace	American Independent	9,899,557	[1] 13

[1] Would have been eligible for public financing under the pending amendment.

By prohibiting private contributions to candidates who elect public financing, the amendment avoids the danger that public financing would become simply an additional layer on top of the existing level of spending. At the same time, by allowing unauthorized committees to spend up to $1,000 for their candidate, the amendment avoids the first amendment objections that might be raised against any complete prohibition of private spending.

By channeling the public funds directly to the presidential candidates, instead of to political parties or committees, the amendment goes far to avoid the objection that it will have a potentially disruptive impact on the existing structure of our political system. Public financing will not lead to excessive centralization of the political system. Presidential candidates will still have to live under the same umbrella with other Federal, State, and local party leaders. The amendment will preserve the traditional upward flow of party power from the local level up to the national level. In essence, public financing will eliminate the worst abuses of our present political system—the excessive power of money and special interests—and will thereby actually enhance the elements of the system that are its real strength—the interest, dedication, and commitment of hundreds of thousands of party leaders and workers at the grassroots level.

By inclusion of the tax incentives, the amendment offsets any tendency of the public financing provisions to weaken the stake of individual voters in the political process, or to discourage their participation.

Although the public financing provisions provide assistance only to presidential candidates, not to other Federal candidates or State and local candidates, and not for primary campaigns, the principle of public financing can easily be extended to such candidates and elections. The important thing is that we must lay the groundwork today. Once we see the impact of the amendment on the 1972 campaigns, there will be ample opportunity to broaden its application for the benefit of other candidates and elections. We know that the need for financial assistance is especially great in primary elections and at the congressional, State and local levels, where fundraising is extremely difficult, and where the political influence of large contributors may be just as insidious as in presidential campaigns. By taking an effective first step today, we chart the course for all elections and all candidates for the future.

In sum, I believe that the amendment now before the Senate is the best investment the American taxpayer can possibly make to end the most flagrant single abuse in our democracy, the unconscionable power of money. Rarely have we had the opportunity to vote on a bill so full of potential for keeping our political system running and responsive. I hope that the amendment will be accepted overwhelmingly by the Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement by former Senator Gore of Tennessee on his introduction of the Election Financing and Reform Act of 1970, S. 3659; an article entitled "The Politics of Money," written by Philip M. Stern, and published in the New York Times on June 11, 1971; and an article entitled "Money and Politics," written by Tom Wicker, and published in the New York Times on November 14, 1971. The statement by the Senator is especially significant, because it shows how one of the strongest opponents of the 1966 act was one of the strongest supporters of the 1967 version as reported by the Finance Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3659—INTRODUCTION OF ELECTION FINANCING AND REFORM ACT OF 1970

Mr. GORE. Mr. President, an election ought to be a time of serious discussion, a time when ideas are brought forth and debated—not for the sound they make but for their meaning, not for their marketability but their merit, not for their packaging but their content. Because the most vital single action of a self-governing society is the election of public affairs.

Unless the will of the people can be determined and maintained in elections there can be no government of, by, and for the people. Unless the elective process is surrounded by effective safeguards, there can be no real assurance that the will of the electorate will emerge.

The right of a free franchise is one of our highest privileges, a mark of a free man. It is a duty, too, one that must be exercised personally, and that without coercion whether by a system of fines against those who fail to exercise their privilege or by an undue influence from any direction.

But we have a long way to go yet to make our voting system as free and unhampered and as equitable as all of us would wish it to be and to free it from the undue influence of money which is now throtting it. The country has not thrown proper safeguards around financial influence in Federal elections and until a way to do this is evolved the other ills must be considered secondary. Money is the root of much political evil in our country and the Senate has on many occasions considered ways to lessen that influence. Through the years we have been moving nearer to a solution, slowly but surely. Yet the threat of corruption by money in politics is greater than ever before. This makes imperative a solution.

The cost of campaigns has mushroomed, the practices of vested interests have become a threat to popular government, the influence of TV and other expending communication media—and the advertising industry—has skyrocketed and there is now widespread and justifiable public concern over the threat to popular government arising from the improper influence of money in elections. A book entitled "The Selling of the President" is now a popular handbook for the image sellers.

The concentration of dollars poured out at election times serves to thwart the will of the American people both directly and subtly. Not many people would sell their votes directly, but the influence exerted by merchandising and image-making does not come directly, and in this new form no one is immune to it—either in the purchase of soapflakes or in the choice of candidates for high office.

The need for remedial legislation in the field of Federal elections is imperative. There is something profoundly wrong about a system by which the election of a Senator, in many States, costs a million dollars—the conservative estimate of what is needed to unseat an incumbent in a middle size industrial State. Is this government by, for, and of the people or by the size of the purse?

Public confidence in government—and in the integrity of the people's representatives who make up that government—is the bedrock upon which the foundation of our system rests. Government is no more secure than public confidence in its institution. Moreover, representative government cannot be truly representative unless the electorate has an opportunity to choose among candidates on the basis of their qualifications without improper, or undue, influences which impede a free choice.

"Elections are public business. Indeed there is no aspect of public business which more directly affects the quality of government and the public welfare. Yet, our present system for financing election campaigns makes a mockery of free democratic processes. Money in elections, both as to source and as to amount threatens to undermine public confidence in those who are elected, and thus in the institution of government itself.

"It is impossible to finance a modern mass media statewide campaign with $10 contributions from public spirited citizens, to say nothing of the enormous financial requirements of a national campaign for the presidency. Dependence must be placed on large contributions and all too often these come from wealthy individuals or from organized groups who hope that their generosity will be remembered by the candidate after he is elected. Large contributions may well come without strings. It is, I believe, the only kind most candidates for high office would accept.

"But it is asking a lot of human nature to assume that the big contributor stands entirely on the same footing with other constituents when matters in which he is interested come up for decision by elected officials. Even the absence of impure motives on the part of the giver, the receiver, or both, cannot entirely erase the influence of large campaign contributions."

The candidate who elects not to seek or accept this kind of money is at a disadvantage, to put it mildly. Modern campaigning with the tremendous cost of indispensable exposure on television has vastly increased the advantage of the candidate with an adequately financed campaign. Simply stated, money can and does buy, in an effective sense, many elections without in any way violating our archaic election laws and without buying a single vote. What is acquired by mass, and frequently misleading, propaganda is a favorable voter inclination based upon false or artificial premises.

Since election to public office is public business of the highest order, election to Federal office, at least, ought to be publicly financed. In no other way can the stench of money in politics be completely eliminated from the elective process.

This is not a new idea. As early as 1907, President Theodore Roosevelt called for a Government subsidy to finance Federal elections. His suggestion has been echoed by political scientists and Presidents as well. President Kennedy established a Presidential Commission to go into the matter of election financing and subsequently submitted recommendations to the Congress to tighten up existing laws, to provide for more effective public disclosure of what was spent and where it came from, and to encourage a wider base for contributions of moderate size.

Senators will recall that in 1966 a limited public financing law was passed, but it was not satisfactory and early in 1967, before it could be put into effect, its provisions were made inoperative. Later that year, the Senate Finance Committee approved another measure which I thought was much better, and I strongly supported that bill. But no action was taken by the Senate during the 90th Congress.

It is substantially that same bill which I am introducing today. It is well explained in Senate Report No. 714, 90th Congress.

There is one major change, and this relates to the effective date. The tax and public financing provisions of the bill I have introduced today do not become effective until 1975. All incumbent Senators, then, would be subject to reelection under existing law. Thereafter, the new law would apply to all.

Frankly, I view this bill as only a first step. Eventually I hope that all stages of the Federal elective process, primaries and conventions as well as the general election, will be publicly financed under regulations which will limit spending to the amounts reasonably necessary to inform the electorate and with rigid controls over the expenditure of the money. Offering the candidate a choice between public and private financing is intended only for a transition period, perhaps of 10 years. I believe that the overwhelming majority of candidates for the Senate would choose public financing if they had a choice. But I have sought to provide an option to lessen the fears of those who think that public financing might not work. My ultimate goal is to free completely from private money influence—either from the candidate's own fortune or from contributors—election to Federal office—President, Vice President, Senator, or Congressman.

With campaign costs continuing to skyrocket, with campaigns turning into advertising circuses, with no effective control whatever over how much is spent, where it comes from, or what it is spent for, our system of government is placed in great peril. We are rapidly approaching, if we have not already arrived at, a condition in which only the rich or the subsidized can successfully compete for the honor and opportunity of high Federal elective office.

Fortunately for me, personally, a record of public service operates as stored up good will to withstand an anticipated financial storm, but I am thinking of the foreclosure of equal opportunity for other men without means to achieve public favor.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred.

The bill (S. 3659) to provide an income tax credit for certain political contributions; to provide for public financing of presidential and senatorial election campaigns; and to revise the Federal election laws, introduced by Mr. GORE, was received, read twice by title, and referred to the Committee on Finance.

[From the New York Times, June 11, 1971]

THE POLITICS OF MONEY

(By Philip M. Stern)

WASHINGTON.—Almost every major domestic problem in America has its roots, in my view, in a deeper, more basic malady: the manner in which we finance political campaigns, with candidates heavily dependent on "interested" givers who expect a return on their investment, usually in the form of some governmental favor or largesse.

For example, the skewing of national priorities is largely traceable to political financing. With candidates so reliant on large contributions, mostly from industry, it is not surprising that the political system produces billions for an oil depletion allowance or corporate tax write-offs and pittances to combat hunger, pollution, housing shortages, etc.—problems mainly of concern to political noncontributors.

The anachronistic Congressional attitudes that flow from long tenure, old age and the seniority system stem largely from current fund-raising practices, which are heavily biased in favor of the power-dispensing incumbent officer-holder and against the newcomer (last year 359 out of 379 incumbent House candidates were re-elected). Many would-be challengers, in fact, are frozen out before they begin, sheerly for lack of financing.

With a constricted political system, and with the makeup of Congress largely static, no wonder the pace of change is so maddeningly slow.

The only effective way to open up politics, give newcomers and new ideas a chance and dilute the power of the big giver, is through public financing of election campaigns. That would not really be a radical change. The public already pays—and pays dearly—for the manner in which we now finance campaigns.

To take one dramatic example, the public now must lay out $5 billion a year in added oil and gas prices because the President declined to abolish oil import quotas as recommended, in the national interest, by his own Cabinet committee. When a President rejects a $5-billion saving for tens of millions of consumers in favor of higher prices and profits for a few oil companies, just four of whose executives contributed $300,000 to the 1968 Republican cause, the concept of "one-man, one-vote" is a joke.

The remedy does not lie in curbing political spending (via expenditure ceilings or free TV time). It's not the spending that's publicly harmful; it's how and from whom the money is *raised*, and in the disproportionate influence that large contributors (unions as well as corporations) are bound to wield.

Public financing of campaigns would be the best investment the American taxpayers could make. Even a generous program of Federal assistance, covering all primary as well as general elections for House, Senate and President, would only cost about $93 million a year (or just 69 cents per citizen of voting age)—just one-fiftieth of what the public is now paying for oil import quotas alone. Thus, if public financing could reverse that one Government policy, the taxpayers would have a 5,000 per cent return on their investment!

Use of the public subsidies for candidates' personal enrichment could be avoided by having the U.S. Treasury make payments directly to the purveyors of political services (i.e., to the broadcasters, newspapers, printers, etc.) so that the candidates themselves would not receive or handle any of the Federal money.

To encourage small-scale private gifts, there should also be tax-credit incentives but, to assure that no citizen wields undue influence, no gift of more than, say $25 should be allowed.

The conventional wisdom insists that public financing of campaigns is inherently unpalatable to the voters. Yet TV viewers of "The Advocates," after hearing the pros and cons last October, voted 76 per cent in favor of Federal campaign assistance with just 21 per cent against—one of the most one-sided votes in the program's history.

Moreover, public funding of campaigns, already successfully in effect in Puerto Rico and Quebec, has just been officially embraced by the Democratic National Committee and is embodied in at least two Senate bills (by Senators McGovern and Gravel).

So this is far from a blue-sky political idea. It is gaining acceptability, perhaps because members of the nonaffluent, noncontributing public are catching on to the fact that they are already picking up the tab for a political system that answers much more to the big givers than it does to them.

[From the New York Times, Nov. 14, 1971]

MONEY AND POLITICS

(By Tom Wicker)

WASHINGTON.—The withdrawal of Fred Harris from the Democratic Presidential competition further clears the field for the coming primaries. More importantly, since it is still a littered field, Mr. Harris' withdrawal suggests something about the sad state of American campaign finance, and the problem of a candidate who moves beyond the traditional range of issues and solutions.

The Senator from Oklahoma found his campaign "broke," as he described it, in the same week that Mayor Lindsay of New York moved more openly toward a Presidential candidacy next year. Since the Mayor will be looking for support in the liberal wing of the party and since Senator George McGovern already is—not to mention less formal candidates like Representative Shirley Chisholm and Eugene McCarthy, Mr. Harris' withdrawal at least reduces the splintering effect on the Democratic left.

The result is that, among the major active contenders, Senator McGovern and Mayor Lindsay are on the left, Senators Edmund Muskie and Hubert Humphrey are in the middle and Senator Henry Jackson is on the right, with Senator Edward Kennedy hovering over all.

It takes only a glance at this roster—again not to mention long-shot possibilities from Sam Yorty to Representative Wilbur D. Mills—to get an idea of the pressures on the Democratic dollar, particularly the moderate-to-liberal Democratic dollar. Mr. Harris said his campaign costs alone were running at $50,000 monthly, with the primaries still to come.

Actually, some other campaigns appear to be more costly than Mr. Harris' was, and he had at least one substantial backer, Herbert Allen Jr., the New York banker. Other support failed to develop as well as Mr. Harris had hoped when he began his campaign last summer, and he said candidly that he "could have done better" in organizing and managing his efforts.

Still, as things are now done in campaign finance, Mr. Harris seems justified in saying that it is "difficult but not impossible" for a poor man to run for the Presidency. That is because American campaigns now are financed largely by major contributors; when they are called upon by a vast field such as the Democrats now have, or when they settle generally upon a favorite, then the outside or peripheral candidate can have a hard time indeed.

One of George McGovern's major assets, in fact, is that for several years now he has worked assiduously to compile and develop extensive mailing lists of small contributors; the result is that he is not as dependent as other Democrats on the big contributors. But the fact is that in 1968 the Democrats got 61 per cent of their Presidential campaign funds from contributors of more than $500. The Republicans, who have developed good small-contributor programs, still got 47 per cent of their total from contributions of more than $500.

Only about 15,000 Americans were responsible for this high percentage of Presidential campaigns costs. Moreover, a mere 89 persons—according to the Citizens Research Foundation—each contributed $30,000 or more for a staggering total of more than $6.8 million. Only 424 big contributors—of more than $10,000 each—kicked in with over $12 million for the 1968 campaign. And next year, the costs will almost surely be higher.

The problem is not just that of controlling costs, and the solution is not for these big contributors to demand better performance or particular policies from the candidates—as a group of political financiers, meeting in Manhattan, recently threatened to do.

What is really needed is greater incentive, such as a tax credit or deduction, for small voluntary contributions; or some equitable method of Federal subsidy, which is only a way of forcing small contributors—taxpayers—into the act. Until that kind of support is available, a small number of big-money men and interests will continue to have an outsize influence on politics.

Whether such contributors froze Fred Harris out of the campaign because of his "populist" views is conjectural; had he started earlier and developed the kind of dollar-bill fund-raising techniques that have so largely financed George Wallace and that sustain Mr. McGovern, Mr. Harris might still be in the thick of the fight. But that kind of effort takes a long time to develop.

It would have been appropriate to the unorthodox Harris campaign, which abandoned traditional rhetoric and issues and was designed to appeal to class sentiment. The idea was to bring together a coalition of low- and middle-income people across racial and other barriers. The theme was a redistribution of income and power in America—even the breaking up of the big corporations. At root, the Harris campaign was based on the belief that this country in its tax, corporate and political structure is rigged for the rich, and will be until the non-rich learn to stand together.

No other candidate is saying such things, Mr. Harris said in his withdrawal statement, so he now sees no one he can support. If that turns out to be the case as the campaign goes forward, if the Democrats offer no more than what Fred Harris called "just some more New Deal programs," not only they but the American people are going to be the losers next November.

Mr. CRANSTON. Mr. President, the adoption of this amendment could signal the start of a modern revolution in American politics. It could truly democratize the American political system, for perhaps the first time in our history.

The amendment could, at painfully long last, liberate American political parties from financial dependence on big money, big pressure groups, and big spenders of all kinds, and turn politics totally over to the people, to the tens of millions of individual men and women whom we in Government are supposed to represent.

For the first time, their money as well as their votes would count in determining the outcome of a presidential election. That would be a healthy change for our democracy.

It would also be a healthy change for those who run the presidency.

For one thing, a candidate would not need wealthy friends or have to be independently wealthy himself to win—or look forward to a party that is indefinitely impoverished if he loses.

For another, he could devote his energies during the campaign to raising issues instead of raising money. After the campaign, he could spend his time working on constructive programs rather than working to pay off campaign debts.

America needs a new lease on its political life; this bill, I believe, will strike off some of our golden shackles and free our candidates and our political parties from the bondage of money.

Mr. EAGLETON. Mr. President, at a time when America is desperately seeking new directions, the Campaign Financing Act can begin to liberate government from the stifling pressure of those who have vested interests in the status quo.

At a time when we are enervated by the sense that government is unresponsive and unmanageable, this act can restore confidence.

Having public officials in office because of large private contributions is an evil at any time. Big money buys entree. Big money buys favors. Favoritism, legal or otherwise, perverts the democratic process.

But today there is mortal danger in the fact that any President—indeed, any Senator—dependent upon financial interests deeply rooted in the status quo will be slow to take responsible new departures.

These interests themselves are not necessarily evil or illegal. In more static times their combined position might be taken to express the public interest.

But the times are not static, and the combination of interests which governs us today is not serving us well.

It is time to take some fresh bearings from the people—to find out what they really want for themselves and their country and to insure that government will respond.

This bill is not perfect in every detail. Some of the funds it allocates may be wasted or even used unscrupulously. But democracy's workings are seldom tidy, and the few million dollars made available today for public interest campaign funding will help to insure that the government which spends hundreds of billions is at least responsive to the people.

Mr. President, this is a chance to make a fundamental change for the better in American government. I shall vote "aye."

Mr. HART. Mr. President, whether totally justified or not, present methods of financing public election campaigns seriously erode public confidence in our government.

Certainly it is true that many persons are discouraged from running for office because they lack personal wealth or access to wealthy backers.

Certainly it is less than an inspiring sight to see Presidents, presidential candidates and other elected officials devoting time—considerable time, in many cases—to raising campaign funds.

And if large contributions do not overtly affect policy or votes, it is certainly true that large contributions at least ease the gaining of access to public officials. After all, it is not the poor, or even the middle-income persons who most often gain entrance to an elected official's office to discuss problems important to them.

Equally important, if large contributions do not purchase votes after the fact, at least large contributions are important to deciding who will be the candidate and which candidate will win. And obviously, large contributions go to those candidates with views sympathetic to those of the giver.

These concerns have led me to the conclusion that the time has come for public financing of political campaigns, not only to eliminate a source of public suspicion about our government, but to encourage qualified individuals, regardless of wealth or access to wealth, to seek public office.

In eliminating the financial bar to public office we can end what amounts to discrimination which prevents full participation in our political process.

In filing separate views on the Federal Elections Campaign Act of 1971 reported from the Commerce Committee I stated that "taking private money out of the political picture is the ultimate reform." I ask unanimous consent that a portion of my separate views be printed at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The changes recommended to the Senate in this report will move campaign expenditure reform a long way on the road to giving all federal candidates equal access to the media and removing an inequality which grows larger with each succeeding election.
>
> But if we are really to neutralize the power of money to distort the election process; if public office is to be within the reach of not the rich alone; if we are to eliminate the influence, real or imagined, of the large contributor; if we are to remove the cynicism with which young and old alike view today's funding raising efforts by political parties and candidates; if we are to make our political campaigns a testing ground for ideas and issues rather than exercises for our money-raisers—then I believe we must eliminate our dependence on private contributions.
>
> It is the source of the money which damages public confidence and suggests the likelihood of favor and influence. Remove the private money and we remove this cause for the cynicism and doubts now so hurtful to public confidence in politics.

Mr. HART. Mr. President, while I did not expect a chance to take a major step in that direction this year, such an opportunity is before us this evening.

The amendment under consideration would provide two ways to eliminate or diminish reliance on large campaign contributions.

First, individual taxpayers could indicate on Federal income tax returns if they wanted $1 of their payments to go to a special presidential campaign fund. The fund would be divided according to a formula, which provides allocations to minor as well as the two major parties.

And second, a taxpayer could claim either a tax credit of up to $25 or a tax deduction of up to $100 for contributions, to local, State, or national campaigns.

Under the tax check-off formula, it is estimated that the Republican and Democratic presidential campaign committees would receive about $20.4 million, while the presidential campaign for Gov. George Wallace would receive $6.3 million.

By way of comparison, in the 1968 election, Republicans spent $24.8 million nationally; the Democrats, $10.2 million, and Governor Wallace, $6.8 million.

These figures are cited to indicate that credible campaigns could be financed under the limits set by this bill.

The concept of a limit is most important. The bill requires a presidential nominee to choose between using public money from the special Presidential fund or raising his own campaign funds. If a nominee chooses the former, he is limited to spending the estimated $20.4 million. If a nominee decides to raise his own funds, there is no limit. This provision insures, of course, that the public fund will not just be base for ever-increasing campaign spending.

In the event the presidential fund does not reach the estimated amount, a nominee may raise the difference between his share of the committee's fund and the limit of $20.4 million.

Turning to the second provision, it is hoped that the tax credit and deduction provisions will encourage an increase in the number of small contributions to candidates seeking office at all levels of government.

I strongly support both of these steps toward reducing reliance on large private contributions to finance political campaigns.

Pointing to the financial condition of the Democratic National Committee, some may argue this is a partisan attempt to bail out the 1972 Democratic nominee.

Those who make that argument must be prepared to answer the charge that they oppose this reform just because they happen to enjoy a great financial advantage at this particular point in history.

To those who will make their decision on present pragmatic grounds, I would offer an observation made in a Washington Post editorial this morning:

> It is worth remembering that although it is the Democrats who are poor today and the Republicans who are rich, it has not always been that way and there is no guarantee it will remain that way in the future.

To those who will make their decision based on a longer view, I can only repeat my conclusion that the ultimate reform is to take private money out of the political picture.

That is the question on which this debate should be centered. And if it is, I believe the amendment will be approved.

Mr. PASTORE. Mr. President, I think that this more or less concludes the debate tonight. I suggest the absence of a quorum in order for the majority whip to come to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. PASTORE. Mr. President, I ask unanimous consent if there are to be remarks that are not related to the subject matter of the bill, the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DR. EARL BUTZ AS SECRETARY OF AGRICULTURE

Mr. HUMPHREY. Mr. President, the Senate Committee on Agriculture and Forestry opened its hearings today on the nomination of Dr. Earl Butz to be Secretary of Agriculture. I am privileged to serve on that committee. Dr. Butz appeared before the committee and testified as to his qualifications and desires for the job. But he has not told the committee as yet what changes in administrative farm policies he intends to pursue and support. Also, while he has indicated to the committee that he has resigned his several directorships with agribusiness firms and has placed his stockholdings in those firms in a blind trust, he has not supplied the committee with a complete statement of his financial holdings, which I think would be most desirable.

Although Dr. Butz' relationships with those agribusiness giants concerns me greatly, I am more concerned about what policy directions he intends to support and pursue, if confirmed by the Senate, concerning our farm commodity programs, rural development, reorganization of the Department of Agriculture to make it a really effective instrument for American agriculture, foreign food assistance, family and child feeding programs, rural electrification and housing programs, and consumer food protection.

Mr. President, the farmers and all the people of this Nation are entitled to know where Dr. Butz and this administration stand on these matters. I intend to press for their answers at tomorrow's session of the committee when it reconvenes to continue hearings on Dr. Butz' nomination.

Mr. President, I must say that American agriculture cannot continue to afford policies which depress agricultural income. And as yet I have heard nothing from Dr. Butz which gives me an indication of any change in policy that will improve the income being received by farmers.

Mr. President I have already received many telegrams—in fact hundreds of communications from the farmers and citizens of my own State of Minnesota and elsewhere and from other areas of the Nation—in opposition to Dr. Butz' nomination.

I have made a selection of some of these and I ask unanimous consent to have printed at this point in the RECORD some of the messages and communications relating to the nomination of Dr. Butz, communications which point out opposition and ask that he not be confirmed.

There being no objection the telegrams were ordered to be printed in the RECORD, as follows:

ROCHESTER, MINN.,
November 17, 1971.

Senator HUMPHREY,
Washington, D.C.:

I am protesting the appointment of Dr. Butz for Secretary of Agriculture.

JOHN H. WELTI,
Plainview, Minn.

SPRING VALLEY, MINN.

Senator H. HUMPHREY,
Washington, D.C.:

Don't want Butz for Secretary of Agriculture. Like putting fox to guard henhouse all new wealth comes from the land. U.S. short billions of dollars as result of robbing farmers for years. Read book "Unforgiven."

GEORGE HEIDTKE.

MEDFORD, MINN.

Senator HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.:

Am opposed to Butz for Secretary of Agriculture. Urge you oppose confirmation.

LAPHONSE WENCI, *Route 1.*

OWATONNA, MINN.,
November 17, 1971.

Senator HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.:

Earl Butz is not agricultural man. I ask you not confirm his appointment.

ART CROFT, *Route 3.*

NORTHFIELD, MINN.,
November 17, 1971.

HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.:

As farmers we do not want Earl Butz as Secretary of Agriculture.

HARLAND AND JOAN QUINNELL.
RANDOLPH, MINN.

MANKATO, MINN.,
November 17, 1971.

SENATOR HUBERT HUMPHREY,
Washington, D.C.:

As farmers we do not want Earl Butz as Secretary of Agriculture.

Mr. and Mrs. HAROLD BELGARD.
GARDEN CITY.

LAKEVILLE, MINN.,
November 17, 1971.

SENATOR HUBERT HUMPHREY,
Washington, D.C.:

We as family of farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

E. M. SAUBER.

MAPLE LAKE, MINN.,
November 17, 1971.

SENATOR HUBERT H. HUMPHREY,
Washington, D.C.:

Protest appointment of Dr. Butz.

DUANE BRYANT.

KENNETH, MINN.,
November 17, 1971.

SENATOR HUBERT HUMPHREY,
Washington, D.C.:

We strongly oppose having Earl Butz as Secretary of Agriculture.

Mr. and Mrs. CLETIS SPEIKER.

OWATONNA, MINN.,
November 17, 1971.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.:

Mr. Butz appointment as Secretary of Agriculture is a terrible mistake. Please do what you can to rectify this.

LEO ANTL.

SAUK RAPIDS, MINN.,
November 17, 1971.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SIR: We cannot and will not tolerate the approval of Earl Butz as Secretary of Agriculture.

PAUL WENSMANN.

COMFREY, MINN.,
November 17, 1971.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.:

Definitely opposed to Earl Butz appointment for Secretary of Agriculture.

DONALD WIESE.

MANKATO, MINN.,
November 17, 1971.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.:

I oppose the appointment of Earl Butz for Secretary of Agriculture.

DAVE FREKING,
Heron Lake, Minn.

Buffalo, Minn.,
November 17, 1971.

Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

We protest the appointment of Mr. Earl Butz as Secretary of Agriculture.

Mr. and Mrs. Harvey Behrenbrinker.

Montrose, Minn.,
November 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

We do not approve of Earl Butz as Secretary of Agriculture.

Kenneth Pawelk.

Buffalo, Minn.,
November 17, 1971.

Senator Hubert H. Humphrey,
Washington, D.C.:

I am not in favor of Earl Butz as new Secretary of Agriculture.

Leo Larson.

Rosemount, Minn.,
November 17, 1971.

Sen. Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

We as family farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

Donald Geronime.

Dodge Center, Minn.,
November 17, 1971.

Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

Vote against the confirmation of Mr. Butz as Secrtary of Agriculture.

Leroy Paulson.

Owatonna, Minn.,
November 17, 1971.

Senator Hubert H. Humphrey,
Washington, D.C.:

Urge you block Butz appointment. We need Agricultural Secretary who will work for family farmer.

Mr. and Mrs. Robert Springer.

Jackson, Minn.,
November 17, 1971.

Senator Humphrey,
Washington, D.C.:

Vote down Earl Butz.

Wm. J. Roder.

Cologne, Minn.,
November 17, 1971.

Sen. Hubert H. Humphrey,
Washington, D.C.:

We are opposed to Butz for Secretary of Agriculture. Your vote against confirmation is requested.

Kenneth Tellers.

Rochester, Minn.,
November 17, 1971.

Senator Humphrey,
Senate Office Building,
Washington, D.C.:

It is my desire that you vote against the appointment of Earl Butz.

Mrs. Hylah Durst.

Aiken, S.C.,
November 17, 1971.

Sen. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.:

Voting against Earl Butz is a vote for the farmers. Farm prices are too low for comfort. Why not use foreign aid money for purchase of farm products at a fair Government support price?

Scott Hruitt.

Owatonna, Minn.,
November 17, 1971.

Sen. Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

I am a farmer and definitely opposed to Dr. Butz as Secretary of Agriculture.

Lester Buecksler.

Waseca, Minn.,
November, 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

Stop appointment of Earl Butz as Secretary of Agriculture. We don't need corporation farms at expense of family farms.

Eldred Phillips.

Paynesville, Minn.,
November, 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

We protest the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. Gerald Blonigen.

Kellogg, Minn.,
November, 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

I protest the placement of Butz as Secretary of Agriculture.

Henry Rott.

Willmar, Minn.,
November, 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

We oppose confirmation Earl L. Butz as Secretary of Agriculture. Urge you work against confirmation.

Robert Lerohl,
Renville County NFO Legislate Chairman.

Waseca, Minn.,
November, 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

Stop appointment of Earl Butz as Secretary of Agriculture. We don't need corporation farms at expense of family farms.

Eldred Phillips.

Rochester, Minn.,
November 17, 1971.

Senator Humphrey,
Senate Office Building,
Washington, D.C.:

Save rural America—keep Dr. Butz out of the Agriculture Department.

Mr. and Mrs. Paul Drenckhahn.

Rochester, Minn.,
November 17, 1971.

Senator Humphrey,
Senate Office Building,
Washington, D.C.:

Vote against Butz. Farmers don't want him.

Loren Barnes,
Fillmore County NFO.

Owatonna, Minn.,
November 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

I urge you to strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

Gene Phillips.

Rochester, Minn.,
November 17, 1971.

Senator Humphrey,
Senate Office Building,
Washington, D.C.:

Save rural America. Keep Dr. Butz out of the Agriculture Department.

Mr. and Mrs. Alfred Drenckhahn.

Owatonna, Minn.,
November 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

I urge you to strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

Weldon F. Beese.

Rochester, Minn.,
November 17, 1971.

Senator Humphrey,
Senate Office Building,
Washington, D.C.:

Suggest you vote against Mr. Butz for Secretary of Agriculture.

Wayne Suhr.

Wahpeton, N. Dak.,
November 17, 1971.

Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

I protest the appointment of Earl Butz.

Ellsworth Etten.

Owatonna, Minn.,
November 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

I as a farmer am vigorously opposed to seating Dr. Butz as Secretary of Agriculture.

Bernard Dietz.

Blooming Prairie, Minn.,
November 17, 1971.

Senator Hubert Humphrey,
Senate Office Building,
Washington, D.C.:

We are opposing the selection of new Secretary for Agriculture.

Mr. and Mrs. Isadore Gergen.

Moorhead, Minn.,
November 17, 1971.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.:

We support you in your opposition to Butz for Secretary of Agriculture. We know from direct contact numerous area farmers that they are also very critical of the proposed appointment.

Sig Stangeland,
President.

Winthrop, Minn.,
November 16, 1971.

Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

We had a professor for the Secretary of Agriculture. Look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for the family farmer.

Walter Bushard, Elmer Kuphal, Oliver Kromer, Roger Harbarth, Elmer Kuphal, Ed and Dave Carlson, Melvin Litzau.

Arnold Johnson, Roman Jaus, Dennis Fischer, Robert Kizer, Wallace Benson, Roman Jaus, Melvin Litzau, Roger Harbarth.

Oliver Krommer, Wallace Benson, Walter Bushard, Dennis Fischer, Arnold Johnson, Ed and Dave Carlson, Robert Kizer, Melvin Schuet.

Winthrop, Minn.,
November 16, 1971.
Senator Hubert H. Humphrey,
Senate office Building,
Washington D.C.:

Help use all your influence to stop confirmation of Earl Butz for Secretary of Agriculture.

Harold Groehler, Ray Ludowese, Vern Paulson. Leroy Briest, Arvin Stark, Harlan Lauwagie, Clarence Harbareath.

Gordon Powers, Kenneth Narr, Don Prost, Wilfred Landkammer, John Floot, Kenneth Peschau.

Winthrop, Minn.,
November 16, 1971.
Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

We don't need a repeat of the Benson days. Don't confirm Earl Butz for Secretary of Agriculture. We need a Secretary of Agriculture who will work for the family farmer.

Harvey Stolz, Art Wisch, Maynard Rucks, Kenneth Skaro, Victor Kalbaske, Rueben Jutz, Larry Buche.

Clarence Anderly, Clifford Oakland, Tom Fogerty, Orville Saxton, Emmett Dressen, Al Donney.

Winthrop, Minn.,
November 16, 1971.
Senator Hubert H. Humphrey,
Senate Office Building,
Washington, D.C.:

I protest Nixon's appointment of Mr. Earl Butz as Secretary of Agriculture. It is high time we get some grass roots representation. Please speak out against this appointment. We need help not more hell consisting of these high farm costs and low farm prices.

Sam White, Donald Schiller, Richard Kuphal, Francis Bigoauette, Arnold Land, Robert Rubischko, Ben Kehr, Arnold Hilesheim, Dean Bruns.

Charles Woods, Rueben Nothwehr, Paul Young, Clayton Overson, Kenneth Gleisner, Donald Schiller, and Walter Lehrke.

TRANSACTION OF ADDITIONAL ROUTINE MORNING BUSINESS

By unanimous consent, the following routing morning business was transacted:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. WILLIAMS:

S. 2871. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS:

S. 2871. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

MARINE MAMMAL PROTECTION

Mr. WILLIAMS. Mr. President, in the past century and one-half, more than 200 species of birds, fish, and mammals have become extinct. According to the Department of the Interior, the United States alone accounted for 48 of these species. In 1969, the Department included 78 species on its endangered list. This year, the Department added three more mammals, eight more birds, and 11 more fish to the list of species now threatened with extinction in the United States. Recently, sperm whales and seven other species of cetaceans were included on this list. It should now be evident that cruel and unnecessary killing of animals must be stopped if we are to maintain the delicate balance of nature and preserve the various species of wildlife and marine mammals for generations to come.

What we do not know about ocean mammals is vastly greater than what we do know. The need for a combination of protection, study, and humane management is great and the time for it is now.

Although various laws on water pollution and oil pollution control also indirectly affect the protection of marine mammals, only six Federal laws are specifically concerned or identified with marine mammals.

Recent public outrage over the killing of marine mammals, and in particular the inhumane methods used in the taking of seals, has generated considerable attention in the 91st and 92d Congresses, with the result that a number of bills for the protection of marine mammals are now pending before the Congress.

I am a cosponsor of one of these bills, S. 1315, which would impose an absolute ban upon the taking of such mammals. The bill I am introducing today, the Marine Mammal Protection Act, is similar to one introduced in the House of Representatives by Congressman Anderson of California. My introduction of this legislation is not intended to negate the purpose of S. 1315 and similar legislation, but to offer a suitable alternative, which, while creating a most stringent limitation upon the taking of these animals, also provides the Secretary of the Interior with the authority to issue permits for the taking of marine mammals, if proven to his satisfaction to be necessary.

One exception to this provision is that in order to permit appropriate study for a period of 10 years following enactment, no permits shall be issued for commercial taking of any marine mammal except in accordance with sections 103(e) and 110 of the act.

The bill also establishes an independent three-man Marine Mammal Commission composed of persons who have not been nor are in a position to profit from the taking, processing, or sale of marine mammals.

A major provision of my bill deals with the protection of porpoises and dolphins taken in the course of American tuna fleet operations. There is evidence that porpoises and dolphins are being decimated because of commercial fishing practices. Many commercial fishermen use highly efficient purse seines—nets—to catch schools of tuna which swim behind and underneath the porpoise schools. The seines trap porpoises as well, and many die before they can be released. Our country is responsible for the invention of the purse seine. It is therefore up to us to take affirmative action to stop purse seining in its present form.

The bill I am introducing today provides that no method of commercial fishing shall be employed which is not certified by the Secretary of the Interior as being consistent with the goal of eliminating the injury or killing of porpoises or dolphins incident to the capture of the fish. It further stipulates that the Secretary shall promulgate and regularly update regulations implementing this provision and shall cooperate with other Federal agencies to assist in the development of new technological means of capturing fish in such a way as to eliminate injury or death to porpoises or dolphins. The Marine Mammal Commission shall review the regulations and shall recommend to the Secretary such revisions as it deems appropriate.

Mr. President, I ask unanimous consent to have printed at this point in my remarks, the statement of Mrs. Christine Stevens of the Society for Animal Protective Legislation, before the Subcommittee on Fisheries and Wildlife of the House Merchant Marine and Fisheries Committee's recent hearings on marine mammal legislation. Mrs. Stevens, a strong proponent of adequate measures for the protection of ocean mammals and one who has worked long and hard toward this end, has forcefully pointed out the need for action for the preservation and protection of these animals. She is one of the inspirations of this legislation and her remarks best summarize the problem as well as its solution.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF CHRISTINE STEVENS

The Society for Animal Protective Legislation is deeply grateful to the Chairman and members of the Subcommittee on Fisheries and Wildlife of the Merchant Marine and Fisheries Committee for holding these thorough and extensive hearings on sea mammals, creatures remote from most of us, but having an enormous and unexplained fascination for human beings. The view has been expressed that when the entire story of the evolution of homo sapiens is discovered, some phase will be related to life in the sea. Those mammals which, like ourselves, produce only a single offspring at a time, and which have such remarkably well developed brains are possible candidates for a case of, at the very least, parallel development with our own.

INTELLIGENCE AND CHARACTER OF SEA MAMMALS

Clearly, the dearth of scientific literature on the *living* mammals of the oceans makes all theories purely speculative, but as you have stated, Mr. Chairman, we are dealing with animals "some of whom may be at least as intelligent as man." At these hearings, which are the most interesting I have ever attended, we have learned that sea lions and seals are capable of using the money principle which, heretofore, has, I believe, only been tested on the great apes, man's nearest known relatives. We have all heard of the chimpomat which chimpanzees use to get the grapes they want for the plastic discs they earn, but until the testimony submitted on behalf of the Sea Mammal Motivational Institute, I certainly was not aware that pinnipeds could rival chimpanzees in this respect.

Dolphins and porpoises have been called the intellectuals of the sea, but it would appear that even the lesser brains among the sea mammals outshine the majority of terrestial species.

For a long time the distinction which was supposed to separate man from the other mammals was his ability to use tools. This distinction, like others previously suggested, collapsed in recent times in the face of scientific evidence—evidence of the simplest kind: observation of animals such as chimpanzees and sea otters. At these fascinating hearings we learned that the Southern Sea Otter uses not only the stones with which it has been cracking shell fish on its chest since primeval times, but also pop bottles and beer cans which come to hand so easily today in the ocean's depths as on the face of the earth.

Scientific descriptions of man as "the tool-using animal" remained unchallenged for so long because insufficient observation of animals in their natural environment had been made, and because the use of tools does seem to be an indication of superior intelligence. Certainly, the sea otter qualifies for a rating at the very highest part of any scale which might be drawn up for many of those qualities which we consider most admirable in human beings. To see in the film, "The Sea Otters of Amchitka," a mother sea otter with her enormous pup, seemingly bigger than she at 12 months or more of age, but still, in her eyes, in need of affectionate care, is an experience which encourages one to take an optimistic view of life despite growing evidence for pessimism. This mother works hard, diving for shell fish but never objects when her huge offspring takes the succulent morsel from her mouth. She works. He eats. Finally, he falls asleep, floating comfortably on his back. She preens her fur ready for sleep herself, then thinks she had better take his head up onto her chest. She guards him in his sleep, a marvel of maternal kindness and solicitude.

Do the majority of women who have worn the skins of such creatures as these equal them in tolerance, amiability, devotion and self-sacrifice? Though that question may be better left unanswered, the women who wore these skins in the past may be excused because they did not know what we know now. A question which should be answered, however, is whether the Congress should permit the re-establishment of a luxury fur trade using the skins of animals of this calibre. It is said that the furs they produce are the most beautiful in the world, but what would be the character of the human being who would be willing, knowing the life history and behavior of the typical sea otter, to deck herself in a garment made of sea otter skins?

NEED FOR DEVELOPMENT OF FERTILITY CONTROL IN MANAGEMENT OF SEA OTTERS

We would suggest that in the management of an animal such as the sea otter, the development of techniques to control fertility would be called for in any instance in which it can be firmly established that an otter herd has exceeded the carrying capacity of its range. Such techniques have been developed for the control of pigeon populations in cities and have had limited trials with respect to predator control. They should be expanded for use in the management of sea mammals, especially in areas where undue influence of a commercial nature is likely to be exerted to the detriment of the animals. There is no incentive to apply fertility control unless it is clearly necessary.

COMPOSITION OF MARINE MAMMAL COMMISSION

The point made by Charles Callison of the National Audubon Society concerning the qualifications of individuals to be recommended by the Chairman of the Council on Environmental Quality for appointment by the President to the Marine Mammals Commission is one with which we in the Society for Animal Protective Legislation agree most strongly. Not only do we fear, as he does, that "the fur industry or other commercial and industrial interests whose purpose is exploitation, not conservation" will demand representation on the small, three-man commission, but we fear that some scientists who have what amounts to a vested interest in the killing of sea mammals because of the nature of their specialties and jobs, might exert an unduly great influence. It has been suggested that a broader base which would give the concerned public a substantial voice in decisions should be provided. At the very least, and this is what we would suggest, the qualification for commissioners should be as broad as that specified for the scientific advisory committee (see Recommendations on Contents of Legislation).

STUDY OF FREE LIVING RATHER THAN DEAD OR CLOSELY CONFINED SEA MAMMALS

There is a scientific "new wave" which does not depend upon carcases for its data. The lead article in the August 13th issue of *Science* required no killing of the humpback whales who are its subjects. Because of the importance of this article, I wish to submit it for the use of the Subcommittee. Far more scientific effort should, indeed must, be devoted to the study of the living mammals of the sea in their natural environment. This will require open minds, the putting aside of often repeated techniques which have already yielded the bulk of the information they are capable of eliciting. Some of these techniques have already demonstrated their inherent weaknesses. As Dr. Ray pointed out in previous hearings, the age of all the whales of the world suddenly doubled when scientific views changed. (It is significant that it was a five-year cessation of whale killing during the war which showed the then established scientific data to be off by a factor of 2).

The study of the dead, like the study of close captives, belongs to a period from which we seem at last to be emerging. As the fear of losing the animals, the plants, the air and the water that we have so long taken for granted comes over us, young scientists have appeared to use the scientific method in ways my generation would not have considered or even thought of. This Subcommittee has heard testimony from a few of them, but there are more—some who cannot be located within a reasonable period because they spend much of their time at the bottom of the sea. I would like to quote from the opening of a book by one of these oceanographers, Robert Stenuit, author of *The Dolphin, Cousin to Man*.

TOTAL PROTECTION OF PORPOISES AND DOLPHINS BY ANCIENT GREEKS AND PRESENT DAY RUSSIANS

He quotes from Aesop (600 B.C.), Oppian (Second Century, A.D.), *The New Zealand Gazette*, 1956, and *Isvestia*, 1966. Two of these quotations will convey the idea clearly. Oppian writes: "It is an offense to the Gods to hunt dolphins, and he can no longer approach the Gods to offer a sacrifice nor touch their altars with pure hands, who of his own will has been the cause of the destruction of dolphins. He makes impure even those living under his roof, because the Gods hold the massacre of the monarchs of the depths to be as execrable as the murder of a human." M. Alexander Ishkov, Minister of Fisheries of the U.S.S.R., writes: "The capture of dolphins is henceforth prohibited in all the territories of the Soviet Union. . . . I believe that it will be possible to preserve the dolphins. In the interest of science, their capture should be stopped in all the oceans and seas of the world."

In an illustration following page 144 of the book, the author and a dolphin are shown in a photograph with the following caption: "The teeth of a dolphin could turn him into a dangerous enemy, yet no dolphin has ever attacked or molested a man, even in self-defence. The author here makes a perfectly safe demonstration."

This book tells, too, that the Ancient Greeks set at liberty the dolphins that were caught accidentally in their nets while fishing. Why is our country guilty of the most enormous killing of small cetaceans in the history of the world? Because the use of purse seine nets to save labor in the capture of tuna fish, automatically ensnares the porpoises together with the tuna they run with in the sea. We are informed that during the first four or five years of the use of the purse seines, no organized efforts whatsoever was made to release these friendly, trusting and intelligent mammals from the nets, and an estimated million of porpoises met their death through drowning. The purse-seine technique began about 1958 or 59. The fleet converted to its use in 1959–60, and for years the tuna industry did not even bother to try to let the porpoises who had led them to the lucrative tuna catches go free. Not until they began to recognize that the numbers of porpoises were decreasing so that the industry's ability to find tunafish was also decreasing, did it develop the backing-down technique which saves some of the porpoises. Even with this technique an estimated one quarter of the porpoises are killed in each tuna "set," amounting to approximately 250,000 propoises drowned each year in the name of canned tunafish.

URGENT NEED FOR REFORM OF PURSE SEINING, OUR COUNTRY'S LAST AREA OF GUILT WITH REGARD TO CETACEANS

Our country is responsible for the invention of the purse seine, an unecological triumph of efficiency. Since we thought it up it is up to us to think of a way to get the porpoises out of it and to see that the other tuna-fishing nations do the same. We must go beyond unilateral action to stop purse seining in its present form. The testimony before this Subcommittee to the effect that the problem is virtually solved is not, in the light of the best information we have been able to obtain, accurate. We have been unable to find a realistic solution. We doubt that one will be reached without the expenditure of far greater mental effort and the funds which such effort generally commands on the market. We believe that the bill approved by this Subcommittee should require immediate *new* effort to solve a problem which is paramount in the Marine Mammals Bill. It is the only area in which the United States of America is guilty of active destruction of cetaceans in a manner which is bringing about the extinction of the very species most celebrated by poets and artists, the species who, according to Oppian, renders a man impure if he "of his own will has been the cause of the destruction of dolphins." I repeat this because the tuna industry wants the distinguished members of this Subcommittee to believe that it "loves" dolphins. Of course, the industry loves the way the small cetaceans lead them to the tuna, but the evidence shows that for years they were completely hard-hearted toward the drowning porpoises in their purse seines. If they had any concern at all it was with the cost of the labor of getting the heavy bodies of the dead porpoises out of the nets, not with saving the porpoises lives.

We urge this Subcommittee to put the tunafish industry to the test. If, indeed, the finer nets now being tested will result in the rescue of the porpoises, they have nothing to fear from legislation which requires that tuna, alone, will be taken in the nets and that no ocean mammals will meet death in the course of purse seining. If, however, these nets are not the answer, then the industry and our government must expend the necessary funds to return our country to a position which the Ancient Greeks could have respected.

CRUEL WAYS OF KILLING SEALS IN OTHER COUNTRIES

Porpoises are not the only sea mammals being caught in nets and slowly drowned. And it is important to remember that the drowning of a sea mammal is far, far worse than the drowning of a terrestrial mammal. Since these creatures can remain below the surface for so long a time, the terror which people who have almost, but not quite drowned describe would be drawn out in a horrible manner. We are informed that seals are being caught in nets along the coasts of Newfoundland, Labrador and the Gulf of St. Lawrence and drowned. Massive shooting of seals at long range, which we have so fortunately avoided in our country takes place every year both in the Gulf of St. Lawrence and on the so-called "Front" just beyond Canadian jurisdiction. Nor are most of the Canadian land based sealers regulated. They reportedly rush out with any kind of a stick they may pick up to club effectively or ineffectively the baby seals which they then skin.

Dr. Harry Lillie described the slaughter in 1964 as follows: "The baby seals, helpless on the ice, are knocked on the head with gaffs, rough cut wooden staffs. This properly done involves no suffering and there is no other satisfactory humane method, but sometimes men will just daze the young seals with a kick before cutting the bodies out of the fat and skin. Later in the season when the babies have taken to the water at three weeks to a month, the adult seals gather on the ice to moult. They are then shot from a distance with rifles, involving great cruelty and waste, many escaping badly wounded to die under the ice. Losses have been as high as two lost for every one secured and I have seen as many as five blood trails leading off one single ice floe with not one seal recovered."

Since that time international publicity has been focussed on the killing of baby seals, and Fisheries Officers have been sent out to supervise the killing of the seals on Canadian ice floes. Major improvements have been made in the killing of seals under their jurisdiction; however, large numbers are killed in areas where there are no Fisheries Officers.

There are thus three inhumane methods whereby the skins of immature and mature harp and hood seals are being obtained outside the jurisdiction of the United States: 1) shooting of adult seals, many of whom are only wounded and die slowly, 2) ineffective stunning of baby seals where no Fisheries Officers are on duty, and 3) netting of seals who are killed by drowning, a slow and terrifying process for an ocean mammal.

EXTREME AGONY OF WHALES CAUSED BY EXPLOSIVE HARPOON

Even more horrifying as a method of killing is the explosive harpoon which is universally used by the whaling industry. As the film, "Thar She Blows" so explicitly shows, the explosive harpoon causes appalling suffering. The narrator points out that it seldom kills with one shot. "Sometimes a whale drags the boat all over the ocean before the gunner can finish him off." We see two and three harpoons being sunk into the same whale. The grenade goes off within the body of the whale, causing excruciating pain. I hope the Subcommittee will be able to see the closing few minutes of this film in which the narrator reports that the whales "encircled their wounded brother as if to protect him." Their noble actions did not spare them—instead, the killing of these great animals is described as a "jackpot climax."

DISHONESTY AND SECRECY IN INTERNATIONAL WHALING

It is interesting to note that, although the film does not credit the Panamanian government or Aristotle Onassis, the name "Olympic Explorer" can be plainly read on the side of one of the vessels. The terrible history of the Olympic Whaling Company is briefly summarized on pages 165–171 of The Blue Whale by Professor George Small (Columbia University Press, 1971) and I would submit copies of these pages for use by the Committee. They describe how the factory ship, *Olympic Challenger*, hid behind an iceberg when discovered about to retrieve the carcasses of humpback whales killed in violation of the regulations of the International Whaling Commission. "The International Whaling Commission had no power to enforce its regulations; it could only formulate them and lament infractions. But national governments can enforce laws, and one of them did so with a vengeance. On November 15 and 16, 1954, units of the Peruvian navy and air force bombed and machine-gunned ships of the *Olympic Challenger* expedition for operating within 200 miles of the Peruvian coast. Five of the vessels were taken to port and detained for weeks until a fine of $3 million was paid. The Peruvian action only temporarily halted the operations of the fleet. Shortly thereafter, the *Olympic Challenger* sailed for the antarctic." There, as reported by Professor Small, "The entrails of baby whales were processed in cooker No. 8 on the *Olympic Challenger* before being jettisoned. Unprocessed baby whale entrails would float for some time and be evidence of illegal whaling."

The Federation of Norwegian Whaling Companies took court action to seize oil and ships of the Olympic Whaling Company. According to Small, "The corporate legal battle that followed was conducted for the most part in secret. No trials were held. Anders Jahre representing the Norwegian companies and Onassis representing the Olympic Whaling Company reached a private settlement. The Norwegians paid $1 million and the Olympic Whaling Company paid $3 million to a special fund for the Norwegian Whaling industry. This special fund was used to construct a luxury hotel with office space for the Association of Norwegian Whaling Companies in Sandefjord, Norway." Thus were the whalers settling their differences with the usual secrecy while the public continued naively to suppose that the International Whaling Commission was protecting the whales.

The secrecy surrounding whaling suggests guilty consciences, and the secrecy is intense. The whaling companies in Japan and Norway from whom Professor Small sought financial information were unwilling to provide data. The Japanese described it as "highly confidential." No information at all is available from the U.S.S.R. on the subject. The International Whaling Commission itself meets behind closed doors whenever it is making decisions on how many whales to kill, and shuns publicity, as well it may, for now that it is, at last, receiving the attention of the press, the comments are unanimously unfavorable.

THE INTERNATIONAL WHALING COMMISSION, A HORRIBLE EXAMPLE

The International Whaling Commission exemplifies everything that we hope the Commission proposed under H.R. 10420 will not be. It is industry-dominated, yet is able to hide behind its scientific advisors who, despite the fact that their views are often ignored by it, doggedly defend it in public. Industry with a scientific veneer is a dangerous enemy of true conservation. The International Whaling Commission is a classic example of wildlife management gone wrong, and I would suggest that anyone who defends this travesty be automatically disqualified from serving on the Commission or scientific committee proposed in H.R. 10420. If our country should have the misfortune to create a minature I.W.C. to decide the fate of marine mammals, then these hearings would have been in vain, and we would be moving backward rather than forward.

I went to visit the headquarters of the I.W.C. in London earlier this year and was shown into a narrow office crammed with stacks of reports. Certainly, no one could complain that spendthrifts were in charge. It is hard to envision the casual payment of fines of millions of dollars by companies supposedly controlled in this cramped and shabby room with its single youthful occupant. The result of my visit was a letter informing me that I would not be permitted to attend as an observer at the Commission's meetings in Washington this June.

NEED FOR A COMBINATION OF PROTECTION, STUDY, AND HUMANE MANAGEMENT

Mr. Chairman, there has been an attempt to emphasize the difference in views of the so-called "pure protectionists" and the wildlife managers. This is regrettable. Both groups, however determined that they have a monopoly on being right, could adopt a good deal of each other's philosophy to the advantage of the animals. In this age of polluting and over-harvesting of the food on which ocean mammals are dependent, and at a time when the passion for motor boats is known to be endangering the manatees and Southern Sea Otters, how can the pure protectionist turn his back on studies of the conditions under which the animals live and have to seek their fortune? The propeller wounds we were shown on the back of the manatee in Dr. Hartman's slide must have been very painful, and he stated that the chief source of manatee mortality is speeding motor boats. The manatee already has total protection by state law, and certainly federal law should give it total protection, too. But it needs more than that. The studies of scientists like Dr. Hartman should be continued and fostered under the Act which the Subcommittee approves. We should continue to learn about the condition of the mammals of the sea, and the great bulk of these studies should be performed without killing the animals.

Here is the place where traditional management techniques need modification in dealing with these most remarkable of mammals. The survivors of a gruelling evolutionary process which enables airbreathers to spend so much time in another element simply cannot be treated as units in a ledger of profit and loss, as targets for the marksman, as readily expendable exhibits, or subjects of lethal experiments.

Management practices which are known to be detrimental to the animals, such as the flipper-tagging of seals which has proven to contribute to a high mortality of the tagged animals, should not be continued. Humane substitute methods of marking should be used if available, developed if not available.

Where studies of dead animals are needed, and they are essential in assessing the effects of pollution, the use of recovered carcasses as described by Judson Vandevere of Hopkins Marine Station of Stanford University should be encouraged.

Observation of living sea mammals may be difficult, but it is not impossible, and it has never led to the disastrous mistakes made by the whaling scientists whose data collection was from dead animals only. Professor Small documents on pages 27–32 of *The Blue Whale* the total confusion surrounding the "knowledge" of the whales' ages. "The specific knowledge of age at sexual maturity was attained when its commercial life was 95.2% over. In other words, by the time the Japanese scientists confirmed Ruud's findings, 95.2% of all the blue whales taken in the history of antarctic whaling had already been killed." What brought about the discovery that blue whales cannot breed at age two, as prestigious whaling scientists had caused everyone to believe? *An enforced moratorium caused by the second world war.* "When whaling was resumed in 1945 it was quite evident that the stock of blue whales had not increased significantly. There were fewer very young blue whales but evidently those born early in the war had made no contribution to the population. Sexual maturity at age two was obviously wrong." This monumental error of whaling scientists undoubtedly contributed to the pathetic status of the blue whale (estimated at 600 to 3,000 individual animals) today.

LACK OF KNOWLEDGE ABOUT OCEAN MAMMALS AND THEIR VALUE TO MAN AS TEACHERS

These hearings have demonstrated that what we don't know about ocean mammals is so vastly greater than what we do know, that the potential value of the different species may well be enormous, not in terms of fur or meat or oil, but in terms of each one's special adaptations, particular form of intelligence, peculiar abilities in dealing with life in an element where man is at a great disadvantage.

The polar bear, a creature about whose travels scientists continue to argue, is probably the teacher of the first men to live in the arctic. In *The World of the Polar Bear* (University of Washington Press, 1966) Richard Perry describes (page 20) the mother bear's den. "The passage, which slopes slightly upwards, preventing the warmed air of the interior escaping, leads over a low separation wall into a spacious oval-shaped chamber about six feet long and four feet wide. A polar bear's den is clearly the prototype of the Eskimo's iglooviuk or snow house. . . . More elaborate dens have been described. One on Svalbard was divided into two chambers, each ten feet long and five feet wide, connected by a narrow passage. One chamber had apparently served as birthplace and sleeping place, the other as a playroom for the cubs."

It took a long time for zoos to pay sufficient serious attention to what the mother bear did for herself in the wild to realize that they must supply heat and privacy for her and the newborn cub if cubs born in captivity were to survive. These are such elementary observations that it is startling to learn that they were not made for many years. Actually, it is only one more example of what I believe to be the prime cause for so much ignorance, so many mistakes, and failure to see the obvious: that is, lack of respect for and appreciation of the capabilities of non-human mammals, especially sea mammals.

It is my hope that these hearings and the legislation developed from them will establish the mammals of the sea as deserving of attention in their own right, and as potential teachers of men, not as rugs and grease for cars and food for mink. If such respect animates scientific studies concerning them, these studies will be far more fruitful in advancing our civilization.

Questions concerning the relationship between Eskimos and marine mammals have been raised several times at these hearings, but little has been said about the knowledge which might still be acquired from Eskimos concerning these animals. For example, Richard Perry in *The World of the Polar Bear* notes that the Chukchee people claim to be able to differentiate between the bears which permanently inhabit their coasts, and the oceanic visitors which reach them on the drift-ice. We badly need acute observers of sea mammals whose experience and life style has accustomed them to make close and careful observations in all kinds of weather, to look, and listen intently. Provided with appropriate equipment, such Eskimo observers would photograph with precision and artistry for documentary purposes. Such work is worthy of the most able and dignified persons both young and old, and if adequately financed by our government and carried out under the supervision of a broadly constituted Commission with a genuine interest in the development of knowledge and understanding of marine mammals, I believe it would result in the acquisition of important scientific knowledge which would be exceedingly difficult to obtain by other means.

We need to get away from "establishment'" attitudes, Mr. Chairman, if we are going to learn about marine mammals and the ecological relationships in the oceans about which they are so eminently well-fitted to inform us. The appropriate employment of Eskimos as observers of the *living* animals is one practical way to do this.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2871

A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they can be shown to withstand mortality caused by pollution, accidents and natural causes, and measures should be immediately taken to replenish any species or population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, marine mammals; and

(5) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected to the greatest possible extent commensurate with sound policies of resource management.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "marine mammal" means any seal, whale, walrus, dugong, manatee, sea otter, sea lion, polar bear, porpoise, or dolphin.

(2) The term "population stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "take" means to harass, hunt, capture, or kill, or attempt to harrass, hunt, capture, or kill any marine mammal;

(5) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908,, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

PROHIBITIONS

SEC. 101. (A) Except as provided in sections 102, 107, 108, 109, and 110 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel to take any marine mammal in waters under the jurisdiction of the United States or on land appurtenant thereto;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this section; and

(4) for any person to engage in any of the following acts with respect to marine mammals or parts of marine mammals (including raw, dressed, or dyed fur or skins) taken in violation of this section after the effective date of this title:

(A) possess any such mammal or part thereof, or transport, sell, or offer for sale any such mammal or part thereof in interstate commerce.

(B) Except as provided in Sections 102, 107, 108, 109, and 110 of this title, it is unlawful, notwithstanding any other provision of this Act, for any person to import any marine mammal or parts of marine mammals (including raw, dressed or dyed fur or skins) into the United States.

LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, after notice and opportunity for public hearing, shall prescribe such limitations with respect to the taking of each species of marine mammal (including limitations on the taking of individuals within population stocks) as he deems necessary and appropriate to insure that such species or population stock within waters under the jurisdiction of the United States—

(1) is not threatened with extinction, disappearance, or undue attrition whether by natural or manmade causes;

(b) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(c) Before prescribing any annual quota under paragraph (1) of subsection (b) of this section, the Secretary shall, in addition to any other requirements imposed by law with respect to agency rulemaking, publish and make available to the public—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed quota on such species or population stock; and

(3) any studies made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such quota.

(d) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

PERMITS

SEC. 103. (a) The Secretary may issue permits, after notice and opportunity for public hearing, which authorize the taking of any ocean mammal, except that in order to permit appropriate study for a period of ten years following the effective date of this title, no permits shall be issued for commercial taking of any marine mammal except in accordance with subsection (e) of this Section and Section 110 of this Act.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken.

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

(c) The Secretary may modify, suspend, or revoke in whole or part the terms and conditions of any permit issued by him under this section—

(1) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, and

(2) in any case in which a violation of the terms and conditions of the permit is found. Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation.

(d) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

(e) Upon the effective date of this title, no method of commercial fishing shall be employed which is not certified by the Secretary as being consistent with the goal of eliminating the injury or killing of porpoises or dolphins incident to the capture of the fish. The Secretary shall promulgate and regularly update regulations implementing this subsection, and shall, in cooperation with other Federal agencies, undertake to assist in the development of new technological means of capturing fish in such a way as to eliminate injury or death to porpoises or dolphins. The Marine Mammal Commission, established pursuant to title two of this Act, shall review the regulations promulgated pursuant to this subsection and shall recommend to the Secretary such revisions of these regulations as it deems appropriate, with regard to the protection of porpoises and dolphins.

(f) The Secretary shall prescribe such procedures as may be necessary to carry out this section, including the manner and form in which application for permits may be made and the information which should accompany with an application to enable the Secretary to review and evaluate the proposed taking. Such information must include conclusive proof that no harm will be caused the population stock if a permit is issued.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or any regulation issued thereunder may be assessed a civil penalty by the Secretary or not more than $5,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court may review the violation and the assessment of the civil penalty de novo.

(b) Any person who knowingly violates any provision of this title or any regulation issued thereunder shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both.

FORFEITURE

SEC. 105. (a) Any vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this title, including its tackle, apparel, furniture, appurtenances, cargo, and stores, shall be subject to forfeiture and all marine mammals or parts thereof, taken or retained in violation of this title or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary, and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, or the proceeds from the sale thereof, and remission of mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

SEC. 106. (a) The Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title.

(e) Such person so authorized may—

(1) with or without warrant or other process, arrest any person committing in his presence of view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel and to arrest such person;

(3) seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals or parts thereof taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

EXCEPTIONS

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal by Indians, Aleuts, or Eskimos who dwell on the coasts of the North Pacific or Arctic Oceans if such taking (1) is done solely in accordance with customary traditions as an adjunct of the native culture, and (2) is not done for purposes of direct or indirect commercial sale or resale. The provisions of this title shall apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking marine mammals, or who are under contract or agreement to deliver the skins of any marine mammals to any person.

(b) (1) Nothing in this title shall prohibit any person deemed qualified by the Secretary from obtaining written consent from the Secretary to capture on his own account and in a humane manner any marine mammal for (A) public display or educational purposes, or (B) for legitimate scientific or medical research, if such public display, educational purpose or research is proved to the satisfaction of the Secretary to be necessary.

(2) The Secretary shall by regulation specify the methods of capture, supervision, and transportation applicable in the case of marine mammals captured under the authority of this subsection. Such regulations shall further assure that such mammals so captured will thereafter be cared for in a humane manner.

(3) Any person authorized to take a marine mammal under this subsection shall be required by the Secretary to furnish a report on his activities pursuant to such authority. Such report shall be made to the Secretary as soon as practicable after the close of any expedition made for the purpose of such taking, whether or not any marine mammal was taken during such expedition.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, in cooperation with the Secretary of State and other appropriate Federal officers and agencies, shall develop an international program for the protection of marine mammals and shall take every possible step to encourage the adoption of international arrangements which would be appropriate for effectuating such program.

COOPERATION WITH STATES

SEC. 109. The Secretary is authorized and directed to develop cooperative arrangements with the appropriate officials of the several States for the conservation and protection of marine mammals. Such arrangements shall prescribe the circumstances under which marine mammals which pass through or reside within the territorial waters of any State may be taken, and any marine mammal taken within the scope of such cooperative arrangements shall be demed to have been lawfully taken within the meaning of this title.

NORTH PACIFIC FUR SEAL CONVENTION

SEC. 110. The Secretary shall undertake an immediate review of the current activities involved in the taking of fur seals on the Pribilof Islands for the purpose of determining whether such activities are consistent with the purposes and policy of this Act. If, as a result of such review, the Secretary determines that such activities should be significantly curtailed or terminated, then during the time commencing with the date of such curtailment or termination and ending on the date of the expiration of the International Convention for the Conservation of North Pacific Fur Seals, Japan and Canada, for each annual period occurring within such time, shall each be given the opportunity to select one of the following options in lieu of receiving the fur seal skins to which such country would otherwise be entitled—

(1) the average dollar value (based on the average dollar value received for fur seal skins during the five-year period immediately preceding such date of curtailment or termination) of the fur seal skins to which such country would otherwise be entitled during the annual period concerned; or

(2) Nine thousand fur seal skins, to be shipped directly to such country from the Pribilof Islands.

In any case in which Japan or Canada elects to take the skins, under clause (B) of the preceding sentence, the killing of the seals shall be done in the manner prescribed by the Secretary taking into account the desirability of preserving and improving the genetic stock of the Pribilof herd of seals. This section shall be interpreted so as to give maximum effect to such Convention.

REGULATIONS

SEC. 111. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

APPLICATION TO OTHER LAWS AND CONVENTIONS

SEC. 112. The provisions of this title shall be deemed to be in addition to the provisions of any other law, treaty, or convention which may otherwise apply to the taking of marine mammals.

APPROPRIATIONS

SEC. 113. There are authorized to be appropriated such sums as may be necessary to carry out this title.

EFFECTIVE DATE

SEC. 114. This title shall take effect one hundred and eighty days after the date of its enactment.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of three members who shall be appointed by, and serve at the pleasure of, the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology or marine mammals affairs, who have not been nor are in a position to profit from the taking, processing or sale of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission may each be compensated at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a comprehensive review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review and study of the condition of the stocks of marine mammals, of methods for their management, including the development of methods of fertility control, and of humane means of taking marine mammals;

(3) undertake or cause to be undertaken such studies, in particular those which can be conducted on living sea mammals free in their natural environment, as it deems necessary or desirable for determining the need for additional measures for the protection and management of marine mammals;

(4) recommended to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommended to the Secretary such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(6) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The activities of the Commission, and the reports and recommendations which it makes, as well as all comments and correspondence in regard to such reports and recommendations, shall be matters of public record and shall be available to the public at all reasonable times. The Commission shall furnish to the Council on Environmental Quality copies of any such reports, recommendations, and related comments that are made by Federal, State, or local agencies.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within ninety days after receipt thereof. Any recommendations which are not followed or adopted shall be rereferred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Science, and the Secretary of the Smithsonian Institution. The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, and any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to Congress with a written explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a comprehensive description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by the Commission pursuant to section 202, together with the responses made to its recommendations by the appropriate Federal agencies.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and other efforts in carrying out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private, including the Committee; and

(4) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000.

SENATE RESOLUTION 196—SUBMISSION OF A RESOLUTION COMMENDING THE CHAIRMAN AND MEMBERS OF THE FEDERAL POWER COMMISSION

(Referred to the Committee on Commerce.)

Mr. BELLMON. Mr. President, I submit today for myself, the Senator from Wyoming (Mr. HANSEN), and the Senator from Alaska (Mr. STEVENS), a sense of the Senate resolution to commend the chairman and members of the Federal Power Commission.

This Nation uses more energy than any country in the world. For the past 5 years clean-burning fuels have been in increasing demand. Natural gas, a commodity once in abundant supply, is such a fuel. Over the past 3 years, our country has produced and used more natural gas than was added to reserves during the same period.

The cause for this situation arose from a system of price regulation imposed on the natural gas industry in the 1950's. While other energy-producing fuel prices continued to increase, natural gas has been held to an inordinately low-price structure. Because of its low price and its clean-burning energy source, the demand for this commodity has risen sharply.

Now our Nation is beginning to face what could be a tremendous shortage of energy. More and more suppliers of natural gas and electricity, which is largely produced by burning fossil fuels or natural gas, have announced that they are no longer able to commit their energy for other than single-family purposes.

Mr. President, the actions over the past months by the Federal Power Commission indicate that they are aware of the problems resulting into the low price of natural gas and are continuing to work toward providing an adequate pricing structure to encourage development and exploration of more reserves.

The resolution (S. Res. 196) reads as follows:

S. RES. 196

Whereas the United States has been producing and using more natural gas than has been added to reserves for the past three years, which has resulted in numerous turndowns of additional service requests because of an inadequate supply, and

Whereas an inadequate supply of domestically produced natural gas will result in an unnecessarily high cost of energy to the consumers of the United States, and

Whereas the Chairman and members of the Federal Power Commission have been working to provide more incentives to improve the natural gas supply position of the United States, Now, therefore, be it

Resolved, That the sense of the Senate is that the Chairman and the members of the Federal Power Commission be commended for their efforts to increase the supply of Natural Gas and that they be encouraged to continue in their efforts to provide better incentives for exploring, drilling, producing, and transporting natural gas to consuming areas.

REVENUE ACT OF 1971—AMENDMENT

AMENDMENT NO. 703

(Ordered to be printed and to lie on the table.)

Mr. GAMBRELL. Mr. President, I am submitting an amendment to the amendment of the distinguished Senator from Rhode Island (Mr. PASTORE), and others—Amendment No. 692—to H.R. 10947, the Revenue Act of 1971. I ask unanimous consent that my amendment be printed in full at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 703

On page 26, after line 25, insert the following new section:

"Sec. 1012. Notwithstanding any other provision of law, no candidate of a major political party shall be eligible to receive any payments under Sec. 1006 hereof unless nominated by a political party whose national committee shall be composed of members of such party who are selected from the several states, at not less than two-year intervals, by the democratic process, and unless such members are fairly apportioned among the several states. One individual may represent more than one State on any such committee, and more than one individual on such committee may represent the same state, so long as the constituency of each such individual shall be fairly apportioned.

Section Two. Definitions:

(a) "National Committee" means any organization which manages the affairs of a political party when said party is not meeting in a national convention to nominate candidates for President and Vice President of the United States. If such management responsibility resides in, or is delegated to more than one committee or organization, each such committee or organization shall be deemed to be a "national committee".

(b) "Democratic process" means:

(1) Election by members of the public in the constituency who are eligible to vote in federal elections;

(2) Election by members of the political party in the constituency, if such election is conducted in a manner which protects equally the opportunity of each member of said party who is eligible to vote in federal elections to participate in the election process; or

(3) Selection by a caucus, committee or convention of a political party if such caucus, committee or convention shall have been fairly apportioned and if the members of such caucus or committee or the delegates to such convention were selected in a manner which protects equally the opportunity of each member of such party, who is eligible to vote in federal elections, to participate in the process by which such members or delegates are selected.

(c) "Members" shall mean persons who are deemed to be such under applicable law, or party rule adopted pursuant to law.

(d) "Fairly apportioned" shall mean proportionately equal apportionment to geographic areas or districts in accordance with either:

(1) Population of the total constituency, or

(2) Enumeration of party constituents within the total constituency.

(e) "Enumeration of party constituents" shall mean the average number of electors who have voted for candidates of such party in the most recent contested general elections for the President of the United States, and for United States Senator and Governor (if there have been such elections), during not less than the previous six years, and giving equal weight to such electors in each of such elections.

(f) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Canal Zone.

Mr. GAMBRELL. Mr. President, the purpose of my amendment is to encourage more democratic participation in the affairs of the major national political parties. My amendment would require that the two principal national political parties have democratically selected and fairly apportioned national committees in order for their candidates for President to qualify for campaign financing under the Pastore amendment.

On July 14, of this year, I introduced a bill identified as S. 2265, to provide for the fair and equitable apportionment of delegates to conventions held for the purpose of nominating candidates for the offices of President and Vice President, and for other purposes. My statement in connection with the introduction of S. 2265 is found in the CONGRESSIONAL RECORD for July 14.

The amendment which I am offering today carries forward a portion of that proposed legislation. I ask unanimous consent that my statement on July 14 along with a copy of the "National Political Conventions Act" which I introduced at that time, be included in the RECORD at the end of my remarks today.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 1).

Mr. GAMBRELL. Mr. President, what I stated on that occasion is equally applicable to the proposal which I offer today.

Our National Democratic Party has gone through a process of reform with respect to its convention delegates, and these reform procedures are being imposed on State democratic organizations throughout the country. There is absolutely no reason why similar reforms should not be imposed upon the national committees of our two major political parties in this country. The principal political organs of our National Government would become more responsive to public sentiment, and would have fewer of the attributes of manipulated political machines.

My amendment simply provides that, in order to participate in funds available for national presidential campaigns under the Pastore amendment, a candidate for President must have been nominated by a party whose national committee is fairly apportioned and selected by a democratic process.

"Fairly apportioned" means apportionment among the States, either by population, or by party constituency—measured by voting strength of presidential, senatorial, and gubernatorial elections.

"Democratic process" means election by the public, or by members of the political party, or by a convention which is fairly apportioned. In every case, a full opportunity must be given for participation by all persons eligible to vote in Federal elections.

These are substantially the same reforms as have been adopted by the National Democratic Party for the selection of delegates to its national convention. There could hardly be objection to adopting the same requirements for its national committee as are made for its national convention.

I call on all of my colleagues to support this political reform which should inspire public confidence in the activities of national political parties.

EXHIBIT 1

NATIONAL POLITICAL CONVENTION ACT

Mr. GAMBRELL. Mr. President, approximately 1 year from today the Democratic National Convention will assemble at Miami Beach, Fla., for the purpose of nominating the candidates of that party for the offices of President and Vice President of the United States and the adoption of that party's campaign platform for the presidential elections in 1972. Shortly after that convention, the Republican National Convention will meet for similar purposes.

While both meetings may appear at this time to be a safe distance off, within which any needed imperfections in their makeup can be identified and disposed of, we all recognize that actually the time is very short in terms of the time required to effect reforms and adjustments in a national political institution. The processes of delegate selection are now in the process of formulation within both national political parties, and the actual election or selection of delegates will commence shortly after the first of January 1972, now only a few months away.

Recent developments affecting both of our national political parties, as well as experiences at both party conventions in the past, lead me to conclude that certain basic reforms should be established as a matter of national policy for all national political parties, and should be inserted into the presidential nominating system at the earliest possible time.

There may have been a time when these conventions were the private affair of the political upper crust of this country. Other than the names of the nominees and the party's platform, what took place at the convention was little known and understood by the average citizen, and was thought by many political leaders and citizens alike, to be no business of the average man.

With the advent of television, and a better informed, and I might say more concerned citizenry, national political conventions have become a better understood mechanism in our system of government. Unfortunately, what these conventions have become known for and understood to be, is, on the one hand, a cut and dried performance with a predetermined grand finale or, on the other hand, a raucous public spectacle more akin to a cowboys and Indians movie. In either event, the citizen back home hardly has the impression of the serious business of selecting the leadership for the most powerful country in the world, through the orderly workings of a democracy.

In my judgment, the serious and concerned citizens of this country, especially its young people, want to be accorded a full and fair measure of participation in national political conventions, and want these conventions to be conducted on a fair and orderly basis, free of hypocritical showmanship and political opportunism.

Also, in my judgment, the establishment of a clear national policy for fair representation to all citizens at such conventions, with delegates who are selected on a democratic basis will reduce to a minimum the problems of internal and external disorder at these conventions.

It is with this in mind that I have today introduced a bill to be called "The National Political Parties and Conventions Act of 1971." The purpose of the bill is to provide all persons, States, and sections of the country with an equal opportunity for participation in the national conventions and the management of national political parties.

The act provides:

First. For apportionment of delegates to national political conventions among the States represented, on a one-man, one-vote basis, in accordance with total population.

Second. For the apportionment of national committee membership on the same basis.

Third. For the selection of national convention delegates and national committee members by democratic processes.

Fourth. For uniform enforcement of national convention rules among delegates and delegations.

Fifth. That bribery of a convention delegate shall be a felony.

The apportionment, and the processes of selection, of national committee members, and national convention delegates, have been the subject of increasing controversy affecting both political parties. Both the Democratic and Republican Parties are defendants in pending litigation respecting the apportionment of convention delegates. Lower Federal courts have given conflicting answers as to the requirements of law regarding the such apportionment. One can hardly predict with any feeling of certainty what the ultimate answer from the courts might be, and when it will be forthcoming. However, I think it is safe to say that courts will only tell us what is permissible in this respect, but will fail to give any positive guidelines, so that the ultimate question, unless settled by Federal legislation, will continue to irritate and disrupt the proceedings of both parties.

And what is true with respect to the apportionment of delegates at national conventions, is true, and possibly more of an irritation, in regard to representation on the national committees of our national political parties, which control the affairs of these parties in the four year interims between conventions.

The yardstick for apportionment of delegates and national committee members which I have suggested, the one-man, one-vote measure based on total population, is one which is distinctly fair and equal, easy to administer, and one which will keep our national political parties broadly representative, rather than being continually narrowed and self-centered in their points of view.

The requirement of democratic processes, either by primaries or by truly representative conventions, should also be a matter of unequivocal national policy.

It might be said that the subject matter of this bill is the private province of the parties themselves, to be settled within the four walls, to the satisfaction of those who wish to play a major part in party activity. The adoption of this attitude would be to ignore the lessons of recent history in this country which reject the ideas that political party activities are the exclusive playgrounds of public and party officers, and that the people are satisfied to accept whatever political fare may be yielded by the existing system.

There is a broad movement within the country to reform our political parties and political institutions. The reapportionment decisions of the Supreme Court and other Federal courts are well known, and the principle of one-man, one-vote in a representative democracy has become a constitutional mandate. The Supreme Court has also, for many years, recognized that nominating processes which are sanctioned by State law are subject to Federal regulation under the 14th amendment of the U.S. Constitution. The provisions of this bill do not intrude unduly upon the internal affairs of any political party. They simply establish broad guidelines assuring equality and fair play in the nominating and the governing processes.

The National Democratic Party, and many State democratic parties, including that of my own State of Georgia, are in the process of reforming their own rules and procedures. The requirements of a democratic method of delegate selection is one of those which has been adopted by the National Democratic Party.

As chairman of the State democratic party in Georgia I had the opportunity of instituting a complete overhaul of our State party organization, including the processes of national convention delegate selection. What is proposed in this bill is entirely consistent with what is being done in Georgia, and what is being done in the National Democratic Party.

I am not familiar with the organization, structure, nor the delegate selection processes of the National Republican Party. However, I do not see how the Republican Party, or any of its leaders, could possibly disagree with the requirements of this bill if they believe in the democratic process, fair representation, and equal protection of the law.

Other provisions of the bill assure that convention rules and procedures will be clearly established in advance, will be uniformly applied, and strictly enforced. Many times in the past, delegations selected for a convention in good faith, have been excluded from participation under rules, and political compromises developed on the convention floor. The certain knowledge that rules will be equally and uniformly enforced throughout the convention, will further minimize the possibility of disorder and adverse public reaction.

Finally, the introduction of completely democratic processes of delegate selection is very likely to result in the selection of many "little people" and those without previous political identification. If these conventions are to be responsive to public sentiment, and are to gain in public confidence and respect, the selection of such persons is very much to be desired. However, there may be some temptation upon powerful political and economic forces to bring pressures on these independent convention delegates contrary to their own principles, and contrary to the wishes of their constituents. For this reason, the proposed bill makes bribery of a convention delegate a felony, and imposes severe criminal penalties as a means of avoiding corrupting influences in connection with convention activities.

Mr. President, it goes without saying that I believe that legislation of this type is urgently required in the public interest. The average American intensely wishes to have a meaningful part in the selection of his party's candidate for President, and in the establishment of its policies. In viewing the proceedings of our national political parties and conventions, he has a haunting feeling that things are not right, but also feels helpless to do anything about it. These important considerations should not be left to the inadequate processes of the court system to be worked out, and the citizens should not be relegated to "political remedies" which he is powerless to effect. By adopting the simple guidelines set forth in this bill, the average American citizen is put back in the driver's seat in the political affairs of this country, each on an equal basis with the other. Surely no one will quarrel with an objective such as that.

I plan to submit this proposal to the leadership of both parties, and invite any Member of the Senate, of either party, to join me in cosponsoring this bill.

In any event, I hope that those in charge of such matters, will see that the bill receives prompt and thorough consideration. A delay of more than several months in its enactment, is in effect to defer these vital reforms for at least another 4 years.

Mr. President, I send the bill to the desk for appropriate reference and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2265

A bill to provide for the fair and equitable apportionment of delegates to conventions held for the purpose of nominating candidates for the offices of President and Vice President, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Conrgess assembled, That this Act may be cited as the "National Political Conventions Act."

DECLARATION

SEC. 2. The Congress finds that conventions held by national political parties for the purpose of nominating candidates for the offices of President and Vice President constitute an integral part of the process by which such officers are chosen by the people of the United States. It is the purpose of this Act to provide equal protection of the laws and due process of law in that process by requiring that delegates from the several States to such conventions be apportioned among the several States on a fair and equitable basis, by requiring the composition of the national committees of such parties to reflect fairly the distribution of population among the several States, by requiring the promulgation, within a reasonable time before each such convention is held, of the rules under which such convention shall be conducted, and otherwise to improve and protect the integrity of the convention nomination process.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "national political party" means a political party members of which were candidates for election as electors of the Presi-

dent on the official ballot of more than 19 States in the most recent election held for the election of presidential electors;

(2) "national committee" means the organization which manages the affairs of a national political party, or, if such responsibility resides in or is delegated to more than one committee or organization, each such committee or organization;

(3) "democratic process" means—

(A) election by the members of the public who are eligible to vote in Federal elections;

(B) election by members of a political party, if such election is conducted in a manner which protects equally the opportunity of each member of such party, who is eligible to vote in Federal elections, to participate in the selection process; or

(C) selection by a caucus, committee, or convention of a political party if the members of such caucus or committee, or the delegates to such convention, were selected in a manner which protects equally the opportunity of each member of such party, who is eligible to vote in Federal elections, to participate in the process by which such members or delegates are selected;

(4) "convention", except as used in paragraph (3), means a convention held by a national political party for the purpose of nominating candidates for election to the offices of President and Vice President; and

(5) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Canal Zone.

APPORTIONMENT OF CONVENTION DELEGATES

SEC. 4. (a) Each national political party which meets in convention shall apportion delegates to such convention among the States represented there on the basis of the population of such States as determined by the most recent decennial census.

(b) Each such party shall require that—

(1) delegates be selected by a democratic process;

(2) not more than 20 percent of the delegates from any State shall be chosen from such State at large; and

(3) not less than 80 percent of the delegates from any State shall be chosen from, and by residents of, districts within such State—

(A) the population of which is not in excess of the average population of the districts within such State from which Members of the House of Representatives may be elected; and

(B) which are substantially equal in population.

(c) Any delegate chosen from a district from which a Member of the House of Representatives may be elected shall be held and considered to have been chosen in accordance with the provisions of paragraph (3) of subsection (b), if all delegates to whom such paragraph applies from the same State are so chosen.

(d) Each State shall be entitled to at least one delegate.

APPORTIONMENT OF NATIONAL COMMITTEES

SEC. 5. Each national political party shall provide that its national committee shall be composed of members of the party from the several States selected by a democratic process and so apportioned as to reflect the distribution of population among the several States. One individual may represent more than one State on any such committee if each individual on such committee represents areas of substantially equal population. If more than one individual on any such committee represents the same State, each such individual shall be chosen from districts of substantially equal population within such State.

PROMULGATION OF CONVENTION RULES

SEC. 6. (a) Each national political party shall promulgate rules governing—

(1) the selection and apportionment of delegates to its convention by a democratic process;

(2) the procedure for challenging the right of any delegate or delegation to participate in such convention; and

(3) convention procedures generally.

(b) Rules promulgated under paragraph (2) of subsection (a) shall, in addition to any other provisions, permit the challenge of the right of any delegate or State delegation to participate in such convention by any other delegate or State delegation to such convention whether or not the challenging delegate or State delegation is being challenged.

(c) Rules promulgated by a national political party with respect to its convention shall be applied equally and with uniformity to all delegates and all State delegations.

(d) Rules promulgated under this section shall be promulgated not less than 120 days prior to the date on which the convention convenes, but shall be subject to change after promulgation in accordance with procedures established by the party by which they were promulgated.

PENALTY FOR UNFAIRLY INFLUENCING DELEGATES

SEC. 7. No person shall offer or attempt to offer to any delegate to a convention held by a national political party any inducement in money, property, or other benefits in order to influence any vote of such delegate at such convention, and no such delegate shall accept or receive any such inducement. Violation of the provisions of this section is punishable by imprisonment for not less than one nor more than three years, by a fine not less than $1,000 nor more than $10,000, or both.

JURISDICTION OF FEDERAL COURTS

SEC. 8. In addition to any other District Court of the United States having jurisdiction, the District Court of the United States for the district within which a convention of a national political party is being held, of within which is located the designated site of such a convention, and the District Court of the United States for the District of Columbia shall have jurisdiction to entertain and adjudge any claim of violation of this Act, and any claim of violation of rights under the Constitution of the United States at or in connection with such convention.

EFFECTIVE DATE

SEC. 9. (a) Except as provided in subsection (b), this Act shall take effect upon the date of its enactment.

(b) The provisions of sections 4, 5, and 6(a)(1) shall take effect with respect to any national political party on the earlier of—

(1) the date of the adjournment of its convention next held after the date of enactment of this Act; or

(2) September 1, 1972.

SEVERABILITY

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

ARTHUR BARRIAULT

Mr. CRANSTON. Mr. President, we have heard much criticism of the press—the news media—in recent times, but I would like to pay tribute to a correspondent named Arthur Barriaut, who has covered Congress almost continuously for more than 20 years. He is a correspondent from NBC—which is incidental. The important fact is that he has proved, over all these years, that he is a reporter without prejudice, without rancor, and possessed of perhaps the rarest of all attributes—true integrity.

I feel I can speak this way, not because I have known Mr. Barriault for a long time, nor because I know of his honesty and straight forwardness, but primarily because I was once a reporter myself, and I know these characteristics are not only questioned at this point, but considered rare.

Mr. Barriault is the exception that proves the rule, some may say. The fact is that these characteristics really are not rare among the men and women who cover the Congress, the country, and the world. But Mr. Barriault is a rare human being. He has these characteristics to a remarkable degree. And I congratulate him on his 57th birthday.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. FANNIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment is not in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order for the distinguished Senator from Arizona to offer two amendments at this time, with the understanding that the time on each of the amendments not exceed 5 minutes, the time to be equally divided.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. LONG. Mr. President, I also ask unanimous consent that, in view of the fact that, as far as I know, there are no more welfare or social security amendments that any Senator plans to offer, we not receive any more welfare or social security amendments to the pending bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, what was the request?

Mr. LONG. In view of the fact that, as far as I know, there are no more welfare and social security amendments that anyone intends to offer; we agree that no more welfare and social security amendments to the bill will be entertained.

Mr. GRIFFIN. Why do we not make it apply to other nongermane amendments as far as the bill is concerned, such as having to do with campaign financing, for example?

Mr. LONG. I suppose I will have to withhold my request. The Senator from Indiana (Mr. HARTKE) introduced an amendment and I heard him say that he would not plan to insist on it if others did not insist on theirs. I thought for the moment we were through with social security amendments.

Mr. GRIFFIN. I am in sympathy with what the chairman is trying to do. I voted with him to table that amendment.

The only thing is that I am more consistent with my principle and I would like to apply it across the board and not only to social security but also to campaign financing.

Mr. LONG. I am not offering the amendment having to do with campaign financing. I would be proud to be a sponsor of it. I will have something to say on it and will vote for it. I thought we were beyond social security and welfare amendments. I am told there are no longer any welfare and social security amendments, and those are considered revenue amendments, that anyone intends to offer. That being the case, we could close that matter.

Mr. GRIFFIN. Even though I would like to apply it across the board and not myself on behalf of other Senators to agree to that.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Mr. President, I wish to ask the Senator from Arizona a question. Are we having any rollcall votes on this amendment?

Mr. FANNIN. No. This is a simple matter that would insure an equitable circumstance for air freight shippers under the DISC. The other amendment has to do with the House bill to facilitate the fianancing of ships and aircraft. That amendment would make the treatment elective on a vessel-by-vessel or aircraft-by-aircaft basis to eliminate the "financial institution" limitation.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER (Mr. Cranston). The first amendment of the Senator from Arizona will be stated.

The legislative clerk read the amendment as follows:

On page 146, line 24, after the word "aboard" insert "airplanes owned and operated by U.S. persons or".

On page 147, line 2, before the word "ships", insert "airplanes or".

Mr. FANNIN. Mr. President, this is a very simple amendment and it includes and it would insure an equitable circumstance for airfreight shippers under DISC:

Section 994 of the bill provides for a DISC to derive taxable income attributable to the sale of export property including, under certain circumstances, 10 percent of the export promotion expenses. However, "export promotion expenses" under this section includes only the cost of shipping export property aboard U.S. ships.

This amendment which I am proposing seeks to provide that these benefits shall also be applicable to that DISC that chooses to ship by U.S. air carriers.

Mr. LONG. Mr. President, in my judgment the amendment is a good amendment. It was an oversight that we did not put it in the bill. I am happy to support the amendment.

Mr. BYRD of West Virginia. I am advised that the Senator from Washington (Mr. Magnuson) might have an interest in this amendment. I wonder if that has been discussed with him?

Mr. FANNIN. I think the Senator from Washington would be interested.

Mr. LONG. Why do we not agree to it with the understanding that no motion to reconsider will be made tonight and if the Senator finds some reason to object it be reconsidered.

Mr. FANNIN. I would be pleased to have it considered with that stipulation.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. FANNIN. I yield back my time.

Mr. LONG. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The second amendment to the Senator from Arizona will be stated.

The legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 105, beginning with line 11, strike out all through line 2 on page 106 and insert:

Sec. 315. Income From Certain Aircraft and Vessels.

(a) Election.—Section 861 (relating to income from sources within the United States) is amended by adding at the end thereof the following new subsection:

"(e) Election To Treat Income From Certain Aircraft and Vessels as Income from Sources Within the United States.—

"(1) In general.—For purpose of subsection (a), if a taxpayer leases an aircraft described in section 48(a) (2) (B) (i) or a vessel described in section 48(a) (2) (B) (iii) to a United States person, and if such aircraft or vessel is manufactured or constructed in the United States, the taxpayer may elect, for any taxable year ending after the commencement of such lease, to treat all amounts includible in gross income with respect to such aircraft or vessel, including gain from the sale or other disposition of such aircraft or vessel (whether during or after the period of any such lease), as income from sources within the United States.

"(2) Effect of election.—An election under paragraph (1) made with respect to any aircraft or vessel shall apply to the taxable year for which made and to all subsequent taxable years. Such election may not be revoked except with the consent of the Secretary or his delegate.

"(3) Manner and time of election and revocation.—An election under paragraph (1), and any revocation of such election, shall be made in such manner and at such time as the Secretary or his delegate prescribes by regulations."

(b) Technical Amendment.—Section 381 (c) (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(24) Elections under section 861(e) with respect to aircraft or vessels.—If the acquiring corporation acquires an aircraft or vessel the income from which the distributor or transferor corporation has elected, under section 861(e), to treat as from sources within the United States, the acquiring corporation shall, for purposes of section 861(e), be treated as if it were the distributor or transferor corporation."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after August 15, 1971, but only with respect to leases entered into after such date.

Mr. FANNIN. Mr. President, the Committee on Finance recommended an amendment to the House bill to facilitate the financing of ships and aircraft. A common method of financing the purchase of ships and aircraft is a leasing arrangement under which the party providing the financing acquires the ship or aircraft and leases it to the ship operator or air carrier, usually for most of its useful life. Ordinarily, accelerated depreciation results in a tax loss to the lessor in the early years, and unfortunately this tax loss operates to reduce the foreign tax credit of the lessor with respect to the lessor's other foreign source income. In order to avoid this adverse impact on the foreign tax credit, the Finance Committee provision treats leases of a ship or aircraft which are entered into by a financial institution principally as a financing transaction as resulting in interest for source of income purposes. The result is to treat such transactions as resulting in U.S. source income or loss rather than foreign source income or loss.

It now appears, however, that the problem is not confined to financial institutions; other taxpayers are also engaged in leasing ships or aircraft, largely as a means of financing. Further, there are some difficulties in the manner that the Finance Committee provision operates. It should be clear, for example, that if the initial tax losses on the lease are not treated as foreign source, so that they do not cut down the foreign tax credit, then subsequent taxable income from rental or sale of the vessel or aircraft also should not be foreign source income. This will prevent such income from increasing the foreign tax credit at a later time.

Accordingly, I offer an amendment in place of the Finance Committee provision which would make the treatment elective on a vessel-by-vessel or aircraft-by-aircraft basis and to eliminate the financial institution limitation. An election once made to treat the lease as resulting in U.S. source income or loss would ordinarily be irrevocable and would apply to all subsequent income or gain from lease or sale of the vessel or aircraft. It could be made only with respect to a vessel or aircraft manufactured or constructed in the United States and leased to a U.S. person. The election would be available in the case of a vessel only, if the vessel was documented under the laws of the United States and operated in the foreign or domestic commerce of the United States, or, in the case of aircraft, if the aircraft was registered by the Administrator of the Federal Aviation Agency and operated to and from the United States or under contract with the United States. Where all these conditions exist, the income or loss from ownership of the vessel or aircraft has sufficient connection with the United States to be regarded, if the taxpayer so elects, as income or loss from U.S. sources regardless of the physical location of the vessel or aircraft.

Mr. LONG. Mr. President, what the Senator is offering is a redraft of language in the bill. It covers lessors other than financial institutions but, if they elect this provision it covers the entire period the lessor holds the ship or airplane. It also covers any capital gains on the sale of the ship or plane. This amendment is an improvement in the committee version of the bill.

Mr. FANNIN. The Senator is correct.

Mr. LONG. I support the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. FANNIN. I yield back my time.

Mr. LONG. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UNANIMOUS-CONSENT AGREEMENTS

Mr. BYRD of West Virginia. Mr. President, I have discussed with the distinguished manager of the bill certain requests for time limitations on various amendments, which time limitations have been cleared with the respective authors of the amendments. They are as follows: I state this in the form of a unanimous-consent request.

Before doing so, however, I wish to state that it is the desire of the joint leadership, I am sure, to expedite final action on the bill as soon as possible so that the defense appropriation bill can be made the pending order of business and so that other matters can be disposed of, hopefully, by the close of business Saturday, thus clearing the decks for taking up the phase II segment of the President's economic package on Monday.

The leadership would also hope to be able to complete action on phase II before the Thanksgiving recess so that upon our return, following the Thanksgiving recess, the Senate could begin consideration of the two Supreme Court nominations. Therefore, I hope we can schedule various amendments which have been brought to my attention—and these are all of the amendments that I know of, with possible minor exceptions, following the action on the Pastore amendment, whenever that comes.

Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. Pastore, the following amendments be considered in the order stated with the stated time limitations thereon:

An amendment by Mr. Nelson, No. 697, the so-called ADR amendment, on which there would be a time limitation of 1 hour to be equally divided; to be followed by amendment No. 544 by Mr. Nelson, the so-called DISC amendment, on which there would be a 1-hour limitation; an amendment by Mr. Fulbright, No. 674, which would be a DISC amendment—and he may not call it up at all—on which there would be a 30-minute time limitation; an amendment by Mr. Eagleton, No. 687, which deals with property tax paid by the elderly, on which there would be a time limitation of 30 minutes; an amendment by Mr. Cotton which has to do with the President's authority to impose quotas, on which there would be a 1-hour limitation; an amendment by Mr. Hansen, No. 693 I am told, to permit an investment tax credit for drilling expenses, on which there would be a 1-hour limitation; ordered further, that the time on amendments in the second degree, motions, or appeals, with the exception of nondebatable motions, in connection with any of the foregoing amendments, be limited to 20 minutes; provided further that the time on any amendment, motion, or appeal—referred to heretofore—be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, those amendments were identified by number with the exception of which one?

Mr. BYRD of West Virginia. I could not identify the amendment by Mr. Cotton by number.

Mr. GRIFFIN. What about the amendment by Mr. Fulbright?

Mr. BYRD of West Virginia. That is No. 674.

Mr. GRIFFIN. I thank the Senator.

Mr. LONG. Mr. President, I understand the Senator is asking consent only on specific amendments on which he has been given some idea as to what the nature of the amendment will be.

Mr. BYRD of West Virginia. Yes.

Mr. LONG. I will agree to that. I just do not want to agree to a limitaiton on any and all amendments to this bill, because I have felt that one cannot tell what we might be asked to vote on when it might be something which Senators might want to oppose very vigorously.

Mr. BYRD of West Virginia. Yes.

Mr. LONG. I find no objection with respect to those amendments. I compliment the Senator for his diligence in seeking unanimous-consent agreements to expedite the procedure.

Mr. BYRD of West Virginia. I thank the distinguished chairman.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I have one final request, and the reason I did not include it was because the Senator from Tennessee (Mr. Baker) did not indicate when he would call it up. I would like to present that request at this time.

I ask unanimous consent that at such time as the amendment by Mr. Baker is called up, which is a so-called pro rata reduction amendment, there be a limitation of 1 hour, to be equally divided between the mover of such amendment and the manager of the bill.

Mr. LONG. Pro rata amendment of what?

Mr. BYRD of West Virginia. That is all the information I have.

Mr. LONG. Mr. President, I must withhold my consent to that.

Mr. BYRD of West Virginia. Mr. President, I withdraw the request.

Mr. LONG. A vague, general description is all right, but that is not even a vague, general description.

Mr. BYRD of West Virginia. The Senator is correct. I can appreciate his reason. I stated all that I knew about the amendment.

Mr. LONG. Perhaps I can find out what the prorate is.

I am sorry. I have had an explanation and still do not understand what it is, so we will find out what it is tomorrow.

Mr. BYRD of West Virginia. I thank the distinguished chairman and the able assistant Republican leader and the Chair and all Senators for their consideration and approval of the various requests.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:30 a.m. Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Florida (Mr. Chiles) will be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Arizona (Mr. Goldwater) for not to exceed 15 minutes, at the conclusion of which the Senate will consider the amendment by Mr. Mathias, amendment No. 699. That should occur at about 9 o'clock.

Under the previous order, there will be 1 hour on that amendment, the time to be equally divided between the distinguished Senator from Maryland (Mr. Mathias) and the distinguished Senator from Rhode Island (Mr. Pastore)—the amendment being an amendment in the second degree to the amendment by Mr. Pastore, amendment No. 692. The vote will occur circa 10 o'clock a.m., and there is no question but that it will be a rollcall vote.

Following the disposition of the amendment by Mr. Mathias to the amendment by Mr. Pastore, the Senate will continue to consider amendments and motions, if there be any, with respect to the Pastore amendment. There will be additional rollcall votes during the day.

Upon the disposition of the amendment offered by Mr. Pastore—which will come, hopefully, at some reasonably early hour tomorrow, the Senate will then continue its consideration of the Revenue Act of 1971, with several amendments to be called up and which have been scheduled tonight by unanimous consent, some or all of which will undoubtedly require rollcall votes.

It is hoped that action can be completed on this bill some time late tomorrow—reasonably late, and not too late—and if that can be done, then, of course, on Friday the Senate will take up the defense appropriation bill. But, in any event, action will continue on the unfinished business until it is completed, at which time the Senate will then take up the defense appropriation bill.

There will be rollcall votes daily, through Saturday.

The distinguished majority leader stated today that the Senate would be in session on Saturday and that there would be rollcall votes that day.

In addition to the defense appropriation bill, there are various measures which need to be acted upon, if at all possible, before the close of business on Saturday afternoon, so as to enable the Senate to take up phase II of the President's economic proposals on Monday of next week.

This is a rather ambitious program, but the Senate has made very good progress thus far, in my judgment, and we can only hope it will continue to do so during the remaining 3 days of this week.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 18, 1971, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 17, 1971:

U.S. District Courts

Charles M. Allen, of Kentucky, to be a U.S. district judge for the western district of Kentucky, vice Henry L Brooks, elevated.

Clarence C. Newcomer, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania, vice C. William Kraft, Jr., retired.

Department of the Treasury

Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury, vice Murray L. Weidenbaum, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate November 17, 1971:

Office of Economic Opportunity

Phillip V. Sanchez, of California, to be Director of the Office of Economic Opportunity.

HOUSE OF REPRESENTATIVES—*Wednesday, November 17, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Now let us strive after peace and help one another.—Romans 14: 19.

" 'Mid all the traffic of the ways
Turmoils without, within
Make in my heart a quiet place,
And come and dwell therein."

Living in our hearts, our Father, may we learn to love, to love Thee, and to love one another. Help us to triumph over the troubles that try us and the differences which divide us. May we have faith enough to forgive that our prayer may arise from a sincere heart.

We pray for our country. Sustain our leaders and give them wisdom to make wise decisions. Strengthen our people that they may live together in good will, with justice and for freedom.

We pray for the nations of the world. Make wars to cease and from ocean to ocean give us peace in our time, O Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

With objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 708. An act for the relief of the village of Orleans, Vt.

The message also announced that the Senate insists upon its amendment to the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Ellender, Mr. McClellan, Mr. Proxmire, Mr. Inouye, Mr. Young, Mrs. Smith, and Mr. Hruska to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1828) entitled "An act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Kennedy, Mr. Williams, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Pell, Mr. Mondale, Mr. Schweiker, Mr. Javits, Mr. Dominick, Mr. Packwood, Mr. Beall, and Mr. Taft to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2672. An act to permanently exempt potatoes for processing from marketing orders.

DEATH OF J. HOWARD EDMONDSON

Mr. JARMAN. Mr. Speaker, it is with sadness that I announce the untimely death this morning of former Oklahoma Governor and U.S. Senator J. Howard Edmondson, the brother of our distinguished colleague, Ed Edmondson. Howard's sudden death from a heart attack is a shock to his former colleagues in the Oklahoma congressional delegation. The dedication and ability with which he served our State will be greatly missed by those of us who knew and worked with him. I know that all Members of the House of Representatives join me in extending our deepest sympathy to the Edmondson family.

Mr. Speaker, I ask that Members have 5 legislative days in which to extend their remarks in the Record.

Mr. ALBERT. Mr. Speaker, I was shocked and deeply saddened at the news of Howard Edmondson's untimely death this morning. Howard was my longtime friend. He was the only brother of our beloved colleague, Ed. He and Ed were extremely close both personally and politically at the time of Howard's death. Howard was running Ed's campaign for the U.S. Senate before he died, as Ed had run his for Governor 13 years ago. I was with Ed shortly after the announcement this morning, and I can only say that our personal loss is a great loss for the people of Oklahoma.

Howard Edmondson was a towering figure in our State. He served the people of Oklahoma well as Governor and as U.S. Senator, and the citizens of our State will benefit for years to come from the vital government reforms instituted during his 4 years as Governor.

Howard's death is a grievous personal loss for me, and Mrs. Albert joins me in extending deepest condolences to Howard's wife Jeanette, his children, his mother, his sisters, and Ed.

Howard will be sorely missed, as a trusted friend and a great citizen of Oklahoma. He died in the prime of life, a life crowned with extraordinary achievements, and promising extraordinary accomplishments for the future. We thank the Almighty for giving this brilliant young man the opportunity to pass our way in our time.

GENERAL LEAVE TO EXTEND

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the passing of the late Hon. J. Howard Edmondson.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DUTY-FREE ENTRY OF UPHOLSTERY, REGULATORS, NEEDLES, AND PINS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 640) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and it is not my intention to object, I do so to yield to the chairman of the committee for an explanation.

Mr. MILLS of Arkansas. Mr. Speaker, H.R. 640 would provide duty-free treatment for imports of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins by establishing a new item 651.06 in the Tariff Schedules of the United States—TSUS—under which all imports of these articles would be free of duty.

The committee was informed that there is no commercial production of these articles in the United States and that the domestic upholstery trade is dependent on imports of these articles. Imports of upholstery regulators and upholsterer's pins and regulating needles are not separately reported. However, it is known that the volume of such imports is small.

A bill similar to H.R. 640—H.R. 10875 of the 91st Congress—was approved by the House unanimously and passed by the Senate with an unrelated amendment. The House did not concur in the Senate amendment and H.R. 10875 died on adjournment of the 91st Congress. At the time the committee considered H.R. 10875 in the last Congress, it received favorable reports from the Departments of Labor, Commerce, Treasury, and State. No objection to H.R. 640 from any other source was received by the Committee.

The committee is unanimous in recommending passage of H.R. 640.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 640 and wish to express my thanks to the Committee on Ways and Means for its consideration of this measure and its unanimous recommendation that it be passed.

I have been working since 1967 for the passage of this legislation which would make duty free the imports of unholstery regulators, and upholsterer's pins. These items are not manufactured in the United States. Consequently the rationale of requiring a duty to protect domestic industry does not exist. Furthermore, the imposition of these duties penalizes the users of these items unnecessary, Every upholsterer of furniture and automobiles requires these tools for his trade.

The duty-free importation of the items covered by the bill would serve to improve the competitive status of American industry without harming any domestic producer.

Similar legislation was passed unanimously by the House near the close of the 91st Congress but died in the adjournment rush because of an unrelated amendment which was attached by the Senate. I am pleased it has reached the floor of the House again and urge its prompt enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 640, which would permit the duty-free importation of upholstery regulators and upholsterer's pins and regulating needles.

This is essentially the same legislation which was reported by the Committee on Ways and Means and passed by the House last year. The Senate also passed the measure, but added an unrelated amendment, in which the House did not concur. The legislation, therefore, died in the 91st Congress.

The upholstery regulators to which the bill refers are like knitting needles and are used to stuff furniture. They are dutiable at 11 percent ad valorem. The regulating needles are eyeless, about 12 inches long, and are dutiable at 10 percent ad valorem. The pins are 3 inches in length, have a loop instead of a head, and are dutiable at 11 percent ad valorem.

The committee was informed that there is no commercial production of these articles in the United States; therefore, the domestic upholstery trade has to depend on imports—the volume of which has been small.

When the committee considered this legislation in the 91st Congress, no objection to it was registered, and favorable reports were received from the Departments of State, Treasury, Commerce, and Labor.

The committee was unanimous in ordering the bill reported, and I urge the House to pass it now.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 6, part 3, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "upholstery regulators, and", and by inserting "and upholstery regulators, upholsterer's regulating needles, and upholsterer's pins," after "other hand needles," in the item description preceding item 651.01;

(2) by striking out "and upholstery regulators" in item 651.04; and

(3) by inserting after item 651.05 the following new item:

" 651.06	Upholstery regulators, upholsterer's regulating needles, and upholsterer's pins.......	Free	Free	".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF REED ACT FUNDS FOR CERTAIN ADMINISTRATIVE PURPOSES

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act, which was unanimously reported to the House by the Committee of Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from Arkansas, the chairman of the committee, for a brief explanation.

Mr. MILLS of Arkansas. I thank my friend for yielding.

Mr. Speaker, the purpose of H.R. 6065 is to extend for an additional 10 years the period during which States may obligate, for administrative purposes, certain funds transferred from excess Federal unemployment tax collections. The bill was reported unanimously by your committee, and the administration supports the bill.

In 1954, title IX of the Social Security Act was amended by the Reed Act to provide that the excess of Federal unemployment tax collections over the amount needed for loans and for administrative expenses be transferred to State unemployment accounts in the unemployment trust fund. The law permits the transferred funds to be used for employment security administrative expenses, under certain conditions including requirements that the money be specifically appropriated by the State legislature and be obligated within a limited period after the date on which it was transferred to the State's account. This period, which was originally set at 5 years, was extended to 10 years in 1963 and to 15 years in 1968. After this period, the money becomes part of the State's reserve for benefit payments only. The effect of this bill would be to extend the period to 25 years after the funds were transferred.

In 1954 when the provision for these transfers was enacted, it was anticipated on the basis of past experience that funds would be transferred to the States almost every year. Since then, however, several developments or changes have occurred, such as the demands that were made on the loan fund and the creation of the employment security administration account and the extended benefits account, both of which must be built up to prescribed levels before funds can be credited to the States. As a result of these and other developments, funds have been credited to the States only in 3 calendar years, 1956, 1957, and 1958. No additional transfers are anticipated in the foreseeable future.

The funds that have been transferred under this authority have been used by the States primarily to acquire office space for use in operating the employment security program. Thirty-eight States have used the funds to construct such office space.

By using the transferred funds for buildings, States have been able to obtain more satisfactory facilities than would otherwise have been possible. Because these funds spent for building construction can be repaid from current grants for rentals, which are credited to the State's account in the unemployment trust fund, they become available again to construct additional buildings, but only within the period specified. After amortization through the rental grants, the State employment security agency gets the space rent free and Federal grants with respect to such space are made only for its operation and maintenance.

Your committee is unanimous in recommending enactment of this legislation.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 6065, a bill to extend for an additional 10 years the time during which the States may obligate certain excess Federal unemployment tax collections for administrative purposes.

Under the Reed Act, passed in 1954, Congress provided that Federal unemployment tax receipts not needed for administrative expenses or loans were to be credited to the individual State accounts in the unemployment trust fund. At the time the Reed Act was passed, it was anticipated that there would be balances resulting in a spillover to the State funds for many years. However, subsequent events, including greater demands on the loan fund and more recently, the enactment of the Federal extended unemployment benefits program, have placed greater demand on Federal unemployment tax resources and amounts have been returned to the States in only 3 calendar years—1956, 1957, and 1958. No additional transfers are anticipated in the foreseeable future.

The law permits the States to utilize the transferred balances for administrative expenses related to their unemployment compensation program when a specific appropriation is adopted by the State legislature. Many of the States have used the funds for the construction of buildings used in the administration of their unemployment compensation programs. It is generally agreed that the use of these funds to buy land and construct buildings has resulted in an overall reduction in administrative costs payable from the proceeds of the Federal tax and can be expected to do so in the future. This use of Reed Act funds has been salutary for the Federal Government and the States, as well as beneficiaries and the taxpayers. However, the Reed Act required that the amounts transferred to the States be expended for administrative purposes within 5 years of the time of the transfer. This period has been extended on two prior occasions by the Congress, and this bill will provide an additional 10-year extension.

This bill extends a method of financing a part of our employment security program that experience has shown to be effective. I commend the bill, which was unanimously reported by the committee, to the House for approval.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 903(c)(2) of the Social Security Act (42 U.S.C. 1103(c)(2)) is amended—

(1) by striking out "fourteen preceding fiscal years," in subparagraph (D) of the first sentence and inserting in lieu thereof "twenty-four preceding fiscal years,";

(2) by striking out "such fifteen fiscal years" in subparagraph (D) of the first sentence and inserting in lieu thereof "such twenty-five fiscal years"; and

(3) by striking out "fourteenth preceding fiscal year" in the second sentence and inserting in lieu thereof "twenty-fourth preceding fiscal year".

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

FEDERAL UNEMPLOYMENT TAX IN CASE OF INSURANCE AGENTS REMUNERATED SOLELY BY COMMISSIONS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7577) to amend section 3306 of the Internal Revenue Code of 1954, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from Arkansas, the chairman of the committee, for a brief explanation.

Mr. MILLS of Arkansas. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding.

Mr. Speaker, the purpose of H.R. 7577 is to provide that the exclusion from the definition of the term "employment" under the Federal Unemployment Tax Act of the services of insurance agents and solicitors who are compensated on a commission basis will be applied on a calendar-quarter basis rather than an annual basis or an individual pay period basis. This bill was reported unanimously by your committee. The administration supports the bill.

Section 3306(c)(14) of the Internal Revenue Code of 1954 excepts from the meaning of the term "employment," for the purposes of the Federal Unemployment Tax Act, "service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed solely by way of commission."

By ruling, the Internal Revenue Service applied this exception only in instances where all of the remuneration paid to an insurance agent or solicitor throughout the entire calendar year was remuneration solely by way of commission.

Under the ruling, in any case in which any other type of remuneration, in cash or in kind, is paid by an employer to an insurance agent or solicitor at any time during the calendar year, the employer is liable for the tax with respect to all of the remuneration paid to the employee during the entire calendar year, including all remuneration by way of commission. For example, if an employer conducts a training program and pays its agents a salary while participating in such program, all of the earnings an agent receives from the employer, during the year, including commissions, is subject to the Federal Unemployment Tax Act.

Section 3306(d) of the code provides that where an employee performs taxable services and also exempt services during a pay period, then the employee's total services for that pay period will be treated as being exempt if more than half of those services are exempt. From this, it has been argued that present law contemplates that coverage or exemption is to be determined on a pay period by pay period basis. As applied to insurance salesmen this would mean that a salary payment in one pay period would result in taxation only of that period's compensation without affecting the compensation received during other pay periods in the year.

This bill is intended to resolve that controversy for the future. Under the bill, a salary payment in any calendar quarter would have the effect of making commission income for the entire calendar quarter subject to the Federal unemployment tax. At the same time, the bill would exempt from the Federal unemployment tax all commission income if that were the only type of remuneration paid by an employer to an insurance salesman in a calendar quarter even though a salary payment was made to such salesman in another calendar quarter of the year.

The bill would also adapt the provisions of section 3306(c)(14) to the system of collecting Federal unemployment taxes on a quarterly basis which was adopted under Public Law 91-53. This would avoid administration or collection problems that might arise under the existing quarterly collections system and the Service's ruling with respect to insurance salesmen in cases in which a salary or bonus payment is made to an insurance salesman late in a calendar year. Such a payment could affect the validity and accuracy of tax payments and reports completed in good faith for earlier calendar quarters and could require new computations and correcting adjustments in later reports.

Mr. Speaker, your committee is unanimous in recommending enactment of this legislation. The effect of the bill on coverage and unemployment tax revenues would be negligible.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 7577, which would amend the exclusion from covered employment under the Federal-State unemployment compensation program of insurance agents and solicitors compensated on a commission basis.

The definition of employment in the Federal Unemployment Tax Act excludes the services of an insurance agent or an insurance solicitor if all the services performed by the individual are performed solely by way of commission. The Internal Revenue Service has ruled that if any services are performed at any time during the calendar year by an insurance agent or solicitor on a salaried basis then all remuneration during the entire calendar year up to the wage base is subject to taxation.

This created no real problem prior to 1969 when unemployment taxes were collected on an annual basis for each calendar year. However, in 1969, Congress amended the law to provide for collection of the Federal unemployment tax on a quarterly basis. Employers are now confronted with a problem, since their tax liability for any of the first three quarters of the calendar year may be affected if an employee in the last quarter of the calendar year attends a training course for which he is paid on a salaried basis. Since the noncommission income of the last calendar quarter affects the liability for the entire year, amended returns must be filed and employers cannot file returns during the early calendar years with any certainty as to their accuracy.

The bill before the House would amend the law to apply the criteria for the exclusion of insurance agents and solicitors on a calendar quarter basis corresponding to the period for which the tax is now paid. Under the law as amended by this bill, the liability would be computed each calendar quarter on the basis of whether the insurance salesman or solicitor rendered any services on a noncommission basis during that particular calendar quarter.

Mr. Speaker, the bill was unanimously reported by the Ways and Means Committee. The measure proposes an amendment that will substantially improve our unemployment compensation law and I feel it should be adopted.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7577

To amend section 3306 of the Internal Revenue Code of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3306(c)(14) of the Internal Revenue Code of 1954 (relating to insurance agents remunerated solely by way of commission) is amended to read as follows:

"(14) service performed in a calendar quarter by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person in such quarter is performed for remuneration solely by way of commission;".

(b) The amendment made by subsection (a) shall apply to service performed in calendar quarters ending after the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LUMP-SUM DEATH PAYMENTS IN CERTAIN CASES WHERE INSURED INDIVIDUAL'S BODY IS UNAVAILABLE FOR BURIAL

Mr. **MILLS** of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Arkansas, the chairman of the committee, for a brief explanation.

Mr. **MILLS** of Arkansas. Mr. Speaker, the purpose of H.R. 10604 is to permit the payment of the social security lump-sum death payment to pay for memorial services expenses and related expenses for an insured individual whose body is not available for burial. The provisions of this bill would be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occurred after December 31, 1970. The bill was reported unanimously by your committee.

Under present law, the social security lump-sum death payment is made to an insured person's surviving spouse, whether or not his body is available for burial, if they were living together at the time of his death. Where no eligible spouse survives, the lump-sum death payment is contingent upon there being burial expenses. The payment can be made directly to the funeral home for any unpaid burial expenses upon the request of the person who assumed responsibility for those expenses, or the payment can be made as reimbursement to the person who is equitably entitled to the payment by reason of his having paid the burial expenses. In the latter cases, when the body is not available for burial or cremation, there can be no burial expenses, and therefore, the lump-sum death payment cannot be paid under the law.

While there may be no burial expenses incurred when an insured person's body is not recovered, the family often incurs expenses in connection with his death, such as expenses for a memorial service, a memorial marker, or a site for a marker. Mr. Speaker, your committee believes that there is no valid reason for denying the lump-sum death payment to help defray the cost of such expenses. On the contrary, it is difficult to justify not paying the lump-sum in such instances, especially in those cases in which the death payment is the only social security benefit that could be payable on the deceased person's earnings record. Most of the current cases in which the body of the decedent is not recovered involve servicemen killed in action.

Your committee believes that, because of the above considerations and because the cost of the change would be negligible, the social security lump-sum death payment should be provided for equitably entitled individuals to the extent that they incur expenses customarily connected with a death, even though the body may be unavailable for burial.

Mr. Speaker, your committee knows of no opposition to this bill and is unanimous in recommending enactment of this legislation.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield?

Mr. **BYRNES** of Wisconsin. I yield to the gentleman from Iowa.

Mr. **GROSS**. Mr. Speaker, does this have to do with cremation?

Mr. **MILLS** of Arkansas. If the gentleman will yield, Mr. Speaker, no, it has to do solely with cases where death has occurred under circumstances that the body itself is not recovered and therefore cannot be buried or cremated. Under existing law we make this lump-sum death payment in the cases in which a body is available for burial or cremation. Now we suggest that the money could be used for memorial purposes as well.

Mr. **GROSS**. Mr. Speaker, I thank the gentleman for his explanation.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I support H.R. 10604, which would amend title II of the Social Security Act to permit payment of the lump-sum death benefit in certain cases in which the body of the insured is not available for burial.

Under existing law, the lump-sum payment can be made to a surviving spouse, whether or not the insured's body is available for burial. But in cases where there is no eligible surviving spouse, the payment can be made only for burial expenses—either to a funeral director, at the request of the person who assumes responsibility for burial expenses, or as direct reimbursement to the person who actually paid the burial expenses.

But when there is no surviving, eligible spouse, and there is no body available for burial or cremation, the lump-sum payment cannot be made.

It was called to the committee's attention that application of this provision is difficult to justify in some cases—for example, where a body is not available because the insured was a serviceman killed in foreign action or where the insured was drowned and carried away by the sea. In these cases, the family of the insured nevertheless may incur certain death-connected expenses—such as the costs of a memorial service or marker—which would seem to warrant payment of the lump-sum benefit.

The committee felt this is especially true where the lump-sum payment is the only possible social security benefit payable on the earnings record of the deceased.

The committee, therefore, has unanimously recommended enactment of this bill, which would allow payment of the lump-sum benefit, in the absence of both the body and an eligible surviving spouse, to any equitably entitled person or persons as reimbursement for expenses incurred in connection with the death of the insured.

The bill obviously has limited application, and the Department of Health, Education, and Welfare has agreed with the committee that its costs would be negligible.

Against this background, Mr. Speaker, I urge the House to pass H.R. 10604.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOLIFIELD. Mr. Speaker, I am most grateful to the distinguished chairman of the Committee on Ways and Means and the members of that committee for the expeditious handling of H.R. 10604, which I introduced on September 13, 1971.

This bill is designed to correct an inequity contained in the Social Security Act which falls most heavily upon the bereaved relatives of deceased servicemen whose body cannot be recovered for burial.

This situation was brought to my attention by my constituent, Mrs. Joseph Pickett of Whittier, Calif. Mrs. Pickett's son, Cpl. Robert Eugene Grantham, was killed as a result of enemy action in the A Shau Valley in Vietnam. His body was completely consumed in the flames of a helicopter which had exploded on impact with the ground. Mrs. Pickett was subsequently given a bronze plaque. However the social security law did not provide funds for a marker, a memorial service, or a memorial plot, through which to honor her son's memory and service to his country.

In her letters to me, Mrs. Pickett made it very clear that she seeks nothing for herself but only a change in the law to prevent additional grief and anxiety to others who might find themselves in the same position.

To Mrs. Pickett, nothing could better demonstrate democracy in action than the passage of this bill.

I insert in the Record the last letter which Mrs. Picket received from her son:

Dear Mom: I joined the army because I believed in America. The Army tried to put me in Clerk school, but I told them I wanted to be in the infantry. Then I volunteered for jump school. They asked me to join the pathfinders but at the same time, they told me it meant Vietnam. Knowing this, I again volunteered because I thought I was really doing something for my country. I figured it was better than burning down my school. I will tell you, this being with your friend alive one minute and dead the next takes all the gung-ho-ness out of a person. I've seen some of the guys get sick and throw up when they hear that they have to go out.

I know and they know the war is still on. The tax payers worry about being sure that we only shoot so many rounds per month. Let's fight this war or get the hell out. We're tired of fighting a war with rules, no weapons and a limit in ammo. I feel like the war is something people talk about but never get off their behinds to do anything about it. I think it is time for the silent majority to make some noise. I'm sure if you were crawling through the brush and you couldn't see 5 feet in front of you and you were being shot at, you would make noise in a hurry.

I volunteered to go into the middle of two battalions of NVA along with five other guys to get a body from a crashed helicopter. I'm no hero but all the guys here are the same way, we have a job to do.

Mom, my new job, if you want to know, I did volunteer for it. Someone has to do it. I am the hunter of a hunter killer team and I ride in or pilot a very small helicopter at tree top level until the enemy fires at us then the larger gunships behind us come in to wipe out the enemy. I feel I am doing something for the war effort and maybe hurting some of those people that have hurt my friends.

JANUARY 22

My luck ended on Jan. 22 when my ship was badly shot up. I saw the VC's rifle leaning against a tree and he got to it before I could get to my machine gun but we made it back to base.

FEBRUARY 10

This was another bad day—my luck was pretty good though. We were shot down by mistake by the South Vietnamese and not a scratch.

FEBRUARY 16

Dear Mom: I feel that I will make it home. I only have 97 days of flying left. Mom, if the army ever comes to tell you I'm missing in action, it only means one thing, I'm dead—they can't find my body. Mom, please don't worry about me because I'm not worried about me. I'll do my best to stay alive but I'm not afraid to die. If I die, I'll be doing it for my country, friends and family so that my brother or friends never have to come over here to see what I've seen—I've seen so much dying. Right now I have a feeling of emptiness like I've never had before without purpose and feel I need something but I don't know what that somthing is. In other words, I'm a very mixed up kid.

Your loving son,

Bob.

March 1.

Dear Mom: I have 135 days left before you see me walk through the door. My time is getting short. I haven't much to say. I love you all and miss you very much.

Love,

Bob.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 202(i) of the Social Security Act is amended (a) by striking out "or" at the end of clause (2), renumbering clause (3) as clause (4), and adding after clause (2) the following new clause (3):

"(3) if the body of such insured individual is not available for burial, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid expenses of a burial or memorial service or both and related expenses for such individual (and the Secretary shall by regulations prescribe the criteria for determining when and whether an insured individual has died if, at the time such individual is alleged to have died, such individual was serving as a member of the Armed Forces of the United States and if the body of such individual has not been recovered or"; and

(b) By striking out in the renumbered clause (4) "clauses (1) and (2)" and inserting in lieu thereof "clauses (1), (2), and (3)".

Sec. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) the second sentence of section 202(i) of the Social Security Act is amended by striking out "or" at the end of clause (2), by renumbering clause (3) as clause (4), and by inserting after clause (2) the following new clause:

"(3) if the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto to the extent and in the proportions that he or they shall have paid such expenses; or".

(b) The second sentence of section 202(i) of such Act is further amended by striking out "clauses (1) and (2)" in the clause renumbered as clause (4) by subsection (a) and inserting in lieu thereof "clauses (1), (2), and (3)".

Sec. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the committee amendment and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in connection with the bills just passed, and I ask unanimous consent that the authors of the bills may be permitted to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION FOR CLERK TO CORRECT TYPOGRAPHICAL ERROR IN ENGROSSMENT OF H.R. 6065

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Clerk may correct a typographical error, in the engrossment of H.R. 6065, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CORRECTION OF ENDORSEMENT OF H.R. 10729, TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTCIDE ACT

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 709) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 709

Resolved, That the Senate be requested to return to the House the bill (H.R. 10729). To amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, and that the Clerk be authorized to reengross said bill with the following correction:

On page 58, of the engrossed bill, following line 19, insert the text of Sections 3 and 4 as they were passed by the House as part of the bill on November 9, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 396]

Abbitt
Alexander
Anderson, Tenn.
Ashley
Badillo
Betts
Blackburn
Blatnik
Boggs
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Conyers
Cotter
Dellums
Derwinski
Diggs
Dowdy
Downing
Dulski
Edmondson
Edwards, Calif.
Edwards, La.
Fish
Fisher
Foley
Ford, William D.
Forsythe
Fraser
Gallagher
Goodling
Griffiths
Halpern
Hillis
Hosmer
Kee
Kuykendall
Landgrebe
Lent
Link
McClure
McDade
McKevitt
Mathias, Calif.
Mikva
O'Hara
Pelly
Roberts
Rosenthal
Runnels
Scheuer
Schwengel
Stanton, James V.
Steed
Steele
Teague, Calif.
Thompson, N.J.
Widnall

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REFUSAL OF UNITED STATES TO SELL PHANTOM JETS TO ISRAEL

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, the recent statement by Secretary Rogers that the United States will not sell Israel any more Phantom jets at this time is most disturbing. The assertion by the Secretary that Soviet shipments of arms to Egypt have been moderate, does not square with the bellicose language that has been coming out of Cairo lately.

The intent of the administration should not be to pressure Israel into accepting the interim settlement laid down by the Department of State last month. Instead the United States should continue to encourage a negotiated settlement between the Arabs and Israel. No agreement that has been imposed by the big powers will be respected. No peace that has come about through pressure rather than the voluntary settlement of differences will ever last.

The United States has a commitment to Israel—a commitment that has the full support of both the House and the Senate. Our military assistance to Israel should be designed to guarantee them security so that both Israel and the Egyptians will realize that a voluntary agreement is the only possible answer to the Middle East dilemma. We should stop using our assistance to force Israel into concessions that we feel are appropriate, but which could hurt one of our very best friends in the community of nations.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow to file a conference report on House Joint Resolution 946, making further continuing appropriations for the fiscal year 1972, and for other purposes.

Mr. GROSS. Mr. Speaker, reserving the right to object, I understand this is the continuing resolution?

Mr. MAHON. This is the continuing resolution which was sent to conference last night.

Mr. GROSS. Has there been any agreement reached by the conferees?

Mr. MAHON. There have been informal discussions but no formal meeting of the conferees.

Mr. GROSS. Mr. Speaker, under those circumstances, I object.

The SPEAKER. Objection is heard.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER. The Chair requests that the gentleman from Texas (Mr. PICKLE) temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11731), with Mr. PICKLE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday the Clerk had read through line 9, page 22 of the bill. If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,358,319,000, and in addition, $20,000,000 to be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1971/1972", to remain available for obligation until June 30, 1973.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

I wish to take exception to the deletion of $2.1 million pertaining to the improved CH–53 for the U.S. Navy and U.S. Marine Corps.

There is, I presume, some misunderstanding on this matter because of previous communications from the chairman of this committee and the Under Secretary of Defense, as set forth in the hearings on page 81.

I have researched this matter and it is clear to me that the triservice heavy-lift helicopter still is the program supported by all the services, including the U.S. Navy for their land operations when this helicopter becomes available in 1980. This helicopter will be too large for operation from most of the vessels used to support Marine Corps amphibious operations. For this reason, the Navy and Marine Corps require increased helicopter capability for tactical use in amphibious warfare. This is the purpose of their request for the improved CH–53.

The improved CH–53 is to be an advanced version of the present CH–53 now in the Navy/Marine Corps inventory. If developed it would be the largest helicopter, with a payload of 16 tons, that could be operated from ships utilized for amphibious landings.

The improved CH–53 does not represent a technological risk, since most of the components are derivatives of the CH–53 now in operation with the U.S. Marine Corps. May I add that the CH–53 has an excellent record in Vietnam and is used by the U.S. Navy, Marine Corps., and U.S. Air Force.

There should be no question about developing a three-engine version of the CH–53 since the aircraft was originally designed for growth in this manner. Sikorsky helped develop the three-engine Super Frelon built in France and this three-engined aircraft has held the world's speed record for 8 years.

Mr. Chairman, on page 111 of the report the committee deletes the prior year funds available for this program.

I quote from the language of the committee:

> The committee feels that it was misled in this affair and wants to very carefully review any other heavy lift helicopter efforts before placing funds in this area.

I would hope that the committee would keep an open mind on this problem, which in my opinion can still be resolved. The fact is I do not believe the Department of Defense misled the committee. It came in here some years ago saying it could develop one heavy lift helicopter to do all the functions. It subsequently developed that the heavy lift helicopter, to be designed and built some time around 1980, can do all the functions for the services, including many of the functions which the Navy will need, but it cannot be operated from assault ships for Navy and Marine assault-type operations.

I think it is to the credit of the services that they wrote to the committee in time and explained the problem to the committee and informed it that for these limited assault-shipboard services the Navy needs a smaller helicopter which can be stored on board. By doing this, in my opinion, the services have avoided the pitfalls of a promise such as was made some years ago which led to the great fight over the TFX or the F-111; a promise of a weapons system which was originally designed to perform services for all of the branches of the Armed Forces and was, subsequently, not capable of performing them at all.

I submit that the Navy feels very strong about this program, and I believe it can make an excellent case. I would ask the subcommittee and the chairman of the committee, the gentleman from Texas (Mr. Mahon), if they would keep an open mind in this area and allow the Navy to present their case in a convincing fashion. If so, we could proceed with this program.

Mr. MAHON. Will the gentleman yield?

Mr. GIAIMO. I am happy to yield to my chairman.

Mr. MAHON. The Defense Department came before the committee last fall and convinced the committee that a single heavy-lift helicopter for all of the services would be in order. This seemed like a very attractive idea and funds were appropriated based on this understanding. Subsequently, they had a competition for an all-purpose heavy-lift helicopter. A contractor was selected for that job and only then was the committee told that that helicopter was not suitable for all uses. The gentleman has demonstrated a very deep understanding of the problem confronting the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is suggested that we ought to have an open mind with regard to the Navy requirements, and I think the position of the gentleman from Connecticut is valid. I think we must keep an open mind in regard to this matter.

No one I know of is set in concrete in connection with what decision should eventually be made in this matter. We recognize that conditions and concepts change.

I know the gentleman from Connecticut, a member of the Committee on Appropriations himself, is quite aware of the various problems involved here, and I am sure there will be some solution to the problem.

I thank the gentleman for raising the issue here.

Mr. GIAIMO. I thank the gentleman.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moorhead: Page 23, line 20 immediately after "$2,358,319,000" strike out the comma, and insert in lieu thereof the following: "(of which $10,000,000 shall be available only for initiating the development of two prototype, light air superiority aircraft, one of which shall not be procured from contractors engaged substantially in either the F-14 or F-15 programs),".

Mr. MOORHEAD. Mr. Chairman, the amendment I am offering is a promilitary, pro-Navy amendment. If adopted it means that the Congress is telling the Navy to plan to consider buying a light air - superiority aircraft—something which they do not have and something better than they now have.

The amendment at the same time, however, is critical of the miltary. Quite frankly, it does not stop the F-14 but it questions the advisability of proceeding much further with the acquisiton of the F-14 airplane.

I am not an aerospace engineer nor a cost accountant but I have a keen sense of smell.

The F-14 has a C-5A odor—the smell of cost overruns and performance underruns.

When I smelled this in the C-5A program I tried to defeat that wasteful program by a direct frontal attack, but I relearned the truth of the political axiom that you can not beat something with nothing.

I think the overly costly and potentially under performing F-14 program should be terminated before more of the taxpayers' valuable dollars are spent on this new military boondoggle.

However, Mr. Chairman, we do not now have an alternative to the Navy's undoubted need for an up-to-date light air-superiority aircraft.

My amendment would set aside $10 million of the amount appropriated for two prototypes of a lighter air-superiority aircraft from a very hungry aerospace industry, as an alternative to the very questionable F-14—an alternative which the Armed Services Committees, the Appropriations Committees, and the Congress can consider before we irrevocably commit ourselves to this dubious $25 billion F-14 venture.

Why the necessity for an alternative? Because even if—and that is a very big if—even if the F-14 should come close to meeting its specifications, it still will be no match for the Soviet's current Mig-23 in either speed, altitude, or maneuverability.

Mig-23's are now flying over Israel with impunity because they can not be reached by our F-4's. Our F-14's or F-15's which have not even been deployed yet, are slower, lower altitude airplanes even if they meet specifications.

To those of my friends, who as I do, support the best for the military, I ask you to vote for the amendment so that we may have an alternative to buying an airplane already inferior in many respects to those the Soviets have already deployed.

To those of my friends, who as I do, oppose waste in military spending, I ask you to vote for this amendment so that next year we can have a reasonable and responsible alternative to this overly-costly and definitely inferior aircraft.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

The gentleman raises a good point, of course, in that we do need to try to develop some lightweight fighter aircraft, less expensive aircraft, and it is for that reason that we have in this bill funds for the development of such a plane. That task has been assigned to the Air Force.

Mr. Chairman, the amount contained in the bill for the prototype development of a lightweight fighter is $6 million.

There has been no request from the Department of the Navy or the Department of Defense or from the Office of Budget and Management for funds for the development by the Navy of an additional lightweight aircraft.

As we proceed a little further along with the Air Force prototype effort, we would hope that the aircraft development will be successful as to performance and low cost, and that the plane could be made compatible for both the services at minimal additional cost. Of course, it is too early to know that. It seems to me that a single prototype development effort for a lightweight fighter which is proposed in this bill is enough for us to do at this time. This should also be a more economical approach than initiating two separate and competing Navy and Air Force programs for the development of lightweight fighters.

So, I would respectfully request that the amendment be defeated. I realize the intent of the amendment is in recognition of the fact that we do need lighter weight, less expensive fighters.

We believe we have taken the necessary steps to achieve this goal. It does not seem to me that the inclusion of additional funds, as proposed here, to initiate another lightweight fighter prototype development program is warranted.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. PIKE. Mr. Chairman, I thank the gentleman for yielding.

The thing that concerns me about this is the language in the amendment which says that they shall not be procured from contractors engaged substantially in either the F-14 or F-15 programs.

Frankly, almost every major contractor engaged in building planes in America today is engaged in these programs to some degree, and if we are going to get planes built by somebody else who is not in the aircraft building business I cannot think of a more wasteful way to proceed. I just do not understand what "substantially engaged" means. It seems to me that the language as set up in this amendment would say that you have to go, if you are going to get a plane developed, to a company that has not been involved in the manufacturing of planes, and I think this would be a very wasteful way to proceed.

Mr. MAHON. I too believe we should

not proscribe any contractor. Language to prohibit any contractor from participating in a program would be contrary to usual practice and very dangerous. I would think that the Navy itself, if it had the funds and desired to go forward with this kind of a program, would select contractors who were objective and who did not have conflicting interests. But regardless of that, I think it would be a very bad policy indeed to have this sort of amendment adopted by the House.

I oppose the amendment under all the circumstances, irrespective of the fact that I share the views of the gentleman from New York that a prohibition against certain contractors who might be considered for the contract is not good legislation.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my distinguished friend, the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding to me. My objective was not to proscribe the contractors for the F-14 and F-15, but the desire to carry on with the prototype because a major part of their work would of course be with those planes. However, if I could secure the support of the distinguished chairman of the Committee on Appropriations, I would certainly accept an amendment deleting that part of the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MINSHALL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I certainly agree with everything the chairman of the full Committee on Appropriations has said in opposition to the amendment offered by the gentleman from Pennnsylvania (Mr. Moorhead) and I hope that the House will see fit to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Moorhead).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 713. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an expected expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

Mr. CRANE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 397]

Abbitt
Alexander
Archer
Ashley
Bell
Betts
Blackburn
Blatnik
Boggs
Brasco
Carey, N.Y.
Celler
Chappell
Clark
Clausen,
  Don H.
Clay
Corman
Cotter
Daniel, Va.
Danielson
Derwinski
Diggs
Dingell
Dowdy
Downing
Dulski
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Fish
Ford, Gerald R.
Forsythe
Frey
Goodling
Gray
Halpern
Harsha
Hébert
Hosmer
Hungate
Kee
Kuykendall
Landgrebe
Link
McClure
McDade
McKevitt
Mathias, Calif.
Mikva
Murphy, N.Y.
Purcell
Railsback
Rangel
Rees
Roberts
Rooney, Pa.
Rosenthal
Runnels
Ruth
Scheuer
Steed
Steele
Stokes
Teague, Tex.
Tiernan
Wilson,
  Charles H.
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 11731, and finding itself without a quorum, he had directed the roll to be called, when 362 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk was about to read the amendment offered by the gentleman from Illinois (Mr. Yates).

The Clerk will report the amendment.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Chairman, had not the Clerk read the amendment, and had I not been recognized when the Committee rose?

The CHAIRMAN (Mr. Rostenkowski). The Chair will state, in response to the inquiry of the gentleman from Illinois, that the Clerk had not read the amendment.

AMENDMENT OFFERED BY MR. YATES

The Clerk read as follows:

Amendment offered by Mr. Yates: On page 34, line 16, strike the comma and insert the following words: "for a period of 60 days" and reinsert the comma.

And on line 18, change the period to a comma and insert the following words: "and there shall be no further expenditures for said purpose beyond said period without first obtaining the approval of the Congress" and reinsert the period.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment.

Mr. Chairman, this bill came to the House under a rule for several reasons, particularly because the authorization bill had not been signed by the President. The section involved here relates to the emergency powers of the President to call up Reserve forces and to pay them, and for the Defense Department to provide support. This has been the law in this bill for 10 or 12 years.

This provision has been used by the President on one occasion, and that was in connection with the Berlin crisis in 1961, and that is the only time this provision of law has been utilized.

The gentleman from Illinois says that in the case of a special emergency action which is supported by the Defense Department, that within 60 days after the special action is taken, then Congress would have to meet and approve the action of the Executive, or else the privilege of the Department of Defense to support the men called up would be withdrawn.

So, Mr. Chairman, this amendment is very legislative in character and involves a major policy issue relating to our military forces and our foreign policy and it certainly should not be modified under these circumstances.

It is, of course, legislation on an appropriation bill and for that reason is subject to a point of order, as I see it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates) on the point of order.

Mr. YATES. My amendment is purely a limitation. The purpose of this section of the appropriation bill is to eliminate the need for appropriations for the action that may be taken by the President in calling for troops over and above the amounts that are authorized to be funded under legislation passed by the Armed Services Committees of both the House and Senate and appropriations approved by the Appropriations Committees of both the House and Senate.

This section says that the President need not have to come to the Congress for appropriations for the troops that he calls up. My amendment is a limitation on that waiver and, therefore, as a limitation on the waiver of appropriations, it is in order.

The CHAIRMAN (Mr. Rostenkowski). The Chair is ready to rule on the point of order.

The Chair first points out that the rule under which this bill is being considered waives points of order against the language in the bill. It is well established that where legislation in a general appropriation bill is permitted to remain, as here, under a waiver of points of order, it may be perfected by germane amendments provided they do not add further legislation.

The question, Does this add further legislation?

In the opinion of the Chair, the amendment is germane and does not add additional legislation since it restricts or narrows the legislative impact of the legislation already in the bill.

The Chair, therefore, overrules the point of order made by the gentleman from Texas.

Mr. YATES. Mr. Chairman, am I recognized?

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. RHODES. Mr. Chairman, a further point of order.

Mr. YATES. Mr. Chairman, I understand the point of order has been overruled.

The CHAIRMAN. The Chair has overruled the point of order of the gentleman from Texas, but the gentleman from Illinois has not yet begun his remarks.

PARLIAMENTARY INQUIRY

Mr. RHODES. Mr. Chairman, a parliamentary inquiry, is not a further point of order in order?

The CHAIRMAN. The Chair will hear the gentleman from Arizona on the parliamentary inquiry.

Mr. YATES. Mr. Chairman, I thought I had been recognized.

Mr. RHODES. Mr. Chairman, a parliamentary inquiry is whether or not a further point of order can be made at this time?

POINT OF ORDER

The CHAIRMAN. The Chair will hear the point of order.

Mr. RHODES. Mr. Chairman, the point of order refers to the fact that this is legislation on an appropriation and not as to whether it is germane to the bill. Obviously, it is legislation on an appropriation because I asked the Chair to consider the fact that on page 34 of the bill which is before the committee, there is a referral to an act of Congress; to wit, the Revised Statutes 3732 (41 U.S.C. 11).

Mr. Chairman, the amendment of the gentleman from Illinois would amend this act of Congress in that it would provide a provision, or would add a provision, to a law which is not now in existence.

The CHAIRMAN. The Chair will state, in the opinion of the Chair, the amendment offered by the gentleman from Illinois perfects, in a germane manner, legislation which is already in the bill and, therefore, overrules the point of order.

The Chair recognizes the gentleman from Illinois (Mr. YATES) to speak on his amendment.

Mr. YATES. I thank the Chair. Mr. Chairman, frankly I am very much surprised that the Committee on Appropriations should have approved this section and inserted it in the bill because it surrenders to the President the power of Congress to establish troop levels of our armed services and to pay for them.

The Armed Services Committees of the House and Senate go through hearings for months and establish troop levels for the Army, Navy, the Marine Corps, and for the Air Force. The Appropriation Committees of the House sit for months and decide what amount of money should be appropriated to support the troop levels that have been established. This section gives the President the right to supersede their action by his own.

In this section of the bill, the President is given authority without any further action of the Congress to increase the number of military personnel on active duty beyond the numbers for which funds are appropriated in the act, and the Secretary of Defense is authorized to waive the requirement for appropriations in support of the President's actions. Under this section the President's action must be upheld by the Congress. The Congress waives its oversight role over the purse strings.

If that is not the delivery of awesome power to the President I do not know what is. No President, be he Republican or Democrat, should have the power, free from congressional check, that this language gives him.

It is argued, yes, that the President needs flexibility; he needs the authority to act in a hurry. This may be true. But my amendment does not restrict that power. It asserts the congressional power to participate as well.

The President ought not to have such power. It asserts the congressional power not to have that power indefinitely. If he believes that he needs the extra troops he has activated beyond 60 days, he should be required to come to the Congress and justify the need for the additional troops. He can act to meet a situation that requires extraordinary action. Under my amendment he must justify continuation of his action to Congress.

What is wrong with that? Why should not the Congress be a partner, and be called upon to pass upon these awesome questions of war and peace? The Congress has a concurrent responsibility in this field. Much too frequently in the past the Congress has deferred in its judgment to that of the executive branch. Unfortunately, the President has come to believe that the Congress has no powers in the field of foreign policy. Look what happened—how many of those who voted for the Gulf of Tonkin resolution would like to have their votes back? Almost all of them.

Under this provision the President would not even be required to come to the Congress for a resolution like the Gulf of Tonkin resolution. He could just act arbitrarily. He could just act unreasonably. He could do this without any power in the Congress to check him, except perhaps, by legislation that was initiated by one of the legislative committees of the House.

The purpose of my amendment is to bring the Congress into the picture before we are so overcommitted by the President that it is impossible to extricate ourselves. In this day and age when wars can break out anywhere on the face of the globe, in this day and age when the Armed Forces of the United States may be sent to any part of the globe because the President decides that this should be done in the exercise of our foreign policy, I say that Congress should be given a part in that decision, and at the end of 60 days the President should come in here and ask for the approval of Congress for that kind of action.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I want to associate myself with the gentleman's amendment and state my approval of what the gentleman has said in support of it. I do not think we in the Congress can defer our responsibilities, and I do not think we should even if we could. If the President deems it necessary to increase the levels of our manpower beyond those fixed by law, for any reason whatsoever, I think he has that responsibility and he must exercise it as he sees fit. But I think we have the responsibility, and we should exercise it, not to simply defer to the President without our having passed our judgment on such a decision.

So I associate myself with the remarks of the gentleman and I hope the Committee will adopt this very reasonable amendment.

Mr. YATES. I thank the gentleman for his remarks.

As Senator Vandenberg said, "It is fine that Congress was in at the launching of an initiative instead of the crash landing."

There will be an amendment offered later today in an effort to change the course of this Nation's action in Vietnam. My amendment proposes to see that Congress is in at the beginning. Let Congress be consulted at the beginning. I urge approval of my amendment.

Mr. GUBSER. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. Mr. Chairman, I rise in support of the amendment and commend the gentleman from Illinois for offering it. I do not profess to be a parliamentarian, but it strikes me that the entire section (c) is legislation on an appropriation bill and is subject to a point of order. I presume that the gentleman from Illinois did not make the point of order because he wanted to make it possible for the President to augment forces and to have those forces paid for for a period of 60 days so that Congress, which has the responsibility of setting the force level, could reconvene, if we were out of session, and act in the national interest.

This appropriation bill has a line item limitation of expenditures for payments to military personnel. But section (c) makes what should be a limitation an open ended appropriation. This negates the function of an appropriation bill.

If the President calls Reserves and in order to pay them he must exceed the spending limitations contained in the bill, then Congress should change the limitation by positive action through a supplemental or deficiency appropriations bill.

The gentleman has wisely put in a 60-day provision here to provide for a national emergency. We will probably be here anyway, and if we are not, it is certainly feasible that within 60 days Congress can be called back into session.

I voted for the Gulf of Tonkin resolution, and if I had the benefit of 20–20 hindsight and were asked again to vote on the Gulf of Tonkin resolution which conveyed authority to the executive branch that I did not contemplate, I would not vote for it today. I think it is about time that we took a good look at the powers which we transfer down to 1600 Pennsylvania Avenue—and I do not care whether it is Richard Nixon or a Democratic President.

Mr. Chairman, I ask for an aye vote for the gentleman's amendment.

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have discussed this amendment at some length with the distinguished gentleman from Illinois, because of my interest in our troop ceilings as a member of the Committee on Armed Services. The basic question that I think was in the gentleman's mind was whether this section (c) on page 34 confers any new authority on the President to call up additional troops beyond the established ceilings in present law. Of course all that the section specifically says is that it authorizes the President to pay any additional troops that may be called up.

But in order to clarify my own mind, I went to the basic law, which is contained in title III on page 14 of the conference report on the draft. We voted that into law in September. It says in the basic law that it establishes the troop ceilings for the fiscal year beginning July 1, 1971, but, first of all, it makes it clear that these figures are "average" active duty straight personnel ceilings.

That means the Army can go above 974,309 men at one point during the fiscal year provided they bring the number down below that figure later on, so that it averages out at the specific ceiling figure. This is, of course, what we gave in the basic law to the President so that he would have some necessary flexibility. A sizable majority of the House voted for that measure.

Second, the basic law provides in addition to these established ceilings—which can be exceeded temporarily, and somebody is authorized to find money to pay the extra troops on those particular dates—the law specifically exempts from these specified ceilings "members of the Ready Reserve of any armed force ordered into active duty under provision of section 673, title 10, United States Code, members of the Army National Guard or Air National Guard called into active duty," and so on.

It also provides that the President shall, beginning with the second quarter of the fiscal year "immediately following the quarter in which the first units are ordered to active duty," the filing of reports to the Congress regarding the necessity for such unit or units being ordered into active duty.

So the only legal authority that exists is this authority which allows the services to go above the ceiling temporarily if they will also go below the ceiling later on, plus the flexibility we also gave the Commander in Chief in the authority to call up our Reserves.

Many Members have been faulting the Department of Defense for not having called up the Reserves. Well this is the only authority the President has to call up the Reserves, and he must report to the Congress in 60 days as to what units he has called up and where they are to be used.

But I do not think we ought to add any additional language here that would require that he has got to come back to Congress for a new resolution when only last September this Congress told the President he could call up the Reserves if he felt an emergency required it.

As I read the appropriation bill, it simply provides the money for paying these additional Reserves who might have been called up by the President in some emergency pursuant to the legislation we passed earlier this year in this Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman's argument totally ignores the language on page 34 to which my amendment was directed.

For the gentleman's information, I reviewed with the staff of the committee the language to determine its scope. We concluded this language permits the President to go above the limits that were established in the basic law to which the gentleman refers.

And the troop levels established for the Reserves are not the limitations under this amendment.

Mr. STRATTON. These staff experts could not repeal a law Congress enacted last September, and this legislation could hardly imply that the President had such authority.

Mr. YATES. Why not?

Mr. STRATTON. Because all that the legislation provides for, as the gentleman well knows, is a means of paying, when statutory levels are temporarily exceeded, for those who are called up pursuant to the authority contained in the language of the Draft Act of 1971, in excess of the statutory limits contained in that bill.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Arizona.

Mr. RHODES. Does not this point up the folly of trying to rewrite a provision of law which is so important and so vital to the welfare of the country and the conduct of foreign relations on the floor? If it is to be rewritten, it should be done after the committee on which the gentleman serves has had ample opportunity to study it.

Mr. STRATTON. I agree with the gentleman and believe it also shows that our committee has done a good job in setting current troop ceilings.

I thank the gentleman for his contribution.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from New York indicated that this language does not change the basic law. If this section is enacted into law it will change the basic law which establishes mandatory troop ceilings.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I should like to make my statement first, and then if I have time remaining I will be happy to yield.

Mr. STRATTON. The gentleman yielded his time to let the gentleman from Illinois reply to me.

Mr. OBEY. Mr. Chairman, I decline to yield at this time.

I believe this amendment is more important than the Boland amendment, which we will be voting on today. The Boland amendment attempts to correct a mistake after the fact. I am very grateful to the gentleman from Massachusetts for giving us that opportunity.

But this amendment before us now is to prevent future evasions of congressional policy and future erosions of congressional power. It says, really, that the President can do anything he wants relating to the number of men under arms so long as he comes back to the Congress within 60 days and gets approval for it.

This is an attempt to keep to ourselves the power which our forefathers gave to the Congress, which unfortunately we have seemed to be hellbent on throwing away over the past 5 years.

It also relates to something else which I believe anyone interested in a volunteer army ought to consider. I have heard a great many people on this floor talk about the necessity of establishing a volunteer army because of their belief that if we had a volunteer army it would be more difficult in the future to get this country involved in conflicts in which we have no business being involved.

I do not feel that will work at all unless it is tied to the idea suggested by the gentleman from Illinois in this amendment; namely, the idea of very strict congressional controls over military manpower. That is all the gentleman from Illinois is trying to do. That is the key, in my judgment, to the eventual success, at least in my mind, of the volunteer army concept.

Whether or not we will be able to maintain in congressional hands strict control over manpower levels is the key. If we do not do that we might as well give the President full authority to do anything he wants to do in international affairs.

The argument is going to be made, against this amendment I suppose that we are really putting ourselves in a very dangerous situation if an emergency comes up internationally. I believe everyone in this House knows full well that 90 times out of 100 the President is going to get exactly what he wants from the Congress. I do not believe there is an inclination in either the Senate or the House, despite all the noise being made right now about Vietnam, to deny the President what he wants in the area of foreign affairs.

But it will give us that one chance in 10, in that one case in 10 that requires it for Congress to stand on its own feet. It will give us that chance to exercise some degree of control over the use of our men internationally. We ought at least do that. We can by adopting this amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's yielding.

I do not mind arguing substantial issues here on the House floor. Some of us support the military and some of us do not. But this amendment presents a phantom issue. The Congress has already established clear-cut ceilings for the armed services, just last September. The President is not allowed to go over those ceilings except under the conditions which the House itself spelled out clearly only 6 weeks ago.

That is the law. This wording in section C does not repeal that. I defy anybody to come in here with any kind of reliable legal opinion and say that the language beginning on line 12, page 34, of the bill repeals Public Law 92–129. It does not. Obviously it does not.

So to talk here today about how we have to have the Congress set ceilings and not allow the President to go over them is nonsense. We have already set those ceilings. We have told him under what conditions he may exceed them. Let us not do it twice.

Mr. OBEY. Let me respond to the gentleman. I do not agree with him that this has anything whatsoever to do with whether you support the military or not. I happen to represent the district formerly represented by the present Secretary of Defense. I think my people support the military. But I think they also want this amendment.

Mr. YATES. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. YATES. The gentleman from New York completely overlooks the language of this bill. Let me read it. This bill would be enacted subsequent to the act establishing the troop ceilings.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Yates, Mr. Obey was allowed to proceed for 1 additional minute.)

Mr. YATES. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. YATES. Let me just read this section—I ask the House to note how blanket it is:

> Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act.

Beyond the number for which funds are provided in this act—the Secretary of Defense, and so forth. This is blanket authority to the President to bring into the services on active duty any number that he wants. There is no restriction; there is no limitation. I do not know what could give him that authority if this language did not do that. I say it would change the law.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

I yield to the distinguished gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Chairman, I would just like to point out to the committee and also to the gentleman from Illinois that he has not read this language of the bill very carefully. It reads:

> Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act.

So the funds in this act are being provided for the ceilings already established by law, the numerical ceilings established, as I have said, by the draft act passed in September. If the President were for a couple of months to go over these average ceilings, in July and August, let us say, then additional funds would be required. This language simply provides the manner for paying the additional people. And when the President then drops the troop totals down in October and November, below that ceiling, the DOD picks up some additional money.

Moreover, if the President decides in an emergency to call up the Reserves, which we gave him just last September, the explicit authority to do under the law and within the limitations of this law, then this language today provides the money to pay those extra Reserves. Do we want the reservists from our home districts, whom we made vulnerable to call in September, to serve without pay?

This section certainly does not repeal the draft act, and it is ridiculous to suggest that it does, it seems to me.

Mr. YATES. Will the gentleman yield to me?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. As the distinguished chairman of the Committee on Appropriations pointed out, it was under this section that the President went above the ceilings established by the Congress in 1961. According to the staff of the Committee on Appropriations this bill funds the armed services up to the levels that have been authorized under the military authorization bill that the gentleman from New York spoke about. If this section becomes operative at all, the number of troops will be above the levels established, and I refer to the average levels. Therefore, the President will be exceeding the levels that the gentleman speaks of.

Mr. STRATTON. If the gentleman from Florida will yield to me, the gentleman from Illinois still does not seem to understand that these are average figures.

Mr. YATES. I said average levels.

Mr. STRATTON. You can go above those averages temporarily. But how can the Committee on Appropriations determine today exactly how many men will be on active duty in May, June, and July? I know this is a distinguished and very capable committee, but they do not have a crystal ball. If they are going to pay 974,000 men in the Army, why, we may find ourselves over that figure for a few weeks, and that is all this section provides.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished ranking minority member on the committee.

Mr. MINSHALL. Mr. Chairman, I should like to commend my friend, the gentleman from New York (Mr. Stratton), for the comments which he has made.

My friend, the gentleman from Illinois (Mr. Yates), confuses what the basic law, Public Law 92–129, does and what the appropriation does under the basic law. This gives the President the authority to call up the troops.

Mr. YATES. That is right.

Mr. MINSHALL. All this does, at page 34 of the bill, is to give him authority to pay those troops.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. I read the language of the bill, Mr. Chairman. The bill is subsequent to the act to which the gentleman from New York referred. It reads as follows:

> Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an accepted expense in accordance with the provisions of Revised Statutes 372.

This can only refer to exceeding those troop levels under the military authorization bill and, under this language the President can go as high as he wants to go. The sky is the limit, and under the provisions of this bill the Congress would lose its constitutional authority to set the funds for the services.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there seems to be considerable misunderstanding as to the amendment which is pending.

This provision on page 34 has been the law for 10 years or more. It enables the President to pay the people who are called into service as the result of an emergency. And, why should they not be paid. Why should they not be paid as long as they are serving?

We just provide here that they shall be paid. The language is easy to understand if you read it with care—

> Upon determination by the President that it is necessary—

This does not say he has the authority. It just says:

> Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel—

In other words, if the Congress has authorized the Department of Defense to have 2 million men in the service, and the President calls up some additional men, then they can be paid. That is what this provides for here.

We have talked about the Berlin crisis. The President did not have to have any authority with respect to calling up the number of men. The callup was not the problem. The men were called up under existing authority.

The language in the appropriation bill simply provided that the Secretary of Defense could pay those people even though the appropriation for that year was not sufficient to pay them.

The language of the bill makes it possible for him to do that today.

If the President calls men up, this language provides that they can be paid.

Mr. Chairman, I regret to see a basic change of our law made upon such short notice.

It has been said that if someone had known what the implications were on the

Tonkin Gulf resolution, he would not have voted for it, because it was not thoroughly explored and examined. This is exactly what is happening here now.

The amendment offered provides that if the President has the authority and does call up people, he can pay them, but he cannot pay them beyond 60 days.

Mr. Chairman, this is not the way to decide the great policy question as to the power of the President to use the Armed Forces of the United States. If we want to settle that issue, we ought to have extensive hearings. The Committee on Armed Services should bring forward legislation and let us debate it in detail, if we are going to try to restrict the President.

What this bill provides is that if men are called up—and they cannot be called up unless it is according to law—they can be paid.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I will yield in a moment if I have the time.

So, Mr. Chairman, it seems to me that this is a condition that should be thoroughly explored by the legislative committee and then, if need be, legislation could be brought up.

If Congress wants to deny the President the authority to call up additional men in an emergency, let them do it in the proper way. That is not the issue here.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, the portion of this amendment which particularly disturbs me is the 60-day limitation. It is only in rare instances that Congress works that fast. We might not even be in session. I think it would be difficult and it might be impossible to operate under a 60-day limitation during an emergency situation.

Mr. MAHON. If Congress were in session we still could not deny paying people who have been called into service. The Congress might deny the President certain emergency powers, but it certainly could not deny the pay for the people who have been called up. And that is what we are dealing with here. This is an appropriation bill.

Mr. Chairman, I ask that the amendment be voted down.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Illinois (Mr. YATES).

Mr. Chairman, there is nothing in the amendment offered by the gentleman from Illinois (Mr. YATES) that contradicts anything that has been said by the distinguished chairman of the Committee on Appropriations. The chairman says that the President ought to have a free hand to increase the authorized strength of our troops and if such increase is made, the bill provides funds to pay these extra troops. Of course the extra troops have to be paid and this amendment does not prohibit this. It merely provides that if the President decides to keep these extra troops on active duty for more than 60 days, he must seek approval from Congress.

The gentleman from New York would have you believe that the problems of extra troops is one of these little bookkeeping things that happens every now and then because you cannot precisely predict how many men you will have in the service at any given time, and when they go over the limitation those men ought to be paid. Nobody quarrels with that, nor does this amendment quarrel with that in any way.

What this amendment says is that if the President decides to keep these extra men more than 60 days he will have to come before the Congress and ask for that permission.

There is nothing in this amendment that in any way disturbs the President's constitutional rights as Commander in Chief. All it says, if you are going to keep these men in for a period beyond 60 days you have to come to the Congress to get the authority.

Too many people in this country have the idea that Congress is an adjunct of the executive branch of the Government. There is reason for that belief. We in Congress pass bills that are completely rewritten when the executive branch gets through with them with their guidelines and their interpretation. You are seeing this happen now in the price and rent freeze. If you look at the Price Stabilization Act, there is no authority for many of the things that are being ordered by this administration. The order of ignoring legislative intent has become a hallmark of the administration and that when I believe we must write limitations into this bill or suffer the prospect of more Vietnams.

I agree with the gentleman from Wisconsin that this is an extremely important amendment.

Mr. Chairman, I remember when our distinguished Speaker made his inaugural speech when he took office as the Speaker. He called upon Members to help him restore to the Congress its rightful role as a coequal branch of the Government; not a rubber stamp or an adjunct of the executive branch of the Government, but its constitutional role as a coequal branch of Government. I think that a vote for this amendment will give us an opportunity to reassert the coequal status of the Congress of the United States on these vital issues.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I agree with the statement by the distinguished chairman of the Committee on Appropriations when he said the President does have the power to call up these troops, and all this section does is to provide them with payment. But that is the point; what the Committee on Appropriations is doing in this situation is waiving the congressional right of oversight on payment for these troops. That is the constitutional role of Congress and ought not be surrendered.

According to the argument made by the gentleman from Texas, if the President calls up the troops under this section, he would be authorized to call them for this fiscal year, without having to come to Congress on payment for them.

My amendment says if the President does it that the troops are going to be paid for 60 days. If the President wants the troops to be paid beyond that time, he must come to Congress and tell the Congress why he thinks the troops should be kept on beyond that date, let the Congress decide whether or not they ought to be paid beyond that point.

Mr. PUCINSKI. May I remind the House that the last strength we have as a coequal branch of Government is the power of pursestrings. Do not deal that power away. I believe the amendment the gentleman offered here in no way disturbs the executive branch's power.

Mr. Chairman, I would make the same argument if there were a Democrat in the White House. This has nothing to do with partisan politics. What this does is to try to establish in the Congress its coequal reponsibility on these very vital and important issues.

Mr. SEIBERLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Illinois.

If you go back to the origin of modern parliamentary institutions in the 17th century, the power of parliament was established because of its power over the purse. I think the gentleman from Illinois has put his finger on the key to this whole problem of stopping the erosion of congressional power toward the executive.

If we do not preserve the power of Congress to control the executive in the expenditure of money, we have given up the substance of our power.

I have listened to distinguished lawyers, the gentleman from Texas and the gentleman from New York, make some very persuasive arguments that all this does is to give money in case the President decides to go above the limits set by law on the size of the armed forces. But that is the very point, gentleman—every time we give up any of Congress power to control the expenditure of money, we give up some more of the basic power of Congress.

I did not come to this House to abandon more of Congress power to the executive, but to try to help bring back power to this institution. I think the people of this country want us to do that. We have an obligation to do so if we are going to discharge our responsibility under the Constitution. I am happy to associate myself with what I consider to be one of the most important amendments that has been offered since I have been a Member of this House.

Mr. RHODES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take the 5 minutes, but I want to make one point and will try to make it as clearly as I possibly can.

First. This provision of the law refers only to the calling up of Reserves and payment of the Reserves who are called up.

Second. When you look at the record—no war, no police action ever started with the calling up of Reserves. There has not been any such occurrence in the history of the United States. If the gentleman from Illinois is looking for a panacea to stop wars, and I wish him luck, he has zeroed in on the wrong target.

Third. The President of the United States, whoever he may be, should have the authority to call the Reserves in the event war threatens. Sometimes just having this authority allows a President to deter war.

I take you back to the days of 1961 when President Kennedy had the authority and did call up the Reserves in the Berlin situation. I do not have much doubt in my mind that the ability of the President at that time to do what he did had more to do with stopping the possibility of war in Germany than anything else.

Mr. Chairman, this is not the time to tamper with legislation that has had as important a history as has this proviso, which has been in the law for 10 years. The time to change this legislation, if it is to be changed, is when the Committee on Armed Services of the House which has the legislative authority has had a chance to have hearings and then to act intelligently in this matter.

I certainly hope we will not play games with the defense of our country by voting for this kind of amendment. I ask that the amendment be voted down.

Mr. HATHAWAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, as the gentleman from Arizona said, I have taken a great deal of time on this amendment, rightly so, I believe because I am convinced of its importance.

The gentleman is entirely wrong when he says that this amendment applies only to the Reserves. The gentleman has obviously failed to look at the language of this section. It could not be more clear.

Section (c) states:

> Upon determination by the President that it is necessary to increase the number of military personnel on active duty . . .

The President could take them from the Reserves, yes, but he also can take them from the drafted men just as well. He can increase the size of the draft and take draftees. He does not have to go to the Reserves in this kind of situation any more than the President did when he went into Vietnam. At that time he did not call the Reserves.

If there is a trouble spot somewhere in the world to which the President thinks the Armed Forces should be sent in an emergency situation, he can increase the number of draftees or call up the Reserves or do both. Under this section the power of Congress to supervise the number of military personnel would be waived indefinitely.

My amendment says, Mr. Chairman, "Mr. President, you can do it for 60 days, but beyond that you have got to come to Congress and have your action reviewed if you want your funds."

Mr. HATHAWAY. Mr. Chairman, does the gentleman from Texas wish me to yield?

Mr. MAHON. Mr. Chairman, will the gentleman yield to me for a unanimous-consent request?

Mr. HATHAWAY. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at the conclusion of the address of the gentleman who is now addressing the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Arizona.

Mr. RHODES. The words "active duty" on line 14 of page 34 are controlling. You do not recall draftees to active duty. They are either on active duty or they are out of the service. Obviously this provision does not refer to draftees. It refers only to members of the armed services, either in the Reserves or the Regular Forces.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Illinois.

Mr. YATES. I have the impression that there are many draftees who are on active duty, having been drafted into the Army of the United States. They are on active duty and they can be used.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I rise in support of the amendment and would like to make the point that if there is a really important emergency, there is no reason the Congress cannot act to appropriate the necessary money within 60 days.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the chairman of the committee.

Mr. MAHON. Mr. Chairman, I propose to offer a motion that all debate close, but I do not want to take the gentleman off his feet. When he has concluded, I shall address the Chair.

Mr. HATHAWAY. Mr. Chairman, I rise in support of the amendment and endorse the many cogent arguments that have been made in support of it. I do not think we are fulfilling our constitutional responsibility unless we do follow the gentleman from Illinois, and I urge the committee to support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Chairman, I demand tellers with Clerks.

Tellers with Clerks were ordered; and the Chairman appointed as tellers Messrs. Yates, Minshall, Mahon, and Gubser.

The Committee divided, and the tellers reported that there were—ayes 183, noes 210, not voting 38, as follows:

[Roll No. 398]

[Recorded Teller Vote]

AYES—183

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Baring
Barrett
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blanton
Boland
Brademas
Brasco
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burton
Carey, N.Y.
Carney
Chisholm
Clay
Collier
Collins, Ill.
Conte
Corman
Crane
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dennis
Dingell
Donohue
Dow
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Foley
Ford, William D.
Forsythe
Fraser
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros
Leggett
Long, Md.
McCloskey
McCormack
McDonald, Mich.
McKay
McKinney
Macdonald, Mass.
Matsunaga
Mazzoli
Melcher
Metcalfe
Miller, Ohio
Minish
Mink
Mitchell
Moorhead
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schmitz
Schwengel
Scott
Seiberling
Shipley
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Whalen
Wilson, Charles H.
Wolff
Wydler
Wyman
Yates
Yatron
Zwach

NOES—210

Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Bell
Bevill
Bolling
Bow
Bray
Brinkley
Brooks
Brotzman
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Coughlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dent
Devine
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Griffin
Griffiths
Grover
Hagan
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Heinz
Henderson
Hillis

Hogan
Holifield
Hosmer
Hull
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Keating
King
Kuykendall
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
Lujan
McClory
McCollister
McCulloch
McEwen
McFall
McMillan
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Meeds
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Passman
Patman
Pelly
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Purcell
Quillen
Railsback
Rarick
Rhodes
Robinson, Va.
Rogers
Rooney, N.Y.
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Spence
Springer
Staggers
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—38

Abbitt
Alexander
Ashley
Belcher
Betts
Blackburn
Blatnik
Boggs
Celler
Chappell
Clausen,
Don H.
Conyers
Cotter
Derwinski
Diggs
Dowdy
Downing
Dulski
Edmondson
Edwards, La.
Fish
Goodling
Halpern
Hébert
Kee
Landgrebe
Link
McClure
McDade
McKevitt
Madden
Mathias, Calif.
Mayne
Mikva
Mosher
Roberts
Runnels
Steed

Mr. BARING changed his vote from "no" to "aye".

So the amendment was rejected.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this appropriation bill. The committee is to be congratulated for having brought to us a well-balanced program for the necessary level of national defense.

Particularly do I wish to congratulate the committee for having included sufficient funds for continued production of the F-111 fighter-bomber. The amounts included in the bill will permit the continued acquisition of this vitally important aircraft at the rate of 12 per year and keep the production line open.

Since certain comments were made on the floor yesterday which reflect an uninformed view of this extremely important program, I take this time primarily to set the record straight with respect to certain significant facts.

First, of course, is the question of the safety record of the F-111. Contrary to misconception shared by some of the press and incredibly, by even some few in this body, the F-111 is the safest military aircraft we have built in this country since the early 1950's.

Let me repeat that statement: The F-111 is not only one of the safest, but is the very safest military aircraft we have built in the past 20 years.

Let me give you this comparison on the number of major accidents suffered by each of the following aircraft at 125,000 hours of actual flight.

The F-100 had 108 major accidents.

The F-104 had 90 major accidents.

The F-4 had 60 major accidents.

The F-102 had 59 major accidents.

The F-101 had 59 major accidents.

The F-105 had 58 major accidents.

The A-7 had 42 major accidents.

The F-106 had 39 major accidents.

The F-111 had 22 major accidents at 125,000 hours of flight—the safest of all.

In the number of aircraft destroyed during the first 125,000 hours of actual flight, the story is very much the same.

There were 52 F-100's destroyed.

There were 62 F-104's destroyed.

There were 25 F-4's destroyed.

There were 28 F-102's destroyed.

There were 31 F-101's destroyed.

There were 40 F-105's destroyed.

There were 40 A-7's destroyed.

There were 18 F-106's destroyed.

There were 18 F-111's destroyed.

We are talking here of equal operations, noncombatant in character, and it can be seen clearly that the F-111 on balance is as safe or safer than any other military aircraft we have developed in the recent past.

Something was said yesterday—perhaps of a facetious intent—to the effect that these planes do not fly. The statement was made, though I cannot believe that it was seriously made, that most of them are grounded. This is absolutely untrue.

The Air Force has accepted 375 of these aircraft and of that number at least 350 are operational and in flight today. These include some in the 20th Tactical Fighter Wing at Upper Heyford, England.

The pilots and commanders of that wing are high in their praise of the performance of the F-111. There is certainly a continued requirement for this aircraft, since it is the only long-range, high-speed, penetrator in production in the free world.

The Soviets are increasingly improving their position vis-a-vis the United States in strike force capability.

Of course, we hope to have the B-1 in production and operational numbers perhaps by 1980. But what about the interim? The F-111 is the only hedge against technical, political, or cost problems that might cause an unforeseeable delay in getting the B-1 in operational numbers.

For all of these reasons, the committee is to be thoroughly congratulated for having demonstrated the vision to insist upon continued production of the F-111, and it is clear that the Congress supports this decision.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 744. None of the funds in this Act shall be available for the induction or enlistment of any individual into the military services under a mandatory quota based on mental categories.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 48, immediately following line 7, add the following new section under title VII:

SEC. 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Chairman, reserving the right to object, I suggest that the gentleman make that request at the end of his first 5 minutes.

Mr. BOLAND. Mr. Chairman, I withdraw the unanimous-consent request.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes in support of his amendment.

Mr. BOLAND. Mr. Chairman, there are many in the Chamber who will say that "We have been here before." Not quite. This is a totally different amendment than has been offered to any bill in the years that I have been here since we have been engaged in Vietnam. It is the toughest and the hardest amendment and probably one of the most difficult ones to vote for on the part of all Members in this body. But, this is a hard and a tough war and it requires some hard and some tough answers and some hard and some tough action.

Mr. Chairman, in opening the debate on this bill yesterday, the distinguished gentleman from Texas, my beloved chairman of the full Committee on Appropriations, stated:

> It seems that we are in somewhat of a frenzy to withdraw.

The simple fact, Mr. Chairman, is that the majority of the American people want us to withdraw and want a terminal date. There is nothing frenetic about their desires.

Mr. Chairman, for most of the past decade they have believed our leaders to the effect that the end was in sight; that just a little bit more pressure and a lot more bombing would bring about an end to this tragic war. It has not happened and the support and the patience of the American people continues to erode until now today 75 percent of the American people are opposed to the war in Vietnam and want a termination date.

The chairman yesterday compared the war in Vietnam to World War I, World War II, and the Korean war.

He said that we did not withdraw in these wars, and he contended that a precipitous withdrawal from Vietnam could create a vacuum.

I simply respond, Mr. Chairman, by paraphrasing a favorite line of our beloved colleague, the gentleman from New York (Mr. CELLER) that World War I, World War II, and even the Korean war, are as different from the Vietnam war as a horse chestnut is from a chestnut horse, and as night is from day, and as water is from fire.

With regard to Korea, he said, "We kept our fighting forces at their posts so that we would not lose the fruits of victory."

That is what he said. Well, if he really believes that there are or will be any fruits of victory in Vietnam he surely must stand almost alone in this opinion.

Mr. Chairman, the amendment I have introduced provides that funds shall not be used to finance any military or support operations by U.S. forces in or over Indochina after June 1 of 1972. Its purpose is twofold. First, it offers a real chance, the first real chance, to bring this conflict to a close after almost a decade, after almost 10 years of U.S. involvement in Southeast Asia.

Second, it seeks to obtain within the next 6 months the release of all American prisoners, and an accounting for those men missing in action.

My amendment is designed to implement and to carry forward the provisions of the compromise Mansfield amendment now found in title VI of the Military Procurement Act, which was passed just a short while ago. That amendment sets forth as national policy—and let me emphasize, that amendment, the Mansfield amendment to the Military Procurement Act, which was passed, and I think signed by the President just a couple of hours ago, establishes as national policy the termination of all U.S. military operations in Indochina at the earliest practical date, and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject—subject—to the release of all American prisoners and an accounting for the Americans missing in action.

As we all know, the most critical aspect of the Mansfield amendment, the 6 months withdrawal deadline, was dropped in conference. My amendment serves to restore this vital termination date to provide the basic means for implementing that provision.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. I thank my friend from Illinois. Mr. Chairman, the amendment is subject to the legislative limitations set forth in title VI of the Military Procurement Act which conditions our total military withdrawal on the result of the prisoners and the missing in action issues.

Some people will argue that Congress has no business legislating a mandate to terminate our military role in the Indochina war. I cannot agree. Throughout the history of this conflict, Congress has fully shared with the President the responsibility for the U.S. conduct in Indochina. This fact is made all the more clear by the recent court rulings such as the Federal Circuit Court for the District of Massachusetts in the case of Laird against Massachusetts, U.S. Court of Appeals for the First Circuit, in which it found that Congress in annually appropriating funds to carry out the war has repeatedly provided the war with legislative sanction. We have clearly shared the responsibility for the existence of this war, this body has, this Congress has. And as elected Representatives of a Nation that today overwhelmingly supports an end to our military participation in Indochina, we have the duty and the obligation to share the responsibility for bringing this war to a close.

Last week President Nixon announced the projected troop withdrawals totaling 45,000 men for the next 2 months.

With these reductions, the President will have brought the number of U.S. ground troops in Indochina from 540,000 men down to 139,000 during his term of office. No one—no one can deny that President Nixon has significantly altered our posture in Indochina. He deserves great credit from all of the American people and from those who are in this House for that substantial reduction of troops and the corresponding substantial reduction in U.S. casualties.

Nevertheless, certain hard facts still face us. Our military involvement in Indochina remains open ended with no foreseeable termination date in sight.

Our prisoners continue to remain in the hands of North Vietnam and its allies and our citizens, reduced as the casualties may be, are still dying in the war every week.

Our air missions constituting the greatest bombing effort in the history of warfare continue at extremely high levels.

The President last week offered no encouragement on the prisoner-of-war issue.

The President offered no encouragement about ending U.S. troop involvement in Indochina and offered no encouragement about ending our bombing role. Our military role in Indochina must be brought to a close and our prisoners' release must be obtained.

The way to accomplish all of these roles, I submit, is to set a deadline for U.S. military involvement in this war.

I would like to quote from a part of a letter I received from the Prisoners of War and Missing in Action Families for immediate release. This is an organization of prisoners of war and missing in action families who believe that positive steps must be taken to resolve these issues.

I quote:

> We want our sons and our husbands and our fathers and our brothers returned now. We want our missing in action accounted for now. We are not prepared to see them play second fiddle one day longer to an undemocratic Saigon regime.
>
> Many talk about the great sacrifices that our men have made. We have lived those sacrifices. We fully recognize that prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina.
>
> We therefore would like to offer our support for your efforts which we believe will carry out this goal.

Failure to commit ourselves, Mr. Chairman, to a dateline for total withdrawal and to talk instead of residual forces not only prolongs our role in a war that we should conclude but also endangers the troops remaining in Indochina and, moreover, endangers the prospects of obtaining the release of prisoners.

We have sacrificed 55,000 American lives and $150 billion of American resources in this war.

We have endowed the South Vietnamese with one of the largest and best equipped armed forces in the world. We have done enough. We have gone too far. The time has come to get out and this amendment takes us out.

Mr. Chairman, I include with my remarks title VI—Termination of Hostilities in Indochina—of the Military Procurement Act and a letter from prisoners of war and missing in action families for immediate release.

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

POW/MIA FAMILIES FOR
IMMEDIATE RELEASE,
November 14, 1971.

DEAR REPRESENTATIVE BOLAND: It is our understanding you will offer an amendment to the Defense Appropriations Bill to establish June 1, 1972 as a termination date for all U.S. military operations in Indochina. It is also our understanding that the June 1, 1972 deadline is subject to the provision of the Mansfield Amendment to the Military Procurement Act which conditions our withdrawal of forces from Indochina on the return of all American prisoners and an accounting of missing in action.

In our Statement of Purpose established in July, 1971, we state the following: We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam. We shall work, therefore, toward the formulation and implementation of policy which will bring about the most rapid release and repatriation of our prisoners of war and for the return of our armed forces currently serving in Southeast Asia.

In accordance with this, we have been working for the establishment of a termination date for U.S. military operations in Indochina in conjunction with the return of all prisoners and an accounting of the missing in action by that date. We believe that it is only in this manner that the POW/MIA issue can be satisfactorily resolved. We want our sons and our husbands and our fathers and our brothers returned, *now*. We want our missing in action accounted for, *now*. We are not prepared to see them play second choice one day longer to an undemocratic, corrupt Saigon regime.

Many have talked about the great sacrifices our men have made. We have lived those sacrifices.

We fully recognize that the prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina. We therefore would like to offer our support to your efforts which we believe will carry out this goal.

POW/MIA FAMILIES FOR IMMEDIATE RELEASE,
SHIRLEY CULBERTSON,
JANE DUDLEY,
Washington Coordinators.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to ask the gentleman from Massachusetts a couple of questions about the gentleman's amendment.

I ask the gentleman from Massachusetts: Does your amendment require prior release of all of our prisoners?

Mr. BOLAND. In my judgment, it does indeed. If the prisoners of war are not released and if the missing in action are not accounted for, then the effect of this amendment is null and void.

Mr. WYMAN. I would respectfully differ with the gentleman as to the wording of the amendment because as I look at his amendment I find these words: "subject to the release of all American prisoners and an accounting for all Americans missing in action." But the phrase "subject to the release of all American prisoners" in the gentleman's amendment are not a condition precedent, they are merely connected with the declaration of the U.S. policy set forth in title VI of the 1971 military procurement act. And I read further:

> That notwithstanding any other provision of this Act—

This is from the gentleman's amendment—

> none of the funds appropriated by this Act shall be used—

And so forth—

> to finance any of these operations after June 1, 1972.

I would ask the gentleman from Massachusetts, how can the adoption of an amendment such as this by the Congress and the enactment of it into law get our prisoners back?

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. That part of the amendment that states "no funds appropriated" and cuts off the appropriation as of June 1, 1972, is tied directly into the Military Procurement Act, specifically title VI, which is the watered-down Mansfield amendment. Specifically, it calls for the release of the American prisoners of war and for an accounting of those missing in action. My amendment is tied directly to that end, so far as I am concerned—and you may differ with it—but so far as I am concerned, if there has not been any resolution of the matter of the release of the prisoners of war and an accounting of those missing in action, then the cutoff would not occur.

Mr. WYMAN. I simply observe to the gentleman, and the gentleman will acknowledge, that his amendment does not say "subject to the prior release of American prisoners" as a condition to the taking effect of the cutoff date of June 1, 1972. Does the gentleman contend that a contemporaneous or prior release of American prisoners is required?

Then we are going to stop all our support, we are going to stop all pay for our men, for their supplies, their arms, all our money, all our air cover—we are going to stop fighting over there on June 1, 1972, whether or not we have the prisoners back?

Mr. BOLAND. That is not so at all.

Mr. WYMAN. Your amendment does not provide otherwise.

Mr. BOLAND. It is not the intent of the amendment at all. In my judgment, the amendment provides for a move on the part of the North Vietnamese, to release the prisoners of war and to account for those missing in action. I have said that a dozen times. That is my contention. The gentleman from New Hampshire apparently does not agree with that, but that is my intention and that is my interpretation of the language of the amendment.

Mr. WYMAN. I submit, despite the gentleman's protestations as to what the amendment means, it does not call for what he claims it calls for, and I think it should be debated and considered in the light of what it actually provides. I submit that the amendment does not require the prior release of American prisoners. This amendment, if adopted, would be dangerous to the lives of the American troops remaining in Vietnam for it prohibits not only their arms and ammunition but it cuts off provision for arms for the South Vietnamese to cover them in withdrawal.

It is absolutely ridiculous for Congress to call off all support for Americans over there when the President of the United States is disengaging our troops just as fast as the protective defense forces can be trained in Vietnam to take over their own defense. The pending amendment would even stop the training of the South Vietnamese to use the equipment we have provided them for their own defense. The amendment would deny all support—arms, food, and air cover—to support our troops and those of our allies in Vietnam, even as they defend themselves in withdrawal.

The pending amendment would imperil the lives of Americans in Vietnam, be they advisers, troops or otherwise. By its author's own admission it would mean that we would cut off everything even if the enemy should continue to attack and kill Americans.

I want no part of such a proposal.

I am confident a majority of this House will not vote to endanger our troops and deny our President the leverage to continue to negotiate for the release of our prisoners.

Mr. Chairman, this amendment should be rejected out of hand.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. I think the gentleman from New Hampshire has raised an important point. Unfortunately, I do not believe that the gentleman from Massachusetts was responsive to his question. The whole issue of the American prisoners of war and the point the gentleman has made about clear priority of action must be debated on this floor. I think it would be tremendously damaging to our American prisoners now held by the enemy if we should adopt this improperly drawn amendment.

Mr. WYMAN. I would say in response to the gentleman that whatever the gentleman from Massachusetts claims to be the intent of his amendment, of course, is interesting in the sense of what he intends. But it does not control the plain language of the amendment. The amendment speaks for itself. An examination of the amendment by Members of the House, particularly its attorneys—and there are many distinguished attorneys in the House—will show that there is no condition precedent in the amendment before us requiring either the prior release of our prisoners or even their contemporaneous release. Had the gentleman from Massachusetts wished to specifically establish the requirement of prior release his amendment could easily have been so worded. He has neither done this nor does he offer a perfecting amendment to do this at this time. Instead he allows his reference to prisoners to remain in a general introductory clause referring to title VI of the Military Procurement Act of 1971 that itself contains no cutoff date nor any date whatever.

The pending amendment is fatally defective as to prisoner release and this should be understood by all Members before they vote.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment, and move to strike the requisite number of words.

Mr. Chairman, the President has today signed H.R. 8687, the Military Procurement Authorization Act, into law, notwithstanding the Mansfield amendment. But here is what he said in the conclusion of his statement about that action:

> I would add regretfully that legislative actions such as this hinder rather than assist in the search for a negotiated settlement.

That was in reference to the Mansfield amendment, a much milder version than the Boland amendment now before us.

Aside from the President's comment, there is not the slightest reason to believe that the act of specifying a date for U.S.

withdrawal would influence North Vietnamese policies toward the prisoners of war or toward the conduct of the war itself. The chances are that having gained a date for the end of U.S. participation, they would simply demand further concessions—like handing over the Saigon government to the Communists. There is not a scintilla of evidence from any reliable source to show any positive commitment by any North Vietnamese official that we can rely upon.

No, Mr. Chairman, this amendment can serve no usful purpose for the United States or the prisoners of war. It can only tie the hands of a President who has done a remarkably good job in extricating U.S. Forces from the difficult and complicated controversy in Southeast Asia. The American military has all but ceased ground combat, but we cannot instantaneously write off Vietnam and Southeast Asia and forget them. It is still a very important part of the world to the United States and to the free world.

Of course, America wants the war ended, but we cannot stop a war on a fixed date by congressional resolution. If we adopt the amendment that is proposed, we tie the President's hands, we free the Communists to take advantage of many alternatives which are now closed to them. The President must have flexibility to carry on to a successful and a responsible conclusion our objectives in Vietnam.

Remember—remember this—the North Vietnamese negotiators in Paris can end all of the uncertainty, they can bring about assurance of peace and the return of the prisoners of war on any day they wish by a simple statement of intent. And yet, in all the years of wasted effort by our negotiators in Paris, the North Vietnamese have not in a single instance showed good faith or good intentions. Everything has been unilateral on our part, and this action, now exemplified by the amendment before us, can produce no certainty, can offer no hope of any positive result.

Let us not play the game of the North Vietnamese here today in the U.S. House of Representatives.

Mr. ADDABBO. Mr. Chairman, I rise in support of the Boland amendment. It is important to note that this amendment is consistent with previous legislation adopted by the House of Representatives. Title VI of the Military Procurement Act passed by this body and which I supported calls for withdrawal conditioned upon the release of U.S. prisoners of war. The amendment now before the House also ties the termination of U.S. military activities in Indochina to the release of prisoners by North Vietnam.

This very point was recently recognized by the POW/MIA Families for Immediate Release. In a letter addressed to our colleague from Massachusetts, Mr. BOLAND, that organization said:

> We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam.

That committee also emphasized the realities of the situation by stating that:

> We fully recognize that the prisoners are not going to be released nor our missing in action accounted for until a termination date has been established for our role in Indochina.

As I stated in this Chamber a few weeks ago, and during general debate on this bill, I believe the time has finally come when all the frustrations and all the rhetoric about the pursuit of peace must end. By the House approval of this amendment we must stand up and say once and for all "end the war."

Mr. Chairman, my position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriation Committee, I have voiced concern over the expansion of the war, and the extent of our role in Southeast Asia.

It has been said that to set a specific date to end all operations in that area gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of further pullouts. After 10 years, after all our dead and wounded, after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea, after 40 percent of our troops starting to use drugs, it is time to put a stop to this carnage and let the South Vietnamese know that they must take over the responsibilities in the field. I believe we must give them an ultimatum, a definite date beyond which the United States will not continue to provide further military assistance.

The President has pledged to end the war. Let us lend our support to his committee by passage of this amendment.

Mr. Chairman, for purposes of clarification, I wish to read again the amendment which was offered by the gentleman from Massachusetts:

> On page 48, immediately following line 7, add the following new Section under Title VII: SEC 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after June 1, 1972.

Mr. Chairman, this is in accordance with the bill passed by the House almost unanimously and signed by the President.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, as the gentleman from New York has indicated, and as the amendment clearly indicates, this is tied in with the national policy as delineated in title VI of the 1971 Military Procurement Act. Let me read the pertinent paragraph in that title.

> Establish a final date for withdrawal from Indochina of all military forces of the United States contingent upon release of all American prisoners of war held by the Government of North Vietnam and forces under such control and accounting for all Americans missing in action who have been held by or known to such government or such forces . . .

Now, the national policy as established under the Military Procurement Act is this described policy. I am disturbed that upon the signing of the Military Procurement Act today by the President, sometime around noon, that he did say that he would ignore one of the provisions of that act.

He would ignore the Mansfield amendment. I believe it is indefensible for the President of the United States to ignore the national policy that has been passed upon by the Members of this body, by the Members of the other body, and signed by himself.

That is one of the reasons why we have this amendment. I believe it is high time we do establish policy in this body. We have been traveling along too easily, too much, too often.

I have been here now for a few years, and I have heard constantly and consistently the argument that we should not tie the hands of the Executive, whether it be President Nixon, President Johnson, or President Kennedy. I have heard it now over the past three administrations. And I have seldom, if ever, done it. But it appears to me we have to do it now. This is the only way we are going to stop this war.

Say what you want, the President's press conference last week clearly indicated we are going to have a residual force there of 30,000 to 55,000 men. I do not know how we are going to protect a residual force without some sort of military establishment to back it up.

That is my concern. I am sure it is the concern of all Members here, as it is the concern of the vast majority of the American people.

Mr. ROUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. For months I have heard many persuasive men argue against this amendment, but I have heard very few well reasoned persuasive arguments against it.

I become impatient with headlines such as we saw in this morning's Post, "Beat Amendment Selling Viet Pullout, Nixon Urges Congress." I grow weary of the argument that we must continue this war because the President needs a free hand in the conduct of our foreign affairs.

For almost a decade we have given our Presidents a free hand and for almost a decade we have seen the war continue.

It is a national tragedy to know that the leadership of this great deliberating body is willing to abdicate its power and authority to the executive branch. They are asking this Congress to be the President's puppet, jumping when he says jump, to tuck ourselves away in the closet when he says he does not want to hear from us. I suggest that on this great issue that we speak out, that we correct the course the Nation is taking and in so doing reestablish the Congress as an equal branch of this Government.

I cannot believe it is enough to say that we are withdrawing 45,000 troops by the end of November or that we have reduced troop strength in Vietnam to less than 200,000 men when, in fact, it is our intention to keep a residual force of perhaps 50,000 men there. Nor can we believe the statement that the American combat role is over when we continue to drop thousands of tons of bombs each week in Vietnam. How can the nations of the world or how can the citizens of this country believe our combat role is over when this is happening?

There are compelling reasons why this amendment should be adopted. Let us remind ourselves of the economic havoc it has brought. Over a hundred billion dollars have been wasted. One of our most grievous economic problems—and I refer to inflation—has been nurtured and fed by the expenditure of funds to carry on the war in Vietnam. Each time I have heard the President speak of inflation he stresses the cutting of Government expenditures as part of the solution and yet he refused to call an end to our activities in that far place.

Then there is another consideration of which we do not often speak but which is very real. Each day this involvement continues we contribute to the weakening of our general defenses. By pouring our military strength into Vietnam we weaken our overall military strength. We neglect our research and development, the building of our fleet, the modernization of our Air Force, and the defenses here in this country. We deprive military men of decent housing and necessary equipment. And can anyone deny that we are slowly permitting the deterioration of that most important ingredient of all to a strong military force, the morale of our men in uniform.

The political problems which this war has created are horrendous. We have lost friends throughout the world. Our credibility as a peace-loving nation is doubted. Our motives have been suspect. Our actions and interference condemned. And the result? At a critical time in the history of the United Nations we could not even muster a simple majority to keep Taiwan in the United Nations.

And then there are the humane and human reasons for us to stop this war and to get out of Vietnam. Killing, maiming, and destroying at that place can no longer withstand the forces of reason which say that they must stop. Are we not mindful of the millions of lives which have been affected by the misery and tragedy of that war? When I consider my own experience as the father of a son who fought in Vietnam, I know that my fear, my apprehension, my sleepless nights could be no less than that of countless others, including the parents of sons who fought on both sides of this conflict. Have you ever put your arms around a son—who is suddenly a man—said goodbye and then watch him get onto a plane knowing that in a short span of time he will be in the jungles fighting a war which none of us understand? Each day for that year you pray for his safety, dreading every telegram you receive and watch for his letters. And in these letters read his inquiries as to why we are fighting there. You cannot answer those inquiries. You cannot answer the question "Why?"

My infantry sergeant son came home. He had done his bit and how proud I am of him. He earned the hard way as only an infantry man can understand, his decorations, citations, and commendations. But something was lacking that day when he stepped off that plane. No one, no one could explain why he had gone in the first place.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the American people charge the Congress with its full share of responsibility for involving us in this war. They expect the Congress to exercise its full responsibility in at last extricating us from that war. The Boland amendment will do just that.

If for no other reason, I urge it be adopted.

Mr. ECKHARDT. Will the gentleman yield?

Mr. OBEY. I am glad to yield to the gentleman from Texas.

Mr. ECKHARDT. I would like to rise to point out why, as a legal proposition, the statement of the gentleman from New Hampshire (Mr. WYMAN) is not correct. That is, the amendment is in truth limited to the withdrawal of troops.

I think we need to establish a little legislative history on that point. As I understand it—and I would like to address this question, of course, through the Member who has the floor, to the author of the amendment—the amendment is a limitation on the appropriation bill which provides for a cutoff of funds at a specific time, but expressly states that such condition is itself conditioned on established policy contained in title VI of the 1971 Military Procurement Act. Is that correct?

Mr. BOLAND. The gentleman states it exactly as I intended it and exactly as it is.

Mr. ECKHARDT. Now, since this is a limitation on an appropriation bill, it may not itself establish general legislative policy and it does not purport to do so, but it may be limited to and be confined within policy established under existing law. That existing policy is contained under title VI of the 1971 Military Procurement Act, as I understand it.

Mr. BOLAND. The gentleman is correct.

Mr. ECKHARDT. And in that provision it is stated as clearly as language can be written that it is a policy of the United States to withdraw but only in the event that the prisoners are released and the other conditions provided in that act take place. Is that correct?

Mr. BOLAND. That is correct.

Mr. ECKHARDT. And is it not the purpose of the author in stating it is in line with title VI, to make it absolutely clear that this provision in no wise reduces that commitment as a prerequisite to withdrawal?

Mr. BOLAND. The gentleman is correct.

Mr. WYMAN. Will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman.

Mr. WYMAN. I would like to inquire of the gentleman in the well whether or not he maintains after that colloquy with the gentleman from Massachusetts that after June 1, 1972, the moneys will continue to be available for financing either combat or support operations if the prisoners are not returned?

Mr. ECKHARDT. The money would be available as I understand the provisions of the act.

Mr. WYMAN. Not the provisions of the act, if I may say, but the provisions of the Boland amendment.

Mr. ECKHARDT. I would say this, that the limitation itself contains a limitation. The limitation provides that no funds shall be expended, but that itself is conditioned upon the conditions of title VI going into effect. Therefore a limit on the expenditure of funds after that date is itself conditioned upon the release of the prisoners as contained in positive law passed by this Congress and signed a few hours ago by the President of the United States.

Mr. WYMAN. There is no date in title VI. Where is a date in title VI? Is there any June 1, 1972 in title VI?

Mr. ECKHARDT. I believe the gentleman from New Hampshire does not understand the point I am making here. Perhaps, I have not made it clear. The only thing that can be done in an appropriation bill is to limit the appropriation and that is done. The limitation in the appropriation bill may not establish other conditions, but it may be subject to other conditions of existing law. Further, the author of the amendment has pointed out that he intends not to affect positive policy provisions of title VI of the existing law, and it seems to me that this provision is clearly limited to those conditions set out in title VI of the Military Procurement Act and this takes no effect unless those conditions are put into effect.

Mr. WYMAN. If the gentleman will yield further for one further observation, the Boland amendment certainly has limited it. It has limited the Appropriations Committee when it states that none of the funds appropriated by this act shall be used to finance any military combat or military support operations by U.S. Forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972.

The words "subject to release of all American prisoners" are not a condition precedent in Mr. BOLAND's amendment as it is worded and the gentleman's remarks are entirely beside the point.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sure that the House is tired of the lawyers arguing over this, but I think it is such an important point that we need to spell out exactly what is meant by the amendment which has been offered by the gentleman from Massachusetts.

As one lawyer, I will tell you how it looks to me.

The first proviso of section 745, as it is offered by the gentleman, is merely the explanation of the contents of the 1971 Military Procurement Act, title VI thereof. There is no language in the part which carries that explanation—as to any proviso which effects that which comes later. This explanation is not a condition precedent because there are no conditioning words or limiting words which definitely refer to the last clause. Neither is there anything in the last clause which incorporates by reference any of the assertions made earlier.

Mr. Chairman, the fact remains that the limitation proposed by the gentleman from Massachusetts has only one effect, and that is to cut off all funds for Americans in Southeast Asia after June 1, 1972, unconditionally, without regard to whether or not the prisoners of war are released.

If the gentleman from Massachusetts—and he is a good lawyer—wanted to make it very clear that we intended this cutoff to be subject to the provisions of the Military Procurement Act of 1971, title VI, he could have done so ending his amendment like this: "After June 1, 1972, subject to the terms, the conditions and limitations, including the return of prisoners as set forth, in title VI of the Military Procurement Act of 1971."

That is the way to limit a limitation. The gentleman from Massachusetts knows this, and had he really wanted to limit his limitation, he would have known how to do so.

With all due respect to my dear friend from Massachusetts, for whom I have the highest regard, he is not doing what he says he intends to do. This makes it obvious in my opinion that we should not try to write legislation like this on the floor of the House. Any limitation on the power of the President to negotiate peace and the release of prisoners should be made only after prayerful consideration, not in an atmosphere of passion and debate.

This is really tampering with the welfare of the people of the United States in general, and of the prisoners of war in particular.

The President of the United States has said time after time he cannot negotiate with the Government of North Vietnam unless he has something with which to negotiate. If this amendment is adopted and willy-nilly the troops of the United States of America must withdraw from Vietnam on June 1, 1972, then you have cut the ground out from under the President of the United States completely. You have in my opinion condemned the prisoners of war and the people who are missing in action to be released at some possible time in the future, but only when North Vietnam decides that it might want to release them.

I have not noticed any indication on the part of North Vietnam which indicates that they possess any of the milk of human kindness whatsoever for anybody, and certainly not for the prisoners of war of the United States of America.

To adopt this amendment would be disastrous, and ask that it be voted down.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the House, it is with great hesitation that I again take the well of this House to explore this matter. One of our Members has said he has become weary of hearing this argument continuously. I want to say to him—and I am sure many Members of this House share his same feeling—that I too am weary. I am downright tired of having to debate something that we have debated and debated and debated and redebated and redebated, from the beginning of this Congress: the so-called Mansfield amendment, which of course this is, in albeit a different form. I am weary of, after sitting for weeks on end in discussions with the other body, to bring out a compromise on a particular amendment in the draft bill, this House reacted and did accept a modified amendment of the so-called Mansfield amendment in which it discussed it as being the consensus of the Congress. We go back again. We again are confronted with the same thing. We are at loggerheads, and have long discussions again, and in order to bring forward a bill that you could act upon in some confidence, we reluctantly agreed to language making this "the policy of the United States." Your House conferees made this concession so as to bring back something that this House could act upon. The House did act and approved the action of its conferees on H.R. 8687.

The criticism has been leveled at those of us, who have been fighting this fight for so long and one that we are all weary of, that we never allowed a direct vote to come on the Mansfield amendment. Under a rule which was brought out to the House under the Military Procurement Conference Report, a direct vote was permitted. And when the Speaker put the question not one voice in this body was raised to ask for that direct vote. Under the rule, any individual Member could have gotten a direct vote at that time on the so-called Mansfield amendment. However, none was demanded.

The conference report then had hardly been adopted by the House, and we again hear the winds blowing from the other body that the Mansfield amendment has been tied in to the foreign aid bill. We come here today, and it is proposed that the Mansfield amendment be tacked on to an appropriations bill.

When are we going to stop this tactic in dilution of a responsible and established House position arrived at on two separate occasions?

I join in the statement made by the gentleman from Arizona—we can have only one President—one Commander—whether you like him or not and whether you agree with him or not. I, for one, have insisted I shall not tie the hands of the President of the United States from the very beginning and I stand here again today and repeat that commitment—I am not going to cut his legs from under him when he is doing the best job anybody can do. He should be applauded instead of condemned for what he is doing. This is not a partisan issue with me. There is not an individual in this House who wants those men brought back home any more quickly than I do, but who is so simple as to think that we can accomplish something by declaring to the world that we do not back our Commander in Chief and President. Are we going to tell the world we have no confidence in him—that we proclaim to those who are willing to hear, and there are many, that we are a polarized nation going in many directions.

This is no time to dilly dally with the lives of individuals.

I was very moved by the gentleman talking about his son. I can understand what he means—not having a son—but certainly having a family and a daughter. I know the torture and the anguish that these parents must go through. But each one of those who suffer this anguish and this agony must realize that there are others who went before them and whose sons did not come back—whose sons died in other wars in order that we may continue the type of government and the kind of freedom that we have here.

This is not time for emotionalism. This is a time for looking at the facts and looking the individuals in the eye. This is the time not to divide America, my God—no—let us stand together—let us unite—let us present a solid front and let us support the President of the United States.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Boland amendment. I have supported this position for almost a year, since December of 1970 when I arrived at a decision which I should have reached 7 years before—that the Vietnam war is the most tragic mistake, in my judgment, that this country has ever made. It has caused the downgrading of every single element of our defense establishment because we have been denying to the Navy and the Army and the Air Force and the Marines any Coast Guard needed funds and needed new and modern equipment including naval vessels which we do not have and we cannot buy because of the billions upon billions and billions of dollars that are being poured down the rat hole of Southeast Asia today.

Mr. Chairman, I will yield to the gentleman from Louisiana in just a moment, if I have any time.

Yesterday morning while driving to work, I heard a radio news statement attributed to the President:

> General Abrams will have to get along with less than 90,000 troops, perhaps as few as 65,000 troops by next July.

I assume that means July 1972. That is the end of the quotation I heard.

Since the President is reported to have announced by that date General Abrams will be reduced in troop strength to 90,000 or perhaps as few as 65,000, in my judgment he has destroyed any basis which he might have to negotiate for the release of our prisoners of war and an accounting for our men who are missing in action.

While this may be an oversimplification of a long and complex subject, as far as the issue of the release of American prisoners of war is concerned, in my judgment the President already has a reliable agreement that they will be released or else he is denigrating any chance he has to negotiate for their release. In either event, I feel that he might as well stop the war as soon as he possibly can and bring the United States troops home.

We hear a great deal about this residual force.

Mr. Chairman, what would be the purpose of such a residual force? Would it be for the purpose of maintaining the dictator, Thieu, as the United States-appointed "President" of South Vietnam? If this be the case, I will never again vote for an authorization or an appropriation bill which has funds to be used to maintain or to perpetuate in office in a foreign country a dictator who will not permit the name of an opposing candidate on the ballot. In 1971 there were two major potential candidates for the presidency in South Vietnam, General Minh and General Ky, each of whom had and has a substantial following among the people of South Vietnam, possibly as great or greater than President Thieu would have had without the military support of the United States. If either of them had remained a candidate and dared to go down to the wire in a campaign for president against Thieu, he or they probably would have suffered the same fate as the last candidate who made a bona fide effort to run against Thieu in a presidential election. So far as I know, he is still in prison like a common criminal.

A great deal has been said to the effect that we are in Vietnam at the request of our allies. Mr. Chairman, I think that that may become known to future historians as one of the most damnable fictions of all time. The reason we are in Vietnam today is in support of our self-appointed, unpopular, puppet rulers of that Southeastern Asian country, and I think, Mr. Chairman, the time has come for us to face up to the mistake that we have made and try to correct the mistake instead of compounding it year-in and year-out for God knows how long we may be there.

Mr. Chairman, the time is now and the forum is here for those who think that the war in Vietnam ought to be terminated and to do so by the adoption of the Boland amendment.

Mr. MINSHALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I am glad to yield to the distinguished chairman of the House Committee on Armed Services.

Mr. HÉBERT. I had hoped the gentleman from Georgia would give me an opportunity and the courtesy to ask a question. I would appreciate it if the gentleman from Georgia would answer the question: As I understand, the gentleman made the statement that because of the money being poured down the rathole of our military effort in Vietnam, our military people are not getting the hardware necessary to carry on their responsibilities. I would like the gentleman to name one penny that has not been devoted to the acquisition of military hardware in supply of the military of this country and in the protection of the security of this country because of the Vietnam situation. Just name one.

Mr. FLYNT. Mr. Chairman, will the gentleman yield to me?

Mr. MINSHALL. I yield to the gentleman from Georgia.

Mr. FLYNT. If the gentleman from Louisiana, the able and distinguished chairman of the Committee on Armed Services, would go to some of the bases and take a look at what is actually going on, look at the equipment, look at our naval vessels, 80 percent of which are 20 years old or older, at a time when 80 percent of Russian naval vessels are 10 years old or younger, then I think the gentleman from Louisiana might say that the American Armed Forces are deteriorating, and they are deteriorating because of useless expenditures in Vietnam.

Mr. Chairman, I was surprised that the question would be asked by the chairman of the Committee on Armed Services because based on many conversations with him I was of the opinion that he shared my views that there has been substantial failure to keep the development of the Armed Forces at a consistently high rate.

I have cited what I consider to be the almost tragic deterioration of the state of the art of naval vessel design and construction and weapons systems. To those I now add:

First. Deterioration of both barracks and family housing.

Second. Failure to contract for and build badly needed family housing on posts and bases of each of the services.

Third. Near total lack of modernization of all types of military buildings—administrative, instructional and storage facilities.

Fourth. Inadequate maintenance of all types of military installations and equipment.

Fifth. Failure to produce a follow-on fighter aircraft to take the place of the F–4.

Sixth. Failure to produce and project a follow-on high altitude and high performance—supersonic or better—manned bomber aircraft to replace the B–52 which is 16 years old and is obsolescent according to testimony before the House Armed Services Committee and to replace the B–58 which while only 13 years old was phased out of operational flying and placed in storage in early 1970 and a decision has now been made to scrap them.

Not directly related to deterioration because of lack of funds, but in my opinion directly attributable to the war in Vietnam:

Seventh. The lowest morale in the U.S. armed services ever experienced by anyone still on active duty.

Eighth. An abnormally high rate of attrition among both enlisted and commissioned ranks.

Ninth. An astronomical increase in drug use and abuse covering the entire spectrum of harmful drugs.

My remarks evidently generated some concurrence because I have received calls today from all services within the Department of Defense saying that there are many items and projects in each service which are approved but deferred because of lack of funds. I shall include a list of many of these deferred projects in the RECORD at the earliest possible time.

It is manifestly clear, at least to me, that every segment of the Armed Forces of the United States is suffering seriously because funds which should be channeled into essential maintenance, necessary new construction, weapons and weapons systems modernization, new and modern aircraft and surface vessels to replace those which are obsolete and under 1971 conditions virtually ineffective cannot be obligated for those purposes because of Southeast Asia combat requirements.

Mr. Chairman, with reference to inadequate maintenance of real property, the Department of Defense under DOD instruction 4150.9 has established an annual reporting system designed to show the costs incurred in maintaining and operating real property, utilities and related support facilities. As a part of the reporting procedure under this system the military departments are required to report to DOD their Backlog of Essential Maintenance and Repair (BEMAR) to real property. Only those individual items of maintenance and repair costing more than $10,000 are reported. In addition, by definition only those items are reported which cannot be accomplished during the current fiscal year because of nonavailability of funds, and only those items considered essential when delay for inclusion in a future program will impair military readiness capability or cause significant deterioration of real property facilities. These are not frivolous or nice-to-have maintenance and repair projects, but hard-core essential maintenance and repair requirements which if not accomplished will impair military readiness capability or cause further deterioration of real property facilities.

Mr. Chairman, under this strict criteria, the DOD reported this backlog as of the end of fiscal year 1970 to be $730 million. Because of some internal disagreements on some items reported, an official figure for fiscal year 1971 has not yet been established by DOD but an official responsible for the BEMAR report in DOD estimates that the figure for fiscal year 1971 will not be less than $800 million. This establishes the present annual increase in the impairment in military readiness and significant deterioration of real property facilities to be at the rate of $70 million. I stress that this is only the rate of deterioration in real property and does not include one cent of the deterioration in military readiness due to shortages and obsolescence in military hardware or ammunition or anything except real property. Those individual requirements for maintenance and repair which cost less than $10,000 are not included in this figure and I do not know how many hundreds of million dollars these requirements would add to the rate of deterioration of real property in the military services.

Mr. Chairman, with respect to the maintenance of military hardware as distinguished from real property, I have some figures applicable to the Army only. The allocation of operations and maintenance funds for the depot maintenance program over the past 6 years has constrained the Army's ability to adequately perform major maintenance on essential military hardware. Funding has been barely sufficient to meet the highest priority requirements of Southeast Asia and Europe, and a significant degradation in support of CONUS forces. Reserve components, war reserves, and project stocks has resulted. This lack of adequate funding has resulted in a backlog of unserviceable equipment which must be overhauled to meet essential distribution requirements.

This growth in essential maintenance backlog is caused by the need for priority overhaul of equipment returned from Southeast Asia for distribution to Army forces worldwide. This redistribution is essential since the equipment used in Southeast Asia is the most modern in the Army inventory. This requirement which is not now being met was $113 million at the end of fiscal year 1970 and grew to $181 million at the end of fiscal year 1971 and is now estimated to reach $244 million by the end of fiscal year 1972.

Mr. Chairman, this shows that the rate of increase in this backlog of hardware in need of major maintenance which cannot be repaired because of nonavailability of funds is $63 million per year.

Mr. Chairman, I have been speaking only of the money required for maintenance, not the cost of the items or property on which these repairs should be made and on which such repairs cannot be made because of lack of funds. Some of these major essential items of hardware which require major repairs now and which are not now in usable condition are:

	Fiscal year 1971
(1) Helicopter, UH–1 series	238
(2) Tank, M60/M60A1	112
(3) Carrier, Personnel, M113A1	1882
(4) Carrier, Cargo, M548	474
(5) Carrier, Command Post, M577A1	89
(6) Tractor, Full Track, Med	275
(7) Tractor, Whld	312
(8) Radar Set, AN/PPS–5	205
(9) Radio Set. AN/PRC–74	238
(10) Howitzer, 105MM, M102	125
(11) Generator Set, 45–60KW/400cy	381

Mr. Chairman, I have in my possession five volumes listing projects and items for one of the three major services. These five volumes contain detailed lists of projects and items which have been deleted for funds. In many instances this shortage of funds has been caused solely because of a reprogramming of authorized and appropriated funds from the operations for which originally authorized and appropriated. In practically all of these instances the reprograming was caused by a need for additional funds with which to finance the military effort in Vietnam.

These reports are readily available for inspection by the chairman of the Committee on Armed Services and appropriate staff members of that committee, and may already be in their possession. It is quite likely that a minimum of $1 billion a year has been diverted from worthwhile and necessary projects because of the accelerated costs of the Vietnam war during each of the past 7 years. As outlined above, more than $800 million of urgently needed maintenance has been delayed because of diversion of funds by reprogramming and other procedures. It is possible that the total diversions may have averaged in excess of $2 billion a year for each year since 1964.

Mr. HÉBERT. The age of naval vessels increased long before our action in Vietnam. This has nothing to do with Vietnam. The gentleman has not answered my question. He has not told me where one penny has been denied our military forces in the protection of the security of this country.

Mr. MINSHALL. Mr. Chairman, as the distinguished chairman of the Committee on Armed Services has pointed out, we have covered this route before. This is another in what has been a series of amendments to come before the House and/or the Senate demanding in effect that we get out of Southeast Asia on a date certain. Each time Congress has wrestled with its conscience over the issue. Each time prudence and support of our President have won over whatever transient political popularity might be given it.

I do not question the sincerity of any Member of this House or of the other body or of the public sector in desiring peace. I do think, however, that there are some who cannot stand the success of the Nixon administration in its successful phasing out of the Vietnam conflict.

What I am about to say I want to be very clearly understood and not to be misconstrued as impugning the patriotism of anyone who supports the end of war amendments, but it is apparent that there are some who not only want to belatedly climb on the Nixon bandwagon as it heads toward peace, but who are also frantically for what could be politically motivated trying to run ahead of it. No matter how well intentioned, their efforts could completely derail our drive toward that objective.

The Boland amendment is a chimera. We have every reason to believe that similar proposals have been made by the U.S. representatives in Paris, and that they have been refused by the North Vietnamese. I am not a bit impressed by the public pronouncements on the other side in Paris. One presidential aspirant already has learned how quickly they shift positions when they undercut him completely on assurance he said they had given him regarding the return of our prisoners of war.

If adopted, the Boland amendment might well spell failure for the delicate negotiations the President plans on a personal level with leaders in Peking and Moscow.

And, I ask this committee, are the sponsors and supporters of the Boland amendment prepared to take the consequences of their action, a complete cutoff next June 1 of the fewer than 50,000 troops we will have in Vietnam at that time—support troops, not combat troops?

Do the supporters of this amendment seriously mean to cut off from these men the means to defend themselves from enemy attack, to cut off even their food and maintenance supplies?

Adoption of the Boland amendment could well mark the first time the Congress of the United States deliberately set out to create an Alamo.

There is a great deal of infighting going on, showing a complete disregard for Presidential leadership and authority in foreign affairs. It is an ugly picture.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. MINSHALL was allowed to proceed for 5 additional minutes.)

Mr. MINSHALL. Mr. Chairman, as I say, it is an ugly picture. Opponents of the President's policies need only look at his record since he has been in office, and they must—they must acknowledge the success he is having in fulfilling his promises to withdraw from Southeast Asia. He has kept every one of them since he took office two and a half years ago.

Richard Nixon is not the villain in the tragedy of Vietnam. He has saved and is saving American lives. He has taken American men out of the jungles, out of combat, and he has returned them to their homes. He is continuing to do this. He will bring our men home, and this includes our prisoners of war.

Time and time again the President has reiterated his policy regarding withdrawal from Southeast Asia. It could not be made more clear. The goal is a negotiated settlement, withdrawal of all foreign forces, release of all prisoners of war, and a cease-fire throughout Indochina. He has repeatedly stated that if such a settlement cannot be reached, withdrawal of our forces will be determined by the level of enemy activity, progress of Vietnamization, and our success in obtaining the release of prisoners of war.

I appeal to this House not to tie the hands of the President. Just remember that he has brought home 80 percent of our troops, or will have in the next 2 or 3 months, committed by the previous administration at the peak of its escalation of the war.

This is a time for cheering the Nixon administration, not to be undercutting it in its continuing drive toward peace and the safe return of all American men.

I urge the Members to reject the Boland amendment as a threat and a detriment to the continuing and growing success of our President's efforts.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I want to commend the gentleman for the statement he has made and to associate myself with his remarks, and I should like to ask the gentleman a question.

Mr. MINSHALL. I am glad to yield to the gentleman.

Mr. ANDREWS of Alabama. What would be the situation if the first of July 1972, arrived and the prisoners of war had not been returned?

Mr. MINSHALL. Does the gentleman mean the first of June?

Mr. ANDREWS of Alabama. Whatever the amendment says, if it is the first of June 1972. Let us assume we reach June 1, 1972, and the prisoners have not been returned?

Mr. MINSHALL. It would be a tragic situation, as has been repeatedly pointed out. Our hands would be tied. We would not be able to do a darned thing about it.

Mr. ANDREWS of Alabama. Does the gentleman think the Vietcong and the North Vietnamese will ever return those prisoners unless we make them do it?

Mr. MINSHALL. I certainly hope they will. I only hope they will keep future promises better than they have kept past ones.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boland amendment. Much has been made of the prisoners of war in Vietnam, and those of us who know the families of those prisoners have some sense of what agony they are going through and how desperately they want to get their sons and husbands back.

But men are now today dying in Vietnam. If this war keeps on for another 6 months or a year, as many additional men will die in Vietnam as there are now prisoners in Vietnam, and those men who are still on the battlefield and who may yet die deserve as much consideration as the men who are there prisoners.

I believe the opposition to this amendment comes from those who want us to believe that "Poppa knows best" and that children should not interfere. Congress has too long proceeded on this theory that the President knows best, that he knows what he is doing and can be counted on to do the right thing and that we should give him the money and the manpower he wants.

For 9 years that we have been in Vietnam I have served in the Congress. How many hours I have sat and listened in committee to generals, Secretaries of Defense, and Secretaries of State. I have been to the White House and I have listened to the President and all his glamorous advisers who claim to have all the inside information. And I, just as you, have voted for the money.

The gentleman from Indiana has pointed out how his son went to Vietnam. Well, my son went to Vietnam. He fought for a solid year in the 101st Airborne. He was wounded twice. In the last battle only two men in his platoon were not killed or wounded. I very nearly lost my son in Vietnam.

How many hours I have asked myself. "Why did you encourage your son to go to Vietnam? Why did you give him the impression that the people up there, all the generals and Defense Secretaries and admirals and so on, knew best." When you read the Pentagon papers and examine the rest of the record, the very kindest conclusion you can come to is our President and generals and advisers did not know what they were talking about, did not have the foggiest idea of what was going on or what we should do. If they did know, then you have to credit them with evil intentions, and I hate to do that, although the Pentagon papers make it look as though our leaders were a pretty byzantine crowd. I think it is pretty clear that the President does not know best. He has no monopoly on information or wisdom. People around him tell him what he wants to hear, and they have been doing that for years and years.

It is time for the Congress to reassert its responsibility. You are asked to authorize these appropriations, you are asked to appropriate the money, you are asked to draft the thousands of boys who did not have the foggiest idea of what this was all about. You have had to comfort the mothers and fathers who came to you. Now you are told, having done all that and having gone along and having been good children, that you should not have anything to do with getting those boys back out of Vietnam.

A lot of this opposition to the Boland amendment comes from those who want the President to get the full credit for getting us out of Vietnam. I—along with you—have had to take my share of the responsibility and the blame. Now I want to be able to take some of the credit. I want to be able to tell my constituents—and my own son—that I had something to do with getting us out of Vietnam.

I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Boland amendment.

I am no expert on Vietnam or Southeast Asia, but, Mr. Chairman, I have been in Vietnam a number of times. I was over there only last August. I believe I have some knowledge of the situation.

I am opposed to the Boland amendment because, in the first place, it is not necessary. The President is withdrawing Americans from Indochina in large numbers and the withdrawal is going on in an orderly fashion. I saw it with my own eyes only last August. It takes time to withdraw men and equipment, and a time certain will not accomplish anything.

Mr. Chairman, I guess what concerns me most about the Boland amendment is the weakening of our position as to the prisoners of war and as to the missing in action. I know my colleague, Mr. Boland—and I hope he is here on the floor—sent each Member a letter from the Prisoners of War, Missing in Action Families for Immediate Release supporting the Boland amendment. I have a letter written to the chairman of the Committee on Appropriations (Mr. Mahon). This letter came to him yesterday. I have a copy of the letter. It is from the National League of Families of American Prisoners and Missing in Southeast Asia. It says:

November 16, 1971.

Congressman George H. Mahon,
Chairman, House Appropriations Committee, Rayburn Office Building, Washington, D.C.

Dear Congressman Mahon: The National League of Families of American Prisoners and Missing in Southeast Asia, the first organization formed by family members, has a membership far greater than any other group, including the POW/MIA Families for Immediate Release. The League of Families is *not* in agreement with Congressman Boland nor Senator Mansfield.

Yes we want our prisoners home as rapidly as possible and we want an accounting of our missing men but when we leave the entire process of negotiations rest with the North Vietnamese, which in essence this amendment permits, we sincerely doubt that we will gain any satisfactory conclusion to the MIA/POW dilemma.

We, the majority of family members strongly urge you to carefully consider this amendment for we have faith in *our* government that our men, missing and prisoners are not and will not become second rate issues.

Sincerely,

Evelyn Grubb,
National Coordinator.

(Similar letter written to Congressman G. V. Montgomery who has been very closely associated with the POW-MIA situation.)

Mr. Chairman, this letter represents the great majority of the families of the POW/MIA and they do not like the Boland amendment.

Mr. Chairman, the North Vietnamese and the Vietcong are really the most vicious enemy we have ever fought. Why should we set a date certain and hope that the enemy will act in good faith—an enemy that never abided by the Geneva Accords, an enemy that has shot down Americans over Laos, and where those that we did not rescue we have never heard from.

I might say that the State Department reports that in the 6 months period of March to October 1970, 1,300 letters were received from POW's by American families in the States. In the same period now, 1971, only 170 letters have been received from the POW's. Can anyone explain this?

What are you going to do in the Boland amendment is take away the negotiating power of our Government and give all of the trump cards to the North Vietnamese.

Mr. Chairman, as Admiral Moorer, Chairman of the Joint Chiefs of Staff, said:

> If you take the route of the Mansfield and Boland amendments, there is a possibility we will not get all of the Americans back.

Mr. Chairman, the amendment is based on the release of American prisoners of war and does not consider—and this is a point that has not been mentioned today—does not consider the release of Australian prisoners of war, New Zealand prisoners of war, and the South Korean prisoners of war who had been our friends for many years fighting in South Vietnam as well as our other allies. This amendment leaves our Allies to get their prisoners back the best way they can; I ask, Is this fair?

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Arizona.

Mr. RHODES. I want to congratulate the gentleman on the statement he has made and particularly upon the activities of the gentleman in furtherance of the welfare of our fighting men in Vietnam, not only the men who are now fighting, but the prisoners of war and the missing in action. The gentleman's activities have been over a longer period of time more fruitful than those of any other Member of the House and I congratulate the gentleman.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. DOW. At one time the United States had 550,000 men in Vietnam. I think the gentleman will have to agree that the presence of those men was of no effect in securing the release of our prisoners of war.

How does the gentleman suppose, when we have reduced our forces down possibly to a figure of less than 100,000 shortly, that with that small number of men we will have any leverage to get those prisoners out by force or threat of force?

Mr. MONTGOMERY. I will say to the gentleman from New York that we will have a holding force in Vietnam which will be around 50,000 men plus a strong air striking force. We will not be leaving them by themselves over there and we are not turning the negotiations over to the North Vietnamese, which the Boland amendment does.

Mr. RIEGLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boland amendment and I now yield to the gentleman from California (Mr. McCloskey).

Mr. McCLOSKEY. Mr. Chairman, I would like to speak to one aspect of the Boland amendment, the question of the prisoners of war.

Previously, the Congress has requested the President to withdraw at the earliest practicable date on one single condition, that our prisoners be accounted for and returned.

The President, however, has insisted upon a second condition—that the North Vietnamese and the Vietcong cease their attempts to overthrow the government of South Vietnam. He has said that we will continue the bombing in Laos, Cambodia and Vietnam until there is a reasonable chance that the Thieu-Ky government survives.

Secretary of Defense Laird has said that this bombing may be required for 10 years.

Mr. Chairman, when the President adds this second condition for our withdrawal from Southeast Asia, he not only ignores the request of this Nation and the national policy of this Nation as set by the Congress, he flouts the language of the law he himself has signed. Let me read in part that law which was signed by the President himself when we passed the amendments to the Selective Service Act of 1967:

> The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:
>
> Negotiate with the Government of North Vietnam for the establishing of a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release at a date certain of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

Mr. Chairman, that was a single condition passed by the Congress and enacted into law, a request only, but still a request by the Congress of the United States that makes the laws of this Nation.

Mr. Chairman, there is a clear constitutional issue here. The Congress makes the law and the President is charged with faithfully executing those laws. Even as Commander in Chief, his powers are defined and limited by the Congress under the Constitution.

This was established by the Supreme Court of the United States over 160 years ago, about the same time that *Marbury* v. *Madison* established the right of the Court to review the acts of the Congress.

As the chairman of the Armed Services Committee has said, "We have only one President." But that President is bound to execute the laws we enact.

We have told the President in clear and unmistakable language:

> Mr. President, there is only one condition we ask for our withdrawal: the return of our prisoners.

What power does the President have to decide that he will impose a second condition? The survival of a government which is clearly a police state—which pursues denial of due process, torture, repression of dissent on a daily basis? And when the President imposes that condition, what does it do for our prisoners of war? We continue to withdraw our troops. Obviously the people have overwhelmingly demanded this withdrawal. What possible help does it give to our prisoners to continue to withdraw and yet demand that the war be won? Does not our negotiating posture diminish as time goes by?

If we continue to insist on winning the war through Vietnamization, how can we ask for our prisoners back? Clearly the North Vietnamese know and understand that this holding of our pirsoners of war is their most important bargaining weapon. They have no reason to return the prisoners if we insist on remaining in Vietnam until the South Vietnamese Government is secure.

The President's policy, in my judgment, condemns our prisoners to indefinite captivity. If the President would comply with the suggestion Congress has already made, that our negotiators be instructed to reduce our demand to the single demand, the condition of the return of our prisoners, I believe we can end the war in 30 days.

The Boland amendment merely implements the request we have already made and makes mandatory of the President that which we have already requested that he do, that we change our negotiating posture at Paris.

Mr. Chairman, I hope the House will adopt this amendment.

Mr. DOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boland amendment. The hour is late, but there is still a chance that Congress can assert itself finally on the Indochina issue, and assume the leadership necessary to bring us out of that entanglement. Clearly the executive is not—in the foreseeable future—going to do it.

At present there is no writ, declaration or pronouncement to warrant U.S. intervention in Indochina. That irresolute document, the Gulf of Tonkin resolution, was nullified by this Congress at the end of 1970. The appeal in that paper to the SEATO treaty was consequently abandoned. No authority remains.

We are in Indochina for no declared purpose. We are just there because we are there. It is clear, too, that, after we have gone, the solution and the conclusion will not be American at all. Whether it takes a week after we go, or a month, or a year or a decade, the solution will be a Vietnamese solution. And that they could have had long ago, if the United States had not chosen to interfere.

The commitment of so much of our resources, the loss of so much of our blood for undefined purposes in Vietnam, must be laid not only at the door of the Executive, but also at the door of this Congress which stood listlessly by, all the time that the Executive went busily about his futile work.

Through 7 years of warfare in Indochina, the Congress and the leaders of the responsible committees have cultivated legislative inaction like a flower. They have accepted a policy of congressional abdication and constitutional torpor.

They have not even required from the Executive an accounting of the cost of this adventure. For a time in the previous administration we received a total figure in the budget that was the annual cost of Vietnam. Yet the present administration has discontinued any such figure. The fault is no more his than ours, considering our woeful failure to insist upon it.

Two years ago the record showed expenditure of $5 million in Cambodia. Now Congress is settling for figures in the hundreds of millions of dollars. When I went to Laos in 1967, our Ambassador showed me a cost estimate of our annual costs there that was approximating $55 million. Today, truer figures have come to light showing totals for Laos, like Cambodia, running to hundreds of millions of dollars.

To the stupefying recital of our mistakes, losses, and wastes in Indochina, we must add the dismal failure of this Congress to assume responsibility. Chloroformed by the slogan that the President is Commander in Chief, we have been willing to allow that this permits him to invade any land, expend our sons and drain our resources, without a warrant or leave from this Congress—and without any accounting of the cost.

When will there be a reassertion of the congressional prerogative as a coordinate branch of this Government? When will we become legislators again on foreign issues?

The time is now. Let us end not only the monstrous calamities that we have visited upon Indochina, but also the executive department's heedlessness of Congress which has been tolerated in this sleeping body for nearly 7 years.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from Mississippi mentioned prisoners of war from other countries such as Australia and the Philippines.

I am under the impression that those countries have long ago withdrawn all of their troops from Vietnam.

I wish some member of the Committee on Armed Services would inform us if that is correct.

Mr. DOW. I cannot answer the gentleman whether the Australian or Korean forces have been withdrawn or not, but I do say this prisoner of war issue is being blown up and exploded into an immense issue which is offered to fog the main question—and that is the direction of our national policy overall in Vietnam.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, as I read this amendment, within the four corners of the paragraph, I must interpret it as an unconditional deadline for the use of any funds for the support of Americans in Vietnam.

Mr. Chairman, I do not believe there is any ambiguity which would permit anyone to read that amendment and come to a different conclusion. If that is so, it strikes a cruel blow at those who have fought and who are fighting, and to those who are prisoners of war in that part of the world.

But, if we say there is ambiguity which negates it as being unconditional, as the author of the amendment said when pressed and when he said, "Oh, no, this condition does not apply at all unless there has been a prior release of our prisoners."

Then, I submit this represents a cruel hoax upon our prisoners, upon their families and upon the American people.

We are told in the statement of the additional views that it has been stated by the negotiators in Paris that the prisoners are not going to be returned until a deadline for our military involvement has been established.

If we accept that at face value, it still leaves open the question about other concurrent demands that are being made and that have been made and it certainly does not provide us with any assurance that if a deadline is established, the prisoners will be returned.

I certainly must challenge the credibility of anyone who asserts that once a deadline has been set, then the prisoners will be returned.

So here we have the inconsistency of the sponsors of this amendment on the one hand telling us that a deadline is contingent upon a prior release. In other words—no release—no deadline.

On the other hand, we are told that this nonexistent deadline will assure the release of the prisoners. I believe this amendment will condemn our prisoners and not help them. I strongly oppose it, and I hope we will not mislead those who yearn for the return of the American prisoners of war by giving them a guarantee which is no guarantee at all.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from New York.

Mr. KEMP. I would like to commend the gentleman for his remarks. I would like to address the attention of the House to point 1 of the seven-point demands made by Hanoi which sheds light on what they really want. The quotation is this:

> The United States Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materiels of the United States and of other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

Mr. Chairman, it is clear that this is a call for the unconditional and unilateral surrender of the United States. This amendment should be defeated and I commend the gentleman for his remarks and his leadership on this issue.

Mr. DAVIS of Wisconsin. It certainly puts the lie to any intended assurance that once we set a deadline, that that is all that is required to assure the return of our prisoners.

Mr. KEMP. Mr. Chairman, will the gentleman yield further?

Mr. DAVIS of Wisconsin. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding. It is a great disservice I think to the people of this country and, to those who are watching and listening to this debate, to mislead them into thinking that this is a way to end war. The House of Representatives, by voting for this Boland-Mansfield amendment, is not going to end war. It has been said that you can elect who you want to be your leader but you cannot elect not to have a leader. We have an elected leader and he is bringing about more progress toward ending this war and given more hope for the kind of peace we want, than all of this rhetoric and I might add our desire is not just for peace now but peace for the future, and I suggest that we give our serious consideration to voting down this pernicious amendment. The way to help end this war is to shout loud and clear to Hanoi by this vote that we want an honorable end to this war and an immediate return of our POW's and MIA's.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened to the debate and I was struck by the remarks of the distinguished chairman of the Armed Services Committee (Mr. HÉBERT) who opened his remarks by saying, "I am weary." My thoughts at that moment was, this country is weary. This country wants the war ended.

Then Chairman HÉBERT said:

> When are we going to stop debating the Mansfield amendment?

My thought at that moment was that we are going to stop debating the Mansfield amendment when we adopt that amendment, and not before.

Three gentlemen, at least three, took the floor in opposition to the Boland amendment, advancing as their arguments, that it does not do what the gentleman from Massachusetts (Mr. BOLAND) says it will. They say they find the language imprecise and that it does not specifically insure the prior or simultaneous release of our prisoners of war on the setting of the withdrawal date. The gentleman from Massachusetts tried to assure them that that was the intent. He felt that the language was adequate. The legislative history of the debate here would show that, but I ask those three men who took the floor if the language were all that you wanted with respect to insuring the return of our prisoners of war, which we all want, would you vote for it? Would you vote for it?

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from Arizona.

Mr. RHODES. The Military Procurement Act of 1971 contained language which indicated very strongly that it is the policy of the Congress that we want to get out of the war in Vietnam. I voted for it, but I do not have to do so every day to prove that I mean it.

Mr. KOCH. Let me respond to that by saying this: I believe it is important that this Congress—if it has the authority, the power, the desire, and the will to do so—debate this issue every day until those men are brought home and the war is ended.

Members have risen to commend the President because he is, they say, "winding down the war." Who will say to the fathers and the mothers of the 5 or 8 young American men who last week were killed in Vietnam that the war has been wound down? Or to those who may yet die before, in fact, the war is ended? To them it is not a question of winding down. It is a question of the deaths of their sons. That is why I say we should use every opportunity and amendment offered in this House to debate this war until it is concluded, not tomorrow, but today; not 6 months from now, but today.

And if the best vehicle presented to us today is that amendment offered by the gentleman from Massachusetts (Mr. BOLAND) whom I applaud for leading us today and for having spoken so eloquently, I am going to support it. And if it is offered tomorrow on some other bill, I am going to speak and vote for it, as I will on every occasion when I can rise in opposition to that dirty and immoral war.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I was very much impressed with the gentleman from Indiana and the gentleman from Maryland, who told of their sons in the war. I, too, have had a boy in Vietnam, a "grunt," a marine platoon leader, and he spent 13 months on the DMZ and won the Bronze Star in action.

I rise in support of the Boland amendment. I wonder whether or not any of those who have risen in opposition to the amendment have also suffered the anguish of a family who had a boy in Vietnam.

Mr. O'KONSKI. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, by way of background, I would like to go into a little personal history. I have always been a man of peace. I have been opposed to war when it was unpopular to be so. I was opposed, along with old Bob LaFollette, to our entry into World War I for which we were called traitors. It is different now. The biggest racket we have in the country today is the peace racket. There is more money collected in the name of peace and unaccounted for than any other racket in the country. But I am talking about a time when it was unpopular to be for peace and against war.

In the middle of World War II, in 1944, I was here and I introduced a resolution that we withdraw our troops from Europe then, because we could have had a separate peace with Germany, and we could have saved a great many people who were burned in gas chambers. We could have saved many of the people whose lives were lost at Anzio Beach and Omaha Beach and other places. We did not need to kill 135,000 women and children in Dresden, Germany, with bombs. We could have had peace before then.

The war in Vietnam, the Members will remember, had the first $2 billion appropriation in 1954. I opposed it, and warned against our involvement there. I think we have had no business in Vietnam in the first place, and I think the sooner we get out of there, the better. We cannot get out of there too soon as far as I am concerned. In 1957, 1961, 1963, 1964, 1965–67 I opposed the war in Vietnam. Please heed my advice. The worst thing we could do in my judgment is to pass the Mansfield-Boland amendment. I will tell the Members why. Suppose the Mansfield-Boland amendment were in existence in 1954 when the French got defeated in Dienbienphu. Suppose the French had tied withdrawal to the prisoners of war and an accounting for all the missing in action? The French would still be in Vietnam now, 17 years later.

Suppose we had tied the condition of the ending of World War II in Europe to the accounting for every single prisoner of war and missing in action? I know of 10,000 allied officers still unaccounted for in World War II in Europe. We would still have 5 million troops in Europe if we had tied it down to the accounting of missing-in-actions and the release of prisoners of war.

Suppose the Mansfield amendment were in existence in 1969 when President Nixon took office. We would still have 550,000 troops in Vietnam, because it would have been tied to the releasing of the prisoners of war and the accounting for all of the missing in action.

How can you be so naive? If we are going to tie withdrawal to the prisoners of war and those missing in action we will be in Vietnam for another 10 years. One gentleman said it very bluntly when he said we had 550,000 men in Vietnam, and we could not negotiate on the prisoners of war, so how in the world are we going to do it when we have only a residual force of 45,000 men and have served notice that we are going to be out of there completely as soon as possible.

If Members want to continue the war for the next 5 or 10 years—vote for the Mansfield-Boland amendment. Who is so naive as not to know the Communists use the prisoners of war in a completely different fashion from all civilized nations in the past. The Communists use prisoners for propaganda purposes. They are not concerned with our getting back our prisoners of war and getting them out of Vietnam. Mark you and mark you well we are going to have to pay a heavy ransom for the prisoners of war we have in Vietnam, and it is going to amount to billions of dollars, and it is going to take us 3 or 4 or 5 or maybe 10 years to negotiate it. Under the Mansfield-Boland amendment we will be compelled to keep troops in Vietnam during all that time. I want out now—not 5 or 10 years from now.

If you pass the Boland-Mansfield amendment conditioning our withdrawal of troops from Vietnam on the release of prisoners of war and the accounting for all MIA's you are voting to prolong the war in Vietnam for another 5, 10, or 15 years, and it is on your heads that you are prolonging the war.

Stripped of all its niceties the Mansfield-Boland amendment is another Tonkin Bay resolution in disguise. Do we want a repetition of that catastrophe? Think, listen, and learn; is not one Tonkin Bay resolution enough in our time? I think one is too much. Let us get out of Vietnam now—not 5 or 10 years from now, which is the real meaning of the Mansfield-Boland amendment.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the gentleman from Wisconsin just said, it has been 18 years since we authorized and appropriated $2 billion and sent it over to Bao Dai and the French. It has been 18 years now that we have been involved in Indochina.

Children, who were babies at that time, have now grown to adulthood. They have reached the age of 18, and we are still involved in Vietnam.

I recall years ago when I took the floor many times in favor of the war. It was with feeling that I rose in support of the war. And it is with feeling I rise at this time. I know how the distinguished gentleman from New Orleans feels. So many times I had gone to the area schools of my district supporting the administration's policy in Vietnam, until it occurred to me to check the other side of the issue.

Could we justify our involvement in Vietnam? As I stand here in this well today, I cannot justify morally, politically, or strategically in terms of the defense of this Nation any reason for being in Vietnam.

I truly have been moved by some of the speeches made in this House today, especially that one by my good friend Ed Roush, when he told about his son's experience in Vietnam.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

I live with Eddie Boland. I know his thoughts and feelings and the work he has put into this amendment.

Under the Constitution the Congress has the right to declare war.

Under the powers of the Constitution, the Congress has control over the purse, and has the power to appropriate and authorize funds for the conduct of this war.

Under the powers of the Constitution, the Congress has the right to terminate the authorization and appropriation of funds for the conduct of this war.

Through this constitutional power of the purse, the end product is that the Congress has the right to terminate a war by setting a deadline for funding for the conduct of a war.

I am not standing here to criticize President Nixon's feelings and actions with regard to the war.

This amendment is not designed to tie the hands of President Nixon on the withdrawal of troops; nor does it tie his hands on negotiations over the release of prisoners of war. The amendment says nothing about the withdrawal of troops at the continued pace which the President has set forth. It does not affect his withdrawal program.

It does not affect negotiations, because the amendment is contingent on the release of prisoners of war. If the prisoners of war are not released by June 1, 1972, the amendment as offered by the gentleman from Massachusetts, (Mr. Boland) is not valid. The release of prisoners of war can only come through direct and indirect negotiations. These negotiations will continue regardless of this amendment, just as the troops will continue to be withdrawn regardless of this amendment.

What is the question that we are arguing? We have come to a divided line in American history, and this is the question: Should we continue to live with the war in Vietnam as we have for the past 18 years? Do you want a continuing presence in Vietnam of American troops for many years to come a reality? Or do you want the troops home by June 1 of 1972?

I, for one, want the troops home by June 1, 1972. I would have them home tomorrow if it were possible.

I believe the Boland amendment is an excellent amendment, and I urge Members to vote for it.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, those of us who have known our friend from Massachusetts, Eddie Boland, for a long time know that among his many fine characteristics and attributes he is always frank, he is always candid; and, typical of those characteristics, today he was frank and candid with us in making two comments, among others, in support of his amendment.

First he said that this is the toughest, hardest amendment of this kind that this Congress has had on its doorstep. Second, the gentleman from Massachusetts gave credit to President Nixon for the program of Vietnamization which has resulted in a reduction of our manpower in Vietnam from 540,000 plus down to roughly 180,000 at the present time and the prospect of a further reduction to 139,000 come January 31, 1972.

These are honest, frank statements which all of us ought to appreciate and understand, and I, for one, especially appreciate the gentleman from Massachusetts candid comments.

Let me ask this question, recognizing that those were honest and frank statements by the gentleman from Massachusetts: At a time when the war is being ended, is it wise to approve the toughest, hardest amendment that the House of Representatives has faced on this issue?

In my judgment, the reverse should be true. If the President were not succeeding, if he had not accomplished a great deal, then I could understand somebody saying in frustration that the House of Representatives and the Congress of the United States ought to take tough action. But here is the President, without the help of any such amendment fixing a date for withdrawal or imposing other arbitrary conditions, who has reduced America's manpower commitment from 540,000 plus to 180,000. That achievement has been done without such an amendment. Why under these circumstances should we seek to impose upon the President the hardest, the toughest amendment that has come before the Congress?

It is my honest opinion that if the Congress approves this amendment with a deadline, it will destroy the potential for any further withdrawals. As a matter of fact, I think approval of this amendment would in effect stop withdrawals under the plan of Vietnamization that the President has implemented. It is my judgment that if this amendment is approved, it will in effect end any negotiations that would be meaningful. It would take away from the President, regardless of some of the comments made earlier, a trump card of the President for his negotiations, whether they are in Paris, whether they are in Peking, or whether they are in Moscow. If the Boland amendment is approved. The President would go to those negotiations with one less trump card that he could use in the negotiations for the release of the prisoners of war and for the recovery of the missing in action and for the total termination of our military conflict in Vietnam.

Mr. Chairman, I say to the Members of this body as strongly as I can that any amendment with restraints of this kind will jeopardize the opportunities for the President to get our prisoners of war out and end this military conflict.

I say in conclusion we have on the statute books now not one but two statutory provisions that say we must get our prisoners of war back and withdraw all of our forces. I just do not know how many times you have to pile on the statute books another piece of legislation of the same kind.

I say to you this is bad legislation and it ought to be defeated. If you want the prisoners of war back, beat the Boland amendment.

Mr. DRINAN. Mr. Chairman, I rise in support of the amendment by my colleague from Massachusetts, Congressman Boland, to the Department of Defense appropriations bill for fiscal year 1972. The amendment would prohibit the use of funds "to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia after June 1, 1972," subject to the release of American prisoners of war.

This amendment, the latest and most promising in a series of attempts to assert the will of the overwhelming majority of the American people with respect to our Indochina policy, rises in an unparalleled political, constitutional, and historical context.

Politically, this amendment represents the last clear chance for the Members of this House to vote their consciences on the Vietnam war. Some of our colleagues have previously declined to support such an amendment on the ground that the President would soon declare a definite withdrawal date. Those well-intentioned expectations have, tragically, not been realized. In the absence of Executive willingness to establish a deadline, Congress has a greater responsibility to do so in light of the overwhelming expressed desire on the part of the citizens of our country for such a deadline.

In a constitutional sense, this amendment is historic because it arises in the wake of the recent decision by the U.S. Court of Appeals for the First Circuit in the case of Massachusetts against Laird. In that case, the Commonwealth of Massachusetts had challenged the legitimacy of the war in Vietnam on the ground that Congress has never voted a declaration of war. The court rejected the claim, stating that Congress has constitutionally sanctioned the war by voting appropriations for it. In its opinion, the court stated:

> In a situation of prolonged but undeclared hostilities where the Executive continues to act not only in the absence of any conflicting claim of authority but with steady Congressional support, the Constitution has not been breached. The war in Vietnam is a product of the President's supportive action of the two branches to whom the congeries of the war powers have been committed.

The decision in Massachusetts against Laird by the highest Federal court yet to rule on the war's constitutionality, removes any question of the appropriateness of the Boland amendment. It can no longer be argued that the appropriation process can be separated from the legitimacy of the war. If we fail today to pass this amendment we will explicitly be ratifying the continuation of a policy which we know to be a catastrophe.

This amendment would not improperly restrict the President with respect to any attempts which he may be making to secure the release of prisoners of war. The amendment would not take effect unless our prisoners of war were returned. Moreover, based on the sum total of evidence from all sides on this question, I do not believe that we can realistically expect to obtain the return of our prisoners of war in the forseeable future unless we pass this amendment today. The official organization of the families of our prisoners of war and missing in action has endorsed the Boland amendment.

I will not insult the intelligence and concern of my colleagues by again reciting the tragic consequences of the Vietnam debacle. Now that every theoretical underpinning of this holocaust have been proved wrong—including the so-called domino theory and the ridiculous charade which resulted in the ascension to power of Thieu—we must act. Every day we sanction the sacrifice of another life of another Asian or another American on the altar of the South Vietnamese dictatorship we are perpetuating an injustice of ghastly proportions.

Mr. Chairman, I have recently completed a comprehensive review of the nine volumes of hearings of our Appropriations Committee on this bill. If any one theme emerged from those hearings, it was, I regret to state, that we have not learned the lesson which the excruciating evidence of our policies in Southeast Asia should have taught us. Even as the committee today recommends a defense appropriation of $71.05 billion—an increase of $1.47 billion above the amount appropriated last year—we continue to be mired in the rhetoric of the 1950's and 1960's. I deplore this increase in appropriations, and I believe the military budget is grossly disproportionate to our national security needs.

Buried in the ninth volume of the Appropriations Committee's hearings, in small print, is a statement by the distinguished former Senator from Pennsylvania, Joseph S. Clark. I associate myself with Senator Clark's statement and commend it to the attention of my colleagues.

Among other things, Senator Clark states:

> That we could safely cut the President's $76 billion budget to no more than $60 billion. In coming to this conclusion we believe:
>
> Our military policy is obsolete in the light of our overall foreign relations today. The administration has proposed a bill for offense rather than defense. It is not isolationism to suggest that we pull in all over the world our conventional forces, eliminate many of our bases and confine our strategic power to eliminating overkill and assuring that no enemy would dare stage a first strike against our country.
>
> These excessive military expenditures are tearing the country apart—both our economy and our relationships with each other. Our needs at home to feed the hungry, to clear our air and water of pollution, to rebuild our cities, should have a higher priority than the ever-increasing demands of the military.
>
> These excessive military expenditures are the principal reason for the galloping inflation from which we have been suffering, for the fantastic deficit we are facing in the Federal budget for this and the next fiscal year, for the incredible deficit in our international balance of payments which goes on and on without check. In short, we are running out of money.

Mr. Chairman, I also specifically endorse the following recommendations for defense budget cuts made by Senator Clark in the course of his testimony:

> (1) Stop appropriating money for the development and deployment of the ABM. It won't work. In view of the President's statement of May 20, we should certainly freeze ABM deployment and R. & D. appropriations pending the results of the SALT talks.
>
> (2) Abandon development and production of the B–1 strategic bomber. It is obsolete before it gets off the drawing boards. The B–52 is completely adequate for any future strategic bombing needs. Between the submarine nuclear threat and intercontinental ballistic missiles we do not need a third offensive nuclear system. The Russians have stopped spending money on their intercontinental strategic bomber. The time factor alone makes nuclear bombers obsolete.
>
> (3) Freeze all strategic weapons at their present strength. Our present overkill is enough, many times over, to deter Russian or Chinese attack.
>
> (4) Deploy no more MIRV's and encourage our negotiators at SALT to work to eliminate multiple warheads as part of an arms control agreement.
>
> (5) Cut back the authorization for military manpower to 2 million or less. As we withdraw from Indochina determined to have no more Vietnams, general purpose forces of 2 million are quite adequate to defend U.S. territory against attack and to participate on an appropriate basis with other states through the United Nations or otherwise in peacekeeping and peacemaking efforts in the Middle East, Europe, Asia, and elsewhere.
>
> (6) There are a number of obsolete and obsolescent weapons systems on which no more money should be spent. Among these are:
>
> (a) SAGE and AWACS. Air defense is ridiculous in the modern strategic military world.
>
> (b) Another nuclear aircraft carrier. It must be remembered that the surface navy of all nations is vulnerable to destruction in the event of war. Either torpedo boats or submarines can destroy not only aircraft

carriers supporting surface vessels by attacks launched out of range of the guns of the surface navy. Similarly, an aircraft can wreak the same havoc.

(c) Further purchase of C-5A troop carrier airplanes. We have enough now to support legitimate foreign policy objectives.

(d) Antisubmarine warfare expenditures. As in other areas of modern warfare the offense is so far ahead of any conceivable defense that ASW is obsolete.

(e) Chemical and biological warfare expenditures. This department of the armed services should be phased out except for defensive measures.

(f) The 22 tactical air wings are far too many. We could eliminate at least five and still have plenty for conventional warfare purposes.

Mr. Chairman, I hope that for all of the foregoing reasons, a majority of the Members of this House will support the Boland amendment and will also support prudent and essential reductions in our military budget, including the reductions which our distinguished colleagues from Wisconsin and Michigan, Congressman ASPIN and Congressman RIEGLE, propose.

I, for one, shall continue to seize every opportunity to reassert the proper social role of those who design and execute our military policy.

Mr. COTTER. Mr. Chairman, I rise in support of the amendment offered by my good friend from Massachusetts (Mr. BOLAND). This amendment, as is well known, will cut off funds for Indochina pending only the release of prisoners of war.

This amendment restores the critically important specific end date that was removed in the conference versions of the Department of Defense authorization bills. I believe, as I have stated in the past, that the Congress continues to have the responsibility for legislating an end to this war. I know there are many Members who believe that total discretion in this matter should be vested in the President. I cannot disagree more strongly.

All of my actions on Vietnam during this, my first term, have been to place more responsibility on the Congress in this area of foreign policy. For example, one of my first legislative actions was to cosponsor the Vietnam Disengagement Act. A short time later, I signed a letter of intent—the O'Neill letter—to vote for all amendments which would end the war by congressional action. I voted for the Nedzi-Whalen and the Mansfield amendments in their original form which specified a specific time to end the war.

Mr. Chairman, I submit that we have honored our obligations in Indochina. Fifty thousand U.S. casualties, innumerable deaths of Southeast Asian peoples, and over $250 billion in U.S. military supplies dictate that the Congress act responsibly and effectively in legislating an end to this tragic war.

I urge all Members to cast their votes in favor of this amendment.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the Boland amendment. Just as every other Member of this body, and every citizen in our country, I hope and pray for an early conclusion of the conflict in Southeast Asia. I know of no one who wants war, except Communists in that area.

I do not think this amendment is the proper way to end the conflict there. If we are going to pull out of Southeast Asia, and turn our back on a long and rich history of honor and integrity, we should do it in the proper way. The proper way would be for us to renege on every treaty obligation we have around the world.

We should cancel treaty arrangements with SEATO, NATO, Middle East countries, and all others, if we are determined to abandon our position of leadership in the world, and if we are to serve notice that we will not help anyone who fights Communist aggression.

We have solemn treaty obligations. I am not saying that they are right or wrong, but we have them. In my judgment, we should either honor those obligations, or we should abandon them—all of them, not just the one affecting South Vietnam.

I have been amused to hear on the floor that one reason for the Boland amendment is that there were no free elections in South Vietnam this year. I would ask those who hold to that position, how many free elections are there in Africa, in South America, in other Asian countries? The advocates of that position do not suggest that we abandon our obligations to those nations—they single out only South Vietnam.

I have also heard it said on the floor that we should get out of Southeast Asia because the government there has corruption in it. What about the New York City Police Department? Should we abandon every aid to New York City?

Mr. Chairman, we have to put first things first. The honor and glory of my country comes first with me.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Boland amendment to H.R. 11731, which would establish June 1, 1972, as the termination date for all U.S. military operations in Indochina, subject to a return of all American prisoners and an accounting of those missing in action.

Why should a person support this amendment? There are many reasons:

First, to stop the death and destruction. I have heard people say, "Why, only five Americans were killed last week."

Mr. Chairman, that is five too many. One more life, one more amputee, one more prisoner of war is far too large a price to continue to prop up the Thieu regime.

Second, to return our American prisoners of war and to account for those missing in action. Mr. Chairman, as each day passes, as more and more servicemen return from Indochina, our power to bargain with the North Vietnamese and the Vietcong is gradually eroded. As each day passes, we have less and less to offer the North Vietnamese and the Vietcong in order to gain the release of our men.

The President has announced plans to withdraw, but he insists upon a residual force remaining in South Vietnam. Next year, when we have this residual force in South Vietnam, will this release our men?

I believe that, today, when we have the most power, is the best time to negotiate a release of our prisoners. Tomorrow, or next month, or next year, may be too late—our power may have weakened to the extent that we have nothing to offer the North Vietnamese, and Vietcong in exchange for our prisoners of war.

In addition, Mr. Chairman, on July 1, 1971, the Vietcong presented a new "seven-point peace plan" to the talks in Paris. The key element of the plan was an offer to release U.S. prisoners of war in return for a withdrawal deadline. Prior to this commitment, they had merely offered to "discuss" release of prisoners.

Mr. Chairman, the POW/MIA Families for Immediate Release, a nonpartisan organization composed of parents, sisters, wives, and children of prisoners of war and missing in action, stated in July:

> We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam.

And they go on—

> In accordance with this, we have been working for the establishment of a termination date for U.S. military operations in Indochina in conjunction with the return of all prisoners and an accounting of the missing in action by the date.

Mr. Chairman, I agree.

Third, U.S. prestige. How can we continue to advocate freedom and liberty on the one-hand, while, with the other, we prop up the regime of a man who, by hook or by crook, kept all other contenders off the ballot in the recent election?

Fourth, to heal our divided country and put our resources to work in this country. The alienation, the hate, the divisiveness, that we have seen—we must, once more, direct our efforts, in a united campaign, to accomplish the goals that we seek here at home: Better housing, improved education, pollution control, social justice, a stable economy.

Mr. Chairman, this Nation is great, our people are good—we want to work for a purpose, but surely not for those purposes which have led to over 360,000 American deaths and casualties in Vietnam, surely not for an uncontested, one-man referendum, that is paraded under the label of democracy.

Mr. Chairman, I feel that we must end the war, bring our troops and prisoners home, and account for the missing in action.

Mr. Chairman, I vote for the Boland amendment.

Mr. DORN. Mr. Chairman, I rise in opposition to the Boland amendment to arbitrarily set a date of June 1, 1972, for the termination of all American air, ground, and sea power in Southeast Asia. It is not in the interest of peace and a final settlement with honor of this unfortunate conflict. I know of nothing which would please the Communist aggressor more than to have a definite date this far in advance toward which they could make their sinister and diabolical plans. This amendment would tie the President's hands and place him in an impossible position to negotiate successfully in Peking.

We must maintain some bargaining power and room for discussion and maneuver. Complete abandonment of our every single endeavor on a given date could contribute to aggression and war in some other theater.

The Red China delegation at the United Nations is already demanding total and abrupt U.S. withdrawal from South Korea and Taiwan, as well as Thailand, Cambodia, Laos, and South Vietnam.

President Nixon is withdrawing our troops from South Vietnam ahead of schedule. He is becoming disentangled from this conflict as rapidly as possible. I urge the House to take no action today which would threaten the President's Vietnamization program and endanger the lives not only of American prisoners but of our men as they withdraw.

Mr. Chairman, I respect and admire the distinguished gentleman from Massachusetts (Mr. Boland). I know that he is sincere and feels very deeply about this war and I know of his concern for the prisoners. But I urge this House, in the interest of long-range peace plans and long-range security, to reject the gentleman's amendment. I will vote against the Boland amendment and urge my colleagues to reject this amendment.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in complete opposition to the Boland amendment because I am in complete support of effective efforts to bring the war to an early and honorable end and to secure the release of Americans held as prisoners of war.

In my opinion the Boland amendment will not serve the best interests of peace or the prisoners of war. I have the greatest respect for the author, the gentleman from Massachusetts (Mr. Boland) but I feel the proposal represents an unsound approach to the problem.

Mr. Chairman, some are speaking as though there had been no change in the situation in Southeast Asia. But by the end of January about 80 percent of our Forces will have been withdrawn. Yet some talk as though there has been no change. This does not square with the facts of the situation.

To impose an arbitrary withdrawal date on the President and assume the frightful responsibility of failure or disaster when it is clear from the President's statements and actions that American involvement in the war is moving toward termination, could have disastrous consequences, and I think we all know it. To cut off funds arbitrarily when the objectives we have established—South Vietnamese capability to handle its own security—appears to be possible of realization would be to risk grave consequences.

The American people have indeed made a massive investment in lives and in our efforts in Southeast Asia. There are those who are willing to throw that aside and seek to receive no benefit on the part of the greatest Nation on earth from this tremendous sacrifice. This is difficult to understand.

Mr. Chairman, the cost in lives to the South Vietnamese, of course, has been much greater. This is not the time to ask whether the effort should have been undertaken.

The war has proceeded with the support of the Congress and now is not the time to argue about whether we should have gone into Vietnam.

The war is ending. It will be ended. The only question is how and when we complete our American military involvement. Will we seek to follow through toward a reasonably acceptable conclusion—at least a semisuccessful conclusion—or do we wish to court disaster.

Our objective in this conflict is a South Vietnam that can stand alone, and this cannot be accomplished in 6 months. And no one can guarantee that this objective will be fully achieved. But we are virtually certain to lose that objective if we end all American involvement at a fixed date 6 months from now. Are we going to accept the proposition that our losses and our sacrifices have been in vain? I do not think so.

To adopt the Boland proposal would involve trading a very good chance of success for almost certain failure. We have stayed together in this Congress over a long and arduous course. We should not, in one final moment of disappointment near the end, forego all prospects for a favorable outcome. It is unthinkable that any Member would want an unfavorable outcome.

We did not do it in Korea. We protected our investment. We made sure that we capitalized on the sacrifices we had made.

Yes, Mr. Chairman, we are near the end. American combat deaths, as high as 500 per week 3 years ago, have been less than 10 in each of the past 5 weeks. None of us will be content so long as there is even one. Let us not lose sight of how far we have come.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. DRINAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Texas (Mr. Mahon).

Mr. MAHON. I thank the gentleman for yielding.

The Boland amendment would tie the President's hands at an extremely critical time, and would—undoubtedly—tend to cripple and undermine the efforts of the South Vietnamese.

Mr. Chairman, the Vietnamization program has gained momentum and we hope it will succeed. It can succeed if the problem is handled wisely by this country and South Vietnam. The South Vietnamese, with our help, are rapidly improving their armed forces. Their readiness to successfully defend themselves without U.S. support or assistance cannot be made to coincide with a predetermined and arbitrary timetable.

Vietnamization is designed to permit our total withdrawal from direct military operations without jeopardizing the departing U.S. troops.

The President must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide materiel and maintenance support through a military advisory mission of some sort.

We must make sure that we have a shield to protect our withdrawing forces. Continuing U.S. air support is critical while the Vietnamese increasingly assume responsibility for their own defense. The safe withdrawal of U.S. forces depends upon the availability of adequate air support.

The readiness and capability of South Vietnamese Armed Forces is dependent upon the phased transfer of equipment, ground operations, and air support in terms of South Vietnamese capability to increase their forces and readiness. While impressive progress has been made, it would be impossible to accomplish all aspects of Vietnamization by June 1, 1972, in a manner that would give maximum assurance of the integrity of the South Vietnamese forces.

In short, Mr. Chairman, what does an arbitrary deadline at this moment gain us? It could result chaos in South Vietnam with the North Vietnamese coming on strong against off-balanced South Vietnamese forces with the Americans in the process of pulling out precipitously caught in between.

Why should we voluntarily relinquish a prime position of power which we now possess in our determination to regain our prisoners? Why should we relinquish a position of power in dealing with the Communists which could permit us to end the conflict in Indochina under conditions reasonable men would call honorable?

The President is planning to visit China and Russia in 1972. Obviously he has a negotiating plan. We should not deprive him of negotiating power and options by fixing a total unilateral withdrawal date from South Vietnam. It would be cruel indeed to pull the rug out from under the President of the United States when he as President of this great country meets officials in Peking and Moscow.

The efforts which we will yet be required to make in connection with the conflict in Southeast Asia are small indeed compared to what we have done in the recent past. Yet this last small increment of effort—this exercise of prudence—is crucial to a maximum chance of realizing the objectives we sought. This amendment would minimize if not eliminate our chances. This is not the way to make foreign policy. The amendment should be soundly defeated in the interest of the prisoners of war and in the interest of peace.

Mr. YATES. Mr. Chairman, I should now like to speak in my own right, if I may.

Mr. Chairman, I yielded to the gentleman from Texas because I consider him to be one of the most respected and distinguished Members of the House. When he speaks the House must listen. As it happens, I do not agree with his views on this subject, but George Mahon is entitled to be heard.

The gentleman has said that the war is being won; that the war——

Mr. MAHON. I said that the war is being wound down. I did not say the war was being won but I hope it is being brought to an honorable conclusion.

Mr. YATES. I was under the impression that the gentleman said that the war is being won, however, I will accept the gentleman's statement that the war is being wound down.

That winding down process has taken an enormously long time, and will go on and on unless the Congress acts.

That point was assured by the President's statement today on the Mansfield amendment. He said when he signed the military authorization bill that even though the Mansfield amendment is the law he does not agree with it and will not follow it.

Yes, troops have been withdrawn from time to time. There have been reductions in the number of troops in Vietnam. Yet, the Secretary of Defense said the other day to the press that he envisioned that there would be a residual force in Vietnam for some time to come—that the Air Force would continue to stay in Vietnam.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. YATES asked and was given permission to proceed for 2 additional minutes.)

Mr. YATES. The President's statements and his goals are certainly not clear.

The distinguished gentleman from Ohio (Mr. MINSHALL) used the phrase, in describing President Nixon's goals that we have heard over the last 10 years. I remember President Johnson saying the same thing—that our goal in Vietnam is to make sure that all foreign troops get out. This was the goal, too, of President Eisenhower and of the Kennedy administration as well.

The thing I am very concerned about is that this might be the goal of the next administration, also as the distinguished whip mentioned—we have come to a fork in the road. We must make our choice. The issue is clear. We must decide whether we shall say the war must end on June 1, 1972, or whether we shall continue on the same path indefinitely we have followed for years in the vague hope that some day we will get out of Vietnam.

Mr. MAHON. Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. For what purpose does the gentleman from Alabama (Mr. ANDREWS) a member of the committee rise?

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in view of the fact that the gentleman from Illinois graciously yielded most of his time to our chairman, I yield to my friend, the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the point I wanted to make was it is essential that we, in the Congress, take action today. This is the first real opportunity that we have had for a vote on the question of cutting off funds.

The gentleman from Michigan, the distinguished minority leader, talks of voting for the Mansfield amendment time and again. That may be true, but this is the first opportunity we have had to implement the Mansfield amendment by using the recognized congressional power. The Congress has the authority to end this war by its control over the funds.

Mr. Chairman, I shall vote for the Boland amendment and urge my colleagues to do so.

Mr. Chairman, I thank the gentleman from Alabama for yielding.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. SIKES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the statement has been made, I believe, by my good friend, the gentleman from Illinois, that we do not know the goals of the President in Southeast Asia. Well, let me help to clarify that picture—here are the goals of the President set forth in his own words in the statement he made today at the time he signed the Military Procurement Authorization Act.

Here are the goals of the President, and I quote:

> Our goal and my hope is a negotiated settlement providing for the total withdrawal of all foreign forces including our own and for the release of all prisoners and for a cease fire throughout Indo China. In the absence of such a settlement or until such a settlement is reached, the rate of withdrawal of United States forces will be determined by three factors—by the level of enemy activity, by the progress of our program of Vietnamization and by the progress toward obtaining the release of all of our prisoners wherever they are in Southeast Asia and toward obtaining a cease fire for all of Southeast Asia.

It could not be stated any more clearly and I hope that answers all questions about the President's goals in Southeast Asia.

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. PUCINSKI. I wonder if the gentleman from Florida would not care to tell us if those same goals were not the identical goals of President Eisenhower, President Kennedy, and President Johnson ever since we have been there.

So what is changed in this manifesto that the gentleman just read?

Mr. SIKES. If the gentleman from Alabama will yield further, I think perhaps the fact that 80 percent of the troops have been brought home or will be at a specified time, should answer the gentleman's question about the new and positive efforts being made by President Nixon to bring the conflict to an end at the earliest possible date.

Mr. ANDREWS of Alabama. Mr. Chairman, I am supporting the President in his effort in this program of Vietnamization.

I am concerned about the future and the fate of our unfortunate prisoners of war. I would like to hear from some person who is near the President as to what the President has in mind and what he plans to do. We cannot negotiate. They will not negotiate with us.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me respond by simply saying that I know the President is personally doing all he can through every avenue and through all sources to achieve a negotiated settlement. I do not think it would be wise for him to tell me or anyone in similar circumstances the precise places and people. I do not think it would be wise for him to tell that to others in comparable positions or otherwise in the Congress. But knowing the President, as I think I do—I have for 23 years—and having asked him much the same question the gentleman has asked me, and getting him to respond, I say, to the greatest possible degree, both as to time and as to place, he is seeking to end the war by negotiation. I believe him, and I think in the meantime, as we negotiate, we are accomplishing the end of the war in a way that will achieve to a degree the ends which we desire.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. RYAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 45 minutes.

Mr. DELLUMS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 45 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. LONG of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONG of Maryland. Mr. Chairman, I was not standing at the time so my name should not be included in the list, and I also want to ask a question.

The CHAIRMAN. The gentleman's name will be stricken from the list.

Mr. LONG of Maryland. Mr. Chairman, I want to ask this question. Are those who have already had 5 minutes under the 5-minute rule entitled to speak again?

The CHAIRMAN. They are.

The Chair recognizes the gentleman from Connecticut (Mr. MONAGAN).

Mr. Chairman, I have supported the Nedzi-Whalen amendment and the various modifications of the Mansfield amendment which have placed the Congress on record as favoring a definite end to the war in Vietnam and I yield to no one in the firmness of my belief that such a prompt termination is one of the essentials for bringing about the necessary reconciliation of various elements in our society.

At the same time, I feel that the Boland amendment goes too far. It would make impossible the spending of one penny by the President after June 1, 1972, in Laos, Cambodia, or Vietnam regardless of how meritorious the expenditure might be and in my judgment without regard to whether or not it related to the withdrawal of troops or the carrying on of other defensive and protective measures.

It seems to me important to note that the general situation has changed remarkably over the period of the last year. The President has not only announced but he has carried out a program of withdrawal of combat troops from Vietnam. This program has gone so far that it is beyond the point of no return and with each withdrawal the credibility of the President's statements is increased. At the same time, whether a specific date has been announced, an approximate date is being established by implication from the facts of the situation. The President has also stated that another announcement would be forthcoming February 1, 1972.

The question is whether the Congress should undertake at this point when future developments and problems are necessarily unpredictable that not one dollar shall be available to the President after the first of June next year. I do not wish to take the position that the President might find himself needing money for a desirable and necessary activity generally related to withdrawal and reduction of force but be unable to find the necessary funds because of a vote of the Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin, (Mr. Zablocki).

(By unanimous consent, Mr. Davis of Wisconsin yielded his time to Mr. Zablocki.)

Mr. ZABLOCKI. Mr. Chairman, I thank my friend, the gentleman from Wisconsin (Mr. Davis), for yielding his time.

Mr. Chairman, I rise in opposition to the Mansfield-Boland amendment, but before speaking on that subject, I desire to share with the Chairman and the Committee Members a matter of considerable importance involving Government printed documents, a development which has recently been brought to my attention.

It is, I believe, a question which should be of concern to the Members of the Congress as a whole, and especially to the Joint Committee on Printing.

As the Members know, the Subcommittee on National Security Policy and Scientific Development of the House Foreign Affairs Committee has been conducting hearings for some time on the issue of POW's and MIA's in Southeast Asia.

Throughout the course of those hearings, the subcommittee has conscientiously abided by the principle of fairness and balance. Recognizing the broad range of views on the issue, the subcommittee invited and heard witnesses expounding all sides of the U.S. POW–MIA question and problem.

The published proceedings of those hearings amply reflect the impartial and balanced nature of the hearings.

Therefore, I was shocked and dismayed when a bastardized and deceptive version of one set of hearings published by the subcommittee was called to my attention. Photographically reproduced by a New York organization known as Clergy and Laymen Concerned, the hybrid version to which I refer has selectively culled only those statements and portions of the original document which generally expound an anti-Vietnam position. It is, in short, slanted, biased, and unbalanced, and yet purports to be an official reproduction.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. Rhodes yielded his time to Mr. Zablocki.)

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from Arizona (Mr. Rhodes) for yielding his time.

Since Government documents are printed with appropriated funds—the tax dollars of the American public—there is much to commend the policy of allowing Government materials such as hearings and reports to fall within the public domain. They belong to the people, all the people. To allow wider distribution, the reproduction of Government documents is laudable.

However, I do feel that this recent experience suggests the desirability of amending the rules and regulations regarding Government printing so that slanted reprints of congressional hearings and reports will be prevented.

I would therefore recommend to my distinguished colleagues on the Joint Committee on Printing a review of this entire question. More specifically, the committee may consider, for example, a revision in the rules and regulations requiring reprinting of documents in full, except with the specific written authorization of the chairman whose committee print may be involved.

My purpose is certainly not to stifle or in any other way impair the dissemination of valuable information frequently found in Government documents. Rather—and most emphatically—it is a matter of assuring the very fairness and balance the American people have come to expect and deserve.

Further, I would of course be pleased to discuss the question in greater detail with the Joint Committee on Printing and share with them the material in question.

Mr. Chairman, this biased and excerpted reproduction is available for 95 cents per copy from Clergy and Laymen Concerned About Vietnam located at 475 Riverside Drive, New York, N.Y. It is my understanding the organization sent their perverted version to families of POW's/MIA's. Obviously to misinform the recipients. Rev. Richard R. Fernandez, director of Clergy and Laymen Concerned About Vietnam was listed as a member of the steering committee—the committee of liaison. Other members of the steering committee include Mrs. Cora Weiss of Women Strike for Peace; Mr. David Dellinger of Liberation magazine; Mr. Richard Barnet, co-director of the Institute for Policy Study; Mr. Richard Falk, professor of international law at Princeton University; Mrs. Anne Bennett, Women Strike for Peace; Mr. Rennie Davis, peace activist; Mrs. Ethel Taylor, Women's Strike for Peace of Philadelphia; and Mr. Stuart Meecham, peace education secretary of the American Friends Service Committee.

All are reported in support of setting a deadline date thereby insisting on the early release of our prisoners of war.

Mr. Chairman, during the debate on the Defense appropriation bill and in recent months repeatedly it was stated that if the United States would only withdraw the troops from South Vietnam the POW's would be released and the MIA accounted for. The truth of the matter is that Mme. Nguyen Thi Binh, Minister of the provisional government of South Vietnam and other spokesmen for Hanoi have reported: In case the U.S. Government declares it will withdraw from South Vietnam and those of its allies—the people's liberation armed forces will refrain from attacking the withdrawing troops; and the parties will engage at once in discussions on, first, insuring safety for the total withdrawal and second, the question of releasing captured military men.

Mr. Chairman, it is clear if the United States will announce the unilateral withdrawal of U.S. troops at best the Viet Cong and Hanoi will then begin to discuss the POW/MIA issue. Certainly should our country, our President be compelled by the provisions of the Mansfield-Boland amendment to name a date certain, June 1, 1972, as the date all U.S. troops will be withdrawn would negate every effort to stabilize the situation in South Vietnam and—what is more important—such action will seal the doom of our POW's/MIA's.

The veracity and trustworthiness of the harbingers of solutions from Hanoi and Paris must indeed be questioned, particularly if these same characters have demonstrated their sensitivity for truth and fact as evidenced by the POW's/MIA's hearing reprints they disseminated.

Mr. Chairman, in behalf of national security and interest, the safe return of our servicemen in Vietnam, the early release of our prisoners of war, the accounting for our servicemen missing in action, and for the interest of continued stability in South Vietnam, I urge that the Boland amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague and good friend from Massachusetts, Congressman Edward P. Boland. The amendment would only accomplish what we have been trying to do in the House for the past year now and that is to establish a date certain. Having established a commitment to a date certain as a matter of record, with the inclusion of the modified Mansfield amendment in the recent conference report on the military procurement bill accepted by both Houses of Congress, it is now time that we go on record with a specific date.

The newspapers have been filled with reports the past few days that U.S. military operations will have been terminated in Indochina by the end of June next year. This only confirms what many of us have been saying for some time, that in view of the strong feelings in this country against the war, in view of every poll taken on the subject, the administration could not possibly go into the next election without having terminated U.S. involvement in southeast Asia. If this is the case and all we are doing here is recognizing reality then why the opposition to this amendment?

Before the opponents reply by asking me the question "if these reports are true, why is this amendment necessary?", let me reply by saying that I think it is necessary to show we mean business through the historical means at our disposal; namely, through the exercise of Congress' control of the pursestrings. The amendment would also assure that we would not still be involved in hostilities in Vietnam through the device of residual forces which all of the press reports just referred to seem to indicate is part of the administration's thinking at this moment.

The amendment also would serve notice to the North Vietnamese that they have a chance to perform and honor their promises to release all American prisoners and give an accounting of Americans missing in action, once this Government announces its intention to terminate action in Vietnam by a date certain. In other words, in voting for this amendment, I find no difficulty in reconciling this vote with my long standing position that we have a moral responsibility to see to it that we gain the release of all American prisoners of war. It is time in fact, that we lived up to our promises to the distraught relatives of these men by honestly exploring every avenue to secure their release. This is the one avenue that, as yet, is unexplored. I can think of no better reason for voting for this amendment than the removal of the prisoners of war and missing in action issue from the controversy surrounding the war. This could extricate these men not only from their prisons but from their involvement in all the controversy over the war. Hopefully, the issue would no longer be the political football it has been until now.

In short, the amendment will be evidence that Congress is no longer supporting a war which has gone on far too long—as the courts claim we have until now. This date certain still gives the administration plenty of time to prepare for an orderly withdrawal—far too long when you come right down to it. Each day any more lives are lost in this war is a tragic indictment of a bankrupt policy. It is time to start saving lives instead of saving face. My only regret is that the date certain is June 1, 1972, instead of June 30, 1971, as provided in House Resolution 1013, of which I was one of the original cosponsors back in May of 1970.

(By unanimous consent, Mr. BINGHAM yielded his time to Mr. BURKE of Massachusetts.)

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Chairman, I rise in support of the Boland amendment to the defense appropriations bill.

The Boland amendment would prohibit the use of funds to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, after June 1, 1972, subject to the release of all American prisoners of war.

The Boland amendment is in complete accord with U.S. policy as provided in title VI—the compromised Mansfield amendment—of the Military Procurement Act of 1971 since it terminates our participation in the war contingent only upon the return of our POW's. Of course the most significant section of the Mansfield amendment—the 6 months withdrawal deadline—was dropped in conference. The Boland amendment will reestablish this critical termination date and furnish the basic means for the implementation of that provision.

We in Congress can no longer maintain that the appropriations process should be separated from the legitimacy of the war. In a recent first circuit court decision, Laird against Massachusetts, the court found that the Congress has a clear responsibility for the Vietnam war by virtue of the annual appropriations of funds to implement the President's policy. The court opinion states, in part:

> All we hold here is that in a situation of prolonged but undeclared hostilities, where the Executive continues to act not only in the absence of any conflicting Congressional claim of authority, but with steady Congressional support, the Constitution has not been breached. *The War in Vietnam is a product of jointly supportive actions of the two branches to whom the congeries of war powers have been committed.*

In view of the overwhelming desire of the people of this Nation to terminate the fighting in Southeast Asia, Congress has an urgent duty to approve the Boland amendment.

I strongly urge all Members to support this amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, in the time I have been in this Congress, I have grown to have great sympathy for the Members of this House who were forced to support this war under false assumptions. I want to congratulate the Members of this House for taking one step, and that is to state their policy directing the President to negotiate a withdrawal upon the condition of the release of our prisoners. That is what we did in the Military Selective Act and in the Military Procurement Act.

The gentleman from Massachusetts (Mr. BOLAND), whom I especially wish to congratulate today, comes here to say, "Now that we have taken that one step, let us really use the power of this House. Let us really do what we are required to do under the Constitution, and are mandated to do by three-fourths of the American people, all of our constituents. Let us set a date to cut off funds for this war after June 1 if the President does not."

Many of you who do not vote against the war do so in defiance of the wishes of the majority of your own constituents. The statistics and the polls have proved that.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(By unanimous consent, Mr. BADILLO yielded his time to Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, we are being asked by the gentleman from Massachusetts (Mr. BOLAND) to use the power we have, the power of appropriations, to cut off the funds by a date certain if we do not withdraw our troops from Vietnam.

The fact is the President will go to Moscow and Peking, but not to Paris, to negotiate the Vietnamese proposal to release all prisoners if we would but set a date certain to withdraw our troops. The fact is the President tells us that there will be a residual force of at least 45,000 or 50,000 remaining in Vietnam.

We must assert our congressional power to prevent that residual force from continuing that war in Indochina, as we now intend to do.

What the President and the Secretary of Defense are going to do is to continue in the air the war we have had on the ground. There is a recent study, the Cornell study, which proves that what is intended is to continue an automated war instead of a ground war, for which we need only 45,000 or 50,000 troops.

I support the Boland amendment. We must cut off the funds if this Congress is to assert its rightful power.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(By unanimous consent, Mrs. CHISHOLM yielded her time to Mrs. ABZUG.)

Mrs. ABZUG. Gentlemen, I am asking you to vote to reflect the will of the American people but, more than that, to reflect our obligation in this House. Not once since I have been here have we used our power over appropriations to make it clear that there is a separation of power between the executive branch and the legislative branch of our Government.

I do not think it is in any way a reflection upon our loyalty or our respect for the executive branch. Quite to the contrary, we are saying to the President that we, as an independent branch which represents the people—we, as the House of the people—have an obligation to make sure that what the President is saying comes true and, if the President does not act in exercising the power of the Executive to cut off this war, we will cut off the funds. Support for the Boland amendment asserts that we have the power to do so.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, when Abraham Lincoln of Illinois was a Member of this body he was an outspoken opponent of the Mexican War, but he never at any time voted to cut off the appropriations for the ongoing operations of our troops in the field.

We lack Mr. Lincoln's stature and wisdom but, Mr. Chairman, I trust we retain enough wisdom and responsibility to vote against this ill-considered amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, it has been suggested today that there is no answer to give those veterans who return from Vietnam and ask "Why are we there?"

There is an answer. We are there because of Presidents who lacked wisdom and Congresses that lacked courage.

We can change both deficiencies.

(By unanimous consent, Mr. YATES yielded his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I rise in support of the Boland amendment, but the question I would raise is, how can one engage in meaningful debate on such an important issue in 45 seconds? I think that is a travesty. We stayed here until 2:30 in the morning debating racist antibusing amendment to the higher education bill. Yet, on a matter of life and death to the young—the ones required to fight and die in this absurd war—of this country, we see fit to parade people down in front of this microphone and allow them 45 seconds to debate. I hope that the young of this country remember the mockery of how we dealt with the serious question of life and death in Southeast Asia. In these remaining few seconds, I urge my colleagues to assume some responsibility for ending this adventurism—support the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the chairman of the full committee, Mr. MAHON, indicated that he is still working toward a semisuccessful conclusion for the war in Southeast Asia.

I think we are behind that. I think the American people want to get out of this war, and I think we are suffering from a false delusion if we think that we are really ending the war. If you think casualties running at the rate of five, two, and three a week are representative of what is going on over there, you have to keep in mind that the South Vietnamese this year will lose 23,000 men. Last year they lost 23,000 men also. The enemy last year lost 103,000 men. This year they are going to lose 111,000 men. There is no possibility that we are going to negotiate peace with this much war going on around us. I think we have to recognize——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WOLFF was allowed to yield his time to Mr. LEGGETT.)

Mr. WOLFF. Mr. Chairman, I would like to express my wholehearted support for the Boland amendment which would prohibit funds for the war after June 1, 1972, subject to release of all U.S. POW's and full disclosure of information with respect to MIA's, and I strongly encourage my colleagues to join me in support of this important and necessary measure.

The war in Vietnam has been prolonged for months and years now, partly as a result of the failure of both sides to resolve the prisoner of war question. I vehemently objected to shallow attempts last year to turn this issue into a political volleyball, to be batted back and forth to no avail. When the North Vietnamese delegation to the Paris peace talks set forth their proposal early this summer, offering to settle this question, I again urged that the POW issue be resolved with haste.

Mr. Chairman, we are dealing with the lives of human beings, who have every right to expect that the United States will act in their best interests to secure their release. We have before us, in the Boland amendment to the Defense Appropriations bill an excellent opportunity to assert our intent to act in their behalf.

In essence, this amendment would do no more than implement what President Nixon has declared our policy to be—that U.S. participation in the war would terminate upon release of all American POW's. Enactment of the Boland measure would assert the will of the Congress, which I might add, has for too long been dormant on this issue, declaring our intention to withdraw from active participation in the war, contingent upon the release of our men. Such a declaration would, I believe, serve two vital purposes.

First, we would be serving notice to President Thieu and the South Vietnamese Government that they must prepare to assume the full burden of the war without further delay. I can see nothing harmful in providing this impetus to the South Vietnamese, who, I am afraid, have learned to become far too dependent on this country.

Second, passage of this amendment would serve to assert the responsibility that the Congress bears, not only for waging this tragic, ill-conceived conflict, but more important, for bringing the war to a speedy end.

Rather than to tie the hands of the President, as some have mistakenly contended, the intent of this amendment would be to join President Nixon in asserting our support for a policy of withdrawal. For surely we have nothing to lose in making this peace initiative, for should Hanoi decline to return our POW's or provide information on our MIA's we would then simply delay our troop withdrawal until such time as our terms were met. And, we have everything to gain should they respond to our overture for peace.

Mr. Chairman, if we are going to make our POW's an issue in this war, then let us make them an issue for them to end the war, and bring them home. If we fail to extend this vital initiative toward ending America's role in Vietnam, then we in the Congress will be just guilty of prolonging the war. With the lives of American citizens at stake, we cannot afford to let political expediency get in our way. Again, I urge my colleagues to join me in support of this vital measure. They have nothing to lose by doing so, except the lives of countless American soldiers who suffer the agonies of hell being held captive even one day longer in North Vietnam.

Mr. LEGGETT. Mr. Chairman, I think we have to recognize the great secret solution of Richard Nixon to end this war cost us 19,000 lives and innumerable wounded. What was the great secret solution to end the war? Apparently to deescalate more or less as we escalated. That means every 6 months to tell the American people about where you are going.

I say this: We were confused in getting into this war by my administration and by previous administrations, and we will be confused in geting out of it unless we give some direction to the President of the United States and to the people of the United States.

I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) that will help bring all American troops and prisoners of war back to the United States by June 30, 1972.

Over the past 4 years, I have supported the President's withdrawal program, his negotiating efforts in Paris, and his private diplomacy aimed at a release of our prisoners of war. However, I do not feel his withdrawals have been fast enough. I would remind him that he promised an end to the war in the campaign of 1968 and point out that events in South Vietnam indicate that the country is in a good position to defend themselves and to determine their own future.

Let it be clear that the amendment before us today is closely tied to the prisoner of war issue. Under no circumstances will I support any withdrawal amendment unless it means the return of all American soldiers, both those in the field and those in prison camps. Colloquy has established that this amendment will be null and void if the prisoners are not released. On the other hand, if they are, all troops and prisoners would be returned home by next summer.

This plan is very close to the President's own plan. Speculation has set the troop levels for next summer at less than 50,000. The difference in terms of defense of South Vietnam is negligible. Thus the real issue is the return of the prisoners.

Moreover, our efforts in that country over the last decade have helped build the South Vietnamese Army into the best trained and equipped army in that region. Our mastery of the air war has been transferred to a strong and efficient Vietnamese Air Force.

Additionally, our objectives of self-determination for the people of South Vietnam has been realized now that two general presidential elections have taken place. Further efforts could be considered questionable involvement in the internal affairs of another nation.

However, as I have pointed out, while these goals have been accomplished and the war is over for all practical purposes, our involvement there cannot be considered ended until every soldier in the field and every prisoner is returned home.

The North Vietnamese and the Vietcong have indicated that once a date is set for total withdrawal they will begin to release the prisoners. The families of the POW's and MIA's have urged passage of such set withdrawal date legislation in an effort to bring their sons or husbands or brothers home.

If the North Vietnamese and the Vietcong are not true to their word, then we can stop the withdrawal and reescalate if necessary to assure the freedom of American prisoners. This amendment provides for that. If we are committed to exploring every possibility to end the war and free our prisoners of war then this amendment deserves passage.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, there may be some of you sitting in this body who are thinking of voting for this amendment, in an effort to gain favor with those who want to set a deadline for withdrawal from Vietnam. At the same time, you may be thinking that the amendment will not pass, in any event, and therefore you won't have to stand trial for being guilty of prolonging the war and complicating the release of our POW's. Just remember, with your help, the amendment may pass, then where will you be when the deadline arrives, we have lost our bargaining position, we have weakened our forces too much, the enemy attacks in force and takes over South Vietnam. I think now of your answer, to the families of the POW/MIA people who oppose this amendment. What will your answer be to those who thought you wanted to end the war, effect the release of our POW's, and assure that those who died to help a small nation remain free, did not die in vain?

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, an analysis of the elements in the latest Communist peace proposal, the seven-point demands of July 1, 1971, I think demonstrates that it is a complete illusion to believe only some single unilateral U.S. act of renunciation stands in the way of peace. Instead it can be seen that the Communists are continuing to present a series of demands which, though sugar coated, represent nothing less than a demand for total allied surrender to all of the other side's conditions and acquiescence to their desire to take over South Vietnam as well as a demand that the United States be held responsible for the complete rebuilding of North Vietnam after we quit.

At this point, Mr. Chairman, I would like to address myself to the question of Hanoi's position on the negotiations which heretofore has not been discussed in this debate. I think it will shed some perspective on the question of whether or not the Boland-Mansfield amendment will accomplish our goals by simply setting a date.

THE VIETNAM NEGOTIATIONS AND THE NLF'S SEVEN POINTS

The seven points announced by the national liberation front—NLF—on July 1, 1971, while at first glance appear to show some signs of flexibility, in fact constitute a set of preconditions and exceptionally hardline unilateral demands.

In sum, the seven points do not soften the previous Communist demands, do not permit any Allied assistance to the South Vietnamese Government, do not pledge the release of American POW's, do not propose a general cease-fire, do not accept the Government of Vietnam as a party to negotiations, and do not accept the principle of effective international verification. They reflect no reciprocity by the Communist side in exchange for Allied submission to these demands or for the extensive proposals and steps toward peace already taken by the Allies.

I. THE SEVEN POINTS IN THE CONTEXT OF ALLIED PEACE PROPOSALS AND THE NEGOTIATIONS

The NLF's seven-point demands of July 1, 1971, must be viewed in the context of the negotiation record of the last 2 to 3 years. This record includes comprehensive U.S. and South Vietnamese peace offers, unilateral Allied concessions, and a series of broken promises by Hanoi:

U.S. PEACE PROPOSALS

Building upon his earlier peace proposal of May 14, 1969, President Nixon on October 7, 1970, offered a comprehensive proposal for a just peace in Indochina calling for:

An immediate, and internationally supervised cease-fire in place throughout Indochina;

The establishment of an Indochina Peace Conference;

Negotiation of an agreed timetable for complete withdrawal of all non-South Vietnamese forces from South Vietnam;

A fair political settlement reflecting the will of the South Vietnamese people and involving all of the political forces in South Vietnam;

The immediate and unconditional release of all prisoners of war by all sides.

In addition to the above proposals, the United States has supported the Government of South Vietnam's proposals of July 11, 1969, and October 8, 1970, calling for free elections in which all people and parties of South Vietnam, including the NLF can participate, and for mixed electoral and supervisory commissions in which all parties, including the NLF, could be represented.

U.S. STEPS TOWARD PEACE

The U.S. Government has done virtually everything that various parties, including Hanoi's leaders and many American critics, said would kindle negotiations. These steps include:

A halt, in 1968, to the bombing of North Vietnam. This was done though North Vietnam supplies all of the weapons and war materiel and almost all of the troops and cadres for the wars it is directing across its borders against South Vietnam, Laos and Cambodia;

Agreement to let the NLF participate at the Paris talks;

Agreement on the principle of total U.S. troop withdrawals on the basis of reciprocal North Vietnamese withdrawals;

Appointment of a new senior negotiator in Paris;

Unilateral troop withdrawals totalling 360,000 men by December 1971, or more than two-thirds of the total of U.S. forces in Vietnam in January 1969 when President Nixon took office.

COMMUNIST INTRANSIGENCE

The above Allied proposals and steps were made not only to reduce U.S. involvement but also to open the door to serious negotiations. But although each of these actions was urged by the Communist side or by responsible third parties, all have been rejected and none have generated any reciprocal movement by Hanoi or the Front.

Regrettably the Communist leaders have remained intransigent and have continued to press their attacks on their neighbors in violation of Accords signed by the Hanoi regime.

They continued to demand a deadline for total unilateral U.S. withdrawal, dismantling of bases, termination of all assistance, payment of reparations, prior removal of the Government of South Vietnam and the imposition of a pro-NLF government as preconditions for substantive discussions.

At the same time the Communist side has rejected a general cease-fire, commonly accepted international standards of POW treatment, and any type of international verification.

II. THE "SEVEN POINTS"

THE PREAMBLE

The preamble to the "seven points" states that the NLF is "basing itself" on its previous "10 point" statement of May 8, 1969, its "eight point" statement of September 17, 1970 and its "three point" statement of December 10, 1970. The NLF's "ten point" statement in turn explicitly bases itself on the NLF's "five point" statement of March 1965 and on the DRV's—North Vietnam—"four point"[*] statement of April 1965.

The "seven points" are thus directly linked to the NLF's and Hanoi's earlier preconditions and demands. In some respects the "7 Points" take an even harder position than earlier demands.

UNILATERAL DEADLINE DEMANDS

Point 1 repeats the Communists' standard set of far-reaching demands. These demands are unilateral and unconditional. Specifically:

> The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of Vietnamization of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materiel of the United States and of other foreign countries in the U.S. camp, and dismantle all U.S. bases

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[*] NOTE: Hanoi's "four points" of April 1965 included as point three the demand that: "The internal affairs of South Vietnam must be settled . . . in accordance with the program of the NFLSV without any foreign interference." Further, the "Four Points" declared that: "any approach contrary to the above-mentioned stand is inappropriate, any approach tending to secure a United Nations intervention is also inappropriate. . . ."

in South Vietnam, without posing any condition whatsoever.

The deadline is set at December 31, 1971.

Subsequent elaborating statements by official NLF and DRV spokesmen, have made clear that these demands extend to all forms of Allied military and economic assistance, specialists, funds, and so forth.

Since the Communists talked of a U.S. "war of aggression" long before U.S. combat troops were sent to Vietnam in 1965 in response to the prior intervention of North Vietnam's regular army, this reference could mean that the South Vietnamese forces must unilaterally stop fighting. However, the "seven points" stipulate the formation of a pro-NLF coalition government as a precondition for a cease-fire with the South Vietnamese forces.

It should be noted that the "seven point" demands are unabashedly unilateral and are notably silent on the critical question of North Vietnam's role in leading and supporting the Communist forces in South Vietnam.

The "seven points" include no mention or pledge concerning reciprocal troop withdrawals or termination of assistance by North Vietnamese armed forces fighting in South Vietnam—90,000 troops—and are silent on the related issues of large North Vietnamese military forces in Cambodia—50,000 troops—and in Laos—90,000 troops.

NO PLEDGE ON PRISONER OF WAR RELEASE

The "seven points" do not pledge a release of the prisoners of war held by the Communist side.

Point 1 indicates that after the United States has committed itself to a December 31, 1971, terminal date for any form of U.S. and allied troop presence and assistance and to the dismantling of their military bases, an agreement could follow among various—unspecified—parties, concerning the modalities of a partial cease-fire and a POW release.

Specifically, point 1 says about the POW's that if all of the Communist demands are met:

'The parties will at the same time agree on the modalities—of the release of the totality of military men and of the civilians captured in the war—including American pilots captured in North Vietnam".

In effect, this is a variation of previous Communist proposals to "discuss" the POW question if the United States met the demands for a unilateral deadline for troop presence, assistance, and so forth. Obviously, discussions must precede any agreement on modalities. But there are a number of uncertainties and far-reaching demands in the "seven points" statement which would make such discussions extremely difficult and not likely to be productive of an agreement.

It is unclear which parties would be involved or bound by any POW agreement.

Point 2 indicates that the Government of Vietnam would not be a party acceptable to the NLF and could play no role in the negotiations. Furthermore, point 2 does not mention North Vietnam as a party to the POW negotiations and thus Hanoi would not be bound by the NLF's "seven points" or by any resulting agreement on POW's.

Also left unclear is the fate of men held prisoner or missing in Laos, Cambodia, and South Vietnam. In contrast with the South Vietnamese and in violation of the internationally accepted Geneva Convention on POW's signed by North Vietnam, the North Vietnamese and their Communist allies in South Vietnam, Cambodia, and Laos, have refused complete POW lists or to permit inspections by neutral observers for areas under their control.

The United States, third countries, and media representatives have repeatedly sought to obtain clarification on the above questions from NLF and DRV spokesmen. The Communist side, however, has refused to give any clarification. Furthermore, the Communist spokesmen have repudiated the speculations of a number of people who have claimed flexibility for the Communist position.

In sum, after the United States had publicly committed itself to a total, unconditional, and unilateral withdrawal date, terminating its troop presence and any assistance, and so forth, it might well prove to be the case that no agreement on POW release or the other vital issues would in fact be reached during the discussion of modalities. In that case, the Communists would have conceded absolutely nothing, but the United States would have fallen for a ransom demand and would have unilaterally surrendered its major bargaining chip.

CEASE-FIRE

The Communist side has totally rejected the October 7, 1970, proposals of the Governments of the United States and South Vietnam calling for an immediate and internationally verified cease-fire in place throughout Indochina.

The NLF's "seven points" provide—in point 1—not for a cease-fire, but only for discussion of modalities. Furthermore, the NLF proposes to discuss only a limited two-stage cease-fire in South Vietnam, one not involving North Vietnamese forces or international verification.

Point 1 mentions as parties to a first-stage cease-fire—following a U.S. pledge for unilateral withdrawal of its troops and assistance—only the troops of the NLF and the United States, not those of either North or South Vietnam.

Point 2 indicates that a cease-fire between the NLF's forces and the South Vietnamese forces would occur only after a new pro-NLF government was formed in South Vietnam.

The "seven points" fails to mention the presence or future role of the North Vietnamese forces—90,000 troops—in South Vietnam. They thus purposely omit a factor of major importance to Vietnam's future and to any negotiations. This relieves the North Vietnamese of any binding obligations vis-a-vis a cease-fire, troop withdrawals, guarantees, and so forth.

Via the preamble's link to Hanoi's "four points," the NLF's "seven points" firmly reject the notion of United Nations or similar verification of any cease-fire as "foreign interference."

"PARTIES" TO THE AGREEMENT—A NEW GOVERNMENT

The NLF continues to reject the July 11, 1969 proposals of the Government of Vietnam to enter negotiations for joint electoral commissions and general elections in South Vietnam to include the NLF, with modalities and verification procedures to be worked out between representatives of the NLF and the Government of Vietnam.

Instead, the "seven points"—in point two—set as a precondition for discussions the prior overthrow of the leadership of the Government of Vietnam—described as the "group headed by Nguyen Van Thieu—and demand the imposition of a "three-segment" provisional government of "national concord."

These "three-segments" have been officially defined in the NLF's "eight point" proposal of September 17, 1970, and subsequently, as a "coalition" government consisting of: First, members of the NLF's own "Provisional Revolutionary Government," second, members of the current Government of Vietnam "genuinely," standing for peace, neutrality, independence and democracy" (as defined by the NLF), and third, other elements meeting the NLF's criteria.

In effect, the NLF proposes to nominate one-third and to veto two-thirds of a new government. This new government would thus by definition be pro-NLF.

At the same time, the new pro-NLF government would apparently constitute the NLF-approved "party" mentioned in the other points. It is this new government which would represent South Vietnam in any discussions and negotiations on such critical issues as troop withdrawals, cease-fires, POW releases, elections, reparations, and guarantees.

It should be noted that the NLF has described the chief element and "vanguard core" of its "front," as being the People's Revolutionary Party—PRP—a self-proclaimed hardline Marxist-Leninist party formed in Hanoi in 1962.

The PRP forms the southern wing of North Vietnam's only political party, the Lao Dong—Communist—Party.

Interestingly, Hanoi describes its "peoples' dictatorship" in North Vietnam as a "Lien Hiep" or "coalition" of "national concord."

To the Vietnamese nationalists, both Southern and Northern, the formation of a "coalition" with the Communists is particularly odious. They well remember how Ho Chi Minh's Communist Party liquidated Vietnam's short-lived seven-party coalition in 1946 and how, in North Vietnam in the midfifties, it established a Stalinist regime and killed and imprisoned the nationalists and neutralists in the Viet Minh "Front."

CIVILIAN PRISONERS—CHOICE OF RESIDENCE

Unlike previous proposals, the "seven points"—in point 1—call for the Government of Vietnam unilaterally to release all civilian prisoners captured during the war.

By indiscriminately releasing all Vietcong political cadres, terrorists, and so forth, the South Vietnamese would thus be required to provide massive reinforcement to the Communist apparatus during a critical period.

The NLF's demand is unilateral. It does not require any pledge to be given by those released and it is silent on urging releases from North Vietnam's extensive prison system which, according to official North Vietnamese media, is filled with "counterrevolutionaries," "defeatists," and "romantics."

In another new demand, the "seven points"—in point 4—call for "a free choice of residence" and for "free movement" vis-a-vis North and South Vietnam.

This demand appears aimed at preventing the forced repatriation to North Vietnam of the 8,000 North Vietnamese POW's held in South Vietnam. If released and maintained in South Vietnam, these troops would provide the equivalent of a division of readily available troop reinforcements for the Communists.

Earlier this year the Government of Vietnam and the International Red Cross sought to return sick and wounded North Vietnamese POW's to North Vietnam on a voluntary basis. The POW's, however, were threatened by their cadres in the camps to resist and reject repatriation in part, no doubt, from fear of retaliation on their families in North Vietnam.

Past experience indicates that the Communists would under no circumstances actually tolerate the free movement of civilians away from areas under their control. According to the testimony of members of the International Control Commission and other neutral observers, for example, the Hanoi regime in 1954 sought to block the southward flow of refugees—800,000 escaped—and to circumscribe the access and activities of the ICC. Furthermore, the Hanoi regime tightly controls all travel in North Vietnam, via a system of internal passports and cadre checkpoints.

The "free movement" provision is probably aimed at legitimizing the movement of additional Communist political cadres and troops from North to South Vietnam.

REPARATIONS

Point 6 demands that the United States assume the full and sole responsibility for war damage in North Vietnam and in South Vietnam.

This is tantamount to unilaterally placing total responsibility for the war on the United States.

This demand totally neglects the record of North Vietnam's massive and illegal troop presence and terror attacks across its internationally recognized borders in the sovereign states of South Vietnam, Laos and Cambodia.

FUTURE INTERNATIONAL STATUS AND GUARANTEES

The "seven points" state—in points 3 to 7—that the "question of North Vietnamese armed forces in South Vietnam" and the issues of future reunification and international status will be settled in a spirit of "national concord" by "qualified representatives of the Vietnamese people in the two zones" on the basis of "mutual interests and mutual assistance," and "without foreign interference." These carefully selected formulations in practice would clearly preclude any non-Communist elements, options, or guarantees.

All references to agreements between the two Vietnamese "zones" or "parties" concerning cease-fires, troop dispositions, prisoner releases, free movement, foreign aid, reparations, and international guarantees are vitiated by such formulations in the context of the full range of demands in the "seven points" and the past performance record of the Hanoi regime.

As indicated in point two, the prospective South Vietnamese government foreseen in the "seven points" is the pro-NLF "three-segment" government. In the presence of the North Vietnamese cadres and army and via the Front's "People's Revolutionary Party," this new government could readily be absorbed into the regime of North Vietnam's Communist Party.

The "seven points" vigorous rejection of any "foreign interference" and the preamble's connection with Hanoi's "four points" formulation, specifically excludes any United Nations or similar international verification machinery and in effect guarantees that the South Vietnamese will be governed "in accordance with the program" of the NLF as demanded in point 3 of Hanoi's "four points."

III. CONCLUSION

It is apparent if one looks at the record of what both sides have done to bring about a responsible settlement, that the comprehensive Allied proposals and the important unilateral Allied steps toward peace remain unmatched by the Communist side, which instead continues its attacks and its unliteral demands.

An analysis of elements in the latest Communist "seven point" demands of July 1, 1971, demonstrates that it is an illusion to believe that only some single unilateral U.S. act of renunciation stands in the way of peace. Instead it can be seen that the Communists are continuing to present a series of demands which, though sometimes sugar coated, represent nothing less than a demand for total Allied surrender to all of the other side's conditions and acquiesence in Hanoi's takeover of South Vietnam, as well as a demand that the United States be held responsible for rebuilding North Vietnam.

Acceptance of the Communists' demand for a unilateral and unconditional date terminating U.S. troop presence and U.S. assistance in South Vietnam—and Southeast Asia—is clearly not an appropriate means to speed an end to the war and is prejudicial to the delicate diplomatic situation resulting from the continuing U.S. reduction of its military role.

In this situation, no legislative solution can be sufficiently flexible to accommodate the range of diplomatic and military issues and contingencies. It would reward Communist intransigence and would remove any inducement to the other side to negotiate seriously. Moreover, such legislation poses serious practical and constitutional problems.

The United States continues to hope that the Communist leaders will take meaningful steps toward peace and will recognize the desirability of concluding the war through serious negotiations based on reciprocity rather than prolonged combat.

The United States continues to believe that the allied policy of seeking a responsible negotiated settlement and of withdrawing U.S. forces as the South Vietnamese become more capable of assuming the burden of their own defense, together with the President's statement that all U.S. forces will not be withdrawn until all U.S. prisoners of war are released, provides the best prospect of bringing all our men, in prison or in the field, out of Vietnam and in a way that gives the South Vietnamese a reasonable chance to defend themselves.

At this point, Mr. Chairman, I would like to direct the attention of my colleagues to an article in the New York Times including the text of the so-called Vietcong peace proposal.

[From the New York Times, July 2, 1971]

The "Seven Points"—Text of the Vietcong Peace Proposal

PARIS, July 1 (Reuters)—Following is the text of the Vietcong's seven-point peace proposal presented at today's session of the Vietnam peace talks:

1. Regarding the deadline for the total withdrawal of U.S. forces.

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, withdraw from South Vietnam all troops, military personnel, weapons, and war materials of the United States and of the other foreign countries in the U.S. camp, and dismantle all U.S. bases in South Vietnam, without posing any condition whatsoever.

The U.S. Government must set a terminal date for the withdrawal from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

If the U.S. Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of U.S. forces and those of the other foreign countries in the U.S. camp, the parties will at the same time agree on the modalities:

A. Of the withdrawal in safety from South Vietnam of the totality of U.S. forces and those of the other foreign countries in the U.S. camp.

B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

Those two operations will begin on the same date and will end on the same date.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the United States and of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp.

2. Regarding the question of power in South Vietnam.

The United States Government must really respect the South Vietnam people's right to self-determination, put an end to its interference in the internal affairs of South Vietnam, cease backing the bellicose group headed by Nguyen Van Thieu, at present in office in Saigon, and stop all maneuvers, including tricks on elections, aimed at maintaining the puppet Nguyen Van Thieu.

The political, social and religious forces in South Vietnam aspiring to peace and national concord will use various means to form in Saigon a new administration favoring peace, independence, neutrality and democracy.

The Provisional Revolutionary Government of the Republic of South Vietnam will immediately enter into talks with that administration in order to settle the following questions:

A. To form a broad three-segment government of national concord that will assume its functions during the period between the restoration of peace and the holding of general elections and organize general elections in South Vietnam.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the armed forces of the Saigon administration as soon as the government of national concord is formed.

B. To take concrete measures with the required guarantees so as to prohibit all acts of terror, reprisal and discrimination against persons having collaborated with one or the other party, to ensure every democratic liberty to the South Vietnam people, to release all persons jailed for political reasons, to dissolve all concentration camps and to liquidate all forms of constraint and coercion so as to permit the people to return to their native places in complete freedom and to freely engage in their occupations.

C. To see that the people's conditions of living are stabilized and gradually improved, to create conditions allowing everyone to contribute his talents and efforts to heal the war wounds and rebuild the country.

D. To agree on measures to be taken to ensure the holding of genuinely free, democratic, and fair general elections in South Vietnam.

3. Regarding the question of Vietnamese armed forces in South Vietnam.

The Vietnamese parties will together settle the question of Vietnamese armed forces in South Vietnam in a spirit of national concord equality, and mutual respect, without foreign interference, in accordance with the postwar situation and with a view to making lighter the people's contributions.

4. Regarding the peaceful reunification of Vietnam and the relations between the North and South zones.

A. The reunification of Vietnam will be achieved step by step by peaceful means, on the basis of discussions and agreements between the two zones, without constraint and annexation from either party, without foreign interference.

Pending the reunification of the country, the North and the South zones will reestablish normal relations, guarantee free movement, free correspondence, free choice of residence, and maintain economic and cultural relations on the principle of mutual interests and mutual assistance.

All questions concerning the two zones will be settled by qualified representatives of the Vietnamese people in the two zones on the basis of negotiations, without foreign interference.

B. In keeping with the provisions of the 1954 Geneva agreements on Vietnam, in the present temporary partition of the country into two zones, the North and the South zones of Vietnam will refrain from joining any military alliance with foreign countries, from allowing any foreign country to have military bases, troops, and military personnel on their soil, and from recognizing the protection of any country, of any military alliance or bloc.

5. Regarding the foreign policy of peace and neutrality of South Vietnam.

South Vietnam will pursue a foreign policy of peace and neutrality, establish relations with all countries regardless of their political and social regime, in accordance with the five principles of peaceful coexistence, maintain economic and cultural relations with all countries, accept the cooperation and economic and cultural relations with all countries, accept the cooperation of foreign countries in the exportation of the resources of South Vietnam, accept from any country economic and technical aid without any political conditions attached, and participate in regional plans of economic cooperation.

On the basis of these principles, after the end of the war, South Vietnam and the United States will establish relations in the political, economic and cultural fields.

6. Regarding the damages caused by the United States to the Vietnamese people in the two zones.

The U.S. Government must bear full responsibility for the losses and the destructions it has caused to the Vietnamese people in the two zones.

7. Regarding the respect and the international guarantee of the accords that will be concluded.

The parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, this amendment ought to be known as the "put up or shut up amendment." Hanoi has said that if we fix a date certain for our troop withdrawal they are willing to release our prisoners of war and agree to a cease-fire.

This amendment does set that time and if, indeed, our prisoners are not released by June 1, all bets are off.

This amendment does give us for the first time an opportunity to say to Hanoi: "put up or shut up." If our prisoners are not released by June 1, then we will take another course of action after June 1.

Mr. Chairman, I have listened to those who have opposed this amendment in the past. This time let us do it our way and if we cannot bring this tragic war to an end, we have nothing to lose in trying to force Hanoi into a release of our prisoners by adopting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, during the 7 years since President Johnson's first supplemental appropriation bill to finance the war in Vietnam came to the House on May 5, 1965, I have time and again taken the floor of the House to urge that the Congress assume its responsibilities and use the appropriation process, by exercising its power over the purse, to bring the death and destruction in Southeast Asia to an end. Through two administrations the Congress has acquiesced in, and sanctioned, this undeclared, dead-end war by voting the appropriations necessary to conduct it.

The American people have now rejected the war and are looking to the Congress to assume its responsibility and set a final termination date since it is obvious that the President has no intention of doing so.

The Boland amendment offers an opportunity for the House to set a fixed date—June 1, 1972—by prohibiting use of any funds in this defense appropriation bill for fiscal year 1972, "to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after June 1, 1972," subject to the release of all American prisoners of war and an accounting of all Americans missing in action.

As the Members of the House well know, I do not believe the war should continue for 1 minute more, and I would prefer an immediate cutoff of funds—an action which I have urged the Congress to take for 7 long years. However, the least the House can do, if it is to pay a modicum of respect to public opinion in this country, is to accept the Mansfield amendment which the Senate adopted as an amendment to the Military Procurement Act but which was modified in conference.

Title VI of the Military Procurement Act signed into law today by President Nixon establishes as national policy the termination of all U.S. military operations in Indochina at the earliest practicable date, and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for the Americans missing in action.

The Boland amendment would restore the critically important specific deadline, which was deleted from the original Mansfield amendment in conference. It would provide the vehicle for implementing what is now national policy by setting the date certain as June 1, 1972. It is essential that a termination date be set by Congress, especially in view of the reported declaration by the President today that he will ignore the Mansfield language in the Military Procurement Act.

All the illusions of Vietnam have been shattered. All that now remains are the stark realities of a brutal and senseless war.

For a decade this Nation has sent her young men to die in Asia. The price from this tragic venture has been incalculably high: in terms of lives lost and bloodshed, in terms of opportunities missed and treasure squandered, in terms of the disaffection of our young, and the polarization of our society.

The administration's vaunted Vietnamization policy has not brought peace, but continued death and destruction. It contemplates South Vietnamese armed forces pursuing a military victory sustained by American air and logistical support.

The President's announcement last week that 45,000 troops would be withdrawn during January and February did not change anything. The distinguished chairman of the Committee on Appropriations has stated that the President obviously has a negotiating plan which he should be free to follow. That is reminiscent of candidate Nixon's 1968 campaign statement that he had a secret plan to end the war. The President has had 3 years to reveal it, but the only known element in it is the plan to maintain a U.S. residual force in Vietnam as long as necessary to prop up the present Saigon regime.

It has been argued that adoption of the Boland amendment would force us to "relinquish our prime position of power," making it impossible to leave Vietnam with honor. That refrain has been heard too often over the past 7 years. How many more American and Vietnamese lives are to be lost—how many more villages are to be destroyed—how many more billions of dollars are to be dissipated—while the administration wages war in the name of peace with honor?

The answer rests with the House of Representatives today, for the Boland amendment offers the Congress of the United States the opportunity to live up to its responsibility by exercising the only power it has to end the war. It offers us the opportunity to give peace a chance. Let us seize it now.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. DEVINE).

(By unanimous consent, Mr. MYERS yielded his time to Mr. DEVINE.)

Mr. DEVINE. Mr. Chairman, one gets sick and tired of hearing the same old political speeches, the same old retread speeches and accusations about who is responsible for the war in Vietnam. However, I will say to the members of the committee that President Nixon is the only President of the last four to turn this thing around. During Eisenhower's administration there were some 750 advisers, then during the administration of the late President Kennedy he started a multi-thousand-man buildup of American combat troops in Vietnam which reached a crest when Mr. Johnson was President. The number of U.S. troops in Vietnam rose to over 540,000 during L. B. J.'s administration. Yet, today, under the Nixon plan and direction of President Nixon, 80 percent or over 400,000 of our troops are out of there. Casualties have been reduced from 300 a week to less than 10 a week.

Mr. Chairman, the Vietnamization policies are working, the Nixon doctrine is working and now all of these people whom we have heard speak in support of this amendment are scrambling to get on the bandwagon in order to say that they did it and that the war is over because they belatedly set a date of cutoff. Ridiculous.

I predict that in the 1972 campaign Vietnam will not be an issue, because Vietnamization is working and U.S. troops are being withdrawn at a faster rate than anticipated.

Mr. Chairman, I talked to the President as late as yesterday about the prisoners of war. He cannot reveal to everyone—all negotiations that are being made, through a number of avenues, but he is making every effort to secure the release of our prisoners of war, and that is one of the crucial areas involved here. He is constantly working on it and the Vietnamization policy; and let us give that policy an opportunity to work, without tieing the hands of the President.

If it wasn't so serious, it would be laughable to record the gyrations and reverse gymnastics of some of our colleagues who manage to place themselves on both sides of an issue. Now that President Nixon has established the success of his Vietnamization and is truly winding up the war, the boys are not only scurrying to get on the bandwagon, but are even trying to twist history around in an effort to claim credit. If they established a date certain, they would then claim they forced the President to end the war, which he already accomplished. It is high time to forget politics and demagoguery and act responsibility in the interest of our country and ultimately a generation of peace. Let us defeat the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I oppose the Boland amendment for good and sufficient reasons. This amendment is so far reaching that every Member should provide a clear explanation for his vote, whether it be in support or opposition.

The first thing that must be made clear beyond any doubt is that a vote against the Boland amendment is not a vote for the war, or a vote to prolong the war. Twice, the House has approved the so-called Mansfield amendment to end the war in Southeast Asia at the earliest practicable date. That amendment permitted an orderly withdrawal. The adoption of this amendment today could even slow the rate of withdrawal. Even worse than slowing orderly withdrawal, this action could even stop the present rate of withdrawal until our military leadership could develop adequate alternatives to the present schedule in the knowledge there will no longer be a shield for orderly withdrawal but an irrevocable and arbitrary date certain on June 1, 1972.

Nearly all of us have come to realize that either the war was wrong, or at least we have fought this war in the wrong way. But at this point in time what should we do? What is the best course left to take? In the debate someone described this amendment as the roughest and hardest way of imposing the will of the Congress on our President. If we recognize that the President is the Commander in Chief of our military forces and if he insists it is a wise course to maintain a residual force, then this amendment would not only cut off the pay of our men in such residual forces, it would cut off their logistics, including food, and even take away the transportation to bring them home after June 1, 1972. Abraham Lincoln, as a Member of the House in the 30th Congress in 1847, was an outspoken opponent of the Mexican war but he refused to vote to cut off money for our troops in the field.

The true facts are that the President has reduced the troop level through the process of Vietnamization from 540,000 to 180,000. As I read the amendment it would become an obstacle to the success of Vietnamization because the words, "military support operations by the United States forces in South Vietnam" would include the training of South Vietnamese forces in Vietnam. Does the author of this amendment propose that we stop training the South Vietnamese to take over the war and thus protect their country against the forces of the North? If the amendment prevails, the only way we could train the South Vietnamese allies would be to transport them to some place other than South Vietnam, such as Laos or Cambodia for training. Does the author suggest we go through the expensive process of transporting our South Vietnamese allies to Hawaii or the mainland for training and then bear the expense of returning them to their homeland?

Anything that the Congress does at this time should serve the best interest of peace or to end the war. If we expect to be fair we must agree that 90 percent of our troops will have been out of Vietnam before the date imposed by the amendment. But to cut off all funds at an arbitrary date risks some grave consequences. No doubt the time is long past when we can achieve a military victory, but somehow, some way, we must still try for an honorable conclusion to the war. At the very least we should not agree to an amendment that will disregard all the sacrifices of all those who have given their lives or been wounded and agree to a course that would completely abandon any effort for some kind of benefit from all the sacrifices.

If we indulge in this precipitous action today then all of our losses and sacrifices will have been in vain. It means we are completely throwing away any chance for an honorable settlement. If this amendment should be adopted we tie the President's hands at a most critical time. It means not only that his power to negotiate with Hanoi is gone. It means that hereafter he cannot speak with any authority on his visit to either Peking or Moscow. We have been pursuing a phased withdrawal. The war is near an end. Casualties are down to a minimum. Of couse, even four or five a week are too many. But the hard fact is if withdrawal is to continue there must be some kind of a shield to permit that withdrawal. The Boland amendment would undercut the entire withdrawal process. If the word goes out to the world that this body joined by the other body acts to cut off all funds on June 1, 1972, it would mean immediate chaos in South Vietnam. There no longer would be any shield for withdrawal. All the past efforts toward negotiations would be torpedoed and sunk.

But if we defeat this amendment then we retain our options. We do have some alternatives left. There remains the chance for the success of the visits to Peking and Moscow. We should not foreclose these chances by our action today. If we proceed to approve this amendment we tie the hands of our President.

For the Congress to try to stop the war by this arbitrary precipitous action is just not the way to handle foreign policy. There are those who would say the rate of withdrawal is too slow. By recent pronouncement the President says withdrawal will be determined by four factors: first, the level of enemy action; second, the progress of Vietnamization; third, the progress of release of our prisoners of war and fourth, agreement by the enemy to a cease fire in all of Southeast Asia.

Mr. Chairman, I have read the wording of the Boland amendment very carefully. The effective portion of the amendment starts out with the words, "subject to release of all American prisoners and an accounting of all Americans missing in action." In other words that portion of the amendment which says none of the funds appropriated in this act should be used after June 1, 1972, is all subject to release of our American prisoners and our Americans missing in action. In my judgment to say these two categories will ever be accomplished is optimism that is not justified. To the enemy our prisoners of war are not regarded as we regard their prisoners. Our men are regarded as criminals. In my opinion, if they are ever returned it will be by ransom. But as I read it, for this amendment to have any meaning the enemy must account for all of our missing in action. In my judgment such a requirement makes the amendment meaningless. We must either rely upon their word—which up to now has been worthless—or else insist upon a really strict accounting for all the missing. If we demand this strict accounting before the cut-off date can be effective then a cut off date might never arrive. For those who refuse to rely on the word of the enemy, or for those who believe the cut-off date is subject to a strict accounting, there is only one course to take and that is to vote against this amendment as meaningless.

No, a vote against the Boland amendment is not a vote to continue the war. It is not a vote to prolong the war. All of us want this war ended. Equally important, we want to be sure that there cannot be another Vietnam. We all want to make it impossible to drift into such a war again, step by step, as we did in Southeast Asia.

Mr. Chairman, that is why a little while ago I supported the so-called Yates amendment which, under H.R. 11731, would not permit the President to substantially increase troop levels or troop strength. I supported the amendment of the gentleman from Illinois because it provides that after 60 days following an acceleration of total troop strength, there would be no further expenditures of appropriations for such troop increases without obtaining the approval of the Congress. In different words, this means that if there is any indication of any kind that we are drifting into another Vietnam war, we will be able to face the issue very early. This amendment would require the President to come before the Congress and explain his reasons for increasing troop levels before any appropriations would be available. I supported this amendment because it could prevent an easy drift into another Vietnam. Although it failed by a small margin on our side of the Congress, I hope it may be added to this defense appropriation bill by the other body.

I hope there may not be any who vote for this amendment but hope it will not pass. That kind of thinking is a dangerous course because with a recorded teller count it is most difficult to know the course of a vote until the final tally is announced by the tellers. Someone said this amendment should probably be tagged the "put up or shut up" amendment. Others have been less complimentary and described it as the "bug out" amendment. Without passing judgment on which is more accurate, certainly this amendment would change the course of orderly or phased withdrawal or a "walkout" to the precipitous, arbitrary, and shieldless kind of withdrawal that could become a "run out."

I cannot subscribe to the argument of those who say the withdrawal schedule announced by the President is nothing more than a holding action to get him through the Peking visit. On the other hand the passage of this amendment would leave him with no bargaining power at Peking. But if the President should fail at Peking and if we defeat this amendment our Chief Executive has the remaining negotiating course to open our own bilateral or private negotiations with Hanoi in Paris.

All the foregoing options are thrown away if we pass the proposed amendment today. In just a few words, the approval of this amendment means that we hand to the enemy a victory that they were never able to achieve on the battlefield.

(By unanimous consent, Mr. RANDALL yielded his remaining time to Mr. WAGGONNER.)

Mr. WAGGONNER. Mr. Chairman and Members of the House, I think we are all agreed on one point. That is, that we want to get out of Vietnam as quickly as we possibly can.

Further, I think we agree that in retrospect especially in view of the fact that we have never tried to win, that it was a mistake to get involved in Vietnam as we have. However, where we differ is how do we get out and over the long-period of time serve the best interests of the United States? This is the crux of the matter we are discussing here today.

The gentleman from Georgia (Mr. FLYNT) earlier said to you when he addressed the Committee of the Whole House on the State of the Union—and I think I remember what he said—that he believed that the President had already reached an agreement with regard to the release of the prisoners of war. My friends of the House, I do not believe this is so.

I do not believe that he has any reason to even speculate as to that whim, because I do not believe that the President of the United States would perpetrate such a hoax upon the people of this country so as to withhold that information from those who have relatives who are prisoners of war or on those who have relatives who are missing in-action.

Further, there is something else that we ought to consider that the gentleman from Georgia (Mr. FLYNT) said. He said that he would not support again any appropriations for the military under certain conditions, and he said he would not support appropriations for the military as long as we supported a regime which allowed only one name on the ballot. Who ever heard of a Communist nation having two names on the ballot? Big Minh and Ky could have run if they had chosen to, but they were afraid they would get beaten. They insisted they would only run in a three man race. To my knowledge I cannot recall even a ballot in Red China. But I agree it would have been better if others had run from an ideal point of view.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I have listened to the very appealing and emotional speeches of the gentleman from Indiana, the gentleman from New York, and the gentleman from Maryland, about their sons who once served in Vietnam. I think the sons should be permitted to speak for themselves; their views may be different from their father's. I would not presume to speak for my son, but I am willing to support any son in Vietnam, as I, and we, have supported their sons while they were in Vietnam, so I would hope that they would vote with me to support my son, who is serving in Vietnam now along with 139,000 other sons in Vietnam now.

This is not a "hard and tough" decision for us now. It would have been "hard and tough" in 1968 or 1969—when other sons were in Vietnam—some involuntarily—but it is easy now if our objective is to get one-up on the President who is systematically ending the war. It is easy if our objective is to garner some of the credit to which the President is entitled. It is "hard and tough"—even incredible—if our objective is to achieve peace as soon as practicable and to secure the release of all our POW's and obtain an accounting of our MIA's. We owe them and their families a great responsibility. We must keep our commitments to them. We should vote "no" on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, there has been a lot of talk here this afternoon about whose responsibility the termination of this war is, the Executive's responsibility or the responsibility of the Congress. I think it is crystal clear under the Constitution it is our responsibility, and I hope that this afternoon we exercise that responsibility by adopting the Boland amendment.

The overconcentration of power in the single office of the President has resulted in a constitutional imbalance, with one man holding nearly absolute power in matters of war and peace, life and death. The time to reassert congressional prerogatives and restore balanced constitutional government is now.

Article I, section 8 of the Constitution gives Congress the stated power to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the Armed Forces, to provide for calling forth the militia, and to make all laws necessary and proper for executing the foregoing powers. In contrast, article II, section 2 of the Constitution states that the President shall be Commander in Chief of the Army and Navy. In addition, the President may, with the advice and consent of the Senate, make treaties and appoint ambassadors.

It is clear from the language of the Constitution that the war power is vested almost entirely in the Congress. That this was the intention of the framers is quite clear from reading the proceedings of the Constitutional Convention and the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

> We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

It is important to note that the Framers wrote with the benefit of considerable hindsight regarding contests between English kings and the Parliament over war powers. It is most relevant that Parliament had successfully employed its power of the purse to prevent and halt royal adventures abroad. In fact, a legislative forerunner of the amendment before us today was passed in 1678, when Parliament specified that the Army of Charles in Flanders be disbanded by a certain date. The Framers clearly intended that the Congress should have at least that much power, and they bestowed more power on this body by requiring congressional action to initiate war as well as providing for congressional action to stop it.

Another manifestation of the Framers' intention that Congress exercise the power of the purse with special care on matters relating to military operations can be seen in the constitutional provision—article I, section 8, item 12—binding us to review all funds for military operations every 2 years. Although it is our practice to appropriate every year for all Government activities and programs, there is nothing in the Constitution that requires such a procedure except in the case of funding for the Armed Forces, in which case the requirement is for a biennial review. Theoretically, we could appropriate for all other programs every 10 or every 100 years, but the Framers singled out military appropriations for a special 2-year limitation.

Alexander Hamilton described the meaning of that limitation in Federalist No. 26:

> The legislature of the United States will be obliged, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense on the matter, by a formal vote in the face of their constituencies.

The provision protects—and I think was intended to protect—the Nation against the indefinite commitment of American Forces or American military operations without systematic congressional review at least once every 2 years. We in the Congress have an express duty to provide review and control, and there is no way we can surrender that power to the President or anyone else without violating the Constitution.

It is time for the Congress to reassert our constitutional authority and not allow the President to be chief of police, district attorney, judge, and jury in foreign affairs. It is the purpose of our system of separation of powers to bring a balanced judgment to the issues we face. The American people deserve that; our Constitution requires it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Hall).

(By unanimous consent, Mr. Hall yielded his time to Mr. Minshall.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Seiberling).

(By unanimous consent, Mr. Seiberling yielded his remaining time to Mr. Boland.)

Mr. SEIBERLING. Mr. Chairman, we like to call ourselves "the People's House." Accordingly, I think it behooves us to consider the people's wishes on this issue. The Harris survey published in the Washington Post on November 8 reported:

> By nearly 3 to 1, the American people favor "getting completely out" of Vietnam by next May.
>
> Asked if they favored or opposed the United States "getting completely out of Vietnam by May, including all combat and noncombat troops," the vote was 62 percent in favor and 21 percent opposed.
>
> Between October 26 and October 31, a cross section of 2,004 households was asked: If it meant keeping the Communists from taking over Vietnam, would you favor or oppose the following?

[In percent]

	Favor	Oppose	Not sure
Leaving 50,000 non-combat U.S. troops there	32	55	13
Continuing to use U.S. bombers and helicopters to support the South Vietnamese army	29	57	14
Continuing to send over $1,000,000,000 a year in military aid to the South Vietnamese	16	70	14

> Even at the risk of a Communist takeover, sizable majorities of the public want the United States out completely from Vietnam.

Obviously the American people do not favor a Communist takeover in Vietnam. They are merely recognizing the bankruptcy of the Government's policy in Vietnam and that we have given the South Vietnamese Government more than enough chance to stand on its own feet.

And they are recognizing something else, as revealed by the Harris poll published in the Post on November 11, as follows:

> The Vietnam issue simply will not go away as a major concern for the public in this country. A survey taken during the last week of October shows that a record high 65 percent now believe that it is "morally wrong" for the United States to be fighting in Vietnam.

How can the Congress continue to ignore the overwhelming and clearly manifested desire of the American people on an issue as basic as this? No issue has been more thoroughly debated and argued in the country and in the Halls of Congress. Unless we take prompt and decisive action to carry out the people's considered desires on this subject, how can we continue to call ourselves "the People's House?"

In the 2 years during which the Congress has been wrestling with the question of placing a specific cutoff date on further American military operations in Indochina, the President has indeed reduced our presence in Vietnam. The number of American troops remaining in Vietnam is now so small that they could all be evacuated in a few weeks if it were decided to do so. Certainly a deadline of June 1, 1972 imposes no serious risk to the protection of our remaining troops in Vietnam.

The Boland amendment, providing for such a deadline, is entirely reasonable, completely within the policy already adopted by the Congress, and creates no obstacle to the withdrawal of American POW's. In fact, since the withdrawal would be contingent on the return of all POW's, it gives the administration a further bargaining lever for the POW's.

For all these reasons, I find it hard to imagine why the House should not adopt the Boland amendment by an overwhelming majority.

If the House does not adopt the Boland amendment, then I will vote against the defense appropriations bill, in accordance with my pledge not to vote for funds to continue the war in Vietnam so long as the Government has not adopted a specific date for American withdrawal.

I do not oppose national defense and will support any reasonable defense appropriation bill that does not provide for the indefinite continuation of our military involvement in Vietnam. That involvement has added nothing to our national security. It has taken over $100 billion away from other defense needs and civilian needs. It has divided the country.

The people are demanding a complete and early end to this misadventure. It is time we heeded their demand.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. Carter).

(By unanimous consent, Mr. Carter yielded his time to Mr. Minshall.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Michel).

Mr. MICHEL. Mr. Chairman, the gentleman from Massachusetts (Mr. Boland), the author of the pending amendment, has said he is tired of the argument that we are tying the President's hands by passage of his amendment.

I would just like to say that a few years ago I felt somewhat that way when Nasser of Egypt was telling the United States to go drink from the sea and I offered an amendment to an agricultural appropriation bill to prohibit the further sale of surplus commodities to Egypt. I was supported unanimously on our Republican side of the aisle and joined by 71 Democrat Members. The amendment carried but 10 days later on a motion to instruct conferees on the very same subject 40 Democrats switched their votes after President Johnson twisted some arms and said he could not live with that kind of restriction.

Let me jog your memory of two more very relevant Presidential incidents. Remember when in October of 1962 President Kennedy issued the ultimatum to the Russians to get their missiles out of Cuba? Why do you suppose the Soviets responded affirmatively? Certainly not because of the President's good looks or his persuasive oratory, but because of the great military might of the United States that backed up what he said.

Remember when President Eisenhower was about to meet with Khrushchev in

Paris for some very delicate negotiations and the whole conference blew up over the U-2 incident?

Why do I mention these three incidents? Because our President has said he is going to Peking to try and break the ice and open up a dialog with Chou En-lai and possibly get some agreements to guarantee us at least a generation of peace.

Can you imagine the President sitting down with the Chinese or Russians hobbled with this and other similar amendments? It would be catastrophic. If perchance this amendment were adopted by the Congress I would think the President would be justified in coming before a joint session of Congress and saying "Gentlemen, as I understand the Constitution we all have sworn to uphold, I do have the power and authority to conduct the foreign policy of this Government and negotiate agreements and treaties subject to the confirmation of the Senate. Unless I can negotiate from a position of strength—unfettered and without an albatross around my neck, I feel constrained to cancel my proposed trip to Peking."

Do you want that on your consciences? I will tell you as a father of four teenagers, three of whom could very well be serving in the Armed Forces within the next few years that I do not want it on mine.

Our President deserves our wholehearted support at this time not only for the selfish interests of our Government, but for all men who seek a peaceful world. This amendment should be defeated.

(By unanimous consent, Mr. MICHEL yielded his remaining time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, for the past 52 years Americans have celebrated November 11 as Armistice Day and Veterans Day in honor of the men and women who gave so much that America might survive as a free nation. If we pass the Boland amendment today, the Communist nations will celebrate November 17 for the next 52 years for on this day they will have won the victory on the floor of this Congress that they were unable to win on the battlefields of Southeast Asia.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. SHOUP).

(By unanimous consent, Mr. SHOUP yielded his time to Mr. MINSHALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, someone said the President has turned this war around. I think that is true. I think he deserves credit for it. I am glad to have the troops withdrawn.

But I think he has turned the world around. We have Red China in the U.N. and Taiwan has been kicked out. May I say to those who argue that we have been winning this war since 1965, they pursuaded me then that we should defeat things like the Boland amendment and support this proposition. We have been winning this war since 1965, but every year we have more casualties, more MIA's, and more POW's. Our winning in Vietnam is like the man who won first prize—1 week in Philadelphia, while second prize was 2 weeks in Philadelphia. This is said to be one of the toughest resolutions we have ever had. I think it is the toughest toasted marshmallow on a plate of toasted marshmallows.

We do not declare war outright any more. We just declare war on the installment plan.

Let us just skip this payment and let them repossess this war. I urge support of the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I must oppose this amendment because it would simply say to the enemy that they do not have to negotiate with us on any matter whatever except release of prisoners. It would tell them in effect that if they will just simply hold on a little while longer, we will get out completely and let them settle the substantive issues of the future of Vietnam on their own terms.

Mr. Chairman, I would like to yield to my colleague, the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I understand the question has been asked whether anyone with sons serving in Vietnam is against this amendment.

Mr. Chairman, I have two sons and a son-in-law. My two sons each served two tours of duty over there. The last tour was voluntary. One was wounded twice and one received the Silver Star and one received the Bronze Star. My son-in-law just came back, and he is a captain in the Marine Corps, and they all tell me that an amendment of this kind is good for nobody except Hanoi.

The first four young ladies who went to Paris, widows and wives of our servicemen—those girls are not for this kind of an amendment. Two of them have sons—one a 7-year-old—who have never seen their fathers and the other two have never heard from their husbands.

Mr. Chairman, I am very much opposed to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I want to express my appreciation to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) and the ranking minority member, the gentleman from Ohio (Mr. MINSHALL) for their patience and their courtesy all during this debate.

It would seem to me that a simple explanation of this bill amendment is indeed a put-up or shut-up proposition to Hanoi.

Hanoi has been telling the world that it is willing to negotiate provided we have a terminal date. The terminal date is here. If it refuses to negotiate and if there is no movement on the prisoners of war and no movement on the missing in action, then the amendment limitation and the cutoff of funds in my judgment does not prevail.

The President of the United States in April of this year, I believe, attached two conditions to the ending of the war in Vietnam.

No. 1, the return of the prisoners of war.

No. 2, the reasonable chance for South Vietnam to survive.

If I heard the Secretary of Defense last Sunday correctly, he indicated now that South Vietnam has a reasonable chance to survive—and he said that in Saigon a week ago.

So one of the conditions has already been met.

The President's press conference last week presents a problem. I think the position is changed from a reasonable chance of survival to the assurance that the Thieu regime will not be overcome by the Communists. This is a deep and serious change of position.

I would think that if the war is ended within the next few months the possibility is that the Government of South Vietnam would survive. Nobody can say. Mr. Chairman, this is the first opportunity this Congress has had to limit funds for the Vietnam war. We have a terminal date. The funds would not be cut off unless we have some response from the Government of North Vietnam with respect to our prisoners of war and men missing in action. That is precisely what the amendment would accomplish. It would call Hanoi's hand and in my judgment, would get negotiations in Paris that have been stalled for so long to get into some meaningful and significant talks.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, at the outset I want to thank the other members of this committee who have so graciously yielded to me their allocated few seconds.

I would like to say that we have been around the barn. We have plowed the ground. We have been down the road numerous times on this question, and I do not think anything that I can say as we conclude this debate is going to change one vote one way or the other. But I do completely agree with my colleagues on the need for a national commitment to end rapidly our military involvement in Indochina. But of what use would the amendment under consideration be? It essentially reiterates a commitment that has already been made, not only by the President, but also by this Congress.

Not only are the objectives of this amendment rapidly being realized, but the means for achieving our objectives might be seriously impaired if the amendment were to be adopted. We could fail to do what we are earnestly hoping he will be able to do.

As I said under the 5-minute rule, at the conclusion of my remarks, this is a time to be cheering the Nixon administration. At the same time I do not want you to forget the important part that Mel Laird has played in this administration. Our former colleague has distinguished himself with his advice and counsel to our Chief Executive. Without question he is the best Secretary of Defense in recent history.

As has been frequently mentioned here this afternoon, he appeared last Sunday on the "Meet the Press" television program. I think that any American who saw his appearance cannot doubt for one minute his great ability, his sincerity, his devotion to duty, and his hopes that the Vietnamization program is coming to a good and honest conclusion. We all know the program is succeeding.

So I say again that this is a time for cheering the Nixon administration, not undercutting it, and a time for encouraging it to continue its drive toward peace and the safe return of all American men. I hope that all of you in your good conscience will vote against the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON) to close the debate.

Mr. MAHON. Mr. Chairman, I think all has been said that needs to be said in opposition to the pending amendment. I have opposed this amendment because I believe it would undercut the efforts of our Nation to achieve peace and the return of our prisoners of war. I am afraid that this amendment would tend to foreclose our chance of bringing this conflict to an end that will reflect credit on the men who gave their lives and those who give their devotion and effort in the service to this country. I earnestly hope and I certainly believe that this House will reject the amendment. I ask for a vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

TELLER VOTE WITH CLERKS

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BOLAND. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BOLAND, RHODES, MAHON, and RIEGLE.

The Committee divided, and the tellers reported that there were—ayes 163, noes 238, not voting 30, as follows:

[Roll No. 399]

[Recorded Teller Vote]

AYES—163

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Badillo
Baring
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Boland
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
Danielson
Dellums
Denholm
Dent
Dingell
Donohue
Dow
Drinan
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flynt
Ford, William D.
Fraser
Frenzel
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Hamilton
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Jacobs
Jones, N.C.
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Landrum
Leggett
Long, Md.
McCloskey
McCormack
McDade
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Metcalfe
Miller, Ohio
Minish
Mink
Mitchell
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Slack
Smith, Iowa
Stanton, James V.
Steele
Stokes
Sullivan
Symington
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Widnall
Wilson, Charles H.
Wolff
Yates
Yatron
Zwach

NOES—238

Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Belcher
Bell
Bennett
Bevill
Blanton
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Gallagher
Gettys
Goldwater
Gonzalez
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Hastings
Hays
Hébert
Henderson
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
Lujan
McClory
McCollister
McCulloch
McDonald, Mich.
McEwen
McFall
McKay
McMillan
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Mayne
Melcher
Michel
Miller, Calif.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patman
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Robinson, Va.
Robison, N.Y.
Rooney, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—30

Abbitt
Alexander
Betts
Blackburn
Blatnik
Boggs
Celler
Chappell
Clausen, Don H.
Cotter
Derwinski
Diggs
Dowdy
Downing
Dulski
Edmondson
Edwards, La.
Griffiths
Gubser
Halpern
Kee
Link
McClure
McKevitt
Mathias, Calif.
Mikva
Mills, Ark.
Roberts
Runnels
Steed

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to this section?

AMENDMENT OFFERED BY MR. RIEGLE

Mr. RIEGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIEGLE: on page 48, between lines 7 and 8, insert the following:

SEC. 745. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1972, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond ninety-five percent of the total aggregate net expenditures estimated therefor in the budget for 1972 (H. Doc. 15).

Mr. RIEGLE. Mr. Chairman and colleagues, I am very much indebted to the gentleman from Ohio (Mr. BOW) for this amendment, because this amendment has historically been known as the "Bow expenditure limitation amendment." However, it is the first time it has been offered, to my knowledge, to a defense appropriation bill.

Mr. Chairman, this amendment applies directly to the actual spending contemplated by the Department of Defense for this fiscal year and, as such, in a significant way, goes beyond the amount of money contained in the appropriation bill that is before the Committee today.

You will be interested to know, for example, that nearly $18 billion of new obligational authority in the appropriation bill before us represents funds which will not be spent this year but, in fact, will be spent in some future year.

Mr. Chairman, what I am concerned about, and what this specific amendment goes to, is the actual amount of spending by the Department of Defense this year. If the members of the committee will refer to the committee report before us, they will find that there is budgeted $76 billion of fiscal year 1972 expenditures—approximately $50 billion being new money in this appropriation bill and something like $20 billion being carryover authority from previous appropriation bills of previous years.

Mr. Chairman, my amendment would require the Department of Defense to restrict its spending to only 95 percent of that amount—95 percent of the $76 billion it anticipates spending this year—which means it would have to absorb within the Department of Defense, a 5-percent reduction in its spending plans. This would create a dollar savings—an actual dollar savings, this fiscal year, of some $3.8 billion.

I think this is a significant money savings that the Department of Defense could be asked to absorb this year.

My friend, the gentleman from Wisconsin (Mr. ASPIN) will later offer an amendment that is very different.

His amendment would seek to reduce the amount of new obligational authority for the Defense Department. A reduction of that kind might apply to this year or might apply to some future year, and while I may support the amendment offered by the gentleman from Wisconsin (Mr. ASPIN) it does not make sure that actual defense spending for this year will be reduced by even $1. My amendment will absolutely assure that the actual defense spending will be reduced by some 5 percent.

Since 1964, including the planned expenditures for this fiscal year, we will have spent on defense in this country just since 1964, over $600 billion—over $600 billion. To anyone who wants to suggest that we have been stingy with the Defense Department, I would respond that the facts just do not back up that assertion.

Now, some people have objected to the Bow amendment because it is not an amendment that cuts the budget line item by line item. I too have the same objection, and I would much prefer to make a line item by line item reduction to this bill, but that is almost impossible in a bill that is the size of this one; one that is in the $70 billion range.

The full Committee on Appropriations, for your information, meets to consider this bill in full committee for approximately 2½ hours, and there is no way we can carefully go through line item by line item a bill of this size. This is no criticism of the committee. It is just a fact of the life we live with, and thus we must resort to this type amendment as it is the only way we can have a chance to effect any kind of spending reduction in this fiscal year.

The bill before us, which comes from the Committee on Appropriations, reduces planned expenditures by just about $1 billion. That is the figure they estimate as the reduction of the spending request that came in from the Defense Department. My amendment would go further than that; it would incorporate the $1 billion reduction, and then go beyond that to $3.8 billion.

With all due regard to the Secretary of Defense, who is our friend, and a former colleague of the Committee on Appropriations, I do submit that there is no Federal agency that can be run today in the United States without considerable bureaucracy, overlapping and waste. And I think the Defense Department is in this position, whether you want to talk about airplanes that do not fly, or cost overruns, or any one of a number of other things.

We are in an emergency condition. You may not know it, but the chairman of the Committee on Appropriations told the Committee on Appropriations the other day that his best estimate for the deficit for this fiscal year is $40 billion—and that comes on top of the deficit of last year of $30 billion. If we are going to reduce this deficit, then the Defense Department, which is the biggest single operation of this Government, certainly can absorb a 5-percent reduction in light of the emergency condition this country is in. Otherwise, where are you going to save any money? I think they can do it. I think it is a reasonable amount. I hope that my colleagues in the House will support my amendment. I will say that I will ask for a recorded teller vote on this because this is the only chance we can have to make a necessary reduction in the Defense Department spending.

In my experience in other organizations outside of the Federal Government, when they have been asked to absorb a 5-percent cut, it actually has helped them, because it gives them the tool to go inside the organization and to clean up some of the sloppy operations and wasteful methods.

So, Mr. Chairman, again I would ask my colleagues to give support to my amendment, which will be the only chance they have to actually save money in the Defense Department this year.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

I am glad to see that my friends on the other side are interested, and still interested in the Bow amendment, because we may have it again before long, and I appreciate the support it has had in the past.

However, as the gentleman from Michigan has said, this is the first time that the so-called Bow amendment has ever been offered on a defense bill. I never did offer it on a defense bill, and on the overall amendments we used to have I always excepted the Defense Department.

I do not believe we can afford to put a limitation of this kind on the defense bill, where the funds may be necessary for the security of our country. Now, there are other areas where we should—and, as I say, it may come again, and I will support it—but I never would support it on a defense bill. I think it would be wrong to do it.

I sincerely hope that the committee will reject this amendment.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Michigan indicated an inadequate consideration of the pending measure.

The 11-member Subcommittee on Defense Appropriations had months of hearings and there are nine printed volumes of testimony here on this table. It was well considered.

There has been no expenditure limitation on any appropriation bill this year. I do not know why this bill was singled out for this purpose.

Congress basically controls spending by controlling appropriations and other obligational authority, not by controlling expenditures.

The amendment proposes a meat-ax cut. The bill before you provides a reduction in expenditures of about $1 billion for the current fiscal year, and the gentleman would increase that by about $2.5 billion, and would leave it completely to the Executive as to where those reductions are to be made.

The appropriation cuts in this bill were specified particularly, and they are well described in the report.

The gentleman has not pointed out where he wants to make a reduction.

This amendment proposes an abdication by the Congress of its money powers.

Mr. Chairman, I join the gentleman from Ohio in asking that the amendment be voted down.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to thank my chairman.

I opposed this amendment in full committee. I said at that time, I opposed the Bow amendments because I did not agree with them. I do not believe an across-the-board cut is the way to control expenditures. We should have selective reductions. If there are weaknesses in this bill, let us go after the weak spots.

I think the amendment is ill planned and ill conceived and ill timed. After all, we have gone through 6 months of this fiscal year already and to have a 5-percent across-the-board cut will certainly be to the detriment of the whole defense bill. Therefore, I oppose the amendment and hope that it is defeated.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. RIEGLE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. RIEGLE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. RIEGLE, BOW, MAHON, and ASPIN.

The Committee divided, and the tellers reported that there were—ayes 74, noes 308, not voting 49, as follows:

[Roll No. 400]

[Recorded Teller Vote]

AYES—74

Abourezk
Abzug
Aspin
Badillo
Bergland
Bingham
Brademas
Brasco
Burton
Carey, N.Y.
Carney
Chisholm
Clay
Collins, Ill.
Conyers
Delaney
Dellums
Denholm
Dow
Drinan
du Pont
Edwards, Calif.
Eilberg

Esch
Fraser
Gaydos
Green, Pa.
Gross
Hall
Hanley
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Hungate
Ichord
Kastenmeier
Koch
Kyros
Lujan
McClory
McCloskey
McDonald, Mich.
Macdonald, Mass.

Melcher
Metcalfe
Mink
Mitchell
Moorhead
Mosher
Nix
Pryor, Ark.
Pucinski
Rangel
Reid, N.Y.
Riegle
Rosenthal
Roybal
Ryan
Sarbanes
Scheuer
Schwengel
Seiberling
Snyder
Stokes
Thompson, N.J.
Udall

Vanik
Waldie
Whalen
Wolff
Yates
Yatron
Zwach

NOES—308

Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bevill
Biaggi
Biester
Blanton
Boland
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
Long, Md.
McCollister
McCormack
McCulloch
McDade
McEwen
McKay
McKinney
McMillan
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—49

Abbitt
Alexander
Anderson, Tenn.
Barrett
Betts
Blackburn
Blatnik
Boggs
Celler
Chappell
Clausen, Don H.
Cotter
de la Garza
Derwinski
Diggs
Dowdy
Downing
Dulski
Edmondson
Edwards, La.
Gibbons
Griffiths
Halpern
Hanna
Hawkins
Heckler, Mass.
Jones, Ala.
Keating
Kee
Keith
Landrum
Leggett
Link
McClure
McFall
McKevitt
Mathias, Calif.
Mikva
Mills, Ark.
Morse
Podell
Reuss
Roberts
Runnels
Sisk
Steed
Steiger, Wis.
Winn
Wydler

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPIN: Page 48, immediately after line 7, insert the following:

TITLE IX

APPROPRIATION LIMITATION

SEC. 745. Notwithstanding any other provision of this Act, the total sums appropriated by this Act for the fiscal year ending June 30, 1972, for the military functions administered by the Department of Defense, and for other purposes, shall not exceed the total sums appropriated to that Department for such functions and purposes in Public Law 91-668, approved January 11, 1971.

Mr. ASPIN. Mr. Chairman, I do not plan to take very long because this amendment is simple to explain. What the amendment does is to hold defense spending to last year's level.

Last year we appropriated $69.5 billion. This year the bill we are talking about is $71 billion. So that would mean a cut of $1.5 billion.

Mr. Chairman, I am presenting this amendment and raising the question here because it has not been adequately explained to me why this defense budget is higher than the one we had last year. It seems to me that is a very, very difficult thing to explain. The committee report itself has trouble explaining it.

After all, we have a war which is being wound down. We have less defense in the general purpose forces this year than last year. Why is the defense budget higher?

One reason given by the committee report for this year's budget being higher is inflation, and indeed inflation is a factor. To buy last year's budget at this year's prices will cost in money $2.4 billion more according to Mr. Moot, the Comptroller. So that is one factor.

But, on the other hand, the war is costing us less. According to the Secretary of Defense the war this year is costing us $4 billion less than the war cost us last year. So on balance, the inflation and the war, we end up ahead, and the budget overall should not be higher.

A second reason the committee gives for the budget being higher this year is because of unemployment in some places. But this amendment, contrary to the amendment offered by the gentleman from Michigan, does nothing about spending. All of it might be spent next year, some of it this year, or some, some other time. Even if this amendment is passed, the amount of outlay we spend this year might not change at all.

Another reason why this year's budget is higher, offered by the chairman of the committee yesterday, is the volunteer army. We are spending more money on pay for a volunteer army; therefore, the budget is higher. But, as the discussion yesterday revealed, there is no money or very little money for the volunteer army in this appropriation bill. Some $250 million out of $1.5 billion is in this bill. In fact, the amount of money that is going to be appropriated this year for personnel is less than the amount last year, so that cannot be the reason.

Perhaps it is because we are buying more defense, but certainly not in general purpose forces are we buying more defense.

This budget this year has one-third of an Army division less than the budget last year. It has one Navy air wing less than the budget last year. It has two Navy carriers less than the budget last year.

So, Mr. Chairman, why is this budget higher? Why are we appropriating $1.5 billion more this year for defense than we did last year? I would like to offer several reasons for it, none of which I am very happy about, which are all reasons why we are getting a higher budget and why we are spending more for defense and getting less from it.

No. 1 is cost overruns. A recent GAO report pointed out that of 45 selected programs, the cost overruns totaled $35.4 billion. Last year alone there were $8 billion in cost overruns.

The second reason why our budgets are going up is too much support. We now have in the Army more three- and four-star generals and admirals than we had at the peak of World War II. At the peak of World War II there were 12 million men under arms. Today there are 2.7 million men under arms and we have more generals and admirals than we had then. It just does not make any sense.

The third reason is we have too much overhead. We have too many bases and too many civilians. For example, this year's budget cuts our military manpower. It is cutting our military manpower over last year by 7.5 percent. But what are we doing about civilian manpower? We are cutting it by less than 1 percent.

A fourth reason for the budget going up is too much gold plating. The F-4 cost less than $4 million apiece. The F-14 will cost $16 million apiece. There is no indication whatever that the F-14 is worth four times more or is four times more effective than the F-4.

That is where our money is going and that is why our defense costs are going up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection

to the request of the gentleman from Wisconsin?

Mr. CHAMBERLAIN. I object.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the distinguished gentleman from Wisconsin.

Mr. ASPIN. Thank you very much.

Mr. Chairman, it seems to me that with the budgets going higher and the amount of money we are getting for the budgets less, it is appropriate for this Congress and its Members to express their unhappiness with this situation.

This amendment does not tell the Pentagon what to cut, or where to cut or how to cut, but it does put the House on record as being opposed to buying less defense and spending more for it.

I urge the adoption of the amendment.

Mr. SIKES. Mr. Chairman, there is within the reach of each Member a report of 139 pages which tells clearly and specifically why defense costs more now than it has in previous years. I hope you have read it. I urge that you keep it for reference.

May I point this out to you, and please listen to me. The Aspin amendment would tie defense spending for fiscal year 1972 to the 1971 appropriations. That figure was $66.6 billion. The Aspin amendment does not call for an amount of $1.5 billion below the 1971 appropriation, but it calls for that much below the 1972 bill. Supplementals were approved subsequent to the passing of the 1971 bill in the amount of $66.6 billion. The supplementals were $3 billion, almost altogether for wages and salaries. The effect of the amendment has not been thought through.

Are you prepared to abolish the pay raises? How would you specify the areas of cuts, or is this a shotgun blast at all defense? Under the terms of the Aspin amendment, the total cut would be $4.5 billion below the committee's 1972 bill or $7 billion below the administration's 1972 budget. This is not a 2-percent cut, my friends. It would cut more deeply than the amendment just proposed for a 5-percent reduction and decisively defeated.

Now, this, of course, is wild blue yonder thinking. The House already has had a good look at the defense picture, we have spent 2 long days on the bill before us. Let me recapitulate. In constant dollars defense spending is not higher. Inflation and wages are running away with all costs, including defense. The proposed defense spending level means we will have smaller forces, we will have too little modernization, less total defense than in previous years even though the spending level is higher.

Mr. Chairman, it is a dangerous thing to have less defense in the face of growing Russian strength. Modernization is the key to national security. We need new weapons in greater number. The Soviets are ahead in size of forces, in numbers of modern weapons. They are building more nuclear-powered submarines and major surface ships than we are. The Russian Foxbat—listen to this—the Russian Foxbat which is flying around Israel is the most advanced aircraft of its class in the world. We do not have any. We need more tanks. The Communists have three times as many tanks as we and their tanks are newer than ours. The soldier who fights on the ground suffers most of the casualties. In a European-type war the tank is essential if our troops are to be successful.

Mr. Chairman, I do not think the House wants to embark into an uncertain prospect for national security by adopting a 5-percent cut—not a 2-percent cut—in appropriations for fiscal year 1972 defense spending. The amendment is an invitation to trouble—an invitation to Communist aggression. It can cripple our Nation's defenses and endanger America's security. This is a type of economy we cannot afford. I ask for a vote in opposition to the amendment.

Mr. YATES. Mr. Chairman, the committee report on the fiscal year 1972 Department of Defense appropriations bill is a document which is extraordinary for its candor. It is, I believe, a document which argues convincingly for a cut in military appropriations substantially below the levels recommended in the bill.

Page 6 of the report states:

> It has been the pattern of the United States to sharply reduce our military forces after the end of a major conflict. We did so after World War II and again after the Korean War. The war in Southeast Asia is not yet over but active participation by United States forces has greatly decreased. Even so, the fiscal year 1972 budget, and the appropriations recommended in the accompanying bill, represent increases over the previous year, not decreases.
>
> The decreases in military personnel in the past year would lead the Congress to anticipate a budget decrease, not an increase. The increase of $1.5 billion is supported by a number of factors. High costs due to economic inflation have caused defense costs to rise. The desire to continue ongoing programs and installations in order to provide jobs and in order to avoid a further increase in unemployment is probably a factor. Also, the military services, as is not uncharacteristic of Government agencies generally, have sought the opportunity to keep their budgets at a high level and have included favored programs in the Budget which could not be funded when the war made heavier demands on appropriations. The Committee believes that this is an area which calls for close Congressional scrutiny during this transition period and has tried to screen new proposals carefully.

The important element of that explanation of the increases in defense spending is that it makes almost no reference to any military requirement for a budget of more than $71 billion. Rather it admits that "favored programs" and the desire "to provide jobs" were in large part responsible for the failure to reflect the savings in the budget which we should expect from the winding down of the war in Southeast Asia. The military establishment whose bill we are being asked to approve today is roundly criticized even by the committee—one has only to read the report.

Though the Vietnam war will cost us some $4 billion less this year than last, and though military personnel costs are nearly $5.5 billion less than last year, the appropriations for defense have increased by $1½ billion over fiscal year 1971. Rather than saving $5 billion, we are spending more than last year. Why?

Inflation accounts for about one-half of the increase, or about $2.75 billion, but what about the other half? What has happened to the "peace dividend"?

A large part of the increase over last year comes in the procurement category, which is $2,156,000,000 higher than last year. There are "favored programs" mentioned in the report funded this year regardless of their merit or the status of their research and development. We are asked to provide the money not because the systems are good or even necessary, but rather because the Pentagon bureaucracy is incapable of making necessary changes, even when an accepted weapons system is almost without question a turkey. The Pentagon would rather have a C5-A with its wings or engines falling off than have no plane at all. This inflated budget reflects nothing so much as the fact that the Pentagon, despite all the new procurement practices Mr. Packard speaks of so often, still is the victim of the huge cost overruns of the last few years.

For example, as is indicated in the committee report, the F-14 Navy fighter program can only be called a procurement fiasco. After the Appropriations Committee wisely suggested a slowdown in the F-14 program in December 1969, the Navy, "prevailed upon the committee to reverse its decision." Congressional skepticism about the F-14 has given way to Navy optimism ever since, and this year there is more than $800 million in the budget for procurement of the F-14, which is admittedly obsolete even before it is fully tested.

According to the committee report, the F-14 is being procured because it would be able to cope with the new Soviet Mig-23 better than anything we now have in the inventory. There is no hard evidence, however, that the F-14 is even marginally better than the F-4 would be if it were modified to accommodate the Phoenix missile, and the F-4 costs only one-fourth as much as the F-14.

It is difficult to say anything with certainty about the performance of the F-14, since it is still in the early stages of its testing program. However, we do know it will not compete with the Mig-23. The bill includes $229 million for research and testing of the F-14, a figure which must give pause to anyone familiar with the waste which concurrent testing and procurement has produced in the past. The program has been concurrent for 2 years now and the committee's continued support for the production of such an untested plane is in direct contradiction to its goal, stated in the fiscal year 1970 report, of a "fly-before-you-buy" policy. The contract is a weird one. The report indicates a desire by the committee to get out of the F-14 contract but has decided not to do so because it points out it is cheaper to buy the planes, however unwanted, than to continue the contract.

The F-14, however, is only one of several weapons systems that is being funded this year in contradiction to lessons we should have learned during the last few years of Pentagon weapons failures. The DD-963 destroyer program is funded to the tune of nearly $600 million, even though it is so heavily laden with electronic gear that it may well become a floating C-5A. The Senate Armed Services Committee report on this year's procurement authorization bill offers some sensible observations weapons systems which become so technologically musclebound that they are unable to perform their mission:

> In a surprisingly large number of cases, DOD policies over the last several years have emphasized the development of platforms for weapons without sufficient emphasis on the weapons themselves. This is perhaps partially a result of attempts to make a single weapon system serve an inordinately large number of missions. Whatever the cause, it is striking that in many cases we have developed and produced aircraft of extraordinary capabilities without demonstrably reliable and effective air-to-air munitions, bombers without long range air-to-surface missiles, submarines without reliable and effective torpedoes or antiship missiles, and surface escorts without any surface-to-surface missiles of any kind. Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity.

I strongly support the "efficiency amendment" offered by Mr. Aspin as a moderate, sensible step toward enforcing some restraint on Pentagon spending policy. Its passage would be an unmistakable message to the Defense Department that some major changes are required in the methods we use to develop and procure military weapons systems. Until those changes occur the Pentagon will continue to drain the Treasury and to make adequate funding of domestic legislation an impossibility. The Congress has been issuing polite reprimands for too long. It is time now to put some teeth in those reprimands by putting a lid on the defense budget through the Aspin amendment.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close immediately.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Aspin).

TELLER VOTE WITH CLERKS

Mr. ASPIN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ASPIN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Aspin, Rhodes, Riegle, and Sikes.

The Committee divided, and the tellers reported that there were—ayes 114, noes 278, not voting 39, as follows:

[Roll No. 401]

[Recorded Teller Vote]

AYES—114

Abourezk
Abzug
Anderson, Calif.
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Brademas
Brasco
Broyhill, N.C.
Burke, Mass.
Burton
Carey, N.Y.
Carney
Chisholm
Clay
Collins, Ill.
Conyers
Culver
Danielson
Dellenback
Dellums
Denholm
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Ford, William D.
Forsythe
Fraser
Frenzel
Gaydos
Gibbons
Green, Pa.
Gross
Gude
Hall
Hamilton
Hanley
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Leggett
Lujan
McClory
McCloskey
McDonald, Mich.
McKinney
Madden
Mazzoli
Melcher
Metcalfe
Mink
Mitchell
Moorhead
Morse
Mosher
Nedzi
Obey
O'Konski
Pryor, Ark.
Pucinski
Railsback
Rangel
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Roe
Roncalio
Rosenthal
Rousselot
Roy
Roybal
Ryan
Sarbanes
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Snyder
Stanton, James V.
Stokes
Thompson, N.J.
Udall
Vanik
Vigorito
Waldie
Whalen
Winn
Wolff
Yates
Yatron
Zwach

NOES—278

Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Bennett
Bevill
Blanton
Boland
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Dent
Devine
Dickinson
Dingell
Dorn
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Grover
Gubser
Haley
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
Long, Md.
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Randall
Rarick
Rees
Rhodes
Robinson, Va.
Rodino
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—39

Abbitt
Alexander
Anderson, Tenn.
Betts
Blackburn
Blatnik
Boggs
Celler
Chappell
Clausen, Don H.
Cotter
Derwinski
Diggs
Dowdy
Downing
Dulski
Edmondson
Edwards, La.
Griffiths
Hagan
Halpern
Hanna
Ichord
Keating
Kee
Link
McClure
McKevitt
Mathias, Calif.
Mikva
Mills, Ark.
Murphy, N.Y.
Podell
Roberts
Runnels
Sisk
Steed
Teague, Tex.
Wydler

(Mr. Culver changed his vote from "no" to "aye.")

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jacobs: On page 48, immediately following line 7, add the following new section under Title VII:

Sec. 745. In line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action, and notwithstanding any other provisions in this Act, none of the funds appropriated by this Act shall be used to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia, after November 7, 1972, if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for.

Mr. BOW. Mr. Chairman, I make a point of order against the amendment on two grounds:

First, very simply, the November 7, 1972, date goes beyond the fiscal year for which this appropriation is being made;

Second, and I think most important, is the final paragraph, which was also written into the Boland amendment: "if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for."

This provision places an additional responsibility and duty upon someone, but there is nothing in the amendment as to who would have that responsibility and duty. The amendment provides that all prisoners must have been released or accounted for. I repeat that this is an additional responsibility in legislation in this amendment. Therefore I urge my point of order.

The CHAIRMAN. Does the gentleman

from Indiana wish to be heard on the point of order?

Mr. JACOBS. Yes, Mr. Chairman. I would say, first of all, if the funds appropriated in this vehicle will end prior to the time mentioned in the amendment, then it would conform to the amendment in any case. So far as the responsibility is concerned, this is only a provision that the amendment will take effect on the happening of an event. That event may or may not happen. It places no responsibility on anyone.

If the prisoners are released before the event has taken place, it places no responsibility on anybody.

Mr. YATES. Mr. Chairman, further on the point of order I should like to point out, in response to the remarks of the distinguished gentleman from Ohio (Mr. Bow), that there are funds provided in the bill for programs that go beyond the end of the fiscal year.

The CHAIRMAN (Mr. Rostenkowski). The Chair is ready to rule. The Chair will point out, first, that there are funds in the bill that do go beyond this fiscal year, and therefore holds that the termination date included in the amendment of the gentleman from Indiana does not render the amendment not germane.

Second, as to the point raised by the gentleman from Ohio (Mr. Bow), there are no additional duties required by the last clause of the amendment. Those duties referred to by the gentleman from Ohio, if any, are already anticipated by title VI of the Military Procurement Act, which is referred to in the amendment and which was signed into law by the President today.

For these reasons, the Chair overrules the point of order.

The Chair recognizes the gentleman from Indiana (Mr. Jacobs) for 5 minutes in support of his amendment.

Mr. JACOBS. I have spoken to very few Americans who do not believe that American military intervention in Southeast Asia will end by next election day. I offer this amendment just to make sure.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

MOTION OFFERED BY MR. MAHON

Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs).

The question was taken; and on a division (demanded by Mr. Jacobs) there were—ayes 52, noes 161.

So the amendment was rejected.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to H.R. 11731, the Defense Appropriations bill for 1972. In the context in which we are functioning in the House of Representatives, a vote for this bill would be irrational.

First, I cannot with any shred of conscience, vote $1, to say nothing of $71.05 billion, until we have set a date to end the most hated and most expensive war in American history. The $23 billion a year that this war in Indochina has cost us has been the least of the prices we have paid. I count the suffering, the deaths and the injuries, among the people of Indochina as well as among our own young, the deepening cynicism, the alienation of our young people as part of the increasingly intolerable costs of this war. The President announces in an offhand way, the reduction of American troops in South Vietnam. He neglects to mention the increasing number of bombs and air attacks, the increasing number of refugees and civilian casualties. South Vietnam, thanks to moneys like those here before us today, U.S. defense moneys, has the fourth largest army in the world to "secure" a country the size of Texas with a population of 20 million. Thanks to moneys like these here before us today, Indochina has the most heavily bomb saturated terrain of any area ever in the world.

And our constituents cry out for an end: According to recent surveys more than 75 percent of Americans want us out of Vietnam now; some 55 percent do not want even a residual force left behind; and in the districts of the leaders of this House the expressed views of a majority of their constituents are not being represented by their Congressmen's continuing support for this unending war.

We in the House of Representatives do not reflect this agony. We act here to appropriate $71.05 billion, an estimated minimum of $10 billion of which will go for men and materiel in Indochina. I submit that the only rational act, the only representative act, we will do today is vote "yes" on the amendment offered by Mr. Boland to title VII to cut off funds for this war after June 1, 1972. We now have an opportunity to vote clearly on this war—not merely as an expressed wish of Congress, but in a most practical way—by cutting off funds. We have a chance to undo the damage done by this body's unquestioning support of the Gulf of Tonkin resolution which resulted in the enormous U.S. involvement in Indochina. The House voted to repeal the resolution; we can vote today to terminate its implications. Mr. Harrington suggests—and I wholeheartedly agree with him—that to continue to support the executive in its undeclared war by financing it amounts to a declaration of war. I appeal to you to vote "yes" on Mr. Boland's amendment.

Secondly, we act here, as the committee report accompanying this legislation reminds us, in the name of "national security." Yet we refuse to do what is necessary to make our country secure, to bring home the thousands of young people who have fled their country, the countless who are dying and suffering injury in a corner of the world whose impact on our national security is at best minimal and the prisoners of war who have endured long enough.

We act here, with only 3 hours of debate and a couple of amendments, to appropriate an amount just under that we have already appropriated this session for a total of 14 other fiscal year 1972 programs: In other words, this single appropriation is equal to the sum total of every other program our country has invested in for this period.

In title I of this bill, personnel, we vote on a figure to pay the employees of the defense establishment which, even with its cut from last year's figure at $21 billion, is still more than the biggest appropriation bill to come before us this session—the total $20.8 billion budget for the Department of Health, Education, and Welfare with its myriad of programs for the benefit of the American people. In title III, operations and maintenance, the committee recommends $20.4 billion, a sum only slightly less than the HEW appropriations and more than the entire $18 billion appropriations for HUD, the source of all Federal programs which attempt to ensure a "decent home in a suitable living environment for every American family." In title IV procurement, we will vote on the committee recommendation of $18 billion while the administration threatens to veto the Comprehensive Child Development Act which would authorize $100,000 for fiscal year 1972 to plan a program which would cost $2 billion in fiscal year 1973. To say nothing of title VIII which provides $93 million for ABM development and construction—four times the $17 million we appropriated over Mr. Nixon's objections, for summer food programs for our children. In light of our defense spending, the $1 billion we appropriated for the Emergency Employment Act can be seen in its proper perspective, and shows us for what we are—a country that places military needs above human needs.

The sum total sought in this legislation which we may well dispose of in short order, falls only slightly short of these 14 other bills on which we have spent at least 50 hours of floor debate and fought out countless amendments. And this in the name of "national security." I submit that it is precisely our national security we are jeopardizing by operating under the set of priorities that are reflected in our work this session of Congress on appropriations measures. The national security that we enjoy as a result of our frantic competitiveness in arms races, in nuclear testings, in the development of supersophisticated material is beyond the point of surfeit; it is overkill, to use the military jargon. It is our other national security, that of a loyal citizenry, employed, decently housed, fed, and educated, that we must turn ourselves to protecting. Until our perspective has righted itself, starting at the most elemental—getting the U.S. troops out of Vietnam—I cannot cast my vote for this bill.

Mr. COTTER. Mr. Chairman, I want to compliment the gentleman from Texas and his committee for their oustanding work on this most complicated bill.

I note with satisfaction that the committee report focuses on the so-called "fly before you buy" procurement concept that was heralded by DOD just a few months ago. This new policy seems to be mired in public relations with little or no substantive action.

I want to point out to the distinguished chairman that I have requested a "fly-off" between the trouble-plagued Cheyenne AH 56 helicopter and the Sikorsky 57 Blackhawk, because I am confident that the Sikorsky helicopter is a superior aircraft. I have not received a reply to this request and I was wondering if the gentleman could assure me that his committee will follow through on this and other procurement programs which could benefit from the "fly before you buy" policy.

Mr. VANIK. Mr. Chairman, in view of the action of the House in defeating the Boland amendment, I must vote against the defense appropriation bill. The Boland amendment was a very reasonable proposal to terminate our involvement in Southeast Asia on June 1, 1972, contingent on the release of our prisoners of war.

In view of the recent decision of the U.S. Court of Appeals in Massachusetts, a continuation of unrestrained defense spending in Southeast Asia constitutes ratification by Congress of the continuation of this tragic war.

For over 4 years I have stated my opposition and cast my votes for proposals to end this war. At the Democratic Convention of 1968, I supported the peace plank. In this Congress I filed a discharge petition on legislation to end the war.

Until peace is achieved in Southeast Asia, I fear that this legislation will be used one way or another to continue the conflict and our involvement. In good conscience I cannot support the continuation of the slaughter and destruction in Southeast Asia which continues to take a tremendous toll in human life.

Mr. PODELL. Mr. Chairman, the Boland amendment to the defense appropriation bill, which we are considering today, would cut off funds for any military or support operations by American forces in or over Indochina after June 1, 1972, subject to the release of all American prisoners of war. The defeat of this amendment would signify that our combat involvement in Southeast Asia would remain open-ended with no foreseeable termination date in sight.

It would mean that American boys will continue to fight and die in the faraway jungles of Vietnam although 55,000 have already lost their lives in Southeast Asia. It would mean that the American taxpayer already caught between the twin pincers of recession and inflation would need to continue to bear the onerous burden of financing this seemingly endless conflict that has cost our Nation more than $150 billion.

I shall vote in favor of the Boland amendment just as I have supported all progressive legislative attempts aimed at terminating our military involvement in Indochina. I recognize that Vietnam was not a betrayal, but rather, it was a mistake. The United States did not become involved in Southeast Asia for selfish gain but rather as a result of bad judgment. Our mistake was compounded in that when we saw our error, we tried to pull out by going in deeper. War has a fatal momentum of its own. The consequences of earlier military battles became the causes of later military action.

What will be remembered about Vietnam in the future? There is Mylai and the phrase "we had to destroy the village in order to save it." There were military phrases like "protective reaction" and the two that bracketed the Cambodian "incursion," first that the United States could not act "like a pitiful, helpless giant" and after it was over that it was "the most successful operation of this long and very difficult war."

There were the heroic sacrifices of many of our finest young men who were drawn from their homes, from their families, from their friends, to fight in a foreign land in a war that many of them did not understand.

One of the best evaluations of our long involvement in Southeast Asia was recently written by John Graham of the London Financial Times who observed that the United States "has bombed four countries and invaded two to withdraw from one."

America has done its duty in Vietnam. We have now trained and set up an army of a million South Vietnamese to fight an army certainly no larger in size. For far too long we have played the role of policeman in Indochina. It is now the responsibility of the Vietnamese to stand on their own two feet and to defend themselves.

The plain fact is that we need to reorder our national priorities and to fight the problems that beset us in America rather than devoting our attention to fighting the Vietcong in Southeast Asia. We need to turn our attention to the problems of crime, pollution, poverty, housing, and educational and job opportunities for our youth. We need to concentrate on establishing mass transportation programs in cities and on improving the lot of our nation's senior citizens so that they can enjoy their golden years free from the pangs of financial worry.

Until we recognize our responsibility to concentrate on solving these problems our cities will grow shabbier, our poor will become poorer, and unless permanent economic controls are implemented, our prices will get much higher.

Any reasonable appraisal shows that we have met our obligations in Vietnam. We made a mistake. If we can squarely face that hard and gritty fact, end the war in Vietnam, and turn our attention to our own problems, we will be an even greater Nation than we are now.

Mr. MAHON. Mr. Chairman, has the Clerk concluded the reading of the bill?

The CHAIRMAN. No. The Clerk has not.

The Clerk will read.

The Clerk concluded the reading of the bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, pursuant to House Resolution 704, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 343, nays 51, answered "present" 2, not voting 34, as follows:

[Roll No. 402]

YEAS—343

Abernethy
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blanton
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Lloyd
Long, La.
Long, Md.
McClory
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, N.Y.

Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—51

Abourezk
Abzug
Aspin
Badillo
Barrett
Bingham
Burton
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Conyers
Dellums
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Ford, William D.
Fraser
Green, Pa.
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Hungate
Kastenmeier
Koch
Lujan
McCloskey
Metcalfe
Mitchell
Mosher
Nedzi
Nix
Obey
Rangel
Rees
Reuss
Rosenthal
Roybal
Ryan
Scheuer
Seiberling
Stokes
Thompson, N.J.
Vanik
Waldie
Whalen
Wolff
Yates

ANSWERED "PRESENT"—2

Riegle
Thompson, Ga.

NOT VOTING—34

Abbitt
Alexander
Anderson, Tenn.
Betts
Blackburn
Blatnik
Boggs
Celler
Chappell
Clausen, Don H.
Cotter
Derwinski
Diggs
Dowdy
Downing
Dulski
Edmondson
Edwards, La.
Griffiths
Halpern
Keating
Kee
Link
McClure
McKevitt
Mathias, Calif.
Mikva
Mills, Ark.
Podell
Roberts
Runnels
Sarbanes
Steed
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of Georgia for, with Mr. Podell against.

Mrs. Griffiths for, with Mr. Mikva against.

Mr. Boggs for, with Mr. Diggs against.

Until further notice:

Mr. Steed with Mr. Betts.

Mr. Link with Mr. Keating.

Mr. Roberts with Mr. Blackburn.

Mr. Runnels with Mr. Don H. Clausen.

Mr. Chappell with Mr. Derwinski.

Mr. Celler with Mr. Halpern.

Mr. Alexander with Mr. McClure.

Mr. Kee with Mr. McKevitt.

Mr. Dulski with Mr. Wydler.

Mr. Edmondson with Mr. Mathias of California.

Mr. Abbitt with Mr. Cotter.

Mr. Blatnik with Mr. Anderson of Tennessee.

Mr. Mills of Arkansas with Mr. Dowdy.

Mr. THOMPSON of Georgia. Mr. Speaker, I have a live pair with the gentleman from New York (Mr. PODELL). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Defense appropriation bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO ADJOURN TO 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. CRANE. I object, Mr. Speaker.

FOREIGN AID AUTHORIZATION, 1972

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 710, Rept. No. 92–674), which was referred to the House Calendar and ordered to be printed:

H. RES. 710

Resolved, That immediately upon the adoption of this resolution and without the intervention of any point of order the bills of the Senate S. 2819 and S. 2820 are hereby taken from the Speaker's table; that said Senate bills are hereby amended by striking out all after the enacting clause of each such Senate bill and inserting in lieu thereof the text of the bill H.R. 9910 as passed by the House on August 3, 1971; that the said Senate bills as so amended shall be considered as read a third time and passed; that the title of each such Senate bill shall be amended by striking out such title and inserting in lieu thereof the title of H.R. 9910; that the House insists upon its amendments to each such Senate bill and requests conferences with the Senate, and that the Speaker appoint managers on the part of the House to attend each such conference.

AMENDMENTS BY MR. THOMPSON OF NEW JERSEY TO AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 11060, A BILL TO LIMIT CAMPAIGN EXPENDITURES

Mr. THOMPSON of New Jersey. Mr. Speaker, at the appropriate time during consideration of H.R. 11060, a bill to limit campaign expenditures, I intend to offer an amendment to the text of H.R. 11280 if the text of that bill is offered as an amendment in the nature of a substitute for H.R. 11060. I ask unanimous consent to have the amendment printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text is as follows:

AMENDMENTS OFFERED BY MR. THOMPSON OF NEW JERSEY TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED TO H.R. 11060

(Page and line references to H.R. 11280.)

Page 23, strike out lines 19 and 20 and insert in lieu thereof the following:

(g) "Registry" means the Registry of Election Finance, established by section 310(a);

(h) "Board" means the Federal Elections Board, established under section 310(b);

Page 23, line 21, strike out "(h)" and insert in lieu thereof "(i)".

Page 23, line 24, strike out "(i)" and insert in lieu thereof "(j)".

Page 25, line 21, strike out "Commission" and insert in lieu thereof "Board".

Page 26, beginning on line 9, strike out "Federal Elections Commission" and insert in lieu thereof "Registry of Election Finance".

Page 26, line 13, strike out "Commission" and insert in lieu thereof "Registry".

Page 26, line 16, strike out "him" and insert "the Registry".

Page 27, line 6, strike out "Commission" and insert in lieu thereof "Board".

Page 27, line 11, strike out "Commission" and insert in lieu thereof "Registry".

Page 27, beginning on line 17, strike out "Commission at such time as it prescribes" and insert in lieu thereof "Registry at such time as the Board prescribes".

Page 28, line 23, strike out "Commission" and insert in lieu thereof "Board".

Page 29, beginning on line 1, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 7, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 12, strike out "Commission" and insert in lieu thereof "Registry".

Page 29, line 13, strike out "it" and insert in lieu thereof "the Board".

Page 29, line 18, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 7, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 9, strike out "Commission" and insert in lieu thereof "Board".

Page 32, line 12, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 1, strike out "Commission" and insert in lieu thereof "Registry".

Page 33, line 15, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 16, strike out "Commission" and insert in lieu thereof "Board".

Page 33, line 23, strike out "Commission" and insert in lieu thereof "Board".

Page 34, line 23, strike out "Commission" and insert in lieu thereof "Registry".

Page 34, line 34, strike out "it" and insert in lieu thereof "the Board".

Page 35, strike out lines 3 through 8 and insert in lieu thereof the following:

"Duties of the Registry and Board

"SEC. 208. (a) It shall be the duty of the Registry—

"(1) to furnish such forms as the Board may prescribe for the making of reports and statements required to be filed with the Registry under this title to the person required under this title to file such reports and statements;"

Page 36, beginning on line 15, strike out "it shall determine and broken down into" and insert in lieu thereof "the Board shall determine for".

Page 36, line 21, strike out "it shall determine and broken down into" and insert in lieu thereof "the Board shall determine for".

Page 37, line 1, insert "as the Board directs" before "special".

Page 37, line 5, strike out "it" and insert in lieu thereof "the Board".

Page 37, line 8, insert "and" after the semicolon.

Page 37, strike out line 13 and all that follows down through line 23 on page 38, and insert in lieu thereof the following:

"quired under the provisions of this title.

"(b) It shall be the duty of the Board—

"(1) to direct the activities of the Registry to assure that it carries out the duties required of it under subsection (a) of this section;

"(2) to report apparent violations of law to the appropriate law enforcement authorities and take appropriate action under subsection (c); and

"(3) to prescribe such rules and regulations, and to take such other actions, as it determines are necessary or appropriate to carry out the provisions of this title.

"(c) (1) Any person who believes a violation of this Act has occurred may file a complaint with the Registry. If the Board determines there is substantial reason to believe such a violation has occurred, it shall direct the Registry to expeditiously make an investigation of the matter complained of. Whenever in the judgment of two-thirds of the members of the Board, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act or any regulation or order issued thereunder, the Board shall institute a civil action for appropriate relief in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or preliminary injunction or temporary restraining order may be granted without bond by such court, but no temporary restraining order may be granted without hearing.

"(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

"(3) The courts of appeals shall have jurisdiction of appeals from orders issued under paragraph (1) in accordance with chapter 83 of title 28, United States Code."

Page 39, line 11, strike out "Commission" and insert in lieu thereof "Registry".

Page 39, line 16, strike out "Commission" and insert in lieu thereof "Board".

Page 40, line 11, insert before the semicolon the following:

": *Provided* that any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose"

Page 40, strike out line 15 and all that follows down through line 20 on page 43 and insert in lieu thereof the following:

"Registry of Election Finance and Federal Elections Board

"Sec. 310. (a) There is hereby created in the General Accounting Office a Registry of Election Finance.

"(b) In carrying out the duties prescribed by this Act the Registry shall be subject to the direction of a Board to be known as the Federal Elections Board, which shall be composed of seven members consisting of the Comptroller General of the United States, and six appointive members who shall be chosen from persons who, by reason of maturity experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the duties of the Board. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the President. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the Speaker of the House of Representatives. Two of such appointive members (who may not both be members of the same political party) shall be appointed by the President pro tempore of the Senate. Of the members (other than the Comptroller General) who first take office—

"(1) one shall be appointed for a term of two years, beginning from the date of enactment of this Act,

"(2) one for a term of four years, beginning from such date,

"(3) one for a term of six years, beginning from such date,

"(4) one for a term of eight years, beginning from such date,

"(5) one for a term of ten years, beginning from such date, and

"(6) one for a term of twelve years, beginning from such date,

as designated by the Comptroller General at the time such members take office; but their successors shall be appointed for terms of twelve years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. No appointive member of the Board may be a Member of Congress or an officer or employee of the House or Senate. The Board shall designate one member to serve as Chairman of the Board and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(c) A vacany on the Board shall not impair the right of the remaining members to exercise all the powers of the Board; except that four members thereof shall constitute a quorum.

"(d) The Registry shall have an official seal which shall be judicially noticed.

"(e) The Board shall at the close of each fiscal year report to the Congress and to the President concerning the actions it has taken; the names, salaries, and duties of all individuals in the Registry's employ and the money the Registry has disbursed; and shall make such further reports on the matters within the Board's jurisdiction and such recommendations for further legislation as may appear desirable.

"(f) (1) Subject to paragraph (2), members of the Board shall, while serving on the business of the Board, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board.

"(2) Members of the Board who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Board.

"(3) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

"(g) The principal office of the Registry shall be in or near the District of Columbia, but the Board may meet or exercise any of its powers at any other place.

"(h) All officers, agents, attorneys, and employees of the Registry or the Board shall be subject to the provisions of sections 7323 and 7324 of title 5, United States Code (relating to political activities of Federal employees), notwithstanding any exemption contained in either such section.

"(i) The Board shall appoint an Executive Director of the Registry without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Board. The Executive Director shall be responsible for the administrative operations of the Registry and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Board. However, the Board shall not delegate the making of regulations regarding elections to the Executive Director.

"(j) The Board shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Registry in accordance with the provisions of title 5, United States Code.

"(k) The Board may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(l) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(131) Executive Director, Registry of Election Finance.'

"(m) In carrying out its responsibilities under this title, the Board shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Registry such personnel, facilities, and other assistance, with or without reimbursement, as the Board may request."

Page 44, line 10, strike out "Commission shall" and insert in lieu thereof "Board shall direct the Registry to."

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 711, Rept. No. 92–675), which was referred to the House Calendar and ordered to be printed:

H. Res. 711

Resolved, That it shall be in order to consider a conference report on the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, the same day reported on any day thereafter, notwithstanding the provisions of clause 2, Rule XXVIII.

HOUR OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TAKEN AT THE FLOOD

The SPEAKER pro tempore (Mr. Bolling). Under a previous order of the House, the gentleman from Arizona (Mr. Steiger) is recognized for 60 minutes.

GENERAL LEAVE

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STEIGER of Arizona. Mr. Speaker, it is with a great deal of pride that I stand here today and talk about a bill that I am introducing—a bill that will have great meaning to millions of Americans concerned with individual freedom.

To paraphrase William Shakespeare:

> If there are tides in the affairs of men which, when taken at their flood, lead on to fortune.

So, too, are there tides in the fortunes of social causes and movements which, if properly grasped, can propel them to dizzying heights.

In a speech a few years ago a great American U.S. Senator, Everett McKinley Dirksen, said that just such a tide had occurred for American labor in the mid-1930's, a tide, he said, "which was to lead to union power and privilege exceeding the visionary dreams of the most zealous of labor partisans, and to result in passage of the National Labor Relations Act in 1935, a statute which gave unions such an abundance of riches that for the next 20 years they virtually staggered under the load."

At the very top of the list of special benefits which this new Federal bonanza gave union officials was the right—the exclusive right—to represent all workers, union and nonunion alike, in any bargaining unit in which a union achieved majority status. Along with this privilege the act also authorized agreements between unions and employers that would require all employees to join the union and pay dues as a condition of employment.

As Senator Dirksen pointed out, union officials were quick to take advantage of the tide and made compulsory union membership their major organizing and bargaining goal. Under the sanction of Federal law, labor officials were so successful that from 1935 to 1945 union membership rose from 2 million to about 17 million. No accurate estimate can be made as to how many of these 17 million members were dragooned into the unions under compulsory union shop agreements but Senator Dirksen said a reasonable guess was between 2 and 3 million.

In spite of this amazing success, the officials of organized labor have never been able to convince the American people of the rightness of compulsory unionism and, beginning in 1944, some 19 States enacted right-to-work laws outlawing compulsory union membership. Eleven of these State laws were in force at the time Congress adopted the Taft-Hartley Act amendments to the NLRA in 1947, including the now famous section 14(b) that authorizes State right-to-work laws.

Eighteen years later—just 7 years ago—the advocates of compulsory unionism appeared to be riding the tide at its flood and the repeal of section 14(b) seemed imminent. But opposing them were Senator Dirksen and a stalwart bipartisan band of Senators who believed in individual rights for all Americans.

During the course of an extended Senate debate numerous constitutional arguments were made in support of the right-to-work principle, with many Senators expressing the view that compulsory union membership and coerced payment of union dues runs counter to the basic concepts of individual freedom expressed in the first, fifth, and 14th amendments to the Constitution and seriously infringes those rights. No person, Senator Dirksen argued, should be required to belong to or pay money to any private organization for the right to earn a living for himself and his family.

In this, they reflected the instinctive reaction of the American public. The fantastic flood of mail which poured into congressional offices during the debates ran as high as 20 to 1 against repeal, and every opinion research poll taken throughout the country by newspapers and professional pollsters showed the general public overwhelmingly opposed to the idea of forcing a man to join a union in order to keep his job.

The Chicago Daily News said:

> Few things in life are more basic than the right of an individual to choose the method by which he earns his livelihood.

The Washington Daily News said:

> We hold that any person has a right to join a union. He should have the same right not to join. He should not be coerced either by his factory-boss or by the union boss. Or should we quit pretending this is still a free country?

The Miami Herald said:

> The right to join a labor union must be balanced by the right to stay out, if individual freedom is to be preserved.

The Portland Oregonian put it this way, saying:

> We see little difference in the area of human rights between denying a person employment because of color, religion, race or sex and denying a person employment because he will not join a union.

The Philadelphia Inquirer commented:

> It is one of the remarkable anomalies of our times that people who cherish their designation as "liberals" should be in the forefront of those pressing for compulsory unionism.

And the Worcester, Mass., Gazette put it so eloquently, saying:

> Any federal action denying this civil right to the country's working man, would tend to make a mockery of recent executive, judicial and legislative action in behalf of other civil rights.

Section 14(b) was not repealed, thanks to Senator Dirksen and his allies. The tide had been turned.

Since then the opponents of compulsory union membership have steadily been gaining strength.

In 1970 this body debated and enacted by a wide margin a right-to-work law covering postal employees. The amendment to the postal reorganization bill was sponsored by Congressman DAVID HENDERSON and Congressman H. R. GROSS—and passed by a wide margin. Congress had spoken and its intent was clear—compulsory union membership is wrong and we must do something about it. By the way both Congressman HENDERSON and Congressman GROSS, I am pleased to say, are cosponsoring the bill I am introducing today.

Early this year the Senate again debated the use of compulsory dues for political spending, and defeated an amendment to the campaign reform bill introduced by Senator PETER DOMINICK. But 38 Members of that legislative body said, "No, it is wrong to take money forcibly from any American and spend it on political candidates and ideological causes he opposes."

Finally, just a month ago, the House Administration Committee approved an amendment to its campaign reform bill that would curb the use of compulsory dues for politics. That bill is now before the House.

Yes, the tide is building up. As the respected National Right to Work Committee said recently:

> With almost unanimous agreement by the public and by most respected economists, that excessive union power is a key factor in bringing our nation to the brink of economic disaster, Congress and the President have the opportunity to deliver a telling blow at a root cause of union monopoly: compulsory union membership. Failure to deal with the fundamental problem of unrestrained union power—

The committee prophesied:

> will leave no alternative to permanent straitjacket government regulation of the economy.

The point has not been lost by the majority of Americans who oppose compulsory unionism and most labor union members. In fact, according to a recent survey of union members by Opinion Research Corp. more than two-thirds of them place a negative rating on the performance of union officials, both in advancing the interest of union members and in meeting their public responsibilities.

The confidence gap is real. Most union members feel that their present union officials do not represent them. The union officials are not there because the members want them. The union officials are there because of compulsory union shop contracts which make it impossible to get rid of them. Poll after poll has shown this to be true, including a secret study done by AFL–CIO officials in 1967.

In 1935 Congress took the radical step of authorizing the forced unionization of workers who would not voluntarily affiliate with, and pay dues to, labor organizations. Experience has shown this to be a boon for union officials at the expense of the rank-and-file worker—many of whom did not want to be represented by the labor officials to begin with. The time has never been more ripe for the removal of this sanction. The vast majority of the American people want Congress to take action on this problem. They believe that each worker should be free to decide whether or not he will join a labor organization.

Mr. Speaker, the time is ripe, and if there are tides in the affairs of men which when taken at their flood lead on to fortune so too are there tides in the fortunes of social causes and movements which, if properly grasped, can propel them to dizzying heights.

I think the time is here to open the flood gates, so I have today introduced a bill that amends the NLRA and the Railway Labor Act by deleting those provisions authorizing compulsory unionism.

This bill is not antilabor but proworker.

This bill will not interfere with a union's right to organize, nor its right of collective bargaining.

This bill merely changes Federal policy favoring compulsory unionism to one favoring voluntary union membership in all 50 States.

In closing let me say that it seems to me to be amazing that we here in the United States who are so preoccupied and concerned with individual liberties have so long tolerated such a flagrant abuse of individual liberty as compulsory unionism. It is time to stand up for freedom.

The bill reads as follows:

To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7 of the National Labor Relations Act is amended by striking out "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3)."

(b) Section 8(a)(3) of such Act is amended by striking out all of section 8(a)(3) after "labor organization" the first time it appears and inserting in lieu thereof a semicolon.

(c) Section 8(b)(2) of such Act is amended by striking out everything after "subsection (a)(3)" and inserting in lieu thereof a semicolon.

(d) Section 8(f) of such Act is amended by striking out clause (2), and by redesignating clauses (3) and (4) as (2) and (3) respectively.

Sec. 2. The Railway Labor Act is amended by striking out section 2, Eleventh, thereof.

A list of the cosponsors of the bill follows:

David Henderson, of North Carolina.
William J. Scherle, of Iowa.
W. M. Abbitt, of Virginia.
James Haley, of Florida.
Bill Archer, of Texas.
Ben B. Blackburn, of Georgia.
Earl F. Landgrebe, of Indiana.
O. C. Fisher, of Texas.
Robert Price, of Texas.
J. Kenneth Robinson, of Virginia.
William Scott, of Virginia.
John Schmitz, of California.
H. Allen Smith, of California.
James Collins, of Texas.
Edwin Eshleman, of Pennsylvania.
LaMar Baker, of Tennessee.
H. R. Gross, of Iowa.

Mr. SCHMITZ. Mr. Speaker, we Members of the House are duty bound to carefully weigh two irrefutable facts pertaining to this proposed change in our Federal labor policy.

The first of the unassailable facts is that millions of American wage earners are now being compelled to pay money to labor unions as a condition of earning their livelihood. Their failure or refusal to pay union dues or fees will cause them to lose their jobs. The Congress authorized this compulsion in the National Labor Relations Act and the National Railway Labor Act.

The second indisputable fact is that compulsory union dues are being used to support political candidates and causes which the duespayers would not willingly support if they were given a free choice.

Time and time again we have been told by union spokesmen and their allies that union political activities are financed exclusively by voluntary contributions.

This fiction is belied by the constitution of the Nation's second largest labor organization, the United Automobile, Aerospace and Agricultural Implement Workers International Union, which is commonly identified as the UAW.

Earlier this year UAW attorneys boasted publicly that—

> It is the only international union in this country which provides a procedure by which individual members, as a matter of conscience, may dissent from the political activity of the UAW and enter an objection to the expenditure of a portion of their dues for political purposes.

This is a boast which merits the attention of the Congress and the American people. It clearly and unmistakeably acknowledges the diversion of union dues—as distinguished from voluntary contributions—into political channels.

Article 16, section 7 of the UAW constitution stipulates:

> Any member shall have the right to object to the expenditure of a portion of his dues money for activities or causes primarily political in nature. The approximate proportion of dues spent for such political purposes shall be determined by a committee of the (union's) International Executive Board, which shall be appointed by the President, subject to the approval of said Board.

However, a dissenting member's objection will be considered only if he files his objection within 14 days after he becomes a member of UAW, or during a 14-day period following each anniversary of his union membership.

The UAW's lawyers admitted:

> Since its inception, the UAW has considered political activity as part and parcel of its total function.

They said:

> The union's officers have engaged in political spending in obedience to the union's constitution and convention mandates.

And, according to the union's attorneys:

> The Congress has given its approval to political and ideological expenditures by union officers.

Mr. Speaker, I challenge this interpretation of the labor laws enacted by the Congress. The legislative branch has intended, and the courts have so ruled, that union dues are to be used only to defray the costs of negotiating and administering collective agreements.

The Supreme Court held in the Street case (*International Association of Machinist* v. *Street*, 367 US 740, 763, 6 L Ed 2nd 1158 (1961)):

> Congress contemplated compulsory unionism to force employees to share the costs of negotiating and administering collective agreements and the costs of the adjustment and settlement of disputes. One looks in vain for any suggestion the Congress also meant to provide the unions with a means of forcing employees over their objection, to support political causes which they oppose.

This information pertinent to the UAW came to light as a consequence of a lawsuit filed in mid-March of this year by some of the rank-and-file members who oppose the union's partisan political action. They are employed at the General Motors Corp.'s Fisher Body plant at Willow Springs, Ill., and their formal complaint names UAW President Leonard Woodcock and four other officials of that union as defendants. The lawsuit demands an accounting of the union's political and ideological expenditures and repayment of money which they contend was spent illegally.

These dissenting members allege that Community Action Program Councils are being used as the UAW's political arm to channel dues money into the campaigns of candidates favored by the union's hierarchy.

According to a brief filed on behalf of the employee plaintiffs:

> It is mandatory that each UAW local set aside a minimum of 3% of each member's monthly membership dues as a per capita payment of the Community Action Program fund. Membership dues average $10.00 a month, or $120.00 per member per year, paid by the 1.5 million UAW members. A simple mathematical projection shows that the total membership dues paid to the UAW amounts to $180 million a year, and the 3% mandatory assessment for CAP thus amounts to $5.4 million annually. The defendant UAW officers have never provided the union members with a report or an accounting showing how they have used this money.

These employee plaintiffs who are objecting to the union's use of their dues money for political causes they disapprove have only two options. One, they can resign from the union which would cause them to lose their jobs; or two, turn to the courts as they have done.

A third option must be made available to these union members as well as all of America's working men and women, an option that would permit an individual to drop his membership in a union and still retain his job.

Mr. Speaker, Congress can provide this latter option by favorably considering a National Right to Work Law.

Mr. BLACKBURN. Mr. Speaker, Great Britain's labor unions, wrote political reporter Anthony Lejeune recently, "have acquired the status of feudal barons. Governments are afraid to touch them, no matter what the national interest requires. This is a menace which affects the whole nature and continuance of free Western society."

This problem is not unique to Britain. Our governments have been known to jump through the hoop at a union official's call. Both Presidents Franklin Roosevelt and Lyndon Johnson, at first opposed to compulsory unionism, ended up supporting it because the union hierarchy insisted they must.

AFL–CIO President George Meany has been identified as "the most powerful political figure in the United States and I am not sure I would exclude President Nixon."

Those words should give us pause, pause, spoken as they were this year by nationally syndicated columnist and labor expert Victor Riesel. Has our democratic process become so distorted that a single union official is more powerful than the man democratically elected by the American people? How has this come about?

The answer can be found in a June Reader's Digest article titled "Where Labor Gets Its Political Muscle." The author says:

> The development of this awesome political muscle became possible after Congress granted unions the power to make contracts forcing workers—if they want to keep their jobs—to join unions and pay dues (the union shop) or to pay a fee to unions in lieu of joining (the agency shop).
>
> Increasingly, unions are using (these) compulsory dues to back causes and candidates of the leaders' choosing, without regard to whether any individual worker agrees with the choice.

This repugnant practice, therefore, became possible only after we in the Congress gave union professionals the power of compulsory unionism; only after we wrote into law a national labor policy that robs American workers of their individual and political freedom.

It is time, I submit, to change that policy. This can only be done through adoption of a national right-to-work law. Serious reflection leads me to believe that this is the only vehicle to correct an abuse that gnaws at the very vitals of the United States as a representative government.

We are told that the Federal Corrupt Practices Act prohibits unions from contributing any money to candidates for Federal office. Gentlemen, how ineffectively that bars the injection of compulsory dues money into the American political process is attested to by AFL–CIO President George Meany himself.

He said last year:

> You know we have these laws on the books—and they have been there for many, many years—Corrupt Practices Act and so forth—and honored, as far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money as long as he gets it when he gets into a campaign.

Union officials have hidden behind the flimsy shelter of the Corrupt Practices Act for years, while singsonging the phrase that the forced dues of rank-and-filers cannot possibly be used for political purposes.

But this fiction, thanks to Mr. Meany and a little commonsense, has now been exploded, the common refrain is "Give a Buck to COPE." COPE is the AFL–CIO's "voluntary" political arm, known as the Committee on Political Education. This year it is "five bucks to COPE," perhaps because of inflation.

At any rate, if every union member in the country gave a "buck to COPE" this would net union professionals a warchest of $18 million. Yet one authoritative labor observer states categorically that union officials shoveled out $60 million for the 1968 presidental campaign alone.

Why the discrepancy? Theodore H. White, respected author of "The Making of the President, 1968," offers a clue:

> The dimension of the AFL–CIO effort . . . can be caught only in its final summary figures: The ultimate registration, by labor's efforts, of 4.6 million voters; the printing and distribution of 55 million pamphlets and leaflets out of Washington, 60 million more from local unions; telephone banks in 638 localities, using 8,055 telephones, manned by 24,611 union men and women and their families; some 72,225 house-to-house canvassers; and, on Election Day, 94,357 volunteers serving as car-poolers, materials distributors, baby-sitters, poll-watchers, telephoners.

Sooner or later we in the Congress will have to face up to the problem of the pressures placed on us by groups, organizations, and individuals who think in terms of selfish interest.

The Nation's workers should not be forced to pay union dues that are used for political purposes with which they disagree. The national right-to-work law would solve this problem.

It is the only meaningful legislation that would remove the inordinate political clout of union officials. As Justice Arthur Goldberg, writing for himself, the Chief Justice, and Justice Brennan, stated, in *Griswold* v. *Connecticut* 381 U.S. 479 (1964),

> The concept of liberty protects those personal rights that are fundamental, and is not confined to the specific terms of the Bill of Rights . . . the language and history of the Ninth Amendment reveals that the Framers of the Constitution believed that there are additional fundamental rights protected from governmental infringement, which exist along side those fundamental rights specifically mentioned in the first eight constitutional amendments.

Certainly among those rights is the right to work without being enshrouded in the garments of political slavery. As one of the Framers of the Constitution, Thomas Jefferson, once wrote:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Mr. PRICE of Texas. Mr. Speaker, I rise today to cosponsor legislation which would amend the two basic Federal industrial relations statutes—the National Labor Relations Act and the Railway Labor Act—by deleting that language of these two statutes which permits union officials and employers to negotiate agreements requiring employees to pay union dues as a condition of employment. The bill would not make it illegal for a plant to be 100 percent union. It would only make agreements illegal which require a plant to be 100 percent union. At present, 19 States have right-to-work laws prohibiting the "union shop," where a worker must join the union within 30 days after being hired, and similar forms of mandatory union membership and support. Our bill would extend the right-to-work principle throughout the Nation.

I am cosponsoring this legislation today because I believe that the freedom to associate or not to associate with private organizations, such as unions, and the freedom not to associate with such groups is a basic American right derived from democratic and constitutional concepts. Compulsory unionism is a violation of this right. By contrast compulsory unionism does not exist in most Western European nations. It is prohibited by constitution, statute, or judicial decision in France, West Germany, Belgium, Holland, Denmark, Austria, and Switzerland. In fact, the United Nations, which is revered by most "liberals" in the United States, has itself in 1958 adopted a Declaration of Human Rights which states in article 20 that "Everyone has the right to freedom of peaceful assembly and association," but "No one may be compelled to belong to an organization."

It seems clear to me that we here in the United States, and particularly those of us who regard ourselves as the enlightened leaders of the Free World nations, should not permit a type of compulsion abhorrent to the United Nations and prohibited by most of our Western European allies.

I support national right-to-work legislation also because it would represent a major step toward restoring a balance of power between organized labor and management. The health and vigor of democracy needs at least a rough balancing of the power of the various pressure groups competing for legislative, executive, and judicial favor and influence. If any one interest group achieves overriding power, then democracy fades and authoritarianism flourishes.

When the Wagner Act was passed in 1935 with a provision permitting the negotiation of contracts providing for the union shop, organized labor was weak relative to employers. Public policy was to strengthen unionism so that it could effectively represent the worker with a minimum of Government help and intervention. Today the situation is generally the reverse. Labor has the upper hand. Management, let us never forget, is the source of jobs. If management does not provide jobs, who will? More and more the unemployed are turning to the Government for work. This is a chilling trend, because in that direction lies socialism.

I believe that public policy today should strive to strengthen the hand of the employer in his bargaining with organized labor. The power of the unions to bring our economy to a halt with nationwide and regional strikes is all too evident. We have seen it more than once in recent years in the railroad industry. In the past 2 years we have seen crippling strikes in trucking, automotive production, electric products manufacture, even in the Federal Postal Service. Today emergency situations exist because of dock strikes and the coal strike.

The power of organized labor goes beyond the bullying of capital. Events of the last couple of months, in connection with the President's economic stabilization program, have shown us that labor has the might to force even the White House to bend the knee.

According to a 1970 survey by the Bureau of National Affairs of 400 collective bargaining agreements, 90 percent require membership in the union or, where membership is not actually required, compulsory payment of fees in lieu of union dues. These mandatory financial contributions are the source of a large part of organized labor's muscle. If the unions can get these contributions through voluntary association by the workers, fine. It is association by coercion that I object to, and that our bill would prohibit.

Texas, the State that I represent, has had a right-to-work law since 1947. During that time Texas has thrived economically. Between 1959 and 1969, the number of manufacturing jobs in Texas rose by 53 percent. For all 19 right-to-work States as a group including Texas, the number of manufacturing jobs over the 1959–69 period rose by 45 percent. In contrast, the number of such jobs over the same time span rose in the States without right-to-work laws by only a 15 percent average. It is true that many factors fuel industrial growth besides prohibition of compulsory unionism, but I firmly believe that such prohibition encourages industrial development, brightens the profit picture, provides jobs, and exerts a moderating pressure on wage demands and consequent price increases.

Farmworkers are not now covered by any Federal collective bargaining statute, but the time probably is not too far distant when they will be. This makes it all the more imperative to amend the National Labor Relations Act now. Compulsory unionism for farmworkers would only help to speed the unfortunate exodus of small farmers out of agriculture into the already overcrowded cities, and would raise farm prices. Since the poorer families expend a higher proportion of their incomes for food, increases in farm prices operate as a sort of regressive tax—a tax imposed on the poor by the special interest unions.

Mr. Speaker, there is much truth to the old cliche that two wrongs do not make a right. In other words, the excesses of big business of the early 20th century have, like the swinging of a clock pendulum merely succumbed to more recent excesses of big labor, neither of which in the long run can serve the Nation's best interest. The time has come to redress the balance, and I strongly urge the prompt enactment of this bill I am cosponsoring today.

Mr. ROBINSON of Virginia. Mr. Speaker, I am a cosponsor of legislation which is intended to insure that no employee anywhere in the United States, be required to join a labor union in order to retain his employment, because of a provision in a collective bargaining agreement.

This certainly is not a revolutionary concept. Virginia, for example, has had a statute of this kind in effect for a number of years, as have other States. Although there has been some objection to the term as not being precisely descriptive, such statutes are commonly referred to as "right-to-work" laws.

Obviously, the language of the existing State statutes, or of the proposed Federal one, does not guarantee anyone that he will be hired, or that he will not be discharged for nonperformance, or because of changing economic conditions affecting his employer.

The protection provided is against any requirement that the employee once hired, join a labor organization by a deadline fixed in a labor-management contract.

Organized labor insists that "maintenance-of-membership" provisions in collective bargaining agreements not only are essential to the continued vigor of unions, but also are justified on equitable grounds, in that they operate to insure that all who benefit directly from gains in wages and working conditions obtained through collective bargaining contribute to the operating costs of the bargaining agent—the union.

If I were a union official, or organizer, I should regard the "union shop," or maintenance-of-membership, provision as creating a very comfortable state of affairs. I would know that it would not be necessary for me to "sell" new employees on the advantages of union membership, because they would be required to join in order to stay on the job.

When a legislator, State or Federal, supports a so-called right-to-work law, he is likely to be branded antiunion. Since first becoming a candidate for the Senate of Virginia, I have taken that position and accepted the risks, but I insist that one does not have to harbor an animus toward unions per se—as I do not—in order to see merit in the type of protection for the individual worker which we are discussing today.

The place of the labor organization—the union—in our free enterprise system is well-established. The excesses of some labor leaders in the use of the economic power which they have amassed is not the subject of the legislation which I have joined in sponsoring in the House. They are a matter for other approaches.

What is pertinent is something which seems to require correction in the interest of simple fairness and common sense—the fact that there are many instances in the United States in which a qualified individual who is hired by an employer impressed by his qualifications thereupon becomes subject to the necessity of affiliating with a particular labor organization—the necessity, not the choice—because of a provision of a contract the employer has signed with that organization.

The employee is not permitted to evaluate the objectives and services of the organization and then decide to join or not to join.

The organization is not required to maintain its membership through its own record of performance in serving its members.

As I have said, this may contribute to the security of the union official or organizer, but it also removes the free choice of the worker. It is that free choice that I want to guarantee on a nationwide basis.

Mr. BAKER. Mr. Speaker, the power now being exercised by big labor union officials under existing Federal laws confirms the wisdom of Lord Acton's observation:

> Power tends to corrupt, and absolute power corrupts absolutely.

Among the powers now wielded by the union hierarchy is the authority to discipline both voluntary and involuntary members. This particular power has been reinforced by a series of rulings by the National Labor Relations Board and the courts. The most recent decisions on this question by the U.S. Supreme Court are *NLRB* v. *Allis-Chalmers Manufacturing Co.*, 388 U.S. 175, 195 (1967) and *Scofield* v. *NLRB*, 393 U.S. 995 (1969).

The question raised by the Scofield case was whether a labor organization can legally impose fines upon members and suspend them for exceeding a piece-work ceiling. In 1961 UAW local 283 levied fines of $50 to $100 on Scofield and other employees of the Wisconsin Motor Corp. and also suspended them for 1 year. Its purpose was to penalize them for exceeding a limitation on productivity.

After the workers refused to pay the fines, the union brought suit in State court to collect the fines. The employee defendants sought relief from the National Labor Relations Board, but relief was not forthcoming. The Board, the Court of Appeals for the Seventh Circuit, and the U.S. Supreme Court all ruled against the protesting employees.

In the Allis-Chalmers case, the Supreme Court ruled that a union may legally fine members who choose to cross picket lines in order to continue working during a strike.

These decisions have produced an unhealthy rash of union fines, which are being used by union officials as a weapon for controlling restive and rebellious members.

Among the other offenses for which unions have fined members are—

First, accusing a union official of misconduct,

Second, filing a petition with the NLRB for the purpose of removing the union as the workers' exclusive bargaining agent,

Third, failing to attend union meetings,

Fourth, filing an unfair labor practice charge against a union official, and

Fifth, failing to serve on a union picket line during a strike.

Fines imposed by unions on their members have ranged in size from $20 in the Allis-Chalmers controversy to $21,500 in a Writer's Guild case.

Clearly, this weapon is being brandished by big union officials to convince the individual union member that the only way he can escape union discipline is to remain in their good graces. Our proposed legislation is indeed a workers' "bill of rights" for both union and nonunion people.

Union spokesmen profess to protect workers from employer abuses. In today's economic society the union member's need is more nearly for protection from his big union boss than from other assaults.

The union's right to bargain for the member is established by Federal statute. That some statute permits the dragooning of the individual worker into the union. My State of Tennessee has a long established right-to-work law. It has weathered many attacks and reflects the independence and confidence of our workers.

Inevitably, the privileges conferred by the Congress upon unions have spawned intolerable abuses. The proposed legislation now under discussion will restore full freedom of choice to the Nation's working men and women. The work force and the entire Nation will benefit from the removal of the weapon of compulsory unionism from the hands of the union hierarchy. We can do no less for our people who love freedom.

INTRODUCTION OF RIGHT-TO-WORK PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ESHLEMAN) is recognized for 30 minutes.

Mr. ESHLEMAN. Mr. Speaker, there are many valid reasons why the Congress should reverse a Federal policy which, in effect, forces millions of workers to pay for unwanted union representation.

Foremost among these reasons, of course, is the concept embedded in the very marrow of our citizens: that Americans are free men, beholden to no private organization for the right to share in the fruits of this bountiful land.

Who can argue with this? It is the heritage of free men.

However, our predecessors in the Congress unwisely restricted individual freedom when they enacted the National Labor Relations Act in 1935. They put the Federal Government's stamp of approval on collective bargaining agreements designed to deny employment opportunities to nonunion workers.

That is exactly what happens under compulsory union shop arrangements. Since such arrangements are legal in those States where workers are not protected by right-to-work laws, union officials invariably place the highest priority on demands for compulsory unionism. This gives them the right to exact forced dues money from all workers in the bargaining unit with which to pursue far-ranging economic, political, and social schemes. The worker either pays the dues or gets fired.

Compulsory unionism clauses are written into contracts, almost without exception, as tradeoffs between union professionals and employers for considerations important to one or the other. Result: Usually less money for the workers the union professionals claim to represent.

Make no mistake. Today employers across the country are deducting huge sums of money in the form of union dues from the paychecks of their employees and transmitting those sums to union officials. Under the law, the individual worker has the option of authorizing the withholding of union dues from his wages or remitting the dues money on his own initiative. But, in either case, he either pays the union or suffers discharge if he is subject to a compulsory union shop agreement.

Section 302 of our present Federal labor code will remain virtually meaningless until we strike down the other provisions which sanction forced unionism.

This proposed national right-to-work law will eliminate the principal source of intolerable union abuses by restoring freedom of choice to all wage earners throughout the country. I confidently predict the introduction of this bill will provoke an irresistible grassroots demand for its passage.

NATIONAL BLOOD BANK ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, today I am introducing a bill to deal with the deadly problems with human blood in America.

In 1971 over 2 million blood transfusions will be performed in the United States. One out of every 150 of these will cause a death from serum hepatitis in the over 40 age group, plus a lot of very sick younger people.

The HEW Center for Disease Control in Atlanta reported 52,583 cases of serum hepatitis in 1970. This is only the tip of the iceberg. Because of the malpractice implications of hepatitis and the delay of 1 to 6 months after infection for illness to set in, it is often not reported. There may be half a million cases of this liver disease in the United States every year.

The victims of hepatitis occupy thousands of hospital beds, inflate the cost of medical insurance premiums for everyone and cause countless days of lost work. An expert in this field, Dr. J. Garrot Allen, of Stanford Medical Center, estimates at least 455,000 hospital bed days are devoted to hepatitis every year.

But hepatitis is almost entirely preventable. Strong action today could virtually stop this disease. The bill I am introducing will move forcefully to stamp out serum hepatitis.

For years, it has been clear that much of the hepatitis in this country comes from one source: the paid blood donor. Here is the man or woman with a reason to lie about his past medical history to get the money. He may be an alcoholic or a drug addict or live in conditions that invite hepatitis. Commercial blood banks that depend on the paid donor move right into his neighborhood and make it easy for him to sell his body.

Reliable studies have repeatedly shown the risk of contracting hepatitis from the blood of paid donors is from 11 to 70 times greater than the risk from voluntarily donated blood. Blood banks that use paid donors make it easy to ooze for booze, but the product they sell is death by the pint.

I want it clearly understood that many blood banks do not operate this way. There are many conscientious and reliable blood banks in this country, but their reputations are smeared by the tactics of the others. The best way to aid reputable blood banks is to require the less scrupulous ones to live up to the same high standards. My bill would require this.

One of the keys to stopping hepatitis is recruitment of volunteer donors. Not enough people donate because Americans have grown to believe that untainted blood can be bought and sold like hamburger rather than understanding the precious nature of this life-giving fluid. The Red Cross, even with the assistance of organized labor, has not been able to do the job. As Dr. Tibor Greenwalt, of the Red Cross said in a recent TV interview:

> You cannot blame the commercial blood banks for anything that has happened in this country. They were needed to fill the gap. The gap that was not filled in a total program by the Red Cross.

The second factor in the explosion of hepatitis today is the lack of adequate inspection and supervision of blood banks. Seventeen States have no law whatsoever on blood banking, and 21 others have only one—that being a law to prevent patients infected by tainted blood from recovering monetary damages. In these States anything is legal. Anyone could run a blood bank. It would be legal to use the blood of cadavers, or of very ill people, only seven States license blood banks, and only five inspect them.

The Federal Government's efforts in this field are close to scandalous.

I have in my hand a voucher used to pay the donors at a commercial blood bank here in Washington, D.C., is made out for $5, which is the going rate, but the only place this voucher can be cashed is at Moe's Liquor Store in the 1200 block of H Street Northeast. We all know how this works, the donor it attracts and the death and suffering it spreads.

Now this voucher is from a blood bank that is licensed and inspected by the Federal Government. The NIH knows this is going on, they know how much hepatitis it spreads, but they do nothing about it. The NIH Division of Biologics Standards licenses only 166 of the 7,000 blood banks in this country. They only supervise the blood after it is in the bag, and ignore conditions that put hepatitis into the bag.

They do not license or inspect the companies that import massive quantities of human blood plasma from places like Haiti, India, or the Dominican Republic. Today, they do not even require that this potentially infectious material be tested for the presence of hepatitis by the 25-percent effective Australia Antigen test that has been available for the last 10 months.

What seems to have happened to the Division of Biologics Standards is deadly. Division of Biologics Standards seems to have been "captured" by the groups it is supposed to regulate. There appears to be a pattern of senior personnel in the Division going to work for blood banks that use paid donors. Some of these people even return to the employ of Division of Biologics Standards. The prospect of such a job has rightly been called a deferred bribe. It produces the kind of regulatory neglect we find in blood banking today.

The three answers to the dangers in blood banking today are regulation, recruitment and research. My bill is aimed at regulation and recruitment, the two which can make an immediate difference. My bill would bring adequate supervision to blood banking for the first time. It would establish a new office in HEW to license, inspect and regulate all blood banks in this country. Because of the problems I have described, I would not place this responsibility with NIH.

The lack of voluntary blood is the only justification for using paid donors, so my bill provides a major national effort to recruit voluntary donors. It also recognizes the dilemma faced by doctors who cannot judge the risk in the blood they administer. My bill requires the source of all blood to be clearly stated on its label.

A direct approach is urgently needed to assure safety to blood recipients in this country. With the program I propose today we could virtually stamp out transfusion hepatitis. Melodramatic as it may sound, it is truly a matter of life or death.

MORE CRITICAL INFORMATION ON SICKLE CELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, sickle cell anemia has the following medical definition:

A hereditary, genetically determined hemolytic anemia, one of the hemoglobinopathies, occurring in the Negro, characterized by arthralgia, acute attacks of abdominal pain, ulcerations of the lower extremities, oat-shaped erythrocytes in the blood and, for full clinical expression, the homozygous presence of S hemoglobin as defined by hemoglobin electrophoresis. Also called sicklemia, Dresbach's anemia and Herrick's anemia.

In addition, Mr. Speaker, I think it is important to include the following information on sickle cell hemoglobin:

HAEMOGLOBINOPATHIES

Most abnormal haemoglobins have been discovered during surveys in many parts of the world, and do not cause any disease. Some are clearly pathological.

SICKLE CELL HAEMOGLOBIN

The first discovered and the most well-known haemoglobin abnormality is sickle cell haemoglobin (Pauling *et al.*, 1949). The haemoglobin S aggregates under conditions of low oxygen tension and causes the "sickle" deformation of the red cell. It was shown that a valyl residue substitutes for the normal glutamyl residue at the sixth position from the *N*-terminal of the β-chain (Ingram, 1961). Sickle cell haemoglobin may thus be designated $\alpha_2{}^A\beta_2{}^S$ or, more specifically, $\alpha_2\beta_2{}^{6\,glu\rightarrow val}$. It has been proposed that the substitution of an acidic group by a non-polar group at this position permits the formation of an hydrophobic ring at the *N*-terminal of the β-chains which can fit into complementary regions on α-chains of neighbouring molecules, so leading to the formation of the massive insoluble superhelices of Hb-S (Murayama, 1962, 1964). In the oxygenated condition with the movement of the β-chains towards each other, the bonding between neighbouring tetramers is prevented.

The sickling of the red cells causes an increased red cell mechanical fragility and an increased blood viscosity leading to red cell stasis and thrombotic symptoms. The heterozygous sickle cell trait does not show these symptoms and may possess certain genetic advantages in special circumstances. There is now good evidence that the heterozygous sickle cell trait condition confers some protection against the malaria *Plasmodium falciparum* (Allison, 1961).

Mr. Speaker, Drug Research Reports, "Blue Sheet," volume 14, No. 15, April 14, 1971, had an article on sickle cell anemia pertaining to urea treatment of the disease and its possible consideration for a wide scale clinical testing program. I include the article at this point.

UREA TREATMENT USED SUCCESSFULLY WITH 14 SICKLE CELL CRISIS PATIENTS; NEED IS FOR WIDE-SCALE CLINICAL TESTING 2,000–3,000 CASES NEEDED

Dr. Robert Nalbandian reports he has treated 13 patients once each and a 14th patient twice with intravenous urea to abort sickle cell anemia crises without a therapeutic failure, a medical misadventure, or a death.

The Grand Rapids, Mich., pathologist also said there is promising evidence that the more than 80 sickle cell patients on maintenance regimens of oral urea will have a normal life-span. Sickle cell victims usually die before 40.

Dr. Makio Murayama, PhD, a research biochemist at the Natl. Institute of Arthritis & Metabolic Diseases (NIAMD), whose molecular studies paved the way for the urea treatment, said the next step is wide scale clinical testing. NIH plans to spend $6 mil. in the coming fiscal year on sickle cell anemia research, five times the amount being spend this year. Murayama anticipates some of this money being used for clinical evaluation of urea.

It is not clear at the moment whether the Nixon Administration knows how close it may be to a research payoff of considerable political importance—both for Nixon's image as well as for NIH's. Nixon's health message to Congress was the first time sickle cell anemia has been given priority research treatment ("The Blue Sheet" Feb. 18, p. 9).

Murayama said that between 2,000 and 3,000 patients must be tested. Coordinating the $6 mil. will be the Natl. Heart. & Lung Institute, which has not yet determined its priorities. Some of the money is expected to be used for genetic counseling, research, and screening as well as for various diagnostic and therapeutic approaches. (For a story on the contenders for this money, see p. 9 of this issue of "The Blue Sheet".)

Urea is widely available (Travenol, Abbott, others) and, so far, there is no patent position which would reserve the agent for any one pharmaceutical mfr. However, the large market for it might bring several mfrs. into production, as in the case of I-dopa—which presented considerable production problems—and lithium, which was easily produced.

Traditionally sickle cell treatment has been symptomatic, often with narcotics or analgesics. In cases of severe crisis, blood transfusions have been used on occasion. There is now no prophylaxis treatment except the experimental oral urea.

DRUG RESEARCH REPORTS

Sickle cell research made a major step forward in 1949 when Dr. Linus Pauling, demonstrating his molecular disease theory, showed that sickling was due to the presence of abnormal hemoglobin molecules.

Murayama began work with Pauling at Caltech in 1954 and there developed the theory that hydrophobic bonding was responsible for sickling. Murayama has recalled that so many of his fellow scientists were scoffing at hydrophobic bonding with its apolar quality that he was somewhat embarrassed to speak of it in formal research reports.

Undeterred, Murayama decided to build a scale model of a human hemoglobin molecule after he joined NIH. The size of a footlocker, the model uses 10,000 precision units of colored metal, and magnifies the molecule 127 mil. times.

Working in the basement of his home for six years at night to build and refine his model, Murayama finally was able to demonstrate that substitution of two amino acids in the molecule, a known characteristic of sickle cells, resulted in hydrophobic bonding. This bonding, in turn, distorted the shape of the red cells.

This sickling distortion is a twisting of the cells out of their normal doughnut shape to that of a sickle. The distorted cells clog blood vessels and block circulation. The patient is in great pain and often thrashes about. Victims have been found with shattered bones from that thrashing.

WORKING ON MURAYAMA'S THEORIES, NALBANDIAN DEVELOPED A MOLECULAR STRATEGY

Nalbandian has been aware of Murayama's work since 1963. He calls him an "authentic genius." Working on Murayama's molecular studies, Nalbandian said, "I assumed a molecular strategy for a chemotherapeutic attack on these hydrophobic bonds." At Blodgett Memorial Hospital in Grand Rapids, he tried the urea with both positive and negative results. There was prompt desickling but there also was hemolysis.

Using a procedure developed by brain surgeons to prevent cerebral edema, Nalbandian mixed urea with solutions of invert sugar. The hemolysis problem was ended. The oral prophylaxsis approach was developed to keep the anemia under control if possible, rather than only react to a crisis situation.

Urea has more supporters than doubters now. However, Nalbandian believes that "Everybody is getting excited about our work for the wrong reasons." For the right reason, he cites Pauling that "Sickle cell anemia . . . has become one of the first diseases for which there is a known molecular basis for pathogenesis, a molecular basis for diagnosis, and a molecular basis for treatment."

The Statement by Pauling comes from his foreword for a book edited by Nalbandian, *Molecular Aspects of Sickle Cell Hemoglobin—Clinical Applications*. "We might consider that medicine is now entering a new state," Pauling writes, "in which the detailed molecular understanding of the nature of diseases will be used effectively in the search for therapeutic methods."

Said Nalbandian: "What we have done by chemical method is take an incorrectly structured metabolite, hemoglobin S, and modified it chemically in such a manner that the lethal property of sickling has been inhibited without interfering with the critical life-supporting property of oxygen transport. That kind of therapeutic molecular remodeling has never been achieved before in medicine." Although ignored by the lay public for many years because it affected only blacks, sickle cell anemia research then may provide the key to unraveling other diseases.

MINIMAL $6 MILLION FOR SICKLE CELL ANEMIA BRINGS APPLICANT DELUGE; NIH GOES TO LAY LEADERS FOR RESEARCH ADVICE; NHLI COORDINATES HEW SICKLE SPENDING

A leading voluntary health group in the sickle cell anemia field is opposed to broad clinical trials of the leading sickle cell experimental drug, urea. Mrs. Iris Cox, founder of the Natl. Sickle Cell Disease Research Foundation, has reported clinical trials have begun under her foundation's aegis, but the investigational drug is not urea. Mrs. Cox says her group's medical advisory board feels urea is unsafe.

This poses problems for HEW because the sickle cell $5 mil. effort written into the President's Health Message to Congress for fiscal 1972 ($6 mil. with previously tabbed funds) is clearly recognized as a politically-laden program and HEW has set up a complex advisory apparatus to make sure volatile opinion is adequately ventilated on how to spend the money.

In anticipation of a deluge of grant applications for the $6 mil. HEW has called a series of meetings, the latest April 5–6 at NIH with about one-third in attendance from NIH's hematology study section, one-third MDs closely associated with the disease, and the rest black laymen. The disease factor is carried by 10% of all blacks and is a constant threat even in the absence of symptoms.

At NIH it was the same story, so familiar in recent years of "priority-setting" in the absence of an adequate natl. commitment to attack an urgent natl. health problem. The meeting covered the waterfront from basic research to screening and genetic counseling, with such candidate programs in between as screening to locate victims and carriers, developing better diagnostic procedures, finding better therapies, and spending to educate MDs, few of whom have had knowledgeable experience with the disease.

First HEW asks public advice, then says advice is secret; research guidance highly political

Even within the area of research some decision will be necessary between expanding basic studies and enlarging expensive clinical trials of the most promising drug, urea. (See related story in this issue on urea research, p. 7.)

While the group that met at NIH April 5–6 started working on recommendations, their ideas will not be made public. Rather they will be subject to approval of a higher advisory group, not yet named, which will meet in early May. The second group will also include scientists and laymen from outside NIH. Whether even this higher group has the final say remains to be seen. Reports from others have already gone to Secty. Richardson.

Current money, to be spent before June 30, amounts to about $1.5 mil. The $6 mil. is in the fiscal 1972 budget. The Natl. Heart & Lung Institute is coordinating the spending for the entire dept. under Institute Deputy Director Robert Ringler, who's long had an interest in the disease.

Fiscal 1971's kitty, $1.5 mil., is being divided among NHLI, Natl. Institute of General Medical Sciences (NIGMS), and the Natl. Institute of Arthritis and Metabolic Diseases (NIAMD). NHLI is handling clinical trials, NIAMD the etiology, and NIGMS the genetics work. The division of labor is expected to prevail in 1972. Health Services & Mental Health Administration is expected to get some new money for screening and counseling.

Much of the $6 mil. is not "new" money. Some of it, for instance, comes out of the coronary drug clinical testing program under NHLI ("The Blue Sheet" Mar. 17, p. 18).

The key role Mrs. Cox's foundation will play, at a time HEW is giving ear to money requests from quarters not always heard from in medical research circles, is indicated in the make-up of the Natl. Sickle Cell Disease Research Foundation, which has been asked to advise HEW. It constitutes six organizations in as many cities with a seventh in Chicago seeking admission:

(1) Assn. for Sickle Cell Anemia Inc. (NYC), (2) Volunteers in Aid of Sickle Cell Anemia Inc. (Philadelphia); (3) Sickle Cell Disease Research Foundation (LA); (4) Mid-South Assn. for Sickle Cell Disease (Memphis); (5) Assn. for Sickle Cell Anemia Research (DC); and (6) Assn. for Sickle Cell Anemia of N.J. (Newark). These groups are primarily composed of parents of children with sickle cell anemia but include MDs on their advisory boards.

Influential chairman of the natl. group's medical board is Howard U. Pediatrics Chairman Roland Scott. Honorary exec director of the foundation is Dr. L. W. Diggs, just retired from Tenn. U. (Memphis) where he was head of the sickle cell center and intimately involved with the disease since 1915. The disease was not identified until 1910.

The component units' primary purpose is to seek visibility for the disease and educate people to its symptoms and dangers. The DC group, under President Charles Young, wants to set up screening programs in black schools, efforts which are being repeated around the country. A major aim of these organizations also is to inform MDs what patient services are available. Young told "The Blue Sheet" that DC MDs have shown a desire for such information.

Pharmaceutical Mfrs.' Support Sought By Voluntary Health Foundation; Ortho Underwrites Pamphlets

Negotiations are underway with several drug firms for support of the foundation's activities. Mrs. Cox said they also hope to get some federal funds.

At present Ortho is underwriting the expenses of printing 80,000 Questions & Answer pamphlets which will be provided to clinics, hospitals, and other health care centers. Ortho has been the "backbone" of the foundation, Mrs. Cox said, and was instrumental in developing the 3-minute sickledex test for detecting the disease or the trait.

Another NYC-based organization, The Foundation for Research and Education in Sickle Cell Disease, received nation-wide recognition with the receipt of a $50,000 award from Chase Manhattan Bank Foundation to increase awareness of the problem among possible black victims. This group was formed as the result of a break with the NYC Assn. for Sickle Cell Anemia Inc. in 1966, which went on to join the natl. organization.

According to the natl. foundation, the Foundation for Research and Education in Sickle Cell Disease has sought to affiliate with the natl. group. They have refused, however, upon being told that NYC cannot handle two such groups and that they must fuse with the local Assn. for Sickle Cell Anemia Inc.

The foundation currently operates in conjunction with five hospitals in the NYC area equipped with special clinics for treatment of sickle cell anemia:

Jamaica Hospital, St. Luke's Hospital Center, Sydenham Hospital, Morrisania Hospital, and Kings County Hospital. Foundation services include free testing for presence of the disease at its offices, as well as through mobile units.

President of the foundation, Dr. Doris Wethers, told "The Blue Sheet" the group is practically unable to keep up with the demand for testing, even though they have yet to launch a large-scale educational campaign. Other services are provided by the clinics, with referrals often made from the foundation. The group hopes to be able eventually to provide more comprehensive services, possibly with help from an HEW grant.

Mr. Speaker, the preceding data was sent to me by Dr. Gerald P. Murphy, director of the Roswell Park Memorial Institute. Roswell Park is one of the leading cancer research centers in the world.

Dr. Murphy has expressed to me his own deep, personal feelings over the necessity of implementing recommendations for combating sickle cell disease as soon as possible. In the battle against the disease, we could have no greater ally than Roswell Park and Dr. Gerald Murphy and I am delighted at the interest that has developed on a national level.

I obtained a special order on November 5 and called the attention of my colleagues to this disease in a floor speech. I am glad to see some of the able sports writers bringing more facts to light. Tom Dowling in his column in the Washington Evening Star of November 16, 1971, pointed out the work the Black Athletes Foundation is doing in fighting sickle cell. At this point, I include his article:

[From the Evening Star, Nov. 16, 1971]

WORD OUT ON SICKLE CELL

Not so long ago the Black Athlete's Foundation took an electrophoresis machine out to a shopping center in Pittsburgh to test blacks for Sickle Cell, an hereditary blood disorder.

The testing was scheduled to run from noon to 6 p.m. and there was still a queue waiting to be tested at 9 p.m. The word is finally out on Sickle Cell—though the disease was recognized as early as 1910.

The word says that Sickle Cell attacks blacks almost exclusively, that it can kill and that its genetic ravages are passed on from generation to generation at alarming rates of increase.

In all, 3,700 people moved through the line; three hundred, forty two of them were found to be trait carriers; 16 of them—between the ages of 3 and 8—had severe forms of the disease. Four of those 16 are already dead and there is, at present, no long range hope for the other 12. There is, you see, no cure for Sickle Cell Anemia.

TWO MILLION AFFLICTED

There are 250,000 blacks in Pittsburgh and 25,000 of them are estimated to be Sickle Cell trait carriers—10 percent of the national black population, or two million people, being afflicted. When two trait carriers have children the possibility of the genetic disorder being handed down is one in four.

Those are the trait carriers. There also is a lethal form of the disease that strikes one in 400 carriers or perhaps 50,000 Americans. As Horace Davis, executive director of the Black Athlete's Foundation, puts it, "All you can do for those people is help them die a little more comfortable."

Davis, who started the Foundation six months ago in concert with Willie Stargell and Muhammad Ali, was in town late last week testifying on legislation to establish a National Sickle Cell Anemia Institute. The legislation envisions a $90 million federal expenditure over a three-year period on research, prevention and treatment of the disease.

Davis, an amiable if firm man, told the legislators that $90 million represented a mere 25 percent effort, which is well below the 110 percent effort athletes commonly strive for. The Nixon Administration told the same hearings that $90 million is about $90 million too much, terming the proposal "redundant."

In fairness, it must be said that the administration recently has added $5 million to the existing $1 million allocated for Sickle Cell research this fiscal year.

But in honesty, it must be said that $6 million or $30 million annually are piddling sums to debate where 50,000 dying people and two million trait carriers are concerned.

TOO LITTLE, TOO LATE

"Too little, too late"—that is the historical disease that has quarantined black America. Poor housing, poor education, poor opportunity—it can be argued, if spuriously that man can transcend such deprivations. But no one has ever claimed a human capacity to rise above genetic illness.

With Sickle Cell you don't pull yourself up by your bootstrap. Not when you're regularly short of breath from exertion, when you pass blood in your urine, when you're so bushed from a day of labor that you have to spend the next one in bed.

The significance of the Black Athlete's Foundation is that in a mere six months it has brought the Sickle Cell issue home to a wider public.

Athletes in our society are credible figures. Their physical acts speak for themselves, possess an adherence to standards of quality that are beyond narrow partisanship and the flummery of public relations.

You only had to see the congressman last week clamorously posing for photographs with such testifying foundation board members as Henry Aaron and John Henry Johnson to grasp the proposition that a black athlete is everyone's aristocrat.

No one can denigrate Willie Stargell's 46 home runs, John Henry Johnson's career yardage, Henry Aaron's 17 years of steady magnificence.

So, in the corridors of power, outside a house committee hearing room, Aaron said, "I was dumfounded to hear about Sickle Cell from Willie Stargell, whose daughter is a carrier. This hits deeply. We spend billions collecting moon-dust and $90 million doesn't seem too much to try to stamp out Sickle Cell."

Stargell, undergoing knee surgery in Pittsburgh, couldn't be in town to testify. Neither could Preston Pearson, Pittsburgh Steelers running back, who was practicing with the disease for an upcoming game with the Miami Dolphins.

ELLIS AMONG VICTIMS

Neither could Dock Ellis—the Pirates' talented 19-game winner—who has a severe case of Sickle Cell that leaves him with one of the worst game completion records of any frontline big league pitcher.

Dock couldn't be here because he was visiting troops in Vietnam. But he was here to testify on a demonstration grant Sickle Cell program for the District two weeks ago. He is, among other things, a prominent hotel critic, having found his accommodations in Baltimore and San Francisco not to his liking during the playoffs and World Series.

In Washington, Dock stopped at the Hilton Hotel, where he ultimately was locked out of his room when the hotel authorities demanded a $50 advance cash payment. Though Dock pointed out that he had an $18,000 World Series paycheck in hand, was in Washington at the request of Congress, was, above all, unlikely to discredit his work on behalf of Sickle Cell by skipping town with an unpaid hotel bill, the Hilton remained adamant. You have to wonder whether an equally eminent and prosperous white would have been treated with such pettifoggery.

The Hilton management, for its part, says it has 40,000 guests a month and has to go by the rules. No doubt the Nixon Administration's reluctance to spend $90 million in three years on combating Sickle Cell also has some basis in arcane bureaucratic regulations.

But hotels and administrations alike survive best when they learn to rethink the shortcomings in their own rules and regulations. In time, hotels are going to learn to accommodate Dock Ellis properly. In time, public policy is going to have to accommodate the 20 million American blacks who want something done about Sickle Cell.

CANNIKIN TEST SUMMARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I have requested special order time today to make a report on the known Cannikin test results as of approximately 0700 hours, Bering Standard Time, November 10, 1971. I was present at the test on November 6, along with Representative HOSMER as Joint Committee on Atomic Energy observers. I share with others the greatest pride in the dedicated and professional men and women on the test team which conducted the test successfully and with complete safety.

Representative HOSMER's remarks on November 9, summarized the test results as known approximately 24 hours after the test. The surveys then revealed only minor damage as predicted within the vicinity of the test site. There was no earthquake, tsunami, no radioactive material released and no irreparable harm to the island or its wildlife. I am pleased to report that subsequent surveys confirm that there are no indications of any significant environmental impact beyond the immediate test site and no such impact is anticipated. The results of these surveys are as follows:

CANNIKIN TEST RESULTS SUMMARY

This summarizes all known test results as of approximately 0700 hours, Bering Standard Time, November 10, 1971 (D plus 4 days). Severe adverse weather hampered and, in some cases, precluded direct observation of early post-shot conditions. However, it is believed that all significant effects noted in this report have been accurately assessed. Interpretation of the data presented herein will be reserved for a later, more comprehensive report. (All times given in this report are Bering Standard Time.)

I. ABSTRACT

Cannikin, the full yield test of a nuclear device designed for the Spartan ABM missiles was conducted at Amchitka Island at 1100 hours, November 6, 1971. The device, designed and constructed by the Lawrence Livermore Laboratory, was emplaced 5,875 feet below the surface and was fired from a Control Point on the Island some 23 miles distant. Preliminary seismic yield estimates indicate that the device performed nominally and early indications are that the weapons laboratory experiments were successful. To date, there are no indications of any significant environmental impact beyond the immediate test site and no such impact is anticipated.

II. CHRONOLOGY

Preparations on Amchitka Island were initiated in August 1967 with the commencement of drilling of the emplacement hole. Mining was completed in July 1971. Device emplacement was initiated on September 8, 1971, and downhole activity commenced on October 13, 1971. Upon receipt of the requisite authority to conduct the test, stemming was initiated on October 27, 1971. Preparations then proceeded without interruption to the established first readiness time of 1100 hours, November 6, when the detonation occurred.

III. GROSS EFFECTS SUMMARY

There has been no detectable release of radioactivity to the environment as a result of Cannikin. No large earthquake was triggered from the detonation. Teleseismically, the shock had a body wave magnitude of 7.0 and a surface wave of Richter magnitude 5.8. Early run-up gage reports indicate that water wave production for Cannikin was essentially similar to Milrow. No anomalous wave activity was observed on telemetric records at Shemya and Amatignak or reported by field observers at more distant islands along the Aleutian Chain. Bioenvironmental effects were noticeable but were confined to the Island itself (See Section VI). Except for the perceptible tremor on Adak and the barely perceptible tremor on Shemya, no effects of any nature have been reported from any off-island location.

IV. OPERATIONS

D minus 1 and D-Day evacuation flights reduced the on-island shot time population to 242 persons. At 0200 hours on November 6, the Test Manager reported readiness to proceed if weather conditions remained favorable. This was consistent with alternatives discussed between the Manager, Nevada Operations Office, and the General Manager, U.S. Atomic Energy Commission. A weather briefing was conducted at 0400. Weather at shot time was as follows:

A deep low pressure area centered near the Pribilof Islands and a high pressure area centered near 44 North 160 East produced northwesterly winds and mostly clear skies in the Amchitka vicinity. Surface and low level winds aloft were from 300 degrees at 30–40 knots. Air temperature was in the high thirties and low forties. Initial trajectories were toward the east-southeast, were expected to curve southward after 24 hours, and then curve toward the west after 36 hours.

JTG 8.3 military support units participated as scheduled. All units were in position at shot time. Units consisted of the following:

Aircraft

2 EC–121 Air Controllers.
2 WC–130 Trackers/Samplers.
3 P–3 Surveillance.
1 NC–135 Photo.
1 P–3 (Patrol Aircraft Standby Pool Track/Adak).
1 WC–135 (Standby—Long-Range Tracker/Anchorage).

Ships

1 Coast Guard Cutter—Sweep and Surveillance.
2 Destroyers (Sweep and Surveillance).
1 Landing Platform, Dock (LPD)—Standby in Northern Pacific.
1 Destroyer Escort—Escort to LPD.

Environmental Protection Agency personnel were located on the U.S. Coast Guard cutter, the two U.S. Naval destroyers, and the two U.S. Air Force sampling aircraft. A Canadian Government C–54 scientific aircraft which was to join the air array was unable to participate and had to return to Cold Bay, Alaska, due to icing and engine trouble. One contact was identified within the 50-mile warning area—a small American fishing vessel located in a bay on the eastern side of Semisopochnoi Island. This vessel was detected by the Coast Guard cutter on November 4, 1971, and advised that she was safe at this location, but if she got underway she should head north and east to clear the area. The vessel was warned again on November 6, 1971, prior to shot time and suffered no damage from the test. Readiness briefings were conducted during the week prior to D–Day to assure that all elements were on schedule and to review the developing weather conditions. On November 5, all systems were ready and weather predictions for the following day looked favorable. Therefore, a shot time of 1100 hours was established for November 6. A final readiness review was made on D–Day at 0400 and updated hourly, commencing at H minus 3 hours. No holds occurred during the countdown.

V. CIVIL AFFAIRS

Technical staff members of the Environmental Protection Agency/Western Environmental Research Laboratory were located at population centers in the Aleutian Chain and Western Alaska commencing approximately one week prior to D–Day. These locations included Adak, Akhiok, Akutan, Atka, Attu, Belkofski, Chignik, Chignik Lagoon, Chignik Lake, Cold Bay, False Pass, Ivanof Bay, King Cove, Nikolski, Nelson Lagoon, Old Harbor, Pauloff Harbor, Perryville, Sand Point, Shemya, Squaw Harbor, St. George, St. Paul, and Unalaska. A communications conference call was established among EPA personnel at the above locations prior to the test to transmit local weather, sea conditions, and readiness status. This network was maintained throughout the immediate post-shot period in order that timely notification could be given in the event of any hazardous condition (including unusually severe storm activity). Pursuant to earlier personal coordination with the Governor of Alaska, a senior AEC representative and a senior EPA staff member were made available at the State House in Juneau commencing on D minus 1 and were provided with current and detailed progress reports. Similarly, two AEC representatives were located in the City Manager's office in Kodiak. In addition to direct communications with Anchorage, they maintained communications with EPA representatives located at both Akhiok and Old Harbor, Alaska. The Mayor, the City Manager, Coast Guard Air Station Commander, a number of other civil officials, and local residents were in the municipal building at shot time. No unusual incidents occurred and no effects of CANNIKIN were noted.

VI. SCIENTIFIC PROGRAMS

A. Device Diagnostics

All classified experiments designed to measure the device performance recorded data. Preliminary examination of the records indicates that the desired information was obtained. The films and taped records will require detailed analysis.

B. Technical Documentary Photography

Photo stations were established in the recording trailer park to record the behavior of the shock mounting systems. Additional stations were established to record possible fault motion. The NC-135 photographic aircraft flew its mission as planned. Four runs to photograph sea otters were made pre-shot—two on the Bering side and two on the Pacific side. Five post-shot aerial mapping passes were made over surface ground zero. Radar positioning was good and, pending processing of film, all indications point to a successful mission.

C. Geophones

Geophones located around surface ground zero area continued to give occasional signals until H plus 37 hours, 54 minutes when collapse occurred.

D. Seismic Program

Seismometers, accelerometers, and other motion sensing instrumentation provided data at the Main Camp, the Control Point, and surface ground zero. Survey of the permanent displacement in the vicinity of surface ground zero was being initiated at the time of this report.

E. Water Wave Program

All bottom displacement gages, run-up gages, and ocean bottom gages were installed by D minus 2. The charter vessel Pacific Apollo took up a station at the northwest corner of the island instead of its intended location because of the D minus 1 storm and its aftermath. Water was too shallow to deploy the surface follower.

F. Marine Ecology

Because of the storm and the resultant high seas, the marine fish-holding pens could not be set up in the ocean off surface ground zero. Instead, two pens were set in the harbor, 15 kilometers southeast of surface ground zero. The University of Washington research vessel Commander took station at its intended holding position at the northwest corner of the island.

G. Sea Otter Program

Beach walks were conducted as scheduled on D minus 1 on both sides of the islands to look for evidence of pre-shot natural mortality of fish and mammals. On D-Day, pre- and post-shot photographic observations via aircraft were made. There has been no analysis as yet of these missions.

H. Limnology and Freshwater Ecology

During D minus 1, all cages were stocked and all planned samples taken. All instrumentation was in place for the test.

I. Radiological Safety Program (On Island)

A total of 14 radiation monitors and 112 stations of various types of environmental radiation monitoring units were positioned around the island. These stations include Remote Area Monitoring System (RAMS) units, air sampling units, and thermoluminescent dosimeters. All on-island personnel were issued film badges for personnel dosimetry. The RAMS units were positioned at surface ground zero, at the recording trailer park, and on a 2500' arc centered on surface ground zero. At zero time, all RAMS stations were operational. The initial shock caused three RAMS units to fail—one each on the arc, at the recording trailer park, and at surface ground zero.

J. Radiological Monitoring (Off Island)

Pre-shot background environmental samples of air, soil, vegetation, water, snow, milk, and foodstuffs as available were collected throughout the Aleutian Chain and on the Alaska mainland. Similar post-shot samples are presently being collected for comparison. Fifteen air sampling stations were operated both pre- and post-shot in Nome, Unalakleet, Palmer, Anchorage, Bethel, King Salmon, Kodiak, Homer, Seward, Cordova, Yakutat, Cold Bay, Sitka, Annette, and Dutch Harbor. Thermoluminescent dosimeter stations were also established pre-shot at all the air sampling stations.

VII. DETAILED EFFECTS

A. Surface Effects and Ground Motion

Shot time acceleration at surface ground zero was 15–20 G's with a displacement velocity of 38 ft/sec. This motion did not collapse a steel frame building adjacent to surface ground zero which was used to protect cable reels from the weather while the device was being lowered and stemmed. As the Control Point 23 miles away, the displacement velocity was 0.3 ft/sec with acceleration yet to be determined. The motion at the Control Point was described as a strong rolling one that lasted for about half a minute. On Adak, the motion was distinctly felt. On Shemya, some felt it and some did not. Even before collapse, there were numerous surface fractures in the tundra within a mile of surface ground zero. Some of these appear from the air to be fault displacement. Major rockfalls and surf slides occurred on the Bering side along a 12-000 foot strip of coast. These were of somewhat greater number and severity than expected. Intermittent falls and slides occurred on both coasts out to considerably larger distances. At about 38 hours after the detonation—0054 hours, November 8—the underground cavity collapsed. Initial survey shows the crater to be 60 feet deep with a radius of about 800 meters. The center is 375 meters from surface ground zero on a bearing of 120 degrees true.

B. Seismic Effects

Cannikin produced a seismic signal with a body wave magnitude of 7.0 and a surface wave of Richter magnitude 5.8 and was detected worldwide. There was no large earthquakes triggered as a result of Cannikin. Up until the time of cavity collapse, a high level of low magnitude seismic activity was observed, presumably aftershocks. These aftershocks were of local origin and were not detected by the instruments at Adak and hence were of magnitudes less than 3.5. Cavity collapse produced a shock observable by instruments at least as far as mainland Alaska. Its surface wave Richter magnitude was about 5.4. Following collapse, aftershock activity ceased. The uplift of the coastline near Cannikin produced no observable water wave at the nearby islands of Rat, Semisopochnoi, and Amatignak. On the other hand, several bays on the Amchitka coastline appear to have been set into oscillation. Further data reduction will be required before the amplitude of these oscillations or of any local water wave can be known.

C. Bioenvironmental Effects

All test time experiments were adversely affected by a severe storm on the day before the detonation. Marine experiments with fish-holding pens in the Bering Sea near surface ground zero could not be conducted because high seas prevented ship operations there. As a substitute, two pens were emplaced in Constantine Harbor, 15 kilometers from surface ground zero. The fish in these pens were not affected by the pressure wave since they were too far away. Similar live box experiments with freshwater fish were conducted in nine lakes located within two miles of surface ground zero. Although some stickleback and Dolly Varden were found dead in some of these live boxes after the detonation, it is believed that the cause of most of their deaths was wave action during the storm rather than the pressure pulse generated by Cannikin. Some fish were killed by being thrown out onto the banks of lakes or streams, but the number has not yet been determined. The surface fractures in the tundra and soil near surface ground zero have almost completely drained two small lakes, and have partially drained three others. In these lakes, fish that were not stranded out of water survived. One stream was partially dammed by a tundra slump. The most obvious effects were the rockfalls and tundra slides along the Bering Coast. It appears that as a result of these, one peregrine falcon eyrie (out of 20 on Amchitka) and about four bald eagle nesting sites (out of about 100 in recent use) were destroyed. The overall effect on bird populations will take time to determine. However, numerous rock ptarmigan, bald eagles, peregrine falcons, winter wrens, and other birds were observed after the shot in areas that suffered the greatest damage. These birds were apparently unharmed. Beach patrols have recovered one severely injured sea otter and 14 dead sea otters, four dead harbor seals (one injured seal was observed but could not be recovered), 17 dead birds (one greater scaup, 9 harlequin ducks, 3 pelagic cormorants, 1 horned grebe, 2 common murres, and 1 oldsquaw duck), and more than 250 dead fish (mostly greenlings). All of these were found in marine areas except for a greater scaup which was recovered from a freshwater lake. Most of the animals and birds recovered appeared to have been killed by forces produced by Cannikin. Many of the fish died because they were stranded out of water on the intertidal areas along the Bering Sea Coast. One common murre and one harlequin duck died from unknown causes. Two sea otters died from natural causes before the test. Freshwater patrols during the same period found some three-spine stickleback and one Dolly Varden, undoubtedly killed by the Cannikin pressure pulse. These fish were recovered by seining in a lake located 1.5 kilometers from surface ground zero. (Similar mortalities were detected in two lakes after Milrow nuclear test in 1969.) Numerous live fish were recovered by this seining, so populations in this lake will undoubtedly recover. There were other freshwater mortalities but cause of death could not be definitely related to the storm on D minus 1 or to Cannikin.

D. Radiation

No radiation levels above pre-shot background have been detected on Amchitka Island or any other location.

VIII. EFFECTS ON SUPPORT FACILITIES

A preliminary damage survey of support facilities on the island, excepting those at surface ground zero, was conducted on D-Day and D plus 1. Measures had been taken before CANNIKIN to protect those facilities most susceptible to damage from ground motion. As expected, only minor damage occurred. At the Main Camp near the southeast end of the island, several minor plumbing leaks were discovered and corrected. Water supply to the Main Camp was cloudy with suspended silt but this condition represents only a minor inconvenience and is improving rapidly. The access road between the Main Camp and the Northwest Camp (Infantry Road) suffered minor damage at a few locations near surface ground zero. This road was open soon after the test, with instructions given to those using it to proceed with caution. The damaged portions of the road are being repaired and estimated completion is D plus five days. The access road off Infantry Road leading to the recording trailer park was also damaged. Repairs to this road are underway. The airfield and navigational facilities have been restored to operation and were given final FAA approval at 1000 hours on D plus 1 day.

Mr. Speaker, on November 15, Dr. James R. Schlesinger, the distinguished chairman of the Atomic Energy Commission, appeared before the Subcommittee on Public Works of the Committee on Appropriations, House of Representatives. Chairman Schlesinger briefed the members of that subcommittee on the Cannikin test. His prepared statement on the subject follows:

STATEMENT BY DR. JAMES R. SCHLESINGER

Mr. Chairman, I am pleased to have this opportunity today to report to the Committee on three activities of the Atomic Energy Commission which recently have attracted considerable Congressional and public interest.

These areas are: the proof test of the Spartan warhead for our Anti-Ballistic Missile system which took place November 6 on Amchitka Island; the implementation of the Federal Court decision in the Calvert Cliffs case; and the work we are doing to carry out President Nixon's policy of commercial demonstration of a fast breeder reactor by 1980 to help meet the nation's needs for clean energy.

CANNIKIN

First, let me discuss the Cannikin test on Amchitka.

As you know, before that test was conducted there were a number of melodramatic statments concerning the possibility of Cannikin triggering a major earthquake, causing a tidal wave, or otherwise resulting in substantial environmental damage. Based on our extensive experience and our calculations, we were confident there would be no such disastrous consequences.

I was present on Amchitka with my wife and two of my daughters when the Cannikin device was fired. Congressman and Mrs. Craig Hosmer also were there as was Congressman Orval Hansen.

I can report with pride that the Cannikin test appears to have been successful based on a quick look at the diagnostics, and we should now be able to introduce the Spartan warhead into the weapons inventory within the appropriate deployment schedule. From the environmental standpoint, damage was minimal. There were no large earthquakes, no tidal waves, no releases of radiation. To date there are no indications of any significant environmental impact beyond the area of the immediate test site, and none was anticipated.

As a matter of interest, it is possible that the nation may have received an unexpected benefit from the Cannikin test. Dr. E. R. Engdahl, a research physicist at the Palmer Seismological Observatory in Alaska, has stated the test may have provided information which will be useful in preventing spontaneous earthquakes. Dr. Engdahl has suggested that explosions such as Cannikin could be used to relieve stresses in the earth's crust, thus minimizing the chances of a buildup which would result in an earthquake. The matter merits further study by experts in seismology, both within the Commission and outside.

A MANDATE FROM THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 15 minutes.

Mr. ARCHER. Mr. Speaker, those of us in public life who seek to carry out the wishes of the people have a golden opportunity to do so by getting behind this national right-to-work legislation, of which I am proud to be a cosponsor.

We have no less than a mandate from the American people to pass this legislation as swiftly as possible. In fact, every reliable opinion poll ever taken on the subject shows that nearly two-thirds of the American people believe that union membership should be voluntary.

The most recent, of course, is the poll taken for the National Right to Work Committee by the Opinion Research Corp., Princeton, N.J., which was released—appropriately enough—on Labor Day 1971. That poll clearly showed that a national right-to-work law is favored by the American public by a 2-to-1 margin, and this includes a majority of union members' families.

For the RECORD, I would like to insert the complete results of that poll.

WHICH ONE OF THESE ARRANGEMENTS DO YOU FAVOR FOR WORKING IN INDUSTRY?

	Number of interviews		A man can hold a job whether or not he belongs to a union	A man can get a job if he doesn't already belong, but has to join after he is hired	A man can get a job only if he already belongs to a union	No opinion
	Unwanted	Wanted				
Total U.S. public	2,061	8,012	62	27	4	7
Men	1,031	3,854	61	31	3	5
Women	1,030	4,158	64	23	4	9
18 to 29 years of age	528	1,971	65	29	1	5
30 to 39 years of age	359	1,282	65	25	5	5
40 to 49 year of age	348	1,471	60	30	5	5
50 to 59 years of age	323	1,313	59	31	3	7
60 years or over	498	1,958	62	21	4	13
Less than high school complete	747	3,371	58	28	4	10
High school complete	679	2,743	61	31	4	4
Some college	623	1,848	72	21	2	5
Professional	290	946	76	18	2	4
Managerial	232	855	72	21	1	6
Clerical, sales	261	1,079	64	25	2	9
Craftsman, foreman	394	1,515	59	33	5	3
Other manual, service	421	1,798	53	38	4	5
Farmer, farm laborer	66	252	82	5	0	13
Non-Metro:						
Rural	263	958	75	15	1	9
Urban	391	1,655	63	25	4	8
Metro:						
50,000 to 999,999	583	2,223	63	28	3	6
1,000,000 or over	824	3,177	57	32	4	7
Northeast	464	2,038	59	29	4	8
North-central	611	2,205	59	33	3	5
South	599	2,447	68	20	2	10
West	287	1,322	62	27	6	5
Under $5,000 income	485	2,427	64	20	5	11
$5,000 to $6,999	309	991	56	34	4	6
$7,000 to $9,999	421	1,510	62	32	2	4
$10,000 to $14,999	492	1,760	60	33	3	4
$15,000 or over	311	1,158	68	23	3	6
White	1,828	6,968	63	26	4	7
Nonwhite	198	943	55	36	2	7
No children in household	1,032	4,213	62	25	3	10
With children under 18	1,026	3,794	63	29	4	4
With teenagers 12 to 17	463	1,895	60	30	6	4
Own home	1,383	5,185	63	27	4	6
Rent home	667	2,790	61	27	3	9
Union members	319	1,200	40	50	6	4
Union families	297	1,170	53	39	4	4
Nonunion families	1,423	5,534	69	20	3	8
Political affiliation:						
Democrat	910	3,654	56	32	4	8
Republican	467	1,632	75	17	3	5
Independent	515	1,960	62	29	4	5

In addition, support for the proposition that a man can hold a job whether or not he belongs to a union (the question asked of those being polled) clearly cuts across party lines. A solid majority of the Republicans, Democrats and Independents agreed on this.

One of the earliest polls on the subject was taken by the American Institute of Public Opinion in 1957. It asked Americans if they would vote for a law stipulating that each worker has a right to hold his job in a company, no matter whether he joins a labor union or not. A whopping 63 percent of the American public said "Yes," including 33 percent of union members. That latter figure, I might add, has since risen several percentage points and only a bare majority of union members now say they favor compulsory unionism.

On many occasions the American people have spoken loudly and clearly in behalf of voluntary unionism.

A nationwide survey released in 1966 revealed that by a 63- to 25-percent margin the American people believed that Congress should pass a law making all union membership voluntary rather than compulsory.

The American people are unimpressed by the union professionals' so-called "free rider" argument. Sixty-six percent of them insisted that even though a worker benefits from a union, he should be allowed to decide for himself whether or not to join. As the Washington Daily News put it then:

> Public opinion polls indicates that most Americans oppose compulsory union membership.

In 1966 the Senate refused to shut off debate on the bill proposing repeal of section 14(b) of the Taft-Hartley Act and it was ultimately laid aside. Significantly, a top public relations man for a major union was quoted at the time as saying:

> In public relations we're taught to evalute public opinion and adopt procedures consistent with the public interest. Every survey I've seen, even the one taken among our own men, shows that the public is opposed to repeal of 14(b). Yet, Congress is being pressured into going against the public interest and abridging one of our basic freedoms: The individual's freedom to choose.

To borrow a phrase from our distinguished Secretary of Labor, union professionals in 1965 and 1966 were out of step with the rank-and-file. Indeed, they were out of step with the country as a whole.

The AFL–CIO's own poll on the subject in 1966 showed this clearly. As an Associated Press feature described it:

> The report, based on the most extensive survey ever made among union members, concludes that labor leaders aren't talking the same language as their members on many political, economic and social issues . . . The union shop issue, the AFL-CIO's top legislative goal until its defeat in Congress last year, "got practically no support" from the union members polled . . .

That poll, the AP report continued:

> showed many union members disagreeing with AFL–CIO political endorsements, civil rights activities and legislative goals on Social Security, minimum wages, unemployment insurance and workmen's compensation. The survey "showed only 35 percent supporting AFL–CIO policies" on some issues, said an informed source.

AFL–CIO President George Meany has the only complete copy of that poll, which is tucked away in some carefully guarded file. It has yet to see the light of day. A particularly illuminating column on it by nationally syndicated columnist Ralph de Toledano has, however, just recently "seen the light of day." I would like to insert it here for the RECORD:

IN WASHINGTON—GEORGE MEANY LEARNS THE TRUTH—AND HIDES IT

(By Ralph de Toledano)

For years, an embattled organization known as the National Right to Work Committee insisted that George Meany and the labor sachems of the mass unions not affiliated to the AFL–CIO did not represent the rank-and-file member. This was brushed aside as self-serving propaganda and ignored by senators and congressmen whose political existence depends on the largesse of Big Labor.

Then came the wage-price freeze last August—and while Mr. Meany screamed and threatened, the press began noticing that a preponderance of union members favored the President's action. AFL–CIO public relations types indignantly denied this and complained that stories to the effect were part of an Administration drive to force a wedge between the rank-and-file and the labor leadership.

At this point, Opinion Research, Inc., of Princeton, New Jersey—in my book, the most reliable of all polling outfits—conducted a nationwide survey which showed conclusively that Mr. Meany and the boys were in reality out of step with the dues payers. A majority of union families felt that Big Labor and its bosses did not represent them and had led the country down the road to runaway inflation. But the Washington press corps, now guilt-ridden because it had dared to question Mr. Meany's credentials, largely ignored the Opinion Research poll.

There is more than a little significance to this recital of past history. For it has now been learned that Mr. Meany has been suppressing a survey on union member attitudes taken by the polling firm of John F. Kraft for the AFL–CIO. This poll, the largest and most intensive ever taken of union members, corroborates fully what the National Right to Work Committee, the post-freeze press, and Opinion Research have been saying. In fact, the extent of rank-and-file disagreement with the political, social, and economic positions taken by the AFL–CIO is greater than many had believed.

The AFL–CIO, which frequently fulminates against "suppressed" government reports, was so rocked by the results of the poll it had paid for that it worked mightily to keep the contents secret. Of more interest, however, has been Mr. Meany's reactions to the findings. Not for a moment did he consider changing the policies opposed by those whose dues keep Big Labor's outsize bureaucracy in groceries. Instead, the labor sachems decided to spend the dues payer's money on Madison Avenue gimmicks to sell their program.

Adding extravagance to injury, the AFL–CIO is working on plans to dig deeply into its treasury to finance 5-minute radio shows, television programs, and newspaper advertising to convince the rank-and-file that Big Daddy is right and they are wrong. Since some 45 percent of union members voted in 1968 the way George Meany and Big Labor told them *not* to, this will be quite a job—and you can be sure that some Madison Avenue public relations firm will make a pot of money out of it.

But the Meany strategy goes beyond this. It is no secret in Washington that Mr. Meany and the labor members of the Pay Board plan to walk out unless they get just what they want and not an inch less. But with the only complete copy of the Kraft report in his pocket, Mr. Meany wants to make it look as if he is bending to the will of his membership when he makes his play at sabotaging the Administration's economic policies. So the walk-out, according to present plans, will be staged after the AFL–CIO Executive Board holds its annual chicken-fry at Miami Beach in December.

But this may present a problem. For it is just possible that the entourage of labor reporters who take the sunshine in Florida with Mr. Meany may raise the question: Who does the Executive Board represent? The answer, of course, is: Mr. Meany and the AFL–CIO bureaucracy. The rank-and-file did not elect the Executive Board. The rank-and-file, with very few exceptions, has almost nothing to say about what men will hold union office—from business agent and up. In fact, in their palmiest days, the big-city machines of New York, Philadelphia, Hoboken, Chicago, and points east and west, never had it so good or so safe.

George Meany has been president of the AFL–CIO for decades—and woe unto the man who tries to challenge him. He has as much chance of success as a Chicago ward-heeler who tries to take on Mayor Richard Daley. The AFL–CIO has refined the "one man, one vote" principle to the point where the one man is George Meany and the one vote he casts is deciding. This is called "labor democracy"—which is as good a way of saying it as any.

Another poll, conducted just this year, shows that union professionals continue to be out of step with those working men and women whom they purport to represent. Released on September 25, by the Opinion Research Corp., it shows that 63 percent of union families feel that union leaders have fallen down on their public responsibilities and poorly represent the interests of the working man. The same poll showed similar disenchantment with other goals arbitrarily set for the Nation's workers by its so-called spokesman.

The question naturally arises: How do union officials maintain their grip on union members? The answer was summed up recently by Mr. De Toledano, who noted:

> Membership in most industries and in a majority of the states is compulsory, and if the rank-and-file attempts to withdraw, it can do so only if it is ready to give up its livelihood.

Mr. Speaker, it is abominable that a practice such as compulsory unionism is even tolerated in our free society. Let the word go forth that we will respect the mandate of the people and enact this national right-to-work law. Let us have relief from this oppressive abuse of individual freedom. Thank you.

SOLUTION TO POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, it has been noted by a researcher on river pollution that in 10 seconds, 140 tons of U.S. soil is carried out to the sea by the Mississippi River and its tributaries. In 24 hours, we lose over 2 million tons to the Atlantic, the Pacific, and the Gulf of Mexico. This is our best soil, mostly from farm areas, that is going down the river and into the seas where it becomes totally inactive and where it will never be productive. Much of this soil stops in the river beds behind our dams where it also becomes unproductive and in addition, becomes a hazard to our flood problems.

As long as this soil, or any part of it, hangs in balance in these waters, it is contaminated by pesticides and chemicals for weed control and by fertilizers. They can only ride into the water areas on particles of soil. Since we know how to keep this from happening through and with watersheds, why not give this the highest priority. This makes sense when we know we can do so much more with the dollars we will invest in the solution to pollution by way of the development of our small watersheds.

Mr. Speaker, there is no real solution to the pollution of our water until we complete the small watershed programs in America.

REPORT ON RACISM IN THE U.S. MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. CHISHOLM) is recognized for 30 minutes.

Mrs. CHISHOLM. Mr. Speaker, the congressional black caucus has been conducting this week a full set of extensive hearings into the blatant racism which pervades and cripples the military of this Nation. Because of the apparent lack of concern for the welfare of black servicemen fighting for this country by both the House and Senate Armed Services Committees, the black Members of this House feel compelled to remind the body of its duty to serve the interests of all, and to move on in spite of apparent congressional apathy.

Today I am officially releasing the contents of the findings of my chief assistant, Mr. Thaddeus Garrett, Jr., who just 3 months ago completed a 6-week fact-finding tour of American Air Force and Army bases in the NATO countries of Germany, Turkey, and Greece.

The purpose of his report is not to provide a comprehensive view of how the system of military justice functions, nor to return a blanket indictment against the U.S. military. It is rather expressly written to inform the public and the Congress of the "subtle" racism which has literally crippled and impaired the effectiveness of American troops in NATO countries.

The subtle racism that pervades the military is a disease not easily recognized by many white commanders, who have risen through the ranks throughout the years, and consequently, is really somewhat intangible. This discrimination has created an atmosphere which tolerates and generates an apparent disrespect for black officers as well as black noncommissioned officers.

Upon his return, Mr. Garrett presented both Congressman DELLUMS and me with a thorough briefing providing graphic illustration through tapings of direct testimony from black GI's overseas, as well as photographs depicting conditions of stockades and base housing.

While in these countries, Mr. Garrett served as the personal "eyes and ears" of the caucus, conducting extensive open and closed meetings with servicemen, as well as their commanders. He further met for nearly 3 hours with Gen. Michael Davison, the commander in chief of all U.S. forces in Europe, and as a result of his meeting was able to establish a direct line of communication, and I hope cooperation between the general and the congressional black caucus.

The report follows:

A REPORT ON RACISM IN THE U.S. MILITARY—OUR MEN ABROAD

INTRODUCTION

This report is a synopsis of some of the major findings of a six-week investigation of several United States air and army bases or compounds in Europe during July and August, 1971, by Thaddeus Garrett, Jr., Legislative Assistant to U.S. Representative Shirley Chisholm, chairman of the Congressional Black Caucus Military Affairs Committee.

The purpose of this report is not to provide a comprehensive review of how the system of military justice functions nor to return a blanket indictment against the U.S. military. It is rather expressly written to inform the public and the Congress of the "subtle" racism which has literally crippled and impaired the effectiveness of American troops in NATO countries. My specific mission carried me to bases in Germany, where the great bulk of racial tension exists, Turkey and Greece.

The subtle racism that pervades the military is a disease not easily recognized by many white commanders who have risen through the ranks throughout the years, and consequently, is really somewhat intangible. This discrimination has created an atmosphere which tolerates and indeed generates an apparent disrespect for Black officers as well as Black non-commissioned officers, and makes the life of a Black serviceman overseas undesirable. For those who have been drafted off of the streets of our nation's ghettos and thrown into a new and wholly foreign environment, the problems of existence are even more compounded and complex. I further fear, after many discussions with those who sit in the seats of command, that the explosiveness which prevails is made more serious by the amazing fact that many of those in command positions on all levels refuse to realize that even in a relatively controlled society as the military, racism can and does exist. When the refusal to acknowledge the existence of a problem occurs, the search for that problem's solution is even greater and more insurmountable.

There have been innumerable complaints from Black servicemen urging that the entire area of military justice, the NATO Status of Forces Agreement and how it affects American men in Europe be reviewed. The time has come for Congress to begin to exert all due influence on the State Department and, in turn, on foreign governments which are U.S. allies in the NATO Alliance to begin to amend this agreement because some of our men, indeed many of our men, have been literally "taken to the cleaners" by the courts in our NATO allied countries.

There must be pressure from the top on down—pressure in the sense that there must be a firm commitment from all top military brass to the idea that discrimination in the United States military will not stand. It must be made clear to base commanders, to unit commanders, and to the top command in Washington that the Congress will stay on top of all incidents of racial discrimination and will open up all channels for Black servicemen with complaints. Further it must be made very clear that Congress is going to take a stand against appalling conditions such as those in stockades and places of incarceration.

The American people have vested their trust and only sure investigatory recourse in the Congress of the United States. This trust must be realized in the full usage of the constitutional power and responsibility of oversight. For too long now, the military has been allowed to exist as a closed and unresponding structure of government. While we have seen the enactment of landmark human and civil rights laws, we have closed our eyes to and diverted our attention from the basic rights which have long been denied and suffering which has too long been endured by these minorities who serve this nation in combat. This report seeks only to aid in the conveying to those in the positions of governmental power, the urgent and earnest plea of a tired, scorned, and unwanted Black serviceman wandering in a foreign land.

ADMINISTRATION OF JUSTICE

The quality of military justice which Black servicemen receive is, in an overwhelming number of cases, extremely poor. Confronted by the discriminatory actions of both commissioned and non-commissioned officers, there exists an increasing feeling of resentment and tension among Blacks, reinforcing the potential of this explosive situation.

Black servicemen were quite open about their problems. They told of their impatience for action in their behalf and were quickly losing any faith that it would be forthcoming. They expressed total distaste for past congressional investigations and indicated their weariness of politicians who seek only to use the plight of the Black serviceman for their own political well-being. It is their belief that whenever a public inquiry is conducted, military authorities send the men "into the fields" to keep them away from the investigators.

In general, the feeling among Blacks stationed in Europe is that military standards apply in different degrees to whites than to themselves and that these standards are more stringently enforced on Blacks than they are on whites, resulting in a disproportionate number of Blacks being held on bad conduct charges and occupying the stockades. This feeling of dissatisfaction does not stop with enlisted men. Black commissioned officers as well have expressed concern over the slow pace of Black advancement in the military.

The general consensus among young Blacks is that the potential for violence is quite real. This, they admit, stems from their total frustration at the manner in which they have been treated and their hopelessness as to the prospects for change. Almost one hundred percent of the Blacks who met at mass meetings to discuss the conditions on their respective bases indicated a firm belief that the uniform code of military justice is discriminatorily applied.

Military justice is divided into two levels—judicial and non-judicial. *Judicial action* is basically the court proceedings and involves many of the due process guarantees of the American judicial system. Non-judicial action concerns the administration of discipline at the company level.[1] In process, this practice, Blacks complained, is carried out in an arbitrary style, that company commanders dispense punishment too loosely at their discretion. They felt that their basic constitutional rights were, to a large extent, being purposely ignored.

A source of a number of grievances revolves around the extensive usage of "article fifteens" and pre-trial confinements. Article Fifteen of the M.C.J. gives authority to the commanding officer to inflict non-judicial punishment on enlisted men for infringements of regulations. A serviceman has the option of a trial but invariably selects company imposed punishment to avoid court martial proceedings.[2] Blacks are convinced that white soldiers are either not punished or receive lesser punishment for the same offenses committed by Blacks. They told that, from personal observation, Blacks were receiving Article Fifteens at a greater rate than whites, in many instances because military standards were simply being applied according to color. This is borne out statistically. They also believe that because Blacks fear the consequences of challenging white authority and because they lack adequate knowledge of the Uniform Code of Military Justice, they tend to accept Article Fifteen charges rather than pay to a greater degree for questioning the situation. This outright coercion hangs as a threat to those Blacks who seek to speak out. Many conveyed the pressures which have been applied.

The following statistics show a disproportionate amount of special, general, and summary court-martials being given to Black servicemen.

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[1] NAACP Report, p. 9.

[2] NAACP Report, p. 9.

1971 UCMJ PUNISHMENT[1]

Month	Black		White	
	Number	Percent	Number	Percent
i a l courts-martial:				
January	5	29	12	71
February	9	48	10	52
March	3	23	10	77
April	7	35	13	65
May	6	46	7	54
June	2	22	7	88
July	9	45	11	55
Total	41		70	
Summary courts-martial:				
January	10	38	16	62
February	7	46	9	54
March	3	23	10	77
April	9	50	9	50
May	3	17	15	83
June	3	15	17	85
July	6	29	15	71
Total	41		81	
General courts-martial:				
January				
February			1	100
March	5	83	1	17
April	1	100		
May				
June	2	67	1	33
July	2	100		

[1] Provided by Gen. William Coaft, Third Armored Division, Frankfurt, Germany.

Pre-trial confinement is often arbitrary and discriminating in its application to Blacks. Individuals can be confined for thirty days without being formally charged. If authorities desire to extend the confinement of an individual the permission of the officer exercising general court-martial jurisdiction must be obtained.[3] This procedure is often done by phone call and the confined serviceman is therefore denied the chance to enter a statement opposing this extension. Black servicemen told of cases where Blacks, who had already been confined for several months, were still awaiting the preferment of formal charges. They claimed that many Blacks in pre-trial confinement are innocent—that they were being framed merely because they are Black or because they have openly spoken out against military policies. They also revealed that they knew of several cases offhand where delays for trial had already reached as much as six months.

SOLDIERS HELD IN PRETRIAL CONFINEMENT

	Average number of prisoners[1]	Percent black
1970:		
July	452	49
August	444	54
September	421	59
October	407	60
November	428	62
December	412	[2] 62

[1] Black and white, in confinement for any reason.
[2] NAACP Report, p. 15.

The system of administrative discharge is also felt to be arbitrarily imposed upon Black servicemen. The NAACP Report and military case files reveal that Black veterans, particularly ex-Marines, feel that they have been given other than honorable discharges on the basis of race, often because they overtly challenged discriminatory practices while in the service. The NAACP Report stated that Blacks receive 45% of all the discharges issued below the category of honorable. This includes the entire armed services.

Black servicemen profoundly distrust legal counsel available to them—be it military or civilian. There is a general complaint about the exorbitant cost of retaining civilian lawyers. At Chakmali Air Force Base in Turkey, Blacks complained that good lawyers were being discouraged by the command from taking cases. The same grievance was voiced at Mannheim and Frankfurt Bases in Germany—that lawyers are not really free to take cases because of pressure put on them through the idea that their career would be jeopardized by defending a Black and therefore, offending the command. Thus, because of a genuine lack of trust and confidence in lawyers, especially those supplied by the military, Blacks are unfamiliar with the alternatives open to them and consequently, suffer injustices which they do not merit.

At all European bases visited, Black servicemen reported that Blacks are treated with utter contempt by whites in the stockades. They also told that Blacks dominate the cell blocks because whites generally receive lesser sentences. Many times, it was reported, Blacks are put into the stockades after having been provoked into a fight by being called degrading names or just by having insults thrown at them by whites on the base and off. Relative to treatment in the stockades, Blacks spoke of times when they were severely beaten by guards for no reason at all and then denied medical attention. Some were sure that they had been beaten on orders from the command. Others spoke of times when, because of total frustration at seeing fellow Blacks being mistreated right before their eyes, they broke down and cried. At Mannheim, Germany, one Black soldier Pvt. James Mathews, 440th Signal Batallion, related the following incident:

"I have just been released from Mannheim Confinement Center—about a month ago. While in the stockade—I was placed in the box for causing a disturbance. There was no disturbance. I have proof to the fact. I was put in the box and wet with a hose. I don't know the exact amount of pressure the hose contained but it is said to be five hundred pounds of pressure. I'm not sure to this fact. They soaked me and my cell partner with the hose and left us in there for two days to lay in the water in our wet clothes—no beds, nothing. We stayed there. We asked for medical treatment. The medical man came around. They gave us no kind of help whatsoever. They asked us if we were okay. This is their daily routine—to ask if you're okay. If you're not, they'll come later on and see. That's all. I was sick. I told no one because I knew nothing would be done about it. For two days, this happened on a Friday, I didn't have any help until Monday when some NCO's came around . . . most of my time in Mannheim stockade, I was kept in the box for small things. Some I never did. Private guards put me in the box who had no rank, no authority. They threw me in the box and just said, 'Well, you can talk to the sergeant in the morning.' Sergeant (James) Witcher is responsible for the whole incident. He is a sergeant at the stockade. He has beaten prisoners in the stockade, Black prisoners. He has beaten whites also. But the whites are most likely scared to tell of the incidents because of Sargeant Witcher . . . my Unit, which is 440th Signal, is commanded by Colonel (name inaudible, possibly Colonel Herb). The situation with (this Colonel) and the Blacks has been critical . . . (he) has sent every Black I know that has stood up to him straight directly to Mannheim Confinement Center . . . he has just today transferred about three Blacks out of the company who he could not get out any other way. . . ."[4]

The following statistics exemplify the condition of over-representation by Blacks in the stockades.

STOCKADE POPULATION, 3D ARMORED DIVISION, FRANKFURT, GERMANY, 1971

	Black		White		Others	
	Number	Percent	Number	Percent	Number	Percent
Month:						
April	22	42.0	31	58.0		
May	25	45.5	27	49.0	3	5.5
June	22	46.0	24	50.0	2	4.0
July	20	54.0	15	40.5	2	[1] 5.5

[1] Provided by Gen. Wm. Craft, 3d Armored Division, Frankfurt Germany.

This incident is only one example of unjust military standards and tactics which Blacks and whites must fear while in service to their country. The crux of the problem obviously lies with those who have the authority to take appropriate action. The strength of military leadership, in many cases, is at a very low level. Pains must be taken to correct this condition.

PROMOTION AND EMPLOYMENT

Military promotion and hiring practices are of great concern to Black servicemen. Pointing to the scarcity of Black officers and Blacks in high ranking jobs, they suggested that discrimination is prevalent among those with the authority to hire, fire, promote, and degrade. Black officers, almost all of whom are older, lack rapport with younger Blacks and are considered tokens and pawns of the military and tangible incentives and divisible rewards for Black servicemen. It is felt that they offer little help.

At Athenai Air Base in Athens, Greece, Blacks expressed a firm belief that performance reports and qualifications test scores were being purposely altered or inexplicably lost in personnel offices, giving whites priority in Base employment. They said that many Blacks assigned to positions are not given the actual power and authority that normally accompany the jobs. Blacks also feel that they are not being given jobs which provide adequate exposure to areas which give a greater base for future tests for better jobs. When they apply for jobs, Blacks noted that they are heavily scrutinized and often declared ineligible for employment, whereas whites who frequently have lesser qualifications, are reviewed somewhat superficially and given more priority.

Blacks at Mannheim, Germany, were also concerned about discrimination in employment opportunities. One serviceman said that when Blacks apply for jobs, they are often told that, "we don't have any openings," "we don't need this," "we don't need that," "we can't use you," or "we're overstrengthed." When complaints are filed about these conditions, the same excuses are given. In his Division, this serviceman reported that there is not a single Black in personnel management, processing, financing, or recording, and that whites who were no more qualified than Blacks are now holding these positions.

Another serviceman told that upon returning from leave, he found that he had been replaced at his job in the base gymnasium, even though he had the qualifications and experience necessary for the job. He was offered no explanation for his dismissal.

A related incident, at the Mannheim Compound, involved the firing of a Black who also worked in the base gymnasium. He was told that a school major in physical education was needed for his particular job. Two whites were hired in his place. One of the whites had a major in English and the other a major in industrial arts; both having minors in physical education. A Black with a physical education major and two years of teaching experience behind him, who was a member of the Division, was never considered for the job.

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[3] NAACP Report, page 14.

[4] Interview with Private James Mathews, Mannheim, Germany.

Relative to promotion policies, the Third Armored Division at Frankfurt, Germany, set forth that "All of the Command will be given equal opportunity and treatment irrespective of race, religion, or ethnic or national origin. Every man will be judged on the basis of his job knowledge, his job performance, his on-duty and off-duty conduct as a soldier. Every member of the Division will be given equal opportunity to compete for promotions and privileges . . ." Yet, Black servicemen revealed that they knew of cases where Blacks had been in the service for a year or more and still had the rank with which they started. They claimed that when Blacks are up for promotion, in too many cases efficiency ratings are changed on orders from the Command by those who have access to the files. The following statistics show a clear discrepancy between what is military policy and what is actual fact.

1971 PROMOTIONS—3D ARMORED DIVISION

	Blacks		Whites	
	Number	Percent	Number	Percent
April:				
E–3 to E–4	22	11.0	182	89.0
E–4 to E–5	22	8.0	238	92.0
May:				
E–3 to E–4	49	12.5	341	[1] 87.5
E–4 to E–5	32	13.2	209	[1] 86.8

[1] Provided by 3rd Army Division, Frankfurt—General Craft.

In these two months, April and May, 1971, of 1095 promotions, the Third Armored Division, Frankfurt, only 125, or less than 11.2%, were awarded to Blacks.

	Blacks		Caucasians	
	Number	Percent	Number	Percent
June:				
E–3 to E–4	7	9.3	68	90.7
E–4 to E–5	5	7.1	65	92.9
July:				
E–3 to E–4	78	16.0	408	84.0
E–4 to E–5				

1971 PROMOTIONS—AVERAGE TIME IN GRADE BEFORE PROMOTION

June	Blacks (months)	Caucasians (months)
E–3 to E–4	6.7	4.6
E–4 to E–5	17.1	[1] 8.6

[1] Ibid.

Note: These facts are self-explanatory.

ENLISTED PERSONNEL BY GRADE

[Compiled Dec. 31, 1970]

Navy	Whites	Blacks	Others	Total	Percent black
E–9	3,282	52	41	3,375	1.5
E–8	8,635	283	176	9,094	3.1
E–7	36,323	2,134	1,655	40,112	5.3
E–6	71,344	5,494	4,215	81,053	6.8
E–5	88,552	4,269	3,772	96,593	4.4
E–4	121,552	3,622	4,892	130,066	2.8
E–3	117,849	6,625	7,640	132,114	5.0
E–2	55,690	6,482	1,077	63,249	10.2
E–1	9,481	1,464	297	11,242	13.0
Total	512,708	30,425	23,765	566,898	[1] 5.4

ARMY (COMPILED DEC. 31, 1969)

	Total	Percent black
E–9	5,195	6.1
E–8	17,662	11.1
E–7	59,567	16.6
E–6	105,382	20.7
E–5	204,472	11.0
E–4	343,178	10.9
E–3	170,678	11.2
E–2	171,066	7.6
E–1	183,194	5.0
Total	1,260,394	10.7

MARINE CORPS (COMPILED DEC. 31, 1970)

E–9	1,107	2.3
E–8	4,219	5.3
E–7	8,884	10.5
E–6	15,648	13.4
E–5	30,052	10.6
E–4	39,882	8.1
E–3	42,815	10.4
E–2	33,512	13.6
E–1	32,448	14.2
Total	208,567	[1] 11.2

[1] Provided by Office of the Chief of Naval Operations (Zumwalt)

AIR FORCE (COMPILED DEC. 31, 1970)

E–9	6,413	3.0
E–8	12,842	4.4
E–7	46,470	6.2
E–6	85,345	10.1
E–5	146,296	14.7
E–4	159,555	10.7
E–3	110,148	11.8
E–2	46,959	14.8
E–1	12,794	18.3
Total	626,822	[1] 11.7

OFFICERS BY GRADE

NAVY (COMPILED DEC. 31, 1970)

	Whites	Blacks	Others	Total	Percent black
07–10	313	0	0	313	0
06	4,228	3	1	4,232	.1
05	8,319	25	20	8,364	.3
04	14,930	82	50	15,062	.5
03	20,990	123	59	21,172	.6
02	16,917	103	45	17,065	.6
01	6,875	82	28	6,985	1.2
Total	72,572	418	203	73,193	[1] .6

ARMY (COMPILED DEC. 31, 1969)

	Total	Percent black
07–10	513	0.2
06	6,319	.9
05	16,469	4.1
04	24,220	5.2
03	42,656	3.7
02	22,589	2.6
01	30,636	1.7
Total	143,402	[1] 3.7

MARINE CORPS (COMPILED DEC. 31, 1970)

07–10	78	0
06	751	0
05	1,634	.2
04	3,534	.3
03	5,317	1.4
02	7,477	1.5
01	3,039	1.9
Total	21,830	[1] 1.2

AIR FORCE (COMPILED DEC. 31, 1970)

07–10	429	0.2
06	6,133	.4
05	14,933	1.2
04	25,903	1.7
03	49,389	2.2
02	16,199	1.4
01	14,857	1.2
Total	127,843	[1] 1.7

It is rather clear from these statistics that the military practices discrimination in its promotion policy. It is the objective of the United States and therefore the United States military to ensure freedom and equality for its citizens. Yet, the military openly defies this standard. Frustration and resentment is felt by low ranking Blacks who believe that they have either been denied or not considered for jobs which have been offered to and filled by whites with similar or lesser qualifications. The result is a further breakdown in Black-White relationships on the base. With such open discrimination and lack of satisfactory action on the part of those in power, Blacks feel a growing alienation towards the military.

SOCIAL AND CULTURAL PROBLEMS

American military social values place a great deal of emphasis on individual and inherited characteristics and membership in a community or group. The military has seemingly categorized its servicemen into social classes, and in the process has denied the Black serviceman the right to his own life style. Cultural aspirations have been repressed. The very things which serve to arouse group awareness—special and personal names, dress, and mores—have been racially insulted. Through social embarrassment and intimidation, Blacks, have, in essence, been denied human dignity. In the United States and overseas, through both personal interviews and letters, they have expressed repeated complaints about the discriminatory practices of Whites and local civilians on and off base. They feel anger yet they feel apprehensiveness.

Thus, immense problems lie in this area. One Black soldier at the Mannheim Compound, Pfc. Donald Barbar, reported that Blacks there are already talking in terms of revolution and that some type of violence is inevitable, that they just do not care anymore. He also said that Blacks are often reprimanded for gathering in groups of more than three at a time, that, at times, they have gone out into the woods in the early morning hours just so they would be able to converse privately. Sometimes, when they are discussing subjects such as Black History, officers have been critical and have ordered an end to the discussion. Rather clearly, this is an overt denial of the constitutional freedoms of speech, association, and privacy.

In Greece, at Athenai Air Base, Black servicemen indicated that they are particularly resentful of the fact that the base hospital frequently refuses to admit Blacks and give to them full medical services, to which they are surely entitled. They complained of the lack of beauty parlor service, of Black entertainment, of discrimination in Greek bars and clubs, and that after they made these conditions known to the base commander, no satisfactory action was taken to alleviate the problem. After having reviewed the services available at Athenai, these complaints held apparent validity.

At Chakmali Air Force and Army Base in Turkey, there were complaints that neither Black literature nor periodicals were provided in either the PX or the Base library, which the total unit helps to fund. This situation, in fact, was found to be most common throughout our bases in Europe. Furthermore, the Base made no response in any way to the many requests that Black literature be provided. There was also testimony of discrimination in intramural sports, especially in the procedure used to set up teams and rules for eligibility to participate. Base entertainment is subsidized by a general fund—paid into by all servicemen. However, on almost every base visited, there is a lack of opportunity for Blacks to plan for the dispersal of such program funds.

At Mannheim, too, grievances were voiced over racism practiced by both Germans and White Americans. Blacks complained of segregated bars and other places of accommodation, that it is impossible for them to socialize except at the base, and that, for the most part, their grievances fall on deaf ears and undue procrastination. Often, a complaint registered will never reach anyone with the authority to take action. Relative to appearance, Blacks claimed that they are being deprived the right to wear an Afro-style haircut, thus depriving them of personal freedom and happiness. They also pointed to the lack of any real effort to obtain Black entertainment. They spoke of only two clubs in the city which are open to Blacks and even in these places, they felt an uneasy atmosphere and overwhelming tension. They were usually stared at, and have been the targets of sarcasm and mockery by others. One Black serviceman told of the following incident at a Frankfurt club:

"About nine Black servicemen approached the entrance of a nightclub which had a sign on its door reading "Admittance for Members Only." When they knocked on the door, a man answered it and, without provocation, threatened to call the police. The servicemen insisted that they had done nothing wrong and that other people, who were not members, were entering. They were then told that a coat and tie were necessary for admittance. After observing others entering and seeing that this was not the case, they were told that the club was overcrowded and that members only were being admitted at the time. This also proved to be false. After a short while and without using force, these Black servicemen went inside. Immediately, they were remarks about "colored boys." With tension building and violence imminent, the Black servicemen, wanting to avoid trouble, left. At the base, they reported the incident to Lt. Col. Porter, the Base Commander, who was somewhat indifferent. They tried to reach another colonel but were denied the opportunity. Their grievances went unheard and subsequently, nothing was ever done about the situation."

I personally visited this club and found the owner to be in command of a hostile and condescending attitude toward Blacks.

Besides complaining about the lack of a direct line of communication to the Base Commander about Black problems, Black servicemen also made mention of the fact that "soul" food was not provided and in particular, that they were explicitly ordered, time and time again, to refrain from using the Black power salute, something they consider to be a personal means of communication and unification. They spoke of being treated in terms of "they all are the same," "they all do this," "they all do that."

Other complaints revolved around reprimands for length of hair—such as being put on "KP" detail. Blacks were especially disturbed about being told not to listen to or play soul music. In one instance, they reported that the commanding officer ordered them to shut off soul music, though it was bothering no one when later on, white servicemen, who were throwing liquor bottles out windows and blasting music, were not even given so much as a warning.

It was found in Germany especially that very often base commanders over-react to the gathering of Blacks. There is a definite parallel to situations of this nature that exist in our own cities with police overreaction. One night, upon being alerted that a riot was to take place in Hanau, Germany, I spent the entire night going in and out of bars talking with both white and black servicemen. I found that the real stimulus to any outbreak of violence was the over-abundance of military police on the streets. There must have been five MP's or more per black soldier in bars and clubs. Many of the white MP's were not wearing name plates. Black servicemen told me that the absence of a name plate (the wearing of which is Army regulation) prohibited them from being able to report an MP if such a case arose. This type of experience serves as a clear example of a prevailing harassment which very often can ignite serious conflict and confrontation.

Discrimination is also present in on and off base housing conditions. It particularly affects married black servicemen who are provided with small allowances for dependents. On base housing is predominantly restricted to those with the rank of E-5 or above. Since blacks are disproportionately represented in these ranks, there exists an enormous problem among blacks when it comes to seeking housing off the base. In addition to this, when they search for off base housing, they run into the same type of racial practices which exist on the base. They reported having to pay more than white servicemen do for the same unit. Frequently, they are simply denied housing even though there are vacancies.

Black servicemen complain that the military has done literally nothing to alleviate the situation. Some military housing offices have turned their backs to the problem, giving it no acknowledgement of existence. They have continued to list places of residence which they know to be discriminating, knowing that this is in violation of military regulations. This indifferent attitude on the part of military authorities has only served to perpetuate the entire problem of racism in the military.

Black women teachers reported having difficulty finding placement. One elementary school in Frankfurt has approximately seventy teachers, only three of which are Black. A lack of Black administrators in the schools was also indicated. Only one was said to be known in Heidelberg. In Weisbaden schools, there were complaints about the miniscule usage of Black studies materials. Elementary schools receive them yet fail to make use of them, while high schools do not receive these materials at all. Regulations concerning this matter state "may teach" rather than "must teach." In other words, schools have the option of whether or not to accept the Black studies program.

Letters from Black servicemen indicate that the situation is comparable at bases in the United States. Blacks at Minot Air Force Base in North Dakota wrote that a big problem is hair length and methods of regulation enforcement and cite as an illustration of the issue, the following example.

Recently, pictorial guides were distributed on the base displaying the way blacks would be permitted to wear their hair. Immediately, there was discontent and constructive effort on the part of Black airmen to change the situation. Yet, it persisted. To further press the standards, "roving patrols" were initiated. Composed of a commissioned officer, a non-commissioned officer, and a photographer; their responsibility was to seek out violators, photograph them, and prosecute them.[5]

This gives rise to questions. "Is the roving patrol a repressive and oppressive concept?" "Does the right to be refused to be photographed exist?" "Does this restrict the freedom to privacy in personal appearance?" Rather obviously, the answers here are all definitely "yes."

These are merely a few of the examples which "typify" the sort of freedom Black servicemen are permitted in pursuing their life style. They are required to protect the integrity of democracy and the cultural values of those here in America and those abroad. Yet, they themselves lack the very benefits of these concepts. Military life has extensively deprived its Black servants the right to lead a normal life.

NATO STATUS OF FORCES AGREEMENT

The jurisdictional authority of the NATO Status of Forces Agreement is presently being questioned regarding the cases of Privates Bernard Tucker and Nathaniel Holmes. A review of NATO-SOFA reveals the following information:

A. The guarantees under Article VII, Section IX:

This particular section pertains only to those men who have been tried in a foreign court. "Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving state, he shall be entitled:

1. To prompt and speedy trial;
2. To be informed, in advance of trial, of the specific charge or charges made against him;
3. To be confronted with the witnesses against him;
4. To have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the receiving state;
5. To have legal representation of his own choice for his defense, or to have free or assisted legal representation under the conditions prevailing for the time being in the state;
6. If he considers it necessary, to have the services of a competent interpreter; and
7. To communicate with a representative of the government of the sending state and, when the rules of the court permit, to have such representative present at his trial."[6]

B. In the same treaty: "The receiving state and sending state shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense."[5]

Privates Tucker and Holmes were convicted of the attempted rape of a German girl in December, 1970. They were sentenced to three years in jail. While their case was on appeal, Tucker and Holmes left Germany. This took place during the first week in June, 1971. They flew to the United States and enlisted the assistance of Representative Shirley Chisholm. They voluntarily surrendered to the Pentagon on June 9, 1971.

The trial of Tucker and Holmes was in direct and clear violation of NATO-SOFA, Article VII, Section IX, in the following respects:

A. Tucker and Holmes were denied the right to a prompt and speedy trial. The alleged offense occurred on July 4 or 5, 1970. Trial was held in December, 1970.

B. Tucker and Holmes requested certain witnesses who said they would testify in their defense. They were told by authorities that they would fare better if they had fewer witnesses. Material witnesses departed Germany in the ensuing weeks. The United States representatives had a responsibility to (1) flag the potential witnesses or (2) in the alternative, to request that they be returned to Germany from the States if these witnesses were still under military jurisdiction, or if these potential witnesses were no longer members of the armed forces, to seek them out and inform them that Tucker and Holmes had requested their presence and would be willing to finance their trip back to Germany.

C. Tucker and Holmes were denied legal representation of their own choice for their defense. Both men requested that they be represented by an American civilian attorney. Yet, they were told that Americans were not permitted to practice in German courts and that the Army would pay for a German attorney to represent them. Tucker and Holmes, not being learned in the German language, requested that this argument be presented to both American authorities and the German Court. They assumed their German attorney had done so. In sum, they were denied the right to have legal representation of their own choice.

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[5] Letter from Case File, Minot AFB.

[6] NATO-Status of Forces Agreement.

D. Tucker and Holmes were denied the right to be confronted with witnesses against them. The German court allowed a United States Army CID agent to testify that one of the alibi witnesses who was no longer in Germany had told him that Holmes had told this potential witness to say that both he and Tucker were playing monopoly on the night of the alleged incident. The Judge asked the CID agent if he had this in writing. The CID agent did not. However, the German court considered this testimony in its finding of guilt. Tucker and Holmes were not given the opportunity to confront this witness. That is, their alibi witness, now allegedly turned government witness.

During the course of the trial, the German court ordered Tucker and Holmes and all Black spectators to be removed from the courtroom because of the alleged fear of the "victim" to testify in their presence. Confronting a witness implies the right to be physically present to hear as well as rebut the testimony.

E. Tucker and Holmes were granted an interpreter. Yet, from time to time, they were not aware of what was being said because parts of the testimony were being lost in the translation. An American lawyer would have made matters a great deal simpler. On June 10, 1971, Tucker and Holmes were placed in pre-trial confinement at Fort Belvoir, Virginia, on AWOL charges. These charges were not read to Tucker and Holmes and no immediate action was taken to try them for the offense or dismiss the charges, which is a requirement of the Uniform Code of Military Justice. On the same day, they were granted a temporary restraining order prohibiting the Secretary of Defense from sending them back to West Germany. Again, on the same day, Tucker and Holmes were charged with willfully disobeying a lawful order of a superior commissioned officer to remain in West Germany. They were not informed of the charges until October 14, 1971.

On June 23, 1971, and again on July 16, 1971, Tucker and Holmes demanded speedy trial. This was denied. On July 6, 1971, authorities extended the pre-trial confinement order beyond the original thirty day period. A request for speedy trial was made again on September 13, 1971. Again, this request was denied. Thus, attempts to demand speedy trial have been met with futility.

Military Counsel for Tucker and Holmes petitioned for a writ of habeas corpus from the Court of Military Appeals and reqeusted the Court show cause why they should not be released. In its reply to the order to show cause, the Court saw fit to deny the release of Tucker and Holmes even though:

1. Tucker and Holmes have been kept in pre-trial confinement despite numerous requests for a speedy trial or dismissal of charges.

2. Tucker and Holmes have been imprisoned longer than the time they would have served for the AWOL charges which have been preferred against them.

3. On the basis of the conduct of Tucker and Holmes in appealing to military and civilian authorities for a speedy trial, there is every indication that they would not flee military or civilian jursdicton.

Under the NATO Status of Forces Agreement, the District Court for Washington, D.C., though it has granted a temporary order prohibiting the return of Tucker and Holmes to West Germany, believes that jurisdiction in this case belongs to the German court in which Tucker and Holmes were tried. Yet, the fact that pre-trial confinement has been extended by the U.S. Army implies acceptance of jurisdiction and therefore should immediately grant trial to Tucker and Holmes in the United States. Army Regulation 190–4, paragraph 1–3D(3) states:

"Pre-trial confinement in excess of thirty days will be permtited only when personally approved in each instance by the officer exercising general courtmartial jurisdiction over the command which ordered the investigation of the alleged offense . . ."

Thus, Tucker and Holmes must be tried at once or charges be dismissed. Otherwise, the extension of pre-trial confinement is illegal and Tucker and Holmes should immediately be released. What this all amounts to is preventive detention. Pre-trial confinement without any attempt to secure trial is unlawful. There is no reason why Tucker and Holmes cannot be tried in the United States for all the existing charges against them. The United States military has exercised its jurisdiction over the case simply by extending pre-trial confinement. The NATO Status of Forces Agreement does not pertain to the existing charges against Tucker and Holmes. Since it is irrelevant to the case, speedy trial should be granted at once. As of the printing of this report, the Court of Military Appeals has denied their petition for habeas corpus. The Federal Court of Appeals for the District of Columbia, has rendered no decision as to whether or not the District Court has jurisdiction to consider the fairness of Tucker and Holmes' trial pursuant to the guarantees to the NATO Status of Forces Agreement.

RECOMMENDATIONS

At the out-set, it should be noted that the attitude and spirit of General Michael S. Davison, the new Commander-in-Chief of United States forces in Europe, are both commendable and encouraging. In a two hour private session with the General, a forthright and frank discussion was held on possible co-operative moves that should be made on both our parts, to initiate solutions and remedies to discrimination. The General agreed that a basic first step must be a bold and firm commitment, from the top command both in Washington and in the field in order to eliminate prevailing racism—and a thorough follow-through with command dictates.

No one commander nor legislative body can produce a full recipe for curing a social and human cancer which has existed for decades in such a closed establishment as the United States Military. However, there are certain first steps which must be taken in order to make real many years hence, the possibility of a racist-free and effective military. Further, at this critical point it is highly important that we recognize the urgency with which Black servicemen have carried their plight to Washington, and the real potential for open hostility and violence both on bases and in the surrounding civilian communities at home and abroad.

Thus, the following recommendations are offered and urged for immediate consideration and implementation:

1. A complete review of the Military Code of Justice both by the Department of Defense and the Armed Services Committees of the U.S. House of Representatives and Senate.

2. The establishment of the position of Assistant Secretary of Defense for Equal Opportunity.

3. The establishment of the position of "Special Assistant for Equal Opportunity" to be placed under the direct and immediate command of the Secretary of Defense, the Secretaries of each branch of the service, as well as the Chief-of-Staff of each branch. It is imperative that this assistant maintain quick and open access to those men in the top command in the defense structure.

4. The commencement of investigatory hearings by the Armed Service Committees of the House and Senate into the N.A.T.O. Status-of-Forces Agreement with specific emphasis on those provisions affecting our maintainance in the Federal Republic of West Germany. That provision which provides for "exclusive jurisdiction" or custody over American military personnel must be fully scrutinized and altered.

5. The immediate establishment by command order (as has been agreed by General Davison) of Human Relations Councils on every American Military base in Europe as well as the United States. These councils are a necessary first step, and should reflect a broad cross-section of base life as well as administration in their composition.

6. A stepped-up recruitment campaign within the military and in co-operation with our nation's law schools for the placement of more Black legal officers in the Judge Advocate General's Corps. That further, the Army impanel a greater number of Black court-martial judges. The present court-martial panels reflect the days of the old South, where there existed only all white juries in our courtrooms.

7. That the United States government commence immediately negotiations with the Federal Republic of West Germany on the availability of off-base housing in military areas and specific measures which can be taken by both governments to alleviate the acute shortage, racial or otherwise, of available housing for Black servicemen and their dependents.

8. The prohibition of patronization of all of those social clubs and bars located in overseas communities that practice racial discrimination. Such a mandatory and command-imposed economic boycott is essential if racial barriers are to be eliminated. These "off-limit" sanctions should be imposed for an indefinite period of time—until the ownership of such establishments agree to alter their practices.

9. That the period of pre-trial confinement be held at a minimum, and that no serviceman be held in such confinement more than twenty-four hours without legal counsel.

10. That a wholesale review of punishment issued in U.S. Military stockades be ordered. Specific emphasis should be given to the elimination of the use of high-powered hoses and the reduced-diet as forms of reprimand.

The National Association for the Advancement of Colored People, under the very able leadership of Nathaniel Jones, its chief legal counsel, has put forth a number of constructive recommendations to the Secretary of Defense. Those proposals, which provide potential for the long-range cure of racism in the military, are heartily endorsed, and should be implemented without delay.

The recommendations which have been submitted in this report are drawn from the observance of the immediate need to commence a problem-solving process. They, by-in-large, can be implemented by executive or command discretion, and are seen as ways in which the immediate potential for open violence and hostility can be stemmed. They by no means can represent a "cure-all" approach to one of the most indulging and insidious enemies that the American soldier has fought on or off of the battle-field.

THADDEUS KOSCIUSZKO HOME NATIONAL HISTORIC SITE OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, in introducing this bill today, I think it is only fitting to say a few words about the man it proposes to memorialize.

A Polish patriot and revolutionary soldier, Thaddeus Kosciuszko figured heavily in the success of the American Revolutionary War. As a young man, he studied engineering and artillery. His imagination fired upon learning of the American fight for independence, he traveled to America where he worked with Delisle and Payne in drawing up plans to fortify the Delaware River. His successful work led to his commission as colonel of engineers in the Continental Army in October 1776. In the spring of 1777, he joined the Northern Army and advised on the fortification of Mount Defiance. The importance of Kosciuszko's choice of battlefields and erection of fortifications cannot be underestimated and his decisions contributed in large part to the stunning victory over Burgoyne at Saratoga for the Americans.

Placed in charge of transportation under Nathaniel Greene during the winter of 1780–81, Kosciuszko's fine work was manifested in the masterly retreat and regrouping against Lord Cornwallis.

Serving in the cavalry in 1782, he was one of the first of the Continentals to enter Charlestown after British evacuation.

In 1783 Congress conferred upon him the great honor of brigadier general.

Returning to his beloved Poland in 1784, he became a major-general in the Polish army and led on two different occasions uprisings in resistance to the Russians, the second of which won him for a short time—March–October, 1784—a leadership role. During this period he promulgated many liberal reforms. In October, 1784, Kosciuszko was taken captive by the Russians, and after 2 years of captivity, was released. He then returned to Philadelphia.

An exile, he continued his brave, but unsuccessful fight for Polish freedom until his death in Switzerland in 1817.

I think it only fitting that we set aside a national historic site in Pennsylvania to pay tribute to this fine man who devoted his life to the ideals of freedom for all men. Whether in his adopted America or his beloved Poland, he dedicated his talents and energies to fighting the forces of aggression in pursuit of freedom.

It is also appropriate that we pay tribute to a man who played such an important role in the success of the American Revolution and I would urge my colleagues to join with me in my efforts to secure adoption of this legislation.

FEDERAL RESERVE POLICIES COULD LEAD TO DEPRESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, the Federal Reserve's tight-fisted monetary policies may wreck whatever chances we have for a real economic recovery.

The Federal Reserve needs to do two things to make sure that the Nation's economy expands and provide the necessary jobs:

Force a reduction in interest rates—a real reduction at all levels and not just limited to rates paid by the prime and affluent customers, and

Expand the money supply sufficiently.

Unfortunately, there are indications that the Federal Reserve is up to its old tricks of contracting the money supply at a critical juncture in the Nation's history.

Economic conditions are much worse than the political soothsayers within the Republican Party will admit. The President is going to have to take definite steps to make certain that the Federal Reserve does, indeed, carry out monetary policy in a manner consistent with an economic recovery program. If the Federal Reserve does not force a more dramatic drop in interest rates and if the money supply is contracted, we may be headed for a first-class depression.

Today, I received a copy of a letter written to Dr. Arthur Burns, Chairman of the Federal Reserve Board, by John W. Wright, president of Wright Investors' Service of Bridgeport, Conn. Mr. Wright whose business is keeping track of economic conditions, warns Dr. Burns of the grave problems facing the Nation if the Federal Reserve mishandles the monetary machinery at this critical period in our history.

I hope my colleagues will read Mr. Wright's letter carefully, and I hope that Dr. Burns and his colleagues at the Federal Reserve will consider the serious questions raised by this correspondence. Mr. Speaker, I place in the RECORD a copy of the letter:

WRIGHT INVESTORS, SERVICE,
Bridgeport, Conn., November 16, 1971.

Hon. ARTHUR BURNS,
Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR MR. CHAIRMAN: If you truly believe, as you have repeatedly stated, that "the country needs lower interest rates", the time has come for you to see to it that the Open Market Committee of the Federal Reserve Board suits its actions to your words. Time is, in fact, now running out fast, for unless vigorous corrective action is taken at once, the course of current FRB monetary policy will soon return the nation to the economic recession from which the Administration is endeavoring to free it.

You have repeatedly testified that non-inflationary economic growth requires consistent, moderate expansion of the money supply; but the record continues to reflect the extremes of contraction—expansion—contraction which have been typical of prior years. The excessive expansion of money and credit of 1967–8 which introduced inflation into a war strained economy, was followed by equally excessive and prolonged restrictions which, by the spring of 1970, brought the nation to the brink of financial collapse and caused the most severe decline in security values since World War II. As you well know, disaster was then averted only by a last-minute massive infusion of credit and a policy reversal to restore an adequate supply and maintain an adequate rate of growth of money and credit. Now we are once again witnessing another reversal from growth to depletion, a policy adopted in the name of inflation control, and prematurely calculated to slow a business expansion which has not yet even gotten under way.

We submit that this concept is completely false and that the present policy of the Open Market Committee of the Federal Reserve Board will, if not reversed immediately, have the most serious adverse effects on the economic welfare and the financial security of the people of the United States. The following facts should be self-evident to you:

(1) By every historic standard, the current money supply is not at all excessive in relation to the current depressed rate of Gross National Product, and is clearly inadequate to finance the restoration of economic growth which both the President and the Congress have established as an urgent national objective.

(2) Continued uninterrupted growth of the money supply is essential in order to bring about a progressive reduction in interest rates which are still far too high—much higher than in any prior period of economic recovery. No amount of federal deficit spending can get this country going again as surely as would 4½% bank loans and 5½% home mortagages.

(3) There is nothing inflationary about low interest rates. During the fifteen years prior to last year's extremes, interest rates were substantially below the current level and inflation averaged an annual rate of only 2.5%.

(4) There is no longer a need to maintain high interest rates at home in order to restrict the outflow abroad of U.S. capital. The Administration's new international program is adequately correcting our adverse balance of international payments; and, in fact, has already brought about a decline in foreign central bank rates which is substantially greater than the nominal reduction which your Board has thus far permitted in the United States.

(5) Persistence by the Open Market Committee in a policy of monetary and credit restriction at this time, would effectively negate the New Economic Program. It would obviously parallel the FRB's disastrous mistake in the early 1930's when it shrank instead of expanding the money supply and thereby fatally accelerated the downward economic spiral which has since been known as "The Great Depression".

The sharply contractionary current monetary policy of the Open Market Committee is now obvious to businessmen and investors generally; as is the fact that this policy is also sharply contradictory to the economic policies of the Administration and the Congress. The recent shrinkage of values and liquidity in the securities markets should be a clear warning to you of the dangers into which this course, if continued, will take the Board and the Nation.

Your leadership at today's meeting of the Open Market Committee can be decisive in determining the course of the economy and the securities markets for some time. What is wanted now is a clear and unequivocal statement by you which will reassure the business and investment communities that:

(1) The current level of interest rates is still excessively high and will be reduced to traditional levels.

(2) The Federal Reserve Board does not believe that a policy of reasonable credit ease and steady monetary growth is inflationary or in any way incompatible with the new economic program.

(3) Businessmen and investors may have full confidence that the Federal Reserve Board will take all appropriate actions to insure that these policies will be carried out effectively.

I would be most grateful for a prompt and forthright reply.

Sincerely yours,
JOHN WINTHROP WRIGHT,
President.

FORTIETH ANNIVERSARY IN LEGISLATIVE LIFE OF THE HONORABLE JOHN H. DENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 10 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to take this opportunity of reminding my colleagues of a very important anniversary today. November 17, marks the 40th anniversary in legislative life of my good friend from Pennsylvania, the Honorable JOHN H. DENT.

JOHN DENT's first legislative position in 1931 was with the borough council of Jeanette, Pa. Since then he has been elected to the Pennsylvania General Assembly, after which he won election to the State senate.

Serving 20 years in the State senate, a record equalled by only 21 other men in the history of that body, JOHN served for 17 years as the Democratic floor leader.

During his career in the State senate, he was in the front lines of the battle to develop meaningful legislation to protect working men and women from unfair labor practices and poor working conditions.

If anyone typifies the qualities of the dedicated legislator my good friend JOHN DENT certainly has in him those ideal qualities. The art of good politics is the recognition of what is necessary to the interests of those whom we represent as well as the ability to effectively transform that public interest into meaningful legislation. More than a politician, however, JOHN DENT fills the role of a statesman. Certainly he meets the pragmatic definition of Walter Lipmann who wrote:

> The politician says: "I will give you what you want." The statesman says: "What you think you want is this. What it is possible for you to get is that. What you really want therefore is the following."

In the years he has been in the House of Representatives he has lived up to the role of statesman. Highly effective in the fight for practicable legislation in the interest of American working people, he was exceptionally instrumental in obtaining passage of more equitable amendments to the Minimum Wage Act, broader coverage of the Fair Labor Standards Act, the Coal Mine Health and Safety Act, vocational education, library services, and the elimination of age discrimination among older working Americans.

Mr. Speaker, I offer congratulations to my good friend, JOHN DENT, and my best wishes for as many terms in Congress and public life as he desires. For however long he is in public life, the public interest will be well served.

THE U.S.S. "WILKES-BARRE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, I will be privileged on Friday morning of this week to deliver an address at ceremonies in Wilkes-Barre—the city I have been fortunate to represent in the House for nearly a quarter century—as the permanent memorial to the U.S.S. *Wilkes-Barre,* the beloved World War II naval cruiser which bore the name of the home city in northeastern Pennsylvania, is dedicated.

The ceremonies formally opening the official resting place of the ship's anchors will take place on the Luzerne County Courthouse lawn, with proper military rituals which will include music by the 4th Naval District Band, from Philadelphia.

The occasion will be the culmination of months of research and determined efforts by a group of proud residents who wanted to preserve at least a part of the cruiser which sailed the high seas during the war.

Scores of tributes could be paid to those who pursued so diligently the cause of a shrine for the two anchors, and I shall not attempt to name all of them today.

I daresay, Mr. Speaker, that were it not for the outstanding financial participation of Mr. Oscar Weissman, a renowned businessman and civic leader in the northeastern Pennsylvania area, this great occasion might never take place. With his backing, it was possible to make and carry to completion the innovative plans which brought the huge anchors from planned destruction in naval operations tests to their resting place at the Luzerne County Courthouse.

Mr. Weissman is carrying on in the proud distinguished tradition of his late father, Charles Weissman, who did so much for so many residents of northeastern Pennsylvania.

Mr. Robert T. Conway, representing the northeastern Pennsylvania Council of the Navy League was most instrumental in his role, along with David J. Philbin, the council president. I commend also the Luzerne County Commissioners: Frank Crossin, Edmund C. Wideman, Jr., and Mrs. Ethel Price for their appreciation of local history in making the land available for the memorial. Architect Carl J. Schmitt designed the memorial.

I could not let this occasion pass without also commending the untiring efforts of retired naval Commander John C. Bush, who performed so dilligently in keeping the public informed of the events which led to Friday's dedication. Commander Bush has over the years performed outstandingly as an information officer for this event and scores of other naval-connected affairs in northeastern Pennsylvania and in the entire Philadelphia Naval District.

I will be joined on the Friday morning program by Rabbi Abraham D. Barras, spiritual leader of Temple Israel, Wilkes-Barre, who will offer invocation. Reverend Jule Ayers, pastor of the First Presbyterian Church, will give benediction. Gino Merli of Peckville, Pa., will lead the pledge of allegiance. Mr. Merli is a Congressional Medal of Honor recipient.

The occasion will be enhanced, and truly completed in the historic sense, with the presence of Rear Adm. Robert L. Porter, the commanding officer of the U.S.S. *Wilkes-Barre* during its service in the Asiatic-Pacific waters during 1944 and 1945. Now in retirement in Wynnewood, Pa., Admiral Porter in 1945 was made an honorary mayor of the city of Wilkes-Barre, by former mayor, my good friend, Con McCole, thus displaying the proud sense of history which the people of the city held for this great cruiser.

The entire story of the U.S.S. *Wilkes-Barre,* from shipyard to decommissioning was brilliantly researched and reported by Harrison H. Smith, president of the Wilkes-Barre Times Leader Evening News in a seven-installment series beginning this fall. It is my pleasure at this time, Mr. Speaker, to submit for the RECORD the entire series, which was prepared by Mr. Smith, who also was most instrumental in the project of creating a permanent memorial.

Before doing so, Mr. Speaker, I would like to say in conclusion how proud I was to play a major part in arranging for the procurement of the two anchors, which were taken to Wilkes-Barre. As a member of the Subcommittee on Defense Appropriations, it is a source of great pride for me to speak at these ceremonies.

Mr. Smith's report follows:

U.S.S. "WILKES-BARRE"

It is doubtful whether employes of the Cramp Shipbuilding yards, or for that matter the residents of the nearby town of Kensington, Pennsylvania, ever witnessed such a patriotic demonstration as that which accompanied the laying of the keel of the USS Wilkes-Barre, thirtieth anniversary of which was marked on Wednesday of this week.

A special train had accompanied the Wilkes-Barre delegation of several hundred persons to Philadelphia, including members of Concordia Singing Society who not only livened up the group en route, but gave a brilliant performance at the official ceremonies.

It was actually a dual observance, since the Wilkes-Barre contingent was joined by a massive group of Kensington residents, the shipbuilding community along the Delaware where the yards were located, who were celebrating the fact that more than $30 millions in government contracts had just been awarded there for warship construction during this critical period of World War II.

DEMONSTRATION TERMED "JUBILANT"

Employes of the yard and Kensington residents alike, joined with Wilkes-Barreans in a huge parade interspersed with forty musical organizations prior to the start of the official ceremonies. An estimated crowd of 100,000 spectators and participants gathered for the historic event.

Under the heading, "Cruiser Wilkes-Barre Marked By Pomp and Panoply" one local editor remarked:

"A proud and delighted Wilkes-Barre, a jubilant and demonstrative Philadelphia and an interested Commonwealth and nation joined on Saturday in celebrating with pomp and ceremony the rededication of the 100-year-old Cramp shipyard at Kensington, along the Delaware River, and the laying of the keel of the 10,000-ton Cruiser Wilkes-Barre.

"As sounded at the keel-laying exercises the Wyoming Valley note was without precedent. The nation and the Commonwealth no less than the city were represented on the program by natives of Wyoming Valley.

"Admiral Harold R. Stark, chief of naval operations, son of Wilkes-Barre, a key man in the nation's defenses and today a world figure—it would be superfluous to say that he is a 'local boy who made good'—spoke for the Navy and the American people. He was flanked on the platform by at least five other admirals of the United States Navy.

ON NATIONAL NETWORK

"Pennsylvania was represented by Governor Arthur H. James, native of Plymouth, who said in his speech and radio broadcast heard over the nation, "To the keel-laying of the new light cruiser USS Wilkes-Barre I come not only to represent the Commonwealth, but as a lifetime resident of the Wilkes-Barre area.'

"Wilkes-Barre itself was represented by Mayor Charles N. Loveland, who expressed a hope that 'the efficiency, reliability and dignity for which our city is known will be built into the structure and plates of the new cruiser."

Floats depicting historic mile-posts had their eminently appropriate place in a parade which as it wound its way over the streets of Kensington passed within a stone's throw of where Penn and the Indians made their famous treaty. "Penn's Treaty with the Indians" was shown in picturesque fashion on one float.

As a crane lowered the eight-ton first section of the Wilkes-Barre's keel into place, the John D. Stark Post Band of Greater Pittston played "Anchors Aweigh." Forty-nine members of Concordia Singing Society of Wilkes-Barre, wearing white miners' caps, sang. Nearby was the colorfully uniformed bugle corps of Wilkes-Barre's Post 132.

OTHER DISTINGUISHED PARTICIPANTS

High ranking navy and army officers were on the speakers' stand. Other speakers included acting Mayor Bernard Samuel of Philadelphia, and Rear Admiral William G. DuBose, head of the shipyard and chairman of the exercises.

Among official delegates to the dedication were County Commissioners Robert Lloyd, Herman Kersteen, and Stanley Janoski; Mayor James Costello of Hazleton; R. H. Levy, president, and J. Arthur Bolender and Edward Smith, Jr., secretaries of Wyoming Valley Chamber of Commerce; James Garrity, secretary of Pittston Chamber of Commerce and E. L. Lindemuth, president of Wyoming Valley Motor Club. The exercises attracted many Philadelphians with Wilkes-Barre connections.

Among the spectators was Mrs. Edward B. Chase, sister-in-law of Admiral Stark, and her daughter, Miss Bernadene Chase.

In the parade were three floats representing Wilkes-Barre and the anthracite region, one carrying a model of the new cruiser, contributed by the City of Wilkes-Barre. Others were provided by Anthracite Institute and Blue Ribbon Cake Company.

Naval officials on the speakers' platform included Admiral S. M. Robinson, chief of the bureau of ships; Rear Admiral A. H. Van Keuren, assistant chief and Rear Admiral A. E. Watson, commandant of the Philadelphia Navy Yard.

PART 2

What could be referred to as "the fortunes of war" was the ironic note that the original Cruiser Wilkes-Barre, the keel of which was laid September 6, 1941, as outlined in last week's Valley Views, was to be designated by another name.

First word of this development brought keen disappointment to citizens of Wilkes-Barre and especially those who had labored long to assemble gifts and tokens for the officers and crew of the 10,000-ton vessel which was to have been the city's namesake.

Instead, on March 6, 1943, the ship was finally launched as the Cruiser USS Astoria, named for one of the three heavy cruisers sunk off the Savo Islands during a running battle with Japanese navy units in August 1942.

Prior to this time, however, Mayor Charles N. Loveland had received assurances from Navy Secretary Frank Knox that another cruiser, already in process of construction at the Philadelphia yards of the New York Shipbuilding Company, was to be named "Wilkes-Barre" to take the place of the ship originally scheduled to carry the city's name.

COMMITTEE REACTIVATED

The original committee was reactivated and expanded, and preparations began for another ceremony to be staged by representatives of the city to give the newly designated cruiser an adequate send-off.

However, wartime security regulations prevented circulation of information on the progress of construction and the exact date upon which the ship was to be launched. Finally, on December 24, the cruiser slid down the ways at Camden, following a ceremony which was brief and simple, in keeping with wartime custom and Navy regulations.

Sponsor of the ship was Mrs. Charles H. Miner, wife of a prominent Wilkes-Barre physician and mother of Lt. C. H. Miner, Jr., USNR, then in the Naval Training School in Hampton, Va. Her daughter, Miss Stella Miner, was "maid of honor" for the Navy formalities.

Only a small group of invited guests saw Mrs. Miner smash the traditional champagne bottle against the hull to send her down the ways, precisely at 12:36 p.m. on the day before Christmas, 1943.

COMMANDING OFFICER ASSIGNED

A Wilkes-Barre gold star mother was among the launching ceremony guests. She was Mrs. Stanley Snyder, two of whose sons had been killed in action while serving as Army sergeants. Others in attendance included Col. Ernest G. Smith, Mayor Charles N. Loveland and Rear Admiral Roy W. Ryden, Navy supervisor of shipbuilding in the Camden area.

In a little more than seven months after her launching, the Cruiser Wilkes-Barre was in a state of readiness for her commissioning.

With final stages of construction and placement of equipment approved by the Navy Department, July 1, 1944, was set as the date for the cruiser to be officially turned over to the officers and crewmen assigned. First commanding officer of the "Wilkes-Barre" was Captain Robert L. Porter.

Another representative group of citizens from Wilkes-Barre was then assembled for the journey to the Philadelphia Navy Yard, where utmost security precautions had been taken for the ceremony.

The local committee included Chamber of Commerce officials, heads of various civic organizations and a number of distinguished guests invited for the occasion.

The ceremony got underway at 3:30 p.m. on the afternoon of Saturday, July 1, with Captain Porter presiding. He stated:

TURNED OVER TO NAVY

"The ceremony which you will now witness represents the beginning of the career of the 'Wilkes-Barre' as an integral part of the Navy. Up to this time the ship has been in the process of construction, but now it is ready to join the fighting ships of the Fleet."

Captain Porter then placed the ship in commission, the national ensign was hoisted and the commission pennant broken. He then read the orders directing him to assume command, after which he set the watch.

This was the last official act performed by the Wilkes-Barre Cruiser committee before the ship embarked on its long and arduous tour of wartime duty which included logging more than 100,000 nautical miles in the South Pacific theater of war before being later assigned to European waters.

PART 3

When New York Shipbuilding Corporation's cruiser hull No. 466 was placed in commission at the Navy Yard, Philadelphia, Pennsylvania, on the first day of July, 1944, almost one and a half years after the laying of her keel, the USS Wilkes-Barre, under the command of Captain R. L. Porter, U.S. Navy, became a part of the United States Fleet—the first ship to bear that name. (The original cruiser Wilkes-Barre, whose keel was laid back in 1941 had been redesignated the USS Astoria, but in 1943 another cruiser of the same class was substituted as the city's namesake.)

A Cleveland class light cruiser, she had speed, endurance and power.

"Shakedown," a period of intense training under simulated battle conditions was undertaken and the marriage of the Wilkes-Barre and her crew was consummated.

From August 28 to October 9, 1944, in the Chesapeake Bay and the Gulf of Paria, Trinidad, B.W.I., the arduous training continued, after which the Wilkes-Barre returned to the Navy Yard, Philadelphia, her men and officers welded into a team, ready, after a short period of post-shakedown overhaul, to take their place in the Pacific Fleet in what none dared dream of then—the all out assault upon Japan.

DEPARTS FOR PACIFIC

With the overhaul and short "statewide" leaves completed, on October 23, 1944, the Wilkes-Barre departed from Philadelphia for the Pacific theatre via the Panama Canal and, after short visits to San Diego, and Pearl Harbor arrived at Ulithi Atoll, Caroline Islands, on December 14, 1944, where she joined her cruiser division (Cruiser Division 17) as a part of the Third Fleet and was assigned duty as a unit of the famed Fast Carrier Task Force 68.

From this point on, the log of the Cruiser Wilkes-Barre became an integral part of the fabulous history made by the men, ships and planes of Task Force 38 and Task Force 58, the powerful striking arms of the Third and Fifth Fleets.

The desire for action of the officers and men of this young cruiser was very shortly fulfilled, for on the 30th of December 1944, she departed Ulithi as a part of Task Force 38 under the command of Vice Admiral J. S. McCain and operated in the Philippines and China Seas in support of the American landings on Luzon.

During this January foray of Task Force 38 came what seemed like a "real chance" for Wilkes-Barre to hit the enemy.

It happened this way:

For ten days Task Force 38 aircraft had been making magnificent attacks through almost impossible flying weather against targets on Formosa and Luzon, holding the Japs on the ground so that they couldn't interfere with the Lingayen landings.

ORDERS FROM MAC ARTHUR

General MacArthur sent word urging the presence of the Third Fleet in the South China Sea to counter any threats from Japanese forces which might possibly attack Lingayen from both the North and the South, as his own Seventh Fleet was hard pressed and hard hit by enemy air attacks.

Task Force 38 boldly steamed through Luzon Strait with all its Fast Carrier Task Groups and thereby placed the full strength of its heavy ships, as well as its carriers in the breach between any surface strength the Nips could send down from the homeland or up from Singapore. Then, on the strength of a report that Jap warships recently had been sighted in Camranh Bay, French Indo China, Wilkes-Barre with other cruisers, battleships and destroyers was chosen to hunt down the enemy and destroy him in his lair.

ESCAPED FROM TRAP

But the bait had skipped the trap and no resistance was met. This trek into the South China Seas was not in vain, for the Task Force's Air Groups took every opportunity to strike at targets along the Indo China Coast from Saigon to North of Camranh Bay, and at Hainan, Hong Kong, Swatow, and Amoy.

All was not clear sailing, for stormy weather shipped up such tremendous seas that all operations were interrupted. Even the Northern exit through Balintang Channel became doubtful for a day or two, for a storm-tossed fleet threading through a narrow channel would be vulnerable to land-based plane attacks. Yet it was made without loss while Wilkes-Barre, during an air attack just at dusk, fired her guns for the first time in action with the enemy.

Back in Ulithi at the end of January Wilkes-Barre had an opportunity to replenish stores, ammunition, and fuel; to make repairs, to obtain a little rest and relaxation, to write reports, and to study the net operation. This period was marked by air alerts, during one of which a heavy carrier was damaged by a daring Kamikaze.

PART 4

In February, 1945, came the Iwo Jima Campaign. Wilkes-Barre retained her same protecting role with a fast Carrier Group, but this time in Task Force 58 with Vice Admiral Mitscher as part of the Fifth Fleet under command of Admiral Spruance.

"Target Tokyo!" was the word that went like wild fire throughout the ship as the Task Force sped northward to strike the first carrier blow since Jimmy Doolittle's flight from the deck of the Hornet. This time the Task Force pushed well within a hundred miles of the coastline while its air groups pounded the Jap air fields and surrounding industrial districts for two days.

Except for flashes of gun fire from other groups and an occasional bright ball of fire of a burning Nip plane sinking fast to the horizon, the only enemy sighted on this trip were survivors of Jap picket boats sunk by alert U.S. destroyers. The Task Force headed southward to help in the invasion of Iwo Jima, pounding Chichi and Haha Jima en route.

The going at Iwo was tough, Wilkes-Barre, and other cruisers of Cruiser Division 17, were called in to bolster the supporting fire from ships that lined the beaches. Wilkes-Barre stood close in to shore and kept up an incessant bombardment of enemy held positions, aided by the keen spotting of our own aircraft and fire control spotters ashore.

Dispatches from appreciative Marines on the beach attest to the effectiveness of Wilkes-Barre's fire against enemy gun positions, pill boxes, ammunition dumps, tanks and caves, while one report commends Wilkes-Barre's prompt and accurate fire which turned back a strong Jap counter-attack during the middle of the night.

Dusk at Iwo Jima had its exciting moments.

If the all-day preoccupation of navigating close in-shore near sharp rocks and jutting ledges were not sufficiently enlivening hazards, while collision threatened with thousands of small craft darting back and forth between beach and transport area and with other men-of-war lobbing shells over bow and stern and constant shore-side explosions filling the air with noise and missiles between the paralyzing concussion of Wilkes-Barre's own salvos, then the twilight period might provide the excitement. For suddenly the radio would blare forth the warning that enemy aircraft were approaching from several directions.

All ships in the vicinity were ordered to make smoke, laying a covering blanket over all that great mass of ships and boats.

SYMPHONY OF DESTRUCTION

Bombs, miraculously, dropped harmlessly. Darkness settled down, and the relentless routine of bombardment and invasion continued. Here was war as only an American amphibious team can wage it—men, ships, planes and guns in a symphony of destruction. This assault was the prelude to Okinawa and the final smashing of the overweening ambition of the Japs.

By March 1, 1945, the Cruiser Wilkes-Barre was provided a short period at anchor before tackling the Okinawa campaign.

Anchor was weighed with light hearts as all hands eagerly looked forward to the unfolding of the next chapter in this rapidly moving war of the Pacific. There was little doubt that this time Wilkes-Barre would participate in the destruction of more enemy planes and that air groups of Task Force 58 would undertake more daring missions than ever before.

The saga of Okinawa had been told; and the exploits of our carriers off the shores of Kyushu, Shikoku, and the Inland Sea, and the sinking of Japan's last mighty battleship, the Yamato. In one month Task Force 58's ships and planes destroyed over one thousand enemy aircraft. March blended into April and April into May as the slow work of attrition went on and on.

KAMIKAZE ATTACKS

The invasion forces on Okinawa needed protection afforded by the carrier's planes, and the carrier groups needed the protection afforded by their escorting ships' guns.

So the Wilkes-Barre saw plenty of action, firing thousands of anti-aircraft shells against desperate demoniac attacks that ended almost always in fiery death as torching Japanese planes splashed short of their prey. The fight was not always so one sided, however. The Wilkes-Barre saw more than one carrier suddenly burst into a ball of fire as flaming fragments were thrown high into the air—the results of a Kamikaze's successful death ride from out of a bank of low hanging clouds.

PART 5

The Cruiser USS Wilkes-Barre, already a veteran of the Philippines, Iwo Jima, Okinawa and Tokyo Bay campaigns, won fame assisting the carrier Bunker Hill hit May 11, 1945, off Okinawa by two Japanese suicide planes.

Quick action on the part of the crew of this city's namesake resulted in the saving of many lives aboard the crippled flattop. Many men were trapped in burning areas of the ship and were assisted to the deck of the cruiser by rescue squads.

Other personnel driven off the burning ship by smoke and flames sought safety on the cruiser's decks. Streams of water from ten hoses helped bring the flames under control as other hoses and fire-fighting equipment were passed to the carrier.

Many wounded, dead, and dying were transported by stretcher and breeches buoys rigged forward and aft. The lucky living ones later were transferred to a hospital ship, the dead committed to the deep with fitting ceremony.

MORE MAJOR OPERATIONS

On this cruise two independent operations were performed by the Wilkes-Barre in company with Cruiser Division 17, one late in March and the second early in May.

Each was a night bombardment of Minami Daito Jima in company with Destroyer Division 62. The primary target was the airfield, in order to deny its use to the Japanese. A healthy glow from fire and explosions was observed as the ships withdrew in the darkness.

No mere pen can ever describe the epic of naval history that encompassed the occupation of Okinawa.

For Task Force 58 it meant 79 days of continuous steaming with never a sight of land save that of the Japanese and that only through the sight of a gun.

Japanese planes were there in abundance as they futilely sought to stem the surging might of the American invasion forces.

Sleepless nights, tense moments and jubilation all blended into one as Task Force 58's planes and guns brought Japanese planes crashing down into the sea—some within shouting distance of the USS Wilkes-Barre.

Japanese flags painted on the Wilkes-Barre's bridge, awarded for sure "kills", attested to the accuracy of her fire and brought compensation for the long and tiresome hours of training that had gone before.

Finally word was received that Okinawa was completely ours. So the Wilkes-Barre, with part of the Third Fleet, headed southward for San Pedro Bay, Leyte, Philippine Islands for much needed and well earned rest and a period of replenishment. On June 1, 1945, the Wilkes-Barre entered San Pedro Bay and anchored, just in time to avoid a typhoon which swept over the remaining ships in the Okinawa area.

FIRST BIRTHDAY OBSERVED

As dawn broke on the first birthday of the Wilkes-Barre, July 1, 1945, she got underway and sortied for what was destined to be her last wartime cruise—swashbuckling up and down the coast of Japan with Admiral "Bull" Halsey's Third Fleet.

Tokyo, Nagoya, Osaka, the entire islands of Honshu and Hokkaido felt the shock of the Third Fleet's air power. With no Japanese fleet left upon which to unleash their guns, the Wilkes-Barre and her sister cruisers, accompanied by doughty destroyers, were ordered to seek out the Japanese within sight of his home islands, and commenced the anti-shipping sweeps and shore bombardments of the island of Honshu itself, which presaged the end of the island Empire.

On the night of July 14th, the Wilkes-Barre, and other ships of Cruiser Division 17, parted company with Task Force 38 and at high speed, headed for the coast of Honshu, where, within range of her smallest calibre close weapons battery, she conducted anti-shipping sweeps of the Japanese coast.

SEA BASE ATTACKED

Again, on the nights of July 24–25 these same ships laid aside their protective role and stood in to the coast of Japan, across Kii Suido they swept, alert for enemy shipping. On the following day, they opened fire with main and secondary batteries on Kushimoto seaplane base and Shionomisaki landing field, on the southern coast of Honshu. Not one answering shot was fired from the steel swept area and Wilkes-Barre returned with her division to resume her task of protecting her floating airfields.

Throughout this operation, the foe offered but few targets for the ships and planes of the Third Fleet. Those highly vaunted secret weapons, the Kamikazes, had apparently blown themselves out after the terrific losses they suffered during the invasion of Okinawa—more than 3000 planes destroyed by the planes and ships of the Third Fleet.

PART 6

With breathtaking abruptness came the news of Japan's acceptance of unconditional surrender, as Task Force 38 hovered off the islands of Honshu, and Hokkaido, poised for another air strike and shore bombardment of the heart of the Empire—a heart whose beat had become dangerously slow under the pounding of the Third Fleet and descended to but a feeble flutter with the advent of the atomic bomb.

Then came the days of waiting—irksome days—for the formal surrender; cruising just off the shores of southern Honshu as Task Force 38 continued to shoot down diehard (they really died quite easily) Kamikaze planes—but always, as Admiral Halsey said, in a friendly manner.

NEW CAPTAIN WELCOMED

It was during this period of tense waiting, of speculation and hope, that the Wilkes-Barre, on August 17th bid adieu to Captain Porter and welcomed Captain W. W. Juvenal, USN, aboard as her new commanding officer.

At long last, on August 27, 1945, after 59 days at sea, the Wilkes-Barre joined the majestic parade of naval might for the triumphal entry of the Third Fleet into Sagami Wan, Japan. Here on the same day, but a short distance from Tokyo and in sight of Fujiyama, the Wilkes-Barre on the 423rd day of her short but eventful life came to anchor—103,950.1 steaming miles from her place of birth.

The Wilkes-Barre's respite here was but brief, for her guns were needed to cover the landings of the first Americans on Japan which included a part of her own Marine detachment.

But the Japanese had learned his lesson and all was peaceful and serene. Thus, her duties completed in Sagami Wan, the Wilkes-Barre got under way on the third day of September 1945 and entered Tokyo Bay and again came to anchor among the military might of the Third Fleet.

Even though the little men of the Island Empire had already affixed their signatures to their formal surrender aboard the flagship of Admiral Halsey, it was only now that the full realization of the cessation of the war came home to the officers and men of the Wilkes-Barre—Tokyo, Yokahama, Yokoshua—all within easy range of her now silent guns.

But the labors of the Wilkes-Barre were not ended.

DESIGNATED AS FLAGSHIP

Though deprived of their will to fight, the Japanese also had to be denied the means of carrying on a sneaking guerrilla war and to the Wilkes-Barre was assigned a major role in this undertaking. As the flagship of a demilitarization unit, she traveled up and down the coast of Japan (Tateyama, Onagawa, Wan, Aburatubo, Katsuura, Katsuyama), sinking and destroying the Japanese "last-ditch" suicide submarines and suicide boats, confiscating small arms and dismantling coastal defense guns.

Assigned to the newly created Asiatic Fleet, the Wilkes-Barre then rode at anchor in Tokyo Bay, already a veteran of the greatest, most aggressive and successful campaign in the history of naval warfare. Here she remained until early November, 1945, when orders were received by Captain Juvenal for the Wilkes-Barre to report to the Seventh Fleet off the coast of China.

ASSIGNED TO CHINA WATERS

Detached from the Fifth Fleet on November 9, 1945, the Wilkes-Barre sailed to Jinsen, Korea, where she remained three or four days and then continued to Tsing-tao, China.

A brief outline of the Wilkes-Barre's activities in the Pacific after this time was given later by Capt. William W. Juvenal, the new commander:

"After a short stay there, we went to Taku. Since there was nothing much in the way of operation in Taku, just a matter of watching things develop, we had the opportunity of sending the men on liberty in Tientsin and Peiping, for the first liberty since leaving the United States in the fall of 1944.

At that time, as a result of men leaving us steadily as demobilization proceeded, we had only 1,000 men."

When on December 18, the ship was sent to Chin Wang Tao, Capt. Juvenal became the Seventh Fleet's liaison with Chinese Nationalist Army.

"We stayed there until December 27 and sailed for Tsingtao. By that time, we were frozen in Chin Wang Tao and had to have an ice-breaker to get clear," Capt. Juvenal asserted.

Relieved on station by USS Columbus on January 13, 1946, the cruiser sailed for the West Coast by way of Pearl Harbor and arrived in San Pedro on January 31, 1946, with 450 Navy and Marine Corps separatees from China on board. At that time, the ship transferred for discharge 200 of her crew.

After leaving Chinese coastal waters the Cruiser Wilkes-Barre steamed directly to Pearl Harbor where she received fuel and supplies, and with her next stop being a brief anchorage off San Pedro, California, she then steamed directly to Philadelphia Navy Shipyards, arriving March 19, 1946, scorched and battle-scarred, to undergo a thorough overhaul to make ready to rejoin the active fleet.

Again the ship and its crew received a hearty welcome from a delegation of fifty Wilkes-Barre residents headed by Mayor Con McCole. This contingent was joined by fifty members of the families of ship's personnel from the Wyoming Valley area.

Rear Admiral C. H. Cobb, USN, base commandant, was piped aboard the ship, veteran of four Pacific campaigns, with the entire crew at quarters on the weather decks as the cruiser was maneuvered into its berth by Navy tugs.

Capt. R. L. Porter, USN, former commander of the ship, presented the Wilkes-Barre's battle flag to Mrs. Charles H. Miner who christened the cruiser in 1944.

Capt. Porter also presented Mayor McCole with a machine gun obtained in Japan.

M'COLE LAUDS CREW

Mayor McCole in his acceptance speech expressed "heartfelt gratitude for taking our own Cruiser Wilkes-Barre through the hot and turbulent Pacific safely and while doing so brought honor and glory not only to the ship but to our fair city."

He told crew members "to feel free to call Wilkes-Barre your 'home' where you will find a comforting welcome as warm and as intimate as the anthracite coal that has made your community one of which we are all proud."

Aboard the vessel returning to her home port for the first time since October, 1944, according to a list appearing in the newspaper, were the following crewmen from the anthracite regions:

Harold L. Hunsinger (S1c) of Conyngham; Paul J. Regan (S1c) of 927 Ridge St., Freeland; Leonard J. Petera (S2c) of 30 East Grant St., McAdoo; Edwin P. Williams (SF3c) of 93 Larch St., Scranton; Stanley F. Skokowski (S1c) of 517 West Green St., West Hazleton; Leonard T. Zarawbo (WT3c) of 112 Canal St., West Nanticoke and Lt. (jg.) John H. MacCarthy of 513 Stevenson St., Sayre.

A large group from Wyoming Valley was dockside when the Wilkes-Barre came alongside. There were representatives of service clubs, the Chamber of Commerce, labor unions, discharged veterans, relatives of crewmen and others.

VALLEY WELL REPRESENTED

Among those from Wyoming Valley in Philadelphia for the ceremony were the following: Joseph MacVeigh, president of the Chamber of Commerce, and Executive Secretary J. Arthur Bolender, Mayor and Mrs. Con McCole, and the Mayor's secretary Leo J. Johnson.

Others who attended that day were: Mr. and Mrs. Samuel Warriner of Philadelphia, formerly of Wilkes-Barre; George Abraham, city fireman who was a member of the crew before his discharge from the Navy; Patrolman Martin Blank, who served in the Navy; Mrs. William Davis, Regina Street, Lee Park, whose son was a member of the crew until discharge from the Navy. Richard Wallace, associated with Pennsylvania Power and Light Company; James McCarthy, radio announcer; Mr. and Mrs. Keith Williams of Scranton, whose son was a member of the crew; Mrs. Ernest G. Smith and daughter, Lois. The late Col. Ernest G. Smith originally proposed naming a naval vessel for the community.

Captain W. W. Juvenal, USN, who succeeded Capt. Porter as commander of the cruiser, outlined the cruiser's battle record and pointed to scars on the forecastle and port side.

NEW CAPTAIN ASSIGNED

Four months later on July 10, 1946, while the Wilkes-Barre was still at Philadelphia, Captain Rutledge B. Tompkins, USN, was designated as new commanding officer. Capt. Juvenal, who had a long commendable service record of 29 years had been ordered to the Bureau of Ordnance in the Navy Department in Washington.

In the meantime, however, the Wilkes-Barre Cruiser Committee, under the leadership of Mrs. Miner raised sufficient funds to provide for installation of modern sound amplification system for the ship and also additional funds to apply to the purchase of a suitable silver service.

By August of 1946 the ship's crew, which had dropped to a few hundred, under the impact of the rapid mobilization was rebuilt to about 900 men by the time the ship was removed from its dry dock. By that time, the ship had received a new nickname, the "Willie Bee."

She left the Navy Yard, October 2, 1946, bound for Newport, R.I. This particular tour of duty was outlined later in a statement released by the new commander, Capt. Tompkins, showing the following chronology of activities from September 27, 1946 to December 13, 1946:

"She has been completely overhauled at Philadelphia and during the trip many emergency and wartime drills were held to simulate actual emergency conditions.

"Arriving in Newport October 7, the ship operated out of this port on several training cruises, which continued until October 17.

"On October 19, 1946, the Wilkes-Barre left Newport and sailed down the Atlantic Coast and into the Gulf of Mexico to New Orleans, La. She arrived in New Orleans on October 25 for the Navy Day celebration. To celebrate the event, parties were held for the crew and officers. In addition to this, several hundred men witnessed a football game between Louisiana State University and Mississippi State University in the Sugar Bowl stadium. During this period visitors were permitted to come on board and observe the vessel.

"The Wilkes-Barre left New Orleans October 29 and sailed for Cuba, arriving in Guantanamo Bay on November 2.

"She had come to Cuba for the purpose of going on maneuvers with several other ships of the Atlantic Fleet.

FLEET MANEUVERS HELD

"Accompanied by the Aircraft Carrier USS Philippine Sea; the Cruisers USS Providence, USS Dayton and USS Macon, as well as a number of destroyers and auxiliary vessels, the Wilkes-Barre carried out intensive fleet maneuvers.

"Actual emergency conditions were produced during these operations. Imaginary air attacks were repelled, aircraft launched from the ship, and surface targets were fired on. The ship's personnel also carried out 'man overboard' procedures and ship abandonment drills.

"However, the time spent in the Caribbean was not without the lighter moments. Two 'king size' picnics were held for the officers and crew on Windmill Beach in Cuba. A softball team was organized which played teams representing other ships in the group. The men spent a great deal of their off duty hours swimming in the warm waters of the Caribbean.

"The Wilkes-Barre then sailed from Guantanemo Bay en route to Culera, in the Virgin Islands, with the Cruisers USS Dayton and USS Providence. They conducted shore bombardment practice December 9 and 10, which included night as well as day bombardment.

"From the Virgin Islands, the Wilkes-Barre sailed for Norfolk, Va. The voyage, rough at times, took three days, with the ship arriving at the Norfolk Naval Shipyard on

December 13, where she was prepared for a cruise to European waters."

A PROPOSAL TO PROVIDE FISCAL RELIEF TO STATES FOR WELFARE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Collins) is recognized for 5 minutes.

Mr. COLLINS of Illinois. Mr. Speaker, because of my many colleagues who have shown vital concern regarding the welfare crisis, I am reintroducing H.R. 11586.

Mr. Speaker, the intent of this bill is to provide immediate interim fiscal relief to the States for their welfare costs. H.R. 1, as it passed the House on June 22, 1971, contained titles which would reform the present welfare system and which would have the effect of providing substantial fiscal relief to the States by reducing State outlays for welfare costs. The provisions in H.R. 1 would go into effect on July 1, 1972, thereby providing this fiscal relief beginning with that date—in effect, fiscal year 1973, the year for which many States are now making fiscal plans. The Senate shows little disposition to act expeditiously on H.R. 1, with the result that the President has assumed for purposes of his economic plan that the effective date of the welfare reform provisions will be postponed until July 1, 1973.

The effect of this development on State finances is severe and unexpected. The States had every reason to believe that the Congress would act expeditiously enough so as to assure that the fiscal relief provided by H.R. 1 would begin 8 months from now.

Mr. Speaker, immediate stopgap measures are needed to provide fiscal relief to States for their welfare costs. Therefore, I am reintroducing H.R. 11586 proposing that the Congress act immediately on this legislation which would provide interim fiscal relief to the States by limiting State expenditures for fiscal year 1972 and 1973 to the level of expenditures the State incurred in fiscal year 1971. The Federal Government would pick up the excess. If adopted, this proposal would afford immediate tax relief to State and local taxpayers on a national basis of $900 million for fiscal year 1972 and $1.1 billion for fiscal year 1973, for a total of $2 billion.

This bill would not affect the welfare reform bill that is awaiting action in the Senate.

Mr. Speaker, I am encouraged by the 31 of my colleagues who have cosponsored this bill and their names are as follows: Mrs. Abzug, Mr. Anderson of Illinois, Mrs. Annunzio, Mr. Aspin, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Carney, Mr. Diggs, Mr. Erlenborn, Mr. Fascell, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Matsunaga, Mr. Metcalfe, Mr. Mikva, Mr. Mills of Arkansas, Mr. Moorhead, Mr. Pepper, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Roy, Mr. St Germain, Mr. Charles Wilson.

My colleagues and I are hopeful that the chairman of the Ways and Means Committee will act expeditiously in reporting this most important and urgent bill out of committee.

DEPUTY ASSISTANT SECRETARY DAVIES' "STRAW MAN": A GREAT DISSERVICE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, our colleague, Benjamin S. Rosenthal, chairman of the Foreign Affairs Subcommittee on Europe, recently held a hearing on the plight of Soviet Jews. Appearing before him were a number of witnesses, including Deputy Assistant Secretary of State for European Affairs, Richard T. Davies. While most of Mr. Davies' testimony was helpful and accurate, it did contain within it a most harmful and prejudicial statement to which I should like now to address myself.

Mr. Davies said:

> Claims that Soviet Jews as a community are living in a state of terror seem to be overdrawn. There can be no comparison with the terrible era of the Nazi holocaust or Stalin's blood purge of Jewish intellectuals.

The implication is that those of us who have sought to bring the plight of the Soviet Jews to the attention of the American public and the world have overstated what is occurring in the Soviet Union. The fact is, to the best of my knowledge, no responsible person speaking on the subject has ever contended that the Jews in the Soviet Union "are living in a state of terror." What we have said is that the Soviet Union discriminates against that minority and has engaged in repressive acts vis-a-vis the Jews in the U.S.S.R.

Let me be more particular. The Soviet Union since 1935 has forbidden its Jewish minority from operating schools in which they could teach in either the Hebrew or Yiddish languages, although every recognized national group in the Soviet Union, and there are 120 of which the Jews are 12th in size, is guaranteed under the Soviet Constitution the right to maintain schools in their own national language, but an exception is made in the case of the Jews who are not allowed to have such schools.

A second illustration is the discriminatory way in which the Soviet Union treats the Jews in the practice of their religion. It is true that the Soviet Union official policy is that of an atheistic society, yet it does permit the practice of religion and while no one who is religious has it easy, it is especially difficult for those who are, to practice the Jewish religion. Other religions are permitted to maintain seminaries in which they train their priests; however the Jews are not permitted to do so and the several million Jews living in European Russia have only three aged rabbis ministering to them. The city of Moscow has an estimated 500,000 Jews and only one rabbi, Rabbi Levin, who is 78 years of age and ill. When he dies his replacement will have to come, in all probability, from the city of Leningrad which also has one rabbi who ministers to a Jewish population of approximately 300,000.

I could go on and talk about the anti-Zionist campaign conducted in the Soviet Union which is a euphemism for an anti-Semitic campaign because even in the Soviet Union it would not be seemly to be so direct as to publicly endorse anti-Semitism, so a new phrase has been contrived, anti-Zionism.

I mention this, Mr. Speaker, because whether it was intentional, or not, the State Department, and in particular, Mr. Davies, must be critized for having raised a "straw man" which has received the attention of the media and which will be used by anti-Semites in the U.S.S.R. and the United States to deprecate the efforts which are mounting to save Soviet Jews from cultural and spiritual genocide. In all candor I suspect that the State Department, which has dragged its feet so many times on those issues which relate to the safety and security of Jews whether they be in the U.S.S.R. or the State of Israel, is intentionally attempting to reduce the pressures which are building as a result of public concern in the United States by Jews and non-Jews for Soviet Jews and the State of Israel. It was regrettable that the State Department has contributed to the harassment of that oppressed people by giving ammunition to their enemies through Mr. Davies' misleading statement.

Mr. Speaker, what I am saying to our colleagues has been pointed out in an article which appears this week in Time magazine which I am appending to my statement. I am also inserting for printing in the Record my statement before Representative Rosenthal's subcommittee in response to Mr. Davies' testimony of the same day.

The material follows:

Soviet Union: Degrees of Terror

"There is no Jewish question in the Soviet Union," Soviet Premier Aleksei Kosygin told a press conference in Canada last month. "This question is from beginning to end an invented one."

That, to put it mildly, is something of an exaggeration. A talented Jew can rise to great eminence in Soviet society, as have Violinist David Oistrakh and Ballerina Maya Plisetskaya, but the ordinary Jew is subject to rigid quotas that often bar him from universities and good jobs. Teaching Judaism and Hebrew is illegal; Yiddish culture is severely restricted. In the streets, Russia's traditional anti-Semitism has never really died. "We may not be victims of physical genocide," says Mikhail Zand, a distinguished philologist who recently managed to get out of Russia and settle in Israel, "but we are the victims of a cultural and spiritual genocide, simply because the Russians refuse to let Jews live a Jewish life."

Carefully Balanced. For years, the Jews of Russia accepted their fate stoically—Novelist Elie Wiesel called them "the Jews of Silence"—but ever since the Arab-Israeli war of 1967 they have become increasingly vociferous. So have their supporters abroad. Last week a House Foreign Affairs Subcommittee headed by New York Democrat Benjamin S. Rosenthal opened an investigation into the problem by having the State Department present an evaluation. The Deputy Assistant Secretary for European Affairs, Richard T. Davies, appeared at the hearing with a 21-page statement. Though carefully balanced, it promptly touched off a chorus of protests that demonstrated how touchy the whole question has become.

"All Soviet citizens—not just Jews—suffer from the Soviet government's policy of militant atheism and its refusal to consider migration as a right rather than a rare privilege," Davies said. He added that Jews were treated worse than other minorities, harassed by "anti-Zionist" campaigns and "deprived of the cultural ingredients needed to preserve their cultural and religious identity." He said that the State Department "deplored" this and was doing what it could to help. At the same time, Davies warned against exaggeration. "Claims that Soviet Jews as a community are living in a state of terror seem to be overdrawn," he said. "There can be no comparison with the terrible era of the Nazi holocaust or Stalin's blood purge of Jewish intellectuals."

There is certainly no disputing that statement. Still, Davies' cautionings were all that the Soviet dailies *Izvestia* and *Pravda* reported in stories declaring that the U.S. Government had in effect absolved Moscow of mistreating its Jewish population. Even the New York *Times* headlined: U.S. ASSERTS SOVIET JEWS ARE NOT LIVING IN TERROR. Predictably, the reaction was sharp.

Israeli officials cited scores of cases in Russia of Jews being attacked by Russian crowds, of Jewish graves being desecrated and of Soviet Jews being fired from their jobs or imprisoned for trying to emigrate. Davies' statement, said Leonard Schroeter, a U.S. lawyer now serving with Israel's Ministry of Justice, "is a classic instance of State Department evenhandedness, making no distinction between aggression and defense." "No, there is no reign of terror," said Philologist Zand. "But until last February there were waves of arrests and trials for those who longed to go to Israel."

Since then, however, the Soviets have been easing their restrictions on Jewish emigration, possibly as a result of outside pressures. The total for this year may reach 10,000. That is not many in a community of some 2,000,000, but it is a lot more than the 1,000 exit visas granted to Jews last year—and more than have been granted for any other Soviet minority.

Last month, at the international music congress in Moscow, U.S. Violinist Yehudi Menuhin voiced a daring wish. "May we yet live to see the day," said Menuhin, "when every human being can dwell where his heart calls, whatever his creed." That is no more than is guaranteed under Article 13 of the Universal Declaration of Human Rights, of which the Soviet Union is a signatory. But it is more than Moscow dares grant its citizens, and so not a word of Menuhin's speech was printed in the Soviet press.

HEARINGS CONDUCTED BY THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON EUROPE, NOVEMBER 12, 1971

AFTERNOON SESSION—2 P.M.

Mr. ROSENTHAL. The subcommittee will be in order.

Since the hearing commenced this morning there is a change, Congressman John Dow is presently involved in the amending of the Pesticides Bill on the Floor. My distinguished colleague from New York, Congressman Koch is appearing.

I know you have an important story to relate and we will be glad to hear you.

STATEMENT OF THE HONORABLE ED KOCH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. KOCH. Mr. Chairman, I appreciate the invitation. I was originally scheduled to speak tomorrow. Had I come on at the regular time I would have prepared and filed with you a formal statement but, as you pointed out, Congressman Dow is now commencing the debate on certain amendments and I am speaking a day earlier than scheduled. As soon as there are votes on the floor, of course, I will have to be there but meanwhile I did want to take the opportunity that was available, particularly so to comment on the statement which has been filed with you and, if I understand correctly, read before your committee by Mr. Davies of the Department of State. It is my intention to give you the benefit, if you will, of my experience in the Soviet Union which are somewhat different from those that would appear to be the experiences of the people who drew up this statement of the Department of State.

I went to the Soviet Union in April of this year because my constituents were very concerned about individual families, the husbands of those families then being in jail. Two names that have become very well-known here in the United States because they each got five years are Lasal Kaminsky, and Lev Yazman, husbands of the families that I met in Leningrad.

I went there in April of this year while they were then in jail and the trials had not yet started although they were expected to commence shortly and be secret trials, as they ultimately were, with the thought that I might be of some assistance to the families. Others had suggested that it would be helpful if members of Congress and other American public officials went there and came back and reported their experiences. That is why I went.

I spent a brief period of time, to be sure, just eight days. But in the course of that period I did have occasion to talk with the two women I mentioned, and to talk to a number of Jews in the Moscow synagogue, as well as to a number of the younger Jews outside of the Moscow synagogue and also to talk with Western newspaper reporters.

As you know, Mr. Chairman, I had introduced a bill which would provide that 30,000 non-quota refugee visas be made available to Soviet Jews in the event that the Soviet Union were to open its doors and permit them to leave. That bill received wide support both here in the House and also in the Senate and, as the report of the State Department indicates, and I am pleased that they do, they felt that the need for that bill was real. The response of the Attorney General, which was an unreserved commitment to permit the Jews that were permitted to leave the Soviet Union to come to the U.S. without quota restrictions as refugees, I applauded and accepted because it marked a change in the Administration's position, and I am grateful to the Attorney General for having led the way on that issue.

As a result of his unreserved commitment, I have not pressed for adoption of my bill because the Administration, to its credit, has done administratively what our bill, co-sponsored by 120 other members of Congress, would have done legislatively.

Now what I would like to address myself to is really the heart of the memorandum of the State Department presented to you which can be summed up as characterizing the plight of Soviet Jewry to be, in their words, "overdrawn." I would like to talk about that and talk about it in terms of the experiences related to me by several Russian Jews.

Mr. ROSENTHAL. And your own experiences?

Mr. KOCH. Yes, and my experience there.

First let me take them in order.

When I went to Leningrad, it was with the express purpose of making contact with these families. Indeed, as I have testified, I finally did come to the home of Mr. Lasal Kaminsky. She was petrified as was Mrs. Yagman. Their husbands were not then convicted but had been in jail for nine months. The charges which were alleged anti-Soviet acts were the following: that they had made copies and had translated from the Russian into Hebrew and Yiddish text books so that they could teach their children in those languages.

You must understand, Mr. Chairman, since 1937 there have been no schools which teach in the Yiddish or Hebrew languages. You might say, "Well, why should there be?" The answer is—because under the Soviet Constitution every nationality is guaranteed the right to teach in its own national tongue.

Now the Jews, whether you take the estimate of those who are not in the government, have a number which may exceed three million, or the estimate of the government, which is a little bit over two million—are a large minority, 12th in a nationality grouping of more than 120.

There are nationalities in the Soviet Union that are under a hundred thousand in number. The Jews are in excess of two million in number. That is one of the larger minorities in the Soviet Union. These other minorities, Volga Deutsch, lived in the Soviet Union for a long time but they were deemed to be traitors in the Soviet Union during the Nazi-Soviet battles in the Soviet Union and in the course of World War II.

The Volga Deutsch, as I say, were banished because of their traitorous actions in the Soviet Union. The Jews fought valiantly on the side of their Soviet compatriots. Yet, the Volga Deutsch are allowed to teach in their national language which happens to be German.

You might ask, "Well, are Jews perhaps treated differently and considered simply a religion and not also a nationality?" Not at all, Mr. Chairman. Under the Soviet Constitution Jews are recognized as a nationality. It is not just a simple identification as such which you then have in birth records and that is the end of it. Every Soviet citizen has an internal pass book and in that pass book is listed one's nationality, e.g., nationality Uzbek, nationality Volga Deutsch, nationality Ukrainian—but the rights accorded to other nationalities under the Soviet Constitution which should be likewise accorded to the Jews are not. That is one decided difference between the lot of others and the lot of the Jews.

I harp on that because we will always have people come forward and say it is not easy to live in the Soviet Union no matter what you are and surely not easy to be an observant person religiously.

They are correct, Mr. Chairman, it is not easy to be an observant Christian, it is not easy to be an observant Jew, although the Soviet Union says that while it does not approve of religion, and is an atheistic society, it recognizes the rights of religion. And that is true in other cases, Mr. Chairman, but the Soviet Union makes a distinction with respect to the Jews. In the European part of the Soviet Union where most of the Jews live, there are only three Rabbis. My recollection is that there is one in Moscow, his name is Rabbi Levin. He is 78 years of age, very ill. There is one in Leningrad, also an aged man, and one, I believe, in the City of Odessa. Only three to minister to their needs.

I should tell you parenthetically that there is a different situation in the State of Georgia, which is part of the USSR in Asia where there is a vital Jewish community and they do have a number of Rabbis there for the Georgian Jews. That is a very special situation. The vast majority of the Jews living in European Russia are limited to these three Rabbis.

When I say limited, Mr. Chairman, if you were to ask me what I mean by that it would be this, the other religions are permitted to train their priests in Seminaries. The Jews are not permitted to train their Rabbis. I consider that to be a decidedly important issue. If, in fact, Rabbi Levin dies—and let him live to the proverbial 120—there is no one to take his place. In fact when I was there, they said, what will happen is that they will have to take the Rabbi from Leningrad to place him in the larger community of Moscow.

Moscow does have a half million Jews and Leningrad has three hundred thousand Jews.

Let me go back to Mrs. Kaminsky. As we sat in her kitchen with those other people who were there, she said to me, "They are listening to us now," pointing to the air and meaning that we were then being monitored, as I am sure we were.

She said, "While I am frightened in talking with you I know that the only way that we have a possibility of saving our husbands and the possibility of leaving the Soviet Union," is to make the world aware of what is happening and then she would say, "We are not anti-Soviet, we just want to leave," and the reasons that she gave were that you cannot be a Jew in the Soviet Union, you cannot practice your Judaism.

She said, "We are talking to you, recognizing the dangers because only if the outside world hears us and speaks out, is it possible that there will be a change." She is not wrong, you know.

When the Soviet Union convicted in an earlier trial, I think it was fifteen people, two of them were sentenced to death and newspaper correspondents in the USSR told me that the only reason those sentences were commuted was that Soviet officials received telegrams from leading public officials throughout the world and they specifically referred to the telegram from the Prime Minister of Great Britain.

There is no internal public opinion in the USSR but there is outside world opinion to which they are sensitive. Indeed, as I understand it, again from comments that were made to me by the Western press in Moscow, the other delegates from Communist parties in Italy, from France, from other countries, gathered then in the Soviet Union as a result of the 24th Soviet Congress then being held were upset, and their complaints were causing the Soviet Union to give consideration to a change in its position.

Well, Mr. Chairman, the question arises, is what the Soviet Union doing to the Jews comparable to what Nazi Germany did? The answer is, no; and no one in his right mind would make that comparison because the Nazis involved themselves in physical genocide, where a whole people en masse was murdered. That is not taking place in the Soviet Union. But we do have cultural genocide. We do have individual cases where people are in fact treated in a manner which can only be described as barbaric.

I won't dwell much further on the cases of **Mrs. Kaminsky and Mr. Lev Yozman.** They said the second reason that their husbands were on trial was that they had applied for leave to leave the Soviet Union and they had sent a petition to U Thant asking for help. A very legitimate and legal act under Soviet law, but considered to be an anti-Soviet act and, of course, as you know, they were subsequently each given five years.

Let me tell you what it means to apply for an exit permit, that is to leave the Soviet Union. I went to Israel during the last Congressional recess. I spoke with Dr. Michael Zand. I notice, having read the Statement from the State Department, they quote Dr. Zand with respect to his opposition and antipathy to violence, and I can only echo every statement he made. Violence on the part of anyone in this country with respect to helping the plight of Soviet Jewry is totally counter-productive. It is an overworked word but it happens to be true. You cannot help Soviet Jews by engaging in violence in this country. But you can help Soviet Jews by peacefully picketing, by peacefully demonstrating, by peacefully speaking out against Soviet barbarism.

I intend to do that while at the same time saying to anyone who encourages violence, you are doing an act which is against the interest of everyone concerned, our own American government and our brothers and sisters in the Soviet Union. So, we must put down violence out of hand.

But peaceful demonstrations and bringing this to the attention of the American public is absolutely vital.

I want to go back to Dr. Zand because Dr. Zand is quoted as I would quote him, that he is against violence and I am against violence, too. Let me tell you what Dr. Zand told me about the Soviet Union which, unfortunately, the State Department did not include or maybe they did not interrogate him about that. Let me tell you what he told me. I met him in the City of Jerusalem. He had finally received permission to leave the Soviet Union. He is a scholar. He wears a skull cap which is very large, a highly decorative one, and I will tell you why I mention that in a moment. But immediately it gets your attention as you sit with him.

I said, "Dr. Zand, tell me what the situation is for Jews so far as you know in the Soviet Union." He said, "It is not possible to live as a Jew in the Soviet Union."

He said, "It comes to you slowly, this recognition of your Jewish heritage, because it has been repressed as we all know in the Soviet Union and you suddenly desire and have this almost unmanageable desire to speak out and stand up and be heard."

The Jews are doing exactly that, speaking up, standing up and being heard in the Soviet Union. That is why the Soviet Union is so distressed and may be considering changing its policies to allow these dissenters to leave. Hopefully that will actually occur in larger numbers. Dr. Zand said his first arrest—I can't give you the exact dates, I may be a little bit off on the months, but I think his first arrest happened in January of this year. When the Soviet Union called together a group of what can only be termed as House Jews, they used to be called in German the Hof Jude, Court Jews, Uncle Toms—we have that. There are other phrases and every group has them, of people who will betray their own people because of the material benefits that come to them by betraying their own. It is not unique to Jews. It is not unique to blacks, it is not unique to any groups. We all have them. We have to understand them, the flesh is weak.

The Soviet Union called together a group of Jews in the Moscow synagogue to say how wonderful it was to live in the Soviet Union. Dr. Zand, who is a scholar and also had Press credentials because of his work in the Press, was given entry. What he did is this, he stood up and said, "What is happening here is not true. These people don't speak for us. In the Soviet Union you cannot lead a Jewish life."

Well, he was arrested. They didn't hold him very long, just a day. But they warned him, stop this, Dr. Zand. He said to me, "I could not stop it, no more than you can stop the tides. I wanted to speak the truth."

He said, "On another occasion," I think it was June of this year, "he and a number of others stood up in the public center of Moscow and spoke out against the Soviet government's refusal to allow the Jews to leave." He was arrested again. This time he was given fifteen days in jail. He said that he went on a hunger strike as a matter of principle.

He said they permitted him to remain on the hunger strike, and he was in good health from the first day to the 13th day of his hunger strike. Then he said, they knowing that he was going to be released in two days, knowing that he had not suffered any physical harm as a result of that hunger strike but because, in his words, they wanted to "humble him"—those were his words, they wanted to break his spirit—they force-fed him, knowing he was going to be released in two days and that he was in no danger of illness. He said as a result of the force-feeding he suffered a heart attack. On his release, they said to him "next time we will send you to a mental institution".

I said to him—I could not help it because that yamulka that skullcap had been on my mind—"Dr. Zand, do you always wear such a large skull-cap?" It was really a very lovely one. He said, "For the last few years I started to wear it several years ago as a symbol of my protest for all to see."

It is for me a very moving experience. This man who fought such a magnificent fight he stood up and went to jail and caused them such difficulties in the Soviet Union, they finally said, "Let him go," and he left.

I want to tell you a third case which is that of a woman that I met in an Absorption Center in Ashdod, Israel, Mrs. Rohel Shpunghin. She has a brother who is a doctor in New Rochelle. I have been in touch with him since I met her in Israel, as I say I was there in August of this year. Mrs. Shpunghin spoke English. A magnificent person. She described to me what it means to apply to leave the Soviet Union. She said, "You know, there are some people who say we want to leave the Soviet Union because materially we will be better off by coming to Israel." She said, "That is not true." She said, "I am a biology teacher and my husband is a chemist. We both worked, we had a lovely apartment in Riga, far better than the one we are going to have in Israel. We even had a cottage by the sea because of our joint wages and because we were professionals. But," she said, "You could not live as a Jew, impossible to live as a Jew. You were subject to the slanders, the limitation in how high you could rise, you could not be a Jew. We decided," she said, "that we would leave to go to Israel." She said, "Do you know what that means?" She did this four years ago. She said, "You have to apply to your factory manager. My husband applied to his factory manager. He said, "No." Before you can even apply to the government you have got to get permission from your factory manager and then from your neighbors." She said, "My husband applied to the factory Soviet, so to speak. They berate you and call you traitor. He was turned down. He had to quit his job and take a lesser job in another place where he knew they could not be so virulent, which he did. He was able to get a certificate which said they did not object to his leaving."

She said so far as she was concerned, rather than risk not getting the certificate, she quit her job so that she left professional life to become, so to speak, a housewife so as not to have to get this permission. Then she said, "You have to apply to your neighbors. We have a Soviet in the building. They call you traitor. They say you are going to Israel. Some day you are going to come back and you are going to shoot us."

It is incredible the way Israel is held up to contempt by the Soviets and also the way they envisage that State.

She said, "They see Israel,"—not the Russian government but the Russians she talked with—"as a state equally large in size to the Soviet Union. Some day Israel is going to come and invade the Soviet Union is the way it is put forth."

You can understand what this propaganda does to the neighbors. They said to this family, "You are traitors." They still prevailed. Imagine what that means to an individual. First to go through that kind of confrontation with your fellow-worker, then that kind of confrontation with your fellow-neighbor and then you have to continue to live there three or four years until the permit comes permitting you to leave. What happens in the meanwhile? You lose your job.

Let me tell you something else that happened to these people. When their children reached university age—the first one, to my recollection, reached it two years later, age

18, applied to the university and he was told, "You may not go to the university, your parents are traitors."

That is what it means to apply in the Soviet Union for permission to leave.

Now, let me talk about another aspect and that is this, the statement of the State Department points to the fact that statistically the Jews don't appear to suffer from discrimination. I will give you some statistics on that.

I am not an expert on statistics so I called the Library of Congress. I said, I would like to have a comparison. I would like to know now what the number of Jews are in the areas I am going to give you and what they were the last time you had a figure on this. There is no question that percentagewise if the Jews constitute one or two or three percent of the population in some areas there are going to be more of them than percentagewise would be expected but it was my understanding that the Soviets take the position that the people went to the university if they were able to pass the test, not if they were Uzbeks, Jews or Ukrainians. That is no longer the rule. The rule now is if you are a Jew you go under a quota. So I asked about other areas.

Let me tell you what the Library of Congress gave me. The Supreme Soviet, which is the highest public body, in 1968—let me give you the old figures because it makes it more dramatic, the figure they gave me. In 1938 out of the 3,594 members of the Supreme Soviet, 2.5 percent were Jewish. I suppose that basically reflected percentagewise what they were at that time although I can't really say that to be accurate. In 1968, out of the Supreme Soviet which has been reduced in number to about half the size, the present number in the Supreme Soviet is 1,517 members, of which 12 are Jewish. That is eight tenths of one percent. A huge falling off. The Central Committee, which is really the governing body of the Communist Party, in 1926, out of 104 members, had 11 Jewish members, which was 10.6 percent.

In 1968, out of 190 members, one is Jewish and that is one half of one percent. That is the group that runs the Soviet Union. One out of the top body out of 190 is Jewish.

God only knows whether he identifies as a Jew. I didn't ask that question but I suspect he probably does not although I hope I don't do him a disservice. If he or she is, then I say, "Thanks be to God," and I want to applaud his or her courage.

In the area of science in 1947, 16.8 percent of the people who were listed in that profession were Jewish. In 1961, 8.8 percent, one-half. Let me tell you what that means.

In my trip to the Soviet Union in April I went to Moscow University, I met students there. I met American students who were exchange students and I met Russian students. There is no question, I am telling you now what was told to me, not only is there a quota with respect to the Jewish student body, but there is a decided effort on the part of the Administration to limit the number of Jews in the teaching posts. I don't know that they remove them. They may. I don't have independent knowledge on that, but they don't permit a Jew to fill the job. This information was given to me by American students and exchange professors people who are at the Moscow University.

Mr. Rosenthal. I wonder if I could kind of crystallize the thrust of your presentation in some way. What does this mean to the atmosphere, the climate, the spirit? How can you describe that in concise terms?

Mr. Koch. In the Soviet Union at this particular moment in time, and everybody who has been there says this, that the Jews, since the six day war, knowing that there are people who are interested in them, knowing that Israel wants to receive them, knowing that their American religious compatriots are speaking out, knowing that they are not alone, have in some way, whether it is miraculous or otherwise, God knows, the courage to stand up and say to the Soviet Union, "Let us leave, let us leave. You will not let us live our lives as Jews as you allow other groups to live. So let us leave."

Now the Western Press when I was there told me the reason that they are allowing a larger number to leave this year than they did last year and I don't know what the accurate statistics are, but in my recollection in 1970 about a thousand Jews were permitted to leave, and this year it is about 7,000. I think that is the figure I saw in the New York Times recently. The reason, said these reporters, is that the Soviet Union decided that if they allowed a few dissenters to leave that would be the end of the problem. But they found that everytime a dissenter, or troublemaker in their words, was permitted to leave there were ten more to take that persons place. So, maybe they are making a decision now to allow them to go. I hope so. Why not? Not permitting them to go means they are violating two things. They are violating their own constitution which permits free immigration and they are violating the Universal Declaration of Human Rights which they signed.

Mr. Rosenthal. As a result of your trip, how would you assess the fear component? Is there any fear on the part of these people?

Mr. Koch. When I went to the Moscow Synagogue, which I alluded to, but didn't go into any detail, people crowded about me. You have to understand it was rather filled. There were over 500 Jews in that Moscow Synagogue but there are 500,000 Jews in the City of Moscow and there is only one Synagogue with a Rabbi. So it is not such a huge figure when you think about that. They crowded around me. During the course of the service people whispered to me, "Help us, help us. We want to go to Israel. Help us."

In the course of the service there comes a part where one stands and says, "Jerusalem, Jerusalem." There were tears on the faces of the people around me. They were saying to me, "Help us, we want to go to Jerusalem."

When I went outside the Synagogue a number of young people crowded around me.

Mr. Rosenthal. Were there any police people or KGB people involved?

Mr. Koch. No. Occasionally a Soviet militiaman, which is a Soviet policeman, would walk by. Whether there were KGB people in the neighborhood, I can't tell. I certainly was not in danger and these people who were said to me, "We don't care if they see us talking. We are Jews."

These young people who came to me said, "We are not religious, but we are Jews and we identify as such as that is why we are here."

Then they said to me, "Could you get," and they gave me the names of their relatives, "could you get my Uncle to write to me? I will give you his name. Could you get my Aunt to write to me?" Then one person said, "Could someone write to me from America?" I said, "Yes." I have made all those contacts for them.

Just simply said, Mr. Chairman, I don't know that every Jew would leave the Soviet Union, given the opportunity. Large numbers would. If the Soviet government doesn't think that large numbers would, let them put that to the test.

Mr. Rosenthal. Mr. Frelinghuysen?

Mr. Frelinghuysen. I have been very much interested in Mr. Koch's testimony. I suppose the Soviet authorities might feel that if this precedent were established and Jews are allowed to leave because they were Jews, others might well feel the same impulse to leave and would use other excuses as they see them. You say this is not really a religious thing, it is a racial thing. There are lots of races in the Soviet Union. Presumably there might be other pressures to immigrate to get away from an oppressive regime. I suppose that is one of the reasons why they are reluctant to make the decision which I assume we all hope they will and that is to lift the barriers which still exist.

Mr. Koch. May I comment on that, Mr. Frelinghuysen?

Let me tell you in my judgment, based on what Jacob Malik, said at the U.N., it is not just simply a nationality question at all. That is part of it. The Soviet Union has said Jews are a nationality. That is fine, it is an ethnic group, there is no question about that. But if you look at the comments of Jacob Malik in the U.N. forum, and people sat silently by and didn't utter a word in condemnation, which shocked me, when he got up and said to Ambassador Tekoah, the delegate from Israel, "You will take your long nose out of our garden."

I think, Mr. Frelinghuysen and Mr. Chairman, that that reflects a certain anti-Semitic mind, just to use that kind of phrase. I would at least suspect so.

Let me go further and talk about some other aspects because I want to point out to you the virulence of the Soviet government, not just on the same question that the Jews are a nationality, and not treated as such and that they want to leave, but the virulence that is directed at the Jews. Jacob Malik said, "How dare the Jews to talk of themselves as the chosen people. That is criminal in the 20th century."

I don't have to tell you, I know you are aware of it, the concept of the chosen people means that the Jews chose to take on the obligation of the Ten Commandments, and the Torah, and to have for themselves higher obligations that would be required before they can enter heaven. Not in anyway could that be construed as racial superiority. If anything, as I guess it was Ambassador Tekoah who said, "Yes, we were chosen, chosen to suffer." Is that criminal? Is that concept criminal? But nobody stood up to reply. Then he equated Zionism with Fascism, my colleagues, I am a Zionist, I am never going to live in Israel, I love the United States, I am a member of Congress, I am devoted to the United States yet I love Zion. I would assume that while I don't know your antecedents, Mr. Frelinghuysen, but whatever that country is that your ancestors came from, I assume that you have a special feeling for its inhabitants.

Mr. Frelinghuysen. It is a long time ago, Mr. Koch. We are Dutch, a name like this must be Dutch. But 250 years ago, I suppose I have a special feeling. I have only been there twice in my life.

Mr. Koch. Let me say this to you. There are millions of our citizens today, Irish, Dutch, English, French and so many others who look back to the countries of their origin with great feelings of love and sympathy. Their hearts go out. Those of us who, when we are called upon to respond to some tragedy in that country, let us take the country of Italy when it had the devastation and the art objects were destroyed and we all wanted to help. I know you certainly did. It seems to me that it is understandable if someone whose antecedents were Italian that he would have a special feeling about that that you and I could not match as much as we wanted to help.

I think it is fair and reasonable to say that I could have a special feeling about Zion. Zion is Israel; that I could have a special feeling about Zion in no way affects my loyalty to the United States as it would in no way affect the loyalty of a colleague of mine who happens to be of Irish or Italian extraction, or of German extraction who would have special feelings for those countries. I think you would agree with me on that.

Mr. Frelinghuysen. I certainly would not disagree.

Mr. Koch. When Malik in the highest

forums of international diplomacy can utter these anti-Semitic obscenities and no one rises in that forum to speak out, that shocks me. I must say I spoke out here in the House, as did Congressman Rosenthal, calling attention to the fact that no one had risen in the U.N. and I am delighted to say that I was lated singled out for personal attack by Jacob Malik. I had mixed feelings about that. I thought if I were going to be mentioned at the U.N. it should be in a better context but I was delighted that the response of Congressman Rosenthal and myself had so nettled him, calling attention of the world to his anti-Semitic statements, that he felt called upon to personally attack me.

What I am pointing out is that there is now a new virulent anti-Semitic feeling present, not just the "normal" anti-Semitism that has existed in the Soviet Union and before it in Czarist Russia and surely under Stalin with his Doctor's Plot and then under Khrushchev. It has always been there. But it is even more virulent today. I suspect the reason is really that the Jews are not being forgotten by their compatriots in other lands and hopefully by those who are not Jews but are concerned for humanity.

It seems to me that there is nothing wrong, whether you are Jewish or not Jewish to understand their plight. I say to you I feel very strongly about the plight of the Pakistani, the nine million, and I have spoken out on this on the Floor of the House and I think we ought to be doing something about that, as well as for the Catholic Irish minority of Northern Ireland.

I will continue to speak out about those kinds of oppressions.

Mr. ROSENTHAL. If you go to Pakistan, you are losing the jurisdiction of this subcommittee.

Mr. FRELINGHUYSEN. You are arousing my interest, Mr. Koch. Before you go, my wife and I went to the Soviet Union with four of our children two years ago. What really shocked us was the general anti-religious effort being made and the fact that there really does seem to have been a suppression of what you would think would be awfully strong religious feelings. In other words, the Moslems, what has happened to them in a generation or two, you find practically no practicing mosques or synagogues, or practicing churches. It is inconceivable to me how successful the Soviet Union has been in suppressing the natural instincts of people that have been developed over a period of centuries. I can understand as you say why there is a sensitivity where there has been an increase in awareness on the part of Jews and a feeling on the part of those outside of the Soviet Union that this kind of oppression is wrong and that the least the Soviet Union should do is let them go.

Mr. KOCH. As I pointed out, Mr. Frelinghuysen, there is also this difference that the Christian churches are permited to train their priests in seminaries.

Mr. FRELINGHUYSEN. I am not trying to say that there isn't differences between them. What shocked us generally is the fact that there was a virtual wiping out so far as the mass of population is concerned. They don't know any of the consolidations of religion, I would guess. I would think it must be a severe loss for the Russian people.

Mr. ROSENTHAL. Thank you very, very much, Congressman Koch. We are deeply grateful to you.

Our next witness is Mr. Bertram Zweibon of the Jewish Defense League.

Without objection we will include in the record at this point immediately following the testimony of Congressman Koch the testimony of the Honorable Parren J. Mitchell, a Representative in Congress from the State of Maryland.

MORE U.N. PERFIDY

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GROSS. Mr. Speaker, the perfidious Tower of Babel in New York City, otherwise known as the United Nations, took its latest slap at the United States yesterday alleging "grave concern" because this Congress finally stood on its feet and voted to end the band on Rhodesian chrome ore imports.

After callously displaying its immorality by kicking out Free China—a charter member—the United Nations now has the unmitigated gall to criticize the first sensible action this branch of our Government has taken in respect to Rhodesia since that nation declared its independence in 1965.

Of course, Mr. Speaker, if Lyndon Johnson and the cookie pushers of Foggy Bottom had not spinelessly knuckled under to the British request that we join the Rhodesian blockade, we would not have to put up with this sort of business.

The mentality of the United Nations is well illustrated by its pious claim that tiny Rhodesia is a threat to world peace. Nothing, of course, could be further from the truth.

The United Nations blockade of Rhodesia is about as effective as most of its other projects. It is but one more example of why we should promptly end our association with this international debating society.

A STATEMENT ON PEACE AND WAR

(Mr. DENHOLM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DENHOLM. Mr. Speaker, the basic law of this land provides that the "Congress shall have Power—to declare War—to raise and support Armies—" Article 1, section 8, U.S. Constitution.

The original Articles of Confederation, made prior to the adoption of the Constitution of the United States, conferred upon Congress the "sole and exclusive right and power to determining on peace and war." But the United States could not engage in war "unless nine States assent to same."

More definite and full language was written by our Founding Fathers and is used in the existing Constitution of the United States of America. All those powers are attributes of nationality and would exist without mention in the Constitution. But it was desirable to make definite the department of the government in which they should reside.

In the Constitutional Convention some of our forefathers thought the President should have the power; others favored restoring such powers upon the Senate as representing the States in equal number from each represented State; but the prevailing opinion was that the grave acts of declaring and conducting war should be performed by the whole Congress.

In 1812 Congress passed an act in declaring war on Great Britain because of hostile acts done by that country.

In 1846 the Congress declared a state of war with Mexico by a resolution owing of hostile acts of that nation.

In 1898 Congress declared war on Spain.

In 1917 a resolution of war was passed by Congress as a result of the sinking by Germany of the *"Lusitania"* and other merchant ships with the loss of American lives, and of other violations of international law with respect to the United States.

In 1941, Japan attacked at Pearl Harbor. Congress immediately declared that a state of war existed between the United States and Japan, Germany, and Italy.

The United States emerged as the only great Nation in the modern world that had never lost a war. This proud record again demonstrates the strength of free institutions. When the representatives of the people vote for a war, the people respond.

The important lesson to be learned here is that in the United States one man—or one coterie—cannot conduct or declare war.

The conduct and Declaration of War can be done only by the two Houses of Congress whose members are elected by the direct vote of the people. The argument and theory pursued by our forefathers was that action is not likely to be hurried or unjust when submitted for the due care and deliberation of such a body of representatives of the people duly assembled in a joint session of Congress.

"The genious and character of our institutions are peaceful," said the Supreme Court of the United States—1849—"and the power to declare War was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable government to vindicate by arms, if it should be necessary, its own rights and the rights of its citizens." The question before the Supreme Court was then whether the City of Tampico, Mexico, while in the military possession of the United States in 1847, ceased to be a foreign country so that custom duties could not be laid on imports from it. The answer was no.

While the United States may acquire territory, it can do so only through the treaty-making or the legislative powers—the victories of the President as Commander in Chief "do not enlarge the boundaries of this Union, nor extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power."

Congress shall have the power to raise and support armies which is an implied power from the expressed constitutional power "to declare war." But to leave no question as to what department of the government would do it, the power was expressly conferred upon Congress; for otherwise the President as Commander in Chief might assume to raise armies after Congress had made the declaration of war. The President cannot raise an army, nor can Congress maintain one by an appropriation for a longer term than 2 years.

CONCLUSIONS

There is no constitutional authority or precedent authorizing and justifying the President to declare war. The President as Commander in Chief may under the emergency powers of the President mobilize the Armed Forces in the interest of national security. The power to declare war is expressly reserved to the joint session of Congress. It is further restricted by the provisions for appropriations not in access of 2 years without another request to the Congress for further appropriations to finance war.

The more subtle and difficult issue is what may from time to time constitute an act in the national interest? There can be no doubt that when this Nation, its people or its possessions are attacked directly by a foreign aggressor our national interest is placed in jeopardy. Absent of a direct attack the citizens of this country have not historically condoned war. It is unmistakably clear that when the citizens have acted through their representatives in Congress this Nation has always prevailed whatever the adversities.

The second and equally frustrating issue of our time is premised upon the notion that national security is somewhat or somehow exposed and absent of any act by Congress, the President has continued to commit the country to military involvement. The underlying question of such an issue is to what magnitude must such military involvement be committed absent of an act of war. Necessary appropriations to finance modern war are far in excess of any recorded in the history of all wars of this Nation.

In summary the United States entered Vietnam pursuant to a resolution passed by the Congress in 1964 and granted unto President Lyndon B. Johnson the power to repel the Vietcong in the interest of national security. The Congress has continued to appropriate adequate funds to protect our military commitments and men in Vietnam under the Gulf of Tonkin resolution. President Nixon entered Cambodia without any act, counsel or resolution of the Congress. However expedient in the sense of military science the act of aggression in the country of Cambodia was without precedent and of questionable merit as to national security. The continued escalation of military commitments in Indochina without congressional approval will continue to divide reasonable people on the priority of the issues of our times. It is my considered judgment that this Nation can ill afford to further pursue such policies without a full disclosure by the executive branch of Government to the Congress for an evaluation of our national interest. It is the duty of the Congress to respond and if war is to be declared it is for Congress to decide whom the act of war should be declared against and to lead and unite the citizens of this Nation in the common cause against the enemy. It is my belief that the Congress cannot and will not identify the enemy, the nation or the people for whom any declaration of war will issue in Southeast Asia under present existing circumstances. If there is not to be an act of declared war by the Congress the policy of military involvement in Indochina should and must be reviewed to determine a true evaluation of how our national interest is in **jeopardy.**

It appears that our military commitments and our military involvement has exceeded any reasonable degree of temporary defense of our national security in Indochina. If we seek but the balance of power in a by-polarism struggle of world politics between communism and the people of free governments then it is for Congress to decide to what extent we must be committed economically, monetarily, and politically to achieve the equilibrium of power among nations.

It is my conclusion that Congress cannot fail to act upon these grave questions confronting the citizens of our country. It is wrong for the President to pursue a course of no apparent purpose and particularly so without consultation of the Congress. It is wrong for the Members of Congress to pursue individually the political expediencies of public opinion at the expense of divided citizenry. The present policies cannot and should not be continued and it is the duty of every elected Representative of the people to do all that he can to bring these grave issues to a united decision through the consultative processes of our democratic Government by official action of the Congress.

The time for action—is now.

HANSEN AMENDMENT TO ELECTORAL REFORM BILL

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, at the proper time during tomorrow's consideration of the various Federal election reform proposals, I intend to offer the following amendment. It deals with the use of union treasury funds during political campaigns, an area of abuse that is neglected by the otherwise excellent bill approved by the Senate last August and introduced in the House by Congressmen Frenzel and Brown.

Mr. Speaker, the language of the current statutory provision governing the use of corporation and union moneys in behalf of campaigns for elective office is quite vague and has prompted a number of Supreme Court rulings designed to specify its concrete application. These opinions provide that unions may use treasury money to inform their members about the views and positions of candidates, and to support voter registration drives and get-out-the-vote activities aimed at union members and their families. By contrast, the Court's rulings explicitly prohibit the use of union treasury funds for these purposes if they are directed at the general public.

Mr. Speaker, the purpose of my amendment is to clarify and codify these rulings in statutory form. We all know that the privilege granted by the court to unions to use treasury funds for activities directed at their members and families has been abused and must be stopped if our election financing process is to be cleaned up and if it is to retain the confidence of the American public. My amendment, I believe, will accomplish this end in a way that is fair to all parties concerned. I include it at this point in the Record:

Amendment Offered by Mr. Hansen of Idaho to the Amendment in the Form of a Substitute Introduced by Mr. Frenzel and Brown of Ohio (H.R. 11280)

Page 18, line 20, renumber Section 205 as Section 206 and insert in lieu thereof a new Section 205 to read as follows:

Section 610 of Title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following new paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit or gift of money or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization; provided, that it shall be unlawful for such a fund to make a 'contribution or expenditure' by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination of financial reprisal; or by dues, fees or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction."

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

One of the most influential factors in making America a strong and prosperous Nation has been the contribution by thousands of concerned civil and business organizations to our way of life.

The Rotary Club was founded in February, 1905 by Paul Harris, a Chicago lawyer. With only three original members, the organization was expanded into Rotary International in 1922. Today Rotary International contributes substantially to the promotion of understanding throughout the business world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kee (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Blatnik (at the request of Mr. O'Neill), for today, on account of illness.

Mr. Chappell (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Cotter (at the request of Mr. O'Neill), for today, on account of illness.

Mrs. Hansen of Washington, for November 18, on account of official business.

Mr. Hillis (at the request of Mr. Gerald R. Ford), for November 18, 1971, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Shoup) to revise and extend his remarks and to include extraneous matter:)

Mr. Veysey, for 15 minutes, today.
Mr. Kemp, for 15 minutes, today.
Mr. Hansen of Idaho, for 10 minutes, today.
Mr. Archer, for 15 minutes, today.
Mr. Schwengel, for 5 minutes, today.

(The following Members (at the request of Mr. McKay) to revise and extend his remarks and to include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.
Mrs. Chisholm, for 30 minutes, today.
Mr. Burke of Massachusetts, for 5 minutes, today.
Mr. Culver, for 5 minutes, today.
Mr. Patman, for 15 minutes, today.
Mr. Daniels of New Jersey, for 10 minutes, today.
Mr. Flood, for 60 minutes, today.
Mr. Collins of Illinois, for 5 minutes, today.
Mr. Gibbons, for 60 minutes, on November 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon, to revise and extend his remarks on H.R. 11731 today, and to include extraneous material.

Mr. Yates, to revise and extend his remarks during debate on the Aspin amendment.

Mr. Randall to extend his remarks prior to the remarks of the gentleman from Louisiana, Mr. Waggonner, during limitation of time before recorded teller vote No. 400.

(The following Members (at the request of Mr. Shoup) and to include extraneous material:)

Mr. Bray in two instances.
Mr. Wyman in two instances.
Mr. McClory in four instances.
Mr. Schmitz in four instances.
Mr. Hansen of Idaho.
Mr. Rousselot.
Mr. McDonald of Michigan.
Mr. Price of Texas.
Mr. Ruth in 10 instances.
Mr. Eshleman.
Mr. Kemp in two instances.
Mr. Esch.
Mr. Frey.
Mr. Findley.
Mr. Bob Wilson.
Mr. McCulloch.
Mr. Vander Jagt.
Mr. Schwengel.
Mr. Pelly in two instances.
Mr. Broyhill of Virginia.
Mr. Ashbrook in two instances.

(The following Members (at the request of Mr. McKay) and to include additional matter:)

Mr. Aspin in 10 instances.
Mrs. Hicks of Massachusetts in two instances.
Mr. Burton of California.
Mr. Gonzalez in two instances.
Mr. Rarick in three instances.
Mr. Waldie in three instances.
Mr. Hagan in three instances.
Mr. Rogers in five instances.
Mr. Rangel in five instances.
Mr. Fascell.
Mr. Matsunaga in three instances.
Mr. Badillo in three instances.
Mrs. Griffiths in two instances.
Mr. Ryan in three instances.
Mr. Davis of Georgia.
Mr. Foley in two instances.
Mr. Fraser in two instances.
Mr. Harrington in three instances.
Mr. Hamilton.
Mr. Byron in 10 instances.
Mr. Bingham in three instances.
Mrs. Sullivan in two instances.
Mr. Vanik.
Mr. Jacobs in two instances.
Mr. Begich in five instances.
Mr. Pepper.
Mr. Evins of Tennessee in two instances.
Mr. Hawkins.
Mr. Daniel of Virginia.
Mr. Holifield.
Mr. Tiernan in two instances.
Mr. Smith of Iowa.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2672. An act to permanently exempt potatoes for processing from marketing orders; to the Committee on Agriculture.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 306. An act for the relief of Eddie Troy Jaynes, Junior, and Rosa Elena Jaynes;

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender;

S. 629. An act for the relief of Chen-Pai Miao;

S. 708. An act for the relief of the village of Orleans, Vt.; and

S.J. Res. 132. Joint resolution extending the duration of copyright protection in certain cases.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4729. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and other purposes;

H.R. 7072. To amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; and

H.R. 11418. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 18, 1971, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1291. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Comimttee on the Judiciary.

Received From the Comptroller General

1292. A letter from the Comptroller General of the United States, transmitting the second report on the audit of payments from the special fund to Lockheed Aircraft Corp. for the C–5A aircraft program, covering the quarter ended September 30, 1971, Department of Deefnse; to the Committee on Armed Services.

1293. A letter from the Comptroller General of the United States, transmitting a report that the Consumer and Marketing Service's enforcement of Federal sanitation standards at poultry plants continue to be weak, Department of Agriculture; to the Committee on Government Operations.

1294. A letter from the Comptroller General of the United States, transmitting a report on problems in paying for services of supervisory and teaching physicians in hospitals under medicare, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. H.R. 11624. A bill to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition (Rept. No. 92–671). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 7130. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; with an amendment (Rept. No. 92-672). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 8856. A bill to authorize an additional Deputy Secretary of Defense, and for other purposes; with amendments (Rept. No. 92-673). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 710. Providing for taking the bills S. 2819 and S. 2820 from the Speaker's table, amending both bills, passing both bills and amending the titles thereof; insisting on the House amendments, requesting conferences with the Senate and authorizing the Speaker to appoint conferees to attend said conferences (Rept. No. 92-674). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 711. Providing for the consideration of a conference report on the joint resolution (H.J. Res. 946) on the same day reported or any day thereafter (Rept. No. 92-675). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 11816. A bill to amend section 1257 of title 28, United States Code, to provide that the Supreme Court shall not have jurisdiction to review a State court final judgment or decree that an act or publication is obscene; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. Denholm, Mr. Begich, and Mr. McCollister):

H.R. 11817. A bill to require that all schoolbuses be equipped with seatbelts for passengers and seatbacks of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Illinois (for himself, Mr. Mills of Arkansas, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Aspin, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Carney, Mr. Diggs, Mr. Erlenborn, Mr. Fascell, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Matsunaga, Mr. Metcalfe, Mr. Mikva, Mr. Moorhead, and Mr. Pepper):

H.R. 11818. A bill to amend the Social Security Act to provide that the total amount of a State's required expenditures for aid or assistance under the cash public assistance programs during either of the fiscal years 1972 and 1973 shall not exceed the total amount of its expenditures under such programs during the fiscal year 1971; to the Committee on Ways and Means.

By Mr. COLLINS of Illinois (for himself, Mr. Mills of Arkansas, Mr. Price of Illinois, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Roy, Mr. St Germain, and Mr. Charles H. Wilson):

H.R. 11819. A bill to amend the Social Security Act to provide that the total amount of a State's required expenditures for aid or assistance under the cash public assistance programs during either of the fiscal years 1972 and 1973 shall not exceed the total amount of its expenditures under such programs during the fiscal year 1971; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 11820. A bill to amend title 39, United States Code, to provide for the mailing of letter mail to Senators and Representatives in Congress at no cost to sender, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. HICKS of Massachusetts:

H.R. 11821. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 11822. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 11823. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 11824. A bill to assist railroads in acquiring and utilizing rolling stock, to proscribe disproportionate taxation of certain interstate carriers' property by State or local governments, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer) (by request):

H.R. 11825. A bill to amend the Federal Aviation Act of 1958 to provide for the regulation of rates of air carriers and foreign air carriers in foreign air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11826. A bill to amend the Interstate Commerce Act, as amended, and acts amendatory and supplemental thereto, to provide for increased reliance on competition in the establishment of carrier rates, charges, and practices, to liberalize entry and exit in the several modes of surface transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona (for himself, Mr. Henderson, Mr. Scherle, Mr. Abbitt, Mr. Haley, Mr. Archer, Mr. Blackburn, Mr. Landgrebe, Mr. Fisher, Mr. Scott, Mr. Schmitz, Mr. Price of Texas, Mr. Robinson of Virginia, Mr. Collins of Texas, Mr. Smith of California, Mr. Eshleman, Mr. Baker, Mr. Gross, and Mr. Jonas):

H.R. 11827. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. VEYSEY:

H.R. 11828. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 11829. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

H.R. 11830. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11831. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 11832. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11833. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11834. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 11835. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. ABOUREZK (for himself, Mr. Aspin, Mr. Harrington, Mr. Rosenthal, Mr. Roy, and Mr. Seiberling):

H.R. 11836. A bill to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 11837. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CASEY of Texas:

H.R. 11838. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. COLMER:

H.R. 11839. A bill to amend the act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ERLENBORN:

H.R. 11840. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and means.

By Mr. HANLEY (for himself, Mr. Udall, Mr. Boggs, Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Annunzio, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Broyhill of Virginia, Mr. Burke of Massachusetts, Mr. Burton, Mr. Carney, Mr. Clay, Mr. Corman, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Edwards of Louisiana, Mr. Eilberg, and Mr. Esch):

H.R. 11841. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. Udall, Mr. Evans of Colorado, Mr. Fascell, Mr. Fraser, Mr. Gallagher, Mr. Gaydos, Mrs. Grasso, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Holifield, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Melcher, Mr. Metcalfe, Mrs. Mink, Mr. Mitchell, and Mr. Moorhead):

H.R. 11842. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. Udall, Mr. Moss, Mr. Murphy of New York, Mr. Nichols, Mr. O'Neill, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Roe, Mr. Rosenthal, Mr. Roy, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Scheuer, Mr. Sisk, Mr. James V. Stanton, Mr. Thompson of Georgia, Mr. Tiernan, Mr. Waldie, Mr. Williams, and Mr. Charles H. Wilson):

H.R. 11843. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI:

H.R. 11844. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for non-Regular service under chapter 67 of that title; to the Committee on Armed Services.

By Mr. MOSS:

H.R. 11845. A bill to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to permit an air carrier to hold both scheduled and supplemental certification; to the Committee on Interstate and Foreign Commerce.

H.R. 11846. A bill to amend the War Claims Act of 1948 to abolish the Foreign Claims Settlement Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 11847. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

By Mr. SCHWENGEL:

H.R. 11848. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN:

H.R. 11849. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11850. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. STEELE:

H.R. 11851. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to a taxpayer who is a student at a college for certain expenses incurred in obtaining a higher education; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 11852. A bill to designate certain lands in the Okefenokee National Wildlife Refuge, Ga., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.J. Res. 971. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL:

H.J. Res. 972. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval and reduction of items in general appropriation bills; to the Committee on the Judiciary.

By Mr. UDALL:

H.J. Res. 973. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Post Office and Civil Service.

By Mr. YATRON (for himself, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Aspin, Mr. Brademas, Mr. Burton, Mrs. Chisholm, Mr. Dellenback, Mr. Derwinski, Mr. Eilberg, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Kyros, Mr. Matsunaga, Mr. Mazzoli, Mr. Mitchell, Mr. Morse, Mr. Pettis, Mr. Roe, and Mr. Rooney of Pennsylvania):

H.J. Res. 974. Joint resolution authorizing the President to proclaim the third Sunday in October of each year as "National Shut-In Day"; to the Committee on the Judiciary.

By Mr. YATRON (for himself, Mr. St Germain, Mr. Steele, Mr. Tiernan, and Mr. Winn):

H.J. Res. 975. Joint resolution authorizing the President to proclaim the third Sunday in October of each year as "National Shut-In Day"; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. Podell, Mr. Kuykendall, Mr. Steele, Mr. Vander Jagt, Mr. Camp, and Mr. Gubser):

H. Con. Res. 462. Concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 11853. A bill for the relief of Michael E. Toro; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 11854. A bill for the relief of Anthony M. Daleo; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 11855. A bill for the relief of Ibrahim Mohamed Zaki Oweiss; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 11856. A bill for the relief of Hilda I. Rodgers; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 11857. A bill for the relief of Patrick W. Russ; to the Committee on the Judiciary.

By Mr. HÉBERT:

H.R. 11858. A bill for the relief of Christine R. Anderson; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 11859. A bill for the relief of William H. Spratling; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

158. The SPEAKER presented a petition of Ron Jones, Nedrow, N.Y., relative to the terms of a treaty between the United States and the Iroquois Confederacy; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. RIEGLE. Mr. Speaker, today, I have introduced the Community School Center Development Act. This will serve as the House version of the same act recently introduced in the Senate by Senators Church and Williams. I congratulate them for their initiative in this matter.

The crisis in our schools is an acknowledged fact, particularly in our city schools and schools in low-income and rural areas. The problems are manifold—outdated curriculum and teaching materials, inability to attract and keep good teachers, lack of public support and willingness to pay for improvements, the dilemma of community participation and control, inadequate tax base, the unfair financing reliance on property taxes, educational experience not adequately personalized to the needs and potential of individual children, and so forth.

In short, the relationship between the school and the individuals and groups who make up the community around the school is confused and inadequate for the needs of our time. As a result, not enough young people are realizing the potential they must if they are to be productive and involved citizens in the 1970's, 1980's, and 1990's. Another widely documented condition in today's society is the loss of a sense of community. The forces which fragment and divide a community are greater than those which bring people together to participate and share in larger common interests. This problem can and must be overcome.

One encouraging response to these problems is the community school concept—where the school becomes a fully utilized, decentralized community center, open from early in the morning until late at night, 6 or 7 days a week. The community school concept was pioneered and developed in Flint, Mich., over 30 years ago under the leadership and direction of Charles Stewart Mott and the Mott Foundation. Mr. Frank Manley, of Flint, first organized the concept which the Mott Foundation carried forward.

Under the community school program, the school becomes a neighborhood facility serving not only schoolchildren but adults, senior citizens, community groups and the like with a full array of services: educational, social, recreational, health, local government, public safety, vocational and, in general, whatever the community wants and needs. Everybody in the community gives something to the effort and everybody gets something.

Although there is no pat formula which can be uniformly applied to all communities, there are some battle-tested ways of helping communities to establish their own particular kind of community education as a function of their own special needs, problems, and resources. There is good evidence that this approach can help to make education more responsive to the community, more meaningful to both children and adults, and in the process give a neighborhood a rallying point around which to form a new sense of mission and involvement which cuts across age and interest groups.

The Community School Center Development Act which I have introduced today is aimed at expanding the community school program nationally. It will provide every community throughout the United States with the opportunity to become a part of an educational program which has not only demonstrated its success in over 600 school districts across the United States, but also has unique cost effective benefits which make it attractive to our taxpayers and school systems which are already financially strapped. We have found for example that we can increase facility utilization by 150 percent with a 5-percent increase in operating expenses. This is a bargain that the country desperately needs.

This act is designed to promote the expansion of the community school program in several ways: First, it authorizes Federal grants to be made to colleges and universities interested in developing or expanding community education centers for the training of community school directors. Second, it will make Federal funds available to school districts wanting to establish new community school programs—or expand ongoing programs. These grants may also help cover the cost to communities or school districts for the training and salaries of community school directors.

In order to promote the adoption of community school programs across the Nation, the Commissioner of Education is authorized to distribute information on these programs to local communities as well as appoint up to 25 four-man teams to assist interested communities in program development. Finally, a Community School Advisory Council will be appointed to advise the Commissioner of Education on policy matters relating to community schools.

As a product of the Flint community school system, I have long supported this concept and have worked jointly with the Mott Foundation to encourage its development. Since coming to Congress in 1967, we have worked to acquaint Members of Congress as well as various Federal officials with the unique advantages of this program. While a member of the District of Columbia Subcommittee on the Appropriations Committee—in September of 1967—the Mott Foundation—working together with our District of Columbia Subcommittee of Appropriations, its Chairman WILLIAM NATCHER, and District of Columbia school officials for a pilot project involving two District of Columbia schools—an elementary and a junior high school. More important than the financial support, the Mott Foundation and the Flint school people shared their experiences, technical assistance, and expertise with District of Columbia citizens, educators, and students to see if this concept could work in a major urban center. The results have been so positive that the program has grown to 13 community schools with further plans for expansion. The evidence takes the form of such things as:

Overall increase in average daily attendance.

Improved attendance at PTA meetings.

Window breakage decreased and illegal entries into the school was reduced.

Library book circulation increased.

Elementary school children's reading score levels improved.

Greatly increased pride and involvement in the school and the educational process on the part of parents, teachers, students, and citizens in the surrounding neighborhood.

Recently, a group of District of Columbia senior citizens and blind people—who attend adult education classes sponsored by the District of Columbia Community School program—visited the White House to explain to President and Mrs. Nixon how Flint schools and the Mott Foundation have helped District of Columbia start its own community school program—and how this type of program could help other cities and other senior citizen groups around the country.

In addition, we have discussed the community school concept with HEW Secretary Elliot Richardson who indicated his support for the concept and stated that—

> We are assessing ways in which the Federal Government might contribute to strengthening the community school concept.

Both the Economic Opportunity Act and the Elementary and Secondary Education Act have identified the community school concept as an integral part of any community action program designed to help a disadvantaged area. However, I feel very strongly that the time has come for the Federal Government to go beyond passively applauding the merits of the community school program and actively contribute to its further growth and expansion.

In addition to the many social and educational advantages stemming from the community school program, there are a number of unique economic advantages worth mentioning:

In Flint alone—which has a population of approximately 200,000, 92,000 people use our schools after school hours; 80,000 adults are presently enrolled in 1,200 adult education classes; a millage election has not been defeated since 1950; no community school program involves expenditures of more than 5 percent of the school's total operating budget—and utilization of the facility is increased by 150 percent; 4,200 adults are now enrolled in high school credit classes—aimed toward graduation; and 230 adults graduated from the adult high school in 1971.

In conclusion, the reasons and advantages for the Federal Government to undertake leadership in encouraging the community school program include the fact that; it attacks multiple community-related problems; it uses existing systems and facilities and thereby avoids duplication; remains flexible and reflects the needs and wants of the local area each of which are different; it is a cost-effective investment; and it helps build a sense of neighborhood and community which is so badly needed in today's fragmented society.

Education is not a partisan issue—and I would like to urge all of my colleagues here in the House to join in supporting the Community School Center Development Act. I am hopeful that we will see the same kind of enthusiastic support for this program here in Congress as has been shown in so many communities throughout the United States.

I attach the bill so that it can be printed in full at this point in the RECORD.

H.R. 11709

A bill to promote development and expansion of community schools throughout the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community School Center Development Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide recreational, educational, and a variety of other community and social services through the establishment of the community school as a center for such activities in cooperation with other community groups.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes, in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law;

(4) "Council" means the Community Schools Advisory Council;

(5) "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (A), (B), (D), and (E). For purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "local educational agency" means a public board of education or other public

authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(7) "community school program" means a program in which a public elementary or secondary school is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves.

TITLE I—COMMUNITY EDUCATION CENTER GRANTS

SEC. 101. (a) The Commissioner shall make grants to institutions of higher education to develop and establish programs in community education which will train people as community school directors.

(b) Where an institution of higher learning has such a program presently in existence, such grant may be made to expand the program.

APPLICATIONS

SEC. 102. A grant under this title may be made to any institution of higher education upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(4) provide for making such reasonable reports in such form and containing such information as the Commissioner may reasonably require.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II—GRANTS FOR COMMUNITY

SEC. 201. (a) The Commissioner may, upon proper application, make grants to local educational agencies for the establishment of new community school programs and the expansion of existing ones.

(b) Grants shall be available for the training and salaries of community school directors as well as actual and administrative and operating expenses connected with such programs.

APPORTIONMENT

SEC. 202. (a) The number of project grants available to each State, subject to uniform criteria established by the Commissioner, shall be as follows:

(1) States with a population of less than five million shall receive not more than four projects;

(2) States with a population of more than five million but less than ten million shall receive not more than six projects;

(3) States with a population of more than ten million but less than fifteen million shall receive not more than eight projects; and

(4) States with a population of more than fifteen million shall receive not more than ten projects.

(b) Grants shall be made to the respective State educational agencies for payment to the appropriate local educational agencies.

CONSULTATION WITH STATE EDUCATIONAL AGENCY

SEC. 203. In determining the recipients of project grants the Commissioner shall consult with each State educational agency to assure support of a program particularly suitable to that State and providing adequate experience in the operation of community schools.

PAYMENTS

SEC. 204. Payments under this title shall be made from a State's apportionment to any State educational agency which has been selected by the Commissioner in accordance with section 203.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—COMMUNITY SCHOOL PROMOTION

PROMOTION

SEC. 301. In order to promote the adoption of community school programs throughout the United States the Commissioner shall—

(1) accumulate and disseminate pertinent information to local communities;

(2) appoint twenty-five teams, consisting of not more than four individuals on each team, to assist communities contemplating the adoption of a community school program; and

(3) establish a program of permanent liaison between the community school district and the Commissioner.

ADVISORY COUNCIL

SEC. 302. (a) There is hereby established in the office of the Commissioner a Community Schools Advisory Council to be composed of seven members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code.

(b) The Council shall select its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed four shall be appointed for a term of one year and three shall be appointed for a term of two years as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities and four members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

FUNCTION OF THE COUNCIL

SEC. 303. The Council shall advise the Commissioner on policy matters relating to the interests of community schools.

COMPENSATION OF MEMBERS

SEC. 304. Each member of the Council appointed pursuant to section 302 shall receive $50 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—MISCELLANEOUS

PROHIBITIONS AND LIMITATIONS

SEC. 401. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

JUDICIAL REVIEW

SEC. 402. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of applications submitted under title II, or with his final action under section 405, such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 403. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

PAYMENTS

SEC. 404. Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or both.

WITHHOLDING

SEC. 405. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which

such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Commissioner shall notify in writing such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

AUDIT AND REVIEW

SEC. 406. The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee, under this Act, that are pertinent to the grant received.

REPORTS TO THE CONGRESS

SEC. 407. The Commissioner shall transmit to the President and to the Congress annually a report of activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the number and amount of grants.

THE WAR IN VIETNAM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WOLFF. Mr. Speaker, the war in Vietnam has been dragged on and prolonged for months and years now, to the point where the American people are impatient for an end to the American involvement. My constituents in the Third Congressional District of New York continually raise their voices to implore that everything be done to bring this tragic conflict to a close.

The village of Great Neck Estates, in a special meeting of the board of trustees on September 15, 1971, passed the following resolution, which clearly expresses the sentiments of not only the residents of the village, but, I think, the wishes of the majority of Americans. I therefore commend this resolution to my colleagues, and join the trustees of the village of Great Neck Estates in urging the withdrawal of all American troops from Southeast Asia.

The resolution follows:

RESOLUTION

Whereas military spending for the Viet Nam War represents a substantial portion of the Federal Budget and diverts public funds from more urgent needs of this nation, including purposes which benefit municipalities, both large and small, and their residents; and

Whereas the President of the United States has already taken initial steps to terminate American involvement in the Viet Nam War; and

Whereas doubt exists throughout all segments of the Nation and our Government as to the propriety and morality of now prolonging the said War,

Now, therefore, at a Special Meeting of the Board of Trustees of the Village of Great Neck Estates, held at the Village Hall on September 15, 1971, the Board of Trustees of the Village of Great Neck Estates has unanimously passed the following Resolution:

Be it resolved that the Board of Trustees of the Village of Great Neck Estates, County of Nassau, State of New York, hereby urges the President and the Congress of the United States to do all in their power to withdraw all United States military forces from Viet Nam, Laos, and Cambodia as soon as possible and not later than December 31, 1971.

DAILY DEATH TOLL

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. DIGGS. Mr. Speaker, starting on November 8 and continuing until Thanksgiving, a group of Americans are "dying" symbolically each day in front of the White House, or as near as they can get to it. There are 300 of them daily—the same as the number of human beings that are actually dying every day in Southeast Asia. These concerned people from many areas of the country, cooperating in the Project Daily Death Toll, under the leadership of two groups—the Fellowship of Reconciliation and the Clergy and Laymen Concerned—are showing clearly, dramatically, quietly, peacefully—the horror of the sheer numbers of dead that are paying the toll in a war that is said to be "winding down."

I can only hope that these dedicated people achieve their objective—to reach the minds and hearts and consciences of the Nation, so that the "winding down" of the war becomes not another cynical copout but turns into the reality of ending the war now.

Each week in the news we get matter-of-fact, almost cheerful reports of how few Americans are dying in the war in Vietnam—the "low average weekly body count" as compared with some previous time—now that "the war is winding down."

What we do not hear is that each day the war goes on, 300 Vietnamese are killed—plus more Cambodians and Laotians. We do not hear that the average tonnage of bombs dropped by the United States is higher now than ever before. We are not told of the constantly rising average monthly number of new war refugees in Indochina.

"Now that war is winding down"—how reassuring that sounds. Winding down to what? Until when? President Nixon has assured us that by next July—still seven and a half months away with 300 dying daily—there will be "only a residual force of no more than 100,000 troops" left in the war zone; in order to protect this residual force, of course, it will be necessary to continue and perhaps increase the air support—which means, very likely, more and more and more killed, made homeless—civilian as well as military, if military is the right word to use for the subteenage boys, as in the Cambodian forces.

The President has the power to end the killing. He can set a date for the withdrawal of all troops from Southeast Asia and put an end to the bombing. With those steps, the killing would stop and the American prisoners could come home. Negotiations could easily settle the remaining political questions.

THE CANCER BATTLE REQUIRES A SEPARATE AGENCY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BRASCO. Mr. Speaker, very recently the Senate passed a measure calling for a concerted effort on the part of this Nation to find the cause of cancer plus an accompanying cure or cures for this killer.

Such a laudable objective is meaningless in itself unless accompanied by legislation setting up some structure upon which to mount the effort. This the Senate sought to do by calling in its measure for the creation of an independent agency to handle, oversee and administer this long overdue work. I favor this approach, for a variety of reasons which I shall delineate.

This body has just passed a similar measure, again with laudable purpose. It seeks the same goal as the Senate bill does. Unfortunately, it does not provide the appropriate machinery for doing so. That is why I was one of the five Members who opposed the final form of the legislation.

For years, I have felt that the National Government should and must mount this kind of massive, allout research and scientific work. Nationally, I feel that the overwhelming majority of Americans favor such activity. If we can spend billions upon sterile wars and weapons systems cost overruns, we can surely appropriate and invest a reasonable sum of money to attack the menace that is the disease of cancer.

Yet it seems that we are intent upon diffusing rather than concentrating our efforts. The House-passed version calls for the setting up of such an agency as we have in mind within the already existing framework of the National Institutes of Health.

This organization is a massive operation, entering into dozens of health and research fields on behalf of the American people. In recent years we have found that by its very vastness and diversity, some work and projects have gotten lost in the shuffle. Funds intended for one good work somehow are diluted because yet another laudable undertaking requires people, equipment, space and funds. None of this is ever done by accident. No one ever acts in bad faith. Most of what emerges is excellent work, yielding a good return to the taxpayer.

Unfortunately, the nature of the beast we deal with here is vast. A cancer attack program envisioned by the Congress would inevitably, almost certainly be watered down as other programs have been within this complex operation that is the National Institutes of Health.

In order for us to make the progress we seek in conquering this disease, we must create a special agency, fund it, staff it, equip it and give it one instruction, and only one instruction—find a cure for cancer as swiftly as is humanly possible. Or at the very least, isolate the cause of as many varieties of the disease as is possible.

This would not be done under the measure the House has just passed. We will only lose the force and momentum already built up by merging this quest with so many others.

In no way do I denigrate the other efforts that are aimed at ridding mankind of so many other afflictions. In no way do I question any motives, for all involved in this area, I believe, operating in the most sincere manner possible. I still feel, however, that the Senate-passed version was the correct approach to take, and that we have missed a vital opportunity by putting our measure in the final form it took.

Mr. Speaker, because the House version of the bill is different than the one the Senate passed, 79 to 1, there will be a conference to iron out the differences. I sincerely hope the conferees will seize this opportunity to go forward with the concept of a single new agency to mount an all out attack on this merciless killer—cancer.

NATIONAL WEEK OF CONCERN FOR OUR PRISONERS OF WAR

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WOLFF. Mr. Speaker, I rise today in support of the efforts of my colleague the gentleman from Indiana (Mr. ZION) to designate a National Week of Concern for Our Prisoners of War in Indochina. It has been 7 years and 235 days since the capture of the first American POW. The time has come to bring this statistic to an end. We cannot afford to delay.

The profound concern of all Americans about our POW's and MIA's is clearly evident. In my talks with the families of American POW's, I have been given to understand that the setting of a definite withdrawal date would accelerate the return of our POW's. We also know that the conditions under which these servicemen are incarcerated are so poor that many of them will be unable to survive much longer. Thus, plans for a residual force and the refusal of the administration to set a withdrawal date are actually working against the very men whom they are trying to save.

We cannot allow our brave servicemen to become pawns in a faulty political chess game. We in the Congress must demonstrate our genuine concern for the plight of these men by taking steps to end the war as soon as practicable and thus secure their immediate release. An early end to this war is the best way to guarantee their safe return home and to prevent any more Americans from suffering a similar fate.

SALVATORE J. REALE OF OZONE PARK HONORED

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ADDABBO. Mr. Speaker, a most interesting and courageous story developed recently when Salvatore J. Reale subdued a knife-wielding robbery suspect in New York City. Mr. Reale is a resident of Ozone Park, N.Y., in my congressional district, and I am particularly proud of his unselfish and brave actions in this case.

Recently Mr. Reale was honored by the mayor of New York City for his heroic action. I want to take this opportunity to bring the facts of this incident to the attention of my colleagues in the House by placing in the RECORD at this point the text of the Long Island Press article in the presentation of the Distinguished Service Award to Salvatore J. Reale:

PRIVATE EYE HONORED—GETS DISTINGUISHED SERVICE AWARD

(By Howard Reiser)

Nine-year-old Gina Marie Reale had this big smile across her face, just like any young girl or old girl for that matter, would have if she were picked up and kissed by Mayor Lindsay.

To Gina, this was even more important than the fact that her dad, an Ozone Park private detective was being honored by the mayor for subduing a knife-wielding man who had allegedly pulled off a $300 showroom robbery and then slashed the victim across the chest.

"Gina couldn't stop talking about how she wanted to meet the mayor," said Reale yesterday after receiving a "Distinguished Service Award" for his act. "And she is so flattered that the mayor gave her so much attention."

Moments earlier, the 34-year-old head of the Roma Investigations Agency in Brooklyn stood with his family in City Hall's Blue Room and listened to Lindsay and Police Commissioner Patrick Murphy laud him for his act.

"This is something I never dreamed of" he said. "And I just can't believe how many telephone calls of congratulations I've been getting."

On Wednesday Reale, who was guarding a $100,000 shipment of diamonds at 51st Street and 6th Avenue in Manhattan, fought for his life against the knife wielder for a full five minutes on a crowded street and not one person came to his aid.

"About 500 people stood around," Reale told the mayor and Murphy yesterday. "No one helped me, but after I finally subdued the suspect every one started to clap."

The 5-foot-10, 170 pound private eye was up against a 6-foot-2, 200 pounder later identified as James Jones, 29, who gave addresses in Corona and Manhattan.

"It was a difficult situation," said Reale. "But you have to act quickly and do what you have to do."

The action for which Reale was praised yesterday began to unfold at about 3 p.m. Wednesday when the detective and one of his men, Pierre Thompasionas of Queens Village were guarding Jack Hertz of Howard Beach, jewel trader, who was delivering $100,000 in cut diamonds to the Diamond Exchange.

The three men, standing at the 51st Street location, heard screams and saw Jones running, making slashing motions with an open switchblade knife, and scattering pedestrians before him.

Chasing Jones was Albert Lattanz, 62, manager of a Sperry Rand showroom. Police said Jones had grabbed $300 from Lattanz' cash register after slashing the manager across the chest.

Reale then left his two companions to chase the suspect for five blocks before catching up with him at 54th Street and 5th Avenue. Jones turned on Reale with the knife and the detective drew his gun. The two then scuffled, fell to the sidewalk and rolled out onto 5th Avenue, halting traffic.

Following a five-minute fight Reale subdued the suspect just as police cars arrived.

Reale, whose wife, Nina and father, John, proudly took part in yesterday's ceremonies, recalled he had met Lindsay once before.

"It was three years ago," he related. "I was a bodyguard of his for three hours when he visited the Flatlands Industrial Park."

ADMISSION OF COMMUNIST CHINA TO THE UNITED NATIONS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WYATT. Mr. Speaker, the admission of Communist China to the United Nations has been described as a recognition of reality. I will not quarrel with that view, although I question just how much reality was involved in the parallel vote expelling Taiwan.

However, there is one reality I would like to discuss, and that is the issue of member dues to support the U.N. and its numerous subagencies.

Mr. Speaker, the United Nations is behind in its dues collections and other assessments by $176-plus million. The Soviet Union owes nearly $87 million, and the other Communist bloc countries are delinquent $31 million. At the same time, the United States is bearing a disproportionate 33⅓-percent share of the costs. Or to put it more accurately, the American taxpayer is shouldering this load; I sometimes think we lose sight of just who is footing the bill.

Mr. Speaker, I do not believe we have ever had a satisfactory explanation of just why the U.N. is unable to collect from many nations. How does the U.N. operate if it cannot collect its assessments? Why have we taken on such a magnanimous share of the costs?

I think it is time we had these, and some other questions answered, and I have written to Secretary of State William Rogers for some of the particulars on the operation of the United Nations. I believe public demand is going to require our cutting back our contribution to a rightful 5.8 percent as the price of continued participation within that organization. With the notorious reluctance of the Communist nations to pay their fair share, I doubt if the American taxpayer is going to be willing to add Red China to its financial burden.

Despite the many weaknesses of the United Nations, I do not believe that we should resign our seat because of our "defeat" on the Taiwan vote. Ignoring mainland China has only served to aggravate, not solve, world problems, particularly in the Far East. Red China's entry into the United Nations will at least make that nation accountable to the remaining member nations concerning its actions.

I recently read a speech by a prominent elected official who deplored efforts to reduce the U.S. contribution to the U.N. on the rather tenuous theory that the organization is more important to America today than it has ever been. I found this a little difficult to accept, particularly in light of the fact that this official studiously avoided any suggestion that the delinquent countries at least contribute their fair share.

Mr. Speaker, do we believe that we are winning friends by contributing the lions share of the costs of operating the U.N.? Will we never learn that successful diplomacy is not measured in dollars? I sometimes wonder. I am convinced that you cannot run as effective organization by assuming the financial burden of others, as we have done. I would hope the Congress takes a firm position in this respect.

SEA-VEST

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. ADAMS. Mr. Speaker, our current unemployment rate in the Pacific Northwest is extremely high, and all of us are seeking means to help those who have lost their jobs and are looking for work. I would like to bring to the attention of my colleagues the fine work which is being done by Sea-Vest, or Self-help Employment Association for Volunteer Engineers, Scientists and Technicians, to aid in this effort. I would like to include in the RECORD a statement of their purpose and the service which they provide to unemployed persons:

SEA-VEST

I. What is Sea-Vest? Sea-Vest is an organization of unemployed and under-employed engineers and other professionals, dedicated to assisting its membership in finding suitable employment.

The VEST program is sponsored by the U.S. Department of Labor through the State Employment Services. VEST stands for Volunteer Engineers, Scientists, and technicians. Sea-Vest is the portion of the VEST program sponsored by the Washington State Employment Service, and covers the entire Puget Sound Area.

II. How does Sea-Vest differ from private and other volunteer employment agencies? Sea-Vest *is* primarily an employment agency. It differs from private employment agencies in that there is no fee to either employer or employee, except that the members are obligated to work at Sea-Vest at least 8 hours per week. Many work 40 hours or more.

It differs from other volunteer employment agencies in that as an unpaid arm of the federal and State governments, it is provided quarters, furniture, equipment, reproduction services, telephone service including to the federal telephone network, franked mailing privileges, and clerical support by the government.

III. How can Sea-Vest serve the prospective employer? Sea-Vest can provide the employer with pre-screened candidates who *are qualified* for his job openings. We can assist him in defining his jobs and the characteristics most suitable in the man to fill them. Our Special Projects Group can assist potential employers in feasibility studies and proposals. The prospective employer need only contact our Job Finder Organization.

IV. How can Sea-Vest serve the professional? We can help him help himself in finding a suitable job. We provide assistance in writing effective resumes, learning good interview techniques, and can refer him to jobs. He must come to our offices to register and to contribute.

V. Can Sea-Vest provide information to Groups? Our Publicity Group will be glad to provide information to any individual or groups. We are anxious to provide speakers to business, trade, and fraternal groups for their meetings.

VI. How can I contact Sea-Vest? We are located on the second floor of the Old Washington State Patrol Building at 905 Dexter Street, Seattle, Washington. To telephone our Job Finders Group or Publicity Group, call (206) AT4-9752. For other services call 285-2300, Ext. 1 or 2.

ALASKA PROCLAIMS SUPPORT OF VETERANS DAY

HON. NICK BEGICH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

OF ALASKA

Mr. BEGICH. Mr. Speaker, I am taking this opportunity to show the people of the United States Alaska's support for our veterans. Recently, the Nation celebrated Veterans Day in an effort to show its gratitude to all the Americans who have served in our Armed Forces. We in Alaska felt it only proper that we show our appreciation to those brave Americans by proclaiming our support of Veterans Day and urging all Alaskans to observe this day appropriately.

It is the bravery and courage displayed by our veterans that makes the United States the great Nation it is. They, above all else, are the leaders of freedom and democracy. Their vigorous defense of democracy and freedom has been proof to the world of the desire and need for men to be free.

The following is a copy of the proclamation made by Governor Egan of Alaska. I am inserting this proclamation so my colleagues may share in Alaska's pride in our veterans:

PROCLAMATION: VETERANS DAY

The Congress of the United States and the Legislature of Alaska have designated the fourth Monday in October a legal holiday to be known as Veterans Day, and have dedicated it to the cause of peace with honor, and to show the respect and admiration we have for our veterans.

American servicemen have responded to their Nation's call to duty in the face of loneliness, hardship, danger, and even death. After each war or conflict these dedicated Americans who performed so valiantly as servicemen return to build a stronger country.

The men and women who have served in our Nation's armed forces have made a major contribution to the preservation of America's freedom. The Nation and the free world are eternally grateful for the contributions of American veterans to the advancement of the cause of an honorable world peace.

We have set aside one day of the year to honor the dead and the living whose actions have testified to their courage and devotion to country. We can never repay our debt to them, for it is beyond price, but we can show our recognition of the gift they have made their country.

I, William A. Egan, Governor of Alaska, do hereby proclaim October 25, 1971, as Veterans Day and urge all Alaskans to observe this day with appropriate ceremonies expressive of our desire to maintain peace, and our determination to preserve those principles of freedom for which so many brave men and women of our Nation have given their lives. Further, I urge that we pay proper homage to the millions of our fellow citizens who, by their service of our country, have advanced and maintained the cause of peace. I also call upon all Alaskans to display the flags of the United States and the State of Alaska on all public, business, and residential buildings on Veterans Day.

Dated this 19th day of October, 1971.

WILLIAM A. EGAN,
Governor.

Attest:

H. A. BORUHU,
Lieutenant Governor.

PRISONER OF WAR: VINNY McGEE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. HELSTOSKI. Mr. Speaker, our Nation has rightly been concerned with the plight of American prisoners of war in Southeast Asia. However, there is another type of prisoner of war who has gone practically unnoticed in the press and the public eye. This is the draft resister who has chosen to violate the selective service law rather than his conscience and has gone to jail as a consequence.

The story of one of these prisoners of conscience, Vinny McGee, was movingly told in a recent issue of the Union Theological School Journal. This article was brought to my attention by the Reverend Robert Miller of the Union Theological School, a former mayor of Englewood, N.J. I commend it to my colleagues as evidence that the spirit of idealism and devotion to conscience are alive and well in America today:

[From Union Theological Seminary Journal, October 1971]

PRISONER OF WAR: VINNY McGEE

(By Tom F. Driver)

The prisoner of whom I write is a captive of war, a P.O.W. held by his own government, which he has never betrayed and to which, in fact, he is uncommonly devoted. He did refuse to follow its orders in a matter offensive to his conscience, for which reason that government holds him captive day and night.

Lieutenant Calley is also a prisoner of war in much the same sense, though I find the ironies of that similarity almost too great to bear. Calley, I believe, offended his own conscience in order to do what he thought his commanders wanted. For that he became a convict. McGee disobeyed directives in order to follow his conscience. For that he became a convict. Calley slaughtered. McGee refused to be part of a military that causes slaughter. Both are convicts.

To the Government, I suppose, both erred in opposite directions. To behave would be to take a middle way. That seems reasonable until we ask what way lies in the middle. The middle way is a war—in particular, the Vietnam War, which has been an atrocity and nothing but an atrocity since 1954. Such a median McGee refused even his tacit support, and so he became a prisoner.

He is a Federal prisoner No. 173154. He is confined at Allenwood, the prison farm in Pennsylvania. He is convicted of three minor infractions of the Selective Service Law: not returning a questionnaire, not carrying his draft card, not going for a preinduction physical. His sentence is two years. His case was heard by the Supreme Court. He is a Roman Catholic and a pacifist. From 1967 to 1969 he was a student at Union Theological Seminary, a friend, sometime antagonist, and confidante of John C. Bennett. Among his admirers who yet disagree with him is John N. Irwin, who has entertained the convict at his offices in the Department of State.

The case of Vincent F. McGee, Jr., is a case of "establishment protest," of conscience and Christian witness. To understand it, you have to know that the most impeccable forms of religion can be breeders of adamant resistance. McGee's is a story of particular interest to Union Seminary and the neighborhood it lives in, for this is the milieu in which Vinny was born and brought up.

When I first met McGee, I was astonished by two things. First, he was the only student at UTS I had then (or since) met whose home was Morningside Heights. Union attracts students from all over the world, but to come here from 122nd Street is unheard of!

Second, he was uncommonly mature. I met him on a night when Bill Coffin of Yale was discussing resistance with Union students in the Social Hall. Late in the evening, a voice was heard from the rear of the room. It was a flat voice with only the hint of an Irish lilt, but what grabbed me was its words of wisdom about taking an action and being responsible for it. "Who's that?" I asked. "That's Vinny McGee," someone said. When the meeting broke up, I bee-lined toward him. I saw him last inside the walls of Lewisburg.

Here is the story in brief. Raised in a lower middle-class Irish family as patriotic as it was religious, Vinny attended Corpus Christi Church on 121st Street, where his early mentor was The Rev. George B. Ford, that great Catholic liberal born out of time who has been loved on the Heights for more than four decades. Vinny became an altar boy and, at fourteen, a student at Minor Seminary. Finishing high school, he took time out to do office work in a Wall Street law firm. Thinking to return to seminary, he applied to Dunwoodie, the diocesan school, only to be turned down because of his Ford-inspired liberalism. (The time was 1962.) He went instead to the University of Rochester, where he studied by night while supporting himself by day in a job on the production line at Eastman Kodak.

While at Rochester, where he also managed to study at Colgate-Rochester Divinity School, Vinny became a conscientious objector and so notified his draft board. "I could not," he says, "reconcile the gospel with killing." The draft board (in New York City) replied that they would consider his CO claim when his student deferment expired. But Vinny's pacifism kept growing. He reasoned that the instrument of killing was not only the Army but also the draft system that fed it. If he wouldn't go into the Army, he shouldn't be in the Selective Service System either. "It struck me that the only thing of which I was a card-carrying member was the Selective Service System."

But if you are in, how do you get out? Not even a plea of insanity will release you from its files. To be a male citizen of a certain age is to be under that system. So goes the law. But is the law just? In particular, is it just to the pacifist conscience? McGee decided to raise that issue.

Of course, he could have left the country. He thought about that and decided not. He could have gone underground, but he is very much an above-ground person. He doesn't even like things under the table. There's an Irish forthrightness about him. He looked for the gesture that would make his position clear, and from which he could scarcely turn back. He found it in a well-known act to which he gave an unprecedented twist.

In the spring of 1967 he went to a peace demonstration in Central Park and burned his draft card. That is, and here he broke ranks with other burners, he sent half of it up in flames while he put the other half in an envelope with a letter. He walked out of the park to a mailbox and posted the letter and the charred evidence to Lyndon B. Johnson.

History does not yet record the reaction of the President to this piece of mail, which perhaps he never saw; but the Government seems to have decided that McGee was a ringleader of the resistance movement. At least, the Prosecutor later said that he was. In truth, he was no such thing—too much the individualist. It seems to me the Government finds it preferable to deal with conspiracy than with conscience, from which it follows that every resister is a conspirator. McGee was said, without any evidence, to be a conspiratorial leader; and this provided the line of his interrogation before two Grand Juries. I have to laugh, because he didn't even know the people in the resistance movement. Of course, as soon as the Government moved, he knew them all.

Anyhow, the Federal Attorney in New York threw the book at him. In September of 1967 Vinny entered Union Seminary. He was already classified 1A, and by December he had been summoned for induction and had refused to "step forward." He was then indicted on four counts, more than any other resister up to that time. ("Oh, said Joan Baez upon meeting Vinny at her marriage to David Harris, "so *you* are the most-indicted man in the movement!") The Government did not, however, prosecute him for draft-card burning. It simply got from a Grand Jury two indictments concerning that offense (this makes six in all), which it is still able to pull out of the drawer any time it wishes.

In the fall of '68, Vinny was tried and convicted on four counts. These were the three minor offenses I mentioned above, plus the only one that usually matters: refusal of induction. I skip over the trial now, to return to it later.

The case went through the Court of Appeals to the Supreme Court, where it was heard in February of 1971. The verdict was handed down on May 17. (That was Union Seminary's Pilgrimage Day, when J. Brooke Mosley was installed as President. I got the news in a phone call from Vinny just as I was about to go to the Quadrangle to "celebrate." Mosley had met Vinny the previous Christmas and was immediately warmed by him.)

The high court sustained conviction, with only Justice Douglas dissenting. "If there were a lawlessness in this case," said Douglas, "it was that of the Selective Service Board." But who, as we must ask so often these days, is Justice Douglas among so many? The majority opinion was from the pen of Justice Thurgood Marshall.

What happened next is full of technicalities. Please bear with me, for on technicalities hang American law and justice.

In 1970, in *Gutknecht* v. *U.S.*, the Supreme Court had ruled that a person's induction into the Army could not be "speeded up" for any punitive reason. That meant, contrary to General Hershey, that the draft could not be used to punish resisters. Just this had been attempted in McGee's case. However, his defense had been prepared before the Gutknecht decision, so the court had not ruled on that point *a propos* McGee. The trial judge, Thomas Murphy, was now asked to overturn McGee's conviction for refusal of induction, and he did so! Nor did the Government contest this, for it was patent from the record that the draft board had indeed, once McGee ceased cooperating, moved hastily to put him in I-A and summon him to "service"—that is, to force him to back down or else. Now, nearly four years later, and even after a trip to the Supreme Court, this strategy was invalidated.

People like me (and including many lawyers) think that, if the Government's prosecution strategy fails, the defendant ought to benefit. This proves to be a naive expectation. Judge Murphy was now asked, quite logically, to reduce sentence. He answered: "Motion denied." He ruled on this the very day that McGee was taken into custody, July 6, 1971; and the two-year sentence began.

To those who were present at Vinny's trial, the most revealing testimony was that of the draft-board chairman, the first such ever to be subpoenaed to testify in court. Under cross-examination it became clear that 1) the draft board kept no minutes of deliberations at its meetings, 2) the chairman could barely recall the meeting, if it ever took place, at which McGee was re-classified I-A, 3) McGee's long-standing request for CO status was not evaluated on its merits, and 4) the draft board had reacted more to prodding by the FBI than to the contents of McGee's file.

Yet all this testimony was destined, by Judge Murphy's order, never to reach the ears or eyes of the jury. In such manner may our courts reserve to the judiciary the right to decide the most sensitive issues in jury trials. Murphy "found," as a matter of judicial privilege, that the draft board had done as it should. As a result, the very issue McGee had sought to raise before a jury—the merits of the draft system—was withheld from the jury. When the Government later declined to challenge the dismissal of the main charge against Vinny, it was to prevent the actions of the draft board from being re-examined. And anyway, what did the Government lose? For McGee was put away for two years just the same. A prisoner of war is a prisoner of war.

So McGee, who once proudly walked the halls of Union Seminary, who was a stalwart member of the Union Commission, and who played a mediating role in the Black crisis of 1969, is now a jailbird. He withdrew from UTS in 1969, to become the Executive Director of Business Executives' Move for Peace in Vietnam ("establishment protect" again), the post he held until his arrest. Last April he was married. Now he resides at Allenwood. Three nights a week he teaches some fellow-prisoners to read and write. His treatment to date has not been inhumane. He requested, and has given subscriptions to *The New York Times* and the *Wall Street Journal*. Among his books at Allenwood is Bethge's life of Bonhoeffer. Yet the Government, its guards and wardens, command two years of his life. The name for this, at best, is involuntary servitude. It was one of the issues over which our fathers fought the War of Independence from England.

I raise not here the question of pacifism nor even the rights and wrongs of the Vietnam War. I raise, in Vinny's name, the question of the right of government to command the lives and consciences of its citizens.

The draft requires two years. The court shall require the same. I feel sure this was the equation in Judge Murphy's mind. It is a formula that leaves unquestioned the right of Government to force people to give up their lives. "Called upon to sacrifice" is the euphemistic phrase. Cruelty is the right name—cruelty to people, and cruelty to language. By the latter you may do the former. A sacrifice not willingly made is not a sacrifice but a butchery. A call backed up by threat of prison is not a call but an imperial decree.

McGee's *is* a sacrifice, but only because he has chosen, within the limits of loyalty to his nation, the form it will take. Were I in his clothing, I should be bitter, but he is not.

For that reason, I shall give him the last word. He wrote this poem while at Lewisburg, "behind the wall," where they can put him again at any moment if he does not watch his step.

WAR PRISONERS

These are saner bars—inside.
No more the shadow bars of myth and hopes
and credibility.
Easier grasp the limits—
Lie fallow avenues of chance.
Light up other fires or go out in widow's
weeds and stripes.
No Pauline baskets for the cheering crowd.
Tears misguided here.
Fellow prisoners,
Take up the bars,
The job's not over yet.

VINCENT F. MCGEE, Jr.,
Lewisburg Penitentiary, July 1971.

RED CHINA EXPLOITS U.N. TO FURTHER WORLD COMMUNIST REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. RARICK. Mr. Speaker, earlier today in my 1-minute speech, I warned our colleagues that Red China would exploit her seat at the United Nations for propaganda purposes in promoting revolution around the world.

No better example can be found than a recent story from Rhodesia concerning Mozambique. The brazen announcement by Communist China calling for a Vietnam-style guerrilla war to liberate Mozambique from "the Portuguese colonialists backed by U.S. imperialism" makes a mockery of any pursuit of world peace by the United Nations. It is further evidence that the United Nations is now being overtly used to further Communist style "peace"—which can only be when there is no resistance to communism.

The warmaker in Korea is still the enemy of peace even though she may occupy a seat among her enemies—the member nations of the United Nations.

I insert a newsclipping at this point in the RECORD.

[From the Rhodesia Herald, Oct. 29, 1971]

PEKING SET FOR ACTIVE ROLE?—CHINA WANTS VIETNAM-STYLE GUERRILLA WAR IN MOZAMBIQUE

HONG KONG.—The Government of Red China has called for a Vietnam-style guerilla war in Africa.

In the official weekly Peking Review, Mao Tsetung's Government has suggested that such a war would be suitable to "liberate" Mozambique from "the Portuguese colonialists backed by U.S. imperialism."

The story said such a struggle was necessary because "the hearts of the ordinary people are with the guerillas fighting for national independence and liberation".

The article represents a shift in emphasis on the subject of colonial wars in Africa from passive support on the part of Peking to potentially active participation.

The Chinese have for years professed solidarity with what they term "revolutionary struggles", in places like Mozambique, but they have never before seemed quite so eager to share in the action. Furthermore, this marks the first time Peking has drawn a parallel between the devastating war in Indo-China and struggles elsewhere in the world. Up to now, Vietnam and its surrounding neighbours have been treated as a special case.

However, the article does not commit Peking to a fullscale war. That was left to a Frelimo leader, Samora Moises Machel. His word on the subject, they reasoned, would be more effective an instrument of propaganda than that of a Chinese editorial writer.

In an interview with a New China News Agency reporter in Peking, he claimed that one-third of Mozambique is now in the hands of terrorists, expressed his sympathy for revolutionary groups elsewhere in the world and said he expected complete victory soon.

This in itself was not unusual, but the space devoted to the interview and the verbal embroidery put around it by the Chinese Press seems to indicate that somebody in Peking thinks the anti-Portuguese revolution is more important than others.

"Protracted revolutionary struggle has made the Mozambique fighters deeply understand the truth," said the story. "Only by mobilizing all the people can the revolutionary war be won."

It quoted Machel as saying: "We and the Vietnamese people are comrades in the same trench. Our aim is the same: it is to oppose imperialism and colonialism and for independence and freedom for the motherland."

The report—as distinct from Machel—suggested that the Mozambique rebels might be wise to "persist in a protracted people's war and continuously defeat the enemy," a statement which has in the past been applied to the efforts of Hanoi's Government to take over South Vietnam.

SIGNIFICANT

The story also pledged China's "complete support", for the Mozambique revolutionary movement, instead of the usual "solidarity". While this may seem a mere semantic trifle to those unacquainted with Peking's rhetoric, it is regarded as significant here. Such slight changes in wording occurred before China's massive arms shipments to North Vietnam and also before the entry of Chinese "volunteers" into the Korean War.

What gives Peking's new stance a frightening edge is the presence of several thousand Chinese technicians and labourers in two of the countries adjoining Mozambique, Tanzania and Zambia, and the possibility that the Chinese shipping which even now moves in and out of Dar-es-Salaam at a furious clip is carrying a lot more than merely materials for the Tanzam Railway.

The only puzzling thing about China's suddenly-increased interest in the seven-year-old Mozambique rebellion is why it has happened now instead of years ago.

About the only reasonable answer Chinese experts here can supply is that China now feels the Vietnam War is coming to a close and the effort expended in Indo-China up to now can profitably be turned elsewhere.

But why Mozambique?

There are several good reasons, none related to Portuguese "colonialism". First, a rebel victory in Mozambique would give China three friends and allies all lumped together in the same section of Africa. Second, they consider the Portuguese can easily be defeated, and a real Vietnam-style war in Mozambique would give China a chance to get in on the winning side without taking very much risk. And third, support of an anti-colonial war in Africa with more than mere platitudes would gain China even more support from small, newly independent nations around the world than she already has.

DEFINITION TIME

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. JACOBS. Mr. Speaker, definition time:

Peacetime Economy 1972: One in which the Administration military appropriation request "floats up" above that for 1971 by nearly five thousand times a million dollars." [1971 Adm. request: $68,745,000,000; 1972 Adm. request: $73,540,000,000.]

Ain't peace grand. About seventy-three million five hundred forty thousand grand.

IMPROVE OUR HIGHWAY SAFETY

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. McDONALD of Michigan. Mr. Speaker, we have made great gains over the past several years in highway safety. There are new techniques and new devices that are saving lives daily, and as a member of the Public Works Committee, I am proud to have taken part in the hearings and debates on legislation concerning the implementation of these techniques and devices.

Although our efforts to save lives and reduce injuries on our Nation's highways have been successful, we cannot ignore the staggering statistics of highway accidents last year. That one statistic in and of itself is enough for me to increase my efforts on highway safety. But there is more. The property loss runs into millions of dollars. And the human suffering caused by the loss of a loved one is not measurable in dollars and cents. How can you calculate the senseless loss of a loved one in a traffic accident.

Mr. Speaker, the ranking minority member of the Public Works Committee, my friend and colleague, Mr. WILLIAM M. HARSHA, has long been a powerful supporter of highway safety. He has a long and outstanding record of accomplishment in this field, and I am proud to have worked with him in this vital area. He too, feels there is more to be done; that the work cannot stop now.

Mr. HARSHA articulated his feelings about highway safety last week in a letter to the President. In that letter, Mr. HARSHA calls for a White House Conference on Highway Safety which would bring together a coterie of professional people interested and trained in promoting safety on our highways.

I support Mr. HARSHA's proposal, and would like at this time to add my voice to his in calling for this conference. For the benefit of my colleagues, I hereby submit for printing in the RECORD a copy of Mr. HARSHA's letter to the President.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 10, 1971.

Hon. RICHARD M. NIXON,
President,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I would like to take this opportunity to express the deep concern and dismay I feel over the frightening toll of deaths and injuries sustained each year on our Nation's highways. As you well know, last year alone fatalities on American highways exceeded all combat deaths resulting from the entire Vietnam War. I believe, Mr. President, there are solutions to this problem which we can and should pursue.

In my judgment, the greatest single obstacle to a quick reduction of this needless, tragic toll is the lack of an adequate and dependable source of funding for highway safety programs. Put simply, we have much of the technology to combat the causes and reduce the carnage on our roadways, but we have not allocated the money to get the job done.

Because I feel Americans can no longer complacently accept this appalling loss of life and treasure, earlier this year I introduced a bill, H.R. 9482, which has a two-fold purpose. If enacted, my bill will produce a quantum jump in funds allocated for safety programs while once again focusing public attention on our present, inadequate safety campaign. Briefly stated, my proposal would direct an amount equal to 40 percent of the revenue derived from the excise tax on alcoholic beverages toward funding of this greatly expanded highway safety effort.

My estimates indicate that over $2 billion would be generated annually by this legislation. I envision that these funds would be used to increase the scope and efficiency of our present safety efforts.

In conjunction with my legislation, I would like to request that you, Mr. President, convene a White House Conference on Highway Safety. Such a gathering would bring together all elements of our society interested in promoting safety on our highways. Included would be highway engineers, builders, users, insurance representatives, safety experts and others dedicated to reducing traffic mishaps to an "irreducible minimum". By promoting increased coordination and cooperation in both the public and private sectors, I believe the Conference could make a significant contribution to the cause of highway safety.

I further believe that the Conference will yield an added dividend by helping to mobilize the kind of massive popular support which will bring final success to our safety efforts.

In addition to these benefits, the Conference could seek to identify specific highway problems for priority attention and to formulate plans for funding promising new avenues of research. I am convinced that through progressive planning, dramatic breakthroughs in the safety field can and will be made.

Finally, emphasis and attention could be given to the investigation and development of plans and programs in such additional areas as:

1. installation of breakaway signs, cushioned rails and abutments and other safety features throughout the entire Federal-aid highway system at the earliest possible date.
2. expanded construction of preferential bus lanes, traffic flow devices, and fringe area parking facilities to help reduce urban traffic congestion, and
3. reduction of urban area traffic "bottlenecks".

Mr. President, I urge you to call a White House Conference on Highway Safety early in 1972. I have discussed the advantages of such a convocation with other Members of Congress, with representatives of the Executive Branch and with private citizens, and all are favorable to the idea. In addition, I am personally contacting officials of State government and of the highway industry to encourage their support for my proposal.

I am convinced, Mr. President, that through your participation in the Conference you can make highway safety *the* national issue and concern that it should be. Rest assured that I will do everything in my power to be of assistance to you in making the Conference a success.

Sincerely,

WILLIAM H. HARSHA,
Representative to Congress.

NO SPECIAL FAVORS, PLEASE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. PUCINSKI. Mr. Speaker, during the past week, the two Chicago newspapers published by the Newspaper Division of Field Enterprises, Inc., have spoken out sharply against any special concessions to the news media in the form of exemptions from phase II of the wage and price control program.

Mr. Marshall Field, publisher of the Chicago Sun Times and the Chicago Daily News, may well have set the pace for the Nation in the newspaper industry in rejecting any special exemptions for his two publications.

Since this entire subject will become part of a national dialog in the issue, I am today placing in the CONGRESSIONAL RECORD both of the editorials.

The Chicago Sun Times editorial follows and immediately after it, the Chicago Daily News editorial:

PRICE CONTROLS FOR THE MEDIA

Exemption of news media—newspapers, magazines and broadcasters—from Phase II price controls is under study by the government. It is the position of the Field Newspapers—publishers of the Chicago Sun-Times and The Chicago Daily News—that there should be no such exemption; circulation and advertising rates should be subject to whatever government controls and regulations are adopted for all businesses.

Our position is contrary to that taken by some media spokesmen. They believe that the exemptions of World War II and the Korean War for the communications media should be allowed.

We do not believe the present conditions or the state of the communications industry warrant such exemptions. The wartime exemptions were granted by Congress which listened to arguments that any power to regulate the news media would collide with the First Amendment of the Constitution which forbids passage of any law that would abridge freedom of the press. Congress wished to avoid any challenge that controls might be used to affect editorial judgment.

We yield to no one in our zeal to protect freedom of the press which is a fundamental right of the people to an uninhibited and untrammeled flow of news and opinion. We have for example, stood firm against proposals for licensing or other state or federal special legislation intended to put government in a position to interfere with a newspaper's right to be the sole judge of its editorial content or its right to access of information. We most recently argued against the right of the government to prohibit publication of the Pentagon Papers, a position upheld by the U.S. Supreme Court.

We do not, however, believe that a general price regulation, applied with uniformity to business and industry generally, falls in the category of the restrictions described here. During the present freeze, we have been prevented from putting into effect an increase in advertising rates that was announced before the Aug. 15 presidential proclamation and which was to take effect Sept. 1. The increase was deemed necessary because of increases in our own expenses, particularly new and more costly labor contracts already in effect. If the Price Commission should authorize an increase under such particular circumstances, as the Pay Board has authorized noninflationary wage boosts, we surely will accept it. But this would be under rules adopted for all businesses and not because of an exemption for the media. During the freeze and the economic burden it has put on us, we have no complaint that our rights under the First Amendment have been imperiled.

Price controls will not inhibit our freedom of expression or our responsibility to criticize the government itself or the operations of the controls themselves. Publishers should not feel that they must be exempt from the law so as to preserve their duty to act as a check on government. To the contrary we believe the press and other communications media would be more credible in the eyes of the public if they operate under the same laws written for other businesses.

NO SPECIAL FAVORS, PLEASE

In the discussion of Phase II wage and price controls, the possibility of exempting newspapers and other news media has been advanced by various media representatives. Some publisher spokesmen favor such an exemption on grounds that applying controls to the media would collide with the First Amendment's guarantee of freedom of the press. We do not agree.

We believe that in matters pertaining to their commercial operations, newspapers and other media should be treated like other private businesses. We consider ourselves subject to the same rules, regulations and laws that apply generally to our readers and advertisers. As we see it, the special protection of the First Amendment was intended to protect our right to print what we consider fit in our news and editorial columns.

We would of course oppose any efforts by government officials to use their regulatory or lawmaking powers to gag the media so as to cover up corruption or suppress embarrassing news, or attempt to stifle the free expression of editorial opinions. But Phase II economic controls are not intended to intimidate the media or compromise the integrity of news reporting or editorial views.

In World War II and the Korean War the media were exempted from price controls. This was done by Congress to avoid any possible contention that such controls were invoked unconstitutionally to influence the editorial content of newspapers and other media. Such exemptions were unnecessary then, and are now.

It so happens that as a business the Field Newspapers—The Daily News and The Sun-Times—did suffer financially from President Nixon's wage-price freeze in August. Increases in advertising rates that we had scheduled for Sept. 1 were postponed by the freeze, resulting in a substantial loss of revenue. Because a newspaper cannot recoup losses in the way a manufacturer of less perishable products sometimes can, this is a permanent loss. Our losses (other media were more fortunate in their timing) were our bad luck; we accept them as such.

We are prepared to continue to cooperate down the line with the President's Phase II. We expect to be subjected to the same regulations as any other business operating under the free enterprise system. We expect and will insist that the controls be fair and uniform, but we want no special privileges on questionable constitutional grounds. We will stand on our constitutional rights only when doing so coincides with the public interest—specifically, the peoples' right to know. The main thrust of the wage-price controls is to try to contain the inflation that long threatened to make beggars of us all. The public interest will be best served if the controls work. So far as we are concerned, making them apply to the media is one way of helping to ensure success.

REPRESENTATIVE JIM WRIGHT OF TEXAS REVIEWS ENVIRONMENTAL CHALLENGE WITH REASON AND ELOQUENCE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 17, 1971

Mr. RANDOLPH. Mr. President, millions of Americans are concerned about the condition of the world in which they live. The crusade for a clean environment has produced many spokesmen, but none more realistic than our colleague in the House of Representatives, JIM WRIGHT of Texas.

On November 4, Representative WRIGHT addressed the National Water Resources Association in Dallas, Tex., in remarks entitled, "Nature and Man—and Water." Representative WRIGHT discussed the creation and maintenance of a clean environment. His thoughts reveal a thorough and well-reasoned view of the environmental situation, and they were expressed with great clarity and eloquence.

Mr. President, I ask unanimous consent that excerpts from the text of Representative WRIGHT's remarks be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NATURE AND MAN—AND WATER

(Remarks of Representative JIM WRIGHT)

Let us think together of Man and Nature—and of Water, nature's most priceless gift and man's most useful servant.

Nature is a marvelous mechanism. So is the human body. Both were engineered and created by the Divine Intelligence to perform their appointed functions efficiently and effectively.

But just as the human body can get out of balance and require corrective surgery to perform its functions properly, so also nature itself can get out of balance and require the corrective, healing surgery of man to perform its functions effectively, efficiently, and beneficially in the interests of both nature and man.

Nature exists for man, and man is expected to exercise beneficient dominion.

He is not expected to prostrate himself supinely before the floods; nor to abandon the arid earth to dust where water lies beneath the soil; nor let the waters wash away the land and leave both man and earth bereft. All of our knowledge cries out against such folly.

In the past two years, a sudden public awareness of our environment has burst upon the scene like an earthquake. To those of you who for decades have led the lonely and often thankless struggle for conservation and environmental quality, this should be great good news. A public awakening was long overdue! But—as is so often the case—the price we pay for long public neglect is a sort of hysterical over-reaction.

Unfortunately, among the new converts there is vast misunderstanding of all that the dedicated handful of conservationists has been doing for all these years. There is a deadly tendency to want to stop everything, to tear out all that man has built, to reverse the hard-won victories the conservation movement has achieved, and—incredibly—to turn the clock back to the unenlightened era when nature ravaged man and man was powerless to protect himself.

For many in the newly popular "ecology" movement, scapegoats have become more popular quarry than solutions. Stopping programs of resource development has become more fashionable—and it was always easier—than performing those programs.

For some the Environmental Policy Act of 1969 has been misconstrued as a trumpet call to retreat into the past and seek the improbable goal of a dead and distant age before man's massive intrusion, when nature was supreme—an age when floods were thought to be the inevitable will of God and when it was the accepted rule that a river would cleanse itself in seven miles without any help from man.

But those who so interpret the commandment of that legislation have failed to understand its meaning.

Nowhere do I read in these purposes any intent to halt the development of our nation's water resources.

Nowhere do I see expressed a desire to lock up our rivers for the exclusive enjoyment of those few who wish only white-capped waters running rampant and uncontrolled.

Nowhere in that legislation is implied a call for retrogression. The law contains no mandate for any self-appointed group to exalt itself above the established agencies of orderly government and bring their work to a grinding halt!

Nowhere in that law do I read any intent to abrogate the clear will of Congress as reflected in water development projects fully authorized for construction—and some of them already begun—by the Bureau of Reclamation, the Soil Conservation Service, and the Corps of Engineers.

There comes a point in every human society when study must give way to action. The average water resource development project of the Corps of Engineers today must traverse the labyrinthine path of almost 18 years of study and restudy between the point of a survey resolution and the turning of the first spadeful of dirt.

Conservation and development are not mutually exclusive. Development of the earth's resources is the tool by which man carries out the goal of conservation.

There is no irreconcilable gulf between a sound ecology and a sound economy.

To be a wise conservationist or an intelligent environmentalist does not mean to halt our development and harnessing of the water resources of our planet. To greater or lesser degree this has been necessary since man first intruded upon the earth. It is more necessary today than ever because there are more and ever more people.

We cannot, alas, keep people from intruding upon the earth. And the interest of people must come first.

Twentieth-century America, like the prodigal son, has drawn heavily upon the bank account of its native endowment and squandered the substance in riotous misuse. More bountifully endowed than any nation in history, we've adopted the rather casual assumption that Providence protects America. We've extracted the riches of our natural legacy, exploited them to build a shining society, and wasted them in copious quantities.

We recall that other civilizations, also blessed with a spark of greatness, have strutted across the stage of world eminence only to fade and wane, their brief, bright promise unfulfilled. In the uncomprehending sand and heat of arid desert waste, their monuments lie buried.

Let no future archaeologist tell the story for us. We have the knowledge to tell it for ourselves—if we have the wisdom. There is *enough* water to serve our needs for future time, if we learn to use and reuse it well. And there is *enough* time to do what we must. But there's not much of either to spare.

CONGRESSIONAL ACTION ON TRADE WITH RHODESIA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SIKES. Mr. Speaker, the Congress has spoken on the matter of trade with Rhodesia and I am hopeful the President will heed the voice of the people.

I was gratified by the House action a few days ago regarding the importation of chrome ore from Rhodesia. For too long, our own Government placed the sanctity of the United Nations above the security of the United States by going along with the absurdity of sanctions against our friends in Rhodesia, but now that matter can be rectified. All that is required is the backing of President Nixon for the action of Congress.

As each Member of Congress knows, the United Nations decided that the United States would not accept critical ore from Rhodesia. The effect of this decision was to make us dependent on Russia to supply us with a material which is widely used in defense programs to protect us from Communst attack. What an anomaly. While Russia purchased quantities of chrome ore from Rhodesia at low prices, the United States purchased chrome ore from Russia at a price almost double that paid by the Soviets for what may well have been the same ore.

The United States went along with this charade for years, Mr. Speaker, despite statements by many Members of Congress that should have jolted the administration into corrective action. Now action has been taken by the Congress to bring sanity into the picture, and I trust the President will promptly take the lead in implementing a new policy on chrome purchases.

It is more than a little interesting that the United Nations General Assembly has seen fit to criticize the Congress for exercising its own responsibilities in a sensible way on the question of Rhodesian chrome. It is disconcerting that our own representatives to the United Nations sat on their hands while this was going on. It would appear that they overlooked the fact that their responsibility is to the United States when we are under attack.

Having taken a decisive step with regard to Rhodesia, the Congress now should direct its attention to correcting other situations which punish our friends and help our enemies.

South Africa is a case in point. This vigorously anti-Communist government has managed to maintain a strong economy despite hostile attitudes fostered by the United Nations wherever possible. South Africa protects the vital sea lanes around the southern tip of the African Continent and insures the availability of a very important port for the United States and other Western powers. The number of these is shrinking. It stood with the United States on the China question before the U.N. Despite our halting attitude, South Africa has not wavered in her friendship for the United

States. Instead of appreciation for the constant support, the United States has played the deadend game of the U.N. toward South Africa. That organization has just rewarded us for years of overgenerous support by repudiating the most important proposal our Nation has advanced in the U.N. for years.

To the credit of Congress, it can be said we have sustained the sugar quota for South Africa. We should take any remaining steps which are needed to bring about normal trade and closer relations with South Africa.

These votes are an indication that the Congress is fed up with having U.S. policy dictated by the United Nations. Let us now finish the work we have begun by reinstating full and friendly relations with our friends.

OKINAWA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 16, 1971

Mr. BYRD of Virginia. Mr. President, Okinawa lies within 1,700 miles of all the Asian nations with which the United States has security agreements.

The Roanoke, Va., World-News in an editorial of November 15, 1971, discusses Senate notification of a treaty by which the United States gave Okinawa to Japan.

I ask unanimous consent that the editorial captioned "Who Won Second Battle of Okinawa?" be inserted in Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Who Won Second Battle of Okinawa?

The eventual reversion of Okinawa to Japan—sealed in the Senate last week in a lopsided treaty ratification vote—was hinted at by none other than John Foster Dulles. In 1951, in an effort to appease the Japanese, he recognized their right of "residual sovereignty" over Okinawa and the chain of islands of which it is a part.

Dulles could not have foreseen that so many other factors—neo-isolationism in the U.S., revived nationalism in Japan, etc.—would change residual to actual sovereignty. But it has happened, and by the middle of next year, Okinawa, "Keystone of the Pacific" will be a Japanese prefecture, or state.

Eighty-four senators ratified the reversion agreement, in spite of the island's importance to the military (though that importance is diminishing in an age of new strategic weaponry) and in spite of all the money the U.S. has poured into the island, only a portion of which it can ever expect to regain.

The strategic importance of Okinawa—in strictly geographical terms—is evident when one realizes that within a radius of only 1,700 miles lie all the Asian nations with which the U.S. has security agreements. No other Pacific island fills the military needs of the U.S. as neatly as does Okinawa.

Virginia's Sen. Harry F. Byrd Jr. aided by Sen. Barry Goldwater carried out a valiant rear-guard action against ratification. Sen. Byrd's major contention is that as long as our commitments in the Pacific and Asia remain, it makes no sense for us to give up partial control over the major base that gives those commitments credibility.

It is a moot question as to how much the agreement diminishes U.S. control over the military use of Okinawa. We still will retain military use of 100 installations on the island; but the actual use in combat would have to be after consultation with the Japanese government. Premier Sato has assured the U.S. that Japan will continue to let us use the base in fulfilling any Pacific treaty obligations; but the senator points out that he is making such a verbal guarantee only for his government, which won't be in command much longer.

Whatever the developments in implementing the agreement, there will be SOME decrease in U.S control over the military use of Okinawa. And Sen. Byrd considers Okinawa so important to our commitments, that if the agreement is ratified by the Japanese the U.S. should reduce its commitments in Asia and the Pacific.

Perhaps that was also the indirect message of the vote in the Senate: that the U.S. is overcommitted in the area and that unrestricted use of Okinawa is one of the factors that has lead us into that overcommitment.

The Okinawans have been pampered by aid from both the U.S. and Japan and buoyed by military employment; it is highly probable that any real American disengagement from the military affairs of the island would dump an enormous responsibility on the Japanese government.

There is an interesting side issue in the Okinawan question that shouldn't escape notice: The Soviet Union maintains an iron grip on several northern islands that the Japanese could claim with as much validity as they have claimed Okinawa. They probably won't demand reversion of Habomei, Shikotan, Etorofu and Kunashiri because they know all they would get from the Soviet Union would be a very scrutable bellylaugh.

THE NEED FOR PROFIT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. WYMAN. Mr. Speaker, we must preserve and maintain an economic system in America that allows the making of profit. Neither individuals nor corporations can, or will, remain in business unless they can make a profit.

Taxes are paid from profits and our huge costs of government—State and Federal—are paid from profits. Hard work, industry, enterprise, increased production efficiencies all leading to a profit—these must be preserved and encouraged—not destroyed by collectivism.

Unfortunately, profit is already very much under control as is pointed out by a recent article published by the American Economic Foundation. I commend this article to the thoughtful consideration of all who realize that we must not kill the goose that lays the golden egg.

The article follows:

The Fallacies We Live By—That Profit Is Not Already "Under Control"

Here is the situation in a nutshell, as reported by the Wall Street Journal on May 13th. Since 1965, the Gross National Product has increased 52%, wages and salaries are up 60% and profits are *down* 4%.

What has been "controlling" profits? First, the power of labor to virtually write its own wage ticket. Second, the growing customer resistance to the prices forced upward by unearned, inflationary wage increases. Management, if it is to save the business, must collect (or try to collect) from the customer, the inflated wages and enough profit to reward the stockholder, whose invested savings make the business possible. As you can see from the above figures, profits have been the whipping boy of inflation.

There is an old story of a Scotsman who was scientifically reducing the daily rations of his mule. "Just when I got him eatin' right, the danged critter up and died." This has already happened to some businesses and it could happen to a lot more. Profit is the essential food of free enterprise.

Vice President Agnew spoke an important truth when he said: "Rising corporate profits are good for the average man, and are needed more than ever by the poor." There are few, if any, "average men" who, directly or indirectly, do not depend upon profit to bolster the strength and security of their investments, life insurance, pensions and retirement funds. All the poor people and welfare clients rely upon profit to produce the taxes needed for their public assistance. Corporation income is taxed twice—first, when it is earned, and second, when stockholders pay taxes on their dividends. Profit is indeed important to both the average man and the poor man.

In the face of these facts, why is there so little public sympathy for the corporation and so much public support of higher wages? Incredible as it sounds, most people still believe *that profit amounts to at least as much as payroll*. This fairy tale has been believed for more than fifty years.

The following figures (in billions) from the Wall Street Journal give the facts:

Year	Wages, salaries	Corporate profits
1965	$359	$46.5
1966	394	49.9
1967	423	46.6
1968	465	47.8
1969	509	44.5
1970	541	41.2

From these figures, which would you say has lacked control, profit or wages?

HEARING ON COMMUNITY DEVELOPMENT NEEDS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. ALEXANDER. Mr. Speaker, among the witnesses appearing at the hearing on community development needs which I conducted in Walnut Ridge, Ark., on October 23, was Dr. Lonnie E. Talbert. He is chairman of the division of general business and economics and professor of economics in the College of Business at Arkansas State University.

During these hearings, I have attempted to have presented testimony from witnesses representing a variety of areas which have a direct interest in the revitalization of the economy of nonmetropolitan areas. Dr. Talbert's testimony was excellent and would, I believe, be of some value to my colleagues who are concerned about the problem of outmigration from nonmetropolitan to metropolitan regions and the need for expanded community development in small towns and communities.

Therefore, I would like to share Dr. Talbert's testimony at this time.

The testimony follows.

Statement by Lonnie E. Talbert

Congressman Alexander, I am Lonnie E. Talbert, Chairman of General Business and Economics Division and Professor of Economics, Arkansas State University. I wish to express my appreciation to you for this opportunity to express my views on the problems and needs associated with economic development in East Arkansas.

Years of economic growth and development have meant years of change for all segments of our society at the national, state and local levels. Some of these changes have taken the form of geographical shifts in economic activities and productive resources. History reveals that for many years we have experienced the movement of industrial activities from the north to many areas of the southern regions because of the shift in markets and the search for labor. The agrarian south has been able to furnish this labor supply because of farm mechanization which released much labor from agriculture. In fact, the "surplus" labor created in this fashion was more than enough to supply the needs of incoming industry; therefore, we experienced the outmigration of thousands of people to other areas in search of jobs. This shift of population has been true not only from south to north but also from rural to urban as well.

We are cognizant that these changes in the name of economic development have brought with them many problems for both the recipients (cities) and the givers (rural areas or small towns). The cities have received a large block of the poor and unskilled citizens to house, educate, serve and protect. The rural areas and small towns have lost thousands of citizens who had the potential of being educated and skilled and made into productive elements of our economy, but because of a lack of foresight and planning, they have been thrust into the role of a deprived, dejected mass of social problems in our metropolitan areas. So, in a sense, both the cities and rural areas have lost in this shuffle of resources and so have the unfortunate individuals caught in the middle.

Now, let's bring the discussion up to date and down to the immediate area we are discussing today. I have reference to the five-county area of Clay, Greene, Jackson, Lawrence and Randolph counties. Arkansas has had a net loss in population for the past several decades up until the most recent one. From 1960 to 1970, the State experienced a 7.7 percent increase in population as compared to a 13.3 percent increase for the Nation. Appendix Table I of this report will show that four of the five counties being considered here today experienced a net loss in population during the decade of the sixties and the other county, Randolph, had only a 1 percent increase. Although the rate of decrease in population varied among the counties, it tends to show that this area is still experiencing a loss in population while much of the other parts of the State and Nation are increasing in population. When one compares the income situation in this area with that of the State and Nation it stacks up on the low side. Appendix Table 2 reveals that for 1960 the per capita income was considerably lower in all five counties than for the State, and in 1969 the same was true except for Jackson County. Jackson County had an increase of 111.5% in per capita income for 1960 to 1969 which placed its per capita income at $2,677 as compared to $2,642 for the State as a whole. Not only were the other four counties lower in per capita income in 1960 but all four counties experienced a smaller percentage increase in per capita income than did the state as a whole. This means the counties grew worse relative to the State during this period. These data tend to show that the problem of low income and out-migration from the study area still persist even today. The primary reason for this situation is the lack of job opportunities for the young people graduating from high school and for those who have been displaced through mechanization of agriculture and other factors.

A check will find that these people are moving to urban and metropolitan centers in search of job opportunities. For some of them who have skills that are in demand this is perhaps the thing to do since there is nothing to attract them to stay in the area. For thousands of others, we know from previous experiences it will be a mistake.

The question that many people are asking is, "What can be done to stop this greater and greater movement of people to metropolitan areas." They contend that people are going to move where they want to regardless of the circumstances. Personally, I don't believe this is true and recent developments will bear me out. Recent census data reveal that despite the urbanization trends, the central cities have been developing at a slower rate than have the urban communities during the past decade. Many central cities have actually experienced an absolute decline in population since 1960. This reversal of population movement is a very significant factor when one starts examining the implications for economic development.

Our demographers tell us that because of the deplorable living conditions in the central city, the high crime rates and related factors, many of the people who are leaving these areas are moving to the suburban communities and many are moving out to the rural communities and small towns. We also find that the centrifugal forces pulling population away from central cities have also drawn commercial and industrial establishments to the suburbs and to the small to medium size cities. As manufacturing structures become obsolete replacement structures are required, manufacturers find zoning regulations restrictive, inexpensive land sites are no longer available, modern horizontal layouts are unavailable and the cost of remodeling obsolete structures prohibitive. In addition, external economies such as well developed transportation networks and diversified labor forces that were formerly available only in central cities have now been extended to outlying areas, even "rural" areas.

In many instances this reversal of the population movement is not because of lack of job opportunities in the central city but because of a desire to improve the living environment of the family. May I cite briefly a personal example in this regard. About eight months ago I hired a secretary who had just moved from Detroit, Michigan into our area with her family. She and her husband both gave up good paying jobs and moved south to a small rural community where neither had any job prospects. This was a very courageous thing for them to do but they felt so strongly about getting away from the large metropolitan area and the disadvantages which it holds for rearing children that they were willing to take the risk.

This reversal of population movement may assist the urban centers to "catch up" on many problems that have been attributed to past migration patterns. However, at the same time, it means that rural areas and small cities are faced with a dual problem now, that of attempting to provide incentives for their people to stay and at the same time provide opportunities to those who desire to come back. In order to provide these accommodations, it will be necessary for the smaller cities and towns to improve their image as well as the physical facilities and to increase employment opportunities.

We know that in order for employment to occur it is necessary that jobs be made available and that skills be created to fit those jobs. This simply means that the task of economic development and increasing the economic well being of people in our rural areas and small towns will necessitate the investment of considerable funds in two primary areas: (1) the training and retraining processes to equip labor for the jobs, and (2) to provide the necessary environment to attract industries to the smaller communities.

Let me hasten to add at this point that I do not advocate that every small town and hamlet needs a plant or two plants or that every person born and reared in a small town or hamlet should necessarily remain in this location for the remainder of his lifetime. We have considerable evidence to show that people working in small towns where only one or two industries are located are very vulnerable. If one or both plants are suddenly shut down this leaves the people in a very precarious situation. Also, we find that many small towns are characterized by low wages, low-skill workers, low taxes, tax exemptions, and a starved public sector. This condition leads to a low quality public sector management and low quality public services. Generally, these communities are also less able to compete for federal funds. Communities such as these certainly need assistance to improve their present situation with respect to public management; however, considerable preparation would need to occur before they were really ready to pursue a vigorous program of industrialization.

On the other hand, there are many communities of the 10,000 to 50,000 population range which are viable with respect to economic development and can become job centers for thousands of people in the surrounding area. We find this happening to some extent already.

The leaders in many of these communities will tell you that before they can make much additional progress toward economic development through job creation, there are several specific and serious needs that must be met. These needs include the improvement of educational facilities, both public school and training and retraining programs for adults, the improvement of public utilities, sewer systems, housing, recreational facilities, transportation facilities, police and fire protection, solid waste disposal, hospitals, ambulance service, and perhaps other similar facilities. The establishment and improvement of these facilities is a prerequisite to any long range plans of economic development.

Another ingredient that is vital is that of developing good leadership in the communities. It will be necessary to recognize and develop youthful leadership to provide assistance now and guidance in years to come in order to provide continuity to the development process.

In brief, one of the primary goals of economic development in small communities would be to encourage private investment in the form of industrial expansion. But, before these private endeavors will be forthcoming, it will be necessary for the public sector to meet the test and provide certain physical facilities, educational programs and a sound financial base.

With proper planning, which is certainly one of the first items that should be undertaken, I can foresee many new developments taking place in our small to medium size towns. These developments need not be limited to the traditional industrial and manufacturing type enterprises. It is true that industrial decentralization is "happening" around the country, and has been for several years. We also know that in recent years one of the fastest growing areas of employment has been in the service industries. We find much of this type of employment now filter-ing through to these small communities. We find additional emphasis being given these days to such developments as centers for science and technology and local county science laboratories. These kinds of endeavors are not oriented toward raw materials or markets but rather located where the proper facilities and trained labor can be acquired. Other possibilities for economic development in this five-county area and other similar areas would certainly include tourism and recreation. It is ideally situated for these kinds of development activities.

What would be the results of planned economic development for small communities? It would provide first of all for an improved tax base which would lead to additional funding for future expansion and therefore provide sort of a multiplier effect. On the other hand, it would provide jobs and income for people living in or moving into the area. These people would also be paying taxes and enjoying a higher level of living. This would mean less dependence on the public sector.

Others who will be appearing on the program today are much better prepared to tell you about the specific difficulties encountered in attempting to pursue some of the projects and proposals I have just mentioned. I am sure that without exception the local public officials who are here today will testify to the fact that one of the major obstacles in pursuing these economic development projects would be the lack of financial resources. I realize there are various sources of funds available for different kinds of undertakings. However, there are instances where sufficient funds are not available for certain endeavors or the criteria for obtaining said funds are so rigid and waiting time is so long that officials become discouraged.

In these few minutes I have only been able to scratch the surface on some of the problem areas confronted by local communities. There are many others that are related only indirectly to economic development but are nevertheless very important.

Congressman Alexander, it is a pleasure indeed for me to go on record at this time in support of your new community development proposal. Such a proposal could provide the much needed financial resources which are the key ingredients in promoting the community facilities necessary for the economic development processes to occur. This issue is very urgent because the problem is now upon us and will become increasingly more important in weeks and months ahead. Thank you.

APPENDIX TABLE I.—TOTAL POPULATION, URBAN POPULATION AND PERCENT CHANGE FOR ARKANSAS AND SELECTED COUNTIES, 1960 AND 1970

Area	Total population		Urban population		Percent urban		Percent change (total population 1960–70)
	1960	1970	1960	1970	1960	1970	
Arkansas	1,786,272	1,923,295	765,303	960,865	42.8	50.0	7.7
Clay	21,258	18,771	2,776	5,792	13.1	30.9	−11.6
Green	25,198	24,765	9,947	10,639	39.5	43.0	−1.7
Jackson	22,843	20,452	7,007	7,725	30.7	37.7	−10.5
Lawrence	17,267	16,320	3,547	3,800	20.5	23.3	−5.5
Randolph	12,520	12,645	3,665	4,544	29.3	35.9	1.0

Source: U.S. Census of Population, 1960 and 1970.

APPENDIX TABLE II.—PERSONAL INCOME ESTIMATES—SELECTED COUNTIES, ARKANSAS 1960 AND 1969

Area	1960		1969		Percent change, 1960–69	
	Total personal income (thousands)	Per capita income	Total personal income (thousands)	Per capita income	Total personal income	Per capita income
Arkansas	$2,459,000	$1,372	$4,963,000	$2,642	101.8	92.6
Clay	24,563	1,155	40,506	2,118	64.9	83.4
Green	29,897	1,186	51,389	2,075	71.9	75.0
Jackson	28,926	1,266	55,259	2,677	91.0	111.5
Lawrence	18,178	1,053	31,396	1,931	72.7	83.4
Randolph	12,824	1,024	23,455	1,867	82.9	82.3

Source: State and County Economic Data for Arkansas, Industrial Research and Extension Center, College of Business Administration, University of Arkansas, Little Rock, Ark.

Mr. Speaker, this is the ninth insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my search for ways to assist community development in areas of low population. Other materials on this subject appear in the CONGRESSIONAL RECORDS of September 22, pages 32740–32741; October 1, pages 34505–34506; October 6, pages 35409–35410; October 13, pages 36133–36135; October 21, pages 37358–37361; October 28, pages 38121–38123; November 3, pages 39156–39158, and November 11, pages 40813–40817.

DR. WILLIAM D. McELROY, DIRECTOR OF NATIONAL SCIENCE FOUNDATION, LEAVES LEGACY OF ACCOMPLISHMENTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Dr. William D. McElroy, director of the National Science Foundation, is leaving NSF to return to the academic world and I wanted to take this means of commending and congratulating Dr. McElroy for his outstanding work as director of the Science Foundation.

Dr. McElroy is an able and competent administrator, a distinguished scientist, a great American with an acute perspective of the role of science in Government and in the Nation generally.

Dr. McElroy has been an able and innovative administrator, has welcomed new ideas, new concepts, and new proposals. He is always seeking ways to improve programs of education in science and as director has rendered a distinct national public service.

During Dr. McElroy's tenure of service he has broadened the base of NSF support to include smaller colleges and universities of the Nation in programs of the foundation to a greater degree than heretofore.

He has recognized the basic premise that science belongs to all the people of America and has sought to strengthen instruction in science throughout our country.

I have had occasion to observe Director McElroy in his appearances before the Subcommittees on Independent Offices, Housing, Space, Science Appropriations, and have been impressed by his great ability and interest in scientific advancement and new knowledge.

We commend Dr. McElroy as he leaves the Science Foundation but wish him good luck and success in his new work at the University of California.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

INTERNATIONAL TOASTMISTRESS WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. BEGICH. Mr. Speaker, in today's fast-moving and progressing society, the need for better communication is essential. Communication not only on a large worldly scale, but also on the individual level. We are constantly in contact with more and more people than ever before and we must be able to communicate with them.

Providing this individual self-improvement is one of the major opportunities offered by the International Toastmistress Clubs. They are dedicated to leadership in this area. They provide the opportunity for Alaska's women to obtain the communications skills needed to move ahead in today's society.

To show Alaska's appreciation for the dedication shown by these women, Gov. William A. Egan of Alaska proclaimed the week of October 24 as International Toastmistress Week. Following is a copy of the proclamation for my colleagues' inspection:

PROCLAMATION

INTERNATIONAL TOASTMISTRESS WEEK

Communicative skills of effective speaking and listening are the basis for achieving greater understanding throughout the world, and the development of leadership skills is necessary for the efficient functioning of our modern society.

Individual self-improvement provides the key whereby Alaska's women can realize their full potential as a motivating force in today's world.

The International Toastmistress Clubs throughout the world, including the seven clubs in Alaska, are dedicated to providing the opportunity for developing these leadership talents.

As Governor of Alaska, I, William A. Egan, do hereby proclaim the week of October 24–30, 1971, as "International Toastmistress Week" in recognition of the praiseworthy achievements of the International Toastmistress Clubs, and urge all Alaskans to avail themselves of this opportunity to acquaint themselves with the fine program carried on by these clubs.

Dated this 19th day of October, 1971.

William A. Egan,
Governor.

SECOND-MORTGAGE NIGHTMARE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. FAUNTROY. Mr. Speaker, Ronald Kessler of the Washington Post has recently written a hard-hitting, illuminating article discussing Washington's second-mortgage money market. According to Mr. Kessler, "judges, lawyers, lenders, and bankers familiar with the problem call it a widespread and vicious racket that preys primarily on blacks, the poor and uneducated, taking away their homes over illegally inflated loans."

The article is well worth reading, and I commend it to the attention of my colleagues:

[From the Washington Post, Oct. 17, 1971]

The Second-Mortgage Nightmare

(By Ronald Kessler)

You need money, and the man in the carpeted office is eager to help with a loan. As security, he'll take a second mortgage on your home. Just sign here.

Signing there for some Washington residents has started a waking nightmare when they discover they are repaying double and triple what they actually received as a loan, plus standard interest, in apparent violation of D.C. usury laws.

Unless they file suit, home owners who find the burden of paying off the inflated sums too great lose their homes and up to 15 years in first mortgage payments they have put into them. They suffer these losses over small loans that sometimes have more than been repaid.

The lenders promptly resell the house at windfall profits.

Just how often this occurs is not clear. Those who file suits generally obtain court orders stopping the sales, avoiding loss of their homes.

But judges, lawyers, lenders, and bankers familiar with the problem call it a widespread and vicious racket that preys primarily on blacks, the poor and the uneducated, taking away their homes over illegally inflated loans.

One former second mortgage lender admits to giving some $5 million in inflated second mortgages, or second trusts as they are technically called in Washington, over three years. And more than 100 lawsuits have been filed in U.S. District and D.C. superior courts since 1968, many in the past year, to stop foreclosures over allegedly usurious, inflated loans given through fraud.

"This is one of the worst rackets in the nation," says Howard T. Frazier, national director of the 1,500-member Consumer Education and Protective Association, Inc. "The poor and the black are being taken time and again and put out on the streets, while everyone else rakes in the profits."

Inflation of mortgages to double and triple what was actually received is "worse than usury, it's unconscionable," says L. A. Jennings, chairman of Riggs National Bank, the area's largest bank.

The foreclosures that result from these mortgages in Washington are an "outrage," says one U.S. District Court judge, and another refers to much of Washington's second mortgage business as a "vicious racket."

One who should know, Joel Kline, until recently under consideration for appointment as Maryland's new banking commissioner, calls the business "usurious, immoral, and illegal." He admits to once being in the business himself, as a purchaser of second mortgage agreements, but he says he was not aware at the time that the loans he bought were inflated.

Informed of the practices found by The Washington Post, Seymour Glanzer, chief of the U.S. attorney's fraud unit, said he will investigate "the whole foreclosure procedure, how it affects home owners, and any irregularities by which home owners may be defrauded and deprived of their money or property through false pretenses or schemes."

Glanzer, adding he intends to consider presenting the matter to a grand jury for action, said the investigation will focus on possible violation of federal fraud law, which carry penalties of up to five years in prison or up to $1,000 in fines for each offense.

Some 20 persons have lost their houses to second mortgage lenders since last June 1, auctioneer's records indicate. Most of the owners lived in the houses. How many of the foreclosures may have stemmed from inflated mortgages is not known.

JUDGE CITES OUTRAGE

But one U.S. District Court judge, who asked that his name not be used because of foreclosure cases pending before him, said he believes "outrageous" foreclosures occur far more frequently than the 100 court suits would indicate because many of the victims are too poor to afford lawyers to file suits for them and aren't aware of free legal aid programs.

Once a home owner files suit, he can generally save his house until the case is settled. But auctioneers' records indicate that sometimes the return receipts on registered letters notifying home owners of foreclosures do not come back, apparently indicating they did not receive the notice.

Another difficulty is that to stop foreclosure, home owners must pay about $250 as an auctioneer's fee, most of it for classified newspaper advertising announcing the auction dates. But Washington's two house foreclosure auctioneers submit to home owners for reimbursement a newspaper bill at a higher rate than the discount rate the auctioneers actually pay for the ads.

The targets of the court suits, some filed as recently as a month ago, are companies and individuals in the second mortgage business, a small local industry of perhaps 100 persons who either make the loans, or finance them by buying the loan agreements from the lenders, estimates Harold Rothman, the former lender who admits to creating $5 million in inflated loans.

Second mortgages are relatively small loans in which a house serves as collateral. They may be used for any purpose, although legitimate ones are commonly used to help pay a downpayment on a house. If the second mortgage lender forecloses because payments are behind, the remaining first mortgage payments must be assumed by the new owner.

First mortgages, the principal way of financing the purchase of a house, are not involved in the suits, nor are banks and savings and loan associations. Banks are prohibited by law from giving second mortgage loans except in unusual circumstances because the loans are considered too risky, and S&L's rarely give them as a matter of policy.

Federally regulated S&L's can only give a second mortgage if they already hold a first mortgage on the property.

Those involved in the court suits, on the other hand, are hardly fly-by-night operators. One of the principal targets of the suits is Alvin J. Steinberg, whose full-time job is president of County Federal Savings and Loan Association in Rockville. Steinberg is also a director and past president of the United Givers Fund's distribution arm, the Health and Welfare Council, and he is chairman of the D.C.-Maryland regional board of B'nai B'rith's Anti-Defamation League.

Steinberg, who operates his second mortgage business for personal investment out of an unlisted telephone number in Bethesda's Linden Hill Hotel, says he only buys the loan agreements, or notes as they are called, and has no knowledge of how they were created or if they were inflated. He forecloses only as a last resort, he says and the unlisted number, which he says was "unintentional," was not to make it difficult for anyone to reach him.

Another target of the suits is Kline, the former candidate for appointment as Maryland's banking commissioner, who is a Montgomery County investor.

Prefacing his remark with, "This is off the record," Kline ended an interview by offering to contribute to any charity this reporter chose.

On the record, Kline acknowledged that all the second mortgage notes he bought until he went out of the business in 1968 were inflated. He did not know this at the time, he said, but he sad he should have. Much of Washington's second mortgage business, Kline observed, is "usurious, immoral, and illegal, and should be exposed."

At the heart of the problem, critics such as Frazier say, is the fact that only half the states require court review prior to foreclosure. In these states, a judge or court auditor examines loan documents and hears any defenses by the home owner to determine if the loan was usurious or fraudulent, or if foreclosure would be unjust.

In Maine, Rhode Island and California, court suits have been filed to challenge foreclosure without court approval as a violation of the U.S. Constitution's dictum:

"No person shall . . . be deprived of life, liberty, or property without due process of law."

Virginia Knauer, President Nixon's consumer adviser, has begun a review of state foreclosure laws to determine if they adequately protect borrowers as well as lenders, and if not, what changes should be made.

In Maryland, court approval of foreclosures is required, while in Virginia it is not. In Washington, there is this anomaly:

To evict a tenant from a rented apartment, a landlord must obtain a court order by convincing a judge that rental payments are indeed behind. The tenant may claim his delinquency is justified because the landlord has not met his obligations.

To foreclose on a home owner, however, a lender, whether he gave a first or second mortgage, simply alleges to a private auctioneer that mortgage payments are behind. Mortgage agreements generally permit foreclosure after payment is as much as a day late, although in practice Washington lending institutions generally wait three months before foreclosing. On the lender's allegations, the auctioneer sets an auction date, and the new owners who successfully bid on the property are recorded in the land records.

As a result, says Bettin Stalling, past national president of the Federal Bar Association, the government lawyers' group, and former American Bar Association committee head on mortgage law, foreclosures can and do occur in Washington that are "unconscionable, unnecessary, and vicious."

Consider the suit of John Henry and Emma D. Young, Civil Action No. 387–70 in U.S.

District Court. Their house at 2004 C St. NE was sold at an auction last year over a loan that had its beginnings in 1966, the suit states.

A friend had suggested that they could consolidate debts they had for a used car, a vacuum cleaner bought on time, and auto insurance, by taking one loan from All-State Mortgage Co., formerly on Georgia Avenue NW.

All-State, which has no relation to Allstate Insurance Cos., was a purchaser of some of the second mortgage agreements created by Monarch Construction Co., a defunct home improvement company. The Washington Post in 1967 disclosed Monarch's practice of pressuring home owners into signing second mortgage agreements to pay for installation of "town house fronts" on their homes, then failing to complete the work properly.

A grand jury investigation called by Glanzer of the U.S. attorney's office resulted in the conviction of eight persons on fraud charges involving Monarch and other home improvement firms. Four of the eight received prison sentences.

The Youngs visited All-State, and were told by "a nice man who was like helping us," Mrs. Young said recently, that they could have a $1,200 loan to pay off the old debts. It would be payable at $45 a month for three years, he said.

In the legal language of the lawsuit, the Youngs, both black and with grade school educations, relied on "defendant All-State's representations and their good faith (and) signed the papers (agreeing to the loan) according to defendant All-State directions, without reading them . . ."

SIGNED THIRD MORTGAGE

What they signed, according to the suit and land records, was a third mortgage (they already had a second mortgage which financed a new back porch) obligating them to repay $2,190 rather than the $1,200 actually borrowed. Six per cent interest was to be added on top of $2,190. And because the $45 monthly payments would not cover what the Youngs agreed to repay, the excess—$850—was to be paid as a lump sum or "balloon" payment at the end of three years. The Youngs say they were not told this.

The suit does not state how the allegedly inflated $2,190 figure was arrived at. But it does say the purpose of the procedure was to violate the D.C. usury law, which then limited interest on such loans to 6 per cent.

On its face, the mortgage agreement or deed of trust signed by the Youngs and filed with the Recorder of Deeds carries interest of 6 per cent. It gives no hint of the Youngs' allegation that the loan was actually for $1,200. Based on a $1,200 loan, the repayments which the Youngs agreed to amount to annual interest of 22 per cent, according to a Federal Trade Commission interest expert. Interest rates on other loans that are the subject of the court suits range up to 68 per cent.

"I hate for anyone to know that we was trapped into this; you just don't take time to read these things," Mrs. Young said recently. "He just told me he was inverting (sic) the bills into one loan. He sat back in the chair and explained what the monthly payment would be and on what date, and he didn't say how much I was signing for. He turns around and said, "Now, Mr. and Mrs. Young, you just sign here.' "

All-State failed to file an answer to the suit, and efforts to reach its representatives were unsuccessful.

The Youngs signed, and they made their $45 monthly payments for three years to Security National Bank, which acted as the collection agent, the suit says. Rather than demanding the $850 balloon payment at the end of three years, the lender continued to collect $45 a month from the Youngs until August, 1969, when they missed a payment because, the Youngs say, they were on vacation.

Unknown to the Youngs, the note was sold the following month to Steinberg's partnership, Capital Syndicate in Bethesda. Steinberg said the missed payment had nothing to do with the sale of the note, since he does not buy a note if it is in default. If it is in default, he cannot legally qualify as the owner or "holder in due course," he explained.

The next thing that happened in an increasingly confused sequence of events is that Security Bank returned the Youngs' next $45 payment, saying the collection account had been withdrawn, the suit says.

Robert K. Koontz, president of the bank, says the bank must follow the lender's instructions when he decides to remove his note from the bank, but he should then notify the home owner of where to send payments.

Mrs. Young said she called the bank and was told that if no one notified her, the loan was probably all paid off. All-State was by then out of business in D.C., and Mrs. Young assumed it was paid off.

In going over the course of events later, Mrs. Young told a reporter she had found a letter from Capital Syndicate asking for the balloon payment, which had been reduced through her monthly payments to $678. But she said she thought it was "some kind of mixup," since the letter didn't refer to All-State or Security National Bank, asked for a balloon payment which she was not aware of, and listed a return address of Pooks Hill Road in Bethesda, where she was sure she had never been.

"I ain't never heard tell of any Capital Syndicate," Young, a janitor, says.

Steinberg says he sent the Youngs three letters, which he displayed to this reporter, but his lawyers declined to make copies of them available.

The next thing the Youngs knew, they say, is that Mrs. Young's sister burst through the red enamel front door of their home one evening with a copy of The Evening Star. Under auctions, in the classified section, it said their house was to be sold at a public auction Jan. 27, 1970.

"It was like a dream. I just got so weak. I couldn't believe it," Mrs. Young said.

The date of the ad was Jan. 26. Mrs. Young saw a lawyer the next day, but it was too late. The house was sold for $900 (plus assumption of the remaining first mortgage payments). They got no money from the sale.

It could not readily be determined exactly how much the Youngs lost, since they refinanced their first mortgage in 1965. Based on the refinanced mortgage only, the sale wiped out $3,500 they had put into the house.

The Youngs' suit says they lost their home over a third mortgage balance of only $678, and that they had already repaid $1,860 on the original $1,200 loan.

The Youngs' lawyer referred them to Neighborhood Legal Services, which defends the poor free of charge, and a suit was filed to undo the sale two weeks after it took place.

The realty company that had agreed to purchase the house at the auction voluntarily withdrew its deposit, giving it back to the Youngs, and Capital Syndicate—while saying it had no knowledge of the allegations of fraud made in the suit—recently settled the case by agreeing to forget about the note and the $678 balance. The Youngs thus regained ownership of their home.

The action is pending against All-State.

Steinberg, 49, a soft-spoken, handsome man with slightly graying hair, said that all the Youngs had to do was "pick up the phone or write a letter," and Capital Syndicate would have stopped foreclosure proceedings.

He said the partnership, whose members he refused to name, is "not looking for foreclosure or lawsuits of any kind" and tries to settle suits such as the Youngs' "as quickly and equitably as possible."

Steinberg conceded it was an injustice to take the Youngs' home for a $678 debt "from the point of view that they could have stopped it by just calling that it could have all been avoided by the call."

"What would you do?" he asked rhetorically.

As the former head of Capital Credit Corp., a local bill collection agency, Steinberg enunciated a policy that it is better to help a man back on his feet than to set him flat on his back.

"We feel that we are charged with a responsibility to understand the nature of a debtors' problem and try to re-establish him as a respectable member of the community," Steinberg said in a 1957 Washington Post interview focusing on Capital Credit.

Steinberg stressed he is not aware that any of the notes he purchases—fewer than 50 a year—may be inflated. He said he buys the notes for 70 cents to 92 cents for every $1 owed on the note.

Such discounts, say Joel Kline and others in the mortgage business, should indicate to the purchaser that the loans were inflated. What is involved is a piece of common sense. If the lender or creator of the note gives a $1 loan, then sells it for 70 cents, he loses money. There would be no reason, as a standard practice, to sell it for anything less than $1, Kline says.

But if the lender gives a loan of 40 cents, induces the home owner to sign a note saying he owes $1, then sells it for 70 cents, he has made a good profit, Kline says, without waiting years for interest to come in.

To the "sophisticated purchaser," says Jennings of Riggs, such discounts would mean the loans were inflated.

Efforts to obtain comment on this point from Steinberg were unavailing.

Steinberg said he sees no irony in the fact that he has been an active opponent of black anti-Semitism through the Anti-Defamation League while being charged by black home owners with unjust foreclosure of their homes. Steinberg said, "We have not abused anyone. We gave them ample notice. At Capital Credit we were one of the first companies to hire blacks in clerical and managerial positions."

He added, "We don't single out anybody and to suggest that I'm trying to take advantage of anyone white or black is ridiculous" and "horribly unfair."

Steinberg said he buys most of his notes from Gerald S. Lilienfield, a licensed D.C. real estate broker who has more lawsuits filed against him than any other second mortgage lender.

In 31 suits filed against him since 1968, the 38-year-old Lilienfield is charged repeatedly with inducing home owners to sign inflated, usurious notes, then selling them to others who foreclose.

Asked about the charges, Lilienfield referred all questions to his lawyer, Leonard C. Collins. Collins declined to discuss the cases, saying he did not want to try them in the newspapers.

Lilienfield, whose office is at 1010 Vermont Ave. NW, solicits customers in various ways, the suits indicate. One is through this advertisement, which appeared in Washington newspapers, as recently as a year ago.

Other home owners allege in the court suits that they were visited by Lilienfield at their homes, sometimes when they were being threatened with foreclosure by their first mortgage lender. Lilienfield at times left calling cards from "Jerry Fields," the suits state.

Whatever the method, the suits all charge that the loans Lilienfield gave were fraudulently inflated, and some of the documents submitted with the court complaints provide fascinating insights into how this was allegedly done.

Attached to the suit of the Thorntons, for example, is what is known in real estate terminology as a settlement sheet, an official-looking, lined form that shows charges when houses are purchased or mortgages placed on them.

The form, filled in long hand, shows that the Thorntons received a loan of $2,500 but signed for a loan of $5,922, to be repaid over eight years.

How did $2,500 become $5,922? Very simply.

The sheet shows that various title search and credit report fees were added to the $2,500 loan, bringing it to $2,961.

The $2,961 figure is then doubled.

The explanation for this calculation, noted where the figure is doubled, is: "8 years—G. S. Lilienfield."

Thornton, then a Post Office clerk, recalls seeing the $5,922 figure and thinking it was "unusually high," but he says he thought it represented interest at 6 per cent.

"They get you to sign papers, and they say it's 6 per cent, but I don't have no calculating machine to figure it out, and even if I did I wouldn't know how to," he observes.

Actually, the doubled figure of $5,922 did not include interest, although the settlement sheet which the Thorntons signed indicates it did. An additional 6 per cent interest was to be paid on top of $5,922, according to the binding deed of trust on file with the recorder of deeds.

Although there was no way for the Thorntons to know this from the documents they signed, the additional interest would have resulted, after they had made monthly payments for eight years, in an unpaid balance at the end of eight years of $2,284, according to calculations by American Security & Trust Co. on figures supplied, without identification of the parties involved, by The Washington Post. The balance would have been due as a "balloon" payment.

Total repayments on the $2,500 loan actually received indicate an effective annual interest rate at 30 per cent, according to an FTC interest rate expert.

The settlement sheet is on the letterhead of Realty Title Insurance Co., whose primary assets have since been purchased by District Title Insurance Co. In its answer to the suit, District Title said that although the sheet is on Realty Title's stationery, it is not prepared in conformance with Realty's accounting procedures, was not prepared or authorized by Realty Title, and was used without Realty Title's knowledge.

SHEET LACKS CASE NUMBER

Expanding on the company's statement to the court. Thomas Penfield Jackson, a lawyer for District Title, said the settlement sheet bears no case number, and a check of the company's records produced no trace of the fees allegedly disbursed, as indicated on the sheet.

He called the doubled figure on the sheet "a lot of nonsense."

Lilienfield's name, written in longhand as part of the notation beside the doubled figure, appears to be a replica of his signature as it appears elsewhere in court papers submitted by him in other cases.

When asked if he had prepared the sheet, Lilienfield declined to comment again referring inquiries to his lawyer, Collins, who declined to discuss the case. In his answer to the court suit, Lilienfield denied all allegations of wrongdoing.

A letter and other papers in the court file show that after the Thorntons got two months behind in their payments on the loan, it was sold to Capital Syndicate, which immediately threatened to foreclose.

Commenting on whether he was a legal holder of the note if he bought it when it was in default, Steinberg said negotiations to buy it may have started several months earlier when the payments were current. Legal experts, however, say the note must be paid up on the date it is purchased for the holder to qualify as its legal owner.

The Thorntons, who said they had repaid $1,817 of the original $2,500 loan, brought suit and obtained a restraining order in District Court to stop foreclosure. Last March, Capital Syndicate settled the case by agreeing to halt further foreclosure action and accepting $447 from the Thorntons to wipe out the remaining debt.

Not every case against Lilienfield follows the same pattern. The settlement sheet filed with the suit of Marcieo G. Wells and his wife, Mildred, shows that a loan of $3,008 turned out to be for $6,995 primarily by adding $900 as a "commission" to L&S Investment Co., Lilienfield's primary company, and by adding another figure representing 8 per cent interest over the five-year term of the loan.

The interest figure listed is $2,793. The correct total interest on such a loan would be $652, according to American Security, which calculated the amount on figures given to it by The Post. (American Security used the declining balance method, the one specified on Lilienfield settlement sheets and used in D.C. on mortgage loans. Another method, add-on interest, would increase interest to $1,203.)

All commissions must be included as interest when computing interest rates under the D.C. usury law, says Benny L. Kass, former executive director of the D.C. Study Commission on Interest Rates and Consumer Credit.

Effective interest on this loan, according to the FTC, was 40 per cent a year.

Foreclosure on the Wellses, after Lilienfield had sold the note to Capital Syndicate, was stopped by a District Court restraining order. In answers filed with the court, both Lilienfield and Capital Syndicate denied any wrongdoing.

The Wellses settlement sheet is on the letterhead of a different title company, City Title & Escrow Co. An attempt to obtain comment from its president, Richard L. Sugarman, was met by referring questions to the company's lawyer, who also happens to be Collins. Collins reiterated that he doesn't want to try cases in the press.

Before forming City Title, Sugarman was an assistant treasurer of Realty Title and its successor, District Title. He frequently appears as a trustee on Lilienfield loans and has served as Lilienfield's lawyer.

SIXTY-EIGHT PERCENT

One Lilienfield loan carried effective annual interest of 68 per cent, according to FTC calculations based on the allegations in a suit.

The suit, filed in District Court, presents a copy of a canceled check from City Title as evidence showing that the plaintiff, Jessie Mae Warren, received $566.50 as a loan. The deed of trust on file with the recorder of deeds shows that she obligated herself to repay $2,000, including interest.

At the time she got the loan, Miss Warren admits, she had already filed suit against another lender over similar allegations of an inflated loan. Although her second suit does not claim that she got that loan unknowingly, she says she told Lilienfield what had happened to her the first time and that he assured her he was an honest businessman who would not inflate a loan. The case has since been settled, but she would not disclose the terms.

One suit, by Angeline Bates, alleges that when she fell behind in her payments on a note to Lilienfield, she signed papers giving her house to him, wiping out $5,500 in equity.

Her settlement sheet, on City Title stationery, shows she received a $600 loan but signed for $1,862, or effective interest, the FTC says, of 25 per cent.

The difference between the loan and what she signed for was explained on the sheet variously as a "placement fee—L&S" (Investment Co.), a fee for "Gerald S. Lilienfield services rendered, and 2 per cent additional interest over eight years—16 per cent."

When Mrs. Bates became late in her payments, Lilienfield told her she could pay $100 a month as rent to him for a year, and then her house would be given back to her, the suit alleges.

Mrs. Bates was late on the rental payments, too, and she lost possession of the house, which Lilienfield sold a year later for $13,500. Since the balance of her mortgages was about $8,000, the suit says, Mrs. Bates lost $5,500.

In answering the allegations, Lilienfield admitted only doing business with Mrs. Bates and denied allegations of fraud. Subsequently, he offered a bill from a general contractor to show that he put $3,450 in improvements into the house before he sold it at a profit. The bill, from a part-time contractor who has since died, itemizes only $540 of the work.

Collins quotes Lilienfield as saying he is now out of the second mortgage business. However, land records show Lilienfield took a second mortgage as part of his compensation on a house he sold as recently as August. The note was immediately sold to Capital Syndicate. Asked about this, Collins declines to comment.

Although none of the suits against second mortgage lenders has gone to trial, the essential allegations in one case, involving Joel Kline, were accepted last April by D.C. Superior Court Judge James A. Belson.

In granting a preliminary injunction halting foreclosure on John W. Wood and his wife, Belson ruled that the Woods had borrowed $2,000 but signed for $4,100 and had already repaid $2,800 when Kline attempted to foreclose.

Kline has not filed an answer to the suit, but in an interview he said he had purchased the note in 1965 from Harold Rothman, then general manager of Maryland Financial Corp., Hyattsville. The Company is no longer in business.

Kline then sold the note to a 71-year-old Silver Spring widow, his distant cousin. Kline continued to manage collection on the note through one of his companies, Ilene Investment Co., and when Mr. Wood, a minister of God of Prophecy Church in Washington, stopped paying because his lawyer advised him he had more than repaid the loan, Kline started foreclosure action.

Comparing the $2,000 loan actually received with the total repayments required indicates the effective interest on the $2,000 loan was 31 per cent per year, the FTC says.

In his Silver Spring office, Kline, 32, said he generally purchased second mortgage notes from several dozen people for 60 cents to 95 cents for each dollar owed. He bought some $200,000 worth of "inflated" notes from Harold Rothman, and Rothman confirms this.

Kline, he said, who said he started buying notes when he was 21, stated: "For me to sit here and tell you that I didn't know (that the loans were inflated), I'd have to be awfully naive—today," he hastened to add. "I didn't know then," he said. "I know the score now. I don't think ignorance is any excuse. I should have known. No question about it."

Kline said if he had been aware of the prices he was paying for the notes, he would have known they were inflated, but he said the day-to-day operation of the business was handled by someone else.

In the interview prior to Gov. Marvin Mandel's selection of another candidate to be banking commissioner, Kline said of himself, "There is no one else better qualified to be banking commissioner."

Rothman, for his part, acknowledged in telephone interviews from New York City, where he is employed by a jeweler that he asked not be identified, that Maryland Financial under his direction gave some $5 million in notes over three years, and that the actual loan given on all of the notes was below the face amount. He said he didn't know how many loans he gave.

However, if one assumes an average face amount of $3,000, the number would be nearly 2,000.

Rothman said he started the second mortgage business with only $40,000 in capital and eventually employed 40 people. On each loan, he said, he made a profit of $300 and sold the notes, a day to a year later, to some 30 to 40 customers who paid 50 cents to 80 cents for each dollar borrowed.

Rothman, 52, said his company always told borrowers exactly what they were signing, and he disparages others for "prostituting" the second mortgage business by deceiving borrowers.

"I like to think," Rothman said, "that I put as much integrity as I could into a dirty business."

Mr. Wood affirmed that he knew he was getting $2,000 but signing for $4,100.

"When you need money, you got to have some," he explains simply.

"These are people who are really up against it, and they'll do anything to get it (a loan)," said a District Court judge quoted previously. He said inflated notes are "obviously usurious and illegal," and "to take advantage of a person in this fix is terrible."

Those who purchase the notes the Judge added, "know damn well who they're dealing with. They're not stupid." They say they are legally entitled to hold the notes and knew nothing about how they were created, he observed. "That's a lot of poppycock."

It is "clearly unjust," says Maribeth Halloran, the Neighborhood Legal Services attorney who has filed many suits challenging foreclosure, when people lose their homes and thousands of dollars invested in them over usurious, relatively small loans. None of these foreclosures would occur, she contends, if court approval were required first, and the free legal assistance program's law reform unit, which she has headed, has filed several suits questioning the constitutionality of foreclosure without court order.

Miss Halloran, who resigned from the legal aid unit recently, suspects that some lenders purposely foreclose. She says many notes are purchased when the amount owed is low or when difficult-to-collect balloon payments are due.

"When this happens it indicates to me that the noteholders want the houses rather than the payments on the notes," she says.

LARGE PROFITS CITED

Examination of land records shows that there are large profits to be made in foreclosing. What happens is that the second mortgage lender forecloses, buys the house back at the auction, and resells it on the open market.

In each of the following four transactions, Lilienfield created a second mortgage, either foreclosed or sold it to someone else who foreclosed, then bought the house back and resold it for the prices and profits shown. The houses were both bought and sold subject to assumption of first mortgage payments, which do not affect the net cash profits.

Address	Auction price	Resold within	At price of	Profit
1365 Emerald St. NE.	$800	6 months	$8,768	$7,968
4332 Polk St. NE	500	2 months	9,714	9,214
4138 7th St. SW	500	Same day	6,000	5,500
151 Adams St. NW	1,600	do	10,181	8,581

The profits listed do not take into account the debt owed on the second mortgage, since the court suits allege many debts owed to Lilienfield are greatly inflated. If the debts were deducted, the cash profits made on the transactions would still be substantial.

Some properties become revolving doors, with old and new owners indebted to the same person. At 3464 23d St. SE, for example, Lilienfield placed a second mortgage on the house in 1967. Foreclosure occurred last July. Lilienfield bought the house for $500 at auction and resold it, giving a second mortgage to the new owners.

The former owner, Charles E. Monroe, a U.S. Supreme Court laborer, lost some $2,000 in first mortgage payments, according to land records and estimates by the lender, the Berens Cos. Lilienfield's profit, land records show, was some $9,000, after deducting his painting and sanding expenses, estimated by the new owners at less than $500.

Monroe bought the semidetached house in 1959. In 1967, he got behind in his first mortgage payments by about two months, he says. To avoid foreclosure, he visited Lilienfield, whose ad Monroe had seen in the paper.

Lilienfield promised to obtain for Monroe a new first mortgage to replace the old one, and give a second mortgage to pay off what was owed on the first mortgage, Monroe says.

The net effect of the intricate transaction, land records show, is that Monroe's monthly payments on the mortgages shot up from $54 to $129 and ownership of the house was passed from Monroe to his girl friend.

Monroe explains the change in ownership this way: He says Lilienfield asked him if he knew someone whom Monroe could depend on. This person, Lilienfield is quoted as saying, would act as a cosigner on the new mortgages since Monroe's credit record was not good.

When the papers came back, however, title had passed entirely to the girl friend, who left him about a year ago. Monroe's name does not appear in the land records.

Monroe, living with his four children, continued to pay on both mortgages until last May. At that time, he said, the payments became too much, and he decided that no matter how long he paid, he would never own the house, since it was not in his name.

"It was like paying rent," he said.

Monroe left the house and is living elsehere with his children.

Foreclosure was ordered, and Lilienfield bought the house back at the auction for $500, selling it the same day for $9,900 (plus assumption of first mortgage payments), land records show.

The couple that bought the house, James H. Blackwell, a D.C. special policeman, and his fiancee, Marjorie W. Bell, paid for the house by obtaining a second mortgage from Lilienfield, who immediately sold it to Capital Syndicate.

Blackwell says he learned of the house through classified ads in The Washington Daily News. The ads, it turns out, began appearing last July 2, although the auction, when Lilienfield purchased the house, took place more than three weeks later on July 27, according to land records. Blackwell's copy of a contract with Lilienfield to buy the house is dated July 8, nearly three weeks before Lilienfield owned the house, official records show.

Lilienfield's lawyer, Collins, declined to comment on the matter.

In theory, any profit from an auction sale goes to the home owner, but in practice this rarely happens because of the low prices bid at the auctions, experts say. A suit, settled last April, shows that in one situation when it did, the home owner, Christine J. Price, got little of the alleged $5,000 profit from the sale.

The reason, the suit charges, is that most of the money was disbursed for various fees by City Title, whose president, Sugarman, was also a trustee on the second mortgage that foreclosed.

Among the fees, the suit said, was $1,725 for legal services. A City Title officer admitted in court papers, and Sugarman confirmed in a telephone interview, that all but $750 of the legal fee was an "error."

One reason mortgage prices are low is that Washington's deed of trust system of granting mortgages protects home owners by vesting title to houses in two trustees while the mortgages on the homes are being paid off. The trustees are supposed to be disinterested parties.

However, many of the suits against second mortgage lenders allege that one of the trustees who foreclosed was also the holder of the note. At 4332 Polk St. NE, a property cited earlier, Steinberg ordered foreclosure as a trustee on a debt to himself. On this point, Steinberg said it is "much more convenient" to be a trustee on his own notes because notice of fire insurance cancellation on properties gets to him quicker.

TRUSTEE SILENT

Steinberg said he can't comment on the opinion of some legal experts that such a dual position is a breach of legal responsibility to the home owner and invalidates the foreclosure.

Even if the lender is not himself a trustee, says Vern Countryman, a Harvard Law School commercial law professor, he still picks the trustees, with expectable results. Countryman contends that nationally, the trustees, who handle the auction arrangements on a foreclosure, do not advertise the sales effectively because it is to the advantage of the lender that few people show up to bid. The lender then can buy the house back at a low price, Countryman says.

In Washington, as many as 12 foreclosure ads appear on a single day in The Evening Star, where the auctioneers generally advertise. The ads list the address of the property and a one-phrase description—frame dwelling, row-brick dwelling. Any resemblance to house-for-sale ads as they appear elsewhere in the classified section ends there.

The ads do not mention how many rooms the house has, the size of its lot, or its proximity to schools. Those who prepare the ads acknowledge that the average househunter would be hard-put to find the home of his dreams from the foreclosure ads.

The ads are placed at least 30 days after the home owner has been notified by registered mail that the house is to be foreclosed. Some 3,000 letters are sent each year, according to the recorder of deeds' office, which must by law receive a copy. Since most of the homeowners pay up, only 500 houses actually go to auction and are sold.

On a recent afternoon, a property was being auctioned every 10 minutes in the green-carpeted offices of Thomas J. Owen & Son, which handles more than 90 per cent of the house foreclosure business in Washington.

One of Owen's auctioneers, a lean, blond man in a blue suit and green shirt, steps to the front of the room and starts talking rapidly to the three men and a reporter seated before him:

AUCTION DESCRIBED

"Ladies and gentlemen, may I have your attention please . . ." He reads the foreclosure notice as it appeared in the paper, then opens the floor for bids.

One of the men is a trustee on the mortgage foreclosing and does not bid, although he must be present. The other two bid the house up in increments of $100.

"You'll take it then?" one of the men says. The other nods.

The house is sold . . . for $500.

Four of the five houses sold are bought back by the lender, who is more often than not the sole bidder.

Thomas J. Owen, who heads the auction company, is also president of the Washington Board of Realtors and a director of the Metropolitan Washington Board of Trade. He said he generally refuses to auction a property unless the mortgage payments are three months overdue. He said he also sends a postcard to the occupant of each property just before foreclosure to give them final warning. This is not required by law, while the registered notice is.

Last March, of 77 return receipts requested on 77 registered letters sent out, 25 receipts failed to come back, indicating the owners probably didn't pick up the letters at the Post Office after letter carriers found no one home, Owen said. He attributes this to an aversion on the part of homeowners to hearing bad news. (The law does not require that notice be received, only that it be sent.)

Owen charges a commission of $40 if a house is sold, $30 if foreclosure is stopped before the auction, and a sliding commission on houses sold for $10,000 or more.

He sends his bill to the trustees who order the foreclosure, and eventually the money comes out of the pocket of the homeowner.

The bill lists Owen's commission plus expenses, the largest of which is about $200 for five ads placed in the Star for each foreclosure. Owen attaches a bill from the Star, stamped "paid" by the Star, to show for how much he should be reimbursed.

The Star's bill, Owen acknowledges, is based on the paper's rate for a single ad. What he pays, Owen says, is a discount rate based on the large volume of ads that he places each year.

The discount is given to him in the form of a rebate at the end of the year, under the terms of a contract he signs at the beginning of the year, Owen said. Although the Star bills are marked "paid," he does not pay The Star until he gets one bill at the end of each month, Owen said.

Owen says the discount is 6 per cent. His minicompetitor, Adam A. Weschler & Son, the only other house auctioneer in the city, says it gets 10 per cent for far fewer ads.

Inquiries at The Star elicited different answers. Lowell B. Steele, classified manager, denied that there are any discounts on auction ads or that the paper sends out two bills. Jack C. Schoo, advertising manager, acknowledged that two bills are sent but denied that there is discount; in a subsequent inquiry, Schoo said he refuses to answer the question of whether there is a discount.

At The Post, James J. Daly, vice president and general manager, said two bills are not given by this paper on any advertisement.

Owen, whose father, Thornton W. Owen, president of Perpetual Building Association, the area's largest savings and loan association, headed the auction company until 1969, defended his billing practice on the grounds that home owners would have to pay the higher ad rate if they placed the ads themselves.

The markup is to cover the expense of preparing the ads, placing them, and guaranteeing payment to The Star, since some of Owen's bills are not paid on time, Owen added. (Owen sometimes requires a deposit from trustees before placing the ads, but this is not the rule.)

Glanzer of the U.S. attorney's office called it a practice that "we have to look into. If it's designed to conceal the truth and is misleading, it's certainly a pernicious practice." The size of the discount, Glanzer added, is unimportant if "someone is being injured or deceived by it."

In 1967, an effort was made to require court approval prior to foreclosures in D.C., but after introducing such a bill, former Sen. Joseph D. Tydings (D-Md.) withdrew it because of opposition from Washington bankers and realtors, including Thomas J. Owen, according to a former Tydings legislative aide.

The former aide, Robert A. Burt, said the local businessmen proposed a compromise: they'd accept a law requiring that registered notice of foreclosure be sent to home owners, if the provision requiring court review was dropped.

Burt, now a University of Michigan associate professor of law, said he and Tydings agreed with the opposition's argument that court review would inflate foreclosure costs and delay them to the point where lenders would be discouraged from giving loans here. The notice law was passed in 1968. Stalling, of the Federal Bar Association, however, says the increased costs would be worth it if they prevented injustices, and the lenders would be in business regardless.

A 1968 American Bar Association survey shows that the cost of foreclosing in many states where court review is required is about the same or only slightly higher than foreclosure expenses in Washington, where no court review occurs. Maryland, where court review is required, however, has one of the highest foreclosure costs, estimated by savings and loan association lawyers at more than $1,000.

Other reforms to protect home owners have been proposed. John A. Spanogle, a University of Maine law professor who recently worked for Ralph Nader on a consumer credit research project, says inflated loans and unwarranted foreclosures would be considerably diminished if those buying second mortgage notes were held as legally responsible as those that create the notes. Most state laws specifically limit the legal defenses that a home owner can raise against the note purchaser.

Such a change, says Collins, Lilienfield's lawyer, who is a professorial lecturer in law at George Washington University, would practically eliminate illegal second mortgages. What would probably be needed would be a congressional act, he said.

Laws regulating money lending and interest rates in Washington are a mass of exceptions and confusion, says Kass, the interest rate expert.

All lenders in D.C. should be regulated as closely as banks and savings and loan associations are regulated by the federal government, Kass says.

ADL DENOUNCES POST

The D.C.-Maryland Regional Office of B'nai B'rith's Anti-Defamation League denounced The Washington Post for mentioning its name in a story on second mortgage foreclosures.

Jason R. Silverman, director of the regional office, made the statement after learning that the story would describe the practices of Alvin J. Steinberg in buying and foreclosing on second mortgage notes. Steinberg is chairman of the regional board of ADL.

Silverman said mentioning Steinberg's affiliation with ADL in the story makes it appear "that ADL is involved in and party to the allegedly questionable activities of a few individuals," when in fact it is not.

ADL can only conclude, Silverman added, that ADL's name was included in the Post story "for purposes of sensationalism and is irresponsible news reporting."

CORRESPONDENCE SCHOOLS NEED REGULATING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. WALDIE. Mr. Speaker, any Member of this body who has taken the time to watch an evening's worth of television will understand my reasons for rising today.

Numerous advertisements for educational and vocational schools are appearing on television, designed for young people who want to have a better life. A number of these ads represent good companies. Unfortunately, many ads represent very bad companies.

I have received, Mr. Speaker, a remarkable letter from a man who sold courses for one of these companies. I feel his remarks shed a great deal of light on the problem we are faced with in trying to improve the lot of our veterans and young people.

Mr. Speaker, I submit the following letter from Mr. Milton Swan of Oakland, Calif., for inclusion in the RECORD, in hopes that my colleagues will get a better understanding of a problem we must deal with as soon as possible:

GENTLEMEN: I would like to take this opportunity to bring to light certain circumstances which I feel should be looked into.

I have just recently been in the employ of a large organization dealing in correspondence course sales here in California and across the nation, with their headquarters located in Chicago, Illinois. The circumstances surrounding my getting the position in the first place were quite bizarre, and only after involvement with the Better Business Bureau was I able to finally acquire the position. I worked for nineteen days with the company and according to predetermined guidelines I was released.

Since I am not with the company any longer I feel it my duty to bring to light certain practices which are quite fraudulent in nature and involve the misappropriation of millions of dollars of government educational funds, fraudulent use of government mails and countless accounts of deceptive sales practices, which have probably been going on since this company began operating on a large scale some years ago.

As a sales representative for Advance Schools, Inc., (Advance Trade Schools Inc.) I was required to present a correspondence course package program to selected applicants with which the area office had made previous telephoned appointments. I would enter their home with a memorized presentation and a slide projector and recordings describing the courses offered. The first part of the presentation consisted of a questionnaire sheet to determine the prospects prior education, status, military experience, credit evaluation, and desires as far as furthering his education. The questionnaire was used basically to evaluate the prospects credit and to determine which of the limited fields we offered he could easily be put into. (If a field of interest could not be determined over the phone.) We then presented a fifteen minute film and recording of a field which we as representatives felt the applicant could be placed in. One of the basic tools of our sales presentation was that "the government was going to foot the bill." Now with the thousands of ex-military types being discharged each year who have not as yet taken advantage of their educational benefits this was made to look like a natural for them to get into a field where they could make "$15.00 an hour", and since the government was footing the bill they would be a fool not to take advantage of the opportunity. The ex-military person was one type of lucrative prospect for their sales. The next individual was the non-military type who would qualify under the Health Education and Welfare Federally Insured Student Loan Program.

This program allows a prospective student to borrow from the government the necessary funds for his education and not have to pay the government back until nine months after graduation. However, this program is made to look as if the prospective student is getting something for nothing by the representative, in light of the fact that they have three years to complete the course and the repayment schedule does not start until nine months after that. In many cases this was conveniently passed over by the representative altogether.

Deceptive sales practices of this nature alone would be cause for concern, however, the problem is much more involved than that. If a nationwide graph could be drawn up, you would see that the majority of sales offices in the major cities of the country were located well within range of the nation's poverty pockets and ghetto areas. These lower income areas and under-educated minorities are prime targets for Advance Schools, Inc.

In the sales films that are shown in the homes it is clearly stated that a high school diploma or its equivalent is all that is necessary to qualify for acceptance into Advance Schools home study program, but a representative is quick to inject that all the prospect has to do is pass a preliminary written examination administered right in the home to determine qualification. The test in itself is quite simple, however close to fifty percent of the applicants fail to qualify. This is then quickly graded and when necessary changed to allow each applicant whose credit seems passable to qualify for acceptance into the school. Therefore, today there are thousands of students taking courses with Advance Schools who do not qualify for these courses in the first place but are pushed through one way or the other and the U.S. Government is paying the bill under the Student Loan Program. I have found out recently that there is a five million dollar deficit of payments from people who have one way or the other attempted to educate themselves under this program. This may be a small amount compared to the overall number of students studying under this program but remember a student has up to forty-five months to pay back the government. Consequently, there are a number of years to go before the amounts flowing out from the Student Loan Program become due. And if the present amount is any indication, then in the coming years these amounts will become astronomical. Also it may be noted that approximately $35,000,000 a month is being pumped into V.A. education by the Federal Government.

As far as I am concerned I would like to see everyone further their education, however, to push someone into a course that they cannot handle, built on wild promises of increased wealth, and success, knowing full well that completion of the course is an unlikelihood, and knowing if the applicant did complete the course, with the schools help to make their records look good, he couldn't find work with his limited knowledge of a given field anyway.

I'm not against education by any stretch of the imagination; however, to feed on poor people and those from minority groups, the very ones that need the advantages of higher education, those are the ones who are most susceptible to misrepresentations and false promises!

Another item to be considered is the practice of making out duplicate forms for ex-military type prospects. Regardless of whether military type prospects eligibility for educational benefits can be determined at the time or not, the individual is still required to sign the student loan forms. This serves as a backup for the School so that if the student does not qualify under his military benefits, his application will automatically be sent in under the Student Loan Program, without the student knowing about it, AND he doesn't usually find out until nine months after graduation!

One of the reasons Advance Schools has been so successful in its sales program is the fact that all the applicant has to do at the time of his enrollment is pay a minimum fee of $2.50 for state tax and a six to nine dollar fee, depending on the course, for an insurance policy in case of death, or disability. This insures the school will get their money. The maximum any prospective student pays is about fifteen dollars, which in many cases is not picked up at the time of enrollment. The representative may say that the money is not important and that he could pick it up later. Then he *fronts* the enrollment with his own money, making out a money order with his own name on it. If the applicant kicks out at a later date or cancels his enrollment, the salesman gets his money back. This is quite common since there is a forty-five dollar commission on the sale and it will be going up soon. Also the schools require ten enrollments minimum each month from its representative.

Another infraction involves the paperwork which is necessary to enroll an applicant. There are approximately sixteen forms to be signed by the husband and wife together to complete an application. The law states that a copy of the enrollment application, statement of finance charges, and a record describing the course be left with each applicant. However, in practice only the enrollment application is left in a majority of cases. The plastic recording and the statement of finance charges is conveniently kept by the representative to insure against future cancellations.

Another deceptive sales tool used by company representatives is in the case of a potential ex-military type student. He is told during the interview that he has the right to keep his G.I. education payments instead of sending them direct to the company. In this case his cost for the course will be charged to the Federally Insured Loan Program. (I previously mentioned that all applicants are required to sign both forms). Since the G.I. has signed the student loan form as well as his V.A. forms, the student keeps all reimbursements from the V.A. and the cost is deferred to the Student Loan Program, repayable in forty-five months!!

I would also like to mention a few words about the method in which the appointments are made for the sales representatives for Advance Schools. The names and addresses are randomly selected from the phone book. They are called and asked to answer some questions for an educational survey; or they may be told that "This is Mr. Jones from the Government Educational Benefits Department of . . . Advance Schools" etc. etc. so eventually when an appointment is set up the prospect expects to be visited by a government employee.

In this day and age of catastrophic wastes going on within our governments, the slow drain of our tax dollars for such things as national defense, poverty programs, foreign aid, etc. etc., I'm sure that if we can cut down on wasteful spending of the taxpayers dollars in every way possible, and divert our spending power to useful endeavors, this country will be a better place to live yet!

Respectfully yours,

MILTON D. SWAN.

OAKLAND, CALIF.

WHAT DID THEY EXPECT?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. WYMAN. Mr. Speaker, yesterday at the United Nations Red China's new Ambassador to the U.N. started off in form. He reiterated Red China's claim to sovereignty over Taiwan and said:

> The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so.

He spoke of Vietnam in this vein, saying:

> The peoples of the three countries of Indo-China in their war against U.S. aggression.

Of the Middle East tinderbox he spoke of Arab peoples struggle against "aggression by Israeli Zionism."

Of Africa he spoke in behalf of all peoples of all whiteruled countries "in their struggle against white colonialist rule and racial discrimination."

Of Japan and the United States he spoke of collusion between these two nations to create "two Chinas" as being defeated in a victory for Communist Party Chairman Mao Tse-tung's revolutionary line in foreign affairs.

Lies, hatred, anti-American propaganda—cheered no doubt by many of the U.N. member nations delegations.

From Red China—what did they expect?

CHILD DEVELOPMENT LEGISLATION SHOULD BE DEFEATED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. ASHBROOK. Mr. Speaker, concern is growing around the country among thoughtful citizens that the so-called "child development" provision of the OEO bill currently being considered by a joint House-Senate Conference Committee is ill-conceived. There is a growing recognition that the proposal is misnamed, and that perhaps a better name for this monstrosity would be "child control" act or the "parent replacement act."

Mr. Speaker, I join with those who see this proposal as fundamentally wrong and I contend it should not be approved by this body.

In the House Education and Labor Committee, I was one of the only voices against this proposal. There is no doubt in my mind that it would offer the professional education bureaucrats the greatest opportunity ever imagined to direct thinking along the lines they deem correct. This legislation would open the door for what they call creative education. Stripped of its veneer, this is little more than life adjustment and application of behavioral science techniques which these professional liberals have sought to implement during the past two decades.

On many occasions I have placed in the RECORD information on this trend and my series of speeches started in 1961 with an exposé of the grandiose scheme of the U.S. Office of Education which is contained in its Federal Education Agency of the Future blueprint. Psychological tests or brainpicking tests which invade the private home and personal life of the student have been a part of this pattern.

The opportunity to develop attitudes is what these people are really after. Not the traditional goals of education which are directed toward informing the student and teaching him to think so he will make his own decisions. Rather, to think what these bureaucrats think is right. By taking charge of child development they foster the cradle to the grave dependency on the Federal Government. Even more, however, by fostering a dependency on the Government and its so-called innovative programs, the socio-economic and race mix of students would reach its greatest potential under this legislation. The possibility of abuse is great even though safeguarding amendments offered by Senator BUCKLEY and myself have been incorporated in both the House and Senate versions of this bill.

Parents everywhere should be alert to this invasion of their prerogatives. The defense that it is voluntary due to the inclusion of the Buckley-Ashbrook amendment should not lessen the opposition of parents to this bill. It holds out the greatest possible opportunity for meddling, thought direction and invasion of the rights and responsibilities of the parent. It should be defeated.

At this point I submit for the RECORD a very cogent analysis of the child development bill by my good friend, James J. Kilpatrick. Mr. Kilpatrick hits the nail right on the head and his timely comments are a warning of this proposal's threat to the home and our educational process. The article follows:

CHILD DEVELOPMENT ACT—TO SOVIETIZE OUR YOUTH

WASHINGTON.—When the House met September 30, not more than 40 or 50 members had any clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House had voted, 203 to 181, to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in The Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

The bill is a monstrosity. No other word suffices. Many observers had expected, as part of plans for welfare reform, to see some bill enacted that would provide modest federal subsidies for a few day-care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went to work.

Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for the Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child-development services, particularly during early childhood years."

To remedy this harm, the bill directs the secretary of health, education, and welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served, to assure that parents are well informed." Religious guidance plays no part.

Applications for federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the secretary."

Local proposals would float up to a new Office of Child Development. This office would create a committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund.

Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee, Congressman Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended.

The bill contemplates, ultimately, federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense.

But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church and parental control.

This bill contains the seeds for destruction of Middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

An indication of how the bureaucrats are sidestepping the issues in this controversial bill is best illustrated by the letter which HEW is sending to those parents who have written the President in opposition to child development. Here is a copy of the letter which is being sent out:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY,
Washington, D.C., November 9, 1971.

DEAR MISS: The President has asked this Office to respond to your recent correspondence concerning child development legislation now being considered by the Congress.

The President has on many occasions stated that strengthening families must be a national priority, and I assure you that any steps to reduce the central role of the family in rearing children would not have the support of this Administration. We seek legislation which helps families, especially families in need, to raise their children as they wish.

Both the bills to which you refer, S. 2007 and HR 10351, are entirely voluntary and specifically provide that nothing in them "shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children."

While there is room for disagreement about various other aspects of these bills, there is no disagreement about this provision.

Your concern about this issue is a healthy sign that our Nation cares deeply about our children. I am sure that you will find that we will uphold the high value that you place on family life.

Sincerely,

EDWARD ZIGLER,
Director, Office of Child Development.

The language cited is, of course, the Buckley-Ashbrook amendment. Note that nothing of substance regarding the legislation is included in this HEW response. As stated before, our amendment does insure against coercion by the Government but this does not make the bill acceptable.

Mr. Speaker, there have been problems with the manner in which this provision came to be part of the OEO bill. The opportunity to read and study this proposal was cut short because of the manner in which it came to the floor for consideration. The hearings held were incomplete. Little public exposure has been given to this bill, other than a few misguided editorials whose authors mistakenly view this child development proposal as a day care center bill. Child development is not day care. The House approved day care in H.R. 1. This is something very different. The authors and supporters of the plan have made the differences quite clear, but few seem to be listening to them.

OPPOSITION IS BUILDING

I submit for the consideration of the Members a report from the Emergency Committee for Children, a group of academicians and religious leaders opposed to the proposed expansion of public power and bureaucratic control into the lives of this Nation's children and families.

The members of the Emergency Committee include some of the most respected names in American scholarship. A partial list includes: Dr. George Baird, president of the Educational Research Council of America; Dr. George Crane, a psychologist, columnist, and textbook author; Mr. M. Stanton Evans, columnist and editor of the Indianapolis News; Dr. David Crane of Indiana University School of Medicine; Robert Galm, the director of the Indiana Youth Council; Professor Jerzy Hauptmann, editor of Lutheran Scholar magazine; Dr. Will Herberg, graduate professor of religion and culture at Drew University; Dr. Russell Kirk, well-known author, educator, and lecturer; Mr. Fulton Lewis, radio commentator and author; Rev. Angus MacDonald, editor of Religion and Society; Dr. William H. Marra, philosophy professor at Fordham University; Dr. William Oliver Martin, philosophy professor at the University of Rhode Island, an authority on education in the Soviet Union; Dr. Charles Moser, of the George Washington University; Dr. Gerhart Niemeyer, professor of politics at University of Notre Dame and author of "Between Paradise and Nothingness"; Dr. Charles Rice, professor of law at University of Notre Dame and author of "The Vanishing Right to Live"; Dr. George C. Roche III, the president of Hillsdale College in Michigan; Mr. H. Lyman Stebbins, president of Catholics United for the Faith; and Dr. Ben Wood, director of collegiate research at Columbia University.

Mr. Speaker, I submit the whole report of this distinguished group in the interest of legislative and public awareness, because it seems to me that there is a basic misunderstanding as to what is the purpose of this provision to establish a so-called child development program.

The report follows:

A Review and Report of the Proposed Federal Program of "Child Development"

THE BILL S. 2007 AND H.R. 6748

This bill provides for the establishment of "Child Development Programs" (comprehensive childrearing centers), "Child Development Councils" (to govern the programs), and a "Model Federal Government Child Development Program" (to try out the idea on the children of civilian government employees). It also provides guidelines and money for "National Child Advocacy Projects" (to draw attention to the needs of children), "Neighborhood Offices of Child Advocacy", and "Neighborhood Councils on Child Development". A permanent HEW Office of Child Development would also be established.

The bill would see, in a few years, that the Federal government will have assumed a major role in the mental, physical, and social examination, diagnosis, identification, and treatment for every child under 15 years of age in the nation. As a matter of the child's right shall the government exert this control over the family, because, as one proponent of the bill has said, "We have recognized that the child is a care of the State." It would seem that the supporters of this legislation are interested in a Federally-cared for and governmentally-nurtured child.

"CHILD DEVELOPMENT" ADVOCATES

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book Two Worlds of Childhood: U.S. and U.S.S.R., one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto. The public relations of this bill presented it as strictly a beneficent day care program, to facilitate the employment of poverty-level mothers. The provisions of the bill are somewhat more wide. And the supporters of the legislation indicate their support in such ways as to cause trepidation regarding the eventual course of some of their provisions.

Statements like one by Siv Thorsell, a Swedish child development expert: "It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now" reflect a lack of proper respect for certain fundamental institutions of society. Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, is openly opposed to the family: "there is serious thinking," he says, "that maybe we can't trust the family . . . to prepare young children for this new kind of world which is emerging."

The child development bill is obviously more than another anti-poverty measure; it is blatantly a social experiment scheme to change the nature of American society by undermining the basic unit of that society: the family. It falls well beyond the range of necessary and proper legislation into the discolored realms of orwellianism and mind-control. It is more than a violation of the rights of citizens: it is an assault on the already weakened fortifications of Western civilization.

CONGRESSIONAL FINDINGS

In examining the legislation, the intent of its framers and supporters must be carefully scrutinized. We find the first section (501) of the Senate bill (S. 2007) particularly revealing in this regard. This section purports to reveal "Congressional findings," namely:

That "millions of children . . . are suffering unnecessary harm from the lack of adequate child development services."

But there is no evidence that anywhere near such numbers of children suffer such harm. Since the beginnings of the Republic there have been laws governing mistreatment of children. Some children may, indeed, suffer deprivation or cruelty—but they do not suffer the lack of government services. And what are "child development services" anyway? "Comprehensive physical and mental health, social and cognitive development services necessary . . . to profit fully from . . . educational opportunities," says the bill elsewhere [§ 512(2)(A)]. That provides little clarification. What is meant by "mental health services"? Mandatory examination and treatment? Experimental therapy? The bill does not indicate.

That "comprehensive child development programs . . . should be available as a matter of right to all children."

The language of the legislation as it passed the House established in law that children have a "right" which they formerly did not possess. The nature of that right/rights is not explained other than by implication, e.g., the various programs and projects created by the Department of Health, Education, and Welfare and institutionalized through the HEW Office of Child Development will be available to children as a matter of "right."

Let us presume for a moment that a parent is against a program or unwilling to permit his child to be incorporated into it. The result will be that the parent was/is depriving the child of "rights" established by law, and could be potentially confronted by some remedial action to "restore" to that child his "rights" under the child development act. One could envision the future in which a "child advocate", in an attempt to restore a child's "rights", could obligate the parent to appear before some board or court for purposes of reviewing his qualifications for parenthood.

Even if such a formal mechanism is not established, the child development act, by its nature, when operational, would establish a de facto situation in which those operating the program could cause significant turmoil between the program and the parent, and between the parent and the child.

That "it is essential that such programs be undertaken as a partnership of parents, community, and State and local government, with appropriate assistance from the Federal Government".

But it is not at all "essential" that every level of government become involved in the training of the children of private citizens. History invariably shows that "partnerships" with the government soon become greatly imbalanced. The Child Advocacy section of this bill might be a classic example of that "partnership". Child Advocacy Officers, positions established by this bill to find and satisfy otherwise undiscovered needs of children, will seek to defend the child's right against his parents' ignorance or reluctance to submit him to federal assistance. Professionally-trained, overzealous staffers will be no match for simple parents whose instincts are right, but who are not educated or prepared to argue with program operatives. A de facto situation of coercion will be created.

That "it is the purpose . . . to provide every child with a fair and full opportunity to reach his full potential".

It is good for children to have opportunities for self-improvement; in America today such opportunities exist in multitude, probably more so than anywhere else in the world. The nation's children, from A. Lincoln on, have certainly reached great potential, and have done so without "child development services". The fact of the matter is that such extensive governmental intervention will probably accomplish precisely the opposite of the stated intent. Large institutions, as opposed to parental initiative, tend to stifle the child's imagination and expressiveness. Government intervention can make the deeply personal experience of growth and education a massive bore, and forget that it is trying to provide opportunities as it becomes preoccupied with standardizing results.

And "to establish the legislative framework of the future expansion of such programs to universally available child development services."

What is perhaps most alarming is the provision for these programs to be universal. Such a provision discloses that the framers implicity contend that, whatever maladies may exist among the nation's children, they are not limited to the economically deprived. The premise is that practically every child is deprived in some way. But every child in America does not suffer otherwise irremediable wrongs; in fact, most children are well cared for and well provided for by their parents, with adequate amounts of love and generally sufficient amounts of discipline. The demand for universal application of any program to all American children leaves far too much room for irresponsible social experimentation with the nation's youth by excessively idealistic or ideologized executors.

LIMITED HEARINGS

The fallacious contentions and erroneous conceptions of this bill should have been revealed and publicized in the Committee hearings. But the investigative function of the Committee hearings was largely ignored with this bill. The House Committee on Education and Labor, Subcommittee on Education, held a total of three hearings on the bill, with only five main witnesses. Two of them, Congresswomen Chisholm and Abzug, aired some rhetoric on the sufferings of women in need of day care. Two Governors and one former Governor also testified, but their discussion focused almost exclusively on technicalities of administration. Many times before, Federal administration of Federal programs on local levels has created duplication of these efforts with State efforts, squandering considerable money in the process. Governor Moore of West Virginia cautioned in his testimony that ". . . the proposed system . . . would spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns."

RIGHT TO NOT PARTICIPATE

That the proposed legislation would spawn anything more than an inefficient bureaucracy was not considered in the Hearings. Discussion of the substance of the bill was carefully avoided. With one exception, the written testimony submitted to the Committee was invited and devoted itself to praising the legislation. The one exception was C. Ross Cunningham, of the Christian Science Committee on Publication, who stated that "specific language in the statute itself is necessary to protect those with religious scruples from over-zealous workers at the local level." A clause to exempt children from treatment on grounds of religious objection was later added to S. 2007, perhaps in direct response to this testimony. Testimonies from other religious leaders were evidently not solicited.

Furthermore, there is reason to believe that the limiting provision to permit religious objections might be unconstitutional as a denial of equal protection of the law. Regardless, the provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow. The right to rear the child rests exclusively with the parent, and the law in the interests of family structure ought to reflect that relationship. While in the minds of many, religion may be the foundation of the parental right, it should be expressed in the law that as a matter of right the parent is not required to either participate in any "child development" program or even explain his reason.

PARENTAL RELATIONSHIP

Included in the report of the hearings was a recent report of the Education Commission of the States. Task Force on Early Childhood Education. This report supported the adoption of more extensive child development programs, but in one respect it differs significantly from Federal concepts. The first priority of the States regarding child development services was "strengthening of the role of the family as the first and most fundamental influence on child development."

To the Emergency Committee for Children this seems an entirely proper emphasis to maintain. The Bill adopted by the House, like that by the Senate, mentions scarcely anything to indicate respect for this basic institution. The Education Commission of the States was not preoccupied with promoting the "emotional and social adjustment" of children, as seems to be the case with legislative proposals from the Congress.

The potential of this piece of legislation is clearly and definitely the revolutionizing of the traditional family structure in America. The parental role in children's upbringing will be deemphasized and the role of government greatly expanded. As government assumes parents' responsibilities, parents' rights over their children will tend to be sacrificed, de facto or de jure. Such a development, in our opinion, is contrary to the best interests of our society and not in concert with the Western tradition. It is disastrous and tragic. The family is the cornerstone of emotional stability and strength, the first educator and strongest influence toward decent human natures and relationships. To replace the rich, loving family with depersonalized bureaucracy would be to destroy the most valuable social institution in America, and to weaken immeasurably the strength of the American nation.

COMMUNALITY FOR CHILDREN

Central to the arguments of certain advocates and sponsors of the child development bill is an implicit direction toward a total revamping of American society, beginning with the popularization of one or another form of collective child-rearing. Occasionally this direction becomes explicit, as in the writings of Dr. Urie Bronfenbrenner. Bronfenbrenner's contention is that Soviet society is worth more than American society because the concern of one generation for the next is so much greater there. This concern is exemplified for him in the "children's collectives", where infants from three months of age are brought for communal upbringing.

The most lauded advantage of communality is the facilitation of discipline. The greatest virtues of a Soviet child are obedience and self-discipline, both developed through skillful fostering of the earnest desire to conform to the group, which, in turn, accepts its values from adults or other authoritative figures, eventually the State. Conformity, thus, is the paramount virtue in collectivized children, and, of course, in collectivized adults.

Yet the Soviet Union seems more than satisfied with its crop of programmed citizens. Plans for the future are burgeoning to make a child's life a series of transitions from nursery to day and night kindergarten, to boarding school, to independent life, in the hopes that, in time, the family "will dissolve within the context of the future social commune."

Dr. Bronfenbrenner is, of course, entitled to his views. But what he advocates is, fortunately, so alien to our culture that any attempt to impose the Soviet system here would be doomed to disastrous failure. However, the proposals of this bill definitely encourage the attitudes necessary for such a system to ever be adopted. This country does not want Soviet childrearing. Conformity has never been regarded as a supreme virtue by the American people; in fact, individuality from diversity within and among families is much sounder and more reflective of American institutions. Parents love their children and are dedicated to their welfare. Privacy and personal intimacy are the keynotes of American family life. Congress may write lists of contrived complaints about American childrearing, but such complaints will not reconcile the American public or the traditions of American life to surrendering children to government agents.

CONCLUSION

We of the Emergency Committee for Children are grateful for the individualistic streak in the American personality, believing that it is the greatest possible protection against the utopian schemes of misguided collectivists. We of the Committee, whose backgrounds are in the Academy and religious life, are united in our concern and opposition to what we see as a significant threat to Western civilization and American society as we presently know it.

NEED FOR MID-DECADE CENSUS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. ROUSSELOT. Mr. Speaker, my colleague from California, the Honorable CHARLES H. WILSON, who is chairman of the Subcommittee on Census and Statistics of the House Committee on Post Office and Civil Service, on which I serve as ranking Republican member, recently addressed the Federal Statistics Users' Conference on the urgent need for a mid-decade census. I felt that these remarks, which were made before the group at the Madison Hotel in Washington, D.C., on November 16, were both interesting and provocative and should be submitted to our fellow Members for their consideration:

THE URGENT NEED FOR A MID-DECADE CENSUS

I was most gratified to be invited to speak to this distinguished group of statisticians and most pleased to be able to participate in this Fifteenth Annual Meeting of the Federal Statistics Users' Conference. It is usually quite difficult for us in Congress to accept many speaking engagements as our work schedules and commitments are dictated by ever-changing and last minute developments. However, inasmuch as your Executive Director, John Aiken, has so willingly and expertly responded to the requests of my Subcommittee on Census and Statistics, I felt obligated to reciprocate. John had more or less expected me to discuss a topic of great interest and concern to me and my Subcommittee—the enactment of mid-decade census legislation.

I shall talk about the urgent need for such a census series, but let me digress a moment to insert a few observations on the current statistical scene from our vantage point in the Congress, before giving you my feelings on the subject of a mid-decade census. Whereas we are generally pleased with the steady improvement in the technical aspects of planning and compilation of statistical data, we are at the same time taken off balance by various rumblings within the Federal Statistical System, and about which you have been reading in the newspapers.

Without going into detail, I shall only give a brief outline of a few of the items which the Members of my Subcommittee are pressing me for attention, review and action.

1. Reorganization of Federal Statistical Activities.
2. Use of the Census Bureau's undertaking of a "Public Opinion Type Poll" on the Wage/Price Freeze.
3. Recent elimination of professional statisticians in the analysis of the data released by the Office of Employment and Manpower Statistics, Bureau of Labor Statistics.
4. Discontinuance of the press conference by professional BLS statisticians on the employment-unemployment situation in the country.
5. Utilization, staffing, and cost of ever-increasing data processing systems.

In particular, I should relate my concern over the use of the resources of the Census Bureau in undertaking a "public opinion type poll" for presumably measuring the attitudes of the general public on the Administration's recently imposed Wage/Price Freeze. As some of you may know, I issued a press release on this subject. In that press release I indicated my deep concern—without exaggeration my fear, that the statistical program of the Federal government was being purposely manipulated to conform to the policies of the incumbent Administration.

No sooner had I sent out my statement objecting to the Administration's statistical game plan, then I found out that a censor had been installed at the Census Bureau to manage the release of statistical data to the public. A Mr. James Berger was stationed at the Bureau to alter statistical reports so they conform to the Administration's policies. This alone would justify a Congressional inquiry, however, Mr. Berger is not the first Administration stalwart to be appointed to a job at the Census Bureau. Since the present Administration has come to power, there have been no less than three other political partisans appointed to high level jobs at the Census Bureau. This procedure seriously jeopardizes a long tradition of professional career development within the Bureau of the Census.

In reaction to these events, I dispatched letters to the Secretary of Commerce and the Secretary of Treasury demanding the rationale and explanation for authorizing the Census Bureau as the collecting and compiling agency for a public opinion poll. The responses I have received have been totally unsatisfactory and consequently my Subcommittee is reassessing our previous Congressional commitments to the possible scheduling of investigative hearings on this matter plus other topics to which I have just referred. In the meantime, I have directed my Subcommittee staff to carry out a thorough investigation of the statistical activities of our government with specific reference to recent events.

I realize that I am discussing this matter with perceptive and sophisticated people and I would not for a minute attempt to persuade you that as an elected official I am not political in nature. However, in my opinion, the collecting and reporting of statistical data by the Federal Government has been and should continue to be independent of partisan politics. Frankly, I am pledged to the continuance of that tradition.

Before I proceed to the main thrust of my speech, I would extend an invitation to any of you in the audience that may wish to offer some assistance or information on these aforementioned topics to please feel free to get in touch with my Subcommittee staff.

As the United States experiences rapid and volatile growth in terms of population and internal mobility, many census users correctly conclude that a census every decade is simply not adequate. Indeed, five year censuses have been authorized and are being undertaken in the fields of agriculture, manufactures, wholesale and retail trade, services, construction, transportation, and governments. It is an unfortunate anomaly that censuses of population and housing remain on a ten year basis.

In recent years numerous Congressmen and representatives of many public and private groups have expressed support for a mid-decade population census. During the 87th, 88th, 89th, 90th, 91st, and 92nd Congresses, legislation designed to authorize such a census has been introduced.

It should be noted that in 1967, Representative Bill Green, then Chairman of the Subcommittee on Census and Statistics, introduced H.R. 7659 proposing a mid-decade census of population. His bill was approved by the House by an overwhelming vote of 255 to 127, but unfortunately died in the Senate for reasons not associated with the merits of the legislation.

In May and June of 1971, hearings were held before my Subcommittee on Census and Statistics to consider the various proposals for a mid-decade census. With a degree of unanimity seldom encountered in Congressional hearings, witnesses stressed the importance of mid-decade census figures for many types of decision making.

Almost universally they pointed out that the forces of economic and social change experienced by the nation since the end of World War II and especially over the past decade have made a national census conducted every 10 years grossly inadequate to meet the immediate and future needs of business, labor, research and planning organizations and government at all levels.

More specifically, the rapid increase in Federal programs allocating block grants and categorical aid to States, localities, and various segments of our Nation's populations, signals a specific need for a mid-decade census.

For example, Governor Rockefeller in a letter to President Nixon pointed out that the family Assistance Act and the Revenue Sharing Plan proposed by the Administration will be predicated on various census data. Rockefeller went on to say that billions of dollars would be distributed in the proposed special revenue sharing programs for manpower training, urban and rural development, education, and transportation. Any major population shift during the interval of decennial census would result in an unfavorable impact upan a rapidly growing area while unfairly rewarding areas of diminishing populations. Such misallocation of resources results in reduced dollar effectiveness as well as the inequitable distribution of funds.

The Decennial Census taken in 1970 will cost approximately $220 million. The cost of a mid-decade census will vary according to the scope and methods used in conducting the census. The figure has been approximated at $150 million in 1970 dollars. A little over a year and a half ago, some ten billion dollars per year were being distributed on a basis of some use of population as a criterion. Relying on outdated statistics from the decennial census in the latter years of the decade costs our government probably considerably more than $150 million.

State and local governments have greatly increased their role in the area of social and economic reform. The distribution of Federal-State-local taxes, and improvement in the tax structures of the respective governments themselves, require detailed information on income distribution, occupation and employment patterns, distribution of property values, and the like.

The plight of the cities has brought directly to the attention of Congress for relief, and hopefully for solution. Mayors, City Managers, and Administrators are searching for new sources of revenue to meet the continuing and increasing service demands. The National League of Cities and the Conference of Mayors are on record strongly supporting the need for mid-decade census data.

Furthermore, we should not overlook the business sector of the economy in the consideration of a quinquennial population census. Due to the rapid growth and diversification of business in the economy, more and more firms are finding it increasingly important to have more up-to-date information on the characteristics of our population on a local and national scale. A properly constructed mid-decade census would be of immense value to most business firms today.

It should also be noted that in the area of quinquennial censuses of population the United States has fallen behind other countries in which neither the need for the data nor the ability to pay for them would appear to exceed our own.

Our Subcommittee has traveled to Europe, the Far East and Australia and was met with consistent and overwhelming support for quinquennial censuses. Canada, Japan, Australia and Great Britain are pertinent examples. Canada conducted its first mid-decade census in 1956, and found that one of the chief values of such a census was that it provided information for small areas which cannot be obtained from inter-censal estimates.

This is not to say that support for a mid-decade census is lacking in the United States. In fact, support in this area has increased steadily. Through the years, all levels of the Federal Government as well as State and local governments have given their support along with a wide range of business, labor, and other segments of our society.

Unfortunately, the position of the present Administration is not so positive. On June 10, 1971, in a hearing of our Subcommittee on Census and Statistics, Dr. George H. Brown, Director of the Bureau of the Census, reported that the Administration "does not recommend a mid-decade census."

Dr. Brown stated that the Administration planned to launch a study to determine the feasibility of using administrative records (such as Internal Revenue Service, Social Security, immigration and birth-death data) as a substitute for mid-decade census information.

The Social Security Administration and the Internal Revenue Service do compile pertinent statistics; however, these data do not include the entire population, nor do they provide information by geographic area small enough to identify neighborhood needs.

Since 1960, Congress has enacted some twenty-three laws which require population information for their proper administration and distribution of funds. Equitable distribution of funds under many of these programs, especially housing programs, requires current information on the population of small areas.

Data collected through agencies other than the Census Bureau have further limitations. Regrettably, much of this information is not compatible due to the difference in time and/or procedures in which it is collected and processed. Various characteristics in the census can be related to common geographic areas whereas data from diverse sources present problems.

It was with true regret and surprise that we learned of the Administration's position, especially considering the widespread recommendations and support for the quinquennial census. We had thought from earlier statements made by Secretary of Commerce Maurice H. Stans, Assistant Secretary of Commerce Harold Passer, and Dr. George H. Brown that the Administration supported the establishment of a mid-decade census. Yet, such a setback has not succeeded in dampening the spirit of myself and those others working for a mid-decade census series.

Perhaps at this juncture, I should put in focus several other developments attesting to the germanenness of our position. The Decennial Census Review Committee appointed by Secretary Stans, and of which I was a member, submitted its report in July 1971. Included among its findings was a strong recommendation for a mid-decade census designed to collect basic population data on a complete enumeration basis.

My own Subcommittee staff conducted a survey of Federal, State and local government officials, planners, statisticians and others who had communicated their feelings about a mid-decade census to our Subcommittee. The results of the survey showed continued overwhelming support for a mid-decade census.

At the time of our hearings early this year, I asked your executive director, John Aiken, to poll the members of the FSUC to determine their views on mid-decade census legislation. In reviewing Mr. Aiken's report, I note that he considers this survey to be the most definitive one ever conducted by the FSUC, and that the rate of response was the highest of any survey taken by this organization. It contains pertinent data of great value to the census planners, and not too surprisingly the results conclusively show an extremely high percentage of respondents favoring a mid-decade census.

Furthermore, the survey fairly well confirmed the judgment of the Subcommittee on Census and Statistics that a scaled down census taken on a complete enumeration basis would be most appropriate and applicable at this point in our history. As another major note of interest, which was highlighted by Mr. Aiken, the FSUC Survey provided strong evidence of the great need for small area data.

I can assure you that we will give full consideration to this apparent demand for such information. The survey was a monumental achievement by the FSUC and we in the Congress wish to commend Mr. Aiken for his splendid effort in effecting this in-depth study.

And finally, I requested the General Accounting Office to conduct a practical and detailed study comparing the use of administrative records versus the establishment of a mid-decade census.

I had expected to release a summation of their report or at least their recommendations to this distinguished group of experts at this annual meeting, but unfortunately, the staff assigned to this task has found this study to be more involved than originally anticipated. Whereas the basic research work has been completed and the findings have been reported, the analysis phase by the policy officials is still in process.

Consequently, we will have to look for a later occasion to announce the GAO conclusions concerning the desirability of the use of administrative records versus the undertaking of a mid-decade census taken on a complete enumeration basis.

As of this date, I still have rather strong convictions to introduce appropriate legislation for the collection and compilation of population data every five years. If the GAO report contains a positive recommendation for a mid-decade census to be taken in 1975 on a complete enumeration basis, then you can be assured that this will play a decisive role in influencing the resultant actions of my subcommittee. If the GAO report should as a first priority present a recommendation other than the above, then we will have to make a reassessment.

In any event, I plan to introduce responsible legislation on this general subject at the earliest possible opportunity next session. This timing will hopefully permit passage of a bill into law before the summer recess. With this schedule there should be sufficient time to allow the Bureau of the Census to plan, prepare and initiate in 1975 a program to produce population data that will meet small area data needs generally.

In conclusion, I wish to re-emphasize my strong and unbending support for such additional Federal census and statistical activities as needed to meet the critical demands of the American people.

UNITED NATIONS' DEFICIT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1971

Mrs. SULLIVAN. Mr. Speaker, no organization can operate very long if its members refuse to pay their dues and to provide the funds necessary to carry out the decisions which they themselves have made.

This has been painfully true with respect to the United Nations—the one major international organization which has been operating in the red for a number of years.

According to information which was supplied to me the other day, the arrearages of the members of the United Nations are currently estimated at $186.9 million.

Seven years ago, a former colleague of ours, Congresswoman Edna F. Kelly, of New York, called attention to this problem and introduced a resolution on the subject.

Standing in the well of the House of Representatives, Congresswoman Kelly reminded all of us that nearly 200 years ago, our forefathers in the United States fought the war of independence to uphold the principle that there shall be "no taxation without representation."

She urged that the corollary of that principle—that there be "no representation without taxation"—be applied to the United Nations, and that the penalty of article 19 of the U.N. Charter—denial of vote in the U.N. General Assembly—be enforced against those members who were more than 2 years in arrears in paying their dues to that organization.

Seven years ago, the House of Representatives by a unanimous vote, and then the Senate, upheld the position advanced by Edna F. Kelly.

Unfortunately, the majority of the membership of the United Nations refused to follow the road of fiscal responsibility and have refused to apply the sanctions of article 19 to the delinquent members.

As a result, the United Nations is in worse financial straits today than it was 7 years ago.

As of January 1 of this year, the United Nations owed nearly $70 million to others.

If the arrearages of $186.9 million were paid, the United Nations would be solvent and able to move forward in carrying out its responsibilties.

Mr. Speaker, I believe that the principle enunciated in 1964 by our distinguished former colleague, Edna F. Kelly, is more valid today than it was then. The countries which refuse to pay their dues should not be allowed to vote in the U.N.'s General Assembly.

In light of the present situation, those who refuse to live up to their agreements under the charter, should be expelled.

CANADA'S POSITION ON THE ALASKA PIPELINE ISSUE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. ASPIN. Mr. Speaker, last week I introduced a joint resolution in the House that would first, delay Federal approval of any permits for the development of Alaska's North Slope oil until at least January 1, 1973 and second, require the Interior Department to undertake an independent and thorough study of a Canadian oil pipeline route as an alternative to the proposed trans-Alaska pipeline. The resolution will be reintroduced with cosponsors after the Thanksgiving recess.

There are both excellent economic and environmental reasons for supporting a Canadian pipeline over the Alaska line. But one important question that many of my colleagues have asked me recently is: Where does the Canadian Government stand on the Alaska pipeline issue in general and, in particular, on efforts to have a Canadian pipeline alternative fully studied before a decision is reached on the proposed trans-Alaska pipeline?

I would like to include in the RECORD today a speech by the Canadian Minister of Energy, Mines and Resources, J. J. Greene, which very succinctly states the Canadian position on this issue. His speech makes it clear that the Canadian Government strongly favors our efforts to delay the decision on the Alaska pipeline until a Canadian pipeline route has been fully studied. Mr. Greene's speech follows:

NATIONAL RESOURCE GROWTH: BY PLAN OR BY CHANCE? OIL AND GAS PIPELINE DEVELOPMENT

One of the most critical resource developments proposed for the next few years in Canada is that of the construction of pipelines to carry discoveries of gas and oil in Alaska to U.S. continental markets. These proposals are critical in many ways. They raise, immediately, the problem of Canada's geographical situation as a "land bridge" between two parts of the U.S.A. on this continent, and they bring us in a visible and tangible way closer to a decision with respect to our role in the management of the North American land mass.

The day has gone in international affairs when each country can carry on, sovereign in its own territory and impervious to the impact of its actions on its neighbours. This is true of the U.S.A. in its relation to Canada and it is true of Canada's actions in relation to the U.S.A.

In terms of pipelines and the development of the Canadian petroleum industry, there are a few truths which should be noted: 1) the only economic way now known for the U.S.A. to transport its natural gas from Alaska to the continental U.S.A. is by pipeline across Canada. 2) substantial oil and gas potential in Canada lies in the areas in the Yukon and the western portion of the Northwest Territories. They are, however, remote from markets and remote from transportation, but they might become economically accessible and useful to Canada if major oil and gas trunk lines, based on economics of their own, could pass through this potentially resource-rich area of Canada.

Assuming that we can satisfy ourselves that the ecology of our northern environment can be protected, and that the economic impact of such a substantial development can be absorbed constructively, can we deny this vital service to our neighbour? At the same time, would our neighbour not recognize that there are vital services which can be rendered to Canada?

The Canadian Government is not opposed to the construction of oil and gas lines from Alaska through Canada to the continental U.S.A. and the Government of Canada has already acted in a broad way to define the national goals of such a development. On August 13, 1970 I announced some definitive guidelines to assist industry in their planning. These included:

(1) The ministers of Energy Mines and Resources and Indian Affairs and Northern Development will function as a point of contact between government and industry and prospective applicants will receive guidance and direction to those federal departments and agencies concerned with the particular aspects of northern pipelines.

(2) Initially, only one trunk oil pipeline and one trunk gas pipeline will be permitted to be constructed in the north within a "corridor" to be located and reserved following consultation with industry and other interested groups.

(3) Each of these lines will provide either "common" carrier service at published tariffs or a "contract" carrier service at a negotiated price of all oil and gas which may be tendered thereto.

(4) Pipelines in the north, like pipelines elsewhere which are within the jurisdiction of the Parliament of Canada, will be regulated in accordance with the National Energy Board Act, amended as may be appropriate.

(5) Means by which Canadians will have a substantial opportunity for participating in the financing, engineering, construction, ownership and management of northern pipelines will form an important element in Canadian Government consideration of proposals for such pipelines.

(6) The National Energy Board will ensure that any applicant for a certificate of public convenience and necessity must document the research conducted and submit a comprehensive report assessing the expected effects of the project upon the environment. Any certificate issued will be strictly conditioned in respect of preservation of the ecology and environment, prevention of pollution, prevention of thermal and other erosion, freedom of navigation, and the protection of the rights of northern residents, according to standards issued by the Governor General in Council on the advice of the Department of Indian Affairs and Northern Development.

(7) Any applicant must undertake to provide specific programs leading to employment of residents of the north both during the construction phase and for the operation of the pipeline. For this purpose, the pipeline company will provide for the necessary training of local residents in coordination with various government programs, including on-the-job training projects. The provision of adequate housing and counselling services will also be a requirement.

In response, industry is carrying out research projects with ecological, technical and economic consideration which are commendable and which will allow an early assessment of these questions. The final policy decision for the creation of a gas pipeline has not been taken, but we are prepared to address ourselves to the real problems as soon as industry is ready to present their proposals to us.

Personally, I think that the U.S.A. oil industry has been too hasty and too unplanned in its decision to move Alaska north slope oil across Alaska from Prudhoe Bay to Valdez and then by sea to receiving points in the U.S.A. northwest. Too hasty, because they did not give proper care and attention to the problems of the physical security of the oil line, the security of the environment in Alaska, the protection of the Alaska, British Columbia and Washington coastlines from sea-going tanker disasters, and to the question of the long-term economics of the operation of such a line and for policies which would lend themselves to the maximization of potential oil and gas supplies to the U.S.A.

There is no doubt in my mind that the U.S.A. Government will give the closest examination to the total merits of the alternatives available for the securing of supplies not only to the U.S.A. West Coast market, which is accessible to many supply sources but also to the fast growing and highly urgent problems of the U.S.A. Midwest. National strategies for the U.S.A. are every bit as important to them as our own strategies are to us.

To us it appears that an oil line from Alaska through Canadian territory would have the advantage of ruling out a vulnerable tanker link to markets and would provide more economic transportation of oil to the U.S.A. Midwest. A rough estimate indicates that oil through an all-Canadian line would be in the range of 30 cents a barrel cheaper, delivered at Chicago, than Alaska crude oil shipped by tanker to the West Coast and then by some pipeline from Seattle to Chicago.

I can see no merit whatsoever in the argument that the national security of the U.S.A. requires construction of a trans-Alaska oil pipeline and an ocean route. Canadian policies and Canadian undertakings are no less secure than those given by Americans within the U.S.A., and it will be a sad day for Canada-U.S.A. relations if the development of the Canadian economy, particularly the resource economy, is made to pay a subsidy because of an assertion about insecurity. One of the most important links in the natural gas supply of Ontario crosses the U.S.A. I refer to the Great Lakes pipeline which is 50 percent owned by Trans-Canada Pipelines. I think it has never occurred to us that this line across a "land bridge" in the U.S.A., linking two parts of Canada, is politically insecure.

I cannot believe that any serious concern could be expressed in the U.S.A. with the reliability of an agreement between our two countries under which Canada, for its part of the bargain, would undertake to ensure the uninterruptibility of the flow of Alaska oil down a Canadian "land bridge" line equivalent in volume to any flow which could be put through the TAPS lines.

Failure of the U.S.A. to adequately consider the Canadian route for Alaskan oil could render a signal disservice to the growth of the western Canadian oil economy.

FRED SCHWENGEL: LEADING FOE OF PRAYER AMENDMENT

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. McCULLOCH. Mr. Speaker, all Americans who love freedom owe a debt of gratitude to the gentleman from Iowa, FRED SCHWENGEL. He led the fight against the so-called prayer amendment at a time when few others had as yet mustered the courage to do so. And FRED SCHWENGEL did so because he was convinced that the proposed amendment posed a threat to our religious freedom. I believe that his efforts were, in no small measure, responsible for the eventual defeat of the amendment.

A number of newspapers have recognized Representative SCHWENGEL's efforts in behalf of religious liberty in their editorials and commentaries. I join with the sentiments expressed in those publications which follow:

[From the New York Times, Nov. 9, 1971]

LEADING FOE OF PRAYER AMENDMENT

(By Paul Delaney)

WASHINGTON, Nov. 8.—Representative Fred Schwengel, an Iowa Republican, would seem an unlikely leader of the forces in the House that wanted to reject a proposed constitutional amendment permitting prayer in public schools.

Mr. Schwengel is from a conservative, Bible-reading district where a majority of the residents favor prayer in the schools. He and Mrs. Schwengel attend Calvary Baptist Church here every Sunday, and he has served as a trustee, deacon and Sunday School superintendent and teacher at the First Baptist Church in Davenport, Iowa.

The Schwengels hold daily morning prayers at home and he attends the weekly Congressional prayer breakfast and the annual Presidential prayer breakfast.

"Some of my friends warned me against it, but I threw caution to the wind; I had to do it," Mr. Schwengel said today following the House vote against the amendment.

"I am deeply committed to religious freedom," he continued. "I feel so strongly because my mother and father were Baptist in Germany.

"I believe in the great bulwark of separation of church and state. I think we'd lower the quality of prayer if we let the state write it."

Representative Schwengel said he had gotten into the fight as soon as the discharge petition had enough signatures for a vote on the floor of the House.

"I started the ball to rolling immediately. I took the floor every day," he remarked. "Some good friends asked why I jeopardized my political future, and some people have said they would put billboards up all over my district against me, but I've fought billboards before."

The Congressman and friends and aides said they did not know what kind of political result his position would entail.

"Conceivably, his efforts could have an adverse political effect, but we don't know how serious," commented one aide. "But he fights for what he believes and he was never concerned with being hurt politically."

Mr. Schwengel said many residents of his district were against him at first, but he believed that through a process of education "they are for me now." A friend commented that when constituents listened to the Congressman's reasons for fighting the amendment, "their enthusiasm against him changed, if not their minds."

TO LEFT OF CONSTITUENTS

Mr. Schwengel has always been somewhat of a maverick, and he is a little to the left of his constituency.

A Republican, he was swept out of office in the Lyndon B. Johnson landslide in 1964, only to be re-elected in 1966. Other than that two-year absence, he has been in the House since 1954. He serves on the Administration and Public Works Committees and the Joint Committee on the Library.

He is best known for his fight for home rule for the District of Columbia and against proposals that would allow the width of buses operating on the Federal Interstate highway system to be increased.

Mr. Schwengel is also noted for his switch from a hawk to a dove on the Vietnam war issue. He changed his mind after a visit to Southeast Asia in 1967, because, an aide reported, he found wide discrepancies in what was reported in Washington and "the reality of the situation."

[From the Des Moines Register, Nov. 10, 1971]

COURAGE ON PRAYER

A major effort to get House approval for the school prayer amendment to the Constitution fell only 23 votes short Monday of the two-thirds majority needed. The closeness of the vote will encourage supporters of the amendment to try again.

Iowa Representatives Fred Schwengel, Wiley Mayne, John Culver and Neal Smith deserve commendation for withstanding the emotional arguments to "vote for prayer." Iowa's other House members, William Scherle, John Kyl and H. R. Gross voted for the amendment.

Schwengel merits special praise since he was one of the leading opponents of what was doubtlessly a popular proposal, though a misunderstood one. Schwengel helped make clear that the issue posed by the proposed amendment was erosion of the First Amendment, which guarantees religious freedom for every person while barring the government from interfering with religious matters.

It took courage to object to something as cherished as prayer. Schwengel found himself denounced as vehemently as were the Supreme Court justices who had kindled the controversy by ruling against obligatory school prayers and Bible reading.

After Monday's voting, Schwengel was threatened with political reprisal by supporters of the amendment, who promised to back efforts to unseat the Iowan next year. It is ironic that backers of a constitutional amendment meant to instill greater appreciation for religious influences should show a vindictive attitude after the vote.

[From the Davenport Times Democrat, Nov. 10, 1971]

THE PRAYER AMENDMENT

The House of Representatives has turned back an attempt to tinker with the Constitution regarding the matter of prayers in public buildings.

In view of all the confusion that has erupted over the issue the action was well taken.

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." So reads the First Amendment.

In 1962 the Supreme Court ruled New York officials were violating this amendment by requiring a certain prayer to be used in public schools. A year later it handed down a similar decision in cases involving Bible readings and recitation of the Lord's Prayer in schools of Maryland and Pennsylvania.

In neither instance did the court deny the right to pray. It did not say a pupil could not pray before school, after it, or even during classes as long as he did it privately and did not interfere with others.

But many Americans got the idea that the right to pray somehow had been diminished. A constitutional amendment was proposed to the effect that "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or through the expenditure of public funds, to participate in nondenominational prayer."

Opponents, including major churches and religious organizations, eventually came to the conclusion that the very term "nondenominational" eroded the Bill of Rights by implying official sanction. Somebody in the schools would have to decide what qualifies as a "non-denominational prayer," thereby replacing the free exercise of religion by fiat.

When the amendment came up for consideration Monday, the term "nondenominational" was changed to "voluntary prayer or meditation." Even so, the required number of the members of the House could not see any sense in tampering with the present guarantee relating to religious freedom. It would hardly be worth mobilizing the massive machinery needed to amend the Constitution—two thirds of the States and the Senate membership would still have had to concur—to make a point already in the Constitution.

Rep. Fred Schwengel, R-Iowa, has been reaping praise for leading the fight against the proposed amendment but says he has been warned of retaliation by some of his constituents who believe it is "godless to oppose prayer."

We believe that those who make a calm re-appraisal of the arguments for and against the House action will realize that it could not be fairly called anti-religious.

Indeed, it may have scuttled a tempting precedent to toy with other provisions of the Bill of Rights freedoms which protect us from extremists of either the right or left.

[From the Muscatine (Iowa) Journal, Nov. 10, 1971]

THANKS, FRED

Don't believe it if Congressman Fred Schwengel is attacked in the 1972 election as being a "godless" person.

That label will perhaps be pinned on some of the U.S. Representatives who voted Monday to kill the controversial "school prayer" amendment which had been designed to overturn the Supreme Court's ban on organized prayers in public schools.

Congressman Schwengel, who represents this district of Iowa in the U.S. House of Representatives, was one of the national leaders in the fight against the so-called prayer amendment.

By taking the stand he did, Schwengel invited the wrath of an Ohio housewife, Mrs. Ben Ruhlin, organizer of the Prayer Campaign Committee, who threatened political reprisals against leading opponents of the amendment.

Schwengel said Monday, shortly before the debate in the House, that Mrs. Ruhlin "sent word to us that she would come into our districts and put up billboards all over the place opposing us in the next election."

Congressman Schwengel said the proposed amendment would have been a boobytrap for religious freedom. Voluntary prayer, nondenominational or not, is now permissible anywhere. Voluntary prayers have never been prohibited by the Supreme Court and are allowed in schools today.

Opponents of the Prayer Amendment—and that includes most of the major churches and religious organizations—said it would tamper unnecessarily with the Bill of Rights and that it would whittle down the existing protection of religion and breach the wall dividing church and state.

The wall separating church and state in America is built on the First Amendment. "Congress", that amendment states, "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In 1962 the Supreme Court held that New York school officials violated the First Amendment when they required a certain prayer be used daily in public school classrooms—even if the prayer was a nondenominational one and participation was voluntary. A year later the court ruled that Maryland and Pennsylvania school officials violated the First Amendment when they required schools to begin the day with Bible reading or recitation of the Lord's prayer. The court said the First Amendment commands the government to be strictly neutral, neither aiding nor opposing religion.

Congressman Wiley Mayne (R Sioux City) supported Schwengel's position by saying the proposed prayer amendment would "qualify and becloud" the protection of the First Amendment and "lead to governmental determination of which prayer was proper and which was not. This is the very danger which framers of the Bill of Rights warned against and labored to avoid."

Keep that in mind next year, during election time, when the cheap "godless" label may be tossed at Schwengel.

His actions were not against prayer. His purpose was to preserve religious freedom. For that, we should be thankful.

NO DIPLOMATIC RECOGNITION FOR RED CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SCHMITZ. Mr. Speaker, a proverb says: First the finger, then the hand, then the arm.

The response to my districtwide report to constituents has been extremely gratifying. This report, mailed to all residents of the 35th Congressional District, dealt solely with the administration's new policy toward Red China and the abandonment of our long-time ally, the Republic of China.

The report requested that my constituents inform me of their views on this matter, whether they agreed with my position or not. To date, 1,659 letters and telegrams have been received, with 1,247 of these replies—over two-thirds—supporting my position in opposition to the new China policy. In addition to this response, our office has received over 400 letters protesting the ouster of Nationalist China from the United Nations.

Clearly there is substantial feeling against embracing Peking at the expense of Nationalist China, at least in the great 35th Congressional District—the most populous in the Nation. As the ill effects of the administration's current course in Asia become ever more apparent and the myth of the "two China policy" is exploded by unfolding events, opposition will surely grow even more widespread—to a point.

That point comes when accumulated misfortunes make opposition look hopeless. This is the point when the myth of inevitability takes hold of the opposition, drives the prospect of possible success from their minds, and seals the fate of Free China with the death's wind of passive resignation. This point need not be reached, and it is imperative that we do all in our power to assure that it is not.

While continuing to oppose the President's journey to the court of Oriental despot Mao Tse-tung, we must also fight to prevent the fastening of the next link of the chain which is being bound around the Chinese people. We must oppose diplomatic recognition of Red China by the United States.

While the expulsion of Nationalist China from the United Nations was a defeat, diplomatic recognition of Red China by the United States would begin a rout. For Free China's ouster from the U.N. to be followed by its ouster from the United States would be close to a fatal blow. And this is exactly what diplomatic recognition of Red China would mean.

Those same voices which told us that there was no reason why the two China policy at the United Nations could not succeed will be advising us that the United States can have diplomatic relations with both Nationalist and Red China. The same principle, however, applies for our Nation diplomatically, as applied at the U.N. There can be no two China policy.

The evidence is overwhelmingly clear. There are 58 nations which now have diplomatic relations with Nationalist China and 61 nations which have diplomatic relations with Red China. No nation has diplomatic relations with both. This is not just happenstance. Of the 15 nations which have established diplomatic relations with Red China since December 1969, eight severed their diplomatic ties with Free China, and the other seven had none to begin with.

When two governments both claim the entire territory of the other as their rightful domain, as Free and Red China do, diplomatic recognition of the claims of both would take foreign policy wizardry of the first order. As the outcome of the U.N. vote showed, we do not have wizards of this type.

ESTABLISHMENT OF NATIONAL SICKLE CELL INSTITUTE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues the importance of establishing a National Sickle Cell Institute.

I have introduced H.R. 8423, to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute, and I have cosponsored H.R. 10935, making a supplemental appropriation for the Secretary of Health, Education, and Welfare for detection and treatment of, and research on, sickle cell anemia.

My district which is the Ninth Congressional District in Massachusetts lies within the city of Boston.

According to the U.S. Census 1970, as reported by the Research Bureau Boston Redevelopment Authority: In Boston, 104,483 of the 641,000 citizens are of black ancestry; this equals approximately 16.3 percent. The census of 1970 almost certainly underestimated the actual population of black citizens and there has been a definite increase in the number of blacks in Boston during the last year or so. It would be realistic to state that the population of blacks in Boston currently numbers between 110,000 and 120,000 which is approximately 20 percent of the population and live in the South End, North Dorchester, and Roxbury areas. A number of surveys have been conducted in the last 35 to 40 years as to the prevalence of sickle cell trait. The several surveys conducted of urban population give a prevalence level as stated of sickle cell trait of 8.5 percent which means that Boston contains in its population approximately 9,000 individuals with sickle cell trait. Accordingly, the prevalence in Boston of sickle cell anemia must be about 180 individuals.

Today I would like to confirm my continuing support for a significant increase in Federal funds for an attack on sickle cell anemia. I introduced, in May of this year, H.R. 8423 in the belief that it was time to establish a priority effort to gain control of and eliminate this terrible disease of black America.

Sickle cell anemia was first identified more than 60 years ago. Research on a cure for this disease was initiated shortly thereafter but the first major breakthrough in demonstrating the molecular basis for the disease did not occur until 1949 when Dr. Linus Pauling, a well-known biochemist and Nobel prize winner, showed that the characteristic sickling of the red blood cell was due to an abnormal hemoglobin molecule. Just recently, and using Dr. Pauling's work as a basis for the investigation, a small step has been taken toward the evaluation of a new chemical treatment for patients in the acute stages of the disease. We need to exploit this progress which has been achieved if we are to avoid another half century of awaiting a cure.

This disease is unusual in its occurrence. Sickle cell anemia is limited primarily to black citizens of our country who have inherited the trait for the disease from each of their parents. The evidence suggests that the disease became established in the Negro population as a result of some poorly understood evolutionary processes associated with a resistance to malaria. In Africa, where this disease had its origin, the biochemical protective mechanism afforded blacks with the sickling trait a greater degree of resistance against the lethal effects of malaria than blacks without the trait. As a result this mutation of the hemoglobin molecule has survived.

Individuals who inherit the trait for the disease from each of their parents suffer terribly from the disease. The manifestations of the disease in small children is particularly pitiful to see and patients with the disease seldom live beyond the age of 40. One difficulty in combating the disease has been that the disease requires special testing for identification and diagnosis and this testing has not been readily available.

Federal support for investigation of sickle cell anemia is scattered throughout several institutes of the National Institutes of Health, including the National Institute of Arthritis and Meabolic Diseases; the National Heart and Lung Institute; and the National Institute of General Medical Sciences; and the Health Services and Mental Health Administration. Although coordination of effort has been assigned to the National Heart and Lung Institute, the history of research on this disease indicates that it has never received any priority of attention.

In 1971, President Nixon announced that Federal funds to combat sickle cell disease would be increased to $6 million. While this level of funding represents almost a fourfold increase in effort, it is not nearly enough to take immediate advantage of the knowledge which is already available and to extend this knowledge to the black population. Clearly what is needed is some means of improving the lot of individuals affected with sickle cell anemia, hopefully by so modifying this aberration of hemoglobin that it does not cause symptoms, or at worse, causes very minor symptoms. This means research. As I have indicated, there have been a few promising signs for the treatment of the disease. Genetic counseling services and screening to identify the presence of the disease could be provided. These services should be provided to their fullest extent.

It is my opinion that one of the major obstacles to a successful confrontation of the problem of controlling this disease is the decentralization of effort which exists now. The attack on this disease requires a strong and centrally controlled administration of effort. The National Sickle Cell Anemia Institute which I am proposing would provide for this direction of effort, and I trust its main thrust would be the underwriting and support of extramural research grants.

There is some indication that the several voluntary organizations which have been trying to secure visibility for the disease and to educate people to its hazards will be coordinating their efforts through affiliation with a newly established National Sickle Cell Disease Research Foundation. Federal efforts in research, diagnosis, screening, genetics counseling, and treatment would profit immeasurably from a similar centralization of effort. The establishment of a National Sickle Cell Anemia Institute would demonstrate also that there is congressional concern with the fact that the disease has been neglected for too long and would assure the black citizens of our country of our intention to provide the continued support necessary to gain control of this disease.

REPORT FROM YOUR CONGRESSMAN—ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. ESHLEMAN. Mr. Speaker, I have just recently sent my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point.

WASHINGTON SPOTLIGHT

(Report from your Congressman—
ED ESHLEMAN)

PEACE NOT WAR

Amidst political charges and countercharges and the seemingly endless parade of domestic and international crises, it is sometimes difficult to see the really meaningful things which are happening around us. Where there are problems, there are also solutions. Where there is crisis, there is also stability enough to withstand the crisis and then to resolve it. But most important today, where there once was only the shadow of war across the world, there is a new direction toward peace and cooperation among nations. The policies of the major powers not only have become centered upon limiting arms and reducing military forces, but there is an evident desire to avoid world war or even regional war.

The effort to curtail military spending is growing in this country, and other countries are experiencing a similar trend. The reason seems to be a worldwide concern with domestic problems for which solutions are impossible without some cuts in the amounts spent on weapons. Domestic problems are in large part related to population growth, for as populations grow so do their demands upon their governments.

And, as governments find they must become more responsive to the needs of their own people, it seems to lead to an international spirit of cooperation in dealing with the huge and complex questions which face everyone. The results of this spirit are a more peaceful world. Consider the evidence. The Soviet Union has become less belligerent because she has recognized that her people are restless and that the restlessness can be cured only by better living standards and a stronger economy. Red China and the U.S. have agreed mutually to seek a new relationship. Russia and the U.S. are engaged in talks which may lead to limitations of strategic arms and even to the abolition of nuclear weapons.

The war in Southeast Asia is being de-escalated and could be ended by next year. In Europe, there seems to be a willingness to discuss troop withdrawals on both sides of the Iron Curtain. The Middle East remains a tinderbox, but even there indications are that a peaceful settlement is a very real possibility. In Latin America, rebellion and unrest are not over, but neither do they appear to be the politics of the future.

Throughout the world the trend is towards peace and the methods of peace. And despite the bitter words of our critics to the contrary, the American people are very much a part of that new state of human affairs. It is our past and continued good will, faith and humanitarianism which are in large part responsible for a world moving off in a new direction. That direction is away from war and towards peace.

WINSTON WISDOM

Winston Churchill said it, but we certainly should keep it in mind: "No folly is more costly than the folly of intolerant idealism."

CUBA CRITIQUE

Some of our self-proclaimed revolutionaries have tried to portray Cuba as a land of freedom and opportunity. In some cases this theme also has been taken up by the news media. One of our more prominent Senators has said that we ought to consider extending recognition to the Castro government. What is often overlooked is the real character of Communist Cuba. For instance, Cuban children are taught the "advantages" of Communism and the "weakness" of religion in school. They are asked to pray to God for candy. After several days of unavailing prayer, they are asked to pray to Fidel for candy. These prayers are answered quickly—and the "lesson" has been learned. But those who learn "In Castro We Trust" must suffer some disillusionment when they see the outside world. While our news media made much of a recent victory over the U.S. by a Cuban basketball team at the Pan American games in Colombia, there was hardly a line about the fact that five members of the Cuban squad defected, cited political repression and asked for asylum in Colombia.

POLLUTION SOLUTIONS

A young man told me once that a college professor of his had summed up the environmental quality question this way: "The solution to pollution is dilution." And, when you think about it a little, it makes some sense. But the question facing Congress is how do we go about legislating the proper solutions, whether they be dilution or something else.

Our answer to the question last year in the case of air pollution was to get tough. The result has been that even though some industries claimed we were asking the impossible, the automobile industry in particular, they are now finding new technology to meet the standards we imposed. Therefore, my guess is that on the water pollution question this year, our answer again will be to get tough. And maybe the result will be creeks and rivers and lakes clean enough to be enjoyed by everyone.

POINT WELL TAKEN

A colleague of mine contributed this piece of wisdom to the storehouse of congressional knowledge the other day: "Tact is the knack of making a point without making an enemy."

SEASON OF THANKS

When our forefathers gathered for the first Thanksgiving more than three centuries ago, they felt it was important to offer thanks together for their new lives in a new home. Togetherness has remained very much a part of this holiday. It is a day when families gather to acknowledge their blessings. From my family to yours, a wish for good food and, most important, good fellowship as we all acknowledge our gratitude for the fullness of our lives, the security of our homes, the inspiration of our faith and the greatness of our Nation.

TOO EASY?

The Indianapolis Star suggests that one way an individual can avoid the horrors of prison life is to refrain from committing crime.

PRIVATE VERSUS PUBLIC

Private enterprise has come under attack from many directions in recent years. However, it still proves itself capable of doing a job more efficiently in many cases than publicly-owned and operated services. Take the trash collection situation in New York City as an example. There is a city trash collection agency and also a private firm. The private firm collects at a cost of $17.50 per ton. The cost to the city-run agency is $49 per ton. The private firm manages to keep 95 percent of its 980 trucks in service. The city keeps only about 65 percent of its 1,850 trucks on the streets. The private firm pays taxes. The "non-profit" city collection costs the taxpayers $180 million annually.

ULTRAMODERN FAIRY TALE

Once upon a time in a far-away country, there lived a little girl called Red Riding Hood. One day her mother asked her to take a basket of fruit to her grandmother, who had been ill and lived in a cottage in the forest. It happened that a wolf was lurking in the bushes, overheard the conversation, went to the grandmother's house, killed her, dressed in her nightgown and jumped in bed to await the little girl. When Red arrived, he made several nasty suggestions and then tried to grab her. She ran screaming from the cottage.

A woodcutter working nearby heard her cries and rushed to her rescue. He killed the wolf with an axe, and Red Riding Hood's life was saved. All the townspeople hurried to the scene and hailed the woodcutter as a hero. However, at the inquest, several facts emerged. The wolf had not been advised of his rights. The woodcutter had not made any warning swings of his axe before striking the fatal blow. The defense stressed the point that, although the act of eating Grandma may have been in bad taste, the wolf was only "doing his thing" and thus should not be punished by death.

The SDS appeared on behalf of the defense and contended that the killing of Grandma should be considered self-defense since she was over 30 and therefore beyond the age of serious regard.

This evidence was convincing enough for it to be decided there was no basis for charges against the wolf. On the other hand, it was felt that the woodcutter should be indicted for unaggravated assault with a deadly weapon. One year after the "Incident at Grandma's," her cottage was made a shrine for the wolf who bled and died there. All the village officials spoke, but Red Riding Hood gave the most touching tribute. She said that, while she had been selfishly grateful for the woodcutter's intervention, she now realized he had overreacted. As she knelt to place a wreath in honor of the brave wolf, there wasn't a dry eye in the forest.

BANNING BUSING

To bus or not to bus was the question before the House of Representatives early this month. In several lopsided votes, the House made it clear that it was opposed to Federal funds being used to bus school children to achieve racial balance. As this sentiment became obvious, the black Congresswoman from New York made the emotional but valid point that there was no such concern when black children were being bused past white schools to maintain segregation. But to recognize that segregation was wrong, and that the things used to maintain it like busing were wrong, should not be a reason for compounding those past wrongs. School buses should be used to make the trip to school shorter, not to lengthen the trip.

WE GET LETTERS

Mail is important to me. It's one of my principal ways of finding out how you feel about issues or hearing about personal problems you may be having with the Federal Government. I get letters from constituents on all kinds of things which they feel should have my attention. (See letter reprinted at right.) That correspondence gets my personal attention.

I dictate many of the replies myself, and my staff helps draft some of the others. My legislative aides, for example, research many of the questions people ask about particular bills. To those who wonder if their one letter expressing an opinion does any good, my answer is an underlined *"yes."* I'm listening and I hope you never hesitate to write.

SUMMER JOBS

Students who want to work for Uncle Sam next summer should begin making application for qualifying tests that will be given January 8, February 12, and March 11 at colleges and universities throughout the country.

Application for the January test date must be made by December 3. Young people who wait until spring to begin Federal job hunting are nearly always out of luck. Most regular jobs are filled from test rosters, but late-date tests are not as likely to be used for job selection. Parents of students away at school should advise them to see a job counselor at the school and make application for the qualifying tests.

THE HIGHER EDUCATION ACT OF 1971

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1971

Mr. SCHMITZ. Mr. Speaker, the House of Representatives spent the first 4 days of November debating H.R. 4279, the Higher Education Act of 1971, concluding with a marathon session November 5 which lasted until nearly 3 a.m. the following day. Several important amendments were adopted which eliminated some of the worst features of the bill and placed a highly significant new restriction on the power of the Federal courts to compel local schools to bus children for purposes of racial integration. But the bill as finally passed represents a large increase in Federal support for colleges and universities, despite the fact that in recent years many of these institutions have forfeited—all too often with good reason—the greater part of the high public confidence and respect they once enjoyed. Consequently, my vote was cast against it.

Specifically, H.R. 7248 would authorize more than $1.3 billion in new spending during the remaining months of the current fiscal year, and a total of nearly $5 billion in the next fiscal year and more than $5 billion in the ensuing 3 fiscal years, for 16 different categories of Federal aid to higher education. The lion's share of the new money—$955 million for the remainder of the current fiscal year and over $1 billion for each of the next 4 fiscal years—would go as a general subsidy to all colleges and universities in the Nation, primarily in proportion to their student enrollment.

This new handout drops all pretense that the Federal Government, in engaging in aid to education, is financing only special projects and programs of particular concern to the country as a whole, or those requiring unusually heavy capital expenditures. Now every college and university is to get a direct Federal subsidy simply because it exists. This means an end to meaningful independence for the private colleges—including those which are church-affiliated—for everyone knows now that, especially in education, what the Federal Government subsidizes it increasingly controls. It also means a repudiation of the clearly expressed will of the people in those States, including California, where bond issues and new taxes for State institutions of higher education have been voted down in recent years because of the growing lack of public confidence in these institutions.

One may read through the many pages of argument by supporters of this bill and find scarcely any reference to the most obvious economy a college or university genuinely caught in a "cost-price squeeze" can make: an increase in the faculty teaching load—with a corresponding reduction in the number of high-salaried professors—from the absurdly low 9 hours a week now common, or the scandalous 6 now in effect at some universities, or even the barely reasonable 12 which is now the absolute maximum, to the 15 hours a week which most college professors used to teach as a matter of course. I have taught as many as 18 college hours a week, as many others have done without ill effect, though most do not like to be reminded of it.

Be that as it may, our present system of higher education has, especially in the last decade, rather spectacularly failed to prove itself deserving of more billions of dollars a year from the taxpayers at any level. Nor can it make a reasonable claim to deserve this kind of support unless and until it reforms itself—which means, above all, restoring academic learning as its reason for being and eliminating political agitation, especially by faculty members.

While H.R. 7248 as a whole did not pertain to primary and secondary education, the issue of forced busing of school children for purposes of racial integration has become so critical that it was applied to this bill in a series of amendments emphatically reiterating the intent of Congress that such busing should not be required by the courts. The most important amendments prohibited lower Federal courts from requiring schools to bus until all appeals from pro-busing decisions had been heard, up to the U.S. Supreme Court. This represented the first action by Congress in modern times under the authority of article III, section 1 of the U.S. Constitution which gives Congress full power to regulate or eliminate the jurisdiction of the Federal courts in specific areas. This is the constitutional authority for the much more sweeping legislation I have introduced (H.R. 10614) to take away entirely the power of the Federal courts to rule on the issue of school busing for racial integration.

JOHN S. KNIGHT BLASTS U.S. AIR WAR IN INDOCHINA

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SEIBERLING. Mr. Speaker, among those few national figures who saw from the very outset the folly of our Government's course in Indochina, none has spoken with more force and eloquence than Mr. John S. Knight, president of Knight Newspapers. The latest of Mr. Knight's famous "Editor's Notebook" columns points out that, despite the President's winding down of U.S. involvement in the ground war in Indochina, the air war continues with scarcely unabated ferocity.

Mr. Knight points out that in South Vietnam alone, the United States has dropped four times as much tonnage as was dropped in the Korean war. That only 5 to 8 percent of the air sorties were flown in direct support of troops in battle, and that there have been over 1 million civilian casualties and 6 million have become refugees. He also points out that the air war has resulted in a massive onslaught on the ecology of Indochina. More than one-third of the forest area has been sprayed with defoliants and enough food destroyed by herbicides to feed 600,000 people for a year.

The massiveness of the destruction defies the imagination. All this against a country which has in no way threatened the security of America.

As Mr. Knight so aptly says:

> It all adds up to a melange of misconceptions by muddle-headed U.S. leadership through the years.

The text of Mr. Knight's editorial follows:

[JOHN S. KNIGHT'S NOTEBOOK]

BUT WHAT ABOUT THAT OTHER WAR?

During this past week when World War I vets of my vintage observed the true Armistice Day on November 11, casualty lists in the Vietnam War were reported as "the lowest in months."

"The low casualty levels," said the Associated Press, "reflected a general lull in battlefield action as well as the continuing withdrawal of American forces from combat."

A mere reading of the official casualty list, eight Americans killed in combat, 13 wounded and 33 dead from non-hostile causes, is evidence that we are indeed winding down the ground war as President Nixon proceeds with his "plan."

But what about that other war, the massive deployment of American air power and renewed emphasis on saturation bombing by B–52 Stratofortresses?

A recent report by Cornell University researchers shows that in Cambodia, American air operations have been conducted with sustained intensity since 1970. B–52 raids in Northern Laos, as reported by James McCartney of our Washington bureau at the time, were carried out for more than a year before official acknowledgment. "Protective reaction raids against North Vietnam," says the Cornell report, "strike a wider range of targets than their official description implies."

While the Cornell study concedes that "there has indeed been a significant withdrawal of American air power from Southeast Asia, more than enough planes remain to permit a continuation of the air war on a massive scale."

So it appears that contrary to reports and impressions, the air war in Indochina is not being wound down like the ground war. Cornell's conclusions are that the administration's policy of "withdrawal-without-political-compromise" leaves it still boxed in by the enemy's military initiatives; the only response available is massive retaliation from the air.

To review our past and present policies, what have been the costs and results of massive aerial firepower? The study, sponsored by the Center for International Studies at Cornell University, offers these statistics:

1—In 1971, as much bombing is being done in Indochina as was conducted in all theaters of World War II.

2—By the end of this year, the Nixon administration will have deployed in three years as much bomb tonnage as did the Johnson administration in five.

3—In South Vietnam lone, the U.S. has dropped 3.6 million tons of bombs, almost four times as much as we used in the Korean War. Only 5 to 8 pct. of the air sorties flown in South Vietnam were in direct support of troops in battle; the rest were for interdiction, harassment and retaliation in a country not being attacked from the air.

The result was widespread civil destruction among the population whose allegiance was and is being sought. It is estimated there have been over 1 million civilian casualties, including 325,000 deaths while 6 million people have become refugees.

4—Bombing in North Vietnam between 1965 and 1968 failed to yield significant results. Economic damage inflicted was about $500 million, casualties reached 100,000 of which 80,000 were civilians. Yet CIA and Defense Department studies showed no measurable reduction in North Vietnam's "will or capacity for contributing to the war in the South."

After the bombing "halt" in 1968, the emphasis shifted first to below the 20th parallel, and then to Laos and the Ho Chi Minh Trail.

5—Despite administration denials, a U.S. major air effort has been carried out in Northern Laos to support the Royal Laotian government. Cornell reports widespread devastation of Laotian society, but says despite these massive bombing efforts the Pathet Lao (Communist) now control more territory than ever before.

6—The direct budgetary cost of the air war has been around $25 billion, or about one-quarter the cost of the Indochina War.

7—The air war has resulted in a massive onslaught on the ecology of Indochina. More than one-third of the forest area of South Vietnam has been sprayed with defoliants, one-half of the country's mangrove forests killed off, and enough food destroyed by herbicides to feed 600,000 people for one year.

The Cornell study concedes that aerial bombing has undeniable military advantages in conventional warfare with massed troop concentrations. In guerrilla warfare, however, "the American capital-intensive response, substituting lavish firepower for manpower, is both inefficient and indiscriminate."

A conclusion is drawn that heavy civilian damage from the air helps to consolidate enemy morale and projects an unfavorable image of the United States. The study maintains that "it has yet to be shown that air power under Indochinese conditions can reduce the flow of men and materiel enough to curtail guerrilla activities."

While statistics are not in themselves all-inclusive or easy to digest, they do nevertheless provide powerful and convincing evidence of the folly of being drawn into wars which promise neither victory nor the achievement of elusive goals.

The cost of the Vietnam involvement in blood and treasure; the resulting disenchantment of the people at home; the deleterious impact of inflation upon a weakened economy; phony commitments (SEATO); the dubious morality of killing or maiming hundreds of thousands of civilians on both sides—all tot up to a melange of misconceptions by muddle-headed U.S. leadership through the years.

And that, esteemed readers, is precisely what I have been attempting to point out for the last 15 years.

WATCH OUT FOR THE "SILVER DOLLAR" OFFERS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mrs. SULLIVAN. Mr. Speaker, on November 3 I called to the attention of the Members, through the CONGRESSIONAL RECORD, the fact that the Federal Reserve Board had begun distributing to all of the commercial banks of the country the new issue of cupronickel $1 coins authorized by Congress last year, containing the portrait of the late President Eisenhower on the obverse and, on the reverse, a design emblematic of the landing of the Eagle of Apollo 11 on the moon. I said then that they should soon be available to the general public without difficulty, "and also, of course, without any fees or side payments, for $1 each."

I have been told that these coins are being offered for sale by coin dealers as something very special for $1.75 each. Why anyone would pay a premium for one of these coins, I do not know—they are being minted in huge quantities and should be obtainable now or shortly at any bank.

They are not "silver" dollars—there is not a grain of silver in them. Congress authorized the minting of a limited quantity of the new $1 coins to be made of 40 percent silver, but these are being sold directly by the mint to individual purchasers as either uncirculated coins at $3 each or as proof coins at $10 each.

The mint has limited orders for each type to no more than five per person, and is just beginning to mail out sets to those whose orders were accepted up to October 8, when orders were cut off for the 1971 silver coins. Hence, it is hardly likely that any dealer would have any substantial number of the genuine silver Eisenhower dollar coins available to offer for sale at a premium.

However, the very recent availability of the nonsilver $1 Eisenhower coins has led to a spate of advertisements for "silver" dollars. One of the leading manufacturers of men's jewelry items is marketing key chains which are attached to Eisenhower dollars, and one ad this morning for this item, at $8.50 each, refers to the coin as "the new silver dollar." I presume it is a cupronickel dollar, however, worth exactly $1; of course the key chain may be worth the other $7.50.

As chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, which has jurisdiction over coinage, I have sent word to the Federal Trade Commission today that advertisement of the cupronickel $1 coins as "silver" dollars would be false and highly misleading, because, although the cupronickel coins are the same size as the old silver dollars, which contained 90 percent silver, and are identical except in metallic content to the 40-percent silver Eisenhower dollars being sold at premium prices by the mint, they are not "silver" dollars.

So watch out for the offers of "silver" dollars at premium prices, or as special rarities, because they are likely to be the common, run-of-the-mint cupronickel dollar coins available to anyone for $1 each.

BATTLEFIELD THOUGHTS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. PEYSER. Mr. Speaker, Mr. Ralph B. Doane of Salem, N.Y., has written a poem which I want to call to the attention of the Members of this House because of the circumstances under which it was written and because of the great sacrifices which Mr. Doane has made for his country.

His poem was written by Mr. Doane while aboard ship in the early morning hours just preceding the invasion of Europe during the Second World War. As a result of this invasion Mr. Doane was totally disabled with his spine fractured in four places. He was 18 years of age when this happened.

Mr. Doane has received international recognition for this poem and he has now submitted it to the American Revolution Bicentennial Commission for recognition during our Nation's anniversary celebration.

BATTLEFIELD THOUGHTS

(By Ralph B. Doane)

The hand of death is over me,
I see its palm stretched out,
And know the thoughts that men have known,
The things they fight about.

A peaceful home with lawn so green,
And trees to shade the sun,
A squeaky swing when night draws near
As children halt their fun.
A garden plot where flowers grow
To show their buds above,
A hand is there to care for them;
Men fight for things they love.

A dusty farm with rows of grain
And work that must be done.
A sweating brow still high with hope
That can compare with none.
The cows to herd, the wheat to tie,
The grain that must be sown,
A heart is there to toil beside,
Men fight for things they own.

A chapel high upon a hill
Where cares can all be told,
A moment's peace from daily strife
Away from tears and gold.
A prayer about a distant friend,
Or things that one should give,
A minute then to talk to God;
Men fight that men may live.

Though death still stalks my every step
I know my land is right,
Although I am on battlefields
I walk with God tonight.

NEED FOR ECONOMIC DATA ON SPANISH-SPEAKING AMERICANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BADILLO. Mr. Speaker, for far too many years Spanish-speaking persons have been denied access to many of this country's institutions and have been excluded from the mainstream of American life. Mexican-Americans, Puerto Ricans, Cubans, Dominicans, and other Spanish-speaking Americans have not been afforded the opportunity to share the benefits of this country on the same basis as other citizens and we have frequently been prevented from fully and equally participating in the political, economic, social, and cultural life of this Nation.

However, the time is long past that we must endure the second-class status to which we have been relegated. The unique and special problems of Spanish-speaking Americans can no longer be ignored. Our government—Federal, State, and municipal—must come to grips with the problems of poverty, deprivation, poor education and housing, and disease with which we are confronted. Our governmental establishments must play a more active role in identifying the urgent and special needs of this country's approximately 15 million Spanish-speaking citizens.

If we are to receive our full and fair share of Federal, State, and local aid, we must know exactly where we stand—especially in the area of unemployment. However, routinely collected data on Spanish-speaking Americans is generally nonexistent and we frequently do not receive the proportional share of assistance to which we are entitled because of these informational gaps and the lack of meaningful statistics and data.

In order to correct this situation I am today introducing legislation which provides that the Department of Labor and the Bureau of the Census should compile and publish national unemployment rates for Spanish-speaking Americans in the Bureau of Labor Statistics' monthly employment report. In addition, this resolution calls upon the Departments of Labor and Agriculture, in cooperation with the Census Bureau, to collect and publish statistical data which would furnish more useful indicators of the social and economic condition of Spanish-speaking persons in urban and rural America. The resolution further stipulates that the compilation of the unemployment rates for Spanish-speaking persons—which are appreciably higher than any other individual group—would begin no later than January 1972.

Companion legislation is being introduced in the Senate by the distinguished Senator from Minnesota, Mr. HUMPHREY. I commend him for his leadership and initiative in this important area.

The lack of meaningful statistics to determine the actual status of Spanish-speaking persons—such as data on the labor force, total employment and unemployment, hours and earnings—and to ascertain our specific needs in certain areas places us at a serious disadvantage. The supply of this type of social and economic information which this legislation calls for is essential if the Federal Government—as well as other governmental units—are to properly identify and resolve the difficulties encountered by the Spanish-speaking community. This measure is only a first step but an important one in achieving equality.

I believe the Humphrey-Badillo resolution provides for urgently needed information and I am hopeful the Congress will take prompt and favorable action on it.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE IMPENDING SHORTAGE OF NATURAL GAS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. PRICE of Texas. Mr. Speaker, I have read with great concern the recent accounts in the local newspapers that the shortage of natural gas, about which the Congress has been repeatedly warned over the past 2 years, has finally reached the Washington area. The local gas utility will no longer accepted new customers for any than single residential establishments. Warnings about the potential gas shortage were given to Congress by both administration and gas industry spokesmen at hearings that were held before the Senate Interior and Insular Affairs Committee on November 13 and 14, 1969. At that time some local shortages had already occurred and it was obvious that unless some changes in public policy were made that the supply situation would worsen and shortages of gas would occur in many parts of the Nation.

Three years ago, for the first time in U.S. history the amount of gas discovered during a year was less than that consumed. In 1968 the deficit was 5.5 trillion cubic feet out of a total demand of 19.4 trillion feet. In 1969 this experience was repeated and deficit was even larger—about 12 trillion feet. Again in 1970 the reserves fell and reached the 1959 levels. The reasons for the decline in reserves are easily understood. The drilling rate for new oil and gas wells has declined steadily since 1956. At that time over 55,000 wells were drilled per year but this has declined steadily until in 1969 only 33,000 wells were drilled. Without drilling it is impossible to find the oil and gas which the geologists tell us is locked in the reservoirs beneath the on-shore and off-shore lands of this Nation.

In 1969 the Federal Power Commission published a study entitled "A Staff Report on National Gas Supply and Demand." The study concluded that:

> A major new government-industry program is needed immediately to insure the continued growth of natural gas service during the next decade. The program must be directed to speeding up the exploitation of the natural gas resource base and the development of supplementary gas sources. Basic elements for consideration should include: exploration incentives; Federal government leasing policies both onshore and offshore; policies for imports of pipeline natural gas and liquefied natural gas; priorities for gas use in a short supply situation and Federal and private R & D expenditures for synthetic fuels.

The report has proved to be all too accurate with respect to the need for Federal action to prevent shortages. The shortages, in fact, no longer can be avoided. They are upon us and we still have not taken action in those areas where changes in policy would reduce magnitude of the supply problem and eventually eliminate it.

Why has the drilling rate been reduced to these submarginal levels? The FPC report estimates that 160,000 feet of new wells would have to be drilled in order to keep our reserves to production ratio from declining further. The actual footage drilled in 1969 was only 148,000. The reasons are clear. Instead of providing the incentives for drilling that it was obvious would be needed to prevent supply shortages we continued to price natural gas at such low values that it was used for purposes for which other fuels could have been used. Natural gas was such a bargain that it supplanted other more costly fuels. Because natural gas is the cleanest of the fossil fuels, not only during its use but also during its production, upgrading and transportation that demand for it has escalated as fuel consumers try to meet the newly enacted environmental standards. The combination of cleanliness and low cost is placing a demand on the supply that will not be able to be met for a number of years.

While there are differences among the experts as to how much oil and natural gas will be found, there is no disagreement that much of these natural resources remains in untapped reservoirs. It is thought we could at last double our known reserves if we provided the right incentives to make it attractive for the industry to drill and find it. However, as long as better investment opportunities exist elsewhere, the financial commitment required to locate and utilize gas and oil reserves simply will not be forthcoming.

In recognition of our Nation's evergrowing energy needs, plus our increasing dependence upon oil from the politically volatile but strategic Middle East, I have introduced several bills in recent months to promote the exploration and utilization of domestic oil and gas resources, including a bill to allow oil and gas operators at 12.5 percent annual tax credit over a 10-year period to offset expenditures made for exploring or developing new domestic oil and gas reserves; a similar tax credit to those who develop a deposit of oil or gas on a secondary recovery basis; and a bill to deregulate the price of natural gas at the wellhead.

Mr. Speaker, since we have recently followed a policy which has effectively discouraged oil and gas exploration thereby resulting in impending shortages of these vital fuel resources, we must make new efforts to extend our indigenous resources to supply the demands of our citizens.

A TRIBUTE TO HAROLD E. CHANDLER

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. HAWKINS. Mr. Speaker, whenever personalities of the labor movement are discussed in Los Angeles, the name of Harold E. Chandler comes immediately to the forefront.

The late Harold Chandler was a leader in the trade union movement. He was a crusader and a champion for the rights of the rank and file members. He had an immeasurable and intense dislike for those in the movement who did not regard those in the lower ranks with the same respect as those in the upper echelons. He clearly demonstrated this while serving as a vice president of the AFL–CIO Laundry and Dry Cleaning International Union and as secretary-treasurer of Local 52 of that union.

Harold's life was the trade union movement. His membership dated from his high school days when he was employed as a dry cleaner in Troy Laundry shortly after he moved to Los Angeles in 1946. During his long service as a union member he held many positions of trust and responsibility, including service as a member of the executive board, business representative, recording secretary, vice president, president, and as vice president of the Los Angeles County Federation of Labor, AFL–CIO.

Though he devoted many hours to his union responsibilities, he still found time to participate in numerous community activities, and to enjoy his hobbies of billiards, fishing, and other sports.

He served on the executive board of the Los Angeles NAACP, participating diligently in the struggle of black people for equal rights. He also maintained membership in such organizations as Men of Tomorrow, the Urban League, William Nickerson Lodge-Masons, Watts Labor Community Action Committee, ACLU, Los Angeles County District Attorney's Advisory Committee, and the Crenshaw United Methodist Church.

Harold Chandler was born August 13, 1921 in Georgia and died in Los Angeles on August 28, 1971 at the premature age of 50. He is survived by his wife, Myrlee, two daughters, Harolyn Chandler and Madelyn Willis, a granddaughter, Alisa Willis, five sisters, one brother, and a host of devoted friends.

His passing leaves an unfillable void among those stalwart warriors in the battle for a better world for all people, but his life and works stand tall as an example to be emulated by those who will endeavor to carry on in the fight to achieve that goal.

KGTF WEEK IN GUAM

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BURTON. Mr. Speaker, KGTF, Guam's public television channel, began its second year of service to the community last week. As one of the more than 200 stations served by the Public Broadcasting Service, KGTF provides the citizens of Guam with excellent programing in the arts, public affairs, and education. In recognition of the station's service to Guam, Gov. Carlos G. Comacho, proclaimed last week KGTF Week.

KGTF and the Public Broadcasting Service are to be commended, and I call the attention of my colleagues to Governor Comacho's resolution:

Whereas, in the United States, the 211 stations comprising television's educational network, Public Broadcasting Service, have just launched another season designed to provide a "New Face of Television," and

Whereas, Guam's Public Broadcasting Station, KGTF, Channel 12, is beginning its second year of service to the community; and

Whereas, KGTF has captivated the youngsters with such Public Broadcasting Service offerings as "Sesame Street" and "Misterogers' Neighborhood" and has begun to broadcast educational programs to elementary schools; and

Whereas, KGTF can only become a source of greater community interest and involvement along cultural, informational, and educational lines as it increases its coverage and expands its broadcasting schedule aimed at both civilians and adults;

Now, therefore, I, Carlos G. Comacho, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby proclaim the week of November 7–13 as KGTF Week in the Territory of Guam. I urge everyone to recognize KGTF as Guam's Public Broadcast station, capable of enhancing the teaching-learning process in schools through carefully scheduled educational programs, and capable of providing a diversity of stimulating offerings providing both pleasure and satisfaction for all.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of Guam to be affixed in the City of Agana, this 2nd day of November, in the year of our Lord nineteen hundred and seventy-one.

REMARKS OF CONGRESSMAN JACK McDONALD

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. McDONALD of Michigan. Mr. Speaker, as I noted yesterday, the problem of illegal immigration into the United States has had little attention. Its effect on our unemployment situation has gone virtually unnoticed.

Richard Starnes of the Scripps-Howard Newspapers has been doing a commendable job of public service reporting in trying to focus attention on this issue.

Yesterday, I placed in the Record an article and column by Mr. Starnes describing the impact of illegal immigration on the American economy, particularly where it concerns jobs and public welfare.

In another article, published in yesterday's Washington Daily News, Mr. Starnes explores another critical aspect of the problem: the fact that illegal immigrants are sending home $1 billion a year, further aggravating the Nation's balance-of-payments woes.

I commend this article to the attention of my colleagues:

Balance-of-Payments Drain—Migrants Export $1 Billion a Year

(By Richard Starnes)

Illegal immigrants working in the United States are estimated to be sending home more than $1 billion a year—and aggravating the nation's balance of payments problem, described today as the worst in U.S. history.

There is no accurate count of the number of illegal aliens. But a House Judiciary subcommittee on immigration estimated last month that there may be as many as two million.

The U.S. Immigration and Naturalization Service refuses to put a figure on the number of aliens who have eluded its nets. But veteran INS officers have offered a rule-of-thumb estimate of 1.8 million.

Whatever the total it is considerable. In the 12 months ending last June 30 some 412,000 illegal immigrants were shipped out of the country and about 200,000 more were detected but permitted to remain here temporarily.

WORK AND SEND MONEY

Talks with INS enforcement officials give this picture of the economic impact of illegal immigration:

Almost all of them work. Of those who are apprehended 95 to 98 per cent are employed, either full- or part-time.

A random sampling of 100 illegal immigrants rounded up in the District area showed their average earnings were $5,200 a year, of which about $1,000 was sent to kin in the alien's native land.

Eighteen Chinese "illegals" picked up in the Norfolk, Va., area over a 12-month period showed average earnings of $7,200. And each had sent sums varying from $2,000 to $4,000 to relatives overseas.

There has been no systematic nationwide study of the economic problems created by illegal immigrants. But a spokesman for the National Council of Immigration and Naturalization Service locals (an affiliate of the American Federation of Government Employes) says INS enforcement personnel feel $1,000 a year is a rock-bottom estimate of the sum the average illegal immigrant sends home in a year.

The union, which claims to represent 5,000 of INS' 6,900 employes, is bitterly critical of the agency administration. It disputes INS statistics, insists U.S. borders are woefully undermanned, and charges that morale among immigration personnel is at shoe-top level.

"An illegal alien who does not work is very rare," says Lee G. Cremer, president of the national council. "That's what they come here for in the first place. And almost without exception they send money home regularly."

EXCEEDS $1 BILLION

If somewhere between one and two million illegal aliens are employed in this country, and if it is assumed the average amount each returns to his homeland is about $1,000, then the total outflow of cash from this source is well in excess of $1 billion.

Basic to the disagreement between union and officialdom at INS is a dispute on the best means of keeping illegal aliens out. The union says the INS budget (currently around $130 million annually) should be doubled to improve enforcement.

INS, which is a branch of the Justice Department, continues to resist growing pressure to add significantly to its enforcement staff, however. Instead, immigration officials say they are pushing for adoption of a law to bar the hiring of illegal immigrants.

PENSIONS AND POLITICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. CRANE. Mr. Speaker, the so-called Crane amendment to the Hays-Abbitt bill (H.R. 11060) has been described by the AFL–CIO as "patently antilabor" and "prohibiting all union activity financed by Treasury money connected in any way with Federal elections."

In fact, Mr. Speaker, the Crane amendment does no such thing. What the Crane amendment does is prohibit the use of any dues, fees, or assessments which are a requirement for membership in a national bank, corporation, or labor organization from being spent for a political purpose.

The Crane amendment does prevent the kind of extortion which was so ably revealed by the prize-winning reporter, Jerry Landauer, of the Wall Street Journal in that newspaper on November 15, 1971.

Mr. Landauer's article exposes the corruption and coercion which is involved in the Marine Engineers Benefit Association's pension fund. The MEBA is a constituent unit of the AFL–CIO. They finance their political activities by compulsory assessments of $10 a month from retired members and widows of members and, according to Mr. Landauer's article, virtually extorting this money from these members before providing them with the remainder of their pensions. I insert his article in the Record at this time:

Pensions and Politics: How One Union Gets Retirees to Fund Campaigns

(By Jerry Landauer)

For half his lifetime, 73-year-old James Green has been a union man, proud of his membership in the Marine Engineers Beneficial Association, AFL–CIO. He's retired now, living in Baltimore and drawing a union penson of $315 a month. "Things are getting kind of tough," he reflects. Yet along with nearly 2,000 other pensioners he grudgingly gives his union $10 every month, "to help them out."

The Marine Engineers, or MEBA, is not a union that seems in need of help. It collects initiation fees of $1,000 from young men wanting to join, and it can afford to pay President Jesse Calhoon a $75,000 salary.

But MEBA lacks a membership willing to give generously to the union's political fund. So, to compensate for stinginess among seagoing engineers, it leans on pensioners who can't so easily elude the political collectors—and at times leans on deceased members' widows, too.

Supposedly, the retirees are all donating voluntarily, as federal law requires. But because the union controls pension payments, a member applying for retirement thinks twice before refusing to contribute. Once a pensioner has agreed to give, the union makes sure he doesn't forget; it deducts the $10 contributions from the monthly retirement checks it sends out.

In most cases, the oldsters supplying political dollars don't know where their money is going. "I didn't know it was for politics," says Jimmy Green.

HELP FOR SENATOR FONG

The union's retired men are supplying more than $250,000 this year, mostly for campaign contributions to help AFL–CIO President George Meany reelect labor's friends and fight political battles such as the one brewing in Congress to compel payment of pre-freeze wage boosts. Collectively, MEBA's pensioners constitute the chief financial backers of the campaign-giving operation of the AFL–CIO's Committee on Political Education, the federation's political-action arm.

Last year this union of only 13,000 members managed to send campaign checks to more than 120 candidates for Congress. The individual amounts ranged up to $6,250, which went to GOP Sen. Hiram Fong of

Hawaii; the union brass bought 25 tickets at $250 apiece to a fund-raising event for Mr. Fong at New York City's Waldorf-Astoria Hotel.

In all, the Marine Engineers spent $450,000 for political purposes last year, displacing the Seafarers International Union at the spearhead of a $1 million-a-year drive by maritime labor to expand subsidies for the U.S. merchant marine. (Just 11 Representatives opposed a $506 million maritime subsidy bill for this fiscal year; Senators authorized the money without a roll-call). And only two unions in any field, the 1.3 million-member United Auto Workers and the 455,000-member International Ladies Garment Workers, reported raising more for national politics last year than MEBA.

The bulk of MEBA's money—$224,617—came from 1,750 or so pensioners giving as much as $170 each to the Marine Engineers Beneficial Association Retirees Group, an uninformatively title outfit that's actually a political fund. Pensioner Jimmy Green was among 1,535 men who gave precisely $120 each, in 12 installments of $10. As the money rolled in, the retirees group transferred $201,000, in eight installments, to Mr. Meany's COPE. No other union's fund came close to matching this big gift.

I'M NOT TALKING ABOUT THAT STUFF

MEBA's massive political fund-raising is known only to a few labor insiders. President Calhoon won't answer questions about any aspect of the union's fund-raising or political spending. "I'm not going to talk about that stuff," his public relations counselor quotes him as saying. And though the tactics used seem questionable to some, union chieftains appear confident that no government agency will act to break up their collection scheme. So far, certainly, the Justice Department has made no effort to determine how this little union has raised so much political cash.

The union has been careful, however, to avoid infringing certain legal prohibitions. The retirees fund is set up as an independent entity, separate and distinct from the union. If it were admittedly part of MEBA, the fund couldn't donate to candidates for President, Senator or Representative, either directly or through COPE; unions and corporations can't legally contribute members' dues or shareholders' assets to campaigns for federal offices.

Apparently to give the appearance of independence, the retirees fund recently moved from MEBA headquarters near the New York waterfront to a small office in Washington, and to preserve that appearance the union shields the fund's five trustees from interviewers; though their names are known, the union refuses even to tell where they live. "This information isn't secret," President Calhoon's publicist explains. "It's just not available to the press."

MR. CALHOON AND MR. GREEN

What is available, though, is the record of poltiical donations; by law, in reports to the clerk of the House of Representatives, a political treasurer must identify the source of all donations exceeding $100. These reports show, among other things, that MEBA's pensioners are giving more than are most of the union's highly paid brass.

President Calhoon, for one, isn't listed among the donors to separate, straightforwardly named political kitties sponsored by each of the two districts constituting the National Marine Engineers union. His salary last year exceeded $60,000, plus $15,473 in "retroactive pay." Vice President Charles A. Black (1970 salary: $68,851) parted with $120 for politics, not one dime more than pensioner Jimmy Green (1970 retirement income from the union: $3,780).

Moreover, the union's collectors rarely seem to tap themselves. John F. Brady, secretary of MEBA District 2 in Brooklyn (salary: $28,620) and treasurer of the district's political fund, listed no donations above $100 in his reports to the clerk of the House, not even from district president Raymond McKay (salary: $43,112 plus $20,671 for expenses). But Mr. Brady has on occasion collected more than $100 from widows whose dead husbands failed to pay political "voluntaries," as the union calls them, on time.

Among several cases that can be documented, Mr. Brady in 1969 collected $705 partly for his political fund and partly to pay union assessments, from Lorraine Clark, a widow in Oshkosh, Wis. He even issued a receipts—for political gifts that must by law be voluntary—in the name of her late husband, Otto Clark, a MEBA man who died months before.

In the same year, Mr. Brady required Jeanne R. Crehan of Kenmore, N.Y., to sign over a $325 check to the union before she could receive survivor's benefits following her husband's death. "Please have Mrs. Crehan sign this check and return it to the office," he instructed. The written reason: "Mr. Crehan didn't pay any voluntaries, and the $325 check represents voluntaries of $65 per year for the years 1964 through 1968 inclusive."

A SONG AND DANCE

Indeed, if voluntary means informed consent, no more than a small fraction of the union's vast political income can be so regarded. George Birmingham of Baltimore, an alert 81-year-old, does know that he's giving "to politicians who vote the way our lobbyists want them to." But talks with dozens of donating pensioners suggest that most don't know the political purpose.

Lawrence Henkel of Baltimore believes his annual $120 gift "pays for our doctors." Lionel Brown of Brooklyn assumes he's giving to some welfare fund: "I'm a union man and I listened to what they told me," he says. George Wansor of New York says he's donating "because the union came to me with a song and dance about hiring a lawyer to take care of our pensions." John E. Palmer, a pensioner in the Bronx, believes he's helping to buy eyeglasses or finance clinic care for other men; "It's got nothing at all to do with politics," he feels sure.

Some fraction of the retirees fund's expenditures ($30,560 of $294,312 last year) is indeed devoted to what the fund calls "nonpolitical purposes." But these purposes include large fees to friendly Senators who travel frequently to Baltimore for short speeches. In one six-month period, four Senators each earned fees (the largest, $2,500, went to Democrat Gale McGee of Wyoming) for imparting knowledge about maritime matters in brief talks to recruits at MEBA's training school there; delivery of just 905 words yielded $2,000 for Maryland Republican Charles Mathias.

MEANWHILE, BACK AT THE SEAFARERS

While the MEBA chiefs won't talk about their politicking, inside sources say they seem confident that the union's collection methods can withstand legal attacks. This confidence could be based on the respectful treatment that Congressmen and ranking Nixon men are still giving the Seafarers International Union, even though that union's political activities have run afoul of the law.

In June 1970, the Justice Department won indictment of the Seafarers on 17 counts of conspiring to violate the election laws. Among other things, the indictment alleged that foreign seamen were paying into that union's political fund (1970 receipts: $344,905) for the right to work aboard higher-paying U.S.-flag ships.

The union has denied the charges. In any case, all sorts of things have happened since the indictment to keep the Seafarers happy. Lawmakers authorized $475,000 to dredge a channel leading to the Seafarers training base at Piney Point, Md. More recently, a galaxy of big names—House Speaker Carl Albert, House GOP Leader Gerald Ford, Sen. Ted Kennedy, presidential aspirant Henry Jackson, Commerce Secretary Maurice Stans (President Nixon's chief 1968 fund-raiser)—all appeared at the Seafarers annual convention to embrace the union leadership or, in the words of Maritime Administrator Andrew Gibson, to praise it "for proving that labor unions are looking ahead for the welfare of the working man."

AMERICAN OIL LEADS THE WAY IN SOIL AND WATER CONSERVATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. COLLINS of Texas. Mr. Speaker, American Oil has been recognized by Petroleum Engineer as a pacesetter in conservation of our country's vital natural resources. American Oil received a first-place rating in the publishing company's environmental control development program for its aerated lagoons for treatment of industrial wastes and sewage.

We are proud that American Oil and the entire petroleum industry are continuing to develop new methods of protecting America against pollution. We also salute Petroleum Engineer for its program which makes available to the rest of the petroleum industry the innovations of companies such as American Oil, in hopes that other companies will follow their lead in making pollution in America a thing of the past.

The award to American Oil reads:

> Aerated lagoons have become increasingly popular for treatment of industrial wastes and domestic sewage because of their reliability, simplicity, ruggedness, versatility and adaptability.
>
> To improve quality and aesthetic characteristics of the effluent from aerated lagoons treating refinery process waste water, American Oil Co. conducted an extensive pilot plant program investigating several chemical coagulation and filtration or air flotation combination treatment processes.
>
> Results indicated that a process comprised of chemical coagulation and filtration in a mixed-media filter would improve the aesthetic characteristics of the effluent while providing quality consistent with normal expectations for tertiary treatment.
>
> Such a process was installed to treat 1400 gpm of aerated lagoon effluent at American's Yorktown, Va. refinery, and has been in operation since June. A study of the new facility is being partially financed by a research and development grant from the Water Quality Office of the Environmental Protection Agency.
>
> As modified by American's research department, the process consists of a simple gravity filter plus ancillary facilities which include chemical addition and filter backwash equipment. The filter itself is a three media bed held in a concrete tank and supported by a porous bottom grid.
>
> The media materials, anthracite coal, silica sand and garnet, are arranged according to size and density, resulting in a filter bed with decreasing interstitial spacing with depth. Such an arrangement is the reverse of that encountered in conventional single media filters and allows indepth filtration for more effective utilization of the bed volume.
>
> Aluminum sulfate is added to the waste water stream as a primary coagulant immediately prior to the filtration step. Coagula-

tion and flocculation of suspended solids take place within the filter bed where flocculated material is retained.

Material accumulated in the filter bed is removed by backwashing the filter automatically when pressure drop across the bed reaches a predetermined value. Solids, mainly biological cell material, are returned to the aerated lagoon to further enhance biological oxidation of dissolved contaminants.

Limited data obtained to date indicate that effluent quality targets for biochemical oxygen demand, suspended solids, oil and turbidity are all being met or exceeded, American says. Typical removal efficiencies experienced to date are biochemical oxygen demand—45%, suspended solids—90%, oil—60%, and turbidity—90+%.

SPEAKER CARL ALBERT CALLS FOR A PROGRAM OF ACCELERATED RURAL DEVELOPMENT, AND STEPS TO STIMULATE THE ECONOMY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I was most impressed with the excellent speech which was delivered recently by Speaker Carl Albert at the American Petroleum Institute in San Francisco, Calif.

I was especially interested in his review of the plight of our urban areas and in the Speaker's call for an accelerated program of rural development to strike at the roots of this problem—the continuing migration from rural to urban areas, and of the need for a program of rural development.

Because of the excellence of this address I insert the full text of Speaker Albert's address in the Record.

The speech follows:

Speech of Representative Carl Albert

It is a great honor to be on your program. Your organization is not only a major factor in the great industry to which it is oriented; it is also an important arm of the great American economy, the very heart and soul of which are tied to ever-increasing demands for sources of energy.

I am proud of the contributions which the petroleum industry has made to this nation. I am proud that I come from a great petroleum State, and of the leadership it has given to the production and development of the petroleum industry around the world.

I do not need to tell you how important this industry is to my own constituency. Nearly one-half of the gas and one-third of the oil produced in Oklahoma are produced in my Congressional District.

Your industry and the nation have moved into the last third of the 20th century. It might be profitable for us to reflect together on how critical these times are for the quality of life on this planet for future generations.

Change is sweeping the earth at a breathtaking rate. Old patterns of living, the stable institutions, the traditions and customs which charted the course of our lives a few decades ago, are slipping away. The onward rush of technology—the stunning advances in communication and transportation—threaten to make the world we know obsolete.

Our challenge is to find ways to control and channel the forces of change, to dedicate our ingenuity, our foresight, and our wisdom to the enhancement of the life of all mankind. The task before us is urgent, the sands of time running out.

Incredible as it may seem, we are systematically destroying the very elements of life from which we draw our breath and our sustenance. Unthinkable as it is, we go on waging destructive wars that solve none of our problems but instead degrade the species and the very quality of life on earth. We have learned to go to the moon but have not yet explored in full the possibilities for life on earth.

We are warned, most aptly I believe, that man has ceased to be a community dweller in this mass society and has lost the affinity with neighborhood that at once provides identity and identification. More than three-forths of all Americans are living on two percent of our available space, and by the turn of the century, there will be more than 300 million of us crammed into three teming metropolitan belts.

The effect of crowded urban life on the behavior of people is readily observable. Every form of crime, violence, and social dislocation is intensified. Paradox that it may seem, life is de-humanized under the weight of too many people, and the roots are laid for the alienation that has become the hallmark of the American psyche, to be reflected in our arts and our social criticism.

I need not recite in detail the tragedy that life in the inner cities has become. It is an all-too familiar story. We have attempted remedies—urban renewal, manpower training, community action, legal services—but each of these is a finger in the dike. Just as we have learned to divert rivers from their course to the service of long-range human goals, so we must face up to the need for a planned population dispersal to halt the in-migration which has made our great cities unlivable and unmanageable.

We attack a disease not in its symptoms but at its roots. And one of the roots is the fact that much of the proliferation of urban America over the last fifteen years has been the direct result of rural migration.

The simple truth is that rural America is in a state of disastrous decline. Across the breadth of this land abandoned farmhouses, shuttered storefronts, and decaying towns tell the sad story. One of every four rural dwellers lives in poverty today. Sixty percent of the inadequate housing in this nation is rural. More than 30,000 small towns have no water system, and 32,000 communities are without adequate waste disposal. Rural schools lack libraries, laboratories, and other facilities for quality education. Doctors are woefully scarce. Hospitals are antiquated and understaffed.

The spectre of unemployment, exceeding eighteen percent of the workforce in many areas, is the real clue to the decline of small-town America. While we have concentrated our efforts on the more publicized problems of the burgeoning cities, we have failed to provide any suitable alternative to urban life.

Today unemployment and welfare case loads are proportionately higher in the country than in the city and create insoluble problems where there is no growing tax base. The fourteen million poor in rural America are more than half of the nation's disadvantaged, and we will find no satisfactory solution to urban poverty so long as we ignore its counterpart beyond the city limits.

Simply put, we need opportunity in the country as badly as we do in the city, perhaps even more, for without it we cannot hope to stem migration into our urban centers. This means attracting industry. Once we make it economically feasible for industry to locate where the availability of manpower, energy supplies, and natural resources has not been enough to overcome the lack of transportation, we begin a desirable reversal of our demographic pattern.

Waterway development in my own part of the country—largely financed by the Federal government—is providing dramatic progress in that direction. Tax incentives, rural credit programs, development of waste disposal and water systems, wildlife development, and recreation are all tools at our disposal for the urgent task of revitalizing life in the great reaches of the land beyond metropolitan America.

I am also concerned that our hopes for the future will not be realized unless we turn our energies to the transformation of our lagging economy. It is my belief that we have failed woefully to apply our ingenuity to the integration of human needs with the imperatives of an increasingly technological industrial base as we approach the 21st century.

The natural flux of the marketplace has simply not provided jobs for men and men for jobs in a satisfactory way. With five million Americans suffering the tragedy of unemployment month in and month out, we are scarcely prepared for the projected addition of twenty million new workers to the labor force in the coming decade. While we have partially committed ourselves to government as the employer of last resort, we need other more permanent solutions—intensive retraining programs, incentives for industry to decentralize, experimentation with a shorter workweek, and long-range plans for economic conversion to reverse the disastrous loss of scientific and technical expertise from our aerospace and defense industries.

The professional and technical occupations are the fastest growing in America. Yet this summer some 75,000 scientists and engineers—five percent of the 1.2 million total—were jobless, and forecasts of 200,000 without work by year's end have been made. The winding down of the Vietnam war and successful arms limitation agreements threaten to accelerate the trend.

The distressing fact is that industries which have for years been dependent on aerospace and defense contracts are not preparing for conversion of their plant and personnel to the great range of civilian needs of the future. These companies, which have been highly successful in bringing together unique combinations of managerial and technical skills, could now be looking to other fields—low-cost housing, mass transit, pollution control, environmental planning, oceanic research, population distribution, health care, and public education, to name a few of the most important.

A massive government-industry partnership is mandated to undo the severe dislocation being caused by the transition in our economy. A program like this could be the key to the massive unemployment problem afflicting our country today. Every engineer put to work creates at least ten jobs in his wake, and an expansion of our minimal industrial participation in fields such as those I have enumerated could also provide the stimulation our lagging economy so badly needs.

Surely our hopes for the future are tied to the full utilization of our capacities and the full development of each individual to the limits of his potential. We cannot afford the idling of one-fourth of our industry, and the joblessness that follows. Inflation is only one facet of the overall problem, and a suspicion that the new economic policy will be neither stimulative nor creative of sufficient new jobs is reflected in the current uncertainty afflicting the country.

Consumers are not spending, capital spending by business remains low, and the decline of the stock market has been precipitous. I quite frankly do not believe we are on the road to satisfactory economic recovery yet, and while in the main the Congress is cooperating with the Administration in the implementation of wage and price restraints that we have so long been urging as part of the solution, I fear that we will find it necessary in the months ahead to devise more stimulative measures to get the economy moving.

The depth of our economic problem was reflected in the President's drastic attempt to reverse our deteriorating international trade picture. Faced with our first foreign trade balance of payments deficit in this century, and increasing uneasiness abroad over the stability of the dollar, the Administration's heavy-handed response could well trigger a trade war similar to ones in the past that have brought with them world-wide recession. If other nations' threats of retaliation are carried through, the import surcharge may blow up in our faces. It is unfortunate that our blunderbuss program has hit old friends and trading partners with the same force as the economic competitors it was aimed at.

Surely a little give on our part is due. An agreement to raise the price of gold, for example, would not cause us long-range damage and could serve as a symbol of our willingness to make some of the sacrifices necessary to solve our own problems. It might be morally justifiable to call in I.O.U.'s from trading partners, but it is unrealistic to expect them to shoulder the entire weight of our dilemma. We must keep in mind that whatever dislocations we are asking them to absorb in our behalf—devaluation, inflation, import surpluses in their own countries—are political liabilities for the party in power and could easily lead to their demise. Diplomacy is essential in this crisis, and the bludgeon simply will not do.

We must acknowledge that new forces are abroad in the world that we have to become accustomed to. Among them are the emergence of Japan and Germany as economic superpowers, the new muscle of the Common Market, the recent awarding of a United Nations seat to mainland China.

What has become most clear is our inability to control events. This may be for the good, for it places a higher premium on skillful diplomacy and reduces the tendency to resort to the threat of force, which all too often has been a prelude to war. We need not despair to learn we are not omnipotent. But we need to stop acting as if we believe we are.

We have learned to live in a world in which the nuclear standoff between ourselves and Russia has created not a reign of terror but rather a strange sort of stability. The same could be true with China. We must look behind the revolutionary rhetoric to determine what this backward nation's real needs are, and I predict—or at least I hope—that its evident eagerness to join the world organization foreshadows that it will be a considerably less belligerent member than expected.

I was of course disappointed at the expulsion of our Taiwan allies. Besides my displeasure at this summary treatment of a longtime friend, I do not like the establishment of such a precedent in a world body necessarily predicated on universality if it is to have a chance to accomplish its aims. But if we are going to be a part of the community of nations in which we expect others to abide by the votes of the majority, we cannot walk away from an action we do not like as a petulant child would do.

The United Nations was not founded as an instrument of American policy. Nor does the admission of mainland China make it a tool of worldwide Communism as some have charged in the heat of the moment. Belgium, Holland, England, France, Ireland, Italy, Sweden, Denmark, Norway, and Canada rejected our two-China stand, and it is hard to believe that a list including such democracies and allies as these would align themselves against the forces of freedom.

The simple truth is that a majority of the nations of the world—many of them already engaged in trade and diplomatic relations with Peking—were no longer willing to go on pretending that the future could be made secure with one-fourth of the world's people unexposed to the persuasion and pressures of our only international forum. A debating society it is, as some of its severest critics aver, but how much more civilized to thrash out international disputes through words rather than bullets!

I sincerely believe that the deep yearning for peace, so evident across the breadth of America today, mandates a continuing quest in every bilateral and multilateral forum available. The true test of our fitness for international leadership lies in the days and months ahead.

And in addition to the overriding issue of war and peace, we are confronted with a growing range of problems that are of multinational concern rather than ours alone. The international drug traffic, pollution of the atmosphere and oceans, the exploration of space—all, like peace, affect nations without regard for boundaries. The days when we could retreat comfortably into isolation are long gone. We must now face up to reality and gird ourselves for the challenge of living and competing in a transformed world.

The new realities impinging on our lives are not the concern of government alone. Citizen-action groups are mobilizing and participating in the political process in unprecedented numbers. Their effectiveness is demonstrated in court decisions and in the shaping of public-interest legislation.

The new public concern being demonstrated by American corporations fits into this picture. There has been in recent months a gratifying involvement of businessmen in community affairs, an involvement that is not based on self-interest but a deeper conviction that our fates are all intertwined for better or worse in a rapidly contracting world.

Such signs portend that we will not let the future overtake us. We are aware of the problems and prepared to accept the challenge.

We know we need reform of institutions, the reallocation of resources, the rearranging of priorities.

We are attempting to broaden our political life and bring government closer to the people.

A broad-based partnership is forming, and this joining of hands between government, business, and the public bodes well for our future. Such an alliance can be the energizing force in the restructuring of the American community—for liveability, breathing space, healthy environment, wholesome recreation, decent housing, quality schooling, and a life of abundance at work and at leisure. The face of our world is changing, and I have confidence that we have the will, the wisdom, and the capacity to shape it to accord to our own vision of the future.

LATIN AMERICANS SUPPORT LATF PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. FRASER. Mr. Speaker, I am honored to have served for the past 3 years as a member of the National Advisory Board of the Latin American teaching fellowships program, Fletcher School of Law and Diplomacy, Tufts University. I note with interest that my distinguished colleagues in the Congress, the gentlemen from Massachusetts (Mr. MACDONALD and Mr. MORSE), the gentleman from Florida (Mr. FASCELL), the Senator from New York (Mr. JAVITS), and the Senator from Idaho (Mr. CHURCH) are also supporting the LATF program by serving actively as members of the Board.

I would like to place in the RECORD, for the benefit of my fellow Members and all others interested in U.S. relations with Latin America, a copy of the October 25, 1971, letter I received from Lic. Jorge González Chávez, director of academic programs at Mexico's distinguished Instituto Tecnologico Autonomo.

Lic. Chávez's letter is particularly timely since there is today great concern within our Nation concerning our foreign assistance programs. The letter strongly suggests that foreign aid programs—and I believe this applies to all programs, governmental, private, and mixed—must interact with local institutions in a plan that has been defined by the local institution and which is implemented under their direction. This approach has been the hallmark of the innovative Tufts' program. It is worth noting that while many programs in Latin America have been cut back, the LATF program has been expanded by 550 percent during the last 3 years.

I am pleased that two of my constituents are currently participating in this unique program. Mrs. Kathy Schminsky of Minneapolis is teaching at the Universidad de Simon Bolivar, the splendid new university in Venezuela. In the short space of 3 years this institution has established itself as one of the foremost centers of scientific and technological studies in South America.

Mr. Gary Maybarduk, also of Minneapolis, will begin his 3-year assignment with LATF next month.

Our foreign assistance effort is at a crossroad. As we consider which path we will follow, we must look carefully at those privately developed and sponsored programs that have succeeded so brilliantly. We can learn much from them.

Two programs, both out of Boston, historically a center of Yankee ingenuity, come to mind—LATF of the Fletcher school and LASPAU, which David Henry of Harvard has developed so successfully. I am pleased to place in the RECORD, Lic. Jorge González Chávez' letter. Let us not ignore his statement that "such programs as LATF are widely supported."

The letter follows:

INSTITUTO TECHNOLOGICO
AUTONOMO DE MEXICO,
October 25, 1971.

HON. DONALD FRASER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FRASER: While relations between our countries are quite low at the moment, I find one note of optimism. For some time we here at the Instituto Téchnológico Autónomo de México (ITAM) have had professors from the Latin American Teachers Fellowship (LATF) program, which is administered from the Fletcher School of Law and Diplomacy of Tufts University. We are very impressed with the program because its representatives have made a positive impact on our Institute.

Two members of the program stand out. First, Mr. William Cloherty has been in touch with us for a number of years and has done a difficult job well. Second, Mr. Robert Bezdek has been teaching at ITAM since March of this year and has impressed us with his ability to communicate. He has organized conferences, movies, and made outside contacts for us. In addition, Mr. Bezdek has given many talks on various topics in Mexico City, Pachuca, Xalapa, Veracruz, Culiecán, Hermosillo, and Mazatlán. Since he is introduced not only as a LATF professor but also as a full-time professor from ITAM, his speaking tours add to the Institute's prestige.

If you have a chance to visit Mexico, please drop by for a visit.

Hoping that such programs as LAFT are widely supported, I remain

Sincerely,

LIC JORGE GONZÁLEZ CHAVEZ,
Jefe de Servicios Académicos.

VETERANS' ADMINISTRATION PHYSICIAN, EDWARD D. FREIS, M.D., RECEIVES LASKER MEDICAL AWARD FOR HYPERTENSION CLINICAL RESEARCH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. TEAGUE of Texas. Mr. Speaker, throughout the extensive VA hospital system there are currently about 5,000 ongoing medical research projects to help broaden man's knowledge to help save and prolong the lives of tens of thousands of people.

Mr. Speaker, in New York on Thursday, November 11, 1971, an outstanding physician, Dr. Edward D. Freis of the Veterans' Administration's Department of Medicine and Surgery, who is currently on the staff of the Washington, D.C. Veterans' Administration Hospital, received national recognition for achievements in medical research. At that time, before an assembled group of many of the leaders in American medicine and health care, Dr. Freis was presented the Clinical Research Award of the Albert and Mary Lasker Foundation for his work in demonstrating the lifesaving effectiveness of diagnosis and treatment of one of the most common forms of heart disease.

It is of interest to note that this highly coveted award to biomedical researchers was established in 1946, and that 22 winners of this award have subsequently received Nobel Prizes for their work.

The basis for the award to Dr. Freis, and the method in which the research was planned and carried out is an outstanding example of the capacity of the health care system of the Veterans' Administration to do what no other single health care system or institution in America can do. By utilizing the staff and facilities of its 166 hospitals, 202 clinics, and 73 nursing homes, that system has the unique capacity for cooperative research. Through this system, studies of the efficacy of the clinical use of various professional techniques and/or therapeutic drugs can be carried out in the shortest possible time with a maximum of accuracy, a minimum of expense, and be made available for immediate use. As a result, this knowledge can not only be applied to the life-saving care and treatment of veterans, but can subsequently be made available to all people through the scientific community of this country and the world.

The following wording of the Citation awarded to Dr. Freis details his outstanding achievement:

CLINICAL RESEARCH AWARD PRESENTED TO EDWARD D. FREIS, M.D. SENIOR MEDICAL INVESTIGATOR, VETERANS' ADMINISTRATION HOSPITAL, WASHINGTON, D.C.

Dr. Freis has demonstrated the life-saving effectiveness of the use of drugs in the treatment of moderate hypertension, and the dramatic reduction of deaths from stroke and congestive heart failure, which can be realized when blood pressure is kept within normal limits.

Hypertension—or high blood pressure—is a leading cause of stroke. Stroke, in turn, kills over 200,000 Americans a year, and is the third leading cause of death in our country.

Hypertension affects almost 23 million Americans, and is a major public health problem.

Dr. Freis has been working on hypertension for over 25 years. His recent contribution has been the definitive study and demonstration of the fact that even *moderate* hypertension is dangerous, and should, and *can* be treated successfully.

In 1964, Dr. Freis, with his colleagues in the Veterans Administration, set up the V.A. Cooperative Study Group on Antihypertensive Agents, for moderate hypertension. The results of this five-year, 17-hospital study, established two major points:

1—That drug treatment for moderate hypertension reduced the death rate by more than 50%.

2—That drug treatment is 67% effective in preventing major complications which arise from cases of even moderately high blood pressure. These complications include, among others, strokes, congestive heart failure, and kidney failure.

Dr. Freis' study offers a momentous opportunity to clinical medicine.

It is an exemplary demonstration of the potential of preventive medicine for saving and prolonging the lives of tens of thousands of Americans. The results of this work justify his belief that with continued and intensive efforts, we can control all of the major cardiovascular diseases—the number one killer of our people.

For. Dr. Freis' dedication and persistent leadership toward this goal, this 1971 Albert Lasker Clinical Medical Research Award is given.

It should also be noted with great interest by those concerned with the question of bridging the gap of scientific knowledge between the laboratory and the bedside, that Dr. Freis, in his acceptance speech, in the great tradition of American medicine, called for a major effort in this area. He stated:

Thank you on behalf of myself and all of those who have made this advance against hypertension possible. Amazingly the conquest of this most common of diseases has received little public attention. Yet, if we apply the knowledge we already have we can control moderate hypertension now.

There are literally millions of Americans who do not even know that they have high blood pressure. There is, therefore, the need to develop adequate mass screening for the detection of hypertension as well as more effective programs in public education.

How may these goals be achieved? Firstly, by a greater effort on the part of national and local governments to provide facilities and personnel for the detection and treatment of hypertension in the general population. Secondly, the news media, such as television, radio, newspapers and magazines should publicize effectively the simple truth that hypertension now is a controllable disease. This is a real challenge for creative journalism. Thirdly, volunteer health agencies should actively lead and guide this effort. The problem is one of public education and it is too big to be left entirely to the practicing physician.

There is still another problem which requires public attention. Although the drugs we have today are good they are not ideal. None is effective in all patients and none is entirely free of side effects. However, no new anti-hypertensive drugs have been approved by the Food and Drug Administration in the past 10 years. This is in striking contrast to the situation in Europe where several new drugs have been introduced recently and are being used with benefit by European physicians. Because the American pharmaceutical companies are finding that drug research in hypertension is a frustrating and unprofitable enterprise, their great talents and knowhow are in large measure being directed into other channels. Informed public opinion is needed to restore a climate in the FDA where new drug research in hypertension will be encouraged rather than discouraged.

Recent surveys have shown that only 20% of the patients with persistent hypertension in the United States are receiving effective treatment. This fact points up the real need for mass screening and detection of hypertension in its early stages; for intensive public education; for provision of adequate treatment facilities; and finally, for a concerted research effort to develop even more safe and effective drugs than are available today.

Mr. Speaker, I want to take this opportunity to publicly congratulate Dr. Freis and the Veterans' Administration on this outstanding achievement, and I hope that it will be possible to expand these research programs in the future so that this great work can be accelerated.

CONGRESSMAN CHARLES B. RANGEL'S STATEMENT ON SICKLE CELL ANEMIA LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. RANGEL. Mr. Speaker, I commend the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce on the opening of hearings on a dread disease which victimizes the black community—sickle cell anemia.

It is imperative that Congress act promptly to enact legislation committing the Federal Government to a massive program of detection, treatment, and research. While one out of every 500 black babies born in our country dies from sickle cell anemia before their 20th birthday, we have been forced to rely on the goodwill and bigheartedness of the Department of Health, Education, and Welfare for any Federal funding. It is time for Congress to awaken from its hibernation and earmark funds for sickle cell anemia programs.

On Friday, November 12, I submitted a statement to the subcommittee detailing the need for sickle cell anemia legislation and discussing several feasible mechanisms for carrying out a Federal commitment.

The statement follows:

STATEMENT OF CONGRESSMAN CHARLES B. RANGEL

Mr. Chairman, I appreciate this opportunity to present my statement to the Subcommittee on Public Health and Environment in support of legislation which would commit the federal government to an all-out fight against deadly sickle-cell anemia.

Unfortunately, it is common for the Congress to belatedly acknowledge the problems of the poor and minority groups in the United States. Look how much time was required to enact lead-based paint poisoning prevention legislation or to fund bilingual education programs. Earlier this month, the House of Representatives killed the ethnic heritage studies provision of the Higher Education Act.

That is why these hearings are such a promising step. We in the black community have waited a long time for Congressional action. We watch one out of every 500 black babies born in the United States die from sickle cell anemia by the age of twenty. We see 10% of the black population in this country carrying the sickle cell trait genetically with inadequate means of detection of the trait.

In human terms, what we have experienced can best be described by the graphic tragedy of one patient which appeared in the October 1971 issue of *Ramparts Magazine*:

She is twenty-four years old and has been in the hospital eighteen times. She would get tired easily ever since she was a child; she did not develop as rapidly or as well as the other children; she would often get colds and more respiratory infections. At age seven her tonsils were removed. At age eight she was hospitalized for a month with severe joint pain, fever, and heart murmers, diagnosed incorrectly as rheumatic fever. At twelve she developed ulcers on both ankles which would not heal, even now, twelve years later. She then began having periodic attacks of severe, incapacitating pain in her bones and joints, her back and her abdomen. These "crises" would last about a week, leaving her exhausted, weaker than ever, and sore all over.

When she was fourteen her appendix was removed. At sixteen her spleen was removed. In the last eight years she has had six more hospital admissions for the treatment of her recurrent leg ulcers which have eaten down to the layer of muscle and bone. Two admissions for pneumonia, two for long episodes of fever, chills, night-sweats and diarrhea. Now she tells you, she is urinating blood and her belly is swelling like a balloon and her heart, her doctors have told her, is too big and is getting tired.

She cannot sleep lying down, but only on three pillows, and she wakes up at night gasping for breath. Her eyes have been yellow for six years and her liver, she knows, is not working right. In her life she has received (if she remembers right) eighty-six transfusions of whole blood.

Research has been painfully slow. Dedicated physicians such as Dr. Roland B. Scott and Dr. Angela Ferguson of Howard University have labored for twenty years, hampered by a lack of critically-needed funds.

We have neglected this killing disease for too long. That is why this legislation before you is so important to millions of Americans, many of whom have already given up any hope of substantial federal action. The slashing of $6,000,000 earmarked by the Senate to fight sickle cell anemia by the House-Senate conference on the H.E.W. appropriations this past summer is a perfect example of our misguided priorities. We callously refuse to fund sickle cell anemia detection, treatment and research yet we enact the military procurement appropriations with scarcely a dissenting vote.

H.R. 10932, my bill to establish a National Sickle Cell Anemia Institute, and H.R. 11171, Congressman Fauntroy's bill of which I am a cosponsor to establish a sickle cell anemia prevention program, are now before the Subcommittee. Each attempts to deal directly with the problems of sickle cell anemia, rather than leaving programs up to the discretion and goodwill of the Secretary of Health, Education and Welfare.

The National Sickle Cell Anemia Institute would conduct and support research programs for the diagnosis, treatment, and prevention of sickle cell anemia and would provide training and instruction in related matters. In addition, it would provide a nationwide screening program for school-age children and set up, with adequate funding, community counseling and education services. An advisory council would be appointed by the Secretary of Health, Education and Welfare to advise, consult with and make recommendations to him on matters relating to the Institute. Finally, the Institute would assist the Secrteary of Defense in screening GIs for sickle cell anemia and its traits.

H.R. 11171, the National Sickle Cell Anemia Prevention Act, would empower the Secretary of H.E.W. to make grants to and contracts with public and non-profit private organizations to set up and operate voluntary sickle cell anemia screening and counseling programs and to develop and make available educational materials relating to this dreadful disease. He may also fund demonstration programs. Public Health Service facilities would be made available for screening, counseling and treatment services. Further, the Secretary would prepare an annual report to Congress on the implementation of this legislation. The Secretary of Defense would be required to promulgate rules and regulations for the voluntary counseling and screening of servicemen and civilian Defense Department personnel, as well as potential enlistees and draftees at Armed Forces examining and entrance stations; he, too, would annually report to Congress and make recommendations for additional legislation.

A critical section of H.R. 11171 is the mandate to the Veterans Administrator to notify veterans of the availability of voluntary screening, treatment and counseling programs and to furnish care to eligible veterans.

I cannot stress strongly enough the vital nature of the military and veterans provisions in these two bills. Today, a young man with braces on his teeth is exempt from the military draft, but a young man with sickle cell anemia is still considered suited for military duty. What this means, in down-to-earth terms, is that young draftees and enlistees continue to die shortly after going on to active duty. The *New England Journal of Medicine* on May 14, 1970, recounted the heart-rending deaths of four young men in basic training. The Army had made no attempt to determine whether or not they had sickle cell anemia, and this criminal negligence resulted in their death. It is time for the Congress to tell the Defense Department that our prime concern must be the health of the individual serviceman, that all necessary steps to preserve that health must be taken, and that no American should be forced into military service if that service poses a tangible and lethal danger to his health.

Mr. Chairman, I do not view these two bills as contradictory. Rather they supplement one another. Therefore, it is my recommendation that the Subcommittee give serious consideration to combining the two bills. Specifically, I urge you to establish a National Sickle Cell Institute within the National Institutes of Health to assure black Americans of a Congressional commitment to defeat this disease. The Institute should be endowed with the powers enumerated in H.R. 10932 and H.R. 11171, with special emphasis on treatment and screening of schoolchildren, GIs and veterans. It should be funded annually with a minimum of the $30,000,000 authorized in H.R. 11171. The Institute should assist the Secretary of Defense and the Veterans Administrator in establishing their own voluntary programs, providing technical and professional assistance where necessary. Annual reports to Congress should be required since it is imperative that Congress be fully aware of the progress and difficulties of the sickle cell anemia programs.

Congress must make a pledge now that it will wage war against sickle cell anemia until every citizen of this country can live free of fear that he, or his children, or his friends, will be stricken by the disease. We must guarantee all Americans the best medical care available. Favorable action by the Subcommittee on Public Health and Environment is crucial if we are to make rapid progress in our struggle against sickle cell anemia.

NORTHERN IRELAND

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. TIERNAN. Mr. Speaker, the increased inhumane brutality taking place in Northern Ireland concerns me greatly. Recent reports from Amnesty International, a private organization which acts on behalf of political prisoners around the world, indicate that men being detained in Northern Ireland have been subjected to "savage beatings" and torture. The organization called for an international commission of inquiry on the basis of violations of the Universal Declaration of Human Rights.

When brutality charges were made earlier this fall, the only public response by Prime Minister Faulkner and Prime Minister Heath was that they doubted the validity of these reports. In token response they appointed an official British commission to look into the situation.

Yesterday the investigating team rejected the brutality charges, while admitting that some of the men arrested under internment had suffered calculated "ill-treatment." I do not know how far one must go before these men would consider it brutal treatment, but I personally feel that the following are acts of extreme inhumane brutality: Subjecting men to deprivation of sleep; standing anywhere from 9 to 49 hours while leaning on their hands, legs apart, against a wall; constant exposure to a high-pitched sound for days on end; a bread-and-water diet; and being hooded with a sack or opaque bag throughout the 2- to 4-day period of interrogation.

A relative of mine from Northern Ireland recently wrote that—

> A young teacher, father of five with no politics except civil rights, was taken from his home at 4 a.m. and for 12 days the authorities refused to tell his pregnant wife where he was. Finally, when she was allowed to see him he was almost unrecognizable and a physical wreck.

This too, I maintain, goes beyond simple "ill-treatment."

The brutality, of course, is not limited to one side. The two cases in which young women were tied to lamp posts, had their heads shaven and then had tar poured over them were repulsive. The tension in Northern Ireland has apparently reached the point when no action, no matter how brutal, is ruled out. Unless Prime Minister Heath acts and acts now, no life will be safe.

First and foremost there must be an immediate end to the internment policy. Until this is done, there will be no chance for peace to return to the streets of Northern Ireland. And until peace returns, it is unlikely that the serious political, economic and social problems which exist will be resolved.

EDUCATORS HAVE NEW RESPONSIBILITY WITH 18-YEAR-OLD VOTE LAW

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. KEMP. Mr. Speaker, now that our young citizens, barely out of high school, will be casting their votes, eventually, in every election, it is imperative that our schools develop curriculums to prepare the future voters for their responsibilities.

I am happy to say that Miss Kathleen Louise O'Brien, eighth grade history teacher at Public School No. 63 in Buffalo, N.Y., is one teacher who sees the need for this type of instruction. American history students in her class have spent 3 weeks studying the three branches of the Federal Government. As a result, the children were interested in becoming actively involved in the democratic process. I received a letter from every student as a result of their desire to become involved.

Mr. Speaker, the letters covered a wide range of issues and will take some time to answer. However, to set a good example for other educators who might read these remarks along with my colleagues, I have selected some of the letters to insert. These show that Miss O'Brien has obviously done an outstanding job in stimulating their interest and concern in the workings of government. The letters follow:

Buffalo, N.Y.,
October 8, 1971.

Congressman Jack Kemp,
Washington, D.C.

Dear Sir: My name is Keith Sharples. I'm in public school 63 in the eighth grade.

My letter is about, well you know how there is all this urban renewal in Buffalo that in the good neighborhoods there is hardly no place to play, most of the times when we want to play in the school playground we get hollered at. They are also going to take down central park for apartment housing then we will have no place to play.

Well I hope you can do something about this.

Thank you,

Keith Sharples.

Buffalo, N.Y.,
October 8, 1971.

Congressman Kemp,
Washington, D.C.

Dear Sir: My name is Kathy LaLonge and I am an eighth grader of Public School No. 63. My principal's name is Mr. Axlerod, and my Social Studies teacher's name is Miss O'Brien.

I am concerned about the High Schools and all the trouble that has been going on. The kids who are getting hurt because of color. I know you can do something about it.

Thank you sir for at least reading my letter. I know you have thousands of letters to read and reply to. I'm sure you'll take action.

Thank you,

Kathy LaLonge.

Buffalo, N.Y.

Congressman Jack Kemp,
Washington, D.C.

Dear Congressman Kemp: My name is Michelle Houck I am an 8th grade student at public school #63. Our principal is Harold D. Axlerod.

We are studying the American Government in our Social Studies class. Our teacher, Miss O'Brien, has assigned the class to write a letter to our Congressman. Our school is on Minnesota Ave. and lies in the 39th district, therefore you are the Congressman I must write to.

Congressman Kemp, how would you control tension and racism in the Buffalo schools? What can we do to teach students in the schools that there should be no difference in race or nationality?

I'd like to thank you for looking at my questions and wish you much luck as a Congressman in the future.

Sincerely,

Michele Houck.

Buffalo, N.Y.,
October 8, 1971.

Congressman Jack Kemp,
Washington, D.C.

Dear Jack Kemp: Hello, Mr. Kemp. My name is John Bauer. I live at 211 Shirley Avenue. I am thirteen years old and concerned with some state problems. I am concerned with air pollution and water pollution. There are two major problems which are killing life. Air pollution is killing people; they are getting bad eyes, and it is getting into their lungs, and it is irritating them. They don't want to walk around and breathe all this bad air. Then there is water pollution which is killing our fish and fish is a popular food. It is killing a sport which I love fishing; there are no good spots anymore, some but not many. It really isn't hard to stop this if you could get factories to do something with smoke. Invent something so that they could use it over again.

Well, this is about all I have to say. I just wish you could do something about this so it wouldn't irritate people and we could fish again. Then it would be America the Beautiful.

Your friend,

Jack Bauer.

Buffalo, N.Y.,
October 4, 1971.

Congressman Jack Kemp,
Washington D.C.

Dear Sir: I am an eighth grader. This is an assignment. We are supposed to write on how you are doing. What you think of the Bills and the new stadium?

I wanted to ask you about what you are doing about summer Little League. What I mean to say is that every Little League in our district is run by the city execpt Ken Little League. They say we will have a field by next year. But they have been saying that for thirteen years. But now at least they have plans. It is now October and they have not even leveled it off or other wise plan grass. My father is vice president. Would you see what you could do.

Thank you for reading my letter and for an answer.

Yours truly,

Scot Gowans.

Buffalo, N.Y.,
October 4, 1971.

Congressman Jack Kemp,
Washington, D.C.

Dear Sir: I am Patty Carrington, an eighth grader at P.S. #63. My principal is Mr. Harold D. Axlelrod and my Social Studies teacher is Miss O'Brien.

I am a concerned student here at school 63, and I have a problem that is quite important to me. As I am studying the American government right now in Social Studies class, I thought that you, as a representative of my own district, might be able to answer it. My own particular concern is violence. Lately there has been too much violence and too many riots everywhere. Violence in the schools especially bothers me, since the school that I'd been planning to go to when I graduate has had "trouble" lately and now I'm undecided on where to go. Have you any plans to curb violence and unrest in our schools and cities? Any laws that you're planning to enforce or any new amendments that you may introduce?

Thank you very much for taking the time to read this letter.

Yours truly,

Patty Carrington.

Buffalo, N.Y.,
October 8, 1971.

Congressman Jack Kemp,
Washington, D.C.

Dear Congressman Kemp: I am an eighth grader of Buffalo Public School No. 63. You probably know this area as the University District. Our Principal is Mr. Harold D. Axlerod, who is a very competent man at his job. We have very fine teachers here and I am glad to be a member of this school.

The reason I am writing to you is this: Here at school we are studying American history and government. I am very interested in this subject and enjoy the various historical parks and forts in New York State, especially the ones that have to do with the Revolutionary War. The 200th anniversary of our country is coming up and many revolutionary battles were fought here in New York State. I was wondering if any special celebrations such as reconstructions of battles and exhibitions will be held in the areas where battles were fought between the British and Americans, during the revolution, in the years 1975–77. If not, are you doing anything for the situation? You should be. It's a good idea.

I appreciate your reading my letter and do sincerely hope that things are planned for the years 1975–77. I think you are a fine Congressman and appreciate the work you are doing to help our area and the country. Thank you very much.

Sincerely,

John Fitzwater.

WASHINGTON SUMMER INTERN PROGRAM

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. ESCH. Mr. Speaker, as did a number of my colleagues, I participated in the University of Michigan's Washington summer intern program. I found the program to be both very worthwhile for my intern and very useful to the office. I should like to share with the members of the House an evaluation of the program.

The University of Michigan summer internship in Washington program was organized in 1970. Its purpose was to provide an opportunity for students to gain insight into the operations of our Federal Government by placing them in the offices of Congressmen, Senators and executive agencies. Similar programs have been conducted at such schools as Stanford, UCLA, Berkeley, Wellesley, Mount Holyoke, and Smith.

Over 400 students applied to the University of Michigan program. The 400 applicants were interviewed individually by interns who had participated in preceding years. Through the results of the interviews and on the basis of the information on the application, 100 students were selected to submit résumés to the program. The final selection of interns was made by the individual offices.

Work in congressional offices included regular clerical work, as well as more demanding duties such as answering constituent mail and researching and evaluating special bills. Agency positions provided a variety of office work as well as a number of research projects. Unlike the 1970 program, the one this past summer also expanded into the offices of public interest groups and the mass media, These two types of offices offered yet another view of how our Federal Government functions.

It is agreed by almost all who have partcipated that the program is a success. For the interns the program affords a unique vantage point from which to monitor the inner working, the political personalities, and the output of at least some segment of the Government. A majority of interns feel that while before they may have intellectually understood some of the problems of the governmental process, the intern programs gave them a chance to realize on an emotional level the necessity of dealing with both ideals and practicalities. Perhaps more than anything else, the program gave the students personal, practical experience which provided insights into government beyond detached academic studies. As one participant says:

> I am leaving Washington with numerous new acquisition . . . I know the capitol building as a second home. I have met some of whom I feel are the most brilliant people in our country while at the same time coming across those as equally unqualified yet holding important positions. The word "congressman" now takes on a personal meaning—the role and how he fulfills it are within my understanding. I am beginning to understand how the citizen fits into the democratic set-up and know how he can best fulfill his political desires beyond voting. But most importantly, I now better understand the meaning of the word "politics."

For the offices in which they worked the intern program was also very worthwhile. The interns not only helped relieve the workload but also contributed to the constructive ideas of the offices in which they worked.

Beyond the mutually beneficial values for the students and offices, the intern program is of significant value to the university. In the very fact that it exists, the program helps the university fulfill its primary function of providing students with a worthwhile educational experience.

For all concerned then, the university's Washington summer intern program has been of great value. I commend those in the university who have developed and coordinated the program, and sincerely hope that it will be continued in the future.

THE IRRESPONSIBLE FHA

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mrs. GRIFFITHS. Mr. Speaker, on October 14, I submitted for the Record a Detroit News article written by Mr. Don Ball. The article concerned the irresponsibility of management in the FHA which has enabled HUD to acquire 3,000 vacation homes in the city of Detroit at a cost of $3 million.

This mismanagement, however, extends beyond fiduciary irresponsibility. Nearly 1,000 vacant Detroit homes have been damaged or destroyed by fire so far this year. Most of these homes are owned by HUD. Besides expending $250,000 to fight these fires, the Detroit fire department has suffered injuries to 56 of its members. The possibility of future vacant home fires threatens the lives and property of entire Detroit neighborhoods.

Today, I submit for the Record a second article by Don Ball indicating how serious and dangerous this problem has become for the city of Detroit. The FHA has not confined its irresponsible management to the city of Detroit, however, and I urge my colleagues to read this article in order to understand the necessity for immediate action to correct this national problem.

The article follows:

[From the Detroit News, Nov. 10, 1971]

Detroit Plagued by Fires in Vacant Homes

(By Don Ball)

Nearly 1,000 vacant Detroit homes have been hit by fires so far this year—a rate greater than all such fires in 1970 when the total reached 860.

The fires have ranged from superficial blazes to multiple alarms which damaged adjoining homes. With few exceptions the fires were set by trespassers in the empty houses.

Joseph J. Deneweth, executive chief of the Detroit Fire Department, said yesterday:

"Empty houses pose serious fire hazards to residents in many neighborhoods and already have cost the department an estimated $250,000 in unnecessary operational expenses.

"We've had 56 firefighters injured so far this year putting out fires in empty houses, many of which would have been torn down anyway.

"I'm afraid that we'll have some persons killed, either citizens or firemen, if something isn't done about the increasing number of fires in vacant houses in the city.

"Because of the large number of vacant houses on some streets, a whole neighborhood could be swept by a fire which got out of control before it was spotted."

Many of the vacant homes hit by fires so far this year belonged to the U.S. Department of Housing and Urban Development (HUD) as the result of foreclosures on FHA-insured mortgages.

HUD owns dozens of empty houses on some east side Detroit streets.

A substantial number of vacant houses damaged by fires this year were properties of real estate investors who have been unable to find buyers for them since HUD tightened FHA procedures earlier this year.

With few exceptions, the fire-damaged houses have been empty for many months.

Fire Department reports show:

There were fires in 888 empty Detroit homes by Oct. 1 of this year—28 more than the total last year.

More than half of the fires this year apparently were started by children playing with matches.

Fires in some 190 vacant houses were believed by investigators to be the work of professional arsonists, presumably in an effort to collect fire insurance.

At least 14 percent of the fires this year in empty houses were attributed to tramps and thieves.

Typical of the fires was the one last week which swept through three houses on Fairview, just north of Jefferson, on Detroit's east side.

The fire started from an "undetermined cause" around 9 p.m. in the empty house at 1557 Fairview and spread to HUD-owned houses which flanked it on both sides, according to a Fire Department report.

The house where the fire started was gutted. The HUD homes were damaged severely.

Residents in neighboring homes had to be evacuated until the blaze was put out. Their homes also suffered fire damage.

Most of the homes and apartments on the street are occupied and well kept. The three houses had been vacant for more than a year and had been vandalized a number of times.

Residents had complained repeatedly to government agencies that the homes were open to trespass and were a danger to the entire neighborhood.

There also had been an earlier fire in the home at 1557 Fairview.

The residents' complaints brought no response from the government agencies.

The histories of the three vacant houses are typical of the empty houses found throughout Detroit's east side.

The home at 1557 Fairview was bought by a private investor for $4,000 in March 1970 and has been unoccupied since then. The owner has a $3,500 loan on the building from a mortgage company.

The city Department of Buildings and Safety Engineering was preparing an order for the demolition of the house as a "dangerous building" at the time of last week's fire.

The home at 1551 Fairview was bought for $9,500 by Charles E. Williams with an FHA-insured mortgage in August 1967. Williams abandoned the home after the death of his wife and HUD repossessed the house last February.

HUD planned to tear the house down but had not let a contract by the time the fire hit.

The home at 1563 Fairview was bought by a welfare family for $9,000 in September 1968. The family defaulted on the FHA-insured mortgage and HUD repossessed the house on Sept. 11, 1970.

Last January, HUD officials "programed" the house to be torn down.

Actual demolition of the house had not started when the fire hit last week, 10 months later.

TRANSFER OF POSTAL PROPERTIES CREATES NEW PROBLEMS IN IMPACT AID

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. PUCINSKI. Mr. Speaker, earlier this year when the U.S. Post Office went out of existence and the U.S. Postal Service came into being, practically all Federal post office buildings were transferred to this new corporation. One of the unexpected results of this transfer, we have discovered, is that more than 700 school districts will receive reduced payments or no payments at all under the impact aid program for this school year.

Mr. Speaker, yesterday I introduced H.R. 11809, a bill to give these school districts a temporary reprieve, a 2-year grace period, before their payments are reduced or terminated. I am pleased to announce that I was joined in introducing this bill by Mr. PERKINS, Mr. WILLIAM D. FORD, Mr. MEEDS, Mr. HAWKINS, Mrs. MINK, Mrs. CHISHOLM, Mr. BIAGGI, Mrs. HICKS of Massachusetts, Mr. MAZZOLI, Mr. BADILLO, Mr. BELL, Mr. VEYSEY, Mr. PEYSER, Mr. DENT, and Mr. GAYDOS.

Under Public Law 874, commonly known as the impact aid program, school districts are eligible to receive Federal assistance on the basis of students enrolled in their schools whose parents live or work on Federal property. "Federal property" is defined in the act as "real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia." Section 303(1)(B) expressly provides for a "grace period" to a local school district after Federal property has been sold or transferred by the United States. This provision was intended to allow school districts receiving Public Law 874 funds a phaseout period after Federal activity ceased.

However, section 303(1)(B) expressly excludes "any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services." The recent transfer by the General Services Administration of Federal facilities under their jurisdiction to the newly-created U.S. Postal Service threatens to cause tremendous hardships to those school districts which have been receiving payments on behalf of children whose parents work in such facilities. Approximately 700 school districts in about 200 congressional districts are affected by these transfers to the U.S. Postal Service.

It is the purpose of my bill to give these districts similar treatment to that given other districts in which Federal property has been sold or transferred. The amendment would authorize a 2-year "grace period" for such school districts in order to allow them to receive the impact aid which they have already budgeted for this year and to receive funds for 1 more year as they reduce or eliminate their reliance on the program.

Include the following:

H.R. 11809

A bill to provide that for purposes of Public Law 874, Eighty-first Congress, relating to assistance for schools in Federally impacted areas, Federal property transferred to the United States Postal Service shall continue to be treated as Federal property for two years

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

POST OFFICE BUILDINGS TRANSFERRED TO POSTAL SERVICE JURISDICTION

Attached is a listing, by State and Congressional District, of Post Office Buildings *claimed in prior years* which have been transferred to the jurisdiction of the U.S. Postal Service and have been declared ineligible for the 1971–72 school year under the definition of Federal property contained in section 303(1) of P.L. 81–874. The P.L. 874 applicants claiming them are indicated with each.

Other Post Office Buildings were transferred but, to date, have not been claimed or have been determined ineligible under P.L. 874 prior to the transfer. Not all buildings that were transferred will become ineligible.

ALASKA

At Large

Cordova City S.D.
1606 Ketchikan Gateway Borough S.D.
2 Greater Sitka Boro S.D.
805 Wrangell Pub. Schs.

ARKANSAS

Fourth Congressional District

Camden S.D. No. 35, Quachita County.

CALIFORNIA

First Congressional District

Old Adobe U.S.D., Petaluma.
Tamalpais U.H.S.D., Larkspur (also 6th Cong. Dist.)
Larkspur S.D. (also 6th Cong. Dist.).
Marlin Jr. Col. District, Kentfield (also 6th Cong. Dist.).
San Rafael S.D. (also 6th Cong. Dist.).
San Rafael H.S.D. (also 6th Cong. Dist.).
Dixie S.D., San Rafael (also 6th Cong. Dist.).
Novato Unif. S.D. (also 6th Cong. Dist.).

Third Congressional District

Rio Linda U.S.D.
Sacramento City Unif. S.D.
Los Rios Jr. Col. Dist., Sacramento.
Robla S.D., Sacramento.

Fourth Congressional District

Washington Unif. S.D., North Sacramento.
Marysville Jr. Unif. S.D.
Fairfield Suisun Unif. S.D.
Martinez Unif. S.D.

Fifth Congressional District

San Francisco Unif. S.D. (also 6th Cong. Dist.).
Catati Elementary S.D., Sonoma County.

Sixth Congressional District

Larkspur S.D. (also 1st Cong. Dist.).
Marlin Jr. Col. District, Kentfield (also 1st Cong. Dist.).
Tamalpais U.H.S.D., Larkspur (also 1st Cong. Dist.).
San Rafael S.D. (also 1st Cong. Dist.).
San Rafael H.S.D. (also 1st Cong. Dist.).
Dixie S.D., San Rafael (also 1st Cong. Dist.).
Novato Unif. S.D. (also 1st Cong. Dist.).
San Francisco Unif. S.D. (also 5th Cong. Dist.).

Eighth Congressional District

San Leandro Unif., S.D.
Berkeley Unif. S.D.
Fremont Unif. S.D.
Pleasanton, Jr. S.D.
Amador Valley Jt. U.H.S.D., Pleasanton.
Oakland Unif. S.D.
Murray S.D., Dublin.
S Co. Jt. Coll. Dist., San Leandro.
Hayward Unif. S.D.
San Lorenzo Unif. SD.
Peralta Jr. Col. Dist., Oakland.
Castro Valley Unif. S.D.
Emery Unif., S.D., Emeryville.

Tenth Congressional District

Palo Alto Unif. S.D.

Eleventh Congressional District

Laguna Salada U.S.D., Pacifica.
Jefferson S.D., Daly City.
Jefferson U.H.S.D., Daly City.
San Mateo U.H.S.D.

Thirteenth Congressional District

Los Angeles Unif. S.D. (also 17th, 20th, 21st, 22d, 24th, 26th, 27th 28th, 29th, 30th, and 31st Cong. Dists.).

Fourteenth Congressional District

Pittsburg Unif. S.D.
Mt. Diablo Unif. S.D., Concord.
Lafayette S.D.
Richmond Unif. S.D.
Walnut Creek S.D.
Orinda U.S.D.
Acalanes U.H.S.D., Lafayette.
Moraga Sch. Dist.
San Ramon Valley Unif. S.D., Danville.

Fifteenth Congressional District

San Joaquin Delta Jr. College, Stockton.

Seventeenth Congressional District
Twentieth Congressional District
Twenty-First Congressional District
Twenty-Second Congressional District
Twenty-Fourth Congressional District
Twenty-Sixth Congressional District
Twenty-Seventh Congressional District
Twenty-Eighth Congressional District
Twenty-Ninth Congressional District
Thirtieth Congressional District
Thirty-First Congressional District

Los Angeles Unif. S.D.

Thirty-Fifth Congressional District

Oceanside U.S.D.
Chula Vista City S.D.
Santee S.D.
Grossmont U.H.S.D.
Cajon Valley S.D., El Cajon.
Escondido U.S.D.
S. Bay U.S.D., Imperial Beach.
Lakeside U.S.D.
Sweetwater U.H.S.D., Chula Vista.
Lemon Grove S.D.
La Mesa Spring Valley, S.D.
San Diego Unif. S.D.
Orange Glen S.D.
Jamul Las Flores U.S.D.
Grossmont Jr. Col. Dist.
Sweetwater Jr. Col. Dist., Chula Vista.
San Diego Comm. Col. Dist., San Diego County (also 36th and 37th Cong. Dists.).

Thirty-Sixth Congressional District
Thirty-Seventh Congressional District

San Diego Comm. Col. Dist., San Diego County (also 35th Cong. Dist.).

COLORADO

First Congressional District

S.D. No., Denver.

Second Congressional District

Jefferson Co. S.D. No. R1, Lakewood.
Englewood S.D. No. 1.
Adams Arapahoe Jt. S.D. No. 28, Aurora.
Adams Co. S.D. No. 14, Commerce City.
S.D. No. 6, Littleton.
Westminster S.D. No. 50.
S.D. No. 12, Denver.
Mapleton Pub. S.D. No. 1, Denver.
St. Vrain Valley S.D. Re. 1J, Longmont.

Third Congressional District

Colo. Springs S.D. No. 11.

Fourth Congressional District

Roaring Fork S.D. Re. 1, Glenwood Springs.
Garfield S.D. Re. 2, Rifle.

CONNECTICUT

Second Congressional District

Town of East Lyme Bd. of Ed.
Town of Colchester Bd. of Ed.

New London Bd. of Ed.
Town of Salem S.D., Norwich.

Third Congressional District

Milford Public Schs.
City of W. Haven Bd. of Ed.
Derby Bd. of Ed.
Orange Co. Bd. of Ed., Orange.
New Haven Bd. of Ed.
Town of Oxford Bd. of Ed.
City of Waterbury Bd. of Ed., New Haven County.

Fourth Congressional District

Bridgeport Bd. of Ed.
Town of Stratford Acting as a S.D.
Shelton Bd. of Ed.
Trumbull Bd. of Ed.
Town of Monroe Bd. of Ed.

Sixth Congressional District

Windsor Locks Public S.D.
Granby Bd. of Ed.
Enfield Bd. of Ed., Thompsonville.
Windsor Bd. of Ed.
Hartford Bd. of Ed.
Town of Suffield Bd. of Ed.
Bloomfield Bd. of Ed., Hartford Co.

DISTRICT OF COLUMBIA

At large

D.C. Public Schools.

FLORIDA

Ninth Congressional District

Tenth Congressional District

Broward Co. Bd. of Pub. Instr., Ft. Lauderdale.

Eleventh Congressional District

Twelfth Congressional District

Dade Co. Bd. of Pub. Instr., Miami.

GEORGIA

Third Congressional District

Muscogee Co. S.D., Columbus.
Harris Co. Bd. of Ed., Hamilton.
Houston Co. Bd. of Ed., Perry.
Crawford Co. Bd. of Ed., Roberta.
Twiggs Co. Bd. of Ed., Jeffersonville.
Pulaski Co. Bd. of Ed., Hawkinsville.

Fourth Congressional District

De Kalb Co. Bd. of Ed., Decatur.
City Schs. of Decatur.
Atlanta Pub. Sch. System (also 5th Cong. Dist.).
Fulton Co. Bd. of Ed., Atlanta (also 5th Cong. Dist.).

Fifth Congressional District

Atlanta Pub. Sch. System (also 4th Cong. Dist.).
Fulton Co. Bd. of Ed., Atlanta (also 4th Cong. Dist.).

Sixth Congressional District

Clayton Co. Bd. of Ed., Jonesboro.
Bibb Co. Bd. of Ed. & Orph., Macon.
Henry Co. Bd. of Ed., McDonough.
Carroll Co. Bd. of Ed., Carrollton.
Fayette County School System, Fayette County.
Monroe Co. Bd. of Ed., Forsythe.

Seventh Congressional District

Cobb Co. Bd. of Ed., Marietta.
Douglas Co. Bd. of Ed., Douglasville.
Paulding Co. Bd. of Ed., Dallas.

Ninth Congressional District

Cherokee Co. Bd. of Ed., Canton.

HAWAII

First Congressional District

Second Congressional District

Bd. of Ed. of State of Hawaii, Honolulu.

ILLINOIS

First Congressional District

Second Congressional District

Third Congressional District

Chicago Public Schools No. 299 (also 5th, 6th, 7th, 8th, 9th, 10th, & 11th Cong. Dists.).

Fourth Congressional District

Posen Robbins Sch. Dist. No. 143½, Cook County.

Fifth Congressional District

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 10th, & 11th Cong. Dists.).

Tenth Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, & 11th Cong. Dists.).
Melrose Park Broadview S.D. No. 89, Maywood.
Park Forest S.D. No. 163.
Rich Twp. H.S.D. No. 227, Park Forest.
Proviso Twp. H.S.D. No. 209, Maywood.
Cook Co. E.S.D. No. 102, La Grange Park.
Komarer S.D. No. 94, North Riverside.
Harvey Pub. Schls. Dist. No. 152, Cook Co.
West Harvey Dist. Schl. Dist. No. 147, Cook Co.

Eleventh Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, & 10th Cong. Dists.).

Twelfth Congressional District

Mundelein Cons. H.S.D. No. 120.
Twp. H.S.D. No. 110, Highland Park.
Mundelein E.S.D. No. 75.
Grayslake Comm. H.S.D. No. 127.
Community Unit S.D. No. 60, Waukegan Lake Co.

Fourteenth Congressional District

Lisle E.S.D. No. 70.
Maercker S.D. No. 60, Clarendon Hills.
Downers Grove H.S.D. No. 99.
Downers Grove E.S.D. No. 58.
Naperville Comm. H.S.D.
Naperville E.S.D. No. 78, Wheaton.
Lace Marion Hills S.D. No. 61, Wheaton.
Goodrich S.D. No. 68, Woodridge.
Comm. Cons. S.D. No. 181, Hinsdale.
Hinsdale Twp. H.S.D. No. 86.
Darien Pub. Sch. Dist. No. 61, DuPage Co.
Joliet Pub. S.D. No. 86 (also 17th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 17th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 17th Cong. Dist.).
Lockport E.S.D. No. 96 (also 17th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 17th Cong. Dist.).
Community Consolidated Schools, DuPage Co.

Seventeenth Congressional District

Georgetown E.S.D. No. 177.
Joliet Pub. S.D. No. 86 (also 14th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 14th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 14th Cong. Dist.).
Lockport E.S.D. No. 96 (also 14th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 14th Cong. Dist.).

Nineteenth Congressional District

Rock Island S.D. No. 41.
Moline S.D. No. 40.
East Moline Pub. S.D. No. 37.
Hampton E.S.D. No. 29.
Comm. Unit S.D. No. 200, Sherrard.
Geneseo Comm. Unit S.D. No. 228.
Rockridge Comm. Unit S.D. No. 300, Taylor Ridge.
Comm. Unit S.D. No. 115, Oquawka.

Twenty-Second Congressional District

Comm. Unit S.D. No. 335, La Harpe.

INDIANA

Sixth Congressional District

Clark Pleasant Comm. Sch. Corp., Whiteland.
Mooresville Cons. Sc. Corp.
Metropolitan S.D. of Martinsville.
Franklin Comm. Sch. Corp.
Comm. Sch. Corp. of Southern Hancock Co., New Palestine.
Greenwood Comm. Sch. Corp.
Center Grove Comm. Sch. Corp., Greenwood.

Seventh Congressional District

Avon. Comm. Sch. Corp., Indianapolis.
Plainfield Comm. Sch. Corp.

Eighth Congressional District

Metropolitan S.D. of Mt. Vernon.

Ninth Congressional District

Metropolitan S.D. of Vernon Twp., Crothersville.
Scott Co. S.D. No. 2, Scottsburg.
Salem Comm. Schs.

Eleventh Congressional District

Metropolitan Sch. Dist. of Lawrence Twp., Indianapolis.
Metropolitan S.D. of Warren Twp.
Indianapolis Pub. Schs.

IOWA

First Congressional District

Bettendorf Comm. S.D.
The Davenport Comm. S.D.
Pleasant Valley Comm. S.D.
Burlington Comm. D.S.
Danville Comm. S.D.
Mediapolis Comm. S.D.

Sixth Congressional District

Sergeant Bluff Luton Comm. S.D.
Westwood Comm. S.D., Sloan.
Sioux Comm. S.D.
Lawton-Bronson Comm. Sch. Dist., Woodbury Co.

Seventh Congressional District

Lewis Central Comm. Schs., Council Bluffs.
Council Bluffs Comm. S.D.

KANSAS

Second Congressional District

Unif. S.D. No. 437, Topeka.
Unif. S.D. No. 501, Topeka.
Unif S.D. No. 343, Perry.
Unif. S.D. No. 340, Meriden.
Unif. S.D. No. 337, Mayetta.
Oskalooka Unif. Sch. Dist. No. 341.
Shawnee Heights Unif. S.D. No. 450, Tecumseh.
Unif. S.D. No. 464, Ronganoxie.

Third Congressional District

Shawnee Mission Rural H.S.D. No. 6.
Common S.D. No. 110, Overland Park.
Antioch C.S.D. No. 61, Overland Park.
Shawnee Common S.D. No. 27.
Roeland C.S.D. No. 92, Shawnee Mission.
Prairie S.D. No. 44.
Valley View C.S.D. No. 49, Overland Park.
Olathe Unif. S.D. No. 233.
Unif. S.D. No. 231, Gardner.
Bonner Springs Unif. S.D. No. 204.
Unif. S.D. No. 500, Kansas City.
Stanley Unif. S.D. No. 229.
Shawnee Mission Unif. S.D. No. 512.

Fourth Congressional District

Haysville Unif. S.D. No. 261.
Valley Center Unif. S.D. No. 262.
Unif. S.D. No. 260, Derby.
Maize Unif. S.D. No. 266.
Unif. S.D. No. 259, Wichita.
Unif. S.D. No. 265, Goddard.
Unif. S.D. No. 263, Mulvane.

Fifth Congressional District

Leon Unif. S.D. Jt. No. 205.
Douglass Unif. S.D. No. 39.
Rose Hill Unif. S.D. No. 394.

Andover Unif. S.D. No. 385.
Unif. S.D. No. 353, Wellington.
Unif. S.D. No. 356, Conway Springs.
Arkansas City Unif. S.D. No. 470.
Belle Plaine Unif. S.D. No. 357.
Osage City Unif. S.D. No. 420.
Unif. S.D. No. 434, Overbrook.
Unif. S.D. No. 454, Burlingame.
Marais Des Cygnes Valley D. No. 456, Melvern.
Lawrence Unif. S.D. No. 497.

KENTUCKY

Third Congressional District

Louisville Public Schools.

Sixth Congressional District

Berea Ind. Sch. Dist.
Fayette Co. Bd. of Ed., Lexington.
Clark Co. Bd. of Ed., Winchester.
Georgetown I.S.D.
Paris I.S.D.
Courbon Co. Bd. of Ed., Paris.

LOUISIANA

First Congressional District

St. Bernard Parish Sch. Bd., Chalmette.
Orleans Parish Sch. Bd., New Orleans (also 2n Cong. Dist.).

Second Congressional District

Orleans Parish Sch. Bd., New Orleans (also 1st Cong. Dist.).
Jefferson Parish Sch. Bd., Gretna.

Sixth Congressional District

St. Tammany Parish Sch. Bd., Covington.

MAINE

First Congressional District

S. Portland Bd. of Ed.
Old Orchard Beach Sch. Dist.
Biddeford Suptg. Sch. Comm.
Cape Elizabeth Sch. Dept.
Portland Pub. Schs.
Yarmouth S.D.
Town of Jefferson Sch. Committee, Windsor.
Sch. Adm. Dist. No. 57, East Waterboro.
Maine Sch. Adm. Dist. No. 35, South Berwick.

Second Congressional District

Calais Sch. Dept.
Vanceboro Sch. Dept., Danforth.
Sch. Admin. Dist. No. 19, Lubec.
City of Bangor Sch. Committee.
Twn of Machias S.D.

MARYLAND

First Congressional District

St. Marys Co. Bd. of Ed., Leonardtown.
Calvert Co. Bd. of Ed., Prince Frederick.

Third Congressional District

Fourth Congressional District

Bd. of Ed. of Balt. Co., Towson (also 7th Cong. Dist.).

Fifth Congressional District

Prince Geo. Co. Bd. of Ed., Upper Marlboro.
Bd. of Ed. of Charles Co., La Plata.

Sixth Congressional District

Bd. of Ed. of Fred. Co., Fred.
Bd. of Ed. of Washington Co., Hagerstown.
Bd. of Ed. of Howard Co., Ellicott City (also 8th Cong. Dist.).

Seventh Congressional District

Bd. of Ed. of Balt. Co., Towson (also 3d and 4th Cong. Dists.).

Eighth Congressional District

Bd. of Ed. of Mont. Co., Rockville.
Bd. of Ed. of Howard Co., Ellicott City (also 6th Cong. Dist.).

MASSACHUSETTS

First Congressional District

Town of Hatfield Sch. Comm.

Second Congressional District

Wilbraham Sch. Committee.
Hampden Wilbraham Reg. S.D.
Ludlow Sch. Comm.
City of Springfield Sch. Comm.
Sch. Comm. of the City of Chicopee.
City of Holyoke Sch. Comm.
Twn. of W. Springfield Sch. Comm.
Westfield Sch. Comm.

Third Congressional District

Shrewsbury Sch. Committee.
Southboro Sch. Comm.
Milford Pub. Schs.

Sixth Congressional District

Nahant Sch. Committee.
Middleton Sch. Committee.
Saugus Sch. Committee.
Danvers Sch. Comm.
Lynnefield Sch. Committee.
Rowley Sch. Comm., Georgetown.
Lynn Sch. Comm.
Masconomet Reg. S.D., Boxford.
Swampscott Pub. Sch.
Salem Public Schools.

Seventh Congressional District

Town of Wakefield, S.D.
City of Revere Sch. Comm.
Marlborough Sch. Comm.

Tenth Congressional District

New Bedford Sch. Comm.
Fairhaven Sch. Comm.
Town of Dartmouth Sch. Comm.
Acushnet Pub. Sch.

Twelfth Congressional District

Falmouth Sch. Comm.
Bourne Sch. Comm.
Town of Barnstable Sch. Committee.
Town of Sandwich Sch. Committee.

MICHIGAN

Second Congressional District

Pub. S.D. of City of Ann Arbor, Washtenaw Co.

Seventh Congressional District

Sch. Dist. of the City of Flint, Genesee Co.

Eighth Congressional District

Lansing Sch. Dist., Ingham County.

MINNESOTA

First Congressional District

I.S.D. No. 196, Rosemount.
I.S.D. No. 191, Burnsville.

Third Congressional District

I.S.D. No. 14, Fridley.
I.S.D. No. 12, Circle Pines.
Anoka Hennepin I.S.D. No. 286.
I.S.D. No. 16. Minneapolis.
Brooklyn Center I.S.D. No. 286.
Special S.D. No. 1, Minneapolis.
I.S.D. No. 281, Robbinsdale.
I.S.D. No. 271, Bloomington.

Fourth Congressional District

I.S.D. No. 621, New Brighton.
I.S.D. No. 625, St. Paul.
North St. Paul Maplewood S.D. No. 622, N. St. Paul.
I.S.D. No. 624, White Bear Lake.
I.S.D. No. 831, Forest Lake.
I.S.D. No. 833, Cottage Grove.
I.S.D. No. 623, St. Paul.

Sixth Congressional District

I.S.D. No. 742, St. Cloud.
I.S.D. No. 912, Milaca.
Princeton I.S.D. No. 477.
I.S.D. No. 728, Elk River, Sherburne Co.

Eighth Congressional District

I.S.D. No. 137, Lindstrom.
I.S.D. No. 136, Lindstrom.
I.S.D. No. 139, Rush City.
I.S.D. No. 138, North Branch.
I.S.D. No. 578, Pine City.

MISSISSIPPI

Fifth Congressional District

Biloxi Mun. Sep. S.D.
Ocean Springs Mun. Sep. S.D.
Gulfport Mun. Sep. S.D.
Bay St. Louis Mun. Sep. S.D.
Jackson Co. Unit S.D., Pascagoula.
Harrison Co. S.D., Gulfport.
Laurel Municipal Sep. S.D., Jones Co.

MISSOURI

Fourth Congressional District

Cons. S.D. No. 2, Raytown.
Reorg. S.D. No. 7, Lees Summit.
Grain Valley S.D. No. 4.
Ft. Osage S.D.R. 1, Independence.
S.D. of the City of Independence.
Blue Springs Reorg. S.D. No. 4.
Wellington Napoleon Schs. R. 9.
S.D. of Kansas City.
Grandview Cons. S.D. No. 4.
Hickman Mills Cons. S.D. No. 1.
Reorg. S.D. No. 7, Odessa.
S.D. of Harrisonville R. 9.
Kingsville S.D.R. 1.
Center S.D. No. 58, Kansas City.
Midway Reorg. S.D. No. 1, West Line.
Belton S.D. No. 124.
Raymore Peculiar S.D.R. 2.
Warrensburg S.D.R. 6.
Cass Co. S.D. No. R. 8, Creighton.
Archie Pub. Sch. Reorg. Dist. R. V, Archie.
Miami Reorg. S.D. No. 1, Bates Co.

Sixth Congressional District

Clay, N. Kansas City S.D. No. 74.
Liberty Publ. S.D. No. 53.
Richmond S.D.R. 13.
St. Joseph S.D.
Polo Public S.D.R. 7.
Excelsior Springs S.D. No. 40.
Reorg. S.D. No. 2, Kansas City.
Norborne S.D.R. 6.
Lawson Reorg. S.D.R. XII.

Seventh Congressional District

S.D. of Springfield R. 12.
Willard S.D.R. 2.
Republic S.D.R. 3.
Fair Grove S.D. No. R 10.
Greene County S.D. R–8. Greene Co.

MONTANA

Second Congressional District

Billings E.S.D. No. 2.
Billings H.S.D.
H.S.D. No. 1A, Great Falls.
E.S.D. No. 1, Great Falls.
Vaughn S.D. No. 74.

NEBRASKA

Second Congressional District

S.D. of Omaha.
Rapillion Pub.. S.D. No. 27.
Ralston S.D.
S.D. of the City of Bellevue.

NEW HAMPSHIRE

First Congressional District

City of Portsmouth Bd. of Ed.
Oyster River Coop. S.D., Durham and Madbury.
Rollingsford S.D.
City of Dover S.D. No. 11.
Timberland Regional Sch. Dist., Atkinson.
North Hampton S.D.
S.D. of the Town of Exeter.
Nottingham Cooperative S.D.
Winnacunnet Coop. S.D., Hampton.
Concord U.S.D.
Newmarket S.D.
Epping S.D.
Raymond S.D.
Londonderry S.D.
Derry Coop. S.D. No. 1.
Manchester S.D. No. 37.
Goffstown S.D.
New Boston S.D.
Merrimack S.D.
Candia S.D.
Hooksett S.D., Suncook.
Allanstown S.D., Suncook.
Hudson S.D.

Second Congressional District

Gorham S.D.
Berlin Sch. Dist. No. 3, Coos Co.

NEW JERSEY

First Congressional District

Brielle Bd. of Ed.
Boro of Freehold Pub. Schs.

Second Congressional District

Bloomfield Mun. S.D. No. 6.

Third Congressional District

South Belmar Bd. of Ed., Monmouth Co.
Middletown Twp. Bd. of Ed.
City of Perth Amboy Bd. of Ed., Middlesex Co. (also 15th Cong. Dist.).

Fourth Congressional District

Trenton Bd. of Ed.
Hamilton Twp. Bd. of Ed.

Fifth Congressional District

Morris Hills Reg. H.S.D., Rockaway.

Sixth Congressional District

Bd. of Ed., Cinnaminson Twp.
Burlington City Bd. of Ed.
Burlington Twp. Bd. of Ed.
City of Beverley Bd. of Ed.
Riverside Twp. Bd. of Ed.
Westhampton Twp. Bd. of Ed., Mt. Holly.
Edgewater Park Twp. Bd. of Ed., Beverley.
Florence Twp. Bd. of Ed.
Burlington Co. Voc. Bd. of Ed., Mt. Holly.
Pemberton Twp. Bd. of Ed., Browns Mills.
Moorestown Twp. Bd. of Ed.

Seventh Congressional District

Hackensack Publ. Sch., Bergen Co.

Eighth Congressional District

Passaic Bd. of Ed., Passaic Co.

Tenth Congressional District

Bd. of Ed. of Newark (also 11th Cong. Dist.).

Eleventh Congressional District

Bd. of Ed. of Newark (also 10th Cong. Dist.).
Essex Co. Voc. Schs., Essex Co.

Thirteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 14th Cong. Dist.).
Bayonne S. A.

Fourteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 13th Cong. Dist.).

Fifteenth Congressional District

City of Perth Amboy Bd. of Ed., Middlesex Co. (also 3d Cong. Dist.).

NEW MEXICO

Second Congressional District

Clovis Municipal S.D. No. 1, Curry Co.

NEW YORK

First Congressional District

C.S.D. No. 5 Twn of Brookhaven, Holbrook.
U.F.S.D. No. 5 Twn of Islip, Bayport.
U.F.S.D. No. 2 Twn of Babylon, Huntington.
C.S.D. No. 5 Twn of Smithtown, Kings Park.
U.F.S.D. No. 1 Twn of Huntington, Elwood.
U.F.S.D. No. 12 Twn of Islip, Brentwood.
U.F.S.D. No. 3 Twn of Islip.
Ctr. S.D. No. 7 Twn of Islip, Oakdale.
Ctr. S.D. No. 11 Twn of Brookhaven, Centereach.
U.F.S.D. No. 10 Twn of Huntington, Commack.
U.F.S.D. No. 3 Twn of Brookhaven, Port Jefferson Station.
U.F.S.D. No. 1 Twn of Babylon, Dix Hills.
U.F.S.D. No. 9 Twn of Islip.
U.F.S.D. No. 5 Babylon, Suffolk Co (also 2d Cong. Dist.).

Second Congressional District

U.F.S.D. No. 5 Babylon, Suffolk Co. (also 1st Cong. Dist.).
U.F.S.D. No. 21 Twn of Oyster Bay.
U.F.S.D. No. 2 Twn of Hempstead, Uniondale.
U.F.S.D. No. 22 Twn of Farmingdale.
U.F.S.D. No. 17 Town of Oyster Bay, Hicksvills.
Town of Hempstead, East Meadow, Nassau Co. (also 4th and 5th Cong. Dists.)
Central S.D. No. 4, Twn of Oyster Bay, Nassau Co. (also 4th and 5th Cong. Dists.).

Fourth Congressional District

Fifth Congressional District

Town of Hempstead, East Meadow, Nassau Co. (also 1st Cong. Dist.).
Central S.D. No. 4, Twn of Oyster Bay, Nassau Co. (also 1st Cong. Dist.)

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Tenth Congressional District

Eleventh Congressional District

Twelfth Congressional District

Thirteenth Congressional District

Fourteenth Congressional District

Fifteenth Congressional District

Sixteenth Congressional District

Seventeenth Congressional District

Eighteenth Congressional District

Nineteenth Congressional District

Twentieth Congressional District

Twenty-First Congressional District

Twenty-Second Congressional District

Twenty-Third Congressional District

Twenty-Fourth Congressional District

School District of the City of New York, Brooklyn.

Twenty-Fifth Congressional District

City S.D. of the City of Peekskill.
City S.D. of Yonkers, Westchester Co.

Thirty-Fourth Congressional District

Thirty-Fifth Congressional District

S.D. of the City of Syracuse.

NORTH CAROLINA

Third Congressional District

Onslow Co. Bd. of Ed., Jacksonville.

Fifth Congressional District

Forsythe Co. Schs., Winston-Salem.

Sixth Congressional District

High Point City Schs., High Point, Guilford Co.

Seventh Congressional District

Fayettville City Bd. of Ed.
Cumberland Co. Bd. of Ed., Fayetteville.
Hoke Co., Bd. of Ed., Raeford.

Eighth Congressional District

Rowan Co. Admin. Unit S.D., Salisbury.

OHIO

Fourth Congressional District

Bethel Local S.D., Miami Co.

Seventh Congressional District

Mad River Twp. Local S.D., Dayton.
Dayton City Bd. of Ed.
Vandalia Butler City Schs.
Fairborn City S.D.
Northridge Local S.D., Dayton.
New Carlisle Bethel Local S.D.
Kettering City S.D.
Xenia City S.D.
Washington Twp. Local Schs. Centerville.
Beavercreek Local Bd. of Ed., Xenia.
Springfield City S.D.
Madison Twp. Local S.D., Trotwood.
Jefferson Twp. Local S.D., Dayton.
W. Carrollton City S.D.
Northeastern Local S.D., Springfield.
Urbana City Sch.

Eleventh Congressional District

Exempted Village S.D., Windham.

Thirteenth Congressional District

Akron City S.D.

Fourteenth Congressional District

Barberton City Schs., Summit Co.

Sixteenth Congressional District

Seventeenth Congressional District

Canton City Bd. of Ed., Stark Co.

Twenty-Fourth Congressional District

Middletown City S.D., Butler Co.

OKLAHOMA

First Congressional District

Broken Arrow I.S.D. No. 3.
Skiatook I.S.D. No. 7.
Sand Springs I.S.D. No. 2.
Sapulpa I.S.D. No. 33.
Jenks I.S.D. No. 5.
Union I.S.D. No. 9, Broken Arrow.
Owasso I.S.D. No. 11.
Tulsa I.S.D. No. 1.
Kiefer I.S.D. No. 18.
Liberty I.S.D. No. 14, Mounds.
Sperry I.S.D. No. 8.

Second Congressional District

Pryor I.S.D. No. 1.
Catoosa I.S.D. No. 2.
Claremore I.S.D. No. 1.
Coweta I.S.D. No. 17.
Inola I.S.D. No. 5.
Sequdyah I.S.D. No. 6, Claremore.
Cleveland I.S.D. No. 6.
Wagoner I.S.D. No. 19.
Omulgee I.S.D. No. 1.
Mannford I.S.D. No. 3.
Oilton I.S.D. No. 20.
Lone Star Dep. S.D. No. 8, Sapulpa.
Porter I.S.D. No. 3.

Third Congressional District

Krebs D.S.D. No. 9.
Wilburton I.S.D. No. 1.
Panola I.S.D. No. 4.
Stigler I.S.D. No. 20.

Sixth Congressional District

Elk City I.S.D. No. 6.

OREGON

Second Congressional District

Creek Co. S.D. No. 2, Creek Co.

Fourth Congressional District

Eagle Point S.D. No. 9.
Jackson Co. S.D. No. 91, Butte Falls.
Medford Sch. Dist. No. 549C.
Central Point S.D. No. 6, Jackson Co.

PENNSYLVANIA

Tenth Congressional District

Blakely Borough S.D., Peckville.
Valley View S.D., Peckville.
Mid Valley Sch. Dist., Olyphant.
Lakeland Sch. Dist., Lackawanna Co.
Old Forge Sch. Dist.
North Pocono S.D., Moscow.
S.D. of the City of Scranton.
Riverside S.D., Taylor.
Dunmore Pub. S.D.

Eleventh Congressional District

Pittston Area S.D.
Wyoming Area S.D., West Pittston.
Wilkes Barre City S.D.
Dallas Sch. Dist., Luzerne Co.
Wyoming Valley S.D., Kingston.
Plains Jt. S.D., Plains Wilkes Barre.
Greater Nanticoke Area S.D.
Ashley Sugar Notch Jt. Schs., Ashley.

Twelfth Congressional District

Susquentia Area S.D., Duncannon.

Fourteenth Congressional District

Penn Hills Township, Allegheny Co. (also 20th and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Keystone Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 18th, 20th and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
S.D. of Pittsburgh (also 20th and 27th Cong. Dists.).

Sixteenth Congressional District

Palmyra Area S.D.
Annville Cleona S.D.
Cornwall Lebanon Sub. Jt. Sch. Sys.
Northern Lebanon S.D., Fredericksburg.

Eighteenth Congressional District

Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.)
Duquesne Sch. Dist., Allegheny Co., (also 14th, 20th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 20th, and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 20th, and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).

Twentieth Congressional District

Penn Hills Twp, Allegheny Co. (also 14th and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th, and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Clariton S.D. Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
McKeesport Area Sch. Dist., Allegheny Co.
S.D. of Pittsburgh (also 14th and 27th Cong. Dists.).

Twenty-First Congressional District

New Kensington-Arnold Sch., Westmoreland Co.

Twenty-Fourth Congressional District

Farrell Area Sch. Dist., Mercer Co.

Twenty-Sixth Congressional District

Peters Twp. S.D., McMurray.
Connelsville Area Sch. Dist., Fayette Co.

Twenty-Seventh Congressional District

Penn Hills Twp., Allegheny Co. (also 14th & 20th Cong. Dists).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.)
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.)
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.)
Duquesne Sch. Dist. Allegheny Co. (also 14th, 18th & 20th Cong. Dists.)
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.)
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.)
Clariton S.D., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.)
Sto-Rex Sch. Dist., Allegheny Co.
Carlynton S.D., Carnegie.
Bethel Park S.D.
Montour S.D., McKees Rocks.
West Allegheny S.D., Imperial.
Fox Chapel Area S.D., Pittsburgh.
South Park S.D., Library.
Baldwin Whitehall S.D., Pittsburgh.
Brentwood Boro S.D., Pittsburgh.
Chartiers Valley S.D., Pittsburgh.
West Jefferson Hills S.D., Pittsburgh.
S.D. of Pittsburgh (also 14th & 20th Cong. Dists.)
S.D. of the Twp. of Upper St. Clair, Bridgeville.

RHODE ISLAND

Second Congressional District

S. Kingstown Sch. Comm., Wakefield.

SOUTH DAKOTA

First Congressional District

Brookings I.S.D. No. 122.
Lennox I.S.D. No. 100.
West Central I.S.D. No. 154, Hartford.

TENNESSEE

First Congressional District

Sullivan Co. Bd. of Ed., Bloutville.
Kingsport City Sch. Sys.
Sevier Co. Bd. of Ed., Sevierville.

Second Congressional District

Knox Co. Bd. of Ed., Knoxville.
Blount Co. S.D., Maryville.
Knoxville Bd. of Ed.
Maryville City Schools.
Alcoa City S.D.

Third Congressional District

City of Chattanooga Bd. of Ed.
Marion Co. Bd. of Ed., Jasper
Hamilton Co. Bd. of Ed., Chattanooga.

Fourth Congressional District

Warren County Bd. of Ed., McMinnville.
Anderson Co. Bd. of Ed., Clinton.

Fifth Congressional District

DeKalb Co.

Sixth Congressional District

Franklin Co. Bd. of Ed., Winchester.

TEXAS

First Congressional District

Daingerfield I.S.D.
Cason I.S.D.

Third Congressional District

Grand Prairie I.S.D.
Irving I.S.D.
Duncanville I.S.D.
Lancaster I.S.D.
Cedar Hills I.S.D.
De Soto I.S.D.
Dallas I.S.D.

Fourth Congressional District

Howe I.S.D.
Terrell I.S.D.

Sixth Congressional District

Red Oak I.S.D.
Midlothian I.S.D.

Tenth Congressional District

San Marcos I.S.D.
Lockhart I.S.D.
Blanco I.S.D.
Hays Cons. I.S.D., Kyle

Eleventh Congressional District

Conally Cons. I.S.D., Waco.
La Vega I.S.D., Bellmead Branch, Waco
Waco I.S.D.
Midway I.S.D., Waco
Robinson I.S.D., Waco.
Crawford I.S.D. No. 901.
China Spring I.S.D.
Mart I.S.D. No. 101 908.
Lorena I.S.D.
Bosqueville I.S.D., McLenna County.
Rosebud Lott I.S.D., Rosebud, Falls County.

Twelfth Congressional District

Birdville I.S.D., Ft. Worth.
White Settlement I.S.D., Fort Worth.
Hurst Euless Bedford I.S.D.
Arlington I.S.D.

Thirteenth Congressional District

Lewisville I.S.D.
Lake Dallas I.S.D.
Bridgeport I.S.D.
Denton I.S.D.

Seventeenth Congressional District

Coahoma I.S.D.
Forsan Co. Line I.S.D.

Twentieth Congressional District

Harlandale I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 21st & 23d Con. Dists.).
Edgewood I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Somerset I.S.D. (also 21st & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 21st & 23d Cong. Dists.).

Twenty-first Congressional District

Harlandale I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 23d Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 20th & 23d Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
San Antonio I.S.D., (also 20th & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Somerset I.S.D. (also 20th & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 20th & 23d Cong. Dists.).
Boerne Co. Line I.S.D.
Comal Co. I.S.D., New Braunfels.

Twenty-third Congressional District

Harlandale I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 20th & 21st Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Somerset I.S.D. (also 20th & 21st Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 20th & 21st Cong. Dists.).
Devine I.S.D.
Schertz Cibolo I.S.D.
Floresville I.S.D.
Potect I.S.D.
Marion I.S.D.
Laredo I.S.D.
United Cons. I.S.D., Laredo.

VIRGINIA

Second Congressional District

Fredericksburg City Schs.
City of Alexandria Sch. Bd.
City of Fairfax Sch. Bd.

Portsmouth City Sch. Bd.
Sch. Bd. of the City of Norfolk.
Sch. Bd. of the City of Virginia Beach.
Sch. Bd. of the City of Chesapeake.

Third Congressional District

Co. Sch. Bd. of Chesterfield Co.

Fourth Congressional District

Co. Sch. Bd. of Prince George Co., Prince George.
Sch. Bd. of Nansemond Co., Suffolk.
Sch. Bd. of Isle of Wight Co., Isle of Wight.
Co. Sch. Bd. of Prince William Co., Manassas.

Sixth Congressional District

Co. of Roanoke Sch. Bd., Salem.
Roanoke City Pub. Schs.

Tenth Congressional District

Co. Sch. Bd. of Arlington Co.
Co. Sch. Bd. of Fairfax Co., Fairfax.

WASHINGTON

Second Congressional District

Edmonds S.D. No. 15, Lynnwood.

Third Congressional District

Newport Cons. Jt. S.D. Nos. 56, 417.
Peninsula S.D. No. 401, Gig Harbor.
Vancouver S.D. No. 37.

Fourth Congressional District

Walla Walla S.D. No. 140.
Dayton S.D. No. 2.
Yakima S.D. No. 7.
Clarkson S.D.
Union Gap S.D. No. 2.
Moxee S.D. No. 90, Yakima.
Naches Valley S.D. Jt. No. 3.
Zillah S.D. No. 205.
Selah SD. No. 119.

Fifth Congressional District

Mead S.D. No. 354.
Spokane S.D. No. 81.
Cheney Jt. Cons. S.D. No. 360, 316.

Sixth Congressional District

N. Kitsap S.D. No. 400, Poulsbo.
Clover Pk. S.D. No. 400, Lakewood Center.
Franklin Pierce S.D. No. 402, Tacoma.
Eatonville S.D. No. 404.
Bremerton Cons. S.D. 1000.
Uni. Place S.D. No. 83, Tacoma
Steilacoom S.D. No. 1.
Bethel S.D. No. 403, Spanaway.
Tacoma S.D. No. 10.
Sumner S.D. No. 320.
Puyallup S.D. No. 3.
Fife S.D. No. 417, Tacoma.

Seventh Congressional District

Kent S.D. No. 415.
Highline S.D. No. 401, Seattle.
Seattle S.D. No. 1.
Northshore S.D. No. 417, Bothell.
Bellevue S.D. No. 405.
Fed. Way S.D. No. 210.

WEST VIRGINIA

Second Congressional District

Jefferson Co. Bd. of Ed., Charles Town.
Tucker Co. Bd. of Ed., Parsons.

Fourth Congressional District

Cabell Co. Bd. of Ed., Huntington.
Wayne Co. Bd. of Ed., Wayne Co.

WISCONSIN

Second Congressional District

Jt. S.D. No. 8, City of Madison.
Jt. S.D. No. 2, Sun Prairie.
McFarland C.S.D., Jt. No. 8.
Jt. S.D. No. 10, Village of Arlington, Poynette.

Third Congressional District

Jt. S.D. No. City of Prescott.
Jt. S.D. No. 9, City of Elroy.

Eighth Congressional District

Jt. S.D. No. 1, City of Green Bay.
Jt. S.D. No. 2, West De Pere.

Tenth Congressional District

Jt. S.D. No. 1, City of Hudson-Troy, St. Croix Co.

RESULTS OF LEGISLATIVE OPINION POLL OF RESIDENTS OF SIXTH CONGRESSIONAL DISTRICT OF LOUISIANA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. RARICK. Mr. Speaker, as of November 1, 10,554 constituents had replied to my 1971 legislative opinion poll. This response is a healthy indication that citizens of the Sixth District of Louisiana are interested in good Government.

I was especially pleased to note the responses of many young people who expressed a concern in Government. In general, the views of young adults reflected those of their parents.

Inflation, crime and drugs, and corruption in government, in the order given, were considered the three major problems facing the Nation today. The school crisis rated as the number one problem last year was fourth in importance this year.

Elimination of unnecessary Government spending was given as the most desirable way to curb inflation. The number one choice for revenue sharing was to reduce or repeal the Federal income tax laws so as to leave more money at the State and local levels. A "hands off" policy was the first choice regarding the policy our Nation should pursue in the Mideast. Having both Chinas in the U.N. was favored by 59 percent. Sixty-eight-percent indicated that the Federal Government should allow parents to be responsible for the control of their children.

Mr. Speaker, for the benefit of our colleagues I insert at this point in the RECORD the questions asked in the poll and the tabulated results. I am also sending a copy of the results to the President. The answers are on a percentage basis.

The results of the poll follows:

1. What do you consider to be the three most important issues facing us today?

	Percent
Inflation	19.9
Crime and drugs	14.7
Corruption in Government	14.6
School crisis	11.0
Pollution	9.9
Vietnam war	8.8
Communism	7.3
Unemployment	6.2
Distorted news	3.3
Health care	1.8
Poverty	1.3
Mideast	.8
Other	.4

2. How should inflation be curbed?

	Percent
Stop unnecessary Government spending	57.3
Wage and price controls	32.4
Other	5.2
Lower taxes	4.7
Raise taxes	.4

3. Which form of revenue sharing do you prefer?

	Percent
Reduce or repeal income tax to leave money in local community	50.6
Allow personal deductions for all State and local taxes	23.1
Return part of Federal taxes to State and local governments	21.7
Other	4.6

4. What should our Nation's policy be regarding Midwest dispute?

	Percent
Hands off	61.2
Send arms and planes to Israel	27.2
Other	8.1
Send U.S. troops as police force	3.4
Send arms and planes to Arabs	.1

5. What should our Nation's policy be regarding the U.N. and Red China?

	Percent
Admit both Chinas	59.3
Exclude Red China	31.1
Other	7.3
Exclude Nationalist China	2.3

6. Which role should U.S. Government play in control of children?

	Percent
Let parents be responsible	67.8
Provide legal protection to child against abuse by parents and teachers	11.7
Provide day care centers	8.7
Provide Headstart programs	6.3
Family supervision by Government	5.5

7. Do you favor return of U.S. troops from Europe?

	Percent
Yes	56.2
No	35.6
Undecided	8.2

8. Do you favor U.S. recognition of Red China?

	Percent
Yes	48.6
No	39.0
Undecided	12.4

9. Do you favor U.S. trade with Communist China?

	Percent
Yes	36.0
No	52.3
Undecided	11.7

URSULINE COLLEGE'S 100TH ANNIVERSARY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. VANIK. Mr. Speaker, today, November 17, 1971, Ursuline College in Pepper Pike, Ohio, is celebrating its 100th year of outstanding achievement in the education of young women. Founded in November 1871, by the Ursuline Nuns of Cleveland, Ursuline College is the oldest chartered women's college in the State of Ohio, and one of the oldest chartered liberal arts colleges for women in the Nation. It was founded by Mother Mary of the Annunciation Beaumont, a woman of foresight and courage, who felt that women deserved a more complete education than the "seminary" teaching for elementary school teachers offered to the women of her time. From its founding, Ursuline College has always been open to women of all races and creeds.

As many women's colleges are making plans to become coeducational, Ursuline College, after careful review of its contributions and abilities in the field of education, has elected to remain a women's college. Sister M. Kenan, president of the college, explains the reasons for this decision:

> At a time when the image and role of women is undergoing great change, we feel that a women's college has much to offer in helping to effect this change in the most positive way. To do something and to be somebody is the best method of women's liberation. At a women's college, a young woman has the unique opportunity to discover how to be somebody and do something well for herself, her family, and her community.

Ursuline College, located in my congressional district, offers a Bachelor of Arts degree in 13 areas of concentration in the arts and sciences. Geared through its liberal arts curriculum to innovation and change both in course content and teaching methods, the college strives for a close cooperation between student and instructor in planning and administering the student's individual program. A low-faculty-student ratio—1 to 11—enables each student to be known as an individual, and classes are kept small to allow for close, personal contact between student and teacher. The faculty is composed of Ursuline nuns and laymen and laywomen of all faiths.

Ursuline students as a whole are highly motivated toward participating in their own education. Over half of the students are the first persons in their own family to receive a college education. Sixty-two percent receive some form of financial aid which many supplement by working part-time in surrounding communities. While the majority of the students are from Ohio, the college increasingly attracts students from out-of-State and foreign countries. A recent survey of graduates indicates a strong-service orientation in their career choices: 23 percent go on to graduate school; 53 percent become teachers; 87 percent of these in public schools; 30 percent enter social work, and the remainder work in the sciences.

One of the significant aims of the college is to educate women to use their skills and talents in the service of their fellowmen. To this end, students are encouraged to contribute 40 hours a semester to volunteer community service in a wide range of activities including tutoring inner city high school students—a program funded by the Lubrizol Corp.—working in hospitals, county welfare programs, and municipal and juvenile courts. The college supports a program of internships in many of its major disciplines in order that students will have genuine work experience in the field they wish to enter.

Because of its outstanding contribution to education for women, it is indeed a pleasure to congratulate Ursuline College on its 100 years of achievement.

GRAIN SALES TO RUSSIA

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SMITH of Iowa. Mr. Speaker, the administration recently announced a sale of some grain to Russia. Some of the facts involved in this sale were not made known at that time. I think my colleagues would be interested in knowing more about this sale so that they can form their own conclusion as to its meaning and long-term ramifications. My purpose is not to either endorse or criticize what was done but rather to bring out more of the facts and to alert my colleagues of some of the additional facts involved.

I have prepared a memorandum based upon additional information which I secured and I am also including an article by an alert investigating reporter, George Anthan, from the Des Moines Register.

They are as follows:

GRAIN SALES TO RUSSIA

(By Neal Smith)

CCC sold 27.5 million bushels of barley to one exporter and 11.5 million bushels to another exporter. They sold 20.65 million bushels of oats to one exporter and 3.51 million bushels to another. Sale price for some of the barley was 91 cents Duluth, for the rest, it was 88 cents Duluth and 83 cents Minneapolis. Eighty-three cents Minneapolis is the equivalent of 90 cents Duluth. Sale price on the oats was mostly from 40 to 42 cents at the interior points. However, some will come from Norfolk at a higher price. The corn to Russia sold at $1.20 f.o.b. gulf ports. That is approximately equivalent to 90 cents at Iowa points. Cash market for unrestricted use at Duluth for barley is $1.20 but Canada is willing to sell it below our cash market price and subsidized. Therefore, the sale of barley could not be made at the cash market price. The Department claims they do not know what Continental and Cargil will receive for the barley and oats which CCC is selling to them at less than cash value for unrestricted use.

They were required to take one ton of corn for each ton of barley and also to take the oats as a part of the deal. They wanted a lot of barley at that price but did not really want oats. CCC was anxious to move the oats because they have been in inventory and they are not selling.

Last year's total utilization of barley was 500 million bushels but that included a big shipment to Romania as a result of the floods and was a one-shot deal. Exports last year jumped from 17 million bushels in the previous year up to 77 million bushels. Without an abnormal sale like the one to Russia, exports would be expected to drop back to around 17 to 20 million bushels. Total supply on hand for this marketing year of barley is 636 million bushels of which 470 million bushels represent production and the rest is carryover. Total use of oats last year was 890 million bushels and total supply is 1.4 billion bushels including a 1971 production of 885 million bushels. Carryover is about 50 percent of one year's production. The carryover of barley consists of 90 million bushels in government hands and 66 million bushels in free stocks.

The grain companies which made the sale to Russia did not want to make the sale unless they could acquire the barley at a low price from one seller. The reasons given by the Department for their sales seem to support the idea that government-held reserves can help promote exports yet they have opposed my reserve bill. One purpose of the reserve bill is to give them an opportunity to promote exports by accumulating supplies at terminal positions and selling them in large blocks as long as they replace that grain with the same number of bushels from interior points within the marketing year.

The Department in 1971 has calculated the nutrient value of barley at 75 percent of the value of corn bushel for bushel. For 1972 they are calculating it at 80 percent.

It has been said that this may be the first step in expanding commodity shipments to Russia. If they will only buy at prices far below the cost of production, the question that arises is, do we want to permanently subsidize their livestock industry? Why should anyone think that they will buy our corn at its true cash value when what they really want is barley and they won't buy it from us with a corn mixture unless we sell at 75 percent of its cash value in the United States and about 60 percent of its cost of production. Canada produces a lot of barley and would presumably continue to have a supply available at below our cost of production. If we are starting a long range program of selling grain to Russia at less than the cost of production in competition with Canada, these questions must be answered:

(1) Is it in our interest in the long run to subsidize the expansion of the Russian livestock and poultry industry?

(2) Can we compete successfully in a price war where our product (corn and barley mixed) is not as preferable to the customers as straight barley which is available from Canada?

Whether one believes we should or should not develop a long-term subsidized market to Russia, everyone is entitled to know that the sale of grain to Russia was made at prices less than the cost of production and less than current depressed prices in the United States. Everyone is also entitled to know that a heavily subsidized market is probably all that is available in the foreseeable future in sales to Russia rather than a cash market at a price which will earn American farmers at least a return of their cost of production. This situation is not likely to change until or unless there is no other country which is willing to make subsidized sales to Russia.

The information released by the Department last week was incomplete and upon examining the additional information it is obvious that no facts have been presented which justify a conclusion that a profitable cash market in Russia is available as long as other countries with barley supplies are willing to sell at depressed prices.

U.S. CUTS GRAIN PRICE FOR REDS

CRITICS SEE SUBSIDY TO SOVIET FARMS

(By George Anthan)

WASHINGTON, D.C.—Officials of the U.S. Department of Agriculture (USDA) confirmed Tuesday they have approved sale of government-owned grain to the Soviet Union at below U.S. market prices.

The U.S. government is even selling some of the grain at a financial loss.

Critics charged that such a sale means U.S. taxpayers are subsidizing the Russian livestock industry. (The American grain will be used by the Soviets as livestock feed.)

USDA officials said Tuesday that the cut-rate prices were necessary in order to obtain the $140-million sale of corn, barley and oats to the Soviets. They said that if the U.S. government had not sold the grain at the cheap rates, other countries, possibly Canada, would have.

The sale, announced recently by the Nixon administration, includes 80 million bushels of corn, 30 million bushels of barley and 24 million bushels of oats.

TWO FIRMS BENEFIT

The grain actually is being sold to the Soviet by two large U.S. grain companies—Continental Grain Co. of New York City and Cargill, Inc. of Minneapolis, Minn.

USDA officials said Tuesday that corn to be shipped to the Soviet Union has been or is being purchased by the two firms on the open market in the U.S. at going prices.

But, according to the USDA, the barley

and oats are being sold to Cargill and Continental by the federal government from stocks of the Commodity Credit Corp., a USDA agency. These barley and oats, they said, will be resold by Continental and Cargill to the Soviet Union.

The USDA said it is selling 24 million bushels of oats at prices ranging from 40 cents a bushel to 43 cents a bushel.

The USDA said recent market prices for oats in the U.S. have ranged from 65 cents a bushel at Minneapolis to 77 cents a bushel at Kansas City. The officials acknowledged that grain bought on the open U.S. market at these points would cost even more delivered to coastal ports.

The oats to be supplied by the USDA to Cargill and Continental will be delivered to several ports, including Duluth, Minn., Baltimore, Md., and Norfolk, Va., the USDA said.

The federal government also is selling 39 million bushels of barley at prices ranging from 83 cents to 91 cents a bushel.

Barley currently is selling at Minneapolis for $1.30 a bushel, according to the USDA.

LOAN IS CRITICAL

Representative Neal Smith (Dem, La.) said Tuesday that "the Russians are getting a huge bargain. They're getting our grain at below the cost they could grow it themselves, even if they had our climate. In effect, American taxpayers are subsidizing their livestock industry."

A spokesman for the Farmers Grain Dealers Association of Iowa said the organization has an investory of oats that it paid 64 cents a bushel to acquire. "I sure wish we could buy it for 40 cents or 47 cents a bushel," he said.

Officials of neither Continental nor Cargill would comment Tuesday on how much the Soviets are paying the two companies for the U.S. grain.

Harold Vogel, a Continental official in New York City, said "I can't give you any information regarding what prices we are selling grain at to the Russians."

A spokesman for Cargill in Minneapolis said, "We don't feel this information would contribute to progress between a buyer and a seller. It would be outside our willingness to publicly discuss these things."

USDA officials contended that they have not been told the prices being charged the Soviets by Continental and Cargill.

Glenn A. Weir, director of the grain division of the USDA's Agricultural Stabilization and Conservation Service, was asked why the U.S. is selling the grain to Continental and Cargill. He replied: "Because we can sell at below the market."

Weir said the barley and oats are being sold to Continental and Cargill at a cheaper rate so the Russians can buy the commodities at world prices, which he said are below the U.S. price.

USDA officials estimated the federal government has from 85 cents to $1 invested in each bushel of barley it is selling at from 85 cents to 91 cents.

Also, they estimated the government has invested up to 70 cents a bushel for the oats it is selling for up to 30 cents a bushel less.

The government officials acknowledged that American farmers and private grain elevators currently have surpluses of both barley and oats.

Privately held oats surpluses, they estimated, total some 320 million bushels. The USDA holds 197 million bushels of oats.

They estimated privately held barley surpluses at 170 million bushels, plus 35 million in government stocks.

Under federal regulations, the USDA is not allowed to sell government-owned grain at less than 115 per cent of the current U.S. price.

But USDA officials said this prohibition does not supply if the grain is destined for overseas delivery. "It's legal for us to sell at below market price," one official said.

The USDA emphasized that the barley and oats it is selling to Continental and Cargill also were offered for sale to other U.S. buyers for possible overseas delivery.

Iowa's Smith said, "Legally, the USDA can sell it this cheap. But a farmer in Iowa couldn't buy it this cheap."

He added: "When we talk about grain sales to the Russians, everybody should know just what's going on. Even though the net effect is that we move some of our surpluses, we're selling for far less than it costs us to produce it.

"Is there really any hope of developing a permanent market with the Soviet Union on this basis? I doubt if we want to permanently subsidize their livestock industry."

Weir and other USDA officials said one major reason the federal government decided to supply Continental and Cargill with the government-owned grain was that the companies preferred to pick up the commodities of central warehouses, rather than have to buy it from scattered private stocks.

USDA warehouses are located in the Duluth and Minneapolis areas where, according to a USDA official, "they're pretty handy for the companies to load it on Great Lakes ships."

GLOBAL POLLUTION—U.N. AS POLICEMAN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BRADEMAS. Mr. Speaker, the respected ecologist Dr. Barry Commoner tells us that the first law of ecology is "everything is connected to everything else." Recently, our distinguished colleague Senator Edmund Muskie, phrased Dr. Commoner's general dictum in terms that should have particular significance for us as lawmakers.

Said Senator Muskie:

> The simple truth is that—we are far from one world politically. But, by necessity if not by choice, we are one world environmentally. States have sovereign rights—but so do people. We cannot rely on the political habits of the past to save our environment for the future.

Mr. Speaker, environmental pollution respects no national boundaries. Oil slicks care not on whose shores they wash. Foul air drifts across the English Channel and the Great Lakes, scoffing at border patrols and national frontiers.

Recognizing that there is something seriously wrong with where this earth is going, the United Nations has scheduled a Conference on the Human Environment to meet in June of next year in Stockholm. Whether we as Members of Congress represent rural or urban constituencies live on one coast of this Nation or the other, the activities of this conference should rightly command the attention of us all.

I therefore commend to your reading an article by a longtime friend of mine, Richard N. Gardner, Henry L. Moses professor of law and international organization at Columbia University. The article, which appeared in the Saturday Review of August 7, 1971, is a perceptive review of the six major subjects to be dealt with at Stockholm. Since these subjects are also the concern of almost daily debate in this Chamber, and will be for many years to come, I am sure Members will find the article both topical and instructive.

Professor Gardner's article follows:

[From the Saturday Review, Aug. 7, 1971]

GLOBAL POLLUTION—III: U.N. AS POLICEMAN

(By Richard N. Gardner*)

One of the boldest adventures in international cooperation ever attempted—the United Nations Conference on the Human Environment—will reach a climax at Stockholm, Sweden, during the two weeks from June 5 to 16, 1972. Representatives of 130 countries and several dozen international organizations will come together then to deal with six enormous subjects:

Planning and management of the environmental quality of human settlements everywhere.

Environmental aspects of natural resource management (defined broadly to include animal, botanical, and mineral resources).

Identification and control of environmental pollutants and nuisances of broad significance.

Educational, informational, social, and cultural aspects of environmental issues.

Economic development and the environment (including environmental policies as a component of comprehensive planning in developing countries).

International organizational implications of proposals for action.

Since the conference is limited to two weeks, and since Stockholm has only three conference halls large enough to hold all the proposed participants, there is only one week available to cover each of these items. How can it be done? One U.N. official answers: "The Stockholm conference is like a marriage ceremony. Most things are being arranged beforehand, and as little as possible will be left to chance on the day."

The simile is apt enough. It is difficult to remember any other U.N. meeting so thoroughly prepared in advance as this one. Under the overall direction of a twenty-seven-nation preparatory committee, intergovernmental working groups are drafting concrete proposals on marine pollution, soil conservation, environmental monitoring, a World Heritage Foundation, and the text of a Declaration on the Human Environment. Concurrently with these activities, governments are submitting reports describing their experience in environmental management and suggesting ideas for international action. And the interested specialized agencies of the U.N. are preparing a consolidated statement of their current work and future plans.

CONCEPTUAL FRAMEWORK

A conceptual framework for the Stockholm deliberations is expected to be ready for publication in the spring of 1972. It will be issued as a report on the state of the global environment. Considering that Maurice Strong, Secretary General of the Stockholm conference, only left his former post as head of Canada's International Development Agency to assume his new duties at the beginning of this year, he and his small staff in Geneva will perform a miracle if the conferees are able to take more than a fraction of the decisions necessary to preserve the global environment. A senior international official recently put the situation this way:

"The Stockholm conference comes both too late and too early. Too late if its purpose is to arouse public opinion; this has already happened, at least in the developed countries. Too early if it is to take decisive action; most governments aren't ready, and besides in many areas we simply don't have the knowledge necessary."

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*Richard N. Gardner is Henry L. Moses Professor of Law and International Organization at Columbia University and serves as the U.N. representative of the International Union for the Conservation of Nature and Natural Resources.

Inevitably, then, the most important agenda item at Stockholm will be the last one listed above—international organizational implications of proposals for action. For if final answers to the world's environmental problems cannot be looked for next June, there must be established at least an institutional framework in which those answers can be effectively sought in future years.

Curiously, nobody gave much thought to the organizational question until recently. To help move things forward, a kind of "Mini-Stockholm" was organized at the end of May by two private organizations—the Institute on Man and Science and the Aspen Institute of Humanistic Studies—at the former's idyllic headquarters in Rensselaerville, New York. Under the chairmanship of Philip C. Jessup, former U.S. judge on the International Court of Justice, forty key decision-makers from governments, international agencies, and the scientific community spent three days probing the central question: "How can the international community be organized most effectively for environmental action?"

PRELIMINARY CONSENSUS

While the meeting was not intended to and did not reach formal agreement on an institutional design, it yielded a surprising consensus on some issues and usefully clarified the choices facing the Stockholm conference on other matters. The areas of consensus may be summarized as follows:

The new institutions for environmental action should be within the framework of the United Nations. Environmental problems are global as well as regional and local; they need to be dealt with by global as well as regional and local institutions. An organization limited to developed countries or to NATO countries could not deal effectively with environmental problems on the territory of non-members or with the ocean environment, which is the common concern of all. Despite much talk to the contrary, most developing countries face serious environmental problems and want help in solving them. As Strong told the Rensselaerville meetings:

> In my recent travels in the developing countries, I have found that while the word "environment" has not yet acquired the magic it has in the more industrialized countries, the issues it embraces are of real and growing concern to them: polluted water supplies, degradation of agricultural lands, depletion of wildlife and fisheries, and, perhaps most urgent, the problem of cities which are growing at rates unprecedented in human history. Some of these cities face the prospect of water contamination and health hazards which will make them unfit for human habitation within the next decade or so. Indeed, the "eco-catastrophes" of which we hear so much are much more likely to occur in the developing world than in the wealthier countries which have the resources to deal with these problems.

One thing not to do is to establish a new U.N. specialized agency. Environment covers a broad range of subjects already being dealt with within the functional responsibilities of existing U.N. agencies—atmospheric pollution in the World Meteorological Organization, environmental health in the World Health Organization, conservation of soil, forest, and animal resources in the Food and Agriculture Organization, etc. Environmental matters also are being dealt with in the U.N.'s Regional Economic Commissions. A Specialized Agency for the Environment would result in duplication of activities and would compound already serious coordination problems.

NEW INSTITUTIONS

The principal need is for new institutions at the center of the U.N. system to serve as the "brain" of the international environmental network. The central institutions should undertake a global review of environmental trends, policies, and actions; should determine important issues to be brought to the attention of governments; should suggest priorities for further action in respect of those issues; and should identify gaps in the knowledge and in the performance of organizations carrying out measures of environmental control. The central institutions should draw upon rather than duplicate ongoing work in existing functional and regional agencies and should be flexible and capable of adaption as understanding of environmental problems grows.

One element in the central mechanism should be a small, highly competent secretariat operating on the interface between the scientific community and the political process. It should be headed by an Undersecretary General or a Commissioner for the Environment, and should enjoy sufficient independence within the U.N. system to operate effectively.

Another element in the central mechanism should be some kind of intergovernmental body to which the secretariat would be responsible. There could be an environmental board established by the General Assembly, or an environmental committee under the Economic and Social Council (ECOSOC), or perhaps even periodic ECOSOC meetings at the ministerial level devoted to the environment.

Some participants in the Rensselaerville meeting urged that environment be kept in the ECOSOC framework so that one institution could face the interrelated issues of development and environment; these people warned that separate bodies on environment and development could result in two sets of conflicting resolutions each reflecting a limited and inadequate perspective. Others urged that environment needed greater visibility and status than could be achieved in ECOSOC, which in their view has an unsatisfactory record.

Although the issue was not resolved, there was agreement that whatever intergovernmental body is created should be composed not just of career diplomats acting upon instructions but of highly qualified government officials responsible for environmental affairs. Moreover, the work of the intergovernmental committee should be reviewed regularly by one of the main committees of the U.N. General Assembly and perhaps also by a periodic "Stockholm conference."

The central secretariat and intergovernmental body should be assisted by some kind of scientific group to provide independent and expert judgment free from government influence. One possibility is an International Center for the Environment (ICE), a proposal that has gained support in the International Council of Scientific Unions. ICE could conduct research on environmental problems and assist specialized agencies such as WMO and WHO in the designing of environmental monitoring networks and in the evaluation of information received. A more modest possibility would be a scientific advisory group attached to the intergovernmental committee and composed of persons serving in their individual capacities, perhaps with subgroups on specific environmental problems.

Whichever possibility is chosen, representatives of some of the specialized agencies at Rensselaerville said, the agencies should design their own monitoring networks and evaluate the data derived from them. The agencies are clearly reluctant to have any central scientific group performing functions that they regard as within their traditional fields of competence.

It was further agreed that the new international environmental institutions should encourage existing agencies to get on with other fundamental tasks. One is the training of personnel needed for environmental management. Another is formulation of environmental education programs for schools and for the general public. A third is establishment of environmental criteria to be applied by national and international development agencies. A fourth is the devising of means to avoid undesirable trade barriers resulting from different national approaches to pollution control.

That was the extent of the consensus at Rensselaerville. But some crystallization of opinion occurred on several other key questions.

Should there be some kind of environment fund—and (if so, what should be the arrangements for its administration? An environmental fund, it was urged, would help coordinate the activities of individual agencies. It would provide developing countries with extra financing over and above existing aid funds to help them take environmental protection measures they otherwise could not afford; it would also assure developed countries that funds they contributed for environmental purposes would be used for top-priority environmental projects. But several governments represented at Rensselaerville were not yet ready to commit themselves to such a fund. Moreover, there was no consensus as to whether a fund should be managed by the U.N. Development Program or by a new body. Nor was there agreement on the kind of governance of the fund that would satisfy both developed and developing countries.

HOW SETTLE DISPUTES?

What kind of institutions should be established for the settlement of environmental disputes? More specifically, what degree of international control should be established over the actions of a nation within its territory that might affect the environment of others? Some examples given in Rensselaerville were U.S. uses of the Colorado River injurious to Mexico, possible damage by the Aswan Dam to the fisheries and beaches of the eastern Mediterranean, and the potential climatic effects of contemplated Soviet diversion of rivers presently flowing from Siberia into the Arctic Ocean.

In his address to the opening session of the May meeting held at U.N. Headquarters, U.S. Senator Edmund Muskie proposed that U.N. members should henceforth report to the United Nations on all their actions that might affect the environment of others. While conceding that nations were not yet ready to accept an international veto over national decisions on environmental matters, Muskie urged that every nation not only should make full disclosure of its environmental actions but should consult in good faith with other nations and international agencies when they advanced comments or objections. In cases of disagreement, he said, an impartial group should report on the facts and make appropriate recommendations.

The sessions at Rensselaerville produced a number of different reactions to the issues raised by Senator Muskie. Judge Jessup urged that the International Court of Justice be used for the settlement of environmental disputes. The Court could sit in special chambers for this purpose and make use of scientific "assessors," or fact-finders, where necessary. Other Rensselaerville participants felt a need for more flexible machinery than the Court could provide. In their view, it would be better to bring environmental disputes to the proposed intergovernmental committee on the environment and its scientific advisory group. Dr. Gerardo Budowski, director general of the International Union for the Conservation of Nature and Natural Resources, suggested that his organization could usefully serve as an "expert witness" in international disputes because of its non-governmental character. In his view, moreover, the international community sooner or later would have to face the need for some kind of "policing" to prevent actions causing irreversible damage to the environment.

The Rensselaerville discussions revealed that this thorny issue might be difficult to resolve at Stockholm.

A number of diplomats and government officials expressed doubt that governments would be ready to accept international review of national actions. Dr. Konstantin Ananichev, director of the International Organizations Department of the U.S.S.R. State Committee for Science and Technology, emphasized that any new environmental machinery should be of an "international and not of a supranational character" and should operate "only through cooperative actions of sovereign states." However, he also stressed the need for "joint research on agreed international programs" and did not exclude the possibility that such joint research could be organized on a case-by-case basis with the consent of all the parties involved to evaluate the international consequences of national actions.

POLLUTION AT SEA

What international machinery should be established to deal with pollution of the seas? The participants at Rensselaerville agreed that this was a matter of urgent importance, since the marine environment, accounting for 70 per cent of the Earth's surface, is presently subject to almost no effective measures of protection.

The Intergovernmental Working Group on marine pollution is considering an international agreement regulating ocean dumping (the transportation from national territory to the oceans of waste materials that could harm the marine environment). Even if this were approved at Stockholm and ratified by governments, it would still leave untouched the main sources of marine pollution—the pollutants coming to the oceans directly from land, from rivers, and from the atmosphere.

Should some international machinery be established to monitor and eventually regulate all these additional sources of marine pollution? Should it be global in character, or should we begin with separate regional efforts to clean up the Mediterranean, the Baltic, and the North Sea? Should pollution from vessels in maritime commerce continue to be dealt with by a separate agency—the Intergovernmental Maritime Consultative Organization—or should one agency deal with marine pollution from all sources? What should be the relation between agencies concerned with marine pollution and the proposed International Seabed Authority that would have responsibility for exploitation of the deep sea bed? Should there be a single agency for all the problems of the oceans, including the difficult issue of fisheries as well? It was clear at Rensselaerville that the international community was very far from a consensus on these fundamental questions.

Finally, which nations should participate in international institutions for environmental control? Senator Muskie urged that the next General Assembly make the United Nations universal in membership; if this were not possible, it should at least invite all governments to participate in the Stockholm conference. This would mean mainland China and both Germanys, to mention the most important, and others such as both Koreas and both Vietnams.

There was strong sentiment at Rensselaerville for the proposition that participation at Stockholm should be universal. But this was coupled with a good deal of uncertainty as to whether the next General Assembly would make the United Nations universal in membership and whether, if it failed to do so, governments not admitted to the U.N. itself would be willing to come to Stockholm.

The Rensselaerville meeting served to underline the complexity of these unresolved organizational questions. Nevertheless, the meeting did reveal one bit of common philosophy on environmental problems. It was best stated by Senator Muskie at the opening session:

> The simple truth is that . . . we are far from one world politically. But, by necessity if not by choice, we are one world environmentally. States have sovereign rights—but so do people. We cannot rely on the political habits of the past to save our environment for the future.

METAPSYCHIATRY AND THE ULTRACONSCIOUS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. PEPPER. Mr. Speaker, I believe my colleagues, and all those who read this RECORD, would be interested in the article written by my good friend and constituent, Dr. Stanley R. Dean, of Miami, Fla., which was published in the November 1971 issue of the American Journal of Psychiatry, on the subject of "Metapsychiatry and the Ultraconscious," and which is inserted immediately following these remarks:

METAPSYCHIATRY AND THE ULTRACONSCIOUS

Sir: The purpose of this letter is to focus psychiatrists' attention upon a host of esoteric, poorly defined psychic phenomena loosely regarded as occult, mystical, or simply, "psi." For psychiatric purposes a more congruent terminology is needed. I had previously suggested the word "ultraconscious" to designate a suprasensory, suprarational level of mention otherwise known as cosmic consciousness, transcendental illumination, *unio mystica, satori, samedhi, kairos,* etc. (1, 2).

The existence of the ultraconscious, especially in the Orient, has been recognized since antiquity. Miraculous healing powers have been attributed to it, and from it have sprung the highest creativity and genius known to man. Yet it has received surprisingly little attention from modern psychiatry.

It therefore seems appropriate to propose still another word—"metapsychiatry" (cf. metaphysics)—to delimit the psychiatric ramifications of the subject. The special province of metapsychiatry would be the cogitative and scientific investigation of such diverse "psi" categories as: mental telepathy, ESP, clairvoyance, prophecy, precognition, premonitions, intuition, *déjà vu,* sixth sense, premonitory dreams, miracles, spiritualism, trances, hallucinations, hypnosis, charisma, faith healing, personal magnetism, psychedelic states, auras, psychokinesis (PK), catalepsy, graphoanalysis, tactile sight, radiesthesis, bioluminescence, cosmobiology, etc.

I use the words "cogitative" and "scientific" advisedly for many of these phenomena are adaptive not only to apodictic reasoning but also to objective research by electronic and other technological devices.

Never has the time seemed more ripe for such research. Some countries, notably various Communist states, have instituted government supported laboratories staffed by eminent scientists. Although much of their work is classified, some astounding technological findings are described in a remarkable book by Ostrander and Schroeder (3). According to their impressively annotated data, Russia alone had 20 or more centers in 1967, with an annual budget approximating $20 million.

Having pioneered the exploration of outer cosmic space, the Russians seem determined to pioneer the penetration of inner psychic space as well. The late Leonid L. Vasiliev, first chief of the state-funded laboratory for parapsychology at the University of Leningrad, stated uncompromisingly: "The discovery of the energy underlying ESP will be equivalent to the discovery of atomic energy" (4).

It seems to me that our country will not be indifferent to such a challenge, and American psychiatry might well consider the establishment of a Task Force for Metapsychiatry in order to determine the directions to be taken. This would provide us with an opportunity to reexamine ancient beliefs that have remained tenaciously ubiquitous despite scientific indifference. To deride in a laboratory what one believes in a church is surely one of the supreme ironies of our age.

According to Aldous Huxley, mysticism is the only single effective method that has yet been found for the radical and permanent transformation of personality. A modern philosopher, Plochmann, cautioned that the "mystical is neither an asylum of ignorance nor a place where for some reason logic leaves off so that we have to keep quiet" (5). Freud himself was well known for his preoccupation with psychic phenomena. And such contemporary psychiatrists as Kelman (6) believe that ultraconscious faculties are latent in all of us and that major and minor degreees of "illumination" could be developed and used by informed psychiatrists to augment present psychotherapy. Then, if the resulting clinical data were collected, pooled, and collated with technological research, the accrued information might well provide a breakthrough to the practical utilization of this hitherto inscrutable subject. In the process of formation for this special purpose is the American Metapsychiatric Association (AMPA). Inquiries are invited.

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LESSONS FROM CANNIKIN

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. HOLIFIELD. Mr. Speaker, we have been made acutely aware that those who cry "wolf" most loudy to further a given cause also maintain the deepest silence when their pet prophecies of doom fail to materialize. In this regard there was a very perceptive article in the November 12, 1971, issue of Nature magazine entitled, "Lessons From Cannikin."

Nature is strongly oriented toward the biological sciences and the environment and has been severely critical of the Cannikin test for the past year or so. Nevertheless, "Lessons From Cannikin," from Nature, points out the environmentalists were desperately seeking from the scientists a concerted declaration warning of impending dangers when, as a matter of fact, the risks were indeed small, even negligible. The writer concludes:

It is indeed conceivable that the environmental movement has been harmed by the Cannikin affair.

For Nature to have printed such an article about Cannikin is a good indicator that they now recognize that inputs from pseudo-scientists and pseudo-environmentalists should be carefully scrutinized before being accepted for printing. This article should make good reading for some of the political "pros" in this city and elsewhere.

I, my colleagues on the joint committee, and other informed members of this body, many times took to the floor to point out that the issues on which the Atomic Energy Commission was being taken to task as being negligent in preparing for Cannikin were for the most part specious. As many of us have said many times before, if it is the will of this country, of the President and of the Senate to have a comprehensive test ban treaty for political reasons and political reasons alone, let those who would force this issue to do so directly and forthrightly, without reverting to subterfuge. I request that the above-mentioned article be placed in the RECORD.

[From Nature, Nov. 12, 1971]

NUCLEAR WEAPONS—LESSONS FROM CANNIKIN

What the US Atomic Energy Commission scientists learned from the Cannikin test on the Island of Amchitka will probably never be known, being apparently vital to national security. The lessons for all other participants in the affair are more obvious.

The drama associated with Cannikin was appropriate to a Moon shot. Environmentalists have fought during the past week a desperate court action to have papers on the environmental impact of the test released and then to use them in demonstrating that there were significant risks of earthquakes, tidal waves and radioactive leakage. On the very morning of the test, the Supreme Court sat to hear arguments on the environmental impact, and voted 4 to 3 that the test could proceed. Thereafter the AEC, clear of its last hurdle, went ahead and fired the shot which predictably triggered no earthquakes or tidal waves. It is too early to tell whether there will be any radioactive leakage, but there appears to be no concern about it.

One of the most remarkable and least noted features of this test is that in the fifties and early sixties the United States fired such shots in the atmosphere with impunity. The American public has come a long way in its attitudes since then. Unfortunately, the issues on which the AEC were challenged were in the opinion of many flimsy. It is of course an old political trick to steer clear of the central arguments and try to make the peripheral questions seem more important. The AEC did not even have, consciously, to pursue this policy; the environmental question was the only one which generated a significant amount of heat. To be sure, there is never a zero risk of environmental damage and no scientist has come out with a statement that environmental arguments are nonsense, but it appears to have been the considered opinion of practically all those who studied the problem in a detached manner that the risks were very slight.

What environmentalists would desperately have liked would have been a concerted declaration from scientists warning of dangers. No such statement was forthcoming. It is indeed conceivable that the environmental movement has been harmed by the Cannikin affair. Its members may have learned the hard way that scientists with some sympathy for the movement can be alienated by a stance that scientists could not maintain. They may have lost some credibility with those middle Americans who are unimpressed when the Doomsday does not show up to order. The first callers to radio talk shows immediately after the blast were saying, "Well, what was all the fuss about then?" They may also have learned that when dealing with politicians they are talking to pragmatic people for whom a 10 per cent, let alone 1 per cent, chance of catastrophe is acceptable. The environmentalists have to walk on a tightrope above scientists, lawyers, politicians and the general public. The Cannikin affair may have helped them to learn new tactics.

Of course, what Cannikin was really about was national security. If a good number of Senators had banded together early enough to express disbelief that this one explosion was more vital to national security than good relations with Canada and Japan, the soft centre of the Administration's argument would have been revealed. Fresh from previous insults from the new Nixon, these two countries in particular were bitter about the test and are going to be more difficult to deal with in the future as a result of it, earthquake or no. Whether the milliseconds worth of X-rays is more valuable than good relations with two allies is much the most debatable issue in the whole affair.

CONSTITUTIONALITY OF INDIVIDUAL CAMPAIGN CONTRIBUTION LIMITATIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BINGHAM. Mr. Speaker, when the House debates the campaign spending legislation, I shall offer an amendment to the Senate bill, S. 382, if it is offered as a substitute for the House Administration Committee bill, H.R. 11060, to establish reasonable limitations on individual contributions to political campaigns.

Some opponents of individual contribution limitations claim that the amendment would be unconstitutional. Since this is a very complex question of law, which deserves Members' careful attention, I would like to offer the following correspondence between my colleague FRANK THOMPSON of New Jersey, and Prof. Albert J. Rosenthal of Columbia Law School. Professor Rosenthal's letter to Mr. THOMPSON presents a number of strong arguments supporting the constitutional validity of this amendment.

The following is the text of the correspondence between Mr. THOMPSON and Professor Rosenthal:

NOVEMBER 12, 1971.

Prof. ALBERT J. ROSENTHAL,
Columbia Law School,
New York, N.Y.

DEAR PROFESSOR ROSENTHAL: I understand that you attended a recent seminar on the control of election expenditures and may have some views on the subject which would be useful to the Congress. In particular, as you may know, new legislation is scheduled for debate and, hopefully, action next week in the House of Representatives.

One provision which will be before the House is Section 202 of S. 382 which would, if enacted, repeal 18 U.S.C. sec. 608. This section presently imposes a $5,000 limitation on individual campaign contributions.

I feel strongly that the $5,000 limitation or, if it is the will of the Congress, some larger limitation should remain in force. I am concerned about the disproportionate political power and entree enjoyed by large contributors in comparison with the power available to the individual voter who makes no political contributions, or very modest ones. Accordingly, I plan next week to take whatever action I can to preserve either the $5,000 limitation imposed by 18 U.S.C. sec. 608 or some other dollar limitation on contributions.

In this connection I anticipate an argument from those who oppose individual contribution ceilings that 18 U.S.C. sec. 608 is unconstitutional. In order to counter this argument, I would greatly appreciate a statement from you of your view as to the constitutionality of this statute.

The debate will probably begin on Tuesday, November 16th. The debate is subject to a rule which will abbreviate the proceedings. I am sorry to make this request of you on such short notice, but I would greatly appreciate hearing from you as soon as possible, and, hopefully, by Tuesday, November 16.

Sincerely yours,
FRANK THOMPSON, Jr.

COLUMBIA UNIVERSITY SCHOOL OF LAW,
New York, N.Y., November 15, 1971.
Hon. FRANK THOMPSON, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN THOMPSON: This is in response to your letter of November 12, 1971, requesting my views as to the constitutionality of federal legislation, such as 18 U.S.C., § 608, limiting the amounts that may be contributed by individuals for the election campaigns of candidates for President, Senator and Representative.

First of all, there seems little doubt that regulation of the financing campaigns for federal office falls within Constitutional grants of authority to Congress. With respect to Congressional elections, Art. I, § 4, gives Congress control over "[t]he Times, Places and Manner of holding Elections for Senators and Representatives," and the Supreme Court has construed these as "comprehensive words [which] embrace authority to provide a complete code for congressional elections . . ." *Smiley* v. *Holm*, 285 U.S. 355, 366 (1932); see also *Ex parte Siebold*, 100 U.S. 371 (1880). Authority to protect Presidential elections from undue financial influence does not spring from this clause but has been stated to rest upon the inherent power of Congress "to preserve the departments and institutions of the general government from impairment or destruction, whether threatened by force or by corruption." See *Burroughs* v. *United States*, 290 U.S. 534, 545 (1934); *Ex parte Yarborough*, 110 U.S. 651, 657, 666–67 (1884). These cases would also serve as additional support, if any were needed, for legislative power to control contributions for Congressional elections. And since contributions induce the purchase of goods and services, and pay for the costs of speakers and communications that cross state lines, regulation could also be sustained independently under the grant of authority to Congress to regulate interstate commerce (Art. I, § 8, cl. 18).

Assuming, therefore, presumptive Congressional authority over the subject, the question may be raised as to whether restrictions on how much a person may contribute violate his freedom of speech or press under the First Amendment. To be sure, to limit what a person may spend on behalf of a candidate restricts to some degree his ability to communicate his views. But First Amendment rights are not absolute—as illustrated by Justice Holmes' classic example of shouting "fire" in a crowded theatre—and questions of constitutionality necessarily require a balancing of the interests sacrificed against the goals and values sought to be achieved.

Moreover, spending money is not the same as speech-making, even if the former may pay for the latter; the weight accorded the right to spend would undoubtedly count for far less in any such balancing process than would the right to speak. It should be noted that even in his dissent in *United States v. United Automobile Workers,* 352 U.S. 567 (1957), Justice Douglas (joined by Chief Justice Warren and Justice Black), while contending that a radio broadcast by a labor union on behalf of a candidate could not constitutionally be forbidden, conceded: "If Congress is of the opinion that large contributions by labor unions to candidates for office and to political parties have had an undue influence upon the conduct of elections, it can prohibit such contributions. . . ." (352 U.S. at 598, n. 2).

Assuming, however, that limits on contributions impose some restraint on freedom of speech, this must be weighed against the values sought to be achieved. One such value is the reduction of the possibility of large contributors exerting undue influence over candidates and office-holders. If this were the only interest to be served by limiting contributions, the present $5,000 limit might seem unrealistically low; in the light of the large scale of the expenses for the typical Presidential or Congressional election, it appears unlikely that a single $5,000 contribution would exert much sway. On the other hand, to the extent that large numbers of contributions of that size from individuals espousing a common point of view might cumulatively have such an effect, the present ceiling might be justifiable. *Cf. United Public Workers v. Mitchell,* 330 U.S. 75, 101 (1947). But a somewhat higher ceiling would be even less vulnerable, and should increase the weight properly to be accorded the interest in discouraging contributors' undue influence.

There is, however, an additional value to be protected by ceilings on individual contributions, which would undoubtedly be extremely significant in any balancing of constitutional interests regardless of the size of the limit. Since campaign contributions are intended to influence the way people will vote, large ones tend to exert proportionately greater influence. The Supreme Court has repeatedly held that equality of voting power was constitutionally protected, not only in the apportionment cases but also in cases overturning state laws that imposed financial burdens or property qualifications upon the right to vote. *S.g., Harper v. Virginia Board of Elections,* 383 U.S. 663 (1966); *Kramer v. Union Free School District,* 395 U.S. 621 (1969); *City of Phoenix v. Kolodziejski,* 399 U.S. 204 (1970). It is, of course, not suggested that Congress is *compelled* by the Constitution to eliminate disparities in political influence arising from the differences between rich and poor in their ability to make large campaign contributions. But the fact that the Constitution requires that each man's vote count equally must weigh heavily in favor of the conclusion that Congress is *permitted* to reduce these differences in power to influence the result, through limiting the size of contributions.

In conclusion, therefore, it is my opinion that restrictions on the size of individual campaign contributions are constitutionally valid, and would on balance greatly contribute to, rather than diminish, the constitutional rights of American citizens.

Sincerely yours,

ALBERT J. ROSENTHAL,
Professor of Law.

FRANCE CLOUDS THE FACTS IN ITS ATTEMPT TO DEFEND ITS ANTI-DRUG PROGRAMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. RANGEL. Mr. Speaker, Monday's mail brought a pamphlet entitled "French-American Cooperation on Narcotics Control," distributed by the Press and Information Service of the French Embassy in New York. The pamphlet contains many unwarranted statements which do not square with the facts of French failure to successfully crack down on heroin processing and trafficking. It is a blatant attempt to brainwash the American people into believing that the French Government is stopping the merchants who peddle death disguised as a white powder—heroin.

It is important that my colleagues in the House of Representatives take a look at this propaganda piece and recognize its clumsy effort to play hide-and-seek with the truth.

The pamphlet follows:

FRENCH-AMERICAN COOPERATION ON NARCOTICS CONTROL

(Ambassade de France, Service de Presse et d'Information)

French and American authorities have been cooperating for several years in the fight against drug trafficking. Recently, however, the increase of drug abuse in several Western countries, including France and the United States, has made it necessary to intensify this fight and strengthen international cooperation in it.

NARCOTICS CONTROL IN FRANCE

Within France, the Central Office for the Repression of Illicit Drug Trafficking coordinates the fight of the various government agencies (Police Judiciaire, Customs, etc.) against drug abuse and trafficking. It is represented in various regions of France by the Police Judiciaire to which are assigned special agents trained by the Central Office. The regional police of Paris and Marseilles are assigned greater numbers of these agents, for most of the trafficking occurs within their areas. The number of special narcotics agents has increased considerably in the past few years; it rose from 30 in 1965 to 150 in 1969, 300 in 1970 and in 1971 reached 520; in addition, 3,000 police officers received basic training in narcotics control. Given the nature of their work, customs agents also play a part in the fight against trafficking and they too have received basic training. A new law recently adopted by the French Parliament has increased penalties for trafficking offenses: offensive may be sentenced to from 10 to 20 years' imprisonment and may be fined as much as 50 million F. (approximately $9 million). These penalties may be doubled in case of repeated offense.

INTERNATIONAL COOPERATION

The fight against trafficking in France has been accompanied on the international level by an increase in the joint efforts in various countries.

On August 6, 1971 President Pompidou sent a letter to the heads of government of the other five countries of the Common Market proposing to coordinate the fight against drug abuse. After describing what he believes is the seriousness of the drug problem, President Pompidou proposed that a twice yearly meeting of the ministers concerned (health, education, interior and justice) should be held. The ministers would be aided by a permanent organization of experts in the fight against drug addiction.

At the same time President Pompidou wrote to the British Prime Minister, Edward Heath, and proposed that the two countries work together now, without waiting for Britain to enter the Common Market. Mr. Heath immediately made it known that he was in favor of this proposal. The replies from other heads of government were also very positive. The details of this plan for European cooperation were presented by French Foreign Minister Maurice Schumann in Brussels on September 20, 1971. France also cooperates very closely with the United States.

THE MEASURES TAKEN BY FRANCE AND THE UNITED STATES

Included in the measures taken by France and the United States is the assignment of three agents from the US Bureau of Narcotics to Paris and three to the Marseilles region. Two French narcotics agents were likewise assigned in New York to the US Bureau of Narcotics to provide assistance and coordination in all international trafficking affairs concerning France.

The BNDD and the French National Police have organized joint training sessions in Paris, Lyons and Marseilles which the Director of the US Bureau of Narcotics described as an "unqualified success."

A French-American International Commission to combat drug abuse meets four times a year with the participation of the Royal Canadian Mounted Police. During the meeting which took place in Washington on November 3 and 4, 1970 and which was presided over by Max Fernet, Director of the French Police Judiciaire, and John Ingersoll, Director of the US Bureau of Narcotics and Dangerous Drugs, a draft protocol between the French and the American governments was prepared concerning the joint efforts of the two countries to combat international drug trafficking. The final protocol was signed in Paris on February 26, 1971 by US Attorney General John Mitchell and by French Minister of the Interior Raymond Marcellin.

At the meeting which took place on May 25, 1971, it was decided to hold an international symposium in Washington in September, to which all European countries belonging to Interpol would be invited. This seminar was held from September 13 to 24 and brought together specialists in the fight against drug abuse from 14 countries in Western Europe.

FRENCH-AMERICAN COOPERATION: STATEMENTS BY AMERICAN OFFICIALS

On various occasions, high-ranking American officials have made a point not only of belying the supposed inadequacy of the French effort but also of expressing their satisfaction with the close collaboration between the responsible French and American agencies.

The Director of the US Bureau of Narcotics and Dangerous Drugs, John Ingersoll, in a statement made on July 24, 1970:

"There has been a traditional, fraternal relationship between the French narcotics police and their US counterparts. Upon merger of the US drug enforcement agencies into the BNDD in 1968, I undertook immediate steps to strengthen these somewhat informal contacts with all foreign police agencies in countries which affected the US drug abuse problem. Because French territory was being used illegally for clandestine heroin processing and trans-shipment, special effort was made to formalize the relations with the Surete Nationale and Police Judiciaire in France. These efforts were extremely well received by the French authorities.

"This cooperation has been manifested in the successful conclusion of several joint investigations conducted by the French police and BNDD agents, the latest of which resulted in the seizure of 344 pounds of morphine-base in the Marseilles area and at Milan with the cooperation of the Italian police. Six international traffickers with Near-Eastern backgrounds were arrested in this investigation."

The Attorney General of the United States, John Mitchell, and the French Minister of the Interior, Raymond Marcellin, in a joint communique published at the close of the latter's visit to Washington on July 31, 1970:

"The French Minister of the Interior, Mr. Raymond Marcellin, has been in Washington from the 29th to the 31st of July 1970 invited by the Attorney General of the United States. His visit took place in the framework of the cooperation between the two countries which was recently emphasized by the visit to the United States of Mr. Georges Pompidou, President of the French Republic.

"The Attorney General of the United States and the French Minister of the Interior had a wide exchange of view concerning in particular the problem of fighting the international traffic of narcotics.

"In this matter there exists the fullest cooperation between the American and the French governments.

"A Franco-American protocol concerning international narcotics control will be signed shortly. It will formalize the existing cooperation between the respective enforcement agencies of the two countries in this particular field.

"The conversations which, for the first time, were held on a ministerial level, form part of the regular consultations which since December 1969 have taken place between the competent French and American services. Three meetings of that kind have already taken place either in Paris or Washington. A new session will be held in Washington in the fall.

"Every three months there will be further meetings of this kind.

"The Attorney General of the United States and the French Minister of the Interior have expressed their satisfaction about the efficiency of the measures taken jointly in the interest of both countries."

The Ambassador of the United States to France, Arthur K. Watson, in a letter to Time magazine published September 28, 1970:

"To prevent rumor through repetition being taken as fact, I want to specifically deny that the U.S. government has any French police reports, or any other reports for that matter, indicating laxity in the enforcement of drug laws in France. Another variation of this story, which appeared in two Paris publications, suggests that we have evidence linking French political figures with the narcotic traffic. It is also without foundation.

"The truth is that we do have a widespread and increasingly successful effort to choke off the drug traffic from Europe and the government of President Pompidou is helping us in every way that it possibly can."

The former Ambassador of the United States to France, Sargent Shriver, in a televised interview on October 7, 1970:

"Let me just say that the number of people working under the French government on that problem in France is about five times as great now as it was 18 months ago.

"Secondly, the clandestine laboratories where heroin is processed in France are very difficult to discover. They used to be, most of them, in Italy and Sicily; and once we were able to work with the Italian government and get them out of there, then they went to France.

"I think the tragedy is that probably if we're successful in getting them out of France, they'll move someplace else. The reason is there's so much money in it. The profits are incredible. And until we start knocking at the people who are actually getting the maximum of the profit, we're not going to stop it simply by getting it out of France.

"I'm in favor of getting it out of France and the French government is working with us; but I'm desperately afraid that if it gets out of there it'll be someplace else simply because of the dollars involved."

The US Secretary of State, William Rogers, in the section of his report on US foreign policy 1960–1970:

"When the Administration undertook an international campaign against illicit drug traffic in 1969, one of the major initiatives was with the French, launched by an exchange of letters, in November 1969, between the President and President Pompidou. It was agreed to intensify cooperative efforts between the two countries to control the illicit production and traffic of heroin. An intergovernmental task force was established and meets quarterly, alternately in Washington and Paris. The number of French and American agents assigned to uncover and eliminate the processing and shipment of heroin was substantially increased. During a recent 12-month period, more than 300 drug traffickers were indicted in France and more than 1,700 pounds of opium and heroin were seized. As part of this continuing cooperation, the Attorney General is visiting Paris at the end of February 1971, reciprocating the visit of the French Minister of the Interior to the United States last summer. On this occasion the two ministers will sign an interagency agreement formalizing and detailing the nature of cooperative agreements between the narcotics control authorities of the two governments."

The US Assistant Secretary of State, Martin J. Hillenbrand, before the European Subcommittee, House Foreign Affairs Committee on July 2, 1971:

". . . Illegal drug operations are international in scope. Information developed in one country may lead to arrests and seizures anywhere along the path of the illegal narcotics as it is processed and shipped to the U.S. Recognizing that one cannot always pinpoint the major responsibility for a seizure or arrest, the results are so far encouraging. As a result of cooperation with French authorities and operations in France, seizures of morphine-base and heroin (one pound of morphine-base converts to one pound of heroin) have been: 1969, 992 lbs.; 1970, 1,014 lbs.; 1971 (six months) 2,864 lbs."

The U.S. Secretary of State, William Rogers, in a press conference held at the White House on September 7, 1971:

". . . France has been cooperating with us very well, and I think there is an awareness on the part of the French government that the problem is an international problem, not just a problem for the United States. There is no attempt at all to criticize France. I think France has been very cooperative."

THE U.N. AND NARCOTICS CONTROL

France supported the draft resolution, drawn up by the special session of the Commission on Narcotic Drugs which was held in Geneva in September 1970, and submitted to the United Nations Economic and Social Council. The Permanent Representative of France to the United Nations, Jacques Kosciusko-Morizet, said in particular on this subject on November 11, 1970:

"In order to achieve the goal it set itself the Commission recommends that the Council urge the Secretary General to create, as a matter of urgency and as an initial measure, a United Nations fund to combat drug addiction which would be funded by voluntary contributions.

"The French delegation is generally against the proliferation of special funds due notably to the administrative costs they involve. My delegation will, however, vote in favor of this proposal for we see in it a means for the international community to affirm its intention of waging a very intensive campaign against the abuse of dangerous drugs. But my delegation feels that the fund's resources should be utilized mainly to increase information available to national and international services as well as to dispense appropriate technical assistance to such governments as may request it. On the other hand, this fund should not be used to finance the budgetary expenditures of existing agencies.

"The best means of achieving this would be to entrust to an experienced United Nations agency such as the UNDP the management of the funds as was done for population activities. . . .

"This is the reason why my delegation will support the draft resolution which several delegations, including that of the United States, are submitting to the Economic and Social Council so as to make concrete the recommendations of the Commission on Narcotic Drugs.

"Against this international plague, this physical, intellectual and moral pollution which is threatening the young and the adults of all nations indiscriminately, it is fitting to use all possible means, national and international. On a bilateral basis with the United States, we have set up a complete cooperation. We are ready to extend it on a multilateral basis; these efforts have to be integrated into the international effort which is being conducted by the United Nations and in which we mean to participate unreservedly."

SOME RECENT ARRESTS AND SEIZURES

According to the French Ministry of the Interior, the number of traffickers arrested in France rose from 86 in 1966 to 120 in 1967, 154 in 1968 and 206 in 1969. The number of drug users arrested increased from 82 in 1966 to 155 in 1967, 207 in 1968 and 994 in 1969. Between August 1, 1969 and September 27, 1971, 946 drug traffickers were arrested, including 35 international traffickers; during the same period seizures included 628 kg (1380 lbs.) of opium, 899 kg (1977 lbs.) of morphine-base, 200 kg (440 lbs.) of heroin and 1108 kg (2437 lbs.) of cannabis. During the first six months of 1971, 11 drug traffickers were sentenced to more than 10 years imprisonment and in 1970 and 1971 more than 680 foreigners convicted of drug use were deported.

Special attention is being paid by French narcotics agents to uncovering the so-called laboratories (in fact makeshift installations) where drugs may be processed.

The collaboration of the French and American agencies has resulted in the arrest of numerous traffickers and the seizure of significant quantities of drugs. Arrests and seizures in 1971 include:

January 1: Nice, 3 foreigners, 140 kg of morphine-base (308 lbs.);

January 14: Marseilles, 2 French, 9.5 kg of heroin (20 lbs.);

February 3: Montpellier, 2 traffickers, 2.8 kg of cannabis (6 lbs.);

February 11: Marseilles, 2 foreigners, 2 French, 32 kg of opium (70 lbs.);

February 25: Marseilles, 2 French, 2 foreigners, 358 kg of morphine-base (789 lbs.);

March 3: Orly Airport, 4 foreigners, 70 kg of hashish (154 lbs.);

> March 21: Nice, 3 foreigners, 140 kg of hashish (308 lbs.);
> March 31: Marseilles, 1 foreigner, 2.5 kg of cannabis (5 lbs.);
> April 16: Marseilles, 1 French, 5 foreigners, 162 kg of morphine-base (357 lbs.);
> May 27: Orly, 12 kg of heroin (26 lbs.);
> August 16: Paris, 3 foreigners, 18 kg of pure heroin (40 lbs.);
> October 6: Paris, 4 French, 106 kg of heroin (233 lbs.).

I

In the pamphlet, France boasts of the increased number of police assigned to narcotics control. The French Government states:

> Given the nature of their work, customs agents also play a part in the fight against trafficking and they too have received basic training.

This underrating of the vital nature of customs in controlling the flow of drugs, coupled with the decreasing number of customs agents assigned to Marseilles makes me wonder about the depth of the French understanding of the dimensions of the problem. Claude Gravagna, spokesman for the General Confederation of Labor, claims that the number of customs agents at Marseilles has dropped from 940 in 1950, to 670 in 1971, as reported in the New York Times on September 7, 1971. Marseilles, the largest port on the Mediterranean, is the center for much of the heroin processing in France. Its shipping traffic has been growing annually, in contrast to the number of customs officials assigned there.

II

Although one section of the phamphlet deals with the United Nations and narcotics control, there is good reason to question France's sincerity in seeking strengthened international efforts to fight drugs. On July 1, the Division of Narcotics of the United Nations reported that France had not yet paid its promised contribution to the U.N. Fund for Drug Abuse Control. In mid-September, the United Nations confirmed to my staff that the French contribution still had not been paid. It was not until international publicity revealed French failure to fulfill its financial commitment that, earlier this month, France announced that it would contribute $100,000 in 1972 to the fund.

III

The pamphlet contends:

> Special attention is being paid by French narcotics agents to uncovering the so-called laboratories (in fact makeshift installations) where drugs may be processed.

The American people should not be pacified by this statement. Should we humble ourselves in gratitude to French ardor in seeking out these laboratories which process death for our young people and servicemen? Not until these laboratories are closed.

John Cusack, European desk chief of the Bureau of Narcotics and Dangerous Drugs, has estimated that between eight and 12 clandestine laboratories are currently operating with impunity in the Marseilles region alone. Others are located around Paris and Le Havre. Only 13 labs have been raided since the early 1950's. None have been raided and shut down since the fall of 1969—2 years ago.

IV

Included in the pamphlet is a list of a dozen recent seizures of narcotics by French police and accompanying arrests. What these statistics gloss over is the fact that the vast majority of heroin processed in France is successfully smuggled out of the country and into the international drug market. What about the April 5 seizure of 96 pounds of pure heroin, worth $12 million, discovered by a U.S. customs agent in New Jersey? The heroin was hidden in an automobile shipped from Le Havre.

What about the seizure in May of this year of 201 pounds of pure heroin, worth an estimated $30 million at street prices, in San Juan? The drugs were hidden in a Citroen and two French citizens, one an employee of the city of Manosque, were arrested.

What about the arrest of two Frenchmen in Puerto Rico on July 23? They were captured with 100 kilos of heroin in their car which had been shipped from Marseilles.

The list of French police-customs failures continues, as does the spreading addiction of thousands of Americans. Who do the French think they are kidding?

V

Finally, France denies the complicity of government officials in the manufacturing of heroin from morphine base and in the trafficking of heroin to the United States. On September 1, 1971, regional leaders of the French national union of customs officials charged:

> There is a very influential underworld in Marseilles which had and still has political protection.

The New York Sunday News of November 14 and the New York Daily News of November 15 reported the disclosure of top-level corruption in the area of narcotics. The News reported:

> A top-secret federal investigation of the multimillion-dollar flow of narcotics—particularly pure heroin—from France to the United States has unmasked a French government official as a key member of the flourishing dope smuggling ring. Among his illicit activities was the recruitment of dope carriers from the ranks of government service, the source said.

These and subsequent articles follow:

[From the New York Sunday News,
Nov. 14, 1971]

PARIS OFFICIAL CALLED KINGPIN IN BIG HEROIN SMUGGLING RING

(By Alex Michelini)

A top-secret federal investigation of the multimillion-dollar flow of narcotics—particularly pure heroin—from France to the United States has unmasked a French government official as a key member of the flourishing dope smuggling ring, it was learned yesterday.

The official was said to hold a sensitive position in the French government that gives him access to confidential security information. Among his illicit activities was the recruitment of dope carriers from the ranks of government service, the source said.

Federal authorities here reportedly are close to breaking the case, which is expected to send shock waves through Franco-American diplomatic channels, and which could lead to a heavy crackdown on the importation of narcotics from France much of which finds its way into the New York area.

CACHE IN VOLKSWAGEN

A federal grand jury in Newark is scheduled to hear evidence in the case, possibly on Tuesday, with an eye toward taking official action.

The super sensitive investigation, which has involved high-level meetings in Washington among the Justice and State departments and the Federal Bureau of Narcotics and Dangerous Drugs, grew out of the inquisitiveness of a young woman customs agent who discovered 96 pounds of heroin under the floorboards of a Volkswagen bus aboard the French freighter Atlantic Cognac in Port Elizabeth, N.J., April 5.

The find, by red-haired Lynn Pelletier, 22, was valued at $12 million, one of the largest smuggled hauls in the northeast.

PROBE CONTINUED

Two days later, Roger Xavier Leon Delouette, a 48-year old French agricultural engineer who once worked for the French government, was arrested on charges of importing and concealing the heroin. He was indicted by a Newark federal grand jury on May 11.

At the time, U.S. Attorney Herbert J. Stern, who handled the case with one of his top assistants, Donald Merklebach, did not rule out the possibility that de Louette was part of an international smuggling ring. "All I can tell you is that the investigation in this matter is continuing," Stern had said.

Delouette a tall executive type is being held in $500,000 bail at the Somerset County Jail in Somerville, N.J., where he reportedly is assigned duties as a chef. He was placed in the jail, which is not a federal institution, for security reasons, sources said.

For the last seven months, Delouette has cooperated with the government in the continuing investigation, his court-appointed Newark lawyer, Donald Robinson told The News.

"Mr. Delouette expressed his gratitude for the courtesies accorded him here and said he wanted to help the U.S. government," said Robinson. "He has cooperated completely and furnished useful information."

It is uncertain what effect an action by a grand jury here would have on a member of a foreign government. An indictment would necessitate extradition to the United States for trial, an action which it is doubted the French government would take. But the case could provide the impetus for the French to take action against government members accused of involvement in dope trafficking.

WATSON'S DENIAL

Arthur K. Watson, the U.S. ambassador to France, said in a statement on Sept. 28, 1970, that published reports in Paris that "we (the U.S.) have evidence linking French political figures with the narcotics traffic" were "without foundation."

Last Feb. 26, U.S. Attorney General John Mitchell and French Interior Minister Raymond Marcellin signed an agreement designed to smash the drug traffic. But Justice Department officials are known to feel that the French have failed to enforce the agreement aggressively and that more effective French participation is necessary.

Less than two months after Mitchell and Marcellin signed the agreement, the girl customs agent in Port Elizabeth came across her find. Since then others have been uncovered.

VEILED IN SECRECY

The operation of the smuggling ring in France was said to be highly organized and mysterious. Couriers rarely came into direct contact with higher-ups.

Sources said that the case of one particular courier revealed how he was directed by unnamed telephone callers to look in the telephone book of a French cafe for cryptic instructions on where the drugs would be stashed. Other messages secretly deposited in bistros and stores supplied him with the code names of contacts in the United States.

[From the New York Daily News, Nov. 15, 1971]

France Doubts Story on Aide Tied to Drugs

(By Bernard Valery)

Paris, Nov. 14.—The Interior Ministry expressed "serious reservations" today that a report about a French government official was involved in international drug trafficking.

The statement said the official named belongs to the Documentation and Counterespionage Service, French equivalent of the Central Intelligence Agency, and that the finger man in the case "could have motives of resentment against him." Other French sources said the finger man himself was a former spy who had been fired by the official he later sought to implicate.

The official statement pointed out that the report, published in The Sunday News, was based "solely on the statements of a drug trafficker arrested redhanded who—because of the nature of American procedures—has the greatest interest in throwing suspicion on an official to reduce his guilt."

COOPERATION PLEDGED

The ministry statement pledged that French official agencies would continue to "do everything necessary so that the already effective collaboration between the United States and France in the fight against drug traffickers may play a full role in this affair."

Sources close to the American embassy said that even if charges against the official proved correct, it would prove "nothing else than that there might be a rotten apple in any barrel."

"Franco-American war on narcotics will continue, in close cooperation," these sources said.

Earlier this month, France pledged to contribute $100,000 to the United Nations Fund against Drug Abuse in 1972. The French said the donation "supplements measures taken by France to dismantle the network of illicit traffic, and shows that the French authorities are resolutely determined to use all means in fighting drug addiction."

The Interior Ministry statement referred to a Frenchman arrested in the U.S. last April 7 on federal charges of importing and concealing heroin. He is Roger Xavier Leon Delouette, 48, who is held in $500,000 bail at Somerset County Jail, Somerville, N.J.

He was arrested two days after a cutoms agent, Lynn Pelletier, 22, discovered a 96-pound cache of heroin under the floorboards of a Volkswagen bus on the French freighter Atlantic Cognac in Port Elizabeth, N.J.

GOING TO GRAND JURY

Delouette, who is understood to be working as a chef at the New Jersey jail, "has cooperated completely" with U.S. authorities since his arrest, according to his attorney, Donald Robinson of Newark, N.J. A federal grand jury in Newark was expected to hear testimony in the case shortly, possibly this week.

French sources said Delouette worked for nine weeks for the French espionage agency and was dismissed for incompetence and irresponsibility. The charges were said to represent the "inventions of a liar and of a disgruntled former employe who decided to even an old score."

The official statement noted that French authorities sought to interrogate Delouette, but were refused permission by authorities in New Jersey, who wanted prior assurance that Delouette would not be prosecuted in France.

The French juge d'instruction, the judge presiding over investigations, "could only reply that it was legally impossible for him to give such a commitment," the statement said.

It said that this judgment was confirmed to "the New Jersey prosecutor" who visited Paris Nov. 6. The name of the prosecutor was not given. It was understood that the visit was an unannounced one, but that the American visitor was given "full cooperation" by French authorities.

The stress on "full cooperation" in describing the reception of the American indicated to observers here that the visitor met personally with the accused official, whose alleged rule in the drug trafficking was recruitment of drug couriers.

[From the Washington Post, Nov. 16, 1971]

French Aide Accused in Smuggling of Heroin Worth $12 Million Into United States

(By Morton Mintz)

Newark, N.J., November 15.—An official of the French counterpart of the CIA conspired to smuggle $12 million worth of heroin into the United States, a federal grand jury charged today in a three-count indictment.

The indictment named Col. Paul Fournier, a supervisory agent in the SDECE (Service de Documentation Exterieure et de Contre-Espionage). The agency has no responsibility for controlling illicit narcotics traffic.

U.S. Attorney Herbert J. Stern told newsmen that French authorities have known for seven months of Fournier's alleged role—ever since a former subordinate, Roger X. L. Delouette, initially accused him under questioning by a French police officer, Commissaire Daniel Hartwig, and an American customs agent.

In Paris, there was no indication of any French government proceeding against Fournier—or an acknowledgment of his existence.

In a statement Sunday night, the Ministers of Interior and Justice suggested that unspecified feelings of revenge may have motivated Delouette—a charge indignantly denied by his court-appointed lawyer here, Donald A. Robinson.

The indictment names Delouette as a codefendant. He is to be arraigned Tuesday. Stern said it is for French authorities to decide whether to proceed against Fournier or to make him available for trial here.

The French Ministers of Justice and Interior and the American Embassy in Paris joined in praising the cooperation of the two countries against narcotics trafficking and in saying that the same cooperation will apply in the heroin case.

The indictment charged that Fournier—who is not listed in the official French military directory—"contacted and solicited" Delouette last Dec. 15 to agree to the smuggling mission. He was to receive $50,000.

FOUND BY INSPECTOR

The alleged mission was frustrated by an alert customs inspector, Lynn Pelletier. In a spot inspection at Port Elizabeth, N.J., she discovered 96 pounds of pure heroin—with a "street corner value," as prosecutor Stern put it, of about $125,000 per pound—secreted in the wall panels and under the floor boards of a Volkswagen camper.

Bureau of Customs agents arrested Delouette on April 5, when, they said, he came to claim the VW. The French police officer and a customs officer interrogated him the same day.

Since that time, Stern said, he has made "all the information" in his possession available to French authorities, including a French examining magistrate, G. Roussel, whom he saw in Paris 10 days ago.

France, according to John E. Ingersoll, chief of the Justice Department's Bureau of Narcotics and Dangerous Drugs, is the source of the vast majority of heroin reaching the United States.

In late August, a Marseilles newspaper carried a three-part interview in which John Cusack, the bureau's chief for Europe, charged that all but official French connivance figured in the failure of a joint French-American effort to find any of the eight to twelve heroin laboratories around the Mediterranean port city.

OPIUM CONVERTED

Such laboratories, which are highly portable and compact, convert opium from the Middle East into heroin. Cusack said the heroin traffic brings $10 million a month to Marseilles.

French government officials reacted angrily. President Georges Pompidou disclosed that he had asked Common Market officials and Britain to form a united front against drug trafficking.

Cusack's French counterpart, François Le Mouel, apparently offended by an offer by the American to pay informers, said, "informers should go directly to the French police, not outsiders."

And Interior Minister Raymond Marcellin called for the death penalty for drug traffickers, should existing deterrents fail.

At about the same time, however, regional leaders of the union of French customs agents backed Cusack's charges. "There is a very influential underworld in Marseilles which had and still has political protection," a spokesman said at a press conference.

Stern also said he has offered to seek court permission to give French Authorities testimony Delouette gave the grand jury, provided only that they would not use it to prosecute Delouette in France. The restriction is intended to immunize the defendant against possible self-incrimination, a protection assured by the U.S. Constitution.

The French government statement said magistrate Roussel—under a different legal system—could not immunize Delouette. But his attorney, Robinson, said that French consular officials in New York City had told him that, under a special Franco-American agreement on drugs, immunity could be granted.

NUMEROUS QUESTIONS

After receiving numerous written questions from French judicial officials, Robinson told a reporter, he wrote Roussel that Delouette would answer, in writing, if given immunity. He sent the offer on Aug. 2 but has gotten no reply, the lawyer said.

The Justice Department, however, did grant immunity and, in July, administered two lie-detector tests to Delouette, Robinson said. "He passed with flying colors," he added.

[From the Washington Post, Nov. 17, 1971]

French Drug Ring "Protection" Hinted

(By Morton Mintz)

Newark, N.J., November 16—An implication that French government officials protected higher-ups engaged in criminal narcotics trafficking emerged in U.S. District Court here today from two letters written by U.S. Attorney Herbert J. Stern in late September.

The letters which Judge Frederick B. Lacey put into the record of an unusual two-hour arraignment proceeding, reveal that Stern told Paris authorities:

That French police had agreed to "an appropriate prosecution" of Col. Paul Fournier, a supervisory official of the French counterpart of the CIA, for his alleged role in a heroin-smuggling episode, provided certain terms would be met.

That the terms—an agreement by Roger X. L. Delouette, Fournier's accuser, former subordinate and alleged accomplice, to take and "pass" a polygraph (lie detector) examination—in fact were met.

(In Paris, investigating magistrate Gabriel Roussel questioned Fournier—a possible alias—for five hours today, but Fournier told a reporter that it was about "a personal matter," that he was innocent of any wrongdoing, and that he was sure French officials would not indict him.)

That Delouette, in the polygraph test, which the Justice Department administered Sept. 21, said that Fournier had directed him to receive $17,000 in counterfeit American currency, for utterly unexplained reasons.

That Delouette, in the same test, said Fournier had given him a "contact" in the French Consulate in New York City.

DeLouette came before Judge Lacey today to plead guilty to the conspiracy count in a narcotics indictment that named him and Fournier codefendants.

The indictment, returned only Monday, accused them of having conspired to smuggle heroin with a retail value of $12 million into the United States.

The judge accepted the guilty plea after a lengthy examination to assure that it had a "factual basis" and that Delouette had made it free of any pressure or promises.

In doing so, Lacey put the imprimatur of the court on charges in the indictment—verified almost word for word by Delouette that Col. Fournier:

"Solicited" him for the narcotics smuggling, for which he was to have received $50,000; directed him to meet with a "John Doe" in Paris who, in turn, told him to buy a Volkswagen Camper in which he would conceal 96 pounds of pure heroin, and instructed him to meet a "Robert Roe" who helped him hide the narcotic in the wall panels and under the floor boards.

"Directed" Delouette to fly to New York, pick up the VW at Port Elizabeth, N.J., drive to the Park-Sheraton Hotel in Manhattan and await a contact who would take the heroin in exchange for the $50,000.

Customs Inspector Lynn Pelletier found the heroin in a spot check of the VW. Delouette was arrested when he came to pick it up. Prosecutor Stern has left it to French authorities to decide whether to prosecute Fournier in France, or to turn him over to the Justice Department.

The French Ministers of Justice and Interior, on the eve of the indictment, urged the "most extreme reservations" about Delouette's implication of Fournier.

Judge Lacey, making the Stern letters public in the interests of a full public record, rejected an objection by the prosecutor's top aide, Jonathan L. Goldstein, that Justice Department approval should be sought first.

The letters, sent to Magistrate Roussel and Max Fernet of the French Criminal Police, centered on the willingness of the prosecution and defense counsel Donald A. Robinson to turn over Delouette's grand jury testimony on a single condition: that the French not use it to incriminate him.

The letters told of a meeting Stern had in Washington Sept. 14 with officials of the Bureau of Narcotics and Paris police officials, including Honoré Gévaudan and Michel Nocquet.

The French officials—on the basis of a four-day inquiry in April—indicated a belief that DeLouette was lying, Stern told Fernet. Stern promised to seek a 20-year sentence if Delouette refused to take or failed a polygraph test. The French, he said, agreed to prosecute Fournier if Delouette took the test and passed. The results were "positive," meaning that Delouette told "the truth," Stern said.

The magistrate never granted Delouette immunity, the purpose of which, Stern said, was primarily to enable the French "to proceed against the 'higher-ups' in a criminal organization."

Today, affirming, through an interpreter, the accuracy every detail of the conspiracy charge, Delouette said he was aware he faced a mandatory minimum prison sentence of five years. No action was taken on two other indictment counts.

I am hopeful that these revelations will lead to a French sweep against its own corrupt officials.

VI

Mr. Speaker, this public relations attempt to defraud the American people must not go unchallenged. This is not meant to belittle the steps which France has taken. It is imperative, however, that both the American people and our government know that, propaganda blitz to the contrary, France has a very long way to go before it deserves to pat itself on the back for its fight against illicit trafficking in narcotics.

THE POSITION OF THE PRESIDENT CONCERNING SCHOOLBUSING

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, with respect to the continuing school desegregation issue President Nixon has consistently supported retention of the neighborhood school system and opposed unnecessary busing of pupils merely for the purpose of trying to achieve a racial "balance" in schools beyond the requirements of law. In this the position of the President may be said to support the principle and purpose underlying House Joint Resolution 651, of which I am one of the sponsors.

The President has drawn attention to the fact that integration is a nationwide problem, pointing out, for illustration, that in 1970 the percentage of Negro children who were attending schools that were 95 percent black was 85 percent in Chicago, the same as in Mobile, Ala. Mr. Nixon has also pointed out that whatever affects the schools stirs deep feelings among parents, and among our people in general.

Mr. Speaker, I insert in the RECORD at this point brief excerpts from several of the President's statements, in chronological order, relating to integration and busing of schoolchildren. I submit that these statements by the President on a matter of nationwide concern merit a thoughtful review by every Member of Congress.

The statements follow:

SCHOOL DESEGREGATION PLANS

("School Desegregation Plans." Statement by the President upon Designating a Cabinet-Level Working Group to Explore Executive Branch Assistance to Local Communities. February 16, 1970. *Weekly Compilation of Presidential Documents,* February 23, 1970, p. 191. (Excerpt—emphasis added).)

As a matter of general policy this administration will respond affirmatively to requests for assistance in the formulation and presentation to the Courts of desegregation plans designed to comply with the law.

I have directed that these principles should be followed in providing such assistance.

1. *Desegregation plans should involve minimum possible disruption—whether by busing or otherwise—of the educational routines of children.*
2. *To the extent possible, the neighborhood school concept should be the rule.*
3. Within the framework of law, school desegregation problems should be dealt with uniformly throughout the land.

I realize that in the school districts affected by the Courts' mandates, putting even the most carefully-considered desegregation plans into effect is going to cause controversy. Required changes will inevitably be accompanied by apprehension and concern at the time of their implementation.

On one point there should be no argument: the hundreds of thousands of children in the affected districts deserve what every other child in America deserves: a sound education in an atmosphere conducive to learning. This is my paramount interest, and in this regard I am sure I speak for the Nation.

DESEGREGATION OF AMERICA'S ELEMENTARY AND SECONDARY SCHOOLS

("Desegregation of America's Elementary and Secondary Schools." Statement by the President Setting Forth Administrative Policies. March 24, 1970. *Weekly Compilation of Presidential Documents,* July 30, 1970, pp. 424, 427, 429–432, 433–435. (Excerpts—emphasis added.))

In the 1964 Civil Rights Act, the Congress stated, ". . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In the 1966 amendments to the Elementary and Secondary Education Act, the Congress further stated, ". . . nothing contained in this Act shall . . . require the assignment or transportation of students or teachers in order to overcome racial imbalance."

I am advised that these provisions cannot constitutionally be applied to *de jure* segregation. However, not all segregation as it exists today is *de jure.*

I have consistently expressed my opposition to any compulsory busing of pupils beyond normal geographic school zones for the purpose of achieving racial balance.

WHAT THE LOWER COURTS HAVE SAID

To summarize: There is a constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities.

De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets constitutional standards.

But in any event, local school officials *may,* if they so choose, take steps beyond the constitutional minimums to diminish racial separation.

THE PROBLEMS

In some communities, racially mixed schools have brought the community greater interracial harmony; *in others they have heightened racial tension and exacerbated racial frictions. Integration is no longer seen automatically and necessarily as an unmixed blessing for the Negro, Puerto Rican, or Mexican-American child.* "Racial balance" has been discovered to be neither a static nor a finite condition; in many cases it has turned out to be only a way station on the road to resegregation. Whites have deserted the public schools, often for grossly inadequate private schools. They have left the now resegregated public schools foundering for lack of support. And when whites flee the central city in pursuit of all- or predominantly-white schools in the suburbs, it is not only the central city schools that become racially isolated, but the central city itself.

These are not theoretical problems, but actual problems. They exist not just in the realm of law, but in the realm of human attitudes and human behavior. They are part of the real world, and we have to take account of them.

THE COMPLEXITIES

Courts are confronted with problems of equity, and administrators with problems of policy. For example: To what extent does desegregation of dual systems require positive steps to achieve integration? How are the rights of individual children and their parents to be guarded in the process of enforcement? What are the educational impacts of the various means of desegration—and where they appear to conflict, how should the claims of education be balanced against those of integration? To what extent should desegregation plans attempt to anticipate the problem of resegregation?

These questions suggest the complexity of the problems. These problems confront us in the North as well as the South, and in rural communities, suburbs, and central cities.

The troubles in our schools have many sources. They stem in part from deeply rooted racial attitudes; in part from differences in social, economic, and behavioral patterns; in part from weaknesses and inequities in the educational system itself; *in part from the fact that by making schools the primary focus of efforts to remedy longstanding social ills, in some cases greater pressure has been brought to bear on the schools than they could withstand.*

THE CONTEXT

Progress toward school desegregation is part of two larger processes, each equally essential:

The improvement of educational opportunities for all of America's children.

The lowering of artificial racial barriers in all aspects of American life.

Only if we keep each of these considerations clearly in mind—and only if we recognize their separate nature—can we approach the question of school desegregation realistically.

It may be helpful to step back for a moment, and to consider the problem of school desegregation in its larger context.

The school stands in a unique relationship to the community, to the family, and to the individual student. *It is a focal point of community life.* It has a powerful impact on the future of all who attend. It is a place not only of learning, but of living—where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate—*and it is the one institution above all others with which the parent shares his child.*

Thus it is natural that whatever affects the schools stirs deep feelings among parents, and in the community at large.

Whatever threatens the schools, parents perceive—rightly—as a threat to their children.

Whatever makes the schools more distant from the family undermines one of the important supports of learning.

Quite understandably, the prospect of any abrupt change in the schools is seen as a threat.

As we look back over these 16 years, we find that many changes that stirred fears when they first were ordered have turned out well. In many Southern communities, black and white children now learn together—and both the schools and the communities are better where the essential changes have been accomplished in a peaceful way.

But *we also have seen situations in which the changes have not worked well.* These have tended to command the headlines, thus increasing the anxieties of those still facing change.

OVERBURDENING THE SCHOOLS

One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. *Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of a multiracial society which the adult community has failed to achieve for itself.*

If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the Nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.

Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. *If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a Pyrrhic victory.*

With housing patterns what they are in many places in the Nation, the sheer numbers of pupils and the distances between schools make full and prompt school integration in every such community impractical—even if there were a sufficient desire on the part of the community to achieve it. In Los Angeles, 78 percent of all Negro pupils attend schools that are 95 percent or more black. In Chicago the figure is 85 percent—the same as in Mobile, Alabama. Many smaller cities have the same patterns. Nationwide, 61 percent of all Negro students attend schools which are 95 percent or more black.

Demands that an arbitrary "racial balance" be established as a matter of right misinterpret the law and misstate the priorities.

In this same connection, we should recognize that a smug paternalism has characterized the attitudes of many white Americans toward school questions. There has been an implicit assumption that blacks or others of minority races would be improved by association with whites. The notion that an all-black or predominantly-black school is automatically inferior to one which is all- or predominantly-white—even though not a product of a dual system—inescapably carries racist overtones. And, of course, we know of hypocrisy: *not a few of those in the North most stridently demanding racial integration of public schools in the South at the same time send their children to private schools to avoid the assumed inferiority of mixed public schools.*

INNOVATIVE APPROACHES

Most public discussion of overcoming racial isolation centers on such concepts as compulsory "busing"—*taking children out of the schools they would normally attend, and forcing them instead to attend others more distant, often in strange or even hostile neighborhoods.* Massive "busing" is seen by some as the only alternative to massive racial isolation.

However, a number of new educational ideas are being developed, designed to provide the educational benefits of integration without depriving the student of his own neighborhood school.

For example, rather than attempting dislocation of whole schools, a portion of a child's educational activities may be shared with children from other schools. Some of his education is in a "home-base" school, but some outside it. This "outside learning" is in settings that are defined neither as black nor white, and sometimes in settings that are not even in traditional school buildings. It may range all the way from intensive work in reading to training in technical skills, and to joint efforts such as drama and athletics.

By bringing the children together on "neutral" territory friction may be dispelled; by limiting it to part-time activities no one would be deprived of his own neighborhood school; and the activities themselves provide the children with better education.

This sort of innovative approach demonstrates that the alternatives are not limited to perpetuating racial isolation on the one hand, and massively disrupting existing school patterns on the other. Without uprooting students, devices of this kind can provide an additional educational experience within an integrated setting. The child gains both ways.

POLICIES OF THIS ADMINISTRATION

It will be the purpose of this administration to carry out the law fully and fairly. And where problems exist that are beyond the mandate of legal requirements, it will be our purpose to seek solutions that are both realistic and appropriate.

I have instructed the Attorney General, the Secretary of Health, Education, and Welfare, and other appropriate officials of the Government to be guided by these basic principles and policies:

In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within constitutional limits.

The neighborhood school will be deemed the most appropriate base for such a system.

Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Busing of Schoolchildren

("Busing of Schoolchildren." Statement by the President. August 3, 1971. *Weekly Compilation of Presidential Documents,* August 9, 1971. p. 1118.)

The Justice Department is today announcing the Government's decision to take an appeal on limited constitutional grounds in the case of the *United States* v. *Austin Independent School District,* involving school desegregation.

The Attorney General advises me that he must appeal the District Court's decision that the school board's plan to bus children periodically for interracial experiences eliminates the dual school system, because that decision is inconsistent with recent rulings of the United States Court. The Justice Department is not appealing to impose the HEW plan. In the process of the appeal, the Justice Department will disavow that plan on behalf of the Government.

I would also like to restate my position as it relates to busing. *I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our Nation's schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing.* Further, while the executive branch will continue to enforce the orders of the court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education, and Welfare that they are to work with individual school districts *to hold busing to the minimum required by law.*

Finally, I have today instructed the Secretary of Health, Education, and Welfare to draft and submit today to the Congress an amendment to the proposed Emergency School Assistance Act that will expressly prohibit the expenditure of any of those funds for busing.

SEEKS ADEQUATE LEGAL STAFF IN SOUTHEAST ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BEGICH. Mr. Speaker, I recently received a resolution from the Southeastern Alaska Community Action program that raises to a very alarming issue. This resolution concerns itself with assistance to the poor people of southeast Alaska. Alaska's poor people are becoming more and more aware of the relief and assistance that is now available to them. But there is a problem in obtaining needed assistance. We have established numerous programs to provide for aid to the poor, but we have fallen substantially short in supplying the legal representation needed to obtain the desired end.

The Alaska Legal Services Corp. was given the responsibility of providing legal representation for the poor, but because the Alaska Legal Services are understaffed, the demand for their services far exceed their abilities. The resolution which I am including in today's RECORD seeks three additional attorneys to assist in representing poor people in Alaska. The three additional attorneys will be employed in the Ketchikan, Sitka, and Juneau areas.

It is our responsibility to provide viable programs for the relief of the poor. Equally important is our responsibility to assure the needy the opportunity of using these programs.

The resolution follows:

ADEQUATE STAFFING OF LEGAL SERVICES IN SOUTHEAST ALASKA

Whereas: Alaska Legal Services Corporation, a delegate agency of Rural CAP is charged with the responsibility of providing legal representation to the poor and economically disadvantaged of Southeast Alaska; and

Whereas: Those persons of Southeast Alaska who would qualify for free legal assistance have obtained a greater degree of awareness of the utilization of legal remedies to resolve their immediate needs and long term goals; and

Whereas: The demand for legal services exceeds their availability in Southeast Alaska communities; and

Whereas: The present level of staffing of the existing Alaska Legal Services Corporation offices is inadequate to meet these increasing demands; and

Whereas: The Juneau Alaska Legal Services Corporation office has recently received an increase in its attorney staff which only partially alleviates this problem. Now therefore be it

Resolved: By the Board of Directors of Southeastern Alaska Community Action Program that Alaska Legal Services Corporation gives the highest priority to staffing the Southeast Alaska offices in the following manner:

(1) An additional attorney in Ketchikan to serve the Ketchikan area as well as other communities in the Southeast portion of Southeast Alaska.

(2) An Attorney in Sitka to serve the Sitka area as well as other communities in middle Southeast Alaska.

(3) An additional attorney in Juneau to serve the communities in the portion of Southeast Alaska.

TECHNOLOGY ASSESSMENT

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. DAVIS of Georgia. Mr. Speaker, the concept of technology assessment has spread rapidly since the Committee on Science and Astronautics, and particularly the Subcommittee on Science, Research, and Development, began work on it over 5 years ago.

As many Members are aware, the bill to create an Office of Technology Assessment within the legislative branch as an information aid to the Congress has been approved unanimously by our committee. We hope to have the bill on the floor early in the next session.

Meanwhile, I would like to call attention to some of the very extensive and concentrated studies in this area which have been undertaken in government, in the academic community, and in industry.

For example, the program of policy studies in science and technology, which has been carried on by the George Washington University for a number of years now, largely through grants from the Federal Government, has produced over 200 discussion papers as well as a variety of reports and studies on the many facets which make up technology assessment.

We are also aware of a number of assessments which are now underway on an experimental basis or which have recently been completed.

One of these is a program under the direction of Prof. Don E. Kash at the University of Oklahoma whose task group is now working on technologies for offshore oil development, and is planning a second assessment project in the biomedical area.

Another prototype effort of high quality has been completed in its preliminary aspects by Prof. Raymond Bowers and Jeffrey Frey at Cornell University. Their effort is directed toward the assessment of solid state microwave devices. I think the concluding remarks of this preliminary assessment are particularly appropriate in projecting the flavor of what one specific assessment is designed to do and not to do:

> We have discussed some of the prospects, benefits and problems that may be associated with the development of cheap solid state microwave sources. Our discussion has been limited to problems associated with use of the spectrum, potential hazards to health and the issue of privacy. We have not attempted to assess the impact on social processes; they are likely to be substantial in those areas where wired communication systems do not exist (e.g. the Indian and Alaskan projects). Our purpose was not to present firm conclusions but rather to initiate debate on these issues and to indicate areas where more detailed analysis is necessary. We especially hope that the technical community will devote some of its resources at meetings and in its publications to the continued discussion of these problems, inviting contributions from social scientists as well as from physical scientists and technologists. This is part of the public responsibility of the research and development community.

Finally, I might mention the pilot programs in technology assessment which were done by Mitre Corp. under contract to the Office of Science and Technology of the Executive Office of the President. This experimental work covered five particular problem areas involving advanced technological application. These are automotive emissions, computer communications, industrial enzymes, sea farming, and domestic waste.

I do not suggest that all or any of the foregoing efforts represent sophisticated, truly effective assessments. We are just beginning to learn how to do this job.

But we believe they are steps in the right direction, and that Congress must provide its own capability in this field as well.

AMENDMENT TO AMENDMENT TO H.R. 11060

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. FREY. Mr. Speaker, tomorrow I plan on offering the following amendment to Mr. MACDONALD's amendment to H.R. 11060. The text follows:

AMENDMENTS OFFERED BY MR. FREY TO AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS TO H.R. 11060

Page 1, strike out lines 7 and 8 and insert in lieu thereof the following:

(1) The term "communications media" means broadcasting stations, newspapers, magazines and outdoor advertising facilities.

Page 4, strike out lines 8 through 21, and insert in lieu thereof the following:

SEC. 105. (a) (1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents (or such greater amount as may be certified under paragraph (4) (A) (i) multiplied by the voting age population (as certified under paragraph (4) (B) of the geographical area in which the election for such office is held, or

(ii) $50,000 (or such greater amount as may be certified under paragraph (4) (B) (ii), or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

Page 6, beginning on line 15, strike out "a broadcasting station, newspaper or magazine," and insert in lieu thereof "communications media."

Page 6, beginning on line 19, strike out "receive such broadcast, newspaper or magazine" and insert in lieu thereof "be reached by such communications media."

Page 6, beginning on line 24, strike out "in the Federal Register" and all that follows down through "1972." in line 3 on page 7, and insert in lieu thereof the following:

in the Federal Register—

(i) an amount which bears the same ratio to 10 cents, and

(ii) an amount which bears the same ratio to $50,000, as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972.

Page 8, beginning on line 7, strike out "any newspaper or magazine" and insert in lieu thereof "any newspaper, magazine, or outdoor advertising facility."

SENATE—*Thursday, November 18, 1971*

The Senate met at 8:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

For Thy mercies which are new every morning, we give Thee thanks, O Lord.

For Thy grace which restores both body and soul, we give Thee thanks, O Lord.

Teach us the ancient truth that they that wait upon the Lord shall renew their strength. Make us to know when to wait, how to wait, and for what to wait. Teach us when to speak, when to pray, when to remain silent, and in all we do to glorify Thee.

O Lord, be with our Nation. Save us from all that defiles or corrupts or anything which tarnishes the national character. Restore morality and virtue. Send a revival of religion cleansing and redeeming that this "one nation under God" may be revealed in every thought, word, and deed.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 17, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the lead editorial published in the Billings, Mont., Gazette of November 11, 1971, and also a column in the Hungry Horse News of November 12, 1971, which was taken from the Montana Kaimin, student newspaper at the University of Montana.

There being no objection, the editorial and column were ordered to be printed in the RECORD, as follows:

GET OUT OF VIET, GET COMPLETELY OUT

President Nixon is expected to announce the withdrawal of the last combat division from Vietnam soon. At the peak of U.S. involvement in 1968, there were nine full divisions plus two brigades equal to two other divisions in that torn Asian nation.

After the pullout, expected to be early 1972, there will remain 40,000 U.S. support troops, including fighter-bomber squadrons, helicopter, artillery, logistics and support units.

The withdrawal is welcome. The war remains unpopular, and a deepset infection in the flesh of the Republic. The question is whether Mr. Nixon will dare to take the final step: total withdrawal of the remaining units.

We hope he will. The Gazette favors an unqualified withdrawal from a war we should never have plunged into in the first place. The South Vietnamese seem to have their nation stabilized, and the Viet Cong have been reduced to guerrilla warfare. Thus the time is propitious for concluding the war.

The danger in leaving even support troops in Vietnam is that they will pose a continuing temptation to escalate the struggle once again. If the struggle goes badly for the South Vietnamese army, or if the remaining American units are suddenly beseiged by a revived North Vietnamese force, it could be the Gulf of Tonkin all over again, with the deployment of massive military force to go to the relief of the remaining Americans.

The Gazette feels that a clean break is necessary: If, as administration officials keep insisting, the South Vietnamese are strong and viable, then our presence will not be necessary.

PUBLIC OPINION LETTER

(By Thomas Binsted)

Two years and four days ago, Mike Gilbertson died in a rice paddy, twenty miles south of the DMZ, Republic of Vietnam. On that day, I stood and I watched the blood and the screams and the life pour from his body.

Mike died in the manner of a scared nineteen-year-old boy. He screamed and cried and he called for his mother. Not at all like on television. Not at all like the characters between the covers of a Sgt. Rock comic book. Mike died a very real death.

To a good many people in the United States, Mike did not die. Neither did the 13 others who were killed that day. They were killed that day. They were merely statistics stuck on the back pages of the newspaper near the comic strips.

It's ironic that Mike's death came so close to Veterans Day—a day on which we celebrate our young men for their service to their country. The irony is two-fold. First, Mike was a draftee and one that didn't want to serve his country in that particular manner. Second, he did not serve his country by dying in Vietnam. Mike died without reason or cause.

It's important that I remember Mike; he was my friend. It's important that you remember him, too; he was a person.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania seek recognition?

Mr. SCOTT. Mr. President, I have nothing worthwhile to say at this moment. I hope that my example of restraint may be followed.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Florida (Mr. CHILES) is recognized for not to exceed 15 minutes.

(The remarks of Mr. CHILES when he introduced S. 2872 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona is recognized.

THE JUDICIAL PHILOSOPHY TEST AND WILLIAM REHNQUIST

Mr. GOLDWATER. Mr. President, in a very few days the Senate will mark a historic occasion by undertaking to offer its advice and consent on the nominations of the 99th and 100th Justices ever to sit on the Supreme Court of the United States. As we are about to embark upon this momentous event, we can witness once again, as has occurred often in our Nation's past, the efforts by a few Members of this body to scrutinize and judge a nominee solely on the basis of his political philosophy.

Mr. President, the advocates of the use of this criteria make no bones about it; they are concerned with knowing whether or not a nominee's judicial and political philosophy fits the same mold as their own views on social issues of the day. This position became evident, at the recent nomination hearings held by the Judiciary Committee, in the ground rules laid down by four liberal members of that committee.

Mr. President, as I sat at the witness table, accompanying William Rehnquist and hearing his critics, I thought about a recent poll of scholars undertaken by Life magazine which rated 96 prior Supreme Court Justices.[1] I wondered how the 12 selected as "great" would have fared under the liberal-oriented criteria of those Members now challenging the philosophy of the man who is to be seated as the 100th Justice on the High Bench.

It would be interesting, I thought, to take a look at the words and deeds of these 12 great Justices and see how they might stack up against the test used by the current liberal wing of the Senate.

I might say, Mr. President, that my legal assistant, Mr. Terry Emerson, a brilliant law scholar, compiled this paper for me.

For example, we might inspect the record of an early Justice who is hailed today for his stands in solitary disagreement with his colleagues against segregation, a man who is well known today for his assertion that "Our Constitution is colorblind." [2]

And yet, prior to serving on the Court, this Justice had been a member of a slaveowning family in Kentucky, a bitter foe of the Civil War amendments, and a critic of Federal civil rights legislation.[3] In 1854 he began his political activities by joining the Know-Nothing Society, a secret organization having for its purpose the restriction and destruction of the influence of foreigners and Catholic priests in our political affairs.[4]

In 1859, upon being nominated for a congressional seat, he set out to prove himself the more devoted defender of property rights in slaves. He not only endorsed the holding of the Dred Scott

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Footnotes at end of article.

decision that Congress lacked power to exclude slavery from the territories, but he claimed that the case meant that Congress was dutybound to pass laws for the full protection of the rights of slaveowners.[5]

Later, running for election as attorney general of Kentucky, he denounced President Lincoln's promulgation of the Emancipation Proclamation and came out strongly against the 13th amendment to the Constitution abolishing slavery.[6]

Once he became attorney general, this Justice argued several cases involving slave issues and civil rights. In *Commonwealth* v. *Palmer*,[7] he prosecuted a Union general for being guilty of the crime of aiding slaves to escape. In *Bowlen* v. *Commonwealth*,[8] he asked the Kentucky Court of Appeals to overturn a lower court decision which had permitted the introduction of Negro testimony against a white defendant indicted for larcency.

We might also observe that in the 1865 elections for State legislature this individual took the stump in support of "a thorough union of all citizens who are opposed to the admission of the Negro to the ballot box or to the enjoyment of other political advantages."[9]

He is, I should mention, none other than John Marshall Harlan, author of the famous dissent in the Supreme Court decision of *Plessy* v. *Ferguson*.

Turning to another early Justice, whose background may cause some raised eyebrows, I might discuss a gentleman of whom it is said:

> Judged by the standards of the present day, or even by those of 18th century colonial America, he was given a paltry foundation in the law.

In fact, an authoritative, new biography of all Justices of the Supreme Court up to 1969, states that the extent of his formal education included 6 weeks of attendance at George Wythe's law lectures at William and Mary and some reading from Bacon's Abridgement, and that was all.[10] This future great was both a slaveholder himself and an official of the American Colonization Society, which was dedicated to the transportation of free Negroes back to Africa.

It is particularly striking to notice that 7 years before the famed decision of *Marbury* v. *Madison*,[11] this Justice had argued before his future tribunal that "the judicial authority can have no right to question the validity of a law, unless such a jurisdiction is expressly given by the Constitution," a conferral which he knew was not expressly granted.[12] Yet, in 1803, it was he who ruled in *Marbury* v. *Madison* that an act of Congress was unconstitutional, a move that is considered perhaps the most important decision in Supreme Court history. Of course, I am referring to the unanimously recognized great, John Marshall.

Here we have a man who in his pre-Court days argued vehemently that the Court could not review and veto acts of a legislature and then, who turned around 7 years later, and wrote the most famous decision of his career by holding that the Court could do this very thing. We might remember this incident when we hear criticisms made of the positions taken by Mr. Rehnquist as an advocate for the U.S. Government or as a private practitioner on behalf of his private clients.

Next we might review the history of another Chief Justice. Like Marshall, this one, too, was a member of the Colonization Society and was born into a slave-owning family. A descendant of a prominent Maryland Tidewater family, he sided with rural area representatives as a member of the Maryland Legislature and remained a State's-rights man in that body.[13]

Once, as attorney in a case, the future Chief Justice argued:

> The African race in the United States, even when free, are everywhere a degraded class. The privileges they are allowed to enjoy are accorded to them as a matter of kindness and benevolence rather than of right.[14]

Later, as Attorney General under President Andrew Jackson, he rendered opinions which repeated his view that slavery was basically a problem for the States alone; except that he allowed that the Government might pass fugitive slave laws upholding the property rights of Southerners.[15]

During this same period he gave some suggestion that a Court headed by him might abdicate its right of judicial review. He said:

> The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges and on that point the President is independent of both.[16]

In these days of marked contest by Congress to reassert its role in relation to that of the President, imagine how these words would go over with our liberal friends. In similar manner, the spokesmen for civil liberty would undoubtedly be horrified at the following words written by this future Justice upon the occasion of hearing about a riot caused by workingmen whose savings had been wiped out a year before by the collapse of a Maryland bank. He wrote his son-in-law:

> There ought not to have been a moment's hesitation about the use of fire arms, and the firm and free use of them the moment that force was attempted by the mob. The first stone thrown . . . should have been the signal to fire.

So said Roger Brooke Taney in 1835.[17]

Shades of Kent State and Washington's May-Day disturbances, can you picture how this inflammatory message would be received by Joseph Rauh and other radical spokesmen were they to be expressed today?

Mr. President, the last Justice selected from the 1800's leaves little to grasp in examining his pre-Court history. As the youngest person ever to sit on the Supreme Court, his prior record did not offer much opportunity for making distinct marks of his philosophy.

The one and only case which brought this attorney to national attention was one in which he was retained to uphold the money interests of Massachusetts speculators in lands which they had snapped up from a corrupted Georgia Legislature.[18] According to the authoritative four volume biography on Justices of the Supreme Court by Friedman and Israel, the young attorney thus began "the work he was to complete as a judge—a transformation of the contract clause of the Constitution into a bastion for the rights of property."[19]

In view of the sparseness of material on this individual in his pre-Court life, I am taking the liberty of mentioning his view on an important political question which he expressed 9 years after taking his seat on the bench. I use this reference only because it was made in the constitutional convention of Massachusetts relative to the composition of the State legislature in which he had earlier been a member and because his remarks seem to reflect a long-held position.

When the convention reached the issue of determining the basis of representation in the State senate, he rose to attack the idea that population should serve as the basis of seats in the senate rather than the amount of taxation derived by each county. He said:

> Cases may be easily supposed, in which, from the peculiar state of society, such a basis would be universally deemed unsafe and injurious. Take a State, . . . where there are five or ten thousand wealthy persons, and 90 or 100 thousand artisans, reduced to a state of vice, and poverty, and wretchedness, which leave them exposed to the most dangerous political excitement. . . . Who would found a representation on such a population, unless he intended that all property should be a booty to be divided among plunderers?[20]

Elsewhere in the same speech the Justice, whom I shall reveal as Joseph Story, said:

> The more numerous the body the greater the danger from its movements . . .[21]

Now where, I must ask, in these views is the spirit of human compassion that liberal critics deem necessary in candidates for the High Bench?

Let us turn now to 20th century men who have been chosen as outstanding Justices. First, we might study the background of a personality who is known today as the peoples attorney. By 1895 the peoples attorney "was rapidly becoming a millionaire. He was esteemed in the Nation's highest financial and business circles. Big businessmen and heads of great corporations were among his clients and friends." When he was appointed to the Court in 1916, he had become a millionaire twice over.[22]

In 1902 the peoples attorney incurred the wrath of Samuel Gompers by proposing to take away from unions their immunity from suit by incorporating them. He said:

> If Unions are lawless, restrain and punish their lawlessness; if they are arbitrary, repress their arbitrariness . . .

The unions, he said, "need something to protect them from their own arbitrariness."[23] Two years later he found something. When acting as counsel for an employers' organization, he obtained an injunction ending a union strike.[24]

As further indication of his concept of industrial relations, I might quote from his address before the Central Labor Union in 1905, when he advised labor it

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Footnotes at end of article.

"should strive to make the earnings of any business as large as possible," "should be so faithful and diligent that espionage will not be needed," and "should not limit the production of individuals."[25]

In 1899 the peoples attorney was, all at the same time, an investor, a director, and a lawyer in the shoe industry monopoly held by the United Shoe Machinery Co. In this capacity he publicly opposed legislation which would break up the monopoly by overriding a provision of United's contract which forced a shoe manufacturer to use United's entire line if he wanted to use any at all.

In his brief on behalf of United he argued:

> We have found in Massachusetts that in certain things we have got to have a monopoly.[26]

On the occasion of the Supreme Court ruling of 1913, holding that manufacturers of patented articles could not fix the price at which retailers sell their product to the consumer, the peoples attorney angrily wrote:

> The Supreme Court is all wrong . . . When a Court decides a case upon grounds of public policy, the Judges become, in effect, legislators.[27]

Do these revelations reflect a sensitivity to the protection of the poor and the weak? Did a statement signed by seven past presidents of the American Bar Association declaring "he is not a fit person to be a member of the Supreme Court of the United States"[28] indicate that degree of recognition by his brethren at the bar that would meet the approval of our liberal colleagues in the Senate today? Yet, if the Senate had conformed to the test now suggested by them, the Nation would never have had the services of Justice Louis Brandeis.

Moving to another Justice, now celebrated for his zeal for social justice, we encounter an individual who, as dean of Columbia Law School, was sorely troubled with the view that judges "should consciously endeavor to mold the rules of laws to conform to their own personal notion of what is the correct theory of social organization and development."[29]

When public discussion centered on a decision which invalidated the Workingmen's Compensation Act of 1910, the future Justice rallied to the defense of the decision on the theory that the mere fact the goal was economically desirable did not justify the taking of property from the employer. He stated:

> The proper method of securing the economic benefits of workmen's compensation . . . is "by the orderly process of constitutional amendment . . ."[30]

During controversy over another human rights law, the Tenement House Act of 1901, he endorsed a court ruling exempting an apartment house owner from the law. He admonished:

> The view that it is possible to base judicial decisions upon some vague notion of social justice finds frequent expression in these days of hasty and ill-considered criticism. Social justice may mean anything, and therefore, as a basis of judicial decision means nothing.[31]

But there is more in the man's record to suspect that his appointment to the Court would never have been cleared by today's liberal standards. Sitting on a Presidential board of inquiry reviewing conscientious objector cases in World War I, he "entertained a profound repugnance" toward the political, or nonreligious objector.[32] A year after Armistice Day, he observed:

> One can but wonder what forces are at work in our social and educational life to produce the ill-balanced and distorted intellectual processes by which these young men, in many respects intelligent, had worked out their social philosophy.[33]

Even as to religious objectors he felt, "many were plainly fanatics, with abnormal mental experiences."[34]

As dean of Columbia Law School he expressed much the same thoughts about youth at large. In 1917, he stated:

> I observe generally that the average college student of today has a radical tendency.[35]

Finally, I should mention his role in supporting the efforts of the J. P. Morgan estate against Colonel Ownbey. In this unusual case, the future Justice argued before the Supreme Court that Ownbey had not been denied any fundamental right simply because neither he nor his attorney had been allowed to testify or offer proof denying the allegations in the case against him. It mattered not that the Morgans were thereby enabled to seize everything the old Indian scout owned. Speaking in defense of the ancient Delaware practice which effectively prevented Ownbey from being represented in the court below, the Morgans' attorney proclaimed that the correction of old methods ought to be left to the legislators, not the courts.[36]

Now if this view of the Constitution indicates a deep-seated commitment to individual liberties of the kind required by my liberal friends, I would be very much surpised. Had this nominee been disapproved on the ground of his approach to questions of human liberty, however, the Court would have lost its future Chief Justice, Harlan Fiske Stone.

Next we might examine the past record of a Chief Justice who began his career convicting criminals, first as deputy city attorney, then in the county district attorney's office, and later in the State attorney generalship.[37] As attorney general he denounced Communist radicals, attacked his election opponent for opposing a bill to make schoolchildren salute the flag, and blocked the nomination of a liberal-minded law professor to the State supreme court.[38]

As a Governor, he was a leading proponent of the wartime order removing all persons of Japanese ancestry from the west coast and putting them in concentration camps. Opposing the return of the evacuees in 1943, he told a Conference of Governors:

> If the Japs are released, no one will be able to tell a saboteur from any other Jap.[39]

Through most of his career in State politics he was regarded as a favorite of what his biographer calls rightwing politicians. William Randolph Hearst promoted him for the Republican presidential nomination in 1944. The Saturday Evening Post described him admiringly as an ardent believer in States rights.[40] His name, if you have not guessed it by now, is Earl Warren.

Another man, revered as a defender of personal liberties, got his start as a police court judge after which he became prosecuting attorney for his county. In the course of this experience he is said to have tried more murder cases than he could ever remember.[41]

Backed by the Ku Klux Klan, he was sent to the U.S. Senate. From the time he came into this Chamber, he was a leader against all efforts to pass an antilynching law. On the Senate floor he sarcastically charged that the attempt to pass such a law "could well be designated a bill to increase lynching."[42]

As an ironical twist on fate this individual, later to be known for his dedication to freedom of speech, was chairman of a special Senate committee which demanded, under blanket subpena, the delivery to it of all telegraph messages transmitted by a daily newspaper and magazine publisher covering a 7-month period of 1935. The newspaper firm was forced to go to the U.S. court to get an order enjoining the committee from copying and using these telegraph messages.[43]

Perhaps the most interesting characteristic of the nominee, at the time his name was before the Senate, is found in his total silence during vigorous argument over whether or not he had ever been a member of the Klan. Holding his silence throughout the entire confirmation proceedings, it was later proved that he had taken the oath of a Klansman early in his political career.[44] Yet, I suppose, most observers would believe that subsequent events have definitely vindicated the appointment of Justice Hugo Black to the Bench.

Another of the Supreme Courts' dozen greats had, during his 18 years on the New York Court of Appeals, established a reputation of adherence to the theme that solutions to the great problems of the 20th century are for the legislature.[45] For example, in the 1920's he wrote an opinion upholding a statute of the State of New York which gave preference to its citizens over aliens in the construction of public works.[46]

Was such discrimination in opposition to human rights? He said:

> It is not enough that it may seem to us to be impolitic or even oppressive. It is not enough that in its making, great and historic traditions of generosity have been ignored. We do not assume to pass judgment upon the wisdom of the legislature.[47]

In 1927 he handed down a decision in favor of a husband who had, in a moment of fury, caused the arrest of his innocent wife. The judge held that neither statutes nor the Constitution granted women legal rights in cases such as this. Their remedy must lie in legislative action, not judicial interpretation.[48]

An examination of his cases on criminal law in the New York Court of Appeals indicates that he carried over the same strict view of interpretation into this field. In general, he gave great weight to the interests of society in effective law enforcement.[49] Consider, if you will, the 1927 case in which he held there

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was no violation of personal liberty in a State statute which automatically provided for life imprisonment once a criminal was convicted for a fourth time. Admitting that this would result in too cruel a punishment in some instances, he nevertheless did not consider the statute to be in conflict with the Constitution.[50]

A year earlier, in People against Deford[51] he had held that evidence obtained through an illegal search and seizure was admissible in a criminal proceeding. Though the defendant had been unlawfully arrested and the evidence against him obtained by lawless force, the future Justice ruled the evidence could still be used against him.

In so ruling, the judge had expressly rejected a growing line of Federal decisions that were at variance with his opinion. His attitude toward the issue is reflected in his reasoning that the pettiest peace officer would have it in his power, through overzeal or indiscretion, to confer immunity upon an offender for the most wicked crimes. He wrote:

> A room is searched against the law, and the body of a murdered man is found. The privacy of the home has been infringed, and the murderer goes free . . . We may not subject society to these dangers . . .[52]

Again, I must ask, what evidence of a "breadth for vision" is demonstrated on this record? Would our liberal colleagues find that these decisions cast a cloud over the judge's commitment to justice so that they could not have supported his nomination? I wonder if Benjamin N. Cardozo would be confirmed today under the doctrine of the new left?

Our next candidate of greatness was a Boston Brahman, an irreverent agnostic, and economically upper class. In his personal politics he was rated a conservative. It is said that almost by instinct he tended to mistrust Democrats.[53]

Judged by some today as "the greatest judicial liberal the Court had known," it may be interesting to consider some of his personal pronouncements on the nature of human beings. He has written:

> I only mean that when one thinks coldly I see no reason for attributing to man a significance different in kind from that which belongs to a baboon or to a grain of sand.[54]

He also held:

> That man at present is a predatory animal. I think that the sacredness of human life is a purely municipal ideal of no validity outside the jurisdiction.[55]

The theme running through his letters and papers is that "might makes right." One commentator describes his philosophy as meaning that since—

> The binding force in law is nothing but physical force applied through decisions of courts to the bad man, namely the man who runs counter to the dominant groups' completely changeable tastes, the only important thing in law is to try to predict how public policy, i.e. dominant tastes will change, and in changing change decisions. The smart judge should keep his eye on fast developing tastes and write a minority opinion based on the same, betting that some day that minority taste will be the dominant taste in public policy. And so he called himself a bettabilitarian.[56]

According to this view, if the dominant taste in the community was changing from one of great emphasis on the rights of the accused to a call for law and order, judges should change their decisions in line with the latest trend. If society should be changing its taste from a regard for the advancement of minorities to a protection of the interests of the majority, this judicial philosophy would mean that a smart judge had better begin to change his decisions accordingly.

For one who held no personal standard for testing the goodness or badness of public policy, "except what the crowd wants,"[57] this drastic turnabout in his position on the great issues of the day would have seemed the practical thing to do. But whether this eccentric approach to questions of human liberty would have enabled Oliver Wendell Holmes to be confirmed by present-day liberals raises a serious question.

When the name of the next of 12 great Justices was before the Senate as a nominee, Senator George Norris charged:

> Perhaps it is not far amiss to say that no man in public life so exemplifies the influence of powerful combinations in the political and financial world as does he.[58]

As a Wall Street lawyer, he had been an attorney for the American Petroleum Institute, arguing before the Federal Governments that it had no power and no means by which to restrain, control, or direct the great oil companies in the production of oil.[59]

Early in his career he represented other vast commercial ventures. In the late 1880's, when heavy electric light cables on poles were falling to the ground constantly killing people, this great man represented the electric light companies in pleading that city orders to get the wires underground were "an invasion of the rights of property." In deciding in favor of New York City, the Court rebuked this position. "The companies," the Court said, "are without excuse, and when they claim that the destruction of these instruments of death is an invasion of the rights of property, such claim seems to proceed upon the assumption that nothing has a right to exist except themselves."[60]

Later, as Secretary of State in Harding's administration, this man became known for his "narrow and uncomprehending insistance at all cost on the most extreme interpretation of American property rights, notably in our oil diplomacy."[61] Also, as Secretary of State, he violently fought recognition of Soviet Russia until there should exist "convincing evidence" of a restoration of "private property, the sanctity of contract and the rights of free labor."[62]

Finally, to give away the game, I will mention that this great figure was attacked during debate over his nomination for having already resigned a seat on the Supreme Court in order to run as a candidate for President of the United States.[63] It was charged that his example would establish a precedent tending to lower the standard of the Supreme Court down to the level of the political machine. How this matter and the overall record of Charles Evans Hughes would look to the judicial philosophy theorists today is an intriguing question.

Mr. President, the remaining Justice among the 12 greats is the only one who appears to have an impeccable past record as a liberal. Strangely enough, he is also the only one whom Life magazine appraises as fitting "President Nixon's definition of a 'strict constructionist.' "

His pre-Court background reads like a "Who's Who" of liberalism. He was one of the founders of the Civil Liberties Union, a legal adviser to the NAACP, and counsel to the National Consumers League. He participated in a number of important human rights cases, such as support of the Oregon maximum hour labor law and the District of Columbia minimum wage law.[64]

He wrote editorials in the New Republic arguing that labor injunctions must go, an article for the Atlantic Monthly denouncing the terrorist methods used against Sacco and Vanzetti, and worshiping essays about Justices who cherished civil liberties.[65]

Life magazine says:

> Once on the Court, however, he adhered to strict judicial restraint.

This philosophy is well illustrated in an opinion he wrote upholding State "right-to-work" laws, which make it unlawful to forbid employment to a person simply because he does not belong to a union.[66] He wrote:

> But even if a law is found wanting on trial, it is better that its defects should be demonstrated and removed than that the law should be aborted by judicial fiat.

He added:

> The Court is not saved from being oligarchic because it professes to act in the service of human ends.

Applying this philosophy to other issues before the Court, the Justice upheld the practice of States to allow their police, without a warrant, to search and seize a person's papers and effects, rejected the view that speech and press were absolutes, and refused to embrace the general approach that speech and press are preferred freedoms. In other significant opinions he held that a State may try a man after he had been acquitted of a Federal crime based on the same facts, voted to uphold criminal prosecution of Communist Party leaders under the Smith Act, and concluded that a State could require Jehovah's Witness children to salute the flag on pain of expulsion from public school.[67]

From these cases alone, it is evident that Justice Felix Frankfurter could not be counted upon to deliver his judgment routinely in support of the latest accepted tenet of the liberal program. More than any other illustration, the judicial record of Justice Frankfurter should prove that it is impossible to predict with certainty how a Justice will vote once he joins the Nation's highest court.

In truth, Mr. President, those who would use the judicial philosophy test are engaged in an utterly falacious practice. I believe it is safe to say that, if the criteria suggested by the liberal element

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of the Senate had been applied to the 12 Justices selected as great, only one of them would have been assured of his seat on the Court. In fact, I think that if we had had that element in the Senate over the nearly 200 years of our history, we never would have had a Supreme Court.

There was something tangible and significant in the background of each of the other nominees which could have disqualified them from acceptance by the judicial philosophy advocates.

But let me respectfully suggest that a person who becomes a member of this legislative body does not thereby become endowed with the all-seeing powers of Providence. We, like other mere humans, are incapable of judging what a man's course will be after he is seated on the most eminent court of our land.

As this brief review has shown, there is some real spark of independence that ignites men once they become immune from all political pressures. As Justices, they sit as neither conservative nor liberal, but as intelligent human beings doing their utmost within their God-given capacities to search for and uphold the truth.

What the liberal opponents of William Rehnquist are doing is to decree that because he may not openly espouse the identical political and sociological doctrines to which they hold dear, he is incapable of supporting human liberty and freedom. A man is deemed guilty in their minds of an unwillingness to enforce the guarantees of the Constitution until he proves otherwise. Lacking even the faintest evidence of any deed or activity which might, even when taken out of context, be used against him, Mr. Rehnquist's opponents have fallen back on a blatant political criteria.

Mr. President, not only is this method repudiated by the clear facts of history and by the nominee's personal record of integrity, but it is a patently unfair and presumptious device. Those who hold to the judicial philosophy criteria act as if there had been no change in the man who sits in the White House. They assume that their own liberal views have carried on in the mainstream of majority opinion, forgetting that such a doctrine was soundly rejected by the American people in 1968.

Mr. President, it is my opinion that the President of the United States should be given broad leeway in choosing judicial nominees who might reflect the same broad philosophy as his own on major matters of the day. Thereby the will of the people, as most recently announced in our only election for a nationwide office, can be given some possibility of expression. So long as a nominee is a man of high integrity, scholarship, ability, and diligence, and does not have a serious conflict of interest in his past record, he should be confirmed by the Senate. On these grounds the current nominee, William Rehnquist, is eminently qualified.

Furthermore, Mr. President, contrary to the cruel innuendos raised by his detractors, William Rehnquist is a man with a proven deep regard and respect for individuals and their problems. On all issues, he shows a human vein and a respectful understanding of the other man's viewpoint. He is a man who will make a great and honorable Justice.

FOOTNOTES

[1] Life Magazine, at 52–59 (Oct. 15, 1971).

[2] See his dissent in *Plessy* v. *Ferguson,* 163 U.S. 537 (1896).

[3] See Leon Friedman and Fred Israel, the Justices of the United States Supreme Court 1789–1969 (1969), vol. I, at 1282. Also see generally, Alan F. Westin, "John Marshall Harlan and the Constitutional Rights of Negroes: The Transformation of a Southerner," 66 Yale L. J. 637 (1957).

[4] Westin, *supra* note 3, at 640.

[5] *Id.* at 643.

[6] *Id.* at 649.

[7] 65 Ky. (2 Bush) 570 (1866).

[8] 65 Ky. (2 Bush) 5 (1867).

[9] Westin, *supra* note 3, at 653.

[10] See Friedman and Israel, *supra* note 3, vol. I at 288–289.

[11] 1 Cr. 137 (1803).

[12] Fred Rodell, Nine Men (1955), at 88.

[13] See generally Friedman and Israel, *supra* note 3, vol. I, at 635–641.

[14] Rodell, *supra* note 12, at 120.

[15] Friedman and Israel, *supra* note 3, at 638–639.

[16] Rodell, *supra* note 12, at 112–113.

[17] Friedman and Israel, *supra* note 3, at 641.

[18] The so-called "Yazoo" lands case, 6 Cranch 87 (1810).

[19] See Friedman and Israel, *supra* note 3, vol. I, at 437.

[20] See the Miscellaneous Writings of Joseph Story, Cambridge Press (1835), at 516–517.

[21] *Id.* at 522.

[22] See Alpheus Thomas Mason, Brandeis, A Free Man's Life (1946), at 103.

[23] *Id.* at 142.

[24] *Id.* at 149.

[25] *Id.* at 151.

[26] *Id.* at 215–217.

[27] *Id.* at 424.

[28] *Id.* at 489.

[29] See Alpheus Thomas Mason, Harlan Fiske Tone: Pillar of Law (1968 ed.), at 115.

[30] *Id.* at 115–116.

[31] Id. at 116.

[32] *Id.* at 102.

[33] *Id.* at 108–109.

[34] *Id.* at 108.

[35] *Id.* at 109.

[36] A lengthy criticism of this case is set forth in the remarks of Senator Heflin, at 66 Cong. Rec. 3042–3050 (Feb. 5, 1925).

[37] In general, see Friedman and Israel, *supra* note 3, Vol. Iv, at 2727.

[38] *Id.* at 2728.

[39] *Id.*

[40] *Id.*

[41] *Id.*, vol. III, at 2324.

[42] See 81 Cong. Rec. 9069 (Aug. 17, 1937).

[43] *Id.* at 9072.

[44] Friedman and Israel, *supra* note 3, Vol. III, at 2326.

[45] *Id.*, Vol. III, at 2290.

[46] George S. Hellman, Benjamin N. Cardozo (1969), at 73.

[47] *Id.*

[48] *Id.* at 147.

[49] Friedman and Israel, *supra* note 3, Vol. III, at 2302.

[50] Hellman, *supra* note 46, at 148.

[51] 150 N. E. 585 (1926).

[52] *Id.* at 588.

[53] Rodell, *supra* note 12, at 180–181.

[54] See Frances Lucey, "Natural Law and American Legal Realism," 30 Georgetown L. J. 493 (1942), at note 9, pp. 498–499.

[55] *Id.*

[56] *Id.* at 503.

[57] *Id.* at note 22, p. 503.

[58] 72 Cong. Rec. 3373 (Feb. 10, 1930).

[59] 72 Cong. Rec. 3450 (Feb. 11, 1930).

[60] 72 Cong. Rec. 3555 (Feb. 13, 1930).

[61] Alpheus Thomas Mason, The Supreme Court from Taft to Warren (1968 rev. ed.), at 84.

[62] Friedman and Israel, *supra* note 3, vol. III, at 1902.

[63] 72 Cong. Rec. 3372–3373 (Feb. 10, 1930).

[64] Friedman and Israel, *supra* note 3, vol. III, at 2404.

[65] Felix Frankfurter, Law and Politics, Occasional Papers 1913–1938 (1971), at 61–126, 140, and 218.

[66] *Lincoln Federal Labor Union* v. *Northwestern Iron & Metal Co.*, 335 U.S. 525 (1949).

[67] See generally Friedman and Israel, *supra* note 3, vol. III, at 2411–2416, for a discussion of these cases.

REVENUE ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business, H.R. 10947, which the clerk will state.

The second assistant legislative clerk read as follows:

> A bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Mathias amendment (No. 699). The time between now and the vote at 10 a.m. today is equally divided between the Senator from Maryland (Mr. MATHIAS) and the Senator from Rhode Island (Mr. PASTORE).

Who yields time?

Mr. COOK. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield 5 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, in going over this matter last night—and I wish the majority leader would stay in the Chamber for a moment——

Mr. MANSFIELD. I will.

Mr. COOK (continuing). To listen to this, one of the things we failed to discuss last evening, over and above the political ramifications—which, I am afraid, got a little bit too heavy last night—was the fact that we were talking in terms, in the bill, that someday there may be a deficiency in the fund and, therefore, it would be reduced proportionately in relation to the expense.

In all fairness to the majority leader, who is a cosponsor of the amendment, and contends that this is not a tax that can be checked off by the taxpayer every 4 years, let me say that this is a tax that the taxpayer can check off every year, if he so desires. In other words, this is a fund that can build for 4 years. If it is conceivable that every taxpayer will designate that $1 may be deducted from his taxes, that would amount to $113 million a year, and it could be four times that $113 million, because on page 29, the Pastore amendment (No. 692), beginning on line 6, states:

> Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 1006(a)(1) of the

Presidential Election Campaign Fund Act of 1971.

The point I am trying to make is that this is a fund that will build every year, and it would be convenient, as the Senator from Rhode Island indicated, and the Senator from Massachusetts made firm, to include other candidates for public office, not particularly the Senator from Rhode Island, but certainly the Senator from Massachusetts.

If a fund is built up for 4 consecutive years, rather than saying that this is a checkoff that can be made by the American taxpayer in the year of a political election for President and Vice President, we would then find ourselves in the position of allowing one of the most tremendous political funds to be built that anyone could conceivably imagine, because it would be available every year.

I return to page 29 of the Pastore amendment (No. 692), item (a), under the title "In General." That is a deduction that the taxpayer can pay out of his taxes to a presidential election campaign fund every year, not just in the year of an election. So I would say that this constitutes a grievous error in the preparation of the bill.

Also, in this connection, in the debate last night an idea arose that ultimately we would have public-financed campaigns at all levels. I do not believe there can be any question about it.

I shall end by saying that what, in effect, we will be doing will be to freeze our political system.

Through the years, we have had the Federalist Party, the Democrats, the Republicans, the Democrat-Republicans, the National Republicans, the Whigs, the People's Party, the Progressive Party, and the States' Rights Party.

In the future, that could not happen because the biggest percentage of the money would always go to the two major parties, and the minor parties would get money in relation to what they received 4 years earlier. So 10 years from now if the "American Party" had not done too well because, say, they had to file an affidavit that they have not received any contributions from anyone, they would be stuck because they were sitting at the 6.8 percent level, because the only time a candidate could receive any money from the fund would be after a political convention, which occurs in the late summertime.

Let me read from Theodore White's book, which is very interesting. He says:

> The convention does not stand by itself as an isolated event in a year. The convention is the final flexible coupling in a year-long adventure of many men, in many states, whereby the fixed, parochial preferences of each state are finally bargained out on one site, at one time. Its vital values are best illuminated by a glance at its most widely discussed alternative, the national primary. The national primary in America could only be a disaster, requiring sums of money for media, travel and promotion equivalent to the cost of a general election. None but the best-financed could contend, and the best media techniques would determine the winner. And appeal, within each party, would be made to the extremes within the party, thus tending to present the nation suddenly with two candidates in the general election sharply at clash, neither reflecting the broad center spectrum of American opinion.
>
> The conventions as they stand today, however, come at the end of a long education process. The primaries stretch over months, with a rhythm of their own, each one exposing a bit more of a candidate's personality, judgment, behavior and style. A man like Eugene McCarthy, so pitifully underfinanced at the beginning of 1968, was able, in the present system, to assemble his troops for action, and month by month earn audience and attention. A man like John F. Kennedy, so burdened by religious intolerance and prejudice at the beginning of 1960, could demonstrate his ability, state by state, to call to men above prejudice. A man like Richard Nixon, repudiated and abandoned by all political wise-men, could prove in the primaries of 1968 the resilience of his nature, the depth of his forgotten appeal. The conventions cap this process of public education, root the choice of leader in the earth of differing communities, beneath the manipulation of the media-masters or of political bosses.

We have discussed these things. If we move in this direction, do we move the effect of the fund back to include the primary? Obviously, if the money were collected every year, there would be more than enough money. However, I can only say, with all of the problems in the amendment, how one could take the hearings last held in 1967 and put a copy of them on the desk of each Senator as a justification for some of the problems incorporated in the amendment, I cannot understand.

I spent a great deal of time last evening reading all of the remarks of past Presidents with regard to this matter.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I yield the Senator from Kentucky 1 additional minute.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized for an additional minute.

Mr. COOK. Mr. President, I read the remarks of Presidents Truman, Eisenhower, Johnson, and Kennedy. The closest they came to Federal financing from the total standpoint was the letter which President Kennedy sent to the Senate in 1962, in which he said that maybe it is conceivable that a system could be set up whereby taxpayers send a check for $10 to a party and that amount could be matched; and he said that he looked forward to the Federal funding of campaigns.

Mr. LONG. Mr. President, will the Senator yield?

Mr. COOK. But he admitted that he looked forward to that.

Mr. LONG. Mr. President, will the Senator yield on my time?

Mr. PASTORE. Mr. President, I yield to the Senator from Louisiana.

Mr. LONG. Do I understand the Senator to say that that was the closest a President came to recommending funding?

Mr. COOK. The closest in title X, title IX. I am talking about the letter President Kennedy sent to the Senate.

Mr. LONG. That is the closest we have come as of what time?

Mr. COOK. I think the Senator totally misunderstands.

Mr. LONG. As far as the President has gone concerning what? The Senator should read what President Johnson said when he signed the same measure the Senator is talking about.

Mr. COOK. Mr. President, I am not going to get into the arguments I got into last night. I heard about nitpicking last night, and how we should extend funding this down to the Governors, and that someday maybe we should include sheriffs and something to the effect that the fund will be so big that no political system could be viable, other than the system that is then in effect. That is what bothers me about the amendment.

Mr. PASTORE. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 3 minutes.

Mr. LONG. Mr. President, I have struggled with this matter through the years. It is so unusual to hear people arguing first in one direction and then meet themselves coming back from the other direction.

Mr. COOK. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, I recall when this matter was up earlier. My Republican friends felt that we did not do enough for third parties. They spoke about how they loved George Wallace, how this proposal did not do enough for him, and that it did not help to bring third parties into the system.

I called George Wallace and asked him about the problems of financing campaigning. He informed me that he thought it would be fine to have an approach like this, provided it was fair to a third party and gave it a fair amount of money proportionate to the votes it receives. He agreed that we should not provide for a third party if they did not have but 30,000 votes. However, he thought that if it was a substantial party and a contender, they ought to have some help.

George Wallace called the Senators from Alabama and asked them to vote for basically what is here.

To use President Nixon's statement, if we want to talk about dominoes, go and talk to the third party and find out. They are for it.

On the one hand, our Republican friends do not want to do anything for a third party. But then they want us to do something for them for fear that we might keep a third party from defeating the Republican Party some day.

Mr. COOK. Mr. President, I am afraid the Senator did not understand what I said at all. I am afraid that is his interpretation.

Mr. PASTORE. Mr. President, I ask for the regular order, if we are going to yield time.

The ACTING PRESIDENT pro tempore. The regular order has been called for.

Mr. LONG. Mr. President, they are working both sides of the street. On the one hand, they want to do something for a third party; and on the other hand, they do not like George Wallace.

The point is that we should treat third parties on a proportionate basis. Giving them the same proportionate amount we provide for the other parties, in relation to their votes compared to the votes for the two major parties. I suggest they ought to have proportionately the same amount of money because they ought to be equal. That is the theory on which we have allotted equal time in years gone by.

Then we have the thought, "Oh, wait a minute. The amendment does not do everything we want." Mr. President, I have not seen a bill yet that does everything. All we could say for any bill we have passed is that it is a good bill as far as it goes. At least as far as our Republican friends are concerned, for the next election it does solve the problem of the man at present in the office. If he wants to go so far as to participate in the public financing of the campaign, that is fine. They can have a chance to try it out so that their man will not have to worry about asking for a single campaign contribution from anyone. He can go on and not worry about that.

So far as the Republican Party is concerned, if they want to find out how it works before the election, they can try it out right now. If they do not want to do so, that is fine. However, as far as the Democratic Party is concerned, we might have some problem trying to find financing for our party. We are willing to struggle along with that and do the best we can to work it out in our primaries and maybe go deep into debt; but we will find out who our candidate will be in the next election.

Neither side will have to make any further commitments to get the money to present their case to the American people. What is wrong about that?

Then, we have heard, "Oh, wait a minute." If you start this now and the people like it and it works well, why not?

The Senator from Kentucky was afraid that the people might put more money into the fund than needed. He was afraid, on the one hand, that 114 million taxpayers might use it. That would be great. That would indicate that they thought we did the right thing.

On the other hand, the Senator fears that not enough people would use it. Then, what harm would come of it?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PASTORE. I yield the Senator from Louisiana 1 additional minute.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. Mr. President, then the Senator fears that a man running for the office of President might steal his own campaign money and not spend it in trying to get elected. If he is that kind of thief, as the Senator suggests, it would be much better for him to steal his own campaign money and not get elected.

Mr. COOK. A point of order, Mr. President.

Mr. LONG. Yesterday the Senator from Massachusetts, Mr. President——

The ACTING PRESIDENT pro tempore. Will the Senator yield for a point of order?

Mr. PASTORE. I yield for a point of order.

Mr. COOK. Mr. President, I should like the Official Reporter to show anywhere in the RECORD of last night that this Senator stated at any time that any presidential candidate would steal any of the money from this fund and not use it for the purpose intended. I ask the Official Reporter to check the RECORD to see whether that was said by this Senator.

Mr. PASTORE. Mr. President, I yielded for a point of order. That is not a point of order. That is rebuttal.

The ACTING PRESIDENT pro tempore. The RECORD speaks for itself.

Mr. LONG. Mr. President, the Senator from Kentucky said it in diplomatic language. And that is what is wrong with diplomatic language. One cannot understand what it says. That is what the Senator meant, as best I understood it.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I yield 1 additional minute to the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG. Mr. President, the Senator was fearful that someone might use his own campaign money as a candidate for President.

Yesterday the Senator from Massachusetts pointed out that we are getting ready to trust a man with the fate of the entire Nation and a budget of over $200 billion a year. What is too bad about trusting him with a $20 million campaign fund to get himself elected?

But suppose he were the sort of rascal who misused his own campaign money. If he were that kind of man, it would be hoped he would not be elected, and if he were that kind of rascal, one would hate to think what would happen if he did use it to his own advantage.

Then we hear Theodore White quoted from his book. I would like to have Senators read what he said when HUMPHREY was seeking the election.

Mr. PASTORE. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. Mr. President, I can understand the position of our distinguished friend from Kentucky. He was never for this plan. He was never for this philosophy, and he has so stated. Naturally, of course, good lawyer that he is, he will find fault with every particular sector of that title to give substance to his argument. That is natural; I cannot find fault with that.

Yet last night a great contention was made on the other side of the effect that if the taxpayer is going to support political campaigns, we will not have enough money. This morning we hear the argument that because the deduction could be made every year, we are building a fund for 4 years. I think that is a good idea. But I remind the Senator from Kentucky that on page 17, section 1006(2), the language is very clear:

> (2) If, after a presidential election and after all eligible candidates have been paid the amounts to which they are entitled under section 1004, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

That takes care of it. If a fund is built up to $103 million and only $50 million is needed, then, after the election the balance goes right back to the Treasury, and no harm would be done. That is exactly as it should be.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I am willing to yield, but I think the Senator should get time from the Senator from Maryland, because I think he wants to speak.

Mr. MATHIAS. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for 10 minutes.

Mr. MATHIAS. Mr. President, I want to make perfectly clear at the outset that I am in strong support of title IX of the Pastore amendment. I think this is a desirable and necessary improvement on our method of financing campaigns. I think that title IX deserves support, and I intend to support it strongly.

I feel just as strongly that title X should be stricken. The short view is that this is a political poverty program, that one party is reputed to have—and there is some color to that, so we might as well confess it at the start—is reputed to have cash on hand, and another party is reputed to be in debt.

But I do not want to debate this on that transient set of circumstances. We are talking about a very fundamental change in the American political system, and in the long view the positions of parties can be reversed.

I think we should view this proposal as the fundamental change it is. I think, however, that even in the short run there are some very serious inadequacies in the bill that need to be addressed by the Senate if we are to do our job right.

For instance, as the Senator from Kentucky mentioned a moment ago, the question did come up last night as to whether or not the issue of the integrity of a presidential candidate was raised by the bill. I think, of course, that there is language in title X which does raise the very kind of questions of integrity which are raised today under the Corrupt Practices Act. I think the language makes clear that if the presidential candidate decides to take advantage of public moneys provided by the bill, he cannot receive or spend other money.

But in the criminal section of the bill, section 1010, it is stated.

> It shall be unlawful for the candidates knowingly and willingly.

Mr. PASTORE. Willfully.

Mr. MATHIAS. Willingly to incur additional campaign expenses.

Where have we heard these words before? These are the words of the Corrupt Practices Act, which exists today, and these are the words that have gotten us into trouble.

Mr. PASTORE. Mr. President, will the Senator yield to me on my time?

Mr. MATHIAS. I yield.

Mr. PASTORE. The Senator stated it incorrectly. The Senator did not read it correctly. The section states "willfully."

Mr. MATHIAS. Willfully.

Mr. PASTORE. Evil-mindedly.

Mr. MATHIAS. Willfully.

Mr. PASTORE. The Senator did not read the language correctly.

Mr. MATHIAS. Those are the words of the Corrupt Practices Act in effect today, and the words behind which a lot of hanky-panky is done. That is what we are discussing this morning. Those are the words being carried over into this bill and the words that will get candidates into trouble in the future.

There are other problems in this bill. It is a bill which addresses itself to presidential races; but there is a loophole provision which would make it applicable to other races because the committee which receives the funds can participate in State and local races, and there is no real way to determine how the money would be divided.

There are tremendous auditing problems. The question of judicial review was brought up by the Senator from Kentucky and the Senator from Tennessee last night.

There is the question of the adequacy of funds and what would happen if not enough money were generated by the fund. Would we have to appropriate money at that point?

There is a question of candidates on the ballots in 10 States. I think it is something of an affront to us sitting here in the District of Columbia that the District of Columbia is not considered a qualifying State, although it does cast ballots in the electoral college for the election of the President.

So I say that in the long run we are working here on a fundamental change, but even in the short range there are serious inadequacies. We have to realize this is not a change but is just a way to pay the freight under the old system; it is reform only when taken together with the election reform bill which the Senator from Rhode Island deserves great credit for having managed in the Senate. It is only if it is taken in conjunction with that bill that it has the aspect of reform.

Mr. PASTORE. Mr. President, will the Senator yield to me on my time?

The ACTING PRESIDENT pro tempore. Does the Senator yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. On my time.

I think this is an illuminating discussion, and I would like to clear up something, because I think no Senator is fairer than the Senator from Maryland. All I want to say on my time, is this:

I realize that there can be some difference of judgment with respect to some of the sections contained in this particular title. But fundamentally, of course, the Senator from Maryland is opposed to the basic concept.

Mr. MATHIAS. I am not fundamentally opposed to it, and I am going to develop that point.

Mr. PASTORE. Very well. If that is not the case, there are certain items in these sections that can be corrected in the public good.

In the beginning, I stated that I am not trying to make this a democratic piece of legislation. If any improvements can be made on the question of appeal from the Comptroller General issue, and to add the words "unless capriciously and arbitrarily done," I am willing to do something like that. I am willing to agree to something like that. The reason for these provisions is that when this bill originally came to the floor of the Senate 5 years ago and we passed it, there was some question whether or not the public purse was being protected and how far we should go in that protection.

It was nullified only because an expiration date was inserted; but when the committee reported another bill, it contained most of the features that are in this proposal. That is the reason we accepted it and why it is in the bill. If it is the view of the Senator from Maryland that certain problems have to be resolved, I am perfectly willing to listen to the Senator. But I am telling the Senator very frankly—and I think I state this very honestly—that regardless of what I accept, and regardless of what the Senator proposes—in the final analysis he does not want the title, anyway. That is where it stands, and I think we ought to say it. The Senator just does not want it, and no matter how much I perfect it, he just does not want it.

Mr. MATHIAS. I am going to take the Senator from Rhode Island at his word in just a moment, but I do have one practical objection here that I think has to be raised.

Mr. President, how much of my 10 minutes are remaining?

The PRESIDING OFFICER (Mr. CANNON). The Senator has 4 minutes remaining.

Mr. MATHIAS. One of the practical objections which I do not think we can overcome is the fact that individual tax returns for 1971 are now being printed and sent to taxpayers. The Treasury advises that the only thing that can be done is a supplemental mailing of an additional tax sheet, on which taxpayers can make their designation, at a cost of $500,000 to $1 million.

More importantly, it would not be possible to have all these extra sheets in the hands of the taxpayers until late February. Some 25.5 million taxpayers filed their 1970 returns in January and February of 1971, and it is reasonable to expect that as many or more will file them early next year. So, it is doubtful that many of these taxpayers, after they have already filed their returns, will file the designation sheets.

Mr. PASTORE. Mr. President, will the Senator yield, on my time?

Mr. MATHIAS. No.

Mr. PASTORE. I have a good suggestion. I have a marvelous suggestion. I think the Senator ought to hear it. All they have to do is get a little piece of paper and put it in the same envelope and pin it to their income tax returns.

Mr. MATHIAS. The Department of the Treasury says it cannot be done.

Mr. PASTORE. It is a marvelous suggestion, and there I claim perfection.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MATHIAS. Mr. President, I ask unanimous consent that the letter from the Department of the Treasury covering this point be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C., November 18, 1971.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: As you know, Senator Pastore and others have proposed an amendment to the Tax Revenue Act of 1971 (H.R. 10947) which would, among other things, provide for the financing of Presidential election campaigns through the establishment on the books of the Treasury Department of a "Presidential Election Campaign Fund." Under the amendment there would be appropriated to this fund each fiscal year amounts designated by individual taxpayers on their income tax returns. Every individual would be entitled to designate that $1 ($2 in the case of a husband and wife filing a joint return) of his tax liability for the year should be paid into the fund. The fund would be created as of January 1, 1972, and individuals would be entitled to provide that $1 of their tax liability for 1971 be paid into the fund.

Wholly apart from the question whether this is a desirable method of financing the campaign costs of Presidential candidates, it presents serious administrative problems which are of great concern to the Treasury Department.

The individual income tax returns for 1971 are now being printed and mailed to taxpayers. It would, therefore, be impossible to explain on the 1971 form or the instructions the right given the taxpayer to require that $1 of his tax liability be paid into the Presidential Election Campaign Fund. The best that could now be done would be to have a supplemental mailing to taxpayers of an additional sheet on which they could make their designation. However, this would be extremely costly. A preliminary estimate is that it would cost in the neighborhood of $500,000 to $1,000,000. It would be necessary to print the extra sheet containing detailed instructions on a "crash" basis and to repeat the just-completed task of mailing the new sheets to all taxpayers. There is even some question whether the Internal Revenue Service has the capability of accomplishing another national mailing at this crucial time.

More importantly, however, it would not be possible to have all of these extra sheets in the hands of taxpayers until late February. Some 25.5 million taxpayers filed their 1970 returns in January and February of 1971, and it is reasonable to expect that many or more to file early next year. It is doubtful that many of these taxpayers, after they have already filed, would file the additional designation sheet. Even if it is assumed, however, that a significant portion of these taxpayers would thereafter file the supplemental sheet making their designation to the fund, it would be extremely difficult and time consuming for the Internal Revenue Service to associate the supplemental filings with the previously filed returns. This would, of course, be essential to ascertain that the individual had, in fact, filed a return and paid at least $1 in tax.

I felt it incumbent upon us to point out the administrative burdens the amendment would impose upon the Internal Revenue Service. It is even possible that these administrative difficulties would delay the determination of the amount available to the fund past the point in time when the program would have to be implemented to be utilized in the 1972 Presidential campaign. I must also point out that all of this involves a further allocation of the Internal Revenue Service's resources away from the collection of the revenues at a time when the economic stabilization program is already diverting a substantial portion of the money and manpower available to the Service.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. No, I am not yielding.

We must consider that this bill standing alone may encourage, and not discourage, greater commercialism and more slick potential PR than we have under the present system.

The Senator from Rhode Island was discussing this point last night. I would say to him that, as this is now constructed, the new system would positively guarantee more of a Madison Avenue approach than we have today. It guarantees it because the ad boys know they will get paid and they will pull out all the stops. I think it will guarantee it, because a powerful candidate can pour it on in the preconvention campaign, and there is no need to have any reserve. If he is going to make the grade at the convention, he can count on a brandnew campaign fund of $20 million or thereabouts if he is nominated. I think that is the weakness of this proposal, because it may well result that the preconvention money will be more tainted than the ordinary large contribution today. The general public will think that it has done its job when it has made the checkoff on April 15; that it has paid the bill for the campaign; and the average small contribution will thereafter be very hard to come by.

So I suggest that the larger contributions in the preprimary period are going to be perhaps more tainted and more influential than they are today, and the presidential hopefuls will find it harder to raise preprimary money in the future. And so, like the new theater shows in New York——

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. MATHIAS. I yield myself 3 minutes.

Like the new theater shows in New York, they are going to need angels to get them on the road before they open on Broadway. Where these angels will come from will be extremely pertinent to the American scene, with the result that there will be a potentially greater dependence on the large money men and less commitment on the part of candidates than we even have today.

The question then arises of control, and I think we ought to understand what we are talking about. We are not talking about control of funds, because that problem exists today. A candidate controls his campaign funds, and he will do it in the future, so this bill is neutral as far as the question of who controls the funds is concerned. But the question does arise as to the taxpayer's control of his dollar. One can say it is a pittance. He can say, "Who cares about the taxpayer's one dollar?" But I think it makes a big difference, because that is a very serious question. When he makes his checkoff on the tax return, in effect—let us assume a hypothetical case—he is contributing 40 cents to Nixon, 40 cents to the Democratic nominee, who may be Senator PASTORE, he may be contributing 8 cents to Gene McCarthy, and 12 cents to George Wallace. When he makes that kind of contribution, it is something new on the American political scene. It is not a contribution in the sense that has ever been known before by honest men in this country who are not just hedging their political bets.

I think if we want to buy a forum so that everybody who wants to be President can run, that is well and good. If we want to go to that system, let us appropriate the money and buy the forum, but let us not cloak it in the garb of tax reform.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MATHIAS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. MATHIAS. I will reserve my 1 minute and yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, could I yield myself time on the bill?

The PRESIDING OFFICER. There is no time on the bill.

Mr. SCOTT. Mr. President, if the Senator will yield me 1 minute, I will compress my remarks accordingly.

Mr. MATHIAS. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I rise in support of the Mathias-Scott amendment to delete from the Pastore amendment that section creating a presidential campaign fund through a check-off system. Never in my tenure as a Member of this body have I seen a more careless and hastily contrived piece of draftsmanship than is evident by this amendment.

I have been pleased and honored to work very closely with the distinguished senior Senator from Rhode Island (Mr. PASTORE) for over a year to develop a sound campaign reform bill. His diligence and expertise in this matter is not easily surpassed and he was instrumental in having the Senate pass, by a wide margin with bipartisan cooperation, the strongest election reform bill in history. His present amendment does his earlier work a tremendous disservice.

When Senators MANSFIELD, PASTORE, and CANNON first introduced S. 382, the Election Reform Act of 1971, they included an alternative tax credit or tax deduction for small political contributions. My own bill, S. 956, contained a similar provision. Yet now we have the Pastore amendment presented to us as an all or nothing proposition. The Senate has not held one hearing on this proposal in over 5 years and now we are being asked to have the American taxpayer cough up a dollar, not only to finance the candidate of his choice but his opponent as well. This is witless and invites the taxpayer to ignore this double-edged invitation to bite himself.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. MATHIAS. I yield 1 additional minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, when the Senate Commerce Committee hearings on campaign reform back in March, Senator PASTORE said that public financing of campaigns is "10 years ahead of its time." He was right. Well, only 8 months have passed and we still have about 9 years and 4 months to go. The Senate's approval of this Pastore amendment will lead to utter chaos in the administration of a presidential campaign and will deny American citizens the opportunity of financially supporting the candidates of their choice.

Mr. PASTORE. Mr. President, will the Senator yield, on my time?

Mr. SCOTT. I have not time to yield.

Mr. President, I am totally committed to campaign reform. I have not changed my position. I have urged the House of Representatives to adopt the Senate-passed bill. But I reject out of hand any attempt to so radically change without prior consideration the way Americans have traditionally expressed their political support for presidential candidates. The principle of a check-off is appealing. Its application here defeats the taxpayer's interest.

I urge the Senate to approve the Mathias-Scott amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, I believe I am the first Senator to speak on this subject who does not happen to be a lawyer, and who, therefore, is not interested in the technical points, but who, nevertheless, is interested in an issue which the everyday man and woman in the street can understand.

In the past, the distinguished minority leader has been interested in and has expressed strong support for the concept of reducing the candidate's dependence on the gigantic economic interests within the Nation.

This is one of the most important issues which will face this Congress during this decade, and perhaps even during this century. At stake is nothing less than the survival of our democratic process as it was constituted and hopefully as it will stay preserved.

As the Senate proceeds with its consideration of this amendment, I would hope that the issue would be judged in the bipartisan fashion in which it arose originally. I would hope that it would not be judged in the context of partisan advantage. There is no advantage to a man barred from seeking office for lack of money.

Instead, I would hope that this amendment would be assessed by what is happening to our institutions of government and to the erosion of public confidence in those institutions. I would hope as well that the merits of this amendment are weighed on the basis of what it can do to preserve our democracy so as to insure the independence of the public officials who happen to serve it.

The goal is quite simple. What it says is that office holders and office seekers alike be free of special interests.

The officeholder today who is free of a connection with special interests of some kind or another is a rare animal indeed.

As a matter of fact, I can think of only one member of this body to whom that category should be applied unequivocally, though there may be others, and I refer to the distinguished dean of the Republicans in this body, the senior Senator from Vermont (Mr. AIKEN). In the last campaign he received no contributions, and spent $18.46. That was an increase of $2.61 over his previous campaign cost, and the explanation was that the price of postage stamps had gone up.

But I think the rest of us have to depend on contributions; and when somebody gives us $1,000, $2,000, $3,000, or $5,000, we spend a little more time with that guy. We give him a little more consideration and attention, and if he writes us, we read his letter personally, and we read it two or three times.

So you can exhibit all the idealism you wish. Oh, no, you are under no obligation. Maybe you are not, but the thought is back there, because this guy helped you, and you want to show your friendship and appreciation.

To put it bluntly: some form of public financing is the only way to put an end to the day of "labor's" man or "industry's" man or whatever else's man; whether that man aspires to reside in the White House or whether he seeks the post of county prosecutor, it make no difference. Under this amendment, he would be the "people's" man.

The distinguished Senator from Louisiana, the able chairman of the Committee on Finance, has advocated the concept of public participation for many, many years. There were times when he stood alone, but he was consistent.

And what of the arguments against this form of public participation? It has been suggested that a presidential candidate refusing public financing will face cries of going to the so-called fat cats for support. But is not that the whole issue? It is to put an end to the notion that a political contribution is in fact just another economic investment.

In short, unless something is done there is no way that the profession of politics—of running for office—can avoid becoming the exclusive and sole preserve of the rich or of those who, for whatever reason, win support of the major economic interests within the Nation. And may I say that what certain rich men are doing today is investing.

In the politics of the Presidency, who really bankrolls all these candidates on both sides?

It should be said that it was not this kind of dependent system that was carved out by our Founding Fathers. The time is close at hand, however, when it will become such a system—a system that in no way can serve the public interest.

Whether we like it or not—and the finger is not pointed at a single Senator—politicians who become elected officials become beholden in the process to some special economic interest. This is the issue before the Senate. Preserving the independence of the President is absolutely vital. The Pastore amendment would achieve that end. The Mathias amendment would prevent it. I hope the Senate will vote down the Mathias amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in support of the amendment of the Senator from Maryland. Let us lay the cards on the table. The Senator from Rhode Island has written a very distinguished bill, with the exception of title X. But, Mr. President, title X smells. To the extent that the Democrats want to claim this particular piece of legislation, they are welcome to it. And to the extent that I admit to not wanting title X, no question about it, I do not and neither does my party. In effect the advocacy of title X is the Democratic Party telling the people of America, "You will give." No longer is it a question of the quality of the candidates or the substance of the issues, but rather, "You will give."

What the Senator from Louisiana calls diplomatic language, tells the American people they are going to make a contribution.

I suppose the question might be asked, If not enough money is raised through this method, then will we have a direct appropriation to finance their campaign?

But what is even worse is, this is an affront to democracy. It disregards democratic reliance on the quality of the candidates and on the logic of the issues.

If there is a practical problem——

Mr. PASTORE. Mr. President, will the Senator yield for a question on my time?

Mr. WEICKER. On the Senator's time.

Mr. PASTORE. Does the Senator think it is in the public interest, and the best way to elect a President of the United States, when you have one candidate go in there because it is easy for him to do it, with $50 million, and have another candidate go in with $5 million? Does the Senator think that is fair? Does he call that democracy?

Mr. WEICKER. Shall I answer the question of the Senator from Rhode Island?

Mr. PASTORE. Yes.

Mr. WEICKER. I say to the Senator that any man who, is of lofty character and integrity, and is popular insofar as his stands on the issues are concerned, will be elected; and if the Democratic Party is having difficulty getting in today, it is because they bombed out prior to the last campaign. It is because the issues were not with them. This is purely and simply a way of trying to legislate yourselves back into office and painlessly avoid the consequences of Democratic blunders.

Mr. PASTORE. Will the Senator yield on that point?

Mr. WEICKER. On the Senator's time.

Mr. PASTORE. We passed this bill 5 years ago in the Senate, and we had a Democratic President. What does the Senator mean, we were bombed out? We did this when we had control of the White House. I repeat again, this is not a partisan issue directed against Nixon or the Republican Party, and this charge that we were "bombed out" is ridiculous.

Mr. WEICKER. I will go back on my time. I want to make clear to the Senator from Rhode Island that the concept of the bill is the responsibility of the Democratic Party. It is they who are attempting to dictate to the American people that they will give. They are not willing to move forward on the basis of the candidates on the issues, but only "You will give."

Mr. PASTORE. Will the Senator yield again on my time?

Mr. WEICKER. On the Senator's time.

Mr. PASTORE. Of course, it is up to the taxpayer to say willingly, "I want to give that dollar and be part of the democratic process to elect my President." He has got to say it willingly. He is not being forced to do it. The Senator is only afraid he might do it willingly.

Mr. WEICKER. Oh, no. I know that any man in this country, any woman in this country, with the right stand on the issues, and who has a record of performance, can make it. What I am saying is that we are not in favor of attempting to use Government money to force ourselves into office. Let us do it on the basis of what we stand for. You cannot keep a good man or a good issue down in this country; but apparently the Senator thinks you can, on the basis of the Democratic record over the past 4 years.

Mr. PASTORE. Will the Senator yield again?

Mr. WEICKER. On the Senator's time.

Mr. PASTORE. You have to get exposure to bring your issues to the public, and today that costs millions and millions of dollars on television and radio, and the Senator knows that. You have to have the money. You have to have the necessary wherewithal in order to get the exposure to present the issues. That is the name of the game, and that is what we are trying to do. We are trying to work out some semblance of equality so that the people of America will judge not on the mighty dollar but on the issues, on the personalities, and on the worth of the candidate.

Mr. WEICKER. Could I get back to my time?

Mr. PASTORE. That was on my time.

Mr. WEICKER. I pointed out to the Senator from Rhode Island that in the matter of campaign reform, the bill minus title X is a good step toward reform; but the concept of dictating to the American people that "they will contribute" let that be laid to the democratic doorstep. That is what has been done so far as section X is concerned. Reform, yes, but only as to the rest of the bill.

The minority leader has indicated that it has his full support, the support of my party—but not section 10. Let us not dictate where the people's money goes. Rather, let it be on the basis of issues and not self-serving legislation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The proponents have 3 minutes remaining, and the opponents have 6 minutes remaining.

Mr. PASTORE. I yield 2 minutes to the Senator from Massachusetts, three if he wants it, and four if he would like.

Mr. KENNEDY. Mr. President, with respect to an earlier remark of the Senator from Maryland about the difficulty the Treasury would have in making adjustments for the checkoff in printing the 1971 tax forms, it is interesting that the Treasury apparently has no difficulty with any of the other provisions in the bill we are now debating. The Senate of the United States has not even completed action on this measure. We are still debating the administration's tax package.

The Senator from Minnesota (Mr. HUMPHREY) had an amendment last week with respect to the low-income allowance. The amendment was passed by this body, and it affected the tax year 1971. The Treasury will have to accommodate that amendment in the 1971 tax forms, if it is accepted by the conferees. The Senator from Kentucky (Mr. COOK) actually voted for that amendment. He was not worried last week that there would have to be printing adjustments in the 1971 tax form, or that there would be an additional expense for it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. LONG. They told us yesterday that with these printing problems, we had to let them know what the bill was going to provide for personal exemptions for 1971 so they could get the forms printed, and that they needed nearly 3 months. After saying that, here is the form, a week later. It is already printed, and it could be mailed out. If they can do that in a week, why do they need 3 months?

Furthermore, the Senate apparently didn't think the printing delay was serious when it adopted the Humphrey amendment to increase to low-income allowance to $1,300 for 1971. So the form will have to be changed and reprinted if the Senate bill is adopted, anyway.

Mr. KENNEDY. When the checkoff legislation first came up in 1966 and 1967, I recall the debate conducted on this matter. Senator Gore and Senator Robert Kennedy had serious reservations about the version the Senate passed in 1966. As a result, the 1966 act was nullified in 1967. But there is no question that the major hearings that were held by the Finance Committee in 1967 have made a solid record in support of the present version, as has the excellent committee report filed in November 1967.

This is not a fly-by-night measure. It has been given careful consideration. Major hearings have been held on it, and the Finance Committee reported it favorably in 1967. I feel that is a most important reform, and the groundwork has been carefully laid.

I reject the suggestion by the Senator from Connecticut. He does not understand title X. The checkoff it provides is purely voluntary, and I think it will be one of the most significant and important reforms we have ever enacted for our democracy.

It involves two very important factors. First, it broadens the base of participation in our political system and, second, for the first time in the history of our Nation, it provides the kind of financial independence required for people who wish to seek high office, but who do not want to be dependent upon special interests in this country.

For the reasons outlined, I hope the amendment will be adopted.

Mr. SCOTT. Mr. President, if the Senator from Maryland will yield me 30 seconds, I ask unanimous consent that the time before the vote be extended for 30 minutes. We have a number of speakers.

Mr. PASTORE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MATHIAS. I yield myself such time as I have remaining.

Mr. President, I want to repeat what I said last night to the Senator from Rhode Island. I think the real question before us is, Does this broaden the political process in this country? I doubt it, because I believe title 10 would further dehumanize the political system. It is going to remove further the average citizen from the choice of his own destiny and influence over his own fate, because he does not contribute to the candidate of his choice; he contributes to the system.

At this point, I want to take up the challenge of the Senator from Rhode Island and tell him that if he can work out an amendment which makes it possible to check off and choose, then I will support it.

Mr. PASTORE. The Senator will vote for it?

Mr. MATHIAS. I will.

Mr. PASTORE. Why does not the Senator draw an amendment himself?

Mr. MATHIAS. I will. And will the Senator accept it?

Mr. PASTORE. Let me take a look at it.

Mr. MATHIAS. Because then we would have some real and broader participation.

As it is now, the local committees are going to be relieved from any action after a convention, and the fat cats and the national party bosses will pick it up at the convention point. I think the political process is going to be narrowed greatly; and instead of widespread community action, you are going to have a narrowing of the political base.

I think this is going to do a great deal to further dehumanize the political process. I think it is a gimmick to pay the bills. It is not going to lower the cost of elections, and it certainly is not going to guarantee us a better product, because of the preconvention period, the critical period when the angels will have to come in and provide the wherewithal. In the last campaign, for example, the Democratic Party spent some $25 million in presidential primary activity.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MATHIS. I yield.

Mr. DOLE. We are about to witness the biggest Democratic fundraising affair in history.

Mr. MATHIAS. I hope that the Pastore bill, the election reform bill, does pass the other body, that it receives the President's signature, and that it becomes law. I hope that title IX of the Pastore amendment passes the Senate and passes the other body and receives the President's signature and becomes law, because I think in that way we can have some real progress and a sound foundation for constructing some future improvement. But I think that to adopt title X as it is now proposed will dehumanize the political process, narrow the political base, and discourage the broadest kind of political participation in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Rhode Island has 3 minutes.

Mr. PASTORE. Mr. President, in exactly 3 minutes we shall have reached the Rubicon, and we will have to say yes or no. But before that, I want to make it abundantly clear to my colleagues that I went out of my way not to make this an amendment that could not be labeled Democratic with a capital "D"—This is in answer to the Senator from Kansas. We passed a like bill 5 years ago, and it was passed in the House. This is only a slight refinement of that, to the extent that the money goes to the candidate who shall himself or herself be responsible and not to the chairman of the National Republican Committee. I suppose that would be Mr. DOLE.

Mr. President, there is nothing here that compels Mr. Nixon to come under this provision. If he already has in the bank $40 million that he wants to spend, he can do it, under this amendment, limited only by whether or not the House will pass a ceiling as to expenditures; I hope they will do that, as we did in the Senate some months ago.

Mr. President, what are we doing here? Are we picking out every Tom, Dick, and Harry? Of course not. We are talking about what? The Presidency of the United States, the Commander in Chief of our country.

All we are saying is that we want to give proper exposure to legitimate candidates who will not falter and fail because they do not have the money to project themselves and the issues which they propagate and discuss. We are talking here about fairness; we are talking about equality; we are talking about the public interest.

If the Presidency of the United States is going to be only within the realm of the wealthy, then I say, "God help this Democracy." We are beginning to see it more and more and more. You see it when you call up CBS, NBC, and ABC and discuss a national hookup. The Senator from Kansas knows as well as I that it costs almost thousands of dollars for one exposure. Where are you going to get this money, unless you have it in your family or unless you go out and get it. How do you get it—with a $500 dinner? Who buys a $500 ticket to go to a political affair? Someone who loves you? Or someone who has an angle? I think it is always someone who has an angle.

What do you say to the contributor when he calls you up and wants to see you before a vote? Do you say, "Oh no, I cannot see you today." Do not tell me that the $500 did not count. Of course it counts.

What we are trying to do here is to purify our system. The only way to do it in regard to the Presidency of the United States is to make it possible for all candidates, whether rich or poor, to go before the people and have the proper projection. That is the name of the game. That is the reason for this amendment. That is the reason why I hope we will reject the amendment of the Senator from Maryland.

Mr. President, I yield back the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Cannon). All time has now expired. The question is on——

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state it.

Mr. DOLE. I am not certain of the rules of the Senate, but will the presidential candidates, by a vote on this amendment——

Mr. PASTORE. Mr. President, a point of order. We are on limited time, are we not?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The inquiry of the Senator from Kansas is not a parliamentary inquiry.

All time on this amendment has now expired and——

Mr. DOLE. Mr. President, I suggest the absence of a quorum——

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

Mr. DOLE. Mr. President, I suggest the absence of a quorum——

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum——

Mr. SCOTT. Mr. President, I suggest the absence of a quorum——

Mr. PASTORE. Mr. President, we have a unanimous agreement here to vote at 10 o'clock——

Mr. DOLE. We have a Constitution, too.

Mr. SCOTT. Mr. President, Mr. President, the absence of a quorum is demanded.

The PRESIDING OFFICER. A quorum call is in order.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. My parliamentary inquiry, is the total Pastore amendment divisible for a vote as to the separate titles, if demanded by any Member?

Mr. PASTORE. Yes.

The PRESIDING OFFICER. Yes, it would be.

Mr. JAVITS. I thank the Chair.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOPER. Under the unanimous-consent-agreement terms, if a motion to table is made at this time, would more time be available to debate this amendment?

The PRESIDING OFFICER. A motion to table would not be in order because the Senate has, by unanimous-consent agreement, agreed that a vote on adoption of the amendment would come at 10 o'clock this morning.

CALL OF THE ROLL

The PRESIDING OFFICER. A quorum call is in order. It has been requested, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 353 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), and the Senator from Virginia (Mr. Spong) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Maryland. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Hartke), and the Senator from Virginia (Mr. Spong) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 46, nays 49, as follows:

[No. 354 Leg.]

YEAS—46

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
McClellan
Miller
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—49

Allen
Anderson
Bayh
Bentsen
Bible
Burdick
Byrd, W. Va.
Cannon
Chiles
Church
Cranston
Eagleton
Eastland
Ellender
Fulbright
Gambrell
Gravel
Harris
Hart
Hollings
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—5

Hartke
Hughes
Mundt
Saxbe
Spong

So Mr. Mathias' amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President——

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Rhode Island. Who yields time?

Mr. GRIFFIN. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. I send to the desk an amendment to the amendment of the Senator from Rhode Island (Mr. Pastore) and ask that it be stated.

The PRESIDING OFFICER. The amendment is not in order until all time has been used or yielded on the amendment of the Senator from Rhode Island.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time on the amendment of the Senator from Rhode Island?

Mr. GRIFFIN. Mr. President, I wonder if in the interest of getting this——

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. I yield whatever time the Senator needs.

Mr. GRIFFIN. Only for an inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island yields to the— May we have order in the Senate so the Chair can hear.

Does the Senator from Rhode Island yield time on the amendment to the Senator from Michigan?

Mr. PASTORE. Yes.

Mr. GRIFFIN. I wonder if it would be in the interest of orderly procedure to proceed in considering the Pastore amendment as though we were considering a bill. If the Senator does not want to do that, we can wait until all time on the Pastore amendment has expired.

But a number of amendments to the Pastore amendment will be offered. The Senator from Kentucky (Mr. Cook) and the Senator from Tennessee (Mr. Baker) have amendments. I do not know what the leadership on that side desires, but it would be my suggestion that these amendments be considered now, and the Senator from Rhode Island can still reserve his time on the principal amendment.

Mr. PASTORE. The Senator from Rhode Island wants to be fair, I suggest the absence of a quorum so we may discuss this, without the time being charged against either side.

Mr. JAVITS. Before the Senator does that I wish to demand a separate vote.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Does the Senator from Rhode Island withhold his request?

Mr. PASTORE. I do.

Mr. JAVITS. Mr. President, I demand a separate vote on title X.

The PRESIDING OFFICER. The Senator from New York will delay his request until the Senate is in better order. The Senate will be in order.

The Senator from New York may proceed.

Mr. JAVITS. I demand a separate vote on title X.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield for that purpose?

Mr. PASTORE. I yield for that purpose.

The PRESIDING OFFICER. A division is demanded under the rule.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

Mr. PASTORE. Is this debatable?

Mr. JAVITS. Did the Chair rule?

The PRESIDING OFFICER. The matter being susceptible of a division, a division can be demanded.

Mr. JAVITS. I demand it.

The PRESIDING OFFICER. That would be in order. The amendment will be divided.

Mr. JAVITS. I thank the Senator.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Do I understand——

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

Mr. DOMINICK. I cannot hear myself, let alone anyone else.

The PRESIDING OFFICER. The Senate will not proceed until the Senate is in order.

Does the Senator from Rhode Island yield time for a parliamentary inquiry?

Mr. PASTORE. Mr. President, I am not the only one who has time. The opposition has time. Why does not the opposition do a little yielding?

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, the Senator from Rhode Island suggested that we have a quorum call.

Mr. PASTORE. That is right. I was interrupted. Do we or do we not?

Mr. GRIFFIN. Yes.

Mr. PASTORE. All right. Let us do it. Without charging the time to either side, let us have a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that it be in order for any Senator to offer amendments in the second degree to the amendment in the first degree without the time on the amendment in the first degree having expired.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PASTORE. Reserving the right to object, with the condition that each amendment will have 1 hour?

The PRESIDING OFFICER. There is already an order for 1 hour on amendments in the second degree.

Who yields time?

Mr. GRIFFIN. Mr. President, as I understand it, I sent an amendment to the desk but it was not in order at that time.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. So I have no amendment pending. I yield to the Senator from Tennessee (Mr. BAKER), who has a similar amendment, and I ask him that my name be added as a cosponsor of his amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I call up the amendment I have at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 29, line 8, before the word "shall", insert the following: "in addition to his tax liability"
>
> On page 29, line 14, before the word "shall", insert the following: "in addition to his tax liability"

Mr. BAKER. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Is this amendment subject to controlled time?

The PRESIDING OFFICER. The amendment is subject to controlled time, with a limitation of 1 hour.

Mr. BAKER. Thirty minutes on a side?

The PRESIDING OFFICER. Thirty minutes to each side.

Mr. BAKER. I yield myself such time as I may require.

Mr. President, yesterday during the general debate on the amendment of the Senator from Rhode Island (Mr. PASTORE), I made the initial observation that I was concerned with the general thrust of his amendment and the program that it proposes, particularly with reference to the fact that it is not a checkoff system as such, but rather a dedication of general tax revenues, and that the dollar which is authorized to be paid over to the presidential campaign fund is a dollar that would otherwise be available from the Treasury for general governmental purposes, and therefore constitutes a general fund contribution of the Government of the United States to political campaigns.

The purpose of my amendment, Mr. President, is to change that situation to make sure, in the vernacular, that you can check off and pay instead of check off and deduct, and to change the situation so that the dollar which is added to the income tax liability otherwise owed would not be a raid on the Federal Treasury and would not diminish the fiscal resources of the Government of the United States to meet the other problems and challenges that confront it.

In a word, this proposal would raise precisely the same amount of money, or presumably the same amount of money, as would the amendment of the Senator from Rhode Island, except that it would meet the objection which I raised yesterday that we are using a hard-pressed Federal Treasury and funds from it to finance presidential campaigns when we ought to order our fiscal priorities in some other way, and spend that money for some other purpose.

This amendment, then, gives the people of the United States the opportunity to elect, on their income tax return, to pay $1 in addition to the tax liability they would otherwise owe into a special trust fund which would be used solely and exclusively for presidential and vice presidential campaigns.

I would hope that the distinguished Senator from Rhode Island, the author of the amendment, might consider the fact that theoretically my proposal does not alter the amount of money that would be available; that it does not alter any of the material and operative sections of his amendment; and that it does not change the picture on the availability of funds for presidential and vice presidential campaigning. It will, however, keep us from raiding funds that would otherwise be available for housing, social security, or some other purpose, and keep us from dedicating them instead to presidential campaigning.

With this in mind, I wonder if I might inquire of the Senator from Rhode Island if he has any disposition to accept the amendment.

Mr. PASTORE. Of course not. This would defeat the entire concept.

The thing that amuses the Senator from Rhode Island is the characterization that this is "a raid on the Treasury." We are spending $75 million a day in Vietnam, where we should not be; $75 million a day, and all this is going to cost is in the neighborhood of $50 million to $60 million. To do what? To elect a President of the United States. And still the Senator talks about priorities.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The yeas and and nays were ordered.

Mr. BAKER. Mr. President, I wonder if the Senator from Rhode Island would respond further, then, on the proposition that the same amount of money would be generated under this amendment as would be under his amendment.

Mr. PASTORE. I would not say so. Not exactly.

Mr. BAKER. Why not?

Mr. PASTORE. Because this is money

that you already owe, under our concept, and you check it off. The Senator is telling the individual taxpayer that if he wants to participate, he must come up with the dollar. We have already provided for a credit; we have already provided for an allowance. Between the two of us, I think this is a hocus-pocus idea.

Mr. BAKER. Mr. President, I think that just points up the fact that the amendment of the Senator from Rhode Island constitutes a raid on the Treasury to finance political campaigns.

I reserve the remainder of my time.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PASTORE. I yield the Senator from Louisiana whatever time he requires.

Mr. LONG. Mr. President, this amendment is patently ridiculous, and I think I know why it is being offered. It is being offered in the hope that our Republican friends can get more people in town and that some of the Democrats will leave town between the last rollcall vote and the next one.

With this amendment, the bill will be such that if a wealthy man wants to contribute $100 to his good friend for his own selfish advantage, to be sure the man on his side gets in and helps him with his business or with activities, he gets a $70 tax advantage from the deduction. But some little fellow who just wants to contribute $1, asking no special advantage for himself—he wants both sides to have a chance to be heard and is willing to contribute something for a third party or a fourth party, not knowing who that might be—just wanting to make a contribution to good government, gets no advantage.

A $70 advantage is given to a man who can afford to contribute $100, and no advantage is given to a little fellow who has no ax to grind. You are rewarding those who seek special advantage and penalizing the little fellow. It is difficult for me to conceive that anybody could seriously vote for that amendment.

I think we ought to tell our Republican friends that we know this is a very important matter and we do not propose to lose it on absentees. That rollcall vote demonstrated that there are 52 Democrats, not one Republican, who will vote for what is in the Pastore amendment on this part of the bill; and if every Republican were here, including that very sweet, sick fellow who is in the hospital at Bethesda, they would have 48 votes.

I saw our Republican friends win this struggle 5 years ago by just maneuvering and operating so that they would win it on absentees. They got hold of our list of absentees. They got the Democratic checkoff list. Then they would arrange to get their people in town and let us vote on a certain day at a certain time; and once we got our people back in town, there were no votes.

On one occasion, I arranged to wait until they got our checkoff list. They had it, but they did not know I knew they had it. Then I arranged to go to work and get our people back in town, and managed to get our people back for a rollcall vote, which we won. They were the most surprised people in the world. They thought they would catch us with seven absentees. They caught us with only three.

I think it is about time to tell our friends that if they want the bill to pass, we will vote on the bill. We will vote on what you want to pass, if you will vote on what we want to pass. It is just as important to us as it is to you. To us, this is a cause of good government, and we are sorry that you are not prepared to vote for it. That is how we think it ought to be done. We will pair your absentees if you will pair ours, and we will vote as soon as you want to vote.

I think we would be foolish at this point to give away a victory in removing the pressure of money from the decisions of Government, or at least taking a long stride in that direction, at a time when it is clear that a majority of the Senate wants to do that.

I do not think people are going to be misled by this kind of amendment, which would just negate what the Senate has indicated it wants to do by the prior rollcall vote.

Mr. BAKER. Mr. President, I must say that the distinguished Senator from Louisiana must know something about his absentees that I do not know, because he must understand, as I am sure he does, that this amendment is not going to delay these proceedings for very long. It is subject to a time limitation and, so far as I am concerned, I expect that we may take less time than that which has been allotted.

I have not made any head count. I do not know of the situation on absentees. But I do feel that the statement by the distinguished Senator from Louisiana that this amendment is designed to operate against the little fellow who wants to contribute $1 equally and equitably to the political campaign, without fear or favor, is incorrect. The amendment of the distinguished Senator from Rhode Island (Mr. PASTORE) provides for the designation of $1 of public tax funds, and it is not a voluntary contribution at all.

My amendment does provide for a voluntary contribution, because my amendment provides that the individual has the opportunity to pay that dollar and to fit all the formula and criteria that the Senator from Louisiana specifies. But this amendment would do it without raiding the Treasury of the United States for $113 million.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I am glad to yield.

Mr. LONG. In the beginning, I started with the proposal that you let every person contribute $1 and have a tax advantage of $1, if he wanted to put up $1; and, having moved with that proposal, that one person could put up $1 and have a $1 tax advantage. I found—and I still find—that it is almost impossible to administer. But that is how it works out.

If you gave everybody a $1 tax advantage by letting them contribute just $1 and have a $1 tax credit, and that $1 goes to help pay both sides—even a third party—so they can make their presentation to the people on the issues and try to lift the Presidency above the pressure of money, then you would achieve the same result as the current proposition; that is exactly how this proposal would work, except that it is simpler.

Mr. BAKER. Mr. President, might this time be charged against the time of the Senator from Louisiana?

The **PRESIDING OFFICER.** Does the Senator yield time?

Mr. BAKER. Senator PASTORE has control of the time, and I do not want to be difficult. Might this time be charged against the time of the Senator from Rhode Island?

Mr. PASTORE. That the Senator from Louisiana used? Of course.

Mr. LONG. That is basically what we have here. But in order to meet the problems of accounting, the problems of funneling these small contributions through to where they are intended to go, it was necessary and desirable to use the tax collection system, so that funds could be collected and funneled to the people to whom they should go, so that you could have an accounting of every nickel of it. That is the only reason why a checkoff is used instead of just using a tax credit where a person wants to make his own contribution.

The Senator is willing to let the tax collector collect the money and distribute it. He wants to put a burden on the fellow who wants to make a contribution with no ax to grind. I do not see how the Senator can justify that, if he is going to give a $70 tax advantage to a person who is in a position to contribute $100.

Mr. BAKER. I think the position of the Senator from Louisiana is substantially the position I am offering in this amendment. When he first proposed this idea, if my memory is correct, he offered the alternative of permitting the contribution of $1, not the deduction of $1 from a person's tax liability.

I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, the concern of the distinguished chairman of the Finance Committee about absentees on his side is interesting, because the junior Senator from Michigan, like the Senator from Tennessee, is not aware of any absentees. I do not know whether the presidential hopeful on that side of the aisle is in town or not. There are quite a few of them. It has even been questioned as to whether they should vote on this amendment because of the problem it might pose.

I want to support the amendment of the Senator from Tennessee. I am going to use a word which I use with some consideration and deliberation; but I want to say in advance that I mean no criticism of the Senator from Rhode Island (Mr. PASTORE). The Pastore amendment is a fraud, in my opinion. It seeks to hold out to the American people and make them believe something that is not true. There has been an attempt to explain and justify the amendment on the basis that it would encourage small taxpayers to participate in the political system in a voluntary way; to make some small contribution toward good government in the campaign and election of the President. To hold out that impression is a fraud, because that is not what the amendment would do. Every taxpayer, whether he makes a check on that form or not, will be paying a part of whatever goes into the campaign kitty for the presidential candidates created by this amendment. We all know that, if we think it through.

Mr. PASTORE. Mr. President, will the Senator from Michigan yield right there?

Mr. GRIFFIN. The money to be used for presidential campaigning will be coming out of the Treasury. It will not be this dollar of this taxpayer, or that dollar of that taxpayer. What will happen is that that much money will come out of the Treasury. Every taxpayer, whether he makes a check or not, will be paying his share of the total. Will not the Senator from Rhode Island agree?

Mr. PASTORE. No. Will the Senator yield to me?

Mr. GRIFFIN. Of course, I yield.

Mr. PASTORE. The Senator from Michigan talks about the terrible "fraud" which, to me, is an obnoxious term——

Mr. GRIFFIN. I understand that, and I regret having to use it, but——

Mr. PASTORE. The Senator repeated it by saying "and I mean that." If the Senator is talking about fraud, look at what is in this amendment. What we are actually saying is that if a poor man wants to participate and be a part of the election process in electing the President of the United States, he has got to impose an additional tax of $1 on himself. If that is not fraudulent, I do not know what is. The Senator is asking that man, if he is going to give the money, that he will impose an additional tax on himself, and that will be in addition to the tax liability added to the liability of the $1.

Mr. BROCK. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. BROCK. Is it more fraudulent to impose it on himself, or for us to do it here? Is that not what the pending amendment would do, to impose a tax on every American? Regardless of what the Senator from Michigan says, every single American citizen will participate in an automatic subsidy to candidates over whom he has no control whatsoever.

Mr. GRIFFIN. By contrast, under the amendment of the senior Senator from Tennessee, which I am supporting, the taxpayer knows exactly what he is doing. He has a voluntary choice as to whether he will pay his $1, which would be a contribution and not a tax, and he is entitled to do it. He knows where the money is going. It is not and it cannot be described as fraud.

Mr. BROCK. It is his choice.

Mr. GRIFFIN. That is right.

Mr. BROCK. It is not Congress imposing a tax without any opportunity to get redress on the part of the individual taxpayer.

Mr. GRIFFIN. The other taxpayers who would check the box would not be affected by this amendment.

Mr. WEICKER. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. WEICKER. As I understand the amendment of the Senator from Tennessee and the Senator from Michigan, what they are saying is that the giving of the political moneys should be motivated by the quality of the candidate, by the logic of the issues, by the stands of the candidate, and not by any tax gimmickry which goes ahead and cajoles the taxpayer into giving money to a presidential campaign fund.

In other words, is not priority, in the minds of the Senators from Tennessee and Michigan, given to the quality of the man, and the quality of the issues, rather than to some tax dodge?

Mr. GRIFFIN. To be candid, I would have to say that the Baker amendment would not go quite that far. I believe it is necessary to take one step at a time. The amendment of the Senator from Tennessee goes only to the point of whether the $1 checked off by a taxpayer will come out of the Treasury or will be a voluntary contribution in addition to his tax liability. Unfortunately, even if the amendment were adopted, we would still be in a position where the taxpayer would not know which candidate he would be supporting. The money would still be divided on the same formula as now in the amendment.

Mr. WEICKER. If I may clarify that, you are not trying to motivate the act of giving by giving a tax advantage, you are, in other words, trying to motive political contributions by factors other than special tax advantages.

Mr. GRIFFIN. What the Baker amendment would do is to provide a convenient way—a vehicle—for the taxpayer who wants to make a modest contribution to help support the campaign for the Presidency of the United States.

I believe that the Baker amendment has great merit and should be adopted. It seems to me it should underscore for the press and for the public exactly what this debate on the Pastore proposal is all about. If the Baker amendment gets as much attention as the vote we had on the Mathias amendment—and the people really find out what this is all about—I believe the Pastore proposal can be rejected.

Mr. PASTORE. Mr. President, we talk about the issue. We know what the issue is. This amendment would not have come up in God's world only but for the last vote we took. The Senator from Tennessee knows that. He would never have suggested this as an original idea. The purpose here—if you want me to be completely frank and honest about it—is a subterfuge to destroy the bill, to vitiate the vote we just took. Otherwise, this amendment would never have come up.

I dare say that many Senators on that side of the aisle, if this is defeated, would never vote for final passage of it.

Who is kidding whom? What you are trying to do is to emasculate the bill. What you are trying to do is to emasculate the amendment. You are trying to destroy the amendment in this devious way, instead of coming out and saying let us vote it up or down.

I say to everyone on that side of the aisle who has spoken on this amendment, and there could be others, that you would never have suggested it if it had gone the other way. You know that, deep in your hearts. Yet you stand up and you use the word "fraud." I think it is shameful, because where the fraud is, the fraud is in this, that you really do not mean it in your hearts.

Mr. LONG. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. LONG. There is not a Republican in this Senate, I believe, who would vote for this bill, with that Baker amendment on——

Mr. PASTORE. It is an imposition of a new tax.

Mr. LONG. Yes. Let us see what it would do with the Baker amendment, which will get some Republican votes, I am sure. At least the Senator from Tennessee will vote for it. If that Baker amendment goes on the bill, here is what the bill will then say, that we can tell a millionaire who puts up $100 that he will save $70 to advance his own special interest. Then you vote at the same time to say, if you are a little fellow who cannot afford $100 but wants to contribute something to good government, then you can put up $1 for presidential campaigns but you will not be granted any special advantage. But, for the sake of good government, we are going to take 100 percent of 100 percent out of your hide. So we will penalize the cause of good government and reward the cause of those who contribute for their own advantage.

Mr. PASTORE. There is another way to say it. If you want to give this $1 to his support—what it amounts to, is that you give a dollar tax to his support—but if you give $100, you can take it as a deduction and knock off $70. That is for the rich. That is what we are talking about here today: the rich versus the poor. I repeat, the rich versus the poor.

Let me tell you. Maybe today you are bloated, maybe you are bloated with money today, but the day will come when you may be on the other side of the coin, and then you will be pleading as PASTORE is now pleading.

All I am pleading for is equity and justice.

Mr. BAKER. Mr. President, we are not talking about the rich or the poor. We are not talking about subterfuge. We are not really talking about fraud. We are talking about the question of whether we are going to let the Senator from Rhode Island in his amendment dedicate $113 million of money from the Federal Treasury that would otherwise go to the poor and the needy, for social security, and a whole range of other crying issues in this country, to be devoted to a closed circuit system whereby the public body politic guarantees its own incumbency.

Mr. President, I yield 5 minutes to the Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I express my appreciation to the distinguished Senator from Tennessee (Mr. BAKER) for this time.

I have been listening to the debate with great interest. I listened to it on the Mathias amendment and I am listening to it now on the Baker amendment.

I must say, after listening to the Senator from Rhode Island, for whom I have a great deal of respect under ordinary circumstances, that I surely do not understand him on this one.

All we are doing in the Baker amendment is to say that if anyone wants to contribute to a slush fund for the political parties for the office of President and Vice President, they can. There is no tax involved. They still have to pay their ordinary tax liability, surely, but if they want to contribute something else, they can.

Let us put it in its right terms, because a slush fund is saying to them, "This is an easier way to collect the money because we are using the Internal Revenue Service as a method of collecting your contribution instead of having a political party going out and raising it themselves." That is all it says.

Let us assume that we get the Baker amendment through, I will vote for it. However, I would still vote against title X. The Senator from Louisiana and the Senator from Rhode Island are right on that. Let me tell them why. It is because they are putting it into a pot and there is no possibility for them to say who is going to get their dollars.

What is the matter with having dollars for Nixon or dollars for HUMPHREY or dollars for MCGOVERN or dollars for PASTORE? I would not mind that.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield on the Senator's time.

Mr. PASTORE. Is the Senator actually saying that he will vote for this but has no heart for the bill, and in the final analysis will not vote for the $1 to be deducted from the tax for this purpose? The Senator said that the final analysis he is against title X. If this becomes part of title X, he will vote against it.

Mr. DOMINICK. I did not say anything like that. I said it was a voluntary contribution. It is not a tax in any way whatsoever. The Senator from Rhode Island knows that perfectly well.

I said that even if we get it on in this way—and this would be better than it is now—we will put in a total situation where everyone will get taxed, because this will be the number one priority in the Federal Treasury under the bill as now written. I do not think that ought to be the No. 1 priority with respect to anyone's tax bill or anyone's tax liability.

If one contributes to the political parties, he ought to do so to a party of his choice voluntarily and not have it this way.

We still have an enormous number of problems with the whole bill. I have some amendments that I will put in, in an effort to try to clear up title IX not title X.

When do we know whether there will be this money in the pot, whether it is an additional contribution or a deduction? We will not know until the final returns are in. So we will not know how much money is in the pot.

How about the people who will be running as candidates? Will they be able to tell how much money they will get out of it? They will not be able to do so unless they know ahead of time that everyone will check it off and that there will be x number of dollars available for their use.

On page 10 of the amendment it says that a candidate shall qualify only if he agrees under threat of perjury that he will not accept any contributions. How about that? They cannot accept any contributions under title X if they want Federal funds at all.

Mr. PASTORE. What is wrong with that?

Mr. DOMINICK. They will not know until heaven knows how much additional administrative expense and additional expense on the part of the taxpayers goes in to determine what is in the pot. They will not know what they will get. They will not be able to determine ahead of time the scheduled budget.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield on the Senator's time.

Mr. PASTORE. Mr. President, the people file their returns by April 15, 1972. The Democratic Convention is in July 1972. The Republican Convention is August 1972. By that time we will know how much money is in the fund. We will have 4 months in which to find out.

Mr. DOMINICK. Mr. President, in the meanwhile everyone who is running for office who thinks he might get the nomination does not know where his funds are coming from and will not know until he has gotten the nomination and knows who the candidate actually will be, and he will not be able to collect from a private fund if he does want to get public funds. It is the most messed up thing I ever heard of in my life.

Mr. PASTORE. Will the Senator yield?

Mr. DOMINICK. I will yield to the Senator later on his own time.

Mr. PASTORE. I want to ask a question. The Senator is not afraid of that.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. So we have a totally messed up bill. That is the point I am making. Were the Baker amendment agreed to, the Baker amendment says, "OK; if you want to contribute you can." The Pastore amendment says, "You are not contributing anything." One might just as well go ahead and say, "All right, there will be a draft on the Treasury as the No. 1 priority, the No. 1 slush fund for the presidential campaign."

I do not understand how we can go ahead on that basis, I am frank to admit. The thing that I want to make sure that the RECORD shows—whether anyone is listening to me or not—is that what the Senator from Louisiana and the Senator from Rhode Island said that this would be an additional tax, it simply is not true. It is a voluntary contribution under the Baker amendment and no kind of tax. We are using the mechanism which the Senator from Rhode Island started, to say that where they do want to make that contribution, they can.

I thank the Senator from Tennessee for his time.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 10 minutes.

Mr. BAKER. Mr. President, I am happy to yield 3 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise to support the amendment. I thank heaven for a perceptive press. We have been listening to spectacular rhetoric from the Senator from Rhode Island and the Senator from Louisiana.

This story just came across the UPI wire in relation to the vote we just took:

> Senate Democrats beat down a Republican challenge today to their plan to finance next year's presidential election campaign through a $1 per taxpayer checkoff on the 1971 income tax returns.
>
> Conservative and liberal Democrats joined in an unusual display of party unity to defeat a Republican effort to scuttle the plan, designed to provide $20.4 million for their debt-ridden party's candidate, as well as another $20.4 million for the Republicans.

Speaking for the Republicans, we are not asking for $20.4 million. So let us put it on the table. It has nothing to do with what the Senators from Louisiana and Rhode Island say, but it has a lot to do with bailing their party out of the situation it finds itself in.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WEICKER. I will yield to the Senator on his time.

Mr. PASTORE. The Senator used the expression that the Democrats beat down the Republicans. There was not one Republican that voted the other way. Yet several Democrats did. I do not know what calls were made or what arm twisting went on. The Republicans were solid, which proves what? It proves that the Republicans are flush with the dollars.

Mr. WEICKER. Mr. President, it proves itself in the bill because the Senator proposes to use the taxes of American taxpayers. The bill no longer gives the taxpayers a choice on candidates or issues. However, it will give a subsidy for mediocrity. That is what the Senator is asking for, because if in fact the Democratic Party does not have money the Republican campaign fund does.

It is because Mr. Johnson did not cut it in 1968 and Mr. Nixon did and does.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, I yield 1 additional minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 additional minute.

Mr. WEICKER. Mr. President, the Democrats fell down on the job. When they come up with candidates and issues they will get the support of the American people.

That is the greatness of the free American system as compared to what we are trying to impose on the American public here today.

Mr. BAKER. Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. Mr. President, I want to go back to the strong word I used earlier. It is heartening and encouraging that the wire story referred to is a straight story—giving straight information to the people. Unfortunately, when the taxpayer comes to filling out his return, if this Pastore amendment should become law, he will be misled because he will think that he has some choice as to whether or not his tax dollar will go into the political fund—when, really, it will not make any difference whether he makes a check in the square or not.

The so-called checkoff device in the Pastore amendment is really a charade. It would be better, and more understandable—although I would be against it—to simply appropriate the money that is to go into this political kitty. Why go through the charade of a checkoff on the tax form? It does not mean anything.

Mr. PASTORE. The reason we do it this way is that we will leave it up to the people. If we tell them we are going to appropriate money, they have no part to play in this. But we say to the little taxpayer, "If you want to be part of the democratic process of electing a President, you check it off. If you do not want to do it, don't check it off." But Congress is not going to tell you what they are going to do.

Mr. BAKER. Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, I yield to the Senator from Florida whatever time he needs.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I listened with great interest to the arguments by the other side that this is a raid on the public Treasury; that this is a $100 million raid on the public Treasury. I wonder whether or not the public is better off under the present system when we allow contributions of any size and amount. Do they save money and not lose $100 million when we see Government run on the basis of those who contribute the most getting the favors? Do we save money when we see a surprising change of what is going to be the base price of milk after tremendous contributions are made? Do we save money when we get into a debate on what the depletion allowance is going to be? Money speaks every time.

What is wrong with having taxpayers feel that every man's vote counts the same? I think it is the cheapest $100 million the taxpayer will ever get out of this Government, to have a President elected who would be able to make his appointments without determining that he has to send this man as an ambassador there because he raised $100,000, or to do this for this group because of the money they raised. That is the way it has been for years.

Now for the first time we are facing the opportunity to be able to say that every man will be the same.

If those on the other side want to make it an issue, and it is being made an issue, I am delighted because I think the public is tired of the biggest man's dollar speaking. I think the public realizes what the cost is, and the taxpayer is paying for it in many ways.

For the first time here we are trying to make every voice equal so that a President will be able to be free to make appointments and decisions without that pressing thought, "I have to run for reelection so I have to have another pot of money, so how am I going to raise it?"

Every man would know he would get the money if he is the choice of his party.

If that is a raid on the public treasury I am delighted to raid it; if it is a direct appropriation I would vote for a direct appropriation today so we could relieve the presidency of what we have had in this Government over the years, where those with the most money had the loudest voices and got the special favors. There is no way to say it has not been happening. Now, in this amendment today we have an opportunity to correct that situation.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. BAKER. I yield 4 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, I am delighted with this debate today. I think we are drawing some issues that should have been drawn a long time ago.

We see in the amendment of the Senator from Rhode Island the absolute classic application of the old philosophy: Tax and tax, elect and elect.

Is this a brandnew concept? We would tax people without their consent, without them knowing or having a choice as to where their money is going. We would tax them to perpetuate those in power.

I was absolutely fascinated when the Senator from Rhode Island said the Baker amendment was the imposition of a new tax. There is no tax in the Baker amendment. It is a voluntary system whereby a person could make his own choice.

The amendment of the Senator from Rhode Island is, however, a tax—a new kind of tax. A checkoff system would be used to determine the amount of the raid on the Treasury—rich versus poor.

I wish to remind the Senator from Florida of something. In my 8 years in the House we made a study of political contributions to the two parties. It showed that 75 percent of the funds for my party came in contributions of less than $100 and 75 percent of the contributions to his party came in the form of contributions of more than $100. The big contributors? Let the record show that they are not over here. Let us get it on the table. Where is this raid going to go? Will it go to bail out the party that is in there now? It will not be bankruptcy alone which afflicts the party which loses.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BROCK. I wish to first make one last comment.

Mr. President, I go to campus after campus and I talk to young people across the country. The young people of this country are terribly frustrated over the fact that they have no voice in the political process. Time and time again they say, "We do not want to belong to any party. We want our own voice."

Mr. President, what would this amendment do? The amendment of the Senator from Rhode Island would perpetuate the status quo. It would deny to the American people who want to go a different route or have an adequate voice the opportunity to do so. It is an absolute foreclosure of diversity in the political process because it does not allow an individual to make up his mind. We would be back to the old days of tax and tax, elect and elect.

That is what is wrong with the amendment of the Senator from Rhode Island. We can pass the amendment of the Senator from Tennessee (Mr. BAKER) and return to the processes that made this country strong.

Mr. PASTORE. Mr. President, my amendment has nothing to do with people on campuses or people who work in jewelry shops. It has nothing to do with that. We are talking about money that belongs to the taxpayers. It is their money. What are they spending it for if they designate a dollar? They are spending it to elect a good President, the best President this country can elect. We are talking about the office of the Presidency of the United States.

The Senator talks about a study 6 years ago. How about a week ago? All these parties at $500 a ticket that were held all over the country, when the President flew from New York to Chicago and they raised $5 million?

Mr. BROCK. I thought the Senator's President had a President's club for $1,000.

Mr. PASTORE. That is right. That is absolutely right. That is bad, and that is why we passed this when President Johnson was President. This is not a Republican bill or a Democratic bill.

Mr. BROCK. Now you are going to tax all the people to pay off your debts.

Mr. PASTORE. Pay off whose debts? To elect the President of the United States—that is what we are talking about.

I want to say this to the Senator from Florida. I have an article from the Washington Post of last Sunday. There is a little box here that should go in the RECORD. It is entitled "Contributions of 12 Prominent Families, 1968." Do you want me to read it?

Du Pont, total contributions of $107,000; to the Republican Party $99,800, and to the Democratic Party $1,700.

Field, to the Republican Party $2,000, and to the Democratic Party $17,000.

Now we have Ford. They gave $57,750 to the Republicans and $52,000 to the Democrats. They are playing both sides of the street.

Now, Harriman. It says here to the Republicans $16,500 and nothing to the Democrats. That is what it says here. That is what it says. I do not know what Harriman this is. This must be the Harriman who has the dough.

Then there is Mellon. He gave $278,962 to the Republicans and $17,000 to the Democrats.

Adding it up they gave $2,580,785 to the Republicans and $149,700 to the Democrats.

Now, I am not talking so much of what they gave to the Republicans and what they gave to the Demcorats, but I mean, is the President and his public office for sale? Is it for sale? Does it go to the highest bidder, or is it an office that belongs to all the people for them to participate in? That is all I want to do.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to have the matter printed in the RECORD?

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

CONTRIBUTIONS OF 12 PROMINENT FAMILIES, 1968

Name	Number of members contributing[1]	Total contributions	Contribution breakdown		Miscellaneous
			Republican	Democratic	
Du Pont	32	107,000	99,800	1,700	5,500
Field	4	39,000	2,000	17,000	20,000
Ford	8	109,750	57,750	52,000	
Harriman	2	17,000	16,500		500
Lehman	7	51,000	2,500	48,500	
Mellon	22	298,962	278,962	17,000+	3,000
Olin	7	70,000	70,000		
Pew	[2] 11	213,549	207,898		5,651
Reynolds—No contributions					
Rockefeller	21	[3] 1,714,375+	1,700,875	13,500	
Vanderbilt	2	12,000	11,000		1,000
Whitney	6	133,500	133,500		
Total	122	2,766,136	2,580,785	149,700	35,651

[1] In this analysis, husbands and wives were counted separately. Therefore, Mr. and Mrs. —— would constitute 2 contributing family members.

[2] The estate of J. N. Pew deceased was counted as 1 contributing member.

[3] This Rockefeller total does not include the $356,000 contribution made by Nelson Rockefeller for his own campaign.

Mr. CHILES. Mr. President, if the Senator will yield for a question, if a college student had a sandwich route or a laundry business and had to pay an income tax and he checked off his dollar, would he not have the same voice as Mr. Du Pont in the election of a President?

Mr. PASTORE. Of course.

Mr. CHILES. When it comes to whether the President was going to have to appoint Mr. Du Pont or somebody else as Ambassador to France, for example, would not the college student stand on the same footing as Mr. Du Pont?

Mr. PASTORE. One man, one vote, that is right. One man, one vote, one dollar.

Mr. BAKER. Mr. President, I yield 1 minute to the distinguished Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, I was very interested in the catalog that the Senator from Rhode Island just developed before the Senate. I would like to read a few figures, myself.

In 1970 the Democrats received from labor organizations $4,153,746. We poor Republicans got $143,550 out of the labor movement.

At a later time I intend to read the names of some very, very substantial contributors to the Democratic Party that heretofore have not been too well known.

Mr. BROCK. Mr. President, does the Senator know of any specific labor organization that gives its members the right to say where their money is going to be spent?

Mr. GOLDWATER. I do not know of any.

Mr. BROCK. And the labor union members would be treated no differently when this provision is the law, because we are going to tax them.

Mr. GOLDWATER. I am not arguing with the Senator from Rhode Island that there is no connection between what he is trying to do and what we are trying to do.

Mr. PASTORE. I know the Senator is not.

Mr. GOLDWATER. I intend to speak on this subject, because I do not think there is a man in this body who has raised more money than I have or has had the experience I went through in a presidential campaign. I am glad to see the Senator from Maine here. I often told him that if he came to me for advice, I would save him a lot of trouble.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. I will yield the Senator on my time.

Mr. GOLDWATER. No. I intend to speak later on this. I did not want the reading of the list of large contributors to the Republican Party to go unanswered.

Mr. PASTORE. If the Senator will yield, this is directed to labor as well as industry. We want to cut it all out, to tell the truth. We do not want nominees to be harassed by any organization, no matter what it is.

Mr. GOLDWATER. I admire the Senator's objective, but unless we quit printing paper money we are not going to do away with all the evils.

Mr. PASTORE. Well, we can help, and that is what we are trying to do. I am not ready to lie down and play dead, and I think there is something that can be done to bring a semblance of fairness and honesty to the democratic process. We can avoid the idea that whoever has the money has the best chance to win.

Mr. GOLDWATER. That does not always hold true.

Mr. PASTORE. It does not always happen, but in a presidential campaign, unless the nominee can get the proper exposure, unless he can pay the high costs of television and radio and everything that goes with it, he just does not get before the public. The Senator knows that. He just does not get there.

Mr. GOLDWATER. I will develop that later. I hope the candidates, including their managers and the people who work for them, can do a much better job of spending the money than they have done.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes and the Senator from Rhode Island has 9 minutes.

Mr. LONG. Mr. President, the Senator from Rhode Island left his time with me. The Senator from Arizona talked about labor contributions and, frankly, that is the kind of thing we are trying to stop. We are trying to put campaigns on a different basis so that when a man is to be elected President, he and the job will be lifted above the pressures that force the candidate to do things he does not want to do, which he really does not believe to be in the national interest, in order to raise funds for his campaign.

I would like to read a paragraph or two that have always remained in my mind from Mr. White's book "The Making of the President." The Senator from Oklahoma will know what I am talking about when I read it. It has to do with the problem Senator HUMPHREY had in his primary campaign in West Virginia, when he was opposed by a very fine man, Mr. John Kennedy. I read from page 110:

> Strangled for lack of money (Humphrey's expenditures in West Virginia were to total only $25,000—nothing, in the scale of American politics), knowing himself in debt, aware of the nature, depth and resources of this final Kennedy drive, as the final week end approached Humphrey became a figure of pathos. He needed advertising, he needed workers, above all he needed TV to show himself across the state.
>
> I remember the final Saturday morning, shortly after it was revealed that Kennedy's TV expenditures alone across the state had mounted to $34,000. Humphrey had had but four hours' sleep that morning and was up at seven, prepared to barnstorm north from Charleston in his bus on a rainy morning; at that point one of his assistants informed him that the TV station that had booked him for a Sunday night half hour were threatening to cancel unless they were paid that day, cash in advance, for the time.
>
> It was one of the few times I have seen the temper of that genial man snap.
>
> "Pay it!" snarled Humphrey. "Pay it! I don't care how, don't come to me with that kind of story!" Then, realizing that his crestfallen aide was, like himself, destitute, Hubert pulled out his checkbook at the breakfast table and said, "All right, I'll pay for it myself," and scribbled a personal check of his own.
>
> Mrs. Humphrey watched him do so, with dark, sad eyes, and one had the feeling that the check was money from the family grocery fund—or the money earmarked to pay for the wedding of their daughter who was to be married the week following the primary.
>
> My memory tells me that the sum of that check was $750—not a particularly large sum for a statewide hookup of half an hour. But such a grocery-money check buys time only—it does not buy the production, the preparation, the care a major television manipulation of the public requires.

I know our Republican colleagues will say, "But this does not do anything about the primary." I admit that. It is a good bill as far as it goes. It provides only for the general election. But that is all we can get in any good bill. If it helps meet this problem and solve differences between this side of the aisle and that side of the aisle, then we may want to do something about the primaries later. I have no doubt that the public will support our doing something about the primary. But if we cannot do anything about the general election problem, then we cannot do anything about any of the problems. Do we want to do something about this problem, where most of the corruption is coming into Government? If we want to do something about it, we ought to vote for the Pastore amendment, and vote against some of the proposals that would destroy it or undermine it or keep it from working or destroy the purpose of it.

If, on the other hand, we want to keep this sort of mischief from existing in Government, if we want to keep out corruption, we ought not to require men to bankrupt themselves. We ought to let them stand for the issues, let them campaign and be heard, even though they express the view of the poor, which is very unpopular with those who have the money to finance the campaigns.

If other Senators desire to speak, I shall be glad to yield time to them.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I understand I have 3 minutes remaining.

The PRESIDING OFFICER. The Senator is right.

Mr. BAKER. I yield 3 minutes to the distinguished senior Senator from Kentucky.

Mr. COOPER. Mr. President, I shall use only 2 minutes.

I wish to address myself to the so-called democratic process and the democratic qualities of the Pastore amendment. I think it is in fact the most undemocratic amendment that could possibly be offered, and I wish to state my reasons.

In the first place, under this amendment, all of those citizens who do not pay income taxes—and there are about 10 million of them, including young people and senior citizens—would not participate in this so-called democratic process.

Secondly, it is very undemocratic because a Republican is forced to contribute to a Democratic candidate for whom he does not wish to vote, and similarly a Democrat contributes to a Republican candidates whom he opposes. Both Republican and Democrats would be forced to contribute to the Communist Party candidate, or to Governor Wallace, and to all the other candidates with whom we do not agree.

Third, it is undemocratic because it would institutionalize the Republican and Democratic Parties. If you want to go farther and give the splinter parties an equal chance, you would give them all an equal share of the pot. On the other hand, giving to candidates who have not been able to obtain public support, you give them support they cannot win for themselves, and the proposal is undemocratic in that respect.

The Senator from Rhode Island is very good with slogans. He sponsored a clean election bill that has passed the Senate; I understand it is about to be voted on in the House of Representatives, and they will probably accept the Senate version. Yet, with that bill, of which he was chief architect, now before the House of Representatives, he is proposing this measure. I would only have to say, despite all the things that have been said about the democratic processes of his amendment—utterly specious—about all the corruption and everything—and there is corruption, but it can be aborted if we are willing to do it with the clean election bill—and with all its slogans and promises, it amounts to just a scheme, in fact to bail out the Democratic Party, to pay its debts, and to finance its campaign. That is all it is. I say if the party and its candidates can win popular support, they will be financed. If they cannot, they will not be. And the same is true for the Republican Party.

I have been informed that the article the Senator from Rhode Island read was written by Mr. Joseph Califano, the general counsel for the Democratic National Committee.

I think this is an outrageous proposal. It has no democratic elements in it, and we ought to go back to writing, improving, reducing campaign expenditures in clean election bills such as that which the Senator from Rhode Island was the chief architect. Now we are asked to increase campaign expenditures—financed by the taxpayers in the most undemocratic and unfair way.

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. LONG. I would like to respond to the remarks of the Senator from Kentucky; then I shall yield time if I have any.

I, too, would like to speak about the person who owes no money and does not pay any income tax. To my mind, the person who marks the $1 checkoff is making his contribution so that everyone can be heard, and that is not conditioned on whether you agree with him or do not agree with him. He is marking it so that people who want to be heard can be heard, and be heard loudly, and, if they are elected, still louder in the future.

There is no advantage to the person who marks the $1 checkoff, except that he is saying he wants everybody who merits public approval to be heard, and that he does not want them to have to seek private contributions in order to have that right.

If the Senator wants to let the persons who do not pay an income tax contribute, it is easy enough to take care of that. I would support an amendment to do that. It is easy enough to say we will send them a voucher, and anyone on social security who does not pay an income tax, or anyone who writes in, we can let them go down to the post office, pick up a voucher, put their social security number down, and say they would like to pay a dollar out of their social security tax, or even their welfare payments.

So many people can find so many issues to raise on some little mechanical problem, where the answer is obvious enough, but they do not want any answers. They can find their own answer to the problem they raise as easily as anyone else, and half the time it is not a real problem.

We understand what the real problem is. We want to make a major change that would be a tremendous improvement toward lifting the Office of the Presidency above the power of private money to control it, and we just do not have any cooperation from the other side of the aisle. I do not seek to attribute motives, but, Mr. President, as far as this Senator is concerned, I was advocating this proposition and fighting for it, and the majority of the Democrats were fighting for it, at a time when we had every reason to think we had a candidate in the White House who would run for reelection; and there was no problem about money to finance Lyndon B. Johnson. He indicated back at that time that he had no need of such legislation, but he felt that sometime there might be another candidate like little Harry Truman, who, because he did what he thought was right and offended certain wealthy people, could not find the money to take his case to the people. Johnson said there ought to be such a law, because some day there might be another Harry Truman who could not find enough money to finance his cause.

Mr. President, people do not want their President to go around asking for money, and asking fat cats, defense contractors, vested interests, and money lenders, or those who have an ax to grind, to put up the money to finance his campaign. They do not want to give him an advantage over other candidates. All they want to do is see that both sides have an equal chance to be heard. That purpose would be accomplished by enacting the amendment of the Senator from Rhode Island.

The PRESIDING OFFICER. All of the Senator's time has now expired.

Mr. BAKER. Mr. President, do I correctly understand I have 1 minute remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute.

Mr. BAKER. Mr. President, we are spending a lot of time in the Senate, and properly so, in talking about conflicts of interest. But I suggest we are talking about the granddaddy conflict of interest of all when we talk about the Pastore amendment, because when we consider that, according to the press, there are at least three candidates for the nomination for the Presidency in this Chamber—McGovern, Muskie, and Kennedy—and that any number of Senators are being mentioned as potential candidates for Vice President, including Tunney, Chiles, Hollings, and many others, it seems incredible to me, Mr. President, that we would sit here blandly, with no concern for conflict of interests, and deal with a $20-million conflict of interest.

I think, Mr. President, that we have serious problems involved in the whole elective process, and I think if we pass the Pastore amendment, we will exacerbate those problems.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. Mr. President, I ask unanimous consent that the time be extended for 2 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I would like to make it 5 minutes, because I would like a little time, if we are going to engage in further colloquy.

The PRESIDING OFFICER. Is there objection? Without objection, the time is extended 5 minutes on each side.

Mr. LONG. Mr. President, I have often thought about this conflict-of-interest problem. It has seemed to me that when one is voting for what is in the national interest, and his interest is in the same direction, he has no conflict. He has the same interest as the people;

his interest is parallel to theirs. There is no conflict in that. It is only when someone has an interest which is adverse to the national interest that there arises a conflict of interest.

I would like to ask, in this situation, who has the conflict? Is it a man seeking to run for office, who seeks no advantage over his neighbor but only an equal right to be heard, or is it the man down in the White House—who also will have to act in this legislative process by either signing or vetoing this measure—who has every prospect that he is going to have $5 available to him for every dollar his opponent has, making it possible for him to shout the other man down and deny him an opportunity to be heard? Who has the greater conflict?

Let us face it, Mr. President: Every citizen in this Nation, every man in the Senate, every Senator, rich or poor, has an interest in this amendment, and there is no doubt about it. So you can put the conflict wherever you want it, either in terms of giving everyone an equal right to be heard, or in terms of giving one man the right to shout the other fellow down.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, going back to a point made earlier, I should like to add to what the junior Senator from Tennessee has said. He may not have included this in his figures, so I want to be sure it is in the RECORD. What I am about to read is based on a study done by Alexander Heard:

> Senator Goldwater's record-breaking receipts in 1964 came primarily from smaller contributions. An astonishing 72 percent, more than $14 million of his funds, came from contributions of less than $500. He received more support from small contributions than President Johnson received from all sources including the Democratic Party committees and organized labor. Yet, some 69 percent of President Johnson's support was represented by contributions of at least $500. In 1968 approximately 83 percent of George C. Wallace's $7.2 million was from contributions of less than $500.

Mr. President, on another point: The argument has been made here today—and I am afraid it may have been accepted by some—that by adopting the Pastore amendment and by enacting the so-called campaign disclosures reform bill which is now in the House, there will then be a meaningful lid on how much money can be spent in campaigns. That argument is false.

The Pastore amendment will actually add to the amount of money that can be spent in campaigns. The only difference is that, if the Pastore amendment is adopted, a large percentage of what is spent will be coming out of the Treasury of the United States.

When the earlier bill, which was called campaign reform—and such titles are often very misleading—was before the Senate, it was pointed out that there is a great big loophole in it; that it does not really limit or restrict labor organizations as to what they can do politically. An amendment to put a meaningful lid on in that respect was offered by the Senator from Colorado (Mr. DOMINICK). An enlightened debate took place and we had a vote. But the amendment was rejected, so the loophole in that bill is still there. Accordingly, there is no meaningful limit in that bill, particularly as far as labor organizations are concerned.

The Pastore amendment will not put ceiling on how much money can be spent. It will only add more money to the total that will be spent in campaigns. The real difference is that a large part of what will be spent is going to come right out of the Treasury—or, in other words, out of the taxpayers' pockets—rather than being voluntary contributions.

I yield to the Senator from Tennessee.

Mr. BROCK. If the sponsors of the amendment of the Senator from Rhode Island really believed and really had confidence in the American people, they would not have written it so that the American people would be taxed without any right to say where the money was going. If you have faith in the people of this country, let them say where their tax dollar is going to go. Then I will believe you, but I do not now.

Mr. PASTORE. Mr. President, I invite the Senator from Tennessee, anytime he desires, to go to Rhode Island and ask my constituency how I feel about the people.

Mr. BROCK. I do not question the Senator's regard for his own people. It is a matter of the people being able to take part in the election process.

Mr. PASTORE. I do not question anybody else's regard for the people. All I am saying here is that this is making it possible for the broadest scope of our American citizenry to take part in the process, the democratic process, of electing a President.

Mr. BROCK. To take part without having an option.

Mr. PASTORE. Mr. President, this amendment is a subterfuge. This amendment never would have been proposed if it had not been for the vote on the last amendment.

What this amendment actually does is to impose an additional tax of $1 as a liability of a taxpayer if he wants it to go to the political process. I say that that vitiates, that violates, that contravenes the very concept of what we are talking about here today.

When we talk about what we are doing, about raiding the fund, we are talking about the taxpayers' money. As the Senator from Florida said, there is possibly no better investment that the American people can make, to make sure that they are under a fair and equitable process.

Mr. BROCK. Then, let them make it.

Mr. PASTORE. Under a fair and equitable process that will elect the best President that is available to the people of this country—the Commander in Chief, the Chief Executive, the man who guides the destiny of our land and, hopefully, the destiny of all mankind.

I have the highest respect for the office. As a matter of fact, I have sustained President Nixon on this floor many more times than some of his own Republican friends. I have done it time and time again. I think no man knows that better than President Nixon himself.

This is not a political bill. The only purpose of this amendment is to vitiate our vote of a short time ago, and I hope it will be overwhelmingly defeated, even by those who voted for the Mathias amendment.

Mr. GRIFFIN. Mr. President, is there some time remaining on this side?

The PRESIDING OFFICER. Two minutes.

Mr. GRIFFIN. I yield 1 minute to the Senator from Connecticut.

Mr. WEICKER. Mr. President, the whole Pastore amendment is a subterfuge, the way it comes to the floor of the Senate. The Senator talks about the little people. We are supposed to be dealing with an economic package that is going to get our people back to work and strengthen our economy. But the Senator cannot have this election bill stand on its own two feet. He is putting it on a package where the President has no choice. The Senator from Louisiana says the President can veto or not. Well he cannot. The Senator is forcing him to accept this particular provision if, in fact, he wants to see our people get back to work and our economy strengthened.

So when we talk about subterfuge, the subterfuge lies in sticking this amendment on the Revenue Act of 1971.

Mr. GRIFFIN. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, I am delighted that we have had this debate. If I sought justification for offering my amendment, over and above this single justification, it would be unnecessary. This debate has shown, beyond the shadow of a doubt—and the Senator from Rhode Island now concedes—that we are not talking about a contribution, but that we are talking instead of the appropriation of general funds from the Treasury to finance the campaigns of the Republican and Democratic nominees for President and Vice President. That is what we are about. That is what this debate has shown, and that is what I intend to vote against.

Mr. PASTORE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute.

Mr. PASTORE. All I want to say to the Senator from Tennessee is this: Do not put words in my mouth. I did not say anything about appropriations. All I am talking about is a checkoff of $1 of what you owe the Government to go toward the process of voting for the President of the United States, period; so that both parties will have the opportunity, fairly and squarely, to present their issues to the American people. There is no bigger bargain in this country than to buy the best President of the United States.

Mr. LONG. Mr. President, will the Senator yield me 30 seconds?

Mr. PASTORE. I yield.

Mr. LONG. I am not the one who is offering this amendment. It is being offered by the Senator from Rhode Island. But I would remind Senators that revenue bills must originate in the House. This amendment is in the nature of a revenue measure. The Senator from Rhode Island could not have originated this bill, under the Constitution, unless he were in the House. He is not a Member of the House; he is a Member of the Senate. The only way he could offer this amendment would be to offer it as an amendment to a revenue bill.

Mr. PASTORE. It has been done time and time and time again.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Tennessee. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Will the Chair state what the vote will be on?

The PRESIDING OFFICER. The question is on the adoption of the amendment by the Senator from Tennessee to the amendment of the Senator from Rhode Island.

Mr. BAKER. I thank the Chair.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. Gravel), and the Senator from Indiana (Mr. Hartke), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Jersey (Mr. Case) is necessarily absent.

The result was announced—yeas 39, nays 56, as follows:

[No. 355 Leg.]

YEAS—39

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Mathias
Miller
Pearson
Percy
Roth
Schweiker
Scott
Smith
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—56

Allen
Anderson
Bayh
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gambrell
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—5

Case
Gravel
Hartke
Mundt
Saxbe

So Mr. Baker's amendment to Mr. Pastore's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, I send an amendment to the desk and ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amendment 692

Page 9, lines 10 and 12, after the word "party" insert: "(or a combination of political parties)".

Page 9, insert at the end of line 14 the following: "As used in this paragraph, the term 'minor party' includes any combination of parties having the same candidate for the office of President of the United States."

Page 14, lines 11, 17, and 22, insert after the word "party" the following: "(or combination of parties)".

Page 14, line 25, insert before "5 percent" the following: "(or as candidate of a combination of parties)".

Page 15, line 10, insert after the word "party" the following: "(or combination of parties)".

Mr. ALLEN. Mr. President, I ask unanimous consent that the amendments be considered en bloc. They have only one central idea, which I will be delighted to explain.

Mr. JAVITS. Mr. President, reserving the right to object, let us hear the central idea before we agree to the request.

Mr. FONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

PRIVILEGE OF THE FLOOR

Mr. FONG. Mr. President, I ask unanimous consent that a member of my staff, Charles Kern, be granted the privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, may we get the yeas and nays on the amendment, or is the request still pending?

Mr. ALLEN. Mr. President, I had not planned to ask for the yeas and nays.

Mr. GRIFFIN. The junior Senator from Michigan does intend to ask for the yeas and nays.

Mr. ALLEN. Very well, Mr. President, the amendment is made necessary by the fact that the intent of the bill is not clearly expressed in the wording of the bill. The distinguished Senator from Rhode Island (Mr. Pastore) on yesterday pointed out that the bill is designed to provide campaign funds for minor parties at the same pro rata rate as funds provided for major party candidates. However, the bill itself confines the third-party candidates to the vote received by the candidate as the candidate of one party only and ignores the votes he receives on other party tickets.

Many Senators might not be aware of the fact that it is hard for a third-party candidate to get on the ballot in all of the States of the Union. Whereas he might start out as a candidate of one political party, in order to get on the ballot in all of the States, he might have to accept the nomination from other parties in some States. Yet the electors would be pledged to him. It would be a unified third-party effort.

In the 1968 election, Governor Wallace was the candidate of eight separate parties. The total votes that he received was 9,900,000. In the explanation that the Senator from Rhode Island made of the amendment which he has offered, Governor Wallace, or any third-party candidate for that matter, would receive only the benefit of the vote that he received as a candidate of one party and would not get the benefit of the combination of parties whose candidate he was.

I am delighted to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, the Senator from Alabama wanted to propound a request that his amendments be considered en bloc. I can tell the Senator if he wants to renew that request, there is no objection on this side.

Mr. ALLEN. Mr. President, I do ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, if the Senator from Alabama would permit me, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLEN. Mr. President, I am delighted to yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, there was a dialog on this particular phase of the bill yesterday, and because of an ambiguity which exists in the bill, because the language that is contained in the bill was contained in the previous bill we had passed, and there, of course, the money was being given to the party rather than the candidate, this bill changed that. It provides here for the candidate who is the responsible person.

The Senator from Alabama raised the question about the minority candidate. He mentioned the name of Wallace, but it could be any minority party that runs as a candidate for presidency under two, or different, party labels. In allocating whatever he may be entitled to if he comes under the provisions of this law, it ought to be predicated on the total vote of the individual candidate.

That is all this amendment does. It clears up an ambiguity. I am willing to accept it. If there is any opposition, I give the time to the Senator from Michigan if he wants to oppose the amendment. I think this is a fair amendment and that it carries out the intent of the bill. I do not see why it should not be agreed to.

Mr. ALLEN. I thank the distinguished Senator from Rhode Island.

Mr. DOMINICK. Mr. President, will the Senator yield for a few questions?

Mr. PASTORE. I yield.

Mr. DOMINICK. On whatever time there is that does not take it away.

Mr. GRIFFIN. I yield to the Senator from Colorado such time as is needed.

Mr. DOMINICK. Mr. President, I want to be clear, because the amendment was never read. What would the amendment do? Could we get that from the Senator from Alabama? Could he tell us what is intended?

Mr. ALLEN. Mr. President, I request that the clerk read the amendment.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read as follows:

> Page 9, lines 10 and 12, after the word "party" insert: "(or a combination of political parties)".
>
> Page 9, insert at the end of line 14 the following: "As used in this paragraph, the term 'minor party' includes any combination of parties having the same candidate for the office of President of the United States."
>
> Page 14, lines 11, 17, and 22, insert after the word "party" the following: "(or combination of parties)".
>
> Page 14, line 25, insert before "5 percent" the following: "(or as candidate of a combination of parties)".
>
> Page 15, line 10, insert after the word "party" the following: "(or combination of parties)".

Mr. ALLEN. Mr. President, in answer to the question of the Senator from Colorado, this merely substitutes "combination of parties" for "party" and gives any third-party candidate, not only in past elections but in future elections, credit for all votes cast for his election to the office of President, under whatever party label he might run.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. GRIFFIN. If my characterization is unfair, I wish the Senator would correct me. Would the practical effect of the amendment not be that it would guarantee if Governor Wallace does run again based on returns in the last election he would, under the amendment, if it is agreed to, be entitled to some $6 million under the Pastore bill—or is it more than that?

Mr. PASTORE. Slightly more.

Mr. GRIFFIN. It is $6.3 million.

Mr. ALLEN. Yes; not that much in money is handed to him. It would be reimbursement for certified campaign expenses just like candidates of the major parties.

Mr. GRIFFIN. I understand.

Mr. ALLEN. Yes.

Mr. PASTORE. It is a matter of treating everyone alike.

Mr. DOMINICK. This does not take into account the situation where there is a party starting in a presidential election, because under the words now the candidate would have to run as a party or combination of parties in the preceding election.

Mr. ALLEN. No; there is another section taking care of future elections. He would have to have at least 5 percent of the votes in order to qualify. Under the bill as presently drawn it would have to be 5 percent from one party. Under the amendment it would be 5 percent from a combination of parties.

Mr. DOMINICK. The Senator, being more knowledgeable about the effort that was made by Governor Wallace under the American Independent Party, and other parties in 1968, knows what a problem he had both in getting on the ballot and trying to get the support he felt he was entitled to.

Suppose we have another party coming up this year on which there is a great deal of speculation at the moment. I could name people who are or have been Members of this body who are thinking seriously about creating a fourth party. If that is true is my understanding correct that they are not entitled to a nickel under the bill?

Mr. ALLEN. No, that is not correct. If he got as much as 5 percent of the vote he would be entitled to his pro rata part of the amount paid to a major candidate.

Mr. PASTORE. Will the Senator yield?

Mr. DOMINICK. I do not understand. If I may, I would like to read the rest of the bill.

Mr. ALLEN. It appears in two places, one as to past elections and one as to future elections.

Mr. DOMINICK. It defines a major party. That is the point I am making.

Mr. PASTORE. Will the Senator yield?

Mr. DOMINICK. I have the floor.

Mr. PASTORE. If the Senator will yield to me I will explain it to him.

Mr. DOMINICK. I want to make my point first and then I will yield.

This bill states they are going to get contributions out of the general treasury to minor parties and the major parties. Then it defines what a major party is and what a minor party is.

On page 9, subparagraph 7, it states specifically:

> (7) The term "minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

If a candidate does not fit into that definition, he is not entitled to any money.

Mr. ALLEN. As I explained, the Senator is reading the section having to do with past elections. If the Senator will read section 1004(a)(3) on page 14 he will see that provision is made for a start of a new party.

As this Senator sought to explain to the Senator from Colorado, there are two sections, one on the entitlement to proceeds based on past elections and the other basing it on current or future elections.

Mr. DOMINICK. I can read it. Maybe I am misinterpreting this language, but it does not seem to me that this takes care of the problem because the problem originates in the early portion of the bill where it states the only people who are going to get it are major and minor party candidates and then it defines a major party candidate.

This language on page 14 does not say anything about minor parties. It talks about eligible candidates other than a major political party. It does not say "minor."

Mr. ALLEN. Yes. If the Senator will look at page 14, subparagraph (3) it states:

> The eligible candidates of the political party (other than a major party) . . .

What would that be?

They go on to state if they get 5 percent of the vote they have an entitlement.

If they do not get 5 percent, there is no entitlement.

Mr. DOMINICK. I do not understand where the distinguished Senator is referring.

Mr. ALLEN. Page 14, fourth line from the bottom.

Mr. DOMINICK. I see that, but it does not say anything about a minor party.

Mr. ALLEN. The eligible candidates of a political party other than a major party.

Mr. DOMINICK. It could be the Agrarian Party or anything else, but the word "minor" party is specifically defined back in the page I referred to, and the contributions go only to major and minor parties.

Mr. ALLEN. It takes 5 percent to make it such a minor party, and that is in the bottom line of page 14.

Mr. DOMINICK. Let us assume that is the intent of the bill. I think it is badly worded, if I may say so, because it conflicts with the provision the Senator from Colorado read before.

Mr. ALLEN. That is the reason I put this amendment in.

Mr. DOMINICK. It means whoever is running in a fourth party, for example, will not know whether he is entitled to a nickel until he is all the way through the election. So he has to proceed on full faith and credit, or whatever you want to call it, to try to get people to extend credit for television, radio, advertising, all the way through, hoping he can receive a little money, but knowing that unless he gets 5 percent of the vote, he is not going to get any money from the Federal Treasury, and the people who are giving him full faith and credit are going to be left holding the bag.

Mr. ALLEN. That is just one of the problems of a third party candidate. Also, he does not have to come under the provision of this law. No rights are taken away from him.

Mr. DOMINICK. It seems to me the Senator's amendment is an improvement over what the bill provides.

Mr. ALLEN. Yes. I agree.

Mr. DOMINICK. But it seems to me the bill is lacking in this particular. We are killing off the opportunity for other people to come into the presidential race in honor of those who have been established, through a third party, for example. It seems to me that is unfair.

It illustrates to me just one further thing that is wrong with this particular bill.

Let me ask another question with respect to a problem. Over on page 12 of this bill it states that—

> In order to be eligible to receive any payments the candidates of a major party—

These are the Democrat and Republican Parties—

> shall certify to the Comptroller General, under penalty of perjury, that no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees, except to the extent necessary to make up any deficiency in payments received out of the fund.

Looking at that and the way it is worded, it means one cannot go out and get any contributions because he has to certify that this was not done before he is entitled to any public money. To avoid this problem, one would have to go out and expend to the wildest extent and then he could certify, "I have not done anything. Everybody has loaned me these services from the very beginning, and I want the taxpayers to pay these bills. If I do not get enough, I want somebody else to pay it."

If one is a dead horse after an election, trying to get money to pay off political debts of a candidate who has not won is not a very easy thing to do. I imagine the Senator from Alabama will agree.

So we have another problem with this bill, because if we do not do this or if a candidate goes out and gets contributions, or if any of his committees do, the national committee, or anyone else, Democratic or Republican, the candidate certifies they have not done that except to the extent necessary. All I can say is that when it is done, it is perjury, and it is done by someone who is running for President of the United States.

I frankly cannot understand the bill. I think the Senator from Alabama will have improved it, if his amendment is adopted, but he has not addressed himself to these problems.

I thank the Senator.

Mr. PASTORE. Mr. President, if the Senator will yield, it is most unfortunate that the Senator was not here when I made my statement explaining the amendment. I explained it thoroughly. I suggest he read the RECORD. I think he will find that everything he has said here is a misconception.

Mr. DOMINICK. I have read the RECORD.

Mr. PASTORE. Then the Senator did not read it correctly.

Mr. DOMINICK. Perhaps not, but I can read legislation, and this is what the legislation says.

Mr. PASTORE. As a matter of fact, the formula is very simple. As of April 15 we know how much money is in the fund. There is no question about that. The Democrats will choose their nominees in July of 1972. The Republicans will choose their nominees in August 1972. We will know just what is in the fund. So from the fund the candidate is entitled to $20 million. If there is not enough in there, say only $10 million, the candidate will know he has to raise $10 million. If the money is in the fund, he does not have to raise anything, but if it is in the fund he cannot go out and raise the money privately, because that would be unjust enrichment.

In the case of a minority party, we go back to the last election, because we have a track record. We have no track record in the case of a new candidate. Therefore, we have written into the law that 30 days thereafter he can get reimbursement, according to the vote, provided that, if he collects more than he is entitled to, he must return it to the contributors. And nothing would be fairer.

Mr. SCOTT. Mr. President, if the Senator will yield, which will never be returned. We are all practical.

Mr. PASTORE. It has to be returned.

Mr. SCOTT. What will we do to him if he does not?

Mr. PASTORE. Send him to jail. It is in the law.

Mr. SCOTT. He will never be prosecuted.

Mr. PASTORE. It depends on who the Attorney General is.

Mr. SCOTT. It depends on a lot more than that. We have never had an Attorney General who prosecutes that kind of thing.

Mr. President, will the Senator from Alabama yield to me briefly?

Mr. ALLEN. I yield.

PRIVILEGE OF THE FLOOR

Mr. SCOTT. First, Mr President, I ask unanimous consent that Mr. Ken Davis be permitted the privilege of the floor during the debate on the campaign amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Second, this bill ought to be called the Campaign Spending Evasion Act.

I yield some of my time to the Senator from Kentucky (Mr. COOPER), if the Senator from Alabama will permit.

Mr. COOPER. Mr. President, I would like to say that, within the scope of the proposed amendment of Senator Pastore, the amendment of the Senator from Alabama brings to it an element of fairness; but I agree wholly with the Senator from Colorado (Senator DOMINICK) that the Pastore amendment is unfair in its term to parties, candidates and the taxpayers.

The Senator from Rhode Island was not on the floor a few minutes ago when I spoke. I would like to repeat, in some measure, what I said at that time. I do this with great respect for the Senator from Rhode Island.

I recall that the Senator from Rhode Island was the chief proponent, the chief architect, of the so-called election reform bill. He debated it vigorously and earnestly on the floor, with the powerful argument that it would cure most of the abuses in the election process, and there are many. It was proposed during the debate that limitations be placed on individual contributors.

I do not know whether the Senator from Rhode Island voted for that amendment. He can tell me. But it was argued, in that respect, that such a limitation could be unconstitutional; that a person has the right to express, through his contribution, his choice under the first amendment.

The Senator from Alabama, Senator ALLEN as I recall, in the rules committee which had partial jurisdiction over the election reform bill, proposed that expenses be further limited to, as I recall, 10 cents per eligible voter, for all other expenses—expenses other than advertising in the news media.

His amendment was defeated in committee, and I do not believe he offered it upon the floor.

Mr. ALLEN. It was offered on the floor.

Mr. COOPER. I had forgotten.

Mr. ALLEN. And it got a respectable vote, but it was defeated.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. I yield the Senator 2 additional minutes of our time.

Mr. COOPER. I voted against the amendment because we had no information on such costs. Upon reflection, I think the amendment should have been adopted. It would have reduced the total cost of campaigns, which has gone far beyond reason.

Now, this amendment of the Senator from Rhode Island does not reduce the total cost of campaigning. If the system works, it would produce about $20 million for each of the major parties to spend. In fact, it would encourage them to spend $20 million.

I read in the newspaper yesterday that the House of Representatives might accept the Senate version of the Senator from Rhode Island's Election Reform bill. Yet, in the face of that, he proposes this amendment, which would inordinately increase the cost of campaigns. I think it is wrong to vote to increase campaign spending.

Mr. PASTORE. Mr. President, will the Senator yield on this point?

Mr. COOPER. I yield.

Mr. PASTORE. I want it understood that insofar as the bill as it passed the Senate was a limitation upon campaign expenditures, I would sincerely hope that the House would adopt the Senate bill, or do something similar that we could resolve in conference. I think that is a must.

I said yesterday, of course, that this amendment supplements that bill, and that bill supplements this measure. The Senator will recall that when the campaign expenditures bill was originally introduced, we did have an element of a credit and also an allowance, and the bill was sent to the Finance Committee of the Senate. It was also sent to the Rules Committee of the Senate, and also to the Commerce Committee. It was sent to the Commerce Committee because it included broadcasting, radio broadcasting and the other nonbroadcast media.

The reason why we eliminated the fiscal element of that bill, which was sent to three committees, was that at that time the chairman of the Finance Committee (Mr. LONG) brought out the fact that inasmuch as all financial matters must originate in the House of Representatives and not in the Senate, we did not have the authority or the jurisdiction to work on it originally. So for that reason, to avoid a point of order, we deleted it from the bill.

It was originally my intention that when a fiscal bill came before us that had originated in the House of Representatives, such as this, which we could amend, we would do something about this financing proposition we are talking about today. Insofar as the element of the checkoff is concerned, that is not a new thing at all. We did pass that 5 years ago in this body. It was also passed in the House of Representatives. It was nullified because of the expiration date.

Mr. COOPER. Mr. President, I cannot yield to the Senator further, because it is not my time.

Mr. PASTORE. No, on my time.

Mr. ALLEN. I yield the Senator from Rhode Island such time as he may require.

Mr. PASTORE. I am answering the question of the Senator from Kentucky. As far as I am concerned, I want to see that bill on campaign expenditures passed. This measure was a first in the original bill. All it does is add the other two elements, an allowance and a credit, contained in the original bill introduced. These elements had to be deleted on the point of order. That is the only reason that happened.

I quite agree with the Senator, if I may have his attention, that the time will come when there has to be an overall ceiling on all expenditures, and the Senator from Alabama will remember that when I discussed it with him, I was not too sure but that maybe 10 cents would be a little bit too much.

Frankly, I think the 10 cents overall, that is 10 cents additional over the 10 cents we had in the bill, which would have brought it to 20 cents multiplied by the total of voters over the age of 18, would have brought it far out of bounds. This proposal provides 15 cents.

I would hope, at some later date, we would have an overall expenditure ceiling, because I say frankly this whole business is getting out of hand. I have heard Senators declare they had to spend $400,000 or $500,000 on television time alone to win the office of U.S. Senator. I have heard that campaign expenditures for some Senators and Representatives have run into the millions of dollars. That is ridiculous, and I state very frankly, a lot of this money is wasted.

It becomes a competitive thing. Because your opponent spends a certain amount of money, you feel you have to spend it. If he puts up a billboard, you put a billboard up. If he sends out a pamphlet, you send out a pamphlet.

I think if we set an overall ceiling, we will all be better off. To answer the Senator's question, I liked the bill we passed on a ceiling on expenditures, and I hope the House of Representatives will do the same.

But this is a financing measure; this is not a bill to provide a ceiling.

Mr. COOPER. This bill would provide more money for campaigns than ever previously known, and of course this money could be used for TV without any restrictions at all.

I have been in seven campaigns for the Senate. I know how difficult it is to raise money. I have never been able to raise enough. We all say that, of course, whether we have or not.

But if a candidate takes money from a labor union and wins then he must pass their representatives day after day in the corridors and when there is a bill up for a vote, he may be under some influence. Or if a candidate takes money from the great rich contributors, whether it is true or not—and I believe it is not—they think you are in their pocket, and the public thinks you are in their pocket, or they think you are in the pocket of the labor unions, and this is awful. It is outrageous.

Reforms must be enacted.

But as I have previously stated, this bill is undemocratic. The Senator from Rhode Island characterizes it as democratic, but I want to repeat what I said a few minutes ago in that respect.

It would take the money of the taxpayer, who may be a Republican or a Democrat, but gives him no choice. His money goes to the Republican Party, to the Democratic Party, to the Communist Party, and to the Governor Wallace party. The same is true whether you are a Republican or a Democrat. I say that is not democratic. That is one objection.

I think I have had a good labor record. They have supported me sometimes, and sometimes they have not. But, of course, as the Senator knows, their members have their money taken in a checkoff, and sometimes their money is spent for things and candidates in which they do not believe.

This bill does the same thing, And, of course, the Senator has left out those who do not pay any taxes at all, the young people and the old people who do not pay any taxes; therefore I say it is not democratic as to them.

One can even question whether it is democratic as between the parties. It would freeze the Republican Party and the Democratic Party, and give them the money to continue to be the major parties. I hope they will be, myself, but is it fair? Does it afford full and free expression for the people?

The Senator from Colorado raised a very fine point, about the effect of the bill on a new party. Because it is a new party, it may have more popular support at the particular time than, say, another so-called third party. I have read in the newspapers that our former colleague, whom I respect very much, admire, and have great affection for, Eugene McCarthy, has said there may be a fourth party. On the Republican side, over in the House of Representatives, we have Representative McCLOSKEY, who, I believe, has suggested a third party. I am against him with all my heart, but at least he has a right to run.

Then parties would be left out under the amendment.

The bill tells the candidates to keep an account of the money they have collected, and that it will be considered as loans from their contributors; then, if they are able to secure a certain percentage of votes, they will be given money from the fund, and the loans from contributors will be repaid. But in the provisions of this bill you have denied them the same opportunity that you have denied other parties.

Finally, we all know this: Every one of us has run many times. As I say, I have had the opportunity of running seven times for the Senate in 20 years. But it taught me something about campaigns. It taught me a great deal about the people and I am grateful to them. They vote for you if they believe in you. They contribute to you if they believe in you.

Why should we force the people of the United States to contribute to a party in which they do not believe and to candidates in which they do not believe—and, in fact, to which they are totally opposed?

With all respect to the Senator from Rhode Island, as he does make a very fine argument, I think it is implausible; it is fallacious. I do not know of a more undemocratic proposal upon the election process that has come before the Senate. I wish it were possible to defeat it. I do not think we can, because it is a party matter. But if I were the President of the United States and this bill came to me with this amendment in it, much as I want to get the economic and tax bills through, I would say that this amendment is so absolutely undemocratic between major and minor parties, forcing individuals to contribute to candidates they do not believe in, ruling out the opportunities of the young people, who may want to vote for Eugene McCarthy or for—what is the other fellow's name?

Mr. WEICKER. McCLOSKEY.

Mr. COOPER. McCLOSKEY. Nothing personal, but I would not vote for him. I would rather vote for Eugene McCarthy. I am for President Nixon. But you deny other candidates an equal chance. I think it is awful; I think it is outrageous; I think it is undemocratic.

The PRESIDING OFFICER. Who yields time?

Mr. GAMBRELL. Mr. President, will the Senator yield?

Mr. ALLEN. I yield 3 minutes to the Senator.

Mr. GAMBRELL. Mr. President, I yield to the Senator from West Virginia for the purpose of a unanimous-consent request.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senator BAKER's aide, J. P. Jordan, may be permitted the privilege of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan has 14 minutes, and the Senator from Alabama has 10 minutes.

Mr. GAMBRELL. Mr. President, I rise to support the amendment of the Senator from Alabama, to state my reasons for supporting the amendment of the Senator from Rhode Island, and to answer to some extent statements which have been made by the distinguished Senator from Kentucky.

I do not consider this bill to be undemocratic. One of the most undemocratic things that is going on in elections in this country today is the proposition that, when some new candidate has the idea of running, the first thing you hear about him is that "He is unknown," or "He does not have any money. How can he possibly win? Forget about him; he is an unknown. He cannot get up any money."

This bill guarantees that everybody who wants to run can step up on a platform and offer himself. If he exposes himself and people vote him down or if he exposes himself and receives no support, he will be eliminated.

The point of the proposed legislation is to give everyone an opportunity to at least get up on the platform, to eliminate the statement being made, as soon as he raises his hand, that he does not have a chance, that he is an unknown, or that he does not have a chance because he has no money on which to run. I think it is most democratic that every citizen who is qualified to hold an office will have some opportunity to have sufficient financing to compete in one of these elections, and I think that is the most democratic reform that possibly could be introduced into elections at all levels, not just the presidential elections.

As has been said here, this is a start, and I hope this proposal can be pressed forward in all elections in this country.

I have had the experience of being a campaign treasurer in a campaign which was lost, and I know about campaign debts. I have been campaign treasurer in a campaign that has won, and I know how much easier it is to raise money when you are a winner than when you are a nobody.

Mr. President, I support both of these amendments—the amendment of the Senator from Alabama to the amendment of the Senator from Rhode Island.

Mr. GOLDWATER. Mr. President, will the Senator yield me 5 minutes?

Mr. COOPER. I yield.

Mr. GOLDWATER. Mr. President, I intend to vote against this amendment, although I recognize that, in the wisdom of the Senator from Rhode Island, he feels that this is right. I feel it is wrong, and I agree with everything that has been said here by the senior Senator from Kentucky.

I recall that the last time we talked about this, there was a rather strong uprising in the country against it, for various reasons. One trouble is that a northerner might not want his money to go to support George Wallace. There will be many southerners who will not want their money to go to support a northerner. There will be people across the country who will not want to support an easterner or a westerner. There will be people who will not want to support a Democrat or a Republican. I think this is a very undemocratic way to get at this whole problem, if we see this as the only problem, which I do not.

What we are saying here, in effect, is that everyone of us in this Chamber, the President in the White House, and every President we have had has been owned by various groups of people in this country—corporations, labor unions, and so forth. I deny that, and I defend the occupants of the White House from any insinuation relative to that control.

Mr. President, I know something about this financing. I do not think there is a person in this Chamber who has raised as much money as I have for political purposes during the last 25 years. I dislike to try to count the millions of dollars it has amounted to.

I have run for the office of President. I have seen the problems that come up in relation to spending money in a campaign. This bill, in my opinion, does not solve one of the major problems, although it supposedly does. I got into this subject one day when I was in the Senate before, in a discussion with Walter Reuther, when he appeared before our Select Committee on Campaigning.

I proposed that every committee organized to support a candidate would have to receive the approval of the candidate; and Mr. Reuther made a very wise observation, in my opinion. He said:

> Senator, it is my constitutional right, freedom of speech, freedom of association, to speak for and associate with the candidate of my choice. I have the right to support you. I will never do it, but I have the right to support you whether you want me to or not.

This, Mr. President, is where we begin to get into trouble. It is all right to say that each person in this country can contribute $1 for the presidential campaign whether he wants to or not. But what is there to stop me from supporting the candidate of my choice, by forming a committee without his knowledge, without his having any way of knowing about my committee, and, under my constitutional rights and the constitutional rights of those associated with me, to spend that money, to buy television advertising that he knows nothing about, to buy radio advertising—and use it—which he knows nothing about, to spend it in any way I see fit? This bill supposedly tries to eliminate that, but there is no way, unless we amend the Constitution, that I can be prevented, as an American citizen, from supporting the man of my choice with as much money as I care to use, up to the legal limit that each individual is allowed to spend to support the Presidency or a man running for Congress.

We have pretty well eliminated the national committee here, but we have not eliminated the outside committees that are organized.

To give some idea of the magnitude of the problem, I think that my campaign for the presidency cost those people backing me approximately $14 million. I will be the first to say that it was too much. I will be the first to admit that most campaigns waste more than half the money they raise and spend. But the total amount of money that I have heard was spent on my campaign was $25 million. I have no idea in the world where that other $9 million came from, who spent it, or what it was spent for. I think there are still dabs of that money lying around the country. I would like to get my hands on it. This bill may purport to end the practice, but it will not do so. It will not end the practice of an individual's obtaining money he wants to, whether it is $1 or $1,000.

We have heard remarks in this Chamber during the past few days about the problem the Democrats are having in raising money. I remind my friends on the other side of the aisle that there have been only two Republican Presidents in the past 35 years. We went through some lean and hungry years when we could not raise any money. It is not an easy thing to do today.

I recall the days of President Kennedy and President Johnson and their thousand dollar clubs. I see nothing wrong with that. At that time, the Democratic National Committee was in the black but now it is in the red. The Republican National Committee will probably be in the same way if it ever loses the White House.

Mr. President, before I go on to another point, to get back to my comments about my own campaign, we received contributions from 1,300,000 people, the largest one of which was $500.

I am not saying we did not get larger contributions than that because we did, but 1,300,000 people sent in checks for less than $500, and a great majority of them were for less than $10. That was for the only presidential campaign in my life. We finished that campaign in the black. I left the Republican National Committee with over $1 million. If I can do that, anyone can do it.

Mr. President, what is there to prevent a candidate who is a wealthy man from spending his own money on himself in a way that cannot be reported?

These are not men who sought the office of the President but there were two men running in the primaries for Governor of Texas who spent over $200,000 apiece out of their own pockets.

A candidate seeking a congressional seat in Virginia spent $77,000 out of his own pocket.

How are we going to control that?

I know he is supposed to report it, but suppose he does not? Suppose his brother buys some time on television and the candidate says, "I did not know my brother was spending money that way." There is no way we can prevent that.

Mr. PASTORE. Mr. President, will the Senator from Arizona yield on that point, on my time?

Mr. GOLDWATER. I yield

Mr. PASTORE. That is covered by S. 382. I keep repeating that. What we are trying to do is to characterize this particular bill as complementary legislation on campaign expenditures and campaign financing. This is the financing part. We have already passed the other bill and I am hopeful that the House will pass the same bill and it will become law. John Conyers, Representative from Michigan, made a statement today on that very bill and I think the time has come to put a ceiling on it.

On the proposition the Senator is talking about, we took care of that 3 months ago when we passed S. 382. I would hope the House would pass it. I would admit that this bill does not cure that part. But we have already taken care of that. Hopefully, that bill will pass in the House and the President will sign it and the two together will give us a complete package.

Mr. GOLDWATER. Because I did not vote for the other bill and because this is probably the only chance I will have to make my comments on the whole subject, I am probably abusing the Senator's ears and the floor by a discussion of another bill, to some extent, in this bill. But we get to the point, the important question of the matter of cash and I would like to have one-hundredth of what was sent in all the campaigns that comes to you in an envelope saying, "Meet Joe in a white shirt at so and so aviation company and he will give you a brown envelope." No names are mentioned. There might be $50,000 in that brown envelope. Do we report it? We cannot report it because we do not know where it came from. No one will believe us——

Mr. PASTORE. You should not even take it.

Mr. GOLDWATER. Oh, I take it. If you are a Democrat in a Republican State, you take most anything.

The point I was trying to make before,

on which I agree with the Senator from Kentucky, is that this is not only undemocratic because of the points he made but it is undemocratic in that we are, in effect, denying constitutional rights to people, not necessarily under this amendment, but under the whole concept that we are playing with here.

I have heard on this floor the names of a number of prominent Republicans. I do not want to bore the Senate but I want to read—here is one name—I think he is a Republican—Henry Ford, II—I always thought he was a Republican, at least—he gave $30,000 to the Democratic Committee last year. Mr. and Mrs. Herbert Allen of New York gave $56,000. Mr. and Mrs. Daniel J. Bernstein gave $110,000. Mrs. June Degnan of California gave $60,000.

Mr. President, I ask unanimous consent to have this list of contributors to the Democratic Party or its candidates in 1968 printed in the Record, a short statement on candidates who gave to their own campaigns, and a news release from the Americans for Constitutional Action of August 19, 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

The following list gave in excess of $30,000 to the Democratic party or its candidates in 1968. The asterisk (*) indicates that some or all of the information on the given amount was received from interviews or special lists, rather than from official campaign fund reports. A number of these people have also given modest amounts to the Republican Party or its candidates.

The information below, other than job descriptions, comes from Financing the 1968 Election by Herbert E. Alexander. Mr. Alexander is Director of the Citizen's Research Foundation and is considered one of the foremost authorities on campaign financing.

1968 CONTRIBUTIONS

Mr. and Mrs. Herbert Allen, New York, New York; $56,000; Partner, Allen & Co.

*Mr. and Mrs. Lester Avnet, New York, New York; $49,672.

*Mr. and Mrs. Robert S. Benjamin, New York, New York; $32,000; Chairman, United Artists.

*Mr. and Mrs. Daniel J. Bernstein, Scarsdale, New York; $110,236; Investment Banker.

Mr. and Mrs. Harry Brandt, New York, New York; $45,000; Motion Picture Theatre Owner, Trans Lux, Corp.

*Chester Carlson, Pittsford, New York; $30,700.

*Ellsworth T. Carrington, New York, New York; $106,000+; Investment Banker.

*Blair Clark, New York, New York; $75,000+; Clark Thread Heir.

*Dr. Manfred Clynes, Palisades, New York; $30,000.

*Bernard Cornfield, $30,000; Pres (Ex) of I.O.S.

Norman Cousins, New York, New York; $57,000; Former Editor, Saturday Review.

*Mrs. June Degnan, California; $60,000.

*Robert W. Dowling, New York, New York; $102,754+; Chairman, City Investing. Director, United Artists.

*Mr. and Mrs. Jack J. Dreyfus, Jr., New York, New York; $169,000+; Dreyfus Fund.

Mr. and Mrs. John Factor, Hollywood, California; $102,500.

*Martin Fife, New York, New York; $72,000; Fife Industries.

Henry Ford, II, Grosse Point, Michigan; $30,000; Chairman, Ford Motors.

*Robert Gimbell, New York, New York; $50,250+; Saks Fifth Ave. Corp.

Raymond R. Guest, King George, Va., $36,000.

Mrs. Doris Lanier, Bal Harbor, Florida; $50,000; Principal Stockholder, Washington Scientific Industries.

Mrs. Albert D. Lasker, New York, New York; $69,400.

*Larry Lawrence, New York, New York; $30,000.

Mr. and Mrs. Howard S. Levin, New York, New York; $30,000.

Honorable Frederick Mann, New York, New York; $35,500.

*Allan Miller, Boca Raton, Florida; $108,000.

*Stewart Mott, New York, New York; $255,500+; G.M. Stockholder.

*Martin Peretz, Cambridge, Mass.; $144,400+; Prof. Harvard. Wife member of Singer Sewing Machine family.

*Mr. and Mrs. Samuel Rubin, New York, New York; $76,000; retired Exec. Faberge.

Mr. and Mrs. Roger L. Stevens, Washington, D.C.; $30,000; Pres. Kennedy Center.

*Martin Stone, Los Angeles, Calif.; $40,000; Chairman, Monogram Pictures.

Mr. and Mrs. Lew Wasserman, Beverly Hills, California; $54,096; MCA, Inc.

In 1968 the following candidates gave to their own campaigns:

OFFICE SOUGHT

Dolph Briscoe, Governor of Texas (Primary), $460,000.

David B. Kinney, 10th Congressional District of Virginia, $77,000.

Edward Whittenburg, Governor of Texas (Primary), $200,000.

[Americans for Constitutional Action, Press Release, Aug. 19, 1971]

Tie-In With Separate ACA Study

Organized labor, working through 44 known labor political organizations, contributed substantially more than $4,000,000 to candidates for the U.S. Senate, the U.S. House of Representatives and governorships during the 1969–1970 period culminating in the 1970 elections according to an analysis released last night by Americans for Constitutional Action (ACA), the national conservative political action committee.

This analysis was based on figures filed in part by the unions themselves or by candidates with various governmental agencies—the Clerk of the U.S. House of Representatives, the Secretary of the U.S. Senate and various state and county agencies which require disclosure of campaign contributions and which were available for review.

According to Mr. Charles A. McManus, ACA national President of this non-partisan group, "the contributions actually totaled $4,297,297.04, including $1,767,044.73 for candidates to the Senate, $1,521,939.92 for House candidates and $1,008,312.39 for Gubernatorial candidates."

Democratic candidates in the three categories received the lion's share of contributions, the Democratic total being $4,153,746.52 as against the total for Republicans of $143,550.52.

The breakdown follows:

Democrats:	
Senators	$1, 718, 744. 73
Representatives	1, 439, 189. 40
Governors	995, 812. 39
Subtotal	4, 153,746. 52
Republicans:	
Senators	48, 300. 00
Representatives	82, 750. 52
Governors	12, 500. 00
Subtotal	143, 550. 52
Grand Total	4,297, 297. 04

Mr. McManus stressed that these figures represent only 44 identifiable labor political action committees, and that there unquestionably were a number of other such labor organizations involved. The totals, of course, do not reflect labor's actual contribution represented by overhead costs, voter registration and voter vote drives, manpower, educational programs, etc.

He stated, "inasmuch as organized labor is not required to report such additional expenditures, no total figure as to the union's overall financial participation for these national and state offices are available to the public."

Mr. ALLEN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. Hollings). The Senator from Alabama is recognized for 3 minutes.

Mr. ALLEN. Mr. President, if I heard correctly, I wish to differ somewhat with my good friend from Arizona when he says that northerners would not want to vote for George Wallace.

Well, I have the 1968 presidential election results in my hand and they show that in Illinois, for instance, 390,000 northerners voted for George Wallace for President. In Michigan, 331,000 northerners voted for George Wallace for President. In the great State of New York, 358,000 northerners voted for George Wallace for President, and 378,000 northerners voted for George Wallace for President in the State of Pennsylvania.

Mr. President, the point was made on yesterday by opponents of the Pastore amendment, that it would freeze in the two major parties as the only vehicles or instruments whereby the people can express themselves at the polls, and that it would discourage formation of minor parties—a third party or a fourth party.

That is not correct if the amendment that I have submitted is adopted, because that would give a third-party candidate the credit for all of the votes that were cast for him under any ticket or label.

Where is the equity or the fairness in saying that under one label, the candidate received a certain number of votes and they will be used in computing this formula, but this 1 million or 2 million or 3 million that may have voted for that candidate under a different label, we will disregard those?

All this amendment does is to combine the vote that the presidential candidate received on all tickets or under all labels, that were voting for this candidate or in the future will vote for a candidate of a minor party. Why rule all those out and say, "We will not count you but will count only those under a particular label"?

Mr. President, they say that the Pastore amendment is not democratic. The distinguished Senator from Colorado stated that the amendment submitted by the junior Senator from Alabama, in his judgment, is an improvement over the Pastore amendment as submitted, that it did make for a better bill.

I hope that he will see fit to support the pending amendment.

Mr. President, I ask unanimous consent to have printed in the Record the final 1968 presidential election results as contained in the 1969 Congressional Quarterly Almanac.

There being no objection, the table was ordered to be printed in the Record, as follows:

POLITICAL REPORT—FINAL 1968 PRESIDENTIAL ELECTION RESULTS BASED ON COMPLETE VOTE TOTALS REPORTED TO CONGRESSIONAL QUARTERLY BY THE GOVERNMENTAL AFFAIR INSTITUTE

[Total popular vote cast: 73,211,562]

[D—Democrat, I—Independent, AI—American Independent, AP—American Party, W—Wallace Electors, CPK—Conservative Party of Kansas, IA—Independent American, CP—Courage Party]

		Total popular vote				Electoral vote				Percentages		
	State	Nixon (R)	Humphrey (D)	Wallace (AIP)	All others	Nixon	Humphrey	Wallace	Plurality	Nixon	Humphrey	Wallace
D	Alabama [1]	146,923	196,579	691,425	14,982			10	494,846 AIP	14.0	18.7	65.9
I	Alaska	37,600	35,411	10,024		3			2,189 R	45.3	42.6	12.1
AI	Arizona	266,721	170,514	46,573	3,128	5			96,207 R	54.8	35.0	9.6
AP	Arkansas [2]	190,759	188,228	240,982				6	50,223 AIP	30.8	30.4	38.9
AI	California	3,467,664	3,244,318	487,270	52,335	40			223,346 R	47.8	44.7	6.7
AI	Colorado	409,345	335,174	60,813	5,867	6			74,171 R	50.5	41.3	7.5
W	Connecticut	556,721	621,561	76,650	1,300		8		64,840 D	44.3	49.5	6.1
AP	Delaware	96,714	89,194	28,459		3			7,520 R	45.1	41.6	13.3
W	Florida	886,804	676,794	624,207		14			210,010 R	40.5	30.9	28.5
I	Georgia	380,111	334,439	535,550				12	155,439 AIP	30.4	26.8	42.8
AP	Hawaii	91,425	141,324	3,469			4		49,899 D	38.7	59.8	1.5
AI	Idaho	165,369	89,273	36,541		4			76,096 R	56.8	30.7	12.5
W	Illinois	2,174,774	2,039,814	390,958	14,203	26			134,960 R	47.1	44.2	8.5
W	Indiana	1,067,885	806,659	243,108	5,945	13			261,226 R	50.3	38.0	11.4
AI	Iowa	619,106	476,699	66,422	5,454	9			142,407 R	53.0	40.8	5.7
CPK	Kansas	478,674	302,996	88,921	2,192	7			175,678 R	54.8	34.7	10.2
AP	Kentucky	462,411	397,541	193,098	2,843	9			64,870 R	43.8	37.6	18.3
AP	Louisiana	257,535	309,615	530,300				10	220,685 AIP	23.5	28.2	48.3
W	Maine	169,254	217,312	6,370			4		48,058 D	43.1	55.3	1.6
W	Maryland	517,995	538,310	178,734			10		20,315 D	41.9	43.6	14.5
I	Massachusetts	766,844	1,469,218	87,088	8,602		14		702,374 D	32.9	63.0	3.7
AI	Michigan	1,370,665	1,593,082	331,968	10,535		21		222,417 D	41.5	48.2	10.0
AP	Minnesota	658,643	857,738	68,931	3,198		10		199,095 D	41.5	54.0	4.3
I	Mississippi	88,516	150,644	415,349				7	264,705 AIP	13.5	23.0	63.5
AP	Missouri	811,932	791,444	206,126		12			20,488 R	44.9	43.7	11.4
AP	Montana	138,835	114,117	20,015	1,437	4			24,718 R	50.6	41.6	7.3
AP	Nebraska	321,163	170,784	44,904		5			150,379 R	59.8	31.8	8.4
IA	Nevada	73,188	60,598	20,432		3			12,590 R	47.5	39.3	13.2
W	New Hampshire	154,903	130,589	11,173	633	4			24,314 R	52.1	43.9	3.8
W	New Jersey	1,325,467	1,264,206	262,187	23,535	17			61,261 R	46.1	44.0	9.1
AI	New Mexico	169,692	130,081	25,737	1,828	4			39,611 R	51.8	39.7	7.9
CP	New York [3]	3,007,932	3,378,470	358,864	46,421		43		370,538 D	44.3	49.7	5.3
AP	North Carolina	627,192	464,113	496,188		12		[4]1	131,004 R	39.5	29.2	31.3
AP	North Dakota	138.669	94,769	14,244	200	4			43,900 R	55.9	38.2	5.7
AI	Ohio	1,791,014	1,700,586	467,495	603	26			90,428 R	45.2	42.9	11.8
AP	Oklahoma	449,697	301,658	191,731		8			148,039 R	47.7	32.0	20.3
I	Oregon	408,433	358,866	49,683	2,640	6			49,567 R	49.8	43.8	6.1
AI	Pennsylvania	2,090,017	2,259,405	378,582	19,924		29		169,388 D	44.0	47.6	8.0
W	Rhode Island	122,359	246,518	15,678	383		4		124,159 D	31.8	64.0	4.1
I	South Carolina	254,062	197,486	215,430		8			38,632 R	38.1	29.6	32.3
I	South Dakota	149,841	118,023	13,400		4			31,818 R	53.3	42.0	4.8
AP	Tennessee	472,592	351,233	424,792		11			47,800 R	37.8	28.1	34.0
AP	Texas	1,227,844	1,266,804	584,269	489		25		38,960 D	39.8	41.1	19.0
AI	Utah	238,728	156,665	26,906	269	4			82,063 R	56.5	37.1	6.3
W	Vermont	85,142	70,255	5,104	902	3			14,887 R	52.8	43.5	3.2
AI	Virginia [5]	590,319	442,387	321,833	6,950	12			147,932 R	43.4	32.5	23.6
AP	Washington	588,510	616,037	96,990	2,744		9		27,527 D	45.1	47.2	7.4
AP	West Virginia	307,555	374,091	72,560			7		66,536 D	40.8	49.6	9.6
I	Wisconsin	809,997	748,804	127,835	4,902	12			61,193 R	47.9	44.3	7.6
AI	Wyoming	70,927	45,173	11,105		3			25,754 R	55.8	35.5	8.7
	District of Columbia	31,012	139,566				3		108,554 D	18.2	81.8	
	Total	31,785,480	31,275,165	9,906,473	244,444	301	191	46	[6]510,315 R	43.4	42.7	13.5

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[1] Alabama—Humphrey total is a combination of National Democratic (54,144) and Independent Democratic (142,435) votes; the AIP Wallace vote was cast as Democratic in this State.

[2] Arkansas—Nixon, Humphrey, and Wallace vote each increased by amendment in early canvass in Jefferson County.

[3] New York—Humphrey total includes 311,622 votes as Liberal candidate.

[4] 1 North Carolina Republican elector cast his vote for Wallace.

[5] Virginia—Wallace vote increased by 1,561 over State canvass for vote in Shenandoah County omitted in original report.

[6] Because of Humphrey's 3d-place finish in the South, plurality column does not add up to national total.

Mr. COOK. Mr. President, I yield 3 minutes to the distinguished Senator from Connecticut (Mr. WEICKER).

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. WEICKER. Mr. President, reference was made by the distinguished majority leader to the distinguished Senator from Vermont and the fact that $17.09 was spent on his campaign, and the prior one that cost $16.09. Yet here he sits in the Senate Chamber, representing the great State of Vermont.

I am sure that his opponents spent a good deal more money than that, but the State of Vermont sent him here because of his stands on the issues, because of his integrity, because of his character. That is why he is there, not because of money.

Do my friends on the Democratic side of the aisle think they do not occupy the White House today because they did not have enough money to get there? The answer to that question is very simple. They do not occupy the White House today because they engaged our country in a rather unpopular war in Vietnam. That was the reason for the Democratic defeat in 1968.

If we make the same kind of mistakes on this side of the aisle, we are not going to be in the White House come 1972.

It has nothing to do with money. Yet the Senators on the other side of the aisle have equated the intelligence of this Nation with money rather than to quality of issues or quality of performance.

Mr. President, I yield back the remainder of my time to the Senator from Kentucky.

Mr. COOK. Mr. President, the amendment of the Senator from Alabama was brought up in the discussion yesterday to the extent that when he was talking about the funds that would be available, he was talking about a particular nominee and that consequently, because the present Governor of Alabama really ran under eight different party labels, that would cause a very serious problem.

Frankly, I think the Senator's amendment clarifies the situation to a great extent.

The only point that I would like to make is that I still think in reference to the entire matter under discussion that the inequity still lies, that the minor party receives the funds based upon the number of people who voted for that minor party 4 years ago. And as a result, that minor party would receive $6.8 million—as, I think, was pointed out in the press—and the two major parties would receive $20 million.

I repeat the statement made by the Senator from Rhode Island when he said in response to the Senator from Kentucky:

> How can a man with $5 million beat a man with $20 million? That is why we have the bill and that is why the bill provides equity.

I will support the amendment of the Senator from Alabama.

However, the equity is not there because how can a man with $6.8 million beat two major party candidates having $20 million apiece? I believe the answer is that it will be rather difficult.

Mr. ALLEN. It is possible that he will not succeed.

Mr. COOK. It is possible that he will not succeed. I think that there is something else rather important in the bill, and we should probably correct it before we move along. Perhaps the Senator from Alabama might take a look at it.

Let us suppose the two major parties might always maintain the particular percentage that would allow them to be major. However, suppose that one of the majors goes below 25 percent. It then becomes a minor and goes in a different category. We will then have one major party in the United States that picks up its marbles in advance, based upon a sworn statement submitted to the Comptroller General of the United States. But the other party might not be able to do that.

This is one amendment that I think clarifies the situation. I hope that we can have more.

Mr. ALLEN. Mr. President, I thank the Senator from Kentucky.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. LONG. Mr. President, the party is dealt with even more favorably than the Senator from Kentucky seems to think, because the minor party would be assured of the amount of money that is indicated, if that is the legislative intent. In addition, the minor party candidate could accept private contributions. So, he could seek some private contributions so that he could have more money than the $6 million.

Mr. ALLEN. He could go up to a certain amount—the total to be received by a major candidate.

Mr. LONG. He would be subject to a limitation. He could not accept any more money than would be available to a major party. So, if a party had $25 contributions available and $50 contributions and they wanted to make available $5 million or $6 million or up to $13 million more, he could accept those contributions.

That would thereby with the private contributions give him the same opportunity to be heard as one of the major candidates. And even if one of the major parties should fall off so badly at some time in the future that it became a minor party—and it has been a long time; in fact, I cannot recall in recent history back to the Civil War when one of the two major parties got clobbered that badly in a general election—in that case, if one of the major parties were to become a minor party, it could then solicit private contributions to bring up its fund so that it would be given a better chance to be heard.

Mr. ALLEN. It is likely that, if that should happen, the minor party might become a major party, and we would then still have two major parties.

Mr. COOK. Mr. President, did the Senator from Alabama by that say that the major parties can be sanctified in the fact that they do not have to go out and seek those contributions, but the minor party has to grovel for those contributions, as he put it yesterday?

Mr. ALLEN. I would say the bill treats the minor party candidates most favorably.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. COOK. My time has expired.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). All time having expired, the question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HANSEN. I have a live pair with the junior Senator from Michigan (Mr. GRIFFIN). Were he present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Michigan (Mr. GRIFFIN) and the Senator from New Jersey (Mr. CASE) are necessarily absent.

The pair of the Senator from Michigan (Mr. GRIFFIN) has been previously announced.

The result was announced—yeas 63, nays 27, as follows:

[No. 356 Leg.]

YEAS—63

Allen
Anderson
Baker
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tunney
Williams

NAYS—27

Aiken
Allott
Beall
Bellmon
Boggs
Brooke
Cotton
Curtis
Fong
Goldwater
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
Miller
Packwood
Pearson
Percy
Schweiker
Scott
Stafford
Stevens
Taft
Tower
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hansen, for.

NOT VOTING—9

Bayh
Case
Gravel
Griffin
Harris
Hartke
Mundt
Saxbe
Stevenson

So Mr. ALLEN's amendment to Mr. PASTORE's amendment was agreed to.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask the clerk to state it.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 9, beginning with the comma following the word "Federal", strike through the word "caucus", line 12, and insert in lieu thereof the following: "or State elective public office in any primary, general or special election, or in any National or State convention."

On page 3, line 20, strike the comma following the word "Federal", and insert in lieu thereof the word "or".

On page 3, line 21, beginning with the comma following the word "State", strike through the word "local".

On page 4, line 10, strike the comma following the word "Federal", and insert in lieu thereof the word "or".

On page 4, line 10, beginning with the comma following the word "State", strike through the word "local".

On page 5, line 5, following the word "State", strike the words "and Local".

On page 5, line 6, following the word "Columbia", strike through the word "State", line 9.

Mr. DOMINICK. Mr. President, this particular amendment deals with title IX of the Pastore amendment, as opposed to title X, which we have been considering before, and it makes technical changes on pages 3, 4, and 5, for the purpose—and I say this with real conviction—of not providing Federal funding for local candidates. It maintains the right of a tax credit or it maintains the right of a deduction for a State or Federal election, but it cuts it out insofar as local elections are concerned.

Let me, if I may—and in so doing I yield myself 10 minutes—give my colleagues some idea why I am offering the amendment. When we get into a political subdivision or local election, we are talking about school board members, members of a water board, one who is trying to take over a precinct chairman's position. We are talking about, in one single word, officers who are essentially local in nature. If we maintain the bill as it is, we are in effect saying that we are going to have Federal funding of every local election there is in the country. It does not seem to me to be proper to do that. What we are really saying in the countryside as a whole is that, the more we can get people to run for local office, the better our local governments will be, but in almost every case there is very little money involved in the process of running for local office.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, let me just take some examples, if I may. Under the bill as it is written, as I see it at the moment—and if I am wrong I hope someone will correct me—a person is entitled to take up to a $25 Federal income tax credit on contributions that he or she may make to any local candidate. A $25 income tax credit, no matter how one slices it, in terms of revenue to the Federal Government means a pretty substantial amount of money. As

I have said on many occasions, it amounts to a gift which is far bigger than the $25 which will be accruing to the benefit of the person. It also means that wealthier people who have the money will be the ones who will be choosing the local candidates, because they will be the ones who will be pouring the money in.

I do not know how it is in other States, but in our area of the world, most of the local candidates, whether they run for a water board or for the city council or for a trusteeship, do it as the Senator from Florida, who is now in the Chair (Mr. CHILES), did it recently—on their feet. They do it by going out and meeting people.

I do not see why we should not maintain that idea as far as local candidates are concerned. When one starts running for State office, whether it be Secretary of State or the State legislature, or whatever it may be in that statewide office, he gets into a little expense, because in any geographically large State he has to get some radio and television time, and, if through no other way, put out brochures to let the people know who he is. So he does hope to get some campaign expenses. I ran for the State legislature in 1954, 1956, and 1958. I had no campaign contributions. One man gave me $20 to run. That was only because I met him on the street. He did not even live in my district. He said, "You are doing a pretty job. Here is some money for your campaign." The rest of the expense I funded myself, which was not very much. However, this is not true in Texas and other States, where quite a bit of money goes into campaigns for State office. This is not true in terms of local elections.

So theoretically, under the bill as it is now written, someone who decides that he wants to get a lot of tax credit for himself and thereby reduce his tax liability could start giving money to one local candidate after another in fairly small amounts, and say, "I have given x number of dollars to this candidate, and x number of dollars to this candidate." I do not see anything in the bill which does not permit him—in fact, I think it does permit him—to take a tax credit for every single candidate he contributes to so he can knock down his tax liability almost immediately by following that procedure.

It is also possible in precinct caucuses. One is permitted to count contributions to precinct caucuses under the bill as it is written. In that instance a husband and wife could decide that the wife gives the husband money, or vice versa, to run for office, even though they do not follow up at all.

This particular bill applies to primary elections, special elections, and general elections, and to local precinct caucuses and conventions, as well as it does to State and Federal.

It is for that reason that it seems to me we ought to make some changes, and not just proliferate and increase the centralization of government to the point where we try to get the Federal Government to take care of every single expense one may have in the political field. I say this with some experience in the field, having been in State politics as well as in national politics.

The specific changes I have proposed can be found on pages 3, 4, and 5. What I do is simply provide that—

> The term "political contribution" means a contribution or gift of money to an individual who is a candidate for nomination or election to any Federal or state elective public office in any primary, general or special election, or in any national or state convention.

It just eliminates the word "local."

Then, as far as the committees are concerned, I say the same thing with respect to the committees down on page 3, and then, on page 4, I have left in subsection (E), which refers to a local committee, because if the amendment is adopted, you can still give contributions to a local committee, but that local committee can only give it to a State or Federal nominee, or a person seeking the nomination. Therefore, we left that in.

I do not really think this is terribly difficult to understand, and I do think it is important, so that we do not continue to proliferate all the tax credits and deductions which we now have in our Federal income tax system.

Having said that, I am happy to reserve the remainder of my time, unless someone else wishes to speak on it at this point.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, the Senator from Rhode Island (Mr. PASTORE) has asked me to manage his time in his temporary absence.

It is the feeling of Senator PASTORE, and it is also my feeling, that this matter could be handled either way. You could limit it to only Federal candidates, or Federal and State candidates, and you could do that with considerable logic, as the Senator suggests, or you could permit the taxpayer to take advantage of his $100 deduction to contribute wherever he feels the contribution would most serve the interests of good government or his own personal interests. If he thought that a campaign for sheriff was where he could spend his money most effectively to advance the cause, he could make his contribution to the candidate for sheriff. It might be that that would be the most important single election, as far as his interests were concerned, or the most important election might be a race for the school board. Perhaps his brother might be running for the school board. As much as he might be concerned about the outcome of the presidential election, the school board election would be the most important election as far as he was concerned. It might be his wife running for the school board; for him, that would be the most important election in many years.

As I understand the Pastore amendment with regard to the $100 deduction, it is based on the theory that the taxpayer would have the privilege of claiming a deduction made for up to $100 of campaign contributions for whatever election or to whatever candidate he thought would be most desirable.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. TALMADGE. Does the Senator not feel that if it is in the public interest, by way of either a tax deduction or a tax credit for campaign contributions to aid candidates for Federal office, it is equally important and in the public interest to aid candidates for Governor of a State, or as attorney general of the State, or county school superintendent, or county sheriff, or mayor of a municipality?

Mr. LONG. That makes good sense.

Mr. TALMADGE. To follow any other course would, in effect, amount to invidious discrimination against State, county, or local officeseekers, would it not?

Mr. LONG. The Senator is correct. The theory of this provision is that the taxpayer has the right to make a political contribution where he thinks it should be made, and it might seem to the taxpayer that it is far more important to contribute to a candidate for mayor, Governor, or attorney general. It might be that he might feel, for example, in a particular State, that the No. 1 problem in government, from his point of view, was the fact that they did not have a good attorney general in the State, to ferret out corruption and assist the district attorneys, or do the job for them they would not do for themselves.

Mr. TALMADGE. Will the Senator yield further?

Mr. LONG. I yield.

Mr. TALMADGE. Does he not think there would be severe criticism leveled against the Congress of the United States if we were to pass a measure of this kind extending a particular benefit or privilege to candidates for the Senate or the House of Representatives, but denying the same benefit or privilege to candidates for State, county, municipal, or local office?

Mr. LONG. I think we could explain it, but I think we would have to do a lot of explaining to make our constituents understand. I can understand how it can be defended, but I think we would have to do quite a bit of explaining, especially every time we appeared before the League of Women Voters or some other group which had a nonpartisan interest in good government, why we wanted to grant a tax advantage for a person to contribute to a Federal election but not to a State or local election.

Mr. TALMADGE. Will the Senator yield for a brief comment?

Mr. LONG. Yes.

Mr. TALMADGE. It is my belief that this particular provision is in the national interest. It will enable a candidate for political office to attempt to solicit and collect a maximum number of small and modest contributions, and will free that particular candidate from the severe problem of trying to solicit and collect large contributions from big business, big labor, or someone who may have a political ax to grind.

All of us know that with the advent of television, and particularly with inflation, campaigns are now enormously expensive. It is reported that in many States a candidate for Governor must spend millions of dollars, and in many

States a candidate for the U.S. Senate must spend millions of dollars.

Where is that money to be obtained? Either from big business, big labor, or some other special interest that may have some political ax to grind. I think it is in the national interest to try to create an atmosphere and a tax policy where the average citizen, whether he be the butcher, the baker, or the candlestick maker, will be encouraged to make modest contributions to aid a candidate of his choice for any office, whether that office be local, municipal, county, State, or national.

I do not think we can make that a policy for national offices, and deny it as a policy for State offices. I do not think we can make it a policy for national offices and deny it as a policy for county offices or municipal offices or local offices. If it is fair for one, it should be fair for all, and it should be all-inclusive.

There is ample protection here, because every taxpayer is entitled to only one credit or one deduction, as the case may be, for his political contributions in any particular tax year, and that particular taxpayer can make a choice of the candidates and election that interest him most.

He may think, "We have a corrupt sheriff, and we want to kick that corrupt sheriff out," and if that is the case, he and the other people of that particular county can join together, under this tax policy, and make up a fund of modest contributions to kick out that corrupt sheriff. The same thing may be true of any other local official, State official, or Federal official.

I think it is a good policy, and I think the amendment offered by the distinguished Senator from Colorado is wrong, because if it is a good policy for national candidates, it ought to be a good policy for every candidate.

I thank my distinguished chairman for yielding.

Mr. LONG. Mr. President, I appreciate the statement of the Senator from Georgia. The Senator, down through the years, as far as I can determine, has been the principal sponsor of the thought that we ought to have a $100 tax deduction or a tax credit for every citizen, no matter what election he wanted to contribute to, whether it be State or Federal.

One of the problems, Mr. President, is that to grant a deduction or a tax credit for a contribution to a Federal election and not to a State election would seem to imply that we suggest one should think it proper to contribute to the outcome of a Federal election but not proper to contribute to the outcome of a State election; and, of course, no one intends to suggest that. Or it would tend to suggest that, it is a higher cause to contribute to a Federal election than a State election, and we do not wish to suggest that, because local government is every bit as important as National Government, if the people of this land are not to be ruled by those who would do so without their consent.

So, while I am sure it can be argued that if we can clean up the Federal Government, the States ought to have the burden of cleaning up State government, as a practical matter, it is the Federal Government that collects these vast amounts of money in income taxes.

If this approach is to be used to help finance government through small contributions of individual taxpayers, then it would seem to me that it is better to let them contribute to all. I think that this will be a good bill either with the Dominick amendment or without it; but I am constrained to the view that the taxpayers would understand better our purpose and approve of it more completely if we proceeded as suggested by the senior Senator from Georgia, rather than limiting this matter to Federal elections.

Mr. COOK. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. COOK. This gives me serious problems, if it says what I think it says, and I would like it cleared up.

Last year, during the debate on this bill, when we were discussing the ability to have a tax deductible credit and a credit to make a campaign contribution, it was limited specifically to candidates for Federal offices. I argued vehemently then that it was wrong, that it was unfair, and why would you deny a candidate for mayor or a candidate for Governor or a candidate for sheriff, or whatever the case might be, the right to fit within the same category? Is this the essence of what the Senator from Colorado is doing?

Mr. DOMINICK. I am saying that you can contribute to any primary, special, or general election for Federal or State office, but not for the local office. I have to make that clear.

The reason is that we are talking about primaries and even talking about local caucuses and conventions. So in a caucus, under this, you could theoretically contribute x number of dollars to your wife to run for the caucus; she puts her name up; and you have a deduction, and she does not even run. This is the problem of this bill as it is now.

It seems to me that we are saying that everybody in a high income tax level who has enough money to give away $100, can get a tax deduction for every Tom, Dick, Harry, or Jane who wants to run for office. They do not have to run. They say they are a candidate and sit on their front porch for the rest of the time, and this gives them an income tax deduction. I do not think it is right to have it that way.

Mr. COOK. I thank the Senator.

I must confess that I am still rather concerned about the fact that I can see the Senator's point perfectly on local conventions and caucuses. I think the person ought to be a bona fide candidate, and I think he ought to be a qualified candidate under the State law and ought to be a filed candidate for office. But I do have problems with the fact that we get to the State level and we say, for example, that a mayor, a judge, or a magistrate who is a bona fide filed candidate under the laws of my State—or any other State—should not be given the right to solicit funds and have a portion of those funds from the contributor constitute a deduction by the contributor.

I have had problems with the words "local convention and caucus" ever since we read the amendment. I think that perhaps this goes too far.

I am wondering if there is some way the Senator might amend the amendment to include bona fide candidates or bona fide filed candidates so that we cannot discriminate against a group who I feel should not be discriminated against.

Mr. DOMINICK. I will say this to the Senator from Connecticut: What I am trying to do here is simply to have some limit on the amount of people who are going to be claiming deductions because some friend of theirs stood up and said, "I want to be a candidate."

Let me point out to the Senator from Kentucky that in order to be a candidate to whom one might contribute, all you have to do is to publicly announce that you are a candidate for nomination or election. So that, presumably, anybody who wants to, who is running, whether it be for the city council or the water district or the sewage district or anything else, can get up and say, "I am a candidate." Then he gets a contribution from his wife. Then he does not do any more. He does not even get the nomination or win the election. But they get a tax deduction or a tax credit, depending upon which way they want to go. I do not think it is right.

I do not have the figures of the number of committees and caucuses and local offices there are in this country, or how many people run for office every 2 years; but I will say that we have 535 Members of Congress, 50 Governors, at least 5,000 State legislators, at least 315 State offices in the country, and I would think a whale of a lot more than that. That already amounts to 5,900, in round figures, of State and Federal people, not counting anybody else who may have been a candidate and did not win. Then you go into the local areas in the districts, the water districts, the sewage districts, the school districts, the city councils, the city villages, the city township—every one of these you can think of, whether it be in Louisiana or Colorado or New York; and you are dealing not only with the people who have been nominated by their party and who are running, but also the ones who are seeking nomination, the ones who get eliminated from the primaries or whatever it may be.

I can assure you that you are going to have hundreds of thousands of eligible people to whom anybody can give money and get a tax deduction. It does not seem to me that this makes any sense.

What we have been trying to do in this bill, to some extent, is to maintain some fiscal credibility with the people of this country, so that we do not have a larger deficit in 1973 than the one that is already anticipated. I think if we go this way, we are really going to be creating a major impact on the Federal budget.

Mr. COOK. Mr. President, I thank the Senator.

Mr. DOMINICK. I will continue, if I may, because I think it is important.

When we get down to the political contribution, subsection (b), it says that you can make a political contribution to any committee, association, or organization, whether or not it is incorporated, organized, and operated exclusively for the purpose of influencing or attempting to influence the nomination or election of one or more individuals who are candidates for nomination—not nominated—or election to any Federal, State, or local elective public office, for use by such association or organization to further the candidacy of such individual or individuals for nomination or election to such office.

If you leave it that way, you are going to have the greatest proliferation of associations, committees, and organizations, whether they are for the benefit of the Senator from Colorado or the Senator from Kentucky, or for whoever else may decide they are going to run on either the "vegetarian" ticket or the "stars and stripes" ticket, or whatever it might be. They are going to be all over the country, and everybody is going to be taking advantage of this. For what purpose? Not because they are going to win, because they have an issue, but because they want to get a tax deduction.

It seems to me that if we are going to have tax deductions in this way, we ought to maintain them for a universal purpose such as the ones we have now in the income tax law—educational, charitable, and beneficial purposes.

Here we say that we are going to do it for everybody, all over the country, who is running for political office. I confess that I simply cannot see why we should go this far. I think we are going pretty far when we get into a situation in which we are dealing with both primaries and general elections, and when we are dealing with special elections and with State and Federal elective offices.

I just did a quick computation, and we already have more than 5,900 people right there, not holding office, not even those who are candidates. So an enormous number of people will be dealing with this problem.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). Who yields time?

Mr. WEICKER. Mr. President, will the Senator from Colorado yield me 3 minutes?

Mr. DOMINICK. I yield.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Colorado on his amendment. He realizes, as do I, that the whole package that is before the Senate is an irony, aside from being wrong. Let me read the summary as it appears on the first page of the committee report, as to what we are supposed to be doing on the Senate floor today and in days past. We are supposed to be acting on the Revenue Act of 1971.

The summary states:

> Put our present lagging economy on the high growth path.
>
> Increase the number of jobs and diminish the high unemployment rate.
>
> Relieve the hardships imposed by inflation on those with modest incomes.
>
> Provide a rational system of tax incentives to aid in the modernization of our productive facilities.
>
> Increase our exports and improve our balance of payments.

Mr. President, the pending Pastore amendment probably could be called, in my opinion, "the Emergency Politicians Employment Act of 1971," because that is the only employment, I see, that will be increasing in the days ahead, as we will be taking care of ourselves before we will be trying to help the American people.

This does not stand as a separate issue before the Senate but, rather, is the creation of this large fund to be made available to the politicians of this country.

I represent the State of Connecticut which has 10 percent unemployment today, because of the miscalculations of previous Democratic administrations in getting us into the Vietnam war which the American public as a whole must pay for. I suspect, more than the money, that is the reason why the Democrats are not in the White House today. Yet they have the gall to come on to the floor of the Senate at a time when Americans are being asked to sacrifice at home in order to get the country back into a strong economic position, and try to squeeze this amendment into the Revenue Act of 1971.

I think that is irony.

I believe that the American public will not appreciate that for very long.

If anyone can show me the connection between this amendment and what I shall repeat exactly what the bill is supposed to be all about; namely, the first item, "put our present lagging economy on the high growth path." This fund would be made available to candidates at all levels. Where does that relate to "putting our present lagging economy on the high growth path"?

The second item in the summary is "increase the number of jobs and diminish the high unemployment rate." How does this amendment accomplish that?

"Relieve the hardships imposed by inflation on those with modest incomes." We cannot do that because it takes $1 out of everyone's pocket and puts that money into the pockets of politicians.

"Provide a rational system of tax incentives to aid in the modernization of our productive facilities." I suggest that if the Democratic party wants to modernize itself, it do so on the issues rather than on the people's money.

"Increase our exports and improve our balance of payments." If there is some connection between any of the purposes I have cited in the report of the committee of the distinguished Senator from Louisiana (Mr. LONG), I would very much like to know what it is.

In the attempt of the distinguished Senator from Colorado to try to whittle down the bill, he has my 100-percent support. But may I suggest that I do not think it stands to the credit of this body if we should adopt the Pastore amendment when we have people throughout the country who are very much in need and who are suffering. We keep talking about the "little people" who are out of work, and so forth, but that does not have anything to do with what we are discussing here, except that we are trying to figure out a better way of slicing up the American taxpayers' money and giving it to ourselves.

I think it is a disgrace.

Mr. DOMINICK. Mr. President, I thank the distinguished Senator from Connecticut for a very cogent and powerful statement.

Mr. President, with respect to this particular amendment that I am dealing with now, I invite the attention of the Senate to the fact that if an individual is allowed to determine whether he will take a tax credit or a deduction, it will obviously mean that anyone in a tax bracket where he can take a real tax advantage—in other words, the wealthier people, as this thing goes up and we scale it up on the income tax brackets—will be taking the deduction. Heaven only knows how much this will mean in terms of its impact on Federal revenues, because the wealthier people will be giving contributions to any number of nominees for any of the local offices and then taking deductions on all of them. If it will drop them into a lower bracket as a result, that will mean a bigger tax advantage for them, probably twice as much as the amount they contributed to the candidate. I do not understand why we should take a bill which tries to deal with this problem and then proliferate it to this extent.

I listened very carefully to my good friend from Georgia, when he started to talk about the sanctity of local political offices. I agree that they are. They are great offices. Hopefully, we will get great people to run for them. In most cases, we do—not all, but in most cases; but when we take the Federal revenue and say that those we will give it to will be determined by the number of people running for any local public office, we will have everybody in the country running. That does not seem to me to make very much sense.

Mr. President, I reserve the remainder of my time.

Mr. LONG. Mr. President, those of us on this side in opposition to the amendment are prepared to yield back our time, if the Senator from Colorado is.

Mr. DOMINICK. Mr. President, what is the time situation now?

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Colorado has 6 minutes remaining and the Senator from Louisiana has 20 minutes remaining.

Mr. LONG. Mr. President, I yield back my time.

Mr. DOMINICK. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South

Dakota (Mr. McGOVERN), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGOVERN) would vote "nay."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The result was announced—yeas 23, nays 69, as follows:

[No. 357 Leg.]

YEAS—23

Aiken
Allott
Baker
Bennett
Buckley
Cooper
Cotton
Curtis
Dominick
Fannin
Goldwater
Hansen
Hruska
Jordan, Idaho
Percy
Smith
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—69

Allen
Anderson
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cranston
Dole
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Gurney
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Sparkman
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—8

Bayh
Case
Griffin
Hartke
McGovern
Moss
Mundt
Saxbe

So Mr. DOMINICK's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HOLLINGS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. SPRINGER, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, and Mr. SCHMITZ were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 640. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty;

H.R. 6065. An act to amend section 903 (c) (2) of the Social Security Act;

H.R. 7577. An act to amend section 3306 of the Internal Revenue Code of 1954;

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial; and

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The message further announced that the House had agreed to the resolution (H. Res. 709) requesting the return to the House of the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, and that the Clerk had been authorized to reengross the bill, with a correction.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2559) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 640. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty;

H.R. 6065. An act to amend section 903(c) (2) of the Social Security Act;

H.R. 7577. An act to amend section 3306 of the Internal Revenue Code of 1954; and

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial; to the Committee on Finance.

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes; to the Committee on Appropriations.

NATIONAL BETA CLUB WEEK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 475, Senate Joint Resolution 153.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The joint resolution was read by title as follows:

A joint resolution (S.J. Res. 153) designating each week which begins on the first Sunday in March as "National Beta Club Week."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on the Judiciary with amendments on page 1, line 4, after the word "proclamation", strike out "each year"; and, in line 5, after the word "March", insert "1972"; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week which begins on the first Sunday in March, 1972, as "National Beta Club Week", to recognize the National Beta Club for its dedication to the positive accomplishments of American youth and to encourage the furthering of its goals to promote honesty, service, and leadership among the high school students in America.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GOLDWATER. What is the National Beta Club?

Mr. BYRD of West Virginia. I refer the question to the distinguished Senator from North Carolina, who is a coauthor of the bill.

Mr. JORDAN of North Carolina. It is an honorary high school society, about the same as Phi Beta Kappa in universities, which stands for patriotism, scholarship, and a great many things the country needs badly and which I hope we can encourage by this resolution.

The Senator from Arkansas (Mr. McCLELLAN) and the Senator from Nebraska (Mr. HRUSKA) reported the joint resolution from their committee unanimously and I would like to see it pass.

Mr. GOLDWATER. I thank the Senator. I hope they have better luck than they have had in some Phi Beta Kappas.

Mr. BYRD of West Virginia. Mr. President, I ask that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (S.J. Res. 153) was ordered to a third reading, was read the third time, and passed.

The title was amended, so as to read: "A joint resolution to designate the week which begins on the first Sunday in March 1972, as 'National Beta Club Week'."

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. WEICKER. Mr. President, I call up my unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 7, line 8, delete "1971" and insert in lieu thereof "1977";

On page 26, line 22, delete "1972" and insert in lieu thereof "1977";

On page 29, line 2, delete "1970" and insert in lieu thereof "1976".

Mr. WEICKER. Mr. President, we have had some very serious charges put forth on this floor during the course of this debate. In essence accusations have been made that there might be some impropriety on the part of those Senators who are potential presidential candidates voting themselves a slice of public money. In addition, it has been perceived by this Senator and members of the press, that this is not a campaign reform but rather a bill to wipe out the deficit of the Democratic Party.

The purpose of the amendment is to remove any suspicion of impropriety by any Senator in this Chamber, Republican or Democrat. It makes the effective date of the legislation 6 years from now.

Therefore, none of us could be accused of having voted for a bill which is going to inure to our financial benefit. It will also mean when each of us stand for reelection we will have it as a part of our record.

By the same token, it does away with any intimation that the Democrats are using the guise of campaign reform to pay off their deficit. No deficits of the past would be covered if the effective date of the bill were 6 years from now.

Lastly, it says to the Senator from Rhode Island that the concepts of campaign reform which he has in this bill have merit and that they should not be muddied up. That theory should not be confused with the harsh realities as presented here today.

Certainly, it would be of concern to me were I a member of the opposition, to read the UPI release which I state:

> WASHINGTON.—Senate Democrats beat down a Republican challenge today to their plan to finance next year's presidential election campaigns through a $1 per taxpayer checkoff on 1971 income tax returns.
>
> Conservative and liberal Democrats joined in an unusual display of party unity to defeat a Republican effort to scuttle the plan, designed to provide $20.4 million for their debt-ridden party's candidate as well as another $20.4 million for the Republicans.

It would bother me. Why should thought-out legislation designed to improve our campaign procedures be confused with the very real issue of a Democratic debt? By the same token, I think there is not one of us in this Chamber who would care to have our beliefs or our votes confused with the issue of conflicts of interest or the fact that we are being self-serving.

There is great disbelief in the Nation today as to the profession which is ours, Mr. President, the men I have served with at the local, county, and State level, and in the House and the Senate, Mr. President, are without question honorable men.

However, there are those who try to sully, if you will, by words and by innuendo, the service that each one of the Members of this body performs, and we give our detractors grounds for attack when we pass this kind of legislation.

On the other hand, if we shall be enlightened enough to remove ourselves from the benefits of our own legislation, then we create credibility as between politicians and the public.

I have already indicated to my colleagues that questions are going to be asked, why this particular piece of legislation at this moment in time? I thought the purpose of the bill before us, the Revenue Act of 1971, basically was designed to stop inflation, so the dollar would be worth something, so it would stay in the pockets of the people, so it would get people back to work, which means a great deal to me, coming from a State with 10 percent unemployment, to go ahead and create a fair trade situation throughout the world. Those are the purposes of the legislation to which this proposal has been tacked on.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. DOLE. Do I understand that the Senator's amendment delays the effective date of this amendment or the distribution of the funds until 1977?

Mr. WEICKER. It would delay the distribution under this amendment until 6 years from now, so that no man serving in this body would benefit from the legislation, at least until he had stood before his own people who had elected him and said, "This is what I voted for myself."

Mr. DOLE. But 6 years from now there will not be a presidential election.

Mr. WEICKER. That is right. The next presidential election will be in 1980.

Mr. DOLE. But there may be some present Members who will be seeking the Presidency in 1980. Will they be included?

Mr. WEICKER. They will also have the opportunity to go back to the people in their home States and say, "I voted for this money. If you do not think I am right, you have an opportunity of getting me out of office," but they must own up to their action.

Mr. DOLE. If the Senator is going to put the date back to make sure nobody here will benefit from it, that is difficult to do, because we all have different longevities. This is the greatest fund-raising thing in history. I have gone to campaign activities where one did not have anything to eat. But we can see what happens when the majority will override the minority. We are concerned about fund raising in the Republican Party. We have the same difficulties they have in the other party. One may talk about organizations and fat cats, but we could say the same about labor unions pouring millions of dollars into Democratic campaigns.

But at stake here is much more than that. It is not participation when we give Federal money to a political party or a political candidate. Why not a checkoff for the Boy Scouts? Why not a checkoff for the Red Cross? Why not a checkoff for all the other things? It does seem to indicate, as the Senator said, that we seem to take care of ourselves first. We talk about poverty, about the needs, about hunger, and about all the other problems, but the first thing we do is see an opportunity to raise $20 million for a Democratic or Republican candidate.

I think it is wrong in principle. I think it is the wrong place to do it at this time. We are talking about creating jobs. This is going to create some jobs—a lot of people might run for President. They might get a job. What we have seen today is a partisan effort—I do not say to pay off a deficit; maybe this would not be enough for that, but it does indicate that we are laying the foundation for the Federal Government to take over the entire role of financing presidential elections, and that should be the role of the private citizen.

Mr. WEICKER. I thank the Senator. Mr. President, when the vote comes, I ask that it be by the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. WEICKER. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. WEICKER. I yield.

Mr. AIKEN. Does this bill, without his amendment, curtail the amount that one can give as a tax-exempt contribution to charities and others? I was wondering, if we encouraged people to give to political candidates, whether they would not deduct that from the amount they would give to the Cancer Society, Girl Scouts, Boy Scouts, churches, and other worthwhile institutions.

Mr. WEICKER. That is very possible. I concur.

Mr. AIKEN. Unless there is an increase in the total percentage of deductible income which can be contributed to this purpose, because many organizations receive it in small contributions, under $100, and get it from people who do not have much money but who are generous in spirit. So if they give money to a political candidate, they cannot give it to the Boy Scouts, environmental societies, or other organizations and have it deductible.

Mr. WEICKER. I would like to ask the Senator from Vermont, also, because he is a man of experience in the legislative field, does he honestly feel, as he has seen legislation develop over the years, that the amounts in the bill to be allocated to politicians are going to stay at the same level, or does he think they are going to be raised?

Mr. AIKEN. The amount will undoubtedly be raised and that is not going to improve the integrity or honesty of the candidate in any way. As far as I can see, I think the whole amendment is bad and will contribute to more dishonesty in election time, rather than improve the situation.

Mr. WEICKER. I thank the Senator from Vermont.

Mr. AIKEN. I do not know how we can make a candidate honest if he does not want to be honest. We cannot legislate honesty. We cannot legislate ethics. We can provide penalties for infractions of some of the rules of humanity, but it is not easy to enforce them. I do not think we can legislate honesty.

Mr. WEICKER. I concur. Of course, what we are doing here is subsidizing mediocrity. That is what we are doing.

Mr. AIKEN. I feel the money would come from that which would otherwise go to people and organizations that could use the money to do some good.

Mr. WEICKER. I repeat what I said previously. The Senator from Vermont, in the last campaign, spent $17. He splurged in the last campaign, because in the previous campaign he spent $16. Obviously, it is the integrity of the man to be elected to office that counts. His opponent spent much more than that. The American people are not so blind as not to recognize these qualities. Plaster as you will his name on television and radio—it is what the man stands for that is going to bring him to these Halls.

Mr. COTTON. Mr. President, how much time does the Senator have remaining?

Mr. WEICKER. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. COTTON. May I have 4 minutes?

Mr. WEICKER. I yield 4 minutes to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I did not intend to participate in this debate. One reason is that I hold the distinguished Senator——

The PRESIDING OFFICER. Will the Senator use his microphone, please?

Mr. COTTON. I thank the Chair.

I did not intend to participate in this debate. One reason is that I serve with the distinguished Senator from Rhode Island (Mr. PASTORE) on the Committee on Commerce. I hold him in the highest regard since I personally know of his sincerity in all things. I therefore did not want to get into the position of being unduly critical of his amendment knowing of his good intent. I happen to know the Senator from Rhode Island has labored long and hard, not just this year, and not just this session, to work out a reasonable and effective method to control campaign expenditures and to reform the election process.

However, owing to the remarks made by the Senator from Connecticut (Mr. WEICKER) on his amendment, I find myself compelled to call the Senate's attention to two or three things.

First, I agree wholeheartedly with the Senator from Conecticut (Mr. WEICKER) in his previous remarks that this whole subject of campaign financing is completely foreign and alien to the purposes of the bill H.R. 10947, which is before us.

It is not only completely foreign and alien, but it represents a contradiction.

In the second place, I think the Senate should realize that a bill, S. 382, dealing with campaign expenditures and the furnishing of money for campaign expenditures already has been studied long and hard by two committees of this body. First, it was considered by the Commerce Committee, where the distinguished Senator from Rhode Island (Mr. PASTORE), the author of this amendment, led the deliberations of that committee, and many points were thrashed out. Then, after being reported by the Commerce Committee, it went to the Committee on Rules and Administration. There again it was subjected to intensive scrutiny. Finally, it came to the Senate where, after several days of debate, it was passed in August of this year. That bill, S. 382, dealt with this whole question.

Now, as for the amendment of the distinguished Senator from Rhode Island (Mr. PASTORE), it does nothing to limit expenditures. In fact, it encourages expenditures. On the other hand, the bill, S. 382—and much of the credit for it should go to the Senator from Rhode Island (Mr. PASTORE)—which the Senate passed earlier, had careful limits on expenditures for television, radio, and other media. While I did not agree with every feature of that bill, it was a complete bill. It was the work product of long and careful study by committees and floor debate.

That bill, S. 382, then went to the House of Representatives, where similar companion measures were again subjected to close scrutiny by two House committees—the Committee on Interstate and Foreign Commerce and the Committee on House Administration. And, today those similar House measures, as well as S. 382, are on the floor of the House of Representatives where their consideration has commenced.

When we are dealing with as revolutionary a subject as laying down new rules of procedure governing the most vital political institution in America—the conduct of the election of candidates for high Federal office—it requires very careful scrutiny. Yet, without such careful scrutiny in committee, we are confronted with this amendment. It is not an amendment that has not been given some thought, because the Senator from Rhode Island (Mr. PASTORE) has long been advocating reform in this area. Nonetheless it was brought up here as a floor amendment to the bill, H.R. 10947.

Also, until this very moment I have not had a member of the minority staff of the Committee on Commerce on the floor of the Senate to advise me. Members of the majority staff of the Commerce Committee, however, have been participating in the consideration of this matter, although it is a Finance Committee measure. Additionally, I note that four members of the Committee on Commerce are cosponsors of amendment No. 692 proposed by the Senator from Rhode Island (Mr. PASTORE).

Mr. President, this is not a whole proposition. It does not touch on many of the most vital areas. It is obviously pointed at just one object, as the Senator from Connecticut (Mr. WEICKER) has stated so well. I compliment him.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEICKER. I yield the Senator 1 additional minute.

Mr. COTTON. The Senator from Connecticut (Mr. WEICKER) has stated it very well. H.R. 10947 is an act to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes. It is a measure to stimulate the economy and provide jobs. Therefore, at a time when the Senate has acted earlier on a comprehensive bill, S. 382, dealing with the subject election campaign reform and the House is debating it this very day, after which it no doubt will be sent to conference committee if passed, I think this whole amendment——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I ask for one-half minute.

Mr. WEICKER. I yield the Senator 30 seconds.

Mr. COTTON. This whole amendment offered by the distinguished Senator from Rhode Island (Mr. PASTORE) is unwise, premature, and should not be a part of the pending measure, H.R. 10947.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, regrettably I find myself in the position, if I may say so to my good friend from New Hampshire, that I have to keep repeating myself, because the same arguments apply, apparently, on practically every amendment that comes up.

I am not seeking to legislate on morality nor am I seeking to legislate on honesty. That is not the question here at all. I think we can presume that all public officials are honest until they are proved to be otherwise.

Much has been made about the bill that was passed by this body 3 months ago, S. 2302. It was referred to by my good friend from New Hampshire. That is a bill that has to do with a ceiling on expenditures. This is a measure that has to do with the financing of a campaign for the Presidency of the United States. It does not go beyond that.

I want to say to my friend from Connecticut that if this law will be good in 1977, it is good now. If it is not good now, it will not be good in 1977. I do not think, to use an expression I have heard, that benefits inure to us. There are no benefits as such. I do not know, unless the Senator from Connecticut is going to be a candidate for the Presidency of the United States, how it could inure to his benefit. It might affect him. I know it does not affect me.

Mr. WEICKER. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. WEICKER. Unfortunately, as the only foreign-born Member of this body, I am not eligible to be President of the United States.

Mr. PASTORE. I wish we could somehow amend the Constitution so the Senator would be eligible.

But the fact still remains that what we are doing here we are doing in three parts. First of all, we are facilitating the ability of a man of modest means to become an effective candidate for the Presidency of the United States; and in this day and age, that assistance has become necessary.

Why has it become necessary? For the simple reason that the costs have risen so astronomically that such candidacy has become almost impossible, unless a man is a multimillionaire in his own right, or becomes beholden to vested interests—and you can name them by the score—in which event he loses some of that independence that we seek in a President of the United States.

I do not like to see my President go to a fundraising dinner. I think it demeans the office. I do not like to see my President hopping from one city to another. And whether he is a Republican or a Democrat, he is my President. I do not like to see him do that. I would like to see him free to run that office unfettered, without obligation to anyone.

I do not like to see my ambassadors chosen because of the contributions they make to a party; and that has been the fashion. That has been the style. That has been the custom, and that has been the practice. That is what we are trying to obviate here. When the Senator says this would affect us, it would not affect us in that sense of the word.

The allowance goes to any candidate for any office, sheriff of a county, mayor of a city, candidate for a school board, selectman; and the credit applies to any office, Governor, mayor, sheriff, whatever the public office happens to be.

So this idea that we are legislating benefits for ourselves is, of course, fallacious. There was no such intention on my part. It certainly does not apply to me in any way, shape, or form.

Why did I do it? I come to the remarks of the Senator from New Hampshire. Why did I do it?

Mr. COOK. Mr. President, will the Senator yield there?

Mr. PASTORE. May I finish? Just a minute. We passed this legislation 5 years ago. This is not a new idea. For a long, long time there has been a school of thought in this country, that something ought to be done about eliminating this evil of having to raise so much money and becoming beholden to too many people in order to attain high public office. There have been those who felt that every office should be financed through public funds, and these are well-meaning people. I do not think we ought to go that far. I think that would be quite an innovation.

So what did we do? Five years ago we decided that we would finance the campaign for the Presidency in this way, but the law was nullified through the expiration of a date. A modified bill was reported by the Senate Finance Committee in 1967. When the question came up that something ought to be done, we suggested this amendment this year.

No one is trying to take advantage of another. When the complaint came up, "But the Republicans have already raised much more than the $20 million, and you are trying to chop them down," I said there was no such idea on my part. For that reason, I made the method of financing his campaign elective on the part of a candidate. So Mr. Nixon does not have to come under this.

The Senator from New Hampshire made the suggestion that some people will charge him with being evil because he does not come under this. When you run for public office, you are charged with many things; but I do not think that is going to frighten Mr. Nixon at all, and I do not think it will affect the result at all one way or the other.

What we are trying to do here, if I may be as explicit as possible, is this: If a man is nominated at a convention, or if an individual qualifies under the law to become a candidate for the office of President, at least he will have adequate money. This is designated for him through the process of building up this fund through the elective choice of the taxpayer who just allocates $1 to that purpose—the candidate will have enough money to be exposed to public attention so that the public will know him, know the issues as the candidate sees and solves them on the same level as the next man who is competing for that office.

What is so horrendous, what is so immoral, what is so dishonest about that? What we are trying to do here is to put a little equity and justice in the presidential election process. If I have failed to present that properly, if I have failed to establish sincerity of this amendment, then I beg Senators to vote against it.

This is not an anti-Republican bill. This is not an anti-Nixon amendment. This is an amendment to do something about something that needs to be corrected—and without further detour or delay. When they read that certain families have given a quarter of a million dollars in 1 year's campaign in which the Presidency was not even involved, when they hear a Senator say, "I can't afford to run unless I raise $2 million or $3 million"—do not people begin to wonder what happens to that office if it costs so much to obtain? When I hear a colleague of mine say that a man who is running against him, has a father who is a multimillionaire and the multimillionaire father makes the public declaration, "I got the money. If it costs me a million dollars, I want to see my son in the Senate"—I say when you get to that, I ask myself whether public office in this country has reached the sorry state that it is on the auction block. And I say, God help us if that has to happen.

That is what this is all about. If Senators do not believe this argument, if they do not believe this bill, please vote against it. But be certain of this—nobody is trying to take advantage. Nobody is trying to write off any debt. Nobody is trying to put something over anybody else. This is done with all the sincerity I possess, and I leave it up to the membership of this body. If Senators believe in it, they should vote for it. If they do not believe in it, they should vote against it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LONG. Mr. President, it seems to me that this important issue has been debated for 5 years, and there have been many arguments and disputes about precisely how this should be done I think we have resolved the many difficult problems that could be raised in connection with it.

Now we get down to the main issue, and it should not be a matter of who is right. It should be a matter of what is right. If Senators think that what the majority here want to do is right, they should vote to do it at the earliest possible opportunity. If they do not think it is right, they should never vote for it. It is that simple.

Since the day I entered politics, I have felt that we should try to find a way to reduce the influence of money in determining what happens in government. That is what this is all about. If Senators think we should do it, they should vote to do it at the earliest opportunity. If there is something wrong about the bill, they should try to improve it. After all these years of struggling with the complexity of this issue, the issue is very simple. When we finally have resolved that, it seems to me that we should vote to do it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. AIKEN. Although I am opposed to the amendment offered by the Senator from Rhode Island, I want to say this: If all publicly elected officials, including Members of Congress, and all candidates were as conscientious in their work as is the Senator from Rhode Island, we would not need to try to work up legislation to keep them going on the straight and narrow path.

Mr. COOK. Mr. President, will the Senator yield?

Mr. WEICKER. I yield 2 minutes to the Senator.

Mr. COOK. Mr. President, I listened to the dissertation of the Senator from Rhode Island, and in all fairness I must say that that is not what it is all about; because this amendment gives to the nominee for the presidency this sum of money after he is the nominee at his party convention. There are 23 State primaries in which candidates run for the presidency. The $200,000 contributions are still going to be looked for. The big contributions of how you run in California and New Hampshire and Florida are still going to have to be sought.

As the Senator from Louisiana said last night, you are still going to have to grovel for that money until August; and then when you are the nominee of your party, you know you can depend on $20 million or $21 million from August to November. But the candidates are running now, and they are incurring expenses now, and they have to get individual, private contributions to pay the bill.

Incidentally, under this bill you cannot get money after the convention when you are a full-fledged nominee and pay off the debts that you incurred before the convention. So you still get that $5,000, $10,000, $50,000, or $100,000. You still have that man who gave you $200,-

000 because he might want to be an ambassador.

I do not think the Senator ought to sit here and say that all that is going to stop because of the Pastore amendment. That is all I am saying. Let us put it in perspective. Let us not plead with the American people and say, "All your problems are solved. No more politicians are going to have to ask for contributions from anybody, because we now have it all solved for you, and the Senator from Rhode Island said the problems are solved because "You are going to give a dollar." You are not going to give a dollar. If your taxes are $200 to the Federal Government, you are going to check, you are going to send $200 to the Federal Government, and they are going to take a dollar of your tax dollars and put it in a presidential fund. You are not contributing to this. Your tax dollars are contributing to it, and the Federal Treasury is going to be short that amount of money.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. WEICKER. I yield 2 minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, I should like to point up one aspect of the Pastore amendment which I believe is cured by the amendment which has been offered by the Senator from Connecticut, and one which ought to be of particular interest to about a half dozen of our colleagues who are mentioned as possible candidates for the Presidency next year.

I had lunch today—totally coincidentally—with a lawyer in the Justice Department. I described to him what was going on in the Chamber, and he raised a constitutional question, a question which could outlaw the candidacies of those colleagues. He referred specifically to section 6, article I of the Constitution, which states—and I read only the pertinent part:

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; . . .

Mr. President, perhaps the amendment offered by the distinguished Senator from Rhode Island does not fit into the letter of the constitutional provision, but it surely does go against the spirit. It surely would raise a grave constitutional problem for any colleague of ours who has his hat in the presidential ring.

Certainly we are creating a quasi-official office or a candidate for the President of the United States. Certainly the receipt of $20 million with which to pursue that candidacy would be a most handsome emolument.

I, therefore, urge the entire Senate, especially those contemplating the Presidency, to carefully consider whether it is not in their best interests, and in the best interests of the Senate, to postpone the effective date of this legislation for 6 years, as proposed.

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator from New York has expired.

Mr. COTTON. Mr. President, who controls the time on the bill?

The PRESIDING OFFICER. There is no time on the bill. The Senate is working on each amendment, one at a time.

Mr. COTTON. So there is no time available?

The PRESIDING OFFICER. There is no time available on the bill.

Mr. COTTON. I thank the Chair.

Mr. PASTORE. Mr. President, what is the time situation on the amendment?

The PRESIDING OFFICER. The proponents have 7 minutes and the opponents have 17 minutes remaining.

Mr. PASTORE. How much time would the Senator from New Hampshire like to have?

Mr. COTTON. Just about 2 minutes.

Mr. PASTORE. I will yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. I thank the Senator from Rhode Island (Mr. PASTORE) very much. I want these 2 minutes granted to me through the generosity of my friend from Rhode Island (Mr. PASTORE) to comment on his reply to me.

Mr. PASTORE. That is all right. I do not mind that.

Mr. COTTON. The Senator mentioned my name a few minutes ago. I do not question the motives of the Senator from Rhode Island (Mr. PASTORE) or any other Senator. But, let us not stand around here for 2 or 3 days and kid ourselves. The result of this amendment, if it is adopted, is as plain as the nose on one's face.

What would it insure? It does not mean that the Democratic candidate for the office of President of the United States or the Republican candidate for the same office will not get money, because when one is the head of the national party, with Senators, Representatives, Governors, and everyone else running as a team, the money comes in and no one can stop its being spent. Thousands of people on both sides are spending the money.

But, what the amendment will actually accomplish—and let no one fool himself—is to make sure that the Governor of Alabama will have the ways and means to split the South. That is the prime thing that will be accomplished by this amendment. Let no one deceive himself. That is what it is intended to accomplish. Now, I do not wish to impute this motive necessarily to the Senator from Rhode Island (Mr. PASTORE). He could have been innocently entrapped by other politicians [laughter] but that is the aim of his amendment. We can talk all we want to. We know it.

To quote what once was said about a great candidate who did not get very far, "In your hearts you know he's right!" [Laughter.]

Mr. PASTORE. All I want to say to the distinguished Senator from New Hampshire is: Talk for yourself now.

Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, I rise in support of the amendment of the Senator from Rhode Island. I speak from experience. This amendment is badly needed. It is imperative. It is sound public policy.

This amendment goes to the heart of the political processes in the United States: The relationship between politics and money. It affects the most important and most critical elective office in this Nation: the Presidency.

Mr. President, there is a saying in this country that "anyone can run for President." But, it is not true, Mr. President. For the basic fact is that the cost—the dollars and cents it takes to run for office—is fast pricing the Presidency beyond the reach of many highly qualified, dedicated, public men.

Campaign costs increase every year. Estimates for all campaign expenses in 1968 have been calculated at almost $250 million—including primaries, congressional, senatorial, and local races.

Campaign costs are estimated to have been over $44.2 million for the presidential race alone in 1968.

Mr. President, it costs money to hire a competent staff, to maintain a headquarters, to pay for telephones, to pay travel expenses.

And it costs money for media—for advertising, for television, for radio.

Politics is not cheap. But, that is just the point—it should be inexpensive. Because politics determines the course of the country. And, every citizen has an interest in how this Nation develops.

Mr. President, since August, we have been in the midst of the economywide freeze. I call upon the President of the United States, the Republican and Democratic Members of the Congress, to vote to freeze campaign costs—to stop the spiral that is pushing politics beyond the people.

And I think this amendment is a solid first step. It complements the reform efforts we passed earlier this session.

The $1 checkoff, the $25 tax credit, and the $100 deduction are badly needed reforms in campaign financing.

These amendments will accomplish several goals.

First, they will help increase the knowledge of our citizens of events, issues, and the viewpoints of candidates. Citizens will have a viable, visible stake in the election. They will feel part of the process, rather than being shutout of the process.

Second, it will stabilize the cost of campaign funds—and it will still provide the maximum latitude for candidates to get their message to the people.

Third, it would re-establish the notion that the Presidency is not out of the reach of American citizens. It would humanize the presidential institution.

Fourth, it would broaden the base of political financing. Numerous surveys have shown that over 80 percent of our citizens have said that they would be willing to contribute to a political campaign if asked. This method of this amendment would allow them to do so.

Finally, Mr. President, I would like to

deal with one last issue: I do not believe that the Presidency is for sale. Wealthy people do not buy candidates for the Presidency.

But, what is at stake in our system is the ability to articulate issue, to provide leadership, guidance and bring about policy changes that meet the needs of people.

Ours is a nation that thrives on the interchange of ideas—that relishes the arguments of ideas. To the extent that ideas are kept from coming to the fore by the lack of financing, all Americans suffer. To the extent that only citizens of private wealth have a hearing before Government, our Nation suffers.

Mr. President, President Eisenhower has said that it is "outrageously costly to get elected to public offices." Presidents Kennedy and Johnson have sent message on the subject of campaign financing to Congress. President Nixon has alluded to finding some limitation on campaign spending.

Mr. President, the time has come for us to heed the advice of the people, to heed the advice of former Presidents, and pass this legislation.

Everyone points the finger at those who run for public office today. If we run for the highest office in the land, then the whole hand is pointed at us. People say, "There must be something wrong. Who are the big contributors?" We have to go around explaining that the contributors are not asking for anything or that they are making no demands. I can honestly say that no demands have been made on me as a condition for making contributions.

The only way the question can be finally answered is to do it by means of the Pastore amendment, which would provide that the citizenry of this country will have something to say about the financing of politics.

Mr. President, I always thought, during a campaign, that most of the money that was collected never even got to the candidate. I always felt there were several middlemen in the picture. [Laughter.]

Adoption of the Pastore amendment will insure that the money will be collected honorably by the Internal Revenue Service and will be made available to the respective political parties and the candidates.

I know what it means to see a political party and a political candidate without the resources to carry on a campaign. So do others. It is not a unique situation to be in. I am one of the two men in this body that have gone through that experience. I am not happy about it. I am not happy to have to report to the Senate that you sit around and spend a lot of your time looking at people and saying, "Will you help me?" Then someone calls you off into a side room and says, "How do you feel about this or that?" If I give them an honest answer, they say, "Good bye." If you just fudge, then they look at you and give you half. [Laughter.] If you tell them what they want to know, they will give it to you. Then you are either obligated or you have to doublecross them.

Mr. President, this is no way to have to run for the highest office in the land, or for the second highest office in the land, or for a Senator, or for any other public office.

Politics costs money. We all know that. As a matter of fact, let us talk about something here, political advertising. When you place a political ad, you are charged more for it than if you wanted to advertise whisky, cigarettes, or a horse race.

I do not suppose that we can take out of politics all of its sins, all of its evils, or all of its limitations, because politics is people, and as long as people run for office I suppose we will always find weaknesses and limitations. But, we can minimize them. Whether Republican or Democratic, I think that the candidate of that party should have the opportunity to be heard. I do not think he should have to bow down before any special contributors. I do not believe that he should have to go around with hat in hand, or be held in suspicion. Today, our whole Government is under suspicion. That is one of the great problems in this country today.

I say the time is at hand to end that suspicion.

This is the chance for us to clean the stables. This is a chance for us to be honorable men and make the political process honorable.

Mr. WEICKER. Mr. President, the Senator from Minnesota says that we are under suspicion. We are rightly under suspicion when we sit here dealing with bills intended to get Americans back to work and instead are taking care of ourselves. That is why we are under suspicion. It is for just this type of situation.

I am glad that the Senator addressed his remarks to the amendment of the Senator from Rhode Island. They are not addressed to my amendment.

My amendment states that none of us would share in the Pastore amendment benefits. I think such action might enhance our integrity and credibility in the eyes of the American voter.

Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, earlier today I took the floor to suggest that we are much concerned with conflicts of interest in this body, and properly so. But in this particular case we have the granddaddy of all conflicts of interest. We have a $20 million conflict of interest, because the net effect of the Pastore amendment is to appropriate $20 million of the funds from the Treasury of the United States to pay for the presidential and vice-presidential campaigns of the Republican and Democratic Parties and certain minor parties if they qualify otherwise.

The only way to avoid that conflict of interest and the necessity—and I am sure the painful necessity—of Members of this body who may become candidates for the nomination of either party for President or Vice President would be to postpone the effective date of the proposal.

I think the Senate owes a debt of gratitude to the distinguished Senator from Connecticut for delivering the candidates for President and Vice President from the suspicion that would be cast upon them. And this is the only way in which we can do it. I do not see how we can escape the idea or the allegation that the next effect of the bill is to provide $20 million for them to spend in 1972.

We worry a lot about income and honorariums, and we worry a lot about other things; and that is properly so. However, does that mean that when the matter involves $20 million, we stop worrying?

Surely the principal contenders for President and Vice President are in the Chamber. And surely they must be concerned about the difficulties that come about by reason of appropriating public funds for their campaign for 1972.

I rise in support of the amendment that I think has very properly been offered by the junior Senator from Connecticut. I commend him for his contribution to this debate.

In brief reply, in the few remaining seconds I may have, to the statements made by the distinguished Senator from Minnesota, who is one of the two Members of this body who has run for the office of President, I point out that he also ran for Vice President once, and was elected to that office, and therefore he has an edge, having been through this twice.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. Mr. President, how much time remains to the proponents?

The PRESIDING OFFICER. Three minutes remain to the proponents.

Mr. WEICKER. Mr. President, I yield 1 additional minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for an additional minute.

Mr. BAKER. Mr. President, the disguished Senator from Minnesota is doubly aware of the defects involved because he has been a candidate for both President and Vice President. But I respectfully suggest in reply to the accurate representations, I am sure, that he made in his remarks that there is no way on earth for legislation to guarantee the morals of any man who is taken into that back room. And there is no way that we will be able to say whether he will give the right answer and get all of the money, or fudge and get half of it, or get nothing of it.

The only thing we can do is to circumscribe the cost of political campaigns. And we have done that, but not in this bill.

This bill is to provide public funds for political campaigns, and it has little to do with the matter suggested by the Senator from Minnesota.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, in conclusion, arguments have been made on the floor by the proponents of the Pastore amendment that it is rich versus poor, that Republicans have all the money, that money should not be able to buy an election.

I point out that there are more Democrats than there are Republicans in the Senate. And there are more Democrats than there are Republicans in the House. So, I do not think we have been buying many elections. I do not think that money has done much good. And it has not done so because people will support the candidates on the basis of what they stand for.

The reason that there are more Democrats than there are Republicans in the House and in the Senate is that for a long period of time we did not cut the mustard with the American people. We did not come up with enough of the right proposals in order to get elected.

This will be the case in the future. I am not worried about the American people being able to withstand the lure of money. I will be disappointed with the American people when they do not recognize ability, farsightedness, integrity, and all of the qualities of excellence that make for success in our great profession.

What is at issue in the amendment is not Senator Pastore's desire for a reform that office be open to every man. But rather that those of us voting on this legislation will not share in its benefits and that what we do is for future generations rather than for ourselves.

If we act in that fashion, I think that the word "politician" will not be a word of disrespect but rather a word of honor.

Mr. PASTORE. Mr. President, the amendment of the Senator from Connecticut would make the effective date set out in the bill 1977 instead of 1971 and 1972. The fact remains that the word "naiveness" has been used. I am not so naive that I do not know what is going on here. Because of that 49-to-46 vote, several attempts have been made, and they will continue to be made, to either render the legislation innocuous or vitiate it completely.

I do not mind their exercising that strategy. However, it ought to be characterized for what it is.

I have only one further thing to say and then I will yield back the remainder of my time. If there is any worthwhileness in this legislation in 1977, there certainly is today.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been consumed or yielded back. The question is on agreeing to the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Hartke) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 43, nays 54, as follows:

[No. 358 Leg.]

YEAS—43

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
Miller
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—54

Allen
Anderson
Bayh
Bentsen
Bible
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Eastland
Ellender
Fulbright
Gambrell
Harris
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—3

Hartke
Mundt
Saxbe

So Mr. Weicker's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TALMADGE and Mr. LONG moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, while many Senators are here, let me say that there are two amendments that I think I shall accept, one sponsored by the Senator from Kentucky (Mr. Cook) and the other by the Senator from Tennessee (Mr. Baker).

I was wondering if we might be informed on how many more amendments there might be.

Mr. MATHIAS. Mr. President, as the Senator from Rhode Island knows, I have an amendment pending, on the checkoff with a choice.

Mr. PASTORE. I understand that. The Senator from New York (Mr. Buckley) has one, I believe.

Mr. BUCKLEY. Mr. President, I have an amendment in the nature of a technical correction to make it easier for third-party candidates.

Mr. FANNIN. Mr. President, I have an amendment.

Mr. PASTORE. Are there any others? Frankly, if we can get moving on this, I think we can expedite the business of the Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BYRD of West Virginia. I do not see the Senator from Kentucky (Mr. Cook) present on the floor at the present time, but I know earlier in the day he had four.

Mr. MATHIAS. Mr. President, I was about to say I know the Senator from Kentucky has one or more amendments. In addition, the Senator from New Hampshire (Mr. Cotton) has amendments.

Mr. LONG. Mr. President, may I suggest that we vote on an amendment a day? In that way every Senator can be here when he wants to be here, and there will be no pressure on anyone to get on with the business. We can be sure when someone is out of town. We can adjourn and come back the following day, when the troops are back in town, and take our time on the bill.

I am sure some Senators are not ready to vote, and I am sure that has generated some amendments. Why do we not agree to adjourn until a particular day or in the meantime take up some other legislation? It seems to me if Senators do not want to vote on the amendment, there are better ways to delay than by bringing in more and more amendments. I would agree to set aside the bill today and go on to something else.

Mr. PASTORE. Well, I think we are making good progress. I would hope we would not get into dilatory tactics and that we would give the Senate a chance to exercise its will. I am hopeful we can make some progress.

Mr. LONG. Frankly, I do not know of anything that is a bigger waste of time than trying to prevent a Senator from delaying the Senate in getting on with its business when he is determined to delay the Senate from getting on with its business. We know what the power of a Senator is, and how one Senator can keep us from voting on the Pastore amendment up or down for a long time. I have done it myself on other amendments.

One Senator can keep us here for 3 or 4 days if he does not want to proceed to a vote, even under the agreement we have, under which we have a limitation of 1 hour on each amendment.

If there is a feeling here, particularly on the part of Senators who do not like the Pastore amendment, that they do not want us to vote any time soon, let us see if we can determine that. If that is their desire, we do not have to pass this bill today or tomorrow or next week or the week after. We can keep the bill before the Senate or set it aside and bring it up when they are ready.

Mr. PASTORE. I think the President is quite anxious to have the bill passed, and I would hope his colleagues here in the Senate would feel the same way.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT—RETURN OF H.R. 10729 TO THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from further consideration of H.R. 10729, the Federal Environmental Pesticide Control Act of 1971, and that the bill be returned to the House of Representatives to be reengrossed and returned to the Senate, pursuant to the request of the House found in House Resolution 709.

Mr. TALMADGE. Mr. President, I concur in that recommendation. It was pointed out to me that there was an error in the engrossment of the bill. The House asks to have it returned to correct the error in engrossment. I urge the Senate to take this action.

Mr. BYRD of West Virginia. The Senator is correct. In the engrossment of the bill in the other body, sections 3 and 4 were left out.

The PRESIDING OFFICER (Mr. Roth). Is there objection to the request? Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 2820) to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD were appointed managers on the part of the House at the conference.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, line 10, after "election," insert "(A)".

On page 9, line 14, before the period insert a comma and the following: "(B) or a political party, other than a major party, whose candidate has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) in 80 percent of the States, or in States whose population comprises 80 percent or more of the population of the United States (as determined by the Bureau of the Census on the basis of the latest data available)".

On page 14, line 11, strike "The" and insert "(A) Except as provided in subparagraph (B), the".

On page 14, between lines 21 and 22, insert the following:

"(B) The eligible candidates of a minor party in a Presidential election, who are eligible candidates of such party solely because of the provisions of section 1002(7)(B), shall be entitled to payments under section 1006 equal in the aggregate to 10 percent of the average amounts payable to candidates of a major party in the same election."

Mr. BUCKLEY. Mr. President, I yield myself such time as I may require to make my introductory remarks.

Mr. President, I was deeply impressed by the remarks made earlier today by the distinguished senior Senator from Rhode Island when he called for equality in the treatment of presidential candidates and when he emphasized the vital importance of freeing the electoral process from the dependence on the fat cats, labor bosses, and other special interest groups on which so many candidates have had to rely in the past.

My amendment to the distinguished Senator's amendment represents a modest attempt—a minimal attempt—to insure some degree of equality and some measure of financial independence to any significant, bonafide candidate for President.

We have entered a period of great fluidity in American politics, a period in which fewer and fewer voters are formally affiliating themselves with any political party. Today, for example, it is estimated that as many as 31 percent of the registered voters are unaffiliated, in contrast to 23 percent in 1960. There is every indication that this trend toward independence will, if anything, accelerate as more and more young people register to vote.

Three years ago, George Wallace conjured up a national party and was able to qualify it, in a matter of months, in every State of the Union; and he went on to receive 13.49 percent of all votes cast for the office of President in the 1968 campaign.

Two Members of this body were elected last year as third-party candidates.

There is talk today about the possibility that at least two independent candidacies will be declared in 1972—by Eugene McCarthy and John Lindsay—and no one can seriously doubt that their backers have the organizational capacity to place their names on the ballot in most if not all of our States, if they choose to go forward and; if they do, that they will receive a significant vote.

I submit, Mr. President, that any third-party candidate who is able to secure a broad enough national backing to have his name placed on the ballot in 80 percent of our States or in States representing 80 percent or more of our Nation's population must be presumed to be candidates who are entitled to a share in the public largess provided for in the Pastore amendment.

As it now stands, the Pastore amendment does not provide the equality urged by its sponsor. The inclusion of the provision for minor parties, as defined in the amendment, simply will not enable a new party or a new movement to qualify. George Wallace demonstrated in 1968 that he was a serious candidate whose candidacy had a serious impact on the outcome of that election. We may not like what he was saying, but we cannot deny that he had a right to be heard. Yet if the Pastore amendment had been in effect in 1968, both the Republican and Democratic candidates would have been handed about $20 million each, while Mr. Wallace would have received nothing, even though 13½ percent of the contribution to the Pastore campaign chest would have been paid in by taxpayers who voted for Mr. Wallace.

The Pastore amendment, as now written, would do nothing for the candidacy of a Mr. Lindsay or a Mr. McCarthy, because neither one had the foresight to organize a national political party in 1968.

The impact, therefore, of the Pastore amendment would be to make it that much more difficult for fresh new voices to make themselves heard, and would, therefore, force them to rely on the same sinister sources of financial help which the good Senator from Rhode Island so eloquently seeks to eliminate from presidential politics.

The effect of my amendment would be to provide any candidate who in 1972 and subsequent years meets the qualifications set forth in my amendment the right to receive 10 percent of the amount which would be made available to a single major party, which is equal to 5 percent of the total provided the two major parties. This calculation, based on the estimates for 1972, would mean that independent party candidates would receive approximately $2 million in 1972. As the Senator from Rhode Island pointed out, this amount of money will be hardly enough to make the candidate heard on a nationwide television broadcast on more than two or three occasions. But it would give him a hearing. It would interject some degree of fairness into the amendment offered by Senator PASTORE. I, therefore, very much hope the senior Senator from Rhode Island will agree to accept this amendment.

Mr. PASTORE. What was the Senator's last statement?

Mr. BUCKLEY. I expressed the hope that the Senator might be able to accept the amendment.

Mr. PASTORE. No, I do not accept the amendment. First of all, of course, I have not had a copy of it. It has just been handed to me. But I have been listening very attentively to the distinguished Senator from New York, and I believe his amendment more or less changes the whole concept of the formula that we have provided in this proposal.

I say to my friend, first of all, from just listening to him, that I would consider it a burden or a disadvantage to the new starters to be compelled to qualify in 80 percent of the States, as provided by the amendment. Then, of course, it does disturb the formula that I think we were very meticulous in working out, after long hours of labor.

I regret that I cannot accept the amendment, and I do earnestly oppose it.

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, I urge the distinguished Senator from Rhode Island to reconsider. I cannot see how my amendment would do anything but protect his amendment from the accusation of freezing the present political situation in the United States by excluding meaningful third-party candidates who have secured such a degree of support as to be able to accomplish the almost impossible task of organizing the vast network of supporters throughout the country required to circulate the petitions, secure the signatures, and otherwise qualify as a candidate in at least 80 percent of our sovereign States.

Mr. PASTORE. Mr. President, if the Senator will yield, does that not put an added burden on a first starter, who, under my proposal, would only have to do it in 10 States? Under the Senator's amendment, he would have to do it in 80 percent of the States.

Mr. BUCKLEY. The Senator is correct.

Mr. PASTORE. This is discriminatory. Moreover, the Senator says they are entitled to 10 percent. They ought to be entitled to more, depending on what they have done. I think the Senator is changing the whole concept.

Mr. BUCKLEY. If the Senator suggests this is discrimination, that is true, just as he discriminates between major and minor party candidates.

Mr. PASTORE. But I do not crucify them. The Senator would crucify them.

Mr. BUCKLEY. Perhaps one should say that any candidate who has national credentials should be able to split this pot evenly, just as any individual is entitled to be heard equally by the American people in the very serious business of offering his candidacy for the American Presidency.

I submit that the Pastore amendment, as now written, will freeze out from this common fund meaningful candidates just because they happen to come on the scene subsequent to the prior presidential election. We know that things are happening very rapidly in this country today. We know that candidacies such as former Senator McCarthy's can catch fire in a few months. We know that his name on the ballot in 80 percent of the States would mean that a meaningful segment of the American public feels that this man has the qualifications to be President. Under the logic of the Pastore amendment, it seems clear that it would be discriminatory to freeze this man out from those dollars that were contributed by the people who are supporting him.

Mr. PASTORE. The Senator could not be more wrong. I do not know whether the Senator is familiar with the provisions of the bill. This bill is very amenable to the first starter, very amenable to the minority party candidate. We went out of our way to assure that, because we did not want to be accused of making this a Republican-Democrat bill.

Mr. BUCKLEY. But the Senator limits the inclusion of minority parties to those which happen to be in existence for 4 years.

Mr. PASTORE. No. He can run as an individual, and he is entitled to the difference between the vote he gets on that election day and the average of the two major parties, which could be more than $2 million, depending on the vote he got.

Mr. BUCKLEY. Mr. President, before replying to the point raised by the Senator from Rhode Island, I yield 5 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, the Senator from New York is bringing up some of the same points I made in my colloquy with the Senator from Alabama, when the Senator from Rhode Island pointed out that a person could run, as I understand it, without being within the definition of a minority party; and then if he gets 5 percent of the vote—and this is determined after the election—he is entitled to some percentage of a kickback out of the public funds that are being used for this campaign as a whole.

The difficulty with that seems to be obvious. First, How in the world is he going to be able to do this when he first has to say, under threat of perjury, that he will not accept any contributions to start with? Second, How in the world does he get people to give him the credit, when the likelihood of his winning is going to be very, very poor? Therefore, he will not get the contributions, and he will be outgunned by taxpayer funds which are going to the other two or three parties, whichever it may be.

What is going to happen, for example, with the long-term party which has been on the ballot in many States, either the Socialist Party or the Socialist Workers Party? Would they have received any funds? The chances are that they would not have, and they would have gone down to a demise much quicker than they have. I do not see how we can say that this is fair to a third-party system.

Being active on the political scene so far as the Republican Party is concerned, I suppose I should not be concerned about that, but I am concerned just the same. In all fair play within our country, I think that if someone feels that he is qualified to run for this office and can get enough people to support him, he should be put on the same plane as everybody else and have the same opportunities as everybody else in the major political parties; and I do not think they have it under the bill as written. I made that point as one of the reasons why I supported the Allen amendment, in order to clarify that so far as the American Independent Party is concerned; but I do not think it has been clarified with respect to the Independent Party, the Progressive Party, the Conservative Party, or whatever it may be, who are still trying to get their noses under the tent, as they say.

Mr. BUCKLEY. I thank the Senator from Colorado for his remarks.

I should like to address a question to the Senator from Rhode Island. I had thought earlier, before drafting my amendment, that the provision he cited was in his amendment—namely, that a candidate could, at the end of the election, seeks reimbursement of his costs, which still violates part of the principle of his amendment—but I cannot find it in the text. I would appreciate the reference.

Mr. PASTORE. I refer the Senator to page 14, subsection (3).

Mr. BUCKLEY. I saw that. I thought that because of the definitions contained within the amendment, this applied to the candidate of a minority party as defined in the amendment, which in turn refers you back to the prior election. I thought the purpose of that section was at least to bring a quantitative parity after the election in question.

Mr. PASTORE. Will the Senator from New York be a little patient while I read this?

Will the Senator please look again at page 14?

Mr. BUCKLEY. Yes.

Mr. PASTORE. Subsection (3):

> The eligible candidates of a political party (other than a major party)—

We are talking about eligible candidates—

> in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the Office of President in such election shall be entitled to payments under section 1006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates . . .

In other words, he has to get at least 5 percent of the vote to qualify.

Mr. BUCKLEY. I am glad the Senator from Rhode Island has clarified what could have been an ambiguity.

I think that in itself is helpful, but it still leaves the amendment itself subject to the disability that it requires a candidate of a minor party which had not been in existence for 4 years to accept contributions from those sources which the good Senator tells us the purpose of this amendment is to protect him from.

Mr. PASTORE. On the other hand, he has to receive at least 5 percent of the votes on election day to be a formidable candidate. Otherwise, he is not entitled to the money.

After all, we are not going to pass this money out to every Tom, Dick, and Harry who gets the idea. You have to mean something; and if you do not get at least 5 percent of the vote in running for the office, I do not think you are to be entitled to any Federal funds. That was the reasoning of the committee.

Mr. BUCKLEY. What we are talking about is making it possible for a candidate to reach the people by utilizing funds taken from all the people for this purpose.

Mr. PASTORE. But you do not have a track record. You are a candidate for the first time. So, naturally, we do not know how to work the formula until such time as we count your votes on election day.

Mr. BUCKLEY. This is precisely why I am suggesting——

Mr. PASTORE. You want to give the candidates seed money.

Mr. BUCKLEY. I am suggesting to the senior Senator from Rhode Island an alternative formula. He says, "Let us wait until the election is over and see what this fellow is able to get, while his supporters are contributing to the campaign chests of his opponents." I suggest that any time anyone has such backing as to be able to register himself throughout the Nation, such a candidate automatically is entitled to the equality of treatment which the senior Senator from Rhode Island was urgently asking for earlier today.

Mr. PASTORE. I have made my position clear, and the Senator from New York has made his position clear.

I am ready to vote. I am ready to yield back my time.

Mr. BUCKLEY. I will be glad to yield back the remainder of my time unless someone else desires to comment on the matter.

SEVERAL SENATORS. Vote! Vote!

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 27, nays 68, as follows:

[No. 359 Leg.]

YEAS—27

Aiken
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Cook
Curtis
Dole
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Roth
Scott
Stafford
Taft
Thurmond
Tower
Weicker

NAYS—68

Allen
Allott
Anderson
Bayh
Bentsen
Bible
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—5

Hartke
Inouye
Mundt
Randolph
Saxbe

So Mr. BUCKLEY's amendment was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

At 4:30 p.m. message from the House of Representatives on House agreeing to conference report on House Joint Resolution 946, continuing appropriations for 1972.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ROTH). The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 11, line 20, insert the following:

(13) The term "new party" means, with respect to any Presidential election, a political party which has filed with the Comptroller General petitions signed by residents of one or more States having attained the age of 18 years or more. Said petitions shall declare that it is the intention of the petitioners to nominate a candidate for the office of President of the United States at the next Presidential election. The signers of such petitions shall list their house number, street, city, state and date of signing. Any "new party" may file petitions from more than one State, provided that no one petition shall bear the signatures of residents of more than one State. Each petition shall bear the signature of the circulator who shall attest before a Notary Public of the State in which such petition was circulated that he personally saw each signer affix his name thereto.

The invalidity of any signature shall not invalidate the petition to which it is affixed except that the invalidity of the signature of the circulator or the failure of the circulator to have his signature attested before a Notary Public shall invalidate the petition of such circulator.

Any person signing a petition may withdraw his name therefrom at any time prior to the time when such petition is filed with the Comptroller General.

The petitions filed on behalf of each "new party" shall contain not less than 10,000 valid signatures.

No individual may sign petitions on behalf of more than one "new party" within any four year period unless the prior signed petition was not filed with the Comptroller General for a period of one year or more after the date of signature.

On page 15, after line 14, insert the following:

(4) The eligible candidates of a new party in a Presidential election shall be entitled to payments under Section 1006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of signatures on petitions filed with the Comptroller General in behalf of such new party under Section 1002(13) of this Act bears to the average number of popular votes received by the candidates for President of the major parties in the preceding Presidential election.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. TAFT. I am glad to yield to the Senator from New York.

Mr. JAVITS. I like what the Senator has done very much.

Mr. PASTORE. Mr. President, we cannot hear.

The PRESIDING OFFICER. The Senator will suspend for a moment. It is requested that the Senate be in order so that Senators can be heard.

The Senator may proceed.

Mr. JAVITS. Mr. President, I like what the Senator has done in trying to encourage establishment of new parties which have grassroots support. That is all for the good. However, what concerns me, and what I hope the Senator thinks about, is that in dealing with the Presidency it takes an appreciable following. My question is: Should it be some number of States—and I suggest as a possibility five—but if a candidate is going to try to get on the ballot in 10 States he should start with support in more than one State.

Mr. TAFT. I thank the Senator for his suggestion. I believe it is well taken. I think perhaps the number five is a reasonably logical number, and I amend my amendment in line 3 to delete one or more and insert the number "five".

Mr. JAVITS. On that basis I would like very much to support the amendment.

Mr. TAFT. I thank the Senator for his support.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. How much time is there on the amendment?

The PRESIDING OFFICER. There is 1 hour to be divided equally between the proponent of the amendment and the opposition.

Mr. TAFT. I thank the Chair.

The PRESIDING OFFICER. Will the Senator explain his modification again, please?

Mr. TAFT. In the third line the words "one or more" are deleted and the words "five or more" are substituted therefor.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 11, line 20, insert the following:

"(13) The term "new party" means, with respect to any Presidential election, a political party which has filed with the Comptroller General petitions signed by residents of five states having attained the age of 18 years or more. Said petitions shall declare that it is the intention of the petitioners to nominate a candidate for the office of President of the United States at the next Presidential election. The signers of such petitions shall list their house number, street, city, state and date of signing. Any "new party" may file petitions from more than one state, provided that no one petition shall bear the signatures of residents of more than one state. Each petition shall bear the signature of the circulator who shall attest before a Notary Public of the state in which such petition was circulated that he personally saw each signer affix his name thereto.

The invalidity of any signature shall not invalidate the petition to which it is affixed except that the invalidity of the signature of the circulator or the failure of the circulator to have his signature attested before a Notary Public shall invalidate the petition of such circulator.

Any person signing a petition may withdraw his name therefrom at any time prior to the time when such petition is filed with the Comptroller General.

The petitions filed on behalf of each "new party" shall contain not less than 10,000 valid signatures.

No individual may sign petitions on behalf of more than one "new party" within any four year period unless the prior signed petition was not filed with the Comptroller General for a period of one year or more after the date of signature.

On page 15, after line 14, insert the following:

"(4) The eligible candidates of a new party in a Presidential election shall be entitled to payments under Section 1006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of signatures on petitions filed with the Comptroller General in behalf of such new party under Section 1002(13) of this Act bears to the average number of popular votes received by the candidates for President of the major parties in the preceding Presidential election.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield briefly?

Mr. TAFT. I yield.

Mr. MANSFIELD. Will the Senator allow me to call up what I understand is a most important bill that has been cleared all around, and on which the Senator from Missouri wishes to speak for 2 minutes? If the matter takes more time than that we will lay it aside. And I ask that the time not be charged to either side.

Mr. TAFT. I yield.

DISTRICT OF COLUMBIA CONSUMER CREDIT PROTECTION ACT OF 1971

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1938, the District of Columbia Consumer Protection Act of 1971.

The PRESIDING OFFICER (Mr. ROTH). The bill will be stated by title.

The bill was stated by title as follows:

A bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment in the nature of a substitute to strike all after the enacting clause and insert in lieu thereof the following:

That the text of section 28-3301 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"Except as otherwise provided in section 28-3308, chapter 36 and chapter 39 of this subtitle, the parties to an instrument in writing for the payment of money at a future time may contract therein for the payment of interest on the principal amount thereof at a rate not exceeding 8 percent per annum."

SEC. 2. The text of clause (2) in the first sentence of section 28-3303 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"(2) in writing, to pay a greater rate than is permitted under section 28-3301 or 28-3308 or under chapter 36 or 39 of this subtitle, the creditor shall forfeit the whole of the interest so contracted to be received."

SEC. 3. Chapter 33 of subtitle II of title 28, District of Columbia Code, is amended by adding the following section:

"§ 28-3308. Finance charge on direct installment loans

"(a) On a loan in which the principal does not exceed $25,000 (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle) to be repaid in equal or substantially equal monthly, or other periodic, installments, any federally insured bank or savings and loan association doing business in the District of Columbia may contract for and receive interest at the rate permitted under this chapter or, in lieu of such interest, a finance charge which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal. This section does not limit or restrict the manner of contracting for the finance charge, whether by way of discount, add-on, or simple interest, so long as the annual percentage rate of the finance charge does not exceed that permitted by this section.

"(b) If such installment loan is precomputed,

"(1) the finance charge may be calculated on the assumption that all scheduled payments will be made when due, and

"(2) except as provided in subsection (c), upon prepayment in full of the unpaid balance of a precomputed direct installment loan, refinancing, or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than $1, no rebate need be made.

"(c) Upon prepayment in full of such direct installment loan other than a refinancing or consolidation, whether or not precomputed, the lender may collect or retain a minimum charge within the limits stated in this section if the finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the smaller of the following: (1) the amount of the finance charge contracted for, or (2) $5 in a transaction which had a principal of $75 or less, or $7.50 in a transaction which had a principal of more than $75.

"(d) The unearned portion of the finance charge is a fraction of the finance charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which the prepayment occurs, and the denominator is the sum of all periodic balances under either the related loan agreement or, if the balance owing resulted from a refinancing or a consolidation, under the related refinancing agreement or consolidation agreement.

"(e) As used in this section, 'finance charge', and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq., 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act."

SEC. 4. Subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following chapters:

"CHAPTER 36.—DIRECT MOTOR VEHICLE INSTALLMENT LOANS

"§ 28-3601. Direct motor vehicle installment loans

"The provisions of the Act approved April 22, 1960 (Public Law 86-431, 74 Stat. 69, D.C. Code, 1967 ed., chapter 9 of title 40), covering installment sales of motor vehicles, as amended, and the regulations issued thereunder, shall apply, to the extent appropriate, to a direct installment loan secured by a security interest in a motor vehicle, made by a federally insured bank or savings and loan association doing business in the District of Columbia, subject to section 28-3602.

"§ 28-3602. Finance charge

"Such a bank or savings and loan association may contract for and receive interest at the rate provided for in chapter 33 or, in lieu of such interest, a finance charge which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal.

"§ 28-3603. Definitions

"As used in this chapter, 'finance charge' and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act.

"Chapter 37.—REVOLVING CREDIT ACCOUNTS

"§ 28-3701. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means an arrangement between a seller or financial institution and a buyer pursuant to which (A) the seller may permit the buyer to purchase goods or services on credit either from the seller or by use of a credit card or other device, whether issued by the seller or a financial institution, (B) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (C) a credit service charge if made is not precomputed but is computed on an outstanding unpaid balance of the buyer's account from time to time, and (D) the buyer has the privilege of paying the balances in full or in installments.

"(2) 'credit service charge' means the sum of (A) all charges payable directly or indirectly by the buyer and imposed directly or indirectly by the seller as an incident to the extension of credit, including any of the following types of charges which are applicable: time price differential, service, carrying or other charge, however denominated, premium or other charge for any guarantee or insurance protecting the seller against the buyer's default or other credit loss; (B) charges incurred for investigating the collateral or credit-worthiness of the buyer or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the seller had no notice of the charges when the credit was granted.

"(3) 'seller' means a person engaged in the District of Columbia in the business of selling goods or services to retail buyers.

"(4) 'buyer' means a person who buys goods or obtains services from a seller pursuant to a retail credit sale and not principally for the purpose of resale; and includes a person who enters into a prior agreement with a financial institution whereby the latter agrees to pay the debts of the buyer as they accrue at various retail sellers, designated by the financial institution, in consideration of the buyer paying to the financial institution the cash sales price plus the credit service charge on the purchase.

"(5) 'person' includes any individual, partnership, corporation, association, trust, joint stock company, or any other group of persons however organized.

"(6) 'financial institution' means a person who enters into an agreement with a buyer whereby the former agrees to extend credit to the buyer and to apply it as directed by the buyer pursuant to a credit card issued to the buyer by the financial institution; and this term includes any federally insured bank as defined in section 3 of the Federal Deposit Insurance Act doing business in the District of Columbia.

"§ 28-3702. Amount and computation of credit service charge

"(a) The seller or financial institution may contract for the payment by the buyer of a credit service charge not exceeding that permitted by this section.

"(b) A credit service charge may be made in each billing cycle. For the purpose of computing the outstanding balance subject to the credit service charge, (1) the outstanding balance on any day shall consist of an amount which shall not exceed the sum of the total charges to the account less the amounts paid or credited to the account prior to such day, or (2) the outstanding balance may be computed by the average daily balance method. The credit service charge may also be computed for all outstanding balances within a range of not in excess of $10 on the basis of the median amount within such range if as so computed such credit service charge is applied to all outstanding balance within such range.

"(c) If the billing cycle is monthly, the charge may not exceed 1½ percent of that part of the outstanding balance which is $500 or less and 1 percent on that part of this amount which is more than $500. If the billing cycle is not monthly, the maximum charge is that percentage which bears the relation to the applicable monthly percentage as the number of days in the billing cycle bears to thirty. For the purposes of this section, a variation of not more than four days from month to month is 'the same day of the billing cycle'.

"Chapter 38.—CONSUMER PROTECTIONS

"§ 28-3801. Scope—Limitation on agreements and practices

"This chapter applies to actions to enforce rights arising from a consumer credit sale or a direct installment loan.

"§ 28-3802. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means a revolving credit account as defined in section 28-3701 of this subtitle.

"(2) 'consumer credit sale' means a sale of goods or services in which—

"(A) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;

"(B) the buyer is a natural person;

"(C) the goods or services are purchased primarily for a personal, family, household, or agricultural purpose;

"(D) either the debt is payable in installments or a finance charge is made; and

"(E) the amount financed does not exceed $25,000.

The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(3) 'direct installment loan' means a direct installment loan as that term is used in section 28-3308 of this subtitle and does not include a loan secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle.

"(4) 'cross collateral' means an arrangement wherein a seller in a 'consumer credit sale' secures a debt arising from the sale by contracting for a security interest in other property if as a result of a prior sale the seller has an existing security interest in the other property. The seller may also contract for a security interest in the property sold in the subsequent sale as a security for the previous debt.

"§ 28-3803. Balloon payments

"With respect to a consumer credit sale or direct installment loans except for revolving credit accounts:

"(1) No creditor shall at any time enter into an agreement which contains or anticipates a schedule of payments under which any one payment is not equal or substantially equal to all other payments, excluding any final payment which is less than the average of previous payments or any down payment received by the creditor contemporaneously with or prior to the consummation of the transaction, or under which the intervals between any consecutive payments differ substantially.

"(2) Notwithstanding any provision of this section, where a consumer's livelihood is dependent upon seasoned or intermittent income, the parties may agree in a separate writing that one or more payments or the intervals between one or more payments may be reduced or expanded in accordance with the needs of the consumer if such payments are expressly related to the consumer's income. The separate writing shall contain a conspicuous notice directly above the signature line stating: 'I waive my right to have all payments to be made under this agreement in substantially equal amounts'.

"(3) In the event that the provisions of paragraph (2) apply, the consumer shall have the right at any time, without further cost or obligation, to revise the schedule of payments to conform both as to amounts and intervals to the average of all installments and intervals.

"§ 28-3804. Assignment of earnings and authorization to confess judgment prohibited

"(a) A creditor may not take an assignment of earnings of the consumer for payment or as security for payment of an obligation arising out of a consumer credit sale or direct installment loan.

"(b) A creditor may not take or accept from the consumer a warrant or power of attorney or other authorization for the creditor, or other person acting on his behalf, to confess judgment arising out of a consumer credit sale or direct installment loan.

"(c) An assignment of earnings or an authorization in violation of this section is subject to the provisions of section 28-3813(d)(1) of this subtitle.

"§ 28-3805. Debts secured by cross-collateral

"(a) If debts arising from two or more consumer credit sales, other than sales pursuant to a revolving charge account (§ 28-3701), are secured by cross-collateral, or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debts originally incurred with respect to each item are paid.

"(b) Payment received by the seller upon a revolving charge are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of credit service charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

"(c) If the debts consolidated arose from two or more sales made on the same day, payments received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of the smallest debt.

"§ 28-3806. Attorney's fees

"With respect to a consumer credit sale or direct installment loans the agreement may provide for the payment by the consumer of reasonable attorney's fees not in excess of 15 per centum of the unpaid balance of the obligation.

"§ 28-3807. Negotiable instruments prohibited

"(a) In a consumer credit sale, no seller shall take or otherwise arrange for the consumer to sign an instrument, except a check, payable 'to order' or 'to bearer' as evidence of the credit obligation of the consumer.

"(b) Any holder of an instrument prohibited by subsection (a) of this section 28-3807, if he takes it with knowledge of a violation of this section, takes it subject to all claims and defenses of the consumer up to the amount owing on the transaction total at the time of the assignment.

"§ 28-3808. Assignees subject to defenses

"(a) With respect to a consumer credit sale, an assignee of the rights of the seller or lessor is subject to all claims and defenses of the consumer or lessee arising out of the sale notwithstanding any terms or agreements to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time of the assignment.

"(b) Rights of the consumer or lessee can only be asserted as a matter of defense to or set-off against a claim by the assignee.

"§ 28-3809. Lender subject to defenses arising from sales

"(a) A lender who makes a direct installment loan for the purpose of enabling a consumer to purchase goods or services is subject to all claims and defenses of the consumer against the seller arising out of the purchase of the goods or service if such lender acts at the express request of the seller, and—

"(1) the seller participates in the preparation of the loan instruments, or

"(2) the lender is a person or organization controlled by or under common control with the seller, or

"(3) the seller receives or will receive a fee, compensation, or other consideration from the lender for arranging the loan.

"(b) The lender's liability under this section may not exceed the amount of the loan. Rights of the debtor can only be asserted affirmatively in an action to cancel and void the sale from its inception, or as a matter of defense to or set-off against a claim by the lender.

"§ 28-3810. Referral sales

"With respect to a consumer credit sale, the seller or lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. If a buyer or lessee is induced by a violation of this section to enter into a consumer credit sale, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

"§ 28-3811. Home solicitation sales

"(a) As used in this section, 'home solicitation sale' means a cash sale or a consumer credit sale of goods, other than farm equipment, or services in which the seller or a person acting for him engages in a personal solicitation of the sale at or near a residence of the buyer and the buyer's agreement or offer to purchase is there given to a seller or a person acting for him. It does not include a sale made pursuant to a preexisting revolving credit account or prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

"(b) Except as provided in subsection (f), in addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase which complies with this section.

"(c) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement or offer to purchase.

"(d) Notice of cancellation, if given by mail, is given when it is deposited in a mail box properly addressed and the postage prepaid.

"(e) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

"(f) The buyer may not cancel a home solicitation sale if the buyer requests the seller to provide goods or services without delay because of an emergency, and

"(1) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and

"(2) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer, and

"(3) the buyer has signed separately the following notice which appears under the conspicuous caption: 'WAIVER OF RIGHT TO CANCEL' and reads as follows: 'Because of an emergency I waive any right I may have to cancel this home solicitation sale'.

"(g) (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with paragraph (2) of this subsection.

"(2) The statement must—

"(A) appear under this conspicuous caption: 'BUYER'S RIGHT TO CANCEL', and

"(B) read as follows:

"'If this agreement was solicited at or near your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you signed this agreement. The notice must be mailed to:________________________________

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(insert name and mailing address of seller)

If you cancel, the seller may not keep any of your cash down payment.'

"(3) Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

"(h) (1) Except as provided in this section, within ten days after a home solicitation sale has been canceled or an offer to purchase revoked the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness. A provision permitting the seller to keep all or any part of any payment, note, or evidence of indebtedness is in violation of this section and unenforceable.

"(2) If the down payment includes goods traded in, the goods must be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

"(3) The seller is not entitled to retain a cancellation fee.

"(4) Until the seller has complied with the obligations imposed by this section the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

"(i) (1) Except as provided by the provisions on retention of goods by the buyer (subsection (h) (4) of this section), within a reasonable time after a home solicitation sale has been cancelled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, forty days is presumed to be a reasonable time.

"(2) The buyer has a duty to take reasonable care of the goods in his possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

"(3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.

"§ 28–3812. Limitation on creditors' remedies

"(a) This section applies to actions or other proceedings to enforce rights arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28, District of Columbia Code); and, in addition, to extortionate extensions of credit.

"(b) (1) During the thirty-day period after a default consisting of a failure to pay money the creditor may not because of the default (A) accelerate the unpaid balance of the obligation, (B) bring action against the debtor, or (C) proceed against the collateral.

"(2) Unless the creditor has first (A) notified the debtor that he has elected to accelerate the unpaid balance of the obligation because of default, (B) brought action against the debtor, or (C) proceeded against the collateral, the debtor may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure restores the debtor to his rights under the agreement as though the defaults cured had not occurred.

"(3) Posting of any notice required by law shall be deemed valid if mailed by certified mail to the debtor's last known address.

"(c) (1) The debtor may redeem the collateral from the creditor at any time—

"(A) within fifteen days of the creditor's taking possession of the collateral, or

"(B) thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral in satisfaction of the debtor's obligation pursuant to the provisions on disposition of collateral in section 28–9–505 of subtitle I of title 28, District of Columbia Code.

"(2) The debtor may redeem the collateral by tending fulfillment of all obligations secured by the collateral including reasonable expenses incurred in realizing on the security interest.

"(d) Subject to the provisions in this part, the parties may agree that the creditor has the right to take possession of the collateral on default. In taking possession, a secured party may proceed without judicial process if this can be done without breach of the peace and with consent of the debtor. Those who take the collateral through repossession shall be deemed the agent of the creditor, and the creditor shall be civilly liable for any of the actions of its agents.

"(e) (1) This subsection applies to consumer credit sales of goods or services and to direct installment loans secured by interests in goods.

"(2) A creditor may not maintain a proceeding for a deficiency unless he has disposed of the goods in good faith and in a commercially reasonable manner.

"(3) If the creditor repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which he has a security interest, the consumer is not personally liable to the creditor for the unpaid balance of debt arising from the sale of a commercial unit of goods of which the cash price was $2,000 or less. In that case the creditor is not obligated to resell the collateral unless the consumer has paid 60 percent or more of the cash price and has not signed after default a statement renouncing his rights in the collateral.

"(4) If the creditor takes possession or voluntarily accepts surrender of goods which were not the subject of the sale but in which he has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was $2,000 or less, the debtor is not personally liable to the creditor for the unpaid balance of the debt arising from the sale and the creditor's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 28–9–505 of subtitle I of title 28, District of Columbia Code.

"(5) If the creditor takes possession or voluntarily accepts surrender of goods in which he has a security interest to secure a debt arising from a direct installment loan and the net proceeds of the loan paid to or for the benefit of the debtor are $2,000 or less, the consumer is not personally liable to the lender for the unpaid balance of the debt arising from the loan and the lender's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 28–9–505 of subtitle I of title 28, District of Columbia Code.

"(6) The consumer shall be liable in damages to the creditor if the debtor has wrongfully damaged the collateral or if, after default and demand, the debtor has wrongfully failed to make collateral available to the creditor.

"(7) If the creditor elects to bring an action against the buyer for a debt arising from a consumer credit sale of goods or services, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment—

"(A) he may not repossess the collateral, and

"(B) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

"(f) (1) If it is the understanding of the creditor and the debtor at the time an extension of credit is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person, the repayment of the extension of credit is unenforceable through civil judicial processes against the debtor.

"(2) If it is shown that an extension of credit was made at an annual rate exceeding 45 per centum and that the creditor then had a reputation for the use or threat of use of violence or other criminal means to cause harm to the person, reputation, or property of any person to collect extensions of credit or to punish the nonrepayment thereof, there is prima facie evidence that the extension of credit was unenforceable under paragraph (1) of this subsection.

"(g) (1) With respect to a consumer credit sale, or direct installment loan, if the court as a matter of law finds—

"(A) the agreement to have been unconscionable at the time it was made, or to have been induced by unconsionable conduct, the court may refuse to enforce the agreement, or

"(B) any clause of the agreement to have been unconsionable at the time it was made, the court may refuse to enforce the agreement, or may enforce the remainder of the agreement without the unconsionable clause, or may so limit the application of any unconscionable clause as to avoid any unconscionable result.

"(2) If it is claimed or appears to the court that the agreement or any clause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

"(3) For the purpose of this section, a charge or practice expressly permitted by this section is not in and of itself unconscionable in the absence of other practices and circumstances.

"§ 28-3813. Consumers' remedies

"(a) The remedies provided by this section shall be liberally administered to the end that the consumer as the aggrieved party shall be put in at least as good a position as if the creditor had fully complied with this chapter. Except as is otherwise specifically provided where there are willful and repeated violations of this chapter consequential and special damages may be had in lieu of the specific penalties allowed, and in addition punitive damages may be had as indicated.

"(b) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

"(c) 'Transaction total' means—

"(1) in the case of transactions pursuant to open end credit plans or consumer credit transactions, the total of the following calculated as if the amount or amounts financed were paid over the maximum period of the plan or, if there is no such period, over twelve months beginning with the next billing cycle or cycles following the transaction or transactions:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the total finance charge, including any prepaid finance charge;

"(2) in the case of other than open end transactions or consumer credit transactions, the total of the following:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the amount of all precomputed or precomputable finance charge, including any prepaid finance charge.

"(d) (1) In the discretion of the court, a consumer may recover from the person violating this chapter, in addition to the damages the law otherwise allows, 10 percent of the transaction total, if applicable, or $100, whichever is greater, for violations to which this section applies.

"(2) This section also applies to all violations for which no other remedy is specifically provided.

"(e) If a consumer prevails in a suit brought under this Act, the court may assess reasonable attorney's fees in addition to any other amounts recoverable under this chapter.

"(f) Any charge, practice, term, clause, provision, security interest, or other action or conduct which can be shown to be in willful violation of the provisions of this chapter shall confer no rights or obligations enforceable by action.

"§ 28-3814. Debt collection

"(a) This section only applies to conduct and practices in connection with collection of obligations airsing from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28).

"(b) As used in this section, the term—

"(1) 'claim' means any obligation or alleged obligation, arising from a consumer credit sale, consumer lease or direct installment loan;

"(2) 'debt collection' means any action, conduct or practice in connection with the solicitation of claims for collection or in connection with the collection of claims, that are owed or due, or are alleged to be owed or due, a seller or lender by a consumer; and

"(3) 'debt collector' means any person engaging directly or indirectly in debt collection, and includes any person who sells or offers to sell forms represented to be a collection system, device, or scheme intended or calculated to be used to collect claims.

"(c) No debt collector shall collect or attempt to collect any money alleged to be due and owing by means of any threat, coercion or attempt to coerce in any of the following ways:

"(1) the use, or express or implicit threat of use, of violence or other criminal means, to cause harm to the person, reputation, or property of any person;

"(2) the accusation or threat to falsely accuse any person of fraud or any crime, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule or contempt of society;

"(3) false accusations made to another person, including any credit reporting agency, that a consumer has not paid a just debt, or threat to so make such false accusations;

"(4) the threat to sell or assign to another the obligation of the consumer with an attending representation or implication that the result of such sale or assignment would be that the consumer would lose any defense to the claim or would be subjected to harsh, vindictive, or abusive collection attempts; and

"(5) the threat that nonpayment of an alleged claim will result in the arrest of any person.

"(d) No debt collector shall unreasonably oppress, harass, or abuse any person in connection with the collection of or attempt to collect any claim alleged to be due and owing by that person or another in any of the following ways:

"(1) the use of profane or obscene language or language that is intended to unreasonably abuse the hearer or reader;

"(2) the placement of telephone calls without disclosure of the caller's identity or with the intent to harass or threaten any person at the called number; and

"(3) causing expense to any person in the form of long-distance telephone tolls, telegram fees, or other charges incurred by a medium of communication, by concealment of the true purpose of the notice, letter, message, or communication.

"(e) No debt collector shall unreasonably publicize information relating to any alleged indebtedness or debtor in any of the following ways:

"(1) the communication of any information relating to a consumer's indebtedness to any employer or his agent except where such indebtedness has been guaranteed by the employer or the employer has requested the loan giving rise to the indebtedness and except where such communication is in connection with an attachment or execution after judgments as authorized by law;

"(2) the disclosure, publication, or communication of information relating to a consumer's indebtedness to any relative or family member of the consumer unless such person is known to the debt collector to be a member of the same household as the consumer, except through proper legal action or process or at the express and unsolicited request of the relative or family member;

"(3) the disclosure, publication, or communication of any information relating to a consumer's indebtedness by publishing or posting any list of consumers, except for the publication and distribution of "stop lists" to point-of-sale locations where credit is extended, or by advertising for sale any claim to enforce payment thereof or in any other manner other than through proper legal action, process, or proceeding; and

"(4) the use of any form of communication to the consumer, which ordinarily may be seen by any other persons, that displays or conveys any information about the alleged claim other than the name, address, and phone number of the debt collector.

"(f) No debt collector shall use any fraudulent deceptive, or misleading representation or means to collect or attempt to collect claims or to obtain information concerning consumers in any of the following ways:

"(1) the use of any name, while engaged in debt collection, other than the debt collector's true name;

"(2) the failure to clearly disclose in all communications made to collect or attempt to collect a claim or to obtain or attempt to obtain information about a consumer, that the debt collector is attempting to collect a claim and that any information obtained will be used for that purpose;

"(3) any false representation that the debt collector has in his possession information or something of value for the consumer, that is made to solicit or discover information about the consumer;

"(4) the failure to clearly disclose the name and full business address of the person to whom the claim has been assigned for collection, or to whom the claim is owed, at the time of making any demand for money;

"(5) any false representation or implication of the character, extent, or amount of a claim against a consumer, or of its status in any legal proceeding;

"(6) any false representation or false implication that any debt collector is vouched for, bonded by, affiliated with or an instrumentality, agent, or official of the District of Columbia or any agency of the Federal or District government;

"(7) the use or distribution or sale of any written communication which stimulates or is falsely represented to be a document authorized, issued, or approved by a court, an official, or any other legally constituted or authorized authority, or which creates a false impression about its source, authorization, or approval;

"(8) any representation that an existing obligation of the consumer may be increased by the addition of attorney's fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation; and

"(9) any false representation or false impression about the status or true nature of or the services rendered by the debt collector or his business.

"(g) No debt collector shall use unfair or unconscionable means to collect or attempt to collect any claim in any of the following ways:

"(1) the seeking or obtaining of any written statement or acknowledgment in any form that specifies that a consumer's obligation is one incurred for necessaries of life where the original obligation was not in fact incurred for such necessaries;

"(2) the seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a consumer who has been declared bankrupt, without clearly disclosing the nature and consequences of such affirmation and the fact that the consumer is not legally obligated to make such affirmation;

"(3) the collection or the attempt to collect from the consumer all or any part of the debt collector's fee or charge for services rendered;

"(4) the collection of or the attempt to collect any interest or other charge, fee, or expense incidental to the principal obligation unless such interest or incidental fee, charge, or exepnse is expressly authorized by the agreement creating the obligation and legally chargeable to the consumer or unless such interest or incidental fee, charge, or expense is expressly authorized by law; and

"(5) any communication with a consumer whenever it appears that the consumer has notified the creditor that he is represented by an attorney and the attorney's name and address are known.

"(h) No debt collector shall use, or distribute, sell, or prepare for use, any written communication that violates or fails to conform to United States postal laws and regulations.

"(i) No debt collector shall take or accept for asignment any of the following:

"(1) an assignment of any claim for attorney's fees which have not been lawfully provided for in the writing evidencing the obligation; or

"(2) an assignment for collection of any claim upon which suit has been filed or judgment obtained, without the debt collector first making a reasonable effort to contact the attorney representing the consumer.

"(j) (1) Proof, by substantial evidence, that a debt collector has willfully violated any provision of the foregoing subsections of this section shall constitute a complete defense to any legal action undertaken by any person to enforce the claim that was being collected at the time the violation or violations occurred, and shall be deemed to constitute full satisfaction of a judgment on such claim property obtained before the occurrence of the violation or violations.

"(2) In addition to the remedy provided in paragraph (1) of this subsection, a debt collector shall be liable to any person affected by a violation of the foregoing subsections of this section for all damages proximately caused by the violation.

"(3) Punitive damages may be awarded to any person affected by a willful violation of the foregoing subsections of this section, when and in such amount as is deemed appropriate by the court and trier of fact.

"§ 28-3815. Administrative enforcement

"(a) As used in this section—

"(1) 'Commissioner' means the Commissioner of the District of Columbia or his designated agent;

"(b) Compliance with the requirements imposed under this chapter shall be enforced by the Commissioner. Nothing contained herein shall be construed to affect the authority and jurisdiction of the respective agencies designated in section 108 of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.)

"§ 28-3816. Inconsistent laws: What law governs

If any provision of law or regulation promulgated thereunder is inconsistent with this chapter, this chapter shall govern, unless this chapter or the inconsistent provision of the other laws specifically provides otherwise.

"Chapter 39.—SMALL LOAN COMPANIES

"§ 28-3901. Definitions

"As used in this chapter—

"(1) 'Commissioner' means the Commissioner of the District of Columbia or his designated agent.

"(2) 'Council' means the District of Columbia Council or its designated agent.

"(3) 'District' means the District of Columbia.

"(4) 'Organization' means a corporation, agency, trust, estate, partnership, cooperative, association, individual, or firm.

"(5) 'Lender' means a licensee authorized to make small loans.

"(6) 'Finance charges' means the sum of all charges, payable directly or indirectly by the person to whom the credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit, including any of the following types of charges which are applicable:

"(A) Interest, time price differential, and any amount payable under a point, discount, or other system or additional charges.

"(B) Service or carrying charge.

"(C) Loan fee, finder's fee, or similar charge.

"(D) Fee for an investigation or credit report.

"(E) Premium or other charge for any guarantee or insurance protecting the creditor against the obligor's default or other credit loss.

"§ 28-3902. Power to regulate and enforce

"Notwithstanding the provisions of any Act to the contrary, the Council is hereby authorized and empowered to make such regulations as it in its discretion deems appropriate for the governing of small loan transactions, including, without limitation, provisions:

"(1) establishing maximum finance charges;

"(2) governing the form and substance of instruments made or entered into;

"(3) requiring small loan companies to be licensed;

"(4) establishing the requirements for granting licenses;

"(5) specifying the maximum loan restrictions;

"(6) establishing the form of security and restrictions thereupon;

"(7) requiring the books and records of persons engaged in the business of financing small loan transactions to be subject to production for examination by the Cmmissioner and Council; and

"(8) specifying the types and maximum amounts of insurance which may be required, at the expense of the debtor, to protect from loss the lender or his assignee or any other organization entitled to payment.

"§ 28-3903. Fixing maximum finance charge

"The Council shall from time to time investigate the economic condition and other factors relating to and affecting finance charges, and shall ascertain all pertinent facts necessary to determine what maximum charges should be permitted in such transactions. Upon the basis of such ascertained facts, the Council, notwithstanding the provisions of any other subsection, shall from time to time by regulation or order determine and fix the maximum finance charges sufficiently high to result in a fair return on investment to organizations engaged in the business of small transactions, but not so high as to constitute an unreasonable economic burden on small loan debtors. The Council may from time to time, upon the basis of changed conditions or facts, redetermine and refix any such maximum finance charge, but, before determining or redetermining any such maximum charge, the Council shall give reasonable notice of their intention to consider doing so, and provide a reasonable opportunity to persons desiring to be heard with respect to any such proposed determination or redetermination. Notice of the action proposed by the Council shall be published once a week for two consecutive weeks in one or more of the daily newspapers published in the District. Any such changed maximum finance charge shall not affect any preexisting loan arrangement entered into between the lender and the debtor.

"§ 28-3904. Additional regulations

"The Council is further authorized, in its discretion, to make such additional regulations as it deems necessary to insure that individuals who engage in small loan transactions are not being required, directly or indirectly, to pay finance, insurance, or other charges in excess of those authorized by the Council pursuant to the authority vested in it.

"§ 28-3905. Classification provision

"In exercising its powers and authority under sections 3902 and 3904 of this chapter, the Council is authorized, in its discretion, to make reasonable classifications (1) according to the parties to small loan transactions, or (2) according to the parties to instruments of security, or (3) according to other basis, or (4) according to two or more of the foregoing clauses (1) through (3), and to exercise such powers and authority under this section with respect to any one or more of any classifications so made or with respect to all of said classifications.

"§ 28-3906. Waiver restriction

"No provision shall be inserted in any small loan contract whereby the buyer waives or purports to waive any provision of this chapter or regulation pursuant thereto, and any such waiver or purported waiver shall be void and of no effect. The Council is authorized in its discretion, by regulation (1) to prohibit the inclusion in any small loan contract of any provision waiving or purporting to waive any provision of any regulation promulgated by the Council relating to small loan transactions, and (2) to provide that any such waiver or purported waiver, shall be void and of no effect.

"In connection with the licensing of organizations under the authority of this chapter, the Council is authorized to require either bonds or such other security as it may by regulation deem necessary, of organizations engaged in the business of small loan transactions. In connection with the licensing of said organizations, and the bonding of said organizations, the Council, in its discretion, may by regulation require applicants for licenses:

"(1) to furnish and keep in force a bond running to the District, or other security, to protect members of the public against financial loss by reason of the failure of the licensee or of any officer, agent, employee, or other person acting on behalf of said licensee, to observe any law or regulation in force in the District of Columbia applicable to the licensee's conduct of the licensed business;

"(2) to procure and keep in force public liability insurance or property damage insurance or both;

"(3) to appoint the Council as its true and lawful attorney upon whom all judicial and other process or legal notice directed to such person may be served.

"§ 28-3908. Right to bring suit

"Any person aggrieved by the violation of any law or regulation applicable to the licensee's conduct of the licensed activity shall have, in addition to his right of action against such licensee, a right to bring suit against the surety on a bond authorized by section 28-3907 of this chapter, either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, transaction, or conduct of the licensee, or of any officer, agent, employee, or other person acting on behalf of said licensee, which is in violation of law or regulation in force in the District relating to the licensed activity.

"§ 28-3909. Suspension or revocation of license

"The Council is further authorized and empowered to make any regulations that may be necessary in furtherance of the purpose of this chapter and to suspend or revoke any license issued hereunder when, in its judgment, such is deemed desirable in the interest of public decency or the protection of lives, limbs, health, comfort, and quiet of the citizens of the District, or for any other reason it may deem sufficient.

"§ 28-3910. Penalty; prosecution

"(a) Any person who shall violate any provision of this chapter or of any regulation promulgated by the Council under the authority of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment for not more than six months, or both.

"(b) Prosecutions for violations of this chapter, or of the regulations made pursuant thereto, shall be conducted in the name of the District by the Corporation Counsel or any of his assistants. As used in this chapter the term 'Corporation Counsel' means the attorney for the District by whatever title such attorney may be known, designated by the Council to perform the functions prescribed for the Corporation Counsel in this chapter.

"§ 28-3911. Supplementary authority

"The authority and power vested in the Council by any provision of this chapter shall be deemed to be additional and supplementary to authority and power now vested in it, and not as a limitation."

Sec. 5. The text of section 16-571 of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended to read as follows:

"(a) As used in this subchapter, 'wages' means that part remaining after the deduction from wages of any amounts required by law to be withheld of:

"(1) wages, salary, commissions, or other remuneration for services performed by an employee for his employer, including any such remuneration measured partly or wholly by percentages or share of profits, or by other sums based upon work done or results produced, whether or not the employee is given a drawing account; and

"(2) any drawing account made available to an employee by his employer.

"(b) 'Garnishment' means any legal or equitable procedure through which the wages of any individual are required to be withheld for payment of any debt."

Sec. 6. The text of clauses (1), (2), and (3), in the first paragraph of section 16-572 of subchapter II of chapter 5 of title 16, District of Columbia Code, is amended to read as follows:

"(1) no attachment if wages are less than $325 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month;

"(2) 10 per centum of so much of the wages as exceeds $325 but does not exceed $500 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month; plus

"(3) 25 per centum of so much of the wages as exceeds $500 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month."

Sec. 7. Subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding the following sections:

"§ 16-583. No garnishment before judgment

"Notwithstanding any other provision of law, prior to entry of judgment in an action against a debtor, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment, or like proceedings.

"§ 16-584. No discharge from employment for garnishment

"No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment."

Sec. 8. (a) The analysis of chapter 33 of title 28 of subtitle II, District of Columbia Code is amended by adding at the end thereof the following new item:

"28-3308. Finance charge on direct installment loans."

(b) The analysis of subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following new items:

"36. District Motor Vehicle Installment Loans................ 28-3601.
"37. Revolving Credit Accounts... 28-3701.
"38. Consumer Protections........ 28-3801.
"39. Small Loan Companies....... 28-3901."

(c) The analysis of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding at the end thereof the following new items:

"16-583. No garishment before judgment.

"16-584. No discharge from employment for garnishment."

Sec. 9. (a) The provisions of the Act entitled "An Act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia", approved February 4, 1913 (D.C. Code, sec. 26-601), shall not be construed to apply to the legitimate business of mortgage bankers and other institutional lenders engaged in making loans secured by real estate, life insurance companies (as defined in section 10 of the Act of February 4, 1913 (D.C. Code, sec. 26-610), and small business investment companies licensed and operating under the Small Business Investment Act of 1958, conducted in the District of Columbia.

(b) The provisions of this section shall be deemed to have taken effect as of February 4, 1913.

Sec. 10. This act may be cited as the "District of Columbia Consumer Credit Protection Act of 1971".

Mr. EAGLETON. Mr. President, this bill, S. 1938, has as its thrust and focus bank interest rates in the District of Columbia and numerous provisions relating to consumer protection, including balloon notes, and so forth. Extensive hearings have been held on the bill before the Committee on the District of Columbia and it has been submitted to and examined by various commercial and consumer interests in the District of Columbia.

The bill was unanimously reported by the committee yesterday.

Mr. President, I shall give a brief description of the purposes of S. 1938. They are as follows:

First. To provide maximum interest ceiling rates in connection with direct installment loans and direct automobile installment loans;

Second. To establish maximum credit service charge rates for revolving credit accounts including credit cards growing out of retail sales in the District of Columbia;

Third. To provide remedies to safeguard consumers from unconscionable and fraudulent sales, credit, and collection practices;

Fourth. To provide for the regulation of finance charges for small loan companies;

Fifth. To revise certain aspects of the law relating to garnishment of wages; and

Sixth. To provide an exemption from the usury statute for mortgage banking, real estate investment trusts, and to make retroactive the present exemption of life insurance companies and small business investment companies.

Mr. President, hearings were held by the committee on August 5, 1971, at which bankers, merchants, the District government, economists, and representatives of consumer groups and the public testified. The problem has been before the committee for many years, and earlier hearings were held by the Business and Commerce Subcommittee in December 1967 and January and February 1968. The committee has had the benefit of various governmental views: A Federal Trade Commission economic report on installment credit and retail sales practices of District of Columbia retailers, published in March 1968; a report of the Federal Trade Commission of June 1968 on a District of Columbia consumer protection program conducted by the Commission during the period June 1965 to June 1968; and a report and recommendations of the District of Columbia Commission on Interest Rates and Consumer Credit, set up by the city council to study interest rates and consumer credit. All of the information available to the committee clearly demonstrates the need for changing the existing District of Columbia interest rates and usury law and to provide for effective consumer protections and safeguards in the Nation's Capital.

Mr. President, the reason for the need to expedite this bill is the opinion of the U.S. Court of Appeals for the District of Columbia handed down 2 days ago.

This opinion and its disastrous consequences on the real estate market of the District of Columbia. Without engaging in a discussion as to the corrections of the court's decision in the aforementioned case, suffice it to say that the opinion creates an intolerable situation.

Mr. President, if we pass this bill now, it will be able to proceed to the House and be acted upon by the House before the House adjourns for Thanksgiving.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. JAVITS. Mr. President, the Senator from Connecticut (Mr. Ribicoff) and I sponsored a consumer protection bill. The Senate passed it, and the House passed a bill, and probably we will have to match up those two bills. Is there anything in this bill which in substance would operate adversely to that?

Mr. EAGLETON. As I understand the Ribicoff-Javits bill, this bill would be in harmony with that bill, this bill pertaining solely to the District of Columbia.

As I already pointed out, the reason for the urgency in moving this bill to the House of Representatives is the result of the 2-to-1 opinion in a case entitled In re Packwood, Inc.

If we pass the bill at this time and get it over to the House of Representatives it can be acted upon by the House before they adjourn for their protracted recess.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. MATHIAS. Mr. President, I associate myself with the statement of the chairman of the Committee on the District of Columbia.

Mr. FULBRIGHT. Mr. President, may we have order in the Senate and will the Chair request that Senators use their microphones so we will know what is going on?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MATHIAS. Mr. President, I would like to associate myself with the chairman of the Committee on the District of Columbia.

As the Senator said, this bill had very searching scrutiny from the business community and those who take a particular interest in consumer problems in the District of Columbia. I think it will be a model piece of legislation. It is urgently needed. I concur in the chairman's request to pass the bill today.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I thank the Senator from Ohio for yielding.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, the amendment which I have pending before the Senate at this time would have the effect of permitting new parties to participate in the provisions of title X of the bill. In doing so I would like to make it abundantly clear, as I indicated by my vote yesterday, that I am in disagreement with the provisions and the approach of title X. I believe it is a mistake. And I believe if we should pass it the people will deeply resent it.

Mr. President, with respect to the route of taking campaign funds out of the public treasury, I know full well there are many difficulties with the present system or lack of system, and there are abuses which should be corrected. I supported the campaign practices bill that went to the other body. Last year I supported the campaign practices bill which came to the House and I even supported it in the attempt to override the veto of the President because I felt so strongly about the issue.

However, it seems to me that the approach that is taken in title X is one that is bound to be subject to confusion, abuse, and discrimination; it is going to be very, very difficult to eliminate. In spite of my opposition to the bill, I feel equally strongly that, if we are to have a provision of the type which is included in title X for a contribution of millions of dollars out of the Federal Treasury to presidential candidates of major parties, and if we are to have a similar procedure for contributions to the campaigns of minor party candidates, we should in all equity, and I believe we are required by the Constitution to provide a reasonable basis for the participation in such a program for new parties.

I think all of us have to go back and reflect that the parties of which we are members were at one time new parties—new parties which had not participated in prior elections—and to give the automatic advantage that title X would give to the already existing major and minor parties, to the exclusion of those desiring to form a new party, it seems to me would be a great mistake.

I also believe, as I said, that serious constitutional questions are raised. For example, in Ohio we had a law which required a very large number of signatures in order to get the name of a candidate on the ballot. The courts have thrown it out as being an unreasonable and undue requirement based upon the size of the number of names that were required.

My provision approaching this problem would say that, as to a new party, participation in this program could occur if petitions were filed by the residents of five or more States who are over the age of 18, declaring that it is the intention of the petitioners to nominate a candidate for the office of the President of the United States at the next presidential election.

There are requirements, then, that, to declare the validation of the petition, there must be a declaration that the signatures are genuine.

There is a further provision that the invalidity of a single signer of the petition shall not invalidate the entire petition but that the signature of the circulator of the petition must be valid.

There is a requirement that a person signing the petition may withdraw his name therefrom at any time prior to the time when such petition is filed with the Comptroller General of the United States.

There is a requirement that on such a petition there must be not less than 10,000 valid signatures.

There is a further provision to prevent duplication of signatures on these petitions, to the effect that no individual may sign petitions on behalf of more than one new party within any 4-year period unless the preceding petition was not filed with the Comptroller General for a period of 1 year or more after the date of the signature.

The definitions go into the definition part of the bill on page 11 and define what a "new party" means.

After having taken care of the definition of "new party" we then turn to page 15 and add a new qualification for participation in the payments out of the fund.

I will read again the specific language I wish to add:

> (4) The eligible candidates of a new party in a Presidential election shall be entitled to payments under Section 1006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of signatures on petitions filed with the Comptroller General in behalf of such new party under Section 1002(13) of this Act bears to the average number of popular votes received by the candidates for President of the major parties in the preceding Presidential election.

This mechanism is modeled almost identically on the provision for distribution to the minor party. I feel that this amendment is extremely important today. There are certain groups in our society that I think are very vocal today in offering many new ideas, but certainly, if they wish to submit a candidate for President, they should not be excluded from practical participation under the contributions selection of this bill.

I particularly refer to our young people. We have millions of new voters between the ages of 18 and 21. The public opinion polls which have been taken as to the general feelings and opinions of these voters indicate that a vast preponderance of these young voters feel they are independent voters, not members of either political party. It seems very likely to me on the national scene, as we have seen already occur in some local elections, that the young people who have just come into the voting franchise may wish, in large numbers, to associate themselves with political groupings and parties, and submit candidates for the Presidency.

To vote against this amendment would be, I think, to vote against their right fairly to participate in the election process, because an advantage is being given to the built-in party over the new party which they might form, and would militate against their chances of success—not merely in winning the election, but in building up the party so it may in the future come under the classification of minor party which it might become if it got the requisite number of votes.

I will talk about a very large group in our society which we all know is becoming more politically aware all the time. We have the women of America. If there is a desire on the part of the women of America to form a new political party to attempt to promote a woman candidate for the Presidency, I feel that individual should be entitled to participate and the candidate of that party should be entitled to participate in the political contributions program proposed under title 10.

I, of course, could go on and enumerate many, many other groups that might want to present their own candidates for the Presidency. Indeed, there are members on the other side of the Capitol who have indicated their likely intention of that taking place and to participate in the presidential election possibly not within the major or minor parties today existing.

I think we have to proceed on the basis that we are trying to make the application of this program a universal one. That is the only basis on which it could properly be received.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. TAFT. Mr. President, I shall be glad to have the other side take some time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I get the impression that the name of the game at the present time is to delay a final vote on the Pastore amendment. I am under the impression, unless I misread the temper on this side of the aisle, that we intend to bring the Pastore amendment to a vote and we do not intend to have this matter brushed aside in this fashion.

Frankly, we are of the impression that the President thinks this bill should pass, and if the Pastore amendment, or something along that line, is to be acted on, it will have to be done in this bill. So the determination on this side is to proceed to a decision.

Frankly, I think we might do better to adjourn and come back tomorrow, and then adjourn and come back on Monday.

The amendment before us is an amendment to subsidize, not a minor party, but a minuscule party and someone who has 10,000 signatures in several States to offer a candidate for the Presidency. We do not favor it. We have studied this matter for a great deal of time through the years, and we do not think we should subsidize a miniscule party.

I yield back my time.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield to me?

Mr. TAFT. I yield to the Senator from Colorado.

Mr. DOMINICK. If my understanding is correct, as the situation is now set up, without the Senator's amendment we have a situation where, in order to be eligible for tax funds which will be poured into these campaigns, one has to be either a candidate of a major party or a candidate of a party which ran in the last election, or he has to be a person who has the sheer courage to put himself up before the electorate, to incur an enormous number of debts, and then try to say, "OK, if we get 5 percent of the votes I will get a little of this money back."

But unless he does that, no one else would be eligible to run on a presidential ticket, if he is going to get any of these funds.

My understanding is that the Senator from Ohio is saying, "Let us make it easier for other parties to get into this act"—the young people who, as he said, are not enamored of either of the major parties or of the American Independent Party, they do not want to be members of the Socialist Party or the Socialist Workers Party, and they would like to form their own. What I gather the Senator is saying is that if they can get petitions in sufficient numbers from five States, at that point they would be eligible to get a base grant out of the proposal he has here; is that correct?

Mr. TAFT. That is correct. The only comment I would make on the Senator's comment is that I believe the situation is even more extreme than the Senator represented, in that even if a new party, having raised its own funds or borrowed money to get into this kind of situation, should succeed in getting 5 percent of the vote, it would not be entitled to be reimbursed for its expenses in that particular campaign. Going into the next presidential campaign, as I understand the amendment as presently drafted—and if I am wrong I would appreciate being corrected by the author of the amendment—as I understand it, until the next campaign, a new party would not be entitled to one penny of the public funds being distributed under this proposed title 10.

Mr. DOMINICK. We had a series of colloquies on this very point with the Senator from Rhode Island, and he kept referring us all the way through to subsection 3, starting on page 14 and going on to the end of the first sentence on page 15, the effect of which was, he said in effect, that if you run and you get 5 percent of the vote, under that provision you are entitled to something.

I have maintained all the way through that because of the definition of a minority party, this probably was not true. But he distinguishes between the second sentence on page 15, which refers to minor parties, and the first sentence, which refers to the candidates of a political party other than a major party. I do not really know what the distinction is, but this, apparently, is what is intended.

In any event, it seems to me that what the Senator is doing is trying to provide more equitably for those people who would like to start in the political field, but now find no real mechanism by which to do it.

Mr. TAFT. The Senator is absolutely correct. It seems to me, as I say, that American history is replete with instances of new parties having been formed, and with the tendency and direction that we see today of a multiplicity of parties and a multiplicity of interests in political matters, I think it is more likely to be true than ever.

Mr. DOMINICK. I would certainly hope we can get as many of the young people and the great leaders of this country over into the Republican and Democratic Parties as possible, but I also understand that, in sheer equity, we should not, by virtue of using the Federal Treasury, to which everyone who pays an income tax contributes, effectively eliminate minor parties. It seems to me that is what we would be doing by the proposal of the Senator from Rhode Island; so I certainly endorse the theory and the amendment of the Senator from Ohio, and I would hope that perhaps those on the other side of the aisle, the manager of the bill and the Senator from Rhode Island, would accept the Senator's amendment.

Mr. KENNEDY. Mr. President, will the Senator from Ohio yield for a question?

Mr. TAFT. I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. I understand that, under the terms of his amendment, a candidate could meet the minimum requirement to qualify for Federal funds by getting 10,000 signatures in each of five different States. Is that correct?

Mr. TAFT. The Senator is correct.

Mr. KENNEDY. And the funding ratio for such a candidate involves the total number of votes in the last election; is that correct?

Mr. TAFT. Let me correct the Senator. The total number of major party candidates.

Mr. KENNEDY. Then you multiply that ratio times the $20 million that a major candidate is eligible to receive. Is that also correct?

Mr. TAFT. Yes, or whatever the amount is that is determined to be the base.

Mr. KENNEDY. Under this legislation as of now, that figure is $20 million, as indicated in the bill.

Now, if you take the minimum number of signatures, 50,000, then divide by the 30 million votes a major candidate receives, $50,000, and then multiply by $20 million, how much in Federal money will such a candidate receive, if he just meets the minimum qualifications? Has the Senator worked out the mathematics on it?

Mr. TAFT. No, I have not. We can figure it in a moment.

Mr. KENNEDY. Well, I have worked out the mathematics, and I find that to be approximately $33,000, or about 67 cents for each signature. Is $33,000 what we are talking about, as the minimum?

Mr. TAFT. I think that is very nearly correct.

Mr. KENNEDY. What we have been trying to do here, in the Pastore amendment, is to develop a formula that strikes a proper balance for minor parties. We do not want to lock in the present two-party system, and we do not want to give excessive encouragement to minor parties. We have extensive hearings on the issue, and I think the amendment strikes the right balance.

Mr. TAFT. Mr. President, I think the Senator's comments show exactly what is wrong with the proposal of the Senator from Rhode Island. He is refusing to deal with the constitutional issue that is involved here.

The chairman of the committee has poo-pooed this suggestion, but there are serious constitutional questions here. I do not care how small the party is, it seems to me if it can get 10,000 signatures, it is entitled to participate in the American political process, and just as far as the major parties, which may have millions and millions of dollars.

Mr. KENNEDY. What we are trying to do is achieve some significant reform. We know that unless you are either a wealthy candidate or a candidate who can depend upon the wealthy for contributions, you will not be a successful candidate. Obviously, we have to reach a formula that is sensitive to first amendment rights. But that does not mean we have to give $33,000 to anyone who collects 50,000 signatures.

Mr. TAFT. Suppose a group of some young voters between 18 and 21, who have been somewhat disillusioned by the American political process, decide they want to start out this very year and nominate their own candidate for President, knowing they have no chance of prevailing, but, being dissatisfied with either major party candidate, they want to be heard; is the Senator saying to me that they should not be entitled to participate just as fully in the distribution of public funds to support their candidate as the candidates for the major party? I think that would be a terribly disillusioning, unfair, and restrictive practice. Certainly there is no reason why we have to sacrifice that kind of participation to obtain some kind of easy formula, which the Senator apparently seeks. I think the formula should be fair, and fair to all Americans, no matter what their political party might be.

Mr. KENNEDY. If the amendment were adopted, would the Senator from Ohio support this legislation?

Mr. TAFT. No. As I indicated, I think the concept is completely wrong.

Mr. KENNEDY. I ask the chairman of the Finance Committee whether, in reaching the formula here, the first amendment issue was considered, and whether the formula which has been included in the amendment of the Senator from Rhode Island is the result of the balanced judgment of the committee.

The PRESIDING OFFICER. Will the Senator withhold? Who is yielding time?

Mr. TAFT. It is my time.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I do not want to interject myself into the inquiry made by the Senator from Masachusetts of the distinguished chairman of the committee.

Mr. KENNEDY. We will suspend that for a moment.

Mr. MATHIAS. I simply wanted to propound a further question. There has been some reference here to hearings. I hope the distinguished chairman will tell us if there were hearings on this proposal, when they were, and under what conditions, because I think the very logical questions the Senator from Massachusetts has asked reflect the fact that we have really not gone back and had any real committee consideration of this matter, and so I am glad the Senator from Massachusetts has brought it up.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, the last hearings on this were in 1967.

I am not worried about the constitutional aspect of this matter. Any important matter, such as a bill of this type, can have constitutional considerations. We had the best advice the Johnson administration could give us, and it was the best advice that we could obtain from the counsel we had for our committee. We are not worried about the constitutional aspects.

Frankly, I do not think the Senator is worried about the problems of a minuscule party. I find great difficulty believing that the Senator from Ohio is really trying to start a new party. In any event, I really do not believe that it serves much purpose to debate it further. I do not think the Senate wants to subsidize a minuscule party. We have worked on this proposal over a period of years, with considerable study, to make adequate financing available to a substantial third party, and that has been done.

Mr. President, I am ready to yield back the remainder of my time.

Mr. TAFT. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. I merely want to say to the Senator from Ohio, relative to the remark that was made by the Senator from Massachusetts, that last night we were told by the distinguished Senator from Louisiana that, if we wanted to make these changes, we ought to offer amendments. Now every amendment is based on the fact that if we take this amendment, or even consider this amendment, you vote for the bill or for the amendment of the Senator from Rhode Island.

All I can say is that if you have such a disastrous piece of legislation as proposed in this amendment, and it has already been passed by the remarkable vote of 49 to 46, with everybody on that side of the aisle voting for it, minus three, and everybody on this side of the aisle voting against it, I think that as legislators we have an obligation to try to right some of the wrongs in it without being taunted every time we come up with an amendment and be asked, "Now that you put your amendment up, will you be for the amendment?"

Last night we were told by the Senator from Louisiana that, if we wanted to correct these problems, we ought to get our amendments in because, after all, we should not be swatting at gnats if we can get an amendment in to correct these little situations. All I can say is that what some of us on this side of the aisle are attempting to do—unfortunately, we are going to be outweighed in the final analysis—is to make some corrections in this.

Mr. LONG. I was under the impression that if someone was trying to correct the shortcomings of a bill, he would talk to those who are sponsors of it and make suggestions and say, "This is how it can be corrected." This was not even shown to me prior to the time it was offered.

I yield back the remainder of my time.

Mr. TAFT. I should like to explain, in answer to the comments of the chairman that, of course, this is an amendment to an amendment. I did not know, and nobody knew, until the Pastore amendment was presented on the floor, what the terms of that amendment were going to be. It takes time to review these things and to prepare the amendment. I did take to the desk of the Senator, before I offered the amendment, a copy of the amendment.

I think the proposal is simple. I think we can vote up and down on it, without having a prolonged period of study. There is a principle involved that I think it is important we consider.

I am not trying to delay. I am not going to favor title 10 of this bill, no matter what occurs on this amendment, but I do not like to take part in a legislative process that I think is unfair, inequitable, and unconstitutional, and therefore is likely to be set aside by the courts, at great public expense.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. COOK. Mr. President, I am delighted that the Senator from Louisiana made that remark, because I am on the Commerce Committee, and we worked very hard to bring out a political campaign bill. I was rather surprised when the Pastore amendment was apparently made available to everybody in the press. It was in the newspapers. We could not get a copy of it. A copy of it was not available. We read about the cosponsors.

My office asked for copies of the amendment the first thing Tuesday morning. They were not able to get any. Nobody could get them. It was not until almost noon on Tuesday that they were available to anybody. Yet, when the distinguished Senator from Rhode Island came in to handle this bill, in came the entire entourage from the Commerce Committee. This is not a Commerce Committee amendment. The Commerce Committee brought out a bill, and we had all the people from both the majority and the minority staffs of the Commerce Committee on the floor when we debated that campaign bill.

Apparently, we face a situation in which this was not written by the staff of the distinguished Senator from Rhode Island but was written by the staff of the Commerce Committee. How or why or under what circumstance, I really do not know. But it seems rather strange to those of us on the Commerce Committee—and I say this to the manager of the bill—that those of us on the Commerce Committee, when apparently the Commerce Committee staff was writing the amendment, could not even get a copy of this amendment until noon on Tuesday. Yet, we read about it in the newspapers, and we read who the cosponsors were. And it was not even available and was not submitted to the desk for printing until 4 o'clock Monday afternoon. Yet, the agreement that 6 hours would be required on this amendment was made on the floor of the Senate before the amendment was even available to anybody here.

So when the Senator from Louisiana says that when one comes up with an amendment, he usually talks to the managers of the bill, this is true, and I have no argument about that.

I might suggest to the Senator from Louisiana that I have a bill on the calendar which has been here since the middle of the summer, and it has had a "hold" on it. So I would hope that some day when I bring up this bill, nobody on the floor of the Senate will say that this came to them as a surprise.

I suggest that when we argue these things, we ought to be fair to the Members of the Senate and say, "Here we are with a situation that was brought in on this bill after we had pounded it out in the Commerce Committee and came out with the campaign spending bill," and not this bill at all as an amendment. All of a sudden, we find that the whole entourage is here to handle it for the benefit of the distinguished Senator from Rhode Island. Then we are told, "Here it is. Take a look at it, and then make some logic and sense out of it."

I can only say to the Senator from Ohio, no wonder he brings up this amendment. If a Senator sees that he cannot be successful in defeating a bill he thinks is bad, he has the legislative obligation, to the best of his ability, to correct what he considers problems in it, and he should not be criticized for doing so.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I have yielded back my time.

Mr. TAFT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 29, nays 68, as follows:

[No. 360 Leg.]

YEAS—29

Aiken
Allott
Baker
Beall
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Dole
Dominick
Fannin
Goldwater
Griffin
Hansen
Hruska
Javits
Mathias
Percy
Roth
Scott
Stafford
Taft
Thurmond
Tower
Weicker
Young

NAYS—68

Allen
Anderson
Bayh
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cotton
Cranston
Curtis
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Gurney
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—3

Hartke
Mundt
Saxbe

So Mr. TAFT's amendment was rejected.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. PASTORE. Mr. President, may we have order, please? This is a very important announcement.

Mr. MANSFIELD. Mr. President, could I have an idea as to how many amendments are to be offered.

I ask the Senator from Connecticut whether that means five or just one?

Mr. WEICKER. One, and possibly five.

Mr. COTTON. Does the distinguished majority leader mean to the bill?

Mr. MANSFIELD. To this section. I note that there are two from the Senator from Colorado.

Mr. DOMINICK. Six, I hope, but at least one.

Mr. MANSFIELD. That looks like seven at least. I understand that the pencils may be working overtime.

Mr. SCOTT. Mr. President, would the distinguished Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, the distinguished junior Senator from Kentucky is not here. He is on his way here, and we will ask him if he has anything to contribute to this. I think he has one or more amendments.

I inform the distinguished junior Senator from Kentucky that we were waiting so that he might inform us whether he has any more amendments.

Mr. COOK. I have three.

Mr. MANSFIELD. That makes 10.

UNANIMOUS-CONSENT REQUESTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the two divisions occur at 10 o'clock tonight.

Mr. PASTORE. Three divisions.

Mr. DOMINICK. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the divisions, all of them, two or three as the case may be, occur at 11 o'clock tonight.

Mr. DOMINICK. I object.

Mr. COOK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on all the divisions occur at 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection to the request of the Senator from Montana?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Well, Mr. President, I think the picture is pretty clear that there is a filibuster, not in the offing but in operation. It means, of course, that the President's program will be delayed. He is interested, I understand, in this tax package, which has been reported out of the Finance Committee and which has been considered on the floor for the past 4 or 5 days. There are many more amendments besides those which have been indicated, and they number 10. It is not my intention to keep the Senate in operation during a filibustering operation. And if it means delay or the defeat of the President's program, then I think the finger will have to be pointed at the party or parties who are responsible for this delay.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I have seen the pencils in the gallery moving at a magnificent rate of speed.

Mr. MANSFIELD. All day.

Mr. SCOTT. And I am certain they will now be ready to report that a filibuster is in progress, which I am immediately and categorically obliged to deny. And I will tell the Senate why—[Laughter.]—after the laughter of the traditional filibusterers has subsided.

Mr. COOK. I agree with that.

Mr. SCOTT. Mr. President, let me state that whenever amendments are offered by the distinguished majority leader's side of the aisle, they are referred to as legislation. We are confronted here by a surprise amendment which was concealed from us. Until yesterday afternoon, we were not apprised of the amendment which affects the whole future of the American electoral system, an amendment which is a tax grant, which is a slush fund, which is a bailout, and which is an attempt to require the unsuspecting taxpayer who will, by April, long since have forgotten the debate of November concerning the contribution of his money for candidates whom he is not supporting, whom he has no idea of supporting.

It is the most natural thing in the world that, confronted with a $20 million tax grant, the guardians of the public interest, here represented by the Republican Party, would react and react with considerable force.

This is not a filibuster. This is a reaction. This is a reaction against a slush fund. This is a reaction against the fact that the Democratic Party is unwilling to submit its candidate for the Presidency to the scrutiny of those who might support such a candidate in his electoral efforts, and the fact that those who do not believe they can raise the funds by straightforward methods are going to grab the taxpayers' money without telling him what they are doing. And they are going to say to the people of this country, "We only took $1 from each one of you." Well, those dollars multiply into a slush fund.

Mr. MAGNUSON. Mr. President, is the distinguished minority leader filibustering against me?

Mr. SCOTT. No, sir. I never filibuster against my friend, whom I love and admire. I am simply trying to correct an understandable error. (Laughter.)

The understandable error is that he would ever suspect this side of the aisle of filibustering.

Mr. MANSFIELD. Well, I see the pencils are still going pretty fast up there.

Mr. SCOTT. Mr. President, I would like the majority leader to know that we have as much right to offer amendments as his side does. And when you are outnumbered, you need amendments. [Laughter.]

When you are outnumbered, you need an opportunity to fall back and regroup, because the steamroller is operating. And this steamroller is operating in such a fashion that they have even brought back all the presidential candidates because the click, click, click, and the dong, dong, dong of the cash register has been heard in every senatorial district in America. I do not wonder that they are here. They are here to vote for a program without having to demean themselves. No longer will they have to lower themselves to their constituents and say, "Please support me." All they have to say is, "Slip this thing through, get us money from the taxpayers, and we will not have any trouble at all. We will use the money that normally comes in to pay our abject deficit and then we will take the rest and finance our campaign at the expense of the taxpayers."

Mr. MANSFIELD. But it cannot finance all of them.

Mr. SCOTT. But you are doing the best you can.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I have heard one of the most eloquent political speeches in all seasons by the minority leader.

Mr. SCOTT. Mr. President——

Mr. PASTORE. I did not interrupt the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island has been recognized.

Mr. SCOTT. As the keynoter of his party he makes excellent political speeches.

Mr. MANSFIELD. As the former national Chairman——

Mr. SCOTT. So do I. [Laughter.]

Mr. PASTORE. Mr. President, all I want to say is that in the prolonged issue of the Senator's speech he more or less contradicts himself in the Senate in saying that there is a strategy of delay on the final vote on this matter. We have talked time and time again about the majority expressing its will. I might agree that you Republicans were rather solid in your opposition to this bill. I simply have tried to explain as plainly and simply as I could that there was no intention on my part to make this a political amendment. [Laughter.]

Well, laugh if you will, but read the amendment, and you will understand what I am saying. After all, you gentlemen did vote this 5 years ago. You voted it 5 years ago. Why has it become so distasteful now that you have a Republican President? You voted for it when we had a Democratic President.

That is all we are doing again. We are reiterating what we did 5 years ago because of what is happening to the democratic process of electing a President. That is what this amounts to.

If you people have all the money you are boasting about, and you must have it—if that dinner you held a week ago where you raised $5 million in one night was any indication of what has been happening, then it is a pretty clear indication where you stand.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. PASTORE. Not that I begrudge it. [Laughter.]

Mr. PASTORE. Not that I begrudge it.

Mr. SCOTT. Mr. President, will the Senator yield for one brief comment?

Mr. PASTORE. Very briefly.

Mr. SCOTT. Does the Senator think that jealousy or envy is ground for legislation?

Mr. PASTORE. It is not jealousy or envy; it is a matter of realism. After all, gentlemen, you people have been saying time and time again that what the Democratic Party is trying to do is pay off its debt. That is not the story at all. All we are trying to do is give to a candidate an equal opportunity to project himself to the public. If it cost Nixon $50 million to do it, nothing in this bill would prevent it. We say the least you can do is to make sure other candidates have an opportunity for popular projection so the issues can be presented to the public.

You have taken the position we should not have a vote at all. The bill the President wants has to do with his fiscal policy, and I am one who voted for the 7-percent investment tax and I am one who voted for ADR—and I did that when many of those who are colleagues of the President, and were down there last week to his dinner, voted against it.

This idea that we are anti-Nixon or that we are antiadministration is a fallacy. We think something should be done here about financing a Presidential campaign. We said it before and we say it again.

If you people want to go on with dilatory tactics, stalling this and stalling that, your own bill will be jeopardized.

Mr. COOK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COOK. First, I wish to say to my colleague, the Senator from Rhode Island, that we started this amendment yesterday afternoon at something like 2 o'clock. It is a 29-page amendment. I might say the Senator from Rhode Island stayed to the end last night, as I did, and I think there were about four of us here, and I think there have been about four of us here today, until the bells ring.

I can only say to the Senator, and I hope the majority leader will agree, I have never supported a filibuster and never will support a filibuster. I was at all times unchanged in my position, which cannot be said for many Members of this body relative to rule XXII. I wish to see it amended and I will continue to wish to see it amended. But at the close of a legislative session I hate to be told by the majority leader on the floor, and by the majority whip in private conversations, that we have to get out of here. We did not bring this amendment up. It is my understanding that this amendment was brought up with the understanding of the manager of the bill, so he was aware this amendment was going to come up.

I can only say I know it is right to try to the best of one's ability to agree on time limitations on amendments, but we agreed yesterday, and I think the majority leader will agree to that, that we would vote on the Mathias amendment at 10 o'clock this morning—well short of the 6 hours of debate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. MANSFIELD. Mr. President, the RECORD should be corrected, as far as the assistant majority leader and I are concerned. We did not say we had to get out of here by the 1st. We said we were seeking to achieve that objective and we thought that was what the Senate wanted. If the Senate wants to stay in until midday on January 3, it is all right with us.

Mr. COOK. I apologize to the Senator.

Mr. MANSFIELD. No apology is necessary.

Mr. COOK. I think that is correct. The unfortunate part is that when a situation like this occurs, an amendment like this comes up, we are immediately asked whether we will limit amendments to 1 hour or to 30 minutes.

I might say that when an amendment like this goes on a major tax bill of this nature I can understand the frustration of the majority leader and the majority whip. Chaos occurs and chaos has occurred.

I am not sure what this amendment has to do with the bill. It does not have anything to do with it, but it is here. It was brought up by Members of this body who thought this was the time and place. Unfortunately, if we have to take more time on it, that is our duty and our responsibility. But, after a day and a half, Republicans are going to be accused of filibustering when I have seen honest, live filibusters go on for days and days and days before being called a filibuster, so I have to register some degree of objection to that.

Mr. MANSFIELD. I appreciate the remarks of the Senator. There is a certain amount of validity in what he says but the facts have to speak for themselves.

Mr. WEICKER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WEICKER. I thank the majority leader for yielding. I can assure him this is no filibuster on my part. I say to the Senator from Louisiana and the Senator from Rhode Island that, representing a State with 10-percent unemployment, we would like to know why this body is taking all this time on a measure to line its own pockets and keep itself in office—at a time when we have 85,000 people without a job in my State.

I said this afternoon in connection with the report on the bill—

Mr. PASTORE. Mr. President, on whose time is the Senator speaking.

The PRESIDING OFFICER. On the time of the Senator from Rhode Island.

Mr. PASTORE. I do not yield for that purpose.

Mr. MANSFIELD. Mr. President, I ask that the time be apart.

Mr. WEICKER. I believe the Senator yielded to me.

The PRESIDING OFFICER. Is the majority leader making his request from the time the Senator commenced?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. The purpose of the legislation before us, as stated by the report, was to:

> Put our present lagging economy on the high growth path.
>
> Increase the number of jobs and diminish the high unemployment rate.

I would like to know what the Pastore amendment has to do with that.

> Relieve the hardships imposed by inflation on those with modest incomes.

I would like to know what the Pastore amendment has to do with that.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WEICKER (reading):

> Provide a rational system of tax incentives to aid in the modernization of our productive facilities.

I would like to know what the Pastore amendment has to do with that.

> Increase our exports and improve our balance of payments.

I would like to know what the Pastore amendment has to do with that.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WEICKER. Not right now.

Mr. MANSFIELD. I will yield to the Senator from Rhode Island next time.

Mr. WEICKER. As far as I am concerned, what bothers me is the legislation introduced by the Senator from Rhode Island has nothing to do with any of these factors, other than to employ Democrats, and particularly Democratic politicians, and I feel quite vexed that this side is accused of filibustering when in fact the other side has brought in irrelevant material and there are people out of work while we debate this grab on behalf of Democratic presidential candidates. I am going to stay in the Senate all night, if need be, until we can get down to considering legislation to get the economy back on the road and get people back to work. That is what we are here for—not for ourselves.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. What did the Gurney amendment on social security have to do with this bill, and what did the Percy amendment on welfare have to do with the bill? But I voted for both of them. If the Senator is going to talk about what is irrelevant, they are all irrelevant matters, but the only trouble is that apparently it is an irrelevant situation that the Republicans on the other side go along with.

Mr. WEICKER. I believe we tabled that amendment.

Mr. PASTORE. That is right.

Mr. WEICKER. If the Senator will withdraw his amendment, I will withdraw mine, and let us get back to considering a bill to get people back to work.

Mr. PASTORE. All I want is a vote. If the Senator has the votes, he can have it and he wins, and if we have the votes, we can have it and we win.

Mr. MANSFIELD. Mr. President, this is a wholesome debate. [Laughter.]

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, it seems to me, since we are all confronted here with an incipient conflict of interest, since we are the beneficiaries of this shakedown, or checkoff, or whatever we call it, of the innocent taxpayers of the country, the best thing we could do would be to change the bill and have it apply after the election of 1972, because there may be presidential candidates who may be so motivated and so honorably and so completely convinced of the wrongness of this kind of shakedown that they would refuse to accept the money, and I am sure every Member of the Senate would refuse to accept the money, because, naturally, we cannot shake our constituents down against their own will. Maybe that is the way to do it, but while we are thinking that over and while we are considering our conflicts of interest, perhaps we had better consider going over until tomorrow morning, and perhaps by then sanity will have gained ascendancy and may even prevail.

Mr. MANSFIELD. Mr. President, may I say the use of the word "shakedown" is ill-advised—very ill-advised—because under the checkoff system what is done is done voluntarily. Nobody is forced to do any contributing under the measure now before us unless he desires to do so voluntarily.

I think that we have probably run out of reasonableness today, and therefore, Mr. President, I wish to make a further request.

ESTABLISHMENT OF A SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION—REFERRAL OF S. 2097 TO COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. MANSFIELD. Mr. President, yesterday the Senator from Connecticut (Mr. Ribicoff) reported from the Committee on Government Operations a bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

By prior unanimous consent, this bill, when reported, was to have been referred to the Committee on Labor and Public Welfare, but inadvertently it was placed on the calendar. Therefore, Mr. President, I ask unanimous consent that S. 2097 be taken from the Senate Calendar and referred to the Committee on Labor and Public Welfare for their consideration. I ask unanimous consent also that the names of Senators Ervin, Harris, Metcalf, Humphrey, Mundt, Mathias, Roth, and Brock be added as cosponsors of this bill at the next printing.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move——

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield very briefly.

Mr. SCOTT. Mr. President, would the Senator consider other amendments, in that case, which we might be able to dispose of tonight, other than on the Pastore amendment?

Mr. MANSFIELD. No; I think we had better stick with this until we decide one way or another.

Mr. SCOTT. As the Senator knows, we are anxious to get out of here.

Mr. MANSFIELD. Mr. President, again I make my unanimous-consent request that we vote on the divisions at 10 o'clock tonight.

Mr. SCOTT. That is up to the Senate.

Several Senators objected.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we have a vote at 11 o'clock tonight.

Several Senators objected.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we vote on them at 10 o'clock tomorrow morning.

Several Senators objected.

Mr. MANSFIELD. Mr. President, there was no objection.

Mr. GOLDWATER. Yes, there was.

Mr. PASTORE. How about 5 o'clock?

Mr. MANSFIELD. I will take that suggestion.

Mr. President, I ask unanimous consent that there be a vote on the divisions at 5 o'clock tomorrow afternoon.

Mr. GOLDWATER and other Senators objected.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Pastore amendment and all amendments thereto be set aside and that the Senate proceed to the consideration of and vote on amendments to the tax bill.

Mr. MANSFIELD. Mr. President, I object, and I move that the Senate adjourn——

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. Very briefly.

FOREIGN MILITARY ASSISTANCE AUTHORIZATIONS, 1972

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2819.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing that it had passed the bill (S. 2819) to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes; with amendments on which it insisted, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

FOREIGN ECONOMIC AND HUMANITARIAN ASSISTANCE AUTHORIZATIONS, 1972

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2820.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing that it had passed the bill (S. 2820) to provide foreign economic and humanitarian assistance authorizations for the fiscal year 1972, and for other purposes, with amendments on which it insisted, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. Without objection, action will be taken on the two messages from the House en bloc.

Mr. FULBRIGHT. Mr. President, the Senate today has been asked to engage in a very unusual and unique activity—an activity which for reasons of precedent concern the legislative role of the Senate.

We are asked to name conferees on a bill which was soundly defeated in the Senate by a vote of 27 to 41—the foreign aid bill. The bill we defeated by that vote on October 29 was H.R. 9910. After defeat of that bill, the Senate then passed two bills, S. 2819 and S. 2820.

But today, by a vote of 269 to 115, the House adopted a rule which resurrected H.R. 9910. The text of that most unusual rule follows:

> *Resolved,* That immediately upon the adoption of this resolution and without the intervention of any point of order the bills of the Senate S. 2819 and S. 2820 are hereby taken from the Speaker's table; that said Senate bills are hereby amended by striking out all after the enacting clause of each such Senate bill and inserting in lieu thereof the text of the bill H.R. 9910 as passed by the House on August 3, 1971; that the said Senate bills as so amended shall be considered as read a third time and passed; that the title of each such Senate bill shall be amended by striking out such title and inserting in lieu thereof the title of H.R. 9910; that the House insists upon its amendments to each such Senate bill and requests conferences with the Senate, and that the Speaker appoint managers on the part of the House to attend each such conference.

The effect of the adoption of this rule is that the other body has flatly refused to give any consideration to the two bills passed by the Senate. This action is in the opinion of experts on procedure without any known precedent.

This is an extraordinary procedure. I hope that before this session ends the House as a whole will have an opportunity to have a direct vote on foreign aid legislation in accord with the procedure usually followed in these matters.

For my part, I shall do everything I can in conference to insure that the will of the Senate prevails.

Mr. FULBRIGHT. I move that the Senate agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Fulbright, Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Aiken, Mr. Mundt, and Mr. Case conferees on the part of the Senate.

Mr. FULBRIGHT subsequently said. Mr. President, I ask unanimous consent that the name of the Senator from Kentucky (Mr. Cooper) be substituted for the name of the Senator from South Dakota (Mr. Mundt) as a Senate conferee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Now, Mr. President——

Mr. MAGNUSON. Mr. President, will the Senator yield for just one question?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. As the Senator knows, and the Senate should know, the Appropriations Committee is ready to report the Defense appropriation bill.

Mr. MANSFIELD. That is going to be called——

Mr. MAGNUSON. I want to ask this question, for the benefit of Senators, because it is a $73 billion bill——

Mr. BYRD of West Virginia. Mr. President, we cannot hear what the Senator is saying.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. When does the Senator think we will bring up the Defense appropriation bill?

Mr. MANSFIELD. When we are through with the pending business, which could be this week, but is very unlikely now. It could be next week, but, if necessary, it could be after Thanksgiving.

Mr. MAGNUSON. I thank the Senator for his answer. I wanted the Senate to know that, because many people are waiting for the Defense appropriation bill.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1972—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Tunney). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report which reads as follows:

CONFERENCE REPORT (H. REPT. NO. 92–676)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.J. Res. 946) "making further continuing appropriations for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment: That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

That the joint resolution of July 1, 1971 (Public Law 92–38), as amended, is hereby further amended (1) by striking out "November 15, 1971" in clause (c) of section 102 and inserting in lieu thereof "December 8, 1971"; and (2) by adding at the end thereof the following new section:

"SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder for foreign economic and military assistance and sales shall not exceed the rate provided for in authorization bills for such assistance passed during the first session, ninety-second Congress: *Provided,* That, whenever the rate of obligations for such assistance made available under such an authorization bill as passed by the Senate is different from that contained under such a bill as passed by the House, the rate of obligations shall be limited to the lower rate.";

and the Senate agree to the same

George Mahon,
Jamie L. Whitten,
Otto E. Passman,
Frank T. Bow,
Garner E. Shriver,
Managers on the Part of the House.

Allen J. Ellender,
John L. McClellan,
William Proxmire,
Daniel K. Inouye,
Milton R. Young,
Margaret Chase Smith,
Roman L. Hruska,
Managers on the Part of the Senate.

Mr. ELLENDER. Mr. President, the House passed this continuing resolution on November 10 and stipulated that the previous continuing resolution be continued until the sine die adjournment of tht first session of the 92d Congress.

The Senate version of the resolution extended the expiration date to December 1, 1971. The Senate amendment also provided that the interim rate for operations for the foreign assistance program would be the lower of the rates contained in the foreign assistance authorization legislation passed by either House in the present session or the rates that obtained during the period of July 1, 1971, through November 15, 1971—the lower amount in each instance.

In conference with the House of Representatives on November 18, 1971, it was agreed that the House would accept the Senate amendment relating to the foreign assistance program. However, the conferees decided to make the expiration date of the continuing resolution December 8, 1971, rather than the date of December 1 as provided in the Senate amendment. The managers on the part of the House advised the Senate conferees that there was no way they could report on the remaining appropriation bills by December 1, but that there was a reasonable chance to process them before December 8.

Mr. President, I ask unanimous consent that the requirement that the conference report on this resolution be printed as a Senate report be waived inasmuch as, under the rules of the House of Representatives, it will be printed as a report of the House of Representatives. The reports are identical.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the conference report.

Mr. FULBRIGHT. Mr. President, when the conferees agreed to the extension until December 8, was it with the understanding that there would be no continuing resolution beyond that date?

Mr. ELLENDER. That is the understanding under which the Senate conferees agreed to the conference report.

Mr. JAVITS. Mr. President, we cannot hear. What was the question of the Senator from Arkansas?

Mr. FULBRIGHT. The Senator from Louisiana merely confirmed my understanding that the condition under which the Senate conferees accepted the date of December 8 was that there would be no further request for a continuing resolution.

Mr. JAVITS. The only amendment is that they extended the date until December 8, and that is all?

Mr. ELLENDER. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ROUTINE MORNING BUSINESS

The routine morning business transacted today is printed at this point in the RECORD by unanimous consent.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on the Department of Defense Procurement from Small and Other Business Firms, for July–August, 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED FOREIGN AID TRANSPORTATION REGULATORY ACT OF 1971

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to provide for the regulation of rates of air carriers and foreign air carriers in foreign air transportation, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT OF ACTIVITIES OF EAST-WEST CENTER IN HONOLULU

A letter from the Secretary of State, transmitting, pursuant to law, a report of the activities of the East-West Center in Honolulu, for the year ended June 30, 1971 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Savings Available By Consolidating Certain Reserve Fleet Activities," Department of Commerce, Department of Defense, dated November 18, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Financial Statements of Saint Lawrence Seaway Development Corporation Calendar Year 1970," Department of Transportation, dated November 18, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION CONCERNING DISTRIBUTION OF JUDGMENT FUNDS TO PERSONS OF CALIFORNIA INDIAN DESCENT

A letter from the Assistant Secretary of the Interior submitting proposed legislation to provide for the preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 46

"Relative to private industry employee retirement or pension plans

"Whereas, The growth in size, scope, and numbers of private industry employee benefit plans in recent years has been rapid and substantial, and the continued well-being and security of millions of employees and their dependents are directly affected by these plans; and

"Whereas, Private industry employee benefit plans have become an important factor affecting the stability of employment and the successful development of industrial relations and have significantly influenced commerce because of the interstate character of their activities, and of the activities of their participants, and the employers, employee organizations, and other entities by which they are established or maintained; and

"Whereas, Owing to the lack of employee information and adequate safeguards concerning their operation, it is desirable in the interests of employees and their beneficiaries, and to provide for the general welfare and the free flow of commerce, that disclosure be made and safeguards be provided with respect to the establishment, operation, and administration of such plans; and

"Whereas, Such plans substantially affect the revenues of the United States because they are afforded preferential federal tax treatment; and

"Whereas, Despite the enormous growth in such plans many employees with long years of employment are losing anticipated retirement benefits owing to the lack of vesting provisions in such plans, and because of the inadequacy of current minimum standards the soundness and stability of plans with respect to adequate funds to pay promised benefits may be endangered; and

"Whereas, Due to the involuntary termination of plans before requisite funds have been accumulated, employees and their dependents have been deprived of anticipated benefits; and

"Whereas, It is therefore desirable in the interests of private industry employees and their beneficiaries, for the protection of the revenue of the United States, and to provide for the free flow of commerce, that minimum standards be provided assuring the equitable character of such plans and their financial soundness; and

"Whereas, Public employees' retirement plans have been established by various state legislative bodies, and are operated under their control and review, are subject to their direction and audit and as such are adequately controlled and should not therefore be subject to the control of federal legislation; and

"Whereas, There are two or more bills presently under consideration by the 92nd Congress of the United States, which would implement comprehensive plans to alleviate the problems or inequities presently existing in the area of employee benefit plans; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the United States Congress be memorialized to consider legislation to implement comprehensive plans to alleviate the problems or inequities presently existing in the area of private industry employee benefit plans; and be it further

"*Resolved*, That public employee retirement plans be specifically exempted from such legislation; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION NO. 42

"Relative to an exchange program between Argentina and California regarding the Bermejo River Basin Inter-American Multiple Development Project

"Whereas, The Bermejo River Basin Project is of International and Inter-American character and represents the establishment of a direct bond of union among Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay, and an indispensable basis for the proposed Latin American Free Trade Association; and

"Whereas, The navigable canals of the project will facilitate intercommunication between the Atlantic and Pacific Oceans across the southern part of South America, and the multiple development will include all aspects of land development, production of natural resources, and industrialization; and

"Whereas, The multiple development of the Bermejo River Basin with its canals, dams, hydroelectric and other projected works will solve national and international economic and national social problems of the countries involved; and

"Whereas, The State of California has specialists and engineers in the State Departments of Agriculture, Water Resources, and Public Works, who have unique expertise in regard to all aspects of projects similar to the Bermejo River Basin Multiple Development Project; and

"Whereas, An exchange program between Argentina and California that would allow personnel who have ably demonstrated their capabilities for these California agencies to participate in the development of the Bermejo River Basin in conjunction with the United States government would improve and strengthen inter-American relationships on both a western hemisphere and country-to-country basis; now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully requests the President and Congress of the United States to appropriate foreign assistance funds for the purpose of an exchange program between Argentina and the State of California as set forth regarding the multiple development of the Bermejo River Basin; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the United States Senate, to the United States House of Representatives, and to each of the Senators and Representatives from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Veterans' Affairs:

"SENATE JOINT RESOLUTION NO. 38

"Relative to establishment of national cemeteries

"Whereas, It has come to the attention of the Members of the California State Legislature that there are currently no spaces available in national cemeteries in California to bury the veterans of wars which were fought to preserve our freedom; and

"Whereas, Since the Civil War, this nation has guaranteed to veterans who faithfully served in wartime the privilege of interment; and

"Whereas, There are now over thirty million veterans who are eligible to be buried in a national cemetery, with only approximately two hundred thousands spaces available; and

"Whereas, Every year during the Vietnam War we add over one million new veterans to the long list of those who qualify for burial in a national cemetery; and

"Whereas, Even though the veteran and his family, if they so request, are buried at no cost to themselves, they must nevertheless pay the costs of transportation to the nearest national cemetery; and

"Whereas, The nearest national cemeteries to California with space are located in Portland, Oregon, and in San Antonio, Texas; and

"Whereas, Last year the entire town of Port Chicago was condemned to provide a buffer zone for the Naval Weapons Depot and this vacant land is now serving no useful purpose; and

"Whereas, The area of Port Chicago and the land adjacent thereto contains 2,867.82 acres, which are capable of providing over two and a half million grams, with adequate space left for landscaping and roadways; and

"Whereas, Lands surplus to the needs of the Navy and incident to the bigger zone created for protection to the public are appropriate to a national cemetery; and

"Whereas, The desert area near Palm Springs, California, would serve as an additional appropriate site for a national cemetery to serve the burial needs of veterans in southern California and adjacent areas; and

"Whereas, Vandenberg Air Force Base would also serve as an additional appropriate site for a national cemetery to serve the burial needs of veterans in southern California and adjacent areas; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the Congress of the United States and the Veterans Administration to consider for national cemeteries such sites together with all other potential sites in California, and to establish one or more national cemeteries in California; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Veterans Administration, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the California Legislature; to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION No. 52

"Relative to providing treatment for drug addiction of Vietnam veterans

"Whereas, The effects of the war in southeast Asia have led to an outbreak of an insidious epidemic of drug addiction afflicting thousands of American servicemen in Vietnam with a deadly disease they cannot control; and

"Whereas, The veterans of this war are now returning to their homes within the United States, and suffering from the pain and horror of drug addiction without benefit of medical treatment, rehabilitation, and preventive education; and

"Whereas, The federal government of the United States should assume responsibility for the health and welfare of those men victimized by this war; and

"Whereas, There is within the State of California an institution administered by the state's Department of Veterans Affairs which has the physical capability to provide for the necessary medical treatment, rehabilitation, and preventive education of Vietnam veterans returning to their homes within the State of California; and

"Whereas, The Veterans Home and Hospital located at Yountville, California, should be utilized by the federal government, in close cooperation with the government of the State of California, for the purpose of providing for the necessary medical treatment, rehabilitation, and preventive education of California residents who are returning home from Vietnam afflicted with drug addiction; and

"Whereas, There are within the State of California many drug treatment programs in community mental health facilities (including more than 20 methadone maintenance programs) and at state hospitals which are capable in assisting in the treatment of drug addiction of veterans of the Vietnam War; and

"Whereas, There is within the State of California at DeWitt Hospital a most suitable treatment center capable of assisting in the treatment of drug addiction of Vietnam veterans; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the federal government of the United States be requested to take all actions necessary, including financial assistance, in close cooperation with the government of the State of California, directed toward the utilization of the Veterans Home and Hospital in Yountville, California, DeWitt Hospital in Auburn, California, and the community mental health facilities and state hospitals in California for the purpose of providing for the necessary medical treatment, rehabilitation, and preventive education of Vietnam veterans who are afflicted with drug addiction, and who are residents of California; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, the Administrator of Veterans Affairs, the Director of the California Department of Veterans Affairs, and the Director of Mental Hygiene.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–498).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S.J. Res. 149. A joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year" (Rept. No. 92–499).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

S. 2878. A bill to amend the District of Columbia Election Act, and for other purposes (Rept. No. 92–502).

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

S. 1938. A bill to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury (Rept. No. 92–500).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 50. A concurrent resolution authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document (Rept. No. 92–492);

S. Res. 138. A resolution authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate (Rept. No. 92–493);

S. Res. 182. A resolution to provide additional funds for the Committee on Finance for routine committee expenditures (Rept. No. 92–494);

S. Res. 185. A resolution to provide additional funds for the Committee on Veterans' Affairs (Rept. No. 92–495);

S. Res. 187. A resolution authorizing the printing for the use of the Committee on Government Operations of additional copies of part 4 of its hearings entitled "Organized Crime" (Rept. No. 92–496);

S. Res. 197. An original resolution temporarily suspending rule IV of the Rules for the Regulation of the Senate Wing of the U.S. Capitol to permit a photograph of the Senate in session (Rept. No. 92–497);

S. Res. 198. An original resolution to pay a gratuity to Williemae C. Abney; and

S. Res. 199. A resolution to pay a gratuity to Mamie B. Wallace.

REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS"—REPORT OF A COMMITTEE (S. REPT. NO. 92–501)

Mr. BAYH, pursuant to Senate Resolution 335, 91st Congress, second session, submitted a report entitled "Constitutional Amendments" from the Committee on the Judiciary, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 2872. A bill to amend the Social Security Act to increase benefits, raise the earnings base, improve computation methods, and otherwise improve the program of old-age, survivors, and disability insurance programs; to make improvements in the medicare, medicaid, and maternal child health program with emphasis upon improvements in the operating effectiveness of such programs; and to improve the public assistance programs; and for other purposes. Referred to the Committee on Finance.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2873. A bill for the private relief of James J. Eder, Sr. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S. 2874. A bill for the relief of Roy Ramon Solano Salas. Referred to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2875. A bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduced rate rail passenger transportation granted by railroads to employees upon retirement and to clarify the intent of such Act with respect to the preservation of such rights. Referred to the Committee on Commerce.

By Mr. BOGGS:

S. 2876. A bill for the relief of Anne M. Connell. Referred to the Committee on the Judiciary.

By Mr. TAFT:

S. 2877. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. EAGLETON, from the Committee on the District of Columbia:

S. 2878. An original bill to amend the District of Columbia Election Act, and for other purposes. Ordered placed on the calendar.

By Mr. JAVITS:

S. 2879. A bill to authorize the President of the United States to agree to change the par value of the dollar. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SYMINGTON:

S. 2880. A bill for the relief of Manuel Yaroschevsky, Paulina Yaroschevsky (also known as Paulina Strolliar), Daniel Yaroschevsky, and Claudia Yaroschevsky. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2872. A bill to amend the Social Security Act to increase benefits, raise the earnings base, improve computation methods, and otherwise improve the program of old-age, survivors, and disability insurance programs; to make improvements in the medicare, medicaid, and maternal child health program with emphasis upon improvements in the operating effectiveness of such programs; and to improve the public assistance programs; and for other purposes. Referred to the Committee on Finance.

Mr. CHILES. Mr. President, our national and State systems for providing financial and other assistance to those who truly need it have reached the crisis state. I use the description carefully; alarmists who characterize every major problem as a crisis fool us into believing that we can treat all such problems equally, that one is no more important than the other.

But the crisis in welfare is real and is so out of control that the number of welfare recipients in the United States has doubled from 7.2 million in 1961 to about 14.4 million today. During 1970 alone, welfare recipients grew by 2.3 million. Another 26 million Americans receive social security benefits. Welfare, including our social security system, is—after the general state of our economy and international security—the most pervasive and important influence on our pocketbooks, on our morale, and on the future of our Nation as a strong, independent Union.

But every crisis has both a challenge and an opportunity. Our challenge is:

To support all of the truly needy throughout our Nation adequately while equitably distributing the financial burden for that support.

To encourage the work system and family system by providing strict requirements and strong incentives which are fairly and uniformly enforced.

To separate those who are potentially self-dependent from the truly needy and restrict direct public payments only to the truly needy.

Our opportunity is:

To take advantage of the general public support for welfare reform which now is widespread throughout the Nation.

To build on the good features of reform measures already proposed.

I offer today an alternative to welfare reform which responds directly to our threefold challenge by combining new ideas with the best features of reform plans already under consideration.

In support of my bill, today I want to:

Define the nature of the welfare crisis so that we can react intelligently to its causes and characteristics.

Discuss the history of major welfare programs.

Outline recent major reform proposals and their responses to each of the causes and characteristics of the current welfare crisis.

Offer an alternative plan which builds on the good features of some recent proposals and sets forth ways to respond positively to the causes and characteristics of the welfare crisis which are not adequately treated by the other major reform proposals.

I shall discuss each of these major points in turn.

NATURE OF THE WELFARE CRISIS

All the rhetoric about the welfare crisis boils down to a vicious cycle which can be simply stated but not simply stopped:

Increasing numbers of people on welfare, closely tied to increasingly large benefit payments, place a greater and greater financial burden on the low- and middle-income taxpayer. As his relative tax burden—including social security payroll taxes as well as income taxes—increases, the taxpayer's incentive to work decreases. If he is on the low end of the income scale, the working taxpayer may find that welfare payments are larger than any after-tax income he or his family can bring in. He thus may slide over into the growing group of nonworking poor who are supported only by welfare checks. His family may fall apart, an alarming trend encouraged by the current welfare system which often makes it unprofitable for families to stay together.

As more and more people go on welfare, the truly needy—those who do not have the physical or mental abilities to support themselves—receive relatively less, sometimes less than they need to stay alive. This entire cycle is made even worse by cumbersome administrative processes and even fraud.

All together, our Federal and State welfare systems are undermining our faith in the work and family traditions which always have been at the core of our strength. Americans have begun to doubt the very ability of their Government to cope adequately with difficult, pervasive problems.

Today we have created a welfare nursery in which we are seeing the results of the third and fourth generation child we have placed in this nursery, and how we break that cycle is the problem we must try to solve.

From this cycle, we can identify six major causes and characteristics of the current welfare crisis which must be considered by any reform attempt:

First. Deterioration of belief in the work ethic among those who are physically and mentally capable of supporting themselves and their families. A good welfare system would strengthen the work ethic by separating the truly needy from those who can support themselves and limiting Government support to the truly needy.

Second. Deterioration of reliance on our family structure, both among the truly needy and among those who can but do not support themselves. A good system would encourage family stability by including greater relative benefits for families who stay together.

Third. Lack of adequate support for the truly needy. A good system would provide equal and adequate support, in the form of financial payments and necessary health and counseling services, to all the truly needy. If those who can support themselves are given strong incentives to do so, then more money and energy will be available to provide adequately for the truly needy.

Fourth. Inequitable distribution of the welfare financial burden. Low- and middle-income taxpayers, primarily those in the $6,000 to $11,000 annual income group, now bear a greater relative burden of income and social security taxes than higher bracket taxpayers. This causes some of the working poor to think frequently about dropping out and placing their names on the growing lists of welfare recipients. A good welfare system would distribute the tax burden equitably, requiring those with more income to pay their fair share and relieving the low-income taxpayer of a difficult burden which undermines his belief in the work ethic.

Fifth. Difficult, cumbersome administrative procedures now hamper separation of the truly needy from the potentially self-supporting, result in inadequate benefits to the truly needy and undermine the work ethic and the family structure. A good system would be simple to administer, would apply uniformly and fairly to all who came in contact with it, and would be decentralized as much as possible for effective response to citizens' needs.

Sixth. Periodic fraud has tagged the welfare system with a "give-away" label. A good system would benefit only the truly needy, be fairly administered, and close unjustifiable loopholes through which large amounts of welfare dollars now flow.

These six causes and characteristics of our current welfare crisis are closely tied together. What is cause and what is effect will be the subject of endless debate for years to come.

Endless debate intrigues some. But it does not feed the truly needy, ease the financial burden which welfare now places on the low- and middle-income taxpayer, or stop the fraud.

I want to stop the cruel welfare cycle which is deadening our spirits and robbing our pocketbooks needlessly. But I want to do it by recognizing the real nature of the welfare crisis and by building on the best features of efforts which have preceded mine.

An article written by Robert L. Bartley, and published in the Wall Street Journal of July 22, 1971, discusses the nature of the welfare crisis in more detail. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 22, 1971]

WHY THE WELFARE CRISIS IS A CRISIS

(By Robert L. Bartley)

WASHINGTON.—In the first place, everyone agrees that the nation faces a welfare crisis. In the second place, everyone agrees that something must be done. In the third place, trouble is, few people agree on what makes the welfare crisis a crisis in the first place.

With a new round of the welfare debate about to open, as the Senate Finance Committee holds the first public hearings on this year's much-modified proposals, it may be an apt moment to ask a few basic questions: What is it, precisely, that makes welfare a crisis, anyway? What went wrong? And why?

What is it, in still other words, that we want welfare reform to accomplish? Failure to agree on objectives was the intellectual trouble that helped kill President Nixon's Family Assistance Plan in the Finance Committee last year. The House Ways and Means Committee came up with its own answers to the problem this year in private sessions, writing the bill that Chairman Wilbur Mills then steered quietly through the House. The problem has been that many objectives are urged, most of them are valid, most of them are mutually exclusive and most of them are not really rooted in a firm sense of what constitutes the crisis.

In many quarters, including most of the welfare bureaucracy, the automatic assumption is that the objective of welfare reform is to get more money to the poor, and to reduce regulation of them to a humane minimum. Certainly this is a valid objective. No one would relish raising a family on even the most generous welfare grant, let alone the pitifully low ones in Southern states. No one who has ever dealt with any bureaucracy could fail to sympathize with anyone whose very livelihood depends so directly on the decisions of one.

NEW YORK CITY'S CRISIS

Yet what does this have to do with the welfare crisis? Could we solve the crisis by raising all benefits to the poverty level and determining eligibility by a simple declaration of need? New York City has already done both of those things. The state legislature has been cutting back the welfare benefits there, but at one time welfare and associated programs like Medicaid gave a family of four an income equivalent to about $5,500 a year. In three welfare centers the declaration system has in fact applied. Has the welfare crisis been solved in New York City? No, it is particularly intense there.

On the opposite side of the debate, though, the equally automatic assumption is that welfare is too costly and the rolls too large. Again, there is validity here. Aid to Families with Dependent Children, the welfare category where the problem is, now supports 10 million persons, or 5% of the entire nation. It costs the federal government more than $3 billion a year, and the additional state contributions have put heavy strains on their treasuries.

Yet some 26 million people receive Social Security benefits. The Veterans Administration pays $2.4 billion a year merely in the category of "non-service-connected" pensions. There is no "Social Security crisis" or "veterans crisis." Why is there a welfare crisis?

There are a number of answers to this question, some of them not very pretty. The disproportionally black AFDC rolls, for example, make them an object of racial prejudice. Yet the sense of a welfare crisis reaches far beyond the racists, and it does have an entirely legitimate basis. The beginning of wisdom is to understand that the welfare crisis arises not from the size of the rolls, but from their rate of growth.

In 1967 Congress was already upset at the growth in welfare rolls, which had doubled to 4.6 million in the previous decade. It wrote a bill intended to slow the growth by promoting work, and was denounced as "anti-welfare" for doing so. By today, less than four years later, the rolls have more than doubled again. During 1970 alone they grew by 2.3 million, almost as much as the decade's growth that originally upset Congress. By 1977, according to government projections, they will stand at 20 million, a five-fold growth in 10 years under the 1967 law.

Almost anyone will instinctively recognize this sort of growth as a crisis. But, to continue with the basic questions, precisely why? The financial implications are far from trifling, as generous states like New York have discovered. But this is not the heart of it, and transferring these costs to the federal government would not end the crisis. The heart of it is that such growth has powerful overtones of social disintegration.

This growth, which has continued in the midst of economic boom as well as the recent slowdown, suggests that the welfare system has somehow evolved into something quite more than a means of sustaining the destitute and tiding the unlucky over bad times. The destitute and unlucky simply cannot be increasing that rapidly and consistently. The question inevitably arises, how did all those people get along the year before? How can there by 5.4 million persons who made it in 1967 but have no alternative to welfare in 1971?

The growth suggests that welfare is in the process of becoming a means of supporting a growing non-working class, and this can scarcely be a happy omen for society. Work is not merely an economic device, after all, but has important social consequences. Certainly it's a source of interpersonal ties and social identity. A family not tied to the work system is likely to suffer intense social isolation, especially in urban slums with little other social structure.

Society has enough divisions, also, without one pitting a class collecting welfare against a class paying for it through taxes. This is especially dangerous if the division runs, as it tends to in so many minds, parallel to a racial one.

While the Protestant ethic may indeed be outmoded as a moral code, finaly, it remains the only visible path to upward social mobility. Even if given individuals have little prospect for jobs that yield immediate social advance, this path remains important for their children and their social groups. It's hard to see how children reared in a non-working class could acquire the habits and expectations likely to make them upwardly mobile. Intriguingly, New York City, with its progressive welfare system, seems to be one of the few places in the nation where black incomes failed to rise faster than white ones during the 1960s.

What has gone wrong with welfare, what causes the crisis, is a caseload growth that signifies the creation of a huge, unrooted urban class, existing beyond many of the informal bonds that hold any society together. If this is true, the next basic question is, why? What causes this to happen? Alas, no one is confident of any answer to this question.

Some of the best hints, though, are found in a study done in 1969 for the Ways and Means Committee. Among other things, it included a study of welfare usage in 11 cities, correlating a number of economic, administrative and attitude-measurement variables with the proportion of each city's poor population dependent on welfare support. The researchers warn that results are tentative, as always, but they are interesting nonetheless.

The factor having the strongest relationship to welfare use was the professionalism of the city's caseworkers. Welfare usage was dramatically lower in cities where a relatively large proportion of welfare workers belonged to professional associations, read professional journals and had taken graduate courses in social work. This factor and low welfare use had a statistical correlation of .825 out of a possible 1.000; correlations this high are only rarely discovered in statistical work.

There was a particularly dramatic comparison between New York City and Rochester, N.Y., where both departments work under identical rules and laws. New York City, with the lowest score in caseworker professionalism, ranked first of the 11 cities in welfare use. Rochester, with the best professionalism score, ranked seventh.

The next highest factor that researchers found relevant to welfare usage was the size of the welfare grant. This had a correlation of .610, still well within the range statisticians consider evidence of a meaningful relationship. The researchers concluded, "Grant levels do seem to act as a disincentive to employment when they exceed wage levels."

THE CHEATING FACTOR

The study, by contrast, did not offer much support for the idea that "cheating" has been a large factor in caseload growth. Field investigations of a sample of New York AFDC cases found 9.4% of them ineligible, though half of these were eligible by need standards and merely classified in the wrong welfare program. This ineligibility rate, as well as the overpayments and underpayments the study discovered, is a serious administrative problem, but it is not the sort of figure that explains the explosive growth in welfare caseloads.

Note carefully, though, that "cheating" is applying for welfare *in addition* to working. The figures in the 1969 study in no way measure the extent to which AFDC caseloads represent recipients applying for welfare *instead* of working. The latter is by far the most interesting and more important question.

The conventional wisdom of course, is that few welfare recipients are employable. Employable adults, we're told, make up only 4% of the rolls, but this figure is misleading on its face. Each adult has on the average three dependents, so putting that 4% to work would reduce the rolls 16%.

Beyond that, such figures rest on an assumption that mothers should not work. Yet nationally the labor force already includes 40% of all American mothers with children under 18, and a third of those with children under six. The conventional wisdom seems increasingly suspect, finally, as the soaring caseload sweeps in more women with favorable educational backgrounds and work experience.

Rep. Mills seems to be closer to the truth when he told the House that new recipients "do come from the working poor." That 1969 study in New York City found that only 18% of welfare mothers had never worked, down from 29% in 1961. Another 18% had experience in white-collar jobs, up from 7% in 1961. All in all, the picture that rather strongly emerges is one of welfare recipients being increasingly induced to neglect work and depend entirely on government benefits.

Administrative approaches and grant levels play a part in these inducements, the 1969 study suggests. But the same study also says all of the factors studied are so closely interrelated that they suggest "a single underlying condition." And several close students of the welfare problem believe this condition is nothing less than a change in social and cultural values, particulary toward low-status jobs.

A CHANGE IN VALUES

Increasingly it's seen as simply wrong to work as a janitor or maid, and certainly to urge anyone else to do so. Recipients should go off welfare, most good people believe, only to jobs with "career ladders" or other visible advancement possibilities. Harvard sociologist Nathan Glazer writes, "To my mind, the heart of the crisis is a massive change in values which makes various kinds of work that used to support families undesirable to large numbers of potential workers today. How to reform that, I don't know, since this change in values is itself the product of an affluent society."

A cruel irony, then, haunts all efforts at welfare reform. It's impossible to dismiss the chance that a huge unrooted class is inevitable, that the by-products of affluence include a lumpen proletariat, increased strains between workers and non-workers and a decline in social mobility.

This possibility is obviously not one to be accepted stoically; remedies ought to be tried even if they eventually fail. And there is enough data on the caseload increase and its causes to assess at least tentatively whether welfare reform proposals make sense in terms of the real crisis. But no reform is likely to succeed if we fail to recognize the haunting possibilities implicit in the recent caseload trends, if we fail to understand what the crisis is all about.

HISTORY OF MAJOR WELFARE PROGRAMS

Mr. CHILES. Before the major economic dislocations suffered by the United States during the 1930's, care of the needy was solely the responsibility of State and local governments. Widely varying customs and social attitudes of local communities toward relief and its recipients, and differing fiscal capacities and administrative organizations, created multiple systems of State and local welfare programs. The absence at that time of widespread rapid communications and transportation systems which we regard as so common today meant that people were much less mobile and that their general standards of living conformed more to local economic conditions than to national expectations.

But the 1930's changed our lives. A national economic depression affected everyone. The multiple State and local relief systems were unable to provide for the costs of relief on the massive scale required during the 1930's. At the same time, farms were closing down and people were moving to the cities. Increased mobility meant that local standards no longer were satisfactory. The financial resources of the cities, already as strained as individual finances, became even more burdened by the inmigration of increasing numbers of jobless citizens. Previous methods no longer were adequate. A new system was needed to alleviate the risks of old age, unemployment, death, and certain types of disabilities.

The Social Security Act, passed in 1935, sought to meet these new needs. Under the old-age and survivors insurance and unemployment insurance titles of the Social Security Act, the Federal Government provided certain social insurance benefits, financed through payroll taxes and available in cases where a loss of earnings could be assumed to indicate a need for public income maintenance payments.

An excerpt from "Social Security Programs in the United States," published in 1968 by the Social Security Administration, outlines the development of Federal assistance programs up to and since the Social Security Act of 1935. I ask unanimous consent that the excerpt be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM SOCIAL SECURITY ADMINISTRATION, "SOCIAL SECURITY PROGRAMS IN THE UNITED STATES"

HISTORICAL DEVELOPMENT

The social security structure has been shaped both by longstanding traditions and by changing economic and social conditions. The United States, in its early history, was an expanding country with a vast frontier and a predominantly agricultural economy. The virtually unrestricted opportunities offered by a rapidly growing population, an abundance of rich natural resources, and an open frontier firmly established in the American tradition the concept of the "rugged individualist" who, through hard work, initiative, and thrift, could be expected to accumulate sufficient resources to meet any future threats to his economic security.

This faith in individualism was further fortified by the fact that during this early period most people extracted their livelihood from the soil and depended in large part upon their own skill and industry in producing goods for their own consumption. Economic disasters and personal catastrophes might occur, but as long as the person lived in an economically self-contained society with closely knit family and communal ties, the threats to his economic security could be minimized.

Up to 1870, more than half the Nation's adult workers were farmers. In the years that followed, however, industry developed rapidly and the economy tended increasingly to be characterized by industrialization, specialization, and urbanization. The result was increasingly a nation of more employees working for wages and proportionately fewer independent farmers, artisans, and tradesmen engaged in family enterprises. Hired workers and their families, and increasingly farmers as well as the nonfarm self-employed, found themselves almost completely dependent on a continuing flow of money income to provide themselves and their families with the necessities of life. Any misfortune that interrupted their current income could mean destitution and poverty.

The shift from a predominantly agricultural to a highly mechanized interdependent society, while tremendously increasing the productive capacity of the Nation and providing the basis for an ever-increasing standard of living, created new risks to family security and lessened the ability of families to take care of their own members.

From the earliest colonial times, local villages and towns recognized an obligation to aid the needy when family effort and mutual assistance provided by neighbors and friends were not sufficient to meet economic adversity. This aid, carried out through the poor relief system and almshouses, was often given grudgingly and included many repressive features which were intended to discourage the needy from applying for public relief except in dire extremity. Gradually, measures were adopted to give more appropriate and adequate care to different groups of needy persons. State governments initiated special institutional arrangements for the needy aged, the blind and deaf, the homeless children, and the insane and feeble-minded. By the early 1900's, efforts were directed at providing cash relief to various categories of the poor in their own homes. Mothers' pension laws were designed to make it possible for orphans—and, under later provisions, for other children without paternal support—to live at home with their mothers rather than in institutions or foster homes. Such laws were adopted in a number of States before World War I. In the mid-1920's, a growing number of States began to experiment with old-age assistance and aid to the blind legislation.

Meanwhile, both the States and the Federal Government had begun to recognize that certain risks in an increasingly industrialized economy could best be met through the application of social insurance principles. In the United States, as in most industrial countries throughout the world, social insurance first began with workmen's compensation (i.e., industrial accident insurance). A Federal law covering civilian employees of the Federal Government engaged in hazardous jobs was adopted in 1908, and the first State compensation law to be held constitutional was enacted in 1911. By 1929, workmen's compensation laws were in effect in all but four States. These laws made industry responsible for the costs of compensating workers or their supervisors when the worker was injured or killed in connection with his job.

Retirement programs for certain groups of government employees—mainly teachers, policemen, and firemen—date back to the 19th century. The teachers' pension plan of New Jersey, which was established in 1896, is probably the oldest Statewide contributory retirement plan for government employees. By the early 1900's a number of municipalities and local governments had set up retirement plans for policemen and firemen. New York State and New York City set up retirement systems for their employees in 1920—the same year that the civil service retirement system was set up for Federal employees.

Another area where the Federal Government accepted an early responsibility was in the provision of benefits and services for persons who served in the military forces. These veterans' benefits at first consisted mainly of compensation for the war disabled, widows' pensions, and land grants. Later, emphasis was placed on service pensions, and domiciliary care. Following World War I, provisions were made for a full-scale system of hospital and medical care benefits.

In general, though, the development of social security in the United States lagged behind that in other industrial nations. Unbounded confidence in the efficacy of individual effort as a means of achieving security concealed the new forms of insecurity that were being created in a changing America, where the number of urban, industrial workers dependent on a weekly paycheck was rapidly growing.

Other forces retarding the growth of social security legislation were a Federal-State constitutonal system which, as interpreted by the courts, limited national governmental action in this area; the relatively high wages of labor and a high standard of living; and the lack of support of social insurance by most of the organized trade union movement and by the well-established private insurance industry.

The severe depression of the 1930's dramatized the fact that many American workers were now almost universally dependent on factors beyond their individual control for their economic risks of unemployment, old age, death, and disability no longer proved adequate or guaranteed security in the face of nationwide economic disaster.

THE SOCIAL SECURITY ACT

Federal action became a necessity, as neither the States and the local communities nor privately organized charities had the financial resources to cope with the growing need among the people. Beginning in 1932, the Federal Government made first loans, then grants, to States to pay for direct relief and work relief. Then, special Federal emergency relief and public works programs were started. In 1935, President Franklin D. Roosevelt proposed to Congress long-range economic security legislation, embodying the recommendations of a specially created Committee on Economic Security. There followed the passage of the Social Security Act, signed into law on August 14, 1935.

This law established two social insurance programs on a national scale to help meet the risks of old age and unemployment: a Federal system of old-age benefits for retired workers who had been employed in industry and commerce and a Federal-State system of unemployment insurance. The choice of old age and unemployment as the risks to be covered by social insurance was a natural development, since the depression had wiped out much of the lifetime savings of the aged and had reduced the opportunities for gainful employment.

The law also provided for Federal grants-in-aid to the States to help them in giving financial assistance to three groups of needy persons—the aged, the blind, and dependent children. It established other Federal grants to enable States to extend and strengthen maternal and child health services, services for crippled children, and child welfare services. The act also provided Federal grants to States for public health services and services of vocational rehabilitation. Provisions for these grants were later removed from the Social Security Act and incorporated in other legislation.

OASDHI CHANGES SINCE 1935

Before the old-age insurance program was actually in full operation, significant changes were adopted. Congress in 1939 made the old-age insurance program a family program rather than a program for retired workers only by providing monthly benefits for a worker's dependents and survivors. Also, the basis for computing benefits was changed from cumulative lifetime earnings after 1936 to average monthly earnings in covered work, making it possible to pay reasonably adequate benefits to many workers approaching retirement age at that time and to their dependents. The 1939 amendments also made monthly benefits first payable in 1940, instead of 1942 as originally planned.

No major changes were made again in the program until 1950 when it was broadened to cover many jobs that had been excluded at the beginning chiefly because experience was needed to work out ways to report earnings and collect contributions of certain occupational groups. Among the groups covered by the 1950 amendments were regularly employed farm and household employees and most persons—other than farmers and professional people—who work for themselves. Coverage was made available on a voluntary group basis to employees of State and local governments not under public employee retirement systems and to employees of nonprofit organizations.

During the 1950's, further extensions of coverage brought farm operators and most self-employed professional people under the program. Members of the Armed Forces were covered on a contributory basis (previously, noncontributory wage credits had been provided for certain military service). Coverage was also made available to State and local employees covered by retirement systems (except for policemen and firemen in some States) on a voluntary group basis. In 1965, self-employed doctors of medicine were covered.

With the exception of most Federal employees, and some State and local government employees, virtually all gainfully employed workers are now covered by OASDHI. In the private employment sector, only farm and domestic workers who do not earn enough or work long enough in their jobs to be covered, low-income self-employed people, and some employees of nonprofit organizations are excluded.

In 1950, when coverage under the program was broadly extended, the law was amended to allow a worker's average monthly earnings to be figured on the basis of his earnings after 1950. Similar consideration was given to the groups newly covered by the program in 1954 and 1956 by allowing up to 5 years of lowest earnings to be dropped from the computation of average earnings. So that people already covered by the program would not be treated less favorably than the newly covered groups, these special provisions were made available to all persons who worked in covered employment after 1950, regardless of when their jobs were first covered.

Over the years, changes have also been made in the amount of work required to obtain an insured status. Under the 1939 amendments, a worker was generally eligible for benefits if he had worked in covered employment half the time (one out of every two calendar quarters) after 1936 and before age 65 and had a minimum of six quarters of coverage. In 1950, in order to give newly covered workers the same opportunity to qualify for benefits as workers covered under the original act, a "new start" provision was enacted which related the amount of work required to the time a worker could have been expected to have worked after 1950. Further liberalization of the work requirements (on a short-term basis) accompanied the extension of coverage under the 1954 and 1956 acts. In 1960, a provision was enacted which changed the insured status requirement to one quarter of coverage for each three calendar quarters elapsing after 1950. The present provision, under which a person is insured if he has credited for covered work roughly equal to one-fourth of the time (one out of four calendar quarters) after 1950, was provided by the 1965 amendments. The 1965 amendments eased the eligibility requirements for people 72 and over who were not eligible for benefits by introducing a transitional insured status under which a special monthly benefit may be paid with respect to persons with three to five quarters of coverage. A 1966 amendment extended these special monthly benefits to certain people aged 72 and over who could not meet even these minimal requirements.

The scope of the basic national social insurance system was significantly broadened in 1956 through the addition of disability insurance. Benefits were provided for severely disabled workers aged 50–64 and for adult disabled children (if disabled before age 18) of deceased and retired workers. In 1958 the act was further amended to provide benefits for dependents of disabled workers similar to those already provided for dependents of workers retired because of old age. In 1960 the age-50 limitation for disability benefits was removed so that disability benefits could be payable at any age before 65. The 1965 amendments modified the definition of disability so that a severely disabled person could qualify if his impairment could be expected to last at least 12 months. The previous requirements was that the disability be expected to be of long-continued and indefinite duration. Under the 1967 amendments, disability benefits at a reduced rate were extended to certain disabled widows and widowers, starting at age 50.

The original Social Security Act required that the individual reach the age of 65 before any retirement benefits could be paid. This eligibility age was lowered from 65 to 62 for women in 1956, to 62 for men in 1961, and from age 62 to 60 for widows in 1965. The benefits for working men and women, wives, and dependent husbands who claim benefits before age 65 and for widows who claim them before age 62 are reduced to take account of the longer period over which they will receive their monthly payments.

The benefit structure has been improved several times since 1950. During the 1940's, with the attention of the Congress largely directed toward foreign affairs, benefit provisions under the program remained unchanged, with a consequent loss in the purchasing power of the benefits as a result of wartime and postwar inflation. In 1950, Congress reaffirmed old-age and survivors insurance as the Nation's basic income-maintenance program by increasing the value of the benefits of those on the rolls and raising future benefit levels through the use of a new benefit formula applicable to persons claiming benefits after August 1950. Contributing to the effectiveness of the new benefit formula was an increase in the maximum annual earnings that could be taxed and credited toward benefits—from $3,000 to $3,600.

Since 1950, benefits have been increased periodically by legislative action, reflecting not only the changed value of the dollar but also the rising level of living for the population as a whole. Benefits were increased for all groups of beneficiaries in 1952, 1954, 1958, and 1965. In 1955 the annual contribution and benefit base was increased from $3,600 to $4,200, in 1959 to $4,800, and in 1966 to $6,600. The 1967 amendments provided for a 13-percent across-the-board benefit increase effective February 1968, and an increase in the contribution and benefit base to $7,800 beginning in January 1968.

As a result of the changes made by the Congress, benefits have done somewhat better than keep up with increases in prices that have occurred since benefits first became payable, although they have lagged in relation to rising wages. A beneficiary who came on the rolls in 1940 with a benefit equal to the average for that year and who is still drawing benefits now receives a benefit with purchasing power about 23 percent greater than that of his first benefit check. Over this same span of years, real per capita disposable personal income—that is, the average purchasing power of the entire population after payment of personal taxes—increased about 90 percent.

By far the most important step forward in recent years was the establishment of a comprehensive health insurance program for persons aged 65 and over (Medicare). The 1965 social security amendments set up a basic hospital insurance program financed through a separate earnings tax and trust fund that provides protection against the costs of hospital and related care for social security and railroad retirement beneficiaries. The same protection financed from general revenues is provided aged persons who reached age 65 before 1968 and who are not eligible for monthly social security or railroad retirement benefits. The amendments also established a voluntary supplementary medical insurance plan financed through monthly premiums and a matching Federal Government contribution that covers part of the cost of physicians' services and other related medical and health services not covered by the hospital plan.

CHANGES IN OTHER PROGRAMS SINCE 1935

Paralleling the development and expansion of OASDHI has been the development and expansion of the Federal railroad retirement program, which started in the mid-1930's with retirement and disability annuities but, in 1946, added survivor benefits and in 1951 added wives' and dependents' benefits. A special system of unemployment insurance for railroad workers was adopted in 1938; benefits for temporary disability due to nonoccupational illness or injury and maternity were added in 1946. Health insurance was made available to aged railroad workers and beneficiaries under the 1965 amendments to the Social Security Act. The latest change in the program has been the enactment of a system of supplemental annuities for certain career railroad employees who were awarded their regular retirement annuities after June 1966.

The other programs, in addition to the old-age insurance program, established by the Social Security Act have also been significantly changed during this period. The Federal-State public assistance program was broadened in 1950 to provide Federal grants-in-aid to help the States give assistance to needy adults who are permanently and totally disabled. Federal financial participation in the costs of medical care paid directly to doctors, hospitals, and other suppliers of medical services on behalf of recipients (vendor payments) was also provided at that time. In 1960, a new program was established providing grants to participating States for medical assistance for aged persons needing help in meeting their medical expenses. The 1965 amendments set up a single, separate medical care program to replace the vendor medical programs provided under the five different federally aided public assistance programs.

Congress has changed the formulas many times (1965, the latest) for calculating the amount of Federal sharing to provide increased Federal grants to the States for public assistance. The Federal grant for each program is now based on each State's average monthly assistance payment per recipient, including medical vendor payments in States that do not choose to have a single separate medical assistance program. Originally, the limit on Federal matching applied to each individual payment. The average-payment principle enables the States to balance their high and low payments in claiming Federal funds. Furthermore, Federal sharing now varies, in part, according to each State's per capita income. Since States with low fiscal capacities now receive proportionately more Federal money, they are able to make more adequate and more equitable payments than would otherwise be possible.

In the 1960's, provision was made for Federal grants to help pay the cost of assistance to children who are in need because their father is unemployed. Under other amendments, States were encouraged to provide more services by increased Federal sharing in the cost of certain social services and training activities. Under the 1967 amendments, referral to work-training programs was made mandatory for certain families receiving public assistance.

In 1954, Congress enacted the first major extension of coverage under the unemployment insurance program by including employees of firms employing four to seven workers in 20 weeks, effective January 1956. Under the original law only employees of firms with eight or more workers were covered. It also added a new title to the Social Security Act providing unemployment insurance benefits for Federal civilian employees beginning January 1955, financed by Federal funds, and paid by State agencies under their own benefit formulas as if Federal employment were service under the State law. In 1958, this program was extended to members of the Armed Forces.

Under the State unemployment insurance laws, coverage has been broadened and the amount and duration of benefits provided unemployed workers have increased during the years since the enactment of the Social Security Act. During the postwar period, however, the dollar maximums incorporated in State laws lagged behind rising wage levels, thus curtailing the benefit levels of many workers. Average benefits are now a smaller proportion of weekly wages than they were when the program started.

Congressional concern over the growing number of persons exhausting benefit rights before again finding work during periods of recession led to the passage of Federal legislation in 1958 and 1961 temporarily lengthening the period of unemployment compensation by up to 50 percent of the regular duration under the State law. Similar legislation was enacted for railroad employees. Recognition of the increasing number of workers whose jobs are being displaced by technological and economic developments led to legislation in 1961 and 1962 to provide direct aid to these unemployed workers in the form of weekly cash training allowances and related assistance.

Other public programs not included under the Social Security Act also made advances in the period since 1935. In 1948, the last of the States adopted a workmen's compensation program. Many of the laws relating to work-connected accidents were gradually improved by paying unlimited benefits in case of permanent disability, by liberalizing waiting period requirements, by removing limits on medical care benefits, and by extending coverage to occupational diseases. In addition, dollar amounts payable for cash indemnity benefits were increased, but, as with unemployment insurance, the maximums contained in the laws have not kept up with wage levels, thus preventing many workers from receiving the full proportion of wage loss specified in the statutes.

During the 1940's, four States adopted legislation providing weekly cash sickness benefits to workers who are temporarily disabled because of nonoccupational illness or injury. For Federal civilian employees, a program was enacted in 1954 providing group life insurance and in 1959, a program providing health insurance benefits. An increasing number of State and local government jurisdictions initiated retirement programs for their employees, with the proportion of such employees covered by these programs practically doubling between 1935 and 1966. At present over half of all full-time State and local employees are covered both by the national OASDHI program and by a State or local system.

As a result of World War II and subsequent conflicts, special veterans' legislation, with primary emphasis on assisting ex-servicemen to adjust from military to civilian life, was enacted. Not only were the older compensation and pension benefits and medical services available to World War I veterans carried forward, but veterans were provided vocational rehabilitation, unemployment allowances, educational and training benefits, and counseling and job placement services.

While there is no system of family allowances in the United States, workers with dependent children are given deductions in the computation of their Federal income tax liability. Free public education is available to all children through secondary school and, in some States and localities, through college. Also, Federal and State programs provide schoolchildren with breakfasts, lunches, and milk at nominal cost or no cost at all. Orphaned children and their mothers are eligible for survivor benefits, and the children of retired and disabled workers and the mothers of these children are eligible for dependents' benefits, under OASDHI; and needy children may receive public assistance through federally aided State and local programs if one parent is dead, unemployed, disabled, or absent from home. And Federal money helps children of deceased and disabled veterans to receive educational and counseling assistance.

Mr. CHILES. A program not mentioned by the excerpt is food stamps, an effort to provide food subsidies for the needy. This program expanded 250 percent in 1970 alone.

This historical background provides us with a basis upon which to analyze current proposals for welfare reform.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks two documents designated as exhibit 1 and exhibit 2, which I shall describe in a moment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1 and 2.)

RECENT MAJOR REFORM EFFORTS

Mr. CHILES. In the last 3 years, two major welfare proposals have attracted much attention in our country and have begun to increase public recognition of the urgent need for reform.

In exhibit 1, I have outlined the major characteristics of these two programs—first, the family assistance plan—FAP—presented by President Richard Nixon in 1969 to the last Congress and reintroduced in this session; and second, H.R. 1, the omnibus reform proposal, initiated by House Ways and Means Committee Chairman Wilbur Mills. The exhibit also outlines the major characteristics of the current welfare system for comparison and my proposed alternative—which I will discuss in more detail subsequently.

In exhibit 2, I have summarized the responses of the current system, FAP, H.R. 1 and my proposed alternative to the six major causes and characteristics of the welfare crisis which I have outlined previously.

PROPOSED ALTERNATIVE PLAN

The alternative welfare reform proposal, which I submit to the Senate for consideration today, builds on the best portions of existing reform proposals and uses the existing social security assistance system to benefit those who would otherwise go on general welfare rolls under either of the other two major plans.

The major characteristics of my proposal, outlined in exhibit 1, are summarized as follows:

First. Social security financing and benefit structure revitalized. Social security was conceived as an insurance program; workers would pay premiums into the trust fund while they were working in return for guaranteed payments after retirement. But the "insurance concept," under which social security taxes are considered "insurance premiums", is no longer valid. Social security taxes, like income taxes, are compulsory. Altogether social security taxes are scheduled to bring in nearly $50 billion in fiscal year 1972, one-quarter of all Federal revenue and second in size only to the personal income tax. No close relationship exists between social security benefits received and the amount of "premiums" or social security taxes a specific individual has paid in over his lifetime. The current law provides benefits for millions of people who have made little or no contribution, and current recipients of social security payments receive substantially more than the sum total—plus appropriate interest—of their past payments.

More serious, perhaps, is the gross inequity which the current system of social security taxation imposes on the low and middle income American worker. Although actually a tax, the social security payments bears little relationship to "ability to pay," or to what a person will ultimately receive, as most equitable taxes should. Everyone pays the same 5.2 percent of his earnings up to $7,800; his employer contributes a like amount. No income below $7,800 is exempted; all income above $7,800 escapes without being subject to social security taxes. Even the very poor pay social security payroll taxes on the first dollar they earn. Large families pay the same amount as do small ones, even though both may have the same earnings. As a percentage of income, the man who earns below $7,800 thus pays more in social security taxes than the man who earns any amount over $7,800.

Although welfare payments, such as aid to families with dependent children, are financed from general revenue—derived primarily from Federal personal and corporate income taxes—and social security benefits are financed from a separate trust fund—composed of payroll contributions made by employees and employers—the relationships of the two are very close. Middle income taxpayers with a significant amount of their income under $7,800 a year will pay a relatively high percentage of that income to the Federal Government in the form of social security taxes and personal income taxes. The very people who can least afford to pay—those in the $6,000 to $11,000 annual income bracket—end up paying a larger portion of their income than any other group to support the social security system and their fair share of the general revenue welfare systems. These are the people we should be encouraging to work, yet their incentive to do so is reduced by a high tax burden which grows constantly.

Other proposals do not meet this problem adequately. For example, a man with a wife and two children who earns $3,000 a year pays no Federal income tax but would pay social security taxes of $156 a year in 1972, rising to $181.50 in 1987. H.R. 1 would increase his taxes to $162 in 1972, rising to $222 in 1977. With an average wage of $3,000 a man could become entitled to a social security benefit of $154.50 a month at age 65, under H.R. 1. However, a man 65 who never worked could qualify for a monthly payment of up to $150 a month under the welfare provisions of H.R. 1. Moreover, the man who earned the $3,000 a year would find that as the result of having paid social security taxes his retirement income would disqualify him for medicaid and that he, unlike the welfare beneficiary, would have to pay the part B medicare premium—now $5.60 a month—so that he would have less money in his pocket than the man who had never worked.

This is a system we must reform. My specific proposals for doing so are these:

Eliminate minimum benefits for future beneficiaries. Under the current system, the minimum benefit is $74 at age 65. No income test applies for this minimum amount. Yet the minimum benefit is paid to many people who have no special need, whose retirement income is sufficient to support them well—retired Federal and State employees, for example. No one who truly needs assistance would suffer if the minimum benefit were eliminated. I want to emphasize that I am talking about people who would qualify for minimum benefits in the future. I do not suggest that anyone who gets benefits now should have his benefits reduced.

Limit maximum social security taxes to income tax liabilities. Under our current system, a man can pay more social security tax than income tax, thus eliminating the progressive effect of our personal income tax system. Using my previous example, a man with a wife and two children who earns $3,000 a year pays no Federal income tax but would pay social security taxes of $156 per year in 1972, rising to $181.50 in 1987. My proposal would limit maximum social security to the amount of personal income tax paid by an individual. Social security taxes paid by certain low-income people thus would not exceed the amount they pay in income taxes. A refund or credit against unpaid taxes would be permitted to make this financial adjustment. Refunds or credits would be charged against general revenue, not against the social security fund.

Increase maximum earnings to $3,000. The current social security law provides that a beneficiary who has substantial amounts of earnings from work—as opposed to other forms of income—will have some or all cash benefits withheld. This provision—generally called the retirement test—attempts to insure that benefits will be paid to a worker only when he has substantially retired or to dependents and survivors only when they do not have substantial earnings from work. The current maximum earnings rate of $1,680 is too low. Beneficiaries should be able to earn enough to bridge the gap between the maximum earnings rate and the poverty threshold, especially after high social security taxes are deducted.

Increase tax base from $7,800 to $10,200 in 1972. When adopted, the maximum tax base of $7,800 a year was fairly close to the median family income. But that income level has increased and the social security tax base should increase with it. No one pays payroll taxes on earnings over $7,800 under the current system, so people with high salaries pay a smaller proportion of their earnings than people with low salaries. Those with higher incomes should bear a greater relative share of the burden. My proposal accelerates the increase of the tax base to $10,200 in 1972. Under existing law, the base would rise to $9,000 in 1972. I see no reason why those with higher incomes should not begin to pay more of their fair share immediately.

Increase overall social security benefits and build-in cost of living increases. A 5 percent across-the-board increase in benefits is long overdue, as H.R. 1 recognized. Also like H.R. 1, I propose that benefits be increased in the future according to a cost-of-living increase formula.

Decrease employee's payroll tax rates. The net effect of these reforms is to decrease social security payroll tax rates for employees significantly. The following charts illustrate these decreases, and related increases for employers, and compare them with changes which would occur under H.R. 1.

CHART 1.—PROPOSED SOCIAL SECURITY TAX RATES COMPARED WITH RATES IN H.R. 1

[In percent]

	Employees[1]			Self-employed		
	OASDI	HI	Total	OASDI	HI	Total
H.R. 1:[1]						
1972–74	4.2	1.2	5.4	6.3	1.2	7.5
1975–76	5.0	1.2	6.2	7.0	1.2	8.2
1977 and after	6.1	1.3	7.4	7.0	1.3	8.3
Proposal:[2]						
1972–74	1.2	1.2	2.4	1.8	1.2	3.0
1975–76	2.0	1.2	3.2	3.0	1.2	4.2
1977 and after	3.1	1.3	4.4	4.6	1.3	5.9

[1] Employer tax rate equal to employee tax rate.

[2] Employer tax rate equal to employer tax rate under H.R. 1.

CHART 2.—SOCIAL SECURITY TAXES UNDER H.R. 1 AND UNDER PROPOSAL TO ELIMINATE MINIMUM BENEFITS AND WITH MAXIMUM TAX LIMITED TO INCOME TAX LIABILITY, 1972

	Annual earnings							
	$3,000		$3,500		$4,000		$4,500	
	H.R. 1	Proposal	H.R. 1	Proposal	H.R. 1	Proposal	H.R. 1	Proposal
Unmarried person	$162	$72	$189	$84	$216	$96	$243	$108
Couple	162	72	189	84	216	96	243	108
Couple and 1 child	162	4	189	78	216	96	243	108
Couple and 2 children	162	0	189	60	216	70	243	108

CHART 3.—SOCIAL SECURITY TAXES UNDER H.R. 1 AND UNDER PROPOSAL TO ELIMINATE MINIMUM BENEFIT AND WITH MAXIMUM TAX LIMITED TO INCOME TAX LIABILITY, 1977

	Annual earnings							
	$3,000		$3,500		$4,000		$4,500	
	H.R. 1	Proposal	H.R. 1	Proposal	H.R. 1	Proposal	H.R. 1	Proposal
Unmarried person	$222	$126	$259	$147	$296	$168	$333	$189
Couple	222	108	259	147	296	168	333	189
Couple and 1 child	222	4	259	69	296	154	333	189
Couple and 2 children	222	0	51	69	296	142	333	189

Note: Charts 2 and 3 are based on current income tax rates.

Second. Aid to families with dependent children and food stamp programs continued with strict work requirement. I propose that we continue these programs, under current State/Federal sharing formulas, as ways to care for the truly needy. I have imposed a strict work, or work training, requirement for adult members of families receiving funds under AFDC.

Third. Aid to the aged, blind and disabled financed 100 percent by Federal funds and supported by a minimum monthly income base. I recommend that a national minimum income level be established for the needy aged, blind, and disabled of at least $150 for a single individual or $200 per couple. States would insure such a minimum income and would be reimbursed by the Federal Government. Federal standards for determining who is eligible for this program would bring needed uniformity. Recipients are excluded from the food stamp program. Food stamps are mainly an emergency technique to fill the needs of individuals not otherwise qualified for enrollment in Federal assistance programs. There is no need, under the financial support and services offered in the AABD program, for an AABD family to request food stamps.

Fourth. Improved medical programs instituted which permit financing of private Health Maintenance Organizations—HMO's. Medical protection under the medicare program is extended in my proposal to additional needy beneficiaries and new, privately financed, health maintenance organizations are encouraged as a means of keeping sky-rocketing health costs down.

Fifth. Decentralized State administration. Systems are now in place for administration of welfare programs on the State and local levels. I think that this is the best place for rapid and targeted responses to individual needs. Complete Federal administration is not the answer to the very sensitive personal issues involved in welfare administration. States would be encouraged under this arrangement to supplement Federal payments in order to tailor programs to local needs.

Sixth. Stiff fraud penalties. We cannot afford for welfare dollars to be thrown away by permitting ineligible participants to receive them. We are recognizing more and more that our resources are limited and that we must reserve our funds for the truly needy who cannot support themselves. I therefore propose stiff fraud penalties for individuals who attempt to abuse the welfare system.

As outlined in exhibit 2, my proposal responds to the major causes of welfare crisis by:

Making it more financially attractive to work than to go on welfare; enforcing strict work requirements for AFDC adult welfare recipients.

Reducing the welfare load, thus avoiding the pressures for nonworking fathers to desert families in order to get relief; adding additional family incentives under social security programs.

Providing increased benefits for all.

Lower taxes for low and middle income.

Increased benefits for truly needy.

Distributing welfare tax burden more equitably by reducing payroll tax burden on low and middle income groups.

Maintaining decentralized administrative structures for effective responses to local needs.

Reducing fraud possibilities by imposing stiff fraud penalties. In summary, my proposal responds to our threefold challenge of:

Supporting the truly needy while equitably distributing the financial burden for that support.

Encouraging the work and family systems.

Separating potentially self-dependent persons from the truly needy and reserving our welfare funds for the truly needy.

We now have an opportunity to build on existing proposals and on widespread public support for welfare reform. Let us act now to accept the opportunity and meet the challenge of reforming our welfare system.

Mr. President, in closing, the prime purpose of this program is to provide for the elimination of minimum benefits for future beneficiaries and to have a true system based on receiving a benefit one had actually earned, and then to take care of the truly needy under a welfare plan, rather than to grant a minimum benefit to someone who had not earned the money.

In addition, my proposal would relieve the individual from the payment of any tax on social security up to the point that he would pay any income tax, so that on the first $3,600 of his income, if he paid no Federal income tax, he would not be required to pay any social security tax, or he would receive a credit for that payment.

Most of the other portions of the bill follow other current proposals now being set forth. I send the bill to the desk, and ask unanimous consent that a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

TITLE I—PROVISIONS RELATING TO OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Section 101: Provides for a general increase in social security benefits of 5 percent, effective with the benefits payable for January 1972.

Section 102: Provides for 5 percent increase in the special benefits—the so-called Prouty benefits—payable to certain elderly people who did not work long enough to qualify for regular benefits.

Section 103: Provides for increasing the benefits paid to widows (and dependent widowers). The purpose of the provision is to provide a widow with the benefit equal to the amount that her husband had received as a retirement benefit; or, if he had not lived to retirement, the amount that he would have received had he retired. In general, the benefit paid to a woman who becomes entitled to benefits at 65 would be increased from 82½ percent of the husband's retirement benefit to 100 percent of that amount.

Section 104: Provides identical rules for computing benefits based on the earnings of men and women. The more liberal rules for women in the present law would be applied to men. Because men's benefits would be based on the number of years that elapse up to age 62, rather than age 65, men retiring in the future would need fewer years of earnings to qualify for benefits and most of those who worked after age 62 would get higher benefits. The provision would go into effect over a 3-year transitional period.

Section 105: Provides an increase from $1,680 to $3,000 a year in the amount that a social security beneficiary under age 72 can earn and still get all of his benefits for that year. Under the present law, each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits and each $1 earned above $2,880 causes a $1 reduction in benefits. This section would provide that the $1-for-$2 reduction would apply to all earnings above $3,000 a year, rather than to only the first $1,200 above that amount.

Section 106: Provides a change in the way the earnings test is applied to earnings in the year a person reaches 72. Under the changed provision, earnings after a person's 72nd birthday would no longer be counted to determine whether he had earned more than $1,680 ($3,000 under the bill) in the year he reaches 72.

Section 107: Permits the payment of reduced benefits to dependent widowers at age 60, as present law provides for widows.

Section 108: Provides that childhood disability benefits may be paid to people who become disabled before age 22, rather than before age 18.

Section 109: Revises the provisions for paying disability insurance benefits to blind people. Under the section, disability insurance benefits would be payable to any blind person who had credit for 6 quarters of work (about 1½ years) covered under the social security program. The benefits would be paid without regard to the blind person's ability to work.

Section 110: Eliminates a technical defect in the present law which permits certain people to have their benefits reduced when there is a general benefit increase.

Section 111: Revises the present rules that determine whether a child who is adopted by a social security beneficiary can qualify for social security benefits. Under the present law, the rules vary depending on whether the adopting parent qualified for disability or old-age benefits. Under the section, the child adopted by a person who is entitled to old-age or disability insurance benefits could become entitled to social security benefits if: (1) the adoption was decreed by a court of competent jurisdiction within the United States, (2) the child lived with the person in the United States for the year before the person became disabled or entitled to social security benefits, (3) the child received at least one-half of his support from that person for that year, and (4) the child was under age 18 at the time he began living with the person.

Section 112: Increases the social security tax base from $7,800 a year to $10,200 in 1972, rather than the $9,000 base scheduled to go into effect in 1972 under present law.

Section 113: Provides a new, reduced schedule of social security taxes, as follows:

Year	H.R. 1: Employee and employer taxes, each	Proposal	
		Employee taxes	Employe taxes
1971	5.2	5.2	5.2
1972–74	5.4	2.4	5.4
1975–76	6.2	3.2	6.2
1977 and later	7.4	4.4	7.4

Section 114: Revises the allocation of social security taxes between the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund to take account of the new tax schedules provided by the bill.

Section 115: Authorizes an increase in the amount of social security trust fund monies that may be used to pay for the cost of rehabilitating social security disability insurance beneficiaries. The amount authorized would be increased from one percent of the previous years disability benefits to 1.25 percent for fiscal year 1973 and to 1.5 percent for fiscal years thereafter.

Section 116: Revises the provisions of present law that apply when a child is entitled to benefits on the basis of more than one person's earnings to assure that the child is always paid on the account that will result in his getting the higher payment. Under the present law, the child is paid on the account with the higher primary insurance amount which no longer guarantees that the child will get the higher payment.

Section 117: Makes a technical change in the law regarding the recomputation of benefits in certain situations where railroad employment is involved.

Section 118: Permits additional relatives (by blood, marriage, or adoption) to receive social security cash benefit payments due on the account of a social security beneficiary who has died.

Section 119: Provides a two-month reduction in the disability insurance waiting period. Under this provision disability insurance benefits would be payable after a 4-month waiting period, rather than after the 6-month period required by present law.

Section 120: Revises the provisions of present law that apply when a widow remarries. Under the present law, when a widow marries, her widow's benefit in reduced to the amount that she would have been paid as a wife or, if it is larger, she may be paid the wife's benefits based on her new husband's earnings. This provision creates financial hardship or precludes marriage in some cases where the man concerned has retired and is entitled to neither social security benefits nor any other public pension. To reduce this financial hardship and to eliminate this obstacle to marriage, the provision permits a widow to continue to receive her full widow's benefit, regardless of her remarriage, if she marries a man who is not and who will not become entitled to a social security benefit or any other public retirement pay.

Section 121: Provides for the payment of retroactive disability insurance benefits to a few people who established a period of disability under a provision of the Social Security Amendments of 1967. The provision applies to some people who when the disability insurance program was new had been so severely disabled that they did not have the opportunity or ability to file an application for benefits.

Section 122: Social Security benefits would be increased automatically each year if the Consumer Price Index has risen at least 3 percent. However, there would be no increase for any year in which Congress has acted to: (1) increase benefits, or (2) change the tax base, or (3) change the schedule of social security taxes for cash benefits.

In addition, the amount that a beneficiary can earn and still get all of his benefits would be increased every other year according to the rise in average earnings taxed for social security.

One-half of the cost of these automatic changes would be met through increases in social security tax rates and the other one-half through increases in the social security tax base; both increases going into effect in the same month that benefits are increased.

Section 123: Provides that an adoption of a child by a step-grandparent (in addition to other relatives specified in the present law) will not cause a child's social security benefits to stop.

Section 124: Eliminates the minimum social security benefit for future beneficiaries. Under a grandfather clause those people who now get the minimum benefit or benefits based on the minimum will continue to receive benefits on the basis of the present law.

Section 125: Provides social security benefits for a grandchild if (1) the child is legally adopted before or after the grandparent becomes entitled to social security benefits, or (2) the grandchild is not adopted but was living with and receiving at least one-half of his support from the grandparent at the time the application for child's benefits is filed. In both situations the child must have been under 18 at the time he began living with his grandparent.

Section 126: Eliminates for social security purposes the $20,000 a year exclusion from self-employment income that now applies for both social security and income tax purposes to U.S. citizens who work outside the United States but who retain a residence in the United States. As a result, those citizens who are self-employed outside the United States would compute their social security taxes—but not their income taxes—in the same way as those who are self-employed within the country.

Section 127: Permits disability insurance benefits to be paid if an application for benefits is filed within three months after the month in which a disabled worker dies. Benefit payments which would have been payable to the disabled worker would be payable for up to twelve months prior to the month in which the application is filed.

Section 128: Extends additional social security credits to service in the uniformed services in the period 1957–67. Under the present law, military service after 1957 is covered on a contributory basis, just like all other covered employment, and in addition, extra credits are given for service after 1967. These additional credits are intended to provide social security coverage for the non-cash salary components in military pay.

In addition, the way in which the military wage credit is computed would be changed to provide a uniform credit of $300 a calendar quarter rather than $100 for each $100 of basic pay, up to $300, in a quarter.

TITLE II—PROVISIONS RELATING TO MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

Part A—Eligibility and payment for benefits

Section 201: Extends medicare protection to social security and railroad disability beneficiaries. Those covered would include disabled workers, disabled widows and disabled dependent widowers between the ages of 50 and 65, people age 18 and over who receive benefits because they became disabled before age 22, and disabled qualified railroad annuitants.

Section 202: Provides that people reaching age 65 who are ineligible for hospital insurance benefits under medicare would be permitted to enroll, on a voluntary basis, for hospital insurance coverage under the supplementary medical insurance part of medicare. Those who elected to enroll under the program would pay the full cost of their hospital insurance. In addition, States and other organizations, through agreements with the Secretary of Health, Education, and Welfare, would be allowed to purchase this protection on a group basis for their active or retired employees who are age 65 or over.

Section 203: Provides that future increases in the supplementary medical insurance premium would be limited to not more than the percentage increase in social security benefits that had gone into effect since the last rise in premiums.

Section 204: Provides that people who are entitled to hospital insurance benefits would be automatically covered for supplementary medical insurance benefits unless they indicate that they do not want the coverage.

Section 205: Provides incentives for the States to provide comprehensive care under medicaid through contract with health maintenance organizations or similar facilities. In addition, provides disincentives to discourage prolonged stays in institutions. Specifically there would be—

(1) an increase of 25 percent (up to 95 percent) in the Federal Medicare matching percentage of States who contract for care with comprehensive health care facilities;

(2) a decrease in the Federal matching by one-third after the first 60 days of care in a general or TB hospital;

(3) a decrease of one-third in the Federal matching after the first 60 days of care in a skilled nursing home unless the State has an effective utilization review program;

(4) a decrease of one-third in Federal matching after 90 days of care in a mental hospital and a provision for no Federal matching after an additional 275 days of such care during an individual's lifetime, except that the 90-day period could be extended for an additional 30 days for patients who would benefit from the additional period of hospitalization; and

(5) authority for the Secretary of HEW to compute a reasonable cost differential (for reimbursement purposes) for services provided by skilled nursing homes and intermediate care facilities.

Part B—Improvements in operating effectiveness

Section 221: Provides that in determining the amount that providers of services are to be reimbursed under medicare, medicaid, and maternal and child health programs, reimbursement will not include factors taking into account large capital expenditures which are inconsistent with State or local health facility planning.

Section 222: Requires the Secretary of Health, Education, and Welfare to develop experiments and demonstration projects designed to promote efficiency and economy in the medicare, medicaid, and maternal and child health programs.

Section 223: Authorizes the Secretary of Health, Education, and Welfare to establish limits on amounts that would be considered as reasonable costs under medicare. These limits would be based on comparisons of the cost of the service to various providers in the same geographical region.

Section 224: Provides limits on amounts that would be considered as prevailing charges for medicare, medicaid, and maternal and child health programs. The reasonable level for prevailing charges would be established at the 75th percentile of actual charges in a given area and future increases would be based on rises in the cost of practice and earning levels of physicians.

Section 225: Authorizes the Department of Health, Education and Welfare to contract with health maintenance organizations to provide health care to medicare beneficiaries. Under the provision, medicare beneficiaries could choose to have all of their covered medical care provided by such an organization and the organization would be reimbursed on a per capita basis, rather than on a fee-for-service basis, at a rate equal to 95 percent of the estimated per capita cost of providing medicare to beneficiaries in the same area who were getting medical services on a fee-for-service basis.

Section 226: Provides that payments under Medicare for the services of teaching physicians would be on the basis of reasonable costs, rather than on a fee-for-service basis, unless a bonafide private patient relationship had been established or the hospital had customarily been paid (as opposed to charges carried on the books but not paid) on a fee-for-service basis. In addition, medicare payments would also be authorized on a cost basis for services provided by the staff of a medical school.

Section 227: Provides that Medicare beneficiaries will be presumed to require certain minimum periods of care in an extended care facility following hospitalization. The period over which care will be required would be determined, according to the condition for which the individual was hospitalized, under regulations of the Secretary of Health, Education and Welfare.

Section 228: authorizes the Secretary of Health, Education, and Welfare to prohibit payments under medicare and medicaid for services performed by suppliers who have been found guilty of program abuse.

Section 229: Eliminates the requirement in present law that States have comprehensive medicaid programs by 1977.

Section 230: Permits the States to eliminate or reduce the scope and extent of health services which are optional under the Federal medicaid law, e.g., outpatient drugs, eyeglasses and dental care.

Section 231: Permits the States to develop their own methods and standards for determining the reasonable costs of the services to be reimbursed under medicaid. The costs, however, could not be more than the comparable costs under medicare.

Section 232: Provides that payments for institutional services under medicare, medicaid, and the maternal and child health programs could not be higher than the regular charges for such services.

Section 233: Requires health institutions seeking reimbursement under medicare to have a written plan reflecting an operating budget and a capital expenditures budget.

Section 234: Authorizes Federal payments to the States for the costs of designing, developing, and installing mechanized claims processing and information retrieval systems for medicaid.

Section 235: Prohibits the reassignment of medicare and medicaid payments to anyone other than a patient, his physician, or other person providing the services, except where the person providing the services is required as a condition of employment to assign his fees to his employer or where there is a contractual arrangement between a physician and the place where the services were performed under which the physician's billing is carried out.

Section 236: Provides that the same utilization review requirements that now apply under the medicare program will also be applied to medicaid.

Section 237: Provides that when a utilization review committee of a hospital of extended care facility finds that care is no longer necessary, payment would be cut off after 3 days.

Section 238: Requires State medicaid programs; (1) to establish and implement plans prepared by the appropriate State agency for professional review of the care provided to Medicaid patients, and (2) to provide that the State medical agency which licenses health institutions shall perform the function for medicaid.

Section 239: Provides that a State medicaid program which arranges for medicaid care through a comprehensive health care plan will not be in violation of the Federal medicaid law.

Section 240: Requires the Secretary of Health, Education, and Welfare to develop and employ proficiency examinations to determine whether health care personnel, not otherwise meeting specific formal criteria now included in medicare regulations, have sufficient training, experience, and professional competence to be considered qualified personnel for purposes of the medicare and medicaid program.

Section 241: Broadens and applies to medicaid the present penalty provisions relating to the making of false statement or representation of a material fact in any application for medicare payments to include the soliciting, offering or acceptance of kickbacks or bribes, including the rebating of a portion of a fee or a charge for a patient referral, by providers of health care services.

Anyone who knowingly and willfully makes, or induces the making of, a false statement of material fact with respect to the conditions and operation of a health care facility or home health agency in order to secure medicare or medicaid certification of the facility or agency, would be guilty of misdemeanor punishable by up to 6 months' imprisonment, a fine of not more than $2,000, or both.

Section 242: Establishes an appeals board to hear appeals on medicare reimbursement decisions made by intermediaries where the amount at issue is $10,000 or more.

Part C—Miscellaneous and technical provisions

Sections 253-274 would make a number of minor and technical changes in the medicare and medicaid programs.

TITLE III—PROVISIONS RELATING TO AID TO THE AGED, BLIND OR DISABLED

Section 301: Establishes a national minimum income level for people who receive cash assistance under Federally matched State welfare programs for the needy, aged, blind, and disabled. States would be required to provide a level of assistance sufficient to assure persons in these categories a total monthly income from all sources of at least $150 for a single individual or $200 for a couple. In addition, people receiving such assistance would be ineligible to participate in the food stamp program.

Sections 302 and 303: Provide for the establishment of nationally uniform definitions of blindness and disability for purposes of the Federal-State programs of assistance to the blind and disabled. The definitions adopted are those already applied in the disability insurance program established under Title II of the Social Security Act.

The term "disability" would be defined as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months."

The term "blindness" would be defined as "central visual acuity of 20/200 or less in the better eye with the use of correcting lens." Also included in this definition would be the particular sight limitation which is referred to as "tunnel vision."

Under the present law each State is free to prescribe its own definition of blindness and disability, and the new provisions would permit States to continue assistance to individuals who are now on the rolls under the existing State definition, but who would not be considered blind or disabled under the new Federal definitions.

Section 304: Provides that the Federal Government will reimburse the States for full cost of paying the minimum welfare benefit required under section 301.

Section 305: Provides that as a condition of approval State welfare programs must contain provisions designed to assure that welfare payments will be made only to people who are present in the State making the payments and that individuals do not qualify for more than one welfare payment.

Section 306: Permits State welfare programs to make children ineligible for welfare payments because a parent has deserted the home in situations where the child is living in parent-child relationship with a non-relative adult.

Section 307: Requires, generally, that adult recipients of welfare payments under the program of aid to families with dependent children participate in public service types of work activities unless they are participating in a work or work training program.

TITLE IV—TAX RELIEF WITH RESPECT TO SOCIAL SECURITY TAXES FOR LOW-INCOME INDIVIDUALS

Section 401: Provides that the social security taxes paid by certain low-income people shall not exceed the amount they pay as income taxes. Under the provision, social security taxes would be deducted from an individual's pay just as they are under the present law. However, at the end of the year the individual could qualify for a refund of the excess social security taxes paid or he could apply the excess as a credit toward any unpaid income taxes. This would be similar to the procedures that now apply when an individual overpays social security taxes because he has more than one employer. The maximum credit allowed under the provision would be equal to the social security taxes on $3,000 of earnings. People who earn more than $3,000 a year would have the credit reduced by 10 percent of the amount by which their adjusted gross income exceeds $3,000. A married couple could qualify for the credit only if they filed joint income tax returns and any person who was claimed as a dependent on another person's income tax return would not be eligible for the credit.

EXHIBIT 1

COMPARATIVE DESCRIPTIONS OF FEDERALLY AIDED WELFARE PROPOSALS

Existing system	Family Assistance Plan (H.R. 16311 as resubmitted June 1970)	H.R. 1	Chiles' proposal
PROGRAMS[1]			
Aid to Families with Dependent Children (AFDC), Old Age Assistance (OAA), Aid to Blind (AB), and Aid to Permanently and Totally Disabled (APTD). Social Security System, Food Stamps, Medicare/Medicaid.	AFDC abolished. Replaced by Family Assistance Plan (FAP) (with federally-aided State supplemental programs) for families with children; and Aid to Aged, Blind and Disabled combining existing adult categories. Current Social Security system continued.	AFDC abolished. Family Assistance Plan (FAP) for families with children and with no potential employables. Opportunities for Families Program (OFP) for welfare and "working poor" families in which at least 1 person is found to be employable. Adult programs for aged, blind and disabled consolidated. Social Security system continued.	AFDC retained, but employables required to accept work. Adult program—Aid to Aged, Blind and Disabled (AABD—continued and modified. Social Security system restructured for increased benefits and decreased payroll taxes. Health maintenance programs extended. Food stamps continued but limited.

Existing system	Family Assistance Plan (H.R. 16311 as resubmitted June 1970)	H.R. 1	Chiles' proposal
ELIGIBLE RECIPIENTS			
AFDC—Families with dependent children who are deprived of parental support or care due to death, incapacity, or absence of parent. Each state establishes income and resources limitations for determining eligibility and amount of assistance. OAA, AB, and APTD—Aged, blind and disabled individuals who meet State's definitions. Social Security—Nearly all workers are eligible for benefits upon retirement or disablement.	Family Assistance Plan (FAP)—Families with children with income below specified levels ($1,600 for family of four without earnings, up to $3,920 for a family with earnings) eligible for Federal payment. Female-headed families also eligible for State supplementary payments. Federal definition of "income" and allowable resources. AABD—Aged, blind and disabled individuals who meet Federal definitions and requirement for income and resources.	FAP—Families with children and no potential employables would be provided with a guaranteed annual income of up to $3,600 per year if its countable resources are less than $1,500 (with certain exclusions.) Excluded from Food Stamps. OFP—Families with children in which at least one person is employable are eligible for the same benefits provided by FAP provided that the employable member registers for work, participates in manpower services or training and accepts available employment. Benefits are reduced for those who do not work and are adjusted for income (with exemptions up to $3,000). Food Stamp exclusion. AABD—Individuals and couples when their monthly income is less than amount of federally determined monthly payment. Social Security—Additional recipients eligible.	AFDC—Same as existing system except requires adult members of family to work, participate in work training program or participate in public service work programs. AABD—Aged, blind and disabled individuals who meet Federal definitions will receive federal payments to provide them with minimum income. Social Security—Enlarges current eligibility for widows and widowers, adopted children, additional relatives and servicemen. Increases earnings maximum and all benefits are based on earnings. Health—Enlarges current eligibility to social security and railroad disability beneficiaries. Encourages HMO's and other widening of state programs.
AMOUNT OF PAYMENTS			
AFDC—Each state determines its own standard of need and amount it will pay. In March 1970, the average payment to an AFDC recipient in the U.S. was $46.30. Mississippi had the lowest average monthly payment—$12.05, and Minnesota had the highest—$69.15. OAA, AB, APTD—Each State determines its own standard of need and the amount it will pay. States must disregard certain amounts ot earnings for recipients who are blind, and may disregard certain earnings for aged and disabled. Social Security—Minimum benefits of $74 per are paid to all eligibles. Additional benefits are paid to eligibles whose earnings do not exceed $1,680 per year and who otherwise qualify. Health—Medicare and Medicaid pay "usual and customary" fees to physicians and reimburse hospital care.	FAP—(1) Federal payment of $500 each for first two members of family and $300 for each additional member ($1,600 for family of four). (2) States would be required to add supplemental payments to families (generally female-headed and excluding those headed by unemployed father) eligible under existing law at least equal to amount family without any income would have been entitled to receive at present. Payments would be reduced by amount of other income. OAA, AB, APTD—States must have standard to assure each needy recipient without other income, minimum $110 a month, or $220 for couple. States must disregard specified amounts of earnings for recipients aged, blind, and disabled. Social Security—Same as existing system.	FAP and OFP—Family benefits would be computed at the rate of $800 per year for the first two members, $400 for the next three members, $300 for the next two members and $200 for the next member. This would provide $2,400 for a family of four, and the maximum amount which any family could receive would be $3,600. A family would not be eligible if it had countable resources in excess of $1,500. If any member of the family fails to register, take required employment or training, or accept vocational rehabilitation services, the family benefits would be reduced by $800 per year. States may supplement. AABD—Full monthly benefits for a single individual would be $130 for fiscal year 1973; $140 for fiscal year 1974, and $150 thereafter. Full monthly benefits for an individual with an eligible spouse would be $195 for fiscal year 1973, and $200 for fiscal year 1974 and thereafter. Benefits would not be paid for any full month the individual is outside the U.S. States may supplement. Social Security—Increased by 5 percent and increased in future according to cost-of-living rises. Health—Widens benefits including Medicare for social security disability beneficiaries.	AFDC—Same as existing system. AABD—Qualified recipients would receive a guaranteed total monthly income from all sources of at least $150 for a single individual or $200 for a couple. States may supplement Federal guarantee. Social Security—Benefits increased 5 percent. Automatic cost-of-living increase. Minimum benefits eliminated. Benefits based on earnings in all cases. Health—Similar to HR-1.
EMPLOYMENT, TRAINING AND CHILD CARE			
AFDC—State welfare agencies must refer individuals (with exceptions) "appropriate" for employment or training. Payments are supposed to be cut off to any individual who refuses (without cause) to participate in work or training, but program has not been effective. Those excluded from referral are: (1) persons ill, incapacitated, or of advanced age, (2) those remote from projects, (3) children attending school full time, (4) persons whose presence is required at home to care for ill or incapacitated member of household. Child care must be provided by welfare agencies to those who need it to participate in work or training. Manpower training provided.	FAP—Recipients must register for employment or training except (1) persons ill, incapacitated, or of advanced age, (2) mothers of children under age 6, (3) mothers when the father registers, (4) persons who must care for an ill or disabled member of household, (5) children attending school. Payments not made to individual who refused (without cause) to register or participate in work or training, but enforcement potentially difficult. Child care would be provided to those needing it in order to participate in employment or training. Manpower training provided.	FAP—No work requirement after unemployable status determined. OFP—Every member of a family who is found to be available for work by the Secretary of Health, Education, and Welfare would be required to register for manpower services, training and employment. An individual would be considered available for work unless such person (1) Is unable to work or be trained because of illness, incapacity, or age (2) Is a mother or other relative caring for a child under age 6 (age 3 beginning July 1974) (3) Is the mother or other female caretaker of a child, if the father or another adult male relative is in the home and is registered (4) Is a child under the age of 16 (or a student up to age 22) (5) Is needed in the home on a continuous basis because of illness or incapacity of another family member. Child care services provided. Manpower training provided.	AFDC—Work, or training, required for adult recipients of AFDC. Child care and manpower training provided as under existing system.
ADMINISTRATION			
Programs administered by State welfare agencies or local agencies with State supervision.	FAP—Three possible alternatives: (1) Federal administration of Federal payment and, under agreement, of State supplemental, (2) under agreement with HEW, State could administer both payments, (3) Federal administration of Federal payment and State administration of supplemental. AABD—States could continue to administer to these recipients or make agreement with Federal Government for Federal administration.	Centralized Federal administration with optional Federal administration of State supplements.	Decentralized state/local administration with Federal Standards.
SOCIAL SERVICES			
States may receive 75 percent Federal matching for social services. Funding open-ended.	Closed-end appropriation with basic allotment made on basis of State's expenditures for social services in FY 1971. Additional smaller appropriation would be distributed under equalization formula. Generally, Federal matching share would be 75 percent. Increased authorization for foster care.	Closed end appropriation with 75 percent Federal matching.	Same as current program.

Existing system	Family Assistance Plan (H.R. 16311 as resubmitted June 1970)	H.R. 1	Chiles' proposal
FEDERAL FINANCING			
AFDC—Federal Government pays five-sixths of first $18 for each recipient, plus 50 to 85 percent of additional payments, depending on State's per capita income and whether State chooses to receive matching on basis of regular AFDC formula or Medicaid matching formula. OAA, AB, APTD—Federal Government pays $31 of first $37, plus 50 to 85 percent of additional payments, depending on State's per capita income and whether it chooses to receive matching on basis of regular adult category formulas or Medicaid matching formulas. Social Security: Trust fund.	FAP—Federal Government pays basic benefits ($1600 for a family of four without other income), plus 30 percent of additional payments up to poverty level. Matching not available for State supplementation for working poor or families headed by unemployed father. AABD—Federal Government pays 90 percent of first $65 and 25 percent of remainder (on average payment basis) up to limit set by HEW. Social Security: Trust fund.	FAP/OFP—100 percent Federal guarantee up to $2400. State may supplement. Under "hold harmless" provision, Federal Government will guarantee that state will not spend more for welfare than it did in 1971, even if its caseload increases. AABD—100 percent Federal. Social Security—Limit on taxable earnings increased to $10,200 by 1972. Tax rates redetermined.	AFDC—Same as current program. AABD—100 percent Federal up to minimum level. Social Security—Refinanced. (1) Limit on taxable earnings increased to $10,200 in 1972 instead of $9,000. (2) Taxes reduced as follows:

H.R. 1

Year:	Employee/employer taxes, each (percent)
1971	5.2
1972–74	5.4
1975–76	6.2
1977 and later	7.4

PROPOSAL

Year	Taxes (in percent)	
	Employee	Employer
1971	5.2	5.2
1972–74	2.4	5.4
1975–76	3.2	6.2
1977 and later	4.4	7.4

(3) Payroll tax limited to income tax.

Existing system	Family Assistance Plan (H.R. 16311 as resubmitted June 1970)	H.R. 1	Chiles' proposal
CAUSE/CHARACTERISTIC OF CURRENT WELFARE CRISIS			
Total Federal and State cost for welfare: 1973 (est.): $14.5 billion	1973 (est.): No estimate	1973 (est.): $18.4 billion	1973 (est.): $16.1 billion.
Total number of welfare recipients: 1973—15 million	Estimated potential recipients—1973—25.2 million.	Estimated potential recipients—1973—27.7 million.	Estimated potential recipients—1973—15 million.

[1] Although all programs are listed, only major ones are detailed below.

EXHIBIT 2

COMPARATIVE RESPONSES OF FEDERALLY AIDED WELFARE PROPOSALS TO CAUSES OF WELFARE CRISIS

Existing system	Family assistance plan	H.R. 1	Chiles' proposal
CAUSE/CHARACTERISTIC OF CURRENT WELFARE CRISIS			
1. Deterioration of belief in work ethic: Lax work requirement in AFDC programs creates large and growing nonworking class. Heavy burden of payroll taxes on low and moderate income groups and high level of welfare benefits reduces incentive to work.	Guaranteed minimum income discourages potentially self-sufficient from working. Social Security tax burden remains discouragingly high for low and middle income groups.	Strict work requirement reduces work-incentive problems found in FAP. Social Security tax burden increased.	Reduced social security tax burden for low and moderate income groups gives increased financial incentives for potentially self-supporting to work. Strict work requirement made part of AFDC program. Increased maximum earnings encourages retirees to remain active and supplement earnings, if they wish.
2. Deterioration of reliance on family structure: High tax rates encourage families to quit work and enroll in AFDC program. AFDC regulations encourage destitute male heads of families to desert in order to qualify their families for AFDC.	Wide variance in benefits from state to state will eliminate incentive to desert in some states but increase it in others. High Social Security rates, combined with minimum income guarantee, still encourage "dropping out" from work force with consequent and harmful effects on families.	Adults classified as employables may desert. High welfare rolls encouraged by continued high Social Security tax burden with consequent harmful effects on families.	Employables encouraged to work by lower tax burden instead of deserting to receive AFDC. AFDC held to a minimum. Family Social Security benefits increased—e.g., adoptees, grandchildren.
3. Lack of adequate support for truly needy: States running out of money because of high caseload, encouraged by tax burden. Higher caseload means less money for truly needy. Support of aged, blind and disabled meager. Benefits vary widely.	Welfare rolls would be very high with consequent drain on state and federal resources and less money for truly needy. Minimum benefits would vary widely from state to state.	Welfare rolls would be very high with consequent drain on resources and less available for truly needy. Overall Social Security benefits increased, but taxes higher. Minimum benefits guaranteed for aged, blind and disabled.	Because of lower tax burden, lower and middle income groups pay less, continue to work and stay off welfare rolls. Reduced welfare rolls means that more is available for truly needy. Overall Social Security benefits increased, along with lower taxes. Minimum benefits guaranteed for aged, blind and disabled.
4. Inequitable distribution of welfare financial burden: Lower and middle income groups bear higher relative burden of Social Security payroll taxes.	Lower and middle income groups bear higher relative burden of Social Security payroll taxes.	Some redistribution of tax burden takes place by raising level of tax base, but taxes also increase significantly.	Burden is decreased for lower and middle income groups and redistributed to higher income groups and employers through changes in Social Security system and shifting of some financing to general revenue.
5. Difficult, cumbersome administrative procedures: High AFDC caseload and too much "red tape" keeps social workers busy acting as "policemen" and file clerks.	Administrative attitude focused toward getting people on welfare rolls.	Federal structure too centralized. Split of responsibilities between HEW and Labor Department complicated. Proposed system difficult to create.	Decentralized structure focuses on local needs. Existing decentralized system now in place. Administrative attitude focused toward getting people off welfare rolls and into work force.
6. Fraud: "Red tape" has led to many inequities and attempts to receive undeserved benefits.	Fraud penalities strengthened but loopholes closed mainly by opening welfare rolls to everyone.	Fraud penalities strengthened.	Fraud penalties strengthened. Limited AFDC recipients will be easier to monitor.

By Mr. TAFT:

S. 2877. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes. Referred to the Committee on the Judiciary.

Mr. TAFT. Mr. President, I send to the desk a bill to amend the Immigration and Nationality Act of 1965 in order to stem the sharp decline in immigration from countries which have traditionally contributed large numbers of immigrants to this country.

As a result of the 1965 act, immigration from northern Europe, particularly Ireland, sharply declined and the backlog in the fifth preference, particularly with respect to Italy, was reduced by an insignificant amount.

The intent of the bill is to reverse the decline by providing those countries immigration benefits which were intended for them but which were denied as a result of the 1965 act.

I cosponsored similar legislation when I was a Member of the House and am happy to sponsor this measure which is identical to the bill which has been reported by the House Judiciary Committee.

By Mr. JAVITS:

S. 2879. A bill to authorize the President of the United States to agree to change the par value of the dollar. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. JAVITS. Mr. President, I introduce a bill, in which I have joined with Representative Reuss of Wisconsin, which would give the President the power to devalue the dollar against gold not in excess of 10 percent, in connection with a revaluation of all major world currencies.

Mr. President, if we are to gain a major currency realinement, negotiate a settlement to pending international monetary crises, and avoid what I think is a coming world recession, the President needs this authority. Mr. President, in introducing this amendment I did give consideration to the alternate or complimentary possibility of redefining the value of the dollar in terms of SDR's. I did not introduce a bill to this effect at this time since this redefinition of the dollar also would require amendment of the Articles of Agreement of the International Monetary Fund. In turn the ratification of many governments and parliaments would be required so this clearly could not be accomplished over the short term. A unilateral change in the dollar-gold parity could be accomplished over the short term with strong administration leadership as part of an interim settlement. The SDR question then would be left for the overall package settlement.

Mr. President, I ask unanimous consent that a press release in connection with this matter be printed at this point in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Javits, Reuss Introduce Bill To Permit Devalued Dollar in Terms of Gold as Part of Currency Realinement Package

Rep. Henry S. Reuss (D-Wis.) and Senator Jacob Javits (R-N.Y.), Chairman and ranking minority members respectively of the Joint Senate House Subcommittee on International Exchange and Payments, today introduced legislation to permit the United States to participate in an international realignment of currencies by a change in the bookkeeping price of gold. They indicated that this measure was intended to facilitate, for the President, an interim settlement of the world monetary crisis. They stated that they fully recognized that extremely difficult negotiations lie ahead in terms of the overall balance of payments package settlement. "However," said Reuss and Javits, "it is our view that failure to reach a prompt interim settlement would jeopardize any chance of reaching overall agreement with serious consequences for our domestic economy, the international economic system of the free world and in turn our national security."

"All the major countries—France, Germany, Italy, Benelux, Japan, Canada, Great Britain, Sweden, Switzerland,—have indicated their willingness to participate in a meaningful realignment of currencies, provided the United States recognizes its share of responsibility by a modest dollar devaluation," Javits and Reuss said. The other nations' offer came in a joint statement last September 13. For the past two months, the Treasury has refused to negotiate on a package containing such a dollar devaluation.

Both legislators have repeatedly urged a change in the U.S. position. That change apparently came Tuesday night November 16 when Treasury Secretary Connally told the Economic Club of New York, in response to a question concerning devaluation of the dollar, "the U.S. is willing to talk about anything. Nothing is sacred. First, though we have to see some flexibility on the part of the other nations. We will be glad to talk about anything when we know that they are willing to do so."

The bill would allow the President to devalue—by a bookkeeping change in the price of gold—by up to 10 percent, (the expectation is that the devaluation included in a package would be somewhat less), provided it is part of a realignment package.

"A prompt realignment of currencies has been, and should be, our first order of business," Javits and Reuss said. "The dollar's overvaluation must be altered, if we are to improve our exports, avoid being flooded with artificially low-priced imports both factors which contribute to the present high rate of unemployment. We are confident that as soon as the Administration has obtained a satisfactory realignment package, the Congress will validate U.S. participation in it by prompt passage of our bill."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1485

At the request of Mr. Ribicoff, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 1485, a bill to establish a Department of Education.

S. 2324

At the request of Mr. Metcalf, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 2324, a bill to establish a national power grid system.

S. 2332

At the request of Mr. Tower, the Senator from New Hampshire (Mr. Cotton) was added as a cosponsor of S. 2332, to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2349

At the request of Mr. Tunney, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of S. 2349, the Voting Rights Act Amendments of 1971.

S. 2436

At the request of Mr. Hruska, the Senator from Arkansas (Mr. McClellan) and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 2436, a bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes.

S. 2529

At the request of Mr. Hruska, the Senator from Pennsylvania (Mr. Scott) was added as a cosponsor of S. 2529, a bill to incorporate Junior Achievement, Incorporated.

S. 2676

At the request of Mr. Tunney, the Senator from North Carolina (Mr. Jordan) was added as a cosponsor of S. 2676, the National Sickle Cell Anemia Prevention Act.

S. 2677

At the request of Mr. Tunney, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 2677, a bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia.

SENATE JOINT RESOLUTION 117

At the request of Mr. McIntyre, the Senator from New Hampshire (Mr. Cotton) was added as a cosponsor of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE RESOLUTION 197—REPORT OF A RESOLUTION TO PERMIT A PHOTOGRAPH OF THE SENATE IN SESSION

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 197

Resolved, That Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the United States Capitol Historical Society to photograph the United States Senate in actual session.

Sec. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

SENATE RESOLUTION 198—REPORT OF A RESOLUTION TO PAY A GRATUITY TO WILLIEMAE C. ABNEY

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 198

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Williemae C. Abney, widow of Robert Abney, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 199—REPORT OF A RESOLUTION TO PAY A GRATUITY TO MAMIE B. WALLACE

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 199

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mamie B. Wallace, widow of Robert J. Wallace, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. Brock, the Senator from New York (Mr. Buckley), and the Senator from California (Mr. Tunney) were added as cosponsors of Senate Concurrent Resolution 33, regarding persecution of Jews and other minorities in Russia.

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. Allott, the Senator from Georgia (Mr. Talmadge), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of Senate Concurrent Resolution 49, calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

FINANCIAL ASSISTANCE TO THE NATIONAL RAILROAD PASSENGER CORPORATION—AMENDMENT

AMENDMENT NO. 705

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. WEICKER (for himself and Mr. Pell) submitted an amendment intended to be proposed by them jointly to the bill (S. 2760) to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

EQUAL EMPLOYMENT OPPORTUNITIES ACT OF 1971—AMENDMENT

AMENDMENT NO. 707

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 2515) to promote equal employment opportunities for American workers.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 704

(Ordered to be printed and to lie on the table.)

Mr. MONDALE submitted an amendment intended to be proposed by him to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 706

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 708

(Ordered to be printed and to lie on the table.)

Mr. FANNIN proposed an amendment to Amendment No. 692, proposed to the bill (H.R. 10947), supra.

AMENDMENT NO. 709

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS. Mr. President, I submit an amendment to Amendment No. 692 proposed to H.R. 10947, the Revenue Act of 1971, and I ask unanimous consent that the text of my amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 709

On page 9 strike out lines 3 through 14, and in place thereof add the following definition: (redesignate succeeding paragraphs)

(6) Party for the purposes of this act shall mean any political party which registers its name with the Comptroller General in accordance with regulations promulgated by the Comptroller General, and declares its intent to nominate a candidate for the office of President and Vice President in the next presidential election.

On page 14, beginning with line 2, strike down through line 3 on page 16 and insert in lieu thereof the following:

Sec. 1004. (a) Subject to the provisions of this subtitle an eligible candidate shall be entitled to payments under section 1006 in an amount equal to the amounts in the fund designated for his use, or for the use of eligible candidates of the party of which he is a member, provided no nominee shall be entitled to payments in excess of 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of Census in June of the year preceding the year of the presidential election.

On page 16, line 4, strike out "(c)" and insert in lieu thereof "(b)".

On page 29, line 14, after "fund." insert the following: "Individuals designating money to be paid over to the Presidential Election Campaign Fund under this subsection shall designate the party of their choice. Funds designated for the party shall be controlled by the nominee of such party in accordance with regulations prescribed by the Secretary.

AMENDMENT NO. 710

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted an amendment intended to be proposed by him to Amendment No. 692, proposed to the bill (H.R. 10947), supra.

AMENDMENT NO. 711

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 712

(Ordered to be printed and to lie on the table.)

Mr. COOK submitted an amendment intended to be proposed by him to Amendment No. 692, proposed to the bill (H.R. 10947), supra.

AMENDMENT NO. 713

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to Amendment No. 692, proposed to the bill (H.R. 10947), supra.

NOTICE OF CHANGE IN TIME OF HEARINGS ON BILLS RELATING TO THE NATIONAL ENVIRONMENTAL POLICY ACT

Mr. BYRD of West Virginia. Mr. President, I make the following statement on behalf of the distinguished junior Senator from Washington:

Mr. Jackson. Mr. President, on November 12 I announced that the Committee on Interior and Insular Affairs will hold a hearing to consider H.R. 56, S. 681, and S. 1216, measures amending or relating to the National Environmental Policy Act. The hearing is scheduled for November 19 and will be held in room 3110 of the New Senate Office Building. I should like to announce that the time for opening the hearing has been changed from 10 a.m. to 10:30 a.m.

NOTICE OF HEARINGS OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, in accordance with the requirements of section 111(a) of the Legislative Reorganization Act of 1970, I announce that the Select Committee on Equal Educational Opportunity will hold hearings on the following days:

November 22, 1971, 11 a.m., room 1318, New Senate Office Building; metropolitan aspects of educational inequality.

November 23, 1971, 10 a.m., room 1318, New Senate Office Building; metropolitan aspects of educational inequality.

December 1, 1971, 10 a.m., room 1318, New Senate Office Building; educational information.

December 2, 1971, 10 a.m., room 1318, New Senate Office Building; educational information.

December 3, 1971, 10 a.m., room 1318, New Senate Office Building; educational information.

ADDITIONAL STATEMENTS

THE SENATE SHOULD PASS BLACK LUNG LEGISLATION PROMPTLY

Mr. SCHWEIKER. Mr. President, on November 10 by a vote of 312 to 78, the House passed, and sent to this body, H.R. 9212, a bill making numerous amendments to title IV of the Federal Coal

Mine Health and Safety Act of 1969—the title dealing with black lung benefits.

This bill has now been referred to the Committee on Labor and Public Welfare, on which I serve, and I am requesting the chairman of our committee, the distinguished Senator from New Jersey (Mr. WILLIAMS) to give this bill priority. It makes a number of important improvements in the existing black lung benefits law. These proposed changes in the law would enable many if not all of the 30,000 or more Pennsylvania miners and widows who have been denied benefits to receive them in the future.

This is a large number of disappointed miners and widows and I intend to do all that I can to see that they receive benefits. I do want to point out that Pennsylvania has led all the other States in the percentage of black lung claims approved—70 percent, as compared to the national average of 50 percent and Kentucky's figure of 32 percent approved.

As a result, 36,551 Pennsylvania miners, 31,092 widows and 30,033 of their additional dependents are receiving black lung payments today. Every month these Pennsylvanians receive a total of $11.3 million in benefits. Since the program began in 1970, $190,620,000 has been paid to beneficiaries in Pennsylvania alone.

Mr. President, I am proud to have been one of the original sponsors of this legislation when it was added in 1969 on the Senate floor to the coal mine health and safety bill. This program has, on the whole, done an excellent job in Pennsylvania and other States, but it still should be reaching additional miners, widows, and their families. Thus, I support the four main provisions of H.R. 9212, which would:

Extend the Federal phase of the black lung benefits program for 2 more years, so that the States would assume responsibility for paying these benefits at the end of 1974. The current law would make this transfer of responsibility at the end of 1972, but it has been shown that all States, including Pennsylvania, need additional time to prepare for this shift, after which Federal responsibility will cease.

Prohibit the use of a miner's chest X-ray as the sole basis for denying a black lung claim. This would require the Social Security Administration to consider medical evidence other than X-rays, such as lung function tests, before denying a claim. Judging from the mail I receive from many disappointed miners, who have great difficulty breathing but who are turned down solely on the basis of X-rays, I regard this as one of the key problems in administration of the black lung program. Since medical opinion is divided on whether X-rays should or should not be the sole detriment of a case of pneumoconiosis—black lung—I feel miners should have the benefit of the medical profession's doubt on this point.

Clarify the law so that a miner drawing social security disability benefits would not lose any of these benefits when he qualified for and began receiving black lung benefits.

Extend the benefits to "double orphans," that is, dependent surviving children in families where both the miner and his widow are deceased. Present law provides for payment of benefits to the miner, or to his widow if he is deceased, but provides no benefits in cases where both are deceased.

Mr. President, these are the four changes in the law made by the House-passed bill, H.R. 9212. In addition, there is another aspect of the law that should be amended by Congress—the overly rigid requirements for a miner to qualify as "totally disabled."

The House bill does not cover this problem, but two bills now before our committee, S. 2675, introduced by the distinguished Senator from West Virginia (Mr. RANDOLPH), and S. 2289, offered by the able Senator from Indiana (Mr. HARTKE), do address themselves to this situation.

Miners, in order to draw black lung benefits, must now prove they are totally disabled from taking gainful employment. In many cases, miners are told after their examinations that although they are too ill with black lung ever to return to mining again, they can still do less strenuous kinds of work and hence cannot be considered "totally disabled."

This classic standard applied by the Social Security Administration may be a fair one throughout the country, but when applied to coal miners with black lung it works an obvious inequity. First, these men are almost all veteran miners of advanced years, since these are the typical sufferers of black lung. As older men, they face greater than average handicaps in finding alternate employment. Second, the coal industry is found in regions of Pennsylvania and other States that are characteristically one-industry areas, and coal mining is that industry. Unlike other types of industry, coal mining is done in rural or non-industrial areas where jobs outside of the coal industry simply do not exist in significant numbers.

Being told that they can still do lighter work than coal mining, and hence cannot draw black lung benefits, is scant comfort to the typical coal miner in his 50's, who has worked his best years down in the mines and still has heavy family responsibilities to bear. In effect he is being forced to pull up his roots in his home community and leave to find a job he can do, if, under today's lagging economy, he can find a job elsewhere.

This problem has been described to me by Pennsylvania miners themselves, in visits to my field offices or in letters and telephone calls. I think it is time we corrected this inequity in the black lung program.

In the Randolph and Hartke bills, the "total disability" criterion applied to miners seeking black lung benefits would be simply that they be unable to perform work in underground mining, or comparable work. This, it seems to me, is the only fair way to decide if a coal miner is disabled.

Mr. President, I look forward to the Committee on Labor and Public Welfare taking prompt action on H.R. 9212 and related matters concerning the black lung benefits program. I intend to work vigorously to see that this legislation is passed promptly in the Senate.

H. K. THATCHER—MR. RIVER MAN

Mr. FULBRIGHT. Mr. President, the Crossett, Ark., News-Observer of November 11 contains a highly interesting article about Mr. H. K. Thatcher of Camden, Ark.

The article, very fittingly, is entitled "Mr. River Man." Mr. Thatcher, executive vice president of the Ouachita River Valley Association, is certainly deserving of the title "Mr. River Man," for his long and untiring efforts on behalf of river development in south Arkansas.

As the article in the News-Observer states:

> Thatcher has had to demonstrate the patience of a saint, coupled with the tenacity of a bulldog.

Mr. Thatcher has been the central figure in the 21-year effort on behalf of the Ouachita River navigation project. More recently he has been active in the effort to establish a national wildlife refuge in the area.

Mr. President, the writer of the article, Janice Clark, does an excellent job of reviewing Mr. Thatcher's contribution, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. RIVER MAN

(By Janice Clark)

"I have learned that in dealing with water resources improvements it takes a long time to secure the authorization and completion of projects. The job cannot be done by the work of any one individual, or even one organization."

This statement last year of H. K. Thatcher, executive vice president of the Ouachita River Valley Association (ORVA), perhaps explains more concisely than anything else the reason for his effective service in development of the Arkansas waterways. He also said on that same date, "Because they are so interrelated, it is difficult to say whether any one single water resource project (with which I have been involved) can stand out above the others; but, perhaps the nine-foot navigation project in the Ouachita River is the biggest and has been the most difficult."

Surely, in the 21-year fight for the nine-foot channel project, Thatcher has had to demonstrate the patience of a saint, coupled with the tenacity of a bulldog, along with the special genius of a choreographer in bringing to bear on the project the devoted effort, varied talents and special influence of many individuals and organizations.

It is most fitting that as this man approaches his 81st birthday in February, he sees the wheels turning on all fronts toward completion of the nine-foot channel which will bring commercial navigation as far up the Ouachita as Camden, providing a transportation system which, as he says, "under modern barging practices makes every river port an export-import shipping center."

The rich icing on this birthday cake is the addition of a 65,000-acre wildlife refuge to be established by the Department of Interior in the Felsenthal Basin in Arkansas, with an additional 12,000-acre refuge along the navigation channel in Louisiana.

Thatcher was employed 21 years ago, in 1950, as executive director of ORVA, following the announcement by the US Corps of Engineers that they would close down the locks and dams on the Ouachita River because there was insufficient commercial navigation on the river to warrant their operation.

To measure the concern of the urban and

industrial complexes which have developed along the Ouachita since the present six-foot navigation channel "organized" the flow of water, one needs only to listen to those who remember it before the present seven locks and dams were built in 1924.

Mrs. Charlie Woods, of Crossett, who has fished on the Ouachita River for over 60 years, says, "I've waded it many a time. In the fall of the year during the dry season sometimes the river would be no more than four feet wide, and the water didn't more than come up to my knees. There weren't any dams or anything to hold the water. And then when the rainy season came the water would come clear out to the hills. There wasn't any road to El Dorado then, and the water would stretch as far as you could see—to the hills on the other side—about 20 miles."

Industries which have developed with that water source as a determining factor in their growth became justifiably alarmed over the prospect of its being returned to its old fluctuation from sluggish stream to rampaging flood.

Sportsmen were upset because the Ouachita provides some of the finest fishing in the state, and literally thousands of boating enthusiasts find weekend recreation on its waters. Countless brightly-painted houseboats provide regular weekend "vacations" for mill workers and their families, fishing boats find small bays and sloughs to tie up for quiet angling, and faster boats tow skiers down the river's channel. Sand bars offer stop-off points for skiiers to rest and groups to picnic, and Audubon Society members gain entry to unpeopled parts of the bordering woodlands from its waters.

The Ouachita's willow-edged banks backed by great forests, maintained by woods-products industries, make it one of the most beautiful rivers in the nation. The National Geographic Magazine once declared it to be the third most beautiful river in America, and there are thousands whose recreational life is centered on the Ouachita who would agree. In fact, at the time when the closing of the locks and dams was threatened, the mill workers of Crossett Lumber Company signed a petition measuring 100 feet in length which they sent their congressmen pleading for the life of the river around which their recreation was centered.

When employed by ORVA Thatcher was already a highly respected man in the economic and water resources development of Arkansas. Members of ORVA and the US Corps of Engineers had agreed that a nine-foot channel in the river would be necessary to handle modern barge traffic. Thatcher was 60 years old when he came into the organization, and it was expected that his job would be over in five years with the completion of the navigation channel. This would have dovetailed nicely with Thatcher's 65th birthday—and retirement age.

However, the Korean War caused funds for the project to dry up, and it was shelved until 1962, when the plans were dusted off and revised. Rather than digging the nine-foot channel, it was agreed that higher dams to raise the water would be more practical and less expensive.

And here is where the bulldog qualities of Mr. Thatcher and his saintly patience kept him on his job long after he had earned the right to lie around in the sun reviewing his life of considerable achievements, recollecting his frequent dealings with many of the "greats" on the political scene during a life that spans memories of Mark Twain, Teddy Roosevelt, Woodrow Wilson, Franklin D. Roosevelt, Harry Truman, an afternoon of fishing with Herbert Hoover, listening to Albert Einstein speak, and our present greats on the national and local scene.

He was instrumental in drawing industrial and community leaders the length of the Ouachita River and over the states of Arkansas and Louisiana into the work of saving the river, each bringing his own special skill, influence and effort toward the creation of a useful commercial navigation channel.

When the money freeze thawed, Louisiana went right to work to obtain the land for their dam sites and any increased property necessary for the spread of water created by the deeper channel. However, the river banks in Louisiana are relatively high, so there was little additional land needed for the navigation pools. The locks and dams have been built at Jonesboro and Columbia, and the Louisiana part of the total project will be dedicated in July or August of 1972.

The low banks of the Felsenthal basin brought about a real land-acquisition problem. The raising of the water level from six to nine feet resulted in the creation of a minimum navigation pool of 14,500 acres, almost triple its present size. This was more land than the state could find the money to purchase.

As Thatcher says, "The job cannot be done by the work of any one individual, or even one organization." Many individuals and a number of organizations were drawn into the effort. However, the central figure in the 20 years of progress-halt-inch ahead-fall back-turn and twistpush and pull—was the great figure of the onetime Olympic athlete, H. K. Thatcher.

His 65th year is now 16 years behind him. The tall man is stooped a bit when he stands too long. But he retains all of the craft of a master team captain as he stubbornly coaxes, pleads, bullys and table-thumps to bring his 21-year-old vision for the Ouachita River and those who have settled on its shores to a reality.

The major land acquisition problem was solved early this year when the US Department of Interior was authorized to buy lands for wildlife refuges. The Wildlife Federation of Arkansas along with the congressional delegations of both Arkansas and Louisiana were helpful in bringing a commitment from the Department of Interior to purchase some 65,000 acres of land in Arkansas and 12,000 acres in Louisiana for wildlife refuges, specifically for migratory waterfowl havens.

With the blessings of Governor Dale Bumpers and the Arkansas Legislature the Arkansas Game and Fish Commission has allocated $200,000 for the lands on which the locks and dams will rest, and for navigation channel cut-offs to eliminate major bends in the river which would interfere with barge traffic.

And so—with the dedicated work of many men and many organizations, carefully choregraphed by the doggedly tenacious and incredibly patient H. K. Thatcher—the completion of the $111,500,000 nine-foot channel for the Ouachita River and the 100-square-mile wildlife refuge is expected within the next five years.

Thatcher's words hold significant meaning: in light of the years this great figure has been a part of the river development in this area it has become abundantly clear that "it takes a long time to secure authorization and completion of water resource improvements," and also that "the job cannot be done by the work of any one individual, or even one organization."

However, it is a fortunate cause, indeed, that has H. K. Thatcher as the ramrod at the center of its main effort!

SALUTE TO CLARENCE RUPP

Mr. PEARSON. Mr. President, on Monday and Tuesday of this week, the Kansas Farm Bureau held its annual State convention in Wichita. I regret that the heavy voting schedule here in the Senate made it impossible for me to accept an invitation to address the convention. The Kansas Farm Bureau, of course, is an outstanding organization and their annual meeting constitutes an important and impressive gathering of Kansas farmers.

I particularly regret not being able to be with the Kansas Farm Bureau members on Tuesday evening, but at that time the Senate was debating my rural job development tax credit amendment. The Farm Bureau members were meeting to pay tribute to Clarence Rupp who is retiring after serving 25 years as director of research for the Kansas Farm Bureau. I do not suppose there is anyone in the State of Kansas who knows more about Kansas agriculture and the Kansas State legislative process. I, personally, have known Clarence for a good number of years. He is a most unusual man, a man of great integrity and conviction. And he has served the Kansas agriculture community over these many years with great distinction. His active service on behalf of Kansas agriculture will be sorely missed.

I would have preferred to have been on hand to personally salute Clarence Rupp, but I want to take this opportunity to do so now from the Senate floor, and also bring Clarence Rupp's outstanding record of contributions to the attention of my colleagues.

UNITED STATES-JAPAN RELATIONS

Mr. STEVENSON. Mr. President, the November 8 issue of the Wall Street Journal contains an excellent article by our distinguished colleague, Senator Humphrey, on United States-Japan relations.

The Senator's lucid analysis comes at a time when our relations with Japan have plummeted to the lowest point in at least a decade. In rapid succession the United States confronted the Japanese first with an abrupt and spectacular change in its policy toward mainland China and then with an abrupt shift in international economic policy. These actions have been taken in apparent disregard of their disruptive effects on Japan and other allies.

Mr. President, we cannot have it both ways. If we want other nations to share our global responsibilities, we cannot treat them as poor cousins whose needs and views have no effect on the formulation of our policy.

I hope that the administration will heed Senator Humphrey's wise counsel before more damage is done, and I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

For Treating Japan Like an Equal

(By Hubert H. Humphrey)

U.S. actions and official statements over the past few months have had the seriously unfortunate consequence of portraying U.S. relations with Japan in adversary terms.

President Nixon has often talked about a shift from "an era of confrontations to an era of negotiations." Is it not ironic that this now seems to connote that we reserve negotiations for adversaries such as China and Russia while confrontations seem destined for our friends like Japan? Intentional or not, rhetoric that has this effect is contrary to our national interests, whatever its possible tactical advantage. It is essential that we now step back and re-examine our position. Much is at stake in our multi-polar world.

The progress of post-war Japan, we often forget, represents in part a remarkable success of U.S. post-war policy, a policy carried out by both parties. Commentators usually refer to the Marshall Plan and Europe as the most dramatic success story in U.S. post-war foreign policy; but the experience in Japan is equally impressive. Japan's roaring economy has received the most attention: In two decades Japan has become the third largest industrial power in the world and has managed to build a record of sustained economic growth that is unprecedented in world history. In 1960 Japan's gross national product was two-thirds that of China, but by 1980 this may be larger than all of Asia combined.

JAPAN'S INTERESTING ROLE

Close relationship with America and her post-war defense arrangements have permitted Japan to play an interesting role in Southeast Asia generally, staying aloof from many of the crises that have racked the region while at the same time responding to calls for economic assistance from the developing countries. Much of the recent debate between our governments has neglected to note that while Japan's foreign aid was only one-sixteenth that of the U.S. in 1964, it grew to one-fourth as much by 1969, a level exceeding our U.S. foreign assistance as a percentage of our GNP.

Recent discussions about Japan's economy, moreover, have overlooked that it has certain structural deficiencies, including an inordinate number of older, small and medium-sized industries and that much of Japan's agriculture must be modernized. Now that U.S. pressure has forced Japan to limit non-cotton textile imports to the U.S., imports that account for only 1.2% in value of the total U.S. textile market, we are suddenly learning that Japan has been trying to help other developing countries and now imports $300 million in textiles from Asia annually.

What the new agreements with the U.S. portend for Japan is an estimated loss of 300,000 jobs, plus new hardships to poorer Asian nations that have been trying to break into the Japanese market. While some small political gains may accrue to the Nixon administration from the new textiles quotas, many U.S. textile workers and their employers will not benefit by such moves alone, and their just complaints will be heard again.

How the U.S. carries out its relations with Japan will be a key element in what happens in Asia and, in some respects, in what happens in the world. U.S.-Japanese cooperation will be essential to assure peace in Asia. The U.S., Japan, and Western Europe must cooperate to assure a well-functioning world economic system. And the U.S., Japan, and Western Europe must work closely together to build arrangements that hold promise for the aspirations of the poor countries of the world. These goals would be as unattainable without Japan as they would be without the United States.

Japan, we often forget, has become a great functioning democracy. How the U.S. carries out its relations with Japan should be based on the fact that public officials must be elected in Japan—as they must in the United States. Domestic issues and domestic pressures are no less a problem for Japanese leaders than for U.S. leaders. That is what being a democracy means. It can be a clumsy and time-consuming way to operate, but it is a source of great strength and social well-being. Mr. Nixon's failure to give the Japanese government adequate warning on the proposed Peking visit, combined with subsequent unilateral actions on economic reform not only left the impression that he did not understand that U.S.-Japanese relations remain the single most important relations in the Pacific, but that despite his long years as a practicing politician, he was out of touch with Japan's democracy. In consequence, his moves have clearly left a bad taste in Japan—when this need not have resulted.

Japan must take a good share of the blame for the current world economic crisis. It delayed too long in removing its import restrictions, and it has delayed to long in avoiding a revaluation of its currency. But the U.S., too, shares in this blame, principally because the Nixon administration proved unable for too long to bring inflation under control or to achieve full employment. At one point during the past few years the U.S. had the highest interest rates in 100 years and the highest unemployment rate since the last recession in 1958. As the U.S. does its part by stabilizing its economy and regaining a satisfactory level of economic growth, however, it can and should legitimately press Japan to do its share in resolving the world's economic problems.

LOOKING TOWARD THE FUTURE

For the future the important factor is to negotiate with Japan as an equal and to recognize that it is a major U.S. ally. We cannot forget that Japan, a land of scarce resources, lives by trade and that some responsible Japanese political leaders believe that "should the Straits of Malacca ever be closed, Japan's economy would grind to a halt." For this reason we must be sensitive, as Mr. Nixon clearly has not been, to Japanese national feelings.

There is no need for kid gloves or special treatment. To the contrary, the U.S. should bargain hard, especially since the Japanese economy is a strong one. Still, in doing so we should be sensitive to the similarity between our two systems as well as the differences. We should stress the former. The U.S. and Japan are great democracies and large industrial powers, as well as close allies; we share in common the goal of peace, security, and a world where individuals can prosper and seek fulfillment in a congenial environment.

When President Nixon made his move toward China—a move I have always favored—he left the impression that he did not understand these realities. While perhaps not true, I would hope this impression could be corrected.

TRIBUTE TO THE LATE SENATOR SPESSARD HOLLAND

Mr. FONG. Mr. President, I join my Senate colleagues in expressing extreme sorrow over the passing of Senator Spessard L. Holland, who served his State, Florida, and the Nation with distinction for 24 years in this Chamber.

I feel a sense of loss at his passing for I did learn to know and respect him while working with him on the Senate's Appropriations Committee and its important Agricultural Appropriations Subcommittee.

My distinguished colleagues will agree with me, I am sure, that his efforts toward the passage of the 24th amendment to the Constitution which outlawed the poll tax was a most outstanding achievement. This Nation's prosterity will remember this with gratefulness.

My wife Ellyn and I extend our deepest condolences to Mrs. Holland during this period of great personal grief.

SPESSARD HOLLAND

Mr. JACKSON. Mr. President, on November 8, I was privileged to be in Bartow, Fla., to join with the family and friends of Spessard Holland in a final tribute to Florida's great Senator. The simple dignity of that ceremony was a reflection of the man himself. And all of us there were moved by the honor the people of Florida chose to bestow on their distinguished elder statesman.

Spessard Holland's life began in a small Florida community, but the impact of what he did was felt all across America.

As someone who served with him for 18 years in the Senate, I knew him as a truly unique man. He was a scholar who received the highest honors of his university, and his scholarship was reflected in the broad historical perspective he brought to major public issues.

He was a courageous soldier who received the Distinguished Service Cross in World War I, and his courage was reflected in his determination to defend the principles he knew to be right. He was a brilliant lawyer, and his legal craftsmanship was reflected in the far-reaching statutes he helped write.

And because he was all these things, the people of Florida chose him as a prosecuting attorney, a county judge and as a State senator—and then as their Governor and U.S. Senator.

I remember how he envisioned a greater United States by being an early supporter of statehood for Alaska and Hawaii. I remember how he fought to extend the franchise to all Americans, so that the 24th amendment to our Constitution became a monument to his perseverance in a cause he knew to be right.

So Spessard Holland combined the virtues of a scholar, a soldier, and a statesman, and made himself one of the most respected U.S. Senators of our time. He never tried to be one of the loudest voices—but his voice was heard simply because it was a voice of knowledge, of understanding, of reason. When he spoke in the Senate, his colleagues listened. And we all profited, personally and collectively, from his thoughtful counsel.

Spessard Holland created a tradition of excellence in Florida politics. That is his legacy to the people of his State. This tradition will live on, I am sure, as people remember Spessard Holland with admiration and respect and gratitude for his service to his State and his country.

M.D.'S AND THE 4-DAY WORKWEEK

Mr. PACKWOOD. Mr. President, a recent editorial in the Nevada State Journal comments on the growing interest in this country in a 4-day workweek.

The editorial also comments on recent testimony by an Oregon friend of mine, Dr. Max Parrott, chairman of the board of trustees of the American Medical Association. Dr. Parrott points out that although the number of physicians in the country have increased by 28 percent in the last 10 years, most physicians still work at least 50 or 60 hours per week.

The editorial also points out that physicians have a big stake in making any health insurance plan passed by Congress effective in the delivering of care to 205 million American patients.

Because both health insurance and the 4-day workweek are issues which will be before the Congress, in some form or another, in the near future, I think this editorial is particularly appropriate, and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Nevada State Journal,
June 20, 1971]

No Robots—Those M.D.'s

Judging by the growing interest in a four-day workweek, the three-day weekend will be a fact of life for most Americans in a comparatively few years—with a few notable exceptions. Very likely, physicians will be among those exceptions. Legislative proposals for National Health Insurance treat doctors as if they were pieces of X-ray equipment—to be worked 24 hours a day.

In the course of testifying before a Congressional Subcommittee on matters pertaining to national health care, Dr. Max H. Parrott, chairman of the Board of Trustees of the American Medical Association, remarked that, "The American doctor is the one who will be asked to provide health care for out people, whether we stay with our present system, modify it . . . or scrap it to substitute something unproven . . . he has a capability that is rarely matched. He has virtually eliminated an impressive list of diseases. He has increased his ranks by 28 percent in the last ten years . . . but he still, most often, works a 50- or 60-hour week. And, though he has personal, daily access to the highest quality health care in the world, he lives no longer than anyone else. The American physician is largely responsible for the state of his art. He is proud of it. And he wants it to be even better, to improve it wherever possible, ot provide better and better care for everyone."

No, the doctors will likely never see a four-day workweek—nor do they want it. They would much prefer to see the perfecting of a medical system which they have worked hard to build on the principles of voluntarism and free choice.

MINNESOTA AND URBAN DEVELOPMENT

Mr. MONDALE. Mr. President, as our Nation is about to enter its third century, it is facing perhaps the greatest challenges of its history—namely, those of population imbalance and the urban crisis. The necessity of meeting these problems head on, with bold and corrective solutions, can hardly be overstated, for the condition and health of tomorrow's cities, environment, and population depend almost entirely upon the action which we take today. For too long, remedial and half-hearted measures have sufficed in dealing with the growing problems of our cities and urban development.

The creation of new cities, with a major emphasis on unity of design, integration of functions, and anticipation for the future, offers a significant opportunity for understanding and reversing the problems of urban development.

I am proud to say that the State of Minnesota has taken a bold initiative in analyzing and implementing models of new city development. The idea of the experimental city originated at the University of Minnesota in the mid-1960's, and this year the Minnesota State Legislature created and funded an Experimental City Authority.

The experiment is presently entering its second phase, concerned with the elaboration of its planning framework and the design of a planning process to permit implementation.

On September 23, 1971, Otto A. Silha, publisher of the Minneapolis Star and Tribune, spoke before the National Board of Directors meeting of the American Institute of Architects. Mr. Silha, who is also presently serving as chairman of the Minnesota Experimental City project, spoke of Minnesota's experimental city and its role in the Nation's future urban development. I feel that his speech most emphatically describes the problem, and the significance of the experimental city in its solution.

Mr. President, I ask unanimous consent that Mr. Silha's speech before the AIA be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Minnesota's Experimental City—And the Nation's Future Urban Development

The need for new cities has been recognized by virtually every serious student of urban problems and national growth policy. If one thing is clear in that complex of issues, it is that we cannot continue indefinitely to pack people into existing metropolitan areas. And because of the lead times involved, it is imperative that we begin as a nation to take corrective—and I would stress corrective as opposed to remedial—action now.

The leading indicators of serious problems are unmistakable; the storm warnings are flying. Environmentally we are developing the public mechanisms to contain the problem, but there is much to be learned about what to do. Politically, the breakdown of major social service delivery systems and the fiscal crises and bankruptcies of local governments tell us that we must be doing something wrong. Socially, the desperation seen in our judicial and penal system is to me an all-too-clear indication of the urgent need for some basic actions. The common element among our national problems is that they all tend to converge in our major cities.

Barbara Ward has stated the rationale for new cities quite succinctly when she says ". . . excessive growth in very large cities can best be controlled not by any rigid attempt to set limits; rather, expansion can be checked only by attracting it to other centers." Our problem has been that we don't have any "other centers" or any effective way for creating them.

In its analysis of the problem of a national urban growth policy, the National Goals Staff in the White House outlined four alternatives:

The first is to continue with present policies which will result in more sprawl, more concentration into a few metropolitan areas, more patch-work redevelopment.

Second, we can try to create a higher rate of growth in rural areas, but we know that this approach, assuming we knew what to do, is only a part of the solution to the larger problems and that it can have almost no effect on the national pattern.

Thirdly, we can stimulate the development of growth centers by various governmental actions. This approach has its limitations as well as its pluses.

The fourth strategy, which has worked well abroad, is one which has been tried only to a limited extent in this country—the creation of new cities, both as parts of major metropolitan areas and as truly new cities.

New cities offer the opportunity for major advances in the state of the art in every facet of urban design, social and physical, to test and prove out both social and physical systems which can subsequently contribute to existing cities. The general experience of the U.S. new cities, however, has been an inability to realize inherent social goals and a difficulty in achieving significant innovation in both physical and social systems.

Their experiences suggest, in fact, a furter hardening of patterns established in the suburban development since 1945 and very little contribution to the solution of the problems of the central city and its residents. Reasons for this situation include economic and financial constraints; an inability to deal with the entire process of innovation including technical, financial, political and market factors; and the absence of models of alternative systems on which to build.

I am convinced that a key strategic reason for the paucity of urban innovation is that we are sadly lacking in models for future development, for carefully spelled out and demonstrated alternatives to present patterns. This can be critical to unblocking other constraints.

Certainly we are not lacking for ideas. What we are lacking is an opportunity to put a series of ideas together in a systematic manner, then actually implement them in an integrated, experimental setting, designed to prove out our best thinking in an operational situation. We do this in virtually every phase of American industry, but when it comes to the most important thing of all—the environment in which we and succeeding generations will live—we somehow assume that serendipity will take care of us. The evidence, I would suggest, is to the contrary.

The current generation of new communities, both in this country and abroad, is a welcome addition to our urban development; they are badly needed to meet current needs and for the most part they represent a significant advance over urban developments of the immediate past. But the irony of the new communities—as fine as they are—is that they are tending to reinforce patterns which have proved to be unsatisfactory. They will become a part of the problem.

Let me illustrate: A new city of half a million people has been proposed for the meadowlands in New Jersey just west of Manhattan. I have every expectation that it will be well planned and well executed, and will represent an improved living condition for its inhabitants. But the question which must be asked is whether it is wise to put still another half million people into the heart of the most troublesome urban complex in the country. Should we not instead be finding ways to bring about a better balance of population and resource distribution on a national basis?

Most new cities are forced into obsolete technology. The pattern of new cities, I fear, will represent a great opportunity missed. One of the lessons of the British in their first generation of postwar new towns near London has been just that: that they were too conservative in building their new cities, that they were not sufficiently innovative; that they were willing too early to "accept the inevitable" and to abide by the conventional wisdom of another era.

It is apparent that there is a wide gap between what we espouse as desired goals for urban growth for the next several decades and our capabilities to date in achieving these goals, that we are not making the best use of the technological and other resources which are ours. Clearly, the process of adapting and applying current technology into urban settings is more complex than it appears. The steps from "here" to "there" are not well understood.

Some of the basic concepts for the MXC project are to evaluate the current state-of-the-art in terms of a specific prototype situation, to advance that state-of-the-art, and to provide a "real" opportunity for testing and further advancing models of new city development and the application of technologies to these ends. That is to say, to learn how and to build a city better than we have done to date in this country.

When David Starr Jordan was president of Stanford University, he observed that wisdom is knowing what to do, knowledge knowing how to do it, and virtue, having done it. In a sense, that is the theme of the Experimental City. At least in a general way, we do know what the problem is and have some good hypotheses about what to do; we certainly have the technology and the resources; but up to now we are acting—when at all—at an almost minimal level.

The idea for an experimental city originated at the University of Minnesota in the mid-1960's. The University obtained funding from private sources and from three federal agencies (HUD, HEW, and EDA) to investigate the concept and to determine what some parameters would be. Grants of $80,000 each from these three agencies plus grants of $10,000 from a dozen private firms—largely Minnesota-based—provided the funding for the first phase.

We arranged for a series of 14 workshop sessions which brought together almost 200 scholars and practitioners from across the country. In many cases issue papers were prepared beforehand, and after usually three days of discussion, reports and recommendations were issued. The output of the workshops has been published and has found widespread interest. The discussions were organized around major urban systems—education, transportation, energy sources, manpower, communications, city building technology, government, and so on.

In addition, a national steering committee was formed to develop the general conceptual framework for an experimental city and to provide overall policy direction. This committee includes nationally recognized physical and social scientists, engineers and and humanists ranging from such diverse backgrounds as Buckminster Fuller to the late Whitney Young. The contribution of these people to the project has been invaluable.

The Phase I study arrived at a number of conclusions about the key parameters which will largely determine the location and some of the physical characteristics of the city. A population of 250,000 was determined to be "the right size" if the city is to be essentially self-sufficient or freestanding. (This turns out to be the same conclusion the British reached about their second generation new city—Milton Keynes.) Such a city will perhaps require 35,000 to 50,000 acres.

Environmental and economic analysis in Phase II will further refine that figure. Minnesota has thousands of acres of low-utilization, publicly-owned land, some of it in very large tracts, which could be logically acquired for an Experimental City. This would tend to minimize many of the dislocation problems, minimize the cost of acquisition, and suggest new concepts in the use and control of public lands.

The Phase I participants agreed that for the city to have maximum impact, it should be built largely in a relatively short period of time—10 to 15 years. And to ensure that it be truly freestanding and not adversely influenced by existing urban constraints, the City will be at least one hour's ground travel time from a major metropolitan area.

The second, and current, phase is concerned with the elaboration of the framework provided by Phase I and with the design of a planning process to permit implementation. Two major parts of the Phase II effort have been completed, and, as you will see, both are critical to our future success.

We recognized from the outset that government—at several levels—must be involved in the project as an active participant. Accordingly, we began working with the State of Minnesota two years ago. The Legislature created joint operating committees of the House and Senate which held extensive hearings to determine what the State's role should be. Their findings were presented to the 1971 Session which created and funded a Minnesota Experimental City Authority.

The Authority is charged with the selection of a site, recommending the manner of land acquisition and financing, and general approval of plans. It will report to the Governor in January of 1973, so that the Legislature can take action during the 1973 session. The Authority is made up of eleven citizens, appointed by the Governor. To provide needed liaison, the directors of the state departments of planning, economic development, pollution control, and natural resources are ex officio members. Most of those departments have already been involved in our deliberations.

As soon as a site has been designated, no later than October 15, 1972, all public improvements on the land will be frozen, effectively stopping any development until the decision can become final and the land assembly begun. To my knowledge, this is the first time such powers have been granted to a state agency, and we believe that it represents a major innovation.

Sometime next month, an economic base study for the experimental city will be completed. It was determined in Phase I that the city's economic base would be significantly different from that of most cities today, reflecting the structural changes which are occurring in our economy. Activity will be heavily oriented to the knowledge-based industries and will have a large services component and a relatively small basic manufacturing component.

Our current base study is identifying which industries are the most logical candidates for location in the city and what their locational requirements are likely to be. From that information, we are determining the character of the public and private infrastructure investment and staging, and the workforce which could be anticipated. This, in turn, tells us what kind of demographic mix is prabable and provides a good initial base for planning. The information from the study is clearly of use to the Experimental City planning, but it can also be the basis for a better base of information for future urban planning elsewhere.

Our Phase II timetable calls for research and preliminary planning in the major systems areas, running in parallel with the site selection and land assembly process, which we hope can be completed by late 1973 or early in 1974.

It is significant to note that we are not talking about vast new expenditures to already overburdened public budgets. We are talking about a better, more rational expenditure of the billions which we will be spending anyway in this country over the next generation or so simply to house the millions of new Americans who will be arriving and to replace certain of our physical plant which has become obsolete.

In an all-too-real sense, our expenditures for urban development are the most critical ones to make, because they shape our environments conclusively for years to come. Yet, we invest less on research and development and planning on which to base those expenditures than in almost any other field of endeavor I know about. In the aerospace industry, for example, it is usual to devote from five to ten percent of a total budget to research and development (and I am not suggesting that this is not appropriate). I am convinced that a much smaller investment in urban research and demonstration could be one of the most effective expenditures we could make. We must take what President Nixon has so aptly termed "the long view". We must "look down the road" not just at initial expenditures, but consider the total costs—economic, social, and environmental—we incur as we continue to build this country.

We are well aware of the magnitude and the complexity of the task we propose. We do not suggest that it is a panacea, rather a single but significant step toward a better America.

As this nation prepares to enter its third century, it is fitting that we question the values which underlie the way in which we live, to challenge assumptions and established practice, to ask why—and why not. It is an appropriate time to look at our national goals, to see how well they are reflected in the patterns of urban living which characterize our society today, to find if we like what we see, to re-set our sights.

We have a need to demonstrate—as Americans did two hundred years ago—that we can again articulate the American dream in ways which can motivate all our citizens toward the realization of our common goals. We must translate our disappointments and dissatisfactions of today into possible dreams and plans, and hence into a legacy, for tomorrow. And that is what the Minnesota Experimental City is really all about.

TRIBUTE TO THE LATE SENATOR HOLLAND

Mr. JORDAN of Idaho. Mr. President, it was with sadness that I learned of the passing of the Honorable Spessard L. Holland on November 6.

Although we sat on separate sides of the aisle, the late Senator and I shared many interests. As a matter of record we voted together most of the time. He was never one to alienate a person whose opinions may have differed from his own and in his own reserved way, he became a powerful and respected Member of this body during his quarter of a century tenure.

Senator Holland served his State in a manner most faithfully with its best interests at heart. He elected to retire after a distinguished career in public service. His loss will be lamented by his many friends and coworkers. Mrs. Jordan and I extend our most heartfelt sympathy to Mary Holland—may she take comfort in the knowledge that during her husband's years here on earth, he was a great and good man whose devotion to public service earned him the respect of his fellowman.

THE WSB STORY

Mr. MONDALE. Mr. President, modern food technology and the enterprise of American food processors are being linked together to help fight hunger in the world and close the protein gap threatening serious malnutrition in many areas.

One example of this that has been brought to my attention is a paper delivered by Dr. Frank E. Horan, director of research for the Archer Daniels Midland Co. of Decatur, Ill., at the Western Hemisphere Nutrition Congress III held August 30 to September 2 at the Americana Hotel in Bal Harbour, Miami Beach, Fla. Entitled "The WSB Story," it is an impressive account of development and use of a new low-cost, high-protein food product that is gaining rapidly increasing acceptance in the food-for-peace program, is the mainstay of the CARE program for feeding refugees in the Gaza Strip, and is currently serving the same constructive purpose of providing essential sustenance for Pakistani refugees in both India and strife-torn East Pakistan.

Mr. President, I ask unanimous consent that this address by Dr. Horan be printed in full in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE WSB STORY

(By Dr. F. E. Horan)

To give a progress report on one of the more recently developed nutritionally formulated high-protein foods, namely, WSB (Wheat Soy Blend), here in Bal Harbour, Florida is indeed a salutary experience. Some of you may recall that in May, 1969, The Sixth Conference of the Americas on Malnutrition as a Factor in Socio-Economic Development was held in this same city, and at this Conference, WSB actually made its official debut as a new food type to assist in combatting malnutrition throughout the world. By means of an exhibition booth WSB was demonstrated in the form of beverages and a pudding. Brochures describing this new product were available in English and Spanish.

Of course, the introduction of WSB here in Florida two years ago was not actually the birth of the product; it might be looked upon as the baptism. To gain a better comprehension of the development and marketing of a new food product of this type it might be worthwhile to review briefly the history of WSB.

In 1965 the USDA's Committee on Food Processing in Developing Nations in conjunction with the Department of State's Agency for International Development (AID) issued "Guidelines for Food Formulation for Infants and Children" in order to assist industry and other government agencies in developing food aid programs.[1] One essential requirement of the guidelines was that the basic cereal components of the newly developed products should be wheat or corn, alone or in combination.* With the passage of the Food for Peace Act of 1966, the stipulation that a commodity be in surplus to be eligible for distribution under the foreign donation program (Public Law 480–Title II) was removed, thus broadening the range of ingredients which might be used in new blended food products. The principal criteria which must be met in new foods are: Palatability, low cost, ease of preparation, high nutritional value per unit of cost, and satisfactory storage characteristics.[2]

The work of Bradley[3] in 1965 which indicated that calorie for calorie, wheat shorts (a flour milling by-product) have a level of essential amino acids twice that of human milk stimulated new interest in wheat as a potentially important ingredient to be considered in food aid programs. The Millers National Federation appointed an Ad Hoc Committee for World Food News in 1966 to develop wheat products which might find a useful place in the U.S. Food for Peace programs.[4] This work was accelerated by the development of a process by Fellers[5] for recovering a high protein (20 to 22 per cent) flour from milling by-products, and this fraction is now referred to as wheat protein concentrate (WPC). Working in cooperation with the U.S.D.A., Flour Blend A (70 per cent straight grade hard winter wheat flour and 30 per cent WPC) was conceived and developed for use primarily as a replacement for domestic bread flours in developing countries. The protein content of Blend A is 13–14 per cent and the PER value is 1.01, as compared to 0.77 for straight grade wheat flour.

Continued efforts by the Ad Hoc Committee resulted in a second type of blended precooked product, which was intended for use as a beverage or a porridge for preschool children, but which could also serve as an emergency food for adults. This product is now known as WSB, and consists of 73 per cent of wheat-derived material, 20 per cent of defated soy flour, 4 per cent stabilized soy oil, and a vitamin-mineral premix. The protein content of WSB is at least 20 per cent, and the PER value is 2.4. At least five U.S. Firms ** have production facilities available to produce WSB, and may submit bids on requests by the Agricultural Stabilization and Conservation Service (A.S.C.S.).

The development of a new food product in the laboratory, and the successful scaling-up of a process for uniform and efficient plant production may bring considerable satisfaction to the professionally trained technical man, and the technical achievements related to WSB were highly commendable. However, a technological success does not necessarily ensure a commercial or marketing success, nor does it automatically follow that a highly nutritional product will solve the malnutrition problems in the world. The new food product must be introduced to those who need it and must be accepted by them in their daily diet. To accomplish this requires a well-coordinated and cooperative effort on the part of a variety of competent organizations with energetic and capable personnel.

The WSB story exemplifies this type of cooperation very well. At the outset it was necessary to realize that WSB was an entirely new product and could not be regarded as an exact duplicate of any other commercially available food item. Therefore, recipes for its use had to be developed, and the essential functional characteristics of the product, including its limitations, had to be evaluated. Under the auspices of Bulgur Associates, Inc. and the Millers' National Federation in cooperation with Foreign Agricultural Service (USDA) a booklet entitled "WSB-Growth Power" was published to promote the many excellent features of this new product. This booklet is now available in English, French, Spanish, Portuguese and Arabic.

In addition to the close cooperation with the USDA's Agricultural Research Service in developing the technical and nutritional characteristics of WSB, Bulgur Associates sought and received great assistance from the Food for Peace office in Washington, which in turn enlisted the services of its personnel throughout the world in cooperation with many of the U.S. voluntary agencies as well as several multilateral organizations.

Bulgur Associates set out on a determined course to introduce WSB. In August of 1969 (FY–70) an airgram (Circular A 1821) was sent out by the Washington Food for Peace office to forty-two countries in Africa, Latin America, Near East-South Asia and East Asia. The following excerpt is taken from that airgram:

"This week we are air-mailing a small supply of WSB samples packed one pound net in polyethylene bags. The samples have been donated by Bulgur Associates. You may find them useful for display and for distribution to voluntary agency representatives and local government people interested in the Food for Peace Program. Additional samples will be provided upon request. WSB has been purchased in quantity for a number of countries and is available for PL 480, Title II, programs in FY 70. Cooperating sponsors may (a) request a carload lot (100,000 pounds) of WSB for experimental purposes without supplemental program documentation and (b) call forward WSB in lieu of approved cereal products provided this commodity adjustment does not exceed the total dollar value of the approved program."

As a follow-up of this airgram, starting in the fall of 1969, personal visits were programmed to key countries to explain the value of WSB in upgrading nutrition and of improving the health of the people, particularly children. Through June of 1971, some 63 personal visits have been made to 48 different countries in the various regions of the world. This is summarized in Table 1:

TABLE 1.—PERSONAL VISITS ON BEHALF OF WSB

Region	Number of countries	Number of visits in countries: 1	2	3 or more
Africa	14	7	6	1
Europe	2	1	1	
Near East-South Asia	8	4	3	1
East Asia	5	1	2	2
Latin America	19	9	7	3
Total	48	22	19	7

To be sure it is difficult to correlate exactly the effectiveness of personal visits in terms of the actual acceptance of the product in a particular country. Nevertheless, an observation of the increase in actual shipments of WSB since its first introduction suggests that there is some cause-effect relationship at work. In FY–69, approximately 2.9 million pounds of WSB were shipped; in FY–70, the total was about 11.3 million; and in FY–71, which has just ended, the tentative figure is 33.3 million pounds. Some 42% of the WSB sent in this past year has gone to Africa, with about 73% of that going to Nigeria; approximately 25% of the total has been sent to Latin America and another 25% to the Near East-South Asia. The recipients are more evenly distributed in the countries of these two areas. A comparison of the WSB shipments for FY–70 and FY–71 is given in Table 2:

TABLE 2.—WSB SHIPMENTS FOR FISCAL YEAR 1970 AND FISCAL YEAR 1971

Region	Fiscal year 1970		Fiscal year 1971	
	Hundredweight	Percent	Hundredweight	Percent
Africa	67,500	57	139,336	42
Latin America	20,780	17	83,019	25
Near East-South Asia	25,280	21	87,260	26
East Asia	6,200	5	23,214	7
Total	119,760	100	[1] 332,829	100

[1] Tentative total for fiscal year 1971.

The initiation of a request for WSB for use in a particular country generally must come from the agency in that country who has developed a program for the ultimate disposition of the product as a food. This request is handled by the local Food for Peace officer who relays it to his office in Washington which then turns it over to the USDA which, through its Agricultural Stabilization and Conservation Service sends our requests for bids from producing companies. A portion of the WSB orders is handled on a government to government arrangement through AID. To date the U.S. Voluntary Agencies handling WSB are as follows:[6]

CARE, Inc.
CRS (Catholic Relief Service)
CWS (Church World Service)
LWR (Lutheran World Relief, Inc.)
SAWS (Seventh Day Adventist Welfare Services, Inc.)

The multilateral organizations presently involved are:

UNICEF (United Nations Children's Fund)
WFP (United Nations World Food Program)

An estimated breakdown of the usage of the total amount of WSB shipped is as follows:

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* See appendix.

Footnotes at end of article.

** Archer Daniels Midland Co., Decatur, Ill.; Burrus Mills, Dallas, Texas; California Milling Co., Los Angeles, Calif.; Fisher Flouring Mills, Seattle, Wash.; and Lauhoff Grain Co., Crete, Nebr.

	Percent
Preschool children	40
School lunch programs	40
Food-for-work	10
Institutional	5
Family rehabilitation	5

Even though it is well nigh impossible to know how all of the WSB shipped overseas is consumed the following breakdown gives some evidence of the versatility of the product:

(a) *As a gruel.*—Bolivia, Brazil, Cameroon, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, India, Indonesia, Mauritania, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines.

(b) *In bakery products*—British Honduras, Brazil, Ceylon, Congo (Kinshasa), Gaza, Israel, Kenya, Liberia, Panama, Philippines.

(c) *As a beverage*—Chile, Congo (Kinshasa), Dominican Republic, Ecuador, India, Indonesia, Jamaica, Jordan, Laos, Nigeria, Pakistan, Panama, Paraguay, Peru.

(d) *In soups*—Hong Kong, India, Indonesia, Mauritania, Panama, Philippines.

Experiences in some countries may serve to identify a few of the unusual problems encountered in the introduction of a new food product such as WSB.

(1) Dominican Republic and Panama:

These two countries were among the first to use WSB, but during the early stages of this program the WSB was shipped in a plain cotton bag, similar to that used for wheat flour. During storage dark brown spots appeared on the bags, due probably to the relatively high oil content of the product, and eventually the material became infested with insects. As a result, these two countries discontinued the use of WSB.

After discussion among Bulgur Associates, Inc, members and key people in the Government, it was decided that WSB should be packed in a 50-lb., 5-ply, I.R.T. (insect resistance treatment) paper bag with a polyethylene line, and the A.S.C.S./USDA officially approved it and directed WSB producers to start using this new type of bag, effective in December, 1969.

These two countries, the Dominican Republic and Panama, resumed ordering WSB, and during FY-71 each received approximately one million pounds.

(2) *The 90-10 Obstacle:*

In 1969, when WSB was in its introductory stage, a Government policy existed in which foreign aid recipient countries were required to pay for 10% of the ocean freight cost on donation commodities. This resulted in such a handicap that many Voluntary Agencies could not call forward any commodities for many months simply because the recipient countries did not have money available to pay for the freight. Eventually this regulation was rescinded, and a troublesome obstacle for WSB shipments was removed.

(3) *WFP* (*World Food Program*):

This multilateral organization of FAO/UN showed considerable interest in a nutritional product such as WSB for use in many of its programs. However, any new food product must be certified as nutritionally acecptable by the FAO Nutrition Department in Rome before it may be used. In March, 1970, WSB appeared on the WFP approved list of commodities available for use in its programs. In FY-71 WFP handled approximately 10 million pounds of WSB, most of which went to Nigeria to assist in solving recent feeding problems there.

In connection with the acceptance of WSB in Nigeria it is interesting to note that much of the preliminary background work was done originally in the U.S. In January, 1970, a project entitled "Nigerian Food Adaptation" was started by a non-profit organization, based in Washington, D.C., known as Food Business Center; this particular project was supported by Bulgur Associates, Inc. Working with knowledgeable Nigerian people in Washington, it was possible to evaluate WSB in many native Nigerian recipes, the results of which studies indicated that WSB would probably be an acceptable food in that country.**

(4) *Ceylon:*

This country has a successful school lunch program operated by CARE. At the time of a first WSB visit to Ceylon in October, 1969, CARE had two manufacturers making acceptable biscuits (cookies) using non-fat dry milk solids as the protein source. Even though there was some understandable reluctance to modify the formula being used, in 1970 CARE did decide to upgrade the nutritive value of the biscuit further by incorporating WSB into the formula. At the present time the emphasis in the program has shifted to a bakery bun, in which WSB is being used.

(5) *British Honduras:*

This country likewise has a well-organized school feeding program run by CARE. Bulgur Associates, Inc. worked out a recipe for a cookie, using a 40% replacement of the wheat flour with WSB, thus enhancing the overall nutrition. These cookies have a satisfactory shelf life of several weeks and stand up well during the transportation to interior places over rough country roads. Some of the knowledge gained in Ceylon was put to use in British Honduras.

An unusual outgrowth of this cookie program in British Honduras is the awakening of interest here in the U.S., whereby one business firm* is introducing to the consumer market a high-protein cookie made from WSB.

(6) *Morocco:*

One should not be misled by concluding that a personal visit to a particular country with WSB in hand will automatically have WSB established in the diet of that country immediately. The WSB experience in Morocco gives testimony to the fallacy of this conclusion. Bulgur Associates Inc. have received excellent cooperation from Food for Peace officers and Government officials in Morocco, and in turn have put considerable effort into this country by eventually sending a baking specialist to demonstrate the use of WSB in bread, the dominant food of Morocco. After approximately two years of efforts in Morocco, WSB is now included in the School Lunch Program under the auspices of CRS. The Moroccan Bureau of Food and Nutritional Education, in the Ministry of Primary Education, has just produced its own booklet on WSB.

In conclusion, it is reasonable to state that this new, highly nutritional product WSB has been very successful in being accepted and in being put to good use in feeding programs in various parts of the world. This success would not have been possible without the splendid cooperation of scientists, technologists, economists and a large assortment of other dedicated professional people in industry, industry trade groups, and Government Agencies, both here and abroad.

The A.S.C.S. purchase for July export donation signifies a trend in the fact that the totals of both flour and corn meal bought were relatively small while awards on specially blended products of higher nutrition were of near record proportions. Quoting from a recent editorial in the Southwestern Miller [7] entitled "Rapid Relief Food Shift":

"The message came through loud and clear from the awards made by the Agricultural Stabilization and Conservation Service for July export relief donation. It is that the long-anticipated shift in foreign relief procurement from "straight" products such as flour and corn meal to blended foods compounded to meet particular nutritional requirements is beginning to proceed at an accelerated rate. This development should surprise no one who has followed the pronouncements in recent years by officials of both the A.S.C.S. and the Food for Peace office in the Agency for International Development. Newly-developed products, most of which gain a name made up of the initial letters of the principal ingredients, are proliferating. From CSM, which stands for corn soya milk, to the newer WSB, a wheat soy blend, the emphasis has been on foods that have the potential of improving upon the already excellent nutritional contribution of their component parts."

APPENDIX

*Parenthetically, an important contributor to the concepts of nutritionally blended foods was Dr. W. N. Makaroff, a medical doctor in California who was convinced that proper feeding was the best preventative medicine to combat high morality rates. He gave up his practice in 1962 and served as a Food for Peace Officer. Working with Frank Eillis, H. J. Waters and others in the Food for Peace office, a decision was reached by the USDA and industry leaders to try the formulated food approach.

**A Nigerian company is now seeking to arrange commercial purchases of the product for repackaging in consumer-size packs. Also, WFP has requested that 50-lb. sample sacks of WSB be sent to each project director in some 22 other countries of the world for consideration in food-work projects.

FOOTNOTES

[1] Senti, F. R.; Copley, M. J.; and Pence, J.W.: *Cereal Science Today*, 12 (Nov.), 1967.

[2] Sullivan, Betty: *American Miller & Processors*, 95:11–13 (June), 1967.

[3] Bradley, W. B.: *Northwest Miller*, 274(4), 17, 1965.

[4] Bass, E. J.: *Protein-Enriched Cereal Foods for World Needs*, St. Paul: American Association of Cereal Chemists, 1969.

[5] Fellers, D. A.: Shepherd, A. D.; Bellard, Nancy J.: and Mossman, A. P.: *Cereal Chem.;* 43:715–725, 1966.

[6] *Food for Peace*, 1969 Annual Report on Public Law 480, 91st Congress, 2d Session, House Document No. 91–352, The White House, June 18, 1970, Washington, D.C.

[7] Editorial: The Southwestern Miller, 50: 17 (June), 1971.

FOOD USES FOR WSB

Country	Gruel	Beverage	Bakery products	Soups
Africa:				
Cameroon	X			
Congo		X	X	
Kenya			X	
Liberia			X	
Mauritania	X			X
Nigeria	X	X		
East Asia:				
Hong Kong				X
Indonesia	X	X		X
Laos		X		
Philippines	X		X	X
Near East—South Asia:				
Ceylon			X	
Gaza			X	
India	X	X		X
Israel			X	
Jordan		X		
Pakistan	X	X		
Latin America:				
Bolivia	X			
Brazil	X		X	
British Honduras			X	
Chile	X	X		
Dominican Republic	X	X		
Ecuador	X	X		
El Salvador	X			
Guatemala	X			
Jamaica		X		
Panama	X	X	X	X
Paraguay	X	X		
Peru	X	X		

**See appendix.

* Kern Bakery, Lynchburg, Virginia is offering for sale a high-protein cookie called "Pro-Trim".

THE NEED TO MAINTAIN A STRONG STRATEGIC POSTURE

Mr. DOMINICK. Mr. President, on July 29, 1971, I spoke before the Senate on the imperative need for the United States to maintain a strong strategic posture. In that speech I pointed out that the Soviets' policy in regard to the world's commercial shipping lanes is especially alarming and that the Soviets have continued to expand their control over the world's oceans. It is a fact that Soviet naval forces now range through the Indian Ocean, the Strait of Malacca and the Atlantic and Pacific Oceans, unimpeded and unchallenged.

In my view the situation in the Indian Ocean is especially critical. Since the withdrawal of the British to west of the Suez, the Soviets have been rushing to fill the void.

Mr. President, I am glad to report that others share my concern over this growing threat. In the November issue of the U.S. Naval Institute Proceedings, Mr. Lawrence Griswold in an article entitled "From Simonstown to Singapore," makes an excellent analysis of the importance of the Indian Ocean to U.S. strategic interests and points out that the ascendancy of the Soviet Navy in the Indian Ocean area has troubled the waters east of Suez and west of Malacca. Mr. Griswold informs us that of the 40-odd vital imports required for the normal peacetime maintenance of our industrial structure, imports which in wartime would be critical, about half are shipborne from countries bordering the Indian Ocean.

Mr. Griswold correctly notes that with the Suez and Red Sea closed the cape route is the only remaining link between the Indian and Atlantic Oceans and that access to the South China Sea and the Pacific can be controlled through dominance of the Strait of Malacca.

Mr. President, Mr. Griswold's article is well worth reading by anyone who wants to know the real situation in the Indian Ocean and the threat this situation poses to our strategic interests. So that others may have the benefit of Mr. Griswold's most thoughtful analysis I ask unanimous consent that the complete article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM SIMONSTOWN TO SINGAPORE

(By Lawrence Griswold)

NOTE.—In the Indian Ocean, as things now stand, the Russian Navy is well in the lead. It is a very new navy and its leaders have learned that no great number of warships is needed to control an ocean. A nation needs only enough to control the gateways. With the exceptions of the long southern route around Australia and the narrow and tricky waters of the Sunda and Lombok straits of Indonesia, the Indian Ocean has only three portals: the Suez Canal and Red Sea, the Strait of Malacca and the Cape of Good Hope. Now, during the long passage between South Africa's Simonstown Dockyards and independent Singapore, the merchant marine of the West sails unguarded.)

The Suez Canal, physically closed by sunken blockships and silting as consequences of the Arab-Israeli War of 1967, may soon be open again. But, since Russia has established naval-air bases in Egypt, Port Sudan, Yemen and South Yemen, as well as in Somalia and additionally, has completed an air and communications station on Socotra, any ship transits between the Indian Ocean and the Mediterranean may be completed only by courtesy of the Kremlin. If, for any reason, the mood of the Kremlin happens to be inhospitable, Western shipping may suffer from the same forms of harassment and delay which have so often afflicted Western road traffic along the much shorter Berlin corridor. Nor would neutral flags, especially those of Liberia, Panama, or even Ghana, offer much in the way of protection. Moscow knows who owns the cargoes and the offended governments of the offended flags may make their protests to the United Nations.

Aside from the wide diversion of normal peacetime trade for NATO nations dependent for certain strategic materials upon such countries of Asia and East Africa as produce them, the four-year closure of the Suez Canal has compelled them to route their shipping through the remaining gateways at greatly expanded costs in both time and money. And Middle Eastern oil is by no means the only commodity affected, although the giant unwieldly tankers that now carry petroleum and its by-products around the Cape of Good Hope have received the most publicity.

So far as the United States alone is concerned, petroleum is well down toward the foot of the list. Since the end of the gloriously spendthrift years of Lend Lease, the United States has become a "have-not" nation. Fortunately, most of the list of crucial strategic raw materials can use the shorter seaways of the Atlantic and Pacific. But of the 40-odd vital imports required for the normal peacetime maintenance of the American industrial structure—in wartime the need is critical—about half are ship-borne from countries bordering the Indian Ocean.

These essentials range alphabetically from asbestos, beryllium, and chromite through graphite, mica, and pyrethrum, to rubber, talc, tantalum, tin, titanium, and so on. And those are imports needed to maintain American industry and the economy. (Strike-prone U.S. labor leaders should bear in mind that recent sharp increases in the labor component of Pentagon contracts have contributed to "cost over-rides" cited in the mass media.) The finished exports to pay for them, covering an even denser range of the alphabet, also find the Indian Ocean a necessity.

Thus, with the Suez Canal and Red Sea closed and their futures compromised, the Cape Route is the only remaining link between the Indian and Atlantic oceans. Access to the South China Sea and the Pacific is, practically, a monopoly enjoyed by the Strait of Malacca. And the future of that lengthy seaway is now being threatened by progressive Communist domination over Southeast Asia, specifically the coastal nations of Vietnam, Cambodia, Thailand, and Malaysia. Should these States succumb successively (those truly pathetic dominoes!), the Strait of Malacca could soon be made impassable for the merchant shipping and warships of the West. When this becomes a reality, as now seems inevitable, two of the three gateways will have been slammed shut. What, then, would be the impact on "unaligned" Indonesia?

Even if Malaysia and Singapore should succumb to Communist guerrilla warfare, so making the Asian shore of the Strait of Malacca a hostile front, there is still Indonesia and its long Sumatran coastline opposite Malaysia and Singapore. Officially a nonaligned nation, Indonesia's bitter experience with Communists, both Russian and Chinese, is not likely to tempt Jakarta into a complacent quiescence should Chinese-inspired guerrillas or the Russian Navy attempt to obstruct free passage of the Strait. Even with its modern and powerful Navy—the most powerful in Asia—now largely immobilized for lack of spare parts, Indonesia would resist. And, faced by that extremity, Russia would balk at committing the force necessary so far from its bases and without secure communications with either Vladivostok or Alexandria.

The fact that Russia could survive the loss of the Strait of Malacca far better than the West is a fact not lost on the Politburo. Russia can get its rubber and tin (to cite only two of its industrial necessities) from Southeast Asia through continental sources. The West must import them by shipping, and the Strait of Malacca is the only alternative to the Cape of Good Hope.

Geographically, Indonesia is as important to any strategy involving the Indian Ocean as Australia. The two nations, with the African continent, form the opposite shores, and Indonesia is far richer than Australia in potential naval bases, though Australia's Cockburn Sound, still undeveloped, lies directly on the ocean front, where as Indonesia's principal naval-air base of Surabaja lies on the northeast extremity of Java, just around the corner from the Indian Ocean but well over 1,200 miles from Singapore. But Indonesia and its associates would find the many excellent harbors on Sluawesi (Celebes), such as Makassar and Menado, invaluable.

Militarily, Russia now controls the southern littoral of the Mediterranean and Red seas and the Horn of northeastern Africa, as well as the tiny and impotent nations of the Arabian Sea. With the use of abandoned British naval facilities at Aden, Berbera, Mogadishu, and Socotra—the last considerably improved—the Russian navy can harass or interrupt ocean traffic between the Strait of Hormuz and the Mozambique Channel. With the improved facilities at India's Bengal Bay base at Vizagapatam, pro-Communist Ceylon's ports and once-British naval-air base at Trincomalee—and, by no means impossibly, the facilities still existing at Singapore—future Russian control of the entire northern Indian Ocean must be taken into account.

At about this point someone might ask, "What about all of those Anglo-American bases I have read about in the newspapers? Isn't there anything left?" A straight answer is forced: "Just about nothing."

It is hardly surprising. British seapower declined with the British Empire. Most of the U.S. Navy was moth-balled after 1945. Confused by the alternatives of the Nuclear Age, neither country has made a serious effort to maintain an effective naval arm, concentrating instead on that Ultimate Weapon which both, rightly, fear to use this side of imminent nuclear extinction. Meanwhile, employing a basic long-range strategy of *all means short of nuclear war*, Russia has built a modern navy armed with modern weaponry to claim the right of rulership over the seas voluntarily abdicated by Britain and never accepted by the United States.

Unlike the United States, which has no real estate in or adjacent to the Indian Ocean, Britain still has title to a number of small clusters of atolls and a Commonwealth association with others, such as the Maldive Republic, Mauritius, and the British Indian Ocean Territory which includes Diego Garcia, in the Chagos Group. Diego Garcia, as Gan and Aldabra have also been, has recently been mentioned in the mass media as a joint Anglo-American "base." This atoll, with a deep water passage into its lagoon, was a World War II emergency landing strip which has recently been extended. It has neither the territory, the facilities, nor the defensibility of even a very minor naval-air base.

As this is written there are simply no adequate bases in the Indian Ocean remaining to any Western nation either worthy of the name or capable of performing the minimal duties of a military base. Bases, nowadays, must include thoroughly capable air establishments, as well as efficient and comprehensive naval dockyards and adjuncts covering over a hundred square miles exclusive of supply lines to industrial and agricultural centers. All the old British bases are presently, however shakily, under new management.

Now, in belated recognition of Russian ambitions toward the strategic waterways of the world, the NATO nations must locate and build new and much more modern bases in an ocean where no NATO nation except Portugal has adequate holdings. Fortunately, at least one ANZUS nation is as well equipped.

Before passing to a more positive side of the picture, some passing consideration should be given to pre-1941 naval strongholds, commencing with the former French colony of Madagascar, now the independent Malagasy Republic.

Diego Suarez, at the northern tip of Madagascar, was the main French naval base in the Indian Ocean. A deep-water, well-enclosed and well-fortified natural harbor, it was, for its time, an extremely well-situated base of naval operations. Supported by Fort Dauphin on the southeast coast, the French Navy could not only monitor all traffic passing through the Mozambique Channel but also vessels on a more direct course to Malacca and Australasia from the Cape of Good Hope. As Paris realized before the onset of the 19th century, the great island would always be the key to the southern Indian Ocean.

It is probably academic to search for the origin of Red China's commitments in Malagasy's neighbor, Tanzania. Whether the idea was born in Moscow or Peking is now of less importance than the fact that it is China and not Russia which, politically, holds the continental coast immediately north of the Mozambique Channel. Tanzania is certainly the most virulent vector of guerrilla activities against Portuguese Mozambique and white South Africa and Rhodesia, but these countries' worries would be more acute if Tanzania were under the heavier and much closer Russian thumb. And, for that matter, so would those of the NATO allies. Russia's persistent and opportunistic coastal advance toward the south must be halted above still another Parallel; this time the 10th.

But, to return to our discussion of the Malagasy Republic, which is only a little smaller than Texas. It flanks almost the entire length of Portuguese Mozambique, but its closest point to the mainland is 250 miles. It is a member of the French Community and France supplies it with arms and officers to train a small army and smaller navy and air force. Malagasy's economy is agricultural and based on exports of coffee and vanilla. There is no industry of importance, although a recent agreement between Malagasy and Mozambique to construct a shipyard at Tuléar on the southwest coast of Madagascar has been put into effect. It may, however, be some time before the first trawlers put out to sea.

Basically of Malayan stock, the average Malagasy is less political than the Indian population of neighboring Réunion and Mauritius, but the Malagasy government is extremely poor and may welcome tangible income from any source. Malagasy has not, so far, entered into any treaty arrangements with Russia or China. Last November a trade treaty was concluded between Malagasy Republic and South Africa. An occasional French warship calls at Diego Suarez and other Malagasy ports, and so do Russian warships and trawlers, but France holds a lease on Diego Suarez; Russia does not.

So far as base possibilities are concerned, aside from the island's association with France, Diego Suarez is obsolete, almost entirely because of the lack of an industrial source of supply closer than South Africa or, for munitions of war, France. However, as a secondary naval-air base to a major NATO bastion on the East African mainland, it could be invaluable.

Réunion and the Comoro Islands, the latter situated astride the northern end of the Mozambique Channel and the former some 400 miles due east of the central Malagasy coast, are still colonies of France but are of little military significance. Réunion's port of St. Denis has few facilities for the small ships calling there and the Comoros have even less. French Kerguelen and Crozet Islands are both well below the Roaring Forties and offer only harborage. Gazelle Bay, on Kerguelen's east coast, is said to have a good ground for anchorage and fresh water and so may have some value for cruising submarines, but that about sums it up. Presently, there are two scientific teams exploring Kerguelen, one French, the other Russian.

The volcanic island of Mauritius, about a hundred miles east and north of Réunion, is now Britain's largest Commonwealth partner in the Indian Ocean and is the site of a sizeable naval communications station manned by about 375 officers and men. Port Louis is the capital and the largest port. Port Grand, diagonally across the island on the southeast coast, has a smaller harbor and an airport (Plaisance). Its population, basically Hindu and African, is chronically indigent. About 900,000—54% of the population—is under 21 and 35 to 40% of these are unemployed. The main crop is sugar. Port Louis has a Japanese-owned fish cannery and a treaty with the Soviet Union providing for Russian flights to Plaisance Airport "for the replacement of trawler crews." Other treaty arrangements with Russia, providing for technical assistance, have not been officially acknowledged by the Mauritian government. Political instability is only one of the many factors militating against its potential as a naval air base. Fewer than 5% of the Mauritian population can be regarded as conservative and the leftward balance appears to be fragmented between Marx and Mao. A few students, veterans of the 1968 Paris riots, have founded a political party known as the Mouvement Militaire Mauricien as a rival of the Sino-Indian Peoples Democratic Party. This, however, is still a Commonwealth problem.

A much more hopeful picture for the future in the Indian Ocean can be found at its horizontal extremities: Australia's Cockburn Sound and Mozambique's Nacala Bay. Completely undeveloped now, both have the terrain and the topography as well as somewhat distant industrial pools on which to draw at need. Geographically, the two deep water sounds, both capable of defensive missile and artillery installations, are well situated to monitor maritime traffic between Simonstown and Singapore, as well as western Indonesia and Australia. Moreover, a defensive arc deployed from the Mozambique Channel, or Cape Agulhas, to the Perth-Fremantle area of West Australia and including a number of British-owned atolls where communications facilities have already been set up, could exert a strongly sedative influence on Politburo expansionists. In effect, it could negate solitary control of the route between the Arabian Sea and Sumatra.

Cockburn Sound, with its mouth opening northward toward Fremantle, resembles a pocket with a large hole in the bottom, lacily patched by rocks and shoals. A few of these will soon be used by Australian engineers as foundations for a broad causeway to close the hole and to provide a roadway from Garden Island, the seaward arm of the Sound, on which the proposed naval establishment is planned. The site nominated by the Australian government for dockyards is known as Careening Bay, a deeply cut half-circle of steeply shelving sandy beach, now with depths between 7 and 9 fathoms. Present channel depths from the northern entrance to the waters surrounding the anchorage area opposite the Kwinana Refinery of the British Petroleum Company on the mainland, range from over 10 to eleven fathoms. On the comparatively shallow mainland shore, docks have been constructed for tankers and freighters and, in 1968, a channel dredged to the shore.

Two years ago, the long rail connection—the Pacific-Indian Railway—between Perth and Sydney was completed. It is now a single-track line, but the service is fast and links Australia's industrial cities with the Indian Ocean coast. Perth and Fremantle are located in agricultural areas, well-watered and close to sources of skilled and semi-skilled labor. There is already one extensive U.S. Naval Station at Exmouth Gulf, about 700 air miles from Garden Island.

Australia is not a NATO member but it is an ANZUS member. Australia has its own present commitments to Southeast Asia and with special reference to Malaysia and Singapore, where Australia's R.A.A.F. has stationed substantial portions of its aircraft, both at Singapore and Malaysia's Butterworth, opposite the old British naval base at Penang Island. Australia's Cocos (Keeling) Island, nearly north of the Nacala Bay-Cockburn Sound arc, has a usable airport and communications station.

NATO forces will be welcomed by Australia since that country's future is also at stake and a comprehensive naval-air establishment on the Indian Ocean coast of Western Australia and its inevitable contribution to the Australian economy would more than write off Australia's share of the construction and maintenance costs.

So much for the eastern bastion. As for the western, there is Nacala Bay on the continental coast of East Africa facing the Channel in Portuguese Mozambique.

Geopolitically, the southern African continent below Tanzania in the east and the Congos on the west coast comprises a technological enclave bordered by the neutral oceans and at the north, the non-technological and socio-politically confused tribal states of central, sub-Saharan Africa.

Anglo-Dutch South Africa and Anglo-Saxon Rhodesia comprise the industrial center of the enclave while Portuguese Angola and Mozambique, with full racial integration, are fundamentally agricultural and much less dependent on industry. Eventually, Portuguese Angola on the Atlantic and Mozambique on the Indian Ocean, may be joined by overland highway through the "Caprivi Strip"—a narrow strip of South African territory between Zambia and Botswana—now linking Angola with Rhodesia. An international transcontinental highway of this nature could also serve as a political line separating pro-Communist African states and the anti-Communist nations of the south.

Mozambique's Channel coast is deeply indented by wide-mouthed bays and harbors from Lourenco Marques at the extreme south to Cape Delgado in the extreme north. Roughly 300 miles south of Cape Delgado and opposite Malagasy Analava, where the Channel broadens to a width of nearly 400 statute miles before opening into the Indian Ocean, is the wide Bay of Fernao Veloso with depths almost up to the shore line of 500 meters. Near the southwestern end of the bay lies the relatively narrow and deeply channeled entrance to the Bay of Nacala, otherwise landlocked.

Opening into the mouth of Nacala Bay at about 14°20′ and proceeding in a generally south-southeasterly course through deep water (20 fathoms at mean low water at center) flanked by shallows and swamp fringing the shoreline to a distance somewhat under 10 statute miles before reaching the end, about 90% of the 3-mile wide bay is usable, deep water with plenty of room for maneuvering, especially for warships not exceeding 25,000 tons displacement, and for submarines. A broad continental arm of sand and coral, lightly wooded and with a number of small villages on the bay shore, separates the Bay of Nacala from the ocean. The arm ranges from four to eight miles in width and is 14 miles in length. It is capable of supporting lengthy runways and facilities.

Porto Amelia, 90 miles north of Nacala, is a deep water harbor and anchorage but smaller in size than Nacala Bay and without the shelter of a semi-enclosed inner bay.

Whereas Australia's nominee for naval-air base status—Cockburn Sound—is, although distantly, backed by the mills and factories of Sydney, Melbourne, and Brisbane, as well as neighboring Perth, it would be necessary for military establishments in Mozambique to be industrially self-sufficient. At need, resources available at Simonstown and, perhaps, Durban, might be drawn upon, but, aside from normal reserves of spare parts each base should contain its own repair shops and refitting yards as well as the necessary trained personnel. Talent native to central Africa is, to overestimate it, scarce, and Portugal's resources are already committed.

During the quarter century of the Nuclear Age, it has become evident that international options are less likely to leap to the extremity implied in massive retaliation than to the politico-economic field of gamesmanship as in the Japanese game of Go-Ban wherein encirclement or a crushing alignment of mass power wins the game. More pungently expressed by the aphorism, "If you can't lick 'em, join 'em!" NATO nations may have the choice of jointly defending their national interests in the world's oceans or, perhaps imminently, face the threat of economic and political strangulation through a monopolistic control of the strategic waterways.

Insofar as the Indian Ocean is concerned the best that now can be achieved by NATO, after a decade of indecisiveness, is the use of the remaining geography to erect a strategic arch between the opposite bastions in African Mozambique and Australian Cockburn Sound and so flanking a potential Russian line extending from Aden to Malaysia. With adequately deployed air and seapower, the end product might well be the attainment of stalemate—another peace guaranteed by a balance of power.

The nomination of strategic naval-air bases at opposite sides of the Indian Ocean is based on the assumption that future engagements at sea will have small resemblance to those of the recent past. There will be no more stately lines of battle, no more massings of ponderous floating airports. Mobility and striking power, below, on, and above the surface of the oceans and seas will count more than the exchange of broadsides or surface-to-surface missilery.

"WRECKREATION" IN OUR NATIONAL FORESTS

Mr. PROXMIRE. Mr. President, the June 1971 issue of Parks and Recreation published an article by Dr. Robert B. Ditton, director of the scientific advisory staff of Wilderness Watch, entitled "Wreckreation in Our National Forests—We're as Concerned as You Are."

In his article Dr. Ditton says that there is a need to use our national forests in such as way that they benefit all Americans and not just some. He feels our forests should be made available for many complimentary user groups rather than one or two. Because many of our ecosystems are delicate they can easily be upset by too much use. This is not to say that the use of our forests should be restricted to a few, but rather that they should be protected from the danger of overuse.

Dr. Ditton makes a number of points which Congress should take into consideration in watching over our forests. Mr. President, I ask unanimous consent that Dr. Ditton's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"WRECKREATION" IN OUR NATIONAL FORESTS . . . "WE'RE AS CONCERNED AS YOU ARE"*

(By Robert B. Ditton)

Recreation is usually considered an unlimited opportunity, the economic backbone of many states, the frosting on the American Dream, and rarely a problem. Yet the impact of providing for peoples' recreation activities has left and continues to leave its mark on our already beleaguered environment—often with the official blessing of the government agencies involved.

First, many recreation resources have been acquired by the federal government with little thought as to how they will sustain the massive human impact to which they are being and will continue to be subjected.

Second, we find that many federal resource development schemes sold on their recreation values are in fact ecological disasters. The true recreation values of many of our natural resources are being misused today in the brutal process of project justification. As a result, regional grassroots organizations are springing into existence to prevent further destruction of the environment in the name of leisure and recreation.

It may be difficult to consider recreation as a pollutant, because we have been saying all along that recreation is the first to suffer from water pollution and other environmental degradations. But the increasing numbers of recreators engaged in diversified recreation pursuits (many with a high environmental impact such as camping, snowmobiling, all-terrain vehicle use, powerboating, and trail-bike use), together with many of the developments specifically planned for their use, are actually furthering the deterioration of natural resources.

LOVING OUR NATURAL RESOURCES TO DEATH

Madison Avenue advertising organizations, ecologically-insensitive resource planners, communities bent on economic windfalls from our public lands, conservation groups with narrow self-satisfying objectives, and the development-minded public are all actively promoting the leisure misuse of our natural resources. They are unknowingly encouraging over-use or improper use. In everyday language, we are encouraging people to love our natural resources to death. This was first recognized and reflected in the policy of the American Waterworks Association—a group of water supply administrators who restrict the recreation use of water supply reservoirs, regardless of treatment and enforcement levels. They recognize the leisure impact on water quality, but do not have the means to mitigate the impacts.

In his 1970 State of the Union message, President Nixon proposed new financing methods for purchasing open space and parklands "now before they are lost to us." In light of present "pork barrel" management of the public domain, the mere allocation of more recreation resources, or making those lands now in public ownership more accessible, is not the answer but often the beginning of the problem. Our nation's 200 million-plus population with more leisure on its hands is beginning to exert physical pressures on our natural resources that are beyond the comprehension of many resource planners.

In the past, federal acquisition has helped to spare many of our natural resources from exploitation by private enterprise. But this is only part of the story. A number of areas have been spared defilement at private hands only to endure exploitation by the public resource management agencies to whom they have been entrusted. While unanimously supporting public acquisition, environmental protection groups have nevertheless become disheartened with many of the development and management activities being carried out by federal agencies. The U.S. Army Corps of Engineers has probably received the greatest attention in the past because of its impoundment procedures. The emerging trend of the National Park Service toward mass recreation development has been recognized. Court actions have involved the Federal Power Commission and the U.S. Department of Transportation. The seemingly always-distant Bureau of Land Management is even beginning to come under scrutiny.

TRUST IN FOREST SERVICE IS MISPLACED

But what of the U.S. Forest Service? Until recently, this agency has not received the attention accorded the other agencies. Through this agency's historic beginnings with Gifford Pinchot to its present day use of such altruistic images as Smokey Bear, the friendly Forest Ranger, and the Lassie television program, people have been led to believe that the Forest Service is the ultimate protector of our public lands, woods, and waters. But recent experience has shown that such thinking is naive and the trust misplaced. Because of their inability to predict and eliminate the environmental destruction of their holdings, environment protection groups have brought several federal court actions against the U.S. Forest Service.

If we are to sustain the magnificence of the public domain, federal management of recreation resources must insure that they survive the onslaught of being too accessible to humans. The Forest Service misses this point altogether and counters with "you are trying to lock up our resources for a few people." Rather than locking up our delicate resources, they need to be managed in such a way that unique ecologies are sustained. (The word "preserved" is avoided here because of the recognition that unique ecologies are naturally dynamic.) Resources can be sustained by determining the human carrying capacity of each natural area. Regulation of these human carrying capacity levels can be done, hopefully, through a management plan that recognizes man's collective impact on our natural resources—or the hard way, by restricting the number of users to an area and closing it daily when this limit is reached. The latter approach is particularly unsatisfactory in light of the dramatic increase in outdoor recreation predicted for the future. But we may have to endure this approach because many planners lack the imagination and tools to correlate numbers of people with the environmental qualities of our natural areas.

In addition to these increasing physical impacts, the Forest Service has shown little concern for the impact of their development and management decisions on peoples' recreation experiences. Many of these decisions are gradually reducing the number of recreation alternatives that can be pursued. Many management and development procedures have been conveniently tied to the wishes of majority interests rather than the maintenance of a wide number of user-groups, each with predictable recreation experience requirements. The results indicate that the public domain is being slowly fitted solely for those recreation pursuits involving the greatest number of people. The impact of these majority-focused management decisions on the recreation experiences of particular user-groups, such as wilderness users, has not been recognized to date.

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* This paraphrased quote is a favorite bureaucratic response to inquiries raised by environmental groups and private individuals regarding mismanagement of public lands.

POPULARITY VERSUS VALUE

Popularity of an activity should not be confused with its value. The fact that several federally funded studies indicate that driving for pleasure is the number one recreation pursuit in the country does not mean that we need more roads in our National Forests. Many planners, however, rely too heavily on these national trends as their development barometers. Providing facilities for the most popular recreation activities is in itself a safe guarantee that they will be used. Even more so, it is a crass promotion of these very pursuits. With more demand generated, there must be further development. Not only is much of present recreation development closing environmental alternatives but, just as importantly, it is narrowing the breadth of peoples' available leisure opportunities. Many people are having to conform to the recreation developments provided because of lack of diversity. The impact of this "leveling process" on peoples' leisure opportunities is yet to be fully determined.

Federal agencies must interpret recreation and their authorized responsibilities for providing recreation opportunities for a variety of user-groups, e.g., hikers, snowmobilers, primitive campers, convenience campers, nature enthusiasts, hunters, canoeists, picnickers, motorboaters, fishermen, etc. These user-groups cannot be lumped together in the site planning process if resource management agencies expect to provide quality recreation experiences for any one group. Areas need to be planned for complementary user-groups if recreation is indeed to be a human outcome of resource use. With the United States rapidly becoming a nation of congested, frustration-ridden urban centers, it is imperative that our recreation resources maintain their ability to provide people with satisfying recreative experiences.

The provision of open space and recreation lands is not a sufficient goal for the federal government. They must insure through user-resource planning that 1) a balanced variety of human recreation needs are met, and that 2) environmental degradation of these resources is minimized if not totally prevented.

A review of ill-conceived federal recreation resource development projects reveals the growing role of the U.S. Forest Service in environmental destruction:

While not necessarily thought of as a reservoir builder the Forest Service has warmed to the task because "the need for water-oriented recreation opportunities is important in providing essential benefits to the public." But in providing for the public well-being, we should know what is being sacrificed. In the Shawnee National Forest (Illinois) the U.S. Forest Service has development plans which would sacrifice the unique ecology of Lusk Creek, a cool, clear free-flowing stream which contrasts sharply with the many other murky bottomland streams found in this locale. Lusk Creek is presently used for a number of recreation pursuits, mostly of an environmentally compatible low impact nature. With the wide variety of recreation lakes in Southern Illinois, it is incomprehensible why one more unique stream and woodland resources need be inundated to provide the same recreation experience that is now a common commodity. The future of Lusk Creek is presently in the hands of the Forest Service, but more importantly, Congressional appropriations.

In 1968 the U.S. Forest Service seriously considered a Disney-inspired resort area in the Mineral King Valley in the Sequoia National Forest. Planning was carrieed out in anticipation of 1.7 million visitors annually. To place this in perspective, we should note that Yosemite Valley in Yosemite National Park receives about 1.7 million visitors annually—only Yosemite Valley is seven times larger. With problems of environment impact readily apparent in Yosemite, the Sierra Club brought legal action against the proposed resort deveelopment—and won. Recently, however, the Sierra Club's right to bring this suit against the Forest Service has been challenged by a California Federal Court of Appeals decision and the battle continues.

With pressure from a number of national conservation organizations, the Sylvania Tract in Michigan's Upper Peninsula was acquired in 1965 by the U.S. Forest Service because of its wilderness qualities and its ability to provide people with a unique experience. Today the tract is knowingly or unknowingly being developed for high impact recreation pursuits with little concern for the environmental implications of access and resulting human impact. Ecologically inappropriate and uncontrolled use is being encouraged creating further enforcement problems. Development is threatening the habitat and solitude of a rare but reproducing population of bald eagles in Sylvania. Even with partial restrictions instituted, remaining use (and management) of snowmobiles and all-terrain vehicles threatens to negate all previous conservation efforts in behalf of the vanishing bald eagle in the north country. Timber is being cut on the tract by the Kimberly Clark Corporation of Neenah, Wisconsin—further detracting from the quality of the wilderness experience. The uniqueness of Sylvania is being destroyed by the very thing it is capable of providing—recreation opportunities. It is being destroyed by the access roads that not only have led to the silting of boglands, but also make it overly accessible. Sylvania's destruction is entangled with the political process which places high priority on development for the public and low priority on wilderness.

It is not enough to merely consider the recreation resource planning activities carried out singularly by the U.S. Forest Service. There are a number of other federal agencies who seek to sell their public works projects to the great silent majority on their incidental ability to satisfy leisure needs:

Federal roadbuilding efforts have recently sought to bring people to unique areas with little realization of the ecological dangers accompanying the roadbuilding process. Roads have a way of reducing uniqueness rapidly—you have seen a hundred examples of roads which swallow up the views you were supposed to see. The Department of Transportation is cooperating with the U.S. Forest Service in the construction of the Ellis Loop Road that will render the Sandia Crest Recreation Area in the Cibola National Forest (New Mexico) more accessible. The present low-standard road to the Crest follows a less objectionable path than the proposed road and also serves as a buffer against over-use of the area. If the proposed road is constructed, recreation use of the Crest will certainly increase and it is highly likely that more roads will be needed. Secretary of Transportation John Volpe justifies the construction of this super-blackway through the northern Sandias with simplistic wisdom: "In the early 1960s the President's Advisory Council on Recreation conducted an intensive nationwide study of recreation activities of the American public. This study revealed that "driving for pleaure is the nation's most important outdoor activity." If the road is to be built, it will be done over the documented objections of a number of conservation groups.

In 1936 the Secretary of Agriculture dedicated 3,800 acres of virgin forest in Western North Carolina to the memory of Joyce Kilmer, author of the well-remembered poem "Trees." The area was "to be preserved in its natural state and to include only the simplest recreation facilities." But today this forever-wild designation is threatened by the bulldozer and bureaucratic doubletalk. Working with the U.S. Department of Transportation, the Forest Service has proposed the construction of a scenic highway through the Joyce Kilmer Memorial Forest. Originally the highway route was scheduled to run south of the Memorial Forest; but many of the local constituency want the road to cross the high peaks in the northern part of the Forest because of the extra-scenic view and the promise of added tourist dollars. The proposed intrusion involves more than unsightly road cuts, turbid waters, and the destruction of a virgin forest; it violates a 1936 commitment to all Americans to maintain this tract in its natural state amid development and urbanization pressures whatever they may be. Probably an easy commitment to make in the thirties; it is seen today as a landmark decision in the wilderness-short eastern United States. If the commitment is broken, the future security of many of our other recreation resources, however designated, is uncertain.

Even the U.S. Navy's proposed Project Sanguine is being billed by its leading Congressional proponent as potentially one of the greatest tourism and recreation attractions in the country. What is Project Sanguine? The project is described by the Navy as an ultra low-frequency antenna buried six feet underground to transmit one-way messages to Polaris submarines at sea. The antenna will underlie the northernmost 21,000 square miles of Wisconsin, a 26-county area. Once again, the U.S. Forest Service is involved; this time with the U.S. Navy. The project, if completed, would require that 30-foot swaths be cut in a grid pattern every two-to-six miles throughout the Chequamegon National Forest (Wisconsin). Aside from Sanguine's not-too-apparent tourism value, planning authorities are quick to point out that the project will conveniently create snowmobile trails and more deer browse. Concurrently, environmental studies conducted by the Hazelton Laboratories of Falls Church, Virginia, have demonstrated substantial environmental impact at power levels far below what the proposed 1.5 million dollar project will ultimately require. To date, the Forest Service has demonstrated little public response to these environmental study findings. Aside from the development damage involved, can we expect our National Parks and Forests to be openly vulnerable to defense hardware testing and military fortifications in the future? Sanguine's disposition will give us a clue to the answer in so far as the U.S. Forest Service is concerned.

RECREATION PLANNING CLOSELY TIED TO ECONOMICS

Why does much recreational resource development continue to be ecologically dysfunctional? Why? It appears that an answer lies in the fact that much federal recreation planning is more closely tied to economics than ecology. Ecological disasters begin with the nationwide trends projected for leisure activity. Improperly so, these national participation projections guide the extent and type of development at *local* development projects. Regardless of delicate or atypical natural conditions, a site's development plan is usually geared to meet these projections and then justified on the basis of their attendant economic benefits to the immediate region. With economic justification a prerequisite, recreation resource planners must play the "numbers game" . . . even if the "numbers game" disregards good ecological savvy. Maximum recreation resource development is much easier to justify economically than optimum development because the value of sustaining a resource in high quality condition is difficult to express in dollars and cents.

This dysfunctional planning process has a number of inherent weaknesses: 1) Concepts of human ecology are generally ignored; 2) There is usually more concern with bringing large numbers of people to an "attraction" than there is in sustaining its environmental quality; 3) Little consideration is given to such nonproduction oriented intangibles as aesthetics; and 4) There is failure to conceptualize all the factors involved in environmental quality and the related quality of human life.

Management plans are needed that will keep open recreation alternatives for the future, and that will insure a sustained yield of high quality indigenous recreation. Working counter to this goal, however, are the economic incentives encouraging increased development which return 25 percent to all National Forest production (including recreation) receipts to local county government. Many resource economists, therefore, support a system whereby local government units are compensated for losses in their tax base due to government purchase of recreation lands with in-lieu-of-tax payments for an agreed upon number of years. Without such legislation, recreation resource planning, based entirely on economic impact, will continue with critical repercussions for our National Forests. The singular planning concept of economic impact or a "local-get-rich-quick" philosophy stands to be rejected by federal agencies. They must begin to believe that a good ecological decision will, in the long pull, be good economics. A typical example of such thinking already employed by the U. S. Forest Service is the decision to employ sustained yield production rather than the uncontrolled clearcutting of yesteryear.

MORTAL MEN ARE PREOCCUPIED WITH PRESENT

Why can't the Forest Service perceive the potential environmental degradation that may result from their plans and actions? Such agencies are staffed by mortal men who, along with most other Americans, are preoccupied with the present. Concerns for the quality of tomorrow are not only difficult to express, but difficult to put into practice in today's government maze that places high-priority on project justification in short-term economics. "Planning for today" is also encouraged by the irrational pressures of many "conservationists" with narrow objectives who argue for maximum development as a means of "making areas public." While these "conservationists" are familiar with concepts of ecology and use them freely when concerned with water and air pollution, they generally ignore this man-environment concept in dealing with recreation planning. In catalytic fashion they play into the hands of resource planners who are more concerned with the politics of placating local interests than the maintenance of unique ecosystems.

All federal agencies involved in recreation planning and development have a clear responsibility to predict and be sensitive to the environmental consequences they may initiate. To wait for resource deterioration to begin before taking remedial action to restrict or modify use pressures is no longer acceptable. Many of the over 200 university departments specializing in recreation are preparing professionals capable of this prediction responsibility. Yet their graduates are still excluded from employment by the U.S. Forest Service. A new set of employment qualifications for recreation resource planning positions (Series GS–023) has been developed by the U.S. Civil Service Commission. But these are only qualification standards. There are as yet no assurance that recreation graduates will be employed along with foresters and landscape architects to deal comprehensively with the ecological complexities of recreation planning.

The American people must also become more sensitive to the intricacies of environmental quality management if the environmental 70s is to be more than a decade. We need to respond to more than the popular and easily visualized environmental degradations depicted by the media if we are to expect recreation resource planners to do so. With increasing population, more abundant leisure, and subsequent user-resource pressures, the public as well as their congressional representatives must begin to recognize that recreation resource development (when over-developmental or when incompatible recreation pursuits are promoted) can be as great an exploiter of the environment as industries that dump their wastes into our nation's rivers. Just as industry needs to be curbed, so too must the U.S. Forest Service lose its taste for pork and begin to recognize and respect the long-term public interest.

In doing so, they will genuinely demonstrate that "they are as concerned as we are."

THE HELLS CANYON-SNAKE NATIONAL RIVER

Mr. PACKWOOD. Mr. President, the Sport Fishing Institute has as its motto on its regular SFI bulletin, the words: "The Quality of Fishing Reflects the Quality of Living."

It is therefore notable that such a motto is followed in the November-December 1971 issue with the words, "Hells Canyon-Snake National River—the Sport Fishing Institute—SFI—whole-heartedly supports the Packwood bill."

Inasmuch as the above quoted article from SFI bulletin discusses one important aspect of the Hells Canyon-Snake National River bill—the protection of the important Salmon River—I ask unanimous consent that the article be printed in Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the SFI Bulletin, Nov.-Dec., 1971]

Hells Canyon-Snake National River

The backbone of the remaining Columbia River basin anadromous fish resource, particularly chinook salmon and steelhead trout, consists of the spawners that ascend the Middle Snake River to seek out its several major tributary rivers. The most important of the latter unquestionably is the Salmon River, which embraces the ancestral spawning grounds for nearly one-third of the Columbia basin's remnant chinooks and steelheads. Obviously, any threat to the integrity or accessibility of that vital river threatens also to break the back of the Columbia basin's irreplaceable and priceless anadromous fisheries. . . .

Several destructive proposals for development of the Middle Snake River and/or its important tributaries have arisen in recent years. Fortunately, these have all been blocked or denied for one reason or another. For example, the Washington Public Power Supply System (WPPSS) proposed construction of the very high Nez Perce Dam on the Middle Snake, immediately below the confluence of the Salmon and Snake rivers. That enormous block of concrete would not only have prevented successful passage of anadromous fish; it would have also caused direct obliteration of spawning grounds as a result of inundation by impounded waters. The Nez Perce proposal was opposed by the Corps of Engineers, on the grounds of irreparable damage to the fisheries, as well as by conservationists. It was also opposed by Pacific Northwest Power Company (PNP), a consortium of power companies seeking to build alternative hydropower facilities.

The latter proposed to construct the High Mountain Sheep Dam, to be located on the Middle Snake River a short distance upstream from the mouth of the Salmon River. Ostensibly, this would "save" the vital Salmon River. There was however, a dangerous "sleeper" in the High Mountain Sheep project in the substance of the supplementary Lower Canyon Dam on the Salmon River. Although PNP insisted privately to conservationists that it did not intend to build Lower Canyon, its inclusion as part of their proposal to the Federal Power Commission (FPC) for the High Mountain Sheep Dam was vitally important in presenting a favorable cost-benefit ratio. The design called for diversion of water from Lower Canyon by tunnel to add to the hydraulic "head" of water behind the High Mountain Sheep Dam.

Conservationists were not fooled by the pious protestations of PNP that, once granted a license, they would not touch the Salmon River. Neither were they persuaded by lavish entertainment and skilled "lobbying" to lessen their distrust and weaken their opposition. In 1967 the Supreme Court overturned a 1964 decision by the FPC granting a license to PNP for the High Mountain Sheep project.

Now comes a recommendation by an FPC Examiner (in late February, 1971) that a license be granted to allow construction (jointly by former antagonists WPPSS and PNP) of the controversial 1,640-megawatt Pleasant Valley-Mountain Sheep hydroelectric power plant on the Middle Snake River, on the Idaho-Oregon border, a short distance upstream from the mouth of the Salmon River. FPC examiner William C. Levy's recommendation would delay construction of the project until September 11, 1975. This would permit the Agriculture and Interior Departments time to consider designation of the Middle Snake, the portion affected by the project, as a scenic river, thereby barring construction permanently.

About a month after the FPC examiner made his recommendation (April, 1971), Oregon Senator Robert Packwood urged top Administration officials to initiate immediate studies of the Snake River so that it could be designated a "wild river" (and preclude the construction of additional dams). The Snake already has been designated to be studied as part of the "Wild Rivers" system. However, no such study has been started. To force the issue, Packwood has introduced the "Hells Canyon-Snake National River" bill (S. 717) which would prohibit development of additional dams on a 120-mile stretch of the Snake River in Oregon, Washington, and Idaho. The area extends from a southernmost point near Homestead, Oregon, along the Oregon-Idaho border, to a northernmost point near Asotin, Washington.

As a result of Senator Packwood's laudable efforts public hearings have been held on his bill (S. 717) to establish the Hells Canyon-Snake National River, cosponsored by a significant fraction of the whole U.S. Senate. Along with most other leading national conservation groups, the Sport Fishing Institute (SFI) wholeheartedly supports the Packwood bill. Some earlier reservations held by SFI, to the effect that S. 717 afforded scant protection to the important Salmon River, are now substantially resolved. It now seems clear that passage of S. 717 would effectively preclude development of that key tributary. Thus, the Packwood bill should serve to help maintain both the accessibility and integrity of the Salmon River's ancestral spawning grounds that are so vital to continued maintenance in the Columbia basin of viable stocks of chinook salmon and steelhead trout.

Mr. PACKWOOD. Mr. President, S. 717 was cosponsored by over 20 Senators, and in September almost 3 full days of hearings were held on this important conservation measure. At the conclusion of those hearings in Washington, Chairman Bible indicated that he had been approached as to the possibility of field hearings on this bill. It is my hope that the committee will be able to schedule field hearings sometime next year. It is a great distance to Washington, D.C., from the Far West, causing one to expend much in both time and money. Many witnesses felt the cost was too much for them to bear as individuals. It is commendable that Senator Bible has expressed his desire to accommodate those citizens who could not make the trip to Washington; and I hope the committee's schedule will make such field hearings possible.

THE STATES CAN HELP ENFORCE THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it has been argued that the United States should not be a party to the Genocide Convention because it might undermine our Federal system of government. Article V obligates signatory nations to enact legislation to provide for the punishment of persons found guilty of genocide. It is said by some that since this legislation would be enacted by Congress, it would take power traditionally reserved to the States away from them. Is this necessarily the case?

The Supplementary Convention on the Abolition of Slavery is in some respects similar to the Genocide Convention and provides a helpful precendent. The first six articles of the Supplementary Slavery Convention, which was approved by the Senate on November 2, 1967, by a vote of 77 to 0, list a number of practices which the contracting parties agree to prohibit by appropriate legislation.

The United States has fulfilled this obligation under this treaty. Some of the necessary legislation was enacted by Congress in the Slave Trade Prohibition Act. But some of the legislation was enacted by the several States. For example, article II of the Supplementary Slavery Convention deals with the area of marriage; an area that has been the sole jurisdiction of the States. The Congress did not regard this article as requiring Federal legislation and did not attempt to infringe on the States' jurisdiction. The laws of the States help to enforce the Supplementary Slavery Convention.

The same thing can be true of the Genocide Convention. The laws of the several States can help enforce this convention. It is possible for the Congress, in enacting legislation in this area, to acknowledge a concurrent jurisdiction among the Federal Government and States. This has happened before with the Supplementary Slavery Convention and it can happen again with the Genocide Convention. This treaty does not require that power be taken from the States in order to enforce it.

Mr. President, the Senate should ratify the Genocide Convention without further delay.

CRIME IS CAUSED BY CRIMINALS

Mr. HANSEN. Mr. President, the editor of the Wyoming State Tribune, Jim Flinchum, in an editorial on November 8, emphasized what I feel is the foundation of the entire argument that has raged in the Congress in recent years over firearms, and that is, that crime is caused by criminals.

I ask unanimous consent that Mr. Flinchum's editorial, "The False Issue of Handguns," be printed in the Record along with an article in this week's National Observer, entitled, "Crime Is Caused by Criminals."

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

The False Issue of Handguns

Another move is underway in Congress to make handguns illegal. There are innumerable things wrong with this proposal.

One is that making it against the law to own pistols would not deprive criminals of such weapons. In a shooting case that happened in our own community a month ago, which involved the wounding of a police officer, possession of a firearm by the individual who committed this crime was in the nature of a low priority offense.

First, he had been jailed in another state for another alleged crime, second he had escaped jail, third, he allegedly had stolen one car to make his way here, third he was in possession of a firearm after the commission of a felony, and subsequently in fleeing he committed at least four other potential crimes, stealing a car, driving the stolen car across a state line, again carrying a pistol across a state line and finally being armed while in the commission of a felony.

Most of these are federal firearms regulations violations. But that is of no moment—the mere possession of a handgun was minor as compared with the other possible violations.

Sen. Philip Hart, D., Mich., one of the Senate's biggest liberals, has introduced a bill to not just register handguns, but to confiscate them. Hart's measure proposes that the government buy up all of the 25 million handguns estimated in the hands of private owners in this country today, which would cost at least a half-billion dollars, perhaps more.

Besides requiring a huge outlay of funds, however, such a confiscation program does not insure that all of the handguns in this country would be turned in, and there would be no way short of a massive effort on the part of the government to ferret out these weapons, which would create a police state atmosphere in America.

Despite all its efforts, the government never was able to make liquor disappear during prohibition; if anything, production of whiskey and other kinds of booze actually increased during prohibition because trafficking in it became a profitable business. The same has taken place with narcotics. But firearms intrinsically are not stigmatic items as is the case with heroin, marijuana and other forms of dope; there are too many people who own handguns for one reason or another, primarily home protection.

The argument is advanced that handguns are responsible for an overwhelming majority of the murders committed in this country, but again the counter-argument can be made that it is people who commit murders, not the weapon, which after all is an inert thing subject only to man's usage.

But those who may find themselves in a perilous situation or otherwise undefended against possible assault or incursions by prowlers, particularly elderly persons, rely on presence of a pistol for personal safety, and even for reassurance of protection if nothing else.

A local man who is 75 and who lives alone in a house recently remarked that because of his age and physical condition, the .45-caliber revolver he owns is his only protection against a prowler at night. He has never had to use this weapon, but at least it is there, and he knows that if all else failed him, he might be able to defend himself in his house where he lives all alone, against attack.

But what about persons such as Felix Toro, the 35-year-old grocer in New York who was the subject of an editorial in this same space a few days ago. In a year's time Toro has been forced to protect his store against robbers on repeated occasions in doing so he has had to kill three stickup men, and wound four. Toro keeps a .38 caliber revolver handy to protect his store against bandits in a robbery-prone neighborhood. He does not have time to call the police who might not arrive in time anyway. And he cannot afford to be robbed out of business.

But the real problem at issue here is not ownership of handguns, or possession of firearms at all, but criminal intent. It is only when we bring about a different moral climate in America that we shall see a decline in crime, not by depriving people of firearms.

[From the National Observer, Nov. 20, 1971]

Crime Is Caused by Criminals

(By Prof. Fred E. Inbau and Frank G. Carrington)

The authors of this article, law Professor Fred E. Inbau of Northwestern University and Frank G. Carrington, are with the Americans for Effective Law Enforcement, Inc., of Chicago. The article is reprinted from the Annals of the American Academy of Political and Social Science with permission.

The problem propounded by the topic of how to mount an effective crackdown on crime can be brought into perspective by considering two phenomena of the decade 1960 through 1969. They are: (a) during that 10-year period, safeguards for the criminal accused and permissiveness toward lawless, violent acts reach heights in the United States such as no other nation has ever witnessed; and (b) in the same span of time while our population increased by 13 per cent, serious crimes increased by 148 per cent. The two are not coincidental. In any society, the incidence of lawlessness is directly related to the number of criminally inclined individuals who are at liberty to prey upon others, and it is precisely the permissiveness shown toward criminals in this country which has resulted in their being free to practice their depredations to an unprecedented extent.

Crime is caused by criminals; the fact is as simple as that. When a strong-arm robber slugs his victim in order to relieve him of his watch and wallet, he has committed a crime. No amount of elaboration on the question of whether or not the assailant came from an environment of poverty or a broken home makes the robbery itself any the less a crime. Likewise, when a youthful demonstrator, intolerant of this country's pace in solving its social problems, throws a rock that strikes a policeman on the head, an aggravated assault has been committed. Apologists for criminal behavior may wring their hands as much as they like about the robber "striking out at a society which has brutalized him" or the demonstrator "merely expressing his idealistic young concern"; the fact remains that both are criminals.

The answer, then, to the question of how to mount an effective crackdown on crime lies basically in first recognizing that crime is committed by criminals, and second, in getting as many criminals as possible out of circulation so that they are no longer free to victimize the law-abiding.

This position is called the "hard line" on crime. It is not fashionable among certain liberal social scientists, who have been characterized by Attorney General Mitchell as being able to ". . . explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber." To these individuals, the "hard-line" is "simplistic," or "lacking in compassion." We suggest that neither of these appellations is valid, and that, instead, he may be better described as one who takes a realistic position with regard to the crime problem.

It is quite true that there is nothing particularly compassionate toward a law violator in advocating that he be locked up; yet it would seem that the worthy object of compassion would be the victim rather than the assailant, the oppressed rather than the oppressor. If a 75-year-old woman on a ghetto street is knocked to the pavement because she has the temerity to struggle with a husky 18-year-old purse-snatcher—the result being a broken hip which, at her age, may never mend—the most elementary concepts of fairness would seem to dictate that the victimized woman is more deserving of our sympathy than her attacker.

When liberality dictates that the lawless remain free to victimize others, it is clearly misplaced. This, in short, is the hard-line position that we believe to be both realistic and valid; it favors consideration for the victims of crime and for public safety above that for the offender himself.

THE HARD-LINE APPROACH

Let us consider, then, the hard-line approach to the problem of crime in light of our stated aim of suggesting how to mount an effective crackdown on the criminal. First, we shall sketch the dimensions of the crime picture in this country with special emphasis on the truly intolerable extent to which crime victimizes the poor. Next we will glance briefly at public opinion about crime—the line the law-abiding majority of our citizens want taken. We then turn to the specifics—why we are not safe from the criminal and, more importantly, what can be done about it.

Before proceeding to this analysis, however one point must be made. Just because we favor a hard-line approach, it does not mean that we are insensitive either to the factors in our society which breed criminals or to the tremendous importance of the rehabilitation of those who have been convicted and are amendable to rehabilitation. The breeding factors of crime—environmental, hereditary, educational, social, and economic—are, of course, elements which go into the making of a criminal. Anyone who is seriously concerned with the over-all problem, be he a hard-liner or not, must recognize the importance of these breeding factors, and he must also subscribe to the view that once a person has committed a crime every feasible effort should be made to rehabilitate him. But there is nothing incompatible between an acceptance of those two positions and a recognition of the need to make our society reasonably free from criminal harm—especially between now and the time when we are able to make effective progress toward those two general objectives. Moreover, we must not lose sight of the fact that even if we should develop effective rehabilitation procedures, we will still have a serious crime problem unless we recognize the need for effective criminal sanctions . . . .

The right to be safe from criminal harm—particularly among the poor and the racial minorities—has become an illusion. They are the ones who are most often the victims of crimes of violence—murder, rape, robbery, and aggravated assault. These crimes have increased 130 per cent during the past decade, and the upward trend continues undiminished.

Professor Herbert L. Packer of Stanford University reported in 1970 that street crime victimizes ghetto dwellers at least 100 times more than it afflicts the affluent citizens who live in the suburbs. A recent story, "Black Crime Preys on Black Victims," released by the Associated Press, described the problem:

> Between 70 and 80 per cent of major big city crime is harbored in Negro or predominantly Negro precincts. Little is visited upon whites. On police maps, the colored pins flock gregariously in ghetto neighborhoods detailing the rapes and robberies.

The undeniable fact is that the poor pay for crime in a most usurious way . . .

More dramatic than statistics on crime is the manner in which the lives of all of us, particularly the poor and members of minority groups, have had to be adjusted because of the ever-present threat of violent crime. In most of our cities, the law-abiding citizens have had to surrender possession of the streets after dark to the robber and those who may even bludgeon someone out of sheer delight. Many persons are literally afraid to leave the sanctuary of their homes for fear that they will fall victim to some form of violent attack; and for those who must be out on the streets, protective measures, unheard of ten years ago, are being used. Taxicab drivers, for example, no longer favor their passengers with opinions because the customer cannot hear the driver through the two-inch thickness of bulletproof glass which separates the front and rear seats of most taxicabs today. Bus riders must prepare themselves with the exact amount of their fares because, nowadays, bus drivers do not carry change in order to discourage robberies. In short, we have been forced to accommodate our lives to the specter of criminal terror.

Although the human misery and the physical and mental suffering inflicted upon the victims of crime are the most hideous aspects of the picture, the devastating economic impact of crime, upon victim and nonvictim alike, must also be considered. The total annual price tag for all forms of lawlessness in the country has been estimated to exceed 51 billion dollars. It takes very little imagination to conceive of what could be done with that kind of money toward alleviating some of the social ills that beset this country . . .

Why is our crime picture as horrendous as it is, despite overwhelming public opinion against lawlessness? The answer lies in the fact that in many—far too many—cases, the law-enforcement processes in this country have broken down, with the result that more and more criminals are free to prey upon the law-abiding. This breakdown is threefold, and stems from:

1. Failure to apprehend criminals
2. Failure to convict criminals
3. Failure to incarcerate criminals

When we analyze each of these failures, it becomes apparent why we are not safe and why a hard line is needed.

The deficiency of failure to apprehend in our criminal justice system is related to the law-enforcement function, but this in no wise means that it is the fault of our police departments. By and large, the caliber of law enforcement, man for man, has never been higher than it is today; yet, more and more often the police find themselves at a tremendous disadvantage in their efforts to apprehend criminals. One reason for this is the shortage of policemen, particularly in the core cities where they are needed most.

THE THIN BLUE LINE

Few major cities have enough men to do the job, and recruitment is difficult. With crime rising to unprecedented heights, the police line has never been stretched thinner. In addition, and all too often, the already meager police strength in certain cities is being diverted away from the proper police function—the apprehension of criminals—to peace-keeping duties at demonstrations, sit-ins, and sundry other "protest" activities. It is axiomatic that a police officer "babysitting" at a rally of one sort or another is unavailable to watch for the burglar and the robber and perhaps thus, by the very visibility of his presence, deter the commission of crime.

Another reason for underpolicing in some areas of large cities is the understandable reluctance of police officers to subject themselves to the risk of assassination while on patrol. As this article was being written, four police officers in New York City were shot, two of them dying as a result, simply because they were policemen, although in the minds of the assassins they were, of course, "Fascist pigs."

All police officers accept the risk of being killed in the prevention of serious crime and in the course of apprehending criminals, but it is asking too much of them to incur the increasing risk of an assassin's bullet.

Police are also becoming more reluctant to make arrests at the scene of a crime or disturbance out of fear that they will perhaps attract a crowd and touch off a riot, or for fear that an arrest of certain individuals or groups of individuals will result in allegations of "police brutality" or other false charges.

Court-imposed restrictions of an unrealistic nature—which in our opinion were not constitutionally or practically required—serve to further inhibit the conscientious police officer: for instance, the Miranda rule requiring a litany of advice about legal rights before the interrogation of an apprehended suspect can be conducted.

Even if a criminal is arrested, the likelihood is great that he will not be convicted. According to Senator John L. McClellan of Arkansas, in recent years verdicts of not guilty in robbery cases have increased 23 per cent, and in burglary cases 53 per cent. The hedge of procedural safeguards which the Warren Court erected around the person accused of a criminal offense and the efforts of the judiciary to "police the police" have created such a maze of technical requirements for police conduct that, in case after case, obviously guilty persons must be freed because an officer neglected to act with the propriety demanded by the Court. Senator McClellan has characterized this situation as one in which the Court's rulings have threatened "to alter the nature of the criminal trial from a test of the defendant's guilt or innocence to an inquiry into the propriety of the policeman's conduct."

At the core of the barrier which has been erected between the factual guilt of a person and the legal proof of guilt is the so-called "exclusionary rule." This rule, which was made a part of the jurisprudence of this nation by a Supreme Court in 1961, holds that no evidence, regardless of how relevant or probative it may be, can be used against a defendant if it was improperly obtained. For instance, if a dope pusher has been found in possession of narcotics but the search of his person, automobile, or room which revealed the narcotics is held to have been illegal *for any reason,* the narcotics cannot be used as evidence against him. Thus, the upshot of the exclusionary rule is that the *question of actual guilt or innocence is completely disregarded;* if the policeman has blundered in the slightest, the guilty party must be released—returned to society, free to continue his career of crime. The same is true of a defendant whose confession is rejected because the police interrogator failed to tell him that he had a right to remain silent, that whatever he says can be held against him, that he is entitled to have a lawyer present, and that if he could not afford a lawyer one would be provided free. Compounding the handicap is the fact that once a lawyer comes on the scene the standard advice is to tell the client to keep his mouth shut.

THE WRONG REMEDY

If all police work consisted of wilful or wanton disregard for the legal rights of criminal suspects, the exclusionary rule might have some validity; but even then, the way to keep the police in line is by direct action against them, and not through the route of setting the criminal free in order to teach the police a lesson. The exclusionary rule works to return the criminal to the street, with an absolute and total disregard for the rights of those whom the newly released criminal may decide to victimize next. . . .

On one recent day in Chicago—identified in a local newspaper editorial as a red-letter for convicted criminals—the following events occurred:

A 16-year-old killer of another teenager was found guilty of murder. He was placed on probation for five years because it was his "first offense."

A 17-year-old pleaded guilty to setting fire to a police car, striking a policeman, throwing rocks and bottles at policemen, and grabbing a policeman's gun while resisting arrest. He, too, received probation. This was his "first offense."

Three Black Panthers pleaded guilty to buying machine guns and hand grenades for the party's arsenal. Each one was given three years' probation, even though two of them had been fugitives and one had been convicted of assault and battery growing out of the shooting of a policeman.

These cases are illustrative of one of the reasons why the streets are no longer safe.

Contrary to the general belief that, since crime and population have both increased considerably within the past ten years, our state and Federal penitentiaries must be bulging with inmates, the number of prison inmates is just about the same, if not slightly less than it was in 1960. Twenty-nine states have experienced a decrease in prison inmate population as of March 1971. Consider the situation in three of our largest states. In New York, the prison population in 1960 was 17,207; last March it was 14,554—*down* 2,653. In Pennsylvania there were, 7,802 prison inmates in 1960; in March 1971, there were 6,422—*down* 1,380. In Illinois, 9,064 in 1960; 7,206 in March 1971—*a decrease* of 1,858.

The Federal inmate population decreased by 3,699 during the period 1960–1967, the latest year for which officially released figures are available.

Thus we see one of the most logical reasons for rampant crime: Even after they have been convicted, criminals are returned to the streets because some judges simply will not incarcerate them, no matter how vicious or depraved their crime.

The answer to what can be done lies, in our opinion, in a massive outpouring of active citizen concern and involvement. The attitude of the law-abiding majority (and again we stress the fact that this majority crosses all lines of color and class) is definitely hard-line, but it must be translated into action. When that is done, the crime picture in the United States will improve.

PROTECTING THE POLICE

1. *In the area of failure to apprehend criminals,* there must be massive citizen support for the policeman when he is doing his job properly. This will create a climate under which police recruiting will be enhanced and officers will not hesitate to do their job for fear of civil suits by vocal pressure groups such as the American Civil Liberties Union and other "police watcher" organizations. A strong public sentiment against civilian review boards, and demonstrable public outrage against attacks on the police—as opposed to grumbling in country club locker rooms and at cocktail parties—would do more toward overcoming the problems of shortages of policemen and "underpolicing" than any other single thing.

2. *In the area of failure to convict criminals,* public outcry and pressure are necessary to curtail drastically those contrived "rights" of criminal suspects which serve only to protect the guilty without any compensating benefits. This can be done without diminishing the basic rights of all citizens. For instance, the Fourth Amendment's guarantee of freedom from unreasonable search and seizure must be preserved, but it can be done without the use of an exclusionary rule that turns so many guilty persons loose; moreover, it is ineffectual, anyway, as a police disciplinary measure.

The exclusionary rule should be removed from our criminal justice system and replaced by procedures for dealing directly with the officer who wilfully violates a person's Constitutional rights. Great Britain has never had the automatic exclusionary rule as we know it, and that country has never been turned into a police state.

THE BUSINESS OF THE COMMUNITY

3. *In the area of failure to incarcerate,* there are those who believe that the sentencing process is nobody's business but the judge's. This is not true. It is the function of a judge to sentence a convicted criminal; but the sentence itself—the determination of whether, or how soon, a potentially dangerous felon will be released into the community—is clearly the business of the community whose safety is involved. Just as the President, a governor, or a state or national legislator is accountable to the people in the final analysis, so is a judge whether elected directly or appointed by elected officials. In this area, citizen concern can be translated into action, as has been done already in several jurisdictions, by citizens' groups who follow a judge's sentencing record and then report pro or con, to their fellow citizens.

Our suggested solutions to the crime problem are admittedly "hard-line," but we believe that such an approach must be taken. If crime is to be significantly diminished, the concern of the law-abiding citizen will have to be translated into constructive action. Lawlessness threatens to engulf this country, and a firm stand is necessary to stem the tide. Nonpartisan educational groups can be formed to inaugurate and follow through on projects that will harness citizen support for proper, non-abusive law enforcement. Particularly in the appellate courts it has been found effective to file "friend of the court" (*amicus curiae*) briefs in support of the law enforcement side of the question in important criminal law cases. With citizen action such as this on the scene against crime, the future is encouraging.

DRUG ABUSE CONTROL

Mr. HUMPHREY. Mr. President, yesterday the Senate Committee on Government Operations, of which I am a member, ordered reported a bill that can be of major importance in launching a nationwide effort to control the abuse of drugs. The accelerating problem of drug abuse in America demands an equally escalated response—a sustained and comprehensive attack launched in the areas of drug abuse prevention, education, treatment, and rehabilitation, and law enforcement efforts that effectively halt the traffic in narcotics. And this all-out offensive, employing the full resources of our Federal and State Governments as well as the private sector, must be effectively coordinated at the highest level, with objectives clearly pinpointed and progress carefully monitored.

For these reasons, I have been pleased to join in sponsoring S. 2097, the Drug Abuse Office and Treatment Act of 1971—the substantially revised committee version of the original administration legislative proposal. One principal finding of this act, establishing a Special Action Office for Drug Abuse Prevention, in the Executive Office of the President, is that the control of drug abuse requires the development of a comprehensive, coordinated, long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

I am gratified that not only this finding, but also the operational mechanisms spelled out in this bill for an effective national program of drug abuse control, incorporate the three basic concepts of an original bill which I introduced: The Drug Cure and Control Authority Act, S. 2155. First, the full implementation and total coordination of Federal agency programs which can affect the control of drug abuse but which too often are inadequate and disparate—sometimes even working at cross purposes—can only be accomplished through a high-level authority directly responsible to the President and clearly accountable to Congress.

Second, those directly responsible for these programs and those having expertise in the several fields of drug abuse prevention, rehabilitation, and control must be brought together in advisory and strategy planning and monitoring councils that are tied in with the Federal drug abuse control action authority.

Third, special emphasis must be placed on effectively interrelating law enforcement activities with drug abuse prevention and rehabilitation efforts. Not only must the effects of continuing to separate these approaches to drug abuse control be clearly identified, but there must also be a far more effective national program of law enforcement to clamp down on the narcotics traffic and to apprehend and convict the dope peddlers who would make a profit at the expense of human lives.

I found it impossible to understand why the administration left law enforcement out of a total drug abuse prevention effort, in its original legislative proposal to establish a Special Action Office. And I was amazed at the assertion of the Attorney General, in the course of testimony on this legislation at joint hearings last July by the Senate Subcommittees on Executive Reorganization and Government Research and on Intergovernmental Relations, that there were only "a few small areas in which there may be a * * * cross action" between prevention, treatment, and law enforcement.

We must bring all law enforcement agencies into the battle against the dope smugglers and the pushers. There must be a substantial improvement in intelligence operations, in detection techniques, and in the coordination of law enforcement activities at all levels of government to shut off the illicit trade in narcotics. And there must be a far more improved effort to establish close working relationships between rehabilitation programs and the courts—as, for example, in the expanded use of civil commitment programs authorized under the Narcotic Addict Rehabilitation Act of 1966. And with tests establishing a 5.4-percent heroin use rate among GI's returning from Vietnam, and with the careful estimate that there are more than 500,000 heroin addicts in America today—one-fourth being teenagers—we must take every diplomatic, economic, and law enforcement measure possible to curtail the production of heroin abroad and to halt it from being illegally imported into the United States.

There can be no question that, at the same time, we must move quickly to make full use of existing health care resources for drug abuse treatment and rehabilitation. And that is why I introduced legislation to require the establishment of treatment and rehabilitation programs for drug addicts and other persons with drug abuse and drug dependence problems, in our community mental health centers and in Public

Health Service hospitals and medical facilities. This can be an effective means of making these services immediately accessible to the addict—reaching out to the man and woman who need and want help, rather than forcing them to climb a path of fear and to surmount bureaucratic obstacles. And this bill also recognizes the need to greatly expand treatment and rehabilitation services for our veterans, in authorizing the community mental health centers to enter into agreements with the Veterans' Administration and the armed services to make these programs available to servicemen and veterans.

These are but examples of the comprehensive and long-term national effort that must be made to combat the critical problem of widespread drug abuse in America. I urge the Senate to act with dispatch on the Drug Abuse Office and Treatment Act so that this offensive against one of the most serious illnesses our Nation has ever confronted, can be launched without delay.

FOREIGN AID

Mr. JAVITS. Mr. President, as my colleagues know, a debate about the rationale for and future of the foreign aid programs of this country continues in the Congress as well as in the press. One of the most widely discussed statements was that of Senator Church which set forth in detail his disillusionment with the present bilateral foreign assistance program in explanation of his negative vote on the bill.

In the past week, three eminent authorities have replied to Senator Church's thesis. They are Lincoln Gordon, a ranking university official who earlier served as the Assistant Secretary of State for Inter-American Affairs and Consulate to Brazil; Father Theodore Hesburgh of Notre Dame University, and Robert Hunter of the Overseas Development Council. I ask unanimous consent that their articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Throwing Out the Baby: In Defense of Foreign Aid

(By Robert E. Hunter)

There is much wisdom in what Senator Frank Church said last week in *The New Republic* about our bilateral foreign aid program. He correctly places the blame for many failures on our attitudes of power that have made foreign aid serve policies of arrogance, omnipotence and even exploitation. It is difficult to fault the Senator's concern about the role of our military aid policies, which have left the Nixon Doctrine with little that does not derive from the defense support programs of the 1950's. But the Senator reserves some of his harshest criticism for bilateral aid designed for economic development.

Mr. Church bases his argument on the premise that development aid in the 1960s failed. It did not deter Communism, strengthen democratic governments, gain influence or furnish the destitute with a broader measure of social justice. In some instances he is right. But this is largely a reflection of the inflated expectations for economic aid that various administrations have fostered. The Senator himself is not entirely free of this—witness his ambivalence on aid's being unable to win us support in the UN vote on China.

Behind the rhetoric, there was only one real goal that was—and is—a practical one: to promote some economic development, whatever objectives may be achieved incidental to it. Senator Church's central case really rests, therefore, on a single proposition: that U.S. bilateral economic aid cannot contribute significantly to this one goal. I don't think he makes his case. Furthermore, he provides no workable design for the new positive approach he rightly says is needed for development cooperation. Before wrecking the old structure, he should help construct a new one.

Even in arguing against bilateral economic aid, Senator Church is precise in his focus: technical assistance, administered through the Peace Corps, should go on. But development loans must be curtailed; and we must cease US government insurance of private foreign investment. Both of these he sees as merely forms of export-creation and profit-generation financed by the American people and benefiting only private industry.

The issue of development loans, to begin with, is far more complicated than Senator Church makes it out. His litany of failures overlooks many positive successes, and the fact that, for whatever reason, developing countries did achieve the one target set during the 1960s—growth at five percent per year. This was a spectacular achievement. It represented a greater sustained leap forward than the US or Western Europe ever achieved in any ten-year period during the period of our development. It can hardly be disputed that aid did furnish some of the sinews of growth. Because of aid, people were trained, capital was put in place and is producing goods; and countries like India were able to double their wheat production. More than this could hardly be expected from the relatively minor amount of money which Congress committed to the effort. Like ending poverty at home, poverty abroad will not disappear under the pressure of good wishes and token payments. Of course, resources from outside are no substitute for local efforts; but in many countries they provide the extra help that spells the difference between success and failure, confidence and lassitude.

Senator Church questions whether development loans and credits for our agricultural commodities might not do more harm than good. He is concerned that this aid creates "relationships of dependency," beginning with a level of debt that is a burden on poor countries' future development. The answer, however, is simple: don't kill the flow of resources that are needed for development, but rather increase the percentage of loans that is outright grant. And definitely don't *triple* the interest on these loans as the Senate Foreign Relations Committee did two weeks ago.

Similarly, if US goods purchased with development loans are priced higher than in the world market, as the Senator indicates, why do poor countries accept these loans? Most often, they simply cannot buy on commercial terms because they lack foreign exchange. Thus, even when the cost of US goods is higher, the favorable credit terms of the aid loan often represent the difference between a country's being able to buy tractors, trucks and wheat from us or have none at all. Here, Senator Church implies that our aid is worth less than the administration says it is. He is right. But this is an argument for doing more, not less—for lending more, lending on softer terms, and giving more aid as grants.

Senator Church is also concerned that our aid—economic as well as military—helps to prop up repressive regimes. It is no secret that some regimes that receive our aid are "repressive" though many are not, including India, which has been the chief beneficiary of our development loans over the years. This whole issue consistently begs the question of the role that US foreign aid, in any form, can play in preserving any regime. Belief in American omnipotence is not limited to the political right; it has just as firm a grip on the left. The left may make a different judgment of American actions (evil instead of good), but it shares a belief with the right in our power to influence events. Yet, we need only to look at the extreme cases of trying to do so—economic sanctions against countries like Rhodesia and cutting off all aid to Ceylon for expropriating US business—to realize how hollow this pretension is. Other than exceptional cases like Vietnam, our economic aid doesn't prop up regimes and withdrawing it won't make them fall.

Furthermore, there is a bold assumption underlying the belief in a "hands off" policy for the United States. Senator Church thinks that withdrawing our support will not only help lead to the downfall of repressive regimes, but will also permit the springing forth of "radical revolutions" that are the "only real hope for development" in many countries. In some places revolution may be required. But in how many is it the key? Can one simplistic theory be substituted for another? There have been too many revolutions in the world since our own, for us to forget that many fruits of that tree have been bitter. Action in the name of the "People" is no guarantee that there will be a more equitable distribution of income. Nor should we Americans judge that a stagnant economy like Cuba's is better—however much "equality" it provides—than an authoritarian regime like Taiwan's that has an impressive record of both growth and social justice. In some countries, there may be little "trickle down" of aid while the economy grows. But is that worse than none at all? And how do we judge whether we are expecting too much social change, too soon?

Senator Church states that U.S. aid merely widens the gap between the developing world and ourselves—and between rich and poor in developing countries, themselves. In the former case, however, the problem would be worse if there had been no aid at all. And in the latter case, the Senator has lumped together all development loan aid and condemned it wholesale. Yet the bulk of it goes to educate children, to buy better seeds and fertilizer for farmers, to provide birth control information, clean drinking water, roads, bridges, generators and food supplements. These things that aid buys can help to close the income gap, not widen it.

These are some of the problems raised by Senator Church's critique. Some of these may be reduced—if not solved—by more modesty in our expectations; and some by thinking through again the reasons that we have an aid program at all. Not only is there the simple humanitarian motive of wanting to see poorer countries have a chance to do something for themselves; there is also our general interest in a world-wide trading and monetary system that can only work if developing countries can play a role in it based on a greater sense of equity than at present. Already we are beginning to need the help of developing countries in coping with problems of the environment and narcotics. Tomorrow the degree of interdependence will be greater. And there are positive benefits in the sheer survival of countries in the developing world, with some hope for the future. Development can be the key to all of these in many poor countries. And development will suffer if we close our pocketbook.

India is a prime example. We cannot rule out the importance of India's economic survival to us and to others. Nor can we ignore the dilemmas that would be posed for us if that country, too, disintegrated as Pakistan is in the process of doing. But aid to refugees in the two Bengals is insufficient: India's political future also turns on having enough outside economic assistance that there will be a chance for it to cope with massive problems of poverty, malnutrition and unemployment. Of course, we don't know that development loans from the United States will spell the difference between success or failure for India; but it is worth an investment of a few hundred million dollars a year to find out; especially since the Indian government itself makes the request. And the issue is an even larger one: India—like Indonesia—depends on our bilateral development loans as the basis of an international cooperative effort, led by the World Bank, that multilateral institutions cannot sustain on their own. If we reduce our help for India, other rich countries will probably do likewise, and international cooperation will become more difficult in a number of fields.

Furthermore, India is a good example of how we *can* avoid the dilemmas feared by Senator Church repressive regimes, a US military venture following an initial commitment of economic resources, a growing gap between rich and poor, and domination by the United States. Indeed, because India is the chief recipient of our aid—most likely to be hurt by any cut—it must be the prime example in any analysis.

This example of a positive role in US policy for bilateral economic aid is not an isolated one. It is repeated in other areas where the US continues to have an interest in stable development. Some of the methods need to change and our definition of "self-interest" needs to be broadened; but the goal is still valid.

A disdain for legitimate US self-interest is particularly evident in Senator Church's criticism of the role of US private investment and trade abroad. It is true that the Export-Import Bank acts primarily to promote US trade, not to aid development. It also is true that the bulk of US development loans provide a subsidy to American business, since they are largely tied to purchases in this country. And it is true that Food for Peace is a form of subsidy to the American farmer. But what of it? These subsidies still help the poor countries develop, and if curtailed would be replaced by some other form of government support for business and agriculture. If the Senator wants to end the subsidy to American business, he will support the President's efforts to get all rich countries to stop tying their aid to their exports. He doesn't need to kill our export and investment promotion programs.

Entirely different, however, is the question of whether US investments in developing countries always help more than they hurt. Abuses are obvious and have been cited by Mr. Church. We do face a dilemma in extracting ourselves from exploitative arrangements—as in the case of Chile. But some countries, notably Mexico and several in East Asia, have worked out mutually satisfactory arrangements for a US business role in their development, including increased local participation, control, and progressive divestment of outside ownership. There is nothing inherent to prevent US private investment from earning reasonable profits under equitable arrangements with developing countries.

To be fair to Senator Church, he is not against the transfer of resources to the developing world, as such. For example, he has called for improvements in the terms of trade for poor countries: the ratio of the prices that countries get for their exports to those they pay for imports. This is a worthy objective, but it will require major changes in U.S. policy that are not now apparent, and these will be fought by business interests all the way. In recent years it has become harder, rather than easier, for poor countries' products to enter the U.S. Hopefully, Senator Church will take the lead in the Senate to reverse this trend.

Furthermore, Senator Church wants to rely increasingly on international financial institutions, like the World Bank. Many experts agree with him; the President has already embraced this concept, as part of the Peterson Report. Unfortunately, the United States is severely limited in the extent to which it can at this time channel increased resources through these institutions. As the system currently works—at the insistence of Congress—any major increase in our contributions must be matched by other countries, which they will only do gradually. Instead of simply killing bilateral aid, Senator Church might try persuading his congressional colleagues' to let the U.S. make voluntary, unmatched contributions.

It must be admitted there is a real danger this would increase our influence in the way loans are granted by the multilateral institutions, thus bringing in some of the dilemmas that the Senator sees in bilateral assistance. The Inter-American Development Bank is a good illustration: because of our overwhelming financial contribution, pressures have built up within the Congress for the U.S. to dominate the Bank's operations.

It is certainly a good idea to "go multilateral." But wanting to do this quickly is really arguing that the U.S. should curtail drastically the total amount of resources it devotes to development loans. Moreover, many Senators and Representatives support a bilateral loan program and oppose a multilateral one, precisely because of the matter of U.S. control over how the money is used.

Senator Church may support larger contributions to the multilateral institutions, though he is also concerned with the sheer magnitude of the foreign aid budget (in commentary following his Senate speech, he cites our balance of payments difficulties.) Yet, he himself has taken pains to show how little real economic aid we give, and how almost all of it—93 percent of bilateral aid—is spent in this country. He simply cannot have the argument both ways; nor can he expect to reduce the dilemmas of aid without cost.

He emphasizes the importance of reordering our national priorities—the need to use the money here at home. But it is difficult to argue that the United States—the richest country in the world—cannot afford its proportionate share of an international effort that may be of critical importance to countries that are so much worse off than we. No one will have much sympathy for a people who "poor mouth" with a trillion dollar economy. It is no idle statistic that we now rank 12th out of the 16 wealthiest countries in percentage of GNP devoted to governmental economic aid.

At heart, what we are deciding now is whether the US will play its part in meeting international responsibilities towards poor countries. A careful formula for sharing the burden has been agreed among the rich countries—a formula on which our government is now seriously in default. We should design a foreign aid program that has fewer dilemmas. But the question most developing countries ask us is not "how?" but "how much?" And the answer has been: "very little."

In the vote on foreign aid on October 29, many Senators were primarily concerned to shock the administration into making some major changes in the program—indeed in its whole foreign policy. This is an honored technique in Washington, and it may work this time. At least, in the long term, there is real value in separating economic from military aid in the appropriations process—as the Senate Foreign Relations Committee wants and as the President has recommended. Even if this results in lower economic aid in the short-term, it may be worth it if we can establish a better way of looking at the needs of poor countries. But without a fundamental commitment to the objectives of economic aid, however these are redefined, this change will only prove another excuse to shortchange the poor of the world.

A REBUTTAL TO SENATOR CHURCH'S "FAREWELL TO FOREIGN AID: A LIBERAL TAKES LEAVE"

In the fervor of his disillusionment with foreign aid, Senator Church has grossly overargued his case against bilateral development assistance. His desire to separate genuine foreign aid from military and defense support is readily understandable; it was, indeed, anticipated by the Peterson Committee a year and a half ago. But his arguments on economic aid reflect bad economic analysis and questionable political analysis. These new myths will scarcely help his stated belief "that any country as advantaged as ours should do what it can to help other people improve their lot."

Here are some examples of the bad economics:

"Aid is self-serving because the funds are spent in the United States."

The whole purpose of economic aid is to transfer resources—mainly capital and technology—from advanced to less developed countries. Aid tying is objectionable because it limits competition among suppliers and lessens the real value of the aid dollar, e.g. in comparison with World Bank loans and credits which require international competitive bidding. But the United States is the world's largest producer of capital goods and of advanced technology. If our competitive strength among advanced countries were what it should be, untied aid would come back, directly or indirectly, to be spent on American goods and services. That does not make it any the less genuine aid; in fact, there is no real aid unless such resources are transferred.

"P.L. 480 puts aid receivers in debt to us."

Since P.L. 480 sales are for national currencies which are then lent back to the recipients for their own development programs, and in no case become dollar debts, the $22 billion "indebtedness" is simply a bookkeeping fiction. In real terms, the agricultural surpluses have been given to the recipient countries.

"American direct private investment decapitalizes Latin America."

This faulty conclusion is drawn by subtracting annual remittances for profits, interests, royalties, and other payments from annual net new investments. But the main effect of private foreign investment on the balances of payments of Latin American countries is in saving imports and generating new exports. When these effects are taken into account, the "decapitalization" argument vanishes. Companies controlled wholly or partly by foreigners have played a large part, for example, in Brazil's spectacular export improvement during the past four years. Apart from this "capitalizing" effect private investment also contribute heavily to local job creation, technological advance, better management techniques, enlarged tax resources, and productivity improvement. It would be foolish to claim that what is good for the investment climate abroad is always good for the host country's economic development, but Senator Church seems close to arguing that what is good for business is always bad for development. The factual record is heavily against him.

FOREIGN INVESTMENT DECAPITALIZES THE UNITED STATES

Having just argued that foreign investment "decapitalizes" the host countries (presumably to the advantage of the United States), Senator Church turns around and argues that our urban ghettos and declining rural areas are starved for capital because of investments abroad encouraged by the official guarantee program. He cannot logically have it both ways.

Were it not for the reply from columnists and commentators, I would overlook the silly canard that our official missions in Brazil employ almost as many people as the British had in administering the whole of India before independence. In making this comparison, Senator Church counted both

American and Brazilian employees, (588 and 811 respectively), compared with some 1,000 British civil servants in India. Britons in the army are not mentioned. The silliness of this point is, of course, that for decades it had been well established British policy to administer India with Indian personnel. As H. V. Hodson says in his recent book, "The Great Divide": "Day by day and year by year, its agents from Viceroy to newly joined police officer, and their subordinates, did the work that lay before them . . . from judges to village *chowkiders,* from army commanders to government clerks, the agents and servants of the Raj went on doing as they had been wont to do, while political storms raged around them." Hodson's categories would number in the hundreds of thousands or millions, not Senator Church's 1,600.

The political issues deserve fuller discussion than is possible here, but can be summarized. The central thrust of Senator Church's argument is that American aid "is being used not to promote development but for the quite opposite purpose of supporting the rule of corrupt and stagnant—but vociferously anti-Communist—dictatorships." Yet the largest recipient of development aid has been India, which scarcely fits his description. In Latin America, of special interest to Senator Church, Chile under Frei and Colombia under Lleras Restrepo were the two largest recipients per capita. As to Brazil, the regime can justly be criticized for repression and authoritarianism, but it is notably less corrupt than its predecessors and is promoting one of the most rapid rates of development in the world—the opposite of stagnation.

Senator Church has come to realize that the Kennedy administration policy-makers greatly exaggerated the prospects for a "benign gradual take-off into self-sustaining growth." As one of the architects of the Alliance for Progress, I share some of his disappointment. Surely in 1961 we overrated the possible speed of development and reform and the stability of the then apparently democratic regimes of Argentina, Brazil and Peru. But the record has been better than he acknowledges, not only in overall growth but also in the enlargement of middle classes, the increase in social mobility, and the participation of wider segments of the population in the modern economies.

Now Senator Church would have us accept a counter-myth: that peaceful reform is utterly impossible and that development simply cannot take place without radical revolutionary change catalyzed by "an indigenous nationalism giving rise to a sense of community, commitment, and shared sacrifice." That sounds uncomfortably like the Indonesia of Sukarno, the Ghana of Nkrumah, or the Cuba of Castro. Neither the two who are gone or the one who remains present attractive models of economic and social progress. If Indonesia and Ghana now show prospects of real progress, it is partly because they have awakened from the overheated nationalist delusions propounded by their former leaders.

For a true liberal, who places high value on open societies, on individual opportunity and protection from arbitrary treatment, and on wide popular participation in the decision-making that counts, Senator Church's new myth is a counsel of despair.

Finally, the hard practical issue remains of the relationship between bilateral aid and multilateral aid through the World Bank Group and the Regional Banks. The Pearson Commission two years ago believed that it was setting an ambitious target in recommending that the multilateral share of total official aid from all advanced countries be increased from 10 per cent to 20 per cent by 1975, while also increasing the total. It would no doubt be good to accelerate the shift. But bilateral aid still constitutes the overwhelmingly large share of total official aid, and the OECD has confirmed the United States' dismal ranking of twelfth among the providers of aid. An orderly shift of responsibility while maintaining or increasing the totals is one thing; the overnight scrapping of bilateral development lending is something entirely different. The practical results of Senator Church's new policy are disastrous for the hopes and opportunities of the world's poorer countries and a serious setback to the interest of the United States in a world of open societies and increasingly self-reliant peoples.

LINCOLN GORDON.

[From the New York Times, Nov. 10, 1971]

THAT OLD-TIME ISOLATION

(By Theodore M. Hesburgh)

SOUTH BEND, IND.—In a few hours of precipitous action on foreign aid, the Senate dealt another major blow to the development prospects of more than 100 developing countries. It followed President Nixon's equally unexpected action adversely affecting the poor countries.

They then were the innocent victims of a trade crisis cross-fire between the rich countries. As a consequence the U.S. cut its aid to them by 10 per cent and imposed a 10 per cent surcharge on their fastest growing exports. These abrupt and unilateral actions not only treat the poor nations as pawns of the rich and the powerful but they are jeopardizing the already inadequate international efforts to promote justice and peace in the world.

As both President Nixon and the Congress have rightly made clear in the course of this year, the United States urgently needs a new approach to the developing countries, one better suited to the realities of the 1970's. But we must avoid the real danger that in the struggle between the Senate and the executive branch we once again victimize those most in need of our help. Both the U.S. and the low-income countries will be losers.

In the first place, by any measurement of fair share, Americans need to be doing more rather than less in aiding others. Twenty per cent of the world's population enjoys 80 per cent of its resources, and we Americans are a large portion of that fortunate 20 per cent. The rich U.S. at present contributes less proportionately than do most other nations. Last year we placed a bad twelfth out of sixteen so-called rich nations in the Organization for Economic Cooperation and Development.

In the second place, the Senate fight over foreign aid lost sight of the fact that this program is a catalyst for a vast network of cooperative activities by private American institutions. Bilateral development assistance makes it possible for scores of American universities to carry on constructive educational and other activities overseas and for 15,000 foreign students to study in the United States and elsewhere.

Third, if we fail to respond now, there are many people in the world who will say, unjustly or not, that we are acting out of pique at being defeated in the United Nations on the issue of Taiwan. As a great nation, we must not withdraw our support, even temporarily, in an act unworthy of our past efforts.

Fourth, we need to be able to meet emergencies in the developing world, of which the growing refugee problem in Bengal is today the most pressing. And we cannot cripple international agencies such as the United Nations Development Program and the Food and Agriculture Organization as they assume a larger part of the cooperative effort.

Finally, responsibility in U.S. actions is particularly critical during this period of uncertainty in international trade and monetary relations. If we even temporarily abdicate responsible conduct, the chances are that we will be viewed with distrust and suspicion at the very time we need the cooperation of the low-income countries to create a better international economic system that will serve the interests of all nations—developed and developing.

Of course, there are many things wrong with the bilateral assistance program of the past. I believe there should be less emphasis on military assistance, and it should be separated from the development programs as suggested in the last two Presidential study commissions on foreign aid.

We cannot see the problems of America and of world peace in isolation—shutting ourselves off from the outside world, four-fifths of which barely exists on one-fifth of the world's resources. Our immediate, critical need is to continue a substantial bilateral development assistance program in some form while we craft a new development cooperation program. If we can avoid the near-term hazards, the Senate's precipitate action could prove to be a blessing.

THE UNITED STATES AND NATO: TROOP REDUCTION—XIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. XIII of the commentaries, columns, article, and editorials relative to the U.S. troop position in Europe in relation to NATO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sun, Nov. 10, 1971]

GAVIN SAYS U.S. AIDS SOVIET POLICY

(By Gilbert A. Lewthwaite)

The United States' new image as an "exporter of repression" has given the Soviet Union its best chance ever for "more intimate and more fruitful" relations with Western Europe, said Lt. Gen. James M. Gavin, USA (Ret.), diplomat, author and businessman.

He was speaking at the fifth annual Milton S. Eisenhower symposium at the Johns Hopkins University yesterday.

General Gavin, recently returned from a trip to Europe and Iran, blamed U.S. military spending largely for the country's economic plight.

SHIFT IN PRIORITIES

He called for a halt to U.S. engagement in Southeast Asia, a reduction in American troop levels in Europe and a new list of domestic priorities to include such programs as a national health service and housing.

"We can easily spend far too much of our resources on military weapons systems at the expense of our survival. We must therefore use careful judgment and selectivity.

"In dealing with Soviet power, if they choose to put military technology above all else, I think the wisest thing we can do is not to follow, but to think through what we are doing."

He said that if Soviet military spending continued at the current rate, their society would go down "at a very rapid rate."

"CONSIDERABLE TROUBLE"

"Today our economy indeed is in considerable trouble. Having just come back from abroad, I can assure you that whatever popularity we may have enjoyed abroad is diminishing very rapidly. People now see us as the exporters of repression."

General Gavin was speaking on the theme of the "dilemmas of power" between the Soviet Union and the U.S.

He said, "We have no dilemma. We merely have particular opportunity to arrive at judgments on what to do with this great nation."

Asked his assessment of the Soviet leadership under Leonid I. Brezhnev, he said the Kremlin was "succeeding quite well" in its "most powerful diplomatic initiative" to bring Western European nations closer to it.

"The Soviet Union has not changed its attitude one iota towards the West," he said. "I expect nothing less from him than I did from Khrushchev, who was a sensitive man. I think Brezhnev is looking after the Soviet Union and the Communist party, and we had better look after ourselves."

[From the Washington Post, Nov. 10, 1971]

TIME FOR A BIG PUSH ON REDUCING FORCES

(By Chalmers M. Roberts)

Very soon now Manlio Brosio, the former secretary general of the North Atlantic Treaty Organization, will journey to Moscow on behalf of the NATO allies to ask how the Soviets wish to discuss a reduction of the rival conventional military forces in Europe. Whatever he finds will be reported to the NATO ministerial meeting in Brussels on December 6 and 7.

This will be the latest step along the road toward what the Americans call MBFR—mutual balanced force reductions. There is an increasing sense of urgency within the Nixon administration to begin MBFR talks because of the Pressures from Congress to cut the American troop level in Western Europe, chiefly the 7th Army in West Germany.

While there is no formal Western precondition to MBFR there is a practical one, a Berlin settlement. That now depends on agreement between the two Germanys under the umbrella already set up by the United States, the Soviet Union, Britain and France. Since East Germany would be a key participant in MBFR talks, and East German-West German agreement, subject to Big Four approval, is a sine qua non. Hopefully, this should be wrapped up around the end of this year.

A Berlin agreement is a stated NATO precondition for the European Security Conference Moscow wants. The Russians have indicated that MBFR could form part of an ESC agenda and they want an ESC in 1972. It is currently felt in Washington that such a conference now is inevitable rather soon after a Berlin agreement.

Thus far President Nixon has held only one National Security Council meeting on MBFR. His central premise is that any American troop cuts should be matched by Soviet cuts; in essence, that the U.S. should not unilaterally reduce its forces. But budget pressures and the international monetary crisis make it difficult to hold that line unless he can argue that East-West talks are under way. Once they start he will argue that any unilateral move would be giving away a bargaining chip.

Sen. Mike Mansfield lost his first roll call on a unilateral cut but he hasn't given up and he has many allies. Some simply want to save money; others consider American troops in Europe part of a "cold war paranoia," a term recently used by Sen. George McGovern. McGovern described this as "the thinking which dictates that 25 years after World War II, we must keep half a million American troops in Europe to defend the 250 million people of Western Europe from 200 million Russians, who meanwhile have to worry about 700 million Chinese at their back door!"

Such numerical juggling totally ignores the fact the American troops are in Europe as much to protect the United States' interests as those of Western Europe. A much more balanced view of the problem is contained in a new book, "U.S. Troops in Europe," by John Newhouse and others of the Brookings Institution. This careful and calm inquiry into the issues, costs and choices involved is required reading for anyone who is able to put aside the McGovern type of emotion in favor of a reasoned examination.

"The size and character of American force deployment in Western Europe," the authors conclude, "do not fit a precisely calculable military requirement. How much is enough is not the issue. It is rather how many and what kind of forces will satisfy a number of considerations, some of them political, others strategic. These considerations should not be seen as immediate or short-term. They have to do rather with the kind of world order the United States seeks to encourage; with the kind of lasting relationship we wish to establish with Western Europe; with how to impart greater stability to the East-West environment while avoiding steps that might encourage latent instabilities."

And: "Thus the question is not whether, but when and how, such a reduction [in U.S. forces] will take place. This study argues that the *when* awaits basic political changes and that the *how* will emerge from multilateral decision-making. Admittedly, this is a counsel of patience—a rare quality that is especially elusive today."

Newhouse does not argue that present U.S. troop levels are sacrosanct; indeed he and his colleagues consider a 5 to 10 per cent unilateral cut would be "tolerable." What Newhouse does argue is that in order to preserve the American relationship with Western Europe any troop cuts should come via an MBFR agreement as part of an overall pattern of East-West accommodation along with a Berlin agreement, an initial SALT pact and other measures plus a new monetary arrangement among non-Communist nations.

There is one aspect of troop cutting that deserves special mention. Deep cuts in American troop levels would lower the nuclear threshold, the point at which nuclear weapons would be used because there is insufficient conventional force. The "flexible response" thesis which began in the Kennedy administration calls for enough conventional force, in case of conflict, to gain time for diplomacy before resort to nuclear weapons. But the McGoverns brush this aside by declaring that Moscow isn't going to start any kind of war anyway.

Whether an MBFR conference can be soon arranged and whether it will hold off congressional pressures for unilateral cuts is questionable. The Soviets seem willing (and Brisio may learn more about this) to sit down at a conference table. But they obviously are not going to pay for American withdrawals with Soviet withdrawals if the U.S. intends to pull back unilaterally.

The United States is in the throes of lowering its world-wide profile and reduction of forces in Europe is an obvious part of that goal. But logic calls for a strong try for agreed East-West reductions, not for unilateral cuts.

[From Christian Science Monitor, Nov. 9, 1971]

EUROPE: A SENSE OF CHANGE

(By Zygmunt Nagorski, Jr.)

Europe is changing—in moods, ambitions, desire and in its relationship to the two superpowers.

Both East and West have acquired a better sense of political options. The East has learned through a series of costly and bloody uprisings the limits of its dreams. The West is approaching a period of heavier self-reliance. This includes both its defense and economic sectors. Their interdependence is clear; heavier defense responsibilities may mean lower standards of economic growth.

The sense of change stems also from the new attitudes of the two big powers. They appear less interested and less involved in Europe's fate. America leads the way in that mood of neglect and the Soviet Union follows by sheer force of other problem areas. American neglect generates feelings of insecurity; Soviet signs of it encourage Eastern European dissenters. The two pull apart, rather than draw together the two European halves.

European security concepts, promoted loudly by the Eastern bloc, mean a Europe without the Russians for Romanians, and a Europe with the Americans for Germans. But what kind of continent will emerge in the West after the American era ends? Western Europe appears today to be wealthy and satisfied, a middle-aged nation avoiding trials and adventures. Its youth seems to drift, rather than look for challenges. In some instances, like Holland or even West Germany, life appears to be approaching the level of tensionless existence similar to that in Scandinavia.

In the East the low ceiling of national potential calls for self-generating initiatives, creating semblances of challenges. Semi-independent Romania is a case in point. The new Hungarian economic reform is another attempts to fight a slightly subversive economic battle in the total absence of political options. The three major Eastern capitals—Bucharest, Budapest, and Belgrade—watch passionately the European evolution.

All three fear Soviet intervention. All three profess their adherence to the socialist family with distinct national colors. All three would be concerned should the U.S. pull out of Europe and leave Western Europeans to manage their own affairs. They fear the German dominance and a bigger political leverage of the Soviet Union. Romanians, underlining their independence, already cite Willy Brandt's *Ostpolitik* as an element of Soviet direct influence. The Germans, in Romanian interpretations, have a more limited freedom of action than they do. It is up to the Soviet Union to implement or to shelve the *Ostpolitik*. And yet the future of Brandt's government hinges heavily on his opening to the East.

Internal patterns of changes show a degree of similarities in the East and the West. Social inequalities preoccupy Frenchmen and Yugoslavs alike. France, deploring silently its diminished role in world affairs since the days of Charles de Gaulle, is looking inward, attempting in various ways to transform an individual-oriented to a collective-oriented society. Yugoslavia, through a series of economic moves, is gradually transforming state-run enterprises, research institutes and alike to privately operated units. The new, affluent class of managers and scholars kept on the state payrolls must now fare for itself.

In Romania European security is viewed as an ultimate goal in a similar context as the Italian Communists view it from Rome. Both aspire to a neutrality of their respective countries, with a silent—seldom voiced—desire to see the American nuclear umbrella somewhere in the background. While Italy's officials worry about the Mediterranean Sea and the Soviet naval presence, Romanians point proudly to the total absence of the Soviet forces on their territory.

[From the Philadelphia (Pa.) Inquirer, Nov. 6, 1971]

U.S. PRODS ALLIES ON DEFENSE FUNDS

BRUSSELS.—Defense is perhaps the only area in which Europeans feel a sense of guilt for the problems of the dollar, but it is not getting priority attention in the struggle to correct the imbalance of payments.

Washington is playing down for the moment the issue of NATO burden-sharing. The Germans are expected to renew their offset payments, which will absorb less than half of the $1.9 billion foreign exchange loss which the U.S. projects for 1971. The losses grow as the mark gains in value, but Washington keeps its focus on inequities in trade and currency rates.

There are valid reasons for this Nixon strategy. Defense Secretary Melvin Laird is prodding the Allies hard to raise their defense spending. The risk of asking for too much on too many fronts at once is that Allies now led by left-of-center governments may decide taking a chance with Soviet intentions is easier than bearing the political strain of a heavier defense burden.

Cohesion within the alliance, the old confidence that "the forces which bind us together are more important than the problems which divide us," is unsettled by visions of detente. The possibility of negotiating force reductions with the Russians threatens to relax the will to negotiate from a posture of strength. It is, as Laird perceived, not a propitious moment to ask the Allies to do more so that the United States can do less.

Moreover, Europeans within NATO have difficulty adjusting to the notion of American impoverishment.

Yet the Europeans know, from their own statistics, that their share of the common defense does not reflect the revival of their economies. Laird's pressures have yielded one grudging move to raise the total European effort by $200 million a year. But only Germany and Britain seem ready now to go beyond this small step.

Twelve European countries devote, on the average, approximately less than 4 percent of their national product to defense and at least four of them are cutting back. Only the United States is committed to 8 percent and a two-year draft.

They argue here that no initiative to spread the burden will succeed because the Europeans have gone as far as they will go at this point. West Germany, beset by a sense of squeeze, is negotiating stiffly on renewal of the offset agreement. The French are being courted for cooperation instead of badgered for the $800 million cost of the NATO evacuation.

In this climate, favor is certain to grow in America for the Mansfield proposal to cut the U.S. garrison by half. Indeed, much of what the European nations have agreed to do was stimulated by the Mansfield threat. But few believe here that the European response to the cut, if it actually occurs, will fill the vacuum created by the departing Americans.

It remains obvious that the NATO deployment is crucial and that the Mansfield cut could be a disaster. It is not a promising time to ask the Allies to share more of the budget costs of NATO. But they do have a sense of guilt and they may respond to remedial pressures of the balance of payments.

[From the Spokesman-Review, Oct. 31, 1971]

French Gall

In a manner reminiscent of the late Charles de Gaule, a high French official recently made as astonishing statement. Apparently speaking for French President Georges Pompidou, the official declared his country wants assurance from the United States that any troops we withdraw from Germany in an East-West agreement will be returned immediately whenever the NATO council deems it necessary.

His presumptuousness is remarkable in view of the fact that it was France which pulled its forces out of NATO in 1966 because of jealousy of U.S. influence. Soon afterward, the French, stating they did not appreciate U.S. troops in France, evicted the NATO headquarters from Paris.

But suddenly the situation has changed. The French, worried that the Soviet Union may not live up to a mutual troop withdrawal agreement with the U.S., are demanding that the United States assure them it will rush back its troops to defend them should the Russians threaten from the east.

Considering France's past actions, that country is in no position to demand anything from the United States—a nation which has managed to retrieve French soil from aggressors in two world wars. Contrary to what the French seem to think, it is not the obligation of the United States alone to support NATO and protect France.

The French demand for U.S. NATO support is audacious indeed, for France has all but sabotaged the NATO organization in recent years.

[From Christian Science Monitor, Nov. 5, 1971]

German Billets For GI's Hit

(By Harry B. Ellis)

Bonn.—"Terrible concern" were the words used by Secretary of the Army Robert F. Froehlke to describe his reaction to housing conditions endured by many American troops in Germany.

Low-ranking enlisted men with families were forced to live on the German economy, Mr. Froehlke said, at rents they could not afford. Single soldiers "in too many areas" live in unsuitable barracks.

He welcomed the intention of the West German Government to donate millions of dollars over the next three years to renovate American-used facilities.

But Mr. Froehlke offered no immediate solution to the overall housing problem beyond pledging that its improvement had become one of his top priorities.

The newly appointed secretary was making an inspection tour of U.S. army posts in Europe, to learn at first-hand the problems faced by Gen. Michael S. Davison, Seventh Army commander, and the men in his command.

HOUSING AT TOP OF LIST

Mr. Froehlke appeared to rank poor housing at the top of the list of factors destructive to the morale of Seventh Army troops.

He stressed also the race problem, but praised the efforts of General Davison, a newcomer to the Seventh Army command, to devise imaginative ways to bring black and white soldiers together.

The general, among other things, has created a suggestion box, to which any soldier can write and be assured that his query will be read by the commander. The soldier then receives an answer from the general. Key letters and answers are printed in "The Stars and Stripes."

Mr. Froehlke expressed gratitude that no one to whom he had spoken had tried to hide problems, but had brought them into the open. This, he felt, was the first step toward solution.

MORALE BUILDING NEEDED

Following talks with hundreds of officers and men, the secretary would go back to Washington, "reread my notes," and work toward solutions.

He was cautious in answering a reporter's question, whether the Seventh Army had slumped so badly that no longer was it combat ready.

"Under the circumstances," Mr. Froehlke replied, he felt the Seventh Army was reasonably ready" to withstand aggression, though much needed to be done to raise morale.

Repeatedly he praised General Davison as a leader able to effect morale and technical improvements. This praise is echoed by observers who have watched the general's vigorous efforts to establish contact with his men.

Many soldiers, Mr. Froehlke said, had told him their work lacked challenge. Others ignored opportunities to mingle with Germans and showed little understanding of why they were stationed in Europe.

Mr. Froehlke deplored racial discrimination shown by some German landlords, innkeepers, and others toward black Americans, but said there was little the Army could do "in a legal sense" to lessen this.

[From the Congressional Record, Nov. 9, 1971]

Hessen NATO Social Democratic Party in West Germany Calls for a Repudiation of the Defense Partnership With the United States

(Mr. Waggonner asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. Waggonner. Mr. Speaker, it has come to my attention this week that the Social Democrats in West Germany are taking the next logical step in the implementation of the Brandt government's policy in Eastern Europe. A news report of the recent meeting of the Hessen Social Democratic Party in West Germany announced the Hessen party's demand for the adoption by the Social Democratic Party at the national party meeting to be held later this month, of a resolution which, in effect, calls for a complete repudiation of the defense partnership with the United States.

Specifically, the suggested resolution demands the following:

First. Reduction in defense expenditures of the Federal Government in Germany.

Second. Complete cessation of offset payments to the United States for the stationing of U.S. troops in West Germany.

Third. Utilization of the funds obtained by these reductions for cultural and other developments in West Germany.

Surely, the Hessen party must realize the disastrous effects such a position, if taken, would have on the security of Europe at a time when the Soviet Union is engaged in a massive arms buildup. I shudder to think what could happen if such a policy were adopted. However, aside from the dangers inherent in pursuing such a policy of appeasement, I personally resent the unprecedented vituperation and slander leveled against the United States by the Hessen party. At its meeting, the Hessen party stated that—

> The United States keeps its troops in the Federal Republic of Germany not for the defense of the population but and only for the defense of its own interest as a world power.

And that "the United States supports fascists regimes in Greece, Spain, and Portugal" and thus "helps the suppression of Greek and Spanish nations as well as the exploitation of the third world." Of course, none of these statements or the inferences made in them could be further from the truth, and the Hessen party should know as much.

The Hessen party is convinced that "only by the decisive reduction in armament expenditures can the new German peace policy become credible."

In continuation of their "peace policies," they have also demanded the creation of a commission for a strategy of disarmament. This commission would prepare plans for the 1973 political campaign and for the strategic forces of West Germany with the view toward reducing the armaments and the size of the German armed forces. These plans of the Social Democrats appear to coincide with Brandt's Ostpolitik. Unfortunately, they also appear aimed at reducing American influences in Western Europe and potentially enhancing the Soviet position there.

I hope that Chancellor Brandt will renounce the irresponsible statements made by members of his own party and reassure the West in a clear-cut statement that he wants to prevent the further disintegration of Western defense policies in the center of Europe. Such a statement by Brandt would go a long way in advancing the cause of real peace in the world.

[From the Washington Daily News, Nov. 12, 1971]

Money Splits NATO Ranks

Brussels.—America's European allies will refuse next month to start paying more for their own defense, a high NATO official said today.

"The Europeans are going to be unwilling and, in some cases, unable to meet the demands," the NATO official said.

The topics of more money from NATO members and the possibility of East-West troop cuts will dominate the Dec. 8 meeting of NATO defense and foreign ministers.

American requests for more money led last year to the European defense improvement program, under which nine European NATO members promised $1 billion for improvements in communications and air base facilities.

"But the Americans don't see this as the end of the road," a NATO official said. "The Europeans can rightly point out their program is spread over five years and they will consider a new program at the end of that period."

"For the Americans, this is not enough" he said. "There has been great progress in the improvement program—altho some countries cannot find the money to pay for it—but at the same time the national defense of many countries is falling way behind. The notable exceptions are Britain and West Germany."

Improvements in the quality and strength of the 300,000 American troops in Europe have been helped by the withdrawal of troops from Vietnam. The U.S. units in Europe are now at 90 per cent of full strength.

"Even so, the Americans are going to be under great pressure in the next year to withdraw at least some troops from Europe," the NATO official said.

ELECTION YEAR

"President Nixon's promise to make no U.S. cuts without equivalent Warsaw Pact cuts is going to come under attack in an election year," he said.

"The possibility of talks with Russia on mutual troop cuts has led to a reluctance in Europe to consider new force improvements. But the longer Russia delays such talks, the more chance it has of getting U.S. troop cuts without having to make any concessions," the NATO official said.

"The pressure is going to come at the wrong time. The U.S. trade and monetary measures—which look like they will continue for some time—are counter-productive. The only thing we can hope for is qualitative improvements in training and weapons systems," the NATO official said. "But again this needs money, and the money is simply not available."

[From the Los Angeles (Calif.) Times, Nov. 9, 1971]

AMERICA'S COMMITMENT TO NATO

President Nixon, from his first term in Congress, has been an advocate of a strong American commitment to Europe. One of his first acts after moving into the White House was to tour the Western European capitals to affirm American intentions to maintain close ties with the allies. He has opposed congressional moves to cut the American commitment to the North Atlantic Treaty Organization.

This posture has not always been persuasive to the Atlantic allies. They continue to fear a retreat into isolation by America. And now, quite unnecessarily, the President has given cause for a new wave of doubts.

Robert Ellsworth resigned last June as U.S. ambassador to NATO. The post has been vacant ever since.

Embassy business goes along with or without an ambassador. The regular staff is there. George Vest, an experienced and competent career officer, is handling the business of the U.S. government.

But the empty office has a symbolic meaning. It signals to the Atlantic allies a preoccupation in the White House with other priorities.

This is hardly the time to leave any doubt about the priority of America's commitment to NATO. In the perspective of national security, if not of newspaper headlines the routine at NATO headquarters outweighs the initiatives with China. The American role in NATO is all the more important at this moment when the prospect of detente in Europe offers the temptation to take risks in the military defense. There are pressing problems, including strategy for negotiations with the Soviet Union on a mutual and balanced reduction of forces, and planning for a European security conference which could come as soon as next year.

[From Stars and Stripes, Nov. 9, 1971]

USAREUR "SLUM BARRACKS" MAY BE ON WAY OUT

(By Otto Doelling)

FRANKFURT.—"This is a slum," a U.S. Army major said, pointing an accusing finger at a moldering barrack. "I'm not saying it is. But that's what the troops are calling it."

Throughout West Germany, American troops by the thousands are living in slum-like conditions because funds needed to rehabilitate barracks have been diverted to fighting the war in Vietnam.

Sixty per cent of the 230 U.S. Army posts in West Germany are rated substandard. Walls are peeling, plaster cracking, pipes leaking, toilets backing up, heating breaking down and electrical wiring tearing.

"When you see the conditions under which our troops live and then go across the street and see the fine barracks German soldiers have, you begin to wonder who lost the war," a high-ranking American staff officer said.

West German Defense Minister Helmut Schmidt has been having similar thoughts. He has said it is intolerable that American troops in Germany should live in poorer conditions than German troops.

Schmidt is offering for the first time to give the United States "several hundred million marks a year" to improve the living conditions of American troops in Germany. The money would be part of a package agreement now under negotiations between Bonn and Washington. It involves West Germany's offsetting the foreign exchange costs of stationing U.S. forces on its territory.

The Schmidt offer would mean a welcomed boost to the Army's recently intensified barracks improvement program, which includes the complete gutting of buildings and their reconstruction from stem to stern.

U.S. Army engineers estimate they would need about $225 million to bring barracks up to par. Last year, a total of $40 million was budgeted by the U.S. Defense Department for barracks improvement in West Germany. Half went to the stem-to-stern programs.

With dollars scarce, the Army has been trying to keep pace with the decay through self-help programs. The Army supplies the material and the men themselves do minor repairs and repainting.

If West Germany begins paying the costs of repairing American troop billets, it would relieve Army engineers of the necessity of planning improvement projects with one eye cocked on the U.S. Congress, which has been supplying the funds.

"The political atmosphere is such that no one will say how long we'll be in Germany," Col. Louis W. Dornbush said. "We've been here more than 25 years now, but only one year at a time. As a result future planning has been rather slow."

Dornbush is top Army engineer of the Hesse district, which stretches from the Rhine River to the East German border.

Among the posts Dornbush is charged with maintaining is the Schloss Casern in Butzbach, which dates back to 1608.

The colonel held up a termite-eaten board taken from the Butzbach post and said, "The Hessians lived there who fought in the Revolutionary War."

Other posts in the area date back to the last century and many are of 1930 vintage.

While the victors took the spoils, the West German armed forces built new barracks when they were formed in the 1950s.

The accelerating decay of American barracks has caused morale problems.

Maj. Vernon D. Thompson, the Frankfurt facilities engineer, commented:

"If you were a soldier and were pulled out of your home into the army, if you were used to a certain standard of living and put into barracks dating back to 1896 and if you came into billets where latrines had urine coming out of the walls and toilets backing up on the floors, if you walked into bleak rooms . . . I think that you would be deeply depressed."

Thompson showed a newsman a latrine at Edwards Casern on the outskirts of Frankfurt. The mortar was crumbling from the cracked walls, light fixtures were cracked, some faucets didn't work and others that did poured water through drains directly onto the floor.

"Would you believe it if I told you this latrine is better than average?" Thompson remarked.

[From the Washington Star, Nov. 17, 1971]

SO MANY CHIEFS, SO FEW INDIANS

(By Frank Getlein)

A body of ethnic jokes so venerable they never were even considered ethnic was the collection of stories about Pat and Mike. The two Irish immigrants usually were found "walking down Broadway" as the story opened, but occasionally they turned up elsewhere, even at work.

In one, Pat was digging a ditch while Mike was sitting on the ground above. The digger asked the sitter to join him in the pick-and-shoveling, but Mike, alluding to the value of supervisory brains in any enterprise, explained to Pat: "One man up here, overseeing the works, is worth 10 men down there, shoveling up the dirt."

Whereupon, Pat climbed out of the ditch, sat down with his chum and said with satisfaction: "By golly, Mike, now we've got 20 of us down there, we'll be done in no time."

What's good enough for Pat and Mike has now become good enough for the Army, the Navy and the Air Force, according to figures released last week by the House Appropriations Committee.

Over in the Pentagon, at posts around the world and on all the ships at sea, the celebrated "winding down" process has meant more and more general officers and field-grade officers up on the edge of the ditch, wielding their mighty brains, and fewer and fewer junior officers and enlisted men down there shoveling the stuff out.

Making comparisons with the closing days of World War II, when the American armed forces were at their all-time peak strength, the committee found that in 1945 there were 38 four-star generals and admirals; 26 years later there were 45, a gain of 7. Three-star general officers in June 1945 numbered 101 and now number 145, an even more striking advance.

The comparisons in the field grades are the same, if not worse. As against a drop of 900,000 in the number of officers of all ranks since the height of World War II, there has been a gain of 6,000 in the number of middle-management colonels and Navy captains and commanders.

The committee also made some comparisons between the peak officer strength during the Korean War and that strength during today's "winding down." During Korea, to supervise 3.6 million men in uniform, the services needed 190 fewer generals and admirals than are now required to oversee a force of 2.7 million. Likewise, there are now 16,000 more middle-level, field-grade officers than at the height of Korea with a million more men then under arms.

No doubt, the cheaply cynical would draw from these comparative figures the conclusion that our field-grade and general officers are getting less competent as the years go by, since it requires more and more of them to supervise fewer and fewer men.

Fortunately, most of us are not that cynical and will instead conclude, along with Pat and Mike, that this growing increase in the number of chiefs in the face of a shrinking of the number of Indians is another example of military efficiency at its finest.

The same efficiency has brought about a bombing of Vietnam vastly increased over our bombing of Germany and Japan back in World War II. Since, as we know, victory is achieved through air power, our victory in 'Nam is twice as solid as our victory in World War II. This is attested by the fact that we have now, according to our own reliable body counts, killed every person of military age in North Vietnam 2½ times and are working on doing it three times.

That's the kind of gratifying results you can expect when you get more and more supervisors up out of the ditch, and fewer and fewer dirty old diggers cluttering the place up with their shovels.

There is great hope for mankind in the figures released by the House Appropriations Committee. Drawing upon the art of statistical analysis, we can easily project two basic graph lines, one of increase in the number of big shots, one of decrease in the number of little shots.

Once we have determined the actual rates of increase and decrease respectively, it will be simple to forecast a date by which everyone in the Army will be a colonel or a general, everyone in the Navy an admiral or a captain.

Since we know from folk wisdom that most of the shooting in shooting wars tends to get done by little shots, on that happy day peace will be achieved at last.

Or, Pat and Mike were walking around the Pentagon. . . .

[From the New York Times, Nov. 15, 1971]

BRITISH PLANNING BIGGER NATO FORCE

(By Drew Middleton)

LONDON, November 14.—Britain has begun a defense program aimed at strengthening North Atlantic alliance forces.

Official sources said the reinforcement was in addition to Britain's contribution to the European Defense Improvement Program instituted last November by Eurogroup, comprising 10 European members of the North Atlantic Treaty Organization.

Eurogroup met in Brussels Friday and, after reviewing the first year of the Defense Improvement Program, found progress "generally satisfactory," NATO officials said.

According to Lord Carrington, Minister of Defense, Britain will:

Place orders for two guided-missile destroyers, four frigates and a number of support vessels and smaller craft in an acceleration of the naval-construction program.

Expand into full battalions, of about 800 men each, four infantry units that have been maintained at company strength.

Add one squadron of Buckcaneer strike aircraft to the Royal Air Force.

A $260 MILLION COST

The program is expected to add more than $260-million to defense costs over the next three years, an official said.

The Government sees the program as a "constructive contribution" to a program adopted by NATO a year ago and "in particular to the collective European effort within that program."

Eurogroup defense ministers are sensitive to United States charges that European members of the alliance are not following through on their promises of a year ago to improve the quality and quantity of defense contributions.

Secretary of Defense Melvin R. Laird made it clear when he visited Brussels last month that he did not think the European members were doing enough. Their efforts are being contrasted in military circles with recent reinforcements of United States Army, Navy and Air Force units in Europe.

U.S. FORCE AT 310,000

According to American officials, these forces are now at 99.2 per cent of war strength and the total American force in Europe has been increased from 300,000 to 310,000 men.

The British program is part of the Government's answer to American criticism in the Administration and Congress. The overall European answer will be made Dec. 7, when the Euro-group meets again in Brussels to present additional defense efforts for the coming year.

Eurogroup is made up of the Defense Ministers of Britain, West Germany, Italy, Netherlands, Belgium, Luxembourg, Norway, Denmark, Greece and Turkey. France, which is not a military member of NATO, Iceland, which has no defense forces, and Portugal, most of whose forces are tied up in African anti-insurgency warfare, are not members.

The acceleration of the British naval program is a response, high officials said, to the growing number of new vessels, particularly submarines, in the Soviet Navy. Recent NATO reports have emphasized the necessity of modernizing naval antisubmarine and surveillance forces.

"Britain is fully aware," a high official said, "that unless the North Atlantic can be kept reasonably clear of submarines in the event of war, there's no use talking about American reinforcement."

A recent upsurge in recruiting for Britain's volunteer army has made possible the additions to the army's strength.

ULSTER CRISIS INVOLVED

Four additional battalions "doesn't sound like much by World War II standards," a British general conceded. But, he pointed out, "given present standards of infantry armament" a modern battalion "approximates the hitting ability of a brigade in 1945."

The four battalions will ease the pressure on the British Army of the Rhine in Germany arising from the demands made by the crisis in Northern Ireland, officials said.

Officials at the alliance headquarters in Brussels agreed that it was too early to say how much more could be done by European powers to reinforce Western defense.

According to reports reaching that headquarters, however, there is a general feeling that "something will have to be done" because most European defense and foreign ministries believe that the United States intends to carry out some form of military disengagement in Central Europe in the next two years.

"Force levels among European countries should and must go up," a NATO official said. "It's an illusion to think they're spending excessively on defense."

SCHOOL FINANCING

Mr. CRANSTON. Mr. President, on November 13 I addressed the California Teachers' Association meeting in Los Angeles. CTA is among the most vital education organizations in the country. As Senator from California, I am proud of the excellent work they are doing.

I took the opportunity to share with these educational leaders some thoughts on providing equal educational opportunity through equitable school finance and other means. Here in the Senate, the Select Committee on Equal Educational Opportunity chaired by Senator MONDALE, and the Education Subcommittee headed by Senator PELL, are holding hearings on school finance and its implications for the Nation's schoolchildren. I want to add my own thoughts to this important dialog.

I ask unanimous consent that my remarks to the California Teachers' Association be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR ALAN CRANSTON

In recent days two Senate committees, and many members of Congress, have addressed themselves with urgency to the financial plight of the Nation's schools.

No dialogue could be more timely.

The recent California court decision, calling the State's system of financing education discriminatory and unfair, has sparked an atmosphere of fresh thinking and—I hope—action.

It could be the best thing that has happened to school in years.

It could also be among the worst—if we in the Congress, and at other levels of Government, don't grasp the hint that something is terribly, desperately wrong.

"Reform" is always nipping at the heels of education.

That's as it ought to be. "Education" and "change" cannot be divorced.

But as you well know, talking and doing are two different things.

It's high time the Congress huddled with State and local governments, and with you, to turn the dialogue about school finance into a program for national action.

What's at stake here is equal—and, hopefully, excellent—educational opportunity for all our Nation's children.

To fail the challenge is to fail the millions of bright young minds that are our present hope and represent all our future prospects.

The school finance crisis has been brought close to me in a number of ways—none more forceful than a letter I received from the East Whittier City school district here in California.

It had been mailed to parents and citizens of the district to announce budget cuts for this school year—cuts made necessary by higher costs and reduced income.

Listen to some of the programs cut this school district was forced to make: Eliminate transportation services—for all except the handicapped; stop all food services; eliminate two nurses, leaving only three to serve sixteen schools; drop elementary school music; eliminate one psychologist position; reduce noon duty assistants; trim clerical assistance in all elementary schools; reduce capital outlay and repair of buildings; stop replacing audiovisual equipment; eliminate district-financed reading specialists; and borrow nine hundred thousand dollars to meet payrolls through December, due to inadequate cash flow and reduced reserves.

These abandoned services could hardly be called educational "frills."

Elimination of food services means some children won't eat.

Three nurses serving sixteen schools does not constitute an adequate health program. The financial crisis facing this school district is not isolated and unusual.

It's just the tip of a national iceberg.

Schools all over the country are trimming services, cutting schedules even cancelling days, weeks, and months of the school year.

Why this disastrous trend?

This year, we will spend eighty-five billion dollars for all educational goods and services.

To educate our sixty and two-tenths million American students we devote about eight percent of our yearly Gross National Product.

Sounds like a lot.

Is it enough to do the job?

No!

The best estimate I've seen of what it will take to bring all our schools, rural and urban, to the level of our better suburban systems is an additional thirty-five billion dollars a year.

That thirty-five billion dollar measure came from a task force appointed by the Nixon Administration. It was also ignored by the Nixon administration.

The task force was expertly headed by California's own Wilson A. Riles.

The Riles report said that the forty-eight and eight-tenths billion dollars projected for public elementary and secondary financing this year should be closer to eighty-four billion dollars, if we are to accomplish even the minimum goals we have set.

Actually, sadly, schools are now being forced to trim, cut back, or close.

If we look at where school monies now originate, we can see a major source of the problem.

More than ninety-two percent of the cost of public elementary and secondary education falls on local and state governments.

For the fiscal year just ended, local governments paid fifty-one and eight-tenths percent; the States paid forty and nine-tenths percent; and just seven and two-tenths percent came from the Federal Government.

Taken together, the rising costs of education, and a greatly increased burden on the local property tax, make it virtually impossible for the local taxpayer to pay more or even maintain present rates.

The demands are inequitable.

So are the results.

The real thrust of the California court decision was that differences among tax bases in school districts are so great that equal educational opportunity is *not* provided and *cannot be* provided.

The resulting inequities, the court said, constitute a violation of the Fourteenth Amendment.

Let me be quick to note that an equal provision of monies among schools is not the whole answer to equal educational opportunity.

Of all educators, perhaps teachers know that best.

Daily in the classrooms you face uneven learning rates; differences in family and social backgrounds; variations, for one reason or another, in abilities and past learning achievements.

All of these are important factors in charting equity.

But of the things that can be done to provide an equal starting point for a child's education, provision of money and services is among the most important.

And on this point, we're failing—badly.

The President's commission on school finance is about to release a study on spending comparability among school districts across the country. Some preliminary statistics, recently published in the press, are astounding.

Over the 50 states, comparing highest and lowest spending districts, the minimum variation is 43 percent.

Most states vary 200 to 600 percent.

In California, some districts are spending four times as much per pupil as other districts. And in Wyoming, the highest per-pupil expenditure is fourteen-thousand, five hundred fifty-four dollars—compared to a low in one district of six-hundred and eighteen dollars.

That's a variation of 2,255 percent within one state.

As the national educational finance project says: "One seldom finds superior quality at a low cost, except in very unusual circumstances. This logic of the market place is applicable to school expenditures. Although there are no doubt schools with high costs and poor quality, it is difficult to find high quality at a low cost."

Obviously, if spending comparability has anything to do with equality of educational opportunity, some of our children are being cruelly and unconstitutionally cheated.

And so are the teachers and administrators that serve them—not to mention the rest of America.

Aid from the Federal Government to reduce these inequities has been long-recognized as essential.

As far back as 1933 the national commission on the financing of education concluded, "Just as there are inequalities in ability to support schools within a State, so there is variation in ability to support schools among the states themselves. Children suffer the denial of educational opportunity because of these inequities. This situation, can be remedied only when a larger proportion of the school revenue comes from the nation as a whole."

I am deeply disturbed that, twenty-eight years later, we are reaching the same conclusion all over again.

When will we act?

We can start by reordering our present set of Federal spending priorities—now which unfair to children, teachers, and to American education across the board.

In the last school year, Federal expenditures for defense alone were over seventy-five billion dollars.

Yet Federal spending for education was estimated at four and four-tenths billion dollars, or seven percent of the national cost.

The National Education Association points out that the cost of the antiballistic missile system alone—twelve billion dollars—could pay almost one-third of the basic cost of public education.

The cost of producing the F–111 plane exceeded the total 1970 budget of the U.S. Office of Education.

So far, the Vietnam war has cost us one-hundred twenty billion dollars.

Estimates I've seen, from reliable sources, of the total we'll pay for it when the final bill is in many years hence, range from four-hundred billion dollars to one trillion dollars.

Does a trillion sound out of this world?

Since World War II, the U.S. has spent one trillion, one-hundred billion dollars on arms and war.

Right now, of all the taxes you and I pay, knowingly and unknowingly, direct and indirectly, to all levels of government, forty-six cents out of every single tax dollar is consumed not by education, not by health, not by welfare, not by farm subsidies, but by one sole cost: the cost of war.

Over the years, the effect of each war on the cost of our Government has been incredible.

The Federal Government spent more in four years of civil war than it spent in all its previous years of existence.

It spent more in two years of World War I than in all its previous years of existence.

It spent more in four years of World War II than in all its previous years of existence.

In this single year of 1971, still in Vietnam, and deep in the arms race, we will spend more on our Government than in all the years between 1789 and 1941.

Wars have another remarkable monetary trait.

They permanently increase the cost of Government, and hence our tax burden.

Listen to the figures on the per capita cost of the Federal Government, before and after war:

Civil War: before, $2.59; after, $6.82.

World War I: before, $8; after, $32.

World War II: before, $64; after, $261.

Korea: before, $272; after, $434.

Vietnam: before, $617; now, the war still on, $957.

The present high level of defense spending produces a devastating effect in areas of great social need like education.

What purpose can such spending possibly serve if we don't do much, much more to insure that we have a nation all citizens deem worth defending?

We simply have to give the growing needs of our schools a higher priority in the Federal budget.

Until we do, equal education opportunity will move farther and farther from our grasp.

I believe we're on the threshold of a new and more productive Federal role in education.

The present dilemma of the schools is simply too clear and too alarming for most Members of Congress to ignore.

The press for a Federal program of general aid to the Nation's schools is growing. Through these and other proposals we can begin to unravel some difficult problems.

I strongly back the demand for more Federal monies to the schools.

I will support the most comprehensive and equitable general aid proposal we can devise.

I expect to sponsor such a bill.

But I believe we should be wary of programs that simply perpetuate the very inequities we are trying to cure.

For this reason, I am concerned about the number of general school aid proposals now in the Congress that call for phasing out categorical aid programs as a condition for general aid.

I think this is unrealistic and unfair.

At the Federal level, we have made strategic, specific commitments: Programs for the disadvantaged; personnel investment programs, such as the Education Professions Development Act; expansion of library services across the country; and major efforts in still-neglected areas such as bilingual education, to name just a few.

Some view these categorical commitments as a tangle of Federal strings that hamper educational progress, skirt local control, and force school administrators, as well as teachers, into a marathon of "grantsmanship."

These are reasonable criticisms.

But they can be resolved. They must be resolved.

First, we must remember that present categorical programs constitute less than ten percent of U.S. Office of Education programs.

The remaining ninety percent are formula grants, over which the office has little control.

Second, recent advances in American education are in many instances due to the specific provision of funds and services to meet needs clearly in the national interest but beyond the ability of communities and States to finance.

Moreover, in making these commitments, the Congress recognized that American education needs now, perhaps more than ever, a coalition of advanced ideas.

We need dissemination programs clearly beyond the ability of the States to mount.

We need a nationwide emphasis on early childhood programs. We need special programs for blighted urban areas.

I emphasize the word "national." Because I think this is the key to what categorical programs are all about.

If there is one role the Federal Government can perform better than any other unit, it is that of an ombudsman for equal educational opportunity for every man, woman, and child across the country.

We are a highly mobile people.

The average American family moves every five years.

We are long past the day when a family could expect to start its children in the early grades and see them through their secondary education within a single school district, or a single town, or a single State.

We are long past the day when you, as teachers, could reasonably expect to start and end your teaching career in one geographical location, even a broad one.

I think that says a great deal about the role the Federal Government must play.

If an American family moves from California to New York, from Delaware to Ohio, from Colorado to Mississippi—they should have nothing short of a Federal guarantee that their children will enter schools of no less quality than those they left behind.

The same should be true for families who move from rural to urban schools, from urban to rural schools, from one school district to another within the same county or state, or simply from one school to another.

This is basic to equal educational opportunity. We have not yet achieved it. To do so will require a fresh and helpful role for the Federal Government.

We must see to it that different needs among schools and students are answered through aid programs that recognize those needs and meet them.

This kind of overview and constant adjustment is essential if we are to reorder our educational priorities as the Nation changes.

We have only begun to provide this vantage point and we must broaden it.

I am convinced that no program of general school aid, no matter how large or well-intentioned, can enliven and enrich classroom education unless it is recognized that special programs are essential to meet specific needs.

And the more complex our Nation becomes, the more varied and changing those needs will be.

You know my feeling that sheer provision of Federal funds won't provide true equal educational opportunity.

Far more is needed in terms of talent, ideas, and solidarity of purpose.

You who are here represent one of the most important, vital, valuable resources American education possesses, the teachers of California and of our country.

To attempt broad changes in what we do in education without your help and advice seems to be common.

It is also absurd.

I could guess that if you were to isolate a single word bandied about in education that seems particularly scarey, it might be "innovation."

It's not that you don't want it.

It's just that you have a rather basic right to know what it means.

It is, after all, apt to be lurking in a corner of your classroom on any given day, daring you to cope with it.

If those of us at the Federal level would ask you, I think you might have a few things to say—not about abolishing change or chasing away innovation, but about how we might help you with the most difficult task of all: translating educational theory into classroom action.

Yet I fear you are being left farther and farther behind in the Federal decision-making process.

The other day Donald E. Morrison, a fellow Californian and head of the National Education Association asked the commissioner of education for a survey of teacher representation on U.S.O.E. advisory councils. There are approximately 30 such councils serving the Office of Education.

Commissioner Marland found that of the 540 persons serving on the councils, only 29 are classroom teachers. The commissioner also found that teachers are especially scarce on the major policy councils.

Dr. Marland reacted quickly and decisively by announcing he will fill four current council vacancies with teachers.

I commend his action.

But I feel we have to do better.

I believe it is the responsibility of every Federal official and Member of Congress to see to it that where educational policy is shaped, where the Federal influence is exercised, teachers are involved to the fullest possible extent.

This is the only way we can create policy and programs that make sense for you.

And if they don't make sense for you, they won't make sense for your students.

A moment ago I said some things about the importance of equality of educational opportunity. I want to make sure you know what I mean; how I think you share in this; and what you can do to make it happen.

I believe that equal educational opportunity means that children in every quarter of the Nation, from whatever background or ethnic origin, should have equal means to assure an equal chance at achieving individual goals.

It does not mean that we are educating our children to be identical cogs in society's machinery.

It does mean that the task of the school is to equalize opportunities among differing social groupings by the end of the compulsory schooling period.

To do this will require a number of things.

One of the most important will be more and more good teachers, encouraged to develop their interests and talents, and free to move about the country unhampered by penalties for mobility.

As you know, that isn't possible now.

When you move across State lines, retirement benefits don't go with you.

And sadly enough, even if you stay in one State you risk the loss of your benefits if your Governor can't keep his books straight.

We've got to change that.

That is why I have cosponsored the Mobile Teachers Retirement Assistance Act.

It is indispensible to equal educational opportunity.

If passed by the Congress, it will set up a Federal incentive program for the States to improve their teacher retirement programs; put them on a sound fiscal basis; establish safeguards to protect your money; and let you carry your retirement benefits wherever you might go to teach.

This legislation is important not only to you but to the full spectrum of American education.

Equality of educational opportunity applies as much to teaching careers as it does to student learning.

They can't be separated.

This brings me to your role in the political process and how you can help bring about some of the changes that are needed.

I see the teachers of America as a potentially powerful group of lobbyists in the public interest.

I hope you will become so, individually and collectively, if you are not already active.

Your presence in this room indicates that you are already doing a good deal.

The growing role of the CTA in political action is even more important than perhaps you realize.

There are 535 Members of Congress, plus your own State legislators, who need your advice and your help.

Enormous tasks for education face all of us.

They cannot be accomplished without a spirit of cooperation and consensus of purpose.

Where we are going—why, and how—are questions that cannot—should not—be decided without you.

And that means political action.

Teachers, parents, and school administrators who have taken the time to talk to the Congress have had a tremendous effect upon Federal policy in the past few years.

Your voices have overriden two Presidential vetoes of Federal education appropriations.

The information and ideas you have provided have brought more and more Members of Congress around to thinking that education should be a higher priority. Thanks to you, if they don't know that now, they will know it more each alternate November.

That's an essential part of your job as educational leaders.

I urge you to continue to build on the splendid base you now have within CTA.

It's an important battle. It is a contest that will shape what our policies for education, and funding for education, will be.

You have won in the past and you can win again. But the real winners will be the kids.

And as long as you are their vocal, political champions, they will not lose.

DEVALUATION OF DOLLAR BY CHANGE IN PRICE OF GOLD

Mr. BROCK. Mr. President, on October 14, 1971, Dr. N. R. Danielian, president of the International Economic Policy Association, testified before the Committee on Finance on the President's Economic program. Of particular significance is Dr. Danielian's discussion of the question of devaluing the dollar by a change in the price of gold.

Dr. Danielian warns that we should not accept an increase in the price of gold in addition to dropping the 10-percent surcharge, to get some revaluations of other currencies. He points out that the gold producers and hoarders would be rewarded at the expense of the American taxpayer. They have probably $50 billion, both public and private, whereas we have only $10 billion. Thus an increase in the gold price would be 5 to 1 against us.

In addition, Dr. Danielian feels that it would be well to know if we have "gold content" guarantees in various swap arrangements and "offset" paper such as "Roosa" type bonds. Such information in the "fine print" of Treasury and Federal Reserve obligations is not readily available to the public. It should be made available to Congress. According to Dr. Danielian, any gold price increase would up these obligations. Our capital subscriptions to international financial institutions, such as the World Bank, involve maintenance of value guarantees in terms of gold.

I feel that Dr. Danielian's views are imaginative and particularly valuable because of his extensive experience and background in international finance. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ORAL PRESENTATION BY DR. N. R. DANIELIAN

I would like to have your permission to place my full statement in the record and highlight its salient points.

We support the President's program as submitted to Congress, with certain further suggestions of our own.

With respect to the investment tax credit, we approve the 7 percent allowed in the House bill, but would respectfully suggest the restoration of the 10 percent credit for the first year in order to give a particular stimulus to investments in the immediate future.

The repeal of the automobile excise tax is desirable at this time. It would redress a serious cost disadvantage of the domestic producers and offset the large contribution that imports of passenger cars and parts have been making to our balance of payments deficits. In 1970 this was $2.8 billion, and it was running at a $3.7 billion annual rate up to June 30 of this year. The elimination of the excise tax, the adoption of the 10 percent surcharge on imports, and the investment tax credit should go a long way to redress this imbalance.

On the DISC proposal, we support the Administration's recommendations with certain amendments, but have reservations on the changes made in the House. The House version tries to limit the advantages of DISC to incremental exports. This is not practical. All it will do is encourage new and untried ventures, which most likely will take business away from established exporters who have done so much in the past to maintain our export position. We suggest, therefore, that the Committee restore the Administration's proposal.

We are in favor of expanding the concept of DISC to include service industries. The House of Representatives included among qualified export receipts engineering and construction services. We suggest very strongly that this principle should also be extended by amendment to cover travel and tourism, including equipment used in bringing foreign tourists to the United States. Our deficit on tourist account is still $2 billion a year. It is better to deal with this problem, not by restricting the right of Americans to travel abroad, but by giving incentives to encourage foreigners to visit the United States. I suggest, therefore, in section 993(a)(1) of H.R. 10947 on "Qualified Export Receipts," a new subsection (I) as follows: "Gross receipts from the performance of tourist and travel services for foreign visitors to and within the United States not in excess of the foreign exchange earnings of such services."

In addition to these measures, we would recommend that the Internal Revenue Code be amended to permit repatriation of earnings from abroad for eligible investments in the United States without immediately incurring tax liabilities under the constructive dividend concept. This will probably bring more funds back to the United States than will all the bureaucratic red tape of OFDI. It will also create jobs here in this country.

Mr. Chairman, this Committee will remember that over the past decade our organization has warned, before this Committee as well as others, that if we persisted along the policy lines of the post-war era and ignored the balance of payments effects of those policies, we would have a crisis and something would have to give—the value of the dollar, or liberal trade policy, or foreign aid, or military expenditures abroad. All four of these things have now happened. IMF and GATT are in disarray. The dollar has depreciated in world markets, we are forced to cut foreign aid and retreat from our world-wide commitments. Those who recently recommended benign neglect must now have second thoughts.

The danger that we confront is of two kinds: on the one hand, a retreat into a self-contained, autarchic, fortress American economic and military nationalism; and on the other hand, continued complacency and repetition of old mistakes.

Most of us would have preferred that the measures undertaken on August 15 would not have been necessary; but they were necessary and the President must be commended for the courage he showed in undertaking them.

S. 2592, which is before this Committee, raises the first danger. With respect to the second danger, there are already voices in the country who would like to force the President to give up the 10 percent surcharge merely in exchange for revaluation of other currencies abroad. If we settle for so little, without changing other policies, we could have another crisis within the decade.

Our studies indicate that a revaluation of a few selected foreign currencies in terms of dollars by 10 or even 15 percent would not redress our trade position and would simply increase the dollar cost of our military expenditures. The deterioration of our trade position is due to cost differentials higher than any contemplated currency revaluations; but more importantly, the causes are not price sensitive, such as the EEC Common Agricultural Policy, the Japanese reluctance to import our manufactured goods, and the evolution of common markets, which by their very nature discriminate against us.

We must, therefore, focus on other issues beyond trade and exchange rates. Minimum conditions for more stable arrangements should include: an agreement on access for our agricultural products to foreign markets; an agreement for elimination of nontariff barriers and border taxes and rebates; an agreement for nondiscriminatory, reciprocal and national treatment of foreign investments, which in the case of the United States is the major breadwinner abroad; and an agreement for a more equitable distribution of the costs of mutual defense. To achieve this last point, we have proposed setting up an International Security Fund to neutralize the balance of payments effects of U.S. troop deployment in NATO. I hope in time this principle can also be extended in the Pacific with our allies, Australia, New Zealand and Japan. Cost sharing in defense is a better alternative than withdrawal of American protection; and, in addition, it will ameliorate our balance of payments deficits and contribute to monetary as well as military stability.

Finally, Mr. Chairman, a word on the international financial crisis itself. The $60 billion in Euro-dollars, much of it created by U.S. deficits, splashes around from country to country for quick speculative gains in exchange rate gyrations or to benefit from interest rate differentials. It is a new factor, and it will not be eliminated by any increase in the price of gold, floating rates, crawling pegs, or currency revaluations. The international financial community faces one of the most important challenges of our time to determine how this huge reservoir of investable funds will be neutralized as a specualtive force and guided into worthwhile and productive uses. Private companies borrowing in this market for investment purposes are probably making the best use of these funds. It should be a negotiating posture of the U.S. Government that American companies should not be discriminated against in their access to this market, and that exchange rates agreed upon should be the same for current account as well as capital account transactions.

The question of devaluing the dollar by a change in the price of gold may come to the Congress sooner or later. I hope our negotiators will not accept an increase in the price of gold in addition to dropping the 10 percent surcharge, to get some revaluations of other currencies. That would really be a bad bargain. What will be the actual effects of an increase in the price of gold? We know that the gold producers and hoarders (the Committee knows the countries that are involved) would be rewarded. They have probably $50 billion, both public and private. We have 10 billion. Any increase in the gold price would be 5 to 1 against us. Even beyond this, it would be well to know if we have "gold content" guarantees in various swap arrangements and "offset" paper such as the "Roosa" type bonds. Such information in the "fine print" of Treasury and Federal Reserve obligations, so far as I know, is not available publicly. But it should be available to Congress. Any gold price increase would up these obligations. Our capital subscriptions to international financial institutions, such as the World Bank, involve maintenance of value guarantees in terms of gold.

In short, if the dollar price of gold is raised, the Congress will sooner or later be called on to authorize and appropriate billions of dollars to make good on these commitments. All the arguments in favor of a gold price increase are self-serving for those who have it; but it is of no conceivable benefit to us. If other countries want to raise the price of gold, let them; and then they can merrily exchange gold amongst themselves. We should stay out of it.

Thank you.

U.S. DAIRY INDUSTRY HURT BY PRESIDENT NIXON'S INACTION ON IMPORTS

Mr. HUMPHREY. Mr. President, President Nixon is hurting our domestic dairy industry by not establishing quotas on certain types of cheese which the Tariff Commission recommended be done last summer. He should delay no longer in taking action.

Early this year the President requested the Tariff Commission to make recommendations to him on three import categories of cheese costing 47 cents a pound or more on which there were no quotas. These were swiss, Gruyere-process, and a comprehensive grouping which, for import purposes, is labeled as "other cheese."

It should be pointed out that any of these types of cheese which cost less than 47 cents a pound were limited by import quota, but if the cost was above that amount no quota applied.

I feel the President was right in asking the Tariff Commission to look into this matter. In 1970 there were about 97 million pounds of such cheese imported, of which 41 million was under quota and 56 million was exempt from quota. When the nonquota total exceeded that under quota and the only criteria was whether it cost more or less than 47 cents a review was in order.

On July 28 the Tariff Commission submitted its report to the President. The four Commissioners unanimously recommended that the price break be eliminated and that a single quota be established for each type of cheese, combining that costing under 47 cents with that costing above that figure. They divided evenly—2 to 2—on the level at which such quotas should be set. I might add that much of the dairy industry was not completely satisfied with the quota levels which were recommended, though they are still unanimous in their desire to have these limitations imposed by the President, at such level as he determines to be proper.

Nearly 4 months have passed since the President received the Tariff Commission's recommendations and in my opinion he has had ample time to act. His failure to act is continuing to hurt our Nation's dairy farmers. They are producing adequate milk so that some of this domestic production which is replaced by the continuation of these imports is having to be purchased by the Government.

And as he delays the importers are increasing their shipments of nonquota cheese. Each of the three categories is showing an increase over last year, as follows:

(January–September)

Nonquota types	1970 pounds	1971 pounds	Increase (percent)
Swiss-Emmenthaler	16,444,000	18,519,000	13
-Gruyere-process	6,677,000	7,356,000	10
Other	15,767,000	18,175,000	15
Total	38,888,000	44,050,000	11

President Nixon should delay no longer. He should proceed promptly to implement the recommendations of the Tariff Commission and place import quotas on these items.

ADMINISTRATION GOAL: VETERANS' WELL-BEING

Mr. HANSEN. Mr. President, as a member of the Committee on Veterans' Affairs, I am concerned about recent criticism of the Nixon administration, this time in the area of veterans' benefits. Much ado has been made lately concerning what is supposed to be a very long waiting list for admission to VA hospitals. Let me set the record straight on this subject right now.

This waiting list for admission to a Veterans' Administration hospital consists of veterans who have applied for hospitalization, have been determined to be eligible for and in need of hospital treatment for a disease or disability, but for whom a VA hospital bed is not immediately available.

The list, however, does not include any veteran in need of treatment for a service-connected disease or disability. In service-connected cases, where immediate hospital treatment is required, either a VA bed will be found for the veteran or he will be entered into a non-VA hospital at VA expense. Also, if a veteran's service-connected condition does not require immediate attention, the applicant will be scheduled for VA hospitalization on a definite date.

Furthermore, the waiting list does not include any emergency cases, whether the condition is service-connected or nonservice connected. Such veterans are admitted immediately.

Therefore, the veterans placed on the waiting list are those whose non-service-connected ailments do not require immediate admission to the hospital. The list is maintained in order that such veteran will be admitted in equitable sequence.

The VA hospital system has always had a waiting list. In 1966, during the previous Democratic administration the waiting list was almost 12,000. Since then it has been declining because of improved treatment methods and better staffing ratios, permitting faster turnover of patients.

Quite to the contrary, under the Nixon administration, the waiting list declined to its lowest point in December 1970—2,861—and because VA experience for the year preceding that had been well under 4,000, VA has considered a waiting list of 3000–3500 to be normal.

But most important, veterans and the general public should know that the wounded are cared for in a medical system that is infinitely better than it has ever been. This medical system, which not only cares for the Vietnam veteran but the aging veteran as well, has made tremendous strides since the year 1965, which, incidentally, is the year when there was an attempt by the then Democratic administration to close large numbers of Veterans' Administration hospitals.

Not only has the VA medical care budget doubled since that year but three additional new VA hospitals and two major additions are now nearing completion and a new one is now being planned.

The disabled veteran has the best possible assurance of high quality medical care because he has first call on medical talent that is not only treating every service-disabled veteran but is also treating unprecedented numbers of older and disadvantaged veterans who need care they cannot afford for problems of age or disease not related to service.

These statistics underscore the point that all veterans have a better chance than ever of being treated by VA.

In fiscal year 1971, VA hospitals treated 818,000, of whom less than one-third had service-connected problems. There were 94,507 Vietnam veterans with either non-service-connected or service-connected problems.

In 1965, only 730,000 were treated with about the same ratio of service-connected to non-service-connected cases.

More than 800,000 more outpatient visits were recorded in VA medical facilities during 1971 than during 1965.

Quality of these expanded care programs becomes apparent with information on such yardsticks as the number and quality of staff, ratio of staff to patients, patient turnover rates, and contributions to medical progress.

For example:

MEDICAL STAFF

Medical care employees totaled 151,860 in August of this year, an increase of 11,041 over August 1969. Since the first of this year, 8,100 new medical and paramedical employees were hired including many hard to get psychiatrists. Of the more than 6,000 full-time VA physicians, 43.6 percent are board certified while only 31.3 percent of all U.S. physicians are board certified. In addition to these full-time physicians, the services of the Nation's finest medical educators and physicians are available to VA patients through affiliations with medical schools and medical consulting arrangements. These plus the residents and interns bring VA physician staffing to over 15,000. VA physicians and allied professionals work with over 500 medical schools, universities, nursing schools and colleges.

EQUIPMENT AND TREATMENT MODALITIES

Specialized care units increased during the last fiscal year to a total of 800, and an additional 150 are being added this year. These units, part of a continuing modernization program that allows these hospitals to give better care to more patients and restore them to health faster, include 84 nuclear medicine units, 32 for open heart surgery, 64 mental hygiene clinics, 55 cardiac catheterization laboratories, 32 drug treatment centers, 87 intensive and coronary care units, 20 supervoltage units, eight organ transplant units, 95 pulmonary function laboratories and hundreds of others providing the full range of the most modern specialized care for all types of medical problems.

Recent reports that "fully 40 percent of the veterans who apply for hospitalization are turned down" is simply inaccurate. The implication that 40 percent of our veterans who need hospitalization are rejected willy-nilly for budgetary reasons or for a lack of hospital space is untrue.

In an emergency, life-or-death situation, no person—be he a veteran or not—is turned away at a VA hospital. Veterans whose ailments are associated with their military service have absolute priority for immediate admission. Then, under the law, veterans with non-service-connected conditions may be admitted to VA hospitals if they need hospitalization, and cannot pay the cost of hospitalization elsewhere.

Therefore, Mr. President, although the waiting list for VA hospitalization has fluctuated recently and at times risen very moderately, I anticipate that the VA waiting list will very soon be reduced to the normal range. This will be possible because of additional funding by the Congress and an upward revision of the numbers of veterans to be treated on a daily average from 79,000 to 83,000. To reach this new and higher average, the VA will be operating for the period November 1971 through June 1972 at a level about 85,000 per day. This substantial increase will have a marked, favorable impact on the waiting list situation.

I think this discussion shows, Mr. President, that President Nixon and his Administrator of Veterans' Affairs, Don Johnson, intend to provide the best possible medical care for those to whom this country owes so much, our veterans. Far from being criticized, the Nixon administration deserves our highest praise for the priority it has assigned to the well-being of our veterans and the progress which has been made in upgrading and expanding medical services personnel and facilities available to American veterans. This is not to say that there is not room for continued improvement, but it is obvious that improvement of veterans services is the policy of the Nixon administration.

IMPOUNDMENTS AND 75 MILLION AMERICAN CHILDREN

Mr. HUMPHREY. Mr. President, last week the Senate passed amendment No. 601 to H.R. 10947 which calls upon the President to notify the Congress, the Comptroller General and the public when he partially or completely impounds appropriated funds.

I sponsored this amendment because Members of Congress and the public are not being informed when billions of dollars of appropriated tax revenues are not being spent as intended by the Congress.

I want to share a letter I have received from the American Parents Committee, Inc., with my colleagues. In supporting the Federal Impoundment Information amendment, this fine organization briefly discusses how the children of America have often been on the losing end when a President impounds appropriated funds.

Mr. President, I ask unanimous consent that Mrs. Barbara D. McGarry's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN PARENTS
COMMITTEE, INC.,
Washington, D.C., November 17, 1971.
Att: Mr. Robert L. Healy.
Re H.R. 10947, Amendment No. 601, Federal Impoundment Information.
Hon. HUBERT H. HUMPHREY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: On behalf of the American Parents Committee, I wish to record our particular appreciation and strong support for your successful Amendment No. 601 to H.R. 10947, the Revenue Act of 1971. It is indeed gratifying to learn that this amendment was approved 48–18 by the Senate on November 13, and we earnestly hope that Senate conferees will prevail with its inclusion in the forthcoming House-Senate conference on resolving differences between the House-passed bill and the Senate version still to be completed.

In our organization's quarter-century of support for effective legislation aiding child health, welfare, and education, we have noted an increasing tendency by the Executive branch to exercise an "item-veto" particularly affecting appropriations for citizens under voting age. Over the past dozen years, this has happened with such ongoing programs as the "Impacted Areas" section of the Elementary and Secondary Education Act; the Special Milk and School Lunch programs; the Juvenile Delinquency Prevention and Control Act and its extensions; the Children's Mental Health Act; Title IV–A (Child Health) of the Social Security Amendments; and many aspects of child welfare legislation. No single Administration can be faulted for this practice; it is rather an indication, we feel, of the steady deterioration of the "separation of powers" concept, in violation of Article I, Section 7 of the Constitution.

The restoration of this intended balance of powers will depend, certainly, on the degree to which the Congress is willing to reassert its insistence on its Constitutional prerogatives. We can think of no more important issue on which to base this reassertion, than on the equal protection of our youngest citizens.

Sincerely,
(Mrs.) BARBARA D. MCGARRY,
Executive Director, APC,
Advisory Editor, Parents' Magazine.

BUSING OF CHILDREN TO ACHIEVE RACIAL BALANCE

Mr. BROCK. Mr. President, it has been my good fortune to have the support of some of the most prestigious members of the educational community in my effort to correct what I believe to be a tragedy of the first order in recent court orders relating to the busing of children to achieve racial balance.

One such person is Dr. Marvin Berkeley, trustee of the Dallas Independent School District and a member of the executive committee of the Big City Boards of Education, who recently presented a report to that committee which makes an excellent case for enactment of legislation forbiding discrimination on the basis of race, creed, or color in the matter of school admissions. I ask unanimous consent that Dr. Berkeley's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMITTEE REPORT

FOREWORD

The early 1970's are proving to be a time in the history of American education when school trustees are being called on as never before to stand up and state their beliefs. Here are a few of my beliefs as they relate to the subject of desegregation.

I believe in the unitary school system in which students are assigned to home schools without regard to race, creed, or color. In such a system children of all races and ethnic backgrounds would be provided equally effective education to fulfill their personal needs and potential.

I believe one's "home school," especially for elementary children, should be in the immediate neighborhood.

I believe in compensatory education to supplement a basic education for those children whose early childhood experiences were deprived. Such education should be funded separately and in three ways: generally at the federal level, programmatically at the state level, and individually at the local level.

I believe that children learn more outside of a school building than within, therefore, the community-at-large, especially in an urban setting, provides great educational opportunities.

I believe in challenging all students, especially those who are highly talented, through the use of magnet schools or educational parks, containing the most modern equipment and materials and the latest technology.

I believe that problems in the field of housing should be solved by changes in housing laws and their administration, not by changes in education laws and their administration.

I believe that busing solely for racial balance is neither educationally nor economically sound. I believe that busing to fufill a clearly-identified educational need is a necessary and long-practiced tool of education.

I believe in the democratic way of life and the checks and balances inherent in a tripartite form of government. I believe an informed citizenry will become an involved citizenry, and only by so doing will we have a government of, by, and for the people.

I believe we need a constitutional amendment in the area of student assignment to enhance and support the aforementioned beliefs, and this is the reason for this position paper.

There probably has never been more public controversy in recent years over a domestic issue than that surrounding the extensive busing of public school children for purposes of racial balance. Following the landmark Swann decision, when the Supreme Court held that busing was a possible tool of desegregation, a myriad of lower court decisions have since required varying degrees of busing in order to meet racial quotas—per school and per class—resulting in community upheaval and great expense. You can hardly communicate with others on this subject on a temperate and rational basis. If you state a position, you are immediately subjected to super-simplistic logic, being labeled pro-busing or anti-busing, after which rational judgment often gives way to less rational argument. It's as though the Messina Strait closed in on Ulysses as he strove to sail between the whirlpools of Scylla and Charybdis—there's no in-between. And yet, like all broad issues of public opinion, there's a considerable "in-between." It's not a simple pro-busing, anti-busing choice. Now is the time for leaders to lead, and for the general public to listen, and then respond with reason and compassion.

The Courts have been interpreting the law governing this area, thus it is not surprising that the law itself is being challenged in the form of a proposed constitutional amendment. This amendment is sponsored by Senator William E. Brock (R-Tennessee) with 15 co-sponsors in the Senate, and an indentical amendment is sponsored in the House by Representative Norman Lent (R-New York). The Brock Amendment reads as follows:

"No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school. Congress shall have the power to enforce the article by appropriate legislation."

If the Brock Amendment passes, busing into a new "home school" solely for racial balance will thereby become unconstitutional. In view of commonplace, de facto segregation occasioned by private housing patterns, how would the Brock Amendment affect the 1954 Supreme Court decision of Brown versus Topeka, in which it was held, under the equal protection clause of the 14th Amendment, that separate but equal facilities for the races was unconstitutional? It is our position that the passage of the Brock Amendment would not necessarily lead to racially-separate "facilities," at least in the sense that a dual school system has previously been described and defined. Note that the amendment simply states that race, color, or creed are prohibitive factors in considering school assignment. The amendment does not say student assignment cannot and should not be governed by *educational need.*

What then is "educational need?" It is not difficult to define educational need when dealing with handicapped children who are assigned to schools with specialized teachers and equipment. Similarly, there may be so-called magnet schools to meet the needs for career development in highly technical and specialized areas. There may be educational needs served in schools for dropouts, or schools for expectant mothers, or schools designed to pilot innovative techniques and materials. Busing of students to such schools for full- or part-time study would clearly serve educational purposes and has general public support.

Educational need becomes very difficult to define, however, when it is applied to everyday basic coursework, especially that related to the cultural and social development of children and youth. How to maximize such development must be left to the professional educator guided by and responsible to dedicated lay Boards of Education.

Such professionals must be given adequate resources, flexibility and community support. They must then be held publicly accountable for the educational products—namely, a more responsible generation of ciitzens equipped to live more productively in a complex integrated society. In this regard, the Brock Amendment would not prohibit sorely-needed compensatory education where early childhood deprivation requires a sustained booster support. Hopefully, passage of the amendment, if it does anything, should stimulate Congress as well as state and local officials to respond more realistically in the compensatory area. Also, the Brock Amendment would not prohibit social development through a closed circuit television network or the shuttling or mixing of students between and among schools on intercultural or inter-neighborhood projects, clearly an educational value in a modern society and, where effectively administered, a definite contributor toward a unitary school system. Indeed, some desegregation efforts of the recent past have proven the advantages inherent in joining clusters of schools or in going to "schools without walls," where the project grouping is purposeful and goal-oriented.

It is a vastly different story, however, when masses of students are bused out of their immediate neighborhood for full-time attendance at a distant school, with little or no regard to educational need and potential but simply for the sake of mixing the races to fit a pre-conceived quota. The Brock Amendment simply would prohibit arbitrary assignment of students on the basis of parentage rather than on the basis of the educational needs of each child, which is the only reason for a school's existence.

Busing solely for racial balance is regarded by some today as a necessary first step to force public officials to provide enforceable open housing ordinances, the lack of which, it is claimed, is the real culprit in fostering a segregated society. If open housing laws are in reality absent or unenforceable, our society should engage that problem head-on. We should not manipulate children's lives in order to solve housing inequities perpetuated by adults.

In summary, an amendment to the Constitution has been introduced by Sen. Brock of Tennessee, which, if passed, would prohibit student assignment to a public school based on race, color or creed. This amendment would eliminate busing solely for racial balance which, as a Court ordered tool of desegregation is creating great disorder and expense in public education today. Where housing patterns are racially segregated, would the passage of this amendment return our country to a dual school system of separate but equal education for the races? I strongly believe the reverse will be true; it will reinforce the requirement for a unitary school system. Why? The amendment would not prohibit busing to serve clearly-identified educational purposes, a long-practiced and acceptable tool of education. Since the equal protection clause of the 14th Amendment prevails, and, with the passage of the Brock Amendment, school leaders will be forced to develop meaningful programs within the overall school district, i.e., across its own school boundaries and cultural groups. Furthermore, a likely by-product of the Brock Amendment would be the more realistic funding of compensatory and supplemental education and the enactment and enforcement of open housing ordinances.

The Brock Amendment should be passed forthwith. In addition, and as a natural follow up to its passage, various legislative and administrative bodies at all government levels, as the guardians and trustees of the next generation, would do well to intensively reexamine and respond to the needs of public education in our country—its goals, its management systems, its personnel, its facilities, its finances, and especially its graduates.

REPEAL AUTOMOBILE EXCISE TAX

Mr. HART. Mr. President, since I represent a State with an economy that is heavily dependent on automobile sales, it will not surprise many that I favor eliminating the automobile excise tax once and for all.

Still, I am hopeful that my arguments may not be swiftly dismissed as principles born of parochial necessity.

The cold, hard fact is that the automobile excise tax, like all sales taxes, places its heaviest burden on those who can least afford it.

When Federal excise taxes were first conceived, they were proposed as "luxury" taxes levied on nonessential items generally available only to the wealthy.

It is, indeed, an irony that excise taxes have since been lifted on items that could be truly described as luxuries—jewelry, theater tickets, and the like, but remain intact on the one product that most Americans today would call a necessity—the automobile.

The excise tax raises substantially the cost of a product that even families of very modest means find they cannot do without.

More than one-fourth of all new cars are purchased by families having incomes of under $10,000.

To these families, the $125 to $200 paid in excise taxes represents a sizable portion of yearly income.

Moreover, it should not be forgotten that the excise tax on new cars contributes to higher prices on used cars. Used car prices are pegged to new car prices, and when the price of new cars comes down, used car prices diminish accordingly.

That is particularly significant to families of modest means because fully half of all used-car purchases are made by families having less than a $10,000 annual income.

Secretary Connally and UAW President Leonard Woodcock, two men who are not invariably in accord, do agree that this tax discriminates against low- and middle-income families.

These families, it seems to me, deserve more than just temporary relief. I urge that the automobile excise tax be eliminated on a permanent basis.

PROBLEMS OF THE ELDERLY

Mr. MATHIAS. Mr. President, I recently had the honor of sponsoring a forum in Baltimore, Md., to discuss the problems of the elderly. I was most impressed by the deep interest shown by the more than 800 senior citizens who attended this pioneer meeting. "Out of sight, out of mind" has been for far too long our characteristic approach to both old age and old people. My belief is that America, and I mean Americans of all ages, must now wake up to the fact that people do not go into some sort of suspended animation, or precipitous decline, when they reach 60 or 65. America's senior citizens have a great deal to offer and they deserve a great deal more than they get. For the benefit of my colleagues who share my concern about our Nation's elderly, I ask unanimous consent that my opening remarks be inserted in the Record.

There being no objection, the text of the remarks was ordered to be printed in the Record, as follows:

Opening Remarks by Senator Charles McC. Mathias

"To live long and die young"—that, somebody once said, is no small part of the American dream.

Through the marvels of modern medicine, we are fulfilling at least the first half of that dream—we are living longer and longer.

But we have not yet found a way—and we never will—to preserve our youth at the same time that we prolong our lives.

The longer we live the older we get: that is a fact of life that we, as Americans, have always found difficult to face—a fact of life that, in this age of accelerating change and instant obsolescence, we go to great lengths to avoid or ignore.

We try to hide or hold off the onset of age upon ourselves; and we cut old people off from any genuine participation in our society.

"Out of sight, out of mind" is our characteristic approach to both old age and old people.

I called this Conference because I believe it is time that we in America wake up to the fact that people do not go into some sort of suspended animation, or precipitous decline, when they reach sixty or sixty-five—they do not enter some sort of limbo, or twilight zone, between life and death—they do not, at the stroke of midnight on their sixtieth or sixty-fifth birthday, become suddenly incapable of living creative and constructive lives both as individuals and as members of society—and they do not cease to need a decent standard of living.

We like to think of ourselves as a young people. In fact, the number of Americans over 65 has, in this century, grown much faster than the overall population. Since 1900 our overall population has tripled, while our older population has increased sevenfold. Today, one out of every ten Americans is over 65—and as our population growth slows, as we approach zero population growth, that proportion will grow.

Our senior citizens are, in fact, a pioneer generation—the first in history to experience a long and early retirement. And their experience thus far does not bode well for the future. For far too many of them, retirement is simply a euphemism for a paralyzing sense of isolation, of uselessness, of life emptied of its purpose or meaning. For far too many, retirement means material as well as emotional and spiritual poverty, as they find their savings and fixed incomes devoured by soaring prices, property taxes and other forms of inflation.

In the older Americans Act of 1965, Congress promised the elderly "an adequate income in retirement in accord with the American standard of living." Yet last year we discovered that, for the first time since we've kept poverty statistics, the number of elderly persons on the poverty rolls actually *increased* during a period when poverty was declining among all other age groups. Today, older Americans are *more than twice* as likely as younger Americans to be poor.

All too often, the elderly find that their limited incomes cannot buy them even the basic necessities of life—food, housing, medical care—especially medical care. Since 1960 health costs have gone up twice as fast as the cost of living, and hospital costs have gone up five times as fast. More and more of our elderly, despite some help from Medicare, are forced to go without badly needed care. Medicare did cover nearly half of the total health care expenses of the aged in 1969. Yet it left uncovered an average health bill far greater than the *total* health bill for the younger person. Medicare does little to take care of recurring doctor bills, nor does it cover back-breaking drug expenditures for chronic conditions or long term nursing home bills. The whole focus of Medicare is on the crisis condition, rather than the preventive care that becomes more and more critical as we grow older.

About a million of our old people live in nursing homes which are, all too often, exorbitantly expensive and atrociously run. Fewer than half the nation's 25,000 nursing homes offer any skilled nursing. They have often and aptly been described as "warehouses for the dying" and "waiting-rooms for the grave."

Like other Americans with little money, the old suffer from our severe shortage of comfortable, low-cost housing. Over the next ten years, they will need an estimated 1.2–1.6 million low cost units—or some 120,000 a year. Yet last year the elderly poor could find only 41,000 such units, and 6 million old people were forced to live in substandard housing.

But the problem is not simply that many of our old people are denied a decent standard of living. Many, far too many, are denied a life worth living. They find themselves, often, exiled from ordinary human affairs, strangers in a society they helped build. They no longer have a place in the human community. They are in the way—a bother, a nuisance, a drag.

Many old people just give up—they give up even going through the motions of trying to stay alive. The Senate Committee on Aging reports that malnutrition among the elderly is reaching the proportions of a "national emergency"—not just because they lack money, but because they've lost the will to live.

If old age is not to become for increasing numbers of Americans a kind of living death, a hell on earth, we will have to execute a 180-degree turn in our attitude toward old age and old people—indeed, in our attitude toward all the stages in life. We need to stop thinking of the young simply in terms of play and school, of the middleaged simply in terms of work, the old simply in terms of retirement. We need to think, instead, of enabling the young to work more, the middle-aged to play more, and the old to go back to school. In particular, we need to regard old age as a chance for doing and discovering new and different things, for growing and creating and accomplishing, for exploring new possibilities within ourselves and in our relations with others and with our society. We need to think of old age in the spirit of Peter Drucker who said not long ago: "Here I am 60 years old and I still don't know what I'm going to do when I grow up."

Such a change in our attitude, I suspect, will not come soon or easily. But I see encouraging signs that we are, as a nation, beginning to pay far greater attention to the needs and problems of our elderly.

Next month, the White House Conference on Aging, only the second of its kind in our history, will convene. It will examine and recommend specific proposals for programs to meet the needs of older Americans in the fields of health, housing, job training, transportation and recreation. President Nixon has recently asked the Congress for $6 million to improve the regulation and inspection of nursing homes.

Earlier this year, Congress passed a 10 percent across-the-board increase in social security benefits. The Senate Committee on Aging began hearings last Thursday on the President's request to beef up the regulation and inspection of nursing homes.

H.R. 1, the Social Security Amendments of 1971, would raise social security benefits by 5 percent—with automatic increases tied to the cost-of-living—and increase to $2,000 a year the amount a social security beneficiary can earn without losing any of his social security benefits. This June, I introduced a bill to raise that permitted income ceiling to $3,000. The monthly pay check under social security is to begin with, so pitifully small that most recipients cannot survive on that alone. That paycheck, moreover, is not a form of welfare—it it not some sort of handout; it is a form of insurance whose premiums every person receiving it has paid during his younger years. And he is entitled to that insurance, when the due date, comes whether or not he is working. I find it impossible to fathom the logic that would deny people money that they have, in a real sense, earned during their younger years on the grounds that they are continuing to employ to the benefit of society skills that they have spent a lifetime developing.

I am very pleased to announce that I am cosponsoring a comprehensive and far-reaching package of 12 bills—introduced by Senator Percy of Illinois—which are designed to help meet many of the most acute problems afflicting the nation's elderly.

Six of the bills seek to improve long-term care for the elderly by setting up better and more stringently enforced standards for nursing homes as well as various programs to train nursing home employees. The remaining six bills would:

Establish comprehensive community centers for the elderly;

Strengthen the only two housing programs designed exclusively for the elderly as well as coordinate other housing programs which include the elderly;

Provide half-fares for the elderly on mass transit, buses, trains and planes during non-rush periods;

Expand the job opportunities for middle-aged and older workers by helping them find new opportunities, by easing the transition to full retirement or the return to full-time work, and by helping them adjust to changes in technology.

Extend medicare coverage to prescription drugs;

Give greater tax relief to the elderly, including the deduction of *all* medical expenses.

So we are, in the Congress and in the country, starting to recognize and respond to the problems and needs of older Americans.

An we are doing so, in large part, because older Americans have become increasingly less inclined to supinely suffer the indignities and injustices that have been their lot.

They have begun to come together and work together to meet common needs and common goals.

They have begun to realize they are, potentially, a potent political force. People over 65 constitute 15 percent of our total voting population—and, like other minorities, they are finding that, when they join together and speak with one voice, they can no longer be ignored.

I hope that this day of discussion will be, for all of you, the beginning of an increasingly active and effective involvement in the political process—of an increasingly rich and productive involvement in the life of a nation which is beginning to realize how much it needs the wisdom and the compassion and the understanding that you have to give.

EQUAL EMPLOYMENT OPPORTUNITY

Mr. ALLEN. Mr. President, giving emphasis to the rising tide of sentiment against the EEOC expansion bill, S. 2515, is a splendid lead editorial which appeared in the Birmingham (Ala.) News of November 8, 1971.

Entitled "A Dangerous Grab for Power," the editorial cogently points out that S. 2515 is deliberately designed to subvert the prime tenet of Anglo-Saxon jurisprudence that an individual is presumed to be innocent until proven guilty. The legislation would do this, Mr. President, by lodging in the Equal Employment Opportunity Commission cease-and-desist powers, coupled with the unfettered authority to act as investigator, prosecutor, judge, and jury, with only limited review by the courts. I wholeheartedly agree with the wise words of the editorial writer that:

> To place that agency in a position where it may investigate and file complaints, and then, in turn, hear arguments and defense and then rule on the issue is too much like a "hanging jury" to fit the concept of the democratic process.

In addition to making an out-and-out mockery of our dedication to due process of law, S. 2515 also does violence to other rights and freedoms which our Founding Fathers and the framers of our Constitution deemed indispensable to liberty. For example, S. 2515 would vest in the EEOC autocratic and despotic power over the internal administration of State and local governments. In addition, it encroaches upon religious and academic freedom by seeking to gain control of the hiring and promotion policies of all educational institutions, including church-supported schools.

Mr. President, I have never witnessed such a bold and colossal grab for naked power as is represented by the combined impact of S. 2515.

I submit that the groups and individuals who have been called upon to endorse the far-reaching proposals contained in S. 2515 have not received a full explanation of the fundamental and basic constitutional issues which are involved and the threat which this pernicious legislation poses to individual rights, liberties, and freedoms. I do not believe that fully informed Americans would sponsor or support legislation such as S. 2515 which calls for the outright surrender of principles and concepts which are so inseparable from our cherished system of democratic government.

I ask unanimous consent that the editorial from the Birmingham News of November 8, 1971, be printed in Record.

There being no objection, the editorial was ordered to be printed in the Record as follows:

[From the Birmingham News, Nov. 8, 1971]

A Dangerous Grab For Power

Another move to deliver statutory enforcement into the hands of a federal administrative agency at the expense of the country's employers is presently before Congress.

What this would amount to, if granted, would be to place a federal agency in the position of being prosecutor, judge and jury in cases where adjudication has rested effectively, until the present, in the federal courts.

The basic effort is known as the Williams Bill (S. 2515), the provisions of which would hand over to the Equal Employment Opportunity Commission cease and desist powers in the area of employment complaints, similar to that power now held by the National Labor Relations Board, a lever that has proved to be more of an abuse of employers than a protective arm for complainants.

There is no argument heard today that protection against unfair employment practices is unneeded or that still more stringent enforcement powers should not be given the EEOC. To place that agency in a position where it may investigate and file complaints, and then, in turn, hear arguments and defense and then rule on the issue is too much like a "hanging jury" to fit the concept of the democratic process.

The Dominick amendment to the Williams measure provides for initial adjudication of employment complaints in federal district courts, an area which, contrary to arguments by proponents of the Williams Bill, is equipped to render decisions within a reasonable length of time.

Supporters of the Dominick amendment do not base their arguments on a desire to thwart the presentations of fair employment opportunities to all qualified persons regardless of race, sex or creed. The day when job bias will be tolerated is past. And it is the duty of Congress, as we see it, to fashion legislation which will give appropriate federal agencies the power to bring fair employment opportunities to all people who are qualified and willing to hold a job.

We do not believe, however, that another step in the encroachment of federal bureaucracy, which possesses no greater expertise in this field than do the courts, is the answer to employment abuses.

The Williams Bill suggests handing government another cudgel to wave at the private sector of the nation's economy. The Dominick amendment suggests a far more conciliatory method and one that will have a more satisfactory effect for all parties involved.

Progress in the area of job opportunities will not be accomplished at the expense of equitable treatment for all.

BUSING OF SCHOOLCHILDREN

Mr. BROCK. Mr. President, I am delighted to join the distinguished Senator from Georgia (Mr. GAMBRELL) in cosponsoring amendment No. 551 to S. 2515 the Equal Employment Opportunity Commission legislation. Tennessee is not alone in its agony and frustration brought on by the mass program of forced busing of our schoolchildren in a vain attempt to satisfy the courts and the Department of Health, Education, and Welfare. In our sister State of Georgia and, in fact, all of the South as well as across the length and breadth of this land mothers are sending their children off in the morning schoolbus with a prayer for their safe return. This is not a problem of race, of geography or of creed but one of deep concern for the safety and well-being of children as well as for our public schools as an institution.

In Norfolk alone, according to the superintendent of schools enrollment has dropped some 7,000 pupils, denying funds to the schools which their attendance would have made available.

Where are these children? If my mail is any indication they have been sent to stay with relatives to escape the agonies of forced busing, they have been enrolled in private schools, or they have determined that they will not go to school if they must attend a strange school in strange surroundings and they have become dropouts. Is this really what we want for our children? I think not. Amendment No. 551 to S. 2515 would do two things: First, remove the schools from the jurisdiction of the courts until all final appeals are decided; second, forbid the HEW from requiring more busing than ordered by the courts in order to qualify for Federal funds.

This is admittedly a short-time solution. It is meant to be for I believe only a constitutional amendment can settle this problem conclusively. However, during the interim, giving us time to pass an amendment I believe this measure would afford some relief for the situation.

SAVAGE ATTACK ON STAFF MEMBER OF PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCLELLAN. Mr. President, I invite the attention of Congress and the public to an act of outrageous violence committed on Tuesday night, November 16, upon a staff member of the Senate Permanent Subcommittee on Investigations. In San Antonio, Tex., while he was carrying out the duties and responsibilities of his office, staff investigator William B. Gallinaro was assaulted, brutally beaten, and robbed in his hotel room.

Mr. President, this was no common run-of-the-mill robbery or mugging such as we have become accustomed to as a factor of life in the United States today. The man or men who savagely attacked Mr. Gallinaro in the darkness of his hotel room knew exactly what they were seeking and were able to obtain it by means of this criminal assault. Leaving Mr. Gallinaro unconscious on the floor after they had struck him on the head and beaten and kicked him, they stole from his possession papers relating to an interview he had conducted on that Tuesday afternoon. I use the pronoun "they" in referring to the assault on Mr. Gallinaro and the theft of the Senate's papers, because I am certain that even if only one man carried out the attack, he was sent to the hotel room by others who were involved and vitally concerned with the investigation being conducted by Mr. Gallinaro.

Because there is the necessity of safeguarding and protecting other persons who might be in danger, I have declined to reveal the nature of the investigation which Mr. Gallinaro was conducting for the subcommittee. However, I assure Senators that the work he was doing was very important and involved allegations of serious crimes and activities of organized crime elements. Because they stole his working papers, his assailants are now informed about Mr. Gallinaro's assignment in San Antonio, but I consider it advisable not to make public disclosure of it at this time.

Mr. President, these were the circumstances of the attack: After conducting his interview that afternoon, Mr. Gallinaro returned to his hotel room and later went out to dinner. When he returned to his room sometime shortly after 10 o'clock on Tuesday evening, he noticed that the lights in his room, which he had left on, were turned off. He opened the door and was immediately struck on the head by some instrument heavy enough to induce unconsciousness. When he recovered his senses, he found that he was in severe pain from having been kicked and beaten. He managed to telephone for help, and then, he called a colleague on the subcommittee's staff to report the attack. Mr. Gallinaro was confined in a San Antonio hospital, and I am happy to report that apparently he has suffered no serious lasting injuries.

This shocking and brutal assault upon an investigator of the subcommittee is unprecedented in the long history of the subcommittee. Our capable and responsible investigators do not carry firearms or other weapons of defense. We have never considered such practices necessary, and we do not now, even though one of our men has been brutalized. However, I might say parenthetically, Mr. President, that the cowards who struck down Mr. Gallinaro in the darkness might have had their hands full if they had not surprised him; he is an experienced law enforcement officer with more than 30 decorations for his police work, including the Medal of Honor of the City of New York and a commendation from former Attorney General Katzenbach.

This ruthless and vicious attack upon a subcommittee employee will not deter us from the inquiry he was pursuing at the time he was cruelly struck down. With good fortune, we may determine who the attackers were and who arranged for them to commit the crime.

In any event, we will continue with the investigation he was conducting and we will carry out our duty and responsibility to disclose organized crime's illegal activities and corruption wherever and whenever we find them, according to the obligations placed upon the subcommittee by the U.S. Senate.

I find, however, Mr. President, that heinous as was the attack upon Mr. Gallinaro and important as it is to the U.S. Senate, the assault itself is not specifically covered by Federal statute. Mr. Gallinaro was a Federal official acting in the proper discharge of his duties during his visit to San Antonio, but the brutal attack upon him does not fall within the provisions of the Federal statutes covering protection of officers and employees of the United States—sections 111 and 1114 of title 18 of the United States Code. These sections specifically provide severe penalties for those who attack certain Federal officials and employees, but they do not include or provide for the protection of congressional employees and certain other persons within the Federal Government whose duties may lead to personal hazard at times.

The distinguished senior Senator from Nebraska (Mr. HRUSKA) has introduced at the request of the administration, S. 2436, which has among its purposes the amendment of title 18 to provide exactly the kind of protection to other categories of Federal employees that the potentially deadly assault on Mr. Gallinaro has demonstrated is sorely needed.

I endorse these features of S. 2436 wholeheartedly and will do my utmost to see that they are enacted into law. I wish to call upon my colleagues to support Senator HRUSKA's bill when it reaches the floor of the Senate, which I hope will be relatively soon, and to exert any influence they may have to insure that the bill is favorably acted upon in the other body. We need the amendment to existing law to provide Federal jurisdiction when any Federal employee is attacked or brutalized in the conduct of his duties, and to enable the full force of Federal investigative agencies to seek and find his assailants and bring them to justice.

The attack upon Mr. Gallinaro has been, as I have said, a shocking and greatly disturbing crime. I am deeply gratified that he apparently has suffered no lasting injury. I also hasten to say that our investigation of organized crime, which earlier this year resulted in a series of significant hearings about the role of criminal organizations and their members in the theft and conversion of hundreds of millions of dollars' worth of securities, will continue with earnest effort to make further disclosures of the corrupt, violent, and nefarious activities of organized crime in this country.

I have joined as a cosponsor of S. 2436, a bill introduced by the distinguished Senator from Nebraska (Mr. HRUSKA) to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes.

THE YOUNG COOPERATOR PROGRAM

Mr. MATHIAS. Mr. President, this year the first annual young cooperator program was sponsored by the Pennmarva Dairymen's Cooperative Federation. Programs such as this can only help our country produce the kind of citizens that help provide the basic needs of our society.

The dairyman has long figured in the history of the United States, and though at times he goes unrewarded, all of us rely upon his labors.

Two hundred seventy-five young farmers participated in this program that drew participants from Maryland, West Virginia, Virginia, Pennsylvania, Delaware, and New Jersey. Those that decry the youth of this Nation are indeed shortsighted to overlook such energetic young people as these.

Mr. President, that is why at this time I would like to offer a news release of the Maryland Cooperative Milk Producers, Inc. for the Record.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

PENNSYLVANIA, MARYLAND DAIRYMEN WIN OYC AWARDS AT PENNMARVA MEET

Two young dairymen from Pennsylvania and one from Maryland captured top honors June 24 as the Pennmarva Dairymen's Cooperative Federation held its first annual Young Cooperator program.

More than 275 young dairymen, their families and guests attended the day-long session held at the Hunt Valley Inn near Cockeysville, Md. In addition to the competition to select the outstanding young dairyman from each of the three member co-ops of Pennmarva the meeting featured a panel discussion of the Federation's growth and its directions for the future.

Winning the titles of Outstanding Young Cooperators were Mr. and Mrs. Benjamin E. Dum, Elliottsburg, Pa., Inter-State Milk Producers Cooperative; Mr. and Mrs. Leroy R. Bupp, Seven Valleys, Pa., Maryland Cooperative Milk Producers, and Mr. and Mrs. Frank C. Downey, Williamsport, Md., Maryland and Virginia Milk Producers Association.

Placing second to Mr. and Mrs. Dum in the Inter-State OYC contest were Mr. and Mrs. Lester C. Jones Jr., Mt. Holly, N.J. with Mr. and Mrs. P. Robert Wenger, Quarryville, Pa. in third. A total of 15 contestants participated in the competition.

Nine contestants competed in the MCMP contest, the tenth annual OYC competition to be held by the cooperative, with Mr. and Mrs. John P. Burns Jr., Charles Town, W. Va., taking the runners-up honors.

Mr. and Mrs. Marlin Hoff, New Windsor, Md., and Mr. and Mrs. Robert R. Cosby, Powhatan, Va., placed second and third respectively in the Maryland-Virginia contest. Eleven district winners competed in this the first OYC contest to be sponsored by the Maryland-Virginia cooperative.

Scoring was based on the young dairymen's progress in the dairy industry, his civic and agricultural activities and public speaking ability. Each winner will receive a trip to the National Milk Producers Federation convention to be held in Florida in November. Additionally each of the winners will represent the young dairymen of their respective cooperatives in functions during the coming year. The Young Cooperator program includes those dairymen between the ages of 21 and 35 years.

Inter-State's winners, Mr. and Mrs. Benjamin E. Dum farm 50 acres with a herd of 90 Holsteins averaging more than 17,000 pounds of milk and 600 pounds of butterfat for the past year. They have three children. Dum, 29 years old, is a high school graduate and has completed several courses through the Pennsylvania State University correspondence program. He is serving as president of the Perry County local unit of the Inter-State cooperative.

The MCMP's Mr. and Mrs. Bupp farm more than 330 acres and have a herd of 93 registered Holsteins. The herd average for the past year was 14,690 pounds of milk and 558 fat. Mr. Bupp, 26, was chosen the outstanding young farmer in Pennsylvania by the Jaycees in 1967, the youngest ever to win the state title. He is active in county and state Farmers Associations, county, state and national Holstein clubs and the Adams Electric Co-op. He is a member of the Lutheran Brotherhood, holds the FFA American Farmer degree and is a student pilot.

Mr. and Mrs. Downey, the first Young Cooperators selected to represent the Maryland-Virginia co-op, are partners in the well-known Guernsey operation of Downey Farms, Inc. A graduate of the University of Maryland, Frank was a member of the national champion 4–H dairy cattle judging team in 1960. This same team went on to win the International judging contest held in England the following year. The Downey Farms herd numbers more than 350 registered Guernseys and Frank is serving as secretary of the Maryland Co-op Guernsey Breeders Association.

During the afternoon program a panel consisting of the presidents and managers of the three Pennmarva co-ops discussed the Federation's growth including its role in the merger of the three federal milk marketing orders governing the Baltimore, Philadelphia and Washington, D.C. markets and the initiation of the 12-month's base plan designed to help maintain milk production in line with market needs. Taking part in the panel were Wilbur Seipt and Dr. James Honan, president and manager respectively for Inter-State; Herbert W. Wessel Jr., president, and Ralph L. Strock, manager, MCMP, and Edward C. Norman and James E. Click, president and manager of Maryland-Virginia. Walter Martz, president of Pennmarva and vice president of Maryland-Virginia served as panel moderator.

The Pennmarva Federation includes 5,000 dairymen among its three member co-ops with membership in six states—Maryland, Delaware, Virginia, West Virginia, West Virginia, Pennsylvania and New Jersey. Pennmarva members market more than two billion pounds of milk annually supplying milk needs throughout the six states.

MEET YOUR 1971 DISTRICT WINNERS—M.C.M.P. OUTSTANDING YOUNG COOPERATOR CONTEST

District 1—John H. Kilby Jr., Liberty Grove, Md., is 31 years old, married and he and his wife Nancy have one child. He attended both Duke University and Johns Hopkins and holds an A.B. degree. He served six years in the Maryland National Guard holding the rank of Sgt. E–5. John has owned a 312 acre farm specializing in dairy for one year. The herd numbers 104 grade Holsteins with a DHIA average on 93 cows of 13,850 milk and 510 fat. He feeds a 16% pelleted ration, corn silage and alfalfa hay and haylege. The herd is on a near zero grazing program. A former 4–H Club member, he was employed by Southern States for ten years serving as a manager for seven years and office manager for a grain marketing cooperative for three years.

District 2—Eddie L. Armacost, Upperco, Md., is 23 years old, marrried, and he and his wife Linda have two children. He is a partner in the family's 500 acre dairy operation which includes 200 head of grade Holsteins. He also works as a relief technician for the Maryland Artificial Breeding Co-op and handles the A.I. work for his own herd. Corn silage is fed out of a trench silo through a bunker system with limited grazing and no-till crop production. Eddie is a member of the Farm Bureau, Forest Baptist Church, National Rifle Association. Izaak Walton League, National Wildlife Federation and Southern States. He has spent considerable time working on conservation projects through the Izaak Walton League.

District 3—Myron Lee Wilhide, Detour, Md., is 31 years old, married, and he and his wife Joyce have two children. He is a partner in the family's incorporated farm. Prior to the formation of the corporation he was in partnership with his father and brother for four years and worked for his father for four years. The farm includes 460 acres with a herd of 215 registered and grade Holsteins. A new dairy steer project was begun last April with 45 head now on feed. The Wilhide herd has been on DHIA for 21 years with its present rolling herd average at 14,172 milk and 532 fat. The herd is housed in a free stall operation, fed high moisture corn, divided into different feed groups according to production and stage of lactation. An 18% dry grain mix is fed in the parlor. Teat dipping and dry cow treatment are used in mastitis control programs. Myron is a member of the Farm Bureau, state president of the FB Young Farmers and won the 1970 FB Young Farmers Achievement Award. He is serving as president of the Carroll County Ag Center and has helped with the MCMP ice cream stand at the Carroll County Fair.

District 4—Charles L. Black, New Windsor, Md., is 35 years old, married, and he and his wife Geraldine have two children. Charles works with his father and brother operating the family's 247 acre farm specializing in dairy with 60 head of registered and grade Brown Swiss cattle. Grain crops are raised on the farm along with about 200 tons of corn silage and 7,000 to 8,000 bales of hay a year. Approximately 60 acres of the farm are used as pasture. Charles is a member of the Linganore United Methodist Church, Linganore Grange, Maryland 4–H All-Stars. A former 4–H and 4–H Older Youth member, he was a delegate to the National 4–H Club Congress in 1956 and the Jackson Mills 4–H Camp in 1957. He was selected to attend the national Grange convention this year.

District 5—Roy Walter Crum, Jr., Woodbine, Md., is 25 years old, married, and he and his wife Gail have one child. He farms in partnership with his father. The farm includes 450 acres with 110 registered and grade Holsteins and a dozen or more steers. The herd has been on DHIA for ten years with a 1970 average of 13,300 milk and 504 fat. They feed home grown grains, corn silage and alfalfa hay in winter, green chop, alfalfa and mixed hay in summer. The cows are fed in a free stall area in winter and summer. They are on pasture during the evening in the summer. Roy is serving as chairman of his ASCS committee, is secretary-treasurer of Howard County Holstein Association, director of the DHIA unit, a two-time winner of the DHIA Increased Production award, and has served as secretary and member of the Church Council.

District 6—William T. Edmundson. Rising Sun, is 35 years old, married and he and his wife Margaret have five children. They farm 235 acres on shares and have a herd of 75 registered and grade Holsteins. They previously farmed on shares for three years and rented for four years. They have been on DHIA for eight years with the present herd on for one year. At the time they took over the present herd they had a severe mastitis problem but through teat dipping and other measures the problem has been brought under control. A former 4–H member, he is active in the Ebenezer Methodist Church, was a former member of the Inter-State Milk Producers Co-op, a member of the Farm Bureau serving as a county director, and managed a Little League team for two years. He was a crop award winner in 4–H, a member of the state vegetable judging team and has helped coach the Rising Sun FFA vegetable judging team.

District 7—Leroy Raymond Bupp, Seven Valleys, Pa., is 26 years old, married, and he and his wife Joyce have one child. He has operated his own farm for eight years farming 336 acres at present. The herd numbers 93 registered Holsteins plus all bull calves most of which are raised beef but a few from the top cows are raised and sold for breeding purposes. On DHIA since starting farming, the latest herd average is 14,690 milk and 558 fat. He feeds a 16% pelleted-flaked feed in the parlor, haylege in summer, corn silage and hay in winter, near zero grazing. Changes brought to the farm include 51 stall free stall housing, new milking system, young stock and calf barns. Leroy was one of eight Penna. dairymen chosen for an experimental computer farm accounting service. Member Red Lion Area Young Farmers, Penna. Young Farmers, national, state and York County Holstein Associations, Adams Elec. Co-op, York County Farmers and Penna. Farmers Association. Chosen 1967 Penna. Outstanding Young Farmer (youngest ever to win this honor), 1968 Young Couple award Adams Elec. Co-op, chosen to attend REA convention in Dallas, Texas. Holds American Farmer degree in FFA, member Lutheran Brotherhood, Jaycees and is a student pilot.

District 8—Robert L. Grove, Greencastle, Pa., is 31 years old, married, and he and his wife Norma have two children. A farm owner for one year he previously was in partnership with his father for seven years. Farms 171 acre dairy operation with herd of 111 purebred Holsteins. Feeds grain and silage from bunk and grain from parlor according to production, corn silage and hay fed daily. Uses two five acre lots for day and night exercise. A former FFA officer, he is a member of the state and national Holstein organizations, member, Deacon, Sunday School superintendent for the Antrim Brethren in Christ Church, Youth Committee of the United Churches of Greencastle. In February this year the Grove farm was featured on the Franklin County Dairy Tour with dairymen studying 80 X 180 foot totally enclosed milking parlor and free stall housing system.

District 10—John P. Burns Jr., Charles Town, W. Va., is 31 years old, married and he and his wife Frances Mary have two children. Farming in partnership with his father for three years, prior to this managed farm for nine years on wages. Operation includes 1048 acres of owned and rented land, 166 grade Holsteins, 99 Angus cows, 52 Hereford cows, 300 hogs. Has applied for DHIA membership, herd averaging close to 13,000 milk and 500 fat based on plant tests. Feeds 16% grain, silage free choice year round, hay in winter, green chop in summer, uses blue grass, small grains Sudax for pasture. Took over farm management at age of 13, father suffered stroke six years earlier and was unable to operate farm. Since taking over management farm has grown from six cows, hand milked to 166 cows and modern operation. Member Presbyterian Church, Jaycees, Southern States Co-op, 4–H Camp Association, Farm Bureau, president Jefferson County 4–H Fair Association for six years, director South Jefferson Ruritan Club, 1958 FFA state Farmer Mechanic award, State Farmers award for West Virginia, 1966–67 Jaycees Outstanding Young Farmer for Jefferson County, 1968 District 10 and runner-up to MCMP OYC winner, attended AIC in 1969 as MCMP representative. While in high school helped form and served as first president of the National Honor Society.

District 12—Ronald A. Williams, Williamsport, Md., 25 years old, he and his wife Patricia have two children. Operates 540 acre farm in partnership with his brother. In addition to herd of 112 purebred and grade Holsteins farm includes seed corn sales. On DHIA three years with latest average 11,200 milk and 410 fat. Feeds 18% grain according to production and stage of lactation, corn silage and alfalfa hay in winter, green chop in summer. Moved herd from Howard County last September. Member and director Washington County Holstein Club, formerly member and director of Howard County Association, Farm Bureau, Carroll County Young Farmers, Glenelg Methodist Church, Southern States, served as MYF advisor for teens of Glenelg Methodist Church.

THE SENATE'S ROLE IN THE CONFIRMATION PROCESS

Mr. BAYH. Mr. President, Prof. Charles L. Black, of the Yale University Law School, has written a thoughtful and interesting piece on the role of the Senate in the confirmation of Supreme Court nominees. Professor Black takes the position that—

> A Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

I ask unanimous consent that Professor Black's article be printed in the RECORD, for it will surely be of great interest to every Senator as we approach the question whether to advise and consent to the nominations of Mr. Lewis Powell and Mr. William Rehnquist.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NOTE ON SENATORIAL CONSIDERATION OF SUPREME COURT NOMINEES

(By Charles L. Black, Jr.*)

If a President should desire, and if chance should give him the opportunity to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate. Few constitutional questions are then of more moment than the question whether a Senator properly may, or even at some times in duty must, vote against a nominee to that Court, on the ground that the nominee holds views, when transposed into the judicial decisions, are likely, in the Senator's judgment, to be very bad for the country. It is the purpose of this piece to open discussion of this question; I shall make no pretense of exhausting that discussion, for my own researches have not proceeded far enough to enable me to make that pretense.[1] I shall, however, open the discussion by taking, strongly, the position that a Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

I will open with two prefatory observations.

First, it has been a very long time since anybody who thought about the subject to any effect has been possessed by the illusion that a judge's judicial work is not influenced and formed by his whole lifeview, by his economic and political comprehensions, and by his sense, sharp or vague, of where justice lies in respect of the great questions of his time. The *loci classici* for this insight, now a platitude, are in such writers as Oliver Wendell Holmes, Jr., Felix Frankfurter, and Learned Hand. It would be hard to find a well-regarded modern thinker who asserted the contrary. The things which I contend are both proper and indispensable for a Senator's consideration, if he would fully discharge his duty, are things that have definitely to do with the performance of the judicial function. The factors I contend are for the Senator's weighing are factors that go into composing the quality of a judge. The contention that they may not properly be considered therefore amounts to the contention that some things which make a good or bad judge may be considered—unless the Senator is to consider nothing—while others may not.

Secondly, a certain paradox would be involved in a negative answer to the question I have put. For those considerations which I contend are proper for the Senator are considerations which certainly, notoriously, play (and always have played) a large, often a crucial, role in the President's choice of his nominee; the assertion, therefore, that they should play no part in the Senator's decision amounts to an assertion that the authority that must "advise and consent" to a nomination ought not to be guided by considerations which are hugely important in the making of the nomination. One has to ask, "Why"? I am not suggesting now that there can be no answer; I only say that an answer must be given. In the normal case, he who lies under the obligation of making up his mind whether to advise and consent to a step considers the same things that go into the decision whether to take that step. In the normal case, if he does not do this, he is derelict in his duty.

I have called this a constitutional question, and it is that (though it could never reach a court), for it is a question about the allocation of power and responsibility in government. It is natural, then, for American lawyers to look first at the applicable text, for what light it may cast. What expectation seems to be projected by the words, "The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court. . . ."?[2] Do these words suggest a rubber-stamp function, confined to screening out proven malefactors? I submit that they do not. I submit that the word "advice," unless its meaning has radically changed since 1787, makes next to impossible that conclusion.

Procedurally, the stage of "advice" has been short-circuited.[3] Nobody could keep the President from doing that, for obvious practical reasons. But why should this procedural short-circuiting have any effect on the *substance* so strongly suggested by the word "advice"? He who merely *consents* might do so perfunctorily, though that is not a necessary but merely a possible gloss. He who *advises* gives or withholds his advice on the basis of *all* the relevant considerations bearing on decision. Am I wrong about this usage? Can you conceive of sound "advice" which is given by an advisor who has deliberately barred himself from considering some of the things that the person he is advising ought to consider, and does consider? If not, then can the Presidents, by their unreviewable short-circuiting of the "advice" stage, magically have caused to vanish the Senate's responsibility to consider what it must surely consider in "advising"? Or is it not more reasonable to say that, in deciding upon his vote at the single point now left him, every Senator ought to consider everything he would have considered if, procedurally, he were "advising"? Does not the word "advice" permanently and inescapably define the *scope* of Senatorial consideration?

It is characteristic of our legal culture both to insist upon the textual reference-point, and to be impatient when much is made of it, so I will leave what I have said about this to the reader's consideration, and pass on to ask whether there is anything else in the Constitution itself which compels or suggests a restriction of Senatorial consideration to a few rather than to all of the factors which go to making a good judge. I say there is not; I do not know what it would be. The President has to concur in

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Footnotes at end of article.

legislation, unless his veto be overridden. The Senate has to concur in judicial nominations. That is the simple plan. Nothing anywhere suggests that some duty rests on the Senator to vote for a nomination he thinks unwise, any more than that a duty rests on the President to sign bills he thinks unwise.

Is there something, then, in the whole structure of the situation, something unwritten, that makes it the duty of a Senator to vote for a man whose views on great questions the Senator believes to make him dangerous as a judge? I think there is not, and I believe I can best make my point by a contrast. The Senate has to confirm—advise and consent to—nominations to posts in the executive department, including cabinet posts. Here, I think, there is a clear structural reason for a Senator's letting the President have pretty much anybody he wants, and certainly for letting him have people of any political views that appeal to him. These are his people; they are to work with him. Wisdom and fairness would give him great latitude, if strict constitutional obligation would not.

Just the reverse, just exactly the reverse, is true of the judiciary. The judges are *not* the President's people. God forbid! They are not to work with him or for him. They are to be as independent of him as they are of the Senate, neither more nor less. Insofar as their policy orientations are material—and, as I have said above, these can no longer be regarded as immaterial by anybody who wants to be taken seriously, and are certainly not regarded as immaterial by the President—it is just as important that the Senate think them not harmful as that the President think them not harmful. If this is not true, why is it not? I confess here I cannot so much as anticipate a rational argument to which to address a rebuttal.

I can, however, offer one further argument tending in the same direction. The Supreme Court is a body of great power. Once on the Court, a Justice wields that power without democratic check. This is as it should be. But it is not wise, before that power is put in his hands for life, that a nominee be screened by the democracy in the fullest manner possible, rather than in the narrowest manner possible, under the Constitution? He is appointed by the President (when the President is acting at his best) because the President believes his worldview will be good for the country, as reflected in his judicial performance. The Constitution certainly permits, if it does not compel, the taking of a second opinion on this crucial question, from a body just as responsible to the electorate, and just as close to the electorate, as is the President. Is it not wisdom to take that second opinion in all fullness of scope? If not, again, why not? If so, on the other hand, then the Senator's duty is to vote on his whole estimate of the nominee, for that is what constitutes the taking of the second opinion.

Textual considerations, then, and high-political considerations, seem to me strongly to thrust toward the conclusion that a Senator both may and ought to consider the life-view and philosophy of a nominee, before casting his vote. Is there anything definite in history tending in the contrary direction?

In the Constitutional Convention, there was much support for apopintment of judges *by the Senate alone*—a mode which was approved on July 21, 1787,[4] and was carried through into the draft of the Committee of Detail.[5] The change to the present mode came on September 4th, in the report of the Committee of Eleven[6] and was agreed to *nem. con.* on September 7th.[7] This last vote must have meant that those who wanted appointment by the Senate alone—and in some cases by the whole Congress—were satisfied that a compromise had been reached, and did not think the leigslative part in the process had been reduced to the minimum. The whole process, to me, suggests the very reverse of the idea that the Senate is to have a confined role.

I have not reread every word of *The Federalist* for this opening-gun piece, but I quote here what seems to be the most apposite passages, from Numbers 76 and 77:

> But might not his nomination be overruled? I grant it might, yet this could only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted, by the preference they might feel to another, to reject the one proposed; because they could not assure themselves, that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain, that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected, and might have the appearance of a reflection upon the judgment of the chief magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.
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> To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.
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> It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.[8]
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> If it be said they might sometimes gratify him by an acquiescence in a favorite choice, when public motives might dictate a different conduct, I answer, that the instances in which the President could be personally interested in the result, would be too few to admit of his being materially affected by the compliances of the Senate. The *power* which can *originate* the disposition of honors and emoluments, is more likely to attract than to be attracted by the *power* which can merely obstruct their course. *If by influencing the President be meant restraining him, this is precisely what must have been intended* [emphasis supplied]. And it has been shown that the restraint would be salutary, at the same time that it would not be such as to destroy a single advantage to be looked for from the uncontrolled agency of that Magistrate. The right of nomination would produce all the good of that of appointment, and would in a great measure avoid its evils.[9]

I cannot see, in these passages, any hint that the Senators may not or ought not, in voting on a nominee, take into account anything that they, as serious and public-spirited men, think to bear on the wisdom of the appointment. It is predicted, as a mere *probability*, that Presidential nominations will not often be "overruled." But "special and strong reasons," thus generally characterized, are to suffice. Is a Senator's belief that a nominee holds skewed and purblind views on social justice not a "special and strong reason"? Is it not as "special and strong" as a Senator's belief that an appointment has been made "from a view to popularity"—a reason which by clear implication *is* to suffice as support for a negative vote? If there is anything in *The Federalist Papers* neutralizing this inference, I should be glade to see it.

When we turn to history, the record is, as always, confusing and multifarious. One can say with confidence, however, that a good many nominations have been rejected by the Senate for repugnancy of the nominee's views on great issues, or for mediocrity, or for other reasons no more involving moral turpitude than these. Jeremiah Sullivan Black, an eminent lawyer and judge, seems to have been rejected in 1861 because of his views on slavery and secession.[10] John J. Crittenden was refused confirmation in 1829 on strictly partisan grounds.[11] Wolcott was rejected partly on political grounds, and partly on grounds of competence, in 1812.[12] There is the celebrated Parker case of this century.[13] The perusal of Warren[14] will multiply instances.

I am very far from undertaking any defense of each of these actions severally. I am not writing about the wisdom, on the merits, of particular votes, but of the claim to historical authenticity of the supposed "tradition" of the Senators' refraining from taking into account a very wide range of factors, from which the nominees' views on great public questions cannot, except arbitrarily, be excluded. Such a "tradition," if it exists, exists somewhere else than in recorded history. Of course, all these instances may be dismissed as improprieties, but then one must go on and say why it *is* improper for the Senate, and each Senator, to ask himself, before he votes, *every* question which heavily bears on the issue whether the nominee's sitting on the Court will be good for the country.

I submit that this "tradition" is just a part of the twentieth-century mystique about the Presidency. That mystique, having led us into disastrous undeclared war, is surely due for reexamination. I do not suggest that it can be or should be totally rejected. I am writing here only about a little part of its consequences.

To me, there is just no reason at all for a Senator's not voting, in regard to confirmation of a Supreme Court nominee, on the basis of a full and unrestricted review, not embarrassed by any presumption, of the nominee's fitness for the office. In a world that knows that a man's social philosophy shapes his judicial behavior, that philosophy is a factor in his fitness. If it is a philosophy the Senator thinks will make a judge whose service on the Bench will hurt the country, then the Senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote. I have as yet seen nothing textual, nothing structural, nothing prudential, nothing historical, that tells against this view. Will someone please enlighten me?

FOOTNOTES

* Henry R. Luce, Professor of Jurisprudence, Yale University, B.A. 1935, M.A. 1938, University of Texas; LL. B. 1943, Yale.

[1] I shall not provide this discussion with an elaborate footnote apparatus. I am sorry to say that I cannot acknowledge debt, for

I am writing from my mind; experience teaches that, when one does this, one unconsciously draws on much reading consciously forgotten; for all such obligations unwittingly incurred I give thanks. I have had the benefit of discussion of many of the points made herein with students at the Yale Law School, of whom I specifically recollect Donald Paulding Irwin; I have also had the benefit of talking to him about the piece after it was written.

Harris, The Advice and Consent of the Senate (1953) came to my attention and hands after the present piece had gone to the printer. This excellent and full account of the entire function would doubtless have flashed out my own thoughts, but I see nothing in the book that would make me alter the position taken here, and I hope a single-shot thesis like the present may be useful.

[2] U.S. Const. art. II, § 2, cl. 2.

[3] Even this short-circuiting is not complete. First, the President's "appointment," *after* the Senate's action, is still voluntary (Marbury v. Madison, 5 U.S. (1 Cranch) 137, 155 (1803)), so that in a sense the action of the Senate even under settled practice may be looked on as only "advisory" with respect to a step from which the President may still withdraw. Secondly, nominations are occasionally withdrawn after public indications of Senate sentiment (and probable action) which may be thought to amount to "advice."

[4] 2 Records of the Federal Convention of 1787, at 83 (M. Farrand ed. 1911).

[5] *Id.* at 132, 146, 155, 169, 183.

[6] *Id.* at 498.

[7] *Id.* at 539.

[8] The Federalist No. 76, at 494–495 Modern Library 1937 (Alexander Hamilton).

[9] *Id.* No. 77, at 498 (Alexander Hamilton).

[10] 2 C. Warren, The Supreme Court in United States History 364 (rev. ed. 1926).

[11] 1 *id*, at 704.

[12] *Id.* at 413.

[13] L. Pfeffer, This Honorable Court, A History of the United States Supreme Court 288 (1965).

[14] C. Warren, The Supreme Court in United States History (rev. ed. 1926).

THE 275TH ANNIVERSARY OF ST. JOHN'S COLLEGE

Mr. MATHIAS. Mr. President, on October 15, 1971 there appeared in the Evening Capital of Annapolis, Md., an article noting the 275th anniversary of St. John's College. St. John's College is the third oldest college in the United States.

I feel that this is, indeed, an historic milestone for American education, for St. John's College epitomizes the American tradition of liberal education. Antiquity in itself is not a proper source of pride of, rather it is age coupled with excellence that deserves recognition.

Mr. President, the tradition of St. John's College begun 275 years ago, has provided this country with keen young men and women for many generations. It should be a tradition recognized with honor and continued by the loyalty and commitment of all friends of St. John's.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

St. John's Celebrates Its 275th Year

St. John's College of Annapolis, Maryland, third oldest college in the United States and famed for a liberal arts program devoted to the study of "Great Books," is celebrating its 275th anniversary on its historic campus. The festivities conclude tomorow.

A small but elite think tank of eminent educators, historians, scientists and writers convened to participate in three two-hour panel discussions on "What—and How—Should a Liberal Arts College Teach?"

The anniversary celebration will end tomorrow with a convocation ceremony to be attended by guest faculty members of more than 75 colleges and universities. Guest speaker will be Dr. Martin Meyerson, President of the University of Pennsylvania.

St. John's, which came into existence in 1696 as King William's School, is believed to be the first free school in America.

When, in 1937, it adopted what was considered a radical liberal arts program, it struck out in uncharted educational waters. Time has proved that this small, non-sectarian liberal arts college has an important place in American education. A second St. John's campus was opened at Santa Fe, New Mexico, in 1964. Several large universities, recognizing the de-humanizing effect of mammoth classes and depersonalized teaching, set up similar small liberal arts type colleges within their frameworks. The trend continues.

St. John's is not only unique for its dedication to the Great Books, but it also permits no majors and no electives. It uses no textbooks. Faculty members, regardless of seniority or the number of their degrees, are all known as tutors. Together tutors and students study the timeless books which are the cornerstone of Western civilization.

Learning at St. John's takes place via tutorials and seminars. The two hour seminar, a twice weekly "must," is the modern equivalent of the dialectic process by which the students of Plato and Socrates learned. Two Tutors conduct the seminar and keep the dialogue and questions alive.

King William's School was founded on July 8, 1696, when the House of Burgesses in the Colony of Maryland passed the Petitionary Act and Governor Francis Nicholson signed it.

The project of collegiate education in the colony occupied the General Assembly as early as 1732, but little came of the efforts to found a college in Annapolis. A bill in 1761 that would have financed a new college by a tax on ordinary licenses, wheel carriages, slaves, Irish papist servants and bachelors was defeated through efforts of delegates from the Eastern Shore.

St. John's College was not chartered until 1784, taking its name from St. John's College at Cambridge University. Property, funds, masters and students of King William's School were conveyed by an act of the General Assembly to the new institution. The college's aim was the liberal education of youth in the principles of virtue, knowledge and useful literature.

Founders included Samuel Chase, Thomas Stone, Charles Carroll, and William Paca, most of them associated with the Declaration of Independence and the establishment of the young republic.

The college's charter was the first in the U.S. to specifically prohibit religious discrimination. At that time, both faculty and students were exempted from all rates and taxes on their salaries and from all military duty except in cases of actual invasion of the State or when general military law was declared.

The original college program consisted of a three-year course to which a student might be admitted if he had mastered writing and arithmetic, Greek and Latin.

Freshmen studied Livy, Xenophon, Plato, Euclid, algebra, plane and spherical trigonometry, logic and metaphysics. Juniors dealt with an Introduction to Rhetoric, Aristotle's Poetics, surveying, principles of navigation, fortification, conic sections, and forensic disputation. Seniors qualified for a degree of Bachelor of Arts through moral philosophy, Epictetus, civil history, astronomy, use of the celestial globe and sketches of natural history.

The college began with one building, now known as McDowell Hall, after the first president of the school. It was not until 1838 that the second building, Humphreys Hall, was constructed by the president whose name it bears.

The Civil War interrupted the College in 1861 when the campus was turned into a receiving station for Southern prisoners of war.

After the war, Henry Barnard was named president of the school, but he soon left to become the first U.S. Commissioner of Education.

Affairs of the college remained unsettled until 1886 when Dr. Thomas Fell became president. During the 37 years of his administration the college engaged in a program of compulsory military training.

The military program was abandoned in 1923 in favor of the elective liberal arts curriculum characteristic of American colleges and universities. A period of athletic greatness followed—when the school's lacrosse teams won two national championships and its football teams struggled against West Point and New York University. It was also a period of financial difficulty, induced in part by the depression, but also by a scheme for buying up colonial properties in Annapolis. By the mid-30's, the college was practically bankrupt, its accreditation was gone and it appeared likely to become an educational casualty.

Meanwhile, at the University of Chicago, a group of educators gathered to develop an ideal curriculum for a liberal arts college, in protest against the specialization and fragmentation of students' learning.

In 1937, the St. John's Board of Visitors and Governors invited two members of the Chicago study group, Stringfellow Barr and Scott Buchanan, to become president and dean of the college, bringing with them what has come to be known as the St. John's program. The program, a renaissance in American education and, the restoration of a modern equivalent of the traditional liberal arts curriculum, was brought up to date by the inclusion of modern science.

THREE PATRIOTS

Mr. PERCY. Mr. President, on November 15, 1971, at Heald Square, Wacker Drive and Wabash Avenue, Chicago, a ceremony was held to mark the designation of a monument as a Chicago historical and artistic landmark. The monument memorializes three American patriots, George Washington, Robert Morris, and Haym Salomon. It was created by the great sculptor, Lorado Taft. It commemorates the contributions of the three men to the American Revolution, and symbolizes the theme that persons of all origins and creeds participated in the founding of the United States and that civilians as well as soldiers played important roles in the Revolution.

Robert Morris, born in Liverpool, England, was a businessman and Superintendent of Finance for the Continental Congress. In that role he had the job of raising funds to support George Washington's forces. Haym Salomon, an American Jew from Poland, was one of Morris' chief aides in the effort.

In connection with this occasion, a book has been published by the noted biographer Harry Barnard. The book, entitled "This Great Triumvirate of Patriots," tells how the monument came into being and the significance of the collaboration of Washington, Morris, and Salomon.

The monument was designated as Chicago's first sculptural landmark by the Chicago City Council on the recommendation of the official Commission on Chicago Historical and Architectural Landmarks. I am pleasd to bring this information to the attention of the Senate.

BIG DAY AT SPARROWS POINT YARD

Mr. MATHIAS. Mr. President, in the September 1971 issue of the Bethlehem Review there appeared an article describing the dedication of the largest vessel built in Bethlehem Steel's shipyard in Sparrows Point, Md., and the dedication of the largest shipbuilding basin in the shipyard.

This article is important in that it highlights the link with the sea that the State of Maryland has enjoyed for her long and rich history. Such endeavors as this also point out the economic growth of Maryland, and emphasize the contribution that Maryland is making to the building of a strong merchant fleet for the United States.

Mr. President, Maryland is, indeed, proud of this growth, and the State's contribution to the American merchant marine.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Big Day at Sparrows Point Yard

It was Sunday, May 16. It would be the biggest single day in the long shipbuilding history of Bethlehem's Sparrows Point, Md., shipyard.

They were scheduled that day to launch the largest vessel ever built at the yard—Union Oil Company's S.S. *Sansinena II*, a 70,000-dead-weight-ton tanker. And right next door, they were to dedicate a shipbuilding basin and its associated facilities in which the yard would be building ships so large that they would make *Sansinena II* look small.

Every detail—and it's hard to imagine the hundreds of details that must be put together for a dual ceremony such as this one—went as planned, except the weather.

But Walter F. Williams, Bethlehem's vice president, shipbuilding, or William H. Collins, the yard's general manager, or someone else even worked out that detail. Just as the first busload of guests pulled into the yard, the rain stopped. And shortly after the ceremonies were completed, the rains returned.

The basin dedication came first. There were speeches, a symbolic ribbon cutting, and a lot of "oohs" and "aahs" from the crowd. And well they might "ooh." The basin is longer than three football fields laid end to end (1,200 feet, actually) and twice as wide. In it Bethlehem will be able to construct tankers up to 300,000 deadweight tons.

Dedication ceremonies were concluded by the Rev. Mr. Alphonso A. Thompson, pastor of the South Baltimore United Methodist Church and an employee at the yard for more than 30 years.

Guests and employees and their families then moved a couple of hundred yards north to Building Way No. 10 where the *Sansinena II* rested. But the official launching party still had a long way to walk—up three long flights of stairs to the launching platform. Never before had Bethlehem shipyard men erected such a high launch platform, but, then, Bethlehem had never launched a ship whose prow reached so high into the air. At the forepeak, it was 100 feet above ground level.

Sansinena II's other statistics are equally impressive. Its 810-foot length required a 72-foot extension of the way. Its beam is 105 feet, the width limit for the Panama Canal. It will be able to transport nearly 560,000 barrels of crude oil at normal sea speeds of 15½ knots; its cruising range exceeds 7,300 miles.

When in service, *Sansinena II* will carry crude oil from Alaska's Cook Inlet to Union Oil's refineries on the West Coast.

Mrs. Fred L. Hartley, wife of the president and chief executive officer of Union Oil was *Sansinena II's* sponsor.

Though they were not an official part of the big day's activities at the yard last May, two other important facilities recently have been completed there—a panel shop and a blast and paint shop. Along with the new building basin, the new fabrication and painting facilities are a part of the long-range expansion and improvement program nearing completion at the yard.

In the 750 x 90-foot L-shaped panel shop, flat ship subassemblies, up to 60 x 60 x 25 feet, will be assembled faster and more economically than ever before. The fully mechanized and partially automated line will permit fabrication of subassemblies weighing up to 200 tons for later erection either on the building ways or in the new building basin.

Adjoining the panel shop is a new climate-controlled blasting and painting shop, where new and exotic coatings, required for today's tankers, will be automatically applied to the steel.

On the books ahead for 4,000 Sparrows Point shipyard workers are five more 70,000-dwt. tankers, four 120,000-dwt. tankers, and two large container ships. In the past 20 years Bethlehem's Sparrows Point shipyard has produced twice as much merchant tonnage as any other yard in the United States. With the new facilities that were dedicated last May and the current order book there is reason to believe the yard will continue that leadership.

TRIBUTE TO OKLAHOMA'S MENTAL HEALTH DIRECTOR

Mr. BELLMON. Mr. President, a few weeks ago it was my pleasure to participate in a testimonial dinner to Oklahoma's director of mental health, Dr. Hayden Donahue. Featured speaker for the gathering of 450 persons in Oklahoma City was Dr. Bertram S. Brown, Director of the National Institute of Mental Health.

In his address, Dr. Brown paid tribute to Dr. Donahue for a lifetime of commitment to service for mental health. He traced his impressive career as an educator, State and Federal Government official, psychiatrist, and mental health leader.

During my term as Governor of Oklahoma, it was my experience to be associated with Dr. Donahue in some of the most significant advancements made in the mental health field in our State. I am quite proud that during this time overcrowding at mental institutions was reduced and legislation was passed to make possible the establishment of community mental health facilities.

In order that Senators may be aware of the accomplishments that have been made under the leadership of Dr. Hayden Donahue, I ask unanimous consent that the text of Dr. Brown's testimonial dinner address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Commitment to Service

(By Bertram S. Brown, M.D., Director, National Institute of Mental Health Health Services and Mental Health Administration U.S. Department of Health, Education, and Welfare)

I quote from The Daily Oklahoman:

"Misery Rules in State Shadowland.

"Not enough doctors, not enough nurses, not enough toilet paper, not enough covers for cold nights. When the laundry did not get around to the wards in time, there were not enough sheets and not enough pillow cases. There wasn't enough of anything but patients.

"This quotation from 'The Snake pit,' current best-seller about life in a mental institution, could be applied almost whole-hog to the conditions under which more than 10,000 mentally ill Oklahomans exist in the six mental hospitals run by the State.

"At the three major hospitals for white insane—Central Oklahoma State at Norman, Eastern Oklahoma at Vinita, Western Oklahoma at Fort Supply—and at the hospital for the Negro insane at Taft, for mental defectives at Enid, and for epileptics at Pauls Valley, the story is an unbelievably shameful one."

That appeared in 1946 and was penned by Mike Gorman who, as you know, went on from Oklahoma to become a sharp critic of poor treatment for the mentally ill and a champion crusader for better mental health care throughout the Nation.

Now, let me quote some current statistics about the mental health program in Oklahoma:

In 1953 there were 8,600 patients in State hospitals—today there are only 3,000.

In 1953 the average patient stayed 2,964 days at a mental hospital in Oklahoma—today he goes home in just 28 days or only 5.5 days if he was admitted to a community mental health center.

The pathetic system that Mike Gorman described admitted only 2,400 patients a year—while today more than 22,000 Oklahomans are served.

And more than 75% of those are treated on a voluntary admission basis—one of the best percentages in the Nation.

There are in Oklahoma today some of those most innovative and creative programs to be found in the Nation. Witness the mental health centers on college campuses which capture the best of two great social institutions—health and education.

Witness the innovative programs involving law enforcement and corrections. Witness Oklahoma's commitment to better mental health programs for children.

Ladies and gentlemen. we are here tonight to honor the man who is responsible for this highly significant difference in Oklahoma's mental health story.

I am delighted to have the honor of paying tribute to one of your State's great men and my very good friend, Hayden Donahue, for his lifetime of commitment to service for mental health. It is also refreshing to get out to where the action really is in mental health and to visit a State that is boldly attacking the serious individual and societal conditions that form the modern complex of mental illness.

It is also a pleasure to read this telegram which I received about an hour ago:

"Since 1946, when I first condemmed the care and treatment of patients in Oklahoma's mental hospitals, I have seen tremendous progress all across the country. Men, like you, Hayden Donahue, deserve all the praise this Nation can bestow when you consider the tremendous amount of human suffering that has been alleviated I am sure that you would want me to say—especially in the presence of all—the Congressional and government officials present tonight, that just as Dr. Donahue deserves testimonials, so does he need financial support to continue his works, for there is much to be done.

"Mike Gorman, October 2, 1971."

Oklahoma, as I have just noted is certainly where the action is. And Dr. Donahue is certainly a man who is "getting it all together." Since 1947 when he wrote one of the first statements supporting community mental health concepts he has been one of mental health's hardest workers.

Just last week he closed his second hospital. I can't help but mention that that hospital is in Lexington, Oklahoma and that I, too, have a Lexington hospital—as those of you familiar with the national drug abuse program well know.

Dr. Donahue has turned his Lexington over to the corrections programs here in the State where some highly creative programs that treat and understand criminals will be started. This is significant because it heralds a new role for community mental health centers, but it is also meaningful because it is a tangible step toward the true integration of social institutions—in this case mental health and corrections—into a service that best serves society.

While my Lexington is not destined to this particular future it is not just a coincidence that another hospital of mine, Fort Worth, is being turned over to the Federal Bureau of Prisons pending Congressional approval. We hope to see the same kind of cooperation at the Federal level as it becmes a medical facility in the Federal Bureau of Prisons. This kind of cooperative program has been one of my ardent causes for several years, and I am confident that cooperative advocacy, as I call and Dr. Donahue practices it, is the wave of the future.

Law enforcement and health have been traveling on parallel roads for some time. Now we are converging, with common goals. And there is so much to be done. If I summarize a bit:

1. There is great need for community alternatives to institutionalization, whether the institutions be State hospitals or prisons.

2. More innovative and effective treatment programs are needed for offenders in institutions.

3. There is need for general improvement of the Juvenile Court system. (NIMH currently is supporting a complete analysis of the system, from arrest through adjudication and treatment.)

4. New models must be developed, for the training of professional and non-professional service personnel and behavioral and social science researchers.

5. Innovative and more effective programs are needed for mentally disordered offenders, as well as research pertaining to issues of law and mental health. (We still do not have the answers; this is distressing, it is tragic, and it calls for new thinking and affirmative action.)

The NIMH and the Law Enforcement Assistance Administration are setting the Federal example by cooperating on a number of projects—most notably in the area of drug abuse where a special task force with three sub-committees is working to merge programs and dollars wherever possible.

The fact that Dr. Donahue beat me to the punch is not at all surprising. He is truly an innovative man. If there is room for a dark note to be cast tonight, I should then mention—in true Mike Gorman fashion—that Oklahoma does not rank very high at all in its total expenditure for mental health. No wonder Dr. Donahue is innovative. As he says himself, "When you haven't got any money, you have got to be innovative."

Dr. Donahue's concern for money is an ardent one that we all share. But Dr. Donahue—at least in mental health circles—has a special reputation for finances, since he served for a long time as the treasurer of the American Psychiatric Association. What an honor—to be the only man that 26,000 psychiatrists trust with their money.

My concern for budgets and expanded resources for the Nation's mental health programs is closely related to my concern for cooperative advocacy—the sharing of resources to accomplish needed social services—and to my views concerning the many meanings of politics for mental health.

Oklahoma has a developing consciousness about mental illness and doing something about it. The Oklahoma Department of Mental Health, the Oklahoma Mental Health Association, along with their public and private allies and other agencies concerned with mental health, are striving to reach people where they live and help them when they need help.

Now, the kind of program you have today and what you will have in the future is, besides being a tribute to leaders like Hayden Donahue, also a tribute to the power structure in itself. I use the term power structure in the best sense, for it can be, and is here, for the public good.

Much of the power structure responsible for the founding, functioning, and funding of the Oklahoma mental health program is represented here today. And I say that it is a good thing when statesmen, public officials, scientists, medical men, health workers, educators, and, last but far from least, community leaders get together as a power structure and make possible programs and progress for mental health improvement.

Let me talk for a minute or two about politics and the meanings of politics for mental health.

To some, politics inevitably conveys something loathsome and to be feared. In this view, mental health services are not better off than when they existed at the whim of a rich patron, when they depended upon the vagaries and the gratitude of princes.

But I do not hold this view. Nor, I believe, do you. To me, politics is a challenge and opportunity for us to arouse interest and attention, to gain concern and support, for science and health programs. Politics is a methodology, a set of protocols almost, like those of research, which we can utilize if we will.

Psychiatrists who have gotten heavily involved with community psychiatry, as I have, have begun to learn this. In my own case, by an unusual combination of aspiration and luck, my particular specialty has become the little known field of political psychiatry. This has brought about a considerable amount of personal involvement with some of the higher levels of government and, in particular, the present Administration and the past two in the White House.

Full appreciation of my role was made clear to me at one of the high points in my career when on a solemn occasion at the White House I was introduced to the Governor of one of our largest States as the "Mentally Retarded Advisor to the President."

What I am talking about in all of this is not that kind of politics characterized as backroom, filled with cigar smoke, and star chamber. I am talking about the politics of mobilizing society's support for human services in difficult areas such as mental health and illness and their many faces—from alcoholism to narcotic addiction to crime and violence and on to suicide and schizophrenia.

What is significant in this context is the very presence of mental health in the corridors of politics. It is, of course, becoming more important in the State and the Federal health scenes.

It is, financially, not as big federally as it is in the States, but it is not inconsiderable in Washington, when all aspects are considered. In the States, mental health is usually the biggest employer and has the largest or one of the largest public budgets.

This means that we are, in a sense, big business. Big business means big politics; and thus, in our society, those concerned with mental illness and health must enter and find their place in the political arena. And this is why I urge that mental health people work more, not less, in this arena. It is one, I am sure from my own experience, in which intellectual and personal negotiation and reasoning and collaboration—what, in a word, I like to think of as cooperative advocacy—can be achieved.

To sum this up in another word, cooperative advocacy means people of all kinds and from all groups—politicians, physicians, civic leaders, consumers, businessmen, labor, management, and on—joining together in positive partnership for the conquest of mental illness and the advancement of mental health.

In still another word, this kind of thing is what the life and career of Hayden Donahue is all about, for he has both preached and practiced cooperative advocacy for mental health over all the years since he made his commitment to its service and dedicated his energies and abilities to it.

Dr. Donahue's biography reads like it belongs in the "Who's Who's" not just a mental health but of those in education, church affairs, hospital work, science, the Southwest and, indeed, of all America. Indeed, his record does belong in those kinds of "Who's Who's"; and if you look you'll find it there.

Many of us know of his long and eminent career in medicine and mental health and teaching, but a few highlights help us to recall how meaningful his achievements really are.

Born in El Reno, Hayden Donahue received his college education at the Universities of South Dakota and Kansas and his medical education at Kansas. His internship was at the University of Georgia Hospital, and there he also received three years of accredited psychiatric training.

Right here, before I talk of his accomplishments in other fields, I want to emphasize that we in psychiatry claim him as one of our very own—and finest—and I must mention that he is a fellow of the American Psychiatric Association, American Association for Mental Deficiency, and American College of Psychiatry.

His work history is altogether fascinating. It is as wide-ranging and interesting as it is distinguished.

He had an early interest in engineering and worked in that field, in lake and water conservation engineering, in his younger years.

During World War II, Hayden Donahue served as a Flight Surgeon, at Wright Patterson Air Force Base, Dayton, Ohio, and as Group Surgeon of the USAAF in North Africa. He then served the Army as Director of Professional Services at its Neuropsychiatric Center in St. Petersburg and at its neuropsychiatric convalescent hospital in San Antonio. His government career was further distinguished when he was Chief of Hospital Operations of the U.S. Veterans Administration in Washington.

Continuing in hospital work, Dr. Donahue served in education, research, and administrative health fields in Arkansas and was engaged in medical work for the Texas State Board for Hospitals and Special Schools before coming home to Oklahoma in 1953 as Director of Mental Health.

What he has done here is too familiar for me to dwell in detail upon it. But to us and to you, I think, he has by his deeds and action become "Mr. Mental Health"—or, if you prefer—"Dr. Mental Health".

I would like to cite one or two other things, however.

Hayden Donahue has served the nation as

well as the people of Oklahoma in his work and has contributed a great deal to many regional, national, and international committees, boards, and other advisory groups on which he has served in non-mental health as well as mental health, hospital, medical, and related fields.

He has been honored numerous times by the people of Oklahoma and by others, such as civic and professional organizations for whom he has done so much.

Dr. Donahue has carried on research and special studies in a broad spectrum of important fields, such as flying fatigue, war neurosis, narcosynthesis, alcohol and drugs, use of drugs in treating mental patients, problems of the aged, hospital training, hospital operations and management, the use of rehabilitative therapies, and forensic psychiatry.

Let me close this brief tribute with one specific, but highly significant illustration of just one of his particular contributions to mental health. This one, in part, may be owing to his early interest in engineering, perhaps when he worked as a draftsman and topographer. If this is so, it is a part of his education and experience that has really paid off, for all of us as well as for Hayden Donahue.

For it is very well worth mentioning that Oklahoma is gaining architectural fame through its mental health program—and because of Dr. Donahue. New concepts developed in your State, using architecture to aid in the treatment of mental illness and promoting mental health, have been attracting a great deal of attention in professional circles both here in the U.S. and abroad.

This was evidenced earlier this year when a presentation was made, in Denmark at an international meeting of psychiatrists, describing the facilities and activities at Central State Griffin Memorial Hospital. As Dr. Donahue said, the Norman Facilities were designed to provide new methods of delivering services to the mentally ill.

New methods for delivering services are paramount in programs run by Dr. Donahue. The plan to bring mental health centers to Oklahoma's colleges and universities where the centers will be staffed by a much wider range of talent—including involved young people—than might otherwise be available is but one more example.

This aspect of Oklahoma's program will open the way for *people* to get into the system. College students will get involved and the education "establishment" will get involved in the mental health care system in Oklahoma.

I also share Dr. Donahue's concern for children. Just as I drew an earlier parallel with his collaborative programs between mental health and correction institutions, I can wholeheartedly endorse his total commitment to increased mental health services for children.

When I first became Director of NIMH, I established three high priorities—child mental health, minority mental health, and the mental health aspects of law and order. I have emphasized two of these, and I will make our tribute to Dr. Donahue complete by mentioning his strong personal commitment to Indian programs.

In the area of minority mental health, he is certainly a pioneer when we consider that he moved early to provide mental health programs for Oklahoma's most significant and America's oldest minority group.

This concern for the human rights and dignity of others has been interpreted into meaningful programs.

At many levels, Dr. Donahue—in ways that I think are outstanding examples that should be replicated throughout the Nation—has demonstrated leadership in the field that all of us here are committed to. The fact that he has provided the dynamic leadership that has enabled Oklahoma to provide mental health, alcoholism, and drug abuse prevention services under one overall system of health care—is in itself indicative of his recognition that health care systems must be flexible to provide human services when and where they are needed.

I must conclude that the group assembled here tonight is evidence of support for the principles for which Dr. Donahue stands. I have tried to emphasize that I, too, am in support of these principles. We are both counting on your support.

This support, at all levels of government, as well as that of private organizations and the public generally, is a necessity if we are to succeed. Meeting this necessity calls for what I spoke of earlier as *cooperative advocacy*.

Cooperative advocacy has many faces, opportunities, and uses for us. In a sense, it is decentralization and involvement of more and more citizens and community groups, the consumers, in decision making. It also means working together with each level—from local to State to national—making appropriate decisions and sharing problems, investments, and benefits.

The mental health community has already had experience in this. We now need to do more of the same things, find new cooperative avenues, and do the work better.

At the NIMH, for example, we are stepping up collaborative programs, both citizen participation and cooperation among government agencies to meet our current priorities—child mental health, mental health in minority groups, and the search for the causes and cures of crime and anti-social behavior.

But we all need the ideas and participation of more citizens and more groups; and we need their support, for example, in funding services for mentally disturbed children, for minorities, for alcoholics, and for narcotic addicts.

Problems like these highlight the fact that we are today in a social crisis, whether you look at crisis in the Oriental sense as opportunity and danger, or in the catholic sense of transition.

We know that the stress of crisis sometimes makes it possible for an individual to come through as a better and more responsive person.

Just as this can occur for an individual, I really believe that, by the nature of mental health collaboration and partnership with others, the joint contribution can emerge as a far more significant contribution to the needs of people than has ever been the case before.

I think that it is proved by the contributions already in evidence here in Oklahoma, which have come from a full commitment to service you have made and our friend and colleague, Hayden Donahue, has made.

My final words of tribute, Dr. Donahue, are that while all of us here have been paying tribute to you—you have been working. You have "put a bug" in Senator Bellmon's ear, and you have talked to Speaker Albert about help for mental health programs. This I think is most significant—that even at your own testimonial you place the future of your profession first above all else.

Dr. Donahue, we salute you!!

THE REVENUE ACT OF 1971

Mr. TUNNEY. Mr. President, last Saturday the distinguished chairman of the Finance Committee (Mr. LONG) and I engaged in a discussion which I believe has clarified the intent of Congress regarding the application of the investment tax credit to the motion picture industry. I appreciate very much his assistance in stating clearly that the credit applies to motion picture and television films.

FOREIGN DISCRIMINATION IN THE FILM INDUSTRY

There is another point upon which I wish to comment, and that is the discriminatory practices of many foreign countries against American films. Throughout my 7 years in the Congress, it has always been my belief that the interests of all our citizens in a good job and in the lowest possible prices for goods are best served if all nations engaged in trade on a free and equal basis. One thing that we have learned in our history as a nation is that American workers and American firms have the skill, the technology, and the desire to compete vigorously in world markets. My own State of California has been particularly strong in world trade. In 1970, California accounted for about one-tenth of all U.S. exports.

Yet we find that the motion picture industry, an industry that is particularly important to California's economy, has long been subject to all manner of discriminatory practices in many foreign countries, which are the antithesis of free and open competition. The variety of these restrictions and discriminations is most extensive and has operated as a severe limitation on the ability of American companies to pursue worldwide markets that would have a dramatic effect upon employment in the industry.

Among the discriminatory practices and tax barriers which foreign countries have constructed are these:

Screen quotas require theaters to devote a specified proportion of their screen time to the showing of domestic films. This has the effect of limiting the amount remaining for imported pictures, thus reducing their earning capacity. There are 17 nations which apply such quotas.

Import quotas became widespread after World War II. As the major exporter of motion pictures—American films are estimated to occupy close to 50 percent of free world screen time—the United States was the prime target. While quotas usually are described as designed to conserve foreign exchange, in most instances the primary objective is to protect local film producers from competition of popular American films, with conservation of foreign exchanges only a secondary consideration. Most restrictions have now been removed but there are nine free world countries that still apply quantitative restrictions.

Discriminatory admission taxes: Six countries impose higher admission taxes on foreign films than on domestic pictures, either directly or through tax rebates when domestic films are shown.

Film rental price controls, through direct government edict or by indirect pressures, impose disadvantageous film-rental terms or pernicious conditions on our film sales in 12 countries.

Remittance restrictions following World War II for years posed an extremely difficult problem for the U.S. film industry. Many have been overcome, but they still exist in various degrees in 15 countries.

Local printing decrees necessitate the manufacture of prints for theater use in laboratories of the country to which imported. This is an expensive and inefficient type of restraint which is spreading. Six countries impose such requirements.

Dubbing must be done in local laboratories in three countries. Four others prohibit the dubbing of foreign films into the local language, as a measure to reduce the competitiveness of imported films.

Foreign distributors are barred from having film distribution branches or subsidiaries in seven countries. This type of restriction is designed to force distribution of American films into the hand of local, and often inefficient, firms.

Exorbitant income or related tax levies are common devices applied against American film companies to drain off their earnings. Six particularly bad situations are noted in this report.

Production subsidies, often financed by taxes or other levies on foreign film imports—mainly American—exist in 17 countries listed herein. They subsidize the cost of local production and thus place films made elsewhere, which receive no such subsidies, at a competitive disadvantage.

Miscellaneous measures include such devices as heavy "dubbing" or "release" fees, compulsory purchase and distribution of domestic pictures, or the establishment of import monopolies.

Mr. President, I am deeply concerned about the effect of these barriers. As I stated previously, I believe that free markets worldwide are the best answer to expanding American industry. Thus I believe that these foreign discriminations must be eliminated. I have pursued that concern extensively with Senators and with the appropriate officials in the executive branch. In particular, I have sought assurances from the administration that our Government will work vigorously to end foreign discrimination against American films. I have urged these officials to make concerted efforts in international negotiations to convince foreign countries to drop barriers and restrictions and to join in our own free trade policies regarding films. The United States does not discriminate in any way against foreign made films.

Mr. President, in order to establish a substantial legislative history of the intent of the Congress that the appropriate officials of the executive branch pursue a policy of vigorous negotiation to obtain elimination of foreign restrictions, I have recently requested written assurances to that effect. I ask unanimous consent that a letter from Mr. John S. Nolan, Deputy Assistant Secretary of Treasury to me, dated November 12, 1971, and setting forth such assurances, be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., November 12, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: You have requested advice as to our position on the discriminatory practices adopted by various foreign countries with respect to movie and television films produced in the United States. These practices are described on page 27 of the Senate Finance Committee report on H.R. 10947, the proposed Revenue Act of 1971, and are of a nature which either discriminate directly against U.S. made films or discriminate indirectly by favoring films made in the particular country.

We have been deeply concerned as to the existence of these practices, and we intend to continue concerted efforts to convince these countries to drop all such barriers to free trade. We will continue as our first line of endeavor to ask them to emulate our own past policy of not discriminating against foreign films. While some temporary measures have been necessitated by our present balance of payments emergency, our basic long term objective in the area of the entertainment industry as elsewhere is fair trade with other nations on a basis of free exchange of goods and services without artificial restraints or subsidies which favor domestic over foreign produced goods.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. TUNNEY. Mr. President, it is my hope that the executive branch will pursue the elimination of those foreign barriers as its first line of endeavor. We all recall the meeting which President Nixon held at San Clemente earlier this year with representatives of the film industry, and the commitments which he made to take action to assist that industry to revive itself. Surely that is a commitment which can and must be kept by pursuing the elimination of foreign trade barriers.

We are not asking special favors for this industry. We seek only that it may be allowed to compete on an equal footing with those industries of other nations. Once they are given that equal footing, I am confident that the strength, the pride, and the ingenuity of the American motion picture industry will enable it to meet any competition successfully.

RESOLUTIONS OF NATIONAL GUARD ASSOCIATION AT 93D MEETING

Mr. THURMOND. Mr. President, the efforts of the National Guard Association of the United States over the years to promote the defense of our Nation are well documented.

The Guard Association members speak to the Nation through a number of mediums such as resolutions at their annual convention.

During the Guard's 93d General Conference in Honolulu, Hawaii, the membership issued a number of resolutions which deserve the attention of the Congress and the Nation.

Mr. President, I ask unanimous consent that some of these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES 93D GENERAL CONFERENCE—SEPT. 23, 1971

RESOLUTION NO. 4: SUBMITTED BY THE COMMITTEE ON RESOLUTIONS, RELATING TO THE SUPPORT OF THE NIXON DOCTRINE

Whereas, The President of the United States is attempting to achieve peace in Southeast Asia; and

Whereas, The three pillars of the Nixon Doctrine—partnership, strength and willingness to negotiate—must be applied; and

Whereas, Some individuals and organizations are giving aid to the enemy by undue and inaccurate criticisms which are adversely affecting the morale of our Nation and undermining National policies; now

Therefore, be it resolved, That the National Guard Association of the United States support by all means possible the Nixon Doctrine and other policies of our President in his actions to achieve and maintain an honorable peace in Southeast Asia which would hold our Nation in esteem.

RESOLUTION NO. 5: SUBMITTED BY OHIO, RELATING TO ARTICLE VI OF THE U.S. CONSTITUTION PERTAINING TO TREATMENT OF PRISONERS OF WAR

Whereas, Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States Government become the "supreme law of the land", notwithstanding contrary limitations of the Constitution itself; and

Whereas, Notwithstanding solemn promises ratified at the international conference at Geneva that all prisoners-of-war captured would be given humane treatment; that Article 2 of the convention provides that it "shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them"; and

Whereas, The Government of North Viet Nam acceded to the convention in June 28, 1957, and the Government of South Viet Nam acceded to the convention on November 14, 1953, and the Government of the United States acceded to the convention in August 2, 1955; no pretense of compliance has been advanced by North Viet Nam or the National Liberation Front (Viet Cong) despite a request to do so on June 11, 1965, by Jaques Freymond, Vice-President of the International Committee of the Red Cross and numerous appeals by international humanitarian organizations subsequently; and

Whereas, Repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist inhumanity have proven ineffective through diplomatic, military and humanitarian channels; now

Therefore, be it resolved, That the National Guard Association reaffirms its position and condemns in the strongest terms the repressive and cruel treatment of American and allied prisoners and petition that the Government of North Viet Nam act as follows to:

1. Observe the international accords of the Geneva Convention in the same manner in which the Government of South Viet Nam accords to captured troops of the North Viet Nam Government and their allies.
2. Release names and physical condition of all prisoners held.
3. Immediately release sick and wounded prisoners.
4. Provide for impartial inspections of prisoner-of-war facilities by international humanitarian organizations.
5. Provide for medical treatment of all prisoners.
6. Provide for regular flow of mail, food, and comfort items.
7. Cease using prisoners for purpose of public degradation, political propaganda and mental torture of prisoners and their innocent families.
8. Agree to immediately negotiate through international humanitarian organizations for the fair and equitable exchange of prisoners of both sides; and

Be it further resolved, That copies of this Resolution be forwarded to the President of the United States, the President of the U.S. Senate and Speaker of the House.

RESOLUTION NO. 6: SUBMITTED BY THE COMMITTEE ON RESOLUTIONS, SUPPORTING THE B–1, WHICH IN TURN SUPPORTS OUR FUNDAMENTAL PHILOSOPHY AND STRATEGY OF DETERRENCE

Whereas, The Nation relies on the Triad of a mixed force of land-based missiles

(ICBMS), sea-launched missiles (SLBMS), and manned bombers to deter war; and

Whereas, We believe that an evolving Triand will provide the U.S. with a credible strategic deterrent indefinitely; and

Whereas, The B–1 is an absolutely essential part of the Triad; and

Whereas, The B–1 provides the flexibility to deter lesser levels of aggression and to provide an effective capability at those lesser levels; should deterrence fail; and

Whereas, The newest B–52 is 18 years old and needs to be replaced with a viable strategic bomber with increased capability to operate in the 1980s; now

Therefore, be it resolved, That the National Guard Association of the United States endorse and support the B–1, the USAF's Number One development program for strategic force improvement; and

Be it further resolved, That the National Guard Association of the United States immediately urge the Department of Defense and the Congress to provide adequate resources for the development and equipment of the USAF with adequate B–1 bombers to satisfy our National deterrent philosophy.

RESOLUTION NO. 7: SUBMITTED BY THE COMMITTEE ON RESOLUTIONS, RELATING TO SUPPORT OF THE IMPROVED MANNED INTERCEPTOR (IMI)

Whereas, Deterrence is a product of both offensive and defensive forces; and

Whereas, Soviet manned bomber capability continues to exist and some appraisals show an increased capability; and

Whereas, NORAD's air defenses have declined substantially during the past five years; and

Whereas, the USSR is reported to be developing a swingwing supersonic bomber and is exploiting technology from its TU–144 supersonic transport; and

Whereas, The present F–106 aircraft in the Regular Air Force and the F–101 and F–102 aircraft in the Air National Guard are obsolescent and will be incapable of adequate response against an advanced manned bomber threat; and

Whereas, If an IMI is not procured and promptly deployed the air defense capability gap will widen and U.S. defense deterrent will be further compromised; now

Therefore, be it resolved, That the National Guard Association of the United States make such representations as are necessary to the members of Congress and DoD agencies to foster the development of an Improved Manned Interceptor and procurement in appropriate numbers so that the United States Air Force will be able to maintain an assured defensive deterrent capability.

RESOLUTION NO. 8: SUBMITTED BY TEXAS, RELATING TO CONTINUATION OF THE SELECTIVE SERVICE SYSTEM

Whereas, The National Guard Association of the United States in General Conference assembled unanimously resolved to recommend continuing the Selective Service System; and

Whereas, During the National Guard Association of the United States General Conference the U.S. Senate passed a Draft Bill by a substantial majority; now

Therefore, be it resolved, That the National Guard Association of the United States commend the Congress of the United States for its passage of the Bill to continue the Selective Service System.

RESOLUTION NO. 9: SUBMITTED BY SOUTH DAKOTA, KANSAS, CALIFORNIA, MISSISSIPPI, MINNESOTA, MICHIGAN AND ALASKA, RELATING TO LEGISLATIVE INCENTIVES TO HELP MAINTAIN AUTHORIZED STRENGTH IN THE CIVILIAN COMPONENTS

Whereas, The National Guard is required to maintain mandatory strength levels; and

Whereas, The Departments of Defense, Army and Air Force have stated that high levels of mobilization-readiness will be required of the National Guard since the National defense policy is to consider the National Guard and other Reserves as the first resources for augmentation of the Active Forces in future emergencies; and

Whereas, Secretary of Defense Laird has recognized that the National Guard and other Reserve Forces must be fully supported to produce a high degree of readiness; and

Whereas, Considerable efforts are being made to reduce reliance upon the Draft, thus reducing its effectiveness as a motivation toward enlistment in the National Guard; and

Whereas, The Active Forces have been given greatly increased resources and inducements to attract voluntary enlistments and to reduce reliance upon the Draft; now

Therefore, be it resolved, That the National Guard Association of the United States strongly urge Congress and the Secretary of Defense to authorize for the National Guard and other Reserves such incentives as will be required to maintain authorized strengths during and following the transition to the zero Draft by providing as a minimum:

a. Reenlistment bonuses to encourage experienced National Guard personnel to extend their service beyond the initial six-year period;

b. Benefits in the form of annuities to survivors and dependents of National Guardsmen and Reservists who have completed 20 or more years of satisfactory service but who die before reaching the age of 60;

c. Reduction of the age at which Reserve retirement benefits payments start;

d. Proficiency pay for highly-skilled National Guardsmen and Reservists whose experience and skills are necessary to maintain the high quality of training and operations.

RESOLUTION NO. 12: SUBMITTED BY THE COMMITTEE ON RESOLUTIONS, RELATING TO AMENDMENT OF SECTION 269(E) (2) TITLE 10, UNITED STATES CODE, TO PROVIDE THAT THERE SHALL BE NO REDUCTION IN THE READY RESERVE SERVICE REQUIREMENT OF A RESERVIST UNDER THAT SECTION UNLESS HIS PERIOD OF ACTIVE DUTY (OTHER THAN FOR TRAINING) SHALL HAVE BEEN FOR AN AGGREGATE OF AT LEAST 61 DAYS

Whereas, There is an ever-increasing need for retention in the National Guard of trained and qualified members; and

Whereas, Section 269(e)(2), Title 10, United States Code, provides that except in time of war or of National emergency declared by Congress, a Reservist who is not on active duty, or who is on active duty for training, shall, upon his request, be transferred to the Standby Reserve for the rest of his term of service, if he served on active duty (other than for training) in the Armed Forces for an aggregate of less than five years, but satisfactorily participated, as determined by the Secretary concerned, in an accredited training program in the Ready Reserve for a period which, when added to his period of active duty (other than for training), totals at least five years; and

Whereas, A fair and impartial application of this statute in the case of both National Guardsmen and other reservists results in the reduction from six years to five years of the Ready Reserve service requirement of those individuals who may have served as little as one day of active duty (other than for training); and

Whereas, These reductions bring about the early release from affected National Guard units of highly-trained and qualified individuals; and

Whereas, The application of this statute in several States where large numbers of National Guardsmen were called to active duty (other than for training) for brief periods of time in connection with strikes and civil disturbances has resulted in a serious impact on the readiness of our National Guard forces; and

Whereas, The potential for other National Guard units to be ordered or called to brief periods of active duty (other than for training) in similar situations continues to exist; and

Whereas, Such an occurrence would, in light of the present provisions of Section 269 (e)(2), Title 10, U.S. Code, act to magnify an already difficult situation; now

Therefore, be it resolved, That this Association initiate action for the introduction and passage of legislation to amend Section 269 (e)(2), Title 10, U.S. Code, to provide that there shall be no reduction in the Ready Reserve service requirement of a reservist under that section unless his period of active duty (other than training) shall have been for an aggregate of at least 61 days.

RESOLUTION NO. 13: SUBMITTED BY MICHIGAN, RELATING TO RETIRED MILITARY PAY

Whereas, The disparity in the retirement pay for members of the Armed Forces retired prior to the periodical pay increases authorized for active duty members on which retirement pay is calculated for those retiring subsequent to the adoption of such active duty pay increase is cumulative and not compensated for to any appreciable degree by the so-called "cost-of-living" increases given retired military personnel; and

Whereas, This inequitable method of retirement pay computation based on the pay scale for active duty personnel in effect on the date of retirement violates a principle recognized for more than 50 years of computing the retirement pay of all retirees from the Armed Forces on the current pay scale in effect for active duty personnel regardless of the date of retirement; and

Whereas, As the buying power of the dollar shrinks, the economic status and the living standards of retired military personnel decline rapidly because of the unjust and inequitable method now in force for the computation of retirement pay, which admittedly widens the living standard gap between groups of retirees and equal years of active service and of equal rank; and

Whereas, To continue the current method of computing retirement pay inevitably results in the loss of the service of our finest military personnel at an early age because they can take up civilian employment in which retirement rates of compensation are vastly greater and are nondiscriminatory; now

Therefore, be it resolved, That the Congress of the United States of America be petitioned to enact legislation during the current 1971–72 session which will provide that retirement pay for the Armed Forces of the United States be equalized and computed on the traditional, logical and fair basis of the current pay scale for military personnel on active duty, of like grade and length of service; and

Be it further resolved, That such equalized and recomputed retirement pay for all retirees regardless of the date of retirement, include all military personnel now or in the future retired.

RESOLUTION NO. 14: SUBMITTED BY ALASKA AND ALABAMA, RELATING TO ACCUMULATION OF RETIREMENT POINTS

Whereas, The current strength situation within the National Guard of the United States calls for additional, expanded recruiting and retention programs; and

Whereas, The provision for retirement through National Guard membership is already a proven incentive to retain membership for 20 years or more; and

Whereas, There are already provisions for recognition of certain non-pay activities of Guardsmen such as correspondence courses, extra unit training assemblies and recruiting efforts by award of additional retirement points, due to a Regulation limiting accumulation of inactive duty retirement points to a maximum of 60, such extra points are wasted and without credit; and

Whereas, Any member of the National

Guard of the United States who attends 40 assemblies and receives 15 gratuitous points for being a member of the National Guard already received 63 points, three retirement points over the maximum allowable, without consideration to any extra qualifying or recruiting activities in a non-pay status; now

Therefore, be it resolved, That the National Guard Association of the United States call upon the Congress to change applicable laws concerning a maximum accumulation of inactive duty retirement points, thus allowing all individual members to accumulate for *creditable retirement* purposes *all* the points that they have duly earned by their individual efforts throughout any retirement year, not to exceed 365 points.

RESOLUTION NO. 20: SUBMITTED BY ARKANSAS, RELATING TO ELIMINATION OF PRIORITIES OF ENLISTMENTS

Whereas, At present there appears to be an attitude by a large segment of this Nation's population deprecating military service and, in addition, a general decline in patriotic fervor; and

Whereas, The present method of call to individual military service by the Selective Service System has resulted in the establishment of priorities for enlistment and extensions of enlistment in the National Guard, such priorities being established originally with a view to creating a desire by well-qualified young men to volunteer for enlistment in the National Guard to discharge their military obligation; and

Whereas, Army Regulations 135–91 requires individuals applying for initial enlistment in Reserve Component units to be accepted in accordance with priorities and procedures established therein; and

Whereas, National Guard Regulation 601–200 states that recruitment, enlistment, and extension of enlistment are the responsibilities of the several States, Commonwealth of Puerto Rico, and the District of Columbia; and

Whereas, the States are forced to remain within these strict priorities established by the Department of Defense and, therefore, cannot always take advantage of available applicants who are of more mature nature, highly-motivated and educated; and

Whereas, The Unit Commander, who has the responsibility for recruitment, enlistment and high level of mission performance of his unit, is presently denied the prerogative of exercising his best judgment of an applicant's military skill aptitudes, educational qualification, geographical location and motivation, and in consequence a significant number of poorly-motivated and qualified individuals have been enlisted; now

Therefore, be it resolved, That the National Guard Bureau be requested to urge and take any and all necessary support action for removal of the present priorities of enlistment.

RESOLUTION NO. 21: SUBMITTED BY ALASKA, RELATING TO VETERANS' ADMINISTRATION HOSPITAL CARE

Whereas, The National Guard Association of the United States is a Nationally-organized component for the National defense, and is recognized as such in peace and in war; and

Whereas, The members are vitally interested in the well-being and care of the men and women in our Armed Forces and do owe a debt of gratitude and responsibility to those wounded in action; now

Therefore, be it resolved, That the National Guard Association of the United States urge the Congress to appropriate the necessary funds to up-grade and to provide more adequate care to the men and women in our Veterans Administration Hospitals.

RESOLUTION NO. 23: SUBMITTED BY GEORGIA AND VIRGINIA, RELATING TO LOW INTEREST LOANS TO STUDENTS AS A MEANS OF RECRUITING AND RETENTION

Whereas, The National Guard Association of the United States is vitally interested in resolving the growing problems of recruiting and retaining individuals of high quality in the Army and Air National Guard; and

Whereas, With the advent of the all-volunteer concept and the zero Draft the National Guard will be confronted with the enormous problems of recruiting and retention of qualified personnel; and

Whereas, Various methods of inducement for reenlistment, including a cash bonus, are under consideration; and

Whereas, A program is needed which promotes both enlistment and retention; now

Therefore, be it resolved, That the National Guard Association of the United States does hereby recommend, as a means of recruiting and retaining quality personnel in the Army and Air National Guard, that the Congress provide funds for the National Guard Bureau to develop a program which provides for low-interest educational loans to be made to students who enlist in the Army and Air National Guard, which loan and accrued interest would be due at the end of the initial period of enlistment; and which further would provide that a portion of the outstanding loan and accrued interest would be waived or written-off subsequent acts of reenlistment.

RESOLUTION NO. 27: SUBMITTED BY COLORADO, RELATING TO RETIREMENT POINTS AND OTHER BENEFITS WHILE HOSPITALIZED CAUSED FROM INJURY IN LINE OF DUTY

Whereas, Present Regulations contained in AFR 168–1 and NGR 40–3 do provide for hospitalization and other medical benefits for National Guard members who incur injury or disease in line of duty while on active duty or Active Duty for Training (IAW 32 U.S.C. 502(f), 503, 504, 505 or 316) and National Guard members injured in line of duty while on inactive duty training (IAW 32 U.S.C. 502); and

Whereas, Present Regulations in paragraph 80341, paragraph eight, DoD Military Pay and Allowances Entitlements Manual, provide for pay and allowances (IAW 10 U.S.C. 3687 and 8687 and 37 U.S.C. 204); and

Whereas, NGR 640–1 and ANGM 35–7 allow credit or points to be awarded reservists only for period of hospitalization covered under original active duty orders (IAW 10 U.S.C. 1001, 1002, 1331–37); and

Whereas, Under present law National Guardsmen who are injured or contact disease in line of duty are not entitled to retirement points and certain other benefits following expiration of the training period,

Therefore, be it resolved, That the National Guard Association of the United States be requested to seek enactment of the necessary legislation to assure that members of the National Guard and other reserve components, their dependents and beneficiaries, of all benefits they would be entitled to receive while such member was on active duty, during the period of hospitalization for an injury or disease incurred or contracted in line of duty.

RESOLUTION NO. 30: SUBMITTED BY OHIO, RELATIVE TO MODERNIZATION OF THE AIR NATIONAL GUARD

Whereas, The Reserve Forces now bear increased responsibilities for the security of the United States and its mutual security allies—said responsibilities deriving from revised DoD policy as announced by the Secretary of Defense in August, 1970; and

Whereas, These increased responsibilities thrust elements of the Air National Guard into new prominence, demanding unprecedented readiness for World-wide response with capabilities heretofore characteristic of Active United States Air Force elements only; and

Whereas, Those capabilities which are required dictate weapon system equippage and support compatible with that of United States and allied nation's modernized air forces; and

Whereas, Present and programmed Air National Guard weapon systems are characterized by serious obsolescence as attested to by United States Air Force justifications for their retirement from Active Force inventories; and

Whereas, No weapon system has yet been procured for the specific purpose of modernizing Air National Guard combatant elements despite the acknowledged need and despite the past and continuing programs of grant assistance for the modernization of combatant forces of allied nations; and

Whereas, Failure to program immediately the orderly modernization of Air National Guard weapon systems will result in degradation of the total Defense capability as reduction in Active Forces proceeds, predicated, upon the viability of Reserve Forces, and produces unrealistic burdens upon voluntary Reserve Force personnel who may face an enemy while equipped with inferior systems; and

Therefore be it resolved, That the National Guard Association of the United States make such representations as are necessary to the members of Congress and DoD to develop a program of modernization for Air National Guard combatant elements comparable to that previously undertaken and presently continuing to modernize the air forces of grant aid recipient nations.

THE PRESIDENT'S TAX PROPOSAL

Mr. BYRD of Virginia. It is my desire to support the President's economic program.

I applaud his address to the Nation on August 15.

I approve the temporary surtax on imports; I believe the wage-price freeze was justified; cutting the Nation loose from gold was necessary for the simple reason that our gold stock is now only $10 billion, yet we have liquid liabilities to foreigners totaling $46 billion.

So all of this, I feel, was sound.

Now we come to the President's tax proposal embodied in H.R. 10947. As amended by the Senate, it would reduce annual revenues by $14 billion.

I favor most of the proposals incorporated in H.R. 10947.

However, I have not yet been able to convince myself that it is wise or sound or logical to reduce revenues by such an amount, at a time when the Government is running Federal funds deficits of $30 to $35 billion.

The three big items—insofar as loss to the Treasury is concerned—are the 7-percent job development credit, the increase in personal exemptions and repeal of the excise tax on automobiles, the latter creating a loss of $2.5 billion.

First, the job development credit. This is the same as the 7-percent investment tax credit first enacted in 1962. President Johnson recommended its suspension in the fall of 1966. I opposed this, as I felt the credit had been helpful in stimulating capital investment and thus creating new jobs. President Johnson's view prevailed—but 6 months later he reversed himself and asked the Congress to reinstate the investment tax credit, which the Congress did.

Then in 1969, President Nixon asked that it be repealed. Again the Congress agreed. Now the President wants it reinstated under a new name. I feel there is a great deal of merit in this proposal as a job stimulant.

With reference to the tax cut for individuals to be achieved by increasing personal exemptions, this will diminish the revenue of the Government by a great deal but will mean very little to the individual citizen.

Now, where does this tax package leave the Government insofar as tax revenues are concerned?

For the current year, revenues would be reduced by $14.2 billion; next year the revenue loss would be $14.8 billion.

The Government already is running a smashing Federal funds deficit. These reductions in revenue will add to the deficit.

Deficit spending by the Federal Government is a major cause—if not the major cause—of the inflation the Nation is experiencing today. And it is to control inflation that President Nixon has put into effect wage and price controls.

If there were any real likelihood of a reduction in expenditures, a reduction in taxes would be highly desirable.

But I do not see much indication that either the Congress or the administration is prepared to reduce spending. In fact, the administration urged the Congress to increase the amount appropriated for foreign aid from $1.9 billion in 1970 to $3.5 billion for 1972—almost double; it is urging Congress to enact a new $1.5 billion program dealing with school desegregation; and, worst of all, it is strongly urging the Congress to approve a new welfare proposal that would increase the annual cost at least $5.5 billion.

The President submitted a budget badly out of balance—and the Congress added to the imbalance.

So a reasonable reduction in Federal spending does not now seem apparent.

Again, I say that I approve many of the proposals incorporated in H.R. 10947.

But is it sound to reduce annual revenues by $14 billion at a time when the Federal Government is running smashing deficits, which deficits are highly inflationary?

The Federal funds deficit for fiscal 1971 was $30 billion; the Joint Committee on Internal Revenue Taxation estimates the 1972 Federal funds deficit will be $35 billion.

In a letter to me dated October 13, 1971, John S. Nolan, Deputy Assistant Secretary of the Treasury, puts the revenue loss—prior to Senate amendments—as follows:

	Calendar Year	
	1972	1973
1969 Reform Act:		
Individuals	−$7.5	−$10.2
Corporations	+3.9	+4.0
Net effect, 1969 act	−3.6	−6.2
ADR regulations (before change by H.R. 10947):		
Individuals	−.7	−.8
Corporations	−2.7	−3.2
Net effect, ADR	−3.4	−4.0
H.R. 10947:		
Individuals	−5.9	−3.6
Corporations	−1.9	−2.3
Net effect, H.R. 10947	−7.8	−5.9
Total	−14.8	−16.0

Of this total, the revenue loss from H.R. 10947, including ADR is $14.8 billion minus $3.6 billion—from 1969 act—or $11.2 billion for 1972; and $16 billion minus $6.2 billion—from 1969 act—for 1973—or $9.8 billion.

To the figures cited above must be added the action of the Senate which further reduced revenues by $3 billion for fiscal year 1972 and by $5 billion in fiscal year 1973.

Thus, the revenue loss from H.R. 10947 will total $14.2 billion for 1972 and $14.8 billion for 1973.

It is this revenue loss at a time of heavy deficits that causes me deep concern—and for this reason I must vote against H.R. 10947.

A table with pertinent figures showing the heavy deficits incurred by the Federal Government is as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1953-72 INCLUSIVE

[In billions]

	Receipts	Outlays	Surplus (+) or deficit (−)
Year:			
1953	$64.7	$74.1	−$9.4
1954	64.4	67.5	−3.1
1955	60.2	64.4	−4.2
1956	67.9	66.2	+1.7
1957	70.6	69.0	+1.6
1958	68.6	71.4	−2.8
1959	67.9	80.3	−12.4
1960	77.8	76.5	+1.3
1961	77.7	81.5	−3.8
1962	81.4	87.8	−6.4
1963	83.6	90.1	−6.5
1964	87.2	95.8	−8.6
1965	90.9	94.8	−3.9
1966	101.4	106.5	−5.1
1967	111.8	126.8	−15.0
1968	114.7	143.1	−28.4
1969	143.3	148.8	−5.5
1970	143.2	156.3	−13.1
1971	133.6	163.8	−30.2
1972[1]	143.0	178.0	−35.0
20-year total	1,853.9	2,042.7	188.8

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

THE SURTAX ON IMPORTS SHOULD BE ELIMINATED FOR MEXICO

Mr. TOWER, Mr. President, U.S. foreign policy is going through a time of change. This is as true of the Nixon doctrine as it is of the recent actions of the Senate on foreign aid. The time has come for the United States to rethink its basic relationships with all its trading partners to reflect more realistically the changes in our economy and financial relationships that have evolved since the war.

President Nixon took basic steps on August 15 to attack our economic problems at home and to redress the imbalance in our international economic position. As a very necessary part of these actions, the United States placed a 10-percent surtax on the import of goods not covered under quotas or voluntary agreements. This was designed to protect our balance of payments during the transitional period while the realinment of exchange rates was taking place.

The time has now come, however, for our Government to consider the consequences of the import surtax on our imports from Latin American countries, particularly Mexico, in order that our own economic progress and that of our partners will not be delayed. In keeping with a basic tenet of postwar economic relations, the United States imposed the surtax on a nondiscriminatory basis for all countries. One result has been that the developing countries, while attempting to industrialize, have found that their new industries, which export to our market, have been hurt.

The import surtax is a temporary measure to alleviate pressure on our balance of payments. However, with Latin America our balance-of-payments position has traditionally been in surplus. The surtax has already been in place long enough that its impact is becoming substantial. Our Latin American friends are hit hard by this. They trade with us more than other developing countries and depend on our plant and equipment exports more for development. The Latin Americans have not received the preferential access that certain developed countries have granted some other developing countries on a discriminatory basis. The additional duty may be necessary as a means of achieving fundamental equilibrium with those developed countries whose exchange rates need to be realined, and who restrict U.S. exports entering their markets. It serves no such purpose with our allies in Latin America. It is true that many of the products of developing countries are exempted. But those that remain are essential to economic growth. Mexico is among those hardest hit by the surcharge. And although the surcharge affects only a small portion of the total exports of the other Latin American countries, it hits the exports which have a potential for expansion hardest. These account for 23 percent of Latin America's total exports. Its application to manufactures limits the growth potential of these countries by restricting their ability to diversify and expand their exports. In short, for many countries, the surcharge imposes an import constraint on their ability to develop and increases their need for external assistance, at the very time when the trend is toward lower levels of assistance. For countries with already serious unemployment and other problems, the reduction in export potential will serve only to aggravate these difficulties, with attendant political consequences.

The import surcharge is fundamentally inflationary for the United States. Under it, the prices of imports can rise. This is not compatible with the price freeze or the President's valiant efforts to stem the tide of inflation. It is therefore in our own interest to limit the application of the surcharge to the extent that it has limitations compatible with our other objectives.

We buy one-eighth of our imports from Latin America, just as they sell 35 percent of their exports in the United States. I might add that we sell 13 percent of our exports in Latin America and that they buy nearly half of their imports here. We are wedded body and soul to Latin America through international trade.

I realize that lifting the surtax for all of Latin America would not necessarily serve the best interest of the United

States. Exempting certain countries may cause a reaction from those whose exports remain affected. We must also consider barriers both to our exports and unfair action against our investments. Perhaps a better way would be to lift it selectively on certain major products which would benefit those countries which have the closest financial and economic ties with the United States.

Clearly the strongest case for lifting would be for our good neighbor and closest friend in Latin America—the Mexican Government and people. The long ties of friendship between our two nations have been increasingly strengthened during recent years and I believe that good relations with our closest neighbor is most desirable. Mexico purchases on the average close to $300 million more from us than we buy from her and, in general, treats our investments no differently from those of its own people.

I do not mean to imply that the United States should not, however, examine how we can dismantle existing barriers to flows of trade and capital and improve the level of all our people. The United States should be keenly interested in lowering the trade barriers with the Latin American nations. If other nations of the world insist upon forming blocs which are inward-looking instead of outward-looking, erecting more and more difficulties for the free flow of goods and capital, then perhaps it is time for the United States to stop being the only country interested in such a system and concentrate on building up closer trading relations with our neighbors both to the north and to the south.

I suggest that our Government consider very seriously lifting the surcharge on Mexican exports to the United States, and that of good friends to the south would not be postponed.

Accordingly, I am requesting Secretary of the Treasury Connally to consider taking this action, and I am also requesting Secretary of State Rogers to consider discussions with the Mexican Government regarding possible reinstatement of their duty-free personal import practices in conjunction with any action the United States might take to remove the 10-percent surcharge.

Mr. President, I ask unanimous consent that the text of my letters to Secretary Connally and Secretary Rogers be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Armed Services,
Washington, D.C., November 17, 1971.
Hon. John B. Connally,
Secretary of the Treasury,
Washington, D.C.

Dear John: The 10% tariff surcharge imposed by the President in August was a necessary step to help restore some balance to our deteriorating trade situation and to serve notice to our trading partners that the United States is being seriously injured by foreign trade barriers and undervalued foreign currencies and would like to see progress made in reducing these barriers to fair trade.

However, there are countries which have been adversely affected by the 10% tariff surcharge which have not contributed to our balance of payments problems and for which consideration ought to be given as to possible recision of the surcharge. In particular the surcharge has now been in effect long enough that it has deeply affected Mexico, one of our best trading partners, which depends very heavily upon exporting its products to us and upon importing our plants and equipment for its further economic growth. The long ties of friendship between our two nations have been increasingly strengthened in the recent years and I would like to see continuation of those good relations. We have a $300 million surplus in trade with Mexico yearly, and in view of these facts I believe it would be very appropriate to dismantle the 10% tariff surcharge as it regards Mexico.

As a former Governor of the State of Texas, you are particularly familiar with the nature of the border economy along the U.S.-Mexico border, and are therefore particularly well qualified to assess the impact of this surcharge upon the economy of our own border areas. Since Mexican export earnings have dropped off due to the surcharge and consequently reduced export volume, Mexican bulk and retail purchases from the Texas border area have dropped off substantially, leading to considerably reduced economic activity in these normally high unemployment areas. This reduction in Texas economic activity is even further enlarged because the Mexican government, presumably to help offset its loss of export earnings, has clamped down on duty free personal imports into Mexico from the U.S., thereby greatly restricting retail sales on the U.S. side of the border.

Therefore, in addition to requesting you to consider recision of the tariff surcharge as it affects Mexico, I am also requesting Secretary Rogers to discuss with Mexican officials the possibility of a contemporaneous relaxing of the Mexican tariff policies if the U.S. should take action to rescind the tariff surcharge on Mexican goods. The combination of these two actions would greatly alleviate the economic hardship on the U.S. border area and on the Mexican economy as well.

I hope that you will review this aspect of our trade situation and consider the possible recision of our tariff surcharge as it relates to Mexico, both for our own vital economic interests as well as for those of our good friend and neighbor, the Republic of Mexico.

Sincerely yours,

John Tower.

U.S. Senate,
Committee on Armed Services,
Washington, D.C., November 17, 1971.
Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Bill: By letter to the Secretary of the Treasury, a copy of which is enclosed, I am requesting that consideration be given by the Administration to the recision of the 10% tariff surcharge as it applies to the Republic of Mexico, due to the economic injury that it is causing both Mexico and the United States.

Due apparently to the impact of the American surcharge on Mexican export sales, the Mexican government has clamped down on duty free personal imports into Mexico, thereby greatly restricting retail sales on the U.S. side of the border. This development, coupled with the adverse effect generally on U.S. exports to Mexico due to the reduction in their import earnings, has led to a substantial decline in economic activity along the Texas border, and presumably along the remainder of the U.S.-Mexico border.

In view of the economic advantages to Mexico that would accompany the recision of the U.S. surcharge, I would request that the State Department, in coordination with the Treasury Department, consider discussing with the Mexican government the possibility of relaxation of Mexican tariff policies to accompany any favorable U.S. action in regard to removal of the tariff surcharge as it affects Mexico. The combination of these two actions would greatly alleviate the economic hardship which has affected the U.S. border area and the Mexican economy due to the imposition of our surcharge.

I would greatly appreciate your favorable consideration of this request and I urge your review of this situation at the earliest possible time.

John Tower.

WILL THIS NATION BE A SORE LOSER?

Mr. BAYH. Mr. President, the proverbial illustration of a bad loser is the fellow who, when his team is behind, takes the game ball and goes home. The story is related with scorn for the sore loser.

Regrettably, there are those in this country who are acting like sore losers in response to the defeat of our effort to preserve a General Assembly seat for Taiwan in the U.N. Some have suggested outright U.S. withdrawal from the U.N. and others have proposed major cutbacks in U.S. payments to the world body.

It would be unwise to cut deeply into U.S. payments to U.N. programs—although some adjustment in our extremely high contribution is in order. It would be totally counterproductive to withdraw from the United Nations at a time when our foreign relations are in such disarray and when the U.N. is itself about to take on even greater importance. It serves our interests to stay put.

One of the most important reasons why we must not leave the U.N. is that it would facilitate a takeover of the U.N.'s many important programs by forces diametrically opposed to the principles and goals to which we have been committed for almost 200 years. Our withdrawal from the U.N. would not kill the world body—it would instead give life to a potentially serious anti-American world force. Perhaps the greatest argument for continuing our U.N. membership is that a U.S. withdrawal would be welcome in Moscow and Peking. Why play into the hands of those totalitarian forces?

While I can see no viable course of action but to continue as an active member of the world body, I am convinced that certain alterations in the relationship between the United States and the U.N. are in order.

This is why I cosponsored the resolution introduced by the senior Senator from California (Mr. Cranston) requesting the President to initiate efforts for a broad review of the United Nations Charter. Such a step is consistent with the provisions of the original U.N. Charter to permit periodic modernization of organization procedures.

A revised charter could make more equitable arrangements for funding the U.N.'s regular operating budget and its voluntary programs such as UNICEF and the World Health Organization. Another item that could be subject to review is whether some form of weighted voting should be instituted, giving additional votes to more populous nations and those that pay the highest proportions of the budget.

While I see a continued role for the

United States within the United Nations, I can understand the need for that role to be revised and the excellent suggestion of the Senator from California is a worthwhile step in that direction.

There have been other recent events which reflect the need for adjusting relations between this Nation and the U.N.

The United States is now paying 31.5 percent of the regular operating budget of the U.N.—a figure found too high by the President's Commission for the Observance of the 25th Anniversary of the United Nations. The Senate wisely approved an amendment urging the President to take the first steps to bring the U.S. contribution for regular operating expenses down to no more than 25 percent.

The Senate also accepted an amendment which would give the Foreign Relations Committee authority to review the U.S. spending for the U.N. on an annual basis. Heretofore this has been done every second or third year, thereby diluting congressional review of U.N. expenditures.

While the Senate is obviously willing to give much closer scrutiny to our spending in the United Nations we cannot forget that almost 60 percent of what we spend in the world body is for voluntary, humanitarian programs. This money goes for medical supplies, food for children, development assistance, and other programs consistent with the fundamental precepts of this Nation. When the issue is giving a minimum diet to hungry kids or healing the wounds of natural disaster this country has never flinched from its rightful responsibilities.

Mr. President, unless this country is willing to abdicate its major role in world affairs—something I hope we will never do—we cannot leave the United Nations. But we can and we should set as a constant goal equitable treatment in the world body.

We may have lost a vote. I only hope this Nation is not going to yield to impulsive forces which would make us a sore loser.

ABANDONED AND ORPHANED CHILDREN OF VIETNAM

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Kansas City Times concerning legislation (S. 2479) coauthored by Senators HARRISON WILLIAMS, HAROLD HUGHES, and myself, along with 13 cosponsors, to care for abandoned and orphaned children of Vietnam.

It is our hope that hearings on this legislation will be held after the first of the year. Unsolicited support is pouring in from all parts of the country, and it is my feeling that once the American people become completely aware of the tremendous need to rehabilitate the lives of these youngsters they will insist that the Congress fund legislation such as S. 2479.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Kansas City Times, Nov. 11, 1971]

CLEAR U.S. OBLIGATION TO THE CHILDREN OF A WAR

When the bombs stop falling and the armies quit the field, all of the victims of war are not in the cemeteries. Many more survive—but with their bodies or their lives disfigured—and the most tragic among these are the children, who must endure the consequences of wiser men's crusades.

For the children of South Vietnam, the outlook at the moment is unrelievedly bleak. It has been estimated that nearly one-third of a million have lost one or both parents. Thousands more have been left maimed. An uncertain number, probably in the range of 10,000 to 15,000, are "war babies" in the truest sense—children of mixed parentage fathered by American servicemen. Some 25,000 Vietnamese youngsters in all categories are being cared for in undersupported institutions.

Studies by U.S. voluntary agencies have pointed up the regrettable conditions in many of these institutions. Health services are negligible, with mortality of children entering some orphanages exceeding 50 per cent. Often no education, even at the elementary level, is available. Children with at least one parent or relative to cling to probably fare generally better. But for those with black GI fathers especially, a life of lonely rejection awaits.

The question now is what responsibility the United States is prepared to take for these children—not just the ones its soldiers produced but for all the Vietnamese and half-Vietnamese youngsters that war has left behind. Concern is amply justified because the U.S. record in its previous conflicts has not been glittering. Private agencies operating with donated funds have helped as they could, but in Europe, in Japan, in Korea there was never formal acknowledgement of direct national responsibility for this consequence of war.

In Vietnam, again, the scale of the problem is beyond the capabilities of the private agencies, however welcome their contributions may be. The American troop presence is rapidly being scaled down, and with it, as a result, the voluntary assistance that has come from concerned servicemen themselves. The Vietnamese Ministry of Social Welfare is neither organizationally prepared nor sufficiently well-funded to take on the burden. International adoptions address only a fraction of the problem.

The prognosis is all too clear: The direct U.S. involvement in South Vietnam will end, the agony of the conflict will be put out of mind and no one will want to think of it again. In any case, given a few years, these children either will die or will grow into young adults and their appeal—whatever their need—will be less touching.

In short, it is soon or never for a plain declaration of national intent in this matter.

Legislation has been introduced in the U.S. Senate calling for the creation of a Vietnam Children's Care Agency, publicly funded, to address this tragic situation. The proposed agency would not supplant private programs or the efforts of international organizations, but would supplement them at whatever level of support was necessary to see that the clear moral obligation is met.

That the United States Congress could fail to act on the measure or the administration to vigorously support it, despite their shared distaste for anything about this war except its speedy end, is unthinkable. Some Vietnamese children are suffering wholly because the U.S. went to war there; some partly because of it. But they are suffering. That is beyond debate.

When it comes to adding up the moral equities of this episode in American foreign policy, the question of whether the U.S. responded decently or shabbily to its obligation to the war's young victims will be germane to the calculation.

TRAGEDY IN ULSTER—V—BRITAIN'S VIETNAM

Mr. KENNEDY. Mr. President, the New York Post of November 9, 1971, contains an excellent column written by Pete Hamill, describing his view of the recent violence in Belfast and the current situation in Northern Ireland. At several places in his column, Mr. Hamill draws an analogy between Britain's experience in Ulster and the American tragedy in Vietnam. In the column, Mr. Hamill also describes the cruelty of the internment policy, the violence in the concentration camps where the internees are held, and the bias with which the British Army favors the Protestant majority at the expense of the Catholic minority in Ulster.

Mr. President, I ask unanimous consent that Mr. Hamill's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIVIL WAR

(By Pete Hamill)

BELFAST.—The city of Belfast is gradually becoming a ruin. Every night, the bombs explode, the houses collapse, and in the morning the men from the scrap dealers poke their way through the wreckage, looking for remainders. Blocks of houses have ugly gashes in their faces; boards cover the holes where downtown stores once stood. The civil war here—and it can be called nothing else now—is destroying the city; some blocks look like continental Europe at the end of the Second World War; and the only prospect at this point is for more and more destruction.

The British government is muddled and unsure about how to deal with the civil war in the North of Ireland. Most English politicians, and some important military men, understand that the war cannot be ended by force, not unless they are willing to kill 500,000 Catholics in the name of the 1,000,000-strong Protestant majority. And yet we see again the inexorable logic that led Americans to disaster in Vietnam: three British soldiers are machine gunned by the guerrillas of the IRA; the Army denounces the IRA soldiers as cowardly murderers and sends in 2000 more troops.

Lies are piled upon lies, as Northern Ireland Prime Minister Brian Faulkner appears on television to announce that the IRA are being beaten, or the Army announces that the tide has turned. They are about due for their first speech about the light at the end of the tunnel and when the speech is over there will still be men waiting in the alleys of Belfast with machine guns.

"They think they can win this with statements to the press," one Irish journalist said. "They had 50 years to work it out some other way, but they don't do that, so now they are trying to do it with lies."

In the weeks since I was last here the situation has gotten much worse. The major move of the Faulkner government this year has been the policy of internment, which Faulkner claimed had broken the back of the IRA. Under the Special Powers Act, Irishmen, like the Jews of Hitler's time, can be held without charge, apparently forever. One of the main concentration camps is located just outside of Belfast and is called Long Kesh. (Is it one further irony that America's biggest jail in Vietnam is called Long

Binh?) The camp is run by the Northern Ireland government and protected on the outside by the British Army.

Two weeks ago there was a revolt in the camp; the British Army came in, put down the revolt, and five Irish prisoners were taken to the hospital. The revolt, it was learned later, was triggered in part by news that the wife of one of the prisoners had been shot by a British soldier.

"As a result of the disturbance five men were taken to Musgrave Park Hospital," the Northern Ireland government said, "but they will be returning to the camp within the next few days. None of them are suffering from anything more serious than minor lacerations and bruising." Among those with "minor lacerations and bruising" was a man who had both arms broken.

But Long Kesh is only a symbol of the incompetence of the Northern Ireland rump government at Stormont; for each of the men it has interned (about 450 at this writing), it has probably created another 100 IRA men. If the government locks up your uncle, it does not take much of the dark night of the soul to decide which side of the fight you are on. And every night the bombs go off; the British Army does not look safe anywhere, as highly efficient IRA sniper teams strike from ambush and as off-duty British soldiers go back to base from the pubs and are machine-gunned in civilian clothes.

The British Army was at first welcomed in 1969 by the Catholic population in Northern Ireland, many of whom had read a lot about British fair play and justice, and who hoped that the Army would protect them from the Protestant extremists who were trying to kill them. Those extremists were acting with the protection and encouragement of the Orange Order, who have used religion to keep the Protestant majority in full retaliatory classes apart for a century now.

But the British Army soon made clear what side it was on. As far as I can find out, there has never been an arms search in a Protestant area of Northern Ireland, although the government knows that the Protestants have about 300,000 guns, far more than the IRA. The British Army did not, as far as I can determine, place any Protestant extremists in internment camps. The Catholic population justifiably sees the British Army as an instrument of the Northern Ireland government, whose major task is the disarming of the Catholic population, which would then lead to the unleashing of the Protestant majority in full retaliatory fury. Thanks to the British Army, the IRA now swim like fish through water, and the prospects are only for more and more blood.

STRENGTH PROBLEMS FACING NATIONAL GUARD AND RESERVES WHEN DRAFT EXPIRES

Mr. THURMOND. Mr. President, the dangers facing the National Guard and the Reserves as regards minimum strength levels once the draft expires are well expressed by Maj. Gen. Francis S. Greenlief in the November 8, 1971, issue of U.S. News & World Report.

The present strength of the National Guard and Reserves rests upon the fact that the majority of enlistments resulted from the pressure of the draft. Once the draft expires in June of 1973, the Guard and Reserves will face serious strength problems.

Mr. President, I have introduced a number of bills to make the Guard and Reserves more attractive for this day of reckoning in 1973.

The U.S. News & World Report article indicates that the crunch in maintaining a strong Guard and Reserve will undoubtedly come in 1973, when the draft expires. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Without a Draft—Can National Guard Survive?

(Note.—Guard units were overrun with volunteers when the draft was hot. It's different now. Some wonder how long the Guard can operate, if today's trends go on.)

In city halls and State capitols across the country, officials are worrying over this fact:

Figures now in show that the flow of recruits to National Guard units slowed to a standstill during the past summer, when drafting was suspended for three months.

To these officials, that experience raises a real question of whether the National Guard, as presently constituted, can survive without a draft—either as an incentive to "volunteers" seeking an alternative to Army duty, or as a direct provider of Guard manpower.

The basic problem is this—

Of the nearly half a million young men presently serving part-time in the National Guard, surveys show between 80 and 90 per cent entered the Guard only because of the threat of being drafted for the Army.

Now that threat is being lifted. Draft calls this autumn are low and the Nixon Administration has firm plans to end inductions completely by mid-1973.

"ESCAPE HATCH" CLOSES

On October 27, the Pentagon dealt the Guard another blow by directing that draft-eligible 19-year-olds could no longer be enlisted in National Guard units if any older or younger youths are available. This places young men of prime draft age in the lowest enlistment priority, according to Dr. Theodore C. Marrs, Deputy Assistant Secretary of Defense for Reserve Affairs, and is aimed at closing the Guard as an "escape hatch" for men about to be drafted.

Defense officials also ordered the Guard on October 27 to double the number of blacks in its ranks, with a goal of 11,964 Negro Guardsmen within the next year. This adds to the Guard's recruiting problems.

As a realistic indication of what probably will happen to the National Guard without the incentive of the draft, the chart on this page shows how overall strength of the Army and Air National Guard declined abruptly during the no-induction summer months.

Even more significant is the fact that the long waiting lists maintained by most Guard units since 1965 often have melted away during this period. On a national basis, Guard headquarters estimates that names on waiting lists for the Army Guard have dropped from about 55,000 to under 16,000, and Air Guard lists from 25,000 to 15,000, since last Spring.

LOSS OF PROTECTION

Behind the growing concern of mayors and governors is this: The Guard is their main protection when destructive mob action threatens to overwhelm local police. Tens of thousands of National Guardsmen were called up last year, for example, to quell 92 "civil disturbances" in 31 States. In other cases, Guard unit alerts stopped potential riots from developing.

In the same year, thousands of Guardsmen also were summoned to help cope with more than 90 floods and other disasters. No State has a police force big enough to handle emergencies of this kind.

The present Guard also is slated to be called up immediately to federal military duty if the U.S. becomes involved in another "Vietnam" war. So the Pentagon has a stake, too, in the Guard's manpower troubles.

Maj. Gen. Francis S. Greenlief, the chief of the National Guard, says the situation has become serious. He gives his views on what needs to be done about it in an exclusive interview starting on page 62.

A colonel in Guard headquarters in Washington gave this candid analysis:

"The meat of the problem is that the same type of men who were smart enough to figure that joining the Guard was best for them during the period of high draft calls are smart enough to see that draft calls are going down and their chances of being drafted are rapidly declining.

"This means the Guard must add other incentives, or face an inevitable decline in strength around the country."

A survey made by "U.S. News & World Report" correspondents points up the Guard's problems and prospects at this time.

AN ALARMING TREND

What has happened to the rolls of California's Army National Guard units is fairly typical. Their strength declined during the summer from 98.4 per cent of the authorized level of 22,000 men to 91.7 per cent now, probably the lowest level in 10 years.

"The drop certainly indicates we have problems facing us," says an officer at State headquarters in Sacramento. "The situation is by no means hopeless, but it shows an alarming trend.

"Without the draft, we must have new incentives to enlist young men, and something more in the way of re-enlistment bonuses to retain trained people."

Waiting lists appear to be vanishing in area after area, Brig. Gen. William U. Ogletree, assistant adjutant-general of the Maryland Guard, put it this way:

"We're still getting recruits. They're coming in. But the waiting lists we enjoyed when the Vietnam conflict was at its height have disappeared.

"During the Vietnam war, every one of our units had waiting lists—some with 100 or more men waiting to get in, some less. But no longer."

In Dallas, the 72nd Infantry Brigade reports that its entire waiting list was exhausted about a month ago. Said Col. James H. McKnight, "it's getting tougher to recruit new people, as a result."

This Texas unit, like many across the U.S., expects to face a manpower crisis in the months just ahead when the present six-year enlistments expire for an unusually large number of Guardsmen, recruited at the height of the Vietnam build-up in 1965. A fourth of the Brigade's current strength is involved.

DOWN 900 IN NEW JERSEY

The drop in Guard strength in New Jersey already has brought that State's units down to 13,100 men, 900 below the authorized 14,000. Brig. Gen. Wilbert Allen, deputy chief of staff, commented:

"The rate at which we are going down in strength is not alarming, but it is significant because of the continued downward trend. A year ago, we had a large number of people waiting to get in. Now we do not."

Efforts are being made in New York, and in many other States, to improve the conditions under which Guardsmen serve, in a campaign to induce more men to stay in.

"We don't know yet how much of a problem we're going to have," said Lt. Col. Raymond Joyce, Jr., at New York State headquarters. "The concern obviously is caused by the threat of the discontinuance of Selective Service. If that is discontinued, the inducement for many young men to join the National Guard will no longer exist."

NONURBAN AREAS IN TROUBLE

Biggest declines in Guard rolls during the summer appeared often, but not always, in small towns across the country. In Ohio, for example, new vacancies were reported to be concentrated in the smaller, rural units, with waiting lists still existing in the urban areas.

In northern California, too, Brig. Gen. James T. Keltner, commander of a Guard brigade, said: "We are not having as great a problem in recruiting in the metropolitan areas as we do in the small towns. There are a lot of students in the metropolitan areas, which makes it easier.

It is college students, in fact, who are the big hope of many Guard officials, at least as a short-run answer to their problems. They reason that, with college deferments being phased out under the draft law passed by Congress in late September, undergraduate students will soon be coming to the Guard as a means of guaranteed deferment from even a small draft during their college days. At present, upperclassmen retain their student deferments, but this year's freshmen do not.

In the case of the Texas Guard's 71st Airborne Brigade, Lt. Col. Jack Fisher reports in Houston that most of its recent volunteers, except for returning veterans, are college students with low draft-lottery numbers.

"Because we are airborne, we usually have openings, and some of the students who are now facing the draft prefer jumping out of airplanes to Vietnam," he said.

CONSIDERED ANTIBLACK

Special efforts have been made in recent months to recruit Negroes into the nearly all-white National Guard, even before a Pentagon directive on October 27 calling for a doubling of black enlistments. But efforts thus far have produced meager results. Capt. Ed Wheeler, an intelligence officer in the Oklahoma Guard's 45th "Thunderbird" division, explained it as follows:

"The big difficulty in recruiting blacks is that the Guard is considered anti-black as a result of riot duty in ghetto areas of big cities. The black Guardsman feels the same sort of pressure from the black community that a black policeman feels."

Riot duty itself is considered a major handicap to recruiting for the Guard in many areas, though not in all.

"No one likes to go out on riots," said Maj. Gen. Donald N. Anderson, commander of the Oregon National Guard, but he added that he does not see riot duty as a big deterrent to volunteering in Oregon. In that State's last major confrontation with disorders, he points out, only a dozen of the 5,000 Guardsmen called up said they would prefer KP or some other nonriot duty.

At Marietta, Ga., 1st Lt. Richard Riggs stated flatly that riot duty scares away many potential Guardsmen and spurs dropouts from the Guard.

"I've lost some of the better people in my unit because of the possibility of riot duty," he said, adding that other Guard units in the metropolitan Atlanta area have had similar experiences.

On the other hand, a senior colonel in the Georgia Guard declared that "a feeling of protecting your community" makes the prospect of riot assignments an attraction of today's Guard, rather than a disadvantage. "The men want to be able to have a gun in their hands" when trouble erupts, he observed.

Everywhere, Guard units now are stepping up their recruiting efforts, as manpower problems grow. Brig. Gen. John R. Phipps, assistant adjutant-general of the Illinois National Guard, made this typical comment:

"We're trying to regear ourselves to the recruiting game we haven't had to play since before the Korean War."

A 28-year veteran of the Guard, Chief Warrant Officer Aloysius G. Zappassodi, of the 56th Brigade in Philadelphia, adds this point:

"People don't join the National Guard because they love it. We get 1 veteran out of 50. I've only seen one veteran of the Korean conflict join up since 1959. If Congress ever ends the draft, the Guard will be in serious trouble."

WHEN DRAFT CALLS STOPPED, GUARD STRENGTH DECLINED

Draft calls were suspended last June 30, and enlistments in National Guard units began to sag. Units that once had long waiting lists for available openings found themselves with more "slots" than applicants. Draft calls have been resumed, but the Guard remains below its authorized strength of 488,670 men.

In 1971—	Army National Guard	Air National Guard	Total Guard strength
June 30	402. 172	85, 689	487, 861
July 31	398, 324	85, 750	484, 074
August 31	394, 790	85. 594	480, 384
September 30	391, 178	85, 705	476, 883

Source: National Guard Bureau.

Our Most Serious Problem

(Interview With Maj. Gen. Francis S. Greenlief, Chief of National Guard Bureau)

Q. General Greenlief, are you concerned about the decline in volunteering for the National Guard?

A. Yes, I'm very much concerned. I consider people to be our most serious problem in the Guard at this time. In the past, our problem has been lack of equipment with which to do the job; a lack of support. Now, we're getting the equipment and the support, but suddenly our most critical resource—a supply of recruits—is drying up.

Q. How important has the draft been as an incentive for joining the Guard?

A. It has been a very strong motivator. As a matter of fact, the circumstances have been such that the draft really produced in our ranks the most highly educated and the most intelligent manpower we've ever had. Unfortunately, it's also the manpower that was least motivated to become career Guardsmen—that is, to serve beyond the six-year enlistment required for draft deferment.

We've been fighting a war that has been unpopular with the people. We had an Administration that announced that the policy would be not to call the Guard and the Reserve for duty in Vietnam. And the law provides service in the Guard and the Reserve as a legal alternative option to service on active duty.

That combination certainly produced draft-motivated manpower in our ranks?

Q. What has happened during this past summer to your recruiting, with the draft lifted for three months?

A. A very serious impact. At the end of June, the strength of the Army Guard was 402,000. Two months later in the hiatus in the draft, our strength dropped 7,500. That put us about 5,500 under strength. Now, that's serious indeed.

In the Air Guard, the picture was not quite so severe. The Air Guard was about 3,000 under strength at the end of the fiscal year [June 30]. That was a financial problem rather than an inability to recruit. Air Guard has lost slightly since that time—not nearly as severely as the Army side. It's just a fact of life that men are more attracted to service in the Air National Guard than they are to the Army National Guard.

Q. Is fear of being called out for duty in riots a handicap in recruiting men?

A. I suspect that riot-duty call-ups have had some impeding effect on our ability to recruit people. Civil-disturbance duty is very unpleasant duty. Soldiers have to withstand some very harsh abuse. There is a severe impact on their ability to work at their job or go to school—whatever they're doing in civil life.

I don't believe, however, that this has been—up to now—a drag on our ability to recruit. I doubt very much that it will be in the future. Generally speaking, the Guard has done an outstanding job in civil disturbance, and, generally speaking, the men of the Guard are proud of the service they've rendered.

Q. Have college students begun to volunteer for Guard duty now that they're losing their student deferments from the draft?

A. It is too early to tell. I would think that a college man losing a draft deferment might be more motivated to join the Guard now. But we had a great number of college students before.

Q. General Greenlief, have you had any success in recruiting more black Guardsmen, or is the Guard still nearly all white?

A. We haven't had any great success recently. I think we're on the verge of it, however.

Nationwide, our percentage of blacks in the Guard is about 1.26 per cent, I think. That, coming after about five years of really hard effort, just has to be considered a failure rate.

I'm not at all sure, though, that this is just the failure of the Guard.

It is a fact that the black community, if you will, or the black organizations have not made membership in the National Guard an objective. So what we've been talking about is trying to achieve a white man's objective. And I think for us to be successful that we have to get it established as a black man's objective.

In that regard, I think we've made real progress. The National Urban League is working with us, and they have made black membership in the Guard an objective of theirs. I think this will help. We're working now with the National Association for the Advancement of Colored People, hopeful that they also will make it their objective.

Q. Do you have any plans for new incentives for recruiting to replace the draft if it really ends in mid-1973?

A. I'm convinced that we will require a re-enlistment bonus. I believe there needs to be improved survivor benefits and medical protection. I think we need those things even if there is no zero draft.

There are many other benefits needed. At the same time, I think that we have to improve our training techniques and our utilization of people.

And finally, we have to participate in turning the whole country around. The young man who might be sneered at by his fellow worker across the desk or on the next lathe for being in the Guard is unlikely to volunteer. It has to be recognized as an honorable, socially acceptable, necessary-for-national-defense service.

Q. Do you think it is possible, then, to maintain a National Guard of adequate strength without the draft?

A. Yes, if all those three things happen—if we do have a reasonable, adequate incentive package; if we improve ourselves, and if the Administration and the Congress and the people in general fully support it.

People can't have it both ways. They can't sneer at or degrade the military and at the same time expect other young men to volunteer for that service.

Given all three of those things, yes, I believe we can make it.

Q. What would happen if you can't get enough volunteers? Would you favor drafting men for service in the Guard?

A. Failure of the National Guard to sustain its strength would have its impact upon the ability of the nation to defend itself. Since this would be the effect, I don't believe the people will allow the Guard to fall below required strength.

I oppose drafting men for service in the Guard, since men would be faced with involuntary service in what has been for over 300 years a basically volunteer organization.

Turning to a draft to man units in the Guard would be a measure to be undertaken only if this was absolutely the only way to accomplish the training that is necessary to keep the Guard in a highly ready condition.

[From Christian Science Monitor, Nov. 2, 1971]

United States Gets No Testimony on Pentagon Leak

(By Trudy Rubin)

Boston.—The clearest fact to emerge so far from the Boston grand jury looking into the publication and distribution of the Pentagon papers is the enormous difficulty the government is having to get witnesses into the jury room.

The U.S. Court of Appeals for the First Circuit, in an emergency session, has halted all grand-jury inquiry into the Pentagon papers until Thursday at the request of Sen. Mike Gravel (D) of Alaska. Prior to that, not one of the nine well-known professors, journalists, friends, and relatives of Dr. Daniel Ellsberg who were called to testify had willingly entered the grand-jury room (many of them had declined to testify at earlier grand-jury sessions).

In refusing to testify freely, they, along with Senator Gravel, have raised a tangle of legal and constitutional issues that appears likely to keep this grand jury meeting for weeks to come.

THRUST NOT CLEAR

The focus of the investigation is not yet clear. It is known to be interested in the activities of Dr. Ellsberg, the self-admitted source of the Pentagon papers, as well as Neil Sheehan, the New York Times reporter who broke the story on the papers, and his wife, Susan. It has been seeking information on the distribution process by which the papers reached various media, and on who had access to the study from which the papers were drawn before they were made public.

Sources here speculate that the government is seeking a conspiracy indictment, tying in anyone who may have played a role in distributing the papers. They argue that it may be easier for the government to convict Dr. Ellsberg on a conspiracy charge on the East Coast than it would be to make the present charges of illegal possession and copying of government documents stick on the West Coast. If a superseding indictment were handed down here, they say, it might deprive Dr. Ellsberg of the chance for a highly publicized and politicized trial on his own.

But any indictments appear far off. Witnesses, backed by an impressive array of lawyers, continue to troop close mouthed from the grand-jury room of the Federal Courthouse Building to the District Court upstairs to raise constitutional arguments as to why they should not testify.

The most important issues raised so far are the following:

Can a grand jury examine actions of a senator or his aides or third parties related to normal legislative activities which are protected from inquiry by the Constitution?

BASIC ATTACK CHARGED

On June 29, the day before the Supreme Court OK'ed the newspaper publication of the Pentagon papers, Senator Gravel read long sections and later inserted nearly all the 7,000-page study into the official transcript of a special midnight meeting of his Senate subcommittee. Subsequently his aide, antiwar physicist Dr. Leonard Rodberg, whom he hired June 29, negotiated the publication of the papers by Beacon Press in Boston. Dr. Rodberg has been called before the grand jury, as has Howard Webber, editor of the MIT Press, which declined to print the papers.

Senator Gravel's attorneys have argued that the inquiry itself makes "a fundamental attack on the doctrine of separation of powers" by inquiring into matters related to the publication of an official transcript of a Senate subcommittee. District Court Judge W. Arthur Garrity Jr. has ruled that witnesses cannot ask about the conduct of the Senator or Dr. Rodberg at, or in preparation for, the subcommittee meeting, or in arranging for private publication of the transcript (the latter ban for 10 days only).

But Senator Gravel's attorneys have turned to the Court of Appeals for further relief denied them by Judge Garrity: They want lists of witnesses with privileged information and questions for such witnesses specified in advance.

The government's chief prosecutor, David R. Nissen, has argued that the government is concerned "not with any legislative activity" but with inquiring into unlawful acts. He says that listing witnesses and questions in advance would be "completely destructive of the grand jury's duty."

The Court of Appeals will hear the case Thursday and has halted all testimony on the papers until then, at Senator Gravel's request, so as not to moot the question of violation of the Senator's rights in the meantime.

Can grand-jury witnesses challenge their subpoenas if they believe the jury's questions are based on illegal wiretap evidence?

Nearly every witness has attempted to quash his subpoena on grounds it was based on illegally obtained wiretap evidence.

On Friday, Judge Garrity ordered the government to deny or confirm within one week any tapping at all on Prof. Noam Chomsky, linguist and antiwar activist from the Massachusetts Institute of Technology, or Richard A. Falk, professor of international law at Princeton, or have their subpoenas permanently quashed.

The judge stressed that a witness must have good reason to suspect he is tapped before relief would be granted. Professor Chomsky said he had talked with defendants in the Harrisburg conspiracy case, in which the government has admitted tapping.

If the government admits any tapping, Judge Garrity stated, the court would have to sort out admissible from inadmissible evidence. The judge's decision was a setback for the government, which had maintained in the Chomsky case and other cases that grand-jury witnesses do not have standing to raise the wiretap issue and that the government should decide which wiretap evidence is legal.

CAN SCHOLARS SCREEN SOURCES?

Are scholars, like journalists, entitled to protect their sources in deference to the public's right to know?

This argument has been raised unsuccessfully before Judge Garrity by Professors Falk, Chomsky, and Samuel Popkin, a specialist on Vietnamese village life and assistant professor of government at Harvard. Professor Popkin mustered affidavits from 21 other Cambridge, Mass., professors, including Profs. Edwin O. Reischauer and John Kenneth Galbraith, in support of his argument that scholars, like journalists, must rely on confidential sources in government for legitimate information that could dry up if the sources feared disclosure.

But the issue of academic freedom could arise again when Professor Popkin is recalled. On Friday he was granted immunity from prosecution for his testimony by the government and is liable for a civil-contempt sentence of up to 14 months if he now refuses to answer questions.

CHROME IMPORTS FROM RHODESIA

Mr. McGEE. Mr. President, the recent action by the U.S. Congress to resume chrome imports from Rhodesia in violation of a U.N. ban, continues to cause repercussions—the latest in the United Nations itself.

Just 2 days ago, on November 16, the United Nations General Assembly, by a vote of 106 to 2, asked the U.S. Government to abide by the ban which this country was largely responsible for initially obtaining U.N. approval. Our action in the U.N. seeking sanctions against Rhodesia had its roots in our alliance with one of our oldest and most trusted allies—Great Britain.

Yesterday's—Nov. 17—edition of the Washington Post carried the story of the U.N. vote. The article, written by Anthony Astrachan, pointed out the General Assembly expressed its "grave concern at the recent move by the U.S. Congress to resume imports of Rhodesian chrome despite U.N. sanctions against the breakaway British African colony."

Astrachan also noted:

> The U.S. delegation here appeared embarrassed by White House failure to mount any significant opposition to the Rhodesian chrome despite the fact that it tends to make the United States violate a treaty obligation.

It was during the debate on the amendment to the military procurement bill which would allow us to violate this ban that I warned of such future repercussions as I failed in my attempts to have that section deleted from the bill.

I believe the action on the part of the U.S. Congress, as I warned nearly 2 months ago, has had a detrimental impact on our relations with black African nations. It most certainly played a significant role in the U.N. General Assembly's vote against our two-China policy in that body. And finally, we have received what amounts to a censure from the U.N. I think all this is quite a high price to pay for what has become a frivolous legislative blunder on the part of the U.S. Congress.

I ask unanimous consent that Mr. Astrachan's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.N. Calls on United States To Retain Ban on Rhodesian Chrome

(By Anthony Astrachan)

United Nations, Nov. 16.—The General Assembly today expressed its "grave concern" at the recent move by the U.S. Congress to resume imports of Rhodesian chrome despite U.N. sanctions against the breakaway British African colony.

The assembly adopted a resolution by a 106 to 2 vote calling on the U.S. government to continue the ban on Rhodesian chrome imports.

Portugal and South Africa voted against the resolution and there were 13 abstentions. The United States did not participate in the vote because the Congressional action, in the form of an amendment to the defense authorization bill, has not yet been signed by President Nixon.

Peking cast its first vote in the assembly in favor of the resolution.

The U.S. delegation here appears embarrassed by White House failure to mount any significant opposition to the Rhodesian chrome amendment despite the fact that it tends to make the United States violate a treaty obligation.

The bill actually says that the President may not prohibit the importation from a "free world" country of any strategic and critical material on the stockpile list if the same material is being imported from a Communist country.

The United States has long imported chrome from the Soviet Union, but the proportion has risen to almost 60 per cent of the total since the ban on Rhodesian chrome.

Some diplomats here take the view that the United States will not violate the U.N. charter until chrome is actually imported from Rhodesia.

Washington sources said Mr. Nixon has three ways to keep Rhodesian chrome out, under the proposed law, if he so wishes. He could stop imports from the Soviet Union, but no free world sources could meet the need.

He could take chrome off the strategic list—the likeliest option. The United States has so much chrome in its strategic stockpile that the General Services Administration proposed that 1.3 million tons—enough for 10 years of defense needs—be declared excess.

Or Mr. Nixon could assert that U.S. treaty obligations take precedence over the chrome amendment—a move which could lead to a court battle.

THE CAMPAIGN FINANCING ACT AMENDMENTS

Mr. EAGLETON. Mr. President, yesterday afternoon I spoke briefly in support of the Campaign Financing Act amendments to the Revenue Act. At that time, I said that this proposal offers a chance to make a fundamental change for the better in American government.

Two newsstories published in yesterday's newspapers furnish startling evidence of the need to change the way in which the financing of campaigns in America is conducted. The first story, published in the Washington Post, describes testimony by the Deputy Attorney General—the Nation's second highest law enforcement officer—concerning a $100,000 "campaign contribution" offered in return for help in quashing an indictment for alleged criminal violations of the securities laws.

The second story, published in the Washington Star, states that thousands of dollars were contributed during the 1968 election campaign using the names of Greek-American donors who say they never gave the money. According to the writer of the article, James R. Polk, it is still a mystery where the money came from.

These two separate accounts demonstrate the dire necessity for bringing campaign financing into the open and for meeting the increasing and well-founded public concern about the responsiveness of government.

Mr. President, I ask unanimous consent that these two newspaper articles be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 17, 1971]

KLEINDIENST TELLS OF CAMPAIGN CASH OFFER AT TRIAL

(By David C. Berliner)

NEW YORK, November 16.—The deputy attorney general of the United States testified here today that he had received an offer of a $100,000 "campaign contribution" to help quash an impending indictment, but that he did not at the time consider it a bribe.

Richard G. Kleindienst said at the federal bribery-conspiracy trial of Robert T. Carson, that he waited a week before reporting the incident, doing so after learning that the FBI was about to bug Carson's office in the New Senate Office Building.

The testimony came during the fourth day in the trial of Carson, 65, suspended administrative assistant to Sen. Hiram L. Fong (R-Hawaii). The former Hawaiian Republican state chairman is charged with conspiracy, bribery and perjury by the government, which contends he agreed to fix criminal securities indictments and had gone to Kleindienst in an attempt to elicit his help.

Late today the prosecution rested its case.

A strong point in the government's argument had been its allegation that Carson told Kleindienst in late 1970 that a $50-100,000 contribution to the Nixon re-election campaign would be made if he could do something about the impending indictments.

Testifying under cross-examination that he did not consider the offer a bribe at the time it was made, Kleindienst said under re-direct that he did change his mind a week later.

"Were you serious about the answer" Defense attorney Joseph Brill asked, picking up the questioning again.

"Well," Kleindienst replied quickly, "I'm serious about it but I'd like to explain it." A moment later, however, he was dismissed as a witness.

Shortly before resting the government's case this afternoon, assistant U.S. Attorney Joseph Jaffe read portions of a grand jury transcript made last January during which Carson testified he would not identify the names, and in one case a photograph, of persons who later were indicted with him or revealed to have been working for the FBI as undercover agents.

Two other men, Joseph Bald and Edward Adams, were indicted with Carson in connection with the purported payoff scheme. The government is claiming that a payoff as high as $1 million was to have gone to the senatorial aide if he could help Bald and another man escape prosecution.

Both Bald and Adams pleaded guilty last week to the conspiracy charges and are scheduled to be sentenced Dec. 28.

THE 1968 DONOR LIST IS GREEK TO THEM

(By James R. Polk)

Thousands of dollars were pumped into the Nixon-Agnew campaign in 1968 using the names of Greek-American donors who say they never gave the money.

Where the campaign money came from is still a mystery.

The names were taken from a list of Greek-Americans who paid to attend a very private, $1,000-a-person dinner with then-candidate, now Vice President Spiro T. Agnew in a Chicago suburb during the 1968 race.

Many of the same names were then duplicated, with a few changes, and connected inaccurately with a second set of contributions for Nixon-Agnew in campaign-financing reports to Congress.

At least $25,000, and perhaps $40,000 or more, is involved in the false listings on the sworn statements filed with the clerk of the House.

The names include those of former San Francisco Mayor George Christopher, who once was a Nixon running mate in California; an assistant Illinois attorney general; and a worker who heads a society of immigrants from Agnew's ancestral home.

Although Congress is debating various reform bills this week in a strong push to plug loopholes which allow hidden flows of campaign money, the Greek names point to a big gap that may never be closed up: Virtually no one checks the truthfulness of the campaign reports that Congress does get.

Christopher was falsely listed as giving $5,000. The Greek society president, Nick Halazonitis, was listed for $4,000 he said he didn't give. A dozen other Chicagoans—lawyers, restaurant owners, electrical contractors and other businessmen—were named for a mysterious extra $1,000 each.

None of the duplicated donors had been aware of the use of his name. There is no indication that Agnew was involved in any way, either, beyond his presence at the original dinner.

The money from the Agnew dinner was split among three separate campaign committees in 1968. Names from each of these listings then popped up falsely on the records of yet a fourth Nixon-Agnew fund-raising arm, the Victory '68 Committee.

The order in which the names were used, the number of committees, the scattered inclusion of valid donations on the Victory '68 Committee list, and the small variations added in by hand make it unlikely that the duplications stemmed from any simple clerical error.

Illinois Asst. Atty. Gen. Peter A. Fasseas, one of the few people who handled the full list of those at the Agnew affair, said he has no idea how the false entries were made on the Victory '68 report.

"Maybe they had the money—and needed some names," Fasseas said.

The Victory '68 Committee was a major workhorse in the Nixon-Agnew stable of fund-raising groups in the 1968 race. Its bulky report to Congress was submitted in the name of an assistant treasurer, Eleanor L. Williams, who is with the Republican National Finance Committee.

"We're fastidious about our records, and I can't understand how a mistake could be made," she said.

Asked about details of how the Chicago listings were sent into the campaign's New York headquarters in 1968, she laughed and said, "I'm notorious about not remembering, and right now I'm not sure I want to."

Eighteen donors listed for $22,000 in the Victory '68 records confirmed in interviews that they didn't give the money. Bunched among the false listings were names of a dozen more persons who refused to answer questions, didn't remember, couldn't be found, or had died.

Christopher, who was Nixon's running mate in his 1962 California defeat, was a money-raiser in 1968 as chairman of the Grass Roots Committee for Nixon-Agnew. He did give $5,000 for a ticket to the Agnew gathering outside Chicago. That donation was reported properly by the committee which received it.

MUST BE MISTAKE

But the Victory '68 Committee also included Christopher's name, his San Francisco office address, then added in handwriting a Mr. and Mrs. notation with $2,500 for each of them.

The former San Francisco mayor had an accounting firm check his books and verified the first donation, but said of the other entries, "There must be a mistake somewhere because I did not make these contributions."

The Agnew dinner had been attended mainly by wealthy Greek-American businessmen in Chicago, although it also drew a St. Louis mop manufacturer, a Milwaukee radio executive, and one Miami donor.

The affair at a Des Plaines, Ill., restaurant was arranged mainly by Andrew Fasseas, who was then the supreme president of the nation's largest Greek organization, the American Hellenic Educational Progressive Association (AHEPA). He now is retired and ailing in Tucson, Ariz.

The younger Fasseas estimated the dinner raised about $58,000. He still keeps his own list of the dinner's donors in a bottom filing drawer in his 19th-floor office in Chicago. He suggested the list either was repeated by GOP officials in a bookkeeping mixup or was used to obtain names to account for an unknown chunk of money.

"To be honest with you, I don't know where the duplications came from," he said.

GAVE $6,000

Much of the fund-raising for the Agnew dinner was handled by William S. Deree, a retired Chicago banker now living in Scottsdale, Ariz. Deree's name is the top one on a three-page sequence of duplicate donors on the Victory '68 report.

The banker confirmed he gave $6,000 for the Agnew gathering, but said he couldn't recall whether he made the extra $2,000 contribution listed by Victory '68. He was the only person involved whose second listing was not an exact repetition of the original donation.

Deree also raised Greek-American money for the GOP at a hotel meeting and a Chicago breakfast. Several valid donors from those sessions were recorded accurately among the group of false entries.

Deree said he was unaware of the duplications and didn't know how they happened.

LIVES IN WALKUP

In contrast to most of the rich businessmen at the Agnew dinner, Nick Halazonitis lives in a second-floor walkup apartment above a laundromat on Chicago's West Fullerton Avenue. He was surprised to learn that Congress' records show him as giving $8,000 for Nixon in 1968.

The first $4,000 was given in Halazonitis' name from his Garglianoi organization of Greek-Americans from the Agnew family's home town. The second $4,000 shows up on Victory '68 records, with Mr. and Mrs. written after his name, then $2,000 marked in twice by hand.

"No, no, we did not give it," he said.

Agnew's office had no comment.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 708

Mr. MANSFIELD. Mr. President, I yield to the Senator from Arizona (Mr. FANNIN), for the purpose of submitting an amendment which will not be debated today.

Mr. FANNIN. Mr. President, I send an amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment be considered as read, and that it become the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN's amendment (No. 708) is as follows:

On page 29, after line 19, insert the following:

PROHIBITION OF CERTAIN POLITICAL ACTIVITIES

SEC. 1062(a) Section 501 (relating to exemption from tax) is amended by redesignating subsection (f) and (g) and by inserting after subsection (e) the following new subsection:

"'(f) PROHIBITION OF CERTAIN POLITICAL ACTIVITIES.—No organization described in section 501(c)(5) which requires any person to pay membership dues, fees, or other assessments, as a condition of employment shall be exempt from taxation under subsection (a) for any taxable year in which any part of its income or of the amounts received for its support is used—

"'(1) to support or oppose any candidate for public office,

"'(2) to support or oppose any political party.'

"(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the divisions occur at 5 o'clock tomorrow afternoon.

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

ADJOURNMENT TO 9 A.M.

Mr. MANSFIELD. Mr. President, I move that the Senate adjourn.

Mr. DOLE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the motion of the Senator from Montana that the Senate now adjourn. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Idaho (Mr. JORDAN) is necessarily absent.

The yeas and nays resulted—yeas 55, nays 40, as follows:

[No. 361 Leg.]

YEAS—55

Allen
Anderson
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gambrell
Gravel
Harris
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NAYS—40

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Mathias
Miller
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Stafford
Taft
Thurmond
Tower
Weicker

NOT VOTING—5

Bayh
Hartke
Jordan, Idaho
Mundt
Saxbe

The PRESIDING OFFICER (Mr. TUNNEY). On this vote the yeas are 55, the nays are 40. Under the previous order, the Senate stands adjourned until 9 o'clock tomorrow morning.

Thereupon (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 19, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 18, 1971:

U.S. DISTRICT COURTS

Thomas A. Flannery, of Maryland, to be a U.S. district judge for the District of Columbia vice Leonard P. Walsh, retired.

U.S. COURT OF CLAIMS

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims vice Don N. Laramore, retiring.

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of commander:

Richard E. Sardeson
James A. Granger
Richard F. Eiden
James G. Glasgow
Costa J. Alton
George M. O'Brien
Joseph J. Wicks
Cecil S. Berry
Robert E. Warakomsky
David A. Naus
Kenneth M. Roughgarden
Larry E. Telfer
Robert C. Williams
Douglas G .Currier
Terry R. Grant
David A. White
Alan G. Dahms
Richard A. Sutherland
Frederick F. Burgess, Jr.
John C. Spence
Robert F. Ingraham
Wilhelm A. Wulff
Robert W. Miller
John M. Wypick
Emlyn L. Jones, Jr.
Frank R. Grundman
Bert T. Potter
John C. Ikens
Alexander R. Larzelere
Robert S. Tuneski
Walter E. Peterson, Jr.
James O. Sullivan
Ronald D. Rosie
Ira B. Jacobson
Robert T. Nelson
Robert F. Bennett
Gerald K. Mohlenbrok
Jon C. Uithol
Carl A. Gruel
Stevens H. Smith
Ernest B. Acklin Jr.
Francis F. Silvia
Walter W. MacDougall
Marshall E. Gilbert
Richard T. Hess
Christopher M. Holland
Edward V. Grace
James D. Martin
Melvin L. Sites
Neil F. Kendall
Robert J. Watterson
Michael J. O'Brien
Robert F. Dugan
James Watt
Peter J. Cronk
James D. Webb
Richard J. Akridge Jr.
Ralph Winn
Daniel N. Sessions
Rodney D. Harder
Charles R. Hinrichs
Benjamin E. Joyce
Charles J. Kelly
Robert E. Whitley
Lawrence R. Montali
Lonnie L. Mixon
Roy E. Dash
Jarold C. Carlton
Max E. Zbinden
William R. Hudson
James E. Curry
Joseph C. Russo Jr.
Edward P. Lewy
Paul E. Pakos

The following-named Reserve officer to be a permanent commissioned officer of the Coast Guard in the grade of lieutenant commander:

David L. Nelson

HOUSE OF REPRESENTATIVES—*Thursday, November 18, 1971*

The House met at 11 o'clock a.m.

Rev. Joseph W. Avery, Oswichee Baptist Church, Phenix City, Ala., offered the following prayer:

Our Father, as we are involved in the complicated situations of world affairs may we become more involved in the certainties of Thy will. May Thy servants be devoid of any sense of futility.

Give us the same sense of security which our Founding Fathers had because of their faith in Thee. Help us make Thee the object of our worship and source of our strength.

May these, Thy servants, be delivered from the distractions of nonessentials. Grant them courage and wisdom to confront and resolve the real issues of government today.

As we thank Thee, O God, for the example of Congress in the past, we implore that this one may be conscious of Thy leadership. Through Jesus Christ our Lord we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2559. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans.

THE REVEREND JOSEPH W. AVERY

The SPEAKER. The Chair recognizes the gentleman from Georgia (Mr. BRINKLEY).

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute.)

Mr. BRINKLEY. Mr. Speaker, may I express the appreciation of the House to our visiting Chaplain, the Reverend Joseph W. Avery of Phenix, City, Ala. I have known Dr. Avery for several years both as a pastor and as a friend, and would like to point out to my colleagues that on September 26 of this year Dr. Avery observed his 42d anniversary as a minister.

Prior to his recent retirement, Dr. Avery's pastorates included the First Baptist Church of Phenix City, the Hillsboro Heights Baptist Church of Huntsville, Ala., and the Oswichee Baptist Church of Fort Mitchell, Ala., which was the home church of my wife during her childhood.

Dr. Avery holds a bachelor of arts degree in theology from Mercer University in Macon, Ga., and was also graduated from the Southern Baptist Seminary in Louisville, Ky. Dr. Avery is a member of the board of trustees of Samford University in Birmingham, Ala., where for the past 10 years he has served as chairman of a committee that organized and developed the extension division for Christian training—which is now being used as a model by other colleges across the Nation. In 1955 Samford University conferred an honorary doctorate of divinity degree on Reverend Avery.

Dr. Avery's many outstanding community activities include serving as a past president of the Phenix City Ministerial Association, and as a member of the board of directors of both the Phenix City-Russell County Chamber of Commerce and the Columbus, Ga., Executives Club.

Mr. Speaker, let me conclude by saying that Dr. Avery is not only a fine man and a dedicated minister but an exceptional teacher as well, for he demonstrates by example the ministry he preaches.

Mr. ANDREWS. of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I am glad to yield to my friend from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I would like to congratulate the gentleman in the well for having Dr. Avery here today. I have known him for years. He is a wonderful preacher and he has done a wonderful work in the religious circles of our area.

Mr. BRINKLEY. I thank the gentleman who represents the Third Congressional District of Alabama so well and whose home is just to the south of Fort Mitchell, Ala., where Oswichee Baptist Church is located.

APPOINTMENT OF CONFEREES ON S. 1828, TO AMEND THE PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, with the House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, ROGERS, SATTERFIELD, KYROS, PREYER of North Carolina, SYMINGTON, ROY, SPRINGER, NELSEN, CARTER, HASTINGS, and SCHMITZ.

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 403]

Abbitt
Abzug
Alexander
Anderson, Tenn.
Ashley
Blackburn
Blatnik
Boland
Brooks
Brown, Ohio
Byrne, Pa.
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Conyers
Corman
Cotter
Dellums
Derwinski
Diggs
Dowdy
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Findley
Foley
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Goldwater
Gray
Griffiths
Halpern
Hansen, Wash.
Hébert
Heinz
Helstoski
Henderson
Hillis
Keating
Kemp
Lennon
Link
McClure
McKevitt
Mathias, Calif.
Michel
Mills, Ark.
Pickle
Powell
Rangel
Roberts
Rosenthal
Runnels
Scheuer
Stokes
Teague, Tex.
Ware
Wydler

The SPEAKER. On this rollcall 366 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN AID AUTHORIZATION, 1972

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 710

Resolved, That immediately upon the adoption of its resolution and without the intervention of any point of order the bills of the Senate S. 2819 and S. 2820 are hereby taken from the Speaker's table; that said Senate bills are hereby amended by striking out all after the enacting clause of each such Senate bill and inserting in lieu thereof the text of the bill H.R. 9910 as passed by the House on August 3, 1971; that the said Senate bills as so amended shall be considered as read a third time and passed; that the title of each such Senate bill shall be amended by striking out such title and inserting in lieu thereof the title of H.R. 9910; that the House insists upon its amendments to each Senate bill and requests conferences with the Senate, and that the Speaker appoint managers on the part of the House to attend each such conference.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I ask unanimous consent that the gentleman from Ohio may speak out of order for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ALL INSIDE MAIL MUST BE FRANKED OR STAMPED

Mr. HAYS. Mr. Speaker, this morning a matter was brought to my attention by the Postmaster. He has been delivering any number of categories of inside mail, without a frank or stamp including mail for the telephone company.

By a coincidence, I received in my office this morning a scurrilous letter, inside mail, without any identification on it, either a frank or a stamp. I do not know how widespread this is, but I do not see any reason why the taxpayers should deliver the telegraph company's mail free of charge or why the telephone company should have theirs delivered.

So, from now on if Members want to send inside mail, it will either have to be in a franked envelope or a stamped envelope.

If you want to have flat mail, that is, announcements or amendments unfolded, delivered, simply send a covering letter with it. If you have an announcement to make about an amendment or something, send it with a covering letter on your stationery and the House Postmaster will deliver it.

Other than the above, there will be no more inside mail delivered for all and sundry without either a frank or a stamp.

Mr. BOLLING. Mr. Speaker, some say that this rule is without precedent. I have not searched the precedents. I do not know. But I do know it is a very unusual rule, and I think it deserves explanation so that the Members who are interested will know what the rule does and what its significance is. Those who listened to the rule will know that, if the resolution is adopted by the House, the House action will be as follows: The House will take two Senate bills on foreign aid, one on foreign economic assistance and one on foreign military assistance, from the Speaker's table. It will amend each of those bills by striking out all after the enacting clause and putting in each of them the text of the bill that the House debated, amended, and passed on the 3rd of August 1971, and it will then send the matters, the two bills, to conference.

The resolution provides that the Speaker can appoint conferees.

What this does, in very frank terms, is to get before a conference the two Senate bills and the House-passed bill. Most of you will remember that the bill passed the House, went to the Senate, it was debated at length, amended and defeated. Then the Senate came back with two separate bills, which were passed by very substantial majorities.

The chairman of the Committee on Foreign Affairs and the ranking minority member came before the Committee on Rules and asked for this procedure. What it does is get us into a conference. I am going to yield time at a later moment to the chairman of the Committee on Foreign Affairs to indicate what he expects will happen in the conference and why he asked for the rule.

The rule, while unusual, does a very simple thing. It saves the House going through the process of passing another one or two foreign aid bills and gets the House into conference with the Senate on the action of the Senate. That is all it does. We in the Rules Committee felt that it was a very wise way to deal with the problem, and we accepted the suggestion of the Committee on Foreign Affairs, the chairman and the ranking minority member.

I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, once again I hesitate to take the time when a rule has been explained so ably by the gentleman from Missouri (Mr. Bolling). By the same token, this is a rather unique situation and I would like my statement in the Record because the time may come in the future when we will have to refer back and see what we are doing today.

House Resolution 710 provides for 1 hour of debate, 30 minutes to be under the control of the gentleman from Missouri (Mr. Bolling) and 30 minutes to be controlled by myself. At the end of that time the resolution will be voted up or down. We are not going into the Committee of the Whole for any debate. There will be just 1 hour of debate on House Resolution 710 and then we will vote it up or down.

Mr. Speaker, I think it might be helpful to the Members if we would have a little background of this situation. You will recall that in August of this year, August 3, the House passed H.R. 9910, the Foreign Assistance Act Amendments of 1971. The bill came to the floor of the Senate late in October, and after debate covering several days it was defeated by a vote of 41 to 27 on October 29.

Thereafter, the Senate Committee on Foreign Relations, on November 8, reported two bills to the floor of the Senate, S. 2819, providing for foreign military assistance, and S. 2820, providing for foreign economic assistance.

Both bills passed the Senate on November 10. I doubt that the Senate Foreign Relations Committee or the Senate itself had very much opportunity to consider in detail the provisions of the two bills. At the present time, both Senate-passed bills reside on the Speaker's table.

The problems facing the House are first, how to get to conference and second, what to go to conference on.

Let me answer the second question first, H.R. 9910, the House-passed foreign assistance act, was defeated by the Senate. The Senate has sent to the House, in two bills, its version of the assistance programs. Unless the House can devise a means of insuring that its position gets to the conference, the only other alternative is to accept the Senate bills. Most House Members, I believe, would prefer that when a conference is held, the conferees have before them both the Senate and House bills. It is for this reason that the resolution reported by the Committee on Rules specifically provides that the language of the House passed bill will be before the conferees.

The question of how to get to conference requires an unusual solution. I have said that the Senate killed the House bill and in place of it passed two separate Senate bills, which now are on the Speaker's table. Of course, the House bill is dead in the Senate. The solution arrived at by the Committee on Rules and embodied in the resolution (House Resolution 710) is to take from the Speaker's table each of the Senate bills, to strike from the bills the Senate language, and to insert as the text of each of the bills, the language contained in H.R. 9910, as it passed the House. This provision resurrects the House bill as a viable basis for going to conference with the Senate and insures that House conferees will be able to negotiate differences in the bills as passed by each House with the Senate conferees. The resolution further provides that the House insist upon its amendments to each of the Senate bills, requests conferences on each bill with the Senate and authorizes the Speaker to appoint conferees to each conference.

As I stated, Mr. Speaker, this is an unusual, even unique, resolution. I do not personally recall any other major ongoing program in which an extension was passed by the one House of Congress, defeated in the other House of the Congress and later that other House, having first killed the program, then resurrected it.

At the committee hearing on this matter yesterday, both the chairman and ranking minority member of the Foreign Affairs Committee appeared and requested that the Rules Committee make it possible for them to go to conference with the other body upon the House-passed version of the bill as well as the two Senate bills.

Testimony reflected that this was the only way that House conferees would have any opportunity to do anything but accept or reject in full the Senate version of the foreign assistance programs. The Rules Committee believed that Members of the House did not wish to see their conferees so restricted due to the parliamentary situation in which we find ourselves. Even those Members—including myself—who do not support the foreign assistance programs can support this resolution—and I do support it. I feel that the House Members and the conferees are entitled to go to conference in an effort to resolve the differences in this program. It is purely procedural in nature so far as I am concerned. It provides merely a means to get to conference with the other body and to insure that the House conferees will be able to negotiate, not merely accept or reject the bills passed by the other body.

Mr. Speaker, I urge adoption of this resolution. I reserve the balance of my time, and I will say to the gentleman from Missouri that I do have several requests for time.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania, the chairman of the Foreign Affairs Committee (Mr. Morgan).

POINT OF ORDER

Mr. THONE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. THONE. Mr. Speaker, I ask unanimous consent to withdraw my point of order.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MORGAN. Mr. Speaker, the purpose of this resolution is to enable the House to avoid being outmaneuvered by the Senate on the pending foreign aid legislation.

The House passed the foreign aid authorization bill last summer on August 3. The House has been ready and willing to go to conference ever since.

The other body did not like the House bill and defeated it.

The other body could have enacted its own bill and included all the policy amendments, both germane and not germane, it wanted to and then gone to conference.

Instead, the other body, after defeating H.R. 9910, passed two foreign aid bills—one dealing with military aid and the other with economic and humanitarian assistance. Both these bills are now before the House.

Except for changes in amounts, the two bills included the provisions contained in a Senate version of H.R. 9910, which was defeated. They included some 20 provisions dealing with foreign policy. There are some provisions that have nothing to do with foreign aid. Several of the provisions are directly contrary to what I believe, and most Members of the House, in my opinion, disagree with them. All of them should be examined very critically in conference.

The differences do not relate only to the war in Southeast Asia. The Senate economic bill provides for congressional support for shifting economic aid to international or multilateral agencies. I do not believe that the answer to our foreign aid money is to turn U.S. money over to international organizations to spend.

If we followed the normal procedure, the House would now have to start all over again and write a new foreign aid bill, starting with the Senate bills.

This would not be fair to the House. The House has done its work. We passed the authorization on August 3. The House passed the continuing resolution, making funds available to keep the program in operation, last week.

The House is not responsible for the delays and the road blocks.

The bill we passed last summer is a comprehensive bill. It includes military aid, economic aid, and military sales. All of these matters will be in conference. The position of the House will have to be considered.

It is my belief that the money amounts the House approved last summer are too high. Since then, the President has announced that foreign aid should be cut 10 percent. Since then, also, a number of the less developed countries showed at the United Nations that they did not place a very high value on U.S. assistance. I can assure the House that there will be a substantial reduction in the authorization.

A basic difference between the House and Senate is that H.R. 9910 as reported by the Committee on Foreign Affairs and approved by the House and the bills passed by the Senate is that the House bill was a stopgap bill to keep operations going so the committee could make a detailed study of the reorganization and redirection of foreign aid.

The Senate bills provide a number of changes in basic policies, some of which would not be germane under the rules of the House.

There have been press reports that the other body takes the position that unless the House accepts the views of some of its distinguished Members, there will be no foreign aid bill.

I urge the House to send the language of H.R. 9910 to conference so that we can see if it is possible to bring back a bill that is acceptable to the House.

Mr. PASSMAN. Will the gentleman yield?

Mr. MORGAN. I will be glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. If this bill is sent to conference and you reach agreement with the other body, it is subsequently returned to the House. If the bill passes the House, it is then sent to the Committee on Appropriations; is it not? And the subcommittee which handles the foreign operations appropriations can scrutinize the bill very carefully and if we find places where additional reductions can be made, that would be our responsibility; would it not?

Mr. MORGAN. I want to say to the gentleman that I am for giving the President a foreign aid bill this year, because I think it is vitally necessary both in Southeast Asia and in other problem areas of the world. Both military and economic programs are necessary. I can assure the gentleman that the House conferees will be in these working as rapidly as possible to try to bring back a conference report that can put the gentleman and his subcommittee of the Committee on Appropriations in business.

Mr. PASSMAN. If the gentleman will yield further, may I repeat my question?

After the authorization bill is enacted into law, it is then the responsibility of the Foreign Operations Subcommittee on Appropriations to scrutinize the bill, and we have the right to go through the bill with a fine-tooth comb, and if we find places where additional cuts can be made, such a procedure would be in order; would it not?

Mr. MORGAN. That is correct.

Mr. PASSMAN. I thank the gentleman from Pennsylvania.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. If it is a fair question, I would like to ask my distinguished chairman when he had this change of mind about H.R. 9910 being overpriced and overcosted?

Mr. MORGAN. The gentleman from Iowa knows that we passed this bill on August 3 and on August 13 the President gave his economic message in which he recommended a 10-percent cut.

I like to follow my President. This 10-percent cut in the foreign aid program would reduce the House bill by $344 million. I recommend that we go along with this recommendation of your President and my President.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further all those facts were available to the gentleman between August 3 and August 12, were they not?

Mr. MORGAN. No, they were not. I knew nothing about the President's economic message until I received a call the night before the message was delivered. The gentleman will recall that the House was in recess at that time.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. BOLLING. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman from Iowa that it is rather difficult to follow your President, because he was dissatisfied with the bill which we passed when we passed it, and said so. He said it was not nearly enough. Then 10 days later, he wants a 10-percent cut.

Of course, I might be in favor of giving him a 20-percent cut, because if we just give him a 10-percent cut, he might ask for another 10-percent cut. You know, he zigs and zags a little sometimes so one might get lost along the way.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield further to the gentleman from Iowa.

Mr. GROSS. I would be glad to join your President and mine in a 100-percent cut in foreign aid.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I have been intrigued by at least a couple of statements that have been made, and especially the statement by the gentleman from Pennsylvania, the distinguished chairman of the House Foreign Affairs Committee, as to the ease with which the foreign giveaway program glided through the House on August 3. If the gentleman wants to make capital out of that, I assure him if I am around next year, the good Lord willing, I will try and stretch it out and make it more difficult for him. But the fact of the matter is that when the bill passed the House it was not quite as simple and easy as the gentleman tries to make it appear. It passed the House by a vote of 200 to 192.

And the very fact that that bill passed the House by only eight votes has a great deal to do with what is being perpetrated here today.

Mr. Speaker, the gentleman from Missouri says that this is an unusual rule, and in that statement I agree with him 10,000 percent, if any percentage figure is applied. But he says that the end result is simple. I think that is the oversimplification of the year.

Now, just what does this rule do? Instead of the Rules Committee telling the Foreign Affairs Committee, "If you want to apply artificial respiration to the bill H.R. 9110 which the House passed on August 3; if you want to apply artificial respiration and revive the bill H.R. 9910, that was killed by the Senate, you, the House Foreign Affairs Committee, just take your bill, to committee, repass it and then give it a rule and we will have another run through the House and see whether we cannot pick up the nine votes necessary to defeat it."

Oh, no, they are not about to run that risk again in the House because they are not sure there would not be a good deal more than eight votes to defeat it under the circumstances that exist today.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I recognize that the distinguished gentleman from Iowa is a very active and able member of the Foreign Affairs Committee. I must say that the gentleman works very hard as a member of the committee and offers many, many amendments during the mark-up.

Mr. GROSS. I am sure the gentleman knows that the bill could have been called up in the Foreign Affairs Committee and voted out again without further hearings. That would have properly breathed new life in it and given the House another direct vote instead of this subterfuge.

Mr. MORGAN. Mr. Speaker, if the gentleman will yield further, would the gentleman vote in the committee to revive it?

Mr. GROSS. I would not. Of course, I have only one vote. I am in the minority of the minority on that committee as the gentleman well knows, but I would not vote for it.

What you are doing here today is reviving a dead horse over in the Senate, and killing, by striking the enacting clauses, two foreign aid bills that the Senate approved. It is rumored around here that there have been communications flying back and forth between the Democrat leaders of the other body and the Democrat leaders of the House accompanied by warnings that you may not get a foreign aid bill at all out of this kind of maneuvering. Certain members of the Senate are not going to be at all happy by this proposed action. I am not in the business of making them happy, but I think they are going to be made more unhappy than they were when they killed H.R. 9910. The position here should be that the other side of the Capitol should back down, and not that the House bail them out of a situation they created.

That is the situation in a nutshell. I insist that the House has no business at all striking the enacting clauses of the two Senate bills. I oppose the resolution and warn again that it may create more trouble than it will cure.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana, the distinguished majority leader (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker and Members of the House, the gentleman from Iowa has made, in my judgment, a very fine statement, and confirms, in my judgment, the need for this rule. First he says the House should not back down. Well, that is exactly what we are doing—not backing down.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, the House is backing down.

Mr. BOGGS. The House sent to the Senate a bill that had been duly considered in the Committee on Foreign Affairs, that had been debated on the floor, passed by the House, and then the other body killed it and substituted therefor two separate bills.

Now, the gentleman from Iowa says we should go back to the committee and come back with another bill. Well, in truth and in fact we are really doing just that. We have used the Rules of the House of Representatives which, despite all the criticism that one hears from time to time, are very flexible—and we have brought before the full House a rule which brings up for consideration again the House bill. This is not backing down.

What we are saying to the other body, rather than backing down, is that the House Committee on Foreign Affairs acted on this bill, the full House acted on this bill, and we think our conferees are entitled to the right to go to conference on that bill.

That is all we are really doing here.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Of course the House is backing down. It proposes to strike the enacting clauses in two Senate bills in order to breathe new life into a bill the Senate killed. I say the positive action would have been for the House Foreign Affairs Committee to have revived H.R. 9910 and brought it again to the floor of the House.

Mr. BOGGS. I have stated, and I will repeat it to my distinguished friend, the gentleman from Iowa, that that is exactly what we are doing here. We are reviving that bill without going back thrugh the long process of holding new hearings, having it marked up, a new rule, and new debate on the floor, but the result is exactly the same, and I congratulate the Committee on Rules.

Mr. Speaker, I get a bit annoyed on occasion as I am sure most of the Members do, with just negative criticism of this body. I know that we have flexible rules, and I am very happy that the Committee on Rules was able to report this resolution. It may be unusual, but it is not unique, and it is completely in keeping with the Rules of the House and the committee. In my judgment, it is sound and logical procedure because the alternative is what the gentleman from Iowa recommends, namely, long delay with little prospect of success.

As the distinguished gentleman from Louisiana (Mr. PASSMAN), the chairman of the subcommittee that handles the actual money allocations for this program said—this is an authorization and not an appropriation. Each item contained in the conference report, as finally adopted by the House, will be subject to the careful scrutiny of the gentleman from Louisiana and his subcommittee and the full committee headed by the gentleman from Texas (Mr. MAHON).

I would suggest then that this is sound procedure. I agree with some of the criticisms that have been made. It may very well be that our whole structure of foreign aid should be looked at very carefully by the respective congressional committees, but certainly we do not have the time in this session of this Congress to do that.

We would waste time if we had a new bill from the Committee on Foreign Affairs dealing with this subject this late in this session of the Congress.

I hope that come next January the distinguished gentleman from Pennsylvania and other members of his committee will conduct such a study. But the orderly thing to do now is to adopt this resolution and to permit these gentleman to go to conference and come back with a conference report on a bill that we can enact and continue the foreign aid program.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I rise to urge support for this legislation.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 404]

Abbitt
Abourezk
Addabbo
Alexander
Anderson, Tenn.
Bell
Blackburn
Blatnik
Boland
Brooks
Byrne, Pa.
Byron
Camp
Carey, N.Y.
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Conyers
Corman
Cotter
Daniel, Va.
de la Garza
Dellums
Derwinski
Diggs
Dingell
Dowdy
Dulski
Edmondson
Edwards, La.
Findley
Fulton
Fuqua
Goldwater
Gray
Griffiths
Gubser
Halpern
Hansen, Wash.
Harsha
Heinz
Henderson
Hillis
Jarman
Kuykendall
Lennon
Link
McClure
McKevitt
Mathias, Calif.
Michel
Miller, Calif.
Mills, Ark.
Patman
Pickle
Pike
Roberts
Rooney, N.Y.
Runnels
Stanton, James V.
Stuckey
Thompson, N.J.
Veysey
Wilson, Charles H.
Wyatt
Wydler

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN AID AUTHORIZATION, 1972

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I rise to urge support of this resolution.

As the distinguished ranking minority member of the Committee on Rules has earlier pointed out, one does not have to be a proponent of the foreign assistance program to vote "aye" on this procedural question. This is simply to permit the House committee to go to conference with a bill already approved by the House, and there to represent a position which, as the distinguished chairman of the House Committee on Foreign Affairs has pointed out, has already won the approval of a majority of this body.

If you wish to vote for the chairman of the Committee on Foreign Relations of the other body to unilaterally direct the foreign policy of these United States an appropriate vote might be "no." If you wish, however, to uphold the prerogatives of the House of Representatives and to retain its voice in this important foreign policy consideration, the vote would appropriately be "aye."

Through the restrictions imposed by the other body in the bills passed over there, the President is hedged about with limitations and restrictions which in my judgment would be disapproved by many Members of this body.

The blows in the limited funding in those bills would fall most heavily on those areas which should have the most support, even among those who are doubters of foreign assistance itself. It would fall upon the economic supporting assistance to Vietnam, which is essential in the spending of these millions to underwrite the billions we have spent there in our efforts, and the thousands of irreplaceable lives that have been lost. It would fall heavily on our military assistance to such countries as Cambodia and the Republic of Korea, there the blow would fall the hardest. These are aspects which many of those who do not approve of the overall assistance program might well support. We are underwriting the President's Asian doctrine in which we seek to supplant our involvement in such conflicts as Korea and Vietnam with economic and military assistance to such countries, and there is not adequate funding for this in the Senate bills.

Mr. Speaker, we should uphold the prerogatives of the House, and preserve its voice in foreign policy. We should not look upon the Senate bills with favor that propose a turn to almost total emphasis on multilateral spending in which we are diluting the control of the Congress over whatever foreign assistance programs we do have.

I urge you to support the committee by voting "aye" on this procedural question, whether or not you are a supporter of the foreign assistance program. If you favor it then I urge you to support the House position for a better and more fully funded bill.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the distinguished gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding, I simply want to commend him for his statement. I too suport this rule. Regardless of how we may feel about our foreign assistance program, I trust that we all want this matter to go to conference.

Admittedly this rule represents an unusual way to make a conference possible but this results not from any action, or inaction, in this body but because of recent actions of the other body.

May I add also, Mr. Speaker, that there is real need for a conference. Not only will there be major dollar differences to reconcile, but also other matters of considerable consequence. The responsibility of the conferees will be unusually heavy, and coming as it does so late in the year there may be unusual difficulty in reaching a reconciliation of differing views.

CALL OF THE HOUSE

Mr. CRANE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred thirty-nine Members are present, not a quorum.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 405]

Abbitt
Adams
Alexander
Anderson, Tenn.
Bell
Blackburn
Blatnik
Boland
Brooks
Byrne, Pa.
Camp
Casey, Tex.
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Conyers
Corman
Cotter
Dellums
Derwinski
Diggs
Dow
Dowdy
Dulski
Edmondson
Edwards, La.
Findley
Fulton, Tenn.
Fuqua
Giaimo
Goldwater
Gray
Green, Pa.
Griffiths
Gubser
Halpern
Hansen, Wash.
Hawkins
Heckler, Mass.
Heinz
Henderson
Hillis
Keith
Lennon
Link
McClure
McKevitt
Mathias, Calif.
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Morse
Murphy, N.Y.
Pepper
Pickle
Pike
Rees
Reid, N.Y.
Roberts
Roy
Roybal
Runnels
Sandman
Saylor
Sikes
Stanton, James V.
Stuckey
Symington
Teague, Calif.
Terry
Tiernan
Veysey
Wilson, Charles H.

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN AID AUTHORIZATION, 1972

The SPEAKER. The Chair will state that the gentleman from California (Mr. Smith) has 16 minutes remaining and the gentleman from Missouri (Mr. Bolling) has 10 minutes remaining.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Mahon), chairman of the Appropriations Committee.

Mr. MAHON. Mr. Speaker, what I shall say has probably already been said better by others, but I do wish to make this statement: I do not regard a vote on the resolution which is pending as a test of whether a Member favors the House version of the aid bill or the Senate version or whether he favors any bill at all. I regard this as a mechanism to enable Congress to work its will on the foreign aid issue, whatever the level is and whether we have it at all.

I personally do not favor all of the provisions of the House bill, or all of the provisions of the Senate bills. I personally feel that when the Committee on Appropriations presents a foreign aid bill the proposed level of spending will be lower than the figures in either of these bills.

The problem is that before we adjourn we must dispose of this issue in some manner. I want to commend the Committee on Rules for proposing this method of bringing this matter to a point where a decision can be made.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Speaker, I just cannot imagine anyone standing here in good faith and saying that a vote for this resolution is simply a mechanism for proper procedure, and is not a vote in favor of the "foreign aid giveaway."

Mr. Speaker, I have heard this called a rule without precedent, unique, and very unusual. I have heard it called orderly process. It is not orderly, it is simply expeditious and the other euphemisms.

Obviously, Mr. Speaker, this now proves that our Committee on Rules can do anything regardless of precedence, or the rules of the House, as long as the House will support it—and this becomes very important, because the final action on this rule or resolution is simply to vote it up or down.

I hope the House will tarry long enough to face and carefully analyze the true situation in which we find ourselves.

Our good friend and my colleague, the gentleman from Pennsylvania (Dr. Morgan) came here and purged himself. In that process, by some legerdemain, he resurrected this action. The resurrected action is that we have a $3 billion bill made in order again for the conferees—not all of us—instead of a $2 billion foreign aid bill.

These are the factors I think you must consider.

For years you have each and every one known the legislative process and have known how bills come into acts, or become statutes. Now for the first time we are making in order a conference on a bill or bills that have not been passed by both bodies.

Just a word, Mr. Speaker, about the conference technique. Do the duly elected Members who are Representatives in their own right, each from their own district, not realize that this is a device and a division of many heads, a resolving it into the minds of a few—in conference—and then the conference report according to the rules of the House itself, must be voted either up or down? I say, if the other body committed mayhem or even homicide on duly processed H.R. 9910, then in the name of heaven let that body of the Congress bear the blame, and at least do its own resurrection.

Mr. Speaker, this rule should be defeated out of hand. I hope that after proper consideration, and in view of the resurrection, the purgation and the passing out, the infusions on the reinspiration, that we will come to ourselves, we will awaken from full syncope, and vote down this rule.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of House Resolution 710.

Mr. Speaker, it is true there is an article in the press that described it this morning—that this particular resolution does represent the almost unlimited power of the Committee on Rules to effect legislative procedures of this House subject, of course, to ratification by a majority vote.

I have listened with interest as various similes have been employed in the debate this afternoon to describe the action of the Committee on Rules. I think the gentleman from Iowa referred to it as artificial respiration. Then again as reviving a dead horse that had already been killed in the other body.

This afternoon I would like to take a somewhat more positive view of the matter and suggest that this kind of resolution may well herald a new and even more creative chapter in the distinguished history of the Committee on Rules, and maybe instead of calling it artificial respiration, we should say in effect that we have created a foreign aid program by immaculate conception in view of the purity of the members of the Committee on Rules.

I am not particularly disturbed by the charge that we are bailing out the other body. Perhaps in this instance the other body did not serve as the saucer to the teacup, as one of the Founding Fathers suggested that it might.

Perhaps in a sense we are bailing them out of the folly that they perpetrated several weeks ago. I happened to be one of those who supported a continuation of the foreign aid program when it was on the floor of the House on August 2 of this year.

I think it would be nothing short of tragic if we were ever to vote against this resolution today on the basis of trying to kill that program.

When the gentleman from Pennsylvania, the distinguished chairman of the House Committee on Foreign Affairs, appeared before us yesterday, he gave us once again a public unequivocal pledge that promptly upon the conclusion of this matter, upon the resolution of the differences between the two Houses on this authorizing legislation, he will hold hearings—and I am sure he will—on the recommendations for the reform and the restructuring that is badly needed in this program as proposed by the President's task force on reform of the foreign aid program.

Mr. Speaker, I am content to accept this assurance and I urge the Members today to adopt this resolution.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to my colleague.

Mr. MATSUNAGA. Mr. Speaker, I commend the distinguished member of the Rules Committee for his sage observations. I agree with him that the adoption of House Resolution 710 will mean the recognition by the House of almost unlimited power vested in the Rules Committee in setting procedural rules. It should also be observed that although the Rules Committee is normally known for its exercise of negative power, House Resolution 710 represents an unprecedented and unusual exercise of positive power by the Rules Committee. Here is a classic example of the positive role which the Rules Committee can play to expedite the legislative process in the Congress. However, if we adopt the gentleman's theory of immaculate conception, where would that put the father of foreign aid, the gentleman from Louisiana (Mr. PASSMAN)?

Mr. ANDERSON of Illinois. In view of the obvious discomfiture of the gentleman from Louisiana the other day when the question of his paternity of the foreign aid program was raised, I would not want to continue the discussion as to that matter.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. GROSS. Slice it thick or thin, this resolution still makes in order a bill that 192 Members of the House voted against.

Mr. ANDERSON of Illinois. But a majority of this House supported it.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I am going to vote for this resolution because I consider it merely a vote to go to conference. If the conferees come back, and I may be one of the conferees—I have been in the past—if they come back with more than what I think ought to be in the foreign aid bill, I can vote against the conference report and I reserve the right to do that.

I think this is a good idea and I said so in committee when we met to decide what to do about it. The Committee on Rules can do anything it wants to under the sun, if the House votes to let them do it. This is to save us from going through the rigmarole of having more hearings and coming back with another bill. This is simply nothing more or less than going to conference.

As to reviving a dead horse or whatever, as the gentleman from Iowa (Mr. GROSS) described it the other day, he said this bill is as dead as a dodo bird—and he should have said as dead as a phoenix, because it has risen from the ashes this afternoon.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. GROSS. What about the committee action that was taken that endorses this action? I never heard of any committee action and I am a member of the Foreign Affairs Committee.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I believe the House knows by now what we are up against here, so I am not going to take the 3 minutes. I merely wish to say that this is the only way we could figure out how to get into conference what the Senate did in the field of foreign aid and what the House did in the field of foreign aid. That is our normal procedure in the legislative process. We go to conference with whatever the two bodies have decided.

Under the peculiar circumstances facing us, the proposal is the only device any of us could figure out as to how to accomplish that objective, the normal thing, of letting the two Houses in conference decide their differences. I hope there will be, regardless of how one may feel about the program, strong support to give us this opportunity, because a good vote here this afternoon will make it a lot easier for us to come out of what is inevitably going to be an extremely difficult conference.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, let me make three points very quickly:

First. As has been said by many, this is a procedural issue. It does not involve substance. It involves a technique for getting to conference.

Second. Members ought to vote "yea," in my judgment, because it is one way in which we can reassert the position of the House and let the other body know that they made a mistake, in our judgment, in taking the action they did by specifically and obviously killing the House bill.

Third. Let us all recognize that this is legislation in one form or another that has to be considered before we adjourn, and if we are interested in achieving that result, it seems to me the quickest and best way to accomplish that is to vote "yea" on the rule this afternoon.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Speaker, we have heard a great deal today about resurrecting the foreign aid bill. If that is so, it merely points up what a great chairman Dr. MORGAN is.

Not only is he a great chairman of the Foreign Affairs Committee, but he is also one of our great physicians. I suggest it is this combination of abilities that brings this resolution before us today.

I might point out that it is the other body that killed the bill and then resurrected a bill in its own image in two parts. What we are doing here today is simply reaffirming what the House in its wisdom and its liberality has already done. We are sending to conference a bill that has already been determined to be in the Nation's interest by this Chamber.

We also have heard a great deal of talk about Southeast Asia. We seem to have a vote on this question almost every week now. But if we are really interested in ending our involvement in Vietnam, then this resolution must not be killed. Because it is this resolution that provides the tools needed to wind the war down and bring American troops home.

Specifically, this resolution provides the necessary level of supporting assistance funds. These are the funds that are used to transfer the burden of defense from United States to local forces in the countries of Southeast Asia.

The Governments of Vietnam, Laos, and Cambodia are assuming an ever-greater responsibility for their own defense. But maintaining large standing armies inevitably has an inflationary impact.

That is where supporting assistance comes in. These funds are used to finance imports which are sold commercially and this increases Government revenues. Without these imports and the resulting hike in revenues, inflation would soar. And the major new economic reform program in Vietnam would be imperiled.

Let me enlarge on this problem of inflation. Without an adequate level of supporting assistance hoarding would soon become widespread. Goods would disappear from the marketplace and economic chaos would follow; as would political instability.

Whatever the wisdom of past U.S. policy in Vietnam, an abrupt reduction in supporting assistance is hardly what we need now. We all want to get out of Vietnam. And one way of insuring this happens is to provide the President with the foreign aid tools needed to do the job.

One other point, we have heard a great deal today about the wisdom of the other body and how we should follow the Senate's lead. I would like to point out that the Foreign Affairs Committee spent 27 full days on this bill. By contrast the other held only 3 days of hearings.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, it has been suggested that a vote to send these bills to conference is a vote against turning aid over to multilateral organizations. I wonder if the gentleman will explain this, because if it is true, I am going to vote for this.

Mr. GALLAGHER. The gentleman is asking about channeling aid to multilateral organizations?

Mr. LONG of Maryland. Yes.

Mr. GALLAGHER. The other body incorporated an approach that distinctly favors multilateral over bilateral aid. Needless to say this approach lessens the ability of this Chamber to control how our foreign aid dollars are spent.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I would like to answer the gentleman from Maryland, because I know of his interest in this. In one of the bills a provision was put in by the Senate to terminate bilateral aid, ending by June 30, 1972. Another is a new declaration of and support of cessation of multilateral aid. All through this bill is the theory the gentleman opposes.

Mr. LONG of Maryland. Mr. Speaker, I am opposed to giving up the powers of this body and giving them to a multilateral organization.

Mr. GALLAGHER. Mr. Speaker, I thoroughly agree with the gentleman on this point. Let us consider in general what the other body has been up to. First the Senate—with one-third of its Members absent—voted down the foreign aid authorization bill. Then it refused to go along with the House in accepting a continuing resolution. Finally, when it got around to legislating on foreign assistance once again, it split the bill in two and approved almost a billion dollars less than the House version.

Why, we may ask ourselves, has the Senate gone through this unprecedented and tortuous sequence of maneuvers? Is the foreign aid program so different this year? Is the world situation so very different? Is there indeed any solid basis for a radically different treatment of the aid program by the House in the wake of the other body's perambulations over the past several weeks?

I think that, on reflection, we would agree that the answer to all these questions is "No."

The other body, after all, did not scuttle foreign aid for reasons of substance, but rather because of a grab-bag of extraneous concerns. All of a sudden the foreign aid bill became a political football because of Senate unhappiness with the war, the United Nations, the administration, the Greek Government, you name it.

This is not legislating on the merits of an issue but rather reacting on the basis of whim and, at times, personal pique.

Yielding to the other body on the foreign aid bill is not going to reverse the United Nations' vote on China. I personally was as unhappy as anyone in this Chamber at that outcome. But, put plainly, what is done is done and it makes no sense now to take out any animus at the United Nations by throwing punches at foreign aid.

Similarly, winding down the war and getting American troops home is the top priority item on our national agenda. But any limitations on the conduct of our foreign policy in Southeast Asia should be approached directly—not as a sideshow to the foreign aid debate.

The fact is that economic assistance has worked well on the whole. Economic growth rates in the developing world are up and rising, and our humanitarian relief programs have shown that this country does care.

Granted that AID has encountered operating problems. These must not be ignored. But they are best treated in the context of a basic reconsideration of the enabling legislation next session.

Similarly, the military aid program is responsibly geared toward enabling other nations to defend themselves and thereby keep this country out of Vietnam-type situations. I take the administration at its word when it talks of using military aid as an important means of insuring a generation of peace.

What it all comes down to, then, is this. The House acted responsibly in approving H.R. 9910 on August 3. Nothing whatsoever has happened since to warrant a change in signals at this late date.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I join with the gentleman from New Jersey, and I compliment him on his remarks. A great deal has been said about the mother and father of this bill. I think the Senate has produced a couple of illegitimate children here, and the only way we can legitimize them is by adoption of the House bill and send it to conference.

Mr. GALLAGHER. When we say the Congress should have a larger voice in foreign policy we mean just that. But a larger voice in foreign policy does not mean just being eccentric and irresponsible and following the other body. A larger voice means being able to correct things that are wrong but also supporting things that are right.

I urge the House to adopt this rule for it is the right thing to do.

This rule will enable our conferees to work their will. I am sure that they will bring back to this House a bill that the majority can support.

Mr. BOLLING. Mr. Speaker, I urge strong support for sending the foreign aid matter to conference. That can be done by voting for this resolution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 269, nays 115, not voting 46, as follows:

[Roll No. 406]

YEAS—269

Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bergland
Biaggi
Biester
Bingham
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrnes, Wis.
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Chamberlain
Chisholm
Clark
Clay
Cleveland
Collins, Ill.
Colmer
Conable
Conte
Conyers
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
Delaney
Dellenback
Dellums
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kazen
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Lent
Lloyd
Long, Md.
McClory
McCloskey
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Matsunaga
Mayne
Meeds
Metcalfe
Michel
Mikva
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Peyser
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shriver
Sisk
Slack

Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Tex.
Zablocki
Zion

NAYS—115

Abernethy
Abourezk
Andrews, Ala.
Archer
Ashbrook
Baker
Baring
Bennett
Betts
Bevill
Blanton
Brinkley
Broyhill, N.C.
Burlison, Mo.
Byron
Chappell
Clancy
Clawson, Del
Collier
Collins, Tex.
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Dorn
Duncan
Edwards, Calif.
Evins, Tenn.
Flowers
Flynt
Fountain
Galifianakis
Gettys
Griffin
Gross
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hechler, W. Va.
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Tenn.
Kastenmeier
Keating
Kemp
Landgrebe
Landrum
Leggett
Long, La.
Lujan
McCollister
McMillan
Martin
Mathis, Ga.
Mazzoli
Melcher
Miller, Ohio
Mizell
Montgomery
Moss
Myers
Nichols
Obey
O'Konski
Pettis
Poage
Powell
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Roe
Rogers
Roncalio
Roush
Rousselot
Ruth
Satterfield
Saylor
Scherle
Schmitz
Scott
Shoup
Skubitz
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Stephens
Talcott
Terry
Thompson, Ga.
Thone
Veysey
Waldie
White
Whitehurst
Whitten
Wilson, Charles H.
Wylie
Wyman
Young, Fla.
Zwach

NOT VOTING—46

Abbitt
Adams
Alexander
Anderson, Tenn.
Bell
Blackburn
Blatnik
Boland
Brooks
Byrne, Pa.
Camp
Casey, Tex.
Celler
Clausen, Don H.
Corman
Cotter
Derwinski
Diggs
Dowdy
Dulski
Edmondson
Edwards, La.
Findley
Fulton, Tenn.
Fuqua
Goldwater
Griffiths
Halpern
Hansen, Wash.
Henderson
Hillis
Lennon
Link
McClure
McKevitt
Mathias, Calif.
Miller, Calif.
Mills, Ark.
Pepper
Pickle
Roberts
Roy
Runnels
Sikes
Stuckey
Symington

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Celler with Mr. Halpern.
Mr. Blatnik with Mr. Don H. Clausen.
Mr. Runnels with Mr. Bell.
Mr. Roberts with Mr. Goldwater.
Mr. Dowdy with Mr. Hollis.
Mr. Abbitt with Mrs. Hansen of Washington.
Mr. Brooks with Mr. Findley.
Mr. Sikes with Mr. McClure.
Mr. Henderson with Mr. Blackburn.
Mr. Lennon with Mr. Pepper.
Mr. Byrne of Pennsylvania with Mr. McKevitt.
Mr. Cotter with Mr. Miller of California.
Mr. Casey of Texas with Mr. Symington.
Mr. Dulski with Mr. Mathias of California.
Mr. Edmondson with Mr. Camp.
Mr. Pickle with Mr. Alexander.
Mr. Diggs with Mr. Derwinski.
Mr. Boland with Mr. Anderson of Tennessee.
Mrs. Griffiths with Mr. Corman.
Mr. Link with Mr. Fuqua.
Mr. Stuckey with Mr. Fulton of Tennessee.
Mr. Adams with Mr. Roy.

Mr. RUTH changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as conferees on the part of the House on the bills S. 2819 and S. 2820 the following Members: Messrs. Morgan, Zablocki, Hays, Fascell, Mailliard, Frelinghuysen, and Broomfield.

PROVIDING FOR THE CONSIDERATION OF H.R. 11060, FEDERAL ELECTION REFORM

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, and at the request of the distinguished gentleman from Mississippi (Mr. Colmer) I call up House Resolution 694 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 694

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes. After general debate, which shall be confined to the bill and to the amendments made in order by this resolution, and which shall continue not to exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order immediately after the enacting clause is read to consider without the intervention of any point of order the text of the bill H.R. 11231 as an amendment in the form of a new Title I to the bill H.R. 11060. Following disposition of this amendment, it shall then be in order to consider without the intervention of any point of order the text of the bill H.R. 11280 as an amendment in the nature of a substitute for the bill H.R. 11060. At the conclusion of the consideration of H.R. 11060 for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and if an amendment in the form of a new Title I or an amendment in the nature of a substitute is reported from the Committee of the Whole, it shall be in order in the House for any Member to demand a separate vote on any amendment adopted in the Committee of the Whole to that amendment. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 11060, it shall be in order in the House to take from the Speaker's table the bill S. 382 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11060 as passed by the House.

The SPEAKER. The gentleman from California (Mr. Sisk) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 694 provides an open rule with 2 hours of general debate for consideration of H.R. 11060, the Federal election reform bill. The 2 hours of debate will be equally divided between the Committee on House Administration and the Committee on Interstate and Foreign Commerce. It shall be in order to consider, without the intervention of a point of order, H.R. 11231 relating to political broadcasting as an amendment in the form of a new title I to the bill H.R. 11060. It shall also be in order to consider, without the intervention of a point of order, H.R. 11280, a Federal Election Campaign Act, as an amendment in the nature of a substitute for H.R. 11060. After passage of H.R. 11060 it shall be in order to take S. 382 from the Speaker's table, move to strike all after the enacting clause and amend it with the House-passed language.

H.R. 11060 places a limit on campaign contributions and expenditures in Federal elections and restricts a candidate from making expenditures from his personal funds.

It provides requirements for detailed disclosures and provides for effective prohibitions against violations.

H.R. 11231 is a political broadcasting bill to limit expenditures for use of communications media in Federal campaigns and is similar to H.R. 8628 as reported by the Committee on Interstate and Foreign Commerce.

H.R. 11280 covers the communications media, places a limit on campaign contributions and expenditures, provides for disclosure and is similar to the bill passed by the Senate.

Mr. Speaker, again we are faced with a somewhat unusual rule in that the Committee on Rules was faced with two bills coming from two committees dealing to some extent with the same subject, but at the same time dealing with their own particular areas of jurisdiction, and so the Committee on Rules felt that the procedure which is outlined in the resolution was the fairest and best way to get the matter before the House in order that the House might work its will on such legislation.

Further, because of interest on the part of a number of Members—and I might say here, parenthetically, as I have indicated—that of course H.R. 11060, which is really the basic instrument on which a rule is being granted, is a bill out of the Committee on House Administration authored by the gentleman from Ohio (Mr. Hays) and other members of that committee.

The bill out of the Committee on Interstate and Foreign Commerce, authored by the gentleman from Massachusetts (Mr. Macdonald) H.R. 11231, of course, is being made in order to be offered as a part of the overall H.R. 11060, as a title I.

Then, finally, the Rules Committee has made in order the consideration of H.R. 11280, which is a bill introduced by the gentleman from Minnesota (Mr. Frenzel) and cosponsored by the gentleman from Ohio (Mr. Brown) and, as I understand it, either identical with, or nearly so, the Senate-passed bill.

Actually, what this rule would do, if adopted, would be to make it possible for the House to consider all three approaches, or a combination of any two or three approaches, in connection with this legislation.

Mr. Speaker, in order that the House may proceed to discuss the merits and demerits, if there be those, about the various pieces of legislation to be pending, I urge adoption of the resolution.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, once again I am in the position of having a rule explained very ably by the gentleman on the majority side, Mr. SISK of California.

Once again we are faced with another unusual rule. I believe I remarked the other day to the gentleman from Iowa that we were going to have some beauties before this session was over. We have one of those now. I do feel I should have my remarks in the RECORD, because we will be facing back to situations like this perhaps at some time in the future.

Mr. Speaker, House Resolution 694, in effect, makes in order consideration of three separate bills. They all deal with various phases of campaign spending, disclosure of receipts, and expenditures by candidates.

Let me explain my understanding of the parliamentary procedure under which the House will consider these three bills.

The rule makes in order consideration of H.R. 11060. That bill, popularly known as the Hays bill, was reported by the Committee on House Administration. Under the rule, 1 hour of general debate will be equally divided between the chairman and ranking minority member of the Committee on House Administration. The rule provides for a second hour of general debate which will be controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce. At the close of general debate, and as soon as the enacting clause of the Hays bill has been read, it will be in order, without an intervention of a point of order, to offer as an amendment in the nature of a new title I of the Hays bill, the text of the bill, H.R. 11231, popularly known as the Macdonald bill, the bill from the Committee on Interstate and Foreign Commerce. That bill is identical with H.R. 8628 as reported by the Committee on Interstate and Foreign Commerce. H.R. 11231 is used in the rule because it is a clean bill and thus the amending process will be easier to carry out. H.R. 8628, as reported, was a committee substitute for the introduced bill.

After the Macdonald bill is offered, it, of course, will be open to perfecting amendments as any amendment is under the normal amending process.

After the Macdonald bill is perfected and is voted on by the House, it will then be in order to consider, without the intervention of a point of order, a substitute for whatever is before the House at that point, either the Hays bill or the Hays bill as amended by the Macdonald bill. This substitute, H.R. 11280, is identical with the Senate-passed bill, S. 382, which bill is currently on the Speaker's table.

When the substitute is offered it too will be open to amendment under normal procedures. After all perfecting amendments to the substitute have been disposed of, the vote will occur up or down on the substitute. If the substitute is agreed to, then the Committee will rise and report the substitute to the House. If the substitute is voted down, we will begin the normal amendment process on H.R. 11060, the Hays bill.

Finally, Mr. Speaker, the rule provides that after passage of H.R. 11060, in whatever form that may be, it will be in order to take from the Speaker's table the Senate bill, strike all after the enacting clause and insert in lieu thereof the text of the bill, H.R. 11060, passed by the House. This is normal language to enable the bill to go to conference.

Now, as to H.R. 11060, it is my understanding that the purpose of the bill is to place a limitation on all campaign contributions and expenditures, to require disclosure by candidates of both contributions and expenditures on their behalf, with appropriate prohibitions against any violations.

The aggregate amount of total contributions as well as the aggregate amount of total expenditures are both restricted. In each case, the permissible amount is the larger of $50,000 or 6 cents multiplied by the population of the election area. The population total of the United States would apply for presidential elections, the entire State for a senatorial election and the congressional district for a Representative to the House election.

Further, a candidate is limited from making expenditures from his own funds including personal funds of his immediate family under his control. The ceiling is $35,000 if he is running for President or Vice President, $20,000 if he is running for Senator, and $15,000 if he is running for the House. The same limits apply where an individual desires to make contributions to the candidacy of others from his own funds or those under his control.

Reporting requirements are contained in the bill. Each candidate for Federal office and each committee, person, corporation, union, or other group supporting his candidacy must make reports of expenditures and contributions. The first report must be made between 10 and 15 days prior to the election; the second and final report must be made not later than 45 days after the election.

Any person, group, or organization which violates these requirements and is not a candidate is liable to a fine of $10,000 or imprisonment for up to 1 year or both. A willful violation is punishable by a fine of up to $10,000 or imprisonment for up to 2 years.

Candidates who violate the law may also be penalized. A candidate for President or Vice President who violates the act can be fined up to $25,000. A candidate for Congress can be disqualified from taking office and no certificate of election may be filed until a winning candidate has reported his contributions received and expenditures made as required. A candidate who violates the act can be disqualified from seeking office for a period of years, 7 if he was running for the Senate, 5 years if seeking a House seat. Any person seeking a Federal office, except President or Vice President, who violates the act while seeking the nomination of his party must forfeit the nomination.

All reporting under the bill is to be made to Federal officials. All reporting concerning a presidential or vice presidential primary or general election campaign must be made to the Comptroller General. The Clerk of the House and the Secretary of the Senate respectively will oversee and receive reports required with respect to elections to the Congress.

Now, as to the second bill, the Macdonald bill, it is my understanding that the purpose of the bill is to repeal the "equal time" provisions of the Communications Act as they apply to the presidential election, to limit the total campaign spending on all media, printed and broadcast, to 10 cents per voter, to insure that all candidates for Federal office who purchase time or space from the various media will not be required to pay premium rates, and to prohibit any candidate for Federal office to spend more than 5 cents per voter on radio, television, or cable television advertising.

Section 315(a) of the Communications Act now requires that all broadcasters, if they provide time for any candidate for public office, provide equal time for all other candidates for the same office. The bill would permanently repeal this provision with respect to the presidential election. All other elections would still be covered and stations would be required to provide equal time in all election contests except that of President and Vice President.

The bill further provides that all broadcasters who sell time to qualified candidates running for any elective office must sell that time at a rate not to exceed the lowest unit charge of the station for the same amount of time in the same time period as would be charged to commercial advertisers. No national standard is set; the lowest rates in the candidate's own area would prevail.

With respect to newspapers and magazines, the bill requires that if such publications sell space to any qualified candidate the charge for the space may not exceed the normal charges for comparable use of the space by other advertisers. Further, if a magazine or newspaper sells space to one candidate they must sell it to all candidates for the same office who asks to purchase it.

Finally, the bill places a limitation on total media spending by candidates for all Federal offices equal to 10 cents for each person of voting age in the area in which the candidate runs. However, of this 10 cents per voter, no more than 5 cents may be spent on radio, television, and cable television advertising. There is no limitation within the overall ceiling for print media spending.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. HAYS. There is a good bit of confusion in the House, and I have listened to the gentleman very carefully. However, the bill he just got through describing is the Macdonald of Massachusetts bill; is that correct?

Mr. SMITH of California. Yes; that is the bill from the Committee on Interstate and Foreign Commerce, the so-called Macdonald bill.

Mr. HALEY. Mr. Speaker, if the gentleman will yield further?

Mr. SMITH of California. I yield to the gentleman from Florida.

Mr. HALEY. On the original bill that you have brought to the attention of the committee and the House with reference to the 6 cents the gentleman said per population, does the gentleman mean the population or the voters of that particular district?

Mr. SMITH of California. That is based upon population. One of the bills is based upon population and one of them is based upon the number of voters. The first bill, the Hays bill, in my opinion is 6 cents multiplied by the population of the election area. The bill out of the Committee on Interstate and Foreign Commerce, the so-called Macdonald bill, provides that not to exceed 10 cents of the eligible voters.

Mr. HALEY. Would that expenditure be based upon the 1970 census?

Mr. SMITH of California. It is based upon the voting age population; not those registered, but the voting age population.

Mr. HAYS. Mr. Speaker, if the gentleman will yield further, the gentleman is exactly right. It would be based on the 1970 census. The reason that we chose 6 cents in the original bill times the population is because this is a census figure which cannot be disputed, while the voting population is an estimated figure. I do not know that this would happen, but it seemed that there could be a possibility that someone could bring a lawsuit based upon the fact that it was not an accurate figure. But may I say to you that, 6 cents times the population or 10 cents times the voting age population comes out roughly at the same amount of money. We simply chose the 6 cents because it is something you can tie down exactly and definitely and there can be no argument about it.

Mr. SMITH of California. May I finish my statement? I have requests for time to the extent of 15 minutes, but, perhaps, the gentleman from California would yield to me additional time.

One of the statements that causes me concern about this bill is the 1970 census. You may recall that we had to restrict in 1967 under the one-man, one-vote rule and we had to go back to the 1960 census in order to do that. Earlier in California the congressional district population was figured at approximately 450,000 but when they redistricted in 1967 that same district was composed of a population between 700,000 to over 850,000. There is one district which has a population of 900,000. If you have to use this 1970 census for the elections in 1978, it may present some problem.

I am for full disclosure and complete reporting. My treasurer has always reported every nickel and dime, the sources from which it came and how it was expended, and a certified copy is filed in the office of the secretary of state at Sacramento and with the registrar's office in Los Angeles County.

We do not get our certification of election from the secretary of state until this is done. So from that standpoint I am in agreement with the purpose of full disclosure. But none of these three bills, in my opinion, actually accomplish this. I do not think any of them cover the full disclosure in the manner that some people seem to indicate to some of the Members that they want.

We are going to be writing legislation on a very important subject on the floor of the House with not too much time left before we adjourn. I personally think we may have been forced into this to some extent, and this has led us into bringing this to the floor of the House, and also because of a certain lawsuit that was brought against the Democrat and Republican National Committees in which, as I understand, they both admitted certain differences and possibly as a result of what they did there may be a summary judgment.

But in any event, that has led us to believe that there is an emergency, and we should consider this. But I do not think we should be writing legislation by taking three bills and possibly a Senate bill, and with two different committees of the House and writing new legislation on the floor of the House before we adjourn.

When they say that the people want this legislation, and we hear comments in the press, and we receive letters—I have received letters asking me to support legislative reform, but the letters that I have received are of the opinion that this legislative reform is going to control organizations like COPE, or other similar organizations, or labor. But in my opinion none of these three bills in any way will control or affect COPE, or any organization like it. So I think we may be kidding our constituents and ourselves when we say we are going to be getting legislative reform and reporting reform.

There is some language in one of the bills on unions, that is true, but in my opinion I do not think it is explicit enough.

I think that population and all eligible voters may also cause difficulty. If it goes on eligible voters in Los Angeles County, it would be absolutely impossible for any Congressman in Los Angeles to comply with it. In Los Angeles County the registrar of voters closes the rolls 54 days before the election. Then there are all the moves and changes of address and registration, and then next year there will be the 18-year-old voters, and there could well be thousands or hundred of thousands of changes to be made, and they will all go down into the tabulations, and they will all file them with the congressional districts, the assembly districts, and it will be probably not until 8 or 10 days before the election date that we will have the precinct lists, and actually know who the voters are in the particular districts of Los Angeles County. It will be extremely difficult to get a letter out to them.

Mr. HAYS. If the gentleman will yield, under the Hays measure this will pose no problem.

Mr. SMITH of California. That is right.

Mr. HAYS. Because the top limit is $50,000, which is far above the 6 cents times the population which would presumably be about $30,000. That is the reason we put the ceiling in there, so that in a congressional district where the voters shift there would not be that confusion in this calculation.

Mr. SMITH of California. By the same token, if you have something for stamps, postage, printing, and precinct work, and you figure out what you are going to spend, and if you end up with more population, that would make it more expensive, you are in a difficult position. At least, that is a possibility.

Then on the question of the repeal of section 315, the requirement on the cost of advertising, and equal space, I think there is a very great possibility that parts might be unconstitutional.

Then we are going to be faced with joint billboards where they put the Governor and the Congressman, and the assemblyman, how do you figure out what that cost is to you?

Then you have the local committee organizations, both Democrat and Republican, where they put out cards in the congressional districts for the various candidates, the President, Vice President, the Senate, and they hang them on doors. How do you figure out that cost to your limit? What is your share when you don't contribute to this?

Mr. HAYS. Will the gentleman yield?

Mr. SMITH of California. I do not have time to yield.

Mr. HAYS. Because I know I can answer that question in maybe 30 seconds.

Mr. SMITH of California. If the gentleman will wait until I am finished, I will yield if I have time.

I do not think we can legislate honestly—I do not think it can be done. Every candidate is the keeper of his own integrity. I repeat that I am in favor of complete reporting but the person must report honestly. We can pass all the laws we want, but some will find a way to evade the legislation unless it is more clearly spelled out than any of these bills do.

So far as I am concerned, I am in support of appropriate legislation. I sincerely feel that we would be better off if we could have the House Committee on Administration and the Committee on Interstate and Foreign Commerce have a little time next year to get together when we are not so rushed as we are now and then bring a good piece of legislation to us for consideration.

I do not think any bill when we finish writing it here on the floor of the House will accomplish what I would like to see accomplished.

Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman from California has consumed 19 minutes.

Mr. SMITH of California. Then I cannot yield any further.

Mr. SISK. Mr. Speaker, if the gentleman from California desires, I will try to help him and yield him some time.

Mr. SMITH of California. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. The gentleman raised a very real problem with reference to the slate, card, or joint billboard advertising. The committee will have an amendment prepared that someone will offer to exempt those two categories. I happen to think they are not very useful ones and I believe, as you do, that it would require a magician to figure this out.

I will say to you that I do not think any of these bills are perfect. We labored long and hard in the committee and anticipated every contingency that we could think of, but that was not one that came up. So there will be an amendment to take care of that particular feature where there are several candidates on the billboard and several candidates on a slate card. That just will not be considered a part of the $50,000 limitation.

Mr. SMITH of California. I appreciate that.

Every congressional district is different. We cannot use television in Los Angeles. I think there are 12 or 13 stations in that area and the cost is prohibitive and we would have to have a spot on every station at the same time to be effective. The cost would be impossible to handle.

Mr. HAYS. Let me say to you that he is exactly right about every district being different.

When we marked up the bill, we had 25 members and there were 25 different problems. That leads me to believe that there are 435 different problems in trying to write a bill which will cover everybody. So the bill has to be flexible, but I think it ought to have some overall outside limits.

Mr. SMITH of California. I have 13 minutes assigned to Members. May I inquire of the gentleman from California how much additional time he is going to give me?

Mr. SISK. I have some time that has been requested. I would suggest that I might now yield to another member of the committee, the gentleman from Indiana (Mr. MADDEN) and then I think I will have ample time to yield you additional time.

Mr. SMITH of California. Mr. Speaker, I reserve the balance of my time, and I will yield later if I can.

The SPEAKER pro tempore. The gentleman from California has consumed 21 minutes.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, the pending rule calls for debate and passage of legislation which has been too long delayed by this Congress. The enactment of this legislation, plus strict enforcement, will restore the election of public officials to the control of the rank and file of American voters. In recent years the fabulous campaign funds used to influence the voting public has been bordering on a national scandal.

The chairmen and members of the House Administration Committee and the Interstate and Foreign Commerce Committee are to be congratulated for the long hearings and deliberations they have held on this legislation and successfully bringing it to the floor of the House for passage. In the next presidential and congressional elections over 3 million young Americans between 18 and 21 will be voting for their first time. These young voters are looking to this Congress to pass a strict and enforceable limitation on campaign funds so that the minds of the American voters are not high-pressured and warped with multi-million-dollar financed political propaganda in the next general election. Last summer when I addressed a meeting of college students in Indiana the problem of candidates and political parties accumulating millions of dollars to influence and indirectly purchase public office was the main interest of the youthful questioners who are anxious to participate in their government.

Young American voters under 35 fully realize that a very small percentage of their group will be able to accumulate fabulous campaign funds in order to succeed in holding public office. Young America wants the Congress to effectively act on legislation to return our elective system to the common people. In recent elections it was obvious to the American public that only well financed candidates seem to be successful in possessing large funds to buy TV, radio, newspaper advertising, billboards, political workers, and so forth.

What this Congress does on the pending legislation to protect the integrity of the American election system will be one of the major issues in the 1972 campaign.

The 1968 elections revealed a 100 percent increase in campaign expenditures over the 1952 national election. In the 4 years between 1964 and 1968 political spending for radio and TV broadcast time increased by 70 percent.

Another feature of the pending legislation is that all major contributors to political parties or candidates must report both before and after the election the amount of their contribution and to the party or candidates to whom they contributed. The present Federal laws pertaining to campaign contributions have been nothing more than a political sieve without effective enforcement provisions. Tax loopholes, large corporations, and special-privileged groups can contribute, without curtailment or restriction, any amount of money directly or indirectly to their party or choice of candidates without restriction or penalty.

The average American voter has for some time been protesting the high cost of Federal, State and local taxes and are now realizing the fact that the salary and wage earners of America with an income of $20,000 a year or less are paying approximately two-thirds of the Federal taxes. I have mentioned in the Rules Committee and on the floor of the House on numerous occasions in recent years the astounding tax loopholes enjoyed by industrial and retail conglomerates, big oil, large foundations, estates, and so forth, that are practically tax exempt compared to their fabulous profits. The American taxpayer is rapidly realizing that large campaign contributions in presidential, senatorial, congressional and State elections are derived from these special privileged groups. The large political donors are not much interested in the personality, honesty, or ability of the candidate, but are much concerned with the special concessions, exemptions, depletions, credits, Federal contracts, and indirect benefits which large campaign contributors will receive for their corporations or personal benefits.

One only has to read the daily press to know that almost immediately after the last elections the political fundraising dinners started, the most notorious of which were the $1,000 a plate dinner in New York and another in Texas followed by numerous $500 a plate dinners which continued in increasing numbers up to the present time. The American public was astounded only last week to read in the press that almost a dozen $500 a plate dinners were held in 1 night which resulted in about $5 million for the Republican National Committee.

I firmly believe that the shock which the American public received from that brazen political fundraising effort to use multimillions in the fall of 1972 will arouse the American electorate to the realization that Federal public office in this great land of ours is up for sale to the highest purchaser. The people were astounded to read in the New York Times that in a recent State election the Governor of New York admitted that $10 million was spent in his election to secure another 4 years as Governor of the great State of New York. It is common knowledge that many U.S. senatorial campaigns over the Nation have cost as high as $2 or $3 million for some of the candidates. In many of our States the Governor elections have developed into a contest as to which candidates or parties can raise the most money to influence the voting public with the same enthusiasm and competition as displayed at a public auction.

Chairman HAYS and his committee, along with Chairman STAGGERS and Subchairman MACDONALD of the Interstate and Foreign Commerce Committee devoted days, weeks, and months on legislation which the House is considering today in an effort to purify and establish free elections unhampered by multi-million-dollar campaign funds to stampede the American voter. The voting public throughout the country is looking forward to an effective election reform bill in this session of the Congress. President Nixon veto of the election reform bill passed in the last Congress was used in Indiana last November as an effective issue. The President carried Indiana in 1968 by over 280,000 votes when he was elected President. Two years later his election reform veto was one of the controversial issues and greatly aided in electing a complete Democratic State ticket in 1970.

According to the Los Angeles Times of November 8, 1970, in an editorial entitled "Campaign Spending Limits," stated:

> Political campaign spending has become so outrageously high, and politicians so dependent upon selfish interests for the req-

> uisite campaign funds, that the entire process of American democracy is in danger of corruption.
>
> Experts estimate that spending by, and in behalf of, all political candidates came to $300 million in 1968. Of this, some $100 million was spent in the various phases of the presidential race alone.
>
> If the rules remain as they are, total campaign spending next year may reach $400 million to $500 million.
>
> The money has to come from some place, and 90% of it comes from less than 1% of the people. It comes mostly, in other words, from special interest groups which expect, or at least hope, to get a return in the form of favored treatment. The resulting potential for corruption is intolerable in a self-respecting democracy.
>
> There is a case to be made for proposals that the Federal Government subsidize TV appearances by party nominees. But a broader approach is really in order.
>
> As a practical matter, reform should be aimed at limiting campaign spending, particularly political advertising; at providing stiff disclosure requirements so the public will know where the money comes from, and at broadening the base of political contributions so that candidates will be less beholden to big donors.

Mr. Speaker, the House of Representatives today has the opportunity to effectively enact this long-awaited election reform. Millions of voters over the Nation plus the 3 million young Americans who will cast their first vote in the presidential election next year are looking forward to the action of the Congress to produce effective legislation for honest and unfettered elections throughout the Nation.

Mr. SISK. Mr. Speaker, I yield 5 additional minutes from my time to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I believe that the remarks with which I begin are particularly necessary in view of at least some of the comments which were made by the preceding speaker in the well.

Winston Prouty, a former Member of this body who also served with distinction in the U.S. Senate until his untimely death a few weeks ago, had a reputation for both integrity and candor. He left a testament that is well worth repeating on this occasion, when, in opening the Senate debate several months ago on an election reform bill, he said:

> Let me at this point express the hope that the consideration of this measure does not become bogged down in partisan politics. All Americans have waited too long for effective and realistic reform of our election laws to have the consideration of that reform become nothing more than gamesmanship as to which political party can derive the greatest benefits or penalties from the enactment of the law.

I became interested in this subject more than a year ago when we had under consideration the so-called political broadcasting bill which was ultimately vetoed by the President. In his veto message the President properly challenged the Congress to come up with a measure that plugged not only one hole in the sieve, but was comprehensive in scope and which made some effort to deal fairly with both incumbent and challenger. As a result of this admonition, I introduced legislation last year and again early this year with more than 80 cosponsors from both sides of the aisle. The gentleman from Arizona (Mr. UDALL) who joined me in sponsoring this effort has consistently demonstrated the kind of nonpartisanship and dedication to real reform that I think should infuse our efforts here on the floor today.

Our original proposals were far more ambitious in scope than the bills before us today. They would have provided for subsidized blocks of television program time to allow meaningful discussion of election issues; they would have provided reduced mailing rate privileges for candidates to partially offset the advantage of incumbents; they would have provided for a tax credit for political contributions to broaden the base of campaign finance; and they would have established a flexible 10-cent spending limitation on five major and verifiable items of basic campaign expenditure.

It has become obvious in the intervening months during which hearings were held by the two committees which have bills before us today, that all of these ideas could not get the broad acceptance needed to secure their inclusion in an election reform measure. Though I still think the ideas were sound and hope that they would be the basis for future consideration, our task today is to fashion a minimally effective measure that can command a wide basis of support.

Mr. Speaker, in my view the criteria for that kind of measure are as follows:

First. It must have strong reporting and disclosure provisions. The American people want to know "who gave it and who got it" so that they can express their preferences at the polls accordingly.

Second. It must have a reasonable, flexible limitation on the major, enforceable items of campaign expenditure. The pollution of our political process that has been brought about by excessive campaign spending is the major source of the dangerous erosion of public confidence in our political process;

Third. It must provide an independent mechanism to insure timely publication of campaign finance reports and to insure that violators do not go undetected or unpunished;

Fourth. It must deal with abuses of privileges like campaign credit offered by government regulated companies and with abuses of the privilege granted to unions and corporations to inform their members and stockholders about candidates and political issues;

Fifth. It must be designed genuinely in the public interest without partisan calculations or undertones.

Mr. Speaker, it is my opinion that the Hays-Macdonald bills do not satisfy these objectives.

First, the Macdonald bill repeals the equal time clause for presidential races only. That is an obvious partisan swipe at the President and deserves no place in an honest campaign finance reform effort.

Second, the provisions relating to reporting and disclosure in the Hays bill are woefully inadequate. By requiring only one report prior to an election and no reports in off-years, it represents a retrogression from even the current defective law.

Third, the Hays bill makes no provision for an independent agency to publicize reports and investigate alleged violations. But meaningful disclosure, I would submit, is a two step process. It requires not only adequate information from candidates and their committees but also a mechanism that can get this information to the public in time to be reflected in decisions made on election day.

In contrast to the Hays bill, the Senate bill provides fully for this vital second step in the disclosure process by requiring that reports be filed with the local district court as well as the Federal elections agency so that local citizens and representatives of the press may have ready access by requiring that reports be made available to the public within 2 days after filing, and that the elections commission provide standardized forms, copying facilities, and, in general, facilitate the rapid and widespread distribution of campaign finance data.

Fourth, the Hays bill contains an unworkable and undesirable overall spending limitation. It widens a major loophole in the current law by specifying that only expenditures made "at the direction, request or consent of the candidate" shall be computed against his allowable limit. This obviously opens the way for widespread evasion of the limitation by allowing candidates to turn their heads while third parties make expenditures in their behalf, albeit without the candidate's direction, request or consent. If a ceiling is to be effective, a candidate must be responsible for all expenditures in his behalf and be given the means to carry out that responsibility through some kind of prior authorization.

Moreover, the Hays bill is unenforceable because it is literally impossible to determine a standardized, fair market value for most of the nonmedia items of campaign expense. An overall ceiling of this kind would merely invite widespread evasion through the "hidden spending" of special discounts and arrangements made between candidates and providers who happen to favor their election.

Mr. Speaker, the Senate bill avoids these major deficiencies by limiting its coverage to visible, standardized items of media expenditures and by giving the candidate responsibility to control all spending in his behalf.

Finally, the individual contribution limitations in the Hays bill are ill-advised. I should say that I introduced legislation that contained contribution limitations and in full agreement with the principle that we must somehow reduce the influence of concentrated sources of wealth in our political process. But I would challenge my colleagues here today to come up with a formula and legislative language that does not leak like a sieve before it is even tested in its first election.

I tried. But by the time I was satisfied that all of the potential loopholes were filled, I have a Rube Goldberg-like legislative contraption filled with so many definitions and prohibitions that it defied ready understanding and was probably unconstitutional.

By contrast, the limitation developed by the Hays committee is far simpler, but leaves all the loopholes wide open. Why are $25,000 contributions by individuals bad, but not similar donations by interest group committees like COPE or BI-PAC? But the Hays limitation does not touch these nor does it do anything about contributions to national multicandidate committees that exceed the limitation, but can be earmarked for a particular campaign with nothing more than a wink of the eye. How far would you get trying to detect that or establish evidence in court as to that particular practice? And then let us not forget about dummy committees, transfers between these committees and all the other ingenious strategems that can and would be devised to circumvent the limitations. In short, there is too much cynicism in our campaign finance process already; we do not need to gratuitously invite more.

Finally, Mr. Speaker, let me return to the note on which I began. Let me reiterate the late Senator Prouty's plea that there is far too much at stake here today to allow partisan motivations and calculations to kill this long overdue campaign reform effort aborning. The Senate bill provides a vehicle that can prevent such a calamitous outcome from overtaking us, that can keep our efforts today on the bipartisan track of compromise and reasonable accommodation. It is by no means perfect and I plan to support a couple of strengthening amendments.

But let me stress this: the faith of the American people in our political process, and especially this U.S. House of Representatives, is dangerously eroding. We will do ourselves and this great Republic of ours a disservice of immeasurable proportion if by our actions today we once again make the House the graveyard of election reform.

I know there will be a great temptation on the part of many to offer this or that pet amendment. After all, as one reporter commented yesterday, the House is composed of 435 experts on campaign finance. But we are not here today to write a perfect law, or a law that will stand for all time, or a law that will satisfy everyone. We are here to enact a measure that puts an end to the major areas of abuse, that can begin to provide the minimal conditions necessary to restore public confidence in our political process, and that can receive a majority of the votes when the final tally is counted. If amendments there must be, then let me challenge those who would offer them to ask themselves the following questions: Will it substantially enhance the effectiveness of the best vehicle we have before us—the Senate substitute? Will it add votes to the "yea" column on final passage? If the answer to both of these questions is not a confident yes, then I would plead with you: Do not jeopardize this last chance for perhaps years to come to do what is right, to respond to what the American public overwhelmingly demands, to do what is necessary to restore the integrity and viability of this great experiment in democratic government in the United States of America.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I come again on consideration of the rule to discuss that rule. I am strongly in favor of proper election reform, but before us now we have House Resolution 694. It has been described as open, yet waiving all points of order, and it certainly has been described as "a beaut" and "a beauty." It is certainly a "weirdo" in that it mixes up the duties of the Federal Communications Commission, two different committees of this House, ethics and conduct of the Members of this and the other body, campaign lobbying, and alleged personal transgression.

Mr. Speaker, when a gentleman gets up here and discusses the contents of the bill that this rule would make in order and which extends over a considerable period of time, I find it peculiar that he would mention only large campaign contributions on one side of the fence and not those which preclude the massive union contributions for campaign expenses on the other side of the fence, without subordination to the same rules and equities.

But, Mr. Speaker, I stand here confused and befuddled over this rule.

I feel a little bit like Casey Stengel might have felt after a bad day on the field when he looked at the bench and said, "Ain't there nobody here who can play this game?"

Mr. Speaker, I was under the impression that during the 91st Congress, just passed, this distinguished body had "climbed the mountain" and gained infinite wisdom that was personified in the enactment of the Legislative Reorganization Act of 1970. Yet, with each passing day, yes, even from the opening ceremonies of this past January 21, complete with alleged new leadership we have been prevailed upon to close our eyes, turn our backs, and ignore the very rules that we have deemed necessary for the fulfillment of our elected responsibilities.

Mr. Speaker, we are 435 Members, equal Representatives and we need rules in order to prevent chaos and bedlam as we consider over 16,000 proposals a year and enact over 900, we have consistently been required to waive points of order. We have consistently been required to observe closed rules and today we have been handed resolutions that have obviously been conjured up out of the same formula used by Robert Louis Stevenson when he created Dr. Jekyll and Mr. Hyde.

Mr. Speaker, the Senate lacks the same order and self-regulation to which we subscribe, and their own past transgressions as to lack of germaneness for example, coming home to roost in that body.

Mr. Speaker, I think this rule should be voted down out of hand and that we should refer back to the committed Joint Commission on Continuing Congressional Reorganization the problem of germaneness between the two bodies as to how to properly get a rule in order that we could discuss the proposals before the two bodies.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. I want to compliment the gentleman from Missouri on his statement, and ask how much time the gentleman has left because I would like to ask the gentleman from California a question concerning the operation of this latest, strange rule.

The SPEAKER pro tempore. (Mr. PRICE of Illinois). The gentleman has 30 seconds remaining.

Mr. HALL. Mr. Speaker, I yield back the balance of my time.

Mr. SISK. Mr. Speaker, I yield myself 1 minute in order for the gentleman from Iowa to ask a question.

Mr. GROSS. I am not clear as to what happens in the consideration of this resolution, making H.R. 11060 in order first. Then comes H.R. 11231. If that is adopted, if H.R. 11231 is adopted, is school out and over?

Mr. SISK. No, it is not. I thought the gentleman from California, my colleague (Mr. SMITH) outlined very specifically the order of procedure as it would develop.

Mr. GROSS. But how about amendments?

Mr. SISK. H.R. 11231, which will be offered as title I to H.R. 11060 can be amended.

Mr. GROSS. Can amendments be offered to H.R. 11060 if the move is made immediately to substitute H.R. 11231?

Mr. SISK. Not until after the perfecting and disposition of the Macdonald amendment (H.R. 11231) as a new title I to the bill under consideration, which is H.R. 11060. And then, of course, you understand a third bill (H.R. 11280) is made in order as an amendment in the nature of a substitute for the whole package.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield myself 1 additional minute.

So you see the bill out of the Committee on House Administration, H.R.11060, can be amended and it can be further changed and perfected if H.R. 11280 is voted down.

So I think, as far as the rule is concerned, the gentleman will find that the House will be given wide opportunity to adopt and perfect the particular bill desired by a majority of the Members.

Mr. GROSS. Then if H.R. 11280 comes on as a substitute, and is adopted, then that must be the end, and without amendment?

Mr. SISK. Mr. Speaker, I did not understand the gentleman, did he refer to H.R. 11231?

Mr. GROSS. No, H.R. 11280.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to my colleague, the gentleman from California (Mr. SMITH).

Mr. SMITH of California. H.R. 11231, when it is offered as title I, it is an amendment, and the amendment is then subject to an amendment to perfect that bill, then the Macdonald bill is voted on to decide the title.

Then we proceed on with the Hays bill, or when we get to the substitute, if the substitute is agreed to, we will rise and vote on the substitute. If it is turned down we will then go back and go into the ballgame further. While the substitute is being debated it can be perfected. This is a good rule.

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON H.J. RES. 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 711 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 711

Resolved, That it shall be in order to consider a conference report on the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes, the same day reported or any day thereafter, notwithstanding the provisions of clause 2, rule XXIII.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution as has been indicated by the reading is very simple. It simply waives the 3-day rule and permits this matter to be called up today or any day hereafter.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. HALL. The gentleman admits this House resolution coming out of our Committee on Rules waives that part of the Reorganization Act requiring such documents to be in the hands of Members 3 days prior to consideration; is that correct?

Mr. SISK. The gentleman is exactly correct.

Mr. HALL. I would like to ask the gentleman if, to his knowledge, the conferees have now met and do have a report ready.

Mr. SISK. It is my understanding that they have met and they do have a report ready.

I will be glad to yield to the gentleman from Texas (Mr. Mahon) if he would care to make a statement.

Mr. HALL. The gentleman's word is good enough for me and I thank the gentleman for yielding.

Mr. MAHON. The conferees met this afternoon on the continuing resolution and with the exception of some adjustment of the expiration date, the Senate version of the continuing resolution was agreed to in conference a very short time ago.

The agreement arrived at is as follows: With respect to foreign assistance, the Senate version prevailed, which means that the only change from the previous resolution is that the foreign aid program will operate at a level about $700 million lower than the House version of the continuing resolution—in other words, at the annual rate of about $2.6 billion, as explained in our discussion here on the floor a couple of days ago.

The date was changed from the unrealistic date of December 1 proposed by the other body to what, in my opinion, is a much more realistic date, namely, December 8. It seems to me that by a bit of telescoping of some of our operations here, we have a very good chance of actually bringing all of our appropriation business to completion by the 8th of December, provided of course we do not encounter some very special unforeseen difficulties.

So I am delighted and grateful to the conferees of the other body for their agreeing to extending the date to December 8. We, of course, had originally suggested a sine die adjournment date but that was not acceptable. The Senate had suggested December 1. December 8 does not seem to be too unrealistic, provided we do not encounter unforeseen difficulties.

I believe the House will be delighted to accept the conference report on the continuing resolution.

I would be glad to undertake to answer any questions if the gentleman from California (Mr. Sisk) will yield for that purpose.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. GROSS. The gentleman says December is a realistic date. Was sine die adjournment a realistic date?

Mr. MAHON. Yes, it was a more realistic date but of course the gentleman realizes that in the legislative process you have to compromise, to give and take.

Mr. GROSS. How can you compromise realism? I do not quite understand it. If December 8 has been decided as the date for adjournment, then what is wrong with a continuing resolution to sine die adjournment?

Mr. MAHON. There are those who feel that a sine die adjournment agreement would create a more lackadaisical attitude with respect to the business of adjournment and we might very well be here until Christmas Eve.

I do not hold with that idea but it is possible and it does have some validity.

Mr. GROSS. Mr. Speaker, will the gentleman again yield briefly?

Mr. SISK. I yield to the gentleman.

Mr. GROSS. The purport of this rule is to waive the 3-day requirement; is that correct?

Mr. SISK. That is correct.

Mr. GROSS. Is not the 3-day requirement something that we fought, bled and died for to install as a rule in this House?

Mr. SISK. Yes, that was part of the reorganization act of 1970 which a great many of us supported.

Mr. GROSS. So, we just cannot wait for an opportunity to overturn a rule that we fought so hard for here. I do not know of any serious opposition when we provided for a 3-day layover of conference reports, yet here we are at the first jump out of the box, ready to throw it out.

Mr. SISK. Let me say to my good friend, in connection with this matter, of course, we are operating under the rules and I am sure that my colleague from Iowa will agree.

I would say that very rarely in this session that I know of have we waived the 3-day rule. I know my friend is as concerned about getting this Congress adjourned as I am and, therefore, the Committee on Rules simply feels that this is a good and a justifiable reason in view of the background of this matter, for waiving the 3-day rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. GROSS. The gentleman from Iowa is not in such a hurry to adjourn sine die that he is willing to rape every rule of the House.

Mr. SISK. The gentleman from California certainly, of course, is not interested in raping any of the rules of the House.

We are proceeding basically under the rules of the House.

Mr. HAYS. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. SISK. I yield to the gentleman from Ohio for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAYS. Can the Chair advise that upon the adoption of this rule what the next order of business will be?

The SPEAKER. If the conference report on the continuing resolution is ready, we will take it up because it is a matter of utmost urgency. Then we will come back and finish the general debate on the election bill.

Mr. HAYS. Can the Chair advise whether it is planned to finish the general debate on the election bill today?

The SPEAKER. We hope to.

Mr. HAYS. It is the understanding of this Member that once the general debate on the election bill is finished, which obviously is going to be late tonight or sometime tomorrow, the rest of the consideration of that bill will be put over?

The SPEAKER. The gentleman is correct. That question would normally be addressed to the majority leader, but that is the understanding of the Chair.

Mr. HAYS. I thank the Chair.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from California.

Mr. SMITH of California. I certainly agree with what has been said. When the conference report is called up, it can be discussed and voted upon at that time. So I concur and urge adoption of the resolution.

Mr. SISK. The statement of my colleague from California is exactly correct. Basically this procedure is being followed in order to enable the House to proceed expeditiously to handle its work.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. With reference to the scheduling and the question of the date on this continuing resolution and the sine die adjournment, how many continuing resolutions can be put in? In other words, what is the firmness of the December 8 date vis-a-vis the sine die adjournment?

Mr. SISK. Though the matter about which the gentleman inquires is not one to be determined by me, there is, so far as I know, no limit. I would assume that if, for reasons unknown to me at the moment, it should become necessary for the House to continue its business, let us say, beyond the 8th of December, and that it was necessary to continue because of lack of final passage of legislation in certain areas, a resolution would be in order.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Ohio.

Mr. BOW. I think I can answer, in part at least, the question of the gentleman from Ohio. Our distinguished chairman the gentleman from Texas (Mr. MAHON) and the distinguished chairman of the Appropriations Committee of the other body, in our discussions on the continuing resolution to date, have worked out a schedule by which all appropriation bills will be in the Senate by the 3rd of December. That being the case, the Senate has agreed to take them up immediately. So it is my feeling that there will be no question but what all appropriation bills will be passed by both bodies and completed by the 8th of December and, despite the confirmation of the nominees for the Supreme Court, we expect to get the appropriation bills through by that date. I would say there would be no additional continuing resolution, and by having them all completed by that time, I should think the 8th would be a pretty realistic date for sine die adjournment.

Mr. BROWN of Ohio. That means we must really depend upon how rapidly the Senate might act on those appropriation bills.

Mr. BOW. I must say this to the gentleman from Ohio. The distinguished Senator from Louisiana (Senator ELLENDER) has done a magnificent job this year in getting the appropriation bills through the Senate when we have been able to get them over to him. Authorizations have held us up. The delay has not been caused by either the Appropriations Committee there or in the House. The delay has been in authorizations. This year has been the best year we have seen in the other body in getting the appropriations through. We have their assurance now that once we get the bills over to them, they will act on them promptly.

Mr. BROWN of Ohio. I must draw my hope for the firmness of that date from my confidence in the Senate. Is that correct?

Mr. BOW. Yes, I think that is correct.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 366, nays 15, not voting 49, as follows:

[Roll No. 407]

YEAS—366

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conte
Conyers
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—15

Ashbrook
Collins, Tex.
Crane
Dickinson
Gross
Haley
Hall
Miller, Ohio
Quillen
Rarick
Rogers
Rousselot
Schmitz
Steiger, Wis.
Wyman

NOT VOTING—49

Abbitt
Alexander
Anderson, Tenn.
Barrett
Blackburn
Blatnik
Boland
Brooks
Byrne, Pa.
Camp
Casey, Tex.
Celler
Clark
Clausen, Don H.
Corman
Cotter
Davis, S.C.
Dellums
Derwinski
Diggs
Dowdy
Edmondson
Edwards, La.
Findley
Ford, Gerald R.
Fulton, Tenn.
Fuqua
Goldwater
Griffiths
Halpern
Hansen, Wash.
Hébert
Henderson
Hillis
Landgrebe
Lennon
Link
McCloskey
McClure
Mathias, Calif.
Mills, Ark.
Pepper
Roberts
Runnels
Sikes
Smith, N.Y.
Stuckey
Teague, Calif.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Gerald R. Ford.

Mr. Hébert with Mr. Mathias of California.

Mr. Sikes with Mr. Blackburn.

Mr. Byrne of Pennsylvania with Mr. Don H. Clausen.

Mr. Runnels with Mr. Findley.

Mr. Edmondson with Mr. Camp.

Mr. Cotter with Mr. Hillis.

Mr. Celler with Mr. Halpern.

Mr. Brooks with Mr. Goldwater.

Mr. Abbitt with Mr. McClure.

Mr. Link with Mr. McCloskey.

Mr. Roberts with Mr. Smith of New York.

Mr. Pepper with Mr. Teague of California.

Mrs. Griffiths with Mr. Anderson of Tennessee.

Mr. Dowdy with Mr. Davis of South Carolina.

Mr. Casey of Texas with Mr. Fulton of Tennessee.

Mr. Boland with Mr. Clark.

Mr. Alexander with Mr. Fuqua.

Mr. Mills of Arkansas with Mr. Corman.

Mr. Diggs with Mr. Derwinski.

Mrs. Hansen of Washington with Mr. Heinz.

Mr. Lennon with Mr. Henderson.

Mr. Stuckey with Mr. Landgrebe.

Mr. Barrett with Mr. Dellums.

Mr. JARMAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST TO ENTERTAIN MOTIONS TO SUSPEND THE RULES AND CONSIDER CONSENT CALENDAR BUSINESS ON NOVEMBER 29, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that on Monday, November 29, 1971, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause I, rule XXVII, and that it shall also be in order to consider business under clause 4, rule XIII, the consent calendar rule.

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 946, FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON submitted the following conference report and statement on the joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–676)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.J. Res. 946) "making further continuing appropriations for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"That the joint resolution of July 1, 1971 (Public Law 92–38), as amended, is hereby further amended (1) by striking out 'November 15, 1971' in clause (c) of section 102 and inserting in lieu thereof 'December 8, 1971'; and (2) by adding at the end thereof the following new section:

" 'SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder for foreign economic and military assistance and sales shall not exceed the rate provided for in authorization bills for such assistance passed during the 1st session, 92d Congress: *Provided*, That, whenever the rate of obligations for such assistance made available under such an authorization bill as passed by the Senate is different from that contained under such a bill as passed by the House, the rate of obligations shall be limited to the lower rate.' "

And the Senate agree to the same.

GEORGE MAHON,
JAMIE L. WHITTEN,
OTTO E. PASSMAN,
FRANK T. BOW,
GARNER E. SHRIVER,
Managers on the Part of the House.

ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WILLIAM PROXMIRE,
DANIEL K. INOUYE,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 946), making further continuing appropriations for the fiscal year 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Two questions were committed to the Committee of Conference, namely, the expiration date for the continuing resolution and the interim rate for operations for the foreign economic and military assistance and sales programs beginning November 16, 1971.

EXPIRATION DATE

With respect to the expiration date, the House version of House Joint Resolution 946 would have extended the previous continuing resolution from its expiration date of November 15, 1971 to the sine die adjournment of the first session of the 92nd Congress. The Senate version of House Joint Resolution 946 would extend the expiration date to Wednesday, December 1, 1971, or in other words, by about two weeks.

The conference agreement sets the expiration as Wednesday, December 8, 1971.

This will allow extra time for processing the remaining regular annual appropriation bills, namely, the Department of Defense Appropriation Bill; the District of Columbia Appropriation Bill; the Foreign Assistance Appropriation Bill; and the closing supplemental bill.

THE FOREIGN ASSISTANCE PROGRAM INTERIM RATE FOR OPERATIONS

With respect to the interim rate for operations for the foreign assistance program, that is, for the brief period between November 15 and December 8, 1971, the managers have agreed to the Senate version with minor perfecting amendments to change the words "act" and "acts" to "bill" and "bills", respectively.

Under the conference agreement, the interim rate for operations during this brief period would be the lower of the rates that obtained during the period July 1–November 15, 1971, or the lowest rate provided for in foreign assistance authorization legislation passed by either House at the present session. While the rate for operations is determined on an individual program and activity basis in line with the appropriation structure, and thus the applicable rate would vary depending on the figures with respect to each individual program or activity, the *aggregate* rate for operations under the conference agreement for the brief interim period would be approximately $2.679 billion. This is roughly $700 million below the $3.396 billion rate that obtained from July 1 through November 15, 1971, and compares with an aggregate figure of about $2.845 billion arrived at by taking the lower of the amounts, item by item, in authorization bills. These figures include, for comparability, certain authorized receipts, reimbursements, and certain deobligations-reobligations.

GEORGE MAHON,
JAMIE L. WHITTEN,
OTTO E. PASSMAN,
FRANK T. BOW,
GARNER E. SHRIVER,
Managers on the Part of the House.

ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WILLIAM PROXMIRE,
DANIEL K. INOUYE,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

Mr. MAHON. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 946), making further continuing appropriations for the fiscal year ending June 30, 1972, and for other purposes, and ask for its immediate consideration.

The Clerk read the conference report.

The SPEAKER. The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Speaker, prior to November 15, the House passed a continuing resolution because of the expiration date of the prior continuing resolution. It was sent to the other body, where it was amended.

The reason this emergency action is being taken today is that some departments of the Government have been operating without authority since November 15, the expiration date of the prior resolution. We asked for the rule in order to expedite the disposition of the continuing resolution so that Government departments involved, such as the Department of Defense, might make certain that they act within the framework of the law.

The conference report on the continuing resolution provides an expiration date of December 8, instead of December 1, as fixed by the Senate, and instead of sine die adjournment as fixed in the House version of the continuing resolution.

The report provides a minor change in that the word "act" and the word "acts" in the Senate version of the continuing resolution—in reference to the foreign assistance provision—were changed to read "bill" and "bills," which is a technicality, but the change was made in an effort to be more accurate and precise.

The foreign assistance aspect of this resolution provides that for the period of the continuing resolution, from November 15 to December 8, the annual rate for operations for foreign assistance will have to be at the rate of not exceeding $2,679,000,000.

I think there is nothing controversial about the continuing resolution. I believe it is well understood. I realize that we can debate it at some length, but unless there is some question, I would think we might adopt it promptly.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, let me first commend the conference for using the designation of "bill" instead of "act". I wonder if this pleased the other body, since their legislation is designated "an act," whereas on the part of the House our legislation is a bill. I think it can safely be said that the conferees on the part of the House have achieved a victory in getting the Senate to agree to "bill" instead of "act".

Mr. MAHON. Words are wonderful things, and we fortunately use them appropriately in this instance, and thanks are due to the gentleman from Iowa (Mr. GROSS), and I believe to the gentleman from Missouri (Mr. HALL), for this change.

Mr. GROSS. The conferees on the part of the other body consented to making this change?

Mr. MAHON. They agreed to the new phraseology.

Mr. GROSS. I thank the gentleman. That is one achievement for today. Let me ask the gentleman if this $2,845 million figure is related to foreign aid?

Mr. MAHON. It is related to foreign aid and it is placed in the statement of the managers in order to make it clear that the $700 million reduction is apparent, but when we apply the zig-zag rule of continuing resolutions, so to speak, and compare item by item the various projects in foreign aid, we achieve a lower figure, which is the figure of $2,679,745,000 for the interim period.

Mr. GROSS. I see.

Mr. MAHON. This was the same figure that the gentleman and I had a colloquy about a few evenings ago.

Mr. GROSS. I think the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I think the gentleman will be reasonably pleased with the action taken.

Mr. Speaker, I yield to the distinguished ranking minority member of the Appropriations Committee, the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, I thank the gentleman for yielding.

I have only to suggest that the gentleman move the previous question.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 344, nays 26, not voting 60, as follows:

[Roll No. 408]

YEAS—344

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Leggett
Lent
Lloyd
Long, La.
Long, Md.
McClory
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pike
Pirnie
Poage
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—26

Archer
Ashbrook
Baker
Baring
Clawson, Del
Crane
Gross
Haley
Hall
Jarman
Latta
Lujan
Miller, Ohio
Price, Tex.
Quillen
Rarick
Rogers
Roncalio
Rousselot
Satterfield
Saylor
Schmitz
Spence
Steiger, Ariz.
Wyman
Young, Fla.

NOT VOTING—60

Abbitt
Alexander
Anderson, Tenn.
Bell
Blackburn
Blatnik
Boland
Brooks
Byrne, Pa.
Camp
Casey, Tex.
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Corman
Cotter
Davis, S.C.
Derwinski
Diggs
Dorn
Dowdy
Edmondson
Edwards, Calif.
Edwards, La.
Findley
Ford, Gerald R.
Fulton, Tenn.
Fuqua
Goldwater
Gray
Griffiths
Halpern
Hansen, Wash.
Hébert
Heckler, Mass.
Henderson
Hillis
Kastenmeier
Lennon
Link
McCloskey
McClure
McFall
Mann
Mathias, Calif.
Mills, Ark.
Nix
Pepper
Pettis
Peyser
Podell
Poff
Roberts
Runnels
Sikes
Springer
Teague, Calif.
Waldie

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Gerald R. Ford.

Mr. Hébert with Mr. Mathias of California.

Mr. Sikes with Mr. Blackburn.

Mr. Byrne of Pennsylvania with Mr. Don H. Clausen.

Mr. Runnels with Mr. Findley.

Mr. Edmondson with Mr. Camp.

Mr. Cotter with Mr. Hillis.

Mr. Celler with Mr. Halpern.

Mr. Brooks with Mr. Goldwater.

Mr. Abbitt with Mr. McClure.

Mr. Link with Mr. McCloskey.

Mr. Roberts with Mr. Pettis.

Mr. Pepper with Mr. Teague of California.

Mrs. Griffiths with Mr. Anderson of Tennessee.

Mr. Dowdy with Mr. Davis of South Carolina.

Mr. Casey of Texas with Mr. Fulton of Tennessee.

Mr. Boland with Mr. Clark.

Mr. Alexander with Mr. Fuqua.

Mr. Mills of Arkansas with Mr. Corman.

Mr. Diggs with Mr. Derwinski.

Mrs. Hansen of Washington with Mr. Mann.

Mr. Lennon with Mr. Henderson.

Mr. Podell with Mr. Clay.

Mr. Waldie with Mrs. Chisholm.

Mr. Gray with Mr. Nix.

Mr. McFall with Mr. Bell.

Mr. Dorn with Mrs. Heckler of Massachusetts.

Mr. Peyser with Mr. Poff.

Mr. HULL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE A REPORT ON H.R. 9526, SHIP LOAN BILL, UNTIL MIDNIGHT TOMORROW

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tomorrow night to file a report on the ship loan bill, H.R. 9526.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. SPRINGER. On rollcall 408, on the conference report on House Joint Resolution 946, I was unavoidably absent from the Chamber. Had I been present, I would have voted "yea."

FEDERAL ELECTION REFORM

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11060) with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate will continue for not to exceed 2 hours, 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on House Administration, and 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce. Under the rule, the gentleman from Ohio (Mr. HAYS) and the gentleman from Ohio (Mr. DEVINE) and the gentleman from West Virginia (Mr. STAGGERS), and the gentleman from Illinois (Mr. SPRINGER) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, 46 years have passed since the Federal Corrupt Practices Act was enacted into law. No basic reform of our Federal political process has been enacted into law since 1925. Yet, every Member of this House knows that the Corrupt Practices Act is riddled with loopholes and hopelessly outdated.

This is scandalous, Mr. Chairman. The people of this country want political reform and they want it now. Today, we are beginning consideration of legislation which could be the most important step in providing that reform. When reduced to its simplest terms, this legislation as I see it, would eliminate money as the principal determining factor of who is elected to Federal office, or for that matter who can run for Federal elective office which in some cases is just as important. True, money will still be a factor in the elective process, but not the major determining one.

If we do not act effectively and responsibly on the legislation before the House today and election campaign costs and expenditures continue to skyrocket there is a serious threat that America will cease to be a democracy and will become instead a plutocracy—with wealth or access to it the principal qualifications for Federal office. We know about the escalating costs of getting elected to this House and we hear stories of millions being spent in some Senate races and in the presidential election campaign. Each election it becomes more and more difficult for honest men of limited means to run and get elected to Federal office. I believe that this Nation was developed, grew, and prospered because the men elected to public office were the best qualified to hold public office. Today as never before we need the able men in Federal elective office. We must assure that wealth or access to great sums of money, with its attendant corrupting influence, does not become a qualification for Federal elective office. The legislation which is before the House today could be the most important step taken in that direction in 46 years.

Let me review briefly for Members of the House what the legislation, H.R. 11231, from the Interstate and Foreign Commerce Committee would do. It would:

First. Repeal the equal opportunity provisions of the Communications Act of 1934—hereafter the act—with respect to candidates for President and Vice President of the United States so as to permit the broadcast networks to donate broadcast time for the presentation of significant candidates for those offices—section 3.

Second. Provide that legally qualified candidates for public office may not be charged more than the lowest unit charge for broadcast time—section 4(a).

Third. Provide that legally qualified candidates for Federal elective office, or nomination thereto, may not be charged more for the use of advertising space in newspapers and magazines than the charges made for comparable use of such space for other purposes—section 4(b)(1).

Fourth. If space in a newspaper or magazine is sold to one legally qualified candidate for Federal elective office, or nomination thereto, entitles any other candidate for that office to buy equivalent space on the same basis—section 4(b)(2).

Fifth. Limit the amount which could be spent by or on behalf of any candidate for Federal elective office, or nomination thereto in any primary, runoff, special, or general election on radio, television, cable television, newspapers, and magazines to 10 cents times the voting age population of the area of the election—section 5(a).

Sixth. Provide that no such candidate may spend more than half his expenditure limitation on radio, television, and cable television—section 5(a)(1)(B).

Seventh. Include escalator provisions so the the media expenditure limitations in the legislation reflect increases in the cost of the media—section 5(a)(4)(A).

Eighth. Be enforced with civil and criminal penalties—section 7.

Ninth. Take effect January 1, 1972—section 8.

Mr. Chairman, the Subcommittee on Communication and Power of our committee held 5 days of hearings on this legislation. This was also in conjunction with a bill that was passed last year by this House and by the Senate and was vetoed by the President. It took the subcommittee 3 days to mark up the bill, and it took the full committee 5 days to mark up the bill. We have worked our will to the best of our ability, and it is now up to the House to do what it thinks best. As I say, this bill is not perfect, but it is a good start.

Under our bill, we have set out to eliminate money as the determining factor getting elected to Federal elective office. Money will always be a factor, we know, but this means that some person with millions cannot come up and say, "I want to be a Congressman or a Senator."

Costs are skyrocketing. There is a serious threat that America will cease to be a democracy but will become a plutocracy with wealth or access to it as the principal qualification for elective office.

Fantastic sums are being spent now by some candidates in running for office. They are not always elected, but many are.

The bill, as I said, can be amended, and the House will be able to work its will. I know of no better way to bring this bill to the House. In a democratic way, the House can work its will.

If this is not done, we will be able to find in some newspapers in the future, probably, some ads such as these—and I should like for the Members of the House to listen—

One of the future ads might be:

Votes for sale in blocks of thousands.
Lowest cash prices. Delivery guaranteed.

Another ad might be:

Why campaign? See us for best deals.

Still another might be:

Political assassinations arranged.
Strict secrecy assured.

A fourth:

Unlimited expenditures. Unlimited corruption.

Another might be:

Constantine bought the imperial crown.
Who will be the modern Constantine?

Another:

America, the land of the civil office for hire.

Another:

Buy your way to power.

I believe if we continue the way we are going any of these could fit the future political trend. We must do something to stop it and to see that men with qualifications to serve in the Congress of the United States have an opportunity to come here and serve the people of the Nation; not just those who have great sums of money or access to such sums.

So this is a start. The House has an opportunity to work its will. Let us not hear any more of people saying this is the wrong time or the wrong way to write this legislation. This is the democratic way, with the whole House having an opportunity to work its will.

I hope that this will not be a completely partisan issue. I disagree with some aspects of the bill as it is now constituted, but I trust we can adopt necessary amendments and pass this legislation.

Mr. SPRINGER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I believe it would be most easy for those who wonder about whether this is a good bill to read the minority views, which are found on page 28 of the report which accompanies the Macdonald bill to the floor. The minority views, as expressed by 12 of us, are on page 30.

There are additional views submitted by the gentleman from Massachusetts (Mr. KEITH), the ranking Republican on the subcommittee.

There are also additional views, on page 33, by the gentleman from North Carolina (Mr. BROYHILL).

There are also separate views of Mr. BROWN of Ohio, Mr. NELSEN, Mr. COLLINS of Texas, Mr. MCCOLLISTER, and Mr. DEVINE on pages 34 and 35; all of them finding the Macdonald bill inadequate to cover the matters that they believe ought to be included in any fair campaign elections bill.

Now, what does this bill provide?

First with reference to section 315 of the Federal Communications Act of 1934, as amended in 1958, this bill repeals as to the President and the Vice President.

Now, what has been the history of that provision? In 1960 it was suspended temporarily only for the 1960 campaign. In 1964 and 1968 this body did nothing. Now, in 1972 there is a great rush to do it. I cannot say there is not politics in this, because there is. This is the first time that this body has sought to repeal section 315 as to the President and the Vice President since 1960. It was blocked in both 1964 and 1968 by the President of the United States, Mr. Johnson. I think that is pretty well known. They are now trying to repeal it rather than suspend it as to President and Vice President so that there will be no misunderstanding about it in the future.

Now let us go to the second, which has to do with expenditures for broadcasting. It covers only those matters which our committee has jurisdiction of.

The Macdonald bill provides for 10 cents per potential vote for all media, but not over 5 cents of it can be spent for broadcasting on radio and television. That is the second provision.

Now, the third provision pertains to charges for broadcasting and newspapers. The Macdonald bill provides first the lowest unit rate for broadcasting. In other words, anyone who goes into a television station who is a candidate, must be given the lowest unit rate of that station.

Now you come to newspapers, and it uses these words: "Comparable rates for newspapers." There is serious doubt in my mind as to whether that provision is constitutional, because if you could do this, then they could do it for 5 cents a line, I suppose you could say, which would clearly be found unconstitutional by any court, because it would be below cost.

There is a serious question, also, as to whether the other newspaper provision in the Macdonald bill is constitutional. It provides that a candidate must have equal access to a newspaper. In other words, if that newspaper editor allows one candidate to have an ad in the paper, then he must allow the other candidate to have access to the same amount of space at the same cost. There is a serious question as to whether that is constitutional.

Now on the matter of contributions, I might say first of all that there is a provision in the Senate bill which does handle those matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield myself 2 additional minutes.

In the Senate bill there is a provision which takes care of credit by airlines and utilities, including the telephone and telegraph utilities. There is no provision in this bill and there is no such provision in the Hays bill to that effect, either.

I think one of the worst matters we had in the last two elections of 1968 and 1970 was the amount of money charged off as credit by the airlines and by the telephone companies. These moneys have not been collected even to this day.

Now with reference to total contributions. The House Committee on Interstate and Foreign Commerce does not cover that matter. However, it is covered in the Senate bill and in the House Administration Committee bill.

As to reporting and disclosure, that is in the Senate bill as well as in the House bill, but there is nothing in the bill which has been reported out by the Committee on Interstate and Foreign Commerce as to enforcement.

The House Commerce Committee has a $1,000 civil penalty and a $10,000 penalty as to willful violation of the provisions of our bill.

Mr. Chairman, pulling together the two House bills on political expenditures, with major revisions, one or the other would result in some possible contradictions like this:

First. A congressional candidate could use up to 5 cents per potential voter for broadcasting.

Second. He could spend the balance of 10 cents per potential voter for other media.

Third. He could spend the difference between these—as adjusted by the price index—and 6 cents per person—or $50,000—for all other campaign expenses.

Fourth. The candidate would be certifying to TV stations and newspapers on one criteria—under rules of FCC and the Attorney General—and to the "supervisory officer" for the balance under another criteria.

Fifth. It also appears that on a national basis the 10 cents for media based on voters may be more money than the 6 cents on population which the Hays bill allows for everything.

Now, Mr. Chairman, what is the real objective? May I say that we said this was a "sweetheart" bill designed to assure as far as legislation can do so the continuation of incumbent Congressmen in office, and I think it is. What do I mean by "sweatheart" bill?

Mr. Chairman, I picked up an old Illinois colloquialism which is very common in the newspapers out there since the Powell scandal, which indicates this is a bill for incumbents, it is a bill for incumbent Members of Congress, and it is a bill for incumbent Presidents of the United States.

If I were down at the White House, I would be tickled to death if we took the provisions of this bill, because it would limit it to about $6.5 million, that is the expenditures of the challenger, and I do not believe anyone would have a chance against the present incumbent President who would probably get $15 or $20 million of free time in the year 1972. So, Mr. Chairman, I say it is an incumbents' bill.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Let me proceed with this thought. I cannot yield to the gentleman at this time.

This is an incuments' bill, and I do not see how if this is enacted you would ever get a Member of Congress out of office with all of the mailing privileges that he has—and that is the biggest single advantage he has, with the limitation on the amount of expenditures that one challenger can make.

We know very well that in some of these districts it is very common to spend $100,000 or $200,000 in order to get elected, and in some instances it will take more. This limitation of $50,000 would be adequate in my district, but I could name you at least 25 other districts throughout the United States where in every election they spend $100,000 or more.

I do say that we went into this, in my opinion, extensively, and we on the minority side feel that this is an incumbents' bill, whether it is a Democratic or a Republican, it is an incumbents' bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SPRINGER. I yield myself 2 additional minutes.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. NELSEN. I would like to refer to the media rate requirements in the Macdonald and the Brown-Frenzel bill. In the committee I offered the amendment to strike section 4 which requires the lowest rate from broadcasters. That means making the lowest rate available, and also the "comparable" rates for newspapers. In addition a newspaper must make space available to all candidates if it makes it available to one. In other words, you must make it available to others, giving the media no discretion whatsoever in the matter.

I will again offer this amendment when we get to the amendment stage on this bill because I do believe that this feature contained in both bills is totally unfair and should be changed by amendments.

I thank the gentleman for yielding.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished colleague, the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. I would point out to the gentleman that I agree with him about charging airline tickets and not paying for them. The distinguished gentleman from Ohio (Mr. DEVINE) brought that up in the markup of the bill and on page 3 in the item under the term "contribution" we include gifts, subscriptions, loans, advances, or deposit of money or property or services of significant value.

That means if a candidate charges airline tickets he has to report that. However, we did not feel that we should become a collection agency for the airlines if they are foolish enough to let someone charge tickets for which they do not think they will be paid.

But at least he has put that down, and it comes within the limits that he can spend. If the gentleman knows of a better way to handle it let me say I am open to suggestion and acceptance of an amendment that will do it better.

Mr. SPRINGER. I thank the gentleman from Ohio for his contribution. At least he recognizes the problem. I think we can offer an amendment which I believe would be persuasive, and I think might solve the problem.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SPRINGER. Mr. Chairman, I yield myself 1 additional minute.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the gentleman has indicated that this is an incumbent's bill. It would seem to me that that is true in the occasional case where an incumbent is faced by some multimillionaire who comes along with vast sums of money, which does happen time after time, and who can buy his way in. In this case the incumbent would be protected against that type of person.

But it seems to me normally the incumbant can raise more money than the challenger. I have seen that happen time and time again. The incumbent because he is in office, can raise the money. So I do not think for the most of us this is an incumbent's bill.

Mr. SPRINGER. I can cite you at least 25 that come to my mind, and I can name them if you wish. And I can name you the case of our former colleague, the gentleman from New York, Mr. Ottinger. I do not know how much money he spent in order to get into the Congress in the beginning. That is just one example. You asked me for examples, and I give that one to you. And I am not citing that example in any way so as to impugn Mr. Ottinger. He was on our committee, and he was a fine gentleman.

Mr. LONG of Maryland. I can give you 110 instances that are not.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAGGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, just in reply to the gentleman from Illinois, and to some of the suggestions made in his statement, section 315 of the Communications Act was suspended for the presidential election of 1960. We passed a bill in both Houses to suspend section 315 for the 1964 presidential election, and we had a Democratic President then. But it never came out of conference.

In 1968, we passed a House bill that was killed in the Senate. I think most of you know why it was killed over there. It was filibustered by the Senator from Illinois, who has now passed away.

But we passed a bill in 1970, both Houses, and it was vetoed by the President.

This should not be a partisan bill and it is not intended to be. Nor is it intended to be an incumbent's bill.

I think it is certainly unfortunate that anyone would say that, because that is the type of misinformation that could spread across the country. I certainly do not think it is an incumbent's bill in any way.

I think the way to campaign is to get out and talk to the people, and give them your views. I do not think that you can just merchandise a person on TV and say that this person should sit in the Congress of the United States. I believe that the candidates must get out and meet the people, shake hands with the people, and tell them their views, and let them know what kind of a man they are, instead of being merchandised like toothpaste or razor blades.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, and Members of the House, I am sorry that there are not more Members present, because this is a very complicated and important bill.

I did not choose to have the bill of our Committee on Interstate and Foreign Commerce put together with the bill submitted by the very distinguished gentleman from Ohio, but that is what was decided.

I think what we do need, though, is a reform bill. I believe that my chairman was so right in saying that House seats and Senate seats should not be up for sale.

It is a proven fact lately that if you get an awful lot of money, you have a really pretty good chance of coming here to Washington and representing either a State or a congressional district.

There are two parts to the presentation which I would like to make.

First, the reason why we need a bill.

Second, what is contained in the bill that the Commerce Committee brought through the Committee on Rules and which is to be joined together here on the House floor with the Hays bill.

I respect the senior Republican member of my committee very much, but I do not understand why he talks about this as being an incumbent's bill. Because it really is a public interest bill. I think our political system can end up in grave trouble if people can just put up enough money and buy a seat in the Congress. This is what, at least, title I of the bill will prevent. It has been proven that the most effective way to campaign these days is to campaign by means of television.

I would just like for a moment to talk to those who were not here or maybe to those who have forgotten about a very similar bill which we passed a year ago. We passed it here in the House by a vote of 272 to 97. The other body passed it by a vote of 58 to 27. We went to conference and, for once, the Members of the other body accepted practically line by line and word by word our version of the bill. That was because both parties worked together on the legislation and we all saw the specter of money running politics.

I think the only thing we gave in on was the effective date.

The conference report was passed by a vote of 247 to 112 in the House and in the Senate it passed by a vote of 60 to 19.

Now, I think it is a grave mistake to turn this bill into a partisan thing. We all know—or we all think we know at least—that people on the other side of the aisle, the Republican Party in general anyway, usually have more money than we do over here.

But members of my party also abuse campaign sending. Therefore, I do not think there should be partisanship in this bill.

I look with dismay at the fact that this could become a partisan issue. My distinguished colleague—and, as I have said, a man who I know is a very, very good Member of this Congress—talked about political things. I do not think it should be political in the slightest. If our bill is accepted and passed, it is not you and I who are being protected—it is the public interest that is being protected.

Do you think we should go back to an era in which money just buys a seat here? Do you think a man should be elected on the basis of the advertising agency he retains and the 30-second TV spots the agency makes for him?

In my area someone with a deep voice, with the background of the ocean rolling, is talking. It is not the candidate. It is not the candidate at all. It is an advertising agency, and I think that that is something that should be stopped.

There are probably other things in political campaigns and in the political area that should be cleared up. I believe Mr. HAYS has tried very hard to do that. But what I am concerned with is title I of the bill.

I would just like to call to your attention that last week Senator HARRIS had to drop out of the race to become a presidential candidate because he lacked funds. According to the figures I have had given me, he spent over a quarter of a million dollars in 2 months and now, currently, he is $400,000 in debt. His efforts to wage a campaign for the presidential nomination floundered because he did not have enough money. So, more and more, politics in our great country are becoming a rich man's preserve.

I should like to give you a concrete example, and I was surprised when I was furnished these figures. In the Nation's seven largest States in 1970, 11 of the 15 major senatorial candidates were millionaires. The four who were not millionaires lost their bid for election. Again I say that is not a partisan issue, and I hope we do not get partisan. I understand that the President is afraid of having to engage in debates if this legislation is passed. But there is nothing in this bill that would make the President debate. It would merely relieve the networks of the duty, if they give broadcast time to a major-party presidential candidate, of having to give equal time to the presidential candidate of the Vegetarian Party, the Greenback Party, or you name the party.

That is why in our bill we have repealed the provision relative to the President and the Vice President.

Do you know that if we repeal section 315, as applied to candidate for the House, the broadcasters could give time to your opponent and then refuse to sell you time? That is one reason, as I said earlier, I feel we should have more Members here to hear this debate.

Last year we sent a good bill down to the White House and the President vetoed it. He said that it discriminated against the broadcasting industry, since the other advertising media were not included. So we have included the print media. We have tried—and I mean not only the Democrats on our subcommittee and the committee, but all the members of the full committee tried very hard to come out with a fair bill. I know time is limited, so I would like to give a brief summary of what my bill would do.

First, it repeals section 315—that is the equal-time provisions of the Communications Act, for the presidential and vice-presidential candidates. The broadcast industry goes along with us on this.

Second, the bill places an overall limitation on the amount of money which can be spent by or on behalf of any candidate for Federal office. The limit is obtained by multiplying 10 cents by the voting age population of the district or State. The bill further limits the amount which a candidate can spend on the broadcast media to 50 percent of the overall limit.

Third, we have separate limits which apply both to primaries and to general elections. In the case of presidential primaries, candidates' expenditures are limited on a State-by-State basis with the candidate able to spend no more than a candidate for the Senate could spend within that State.

Fourth, and I think this is important to all of us, broadcast stations are required to extend to the candidates their lowest unit rate—and if any broadcasters write Members that we are telling them what rates should be charged, they are just wrong. They have a rate card, and they determine what rate.

Also, no advertising can be accepted from or on behalf of any candidate unless the candidates certify themselves in writing that the expenditure involved is within his spending limit.

So it seems to me that partisan politics should not be a part of this. We represent all. I have any number of Republicans in my district and I hope I represent them as well as I hope I represent the Democratic people in my district. I think it is long overdue that this Congress should do something about the abuse of money and of media in campaigns for Federal elective office.

Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, the gentleman stated the broadcast industry wanted the equal time provision repealed.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I did not say they wanted it.

Mr. HAYS. I thought the gentleman did, I am sorry.

Mr. MACDONALD of Massachusetts. What I did say was that they would go along with it.

Mr. HAYS. I understood from the gentleman's chairman and others that the broadcast industry wanted the equal time provision repealed, period.

Mr. MACDONALD of Massachusetts. That is correct. But they will go along with repeal for presidential and vice presidential candidates.

Mr. HAYS. Of course, this is one of the things I am bitterly opposed to, because it is becoming more and more popular, and we have had a case in the district next to mine in the last election in which an announcer for the local television station had exposure after exposure after exposure and decided to run.

He decided to run for Congress, and he got the nomination of one of the parties, and if it had not been for the equal time provision, he would have had all the time, and his opponent would not have had any time at all unless he paid for it.

That situation can pervade and spread like mushrooms.

Mr. MACDONALD of Massachusetts. It happened in Dallas in the mayoralty campaign. The television announcer got elected.

Mr. HAYS. Then would it be fair to call the substitute bill a television announcer's bill, as some of the opponents are calling this an incumbent's bill?

Mr. MACDONALD of Massachusetts. I am not familiar with the substitute. I am talking just talking about our bill—title I.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, would the gentleman please explain to me what he means by the unit price?

Mr. MACDONALD of Massachusetts. Yes. The lowest unit rate means the gentleman under the bill would get the same rate on a television station as somebody who, because of the volume of his advertising the year around, gets the station's lowest price.

But we do not set that. The stations do.

Mr. KAZEN. Let me tell the gentleman that I was one of those who voted against the bill last year because of this specific thing. I will tell the gentleman why. I represent a rural district, with several small radio stations. The people who keep those radio stations on the air are the corner grocery store and the corner drugstore, day in and day out, year in and year out, who have the same news programs and weather programs, and they get a special rate.

Mr. MACDONALD of Massachusetts. Let me cut in on the gentleman. I remember the gentleman's argument.

But what do these people on TV and radio get a license to do? The license says, "public interest, convenience and necessity." If they want to sell automobiles or second-hand furniture or something else, that is up to them, but if they receive a broadcast license they have a duty to the community they serve.

Mr. KAZEN. I agree with the gentleman.

Mr. MACDONALD of Massachusetts. Then why did the gentleman vote against it?

Mr. KAZEN. But there are so many fields of service they perform every single day for local clubs and local churches.

Mr. MACDONALD of Massachusetts. I guess the gentleman did not understand what I said. They get a license to operate on a public radio frequency. They do not own anything except perhaps the physical plant. They are given by the Federal Government a right to have a monopoly on radio frequency. They are supposed to operate in the public interest.

The CHAIRMAN. The time yielded to the gentleman from Massachusetts has again expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Arizona.

Mr. UDALL. I want to commend the gentleman. The public at large, the American people, owe the gentleman in the well a great debt of gratitude. He has fought this battle for 2 long years.

I should like to comment on something the gentleman said. He said that we needed bipartisanship. The gentleman had it a year ago. The committee adopted the bill by a bipartisan vote, and it was adopted in the House by a bipartisan vote. Now we seem to be in danger of losing that.

I believe this is wrong, because all of us have an interest in giving our people a better system. We ought to be looking to the needs of the next generation, as well as to the needs of the next election.

I should like to ask the gentleman a question. There has been a great worry about 315, for the Presidency. Does not the gentleman agree that no incumbent President is going to be embarrassed by refusing to debate with a nonincumbent opponent?

Mr. MACDONALD of Massachusetts. He may be embarrassed; he does not have to do it.

Mr. UDALL. Does the gentleman believe it would be any great handicap for Lyndon Johnson in 1964 to say, as he did:

> I do not want to debate Senator GOLDWATER. I know national secrets. I have all these other questions and considerations, and I cannot do it.

It is said this is an anti-Nixon provision.

Mr. MACDONALD of Massachusetts. It is not.

Mr. UDALL. I do not believe he will lose one vote if he refuses to debate on the ground he is an incumbent and his opponent is not.

Mr. MACDONALD of Massachusetts. He will not.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Michigan, a very distinguished gentleman who used to serve on the subcommittee.

Mr. HARVEY. I thank my good friend from Massachusetts for yielding.

I would point out to the Members in the House that the facts speak for themselves. This Congress refused in 1964 to pass a bill out that would have permitted debates or would have suspended the equal-time provision for the President. It passed a bill out in 1968, and now again is urging it. I think one can say this is nonpartisan, but it speaks for itself.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MACDONALD of Massachusetts. The gentleman from Michigan, I believe, is very incorrect, because there is nothing in this bill that makes any President—whether he be President Nixon, President Johnson, or any other President—debate. It just gives the networks a chance to present the significant presidential candidates to the public, which they are supposed to do anyway, so the public can look at those candidates.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Michigan.

Mr. HARVEY. The real question before the Members of the House is the decision that they have to make whether the broadcasters have really reached a degree of maturity where they will treat all candidates for political office fairly. It is not any different for Richard Nixon than it is for Mr. KENNEDY in Massachusetts or Mr. MACDONALD in Massachusetts, whether he be a Congressman or a Senator or a President.

The question is whether the broadcasters will treat the candidate fairly.

Mr. MACDONALD of Massachusetts. The fairness doctrine is one thing; equal time is another.

Mr. HARVEY. I will say to the gentleman—and he knows this very well, because certainly he is the chairman of the subcommittee and the most knowledgeable—he knows the fairness doctrine will stay in regardless of what we do here.

Mr. MACDONALD of Massachusetts. But it is just a doctrine; it is not the law.

Mr. HARVEY. But the real question is whether the broadcasters are going to act fairly. Will my friend agree with me?

Mr. MACDONALD of Massachusetts. Section 315 gives us the protection of equal broadcast treatment. If we give that up we would be turning over the country to the broadcasters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute. That is all the time that there is left, and I yield him the last minute.

Mr. BROWN of Ohio. Will the gentleman yield to me on that?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. BROWN of Ohio. How did we survive in the years when we had no broadcasting and just had newspapers in this country? There was no equal time provision for newspapers, and yet the republic survived.

Mr. MACDONALD of Massachusetts. I cannot tell you. I have no expertise about that. I was not here.

Mr. KEITH. Mr. Chairman, this is a rather difficult presentation to follow.

I will be happy to yield to the gentleman from Massachusetts (Mr. MACDONALD) 1 minute if he would like to further enlighten us.

I yield to the gentleman from Maryland for a unanimous consent request.

Mr. HOGAN. Mr. Chairman, the complexity of the parliamentary procedure under which we are considering the various campaign reform bills before this body is matched only by the complexity of the legislation itself and the problems which it seeks to resolve.

We are faced with a choice of three different bills, reported from different committees and even from different bodies of this Congress. From the number of complaints that have been circulating during the last week about the deficiencies in each of these bills, it is clear that a firm and strong campaign reform bill will have to be written in this Chamber. Although I ordinarily disapprove of this type of legislating, in this case the entire House membership will have to be called into action because of the deficiencies arising from the jurisdictional conflicts over the subject matter of these bills.

Basically, the three bills before us, H.R. 11060, 11231, and 11280, include various provisions regulating the following aspects of election reform: ceilings on expenditures and contributions allowed, reporting requirements for both campaign contributions and expenditures, enforcement provisions for violations of the law, partial or total repeal of the equal time provisions of the Communications Act, and establishment of a political advertising rate in all media.

When taken at face value these are all laudable provisions, but the language and practical ramifications of some of the provisions would still allow some unscrupulous politicians to evade the law through the available loopholes. Many amendments will be offered in the following days to close these loopholes and I hope that we will choose wisely and well to approve only those amendments which will strengthen this legislation and formulate a law which is fair to the American public and to their candidates for public office.

For my own part, I expressed my major concerns in this area in testimony before the Committee on Standards of Official Conduct. I am pleased to see that one of my suggestions, relating to the loophole in the present Federal Corrupt Practices Act which allows a candidate to accept loans for his campaign from corporations and not repay the loans. This has been corrected in the bill reported by the Committee on House Administration. Under the definition of "contributions" in H.R. 11060 is included "a gift, subscription, loan, advance, or deposit, of money, or property or services of significant value, except a bona fide loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution." I urge my colleagues to retain this definition as included in section 1(a)(6) of H.R. 11060 in whatever bill we finally approve. I hope that, if this provision is included in the bill passed, the legislative history will show that this prohibition also includes the extending of credit to a candidate. A corporation can under present law extend credit and never get paid, thereby evading the prohibition against corporate contributions.

My second recommendation for improvement of the campaign spending laws has not been included in the bills before us and I will direct my energies to securing the passage of an amendment to be offered by our colleague from Minnesota (Mr. FRENZEL) which will, hopefully, rectify this situation. This amendment to H.R. 11060—if it is deemed in order as we proceed under the amending process which has been set for this legislation—will direct that "any amount expended for entertainment, or food at, or direct mail advertising for, any fundraising event shall not be considered to be an expenditure" for purposes of section 2—Expenditure Limitations for Candidates for Federal Elective Office—of this bill.

To backtrack for a moment, Mr. Chairman, and examine the reasons behind the need for such an amendment. I believe that all of us in this Chamber will agree that it is in the best interests of the public to broaden the base of campaign financing. The more individuals we have contributing small amounts of money to political campaigns, the more effective our democracy will be and the more independent the elected Representatives' votes on the issues will be.

If every voter would contribute $1 to the candidate of his or her choice, the campaigns would be adequately financed and the elected representative would feel no debt of gratitude to special interest groups who might have contributed heavily to his campaign, but merely to the electorate at large, which in a very real sense elected him.

Mr. Chairman, if the committee will forgive a personal reference, in my own 1970 campaign for reelection, a total of 4,294 individuals contributed financially, of which number 3,953 contributed $50 or less. Of that number, 3,200 contributed less than $10. These figures should be compared to the 344 contributors donating over $50 to my campaign.

In my first congressional campaign in 1968, I received contributions from more than 5,000 people, the average contribution being $22.50.

I mention this as a prelude to establishing the need for this amendment. If we are going to place a limitation on the amount of money which can be spent in a campaign, then we must give some consideration as well to the amount of money "wasted" by the candidate in raising money from a large group of contributors.

My own broad base of support from contributors of small amounts of money resulted primarily from mass mailings. This is a very costly way to raise money because only a small fraction of the people receiving such letters respond with donations. On the other hand, another candidate might, through a few phone calls or personal visits, raise his war chest for his campaign from special interest groups. Similarly, if a candidate were independently wealthy, he would not have to rely upon financial support from the mass of voters.

If, for example, Mr. Chairman, we approve H.R. 11060 with a spending limit of $50,000 or 6 cents per constituent; or if we approve H.R. 11231 with a spending limit of 10 cents per eligible voter; or even H.R. 11280 with either a $60,000 or 10-cent-per-voter limitation on spending, the candidate who must rely on broad-based support from small contributions might have to expend nearly half of the authorized limit in order to raise his $50,000 or $60,000. So we can see very obviously and blatantly, that a dollar limitation of the sort envisioned in all three bills, while being basically a highly laudable reform, would favor the wealthy candidate and the candidate who relies on special interest groups for his campaign financing, unless an amendment such as that to be introduced by our colleague from Minnesota (Mr. Frenzel) is approved. The wealthy candidate and the special interest group candidate would receive full benefit from the $50,000 or $60,000, whereas the candidate seeking broad-based support would receive only half benefit.

Mr. Chairman, in sum I would hope that this amendment would be approved, and that a healthy compromise incorporating the most workable and most worthwhile provisions of these three campaign reform bills will be approved by this body.

Mr. KEITH. Mr. Chairman, I yield as much time as he may consume to the gentleman from Massachusetts (Mr. Conte).

The CHAIRMAN. Will the gentleman yield a specific amount of time?

Mr. KEITH. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. Conte) 5 minutes.

Mr. CONTE. Mr. Chairman, if we are to maintain a truly democratic system of government, we must agree today to enact the strongest bill possible to control campaign spending. It is no secret that the present procedures for controlling, reporting, and monitoring elections are woefully inadequate.

Unless we take decisive action we will soon end up with a Congress that is little more than a club for millionaires and those beholden to wealthy interests. This was not the intent or the desire of our Founding Fathers, nor is it the desire of the people we represent.

No one in this Chamber has to be reminded of the awesome power of the dollar in waging an effective campaign. The best of intentions, the highest qualifications, an admirable record—all of these can be overriden by massive, expensive campaign practices and gimmicks. We now have the opportunity to curtail the influence of the dollar, and we must take advantage of that opportunity.

Our distinguished Committees on Commerce and House Administration have reported to us two bills designed to close up some of the present loopholes. I commend them for their efforts, but I respectfully disagree with the approach they recommend.

In comparing the bills before us with that already passed by the other body, I am convinced that the Senate version will be more effective in accomplishing the reform we desire. For this reason, I support and will vote for the amendments to write the more preferable provisions of the Senate bill into our legislation.

Immediate public disclosure of campaign spending and the monitoring of campaign practices by an independent body is one of the best ways to keep campaign financing honest. Spending and contribution limitations will be meaningless unless we have an effective means of enforcement. The Senate version, with its reporting requirements and provisions for an Independent Federal Elections Commission, affords this means of enforcement.

I fear that all of our good intentions will end in frustration if we fail to adopt these provisions.

I do not want to create the impression, however, that I am completely satisfied with the bill passed by the other body. It too can be strengthened. While I favor limits on broadcast and other media spending, I would like to see us go even further and adopt a limitation on all expenditures. I know that some have claimed that the total expenditure limitation will give the incumbent an advantage, but I do not agree with this argument. An incumbent has a record. Whether it is good or bad, he has earned it and will run on it. Given our present laws against the misuse of franking privileges, I believe that any unfair advantage arising from being an incumbent will be offset by the fact that he must run on his performance rather than promises.

I am also dissatisfied with the Senate bill's provisions relating to contributions. They pertain only to contributions of the candidate and the candidate's immediate family. The evils of large contributions are too apparent to warrant discussion. We need a limitation on individual contributions without regard to who the donor may be.

I urge that we all cooperate in enacting a bill that will be free of loopholes, that will end the abuses that threaten our system of representative government.

Mr. KEITH. Mr. Chairman, I now yield 5 minutes to the gentleman from Florida (Mr. Frey).

Mr. FREY. Mr. Chairman, we have had partisanship in this bill, I think, in our committee. The final vote in the committee, if my memory is correct, was 23 to 20. I do not think that this is a good thing, because we need reform in this area.

Mr. Chairman, one of the things that turns many of the young people off is the fact that we do not police ourselves. If we do not want to do it now and approach this problem at this time, I think we can write it off for a number of years.

As the chairman of the subcommittee, whom I respect very much and who was extremely fair during the consideration of this legislation, knows, I fought him very hard on several amendments with reference to section 315 across the board on the 10-cent limitation with the 5-cent subceiling for radio and TV.

I, personally, feel very strongly that the sin is not where the money is spent but the amount in which it is spent. We know that the cost of buying votes has gone up from 19 cents in 1952 to about 60 cents in 1968. We know further that it has practically become a geometric proposition and it must be solved at this point.

Frankly, because of my feelings in this area I think we all, maybe, have to give a little in order to get a decent bill. However, I intend to offer an amendment to the Macdonald bill which will do two things:

First, we hope to add billboards to the type of controllable expenses. Right now we have four items which include radio, TV, newspapers, and magazines. I would like to add billboards and to add other things such as telephone and postage expenses. However, I recognize the fact that we cannot get it through the House.

I think with respect to the 10-cent limitation I would like to retain it, but as far as the radio and television goes, I would like to allow them a little more leeway. I would like to allow them 60 cents instead of 50 cents. This will increase it a little bit. It does not go as far as I want to go but it would allow some discretion.

Mr. Chairman, every candidate who runs in a congressional district in this country is confronted with different problems. A candidate running for office in Boston or New York cannot afford to go onto television and radio, but in the Far West you have to do it. However, this amendment will give them flexibility.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FREY. Yes, I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman said he fought the subcommittee chairman on section 315?

What is the gentleman's position on section 315?

Mr. FREY. My personal conviction was that I thought it should be repealed for the Presidency, and the Senate and the House of Representatives. It seemed to me that we were in a peculiar position and in effect saying you go ahead and debate but we are not going to debate ourselves. This was my position.

Mr. HAYS. Mr. Chairman, if the gentleman will yield further, the thing that bothers me and which I do not understand is if you repealed it totally——

Mr. FREY. "Debate" is a wrong term.

Mr. HAYS. In other words, a radio station would give the potential opponent as much as they like and give discretion in that manner?

Mr. FREY. I think there is this danger. I do not believe there would be as many people on the TV stations with reference to what they are going to do.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Washington.

Mr. ADAMS. Does not the gentleman believe there is a qualitative difference in the effect of section 315 as it relates to the Presidency as opposed to a congressional district race?

Mr. FREY. Certainly, there has to be.

Mr. ADAMS. Should there not be a distinction made between the two for handling this matter?

Mr. FREY. Obviously the gentleman is taking one direction which is the Presidency, but the total impact of section 315 as to the House of Representatives versus the Presidency, I do not think so.

I think this is an equal branch as much as the executive branch and I think the people should have the right to know what is going on. We are talking about spending and a buying situation. Section 315, in my opinion, is one way you can assure that you do not have to spend too much. The record shows that in 1966 the cost was about 10 or 11 times as much as any other year. I think this would carry over to the Senate and also the House.

Mr. Chairman, in conclusion I would like to say that on this amendment I am willing to go a certain length on this thing because of my overriding feeling that we do need a bill on this and this is really, I think, our last chance to get it.

I will offer this amendment for the purpose of compromise and hope that the chairman and the other Members will accept it.

Mr. KEITH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Chairman, the gentleman from Minnesota (Mr. Frenzel) and I introduced H.R. 11280 after the Committee on House Administration and the Committee on Interstate and Foreign Commerce had each completed consideration of the respective bills on election reform, which fell under their respective jurisdictions. After seeing those two bills, the ones being discussed today, it was apparent to us that the prospects were slim of resolving the conflicting principles and language in the two bills during any floor consideration of the Committee of the Whole.

Although the Senate bill on this subject, S. 382, did not completely conform to our individual views on campaign reform, it seemed a much more sensible vehicle for us to use in attempting to achieve any orderly reform.

Since the Senate bill had been considered as a single unit by one committee of the Senate, its original draftsmanship had few conflicts. Many amendments were considered on the floor of the Senate, several were adopted, and the bill was passed by an overwhelming, bipartisan vote of 88 to 2.

I serve on the Communications Subcommittee of the Committee on Interstate and Foreign Commerce which worked on the Macdonald bill, and the gentleman from Minnesota (Mr. Frenzel) serves on the Elections Subcommittee of the Committee on House Administration which worked on the Hays bill and each of us feels that those bills were both partisan and proincumbent when they came from those committees.

The Senate bill seemed to avoid those obvious pitfalls.

Since the Senate bill had never been referred to a committee here in the House, we introduced it as our own, and asked the Committee on Rules to make it in order as an amendable substitute, and permit its amendment. That was done and our substitute itself will be amendable under the rule.

It is our hope that the Macdonald bill will be amended to conform it toward the broadcast provisions of the Senate bill, our substitute H.R. 11280. And then that our bill will be substituted for the Macdonald bill and the Hays bill.

In that interest, Mr. Chairman, I ask unanimous consent to insert at this point in the Record an outline of the differences in the three bills which will be under consideration. This chart also includes comparison with the present law.

The CHAIRMAN. The Chair will ask the gentleman from Ohio whether this is the gentleman's own compilation?

Mr. BROWN of Ohio. A form of this compilation has already appeared in print.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the problem is whether permission can be granted by the Committee of the Whole, or whether permission has to be given in the House. If this is the gentleman's own compilation then permission can be granted by the Committee of the Whole. If it is not the gentleman's own compilation, if there is extraneous matter, then permission will have to be granted in the House.

Mr. BROWN of Ohio. It is a personal compilation.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HAYS. Mr. Chairman, reserving the right to object, and I do so in order to ask the gentleman from Ohio a question:

The gentleman referred to the compilation in a local newspaper, and presumably he is going to follow that as a guideline in his own compilation. Is he aware that that had a mistake in it in which they said that the Committee on House Administration had allowed $5,000 for all purposes, and it should have been $50,000?

Mr. BROWN of Ohio. I am aware of the error.

Mr. HAYS. And in the estimated example again they used $5,000 instead of $50,000? Will the gentleman from Ohio correct that?

Mr. BROWN of Ohio. That portion will be omitted.

Mr. HAYS. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The material referred to follows:

The Choices Before the House

SPENDING LIMIT PER CANDIDATE

Hays bill—House Administration Committee

Fifty thousand dollars for all purposes or 6 cents per constituent—(Whichever is higher).

Macdonald bill—House Commerce Committee

Five cents per voting-age constituent for broadcast ads.

Ten cents per voting-age constituent for newspaper, magazine, and broadcast ads.

Senate bill—Sponsored by House Republicans

Six cents per voting-age constituent for broadcast ads.

Six cents per voting-age constituent for newspaper, magazine, billboard ads, but not over 10 cents per voting-age constituent for broadcast, newspaper, magazine and billboard ads or $30,000 minimum limit for each category.

Present law—Corrupt Practices Act of 1925

Twenty-five thousand dollars for U.S. Senate, all purposes.

Five thousand dollars for U.S. House, all purposes.

SPECIAL MEDIA PROVISIONS

Hays bill—House Administration Committee

Not in committee's jurisdiction.

Macdonald bill—House Commerce Committee

Repeal of "Equal Time" provision for presidential race only.

Broadcast rates cannot exceed "lowest unit charge" for same time period.

Print media rates cannot exceed charge for comparable commercial ads.

Equal space required of print media.

Senate bill—Sponsored by House Republicans

Repeal of "Equal Time" provision for all federal races.

"Lowest unit charge" broadcast rates just before elections.

LIMITS ON CONTRIBUTIONS

Hays bill—House Administration Committee

From any individual: $35,000 to any presidential candidate; $5,000 to any Senate candidate; $5,000 to any House candidate; Plus limits on candidate's use of his own money.

Macdonald bill—House Commerce Committee

Not in committee's jurisdiction.

Senate bill—Sponsored by House Republicans

Limits on candidate's use of his own money only.

Present law—Corrupt Practices Act of 1925

Individual contributions limited to $5,000 per candidate.

REPORTS OF CONTRIBUTIONS, EXPENDITURES

Hays bill—House Administration Committee

To: Clerk of House, Secretary of Senate.

Required only 10–15 days before election, and 45 days after election.

Reports include all items over $25.

Macdonald bill—House Commerce Committee

Not in committee's jurisdiction.

Senate bill—Sponsored by House Republicans

To: Federal Elections Commission, Clerk of local U.S. district court.

Required four times yearly plus before elections.

Reports include contributions $100 or more; expenditures over $100.

Present law—Corrupt Practices Act of 1925

To: Clerk of House, Secretary of Senate.

Four times yearly plus before elections.

PENALTY FOR VIOLATION

Hays bill—House Administration Committee

Candidate for President: $25,000 fine.

Others: denial of seat, disqualification for future elections.

Macdonald bill—House Commerce Committee

$10,000 fine and 1-year prison term for willful violation.

Senate bill—Sponsored by House Republicans

$5,000 fine and five years prison for media sections.

$1,000 fine and one year prison for reports section.

Present law—Corruption Practices Act of 1925

$10,000 fine and 2 years prison.

(*All bills apply to candidates for federal office only. Figures given are for general elections; equal additional sums permitted in most cases for primary, special or runoff elections.*)

Mr. BROWN of Ohio. Mr. Chairman, the principal differences in the Macdonald bill and our substitute are that the Macdonald bill repeals the equal time provision, section 315(a) of the Communications Act, for the President only. Our substitute would repeal it for all Federal elective offices, President, Vice President, Senate and House. We feel that what is sauce for the goose is sauce for the gander.

The Macdonald bill provides a 10-cent spending limit per person of voting age, as does the substitute, but the Macdonald bill's limits apply to broadcasting, newspapers and magazine advertising, while the substitute also covers billboard ads. But the Macdonald bill further limits spending on television and radio to 5 cents, while the substitute permits candidate discretion to spending up to 6 cents on broadcasting or print media so long as the total does not exceed 10 cents in the covered areas.

One other problem that exists in the Macdonald bill which does not exist in the substitute at all is the provision that requires newspapers to provide the same space to all candidates for the same office if it provides space for any candidate for that office. It is our hope that there will be amendments to the Macdonald legislation so that we can move that legislation toward the Senate substitute, the bill H.R. 11280, which we have introduced, and then the substitute will be approved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEITH. Mr. Chairman, I yield myself 5 minutes.

Mr. KEITH. Mr. Chairman, once again I would like to compliment the chairman of the Committee on Interstate and Foreign Commerce and in particular the chairman of the Subcommittee on Communications and Power. These gentlemen and their committees and staff worked long and diligently to make this bill one which would be in the public interest.

But the kinds of reforms, it seems to me, that Chairman Staggers indicated were necessary in order to cope with the kinds of advertisements that he prophesied for the future, were really not within the sphere of the Commerce Committee. That is, except in the limited way it related primarily to the media. We tried to reform or improve the bill in other respects, but it was not just an adequate vehicle for us to do that.

I have one amendment in particular which I referred to on the floor earlier, relating to the use of credit in regulated industries. It will be discussed when the time comes for amendments.

But in my view, this bill does not enable us, as it comes from the Commerce Committee, to accomplish the reforms that we so badly need. Nor am I certain that the Hays bill speaks to or reflectively speaks to the reforms that were outlined in the Anderson-Udall bill which I cosponsored many months ago.

The Senate bill seems to me to get the closest to the subject of true reform.

It does not matter whether we do our work here, under the rules that have been devised to assist us to work our will on this legislation. It will be necessary, I believe, to get it closer to the people. In this matter, the States must take action.

It is all very well to have adequate laws in Washington, but it is much better if you can have them in the State, where the facts will be readily available to the local press in a timely fashion.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. HAYS. Many States do have very restrictive reporting laws. The State of Ohio's laws are very similar to the House Administration Committee bill. But what do you do about States who do not have any laws?

Mr. KEITH. I am just using this forum to say that no matter how well we should or could perfect this legislation, it is not going to be adequate unless it not only requires full disclosure—but is at a place that is easily accessible.

If I recall correctly, your particular bill only requires reporting and disclosure 10 days before the election and 45 days afterward.

Mr. HAYS. That is right.

Mr. KEITH. Why did not you incorporate the Ohio provisions in your bill?

Mr. HAYS. The Ohio provision does not require any reporting before and one report 45 days afterward. I went beyond that.

Mr. KEITH. I believe the law that we have in Massachusetts is better than that. It provides for continuing reports and is quite effective.

Mr. HAYS. Let me say to the gentleman, and I will yield him some time if I transgress too much on his time—we tried to get a consensus. Some people did not want any report until after the election. But there was an amendment offered that they would have to report between the 15th day and the 10th day—in that interval—how much they spent up to then. That is an improvement over what we have now, I think.

Mr. KEITH. It certainly is an improvement over what we have now.

Mr. HAYS. If the House wants a tougher amendment, they will have an opportunity to offer one.

Mr. KEITH. I rather hope we will.

May I say I think it is very late. In any event I realize my time is running out.

I would call to your attention an excellent article written in last Sunday's Post by John Oberdorfer. The editor of the newspaper excerpted the following phrases—

> Unless the House acts without further delay, the struggle to regulate campaigns for Federal office will be dead for this year and years to come.

There is, it seems to me, a decided possibility that if we do not do an adequate job, we will have to live for another 50 years with a half-way measure. So I propose, Mr. Chairman, that we use these rules to work, not the politicians' will, but the peoples' will!

If there are no further requests for time, I yield back all my time.

Mr. HAYS. Mr. Chairman, this is what I like about general debate and always have liked. It is pretty near useless because there is nobody here to listen to it, and I am sure very few people will read it. So I do not propose to use very much time.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Texas.

Mr. KAZEN. Would the gentleman like me to call for a quorum?

Mr. HAYS. No; I would not, because if the gentleman calls for a quorum, I will move that the Committee rise.

Mr. KAZEN. I would like to get some Members here.

Mr. HAYS. I do not think you would. Most of them are gone for the week.

Be that as it may, I am sure we will have some time in the amending procedure to answer any questions. I would merely like to say that the House Administration Committee bill was worked on for 7 days in hearings and 7 days in markup, and everybody, I think even the four who voted against the bill, will say that in the markup every member of the committee had adequate time to present his amendments. I hope Mr. Frenzel is listening. Every Member had adequate time to present his amendments. There was no attempt to steamroller the bill. Every amendment was discussed and was put to a vote.

The end product, let me say, in my judgment is not perfect. I must say that this is the first time since I have been here that speaker after speaker seemed to demand instant perfection in a bill when it was brought to the floor. But the bill was near enough perfect that there were 20 members out of the 25 who voted for it; one was not present, and four voted against it.

All I would ask is that if it is the will of the House—and I intend to vote that way—to accept the Macdonald bill with whatever amendments are agreed upon as title I, that they would turn down the Senate bill, the remainder of the bill, and let us go to conference with the Senate. I do not subscribe to the theory that the Senate is perfect, and we ought to swallow what they have done hook, line, and sinker.

Finally, as I said, I am not going to attempt to explain this bill because the audience is very small, the time is late, and we will have plenty of time in the amending process. But I do not think there is a majority on either side of this House that wants to repeal section 315 in toto and turn over to the television broadcasting stations in our districts the right to name the next Congressman from that district, which they would do in many instances.

I gave the example of television broadcasters running for Congress. They have a lot of exposure, and I think it would certainly be about as unfair a thing as you could think of.

As I said earlier, some people have called this an "incumbent's bill." I do not agree with that. But if you repeal section 315, you had better call it "the television announcer's bill."

What about the "incumbent's bill" charge? Well, the incumbent has certain advantages by being an incumbent with or without any regulation. But what about the challenger? We are here tonight. We are going on record every day. You can have a challenger back home now running around footloose and fancy free for a year before election, making all the meetings you have to miss for being here, challenging whatever votes he wants to challenge, attacking your record, and you have to run on a record and he has to run on promises.

Well, let me tell you something. I found in my time that it is sometimes easier to be a challenger than it is to be an incumbent.

I do not propose to load the bill the other way. I hope we can come out with a bill that is fair to everybody and not loaded in favor of either side, and I think this House administration bill will be that kind of bill if some of the amendments we propose to offer are adopted to make it even better than it is—and I am sure there are people who have some amendments I do not know about, some of which may very likely be acceptable, and some of which may make it an even better bill than it is now.

Mr. DEVINE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would like to record a little bit for posterity here. We wonder about the great clamor for legislation of this nature. I counted the House just before assuming the floor, and I find less than 10 percent of the Members are present on the floor.

We are not supposed to mention the press gallery, so I will not mention the fact that there are less than half a dozen reporters up there.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, if my eyes do not deceive me, the fellow who has written the most about it in criticizing the Congress is not up there either.

Mr. DEVINE. Mr. Chairman, also the clock now reads exactly 19 minutes before 6 o'clock.

Mr. Chairman, I commend the chairman of the House Administration Committee for bringing the Federal election reform legislation to the floor of the House for consideration.

This is one of the matters that has been discussed and cussed over the years. I remember the Committee on House Administration a few years ago did get an election reform legislation bill out, but the House leadership did not see fit at that time to set it for action, but at least we have reached this stage, so we will have an opportunity to vote it up or down.

It has been long recognized that there are many inadequacies in the laws on the books relating to campaign spending on Federal elections and efforts to do something about it always seemed to fall short of success, so it is definitely a very encouraging step forward to have this legislation before us today. The unfortunate part is that this bill has various undesirable features which detract seriously from its merits. Many of these are set forth in the additional and supplemental views in the committee report, and I certainly recommend that these views deserve the attention of all Members.

As we go through the committee report—and I am making reference to the bill as it emerged from the Committee on House Administration—we will see there are separate views signed by the gentleman from New York (Mr. BINGHAM), the gentleman from Michigan (Mr. NEDZI), and the gentleman from California (Mr. HAWKINS); and additional views, signed by the gentleman from Ohio (Mr. DEVINE), the gentleman from Alabama (Mr. DICKINSON), the gentleman from Iowa (Mr. SCHWENGEL), the gentleman from Michigan (Mr. HARVEY), the gentleman from Idaho (Mr. HANSEN), the gentleman from Pennsylvania (Mr. WARE), the gentleman from California (Mr. VEYSEY), and the gentleman from Minnesota (Mr. FRENZEL); and supplemental views of the gentleman from Alabama (Mr. DICKINSON); and additional views of the gentleman from New Hampshire (Mr. CLEVELAND); and dissenting views of the gentleman from Illinois (Mr. CRANE); and supplemental views of the gentleman from California (Mr. VEYSEY); and additional views of the gentleman from Minnesota (Mr. FRENZEL).

So the Members will see there is anything but unanimity on the handling of this particular legislation. The major drawback in H.R. 11060 in my opinion is the unrealistic limitation it would place on campaign expenditures. All of us here are aware that the makeup of congressional districts across the country varies greatly. Geographically, districts come in all shapes and sizes from large to small; some are entirely urban and some entirely rural; they differ greatly economically; there are vast differences in the communications and transportation facilities among congressional districts.

In spite of these and other significant differences, which produce widely varying campaign spending needs from district to district, the bill arbitrarily lumps all of them into one category and places essentially the same limit on all.

We did in committee increase the top limit from $30,000 to $50,000 to try to take care of what appears to be gross inequity. Our hearings certainly produced no information or unanimity of opinion in support of such a campaign spending limitation or concerning what might be a proper limit, so this really amounts to a classic case of legislating in the dark.

There are other features in the bill which give cause for concern. It has no guidelines as to precisely what spending would come under the limitations. This means that scores of questions could arise. Does the use of a candidate's private auto, for example, amount to a campaign expense, or his lodgings or meals? Do incumbent's activities have to be included, such as including the cost of his district office space, mailings to constituents, and so forth. Expenditures in a business which conceivably could redound to the benefit of a candidate presents questions. These are only a few of the many potential questions that could arise.

It is a matter of concern that a candidate for office would be subject to the far-reaching sanctions of such a law which contains indefinite and vague guidelines as to its requirements.

It could be stated that if the bill contains so many potential questions as to what would come within the spending limitation, why not spell out what would be included. The trouble is that you run squarely into the same old problem all over again. What should be included in the definition? Certain types of spending are easily identified as campaign expenditures, but there could be many that are not so easily categorized. What is a campaign expenditure from one point of view is not in another. Essentially the problem arises from the fact that an attempt is made to limit overall expenditures.

Coupled with this serious drawback to the bill is the fact that in part it would be the officials of the States, in the case of congressional candidates, who would make the determinations as to whether the law had been violated. There could thus be as many different interpretations of the law as there are States and it seems to me this could result in a completely intolerable situation.

The section of the bill that would deny individuals the right to run for public office for a number of years if they are deemed violators of its provisions is of doubtful constitutionality. The portions of the bill that limit contributions and expenditures from candidates personal resources are also of doubtful constitutionality. The reporting requirements of the bill are inadequate.

I should like specifically to invite the attention of Members to the views which appear on page 25 of the report. We are lacking in this, and the chairman very graciously stated he would hope to cure the credit card situation. In here it shows that as a result of the last election the National Democratic Committee has unpaid airline bills with American Airlines alone as of last April of $426,000 plus.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DEVINE. Mr. Chairman, I yield myself 1 additional minute.

Without going into the figures here, I can say this is nonpartisan, because there are hundreds of thousands of dollars owed by both political parties and candidates, and by deceased candidates, which have not been paid. But it appears to me to be a violation of the Corrupt Practices Act. Indirectly these corporations are making writeoffs, doing what they cannot do directly. This is something to which we did not address ourselves.

I have touched on major drawbacks in the bill before us today. It seems clear that further modification is needed if we want to make this a workable and reasonable law to update our Federal elections.

We have an open rule on H.R. 11060, the rule also makes it in order to consider as an amendment in the nature of a substitute the bill H.R. 11280, which is identical with the Senate-passed election bill, S. 382. The membership will have an opportunity to improve this legislation. If we do not, perhaps a recommital would be the better course for a new start to meet the real problems head on, and legislate meaningful reform—not just a political approach to protect incumbents and an effort to single out the President, through repeal of section 315 in the Macdonald approach. We are supposed to legislate for the good of the country—not just for the 1972 campaign.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. My time has expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. Does the gentleman have any specific amendment in mind that would cure the airline credit card thing?

Mr. DEVINE. Yes, I have an amendment. It is the same amendment I offered in the committee, if the chairman remembers.

Mr. HAYS. Yes.

Mr. DEVINE. At the proper time I intend to recommend it. In effect, it goes to the three regulatory agencies involved, to have them set up rules and regulations to cure this problem. Those would be the CAB, the FCC, and the ICC.

Mr. HAYS. The gentleman from Ohio who is the chairman of the committee would be glad to take a good look at any amendment the gentleman has on this, and if it seems remotely workable, so far as he is concerned, would say he would accept it, because this is an evil which should be cured.

Mr. DEVINE. If I am not mistaken, when this amendment was offered in the committee the chairman did support it.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. First, Mr. Chairman, I should like to commend very highly the Committee on Interstate and Foreign Commerce, and in particular the gentleman from Massachusetts (Mr. MACDONALD) who has worked on this legislation for a number of years.

I believe it is impossible to exaggerate the importance of the three bills which are under consideration, because in the long run our democratic society will endure only if our democratic elections system is protected and maintained.

One of the hallmarks of that system, first, is that the franchise must be broadly based. I am delighted, incidentally, that the 26th amendment has now extended the franchise to 18-year-old citizens.

Just as important, the system must be honest and open, free of corrupt practices and insidious influences by a few powerful interests.

The history of this legislation in the Committee on House Administration is not limited by any means to the 7 days of hearings and the 7 days of mark-up to which our distinguished chairman alluded. The history of it goes back many years. I happen to have served on the committee for 17 years, and I have been active in trying to develop some form of election reform legislation over a period of at least 7 years myself.

There is not one single person here, as a newspaper recently wrote, who cannot qualify as an expert at least to a degree in elections.

Some of us might be better and thereby have larger margins, but all of us at least are expert enough or have others who are expert enough around us so we are here.

Implicit in any legislation involving Members of this and the other body is the fact that incumbents have an advantage. We all know that all an incumbent needs to do to have an advantage is to be a diligent representative, to have a good staff, and to vote the way in his conscience he feels he should and hope to satisfy the majority of his constituents. We all get during a 2-year period of incumbency infinitely more publicity than any potential incumbent, aside from a very, very few isolated ones, can get in our districts. It seems to me that we simply cannot legislate away these advantages, but what we can do and what we made an honest attempt to do is to prohibit the purchasing of seats in the House of Representatives and the purchasing of seats in the other body and the President's seat.

There is a lot of talk about partisanship and of bipartisanship. I know a great many Members on both sides who have a real, genuine interest in this. I know a great many Members who have some heat on them as a result of their activities to try to bring about election reform. The fact is, as our colleague from Indiana (Mr. MADDEN) said so colorfully earlier in the day, the eyes of the people are upon us and there is in fact and in deed a nationwide demand for this type of legislation.

We are going to come back here following a recess and we are going to begin the 5-minute rule. The chairmen and the subcommittee chairmen of the respective committees involved and a number of others of our colleagues, all perfectly able and capable of answering any questions among the group of them that can be raised, are willing, as Chairman HAYS indicated just a minute or so ago, to the distinguished gentleman from Ohio (Mr. DEVINE) are willing to consider constructive, workable amendments at any stage of the game. Mr. HAYS, my chairman, has said time and time again that he has a major objective, and I consider that that major objective is a reasonable one, and he has also talked about compromise day in and day out, up and down, and all around until I am sure he is going to be glad for a few days of respite between now and the time that this thing is debated.

Any suggestion in advance, however, that this matter should be disposed of by a motion to recommit and sent back for further study is pure unadulterated poppycock. It cannot wait; it will not wait; the people will not wait. I assure you of that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON of New Jersey. If I may have 1 more minute.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. THOMPSON of New Jersey. I would suggest that we approach this in the manner as has been suggested by the two committee chairmen; namely, that we work on this and work the will of the House and we get a bill and pass a bill and indeed not that we recommit one, even though it might be more comfortable for some of the brothers, as Mo UDALL would say, not to have anything.

Mr. Chairman, it would be impossible to exaggerate the importance of the three bills under consideration today: In the long run our democratic society will endure only if our democratic election system is protected and maintained. What are the hallmarks of a truly democratic election system? First, the franchise must be broadly based; and I am delighted that the 26th amendment has now extended the franchise to 18-year-old citizens.

Just as important, the election system must be honest and open; It must be free of corrupt practices and insidious influence by a few powerful interests. Mr. Chairman, it is an unfortunate but undeniable fact that the cost of conducting a political campaign has soared during the last decade. It is also an unfornate but undeniable fact that in order to meet rising campaign costs, candidates have become increasingly dependent upon either their own personal wealth or the wealth of a few large contributors. This dependence of candidates upon the concentrated wealth of a few individuals or organizations is basically undemocratic. Furthermore, it opens the door to corrupt and insidious influences on our election system.

When candidates are dependent upon a small number of large contributions, the contributors may be in a position to exert an unhealthy influence on the conduct of Government by promoting special interests at the expense of the public welfare. In a democratic society, competition between candidates should be determined on the merits of their qualifications and political views, not on their ability to attract support from sources of concentrated wealth, whether the wealth of the candidate, his family, or outside individuals and organizations.

Mr. Chairman, there are a number of ways to counteract the growing dependence of candidates on large contributions from concentrated wealth. First, one could place a strict limit on the amount a contributor may give to a candidate. Second, one could require large contributors to report their contributions, hoping that public disclosure would inhibit contributors from attempting to influence the conduct of government in unjustifiable ways. Third, one could establish a tight limit on the cost of campaigns, thereby making it unnecessary for a candidate to depend on large contributors. Fourth, one could generate adequate finances for campaigns by using tax incentives to encourage a large number of people to make modest contributions. Last, one could provide direct Government subsidies to candidates from public funds.

Frankly, Mr. Chairman, I believe the fourth alternative, using tax incentives to generate widespread grassroots financial support for candidates, is the best alternative for the long run. However, the bills under consideration would use various forms of the first three alternatives—limitations on contributions, reporting requirements, and limitations on expenditures. These measures are desirable first steps in the process of developing legislation to guarantee a democratic election system in an age of soaring campaign costs.

H.R. 11060 would establish limitations on overall campaign expenditures, limitations on contributions, and require reporting of expenditures and contributions. H.R. 11231 would establish limitations on communication media expenditures and repeal the equal-time provision on broadcasts connected with the presidential general elections. H.R. 11280 is the Senate-passed bill and would repeal the equal-time provision establish limits on communication media expenditures, limit the amount a candidate may contribute to his own campaign, and require reporting of expenditures and contributions.

Mr. Chairman, as we begin work on this very complex issue, I believe we should keep three goals in mind. First, an informed electorate is the foundation of a democratic election. Therefore, we should support measures which encourage widespread debate on public issues and on candidates for public office. Second, we should reduce the opportunity for a candidate with a large campaign fund to distort the election process by monopolizing communication facilities during a campaign. Third, we should reduce the dependence of candidates on support from a few sources of concentrated wealth. Above all, Mr. Chairman, we should oppose any proposal which would have the effect of prohibiting widespread participation in nonpartisan election activities, such as voter registration and get-out-the-vote drives. We should defeat measures which outlaw the use of contributions of money and services from great numbers of workers, since such proposals are profoundly undemocratic, and would tend to close our election system rather than make it more open.

Mr. HAYS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have heard a statement made today and many times previously that any campaign limitation bill cannot be enforced.

Well, let me tell you something. The British have a campaign expenditure bill that limits them to something like $2,000 per candidate and 3 weeks of campaigning, and it is enforced and can be and it has been.

So, if that kind of a stringent bill can be enforced, certainly one with a $50,000 limitation and some reporting can be enforced if they want to enforce it.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. HALL. Did the gentleman's committee consider a time limitation as well as the other items in the writeup of this bill?

Mr. HAYS. I will say to the gentleman that we did not. I wish we had. I wish it were possible to have one. I think it would be wholesome if we could limit it to about 60 days or so.

Mr. HARVEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, it is appropriate and necessary that we make an honest effort to place tighter and more understandable control on contributions which we made to candidates for public office and the purposes for which those contributions are spent by the candidate. It is not only our obligation to make this attempt because we have experience in the mechanics of the political process and should be most familiar with its shortcomings, but it is also a clear mandate from the citizens we represent that this action be taken. I compliment the gentleman from Ohio (Mr. HAYS) and his committee for bringing this bill before us for action.

I do not believe we can devise a perfect campaign contribution and expenditure system, but we can do the best we can with the tools we have. We can improve existing legislation on the subject by taking certain necessary steps, for example:

First. We can improve disclosure provisions and provide for reporting which will be meaningful. I believe we should create independent enforcement machinery for this purpose.

Second. We should provide that spending limitations be meaningful; that wealthy candidates do not have an unfair advantage over candidates who do not represent wealthy families or associations. We can provide that the candidate shall not be at the mercy of specific advertising media. In this respect I believe it is unfortunate that the current most popular medium for political candidates, namely television, has within its power granted by the federal government the means to give favored treatment, despite current legislation designed to the contrary. We can, however, aim to reduce the chances of affording such favorite treatment. It is not only in the interest of the candidate, but certainly in the interest of public-minded citizens who make contributions for political campaigns, that the difficult effort to secure and provide adequate funds for campaigning is not exploited by irresponsible advertising media of any kind. Political campaigns can provide a windfall of excessive profits for some advertising media who follow discriminatory or selfish practices aimed at soaking up the political dollar. Actually it is not enough to provide equal time. True fairness is the result of honest and sincere policy which prevents employees of television stations or other advertising media from exercising cute and harmful practices to the injury of the candidates whom they hold in disfavor.

Third. Our political system should be open to new ideas and new candidates. No policy should deliberately and intentionally discriminate in favor either of the incumbent or the challenger.

Fourth. Spending limitations should be nondiscriminatory as to specific media.

Fifth. Disclosure and reporting should apply to nonelection years as well as election years. The sometimes phony "get well parties" have provided easy evasion of some laws where reporting is required only during the election season.

I believe that ultimately we should adopt campaign expenditure control which has more effective enforcement potential built right into the system. This would be a control which would be exercised by the political candidates themselves who, after all, are the most sensitive and concerned.

For example, if a candidate were required to report at proper intervals all money spent in his behalf for public advertising; specifically where such advertising was placed with the correct specifications; and the amount spent for each advertisement, his opponent would know immediately in most cases whether the report was complete and honest and also importantly, whether the advertising media were giving fair and impartial treatment in charges and placements of advertising.

If this Congress is unsuccessful in enacting meaningful, understandable, fair and essential campaign spending legislation, then we inevitably face the stern alternative of public financing of election campaigns. If we provide legislation in which the public can have faith, then a greater number of citizens will voluntarily share the expenses of campaigning in behalf of their favorite candidate. If we fail to enact meaningful legislation, or enact legislation in which the public has no confidence, then the list of those who contribute to political campaigns will be narrowed and one way or the other, candidates will be exposed to excessive influence of those on whom they must depend for financial support to finance the campaign.

Finally, I repeat, the public should not expect perfection or even near perfection. There are too many ways for evasion of even the tightest legislation. For example, a $1,000 limitation on a single contributor could be evaded simply by a $5,000 contributor dividing up his financial influence among five associates. Organizations could supply free labor which is not susceptible at this point to legislative restriction. Anyone in public life can make a long list of evasions of the spirit of control which no legislation can prevent. We can do much, however, and we have the obligation and the mandate to do as much as we can and to be candid and forthright in our explanation to the citizenry.

Mr. HARVEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, with the beginning of debate this afternoon on a Federal Elections Campaign Act, the House is facing one of the most important issues in its long history. The importance of the Federal Elections Campaign Act lies not in the specifics of the various bills before us today, but rather in the implications such legislation has for the future of the American political system. Because of the fundamental changes any bill, which would effectively limit campaign contributions or expenditures, will have on our two-party system, it is absolutely essential that every Member of this great body be aware of the issues at hand. I urge my colleagues to take this time, if they have not already done so, to familiarize themselves with the arguments on both sides of the issues; the consequences are too significant to be left to snap decisions.

I have done a great deal of thinking and reading on this vital subject, and I would like to share some of my thoughts with my colleagues at this time. Last spring, I introduced legislation to grant a Federal income tax credit for election campaign contributions to strengthen disclosure and reporting requirements. In my statement that accompanied that bill, I indicated that the best political finance system is one based on a large number of small contributions, and the only way to achieve this goal was to instill confidence in the voters. Stiff reporting and disclosure requirements were aimed at doing just that. At that time, I did not feel it was necessary to legislate limits on contributions and expenditures.

I have long considered attempts to limit campaign contributions and expenditures as a violation of the first amendment. As Prof. Ralph Winters, of Yale University, so eloquently stated during the Senate hearings on this subject:

> The first Amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage.

Any limit on the amount of money a candidate may spend can be viewed as an attempt to limit his political speech. The situation is somewhat analogous to saying that a speaker in public parks can only speak for 10 minutes.

The charge has also been made that limitations on campaign contributions and expenditures discriminate against some candidates and in favor of others. To limit campaign contributions and expenditures is to increase the relative importance of those groups that conduct extensive educational programs for political purposes. Labor unions, for example, can support these limitations because their political activity extends to other areas. Limits on direct spending increase the importance of voter registration drives, news releases, and so forth, none of which would be affected by the proposed legislation. Now I am not saying we should limit these activities; I simply want to point out to my colleagues that contribution and expenditure limits can be viewed as discrimination against candidates who receive money from individuals and in favor of candidates who have interest groups working on their behalf.

The Members of the House and Senate, however, seem to favor some form of limitations, as witnessed by the three bills the distinguished Rules Committee has determined should be considered under one rule.

Mr. Chairman, I have studied all of these measures very carefully, and I have come to the conclusion that of the three, the Senate-passed bill—the bill the Rules Committee has permitted to be introduced as a substitute—is by far the best and the one that should be adopted by the House.

My decision to support the Senate bill is based not only on practical reasons, but also on its treatment of the issues. In the realm of the practical, I believe the Senate bill is the vehicle that will lead to immediate reform. If this Congress is going to pass legislation in time for the 1972 elections, it will have to do so quickly. The Senate bill has the advantage of already having overwhelming Senate approval, and any minor amendments in the House could easily be reconciled in conference.

The second practical reason for supporting the Senate bill is that it has Presidential support. The President has stated his strong opposition to any attempt at imposing limitations on campaign contributions. As I read this "strong opposition," it spells "veto" for any bill that would include such limitations, a measure that I am sure the President and the House would find most embarrassing. In addition, I believe it would errode the public's confidence in their elected officials once they realized that they could not agree on such a fundamental issue as election reform.

If there were no other arguments in favor of adopting the Senate bill, I believe these two practical reasons would strongly support its treatment of the problem, I believe there are several reasons for selecting the Senate version over either the Hays or the Macdonald bills.

First, the Senate bill, and only the Senate bill, establishes what I consider to be adequate disclosure provisions. As I stated previously, strong disclosure provisions can only strengthen the public's confidence in its representatives. The Senate bill provides for an independent Federal Elections Commission and quarterly reports with additional reports prior to the election of all contributions and expenditures of $100 or more. The Hays bill only provides for two disclosures—10 to 15 days prior to the election and 45 days after the election—and many people consider this to be worse than the present law, which we all admit has more loopholes than we know what to do with. The Macdonald bill has no disclosure provisions.

A second argument in favor of the Senate bill is its flexibility with regard to media spending. While it does not place an overall spending limit on candidates, it does place spending limits on broadcast and nonbroadcast communications. It initially sets a limit to 5 cents per person of voting age—or $30,000, whichever is greater—for broadcast spending and an additional 5 cents per person—or $30,000—for nonbroadcast spending. It does provide for a 25-percent interchangeability within these two categories, making the final breakdown 6 to 4 cents for broadcast and nonbroadcast spending respectively.

While some may consider broadcast spending excessive, it is sometimes the only way for a candidate to overcome the built-in advantages of the incumbent. Since, as we all know, recognition is essential to election, television and radio exposure are sometimes the only way a challenger can get his name before the public, especially when the opponent is a well-known politician, or a sports or movie star. And for those who claim that excessive broadcast advertising can buy an election, I need only cite the experiences of our former colleague from New York, Richard Ottinger, or Senator TAFT's opponent in Ohio, Howard Metzenbaum.

Finally, the Senate bill treats the matter of section 315 of the Communications Act fairly. I have grave personal doubts about the repeal of section 315, but I do believe that any action taken should treat all Federal elections equally. The Senate bill, of course, repeals section 315 for all Federal elections; the Macdonald bill provides for the repeal of the "equal time" provision for Presidential races only.

One of the arguments made in support of this action states that the repeal makes time available for the candidates while saving these parties money. This reason, I believe, is only a surface argument. The President always has minor party candidates opposing him, and our experience in the 1970 general elections shows that minor party opposition in House and Senate elections is definitely a factor that must be considered.

To say that section 315 should not be repealed with regard to House and Senate elections is nonsense. According to the official election returns for the 1970 general election, 35 minor parties fielded candidates in House and Senate elections. Eighteen of these parties nominated a total of 41 senatorial candidates, and six additional individuals listed themselves as "independents." The numbers in House elections were even greater: 30 minor parties and 163 candidates are listed in the 1970 returns. Together with the 20 House candidates running as independents, 183 individuals not of the Democratic or Republican Parties sought election in 151 House districts.

For these reasons, Mr. Chairman, I am supporting the Senate version of the Federal Election Campaign Act. When the proper time comes to offer the Senate bill as a substitute, I would hope a majority of my colleagues would lend their support, so that we can pass it without amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman that they may very well be unconstitutional. I do not know. But I have heard since I came to this body on nearly every piece of legislation someone say that it was unconstitutional.

If there is anyone around here who can predict what the nine gentlemen across the street or the seven gentlemen at the present time are going to rule as to what is constitutional or unconstitutional he is a lot better off than most of us. I have always felt that we should legislate the best way we could and then if someone wanted to take it to the Supreme Court then the Supreme Court would have to make that decision. We have limitations in the Ohio law and no one has ever challenged it in the courts and made it stick.

Mr. HARVEY. I say again that this was one of my own thoughts. I felt it was unconstitutional. I felt that it also sharply discriminated in the treatment of people who wanted to participate in our political system, some of whom want to contribute money, some whom want to contribute time and other things. However, when you put a limitation on the amount a person can give, you discriminate against that person who wants to participate by contributing money, and I might say you discriminate against him in favor of organizations who want to do it through one fashion as, for instance, labor unions do in registering the vote and getting out the vote and doing this sort of thing.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, I thank the gentleman from Ohio for yielding.

Mr. Chairman, I have I suppose the unique position of having the opportunity of serving on both the Committee on Interstate and Foreign Commerce, as well as the Committee on House Administration and, along with the gentleman from Ohio (Mr. DEVINE), found myself running back and forth to both committees in connection with the markup of legislation that was before us.

The major problem that presented itself was that while the matter before us under the jurisdiction of the Committee on Interstate and Foreign Commerce and the matter that was under the jurisdiction of the Committee on House Administration were interrelated, they are quite different. They are as different as apples and oranges.

Sure, the Senate bill was passed almost unanimously. Do you know why? Simply because the Senate was concerned with those matters that affect the Senate, primarilly radio and television.

Radio and television is of no concern in my district. Shall I spend money to reach 20 million people, the money it would cost for a 1-minute spot on CBS or ABC for the purpose of soliciting the votes of 500,000 people? That does not make sense.

So the first problem we must immediately resolve is that the Senate is interested primarily in radio and TV because they operate statewide. A House candidate has other concerns.

Leastwise this Member does not care about radio, or TV nor will he place even a 10-cent ad in a newspaper because it is of no value to the limited confines of his congressional district.

Obviously we must treat these problems differently but at the same time try to resolve all of them, if we possibly can. This is the dilemma which will require give and take as well as compromise by all concerned.

I recall in 1968 when I was asked by a number of individuals whether or not I wanted to run for Congress to fill a vacancy that occurred because my predecessor had been elected to the bench. I said I might be interested. They then stated and I quote: "There is one qualification I want to talk to you about."

I thought they would ask me whether or not I agreed with my party on certain issues. They did not—the qualification was—"How much money can you raise?" That was their first question. I said—"Well, do you not want to hear my position on the issues? Shall we discuss my national policy or my domestic policy?" Their response was simply—"No, first tell us how much money you can raise."

I really did not know. I never tried to raise large sums of money. But surely it is frightening that while we approach the problems of the seventies, the criteria was "how much money you can raise before you can run for public office?"

While the Senate bill has some excellent provisions and indicates major areas of concern, the fact that the bill does not contain a limit on the amount of money a candidate can spend in a political campaign, then it is not worth the paper it is printed upon so far as the Congressman from the 13th Congressional District is concerned.

In 1968 in that special election, I ran against a man who spent a quarter of a million dollars—and none of it for advertising on radio or TV or the newspapers. But you take seven first-class districtwide mailings, each containing a brochure labeled and addressed at a cost of $14,000 for each mailing. Do you know where the postage came from? It was postmarked in Yonkers which is about 60 miles north of my district because that is where his business factory was—that was who paid for it, his business.

The Hays bill seeks to put a stop to that. I cannot afford to run against a multimillionaire. I do not know how many Members of this House can. This man ran not as a Republican, not as a conservative and not as a liberal party candidate. He organized his own party and called it the New Leadership Party. He had the support of no major party and no major organization. I had the support of the Democratic Party plus 14 years in the State legislature plus having the experience of having run in something like 16 different elections and primaries. I beat him by 4,000 votes out of about 60,000 votes.

That is what could happen. I came pretty close to losing. Three months later the same gentleman ran against me as a candidate in the Democratic Party in the primary. By this time, of course, I had the advantage of an incumbent and I won by a considerably larger margin.

Someone said that this is an incumbent's bill. True—the incumbent does have some advantage; are we not entitled to some small advantage?

Let me tell you that if I voted for a bill that was not at least somewhat advantageous to an incumbent, I think the people back in my district would think I am out of my head. I am sure that would be their view if I would vote for a bill that would give anyone seeking to run against me additional advantage.

Briefly, the Hays bill and the Macdonald bill does three things that are important.

First. It sets a limit. $50,000 is more than enough to spend for a seat in the House of Congress.

Second, it limits the amount an individual can contribute to a political candidate. No one can make out a check for $10,000, because if they did, you would be beholden to that individual. When a person gives you that kind of money for a campaign, you will owe him something, and do not kid yourself.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the Chairman.

Mr. HAYS. The gentleman will remember that the gentleman from Michigan (Mr. HARVEY) said that he did not want to limit campaign contributions because he did not want to interfere with somebody's right to participate, if spending money was the way they wanted to participate.

Well, I had an opponent running against me who had a $250,000 contribution in five separate checks, through five different committees, and from the same fellow in Texas. He had to ask my campaign manager who the guy was. He had never heard of him. He did not know him. Well, the fellow knew me, and he did not want me down here. I do not really consider that to be the kind of freedom we ought to be handing around to people.

Mr. PODELL. I thank the Chairman. I might add that I think it would make it more logical if we could limit campaign contributions to $1,000. The Hays bill does something else. It limits the amount that an individual can contribute to his own campaign. It would take care of the situation of money spent in Ohio by Mr. Metzenbaum in which a daughter 12 years old contributed $60,000 to her daddy's campaign. Those are the kinds of things that are important to us, in addition to the other problems that Mr. MACDONALD has talked about.

With a limitation on TV, if a man can spend $50,000 and he wants to spend $40,000 on television or radio, that is his business. He can do so.

I can only say this, gentlemen: If we do not put a stop to the kind of proliferating expenses that accompany political campaigns, as has happened in recent times, we shall be making a terrible mistake. We have got to do it. Give us a bill that will stop this spending. That is what we need. That is what the Hays bill does. Surely it is not perfect, but it is an important step in the right direction.

Mr. HAYS. Mr. Chairman, I yield to the gentleman from Missouri for a unanimous-consent request.

Mr. ICHORD. Mr. Chairman, I wish to commend the House Administration Committee, its chairman and the members of that committee, as well as the chairman of the Interstate and Foreign Commerce Committee and the members of that committee for bringing these two measures to the House. Anyone who has examined the problem of campaign expenditures well knows the difficulty under which these two committees have labored. It is very easy, Mr. Chairman, to complain about campaign expenditure abuses, but it is very, very difficult to draw effective campaign expenditure control without rewarding the unscrupulous participants and candidates at the expense of the scrupulous. So I commend the chairman and the members of the committee.

Mr. Chairman, the framers of the Declaration of Independence and the Constitution of the United States especially intended to establish a representative form of government as the best way to preserve man's God-given right to be free and enjoy equality under the law, as well as the right to freely compete. Their theory was that such a system would work best if people from various walks of life, occupational backgrounds, religious convictions, and geographical regions were brought together to make the laws and supervise the operation of the Government.

It is for this reason that the statutory and established provisions regulating public officeholders contain few stipulations concerning the qualifications of a candidate for public office, except such basics as citizenship and minimum age requirements. With the exception of a few offices such as prosecuting attorney or attorney general, where a legal background is required, there are no educational, professional, ancestoral, financial, or status requirements to be elected to represent the people.

We have pointed with pride over the years to the fact that only in this country could a man rise from such humble beginnings to become President of the United States as did Abraham Lincoln. In my opinion, Mr. Chairman, the spiraling costs of campaigns have brought into quest this basic American tradition. If we do not take effective steps to control and limit the amounts of money that can be spent on the various political campaigns, we stand in danger of limiting the holding of elective office to those who are either very rich, or to those who are willing to accept the large contributions from individuals or organizations with special interests along with the possible obligations that accompany such contributions.

I submit to you today that our Government cannot function in such a way to preserve our heritage and way of life if we reach the point that most or all elected officials have great wealth or owe their political life to special interest groups. If this development ever takes place, the people will not be fairly represented.

In an affluent society where people are conditioned to buy certain products by high-powered public relations and advertising specialists trained to produce the TV commercial which will get results, it is becoming easier to "sell" a candidate with the money to buy the TV time. In the State of New York the successful candidate for Governor has spent from $5 to $10 million in each of the last two campaigns. In my own State of Missouri, which has a population of slightly less than 5 million people, the losing candidate in a recent U.S. Senate race allegedly spent over $1 million, while a congressional candidate reportedly spent around $200,000 also in a losing effort. A number of candidates for the U.S. Senate have been reported spending in the neighborhood of $1 million in primary campaigns alone. Figures compiled in 1969 on the total amount of campaign spending as reported in Washington was $70.1 million, compared to the previous record spending of $47.8 million in 1964. Of course, these figures represent less than a third of the total spending since no reports are required to be filed in Washington on primaries or State-level spending. It has been estimated that $300 million was spent in 1968 on campaigns for candidates on all levels of government. This figure is also estimated to be a 50-percent increase of total campaign spending in 1964. I am strongly inclined to believe that the figure of $300 million could be on the low side.

In the State of Illinois, for example, no reports of contributions and expenditures for campaigns are required to be filed in the State capital. In my own State of Missouri there is no requirement to report any money collected or spent in advance of 90 days before the primary election. This means if a candidate is able to purchase TV time prior to the applicable date for reporting—TV time that may be used at any point in the primary campaign—he has no legal obligation to file any report concerning this expenditure.

The statute concerning the filing of political contributions and expenditures in Missouri simply states that the report of a political committee for a candidate must be filed in the county of residence of the committee treasurer. In another recent campaign for the U.S. Senate in Missouri at least two committees for one candidate filed their reports in other States. One report of $53,000 was filed in one neighborhood State, and another report involving sums unknown to me was filed in a second neighboring State. I obviously have no way of knowing whether or not this action was taken with the candidate's knowledge of the same. But, surely, someone in the campaign organization should be responsible for supervising the filing of reports to conform with the law. This would appear to be a violation of the spirit of the law, if not the letter of the law. Whatever may be the case, it is a good example of how loosely State corrupt practices acts are drawn or not enforced.

Mr. Chairman, I am well aware that it is extremely difficult to control totally the receiving of contributions and campaign spending in any election. However, it is incumbent upon this House to take some action to limit individual and committee contributions to a candidate; to limit overall spendng in campaigns especially in regard to the media; and to set up a system of overseeing and enforcing these regulations.

Admittedly the measure H.R. 11066 is not a perfect bill. The area of campaign expenditure control is a difficult area in which to legislate effectively and we must be careful that the unscrupulous candidate is not given an advantage over the scrupulous candidate because of the great difficulty of enforcing such controls. At least three different approaches will be presented to the House in the course of debate. I sincerely hope that what does emerge will place a realistic limit on campaign expenditures, provide full and detailed disclosure of the source of campaign contributions, and also provide for fair and effective enforcement with penalties for violations of the law.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, every Member of Congress is vitally concerned with a campaign reform bill, but in the three approaches that we are taking to this, all of the provisions are heavily weighed in favor of the incumbents. Since none of the potential challengers are here, it is well that we consider both sides of the campaign bill when we evaluate it.

We are designing legislation here that will absolutely guarantee the reelection of every man that is in Congress. There is no question about it. This bill will bring back every man to Congress except in two particular situations. One occurs, if the area is redistricted, and the incumbent gets relocated, and the other is if an incumbent retires. But other than these two instances, we will absolutely guarantee the reelection of every Congressman.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, will the gentleman leave that last sentence in the RECORD about returning every Member to Congress?

Mr. COLLINS of Texas. This is a personal expression, I will say to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. I just thought if the gentleman would leave it in, we could get these bills passed by acclamation.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Arizona.

Mr. UDALL. I am surprised by the gentleman's statement that he prefers to have the present system which, at least, gives the outside a showing. The Congressional Quarterly shows that in the last presidential election 90 percent of the House contests were won by incumbents, and in 1970 in the mid-term election, 96.7 percent of the House incumbents were elected.

How much more showing for the incumbent can we have than we have now?

Mr. COLLINS of Texas. I agree that under the present system the incumbent has a pretty good chance of returning, but under any new plan suggested the incumbent has a guaranteed reelection. This is what will happen. We will absolutely guarantee the incumbent will return in the future, unless we provide a higher spending limit for the challenger over the incumbent.

Let me mention some of the advantages we, as incumbents, have, and my fellow Members know them. We get excellent newspaper coverage. We are in newspapers every day. We get television and radio exposures, and when we go home, we get full televised programs. We send out newsletters to all our constituents. When we go home, we have an opportunity to speak to luncheon groups, high school graduations, and civic meetings.

I think we have tremendously favorable name identification. I can think of only two situations where there is equally good name identification. One of them is if a person is a famous athlete and the other is if a person is a well-known television announcer. But outside of those situations, it would be pretty hard for a businessman or a lawyer or the average civic leader to start out from scratch and be able to get political name identification and win.

We could provide one thing, which would be a tremendous help. We could provide extensive debates.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would just mention there was a candidate in Ohio who had a pretty good name identification. The name of the candidate was John Glenn. Does the gentleman know what he did for a living?

Mr. COLLINS of Texas. Apparently he was not well known in Ohio.

Mr. BROWN of Ohio. He was the first man in space and an astronaut. That is why he thought he would not need to spend a great deal of money in Ohio.

Mr. COLLINS of Texas. I might say astronauts' political record is not as good as that of athletes and television announcers.

Mr. HAYS. If the gentleman will yield, if there is anything in Ohio that is not named for John Glenn, I do not know what it is. He might have been overexposed.

Mr. COLLINS of Texas. I thank both gentlemen for their very sage comments.

We could provide help to the challenger by providing for debates on television and radio, where every incumbent would face every challenger and in that way make them thoroughly familiar. We had debates in a recent mayor's election in Dallas, and it was very effective in bringing an unknown challenger to the attention of the public.

When this bill was discussed in our subcommittee, I submitted an amendment that provided the challenger would be allowed twice as much campaign spending limit as an incumbent. I again submitted this amendment before the general committee, and we had more support in the general committee, but again we did not receive a majority vote, so it was not accepted.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, will the gentleman offer that amendment on the floor and see how many backers there are?

I would be tempted, if this would not embarrass the gentleman, to put it to a teller vote and see how many supporters there are for this.

Mr. COLLINS of Texas. I would be glad to, if the gentleman recommends this. Some of my colleagues say they would rather not follow that suggestion but would prefer to have a voice vote. But, before our general committee, it did not get much enthusiasm. The only really favorable comment was from one of my colleagues, who said he thought it was a good idea if it would apply only to the Third District of Texas.

In my district we would not consider it much of a contest if we had the Irving High School football team try to take on the Dallas Cowboys or to have a Golden Gloves boxing match between a 250-pound heavyweight who would take on a 160-pound middle-sized fellow.

In other words, it is not a fair match under the proposed campaign bills.

Mr. HAYS. What was the name of that high school team again?

Mr. COLLINS of Texas. Irving, Tex.

Mr. HAYS. Well, everybody but them would beat the Dallas Cowboys, lately. Perhaps they ought to take them on.

Mr. COLLINS of Texas. I thank the distinguished gentleman from Ohio. I hope he has an opportunity to come out to see the football game next Sunday between the Washington Redskins and the Dallas Cowboys.

If all things were balanced equally like this game—for this is going to be an even football game—we would have balanced, fair, and challenging elections.

Even in a horse race, if a horse has a record of winning and winning and winning, usually they weight him to give the challenger a fair chance.

I hope that some of us on the floor can find ways to provide in this legislation for balanced competition, to provide equity for a challenger, so that a challenger will be given a fair chance.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PRICE), the chairman of the Committee on Standards of Official Conduct.

Mr. PRICE of Illinois. Mr. Chairman, I want to commend the chairman of the Committee on House Administration and also the chairman of the Subcommittee of the Commmittee on Interstate and Foreign Commerce for the work they have done in this very important area. I know the hard job they have had and the difficult problems with which they have had to deal. I believe they have given the House now an opportunity to deal with this subject.

Mr. Chairman, I hope Members will have an opportunity to read my statement on this subject.

Mr. Chairman, no literate American, in or out of elective office, could possibly have escaped the present demand for reform in the way we pay for American politics. But it seems that some of those not in office ascribe to those who are, motives which amount to a conspiracy not to bring about this reform. Any elected official knows this just is not so that the reason reform has been slow in coming is that we must be sure what we do is in fact reform, and not a cure worse than the disease.

As chairman of a committee which has some limited jurisdiction in this area, I have spent many hours studying this problem. From this, I am able to offer some observations in three areas which I respectfully ask my colleagues to consider carefully, lest we end up with a cosmetic gesture, which may only change the form and not the substance of the problem.

First, I want to size up the problem; second, I want to ask whether the measures we are about to consider reach the problem; and third, what other facets of the problem are we ignoring.

In sizing up the problem, I must first take exception to the incessantly repeated proposition that campaign costs in this country are astronomically high. Surely some campaigns are too expensive, often so much so that they manage to defeat the leading spender. But averaged out and leveled over a 4-year period, the total election process costs us less than $1 per person per year, or less than the bookmaking take in just one large city. Shall we take a shotgun approach against the overall process or shall we legislate only to the needs?

Mr. Chairman, let us make it clear that it is not just how much money the overall process costs, but rather the overconcentration of costs in some particular races that present the evil we are seeking to remedy. But most of all, let us not obscure the real problem, in any instance, and that is, whether our present system or any new ones we may adopt, afford the potential for that elusive concept, conflict of interest. However reform appearing it may be, it will, in fact, not be that, unless we test our propositions against this principle and the proposition survives the test. My second point reaches essentially to these tests.

In effect we have before us three bills, each containing some good points and some weak points. If our efforts are to be worthy we must somehow lift out the best features of all three and arrange them into a meaningful whole.

In one of these, the so-called modified Senate bill, we will be considering limits on some campaign expenditures. But I ask, is a partial limit—that is, one that covers TV media cost alone and excludes cost of production, and excludes alternative channels into which campaign money may pour—really any limit at all? It is true that media-only costs could be policed, but is it not also true that unless you can police the others, we have half a loaf? Will halfway measures really reduce our costs of elections? Is it not possible that we will revive ward-healing practices of decades ago by driving the unenforceable portion of the spending underground? And who knows, we may be stalking the ghost of TV spots, which by the time we can redo this effort may have faded in favor of new techniques like computerized direct mailings to prejudice profiled mailing lists which the modified Senate version of limits ignores? And how will this type of expenditure ceiling hold accountable committees established to oppose a candidate? Deduct those figures from his opponents limits?

But above all, can we invoke a uniform ceiling proposed at $50,000 on 435 seats in this body without bringing up to that ceiling the cost of the 90 percent of those seats which now cost less, and at the same time, possibly limit legitimate political communication on the remaining 10 percent?

Mr. Chairman, I make these observations not in opposition to spending ceilings. I firmly support the proposition of realistic and enforceable limitations. But I must point out that limitations in name only will not solve the problem.

Another proposition we will consider will be so-called full disclosure. As worthy as this concept is in general, it also contains some hazardous areas. Most important of these is what will be the effect on contributors? Will even the most legitimate contributions dry up? Our goal must be to broaden the base of contributors.

An important failing of disclosure as a discipline is one simple reality—cash. If the purpose of this whole exercise is to hold accountable those who give and those who receive, is it not hollow to rely on a technique so open to circumvention?

I emphasize I am not opposing full disclosure. Among the several devices we will be discussing, it is by far the most reasonable. But what I am suggesting is that along with full disclosure we need more emphasis on developing legitimate sources of broad-based participation, which will permit disclosure with no fear of drying up legitimate campaign money.

The essential deficiency of the unenforceable limitations and any degree of disclosure is that both will tend to restrict, rather than wholesomely generate, the needed money for the process most elementary to our entire system.

Looking to the third area of my observations, let me take a more positive position and suggest additional considerations that ultimately must be elements in any true reform of this process—elements so far ignored:

First. The focus must be on how to raise the money properly—the source, not the amounts. This should take the form of establishing a public mechanism for contributions in increments small enough for the donor to expect nothing in return, yet large enough for him to feel a sense of involvement.

Second. Public support of the process, but channeled so that the taxpayer-contributor has some say-so about who he is supporting.

Third. Support year-round political party organizations. This alone would do much to reduce overall costs of elections by simply providing for better planning and more effective full-time political communication.

Fourth. And, we must consider all elective offices in the country, Federal, State and local. The mixture of governmental responsibility today, can no longer ignore this aspect.

Mr. Chairman, I am mindful that what I have said is once again more of a restatement of the problem than an open sesame formula to resolving it. My urging here is not for inaction, but for constructive, true, bona fide reform—reform that will merit the confidence of the American people and not merely some gesture to placate for the time being, awaiting that moment of truth when all is revealed. I stand prepared to support all that accomplishes true reform. I cannot be a party to that which merely embalms it.

Mr. Chairman, true reform of this vital process is clearly not beyond our ability to attain. For over 2 years now I have been working on an entirely new and separate approach. It involves some methods which government in other areas has already clearly demonstrated can work. It amounts to its own internal discipline—it is not of the proscription, sanction, enforcement school of problem solving. I hope as soon as some few more refinements are worked out, to offer a program called operation clean bill.

This program will be directed toward raising funds from a very broad base and establish a kind of public marketplace in which legitimate campaign contributions can be made.

I can also assure you that it will have thoroughly considered all of the other questions I earlier raised.

Mr. FRENZEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, very few Members of this House would take the position that our election laws do not require updating and reform. Since each of us is a certified election expert, and since each of us has different kinds of districts, the definitions of reform and updating are as diverse as our membership.

Personally, while I am inclined very strongly toward full disclosure, a broadened base of participation in all campaigns and effective independent supervision of election laws, I have strongly opposed limitations on contributions or on spending as contrary to our democratic spirit and to the principles of our Constitution.

But, as in most legislative endeavors, at the time of the moment of truth, some compromise is necessary. Therefore, I have authored, along with Congressman CLARENCE BROWN of Ohio, H.R. 11280, which as S. 382 passed the other body in August by a vote of 88 to 2. It is not, and never was, my personal first choice for election reform. Nevertheless, it is so far superior to the alternatives available to us today that I have felt compelled to author it and to now give it my unqualified support.

H.R. 11060, the Hays bill, is in my judgment, a poor choice for an election reform vehicle. Coupled as it may be to H.R. 11231, the Macdonald bill, it becomes a package that simply does not fit either election conditions or our Constitution.

Generally, Hays bill will tend to restrict rather than broaden political participation. Its disclosure provisions are inadequate, and it provides for inappropriate supervision. Specifically, it has the following major flaws:

First. Inadequate disclosure—the Hays bill disclosure is inadequate since only two reports per year are required. Our—Harvey—substitute requires quarterly reporting and also on the 15th and 5th days next preceding an election.

Second. Inappropriate supervision—The Secretary of the Senate and the Clerk of the House provide supervision under the Hays bill. They are good people, but because they are employees of incumbent candidates, they are inappropriate supervisors. Our—Harvey—substitute provides for a balanced Federal Elections Commission with adequate powers.

Third. Unconstitutional penalities—The Hays penalties are so doubtful constitutionality. State government officials are authorized to withhold election certificates, and candidates may be prevented from filing again for 5 years. Our—Harvey—substitute provides tough fines and jail sentences, but no denial of election certificates. These very harsh and unconstitutional penalties will encourage mischief. Since they provide an opportunity to deny the election victor his seat, we may expect plenty of contests. The contests will probably involve campaign committee members as well as candidates.

Based on the way the Hays bill is written and the probability of contests, I believe it will be extremely difficult to get anyone to serve on your campaign committee, much less to serve as your chairman or treasurer. The risk is just too great. It does not require a willful violation to send a committee officer to jail. Who among your supporters wants to take the risk of spending a year in jail.

Fourth. Unequal equal time—The Macdonald bill repeals equal time for presidential candidates only. Our—Harvey—substitute repeals equal time for all Federal elections. I believe that equal time is either fair for everybody or for nobody.

Fifth. Unfair spending limits—The Hays bill sets an overall limit of 6 cents per person, subject to a minimum of $50,000. The Macdonald bill sets a limit of 5 cents per eligible voter for broadcast media and 5 cents for print media. Our—Harvey—substitute is similar to the Macdonald version, but includes an option to shift 20 percent—1 cent—at the discretion of the candidate. The fixed limits in the Hays bill do not consider district differences and give incumbents enormous advantages over challengers.

We incumbents are knowledgeable and experienced. We have the frank. We have staff. We have access to the media. We have recognition. The challenger must spend, but our need to spend is less. The Hays bill would strip from the challenger his only weapon in this unequal struggle—93 percent of the incumbents were successful in the 1970 elections.

These spending limits will also narrow the base of political participation because fund-raising costs are included in the limits. Candidates who seek the broadest financial base of support will find themselves penalized because the costs—direct mail or food—will be included in their spending limits. Under the Hays bill there is a strong incentive to find 10 big donors rather than 1,000 small ones.

Sixth. Unreasonable personal contributions limits.—The Hays bill limits personal contributions to $35,000 for President and $5,000 for Congress. Our—Harvey—substitute has no limits on contributions by noncandidates, but has similar limits to the Hays bill on candidates' contributions to their own campaign. During hearings the Justice Department raised constitutional questions about limits on contributions.

There are other differences. Our—Harvey—substitute, H.R. 11280, has features such as a cost-of-living escalator, credit card restrictions, prohibitions on contributions in the name of another, immediate reporting of large contributions, and other items which are not dealt with in the Hays or Macdonald bills.

Any elections bill that limits anything cannot help giving special assistance to incumbents. On September 23, 1971, I introduced into the CONGRESSIONAL RECORD a study conducted by Professors Lott and Warner of the University of Connecticut. Their conclusions were that equal and absolute limits on campaign spending will increase the possibility that the incumbent will be elected. Based on the 1970 returns, that possibility is already above 90 percent. Professors Lott and Warner go on to state that the spending ratio between challenger and incumbent, which varies with amounts and voter registration, show that a challenger must spend in the neighborhood of 10 times what an incumbent must spend to get the same number of votes in a similar district. Mr. Chairman, I insert tables 1, 2, 3, and 4 and the conclusion section of the Lott-Warner papers, following my remarks.

Today this House has the opportunity to pass a reasonable compromise, which is certainly not my first choice and probably not any other Member's first choice, or to pass a combination bill which is probably partially unconstitutional, does not fit together, is shot full of loopholes and which may never emerge from the conference committee. If we really want election reform, in my judgment we would be well advised to pass the Harvey substitute amendment. If not, we may have lost the country's best chance to achieve significant election reform.

THE CONCLUSIONS

The results of our analysis are preliminary and incomplete, and do not do justice to the enormity or importance of the problem. On the basis of our research, however, some tentative conclusions can be drawn:

1. That there is an extremely small marginal return to campaign expenditures. This return is even smaller if, as we suspect is the case, actual expenditures exceed reported expenditures by a factor of, say, 20 percent.

2. That equal and absolute limits on campaign spending will move in the direction of a more "competitive" election but not far enough. Ordinarily by limiting the amount a challenger could spend the possibility that the incumbent will be re-elected will be increased. We would argue that remedial legislation ought to *equalize*, rather than magnify the imperfections in present election procedure.

It is clear that our analysis needs to be expanded. We have analyzed only three of a vast number of variables in the election process. Our results cannot help but benefit from further research.

TABLE 1.—ESTIMATES OF CONDITIONAL MEDIAN PERCENTAGE VOTE FOR CONGRESSIONAL CANDIDATES IN 1970; BY PERCENTAGE OF VOTERS REGISTERED IN CANDIDATES PARTY AT VARIOUS LEVELS OF CAMPAIGN EXPENDITURES—INCUMBENT

Levels of campaign expenditure	Voters registered in candidates party (as a percentage of total voter registration)				
	30	40	50	60	70
10,000	42.26	49.08	55.10	60.54	65.55
20,000	46.74	54.29	60.95	66.97	72.52
30,000	49.55	57.57	64.63	71.03	76.91
40,000	51.65	60.00	67.37	74.04	80.17
50,000	53.33	61.96	69.57	76.46	82.79
75,000	56.52	65.67	73.74	81.04	87.76
100,000	58.89	68.42	76.84	84.45	91.45
150,000	62.38	72.49	81.41	89.48	96.90

TABLE 2.—ESTIMATES OF CONDITIONAL MEDIAN PERCENTAGE VOTE FOR CONGRESSIONAL CANDIDATES IN 1970; BY PERCENTAGE OF VOTERS REGISTERED IN CANDIDATE'S PARTY AT VARIOUS LEVELS OF CAMPAIGN EXPENDITURES—CHALLENGER

Levels of campaign expenditure	Voters registered in candidate's party (as a percentage of total voter registration)				
	30	40	50	60	70
10,000	29.97	34.79	39.04	42.88	46.41
20,000	33.14	38.47	43.18	47.73	51.34
30,000	35.14	40.80	45.78	50.30	54.45
40,000	36.62	42.52	47.72	52.43	56.75
50,000	37.81	43.91	49.28	54.14	58.61
75,000	40.07	46.53	52.23	57.38	62.13
100,000	41.75	48.48	54.42	59.80	64.74
150,000	44.23	51.36	57.66	63.35	68.59

TABLE 3.—70 PERCENT CONFIDENCE INTERVAL ON CAMPAIGN EXPENDITURE NECESSARY TO OBTAIN AN EQUAL A PRIORI CHANCE OF ELECTION

[Voter registration in the party of the candidate, as a percentage of total registration]

	Incumbent		Challenger	
Percent	Upper limit	Lower limit	Upper limit	Lower limit
30	$295,166.50	$3,300.17	$4,225,512.00	$40,620.05
40	97,437.69	1,045.36	1,272,803.00	14,100.94
50	43,088.61	410.21	524,373.25	5,939.43
60	22,712.07	186.05	261,606.31	2,846.19
0	13,440.64	93.76	148,247.88	1,497.87

TABLE 4.—MAXIMUM LIKELIHOOD POINT ESTIMATE OF CAMPAIGN EXPENDITURE NECESSARY TO GIVE CANDIDATE AN EQUAL A PRIORI CHANCE OF ELECTION

Vote registration in the party of the candidate, as a percentage of total registration	Expenditures	
	Incumbent	Challenger
30	$31,335.59	$343,960.69
40	11,091.46	121,747.36
50	4,955.96	54,399.96
60	2,566.08	28,167.05
70	1,470.89	16,145.54

Mr. TAYLOR. Mr. Chairman, it has long been my concern that Congress should enact legislation to place meaningful limitations on campaign spending and it is my intention to vote in favor of a bill which promises to accomplish this objective. There must be a lid on campaign spending.

Action must be taken to preclude any possibility of an individual or his political party buying the Presidency or likewise, a seat in the U.S. Senate or the House of Representatives. A candidate should not win just because he has the largest campaign budget or can hire the best advertising agency. People of Abraham Lincoln's background and means are needed in government and should be afforded an opportunity to seek and be elected to responsible offices for which they are qualified.

In my judgment, whatever reforms are ultimately adopted should establish limits on spending for television and radio and newspaper advertising and should also contain a total limitation on campaign spending for all purposes. I further feel that we should impose a limit on the amount of money that any candidate can receive from any one source and should require a complete disclosure of all campaign donations.

Studies on campaign spending during the last decade suggest that we have arrived at a point in our political life when a candidate's financial resources, or his ability to muster them, overshadow the importance which should be directed toward his attitudes and personal qualifications. If this trend is permitted to continue, American voters could well be forced into the habit pattern of picking their public leaders on the basis of their ability to utilize television and other high-priced advertising media to guarantee the projection of a well-coached image rather than upon an objective evaluation of their true substance.

It is my further concern that an effective mechanism must be devised to discourage the offering and acceptance of large contributions which might compromise the integrity of either donor or recipient. As was so eloquently stated recently by my distinguished North Carolina colleague, Senator B. EVERETT JORDAN:

> We cannot afford a system under which only the rich can succeed in politics—or, probably worse, a system under which only a man or woman willing to accept really big money can win public office.

Candidates should not be pro industry or pro labor, but should be for all the people.

It is merit, not money, which we are obligated to keep instilled in the American political system. I urge that Congress embrace this opportunity to keep the doors of the public offices in America opened wide to all of its citizens.

Mr. VANIK. Mr. Chairman, traditionally the House floor has been the burial ground for effective, enforceable election legislation. As a result, we are now reaping the harvest of 46 years of accumulated legislative loopholes and inconsistencies.

The problem, simply stated, is that American candidates are more and more dependent on large sums of campaign cash, and public officials are increasingly tied to those individuals and groups who can supply the money. High elected office, particularly statewide and national races involving expensive advertising campaigns, is becoming a career open only to the rich or those who can somehow win the support of major economic interests. As the costs of campaigning skyrocket, so does the influence of the dollar.

Neither regulation nor restraint has been provided by the law on the books, the Corrupt Practices Act of 1925, which is laced with loopholes and invitations to evasion. Not only is the law ignored by officeseekers and officeholders but also by the Justice Department which is supposed to enforce the law.

The result is a situation where ability will not be necessary to run for public office—only personal wealth or the ability to acquire financial backing.

Eighteen years ago, during my first congressional campaign, I spent $6,000 in order to be elected. Between 1956 and 1966 I never spent more than $3,500 for a campaign. Until the 1968 election I was able to maintain that low level of campaign spending. However, in 1968 my district was abolished and I was forced to run in another district against a 28-year incumbent, if I wanted to remain in Congress. During this campaign, almost $90,000 was spent in my campaign while over $240,000 was spent in campaign expenditures by both candidates.

My 1968 experience is certainly not an isolated incident. Throughout the country, similar campaign expenditures are a normal occurrence, and the level of campaign spending is increasing.

In 1968 an estimated $300 million or 60 cents a vote, was spent on all political campaigns. This compares with 29 cents in 1960 and 10 cents in 1944.

The national Democratic and Republican committees' expenditures on national elections has risen from $11.6 million in 1952 to $44.2 million in 1968. Total broadcasting charges for general election campaigns amounted to $40.4 million in 1968 compared to $9.8 million in 1956. Presidential and vice-presidential candidates alone accounted for a staggering $28.5 million of the total in 1968. In the nonbroadcasting media, it has been estimated that $11.6 million was spent on newspaper ads alone in 1968 with $2.8 million of it being spent for presidential candidates during the general election period.

In the Nation's seven largest States in 1970, 11 of the 15 major candidates were millionaires. I certainly applaud any man who can make a million dollars honestly, but a mandate of personal wealth for public office takes us back to the monarchies of Europe.

The present spectrum of legislation before us does not provide enough control of election spending. But I will support the strongest bill, which is the Senate version.

S. 382 will establish a Commission for Federal Elections. This Commission will be responsible for overseeing the entire campaign expenditure process, and will have the power to investigate and initiate prosecution against the violators of the provisions of that bill. It provides for expenditure ceilings on campaigns and makes other necessary reforms.

While I favor the Senate bill and intend to support it, there are still major areas of campaign procedures that are not effectively equalized in the bill.

I believe that the high degree of incumbency in both Houses is due to the unfair advantage that the incumbent has during a campaign. In the House, the average length of service is presently 11.8 years. In 1968, out of 400 elections where incumbents were trying to regain their seats, only 10 lost. This amounts to a 97.5-percent return rate for Members of the 90th Congress to the 91st Congress. In the 1970 congressional election there was a similar figure of over 95 percent. The maintenance of such astonishing rates of return for those wishing to keep their seats illustrates a decisive advantage to the incumbent and a decisive edge against a challenger.

A Member of Congress has franking privileges, staff access to the press, office space, and long-distance phone privileges, that most challengers just cannot match. This gives a tremendous advantage to the incumbent since he can send out newsletters up to election day, or have his name in any newspaper almost at will.

Several weeks ago the Republican Party raised an estimated $5 million campaign war chest for 1972 by selling $500 dinner tickets to major contributors throughout the Nation. Some companies bought entire tables; the oil industry alone purchased 400 tickets for a single regional dinner in Houston—a total of $200,000 by one industry—an industry deeply interested in Federal policies. Because of the loopholes in virtually all of the Federal laws regulating elections, none of those contributions to the Republican war chest will be disclosed.

With political contributions of the magnitude I question whether the loyalty of a public official is closer to his constituents, or his contributors. I feel this is a great irony of democracy, and a challenge to the responsiveness of our system.

I will continue to push for stronger controls over election spending than have been proposed at this time. But the first step must be taken. The irregularities that have existed in our electoral system have severely limited the qualifications of potential public officials to the wealthy or those who can rally the support of major economic interests. The financial burden of campaigning is a challenge to the democratic process. I urge my colleagues to support S. 382 to preserve integrity within our elective process.

Mr. MATSUNAGA. Mr. Chairman, as we consider the various proposals to reform Federal campaign finance practices, I think we can all agree that some legislative action is imperative. Indeed, of all the bills before this Congress, perhaps this legislation will be the measure with the most profound effect on our national politics and our system of government.

There can be little question that the rapidly mounting costs of political campaigns are undermining the integrity of the electoral process and progressively narrowing the pursuit of public office to those who possess great personal wealth or have access to large sums of money. Estimated 1968 total expenditures of $300 million, for example, represent an increase of 50 percent just in the 4 years since 1964. If these trends continue, by 1980 we will be speaking of multibillion-dollar campaigns.

Clearly, Mr. Chairman, we cannot allow this trend to continue. The great social thrust of the last decade has been to reaffirm equality of opportunity for all Americans, especially with rgeard to the power of the ballot. We must not let these important advances to be eroded by a growing inequality in campaign finance and access to public office.

Vital elements in whatever plan the House approves should be timely, enforceable provisions for disclosure of what has been spent and where it came from, and reasonable, enforceable limits on spending.

There is one area not covered by any of the bill before the House, Mr. Chairman, to which I should like to address myself briefly. Like many other Members, I have sponsored bills which provide tax incentives for political contributors of small amounts. As some of my colleagues may know, my own State of Hawaii is one of at least nine States which provide some type of tax incentive for political contributions. The others are Iowa, Minnesota, California, Utah, Oklahoma, Missouri, Oregon, and Arkansas. In Hawaii, the taxpayer may deduct up to $100 each year, provided that his contribution is made to an active political party.

The Senate, I understand, has adopted, as part of the revenue bill, a proposal similar to those I have advocated. I do hope the House will concur at the proper time.

Mr. Chairman, the present statute, the Federal Corrupt Practices Act of 1925, has been described as "more loophole than law." It does not serve to curb the evils that are associated with high finance in political campaigns.

Public office should not be for sale, either to wealthy contributors who pile up influence through large contributions, or to wealthy candidates who pay their own way.

Although we do not know the precise effect of spending on a particular election result, we cannot ignore the fact that money translates easily into political power, and political power, in turn, attracts new and increased amounts of money.

It is not an overstatement, then, to observe, as one writer did recently, that "the future of American politics is up for vote this week on the floor of the House of Representatives."

Mr. Chairman, that vote must come out correctly. I pledge my best efforts to achieve that result.

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the substitute containing language identical to the Senate-passed bill, S. 382. I feel this bill is a much better bill than the committee bill, H.R. 11060, and I intend to support it with certain amendments which I shall discuss later.

Let me start, Mr. Chairman, by commending the leadership of the House, of the House Administration Committee, the House Commerce Committee, and the Committee on Standards of Official Conduct for the various roles they have played in finally bringing this issue before the House for action. Quite frankly, it is my conviction that the House has not acted as responsibly in this matter as has our Senate. The other body has passed an election reform bill on four occasions in the recent past only to have it die in this body. I hope, therefore, that the House will not disappoint our colleagues in the Senate for the fifth time by failing to act affirmatively on a strong bill. Perhaps, if we pass an especially strong bill we can make up in some degree for our earlier failure to act on this problem.

The need for reform of our procedures for financing campaigns is clear to nearly all citizens. They can see this just from looking at the astronomical figures spent in the 1968 and 1970 elections. In fact, some of us have had even more pointed personal experiences with the problem. My opponents spent over $500,000 in their attempts to defeat me in 1970.

The case is further documented in two recent publications. The first, entitled "Electing the Congress, the Financial Dilemma," was published by the Twentieth Century Fund of New York in 1970. The second is entitled, "Making Congress More Effective," and was published by the Committee for Economic Development in September 1970. Pertinent excerpts follow:

[Excerpts from "Electing Congress, the Financial Dilemma"]

I. PUBLICIZING CAMPAIGN FINANCE

1. FULL DISCLOSURE

We believe that full public disclosure and publication of all campaign contributions and expenditures are the best disciplines available to make campaigns honest and fair. We also believe full public reporting will tell the public where political contributions are going, where they are needed, and thus encourage more people to make contributions to political campaigns.

More than half the money spent in congressional elections today is not reported to the public. The federal Corrupt Practices Act requires candidates and committees to file reports on contributions and expenditures, but the law is riddled with loopholes and, as a result, few campaigns are fully reported. In 1968, 182 candidates for Congress filed reports stating that they had personally spent nothing and knew of no committee expenditures that needed to be reported at the federal level.

Some of those who reported nothing at the federal level filed more complete campaign income and spending reports with state or county agencies. However, thirty-one states either have no reporting laws or require reports of varying degrees of completeness only after an election. Almost no state has adequate auditing or enforcement procedures to deter or uncover illegal activities. As a result of the weaknesses of federal and state laws, some candidates spend more than $1 million in their campaigns without reporting any of it to the public.

Total spending on the 1968 congressional campaigns reported under the federal statutes totaled $8,482,857. Actual spending was probably more than $50 million. We believe the public has the right to know who is paying how much for congressional campaigns. So long as the public is denied this information, beliefs about political finance that undermine respect for our political institutions will persist. The routine failure of candidates for high public office to disclose how much they spent in their campaigns and where they got the money contributes to this growing cynicism. If respect for our political institutions is to be restored, finance regulations must be changed. The public cannot be expected to respect the law when those who would be its lawmakers avoid or break the law to get elected.

Information about campaign finance should be available to the public in easily comprehended form during the campaign. Both the public and the candidates should be confident that attempts to conceal campaign contributions or expenditures will be investigated, exposed, and penalized.

At present, the federal statute specifically excludes primary elections from reporting requirements. In many areas primaries are more important than general elections. We believe that money contributed and spent to influence the selection of the party nominees in a federal election should be as fully reported to the public as the contributions and expenditures of the election itself.

We recommend that every political organization and committee that spends money or other resources to influence a primary or general election for federal office be required to register with a federal elections commission and to keep orderly and open records of its activities.

Any such organization or committee that raises or spends $1,000 or more in any year should be required to file a report with a federal elections commission quarterly and fifteen and five days prior to a primary or general election.

Reports should be clear, simple, and easy for the public to understand. They should provide complete information about the source of all contributions, pledges, and new or outstanding loans; and about the recipient and purpose of all expenditures.

We recommend that firm and realistic penalties be established and enforced to deter late, inaccurate, or incomplete reports. Candidates and their authorized agents should be held responsible for the accuracy and completeness of reports filed by their campaign committees.

2. FEDERAL ELECTIONS COMMISSION

No agency is now responsible for supervising compliance with federal campaign finance regulations. The Secretary of the Senate and the Clerk of the House are the statutory repositories for campaign spending reports but they do not have the authority, the staff, or the motivation to do anything but accept the reports that are filed. Furher, there is no office that keeps records and provides information about political contributions and expenditures of committees seeking to influence federal elections.

There is no federal agency that regularly investigates serious charges of illegal conduct during a campaign. Nor is there any agency competent to give legal advice about campaign activities. We believe this administrative void must be filled if campaign finance regulations are to be effective.

We recommned the establishment of a bipartisan federal elections commission to administer regulations affecting federal campaigns. The commission should audit and publicize all campaign finance reports and report possible violations, including late filing, to the appropriate enforcement agencies for action. The commission should have the staff, resources, and independence to do the jobs assigned to it. It should have the power to investigate charges of illegal activity in federal campaigns, to subpoena evidence, and to establish uniform accounting and reporting procedures for political committees.

3. SPENDING LIMITS

The traditional intent of campaign finance regulation in the United States has been to limit the size of campaign contributions and expenditures and to prohibit contributions from certain sources. The Corrupt Practices Act limits the amounts candidates and political committees may spend in any one year and limits the contributions an individual may make to political committee in any year. Contributions from corporations, unions, and government contractors are prohibited entirely.

We do not believe this policy of ceiling has served the public well because expenditures have been neither limited nor disclosed. The limits now in the law—$5,000 for a House candidate, $25,000 for a Senate candidate, and $3 million a year for a political committee—are unrealistically low. They do not significantly affect the amount of campaign spending. They are unenforceable and while some members of the Task Force would prefer legal limits we believe that no workable set of limits can be devised.

Many people are concerned that candidates spend too much in their campaigns. At least one candidate for the House in 1968 spent $2 million in the general election alone. In some Senate campaigns, in the primary and general elections, as much as $5 or $6 million have been spent. Current laws have been ineffective in preventing or disclosing these expenditures.

If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. This policy would do more to protect the political system from unbridled spending than legal limits on the size of contributions and expenditures.

Some candidates probably spend too much, but that is not the point; the larger problem is that many candidates, especially challengers, do not have enough money for their election campaigns.

We recommend that all spending limits for congressional campaigns be eliminated.

4. LIMITS ON INDIVIDUAL CONTRIBUTIONS

This Task Force was concerned that removing all limits on individual contributions to political committees might open the prospect of rich individuals buying federal elections. We would like to protect our political system from that threat. The Task Force agreed that neither rich candidates spending their own money, nor rich contributors supporting a candidate should be allowed to have undue influence on elections. Full disclosure will warn the voters when such an attempt is being made.

The Corrupt Practices Act prohibits individuals from giving more than $5,000 to a political committee in any year. This law has not deterred people who wanted to make large contributions to candidates. They simply give their contributions to several committees supporting the same candidate.

Gifts, including political contributions, of more than $3,000 to any single recipient in any year are subject to the gift tax provisions of the internal revenue code. This may be a more effective restraint on individual contributions than the limit in the Corrupt Practices Act.

Several members of the Task Force favor a limit on the amount an individual, including the candidate himself, may contribute to a campaign. Mary Zon and Thomas B. Curtis believe that such a limit should be enacted and can be enforced. However, we were unable to prescribe an effective device for enforcing such a recommendation.

We considered recommending a $5,000 limit on individual contributions even though it might not be fully enforceable. But since we believe one of the principal challenges of our electoral system is to restore its credibility with large numbers of the American people, we were reluctant to recommend anything that we did not think could be enforced. Moreover, we feel that unreported large contributions are much more of a danger than large contributions that are publicly reported.

The principal burden for reporting campaign contributions and expenditures ought to be borne by campaign organizations. However, reports from individuals who contribute substantial amounts of money to politics will serve as a valuable addition and cross-check to these reports.

We recommend that limits on the size of individual contributions to political committees be eliminated.

We recommend that individuals who contribute more than $5,000 in a year to federal candidates and political committees be required to file a report with a federal elections commission listing the date, recipient, and amount of all contributions (including purchases of tickets to fund-raising events), pledges and loans of $100 or more, and the aggregate total of all contributions of less than $100. Such donors should be required to certify that they have contributed their own money and that they will not be reimbursed in any way.

5. BAN ON CONTRIBUTIONS FROM CORPORATIONS, UNIONS, TRADE ASSOCIATIONS, AND GOVERNMENT CONTRACTORS

Corporations, unions, and government contractors are now prohibited from making contributions to federal campaigns. Several ways have been developed to evade this prohibition. In the past, however, there have been only sporadic efforts to enforce this ban.

But we believe that corporations, unions, trade associations, and government contractors are unacceptable as sources of money and resources for federal campaigns. Contributions from these sources create too many potential, ethical problems for both the contributors and the recipients. We believe candidates should guard against such contributions. When illegal contributions are discovered and prosecuted, the names of the candidates who received them should be released to the public. This has not happened in the recent prosecutions.

Mary Zon objects to the equating of unions and corporations because of their wholly different purpose, constituencies, and methods of adopting and administering policies are different.

We recommend corporate and union nonpartisan efforts to encourage employees and members to contribute personal money and time to political campaigns and parties. We encourage corporations and unions to expand these activities. They should be allowed to continue financing them with regular operating funds.

We recommend that current prohibitions against corporate, union, and government contractor contributions to federal campaigns be continued and vigorously enforced. When a corporation, union, association, or contractor is prosecuted for making illegal contributions to federal campaigns the names of candidates who received such contributions should be released to the public.

We recommend that nonpartisan political solicitation programs financed by corporate and union operating funds be encouraged.

6. A SINGLE RESPONSIBLE CAMPAIGN COMMITTEE

A common way for candidates and their managers to avoid the current limitations on spending and reporting is to establish many committees to finance and organize a single campaign. This procedure usually obscures information about the amount and sources of money spent in their campaigns. We believe that the elimination of contributing and spending limits removes any possible justification for the establishment of multiple financial structures for any congressional election campaign. To simplify disclosure of the sources of funds and use of money being spent in any campaign, only one official campaign committee should be established.

The majority of the task force members believe that if this recommendation is to be effective, individual contributors should make all of their contributions to one committee. Neil Staebler and Charles Barr are concerned that limiting individuals in this manner is impractical and may, in fact, have an adverse effect on broadening the base of campaign givers.

We know that many candidates and managers believe it is useful to organize their campaigns around many specialized committees. We have no intention of interfering with the proliferation of political committees unless this practice is carried out to evade the law and obscure financial data. This recommendation would not stop truly independent committees supporting a candidate from being set up.

We recommend that all candidates for federal office be required to designate one official campaign committee. All subsidiary and specialized committees should be responsible to the official campaign committee which shall file all required income and spending reports for the entire campaign. Individuals should be prohibited from making contributions to more than one committee organized specifically to support the same candidate.

[Excerpts from "Making Congress More Effective"]

THE PRESSURES OF CAMPAIGN FINANCING

The stakes involved in issues before Congress are extremely high, involving tens of billions of dollars in taxes, expenditures, and the impacts of regulatory requirements. Pressures upon Members by lobbyists for every kind of special interest are increasingly severe, gaining strength from swiftly rising costs of Congressional election campaigns. Candidates need heavy financial support, and the resulting temptations are far greater than any that might lead Members or their assistants to use power or influence for direct personal gain.

Congress has recognized that loss of faith in the integrity of government and in the probity of its officials poses grave dangers. It has encouraged establishment of higher standards to minimize conflicts of interest in both the Executive and the Judicial Branches. The Corrupt Practices Act of 1925 and the Legislative Reorganization Act of 1946 sought to eliminate improper campaign funding and require registration by lobbyists although neither measure has had much effect.

In 1068 the House and the Senate each adopted a "Code of Ethics." The Senate Code requires Senators, Senatorial candidates, and key Senate employees to report publicly all contributions and each honorarium of $300 or over. It also requires them to give under seal to the Comptroller General income tax returns, itemization of legal fees over $1,000, and disclosure of all business connections, trusts and properties, major liabilities, and gifts received. These documents may not be opened except by a majority vote of the Senate Ethics Committee.

Under the Code of the House of Representatives, Congressmen and key assistants are required to file two types of annual reports: one public, disclosing major sources of outside income; and one sealed, specifying amounts, which may be examined only upon majority vote of its Ethics Committee. The House Code forbids acceptance of money or services from sources with any interest in official actions and further regulates campaign funding.

There is dissatisfaction with these Codes in both House and Senate because they are incomplete in their reporting requirements and do not provide adequate public disclosure of financial interests involved in legislation. Measures to improve these Codes are under consideration in both chambers, most actively in the House of Representatives. The highest officials of the Executive and Judicial Branches have begun to publish the basic facts about their personal finances; Congress ought not to permit itself to become the last stronghold of secrecy in these matters.

CED's 1968 Statement on National Policy, *Financing a Better Election System*, pointed out the dangers to this democratic society from the rapid escalation of campaign costs and the means being used to fund them. Each year the situation grows more serious. Yet Congress has not acted to assure full disclosure nor to provide strong incentives for campaign gifts through tax credits, as recommended. Consequently, the situation permits lobbies for every kind of special interest to influence public policies and affect the careers of Members.

Lobbies provide information that busy Members would not otherwise have. They inform the public about prospective legislation and may serve as a collective voice for groups of scattered individuals who are otherwise helpless. However, Congress has recognized the need for some degree of regulation of lobbying activities. The Legislative Reorganization Act of 1946 did not limit lobbying except to require registration as a means of identifying pressures on legislators.

In the nearly 25 years that the law has been in force, there has been only one conviction for failure to register. Obviously, the law calls for only a minimal disclosure. Less obviously, the law contains loopholes that permit lobbyists to avoid registration and to mask the actual amount of funds spent and the way in which these funds are channeled. The law as presently administered is unfair to those few organizatons that faithfully report the exact terms of their operations.

There are at least three things that can be done in this sphere to prevent further erosion of public confidence in Congress.

We recommend (a) a thorough reform of campaign finance arrangements, including fuller disclosure and tax incentives to encourage campaign contributions; (b) stronger control and full reporting of all lobbying activities; and (c) establishment of more stringent Congressional "Codes of Ethics," actively enforced.

In order to achieve meaningful reform of our campaign financing the bill must meet a minimum of the following objectives:

First. There must be strong, timely reporting and disclosure provisions along with an independent enforcement mechanism so that voters have a fair opportunity to learn the source of campaign funds and express their preferences accordingly.

Second. Election laws must be fair to challengers as well as incumbents so that our political system may remain open to new ideas and candidates; pro-incumbent legislation would tend to freeze the Republican Party into its current minority status.

Third. Spending limitations must be reasonable, flexible, enforceable, not discriminate against one media or plug just one hole in the spending sieve.

Fourth. Reform legislation must be genuinely in the public interest and not designed with partisan motivations or intentions to politically embarrass the President.

The language contained in the substitute comes much closer to meeting these objectives than the committee bill.

While the language referred to in the substitute is the more preferable bill, there are two areas where I feel it is significantly deficient. The first is the enforcement mechanism, and the second deals with repeal of the equal time regulations of the Federal Communications Commission as they apply to House candidates.

With all due respect to the incumbents of the office of Clerk of the House, and the office of Secretary of the Senate, it is inconceivable to me that an employee is going to be terribly aggressive in enforcing laws against his boss. And that is exactly what you would have under the provisions of either H.R. 11060 or the substitute. We simply must make those persons responsible for enforcement more independent. For that reason, I will support an amendment to the substitute establishing a Registry of Election Finance in the General Accounting Office. The Registry would have the same duties and power as the Independent Election Commission contained in the substitute. It would, however, be governed by a seven-member board, with two members appointed by the Speaker of the House, two by the President pro tempore of the Senate, two by the President, with the Comptroller General serving as the seventh member. The amendment also provides that no Member of Congress or congressional employee may serve on the board and that appointments shall be made on a bipartisan basis.

The second deficiency in the bill deals with repeal of the equal time provisions of the FCC. While I favor repeal of this section, a sudden termination without proper controls could work a serious hardship on House candidates. In those congressional districts served by a handful of broadcasters repeal of the equal time provisions without a corresponding adjustment of the fairness doctrine could confer inordinate political power on a few stationowners. It would be extremely difficult to develop here on the floor, adequate provisions to deal with this problem. Therefore, I will support an amendment to the substitute to delay repeal of the equal time provisions as they relate to House candidates, and to require the FCC to study the question and develop adequate legislation to deal with it.

Mr. FRENZEL. Mr. Chairman, I have no further requests for time, and I yield back the remainder of my time.

Mr. HAYS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mr. HAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair (Mr. BOLLING), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks during general debate on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL ANNOUNCEMENT

(Mr. PICKLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, on rollcall No. 405 I am not recorded. I was en route to Washington from a longstanding speaking engagement in another city. If I had been present I would have voted "no" on Rollcall No. 470.

I wish the CONGRESSIONAL RECORD to show that I was in favor of sending the foreign aid bill to committee rather than to conference.

WASHINGTON SUBURBAN TRANSIT COMMISSION RESOLUTION 5-71

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, in 1966 as a member of the Maryland State Senate representing Montgomery County, Md., I worked with considerable interest and enthusiasm to refine and firm up Maryland's part of an interstate compact with Virginia and the District of Columbia for the creation of the proposed Washington Metropolitan Regional Transit System. I felt then and have continued to believe that through this ratified compact, we had devised a most effective and representative instrument for intergovernmental cooperation.

Today, however, the planned transportation system for which this compact was created is critically threatened because the District of Columbia's financial commitment has not been met. Already Maryland and Virginia jurisdictions have contributed $133 million into Metro, but as of today Congress has continued to withhold $72 million of District of Columbia contributions money which District of Columbia is committed to spend as its share of the regional system and its obligation to that compact.

Mr. Speaker, I commend to my colleagues the following resolution of the Washington Suburban Transit Commission, and I join in its support:

WASHINGTON SUBURBAN TRANSIT COMMISSION RESOLUTION 5-71

Whereas, the viability of a regional rapid rail transit system for the Metropolitan Washington area is heavily dependent upon the ability of the Washington Metropolitan Area Transit Authority (WMATA) to adhere to its "critical path" construction schedule; and

Whereas, the capital contractual obligations of Maryland, Virginia and the District of Columbia to WMATA must be met in a timely fashion; and

Whereas, the Washington Suburban Transit District has, in the past, met its capital obligations due WMATA as required; and

Whereas, the District of Columbia, due to the highway impasse, has failed to meet its contractual obligations to WMATA for Fiscal Years 1971 and 1972; and

Whereas, the highway impasse for which the funds of the District of Columbia are being held "hostage" is not a matter under the WMATA's control, nor the responsibility of all the members to the interstate compact; and

Whereas, solutions to the highway impasse are being sought through the courts; and

Whereas, the Maryland and Virginia participating governments of the interstate compact have faithfully and promptly contributed the shares for which they have contracted; and

Whereas, the lack of action on the part of the Congress of the United States is in effect penalizing the suburban participating jurisdictions to the interstate compact, adding daily to the cost of construction; and

Whereas, the continued delay of Congress in appropriating funds to the District of Columbia threatens to increase the cost of the regional rail system above that which the participating governments can be reasonably expected to assume,

Now, therefore, be it resolved, that the Washington Suburban Transit Commission urges the President of the United States and the Congress to release the funds requested in the District of Columbia appropriations request for Fiscal Years 1971 and 1972, allowing the District of Columbia to meet its contractual obligations to WMATA in order to avoid further delay to the regional project.

USE OF SATELLITES TO DETECT POPPIES

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, one of the greatest weaknesses in present narcotic enforcement efforts is the inability to obtain accurate information concerning the amount of and specific location of poppy fields. The International Narcotic Control Board created by the Single Convention on Narcotic Drugs in 1961 has been unable to monitor the illegal cultivation of opium because signatories to the convention have not reported accurately and the Control Board lacks the means to ascertain what the true facts are.

The earth resources technology program—ERTS—which I have spoken of so highly in past remarks on the House floor, may provide the means for effective international control of illegal opium cultivation.

The ERTS program is a satellite system that is aimed eventually at a comprehensive as well as specific survey of the earth's resources. According to NASA officials with whom I have discussed the ERTS program, it should be possible by remote sensing to detect poppy fields. Poppies cannot be concealed from above since they are varicolored when in bloom and must grow in direct sunlight. Thus, they can be detected, providing the growth is not sparse.

Detection of the marihuana plant presents difficulties in that illicit growth is usually found mixed with other growth, especially other grasses and particularly corn. In general, marihuana cannot be separated out from the other growth, but some work is being contemplated on detecting the plant. The separation of the plant may be possible because the male plant becomes senescent before the female, and this fact may give a lead to detection by remote sensing techniques. Thus, there is some hope for detection of marihuana plants, although some refined techniques will have to be found before a remote detecting system is usable.

Cocaine-yielding coca plants cannot be detected by aircraft or satellite, since this plant grows lower to the ground beneath a multistory rain forest canopy.

The first NASA satellite that could be of use in detecting poppy fields is the earth resources technology satellite-A—ERTS-A—to be launched in the spring of 1972. It is believed that fields as small as 10 acres can be detected from ERTS. NASA hopes a proper experiment can be devised to study this problem from the ERTS spacecraft.

NASA earth resources survey program officials have had discussion with the U.S. Department of Justice on remote sensing of drug-producing plants. If the initial experiments verify the feasibility of detecting poppy fields with ERTS, I would strongly urge the President to propose that the International Narcotic Control Board in cooperation with the U.S. Government use the ERTS program for more effective international narcotic enforcement.

NATIONAL BIBLE WEEK

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 60 minutes.

Mr. BUCHANAN. Mr. Speaker, the week of November 21–28 marks the 31st anniversary of National Bible Week. Founded in 1940 to encourage the reading and study of Holy Scriptures, National Bible Week is celebrated annually during the week of Thanksgiving. This annual observation is sponsored by the Layman's National Bible Committee of New York City, John F. Fisler, executive director, in cooperation with the American Bible Society, the Greek Orthodox Archdiocese Department of the Laity, the Jewish Committee for National Bible Week, and the U.S. Center for the Catholic Bible Apostolate.

This year's national chairman is former Supreme Court Justice Arthur J. Goldberg, serving as chairman of the Governor's committee is Gov. Luis Ferre, of Puerto Rico, with Mayor Louie Welsh, of Houston, as chairman of the mayor's committee. It has been my privilege to serve as cochairman of the congressional committee along with Senator JOHN A. PASTORE, of Rhode Island, the first year such a committee has been established.

As he did in 1970, President Nixon is serving as honorary chairman and has issued the following statement in commemoration of this year's observance:

> National Bible Week once again summons Americans to draw upon the wisdom of a Book that has influenced generations of men and women.
>
> In our own country the hand of every President has rested on the Bible as he has taken the oath of office; and in its pages President, public servants and citizens of all ages have continued to find the principles on which we have built the American way of life.
>
> One of my distinguished predecessors once said that if our democracy is to remain the greatest hope of humanity, it must continue abundantly in the faith of the Bible. The truth of these words is made consistently clear, and chapter after chapter of our history attests to their meaning in our lives.
>
> As we celebrate both Bible Week and Thanksgiving during the next several days, I encourage families across the country to begin reading the Bible regularly, and thus to add a new perspective to each day's activities and gain fresh insights on how better to serve both God and their fellowman.

The theme for National Bible Week this year is "One World, One Book" and it is easy to understand why. The Bible has universal appeal—it offers to the individual of every race, religion, or nationality a guide for living, and answers to the great questions man has always raised about life and death, the purpose and the meaning of man's existence and the nature of the world of which he is a part.

The Bible has been fully translated into more than 200 languages and portions of the Bible can now be read in more than 1,100 languages. It is truly the most international book of all.

Even within such officially atheistic nations as the Soviet Union, there are millions of citizens who read the Bible and receive courage from it, and there are many more who would do so were the Bible available to them.

Not only is it universal in appeal, it is timeless in its wisdom. Through the depth of understanding of the human soul as revealed by the Bible, each of us can more fully understand himself and pursue those actions which will benefit not only himself, but mankind. We can also better understand our fellowman—understanding which is vital if we are to achieve a world of peace and love.

Appropriately enough, three new translations of the Bible published in 1971 focus attention again on God's word as a vital force in today's world. The first of these, The Living Bible, by its very title imparts to readers its purpose of presenting the word in the living language of the present day. The New American Standard Bible seeks successfully to follow the principles used in the American Standard Version published in 1901, and to put the translation of that version in a fluent and readable style. The King James II Version of the Bible attempts to keep the majesty and beauty of the original King James Version while removing from it the Elizabethian English which is sometimes difficult for today's reader.

National Bible Week, with its concentrated emphasis on the Scriptures, provides an opportunity for getting better acquainted not only with the new translations but also with the ever-increasing body of literature about the Bible.

The Bible is as treasured and as relevant today as it has always been. Many of our pioneer ancestors ventured into the wilderness with only three possessions—their rifle, their ax, and the Bible. And of the three, the Bible was by far their greatest personal treasure. It contained the hope, the promise, and the inspiration which gave them the necessary courage to keep going.

One hundred years ago, a group of gentlemen presented a Bible to Abraham Lincoln at the White House. President Lincoln said at that time, and I quote:

> In regard to this Book, I have but to say, it is the best gift that God has given to men. All the Good Saviour gave to world was communicated through this Book. But for it we could not know right from wrong. All things most desirable for man's welfare, here and hereafter, are to be found portrayed in it.

The words of the Bible have been a source of solace in the time of war—and a force for enlightenment and progress in time of peace. In this day of crime in the streets and man's inhumanity to man, the words of the Ten Commandments are as meaningful as they were thousands of years ago. "Thou shalt not kill . . . neither shalt thou steal . . . neither shalt thou bear false witness against thy neighbor . . ."

Tragically, few Americans realize the extent to which the Bible has influenced the life of Western civilization. The Bible besides being a virtual library of various types of literature—history, poetry, biography, drama, preaching, and letters—is, in my judgment, a priceless treasury of spiritual truth. From it have come the basic ideas and ideals on which the best of our democratic culture is founded. Every legal system in the world, including our own, has been built upon the foundation of the Ten Commandments. The Judeo-Christian tradition has permeated every part of our society.

Like countless others before me, I have found the Bible to be both inspired and inspiring. It has been my privilege and practice to turn to the Bible for spiritual illumination and instruction. Bible study has allowed me to watch divine deeds which have changed human destiny, to sit at the feet of great prophets, to learn from the insight of dedicated teachers, to find guidance in distinguishing right from wrong, and to come under the compelling influence of God himself. The Bible is not an end in itself but a means to an end. It is the means to an encounter with the living God and serves as a catalyst for such an encounter.

The Bible as the word of God can influence our interpersonal relationships because through its teachings, we come to understand, appreciate, and accept the sacredness, worth, and dignity of the individual. Most importantly, the Bible's spiritual truths enabled us to maintain an abiding hope for the future of man: love will conquer hate; right will triumph over wrong; truth will prevail over falsehood; life will be victorious over death; the God of men and nations will survive any and every false god which man may ever fashion.

The Bible remains man's best handbook for life.

Since Thanksgiving is America's only universally observed nonsectarian religious holiday it provides common ground for man of every race, creed, and color to reaffirm their faith in those fundamental principles and teachings contained in the Bible which can indeed crown our good with brotherhood.

Mr. MAZZOLI. Mr. Speaker, I would like briefly to call attention to the 31st annual observance of National Bible Week, November 21–28.

To me, this is a most special occasion. In homes all across America, citizens of all faiths will be setting time aside to reaffirm their belief in the teachings of the Bibles and sacred writings of their respective religions.

The Bible plays an important role in my home, where it not only is invaluable in lending guidance and instruction to my children, but binds together the entire family in a common shared experience.

The Bible, of course, should be a 52-weeks-a-year source of inspiration, but in today's busy, often hectic, society, it is well that 1 week be specifically set aside each year during which we all remind ourselves that the answers to the many questions that trouble us, reside no further away than in the pages of our family Bibles.

Mr. WARE. Mr. Speaker, I am happy to join my colleagues in their commemoration of National Bible Week, November 21–28. The Bible, containing the sacred writings of Judaism and Christianity, is probably the most influential collection of books in human history. The Bible's role in the development of western culture and in the evolvement of many eastern cultures make acquaintance with its literature and history an indispensable mark of the educated man.

Phrases and sentences have passed into the common speech of many countries, although their origin often is forgotten in the process; thus the saying that "a house divided against itself must fall" is attributed as often to Abraham Lincoln as to the Gospels.

Besides providing hope, encouragment, and comfort for many, the Bible with its beauty and power is a source of inspiration and insight for all.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Alabama for yielding, and I join in the efforts of the gentleman to call the attention of our colleagues and, through his special order today, the attention of those who will read the CONGRESSIONAL RECORD, to what I think is a very worthwhile purpose in setting aside and designating the coming week as National Bible Week. I commend the gentleman for his part in recognizing the importance of the Bible in our daily lives—I commend the gentleman for not only recognizing that importance, but the way in which the gentleman in his actions here in the House of Representatives has carried out those precepts of the Bible.

Mr. DELLENBACK. Mr. Speaker, the Bible has been listed as a best-seller for years, often given as a gift on some special occasion and then, most regrettably, given a reverent but quiet burial among impressive looking books on a corner bookshelf. In so doing, however, we are depriving ourselves of the "millions of surprises" which George Herbert said were to be found in the opened Bible.

No matter what one may believe about the divinity of the Bible, it certainly must be viewed as one of the most magnificent pieces of literature ever published. Reaching further back than any history book to the creation of the world, it follows the growth of the nomadic Hebrew people through conquests and failures, through judges and kings, through moral heights and decay and ends with the beginning strugglings of Christianity. The Bible has a host of lessons to teach and it uses both prose and poetry to unfold its story. Countless generations of men have gone to the Bible to learn, for its wisdom is unmatched and its principles have time after time been proven true. But the Bible is far more than a book of biography, of law, of literature, of history, of ethics, of prose, or of poetry.

For those who believe, as I do, that the Bible is the word of a loving God to His children, a sustained reading of the scriptures offers the renewed hope and strength necessary to meet our daily challenges. As Representatives in the U.S. Congress we bear enormous responsibilities, the weight of which can be discouraging or cause useless anxiety. I have found a strong faith in my own life to be the most effective cure for this type of worry. The epitaph of one great American leader, Benjamin Franklin, reads:

> The Body of
> B. Franklin, Printer,
> Like the Cover of an Old Book,
> Its Contents torn out,
> And stript of its Lettering & Gilding
> Lies here, Food for Worms.
> But the Work shall not be lost:
> For it will, as he believ'd
> appear once more
> In a new and more elegant Edition
> Corrected and Improved
> By the Author.

This is the type of faith which I personally need to face and solve the issues confronting us, and I find that faith reinforced by my reading of the Bible.

Perhaps the biggest surprise many would find in opening the Bible today is that there really is a good reason for its being a best seller. Our Government and many of our institutions have been built on the base of the code of ethics established in the Bible, and it is this code which underlies the system of justice in our country today.

The Bible is relevant to our time because it is relevant to all times. Our problems are not new—they are only clothed in new and modern contexts and terminology.

As we observe National Bible Week next week, it would be well for all of us to turn to the Bible and the wisdom found therein and to expose or reexpose our minds to the ideas and concepts to be found there, so that our actions may indeed be judged worthy and meaningful by the ultimate Judge.

Mr. BUCHANAN. Mr. Speaker, I thank the distinguished gentleman from Oregon for his contribution, and for the gracious remarks he has made.

Mr. Speaker, it is my hope that during this Thanksgiving recess, which will coincide with National Bible Week, that the Members of this body will take that opportunity to express for themselves and to their constituents their support for National Bible Week and their understanding of the importance of this basic Book.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, representing as I do the first colony in this country, Plymouth, where the first Thanksgiving was celebrated some 350 years ago this coming Thursday, I want to congratulate the gentleman from Alabama on bringing to the attention of the Congress and the people of this Nation this wonderful time of the year when religion and thanksgiving go hand in hand.

I would like to extend the warm hand of fellowship from those of us up in the Plymouth Colony to those here in the Congress, and particularly to the gentleman's constituents in the Deep South. We are having a very extensive celebration there on the night of November 28 where, instead of serving turkey, we are going to serve clams and lobsters, just as the Indians did so many hundreds of years ago.

Mr. BUCHANAN. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. KEITH). We are thankful for what the people of Plymouth Colony did, and for what the people of his State have done from colonial times forward, to help create and to fulfill the great traditions of our society, both in matters of faith and of freedom.

I thank the gentleman for his contribution.

Mr. FRENZEL. Mr. Speaker, I regret that the House will not be in session during American Bible Week, November 21–28, 1971. I think it would be worthwhile then for this House, to take note of this important designation.

I hope that the Nation will give thoughtful consideration to this 31st annual interfaith observance. Bible Week is more than a 7-day adventure. The designated week is symbolic of a continuing spiritual experience.

In recent years the Bible has begun to be increasingly appreciated for its literary, historic, and dramatic values as well as its spiritual values. While I wish to detract nothing from these other fascinating Bible values, I hope that National Bible Week will give all of us a renewed appreciation for the special spiritual and spiritual values of our Bible and other holy books.

Mr. VEYSEY. Mr. Speaker, I am pleased to join my colleagues in calling for observance of National Bible Week.

At a time when Western man sees his values challenged as never before, the Bible still stands as the greatest source of strength and counsel we have ever had.

The Bible is filled with real people who grapple with real life problems. Their stories and the solutions they find undergird almost all our traditions and institutions. No man can claim to be truly well educated if he has no familiarity with the Bible.

I hope National Bible Week will encourage more people to read this matchless book.

Mr. FOUNTAIN. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Alabama (Mr. BUCHANAN) for getting the time to enable some of us to participate in this observance of National Bible Week.

> Thy word is a lamp unto my feet, and a light unto my path.

These words of the Psalmist might well serve as a fitting text for the observance of National Bible Week, November 21–28 of this year. Sponsored by the American Bible Society as an interfaith effort to emphasize the need for a rededication to reading and studying the Bible, National Bible Week strikes a deeply responsive chord in the hearts and minds of all Americans in these difficult days.

Knowledge of the Bible and adherence to its timeless teachings—these are the purposes which Bible Week—and Bible Sunday on November 21—symbolize. The values and ideals which we Americans cherish and honor are to be found in the Bible, which is the source and inspiration for the noblest thoughts and aspirations of humankind. Amid the frenzy, the passion and prejudice, the hate and strife of the day, the Bible sounds a clear and single-minded call:

> Seek ye first the Kingdom of God, and His righteousness, and all these things shall be added unto you.

The pages of history powerfully indicate that nations which heed the saving message of God as contained in the Bible are spared the spiritual blight which afflicts those to whom the Bible no longer speaks with authority. Wherever the word of God is proclaimed freely and without fear, men are transformed. So it is with nations.

May this observance of National Bible Week touch the lives—and prayers—of all our people. May we rededicate our lives and in turn this Nation to the basic principles set forth in the Bible, and thus say with Joshua of old:

> Choose whom ye will this day, but as for me and my house we will serve the Lord.

A faith thus affirmed might well prove to be the renewing of America and her salvation.

We read in II Timothy:

> All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righeteousness.

This is the spirit which ought to mark our keeping of National Bible Week—and every week of the year. And its purpose may be stated in another verse—Luke 24:45:

> Then opened he their understanding, that they might understand the Scriptures.

There is no more valuable observance in the whole of the year than that of National Bible Week: may we keep it in our lives as in our homes and places of religious worship.

Mr. WAGGONNER. Mr. Speaker, there used to be an old folksong alluding that the answer to it all is "a Bible on the table and a flag upon the wall."

Although the song goes back a couple of generations, I am not so sure its sage advice is not just as appropriate today—or even more so. When families quit praying together, they quit staying together, and kindred values, such as patriotism, fall by the wayside.

Where papa used to read a passage of Scripture at bedtime and lead the blessing at the table, the Bible's gathering dust in the brocade living room no one dares go into, and papa's eating a TV dinner in the den. Mama's gone to play bridge, and junior's busy sewing stars and stripes on his faded and frazzled jeans. To them all, Adam used to be on "Bonanza," Eve's on "Mothers-in-Law" and Peter? He patrols streets on "Mod Squad" instead of the Pearly Gates.

The answer to it all, of course, is: Back to the Bible. For it was from this all-time bestseller that our Nation got its very foundation that seems to be crumbling under our feet. In saluting Bible Week to be observed next week, I will strive for relevant phrasing in advocating daily devotion to this best handbook for life: It is high time we all got on the go-go for God, backed by the Bible.

Mr. GRIFFIN. Mr. Speaker, it is a pleasure for me to make a few remarks in support of National Bible Week coming November 21 through 28.

National Bible Week is an annual observance founded in 1940 and sponsored by the Laymen's National Bible Committee in cooperation with the American Bible Society, the Greek Orthodox Archdiocese, the Jewish Committee for National Bible Week, and the U.S. Center for the Catholic Bible Apostolate.

Its founding purposes and continuing efforts are directed toward encouraging study and practice of the Bible's great moral lessons. It is observed every year during Thanksgiving week—a most fitting time.

The sponsoring organizations, as a quick glance will show, are but one more indication of the universality of the Bible's teachings. It has been translated totally into over 200 languages and one portion or another is available in more than 1,100 of the world's tongues. It offers every human being, regardless of background, a personal guide for living and for meeting life's great questions of death, afterlife, and purpose here on earth.

I believe it is particularly appropriate for us to join in the observation of National Bible Week. I urge all our colleagues to join us in the reaffirmation of our commitment to the Bible and its great moral teachings.

These great teachings of the Bible comprise the Judeo-Christian tradition on which all Western societies are founded. They permeate our literature, history, biography, drama, poetry, and our legal systems.

In fact, Mr. Speaker, the Ten Commandments of the Judeo-Christian heritage are the very cornerstone and foundation of every legal system in the Western world. From these basic philosophies arose the world's great democracies which, as exemplified by the United States of America, preserve and protect more freedom for more people than any other system at any other time in the history of mankind.

Not only have the Bible's great moral teachings heavily influenced the development of our institutions, Mr. Speaker, but the Bible itself bears witness to that influence each time a President, Supreme Court Justice, Senator or Congressman assumes the mantle of office. Like nearly every courtroom witness, State, county, and local official, we all place our hands on the Holy Bible and swear our allegiance and fidelity before Almighty God in the pursuance of our duties.

I think the observation of this week is most worthy and should effectively remind us who we are, where we have come from, and where we are going. I hope the Nation will pause a minute and contemplate the great influence of the Bible on our history.

Further, I believe that all leaders in government should refer more frequently to the Bible as we conduct the business of the country.

Mr. de la GARZA. Mr. Speaker, it is my privilege to join my worthy colleagues in the House of Representatives in support of American Bible Week which was founded as an interfaith effort to encourage the reading and study of the Holy Scripture.

The Bible is the Word of God. It is a record of the unique spiritual experience of a people. It is the most powerful book in the world. It is the most quoted book. It is the best selling book of all time. It has been called the "unread best seller," but this assertion is only partly true. It has been read by countless multitudes of people—young and old, rich and poor, mighty and humble alike.

The Old Testament was evidence of the spiritual experience of the Jews. Religious faith came first. Because of its vitality its expression in literature was the natural outcome.

The Bible is loosely called a book, but actually, it is a library of books. It contains history, laws—the forefathers in many cases of our own system of courts, judges, and higher and lower courts—poetry, biography, stories, letters, revelations.

For the Jewish people the Bible consisted of 24 books as the Old Testament. Some of these books were divided into volumes during the 16th century, making a total of 28 books.

The modern Protestant Bible has 66 books, to which the apocrypha may be added.

The Roman Catholic Bible, which includes apocryphal books, has a total of 73 books.

Regardless of which version of the Bible is claimed by any faith, it has the loftiest moral sentiments, sentiments which have inspired some of our greatest works of art and literature. It is admired, loved and revered. It is praised as a reservoir of infinite wisdom and inspiration. It contains the religious and moral teachings to which even the worst transgressors are at times moved to pay lip service. Yet on important points in the Bible, both religious leaders and the masses of mankind differ.

Sad to say, today, as in generations past, the Bible is at times called unbelievable and unwholesome. It has been disliked, ignored, despised, and ridiculed. It has been used by men and women for low motives as well as high.

I, for one, am therefore happy to join my colleagues in the House of Representatives in an effort to emphasize the vital role of the Bible in all aspects of our lives and encourage its study and its teachings for men of good faith everywhere.

Thank you.

Mr. BROWN of Ohio. Mr. Speaker, the 31st annual interfaith observance of National Bible Week will begin this Sunday, November 21. The Bible, for all Judeo-Christian faiths and societies, has been one of the most widely employed and sustained forces for exploration and peace throughout the history of the world.

From unknown Christian missionaries in Africa and Asia; to the pioneers of American westward expansion; to astronauts reading psalms from deep in space, the Bible, more than any other spiritual or philosophical writing, has provided the spiritual foundation for building our moral and democratic ideals, and for sustaining our humanitarian goals of expanding our knowledge and frontiers to bring all peoples of the world closer together in understanding and progress.

Dr. Albert Schweitzer brought medical aid and education to the people of Africa, while religious spiritualism gave our pioneers the will to continue when all else seemed lost. Today, even in our increasingly secular society, millions of young people are returning, or are finding the strengthful meaningfulness of the Bible. Recently, a majority of the House, even though failing to gain the necessary two-thirds for passage of the prayer amendment, reaffirmed a belief in the need for religious faith in our society.

National Bible Week is a time for all of us to renew our faith in the meaning and teachings of the Bible.

Mr. PRICE of Texas. Mr. Speaker, the annual observance of National Bible Week is in keeping with our most precious American traditions of faith and freedom. "Blessed is the Nation," wrote the Psalmist of old, "whose God is the Lord." From the very beginning, Americans have been a religious people, truly affirming that the God who gave life also gave liberty.

The Declaration of Independence derives life, liberty, and the pursuit of happiness from God's creative act by which men are endowed with these "unalienable" rights, "unalienable" in that they can be neither granted nor revoked by any man or association of men without violation of the divine intent. Behind the language of the Declaration stands a heritage of faith tested in the refiner's fire of war and tribulation, a heritage which gives meaning and direction to our national history, lighting the future with an assured hope.

Central to the religious witness of our Judeo-Christian tradition is the Bible, with its enduring message of eternal life. Untold millions of men and women have found in it the Word of Life. Nations faithful to its principles have triumphed over their enemies. Through the dark and bloody pages of history there runs the golden thread of faith in God, a faith which is able to redeem and to heal.

> O send out thy light and thy truth: let them lead me.

Surveys have shown that Americans still worship more regularly than the citizens of any other country, despite the relative ebb in church attendance, and that Americans hold to basic religious beliefs with greater tenacity than do their Western neighbors.[1] There are many reasons for this condition including the voluntary nature of religion in America, which has nutured both freedom and enduring religious loyalties, and the continuing influence of the Bible, freely read and proclaimed, as the fountain and source of all our liberties.

National Bible Week is an especially fitting time for all of us throughout the land to "read, mark, learn, and inwardly digest" the imperishable truths of Scripture, a time for men and women of diverse denominational traditions to recover and reaffirm the things of God which are set forth in both the Old and New Testaments for our souls' health and for the well-being of our beloved Nation.

These are perilous days for America and for the world, days in which the Word of God is perhaps more needed than ever before. May we all, in our churches and synagogues, in our families and homes, find strength and inspiration in prayerful reading of the Bible that, in the word of the great seal of the United States, God may continue to favor our undertaking.[2] In that light, may we see light.

GENERAL LEAVE

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order of today, National Bible Week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MUTUAL SAVINGS BANKS PROMOTE RISE IN HOUSING STARTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, before this year is out, the Nation may well see the construction of nearly 2 million new housing units. We still have a tremendously long way to go to catch up with housing needs, but this year's construction figures are encouraging.

Part of this improving trend can be attributed to the contributions of the mutual savings banks in making available the credit necessary for much of this housing. Despite some very severe restrictions on their activities, the savings banks in New York and other States have compiled a really excellent record in helping to put people in decent housing.

Recently, I had the opportunity to address the 78th annual meeting of the Savings Banks Association of New York State and I was greatly impressed by the leadership and dedication of this organization. The savings bank structure exists only in a handful of States, but I think people—who are interested in housing—should take a good look at the record of these savings banks as an example for the entire Nation. They have done their job well.

Mr. Speaker, I place in the RECORD a copy of my speech to this organization:

REMARKS OF CHAIRMAN WRIGHT PATMAN

Thank you very much for inviting me.

This year, I have attended meetings of a number of financial groups in various parts of the Nation. I have been struck by the feeling of change—the acceptance of new approaches—in an industry where status quo has ruled for so long.

This is refreshing—and while there may be vast differences of opinion about the shape of these changes, I think this is a good development for both the financial community and the public. Obviously, there will have to be some basic changes—in both structure and attitudes—if this Nation is going to meet the tremendous challenges and needs which are so apparent for the remainder of this century.

These financial needs—the credit requirements—dwarf anything that has been talked about in the history of this Nation.

We already have a tremendous backlog of needs and with the growing concern about environmental quality, these requirements are certain to skyrocket.

For example, there have been estimates that the Nation will have to spend up to $70 billion in the next five years just to clean up our water supplies. It seems likely that we will need $100 billion of credit annually just to meet basic housing needs. State and local governments have been postponing projects during the extended period of high interest rates and this pent-up demand will soon be spreading out across the credit markets.

All of this will necessitate a new and imaginative approach to banking and financial services. Some of this new approach must encompass a wider distribution of the privileges and responsibilities among the various classes of financial institutions. I question whether the basic credit needs of this Nation can be met so long as the commercial banks are given so little responsibility and so much monopoly.

Despite its advertising campaigns and public relations handouts, the commercial banking industry today largely serves as a conduit of credit for the big business community. There are exceptions—certainly among the smaller commercial banks—but what I am talking about here are the dominant multibillion dollar institutions which largely control banking in the United States.

These giants do not serve—other than for public relations purposes—the vast housing market. And many of them don't even know what the word "consumer" means. Yet, these big banks continue to retain monopoly privileges over key elements of the financial industry.

To listen to the advertising campaigns of the American Bankers Association, you would think that the commercial banks were suddenly recognizing the great need for housing in the nation.

The newspapers and the television screens are filled with heart-rending stories of the commercial banks' assistance to housing. The public—and the Congress—are supposed to be deluded into believing that the commercial banks are using their monopoly privileges for the public benefit.

The real truth, however, is that the commercial banks are reducing—sharply reducing—their participation in housing. Three years ago, the commercial banks were investing around 8% of their funds in home mortgages. That was 1968—but the figures for 1970 show that the banks are now investing only 2.1% of their loans in home mortgages. So while the public relations campaign soars ever upward, the banks' support for housing plummets.

The same slippage in performance is evident in the consumer credit field. Back in 1968, the banks had 11.1% of their loanable funds in consumer credit. By last year—1970—this figure had dropped to 4.5%.

It is time for the Congress, the Administration, the financial writers, and the general public to realize that the big money center banks do not serve broad public purposes. They do not serve the homebuyers or the consumers—to any large extent. They are pure and simple big business lenders.

Yet, we have a national policy which gives these big commercial banks special privileges—monopoly control over many banking functions—and a long list of subsidies. The theory behind all of this favored treatment is that these big commercial banks are serving a broad public purpose. It just isn't so.

Meanwhile, the thrift institutions—the mutual savings banks and the savings and loan associations and the credit unions—are placed in a second-class category, their powers greatly restricted. Without the mutual savings banks and the savings and loan associations, our housing efforts would have come to almost a total halt. In my opinion, there is nothing more important to the future of this nation than providing decent homes at reasonable rates—at reasonable costs—to America's 50 million families.

I look with disfavor on banking laws and regulations which hamstring institutions whose prime lending function is in the housing field. I look with disfavor on banking laws and regulations—and monetary policy—which consistently place the whims of big business ahead of homebuyers and consumers.

The present policies have given us a housing industry which is being constantly buffeted by sharply shifting boom or bust cycles.

We need to develop a rational housing policy which will allow us to meet specific goals. The 1968 Housing Act called for the annual construction and rehabilitation of at least 2.6 million housing units each year. So far, we have not come close to meeting this figure. This year, we may see almost two million new homes built—the best figures since 1950—but it is far short of the real needs. We have fallen into a sad situation when the Government brags about its ability to meet only ¾ of a national goal.

More importantly, this year's increase in housing construction—and accompanying rosy statements—do not take into account the extremely low level of construction over the past few years. In 1969, the nation produced only 1,467,000 units and, in 1970, only 1,434,000 units.

So, not only do the projections for 1971 fail to meet the current goal, but they do nothing to make up for the tremendous gaps which were created in 1969 and 1970. The biggest need is a source of funds—a source of funds at reasonable interest rates and large enough to sustain long-range construction requirements. We must find the means to insulate the housing market from the ups and downs of monetary policy. Housing has always borne an unfair share of the burden of fighting inflation. Tight money and high interest rates have always hit the housing industry first and the hardest.

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[1] Gallup Poll, December, 1968.

[2] Annuit Coeptis: He (God) has favored our undertaking.

Obviously, a number of remedies must be adopted to correct this problem. One of the remedies must be a more dynamic approach in the thrift institution area. The mutual savings banks—and the savings and loan associations—must be given a freer hand in meeting these growing needs for housing credit.

The large banks have abandoned the housing field. They are no longer entitled to their monopoly control over checking accounts and they no longer deserve a protected consumer credit market.

The mutual savings banks—for example—are putting 75% of their assets into housing. The commercial banks are putting 2.1% in this same field. Certainly, such a record says that the mutual savings banks deserve at least an equal break with the big commercial banks.

Good public policy—policy in keeping with the national housing goals—seems to dictate that we give the mutual savings banks a broader role in the economy.

First, I am firmly convinced that all financial institutions—mutual savings banks, savings and loan associations, and credit unions and commercial banks—should have the right to provide their customers with checking account services.

The customer should not be required to go to one institution to deposit savings and to another for checking account privileges needed to pay for monthly bills. The commercial banks today have almost $250 billion in checking accounts—demand deposits—and this represents about 50% of their total deposits. Naturally, they don't want to share this with anyone. And they might be able to get away with this attitude—and with this outlandish monopoly—if they had made any kind of showing of assistance to such areas as housing. But the cold hard figures show that the banks have given the public very, very little in return for this lucrative privilege.

Checking account services would enable thrift institutions to attract many savers who now deal solely with commercial banks simply because of the convenience. This would mean that more funds would be available for housing. This would be particularly helpful—in my opinion—during periods of tight money—during times when savings banks have a difficult time maintaining an inflow of savings.

Now is the time for the Congress to end this commercial bank monopoly over checking accounts—a special privilege which must go down as one of the most absurd monopolies ever granted by the elected representatives of the people.

Secondly, the mutual savings banks—along with the savings and loan associations—should be allowed to move fully into the consumer credit field. This would serve a number of public purposes.

Paramount among these is the fact that these new services would give the public a chance to escape the fast buck loan sharks. It would be a great benefit to the young families—and the low income people—who are saddled too often with unfair and usurious charges on small loans. Many young families starting out are hit with fantastic interest charges on furniture, appliances and automobiles. Many get behind the financial eight-ball early in life and never do recover.

By giving Federally-insured savings and loan associations and mutual savings banks the right to make a full range of consumer loans, we could put an end to much of this sordid loan-sharking.

Of course, the right to make consumer credit available would give the mutual savings banks another chance to attract more savings—savings which would eventually find their way into more housing loans.

Like the checking account services, consumer credit would enable your banks to attract and keep customers. This would give the mutual savings banks a real chance to bring in the young savers—the young families so desperately in need of consumer credit at reasonable rates.

Thirdly, the Federal Government—and its various agencies—must make better use of their deposits of public funds. The Treasury Department maintains Tax and Loan Accounts which range between $6 billion and $10 billion in various commercial banks. In addition, Federal agenices maintain substantial deposits around the nation. All of these deposits represent a lucrative subsidy to the commerical banks.

With the vast needs facing this nation, these funds should be put to work. The Treasury Department should use some imagination in moving these funds around to the institutions willing to make loans with a broad social purpose. Institutions which are willing to help in financing low and moderate income housing should receive priority when the Treasury Department selects the depositories.

If the Administration is not willing to do this voluntarily, the Congress should consider legislation which would specifically provide for deposits of public monies in financial institutions which make a certain percentage of loans for housing and similar purposes. There should be specific administrative or legislative steps taken to assure that mutual savings banks and savings and loan associations share fully in these public deposits.

There has also been talk of adding flexibility to the insurance on deposits—as another means of attracting deposits to the smaller financial institutions and to the institutions which are meeting necessary social functions. At the present time, deposits are covered up to $20,000 by the Federal Deposit Insurance Corporation regardless of the size or the functions of the particular banking institution. The same is true for the savings and loan associations which are insured through the F.S.L.I.C.

Consideration might be given to raising these limits to $40,000—or possibly higher—for the smaller banks and for those financial institutions which invest a high percentage of their funds in housing and similar projects. Admittedly, this plan has not been thoroughly investigated but I raise it here today as a possible means of obtaining additional equity among financial institutions.

The larger commercial banks—the money center institutions—are obviously less in need of these devices to attract deposits. As the studies of the Banking and Currency Committee have plainly shown, the big banks are solidly interlocked—through directorships and loan relationships—with the huge corporations. These interlocking arrangements give these banking giants easy access to deposits by the biggest of the big corporations across the land. By raising the level of deposit insurance for the other institutions, we might be able to bring a minor degree of equality in what is now a very unequal situation.

In fact, one of the basic problems of our financial community today is the heavy concentration of assets in a handful of money center banks. Less than one per cent—or 100 banks—control 45% of the commercial bank deposits in the United States.

Under these conditions, it is obvious that the big banks aren't going to be hurt if steps are taken to equalize benefits among the smaller banks, the savings banks, and savings and loan institutions. There is plenty of room—and plenty of need—for all of these types of financial institutions.

The savings bank concept has been highly successful. You can prove a long record of achievement. You can prove that you have lived up to the state charters granted over the years. With this record, it is regrettable that savings banks are isolated in only a handful of states.

The Federal Government—despite some strong efforts in the past—has never extended formal legal recognition to the savings banks The Federal Government has chartering machinery for savings and loan asociations, credit unions, and commercial banks; but, it has not extended the chartering mechanism to your industry.

The idea of Federal charters for mutual savings banks has been kicking around the Congress for a long time, but it has never been successfully pushed through to enactment. In 1968, your industry came close—very close—to gaining the right to Federal charters. As you will recall, the Banking and Currency Committee—after long hearings—finally got the Federal chartering bill reported. But the bill died in the House Rules Committee.

That failure in 1968 pointed up the need for greater public understanding of the record of savings banks and their potential for meeting basic credit needs. The savings bank industry needs to explain more fully to the public and the Congress what it has done for housing over the years and what it might be able to do if the Federal Government was willing to extend its formal recognition to this industry.

Undoubtedly, there are going to be some changes in the Federal Government's approach to financial institutions Many issues are going to be raised when the President's Commission on Financial Structure and Regulation makes its formal report in December. As these changes are considered, it seems very likely that the question of Federal charters for mutual savings banks will once again obtain serious consideration in the Congress.

It is no secret to this audience that I have raised questions about the Commission on Financial Structure and Regulation. I have been concerned about the fact that the membership of this Commission is so heavily loaded with people from the industries it is assigned to study. The situation seems to be worsened by the fact that some of the principal regulatory agencies—which the Commission was supposed to look at—are actually providing the funds for its operation. Over all, I do not look with favor on Presidential Commissions being used to supplant legislative functions or to serve as extra-legal lobbying arms for special interests.

Nevertheless, I know that there are many among the mutual savings banks who are very hopeful about the upcoming report of this Commission. It is difficult at this point to know what, if any, influence the report will have on Congressional actions in the financial field.

Many of these considerations are being over-shadowed by the efforts to stabilize the economy, to end inflation, and to put the jobless back to work. The Banking and Currency Committee has been wrestling with this problem and very soon we will have a legislative package on the Floor of the House encompassing the President's Phase II program.

The entire success of this plan is dependent on the Congress and the Administration working out a program which is clearly equitable for everyone. Any hints of favoritism will rapidly erode public confidence and destroy the whole wage-price effort.

That is why I have been so anxious—and so insistent—that the Administration bring all elements of the economy under the new stabilization program. The Administration seems willing to apply controls on wages, prices, salaries and rents, but it is hesitant when anyone talks about extending these authorities—in a meaningful way—to interest rates, dividends and profits.

The Administration is making a very serious mistake in treating these areas as specialized segments to be singled out for a kid glove approach. Despite all of the propaganda—and the economic rationalizations—the favoritism does not escape the people whose wages and salaries are frozen.

Now is the time to apply interest rate controls. They are needed now to help control the high interest rates on consumer lending. They are also needed as a bulwark to withstand the heavy pressures that are certain to appear in 1972. The Federal Government will be going into the market to finance record deficits; state and local governments will be heavy borrowers; and the business community must have the loan funds to fuel the expansion so badly needed in the economy.

In fact, if the Administration's economic program—centered around the investment tax credit—has any validity at all, then we are going to see a heavy loan demand in 1972.

Under the timid approaches which have been outlined by this Administration, it appears that no interest rate controls would be applied until interest rates had reached record levels again—if then. Obviously, it is easier to apply the controls now than it will be after the demands build up and the political pressures rise in 1972.

In my opinion, the financial community has been one of the big losers in the Administration's failure to apply controls equally across the economy. The public resents the favored treatment that has been accorded lenders under the new economic program, and if this continues, it may well affect future legislative efforts for all segments of the industry. My mail has reflected this public resentment, and this attitude will grow as the wage-price program bites harder into the economy.

It is my hope that the Administration will see the folly of its ways and take definite steps to put real equity into the wage-price program.

This has been a wonderful trip down here and I have enjoyed the opportunity to meet and talk with so many people in the mutual savings bank field. I appreciate this opportunity.

Thank you.

THE MISSED VOTE SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Skubitz) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, what I have to say is not very earth shaking but I suspect that many of my colleagues must experience the same frustration.

In short, how does a Member meet his obligations in his home district and still avoid missing an occasional vote on this floor? Mind you, I am not talking about presidential candidates, actual and potential.

I am talking about a Kansas Congressman whose friends 3 months ago arranged a little $10-a-plate fundraising dinner—none of those $50 or $100 or $500 affairs where I come from, Mr. Speaker—and who suggested to those friends that a Monday would be most suitable. After all, Mondays are consent calendar and suspension of rules days. Only bills are scheduled that are so noncontroversial they pass by unanimous consent or easily obtain a two-thirds vote.

Well, what happens? Last Monday while in Pittsburg, Kans., attending the dinner and allowing my friends and neighbors who have known me most of my life to admire me and praise me—an unusual and happy event for a Member of this body, let me assure you—this House "does me in" by having six record votes. Of course, the votes were lopsided: 350 to 5 on the cancer bill; 344 to 0 on the Interpol bill; 300 to 49 on continuing copyright protection; 350 to 0 and 351 to 0 on two veterans bills; and finally a tax treatment measure rejected by 203 to 148.

But what do you suppose a clever and cunning opponent could do with those six missed votes? Well, first he is going to do some fast arithmetic and compute my percentage of missed votes. He is going to trumpet to all and sundry the dark secret that Skubitz has missed perhaps 5 percent or 10 percent of the votes—a miserable record indeed. Next he is going to point out, by way of example, that Skubitz did not vote for that important cancer bill. That is designed to make Skubitz look like he is all for cancer.

Of course there will be a deep silence about the fact that Skubitz is a member of the committee that handled the bill and reported it to the floor. There will be silence that missing a vote is not the same as voting against. There will be the deepest silence of all that only five votes were cast against the cancer bill.

Now seriously, Mr. Speaker, I am really not very disturbed about what my still unknown opponent may say or do about me and my record next November. I do believe, however, that this business of rollcalls on bills, where there is no controversy, is time consuming and defeats the real purpose of the rule. So far as I am concerned it is for the birds—particularly when a Member is engaged in that most important duty of all—fundraising for his campaign which deserves more than nominal attention.

COMPREHENSIVE CORRECTIONS MANPOWER AND VOCATIONAL SERVICES ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Bell) is recognized for 30 minutes.

Mr. BELL. Mr. Speaker, the need for penal reform has long been recognized and much discussed, but only desultory attempts have been made to achieve any significant change. The recent tragedies at Attica and San Quentin represent the culmination of the anger, frustration, and futility felt by those imprisoned in what have proved to be merely custodial instead of correctional institutions.

Rather than further lament these tragic occurrences, we must now act quickly and decisively to effect a massive reformation of these institutions—to make them truly rehabilitational rather than additionally detrimental to those individuals detained in them.

The bill I am introducing today, the Comprehensive Corrections Manpower and Vocational Services Act of 1971, is designed to accelerate this long-recognized goal. The measure presents a tangible, workable plan to equip prisoners with marketable skills so that they may return to society and lead dignified, meaningful lives. This is the only way crime and recidivism will be reduced.

The bill's objective is to increase the potential for full rehabilitation and reintegration into the community of criminal and youth offenders. The high rate of recidivism that currently exists clearly indicates that we are not even approximating that goal. Over 60 percent of all felonies are committed by repeaters, and two-thirds of the 200,000 inmates of Federal and State prisons are "alumni" of other prisons.

Other statistics in the 1970 national jail census published by the Law Enforcement Assistance Administration are equally staggering: Of the Nation's 4,037 jails, 89 percent lacked educational facilities; 86 percent had no facilities for exercise or recreation; 49 percent lacked medical facilities; 26 percent were without visiting facilities; and 1.4 percent had no toilets.

With conditions such as these, it is not surprising that the unemployment rate for released Federal prisoners was 17 percent in 1964 according to a study by the Department of Labor—three times the U.S. rate that year.

The philosophy that has guided our correctional system has been both contradictory and self-defeating. Society cannot have vengeance at the same time it wants offenders reformed. While the present system keeps society secure for a time while the offender is incarcerated, it clearly is not doing enough to prevent him from returning to criminal activities once he is released.

The provisions of my bill are straightforward and self-explanatory. I should like to point out, however, the main emphases on comprehensiveness, coordination and technical assistance.

The concepts of coordination and comprehensiveness are closely interrelated. The latter includes programs of vocational training, on-the-job training, counseling, testing, work evaluation and adjustment, job placement, and followup services. The bill also calls for purchase of equipment for the relevant vocational training programs and the hiring of qualified faculty to conduct the programs. It calls, as well, for occupational training for some ex-offenders to use their own experience and expertise to serve either during or after release from correctional institutions in such roles as paraprofessional corrections personnel, probation officers, parole officers, and narcotic treatment counselors. Employment of this type would serve a dual purpose; first, it would insure especially meaningful employment for ex-offenders; second, it would reduce the distrust that, unfortunately, frequently exists between prisoners and the authority figures with whom they come in contact, thereby enhancing communication and increasing the effectiveness of these functions.

Coordination includes negotiating with Government, business, and service organizations to provide training for inmates in skills for which there is a demand in the community in which the released prisoner will work. Another important aspect of coordination is the active cooperation of all appropriate groups in the community such as private and public business, labor organizations, civic action groups, and institutions of State and local government, to implement the work training and placement program.

Technical assistance would be provided by the Department of Labor Division of Corrections Manpower and Vocational Training Services which the bill establishes within the Department of Labor.

Under the provisions of the bill, the Secretary of Labor is authorized to make a limited number of grants to or contracts with not more than eight States to establish comprehensive model programs provided that the States follow the guidelines set forth by the comprehensive State board which the Governor would appoint from representatives of State, local, and private bodies appropriately related to the manpower needs of criminal and youth offenders. These representatives will include, but not be limited to, members of the State executive office, local governments, the corrections system, vocational training and employment services, the LEAA State planning agency, private industry, labor organizations, the chamber of commerce, and other pertinent civic and private groups.

In applying for a grant or contract under this act, the State plan must include such projects as pretrial services, coordinated with the court system of the community, including screening, evaluation, and counseling, which may result in offering alternatives to incarceration through screening, job training, placement, and close supervision. This provision of the measure would greatly improve the prospects for the some 160,000 persons in jail in 1970 who had not yet been convicted.

Another important requirement for the State plan proposals is the inclusion of motivational and incentive training and counseling, including assurances of an effort to urge appropriate officials to require that a given sentence for a crime be handed down under the condition that an inmate enroll in a training program, pass the requisite tests, and otherwise successfully complete the course of comprehensive occupational training.

The funding I have suggested for this program—$75,000,000 for the fiscal year ending June 30, 1972; $100,000,000 and $125,000,000 for the 2 succeeding fiscal years—is not exorbitant when one considers the fact that crime has been estimated to cost the Nation between $50 and $100 billion a year.

In addition to the economic advantages of rehabilitation and reintegration of prisoners into the community, a program such as the one I am proposing would restore self-confidence and dignity to these individuals by preparing them for productive employment and assuring them placement in decent jobs.

Society has an obligation to assist these persons who, for the most part, experienced disadvantaged childhoods and did not have the opportunity to benefit from the foresighted enrichment and vocational training programs available to the underprivileged segments of our population today.

I urge a careful reading of the text of the bill which follows; it is not long, and it is not unduly complicated. I believe it offers an eminently practical step toward resolving one of the most urgent issues of our time. It is not feasible, as a noted criminologist has suggested, to leave the mammoth penitentiaries we have as memorials to our failure to deal intelligently with the whole prison dilemma.

If there can be a single most important lesson to be learned from the tragedy at Attica, it is the need to deal effectively, innovatively, and quickly with this monumental problem. The bill follows:

H.R. 11887

A bill to assist State and local criminal systems in increasing the potential for full rehabilitation, and reintegration into the community, of criminal and youth offenders, and in preventing criminal recidivism by providing for the development of comprehensive, innovative, and coordinated community-oriented programs to provide such offenders with sufficient occupational skills, attitudes, and services to gain meaningful employment after release

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Corrections Manpower and Vocational Services Act of 1971".

MISCELLANEOUS PROVISION

SEC. 2. Effective on the date of enactment of this Act, section 251 of the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2610b), is repealed.

FINDINGS AND PURPOSES

SEC. 3. The Congress finds as follows:

(1) It should be the objective of correctional institutions to increase the potential for full rehabilitation and reintegration into the community of criminal and youth offenders and thereby reduce criminal recidivism.

(2) Successful rehabilitation and reintegration into the community is directly related to employment success.

(3) Satisfying work experiences and the assurance of decent jobs for released offenders should be at the heart of the rehabilitation process.

(4) Present occupational training programs in the Nation's correctional system are grossly inadequate to provide training and job placement for released criminal offenders and the upgrading of their skills and self-confidence for a successful return to a crime-free life in society.

(5) The correctional institutions of the United States on the local and State level and the criminal and youth offenders who inhabit such institutions would benefit from the establishment of comprehensive State model programs to implement the latest knowledge of rehabilitation techniques.

(6) Some ex-offenders could be given occupational training so that they can use their own experience and expertise to serve either during or after release from correctional institutions as paraprofessional corrections personnel, probation officers, parole officers, narcotics treatment counselors, and in similar roles.

(7) A comprehensive approach to such education and training must include active cooperation from all appropriate groups in the community such as private and public businesses, labor organizations, civic action groups, as well as institutions of state and local governments, and other public and private agencies, individuals, and organizations.

(8) Federal efforts to develop rehabilitation programs in State and local correctional institutions should be effectively coordinated among appropriate Federal, State, and local agencies and institutions so that resources will be most effectively utilized and the rehabilitation and resocialization of criminal and youth offenders will proceed most effectively.

(9) Imprisonment results for most individuals in disadvantages in gaining employment after release from a correctional institution; therefore criminal offenders should be regarded as disadvantaged persons whom vocational training and manpower programs should serve.

(10) Our correctional system should be responsible for assuring that every person leaving a correctional facility is prepared for and assisted in placement in productive employment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. There are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1972, $100,000,000 for the fiscal year ending June 30, 1973, and $125,000,000 for the fiscal year ending June 30, 1974, for the purpose of carrying out this Act. Some appropriated pursuant to this section shall remain available until expended.

APPORTIONMENT OF APPROPRIATIONS

SEC. 5. The Secretary of Labor (hereinafter referred to in this Act as the "Secretary") is authorized to make a limited number of contracts or grants, not to exceed 8, with a limited number of States or combinations of States, for the purposes of this Act. Such contracts or grants shall be separate and distinct from planning grants authorized under section 6 of this Act.

DIVISION OF CORRECTIONS MANPOWER AND VOCATIONAL TRAINING SERVICES

SEC. 6. (a) There is hereby created in the Department of Labor a Division of Corrections Manpower and Vocational Training Services which shall be under the direction of an Administrator, to be known as the Administrator of the Division of Corrections Manpower and Vocational Training Services (in this Act referred to as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Secretary may, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, appoint such employees as he deems adequate to carry out his functions and duties under this Act, including the provision of adequate technical assistance to States receiving grants or contracts under this Act, and shall fix their compensation in accordance with the provisions of such title relating to classification and General Schedule pay rates.

STATE PLANS

SEC. 7 (a) The Secretary is authorized to make grants to a limited number of States (or combination of States) for the purpose of planning comprehensive State model programs consistent with the purposes of this Act. In making such grants, the Secretary shall—

(1) insure that appropriate and adequate technical assistance is made available to the States in formulating such comprehensive State model plans;

(2) insure that guidelines are established to require the State to designate a single, comprehensive State board which shall be appointed by the chief executive of the State from among persons representative of State, local, and private bodies appropriately related to the manpower needs of criminal and youth offenders including, but not limited to, representatives of the office of the chief executive of State and local govern-

ments, the corrections system, vocational training services, employment services, the Law Enforcement Assistance Administration State Planning Agency, private industry, labor organizations, the Chamber of Commerce, appropriate civic groups, and other appropriate public and private organizations engaged in activities related to the purposes of this Act;

(3) insure that the comprehensive State board involved in the formulation of a plan pursuant to this part will make arrangements to supply and utilize appropriate supporting services which are available;

(4) require that the plan include a prospectus concerning the appropriately related activities of other social agencies which, when inadequate, prevent manpower services from being effective; the prospectus shall include a concise explanation of legal, health, housing, counseling, educational, and other services as they relate to manpower problems from juvenile to adult and from arrest to release;

(5) make planning grants to a limited number of States or groups of States, not to exceed eight such grants in the first * * * twelve months beginning after the date of the enactment of this Act;

(6) insure that individuals or organizations funded for the purpose of providing technical assistance to State agencies possess adequate orientation and training in the field of correctional rehabilitation;

(7) insure that detailed guidelines establishing standards and procedures for the provision of technical assistance are established;

(8) appoint a technical advisory committee to provide advice on matters of general policy relating to the rehabilitation of persons intended to be benefited by this Act, and such committee shall meet with representatives of the other agencies described in this Act to facilitate coordination of technical advice of the appropriate Federal agencies;

(9) set forth policies and procedures designed to insure that Federal funds made available pursuant to this Act will be used so as not to supplant State or local funds, but to supplement and, to the extent practicable, increase the amounts of such funds that would, in the absence of such Federal funds, be made available for the improvement of State and local correctional systems.

STATE PLANS AND PROGRAMS

Sec. 8. Any State desiring a grant or contract under this Act shall submit a State plan setting forth an innovative, comprehensive, coordinated State model program for furnishing manpower services to criminal and youth offenders. Such plan shall include but not be limited to projects providing for—

(1) Pretrial services, to be coordinated with the court system of the community, and to include screening, evaluation, counseling, and other services to individuals after arrest; experimental programs offering alternatives to incarceration through intervention with screening, job training, placement, and close supervision; and services to inmates of detention facilities while they are awaiting trial or sentencing;

(2) Institutional training services, including vocational education and training, on-the-job training, job placement counseling, testing, work evaluation and adjustment, incentive and motivational training, cooperative programs with pre-existing vocational institutions, training of inmates to serve as corrections personnel and community service workers, and other services consistent with the purposes of this Act, except—

(A) at least some element of the institutional training shall be community-based unless State law prohibits such a program; and

(B) adequate technical assistance shall be furnished by the Secretary in coordination with other appropriate Federal agencies;

(3) Prevocational basic and secondary educational services;

(4) Provisions to coordinate and insure that training carried out under the provisions of this Act will be relevant to the job needs of the community or area in which a trainee lives or intends to live, including—

(A) provisions such as contracts with private, profitmaking organizations, to determine the demand in a community or area in which a trainee lives, or intends to live, for persons with particular occupational skills or vocational training;

(B) provisions for an approved course of training in a particular occupational area for which a demand has been determined to exist;

(C) motivational and incentive training and counseling, including assurances of an effort to urge appropriate officials to require that a given sentence for a crime be under the condition that an inmate enroll in a training program, pass the requisite tests, and otherwise successfully complete the course of comprehensive occupational training;

(D) if possible, develop programs with private industries and labor organizations in the community;

(5) Pre-release services, including a substantial amount of involvement by ex-inmates as counselors;

(6) Job placement, to be coordinated with existing public and private employment services and with private industries and labor organizations;

(7) Follow-up services, including counseling, cooperative programs with appropriate private industries and labor organizations, and evaluation provisions;

(8) Research and demonstration programs and innovative pilot programs, as provided in section 9.

INNOVATIVE RESEARCH AND DEMONSTRATION PROGRAMS

Sec. 9. In making contracts or grants under this Act, the Secretary shall require provisions for innovative research and demonstration programs of training and education for persons in correctional institutions who are in need thereof. Such projects may include, but are not limited to—

(1) pre-trial services;

(2) services including the use of educational television and other visual aids for persons confined to detention facilities before they have been sentenced for any crime;

(3) programs in coordination with other public agencies;

(4) prison industries and factories;

(5) training and employment programs in coordination with private industries or labor organizations;

(6) training of inmates to be probation and parole officers, paraprofessional aides to probation and parole officers, narcotics treatment counselors, or paraprofessionals within the correctional system;

(7) the use of technological facilities such as educational television to provide access to services which would not otherwise be available to the correctional institutions involved;

(8) other appropriate innovative programs consistent with the purposes of this Act.

NOTICE

Sec. 10. Whenever the Secretary, after reasonable notice and opportunity for a hearing to the State comprehensive board administering a plan approved under the provisions of this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of this Act; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify the State board that the State will not be regarded as eligible to participate in the program under this Act until he is satisfied that there is no longer any such failure to comply.

REPORTS

Sec. 11. The Secretary shall make annual reports to the President, the Congress, the Secretary of Health, Education, and Welfare, the Administrator of the Law Enforcement Assistance Administration, and the Administrator of the Bureau of Prisons concerning the administration and operation of programs authorized by this Act. Such report shall include an evaluation of the efforts undertaken to coordinate all aspects of the program with appropriate Federal, State, and local agencies. A comprehensive report shall be submitted not later than June 30 of each year following the date of enactment of this Act.

COORDINATION

Sec. 12. (a) In making contracts or grants under this Act, the Secretary shall operate in cooperation with the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration, shall designate a council comprising equal numbers of representatives to meet no less than once every month to discuss methods by which cooperation and coordination of programs and other efforts in the area within the purposes of this Act might be increased and improved. Such council shall be known as the "Intergovernmental Coordination Council for Correctional Rehabilitation Services".

(b) The Secretary is authorized to appoint such special or technical advisory personnel as he deems appropriate to advise the council referred to in subsection (a) on matters of general policy related to the programs undertaken pursuant to this Act.

EVALUATION

Sec. 13. (a) The Secretary shall provide for evaluations that describe and measure the impact of programs, their effectiveness in achieving goals as defined in the purposes of this Act, the impact of those goals on related programs, and the effectiveness of the coordination among the appropriate Federal agencies and among the appropriate State and local agencies and groups.

(b) The Secretary shall require the State comprehensive agencies to provide independent evaluations.

(c) Federal agencies administering programs related to this Act shall—

(1) cooperate with the Secretary in the discharge of his responsibility to plan and conduct evaluations of related programs as he deems appropriate, to the fullest extent permitted by other applicable law; and

(2) provide the Secretary with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

(d) In carrying out evaluations under this Act, the Secretary shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

(e) The Secretary shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

(f) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

DR. RALPH W. LOEW TO RECEIVE NATIONAL BROTHERHOOD CITATION AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, Dr. Ralph W. Loew, pastor of Holy Trinity Lutheran Church in Buffalo, will receive the National Brotherhood Citation Award for distinguished service to the community of Buffalo and Western New York at the 1971 National Brotherhood Citation banquet sponsored annually by the Buffalo area chapter of the National Conference of Christians and Jews. It is my high privilege and honor to serve on the banquet committee to help recognize the great work of Dr. Loew.

Harlan J. Swift, president of the Erie County Savings Bank and a former recipient of this national honor in 1961, will serve as banquet chairman. In making the announcement he said:

> Certainly no citizen of Buffalo is more deserving of this National tribute, for his is a record of selfless service to his fellowman which far exceeds a pure professional responsibility and has earned for him, both total community respect and admiration, as well as national and international recognition.

Dr. Ralph W. Loew was born and grew up in Columbus, Ohio, where he received his A.B. degree from Capital University. He did graduate work at Ohio State University and received his bachelor of divinity from the Hamma School of Theology in Springfield, Ohio.

Before his arrival in Buffalo in 1944 as pastor of Holy Trinity Lutheran Church, he served two previous pastorates in Millersburg, Ohio, and Washton, D.C.

He has risen to preeminence in the civic as well as religious life of Buffalo. As a minister, he has served locally as president of the Ministerial Association, the Council of Churches of Buffalo and Erie County and the Lutheran Coordinated Ministry of Buffalo.

Nationally, as well as internataionally, he has served the United Lutheran Church of America for two terms as president of their board of foreign missions, followed by two terms on the executive council. He now presides as president for their board of world missions to which he was first elected in 1966. In 1947 he attended as delegate to the Lutheran World Federation in Sweden and again in 1963 the International Convention in Helsinki.

He has spoken throughout the world: at Berchtesgaden, Germany, in 1956; in Malaysia, Hong Kong, and Japan in 1959 and 1960; as a British-American exchange preacher in England and Scotland during 1966; and in 1968 at church conferences in India. Besides authorship of several books published by the Muhlenberg Press and Prentice-Hall, Dr. Ralph W. Loew is the author of a weekly column entitled "From My Window" appearing in the Buffalo Courier-Express since 1952. From 1960 to 1967 he authored a nationally syndicated column entitled "Finding the Way." In 1957 Life magazine selected his sermon, "The Eternity of a Little While," as one of six notable Easter sermons.

In the civic life of Buffalo Dr. Loew has performed outstanding service and leadership across all racial, religious, and ethnic lines: In 1968 he acted as central coordinator for Project Good Neighbor, a most successful open-occupancy housing drive to arouse citizens commitment to basic human justice throughout the city of Buffalo and surrounding areas.

He is a member of the boards of directors of Deaconess Hospital, the Buffalo Council of World Affairs, the Community Action Organization of Buffalo and Erie County which he also served for one term as president, the Niagara Frontier Housing Development Corp., and the Empire State Housing Foundation of New York. He is a long time member of the executive board of NCCJ and for the Buffalo chapter of the American Red Cross, he presently serves as president of their board of directors and chairman of their youth program.

He received the NCCJ Brotherhood Week Citation in 1962. He served as brotherhood chairman for the NCCJ Buffalo chapter during the full year of 1970. He was recipient of the 1966 "Man of the Year" award presented by the Greater Buffalo Advertising Club. In 1969 he was singled out for honor by the Buffalo Chamber of Commerce publication, Profile, and in 1971 was presented with the 125th anniversary award for distinguished community services presented by the State University College at Buffalo.

Mr. Speaker, despite urban problems, this Buffalo congregation of Holy Trinity remains strong and confident. One reason is its pastor, Ralph Loew. At the conclusion of my remarks I will insert an article from the April 7, 1971, issue of the Lutheran which points out that Dr. Loew's church ties a city together. Also I wil linclude Dr. Loew's sermon of May 9, 1971, which he preached after 27 years at Holy Trinity and 40 years in the ministry.

The articles follow:

HOLY TRINITY TIES A CITY TOGETHER

(By Carl T. Uehling)

September 2, 1945. V-J Day. In churches throughout America people gave their thanks for the end of the war.

Holy Trinity Lutheran Church in Buffalo, New York, had a half dozen services through the day and into the night. Finally the people stopped coming, and five of the congregation's laymen gathered in the study with the exhausted pastor, Dr. Ralph W. Loew.

"Ralph," one of the men said, "you've told us that we have another margin of time in which to do something for a world of peace. Now let's do something."

Between them, that night, those men cabled $1,200 to Lutheran pastor Martin Niemoller in Germany. "You've given us hope," they wrote with the gift. "Use this to bring hope." Another $1,200 went to the United Lutheran Church's Board of Foreign Missions. "Give us a missionary," they said, "in Japan."

And, they agreed that from then on their church would have a 50/50 budget, half for themselves, and half for others.

"That was the beginning," Loew remembers. "All the many projects this church has sponsored stemmed from there. If we hadn't had laymen with that kind of imagination, we couldn't have done it."

At the time he had been the pastor for only a year, the fourth since its founding in the 1880's. But he was as confident as the others about Holy Trinity and its role in the world. The strength of the church, back then, was in large central city congregations like Holy Trinity.

With peace came prosperity, housing developments, shopping centers, suburban churches, neighborhood changes, "different" people. Big urban congregations wrote letters of transfer by the fistful. Strong churches weakened. Many died.

Holy Trinity didn't die. Ralph Loew is still the pastor. And people are as confident about their church and its role as they were a quarter-century ago.

Loew is one of the reasons. A short, unfailingly pleasant man, he has an artist's sensitivity but a psychologist's temperament. As president of the LCA's Board of World Missions and chairman of numerous community committees, he is often a presiding officer. Inevitably he is a reconciler, finding the good in everybody and bringing the pieces back together.

In 27 years he's had opportunities galore for other positions. All were politely declined. Just once he accepted a call and prepared to leave. Buffalo was plunged into mourning, and his congregation promptly called him back when he hinted that his mind might be changing.

Next year the Greater Buffalo Advertising Club voted him Buffalo's "Man of the Year."

If Buffalo loves Ralph Loew, Ralph Loew loves Buffalo. His affection shines through his talk about baptisms and confirmations and weddings and funerals. Everyone is his friend . . . priests, rabbis, politicans, reporters, lawyers, doctors, university presidents.

Everyone. Not just establishment. He pointedly avoids membership in civic clubs with discriminatory practices. His friends in community action groups cannot doubt his sincerity because of such affiliations. And in Lent there are congregational suppers before mid-week services, and Loew leads his people to neighborhood restaurants so that their owners and the church folks can get acquainted.

The other reason why Holy Trinity didn't die is that it had a habit of giving itself away. In the 1890's the congregation would spin off a hundred members a year, give them a $3,000 treasury, and tell them to start a new church. The custom survives in a $50,000 revolving loan fund for new missions.

That wasn't exactly selfless, of course. Lutherans were taking care of Lutherans as cities expanded. By now the flow has reversed in many places, and the helped are sending funds to what's left of the helpers.

But Holy Trinity is still the helping church, and in new ways that go beyond the old priority of Lutherans helping Lutherans. A $2 million apartment house for senior citizens is being constructed on land given by the congregation for the purpose. An experimental community school uses Holy Trinity's facilities, as does a pastoral counselling center and the Buffalo Lutheran Coordinated Ministry. Adjacent to the church is a student center housed in another of the congregation's buildings. Roman Catholics and Lutherans share in that ministry.

A boyish-looking priest, Father John Chandler, showed me the third floor chapel where he conducts Sunday night mass each week. He is on the staff of a nearby church, but spends much of his time with students. Several hundred come into the converted residence each day, since their business college a block away doesn't have a student center.

Chandler worked with a former Holy Trinity associate pastor (J. David Mumford, now pastor of Zion, Niagara Falls) to develop a program "which didn't thing of students in terms of denominations, but only as students."

The coordinator of the Lutheran Coordinated Ministry (LCM), Pastor John E. Christ, Jr., has been filling in for the student work vacancy. He told me about LCM, an agency involving eight congregations which got its start from a three-year grant by Holy Trinity.

One of the projects of LCM involved a church which merged with another, then made its property available to LCM so that it, in turn, could give it to a community group.

"According to one study," John Christ said, "Buffalo, now 20 percent black, will be 46 percent black in 10 years. How will that affect Lutherans? Giving that property means that we're locked into the destinies of the black community, no longer strangers."

Through LCM, and through programs of its own, Holy Trinity is helping people to help themselves. A young suburban housewife, Mrs. Maryann Brock, told me of her interest in the congregation's Social Ministry Committee, which led to active involvement in an inner city teen center. "But," she said, "now the inner city people are running the center themselves."

Helping others also seems to be the theme of the congregation's music program. John Becker is Holy Trinity's full-time director of music, an imaginative and enthusiastic man who oversees Bach festivals, folk masses, summer music programs, and children's groups "that aren't performance-oriented."

"Music is one of the ways out," he declared. "The performing arts are a way of drawing people together . . . and when you can do that, you learn to work together."

As he laid aside his stethoscope, Dr. Kenneth H. Eckhert leaned back in his chair in his office and talked about what Holy Trinity meant to him, a life-long member. It's a living church," he said, "living with the community, continuously changing as the community changes, seeking to exert its influence as a Christian institution."

"Do other Lutherans resent Holy Trinity's influence?" I wondered.

"Well," he thought, "maybe some are jealous. But I don't think anyone is shooting at us, and they look to us for leadership."

That leadership is unique. It makes Holy Trinity a kind of cathedral, and American Lutherans tend not to have cathedrals. When Buffalo people think of Lutherans, they think of Holy Trinity.

When they think of Lutheran clergymen, they think of Ralph Loew.

Irving Levick, a Jewish business and community leader, said that Loew was a representative not only of the church but also of the city. I asked if there had been any tension, since it's often feared that clergymen get involved only to promote the interests of their institutions.

"Ralph," he answered, "sits on the hospital board with me and swallows a lot of extraneous remarks which are just plain stupid. He can smooth over most any kind of situation. There wouldn't be any tensions he couldn't defuse. He's a very level-headed man, and he knows how to handle people."

I sat in on a committee meeting chaired by Loew . . . a special committee set up by the University of Buffalo after a series of violent episodes on campus spilled over into the school's neighborhood. Present were students, faculty, community leaders, city officials. All knew Loew, and he knew everyone. The meeting proceeded smoothly, to the apparent satisfaction of those present. He does know how to handle people.

Not all of the members of the congregation are committed to community involvement, of course. "Some people," Loew said, "dismiss things as Ralph's whims. They tolerate me. Some are absolutely opposed, for example, to open housing. Yet I headed Project Good Neighbor. Not that I needed to preach about it constantly. They knew where I was.

"A smaller church might have been split wide open by this kind of witness. But I've got a wider pulpit than just Sunday mornings. Radio and television, my newspaper column, various community activities. The people who come on Sundays for guidance and comfort can have it, since we have these other opportunities."

Loew likes the diversity of Holy Trinity. "So many churches are discouraging to their people because they don't have the resources to serve."

Holy Trinity has the resources. The endowment fund, earmarked for benevolent purposes only, has grown from $45,000 to a whopping $800,000. Active membership, in an elderly section of the city with convenient suburban churches in every direction, is still almost 1,300.

And opportunities. Some 20 artists are members and each month a different one exhibits his work in the church. Full-scaled dramas are directed by a Catholic nun from a nearby college. A hundred deacons each assume shepherding responsibilities for eight families in the congregation. And a retired men's club has a solemn project . . . to housesit when families are attending funerals. Buffalo has a rash of robberies at such times.

Holy Trinity, according to William Folger, religion editor for the Buffalo *Courier-Express,* "more than any other (church) cuts across the community with alertness and adaptation to change, because neither the congregation nor the pastor is interested only in self-preservation."

"But will the church survive Ralph Loew?" I asked.

"Of course," Folger answered. "It goes beyond the personality of a single man. Loew certainly has stimulated its growth, but he has found wide support from his people."

I told Maryann Brock in her quiet suburban home that it was exactly 10 miles by my car's speedometer from Holy Trinity to her house.

"Really?" she answered. "It doesn't seem that far."

Modern expressways make a difference, of course. The bigger difference is that Holy Trinity has helped tie all of Buffalo and its surroundings together.

THE FAMILY: THE RENEWAL OF HOPE

(By Ralph W. Loew)

From time to time Paul in his letters to the churches of Asia Minor would include such a sentence as this: "Greetings to the church which meets in your house." This was the time when the Christian congregations did not have either the privilege or the burden of such buildings as this one. They met as a little group of people to have a meal together, to share with one another and to know one another. They celebrated the sacrament of the Lord's Supper and they read from letters which had been received from Paul and from others.

And all of this was in the beginning of the Christian community and there was something very wonderful and warming about it, something which we need to recover for all of this coming together in neat rows and assembling ourselves with great dignities and pieties in our times has for itself certain merit but it lacks in the fact that we who have gathered here do not know one another and gathered in this place this morning there must be those whose hearts are heavy with loneliness and who are simply unknown. Some place, some where the church must meet in the house where we can recover for one another this sense of the warm and the personal. But now see the other side of it.

In a vignette taken from a Gospel of Matthew, the 12th chapter where the people had come to a house and there in that place a friend came to Jesus and said, "Your mother and your brothers and your sisters are outside", and Jesus answered, "who is my mother, who are my brothers?" Then he pointed to his disciples and said, "Look, here are my mother and my brothers for the person who does what my father in heaven wants him to do, that person is my mother and my brothers and my sisters." So he takes them out of the house, as it were, and reaches out to the whole of the world.

Now it is in this context that I want to think with you about what has been going on in this building for all of these many, many years and in the fellowship which we call the church and in this sense an understanding of the family which is still our hope for renewal in society today. It is, as a matter of fact, our strongest possibility to keep the integrity and the meaning of that which we call our civilization for we haven't come easily to an understanding of what we can mean as families in the world. Think back for instance to the days of those ancient forefathers of ours who dwelt in caves, a lonely little company of a father and mother and children and over in another cave another such group and in another cave another such group.

There were only a few hours of the day in which they could really hunt and scavange for food and supply their few needs. They were afraid of the dark. No one knew what was just out there beyond the place where they were able to move and to go and so in this dark, forbidding, unfriendly atmosphere they must live and then they discovered fire. They discovered that they could warm themselves, they could cook their meat, they could have light which could assault the darkness and give them a chance to go out and with that discovery they began to work together and then out of their organization they came upon a tremendous idea.

A whole group of the younger fathers gathered together and said out beyond there must be more food than what we can find here at hand, so we will take the fire with us and we will move out into the dark, we will leave the older men here to guard our wives and our children, and we will go for several days and bring food home to our families. And so they started and that's how traveling salesmen were born.

If you want to see the modern counterpart of it go out to the airport tonight. You will see them all leaving . . . fathers, business men, headed out to find food someplace out there and there will be wives and children greeting them on Friday night welcoming them home. And over this long distance, you see, we have come with the same patterns trying to keep something of familyhood, understanding, a relationship between people and human beings alive. And it's astonishing that we should think that with all of the assaults made upon the tradition of the family we could still put some hope in the renewal of the family in our own time. Yet that's precisely what is happening.

Look at what is going on among so many of a younger generation who would be done with the traditional forms of our family and who leave like the prodigal to go out and make their own way, to do what. To establish communes, to establish new settlements of people, to gather together with disciplines and restraints and constraints, living a life which shocks many of the rest of us of our generation, but trying to express the same principles in their own way and in their own time, and once again another development of the family. Now in the midst of all of this, the family becomes the place where the church can meet and the church becomes the place where the family can find strength and it is in this duality that I call your attention to at least two attitudes which I hope you will develop in your own thinking and way of expression this week and as you deal with one another in your own family situations.

For, says Jesus, "whoever does my will is my brother". Think of that . . . Whoever does my will is my brother . . . and suddenly we are aware of a relationship that's not only with each other but with Christ. That is, here is something of the eternity that we believe is a part of this word of God which has come into the passing situations which we call our family relationships or our community situation in which we live. And life always gets done in terms of that person to person relationship, brother to brother.

Almost every Saturday I sit with young people and others who are coming for counseling and young people wanting to get married and I always ask them, how did you meet, because everybody meets in an unusual and interesting way and its fascinating to know how did they get together, why do they think now they want to get married, and you hear a fascinating panoply of stories of people telling you of how someone introduced someone to someone and this interchange of relationships that now brings them to the place where they want to be married . . . they want to establish a home and a family. Or, how did I get to be a minister or how did you get to do what you are doing? Why are you here in Buffalo and why are you doing what you are doing? And you find this chain of influence from person to person to person.

Suddenly we will be telling each other of the magnificent professors, some great man who in his own way was teaching, was influencing and now looking back across the years you say, Ah, he was the person who opened the window and helped me to see something I could not have seen of my own and this becomes our family. Now this is the larger sense of the family and anyone of us here this morning who goes about saying I don't have any family any more is simply missing the possibility of living. For, said Jesus, "Whoever does my will is my family . . . that's my brother."

Now would you like to know about my family? Oh, I can tell you I've got dozens of cousins. I haven't seen most of them for forty years and that's not my family. You are my family. My family is the relationship of the people with whom I work and live, with whom I can have ambitions, restraints, disciplines, hopes, dreams. This becomes the family relationship and all the rest of them who will get mention some day in the obituary are simply there because there was a family tie but now we are caught in another relationship.

This is your family and when we begin to talk about these family relationships we can look and think of the people, the teacher with the pupil, the nurse with the patient, the doctor with the person who is ill, the lawyer with the individual who is in trouble and trying to find his way through, the craftsman who needs something to be made. This week those of us who gathered back here at this rapidly developing building found ourselves talking with bricklayers, with construction people, with the so-called "hard hats" of our time, and person after person coming because we shared a meal together saying, what a warm and wonderful situation this is.

We were a family and all of us somehow blending what we could together in a new kind of a relationship. Now step along with this and you come to the other side of it. My father doesn't understand me . . . my parents don't approve of the way I live . . . I don't know what they are talking about . . . they say things but they really don't live it out. These are the things I have heard during the past few weeks and you see this is the other side of it as people try to depart from one form of life and one way of thinking and move out into some other expression.

All of this is simply to say that everyone of us has the opportunity to live in a family relationship and those who, as the scriptures have told us this day, keep their ears open and their eyes open and their sensitivities alert, are aware that they can live in the large relationships of life. That's why it is tragic when families or groups or associations of people try to limit themselves and keep people whom they don't see fitting into their immediate social situation out of their relationship.

The family needs us, all of us. That's what Tenzing who wrote that fine story called "Tiger of the Snows" said. He was a sherpa, a guide, a mountaineer and an unusually articulate one. He went up to the top of Everest with men and as he thought about what he had experienced he said, "As I came to the summit I could think of all those people that were gathered down there in the valley. They would like to have been with me and they made it possible for me to climb to the summit, yet they did not come. Many of them wanted to go further but they treated their work as a job and so they turned back. But as for me, I wanted to go higher, higher on the mountain, and when I am on Everest I can think of nothing else. I want to go farther and farther because it is a dream and a need and a fever in my blood, and this we must have if we are to climb a mountain."

Yes, and we have to have it if you are going to live on Main Street, to know that there can be this larger family and family relationship. Now test it. There are three tests for any good family and they grow right out of these words of scripture. One is the test that comes to those who understand what it is to give encouragement. How do you test any family? It ought to be that kind of relationship where those who come near to it find the encouragement of a widespread interest.

St. Paul had trouble with his family; that is, his family of friends. You remember there was John Mark who got homesick on the first missionary journey and began to think about his mother and decided he would go home and left Paul at the first port of call and went home. Paul couldn't forgive this kind of turning back and so refused to take him along on the second journey, but there was Barnabas and Barnabas took John Mark, took him to the Isle of Cyprus and there they worked for seventeen years. You got a book in your New Testament called John Mark, the Gospel of Mark. We don't know for sure that it was this Mark that wrote it but probably so. Nonetheless, what do you suppose would have happened to John Mark if Barnabas had not been there.

What would have happened to this homesick boy as he made his mistakes and turned back if there had not been someone who could give encouragement, concern and share with him and bring him to the place where ultimately Paul could say at the end of his life, bring to me my cloak, bring to me my manuscripts and bring to me John Mark. Every church has got to have some Barnabases about it. Every neighborhood must have some Barnabases about it and every civilization must have some Barnabases about it and this church ought to be producing the kind of Barnabas who can move around in the society about us with these youngsters who are walking our streets today and keep alive the encouragement that they belong to the family.

The church is in the house and the house must know the church. And so there must be the ministry of challenge. That's the second test for a family, the kind of a family where they get more than their meals and cleanliness and the ordinary routines . . . all of that is a part of it . . . but the real family that encourages is that family where the various members of the family are living to their best, willing to speak, willing to take their chances, willing to be the kinds of persons who move beyond and who in their own quiet way have set the pace.

Now if I were to go around the pews of this church this morning and ask you about your parents or the persons that influenced you, you'd tell me that story for the real parent has not been that person who tied a child to an apron string but who set the environment for responsible freedom and it has been a quality which we have to restore over and over again if the family is to be the renewal of hope and only when the family of the church is willing to be that kind of a family, to take all risks, make our mistakes, but to speak into today, situation, living today will be able to keep something of the integrity of faith which Jesus brought to those people about him when he said, "Whoever does my will is my brother and my sister and my mother."

And the third test, and is your family such a family, the third test is a ministry of hope, to take the most hopeless and despairing of situations and put a future tense to it and make it possible for someone who was ready to give up to take fresh courage to have a new door opened and to find for one's self that glorious moment when an ancient tradition is spun out afresh and anew and there is a new day possible.

There's a word that is getting much overused in our time but it is a great word called "charisma". It comes from an old Greek word charis which means grace. A person of charisma is one who has got a subtle kind of influence. Some politicians have it and some people don't have it. Some preachers have it and some don't, some persons have it and some don't. It's not something that you can put down one, two, three or four, but either you develop it or have it or you don't, but charisma has a point. Charisma is saying simply that if the Christian community is to have charisma, it is going to have to be that kind and quality of a family through which that grace of encouragement and goodness is known, where we can be seen and known and understood that those who draw close can find what Lord Moulton once said was the greatness of people for he said it is in the number of its citizens who yield obedience to the unenforceable laws.

The family is still the place where hope is renewed. It met once in a home. Greetings to the church that meets in your house, and it got out of that house into the highways of the world. Whoever does my will is my mother and my father, my sisters and my brothers. To that family we are called in order to renew encouragement in such a time as this.

VICA: PREPARING FOR LEADERSHIP IN THE WORLD OF WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 15 minutes.

Mr. MILLER of Ohio. Mr. Speaker, for nearly 2 years now I have endeavored each day to bring to the attention of my colleagues in the House a noteworthy item which underscores the greatness of this Nation. Under the heading of "Take Pride in America" we have attempted to accentuate the positive rather than the negative side of our Nation and it is in keeping with the objectives of "Take Pride" that I publicly sight an organization which is representative of not only of America's conscientious youth, but also the millions of hard working citizens who have labored diligently to put America in first place and to keep her there.

"Take Pride" calls for a renewal of faith and confidence in both ourselves and our Nation. And it is, indeed, with a great deal of pride that I salute today the Vocational Industrial Clubs of America—VICA—and its representatives who are this week visiting Washington to attend their annual National Leadership Training Conference. VICA is a national organization for boys and girls enrolled in vocational industrial education programs.

Approximately 100 young people from every State along with club and State VICA officials have spent this week discussing the goals of their fine organization and in general, the future of vocational education. The State youth representatives are all high school age young men and women. Ohio is fortunate to have two outstanding young officers attending the national conference this week. Mark Jago, a senior in machine trades at Morgan city high school in McConnelsville, Ohio, is the new State president of VICA and Anette Space, from Painesville, a senior enrolled in cosmetology training at Lake County joint vocational school. Anette is a national officer in the club. I would also like to recognize the State VICA advisor, Mr. Charles Dygert, for his leadership in making this worthwhile organization responsive to the need of our young people.

In addition to taking a great deal of pride in the contributions VICA has made, I think it is important to bring to the attention of the Congress the VICA Creed:

I believe in the American way of life.

I believe in education.

I believe in fair play.

I believe that satisfaction is achieved by good work.

I believe in high moral and spiritual standards.

I believe in the dignity of work.

Let me add one additional personal observation—I believe these are the factors making America great.

According to VICA members with whom I spoke, the organization could attract as many as 1 million members by 1975.

VICA emphasizes trade, industrial and technical education and is designed to help vocational students become productive, mature members of society.

VICA's programs are an outgrowth of its goals, established by the youth who founded VICA in 1965. Central to all of these programs is the total development of the individual.

The National Program of Work, outlined by a youth committee meeting at the constitutional convention at which VICA was founded, is the basis for all VICA activities. It is stressed that every club member know what the National Program of Work is and, then, that he and his fellow members work toward the fulfillment of these goals.

The students attending the First National Conference for Trade and Industrial Youth, May 5, 6, and 7, 1965, in Nashville, Tenn., felt an urgent need to establish goals for the Vocational Industrial Clubs of America to guide all State associations and local clubs and set the pace of VICA nationwide. A student committee was assigned the task of developing a national program of work to give all members common objectives.

The committee discussed the needs of today's industrial education, but soon found that it must not only look at State and national problems but also must view today's problems from a universal vantage point in order to determine the role that VICA must play.

The proposal prepared by the committee and presented to the delegate assembly was approved unanimously on its first reading. In presenting this proposal, the youth committee expressed its feeling that: "The Vocational Industrial Clubs of America surely cannot expect to solve all the problems of the world; but the youth of VICA, if we will concert our efforts, can contribute significantly to the betterment of not only ourselves but also mankind."

At this point, Mr. Speaker, I insert the VICA Pledge and two articles from the Morgan County Herald, McConnelsville, relating to the recent meeting of the Southeast, Ohio Region of VICA.

THE VICA PLEDGE

Upon My Honor, I Pledge

To prepare myself by diligent study and ardent practice to become a worker whose services will be recognized as honorable by my employer and fellow workers.

To base my expectations of reward upon the solid foundation of service.

To honor and respect my vocation in such a way as to bring repute to myself.

And Further, to spare no effort in upholding the ideals of the Vocational Industrial Clubs of America.

[From the Morgan County (Ohio) Herald, Nov. 3, 1971]

Mark Jago, senior in machine trades at Morgan High School, was elected president of the Southeast Region of the Vocational Industrial Clubs of America. He also becomes Ohio VICA president.

The honor came Saturday when Morgan High hosted the Southeast Region Fall Convention. The region is made up of some 23 counties and is one of four in the state.

Also winning were Patti Worthington, who was elected regional treasurer, and Carla Mayle, who was second runnerup in the VICA Queen contest. She will be competing on the state level for the honor of Ohio VICA Queen.

Mark is the son of Mr. and Mrs. Richard Jago of Route 1, Malta. He is president of the Morgan VICA Club. Other activities include Student Congress. M-Club, track and basketball.

Mark will be flying to Washington, D.C. to take part in the National and State Officers Leadership Conference November 15–18. From November 19–21 he will attend the State and Regional Officer Leadership Development Conference at Camp Muskingum.

Patti, a junior in cosmetology, is the daughter of Mrs. Fred Worthington of Chesterhill. She is a member of the Chesterhill United Methodist Church, MYF, Art Club, Study Club, VICA where she is sergeant-at-arms in the Cosmetology Club, and the Morgan Raider Band.

Carla, a senior in cosmetology, is the daughter of Mr. and Mrs. Neil Mayle of Route 2, Stockport. She is a cheerleader, member of VICA, NYC and her hobbies are softball, dancing and cheerleading .

Other Morgan students who ran for office were Roger Norris, who ran for sergeant-at-arms, and Dave Copeland, who ran for vice president.

Some 260 students, delegates, supervisors and advisors were registered for the convention, which saw many campaign skits, speeches and demonstrations.

There were 29 candidates running for office and 43 delegates present for voting. Schools represented were Morgan, Lancaster Vocational, Marietta Senior, Eastland Joint Vocational School, Paul C. Hayes Tech, Hilliards, Meigs, Muskingum Tech, Tri-County Vocational, Heath Vocational, Westland and Walnut Ridge. Also present was Charles B. Dygert, VICA state advisor.

Rodney Starling is the Morgan High VICA advisor this year. Howard Parsons is supervisor of the Trades and Industrial Education Department.

VICA (Vocational Industrial Clubs of America) is a national organization for boys and girls enrolled in vocational industrial education programs.

It presently has a potential of more than one and three-quarter million members. With the emphasis now on trade, industrial and technical education it is predicted that VICA could have one million members by 1975.

The goal of VICA is to help students with interests in the trade, industrial, technical or health fields become happy, mature and productive citizens.

The 1971–72 southeast Ohio region VICA officers are Sharon Evans, Eastland Joint Vocational Center at Groveport, reporter; Patti Worthington, Morgan County High School, treasurer; Mark Jago, Morgan County High School, president; Vic Lucus, Lancaster Vocational, vice president; Connie LeVeck, Lancaster Vocational, parliamentarian; Duane Stroude, Paul Hayes Technical School at Grove City, sergeant at arms; Saadia Saylers, Eastland Joint Vocational School, secretary.

[From the Morgan County Herald, Nov. 3, 1971]

ROUND ABOUT MORGAN COUNTY

(By Don Keller)

Put 29 candidates, their campaign chairmen and supporters, delegates and spectators—more than 260 persons—into an assembly room and you'll have the makings of an exciting convention election.

Such was the case Saturday at Morgan High School, which hosted the Southeast Regional Convention of the Vocational Industrial Clubs of America, more often known as VICA.

Every hall, nook and corner and the entire Little Theatre were covered with campaign posters. Campaign workers were busy drumming up support for their favorite candidates; in fact, it looked like the Republican and Democrat National Conventions both going on at the same time in the same place.

Some 12 schools in the Southeast Region were represented at the all-day convention. Highlights of the meeting included the election of new officers—complete with speeches, skits and demonstrations—and the selection of the Southeast Region VICA Queen.

Morgan, running on a "hillbilly" platform, came out with the new regional and state VICA president, regional treasurer and second runnerup in the queen contest, which involved 11 girls.

Morgan High School's own Mark Jago was elected Southeast Region President, who, this term, will also be Ohio VICA President.

And Morgan's Patti Worthington was elected Southeast Region Treasurer.

And Morgan's Carla Mayle copped second runnerup spot in the queen contest. She will be competing for the honor of Ohio VICA Queen.

Congratulations Mark, Patti and Carla. You have brought honor to Morgan High and have made all of us in Morgan County proud of you and your school.

TRUTH IN THE CONGRESSIONAL RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ERLENBORN) is recognized for 30 minutes.

Mr. ERLENBORN. Mr. Speaker, in recent years, Congress has seen fit to enact truth in lending, truth in advertising, and other laws designed to tell things like they are; designed to prevent possible misrepresentation of a loan, a product, or a service. It seems to me the Congress would do well to remedy the misrepresentation it imposes on the public and upon legislative history by the manner in which it permits the CONGRESSIONAL RECORD to be printed.

"Permission to revise and extend" is a necessary freedom granted to Members of Congress, and I am not for a moment suggesting that we cast it aside. In speaking spontaneously, we, as humans, err in our sentence structure, in our grammar, and even in our presentation of facts. Perhaps we fail to speak audibly, and a reporter misinterprets what we have said. It is important, for all these reasons and more, that we have an opportunity to correct these human mistakes.

During the consideration by this body of the Legislative Reorganization Act of 1970, our colleague from Wisconsin (Mr. Steiger) offered an amendment to require that a special type be used in printing in the Congressional Record those remarks that were not actually made on the floor. In this way, he argued, anyone reading the Record could readily differentiate between what was actually said on the House floor and what was added later. His amendment was rejected.

Those who opposed the Steiger amendment probably did so, not because they want to deceive anyone, but rather perhaps because they did not understand what was intended. The intent was merely to prevent any possible misunderstanding or misconstruction by the readers of the Record. I believe it is a laudable intent, and one that Congress should approve.

We should not ask more of lenders, advertisers, or anyone else than we are willing to ask of ourselves.

Long a supporter of the Steiger amendment, a series of events over recent weeks has convinced me that we should undo our action of a year ago and enact the Steiger amendment. With it in effect, no one will labor under illusions about what was said, misunderstandings will be prevented, we and the public will be better for it, and legislative history will be less clouded.

The events I refer to relate to the substitute bill I offered, and which the House adopted, to the equal employment opportunity enforcement bill. To put them in perspective, it will be helpful to consider them chronologically.

On March 25, 1971, together with several of my Republican colleagues on the Education and Labor Committee, I introduced, H.R. 6760, a proposal to further promote equal employment opportunities for American workers. None of its provisions is pertinent to the purpose of this discussion save one, that which would make title VII of the Civil Rights Act of 1964 the exclusive Federal remedy for discrimination in employment charges. Title VII is entitled the "Equal Employment Opportunity Act," and it prohibits discrimination in employment based upon race, creed, religion, national origin, and sex.

On June 2, 1971, having considered and rejected all of the provisions of H.R. 6760, including the one which would make title VII the exclusive Federal remedy for employment discrimination cases, the Education and Labor Committee ordered reported a similarly described bill, H.R. 1746. The gentlelady from Oregon (Mrs. Green), and I both serve on this committee and participated in the markup of H.R. 1746.

On June 17, 1971, our colleague on the committee (Mr. Mazzoli) and I introduced H.R. 9247, a revised version of H.R. 6760. The revised version contained the provision under discussion. A month later, on July 16, we sent to each of our colleagues in the House a letter explaining H.R. 9247.

Attached to it was a comparison of the present law, H.R. 9247, and H.R. 1746. These same materials were printed in the Congressional Record of July 21. A similar letter of explanation was also sent September 13 to each Member of Congress, including again a discussion of the provision which would make title VII the exclusive Federal remedy for persons alleging discriminatory job practices.

The House on September 16 adopted H.R. 9247 in its entirety as a substitute to H.R. 1746 as reported by the Education and Labor Committee.

Immediately after House adoption of the Erlenborn-Mazzoli proposal, the gentlewoman from Oregon requested that Under Secretary of Labor Silberman furnish her with an opinion as to the effect of the exclusive remedy provision of the bill upon the Equal Pay Act. With a copy to me, Mr. Silberman responded September 28 to Mrs. Green's inquiry by forwarding an opinion provided by Alfred G. Albert, Acting Solicitor of Labor, which stated:

> At the time the Erlenborn amendment was first proposed, we did not believe it had any effect at all on the Equal Pay Act . . . Mr. Erlenborn's explanation of his amendment certainly shows that he was not thinking in terms of nullifying the Equal Pay Act . . . The many statements made with respect to the Equal Pay Act during the course of the debates in the House on the passage of the Erlenborn Amendment, especially those made by Congresswoman Green, cast considerable doubt on our initial construction of the Amendment since they are now part of its legislative history.

On September 29, during committee markup on H.R. 7248, amendments to the Higher Education Act, Mrs. Green submitted the Silberman letter and its enclosure for the record. In doing so, she commented—on the record—that I had not responded to her question during the debate on H.R. 1746 as to the effect of my amendment upon the Equal Pay Act. My reply to her was:

> It occurs to me that what this letter is saying is not that the Equal Pay Act has been repealed or that it was my intention to so-repeal it, but the actions of the gentlewoman from Oregon have cast doubt on the construction. What makes it doubly difficult is that . . . those comments that cast this doubt were not committed on the Floor but were added when the gentlewoman revised and extended her remarks. The first time I recall her raising the question was after the amendment passed. It was not, therefore, possible to even debate the question on the Floor.

The gentlewoman did not respond. She did, however, on October 12, during the House debate on the so-called Equal Rights Amendment, again imply that I had ignored the question she presumably raised on the House floor September 16; and, in fact, referring to her charge that the amendment repealed the Equal Pay Act, she stated:

> Never once was it refuted by Mr. Erlenborn or anyone else.

On November 4, while the House was debating H.R. 7248, and specifically during the debate on title X, I again offered the gentlelady the opportunity to deny the fact that she had inserted those comments into the Record and had not actually stated them on the floor. Again there was no response.

It seems to me that the Steiger rule could have prevented all this. The Steiger rule would have made it possible for both of us and, more importantly, for all those who read the Congressional Record to know that I had not avoided the gentlelady's charge. Most importantly, her comments and the apparent lack of a reply from me would not have caused doubt to be cast upon the construction of the exclusive remedy provision of my amendment.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to my colleague, the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I associate myself with the remarks of the gentleman from Illinois, and I think the distinguished gentleman from Illinois is again calling to the attention of the House in a specific circumstance the difficulty that the Congressional Record, as it is now operated, poses for Members of the House and for those who are charged within the administrative branch or the judiciary with the responsibility for determining the intent of Congress.

At the time that the amendment was offered, on July 29, there were essentially two comments made as to why it would be inappropriate to adopt what I proposed as new rule for the Congressional Record. One was that if we do not allow revision and extension on the same type face as presently allowed, it might encourage more Members actually to speak on the floor of the House.

The second was that it is difficult, given the time constraints under which the Government Printing Office operates, for there to be this ability to set type when a Member makes a statement in one type face and then to add in a different type face that which he did not say but which he extended.

As a follow through to the defeat of the amendment during consideration of the Legislative Reorganization Act, the distinguished gentleman from Texas (Mr. Eckhardt) and the distinguished gentleman from California (Mr. Rees) and the distinguished gentleman from Arizona (Mr. Rhodes) and the distinguished gentleman from New Hampshire (Mr. Wyman) and I sent a letter to the Joint Committee on Printing on October 23, 1970, in which we urged that the Joint Committee on Printing use the jurisdiction which the statutes give to it to undertake a more thorough analysis of this problem.

The Joint Committee on Printing staff director, Mr. Haley, responded on November 10, 1970.

Mr. Speaker, in essence the Joint Committee on Printing takes the view that this would be time-consuming, that it would be difficult for the Members to operate under, and therefore they are not constrained to make a change in the operation of the Congressional Record.

May I say, Mr. Speaker, that with respect to the experience of the gentleman from Illinois, and the experience of other Members of the House, the gentleman from Texas during debate on the Legislative Reorganization Act pointed to examples in which he participated, and I could point to at least two examples during consideration of the conference report in which what was said on the floor and what appears in the Record does not give one a full, clear, and concise explanation of the intent of the conferees in adopting provisions of the conference reports.

All of this is by way of suggesting that it is time to undertake another attempt to insure a degree of honesty and accuracy in the Congressional Record. It is not accurate now. Whatever we do, whether it be different type faces or whatever form the changes take—and I do not care what form they take—it ought to be done so as to insure that the Members of the House are protected in terms of what they say and what is the context of their remarks, and that the House and the Senate are protected so that the interpretations of the laws passed by the House and the Senate are accurate reflections of what in fact both bodies have indicated to those who have the responsibility for implementation.

So I do want to join the gentleman from Illinois in urging that we go back to this issue. I would hope if we do have an opportunity to amend the rules during the 92d Congress that I, at least, can raise the issue again. I am grateful to the gentleman from Illinois for calling this to the attention of the House, and urge my colleagues to weigh carefully the effect of our failure to act in this field.

The letters and material referred to are as follows:

October 23, 1970.

The Honorable Samuel N. Friedel,
Chairman, Joint Committee on Printing, Washington, D.C.

Dear Mr. Chairman: As you may know during the consideration of H.R. 17654, the Legislative Reorganization Act, an amendment was offered to make certain changes in the Congressional Record. (A copy of the amendment proposed by Mr. Steiger of Wisconsin is enclosed along with a copy of H.R. 720 introduced by Congressman Wyman that calls essentially for the same changes in a somewhat simplified manner.)

We believe that the changes suggested in the amendment deserve consideration and thus write to you to urge that the Joint Committee on Printing undertake to effect changes in the practice and procedure of the Congressional Record. Such practices are clearly within the jurisdiction of the Joint Committee.

It is our understanding that certain technical problems would have arisen under the language of the Steiger amendment and the gentleman from California, Mr. Sisk, raised valid procedural questions insofar as the operation of the House is concerned. Such difficulties are in our judgment not insurmountable and can be handled appropriately.

Thus, we urge the Joint Committee to exercise its jurisdiction and authority under Title 44, Chapter 9, to accomplish significant change in the present practice relating to the Congressional Record. The debate on the amendment in the House begins on page 26413 of the Congressional Record, volume 116, part 19, and in it are outlined some of the reasons for changing the present procedure.

We believe the Congress and the nation would be well served by making the Congressional Record an accurate reflection of that said on the floor.

We look forward to hearing from you and helping in any way we can in your deliberations. Thank you for your consideration.

Sincerely yours,
Bob Eckhardt, M.C.
Thomas M. Rees, M.C.
John J. Rhodes, M.C.
William A. Steiger, M.C.
Louis C. Wyman, M.C.

Congress of the United States,
Joint Committee on Printing,
November 10, 1970.

The Honorable Bob Eckhardt, William A. Steiger, Thomas M. Rees, Louis C. Wyman, and John J. Rhodes,
U.S. House of Representatives, Congress of the United States, Washington, D.C.

Gentlemen: Your letter of October 23, 1970, urging that the Joint Committee on Printing undertake to effect significant changes in the practice and procedure of printing the Congressional Record, has been referred to me by the Chairman for review and reply in accordance with the thoroughly grounded and long-established Joint Committee policy.

The suggestions covered by the amendment to H.R. 17654 proposed by Mr. Steiger, as paralleled in H.R. 720 introduced by Mr. Wyman of New Hampshire, have been carefully reviewed in the light of the Committee's policy.

This is not a new subject to the Joint Committee. Its files are replete with evidence testifying to repetitive indications of interest by Members of both the House and the Senate, private citizens, and members of the press, in having the body of the Record reflect only words, or pertinent data thereto, which are spoken on the floor of the House or Senate.

Out of all that historical background, there emerges one crystal clear point. The realization of that worthwhile objective cannot realistically be achieved through the manipulation of type faces while still maintaining the printing production schedules necessary to assure the prompt delivery of the daily Record consonant with Congressional needs.

The statutory responsibility and authority of the Joint Committee on Printing as it relates to this aspect of the Record is necessarily dependent, respectively, on the applicable rules of the House and Senate and their relative effectiveness when correlated with unanimous consent practices.

It is concluded, therefore, that the suggested approach for achieving the described purpose can only be accomplished via printing procedures at such an exaggerated sacrifice in timeliness that it would not be consonant with Joint Committee policy nor acceptable to Members of Congress.

Respectfully yours,
Jack Haley,
Staff Director.

Amendment offered by Mr. Steiger of Wisconsin: On page 39, immediately after line 4, insert the following:

"PRINTED RECORD OF HOUSE FLOOR PROCEDURES

"Sec. —. The Rules of the House of Representatives are amended by adding at the end thereof the following new Rule:

" 'Rule XLV

" 'Printed Record of Floor Procedures

" '1. The body of the Congressional Record for the House of Representatives shall contain an accurate and verbatim account of remarks actually delivered on the floor of the House together with such permitted tables, statistics, and other supporting data dealing directly with the subject matter under discussion; and such remarks and data shall appear in the order in which they were delivered.

" '2. Extensions and revisions of remarks in the Congressional Record delivered on the floor of the House shall be limited to the correction of grammatical and typographical errors; and in no event shall such corrections make any change in the meaning, content, or substance of those remarks.

" '3. Members shall be entitled to make insertions in the Congressional Record of remarks not actually delivered on the floor. As appropriate, such insertions shall appear following the record of the entire debate to which they are germane and prior to the record of a vote: *Provided,* That such insertions shall be printed in a type face distinctively different from that used for verbatim remarks.' "

Mr. Chairman, the Joint Committee on the Organization of the Congress in its report in 1967 said:

"The Congressional Record is intended to fulfill a number of functions. It is a chronology of the floor proceedings of both Houses. It is a basic source document for information on current legislative issues. It is a tool for the transmission of the views of the officeholder to his constituents."

In a chapter in the book "We Propose: A Modern Congress" the distinguished and able gentleman from Arizona (Mr. Rhodes) in his chapter on "Floor Procedure" on page 213, said this:

"Finally, I would call attention to the privilege of Members to "revise and extend" remarks in the *Congressional Record.* The privilege is useful, and in the light of the very heavy burden today's Congressman carries, perhaps even necessary. In the interest of historical accuracy, however, I would recommend (1) that all remarks not actually delivered on the Floor of the House be set forth in different print from recorded debate, and (2) that the privilege of revising one's remarks be confined to grammatical correction and never allowed to alter the meaning or to misrepresent the circumstances of debate in colloquy between Members."

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. Speaker, I would like to make it clear that, intending to mention the name of the gentlewoman from Oregon (Mrs. Green) this afternoon, I did advise her, and she is present on the floor, and I would be happy to yield to her if she so desires.

Mr. Speaker, I yield back the remainder of my time.

DEBATE ON EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Mrs. Green) is recognized for 30 minutes.

Mrs. GREEN of Oregon. Thank you, Mr. Speaker, I thought it would be just as well to speak on my own time.

I have been very much interested in the comments of the gentleman from Illinois, and, if I may say so, it seems to me it is a case of "Me thinks thou dost protest too much."

I suspect it is partly due to the fact that the women around the country are now waking up to the fact that the Equal

Pay for Equal Work Act is in jeopardy. I will ask in a minute to have the entire letter from Mr. Silverman from the Labor Department placed in the Record.

The women of the country are now waking up to the fact that the Erlenborn amendment, adopted by the House in the EEOC debate, would in effect repeal this law, and of course the women were not aware of it at the time the debate occurred.

On that particular day I was on the floor most of the time, and the gentleman from Texas (Mr. Burleson) called a meeting on another matter, and I had promised I would attend it, which I did. I had hoped to get back to continue to participate in the debate before the final vote occurred, because the Erlenborn amendment, I thought, was a very bad amendment.

I have checked the Record. Fourteen other people extended their remarks that day and did not actually appear on the floor to make their criticism of the Erlenborn amendment or of the committee bill, either way they wanted to debate it. But 14 extended their remarks.

An interesting thing—and I think the Record ought to be clear—is that on September 15 the manager of the bill, Congressman John Dent of Pennsylvania, said:

> I know it is not perfect. There are a lot of problems in here. But I do not believe that we should vote for a piece of legislation that wipes out the Equal Pay Act of 1963 for women that was passed by the Congress with a clear understanding that the matter of sex should not be a determination of how much is paid for a particular job when it is performed by both sexes. The substitute proposal by the gentleman from Illinois wipes it out under the section of the act dealing with executive remedy.

Mr. Erlenborn spoke according to the Record, about 5 minutes later. He made no denial of Mr. Dent's allegation. In fact he ignored Mr. Dent's statement.

Then we find that on the next day, September 16, there was a debate, on page 32092 of the Congressional Record, between Mr. Hawkins and Mr. O'Hara and Mr. Hawkins said:

> Mr. Hawkins. Is it not also true under the Erlenborn substitute the individual will also give up the right to sue under the 1866 act, the Equal Pay Act, and possibly under half a dozen other civil rights acts?
>
> Mr. O'Hara. That is absolutely correct. The Erlenborn substitute would not only take away his right to go promptly to court on his own behalf, it would deprive him of his right to a remedy under other statutes. There are remedies under the NLRB Act and under some of the old civil rights statutes that he would sacrifice under the Erlenborn substitute.

Again Mr. Erlenborn spoke, and according to the Record, it must have been within 5 minutes or so, and he made no denial of this statement that Mr. Hawkins or Mr. O'Hara made.

Then on the same day, on September 16, on page 32097, the gentlewoman from New York (Mrs. Abzug) said:

> The Erlenborn bill provides that charges filed under title VII constitute an exclusive remedy. That means that working people would be denied the remedies Congress has already provided, such as the Equal Pay Act of 1963 and the Civil Rights Act of 1966 and the National Labor Relations Act.

Again on page 32100 of September 16, Mr. Hawkins again called the attention of the Members of the House to the fact that the Erlenborn amendment would repeal that act:

> What the Erlenborn substitute does is to nullify the Civil Rights Act of 1866, which later became the 14th amendment, as far as employment discrimination is concerned. It nullifies the Equal Pay Act. It wipes out the Office of Federal Contract Compliance where title VII now applies. And it wipes out other Civil Rights Acts as well.

Again the gentleman from Illinois made no denial and, as I understand it, he was managing the bill on the Republican side. Now let us think about where any possible deception occurred. Why did not the gentleman from Illinois respond?

I am also told that one other Member—I have not been able to find the exact reference, as yet—but I am told that there is a fifth person who also made an allegation on the floor that the Erlenborn amendment did indeed wipe out the Equal Pay for Equal Work Act. If the gentleman from Illinois is concerned on November 18, 2 months after the debate—why was he not concerned on September 15 and September 16 when the statements were made in the debate.

Now the gentleman from Illinois takes exception to the fact that I extended my remarks on that day, although I too wish I might have been here. He states that I raised the question about the Equal Pay Act for the first time after the actual debate ended. It seems to me it is clearly not so, because it had been raised definitely by at least four other people and, I believe, by a fifth person besides myself.

So, if he did not feel that this was the effect of his amendment, then it seems to me he had ample opportunity on both September 15 and on September 16 to deny the allegation and to make the Members of the House aware of exactly what his amendment did do and did not do.

That was not the case. On September 16—and I am going to ask, Mr. Speaker, that at this point in the Record the statement I made on that day 2 months ago in Extensions of Remarks be placed at this point in the Record, because it sums up exactly the reasons why I said the Erlenborn amendment did wipe out that Equal Pay for Equal Work Act.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. Green of Oregon. Mr. Chairman, I rise to oppose the Erlenborn amendment. First of all, I worked for 7 years on a bill to provide equal pay for equal work. On page 4 of the Erlenborn bill, on line 14 it reads:

"A charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization."

In a memorandum from Mr. Erlenborn's office, dated June 17, 1971, on pages 1 and 2:

"2. *Exclusive Remedy.* Section 3(b) of the bill adds a provision that charges filed under title VII shall be the exclusive federal remedy for persons claiming to be aggrieved by discriminatory practices of covered respondents. . . . One effect of this section is to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, amongst others."

The Equal Pay for Equal Work Act is one of those "amongst others."

Mr. Erlenborn stated yesterday, in supporting his substitute:

"So a person bringing an action under this cannot shop around for another forum on which to base another law suit, we would make the Equal Employment Opportunity Act the sole Federal remedy for relief from discriminatory employment practices."

From these statements, I cannot but conclude that a woman no longer has the protection of the Equal Pay for Equal Work Act. This is another reason why I believe that the Erlenborn substitute is misnamed. It is not an equal employment bill if it wipes out in one fell swoop the provisions for some justice for the majority of the people in this country and for one-third of the labor force: The women, black and white, red and brown, who have historically been doing identical work to that of men and have been paid less. In 1963 this Congress finally passed the equal pay for equal work bill. Is the minority leader, is Mr. Erlenborn, and are other Members of this House willing to pass a bill today which denies equal employment rights in the form of equal pay to some 36 million American women?

Mr. Chairman, let me turn to the argument over the power that might be exercised under the cease-and-desist provision. My State of Oregon has had cease-and-desist powers as have some other 30 States in the Union. It is not under the cease-and-desist power that unfair practice occur in Portland and in other parts of my State. The inequities, the injustice comes about because of the almost absolute power which the Office of Contract Compliance exercises. Yesterday I referred to three cases of which I had personal knowledge. One of those was a ship conversion plant in Portland. In Oregon we have a 5 or 6 percent black population. This ship conversion plant had on their payrolls 15 percent minority employees. Long before OFCC was established this plant had gone out to actively recruit members of the minority races. The Contract Compliance Office in San Francisco said a 15-percent quota was not sufficient and that they must hire 15 percent in every job category. They demanded that 15 percent of all welders be members of the minority race; that 15 percent of all of the electricians be of a minority race; that 15 percent of all carpenters be of a minority race; that 15 percent of the clerical employees be of a minority race.

The Office of Contract Compliance further threatened to hold this company in noncompliance and ineligible for Federal contracts unless they complied with their demands. The management of the plant explained that there were not a sufficient number of qualified welders among the minority groups to meet that 15 percent quota. The answer was, we have a surplus in Chicago, we will bring them to Oregon.

The management of the plant decided that any appeal was hopeless and that it was almost impossible to successfully appeal an order from the Contract Compliance Office.

Under the cease-and-desist orders there is an automatic right to appeal the case. It seems to me that this is a much fairer way than a continuation of the awesome power exercised by the Office of Federal Contract Compliance which the Erlenborn substitute would now transfer to the EEOC.

In summary, Mr. Chairman, I oppose the Erlenborn substitute because it perpetuates the quota system established under the Executive order and in conflict with title VII of the Civil Right Act. I oppose the Erlenborn amendment because in giving special rights to some it denies equal rights and job opportunities to others. I oppose the Erlenborn amendment because it has clearly been misnamed. It is not an equal employment bill when it wipes out the Equal Pay for Equal Work Act which was finally placed on the statute books after years of work by almost every women's group in the country.

Mrs. GREEN of Oregon. Also, Mr. Speaker, I ask at this point that the full letter from the Department of Labor and the full memorandum—one paragraph only of which the gentleman quoted, be placed in the Record.

In the first paragraph, which was not read by the gentleman from Illinois a few minutes ago, of that memorandum it reads as follows:

> Several Representatives have raised the view that the exclusive remedy of the Erlenborn amendment, the Equal Employment Opportunity Enforcement Act, wiped out the Equal Pay Act of 1963. See the remarks of Representatives Green, Hawkins, O'Hara, Abzug, and Dent in the Congressional Record 31979, September 15, 1971, and 32092, 32093, 32097, and 32100 of September 16, 1971.

Mr. Speaker, I ask that the entire memorandum from the Department of Labor and not just one paragraph of it be printed at this point in the Record.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

U.S. Department of Labor,
Office of the Under Secretary,
Washington, D.C., September 28, 1971.

Honorable Edith Green,
House of Representatives,
Washington, D.C.

Dear Congresswoman Green: In response to your inquiry concerning the impact of the Erlenborn Amendment on the Equal Pay Act of 1963, I am enclosing a copy of memorandum from the Acting Solicitor of Labor. It appears that some further action will be necessary to overcome the implications on this issue raised during the debate on the floor.

Sincerely,

L. H. Silberman,
Under Secretary of Labor.

U.S. Department of Labor,
Office of the Solicitor,
Washington, D.C., September 27, 1971.

Memorandum for the Under Secretary

Subject: Erlenborn Amendment

Several representatives have voiced the view that the exclusive remedy provision of the Erlenborn Amendment (the Equal Employment Opportunities Enforcement Act) wipes out the Equal Pay Act of 1963. See the remarks of Representatives Green, Hawkins, O'Hara, Abzug and Dent at Cong. Rec. 31979, Sept. 15, 1971 and 32092, 32093, 32097, 32100, Sept. 16, 1971.

The "exclusive remedy" provision of the Erlenborn Amendment amends only section 706 of the Civil Rights Act of 1964 as follows:

> Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency or labor organization.

Mr. Erlenborn claims that under the present law: "Employment discrimination proceedings now [are] being filed under Title VII, the National Labor Relations Act, the Civil Rights Act of 1866 *and other laws*" (emphasis added) and that his bill (H.R. 9247): "Provides that charges filed under Title VII shall be the exclusive Federal remedy (does not displace authority of the OFCC or the Attorney General's right to initiate pattern or practice suits)". Cong. Rec. 26555, July 21, 1971. He explains that "[w]ith a strengthened EEOC enforcing Title VII, recourse to other federal agencies and statutes won't be necessary" and that "[o]ne effect of this section is to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, *amongst others*" (*ibid.*, emphasis added). He assures the House, however, that "[t]his does not, however, displace the authority of the Office of Federal Contract Compliance, the Attorney General's statutory right to initiate 'pattern or practice' litigation, or proceedings under state fair employment practice laws." Again, on September 15, 1971, Mr. Erlenborn referred to Title VII being the "sole method of enforcing these rights," giving examples of other remedies "before the NLRB" and "under the old Civil Rights Act of 1866." Cong. Rec. 31973.

Mr. Erlenborn explains that: "So a person bringing an action under this cannot shop around for another forum on which to base another law suit, we would make the Equal Employment Opportunity Act the sole Federal remedy for relief from discriminatory employment practices." Cong. Rec. 31981, Sept. 15, 1971.

Mr. Erlenborn refers to "a plethora of forums to resolve these complaints, no one of which is exclusive, and it can happen that a multiplicity of cases arising out of the same set of facts can clog the courts." Cong. Rec. 31973, Sept. 15, 1971.

He specifically refers to suits by the same party "before the NLRB" and "under the old Civil Rights Act of 1866." However, the situation can also arise in proceedings under Title VII and equal pay provisions of the Fair Labor Standards Act by the use of an employee suit under section 16(b) of the Act.

Conflicts between Title VII and the equal pay provisions are largely averted, however, by section 703(h) of the Civil Rights Act of 1964 which provides that:

> It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

At the time the Erlenborn Amendment was first proposed, we did not believe that it had any effect at all on the Equal Pay Act. We did not consider the Equal Pay Act as one of the "other laws" to which Congressman Erlenborn had referred in his explanation. "[I]t is a cardinal principle of [statutory] construction that repeals by implication are not favored." *Silver* v. *New York Stock Exchange*, 373 U.S. 341, 357; *Mercantile National Bank* v. *Langeau*, 371 U.S. 555, 565; *Jones* v. *Mayer Co.*, 392 U.S. 409, 437. Mr. Erlenborn's explanations of his amendment certainly show that he was not thinking in terms of nullifying the Equal Pay Act.

The many statements made with respect to the Equal Pay Act during the course of the debates in the House on the passage of the Erlenborn Amendment, especially those made by Congresswoman Green, cast considerable doubt on our initial construction of the Amendment since they are now part of its legislative history. At the very minimum, we believe that we would have to litigate the issue if there is not further clarification in the Senate and any House-Senate conference.

Alfred G. Albert,
Acting Solicitor of Labor.

Mrs. GREEN of Oregon. Now, Mr. Speaker, I am not sure how I voted on the amendment offered by the gentleman from Wisconsin (Mr. Steiger) at the time of the reorganization act in the last session. I think that it has much to recommend it if everybody in the House followed those rules. I suspect that both the gentleman from Wisconsin and the gentleman from Illinois have extended their remarks in the Record many times during their service in the Congress and have come to certain conclusions in regard to legislation that was under debate that day—even though they themselves did not really speak those words. I shall make a study of this, because it interests me as to why Mr. Erlenborn chooses this one extension of remarks as the opportunity to discuss the Steiger amendment.

I cannot help but believe that perhaps women in Illinois and in other States are no longer deceived; they know the threat of the Erlenborn amendment to the Equal Pay for Equal Work Act.

I was quite curious about one thing. As I understand their explanation of the Steiger amendment, Members would still be allowed to put extraneous matter into the Record but they would have to be on the floor to make any remarks. But to put in extraneous matter that the people in the House would not know about until after they read the Record the next morning is the same as revising and extending remarks.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. I shall be glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentlewoman yielding.

May I just say the amendment that was offered would have provided that type face would not be different for those remarks actually spoken as compared to those simply extending and including extraneous matter.

It would be a relatively simple way of insuring that all of us would be able to know what was said and what was added.

Mrs. GREEN of Oregon. I thank the gentleman. If the extraneous matter also has an identifying type—that would be good.

Mr. Speaker, I just conclude by saying that I find it extremely interesting that the gentleman from Illinois has taken such strong exception to the remarks which I put in and he has referred to them as questions which I raised. I did not raise any questions at all, and if I may say parenthetically, during the Higher Education debate when he referred to the fact that I had not answered some 14 questions, I was at a loss as to what he was talking about and I turned to the staff and asked what in heaven's name he was talking about because I did not recall having been asked to answer any questions of the gentleman from Illinois.

My remarks in September were simply to talk of what I believed the Erlenborn amendment did, and the memorandum from the Department of Labor I think reinforces the views I held.

I regret very, very much that the women in the United States, all across the country, who had worked very hard for the Equal Pay Act were not aware of the full impact of his amendment. The gentleman from Illinois now apparently is surprised that I drew these conclusions when he had on four occasions during debate on 2 days, September 15 and 16, the opportunity to clarify exactly what his amendment would do in regard to the Equal Pay for Equal Work Act and he did not take advantage of that opportunity.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentlewoman for yielding.

First, let me try to clarify one point about the 14 questions. I have no recollection that I made any reference to 14 questions.

I am advised by the gentleman from Wisconsin—and I now recall since he mentioned it to me—that the gentleman from Missouri (Dr. Hall) had 14 questions that he wanted answered that day.

Mrs. GREEN of Oregon. I looked it up in the Record and in the Record it now reads "some questions" but I understood on that date the gentleman to say 14 questions and I turned to the staff and said, "What in heaven's name is he talking about?"

Mr. ERLENBORN. You must have that confused with some reference of Dr. Hall.

Mrs. GREEN of Oregon. There may be a question as to who is confused, but we would each have our opinion on that.

Mr. ERLENBORN. You have made reference to other comments in the Record during debate on the EEOC bill. I have no doubt that some of those were delivered on the floor.

The point I would make is this, and neither you nor I could tell by looking at the Record which were actually delivered on the floor and which were inserted under leave to extend as the gentlewoman extended her remarks. I am making the point that the gentleman from Wisconsin has a valid amendment that should be considered by this House so we can differentiate between them. I would also point out that not once in the debate as reported did anyone direct a question to me concerning the effects of my substitute.

Mrs. GREEN of Oregon. If the gentleman from Illinois would just allow me to say this: Do not hide behind the assertion that no one directed a question to you. It would require a real green freshman to not be aware of the fact that during any debate on the floor, when any allegation is made as to the truth, the person against whom it is being made has the opportunity and indeed the responsibility to clarify the matter for the other Members of the House. The gentleman from Illinois passed up that opportunity four times. Why?

It does not make any difference whether it is a question or whether it is an allegation; also now, by inference, I gather that the gentleman from Illinois is suggesting that the gentleman from Pennsylvania (Mr. Dent) did not indeed speak the words on the floor to the Erlenborn amendment in regard to repealing the Equal Pay Act.

The gentleman from Pennsylvania (Mr. Dent) did make that statement on the floor. Mr. Hawkins and Mr. O'Hara engaged in a colloquy that could hardly be inserted in the Record after the debate on it. The gentlewoman from New York (Mrs. Abzug) made a statement on the floor, she advises me. Those statements were made. The gentleman had plenty of opportunity during 2 days of debate to clarify the issue for the Members of the House.

It is exceedingly interesting that today, almost 2 months, in fact, more than 2 months later, the gentleman suddenly raises the question about the Extensions of Remarks in the Record in one case.

Perhaps "thou dost protest too much"—and perhaps now the women of Illinois and in the country are aware of the fact that that amendment did repeal a very important piece of legislation affecting the women of this country.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield further?

Mrs. GREEN of Oregon. Yes, I yield further to the gentleman.

Mr. ERLENBORN. Mr. Speaker, just one last comment or two:

First of all, I would repeat again that the report from the Labor Department said "Especially those made by Congresswoman Green," so that they relied heavily on the remarks you inserted in the Record, in making their opinion.

Mrs. GREEN of Oregon. I feel very flattered that the gentleman would so suggest, and that is why I have asked that the entire memorandum of the Labor Department be inserted in this Record, in this special order—and not just one paragraph which the gentleman read earlier.

Mr. ERLENBORN. If the gentlewoman would yield further, I am happy that we did. I trust that the matter, and I hope very much that the matter will be resolved in the courts of the country, because if it does get to the courts it will mean that the Erlenborn substitute would be finally passed by the Congress and signed into law by the President, and then the matter may be resolved in the courts.

Mrs. GREEN of Oregon. Allow me right there to say that perhaps you are looking ahead a bit too far. As I understand it, the bill has just been reported out of the Senate committee, and it corresponds more closely to the Dent bill, I am told, than the Erlenborn. It has not been acted upon by the other body, and the two bills have not come to conference. So maybe the court decisions on the Erlenborn amendment are a bit too far in the future.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield further?

Mrs. GREEN of Oregon. I yield further to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I am looking in the future, and as I say it is a fond hope. I just hope also that when we do go to conference that the gentlewoman, as one of the conferees—as I am sure she will be—will join with the rest of the House conferees in trying to sustain the position of the House.

Mrs. GREEN of Oregon. I would hope that the conferees in the Senate would adamantly insist that no bill be passed by this Congress which would repeal the Equal Pay for Equal Work Act.

Mr. ERLENBORN. Mr. Speaker, would the gentlewoman yield just a bit further?

Mrs. GREEN of Oregon. Yes, I will yield.

Mr. ERLENBORN. Mr. Speaker I might just make this last comment. Obviously nothing in the amendment that I offered has any reference to the Equal Pay Act in terms of outright repeal. The most that it could do would be to put the enforcement authority in the EEOC. I find it passing strange that the majority bill which would have taken away from the Justice Department jurisdiction to enforce equal rights, take away from the Labor Department OFCC jurisdiction to enforce equal rights, take away from the Civil Service Commission authority to enforce equal rights and put them into the EEOC. If that is not too shocking, then I do not think that the authority to enforce equal pay for the different sexes was put in the EEOC could be too shocking.

Mrs. GREEN of Oregon. Mr. Speaker, I do not intend to continue on until midnight on this. But the gentleman now seems to admit that EEOC takes over the responsibilities formerly administered under the Equal Pay for Equal Work Act—if the Erlenborn amendment should finally prevail.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Let me complete the statement that I have.

Mr. STEIGER of Wisconsin. Certainly.

Mrs. GREEN of Oregon. In the extension of remarks that day I talked about the repeal of the Equal Pay for Equal Work Act by the Erlenborn amendment, I talked about the Office of Contract Compliance, and I talked about cease-and-desist orders. I am interested, let me put it this way, in the fact that the gentleman from Illinois does not take umbrage in the fact I extended my remarks on cease and desist orders, and the Office of Contract Compliance, but only that I extended my remarks in regard to the repeal of the equal pay.

And so the Record will be clear, let me again just read from that Record of September 16, which the gentleman from Illinois (Mr. Erlenborn) now brings to the floor, on November 19.

At that time in these extensions, I said as follows:

> Mr. Chairman, I rise to oppose the Erlenborn amendment. First of all, I worked for 7 years on a bill to provide equal pay for equal work. On page 4 of the Erlenborn bill, on line 14 it reads:
>
> "A charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization."
>
> In a memorandum from Mr. Erlenborn's office, dated June 17, 1971, on pages 1 and 2:
>
> "2. *Exclusive Remedy.* Section 3(b) of the bill adds a provision that charges filed under title VII shall be the exclusive federal remedy for persons claiming to be aggrieved by discriminatory practices of covered respondents. . . . One effect of this section is to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, amongst others."
>
> The Equal Pay for Equal Work Act is one of those "amongst others."
>
> Mr. Erlenborn stated yesterday, in supporting his substitute:

"So a person bringing an action under this cannot shop around for another forum on which to base another law suit, we would make the Equal Employment Opportunity Act the sole Federal remedy for relief from discriminatory employment practices."

From these statements, I cannot but conclude that a woman no longer has the protection of the Equal Pay for Equal Work Act. This is another reason why I believe that the Erlenborn substitute is misnamed. It is not an equal employment bill if it wipes out in one fell swoop the provisions for some justice for the majority of the people in this country and for one-third of the labor force: The women, black and white, red and brown, who have historically been doing identical work to that of men and have been paid less. In 1963 this Congress finally passed the equal pay for equal work bill. Is the minority leader, is Mr. ERLENBORN, and are other Members of this House willing to pass a bill today which denies equal employment rights in the form of equal pay to some 36 million American women?

Then I continued and discussed the cease and desist and the Office of Contract Compliance.

These were the remarks that I had intended to personally deliver on the floor at the time I went to the meeting called by the gentleman from Texas (Mr. BURLESON).

These remarks were put in the RECORD exactly as I had prepared to give them on the floor during that time if I could have returned in time.

So, Mr. Speaker, I simply would say I regret that this amendment was adopted. I think the Labor Department is absolutely correct—it places in question the entire Equal Pay for Equal Work Act.

Again I find it both amusing and interesting that this is the one occasion when the gentleman from Illinois feels nobody should extend their remarks unless he or she is on the floor. I was also interested in the comments of the gentleman from Illinois today that he took no umbrage by reason of the fact that on that same day after I extended my remarks, Mr. ASHBROOK extended his and Mr. BADILLO and Mr. STANTON and Mr. FRASER and Mr. PODELL and Mr. FRENZEL and Mrs. MINK and Mr. STOKES and Mr. BROOMFIELD and Mr. LEGGETT and Mr. ROBISON of New York and Mr. SHOUP and Mr. RARICK and Mr. FISHER.

I guess about 14 or 15 Members extended their remarks, and I feel quite honored that I was singled out for this special attention.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentlewoman has 6 minutes remaining.

Mrs. GREEN of Oregon. I am glad to yield to the gentleman.

Mr. ERLENBORN. Then I would ask the gentlewoman, Did any of the people who extended their remarks on that day ask for an opinion based on the record they created?

Mrs. GREEN of Oregon. Would the gentleman repeat that?

Mr. ERLENBORN. Did any of these other people who extended those remarks that day ask for an opinion based on the record that they created—a legal opinion?

Mrs. GREEN of Oregon. I did not create the record. The gentleman from Illinois is the one who created the record when four times the allegation was made on the floor that his amendment repealed the equal pay for equal work amendment. As the author of the bill he is the one who created the record because he never once denied the charge that was made in any of those four instances. So if there was any record made, it is very clear that the gentleman from Illinois made it.

Now, as far as any request for an opinion is concerned, later I talked with the gentleman from Illinois, who said he did not think the equal pay bill was affected. I did. As I talked with women's groups who raised the question with me, I said, "Well, let us find out. Let us have an official opinion from the Labor Department." That opinion was requested, and that whole memorandum will be placed in the RECORD. I would hope the gentleman from Illinois, if he does not want his amendment to repeal the Equal Pay for Equal Work Act, and if he does not want the EEOC as it is passed by the House if it ever gets to conference between the Senate and the House, then I hope he will use his good talents to make the record clear and not confuse it; to make it abundantly clear that either he does or he does not want the Equal Pay for Equal Work Act repealed. Let him make the record that he does or he does not want his amendment to be the exlusive remedy. That is the remedy the gentleman from Illinois has.

The SPEAKER pro tempore (Mr. KEE). The time of the gentlewoman from Oregon has expired.

DIPLOMACY IN THE MIDDLE EAST

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the purpose of my rising today is to add my voice to those of my colleagues who have risen to date to express their misgivings about recent trends in this country's policies toward Israel. I need not remind the Members of this House of the extreme delicacy of diplomacy in general, especially as conducted in the Middle East. I certainly am the last person who would want to be found guilty of rocking the boat or adding any more confusion or trouble to an area which has more than its share of both. But, lately there have been enough disquieting signs and a number of disturbing developments which it seems to me cannot go unmentioned or unchallenged. Taken altogether, these developments seem to me at least, to indicate that this Nation's approach to the Middle Eastern situation as embodied in its relations with Israel is undergoing fundamental change. Lately, what might have been a series of subtle shifts viewed separately, seem to constitute a radical departure from what I feel the overwhelming majority of Americans thought their Government's policy was in this part of the world. If my worst fears are unfounded, I will be delighted to be shown the contrary evidence. If they are in the end, well founded, then I hope that the State Department will take note that they are in serious danger of incurring the wrath of the American people and that they had better change before it is too late.

My feeling is that in the general aura of disgust with foreign conflicts and entanglement which has been sweeping this country because of our misguided policies in Vietnam, there are those in the State Department who are misinterpreting this as a weakening of our dedication to the preservation of the integrity of the nation State of Israel—a country which has proven again and again its willingness and ability to fend for itself and defend itself against outside forces, but a country nevertheless, which needs the support of American materiel and the arsenal of the free world if the balance of power in that part of the world is to be preserved. The recent decision by the Secretary of State to inform the Israelis that this was not the time for us to supply them with additional Phantom jets, seems to me to confirm reports in the press that this country is engaging in a considerable amount of private and public arm twisting to get Israel to ignore its own best interests and to accede to some rather unreasonable demands. If true, this course of action is not only totally unfair but could have disastrous consequences for the State of Israel. The fact is that Israel has been willing to make numerous concessions in relation to the Suez Canal, while Egypt has been growing increasingly intransigent. For the United States to even appear to be taking the side of Egypt against our traditional ally in these delicate negotiations is, I feel, a grave mistake.

Israel has, in fact, indicated its willingness to reduce its troop strength along the Suez Canal, to make the cease-fire unlimited and unconditional as originally stipulated by the United Nations. The Egyptians, meanwhile, appear to have stepped up their demands, perhaps encouraged by the arm-twisting of the United States to the point where they are demanding the withdrawal of Israeli forces into the middle of the Sinai Peninsula. President Sadat's latest pronouncements seem to indicate that the Egyptians and Soviets have no intention of removing their missiles from along the canal. Most regrettably, recent Egyptian statements are filled with ominous threats to resume warfare unless Israel capitulates and withdraws to the old armistice lines. On the subject of the Suez Canal, there has never been a willingness even suggested which would permit Israeli shipping through the canal as specifically required by United Nations Resolution 242. From the Israeli point of view, any concession on the canal at this point without a suitable quid pro quo would be to surrender one of Israeli's principal bargaining weapons to remove the Egyptian missiles in the standstill zone. Originally, the State Department terms the Egyptian demands unreasonable, especially Egypt's insistence on permission to send its troops across the canal as part of any settlement. Lately, Department officials appear to be easing their negative position on the Egyptian proposals. The Department has been reported as indicating annoyance with Israel in the negotiations, and has even been reported as blaming Israel for holding up negotiations. It is in this context that the most recent public statement of the Department in refusing to supply Israel with more Phantom jets must be viewed. No jets have been sent since last summer. Secretary of State William Rogers has stated publicly that in his opinion, "The military balance has not been shifted" sufficiently to warrant it. And yet, on October 13, at the conclusion of a visit to Moscow by the Egyptian President, a statement was issued by the Russians pledging to take steps "to increase the military might of Egypt." This public support for Egypt contrasts dramatically with the definite cooling down in public support by this Government for Israel. In my opinion, Israel is sustaining in the process a very real diminution of credibility and effectiveness in the very delicate balance of power prevailing in the Middle East. The administration's latest position seems to depart radically from resolutions passed in Congress asking for the President to supply Israel immediately with more Phantom jets. In fact, the President himself, on March 4, stated that:

> We will be there to see that the balance of power is maintained in the Middle East, which we shall continue to do. Because, if that balance changes that could bring on war.

It is out of a concern for this very balance of power that I fervently urge the administration not to waiver from this position and to back up its word with actual support in the form of granting Israel's urgent request for more Phantom jets.

Mr. Speaker, all the administration has to do to kill increasingly widespread speculation about this country's commitment to Israel is to clarify the present confusion resulting from recent statements and actions. As long as the present course of action, or inaction, is followed, there will be growing uneasiness with our policies toward Israel. On Sunday, November 7, a New England leadership conference, representing 500 community leaders from 44 Jewish groups across New England, passed a resolution indicating its feeling that the United States is allowing the Soviet Union to win "a gratuitous victory" in the Middle East because of the State Department's misguided efforts. I certainly feel it is my duty to do what I can to bring these sentiments to the administration's attention.

DR. BUTZ AND OUR UNACCEPTABLE POULTRY INSPECTION—SPECIFIC PLANS ARE CALLED FOR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Montana (Mr. MELCHER), is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, the announcement by the President of the appointment of Dr. Earl L. Butz to be the next Secretary of Agriculture, if confirmed by the Senate, has caused apprehension in agricultural circles. Farmers and farm organizations who recall Dr. Butz' performance in the 1950's while he was Assistant Secretary of Agriculture in the Eisenhower administration quickly expressed alarm and concern that his avowed policies of the 1950's, which were favorable to vertical integration and corporate farming, would demolish what is left of family farms if he were to pursue the same course as Secretary in the 1970's.

We should thank God for Senate hearings prior to confirmation by the Senate of cabinet appointments. Congress has delegated far too much authority to the Secretary of Agriculture to turn over the awesome power that the Secretary can wield to a man with the same views that Dr. Butz espoused in the 1950's.

The Senate Agriculture Committee is currently conducting public hearings to examine Dr. Butz' performance and policies before they vote on his confirmation in the Senate.

It is imperative that the Department of Agriculture take steps to bolster the income of America's farmers and ranchers. The Secretary has been delegated powers by legislation which allow him to raise farm price support loans and strengthen farm prices, and he should do that now. I have a bill pending in Agriculture Committee to raise wheat and feed grain loans 25 percent. They should be raised at least that much.

While the Department of Agriculture has many functions affecting agricultural producers, the Department also has substantial duties covering consumer protection. One of these is inspection of poultry processing plants. Dr. Butz' connection with Ralston Purina Co., which has built up large, vertically-integrated poultry operations, including poultry growing, processing, and sales, makes this one of the areas where it is important to determine the attitude and beliefs of the new nominee for Secretary.

I appeared before the Senate Agriculture Committee today, during Dr. Butz' confirmation hearings, to draw to their attention the General Accounting Office report of November 16, 1971, entitled Consumer and Marketing Service's Enforcement of Federal Sanitation Standards at Poultry Plants Continues to be Weak, Department of Agriculture B-163450. I pointed out to the Senators on the committee, and I also want to draw to the attention of the House that this is one of the functions of the Department of Agriculture where there are serious shortcomings. The General Accounting Office report covers 68 different poultry plants. Three of these plants are Ralston Purina plants, and in view of the association of Dr. Butz, who was a director of this company, it is essential to examine his attitude toward overhauling and improving consumer and marketing service to improve its poultry inspection.

Consumer and Marketing Service is doing less than a satisfactory job in poultry inspection as reported by GAO. I quote from their conclusions:

> Many of the sanitation deficiencies appeared to have existed over a long period. In GAO's opinion, this situation is indicative of a lack of strong, day-to-day enforcement by the agency's plant inspectors and of a lack of effective supervisory review. Weaknesses in the agency's enforcement of sanitation standards may be widespread.
>
> Adequate criteria and policies now exist for enforcing sanitation standards. Such criteria and policies, however, provide only a basis for improving enforcement. In the final analysis the effectiveness with which sanitation standards are enforced depends on the resolve of the agency's employees at every level—from plant inspectors to Washington officials.
>
> Ways must be found to demonstrate convincingly to the agency's inspection employees that consumer protection is the main objective of enforcing sanitation standards and that strict enforcement of such standards is essential.

The new Secretary of Agriculture is the man who will have to assure consumers that improvement will be forthcoming in poultry inspection and that the law will be obeyed. It will be his job to provide an inspection service to absolutely assure the health and wholesomeness of all poultry that is processed in all of the 1,180 federally inspected poultry plants.

There must be no doubt that the new Secretary will not compromise with standards. Back when poultry inspection was instituted, Senator James E. Murray, author of the original bill, opposed putting the inspection in a market-oriented branch of the Department, but that was done.

Now the GAO has again raised the whole question.

We need to assure the public that consumers' interests come first and that the Secretary will act strongly to enforce the law.

I suggest that Dr. Butz, who has said one bad chicken is too many, owes us a commitment as to the specific steps he will take to assure that his old associates in the vertically integrated poultry processing business will clean up beyond any trace of suspicion.

ADOPTION OF BOLAND AMENDMENT WOULD RESULT IN A VETO

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I address myself to the Boland amendment which was considered and defeated in the House yesterday in association with the Defense appropriations bill.

I have spoken out against the war on numerous occasions and on several specific occasions I have supported that commitment with my votes. I voted for the Cooper-Church amendment in 1970 and I have voted twice this year in support of the Mansfield amendment. In addition, I have urged the President, as the Commander in Chief and as the principal constitutional spokesman of the United States in foreign policy, to publicly set a date for our withdrawal, and then, contingent only on the release of our POW's and an accounting of our MIA's, to honor that date. That is his constitutional responsibility and it is his constitutional authority to do so.

Last June, during consideration of the Defense authorization bill, the bill which we are funding today, the gentleman from Massachusetts offered a similar amendment. I voted against it then for the same reasons I have just outlined.

I continue to support the Mansfield approach of keeping pressure on the White House in a responsible manner.

Mr. Speaker, adoption of the Boland amendment would certainly result in a veto by the President, which would, in turn, as I pointed out last June, only serve to more deeply divide, confuse, and inflame the American people.

A MODERN WRIT OF INDENTURE

(Mr. FISHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FISHER. Mr. Speaker, the gentleman from Arizona (Mr. Steiger) has introduced H.R. 11827—a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities. I was pleased to join as a cosponsor of this legislation. I would like to open my remarks today with a question. I would like to ask my fellow Members of Congress and the American people if they know what Walter Cronkite, Eric Sevareid, William F. Buckley, Jr., David Brinkley, Mike Wallace, Frank McGee, Daniel Schorr, and James J. Kilpatrick have in common besides being well-known commentators on commercial television?

The answer is that all are required to be dues-paying members of a private organization—in this case the American Federation of Television and Radio Artists—AFTRA—or they cannot broadcast over the public airways.

Incredible, is it not? As Bill Buckley put it recently:

> The requirement that an individual pay dues to a private organization in order to work is a modern writ of indenture, the requirement that he do the same in order to express an opinion over the public airways involves an act of coercion by a private organization operating under government sanction.

But that is exactly the way it is. Virtually all of our television commentators must pay dues or be denied their right to work on the public airways. Is this the American way? Bill Buckley does not think so and early this year filed suit against AFTRA. The formal complaint says that the compulsory unionism requirement deprives him of "his property without due process of law, and breaches his rights under the first, fifth, and ninth amendments of the Constitution, which amendments guarantee the individual citizen freedom of association, freedom to pursue the occupation of his choice, freedom from unwarranted invasion of privacy, and other fundamental personal and private rights.

But that is lawyer talk.

Here is how the eloquent M. Buckley describes it:

> What is involved here is a fundamental civil and human right. And unless this country has lost hold of its reason, the Supreme Court will acknowledge, as I am confident it will, the right of the individual to exercise his rights as guaranteed under the first amendment, even if he declines to join a union.
>
> Many of the people in this country labeled as "liberals" Mr. Buckley went on, eloquently object to any compromise of the individual rights of the citizen against the Government—particularly free speech and privacy. I think it is time they join me in demanding that the individual have a right to join or not join, to pay dues or not pay dues, to a private organization without surrendering his right to speak.

Mr. Buckley, by the way, is being supported in his case by the National Right to Work Legal Defense Foundation, an organization founded a few years ago to give legal aid to workers suffering injustice as a result of employment discrimination under compulsory membership arrangements and to assist such workers in protecting human and civil rights guaranteed to them under the Constitution and laws of the United States.

Where is the American Civil Liberties Union and other self-styled civil rights groups? I suggest that their sincerity has been tested—and found lacking. For if they really mean all those things they keep saying about the rights of the individual they would join Mr. Buckley in denouncing compulsory union membership.

For an excellent look at this case I request permission at this point to insert into the Record an interview in the June issue of Nation's Business titled "William F. Buckley, Jr., on Compulsory Unionism."

So far M. Stanton Evans, editor of the editorial page of the Indianapolis News and a CBS–TV commentator; Fulton Lewis III, a Mutual Broadcasting System radio commentator and Nathan Hentoff, a prominent writer for New Yorker and a respected liberal civil libertarian have joined.

But where are the Walter Cronkites, the Sander Vanocurs, the David Brinkleys, the Eric Sevareids, the Frank McGees? Mr. Buckley has invited them to join in his fight for freedom under the first amendment but they have remained silent.

At this point it might be pertinent to comment on whether compulsory AFTRA membership affects a newsman's impartiality? It is pertinent to ask because Walter Cronkite has resigned from one private organization because he felt his impartiality as a newsman could be challenged. Mr. Cronkite as many of you know is a famous television broadcaster, a renowned defender of freedom of the press and an articulate spokesman for the first amendment. His credentials are impeccable. Or are they?

In resigning from the board of directors of the National Oceanography Association Mr. Cronkite said:

> A newsman should not ally himself with those who seek to influence legislation lest his own credentials of impartiality be challenged.

Bravo. But questioned as to why he did not resign from AFTRA—a private labor organization that used forced dues for political purposes—Cronkite answered:

> The great majority of newsmen, and all of those who are worth their salt, are trained to put their prejudices aside when working, as far as humanly possible.

So why did he resign from the NOA? I am not accusing Mr. Cronkite of deliberate bias. But is not it just possible that his freedom of speech is impaired when he knows full well that he cannot work unless he belong to AFTRA?

I suggest Mr. Cronkite, if he really is concerned about freedom of the press, would do well to join Mr. Buckley or at least emulate the position of Chet Huntley, who told a national audience in early 1966 when he was then a top NBC–TV commentator:

> To the casual observer it would seem that the labor unions might be much stronger institutions if membership were entirely voluntary. . . . It is difficult for the average citizen to understand what there is about labor that is so special that it requires the weapon of the union shop . . . but labor clings tenaciously to its right to coerce.

It is indeed difficult for Americans to understand why union officials should have such a weapon and it is time for Congress to step in where up to now the courts have feared to tread. It is time that all Americans have the right to work without being forced to pay tribute to a labor boss. Or maybe we should quit pretending this is a free country.

[From Nation's Business, June 1971]

On Compulsory Unionism

(By William F. Buckley, Jr.)

William F. Buckley Jr. is one of the most articulate voices of the conservative cause in America, championing individual responsibilities and rights.

He has a variety of outlets—a column that appears in over 300 newspapers; the magazine, *National Review,* which he founded; books; the lecture circuit and his television interview show, "Firing Line."

Many of his fans think Mr. Buckley is at his best on television, where his gestures and facial expressions underline his sharp wit and mastery of the English language.

But he's appeared on his show since its beginning under a particularly rankling condition—that he belong to a labor union or be barred, in effect, from appearing on television.

Now, he is counterattacking.

Mr. Buckley has filed in federal court suit challenging the constitutionality of collective bargaining agreements that make him an involuntary member of the American Federation of Television and Radio Artists (AFTRA), an AFL–CIO union.

"A writ of indenture" is what he calls his compulsory unionism.

The National Right to Work Legal Defense Foundation is backing him in the suit, and he's invited other radio and television personalities to join him in the battle.

He discusses the court case, and his views on some other issues, in this interview with a Nation's Business editor.

Mr. Buckley, why have you brought this suit against compulsory unionism?

Well, the basic argument is an extremely simple one—that the right of free speech is especially singled out for protection by the First Amendment to the Constitution of the United States; that it is inconceivable that the Constitution, having forbidden to Congress the right to encumber one's freedom of speech, should permit Congress to pass a law which, in turn, allows somebody else to encumber freedom of speech.

We take the position that what Congress can't do, AFTRA can't. And therefore, if AFTRA interprets a law of Congress as enabling it to do just that, either it has misinterpreted the law or the law as passed was unconstitutional.

Were there other grounds in addition to the First Amendment rights?

Yes—the right of association, the right to pursue an occupation of your own choice.

and deprivation of liberty and property without due process of law.

What is your opinion of compulsory unionism in general, in addition to that in radio and television?

I am opposed to it. I am opposed to all monopolies and oligopolies. I have written over the years, spoken over the years, in opposition to compulsory anything where there is a practical alternative.

What was the genesis of your program "Firing Line"? Why did you want to become host of a television talk show?

To ventilate the conservative point of view.

Did you think the talk shows then on the air went too far in the liberal direction?

I didn't think. I knew. I had been on all of them, and I saw them.

Your show went on the air in 1966. At what point did AFTRA arrive on the scene?

AFTRA arrived in the fall of 1964. The AFTRA people called up and told my secretary that I must join.

Why did they call that early?

I suppose they got word of the idea for the talk show. In 1964, Robert Kline, who is an independent producer, got a backer who agreed to finance a half-dozen trial balloons, using facilities at the New York World's Fair. We did three or four, after which the backer pulled out.

What happened?

He was terribly disappointed because his idea of a successful confrontation between me and Arthur Schlesinger Jr. was one that ended with Schlesinger throwing his arms in the air and saying, "I apologize for all of my sins."

Since it didn't work quite that way, the backer lost interest, and the show didn't go on the air. Kline went around to look for other backers and had it just about organized when I decided to run for mayor of New York. So the whole thing was put in abeyance for one year.

Was the AFTRA issue also put in abeyance?

No. AFTRA renewed its demands in the spring of '65 and told me I had to join.

But the show, at that point, had never appeared on the air?

No, but AFTRA had heard it was going to be launched. And, because I made guest appearances on other shows, I was told I must join AFTRA irrespective of whether the "Firing Line" series ever went on the air.

What was your reaction to that?

A negative one. I called up the greatest lawyer in the world. He said I had to join; i.e., that they had the raw power to keep me from broadcasting. So it was simply a matter of acquiescing or being read out of the medium.

What did the union promise to do in your behalf? What benefits were supposed to flow to you from your membership?

I didn't read all their stuff, but essentially what they said was that they would negotiate a basic rate and I would never get paid less.

That, as a matter of fact, was a solid contribution because I usually wasn't paid anything at all.

But I have always maintained that if I want to go on the air for nothing, I should be permitted to do so, and that if I want to get paid, I have a right to negotiate my own honorarium.

What initiation fee did you have to pay when you joined?

$200.

Is AFTRA engaged in activities that you object to?

Sure.

Does it support causes, for example, that you oppose?

I am not aware whether it suggests to its conscript membership that they ought to vote for this guy or vote for that guy or whether it gives some sort of subterranean help to this guy or that guy.

But it is very active, for instance, in pressing its demands. AFTRA called a strike two or three years ago which had us all listening to network vice presidents giving the news and the weather reports.

So AFTRA is not above using muscle in order to press demands, nor above disciplining those members who are less than fully compliant with instructions.

When AFTRA says, "Get on the picket line tomorrow," they mean: "Get on the picket line tomorrow." And when they say, "Don't cross it," they mean: "Don't cross it." And they are capable of inflicting draconian penalties on anybody who is disobedient.

You have referred to this form of compulsory unionism as "a writ of indenture." What do you mean by that?

I mean that the AFTRA people have a total hold over me which they are unilaterally in a position to use. Without consulting me, they can tell me what I can't do. They can tell me that the only alternative I have is simply to stop using facilities which some people think of as at least semipublic in nature.

At one point, you tried to resign from AFTRA. What was the outcome?

I sent representatives who told AFTRA I wanted to resign and asked would they permit me to do so. They said they would not.

So my colleagues asked, "Would you run him off the air if he did?" The answer was that if I withdrew from the union, AFTRA would instruct stations with which it has contracts—which is, for all intents and purposes, all stations—to stop broadcasting "Firing Line."

So the next step was the filing of the lawsuit last January. Did anything specific bring it to a head?

No. The timing was, to a considerable extent, a matter of backing. I had been in negotiation with various people over a period of two or three years on getting the backing to bring the suit. It was and is impossible to foretell exactly how much it is going to cost. And I was not in a mood to pledge my entire financial future, on which *National Review* depends, to the cost of this lawsuit.

So, I didn't want to go into it unless I knew that the backing would be forthcoming. That took a long time and a very careful examination of the constitutional issues involved in my case. And, when finally everything did check out, I don't think we delayed very much. The lawsuit was filed two or three months after we decided that everything was O. K.

You have invited other commentators, particularly liberals who have been outspoken in defense of First Amendment rights and other liberties, to join you in this suit. What type of response have you received from them?

Sluggish. Eric Sevareid of CBS reported on Jan. 21 that he had asked his lawyers to look into the documents of the case. He must have slower lawyers than I have because, so far as I am aware, they haven't yet advised him. At least, he hasn't said Yes and he hasn't said No.

We've had, however, very direct action from one or two people—Nat Hentoff, the liberal author and columnist for *The Village Voice*, for instance, and James Jackson Kilpatrick, who writes from the conservative viewpoint. Tom Wicker of *The New York Times* sent me $50 and authorized me to advertise the fact he had done so.

I think a lot of liberals are really vexed. On the one hand, they have the tradition of permitting labor unions to do anything they want to do—because of a sort of class identification between liberals and the labor movement. On the other hand, they are visibly upset by the lucidity of the reasoning in this lawsuit. And that is why there is torment.

The New York Times can't write about it coherently, so confused are they by it.

The American Civil Liberties Union, which has long held that there is no violation of constitutional rights in union shop arrangements, has said it would review its position in the light of your suit. Have you heard any more from the ACLU?

No, I haven't. But I know it is going to be an uphill fight to get its support.

My guess is that the executive director of the ACLU is favorably disposed to this case, but that he is going to face a lot of trouble from those old trade union types who put in a lot of money to keep ACLU alive. Never mind the Bill of Rights, they aren't going to want to see themselves identified with anything as scabbish as this.

Do you see a conflict here between the ACLU's basic avowed purpose of protecting individual rights and the coercion involved in compulsory unionism such as a union shop?

Yes, yes. The ACLU does a lot of foolish things and has often attempted to absolutize the provisions of the Bill of Rights. If you do that, it seems to me, you pretty well make them incoherent. But I don't think it requires the absolutization of the First Amendment to reach the conclusion that nobody ought to be required to belong to any organization in order to appear on television or radio and say whether he is for or against the Common Market.

What sort of public response have you had to your suit?

I am just back from a lecture trip and I went nowhere on 10 college campuses where the subject wasn't raised.

There is an extraordinary knowledge of the lawsuit all over the country and a tremendous amount of curiosity about it. The students are fascinated by it.

They think it is perfectly O.K. to take a position contrary to the labor union. This doesn't make you a scab or a fascist, or anything of the sort, in their minds. It may very well be that that is because the younger generation is less identified with the labor unions as a matter of class solidarity.

What other impressions did you glean on your trip about the mood of students, after the upheavals of the past two or three years?

I have a feeling that students are less sold than they were a year ago on the utility of demonstrations. They know that the Viet Nam war is winding down, and they know that they didn't have a hell of a lot to do with it—it was winding down anyway.

Also, I think there probably is a certain sense of embarrassment over the lengths they went to in protesting the Cambodia incursion, which turned out to be a rather conventional military operation. All their apocalyptic talk in May of last year now sort of drifts around like fugitive mines after the war's end. And there are those of us mean enough to remind them of those mines.

It doesn't mean that students are now all integrated with the Administration. They don't like Nixon, they don't like Reagan, they don't like the Establishment, as I understand it. But I think they are less dispossed than they were to sort of move around licentiously and figure they can ring in a new order.

As a television personality yourself, how do you react when the Vice President and others question the objectivity of some of the news media, particularly network television?

I think it is the greatest redundancy in the history of our time. It has been obvious to me for a great many years that the networks tend to be biased. It is more interesting to observe the reactions than the charge.

In what way are the networks biased?

Liberal; a left-liberal position.

If you could implement just one change in the way that television news and commentary is given, what would it be?

I would encourage a conscious search for intelligent and well-informed people who don't go along with the *Zeitgeist*, who would be on the air on a fairly regular basis.

For instance, Howard K. Smith—who dissented from the general opposition to Viet-

Nam—made an enormous difference in just the fact that he was there occasionally to say a few things on ABC.

I wish there were somebody like that to put other issues into focus on all the networks.

LEGISLATION INTRODUCED TO PUT INTO EFFECT PREVIOUSLY SCHEDULED PAY RAISE FOR FEDERAL EMPLOYEES ON JANUARY 1

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record.)

Mr. HANLEY. Mr. Speaker, yesterday, Representative Morris Udall and I, along with cosponsors, introduced a bill which would put into effect a previously scheduled pay raise for Federal employees on January 1.

Recently, this House failed to veto a Presidential proposal to postpone the January 1 comparability increase to July 1. Many Members supported the President's proposal because of the uncertainty surrounding phase II of the President's new economic program.

Since that vote, however, the Pay Board established to institute phase II guidelines has announced that pay increases in the private sector of up to 5.5 percent will be approved. Recent Bureau of Labor Statistics figures indicate that the proposed Federal pay increase need not exceed these guidelines to be equitable. Now that we definitely know that this pay adjustment would not violate the Pay Board's guidelines, we can move ahead at once.

The Senate Post Office and Civil Service Committee has already unanimously approved a bill similar to ours, and it is now pending in the Senate.

I would like to emphasize that this bill would not allow Federal increases to exceed the phase II guidelines or any other standards issued pursuant to the Economic Stabilization Act of 1970.

It is totally unfair to single out Federal employees for discriminatory treatment. They should be placed on an equal footing with the other sectors of the economy. This bill does no more or no less.

While Wage Board pay is not specifically mentioned, the President's decision to postpone Wage Board surveys by 6 months was based on the white-collar pay freeze. I am confident that should our bill pass, the President would be forced to rescind his order on blue-collar pay.

In view of the change in circumstances, I strongly urge support of the bill by all of my colleagues.

PROPOSED REFORMS IN CAMPAIGN FINANCING

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the Record.)

Mr. WALDIE. Mr. Speaker, when we are talking about, and this House is considering, ways to correct the disfunctioning of the democratic process itself, and ways to make it credible and viable, and ways to give it life, and when we are really talking about the future of this system and of this country, it ought to be sobering and deeply disturbing to recognize that we are addressing this problem in terms of, hopefully, and at best, enacting the most minimum legislation.

And we ought to enact, at the very minimum, the best and most hopeful of those minimum reforms of campaign financing and disclosure that are offered.

That minimum legislation, which is the best we can do and certainly the least we must do, is contained in the basic bill that passed the Senate by a vote of 88 to 2 and the amendments offered by the distinguished gentleman from Arizona (Mr. Udall) and the distinguished gentleman from Illinois (Mr. Anderson).

There is really no confusion among ourselves or in this Chamber about the fact that when we are talking about the chances for genuine and meaningful legislation to emerge from Congress before the next great test that faces this system we are talking about the Senate bill basically and the Udall amendments. And there is really no confusion about the parliamentary purpose of some of the other so-called reform amendments being offered.

But I really do not know how you talk about the failure of the democratic process to function in terms of minimum reform. I do not know how you talk about it in terms of the future of this system, or how you relate it to the people and the world that exists outside the narrow confines of the walls of this Chamber.

It is worthwhile to talk about it in terms of minimum reform in order to stress the absolute urgency and importance of at least doing nothing less than passing a bill from this House that can guarantee the enactment of at least some bill in this Congress, and which will be at least as good in the intent and effectiveness of its basic provisions as the Senate bill is in terms of disclosure and limiting campaign costs.

Adoption of the Senate bill with the amendments offered by Mr. Udall and Mr. Anderson and rejection of ulterior amendments offers the one hope of accomplishing some measure of reform. And such a bill, though it represents a minimum beginning, carries with it the possibility of a real and genuine beginning.

That is of no small importance. In fact, I believe it is crucially important. Failure to enact the basic Senate bill with the Udall-Anderson amendments and to act in reforming and revitalizing the campaign spending and disclosure procedures of the political processes of democracy itself would be a scandal of such magnitude, so unexplainable and insupportable to the country, that what we do here carries a gravity of consequence at this time in our history that ought to be alarming and deeply troubling to any Member of this Congress.

And it has gravity for the House. It has gravity in terms of the position this institution occupies in relation to the other branches of Government, and to the Senate, and in terms of the position it occupies in the country.

But it goes beyond that.

Insofar as we speak for the system and the way this system operates, the consequences of what we do or fail to do in acting on the Senate bill and the Udall-Anderson amendments are really going to have a determining influence on the cynicism that exists in the country and among the young that will be far greater than I suspect the actual impact of any specific provision in whatever bill we may pass is going to have in terms of its hoped-for effect. Those specific effects may be considerable. But the real impact will be on the country and on the future of this political system.

This whole exercise raises, therefore, questions that ought to be deeply troubling and disturbing to us and we ought to give a response to those questions that satisfies our own conscience no less than the widespread and justifiable concern that exists in our country about the future of this system itself.

Who owns the democratic processes of this society?

Who determines whether you or I can run for Congress or for Governor or for President? Who really determines whether the people will have a choice, not an echo, and who is in a position to shape not only the electoral processes of this country but the results of those processes?

The functioning, or disfunctioning, and the national consequences, of the democratic system in our society is largely decided by 89 people in a society of over 200 million citizens.

These are the 89 people who contributed, in the last presidential campaign, a total of nearly $7 million. Their individual contributions amounted to $30,000 or more apiece.

If one counts individual contributors of $10,000 or more, a mere 424 persons, contributing a total of $12 million, largely determined the functioning of the democratic process in the last presidential campaign, in a country of 200 million citizens.

Nor are the benefits or advantages to be derived from some by this reliance on a few wealthy people for the conduct of our political election system in any sense partisan.

My own party no less than the opposite party was subject to a financial dependence on a relative handful of wealthy men and possibly even more so. In 1968, my party got 61 percent of its funds for the presidential campaign from individual contributors of $500 or more.

The opposite party depended for 47 percent of its presidential campaign expenses on individual contributors of like amounts, ranging upward from $500.

The comprehension that 89 persons were responsible for contributing $7 million of the funds spent in a campaign for the office of President of the United States ought to have a staggering effect on the Members of this Congress in our deliberations this week of the various proposals for campaign spending reform.

They are, as our distinguished colleague, the Vice President, might put it and using the language he used to assail representatives of the print and broadcast media, 89 persons elected by no one and responsible to no one under the system as it now operates.

And yet they have a virtual stranglehold over the operation of the political processes of this country and, very frankly, over us, however indirectly.

We as Congressmen have supported or permitted this state of affairs over the years for one simple reason, and that is because we thought it was to our own personal advantage as Congressmen or candidates for reelection; or was of advantage to our respective political parties; or possibly because we simply did not wish to go out of our way to offend the sources of what has all-too-aptly and all-too-disturbingly been described as "the mother's milk of politics," by requiring that these 89 people or these 424 people or those large contributors in our own congressional districts actually stand up in public and identify themselves and say to the public, "I and 88 of my friends have spent $7 million to determine who will hold the office of the President of the United States." And to require that we get up ourselves and say our party took it, and from whom we took it. Or that we stand up in public as Members of Congress and identify the sources of our own support.

But it ought to be quite clear to all of us by now that we have not, in fact, secured any particular advantage to ourselves, either individually or for our political parties, by permitting the state of affairs to develop that now confronts us and impels us to some kind of legislation, any kind, that will be an improvement over the way the system operates now.

Certainly, it has been clear to most of us for a good long time that the country derives no advantages from the present processes of campaign expenditure and disclosure, and this really ought to be our only concern, and in a world of perfect men, it would be.

Quite the contrary to any advantages existing for the country in the present system, those processes are part and parcel of the gigantic cynicism toward the system itself, particularly on the part of young people. And that cynicism in this instance is warranted. You know it and I know it. And certainly the people know it, and how we resolve these questions this week relating to the way the electoral processes of this country are going to work or fail to work in the future is really going to say more about the system than all the specific words and provisions we write into the law governing campaign financing and disclosure, important as those specifics are.

But I think it should begin to become clear to us, and hopefully is, that those of us who are the practitioners of the present process have really made ourselves our own victims of our own shortsighted belief over the years that somehow we were creating some special advantage for ourselves or for our respective parties or were extending some protection of anonymity to our contributors and therefore preserving our own sources of financial support by allowing the present nightmare of campaign financing to develop.

It is becoming clear, and equally clear to both parties—at least on the congressional level if not the executive—that we have really become our own financial assassins.

And we ought, despite our more narrow and personal visions, to have a more than parenthetical concern that we are now bleeding the processes of democracy itself white in a vain and escalating effort, first to keep up with each other and finally to just keep up with ourselves.

We ought, equally, to be concerned with our own political and financial independence. And, very frankly, I think those of us in both political parties, in weighing this legislation, ought to exhibit a fair amount of independence from the national headquarters of our respective parties and from the presidential machinery of our respective parties that is now clanking and wheezing, or whirring, as the case may be, beyond the confines of this Capitol building in search of tens of millions of dollars. You and I are not part of that machinery, whether it be Republican or Democratic. We are not running presidential campaigns. Those who are running them may quite understandably have specific views on what ought to be done—or not done—in the way of reforming the campaign financing process.

It is all very fine and well for national party headquarters to have their own views of what we ought to do in this Chamber to limit campaign expenditures and to provide for fuller disclosure.

But I cannot really recall any examples of really massive assistance from our respective national parties in our own campaigns to help us meet the skyrocketing costs resulting in large measure from the fact our national parties have not been eager to genuinely reform a system which allows them to get $12 million from 424 people every 4 years. That $12 million does not really do a great deal for us in buying TV time in our districts. At least in the case of my own party, former President Johnson never really achieved a reputation as head of my party for his generosity to the State and local candidates of his party in helping them to meet these skyrocketing costs.

And I cannot really believe my Republican colleagues in the Congress are experiencing great rewards from their national headquarters for supporting a system that is bleeding them white in their own districts.

There has to be a reason why the former senior Senator from California, Senator Murphy, described the expenses of his unsuccessful campaign for reelection last year as "fantastic—astronomical—absolutely ridiculous." They are the same words used by his successful opponent.

There has to be a reason why Senator DOLE himself calls the present process "scandalous." He does it because he is talking about running in Kansas and the cost of it, and because he knows what it cost him.

So from the beginning, let us recognize that those who are running presidential campaigns for the respective parties next year have their interests in terms of campaign reform, and that we as Members of Congress have ours, and that those interests may be far from identical, and we ought to look to our own duties and responsibilities to the people of the United States as Members of the Congress of the United States.

Financially, the White House will somehow survive the present system if that is what is still in operation next year and I trust that through the talents of Mr. O'Brien and Mr. Short the Democratic National Committee will somehow survive. But I can really think of no compelling reason why it needs to be at the expense of the Members of this Congress of both parties, some of whom do not have regular recourse to national banquets that raise millions of dollars through a single mass serving of fried chicken, in the form of persuading us to renounce the genuine and meaningful reform on the State and local level in Federal elections where the bulk of the democratic process and its operation exists, where the costs bear most heavily, and where the people we serve are equally affected by the failure of the present system.

But I think the threat to our own independence as candidates and legislators is possibly of greatest concern.

We have witnessed what is to me a rather shocking phenomenon in recent weeks arising as a consequence of the present system and we have witnessed it twice.

In one instance, a large group of wealthy contributors convened in New York City—and contributors to liberal candidates and causes, I might add—to discuss the idea of collectively threatening to withhold their contributions as a sort of blackmail to induce liberal candidates to press for various reforms.

As someone who is in total sympathy and agreement with their objectives and who shares their belief in the urgency of the need for reforms in our society and in this Congress, this instance of pressure—however nobly motivated—is really a shocking and alarming illustration to me of exactly what I am talking about when I say the present method of financing campaigns and the present laws governing disclosure can no longer be tolerated in this country and can no longer be tolerated by you or me.

A second instance occurred in my own State of California—and again I speak of the experience only of my own party.

A wealthy group of Democratic campaign contributors collectively decided the costs of a free and open presidential primary campaign in California next June would be uncomfortably high to them.

They gathered together and decided it might be a good idea to collectively press for a "unity" slate which would go to the 1972 Democratic Convention uncommitted and to make this possible by persuading the different potential presidential candidates of my party to agree to stay out of the California primary.

These contributors estimated they might save millions of dollars they would otherwise normally be expected to contribute to the various presidential candidates.

Though their concern was understandable from a personal standpoint, fortunately for the voters of California and for the political processes of this society, the proposal did not receive the required agreement of the presidential candidates.

But the fact the attempt occurred at all ought to say something very loud and clear to us as Members of this Congress as to the broader and often more subtle forces at work that affect our own independence as condidates and as Members of Congress. And about the direction this whole present system is heading.

And I think almost all of us—if not all of us—really want to preserve maximum independence as Members of this Congress.

I think this is what we really came here for. I think we came here to exercise our own best judgment and to act from our own best and deepest instincts and, in short, to act as Members of the Congress of the United States, and to do, in our own way, the best and all we could for something beyond ourselves, for the trust we hold and for the dream I believe that we still believe in, however far short we may fall on occasion.

I really do not think we came here to make sure that the two national party headquarters downtown get $12 million again this year from 424 people so that we in turn could be forced into ever greater reliance in our own districts on the financial help of a handful of people to meet our own escalating election costs.

And while we may not feel sympathetically inclined to the notion of promoting opposition to ourselves in elections, I do not think we came here to guarantee perfect insulation for ourselves either.

Our genuine strength, here and with the people, really rests on our independence. And it is with the people that I think you and I really want it to rest, not with a circle of large contributors who thrive on anonymity. And I think that independence and that broad reliance on the people is really the best and finally the only guarantee of our own political security and survival, whether we have always recognized this to be true or not. But I think it is true, and possibly the truest thing that may be said during our entire debate and consideration of this legislation.

I think we as Members of Congress in acting on this legislation need to reassert our independence forcefully and publicly as officials elected to a public trust. I think we need to do it personally, as human beings. I think we need to do it as political leaders. I think we need to do it as members of a political body, as Members of the House of Representatives, at an hour when the respect for this institution and its influence in contemporary affairs has greatly and seriously declined in the public esteem.

When are we going to make this "the preeminent institution of Government"?

Sometime, I hope, before we get the word from our respective national headquarters. Sometime before we get the word from the White House. Sometime before we get the word from 89 political contributors. Sometime before we get the word that it is all right to do so from the large financial contributors in our districts.

This is one week when this House can begin to become "the preeminent institution of Government." This is one week when we can begin to reach the minds of spirits of the young people of this country. This is one week when we can begin to determine whether the democratic process in this country is going to survive. This is one week when we can belong to the House of Representatives, and with Carl Sandburg say, "the People, Yes."

ADDRESS GIVEN BY HON. REUBIN O'D. ASKEW, GOVERNOR OF FLORIDA, BEFORE DEMOCRATIC UNITY DINNER HELD AT MIAMI BEACH, FLA., ON FRIDAY, NOVEMBER 12, 1971

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the whole country has recognized that in 1970 the people of Florida elected one of the outstanding Governors of the Nation, the Honorable Reubin O'D. Askew.

Governor Askew, after a distinguished career of 12 years in the Florida State Senate, brings to the office of Governor a wide knowledge of the affairs of Florida, and of government in general.

Governor Askew waged a brave campaign for a fairer tax system for the State of Florida, and particularly for a constitutional amendment to provide for the taxing of the profits of corporations doing business in Florida. The courage, the character, and the competence of Senator Askew won him the overwhelming support of the people of Florida in his election as Governor.

Since Governor Askew has been in office, he has given a new quality and tone to the government of Florida and to public life in our State.

The Florida Legislature submitted to the people the corporate income tax amendment recommended by Governor Askew, and, after a diligent and dedicated campaign which Governor Askew made among the people of Florida, pressing for this measure, the people of Florida adopted the proposed constitutional amendment by a vote of 70 percent.

Governor Askew, in less than the year that he has been Governor, has accomplished magnificent progress for the State of Florida. He is now moving toward bringing about the enactment of other programs to promote the most significant progress of the State.

Governor Askew has caught the attention and won the admiration of the Nation in the sincerity and the deep concern which he has manifested for the people of Florida, and the outstanding integrity which he has reflected in the discharge of his duties as Governor.

He is a man of sensitive sentiment and has a deep sense of what is right. He spurns demagoguery and appeals to the finest instincts of the people for their support in his own election and for his programs.

Governor Askew was honored last Friday evening, November 12, in Miami Beach, Fla.—in my congressional district—along with our distingushed junior Senator, Senator Lawton Chiles, at a Democratic unity dinner which was a great success. Governor Askew was the principal speaker at this dinner and delivered an address of moving sincerity, deep conviction, and persuasive eloquence. He called upon the political leaders of today to give leadership to the people in the expression of their noblest sentiments and the accomplishment of highest objectives. He laid out a course for the Democratic Party to pursue if it is to command the respect and the support of the people of America. As he spoke those beautiful words, Governor Askew himself personified the new leader who is emerging to guide the destinies of the people of our country in these troubled days.

Governor Askew would discharge, with dedication and distinction, the duties of any office in American, however high it might be. I venture, Mr. Speaker, that the whole Nation will, in due course—as he continues to exhibit the qualities of leadership so sorely needed in our country today—turn to him for such leadership as have we in the State of Florida.

Therefore, Mr. Speaker, I commend Governor Askew's able and eloquent address to my colleagues and to my fellow countrymen, and include his speech in the Record at this time:

Remarks of Reubin O'D. Askew, Governor of Florida

It certainly is good to be among friends tonight.

And it's especially gratifying for me to be back in Dade County.

I was told a couple of weeks ago that tax reform just might have a chance in Dade.

I sure was glad to see it "squeak by" here.

I'm also happy that we managed to "edge out" the opposition in Broward and Palm Beach Counties.

Which brings to mind the Indian leader Gandhi's famous quote about how leaders need to catch up with their people.

I guess they used to have a republican problem in India, too.

You know, there's been some disturbing talk to the effect that I might become impossible to deal with as a result of the 70 per cent vote our program won last week.

There was even one suggestion during the campaign that I was a "nut with a Huey P. Long outlook" . . . and that I might become some sort of a ruthless dictator . . . who builds monuments to himself and stomps all over any opposition.

I want you to know that that's not true.

I was just telling Lawton a couple of hours ago . . . as we were riding over the "Reubin Askew causeway" . . . to get to the other side of the "Donna Lou bridge."

I was telling him how concerned I am about that kind of talk.

I didn't finish, however, before we had arrived here . . . at the "O'Donovan hotel."

Seriously though, I do appreciate the hard work and the long hours and the anxious moments so many of you went through to get our message to the people . . . and to get the people to the polls.

This was, by no means, a one-man effort.

Tax reform was, and will continue to be, the work of some of the most dedicated and talented legislators Tallahassee has ever known.

And November 2 was and always will be remembered as "the day of the people in Florida" . . . and I see many before me—while this was a non-partisan issue, I can't help but express my appreciation to Jon Moyle and the Democratic party for the tremendous support given us—without whom it might never have happened.

Florida is grateful to all of you.

And so am I.

Incidentally, I noticed the other day where President Nixon and the Republicans had a dinner like this up in Chicago.

Only there you had to pay five hundred dollars to get in . . . not $50.

The media says this is because the administration is putting together the biggest financial warchest in the history of American politics.

Sounds familiar, doesn't it?

The next thing you know, they'll be sending us Winn-Dixie melons from the California White House.

I'm happy to see our Florida Democratic Chairman, Jon Moyle, here tonight . . . doing his job.

And I certainly hope the Florida Republican Chairman, Mr. Tommy Thomas, is enjoying his present assignment.

Chairman Thomas, you might have read, is on a month-long government-paid tour of the Netherlands, where he is, and I quote, "inspecting the U.S. Embassy in the Hague."

Chairman Thomas is the man who says we need to cut the fat out of government.

I agree with that.

It's quite an honor to be here tonight and to share our evening with such distinguished company from outside the State.

We've said many times, since our Presidential Primary Bill passed the legislature last spring, that we expected several good things from it.

But one thing we didn't anticipate was the emergence of a bustling new tourist trade between the State of Florida . . . and the United States Senate.

Senator McGovern, we're delighted to have you with us.

We look forward to seeing you in Miami Beach next July when, thanks to the tremendous efforts of many people in this room, the first National Democratic Convention in the South since 1928 will be held.

You know, I have a campaign report that I've been delivering around the State at the expense of our visiting senator and some of his competitors.

Although many of you have probably heard it, I would like, in fairness to share the story with Senator McGovern.

The gist of it is that competition for votes has become so fierce down here that no less than 7 presidential hopefuls, 4 of them Senators, converged on one hapless fisherman up in the panhandle the other day.

Senator Jackson wanted to know if our man could use a Government-backed loan.

Governor Wallace offered him a bargain on a used school bus.

Mayor Lindsay gave him two tickets to the *Republican* National Convention.

But Congressman McCloskey grabbed the tickets *himself*, . . . saying *he'd* probably need them more than anybody. (Just to get in).

Senator Humphrey came up with fourteen hours of uninterrupted Senator Humphrey.

Senator McGovern attempted for fourteen hours to interrupt him.

And Senator Muskie, not wanting to risk overexposure, *just* waved from his car.

The poor Floridian disappeared into the surf and hasn't been heard from since.

You know, we used to have Senator *Harris* in that story, but, of course, he dropped out of the picture this week.

I was sorry to see that happen.

I've been neutral in this campaign, and I intend to remain so.

But I'm deeply disturbed that a man has been forced out of it simply because he has no money.

And I agree with Senator Harris' lament that "There's a great constituency out there for somebody."

It's a constituency whose candidate isn't likely to be well-funded. For this constituency is a new coalition demanding a new day of truth and honesty from those who would lead them.

Senator Harris and his populism might have surprised a lot of people . . . had he been able to stay in the race at least through the Florida primary.

For the corporate tax referendum, I think, was a clear sign that the new coalition has emerged, full-grown, at least in our State.

And I'm convinced it is a sleeping giant in the rest of the country . . . waiting only for someone to end its long and costly hibernation.

It's an unusual coalition . . . one which seems to cross all the old lines of race, religion, class and economic condition.

It is a coalition of the people . . . all kinds of them . . . people who are tired of being used, manipulated, fooled, frightened, divided and turned against themselves.

People who have come of age politically.

People who want leaders who will help them *overcome* their fears and prejudices . . . not cater to them.

People who want a government which respects and enhances their capacity to rise *above* themselves . . . not one which is content to see them trapped in ignorance and suspicion.

People who want a government which is responsive to them—not to a conglomeration of lobbyists, campaign contributors, influence peddlers and special interests.

People who demand, in short, a new day of national maturity in our approach to government . . . and to the governed.

This is what I think *Floridians* were saying last week.

This is what I think many other Americans were saying last year.

And this is what we Democrats had best be responding to today.

It's fine to talk of unity among ourselves as office-holders and party workers.

And I certainly hope we can *have* that kind of unity—without compromising our own individual views of what is right and fair and just, and of what must be done to make ours a better State, a better country and a better world.

For while unity among *ourselves* is quite important, I think the real challenge before us as Democrats . . . is to seek unity with the *people* and their needs.

We can have differences, we can have fights.

I've often said that a good and open fight is one of our more vigorous ways of searching for the truth.

But we must always remember that this "game" of politics is not a game at all.

It is the central thread in the achievements and failures of man.

And how we weave it can very well determine whether a mother has food for her children, whether the ignorant shall learn to read, whether a young man is to die in battle, and whether the world itself is to die of man-made suffocation.

This is why I find it ludicrous to refer to our national hopes and aspirations as a "gameplan."

I see neither a game nor a plan in what's happening in this country.

I see instead a tremendous challenge which is not being faced.

And I see our party as the best . . . indeed the *only* hope . . . for a change.

We're not going to win in 1972 by sitting on our hands and saying so . . . or by holding to the policies and procedures of the past.

Nor shall we win simply by reciting that we are and always have been the "party of the people."

We must prove it.

We must prove it by respecting the intelligence of today's voters; by showing them that political hypocrisy has no place in the new democratic party of the 70s; by remembering there are many who couldn't afford to attend even this dinner who need our help; by speaking honestly, candidly and courageously with the people, and by dedicating ourselves to good government . . . not just good politics.

I think we're learning in Florida that good government and good politics are one and the same.

That is as it should be. We must believe in our country. As Washington said, "We must raise a standard to which the honest and wise may repair." This is our task . . . this is our challenge and working together we shall not fail.

Thank you.

SPEECH BY LEONARD WOODCOCK, PRESIDENT, UNITED AUTOMOBILE WORKERS, AT 1971 ALBERT LASKER MEDICAL RESEARCH AWARDS LUNCHEON HELD IN NEW YORK CITY, NOVEMBER 11, 1971

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on November 11, 1971, at the distinguished 1971 Albert Lasker Medical Research Awards luncheon in New York City—an occasion always so significant in relation to the health and well-being of the people of America—Mr. Leonard Woodcock, president of the United Automobile Workers and chairman of the Committee for National Health Insurance, delivered the principal address on the subject of "The 'Monolithic' Myth in Health."

Mr. Woodcock, a great leader in the fight for better health care for the people of America, moved all those who heard him by the breadth of his knowledge, the moving eloquence of his sincerity in the strong appeal he made for an adequate program of National Health Insurance.

Few, if any, men are better qualified to speak upon this subject than Mr. Woodcock. He is one of the great voices of America, pleading for longer lives and better health, as well as greater happiness, for the people of our country, by making possible for them the highest quality of medical service which our country has to offer for those able to enjoy it.

Mr. Speaker, I commend Mr. Woodcock's able address to my colleagues and to my fellow-citizens, and include it at this point in the RECORD:

THE "MONOLITHIC" MYTH IN HEALTH

(Speech by Leonard Woodcock)

Chairman DeBakey, it is a great privilege for me to share this platform with you and with the scientists we are honoring today. The brilliant contributions to molecular genetics of Dr. Benzer, and Dr. Brenner, and of Dr. Yanofsky, are triumphs of the first order of medical science. Dr. Freis has made a wonderful contribution through his demonstration that treatment of moderate hypertension with drugs is life-saving. All scientists can take genuine pride in their successes, and laymen can take heart.

Although I do not profess to independent judgment in these matters, it seems clear the most obvious aspect of their work is that science has recorded a marvelous new advance. An equally important aspect will be how quickly, how well and how widespread these and other achievements of medical science can reach the people in the form of direct and helpful service. Besides being scientists and technicians, we are social beings. This aspect of human nature is as important as the scientific aspect. And I propose to address my further remarks to the support of continuing research and also to the applications in the service of human well being.

I also propose to say something about the word, "monolithic." That is the current pet word of people who like to scare other people. The workers whom I represent might not understand what it means, but they do understand from painful experience and personal family tragedies what it means not to get medical care.

The success of American medical science can be measured by the Lasker Awards and by the Nobel Prizes. Dr. Earl Sutherland, who was honored here last year and by Stockholm last month, was the 22nd Lasker Award winner subsequently to receive a Nobel Prize.

Today our research is the envy of the world and we must join together in keeping it so through adequate support. But we must also redouble our efforts to bring the fruits of medical research to the people.

In emphasizing the importance of delivering good medical care to all of our people, we must not overlook the fact that in treating the patient the doctor is totally dependent upon the scientific knowledge which medical research has provided to him.

On this point, I can quote no better authority than the Chairman of your Medical Research Awards Jury who, I am also happy to note, is a very effective Vice-Chairman of the Committee for National Health Insurance. In a recent article in the "Saturday Review", Dr. Michael DeBakey emphasized the mutual interdependence of medical research and the delivery of high quality care in these words:

"Without continued research, the most extravagant appropriations for the delivery of health care can produce no better quality than the application of *current* scientific knowledge permits; without further research into new ways of treating, curing, and preventing unconquered human ailments, the system will remain at a plateau."

I don't think the American people are aware of the fact that this country's accelerated medical research endeavor over the past 25 years has literally resulted in the saving of millions of lives and the prevention of countless disabling illnesses which, in an earlier era, consigned so many of our workers to lifetimes of incapacity and grinding poverty.

The research offensive against mental illness is a vivid illustration of this point. For almost two centuries, we put the vast majority of mental patients away in mental institutions because we had no treatment for them other than expensive psychotherapy for the very affluent. As a result, by 1955 we have constructed more than 300 of these institutions—massive human warehouses where we provided menial, degrading custody to more than 560,000 patients a year. The development of the tranquilizing and anti-depressant drugs in subsequent years turned the tide; today we have reduced the resident population of these hospitals by more than 250,000 and we are on our way to the total abolition of the custodial mental institution in this decade.

Apart from the alleviation of human suffering, the economic benefits are striking: (1) The saving of $6 billion in hospital construction costs; (2) the saving of over $6 billion in patient care costs; and (3) a vast increase in the productivity of persons who formerly would have been totally removed from the labor market.

The members of the United Auto Workers Union have reaped these benefits in full measure. In 1964, we negotiated a benefit with the major auto companies providing $400 a year in psychiatric out-patient care for each worker. As a result of this benefit, thousands of our members who would have formerly been consigned to lifetimes in state institutions have been successfully treated and are back on the assembly line.

I am delighted that among the scientists you honor here today with the coveted Lasker Awards, you single out for the Clinical Research Award Dr. Edward Freis of the Veterans Administration for his brilliant demonstration of the effectiveness of the use of drugs in the treatment of moderate hypertension.

A recent survey by the National Heart and Lung Institute disclosed the shocking fact that almost 23 million Americans are afflicted with high blood pressure, and an estimated additional five million Americans have this disease without being aware of it. High blood pressure, which in so many cases leads to coronary heart disease, each year hits hundreds of thousands of American workers, and they are the segment of the population with the highest incidence of *undetected* hypertension.

Through the medical research efforts of Dr. Freis and his colleagues throughout the country, the death rate from hypertensive heart disease has declined more than 50 percent since 1952. I have been told by medical authorities that we could all but eliminate this disease if we invested additional monies in more research and in a mass campaign to detect and treat high blood pressure in every community in this land.

Time does not permit a listing of the additional bounties from medical research in practically wiping out polio and influenza, in reducing the death toll from tuberculosis by 90 percent and in developing successful vaccines against both measles and German measles. Increased expenditures for medical research are a blue chip investment, far more valuable than anything being sold on Wall Street these days. These targeted medical research programs convert tax-eaters into taxpayers. In removing people from the welfare rolls and from scarce hospital beds, they restore them to lives of dignity and fulfillment.

However, in recent years there have been serious cutbacks in the research programs of the National Institutes of Health. Testifying this very year before a Congressional appropriations committee, the Director of the National Institutes of Health admitted that: "We are supporting less biomedical research at present than we did in 1966."

I submit that appropriations for the National Institutes of Health are still far too low. Last year, as a nation we spent per citizen $410 for national defense; $125 for the Vietnam War; $19 for foreign aid, but only $7 for the acquisition of new medical knowledge to preserve the lives of our citizens. We hear a great deal from Mr. Nixon about the dangers of an unbalanced federal budget, but when will this Administration wake up to the fact that its most important budget—its human budget—has always been in a certain sense unbalanced. Why? Because hundreds of thousands of our citizens have died ahead of their time. We have lost an irreplaceable asset each and every time this has happened. Human capital, not physical or financial capital, is the most precious resource of this Republic—its preservation is the means to, and should be the end result of, all of our endeavors.

My emphasis on the importance of medical research ties in very closely with my dedication to the principle of delivery of high quality health care to every man, woman and child in this country. I am all for expanded research in our scientific laboratories, but I want the gap closed between the laboratory bench and the bedside of the suffering patient. As a nation, we must develop goal-oriented clinical research against the major killers and cripplers of our time. Anyone who has studied the health scene in America today knows that too many of our spectacular medical research advances are confined to the medical schools and their affiliated teaching hospitals. It may be exciting to read in medical journals about the wonders of open heart surgery or comprehensive drug and radiation treatment against cancer, but how many poor and even middle-income residents of New York City have access to them? Here in New York City, you have seven medical schools and many world renowned hospitals and research institutes. Yet your death rate from disease is 15 percent higher than the national average. I think we can all draw the obvious conclusion—your affluent citizens get the best, but the best is far beyond the economic reach of the average working man and woman.

The main problem is that we have a faulty system for the organization, delivery and financing of personal health services. Our methods of paying for care distorts the system.

The health care system can learn much from the system we use for primary support of medical research.

A quarter-century ago medical research was in the predicament that health services now finds itself—that is, in crisis.

The financing of research was primarily through private resources. Funds were laboriously collected in small amounts through philanthropy or squeezed from the overstrained budgets of academic institutions. Private commercial research was conceived and supported not as a way of preventing sickness but as a way of increasing business through new production.

Until the establishment and development of the National Institutes of Health, we had no massive attack through research on the causes of killer diseases. NIH provided a monolithic funding arrangement which has resulted in the most productive scientific enterprise in the world. But the monolithic financing system did not stifle individual scientific efforts. It did not create a single massive research system. Rather, it weaved together and coordinated inter-related efforts. It supported multiple private efforts and a degree of freedom for the medical-scientific community that has yielded unprecedented health benefits for our people. The monolithic financing of medical research has made NIH a headspring of creative discovery.

Today, our nation can grasp the same opportunity for reform of health care delivery as we seized for medical research with the establishment of NIH. That is, we can shift from an essentially diffuse, ineffective, noncreative financing system to a monolithic financing system which will bring multiple new methods of delivering services to consumers. We can liberate medical care from a tyranny of wildly escalating costs and assure every family of new opportunities for preventive care, early diagnosis of illness and effective therapy and rehabilitation.

Or we can continue to subsidize our present medical care delivery system which has failed to bridge the gap between promise and performance.

Despite the successes of monolithic funding of medical research, we find ourselves today the victims of myth-making about "monolithic" financing. In fact, "monolithic" has become the scare word of the Seventies. It is employed by the very same people who in the Fifties and Sixties gave us other scare words, like "socialized medicine" and nationalized medicine." In the Thirties, they coined a series of dark, foreboding words to warn the people of the wretchedness of President Roosevelt's proposed Social Security system.

The cliches were then and are now the offspring of selfish, money-stained interests. Their strategy is to leave the average American mystified, confused and dependent on the old stand-bys—the American Medical Association and the insurance industry.

The "monolithic" cliche is being employed in the current national health insurance debate to condemn our proposal for National Health Security—or any plan that does not rely on the private insurance industry. According to the Nixon Administration, without the insurance industry to manage it, any national health insurance plan would be rigid and not adaptable to flexibility and diversity.

The myth-makers have, to a considerable extent, succeeded in creating confusion. But the fact is, as they well know, that while the financing under our Health Security program would be monolithic, as in the Social Security system, the health *services* would be provided by a system of resources for medical care which would be pluralistic.

In particular, the Health Security Act would create family health plans across the nation as alternatives to the present solo practice-fee-for-service medical system. The two key elements of the Health Security program are: Systematic and secure national funding by the Federal Government and multiform delivery of medical care by private providers. The organization, delivery and financing of services would be rationalized as medical research has been.

Even though they are making "monolithic" a scare word, the phrase-makers and jargon-coiners will fail to defeat National Health Security.

Organized medicine will fail because its rhetoric surpasses its performance. Not even a $1.5 million advertising budget can hide that fact.

The private health insurance industry will fail because, when you follow the problems of runaway costs and waste of consumer resources, they lead to the competitive practices of the insurance industry. Private health insurance is an idea whose time has gone.

The Nixon Administration will fail because its performance in health has instilled little public confidence. The President's health program is more form than substance.

What the people want are new and better methods of getting health care, and at reasonable not runaway costs. This will not be achieved by subsidizing private health insurance companies. The partnership of the Nixon Administration and the insurance companies will assure only a continuation of the inefficiencies and wasteful duplications of the present medical system.

Instead we need a single budget for health services, since multiple sources of payment only assure wasteful practices. We must end a horrible situation in which health services and research are required to lobby against each other for support in the HEW budget—a budget in which expenditures for medicaid, for example, can neither be controlled nor blocked off from research funds, under the present system.

Of all the national health insurance proposals, only Health Security provides the means for responsible budgeting of national expenditures for personal health services. Only Health Security would thus prevent depletion of funds intended and needed to support research.

Only the National Health Security Act will create comprehensive changes in our nation's personal health care system. It will make real the principle of health care as a matter of right. And it will enable this nation and its government to strike a proper balance between medical research and health service.

The word, "monolithic," is being used to scare people. But I submit to you that monolithic financing of personal health services is exactly what we need to assure that America will continue to be the center of excellence in medical research and will also become a model of excellence in health service to the people.

YOUNGSTERS PETITION CONGRESS TO SUPPORT DAY CARE LUNCH PROGRAM

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, this morning over 600 Washington area youngsters enrolled in day care programs petitioned the Congress to adequately fund and implement the day care lunch program which has been critically cut back by administration action. Delegate WALTER FAUNTROY joined me in receiving petitions for the support of the day care lunch program which began over 6 years ago after Congress adopted legislation which I originally sponsored.

A failure by Congress to appropriate adequate school lunch funds for day care centers and a failure by the Department of Agriculture to effectively and quickly allocate these funds is causing many children in the District of Columbia, in my State of Ohio, and elsewhere immediate danger of inadequate feeding in day care centers.

Here in the District of Columbia, the amount of money day care centers have been allowed to feed children has been cut in half. The 15 cents allowed for breakfast has been cut to 8 cents; the 30 cents for lunch has been cut in half—dropping to 15 cents. Snack allowances have been cut from 10 cents to 5 cents.

For many of these children, the meals they receive in day care centers are their only source of nutrition.

To cut the small amount allowed in half is unconscionable.

A strong effort must be made immediately in the Congress to provide adequate funds and sufficient allocations by the Department of Agriculture to sustain this program.

AGNEW DISCUSSES CHILD DEVELOPMENT

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, on Wednesday, November 17, the Vice President of the United States addressed the banquet meeting of the Illinois Agricultural Association. It was a remarkable and timely address, in which he directed long overdue attention to an analysis of the trends embodied in the so-called child development bill, which this body will shortly be called upon to either accept or reject.

Mr. AGNEW rightly pointed out the many dangers inherent in the various proposals of child development, which would negatively affect the parent-child relationship. Now, Mr. Speaker, I know that some view this as less than a real issue. To those, I urge they read the Vice President's speech, which I include in the RECORD.

Mr. Speaker, I should like to make one additional point. Many have characterized Vice President AGNEW's speeches as something less than what is to be expected from a public official. I have never agreed with that criticism. In fact, I feel that such attacks have very often been politically motivated and intended to obscure the meaning of the Vice President's public utterances. To those who have made the criticism in the past, I urge a review of Mr. AGNEW's remarks. What must have occurred to his audience last night and will occur to those who read the speech, is the seriousness of the address and his willingness to speak about things not normally the subject of "political speeches." Very few are willing to devote their time and energy to developing analyses such as the Vice President often—but especially in this speech—has done. Vice President AGNEW should be commended for this speech. Hopefully, many Americans will hear and heed the warnings contained in this address.

The address follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

America as a society was founded on respect for the individual and an unshakable belief in his worth and dignity. We believe an individual should be able to assume whatever position in society his intelligence, character and ability can earn for him—regardless of his status at birth—and we guarantee that he shall have that opportunity. He has, we say, an "inalienable right" to life, liberty and the pursuit of happiness so long as he does not trample on the equal rights of others. Unlike many other societies, we ask only in time of national emergency that he subordinate his individual freedom in the interest of his country.

"Individuality is the aim of political liberty," wrote James Fenimore Cooper. "By leaving to the citizen as much freedom of action and being as comports with order and the rights of others, the institutions render him truly a free man. He is left to pursue his means of happiness in his own manner."

The spirit of American individualism opened a frontier and built a nation. It imbues our institutions of today and we guard it jealously. Nowhere have I seen the importance of individualism and the threat to it better expressed than in the philosophy of your own organization, the Farm Bureau.

Let me read these few excerpts which are very pertinent to what I want to discuss with you tonight. I quote from your brochure, "1971 Policy Resolutions of the Illinois Agricultural Association."

"Farm Bureau recognizes freedom, the dignity and worth of the individual, equal opportunity, initiative and compensation for accomplishment, as basic concepts in a large way responsible for our country's progress and stature among the nations of the world.

"Today there are those who with well-planned purpose or unwitting action would lead our country and our people into state socialism with its control of our lives and our means to produce and distribute the products of our labor, capital and management, with little or no regard for the contribution of individuals. Such a course leads steadily and surely to the degeneration of moral and economic standards and to a leveled, disillusioned, government-directed people and a decadent economy.

"We reaffirm our faith in incentives, individual responsibility, initiative and freedom, rather than over-dependence on government. We believe that we should act as individuals and as an organization to keep the determination of our destiny in the hands of the people where it must remain, if our organization and our country are to continue to be free and strong."

That is a creed that the overwhelming majority of Americans can subscribe to, and I wish it could be read and repeated every day at every gathering of the "futuristic planners" who are so anxious to change our society by tinkering with the individual. For there is currently a body of thoughts which I believe presents serious threats to our individual liberties. These threats are often couched in the language of human benevolence. Such subtle encroachments on human freedom and dignity are for the most part proposed by social planners who believe that the individual is incapable of managing his own affairs, indeed, of even knowing what is best for him.

Let me share with you a few excerpts from a recent report published in the NEA journal. Today's Education, on future trends in education.

"Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration and memory . . .

"The roles and responsibilities of teachers will alter . . . The basic role of the teacher will change noticeably. Ten years hence it should be more accurate to term him a 'learning clinician.' This title is intended to convey the idea that schools are becoming 'clinics' whose purpose is to provide individualized psychosocial 'treatment' for the student, thus increasing his value both to himself and to society."

We don't have to wait 10 years for this to happen, ladies and gentlemen. It is already here in what some would term our more progressive public schools. Perhaps you have heard of the so-called "psycho-dramas" that children of all ages are forced to act out in the classroom. Listen to this account that I read recently in a newspaper:

". . . teachers frequently ask them (the pupils) to act out such things as obtaining an abortion, inter-racial dating, smoking marijuana—and how their parents would react. Parents find even more objectionable 'psycho-dramas' in which children act out actual incidents from the home, something which parents consider a clear invasion of their privacy. There have also been 'talk-ins' where two or three children will go to the school counselor and answer highly personal questions, such as: 'What does your father wear when he shaves?' or 'Do you love your parents?' One child was assigned an essay on the subject, 'Why do I hate my mother more than my father?' "

Character that was once molded in the home is now more often the product of the classroom, and there are some who would like to take it a step further and indoctrinate or condition all pre-school age children from infants on up to kindergarten age. They admire the Soviet system in which the State takes over this function from the parent.

Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, recently told a Congressional Committee: "There is serious thinking among some of the future-oriented child development research people that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging."

The Soviets, Dr. Lourie said, have long recognized the shortcomings of the family. That, he added, is "one of the reasons why they felt they needed to have access to the babies."

Dr. Lourie said that in the first 18 months of life the brain is growing faster than it ever will again. "It is then also more plastic and most available for appropriate experience and corrective interventions," he said.

Another expert witness testified that child-rearing by the State produces more obedient adults because the individual child is conditioned to conform to the behavior and values of the group in which he is reared.

You can see here that our traditional concept of the individual would disappear completely if it were left up to the behaviorists; moreover, the family would become an anachronism in the new scheme of things.

Now, I believe there are occasions when a child needs to be taken out of the home, both for his own good and that of society. I have said this many times. It may be he is totally neglected by his parents in his upbringing, or it may be that they are faced with severe problems that prevent him from receiving the kind of care and attention that he needs. In such cases, he would be better off in a foster home or boarding school. And certainly this Administration favors federal support of day care centers where children left by working parents can receive care and educational opportunities so critical in the early years. We have also encouraged innovations in educational techniques.

But what has been suggested in the examples I have cited to you is radical surgery on the national psyche—and it is absolutely unjustified under the circumstances that exist. Our futuristic thinkers might render society a better service by devoting their thinking to some of the immediate problems that confront us.

For example, instead of psycho-drama in the classroom let's restore conditions that permit and encourage learning. I saw an article in a Baltimore newspaper a few days ago where city officials were calling for the installation of metal detectors at school entrances to prevent acts of violence by *gun-carrying youngsters!* Now when discipline and respect for authority deteriorate that far, conditions have gotten pretty bad. But I'm sure they're no worse at schools in Baltimore than they are in many other cities of the land. I would think restoration of discipline and order ought to be a first priority—even ahead of curriculum—in the schools of this country. Because it's a simple fact that unless order is maintained there can be very little learning accomplished, no matter how modern or innovative the teaching techniques may be.

Instead of having students write essays on why they hate their mother more than their father, or relate what their father wears while shaving, educators might use this time more productively by emphasizing basic skills and subjects that will enable these students to make the most of their lives and their talents and improve their worth as individuals.

The principal danger in all of this, in my opinion, is a steady erosion of our belief in the individual and the value of his role in society. The assault continues daily.

One of the hottest books on the current-best-seller list deals with "conditioning" people to conform to a bizarre view of what society should be like—a utopia to be achieved through what the author calls a "technology of behavior." The author is Harvard psychologist B. F. Skinner. The book is appropriately entitled "Beyond Freedom and Dignity."

Dr. Skinner holds, in effect, that man has neither soul nor intellect and is completely a creature of his environment. If you can control man's environment, he theorizes, you can control his actions and his thoughts.

The book can be expected to have a substantial impact. Dr. Skinner is generally regarded as the most influential of American psychologists and social thinkers. He is widely known and respected, even by some who disagree with him.

The magazine Psychology Today said of the Skinner book: "This new crusading manifesto . . . is an intellectually ruthless demand for the faithful to move ever onward—into domestic policy, business, education, the family and every other part of life. Their time, they believe, is now."

In a recent article. Time magazine quoted Dr. Skinner as saying the concept of freedom once played a vital role in man's overthrow of tyrants but that it is now outmoded.

"My book," he said, "is an effort to demonstrate how things go bad when you make a fetish out of individual freedom and dignity. If you insist that individual rights are the *summum bonum*, then the whole structure of Society falls down."

In his book, Skinner attacks the very precepts on which our society is based saying that "Life, Liberty and the pursuit of happiness" were once valid goals but have no place in 20th Century America or in the creation of a new culture such as he proposes.

Another advocate of changing man's behavior through external means is Kenneth B. Clark, President of the American Psychological Association. Writing in the New York Times last week, he said the formerly useful appeals of religion, moral philosophy, law and education—in his words—"are, in themselves, no longer appropriate" in a nuclear age.

What is needed, suggested Dr. Clark, is to stimulate certain areas of the brain of national leaders or drug them in order to—in Dr. Clark's words—"assure their positive use of power and reduce or block the possibility of their using power destructively."

"This form of psycho-technological medication," he said, ". . . would assure that there would be no absurd or barbaric use of power. It would provide the masses of human beings with the security that their leaders would not or could not sacrifice them on the altars of their personal ego pathos, vulnerability and instability."

That sort of drivel doesn't need any further comment from me with this audience. It speaks eloquently for itself. But you cannot dismiss it as unimportant. That would be a big mistake.

Such "behavorial thinking," as it is called, has great impact in some of the intellectual circles of this country. For this reason, such thinking must be taken seriously and countered with logic and reason. It is potentially very dangerous, and it is completely at odds with our basic belief in the dignity and worth of the individual. To the behaviorist, man is not an individual; he is one of a herd, a particle in a mass of humanity who does not know what is good for him and who needs to be saved from himself by a superior elite using intellectual cattle prods. Note well Dr. Clark's use of the term—"provide the *masses of humanity* with the security that *their leaders* would not or could not *sacrifice them* on the altars of their personal ego . . ." What arrogance! What contempt for the individual!

John Stuart Mill, in his famous essay, "On Liberty" said in 1859, "Whatever crushes individuality is despotism, by whatever name it may be called."

Applying Mr. Mill's standard to the behavorists of today, I would say we are contending with a new kind of despotism.

For a number of years now our young people have been concerned about a possible loss of identity through computerization and other technological advances. They do not want to become a mere number, another face in the crowd. "Do not fold, spindle or mutilate," they say in derision.

I would say to them in all sincerity that they, and future generations of Americans, face a far bigger threat to the loss of their individualism from the sugar-coated theories of social scientists and behavioral psychologists than they do from the machines we have developed, manufactured and can control in making life easier and more abundant for mankind.

The important thing is that we use our technological knowledge for the good of all mankind, that we use it in solving the problems that are now attacked more with rhetoric than with our God-given ingenuity. In the end, individuals—not masses—will come up with the answers to these problems, just as the Edisons, the Wrights, the Salks and the Einsteins have done so often during the past decades.

Perhaps there will be a Herbert Hoover combining his talents of engineering and management to organize a gigantic program for feeding the starving of this world, and marshalling the resources of not only this country but of other rich, producing lands.

It was a half-century ago that Mr. Hoover, who was later to become our 31st President, returned from his enormously successful food mission in Europe and put down on paper the spiritual, economic and political characteristics that enabled the American people to produce the materials needed to bring peace to the world and at the same time give economic assistance to people ravaged by war.

He called his book *American Individualism* and he spoke to the behaviorists of his day who would sacrifice the individual for the group.

"Salvation will not come to us out of the wreckage of individualism," said Mr. Hoover. "What we need today is steady devotion to a better, brighter, broader individualism—an individualism that carries increasing responsibility and service to our fellows.

"Our need is not for a way out but for a way forward. We found our way out three centuries ago when our forefathers left Europe for these shores, to set up here a commonwealth conceived in liberty and dedicated to the development of individuality . . .

"Humanity has a long road to perfection, but we of America can make sure progress if we will preserve our individualism, if we will preserve and stimulate the initiative of our people, if we will build up our insistence and safeguards to equality of opportunity, if we will glorify service as part of our national character.

"Progress will march if we hold an abiding faith in the intelligence, the initiative, the character, the courage, and the divine touch in the individual. We can safeguard these ends if we give to each individual that opportunity for which the spirit of America stands. We can make a social system as perfect as our generation merits and one that will be received in gratitude by our children."

Ladies and gentlemen, Mr. Hoover's words are as applicable to our problems of today as they were to those of 50 years ago.

We have not yet achieved that perfect social system that he spoke of, but we have probably come closer than anyone else on earth, and we continue to make progress to that end.

And when we do finally achieve it, it will be because we have kept an abiding faith in the individual—in his intelligence, initiative, character, courage and the divine touch that exists in every man.

WILLIAM PACA HOME NATIONAL HISTORIC SITE

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to provide for the designation of the William Paca House in Annapolis, Md., as a national historic site.

William Paca is best known as being one of the signers of the Declaration of Independence. He also served as the third Governor of the State of Maryland.

Paca was born on October 31, 1740, near Abingdon, Md., the son of a wealthy planter who was of Italian origin.

William Paca received a master's degree from the College of Philadelphia, which later became known as the University of Pennsylvania, and he studied law at Annapolis and London. He was admitted to the bar in 1764, and by 1776, he had already received recognition as an outstanding lawyer in Annapolis, and was considered to be one of the leading patriots of Maryland.

Paca gave generously of his wealth, his time, and his influence to the cause of American freedom. He served in the Continental Congress from 1774 to 1779, and in the Maryland State Senate from 1777 to 1779. Later he became chief judge of the Maryland General Court, and subsequently in 1780, he became chief justice of the circuit court of appeals.

He was elected Governor of Maryland in 1782, and was twice reelected without opposition. In 1789, President George Washington appointed him as a U.S. district judge, and he remained in this post until his death 10 years later at the age of 59.

The William Paca House in Annapolis was formerly a part of the Carvel Hall Hotel, and ranks among the great Georgian mansions of historic Annapolis.

The Paca house is currently being restored by the Maryland historical trust in connection with the overall restoration of Annapolis' Old Town. The Paca house and its extensive gardens are important not only in themselves for their intrinsic architectural worth and beauty, but also for their historic association with William Paca.

A few years ago Historic Annapolis, Inc., bought the Paca house, and the State of Maryland, through the Maryland historical trust, bought the garden area to save them from destruction. The original Paca house was buried deep beneath an obsolete 1906 hotel, parking lot, and former bus station. Carefully guided by architects and archeologists, workmen excavated the garden, which originally covered 2 acres, and the Paca house, which was built in 1765. Today, the original proportions of the elegant 35-room, five-part William Paca House have been substantially recovered and restored, and the Paca garden is presently in the process of restoration.

At the present time, there are no landmarks designated to honor William Paca. Paca's house deserves the status of a national historic site, both to honor the life of a great American patriot and leader, Gov. William Paca, and also to preserve for posterity the dignity and grace of an earlier way of life in America.

William Paca was the only Italian-American to sign the Declaration of Independence, and the preservation of his home, therefore, is of concern to thousands of Italo-Americans across our Nation who are genuinely proud of Paca's great contribution to the establishment of our country, and who wish to see appropriate recognition given to this contribution.

Furthermore, in these changing and often troubled times, a project of this kind has special value for all Americans for it symbolizes the sacred heritage of our national past and it continues to influence our cultural development in the years ahead. I urge my colleagues, therefore, to join in bipartisan support of this legislation.

THE 53D ANNIVERSARY OF LATVIAN INDEPENDENCE DAY

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, Chicagoans today are observing the 53d anniversary of Latvian Independence Day. Our distinguished mayor, Hon. Richard J. Daley, has proclaimed November 18, 1971, as Latvian Day in Chicago.

The Chicago Latvian Association, which is ably headed by Viktors Viksnins, president, has made arrangements for appropriate commemorative events to take place in Chicago on this 53d anniversary of Latvian independence.

The tragic plight of Latvia, as well as the other Baltic nations—Lithuania and Estonia—has long been a matter of deep concern to me. One of my first acts, upon becoming a Member of Congress in 1965, was to introduce legislation expressing the sense of the Congress against the continued incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialists Republic.

My resolution recommends that the President of the United States take this matter once more to the United Nations and seek a declaration of world opinion demanding that the Soviets withdraw all troops, agents, and controls from the Baltic nations.

In addition, my resolution urges that hundreds of thousands of Baltic exiles who still survive in Russian prisons and slave labor camps be permitted to return to their homeland, and finally recommends that free elections be held in Latvia, Lithuania, and Estonia in order that the Baltic peoples may choose their own form of government.

I do feel that the repeated demonstration of our determination to defend this righteous cause will in the long run help to make Baltic liberty a reality. I am pleased, therefore, on this occasion to extend my greetings to the Americans of Latvian descent in my own Seventh Congressional District and in the city of Chicago who are participating in the 53d anniversary celebration of Latvian independence.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD I would like to insert a proclamation passed by the city council of Chicago and signed by Mayor Richard J. Daley regarding Latvian Day in Chicago, as well as a press release issued by the Chicago Latvian Association on the occasion of the 53d anniversary celebration of Latvian Independence Day. The proclamation and the release follow:

PROCLAMATION

Whereas, Latvian Independence Day in Chicago will be observed on November 18 and will mark the 53rd Anniversary of Latvian Independence; and

Whereas, the Latvian Community of Chicago has become a part of the life of this city with its people ever ready to serve all projects which have for their purpose the furtherance of the best interests of the city:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim November 18, 1971 as Latvian Day in Chicago, and urge all citizens to take cognizance of this fact.

Dated this fifteenth day of November, A.D., 1971.

Richard J. Daley,
Mayor.

LATVIAN INDEPENDENCE

THE LATVIAN NATIONAL ANTHEM

God, bless free Latvian Land,
Guard well my Fatherland,
Thus pray my heart and mind:
God, save Latvia!
Let there sound free my voice,
Daughters and sons rejoice!
Let there be a happy choice!
God, bless Latvia!

We are still too close to the events to get a true perspective, but it may be confidently asserted that when the full story comes to be told, the epic of the Latvian struggle for independence will rank high among the world's record of such performance. Without an épopée, said Goethe, can never become of much worth, but in their quest of freedom the Latvian peoples have contributed much to the "Mosaic of America", and proved there worth. Therefore: it is the duty to those of us who are living in freedom to remind the world what we are, what we are going to be, why we have existed and why we are going to continue to exist.

The economic development in independent Latvia will show to those who have doubted and still doubt that, in spite of a comparatively small political unit for economic opportunity, Latvia could exist without the help, as the political exploitation was called, of her powerful neighbors.

At the end of World War Two, approximately 100,000 persons emigrated from Latvia and later were dispersed throughout the free world. Today, statistics show that, through three generations, many hundreds of this number are true scholars of higher learning in the humanities, as well as technical sciences and other departments. The numerical majority are of the younger generation, those who attained their success in emigration and this shows the strength of vital creativity in the people even during difficult times. Therefore, to reiterate the contributions of the Latvian peoples and there great endeavors to fit into the pattern of the "Mosaic of America", and bringing there hopes of freedom to this great country, their ethnic heritage and cultures, arts, science, history and knowledge which has contributed much to this great country of America.

The legal existence of Latvia still continues despite the military occupation, of the U.S.S.R. The Soviet administration occupying Latvia lacks any legal basis, and in accordance with recognized principles of international law, should be regarded only as a temporary military occupation. The major powers, including the United States, have refused to recognize the incorporation of the Latvian State into the U.S.S.R. as claimed by the latter. In accordance with the principles of inter-national law, a military occupation cannot terminate the legal existence of a state. Unable to plead their own cause, we urge the President of the United States to bring the forces of world opinion at the U.N. and other international forums to bear on behalf of the restoration of the independence of Latvia. All men are by nature free and independent, and have certain inherent, and inalienable rights—among these are life, liberty and the pursuit of happiness. Lest we forget: we are thankful for privacy, sanctity and prayer. As an American, we must be thankful for many more blessings—the list is long.

RURAL ECONOMIC DEVELOPMENT ACT

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I am today reintroducing the Rural Economic Development Act I placed before the House last Tuesday.

My purpose for reintroducing the measure today is to allow several of my distinguished colleagues to join me in sponsoring this bill which can be of so much importance to rural America and ultimately to the Nation at large.

Since introducing the bill, I have received indications of support and interest from Representatives on both sides of the aisle and from all sections of the country.

This bipartisan and widespread support marks a good beginning point for action by this Congress on this very comprehensive and much-needed legislation.

Joining me today as sponsors are my distinguished colleagues: Mr. Thone of Nebraska, Mr. Alexander of Arkansas, Mr. King of New York, Mr. Latta of Ohio, Mr. Flowers of Alabama, Mr. Gray of Illinois, Mr. Bevill of Alabama, Mr. Carter of Kentucky, Mr. Flood of Pennsylvania, Mr. Cleveland of New Hampshire, Mr. Camp of Oklahoma, and Mr. Andrews of North Dakota.

I thank the distinguished gentlemen who have joined me today, and I hope the bill I have introduced will continue to attract additional support.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Messrs. Rodino, Eilberg, Flowers, Hogan, Railsback, McClory, and McKevitt (at the request of Mr. Rodino), November 29 through December 3, on account of attendance at 20th anniversary meeting of the Intergovernmental Committee for European Migration (ICEM);

Mr. Edmondson (at the request of Mr. Albert), for November 17, 18, and 19, on account of death in the family;

Mr. Cotter (at the request of Mr. O'Neill), for today, on account of illness;

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business;

Mr. Corman, for November 18, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 20 minutes today, and to revise and extend his remarks and to include extraneous matter.

Mr. Bingham, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mrs. Green of Oregon, for 30 minutes, today, following Mr. Erlenborn, and to revise and extend her remarks and include extraneous matter.

(The following Members (at the request of Mr. McKevitt), to revise and extend their remarks and to include extraneous matter to:)

Mr. Skubitz, today, for 5 minutes.

Mr. Bell, today, for 30 minutes.

Mr. Kemp, today, for 15 minutes.

Mr. Frenzel, today, for 5 minutes.

Mr. Miller of Ohio, today, for 15 minutes.

Mr. Erlenborn, today, for 30 minutes.

(The following Members (at the request of Mr. Denholm and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Melcher, for 5 minutes, today.

Mr. McCormack, for 15 minutes, on November 19.

Mr. Gibbons, for 60 minutes, on November 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden and to include an editorial.

Mr. Frenzel to include extraneous matter during his remarks in Committee of the Whole today.

Mr. Mazzoli (at the request of Mr. Buchanan) to follow the special order of Mr. Buchanan.

Mr. Ware (at the request of Mr. Buchanan) to follow the special order of Mr. Buchanan.

(The following Members (at the request of Mr. McKevitt), and to include extraneous matter:)

Mr. Broyhill of Virginia.
Mr. Steele in four instances.
Mr. McDade.
Mr. Scott.
Mr. Wyman in two instances.
Mr. Hansen of Idaho.
Mr. McClory in four instances.
Mr. Zwach.
Mr. Hillis.
Mr. Derwinski.
Mr. Hosmer in two instances.
Mr. Kemp.
Mr. Frenzel in two instances.
Mr. Broomfield in two instances.
Mr. Price of Texas in two instances.
Mr. Quie.
Mr. Collins of Texas in six instances.

Mr. Young of Florida in five instances.

Mr. Horton.

Mr. Morse in two instances.

Mr. Talcott in two instances.

Mr. Miller of Ohio in four instances.

Mr. Pettis.

Mr. Nelsen.

Mr. Ruppe.

Mr. Landgrebe in two instances.

Mr. Mizell in eight instances.

(The following Members (at the request of Mr. Denholm) and to include additional matter.)

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Hagan in three instances.

Mr. Harrington in three instances.

Mr. Karth.

Mr. Culver.

Mr. Corman in three instances.

Mr. Eilberg in two instances.

Mr. Hamilton.

Mr. Boland in two instances.

Mr. Annunzio in two instances.

Mr. Rosenthal in five instances.

Mr. Burke of Massachusetts in two instances.

Mr. Downing in two instances.

Mr. Begich in five instances.

Mr. Purcell in two instances.

Mr. Patman in two instances.

Mr. Scheuer in two instances.

Mr. Pepper.

Mr. Wolff in two instances.

Mr. Wright in two instances.

Mr. Jacobs.

Mr. Murphy of Illinois in two instances.

Mr. Cabell in two instances.

Mr. Bingham in two instances.

Mr. Fauntroy in five instances.

Mr. Biaggi in two instances.

Mr. de la Garza in two instances.

Mr. Mazzoli.

Mr. Smith of Iowa in three instances.

Mr. Hechler of West Virginia.

Mr. Flynt.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2559. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Friday, November 19, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1295. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July-August, 1971, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1296. A letter from the Secretary of State, transmitting the 11th annual report of the activities of the Center for Cultural and Technical Interchange Between East and West, in Honolulu, covering fiscal year 1971, pursuant to the Mutual Security Act of 1960; to the Committee on Foreign Affairs.

1297. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 5 of the act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds; to the Committee on Interior and Insular Affairs.

1298. A letter from the Director, Administrative Office or of the United States Courts, transmitting a draft of proposed legislation to improve judicial machinery by providing benefits for survivors of Federal judges comparable to benefits received by survivors of Members of Congress, and for other purposes; to the Committee or Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee of Conference. Conference report on House Joint Resolution 946 (Rept. No. 92-676). Ordered to be printed.

Mr. CELLER: Committee on the Judiciary. H.R. 11394. A bill to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes; with amendments (Rept. No. 92-677). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Select Committee on Crime. Report on a national research program to combat the heroin-addiction crisis (Rept. No. 92-678). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 11860. A bill to amend the U.S. Housing Act of 1937 to provide for grants to local public housing agencies to assist in financing security arrangements designed to prevent crimes and otherwise insure the safety and well-being of low-rent-housing tenants; to the Committee on Banking and Currency.

By Mr. BELCHER (for himself, Mr. Steed, Mr. Camp, Mr. Jarman, and Mr. Edmondson):

H.R. 11861. A bill for the relief of the owners of interests in the minerals and mineral rights in certain land located in Caddo County, Okla.; to the Committee on the Judiciary.

By Mr. CORMAN (for himself, Mr. Aspin, Mr. Bolling, Mr. Danielson, Mr. William D. Ford, Mr. Halpern, Mr. Hawkins, Mr. Helstoski, Mr. Jacobs, Mr. Johnson of California, Mr. McFall, Mr. Meeds, Mr. Moorhead, Mr. Moss, and Mr. Obey):

H.R. 11862. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Pepper, Mr. Pike, Mr. Rees, Mr. Reuss, Mr. Ryan, Mr. Schwengel, Mr. Sisk, Mr. Stokes, Mr. Van Deerlin, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 11863. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 11864. A bill relating to the appraisement of certain multipurpose metalworking machines; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 11865. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for non-Regular service under chapter 67 of that title; to the Committee on Armed Services.

By Mr. McCULLOCH:

H.R. 11866. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 11867. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. McFALL:

H.R. 11868. A bill to amend title 18 of the Social Security Act to provide payment under the medicare program (without regard to certain restrictions otherwise applicable) for emergency hospital and medical services furnished outside the United States in U.S. military hospitals or other Federal hospitals; to the Committee on Ways and Means.

By Mr. MARTIN:

H.R. 11869. A bill to amend title 5 of the United States Code to provide for the designation of the 30th day of May of each year as "Memorial Day"; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 11870. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 11871. A bill to authorize the President of the United States to propose or agree to a change in the par value of the U.S. dollar; to the Committee on Banking and Currency.

By Mr. ROSENTHAL:

H.R. 11872. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Brademas, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Fraser, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mazzoli, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Moss, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. St Germain, Mr. Seiberling, Mr. Stokes, and Mr. Yates):

H.R. 11873. A bill to provide for the discharge of members of the Armed Forces from active military service by reason of physical disability when suffering from drug dependency, to authorize the civil commitment of such members concurrent wtih their discharge, to provide for retroactive honorable discharges in certain cases, and for other purposes; to the Committee on Armed Services.

By Mr. WILLIAMS:

H.R. 11874. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mrs. ABZUG (for herself, Mr. Dellums, Mr. Halpern, Mr. Rees, and Mr. Seiberling):

H.R. 11875. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO (for himself and Mr. Garmatz):

H.R. 11876. A bill to authorize the Secretary of the Interior to establish the William Paca Home National Historic Site in the State of Maryland; to the Committee on Interior and Insular Affairs.

By Mr. CABELL (by request) (for himself, Mr. Broyhill of Virginia, Mr. Gude, Mr. Hogan, and Mr. Nelsen):

H.R. 11877. A bill to amend the National Capital Transportation Act of 1969 (83 Stat. 320) to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FRENZEL:

H.R. 11878. A bill to insure that Federal laws do not interfere with neighborhood school systems which are conducted on a racially nondiscriminatory basis; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 11879. A bill to amend the Economic Stabilization Act of 1970 to provide for the payment of certain pay increases which were withheld during the freeze of wages and salaries, and for other purposes; to the Committee on Banking and Currency.

By Mr. MIZELL (for himself, Mr. Alexander, Mr. Andrews of North Dakota, Mr. Bevill, Mr. Camp, Mr. Carter, Mr. Cleveland, Mr. Flood, Mr. Flowers, Mr. Gray, Mr. King, Mr. Latta, and Mr. Thone):

H.R. 11880. A bill to create a partnership between the United States and the several States for the development of rural America's transportation, industrial growth, education, health, housing, environmental protection, and planning resources and capacity; to the Committee on Agriculture.

By Mr. PRICE of Texas:

H.R. 11881. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL (for himself, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Fauntroy, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Leggett, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Morse, Mr. Rosenthal, Mr. Stokes, and Mr. Dellums):

H.R. 11882. A bill to establish minimum prisoner treatment standards for prisons in the United States, and to create an agency to hear complaints arising from alleged infractions of such standards; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 11883. A bill to amend the Social Security Act to provide for the payment (from the old-age and survivors insurance trust fund) of special allowances to help elderly low-income persons and families to meet their housing costs; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey (for himself, Mr. O'Hara, Mr. Perkins, Mr. Dent, Mr. Pucinski, Mr. Brademas, Mr. William D. Ford, Mrs. Mink, Mr. Scheuer, Mr. Clay, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mrs. Hicks of Massachusetts, and Mr. Badillo):

H.R. 11884. A bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under that act; to the Committee on Education and Labor.

By Mr. ULLMAN:

H.R. 11885. A bill to provide for the conveyance of certain public lands in Klamath Falls, Oreg., to the occupants thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYLIE:

H.R. 11886. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. BELL (for himself and Mr. Hawkins):

H.R. 11887. A bill to assist State and local criminal justice systems in increasing the potential for full rehabilitation, and reintegration into the community, of criminal and youth offenders, and in preventing criminal recidivism by providing for the development of comprehensive, innovative, and coordinated community oriented programs to provide such offenders with sufficient occupational skills, attitudes, and services to gain meaningful employment after release; to the Committee on Education and Labor.

By Mr. PATMAN:

H.R. 11888. A bill to reestablish November 11 as "Veterans Day"; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 11889. A bill to allow States and counties to levy personal property taxes on personal property located in Federal areas within the State; to the Committee on Ways and Means.

By Mr. WAGGONNER (for himself, Mr. Sikes, Mr. Crane, Mr. Baring, Mr. Broyhill of Virginia, Mr. Duncan, Mr. Flynt, Mr. Gross, Mr. Landgrebe, Mr. Price of Texas, Mr. Rarick, Mr. Roberts, Mr. Robinson of Virginia, Mr. Rousselot, Mr. Satterfield, Mr. Scherle, Mr. Schmitz, Mr. Spence, Mr. Springer, Mr. Steiger of Arizona, Mr. Thompson of Georgia, Mr. Yatron, Mr. Young of Florida, Mr. Zion, and Mr. Long of Louisiana):

H.R. 11890. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. RUPPE:

H.J. Res. 976. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 977. Joint resolution proposing an amendments to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

H.J. Res. 978. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself and Mr. Baker):

H. Con. Res. 463. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foregin Affairs.

By Mr. HUNGATE (for himself, Mr. Bevill, Mr. Brademas, Mr. Buchanan, Mr. Collier, Mr. Cotter, Mr. Flowers, Mr. Gibbons, Mr. Johnson of Pennsylvania, Mr. Sisk, Mr. Smith of New York, Mrs. Sullivan, Mr. Thone, and Mr. Wiggins):

H. Con. Res. 464. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ROONEY of New York:

H. Con. Res. 465. Concurrent resolution calling for peace in northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. BRASCO:

H. Res. 712. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms belance in the Middle East; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI (for himself and Mr. Charles H. Wilson):

H. Res. 713. Resolution expressing the sense of the House of Representatives relative to the Pakistani civil war and the furnishing of relief assistance to persons affected by it; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

284. The SPEAKER presented a memorial of the Legislature of the State of California, relative to providing treatment for drug addiction of Vietnam veterans, which was referred to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FREY:

H.R. 11891. A bill to direct the Secretary of the Interior to convey to William H. Muntzing phosphate interests of the United States in certain real property located in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. McFALL:

H.R. 11892. A bill for the relief of Arturo Robles; to the Committee on the Judiciary.

By Mr. MIZELL:

H.R. 11893. A bill for the relief of the First Reformed United Church of Christ of Lexington, N.C.; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 11894. A bill to exempt from taxation certain property of the National Society Colonial Dames XVII Century in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII,

159. The SPEAKER presented a petition of the voters of the city of Pittsfield, Mass. in the election held November 2, 1971, relative to the immediate withdrawal of all U.S. troops and equipment from Southeast Asia, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

UNITED STATES BUYING PRIVATELY OWNED LANDS IN EVERGLADES NATIONAL PARK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. FASCELL. Mr. Speaker, I am pleased to report to our colleagues that the long-awaited acquisition of the remainder of the privately owned lands within the Everglades National Park is finally underway. The National Park Service has made the first purchases with the $10 million which we appropriated for fiscal year 1972 and I am hopeful that they will make sufficient progress for us to be able to appropriate the remaining $10 million of the authorization next year.

Mr. Bob Lettino, of the Miami Herald, has written a most interesting article indicating that the acquisition of this land is being made just in time to prevent large-scale development which would result in the ruination of these magnificent waterways and parklands. I commend his article to our colleagues:

[From the Miami Herald, Nov. 15, 1971]

UNITED STATES BUYS PRIVATE LAND IN GLADES PARK

(By Bob Lettino)

With $10 million in their checking account, federal authorities have begun to write the final chapter of the establishment and acquisition of Everglades National Park—the purchase of the last 55,000 acres of private land within park boundaries.

The process is complex. It may take years to finish.

The $10 million may or may not be half the money required to do the job.

A second $10 million has been authorized by Congress for the purpose, but it remains to be appropriated, or even budgeted. Hopefully the money will become available in fiscal 1973.

No one knows if the full $20 million will finish the job, because appraisal has just begun, and the final value of the remaining private land within the park will not be set until the appraisal is finished.

But the process of purchase has at last begun.

It is being done by a staff from the National Park Service, housed in an old, white, colonial-style building on the old Richmond Airbase at the deadend of Coral Reef Drive.

Priority has been given to a strip of land that lies southwest of Tamiami Trail's Loop Road.

This is the area in which real estate developers have been selling land like crazy all this spring and summer.

Brown Forester of the Park Service's land acquisition office says slightly more than 100 parcels—ranging from full 640-acre sections down to five-acre plots—have been appraised, with the value fixed at $800,000. A dozen or so owners have accepted offers made for their properties, which means they have sold to the government, although no actual transfer of titles has occurred.

This much, Forester says, has stopped land sales in the area and has slowed down canal digging and road building in the Loop Road area outside park boundaries.

Rep. Dante Fascell, who with the late Sen. Spessard Holland, sponsored the $20-million authorization legislation said:

"It's really Spessard's baby. He fought for it all along and I'm really sorry he isn't here to see the start of the purchasing. It's been far too long in coming and I'm committed to seeing the second $10 million appropriated."

John D. Pennekamp, The Herald's associate editor, who headed the pivotal committee that got state legislation passed to help create the park, said: "We better have a fish fry to celebrate."

Pennekamp referred to the December 1947 dedication by President Harry S. Truman of the park at Everglades City. A fish fry was part of the festivities.

The $10 million Congress appropriated last June came in the very nick of time. If Congress had not acted, developers could have built roads straight across the park boundary, on into the park, and built condominiums or whatever they wished right on the shores of Huston Bay. There are no zoning restrictions in that area of Monroe County (the county seat is 200 miles away in Key West) and the federal government simply did not own the land.

Last April the Joe Cotton Realty Corp. was selling tracts of an acre and a quarter even farther inside the park on Plate Creek Bay and Lostman's Five Bay. At that time, Joe Cotton gave the price of parcels on the creeks as $995; parcels with bay frontage sold for $3,500. Eight hundred parcels had been sold at the time, Joe Cotton said. All of this was legal.

Asked if buying land within the park wouldn't develop into a problem with the federal government eventually, if not immediately, Cotton replied:

"That's no situation at all. It's private land. We paid cash. We got the deeds."

Cotton neglected to add that at that very moment the $10 million was in the Department of Interior budget. It was appropriated two months later, in June.

One thing the sudden development boom did do was make Forester's job difficult. Now there are thousands of individual owners of private land in this area of the park, called the Northwest Extension. They live as far west as California and Oregon in the United States, some live in England, many are South Americans.

According to law, each owner has to be sent a letter offering the right to accompany the appraiser (a private individual hired by the government) on an inspection trip of the property. If the owner declines, the appraisal is made and a letter offering to buy at that price is sent the owner. If the owner accepts, that's it. In time payment is made and title transferred.

If the owner declines the offer, the next step is condemnation proceedings in U.S. District Court.

The majority of owners so far have accepted the offer made.

The Northwest Extension comprises 33,000 acres.

There is another cluster of private land within the park in Dade County. This is called the "Hole in the Doughnut" and comprises 22,000 acres. The priority on purchase of the land in Dade is low because the developer has been cooperative, having given the names of all to whom he sold to the government.

It was the sudden development in the Northwest Extension that caused problems by multiplying the individual ownership so rapidly.

Inadvertently the Park Service itself contributed to the problem, through the best of motives.

For years, if one wished to go by boat from Everglades City at the north end of the park to Flamingo at the south end, one could go "outside" via the Gulf of Mexico or "inside" through the creeks and bays of the Ten Thousand Islands.

Only the knowledgeable could use the tricky, unmarked inside route.

Before 1968 there was one fishing camp on private land at Alligator Bay. The only other homesite was that of Arthur Darwin, the hermit of the Wilderness Waterway, who will be 96 Dec. 17. He is the only man allowed to live on public land in the park. He has been granted permission to live out his life on Possum Key, 20 miles south of Everglades City.

In 1968 the park rangers began clearing and marking the Wilderness Waterway and in 1969, when the job was finished, the University of Miami printed "A Guide to the Wilderness Waterway."

This was all done in the interest of letting more people enjoy the unique terrain and wildlife of Everglades National Park.

It became a wilderness highway of sorts.

And then the developers got into the act.

They bought the large tracts of land and broke them up for sale. Fishing camps sprouted all over Lostman's Five and adjoining bays. Some were simple shacks. Others were elaborate. Still others were fabricated ashore and brought in by barge.

One day they will all be gone.

Should Arthur Darwin live to see that day, he then would be the only man living in Everglades National Park.

AN EDUCATIONAL TV STATION PLANNED FOR HAGERSTOWN, MD.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BYRON. Mr. Speaker, I was pleased to learn recently that the Maryland Public Broadcasting Commission has filed an application with the Federal Communications Commission for a permit to establish and operate an educational television station covering the Hagerstown, Md., area.

I believe this will be a great step forward for educational television in the State of Maryland with benefits for the many residents of Washington and Frederick Counties. I would like to share with my colleagues an article from the Hagerstown Daily Mail of October 13 describing the proposed station:

EDUCATIONAL TV STATION PLANNED FOR HAGERSTOWN

The Maryland Public Broadcasting Commission has applied to the Federal Communications Commission (FCC) for permission to build a noncommercial educational television station to serve the Hagerstown area.

The station which will operate on UHF channel 33, will be a satellite of Station WMPB, the state's parent educational station in Baltimore. The Hagerstown satellite will be the second of six planned around the state.

The Public Broadcasting Commission has

already received the go-ahead from the General Assembly to build the station. The state is now negotiating with Chesapeake and Potomac Telephone Co. for a transmitter site on Fairview Mountain, according to Richard W. Smith, a spokesman for the agency.

The commission has nearly completed plans for the station in advance of the FCC application because there are no other parties interested in broadcasting in the Hagerstown area, he said.

FCC approval is virtually assured, Smith added.

An FCC permit to begin constructing the broadcasting tower will probably be issued in three or four months, he said, but the station will probably not begin operating for at least a year.

Only the transmitter, to cost about $500,000, will be located here, Smith added. All programs will be produced at the Baltimore studios and beamed to Fairview Mountain by "microwave relay." The station will generally carry the same programs as the Baltimore station, although occasional shows may be produced specifically for the Western Maryland audience, Smith explained.

The station will begin broadcasting at 8 a.m. with teacher-training material. Industrial-training programs will be transmitted from 8:30 to 9.

From 9 a.m. to 3 p.m., the station will send programs for use in the county schools.

More industrial training programs will be offered from 3 to 4 p.m. Children's programs, including Sesame Street, will be scheduled from 4 to 6. The station will beam high school equivalency courses and college courses in operation with the Hagerstown Junior College from 6 to 7. Programs of general interest will be offered in the evening.

THE TRAGEDY OF COLONEL HERBERT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. WALDIE. Mr. Speaker, I take this time today to call this body's attention to the unfortunate incidents surrounding the announced retirement of Lt. Col. Anthony Herbert.

It is not necessary, Mr. Speaker, to delve into the long story that surrounds this dedicated man. Suffice it to say that Colonel Herbert was our most decorated enlisted man in the Korean conflict and served with great energy, conviction, and pride in Vietnam. It was not until the latter conflict, however, that the amazing story of this man became known to millions of Americans.

Colonel Herbert is a dedicated career soldier. This man dedicated his life to the Army. He worked hard and improved his lot. He started out as a high school dropout and finishes his career as an educated officer. He lived by the book, constantly, believing those rules and regulations were written to be obeyed. There is never doubt where this man will stand on military issues. There is never the feeling that some regulations will be relaxed, some forgotten, and others enforced harshly. This man followed the book, and ultimately, it is this dedication to purpose and rules that is spelling the end to his career.

Lt. Col. Anthony Herbert, like many other soldiers, witnessed atrocities in Vietnam. Unlike many soldiers, Colonel Herbert realized his duty and reported those atrocities. His superiors, apparently, failed to complete the reports or follow up on them. Instead, Colonel Herbert—the man who had been named the "top commander" in Vietnam just a few weeks before—was given a poor fitness report and assigned to the rear.

Many military men would have taken this reprimand and said nothing. But, Mr. Speaker, we are dealing here with a dedicated soldier. He did not stop, he did not quit trying to see the rules and regulations he patterned his life after were followed. But he got nowhere.

It was not until the New York Times investigated the story, and Colonel Herbert began appearing on national television to tell his story, that the people and the Government realized what had happened.

The distinguished gentleman from Louisiana, the chairman of the House Armed Services Committee, Representative HÉBERT, immediately called on his committee to look into the matter. That body interviewed the colonel for an entire day, submitted its report to Chairman HÉBERT, and he involved himself in the case.

Mr. Speaker, I think the gentleman from Louisiana did a great service to his country and to the Armed Forces at that moment. He contacted the Secretary of the Army, asking him to review the case. That review brought the destruction of that patently unfair poor fitness report and the permanent promotion of Colonel Herbert to the rank of major.

Mr. Speaker, the distinguished chairman of the House Armed Services Committee did everything that could humanly be done to correct this inequity. The quick response to this tragic event by Chairman HÉBERT was highly commendable. But, unfortunately, the situation has developed to a point now beyond the grasp of even a man as capable as the gentleman from Louisiana.

Colonel Herbert has announced his intention to resign from the Army, effective in late February. He requested, and received, emergency leave so that he might provide help to his wife who is suffering under the nervous strain of this entire episode. It is here, Mr. Speaker, that this entire case stops being merely suspect and degenerates into a case of careless disregard and utter stupidity.

The U.S. Army has taken upon itself the position of judge, jury, and executioner in this matter. They have judged Colonel Herbert as incompetent—because he had the gall to say something was internally wrong with the Army. Their little clan of jurors decided the guilty verdict and sentenced him to continuous harassment until his Army career was dead. Now, a group of petty men are carrying out that verdict—calling Herbert's home at strange hours, then denying they called—conducting recruit saluting and posture lessons for this magnificent soldier as a demeaning exercise.

Mr. Speaker, I do not know if Colonel Herbert's atrocity charges are factual—only he and the South Vietnamese soldiers and American enlisted men know for sure. No one will really ever know, except Colonel Herbert, how much harassment is being given this dedicated man while he awaits retirement. And most certainly, Mr. Speaker, only the historians will ever know how much this incident and others like it will add to the deterioration of the U.S. Army.

We do not know one thing. This single case is symptomatic of a disorder occurring too frequently in our military services. It is one of the initial signs that the morale of our armies is desperately declining.

We are witnessing a change in the history of our armies. We are seeing the move toward a volunteer service, where men will sign their name to receive the training and experience that will help them defend our Government. We are seeing a time when that military is calling on us to allocate the funds and resources necessary to make the program work. Yet, in this time of great expectation, how many men will sign their name to become a part of a service that destroys its members for living by rules? How many young Americans will hesitate to volunteer now that they have seen what happens to a career soldier?

And how many of our good, dedicated, and trusting officers and noncommissioned officers will seek another term of service after looking at this incident and realizing that many things that happen around their lives are very similar?

In the midst of all this stupidity, all this complete ineptitude, all this complete frustration among those of us who really care, stands an honorable man who must end his military career because of harassment of his superiors in rank, but his inferiors as men.

All that is left now is a tribute to Lieutenant Colonel Herbert for the service he rendered this Nation in the Korean war and the job he tried to do in Vietnam. That stupid, regrettable war has had one more tragedy added to the columns of tragedies that depict its ugly course through history.

GIRLS LATIN SCHOOL CAPTURES BADMINTON TROPHY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to congratulate the Girls Latin School in Dorchester, Mass., which is in my congressional district, for again capturing the badminton trophy in competition recently held in Boston and becoming the city champions.

These fine American girls are upholding the finest traditions of the Boston public schools in keeping both physically and mentally awake at all times.

Credit must be extended to Miss Margaret Carroll, the headmaster of Girls Latin School, and to Mrs. Jean Thomsen, the girls' physical education instructor. Also to be congratulated are the Misses Libby Haynes, Elaine Johnson, both of the Jamaica Plain section of Boston; Laurel Boly of West Roxbury; and Joanne Mulligan of Dorchester, for their outstanding performance in the competition.

TRIP TO SOVIET

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BINGHAM. Mr. Speaker, today, Commerce Secretary Maurice Stans is leaving to begin a 3-week trip which will take him to the Soviet Union to discuss problems of international trade and finance with Soviet officials. Along with a bipartisan group of 56 of my colleagues, I have sent a telegram to the Secretary urging him during this visit "to impress upon the Soviet leadership the genuine and deep concern of the American people for the plight of Jews in the Soviet Union." We informed Mr. Stans that Americans are counting on him "to urge the U.S.S.R. to live up to its commitments in the Universal Declaration of Human Rights and two human rights conventions, guaranteeing these Soviet citizens the right to practice their religion and preserve their traditions without fear of reprisal or threat of harm and to emigrate to other lands if they desire to do so."

Following is text of telegram and list of signers:

As you discuss with Soviet officials problems of international trade and finance on your forthcoming visit, we urge you to impress upon them the genuine and deep concern of the American people for the plight of Jews in the Soviet Union. We count upon you to urge that the U.S.S.R. live up to its commitments in the Universal Declaration of Human Rights and two human rights conventions, guaranteeing these Soviet citizens the right to practice their religion and preserve their traditions without fear of reprisal or threat of harm and to emigrate to other lands if they desire to do so.

Jonathan B. Bingham (D–N.Y.), Bella S. Abzug (D–N.Y.), Bill Archer (R–Tex.), William A. Barrett (D–Pa.), John Brademas (D–Ind.), William S. Broomfield (R–Mich.).

Phillip Burton (D–Calif.), Shirley Chisholm (D–N.Y.), W. C. (Dan) Daniel (D–Va.), John G. Dow (D–N.Y.), Don Edwards (D–Calif.).

Peter H. B. Frelinghuysen (R–N.J.), Richard H. Fulton (D–Tenn.), Robert McClory (R–Ill.), Joseph P. Addabbo (D–N.Y.), Herman Badillo (D–N.Y.).

Mario Biaggi (D–N.Y.), Frank J. Brasco (D–N.Y.), John Buchanan (R–Ala.), Hugh L. Carey (D–N.Y.), Philip M. Crane (R–Ill.).

James J. Delaney (D–N.Y.), Robert F. Drinan (D–N.Y.), Joshua Eilberg (D–Pa.), Bill Frenzel (R–Minn.), Cornelius E. Gallagher (D–N.J.).

James R. Grover (R–N.Y.), William L. Hungate (D–Mo.), William J. Keating (R–Ohio), John M. Murphy (D–N.Y.), Norman F. Lent (R–N.Y.).

Patsy T. Mink (D–Hawaii), Edward I. Koch (D–N.Y.), David R. Obey (D–Wisc.), Bertram L. Podell (D–N.Y.), Henry S. Reuss (D–Wisc.).

Peter W. Rodino, Jr. (D–N.J.), Edward R. Roybal (D–Calif.), James H. Scheuer (D–N.Y.), Fletcher Thompson (R–Ga.), Jerome R. Waldie (D–Calif.), James A. Burke (D–Mass.).

Seymour Halpern (R–N.Y.), Joseph E. Karth (D–Minn.), Jack F. Kemp (R–N.Y.), Peter N. Kyros (D–Me.), Spark Matsunaga (D–Hawaii).

William S. Moorhead (D–Pa.), Robert N. C. Nix (D–Pa.), Edward J. Patten (D–N.J.), Charles B. Rangel (D–N.Y.), Donald W. Riegle, Jr. (R–Mich.).

Benjamin S. Rosenthal (D–N.Y.), William F. Ryan (D–N.Y.), Samuel S. Stratton (D–N.Y.), Robert O. Tiernan (D–R.I.), Lester L. Wolff (D–N.Y.).

WILL THE HOUSE ENACT MEANINGFUL CAMPAIGN REFORM?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. WALDIE. Mr. Speaker, sitting by the fire on a winter evening and reading the poetry of Bathhouse John Coughlin, late of the First Ward of Chicago, is not one of those cultural exercises I regularly engage in. But in view of the subject matter before the House this week I thought it might be not entirely inappropriate to share with you what I deem to be some of the poetry of the occasion. Those not privileged to be familiar with the works of Bathhouse John have missed not only a rare poetic experience but, I think, a political one. Political scientists may, in fact, wrestle for decades with some of the more subtle political implications and meaning of such works as "Ode to a Bowl of Soup," "Ode to a Bath Tub," "Suds and Spuds," and what is presumably his finest love poem, entitled, "Two Thirsts With but a Single Drink."

It is the various campaign spending reform proposals before the House this week that came to mind, however, and what I expect may be the ultimate fate of campaign reform legislation in this Congress, when I struggled for the deeper shades of meaning in a political reform sense I trust were contained in what is regarded as his masterpiece—"She sleeps at the side of the drainage canal."

With apologies to the distinguished gentleman who now represents the First Ward of Chicago and possibly with apologies to the entire delegation from Chicago, and even Illinois, and with the present campaign reform prospects clearly in mind, I would now like to share with you the passionate prophecy of the great First Ward poet when he wrote—

> In her lonely grave she sleeps tonight
> By the side of the drainage canal,
> Where the whip-poor-will calls at the midnight hour,
> They've buried my darling Sal.
> A mile this side of Willow Springs
> Not far from the Alton track,
> They've planted my Sal, my dear old pal,
> And these tears won't bring her back.

Mr. Speaker, scholars and students of the work of Bathhouse John will have no difficulty, I believe, in recognizing that Sal was but a poetic euphimism employed by the great political bard to describe the demise of the political processes of democracy in his day.

It is a mark of great poetry that it achieves a universality that lives on and speaks to us even today. And as I reflect on the sentiments contained in "She sleeps at the side of the drainage canal" the relevance of the fate of the various campaign reform proposals before the House this week seems to me to be alarmingly clear.

Mr. Speaker, the poetry of Bathhouse John not only speaks to the ages. Regretfully, I believe it has spoken to some Members of this Congress as well, and that the sentiments of that poem lie buried in some of the proposals being offered for our consideration this week, and that therein lies buried the hopes for genuine and meaningful reform of the political processes of our democracy.

Bathhouse John, fortunately—or unfortunately, depending on your view, never lived to write a poem about the system. You and I will write that poem this week. This is going to be our chance to write something for the ages. And it is going to be read by those seeking more poetry in this system than they feel they have been finding to date. Or in us. Or, I suspect in this case, than many of us are seeking or finding in ourselves as guardians not of an impending political campaign but of the larger processes of democracy itself, not for a party but for a people, for a process that makes democracy meaningful or makes it meaningless, one that gives it life or one that buries it by the side of the polluted Potomac.

Mr. Speaker, Bathhouse John was not one of the major poets of our democratic system.

The major poet was Carl Sandburg.

And one of the greatest of the collection of poems he bequeathed us was entitled, "The People, Yes."

That would be the collection of poems I would hope would speak to us this week—as it speaks to and for the people themselves.

And for those among us in this Congress who may tremble at the thought of genuine and meaningful campaign reform, I would summon a spirit of heroism and devotion to duty at least equal to that described in the lines from one of Sandburg's poems, entitled "Losers," recounting—

> That sergeant at Belleau Woods,
> Walking into the drumfires, calling his men,
> Come on you . . . Do you want to live forever?

FLORENCE FOWLER LYONS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SCHMITZ. Mr. Speaker, the voice of Florence Fowler Lyons has recently been silenced by a most untimely death. She was a very brave American woman, an unashamed patriot in a country where the efforts of its enemies have increasingly made patriotism a dirty word. She dared to think for herself and challenge what many of her fellow countrymen regarded as self-evident truths, which on closer examination proved to be nothing of the kind. She was a careful and constant student of our proceedings here, a subscriber to the CONGRESSIONAL RECORD for many years. Those of us who carry on the fight for the America we love will miss her.

I am taking this opportunity to call to your attention the following editorial which appeared November 5 in the largest newspaper in Orange County, Calif., paying tribute to Florence Fowler Lyons.

[From the Santa Ana (Calif.) Register, Nov. 5, 1971]

FLORENCE FOWLER LYONS

The organization was six years old. It was backed by the armaments of empires. It was supported by the wealth of merchant princes and the tribute of nations. It combined the best brains from the leading universities, the most famous names in the chancelleries of power. It was solidly founded on the longings of millions for a brief moment of peace in which to till their land, rear their children, and worship their God.

Against this colossus came a woman. In physique she was frail. In intellect, she was tireless. For equipment she had a typewriter.

Those were the odds when Florence Fowler Lyons took on the United Nations in 1951. She wrote and she spoke. Her writings appeared in a few newspapers. But they were clipped, reproduced and circulated to millions. Florence Lyons did not resort to literary flourish. Her style was just the steady drumbeat of fact. Just fact, fact, fact, fact. Oh, how she beat that drum! The international planning clique could not answer her. So they did the next best thing, from their point of view; they tried to ignore her. But the facts kept coming.

Within 10 years, most Americans came to suspect that something was wrong with the United Nations. It wasn't, and isn't what it was cracked up to be. In the succeeding decade, it seemed that about half the population became convinced of what they previously only surmised.

That awakening was largely the accomplishment of Florence Lyons. In 20 years, she had beaten the international planning clique to an intellectual pulp. She had cut through the concealing propaganda and revealed the United Nations to be, not the edifice of peace as proclaimed by a servile press, but the ghastly enemy of human dignity.

Miss Lyons died Monday, age 60. Rites were Thursday in St. Mary's Church, Fullerton. She was buried in La Puente. After tremendous toil, she rests.

NATIONAL BIBLE WEEK DESERVES UNIVERSAL SUPPORT

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SIKES. Mr. Speaker, November 21–28 is National Bible Week, an interdenominational observance designed to stimulate increased study and reading of the Holy Scriptures.

In these troubled times, I know of no better direction for each of us than toward the spiritual guidance and encouragement of the Bible.

True, there are those who would tear at our faith in the Good Book. Some would have us believe the message contained in the Bible is a false message. They would direct us to materialistic things, and they would have us believe that dope, sex, and personal possessions are more important than belief in the Hereafter.

But the millions of us who believe otherwise will win this battle if only we continue to expand our beliefs and our faith through regular reading and study of the Bible.

It is for that reason that National Bible Week is being set aside. A special committee made up of Members of Congress are helping to pass the word to the Nation through newsletters, speeches, and personal efforts in cooperation with the Laymen's National Bible Committee.

It is impossible to overstress the important role of the Bible in modern society. Every legal system in the world is founded on the Ten Commandments. Every code of organized life has the Word of God as its center. Every system of government which is dedicated to the worth and dignity of men recognizes the Bible as the handbook of life.

The true strength of the Bible as a force for good can be measured by considering the fear with which totalitarianistic governments view it. Communism cannot live in a society founded on Biblical teachings. That particular form of government is dedicated to eradication of the Holy Word.

So, it befits us all each day, and especially during National Bible Week, November 21–28, to pledge a renewed program of study of the Bible.

Truly, there is no other book like it.

FEDERAL CITY COLLEGE RESPONDS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. FAUNTROY. Mr. Speaker, last week the House passed H.R. 11341, the District of Columbia Revenue Act of 1971. As I mentioned on the floor during the consideration of the bill, the committee staff submitted a report on the bill that was never reviewed by members of the committee. The report, as I indicated, is highly objectionable and wildly distorts many of the true facts about the District of Columbia.

One of the most outrageous sections of the report deals with Federal City College. The committee staff makes a number of unsubstantiated allegations about the college that should not go unchallenged. I want to share with my colleagues an analysis of the staff report that has been given to me by Dr. Harland Randolph, president of Federal City College, an analysis that I believe presents a more balanced picture of the situation at the College:

FEDERAL CITY COLLEGE'S RESPONSE TO THE REPORT OF THE HOUSE DISTRICT COMMITTEE, NOVEMBER 1, 1971

INTRODUCTION

This statement is a response to the House District Committees Report on the Federal City College. This statement will correct misinformation contained in that report, answer the report's allegations, and answer questions concerning the success of the College.

The Committee report contains factually incorrect statements and observations ranging from financial chaos to unfavorable media exposure of the College. Information contained in this statement was presented to the House District Committee in June, 1971. It is being restated for two reasons: (1) to provide facts to dispel the erroneous impressions created by the report, and (2) to provide information about the College that will allow an objective evaluation of the past, present and future successes of the College.

ADMINISTRATION AND MANAGEMENT

The Committee report states that the College has organizational and administrative problems and relates these problems to mismanagement of resources.

More than 30 nationally recognized consultants, educators and professionals in higher education have visited the College during 1971. Many of these experts were referred to the College by the Middle States Association of Colleges and Secondary Schools, the national accrediting body for this region. A summary of their written reports is that the College has shown remarkable stability and improvement in the areas of administration and management. None of these impartial experts found any basic condition at the College to be deplorable, nor did any of these consultants recommend any change in the fundamental directions of the College. They stated that as a developing institution, the College's level of operations are acceptable to superior for its stage of development and phenomenal growth.

Just as other colleges have a need to improve their organization and management, Federal City College will continue to improve in these areas.

FINANCES

The Committee report's allegation of "financial chaos" is in direct conflict with the reports of three (3) experts on college financial administration and management. These experts, Executive Vice President of the National Association of College and University Business Officers, Vice President and Treasurer of Duquesne University, and Chairman of the Board of Fry Consultants, said the College is utilizing its limited resources in effective ways.

In its March, 1971, report, the General Accounting Office (GAO) noted that the College has established budgetary and fund controls to correct past deficiencies. The GAO report further stated that "we believe that the system established is adequate to control appropriated funds."

The Assistant Director for Municipal Audits recently stated in a letter that " significant efforts are being made to provide improved record keeping and procedures which are designed to prevent the reoccurrence of deficiencies such as those set forth in our (earlier) reports."

RECORDS

Allegations of deficiencies in student record keeping are no longer accurate. Deficiencies did exist prior to April, 1971; they have been corrected and at present individual student records are available for all past and present students.

Since April, 1971, permanent records for the 12,331 students who have attended the College have been established in the Office of the Registrar. Permanent records on new students enrolled in the current quarter will be established upon receipt of grades for this quarter.

BUDGET REQUESTS

The charge of unsupported budget requests is wtihout base in fact. The College provides line-item justification for its budget requests with back-up information. This information is provided during the College's testimony before the House Appropriations Subcommittee. Such information is also available to the House Revenue Committee. The College's budgets and justifications have been approved by (1) the Board of Higher Education, (2) the Mayor, (3) the City Council, and (4) the Senate and House Committees.

ENROLLMENT

The charge that the College enrollment records are in disarray is incorrect. During a three-day hearing before the House District Committee in July, the College provided enrollment data for each quarter of operation since Fall, 1968.

TUITION

The Committee reports that the tuition at Federal City College is too low and does not compare with tuition charged by community colleges in the area.

It is correct that the actual dollar amount charged for tuition alone at the College is lower than tuition charged by area community colleges; however, the tuition at Federal City College is comparable when the total costs for education paid by the student is considered.

When total costs are compared, the tuition charged by Federal City College meets the congressional requirement that tuition be comparable.

For example, a student attending Federal City College and using private transportation will pay approximately $276 per quarter. This is higher than the cost of attending any of the area community colleges where similar costs range from a high of $244 to a low of $191. A student attending Federal City College and using public transportation will pay approximately $225 per quarter compared with similar costs at area community colleges which range from a high of $281 to a low of $228.

In considering tuition at Federal City College, it is necessary to consider the total cost to the student, the income levels of the student's family and the effects of these factors on the ability of the student to attend college.

Historically, as a national policy the National Association of State Land Grant Universities and Colleges has consistently supported the principle of low or no tuition. The Association has maintained that society has a responsibility to make education available at a cost that people can afford. Since the Congress has placed Federal City College into this Association, the College has developed tuition and admission policies that are consistent with the policies of institutions that are members of the Association.

STAFF AND OPERATING COST

The charge that the College is over staffed at excessively high operating costs is factually incorrect. A department by department study of the staff workload conducted by the College reveals the opposite to be true.

The College has only 74% of the total personnel needed. Even with full funding for FY 1972, the College will be understaffed by 11%.

This personnel shortage is documented in a study by the College's Personnel Office (details of the study are available on request) and resulted in the following conclusion: The organization and planning capabilities of the College can be improved if the College (1) has a 26% increase in the personnel it needs in its administrative areas, (2) received an indication of what dollars were approved before half the fiscal year was over, (3) finds some way to reduce the workload on the present staff and get people trained in the coordinated use of our new systems.

SALARY OF PROFESSORS

The Committee states: "At Federal City College the average salary of professors is approximately $20,000 which in the judgment of your Committee is far in excess of that in any institution of higher education in the country."

This statement is factually incorrect. The average salary for full professors at the College is $17,768. This places Federal City College in the seventh or lowest rank among area institutions. The average salary for full professors in these area institutions ranges from a high of $20,841 to the low at Federal City College of $17,768.

OPERATING COST

The Committee report made a similar incorrect observation when it said that "the operating cost per student (at Federal City College) far outdistanced the national average."

The per student cost at the College for 1971–72 is $2,740 per FTE (Full Time Equivalent) student compared to the national average of $3,050.

EXPANSION OF THE COLLEGE

The Committee reports that "the College has expanded far in excess of and far beyond any representation to your Committee at the time it was established." This observation is both incorrect and conceptually invalid.

It is correct in the sense that Washington Technical Institute and Federal City College were expected to enroll a combined total of 6,500 students while Federal City College now enrolls approximately 8,000 students (including both operational and grant funds).

The observation is invalid because the original representations were based on incorrect assumptions regarding the demand for higher education within the District. The College has had more than 42,000 persons apply for admission since it opened.

Consistent with the Congressional mandate to establish a public system of higher education for the District, the College has moved to provide educational opportunities to the residents of the District that are comparable to opportunities provided by the other states in the nation.

There is an implied statement in the Committee's report that is false. The implication of the report is that the College did not respect Congressional wishes by permitting an enrollment which exceeded the original projection.

This implication is wrong. The College in each of its budget presentations has clearly indicated the size of the student body that would be supported by that budget. Each of these requests have been specifically approved by the Congress, District Government and the Board of Higher Education.

It should be understood that while the enrollment of the College has exceeded the original estimates which were too low, the College is nowhere close to meeting the effective demand for higher education in the District or close to providing residents of the District with the number of opportunities that are given to the residents of other states.

INVESTIGATION

The statement that the "College is under current investigation" is incorrect. There is no investigation of Federal City College underway.

Currently the District Government is conducting a comprehensive study of higher education in the District. The purpose of this study is to plan for the total higher education system within the District. Every state in the nation makes similar planning studies.

MEDIA COVERAGE

The contention of the Committee that the College has been "too often in disrepute even in an ordinarily favorable press" must be placed into proper perspective.

The College has had more problems than it deserves; however, the problems of Federal City College are small in comparison to those faced by many of the major universities in the nation.

The extent of media coverage is one indication of the importance of Federal City College to the Washington community and the nation's capital. Media has supported the institution with various editorials and by providing more time and space for favorable stories.

By giving front page coverage to problems of the College while giving less noticeable space to successes of the College, media has permitted some persons to believe that the College has more problems than successes.

While media has given front page to problems, they have failed to report when these problems have been solved. For example, the problem of student records is now solved. The problem with student government has been solved, the problem with the football team has been solved. The problem of conflict between administration and faculty is in the process of solution.

It is important that decision-makers look for evidence in addition to media coverage before making judgments about the viability of the College.

CONCLUSION

The Committee report raises four basic questions about Federal City College: (1) Is the College viable? (2) Can the College solve its problems? (3) Can the College provide a quality education for the residents of the District of Columbia? (4) Should the College be supported? The answer to each of these questions is yes.

Despite the limited resources and uncertainty of funding, 30 experts who visited the College since the first of the year have all testified to the viability of the institution. To quote the Vice President for Academic Affairs of Oakland Community College after a visit to Federal City College:

"The progress and expansion of the school matches that found in older institutions of higher education. You are confronted with all the usual problems of colleges plus that of being a special project of the U.S. Government with its attending high visibility . . . , however, my overall impression is very positive. I am particularly impressed with the freshness of your ideas for community education and the willingness of the College administration to develop a responsive program."

Like all colleges, Federal City College is faced with numerious problems. The College has demonstrated its ability to solve these problems.

The problem of student records which faced the College last year has been solved. Records are presently complete and easily retrievable. The problems surrounding the Student Government Association last year has been solved. A new student government has been established with proper financial controls. The problem of athletic eligibility was also solved.

The problems which face the College today and will face the College in the future are no more insurmountable than those of the past. The administration of the College is committed to their resolution.

Apart from solving the College's own internal problems, Federal City College has successfully brought its resources to bear on the problems of the District of Columbia. The President of the College in his May, 1970, report to the community, noted:

"As part of its urban commitment and its land grant responsibilities, the College operates 28 satellite centers where more than 30,000 people are helped to deal effectively with urban problems. The central mission of the College is to provide a high quality education for residents of the District that will enable them to improve their lives and to resolve critical problems facing Washington, D.C."

The best indication of the quality of education being provided by the College is the institution's acceptance as a recognized candidate for Middle States accreditation, the highest level of accreditation possible until the College graduates its charter class in

June, 1972. Being accepted for accreditation is considered the proper initiation of institutions of higher learning into the corporate community of colleges and universities. In the words of the Commission on Higher Education of the Middle States Association:

"Acceptance as a recognized candidate for Middle States accreditation attests that the Commission on Higher Education considers an institution to be offering its students, on at least a minimally satisfactory level, the educational opportunities implied by its objectives. In the Commission's view the institution's organization, structure, and staffing are acceptable for its stage of development, its sponsors are committed to supplying its needs and are able to do so, its governing board is functioning properly, and its academic and financial plans are well designed."

Until 1968, the year Federal City College came into existence, the District of Columbia, with a population greater than that of 11 states, was the only state in the nation without a public institution of higher education. The residual demand has been great. Since 1968 more than 42,000 persons have applied for admission to the College. This demand by District residents for public higher education amply demonstrates the need for broad support for the College.

The College is training a cadre of qualified people for the District's largest industry—government. More than 32% of the working students enrolled at Federal City College are employed by the Federal Government; another 21% are employed by the District Government. The education they are receiving at the College is enabling them to improve their performance on the job. An additional 2,000 employees of the Department of Health, Education, and Welfare are seeking degrees from branch campuses of Federal City College at their place of employment.

In addition to the productivity benefits of a better educated employee, an increase in the educational level of District residents can be translated into dollars. Studies have shown that there is a 28 to one return on educational dollars through increased earning power and an increase in the taxable revenue.

The College has demonstrated its viability and the quality of education it provides. The College has demonstrated its ability to bring its resources to bear on the problems of the District of Columbia. The College has clearly demonstrated that it deserves support.

U.N. CHINA VOTE AND U.S. SUPPORT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. FRASER. Mr. Speaker, news commentator James J. Kilpatrick, broadcasting over WTOP radio on October 27, put the United Nation's China vote into perspective. Once the decision to seat Peking had been taken, he views Taiwan's ouster as inevitable. In contrast to the clamor for reprisal, Mr. Kilpatrick urges that we continue to support the U.N. Inasmuch as the United Nations provides our most reasonable hope for future peace, Mr. Kilpatrick's comments are a welcome addition to the current debate.

The transcript of the broadcast follows:

JAMES J. KILPATRICK—COMMENTARY—CHINA AND U.N.

The United States now has taken a licking in the UN General Assembly on the matter of the Chinese seat. Red China is all the way in; Nationalist China is all the way out. We have wound up with a face full of egg foo yung; and certain questions arise:

Did we deserve this defeat? The answer is yes. In trying to preserve a seat for Taiwan in an assembly of nations, the U.S. was pursuing a policy that could not be defended in law or logic. Sentiment to one side, Taiwan simply is not a "nation." If the Formosans want unilaterally to declare their independence from the mainland, and if they can get away with it, more power to them. A Republic of Taiwan would be welcome. But the prospect seems unlikely, and the question will have to be left to the future.

Does our defeat matter? The answer is, not much. Once the Security Council seat has been awarded to Peking, the significant decision had been made. The General Assembly is an overblown cave of winds. Its impotent resolutions have no more power than the resolutions of a village PTA—and command about as much respect.

Finally, what do we do about this defeat? One suggestion, variously advanced, is that we cut off the UN's water by drastically whacking our financial support. A worse piece of international relations could not be devised. Such a move would be regarded as the vindictive act of a poor loser, and it would confirm everything our worst enemies have charged. For the time being, we are struck with the egg foo yung. We don't have to like it, but we have to eat it. This is J.J.K.

CHANCES FOR STABILITY IN SOUTH VIETNAM SEEM BLEAK

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. HARRINGTON. Mr. Speaker, despite our efforts in Vietnam, despite our casualty list, the vast sums of money, the neglect of our domestic woes, and the internal conflict brought by the war, our stated goals in that country have not been achieved. Ostensibly, we were fighting to protect self-determination for South Vietnam. We were to bring stability.

President Nixon has announced another troop withdrawal of 45,000 men. The impression presented is of an ever-diminishing role in that conflict. The air war continues, though, just as heavily. But with fewer casualties each week, with a smaller army present, the American role seems to be one of bringing men out.

But an article in the November 11, 1971, Wall Street Journal by Peter R. Kann describes a far less than optimistic future for Vietnam, a future which shows a failure to achieve our stated goals.

"The situation has declined in the last 9 months," Mr. Kann reports. The long-term chances for stability in South Vietnam seem bleak. Public works programs are suffering from reduced American assets, and the Phoenix program designed to attack the Vietcong infrastructure has failed. Vietnamese exports total less the $15 million, and the most optimistic estimate is $100 million in exports by 1975.

Unfortunately, once we leave, we may be able to watch the country deflate like a balloon as our support is gone. At this time I wish to insert the article into the RECORD:

WHITHER VIETNAM? AMERICAN OFFICIALS IN SAIGON GROW INCREASINGLY PESSIMISTIC AS ROLE OF U.S. NEARS ITS END

(By Peter R. Kann)

SAIGON.—"There will be no debacle here before the '72 election in the States. But in the longer term? My computer says: 'Do not compute.' "

"I'm not saying Thieu won't be around four years from now, but I'm sure not betting that he will."

"A degree of military stability to 1974."

"1965 by 1973."

The quotes are from recent conversations with four old Vietnam hands—U.S. officials with a total of nearly 40 years of Vietnam service. Obviously, they aren't in complete agreement on what the future holds for this country to which they have devoted much of their adult lives. But, if there is a mood common to these men—and others like them—it seems to be one of growing uncertainty and, among many, of gathering gloom.

In the last nine months or so it seems that the "new optimists" have become tired optimists and that traditionally cautious in-house critics are turning into outright, though not public, pessimists. The reasons have less to do with any specific setbacks than with a somewhat fuzzy feeling that security had slipped, that political opportunities have been lost and that the time for new starts has passed.

ANOTHER BLUE PERIOD

Moods are by nature vague and, on the basis of experience here, exaggerated and transitory. But perhaps the present one is different. During earlier blue periods (after the 1968 Tet offensive for example) Americans at least could go out and try to do something about it: chalk up higher body counts, start a new pacification program, stop bombing, start bombing again, invade a neighboring nation or two.

But not these days. A large part of the current low mood may simply be the realization that America's active role in Vietnam is pretty much over. The American military, with just under 200,000 men still in this country, has all but ceased ground combat. Indeed, sapped by problems of drugs, race, discipline and morale, the U.S. military's very ability to fight if called upon to do so is increasingly in question. And America's influence with its Saigon client appears to be at its nadir—as demonstrated by President Nguyen Van Thieu's victory last month in a one-candidate electoral charade that embarrassed and angered the U.S. embassy.

America, of course, continues to perform important, perhaps vital, military and other functions for the Vietnamese. But how much longer and at what level America will aid the Vietnamese are in doubt. America and Vietnamese officials generally have been assuming that a U.S. "residual force" of about 40,000 men will be stationed in Vietnam for years to come. But wide disagreement has existed here as to what sort of functions that force should perform and how vital such a force really would be. Of late, there has been considerable concern as to whether there will be a residual force at all.

CONFUSING THE ENEMY—AND ALLIES

Some of these questions may be answered by President Nixon in a Vietnam policy speech, expected within the next few days. But for some time, the President's policy has seemed to have his officials and his allies confused along with the enemy. Thus, the whole residual-force issue is adding to the mood of uncertainty and unease. The defeat by the U.S. Congress of the foreign-aid bill compounds this problem. Also adding to the mood is the President's planned visit to China, the White House says Vietnam won't be discussed in Peking. But many here still think (some hope, others fear) that the trip could influence Vietnam's future.

In Washington, the view on Vietnam is more optimistic than that held by many U.S.

officials here. In fact, the Washington estimate is described as one of only slightly bounded optimism. A cross section of Washington officials believes that the security situation in Vietnam is improving, Saigon's army is fighting more efficiently, the economy is doing well and the political scene is at least tolerable.

Analysts in Washington say the pessimism often heard in Saigon comes from aides overly influenced by transitory or localized developments. They don't reflect the big picture, Washington's big-picture experts contend.

THE FACTOR OF TIME

One reason for the differences of viewpoints in the two capitals may be a time factor. Many here in Saigon are concerned with the longer-term prospects of the Vietnam government and how well it will ultimately deal with its many problems. In Washington, officials put more emphasis on the short term; this results in an optimism that officials feel jutifies continued troop withdrawals and slow political disengagement from the current Saigon government.

As ever, the question looming over all scenarios is what the aims and the capabilities of the Communists are. Hanoi, no less than Saigon, is worried over President Nixon's Peking visit and the possibility of some deal being made at its expense. Hanoi also has been indulging in increasing self-criticism over economic problems, poor public morale, crime and corruption. In June, North Vietnam was struck by its worst flood of the century. It may have left 10,000 dead and a third of the nation's rice crop destroyed. And Hanoi's manpower pool continues to be drained on the battlefields of South Vietnam, Cambodia and Laos.

"I think South Vietnam has a pretty good chance of surviving because I just don't see how the North Vietnamese can keep going," a senior U.S. official says. But another analyst puts it differently: "I would be optimistic about South Vietnam's future if it weren't for the dreadful ebullience of the enemy." How North Vietnam—which President Johnson is once said to have called "a raggedy-ass little country of 17 million people"—has been able to keep fighting this long against America's military might has confounded waves of U.S. war planners. The betting by most veteran analysts here seems to be that Hanoi will keep on fighting and thus confound some more.

The South Vietnamese, meanwhile, seem increasingly embittered by American policy. President Nixon's Vietnamization program will—sooner or later—get Americans out of the war. But no one has any indication that the President has a "game plan" for getting the Vietnamese out of it. The toll of combat deaths announced last week was down to two Americans, but the toll of South Vietnamese was 269. Indeed, South Vietnamese casualties this year are running ahead of 1968. Americans may view this as a success of the Vietnamization program, but that's little consolation to the Vietnamese.

As usual, the Vietnamese attitude is ambivalent and, at least to Western eyes, contradictory. On the one hand, there is resentment at America for "bugging out" and leaving Vietnam to cope with a continuing war. And among the Vietnamese the suspicion is growing that all the U.S. really cares about by now is a "decent interval" between withdrawal and collapse. "The stability here will last long enough to show that if the Vietnamese fail, it will be their own fault," says one ranking American official, who seems to confirm what the Vietnamese suspect.

On the other hand, the Vietnamese are increasingly open in their criticisms of the U.S. presence here; "Americans, go home" is a fashionable non-Communist slogan these days. More and more Vietnamese are talking, in vague terms, about a "Vietnamese solution to a Vietnamese war" once the American presence—and U.S. backing for President Thieu—is withdrawn. In this view the American presence postpones peace. The view may be naive, but it is significant that even some traditionally staunch anti-Communist Catholic priests are talking in this vein, and so are some younger South Vietnamese army officers.

Few Americans, of course, are talking about outright collapse here—at least not for some time. Pacification statistics still show more than 95% of the people living under government control. The economy continues to display a remarkable degree of stability, and President Thieu's reelection at least demonstrated the ubiquity and even efficiency of the government's administrative apparatus on an issue that counts to its leader.

The South Vietnamese army (ARVN) has been assuming more combat and other responsibilities as Americans withdraw. While the army has suffered some reverses in Laos and Cambodia, the Communists right now don't seem capable of inflicting a major military defeat on ARVN forces within South Vietnam. Main-force Communist units are mostly operating near the Cambodian and Laotian borders and are generally avoiding sustained contact.

In short, compared with two years ago, the present South Vietnamese position seems stronger in almost every respect.

But, compared with about nine months ago the present situation shows signs of slippage. Some observers believe that a military high point may have been reached at the beginning of 1971 and that security has been on a very gradual decline ever since. Veteran officials speak of an increase in enemy attacks on Mekong Delta militia outposts, of roads being a bit less safe to travel, of enemy units appearing closer to Saigon, of an increase in enemy infiltration and activity in the northern I Corps, of enemy inroads in formerly pacified hamlets in the key coastal province of Binh Dinh, and of ARVN forces being stretched too thin to defend the Central Highlands against a slowly mounting enemy threat there.

Much of this slippage may be an inevitable effect of American withdrawal. It is hard to see how even an improved South Vietnamese military force of 1.1 million plus about 200,000 American noncombatants can be as potent a military power as 1.1 million South Vietnamese soldiers and a half-million American combatants.

Moreover, the grace periods purchased by the June 1970 invasion of Cambodia and the April 1971 invasion of Laos are about up. Both operations, whatever their failings, certainly bought some precious time for South Vietnam, but that time was never claimed to be unlimited.

And the chances of another dramatic time-buying foray seem nil. For one thing, South Vietnam has no more neighbors (except North Vietnam) left to invade. Mainly, however, the declining American presence and logistical support seem to rule out a repetition of the drive against the Ho Chi Minh Trail complex or even a major ARVN assault deep inside Cambodia. U.S. military sources, however, are talking about ARVN launching some far smaller, briefer and less ambitious cross-border operations in coming months, and the South Vietnamese still do have about 19,000 troops occupying Cambodian territory along the border.

Optimistic scenarios for South Vietnam's future aren't bolstered by retrospective assessments of that Ho Chi Minh Trail operation or of ARVN's performance at Seoul, in Cambodia, four months later. In the Laotian trail operations, despite massive American air support of all sorts, ARVN was forced to pull out of Laos well before planned, and the most favorable assessment that anyone now makes of the operation is to call it a standoff. It may have demonstrated that ARVN with U.S. air power is roughly equal to the enemy, but how long will ARVN have even a fraction of that level of air support? The combat, of course, took place on enemy turf, and that may be to ARVN's credit. But the set-pieces of 1972 or 1973 combat may have to be fought closer to home.

If that foray was in some sense a standoff, Snoul was more of a rout. There, with less U.S. air support but on much more favorable terrain, the ARVN Fifth Division withdrew in panic, abandoning at least 50 vehicles and three artillery batteries to the enemy and losing at least 450 men killed and another 300 listed as missing.

Last month's confrontation between the North and South Vietnamese armies near the Cambodian town of Krek turned out more favorably for ARVN, which managed to reinforce and thus cause the enemy to hack off. But again there was heavy American air support and the ARVN division commander in charge stated: "American air power turned the tide; it was decisive, all-important." Once again, how long and at what level ARVN have available to it American air power—helicopters for troop lift and resupply, Cobra gunships, tactical bombers and B52s? No one is sure.

The future test for ARVN, whatever its level of U.S. support, could well come in the Central Highlands of II Corps. The present Vietnamese strategy (approved, if not devised, by American advisers) is to concentrate most ARVN forces in that corps along the narrow coastal plain in which more than 90% of that area's population lives. American advisers express confidence that Saigon forces can hold the coast. "To get the willing cooperation of those people is a very difficult, very long-term objective, but to get their forced cooperation is easy because of the geography," a high-ranking American says. Meanwhile, he adds, "there will be no more stomping the Central Highland boondocks; now the aim in the five Highland provinces is to just survive." He thinks that American bombing plus a few mobile ARVN units can prevent the Communists from overrunning Highland towns.

Other veteran American analysts question that strategy. One recalls that enemy inroads in the Highlands in 1965 nearly forced ARVN to withdraw from the Highland centers of Kontum and Pleiku. It was only the arrival of American forces that forestalled abandonment and prevented South Vietnam from being cut in two—in the view, among others, of Gen. William C. Westmoreland, the current Army chief of staff and former U.S. commander in Vietnam.

"If you control the Highlands, you eventually get the coast," one longtime analyst says. He sees a repetition of 1965 but without any Americans to ride in to the rescue—thus, "1965 by 1973." He and others suggest that enemy forces will try to consolidate control of the Highlands, adding the area to contiguous territory in southern Laos and northeast Cambodia that they already control. The Communists could then lay formal claim to a tri-country "liberalized zone" in future peace talks. Or they could use the zone as a vast base for attacks on the central coast of Vietnam, the Mekong River towns of south Laos and the heartland of Cambodia.

Most experts questioned tend to believe that within two to three years Saigon will have abandoned to the enemy large chunks of territory, if not towns, in the Central Highlands and the western part of I Corps in the north. "There will be a northeast-southwest line along which two-thirds of the regular South Vietnamese army will be fighting in conventional format," a ranking official says. He thinks ARVN could hold that line, at least to 1974.

Others wonder if Saigon could ever get two-thirds of its regular army into sustained combat. The ARVN high command recently had to abandon efforts to send the Ninth Division north from its safer stomping grounds in the Mekong Delta; the division simply refused to go. In most ARVN units desertion rise dramatically when units are about to be shifted or sent into combat.

President Thieu frequently talks about a climactic showdown with the Communists in the dry season of 1973, but not all U.S. officials are confident that Mr. Thieu will be around by then. For public consumption the U.S. has tried to put the best possible face on his reelection, sending California Gov. Ronald Reagan and Treasury Secretary John Connally to congratulate him, stressing the dearth of democracy in most parts of the world, taking some solace from the Saigon government's election-day efficiency, telling the ARVN generals that President Thieu is still Washington's man and warning them against any thought of coups.

But, privately, U.S. officials' reactions to the election ranged from disappointment to dismay. Some believed democracy could be made meaningful here and thus see the Oct. 3 exercise in population control as a lost opportunity. Others are less concerned about Vietnamese democracy than about American leverage and thus see Mr. Thieu's election shenanigans as a kind of intramural contest between Mr. Thieu's palace and Ambassador Ellsworth Bunker's embassy, and, of course, the embassy lost.

There is a general American concern that the Vietnamese electorate, at least in urban areas, knows it was somehow cheated on Oct. 3 and that, as a result, Vietnam's numerous political factions may henceforth find more fertile ground for sowing seeds of political ferment. Officials also worry that an increasingly unpopular President Thieu will henceforth isolate himself further from his people and from social and political realities and that he will be more suspicious, more repressive, more reliant on vested interests, less reformist, less willing or able to deal with the moral malaise that infects almost every aspect of this society.

(One interesting indication of President Thieu's state of mind is the manner in which he has surrounded himself, politically and geographically, with members of a single trusted family. Le Van Tu, one of the president's closest cronies, is the chief of Gia Dinh Province, which surrounds Saigon. Tu's brother, his brother-in-law and two of his cousins are all chiefs in other provinces near Saigon—gateways for past military coups.)

While Mr. Thieu is markedly unamenable to U.S. influence, his fate ultimately remains tied to American aims. So long as America's paramount concern is stability under which orderly U.S. withdrawal can proceed, Mr. Thieu can presumably count on American backing. But if President Nixon chose rapid, complete withdrawal (or if a new American administration wanted to dump Mr. Thieu in hopes of achieving a political settlement with the Communists), President Thieu might be hard pressed to hang on. Even without any abrupt change in U.S. policy Mr. Thieu's position may get shakier. American influence with the ARVN generals is mostly based on American aid to fuel their patriotism and fatten their pocketbooks. And as U.S. aid inevitably declines, so may ARVN loyalty to America's man—Nguyen Van Thieu.

Pacification planners no longer seem to be bubbling with enthusiasm and new ideas. They find satisfaction in various developments of the last few years: improved performance by local militiamen, village and hamlet elections and land reform in the Mekong Delta. But public-works programs are being hurt by reduced American assets, a new program for "people's organizations" seems to have flopped, and the Phoenix program to attack the Vietcong infrastructure now is widely viewed as a failure. The program has been partly "Vietnamized," and, perhaps as a result, it is increasingly ineffectual and corrupted. There is also a feeling that the regional and popular forces that provide "territorial security" have gotten about as big and as good as they are going to get and that efforts to make them more mobile will probably fail.

An awareness is growing that Vietnam is an increasingly urbanized society (largely as a result of the war), that urban problems will worsen as American spending and employment decline and that the more politically sophisticated urban citizenry cannot be pacified with sheets of tin roofing or demonstration pigpens.

The expert who talks of gaining the "forced cooperation" of the people of the central coast is at least implying the crucial catch in pacification: Controlling people by military occupation or even pleasing them with increased prosperity is still some distance from really winning their hearts and minds. "These people are still Vietcong in their hearts," said an ARVN general recently of the people in some officially pacified hamlets of Binh Dinh Province.

Finally, pacification—whatever its failures and accomplishments—has always been a heavily American-motivated concept, and, as the American role in Vietnam diminishes, so probably will pacification.

Vietnam's economy, after years of inflationary crisis, now is something of a success story. At least galloping inflation has been checked. Economic controls are being relaxed. Rural prosperity is a reality in much of the Mekong Delta. A new round of economic reforms is expected to further stabilize and stimulate the economy.

But the longer-term outlook is gloomier. Vietnam's exports this year will total less than $15 million. Its imports, which keep inflation in check, total about $750 million a year, mostly financed by the U.S. Long-range plans for economic development remain hazy, and the most optimistic forecast one hears is $100 million in exports by 1975. Foreign private investment remains leery of Vietnam. There is talk of possible oil deposits off Vietnam's coasts, but so far it's only talk.

America is leaving behind here a vast complex of ports, airfields, bases and communications, but these aren't the kind of assets an underdeveloped economy can make good use of. For as far as anyone here is willing to peer into the future, Vietnam will be a beggar nation, overwhelmingly dependent on U.S. aid. And that aid is dependent on the whim of the American Congress.

The general view here is that without continued U.S. economic assistance at roughly the present level, the Vietnamese economy would collapse. Similarly, even the most critical or pessimistic U.S. officials seem to agree that to give the Saigon government even a fair chance of survival, America must continue providing military aid and material. A frequently mentioned figure for future military and economic assistance is $2.5 billion a year.

Another consensus is that some continued U.S. air power will be required, but no agreement exists on how much and what sort. Some analysts believe that the minimum requirements can be provided by planes based in Thailand and on aircraft carriers off Vietnam's coasts. Others see a need for at least a few Vietnam-based tactical air squadrons plus helicopters.

All sorts of "ideal" residual-force mixes are being mentioned these days. One, which assumes a residual force of about 40,000 men, breaks down like this: 500 helicopters with crews and maintenance and support units requiring about 10,000 men, three tactical air squadrons totaling about 4,000 men, four artillery battalions requiring a total of 5,000 men, a few thousand advisers, and another 20,000 logistics personnel with a small combat force to help protect their bases. The U.S. now has in Vietnam about 2,000 helicopters, a dozen artillery battalions, nine tactical air squadrons, 19 combat maneuver battalions and about 100,000 logistics personnel.

Other officials argue against any residual presence in Vietnam itself. Their reasons vary. One ranking official thinks the only way to assure the continuance of vital economic and military aid is to get all American soldiers out of Vietnam; this, he believes, might make a continued aid program more palatable to the U.S. public and its Congress.

Others fear for the safety of a residual force that would be largely dependent on ARVN troops for protection. Even enemy sapper attacks and mortar barrages could take a toll of American helicopter maintenance men or logistics units. An alternative would be to try to leave enough U.S. combat troops here to provide the protection.

However, the way the U.S. Army works it takes four or five support soldiers to back each combatant. Thus, the U.S. would wind up with a fat logistical structure to support the combat troops who would be protecting the logistical units that would be supporting the ARVN combat forces. And that would all add up to a very large residual force indeed.

Some officials see a residual force having adverse psychological effect on the Vietnamese. U.S. troops would be living in relative (to the Vietnamese) comfort in several big enclave bases. Their presence would continue to fuel various Vietnamese resentments (Americans living too well, warping their society, prostituting their women and so on) and there would no longer be the cogent counterargument that Americans are also out in the jungles dying for the Vietnamese. Rather, it would be a case of Vietnamese boys living in mud bunkers on the outskirts of U.S. bases, protecting (or failing to protect) the Americans.

Some officers further fear that even with a compact, all-volunteer residual force, there would continue to be problems of drugs discipline and morale.

And then there are those analysts who just don't see a residual force making much difference—except for delaying the inevitable. They figure that the only long-term hope for Vietnam is a political settlement with the Communists and that a U.S. residual presence only encourages the Saigon government to keep postponing that settlement.

In all the uncertainty and disagreement over residual forces, there is one thing that the old Vietnam hands seem to agree on: much of the current U.S. presence here could and should be reduced forthwith. One senior official says the mission council—the working committee of top U.S. officials in Vietnam—spends most of its time these days dealing with problems of the American presence in Vietnam rather than with the problems of Vietnam.

"We've just got to get leaner faster," another ranking officer says. And a third tells the story of discovering two adjacent military units on the sprawling U.S. logistics base at Cam Ranh. One was a signal unit and the other a base-support unit. The sole function of the signal unit, he says, was providing communications for the support unit, while the sole function of the support unit was providing services for the signal unit.

STOP SALT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. SCHMITZ. Mr. Speaker, the House Committee on Appropriations in its report on the Department of Defense appropriations bill of this year had a few words to say about the strategic arms limitation talks which I would like to call to the attention of my colleagues.

While the Strategic Arms Limitation Talks have been in progress, the United States has refrained from increasing its strategic nuclear forces. The Soviets have increased their strategic forces rapidly during the same period. While it appears that today the United States has strategic strike capability which will continue to deter any possibility of a reasoned Soviet attack, the Committee believes that the Department of Defense cannot wait another year on an agreement in SALT while the Soviets produce additional strategic weapons and the United States does not.

The budget did not request one additional strategic bomber or one additional strategic missile, either land-based or sea-based, for our forces and none are provided in the authorizing legislation or in the accompanying bill.

One might ask why an administration which claims to base U.S. defense measures on the capabilities of the Soviet Union, as opposed to what can be divined of their intentions, is holding back on our strategic defenses because of talks. Talks certainly have nothing to do with capabilities and thus cannot serve as a factor one way or another in a U.S. force posture based solely on capabilities. Negotiations are nothing more than one indication of possible intentions.

In fact, using SALT to argue against, say, increasing our land-based ICBM force, is simply a roundabout way to argue against increasing U.S. forces on the basis of Soviet intentions without having to deal with such embarrassing factors as the Soviets historical record, the ideological bent of the Soviet leaders, or paradoxically, fast increasing Soviet military capabilities.

The administration has made a great contribution to a growing stock of Orwellian riddle lore. Question: When is an intention not an intention? Answer: When it is a SALT.

COPLEY PRESS DEPLORES U.N. ACTION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. McCLORY. Mr. Speaker, the editorial messages of the Copley newspapers are a dynamic and energizing force in these restless times.

In addition to those expressions of opinion which are produced by their editorial writers, the Copley newspapers carry the columns of experienced journalists who possess both keen insight and broad perspective.

While I do not necessarily subscribe to all of the views which are contained in these editorials and columns, I find them most valuable. Examples of this valuable journalism were carried in the October 27 issue of the San Diego Union—a prominent newspaper of the Copley chain. These expressions relate to the recent vote in the U.N. to admit the People's Republic of China and to oust Nationalist China from its seat in the U.N. General Assembly.

I am pleased to attach these editorials for the edification of my colleagues and for all who are reached by this issue of the CONGRESSIONAL RECORD.

U.N. ACT PERILS CAUSE OF PEACE

Communist China held a double celebration in Peking last Monday—one to note the 21st anniversary of its declaration of war upon the United Nations forces in Korea and the other to celebrate its acceptance to full membership in the same world organization.

The 1950 Red Chinese declaration of war against the U.N. still stands. Also remaining on the U.N. ledger is the official resolution in which the world body condemned Communist China for its aggression in Korea.

As an act that lacked conscience, Monday's U.N. action has had few peers in history. Forgotten in the 76–35 vote was the Korean War, the U.N. resolution of condemnation and 22 years of hostility by the legions of Mao Tse-tung against the U.N. as well as the free nations of the world. Forgotten, in what Ambassador Bush condemned as a "carnival atmosphere," was the fact that Communist China was totally ineligible to join the world body under the U.N. Charter. Worst of all, the vote was bitterly cruel where Free China was concerned. The staunch dedication of that country over the years to the U.N. and to the cause of world peace is an inspiring example for us all.

The attitude of jubilation among members of the U.N. over Communist China's success, as well as their pleasure at the defeat of the United States of America, exhibits that not even they realize the cataclysmic events they have set into motion by yielding their principles to pressures of the moment.

Now the U.N. must face squarely the consequences of betraying its own morality. The cause of peace—the very reason for the U.N.'s existence—cannot be enhanced by rewarding an aggressor nation or by administering a parliamentary rebuff to the United States. Sooner or later, the small nations of the so-called Third World and in Asia which supported the unqualified entry of Communist China into the U.N. will understand also that their own security has become a far greater problem as a result of the intemperate actions of Oct. 25.

Finally, the nations—large and small—that perpetrated the melancholy affair will do well to ponder how their actions will alter the attitude of the United States, to which many of them are indebted for their very existence.

For more than a quarter of a century the United States has provided the strength, enlightenment and treasure that has contained communistic imperialism. By great sacrifice, including the blood of her young manhood, the United States has made it possible for millions of people to choose their own way of life. No other nation in the world today can replace the United States' role, a fact which should bring sobriety to many a capital.

The plain fact is, the U.N. and the prospects of peace around the world have suffered grave damage and to gloss it over would be the rankest kind of hypocrisy.

THERE'S CAUSE TO WEEP FOR UNITED STATES

(By John J. O'Malley)

There will be many a tear shed for the Chinese Nationalist government, summarily ejected from the United Nations. The lamentations will center—and properly—on the fact that the 14 million man nation has never violated a U.N. rule, never failed to meet a U.N. obligation, never behaved meanly in the U.N. forum.

In short, and in fact, it will be affirmed that to cast a founding nation out of the world body without reason is both capricious and dishonorable.

Those who lament the cruel treatment of the Republic of China might better save their tears for two other—more pressing—tragedies.

Taiwan, after all, is still where it was last week. It is prosperous, orderly and well-governed by the Chiang Kai-shek regime. Its products are still popular around the world, international investment there is still profitable, and its word is respected.

The island is separated from the mainland by 100 miles of Taiwan Strait and all the soldiers in Mao's army cannot negotiate that ocean area.

Taiwan, in short, is safe and substantial, and its main loss—admittedly a grave one—is in Asian face.

No, those who would deplore the action in New York might better reserve their sadness for the United Nations and for the United States of America.

They are the real casualties of the wickedness in the great glass building.

The U.N. was created in 1945 as an organization of rules, and its survival as an organization must depend on its respect for rules. Now, in one abrupt moment, its fabric of rules has been damaged irreparably.

A government openly committed to world violence has been enfolded in the U.N. structure in violation of a basic rule.

A nation, condemned by the U.N. as an aggressor, has been accepted as a member in violation of a basic rule.

A founding nation, a member of the Security Council, has been ejected from the world body without cause and in violation of a rule that goes to the very heart of the U.N. Charter.

There is no doubt about it, whether the current action had been taken in connection with Nationalist China or some other legitimate member, it flouted the world body's bedrock philosophy and the U.N. will never be the same. Henceforward, it can be no more than a forum for discussion. Its actions will be subject to the whim of a bloc of tiny countries whose right to be called nations is in serious doubt, and whose major function is to serve the political ends of the Soviet Union and Communist China.

Nobody has reason to expect great or sober actions to flow from the body again, and the wonderful dream of 1945 is dead.

Sad though that fact is, the greater casualty is the United States.

Great nations, so history tells us, are not given to temporizing. They make plain precisely what they believe, precisely where they stand, and then they behave in a manner which inspires confidence in their word.

We have violated this great principle in the case of Nationalist China and Red China, temporizing like the man who sought to hedge his fate in the hereafter by declaring. "The Lord is a good man and the devil is not a bad man." He did not end up in Heaven for his pains and it is not likely that we will fare much better.

Nor is our international stature to be salvaged by the eloquent and well reasoned 11th hour supplications of Mr. Bush for rational and decent behavior by his U.N. colleagues.

The fact is, we wavered on a matter of principle and when the jackals of the world saw us on the run they concluded that the penalties for flouting our pleas would be minimal.

So it is that the United States of America, without which there never could have been a United Nations, is the real paroah, a victim of its own irresolute actions.

And for this, there is real cause to weep.

H-BOMB TEST AT AMCHITKA

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. DANIEL of Virginia. Mr. Speaker, today as I glanced through the newspapers, two items—an editorial and a news article—caught my eye. Both relate to the recent H-bomb test at Amchitka.

The first item, the editorial, appeared in yesterday's Lynchburg News. The writer, building around the old saying: "It's a sorry dog that won't wag its own tail," makes the point that now the test is over and we experienced neither earthquake, tidal wave, nor radiation leakage, it might be in order for those who had criticized so bitterly to acknowledge their inaccuracy, and offer a kind word for our Nation. It is apparent that the doomcriers operate under an adage of more recent vintage:

> I've made up my mind; don't confuse me with the facts.

At this point I include the editorial to which I have referred in the Record:

Let's Wag A Little

The Government is claiming that the nuclear test on Amchitka island proved that a new nuclear weapon is reliable. But there was another benefit of equal importance the Government didn't dwell upon: the test shut up, for the time being, anyway, the professional doomsayers who prophesized tidal waves, earthquakes and wholesale radiation leakage.

After the Supreme Court in its ponderous wisdom proclaimed that the Government could conduct the test—thus setting the precedent that the Supreme Court now has the authority to rule on defense experiments—the wailing voices predicting monumental catastrophes have been silent.—No explanation as to why their dire warnings were wrong. Perhaps they are still in a state of shock that the world didn't come to an end.

In the main, the critics of the Amchitka test are the same clique that is opposing the pipeline proposed to carry oil from the North Alaskan fields. This oil will be a vital factor in keeping the U.S. economy running, and fueling its military establishment.

Perhaps one should not raise the question: but one cannot help but wonder why these people fall into a frenzy whenever the government or private business undertakes something to benefit the economy or improve our military defenses? We wouldn't want anyone to read any innuendoes into that statement; my, no. But we would like an explanation—along with an explanation as to why they are always wrong in their predictions.

Why is it that these people find so little, if anything, to praise in the United States? Why is it that, according to them, this country is an international menace, its people bigoted and racists, cold-hearted and murderous, greedy and selfish, despoilers of the environment? At the same time they condemn us for not working harder to support the world, and demand we give more.

There are plenty of things going on that we don't like. We find no fault with our form of government, or our social institutions, but we do find fault with the way some are mismanaging them. We find fault with Government that continually expands its control over the economy and the lives of individuals; with the prostitution of profits from the expansion of business, the creation of new jobs, and higher wages, to undermining the society and government through tax-free foundations. We find fault with those who let our military defenses deteriorate in the face of growing totalitarian might. We find fault with those who betray our friends, our principles, our ideals. And we find fault with the people for letting this happen.

At the same time, we respect and admire the vitality of the people, young and old and middle-aged, who are, with fractional exceptions, trying to live and let live and upholding the right of all. Our hearts swell with pride at the way they have conducted themselves, by and large, in Vietnam, against a treacherous enemy, under impossible conditions laid down by their so-called "leaders" in Washington; at their courage and dedication exemplified by the voyages to the moon. There is nothing wrong with this country that high-principled, courageous leadership can not right, and put the country back on the path marked by the founding fathers.

There's an old saying: It's a sorry dog that won't wag its own tail. Right now, we're not wagging our tails enough. We have plenty to be proud of, and we should take heart. We should point with pride, and attempt to build on that which has proved beneficial to mankind. We should keep what is good and throw out what is bad and improve that which can be improved. We should, in short, tell our story, instead of remaining silent while the downgraders and doomsayers continually blacken our reputation.

And we should always be wary of the motives of those who never find anything good to say about the United States. Nothing; nation, people, institutions, what-not, is as uniformly bad as these people would have us believe we are.

Mr. Speaker, the other item to which I referred, the news article, reports that Dr. James Schlesinger, head of the U.S. Atomic Energy Commission, has recently testified before this body's Committee on Public Works regarding the possibility of preventing earthquakes by underground nuclear explosions to relieve pressure in the earth's crust. While I hasten to point out that this is purely theoretical at this time, think of the horrible suffering which might be avoided in those areas where earthquakes regularly take a toll in lives and in injuries. It is ironic that this article carries a foreign news service byline. This is surely worthy of further exploration. The article follows:

Amchitka Test Offers Clues to Earthquakes

Washington.—America's biggest underground nuclear test on Amchitka Island may have provided information useful in preventing natural earthquakes, according to Dr. James Schlesinger, the head of the U.S. Atomic Energy Commission.

Dr. Schlesinger told the House Public Works subcommittee that the possibility of preventing earthquakes merited further study by the AEC and by scientific experts outside the commission.

Dr. Schlesinger said some scientists believe explosions such as the Amchitka test in Alaska—code-named Cannikin—could be used to relieve stresses in the earth's crust, thus reducing the chances of a build-up that could cause an earthquake.

Dr. Schlesinger, referring to the controversy over the test, told the panel the explosion had been successful and to date there were no indications of any significant impact on the environment beyond the immediate test area.

IN MEMORY OF A. LARS NELSON

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. FOLEY. Mr. Speaker, American agriculture has lost one of its greatest leaders in the untimely death of A. Lars Nelson. Mr. Nelson died as a result of a heart attack on Saturday, October 9, in Seattle, Wash., and was buried on October 13 in his home community of St. John, Wash. Lars, as he was known to countless thousands of friends, had been the master of the Washington State Grange since 1953 and a National Grange overseer since 1961. For 35 years, as a devoted and enormously energetic Grange member, he held numerous offices of every level of the National Grange. He used these important positions of leadership not only to advance the interests of hundreds of thousands of members, but to support in every way he could the needs of American agriculture and rural Americans everywhere. His preeminence as a leader in agriculture was recognized by his appointment to the Farm Credit Board National Advisory Committee.

But these and other activities can only suggest a small measure of his energy, commitment and generosity in behalf of others. Everyone who knew him was deeply impressed by his warmth, his openness, and generosity of spirit.

Mr. Speaker, I would like to include in the Record, the eulogy to Mr. Nelson given by the Reverend Robert Rector at memorial services at the Methodist Church in St. John, Wash., on October 13, 1971:

In Memory of A. Lars Nelson

The times in which we have been seen, crossing and criscrossing the face of the earth—the present times—are supposed to be an age of reality.

Yet, all of our confidence in reality, does not insulate against realities we are not prepared to face.

Over and over again, the reality that catches us unprepared is death. A. Lars Nelson is gone.

Our immediate reaction is grief and loss. We gather together now, to say thank you and goodby. We are a strange community this afternoon. Some of us knew him as a youngster, some remember his high school days. Some of us were his fellow workers. But, few of us can say we knew him well.

Lars had such a strong personality that the man inside often remained a mystery. Only a small number can say, "I knew him inside and out."

We knew him as "grange master". It became his whole life. And it is hard for us to think of him as gone. We depended upon him, too much.

Son of a pioneer family, Lars grew up in our community, sacking grain, plowing behind a horse and eating dirt. It was harder then, harder than it is now; and let us not forget that.

Perhaps it was that extra measure of hard work that drove men to the grange. Everyone supported it—everyone believed in it. The grange was perhaps the only way out.

But more than anything else, the War and the U.S. government got us out; and Lars was left to work with a small core of dedicated men, salvaging what they could for agriculture—picking up a piece here, and adding a morsel there. We needed money, Lars helped us get that credit. We needed representation, Lars was there for us. Programs needed to be built, he built them. But, perhaps more than we realize, his work involved not building, but tremendous energy in the protection and saving of those programs that you and I depend upon.

It has been an uphill fight. Agriculture has never yet pulled itself together. Big business had Carnegies and Rockefellers and labor had its Samuel Gompers. But, farmers in America are still looking for a leader of that magnitude. The deepest tragedy is that agriculture has had men of that quality; but never a following capable of sustaining the vision together. We have left the visions to men like Lars. And to that end he talked more, schemed more, ate more, worked harder, argued longer, traveled faster, thought deeper, and slept less than anybody else we know.

For his hard work, you need not feel guilty, because Lars enjoyed his work. You know that if it had to be done over again, Lars would want to do it.

Through all of his years of work probably the ones who suffered most were in his family; seldom close, never together long enough, to get to know one another. Like a family reunion too short, they hardly had time to have a good argument. His family must say goodbye, perhaps before they had a chance to say hello.

To the place on which we are now standing, we invite the most daring faith that the human mind can generate. This includes the belief that life is essentially good, and that we thank God for sending each of us this way. Our time in eternity is not chaos, or chance, but affirmed by God. Thank you for Lars. May he rest, satisfied that he never gave up, satisfied that he spent his talents wisely.

Let us seriously admit one thing, that even in this age of reality, we have not yet come to an understanding of eternity. It is still a mysterious and superstitious realm.

Again and again, the question secretly returns to each of us: what is the final destiny of man? It now becomes our statement of faith. From the gospel of John, this is our confidence in the past and our hope for the future. A handle on eternity: "In the beginning was the Word, and the Word was with God, and the Word was God. All things were made by him. In him was life and the life was the light of men. The light stands shining in the darkness and the darkness has not overcome it." Amen.

A RICH HALF HOUR OF EVERYTHING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. TIERNAN. Mr. Speaker, earlier this month I placed in the Record some information concerning "Catch 44," an innovative program aired weekly by WGBH educational TV in Boston.

I am now pleased to place in the Record a copy of the article which appeared in the TV review section of the November 12 issue of Life magazine. Life describes "Catch 44" as "everything UHF might be and a few things network TV should be." The article goes on to say that—

At a time when the bureaucrats of public television, traumatized by federal funding problems, censor their own programs, any half hour that isn't afraid of people and ideas—indeed, delights in them—deserves our thanks and carries our hope.

Mr. Speaker, I congratulate the editors of Life for bringing "Catch 44" to the attention of the public. I am hopeful that stations throughout the country will follow the example of WGBH.

The article follows:

[From Life magazine, Nov. 12, 1971]

LIFE TV REVIEW—A RICH HALF HOUR OF EVERYTHING

It's like eating lunch. You can go to one of those high-priced hash houses where the meal is ordered by number and consists of six "businessman's specials," each made of polyurethane. In which case you are only eating from habit, not because of desire, and you deserve what you get—a kind of consensus menu. Or you can go to one of those modest Chinese restaurants where there are 500 different dishes available in 10,000 combinations. In which case you are liberated, perhaps only to multiply your disappointments—but where there is multiplicity there is awareness.

The networks, of course, represent consensus television; the menu consists of six kinds of plastic. Where, then, is the Chinese restaurant of the air? UHF was supposed to be its equivalent. The extra channels were to be for TV what FM used to be for radio: an alternative, specialized programs for special audiences, a choice instead of a package. In practice, at least in New York, UHF has been mostly high-school football games and Spanish-language movies—plastic with an accent.

But before giving up on UHF and going whoring after cable TV—whose hustlers promise to deliver your newspaper electronically and teach you open-heart surgery at home—let's look at Boston. Boston has a UHF channel, 44, and a program *Catch 44*, that is everything UHF might be and a few things network TV should be. Five nights a week for half an hour, *Catch 44* is a Chinese restaurant of opinion, music and art.

Consider this menu: The Society for the Preservation and Encouragement of Barber Shop Quartet Singing. Medical treatment in the U.S.A. for Vietnamese children injured in the war. Friends of Micronesia. The Royal Scottish Country Dance Society. The Irish Republican Aid Committee. Organic foods. John Cage and friends. The Homophile League of Boston and Daughters of Bilitis. Girls' ice hockey. Trenton Hall and the Melody Ramblers. Gestalt sensitivity groups. Diet Workshop. The annual Great Boston Kite Festival. Marcus Garvey Week. Music of Portugal. The Polaroid Revolutionary Workers Movement. The Neponset Valley Young Republicans.

Catch 44 gives them a half hour each. All they have to do is ask—there's a two-month waiting list right now—and plan their own program. A producer stands ready to help them do whatever they decide. There is an hour's studio setup time before each program goes on live. WGBH, the local VHF public television channel runs one of the week's most interesting *Catch 44s* every Saturday for a larger audience. The only "catch" is that you'll be cut off the air if you defame private persons, incite violence, use obscenity or appeal for money. So far, no one has been cut off.

This is community TV with a vengeance that is sometimes embarrassing more often moving. Whether it's a half hour of opinion, entertainment or education, *Catch 44* is personal: no talk-show moderator mugging at the camera; no alley fighting between commercial interruptions; no slick packaging. Just citizens, reminding other citizens in their urgency and earnestness of how complicated, resourceful and exciting a community can be. A recent (pre-Attica) program on Billerica prison reform might have moved even Nelson Rockefeller. A program organized by the staff of *Hysteria*, a women's lib newspaper, should have been seen by Sigmund Freud. The Young Americans for Freedom, in a spoof of liberal radio panels, proved—if it still needs proving—that Bill Buckley isn't the only right-winger with a sense of humor.

Catch 44 offers access, provocation, understanding, diversity. It is exciting, and it should be cherished, and it must spread if UHF isn't to go the way of FM, from music to Muzak, from community programming to 24-hour news bulletins and weather reports. At a time when the bureaucrats of public television, traumatized by federal-funding problems, censor their own programs, any half hour that isn't afraid of people and ideas—indeed, delights in them—deserves our thanks and carries our hope. Otherwise, we shall all be sentenced to the hash house and a diet of plastic.

CIVIL DEFENSE AND DETERRENCE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. BOB WILSON. Mr. Speaker, I read with particular interest an article in the November–December 1971 issue of Survive, entitled "Civil Defense and Deterrence" by Richard C. Rasmussen. Mr. Rasmussen reviews the present maze of conflicting opinions relative to the building and maintenance of a strong civil defense program. The ability of this or any nation to build a strong and viable nonmilitary defense against attack is a crucial deterrent against aggression. In this uneasy world, we must maintain not only our watchfulness, but our military and civilian defense preparedness as well. I commend Mr. Rasmussen's comments to by colleagues' careful attention and am including his article at the conclusion of my remarks:

CIVIL DEFENSE AND DETERRENCE

(By Richard C. Rasmussen)

Some think that while nuclear weapons have not yet made war impossible, war must be abolished if mankind is to survive. Unfortunately, even if we believe that the philosophical theorists have devised a formula for such abolishment, the political practitioners have not been able to make it work.

Some believe that the nuclear weapon has made war unthinkable. Built more, perhaps, on hope than logic, this concept is not supported by current history and current events which suggest differently.

Some believe that civil defense would have no significant impact, pro or con, on the deterrent posture of a nation's defense Some experts believe, however, that to a nation with a strong civil defense, nuclear war would be more acceptable and therefore more likely to occur because such a nation would be less restrained in taking action that might lead to a nuclear attack.

Others believe quite the opposite, that a viable civil defense program would contribute to deterrence in that it would cause a potential aggressor to be more reluctant to launch a nuclear attack in consideration of the opposing nation's greater liklihood of being the stronger survivor of a nuclear exchange or able to recuperate more rapidly and more successfully.

One of the more knowledgeable researchers on civil defense is Dr. Jiri Nehnevajsa, Professor of Sociology, University of Pittsburgh, who says: "First of all, it is somewhat amazing how many physicists, chemists and engineers argue with great expertise sociological and psychological and economic problems connected with civil defense programs.

"Secondly, it is not without amusement that one notices how many psychiatrists, psychologists, and occasional sociologists argue the intricacies of nuclear weapons effects, Soviet targeting behavior, bacteriological and chemical weapons systems, and generally problems for which the behavioral scientists have not been known to be famous.

"Thirdly, as might be expected, various writers, journalists, and publicists who lack the knowledge of both the hard sciences and the behavioral sciences, tend to argue both about weapons effects and about psychological and social issues. This, of course, is their job.

"Although the arguments are not always altogether enlightening, they tend to be presented vigorously which is often all that can be construed in their favor."

One difficulty encountered in grasping the meaning of deterrence is that deterrence means that something does not happen. There is no event. It is based on strength; but the strength is not used. If it is used, there is no deterrence.

Deterrence is relative. It does not mean to stop—but to prevent. If something happens or if something is stopped, it may be possible to determine why. There is an event to study, to analyze. If something does not occur, it is much more difficult to determine why it does not.

There may be an analogy in the field of medicine. If the patient dies, there is an event to study, a body for post mortem. The cause of death may be determined. If the patient does not die, continues to live, the physician may never really know whether his treatment or prescription prevented death or if the patient would have continued to live anyway.

Deterrence is psychological. Since it is passive in nature, implies no action—only readiness for action—its strength or weakness lies only in the mind of the potential aggressor.

Roberta Wohstetter in her study of Pearl Harbor says: "There is a tendency in our planning to confuse the unfamiliar with the improbable. The contingency we have not considered seriously looks strange; what looks strange is thought to be improbable; what is improbable need not be considered seriously."

Historian Quincy Wright observes: "Appeasement is likely to make the aggressive state more aggressive. The method of treating aggression by non-resistance or appeasement, illustrated in the Munich settlement of September 1938, tends to increase the general prospect of war. Retreats before threats of violence will not prevent the development of potential aggression.

Richard Nixon said last year in a report to Congress: "The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack or nuclear blackmail.

"Weakness on our part would be more provocative than continued U.S. strength, for it might encourage others to take dangerous risks, to resort to the illusion that military opportunism could succeed."

While opposition to civil defense as a deterrent is not necessarily opposition to civil defense, quite a strong suggestion that civil defense could be provocative comes from General Spaatz: "It will be particularly important for us to know from now on whether the Soviet Union is building civilian shelters for its own people. This can be one of the most significant indications of its intentions, if and when it gets ready to launch a surprise attack."

It is quite likely that Spaatz sees the Soviet Union as a nation morally capable of a first nuclear strike. Knowledge that the U.S.S.R. has indeed put more emphasis on shelters and civil defense than has the United States has not appeared to make the United States more likely to launch a first strike or start a nuclear war.

Lloyd V. Berkner, in *Project East River* said fifteen years ago: "A sound and effective nonmilitary defense coupled with adequate military power serves as the only real deterrent to war during our present troubled times. In fact, with near balance of military power, the nation with the strongest nonmilitary defense of its people and facilities may well control the situation.

"The job of nonmilitary defense is to increase the number of bombs that an enemy must deliver to damage us mortally, so that no enemy can imagine that any mass or surprise attack within his capacity can put us out of the running. This can be achieved, and when it is the dangers of atomic war against our population are greatly diminished. Thus, nonmilitary defense plays a vital role in the prevention of an all-out war."

Gen. Lyman L. Lemnitzer told a Congressional committee: "The extent to which we have the ability to defend against an attack, particularly the initial attack, is an essential element of our overall deterrent. Any doubt in the mind of the potential enemy with respect to his capability to deal us a decisive blow makes less likely the possibility that he will initiate a nuclear attack against us. This, then, is the important way in which civil defense contributes to deterrence. It provides further unmistakable evidence of serious determination on our part . . . A nation that is completely open to attack, and does not have adequate means of protecting its citizens whatsoever is, in my opinion, inviting attack."

Lt. General Malininov said in 1968: "The potential of weapons of mass destruction and of means of delivering them to their targets is now such that there is not a single state that could survive a modern nuclear missile war unless its people and economy were prepared for it; in other words, unless it had a strong civil defense."

Brigadier Maung Maung speaking for Burma, told his country's War College: "I need not elaborate the fact that aggression is not likely to take place if it is not likely to be successful. If the strength to resist aggression is strong enough, then a resort to peaceful settlement of international differences will prevail . . . Any would-be aggressor, if he knew that a nation though small is thoroughly prepared for its own defense, would certainly think many times before he decides to invade the latter. This is deterrence and civil defense, thus, clearly shows as one of the vital parts of the national security system of any country large or small."

Nobel prize winner Eugene P. Wigner has this to say: "If our population is undefended, it will be increasingly difficult for those whose natural inclination is to extend their power—and all dictators and dictatorships have such an inclination—to resist the temptation to pressure us into concession. By not offering the temptation of an unprotected populace, by instituting a vigorous civil defense program, we would be truly serving the interests of a lasting peace."

And General Nathan F. Twining: "Long before the nuclear bomb, it was quite evident—or at least accepted—that Britain's civil defense in World War II, i.e. the bomb shelters of London and other cities and the civilian citizenry's stubborn and courageous ability to use them, was a deterrent to Hitler's use of a ground force invasion—something he postponed much too long."

The deterrent effect of civil defense is a matter of national intent, psychological in nature both from the standpoint of the aggressor and the defender, if needed either or both can be identified as such.

It is a factor of relative strength. It is a factor of how a nation, or more than one nation, perceive the issues that are at stake.

It is a factor of the cost in terms of money and effort of the civil defense program.

With these factors in mind, a small civil defense posture, like the kind now existent in this and many other countries today, would have little effect on a nation's deterrent strength. And it certainly would not be provocative.

A civil defense program would not be provocative in nature unless it were a large, intense and high priority program—tangible enough to be perceived as such by a potential enemy. Such a program would have to cost about 10 percent or more of the total defense budget. In this country, then, a program costing seven or eight billion dollars per year might suggest a preparation of war.

Analysis of available facts and a review of history, suggest that while the superpowers have frequently been involved directly or indirectly with "limited" wars since the beginning of the cold war in 1946, they have exercised considerable restraint in terms of a nuclear confrontation.

Granted that a policy of deterrence is of fugitive comfort in an uneasy world; but if the credibility of deterrence can be increased by any means that increase total strength and, thus, reduces vulnerability to attack, a viable civil defense program, passive in nature, can serve as part of the deterrent of war.

SECRETARY MORTON ADDRESSES THE AMERICAN PETROLEUM INSTITUTE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. VANDER JAGT. Mr. Speaker, the Honorable Rogers C. B. Morton, Secretary of the Interior, recently discussed the need for clean energy and a positive natural resources policy such as has been proposed by President Nixon. In an address to the American Petroleum Institute, the ecology minded Cabinet member again stated his firm belief that a flourishing environment and an advanced technology can and must be compatible.

Secretary Morton urged the oil and gas industries to support the President's reorganization plan to create a new Department of Natural Resources and to join in close cooperation with the Department of the Interior and the American people in building a safe, clean and abundant energy future for America.

Among the functions of the energy and mineral resources administration in the proposed new Department of Natural Resources, Secretary Morton listed the following:

Formulation and implementation of a national energy resources policy.

Development of energy production technology.

Technology for resources development and utilization.

Management of uranium stockpiles and production of enriched uranium.

Mining recovery, processing, and utilization studies.

Waste disposal, reuse, recycling and substitution studies.

Protection and restoration of mined areas.

Fostering oil and gas pipeline safety, and mine safety and health.

Conservation of minerals and fuel resources.

Research and information services pertaining to the environment.

Secretary Morton reminded his industry audience that the petroleum industry has a vital commitment to meet energy requirements without degrading the environment and he cautioned that we cannot let our faith in technology trick us into believing that men are free from natural law.

I commend to the attention of my colleagues and to the public the remarks of Secretary Morton and I include them in full at this point:

Secretary of the Interior Rogers C. B. Morton Speaks to the American Petroleum Institute

In the beginning, the steps of man were soft upon the earth. Early man was a hunter. He filled his belly by stalking animals and gathering wild plants. Though most of the secrets of the earth were a mystery to him, he lived in the knowledge that he was dependent upon them for survival.

From the flint and shards of the stone age, we have leapt to the labs and reactors of the computer age. The productivity of our time is immense, bringing its wonder and benefits to more of our people than ever before. Its ingenuity is acute, delivering us plastics and TV dinners, nuclear spectre, and man on the moon . . .

And now in 1971 with all of these marvelous advances, I firmly believe that flourishing environment and an advanced technology can and must be compatible.

And to you, the American Petroleum Institute, whose members speak and act for most of the Nation's oil and gas industry . . . I say . . . you are doing a fine job.

In the past 25 years, oil and its companion resource . . . natural gas . . . have become the dominant fuels that have sparked the expansion of America's economy.

You have worked diligently and with great enthusiasm to make advanced technology and a flourishing environment compatible.

We are facing, in this country, a two-headed energy problem. One problem is immediate, the other is long-term. Nothing less than a two-headed solution will solve our energy demands . . . clean energy demands . . . these solutions must come within the framework and context of a national energy policy.

Our immediate energy problem is starkly reflected in the growing gap that exists between domestic energy supplies and growing energy requirements between now and 1985—just over the next fifteen years, we shall need 100 billion barrels of oil, and by the end of that period we shall be using oil at the rate of 22 million barrels a day.

In 1970 the United States consumed 14.7 million barrels a day of petroleum products, which comprised 43 percent of all energy supply that year. Of this total, 23 percent was imported; the remainder was derived from crude oil and natural gas liquids produced within the United States. By and large this balance reflects the operation of oil import controls under current policies. Recent projections indicate a steady rise in consumption of liquid fuels at an annual increase rate of 2½ to 4 percent until 1985, depending on the availability of gas during this period, so that in that year consumption will be about 27 million barrels a day, some 2 million barrels a day above the current rate. The average over the period would be around 21 million barrels a day.

Therefore, our energy policy must deal with the immediate problem that looks ahead five to ten years and must program the technological lead time needed to clean fuel supplies between 1980 and 2000 . . . and beyond.

In June the President recommended ways to deal with the energy shortage, including stepped-up efforts to control sulfur oxide, which would make available fuels not now used because of pollution considerations.

Control of sulfur dioxide will enable us to utilize considerable crude oil and much coal and oil shale not now available. Success in this area could become the cornerstone of a national energy policy that seeks an adequate supply of reasonably priced energy from stable and diverse sources without damage to the environment.

Conflicts in attaining these objectives.

The failure to add to oil and gas reserves.

And lagging production of the nuclear energy we thought was on the threshold.

Are at the core of our present dilemma.

We are an energy-deficient Nation based on data we have today. This situation must be viewed against an international backdrop wherein the balance of power has shifted from the hands of foreign oil companies to the politics of petroleum in oil exporting nations.

I have said that we are an energy-deficient Nation *based on where we are* today, but I didn't say we don't have sufficient resources to meet our foreseeable requirements. We are reticent to rely on foreign sources.

All the experience of the past twenty years, plus what we can infer from the bargaining actions of the O.P.E.C. nations during the past year and the actions of the Soviet Union in the Middle East and Mediterranean, lead us to conclude that we had better not become overly dependent upon energy supplies from this part of the world. Any dependence upon foreign petroleum would also have negative effects on our balance of payments.

We have the tremendous potential in undeveloped energy resources of the United States to make ourselves essentially independent of external sources for our future supply. We can certainly limit our dependence upon these sources to a degree commensurate with our national security.

The President has proposed a broad-front attack aimed at developing adequate supplies of energy from our domestic resources to provide ample and secure energy supplies to the Nation. Certain of the actions proposed are essentially long-term in nature. Others can be expected to produce results within the next five years or so.

Among the things the Department of the Interior can do that will pay off in the short run are:

Expedite the safe movement of North Slope oil and gas to market;

Under proper safeguards, speed up leasing of additional acreage on the outer continental shelf, particularly in areas where the industry is well established;

Accelerate techniques already in well advanced research and development stages of fracturing concepts being tested in West Virginia this year to increase natural gas recovery;

Increase efforts to identify new uncommitted supplies of low-sulfur coal in eastern United States;

Conduct reconnaissance to identify new prospective sources of uranium.

Beyond these efforts aimed at near-term payoffs, further action is necessary for securing adequate clean energy source in the future.

Interior will continue to urge industry to—

Develop commercially feasible methods for producing liquid and gaseous fuels from coal, oil shale, and tar sands;

Improve technology for discovering and recovering oil and gas from conventional deposits;

And to develop a commercially feasible method for desulfurizing flue gases from coal and residual fuel oil.

We can only take these actions within the broad framework of a fully planned and coordinated natural resources program.

President Nixon has taken a giant step toward bringing Federal energy policies into a pattern of efficiency and common sense. He did so last March when he proposed a reorganization of the Executive Branch of government.

Part of that proposal calls for the creation of a Department of Natural Resources. In making an assessment of the situation, the President declared:

"The time has come to match our structure to our purposes . . . to look with a fresh eye, and to organize the government by conscientious, comprehensive design to meet the needs of a new era."

Under the President's proposal, government functions relating to mineral and energy resources; water resources; land and recreation resources; oceanic, atmospheric and earth sciences; and Indian and territorial affairs would be grouped in individual administrations in the Department of National Resources.

Your personal interest cuts across many resource lines, and I am certain you grasp the importance of this proposal.

Functions of the energy and mineral resources administration in the new Department would include:

Formulation and implementation of a *National Energy Resources Policy*;

Development of energy production technology;

Technology for resources development and utilization;

Management of uranium stockpiles and production of enriched uranium;

Mining recovery, processing, and utilization studies;

Waste disposal, re-use, recycling and substitution studies;

Protection and restoration of mined areas;

Fostering oil and gas pipeline safety, and mine and health safety;

Conservation of minerals and fuel resources;

Research and information services pertaining to the environment.

The President's proposal will help us rebuild our domestic energy base. While the short-term outlook may dictate greater reliance on energy imports, we must enhance our domestic energy sources if we are to have assured supplies to meet future needs.

We must look to foreign sources to meet some of our energy needs, but we should keep in mind that the United States no longer is the primary purchaser of oil in the world market.

Every industrialized nation wants a supply of premium fuel and is bidding for it. Even if we wanted to, we could not possibly meet our petroleum needs from foreign sources.

Therefore, I urge the oil and gas industries of the United States to establish domestic reliability. We can achieve this through:

The President's reorganization plan;

A "fail-safe" program of oil leasing and production in the outer continental shelf;

Greatly increasing domestic exploration for petroleum and gas.

The petroleum industry has learned many lessons in meeting environmental problems that have come from exploring, producing, refining, storing, transporting, and marketing its products.

The petroleum industry has a vital commitment to meet energy requirements without degrading the environment.

We must adjust to the blinding speed at which our civilization is now developing. We can not let our faith in technology trick us into believing that men are free from natural law.

I am excited;

I am enthused;

I am confident;

Confident that you will not only stand on your past record, but also will join me;

The Department of the Interior; and the American people, in even closer and more effective cooperation;

And we will build a safe, clean abundant energy future for America.

CONSUMERS OF TECHNOLOGY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. HAMILTON. Mr. Speaker, my distinguished colleague from Indiana, the Honorable J. EDWARD ROUSH, was the principal speaker at the 1971 fall conference sponsored by the Aerospace Research Applications Center—ARAC—at Indiana University. The theme of the conference, held on November 15–16 was "The Exploitation of Information: What Should It Cost?"

ARAC is one of a number of regional dissemination centers, partially funded by the Government and partially by public subscription. The purpose of these centers is to make available and usable scientific, technical information derived from Federal research and development efforts, particularly from NASA research efforts. This technology can then be transferred or utilized by industries and other segments of society.

Congressman ROUSH was unable to deliver his remarks personally since there were a number of votes scheduled in the House for November 16, when he was to speak. His remarks on "Consumers of Technology" were delivered in his absence. I include the text of that speech:

CONSUMERS OF TECHNOLOGY

Once again, I am honored to be asked to address a special Conference here at Indiana University that is sponsored by the Aerospace Applications Center. I have introduced legislation in this session of Congress which is partially modeled on some of the activities you people are most familiar with, so I am glad to have this chance to explain that legislation to you, the rationale behind it, and hopefully, to secure your suggestions.

The theme of this conference is well suited to my purposes for I am mainly interested in the "exploitation of information", which in some scientific circles, might sound crass, but in my role as a U.S. Congressman is merely a reflection of what I am supposed to do. The federal government has spent a staggering $100 billion on research and development in the past decade. How can we justify such expenditures in the face of housing crisis, malnutrition and actual starvation on the part of some members of this society, the need for better mass transportation, for adequate pollution treatment and prevention, for quality education? who will be the consumers of this technology? whom will it benefit? These are questions of choice, required of those who spend the public's tax income.

I believe that it is the obligation of those who sit in Congress to endeavor to divest themselves of special interests, intellectual as well as financial. We must be prepared to consider the total general welfare of all the American people in the present and for the future. Whereas I might be enraptured, intrigued, and thoroughly convinced of the values of "pure" research, I must keep in mind that my role as a Congressman is strictly that of a steward of the people's wealth. And I well know that I will be held accountable, as I should be.

As you already know, I was privileged to be a member of the House Science and Astronautics Committee from its inception and thereafter for ten germinal years during which time we put a man on the moon and left important scientific instrumentation there to help unravel the mysteries of the universe. In this capacity, I have had a close and personal interest in the space program in and for itself as an extension of the frontiers of human knowledge and technological achievement.

But I have another interest, equally personal, but more related to my role as a U.S. Congressman. I am interested in seeing the information that has been derived from our space endeavor applied to all walks of American life. So I am a real believer, a dedicated devotee of technology utilization and the boundless potentialities technology transfer offers.

I am no longer a member of the House Science and Astronautics Committee, after a two-year enforced sabbatical, without pay, from the U.S. Congress. I am now a member of the House Appropriations Committee and one of my subcommittees is the one on Science, Space and HUD. This means that all funds spent on science and space activities by the Federal government pass through my subcommittee for review and approval before going to the full Appropriations Committee and then the House floor. So I have the opportunity to scrutinize how funds are spent and what they accomplish.

We Americans are in many ways a contradictory people. We are a free society, a pluralistic one, one in which the government does not make our economic decisions—usually—one in which enterprise is free, not in the sense that it is totally uncontrolled, but in the sense that the aims and goals of business are "found as we go", not dictated from national interest. This freedom offers definite and obvious advantages, but also distinct disadvantages. For you cannot corral the American people, even toward worthy goals.

Unless there is a war or a national crisis, Americans are not easily moved as a whole, and over a long period of time to work for an expensive, demanding goal, particularly one as esoteric to many as scientific research. The atomic bomb is one example of this, the space program another. Certainly the space program was couched in terms of a "race" to enable the American people to accept the national sacrifices it would cost.

Today, the problem is how to sustain that momentum and how to make sure that the American citizen receives the most out of his taxes spent on research. Accordingly, we must be interested in the path from "science to sales" in the innumerable ways in which the fruits of research and development funds have been multiplied and diversified and fully used.

Actually, I see infinite possibilities in technology utilization. With improved technology, we can prognosticate the weather; contribute toward the control of pollution problems, render machinery that is obsolete or detrimental usable and profitable; balance trade inequities, and move toward a systems approach in handling large-scale problems such as mass transportation and urbanization.

This is quite a list and each one has its own priority, each one makes technology utilization useful, practical, and necessary.

With these interests and connections in mind, I took a rather radical step in June of this year. I introduced a bill that would coordinate the present Federal efforts at technology transfer, technology utilization, a bill that would coordinate, re-use, and constructively adapt knowledge and technology brought about through the expenditure of Federal funds for purposes of defense, atomic energy, or space research—the three most important and prolific areas of experimentation.

My concern is for the full potential of this research to be applied in other areas and to different purposes than the original ones projected, because I have seen that this can be done so effectively; that we can discover new communications capabilities of via satellites; that we can devise advanced machinery for diagnosing and treating illnesses, that we can reduce the cost and better the quality of household equipment simply by turning R & D space or defense research to other purposes. I am interested in both horizontal and vertical technology transfer, and transfer to both the public and private sectors. And I have become convinced that our only hope for meeting this goal is through national coordination or federal coordination of our efforts.

The Select Committee on Small Business of the U.S. Senate, after lengthy hearings and consideration, issued a report in 1968 for the Subcommittee on Science and Technology called, *The Prospects for Technology Transfer*. They noted:

"Despite many years of wide publicity on the wonders of science, and despite considerable directed effort in technology transfer, relatively few firms, in a handful of industries, are consumers of technology."

Many of you could document another finding they reported:

"Testimony on the hearings supported the contention that present Federal programs are confusing to the business community. There is no single point of contact where all Government information is accessible."

How can we increase the number of consumers of technology? Well, my experience and observation over a number of years have indicated to me that in 1971, we still have a situation in which various Government agencies continue to "do their own thing" regarding technology utilization. There is, unfortunately, no overall, organized approach to the matter of supplying the American consumer with the knowledge and the know-how to make use of what our laboratories and universities have discovered using tax dollars.

Besides NASA's numerous activities, with which I believe you are all thoroughly familiar, the Atomic Energy Commission, the Department of Defense, the Small Business Administration, the Department of Commerce, the Department of Agriculture, are all involved in efforts to transfer technology.

Some of these departments and agencies serve a special and restricted "customer". Some, like the Department of Defense, simply collect and pass on information. The Defense Documentation Center sends unclassified information to the National Technical Information Service in the Department of Commerce. The Atomic Energy Commission operates through conferences and symposia as well as technical progress reviews to try and disseminate information that is not classified. The Small Business Administration obviously has a mandate to small business and so that agency is anxious to actually transmit information through seminars, workshops, etc.

I thought the Office of State Technical Services in the Department of Commerce offered great promise, but it has died an untimely death after being well recommended as performing "a useful and economic service" in a special study by the Arthur D. Little Company. The most important feature of this program was that it was modeled on what Dr. Edward E. David, Director of the Office of Science and Technology and Science Adviser to the President has described as the most successful technology utilization program—namely the Agricultural Extension Service. Dr. David gave me that analysis in testimony before the Appropriations Subcommittee on Space, Science, HUD. Personally, my experience has led me to give that accolade to NASA, but I certainly recognize the invaluable service of the Agricultural Extension Service allied with the Land Grant Colleges and the County Agents who have brought valuable information and technology to the farmer and vice versa.

The State Technical Services program was modeled on that program and operated through the states. Today, however, the National Technical Information Service in the Department of Commerce oversees the final phasing out of that program. NTIS now has several roles: first to coordinate commerce, business and technology information activities; and second, to serve as the primary focal point within the Federal government for the collection, announcement, and dissemination of technical reports and data. In this capacity, NTIS operates the Clearing House of Federal Scientific and Technical Information (formerly of the National Bureau of Standards), coordinating information of Federal agencies, announcing publications and R & D reports of interest to the public resulting from federally funded research. I think this promises to be an important resource.

But it does not answer all the needs, nor does any one agency. All of these agencies and departments in fact are performing a valuable service, either, as with NTIS collecting information, or as with SBA collecting and dispensing information and trying to find out who needs what and why and how to get it to them.

What we need, then, I am convinced, is a single agency, an independent agency, that collects all the information from all these diverse sources, stores that information, organizes that information, contracts for help in developing information, discovers what the needs are throughout the nation and brings together industry or educational institutions or communities or hospitals with the newly minted technology or with technology that is potentially usable. At present, there is a serious overlap which can also lead to omissions. And at times actual contact is never made between those who have access to the new information or technology within the Government and those on the outside who do not even know it is available, or have not identified their own problem enough to make use of new methodologies which they do not know exist. The result is waste of knowledge of our important technology resources and non-development of potential customers.

It is for all these reasons, then, that I have introduced H.R. 9379, to create an office for Federal Technology Transfer, which I hope will accomplish a unification of these technology utilization efforts and provide that "single point of contact" the Senate Committee discussed, a point of contact not only at which all government-sponsored information is accessible, but easily so, with information assistance provided out in the field.

Indeed, one thing has become obvious and that is that while data collection is essential, that is simply not enough. The good word needs to be spread actively. Of primary importance, as the special Arthur D. Little study of the STS showed, is field service, personal contact out in the field, identifying user needs, matching problems with solutions, identifying problems, matching solutions with problems as well. It is this kind of role that the Agricultural Extension Service has played so well.

In my legislative proposal, I therefore give special importance to Section 4(a) (2) which attempts to supply that need for "trained transfer agents," that vital "link between application engineering and the storage bank," for it provides for the establishment of "regional science and technology centers to obtain information as to the needs of potential users of federally developed technology and to more effectively disseminate such technology."

The national agency I have proposed would take over all the present technology utilization activities now performed by various Government agencies, including those I have mentioned, with the exception of the Agricultural Extension Service. This operation is so much older than the rest, so much better developed, and so specialized, at least for the time being, it should be left out. In addition, the President would have the power to add additional agencies and activities for the next three years, such as the technology utilization activities in the National Archives or the Smithsonian Institution's Science Information Exchange.

I hope that my legislation ties together three significant factors or needs: namely, a storage bank of up-to-date information usable for technology transfer; second, agents to actively solicit and elicit the "customers", or consumers of that information; industries, businesses, local communities, educational and other institutions which are looking for improvement, who have problems that need solving.

This is a triangular relationship that flows from part to part with mutual advantage. Indeed, being practical again, continued funding of science and the acceptance of the same by the American people, is dependent on finding what William James considered the "cash nexus" between ideas, the practical unableness of an idea, how it carries us from one point to another felicitously. Pragmatism is said to be the only original American philosophy and those of us who would continue the marriage of convenience of tax dollars with R. & D. programs are well aware that continued funding depends on demonstrated value.

Dr. Myron Tribus, Assistant Secretary of Commerce for Science and Technology, in hearings before a subcommittee of the House Science and Astronautics Committee in July 1970, made the following significant comment:

> Scientific activities are supported by the wealth of the Nation. But the wealth of the Nation comes from its application of technology, which in turn requires science. Only wealthy nations can afford the scientific projects which generate the knowledge which supports the improvement of technology.

I would like to comment a bit on this issue of the wealth of the Nation, and the reciprocal importance of science and technology utilization to that wealth, as well as the relevance of that wealth to science and technology utilization, as indicated by Dr. Tribus.

The international trade picture for the United States is disturbing, to say the least. Checking with the Department of Commerce, I found that for the first nine months of this year, our trade deficit was $1.3 billion compared with a surplus of $2 billion this time last year. Secretary of Commerce, Maurice Stans, in remarks earlier this year had projected the possibility of a trade deficit for the first time in many years. Actually, we have not had one since the 1930's.

In hearings before the House Subcommittee on Science, Research and Development of the House Science and Astronautics Committee this July, Secretary Stans talked about the deterioration of our trade stance, and the decline in our technological lead. He discussed the United States' overall balance of trade in recent years and the weakened position of the United States vis à vis Japan and certain European countries. From 1960 to 1970, the U.S. output per manhour went from 80 to 108 while Japanese productivity levels rose from 52 to 151; and West Germany's from 66 to 115. These two countries are, significantly, also placing a higher relative emphasis on civilian R & D as a percentage of their GNP.

Secretary Stans then suggested some objectives we might have regarding use of our technology to meet this crisis. He said we must strive to:

"Remove barriers impeding the use of existing technology.

"Stimulate better use of existing technology.

"Remove barriers impeding the development and use of new technology.

"Stimulate the development and use of new technology." I thoroughly agree.

He even recommended examining "the feasibility of establishing a single Federal focus for several activities directly related to enhancement, assessment and forecasting of industrial technology".

While I am not implying that Mr. Stans endorses my bill, which he certainly did not know about at that time, I do believe that he and I are on the same wave length, and that we both see the importance of improved technology to meet our deteriorating trade picture, to help us revive economically, as well as a need for coordination of these efforts. He also said: "Some of the above activities are not now being performed. Others are scattered throughout the Government and thus lack the consistent and coherent thrust that is required to obtain effective results."

I believe my proposal goes far to meet this need. I am interested in technology utilization because it promises better health facilities, better educational equipment, cheaper and more durable consumer items and a variety of other advantages. But I am convinced that we can have none of these if our economic base is not strong enough to support the science and research that make these possible.

If we are going to solve some of our present economic difficulties, if we are going to cut back inflation by making sure that productivity and prices are commensurate, if we are going to remain viable in the world trade market, we have got to apply our technology. I do not mean simply shipping technology overseas for other nations to adopt and adapt and then export back to us items we cannot produce as cheaply here. If we are going to keep that harmony between productivity and prices and at the same time pay wages that are higher than anywhere else in the world, we must prime our own technological machine.

We are on another frontier of the economic revolution that has been transforming the world these past few centuries. Americans pride themselves on leading the technological revolution. But today, we are slipping behind and if we are to take the leadership again, we must make technology useful, show how it can be so, and find the consumers for whom new kinds of equipment, new methods of operation, and new ideas can mean progress.

Dr. Patrick E. Haggerty, Chairman of the Board, Texas Instruments, Inc., said it better than I could when he told the House Science and Astronautics Subcommittee on Science, Research, and Development in August, 1970:

"When I examine the real problem which exists and the relative level of effectiveness which we must maintain in the United States to compete, my own concern is whether or not, at our high wage and salary levels, we can apply the admittedly excellent technology now and to be available with sufficient innovativeness to continue to improve our standard of living."

We have not, but I believe that we can. And it is with this hope that I have introduced the bill that I think would help us achieve this goal. It is a tentative proposal, open to changes and recommendations, but let us hope it will engender a dialogue that reaches beyond the confines of Congressional subcommittees.

LATVIA AND HER SONS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. STEELE. Mr. Speaker, Latvians comprise one of the smallest, most compact and distinct ethnic groups in Europe. Latvians have lived in their native land on the Baltic Sea for centuries. However, their modern history has not been a happy one. During most of the last 400 years, they have had to endure unwanted and alien regimes. From the middle of the 16th century they were ruled by the Poles and in the late 18th century became part of the Russian Empire. But, throughout this time they maintained their language and cultural identity. In November of 1918 they had their chance for freedom and proclaimed their independence.

The new state, with a population of slightly over one million was in a precarious position from the beginning as it was surrounded by more powerful neighbors. However, Latvia survived and the interwar years marked a renaissance of Latvian politics and culture. For 22 years Latvian government functioned on the basis of a true proportional representation. Numerous political parties, of all opinions, existed and actively contested free and open elections. Latvia was a model democracy. Because the basis of a healthy democracy is an enlightened electorate, Latvians spent over 15 percent of their national budget on education. Free public schools were open to all and by 1940 the literacy rate was over 90 percent.

The vitality of the Latvian people was also indicated in their economic accomplishments. Latvia was one of the first European countries to reform its currency and financial system. The land reform law of 1920 distributed land of the old feudal German estates on a democratic basis. All segments of Latvian society participated in its economic life. By 1937 there were 5,717 industrial enterprises in Latvia and some 70 thousand farmers were enrolled in 2,300 educational societies. Latvian trade was almost completely with the West, being carried on Latvian ships.

On February 5, 1932, Latvia and the Soviet Union signed a treaty of non-aggression which absolutely forbade Russian intervention in Latvian affairs. But, soon afterwards, in violation of their written promise, the Communists began to undertake the active subversion of free Latvia. The pace was increased in 1935 and in August 1939 Latvia's fate was sealed by the infamous Nazi-Soviet Pact. It was indeed a dark day when Joseph Stalin, in open violation of international law and the nonintervention treaty, unleashed the Red Army to invade Latvia in accordance with the terms of the Nazi-Soviet Pact. When Hitler invaded the Soviet Union in 1941, there was a change in the status of the people of Latvia, but only in that their destiny was transferred from the hands of one totalitarian regime into the hands of another. For 2 years Latvians were subject to Nazi control, but as Hitler's army retreated, the Red Army and its legions of political agents returned to subjugate Latvia. After the war, the Russians consolidated their hold on Latvia by incorporating it into the Soviet Union.

Since that time, the liberty that we enjoy in America has been denied those who remain in Latvia. On this 53rd Anniversary of Latvian Independence Day, let us remind ourselves of this small nation's courageous struggle to be free and let us renew our fervent hope that the people of Latvia will soon achieve their freedom once again.

THE PUBLIC STATEMENTS OF WILLIAM H. REHNQUIST

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, November 18, 1971

Mr. BAYH. Mr. President, there has been considerable controversy both in the Senate and out concerning the judicial philosophy of Mr. William H. Rehnquist, one of President Nixon's nominees to be an Associate Justice of the Supreme Court of the United States. Because of the widespread interest in what Mr. Rehnquist has said, I ask unanimous consent that a memorandum containing excerpts from some of his more prominent writings, speeches, and testimony be printed in the RECORD. I intend shortly to provide further excerpts from other public statements of Mr. Rehnquist which may be of interest to the Senate and the public.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE WRITINGS, SPEECHES, AND TESTIMONY OF WILLIAM H. REHNQUIST

A. RACIAL EQUALITY

1. Testimony before the City Council of the City of Phoenix, June 15, 1964, in connection with the Council's consideration of an ordinance guaranteeing equal rights of access to public accommodations. The ordinance was unanimously passed by the City Council on June 16, 1964. The following transcript of Mr. Rehnquist's testimony is taken from a tape on record in the office of the City Clerk:

Mr. Mayor, members of the City Council, my name is William Rehnquist. I reside at 1817 Palmcroft Drive, N.W., here in Phoenix. I am a lawyer without a client tonight. I am speaking only for myself. I would like to speak in opposition to the proposed ordinance because I believe that the values that it sacrifices are greater than the values which it gives. I take it that we are no less the land of the free than we are land of the equal and so far as the equality of all races concerned insofar as public governmental bodies, treatment by the Federal, State or the Local government is concerned, I think there is no question. But it is the right of anyone, whatever his race, creed or color to have that sort of treatment and I don't think there is any serious complaint that here in Phoenix today such a person doesn't receive that sort of treatment from the governmental bodies. When it comes to the use of private property, that is the corner drugstore or the boarding house or what have you. There, I think we—and I think this ordinance departs from the area where you are talking about governmental action which is contributed to by every tax payer, regardless of race, creed or color. Here you are talking about a man's private property and you are saying, in effect, that people shall have access to that man's property whether he wants it or not. Now there have been other restrictions on private property. There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property. This, to me, is a matter for the most serious consideration and, to me, would lead to the conclusion that the ordinance ought to be rejected.

What has brought people to Phoenix and to Arizona? My guess is no better than anyone else's but I would say it's the idea of the lost frontier here in America. Free enterprise and by that I mean not just free enterprise in the sense of the right to make a buck but the right to manage your own affairs as free as possible from the interference of government. And I think, perhaps, the City of Phoenix is not the common denominator in that respect but that it is over on one side, stressing free enterprise. I have in mind, the state of the Housing Ordinance, last year, which a great number of people—you know, the opinion makers, leaders of opinions, community leaders were entirely for it. I happen to favor it myself and yet it was rejected by the people because they said, in effect, "We don't want another government agency looking over our shoulder while we are running our business". Now, I think what you are contemplating here is much more formidable interference with property rights than the Housing Ordinance would have been and I think it's a case where the thousands of small business proprietors have a right to have their own rights preserved since after all, it is their business.

Now, I would like to make a second point very briefly, if I might, and that is on the mandate existing to this Council and this again, of course, is a matter of one man's opinion against another. As I recall, the position taken by the preceding Council, of which I know you, Dr. Pisano, Mr. Hyde, Mr. Lindner were all on, was that there would be no compulsory public accommodations ordinance and as I recall, when this Council ran against the Act Ticket, which I would have thought would be the logical ticket, if elected, to bring in an ordinance like this, nothing was said about any sort of change that the voters might guide themselves in by voting in this particular matter. I don't think this Council has any mandate at all for the passing of such a far reaching ordinance and I would submit that if the Council, in its wisdom, does determine that it should be passed, it has a moral obligation to refer it for the vote of the people because something as far reaching as this without any mandate or even discussion on the thing at the time the election for City Council was held is certainly something that should be decided by the people as a whole rather than by their agents, honorable as you ladies and gentlemen are. I have heard the criticism made by the groups which have favored this type of ordinance in other cities that we don't want our rights voted on but of course, it is they who are bringing forward this bill. The question isn't whether or not their rights will be voted upon but instead, it's a question of whether their rights will be voted upon by you ladies and gentlemen who are the agents of the people or the people as a whole. Thank you very much for your time.

2. *Letter to the Editor, published in the Arizona Republic, June 21, 1964.*

To THE EDITOR,
The Arizona Republic:

I believe that the passage by the Phoenix City Council of the so-called public accommodations ordinance is a mistake.

The ordinance is called a civil rights law, and yet it is quite different from other laws and court decisions which go under the same name. Few would disagree with the principle that federal, state, or local government should treat all of its citizens equally without regard to race or creed. All of us alike pay taxes to support the operation of government, and all should be treated alike by it, whether in the area of voting rights, use of government-owned facilities, or other activities.

The public accommodations ordinance, however, is directed not at the conduct of government, but at the conduct of the proprietors of privately owned businesses. The ordinance summarily does away with the historic right of the owner of a drug store, lunch counter, or theater to choose his own customers. By a wave of the legislative wand, hitherto-private businesses are made public facilities, which are open to all persons regardless of the owner's wishes. Such a drastic restriction on the property owner is quite a different matter from orthodox zoning, health, and safety regulations which are also limitations on property rights.

If in fact discrimination against minorities in Phoenix eating-places were well nigh universal, the question would be posed as to whether the freedom of the property owner ought to be sacrificed in order to give these minorities a chance to have access to integrated eating places at all. The arguments of the proponents of such a sacrifice are well known; those of the opponents are less well known.

The Founders of this nation thought of it as the "land of the free" just as surely as they thought of it as the "land of the equal." Freedom means the right to manage one's own affairs, not only in a manner that is pleasing to all, but in a manner which may displease the majority. To the extent that we substitute, for the decision of each business man as to how he shall select his customers, the command of the government telling him how he must select them, we give up a measure of our traditional freedom.

Such would be the issues in a city where discrimination was well nigh universal. But statements to the council during its hearings indicated that only a small minority of public facilities in the city did discriminate. The purpose of the ordinance, then, is not to make available a broad range of integrated facilities, but to whip into line the relatively few recalcitrants. The ordinance, of course, does not and cannot remove the basic indignity to the Negro which results from refusing to serve him; that indignity stems from the state of mind of the proprietor who refuses to treat each potential customer on his own merits.

Abraham Lincoln, speaking of his plan for compensated emancipation, said:

"In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and in what we preserve."

Precisely the reverse may be said of the public accommodations ordinance: Unable to correct the source of the indignity to the Negro, it redresses the situation by placing a separate indignity on the proprietor. It is as barren of accomplishment in what it gives to the Negro as in what it takes from the proprietor. The unwanted customer and the disliked proprietor are left glowering at one another across the lunch counter.

It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this.

3. *Letter to the Editor, published in the Arizona Republic, September 9, 1967.*

The combined effect of Harold Cousland's series of articles decrying "de facto segregation" in Phoenix schools, and The Republic's account of Superintendent Seymour's "integration program" for Phoenix high schools, is distressing to me.

As Mr. Cousland states in his concluding article, "whether school board members take these steps is up to them, and the people who elect them." My own guess is that the great majority of our citizens are well satisfied with the traditional neighborhood school system, and would not care to see it tinkered with at the behest of the authors of a report made to the federal Civil Rights Commission.

My further guess is that a similar majority would prefer to see Superintendent Seymour confine his activities to the carrying out of policy made by the Phoenix Union High School board, rather than taking the bit in his own teeth.

Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policy-making bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle. Those who would abandon it concern themselves not with the great majority, for whom it has worked very well, but with a small minority for whom they claim it has not worked well. They assert a claim for special privileges for this minority, the members of which in many cases may not even want the privileges which the social theorists urge be extended to them.

The schools' job is to educate children. They should not be saddled with a task of fostering social change which may well lessen their ability to perform their primary job. The voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour.

B. CIVIL DISOBEDIENCE

1. *Speech, "The Law: Under Attack from the New Barbarians," May 1, 1969 (unprinted).* (Excerpts.)

There may have been a time in this country, not too long ago, when the customary injunctions to obey and respect the law that are traditionally heard on Law Day might have seemed mere statements of the obvious. That is not the case today, however. The very notion of law, and of a government of law, is presently under attack from a group of new barbarians. They are found today on university campuses, in various public demonstrations and protests, and elsewhere, though they represent only a small minority of the numbers participating in these movements. Just as the Barbarians who invaded the Roman Empire neither knew nor cared about Roman government and Roman Law, these new barbarians care nothing for our system or government and law. They believe that the relatively civilized society in which they live is so totally rotten that no remedy short of the destruction of that society will suffice.

Reform groups in the past, however disillusioned they may temporarily have become with the society in which they lived, have directed their attention to the passage or repeal of particular laws or groups of laws. In so doing they have been willing to abide by the rules of popular government. The new barbarians, however, disclaim any such moderate tactics. "Bring down the system" is their cry. Notwithstanding their small number, they demand not only to be heard, but to be heeded. Failure to both hear and heed, on the part of the majority, brings in response not merely rhetoric, but willful and studied violations of the law—lying on the railroad tracks in front of a troop train, blocking workmen from entering a job site, occupation of university buildings against the will of university officials.

I suggest to you that this attack of the new barbarians constitutes a threat to the notion of a government of law which is every bit as serious as the "crime wave" in our cities. Because of this, the occasion of Law Day, 1969, calls for something more than the traditional encomiums to a government of law.

I do not suppose that there is any one precise definition of the phrase "government of law" that would be acceptable to all. I would think that in this country, the term means at least the following:

First, that the laws shall be made and unmade in accordance with the will of the majority;

Second, that any minority shall have full opportunity to urge its point of view in public debate of issues, and that popular elections be held regularly in order that the mandate of the voters be registered anew;

Third, that no man be held to answer except for a proven violation of an existing law; and,

Fourth, that those laws which have been duly enacted be evenhandedly enforced against all who violate them.

* * * * *

The barbarians of the New Left have taken full advantage of their minority right to urge and advocate their views as to what substantive changes should be made in the laws and policies of this country. Almost without exception, their views have not prevailed. They have likewise urged at great length in various colleges and universities of this country the numerous changes which they believe that circumstances there require. Here their efforts have been more successful, though still short of complete achievement. To the merits of their various proposals I do not propose to address myself; I shall address myself to the tactics which they have employed where persuasion has proved initially unsuccessful. These tactics have time after time involved willful and studied disobedience of the law.

Such tactics can be rationally justified only by turning on its head the notion of a government of law. One would have to argue that the dissatisfied minority has not only the right to be *heard* with respect to its views, but also the right to be *heeded* with respect to those views. Such a right cannot be accorded to the minority, however, without totally divesting the majority of its right to govern.

We are thus brought to the question of what obligation is owed by the minority to obey a duly enacted law which it has opposed. From the point of view of the majority, and of the nation as a whole, the answer is a simple one: the minority, no matter how disaffected or disenchanted, owes an unqualified obligation to obey a duly enacted law. Government as we know it could not survive for a day if it permitted any group to choose the laws which it would obey, and those which it would not obey. Such right of choice would necessarily extend to other

and less vociferous groups, who would doubtless choose to disobey different laws. The result would be anarchy. Neither idealism of purpose nor self-proclaimed moral superiority on the part of the minority qualifies in the slightest way its obligation to obey the law.

In insisting that a law be obeyed, and that disobedience be punished, society places its imprimatur not only on the particular law in question, but on the whole system of law which is the keystone of our civilization. It was Thomas Hobbes who said that life in the state of nature would be "nasty, brutish, and short"—a description with which many of us today would be disposed to agree. Yet this is the prospect which awaits us down the road if we permit the system of law and obedience to the law to be torn down by the new barbarians.

So much for the position of the majority, or of society, with respect to disobedience to law. What is the question that must be answered by the disaffected individuals? One hears much these days of "matters of conscience," and it is doubtless correct to say that in the last analysis each individual must determine for himself whether a law is so odious that it cannot be obeyed. But while no one can presume to decide this question for another, from an individual point of view, surely it is not too much to expect that rational consideration of the question will embrace the following points:

First, that it is nonsense in a nation of 200 million people to speak in any realistic way of the majority enforcing its will against the intransigence of even a small but determined minority. One need only consider the system of traffic regulation which obtains on our highways, or the system of self-determination of income tax liability which results in the filing of some 60 million returns with the federal government each year, to realize that the continuation of any system of government in a complex society depends in a very real sense, not only upon the consent of the majority, but on the consent of the minority as well.

The deliberate law breaker does not fully atone for his disobedience when he serves his sentence, for he has by example undermined respect for the legal system itself. William Evarts, a New Yorker who served both as Attorney General and Secretary of State in the latter part of the 19th century, once made an address in which he urged obedience to a particularly unpalatable law which had just been passed by Congress. In the course of the address, he made the comment that "he who strikes at a law strikes at the law." His observation is as true today as when it was made.

Second, that just as the minority has it within its power to frustrate the governance of the majority, so a large majority by process of constitutional amendment has it within its power to deny the right of free speech and free discussion to the minority. Rational citizens expect the majority to restrain itself in order to keep open the avenues of public discussion; so likewise should rational citizens except the minority to restrain itself in order not to bring the wheels of government to a halt.

Third, that there is a certain amount of arrogance in insisting that one's own personal predilections will not permit him to obey a law which has been duly passed by the legislative authority having jurisdiction over him. This arrogance is compounded by the reflection that the privilege claimed for conscientious disobedience is one that cannot be granted to the citizenry at large without bringing chaos; it is therefore, by implication, a privilege reserved to those with articulate and hyperactive consciences. The claim for conscientious disobedience is at war with the basic premise of majority rule.

. . . We have recently witnessed examples of assault by the new barbarians on the rules and regulations which govern many of our colleges and universities, as well as on the system of public law in the country . . .

It would be presumptuous of me, with no experience either as a teacher or an administrator, to venture comment on the various demands, negotiable and non-negotiable, with which institutions of higher learning have been confronted in the past few years. But I think even a non-educator—a barbarian, if you will—may freely observe that university discipline ought to be administered uniformly, and that both proscribed conduct and the penalties therefor should be known in advance. Once this has been done, it would seem that, by parallels with our legal system, the normal process of discipline should be carried out in an appropriate case, without any backing and filling on the part of administration officials. It would seem even more essential that there be no retreat from the normal processes of discipline in the face of force or the threat of force on the part of either those being disciplined or of their supporters.

Because many recent demonstrations and protests, at the universities and in the streets, have involved violence, it has become the fashion to deplore violence, without likewise deploring disobedience to law whether violent or nonviolent. But this approach misses a large part of the point. To deplore only violence, by whomever used, obscures the fact that the law must be enforced against all those who disobey it, regardless of the means by which such disobedience is accomplished. Force as a last resort in support of the enforcement of the law cannot rationally be equated with force used in disobeying the law. The former, when milder means have proved unavailing, is a necessity which has been recognized for centuries, both by common law and by statute; the latter is impermissible, not merely because it is violent, but more basically because it is disobedient. An officer of the law may shoot and kill, if necessary, a fleeing felon in order to prevent his escape, but the fleeing felon is not given a similar right against the officer of the law.

Though I do not presume to speak for, or even to, the universities on this point, I do offer the suggestion in the area of public law that disobedience cannot be tolerated, whether it be violent or nonviolent disobedience. I offer the further suggestion that if force or the threat of force is required in order to enforce the law, we must not shirk from its employment.

We have recently been treated to counsels, perhaps more directed to universities than to governments, which urge that we not "polarize the moderates," to employ a currently popular phrase, by using force or the threat of force to enforce rules and regulations. But "moderates" who shirk from the use of necessary force to compel obedience to valid regulations or laws are not moderates in any normal sense of that word. Instead they are persons who are either unable or unwilling to sensibly analyze the situation which confronts them.

* * * * *

Our nation has experienced mass disobedience to law at other times during its history. In 1861, it was called by the name of rebellion. During the winter preceding Lincoln's first inauguration, the nation faced a crisis by reason of the threat of secession of the southern states. James Buchanan, the outgoing President, believed that the federal law should be enforced throughout the nation, but was unwilling to see the federal government resort to force to accomplish that end. He felt that the southern states had no right to secede, but he believed that the Union had power to do no more than express its regret at their secession. Scorned in his own time, it may be that he simply was born a hundred years too soon to be appreciated, and if he were living today, he would be a prominent university president.

* * * * *

We must be mindful of the very significant characteristics of the rule of law which is today under attack. For the rule of law, or government of law, is a necessary condition not merely for order, but for freedom as well. Implicit in each of our daily lives is the reliance on our right to act as we choose in areas not proscribed by law, and reliance that the law will be enforced against those who wrongfully interfere with this exercise of freedom on our part. This is what "order" in a democratic society means—not repression or tyranny, but the principle that the only force used will be in support of the law, and that it will be used even-handedly on all of those who violate the law. He who stands in the door of the southern schoolhouse to defy a court order, he who prostrates himself on the railroad tracks to prevent the movement of a troop train, and he who wrongfully occupies a university building, are each in his own way attacking this basic premise. Our freedom exists by reason of the law's guarantee that others must respect it. It is no accident that one of our greatest jurists, Benjamin Cardozo, spoke of the "concept of ordered liberty"—for order and liberty are the obverse sides of the same coin.

This entire area is one in which emotions run high. It may be that just as there is no need to persuade the great majority of the virtues of a government of law, there is no possibility of persuading the new barbarians that such a system is the essential under girding, not only for the society which we now have, but for any civilized society worthy of the names. Yet there are doubtless moderates of another type who stand between these two views, torn between their general respect for the legal process, on the one hand and their sympathy both with the youthful idealism of its critics, and with the substance of many of their criticisms, on the other hand. To these our counsel must must be: Let there be the most vigorous and articulate support for the substantive demands of the critics; but if these demands be rejected by those legislative bodies empowered to act in the situation, let the line be drawn between such substantive support and the counseling, or joining in, violation of a law which is concededly legally valid. Edmund Burke, in his Reflections on the Revolution in France," advises us that:

"It is with infinite caution that any man ought to venture upon pulling down an edifice, which has answered in any tolerable degree for ages the common purposes of society, or on building it up again, without having models and patterns of approved utility before his eyes."

There is a real danger, in my opinion, that the danger posed by the new barbarians to the idea of a government of law may be underestimated. The original barbarians—the invaders of the Roman Empire—did not seem to pose a threat to the Empire when they first appeared on the banks of the Danube opposite the outer boundaries of the Empire. The Romans originally sought accommodation, by permitting them to move within this outer periphery of the Empire. The end result we know from Byron:

"(Rome) saw her glories star by star expire. And up the step, barbarian monarchs ride."

If we are not to see the glories of a government of law "star by star expire," we must articulate to all who will listen the absolutely essential nature of such a system. But we must do more than this; we must be prepared, if necessary, to devote whatever energies are necessary, at whatever sacrifice to private gain or pleasure, to see that these essential values of our system are maintained. Whether the attack on the system be motivated by youth idealism or by cynical calculation, the success of the attack would be an irreversible deterioration not merely of a particular legal system, but of civilized society itself. All of us who are concerned with the values of law which we celebrate on Law Day owe it to ourselves and our posterity to see that this does not happen.

2. *Speech, "Law and Conscience in a Democratic Society." August 23, 1971 (unprinted).* (Excerpts.)

Having discussed descriptively various kinds of civil disobedience which may manifest themselves, I think we are now in a better position to analyze them. Thoreau's highly individualized conduct, designed merely to catch the attention of his fellow citizens and ask them to think again about what they were doing, is quite consistent with the rule of law in a democratic society. The type of civil disobedience engaged in by Gandhi in South Africa and by Samuel Adams and his cohorts at the Boston Tea Party has no counterpart in a society where the majority does, in fact, rule. But the actions of the Mayday collective in Washington last spring are entirely at odds with any theory of civil disobedience which is consistent with the fundamental values of a democratic society.

The notion that any part of our citizenry, however large, or however outraged by the policies being pursued by the national government, should be entitled to take it upon themselves to "bring the government to a halt" as the Mayday sponsors urged in their written prospectus, is utterly at war with any notion of representative government.

The fact that the Mayday demonstrations occurred in the nation's capital is itself a significant fact. Civil disobedience which inconveniences the typical citizen is apt to have very little direct effect on the conduct of government. But civil disobedience which is directed particularly at the elected representatives of the people in the legislative branch of the national government, or at those in the executive branch attempting to carry out the policies mandated by Congress or by an elected president, takes on quite another dimension. This new dimension results, not from the fact that government officials or bureaucrats are to be treated as sacred cows, in contrast to the average citizen, but rather from the fact that the use of force or threat of physical force to prevent them from discharging their duties can itself have a direct and significant effect on the conduct of government.

It is a matter of common knowledge that Washington, D.C. is a much sought after place in which to hold demonstrations, parades, and marches just because it is the nation's capitol, and because an event which takes place there tends to get more national news coverage than does an event taking place somewhere else in the country. To the extent that those who stage such events rely on peaceful expression of opinion, and the show of large numbers in support of a particular cause, their choice of Washington, D.C. as a focal point is an entirely proper marshalling of resources on their part. But to the extent that they seek to go beyond such a purpose, and to physically prevent the government from operating, they are conducting quite a different sort of enterprise.

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Perhaps an argument most often employed in support of those who, in the vernacular, have chosen to work "outside the system" is the "unresponsiveness" of the system. While this may be a convenient debater's point, any sort of historical examination shows it to be a charge which is totally without foundation. Democratic institutions do not guarantee any particular form of change, nor any particular measure of change—they guarantee only that the institution will be capable of being changed when a majority decides upon change.

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Indeed, even imperfectly representative institutions have shown their ability to respond to demands for change, not from their constituents, but from those who had no voice in their selection. Probably the most classical example is the passage of the Great Reform Act in England in 1832. . . .

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If the members voting on this measure had responded only to the views of those who were then enfranchised, the result might well have been different. The same is true of the passage of the Eighteen-Year-Old Voting Act by Congress in 1970. Had the Congress which passed that measure, or the President who signed it, responded only to the views of those who already had the franchise, the measure might well have not have become law.

But it has been true on more than one occasion, of both English and American representative institutions, that in their better moments they represent not merely those of their constituents who have the franchise, or the purely selfish interests of those in their own district, but instead respond to a larger constituency and a higher call to duty.

Thus not only democratic institutions generally, but the particular democratic institutions which we enjoy in the United States, have time and again proved themselves capable of responding to a demand for change. If democratic theory is to have any meaning, when a new law is enacted those who have opposed its enactment must abide the will of the majority. This is true no matter how vigorously such change is opposed, or however deeply held are the views of the opponents. But this governmental theorem has a counterpart, which tends to be lost sight of by some of the proponents of civil disobedience. It is that where these same representative institutions have *declined* to enact into law a particular proposal for change, then the proponents of change must abide *this* result.

There is no doubt that the United States Constitution gives the government ample authority to protect itself against those who would overthrow that government, or those who would seek to bring to a halt any part of the normal operations of that government. In availing itself of this authority—as the District of Columbia government did during the Mayday demonstrations, with assistance from the federal government—government acts as a trustee for all the citizens of this country, in preserving the structure of a system which has grown over a period of seven centuries into the finest example of representative institutions that the world has ever seen. Indeed, it acts as trustee not merely for those of us who are alive today, but for generations yet unborn.

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The notion that this structure of representative institution and individual liberty, so painfully acquired over the centuries, should be "junked" or dismantled, because the people's representatives do not choose to heed particular pleas for change, is not merely misguided, it is utterly irresponsible. This system has proved, time and again, that it is more than responsible to demands for change when those demands are voiced by a majority of the nation's citizens.

Insofar, then, as "civil disobedience" connotes the sort of tactics resorted to by the Mayday demonstrators in Washington, or any other tactics or strategy which have as their goal the imposition on the people of this nation of particular policies which are not desired by the majority, and which are unable to command the necessary votes in the Congress to enact them, it is utterly inconsistent with democratic government. Insofar as "civil disobedience" is restricted to mean the sort of conduct engaged in by Thoreau—a symbolic moral act on the part of an individual or group of individuals, who fully intend to pay the legal consequences for their act—it stands in a somewhat better light. But even the individual who chooses to go to jail, rather than obey the law, is setting a precedent which can have the most damaging consequences of our system of government. Even though this individual is willing to pay the price exacted by the government for violation of the law, the notion that one's own conscientious judgment is entitled to moral force superior to the moral force behind the claim of the government that a duly enacted law be obeyed is fraught with mischief. Any suggestion that, in a nation of two hundred million people, each of us is free to obey only those laws of which he fully approves, or of which his conscience approves, can well be an invitation to anarchy. For if such a veto power is granted to one citizen or group of citizens, it must be granted to all citizens alike. No special consideration can rationally be granted to those whose feelings are proclaimed, at least by themselves, to be far more intense on a particular issue than those of normal people. The result of granting such dispensation to all citizens would be to substitute, not greater personal freedom, but ungovernable license, for the system of ordered liberty which is the hallmark of our institution.

More than one political scientist has observed that the phrase "self-government", often used to describe the system of government of a democracy, is a contradiction in terms. Analytically, of course, they are quite right, since in a nation of any size none of us govern ourselves, and each of us is required to submit to laws with which we may be in the most serious disagreement. But it may be that, in spite of the analytical shortcomings of the term "self-government", it actually does convey a very significant and fundamental element in the Anglo-Saxon tradition. It conveys the idea that not merely shall the majority be entitled to enact its will into law, but that the minority shall abide the decision of the majority, so long as the necessary conditions of genuinely representative government are met. Such laws are not only legal commands, but moral commands, which must be balanced against conscientious objection on the part of the individual. A fine or prison term may compensate for the legal wrong of disobedience, but compensation for the moral wrong is not so readily calculated.

It has been rightly said of the guarantee of free speech that it requires tolerance not merely of ideas of which we approve, but of ideas of which we violently disapprove. I think the same is true of self-government in a democratic society: it requires that we obey not merely those laws of which we approve, but those of which we strongly disapprove.

We all know that our procedures for both lawmaking and law enforcement work imperfectly in practice. Legislators, administrators, and judges in the flesh are fallible human beings, and they make mistakes. But these shortcomings are more often than not those of the individuals who administer our government, rather than of the system of government itself. When shortcomings such as these are discovered, they not merely justify but demand the most vigorous corrective action.

But corrective action to remedy specific defects, or to bring about particular changes in the law, is a far cry from the demands heard today from those engaging in militant civil disobedience, and from their supporters, that "the system" be toppled in its entirety. When we hear such demands, we may fairly inquire what other plan or system these advocates would propose to substitute for the system of checks and balances which we have so painfully evolved through seven hundred years of

Anglo-Saxon political history. In responding to these demands, we might well bear in mind that admonition of Edmund Burke, in his "Reflections on the Revolution in France," wherein he says:

"The science of constructing a commonwealth, or renovating it, or reforming it, is like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science. . . . It is with infinite caution that any man ought to venture upon pulling down an edifice, which has answered in any tolerable degree for ages the common purposes of society, or on building it up again, without having models and patterns of approved utility before his eyes."

C. THE 18-YEAR-OLD VOTE AND THE EQUAL-RIGHTS-FOR-WOMEN AMENDMENT: ISSUES OF CHANGE AND "CONSENSUS"

1. Testimony, March 10, 1970, in Hearings before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Cong., 2d Sess., on S.J. Res. 7 [and other Senate Joint Resolutions], "Lowering the Voting Age to 18," pp. 233–249. (Excerpts.) Mr. Rehnquist advanced three grounds to support the Administration's position that a Constitutional Amendment, rather than a statute, was the proper method for extending the franchise in national elections to 18-year-olds. The first ground was that "the constitutional validity of such a statute would be open to the most serious doubt." [1] *The second was that this doubt could cast an undesirable uncertainty upon the outcome of a presidential election. The third was that "the amending process, with its requirement of extraordinary majorities both in Congress and among adopting States, is better suited than a statute to manifest the necessary consensus for the proposal in question." (Id., at 233.)*

Finally, where Congress is dealing with a matter which has been left to the individual States since the adoption of the Constitution, where it is dealing with a question of minimum voting age about which fair-minded individuals may reasonably differ, and which has been traditionally thought to be a matter of discretion that could be decided one way as easily as another, conformity to a uniform view should be imposed only by the process of constitutional amendment, rather than by legislative majority in Congress.

The voting-age bill is not an effort to cure long-standing shortcomings in the enforcement of standards imposed by the 14th amendment, but rather an effort to enlarge the accepted and traditional age requirement for voting. The administration agrees that this step is desirable. But it is a step which may best be taken by the process of amending the Constitution.

It is claimed that while the court itself will not be willing to make a finding that the denial of franchise to the 18- to 21-year-old age group is discriminatory, Congress is empowered to do so under the 14th amendment, But though the forum is a different one, presumably evidence must be adduced in either one to support such a finding. Can it fairly be said that the States are discriminating in violation of the equal protection clause in denying the franchise to those between 18 and 21 years of age?

This is not a case of discrimination, but instead a case of whether there is sufficient national consensus to warrant imposing a uniform lower voting age requirement for national elections. If it proves that such national consensus is not present, that in itself is a significant argument against imposing such a requirement by any other means.

The administration has previously endorsed a constitutional amendment to this effect and continues to vigorously support it. However, if it proves that a constitutional amendment is not forthcoming, I think the answer our system gives is that this type of adjustment then be left to the States. (*Id.*, at 237–238.)

2. Testimony, April 1, 1971, before Subcommittee No. 4 of the House Committee on the Judiciary, 92d Cong., 1st Sess. on H.J. 208 "Equal Rights for Men and Women" (unprinted). (Excerpts.)

While the Department supports the enactment of House Joint Resolution 208, the equal rights amendment, there is no denying that opponents of that amendment have raised significant questions which deserve the serious consideration of the committee. The placing in the Constitution of such broad general language as is found in House Joint Resolution 208 would, by reason of doubt as to the scope of its language, add substantial uncertainties in this area of constitutional law which would probably require extensive and protracted litigation to dispel. Those who have testified in favor of the amendment in the past do not themselves appear to be in agreement as to the sweep of its language. Yet it is conceded that however broad its sweep, it would not reach many practices of private individuals which unjustifiably differentiate between men and women. The Department of Justice feels that the amendment, no matter how construed, would be a substitute for legislation, such as H.R. 916.

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We would have some doubt as to whether there is a national consensus for compelling all levels of government to treat men and women across the board as if they were identical human beings. Certainly many people feel that publicly maintained restrooms should continue to be separate, that differing ages of consent and majority are, under some circumstances, justifiable, and that laws which are adopted with the genuine purpose of protecting women, rather than as a disguise for discriminating against them, are likewise permissible.

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We are agreed that the EEOC needs additional enforcement machinery to function effectively. However, we favor legislation providing for direct actions in the district courts by the Commission, rather than legislation like H.R. 916 providing for administrative cease and desist orders, as a means of strengthing the EEOC's enforcement powers. (Tr. 312–321.)

D. CAMBODIA AND THE PRESIDENT'S WAR POWERS

Rehnquist, The Constitutional Issues—Administration Position, in Hammarskjold Forum: Expansion of the Vietnam War into Cambodia—The Legal Issues, 45 N.Y.U.L. Rev. 628 (1970). (Excerpts.)

I am pleased to avail myself of the opportunity of discussing the legal basis for the President's recent action in ordering American Armed Forces to attack Communist sanctuaries inside the border of Cambodia. So much of the discussion surrounding these recent events has been emotional that I think the Association of the Bar performs a genuine public service in encouraging reasoned debate of the very real issues involved.

I wish in these remarks to develop answers to several question which I believe lie at the root of the matter under dicussion. After having explored these questions in their historical context, I will make an effort to apply to the Cambodian incursion what seem to me to be the lessons of both history and constitutional law.

First, may the United States lawfully engage in armed hostilities with a foreign power in the absence of a congressional declaration of war? I believe that the only supportable answer to this question is "yes" in the light of our history and of our Constitution.

Second, is the constitutional designation of the President as Commander-in-Chief of the Armed Forces a grant of substantive authority, which gives him something more than just a seat of honor in a reviewing stand? Again, I believe that this question must be answered in the affirmative.

Third, what are the limits of the President's power as Commander-in-Chief, when that power is unsupported by congressional authorization or ratification of his acts? One would have to be bold indeed to assert a confident answer to this question. But I submit to you that one need not approach anything like the outer limits of the President's power, as defined by judicial decision and historical practice, in order to conclude that it supports the action that President Nixon took in Cambodia.

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Presidents throughout the history of our country have exercised this power as Commander-in-Chief as if it did confer upon them substantive authority. They have deployed American Armed Forces outside of, the United States. They have sent American Armed Forces into conflict with foreign powers on their own initiative. Presidents have likewise exercised the widest sort of authority in conducting armed conflicts already authorized by Congress.

These are actually, I believe, three separate facets of the President's power as Commander-in-Chief. They are the power to commit American Armed Forces to conflict where it hasn't previously existed, the power to deploy American Armed Forces throughout the world, frequently in a way which might invite retribution from unfriendly powers, and the power to determine how a war that's already in progress will be conducted.

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The third facet of the power of Commander-in-Chief is the right and obligation to determine how hostilities, once lawfully begun, shall be conducted. This aspect of the President's power is one which is freely conceded by even those students who read the Commander-in-Chief provision least expansively. . . .

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The situation confronting President Nixon in Viet Nam in 1970 must be evaluated against almost two centuries of historical construction of the constitutional division of the war power between the President and Congress. It must also be evaluated against the events which had occurred in the preceding six years. In August 1964 at the request of President Johnson following an attack on American naval vessels in the Gulf of Tonkin, Congress passed the so-called Gulf of Tonkin Resolution. That resolution approved and supported the determination of the President "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It also provided that the United States is "prepared as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

While the legislative history surrounding the Gulf of Tonkin Resolution may be cited for a number of varying interpretations of exactly what Congress was authorizing, it cannot be fairly disputed that substantial military operations in support of the South Vietnamese were thereby authorized. Steadily increasing numbers of United States Armed Forces were sent into the Vietnamese combat during the years following the passage of the Gulf of Tonkin Resolution. United States Air Force planes bombed not only South Viet Nam, but North Viet Nam.

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[1] A closely divided Supreme Court subsequently sustained the constitutionality of legislation lowering the voting age to 18 in national elections. *Oregon* v. *Mitchell*, 400 U.S. 112 (1970).

When President Nixon took office in January 1969, he found nearly half a million combat and supporting troops engaged in the field in Viet Nam. His predecessor, acting under the authorization of the Gulf of Tonkin Resolution, had placed these troops in the field, and I for one have no serious doubt that Congress and the President together had exercised their shared war power to lawfully bring about this situation.

President Nixon continued to maintain United States troops in the field in South Viet Nam in pursuance of his policy to seek a negotiated peace which will protect the right of the South Vietnamese people to self-determination. He has begun troop withdrawals, but hostile engagements with the enemy continue. The President feels, and I believe rightfully, that he has an obligation as Commander-in-Chief to take what steps he deems necessary to assure the safety of American Armed Forces in the field. On the basis of the information available to him, he concluded that the continuing build-up of North Vietnamese troops in sanctuaries across the Cambodian border posed an increasing threat both to the safety of American forces and to the ultimate success of the Vietnamization program. He also determined that, from a tactical point of view, combined American-South Vietnamese strikes at these sanctuaries had a very substantial likelihood of success. He, therefore, ordered them to be made.

The President's determination to authorize incursion into these Cambodian border areas is precisely the sort of tactical decision traditionally confided to the Commander-in-Chief in the conduct of armed conflict. From the time of the drafting of the Constitution it has been clear that the Commander-in-Chief has authority to take prompt action to protect American lives in situations involving hostilities. Faced with a substantial troop commitment to such hostilities made by the previous Chief Executive, and approved by successive Congresses, President Nixon had an obligation as Commander-in-Chief of the Armed Forces to take what steps he deemed necessary to assure their safety in the field. A decision to cross the Cambodian border, with at least the tacit consent of the Cambodian Government, in order to destroy sanctuaries being utilized by North Vietnamese in violation of Cambodia's neutrality, is wholly consistent with that obligation. It is a decision made during the course of an armed conflict already commenced as to how that conflict will be conducted, rather than a determination that some new and previously unauthorized military venture will be taken.

By crossing the Cambodian border to attack sanctuaries used by the enemy, the United States has in no sense gone to "war" with Cambodia. United States forces are fighting with or in support of Cambodian troops, and not against them. Whatever protest may have been uttered by the Cambodian Government was obviously the most perfunctory, formal sort of declaration. The Cambodian incursion has not resulted in a previously uncommitted nation joining the ranks of our enemies, but instead has enabled us to more effectively deter enemy aggression heretofore conducted from the Cambodian sanctuaries.

Since even those authorities least inclined to a broad construction of the executive power concede that the Commander-in-Chief provision does confer substantive authority over the manner in which hostilities are conducted, the President's decision to invade and destroy the border sanctuaries in Cambodia was clearly authorized under even a narrow reading of his power as Commander-in-Chief. (*Id.*, at 628–639.)

E. THE MAY DAY MASS ARRESTS AND "QUALIFIED MARTIAL LAW"

Speech, "Which Ones Have the White Hats? Conflicting Values in the Administration of Criminal Justice," May 5, 1971 (unprinted). (Excerpts.)[2]

Having arrived only this noon from Washington, my memory is naturally fresh with the event which those of us who live in the area of the nation's capital have had to contend with in the past few days. These events themselves show the traditional balancing process of the criminal law at work. Generally speaking, when a suspected criminal is arrested, the law requires him to be taken before a committing magistrate within a reasonable time in order that the magistrate may pass on the government's basis for holding the man, and may admit him to bail or otherwise release him if appropriate. In the usual circumstances, this is no significant burden on the government, since presumably by the time the decision is made to arrest the suspect, a case justifying that arrest has been put together. By the same token, the rule offers a very real protection to the suspect, since it is designed to prevent the use of the power of arrest to simply obtain police custody of a defendant in order to build the case against him after the time he is arrested.

This is all well and good in the ordinary situation. But the situation which prevailed in Washington on Monday was not the ordinary situation. A Metropolitan Police Force of approximately 5,000 men total strength found it necessary within a few hours to make no less than 7,000 arrests as a result of planned disruption of traffic with the announced purpose of "shutting down the government". During the morning hours, the police who made arrests were faced with the choice of either accompanying the person or persons they had arrested to the place of confinement, or of sending arrestees to a place of confinement in batches and themselves remaining on duty in the streets to preserve public order and ensure the normal flow of traffic. For each arresting officer to have gone with the person or persons he arrested, in order to make as good a case against those individuals as possible, and to ensure as prompt a processing of that case before a magistrate as possible, would have been following the ordinary procedure. But in this situation, the circumstances were extraordinary, rather than ordinary; had it been physically possible for the police officers to go with the persons they arrested to the place of confinement, the result would have been (because of the large number of arrests) a sharply depleted force on duty to prevent further law violations and to make subsequent arrests.

Understandably, the law makes some allowances in situations such as this. Without in any way attempting to comment on the particular facts that were present in Washington on Monday, the rule of a "reasonable time" to bring before a committing magistrate is framed in terms of all the circumstances which exist. Clearly one of these circumstances is the superior call on police manpower in the interests of preserving order on the streets, as opposed to the competing use of that manpower to make as quickly as possible the case against individuals who had been arrested. This is not to say that the extension of time for processing is, or should be, open-ended—it is only to say that courts have generally said they will consider all the circumstances.

Indeed, if one takes a more extreme situation than that which prevailed in Washington during the past couple of days, the law again accommodates itself to circumstances. Under a long series of cases decided by the Supreme Court of the United States, lower federal courts, and state courts, police and troops in emergencies have the authority to detain individuals during the period of an emergency without being required to bring them before a committing magistrate and filing charges of criminal conduct against them. Situations where this rule applies have been traditionally limited to those where violence or the threat of violence prevents the enforcement of the law through normal judicial process, and the doctrine which there obtains is customarily referred to as "qualified" martial law. In that situation, the authority of the nation, state, or city, as the case may be, to protect itself and its citizens against actual violence or a real threat of violence is held to outweigh the normal right of any individual detained by governmental authority to insist on specific charges of criminal conduct being promptly made against him, with the concomitant right to bail or release pending judicial determination of those charges. The courts limited the duration of the power to the duration of the emergency, however, and have also insisted that the claim of violence be not a mere sham.

F. PRIVACY, POLITICAL ASSOCIATION AND GOVERNMENT SURVEILLANCE

1. Speech, "Privacy, Surveillance, and the Law," March 19, 1971 (unprinted). (Excerpts.)

Now let us turn to what I will call the gathering of "public" information by law enforcement agencies, meaning by this adjective that the gathering involves no threat of criminal sanction in obtaining the information, and is based on observation of public records or actions by persons in public places. Let me start by noting that traditionally this type of information gathering has never been limited by statute, and has not to date held to infringe any individual or constitutional right of a person who was the subject of the information gathering. [Sic.]

There has recently been brought to public attention, however, the activities of the Army Intelligence Service in collecting, over a period of several years, a vast amount of information which that Service considered to be relevant to civil disturbances and potential civil disturbances. Assistant Secretary of Defense Froehlke, testifying before Senator Ervin's Committee freely conceded that much of the lower level Army activity in this area had been undertaken with insufficient guidance from the civilian officials in the Executive branch. The result was types of surveillance and information collecting which were both useless for any legitimate law enforcement purpose, and offensive to the traditions of a country which has always recognized the right of political dissent. The combination of these factors has caused a strong reaction, not only against this sort of excess of surveillance, but against "surveillance" in general. It has caused people within and without the government to ask themselves what sort of limits should guide law enforcement activities in this area.

General statements of policy regarding each end of the spectrum would, I believe, evoke little disagreement. Surveillance, whether by examination of public records, observation of activities carried on in public places, or by the use of undercover agents, is a vital tool of law enforcement. Those resonably suspected of having violated federal criminal statutes ought to be the subject of surveillance, if such surveillance appears reasonably designed to enable the government to apprehend them and bring them to trial.

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[2] "Assistant Attorney General William Rehnquist argued that a condition of 'qualified martial law' legitimized the [May Day] arrests, but other Justice Department officials later conceded privately that up to 80 per cent had been unconstitutional." *Newsweek*, Vol. 77, No. 24 (June 14, 1971), p. 28.

Those whose conduct or declarations give reasonable cause to believe that they are about to violate a criminal law ought to be the subject of whatever surveillance is available and appropriate in order to prevent the commission of the crime, if that is possible, or if that is not possible to at least apprehend the suspect as soon as possible after the crime is committed. When the constitutional prohibition against unreasonable searches and seizures requires a warrant because the activity is not conducted in a public place, of course such warrant must be obtained.

I think most of you are old enough to recall the assassination of President Kennedy in November, 1963. There was a good deal of criticism of the Secret Service at that time for not having more diligently investigated the background and movements of Lee Harvey Oswald, the assassin, and thereby perhaps to have prevented the commission of that crime. Where life—as in the case of murder—liberty—as in the case of kidnapping—or property—as in the case of burglary or robbery—is at stake, law enforcement officials would be remiss if they did not by every means at their command, including intensive surveillance, try to protect the potential victims against such loss.

At the other end of the spectrum is the example of the peaceful meeting held for the purpose of expressing public disapproval of some governmental policy, such as the Vietnam War. There is no legitimate purpose served by any sort of surveillance whatsoever of this kind of meeting, and any contrary policy on the part of preceding Administrations has been emphatically repudiated by this one.

It is these easy cases, of course, that cause the least trouble. Probably the most difficult and troublesome area, lying between the two extremes of the spectrum, is the sort of meeting, demonstration, or rally at which the great majority of participants have nothing but expression of opinion on their mind, but where there is reasonable ground to believe that at least some participants are either planning activity which would violate criminal statutes, or have repeatedly in the past used such meetings as a springboard for engaging in conduct which would violate the criminal laws. Certainly the presence of this latter element among the larger groups should not taint the purpose of the meeting for the larger group, but just as surely the good intentions of the majority cannot immunize the evil designs of the smaller group. It requires no enunciation of any new principle to say that individuals should be judged on their individual conduct, and that law enforcement surveillance in this situation should be limited to persons or incidents which are reasonably believed on the basis of past conduct or present plans to have a law violation potential.

Another troublesome area is that of the large protest meeting. So far as the federal government is concerned, its concern with this subject is primarliy in the District of Columbia, over which Congress has legislative jurisdiction, and over the protection of federal property and federal programs in other parts of the nation.

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The District of Columbia has had at least three major demonstrations in the past two years which were called to protest the policies of the government in connection with the Vietnam War. On each occasion, large numbers of people—in November, 1969, the crowd was estimated to be in excess of 200,000—streamed into the nation's capital for the purpose of demonstrating their support of peace in Vietnam. On each occasion, the vast majority did this and nothing more than this. But in November and May, 1970, there were isolated instances of destruction of federal property and other related offenses. The sheer size of such meetings would make any law enforcement agency seem foolish, indeed, if it did not do what it could to apprise itself of the plans of the demonstrators, and to make adequate personnel available during the demonstration to assure the protestors that their right to protest would be preserved, and to assure the rest of the public that anyone who violated the law would be apprehended and punished.

Principles such as I have just mentioned have been traditionally followed by most law enforcement agencies. The responsibility for gathering information on potential civil disturbances resides now in the Department of Justice, rather than in the Department of the Army. The Federal Bureau of Investigation, which is the principal investigative arm of the Department, has always been a good deal more cohesive and disciplined force for its size than many other investigative agencies. Whether restatement in a more formal way of guidelines which have in the past been followed in practice is a question upon which reasonable people may disagree. [Sic.]

But however such agreed guidelines be phrased, and whatever the source of the authority of such guidelines, I believe that no legitimate interest of any segment of our population would be served by permitting individuals or group of individuals to prevent by judicial action, the government's gathering information. We are here faced with the same sort of choice of values as is involved in the doctrine of media immunity in defamation actions, brought by "public figures". As you know, the Supreme Court in *New York Times v. Sullivan* held that a public figure was constitutionally prohibited from recovering damages for a publication that was both false and defamatory unless he could show that the article was published with actual malice against him or with reckless disregard of its truth or falsity. There is a similar possibility of conflict in the area of information gathering. On the one hand, there is the ever present danger that some law enforcement official of some agency, at some time, will depart from the guidelines in question and "survey", if that is indeed the word, some individual whom he has no reason to suspect of having committed a crime, or of being about to commit a crime. On the other hand, there is the danger that the intricate and complicated decision making involved in the successful pursuit and apprehension of any criminal, a function which has traditionally been the function of the Executive, will be in some measure transferred to the courts with the attendant risk that the judicial mode of inquiry will prove ill adapted to reviewing such decisions.

One can readily imagine the delight with which the granting of any such right of judicial supervision of information gathering would be greeted by the thoroughly capable attorneys for organized crime syndicates or violent revolutionaries. It would not be necessary that they prevail in a judicial action for them to seriously hamper effective law enforcement. They would need only to get access to files which showed in effect what the government "had on them", and which might very well have to be produced by the government in order to show that it had a legitimate basis for keeping them under surveillance.

The privilege accorded to the news media in actions for defamation by public figures is a virtually absolute one—subject only to the exceptions of recklessness and actual malice. High officials in all three branches of the federal government are generally immune from liability for damages for their public acts and the same rule obtains in most states. It has been recognized by the courts in each of these types of cases that the solution is not a perfect one, but that a lesser interest is sacrificed to a greater one. . . .

In explaining the reason for the related grant of absolute immunity from damage suits to public officers from damage suits arising out of their official acts, Judge Learned Hand said:

"The justification of doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties. Again and again the public interest calls for action which may turn out to be founded on a mistake, in the face of which an official may later find himself hard put to it to satisfy a jury of his good faith."

I believe a similar judgment must be made in the area of information gathering by law enforcement agencies. The case for judicial supervision is the weakest here of any of the facets of privacy, since by hypothesis there is no legal sanction threatened in obtaining the information and no effort has yet been made to seek imposition of legal penalties on the basis of the information obtained. The threat of ultimate judicial restraint of legitimate law enforcement activity is not great. But the fact finding process of the courts, involving as it does extensive discovery of evidence on each side, could frequently make available to those who were quite legitimate objects of surveillance important information as to the nature of the government's case against them. Temporary injunctions and stays on appeal could stalemate investigative activities which were ultimately found to be entirely proper. The judicial process is ill suited to regulation of detailed and continuing investigative activities of law enforcement agencies, where frequently time is of the essence. I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information by the Executive Branch of the government.

Must we then leave the government to police itself? My answer would be that first, such a result is not as bad as it may sound, and, second, that forms of oversight other than those afforded by judicial supervision are available.

It is a common belief that government is a vast, monolithic structure, a law unto itself, which is somehow impervious to any criticisim or direction from other branches of government or from the public at large. This is by no means entirely true. The Executive Branch is headed by a popularly elected President, and each of the Cabinet Departments is presided over by a person appointed by him and politically responsible to him. The fact that the present Administration has reversed what previous policies there were in the area of Army information gathering is certainly strong evidence that the Executive Branch, and Cabinet members such as Secretary Laird, are by no means insensitive to public concern in this area.

But public concern without an effective institution to focus that concern may be dissipiated without significant effect. It is here that congressional oversight, of the type furnished by Senator Ervin's Subcommittee, plays one of its most valuable functions. Senator Ervin's Subcommittee, as a result of careful investigation—I will avoid the word surveillance—beforehand, and as a result of the public hearings which are now being conducted, has succeeded in bringing to light numerous incidents in the government information gathering process which are either plain abuses of that process or which at the least call for further explanation.

* * * * *

The advantage of congressional oversight as opposed to judicial oversight in the area of information gathering is that the former is far more flexible than the latter. Fixed rules of procedure, vitally necessary in courts, do not necessarily obtain in connection with these hearings, and material for which there is a genuine need for confidentiality may be made available to the Committee without necessarily being spread at large upon the public record. The Committee can use individual cases as a means of examining an entire system or set of procedures, rather than as a vehicle for simply adjudicating the rights of one particular individual.

In short, the combination of proper administrative supervision of information gathering activities, together with the sort of congressional oversight provided by committees such as Senator Ervin's, are an adequate protection against the rare, but nonetheless inevitable, departures from acceptable principles on the part of investigative personnel in the field. To place judicial supervision over such activities in addition to congressional oversight and administrative supervision would balance the scale too far against the interests of proper law enforcement. Judicial scrutiny, appropriate where the government seeks to impose sanctions on an individual who refuses to divulge information voluntarily, or where criminal penalties or other disabilities are sought against an individual on the basis of information collected, are inappropriate where neither factor is present. [Sic.]

* * *

Finally, let me turn to a question more of abstract law than of policy. The question has been publicly raised as to whether government information gathering—which goes beyond the effort to apprehend criminal suspects—when accompanied by threat of compulsion, and when no use has yet been made of the information in order to seek, imposition of any legal sanction on a person, may not itself violate the First Amendment to the Constitution. That amendment, as you all know, states that Congress shall make no law abridging the freedom of speech, or of the press . . ." The argument in support of the contention that information gathering per se may violate First Amendment rights is that such information gathering may have a "chilling effect" on the exercise of First Amendment freedom.

I have previously stated my belief that the First Amendment does not prohibit even foolish or unauthorized information gathering by the government. I would like to briefly describe the basis on which I reached that conclusion. I began with the subject, and found no holdings in support of such a contention. Indeed, the contention has been rejected by at least two federal district courts. The contention was accepted by a New Jersey trial court, but that court's judgment on the point was unanimously reversed by the Supreme Court of New Jersey. No decided case of the Supreme Court of the United States has ever held or said that the "chilling effect" of a governmental activity by itself, unaccompanied by either an attempt to impose governmental sanctions either to compel the involuntary divulgence of the information or to impose criminal or other sanctions on the basis of the information obtained amounted to a violation of the First Amendment.

It is, of course, possible to extrapolate from decided Supreme Court cases, and conclude that the Court will further broaden the interpretation of the First Amendment to include a prohibition or circumscription on this type of activity. This is basically a matter of prediction, and my own opinion is that such expansion of existing doctrine is unlikely.

I have learned from experience that when one says that a particular governmental activity is not violative of the Bill of Rights, he is taken by some to imply that such activity is either laudable or at least permissible. I am sure that a group of outstanding law students such as you will not make this mistake. No one in the present Administration would at all favor a continuation of some of the types of surveillance conducted by the Army in the past, or the conducting of investigative activity that was not reasonably related to the prevention of crime or the apprehension of criminal suspects. Justice Frankfurter, in more than one opinion which he authored while on the Supreme Court, warned against the tendency to equate constitutionality with desirability. Just because a particular governmental practice is not forbidden by the Constitution does not mean that it is desirable or proper that the government engage in such practice.

I think that when the current debate about "privacy" and "surveillance" is ended, there will be a new alertness on the part of every branch of government, and on the part of the public as a whole, to possible over-zealousness on the part of those who gather information for the government. I think this result is eminently desirable. But we must take care that measures designed to assure privacy for the law-abiding do not also assure that anonymity for the criminal, and thereby make vain the hope for effective and continually improving law enforcement.

2. Testimony, March 9 and 17, 1970, before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 92d Con., 1st Sess., "Investigative Authority in the Executive Branch of Government" (unprinted). (Excerpts.)

March 9

Mr. REHNQUIST. Mr. Chairman, I have a prepared statement which, with your permission, I would like to read, and then submit myself to questioning by the committee.

* * * * *

I am pleased to appear before the Subcommittee this morning to discus the constitutional and statutory sources of the investigative power of the Executive Branch of the government generally, and of the Department of Justice in particular. This authority has properly been construed by the Executive to include the use of a wide variety of investigative techniques, among which are modern data processing systems.

The Department of Justice is convinced of the necessity to maximize the potential of these devices in combating organized crime, preventing acts of violence, controlling civil disorder, where appropriate, and enforcing the numerous federal statutes. At the same time, the Department is aware of the potential for injury to individuals which could result from unauthorized collection or unnecessary dissemination of such data. We believe that full utilization of advanced data processing techniques is by no means inconsistent with the preservation of personal privacy. We reject the suggestion that the more potential for abuse of these technological advances is a sufficient reason in itself to dispense with their use in the investigation and prosecution of crime.

The Department believes that careful attention to the potential for abuses will enable us to improve methods for preventing these abuses without significantly impairing the values of data processing techniques as an important tool of law enforcement.

Turning to the central inquiry of your recent letter to the Attorney General, Mr. Chairman, you have inquired as to the Department's position regarding the Executive's constitutional and statutory authority to gather information, and the possibilities of violation of individual rights that might result from surveillance of the private lives of individuals unrelated to any legitimate government interest.

The primary source of federal law enforcement power emanates from Article II, section 3, of the Constitution, which assigns to the President the duty to ". . . take Care that the Laws be faithfully executed. . . ." The word "(l)aws" in this context has been interpreted broadly by the Supreme Court in the Neagle case as encompassing not only statutes enacted by Congress but ". . . the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of government under the Constitution."

Implicit in the duty of the President to oversee the faithful execution of the laws is the power to investigate, and prevent the violation of federal law. . . .

In addition to the constitutional grant to the Executive of the authority to take care that the laws are faithfully executed, Article IV of the Constitution, and statutes passed in connection with it, are another basis of the information gathering authority of the Executive Branch. Article IV, section 4, provides:

"The United States shall guarantee every State in this Union a Republican Form of Government and shall protect each of them against Invasion; and on Application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic Violence."

This section of the Constitution represents a unique exception to the farmers' conception that the states should have virtually exclusive responsibility in the field of local law enforcement. The exception set forth in this section of the Constitution is applicable where domestic violence beyond the enforcement capability of the states, such as that which occurred during Shay's Rebellion in Massachusetts in 1786–87, makes federal troops the only available source of authority for restoring domestic order within a state. . . .

This section of the Constitution was implemented shortly after its ratification, in 1795, by the statutory predecessor of 10 U.S.C. 331. Upon request from the governor or legislature of a state, the President may dispatch federal troops where necessary to suppress an insurrection in the state.

Companion sections to 10 U.S.C. 331 were passed during Civil War and Reconstruction days. They provide that the President may, when he determines that unlawful obstructions make it impracticable to enforce federal laws in the states by ordinary judicial proceedings, use such of the armed forces as he considers necessary to enforce those laws or suppress the rebellion. 10 U.S.C. 332. In addition, 10 U.S.C. 333 provides for similar use of federal troops by the President if he determines that insurrection or domestic violence within a state is resulting in the denial to people within the state of rights protected by the Federal Constitution, and the state fails or refuses to protect such rights. In recent history we have had several occasions of the invocation of each of those sections.

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As was indicated by the comprehensive statement to this Subcommittee by the Department of Defense last week, the previous administration recognized the need for intelligence data concerning the possibility or probability of further civil disturbances that might require deployment of federal troops. Given the frequency with which federal troops were in fact used and alerted during that period of time, from the Watts riots on, and the possibility that they might be called up on very short notice, investigative activities that were directed to determine the possibility of domestic violence occurring at a particular place or at a particular time would appear to be clearly authorized by the constitutional and statutory provisions referred to above.

Turning to the Department of Justice, the functions and organization of the Department of Justice are outlined in the provisions of Part II of Title 28, United States Code

(Supp. V) and regulations promulgated thereunder. The Attorney General, as head of the Department, is the chief law enforcement officer. His duties include the appointment and supervision of investigative officials whose duty it is to ". . . detect and prosecute crime against the United States" and "conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General."

* * * * *

Turning from the Constitutional and statutory bases of the Executive's authority to gather information to more particular questions which you posed in your letter to the Attorney General, Mr. Chairman, the Neagle case is only one in a long line of Supreme Court decisions that deal explicitly or implicitly authorize a wide range of investigative activities that may be pursued by law enforcement authorities within the bounds of the Constitution. Understandably, such court-approved investigative activities include the use of both overt and covert surveillance.

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While there is obviously no justification for surveillance of any kind that does not relate to a legitimate investigative purpose, the vice is not surveillance per se, but surveillance of activities which are none of the government's business.

The Federal Bureau of Investigation uses both undercover agents and paid informers in its criminal intelligence activities. In many cases, arrest and prosecution of lawbreakers can be effected only through the use of such persons. Utilization of the full panoply of lawful investigative techniques is consistent with the oft-expressed desire of this administration to vigorously enforce the federal law.

It is our view that the computer is a useful aid in coordinating criminal intelligence gathering and fulfilling the overall purpose of efficient law enforcement. Thus far, we have only recently begun to use electronic data processing. Therefore, it has been of only limited use to date in the investigation and prosecution of crime. Yet we are beginning to realize that the computer with its ability to store, analyze, and quickly retrieve vast amounts of data can be of immense help to law enforcement administration.

Although we are anxious to increase the effectiveness of law enforcement through the use of technology, we do not propose to ignore the increased potential for abuse that arises from the expanded capability we will have to make complex analyses of investigative data. Indeed, we believe that stringent physical and personnel security measures can greatly reduce the risk of improper access and dissemination so that it poses no greater threat to personal privacy than manual data storage.

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Your letter to the Attorney General, Mr. Chairman, raised the question of whether the constitutional rights of individuals were violated by government surveillance in cases where there was not probable cause to believe that a particular individual had committed a crime. As I have previously said in my testimony, the responsibility of the Executive Branch for the execution of the law extends not merely to the prosecution of crime, but to the prevention of it.

Given the far-flung responsibilities of the Executive Branch for law enforcement, and the large complements of personnel required to discharge these responsibilities, it would scarcely be surprising if there were not isolated examples of abuse of this investigative function. Such abuse may consist of the collection of information which is not legitimately related to the statutory or constitutional authority of the Executive Branch to enforce the laws, or it may consist of the unauthorized dissemination of information which was quite properly collected in the first instance.

I know of no authoritative decision holding that either of these situations amounts to a violation of any particular individual's constitutional rights. I think the courts have been reluctant, and properly so, to enter upon the supervision of the Executive's information-gathering activities so long as such information is not made the basis of a proceeding against a particular individual or individuals. But the fact that such isolated Executive excesses may not be a violation of Constitutional rights does not mean that they are proper, and it does not mean that appropriate steps should not be taken to prevent their reoccurrence.

Departmental regulations of the Department of Justice forbid any employee or former employee to produce any material contained in the files of the Department, or to disclose any information relating to material contained in files of the Department, without prior approval of the Attorney General. This regulation is intended to preserve the confidentiality of information contained in departmental files, and to make certain that it will not be disseminated to unauthorized persons.

With the additional investigative capabilities made available by technological advances, it will undoubtedly be necessary to be vigilant against possible violations of this regulation. Physical security precautions must be improved in order to assure both those within and without the Department that unauthorized personnel do not have access to confidential information. Those in the Executive Branch generally, including the Department of Justice, properly alerted to the dangers of excessive zeal by some of the information testified to before this Subcommittee, must make certain that law enforcement intelligence gathering is limited to those areas in which the Executive Branch has constitutional or statutory responsibility for law enforcement.

I think it quite likely that self-discipline on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information-gathering. No widespread system of investigative activity, maintained by diverse and numerous personnel, is apt to be perfect either in its conception or in its performance. The fact that isolated imperfections are brought to light, while always a reason for attempting to correct them, should not be permitted to obscure the fundamental necessity and importance of federal information-gathering, or the generally high level of performance in this area by the organizations involved.

In saying this, I do not mean to suggest that the Department of Justice would adamantly oppose any and all legislation on this subject. Legislation which is carefully drawn to meet demonstrated evils in a reasonable way, without impairing the efficiency of vital federal investigative agencies, will receive the Department's careful consideration. But it will come as no surprise, I am sure, for me to state that the Department will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision of such activities or otherwise, would effectively impair this extraordinarily important function of the federal government.

* * * * *

Senator ERVIN. Do you feel that there are any serious constitutional problems with respect to collecting data or keeping it under surveillance, or persons who are merely exercising their right of peaceful assembly or petition to redress a grievance?

Mr. REHNQUIST. My answer to your question is, no, Mr. Chairman. And by saying no I do not think it involves constitutional violations. I would not want to be thought as disparaging the importance of it or the undesirability of it. But I do not believe it raises a constitutional question.

Senator ERVIN. Has not the Supreme Court held in several cases that any surveillance or collection of information concerning individuals which tends to stifle their exercise of the right of freedom of assembly, or the right to meet or the purpose of petitioning for redress of grievances, is unconstitutional? [Sic.]

Mr. REHNQUIST. Mr. Chairman, I do not know of any case where the Supreme Court has held that the simple collection of information on the part of law enforcement agencies, so long as the law enforcement agency does not seek to take any action affecting an individual's status in some way, violates constitutional rights. Now, I would qualify that by saying that the result may be different where the information is gained from the individual by compulsion. In the St. Regis paper case of a few years ago where the Census said you have to give the information, there may be a question as to what dissemination you can make of it consistent with the Constitution.

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Senator ERVIN. Do you agree with me that it is not the function of the federal law enforcement agents to exercise surveillance over citizens, except for the purpose of gathering information where a crime has actually been committed, or for the purpose of gathering information concerning the people who are reasonably suspected of the purpose to commit a crime?

Mr. REHNQUIST. I can answer that generally yes, Mr. Chairman, with the proviso, I take it, that your statement would include the kind of statements that Mr. Katzenbach mentioned earlier in his testimony, given time, place and circumstances, such as the Klan activities in the early sixties in the south as one example, there may be need for knowledge about membership and activities of people in an organization that is simply committed, you know, as a matter of public knowledge and statement to violate the law. But I would assume that that would come within the general statement you have made. So I would agree with it.

Senator ERVIN. Certainly you would agree with me that the mere fact that any human being might at some time in the future commit a crime does not give the law enforcement agencies of the Federal Government authority to put all the people under surveillance?

Mr. REHNQUIST. I would certainly agree with you.

* * * * *

Senator ERVIN. Do you agree with me that the First Amendment gives the people the right to freedom of speech, the right to peaceful assembly, to petition the government for the redress of grievances, and the right to associate with other people to further ideas and policies of government?

Mr. REHNQUIST. Certainly.

Senator ERVIN. Don't you agree with me that any surveillance which would have the effect of stifling such activities would violate those constitutional rights?

Mr. REHNQUIST. No, I do not. I would want to know more about the particular circumstances of the surveillance, the justification for it, and the strength of the case made for the fact that the rights were stifled.

Senator ERVIN. Don't you think—most people are sort of afraid of government surveillance, aren't they, and have been?

Mr. REHNQUIST. I do not doubt a number are, Mr. Chairman. I have noticed that certainly there have always been people willing to come forward and sue the government, as was done in the Northern District of Illinois and was done here in the District of Columbia, claiming that others were intimidated, but really admitting that they were not intimidated at all.

Senator ERVIN. Very well.

You have no opinion on the question of whether it does exercise an intimidating influence on people for them to be even under the surveillance of the federal law enforcement officials, or to suspect that they are?

Mr. REHNQUIST. I do not doubt that is the case with many people. But I do not think you can lay it down as a general principle.

March 17

Senator ERVIN. I want to ask you one or two questions. You laid stress that the power—that the Department of Justice had power to conduct investigations in order to assist the President in the performance of his duties, performance of his constitutional duties, to see that the laws are faithfully executed and, within certain limitations, I don't think anybody can quarrel with that proposition.

But I would like to know what limitations there are on the power of the Department of Justice to collect information on citizens.

Mr. REHNQUIST. Well, let me elaborate a little bit on what I believe I at least said shortly last time, that there must be a legitimate law enforcement purpose involved in order for the Department to be able to collect information under either Congressional authority or under the faithful execution of the laws clause of the Constitution.

The investigation of possible violations of federal criminal law and, I think, that can be broken down into two classifications, the attempt to apprehend suspects after the law has, in fact, been violated, or investigatory activities where it is believed that the law is about to be violated, with a view to preventing the violation or to better apprehend the suspects after it is violated if it is impossible to prevent the violation.

That is very much of an off-the-cuff summary but I think that would be roughly the role of the Department.

Senator ERVIN. You concede that it is the role of the Department to collect information on people who merely exercise their First Amendment rights to speak freely, to peacefully, to assemble peacefully, to petition for redress of grievances or to associate with other people for the purpose of advancing lawful ideas.

Mr. REHNQUIST. No, I certainly do not.

Senator ERVIN. Don't you think a serious government agency undertakes to place people under surveillance for exercising their First Amendment rights?

Mr. REHNQUIST. Senator, we discussed that briefly last week, I think and, as I say, I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their First Amendment rights.

When you go further and say isn't a serious constitutional question involved, I am inclined to think not, as I said last week. Undesirable as this practice is and vigorously as it should be condemned, I do not believe it violates the particular constitutional rights of the individuals who are surveilled.

Senator ERVIN. I would agree with you to the extent that it would not constitute a violation of the Fourth Amendment where surveillance is had of people in public places because there is no search and there is no seizure, no search of a home or building and no search of papers and no seizure, but do you not concede that government could very effectively stifle the exercise of First Amendment freedoms by placing people who exercise those freedoms under surveillance?

Mr. REHNQUIST. No, I don't think so, Senator. It may have a collateral effect such as that but certainly during the time when the Army was doing things of this nature, and apparently it was fairly generally known that it was doing things of this nature, those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights to protest the war policies of the President.

Senator ERVIN. Well, we have evidence here that on one occasion, on the campus of Colorado College, that there were 119 people present at a rally to protest the war in Vietnam, and that of those 119 persons 52 of them were military intelligence agents, and not only that but a military intelligence agent was sent there with others to tape the speeches that were made at the rally and he couldn't tape them because the military forces had five helicopters flying right over the heads of the rally and making so much noise that the speeches that were made could not be taped.

Do you think that was a legitimate exercise of governmental power in view of the fact that the testimony shows that the speeches were not inflammatory in nature, that they consisted of rather mild protest against the policies of the government and no violence occurred?

Mr. REHNQUIST. No, I do not and, as I have said before, I think that is an illegitimate use of government power. I do not think it amounts to a constitutional violation of the First Amendment.

Senator ERVIN. Well, also there is evidence here of photographers having been present at many rallies, Army intelligence agents, pretending to be photographers were present at many rallies, who took pictures of people and then plotted up the inquiries about these people and made dossiers of them. Do you not think that is a interference of constitutional rights?

Mr. REHNQUIST. I do not, Senator. I think, from my reading of the cases, that the time at which the courts would say there has been an interference with an individual's constitutional rights in that area is where the government seeks by some sort of legal sanction either to force divulgence of information or to put the information it has gathered without forcing it to some use such as a criminal prosecution or a civil action against the individual.

I don't think the gathering by itself, so long as it is a public activity, is of constitutional stature.

Senator ERVIN. Well, the Supreme Court said, and I will read from about the latest book on constitutional law, "Modern Constitutional Law" by Professor Antieau, Volume II, page 273:

"Since the power of Congress to investigate arises only by necessary implication it is limited by the end to which it is employed. As early as 1881 the Supreme Court said 'we are sure that no person can be punished for contumacy as a witness before either House unless his testimony is required in a matter to which that House has jurisdiction into which to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizen.' Every inquiry, the Supreme Court has stated, must be related to and in furtherance of a legitimate task of the Congress. On another occasion it affirmed that Congress may only investigate into those areas in which it may potentially legislate appropriately."

Wouldn't you concede that Congress cannot legislate with respect to the exercise of—in such a way as to prohibit or to impair the exercise of—the First Amendment rights.

Mr. REHNQUIST. Yes.

Senator ERVIN. Congress hasn't the power to investigate in that field, haven't the courts held that on a number of occasions?

Mr. REHNQUIST. Yes, if it is simply an effort to inhibit people's legitimate expressions without a legitimate legislative purpose.

Senator ERVIN. Certainly you don't concede, you don't claim, that the Department of Justice, for example, or the FBI or the Army can do something which Congress can't do?

Mr. REHNQUIST. No, I certainly won't make that claim, Senator.

Senator ERVIN. Now, don't you admit that in these decisions where, like the Alabama case and the Rumely case that the court placed, forbade—adjudged that a state violated the Constitution when it took steps which were calculated to deny people, to discourage people from exercising their First Amendment rights and said it could only be done where there was a, as they sometimes say, a very substantial governmental purpose to be served by them.

Mr. REHNQUIST. Senator, I think in each of the Congressional cases that you referred to, at least to my knowledge, there was not a question of enjoining a Senate investigation by a court which, I think, would raise the most serious sort of constitutional problems for a court to take that action. It was a case where the Senate Investigating Committee had attempted to ask a witness questions, the witness had declined to answer them, and then sought to punish him for contempt and there you have the attempt to exercise a governmental sanction against a person, and that is when the question arises.

Senator ERVIN. Well, the question has arisen in those cases, of course, and those cases hold, there are cases that deal with investigatory power of the government, the federal government, and you concede that you don't think that the Department of Justice, the FBI or the Army have a power of investigation superior to that of Congress, do you?

Mr. REHNQUIST. No, certainly I concede that.

Senator ERVIN. Now, in these cases the court ruled against the exercise of legislative power to obtain information on the ground that the obtaining of that information stifled or tended to stifle the exercise of such First Amendment rights as the freedom of speech, freedom of the press, right of association, right to petition the government for redress of grievances.

Mr. REHNQUIST. But the testimony was compelled, Senator.

Senator ERVIN. Yes, sir. But the Congress can't get the testimony by legal proceedings, or can't collect that information by legal proceedings under certain circumstances because it discourages people in the exercise of their First Amendment rights, but you say the executive branch of the government can go out and do something, take steps which discourage the exercise of First Amendment rights while the legislative branch of the government cannot.

Mr. REHNQUIST. I don't believe that is my position, Senator. I don't believe that the executive branch can compel testimony under the circumstances you describe any more than the legislative branch can. But I understood your question to relate simply to the gathering of information not by compulsory process, not by search or seizure but by simply observing what goes on in public.

Senator ERVIN. Well, isn't that saying—the reason they said that in these cases that the legislature, legislative power couldn't obtain the information was because it violated the Constitution. They had no right to the information.

Mr. REHNQUIST. No, Senator, I think had someone voluntarily appeared before a committee that was investigating and offered testimony, I think the legal question presented would be significantly presented than that of a witness who appears, refuses to answer, and then his answer is sought to be compelled by contempt proceedings. [Sic.]

Senator ERVIN. Well, is it your position that the government could take and put somebody, I believe it is called, a tail on me, and this man could walk around and follow me everywhere I went, and because he didn't compel me to go to those places, and just observed me, that I would have no legal remedy.

Mr. REHNQUIST. Well, to say you would have no legal remedy, I think, is more than I would care to say. As I have said before I think that is a waste of a taxpayer's money, it is an inappropriate function of the executive branch. I don't think it raises to a First Amendment violation.

Senator ERVIN. Well, it is certainly to be deplored in a free society to have the people spied on, isn't it.

Mr. REHNQUIST. I fully agree. But, Senator, if one were to follow your analogy and say any sort of governmental conduct that might remotely have a chilling effect, if one may use that word, on associational activities is a violation of the Constitution, we would tremendously expand the doctrines of, that have presently been developed, because, you know, take something like the Smith Act which does come close to the associational rights, or the Omnibus Crime provisions in 1968 forbidding the crossing of interstate lines for the purpose of inciting a riot, again which is close to associational rights, now if you say that the executive branch or the legislative branch may not even propose legislation like that, that the executive branch may not submit it or that Congress may not debate it, I think that is the logical consequence from what you are saying.

I think you have got to have some governmental sanction imposed on the person before you get a First Amendment problem.

Senator ERVIN. What more sanction can you have imposed on people than for the military, for example, to go out, send military agents to photograph people and have helicopters flying overhead to watch them. Isn't that governmental sanction?

Mr. REHNQUIST. No, it is not a governmental legal sanction in my opinion.

Senator ERVIN. What is it? In other words, I question, don't think that the Constitution permits the President of the United States to use military forces to discharge functions of a national police force or to spy on civilians, the civilian population of this country.

Mr. REHNQUIST. Well, certainly the Posse Comitatus Act places substantial limitations in that area.

Senator ERVIN. But it does not authorize the President to use the military except to suppress insurrection against the government or violent obstructions which are so serious in nature as to obstruct the enforcement of federal, the federal Constitution or federal laws from the ordinary course of justice in the courts.

That is all the power it gets under the Constitution, and under the acts of Congress implementing the Constitution.

There is not a syllable in there that gives the federal government the right to spy on civilians, that is, gives the Army the right to spy on individuals who are not connected with the military, and yet we had them even spying on people in churches where presumably they had gone to worship the Almighty according to the dictates of their own consciences.

Mr. REHNQUIST. Well, as I say, I think that was unauthorized and reprehensible. I do disagree with you as to the First Amendment question.

Senator ERVIN. Well, do you agree with me that the legislative branch of the government has no right to collect information which tends to stifle the individual's right or the individual's inclination or desire to exercise his First Amendment rights?

Mr. REHNQUIST. I agree with that it can't collect it by compulsory process.

Senator ERVIN. But you do take the position that the Army or the Justice Department can go out and surveil people, place under surveillance, people who are exercising their First Amendment rights even though such action on their part will tend to discourage people in the exercise of those rights?

Mr. REHNQUIST. Well, to say that I say they can do it sounds either like I am advocating they do it or that Congress can't prevent it or that Congress has authorized it, none of which propositions do I agree with.

My only point of disagreement with you is to say whether as in the case of Tatum against Laird that has been pending in the Court of Appeals here in the District of Columbia that an action will lay by private citizens to enjoin the gathering of information by the executive branch where there has been no threat of compulsory process and no pending action against any of those individuals on the part of the Government.

Senator ERVIN. Well, now, this information that is collected goes into the government files, doesn't it, and it is used to determine whether a man will be employed to work for the government in some cases even made accessible to private industry to determine that question. [Sic.]

Mr. REHNQUIST. I am not certain what use was made by the information gathered by the Army. The Justice Department has its own investigation made at the time a person seeks employment and, so far as I know, the type of information gathered by the Army was not made use of by the Justice Department,

Senator ERVIN. We have a great deal of difficulty finding out what use the Army made of it. . . .

In a dissenting opinion in a case from Arkansas where the State of Arkansas required teachers to make a disclosure of all the organizations they had belonged to for five years Justice Harlan, who dissented from the ruling that the information sought there was—didn't serve a legitimate state purpose, but he laid down this proposition, he said when the government goes to exercise its investigatory power there are two questions that have to be answered. The first is that the information which the government seeks must be for a legitimate governmental purpose, and, second, that even if it is for a legitimate governmental purpose it must be relevant to the accomplishment of that purpose.

Do you agree that is a correct statement of law?

Mr. REHNQUIST. Certainly when the government seeks to obtain it either by threat of discharge from a job or by threat of compulsory process I certainly do agree.

Senator ERVIN. But you think the executive branch of the government can go out and obtain it either by overt or covert methods, and no constitutional question is involved even though it may intimidate people in the exercise of their First Amendment rights.

Mr. REHNQUIST. Senator, I think you are a little bit putting words in my mouth which I have no desire to have put there. I do not think there is a First Amendment violation in that situation.

I think that as to the general authority of the government to do that or whether Congress has authorized it may be an entirely different question.

Senator ERVIN. The inference I would draw is that the power of the Congress under the Constitution is inferior to that of the executive branch of the government.

Mr. REHNQUIST. Certainly I would hope you wouldn't draw it from anything I have said because I don't believe that.

Senator ERVIN. Well, I don't know that it belongs to this, but in other words, a Congressional committee can't get information about people under certain circumstances but the Army or any other government agency can go out and collect that either overtly or covertly, and although both things, both legislative action which is prohibited and executive action which you say is permitted, tend to intimidate free American citizens in the exercise of their First Amendment rights, action on the part of the legislative body is unconstitutional but action on the part of the executive branch of the government which accomplishes exactly the same disastrous end is perfectly constitutional.

Mr. REHNQUIST. No, I don't agree with that at all. I think to make the two situations analogous you would have to posit a situation where a staff member of a congressional committee is seeking to acquire by voluntary interviews or by tailing somebody, if you want to put it that way, information which the person who is the object of the investigation feels is no proper business of the government, now could that individual then before any compulsory testimony is sought to be required from him before anything else has been done to him in the sense of the governmental action, could he bring an action to enjoin the investigator of the Congressional committee from seeking to collect information of that sort.

I don't believe he could successfully do that, and I think that is the parallel to the executive branch situation. (Tr. 949–989, 1332–1346.)

3. *Remarks, "Law Enforcement and Privacy," at a Panel Discussion on Privacy and Law in the 1970's, American Bar Association Convention, London, Release Dated July 15, 1971 (unprinted). (Excerpts.)*

Wiretapping

"Wiretapping" in its more limited sense refers to the interception of a telephonic communication of which the parties to the conversation are unaware. Loosely used, it can include "bugging"—the placing in a room, unbeknownst to its occupants, or on a party to a conversation, unbeknownst to the other parties, a transmitting device which will either record the conversation itself or transmit it to some other place where it will then be recorded. These latter manifestations are frequently associated with the use of undercover informants, who, though they are in the confidence of a suspected group of criminals, are nonetheless in the employ of the government.

There is something a little bit on the seamy side about all of these procedures, and in an ideal society their lack of social usefulness would doubtless cause them to be prohibited. Since the society in which we live—I speak for the United States, but I suspect the same is true here—is not ideal, the question is whether the admitted infringements on expected privacy which these methods of investigation give rise to are justifiable in terms of the aid they provide in the solution of serious and extensive crime.

In the United States, the Supreme Court about 45 years ago held that wiretapping was not a violation of the Constitution. Congress shortly afterward by statute prohibited the divulgence or use as evidence in the federal courts of information obtained through wiretapping. Less than five years ago, the Supreme Court overturned the earlier decision, and held that wiretapping was a form of "search and seizure" within the language of the Fourth Amendment to our Constitution. The Court indicated in that decision, and in other decisions rendered about that time, that a statutory authorization for wiretapping, providing for the rough equivalent of a warrant prior to the commencement of the tap, would be constitutional. Congress followed the Court's suggestion, and in the Omnibus Crime Act of 1968 authorized wiretapping under this sort of supervision.

There is no question that the vastly expanded use of electronic means of communication, and the vastly increased efficiency of the technology of interception and overhearing, have made wiretapping in its more general sense a more potent weapon for law enforcement personnel than it was forty or fifty years ago. But during this same forty or fifty years we in the United States have witnessed the burgeoning of what is loosely called "organized crime", which has attached its tentacles to more than one legitimate business or industry in our country. It, too, has increased apace with and through the use of modern technology.

The present Administration of the Department of Justice in the United States is committed to the use of wiretapping under the safeguards prescribed by Congress, and under the administrative safeguard requiring each application for a warrant to be personally authorized by the Attorney General. The commitment is based in large part on the fact that an effective attack on organized crime cannot be mounted without wiretapping.

When we deal with the activities of organized crime, we deal with the most sordid sort of trafficking in drugs, prostitution, and gambling, as well as in illegitimate aberrations of legitimate business. Persistent efforts, not always unsuccessful, to corrupt local law enforcement officials; murder, committed by anonymous hired guns, are its trademarks. Normal detection techniques in the tradition of Sherlock Holmes, Hercule Poirot, and the long succession of Scotland Yard inspectors who have been immortalized in print, are of far less use here. The faceless killer never knew the victim, and may never have seen him before; the bagman is an easily replaceable hood at the lowest level of the organization. The heads of these syndicates perform no criminal act themselves; they simply instruct others to perform them for him. Painstaking and imaginative sifting of readily available evidence, which may solve the murders envisioned by Arthur Conan Doyle and Agatha Christie will scarcely dent the upper echelons of organized crime.

Thus, the structure of crime in this area has changed just as dramatically as technology. If law enforcement methods do not somehow keep pace with these changes we must virtually write off the hope for making substantial inroads into this widespread and sinister form of criminal activity.

Is the invasion of privacy entailed by wiretapping too high a price to pay for a successful method of attacking this and similar types of crime? I think not, given the safeguards which attend its use in the United States. The Attorney General must report to Congress the total number of federal applications for wiretapping made each year, and the report he furnished indicated that last year the federal government sought 183 wiretap warrants. This is not a "pervasive" use of wiretapping, using that adjective in its narrowest possible sense. It is instead a restrained and careful use of that technique which has led to a series of genuinely significant arrests and convictions in the field of organized crime in the past three years.

In the limited area of what are described for want of a better word as "national security" investigations—the executive branch in the United States for more than thirty years has asserted the right to wiretap without securing any Fourth Amendment type of warrant. This position has been taken through the Administrations of six successive Presidents of the United States, dating from Franklin D. Roosevelt, and it is the government's position that the practice is both consistent with the Fourth Amendment and necessary to the effective protection of the national security. The practice has recently been the subject of sharp and quite widespread criticism. The issue has been submitted to several federal district courts and one court of appeals, which have reached differing results. The Supreme Court has agreed to decide the issue in its next term, at which time the issue of the legality of the practice will be settled. Whatever may be the ultimate decision by our highest Court on the merits of the question, I believe that a refusal of the Justice Department, in its role as advocate before the courts for the executive branch of the government, to vigorously argue in favor of its legality would be a wholly unwarranted abdication of the Department's responsibility.

Surveillance

To what extent may law enforcement officials properly observe members of the citizenry in public places? It has been suggested by at least one prominent figure in the privacy debate in our country that no suspect ought to be subject to such surveillance unless there is "probable cause" to believe that he is guilty of committing a crime. The imposition of such a standard, in my view, would be a virtually fatal blow to law enforcement.

At the outset of an investigation, law enforcement officers are confronted with the fact that a crime has been committed, and with varying numbers of "leads" which may or may not offer some hope for its ultimate solution. Every such lead must be run down if a solution is to be effected, even though the great majority of leads turn out to be dead ends. Frequently, in the process of running down dead-end leads, investigative attention turns to people who later prove to be entirely innocent of any offense. But their innocence can be known only in retrospect: the ultimately productive lead may look no better than the unproductive ones at the time an investigation has begun.

In view of the very nature of the investigative process, it would be highly unrealistic to require that there be "probable cause" to suspect an individual of having committed a crime in order that his activities may be inquired into in connection with the investigation of the crime. Quite the contrary, probable cause—for an arrest or specific search—is hopefully to be found at the *conclusion* of an investigation and ought not to be required as a justification for its *commencement*.

The basic limitation which may properly be placed on investigative authority is that it must be directed either to the solution or to the prevention of a crime, and that it pursue leads reasonably believed to aid in that activity.

In the United States we have recently had experience with the collection of what may be loosely called "civil-disturbance" information by Army intelligence sources, rather than by regular law enforcement officials. This program, begun about five years ago because of the same generally agreed need for a great deal more information about potential trouble spots in urban centers, tended to become broader and broader in scope as it filtered down the echelons of the Army command. Examples have recently been adduced of Army intelligence files kept on prominent public figures, and consisting largely of newspaper accounts of the statements made by these figures on current political issues. Whatever may have been the merits of the program in its inception, it rather clearly got out of hand. That program has been discontinued by the present Administration. The cataloging of the opinions of citizens, public or private, on the issues of the day is not a proper function of government in a free society. The collection of genuine civil disturbance information, to the limited extent necessary under federal law, has now been returned to their regular law enforcement branches of the government.

Who shall regulate the regulators?

Many of those deeply concerned with privacy in our country feel that either by court decree or legislation the extent of law enforcement activities in the fields which I have discussed should be sharply curtailed. Implicit in their suggestion is that somehow the Executive Branch of the United States Government is not in any sense responsible to the public will and that controls must be imposed by any other branches of the Executive Branch. While our Executive is separate from the Legislative Branch, rather than directly responsible to it, it is surely ultimately responsible to the electorate of the Nation. The President stands for reelection every four years, and must at that time—as well as at frequent intervals in between—defend his stewardship of the Executive power.

As to the merits of proposed legislative or judicial curtailment of the investigative authority of law enforcement agencies, I simply do not believe that a limitation on the investigative activities of law enforcement officials engaged in seeking the solution to crime would be either desirable or workable. If such a restriction were to have teeth in it, it would necessarily involve judicial review of an investigation, not at its end, but at its commencement. The opportunity for skillful defense lawyers to obtain information of great value to their clients, and to seriously delay a legitimate investigation, would be greatly enhanced by the availablity of such a proceeding.

On the other hand restriction of the dissemination of information gathered in the process of criminal investigation is quite appropriate and desirable. Certainly the casual release of such information by law enforcement officials to persons outside the Government who have no legitimate need to have it is reprehensible. It is presently prohibited by regulation in the Department of Justice, and in many other law enforcement agencies. The embodiment of this sort of prohibition in a statute which was the result of a careful balancing of the competing interests would doubtless be entirely acceptable to those engaged in law enforcement.

G. OTHER FIRST AMENDMENT ISSUES

1. *Statement, September 25, 1969, before Subcommittee No. 3 of the House Committee on the Judiciary, 91st Cong., 1st Sess., on H.R. 11031 and H.R. 11302 [relating to mailing of prurient materials] (unprinted). (Excerpts.)*

I am pleased to appear before this Subcommittee today in support of H.R. 11031 and 11032, the Administration's proposals to curb the growing interstate traffic in salacious materials, especially advertisements. . . .

* * * * *

Sections 1461 and 1465 of title 18 provide criminal sanctions for sending advertisements or other materials through the mails or other facilities of interstate commerce which are "obscene, lewd, lascivious or vile"; section 1461 adds the terms "indecent" and "filthy" for good measure. The courts have held, however, that these terms are virtually synonymous and that they reach only materials that are "obscene" in the narrow, constitutional sense. *Manual Enterprises* v. *Day*, 370 U.S. 478, 483–484 (1962). The effect of the judicial constructions of these statutes is that sexually-oriented advertisements may form the basis of a federal prosecution only if the advertisement is itself obscene or the materials it offers for sale are obscene. *United States* v. *Schillari*, 166 F. Supp (S.D.N.Y.); *Poss* v. *Christenberry*, 179 F. Supp. 411 (S.D.N.Y. 1959).

The technical meaning of obscenity, as it has developed in the Supreme Court's decisions, includes a congeries of separate legal standards. In *Roth* v. *United States*, 354 U.S. 476, (1959), the Supreme Court established the test of obscenity as "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." *Roth* v. *United States*, 354 U.S. 476, 489 (1959). The *Roth* test lent itself to a narrow reading, equating prurient appeal to obscenity. A subsequent decision, however, announced that "patent offensiveness" to current community standards of decency must be established independently of prurient appeal. *Manual Enterprises* v. *Day, supra*. A more recent decision added a third test of obscenity—the matter must be "utterly without redeeming social value," as well as prurient and patently offensive. *Memoirs* v. *Massachusetts*, 383 U.S. 413 (1966). Although members of the present Court have disagreed concerning the test of obscenity—only Justices Brennan, Fortas and Chief Justice Warren have endorsed "redeeming social value" as an independent test—the lower courts are apt to follow this triple test unless, and until a different standard is adopted by a majority of the Supreme Court. The result, of course, is that the federal government has a very heavy, and often impossible burden of proof in proceeding against prurient advertising under present laws.

* * * * *

The bill would cover all of the advertising I have shown you by prohibiting the mailing or transporting in interstate commerce of any advertisement which is "designed or intended to appeal to a prurient interest in sex." It would be unnecessary to show, in contrast to present law, that the material is patently offensive to community standards or utterly lacking in redeeming social value. The bill prescribes penalties of imprisonment for not more than five years or a fine of $50,000, or both, for first offenses. These maximum penalties would be doubled for subsequent offenses.

* * * * *

I wish to emphasize that the bill is focused exclusively on the commercial exploitation of sex. The bill covers only sexually-oriented commercial advertisements for the sale of other materials. The character of the materials offered for sale would be irrelevant to whether a violation has occurred.

The bill would not infringe the First Amendment guarantee of freedom of Speech. In *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942), a unanimous Supreme Court held that the First Amendment does not apply to "purely commercial advertising." The doctrine has more than merely theoretical significance. For example, federal law prohibits deceptive advertising in a variety of interstate commercial contexts. See 15 U.S.C. 45, 77k(a). And literally hundreds of State and local laws regulating or prohibiting advertising of various kinds—such as advertising concerning contraceptives, gambling and alcohol—depend largely for their validity on the assumption that commercial advertising is not protected speech. See Note, "The Regulation of Advertising," 56 Columbia Law Review 1019 (1959).

The reason for excluding commercial advertising from First Amendment protection is apparent. The central purpose of the Amendment is to assure what Justice Holmes called the "free trade in ideas." *Abrams* v. *United States*, 250 U.S. 616, 630 (dissenting opinion). Thus a recent decision involving the impact of the Amendment on damage actions for alleged libels of public officials stresses the need to assure that debate on "public issues" be "uninhibited, robust, and wide open." *New York Times* v. *Sullivan*, 376 U.S. 254, 270 (1964). This is not to suggest, of course, that the Amendment extends only to expressions of a philosophical or political character. Constitutionally protected speech may include artistic works, social commentary, and many other modes of expression by which ideas may be conveyed or public attitudes shaped. But the purpose of ordinary commercial advertising is to sell a product, not an idea. Accordingly, such advertising ranks low on the scale of values underlying the First Amendment. It may be suppressed when necessary to promote other legitimate interests.

2. Rehnquist, Public Dissent and the Public Employee, 11 Civil Service Journal (No. 3), p. 7 (January-March 1971). (Excerpts.)

The free-speech guarantee of the First Amendment is probably the best-known provision of our Constitution. It is entirely proper that this is so, since the right of freedom of expression is basic to the proper functioning of a free, democratic society.

Less well known, but equally important, are those restrictions on complete freedom of speech which result from the balance of competing interests in the jurisprudential scale—the need to preserve order, the need to afford a remedy to the innocent victim of libel, the need of government to govern. It is the conflict between the latter and the free-speech clause with which we deal today.

Once we get past the celebrated cases involving Secretary Wallace and General MacArthur there is a pronounced difference of understanding as to the latitude accorded public statements and public acts which are made by persons entrusted to carry on the Nation's business. The issue is now of front-page importance, probably put there because of the highly politicized nature of our society today. There is a tendency on the part of young people entering government service to feel that they should have complete and unrestrained freedom to speak out on political and policy matters, regardless of how detrimental their speech may be to Government programs in general or to the proper functioning of their own assigned responsibilities within the department.

At one time, the courts approached this issue in terms of a "rights versus privilege" analogy, as epitomized by Justice Holmes' famous dictum concerning the dismissal of a policeman:

"The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman." *McAuliffe* v. *City of New Bedford*, 155 Mass. 216, 220, 29 N.E. 517 (1892).

As we all know, courts in recent years have retreated from this stern dichotomy and have expanded government employees' free-speech rights considerably. But now we are hearing equally categorical statements from the champions of employee free speech. Without much critical analysis, they insist that unless the public employee has every bit as much right to speak freely on public issues as a private citizen, the public employee becomes a "second-class citizen" who has given up some of his constitutional rights by virtue of accepting public employment.

If the vice of the Holmes analysis is that it separated entirely the government as sovereign from the government as an employer, the vice of the "second-class citizen" argument is that it entirely equates the two phases of governmental action. If Justice Holmes mistakenly failed to recognize that dismissal of a government employee because of his public statements was a form of restraint on his free speech, it is equally a mistake to fail to recognize that potential dismissal from government employment is by no means a complete negation of one's free speech.

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The principal case from the Supreme Court of the United States on the subject, *Pickering* v. *Board of Education*, 391 U.S. 563 (1968), makes clear that the test in this area, as in related branches of constitutional law, is a balancing of the claim for freedom of speech against whatever governmental interests may be opposed to that claim. . . .

Here, the interest on the other side of the scale may be generally described as the interest of the government in governing effectively. The Supreme Court in earlier cases has said that government has the right to carry on public business even at the expense of some forms of individual freedom of expression. Thus, regulations limiting picketing in front of a courthouse, in order to permit free access and exit, are constitutionally permissible. *Cameron* v. *Johnson*, 390 U.S. 611 (1968). And Congress may constitutionally restrict government employees in conducting political campaigning. *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947).

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The Government does have an interest in governing. While the words "loyalty," "harmony," and avoidance of "dissension" all express part of what this notion embodies, I don't believe that all of them together convey the entire idea. In the executive branch of the Government, policy, decisions, at least in theory, come down from the top since the President of the United States is the only official of that branch who can lay claim to a popular mandate.

While it is quite proper that his policy decisions be debated and challenged in the legislative branch, and be subjected to vigorous criticism in the country as a whole, the rule within the executive branch must be quite different.

The President and the Secretary of Defense whom he appoints should be able to push for the funding of an anti-ballistic missile without necessarily obtaining the approval of a majority of the employees of the Defense Department; the President and his Attorney General should be able to push for a crime bill in the District of Columbia even though a majority of the employed lawyers in the Justice Department, if given their "druthers," might oppose some of its provisions. If the case be otherwise, the executive branch will be controlled not by an elected President, but by a number of temporary tenants of Government jobs who have no vestige whatever of a popular mandate to operate the branch.

If the executive branch is to be reasonably efficient, it must have a certain amount of internal cohesion in its operation. In the midst of the anti-ballistic missile battle on Capitol Hill, it simply would not do for the Secretary of Defense, the Deputy Secretary of Defense, or any other high-ranking Defense official to publicly state that he had now had second thoughts about the proposal and sees that it is wrong. By the same token, in the midst of the debate over whether or not Judge Haynsworth should be confirmed to the Supreme Court of the United States, it will not do for the Attorney General or for any Assistant Attorney General to publicly state that he now sees that the presidential nomination was a mistake, and that he certainly understands why the Senate will probably reject it. If the President is not free to dismiss advisors such as this for such public statements, the executive branch might just as well shut up shop tomorrow.

As we get to situations involving government employees, less close to the final decisionmaking authority, less responsible for carrying out those decisions, the Government's interest in governing becomes lesser in the scale, and the employee's right as a citizen to speak his mind becomes greater.

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The courts have made quite clear that just as the government does not have the freedom to deal with an employee in this area as would a counterpart employer in private industry, so the public employee does not have the same freedom from government restriction on his public statements as would the employee's counterpart in private industry. The government as employer has a legitimate and constitutionally recognized interest in limiting public criticism on the part of its employees even though that same government as sovereign has no similar constitutionally valid claim to limit dissent on the part of its citizens.

But how do we apply these very general principles to concrete cases? What factors must we use to meet the balancing test pronounced in *Pickering?* One factor is the level of the job. Thus, a President may fire a Cabinet officer or other political appointee for any reason whatever, or for no reason. No court would second guess the President on such a matter for any reason. . . .

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The occupation involved also has significance. Teachers may well be given more freedom to speak out than others in the community because of the deep-rooted concept of academic freedom. . . .

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Whatever may be the situation with respect to teachers, there can be no doubt that attorneys occupy a special relationship to their employer, whether it be a private client or the Government of the United States. The peculiar position of trust occupied by attorneys is evidenced by the traditional attorney-client privilege, which suggests that unauthorized public disclosure of information on any issue which has been committed to their professional trust by their clients would be a serious breach of that trust which would justify dismissal.

* * * * *

I think one may fairly generalize that a government employee, and certainly a government attorney, is seriously restricted in his freedom of speech with respect to any matter for which he has been assigned responsibility. It is in this area where I stressed earlier that the President's popular mandate could be negated by members of a particular executive agency publicly dissenting to that department's policies.

* * * * *

When we move from the "assigned-responsibility" situation into the "off-duty" or "extracurricular" situation, the claim for freedom of expression is stronger. If a person identifies himself as being associated with a particular agency or holding a specific government job when he makes public statements, his case is not as strong as where he is content to be identified simply as a member of the general public.

* * * * *

Another factor that inevitably is in the background of every dismissal action is the concept of discipline, personal loyalty, and harmony in the working relationships among employees which I illustrated earlier in connection with the *Meehan* case involving the Panama Canal Zone policeman. The Federal Government is entitled to demand at least as large a part of the same personal loyalty owed by any employee to his employer.

For example, the Court of Claims in *Harrington* v. *United States*, 161 Ct. Cl. 432 (1963), held that a civilian employee of the Air Force was justifiably dismissed for printing and circulating a pamphlet criticizing Air Force efficiency and conduct. One simply cannot work a part of the time in serving the Air Force or any other organization and then expend other efforts in tearing it down.

The impact of a public statement on one's co-workers, and the ability to continue working efficiently with them, is a related facet of the overall picture. Most government employees are not as isolated from co-workers as Marvin Pickering was, from other teachers, but in many cases enjoy a close working relationship.

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Such insubordination affects the normal functioning of an office and obviously cannot be tolerated by any organization, governmental or private.

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Although not as certain of application as the extremes put forth by Justice Holmes or the proponents of absolute free speech, the present balancing approach of the courts offers, it seems to me, a reasonable approach in protecting the reasonable rights of public employees to free expression and the equally necessary ideal of the government's right to govern. In light of the importance of the interests involved, the added burden of tallying up the foregoing factors in each case becomes a worthwhile exercise. (*Id.*, at 7-12.)

H. ISSUES IN CRIMINAL PROCEDURE

1. *Speech, "Official Detention, Bail, and the Constitution," December 4, 1970 (unprinted). Excerpts.*

We all assume that under our philosophy of government the individual is guaranteed the freedom or sanctity of his person—in short, the "right to be let alone." One aspect of this freedom is, of course, freedom from unwarranted official detention or other intrusions on one's physical being. But another aspect of this notion of freedom is surely the right to be free from robberies, rapes, and other assaults on the person by those not occupying an official position. A government which does not restrain itself from unwarranted official restraints on the persons of its citizens would be a menace to freedom; but a government which does not or cannot take reasonable steps to prevent felonious assaults on the persons of its citizens would be derelict in fulfilling one of the fundamental purposes for which "governments are instituted among men." A society as a whole has a right, indeed a duty, to protect all individuals from criminal invasions of the person.

At the borderline between an individual's right to be let alone and society's right, through its officers, the police and prosecutors, is a confrontation between sometimes irreconcilable goals. The constitutional definition of the limits in the protection of these rights is of primary importance to the direction the country can take in the elimination of crime.

[The Fourth, Fifth and Eighth Amendments] . . . taken together, clearly express a constitutional right to be let alone, and as we all know this right has been vigorously protected by the Supreme Court. . . .

As cherished and as established as this right is, however, there are many instances of lawful interference with a person's freedom. For example, indeterminate civil commitment for sexual psychopaths, narcotics addicts, chronic alcoholics, the mentally ill, and others considered dangerous are not uncommon, and have generally been held constitutional. . . .

In addition, even where there is no physical danger to society, the Supreme Court has permitted restrictions on the freedom of movement. While concededly not a very limited area restriction, the validity of restrictions on travel abroad that was held in *Zemel* v. *Rusk*, 381 U.S. 1 (1965), as constitutionally permissible indicates that some restrictions on movement will be found to jibe with constitutional rights.

As we move closer to the criminal process, we also observe constitutionally permitted restrictions on the person. A defendant determined to be mentally incompetent to stand trial, for example, can be constitutionally detained, even though not insane, if his release would probably endanger the officers, property, or other interests of the United States. *Greenwood* v. *United States*, 350 U.S. 366 (1956).

In the criminal process, too, police officers and prosecutors have similar constitutional room to maneuver in detaining persons or searching their persons. At some point in their investigatory and prosecutorial process the police can detain persons without infringing that individual's freedom of the person. After conviction, of course, no one would argue that detention pursuant to a prison sentence imposed by a court is unconstitutional. Arresting a person on probable cause that he has committed a crime is similarly permissible.

As we follow the prosecutorial process back to its earlier stages, official acts get closer to the infringement of the individual's freedom of the person until at some point that right has actually been unconstitutionally invaded. A controversial, but still constitutional, area is the stop and frisk of persons on mere suspicion that something is amiss, a procedure upheld in *Terry* v. *Ohio*, 392 U.S. 1 (1968). Perhaps even more controversial, but in my mind no less constitutional, is the pretrial detention of dangerous persons as provided in some of the more criminal legislation. . . .

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As written by the Congress and as interpreted by the Courts, the Bail Reform Act (of 1966) absolutely precludes a trial judge from considering danger to the community in setting conditions of pretrial release in a non-capital case.

This development, together with the virtual elimination of money bond, has indeed put pressure on traditional bail practices; for, in fact, danger to the community has long been considered by trial judges who manipulated money bond to effect detention.

Bail manipulation for this purpose is undesirable, not because it successfully detains some dangerous defendants before trial, but because in practice it is unreliable, discriminatory, and utterly hypocritical. It provides no set standards or due process safeguards to protect a defendant under suspicion; and unless the bail set is truly excessive, it offers almost nothing for a court to review.

But minimizing the use of money bond does not eliminate the social need to detain those persons who pose a serious threat to the public safety. Under the Bail Reform Act, every defendant in the District of Columbia charged with forcible rape, arson, kidnapping, armed robbery, burglary, bank robbery, mayhem, manslaughter, and assault with intent to kill has an absolute, unequivocal statutory right to release before trial, *unless* there is substantial evidence that he will attempt escape. The almost inevitable result of this statutory mandate has been an unacceptable incidence of pretrial recidivism among felony defendants who have been released.

The imperative necessity to deal with these dangerous defendants in federal courts, and the desire of this Administration to root out the hypocrisy of money bail in the legal system, impelled the Administration to sponsor pretrial detention legislation, which was enacted by Congress and signed into law by the President earlier this fall.

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. . . I think it may be fairly said that while we do not have available the data for a precise determination of the incidence of recidivism among bailed defendants, it is not open to doubt that such recidivism is a significant contributive source of criminal conduct. . . . [T]he general thrust of the statistical data simply confirms what we have reason to believe on the basis of experience and common sense; a small number of highly dangerous, recidivistic non-capital defendants exist in the federal system. Under the Bail Reform Act, before the recent enactment of the D.C. Crime Bill, the Federal Government was legally powerless to detain any of these non-capital defendants on grounds of dangerousness before trial.

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Under the federal Bail Reform Act as originally enacted, a defendant charged with any of the serious non-capital offenses like rape or armed robbery has a statutory *right* to pretrial release. Thus, a defendant could be caught in the middle of an armed robbery—he could shoot at citizens or police—he could be desperately addicted to heroin—

and he could have a long record of violent crime—and he would *still* be entitled to pretrial release.

Senator Hugh Scott observed last spring that John Dillinger robbed at least 13 banks, three supermarkets, a mill, a drugstore, and a tavern before he was first captured in 1933. Today, under the Bail Reform Act, John Dillinger would be entitled to pretrial release in Indianapolis, in Washington, or in Philadelphia, and this strikes as very undesirable public policy. [Sic.]

In addition, without a change in the Bail Reform Act, the sudden abolition of capital punishment by legislative action or judicial decision would render the government incapable of detaining *any* defendant before trial, regardless of the threat he posed to others.

I believe that society has the right to protect its citizens, for limited periods through due process procedures, from persons who pose a serious threat to life and safety. We do not believe a free society can remain free if it is powerless to prevent wanton misconduct by dangerous recidivists during pretrial release. I believe the pretrial detention provision of the D.C. Crime Bill accomplishes this result in a manner entirely consistent with the spirit and the letter of the U.S. Constitution.

It has been suggested that if we would only provide speedy trials for defendants on bail, the problem of crime while on bail would disappear. But the suggestion will not withstand analysis. With the plethora of rights recently granted him by the U.S. Supreme Court, the criminal defendant can and does do a good deal more than merely present evidence at trial. He attacks by motion and writ every phase of the proceedings against him, with the result that the time between indictment and trial has necessarily lengthened. Speedy trials of course will be helpful; but, even assuming that the time between indictment or information and trial could in the average case be reduced to 60 days, the type of person about whom we are concerned is not likely to suspend his criminal activity for 60 days while awaiting trial. On the contrary, the narcotics addict, the incorrigible troublemaker, the defendant who wishes to "bank roll" his family, and the man out for a "last fling" have every motive to accelerate their offenses. Any notion that a heroin addict, with a $100-a-day habit, is suddenly going to control himself for eight weeks is completely at odds with the real world.

Those opposing pretrial detention assert two constitutional arguments, one based on the Eighth Amendment and one based on the due process clause of the Fifth Amendment. Neither provision, in my opinion, bars the enactment of pretrial detention provisions in anticrime legislation.

The Eighth Amendment provides that "Excessive bail shall not be required. . . ." This language does not establish a right to bail; it forbids judges from requiring excessive bond in cases where the defendant has a statutory right to bail. . . .

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It has sometimes been argued that if Congress can determine which offenses are bailable and which offenses are not, then it could abolish the right to bail and the Eighth Amendment would become "meaningless." But as I have observed earlier, the framers of this Amendment deliberately chose language confined to a relatively narrow set of circumstances, not granting a right to bail but prohibiting the exaction of "excessive" bail where *some* right to bail otherwise exists. The Due Process clause of the Fifth Amendment would bar a total abolition of bail, not because it grants a right to bail but because it requires that there be a rational connection between an important governmental interest outweighing the individual's claim to be "let alone" before there can be detention other than as a result of a full dress criminal trial. Total abolition of bail could not be defended for *all* offenses.

The requirement of due process, of course, is another constitutional check on the right to detain persons and the procedures used in doing so. Critics of pretrial detention argue that the entire concept is a constitutional violation of the Fifth Amendment. However, . . . due process arguments are susceptible to the balancing process and the test of reasonableness under the circumstances. . . .

2. *Speech, "The Administration of Criminal Justice," December 2, 1970 (unprinted). (Excerpts.)*

The present Department of Justice, under Attorney General Mitchell, has taken a different approach to some particular problems in the enforcement of the criminal law than was taken by its predecessor under Attorney General Clark. During the 1968 presidential campaign, Richard Nixon as a candidate spoke out with considerable emphasis for more vigorous enforcement of the criminal law. If there is any sort of mandate to be derived from presidential elections, it is certainly understandable at least in terms of the operation of representative government that the effect of his election should be somehow reflected in the operation of the Department of Justice, which is the agency of the federal government primarily charged with the enforcement of the federal criminal law.

Congress, in enacting the Omnibus Crime and Safe Streets Act of 1968, authorized a procedure whereby the federal government might apply for, and obtain, warrants authorizing the interception of telephone communications. The preceding administration of the Department of Justice had taken no steps to carry out this legislation, because of its expressed view that "wiretapping" was very likely unconstitutional, and also because it felt that wiretapping was not a useful source of evidence for criminal prosecution. Shortly after Attorney General Mitchell came into office, the Department proceeded to carry out the authorization which Congress had given it.

The Attorney General felt that the wiretapping authority, carefully circumscribed as it was and requiring prior judicial approval as it did, was far more apt to be held constitutional by the courts than not. He also concluded, on the basis of a number of factors, not the least important of which was the strong view of a number of career officials in the Department of Justice, that wiretapping was not only a useful tool in obtaining evidence of criminal activity, but that in cases involving organized crime it offered virtually the only probability of bringing to justice the prepetrators of this kind of criminal activity. . . .

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I think it is worth noting at this point that the Department of Justice is basically the law enforcement arm of the Federal Government of the United States. It is not to the Department, but to the courts, that any final decision as to the constitutionality of legislation passed by Congress is confided. If the Department of Justice were to refuse to enforce the legislation of Congress because of doubts as to its constitutionality, the matter would never get to court for decision. If, on the other hand, the Department of Justice, as it did in this case, proceeds on the assumption that it will enforce any law enacted by Congress unless its unconstitutionality is clear beyond a doubt, the question is then placed in a position where it may be ultimately decided by the courts. The Department will proceed under the statutory authority to offer evidence at the trial of a criminal defendant, and the courts will hear argument, just as did the court in the Southern District of Florida, from government lawyers urging the validity of the law, and from the lawyer for the defendant urging its invalidity. The final decision as to constitutionality is therefore made by the Judicial Branch of the Government, after hearing arguments on both sides of the question. I believe this is a far more faithful adherence to our tripartite system of government than for an agency of the Executive Branch, such as the Department of Justice, to take it upon itself to decide that a law enacted by Congress and signed by the President is unconstitutional, and that therefore it will not be enforced.

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Because of an alarming incidence of crimes committed by persons who were released on bail in the District of Columbia, this Administration supported provisions in the recently enacted District of Columbia Crime Bill which would authorize, under carefully limited circumstances, pretrial detention of some defendants without bail.

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. . . The Department of Justice, after careful research, concluded that these provisions of the District of Columbia Crime Bill were entirely consistent with both the Eighth Amendment of the United States Constitution, which forbids excessive bail, and the Fifth Amendment to the Constitution, which guarantees that no person shall be deprived of liberty without due process of law. But, here, as in the case of wiretapping, the ultimate decisions as to the constitutionality of such legislation will rest with the courts, and not with the Department of Justice. Had the Department refused to push for legislation such as this, recommended by several different committees and students of the subject, and reasonably designed to deal with an obvious malfunctioning of the existing system, society might well have been left without an important protection against violent street crime.

In the same District of Columbia Crime Bill, a provision is contained authorizing police officers under some circumstances to enter a dwelling without previously knocking or identifying themselves. To avail himself of this authority, a police officer must have a valid search warrant, and must in addition, if he has reason to know them in advance, present to the magistrate issuing the warrant the reasons why the warrant should permit entry onto the premises to be searched without first knocking. The two principal examples of situations which would authorize such entry are the officer's reasonable fear of his life if he identified himself first, and the probability that evidence being sought—typically gambling or narcotics paraphernalia—would be destroyed between the time identification was announced and the time the premises were voluntarily opened to the search. This provision of law is actually nothing more than a codification of constitutional law, and of practices which were held not to violate the Constitution in a case decided a few years ago by the Supreme Court of the United States.

If these foregoing criticisms of the present Administration's position in the field of criminal justice could be summarized in one sentence, I suspect it would be this: Are you not entirely misdirecting your fight against crime when you concentrate on strengthening the hand of law enforcement authorities as against that of the accused defendant, when the real way to fight crime is to eliminate its root causes, such as bad housing, discrimination, and unemployment. If I could summarize equally shortly the response of the Administration to this criticism it is this: No one denies the paramount importance of getting at the root causes of crime, whatever these may be and however they may be gotten at—a matter upon which many informed individuals agree. But to suggest that this is the *only* problem is to entirely overlook the equally important problem of dealing with those who are now committing criminal acts, whatever the reasons for their antisocial behavior. It is of little consolation to a woman who is mugged on the street of a large city to be told that the person who mugged her grew up in an urban ghetto. This is particularly true if, as is so often the case, she herself is a resident of an urban ghetto. It is of little solace to the victims of the countless tentacles which organized crime has attached to our society, whether as a result of commercial trafficking in drugs, control of gambling, or other manifestations of its activities, to be told that the criminal designs of those who have victimized them can be traced to antisocial elements in their early childhood. Just as a desire to fill the jails with lawbreakers cut of vindictiveness cannot be allowed to obscure the need for doing our best to get at the "root causes" of crime, so the desire to accomplish the latter cannot be allowed to obscure the necessity for providing as best we can for reasonable safety for our citizens in their streets and homes, and for reduction to the lowest possible level of the inroads of organized crime into our society. We must not only do our best to reduce the disposition to commit criminal acts, in future generations, but we must also strive to curtail—indeed, if you will, "repress"—[criminal acts committed today.][3]

But wait a minute, say the critics. How can we expect conviction and imprisonment of individuals found guilty of criminal activity to deter crime, when we all know that the great majority of our prisons are breeding grounds for crime?

In this area, the position of the present administration of the Department of Justice differs little, if at all, from that of its predecessors. Prisons do breed crime as they are presently operated. Prison reform is long overdue. This Administration has urged, with a good deal more success than its predecessors, that Congress provide the necessary funds for sweeping reforms of the federal prison system, and for substantial grants to state prison systems in order that they may undertake needed modernization and reform.

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The failure to appropriate enough funds to do the best we can with our system of rehabilitation may lie in part with this and preceding Administrations, and with this and preceding Congresses. But it is not entirely fair to fault the Congress, or the taxpayer (whose views Congress often and rightly reflects), for being unwilling to appropriate all of the money necessary to ultimately create an ideal prison system. It is unfortunately true that there are many more worthwhile government activities that might be carried on that can possibly be funded at existing levels of tax support, at least in the case of the Federal Government. This is true even though that portion of the federal budget allocated to defense spending will undoubtedly drop at least to some extent as a result of our disengagement in Vietnam. The case for prison reform must be sold in competition with the case for any number of other worthwhile expenditures of public money, and the best way to sell it is to learn some of the facts and some of the arguments which could make reasonable legislators favor it over a competing claim for expenditure of public money.

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Finally, this Administration has sought and obtained from Congress expanded coverage of federal statutes prohibiting bombings related to federal property and programs, and to the manufacture or use of explosives in connection with interstate commerce. The bombing of a building constitutes the crime of arson under the laws of almost all of our states, and of course the states have concurrent jurisdiction to punish this offense. But the recent rash of bombings throughout the country has produced a familiar response from almost every quarter of our society—let's make it a "federal offense." Federal jurisdiction can be very useful in affording much greater personnel resources in detecting and apprehending persons who have committed acts which are criminal under both state and federal law, particularly where such persons have fled the state in which they committed the offense. To this extent the expansion of federal authority can be a useful adjunct to the states in enforcing their own criminal laws, since frequently a criminal defendant apprehended by the Federal Bureau of Investigation for a federal offense will be turned over to a state for trial of the same offense under applicable state laws.

3. Testimony, September 14, 1971, before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 92d Cong., 1st Sess., on S. 895, "To Enforce the Sixth Amendment Right to a Speedy Trial" (unprinted). (Excerpts.)

The Department believes, however, that before it can lend its support to that provision of the [speedy trial] bill, the bill should be revised to include additional provisions directed towards the attainment of the end of prompt dispensation of criminal justice which we all seek.

The members of your Subcommittee would doubtless be the first to agree, Mr. Chairman, that the type of delays in the administration of criminal justice to which your bill is addressed are but a part of the manifold delays which now beset the system.

I would note parenthetically that some of the causes for delay, such as the requirement for indictment by a grand jury, are plainly mandated by the Constitution and cannot be affected at all by legislation.

Other possibilities for cutting down on delays in criminal cases undoubtedly raise constitutional questions, but if found to be meritorious their further study and enactment as statutes should be seriously considered. For more often than not the enactment of such a measure, and its subsequent testing in court, would be the only method for determining its constitutionality. First and foremost of these, I would think, would be an effort by statute to modify all or part of the exclusionary rule which now prevents the use against a criminal defendant of evidence which is found to have been obtained in violation of his constitutional rights. Chief Justice Burger, in a dissenting opinion last term, suggested that an alternative method of enforcing such constitutional rights might persuade the Court that the exclusionary rule was no longer a necessary sanction for the Fourth and Fifth Amendments to the Constitution.

Another proposal worthy of serious consideration is whether in the federal system, non-unanimous jury verdicts—such as by a vote of 10 to 2, or perhaps 9 to 3—may be permitted to dispose of a criminal case, rather than continuing to require unanimity as is done at the present time. The Supreme Court of the United States now has pending before it two state cases the decisions of which may well answer the constitutional question raised by such a procedure. Other causes of trial delay are the result of practices on the part of members of the Bar which are more properly the subject of court rules than of legislative enactment.

Not only the trial phase of criminal adjudication needs revision, but the present extended delays between sentence and disposition of appeals by appellate courts is itself a cause of significant delay which deserves careful study.

The Department of Justice is presently addressing itself to a number of these problems, and may in the near future be in a position to propose to the Congress legislation designed to enact some of them into law.

We are fully aware, however, Mr. Chairman, that it would be both unfair and unworkable for us to suggest that S. 895 should somehow become an omnibus vehicle whereby all or even most of the immediate causes of delay in the system of administration of criminal justice should be addressed. But, we do strongly feel that S. 895 should couple with the sanction of mandatory dismissal imposed on the prosecution additional provisions dealing with reform of present practice under the federal habeas corpus statutes. Abuses and malfunctions in these practices are a contributing cause of delay in the trial stage of criminal justice, and a major cause of interminable delays and uncertainties following the trial of a case.

The Department is firmly convinced that S. 895 would be a thoroughly desirable vehicle for modification of existing practice relating to federal habeas corpus, because even a relatively modest limitation on the present expansive use of that writ would significantly advance the goal which I am sure is envisioned by the sponsors of S. 895; the prompter dispensation of criminal justice. If federal habeas corpus practice were reduced to more manageable proportions, the time now spent by the federal district courts in considering masses of filings by convicted prisoners could be instead devoted to the trial of criminal cases within the mandatory time limit prescribed in S. 895. In addition, a system of criminal justice which insists that defendants be brought to trial within a mandatory time limit of, for example, 60 days, but then permits a convicted defendant to spend the next ten or 20 years litigating the validity of the procedures used in his trial, is a contradiction in terms.

Penologists seem virtually unanimous in their conclusion that speed and certainty of punishment, even more than its severity, are important factors in its efficacy as a deterrent to crime. The Department believes that any serious attack on delays in the administration of criminal justice must be aimed not merely at obtaining speedy trials—though this is an essential element of such a program—but must also be aimed at the broader goal of assuring prompt administration of criminal justice at all levels.

While no one would wish, under the head of "prompt" or "speedy" administration of criminal justice to countenance its dispensation in a slipshod, assembly-line manner, the ends of promptness and finality may be reasonably served without running any such risk. The goal of the system should be the administration of criminal justice in such a manner that the defendant is afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within reasonable time limits. This is not an overly ambitious goal for a system such as ours. But if that goal is to be achieved, we must couple with any mandatory period for bringing a defendant to trial a substantial modification in present habeas corpus procedure. I use the term "habeas corpus" in its broadest sense to include all remedies under Chapter 153 of Title 28, and also common law writs of collateral attack such as coram nobis. Habeas corpus reform and speedy trial are closely intertwined elements in the search for prompt administration of criminal justice for two reasons.

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[3] The Honolulu Advertiser, October 22, 1971, p. 1, reports that, instead of the bracketed words, Mr. Rehnquist's original prepared text contained the words "the proclivities of the criminally-inclined among the present generation." It is unclear when the change to the text above was made.

First, the total lack of finality to any judgment of criminal conviction, so long as the prisoner may conceive some new claim of violation of his constitutional rights which occurred at his trial, is itself an affront to the notion of a system which promptly administers criminal justice. Under present practice, either a state or federal prisoner may relitigate again and again the validity of the procedures used to convict him, so long as he can think of some new constitutional argument which has not been directly disposed of adversely to him in the rulings on his past petitions. Indeed, one petitioner in the federal courts has filed no less than 50 petitions for habeas corpus. Such procedures detract from public confidence in the system of justice, and detract likewise from the possibility of effectively rehabilitating a convicted defendant.

These are not the views of the Department of Justice alone. Justice Harlan, concurring in the recent Supreme Court opinion, observed:

"No one, not criminal defendants, not the judicial system, not society as a whole, is benefited by a judgment providing that a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved."

Chief Judge Henry Friendly, of the Court of Appeals for the Second Circuit observed in a recent Law Review article:

"It is difficult to urge public respect for the judgment of criminal courts in one breath and to countenance free reopening of them in the next."

Professor Paul Bator of Harvard Law School has pointed out the impact of this lack of finality upon the rehabilitation process. He observed that the first step in rehabilitating offenders is a "realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation . . ."

Yet the interpretations placed by the courts upon the federal habeas corpus statute are quite at odds with the views of these jurists and scholars. (Tr. 174–179.)

4. Speech, "Which Ones Have the White Hats: Conflicting Values in the Administration of Criminal Justice," May 5, 1971 (unprinted). (*Excerpts.*)

What seems to me a rather extreme example of the application of the exclusionary rule is the case of *United States* v. *Greene,* decided by the Court of Appeals for the District of Columbia Circuit. . . .

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The Court of Appeals held that the identification procedure had violated the defendant's constitutional rights. The result was that Harper's eyewitness evidence of the fact that the defendant had robbed him at gunpoint was not allowed to be considered by the jury, and the jury's judgment of conviction was reversed. I think that a fair number of people—lawyers and non-lawyers alike—may think that however logically this result may flow from certain Supreme Court decisions, there is little to commend it to common sense.

One cannot help but feel, I think, as he goes through these materials, that perhaps an all or nothing solution may not be entirely desirable in these cases. If someone engaged in espionage against the United States for the benefit of a foreign government were to go free because of a technical violation of the law relating to unreasonable searches and seizures, many would feel that the balance had swung too far in favor of the criminal defendant. If, on the other hand, evidence is not only illegally but brutally or offensively seized from a defendant for the purpose of prosecuting the defendant for a minor offense, the vindication of the constitutional right may serve society better than the conviction of the defendant, if that choice must be made. It is interesting to note, in this connection, that the so-called English judges' rules governing police interrogation make it entirely discretionary with the judges whether or not to suppress illegally obtained confessions. The judge considers the gravity of the breach by police officers in deciding whether to admit such evidence. One might wish that the constitutional argument had not been drawn on quite such an either-or basis, particularly when some of the highly technical refinements of the law relating to searches and seizures are considered.

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. . . [U]nder the exclusionary rule, where evidence is excluded because illegality of search, you can see that often critical evidence may be subject to exclusion not because of some flagrant wrongdoing on the part of the law enforcement officials, but because of their erroneous decision of what is obviously a difficult and close question of law. This fact, in my mind, suggests that if we were deciding the question originally, there would be much to say for the English judges' rule, in which the severity of the violation is taken into consideration in deciding whether to exclude the evidence.

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. . . Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and just result. Both of these values stand so high in the scale of most of us that none would want to say that one should automatically prevail at the expense of the other.

I. CIVIL LIBERTIES AND THE SUPREME COURT

1. *Rehnquist, Who Writes Decisions of the Supreme Court? U.S. News & World Report, December 13, 1957, p. 74.* (*Excerpts.*) *The thesis of this article is that Supreme Court law clerks have little effect upon their Justices in the decision of cases or in the writing of opinions; that the clerks may well affect the Justices, to some extent, in the matter of granting and denying certiorari; that, in their certiorari memoranda, the clerks probably do not consciously slant the cases; but that "unconscious slanting of material by clerks" probably does influence the Court's certiorari work.*

The bias of the clerks, in my opinion is not a random or hit-and-miss bias. From my observations of two sets of Court clerks during the 1951 and 1952 terms, the political and legal prejudices of the clerks were by no means representative of the country as a whole nor of the Court which they served.

After conceding a wide diversity of opinion among the clerks themselves, and further conceding the difficulties and possible inaccuracies inherent in political cataloguing of people, it is nonetheless fair to say that the political cast of the clerks as a group was to the "left" of either the nation or the Court.

Some of the tenets of the "liberal" point of view which commanded the sympathy of a majority of the clerks I knew were: extreme solicitude for the claims of Communists and other criminal defendants, expansion of federal power at the expense of State power, great sympathy toward any government regulation of business—in short, the political philosophy now espoused by the Court under Chief Justice Earl Warren.

There is the possibility of the bias of clerks affecting the Court's certiorari work because of the volume factor described above. I cannot speak for any clerk other than myself in stating as a fact that unconscious bias *did* creep into his work. Looking back, I must admit that I was not guiltless on this score, and I greatly doubt if many of my fellow clerks were much less guiltless than I. And where such bias did have any effect, because of the political outlook of the group of clerks that I knew, its direction would be to the political "left." (*Id.*, at 75.)

2. *Rehnquist, The Bar Admission Cases: A Strange Judicial Aberration, 44 A.B.A.J. 229 (1958)*. (*Excerpts.*) The thesis of this article—which begins with the sentence: "Communists, former Communists, and others of like political philosophy scored significant victories during the October, 1956, Term of the Supreme Court of the United States . . ." —is that the *Schware* and *Konigsberg* cases (353 U.S. 232, 252) manifest a marked departure from the ordinary and proper scope of appellate review of fact-finding.

Unless there is some reason why being denied admission to the Bar is a constitutionally more serious deprivation than being imprisoned or suffering a large adverse money judgment, or unless former Communists and suspected Communists are a specially favored class who alone may invoke this new due process, logically the Court has made almost every case a "due process" case.

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. . . The only remaining difference between *Schware* and *Konigsberg,* on the one hand, and a hypothetical litigant who would seek advantage of the rule of their cases, on the other, is that Schware was an admitted ex-Communist and Konigsberg was accused of being a Communist. Conceding that they should be treated no worse than other litigants, is there any reason why they should be treated better? Rationally it is difficult to understand why such persons are entitled to factual review and trial *de novo* in the Supreme Court while the ordinary man in the street is not. Since the result reached here is not ostensibly based on any "civil liberties" claim, even that ground of distinction is lacking.

. . . Just as *Schware* and *Konigsberg* cannot *rationally* be limited to Communists and suspected Communist bar applicants, they cannot *practically* be applied to other classes of cases without making the Supreme Court of the United States an appellate court of general jurisdiction. A decision of any court based on a combination of charity and ideological sympathy at the expense of generally applicable rules of law is regrettable no matter whence it comes. But what could be tolerated as a warm-hearted aberration in the local trial judge becomes nothing less than a constitutional transgression when enunciated by the highest court of the land. (*Id.*, at 231–232.)

3. *Letter to the Editor, published in the Washington Post, February 14, 1970.*

Having read the first two of your proposed three-part editorial on Judge Carswell, and strongly doubting that the concluding part will have an O. Henry type ending, I wish to register my protest on two counts: first, that there are substantial misimpressions created by your editorial, and, second, that your fight against the confirmation of Judge Carswell is being waged under something less than your true colors.

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My criticism of your editorial, however, goes beyond these misimpressions. The Post is apparently dedicated to the notion that a Supreme Court nominee's subscription to a rather detailed catechism of civil rights decisions is the equivalent of subscription to the Nicene Creed for the early Christians—adherence to every word is a prerequisite to confirmation in the one case, just as it was to salvation in the other. Your editorial clearly implies that to the extent the judge falls short of your civil rights standards, he does so because of an anti-Negro, anti-civil rights animus, rather than because of a judicial philosophy which consistently applied would reach a conservative result both in civil rights cases and in other areas of the law. I do not believe that this implication is borne out.

Judge Carswell in his testimony before the Judiciary Committee stated that he did not believe the Supreme Court was a "continuing Constitutional Convention."

Such a philosophy necessarily affects a judge's decision in every area of constitutional adjudication. These areas include civil rights, of course. But they also include, for example, cases involving the right of society to punish criminals, the right of legislatures and local governing bodies to deal with obscenity and pornography, and the right of all levels of government to regulate protest demonstrations.

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A reading of Judge Carswell's decisions in the field of criminal law—particularly the notation of his dissent from the denial of a rehearing en banc by the Fifth Circuit of the *Agius* decision (which broadened the *Miranda* rule)—indicates that in this area, too, he is not as willing as some to see read into the Constitution new rights of criminal defendants which they may assert against society. Thus the extent to which his judicial decisions in civil rights cases fail to measure up to the standards of The Post are traceable to an over-all constitutional conservatism, rather than to any animus directed only at civil rights cases or civil rights litigants.

Quite obviously The Post or any other newspaper has a perfect right to urge the Senate not to confirm a judge who has decided cases in the manner in which Judge Carswell has. But in fairness to your reading public, you ought to make it clear that what you are really fighting for is something far broader than just "civil rights"; it is the restoration of the Warren Court's liberal majority after the departure of the Chief Justice and Justice Fortas and the inauguration of President Nixon. In fairness you ought to state all of the consequences that your position logically brings in its train: not merely further expansion of constitutional recognition of civil rights, but further expansion of the constitutional rights of criminal defendants, of pornographers, and of demonstrators. Such a declaration would make up in candor what it lacks in marketability.

J. HUMANITARIANISM

Letter to the Editor, published in the Stanford Daily, August 13, 1948. On August 2, 1948, a letter to the editor appeared in the Stanford Daily over the signature: "A Wounded Student Veteran." This letter decried the University's invitation to a German naval officer and a Finnish artillery officer to visit the campus the following year. "Wounded Student Veteran" recalled that the Axis troops had "massacred our troops whenever they thought they could get away with it"; and he suggested that "if those people come over here they should be taken care of the way we used to take care of their comrades when the war was a little hotter than it is now." "My remarks are admittedly non-Christian, charitable or any other soft-headed pap used to describe people who pet mad dogs."

Subsequent letters to the Daily rebuked "Wounded Student Veteran" for hate-mongering; and on August 6, 1948, the Daily published an editorial noting the "overwhelming prevalence of humanitarian sentiment" in these reply letters. The Daily editorial concluded that hate and prejudice, not the Germans, should be done away with.

The following letter, published August 13, is Mr. Rehnquist's reply to the editorial.

To The Editor: Friday's editorial, "Emotion vs. Reason," strikes me as being singularly devoid of either reason or substance. The Daily hails with its highest approval the great prevalence of humanitarian sentiment in the replies to "Wounded Veteran's" letter, and decries the substitution of emotion for reason as being responsible for many, "faulty attitudes."

The suggestion that some attitudes are faulty, the implication that humanitarianism is desirable, both imply a standard of judgment or morality. However, any such standard must of necessity be based on emotion rather than reason: it is recognized by most moralists that moral standards are incapable of being rationally demonstrated. If we accept humanitarianism as a desirable end, we must realize that the basis of this acceptance is non-rational. Likewise, if "wounded Veteran" finds that his hatred for the recently vanquished enemy outweighs his humanitarian instincts, this also is an emotional, non-rational attitude.

It is logically impossible to weigh the merits of one of these emotions against the other. Thus The Daily errs (1) in assuming that reason can supplant emotion, and (2) in implying that humanitarianism is rationally superior to hatred of the Germans; neither can be proved to be right, and one personal conviction is no better than another.

Too often contributors to The Daily, whether staff or readers, cloak their own emotions in the thin, worthless fabric of a fallacious logic.

Further, the idea that humanitarianism is the road to world understanding is, IN MY OPINION, fallacious. As Clemenceau once said, if men were all brothers the Sermon on the Mount would have been realized some time ago. Perhaps hard-headed calculation of the human realities involved would be better insurance against future strife than "petting mad dogs."

Sincerely,

Bill Rehnquist.

AN AMERICAN SUCCESS STORY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. STEELE. Mr. Speaker, on this 53d anniversary of Latvian Independence Day, I would like to pay tribute to one of my most outstanding constituents, Mr. Ludis Upenieks.

Mr. Upenieks is an American citizen who was born near Dalgopils, Latvia, on November 15, 1918. He worked hard putting himself through elementary school in Svente and secondary school in Ilukste, not overlooking any jobs which would supplement his income. As a loyal Latvian, he joined the armed forces of his country when he graduated from school. In 1941, he was appointed secretary of the city and township of Ilukste, an important position in the government service of Latvia.

The upheavals of the Second World War separated Ludis Upenieks from his family and at the war's conclusion he established himself in Esslingen, Germany as a designer of custom made jewelry. His talents found quick recognition, and he had many customers. But, because of the greater opportunities in this country, Mr. Upenieks migrated to the United States in 1950.

When he arrived here he resumed his trade on the west coast. However, because he wished to build and create on a larger scale, he came to the east coast and began to learn the housing construction trade. After a year with a large construction firm in Manchester, Conn., Mr. Upenieks became a subcontractor for the same company. In 1956 he formed partnership with Mr. Ilmar Ruppner and the firm flourished. Since then, the Upenieks and Ruppner Construction Co. has provided hundreds of job opportunities for Latvian Americans in the home construction field.

The success of the Upenieks and Ruppner Construction Co. has meant more than helping his fellow countrymen to find employment. Because of his desire to help his adopted country, Mr. Upenieks had made substantial contributions to scholarships for young Americans of Latvian origin. Because of the generosity of this Latvian American, many young Americans have been able to continue their education and develop their full potential.

Mr. Upenieks is indeed an outstanding example for his community. We can be proud that such men as Mr. Upenieks have come to our shores to lend us their courage and their skill in building America. Ludis Upenieks' career is a true American success story.

FINANCING SCHOOLS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 18, 1971

Mr. CRANSTON. Mr. President, on August 30 the California Supreme Court ruled on the State's system of financing schools, calling it discriminatory and unfair. The opinion is a benchmark for American education.

What the California court actually said, however, has been frequently misunderstood. The current issue of Saturday Review carries a cogent analysis that I feel would be helpful to Senators.

I ask unanimous consent that the article, written by Arthur E. Wise, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Saturday Review, Nov. 20, 1971]

The California Doctrine

(By Arthur E. Wise)

On August 30, 1971, the Supreme Court of California announced what may become as historic a decision as *Brown vs. Board of Education*. In *Serrano vs. Priest*, the court tentatively concluded that the state's public school financing system denies children equal protection guaranteed under the Fourteenth Amendment, because it produces substantial disparities among school districts in the amount of revenue available for education. The problem to which the case was addressed can be simply stated by an example. The Baldwin Park school district expended only $577.49 to educate each of its pupils in 1968–69, while the Beverly Hills school district, in the same county expended

$1,231.72 per pupil. The principal source of this inequity was the difference in local assessed property valuation per child. In Baldwin Park the figure was $3,706 per child, while in Beverly Hills it was $50,885—a ratio of 1 to 13. Furthermore, Baldwin Park citizens paid a school tax of $5.48 per $100 of assessed valuation, while Beverly Hills residents paid only $2.38 per $100—a ratio of more than 2 to 1.

The idea that the unequal allocation of educational resources within a state might be unconstitutional was first suggested only during the mid-1960s. It was not that the allocation of educational resources among school districts within a state suddenly became unequal in the mid-1960's, nor were the inequities suddenly discovered. Rather, the inequities in school finance were, for the first time, viewed in the light of the then prevailing egalitarian thrust of the U.S. Supreme Court.

The Court, under Chief Justice Earl Warren, had been embarked on a campaign of guaranteeing fundamental rights to dispossessed minorities and had precipitated broad social change. In 1954, the Supreme Court declared that, at least as far as race is concerned, public education is a right that must be made available equally. Beginning in 1956, the Court began to attack discrimination based on wealth in a series of cases concerned with rights of defendants in criminal cases. In 1962, the Court moved to eliminate geographic discrimination by requiring legislative reapportionment. By 1966, the wealth discrimination argument had been extended to voting rights in a case that eliminated the poll tax.

In the context of this historic trend, a Constitutional attack on inequities in educational finance seemed eminently feasible. Many parallels among the rights at stake were possible. More important, perhaps, was the fact that the Warren Court had demonstrated a willingness to guarantee individual rights when legislatures failed to act. State legislatures had been struggling with miserly state school finance equalization formulas for at least as long as they had failed to reapportion themselves.

The California equalization suit was not the first such suit to be prosecuted. Earlier there had been unsuccessful efforts in Illinois and Virginia to challenge the Constitutionality of school finance legislation. The California court took pains to distinguish between the case before it and the earlier ones. The earlier complaints had contended that "only a financing system which apportions public funds according to the educational needs of the students satisfied the Fourteenth Amendment." The lower courts had found the notion of "educational needs" too nebulous a concept with which to deal, and the U.S. Supreme Court had affirmed their decisions that held that the equal protection clause did not apply to school financing. However, the U.S. Supreme Court was obliged to render a judgment when these cases were appealed to it from the lower courts because of a technicality. According to the California court, the U.S. Supreme Court's affirmance of these decisions was substantially the equivalent of a decision not to become involved in the issue at that time. Furthermore, the California court thought that its case was different in that it involved the simpler principle of discrimination on the basis of wealth. It should be pointed out, however, that the earlier cases had perhaps erred because they contained a remedy in the complaint. The California complaint attempted to have the present system of finance declared unconstitutional.

There were three steps in the reasoning of the California court as it reached its decision. First, it noted that "the U.S. Supreme Court has demonstrated a marked antipathy toward legislative classifications which discriminate on the basis of certain 'suspect' personal characteristics. One factor which has repeatedly come under the close scrutiny of the High Court is wealth." The California court reviewed precedents in which the High Court had invalidated wealth classifications that infringed on the rights of defendants in criminal and voting rights cases. It appeared to the court that California's school financing system does discriminate on the basis of the wealth of a district and its residents.

While the court had substantial judicial precedent for finding wealth a suspect classification, it did not have judicial precedent for finding education a "fundamental interest." Such a finding was an important second step for the theory that the court was attempting to develop. The court relied upon a number of decisions that "while not legally controlling" are "persuasive in the factual description of the significance of learning." The classic expression of this position came in *Brown* vs. *Board of Education:*

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great exepnditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

These cases, together with the court's own analysis of the importance of education, compelled it to treat education as a "fundamental interest." "Education," the court stated, "is the lifeline of both the individual and society."

The final step was a determination of whether the California school financing scheme, as presently structured, constituted a "compelling state interest." Finding that education is a "fundamental interest" and that the present method of school financing interferes with no "compelling state interest," the court declared:

> The California public school financing system, as presented to us by plaintiffs' complaint supplemented by matters judicially noticed, since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny," it denies to the plaintiffs and others similarly situated the equal protection of the laws.

To this point the court was supporting the proposition that the quality of public education may not be a function of wealth other than the wealth of the state as a whole. [See *SR*, April 17, 1971, p. 76.] This proposition would permit educational quality to vary from school district to school district so long as each district had an equal capacity to raise funds for education. Thus, for example, a community that chose to tax itself at the rate of 1 per cent might have available $400 per student, irrespective of the wealth of that community. A community that chose to tax itself at the rate of 2 per cent might have available $800 per student, again irrespective of the wealth of that community. The state in this scheme commits itself to the specified level of expenditure per student regardless of what it raises by the local tax. The state gives aid in exactly the amount that local resources are insufficient to reach the specified expenditure. This scheme, known as "district power equalizing," is apparently, however, inconsistent with the principle of territorial uniformity.

The court took some pains to argue that territorial uniformity in school finance is constitutionally required. "Where fundamental rights or suspect classifications are at stake," said the court, "a state's general freedom to discriminate on a geographical basis will be significantly curtailed by the equal protection clause." In support of this interpretation, the court first relied upon the school closing cases in which the U.S. Supreme Court invalidated efforts to shut schools in one part of a state while schools in other areas continued to operate. Secondly, the court relied upon the reapportionment cases in which the U.S. Supreme Court held that accidents of geography and arbitrary boundary lines of local government can afford no ground for discrimination among a state's citizens. "If a voter's address may not determine the weight to which his ballot is entitled, surely it should not determine the quality of his child's education."

This analysis is consistent with the more egalitarian proposition that the quality of a child's education may not be a function of local wealth or of how highly his neighbors value education. In other words, it would prohibit variations in the number of dollars spent on any child by virtue of his place of residence. It would apparently permit variations based on educationally relevant characteristics of the child. One point that remains unclear in the opinion is whether the equal protection clause applies to children or to school districts. If it is children who are entitled to equal protection, then the quality of a child's education could not be subject to a vote of his neighbors.

It should be clear that the California court simply declared the present system of school finance unconstitutional. It (fortunately) did not prescribe solutions, but apparently left these to be developed by the California legislature. However, because the opinion is somewhat hazy, it is unclear what new plans will be acceptable to the courts. The next steps are in the hands of the defendants and the trial court to which the case was remanded.

(On October 21, the California Supreme Court issued a clarification of its earlier ruling, pointing out that it had not yet actually struck down the school finance system, but had merely ordered the case returned to the trial court. Apparently, however, the trial court, if it determines that the facts are as alleged, must find the system unconstitutional.)

In the weeks since the California equalization decision was announced, perhaps as many as twenty or thirty challenges to school finance legislation have been made throughout the nation. In the first of these to be decided, a federal district court in Minnesota has ruled, on grounds similar to those in the California case, that Minnesota's school financing system is unconstitutional. The court retained jurisdiction of the case but deferred further action until after the current Minnesota legislative session.

One of the most important outcomes of these lawsuits is their effect upon legislative bodies. To be sure, the California and Minnesota decisions explicitly call for responses from the state legislatures. However, the years since the legal theories were developed have seen an unprecedented level of school finance activity on the part of political bodies. While other factors have undoubtedly played a part, the threat of impending lawsuits may have served as an impetus to action in an area that has been characterized by legislative intransigence.

The concept of "full state funding" has entered the vocabulary of education. President Nixon has appointed a Commission on School Finance and is reported to be "deeply conscious of the inequities and the inadequacies of the property tax as the principal source of support at the local level for the cost of education." The Advisory Commission of Intergovernmental Relations has recommended that the states assume "substantially all" of the responsibility for financing local schools in order to grant property tax relief and ensure equal educational opportunity. Governor William Milliken of Michigan has been endeavoring to achieve broad reform in educational finance in that state for the last two years. Reportedly, the Fleischmann Commission in New York State will recommend, before the end of the year, full state assumption of the costs of education, imposition of a statewide property tax, stabilization of spending in wealthy school districts, and ultimately greater spending in districts with poor, disadvantaged youth.

It is quite conceivable that *Serrano*, or a similar case, will be appealed to the U.S. Supreme Court in the near future. If it should refuse to review the decision, the effect would be to leave the judgment standing in California. The California legislature, under the supervision of the trial court, would have to develop a new school finance system, and the pace of filing suits in other states might be quickened. The California Supreme Court, a prestigious state court, would have established a precedent that, though certainly not binding on other courts, would carry some weight. One would expect decisions on both sides of the question. At that point, the U.S. Supreme Court would probably feel compelled to hear a case in order to establish a single interpretation of the equal protection clause in this area. By that time one or more states would have grappled with the implementation of a *Serrano*-type decision and have demonstrated whether or not school finance systems can be operated along lines consistent with *Serrano*.

On the other hand, it is possible that the U.S. Supreme Court would agree to hear an appeal on a *Serrano*-type decision immediately. The Court may be anxious to dispose of this potentially troublesome affair. Indeed, under certain circumstances, the Supreme Court is obliged to accept an appeal and render a judgment. Under present circumstances most observers would not predict that the decision would be upheld, and a negative judgment would spell the end of judicially induced school finance reform for some time. For this reason many legal experts believe that an appeal to the U.S. Supreme Court should be postponed for as long as possible.

The next months, indeed years, will be a time of substantial confusion in the history of American public school finance. A principal outcome of *Serrano* will be to free legislatures from the strictures of the past to experiment with new models of school finance. Efforts at reform will be aided by a growing discontent with the local property tax.

In sum, *Serrano*-type lawsuits are designed to attack our school finance systems that effectively deliver more educational resources to children in wealthy communities and less to children in poor communities. The suits have as their objective squaring the reality of school finance schemes with the rhetoric of equality of educational opportunity.

CONGRESSMAN STRATTON SETS NEW YORK TIMES STRAIGHT ON MONDAY HOLIDAYS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. McCLORY. Mr. Speaker, with the recent celebration of Veterans Day as one of the four Monday holidays established under H.R. 15951 of the 90th Congress, there were scattered repercussions including a sarcastic New York Times editorial typically belittling the U.S. Congress.

Mr. Speaker, I recall the long efforts of my colleague from New York (Mr. STRATTON) to secure passage of Monday holiday legislation and his cosponsorship of the measure which I sponsored in the 90th Congress, and which was signed into law on June 28, 1968. Accordingly, I was especially pleased to note that Congressman STRATTON replied appropriately to the New York Times editorial.

Mr. Speaker, in addition to reproducing both the editorial and Mr. STRATTON's subsequent letter to the editor, I should point out the error in the editorial which indicates that Memorial Day has been designated as the fourth Monday in May. Under the measure passed by the Congress in 1968, Memorial Day is celebrated on the last Monday in May, which is frequently the fifth Monday in May as it was this year and as it will be again in 1972.

Mr. Speaker, the New York Times editorial and Mr. STRATTON's response are as follows:

[From the New York Times, Oct. 26, 1971]

HOLIDAY

The Stock Exchange was open, but the banks were closed. Public schools were closed and so was the public library. Most stores were open. In short, it was Veterans Day, another of those semi-demi-holidays which commemorate no specific event in history and which nobody quite knows what to do with.

This is the first year in which the nation has observed the new schedule of holidays enacted by Congress. At one time we endorsed the proposal, but we have long since concluded that it was not a very good idea. In order to create four new three-day weekends, the observance of George Washington's birthday was moved to the third Monday in February, Memorial Day to the fourth Monday in May, Columbus Day was made a holiday and established as the second Monday in October, while Armistice Day, renamed Veterans Day, was moved from Nov. 11 to the fourth Monday in October. The model for this rearrangement was Labor Day, previously the only holiday which always falls on a Monday.

A successful holiday can only develop out of the emotions of large numbers of people. That is true of the four genuine holidays—Christmas, a religious feast; New Year's, a symbolic turning point; the Fourth of July, the nation's birthday, and Thanksgiving, a harvest festival, which has become the nation's secular feast day.

Other significant events and communal memories can be recalled more suitably than by shutting down or half-shutting down public and private business. Would it not be a much more moving tribute to the nation's war dead if, as is done in Britain, work and traffic ceased for two minutes of silence? The memory of George Washington and Christopher Columbus can best be perpetuated by dedicating their natal day to teaching school children about their ideals and accomplishments. For that educational purpose an exact date like Feb. 22 or Oct. 12 is much preferable to an arbitrary Monday.

Congress can pass a law but only the people can make a holiday. We doubt that the people will take to their hearts the holidays which Congress has manufactured.

OCTOBER 29, 1971.

LETTERS-TO-THE-EDITOR,
New York Times,
New York, N.Y.

EDITOR, NEW YORK TIMES: As the original author of legislation finally enacted in 1968 putting four national holidays on a Monday, I am sorry to see the New York Times changing its mind of the desirability of this shift (editorial, Oct. 26, 1971), especially for what are flimsy reasons.

We have now experienced all four of these new holidays in 1971. Besides that July 4th fell on a Monday and so was also celebrated as a 3-day holiday weekend. Somehow the Republic survived; and my own impression, though I cannot document it, is that the change has generally provide popular.

Your lament stems from what you regard as a somewhat lackluster celebration of Veterans Day last Monday, "another of those semi-demi-holidays," as you put it, "which commemorate no specific event in history and which nobody quite knows what to do with."

But your disenchantment resulted, I daresay, from the atrocious weather we had over that particular weekend. Actually, as a national holiday Veterans Day has never been fully observed as Memorial Day or the Fourth of July. Stores have remained open, just as they do regularly on Washington's Birthday. The shift to Monday has not yet altered that pattern. But despite the fact that Veterans Day did not fall this year on November 11, Birmingham, Alabama, where the sun shone brightly last Monday, put on as I understand it one of the greatest tributes to our veterans ever held in that city's history.

I believe our experience this year shows that, contrary to your estimate, the American people did take both Washington's Birthday and Memorial Day "to their hearts" as Monday holidays, and in addition warmly welcomed the opportunity to celebrate Columbus Day for the first time as an official national holiday, the only new holiday, incidentally, which you say "Congress has manufactured."

SAMUEL S. STRATTON,
Member of Congress.

PITFALLS IN ARMS TALKS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, November 18, 1971

Mr. THURMOND. Mr. President, the complexities and pitfalls inherent in the strategic arms limitation talks are well defined in a column by John Chamberlain, published in the November 13, 1971, issue of the Augusta, Ga., Chronicle.

All of us would like to see a decline in the arms race, but it would be foolish to reach any agreement with the Soviet Union without necessary safeguards to assure compliance.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PITFALLS IN ARMS TALKS

OFFUTT AIR FORCE BASE, NEB.—Our military deterrent strategy is summed up here at Strategic Air Command headquarters in the one little word "Triad." Triad means that we count on the overlapping power of the ICBM (the intercontinental ballistic missile), the Polaris-Poseidon nuclear submarine and the supersonic manned bomber to deter the Soviets or the Red Chinese from ever trying to demolish the U.S. with a nuclear "first strike."

Surely, so any common-sense reasoning runs, no enemy could hope to paralyze all three arms of the Triad simultaneously. At least one element of our three-pronged deterrent would remain operative to strike back under present circumstances. Triad also serves as a hedge against a technological breakthrough that would render any one of the deterrents obsolete.

So, provided the unilateral disarmament fanatics don't elect Senator McGovern President and take over the country, the U.S. will retain some sort of impressive retaliatory power for the foreseeable future. But the Russians have a Triad, too. In the intricate game of diplomacy, with military credibility needed to back up what otherwise might be interpreted as bluff, the "comparatives" of the two sets of Triads are extremely important.

The Strategic Arms Limitation Talks (SALT) now going on between the Soviets and the U.S. have the worthy aim of keeping the astronomical Triad costs down on both sides. The Strategic Air Command does not comment on diplomatic matters, but it is easy to see that the U.S. Air Force Commander-in-Chief, Gen. Bruce Holloway, watches the SALT proceedings with a wary eye. He is not against saving money, though he is worried about something else. In a long interview I gathered that he was concerned about the semantic traps the Soviets could be laying for us in arms limitation negotiations. By a failure to see the side effects of a verbal agreement on any one item of arms cutback, the comparative deterrent strength of our own Triad could be vastly diminished.

For example, if there were a mutual cutback in strategic manned bomber programs, the trade-off might seem even without being even at all. With a steadily diminishing number of overseas bases, the U.S. does not go in heavily for the medium bomber; it is the long-range B–52 that has had to be employed to do our saturation work in Vietnam. The Soviets, on the other hand, are chock-a-block with medium-range bombers, with their Blinder and Badger models adding up to a total of 700 in all. Theoretically, these planes are no menace to the continental U.S.; the Soviets say they are for protection against war in Europe or in Asia.

General Holloway, however, begs to differ with this analysis. It is obvious, so the Strategic Air Command thinks, that medium bombers can be refueled from tanker planes en route to distant targets, and the Russian medium bomber force, if deployed from northern USSR staging bases, could easily reach vital objectives in the U.S. Morever, they would not have to return directly to Russia; there is always that haven in Castro's Cuba, which has been correctly described as an unsinkable aircraft carrier. If there is to be any agreement on comparative strategic air forces, the 700 Soviet "mediums" should be fed into the computer as something more than a bomber meant for European distances only.

Another item of arms limitation contention is the anti-ballistic missile. The Soviets, with their Moscow system missile interceptor, the so-called Galosh, are far ahead of us in this, and by the mid 1970s they could have as many as 2,000 ABM launchers. We would count it a diplomatic feather if we could trade our puny ABM efforts out for a curtailment of the Soviet ABM. But here, again, a warning is in order: the Soviets have something listed as an anti-aircraft missile, the SA–5, that might, if teamed up with a sophisticated tracking system, serve as a capable interceptor of ballistic missiles. Any agreement on mutual limitation of the ABM should include the SA–5.

Finally, there is the money spent on military research and development. The Soviets are currently spending $3,000,000,000 more a year on this than we do. When nations agree to limit the production of old weapons, there is always a shift to the development of new and untried substitutes or improvements. A seemingly safe SALT agreement on nuclear arms might merely touch off a race to lasers, or something even more fearsome. In which case, the power with the most extensive "R and D" would be in a position to dominate the future.

No doubt our SALT negotiators are aware of semantic traps. But the political urge to reach an agreement just to win an election could blur the issues, and a slip in the understanding of side-effects at SALT might easily spell our doom.

WHAT IS REALLY HAPPENING IN VIETNAM?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. LANDGREBE. Mr. Speaker, recently I received a letter from a close friend and constituent, Lt. Col. Lewis Casbon of Valparaiso, Ind., who is now serving his third tour of duty in South Vietnam with the U.S. Air Force.

His letter is an indictment of those self-anointed pundits in the news media who seem to have a vested interest in an American disaster in that war. As long as things went badly, the war in Vietnam was big news. Now that things are turning around under the inspired leadership of President Nixon, the media is strangely silent—except when it can take an isolated incident out of context and make it look like more failure.

Mr. Speaker, I insert Col. Casbon's letter at this point in the RECORD, so that the House and the American people can have a chance to find out what's really going on in Vietnam, for a change.

The letter follows:

LETTER BY LT. COL. LEWIS CASBON

DEAR EARL: Eight months have slipped by since I arrived here and it seems like only yesterday. Time has really moved along, so much so that it has been a long time since I prepared a mass communique to friends. Much has gone by the wayside and I will attempt to put some of it on paper to offer a few thoughts on Vietnam among other things. I returned from home and my 14-day leave less than three weeks ago and needless to say that was a delightful time.

As of this minute I plan to retire right after the first of the year. I do not have a specific job in line but am confident there will be no problem, in spite of the gloomy job market. I have some good leads and am anxious to vigorously pursue a civilian career in the near future. The work here is interesting and I will never regret a minute of the tour, but now that the decision has been made I am eager to make the break before any more years slip by. I will never for a minute regret my military career, as it has been good to the family and me.

A few words on Vietnam and my pet peeve, the Media, are in order at this point. I would like to offer a few opinionated impressions. I believe it most appropriate to touch that off by setting the record straight on the GIs who allegedly wouldn't go on patrol at fire base PACE a couple of weeks ago. I have a friend who is a senior advisor in the area and was very close to the whole thing, so I feel confident my views are accurate. A French reporter made his way to the fire base and engaged himself in conversation with a group of soldiers and during the course of the conversation he asked them if they would be willing to go on a patrol from there. One of them responded with a negative. The conversation was subsequently relayed to the American press, and as a result there was great propaganda headlined by: "GIs refuse to go on patrol." At that time no real thought had been given to sending them on patrol and they had not been so directed by their superiors. It was almost as bad the next day when U.S. forces cancelled a patrol because it would have been an exact duplicate of a patrol conducted by the Vietnamese. As most of you probably remember, it was built into a great story and as near as I am able to determine it was a total distortion of the facts.

There has been far less war coverage lately and in addition to the fact that people are sick of hearing about it, I attribute it to the fact that the VC are being mauled quite badly in most areas. There are a number of different types of operations taking place which are for the most part mopping-up operations. These include a large number of areas being cleaned out that have never before been touched by the South Vitnamese. These are not classified and do appear in the local media, but does it not seem strange that the media which has such great access to everything is not able to report these operations? Vietnamization, which you may hear of as a failure, is highly successful and nearly completed. The Vietnamese forces of all services are making a favorable showing and gaining in confidence with each day that passes. Incidentally, the previous Laos incursion by the South Vietnamese, which I had previously written about, is now paying significant dividends. There are problems and a lack of security in the Northern areas, which in some cases is greater than in past months. I believe this to be partially caused by the vast amount of transitioning that has taken place from U.S. forces to Vietnamese.

The one-man election of recent weeks gave the media much to rave about and they did take advantage of it. Neither Ky nor Minh had a chance of winning, but it is too bad that both were more concerned with saving face than with feeding the left-wing propaganda mill by pulling out of the race. It is my observation that the population here has as much individual freedom as many people throughout the free world countries, including our own. There is good support here for the current government, although it would be misleading to say it is unanimous. There are many whom I have talked with that favor a government which would take a more dominant stand—dictatorial even—to reduce crime and corruption. One last example of the media. It seemed to be common belief because of the media that between 40–60% of the troops here were on some type of hard drugs. That issue died in a hurry after the urine testing started and the actual count went down to about 3.5%. That is high and alarming but certainly well below 50%. The testing apparently has psychological effect and scared a lot of the would-be experimenters that may otherwise become hooked.

From an overall standpoint, great progress is being made here but I believe it is time that we leave. I firmly believe that we could pull out now and the South Vietnamese would have no trouble making it on their own. However, it would be less costly in the long run if we were to leave technical and middle management advisors, as the South Vietnamese are inexperienced in those areas. The very sad issue of POWs is one which no doubt has a bearing on whatever efforts are being made for a U.S. pullout.

I am anxious to hear from friends, and any mail will be greatly appreciated. We have no idea at this minute where employment will take us after retirement, but wherever it is we will be happy. There are very few places in our great United States where we would not be satisfied. While here I have been able to get out of the office and fly a few times and collect a few good pictures and other souvenirs.

My best to you,

LEW.

A NEW LIFE FOR THE RETARDED

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, November 18, 1971

Mr. BEALL. Mr. President, I have previously in this Chamber expressed admiration to those who give themselves in service to their fellow human beings. Whether it is a local group of citizens conducting a cleanup campaign or a cancer fund drive, or helping people who are less fortunate, their dedication I hold in the greatest esteem.

It is with this thought in mind that I would like to bring to the attention of my colleagues the activities of a new action center for retarded young adults that opened on October 4 at the United Methodist Church in Lisbon, Md., under the direction of John Everett.

Mr. President, of all the disadvantaged groups, one of the most tragic are those who are born retarded, who cannot without proper training perform even the simplest functions.

I ask unanimous consent to have printed in the RECORD an article which appeared in the November 11 issue of the Ellicott City Times depicting the work that the action center has been engaged in since its opening to aid these disadvantaged young adults to lead a brighter and more productive life.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW LIFE FOR THE RETARDED

(By Rena Rosenson)

The conception of the plight of the retarded—the picture of lonely, completely dependent people spending their lives in institutions or hidden away by their families—is not acceptable to John Everett, director of the new Activities Center for retarded young adults which opened October 4 in Lisbon's United Methodist Church.

Although he realizes that every retarded person cannot be trained to live as his normal brothers do, Mr. Everett sees the Activities Center as a step in the process of training its 11 enrollees to be as self-sufficient as possible.

"I see the Center as a mid-point between the day care center, which is geared to mentally retarded children," he said, "and the Sheltered Workshop, which prepares mentally retarded adults for future employment."

Mr. Everett and the Center's training assistant, Ruth Walls, instruct the group in everything from grooming and social skills to cooking and gardening. And though the group has been together only a month, they take an active interest in each other's progress and success.

The Center, established by the Howard County Association for Retarded Children and funded by the state and the county, has facilities for cooking, sewing gardening recreation and arts and crafts.

Working in these areas, the retardates learn to cook simple meals and make clothes for themselves, as well as occasionally making money for their efforts.

For example, the Center has a contract with the day care center to bake cookies for a small fee in return. And last week, the group was busy making baked goods for a bake sale Saturday.

A pansy field at the back of the Center has helped them to learn the methods of gardening and will provide a small income when they are big enough to be sold.

In arts and crafts, the group has been working with plastic to make numbers and letters for mailboxes and has made Christmas wreaths out of Baggies.

Additionally, Wilhide's Flowers has contracted the Center to help put the finishing touches on the envelopes which are attached to deliveries.

The members of the group take great pride in the work they do. Most of them have been able to feel a sense of accomplishment they have never experienced before.

Mr. Everett helps them in any way he can, but he says the program is designed so he will have to do as little as possible—"because self-sufficiency is the goal."

"A lot of these people have been pampered at home and are reluctant to do things for themselves," he said. "But most of them are doing very well."

Recreation is completely geared to adults. Shuffleboard, baseball and basketball are some of the group's favorite activities, but Mr. Everett steers them away from playing "catch" and most children's games.

Mr. Everett admits that the Center does not concentrate very much on academics.

"If a person still can't read by the time he is 29 and can't tie his shoes, I'd rather teach him how to tie his shoes," he said. "That kind of thing helps him to be able to take care of himself."

He explained that his purpose is to prepare these people to be able to take care of themselves. His goal: to equip them with personal and social skills which will enable them to enter the Workshop and eventually get a job.

He and Mrs. Walls instruct the group in grooming, health, social skills and domestic activities such as cleaning, table setting and making beds.

The Center has provided combs, brushes and a hair dryer and instruction in how and why to use them. Bottles of Listerine mouth wash were added to the lessons last week, and each member of the group tried it.

"Well, it didn't taste very good," one man said. "I don't think I'll use it again—but I know what it's for!"

For exercise in cleaning Mr. Everett insists that the group clean the Center each day before catching the bus home. He meets very little resistance to his requests, however, and the whole group pitches in to clean house.

When the Center is clean and all work is done, the group gathers around the record player, dancing, singing, playing cards or just watching what the others are doing. They obviously like the opportunity to socialize together.

The Center is working on a budget of $23,910 this year. The county foots a fourth of the bill and the state pays for the rest, except for a few thousand dollars contributed by the Association for Retarded Children.

The Center has received very few contributions so far, but the ones they have received have been quite valuable.

The sewing machine was given to the Center, as well as ends of material with which the group learned to sew. Last week, each one had completed an apron, made to fit his size and style.

The Coke machine in the Center has proved to be an enormous help to Mr. Everett and to the group. With it Mr. Everett taught them the difference between a dime and a quarter and eventually was able to send them to the corner store.

Now, most of them are able to go to the supermarket and come back with the things they were sent for as well as the proper change.

In the future, Mr. Everett sees some expansion, although the limited facilities restrict it.

He said, too, that he is hoping to get into weekend programming so the group will be provided with some social activity.

"We want to teach them how to bowl and how to go to the movies," he said. "It is difficult to do with such a large group, but we will do it."

The group seems to love Mrs. Walls and Mr. Everett, and enjoy doing the things they are learning. But Mr. Everett admits that everyone cannot learn all of the things.

Some of the members of the group have a hard time with the sewing machine, some have problems with coordination and some have a hard time just sitting still to listen to a lesson.

But Mr. Everett strongly feels that an institution is not the place for a retardate, except perhaps for the severelly retarded.

"When parents can't support the child anymore, the only alternatives for the child are living with a relative or an institution," he said. "Here they can pick up the skills which can make them more acceptable to a relative."

But Mr. Everett isn't willing to settle for that either. He would like to see these people living in groups of about 15 with a resident couple for supervision.

He sees the homes as being scattered around cities, with the residents working or attending the Workshop in the daytime and returning home at night.

"In a small group home you can set a standard of behavior and you get them to accept it," he said. "Institutions seem to come down to their level rather than helping them to improve."

In the group home the residents would put to use the skills they learn in the Activities Center.

Mr. Everett noted that the group home idea has been brought up in Baltimore City, but the residents of the city objected to havnig the retardates in their neighborhoods.

"If it is defeated in Baltimore, I'm afraid it will set a precedent for the whole state," he said. "But I think it would work, and it certainly would be better than the big institutions with the signs all around announcing its presence."

"The best we could do," he added, "would be to train them to live by themselves and to be happily married. But we haven't reached that point yet and we have to take it one step at a time."

LATVIAN INDEPENDENCE DAY IS A REMINDER THAT BALTIC NATIONS ARE STILL ILLEGALLY ENSLAVED BY SOVIET RUSSIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. RARICK. Mr. Speaker, today marks the anniversary of the independence of Latvia. I insert in the RECORD at this point a press release issued on this occasion by the Latvian Association of the United States and Canada:

LATVIAN INDEPENDENCE

THE LATVIAN NATIONAL ANTHEM

God, bless free Latvian Land,
Guard well my Fatherland,
Thus pray my heart and mind:
God, save Latvia:

Let there sound free my voice,
Daughters and sons rejoice!
Let there be a happy choice!
God, bless Latvia!

We are still too close to the events to get a true perspective, but it may be confidently asserted that when the full story comes to be told, the epic of the Latvian struggle for independence will rank high among the world's record of such performance. Without an épopée, said Gothe, can never become of much worth, but in their quest of freedom the Latvian peoples have contributed much to the "Mosaic of America", and proved their worth. Therefore: it is the duty of those of us who are living in freedom to remind the world what we are, what we are going to be, why we have existed and why we are going to continue to exist.

The economic development in *independent* Latvia will show to those who have doubted and still doubt that, in spite of a comparatively small political unit for economic opportunity, Latvia could exist without the help, as the political exploitation was called, of her powerful neighbors. At the end of World War Two, approximately 100,000 persons emigrated from Latvia and later were dispersed throughout the free world. Today, statistics show that, through three generations, many hundreds of this number are true scholars of higher learning in the humanities, as well as technical sciences and other departments.

The numerical majority are of the younger generation, those who attained their success in emigration and this shows the strength of vital creativity in the people even during difficult times. Therefore, to reiterate the contributions of the Latvian peoples and there great endeavors to fit into the pattern of the "Mosaic of America", and bringing their hopes of freedom to this great country, their ethnic heritage and cultures, arts, science, history and knowledge which has contributed much to this great country of America.

The legal existence of Latvia still continues despite the military occupation, of the U.S.S.R. The Soviet administration occupying Latvia lacks any legal basis, and in accordance with recognized principles of international law, should be regarded only as a temporary military occupation. The major powers, including the United States, have refused to recognize the incorporation of the Latvian State into the U.S.S.R. as claimed by the latter.

In accordance with the principles of international law, a military occupation cannot terminate the legal existence of a state. Unable to plead their own cause, we urge the President of the United States to bring the forces of world opinion at the U.N. and other international forums to bear on behalf of the restoration of the independence of Latvia. All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty and the pursuit of happiness. Lest we forget: we are thankful for primacy, sanctity and prayer. As an American, we must be thankful for many more blessings—the list is long.

It is appropriate on this occasion to recall some not so ancient history. Just over 31 years ago, to be precise between June 16 and 18, 1940, Russia invaded the Baltic States of Estonia, Latvia, and Lithuania and brought these free countries into the Soviet slave camp. The freedom-loving people of the Baltic nations were subjected to inhumane and barbarous treatment at the hands of the Communist leaders of imperialistic Russia. The Soviet occupation of the Baltic countries is contrary to accepted principles of international law.

An excellent historical account about Latvia under Soviet rule was written over 6 years ago by Melvin Munn of Life Line. Since history once made is not subject to change, I insert Mr. Munn's article in the RECORD at this point.

CAPTIVE NATIONS, 25 YEARS LATER

AUGUST 12, 1965.

It was 25 years ago this summer that the Russian hordes swept into Estonia, Latvia and Lithuania and "liberated" them into slavery, communist-style. The invasion came between June 16 and 18, 1940, and in August of that same year the three Baltic states were formally annexed as part of the Union of Socialist Soviet Republics.

There is no more commanding or compelling reason for the people of the United States to remain alert and vigilant than is found in the study of past communist deception and genocide against entire nations. Freedom and faith form our Life Line, and no patriot need ever apologize for counseling that this nation under God protect and defend itself against communism's avowed determination of long standing. That is, to capture and enslave our people just as they have enslaved half of Europe and most of Asia.

The methods used by communism to enslave or pillage or kill a nation, and to maintain control after the fact, are unbelievably ruthless and scientifically elaborate. Their systems of destroying noncommunist political forces and installing their cruel inhuman one-party program are diabolically successful.

In the three valiant but tiny Baltic nations, a love of Freedom and dignity was deeply ingrained. When the Red Armies marched into Latvia, Estonia, and Lithuania in that summer of 1940, Russia assumed total control while giving the people every assurance that free elections would be held. Elections *were* held, but with only one ticket. Attempts to enter opposition candidates for government posts were met by simply jailing or killing the leaders of the opposition. Though less than one percent of the population of the three enslaved states were members of the Communisty Party, Soviet News Agency Tass announced, 12 hours before the polls closed, that the communist slate had been elected by a vote of 98 percent of those old enough to vote. Naturally, no one ever had a chance to see the ballots except the commissars in charge.

Ironically, the USSR constitution then and now provides that nations joining the union will do so voluntarily, and may secede at will. That ghastly joke is stark and mocking when you read the list of nations swallowed up by the comunists, none of whom joined voluntarily, and most of whom fought overwhelming odds. In the end, they were simply absorbed.

Just one year after communist occupation of the three Baltic states in June, 1941, the Red Army and the hated NKVD, secret police, applied genocide to the adult population. Having already killed or deported those who had been political, religious and economic leaders, the next move was to scatter all other levels of leadership throughout slave camps in the arctic regions. Thousands upon thousands of Balt men and women, teachers, musicians, poets, authors, journalists, ministers, former city officials and other professionals were wrested from their homes and deported.

The dread sound of heavy marching boots in the dead of night; a rap on the door; a gruff order to "open up;" and another Balt patriot would be dragged away with his family left weeping and frightened.

One of the most reliable documentations of the true nature of Russian conquest over the small and weak is found in a report of the 1953–1954 Select Commitee on Communist Agression of the U.S. House of Representatives. This 8-man committee held hearings in Chicago, New York City, London, Munich and Berlin. The committee heard testimony from escaped victims of communist brutality. The nationalities of the 112 in-person witnesses; the more than 200 sworn statements placed in the record; and mountains of documents handed over to the committee serve as a roll call of captive countries.

The committee heard Poles, Hungarians, Bulgarians, Rumanians, Estonians, Latvians, Lithuanians, Ukrainians, Byelorussians, Germans, Czechoslovaks and Russians. Sworn statements came from Americans, Georgians, Azerbaijans, North Caucasians, Cossacks, Idel-Uralians and Turkestanians.

All these had one thing in common. They were eye-witnesses. They had seen and, in most cases, felt the brutal hand of Soviet farcical "liberation." Telling of a dreadful world of mass murder, anonymous graves, concentration camps, the ever-present secret police and hatred beyond the comprehension of decent people, these witnesses droned out a horrifying indictment against the terror of Soviet communism.

Typical of witnesses appearing before the Select Committee was a former MVD officer, Lt. Colonel Grigori Stepanovich Bur'itski. Before his escape to Freedom, Burlitski had been an officer in the NKVD, and rose to be a commanding officer in its successor, the MVD secret police.

Burlitski told, in great detail, how he and his fellow secret policemen took over and practiced genocide in a nation of more than 500,000 people, the mountain country of Chechen-Inguish. Wearing Red Army uniforms, MVD troops moved into every village, town and city of the mountain republic. They passed themselves off as veterans of the fight against German invaders, pulling back for billets and rest. The Nazis had occupied Chechen-Inguish until Russian World War II forces began driving them back.

Slowly the Inguish people accepted their visitors as friendly. They began inviting them to their homes, feeding and entertaining them. Inguish public officials encouraged the people to treat their guests as brothers in Freedom. So well did the Red secret police play their roles as heroes returned from battle that Chechen-Inguish citizens eventually welcomed them with open arms.

On a set day at a fixed time, every hamlet, village and city in Chechen-Inguish staged a great celebration. Their communist "brothers" had suggested such a gala affair to show the new-found affection between the Inguish and the central Russian people! On the appointed day the bands played, MVD men went to every house to insist that every able-bodied person "come to the party," and they did! People danced in the street, and in town squares oratory was king. Chechen-Inguish political leaders praised their visitors and paid glowing tributes to the vision of the Russian leaders. Disguised MVD officers, in turn, lauded their hosts on their hospitality and generosity.

At another appointed hour, in each location, a different MVD officer stepped up on the platform. His remarks were brief and to the point. Citizens of Chechen-Inguish had been too good to the Nazi hordes that occupied their land before the Russians came in. They had consorted with the enemy and had proven themselves dangerous to the Soviet Union. All these charges were made without a shred of evidence to support them. In truth, the Inguish people had been extremely un-cooperative and hostile to the Germans, had made their stay miserable, and exercised vast underground counter-war against Hitler's men.

That made no difference to the MVD. These people were herded into cattle and freight cars. In less than an hour the entire population of Chechen-Inguish, more than 500,000 men, women and children, were en route to slave camps in the frozen north!

There was no water, food, or facilities for human needs. Thousands died of malnutrition, disease, and from injury under heavy boots of half-crazed people struggling to escape the tightly barred cars.

Twenty-five long years of enslavement have passed for the citizens of Latvia, Lithuania and Estonia, and more than 20 years have gone by since the 500,000 citizens of Chechen-Inguish were hauled off to slave camps by communist Russia. The story of the Baltic states and Chechen-Inguish was largely repeated in Poland, Czechoslovakia, Rumania, Hungary, the Ukraine and dozens of other states and colonies. Mr. Fedir Pihido, a Ukranian national, told the Select Committee on Communist Aggression of the United States House of Representatives of the forced famine used by the communists to punish the Ukranian people who were constantly trying to escape to Freedom. Mr. Pihido stated that between 6 million and 7 million Ukranians died from starvation in a famine manufactured by their captors.

The best remembered example of Russian brutality came in 1956 with the terrible crushing of the people of Hungary. The Red Army, with a force of arms many more times powerful than needed to exert its will, marched into Hungary and smashed a proud people. Those few who survived mass murders and managed to escape to the free world tell of horrors almost beyond belief.

The very basis of communist power has been terror. The Select committee received testimony and evidence to prove conclusively many of the atrocities carried out in the Baltic. For example, in Riga, the former capital of Latvia, photographs were made of torture rooms. One ingenious arrangement of the NKVD in 1940–1941 was a system of little concrete dugouts called "dog houses." These were tiny rooms no more than 3 feet square. Victims were thrust into these rooms in attempts to make them reveal anything the communists wanted to know. The person confined could neither stand nor lie down. At best he could only sit in cramped quarters or stand on all-fours.

Torture chambers were located in that same building. These were soundproof rooms having doors reinforced with iron and rubber sheets. All kinds of horrible torture tools were at hand. Photographs of these rooms show thousands of bullet holds in the walls where people had been shot as soon as their tormentors had gained the information they wanted.

An examining judge of the district court at Riga, Latvia, was able to investigate atrocities when the Red Army pulled out briefly in 1941. They were to return in a few months and ship thousands of Latvians to slave labor camps. Judge Atis Grantskalns reported in testimony: "Altogether I dug out over 900 bodies, and none of those victims were former criminals. They were the most respected citizens in our country. Among the victims were officers, army colonels, lawyers, laborers, doctors, businessmen, the aide of the Latvian Prime Minister, the director of the department of schools and ministers."

Lists were discovered that had been prepared by the Russian NKVD in 1939, a full year before they took over in the Baltic. These lists contained the names of those who were to be seized, executed or deported. 1939 maps of the Red Army also showed that Latvia, Estonia and Lithuania were included as part of the USSR a year before they were invaded.

Nothing has transpired to prove there is any fundamental change in the course of communist aggression. Red China, which has been even more brutal and indifferent to human life than the USSR, must be recognized as an equal if not stronger factory of hate than Russia itself.

Communism has never come to power except by brute and fearful force. Communism maintains control over captive nations, most of them overwhelmingly anticommunist, only through power and arms. Under communism the state is god and there is none other; treaties and agreements are scraps of paper to be torn up at will, and communism operates a vicious international criminal mechanism in attempts to enslave the whole world.

On the 25th anniversary of the capture and destruction of the three independent Baltic states, Life Line believes our greatest tribute to the courage of the Balt is to preserve, extend and strengthen our own Freedom. On this daily program we do not cry "fire" where there is no fire, and neither do we cry "wolf" where there is no wolf. Our purpose is constantly to remind our listener of the undeniable record of communism past, to inform you on communism present, and warn you of communism future. It is vital to your safety that you never forget what communism has done, what it is doing, and, above all, exactly what it is.

Until we meet again, remember: 25 years ago the Baltic states were swallowed up, but communist Russia must never be allowed to digest the fruits of real Freedom.

I find it strange that the world powers in the United Nations have ignored the grossly unjust situation to exist in Estonia, Latvia, and Lithuania and have taken no steps to restore self-determination and freedom to these unfortunate people.

Article 1 of the U.N. Charter states that one of the purposes of the United Nations is as follows:

> To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

If the United Nations were a genuine peace-seeking organization, it would have long ago taken action to return self-liberation to the peoples of the Baltic nations.

For several years, I have introduced resolutions calling upon the United Nations organization to place the question of human rights violations in Soviet-occupied Estonia, Latvia, and Lithuania on the agenda of the world body. I insert in the RECORD at this point the text of these resolutions.

H. CON. RES. 341

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet-occupied Latvia on the agenda of the United Nations organization.

H. CON. RES. 61

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization.

H. CON. RES. 63

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right of self-determination, and other human rights violations, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization.

"FLUSHPOT" PLAN MAKES DAM A NATIONAL ISSUE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MIZELL. Mr. Speaker, I have told my colleagues in the House, on many occasions in the past, that the proceedings of the Federal Power Commission with regard to the Blue Ridge hydroelectric project in my district would loom as a matter of national import before they were completed.

I have sought to warn my colleagues in a variety of ways about the illogic and the danger of the controversial "pollution-dilution" theory that has played so prominent and ominous a role in this case.

The Department of the Interior is seeking in this case to make "pollution-dilution" an accepted national policy for abating pollution in the Nation's waterways. Environmental experts by the score have denounced this policy, and more and more of them are now coming out in active opposition to the Blue Ridge project on this very basis.

The fact that this project has national implications is underscored by the intense interest in the case that has been displayed by the very able environmental reporter for the New York Times, Mr. E. W. Kenworthy.

Mr. Kenworthy recently spent 10 days at the proposed project site, which includes Ashe and Alleghany Counties in North Carolina, part of my congressional district.

His analysis of the situation appeared, by means of the New York Times News Service, in the Winston-Salem Journal of November 7, 1971.

Mr. Kenworthy has done a masterful job in identifying the conflicts of opinion inherent in this project, and I really believe my colleagues would be well advised to study his analysis, for as I said earlier, this case may only be the beginning of a ruinous and destructive and ineffective national environmental policy.

For my colleagues' benefit, I insert the full text of Mr. Kenworthy's article in the RECORD at this time:

"FLUSHPOT" PLAN MAKES DAM A NATIONAL ISSUE

(By E. W. Kenworthy)

(The controversy about building a hydroelectric project on the New River has produced some questions of national interest. E. W. Kenworthy, a New York Times reporter whose specialty is the environment, took a look at the Blue Ridge project. This is what he found about the arguments for and against the project.)

WASHINGTON.—On Thursday the Federal Power Commission will hear more arguments about whether a license should be granted to the Appalachian Power Co. for a $350 million hydroelectric project on the New River on the western border of Virginia and North Carolina.

The hearing room will be crowded and tension-laden because the project has aroused bitter opposition, not only locally but also nationally among environmental organizations.

The controversy is now approaching a climax after a five-year battle of hearings and lawyers' briefs. The argument on Thursday will be the penultimate administrative proceeding.

Twice—on Oct. 1, 1969, and June 21, 1971—the power commission's presiding examiner, William C. Levy, has issued a license subject to commission review on appeal. Twice opponents have appealed. Now, if the commission approves the license, the opponents' last recourse will be the courts.

The Blue Ridge project, as it is known, will produce a whopping 1,800 megawatts of power and an annual income of $39 million for Appalachian Power, a subsidiary of American Electric Power Co. of New York. Its two reservoirs, besides storing water for power, will also store 160,000 acre-feet for flood control and 400,000 acre-feet initially (650,000 by 1987) to be used to dilute the pollution of the Kanawha River by the industrial complex at Charleston, W. Va., 260 miles away.

(An acre-foot is the water necessary to cover an acre to the depth of one foot.)

The reservoir will also obliterate 44 miles of the New River, one of the few remaining clean rivers in the eastern United States, and 212 miles of tributary creeks, including some of the country's best trout water. They will flood thousands of acres of rich bottom land and pastures and about 1,200 homes, requiring the relocation of roughly 5,000 people.

Hence the controversy.

On one side are the presiding examiner and some of the staff of the power commission, the Department of Interior and the power company.

On the other side are the State of Virginia; the State of West Virginia in the person of its Democratic attorney general, Chauncey H. Browning Jr. (Republican Gov. Arch A. Moore Jr. has tried unsuccessfully to block Browning's intervention); Grayson County, Va., and Ashe and Alleghany counties, North Carolina, whose people would be affected; the Appalachian Regional Commission; a number of state environmental organizations all with national affiliations, and the North Carolina Farm Bureau. (North Carolina has also intervened, but in such a minor way as to draw protests from Ashe and Alleghany counties at what they regard as indifference to their interests by Gov. Robert W. Scott and Atty. Gen. Robert Morgan, who intends to run for governor.)

The proponents argue that the project is essential to provide needed power at lowest cost for other areas served by American Electric's system (it would not be used locally); that the opponents are standing in the way of "progress"; that the lakes formed by the reservoirs will enhance the recreational potentialities of the area and prove a boon to what is now "a marginal economy"; that while the fishing will be altered, it will be improved; that while there may be some loss of tax base for the counties, this will be offset by tourist income, taxes on new industry that may locate in the area and by savings on some services such as schools that "may not have to be provided to the same extent" because of the relocation of former residents.

VAST CHANGE

The power company, in an environmental impact statement, summed up its arguments for the project in these words:

"The project will unquestionably result in a vast change in the area. Applicant believes that on balance the project and its attendant amenities to thousands upon thousands of people—residents of the area and visitors—are of much greater significance than the possible adverse environmental effects . . ."

And Mr. Levy, the presiding examiner, said in his decision last June:

"The long-term benefits will create a new and better environment and way of life for many people in the region . . . Low density hunting and fishing, limited tourism . . . will be replaced with large lakes, a substantial increase in fishing benefits and superior water-oriented recreation . . . Water quality will be improved all the way down to the Ohio River . . . The New-Kanawha will be a bigger, better, more productive and esthetically pleasing river . . . On balance, the region and the proud, independent, self-sufficient people who live there will benefit from the project."

PROUD PEOPLE DISAGREE

Most of the proud, independent and self-sufficient people, judging by seven days of interviews recently, disagree on about every point, and so do the affected counties and the State of West Virginia in their briefs.

They contend that the area is not poverty-stricken and note that good farm land is now valued from $600 to $1,000 an acre and more. They ask what is to become of families whose property is condemned since comparable land is not to be had, even if the company fulfilled its promise to help in relocation. As for improved fishing, recreation and esthetics, they cite the effects on all three of the drawdown of the water level in the two reservoirs for power production and water quality storage for Charleston, which they refer to scornfully as "pollution dilution" or "flushpot."

44.4 FEET

The maximum drawdown on the lower reservoir will be 44.4 feet. On the lower it will be 10 feet between June 1 and Labor Day—the summer recreation season—and 12 feet at other times.

The opponents cite in their briefs extensive testimony at power commission hearings by marine biologists that the bass, for which the New River is famous, will not be able to reproduce because fluctuations in water levels will destroy the eggs, and much of the trout fishing will be destroyed by the backing up of the water in the creeks.

The opponents note that Levy's decisions and the impact statements of the company and the power commission staff did not refer to this expert testimony, but cited only the testimony of their own chosen witnesses.

STEEP BANKS

They emphasize that even the company concedes that, except for some fishing, the drawdown of 44 feet will effectively eliminate recreational development in the lower reservoir which in most places will have steep banks.

As for the upper reservoir, Paul J. Johnson, Appalachian's superintendent of hydrogeneration, says that the 10-foot drawdown would expose only 50 feet of mudflats horizontally on the average, and that a 12-foot drawdown would expose only 60 feet on the average. The opponents reply that, while the averages may be correct, in many areas where the flooded land is gently sloping, unsightly, foul-smelling mudflats hundreds of yards wide will be exposed. They question whether the recreation on such a lake will be preferable to that now afforded by the New River, with its drift fishing from flatboats and its canoeing.

Standing in front of the filling station at Grassy Creek that he and his father have run for 50 years and that will be under water, Bradley E. Sturgill, brushing aside all the technical arguments, expressed to a visitor the other day the feeling of many people in the valley.

"I feel it is a dangerous thing," he said. "It's pretty hard to stop progress. But there's more to it than stopping progress. I feel we have about the only river left you can call an unpolluted river. I hate to see it destroyed. We have a lot of fine people along the river. I hate to see them moved out of here. They're going to be unhappy."

QUALITY STORAGE

But all the disputes over the effects of the project stem from one cause—the requirement that the company must impound above its power requirements 400,000 acre-feet for "water quality storage," that is, the water to dilute periodically the industrial pollution of the Kanawha into which the New River flows. The companies chiefly responsible for this pollution are Union Carbide, Dupont, Monsanto, FMC-American Viscose, FMC-Organic Chemicals, FMC-Inorganic Division, and Abbott Laboratories.

In their brief, the Conservation Council of Virginia, the West Virginia Natural Resources Council, and the Izaak Walton League charged: "It is for the benefit of these limited operations that the Interior Department would make a sacrificial offering of the New River."

BLACK BEAST

For the states, the counties and the environmental groups, the Interior Department is the black beast of Blue Ridge because it insisted that provision for water quality storage be included in the project.

It is this provision that has transformed the controversy from one involving parochial interests to one of national import. And it is around this provision that argument will swirl once again this Thursday.

The issue has become national because the Federal Water Pollution Control Act states that while water quality storage may be considered in the planning of any federal project or any project requiring a federal license, "such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source."

NECESSARY SUPPLEMENT

The project's advocates insist that the 400,000 acre-feet (650,000 by 1987) will be used not as a substitute for treatment at the source, but as a necessary supplement to such treatment because the technology is not now available, and will not be available "in the foreseeable future" to reach West Virginia's immediate goal of 3 parts per million of dissolved oxygen in the Kanawha at

Charleston, or its ultimate goal of 4 ppm, without dilution of wastes by "low flow augmentation," that is, "pollution dilution."

The project's opponents, relying on testimony of several nationally known engineers and scientists, insist that technology is now available to treat most of the pollution and will soon become available to treat the remainder. Therefore they contend that the law is being evaded, if not violated.

DANGEROUS PRECEDENT

Further, the environmentalists believe that if this concept is given federal sanction, it will set a precedent with disastrous consequences, permitting companies to postpone indefinitely the installation of adequate waste treatment systems and contributing to steadily increasing fouling of the nations rivers.

Lorne R. Campbell, counsel for Grayson County who is also an ardent conservationist, expressed this fear in a brief filed with F.P.C.:

"We believe," he said, "if the project proposed is licensed that every river basin in America will be endangered . . . Any industrial complex, by similar strategies employed in the Blue Ridge project, might contrive to bring about the inundation of thousands of acres of land under the guise of emergency power needs or pollution control."

There are two ironies in the situation. The first is that in the initial plan submitted to the power commission, the power company did not propose any water quality storage; that the whole concept was imposed on it by the Interior Department, acting through the power commission, and that Appalachian still takes a dim view of the concept, although it would now like to have the extra impoundment required for pollution abatement for generation of power.

Thus, in a recent interview in Roanoke, Johnson said:

"We've never asked for the 650,000 acre-feet, but if it's imposed on us by F.P.C., we can live with it. We'd be better off economically without the 650,000 acre-feet for water quality storage."

SECOND IRONY

The second irony is that there was almost no opposition at state or local level to the company's original project proposed in February, 1965. The company had, the local residents admit, done "a good selling job."

But in June, 1966, one month after the Federal Water Pollution Control Administration had been shifted to the Department of Interior from Health, Education and Welfare, Interior Secretary Stewart Udall, at the urging of his advisers, petitioned to intervene in the proceedings. His petition was granted.

Udall insisted the project include provisions for water quality storage. He said later in a news conference that he had indicated to F.P.C. and the company that unless the Blue Ridge project, and "all future water resources projects," incorporated water quality storage, Interior would oppose the granting of a license. The company at first resisted the secretary's demand. Udall, according to his own account at the news conference, discussed the matter "privately" with Donald Cook, president of American Electric Co.

REVISED PROPOSAL

The result of all this, Udall related, was "a revised proposal." This "modified plan," submitted by the company in June, 1968, provided for water quality storage and closely approximated one prepared by the F.P.C. staff.

Udall has since had a change of mind. In his syndicated column last April 24, he said he had been "misguided" in forcing water quality storage on the Blue Ridge project, and vigorously attacked the whole concept. The effect of his intervention was a doubling of the size and cost of the original company proposal.

MUCH HIGHER

The original project would have flooded 19,450 acres—16,600 in the upper reservoir and 2,850 in the lower. The modified project will flood 40,400 acres—26,000 in the upper reservoir and 14,400 in the lower.

The original would have impounded a total of 1,441,000 acre-feet of water; the modified will impound 3,261,000.

The original would have cost $140 million and produced 980 megawatts; the modified will cost about $350 million and produce 1,800 megawatts.

The original would have displaced 500 people, the modified, ten times that number.

Opponents of the modified project are particularly aroused by two things.

The first is that William Levy, the examiner, did not mention in his two decisions the testimony of two expert witnesses—Professor Vinton W. Bacon and Dr. David D. Woodbridge, both with recognized credentials, who testified before the F.P.C. that technology was available now for treating much of the industrial waste dumped into the Kanawha. Instead, they complain, Levy relied almost entirely on the testimony of Curtis Bell, an Interior Department lawyer who was the leading advocate of the project; Edgar N. Henry, head of the West Virginia Water Resources Board, and Richard Vanderhoof, a former Interior Department official now with the Environmental Protection Agency.

The attorney general of Virginia charged in his brief last Aug. 19 that "the presiding examiner has obviously disregarded the evidence in his efforts to sustain his original initial decision," and ignored all recommendations except those of the Department of Interior.

Second, the opponents assert that information supplied to the power commission by Interior was "erroneous" because it assumed in stating the need for water quality storage, that there would not be any treatment at the source at all.

The power commission staff, in its brief, agreed that Interior's figures were erroneous, and said that therefore the 400,000 acre-feet insisted on by Levy and Interior were "excessive."

SUGGESTED NO STORAGE

It recommended no more than 250,000 acre-feet of storage for water quality control, and even suggested that no storage be provided.

In a brief for the Environmental Protection Agency, its associate general counsel, Robert W. Zener, said that the Environmental Protection Agency had no objection to licensing the project as proposed and that the question of whether the water quality storage was needed could be left for later determination.

In an interview, Zener was asked what recourse a farmer who had sold his land under condemnation proceedings following issuance of a license for the Blue Ridge project and then, when his land was under water, it was decided that water quality storage was not needed, Zener replied that there was little good farm land that would be taken. He was asked if he had visited the site of the proposed reservoirs.

WHAT COULD I LEARN?

"What could I learn by going down there?" Zener replied.

And so the lines are firmly drawn on the central issue. In his latest decision, Levy said:

"Conceding that Interior's waste load estimates may be excessive, that a better job of waste-load reduction and pollution control can and should be done by the Charleston area chemical industry . . . the fact remains that . . . the desired water quality clearly requires low-flow augmentation in addition to adequate at-source treatment."

And Page Evans, standing on a low-water bridge over the Little River, an estuary of the New, the other day put the substance of all the opponents' legal briefs into the language of a countryman:

THEIR OWN FLUSHPOT

"As far as we are concerned, it's the ruination of the beauty of our country. Let West Virginia industry build their own flushpot. We don't feel we should be punished 200 miles up the river."

And Guy Halsey of Independence, swinging slowly in a slatted wooden swing on his porch in the warm fall sunshine, looked over his rich green pasture land, and said:

"This is the best land that lays out of doors. The size of the project is too large. We are taking out of production the most efficient land in the country."

SICKLE CELL ANEMIA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. ROSENTHAL. Mr. Speaker, 25 million Americans—primarily blacks—are threatened with the disease, sickle cell anemia. It is believed that this hereditary blood disorder is carried by 1 of every 10 blacks in this country. More common than muscular dystrophy, cystic fibrosis, or hemophilia, this largely ignored disease takes the lives of half of its 2 million victims by the age of 20. Seldom does a sufferer reach his 40th birthday.

Caused by an inherited, abnormal hemoglobin, sickle cell anemia results in the deformation of red blood cells. Instead of the usual biconcave disc shape, the diseased cells will take on a crescent shape, when their oxygen supply is low. It is from this crescent shape that the name of the disease is derived.

Though little else is known, researchers have confirmed the inherited nature of the disease. The anemia is visible in offspring only when both parents carry the trait, a condition called sicklemia. Not all of their children, however, will be born with the disease itself. Some will be quite normal; others will carry the trait but not be struck down by the disease. When only one parent carries the sickle trait, the children will not get the disease but some will carry the trait.

It is surprising how little is known about this disease. Among blacks, only 3 of 10 reportedly have heard of it. More disheartening, the disease is one of a select few almost completely ignored by the medical community. Only recently has sickle cell anemia begun to receive national attention. The time has come for the Congress to act.

The National Sickle Cell Anemia Act is a comprehensive program designed for the study, prevention, and cure of the disease. The bill provides:

First, $25 million a year for 3 years for grants by the Department of Health, Education, and Welfare for the purpose of identifying and counseling, on a voluntary basis, persons with the sickle cell trait and educating the public about sickle cell anemia, including grants for screening, referral and counseling services, and public education.

Second, $5 million a year for 3 years for demonstration grants to eligible institutions for the purpose of encouraging research in the prevention, treatment, and cure of sickle cell anemia, development of public education programs and centers for research, testing, counseling, or treatment of sickle cell anemia.

Third, that the Secretary of Defense shall prescribe and implement a policy to provide, on a voluntary basis, screening for the sickle cell trait, among members of the Armed Forces and their dependents, civilian employees of the Department of Defense and among persons examined at Armed Forces examining and entrance stations; counseling services on a voluntary basis for those with a positive trait regarding the nature and inheritance of the sickle cell trait; treatment for members of the Armed Forces and their dependents determined to have sickle cell anemia through Armed Forces-based medical programs or through any appropriate civilian program of facility.

Fourth, for similar programs by the Veterans' Administration to provide, on a voluntary basis, screening for the sickle trait, counseling and treatment for persons eligible for treatment by the Veterans' Administration.

With this bill, the Congress has an opportunity to begin freeing 2 million Americans from the specter of sickle cell anemia. I call upon all Members to join with me in supporting this vital piece of legislation.

The text of the National Sickle Cell Anemia Act follows:

H.R. 11872

A bill to provide for the prevention of sickle cell anemia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be cited as the "National Sickle Cell Anemia Prevention Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the sickle cell trait which afflicts a large number of American citizens, primarily among the black population of the United States;

(2) that the disease is a deadly and tragic burden which strikes approximately one of every five hundred black children, and that less than half of those children who contract the disease survive beyond the age of twenty; and

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to prevent sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of prevention, diagnosis, and treatment of sickle cell anemia deserve the highest priority.

(b In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and treatment of sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "Titles I to XI."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act) and references thereto, as sections 1201 and 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PREVENTION PROGRAM

"GRANTS FOR SICKLE CELL SCREENING AND COUNSELING PROGRAMS

"SEC. 1101. (a) The Secretary is authorized to make grants to and enter into contracts with public and nonprofit private entities to assist in the establishment and operation of voluntary sickle cell anemia screening and counseling programs and to assist in developing and making available information and educational materials relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of persons to be served, the extent to which such screening and counseling is needed on a local basis, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

"DEMONSTRATION GRANTS

"SEC. 1102. (a) In order to promote research in the diagnosis, treatment, and prevention of sickle cell anemia development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and the development of centers for research, testing, counseling, prevention, or treatment of sickle cell anemia the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $5,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title (whether by grant or contract) shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from or to participation in, any other program.

"APPLICATIONS

"SEC. 1104. A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identify of any such patient;

"(4) provide for appropriate consultation with community representatives in the development and operation of any program funded under this title;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of any accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any eligible person requesting screening, counseling, or treatment, and shall include notification of all eligible persons of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

PROTECTION OF ARMED FORCES PERSONNEL

SEC. 4. (a) The Secretary of Defense is authorized and directed to promulgate rules and regulations to provide for screening and counseling of members of the Armed Forces (including their dependents), civilian employees of the Department of Defense, and persons examined at Armed Forces examining and entrance stations, for the sickle cell trait and sickle cell anemia.

(b) Such rules and regulations shall provide for—

(1) voluntary screening for the sickle cell trait for persons described in subsection (a) who request such a test, at no cost to such person;

(2) communication to such person described in subsection (a) of the results of such test;

(3) voluntary referral of individuals determined to possess a positive trait to an appropriate military or civilian counseling or treatment agency;

(4) notification to persons described in subsection (a) of the cost-free and voluntary nature of the screening and referral programs implemented pursuant to this section;

(5) education of persons described in subsection (a) regarding the nature and inheritance of the sickle cell trait and sickle cell anemia; and

(6) assurance that all information obtained on specimens submitted voluntarily under this Act shall be held confidential except for (A) such information as the patient (or his guardian) consents to be released or (B) statistical data compiled without reference to the identity of any such patient.

(c) The Secretary of Defense shall provide for voluntary counseling or treatment of such persons described in subsection (a) found to have the sickle cell trait or sickle cell anemia at an appropriate military or civilian facility as the case may be.

(d) (1) The Secretary of Defense shall prepare and submit to the President for transmittal to Congress on or before April 1 of each year a comprehensive report on the administration of this section.

(2) The report required by this subsection shall contain such recommendations for additional legislation as the Secretary of Defense deems necessary.

(e) The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

PROTECTION OF VETERANS

SEC. 5. (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"§ 651. Notification and education

"(a) The Administrator shall notify all persons eligible for care under this chapter of the availability of screening, treatment and counseling programs with regard to the sickle cell trait and sickle cell anemia and the voluntary nature of such programs.

"(b) The Administrator shall establish a program of education regarding the nature and inheritance of sickle cell trait and sickle cell anemia and make such program available to all such eligible persons.

"§ 652. Screening and treatment

"(a) The Administrator shall furnish to any person eligible for care under this chapter who makes a request screening for sickle cell trait or sickle cell anemia.

"(b) Upon a finding that such eligible person has the sickle cell trait or sickle cell anemia the Administrator shall provide for voluntary counseling or treatment as the case may be.

"§ 653. Reports

"(a) The Administrator shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subchapter.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Administrator deems necessary.

"§ 654. Voluntary participation

"The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"651. Notification and education.
"652. Screening and treatment.
"653. Reports.
"654. Voluntary participation."

REPLIES TO QUESTIONNAIRE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. RHODES. Mr. Speaker, I am pleased to place in the CONGRESSIONAL RECORD today the tabulation of the answers I received to the questionnaire I sent to my constituents in August. Almost 20,000 replies were received, which I feel is an excellent response and gives a rather wide expression of the opinions of Arizona's First District citizens. I am proud of my constituents and their interest in and knowledge of today's issues, and grateful for their generosity in giving me their views and suggestions. These are always welcome and helpful in the decisions I must make.

The tabulation follows:

	Percent	
	Yes	No
PLEASE INDICATE YOUR PREFERENCE WITH A CHECK MARK		
1. With respect to raising an army to defend the Nation, do you favor:		
(a) continuing the draft lottery?	60 ☐	☐ 40
(b) replacing the draft system with an all-volunteer army?	69 ☐	☐ 31
2. It has been suggested that the United Nations establish a peacekeeping army of about 100,000 men. Do you favor such a plan?	50 ☐	☐ 50
3. Do you think it is important for the United States to maintain a strong Army and Air Force in Europe?	47 ☐	☐ 53
4. After United States ground forces are withdrawn from Vietnam, would you continue the use of United States airpower in Southeast Asia as long as needed?	50 ☐	☐ 50
5. Do you favor:		
(a) admitting Red China to the United Nations and opening diplomatic and trade relations with them?	61 ☐	☐ 39
(b) admitting Red China to the United Nations, but not opening diplomatic and trade relations with them?	81 ☐	☐ 19
(c) not admitting Red China to the United Nations, but opening diplomatic and trade relations with them?	24 ☐	☐ 76
(d) not admitting Red China to the United Nations and not opening diplomatic and trade relations with them?	41 ☐	☐ 59
6. In the Arab-Israeli controversy, which of the following do you favor:		
(a) increase of United States military assistance to Israel?	41 ☐	☐ 59
(b) reduction of United States assistance to Israel?	35 ☐	☐ 65
(c) a neutral position concerning both Israel and the Arab bloc?	67 ☐	☐ 33
(d) United States policy based on maintaining the balance of power in the Middle East?	70 ☐	☐ 30
7. Do you believe the United States should assist the lower income countries with manpower and funds to help them achieve social and economic development?	38 ☐	☐ 62
8. Do you favor a higher minimum wage, now set at $1.60, regardless of any possible inflationary effects?	28 ☐	☐ 72
9. Do you support the overall objectives of the President's revenue sharing proposal i.e., to move money and power closer to the people and to help relieve the fiscal crisis State and local governments face?	79 ☐	☐ 21
10. To fight pollution, would you support:		
(a) enactment of the President's $10,000,000,000 clean water program?	73 ☐	☐ 27
(b) spending even more money and passing even more stringent Federal laws?	68 ☐	☐ 32
(c) leaving the problems up to the States, where possible?	68 ☐	☐ 32
11. What do you think are the best means to cut our crime rate:		
(a) provide better police training and selection?	83 ☐	☐ 17
(b) stiffen punishment?	84 ☐	☐ 16
(c) increase the capacity of courts to handle criminal cases?	89 ☐	☐ 11
(d) improve rehabilitation programs in prisons?	82 ☐	☐ 18
12. Recognizing the traditions of labor-management relations, in order to prevent a strike against the public interest, should the role of government be:		
(a) no action?	12 ☐	☐ 88
(b) Federal mediation efforts?	74 ☐	☐ 26
(c) compulsory arbitration?	75 ☐	☐ 25
(d) focusing public attention on parties involved?	67 ☐	☐ 33
(e) a special Federal court for labor disputes assuring settlement without a national emergency strike or an inflationary wage increase?	84 ☐	☐ 16
13. Do you believe a certain racial mix is important to our educational system?	36 ☐	☐ 64
If so, do you favor busing school children to maintain it?	29 ☐	☐ 71
14. Do you feel that programs of city and slum area improvement would help to reduce crime?	66 ☐	☐ 34
15. Would you favor making bail bond more difficult to obtain by repeat offenders?	94 ☐	☐ 6
16. Regarding consumer protection, do you believe the Federal government should push for more stringent control in the advertising and selling of manufactured products?	80 ☐	☐ 20
17. Do you favor a welfare assistance plan whereby any employable family member must accept employment or undergo training for employment? (Note: under the present system a welfare recipient is supposed to be referred to available employment or training, but is not required to accept.)	95 ☐	☐ 5
18. Would you be in favor of using Federal funds to:		
(a) finance clinics for the treatment of drug abusers?	60 ☐	☐ 40
(b) finance clinics for their rehabilitation?	65 ☐	☐ 35
FOR THE FOLLOWING QUESTIONS, PLEASE MARK THE APPROPRIATE BOXES 1, 2, 3, 4, 5 TO INDICATE YOUR CHOICE OF ORDER OF IMPORTANCE		
19. For the next ten years, we should concentrate our defense effort in:		
launching manned orbiting satellites	5 ☐	
building better and faster airplanes	3 ☐	
modernizing the Navy	2 ☐	
beefing up our nuclear capability, including an ABM system to defend Minuteman sites	1 ☐	
providing better conventional weapons for our Army	4 ☐	
20. The biggest threat to our national security in the next ten years will come from:		
Russia	1 ☐	
Red China	2 ☐	
North Vietnam	4 ☐	
the Middle East	3 ☐	
21. What are the most important problems which the United States is facing today:		
crime and violence	1 ☐	
pollution	3 ☐	
inflation	2 ☐	
foreign military involvement	4 ☐	
PERSONAL IDENTITY		
Your response to this questionnaire is anonymous. The Identity questions simply aid in its analysis.		
1. Your age is:		
(a) 18 to 22	5 ☐	
(b) 23 to 32	19 ☐	
(c) 33 to 45	24 ☐	
(d) 46 to 65	33 ☐	
(e) Over 65	19 ☐	
2. Employment:		
(a) Are you employed full time?	67 ☐	☐ 33
(b) do you hold more than one job?	14 ☐	☐ 86
3. How did you vote in 1970:		
(a) Democrat	7 ☐	
(b) Republican	45 ☐	
(c) split ticket	38 ☐	
(d) did not vote	10 ☐	

NEW REALITIES FOR A NEW U.S. FOREIGN ECONOMIC POLICY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. CULVER. Mr. Speaker, the Subcommittee on Foreign Economic Policy of the Foreign Affairs Committee last week concluded 4 days of intensive hearings on U.S. economic relations with Japan. I believe that all of us who were able to participate in these hearings could not but receive several clear impressions:

First, the interlocking nature of political and economic policy can nowhere be better illustrated than in our recent policy with Japan. For Japan the new economic policy has been a severe jolt which has had repurcussions in all segments of Japanese policy and national outlook. Converging with the NEP have been independent new U.S. initiatives toward mainland China, and the futile effort, in which Japan joined, to maintain Taiwan in the United Nations. The Japanese have been both the intended special economic target and the probably unintended political victim of U.S. policy. Japan feels under the most intense pressure, and a new constellation of political forces and psychological reactions are taking hold in Japan.

Second, the unexamined premises and working assumptions of U.S. policy have intensified these difficulties, and have allowed a slippage in relations to occur which can still be reversed but could also slide further and faster. Japan has suddenly been pictured as a culprit for our economic distress—holding unique advantages, exploiting opportunities unfairly and developing an economic monolith without parallel. The truth is much more complex, and certainly not as sinister. Japan has built up huge and unwise economic reserves; she has in recent years had a growing trade account advantage with the United States; she has been slow but not rigid in liberalizing the legal and administrative impediments to foreign investment and open access to trade. But equally, Japan has not been exploitative. She has converted little of her reserves into gold; she threatens no trade war; she wages no form of economic imperialism. Moreover, Japanese society is beginning now to face the domestic costs of poor housing, pollution, retardation of public services while avoiding all temptations to rearmament and military adventurism. As a result, the rate of economic growth will fall.

Third, Japan has not only been the chosen target for all kinds of political markmanship and high noon rhetoric. She has also been the object of some extraordinarily clumsy diplomacy. A raft of demands and suggestions have been made in no particular sequence by a covey of accredited and semiaccredited envoys of various ranks. In most instances the instructions seem to emerge from the Treasury or offices in the White House; only rarely do they seem meshed with the State Department or our Embassy in Tokyo. And few of our spokesmen seem to go to Japan with much sensitivity to Japanese feelings, Japanese culture, or with recognition of the achievements which the Japanese have made not from special advantage but from its own human and social resources.

Fourth, the recent experience with Japan shows in aggravated form a number of weaknesses and stresses in the new economic program in the international dimensions. It raises the most serious questions about the program in its wider setting including the possibility of retaliations and an epidemic of national recessions in various countries.

In my judgment, the international economic strategy first outlined on August 15 has now clearly begun to harvest diminishing returns. Rather than being a lubricant of progressive and necessary change, the character of this policy threatens to choke up the international economic system, to arouse anxieties, to invite the prospect of trade wars, and to poison the political relationships on which our policy rests in Europe, Japan, as well as in this hemisphere.

The Secretary of the Treasury, who has proudly been wearing the hat of Secretary of State in this sphere of policy, says that solutions now lie entirely with other countries. In a Tokyo press conference he says that a resolution of the current impasse now lies mainly with the Europeans. To the Europeans and Canadians he implies that the solution rests in large measure with the Japanese. To the largely innocent and helpless bystander, such as the countries of Latin America and Canada, he says that principles of universality require the application of punitive measures to everyone and that we are helpless to find a way for their immunity from the surcharge, and can offer no notion when it might be removed. In Latin America and Africa we are moving toward a posture of neither trade nor aid.

The Secretary's moves are often as disguised from the Department of State as from our foreign associates. Our committee has found the representatives of State unable—for simple lack of authority and knowledge—to testify concretely on several issues, such as the Japanese textile negotiations, before the subcommittee. The answers rest with the Secretary of the Treasury and a few of his principle subordinates. The only other place where answers could be sought—the White House and the new Council on International Economic policy—have been fully clothed with executive immunity. Mr. Peterson talks abundantly for journalistic background, but carefully takes the veil when open congressional inquiries are made.

A serious byproduct of all this is that governments abroad are at least as confused and perplexed as are Congressmen and observers in this city. This confusion is compounded by genuine concern over the "who-blinks-first" attitude that now seems to overlay our international negotiations. Where at first the administration emphasized the need for quick shock therapy, now that more than 3 months have passed, it points instead to the need for time and the long agenda which needs to be covered. Almost every week the administration goes on a new skeet shoot—one time for Japanese textiles, the next for automobiles and electronics, then automobile manufacturers in Canada, the next Common Market agricultural policy, and so forth.

The shopping list is elastic and the litany of grievances constantly grows; apparent satisfaction on one point immediately releases a new request for yet another performance bond from this nation or that. So also the surcharge itself has gone through several guises—first, as simply one instrument for accomplishing monetary revaluation, then as a bargaining chip in winning a medley of trade concessions, now as the penny that will only drop when a favorable balance of payments shift of major proportions has occurred. And all the time these demands are wrapped in rhetoric about America's sacrificial record in trade and aid, quite oblivious to the fact that our adventure in Southeast Asia and economic mismanagement of the resulting inflation have together been the largest single contribution to the balance-of-payments crises.

This is certainly not to say that the United States has no just claims to make in international negotiations on money parities and trade. The Common Market's drift toward exclusivism in agriculture is a retrogressive trend; Japan's excessive inhospitality to foreign investment and barriers to more open trade and its self-abnegation in international economic relations are sources of concern; France's rigid adherence to gold and a fixed currency is another archaic impediment to a better international economic order.

Few large countries are blameless or carry a spotless record. But what is equally evident is that our voracious effort to achieve everything at once, at the neglect of and peril to our fundamental political relationships is not going to produce a new stability and more effective international system. And the notion that we sit by as a universal schoolmaster while errant and delinquent adolescents fall in line is bound to produce a countertide of resentment, or disbelief, and quite possibly among some simply a decision to leave school. We are tempting the Japanese to reshape not only their Government but their political objectives; we are inviting new restraints and monitors on U.S. investment in Canada; we may offer the Europeans no alternative than to devise a "European solution," thereby only postponing and undercutting the prospects for genuine international economic reform.

If we let slip the possibility of realistic monetary realinement now for the sake of a long series of other objectives which we cannot precisely define, then we may have a "busted play" where everyone scrambles for himself and the whole strategy of change dissolves. There is no doubt that the search for too much too quickly from too many countries may cause a default of the very real and important progress which is possible now in monetary reform. And we know too that present policy with the miasma of economic issues and political problems it raises does not forestall runaway protectionist pressures in the country and Congress. It is now beginning to feed them.

Therefore, there seem to me four overriding immediate courses of action:

First, the monetary realinement should now be explicitly severed from the package of trade and burden sharing reforms which will take many months and more to accomplish, and which require a multilateral framework in which to resolve them. We are within reach of establishing new parities and should seize that chance.

Second, with the setting of new parities, the surcharge should be removed forthwith as soon as a program and calendar for trade and burden-sharing negotiation have been set. Beyond that the surcharge becomes a wasting asset, and would itself distort the character of ongoing negotiations. In addition, the surcharge is unduly punitive and indiscriminate in its application to countries such as Canada, Mexico, and all of the third world.

Third, we have a large credibility gap to close and should jointly consider in the executive and Congress the grant of basic new negotiating authority in trade. Though little has happened in Congress to make such prospects glowing, it is equally clear that no progress is possible without the lead of the President and a fabric of recommendations for Congress to consider and work on. Integral to these proposals is the elaboration of a new and restructured trade adjustment assistance program which can be effectively triggered and usefully employed. Today, it is a largely inert program not unfairly called a "burial expense" fund. In this, other countries such as Japan may have some relevant experience for us to consider.

Fourth, we must be careful not to deal with Japan as if she were a separate and disjointed problem. Japan as the third economic power in the world commands a special position. For that very reason, we should do all that is possible to draw Japan into the international economic community and encourage it to carry its influence in trade and aid. And for our own interests, for Japan's, and for the integrity of the world trade system, we should do our best so that Europe relaxes its trade restrictions against Japan and opens that large market to her. We feel a sense of pressure from Japan in part because we are so much more open to Japanese trade than is the new European Economic Community.

Mr. Speaker, we must realize that we are in danger of losing our sense of perspective and abandoning reasonable standards of civilized negotiation with countries friendly to us. Moreover, we must guard that we do not become addicted to the intoxicating notions of the burdensome role we have in world affairs. When rhetoric becomes as inflated and chauvinistic as some of the pronouncements we have recently heard, then we become victims of a new delusion and a new sort of arrogance. Such discourse makes it all too likely that we shall become so absorbed in the difficulties of the moment and the political temptation to employ simplistic scapegoats as to lose all sight of the long-term interests we have as a nation in a world setting.

This is the true importance of the current international situation: it tests our capacity to meet real present problems not by mere improvisation, or false posturing, but by setting them against a horizon which makes room for new political accommodations as well as a new structure of world economic cooperation. To do so is obviously in the world interest. It also happens to be very much in our own.

ON THE DEATH OF RABBI JUDAH LEIB LEVIN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. KOCH. Mr. Speaker, it was only yesterday that I advised our colleagues of the perilous state of affairs concerning Rabbi Judah Leib Levin, chief rabbi of Moscow's central synagogue. I mentioned then that he was infirmed and ill. I regret to inform our colleagues that on the very day that I brought this matter to the attention of the House, the rabbi died in Moscow.

I met Rabbi Levin during the course of my trip to the Soviet Union in April of this year. He was an imposing patriarchal figure. I have had occasion in the past year to discuss the rabbi's role vis-a-vis the Soviet Government as leader of his congregation. It was a controversial role and I recall the comment made to me by a young Jew in Leningrad with whom I visited, who with a sigh, regretted that Rabbi Levin had not spoken out as forcefully as that young man had hoped he would in defense of the rights of the Jewish minority in the U.S.S.R. In the conversations which I had with American Jews and distinguished rabbis who visited Rabbi Levin in Moscow and who received and escorted him in the United States when he was here, it was clear that they had great sympathy for his difficult role. Had he been militant, they pointed out, he would not have been permitted to continue his rabbinical functions and his congregation would have suffered. They also made it very clear that while his role was not that of a militant, he did all he could considering his age to protect the religious prerogatives which the Jews, like every other religion, were guaranteed under the Soviet Constitution.

The American Jewish Conference on Soviet Jewry, a major coordinating agency, has best described Rabbi Levin's role, and I quote:

> In spite of the many pressures and handicaps placed on him by the Soviet Union with its repressive policy toward Jews and its denial of their religious freedom, Rabbi Levin saw his role as that of a servant of the religious Jews of Moscow.

As they said, his death is "a great and tragic loss."

Yes, Mr. Speaker, of the less than handful of rabbis ministering yesterday to the more than 2 million Jews living in European Russia, there is one less today.

TWO WEEKLY REPORTS TO NINTH DISTRICT RESIDENTS, NOVEMBER 1 AND 8, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the texts of my two weekly reports, November 1 and November 8, to Ninth District residents, on pollution control: the problems and the solution.

WASHINGTON REPORT—NOVEMBER 1, 1971

EDITOR'S NOTE.—This is the first of two reports on pollution control: the problems and the solutions.

We have in recent years, witnessed a phenomenal outcry over the pollution of our environment. Yet, while Americans demand an end to the despoilation of the environment, they continue to breathe dirty air, live by polluted waterways and look upon growing mounds of trash and debris. More and more insistently, they are asking, "Why is it taking so long to do something about pollution?"

The reasons are many, but foremost among them are (1.) lack of funds to implement antipollution programs, (2.) reluctance by government to enforce legislation now on the books, (3) opposition and delaying tactics by polluters, and (4.) the public's attitude that somebody else is responsible.

The environmental crisis will not be resolved quickly or easily by any simple piece of legislation, or without the expenditures of large sums of money. No "wonder drug" exists to cure all of our environmental ills.

The various approaches to control pollution should be examined in terms of how effective each is in dealing with different types of environmental problems. There are four basic approaches to combat pollution. They are:

1. *Education.* Educating the public is a necessary first step in changing the attitudes and the practices which permit—even encourage—pollution. Before regulations or programs can be carried out, it is necessary for the public to recognize the need for such measures. Without public agreement and support, environmental protection measures are unenforceable and ineffective.

The difficulty with education is that we learn very slowly, and in some instances, not at all. For example, even with great efforts to persuade people not to litter, we still find mountains of trash in public places.

2. *Regulations.* The most common approach to pollution is direct regulation to prohibit it. Unfortunately it is an oversimplified formula which has obviously not worked. Laws which flatly ban pollution are difficult to enact, and to enforce.

The direct regulation approach also suffers from confusion over jurisdiction in the enforcement of anti-pollution regulation. Local governments cannot enforce regulations in a neighboring community. State governments also are reluctant to enforce regulations to clean up mutual waterways.

Since pollution doesn't stop at the city limit sign or the state line, the Federal government obviously is needed to enforce antipollution regulations. The regulation approach should be used to control wastes which are so hazardous that the discharge of a small amount represents a threat to the environment.

3. *Subsidization.* This approach involves making government grants, loans and tax credits available to help pay the expense of cleaning up the environment. The principle

involved here is to pay a polluter to stop polluting, and its most common application is government funds for municipal sewage treatment plants. Although subsidization obviously has important uses, it offers no assurance that the offender will completely correct his practices. Further, subsidization places the cost of stopping pollution on the taxpayers, who not only endure the pollution, but then have to pay to clean it up.

4. *Economic Incentives.* This approach is designed to control pollution by assessing a tax or fee on the wastes which the polluter discharges. Economic incentives are the most equitable way of controlling pollution because they make the polluter pay for his pollution and encourage him to reduce his wastes as quickly and completely as possible. They are also easy to administer because they provide a decentralized approach to control.

While the economic incentive approach to controlling pollution is often the most advantageous, the use of education, direct regulation and subsidization can be applied to specific environmental problems. In order to control pollution in the most comprehensive and effective manner, we must use the approach best suited for the particular type of pollution.

Next Week.—What is being done and what needs to be done.

WASHINGTON REPORT—NOVEMBER 8, 1971

EDITOR'S NOTE.—This is the last of two reports on pollution control: The problems and the solutions.

About the best that can be said for our past efforts to control pollution is that they have prevented the problem from getting worse. There are several reasons for our slow progress, among them, insufficient money, weak enforcement of anti-pollution laws, and strong opposition to tough, new regulations.

As I contended in last week's report, I believe a carefully orchestrated use of economic incentives, direct regulations, subsidization, and education will enable us to meet our environmental problems. While our present efforts to control air and water pollution are improving, they can be made more effective.

Air Pollution. Our present laws, which rely chiefly on direct regulations, give the primary responsibility for controlling air pollution to State and local governments. This approach has permitted costly, elaborate and lengthy procedures for making polluters comply. The Air Quality Act of 1967, and the Clean Air Amendments of 1970, do attempt to speed up the abatement and control process by (1.) establishing air quality control regions around the Nation, (2.) setting standards for the volume and toxity of polluters, (3.) requiring the States to submit plans to implement these standards, and (4.) if the State fails to act, giving the Federal government authority to bring the violators into court.

It will be several years until each State has adequate control plans for the wide variety of air pollutants, and, then, the enforcement of these plans through the courts promises still further delays before polluters are forced to reduce their emissions.

These delays and difficulties are inherent weaknesses of direct regulations. While regulations are needed, economic incentives would induce polluters to reduce their emissions more quickly and more completely.

To provide these incentives, we need a system of emission excise taxes on the two major sources of air pollution—motor vehicles and industrial wastes. An excise tax on leaded gasolines and a tax on motor vehicles based on the level of emissions from each model or type should help to reduce pollution. In the case of industrial pollution, a levy on emissions of sulfur oxides and particulate matter should be effective in reducing emissions.

The revenue collected from these taxes could be used to finance research and to develop new methods of controlling air pollution.

Water Pollution. Our efforts to control water pollution have suffered from several of the same difficulties as our air pollution laws. Presently, our approach to water pollution uses the "carrot" of Federal subsidies and the "stick" of direct regulations. Subsidies to induce municipalities to construct waste treatment plants have been inadequate in amount, and have been awarded without systematic planning. Direct regulations to control industrial wastes are as costly and as time-consuming as our air pollution control methods. Their ineffectiveness is shown by the fact that industrial wastes have increased by an astronomical 350 percent between 1957 and 1969.

The present system relies primarily on the States to set, and to enforce, their own water quality standards. These standards, however, are subject to Federal approval and provide the basis for cumbersome and lengthy enforcement action. To date, the standards of 32 States have been approved. A total of only 50 enforcement actions were taken between 1956 and 1970.

Clearly, water quality standards must be consistent in all States and in all waterways, enforcement procedures must be tightened to provide administrative abatement proceedings, quick access to courts, and tougher penalties. Funds must be increased for the waste programs for municipalities, and the whole system should be supplemented with economic incentives to induce polluters to reduce emissions sooner and more completely.

A system of national effluent charges would help to achieve this aim. Industrial polluters should be taxed according to the amount, and the hazard, of their wastes. A related proposal also is needed to permit municipalities to charge industrial firms construction costs based on the volume and toxicity of their wastes.

TRIBUTE TO MRS. ANITA ALLEN

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. NELSEN. Mr. Speaker, I wish to pay tribute today to Mrs. Anita F. Allen, retiring president of the District of Columbia Board of Education. We regret that this fine public servant will no longer be serving on the Board.

This exceptional woman believed that the 145,000 schoolchildren of the Nation's Capital deserve a better education than they are receiving, and she kept this goal always in mind.

Mrs. Allen brought to her position as president of the Board of Education a willingness to lead, highest personal standards and dedication, a commitment to the establishment of sound educational goals and a determination to reach these goals in the shortest possible time.

She appeared before congressional committees many times during her 2-year presidency, pleading for Congress to meet the District's educational needs and pledging her own efforts to eliminate waste, duplication, and unsound programs. She made progress in fulfilling her pledge to Congress.

As ranking Republican on the House District Committee, it is a pleasure to publicly thank Mrs. Allen for her hard work and dedication to quality education here in Washington, D.C. Every citizen of Washington can take pride in the leadership she provided.

SITUATION OF JEWISH POPULATION IN THE MIDEAST

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BROOMFIELD. Mr. Speaker, within the last year or so Egypt has allowed the release of most of its Jewish political prisoners, and now there no longer are travel restrictions placed on the movement of her Jewish citizens. The government has placed no restrictions on the ownership of property and they are allowed to run their businesses normally. Presently there are about 700 Jews living in Egypt who wish to stay in Egypt because it is their homeland. Most of these changes which have taken place within the last year are definitely a result of world opinion.

By these moves, Egypt has set a pattern for all the Arab nations to follow. Nonetheless, Syria has purposely denounced all policies established by Egypt toward the Jewish community. It is known that the Syrian Government has created a special investigation commission to probe into the personal and individual life of every member of the Jewish community over the age of 13. These actions are repugnant to the concept of human freedom and dignity. These are not ideals that may be given or taken away at the whim of governments; these are the undeniable rights of all citizens of all countries.

For over a decade, the Syrian Government absolutely has refused to permit emigration. Every Jewish man and woman caught seeking to make their way out of the country will receive a lengthy prison sentence and could possibly be sentenced to death. Just a few months ago 12 young men were seized seeking to escape.

To the Jewish community this situation is very clear and the overwhelming majority of the Jews want to leave this land, but are unable to do so until this oppressive government retracts their policies toward the Jews. This can be done only with the help of world opinion.

In Iraq the range of discriminatory measures imposed by the Iraqi regime on the Jewish community—including open legislation against Jews, has had harsh cumulative effects. Jews have been cut off from their assets and made destitute, so that they face possible starvation.

In January 1969, nine Jews—together with Christian and Moslem covictims—were strung up in public squares before jeering mobs which serves as an example of the plight of 3,000 Jews now living in Iraq. Many times in the past, I have expressed my deep concern over the barbaric treatment the Jewish citizens receive in the Arab countries. The 4,000 Jews living in Syria are virtually a captive community living in constant fear. Approximately 2,500 Jews dwell in Damascus 1,500 in Aleppo and 40 to 50 families in the town of Kamichlie, on the Turkish border. Although Syrian nationals, they certainly are not treated as such. To many of these citizens, the question of emigration is no less than a matter of life or death.

Mr. Speaker, I feel it is my duty to ask that the U.S. Government take a stand on this issue and do what is possible to relieve the pressure put upon by governments unfriendly to the Jewish people.

To conclude, the freedom of life is in the hands of the peoples of the world. We can create it or destroy it. How we stand today against oppression will determine how man will live tomorrow.

UNETHICAL MORTGAGE LENDERS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. PATMAN. Mr. Speaker, Congress should move with great care on proposals to bail out lenders who are in violation of local statutes.

There seems to be a pellmell rush to rescue mortgage lenders who the courts say have been violating laws in the District of Columbia.

At this time, I do not have the full details of this situation, but I hope that the appropriate committees will gather all of the pertinent data before suggesting a retroactive excuse going back several decades on mortgage lending. It is possible that a number of consumers—homebuyers—have substantial legal rights in this issue and I sincerely question whether it is the role of Congress to wipe out these rights in favor of a handful of lenders.

Mr. Speaker, the Congress should determine just who is to be benefited from the removal of the current interest rate ceilings. I suggest that we should determine:

First. What role the lenders are currently playing in the District of Columbia, including the type of housing being financed.

Second. What interest rate will be charged if the current ceiling is removed and whether the District of Columbia residents—who need housing—will be able to pay the additional charges.

Certainly the Congress should exact a specific pledge from these lenders that they will finance low- and moderate-income housing at reasonable rates before overturning the present statute. Without this assurance, the Congress would probably be simply endorsing the funneling of additional money into high cost housing in affluent areas.

I doubt that many low- and moderate-income families in the District could afford mortgages bearing effective interest rates of between 8 and 9 percent.

With these rates, the homebuyer must pay between $30,000 and $38,000 in interest on a $20,000 home. I hope that the Congress will not take any actions which endorse this kind of burden being placed on the backs of homebuyers.

Mr. Speaker, I am uncertain about what role mortgage bankers played in the financing of local housing efforts. From the news accounts, it appears that these lenders are basically middlemen standing between the homebuyer and some other financial institution. It may well be that this middleman is simply adding to the cost of the money and to the cost of the housing. If this is the case, the Congress should look at this situation closely and see what can be done to channel money into housing in a more efficient and less costly manner.

This would be a good time to take a broad look at all of the lending and mortgage practices in this area.

The Banking and Currency Committee has conducted several investigations into lending and housing practices in the District of Columbia area and the newspapers have conducted investigations on their own. All of these investigations have raised serious questions and I am not sure that the Congress would be dealing with the situation properly if it simply enacted an emergency statute designed to overturn a court decision.

The Congress should determine the role of the other lenders in the District of Columbia and make sure that there are not other statutes which may have been violated through the years in connection with mortgage lending.

In light of what has happened, the Congress should not wait until there are other court decisions pointing up problems of this nature. Congress ought not to wait for the courts to make all of the discoveries.

It is to be expected that the lenders will trot out the tired old lines that higher rates were needed to avoid drying up mortgage funds.

Lenders have never been able to prove that higher rates bring more mortgages, but it can be shown that low- and moderate-income buyers cannot afford the higher costs. There is strong suspicion that the lenders have already dried up the funds to low- and moderate-income families whatever the interest rates.

Housing problems in the District of Columbia—as in other cities—are tremendous and it is absurd to think they can be met by taking care of the lenders' legal problems. Congress should be devoting its efforts to obtaining a better allocation of credit at reasonable rates to areas of greatest need rather than to statutes designed to accommodate lenders and to make it easier for high interest policies to remain in force throughout the Nation.

ENVIRONMENTAL PROTECTION AGENCY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. HANNA. Mr. Speaker, I believe the recent creation of the Environmental Protection Agency and the promulgation by that Agency of air and water quality standards marks a watershed in this Nation's fight against pollution and for a higher quality of life. The time has come not only for a redirection of our energies but also, to my mind, for a new look at the sources of these energies.

As one who has on the public record expressions of concern over our ecology as far back as the 89th Congress, and as one who has taken concrete steps to avert impending disaster, I feel I can honestly call to task those in our country who bear the responsibility for preserving at least our little corner of the world. This Congress has passed—and I have actively supported—major legislation to protect our waterways, both inland and off our ocean shores, to preserve endangered wildlife, to encourage maximum reuse of our natural resources, and to guarantee the purity of the very air we breathe.

Notwithstanding these marked achievements, I will concede—as any responsible and aware person must—that we have but begun the fight, that we have acknowledged merely the exposed tip of a frighteningly contaminated iceberg. It is this acknowledgment and realization of what still lies ahead to which I attempt to address myself today and for which I modestly suggest some possible directions we in Government—local and State as well as Federal—might take.

In speaking to this body on this issue, I am the first to acknowledge the predilection inherent in the portion of the country which I have the distinct privilege to represent in the Congress. The major pollution confronting my district and the surrounding area of southern California is also that which is usually most visible—air pollution—and which comes largely from a most visible source, the automobile. No one who has viewed and experienced the asphyxiating smog which frequently envelopes the Los Angeles area can fault me when I ascribe to this problem a high priority for resolution. Yet I feel I must question the approaches we in Government are exploring in seeking this admittedly vital solution.

We have, as I noted, established via the Environmental Protection Agency quite stringent air quality standards. We have also taken major steps toward realizing those standards by imposing limits on pollutants emitted by various industries and modes of transportation. I offer, however, the following two related questions which bear directly on any ultimate solution we may envision and/or attempt to achieve:

First. Can we continue to regulate emitted pollutants without having to face regulation of the polluter?

Second Should the Federal Government continue to bear the major burden in reducing pollution?

As federally imposed regulations have been brought more and more strongly to bear on the general public, I have occasionally glimpsed, through the clouds of general outcry on the two extremes of the argument, rational responses to this critical situation. I recently came across just such a response in a magazine representing, interestingly enough, a significant faction of the automobile enthusiasts in the country. Before continuing, I commend the appended comments to the attention of my colleagues. While obviously not endorsing the entire contents of the article, I must impress upon my colleagues the significance of the source of the comments. They are offered by one vitally interested in the continued availability of the automobile as a basic means of transportation in addition to being fully aware of the need for alternatives and with full respect for the consequences should these alternatives not be responsibly sought. Such a source must, I believe, receive our careful consideration as it reflects a heretofore too often overlooked viewpoint.

As to specific approaches to this problem, Mr. Speaker, I am firmly convinced, as is pointed out in the aforementioned article, that in coping with the air pollution problem in areas of our country which have large automobile populations, we must acknowledge that it is now time to take steps to limit the use of automobiles. As has been pointed out elsewhere, any reductions in overall pollutants that could have been achieved by the fairly stringent regulations now in effect, will be more than negated by the increase in the number of automobiles being manufactured and sold now and in the immediate future. In making this point, I am answering in the negative my first question posed above. While recognizing the limits on any Federal actions in this regard, we must realize that certain indirect means are available, especially via the imposition of taxes designed to regulate activities as opposed to generating revenue. While this tactic is not often spoken of publicly, I hasten to emphasize to this body that our income tax laws are replete with such taxes, many of them being much less equitable and encouraging less noble ends than the purification of our air. I, myself, have cosponsored legislation providing for just such a tax on industrial air pollution. A tax of this sort, designed to reduce automobile usage could take many forms, two of which might be a general excise tax on the purchase of cars or an increased tax on gasoline purchases. Returning to the field of income tax law, might it not also be plausible to modify the current provisions for mileage deductions?

I readily admit that these suggestions could be quite far reaching and have consequences far beyond the immediate goal I am here considering, but I cannot accept such arguments as negating any consideration of these approaches—if not with specific enactment in mind, then at least as a vehicle for illuminating other ideas. I also believe certain of my colleagues have sponsored legislation providing further tax deductions for the cost of installing emission control equipment on cars. Why not—if we are truly committed to the ends being sought by such legislation?

Turning now to my second question, I must also answer it in the negative. While there are areas in which the Federal Government is the most logical and only truly effective agent to regulate pollution, the time has come for State and local government to shoulder their burden more readily and fully in the areas most susceptible to their regulation. This watershed which I mentioned initially must result in an equalizing of the burden through a dispassionate commitment by all levels of government to set standards and examples and to assume their obligatory role of leadership in times of crisis.

The means for a distribution of this burden are and have been for some time readily at hand. State and local government, having many of the police powers denied to the Federal Government, have equivocated too long in this battle. There exist means of exerting pressure on the automobile owner too numerous to list comprehensively at this point, but a few of which are local and county registration fees, State gasoline taxes, various forms of property tax, and specific restrictions on uses—that is, commuter taxes, restricted shopping areas, et cetra. Also, via building codes and zoning laws, indirect but highly effective restrictions can be imposed. And, once again, why not—if we are truly committed to these worthwhile and necessary ends?

I will be the first to concede that my remarks in their entirety presuppose the development of alternatives to the automobile. Yet we have—supposedly—already made this commitment through the creation of the Urban Mass Transportation Administration. While a conscientious commitment has in reality yet to be made, given the paucity of funds allocated to date and this body's reticence to make other similarly oriented moneys available, points well taken in the article which follows, we must begin now to work for a reduction in the use of the automobile. I have in the past actively supported waivers under Federal laws to permit my home State of California to impose standards more stringent than the Federal guidelines. I will, however, find it increasingly difficult to continue to support such waivers as the rationale for such support loses its efficacy without some indication of a commitment by other levels of government to the development of alternative regulatory means. Such a commitment may well accomplish two ends—directly reduce pollution and indirectly serve as an incentive for development of alternatives.

I will explore, Mr. Speaker, in later remarks to this body, some of the above-noted alternative regulatory means in more detail. For now, however, a time of awakening and rededication is appropriately upon us.

The article follows:

[From Road and Track, September 1971]

OF IMMEDIATE INTEREST

Now that the automobile has been named the great air polluter of U.S. cities, the federal government and the State of California are in a dead heat to see who can write the most stringent emission limits for new cars. The federal government has set limits for 1976 that are next to impossible, and the California legislators are now talking about going them one better.

Ridiculous. Now that these standards are on the books, let's get on with the next problem at hand, *limiting the amount of use* of automobiles in the urban environment. It makes absolutely no sense to go all-out to limit the emissions of the automotive unit while going on doing everything imaginable to encourage and increase the amount of use each car gets daily. We sit here in southern California watching exactly this happening, and it's so incredibly illogical that we can hardly believe it's happening. But it is, in Los Angeles and every other major U.S. city.

Specifically, in Los Angeles and elsewhere, urban freeways continue to be built—almost helter-skelter, except for the recent trend toward citizens protesting and blocking them. How on earth can urban area expect to bring pollution and congestion under control while continuing to accommodate the automotive flight to the suburbs?

The federal government has also set air quality standards for U.S. cities for 1975, via the Environmental Protection Agency run by William Ruckelshaus. Ruckelshaus says that Chicago, Denver, Los Angeles, New York, Philadelphia and Washington will have to cut down on the use of cars and suggests "prohibition of automobiles during peak traffic hours" as a course of action, besides mandatory car pools.

America seems to have a great tendency to prohibit things. If something offends, prohibit it. If fragile bumpers have cost hapless people a lot in repair bills, ban fragile bumpers—even for people who like fragile bumpers. If too many cars cause pollution and congestion problems, ban cars. Remember prohibition?

A more realistic approach is to *limit* the offending factor. If a problem grows out of proportion, put a lid on it. And we think this is the way to approach the urban traffic problem.

Why has the automobile become a problem for urban America? First, because it had a real and important attraction. It offered personal, private, convenient transportation. Second, Americans learned first how to produce the automobile in quantity and make it cheap. So nearly everyone could have one. Then we allowed public transportation to die. Mind you, *we* did it, not "they."

Everything went fine for decades. The federal government and many states even saw fit to write into law that taxes collected on gasoline for cars couldn't be used for anything but roads. Logical: those who use the roads pay for them. So we built roads—magnificent roads. We came to grips with the automobile, we thought, by doing everything possible to make sure everyone had one. We didn't tax it heavily, and we didn't tax the fuel to run it very much; after all, with these taxes so restricted in what they could be used for, there was plenty of revenue from the light taxes, which today range from 10 to 12 cents per gallon, state plus federal.

The national version of this is called the Highway Trust fund and it pulls in some $5 billion annually from the federal 4¢ per gallon, which in turn is doled out as assistance for highway building. When a city is considering freeways versus mass transit, there's hardly any choice: the federal government, via the Trust Fund, can match funds at a 9-to-1 ratio. The city gets $1 worth of freeway for 10¢. Any other form of urban transit will cost the city 30–50¢ on the dollar. And it's a self-perpetuating round: build the freeway, people decide they can live farther out, they fill it up and another new freeway is needed.

Last November, California voters had the chance to vote for a constitutional amendment that could have diverted 25 percent of that state's gasoline tax to mass transit and pollution research. It was defeated, largely because the local branch of AAA and five major oil companies mounted an impressive billboard campaign against it. Theme of the billboards: it would mean more taxes.

Yes, it would mean more taxes—especially if the assumption is that roadbuilding would continue unabated. But such an amendment would be wasted if that happened: one of its greatest attractions is that it could slow down roadbuilding.

Mass transit, to become competitive again, must be modern, speedy and comfortable. But it must have compelling economic attraction as well: the American urban public—at least the majority—is affluent. It can afford to run cars, even gas-guzzling ones. And it likes the privacy well enough to put up with the traffic jams—at least at current cost levels. So mass transit has to become competitive—indeed imperative—on an economic basis. How?

Cars already are becoming more expensive to operate. Prices are going up because of safety and emission equipment; fuel economy is going down because of emission equipment. Insurance is a national problem, and in cities as crowded as New York the cost of parking is a strong deterrent to owning a car. The "natural" process, a direct result of the automobile having become a major environmental problem, may be enough to revive mass transit's attraction for America's city dwellers.

Or it may not be. It may—and probably will—take large new sources of revenue to finance public transit systems. And the logical source for it, we think, is the automobile. Gasoline taxes may have to go 'way up (in European countries, which do provide a lot of good public transit in cities, they are as much as 60¢ per gallon!); perhaps new-car purchase taxes, based on weight, engine size, initial price or overall dimensions, should be graduated from the current low American levels to something like the 40 percent applied to any new car of over 3-liter displacement in Japan. And it's probably the cities that will have to do the taxing; rural people neither need nor will get public transit.

We can already hear the screams of agony. "You want to lower our standard of living!" "Cars cost too much already!" But it's inevitable anyway, and we think it makes far more sense—especially from a personal freedom viewpoint—to tax up the cost of something instead of prohibiting it. Thus if one wants to drive badly enough he can work hard, make the money and do it. If not, he'll have the alternative of public transportation. The number of people driving—proportional to the population—must come down, and with the alternative of public transportation there for the choosing one has little complaint if he gets caught in a traffic jam.

So, in effect, we're suggesting that higher automotive taxes are a double solution to transportation and pollution problems: at one time they provide funds for public transportation and discourage excessive use of automobiles. We believe they must be phased in gradually, however; a fell swoop of tax increases would hit the poor hard before there was any alternative transportation, especially in a place like Los Angeles which is virtually devoid of public transportation.

We're not economists, nor are we public transportation experts. However, we cannot see our current mass dependence on the car continuing indefinitely and we do not like the idea of prohibiting this and that use of the car. So we offer the concept of automotive taxation as a force for balancing America's urban transportation *in lieu* of ever tougher emission controls and traffic prohibition. Think about it. Europe has lived with it for years, and look who builds the best cars.

PADRE OF YOUTH AWARD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mrs. GRASSO. Mr. Speaker, a priest's life is an all-encompassing one—he is a constant companion for people during times of great joy and deep sorrow. Commitment, compassion, patience, faith, generosity, and love—all are his tools to do God's work in a troubled world.

It is my fortunate honor and privilege to commend a priest in my Sixth Congressional District, whose work is not only truly worthy of distinction, but as especially important because it involves the crucial development of the church's link to the future—her young people.

Rev. Augustine H. Giusani, now pastor of St. Ann's Church in New Britain, spent 25 years of his clerical life as a strong leader in the Catholic Youth Organization. From 1947 to 1954, Father Giusani headed the Waterbury CYO, and from 1954 to 1961, he guided CYO activities in New Britain. As director of CYO in the archdiocese of Hartford, from 1961 to 1971, Father Giusani coordinated the many educational, cultural and sporting activities for the over 125,000 young people who participate in CYO each year. He assumed additional responsibilities as director of the New England CYO from 1968 to 1971, and for the past 10 years, as a member of the National CYO Advisory Board.

Last week the National Catholic Youth Organization presented him with the coveted Padre of Youth Award at its national convention in Washington. The award is the more cherished coming as it does on the retirement of Father Giusani from office in the organization.

This well deserved recognition is tribute to Father Giusani's ability to serve as an inspirational leader and warm friend to young people in his bridge-building efforts between our youth and the church. Father Giusani's success in his life's mission is built on his philosophy that young people, and all church members, must "live the doctrines of faith, not just learn them."

As his new career of church pastor unfolds, loving memories of the thousands of young people who have benefited from his concern and advice will sustain Father Giusani through the challenges which lie ahead.

BUTTER SALES UP

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. ZWACH. Mr. Speaker, I note that as of November 17 overseas butter sales total 102,959,188 pounds under the program that was instituted the week of May 17.

At that time the butter was sold, mainly to England, at 50 cents per pound.

On October 6 the price was increased to 52½ cents.

These sales are being made without any disruption of our world export trade market.

Over 2 billion pounds of milk are required to produce this amount of butter.

As a result of this transaction we see a firming of our domestic butter market.

Mr. Speaker, this increase in foreign trade value is one of the avenues by which we can bring some improvement to the economy of our countryside.

"THE AIR WAR IN INDOCHINA": THE CORNELL REPORT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MIKVA. Mr. Speaker, a remarkable document will soon be published by a research group at Cornell University, detailing the facts and the futility of the bombing policy we have been pursuing in Indochina.

The massive bombing carried out throughout Indochina by the United States is not only inhumane, it is ineffective from a military standpoint. More tonnage has been exploded in and over Indochina than in all of World War II and the Korean war combined.

In North Vietnam, this war-by-proxy has produced more than 50,000 casualties a year, 80 percent of whom were civilians. In South Vietnam, there have been over 1 million civilian casualties from indiscriminate and militarily ineffective bombing. The report shows that only a fraction—5 to 8 percent—of the sorties flown in South Vietnam were in direct support of combat troops.

A tragic irony of such massive aerial warfare is revealed by the fact that more American soldiers have been killed by booby-trapped dud bombs—1,000 in 1966—than enemy soldiers killed by our air strikes, approximately 100 during the same period.

The air war has been unjustifiably costly in economic terms as well as human terms. The total economic cost is estimated by the Cornell study to reach $50 billion.

In the face of such facts, the world must conclude that we are mad. The air war in Indochina has cost us billions of dollars, thousands upon thousands of lives among our allies and our own troops, the respect and good will of the very people we are pretending to help—and all for naught. Aerial warfare has been a miserable failure militarily, as the report shows and as our own intelligence reports have continually advised.

Mr. Speaker, I would like to insert in the RECORD a brief summary of the Cornell University research report on the air war in Indochina. The truth is often unpleasant, but it must be confronted. If the imminent publication of the full Cornell report helps us to do that, it will be of immense value.

The summary follows:

THE AIR WAR IN INDOCHINA

This research report prepared by a group at Cornell University presents for the first time a comprehensive examination of the American air war in Indochina. The report contains a historical account and detailed statistical data for the air war in each of the countries of Indochina. A separate chapter is devoted to an analysis of the technical problems in the deployment of air power, including the scattering of ordnance which results from limited targeting accuracy, from target misidentification, from ground-fire suppression, and from such specialized missions as armed reconnaissance.

The presentation provides the basis for a more accurate interpretation of the present level of deployment of American air power and for a study of the trends for the immediate future. The data reveal that, despite a significant reduction in the amount of American air power in Indochina, very substantial forces remain in the theater and continue to be used at a high level. By the end of this year, the Nixon Administration will have deployed in three years as much bomb tonnage as the Johnson Administration did in five. It appears that the policy of withdrawal-without-political-compromise leaves the U.S. still boxed in by the enemy's military initiatives; as American ground forces are withdrawn, the only response available will be massive retaliation from the air. The report examines the characteristics of this type of response in the light of past experience and concludes that it is badly mismatched to the challenges of guerrilla warfare with which it may have to contend.

To illustrate the high intensity of the American bombing, tonnage figures for air munitions deployed may be compared with a case which has been studied in detail. The war against North Vietnam, waged almost exclusively from the air, used 100,000-200,000 tons of bombs per year; it was a lavish and hard-hitting campaign which, despite exceptionally strict controls on the targeting, caused widespread devastation and entailed as many as 50,000 casualties a year, 80 per cent of whom were civilians. This tonnage rate has been equalled or greatly exceeded in several theaters of the Indochina war. Even at present, in the first eight months of 1971, more than 500,000 tons of bombs were dropped by U.S. planes. The large scale of this effort is further emphasized if one realizes that the British, in their successful counter-insurgency war in Malaya, used only 33,000 tons of air munitions in the whole period of ten years.

In South Vietnam alone, the U.S. has already dropped 3.6 million tons of bombs. The report presents a study of the impact of an air war conducted on such a massive scale. Only 5 to 8 per cent of the air sorties flown in South Vietnam were in direct support of American or allied troops in battle; the rest were for interdiction, harassment, and retaliation—missions which, in a country being defended not attacked from the air, result in widesperad civil destruction among the population whose allegiance is being sought. The motivation for many of the air strikes is documented by the leaflet drops which preceded or followed them; the texts of several such leaflets are cited. In South Vietnam to date, it is estimated that there have been over one million civilian casualties, including 325,000 deaths, while over 6 million people (one-third of the population) have become refugees.

U.S. air activity in South Vietnam itself has been cut back, with the South Vietnamese Air Force taking up some of the tactical bombing assignments. U.S. emphasis is now more on saturation bombing by B-52 Stratofortresses. A typical mission of six B-52s drops 300,000 pounds of high explosive in a fraction of a minute. (A hand grenade contains less than one pound.) Such bombing without a detailed target demolishes an area corresponding to 200 city blocks. Over half the tonnage dropped in South Vietnam has been in such massive saturation raids.

Bombing of North Vietnam between 1964 and 1968 failed to achieve significant results. Economic damage and civilian casualties were very heavy, as noted above, but CIA and Defense Department studies at the time showed no measurable reduction in North Vietnam's will or capability for contributing to the war in the South. The statistics cited in the present report show that the 1968 bombing "halts" did not actually reduce air activity in Indochina, but only shifted its focus—first to below the 20th parallel, and then to Laos and the Ho Chi Minh Trail.

Despite Administration denials, a major air effort has been carried out in northern Laos to support ground activities of the Royal Laotian Government, which are totally unconnected with the conflict in Vietnam. U.S. bombing there during 1969 was as intense as that during the attack on North Vietnam (200,000 tons per year into an area the size of Kentucky), and even fewer restrictions were placed on the use of air power than in South Vietnam. The recurring reports of widespread devastation of Laotian society are credible in the light of these facts. Despite the massive bombing effort the Pathet Lao now control more territory than ever before.

In Cambodia, American air operations have been conducted with sustained intensity since 1970. They have included not only interdiction missions against supply and troop concentrations in the northeast, but also close-support operations for Cambodian and South Vietnamese troops. At present Cambodia has joined the list of Indochinese countries totally dependent on the U.S. for their military and economic survival.

The air war over the Ho Chi Minh Trail in southern Laos has been steadily escalating since 1966, with 400,000 tons of munitions expected to be dropped this year. This interdiction campaign has become the focus of the U.S. air war in Indochina; it has also served as a laboratory for the improvement of air-war technology. Elaborate and expensive electronic devices are being developed as instrumentation for an "electronic battlefield," the goal of which is automated and computerized warfare, providing an all-weather, day-night interdiction capability. This development is a further step in the depersonalization of war: "Machines fight the gooks, and no human beings are involved on either side!"

The air war has also resulted in a direct and massive onslaught on the ecology of Indochina. More than one-third of the forest area of South Vietnam has been sprayed with defoliants, one-half of the country's mangrove forests have been killed off, and enough food has been destroyed by herbicides to feed 600,000 people for one year.

Various examples point to the paradox inherent in the mechanized American response to guerrilla warfare. For instance, one Defense Department analysis showed that the extensive American bombing provided the enemy with more than enough explosives from dud bombs, 27,000 tons in 1966 alone, to make his mines and booby traps. Such devices killed over 1,000 U.S. soldiers that year, while the air strikes were estimated to have killed no more than 100 of the enemy.

The direct budgetary costs of the air war thus far have been about $25 billion, or about one-quarter of the cost of the Indochina war; the total U.S. economic costs are estimated at more than $50 billion. The immense cost to the people of Indochina cannot be put in such precise figures, but it must be taken into account in evaluating the air war.

The credibility of U.S. government statements about the air war is called into question by numerous discrepancies. The Pentagon Papers have now revealed developments through early 1968; this report draws attention to events since that time. In 1969, when 200,000 tons of bombs were dumped on northern Laos, Washington officially admitted only to flying "reconnaissance" missions. B-52 raids in northern Laos went on for more than a year before official acknowledgement. It was stated that U.S. planes were not giving close support to Cambodian troops when in fact they were. "Protective reaction" raids against North Vietnam strike a wider range of targets than their official description implies.

In surveying the present trends in the air war, the report finds that there has indeed been a significant withdrawal of American air power from Southeast Asia. Despite this relative decrease in the number of U.S. aircraft deployed in the theater, more than enough remain to permit a continuation of the air war on a massive scale. American attack planes are being withdrawn primarily from bases within South Vietnam; substantial numbers remain in operation from bases in Thailand and carriers in the South China Sea. At the same time, the South Vietnamese Air Force is being built up to take over many of the in-country operations, while relying, however, on U.S. aircraft for the maintence of air superiority and for missions in other parts of Indochina.

In terms of military effectiveness, the study finds that although air power has been able to achieve narrowly defined military missions, such mini-successes have not added up to yield an overall position of strength. Close air support of friendly troops has definite advantages—but only a small fraction of the U.S. air effort has been devoted to that mission. Interdiction is a valid objective—but it has yet to be shown that air power under Indochinese conditions can reduce the flow of men and materiel enough to curtail guerrilla activities.

While aerial bombing has undeniable military advantages in conventional warfare with massed troop concentrations, in guerrilla warfare the American capital-intensive response, substituting lavish firepower for manpower, is both inefficient and indiscriminate. Military gains, which at most buy time, are mitigated by heavy civilian damage from air war, the consolidation of enemy morale which frequently results, and the unfavorable image of the U.S. projected abroad. Indiscriminate destruction resulting from the use of air power amidst civilian populations contributes to the continuing weakness of friendly regimes in Indochina. U.S. political aims in Indochina are hardly more secure today then ten years ago.

In sum, the study concludes that, while the use of air power is tempting because of its relatively low cost in dollars and American lives, in the Indochina setting its military effectiveness is restricted and its indiscriminate devastation is politically counterproductive. The report suggests that the air war was prosecuted in the face of these facts not because American politicians were knaves or fools, but rather because of a failure of the imagination: a failure to develop policies more complex, but at the same time more humane and politically appropriate, than routine application of the massive firepower available to the United States through its advanced technology.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 2,800 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 188,300 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

HOUSING FOR THE ELDERLY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. SCHEUER. Mr. Speaker, this Nation's continued neglect of the elderly has reached nearly scandalous proportions.

All recent studies have found that the elderly constitute one of the few groups in the Nation whose numbers increase among the poor each year. In addition, as a group, the elderly face a national lack of facilities and services in such areas as housing, health, supportive services, and transportation. Finally, even where these services and facilities exist, the elderly poor are often unaware of their existence or find them inaccessible.

Despite the existence of these well-known problems, little has been done to ameliorate the situation. Social security payments are still too low to permit a decent standard of living and existing programs to provide facilities and services are still funded at a shockingly low level—a fact I noted when I offered a $40 million amendment for the elderly to the bill extending the Office of Economic Opportunity.

The most desirable solution to these problems involves a basic reordering of priorities—incomes must be increased, facilities and services provided, information as to the availability of programs disseminated.

I support these goals and will continue to work toward their achievement.

In the meantime, I am today introducing a bill to help the elderly poor meet one of their most pressing needs—decent, safe housing.

It is true that housing is a most important commodity for persons of all ages. But, in the words of a National Council on the Aging report, for the elderly—

> Safe and suitable housing is probably the most important single environmental factor in the well being of elderly persons.

Housing, for the elderly, "may mean the difference between living independently or in an institution; between solitude and socialization; between safety and danger; or, in extreme cases, between life and death."

Despite the important role that housing plays in the lives of the elderly, the fact is that a substantial proportion of the elderly poor live in substandard housing for which they must pay a disproportionate amount of their incomes.

To help remedy this situation, my bill would pay a shelter allowance to those elderly individuals who have a disposable income of $4,500 or less. This allowance would be equivalent to the difference between the maximum fair rental of their housing and 25 percent of their income, with a maximum payment of $1,200 per year.

It is true that Congress enacted a similar rent supplement bill in 1962. But, as a matter of fact, this program has been seriously underfunded and it is not available to the elderly as a right.

To remedy this situation, my bill would make the housing allowance a part of an individual's social security payments, payable from the social security trust fund.

Of course, enactment of my bill would necessitate an increase in social security taxes. However, the amount of the increase would be minimal. Based upon New York's experience with its rent increase exemption law for the elderly, the estimated total national cost of my bill would be approximately $97 million per year. As total national social security tax collections now amount to approximately $36 billion per year, the additional taxes required to meet the cost of my program would amount to less than one-tenth of 1 percent.

Mr. Speaker, the plight of the elderly is a national disgrace. We must move immediately to end the poverty and degradation that affects those to whom we owe so much. Although the bill I have introduced today is only a small step toward this goal, I do hope that it will make at least a small contribution to the total effort that is required.

JAMES J. KILPATRICK'S COLUMN ON NEW HOPE FOR MINORITY EDUCATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. PUCINSKI. Mr. Speaker, the distinguished American journalist, Mr. James J. Kilpatrick, has written an outstanding column for the Washington Star on a ray of light regarding education of minority pupils.

Mr. Kilpatrick has performed an enormous public service by giving national attention through his column to the findings of George Weber regarding four successful educational programs for our Nation's minority children

I believe every educator in America should read Mr. Kilpatrick's column which I am placing in the Record today. As chairman of the House Subcommittee on General Education, I sincerely believe Mr. Kilpatrick's column reporting Mr. Weber's findings can open a whole new vista of educational opportunities for the Nation's disadvantaged children.

The column follows:

A Ray of Light on Education of Minority Pupils

(By James J. Kilpatrick)

In recent years, one of the great controversies of education has revolved around the inner-city school. By virtually every account, these schools have been failing in the primary function: They have not succeeded in giving their poor black, Puerto Rican or Mexican-American children a basic education.

Recognition of the widespread failure has led to a number of hypotheses, proposals and attempted solutions. One such theory, for example, holds that black children as a group are inherently or racially different from white children in their learning aptitudes. Another theory places the blame for poor achievement largely upon poor environment.

In the midst of this gloom and confusion, the Council for Basic Education has just produced a sensible ray of light. Convinced that inner-city children *can* be taught to read at national levels of achievement, the council set out to find ghetto schools that are not failing but in fact are succeeding. In a paper published last week, the CBE associate director, George Weber, describes his search for such schools. He found four.

Two of these success stories are being written in New York, one of them in the Chelsea section of the lower West Side, the other in Harlem. A third exemplary school was uncovered in Kansas City, a fourth in Los Angeles. The third-grade children of these schools are by and large the products of poverty and poor environment. Many of them arrive in the first grade speaking Spanish only. On the face of it, they have every reason to fail; but they are not failing. In these schools they are learning.

What makes them click? Why do they succeed when so many other ghetto schools, also examined in the CBE study, produce the same melancholy test scores? Weber's year-long investigation, limited though it was, has turned up some useful conclusions.

Weber begins by brushing aside the theory of inherited characteristics: "Higher average intelligence does not, in my opinion have anything to do with race or ethnic group." Neither could he find evidence to support the popular notion that smaller classes, in themselves, will improve the skills of inner-city pupils. He discards the concept of intensive pre-school training. He could find no correlation between achievement and physical plant. Two of the successful schools are roughly 50 years old, and all four are of the old-fashioned "egg crate" design.

Eight factors, his study indicates, apparently produce a successful school: "Strong leadership, high expectations, good atmosphere, strong emphasis on reading, additional reading personnel, use of phonics, individualization, and careful evaluation of pupil progress."

Woodland School in Kansas City, built in 1921, is 99 percent black Its 650 children are "very poor." Here one touches the core of the core city. Yet Kansas City has driving leadership in the person of Robert R. Wheeler, area superintendent for urban education. Wheeler simply will not accept "the myth that environmental factors develop unalterable learning depression." He scoffed at the notion that pupils do poorly because they "don't have enough oatmeal," or "need more trips to the zoo."

By putting its money into reading specialists, relatively large classes and a disciplined program of instruction grounded in phonics, Woodland is getting results.

Weber regrettably does not provide figures on per-pupil costs in the exemplary schools. Obviously, special teachers and individual instruction represent an added expense. Yet it seems a fair assumption that such a cost is much less than the cost of transporting ghetto children to the suburbs. Weber does not make the point, but the point ought to be made: The children, in other cities, are getting a good busing. Which makes more sense?

NEW COMPANY LOCATED IN BILLERICA, MASS.

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MORSE. Mr. Speaker, last month I was privileged to be one of the speakers at the dedication of a new manufacturing facility in my congressional district—the MacBick Co., in Billerica, Mass.

While it is always a pleasure to see responsible industrial growth taking place in Massachusetts, I am especially pleased with the remarkable growth of this particular firm during recent years. Its expansion in Massachusetts signals what will hopefully be a rejuvenating force in the economy of eastern Massachusetts, which has unfortunately suffered by economic dislocations in the aerospace and defense industry. But of even greater significance, I feel, is the return of part of the textile industry to New England. The MacBick Co. will be utilizing the enormous technological expertise of Massachusetts residents in expanding the output of nonwoven textiles for hospital supplies. I am encouraged by this particular industrial activity and pleased with the prospect that the textile industry, once the dominant force in the New England economy, may be returning.

I commend to my colleagues' attention the following article, from the Lowell, Mass., Sun, which describes this encouraging economic development, and I insert it in the Record at this point:

[From the Lowell, Mass., Sun, Oct. 18, 1971]

Dedicate New Plant in Billerica

Billerica.—The dedication of the MacBick Company's new 102,000-square-foot general offices and primary production plant on Concord Road in Billerica Sunday ran against two strong trends in the Greater Boston area:

1. Instead of cutting back on production and work force, the new MacBick plant is in full and growing production, employing over 200 workers, most recruited from the immediate area.

2. And the long, post-World War II trend of a disappearing textile industry, chiefly relocating in the South, has been countered in part by the opening of the Billerica plant which is geared to the production of a new generation of textiles of a non-woven variety, and which has been relocated from the MacBick plant site in Georgia.

The new plant produces surgical packs, drapes and other disposable items used in hospitals and clinics.

Principal speakers at the dedication, Congressman F. Bradford Morse of Lowell, and MacBick's President, George H. Olsen, Jr., hailed the opening of the new plant as a good sign for the hard-pressed Massachusetts economy.

MacBick is a pioneer and leader in the rapidly-growing field of non-woven textiles. Other company plants are located at Wilmington and at Fitzwilliam, New Hampshire.

Olsen and officials of C. R. Bard, Inc., MacBick's parent corporation and a major manufacturer of medical equipment and supplies, see a continuing need for such products.

Olsen said that company officials were particularly pleased to be joining the Billerica community at a time when the company's need for personnel also filled a community need.

"With may companies suffering depressed sales and promotion, resulting in reduced payrolls, we hope the MacBick plant will take up a bit of the slack," Olsen said.

"It goes without saying," he said. "That we hope to employ more and more of the good people of this area as our own company prospers and grows."

There is plenty of room for plant expansion, a company spokesman said. Phased expansion will utilize more of the site in future years. The first addition will double production capacity.

Approximately 500 company employees and their families attended the dedication. Bard's President, J. Wendell Crain, and Daniel A. Cronin, Jr., a Concord resident and a corporate group vice president, plus Bard officials, and leaders in the medical and hospital supply industry also attended the open house before and after the dedication ceremonies.

The plant is located on a 30-acre scenicsite overlooking the Concord River. A dedicatory cherry tree was planted at the beginning of the ceremonies.

Bard, headquartered at Murray Hill, New Jersey, had subsidiary and affiliated companies around the world.

FARM PROBLEMS AGAIN

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MADDEN. Mr. Speaker, the news media and the farm community in general are very much upset regarding the appointment of the former Secretary of Agriculture Earl L. Butz to take the place of the out-going Secretary of Agriculture Clifford M. Hardin.

For a number of years I, along with other Members of Congress have been protesting the annual payments the large conglomerate farm operations over the Nation and especially farms in the Middle and Far West. I have been protesting the fabulous amount of money paid these large farm operations under the unfortunate policy of reimbursing farmers for idle land. In 2 separate years, the House restricted the payment to any one farm operation to $20,000 per year. This would eliminate hundreds of large corporate farms from collecting annual checks from the Government in six figures. The other body on two occasions have overruled the action of the House.

In 1969 four large farm operations in California, Texas, and Arizona received over $1 million for idle land.

The Members of Congress were very much in favor of helping the small farmers in every way possible to receive good prices for their products and are not opposed to a $20,000 limitation to take care of the little farm, but we do oppose the financial scandal which large conglomerate farm operations inflicted on the American taxpayer.

In the New York Times, Sunday, November 14, 1971, there was a very interesting editorial on the present farm situation and concerning the renomination of Earl L. Butz as Secretary of Agriculture to resume his old position controlling farm economy which proved a failure during his last regime. I include the editorial in the New York Times, Sunday, November 14, 1971, edition, with my remarks:

Political Corn

President Nixon's decision to ease out Secretary of Agriculture Clifford M. Hardin is another political maneuver in a long history of mismanagement of farm affairs by both political parties.

During the 1968 campaign, Mr. Nixon deplored the fact that under a Democratic Administration the parity ratio had declined to 74 per cent—"the lowest since the darkest days of the Depression."

The ratio is now 69 per cent.

When he took office President Nixon had no farm program and he has none now. The self-effacing Mr. Hardin's function was to serve as a buffer between the White House and the various elements in the farm community. As buffers do, he gradually got worn down and a new one had to be found.

In all essentials, Earl L. Butz, the Secretary-designate, is more of the same. Like Mr. Hardin, he is a native of Indiana, a graduate of Purdue, a professor of agricultural economics, a conservative Republican, a standpatter on farm policy. He is a director of Ralston Purina Company, the giant cereal manufacturer of which Mr. Hardin is now to become vice chairman.

The only difference is that Mr. Butz has political ambitions and a somewhat more aggressive, articulate style. During the coming political year, he will talk a better game than his predecessor. That is not to say that Secretary Hardin was ever known to resist White House hints to take a politically expedient position. His most notorious cave-in was to set Government-supported dairy prices at one level, then raise them substantially a few weeks after an outpouring of dairymen's protests—and of political cash to the Republican party.

President Nixon's abandonment of his own plan to reorganize the Agriculture Department out of existence by distributing its functions among four new departments is a further adventure in cynicism. The original plan made perfectly good sense but, as a practical matter, Mr. Nixon has sacrificed nothing since the plan was going nowhere in Congress.

In American agriculture today, consumers and taxpayers have the worst of both worlds. They pay in taxes for cumbersome, expensive "price support" programs for major commodities which prop up prices artifically but which occasionally—as now—fail to give even substantial farmers an adequate return on their capital or to prevent smaller, less well capitalized farmers from being squeezed out of farming entirely.

Preisdent Nixon and Mr. Butz, who was an assistant secretary of agriculture in the Benson period, have been tiptoeing around the edges of the farm problem for twenty years and can be expected to go on doing so. Mr. Butz told his first news conference that the President had promised "to back us all the way in our efforts to give our farmers the income they deserve."

"The price of corn is too low," he declared in ringing tones.

One thing is clear. Political corn, like real corn, is in abundant supply.

DONNA LEREW GIVES A RECITAL ON VIOLIN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. McDADE. Mr. Speaker, all of us are aware that Capitol Hill is indeed blessed with many people with a multitude of talents. Often these talents find their way to a distinguished forum for their expression.

Such is the case with Miss Donna Lerew, who in professional life is an accomplished violinist. In private life, she is the wife of Mr. Jerry Zieman, majority counsel to the House Judiciary Committee.

Last Friday evening, Miss Lerew performed a violin concert in Carnegie Recital Hall in New York City displaying what critic Peter Davis of the New York Times called overall technical expertise with an uncommonly flexible style.

Mr. Speaker, I submit, for the RECORD, a copy of Miss Lerew's program and a copy of the New York Times review of her performance. I know the Members of the House will join me in expressing our great pride in her accomplishments.

The material follows:

PROGRAM

(Carnegie Recital Hall, Friday Evening at 8:00, November 12, 1971.)

Sonata in G Major, K. 301, W. A. Mozart.
Allegro con spirito.
Allegro.
Sonata for Solo Violin, 1944, Bela Bartok.
Tempo di ciaccona.
Fuga (Risoluto, non troppo vivo).
Melodia (Adagio).
Presto.
(Intermission.)
Three Miniatures for Violin and Piano, 1959, Krzysztof Penderecki.
Sonate, Maurice Ravel.
Allegretto.
Blues (Moderato).
Perpetuum mobile (Allegro).

[From the New York Times, Nov. 14, 1971]

DONNA LEREW GIVES A RECITAL ON VIOLIN

(By Peter G. Davis)

There were many admirable qualities to Donna Lerew's concert Friday night in Carnegie Recital Hall. Aside from her over-all technical expertise and rich, singing tone, the violinist is an uncommonly flexible stylist with the knack of projecting the precise musical essence of a piece.

Mozart's Sonata, K. 301, for instance, sparkled with infectious lyrical grace. The gentle avant-gardisms of Penderecki's Three Miniatures emerged sweetly and artfully poised, even when Miss Lerew was called upon to set the piano strings vibrating sympathetically by virtually crawling under the instrument's lid.

Miss Lerew's major challenge of the evening was the Bartók unaccompanied Sonata. The large, arching phrases of the opening movement and subsequent fugue were not fully sustained, although her unflinching attack, precise intonation and intelligence uncovered some interesting details.

Winding up with Ravel's Sonata, Miss Lerew and her polished accompaniantist, Maria Stoesser, made fine capital from its rhythmic insouciance and cool melodies.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CRITICAL SHORTAGE IN MEDICAL SERVICES

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. SMITH of Iowa. Mr. Speaker, I would like to share with my colleagues two interesting and informative articles about the critical shortage of medical services in rural America. One article entitled, "Rural Health Care Worsens as Doctors Retire, Move to Cities," appeared in the October 28, 1971, issue of the Wall Street Journal.

This article clearly demonstrates what some of us have been saying for a number of years, namely, that we have a serious health care situation throughout our rural communities. In an affluent Nation, it is said that our citizens in the rural communities fail to have the proper medical care.

Last February I made a speech on the floor urging that we should do something to solve this shortage of health care, especially where it is most acute, in the rural areas.

In my speech, I went even further to suggest that where the doctor shortage caused the closing of hospitals and clinics that we should take steps to improve our license requirements so that medical care could be offered by well-trained medical personnel assisting and working under doctors who may not necessarily be on the premises.

I urged President Nixon to call a national meeting of medical experts and others to urgently cope with our health dilemma. I made this appeal on February 17, 1971. Although I believe it was considered, the President still has not acted on my suggestion.

Meanwhile, a syndicated columnist, W. David Webb, has written an article in which he explains my plan and thinking on this critical situation. It appeared in a number of newspapers. I would like to also insert this article into the RECORD.

I think the Wall Street Journal clearly points out the difficulty of retaining the physician in the small community. I am distressed but not surprised that the Sears-Roebuck Foundation reluctantly killed a 14-year-old program to help rural communities attract doctors by establishing well-equipped medical centers. I never did think that would work. Doctors cannot be bribed into locating where they do not prefer to live and practice. Forgiveness of debt for education and furnishing facilities will not even shift the shortage from one area to another. By 1970, 52 of 162 such centers were closed and empty, the Wall Street Journal reports.

The Journal reporter, James P. Gannon, clearly points out the reason when he writes:

> "The premise on which the program was founded—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

The Journal gives some interesting reasons why doctors reject a rural medical practice. The Journal reports:

> Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and "professional isolation" from his peers, seem uninviting. And disadvantages of small town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors.

Since we cannot attract enough physicians to the rural areas, I think the situation is critical that we come up with a substitute. My substitute is explained in Mr. Webb's article. I again appeal to the President to bring together as soon as possible medical experts and trained professionals to meet this problem now.

The articles are as follows:

RURAL HEALTH CARE WORSENS AS DOCTORS RETIRE, MOVE TO CITIES

(By James P. Gannon)

DRY CREEK, W. Va.—The Jeep-like mountain vehicle lurches up a rocky path along a stream bed littered with rusty steel drums, crawls past a fleet of abandoned, stripped automobiles, and churns to a dusty halt in front of a ramshackle cabin.

Sitting on the porch is frizzy-haired Audrey Pettry, rolling one of the bent and pinched cigarets she smokes constantly. "I was just sittin' her wondern' if you'd come," the 73-year-old widow of a coal miner says. Inside the dark front room of the cabin, decorated with out-of-date calendars, Mrs. Pettry sits down while Mildred Snodgress, one of her visitors, inspects the old woman's ulcered leg. Mrs. Snodgress, a registered nurse, cleans and rebandages the sore while Mrs. Pettry puffs her cigaret down to a tiny, finger-scorching nub. "If it wasn't for these women," Mrs. Pettry says to another visitor, "I wouldn't have nobody."

Mrs. Pettry is one of more than 15,000 very poor people in Raleigh County who are beneficiaries of an unusual rural-health-care system known as the Mountaineer Family Health Plan. Based in nearby Beckley, the plan provides comprehensive medical, dental and eye care for country folks in the county, a coal-mining area in the southern part of West Virginia.

Programs like this one are important because of the worsening health crisis in rural America. The medical care problems all Americans face—ranging from shortages of doctors and clinics to skyrocketing, prohibitive costs—are found in double doses in rural areas. As the nation has become increasingly urban and its medical practitioners even more specialized, personnel and facilities for health care have concentrated in larger towns and cities, leaving country people to the care of the dwindling numbers of country doctors.

FROM HERE TO ETERNITY

Thousands of such general practitioners once were sprinkled throughout the rural countryside, but few remain. Many of those left are aging and unable to handle heavy patient loads. "There used to be one doctor in every little hamlet," says Dr. Martha Coyner, who practices in Harrisville, W. Va., and heads the state medical society's rural-health committee. Ticking off the names of a dozen colleagues who have departed the precincts, she says that she and another Harrisville doctor now "are the only two MDs from here to eternity, practically."

Figures from the American Medical Association show only one doctor for every 2,145 residents in the nation's most thinly populated counties; in the most densely populated, on the other hand, there's one doctor for every 442 residents. The AMA finds 132 counties without a single doctor practicing. While suburbia swims in specialists, many rural areas are better supplied with veterinarians than with family doctors. AMA data show that Los Angeles County alone has more active MDs (14,203) than the 13 states of Arkansas, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, South Dakota, Utah, Wyoming and Vermont combined. (The county has about 7 million residents, compared to over 11 million in those states, and since the states cover a far larger area it's often more inconvenient for their residents to get to a doctor.)

As discouraging as the enfeeblement of the old rural-health-care system is the fate of one major effort to preserve it. Last year, the Sears-Roebuck Foundation reluctantly killed a 14-year-old program to help rural towns attract doctors by establishing well-equipped medical centers. By 1970, 52 of 162 such centers were closed and empty.

BEATING THE DRAFT

"The premise on which the program was founded—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

Doctors reject a rural practice for diverse reasons. Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and "professional isolation" from his peers, seem uninviting. And disadvantages of small-town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors.

Perhaps surprisingly, money isn't the controlling factor; those doctors who do practice in rural areas often (though not always) manage handsomely. Dr. John E. Van Gilder, a 26-year-old West Virginia University graduate, set up practice last June at West Union, W.Va., in one of the Sears-Roebuck program's empty clinics. He expects to earn around $30,000 a year, probably more than he would earn his first year in a city practice. "It's simply supply and demand," says Dr. Van Gilder, who is the only doctor in a county of 6,400 persons.

But even Dr. Van Gilder finds a rural practice unattractive in some ways. There's no hospital nearby, so his most difficult and "interesting" cases have to be referred to colleagues in Clarksburg, the nearest city. That leaves him with "colds, sore throats and arthritis," he says. He worries about keeping abreast of new medical techniques. Dr. Van Gilder freely volunteers that the threat of the draft prompted him to take his job in West Union—where, as the only doctor in the vicinity, he could get a deferment. He expects to stay in West Union five years or so and then go on for more training and a specialty—probably in a big city—after that.

West Virginia hoped to overcome its shortness of doctors by establishing a medical school a decade ago. Yet, of 138 graduates now in practice, only 34 have remained in the state, and only 14 of them are in rural towns. "I don't think solo practice is any longer a viable answer to problems in rural areas," says Dr. Robert L. Nolan, chairman of West Virginia University's division of public health and preventive medicine.

Dr. Nolan and other students of rural health prescribe a new system for delivering health care to rural places. They think the solution lies in regional health-care plans, stressing preventive medicine practiced by groups of physicians based at a central clinic with an "outreach" effort to bring in patients from remote areas. Though no model system exists, the Mountaineer Family Health Plan—and similar systems in Maine, Florida, Alabama and California—represent significant innovations. According to the U.S. Public Health Service, the Mountaineer plan is the largest of the rural comprehensive health-care systems in operation.

It began four years ago as a poverty-war project of the U.S. Office of Economic Opportunity. The aim was to provide complete health care at no charge to Raleigh County residents whose annual incomes are below official poverty levels, currently $3,600 for a family of four. It's easy to find such families around here; 5,200 of them, with over 15,000 persons, one-fifth of the county's population, are registered and eligible for the plan.

The plan is based at a $500,000 clinic next to the Appalachian Regional Hospital at Beckley. The medical staff consists of five physicians and three dentists. On an average day, the doctors see 100 to 150 patients and the dentists about 30. Nearly all the patients have reached the clinic in the rugged four-wheel-drive ambulances that make daily runs between Beckley and its mountainous outlands.

Seven satellite clinics in hamlets like Slab Fork and Trap Hill are the plan's "outreach" terminals. Teams of health workers—a registered nurse, aides, drivers and environmental health workers who help build sanitary privies and test water supplies—work out of the satellite stations and keep in touch with even the most isolated families.

A tour with Mildred Snodgrass, nurse-supervisor at the Marsh Fork satellite center, shows how the plan works. The trip begins in her Scout vehicle from outside the four-room office housed in the building formerly occupied by the region's only private physician.(He died five years ago, and the nearest doctor now is some 25 miles distant.) She steers the vehicle along a bumpy trail to a cabin nestled in a sunny hollow between two green mountains. Here she takes the blood pressure of 60-year-old Chris Dickens, a new patient who lives alone on welfare, and makes sure he understands when to take his four newly prescribed drugs.

The day before, Mr. Dickens had his first physical examination in four years, at the Beckley clinic. "I haven't ever been to the doctor much," says Mr. Dickens, who is being treated for hypertension and indigestion.

After a stop to treat Mrs. Pettry's ulcered leg, Nurse Snodgress gingerly wheels the Scout up a precipitous path above the Coal River to the home of Cuba Opal Wiley, a disabled miner troubled by lung ailments. With his tobacco-stained teeth showing as he smiles, Mr. Wiley tells a visitor, "If it wasn't for this program, buddy, I don't know what I'd do. If I got sick, I guess I'd just lay here and die, buddy, that's all I could do." His wife, a diabetic, also gets medical care, and she's scheduled for liver surgery.

COSMOPOLITAN STAFF

Continuing her rounds, Nurse Snodgress and her aide take a medical history from a new patient, remind another of his scheduled appointment in Beckley, and make other routine visits.

Back at the Mountaineer clinic, a motley group of elderly, disabled men, pregnant women, tots and teen-agers patiently wait their visits with the doctors. The doctors themselves are a varied lot, and their names—like Arcadio Alarcon, G. Sri Rama Gupta, and Suradech Kongkasuwan—suggest the difficulty of keeping indigenous physicians in the area.

In fact, all five of the clinic's doctors—three internists and two pediatricians—are foreign physicians working here under temporary state licenses. "We have difficulty attracting American doctors," says Dr. Forest A. Cornwell, the Mountaineer plan's director. The $28,317 yearly salary isn't enough, apparently, to attract U.S. doctors, though all three dentists, who get $25,520, are Americans. (The foreign physicians generally have a harder time obtaining temporary licenses to practice in desirable urban areas, which often have their pick of American medical-school graduates and simply don't issue temporary certificates to foreigners.)

To the doctors, it's clear that their services are badly needed. "You see many children who have never been to a doctor, who have never had their inoculations," says Dr. Jose Alphonso, a Cuban refugee physician. "I have seen many children here who have worms, and many underweight and underheight because of poor nutrition."

"There's a tremendous backlog of care that is needed," says Dr. Edwin H. Warfield, a dentist. About one-third of Mountaineer's patients never have been to a dentist, and practically all the rest have received only minimum emergency care, Dr. Warfield figures.

WHERE'S THE MONEY COMING FROM?

Beckley itself, with a population of nearly 20,000, has abundant health services, There are 23 dentists, 70 physicians and several group-practice clinics. But the rest of the 610 square miles in the county is a health wasteland, served only by the Mountaineer plan and its free transportation.

The major difficulty with the plan is its cost. Mountaineer has been nurtured by federal subsidies; a $2.1 million grant from the Health, Education and Welfare Department finances nearly its whole budget. But HEW indicates it doesn't plan to support the project indefinitely, and Mountaineer officials have been told that its survival depends on its progress toward "self-sufficiency."

Prodded by HEW, the plan just adopted a sliding-fee schedule under which clients currently registered will have to pay 15% of their bills. Dr. Cornwell says the long-range aim is to transform the plan from a poverty project to a broader-based plan open to any county resident. Meanwhile, the budget squeeze is limiting the number of new enrollees who are poor.

Costs have risen fast. From only $41.55 in mid-1970, the charge for a day in the hospital has risen to $81.54. The cost of the average drug prescription has risen to more than $4 from $3.44. Officials have dipped into the capital construction budget for operating funds, and they've scrapped plans for some new activities, such as a mobile dental unit.

The financial squeeze suggests that Mountaineer will have to scale back its services, or raise fees even higher, and it creates a painful dilemma. "It gets to be a normal decision," says Dr. Cornwall, "It's like having 10 people in a lifeboat, and if two don't get out, all 10 are going to sink."

The only feasible solution, in the minds of most rural-health authorities, is a massive federal rescue effort. Says Dr. Leopold J. Snyder, a doctor from Fresno, Calif., who is chairman of the AMA Council on Rural Health: "If there is to be any widespread improvement in today's dismal rural health scene, there will need to be large expenditures of honest human energies and a large infusion of public funds."

[Syndicated Column from the Newport News, Va., Daily Press]

CONGRESS CONCERNED WITH HEALTH PLANS

(By W. David Webb)

WASHINGTON.—Good health is the greatest need for all mankind. Without good health, nothing else is really important. A great concern is sweeping the nation to improve the health delivery system so that all may have adequate care.

Congress has got into the act with great gusto as more than a dozen health-payment plans have been advanced. The most extensive health care plan has been advocated by Sen. Edward Kennedy and its concept may well provide him with the most appealing issue to sweep him into the White House. Basically Kennedy's "cradle to grave" treatment plan would establish a government operated national health insurance program completely paid by the taxpayer so that all people would be covered.

The Nixon administration has countered the Kennedy proposal with its own plan to provide health insurance coverage for all workers and their families which meet federal minimum standards. Nixon says his plan would cost a mere $7 billion and warns that Kennedy's plan would bankrupt the nation to the time of $77 billion.

Everyone is in the act with a plan—the American Medical Association, the private health insurance companies, Sen. Russell Long with his catastrophic health insurance scheme, plus many other political leaders and organizations.

However, all the plans tackle only the financing and fail to meet the basic need of improving the nation's current health delivery dilemma today.

If the nation provides the finances, the end result may be that Pandora's box will be opened and a plethora of patients will descend into the overcrowded doctors' offices and hospitals. The danger could be that instead of improving the medical delivery system it would be critically wounded.

However, Rep. Neal Smith (D.-Iowa), who has carefully observed the medical dilemma as a chairman of a key appropriations subcommittee, has come up with an idea to help solve the current problem. Basically, Smith believes that a series of clinics should be opened throughout the nation where preventive medicine could be practiced. He believes that if doctors are unavailable then medically-capable nurses or paramedic personnel could help ease the health crunch. In private many physicians believe that Smith's idea has serious merit.

Congressman Smith last February in a floor speech called for President Nixon to bring together the best people in medicine and related fields to tackle the current health crisis. He talked with doctors, hospital personnel and other medical leaders about meeting the problem now with a crash program of clinics. The President asked HEW Secretary Elliot Richardson to take a hard look at the Smith concept. Although silence at first prevailed, Richardson evidentally thought the plan had merit because in August he approved a HEW report recommending changes in licensing of health personnel so that the manpower shortage would be eased.

Congressman Smith clearly demonstrates that something should be done now when he points out that throughout rural America doctors are scarce and in many cases nonexistent.

"In the U.S. we only have 151 physicians for each 10,000 of the population and they are distributed in such a way so that many millions of people are for all practical purposes without adequate preventive health care," Smith explains. "One hundred and nine counties in the nation have no physician and 153 only have one."

Congressman Smith points out a perfect example in his own Iowa congressional district where the small community of Monroe struggled and saved so they could build a health clinic. Although the clinic was finally built, it had to close down because of the lack of a doctor.

Rep. Smith points out that all states must change their current licensing laws so that preventive medicine could be practiced without doctors on the premises but in close communication with well-trained nurses and paramedical personnel. Some people raise their eyebrows and say that doctors must be on hand. However, most physicians would welcome this plan to relieve them of simple medical functions which could be performed as well through close communications with the doctor. Maybe, an early diagnosis could prevent misery in the future. In many cases a well-trained technician or nurse could spot the trouble and send the patient to the doctor.

The nation can ill afford to wait for Congress to work out a financial scheme and the many years it takes to train badly needed doctors. The states would be wise to take a hard look at the Smith plan and to start licensing changes.

FEDERAL REGULATION OF STATE PENSION FUNDS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. FRENZEL. Mr. Speaker, I wish to insert in the RECORD a recommendation on Federal regulation of State pension funds from the legislative retirement study commission, a permanent study commission of the Minnesota State Legislature. The resolution resulting from the study was passed by the Minnesota State senate; the State house adjourned before action could be taken. At this point in the RECORD I insert the recommendation:

LEGISLATIVE RETIREMENT STUDY COMMISSION,
St. Paul, Minn., October 27, 1971.

I, the undersigned member of the Legislative Retirement Study Commission, am of the opinion that the Commission should recommend to both Houses of the Minnesota Legislature the accompanying resolution concerning contemplated federal legislation regulating pension funds.

I am further of the opinion that if the Legislature does not act on the aforesaid resolution, the staff of this Commission shall by appropriate means make known to the members of Congress from the State of Minnesota and other appropriate committees of the Federal Congress the fact that the Legislative Retirement Study Commission of Minnesota strongly favors the attached resolution.

At the next regular meeting of this Commission I will vote to confirm this proposed action.

J. A. Josefson, Chairman; Mel Hansen; Harmon T. Ogdahl; Richard J. Parish; Joseph T. O'Neill; Calvin R. Larson; Donald E. Forseth; Helen E. McMillan; Donald M. Moe; and D. H. Sillers.

RESOLUTION

A resolution memorializing the United States Congress to exempt Minnesota public pension plans from coverage under HR 1269, known as the Employee Benefit Security Act

Whereas, the United States Congress has before it HR 1269, the purpose of which is to establish national standards of fiduciary conduct for the management of all public and private pension plans; and

Whereas, the trustees of the public pension funds, by statute, already are charged with a fiduciary obligation to the state of Minnesota, the taxpayers which aid in financing the plans and the employees who are their beneficiaries; and

Whereas, specifically, the Minnesota statewide public pension plans have attained and are maintaining a high level of financing; and

Whereas, Minnesota public pension plans are required by statute to have annual actuarial valuations and are subject to close supervision and control by the Minnesota State Legislature and which regulations have become even more comprehensive since 1955, when a Legislative Retirement Commission was created, the single function of which is to study and investigate all public pension plans and to report at each session, its findings, conclusions and recommendations; and

Whereas, financial and actuarial reports plus the specific information required under HR 1269 already are disseminated to the members through various communication media; and

Whereas, pursuant to H.R. 1269 there is imposed upon the administrators of public pension plans, the obligation of duplicating these very activities and services, thereby not only adding to the administrative load of the plans with the accompanying considerable cost thereof to be borne by the already overburdened Minnesota taxpayers, but courting and risking conflict between state statute and federal law as well as funding concepts which, in resolution, could entail further expenditures of dollars, time and effort; and

Whereas, additionally, there may be imposed upon the public pension plans a compulsory contribution to an insurance fund, the sole object of which is to safeguard the rights of participants against termination of any pension plan, when liquidation of Minnesota public pension plans is contrary to all intents and purposes of the State Legislature and therefore such contributions by Minnesota public funds would constitute a payment for the support of terminated non-public pension plans; and

Whereas, it is conceded, based on nationwide reporting in publications of all kinds, that private pension plans and some public plans outside Minnesota may need this federal legislation for the protection of participants, it is evident that Minnesota public pension plans are already afforded this protection through state legislative control; and

Whereas, the very intent of H.R. 1269 thus is already vouchsafed by the sovereignty and integrity of the state of Minnesota which should not be considered less than, or take second place to, that of the federal government; now, therefore,

Be it resolved, by the Legislature of the state of Minnesota that the United States Congress exempt Minnesota public pension plans and comparable other public plans from coverage under H.R. 1269.

Be it further resolved, that the Secretary of State of Minnesota be instructed to transmit copies of this resolution to appropriate committees of the Congress and to the members of the Minnesota delegation.

OUR HERITAGE

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. SCOTT. Mr. Speaker, a personal friend of mine, Charles E. Webber of Salem, Va., is the Sovereign Grand Inspector General of the Scottish Rite Bodies of the Masonic Fraternity in Virginia. Brother Webber was honored last week by having the Kazim Temple's fall ceremonial of the Ancient Arabic Order of Nobles of the Mystic Shrine fall class named after him. Of course this is a recognition of Brother Webber's contribution to masonry and shrinedom over a long period of years. A Past Imperial Potentate of the A.A.O.N.M.S., George E. Stringfellow, who himself has an excellent background both in private life and within the masonic fraternity, has some fine words to say about Illustrious Brother Webber and about the heritage of our country which I would like to share with my colleagues. Accordingly, the entire statement is inserted at this point in the RECORD:

OUR HERITAGE

(By George E. Stringfellow)

Illustrious Potentate Garland E. Sheets, Officers of Kazim Temple, Past Potentates, beautiful ladies and distinguished guests:

I am complimented by the invitation of Potentate Sheets to join you in honoring one of the most beloved and distinguished Masons of our time. In naming your Fall Class in honor of Illustrious Charles E. Webber 33°, Sovereign Grand Inspector General in Virginia and Grand Treasurer General, you have honored Kazim Temple.

Illustrious Brother Webber has served long and well all of the major Masonic Bodies in the Old Dominion State. He is truly the conscience of those fine organizations of which he has long been an integral part. By his conduct and example he is helping to make ours a better country.

It was Ralph Waldo Emerson in his great wisdom who said: "I consider him a great man who inhabits a higher sphere of thought into which other men rise with difficulty and labor." Emerson certainly must have had in mind such a person as Brother Webber for I know of no one who inhabits so high a sphere of thought.

May I speak to you for a few moments about our heritage. The dictionary defines "heritage" as that which is inherited, or passes from heir to heir; an inheritance; hence, the lot, condition, or status into which one is born; birthright; as, liberty of speech is the heritage of freemen.

No other people have been the recipient of such material and spiritual heritage as have we. Resources of mine and soil, water, field and forest, have been given to us in prodigal abundance. The power and wealth which have risen from the use of these resources are beyond comprehension, unrivaled by any empire, past or present.

Every American has a material heritage whose equal can be found nowhere else in the world. God has indeed been good to us. We are, however the beneficiaries of a spiritual heritage which transcends our material heritage as the sun surpasses, in all its splendor, the faintest star.

The Mayflower compact was the first of the notable documents marking the birth of our Republic. Its opening sentence "In the name of God, Amen" is followed by these spiritual words: "We have undertaken for the glory of God and the advancement of the Christian faith . . ."

In the stormy days of 1620, haunted by privation and tortured by anxieties, God was the refuge and the everlasting hope of our Pilgrim fathers. And so He is today.

It is difficult for us, in our comparative comfort and prosperity, to understand the hardships endured by those first settlers. They established for us the right to worship God according to the dictates of our conscience. Moral convictions motivated their decisions, as they should ours. They built here a society which would reverence and serve God. He supplied life and strength for their activities.

A century and one-half following the landing of the Pilgrim fathers, the signers of the Declaration of Independence held that moral laws are beyond the power of government to override. The final paragraph of that "passport to freedom" appeals to the Supreme Architect of the Universe for the recitude of their intentions.

God had a hand in the development of the Constitution of the United States which made us a free and prosperous people. In describing the Constitution, Gladstone said it was the most wonderful work ever struck off at a given time by the brain and purpose of man.

Our fair land was born and nurtured as a religious community dedicated to human liberty and the dignity of man. Our forefathers had iron in their backbone and granite in their character. They prayed to God and their prayers and efforts brought forth the form of government that wise and free men hold dear.

Let us contemplate these impressive words found on a time-worn tombstone: "My son, that which thy father hath bequeathed, you must earn anew if you would keep".

As you know, George Washington presided at the Constitutional Convention in Philadelphia. Back of his chair was a painting of the rising sun. "There were times during the convention" said Benjamin Franklin, the oldest member of the committee, "when I wondered whether the sun was rising or setting on America." At the end of the convention Franklin remarked, "With the signing of this great document, I now know that the sun is rising on America."

As he was leaving convention hall an elderly lady asked the venerable Franklin, "Mr. Franklin, what have you given us?" The wise man responded, "We have given you a constitution". Then he hesitated and said, "If you can keep it".

Statesmen all over the world expressed doubt that our Republic founded upon the Constitution could last longer than 100 years. More than 100 years ago James Russell Lowell, statesman and poet, was asked: "How long will the American Republic endure?" Lowell replied: "Only so long as the ideals and the philosophy of the men who made it, continue dominant in each succeeding generation."

There is disquieting evidence that many of us have drifted from the principles that made ours a great country. Some of our people do not realize that laws are rules by which we live. If we violate those rules, chaos reigns.

It is our duty to support all laws. Said President Cleveland: "The way to get rid of bad laws is to enforce them".

To be worthy of our heritage there is much for us to do. We must place God first in our lives. We must be stewards of His precious gifts. We must discharge our duties as citizens.

"Duty is the sublimest word in our language. One should do his duty in all things; he can not do more, and he would never wish to do less". So spoke that great patriot, General Robert E. Lee.

We must concern ourselves with what's right rather than who's right.

If we are to be a happy people we must take a positive position. We must not follow Hamlet who cried that the days were evil and cursed them. We must emulate St. Paul who, crying that the days were evil, labored to improve them.

Apathy can be changed to action. We Masons can help make ours a better country and a better world for our children and their posterity.

NATIONAL HEALTH INSURANCE PROPOSALS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mrs. ABZUG. Mr. Speaker, it is truly shocking to observe that with our gross national product exceeding $1 trillion annually, few Americans—rich or poor—receive adequate health care. Even if adequate care is available, its costs are often so high as to discourage less affluent individuals from seeking medical attention when they need it.

There is no excuse for this situation. Medical care is as much a right of every American as is public education or police protection, and no one should ever be denied it because of his financial condition.

The House Committee on Ways and Means is presently considering a number of health insurance/health care bills. Some of them are no more helpful than a bandage on a cancer. The Health Security Act, which is also known as the Kennedy-Griffiths bill and of which I am proud to be a cosponsor, is the only one of these bills which holds out any promise of fundamental change in the fragmented, ill financed, and often irresponsible. While it is not perfect, it is basically a strong, progressive piece of legislation.

Today, I had the privilege of presenting my views on this subject to the Committee on Ways and Means. At this point in the RECORD, I include the text of my statement to the committee:

TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG

The American medical system, long assumed by Americans to be the world's finest, is under vigorous attack, and with good reason. Almost alone among the prosperous industrial nations, we have treated medical care as a commodity not very different from any other and have largely permitted the market place to regulate its organization, distribution, financing and quality control. There may be reason for producing and distributing automobiles this way, but it is no way to regulate the provision of a service that is a *sine qua non* of decent life.

Numerous legislative proposals now face the Ways and Means Committee. All purport to improve our medical care system; some are plainly rear-guard actions by frightened segments of the health care marketplace, desperate to preserve their influence; others offer trivial reforms that are far too limited to alter the consistent failure of American medicine to serve all Americans. Only the Health Security Act, which was introduced in the House by Representative Griffiths and four other Members of this distinguished Committee and in the Senate by Senator Kennedy, and of which I am a co-sponsor, demonstrates an accurate comprehension of the disgraceful gap between what our medical system is and what it should be.

I intend first to make a few remarks about the problems of our existing health care system and then to comment on pending legislative proposals to change it.

WHAT IS WRONG WITH TODAY'S HEALTH CARE

Distribution of services

Health services are not distributed according to the need for them. The poor suffer disproportionately from preventable but unprevented diseases and conditions like anemia, acute rheumatic fever, tuberculosis, malnutrition, and maternal death during childbirth, because there are too few hospitals and doctors serving them and because medical services cost more than they can pay. Rural areas, too, lack medical facilities, and there are entire counties without a single doctor.

We do not produce the right mix of medical personnel and services.

We have too few doctors in general practice but an excess in the more glamorous surgical specialties.

We have too many hospitals, sources of prestige to communities and community leaders, but too few out-patient facilities.

We have failed to attack our serious public health problems.

We, the world's most prosperous country, have tolerated crippling malnutrition in rural and urban poor and debilitating occupational diseases in miners and chemical workers.

We might have had present-day levels of auto safety years ago, had we cared to, and, many experts feel, we could have had a nearly crash-proof car by now.

We allow treacherous tires on our cars, highly flammable clothes on our backs, corrosives and poisons in our kitchens.

We have been half-hearted in our attempts to regulate the fouling of our air and water, sluggish in protecting our citizens against medical hoaxes, and timid in controlling the tobacco industry, a major cause of the cancer we are about to try to conquer.

Organization of medical care

Proper medical care, whether received through clinics, groups, or individuals, requires the attention of a generalist, who will be responsible for all aspects of preventive care and treatment of most medical problems, and readily available specialists who will deal with problems of greater complexity and advise and teach the generalist. Medical facilities should follow a similar pattern, with small installations for simple care and procedures, general hospitals for more difficult but still common problems, and sophisticated regional centers for treatment of obscure diseases, housing of expensive but infrequently used equipment, and maintenance of complex services requiring extraordinary skill, such as open heart surgery. Obviously, records must be kept and must flow freely from one level to another and the patient's movement from one level to another should be straightforward and unimpeded.

In fact, we have none of this. Most people have no doctor who is regularly responsible for their well-being. They do not know how to find out whether they need a specialist or what kind they do need. They do not know what tests to have annually. Their records do not travel with them. Our institutions all wish to be total services facilities; consequently, there is a fabulous redundancy of equipment and puerile competition for training fellows, patients and federal grants.

One reason for the development of a medical organization that leaves patients confused and undirected is the failure of medical institutions to bother asking patients, the consumers of health services, about their preferences. Any reorganization that fails to achieve significant consumer input will be unlikely to satisfy consumer needs better than the present one.

Financing

Medical care is a fundamental right, like police protection or primary education. The need for services should be sufficient reason to receive them. Personal wealth should be irrelevant. No bargain basement compromises can be countenanced, because medical care, unlike many commodities for which a cheap version will serve as well as a costly one, comes really only in two qualities, good enough and not good enough. The latter, no matter how cheap, is without value and fraudulent.

Americans have for years accepted the principle that the fundamental services provided by the government for all people, such as national defense, the judicial system, pollution control, food and drug regulation, etc., should be funded out of general revenues, and that these revenues should be collected principally by means of a progressive income tax. Medical care is just such a basic service and should be so funded.

The per capita cost of our medical care is rising rapidly and is already large compared with other industrial nations. This large relative cost, which has not brought us superior quality, is the consequence of several facts of the medical market place. The first fact is the doctor shortage, creating a sellers' market that will persist for the foreseeable future. The shortage is exaggerated by our failure thus far to make use of skilled paramedical personnel. The second fact is the position of the medical insurance companies, acting as fiscal intermediaries between patients and services but failing utterly to exercise the cost control that should be part of their function. There are several reasons for their indifference to rising medical cost. Their premium rates are adjusted to provide a set rate of profit, often by a cost-plus arrangement. Larger cash flow thus means a larger profit. Insurance companies invest money they hold and larger cash flow also provides more investment capital.

A very costly example of the insurance industry's failure to encourage efficient use of services has been their willingness to pay for unnecessary hospitalization. Because hospitalization has always been the catastrophe against which people most wanted protection, far more people own hospitalization insurance than have coverage for non-hospital costs. Diagnostic evaluations are therefore routinely performed in hospitals, where their real cost is large but where they are a covered service if a bogus "emergency" diagnosis is given. The same evaluations could be done more cheaply in outpatient facilities, but their cost would not be covered. Insurance companies have made no effort to discourage this practice by refusing to pay for these pseudo-emergencies, but have merely raised their rates to cover the deceptive practice.

The third fact is the outrageous profiteering and inefficiency of the medicine-associated industries, notably the drug industry. Drug manufacturers have an average rate of profit twice that of the average American company, although they have no unusual risks. Fully a quarter of their income is spent on promotion and marketing, a practice resulting in overuse of drugs and use of heavily promoted, new and expensive drugs instead of older, less expensive preparations which may be just and suitable. This modern medical sideshow is justified as needed to cover the cost the development of new, wondrous drugs, but research and development is only six percent of drug sales, and of that, the greater part is devoted to development willing to answer candidly will admit that he knows doctors who are too foolish, too old, or too irresponsible to meet even minimal standards of performance.

The point is not that doctors and hospitals are wretched; it is that we don't know much about them, because we don't look. They are self-regulating which means in medicine, as in every other human endeavor, unregulated except when disaster has struck or appears ready to strike. A proper national health insurance plan will set standards of care, evaluate performance in relation to these standards, and deal firmly with violations.

HEALTH CARE LEGISLATION

The health insurance proposals before the Ways and Means Committee vary as widely in cost ($2 billion to $70 billion) as they do in ambitiousness, but there are no bargains to be had. The total cost of medical care, now estimated at $70–80 billion per year, is more or less fixed, whether paid out of federal revenues or private resources. The question is whether reforms are going to affect a trivial part of that care and its cost or whether they will impinge on all aspects of the medical system. To emphasize this once more: we can only judge these legislative proposals as part of the whole cost of medical care. The "expensive" Health Security Act, at $70 billion, does not cost more than the Administration's "cheap" National Health Insurance Partnership Act, at $15 billion, when you add to the latter the $55 billion that will be paid by private and other governmental sources. The difference between the various proposals is not the cost, it is what we get, and what we get should be measured against the problems outlined above.

Some of our health care problems are more obvious, though not necessarily more important, than others. Obviously, the disaster of a catastrophic illness, destroying well-ordered, prudent families, is an event with which we all empathize, and there are many proposals to insure against this scourage. At the same time, Congress clearly is moved by the plight of the penniless and several proposals do provide free health insurance for them. The AMA-devised Medicredit plan, or Health Care Insurance Assistance Act, is one of these. It also provides some help to the near poor, though not much, since a family of four with a net income of about $5500 would receive a federal payment of only 10% of the cost of insurance. Such measures as these are directed at the extremities of the health care problem; they make no impression at all upon the body of our expensive, inefficient, fragmented, non-quality-controlled medical system.

Even worse, Medicredit would pour new billions into the health insurance companies that have financed, supported, and encouraged the present system. In testimony before the Senate Finance Committee, Secretary Richardson said that the bill "would have little effect on the organization and delivery of medical care or on controlling rising costs. The proposal would inflate demand for services yet it does not promote appropriate ways to use the leverage of new funds to help influence the quality and efficiency of services." The Secretary is correct, but similar criticisms apply just as strongly to the Administration-backed National Health Insurance Partnership Act.

The Administration bill purports to offer a new National Health Strategy, principally through encouraging doctors and hospitals to form comprehensive health care institutions, the health maintenance organizations (HMO's) and encouraging people to join them. I believe that an HMO, offering total, prepaid health care, can in fact be a more efficient provider of high-quality, unfragmented care than can doctors scattered about the community, and can perform patient education and preventive services, keep and organize records and evaluate therapy, to an extent impossible for the solo practitioner. It is the basic unit of an intelligent health care system if it is held to high standards and if its performance is under constant scrutiny by the people who receive its services and pay its bills. The existing HMO's such as HIP in New York, Kaiser-Permanente on the west coast, Group Health in Washington, and many others, have grown rapidly in recent years, indicating that despite some criticism of understaffing and a tendency to discourage use of the facility, these units have provided considerable patient doctor satisfaction.

Unfortunately, the HMO question would seem to be a bit of a smoke-screen at present, since, unlike the Health Security Act, the Administration bill does not provide much financial inducement for people to join HMO's or to doctors to form them. The proposal's principal feature is the requirement that employers buy three-fourths of a health insurance plan for their employees and employees' families. The minimum plan cannot have a very large cash value since there are substantial deductibles and coinsurance. The dollar value of the insurance would be applied at their employee's option, toward membership in an HMO, but there would be an additional cost to the employee equal to the actuarial value of the deductible and coinsurance, which is probably larger than the value of the insurance. The attractiveness of the HMO's will be inversely related to the extra money the family must pay to join.

An HMO needs doctors as well as patients. The National Health Insurance Partnership

Act does not attempt to control fees paid to private practitioners. Will large numbers of doctors give up the huge incomes of private practice for the merely generous incomes of the HMO?

If the Administration bill does not move consumers and doctors effectively toward HMO's it offers nothing more than the same new billions into private health insurance, without any more organizational change, that Medicredit would produce, and we've seen what Secretary Richardson thinks of that. The Administration bill also shares with Medicredit the particularly condescending features of deductibles and co-insurance, which are present because of a widely held view that poor people enjoy going to the doctor and will go often just for fun, even if they are not sick.

In his National Health Insurance speech President Nixon stressed cost consciousness. He said: "Only as people are aware of these costs will they be motivated to reduce them. When consumers pay virtually nothing for services and when, at the same time, those who provide services know that all their costs will also be met, then neither the consumer nor the provider has an incentive to use the system efficiently." It is very strange to put the responsibility for cost control on the patient, who, not being a doctor, does not know whether he is "sick enough" for medical care. (Interestingly, the HMO's supported by the administration do not have deductibles or coinsurance.) Cost control should be exerted by regulating the fees paid to providers, but this form of cost consciousness is not mentioned in the Administration bill. It seems to me to be a basic principle that we want no person to wonder, when he feels sick, whether he should spend money for treatment. Incredibly, it is a principle which both the present system and most of the pending bills stress. It has always been the situation faced by the poor. We want even the poor person to see a doctor, who can decide on the basis of his expert knowledge whether to treat the patient or reassure him. If we can educate patients so that they recognize certain symptoms as not serious, that will be excellent, but we do not want them to stay away because they don't have the cash.

The Health Security Act, in contrast to all of the other proposals before the committee, will promote broad organizational changes and will attack most of the ills of our health care system. As I will point out, it is far from a perfect bill, but it is worth reviewing briefly some of the beneficial changes it will promote with respect to problems outlined earlier.

Distribution of services

Wealth will no longer determine the amount or quality of one's medical care. There will be no financial barrier to seeking services; providers will be compensated directly by the system. The Act sets aside five percent of the total money in the Trust Fund for health planning and for dealing with a variety of distribution problems. Funds will be available for training specialists in short supply, for encouraging desirable geographic movements, and for planning and building facilities which are necessary to provide services. There is a commitment to equalize throughout the U.S. the availability of services by channeling more funds into areas which are now poorly served.

Organization of Medical Care

The Health Security Act encourages doctors to enter HMO's or comprehensive health service organizations, as the Act prefers to call them, by taking away the enormous fees now possible in fee-for-service medicine. Payments for a given service will be an appropriate fraction of the money available to care for a person's total health needs, i.e. the capitation payment. Therefore, comparable services delivered on a fee basis and on a capitation basis will lead to comparable incomes, except that the efficiencies of the HMO in terms of better use of paramedical personnel, office space, etc. may well permit greater net earnings to the HMO doctors. With rewards more or less equal the advantages to the physician of HMO's, such as easily available consultations, regular schedules and well-defined night call, and provisions for in-service continuing education, should prove adequate to bring doctors into that form of practice.

The Act provides funds for organizing new forms of health care delivery. Its governing board has the power to eliminate redundant service by ordering a provider to cease providing it, and to demand that new services be offered. Further, there is, for the first time an attempt to develop a consumer input into the medical care system. I will return to this a little later on.

Financing

Money for health care insurance and planning will come half from general revenues and half from employer and employee taxes. This is a far more progressive format than that of the Administration bill, although it suffers from the same flaws as our entire tax system does, generally failing to collect enough money from wealthy people. Payroll taxes appear at first to be a tax on businessmen; in fact, they are quickly passed along to consumers or compensated for by lower wages.

Private health insurance with its attendant costs will no longer be needed under the Health Security Act. Although the doctor snortage will not be eliminated overnight, the spiralling costs due to the sellers' market will be controlled by regulation of fees-for service and capitation payments. Overutilization of hospitals will be discouraged since outpatient services will be paid for.

Quality Control

Among current health proposals, the Kennedy-Griffiths Bill is the only one concerned with the quality of services delivered. All providers will be committed to furnishing information needed for peer review of utilization and for review of surgical procedures. Institutional providers will have to have good records, a proper utilization of review mechanism, and a therapeutics committee. HMOs must provide continuity of care, easy referral, and easy access to their services.

Practitioners will have to meet federal standards in addition to state licensing criteria and will have to meet federal continuing education requirements. Their participation as providers can be terminated for inferior care or unethical behavior. They cannot be paid for services delivered in a nonparticipating hospital.

In addition to its concern with the quality of services provided by health professionals and institutions, the Health Security Act will study broad trends in mortality, disease indigence, and therapeutics, attempting to evaluate the quality of the health care system as a whole.

The Health Security Act will encourage rational drug prescribing by paying only for drugs that are efficacious and safe and by requiring that doctors practicing outside the scrutiny of health institutions and their therapeutics committees identify the disease they are treating and use a drug known to be effective in treating that disease.

Despite the contentions of its critics, the Act encourages pluralism in delivery of care, permitting providers to organize in almost any way they choose, and be paid either on a fee-for-service basis or by capitation methods. It is "monolithic" only in that it will control the *amount* of payment and the *quality* of care.

The scope of the Kennedy-Griffiths Bill is impressive, but it does have some key deficiencies. A Bill called the Health Security Act, proposing to bring to all citizens equal and high-quality health care, cannot justifiably avoid dealing with aspects of public policy that have a large influence on health. Thus, while concern with auto safety has resided largely in the Department of Transportation, the death and injuries of tens of thousands of people in highway accidents has large health implications. Similarly, malnutrition, industrial disease, dangerous household products, air pollution, and smoking should be recognized as basically health problems. Allocation of resources to deal with them and studies of the efficacy of such allocations should flow from an agency whose concern is health.

Although the Bill empowers the Health Security Board to eliminate redundant services, it does not make explicit the desirability of having institutions, especially hospitals, be organized pyramidically, with, for example, large numbers of relatively small general hospitals and a much smaller number of regional centers where usually difficult or rare problems could be dealt with, where costly programs would be sufficiently utilized to justify their cost, and where high-quality clinical research could be maintained.

The financing of health care under the Kennedy-Griffiths Bill can also be criticized. Without entering into any discussion of our supposedly progressive income tax, I question the degree to which the Bill relies upon payroll taxes and social security-type levies. These are not progressive at all; in fact, the social security tax is quite regressive, since it has an income ceiling. At the very least, this ceiling should be eliminated. A payroll tax, in addition to being passed along to consumers, tends to make workers cost more and thus encourages an already-dangerous trend toward substitution of capital for labor. The most equitable and most rational financing mechanism would be from general revenues. It is condescending to suppose that Americans cannot understand that excise taxes take their money away just as unpleasantly as income taxes do.

The Health Security Act does not make a sufficient commitment to ending medical profiteering. It should be a stated goal that profits of medical industries not be larger than those of the average American industry. Measures suggested by the 1969 Task Force on Prescription Drugs would represent a fine start toward this end.

Although the Health Security Act will provide rigorous standards of quality control—there are essentially no standards now—it fails to set for solo practitioners the sort of demands it makes of doctors in comprehensive health service organizations. This makes little sense, since the solo doctor is often quite isolated from contact with other physicians and from new information. The Act should authorize the Health Security Board to set up local peer review committees for participating practitioners who do not belong to institutions already having such committees. Furthermore, it is time we recognized that while the M.D. degree, like a diamond, is forever, the knowledge and skills that came with it are not so permanent. In addition to requiring continuing education, the bill should demand periodic relicensing of physicians and possibly of other health professionals.

Perhaps the most important responsibility facing the organizers of health care is assuring that the system can never again become so isolated from and unresponsive to the people it serves. The Health Security Act provides for a Health Security Advisory Council made up of more than 50% health consumers. This Council also has regional and local counterparts. The function of these Councils is to advise the governing Health Security Board on matters of policy. Unresolved disagreements between Board and Council will be presented annually to Congress, but it would seem that the Board can ignore with impunity most of the Council's recommendations. One mechanism for partially easing the imbalance in power between

Board and Council might be to give the Council explicit standing before the federal courts in cases involving questions of whether the Board has carried out its functions properly.

Consumer input may be even more important at the level of primary patient care, but there are few requirements in the Health Security Act for such input. Comprehensive health service organizations are required only to consult with enrollees regarding policy; this provision is inadequate unless expanded. At the very least, it should provide that unresolvable disputes be brought promptly before the local Board for mediation, and before the courts if need be. Hospitals, nursing homes, and medical facilities other than the comprehensive health service organizations are not required to have any consumer input at all. This is a serious deficiency. All *medical* institutions receiving any public funds should be required to consult with the people they serve, have consumer representation on all peer review and other committees, and respond to criticism from enrollees.

This said, a hopeful word is in order. The current feeling that providers and consumers inevitably have hopelessly different aims, needs, and preferences is probably false. It is our institutions that make it seem so. Once the relations between health professionals and patients are no longer predominantly fiscal, they can relate to one another as parties interested only in quality health care.

While I consider the flaws in the Kennedy-Griffiths Bill real and significant, I must emphasize again my conviction that it is the only health insurance bill before the Ways and Means Committee that will change our health care system at all. It asserts for the first time a national interest in equitably distributed, progressively financed, intelligently organized, high-quality medical care and takes a giant step toward that goal. The other bills are tranquillizers, quieting the demand for medical reform without meeting it. They are worth little and would be worse than nothing, because they would create an illusion of our having acted, an illusion that would stifle real reform for years to come. Let us have something better.

TRIBUTE TO WILLIAM J. LYNCH

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I invite my colleagues to join with me today in paying tribute to an educator, who during these last 40 years of dramatic growth and change in the educational systems and methods of this Nation, has been at the forefront of this tremendous evolution, at the local level where things are truly accomplished in this field.

On October 29, 1971, I attended a testimonial along with over 500 educators, clergy, Government officials, colleagues, former students, family and friends to honor William J. Lynch upon his retirement from his position of deputy superintendent of schools, in Randolph, Mass. At this occasion, he received countless plaques and citations from groups and organizations such as the Randolph School Committee, the Testimonial Committee, the Board of Selectmen of Randolph, the Lions Club, the Fire Department of Randolph, the St. Anselm's Alumnae Association, and the State Legislature of Massachusetts. In addition he received a citation and personal letter from Archbishop Medeiros from Aquinas, was made an honorary citizen of Quincy, Mass., and received a presentation from the Randolph Teachers Association.

I would like to quote here the program dedication from the recent testimonial:

> The lives of thousands of Randolph pupils have been enriched because of the influence and guidance of veteran educator William J. Lynch, Deputy Superintendent of Schools.
>
> Mr. Lynch will retire from his post on December 31. He prepared for his life as a dedicated educator at St. Anselm's College in Manchester, New Hampshire from which he graduated in 1931 with an A.B. degree and an award for outstanding citizenship. He furthered his education at Boston University where he received a master's degree in 1954 and a C.A.G.S. in 1957.
>
> His teaching career began at Van Buren High School in Maine where he was appointed principal in 1932 after serving for a year as a teacher-coach.
>
> He came to Randolph in 1934 as Director of Athletics and Head of the Math department at Stetson High School. Because of his fraternity with students and teachers, Bill Lynch earned the reputation as the school system's "Mr. Chips."
>
> In 1943 he went to Hingham High School where he was appointed Head of the Math department, and in 1947 he became assistant principal of the High School. During his time at Hingham High School, he took an active part in Randolph town government, serving as a member of the school committee and the finance committee. He returned to Randolph in 1954 to the position of principal of the Stetson Elementary School. The following year he was appointed assistant superintendent of schools.
>
> A man who was active in professional organizations, Mr. Lynch was selected by the National Education Association to be chairman of the Election Committee of the NEA in 1965. He conducted the National Elections of 10,000 delegates at Miami, Florida with such efficiency that he received a commendation from the national association.
>
> For the past 17 years Mr. Lynch has played an administrative role in the Randolph School system and has been credited by the School Committee with successfully obtaining more than 600,000 in Federal grants. He has seen the Randolph Public Schools grow from 1,600 pupils to over 7,000.
>
> It is not only for what he did, but also for what he is, that Mr. Lynch will be remembered: his deep convictions, his strong sense of propriety, his dependability, his complete unselfishness, his genuine modesty, his courage in overcoming physical problems, and his strong religious beliefs. He was always aware of the small everyday problems in the schools. None were too minor to be recognized and settled.
>
> School personnel, students, graduates, and residents all join in wishing Mr. Lynch success and happiness in his retirement.

I thought you would be interested in sharing with me the following article from the Brockton Daily Enterprise, "Over 500 Honor Randolph's Bill Lynch."

> OVER 500 HONOR RANDOLPH'S BILL LYNCH
>
> RANDOLPH.—Over 500 educators, colleagues, clergy, government officials, former students, family and friends gathered to honor William J. "Bill" Lynch, retiring Deputy Superintendent of Randolph Schools at the Lantana Ballroom, Randolph, with tribute for over 40 years of service to the town and the schools. He was greeted with a long standing ovation. Father Hickey, St. Mary's Church, Randolph, rendered the invocation and the benediction.
>
> James J. Lynch, son of the honored guest, introduced the members of Mr. Lynch's family. Mrs. Irene (Lynch) Sumption presented her mother with a bouquet of flowers.
>
> TWO HEAD TABLES
>
> An elevated head table as well as a sub head table had to be used to accommodate the dignitaries that attended the testimonial, which included Congressman James A. Burke who was the keynote speaker.
>
> Many plaques and citations were presented to Mr. Lynch which included: School Committee Plaque, presented by the president, Thomas L. Warren, Randolph's Superintendent of Schools; the testimonial committee presented a plaque which was presented by Mr. Joseph Zapustus, Master of Ceremonies for the evening, and a gift from the committee was presented by Town Clerk and Treasurer Edward L. Clark; Chairman Norman B. Silk presented the citation from the selectmen; The Lions Club presentation was made by Harold M. Tucker; Fire Chief Robert D. Teece made the presentation from the Fire Dept.; a presentation from the State Legislature in behalf of state reps. Joseph Semensi, Randolph, and Joseph Manning, Milton, and state sen. George Kenneally was made by Edward C. Hoeg; a speech was made by Joseph P. Collins, National president of the Alumnae Association, in behalf of St. Anselm's Alumnae Association, of which "Bill" is a member.
>
> OTHER HONORS
>
> Other honors bestowed upon Mr. Lynch included: A citation and personal letter from Archbishop Medeiros from Aquinas which was presented by Miss Nancy Boland, publicity director of Randolph Schools; the senior class plaque was presented by the president. Howard Fixler; Randolph Teachers Association presentation was made by Mr. Alfred Galante, representing Joseph Kane; and the City of Quincy plaque, making "Bill" an honorary citizen of the city from Mayor James E. McIntyre, was presented by Assistant Superintendent of Schools John E. Zoino.
>
> The committee who worked so hard on the arrangements for the evening were well rewarded for their efforts in making the tribute a success. Fall floral corsages were given to the ladies of the committee. Mrs. Marie Cormey, Miss Nancy Boland, and the wives of the men of the committee; Mrs. Edward T. Clark, Mrs. Joseph Zapustus, Mrs. Edward C. Hoeg, Mrs. John A. Brewster, Mrs. John E. Zoino, Mrs. Charles E. Green, Mrs. Russell Thompson, Mrs. Charles E. Olsen, Mrs. Frank Sullivan, Mrs. Murray Lewis, Mrs. Richard E. Coburn, whose husband deserves much credit as the man behind the scenes, coordinator of the entire program.
>
> Senior Class treasurer Al Finoclhario was the photographer in charge of the guest book and photo album. Appropriate music was rendered by Lenny Rapoza, music coordinator of the Randolph Schools, and his orchestra during dinner and dancing, to round out an evening well deserved by "Bill."

VETERANS DAY, 1971, AN OUTSTANDING SUCCESS FOR HOSPITALIZED VETERANS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. McCLORY. Mr. Speaker, in further reference to the success of the first observance of Veterans' Day as part of the Monday holiday legislation, I call to the attention of my colleagues a recent communication from the office of the Administrator of Veterans' Affairs. Mr. Speaker, according to this advice, Veterans Day on Monday, October 25 was an outstanding success insofar as the welfare of hospitalized veterans was concerned.

Mr. Speaker, the communication signed by G. C. "Gus" Wallace from the Administrator's office is as follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF
VETERANS' AFFAIRS,
Washington, D.C., November 17, 1971.

Hon. ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

DEAR MR. MCCLORY: As Secretary-Treasurer of the President's Veterans Day National Committee, Dick Baker has requested that I inform you of the outstanding success on Veterans Day, Monday, October 25, of the "Very Important Patient" (VIP) program at our VA hospitals.

The three-day weekend enabled many patients to take advantage of a 72-hour pass to spend time with relatives, when otherwise they could not have, had the holiday been only of 24 hours duration. For the same reason, relatives were able to visit veterans in our 165 hospitals.

Many members of Congress, like yourself, were in their home districts for the long weekend and took time to visit VA hospitals in their areas. Large numbers of celebrities from the sports, theater, veterans organizations and local and State officials also participated in the VIP program.

These visits, signing of autographs and the willingness of celebrities to be photographed with hospitalized veterans was very stimulating and a great morale booster for these patients.

Mr. Speaker, some inquiries have been directed to me as to why the fourth Monday in October was designated as Veterans Day. I hasten to respond that this was a most logical selection of a long weekend holiday occurring, as it does, at a most beautiful time of the year. It is an excellent time for honoring our veterans of all of the wars. Also, it is an occasion for remembering our loved ones, for providing family reunions, including particularly reunions of veterans with their families and friends.

To have designated the second Monday in November would have placed this important holiday in such close proximity to the Thanksgiving holiday season, that the benefit of both holidays would have been diluted. Furthermore, to designate the first Monday in November would have meant that Veterans Day always would be the day before election day. This was deemed most undesirable by both veterans and others.

Even to assign the last Monday in October as Veterans Day would mean that frequently Veterans Day and Halloween would coincide—likewise a most undesirable choice.

Accordingly, the fourth Monday in October places Veterans Day in the season of the year when Veterans' Day has been traditionally observed and gives it both a greater significance and provides an expanded opportunity for the preparation of and carrying out of appropriate observances.

Mr. Speaker, it should not be considered that the Congress has changed Armistice Day, which will always be remembered as the calendar date upon which an armistice was reached, to bring the fighting in World War I to a close. Armstice Day is significant, both because of the date and of the hour on which it is traditionally observed, being the 11th hour of the 11th day of the 11th month. I share the hope with most veterans—particularly those veterans of World War I—that Armistice Day may always be observed with appropriate ceremonies, primarily with a few moments of prayerful meditation at 11 a.m. on November 11 of each year.

In addition, it is my hope that veterans, as well as all Americans, will give earnest support to the observance of Veterans Day on the fourth Monday of October in each year to honor all veterans of all the wars and armed conflicts in which our Nation has been engaged, to the end that the manifold benefits from this 3-day long Veterans Day weekend may become an ever more meaningful period during each successive year of our Nation's history.

VISITS TO MAINLAND CHINA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. WOLFF. Mr. Speaker, a great deal of attention has been focused on the People's Republic of China in recent months, partly as a result of President Nixon's announcement that he intends to visit Mainland China within the next year. Since that time a select few have been invited to visit China from this country, and we have read their reports in various newspapers and magazines describing social and political conditions, the Chinese economy, and speculating on the Chinese military potential for the next decade or so.

One recent visitor, however, has taken us a step further in bridging the gap of misunderstanding by writing a careful documentation of the realities of everyday Chinese life, something we in America know little about. She has recorded for us her sensitive understanding of the essence of the Chinese nature and in documenting so well the thoughts and aspirations of the average citizens of that country has helped to reveal the common bonds we have with all the peoples of the world.

Mrs. William Attwood, wife of the publisher of the Long Island newspaper, Newsday, had the good fortune to be included in a recent 17-day trip to Peking with a select handful of American journalists. With them, Mrs. Attwood visited schools and hospitals, factories and communes and ended her stay by joining Premier Chou En-lai for dinner. Mrs. Attwood has given us a vivid picture of life in China today, and I commend her report, which appeared in the November issue of McCall's magazine, to my colleagues:

I DECIDED THAT THERE WOULD NEVER BE A BETTER TIME FOR ME TO TRY ACUPUNCTURE

(By Simone Attwood)

In the hot stillness of dawn, we heard reveille. There was the sound of marching feet. It was five-thirty in the morning, and the Chinese were starting their workday. And we were starting our two weeks' visit to a country which almost no Americans had visited in more than two decades, a country which had isolated itself from the rest of the world to develop a life-style unlike any other.

My husband and I were the first American citizens to buy Air France tickets from New York to Shanghai. Some eighteen hours after our departure from Paris, we had arrived in the People's Republic of China, and our questions were endless.

Would people be friendly? Would we be free to walk around as we wished or would we be followed and watched? Would we be able to take photographs, and if we did, would we be able to take the films out of China? What had the Cultural Revolution of 1966 done to the people's minds, to art, to literature, to everyday life? Was it true, as we had heard, that family life had been destroyed? That husbands and wives had been herded into communes to live in dormitories while their children were cared for in state nurseries? And could it really be true, as the government claimed, that women were in fact the equal of men—in a country where for centuries women had been held in such low esteem?

We had been met at the airport in Shanghai by a colorful display of musicians and singers. They were not there for us, but for the Yugoslav foreign minister, who was heading the first official mission to the People's Republic of China—a big diplomatic breakthrough, since the Yugoslavs have been second only to the United States on China's blacklist.

In the airport terminal, built to accommodate many times the small number of passengers it serves at present, we had passed health-card and passport inspection, and had explained in a combination of sign language and English how many watches and cameras we carried, how much film. None of our luggage was opened.

At first glance, it was difficult to tell whether the airport officials were men or women. They all wore the same baggy pants (green, khaki, blue, or black) the same shapeless tunics (which didn't necessarily match the color of the pants), and the same caps. It was easy to wonder if women who worked and dressed like men, who shared the same regulation hairstyles (short, straight hair), and who wore no cosmetics or adornments of any kind, felt sexless and unfeminine.

We spent a peaceful night at the airport hotel—an airport serving a city of 10 million—with our windows wide open, our sleep undisturbed by a single arrival or takeoff. The next morning we were on our way to the capital of China.

During the next two weeks, which we spent in and around Peking, we spoke to many women and saw them doing many different jobs—in communes and factories, in hospitals and universities. We saw them with their husbands and children, picnicking at the Great Wall, strolling through the parks of Peking and the gardens of the Summer Palace. On a few occasions, we saw young couples talking quietly on a park bench. As we saw them, some of our questions were answered.

Although they lack many things that women all over the world consider indispensable, Chinese women are lovely. They smile often. Their eyes are bright, their cheeks pink and glowing with health, their hair clean and shining. They are doing a job and are proud of it—and it shows in the way they walk, in the way they tell you about what they are doing.

They feel the work they do is for the glory of the state and for Chairman Mao. Since the gigantic power struggle in 1966 between Liu Shaochi (then chief of state) and Mao Tse-tung, every Chinese citizen's thinking has been and still is being molded to conform with Chairman Mao's "pure Communism." According to Chairman Mao, China had begun to follow in the footsteps of Soviet Communism, developing a privileged bureaucratic and intellectual class which in time might lead the way back to Capitalism.

Until Chairman Mao emerged the victor, universities were closed throughout the country, while students, teachers, intellectuals, and bureaucrats were sent into factories and the countryside as laborers to be "reeducated." Today, propaganda teams work tirelessly to promote "pure" ideals: personal gain and "fame and fortune" must be rejected, and all personal effort submerged into the mass effort.

A working part of this mass effort is the Evergreen Commune, a group of villages about 30 miles outside of Peking. The commune has a population of 41,000 and it is typical of the thousands of communes throughout China. Its people raise fruit, vegetables, and pigs (the staple meat of the Chinese) for the markets of Peking. What makes it different from many others, however, is that the executive director is a woman.

Mrs. Wang Ung-wu is in her forties. The daughter of poor peasants, she was illiterate until 1950, when she learned to read in an adult-education class. Today she oversees all the activities of her commune: the day-to-day work, the accounting problems, the long-range projects.

Communes are, as far as possible, self-sufficient. They have their own nurseries, elementary and high schools, workshops for the repair and maintenance of the farm machinery, shoe-repair-shops, barbershops, and stores stocked with a surprisingly large selection of goods. Evergreen even has its own small coal mine.

Here, where the growing season is much shorter than in the south of China, crops are often planted in alternate rows—corn with wheat, potatoes with beans—so that when one crop is harvested, a second one will follow on the same plot. Not a square yard of land is wasted.

In communes the land is held in common. Families are allotted small plots near their homes where they raise whatever they wish for their own personal use; other than that, food can be bought cheaply. Each person earns work points based on his productivity. At the end of the year, a percentage of the earnings of the commune is retained for machinery, supplies, seeds, and improvements. The remainder is distributed according to the work points each person has earned. We were told that at Evergreen, the personal yearly earnings of each worker ranged from 300 to 700 yuans—or about $120 to $300 per year.

Mrs. Shih King-luan, a pretty young woman whom we visited, was obviously proud of the new home she shares with her family. They have three good-sized rooms, their own well and pump, electricity, and a radio. It's quite different from the days when, as a child, she and her family lived in a mud hut. There is no doubt, I think, that the peasants of China, who represent the overwhelming majority of the population, live far better than they have in the past.

All the communes have clinics—their number depending on how many people they serve—and each person pays the equivalent of fifty American cents a year for complete medical care. The clinic we visited was not fancy: What was impressive was its cleanliness and neatness. But although the conditions might seem primitive to us, the important thing to remember is that thirty years ago there was virtually no medical care of any sort for the poor. Since 1949, China has wiped out smallpox, cholera, typhus, and other epidemic diseases through mass inoculation. Tuberculosis, formerly a very serious problem, is rapidly vanishing. As in our country, the most serious illnesses are now cancer and cardiovascular diseases.

The clinics are staffed for the most part by Barefoot Doctors. This is the name given to the thousands of young women and some young men whose job it is to watch over the health of peasant families throughout the rural areas of China. These people are trained in first aid, midwifery, and the treatment of simple diseases, and are able to perform minor surgery and any follow-up care necessary after a patient's illness or operation. They combine medical work with agricultural work, and during the winter go to hospitals for further training.

One of the most important things the Barefoot Doctors do is to encourage family planning and the use of contraceptives. The Pill (a Chinese one), coils, and other means of contraception for married men and women are not only available, but strongly encouraged. Morals are puritan. Unmarried persons cannot obtain contraceptives at all, since premarital sex is considered taboo.

Sterilization for both men and women is also being promoted with a fair amount of success. Tradition dies hard, though, and in the rural areas family planning is still hampered by the preference for boy babies. Couples who have girls often continue having children until a boy or two is born.

Barefoot Doctors are trained in both traditional Chinese medicine and Western medicine, so that one or both may be used, depending on the patient's wishes. One aspect of Chinese medicine that is little known in the Western world is acupuncture—probably the world's oldest method of healing—which has been practiced in China for more than 5,000 years.

It is hard to believe that inserting a fine needle into specific "points" in the body can almost instantly cure headaches and stomach pains, relieve lumbago or a stiff neck. Why it works nobody knows—but then nobody knows exactly why aspirin works either.

Very simply stated, Chinese traditional medicine teaches that, to be well, a person's flow of energy—or life-source, the *Tch'i*—must circulate freely through the body along pathways called meridians. According to the Chinese, there are two kinds of energy—the yang, a positive force, and the yin, a negative force. The yang is activity, heat, male; the yin is rest, cold, female; and there is a constant change in our bodies from one to another. If this energy flow of yin and yang is not in equilibrium, illness will occur. And acupuncture supposedly restores this balance.

The Chinese also believe that emotion plays a very important part in man's well-being and good health. Frustration and anger exhaust us—impeding the flow of energy, often leading to serious illness. It may be difficult or impossible to remove the cause of our anxieties, but many doctors in Europe have found that acupuncture can relieve the muscular aches and pains we so often suffer as a result.

The most important new development in acupuncture's long history—and one which we may come to accept in our own country—is its use as an anesthetic. Western doctors have recently witnessed a number of major operations—including open-heart surgery and brain surgery—during which the patient was fully conscious while anesthetized by acupuncture.

At the Anti-Imperialist Hospital in Peking, I witnesed an abortion in which acupuncture was used to anesthetize the patient. As a young woman lay on the operating table, short needles were inserted into the cartilage of the upper part of her ear. She seemed to feel no pain. During the operation, she obviously felt nothing, and smiled and chatted with the attending nurse.

I was later told that there are about 50 "points," where needles can be inserted in the body to relieve headache and muscular pains. A student can be taught in a week or ten days. This is not to say that acupuncture is simple. There are more than 800 points; a skilled practitioner studies for years—and never really stops learning his art.

While in Peking, I suddenly had what felt like an acute attack of lumbago. I decided there would never be a better time to try acupuncture.

At the hospital, I lay on my stomach as the doctor touched various parts of my back and legs to determine where the trouble was. My husband watched with fascination—and some misgivings—as a very fine needle was inserted several inches into the back of one thigh, then the other.

Except for what seemed like the prick of a pin, I felt absolutely nothing as the needle went in. When the tip reached the nerve at the front of my thigh, there was some brief tingling pain; then no feeling at all as the needle was removed. There was no bleeding and no mark. My legs felt somewhat numb for a while afterward, but I must admit I felt better that night and had no pain the next day.

It was also at the Anti-Imperialist Hospital in Peking—a hospital founded in 1916 by missionaries and supported for about twenty-five years by the Rockefellers—that we had the privilege of meeting Dr. Lin Chauchi, head of gynecology and obstetrics, and one of the foremost women doctors in China. A doctor since 1921, Dr. Lin is a tiny, gray-haired woman who looks and acts much younger than her seventy years. She speaks excellent English (she studied in the United States and England for several years) and is enthusiastic about what has been accomplished during the last two decades to improve health in her country.

I asked her if there were psychiatrists in China. She smiled. Since she receives all our medical literature, she was well aware of the role that tranquilizers and psychiatrists play in the United States. "We have a few psychiatrists," she said. "But there seems to be very little mental illness in China—perhaps because the Chinese personality is very stable and stoic."

There is no doubt at all that one of the greatest changes brought about by the new government in mainland China is that women are treated with complete equality. The part they play in every aspect of Chinese life would have been unthinkable thirty years ago. Today, the key that opens the door to a responsible job or to a university is not whether you are a man or a woman—it is whether you practice correct political thinking.

Because of the Cultural Revolution in 1966, the entire Chinese system of education has been revised. Students must work for at least three years before applying for entrance to a university. Then, if found "politically acceptable" by co-workers and the revolutionary committee, and if they have sufficient ability, they are admitted.

During a day we spent at Tsinghua University, a polytechnical institution in the suburbs of Peking, those responsible for carrying out the new directives and ideas in education admitted that the University had reopened only this year, and had a freshman enrollment of 2,700—25 percent of whom are girls—the majority of them studying engineering.

To prevent the emergence of a new intellectual class, students now combine their theoretical studies with a great deal of factory and agricultural work, "to keep in touch with the masses." Courses have been reduced to four or five, instead of the seven or eight that students formerly carried, and they cover such subjects as engineering, math, and physics (no humanities are taught). The period of study is now three years.

The major problem seems to be that there is a great difference in the individual preparation students have had. Some are the equivalent of high-school graduates, some of junior high-school graduates; there are even some older work-students who have had many years of practical work and experience in their field but very little formal education. These older students are highly motivated and determined to succeed and it will be interesting to see how this new approach to higher education evolves.

None of the high schools I visited seemed to offer any of the courses in homemaking, cooking, or sewing that we have here in the United States. In the cities, Chinese women, like men, work a six-day week, and they are fed three meals a day where they work. Women, I was told, are not interested in being housewives. In any case, their work schedule, plus the political indoctrination talks they must attend, seems to leave them little spare time.

I suspect, though, that love of color and beauty dies hard in the feminine heart; although women usually do not deviate from the normal drabness of their own clothing, they dress their children in bright colors and with a good deal of imagination. This lingering feminine "weakness" may account for the many photographs of colorfully dressed ballet stars we saw on the walls of the homes we visited. (No home, of course, is without pictures of Chairman Mao.)

Ballet seems to be the only cultural activity. It is, of course, in keeping with acceptable political thought and referred to as "revolutionary dance drama." Dance themes deal with wicked landlords, the exploitation of the peasants, and the victory of the Revolution.

No poetry and fiction is published, but there are great quantities of all the writings of Mao Tse-tung (everyone, young and old, has a little red book), and some textbooks. Magazines for women, such as we know them, are nonexistent. Western literature is not available at all—except to those in higher echelons of government.

No account of a trip to the People's Republic of China would be complete without mentioning the food. There are many restaurants, and the fare they offered was delicious.

In Peking, of course, we sampled the famous Peking duck. Since it requires many hours of preparation before it appears, crisp and steaming, it must be ordered well ahead.

We often dine at Chinese restaurants here at home, and we were surprised to find that tea was never served *with* meals, but always before; and that soup (sometimes, at more elaborate dinners, more than one soup) was served during and after the main courses, and sometimes before dessert.

Our most memorable meal was a dinner for other visting American journalists and their wives by Premier Chou En-lai. It was served in the Fukien Room of the Great Hall of the People, an enormous building which dominates Peking's main square.

We were seated, in the traditional Chinese way, facing our host across a round table; and even the political talk did not dim the premier's charm and sense of humor and our enjoyment of the superb meal.

The menu, handwritten in English and stamped with the red-and-gold seal of state, included:

Hors d'oeuvres; silver agaric consommé; sea cucumbers, abalone, and meatballs; chicken slices with shrimp and peas; shad; mushrooms and lima beans; bean puree; pastries; and fruits.

One of the things the menu did not tell us was that the hors d'oeuvres were a meal in themselves. Innumerable cold dishes were placed on the table. They included chicken, crabmeat, shrimp, bean curd, and string beans. Nor did the menu tell us about a seemingly endless number of side dishes—the small rolls, stuffed dumplings, and traditional rice.

Sea cucumbers were a new experience. In reality, they are sea slugs with a delicate flavor and a gelatinous and slippery consistency. If you can eat those with chopsticks, you can eat anything with chopsticks. The shad, served in a sweet-and-sour nut sauce, was especially delicious.

The bean puree, I discovered, was a thick, sweet, very cold dessert somewhat like chestnut puree; the pastries were made of almond paste, sesame seeds, and flavored with honey. The fruits served were slices of watermelon and bananas.

Each main dish called for a toast, to good health and friendship, with *mao-tai*—a very strong liquor made of sorghum and tasting somewhat like vodka. Premier Chou himself raised his glass to the liberation of women everywhere. Then, almost three hours after we first sat down to dinner, we moved into a sitting room where we drank farewell cups of tea.

Another farewell—to China itself—followed shortly thereafter. The next morning we left for Hong Kong. Our luggage went unopened at customs, our undeveloped film was passed without question. We were sent on our way by one official who said, "Come again."

I hope we will. We had been treated with extraordinary courtesy during our visit. There had been no objection to our photographing anything we pleased, anywhere we went. True, we were stared at a great deal—even in Peking, foreigners are curiosities. And we did feel great frustration because of our inability to communicate: Our Chinese did not include anything except "thank you" and "goodbye," and in our travels we met few people who could say more than the very same thing in English. But as we wandered by ourselves through the parks and along the streets, we had been greeted with smiles—and that seemed a significant communication all its own.

THE INDEPENDENCE OF LATVIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. DERWINSKI. Mr. Speaker, today is the 53d anniversary of Latvian independence. On November 18, 1918, 1 week after the armistice had signaled the end of the First World War, the national council that had been established in Latvia proclaimed that country's independence.

Its brief period of freedom, which was destined to last for less than 22 years, began under very unpromising circumstances. Latvia had lost almost 40 percent of its population during World War I. Ten thousand farms had been completely destroyed. Practically all of its industrial machinery and other equipment, along with its industrial population of 100,000 workers, had been evacuated to Russia.

Despite the difficulties that confronted them, the people of Latvia were determined to establish a durable republic. They labored mightily to develop their new nation and enjoyed a certain degree of success. Unfortunately, the future of their land was not entirely in their own hands.

The defeat of the Germans and the overthrow of the Russian Government by the Communists produced developments in which a new and violent dictatorship grew to ultimately threaten Latvians and their newborn independence. The Communists had already seized power late in 1917, a year before the war ended, while Germany did not come under the domination of another leftwing force, national socialism, until early 1933.

These two totalitarian forces, which were ostensibly irreconcilable enemies, signed a treaty on August 23, 1939, that became a green light for the beginning of what eventually became a Second World War. The partition of Poland between Nazi Germany and Communist Russia was an indication to Latvia and her sister Republics on the Baltic, Estonia, and Lithuania, that their days of freedom were numbered.

The Soviet Union invaded Latvia in June 1940, all of it being in Russian hands by the 17th. On August 5 the free Republic of Latvia became a province of the huge Soviet Empire.

During the following summer the international gangsters fell out and Hitler's armies invaded the Soviet Union. Latvia was occupied by the Nazis from mid-1941 until nearly the end of 1944, when Stalin's forces again took possession.

Since the end of World War II, the history of Latvia has been a repetition of the history of all nations that have been subjugated by the forces of international communism, whether those forces are controlled from Moscow or Peking. Its farms have been collectivized, for all land is government property. Its industries have likewise been taken over by the government.

Education is also controlled by the government, over half of the teachers being non-Latvians whose only training has been in Communist political courses. The Communists have tried to stamp out religion, whether it be Christianity or Judaism.

Mr. Speaker, in my present assignment as a U.S. delegate to the General Assembly of the United Nations in a debate in the world body on the subject of self-determination, I directed the attention of the delegates from 130 member countries to the fact that the illegal occupation of Latvia, Estonia, and Lithuania by the Soviets is a denial of self-determination and is not acknowledged by our Government and should not be acknowledged by nations who have a legitimate interest in freedom.

Mr. Speaker, the example of Latvia, along with the kindred examples of Estonia and Lithuania and a score of other nations that lie beyond the Berlin Wall and the Iron and Bamboo Curtains, should be a solemn warning to free nations everywhere. Let us hope and pray that those countries where men and women still live in freedom will heed this warning and cease appeasing the evil forces of international communism.

"WHITE HOLLY"

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BEGICH. Mr. Speaker, the good ship *White Holly* of the U.S. Coast Guard has been a fitting tribute to the

Coast Guard. The officers and men of the *White Holly* have been extremely dedicated to their duty both to the United States and to Alaska. They have been efficient in keeping our waters free of any foreign encroachment and they have aided and assisted the people of Ketchikan and southeast Alaska in any manner possible. They have aided in rescues, searches, disasters, and navigation through hazardous waters.

The U.S. Coast Guard is transferring the *White Holly* out of Alaskan waters and the people of Ketchikan felt it only proper to pay tribute to this ship and its crew. In keeping with the community spirit, Mayor William F. Hamilton of Ketchikan declared November 11, 1971, as *White Holly* Day. I would like to take this opportunity to join the people of Ketchikan in their tribute to the *White Holly*. I am inserting a copy of the Ketchikan proclamation for my colleagues' inspection so that they may be aware of the outstanding job done by the *White Holly:*

PROCLAMATION

Whereas, the U. S. Coast Guard has ordered the transfer of the good ship *White Holly* from its natural and historic role as guardian of the last frontier, and

Whereas, the good ship *White Holly* has played a spectacular role in the policing of international waters against foreign fishery encroachment, has assisted in many search and rescue operations involving America's finest fishermen, hunters, loggers and miners, has maintained aids to navigation in some of the most hazardous waters of the world, and

Whereas, Alaska now has attained statehood, the U. S. Coast Guard has mechanized much of its search and rescue operations by using aircraft to speed up its services to the outlying areas, and

Whereas, the officers and enlisted personnel of the good ship *White Holly* have become outstanding examples of the U. S. Coast Guard, have brought its services and relationships closer to the people of greater Ketchikan than to those of any other portion of America, and

Whereas, other portions of the United States of America now need and deserve this humanitarian service long rendered to Alaskans by the *White Holly*, and

Whereas, the door to the First City of Alaska remains always open to the *White Holly's* officers and crew who will wish to return here for later duty or retirement,

Therefore, in recognition of the service of this vessel and personnel, I proclaim Thursday, November 11, 1971 as *White Holly* Day in greater Ketchikan and by virtue of the authority in me vested, requested all citizens of Greater Ketchikan to pay appropriate tribute to the good ship *White Holly* and its personnel.

Done under my seal and signature this 5th day of November, 1971.

WILLIAM F. HAMILTON, *Mayor.*

HIGH KARTH AIDE RESIGNS

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. KARTH. Mr. Speaker, all of us in Congress know the valuable work performed by our staff members—it hardly seems necessary for me to point out to our colleagues that their contribution is essential to the work that we do. That is why it is always a disappointment when a Congressman loses an assistant to another "firm" that comes up with a better offer. That is the circumstance of the announcement I have today. I might point out that in this case the "firm" I am losing an assistant to is the assistant's family—this is the kind of competition that no Congressman can overcome. Fortunately my staff takes a great deal of pride in being one of the best on the Hill—and one of the reasons for this is their approach to matters such as this. That is why, Mr. Speaker, it is with pride that I insert into the RECORD the following tongue-in-cheek "news release" penned by one of my staff members to announce the resignation of my assistant, Mrs. Kay Beckman.

HIGH KARTH AIDE RESIGNS

WASHINGTON.—A high aide to the Hon. Joseph E. Karth (D-Minn.) (who is well known for her afternoon nips, thereby gaining the title of a "high aide") submitted her resignation to Karth's Legislative Assistant, Ed Tonat, early this afternoon.

Kay Beckman, a veteran Capitol Hill secretary who previously worked for Reps. Fino, Keogh, and Annunzio, said that she is accepting an executive level position with Beckman and Son. She had extensive experience as secretary, military case worker and legislative mail writer.

The pert, blonde woman, a well known figure among knowledgeable Hill observers, said, "This new position is just too good to pass up—this will allow me to spend more time with my husband Don, er, that is Dan, and our son, uh, whathisname."

Her co-workers in Karth's highly efficient office immediately filed charges of treason against the irrepressible Ms. Beckman, claiming that she is guilty of the grossest form of desertion.

The entire sentiment of the staff was well summed up by a well enunciated obscenity from the press secretary, "Shucks."

Another staff assistant commented, "This only goes to show you the lengths that this staff will go to in order to have a party!"

MURPHY STRESSES URGENT NEED FOR GUN CONTROLS

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MURPHY of Illinois. Mr. Speaker, there are many things wrong with this country today, things which we can rectify if we work together, and give a little time and energy to find solutions. One situation which confronts all of us is that of safety in our streets—safety from gun-toting hoodlums who would kill an innocent human being for a few dollars or simply for kicks.

It is indeed a sad note that many Americans are afraid to walk our city streets at night; that storeowners are threatened with a $5 pistol to give up their hard earned money; that homeowners are confronted in the middle of the night and forced to hand over their valuables to a petty crook who holds the power of life and death in his hands.

Our country is armed to the hilt with cheap handguns which are easy to obtain and even easier to use. When are we going to stop coddling every smalltime hood who thinks he can commit whatever crime he pleases because he has a gun?

People who oppose tighter control of handguns are often heard to say that "guns do not kill people; people kill people." This is twisted logic of the most extreme sort. Yes, people do kill people, but the possession of a so-called Saturday night special makes it easier for someone to take another's life.

What kind of a city is it where citizens fear for their lives and refuse to venture out at night? What kind of safety can we offer our families if accessibility to handguns is made easier because a few have the idea that the Government is attempting to register their guns for the purpose of confiscating them?

Those of us in favor of stricter gun controls are not denying the ownership of legitimate weapons used for hunting or target practice. We are interested in making it tougher for every small time criminal to obtain a gun for killing. We are interested in seeing that those who purchase guns with a legitimate reason are properly trained and responsible citizens.

Anyone who can deny the necessity for taking guns out of the hands of petty criminals and unresponsible persons is indeed denying the majority of our citizens their right to enjoy freedom from the fear of being assaulted. It is unbelievable that some persons could argue against gun control knowing full well that most crimes and rapes are committed at the point of a gun.

Are we all to arm ourselves in self-protection and by doing so return to the days of the Old West where men blazed away at each other on frontier streets? We have come a long way from that time and those situations, and it should not be necessary for every citizen to arm himself because his very life is threatened every time he sets foot out the front door.

I ask all citizens to support stronger gun legislation, designed to get "Saturday night specials" off the street and out of the hands of hoodlums. If we are ever to have law and order return to the streets of our communities, this must be the first step.

Men are never so brave as when they are holding a gun on an innocent victim. Our streets are never so unsafe as when the purchase of a cheap instrument of death is made easier by those who fear too much Government control. We must have stronger legislation to protect the majority of our citizens who are tired of being harassed by gun-wielding criminals. Only through stricter gun control can we once again say we are a country of domestic tranquility.

DEAN EARL BUTZ

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. HILLIS. Mr. Speaker, today I would like to take a few minutes regarding President Nixon's recent nomination of Dean Earl Butz of Purdue University as Secretary of Agriculture.

Dean Butz is an outstanding individual and it is my hope that he will receive early Senate confirmation.

Dean Butz was an Assistant Secretary of Agriculture under President Eisenhower and dean of the Purdue University School of Agriculture. At the present time he is dean of continuing studies at Purdue.

There have been some criticism of the nomination because Dean Butz is not an active farmer.

Mr. Speaker, let me tell you this: There are many active farmers who are better farmers because they went to Purdue and received their instructions from Dean Butz.

Dean Butz has made agriculture and the study of agriculture his lifework. He is a noted authority.

In Dean Butz, the President will also have an outstanding spokesman who will travel the Nation and learn of the problems and offer his solutions.

He is also respected by his fellow men.

His name was once placed in nomination for Governor of the State of Indiana and he is widely known throughout our State as an outstanding public speaker.

FIRST PLACE TO AMERICAN OIL FOR POLLUTION-FREE WASTE DISPOSAL

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. COLLINS of Texas. Mr. Speaker, In a program of awards for environmental control development endorsed by the Interior Department, the Environmental Protection Agency, the Commerce Department, and all phases of the petroleum industry, American Oil took top honors for their innovations in waste disposal. Petroleum Engineer awarded first place for America's development of a fluidized bed incinerator for safe disposal of oily sludges and spent caustic solutions without polluting the air.

Our country is proud of the petroleum industry as it sets the pace for protecting ecology in our increasingly industrialized society. American Oil was deservedly recognized as a leader in this program with the following citation:

> Among the many waste disposal problems incident to petroleum refinery operations, the disposal of oily sludge and spent caustic is one which has been most perplexing. To solve it, the Mandan, N.D. refinery of American Oil installed a fluidized bed incinerator which has proved to be a safe and effective disposal technique while eliminating the air and water pollution problems associated with past disposal practices.
>
> Since oily sludges and spent caustic are generated in substantial quantities in large refineries, the longterm solution of their disposal should be based on a reduction in volume and destruction of objectionable constituents to leave a compact volume of innocuous residue which can be disposed of easily and perhaps usefully. The fluidized bed incinerator was chosen because of its extremely high transfer efficiency, excellent mixing and stable combustion conditions. The unit consists of a vertical, refractory-lined furnace with ancillary facilities which include tanks and pumps to store and feed sludges and spent caustic, blowers to supply combustion and fluidizing air, automatic control equipment, and stack scrubbers to produce a clean, odorless exhaust gas. The organic portion of the wastes is completely burned inside the furnace within a fluidized sand bed to produce three stable combustion products: a clean, granular, inorganic ash; carbon dioxide, and water.
>
> During operation oily sludge is pumped into the fluidized bed. As it enters the furnace the violent action of moving particles within the bed rapidly disperses the sludge throughout the entire bed. Water in the sludge evaporates immediately with the necessary heat provided by direct contact of the dispersed sludge with the bed material and hot combustion gases. Remaining oil and organic material rapidly ignite and burn within the bed. Heat released during combustion is absorbed by the bed material so the entire process is self-sustaining.
>
> Spent caustic is introduced to the incinerator separately just above the bed. Stable products of its combustion, mainly sodium sulfate and carbonate, are deposited within the bed. Eventually the bed becomes composed predominantly of sodium sulfate and carbonate pellets, which serve the same purpose as the initial sand bed.
>
> A temperature of about 1350 F is maintained in the bed during incineration, with about 20% excess air provided for complete combustion. Careful control of the temperature is necessary to maintain a temperature high enough for complete combustion and yet low enough to prevent fusion of the inorganic chemical residues.
>
> Exhaust gases from the furnace are passed through a cyclone separator, where most of the entrained solids are separated from the gas stream. Recovered solids are returned to the furnace from the cyclone. Exhaust gases are then passed through a venturi scrubber, where final traces of particulate matter and any gaseous pollutants are removed.

OIL AND "THE TIMES"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BIAGGI. Mr. Speaker, many of us have been concerned about the prospect of oil drilling off the Atlantic coast and what it will mean to those of us who have long enjoyed the fine recreational opportunities that the Atlantic shoreline has to offer. This morning's New York Times contained an editorial supporting a bill introduced by my good friend and colleague, Congressman NORMAN LENT of Nassau County, N.Y., which would put the Atlantic out of bounds for oil drilling unless foolproof environmental safeguards are developed. Because I was among the first of 70 Representatives from Maine to Maryland to join Congressman LENT in this effort, I want to take this opportunity to enter the Times editorial in the RECORD so all of our colleagues here in the House and the people of the entire Atlantic coast may have the benefit of these views.

> #### SANCTUARY FOR THE SEA
>
> The mighty oceans are in danger. As Jacques Cousteau observed in testimony before a Senate subcommittee, chemical pollution and reckless exploitation disrupt what are actually innumerable delicate balances between life and death in the world's oceans.
>
> In the light of this clearly perceived menace, apprehension has been aroused on Long Island by reports that the Interior Department is considering the sale of leases for oil drilling on the continental shelf of the Atlantic seaboard. Technically the department has so far done no more than issue exploration permits, an all but automatic procedure. Yet the nervousness is warranted.
>
> Secretary Morton has stated that no drilling will be sanctioned without a full consideration of environmental consequences, a pledge repeated in correspondence with members of Congress and others. That much he is required to do under the law. But the Secretary has made it equally clear that a paramount responsibility of his department is to meet the nation's demands for energy.
>
> That is precisely the trouble. Mr. Morton's department, charged with both the promotion and regulating of oil production, is compromised from the start in deciding objectively where the production of oil threatens the integrity of the environment.
>
> Certainly there is little reason to expect the department to ride herd on the oil prospectors of the Atlantic coast any more than it has on the despoilers of the Santa Barbara Channel and the Gulf of Mexico. There is even less reason to suppose that the companies will suddenly invest themselves with self-sacrificing concern for the environment.
>
> It is natural enough for Long Island Congressmen to be taking the lead in trying to head off the sale of leases in view of the special threat to the island's beaches and wetlands. Representative Lent of Nassau County has proposed a moratorium on all oceanic drilling until the Secretary of the Interior can determine in conjunction with the Council of Environmental Quality just how much of the nation's natural resources are genuinely required for the years ahead—so that priorities can at last be clearly fixed. In addition, the Lent bill would provide for marine sanctuaries in the Atlantic permanently free of the threat of drilling.
>
> Sanctuaries are similarly provided in a bill by Senator Cranston of California for the protection of that state's threatened coastline. The tragedy of the Santa Barbara oil catastrophe two years ago underscores the necessity of enhanced protection for the much-abused offshore waters of the Pacific and makes the Interior Department's foot-dragging response to the Cranston bill inexplicable.
>
> Except as a last resort, when all other sources of energy have been used, the waters of neither the Atlantic nor the Pacific should be exposed to the added burden of oil drilling with its risks of spills and blowouts. The seas themselves are now in need of sanctuary.

VILLARREAL CONFIDENT OF BUFFALO TRANSIT PLAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. KEMP. Mr. Speaker, it was my pleasure to invite the energetic administrator of the Urban Mass Transportation Administration, Carlos Villarreal, to be the principal speaker at the Construction Industry Employers Association annual dinner in Buffalo on November 12, 1971.

He delivered an important and timely address which demonstrates the Federal concern for effective systems of transportation nationally and on the Niagara frontier.

At this point it is indeed a pleasure

to insert his remarks into the Record and call this to the attention of my colleagues:

Remarks by Carlos C. Villarreal

Gentlemen, good evening and thank you for your gracious invitation to come to Buffalo and visit with you this evening.

When your good Congressman, Jack Kemp, wrote and asked me if I could be here for this Annual Meeting of the Construction Industry Employers Association, my calendar was clear and I accepted the invitation with pleasure. As a matter of fact, I was particularly complimented by Jack's interest in our Federal mass transit program and am very pleased to have an opportunity to discuss it with you.

Little did I know that Secretary Volpe would jet home from Spain this past Saturday and ask me to accompany the Spanish Minister of Public Works Fernandez de la Mora and six or eight Spanish transportation officials on a coast-to-coast inspection trip. I want you to know that things are well in Phoenix, San Francisco, New York City and Washington—I know, because I have just come from all of those places!

Congressman Kemp's interest in our program and its effect on this region is very helpful to us in the Department of Transportation. I can tell you as the chief executive officer of a major Federal program, you get awfully lonely in Washington, and it is very reassuring to know that there are Members of Congress who are vitally interested in what we are doing.

The opportunity to meet with you is a welcome one. It enables me to talk to you briefly on what we are doing in Washington about mass transit and something about the construction implications and effects of the Federal public transportation program. Too often, mass transit is discussed only in terms of ridership, buses and transit cars, and the moving of people. The construction aspects of mass transit all too often are overlooked.

There is a common misimpression that mass transit construction competes with highway construction; that funds for mass transit means that less funds will be available for highways; that funds for transit construction means that less funds will be available for highway construction.

Not true. In fact, precisely the opposite is true. Mass transit complements and adds to our urban highway people-carrying capacity. Mass transit needs an equally effective surface street and freeway system for main line and feeder bus service. Furthermore, the construction of rapid transit, subway, and other exclusive right-of-way systems require and use the very same skills and construction know-how, and many of the same materials as are used in highway and other heavy construction. Even though mass transit means a whole new, big market for the heavy construction industry, I find very few contractors and builders who realize it.

As you know, just a little more than a year ago the Congress overwhelmingly passed President Nixon's Urban Mass Transportation Assistance Act of 1970. Even though earlier legislation in 1961, 1964 and 1966 provided year-to-year funding for mass transit development, only last year did we get the long-term Federal financing needed for the very large, big capital projects so characteristic of mass transit development.

This mass transit legislation that Secretary of Transportation John Volpe was so instrumental in obtaining, provides my Administration with $3.1 billion available for immediate obligation. It is part of a $10 billion, 12-year program to upgrade, rebuild, and extend existing transit service and to build new systems.

As one of the seven line agencies reporting directly to Secretary Volpe, the Urban Mass Transportation Administration is charged with the responsibility of using these funds to provide financial assistance for capital improvements to public bodies and to carry on a research program directed toward the development and demonstration of new transit systems.

In the past 10 years, about $1 billion Federal funds, matched by an equal amount of local funds, have been spent on public transportation. With the recognized need for a significantly larger national mass transit improvement program, and with the passage of the legislation last year, mass transit is now a big, new and important business.

Under the leadership of Secretary Volpe, we have seen our program grow from $175 million per year, to $400 million last year, to $600 million this year. We presently have under review for next year a program calling for $1 billion. Said another way, whereas Federal funds for mass transit have equalled $1 billion in the last 10 years, during the current 18 months—from January 1971 through June of 1972—we will obligate $1 billion, and thereafter, $1 billion per year.

Our legislation calls for biannual review of our obligation authority, so next year, Secretary Volpe and I expect to return to Congress and ask for the next increment of authority beyond the present $3.1 billion to carry this program forward.

I needn't tell you the Congress is a very severe task master and requires accomplishments and results from those managing programs for which the Congress makes funds available. I don't say this merely because Congressman Kemp is with us. I say it because it is true, and because it is important for you to know that we take seriously President Nixon's urban commitment and his very real desire to make progress in our cities.

Incidentally, I was interested to note that this area is known as the Niagara Frontier. When we were at the White House just about a year ago for the signing of our mass transit legislation, President Nixon spoke of frontiers. He said that whereas the West was the frontier of the 19th Century, the urban frontier is the frontier of the 20th century. From the very considerable progress that you are making in developing a regional public transportation capability here, it is very apparent to me that the Niagara Frontier won't be a transportation frontier very much longer. You will have a good bus and rapid transit service in operation.

Of course, we are disappointed the New York transportation bond referendum didn't pass last week. We are not discouraged, however. Undoubtedly you know that on Tuesday, the mass transit referendum passed in Atlanta, and that fast growing Southeast region is now proceeding with its planning for a regional bus and rapid transit system. Bear in mind that three years ago transit bonds failed in Atlanta—so you are not alone. They made it on the second try because the people in that region now realize there is no alternative to good public transportation.

It is unfortunate that some very much needed projects here in New York may be delayed or temporarily deferred. I need not tell contractors or their suppliers what happens to costs when construction projects are delayed. Where already there are more projects than there are local funds to finance them, delays can only aggravate an already chronic national shortage of State and municipal funds to carry forward transportation projects.

Having just come from the Bay Area Rapid Transit System in San Francisco the day before yesterday, I can tell you what construction delays cost. It now looks like the BART system will cost $1.4 billion, some $300 million more than the $1.1 billion estimated for the project when construction began in 1964. In Washington where $300 million worth of subway construction is underway and where some 1,800 men are at work, that system is now going to cost $3 billion, some 15% more than original estimates.

Going back to your transportation bond issue, I would hasten to add that New York is way ahead of most other states, however, having voted a $2.5 billion bond issue just three years ago, and already you are making substantial progress straight-across-the-board in a state-wide, all-modes transportation development program. This is not enough, I know. I am sure Governor Rockefeller wants to move ahead. I have to say that very few Governors have been as wholehearted and tireless in their pursuit of transportation improvements as Governor Rockefeller has been. I am also sure that in due course the necessary bonds will be passed.

Jack Kemp tells me that the transportation bond issue did carry upper New York State. Clearly, that is a very real indication of the broad public support I feel certain your currently developing local mass transit program has.

So don't be discouraged; proceed with your plans for a regional mass transit system, knowing that down in Washington we are anxious to help you make progress.

It is something of a mystery to me why big Federal programs—such as the one that I manage—aren't really well understood at the local level. I just want you to know that I am very familiar with the work being done by the Niagara Frontier Transportation Authority, particularly in mass transit. Our grant of $524,000 has helped the authority to analyze the feasibility of a 12½ mile rapid transit line in the Buffalo-Amherst urban corridor. We very much want to see this work go forward, along with the proposed development of a regional bus system.

Let me stop here for a moment. What about the Federal Government making money available to buy up private bus companies—like the seven bus companies in this area—substituting government enterprise for private enterprise? Let me make our policy on this question just as clear as crystal. And this policy question has received careful and meticulous attention by us in recent weeks.

Our policy is this: we are required by legislation—yes, by the Congress—to provide every opportunity for the full participation of private firms as well as public operators in carrying out Federally financed transit projects. It is becoming increasingly difficult, if not impossible, for private bus operators to earn an adequate return on their capital. Nonetheless, private operators should participate in our project to the fullest extent possible. And the work we do is directed towards this objective.

Having just been out to BART the day before yesterday, I am particularly reminded of the many construction aspects of this and other major rapid transit projects. You will be interested to know that a portion of the 75-mile, 34-station, fully automatic BART system will open in the Spring of next year. The complete system will open in November of 1972—just a year from now. This is the first completely new rail rapid transit system built in the United States in more than 50 years.

Of the $1.4 billion estimated total cost of BART, the largest single cost is not equipment or cars or automatic train control, as you might imagine. The largest single cost is construction—some $850 million. The total labor payroll will equal $200 million, representing nearly 35 million man-hours of labor, with an average annual employment of 2,500 men. The peak labor force, at times, during the past seven years has reached 8,000 men.

In the BART system, there are 2 million cubic yards of concrete; 3½ million barrels of cement; there are 19 million cubic yards of excavation, and 475,500 tons of steel. The numbers and quantities for the Washington Metro are equally impressive.

As you proceed with the development plans for a new rapid transit system for this area, know that the construction implications are enormous. It only makes good sense for you, as construction industry employers, to encourage and support local public officials, your local transportation planning and development agencies, and others working towards improved public transportation in the Buffalo region.

We have found that the principal difficulty in implementing major mass transit projects is not the design and engineering, not the requirements of technology, or indeed the time, difficulty and cost of construction. The principal problems are in overcoming what might be called the political and institutional constraints in implementation. Obtaining agreement on how to proceed, adopting a regional plan, raising the local one-third matching share and otherwise marshalling the resources of the local community, these things are far more difficult than any of the technical or mechanical problems.

So let me encourage you to lend your support to your local efforts to move ahead, and know that we in Washington stand ready to be helpful with the Federal public transportation program, intended by the Congress to accomplish the objectives you, and I, and all of us have for the Buffalo region.

My thanks to you for inviting me here this evening. I always enjoy coming to New York State. I look forward to being here again with you very soon.

Good luck to you and thank you very much.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to pro up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

ON UNDERSTANDING CONGRESS—THE VIEW FROM THE HILL

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MORSE. Mr. Speaker, I would like to share with my colleagues an article by Mr. William Shinn, Jr., that appears in the current number of the Foreign Service Journal. Bill Shinn, a Foreign Service officer presently serving in Vienna with the Arms Control and Disarmament Agency at the strategic arms limitation talks, and a former congressional fellow on my staff, explores in his article the new assertion of foreign policy-making power in the Congress and the age-old difficulty that politicians and diplomats have always had in understanding one another.

Bill considers a strong congressional role in foreign affairs to be not only the constitutional prerogative of this body, but also a healthy development that will insure that the major elements in our pluralistic society have some voice in determining national policy in this vital area. In addition, Bill calls for increased contact and better understanding between members of the diplomatic corps and the Congress.

I compliment Bill for his enlightened and knowledgeable discussion of the Congress' new consciousness of its responsibility in the process of foreign policy formulation, and I believe that his article can provide useful insights to those of us here in the Congress and to our counterparts in the State Department. I commend this article to my colleagues and insert it in the RECORD at this point:

ON UNDERSTANDING CONGRESS—THE VIEW FROM THE HILL

(By William Shinn, Jr.)

"Every man up here thinks he's smarter than the President and could do a better job," remarked a leading Democratic Senator of his colleagues at a recent meeting with the Congressional fellows. Few politicians would be so candid, but fewer yet would deny, at least in private, that this is so. It takes a vast amount of self-assurance, drive and just plain courage to get elected to public office, and these qualities infuse a constant dynamism in the game of politics. A congressman who retires of his own free will is a rarity. The natural urge is to go on to bigger and better things.

I would submit that this spirit is imperfectly understood by most practitioners of the diplomatic art. We instinctively resent the power of Congress to interfere in policies we conceive to be in the national interest, and we are rankled by the budgetary power of a few men over our very livelihood. We don't like to be pushed around but are frustrated, because if we fight back we are not being "diplomatic." Indeed, at times it must seem that some congressmen take a rather perverse delight in trying to make us "lose our cool."

Relations have rarely been smooth between Congress and the State Department and various reasons have been advanced to explain the difficulty. Dean Acheson, in his memoirs, points to the narrow constituencies and interests of legislators as the main trouble-making factor. Others argue that the potential for dispute is built into the Constitution, which actually allocates more specific powers in foreign affairs to the Congress than to the Executive. Indeed, it cannot be denied that the basic constitutional principle of checks and balances is an invitation to discord.

However, what may be the most important single cause of friction has, to my knowledge, been overlooked. It is the simple fact that politicians and diplomats are quite different human beings. In training, background and professional temperament, one could say they are almost exact opposites. Politicians seek public exposure as a marooned fish seeks the water. It's their natural element—the source of their existence. They are, for the most part, outgoing, outspoken, gregarious and acutely sensitive to the feelings and attitudes of others. They are also activists and seem to relish the tug and pull of argument and debate. Most are seemingly self-assured and display all the outward signs of classical hubris, but beneath a confident exterior, like characters in a Greek drama, they are haunted by the potential Nemesis of the electorate.

By contrast, a diplomat is schooled in the advantages of anonymity, taught to curb his passion and to maintain his reserve. While there are many exceptions to the "diplomatic" style, the natural bias of the profession encourages a kind of "poker face" syndrome. One's utterances should always be understated and one's movements ever cautious. If the rewards of politics are to be found in making public declarations and inciting public controversy, the success of a diplomat is measured by his ability to work quietly, patiently and behind the scenes, seeking to reconcile differences and resolve conflicts. Political misfires are easily forgotten. In diplomacy they can be fatal.

Is it any wonder then that we have problems understanding each other? It is all too easy for a Congressman to mistake reserve for arrogance, temperance for hostility and discretion for lack of candor.

Their stock in trade is getting through to people, and in dealing with Foreign Service officers, they often feel they are communing with Buddha. Hence the temptation to seize on mistakes and errors in judgment when they occur, blowing them up out of proportion and seeking to pillory the perpetrators. More often than not, this seems done less for political effect than in an effort, born of pique and frustration, to break through the impassivity of the Department and show that it does not have a unique monopoly on wisdom in foreign affairs.

The very atmosphere of the State Department is in stark contrast to the halls of Congress. Coming from the bustling surroundings of the Hill, a visitor to State is prone to compare the place with a large metropolitan hospital—white, antiseptic and quiet. It is our special misfortune that we are located in an area called Foggy Bottom. Apart from the symbolic implication that our perceptions may somehow be dimmed by an absence of clear air, there is a troublesome connotation that the lack of elevation corresponds to our relative status with other Departments of the Government and, most of all, with the lofty seat of the Legislative Branch.

Congress today is in a period of increasing assertiveness in foreign affairs and the trend seems certain to continue. The agony of Vietnam, our declining trade balance in a tight economy, the pressure to restructure our national priorities and the greater attention paid to events abroad by the public media have all contributed to make foreign policy a major political issue. No longer is Congress content to act as a mere check on the Executive. It is seeking to have a real voice in actually making policy. It is endeavoring to do what Senator Javits urged in his Foreign Affairs article of January, 1970, when he declared that "every element of foreign policy must be totally debated."

I fear that many of us are but dimly aware of the changes that have taken place. On May 10, when Senator Mansfield suddenly introduced his amendment to withdraw our forces from Europe, I was urgently called out of a Foreign Relations Committee hearing and asked to get to work on material for the debate which was reportedly to end in a vote that very afternoon. In a quick search for up-to-date information I called several of my colleagues in the Department. Some of them were quite helpful. But for the most part, I met only with expressions of sheer incredulity. How could the Senate disrupt years of patient negotiation, throw our NATO alliance into disarray and reverse our posture in Europe in a single sweep?

Anyone who had followed attitudes in the Senate closely would have known that Senator Mansfield's position had considerable support and that the arguments in its favor were not entirely lacking in reason. As it was the vote was postponed and the amendment was ultimately defeated. However, the issue is bound to remain with us in one form or another. In dealing with it we cannot avoid the domestic political factors involved.

George Kennan and others have argued that Foreign Service officers should not consider domestic political factors when making judgments on foreign policy. I respectfully disagree. The climate of American opinion and the attitude of Congress are often crucial to the success or failure of policy initiatives. True, we cannot be experts on domestic politics, but years of experience in studying the internal affairs of foreign countries should give us some insights into our own political processes. To operate in an ivory tower, immune from political currents, is unrealistic and can only add to the popular misconception of State Department officers as elitist and out of touch with grass roots sentiments. In a democracy, the attitude of the people is always ultimately crucial.

This is not to say that popular opinion as measured by the polls or the collective wisdom of 535 members of Congress is necessarily more right than the informed and carefully considered views of diplomatic professionals on matters of foreign policy. From the tragic and misguided action of the Athenian Assembly during the Peloponnesian War to the rejection of the Treaty of Versailles by the Senate in our own time, history of lack of dollar resources. in foreign affairs. The Athenian Diodotus gave good advice when, during the debate on the Mitylenian Revolt in 427 B.C., he said: "A wise city without over-distinguishing its best advisors, will nevertheless not deprive them of their due." In the matter at hand, the advisors were heeded and a serious blunder was avoided, but in later years the rash passion of the multitude came to prevail and led in time to the defeat and destruction of Athens.

Our founding fathers were persuaded of the wisdom of a separation of power in government. However, there is a universal feeling on Capitol Hill today that the balance has tilted in favor of the Executive Branch and there is an overwhelming demand that it be redressed. This is why there is so much effort being made to reexamine the doctrine of executive privilege, to redefine the President's war-making powers and to reappraise our commitments abroad.

A real attempt is being made to scrutinize all aspects of foreign policy. The very rationale behind our departure from isolationism a generation ago is being challenged, and Senators who argued against internationalist policies then are again being quoted with approbation on the Senate floor. At the current session of Congress even the normally complaisant House Foreign Affairs Committee has bestirred itself to action, voting down aid funds for Greece and Pakistan, while expanding its activities into new fields with the help of additional subcommittees and a beefed-up staff.

The Foreign Service should not view this process as hostile to the interests of good and responsible government. It is a healthy sign of widespread concern over the problems of a world in flux and of our country's proper role in the changes taking place. A strong role by Congress in foreign affairs is not only its constitutional prerogative, but it also helps to ensure that at least the major elements of our pluralistic society have some voice in determining national policy. Congressional debate is no guard against folly, but the sense of national participation it provides can be a force for concord and unity, especially if things later go wrong.

The overwhelming majority of those who make the grade in politics are intelligent, responsible and dedicated men, but with few exceptions, they bring to office little experience in foreign affairs. They are influenced by a wide array of special interest groups, concerned constituents and newsmen, they learn from reading and foreign travel, and they are advised by retinues of bright young staffers, scholars and a surprising number of former Foreign Service officers. Unfortunately the counsel of the State Department is all too often held in low esteem.

This should not be so. Congress could profit by drawing more on the vast reservoir of knowledge, experience and talent that is possessed only by those who represent our country's foreign interests on a daily basis. In dealing with Congress there are, of course, many pitfalls. We are bound, and rightfully so, to defend the policies of the Administration. There is a danger of becoming involved in political skirmishing, of being used as a foil for those with unrestrained political ambition, and of compromising one's relationships with foreign governments. There is always the possibility that secret and sensitive information could be leaked for political advantage.

The undue fear of these hazards is to a large extent a legacy of McCarthyism, which is more responsible for the lack of trust with Congress than is generally recognized today. The scars of that painful era are not easily forgotten and have produced an understandable timidity, if not outright aversion, toward association with those in political life. All this has unfortunately contributed to the "fudge factory" picture of the State Department as an organization of faceless automations.

This image, however, can be changed. Diplomatic professionals should be uniquely qualified to comprehend the vagaries of human nature and to get along with all types of people. A politician who has won public trust in the hard crucible of the electoral process is justifiably proud of his achievement. Not many Foreign Service officers would have the fortitude to fight a political battle and fewer yet would have the special ability it takes to win one. But this does not mean that they cannot meet politicians on their own ground and deal with them forthrightly on terms of mutual respect, shedding the Delphic mask used in confrontations with diplomatic adversaries. True, there are some people on Capitol Hill who are not easy to get through to, but none of them would be where they are if they totally lacked the ability to respond in kind to an open and honest approach.

The mistrust and prejudice accumulated over the years between Congress and the State Department cannot be cleared away easily, but better mutual understanding through more frequent contact could help to improve things. If the wolf and the lamb will not dwell together short of the millennium, perhaps they might at least learn to appreciate each other's qualities a little more.

FLYING FICKLE FINGER OF FATE AWARD

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. PETTIS. Mr. Speaker, it seems to me that television viewers must have been appalled on November 8 when Laugh-In's "Flying Fickle Finger of Fate Award" was given to the Federal Government for planning to build a Veterans' Administration hospital 75 miles from the site of one destroyed by an earthquake last February, with loss of life.

Surely this is too serious a subject to be used as a takeoff for humor.

Also, Laugh-In ridiculed the new hospital site choice without knowing the background, judging from the Veterans' Administration explanation.

I would say the Federal Government knew what it was doing when it selected the new site at Loma Linda, Calif., because of the careful and thorough steps taken to make sure the best site was picked.

I would like to take this opportunity to present the reply that Administrator of Veterans' Affairs Donald E. Johnson has sent to the producer of the Laugh-In TV show. I feel you will find it interesting and informative.

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINSTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., November 10, 1971.

MR. PAUL KEYES,
Producer, The Laugh-In Show,
National Broadcasting Company,
Burbank, Calif.

DEAR MR. KEYES: Once the news is broadcast, I doubt that there is any effective procedure for declining a "Flying Fickle Finger of Fate" award.

If such a procedure exists, then, as the head of the agency most involved, I feel I must decline the award made on the Monday night Laugh-In program.

Modest though it may be, the reason for the declination is simple. The award is in no manner deserved.

Although I have always viewed Laugh-In as one of the funniest programs on the air, the effort Monday night to blend humor with the tragic consequences of an earthquake sorely missed the mark, and was based on erroneous information.

These are the facts you would have learned had your people bothered to check before the show was produced:

Prior to Loma Linda's being selected as the site of a new Veterans Administration hospital, a team of expert outside consultants studied all geological, seismological, and engineering aspects of the area. It was the combined opinion of these experts that a VA hospital could, indeed, be designed and constructed at Loma Linda that would remain operational even during a major earthquake.

If the "Laugh-In" theory should be followed to the ultimate, there probably would never be another VA hospital—or any other kind of hospital—constructed in California, the state with the greatest veteran population in the country.

No less an authority than Charles F. Richter has made clear that there is no area in California free of earthquake risk, and that earthquake faults are present almost everywhere in the state.

In his booklet, "Our Earthquake Risk—Facts and Non-Facts," Professor Richter says, "The popular press, by continual emphasis on active faults in general . . . gives its readers the idea that risk is concentrated near the faults. This is not true. In California there are so many active faults that in the long run every locality is exposed to the risk of heavy shaking. It is important to understand that the risk of strong shaking, whether close to the fault or far from it, depends mainly on the character of the ground."

The Los Angeles Times in an August 27, 1971, editorial reported on a major engineering study of last February's earthquake by experts from Cal Tech. The editorial noted that the fault which generated the San Fernando earthquake was *so little-known it was not even on most geological maps*. The study said the main hazard is not from surface faults, but from ground shaking. The report concluded flatly that "Buildings can be made to resist the strongest shaking without collapse."

And it is that kind of building that will be erected at Loma Linda—a hospital that will incorporate the most advanced design and construction safeguards known to man.

The Loma Linda area was selected for the new VA hospital to replace the one destroyed last February at San Fernando—some 75 miles from Loma Linda—because the area offers two great advantages in the care of sick and disabled veterans. It will permit close affiliation of the hospital with an outstanding medical school—just as 96 VA hospitals now form a partnership with 81 of the Nation's great medical schools. The location will also be much more accessible to veterans in the rapidly growing Riverside-San Bernardino area, an area where VA hospital utilization by veterans has been much lower than in Los Angeles and the rest of Southern California.

Since your award announcement no doubt created needless alarm and concern in the minds of your millions of viewers, I believe you will agree that a brief explanation of these facts on your next show is in order to alleviate this anxiety.

Sincerely,

DONALD E. JOHNSON,
Administrator.

THE SPIRIT OF GIVING

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MAZZOLI. Mr. Speaker, I should like to call the attention of my colleagues to the career of a most exemplary citizen of my hometown, Mr. V. V. Cooke, Sr.

Mr. Cooke, who makes his home in Prospect, Ky., has been an inspirational leader of both the business community and the church community of Louisville, Ky.

His philanthropic contributions to the area's educational facilities have been nothing short of massive. Yet, his greater contribution to the community has been the example he has set through the dedication of his life to religious principles.

I, therefore, include the following newspaper article by Mr. Louis A. Moore, Jr., which appeared in the Louisville Times on November 1, 1971, in the RECORD:

THE SPIRIT OF GIVING

(By Louis A. Moore Jr.)

On a nippy November day in 1911, young Vinyard Vivian Cooke was on his way to be baptized in Green River in West Central Kentucky.

Before the 14-year-old youth could reach the spot where the religious immersion could occur, Cooke's horse halted suddenly for a drink of the icy water, dunking the lad prematurely into the river.

As a result of the two "baptisms" that day young Cooke wore frozen clothes throughout the long 7-mile journey back home.

Today V. V. Cooke Sr., now a 74-year-old successful Louisville businessman, enjoys telling the immersion anecdote—and what it symbolized as a turning point in his life

The same spiritual forces which made him willing to endure the cold water baptism also have influenced his attitude toward the fortune he has earned.

He has owned two Louisville automobile agencies and still owns a 1,000-acre Central Kentucky farm and a Louisville investment company as well as having many other smaller investments.

Cooke has also earned a reputation as a benefactor to the Louisville religious community, particularly among the Baptist denomination.

Cooke is a modest, friendly, affable man. And he has been reluctant to disclose the actual amount he has donated to charitable and religious organizations. But a source who should know places the figure at between $4.5 million and $5 million.

He began his philanthropic contributions in earnest in 1942, although since his youth he had practiced giving a tithe (10 per cent of his earnings) to religious activities.

The first large gift was to the old Louisville Baptist Orphans Home, which is now the Spring Meadows Children's Home in Middletown.

Since then he has made sizable contributions to other institutions, including the Student Union building at Kentucky's Georgetown College and the president's home and surrounding seven acres at the Southern Baptist Theological Seminary in Louisville. (The home was originally given to house the School of Church Music at the school. A new home for that school was completed last winter and named in honor of Cooke.)

Cooke also gave about $1.5 million to the Kentucky Southern College before it ran into financial difficulties and was taken over by the University of Louisville.

"Although it didn't go, I have no regrets," Cooke said of Kentucky Southern. He reasons that under U of L, the school is still carrying out the purposes of Kentucky Southern: to educate young people.

Education is a primary interest for the man who only completed three years of college himself.

Although he would "like to be able to" give to every notable endeavor, he acknowledges that "you can't give to all worthy causes."

Besides money, Cooke has also given his time. He is a deacon at Walnut Street Baptist Church in Louisville as well as a trustee of Southern Baptist Seminary. He has also been a trustee of Georgetown College, of the Kentucky Baptist Children's homes and of Kentucky Baptist Hospital.

Cooke, moreover, believes his success in business came as a result of his obedience to his faith as well as hard work.

But he was reluctant to talk to a reporter about his religious beliefs and their part in his financial success. He said he fears it will be misinterpreted by the public as being egotistical.

"I'm not one of those pious Christians who looks down his nose at anyone," he continued. "I'm just a sinner saved by grace, and I have many weaknesses.

"I sold all the merchandise I could as a Christian," he said, adding "I'm not bragging, but I tried to put into my business practice the Golden Rule, and be the same Christian on Monday, Tuesday, Wednesday, . . . as I am on Sunday."

As an example of putting his religious faith into practice, he cites how he handled Sunday closing.

Cooke's first Louisville automobile dealership opened Nov. 15, 1930, a Saturday. That day a representative of the manufacturer arrived in Louisville to talk with Cooke about handling his new business.

One point of discussion centered on opening on Sunday. Cooke told the representative, who insisted he remain open that day, "I'd rather have my place open six days a week and have the Lord on my side."

He kept his businesses closed on Sunday from then on.

A LIFE OF HARD WORK

Hard work has also been another factor in Cooke's life.

"I just enjoy working," he said. "I'd rather work without pay than to do nothing."

Although he recently had a pacemaker installed in his chest cavity to regulate his heart beat, Cooke still spends every weekday morning at his office on the first floor of the Medical Towers Motel, which he owns. That motel itself is an unusual investment. Situated in the Medical Center just east of the downtown area, the motel is for outpatients as well as for families of persons in one of the four hospitals in the vicinity.

Cooke's home is in Prospect. Each morning he and his wife Elva begin the day by reading the Bible aloud.

It is at their home that Cooke still plays the organ—something he has done since age 12.

"I think this (organ playing) had more to do with the kind of man I am today—along with my parents—and with the kind of life I have lived," he said.

He said he started playing the organ after his father purchased one for $30. It was the only one in their vicinity, and young Cooke and his sister were soon the only ones in the area who could play an organ.

Consequently, after several local churches purchased organs, Cooke was in demand as the church organist.

CHILDREN ARE INVOLVED, TOO

The Cookes have three children and 11 grandchildren. And Cooke is proud of his children's involvement with religion, too.

The Cookes' older daughter, June, is married to R. L. Hook, president of Bob Hook Chevrolet, Inc. Their second daughter, Jane, is the wife of Joe D. Cross, president of Cooke Pontiac Co. V. V. Cooke Jr. is president of V. V. Cooke Chevrolet Co.

Cooke Jr. is a deacon at Crescent Hill Baptist Church, Cross is a deacon at Walnut Street Baptist Church, and Hook is a deacon at Broadway Baptist Church.

The elder Cooke calls his children "the greatest asset I have in the world, and the greatest thing I will leave in the world.

"If I hadn't produced good children, my life would have been a failure—even if I were a billionaire," he added.

Cooke intends to continue to be active at as many functions as he can, as long as he can, he said.

"I enjoy every day to the fullest," he said. "It's a great place to live (Louisville) and a great time to be alive.

"I have great faith in our country and in our God that as the world goes on we will be making progress," he added.

NEWSLETTER TO CONSTITUENTS ABOUT FORCED BUSING OF SCHOOLCHILDREN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, for the past several weeks I have been speaking on the floor and extending my remarks to include articles from various newspapers and magazines concerning the frustration, concern, and danger created by a series of U.S. Supreme Court decisions which have resulted in forced busing of countless schoolchildren across the Nation to achieve racial balance.

In assembling this material I also had rather extensive research done on the decisions themselves, their contradictions, and the need for a constitutional amendment to restore to our Nation's children the right to attend the schools of their choice in their neighborhoods. This research was done in preparation of a newsletter for my constituents. But since I believe this subject is of grave concern not only to my constituents, but to all the citizens of this Nation, I insert the text at this point in the RECORD:

FREEDOM FROM FORCED BUSING

A CONSTITUTIONAL AMENDMENT TO CORRECT THE COURT

DEAR FRIENDS AND CONSTITUENTS: From your numerous letters, I know of your frustration and deep concern over the breaking up of neighborhood schools and the forced busing of children to other schools sometimes miles away to achieve the "racial balance" sought by the courts. I realize that many white people and black people alike—including a number of staunch believers in integration as an ultimate goal—are angered by the disruption in their children's education and the discrimination implied in *forced* integration. I am aware that many of you are still protesting the court orders; and that others of you, not wanting to break the "law of the land," are reluctantly "going along."

Conscientious law-makers who believe as I do are "on the spot": We cannot advise you to break the law, and yet we cannot advise you simply to acquiesce and take the bus to serfdom.

When Hitler came to power in Germany that country was suffering from the social evil of mass unemployment. Two hundred thousand men and women with doctorate degrees, as well as many hundreds of thousands of young people were out of work. Hitler was hailed as a liberator. One of his first acts was to free the country of unemployment. And how did he do it? He rounded up unemployed professors, engineers, artists, businessmen, factory workers and others from their villages and towns and forcibly transported them across the Polish Corridor to East Prussia, where they were put to digging ditches or anything else that needed to be done. This was the act of a tyrant who went on to other acts of oppression, always trying to cure one social evil with another.

We would not dream of tolerating a Hitler here. And yet we are forcibly transporting children out of their neighborhoods against their parents' will. We are assigning on the basis of race black children as well as white children to schools many do not wish to attend and in which, because of their unhappiness, they learn less than they should be learning. We are acquiescing in the courts' attempt to cure the social ill of discrimination by forced segregation by the equally abhorrent social ill of discrimination by forced integration. And it is driving us mad.

It is quite understandable that many people who are opposed to forced busing and everything that it implies are at the same time afraid that any tampering with the Supreme Court's 1971 busing decision might negate the Court's 1954 decision, prohibiting the assigning of children to schools on the basis of race. However, there is a valid way to solve this very serious problem *without returning to any semblance of de jure segregation*.

No doubt you have heard of the several House joint resolutions bottled up in the Committee on the Judiciary, which propose an amendment to the Constitution of the United States which would prohibit the assignment of pupils to public schools on the basis of race, creed or color. I am a co-sponsor of one of these resolutions and have joined with more than 100 of my colleagues, both Republicans and Democrats, from the North, the South, the East and the West, in agreeing to back H.J. Res. 620 introduced by Representative Norman F. Lent, Republican from Long Island. A discharge petition has been filed; and when 218 signatures have been affixed, H.J. Res. 620 can be brought to the Floor for a vote.

I would like to have your understanding of the position I am taking and your strong support of the only solution to this problem of forced busing which I feel to be feasible—that is, this constitutional amendment which would in effect reverse the decision of the Supreme Court in the case of *Swann* v. *Charlotte-Mecklenburg* delivered April 20, 1971. I want to tell you: (1) why I believe the vast majority of the American people would be for such an amendment, and why the resolution therefore has a good chance of passage by the Congress and ratification by the States; (2) what, in my opinion such an amendment would and would not do; and, (3) where in my opinion we will be heading if we allow the forced buses to continue to roll.

THE PEOPE V. FORCED BUSING

The news media have given so much coverage to the American people's anger over forced busing, from Boston to San Francisco, from Pontiac to Jackson to Austin—to mention only a few of the cities that have been in the news concerning this matter—that I shall do no more than touch on it here.

A recent poll showed 82 percent of the population to be opposed to forced busing, leaving only 18 percent in favor of it.

It is not only in the South that people are rebelling against the court's busing orders. Wherever in the North or West an official of the Department of Health, Education, and Welfare or a Federal or a State court has demanded school busing to achieve "racial balance" the anguished cries have been heard.

It is not only conservatives who have become forced busing rebels. Liberals who send their children to private schools rather than allow them to be bused "to achieve racial balance" show what they think by their actions if not by their words.

It is not only whites who are in rebellion against the busing orders, but many blacks, Chinese Americans, Mexican Americans and American Indians—representatives of the very racial minorities the Supreme Court purportedly is trying to protect—have also protested vigorously.

Americans of whatever race, creed, color or national origin, are confused and angry about forced busing for a variety of reasons. State and local authorities are confused and angry over the conflicting court orders and moan at the mounting cost of having to buy or rent fleets of buses to comply with this plan or that. Environmentalists are chagrined that the additional buses will further pollute the atmosphere. Traffic experts anticipate increasing rush hour traffic jams and safety problems.

Many white parents frankly oppose the compulsory busing of their children to black schools with admittedly low educational standards. Many blacks, following the teaching of James Farmer and other black leaders who believe in "black pride," openly advocate "black schools for black children." A few weeks ago several hundred protesting white mothers in a Boston suburb said they feared for the safety of their children if bused to a new Negro school situated in an inner city high crime area. At the same time several hundred protesting black mothers in Boston said they preferred their children to attend their own fine, new, inner-city neighborhood school. The brothers Alsop, Stuart and Joseph, and their fellow columnist, William Raspberry, a prominent black spokesman, have been carrying on a crusade for the massive up-grading of education in the black schools as an alternative to the disaster of forcing integration now, as a preliminary to natural, voluntary integration.

Chinese-Americans in San Francisco have complained that busing their children out of Chinatown to white or black schools miles away would disrupt their pattern of developing Chinese-American culture. They want to continue sending their children to the neighborhood American public schools in the morning and to their own private Chinese schools in the afternoon and evening to learn Chinese history and languages, and respect for elders.

An so it goes.

However, in spite of the various reasons for which different Americans are opposing forced busing, there is a common denominator, a common reason for revolt against it. Busing per se—as disagreeable and senseless as, under court order, it may seem—is a symbol; it is not the real issue. The real issue, the underlying reason so many American blacks, whites, Chinese and others are opposing busing is the *force* involved: it is the loss of individual freedom implicit in the compulsory assignment of one's children on the sole basis of race to a particular school against one's will.

This does not mean that Americans, black, white, yellow, red, or whatever, are essentially "racist." With the exception of a relatively few die-hard, white supremacists and black militants, it does not mean that whites hate blacks, or that blacks hate whites, or that

Chinese hate blacks and whites, or that American Indians hate Anglo-Saxons. It simply means that the American people like, to the extent that they are able, to send their children to schools of their choosing in neighborhoods where they choose to live; and they do not want the government telling them that they *must* send their children, because of their race, to some other particular school. They feel that their inalienable rights, their civil liberties are being infringed. And many parents weep for their children who are the principal victims of the courts' tragic mistakes.

White children assigned to a predominantly black school frequently experience a kind of culture shock, a feeling of hostility and of being discriminated against, and consequently a lowering of their school grades. Even more heart-breaking because it happens so much more frequently, black children, and particularly black children from very poor families, suffer from the indignity of knowing that it took a law and forced busing to get them into the predominantly white school to which they have been assigned. Then, once they arrive at their destination, they too, often experience culture shock, always made worse when they are confronted with the frustrating discovery that, by no fault of their own they are at least two grades behind the white children of their age.

Such cruelty, even though it be inadvertent and the result of the best intentions, should not be occurring in the United States. It should certainly not be occurring by court order, if we can help it.

THE COMMAND TO DESEGREGATE

Although the real issue is neither busing per se nor desegregation per se, it is difficult, if not impossible to understand our present dilemma over forced busing without seeing it in historic perspective.

There are those who argue that since there was no furor over busing when and where it was done to maintain racially separate public school systems, the present furor over busing to achieve racial balance is unwarranted and unfair. But it must be remembered that segregation was the law in many States until 1954; that the "separate but equal" doctrine had been upheld as Constitutional by the Supreme Court in 1896; and that racially separate schools were generally taken for granted by blacks as well as whites. It must also be remembered that by 1954 when the "separate but equal" doctrine was successfully challenged, the American Negro had come a long way. Many Negroes already had achieved "outstanding success in the arts and sciences as well as in the business and professional world." In the landmark case of *Brown* v. *Board of Education*, the Supreme Court found the "separate but equal" doctrine no longer appropriate and, under the equal protection clause, ruled legally instituted segregation to be unconstitutional.

The chief counsel for the NAACP, Mr. Thurgood Marshall (now Supreme Court Justice Marshall) had told the Court:

"If this Court would reverse and the case would be sent back, we are not asking for affirmative relief. That will not put anybody in any school. The only thing we ask for is that State-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on."

The Supreme Court command was to desegregate, not to integrate. It was to end legally enforced segregation, not to institute legally enforced integration. It was to become color-blind, not accutely color-conscious in the assignment of pupils to the public schools.

I do not intend to give here a blow-by-blow account of all of the subsequent Supreme Court's civil rights decisions, of the constant litigation in the lower courts, or of the great burden of travail involved in actually carrying out the Court's command to dismantle legal (*de jure*) segregation. However, to indicate how it happened that the Supreme Court changed its 1954 command to desegregate, to its 1971 command to integrate, I must at least touch on the will of Congress in this matter, the blue-prints for social change drawn by the social engineers, and such court decisions as led indirectly to the forced busing decision.

CONGRESS, THE SOCIAL ENGINEERS, AND THE COURTS

The idea of forced public school busing to achieve racial balance first surfaced in the Congress of the United States, as a potential evil to be avoided, in the Civil Rights Act of 1964 which specifically forbade the use of funds for such practice.

In Title IV, Section 401(b) of the Civil Rights Act of 1964, the Congress expressed its will in the following language:

"Desegregation means the assignment of students to public schools without regard to their race, color, religion, or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Title IV, Section 407(a)(2) authorizing the Attorney General to file suit to desegregate, is even more explicit. It reads in part:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In 1966, U.S. Commissioner of Education Harold Howe II, made headlines with his famous "Guidelines for School Desegregation"; with his attacks on *de facto* segregation (segregation existing, not by law but as a result of housing patterns) in the North as well as *de jure* segregation in the South; and with his publication of the "Equality of Educational Opportunity Report."

This report, better known as the "Coleman Report" was both hailed and denounced as a "bomb-shell." It revealed a U.S. Office of Education-funded survey of 645,000 pupils and 60,000 teachers tested in 4,000 schools. Johns Hopkins Professor James S. Coleman, principal conductor of the survey, came up with some pretty explosive findings. Children were tested at the beginning of grades 1, 3, 6, 9, and 12. The tests showed "that achievement of the average American Indian, Mexican-American, Puerto Rican and Negro (in this descending order) was much lower than the average white or Oriental American, at all grade levels . . ." This inequality was due, according to the professor, not so much to unequal buildings and equipment as to unequal social environments both at home and at school. The professor pointed out that various communities had been "struggling to achieve greater racial balance while retaining the neighborhood school." He noted that "busing, pairing, redistricting, consolidation and many other strategies had been tried"; many had failed, others had achieved at least partial success.

In his letter of transmittal of the "Coleman Report" Commissioner Howe said that the U.S. Office of Education, with the help of advisors would seek to determine how to use the results of the survey. The U.S.O.E. must have been already at work because shortly thereafter a U.S.O.E. draft bill entitled "The Equal Eductional Opportunity Act of 1967" was leaked to Congress. This amazing draft bill (which has been proved to be a blueprint of much that is taking place today) proposed in effect the complete restructuring of the American public school system, this to be accomplished through Federal bonuses (denounced as "bribes" by opponents) to school districts willing to comply.

Howe and his associates proposed that Title IV of the Civil Rights Act of 1964 be amended "to provide grants to support techniques appropriate to correct *de facto* segregation in individual communities." Such techniques might include (according to the proposal) comprehensive, district-wide rezoning of school attendance areas; pairing, grouping, or clustering of adjacent Negro and white schools by grade level; teacher assignment to assure faculty integration at all schools; careful site selection to locate new schools so as to maximize integration of residentially segregated student populations; development of "magnet" high schools, open to the entire school district on the basis of interest rather than ability; supplemental educational centers, comprehensive community schools, and shared-time programs to draw district-wide participation (usually called "educational parks"); open enrollment, voluntary enrollment, and free transfers; creation of metropolitan school districts to include urban and suburban areas; suburban-inner-city pupil exchanges; and—yes, you guessed it—*forced* busing of pupils.

Predictably Mr. Howe was roundly denounced by conservatives in Congress and out, as not only wanting to break up the neighborhood school system and local control of education, but also for apparently wanting to go beyond the Supreme Court decision in the case of *Brown* v. *Board of Education* which outlawed deliberate segregation. Seemingly Mr. Howe wanted legislative action which would lead to deliberate integration. In other words, the color-blindness of equal justice under the *Brown* decision would be replaced by the acute color-consciousness necessary for the attainment of "racial balance."

Debate raged in and out of Congress over what Congress really meant by the terms "desegregation" and "racial balance." Some insisted that the Congress meant that whereas the nation *must desegregate* and assign no pupils on the basis of race, color or creed, at the same time no Federal money was to be spent for *deliberate integration* whether by busing or any other means. Others insisted that the Congress meant that while *de jure* segregation must be overcome by whatever means (including busing if necessary), no Federal money was to be spent to overcome *de facto* segregation, that is segregation in the North.

In the case of *United States* v. *Jefferson County Board of Education*, 372 F. 2d. 836 (1966), the Fifth Circuit Court of Appeals in its opinion asserted: "It is clear . . . from the hearings and debates that Congress equated the term ('racial imbalance'), as do the commentators, with *de facto* segregation.'" In other words Federal money for busing was okay in the South to overcome *de jure* segregation, but forbidden in the North and West to overcome *de facto* segregation.

Judge Howard W. Smith of Virginia, the then Chairman of the Committee on Rules, did not see it as clear at all that Congress intended to equate "racial imbalance" with *de facto* segregation. In remarks on the floor of the House, during consideration of amendments to the Elementary and Secondary Education Act, Judge Smith said that trying to get a clear explanation of "racial imbalance" was like "trying to catch an eel in a barrel of lard." (CONGRESSIONAL RECORD, vol. 112, pt. 19, p. 25554.)

Well, there are still Senators, Representatives, judges, and Federal and local officials with their hands in the lard barrel, trying to catch that eel. Nevertheless, although "racial balance" certainly means different things to different people, the Congress has expressed its intent not only in the Civil Rights Act of 1964 but in legislation to outlaw forced busing no less than four additional times. Anti-forced-busing provisions were part of appropriations measures for the U.S. Office of Education in the years 1968, 1969, 1970, and 1971. *Today* the Commissioner of Education is prohibited by law to make any Federal grants of money appropriated under P.L. 92-48 for the purpose of forced busing.

In the case of *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1966), the Supreme Court cracked down, ruling, in effect, that "freedom of choice" plans were only constitutional when the choice would lead to desegregation. The Court also ruled, in *Raney* v. *Board of Education*, 391 U.S. 443, that district courts were to maintain jurisdiction in segregation cases—thus keeping the courts in the business of controlling the affected schools.

While throughout the South freedom-of-choice plans were declared unconstitutional, the Department of Health, Education and Welfare demanded new desegregation plans satisfactory to that Department, which threatened a cut-off of Federal funds unless its demands were met. Before all of these plans were approved, the Supreme Court handed down its decision in the case of *Alexander* v. *Holmes Board of Education*, 396 U.S. 19 (1969), calling for immediate integration—as always, ruling regarding *de jure* segregation only.

In the pell-mell rush to obey the new command to avoid the cut-off of funds, the courts and the school boards formulated assignment plans which in some instances simply could not be put into effect without the use of—yes, you guessed it—forced busing. The only alternative to forced busing in some instances was to leave the neighborhood schools as they were or to use some other means of forced transportation. To leave the neighborhood schools as they were under "freedom of choice" was to defy the Supreme Court and risk the loss of funds; and to use Federal funds for forced transportation was to break the law as enacted by Congress in the Civil Rights Act of 1964 and in the current appropriations statute.

In 1970 attention in Congress and in the press, was focused on resegregation and the question of *de facto* segregation.

It is true that in the Southern States, while *de jure* segregation was being dismantled, considerable resegregation had occurred under freedom of choice plans, with many blacks and whites alike choosing their own schools, as well as with population exchanges between the cities and their suburbs. Also, in the north, *de facto* segregation was continuing and resegregation occurring, with thousands of blacks moving to the big city "ghettos" and thousands of whites moving to the suburbs.

Some viewed resegregation as the failure of a liberal dream. Others considered it a circumvention of the law, or even as a deliberate unlawful punishable maneuver to be rectified. Still others saw it as a sign that perhaps desegregation had been pushed too far, that perhaps many blacks actually did prefer to send their children to black schools, and certainly that black schools, especially in poor neighborhoods, needed up-grading.

During the years since 1954, the entire country, North, South, East and West had come to accept the unconstitutionality of *de jure* segregation. However, *de facto* segregation was coming more and more under attack. Senator Stennis said that for the Department of HEW and the Federal courts to keep up a steady barrage of demands for more and more desegregation in Southern school districts which once had legally maintained racially separate school systems, and to permit the same degree of segregation in parts of the Nation where segregation had always been *de facto* was discrimination against the South. Senator Stennis demanded equal U.S. desegregation treatment for the country as a whole. Senator Ribicoff decried *de facto* segregation in the North as hypocritical and called for Congressional outlawing of *de facto* segregation.

During the years since the *Brown* command to desegregate, the American Negro had again taken long strides forward in education, in employment, in increased earnings and in recognition in the professions. By 1970, "black pride" had become a by-word. Black voices rose to advise white America that blacks wanted to control their own black community schools, and they did not want to be *forced* to send their children to school with whites against their will.

In support of the South's record of compliance with the *Brown* decision and of black enrollment in white schools, I submit the following:

On June 18, 1971, the Secretatry of Health, Education and Welfare, Elliot L. Richardson, announced the "final results of HEW's second national survey of racial and ethnic enrollment in the public schools, comparing the 1968–69 and 1970–71 school years state by state." Mr. Richardson said in part:

"Compilation of the statistics confirms a January 14, 1971, projection by HEW that the 11-state South more than doubled the percentage of Negro students in majority white schools, up from 18 percent in the fall of 1968 to 39 percent in fall 1970. . . .

"Nationwide, the total of Negro students in majority white schools rose from 23 to 33 percent. In the six border states and in the District of Columbia, the regional percentage rose slightly to almost 32 percent in 1970. The 32 Northern and Western states remained unchanged at 28 percent. Hawaii was not included in the survey.

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"In terms of numbers, 756,000 more Negro students were in majority white schools in the fall of 1970 than in the 1968 survey. A total of 690,000 of those students were in the 11-state South, and 66,000 in 38 other states.

"The number of Negro students in 100 percent minority schools decreased from 40 percent (2.5 million) in 1968 to 14 percent (941,000) in 1970 on a national basis. In the 11-state South, the decrease in Negro students who are totally isolated with minorities was even more marked, down from 68 percent (2 million) in 1968 to 14 percent (443,000) in 1970. Almost 79 percent of the Negro students in the 11-state South were in schools with 80 to 100 percent minority enrollment in 1968, but two years of change reduced this total to 39 percent."

It was in this climate of Southern compliance with the Supreme Court's 1954 command to desegregate, of developing black pride in black schools, and of liberals' zeal to reach their goal of total integration, that the Supreme Court justices, I am sure with the best of intentions, took up the cudgels for the liberal social planners.

THE COURT VERSUS THE CONGRESS

When, in the case of *Swann* v. *Charlotte-Mecklenburg Board of Education*, the Supreme Court by unanimous decision ruled that "Title IV of the Civil Rights Act of 1964 does not restrict or withdraw from the Federal courts their historic equitable remedial powers," the "nine old men" found "no basis for holding that school authorities may not be required to employ bus transportation as one tool of school desegregation." They said that their objective was "to eliminate from the public schools all vestiges of State-imposed segregation. . . ." They said that the courts have "broad powers to fashion remedies that will assure unitary school systems." They said that the first remedial responsibility of school authorities, "is to eliminate invidious racial distinctions" with regard to faculty, staff, transportation, extracurricular activities and facilities. They said that teachers may be assigned under court order "to achieve a particular degree of faculty desegregation." They said that resegregation must not take place. They said that racial quotas may be permitted—but that the "constitutional command to desegregate schools does not mean that every school in the community must always reflect the racial composition of the system as a whole." They said that the existence of a few one-race schools "does not in itself denote a system that still practices segregation by law," but that the courts should "scrutinize such schools." They said that the pairing and grouping of non-contiguous zones "is a permissible tool. . . ." Et cetera, et cetera.

The press saw this historic decision as having a nationwide impact; and it did. The battle over school busing was raging again. The lower courts looked upon it as a green light to order integration via massive busing, and it was so ordered in many cities throughout the South and in some other parts of the nation as well.

Chief Justice Warren E. Berger must have found the eel slipping back into the barrel of lard because he said, in substance, that he thought the lower courts were perhaps misinterpreting the *Swann* decision and were going too fast, too far.

I agree that the courts are going too fast and too far, but are they really misinterpreting Chief Justice Berger when he delivered the opinion of the Court? Or was Berger, in commenting on Berger, merely suffering a twinge of conscience?

It behooves us to take a closer look.

The *Swann* decision, like the *Brown* decision, was based on the equal protection clause of the Fourteenth Amendment. But while the equal protection clause can be interpreted as prohibiting legally instituted segregation, not on the wildest flight of the imagination can it be interpreted as commanding integration. To be sure, in the *Swann* case, the Court did not say that the equal protection clause "commands integration" with all deliberate speed—or words to that effect. But what does giving approval to pupil assignments on the basis of race, to racial quotas, to pairing, clustering, and forced busing as useful starting points "to eliminate invidious racial distinctions," add up to but forced integration? Did the Fourteenth Amendment really mean that in order to have equal protection of the law a small black child in a school that once was part of a legally segregated system, must be *forced* to go to a white school whether it wants to or its parents want it to or not?

I submit that the signitors of the Fourteenth Amendment had no such intentions. I believe that the command to integrate by forced busing, quotas and other such obnoxious practices is both unconstitutional and immoral.

This, I am sure, well-meant command has caused great divisiveness throughout the country: between the races, among the branches of government, between the Federal government and the states, between the North and the South. It has aroused anti-government feeling and a distrust of the law-makers and of the courts. Its principal victims have been the children, both black and white.

This well-meant command has undermined public education, and the neighborhood schools. It has made millions of Americans angry. It has robbed all of us of an essential part of our freedom.

THE BUS TO SERFDOM

Assuming that we allow the *Swann* decision to stand and that we go along with the orders to bus, redistrict, pair, cluster and make up quotas—anything to achieve total integration—what lies ahead?

The following predictions are made, not merely on the basis of conjecture, but on the sound basis of what has already occurred plus the use of common sense and reason:

(1) Court orders to integrate will spread to the North. The recent court ruling that Detroit is practicing *de jure* segregation, is but one indication of what is in store for all sections of the country where *de facto* segregation exists.

(2) Since *every* public school district is in fact controlled by State or local law, *de facto* segregation will be declared *de jure* wherever it exists.

(3) More and more whites will flee to the suburbs and as the government rounds up their children to bus them back to the black city schools, more and more of these whites will flee further and further out into the country.

(4) When the distances and the traffic jams become too great for the practical use of buses, helicopters will be brought into play.

(5) When the helicopters become too costly, the courts will simply order the deliberate integration of housing both in the suburbs and rural areas; transporting inner city blacks whether they like it or not.

(6) At this point, blacks with pride will rebel.

(7) Meanwhile, the Supreme Court will have approved other blueprints drawn by such social engineers as Professor Coleman, whom I mentioned earlier in this newsletter. His suggestions for attaining racial and cultural integration include: replacing the family environment of disadvantaged children as much as possible with a school environment—"by starting school at an earlier age and by having a school which begins very early in the day and ends very late." The professor also suggests educational parks, private schools paid by tuition grants ("with Federal regulations to assure racial heterogeneity") and public (or publicly-subsidized) boarding schools.

But to carry out court orders along these lines will certainly require special police.

Do we really want to stay on the bus to a police state?

Freedom from force

Happily there *is* a solution. There is a way out, a way to regain the freedom which both black Americans and white Americans have lost by the Supreme Court's most recent, conflicting and confusing edicts. The solution is to annul those edicts.

Now there are three possible means by which this could be accomplished:

(1) The Court could reverse itself. This has occurred on occasion in the past after a change in the Court's membership.

(2) The Congress, under Title III, Section 2 of the Constitution, could limit the appellate jurisdiction of the Supreme Court in the field of teacher and pupil assignment.

(3) The Congress could pass and the legislatures of three fourths of the States could ratify a Constitutional amendment to return to the American people their freedom from force in the matter of teacher and pupil assignment.

After much thought I have come to the conclusion that there is little hope that the Court will reverse itself (even with the pending changes in membership or that the Congress will take steps to limit the appellate jurisdiction of the Supreme Court—at least in the foreseeable future. I therefore came to the conclusion that a constitutional amendment is the best solution.

House Joint Resolution 620 which I am supporting simply states that: "No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school."

This actually upholds the *Brown* decision commanding the end of *de jure* segregation so as to give all children equal protection without regard to the color of their skins. It merely forbids assignment to any school on the basis of race—whether by forced busing or any other means.

I personally would like to see legislation passed simultaneously with the passage of this resolution that would give special aid for the education of disadvantaged children, black and white, who are the innocent victims of our society and especially of the Supreme Court's unfortunate opinions.

LEGISLATIVE PROGRAM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. DELLUMS. Mr. Speaker, over the past months, many of my constitutents have written asking me about my legislative program since I entered the Congress.

I have introduced over 150 separate pieces of legislation since I took office, and the range of subjects is very wide.

Listed below—broken into functional categories—are what I consider the major bills I have sponsored between January 20 and October 31:

MAJOR BILLS SPONSORED

TOPIC, NUMBER, AUTHOR, AND SUBJECT

Agricultural

H.R. 3579 (Mr. Burton): Limit procurement of lettuce by the Department of Defense.

H.R. 9776 (Mr. Dellums): To terminate all price support for tobacco with 1972 crop: Programs beginning with 1972 crop, no price support for tobacco shall be made to producers; and no export subsidy paid for export of tobacco to foreign countries after 12–31–72.

H.R. 10444 (Mr. Roy): To provide for the establishment of a National Development Center.

Antitrust

H.R. 6604 (Mr. Dellums): Makes evidence gathered on Antitrust suits open to the public.

H.R. 11051 (Mr. Dellums): To reduce the concentration of industrial power in certain markets: Duty of Attorney General to investigate structure of markets which appear to be oligopoly industry.

Child welfare

H.R. 7336 (Mr. Dellenback): Comprehensive Child Development Act: Comprehensive child development program including health, education, social services essential to achievement of full potential of child.

H.R. 9731 (Mr. Dellums): Requires child care facilities in low rent public housing.

Civil liberties

H. Res. 340 (Mr. Dellums): To abolish Internal Security Committee.

H. Res. 410 (Mrs. Abzug): Formal investigation of the FBI by Congressional Committee.

H.R. 4241 (Mr. Matsunaga): Banning establishment of emergency detention camps.

H.R. 5640 (Mr. Mikva): Freedom from Surveillance Act: To protect the political rights and privacy of individuals and organizations and to define authority of Armed Forces to collect, distribute and store information on civilian political action.

H.R. 7617 (Mr. Dellums): Government must notify individual of records concerning them kept by government agencies.

H.R. 9738 (Mr. Horton): To limit the sale or Distribution of mailing lists by Federal Agencies.

H.R. 9893 (Mr. Fauntroy): Establish voting privileges for Ex-Convicts in D.C.

H.R. 10591 (Mr. Fauntroy): To establish Equal Opportunity program for Library of Congress employees.

H.R. 10862 (Mr. Mikva): To amend the Voting Rights Act of 1965: Federal voter registration system should not be hindrance to voter.

H.R. 11104 (Mr. Dellums): To amend the Voting Rights Act of 1965: Registration of students at institutions of higher education where attending.

H.R. 11415 (Mr. Mikva): To change the minimum age qualification for serving as a juror in Federal Courts from 21 years of age to 18 years of age.

Consumer affairs

H.R. 4430 (Mr. Rosenthal): To establish Office of Consumer Affairs and Consumer Protection Agency.

H.R. 5631 (Mr. Eckhardt): Consumer Class Action Act of 1971: The district courts of the U.S. shall have original jurisdiction of civil class actions brought by a consumer or group of consumers under this Act on behalf of himself or themselves and all consumers similarly situated. The jurisdiction of district courts of the U.S. under this section shall be concurrent with that of the courts of the several states. If an action under this Act is brought in a court of a State, the provisions of Rule 23 of the Federal Rules of Civil Procedure shall apply to such action to the same extent that such provisions apply in the case of an action brought in a U.S. district court.

H.R. 11106 (Mr. Dellums): To ban war toys.

District of Columbia statehood

H.R. 9599 (Mr. Dellums): Proposes a referendum on D.C. statehood.

H.R. 10197 (Mr. Fauntroy): To provide home rule for the District of Columbia.

Draft

H. Res. 379 (Mr. Mitchell): Resolved that Military Selective Service Act of 1967, as amended, repealed 12–31–71.

H. Res. 486 (Mrs. Abzug): Resolved that Military Selective Service Act of 1967, as amended, repealed, 12–31–71.

H.R. 6592 (Mr. Dellums): Provide legal counseling to draft registrants.

Drugs

H.R. 6607 (Mr. Dellums): Prohibits unsolicited mailing of drug samples.

H.R. 7822 (Mr. Dellums): To prohibit foreign assistance to countries not preventing narcotic drugs from entering the U.S.

H.R. 11466 (Mr. Badillo): To amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug narcotics addicts and to authorize certain narcotics addicts to purchase meals with food stamps.

Economy

H.R. 10181 (Mr. Adams): Public Works and Economic Act of 1965: To establish an Emergency Federal Economic Assistance Program to authorize the President to declare areas of the nation which meet certain economic and employment criteria to be economic disaster areas.

H.R. 10321 (Mr. Monagan): To establish a Temporary Economic Emergency Guidance Board: Establishing price and wage guidelines.

Education

H.R. 9383 (Mr. Dow): Elementary and Secondary Education Act Direct Assistance: To encourage states to increase the proportion of the expenditures in state for public education which is derived from state rather than local revenue sources.

H.R. 10044 (Mr. Esch): To provide for educational assistance on behalf of or to certain eligible Vietnam veterans pursuing programs of education.

Electric utilities

H.R. 10228 (Mr. Tiernan): National Power Grid System: For the purpose of assuring adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry.

Employment

H.R. 1746 (Mr. Hawkins): Equal Employment Opportunity Enforcement Act: The Commission is empowered to prevent any person from engaging in any unlawful employment practice.

H.R. 6608 (Mr. Dellums): Extends unemployment insurance to agricultural workers.

H.R. 6876 (Mr. O'Neill): Permits federal sharing of cost of unemployment benefits which extend 52 weeks.

H.R. 7685 (Mr. Clay): National Public Employee Relations Act of 1971: Declared policy of the U.S. that public employees be afforded the rights to which all employees working in a free democratic society are entitled.

H.R. 9104 (Mr. Riegle): Public Service Employment for Vietnam Veterans: Veterans Administrator shall enter into arrangements with eligible applicants to make financial assistance available to public and private nonprofit agencies and institutions during times of high employment for transitional employment for unemployed veterans of the Vietnam era, in jobs providing needed public services, training and manpower services related to such employment which in unavailable and enabling such persons to move into employment or training not supported under this chapter.

Environment

H.R. 279 (Mr. McCloskey): Designating third week in April each year "Earth Week".

H.R. 387 (Mr. Bingham): Requesting Secretary of State to call for ten year halt to killing of whale, porpoise and dolphins.

H.R. 4556 (Mr. Hechler): Environmental Protection Enhancement Act of 1971: Control of surface and underground coal mining operations which adversely affect environment.

H.R. 4911 (Mr. Bell): State can have tougher pollution laws against polluters than federal laws.

H.R. 5047 (Mr. Udall): Authorizes class action suits against polluters: Civil action on behalf of individual persons injured or endangered can be effective and useful machinery for protection against harmful effects.

H.R. 5223 (Mr. Halpern): Detergent Pollution Control Act: To ban from detergents all phosphate and those synthetics which fail to meet standards by 6–30–73.

H.R. 5438 (Mr. Anderson of California): Amend National Flood Insurance Act of 1968. Provide insurance protection against loss and damage resulting from earthquakes and earthslides.

H.R. 5684 (Mr. Gude): To protect wild horses on public land.

H.R. 6484 (Mr. Hechler): Environmental Protection and Enhancement Act of 1971: To abolish strip mining.

H.R. 6560 (Mr. Saylor): Requires Congressional authorization of Alaskan pipeline.

H.R. 6590 (Mr. Dellums): Safe Pesticides Act of 1971: To conduct study and investigation of effects of use of pesticides and ban certain pesticides.

H.R. 6591 (Mr. Dellums): Requires Defense Department to study disposal of materials in waters.

H.R. 6599 (Mr. Dellums): Bans internal combustion engines after 1–1–75.

H.R. 6600 (Mr. Dellums): To amend the National Emission Standards Act to require standards be set at most stringent possible level, and to require the use of National Bureau of Standards for certain technical service in connection with establishing such standard.

H.R. 6601 (Mr. Dellums): Smogless Vehicle Development Act: Research development, demonstration project for non-air-polluting motor vehicle.

H.R. 6602 (Mr. Dellums): To prohibit SST flights until studies made.

H.R. 6606 (Mr. Dellums): Federal Procurement Environmental Enhancement Act of 1971: To amend Federal Water Pollution Control Act and Clean Air Act and provide assistance in enforcing acts.

H.R. 6986 (Mr. Ryan): Noise Abatement and Control Act of 1971: To expand the functions and responsibilities of Office of Noise Abatement and Control; to establish means for effective coordination of Federal research and activities relating to noise and control; to establish standard in regard to noise to promote the public health and welfare; to provide grants, contracts and assistance to levels of state and local governments and regional bodies for development, establishment and carrying out of programs of noise research and control; to establish a Federal Policy of Procurement and contracting which promotes noise control, abatement and prevention; and to establish Noise Control Advisory Council.

H.R. 6988 (Mr. Ryan): Noise Disclosure Act: To disclose operational noise level of machinery distribution in interstate commerce.

H.R. 6990 (Mr. Ryan): Occupational Noise Control Act of 1971: To require adoption of standards which will provide effective protection to workers against the deleterious effects of excessive noise.

H.R. 7555 (Mr. Pryor): Ocean Mammals Protection Act of 1971: To protect ocean mammals from being pursued, harassed or killed.

H.R. 7618 (Mr. Dellums): Clean Air Amendment of 1971: To provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants.

H.R. 7619 (Mr. Dellums): Protection of marine wildlife through regulation of disposal in waters.

H.R. 9668 (Mr. Anderson of California): To prohibit use of poisons on public lands. Use of poisons, such as strychnine, thallium and compound 1080 (sodium monofluoroacetate) on public lands, unless specifically approved by the Secretary of Interior in conjunction with the Administrator of the Environmental Protection Agency; to establish a national policy and program with respect to wild predatory mammals.

H.R. 9680 (Mr. Harrington): Increased penalties under 1899 Refuse Act, Section 16, which reads "An Act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors . . ." is amended to read, "every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize or instigate a violation . . . shall be subject to a pecuniary penalty of not less than $10,000 and not more than $25,000 for each such violation and each day in which such violation occurs shall be a separate violation, or imprisonment, if violation is by a natural person, for not less than 30 days and not more than one year; or both such pecuniary penalty and imprisonment . . ."

H.R. 9685 (Mr. Koch): Issuing of permits under 1899 Refuse Act is amended as follows: "And provided further, that, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, the Administrator of the Environmental Protection Agency may permit the deposit of any material above mentioned in navigable waters within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with and any violation thereof shall be unlawful."

H.R. 9796 (Mr. Dellums): National Environmental Bank to authorize the issuance of U.S. Environmental Saving Bonds to establish an Environmental Trust Fund.

H.R. 10032 (Mr. Dow): To require the Congressional Record to be printed with recycled paper.

H.R. 10098 (Mr. Dow): To authorize the GSA to set regulations for recycled materials.

H.R. 10099 (Mr. Dow): To insure use by Federal Government of recycled materials.

H.R. 10291 (Mr. Mitchell): To reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis.

H.R. 10354 (Mr. Veysey): To amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards.

H.R. 10890 (Mr. Aspin): To amend the Internal Revenue Code to impose an Excise Tax on fuels containing sulfur.

H.R. 11102 (Mr. Dellums): To ban manufacture and military use and procurement of napalm and other incendiary weapons.

Equal rights for women

H. Res. 489 (Mr. Dellums) Proposing an amendment to the Constitution of the United States relative to equal rights for men and women. "Equality of rights under the law shall not be denied or abridged by the U.S. or by any State on account of sex. . . ."

Foreign aid

H. Res. 304 (Mr. Halpern): Cease all military aid to Pakistan.

Foreign policy

H. Res. 54 (Mrs. Abzug): Set withdrawal dates from Southeast Asia by July 4, 1971.

H. Res. 133 (Mr. Ryan): Total withdrawal of U.S. forces from Vietnam by 6–30–71.

H. Res. 193 (Mr. Wolff): Establish study team to observe Vietnamese elections.

H. Res. 296 (Mr. Dellums): Calling for war crimes inquiry by Congress.

H. Res. 317 (Mr. Leggett): Simultaneous end of war and release of prisoners.

H. Res. 491 (Mrs. Abzug): President must supply Congress with full and complete information on Vietnam policy decisions.

H. Res. 900 (Mr. Findley): To create an Atlantic Union delegation. Whereas a more perfect union of the Atlantic community consistent with the Charter of the United Nations gives promise of strengthening common defense, while cutting its cost, providing a stable currency for world trade, facilitating commerce of all kinds, enhancing the welfare of the people of the member nations, and increasing their capacity to aid the people of developing nations.

H.R. 4225 (Mr. Harrington): Prohibits use of U.S. forces in an invasion of North Vietnam.

H.R. 8063 (Mr. Koch): Soviet Jews Relief Act of 1971: Hereby authorizes to be issued thirty thousand special immigrant visas to aliens specified in Section 3 of this Act to enter the United States as immigrants; the spouse and children of any such alien, if accompanying or following to join him, may be issued special immigrant visas notwithstanding such numerical limitation.

H.R. 8955 (Mr. Dow): Act to End Combat in Vietnam: Declares that forty-eight hours after the enactment of this legislation, all United States Armed Forces shall cease all military combat and military support missions in the States of Cambodia, Laos, Vietnam and Thailand.

H.R. 9964 (Mr. Ryan): Making appropriations to the President for the development of a prototype desalting plant in Israel to carry out the provisions of Section 219(f) of the Foreign Assistance Act of 1961 relating to the development of said desalting plant.

H.R. 11103 (Mr. Dellums): To suspend the production and deployment of MIRV's, ABM's and site construction until conclusion of the Strategic Arms Limitations Talks.

Health

H. Res. 108 (Mr. Long of Maryland): To keep Public Service Hospitals open.

H. Res. 512 (Mr. Seiberling): Issue a mandate to Secretary of HEW to make comprehensive Survey of incidence and location of serious hunger and malnutrition and health programs.

H.R. 2626 (Mr. Ryan): Making appropriations for lead paint poisoning program.

H.R. 3124 (Mrs. Griffiths): The Health Security Act: To create a national system of health security benefit which through national health insurance, will make comprehensive health services available to all residents of the U.S.

H.R. 3282 (Mr. Galifianakis): Amends Public Health Act to encourage physicians, dentists, optometrists and other medical personnel to practice in areas where shortages of such personnel exist.

H.R. 9596 (Mrs. Abzug): To amend the Food Stamp Act of 1964, the Adequate Nutrition Act of 1971, which broadens definitions of operating agencies and political subdivision, eligible household and administration.

H.R. 10870 (Mr. Rangel): Supplemental Appropriations for detection and research on sickle cell anemia.

H.R. 10936 (Mr. Rangel): Detection, treatment and research of sickle cell anemia.

H.R. 11171 (Mr. Fauntroy): To provide for the prevention of sickle cell anemia: Attainment of better methods of prevention, diagnosis and treatment of sickle cell anemia deserve the highest priority.

H.R. 11251 (Mr. Rangel): To make supplemental appropriation for Secretary of HEW for detection and treatment of and research of sickle cell anemia.

Holidays

H.R. 4097 (Mr. Conyers): Establish Martin Luther King Birthday Holiday.

H.R. 7114 (Mr. Nix): Martin Luther King Commemorative Stamp.

Legal services

H.R. 6360 (Mr. Meeds): National Legal Services Corporation Act: A private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the U.S., free from extraneous interference and control.

Motor vehicles

H.R. 11105 (Mr. Dellums): To amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of certain standards with respect to light banks, governors and speed control panels.

H.R. 11107 (Dellums): To amend Section 402 of Title 23 of U.S. Code relating to informational regulatory and warning signs, markings and signals.

Native Americans

H. Res. 181 (Mr. Meeds): The termination policy declared in H. Con. Res. 108, 83rd Congress, no longer represents the policy of Congress and termination is not a Congressional objective in legislation on Indian affairs.

H.R. 7039 (Mr. Meeds): Alaska Native Claims Settlement Act of 1971: Congress hereby recognizes the claims of Natives and Native villages based upon aboriginal occupancy and use of lands within the State of Alaska, and finds and declares that there is an immediate needs for a fair and just settlement of all land claims by such Natives and Native villages and that the purpose of this Act is to effect such settlement by providing a grant to each Native village of title to the village site and additional lands; organization of Native corporations payment of $500,000,000 as compensation for Native lands taken in past or to which Native title will be extinguished by this Act; authority for individual Natives to acquire ownership of the lands; and protection of Native subsistence hunting, fishing, trapping and gathering rights.

H.R. 8937 (Mr. Meeds): To amend the Elementary and Secondary Education Act of 1965, to provide for administration programs of Indian education by a National Board of Indian Education in the U.S. Office of Education: Commissioner of Education is authorized to make grants to State and local educational and research agencies, organizations and institutions (including federally supported elementary and secondary schools for Indian children) to support planning, pilot, and demonstration projects which are designed to plan for, test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children.

H.R. 9777 (Mr. Dellums): To enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, to recognize the municipal status of the community land grants.

H.R. 11305 (Mr. Udall): To provide for the settlement of certain land claims of Alaskan natives.

Public lands, parks

H. Res. 111 (Mr. Edwards of California): To establish San Francisco Bay Wildlife Refuge.

H. Res. 547 (Mr. Dingell): To establish Tule Elk National Wildlife Refuge.

H. Res. 3228 (Mr. Burton): To establish Juan Manuel De Ayala Recreation Area (Golden Gate Recreation Area).

H.R. 4270 (Mr. Waldie): To designate San Joaquin Wilderness.

H.R. 6595 (Mr. Dellums): Declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof.

H.R. 6598 (Mr. Dellums): To enlarge Sequoia National Park (Mineral King).

H.R. 6605 (Mr. Dellums): Creates National Coastline Conservation Commission.

H.R. 7238 (Mr. Waldie): Eel, Klamath and Trinity Rivers as components of National Wildlife and Scenic Rivers.

H.R. 9498 (Mr. Burton): To establish a National Recreation Area in San Francisco and Marin Counties.

H.R. 10155 (Mr. Mathias): To provide for the establishment of the California Desert National Conservation Area.

Senior citizens

H. Res. 254 (Mr. Pryor): Whereas the problems confronting our senior citizens are of such vital national concern as to require the full-time attention of a select committee of the House of Representatives; the committee is authorized and directed to conduct a full and complete investigation and study of any and all matters pertaining to problems of older people.

H.R. 9105 (Mr. Rosenthal): Free or reduced rates (transportation) for over 65 and handicapped.

H.R. 11259 (Mrs. Abzug): To amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons.

Social security

H.R. 5991 (Mr. St Germain): To amend Title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage.

H.R. 6243 (Mr. Obey): To amend Titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program.

H.R. 7372 (Mr. Burke of Mass.): To amend Title II of the Social Security Act to provide a 50% across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits.

H.R. 7620 (Mr. Dellums): Social Security: Liberalize conditions of eligibility of blind to receive disability insurance benefits.

H.R. 10500 (Mr. Pepper): To amend Social Security to allow police a tax cut.

Taxes

H.R. 5082 (Mr. Wylie): To exclude first $3,000 of Retirement Income from taxes.

H.R. 7621 (Mr. Dellums): To extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

H.R. 7622 (Mr. Dellums): To amend the Internal Revenue Code in relation to bringing exemptions to $1000.

H.R. 9187 (Mr. Halpern): To amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence.

H.R. 9297 (Mr. Aspin): Excise Tax on nonreturnable bottles and cans.

H.R. 9298—(Mr. Aspin): Excise Tax on phosphate content of cleaning agents.

H.R. 10013—(Mr. Aspin): To amend the Internal Revenue Code of 1954 to increase exemptions by tying to cost of living.

H.R. 10435—(Mr. Koch): To amend the Internal Revenue Code so that blood donations are deductible from gross income.

H.R. 11396—(Mr. Danielson): To amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States.

Veterans

H.R. 5279—(Mr. Teague): Veterans' Pension Act of 1959: Increases monthly rate of pension for World War I Veterans' Widows.

H.R. 11089—(Mr. Edwards of California): Authorizing the Secretary of the Army to establish a National Cemetery at Camp Parks, California.

H.R. 11108—(Mr. Dellums): To increase Servicemen's Group Life Insurance Coverage to a maximum of $50,000 to liberalize coverage under GI Life Insurance Program.

Urban affairs

H. Res. 252—(Mr. Morse): To create a Committee on Urban Affairs.

H.R. 4001—(Mr. Ryan): To provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs and the low income homeownership and rental housing programs for the fiscal year 1971.

H.R. 6593—(Mr. Dellums): To provide that certain expenses incurred in the construction of the Twelfth Street Bay Area Rapid Transit Station in Oakland, California, shall, to the extent otherwise eligible, be counted as local grants-in-aid toward the Chinatown Urban Renewal Project.

H.R. 6594 (Mr. Dellums): The Urban Mass Transit Act of 1971: To establish an urban mass transit trust fund.

H.R. 11146 (Mr. Dellums): To amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed.

H.R. 11181 (Mr. Koch): To amend U.S. Code to authorize construction of exclusive or preferential bicycle lanes.

Welfare reform

H. Res. 423 (Mr. Ryan): Concurrent resolution expressing the sense of Congress that any individual whose earnings are substandard or who is amongst the working poor or near poor should be exempt from any wage freeze under the Economic Stabilization Act of 1971, as amended.

H.R. 7257 (Mr. Rangel): The Adequate Income Act of 1971: To insure minimum income.

H.R. 11096 (Mr. Pepper): Annual Social Report from the President.

MEDICAL RESEARCH PROVES CHIROPRACTIC

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. HELSTOSKI. Mr. Speaker, a constituent of mine, Mrs. Camille Fattoross of East Rutherford, N.J., has written several interesting and perceptive essays on chiropractic. As one who has sponsored legislation to allow for the inclusion of chiropractic services under medicare, I found her call for patients' freedom of choice of the type of physician they desire for treatment particularly cogent.

In order to provide my colleagues with the benefit of another side of the chiropractic issue, I include Mrs. Fattoross' essays at this point in the RECORD:

MEDICAL RESEARCH PROVES CHIROPRACTIC

(By Camille Fattoross)

For the past 75 years, chiropractors have been proving over and over again, with millions of patients, that vertebrae out of place in the spine can cause headaches. Today, Medical researchers are beginning to discover the inescapable truth that vertebrae misalignment, putting pressure on nerves (irritation), can be the underlying cause of not only headaches, but many other aches, pains, illnesses and diseases.

Evidence of this appeared in a medical front report titled "Headaches Yield to Neck Treatments," in the Record Newspaper in New Jersey, on July 1, 1971. The article is written about Dr. Murray Braaf, an orthopedic surgeon, who has been tracing headaches to unsuspected neck injuries.

Dr. Braaf has traced many cases of Meniere's Syndrome (ringing in the ears, dizziness, lack of balance) to pinched neck blood vessels. He has treated former boxers, the victims of too many punches, and found that they had not suffered brain damage from being hit around the head, but had pinched neck arteries from the snapping of their necks as a result of the punches.

He reports that any position of the head which puts a strain on the neck or the ligaments supporting the spinal column can produce a problem of alignment and eventual trouble.

"There are 30 million people in the United States who suffer from headaches that do not respond to aspirin or ordinary treatment," says Braaf. "I guess if I have one goal in life, it is to get as many doctors as possible to look at these patients' necks before they load them up with more pain-killers or send them off for psychiatric treatment as psychosomatic cases."

Considering the remarkable increase in psycho-active drugs (in 1970 alone 220 million legal prescriptions were filled for psycho-active patients), wouldn't it seem logical then, to seek a doctor who may relieve a nerve disorder without drugs? And, considering even manipulation of the neck by cervical traction does in time provide headache relief, isn't it easy to see how the precise adjustment and re-alignment of vertebrae with specific chiropractic methods (developed through 75 years of research) can bring relief in even less time, increase the percentage of results and give longer lasting benefits?

Another article, A Pain in the Neck, which appeared in 70-Days Health and published by the American Medical Society in June, 1968, explains the spinal cord, the narrow, vulnerable tunnel formed by the arches of the seven neck vertebrae, the vital communication line between the above and the rest of the body below. It tells how the nerves of the neck control muscles and other vital functions in the body. The Vagus nerve in the neck has fibers which reach and affect the heart, lungs, larynx, stomach, intestines, liver, pancreas, spleen, and kidneys. The Phrenic nerve in the neck controls the diaphragm, the main muscle of breathing which separates the chest cavity from the abdominal cavity.

Ironically, it continues, most of the time, when something is wrong within the neck, the pain is felt in another part of the body. Headaches and shoulder pain and dizziness are probably the most common symptoms. Dr. Winters goes on to explain a common neck problem, which often is thought to be psychological but is actually organic. It is called the scalenus antecus syndrome.

The authors go on to say that almost all victims of scalenus antecus syndrome complain of persisting pain extending from the neck into the upper extremity and fingers. The pain is often described as dull and aching, but it may also be sharp and burning. The suffering is made worse by turning the head.

Severe pain may make it necessary for a physician to inject an anesthetic into the scalenus antecus muscle in the neck. If this fails, say the authors, surgery may be necessary to cut the muscle and release the pressure.

Because spinal adjustment to remove nerve disturbance is the basis of chiropractic, let us get a chiropractor's approach on improving health and possible prevention of surgery.

Chiropractors hold that if the vertebrae of the spine are in proper alignment, then the semicircular openings in any two adjoining vertebrae will coincide to provide full circular openings even as the spine is bent and twisted in the normal activities of living, and there will be no interference with the emerging nerves. They also emphasize that if the spinal vertebrae are not properly aligned the nerves issuing through the foramina will be compressed, stretcher, twisted or otherwise distorted.

By the correction of structural misalignments in the body, for the most part in the spinal column, interferences with the nervous system are eliminated and the body is enabled to cure itself.

Like medical doctors, the doctor of Chiropractic is thoroughly trained in all methods of diagnosis. In the physical examination of the patient, he makes a skillful analysis of the spinal column for body balance, postural distortions, and spinal defects which may be causing nerve irritation and resultant dysfunction. A careful examination of all skeletal structures and the nervous system is indeed an important factor in his diagnosis.

In addition, he may use in his diagnosis all modern laboratory and clinical procedures, such as electro-cardiography, stethoscopy, percussion, auscultation, nerve tracing, urinalysis, blood tests, blood pressure instruments, X-ray diagnosis, and other scientific instruments and procedures, as indicated.

In fact, the diagnostic value of the X-ray has played a very vital part in chiropractic's continuing research into the causes of diseases which stem from spinal defects, postural distortions, occupational hazards, and produce constant tension and nerve irritation. These bodily organs, conditions which may result in far more serious disease, if not promptly corrected.

Your chiropractor will depend very greatly on his highly trained and sensitive fingers in performing his analysis. He will examine your spine digitally with great care, noting the various curves and irregularities that are detectable by touch; this is known as palpation. In addition, when he locates an area that is sensitive, that reveals tenderness, pain, or that may even be numb, he will determine its extent and then follow the course of the nerve or nerves leading to or from it by means of his fingers; this is termed "nerve tracing".

Nerve tracing can also be done by means other than the fingers alone; there are various extremely sensitive devices which some chiropractors use to aid them in this part of the analysis. One of these is the neurocalometer—the name means simply "nerve heat meter". It takes full advantage of the fact that nerves whose transmission of impulses are hampered in some way throw off an abnormal amount of heat.

An advanced method for detecting spinal hyperemia, caused by nerve irritation, is done electronically by means of a photoelectric device.

Another means of locating nerve interference is by picking up minute electric currents from the tissues. A variety of instruments is used for this purpose.

Once he has determined the area that requires attention, the chiropractor will initiate you into the "adjustment". In this process he is seeking to correct an interference with nerve impulses. He does this by moving a vertebra in the direction necessary to realign it to normal position, and restore normal nerve function.

In short, chiropractic holds that by the correction of structural misalignments in the body, for the most part in the spinal column, interference with the nervous system is eliminated and the body is enabled to cure itself, without drugs and in many cases without surgery.

For its own good, mankind is hopefully looking forward to the day when all M.D.'s, accepting the proof of their own research, will take a closer look at chiropractic concepts, treatment, and results. The day is surely coming when M.D.'s will refer chiropractic cases to doctors of chiropractic, just as they refer to other specialists . . . and just as chiropractors now refer medical and surgical cases to M.D.'s.

There is no argument with a cured case, regardless of the method used. In view of statistics from both medical and chiropractic research, isn't it logical that medical doctors and chiropractors should work more closely together for better health for everyone?

A NOTE FROM THE AUTHOR

References for this article have been taken from Chiropractic Health, published by Pyramid Books in 1969. "Headaches Yield to Neck Treatment"—Record newspaper, New Jersey, 1971. "The Over-Medicated Woman"—McCall magazine, September, 1971. "A Pain in the Neck"—Today's Health, 1969. Chiropractic Society (Bulletins). "Legal Pill Popping Hits a High"—The Washington Post, 1971.

Liberated from the tortures of migrain headaches suffered for over thirty years, without drugs, it is my duty, both as a writer and patient to defend the principle of Chiropractic Health.

As a free-lance writer, my work has appeared in South Bergen News, Herald News, Free Press (all the preceding are local newspapers), Salesian Bulletin, "Why" magazine, Electrical Workers magazine, Pen magazine and a portion of an article was used in Readers Digest, September, 1969.

DOCTOR OF CHOICE

(By Camille Fattoross)

As Congress prepares its final version of the Social Security Amendment's Bill, the Chiropractic profession is again under attack from the American Medical Association and other health groups who will join to oppose the inclusion of Chiropractic payment under Medicare and National Health Insurance.

In the July issue of the Reader's Digest appeared the article "Should Chiropractors Be Paid With Your Tax Dollars?". Though obviously written with all good intentions, it is nevertheless a misrepresentation of the Chiropractic profession.

The American Medical Association, in its continuous campaign against Chiropractic, attempts to mislead the public in this collection of half-truths and innuendoes. As most Chiropractic articles, it not only degrades the Chiropractic profession, but it imposes a damaging and inaccurate view of Chiropractic before the public.

An example of this abuse was released last year in a series of articles written by Arthur Isbit entitled "Your Health and Dollar". Through the intercession and courage of Dr. Martin, Doctor of Chiropractic, some of the false images promoted by the American Medical Association were retracted and for the first time, Chiropractic came out with the dignity it deserves.

During that time, the *Bergen Record Newspaper* in New Jersey contained an article on "A Brief For the Elimination of Chiropractic in the State of New Jersey", a thoroughly worded document sent by the Bergen County Medical Society to Governor Richard Hughes, Attorney General Arthur Sills, and Bergen County Legislators.

The shocking aspect of the New Jersey Medical Society's attempt to ban licensing of Chiropractors is that the health freedom of the people of New Jersey would be denied them. It is also a shocking fact that organized medicine has almost a virtual monopoly over the flow of news concerning the healing arts, thus, in addition to belittling Chiropractic at every opportunity, organized medicine is able to exercise an almost complete blackout on the subject of Chiropractor's possible merits to the public.

In my research for materials for this article, I looked through the periodicals at the public library and could only find two articles on Chiropractic, both written by Lee Smith, and both degrading to the Chiropractic profession.

How then can the public judge for themselves if Chiropractic is beneficial or dangerous when the only available information is both damaging to the Chiropractic profession and misleading to the public?

The fact is that Chiropractic has proven successful, frequently after medical care has failed and a vast segment of the public have been guided by results rather than propaganda.

A striking example of this is the angry reaction of both the public and civic groups, who came to the support of the Chiropractic profession. These included the State Patrolmen's Benevolent Association, representing 16,000 law enforcement officers. The PBA said, "As professional law enforcement officers, we need the services of Chiropractic and feel that health is a personal matter which requires freedom of choice of doctor."

Letters such as the following poured into the *Bergen Record's* office:

FREEDOM TO CHOOSE

EDITOR, the Record:

I am only one of thousands of people who have been helped by Chiropractic. If it were not for this I would have undergone a major operation.

I am appalled at the fact that we are not free anymore to spend our money and go to the doctor of our choice. Since when has America taken these privileges away from us?

I feel that Chiropractors are being unjustly condemned.

Mrs. V. FERRANTE.

RIDGEFIELD.

FREEDOM OF CHOICE

EDITOR, the Record Call:

Medical doctors acting through their union, the American Medical Association, are now trying to take the licenses away from Chiropractors.

My own experience is perhaps helpful. I suffered for many years with stiffness and pains, diagnosed by medical doctors as arthritis and sciatica.

As a last resort, I tried Chiropractors. Now I can walk and work around my home without terrible pain, and no longer need a chair or table to support me as was the case before Chiropractors.

I do not pretend to know all the answers as to why I am better now. I do know that I am thankful I had the choice to make, and I deeply resent the attempt on the part of the A.M.A. to restrict my freedom of choice.

Now that man has gone to the moon, is it too much to ask that all cooperate to heal the sick in a massive community and national effort?

Mrs. MATILDA RAMMENSEE.

WESTWOOD.

MEDICHRIO

EDITOR, the Record Call:

There is an aspect of Chiropractic that the public at large should be concerned with. Notwithstanding the wide application of Chiropractic to alleviate spinal disorders, authorities have not given due recognition under Medicare to Chiropractic.

Could this be considered a form of discrimination?

ALLAN J. FIELD.

NORTH BERGEN.

HEALED

EDITOR, the Record:

Chiropractors are licensed in New Jersey by the Board of Medical Examiners.

For three months I have received treatment from a Chiropractor, licensed by the state. The tension, headaches, and back troubles which no pills could kill and several physicians were unable to deal with have disappeared. Does anyone need say more?

BERTRUN DELLI, Ph. D.

BERGENFIELD.

CHIROPRACTIC

EDITOR, the Record Call:

I can't possibly describe my reaction to the New Jersey Medical Society's position on trying to ban Chiropractors from practicing in this state.

This group of professional medicine men like to play God. They would like to tell me and other free thinkers like me that I don't need a Chiropractor.

There is more than one way to do anything. There is more than one way to heal.

CHIROPRACTIC

EDITOR, the Record Call:

I was totally shocked to see that a profession such as medicine could ever dream of destroying such wonderful healing art as chiropractic.

Chiropractic has helped so many sick people to get well when medicine has failed—they must be doing something right!

Since when does medicine dictate to the people where they should go for their health care? It is bad enough that their monopoly controls in the health field have kept chiropractic out of Medicare, Blue Cross, and Blue Shield.

. . . As for educational standards, the chiropractor has a minimum of two years undergraduate work and four years in chiropractic college. He also takes medical examinations in diagnosis, which does make his ability to diagnose equal to the M.D.'s, since their exams are the same as the medical doctor's.

If anything should be banned it is the present monopoly of organized medicine and the drug industry.

Mrs. J. R. INTELISANO.

PASSAIC.

I am angry, disgusted, and ready for a fight, and so are the thousands of people who are patients of Chiropractors and who want to make sure they stay in business as long as this old world turns.

Mrs. D. PALLOTTO.

HILLSDALE.

With all due respect to the Medical profession, who attempts to preserve us from the harm of Chiropractic, the inescapable conclusion is that both Chiropractic and medicine practice is capable of preserving good health depending on individual circumstances.

A worker with a "kink" in his back wants that kink removed by adjusting the malpositioned vertebra. When the paitent leaves the Chiropractor's office, with all or part of his pain removed, he knows that Chiropractic works . . . and so do millions of Americans who seek Chiropractic care every year.

A BILL TO IMPROVE LABOR-DISPUTE SETTLEMENT PROCEDURES IN TRANSPORTATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. PRICE of Texas. Mr. Speaker, today I am introducing a bill to provide a more effective means for protecting the public interest in national emergency disputes involving the transportation industries. My bill incorporates the President's recommendations for strengthening the dispute-settlement provisions of present law, recommendations which he first introduced in March 1970 in the 91st Congress and repeated in February of this year.

The transportation industries covered by my bill are the railroads, airlines, longshoring, marine shipping, and trucking. The bill would amend the two Federal statutes which deal with labor-management disputes—the Railway Labor Act, covering the railroads and airlines, and the Labor-Management Relations—Taft-Hartley Act—covering all other industries affecting interstate or foreign commerce. Neither the Railway Labor nor the Taft-Hartley Act, as they now stand, can actually put an end to any labor dispute, no matter how crippling or damaging such a dispute may be to the national economy or to any region. The only intervention open to the Federal Government under these two laws is to provide mediation services to the negotiating parties and, when all else fails, to postpone a threatened or actual emergency creating work stoppage for 60 days under the Railway Labor Act and 80 days under the injunction procedures of Taft-Hartley. If the disputant parties still have not settled after the 60- or 80-day "cooling off" period, a strike can then take place with no further hindrance by the Federal Government unless the Congress intercedes with a special law to cover the situation.

On eight separate occasions within the past 8 years, Congress has felt obliged to do just that—to step in with specific legislation to delay or end threatened or actual emergency-creating strikes in the railroad industry. The pace of this case-by-case intervention has quickened as the breakdown of the Railway Labor Act accelerates—four of the eight instances of ad hoc legislation occurred during the past 2 years.

My bill would put all transportation labor disputes under the Taft-Hartley law, and would give the President three new procedures to prevent or end emergency-creating strikes in transportation. When all else fails—negotiations with mediation, proffers of arbitration, and cooling-off periods—the President will have the power to require the parties to come to a contract agreement. This Presidential power, authorized by the "final offer selection" provision of my bill, will spare the American public the trauma of a damaging withdrawal of necessary goods and services while two private parties struggle for personal gain, and will spare the Congress the burden of considering in a crisis atmosphere the enactment of special-purpose strike legislation.

The urgent need for a stronger arsenal of Presidential weapons to combat emergency strikes in transportation is evident in the deteriorated state of industrial relations on the railroads, by the tremendous dislocations caused by the Teamsters strike in 1970, and especially by the present dangerous situation created by the dockworker strikes. The west coast longshoremen are currently working under an 80-day injunction order, after being out on strike for over 3 months from July 1 to October 8 of this year. Pathetically, the major issue in the west coast dock dispute revolves around a jurisdictional struggle between the teamsters and the longshoremen as to which group has the right to pack containers before they are loaded on the ships—a struggle over which the struck employers have little or no control. The west coast longshoremen may strike again when the injunction period runs out. If so, there is nothing further under Taft-Hartley that the President can do. In six out of the seven previous occasions during the life of the Taft-Hartley law that an east or west coast longshore strike was enjoined, the workers struck again after the 80-day injunction had expired.

While the west coast longshoremen have been forced back to work because of a strike injunction, east coast stevedores in several cities remain on strike. At the present time the east coast strike is centered primarily in New York City, where longshoremen are pressing for a continued guarantee of employment. But now with the end of phase I of the wage-price freeze, other ports throughout the east and gulf coast area, which are under the International Longshoremen's Association, may join the strike in a bid for higher wages.

Mr. Speaker, as the representative of a district whose economy is closely dependent upon agriculture, I cannot overemphasize the seriousness with which I view the prospects of an extended strike throughout our Nation's seaports. In spite of all the recent unpleasant news about our balance-of-payments deficit, I should hasten to point out that American agricultural exports have been a strong factor in our favor. Last year farm exports reached a record total of $7.8 billion, and by the end of this decade the total value is expected to amount to $10 billion. Of course, the expansion of this export trade is entirely dependent upon our ability as a nation to first produce, and second to deliver our goods to our customers in a reasonable and orderly manner.

I can say for a fact that we shall have no trouble in producing the necessary food and fiber—American agriculture remains unchallenged for its efficiency and ingenuity. But it is our dependability as a transporter of goods which becomes the weak link—the simple fact is that the Japanese, the Europeans, and the rest of our customers, who expect to eat three meals a day, to keep their factories and mills going, and to keep their livestock fed, simply cannot afford to put themselves in a position of dependence upon a producer who may at any time suddenly cut off the source of supply. By playing this game of Russian roulette we are indeed gambling with our own economic well-being. An extended strike by longshoremen could have a disastrous effect on domestic producers who would find their commodities rotting at dockside as well as seriously undermining the channels of export trade which have been built up through long and hard years of effort.

Mr. Speaker, at the present time, dockworkers of the east and gulf coasts belong to one union, while west coast dockworkers belong to another, and each of these unions bargain independently. Thus, each union enjoys only a half stranglehold on the American economy. But Harry Bridges of the west coast ILWU and Ted Gleason of the east and gulf coast ILA have been talking merger. If a merger of these two unions should occur, the resultant labor monopoly will have a 100-percent stranglehold on U.S. commerce, and then heaven help us all.

Mr. Speaker, "big business" and "monopoly" used to be words applied primarily to our large corporations—and both of these terms have acquired an undesirable connotation. Americans long ago reacted to the "public be damned" attitude of certain barons of industry with a series of regulatory statutes at the Federal and State level. In more recent years, however, we have witnessed a mushrooming of power among our labor unions to the point where today they have in effect become "monopolies" and "big business." While unions have served a worthwhile purpose by improving working conditions for our men and women and hastening the end of corrupt and undesirable practices such as child labor, they have in more recent years carried certain demands beyond the point of reason, and with their concomitant growth of power have in some instances become capable of threatening the well-being of society itself. When we realize, for example, that the dockworkers of America can at will completely paralyze America's international commerce and bring chaos to our economy, we must face up to the fact that this power has gone too far and that the good of society must be paramount to the special interests of one group of workers. It is the obligation of the Congress to reestablish the proper perspective in protecting the public welfare in labor-management relations.

CAMPAIGN SPENDING REFORM

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BOLAND. Mr. Speaker, campaign spending reform is among the very highest priorities of this Congress.

The cost of running for national office, always high, is now all but prohibitive. Campaign spending in 1968 made a huge quantum jump—50 percent—over the spending rate just 4 years earlier in 1964. And, still worse, the costs continue to climb at an even more dizzying pace. National office is now beyond the reach of 95 percent of the population. Indeed, it is becoming the inviolable domain of the rich or of those skilled at tapping the pocketbooks of the rich.

The Washington Post, in an editorial published Tuesday, points out that 11 of 15 major senatorial candidates in 1970 were millionaires. The other four—this is hardly startling—were defeated. Let me cite just one further example: Senator FRED HARRIS, after spending an astonishing $250,000 in an early campaign for the Democratic presidential nomination, abandoned the effort just a few weeks ago. His campaign was foundering in debt and unable to raise anything more than trifling contributions.

It is not an exaggeration, Mr. Speaker, to say that public confidence in democracy itself may hinge on meaningful spending reforms.

The extortionate cost of campaigning—and the unseemly scramble for money that accompanies it—is a threat to the democratic process.

The House begins debate today on campaign spending. But we cannot approach this issue in the straightforward and workmanlike way that it merits. The parliamentary context is puzzling—indeed, bewildering. Jurisdictional rivalry among committees has yielded three separate bills—one already passed by the Senate, another from the House Commerce Committee, still another from the House Administration Committee.

The Senate bill, broadest and strongest of the three, calls for just the kind of sweeping reforms needed. It would repeal the unwieldy "equal time" provision now governing the appearance of candidates on radio and television, eliminating one of the most vexing problems faced by broadcasters and candidates alike. It would, still further, set a ceiling on the cost of television and radio time—the "lowest unit cost" paid by a broadcaster's biggest advertisers. Its provisions would prohibit candidates from spending more than 6 cents per eligible voter in broadcasting messages, or more than 4 cents per voter in conventional printed materials.

The bill, in short, would set up enforceable limits on campaign spending. And—perhaps even more significantly—it would demand public disclosure of just how much is spent and just where it came from.

Drafted by my colleague from Massachusetts, Mr. MACDONALD, the Commerce Committee bill seeks changes in "equal time" and broadcasting expenditures closely akin to the changes sought in the Senate's legislation.

It is ironic that the weakest of the three bills—the one from the House Administration Committee—is scheduled first for floor action.

An effort will be made to replace this legislation with the Commerce Committee bill and the most significant provisions of the Senate bill.

Needless to say, Mr. Speaker, I support this effort.

We must enact the strongest bill possible.

LEGISLATION EXTENDING INCOME TAX BENEFITS GIVEN MARRIED PERSONS TO SINGLE PERSONS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. FRENZEL. Mr. Speaker, the Secretary of State of the State of Minnesota has forwarded to me a copy of House File 66, Resolution 1 as adopted by the legislature of the State during its extra session. The resolution calls on Congress to enact legislation extending income tax benefits given married persons to single persons. The full text is as follows:

A RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS TO ENACT LEGISLATION EXTENDING INCOME TAX BENEFITS GIVEN MARRIED PERSONS TO SINGLE PERSONS

Whereas, there is inequality in the present income tax structure which places an unduly large financial burden on single taxpayers of this country; and

Whereas, this problem is becoming more serious with each increase in taxation; and

Whereas, fair income taxation to all people of this country, regardless of marital status, should be a prime concern of the United States Congress; now, therefore,

Be it resolved, by the Legislature of the State of Minnesota that Congress should speedily enact legislation, such as H.R. 4219, H.R. 850, and S. 869, which would extend to all single taxpayers the full tax benefits now enjoyed by married taxpayers filing joint returns.

Be it further resolved, that the Secretary of State of Minnesota transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the Finance Committee of the Senate, the Chairman of the Ways and Means Committee of the House of Representatives, and the Minnesota Senators and Representatives in Congress.

HON. WILBUR MILLS DEDICATES THE LIBBIE MOODY THOMPSON BASIC SCIENCE BUILDING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to be in attendance on Friday, November 12 at the dedication ceremonies of the Basic Science Building at the Galveston, Tex., branch of the University of Texas Medical School. The building was named the Libbie Moody Thompson building after the wife of one of our former colleagues, Clark Thompson. It was a most impressive ceremony and under leave to extend my remarks, I wish to include the text of the dedicatory address delivered by the Hon. WILBUR MILLS, the distinguished chairman of the House Committee on Ways and Means:

REMARKS OF CONGRESSMAN WILBUR D. MILLS

Chairman Peace, Chancellor Le Maistre, President Blocker, Members of the Board of Regents, Faculty, Ladies and Gentlemen. I am pleased and honored to participate in these dedication ceremonies. This is, I know, a happy and proud time for all of you here.

You have reason to be proud of this magnificent building and the great purposes it is serving and will serve for many years to come. Today, November 12, 1971, we officially and formally commit this building to the service of not only the City of Galveston but also the State of Texas and the entire Nation. When Texas' first medical school celebrates its centennial two decades from now, this building will have constituted a substantial part of that century of service. And, it is fitting indeed that this building, dedicated to the service of humanity, will bear the name of a great and fine lady known for her dedication and ideals of service for the public good.

The building we dedicate today bears the name of this lady of Galveston—the Libbie Moody Thompson Basic Science Building. She was born here in Galveston, and, I am sure she would say, has spent the most enjoyable years of her life here. But fate was to require that she also spend many years far from her place of birth.

Fate appeared more than fifty years ago in the person of a young marine who was stationed here along with other strangers from the middle and far west of a Nation in its First World War. This young marine, who happened to belong to the same college fraternity as her father, wooed and won his Libbie. After their marriage in November, 1918, Libbie followed this marine officer "to the beach", as the marines say, in the First World War. She was to follow him again. Clark was called back into the Marine Corps from his reserve status in 1940 and was in the first marine expedition to leave the country after Pearl Harbor. This tour of duty was to last five and a half years, until World War II was won.

Then another type of public service called this dedicated couple and 1947 was the beginning of a two-decade period of a distinguished and fruitful career in the United States House of Representatives. This part of the career of Clark and Libbie was, of course, not entirely new to them; they came to Washington for two years in the early thirties when Clark completed the term of an incumbent who died in office.

Clark has often remarked that in politics, when they were campaigning together, Libbie got more votes than he got himself. I know very well from my own experience that the better half can get the better half of the votes, too!

But whatever circumstances Clark might say led to his seat in the House of Representatives, I can testify personally to the fairness and great wisdom so many of his colleagues relied upon in the course of great debates in the Congress. Clark Thompson was a valued, respected, and diligent member of the Committee on Ways and Means. And his wit and sense of humor got us over many a rough spot. It is a further tribute to Libbie that he was not only always sensitive to the needs and aspirations of the people back home but he could also see the larger needs of the Nation he had served with such distinction in two great wars. One thing we all know, Clark and Libbie are a team and I am sure it was that way from the day they decided to travel life's road as man and wife.

Those of you here today are more aware than I of the great interest Mrs. Thompson has shown in health matters over the years and of her particular interest in the University of Texas Medical Branch in Galveston. This great medical complex—the Medical School, the John Sealy College of Nursing, John Sealy Hospital, and the State Hospital for Crippled Children, the School of Allied Health Marine Biology Research—has served the needs of Galveston and Texas for eight decades and is destined, I know, to serve many more. Galveston and Texas need this new building. And so does the Nation. This institution has been blessed by the generosity of many of the leading citizens and organizations of Galveston—the Sealy and Smith Foundation, the Moody Foundation, the Hempner family to name just a few.

The Committee on Ways and Means is now engaged in public hearings on national health insurance. We have been hearing a good deal about what is considered wrong with our present health system, but we have also been hearing what is right.

And one of the things that is right is that so many public-spirited Americans are giving freely of their own time and money to see that their community has the best in health care. You people know that good health care cannot exist without the well-trained professionals who furnish the care. A good case has already been made in our hearings that many of the problems in health care today can be traced to shortages of well-trained health professionals.

Frankly, one of the most disturbing facts we have learned as our hearings began is our increasing dependence on foreign-trained physicians. Last year, while American medical schools were graduating 8700 new doctors of medicine, 8100 alien graduates of foreign medical schools, mostly Southeast Asian, entered the U.S., almost all of them to stay and practice here. It is certainly my hope that we can reverse this trend with the increased capacity of great training centers like this one.

There seem to be four or five major areas of concern which have been developing from these hearings.

One is the area of preventive health measures. This is a quite common theme of those who have been testifying, regardless of their position on specific bills. I hope before the hearings are over we will have gained more specific information and ideas on this important subject, including how to get people to take better care of their own health.

A second area which has been mentioned by many witnesses is the need for a method of helping the family which is made poor because it happens to be among the relatively few who are hit the hardest by high health costs. There are a variety of ways this problem can be solved but the one which is finally adopted must meet the tests of simplicity of administration and minimum interference with the present system.

The one point that is made by virtually every witness is the heavy inflation which we have seen in health care costs in recent years. We will need to examine carefully every one of the proposals which have been made to see what is possible and desirable in this area. But we will have to be sure that people understand that better health care costs more, too. And health costs aren't the only item in the family budget that have been rising rapidly. Since 1963, men's haircuts have gone up 42.8 percent and health costs 40.9 percent. But I haven't seen a bill in Congress to put the barbers on the Federal payroll.

I can assure you all that the Committee will take a close, hard look at all the proposals before us and we will not act in a hasty, ill-considered fashion. Any bill we finally approve will be so constructed as to retain the much that is good with American health care and to encourage the new and promising developments in our present system. And one of the good things about the present system is here before us—an illustration of how a community and State can help itself and so help the Nation.

It is most fitting and timely, then, that we pause in our daily routine and together dedicate this new addition to the medical school. All of you would agree, I am sure, that in a larger sense the ceremonies here today go beyond the dedication of mere bricks and mortar. Those of you who are associated with the Medical Branch no doubt find this a moment for the rededication of your lives to the fine work you have already begun.

We are also dedicating this building to the good works of your own Libbie Moody Thompson, and the auditorium in particular to the Thompsons' late daughter, another Libbie.

It is then with respect and much personal pleasure that I have been privileged to participate in these ceremonies—for the dedication of a new building to train physicians, for the rededication of the lives of those who will use it, and in honor of the lady of Galveston who has helped turn the dream into reality.

Thank you.

SHOWDOWN WITH RONALD REAGAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. WALDIE. Mr. Speaker, an excellent article on the crisis of higher education in California has been brought to my attention by Mr. Claude Ury of Aberystwyth, Wales.

In a time when the entire economy is under the gun, I think it is significant that the Governor of California sees the crippling of colleges and universities in the State as a primary means of eliminating monetary problems.

As my colleagues will note in reading this excellent article, the tactic could do a great deal more bad than good.

Mr. Speaker, I submit this article, entitled "Showdown with Ronald Reagan," from the London Times for inclusion in the Record. Noel Greenwood should be commended for his fine job of reporting:

Showdown With Ronald Reagan

(By Noel Greenwood)

The higher education boom in the bellwether state of California has exploded amid tightened state spending and a general loss of public confidence.

The slump, which reverses at least 10 years of significant expansion, shows most dramatically in the state's nine-campus University of California and 19-campus state college system. Total budgets for both have been held at virtually their previous year's level although both are admitting thousands of additional students this fall.

Faculty staffing has been cut back for the first time in recent memory, and professors have been denied a customary cost-of-living pay raise by the Legislature and Governor Ronald Reagan for the second year in a row. Faculty members are being accused by Mr. Reagan and others of not working hard enough, and the long-standing tradition of tenure is under attack.

Average class sizes in both systems have risen to their highest levels ever and the flow of money for new campus construction has slowed to a trickle. The state's much-admired Master Plan for Higher Education, for the first time since its adoption in 1960, is being submitted to close scrutiny by a committee of legislators and a select citizens' committee, and the outcome is in doubt. A key measure, the amount of money spent a student by the state, has dropped below its previous year's level. Fees charged to students have been rising more rapidly than ever before. State support of scholarships and special programmes for minority group and low income students has been reduced.

Two, much-ballyhooed, university programmes to attack urban problems and air pollution have been crippled by lack of funding. A $246m health sciences bond issue (about £100m), for the University of California, enabling it to turn out more medical doctors, was rejected by voters last year in what was widely seen as a backlash against student demonstrations. A similar measure going on the ballot again stands little chance of approval.

The situation has led Dr. Charles Hitch, president of the university, to warn that this system is at a point where "distinction will become a memory" unless the pattern is reversed.

Dr. Hitch told the university's board of regents last month: "Without the necessary funds, the university probably could still enroll all eligible undergraduate Californians, but the character of the university would change drastically. Its character would probably be less controversial—and one might welcome this change at first—but it would also be a sterile university."

Even State College Chancellor Glenn S. Dumke who usually avoids any open disagreement with the governor, said that his system is now "providing services at a marginal quality level for a maximum number of students."

Perhaps the most unexpected broadside came from Dr. S. I. Hayakawa, the semanticist who is president of San Francisco State College and a favorite of the governor for the way in which Hayakawa used police force and a no-compromise attitude to put down campus disorders. Dr. Hayakawa charged that "budget technicians" were taking over control of higher education and declared: "The public should be interested to learn what is happening to their college system in the name of economy."

TIGHTENING THE BELT

Mr. Reagan, a Republican conservative and former movie actor, pays little attention to such declarations, saying that higher education has been richly provided for in the past and it can stand some belt-tightening along with the rest of state government.

Belt-tightening is certainly what happened this year. The University of California, which enrolls more than 100,000 students selected from the top 12½ per cent of all high school graduates, is the state's most prestigious system.

Faced with an enrollment increase of more than 4,000, its regents proposed a $372.8m budget, which Gov. Reagan trimmed to $336.6m, virtually the same amount appropriated in the previous year. Last month, Mr. Hitch added up the results for regents. "In the recent past the university has been forced to drop its state-funded summer classes, reduce state-funded research by $6m and lower overall instructional support by 5 per cent. The consequences of the last-named will be severe," he said.

"For example, some campuses are in desperate need of additional faculty support to meet the needs of even such basic courses as freshman chemistry and organic chemistry. Consideration has been given to reducing the number of laboratory sessions or reducing the number of students who are required to take such courses. Neither alternative can be followed without either lowering educational quality below minimum standards or delaying student progress in their major fields. These are the types of choices with which we are now faced."

Library hours have been cut back by 17 per cent, and library acquisitions by 15 per cent. Mr. Hitch said the latter cutback has weakened the campus library collections by forcing fewer purchases of new books ("which has created gaps in the collection") a drop in the number of journals to which libraries subscribe and dwindling purchases of out-of-print materials.

The student-faculty ratio is rising 21 per cent to 17.4:1. Because enrollment in many upper division and graduate courses must remain relatively small, the brunt of the increase will be borne by lower division classes, where enrollment in many cases already numbers in the hundreds.

Mr. Hitch is particularly disturbed about the impact on undergraduate education, which he had singled out for reform only a year earlier. "Our ability to improve undergraduate instruction has been crippled by the decimation of our budget request to the state", he said. "New courses and freshman-sophomore seminars can be offered only by elimination of other courses and increasing class sizes, unless we alter fundamentally the balance between instruction and research."

RESEARCH NEXT FOR ATTACK

University salaries once ranked among the 10 highest in American higher education, but in the latest ranking by the American Association of University Professors they have slipped to 64th place. The lean budget resulted in the loss of 480 faculty positions statewide, which the governor defends by claiming that university professors are not carrying a heavy enough workload.

Recently, state auditors began looking into university operations with special interest in the amount of outside research and consulting done by faculty members—probably indicating that this will be the next subject of attack by the governor. Tenure for professors is under attack not only by the governor but also some legislators and many of the general public. Their displeasure is mainly caused by militant leftist or radical professors, who have considerable job protection under tenure regulations. Although faculty members do not appear to be fleeing the system, there is more talk than usual—even by senior professors—of supporting the hitherto minor moves toward faculty unionization. University officials claim that the governor's attacks have made it difficult for the first time to attract bright young academics to the university faculty.

In some ways, the big (200,000 enrollment) state college system, which accepts students from the top one-third of all high school graduates, has been hit even harder than the university. The state college board of trustees, faced with almost 20,000 additional students, this year asked for $369.3m from the state. Governor Reagan cut the request to $315.8m, a mere $5m more than the prior year's budget. In so doing, the governor cut the existing faculty positions by 250. After the bad news was known, Mr. Dumke told trustees:

"The college presidents and their staffs have already begun to identify those classes which may have to be cancelled and those which may have to be deferred to future academic terms. This will inevitably disappoint numbers of students. Some students may be unable to get the precise classes they wish in the term they desire. This may result, in some cases, in delayed graduations and postponed career plans. The faculty-student ratio will increase more than 11 per cent. This will be translated into more crowded classrooms with necessarily more limited personal contact between faculty and students and a decrease in the amount of time faculty have available to counsel and advise students."

Faculty members in the state colleges, like their university counterparts, received no pay raise for the second year running. Unlike the university, the downturn in the faculty's fortunes seems to be having a visible effect in the state colleges. Faculty turnover is at a three-year high, but, more importantly, the number of senior faculty resigning has shot up 60 per cent compared with the prior year.

Talk of faculty unionization is spreading. A poll shows that a majority of state college faculty favour it, and even the Academic Senate, the main (and traditionally moderate) faculty body, is studying the question. State college faculty have suffered cutbacks not shared by their university colleagues. Awards for distinguished teaching have been abolished, sabbaticals were cut in half, special leaves for research were wiped out, and professors teaching graduate students—who demand more individual attention—now must carry the same workload as professors teaching undergraduates.

The morale of professors has slipped considerably, said one faculty leader, who declared: "It's pretty hard to get enthusiastic about teaching when at every turn you're confronted with what looks like an attack on the faculty."

State college libraries have cut back their hours and book purchases, and the move to year-round operation on all campuses has been stalled. Additionally, joint doctoral programmes with the university, teacher training, the master's degree programme in social work, study abroad programmes and instruction television have all taken budget cuts.

Foreign students in the state colleges were especially stung by the governor's budget actions. They left for summer vacation in June knowing they would have to pay increased fees this fall, but assured the total would be held at $600. The governor's budget pushed that figure to $1,100.

The lean days for higher education are also being felt in the state's 93 community colleges, which enroll more than 800,000 full and part-time students. The fastest growing of all higher education segments, the community colleges offer two-year programmes, both academic and vocational. Virtually anyone may enroll at these campuses, which are supported by tax funds from the state and the local community.

Local taxpayers have become reluctant to increase their support, and state support has decreased proportionately. The result has been tighter budgets, which in turn have increased the number of overcrowded classrooms and made it more difficult for students to get the courses they need.

Private colleges and universities, though not funded by the state, are having troubles of their own. Financing is harder to get and many institutions, including big campuses, like Stanford, have embarked on budget-cutting campaigns and slowed their growth. Enrollment applications are falling off, and one reason may be that the rapid rise in tuition at private colleges and universities is sending more and more students to the cheaper public institutions.

The great variable in all of this is how enrollment will grow in the next several years. Most studies suggest that the steady rise in higher education enrollment will continue through the 1970s. In the 1980s, the growth rate should decline and there is even the prospect of a net drop in enrollment—mainly because of population trends in the state. Then, in the 1990s, an upturn is expected.

Mr. Reagan is suggesting that California higher education can squeeze through the 70s with just about the staff and facilities it now has, then find relief when the growth rate slows in the 80s. But many higher education experts argue that the enrollment crush will be too heavy, and California will have to begin turning students away from its university and college campuses within a few years unless spending is markedly increased.

SECOND THOUGHTS ON GRANTS

Against this backdrop, the state is taking a look at its Master Plan for Higher Education, which set out the functions of the three segments (university, state college, community college) for the first time. Implicit in the two studies of the plan is the central question of whether California can afford to stand by its pledge to grant a higher education opportunity to anyone who can profit by it.

Some authorities are having second thoughts. The governor has suggested that the state colleges and university might have to become more selective. That would push the excess enrollment to the community colleges, but it is doubtful if those institutions could handle the load.

Mr. Reagan may have antagonized higher education circles by his actions, but he has won general support from the California public. Although campuses have been relatively quiet in the past year, Californians are still angry at the widespread disorders and demonstrations—especially those protesting the Vietnam war—in the years before.

Campus administrators were blamed by Mr. Reagan for not cracking down on dissident faculty members and students, and most of the public agreed with him. Issues like the case of Angela Davis, the young black communist professor fired from her job at UCLA over the protests of the faculty and the campus chancellor, and now standing trial in Northern California for her alleged role in a court-house shooting, provided fuel for their anger.

If nothing else, all this means that the golden years for higher education are ended in California and a long, difficult job of rebuilding public and legislative support lies ahead.

SID GOODMAN: IN MEMORIAM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. UDALL. Mr. Speaker, on November 9 we lost Sid Goodman, a man whose type seems to be rapidly disappearing from American public life. Sworn into the Postal Service on St. Patrick's Day, 1937, his college career ended by the depression, he planted his feet where he found them and worked for 30 years to better the life of his fellow postal employees, rising through the ranks of the union to be president of the National Postal Union in 1964. He served as president until 1968 when, perhaps aware of the illness that was to cut his life short, he took advantage of the 30-year retirement he had fought for and withdrew from public life.

Sid Goodman was an egalitarian of a type that only the depression years seemed to produce. He said:

> A voice and a vote for every member.

The national officers of NPU were elected by a mail ballot in which every member could vote. NPU became the third largest organization of postal workers during his presidency, only 10 years after it was founded. His power base was always the 22.500-member Manhattan-Bronx Postal Union where he served so many years, but NPU membership was three times that when he stepped down. He brought to it the distrust of institutions and sensitivity to the real needs of the rank-and-file employee that can so easily be lost when a man is in a position of power.

Self-taught, an intellectual and activist, he remained "young" in the best sense, never feeling that he had too much to lose to take risks. "Title, prestige. Who needs them?" he said. And again, as president of NPU, "If a guy wants to say, 'We don't want you any more,' he can do it." He made sure it was that way within NPU, for he had never reneged on the values of his youth.

In 1955–56, he was caught up in the repercussions of the Internal Security Act and with several other Federal employees suspended for 6 months until a Supreme Court decision reinstated them. As he put it:

> I think it was a combination of the Depression and the Spanish Revolution that made me take a look at unionism. I had read the Marxist classics in college.

Goodman survived this period of witch-hunting working full-time for the union. His intellectually honest, open attitude was no pose, and he weathered the various storms of the times he lived in as well as any man because he identified his interest with that of his fellow workers.

The union movement and the Postal Service, from which he retired 3 years ago, will miss him but his influence will always be felt. His wife and his children will miss him, warm family man that he was. But most of all the country will miss Sid Goodman, an early loss from a certain group of men who came to maturity in the 1930's and drew the right moral and emotional conclusions from what they saw around them.

A PARALLEL: JOHNSON AND TRUMAN

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. CABELL. Mr. Speaker, I would like to introduce into the Record an article by a good friend and astute columnist, Dick West of the Dallas Morning News. His subject brings out some very interesting reflections on former President Lyndon Johnson's tenure in Washington.

The article was printed in the Dallas Morning News on October 7, 1971, and is as follows:

A PARALLEL: JOHNSON AND TRUMAN

(By Dick West)

To those who know Lyndon Johnson personally and studied his troubled years in the White House, there are two interesting impressions of his book "The Vantage Point":

A striking resemblance between the five years he spent on Pennsylvania Avenue and the 7½ spent by Harry Truman; incidentally, they are the only two living expresidents.

The revolt against him—you can even call it double-cross—by the liberals for whom he did more than any other president in history.

A lot of the liberals, particularly those in the influential news media, have seized on publication of his book to renew their attacks.

The review in Newsweek, for example, is extensive in space as well as criticism. His book, Newsweek says, is "bland" and "self-serving." On Vietnam, it adds, "he focuses almost entirely on the facts that justify his decisions. Instead of a full view from the cockpit of history, we get tunnel vision."

As in 1964, which was the year Johnson ran against Barry Goldwater, Newsweek says, "We get just the information that suits Johnson's purposes" in the book just published.

Like Truman, Johnson took over a job he never expected to have and assumed it under the most difficult circumstances. When you don't expect a hot potato and it suddenly is thrust into your lap, you have to react and improvise quickly to keep from getting burned.

Truman faced circumstances that led to the conflict in Korea. The same was true with LBJ in Southeast Asia. Truman followed an anticommunist policy and was firm in carrying it out. So did LBJ.

Both presidents were poor and had an agrarian, populist philosophy. Both men had to take the oath in an atmosphere of sorrow—and both were reluctant, naturally, to change the course set by Roosevelt and Kennedy, respectively; yet both in time were forced to establish their own identities and to assert their own brands of national leadership.

Neither grew up in an environment of black-white friction; yet, next to forging a strong national defense, to both civil rights became a vital priority.

The hearts of both men remained in the United States Senate where they had served with distinction (particularly Johnson) and established their closest ties.

The two "did my best" in the face of constant carping and neither ran for the office but once, although Truman served almost eight years because FDR died after serving only 3½ months after his last election.

Three former presidents were living when Johnson took over after the assassination: Herbert Hoover, who was very aged; Truman, and Gen. Eisenhower. All offered their services and counsel, but this important paragraph in the book reveals the influence of Truman and the possible course the Texan would follow:

"He (Truman) pledged his support for our efforts in Vietnam. He told me he had faced the same problems of aggression in Greece, Turkey and Korea. He said that if we didn't stand up to aggression when it occurred, it would multiply the costs many times later. He said that his confrontation of those international challenges—particularly in Korea—had been horrors for him politically, bringing his popularity down from a high of 87 per cent to a low of 23 per cent. But he said they represented his proudest achievements.

"He told me always to bear in mind that I was the voice of all the people. A few of the big voices, he said, would try to drown me out from time to time, but the duty of the president was to lead and champion the people's causes."

The strangest irony of Johnson's 61 months in the White House was the bitter opposition from those he had helped the most—the so-called intellectual liberals.

John F. Kennedy was their ideal—yet JFK never, in his three years as president, gave them the broad legislation they had sought for years.

Kennedy's greatest failure was in his dealings with the Congress. It remained for Johnson to do what Kennedy never was able to do; this was because Kennedy's heart and soul were always above and apart from the Congress and Johnson's were imbedded in it.

Johnson's greatest genius was conceiving a bill and passing it. He knew the right time, the right places and the right men. He had been tutored by the old master, Sam Rayburn, but he combined that tutorship with amazing talents of political timing and persuasion.

His first big assignment in taking over the presidency, therefore was to establish rapport with Congress, then push through legislation which, frankly, Kennedy had been unable to do. Psychologically, this was important, so as to reassert the chief executive's importance.

Johnson approached this assignment skeptically. "Frankly, I was not certain I could get a single bill through Congress."

But the next 10 months saw passage of a tax-reduction bill, the civil-rights bill, the food stamp bill, the War on Poverty, the Urban Mass Transit Act, the Housing Act, the Wilderness Areas Act, National Seashore Act and Nurse Training Act.

What will the historians say of Lyndon B. Johnson of Texas? James Farley, who has known all the presidents intimately since Cal Coolidge, told me on his recent visit to Texas:

"I think Mr. Johnson's place will be alongside that of Harry Truman. I hope Johnson lives long enough to enjoy the praise that is certain to come to him in time. He met his complex and difficult assignment manfully, competently and with determination and courage."

SENATOR BYRD ON TAXES

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. DOWNING. Mr. Speaker, my distinguished Virginia colleague in the Senate, the Honorable HARRY F. BYRD, Jr., has once again expressed his informative views concerning our national economy. These were covered most interestingly in the editorial columns of the Northern Virginia Daily. I am pleased to include the editorial so that everyone may have an opportunity to benefit by reading it.

[From the Northern Virginia Daily, Nov. 11, 1971]

SENATOR BYRD ON TAXES

Virginia's Senator Harry F. Byrd, Jr., has expressed certain views regarding the Nixon economic program which were intended primarily for the U.S. Senate, but should be carefully studied by every American.

After making clear his support of the current effort to halt inflation, including the temporary surtax on imports, the wage-price freeze, and the abandonment of the gold standard, Sen. Byrd questions the advisability of President Nixon's tax proposal as embodied in the pending tax bill (H.R. 10947). The bill, if passed in its present form, would reduce annual tax revenues by some $10 billion.

These reductions would be accomplished by the following provisions in the bill:

1. A seven percent Job Development Credit (President Nixon proposed a 10 percent credit until August 15, 1972, and five percent thereafter).
2. Repeal of the seven percent excise tax on automobiles and repeal of the 10 percent tax on light trucks.
3. Accelerated reduction in individual income taxes beginning in 1971 by an increased personal exemption of $25 for 1971 and by an additional $75 for 1972; and an increase in standard reductions.
4. Deferral from taxation of portions of income derived from exports of Domestic International Sales Corporations (DISC).
5. Codifies depreciation on corporate capital assets.

Taken individually, Sen. Byrd sees merit in each of the above proposals, as being beneficial to either business or to individual taxpayers. This is especially true in regard to the seven percent Job Development Credit, which would in effect be a reinstatement of the old Investment Tax Credit which was repealed in 1969 at the instigation of the Nixon Administration.

However, what the senator questions is the implementation of extensive tax reductions at a time when "the government is already running a smashing federal funds deficit."

In the current year, he points out, "revenues would be reduced by $11.2 billion; next year the revenue loss would be $9.8 billion." And, these reductions are contemplated at a time when there appears to be no intention on the part of the Administration to cut federal spending.

In his statement Sen. Byrd put it this way:

"But I do not see much indication that either the Congress or the Administration is prepared to reduce spending. In fact, the Administration urged the Congress to increase the amount appropriated for foreign aid from $1.9 billion in 1970 to $3.5 billion for 1972—almost double; it is urging Congress to enact a new $1.5 billion program dealing with school desegregation; and worst of all, it is strongly urging the Congress to approve a new welfare proposal that would increase the annual cost at least $5.5 billion."

The federal deficit for fiscal 1971 was $30 billion. The Joint Committee on Internal Revenue Taxation places the 1972 deficit at $35 billion. Sen. Byrd raises this pertinent question: In view of the dismal outlook for continued federal deficits of enormous size, and in view of the fact that federal deficit spending is recognized as the major cause of runaway inflation, is this the time to talk about reducing tax revenues, an action which can only result in even greater deficits?

Wise fiscal heads will certainly hesitate before taking such a step, unless it can be accompanied by corresponding reductions in federal spending.

REPORTER SUMMARIZES A CHAMPION'S RECORD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. EILBERG. Mr. Speaker, we of the Philadelphia delegation have always been proud of our distinguished colleague, ROBERT N. C. NIX. So it was with more than a little pleasure that I recently read an article by Jack Saunders in the Philadelphia Tribune, which puts the past record and future intent of Robert Nix in the perspective of his admirable service to not only his constituents, but to the Nation as a whole.

I enjoyed seeing in print the definite commitments by Congressman Nix on troublesome issues. I would like to call Mr. Saunders' article to the attention of all my colleagues and hope this article will again be brought to the attention of every constituent in the Second District of Pennsylvania so they can appreciate the sincere and vigorous statesman who represents them in the Congress:

Jack Saunders Says

(By Jack Saunders)

Champions seldom, if ever, retire while they are in their prime. Joe Louis was way past his peak when he retired as undefeated heavyweight champion of the world. So was the incomparable Sugar Ray Robinson when he stepped down as middleweight champion of the world.

Congressman Robert N. C. Nix, Sr., is a real champion in the halls of the United States House of Representatives. Thus, when I heard on the streets that Mr. Nix was thinking of retiring from Congress after he completed the current term, I went to his headquarters, at 2139 N. 22nd Street, last Tuesday night, and asked him the big question.

Congressman Nix looked at me is if he thought I had taken leave of my senses. "Retire?" he said, frowning. "Am I going to retire? From Congress?" He laughed, or rather chuckled. "No, Jack," he said, shaking his head, "I am not going to retire. I might retire ten years from now, but I certainly have no intention of doing it at the end of this session. I shall stand for reelection in 1972, and I shall be successful."

Robert N. C. Nix, Sr., was the first Black man elected to the United States Congress from the Commonwealth of Pennsylvania. And last Tuesday night, when I went to see him to question him about the retirement rumors, his son, Robert N. C. Nix, Jr., was elected to the Pennsylvania State Supreme Court, the first Black man to achieve that distinction.

Consequently, Congressman Nix was in exceedingly good spirits when I entered his headquarters, and his spirits were still soaring when I left. In the meantime, he had given the lie to rumors that he was considering relinquishing his seat as Pennsylvania Representative of the 2nd Congressional District.

I have known Congressman Nix since I was a newspaper cub reporter. His son was about seven years old the first time I heard Mr. Nix plead a case for a client in magistrate's court. He did a magnificent job, too, because he was then, and still is, a brilliant lawyer.

Quite frankly, I didn't believe the Nix retirement rumors when I heard them. He would never leave Congress while in good health—and his health is top-flight. He would never quit so long as he could represent his constituents in a manner that would gain for him the respect of all of his colleagues and gain for his constituents the kind of legislation beneficial to them and theirs.

Congressman Nix is not a do-nothing Congressman, he's a working Congressman. He has one of the best attendance records in the House, and his voting record on bills and measures of great significance to the nation, state, city and his district is almost without parallel.

A Member of Congress since 1958, Congressman Nix has the kind of seniority which enables him to walk with and legislate with the most powerful members of the House. As a result, he is a member of the potent Post Office and Civil Service Committee, the Foreign Affairs Committee, is chairman of the influential sub-committee on Postal Operations, and chairman of the House Interparliamentary Committee of the United States and Mexico.

As a working Congressman rather than a do-nothing Congressman, Mr. Nix has four offices where his constituents can call upon him or his administrative assistants: 2201 Rayburn Building, Washington, D.C.; 2139 N. 22nd Street; Customs House, 2nd and Chestnut Streets, and 8325 Stenton Avenue, Philadelphia, Pa.

I asked Congressman Nix to fully acquaint me with his Congressional record, last Tuesday night. Responding, he talked about Vietnam, Israel, Education, Health and Health Insurance, Consumer Legislation, Crime, Drugs, Equal Employment, Federal Employees Salary, Foreign Affairs, Income Tax, Small Business, Social Security, Obscenity, Pollution, Interstate Commerce, Memorials, Near East Peace and Monthly Benefits.

On memorials: "I introduced a Bill, HR 7745 which designates the birthday of the late Dr. Martin Luther King Jr., January 15, as a legal holiday; and HR 16685 which authorizes the President to present a gold medal to the widow of Dr. Martin Luther King Jr., for his work in the cause of human rights and the equality of men."

On Vietnam: "I have opposed the Vietnam conflict from its inception. I have introduced and joined with other members of the House of Representatives in the introduction of 20 House Resolutions demanding the immediate cessation of the Vietnam War and the immediate withdrawal of all United States forces, and I shall continue the fight until this cruel and senseless slaughter is ended."

On Israel: "I am irrevocably committed to the preservation and prosperity of the State of Israel. My commitment to Israel was made known to President Nixon by direct communication, and by House Resolutions introduced by me alone, and in cooperation with other Congressmen in which demand was made for the sale of planes and the extension of credit to Israel."

On education: "Measures I have introduced in Congress aid and expand the educational field for our young people and these bills along with others for which I have voted and worked, reflect my own deep commitment to the value of full educational opportunity. In addition, I have secured over 1,500 college scholarships for young people in my district. Further, it might interest you to know that I have appointed over 30 young people (Black and white) to the Service Academies—West Point, Annapolis, and the Air Force Academy."

On income tax: "My bill, HR 12861, increases from $600 to $1000 the personal Federal income tax exemptions of a taxpayer."

Congressman Nix and I discussed his congressional career and record until early midnight, last Tuesday. At the conclusion, I was firmly convinced that I had been conversing with a public servant to whom "retirement" was an unthinkable word.

TESTIMONY IN SUPPORT OF CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROJECTS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. KOCH. Mr. Speaker, a panel of five distinguished men appeared before the Ways and Means Committee on Tuesday, November 16, in support of the extension of the special project grants under title V of the Social Security Act. I have introduced legislation to extend the Federal funding for these children and youth and maternal and infant care projects for an additional 5 years at a funding level of $630 million. This bill, H.R. 8799, is cosponsored by 86 Members of the House and has been introduced in the Senate by Senators Gaylord Nelson and Edward Kennedy with 15 other sponsors. Their testimony was extraordinarily impressive and I append it for the interest of our colleagues:

Testimony of Fred Seligman, M.D., M.P.H.

My name is Fred Seligman. I reside at 1522 S.W. 81 Avenue, Miami, Florida. I am Director of the Children and Youth Project at the University of Miami School of Medicine and am here today as the Chairman of the Association of Children and Youth Project Directors. I represent the staff of the 68 Children and Youth Programs throughout these United States and the more than 500,000 children and youth who receive comprehensive health services through these programs. I endorse most emphatically the continuation of these programs under Title V of the Social Security Act. Specifically, our Association supports without reservation the bill introduced to the House of Representatives by Congressman Koch of New York (H.R. 8799) and the companion bill introduced to the Senate by Senator Kennedy of Mssachusetts and Senator Nelson of Wisconsin (S. 2135).

These programs exist throughout this Nation: in the Virgin Islands, Puerto Rico and Hawaii. There are programs in all corners of the Mainland—Miami, Concord, Los Angeles, and Seattle; Central America—Chicago and Omaha; Rural America—Little Rock, Charlottesville and Helena.

This Nation is moving in the direction of comprehensive health services to defined segments of the population. Many proposals have been receiving serious legislative concern by many members of Congress. Mr. Chairman, neither our Association nor any member of your Committee would advocate that we move recklessly in establishing a National Health Plan. This task requires considerable thought. Even though our health delivery system is far from perfect, we must resist the temptation to destroy what we already have, only to create something new. We must instead build on those components of our system that have proved their effectiveness and modify only those segments of the health system that require revision. We cannot afford the economic and human costs of abandoning programs that have demonstrated their efficacy. We cannot afford to ignore the critical health problems that daily face this Nation's young.

For these reasons, Children and Youth Projects as well as a variety of other significant health programs for mothers, infants, children and teen-agers, that are authorized under the current Title V of the Social Security Act, should be continued organizationally intact until June 30, 1977 and expanded to at least the $500,000,000 level which both bills recommend.

Because no perfect system has been developed, Children and Youth Projects should continue to demonstrate and develop improved health care delivery patterns to children. Ultimately, Children and Youth Projects will ably phase into an overall National Health Plan, or, if in the judgment of this Committee, the counsel of our Association be considered wise and visionary, a National Health Plan should ultimately be phased into and expanded upon a merging of the basic triad of Title V of the current Social Security Act, namely children and Youth Projects, Maternity and Infant Care Projects and Crippled Children's Programs.

Essential factors of quality health care include comprehensiveness and continuity. Concentration on a defined geographical area provides for efficiency. Neighborhood Health Center Programs are currently the only publicly-supported programs, other than children and youth projects that are explicitly committed to the delivery of comprehensive health services to a specific population group in a well-defined geographical area.

Children and Youth Projects, both organizationally and philosophically, are distinct from all previously conceived health programs. Children and Youth Projects focus medical and dental care to all children in a family; however, the provision of most ancillary services such as public health nursing, social services, nutrition and health education are usually family-based. Unless there is a specialized focus and concern for children, children frequently do not receive the priority they deserve in family oriented *medical* system. Children and Youth Projects have developed a meaningful model of health delivery with built-in standards accepted by the appropriate professional bodies, that is applicable to children nationwide and upon which can be built family-centered care to children and adults.

Children and Youth Projects are the only publicly-supported comprehensive health care system that has developed meaningful quality control and evaluative components. While there is a wide variation in average cost per registrant among individual projects, the average cost per registrant was $162. In calendar year 1969, and is estimated to be $130, per registrant for the present fiscal year. As compared to the national average health cost of $350, per man, woman, and child in this nation, these projects are performing economically, particularly considering that these children are drawn from least healthy geographical areas.

Our Program at the University of Miami, like many throughout the country, has demonstrated the efficacy of health care delivery that is based on a preventive rather than an episodic approach. Since initiation, we have decreased our overall cost per patient more than 80% in spite of inflation. Nationwide the Projects have increased the frequency of "well-children registrants" by 50%. There have been significant decreases in the number of diagnosed preventable conditions as well as diagnosed correctable defects. Such factors demonstrate the positive impact of these Programs through preventive services, correction of defects, and health promotion.

The value of a preventive approach is seen in respect to hospital admissions. In fiscal year 1969, the hospital admissions in Children and Youth Projects nationwide decreased 36%. The continued need for these programs is demonstrated by the fact that a relatively high percentage of children, particularly in the 5–9 year age group have a low immunization level in the geographic areas served by the Children and Youth Programs. One out of 10 registrants in these Programs fail the vision and hearing screening tests. There have been many published studies documenting these facts relative to Children and Youth Projects.

Children and Youth Projects are administered by teaching hospitals, official health departments, and Pediatric Departments in medical schools. The Projects are approximately equally divided between these three funding agencies. The impact that these Programs have had on these agencies has been profound, particularly on the voluntary hospitals that have been involved, and especially on the medical schools. As a medical educator, I can speak to the fact that these Programs have had major impact in exposing medical students and other trainees in the health sciences to an innovative inter-disciplinary health care delivery system, a system that is concerned with maximizing quality and efficiency. New manpower models have been developed in these Programs. Students are learning how they can ultimately interface with the many new ancillary health professionals in the field. An increasing number of these trainees are now choosing careers in community medicine having had meaningful exposure to these Projects.

These programs have attempted to solve the manpower crisis in health by retraining talented individuals, both professional and non-professional, who have been attracted to these programs. These individuals have thereby gained meaningful experience and expertise in the delivery of comprehensive health services, particularly to children.

Termination of these projects will mean that these now talented and vibrant individuals will return to the less meaningful professional and ancillary ventures that they came from. Mr. Chairman, our association invites your committee members to visit our programs. There you will sense the enthusiasm of health workers, you will perceive the vitality of concerned people, you will feel the hope and well-being of patients. You will sense an atmosphere of excitement and creativity. You will witness quality care.

Gentlemen, what this Nation needs is people who care. We speak of a health care crisis in America. Our emphasis has been on "Health". Our crisis is not so much in "Health" as in terms of "Caring", in terms of developing a cadre of professionals who truly care for the people they serve.

Termination of the projects will mean that both professionals and recipients will feel penalized for caring. Already there have been professionals who have left these projects feeling that those in positions of power and authority do not care. For example, four of the Children and Youth Projects in the greater New York City area presently do not have directors because of an uncertain situation.

Most importantly, termination of these projects mean that the children and youth in our various communities around the country decide again that they have no friends in the establishment and will return to anti-social behavior, juvenile delinquency, poor health habits, sickness and the cycle of poverty.

TESTIMONY OF VERNON E. WECKWERTH

My name is Vernon E. Weckwerth. I am a resident of St. Paul, Minnesota in the 4th Congressional District. I am a professor in both the School of Public Health and the Medical School in the Department of Family Practice at the University of Minnesota.

My testimony today is a distillation of over 5 years of personal involvement in developing an on going management and evaluation of the C & Y program.

Of the currently registered nearly 500,000 of the nation's poorest children living chiefly in central city slums, about 3 of 5 or 60% are black, about ⅓ or 34% are white with the remaining 5.4% comprised of chiefly American Indians. About 1 of 6 of 17% who are Spanish speaking or of Spanish surname.

Currently 68 local service projects located in all 10 HEW regions and in 31 states are delivering appropriate services which are citizen acceptable, easily available, readily accessible, of high quality and of low cost.

The C & Y as a program is national in scope but characterized by an American ideal of being tailor made by and directed to fit the idiosyncrasies of each local area, be it central city, rural or a mixture of population densities. The 68 projects are as diverse in tailor making care delivery to their local areas as their areas and this nation is diverse. Organizational forms include a full spectrum from classical fee for service solo practice private physicians to indigenous community worker quarterbacked coordinated home care delivery teams.

The C & Y Program has been intentionally cautious about publicity, not wishing to make promises it could not fulfill, not overselling the creative dreams of the hundreds of zealous workers who have too frequently seen demonstration programs satisfy the innovator's needs without benefitting the health of those they purported to serve.

Critical to C & Y is a rarely occurring if not unique organized flow of services with its data documentation system. This data system was created to produce on-going evidence of the effectiveness of alternative ways to deliver health services. It's data system was created to be the decisionmaking basis for allocating resources, documenting flows of children receiving services, documenting the kind of presenting problems, documenting the frequency and effectiveness of treatment and requiring a written care plan tailormade for each child to assure that timely and effective preventive services were received by the child.

Without question, the current crisis in health care delivery is the crisis of cost, because technically no services are free, someone must pay. Government at all levels must find means by which to obtain from the private sector the dollar resources to pay for the care of government has promised to millions of Americans who do not pay directly for such services.

Five years ago, one of the first endeavors we undertaken was to assure that the C & Y data system would be structured in such a way that annualized costs per child year of risk could not only be documented but that such data could be applied to project management on an on-going basis. As part of that development new theoretical efforts were solved and field tested to assure that they would work in the pragmatic day to day service would but also that conceptually they could be used for prediction. Each year for the past 3 years we have projected the annualized costs of services per child year as of the following year. We have always been within $2 of the actual expendiitures once the cost incentive was in and anticipate similar accuracy for next year.

The dramatic performance in annualized cost reduction in the C & Y is simply summarized this way:

As of January 1, 1968 at the beginning of such mandatory reporting the annualized cost per child year was $201 per child, by December 19, 1969 it had fallen to $162 and by December 31 of 1970 it had fallen to $140. Our estimate for what the cost should have been as of June 30, 1971 was $129.81. We have not as yet received final audited expenses from all projects because not all are on a Federal fiscal year but the remaining projects are known by past history to average slightly less than the programs at large. To date that program average annualized cost is slightly less than $131.

Our predicted cost for June 30, 1972 is slightly over $126 per child per year—compared to the popularly cited cost per year per man, woman and child of $350 in the United States, the health care costs are unrealistically low for such a health deprived population when you consider that that $131 cost includes medical services, including hospitalization, dental services, nursing services, social services, speech services, hearing services, nutritional services, psychological services and physical and occupational therapy services in addition to health education, transportation by most projects and an array of specially tailored programs to meet problems of the preschooler, the adolescent, the unwed mother and some family planning services.

Although this management data system was developed over 5 years ago, the essence of its development was to answer questions believed to be those which would be asked and critical to be answered in the early 1970's.

For example the overall cost measure, annualized cost per child year is the operational term to implement the vague concept of capitation. The organizational forms include substitution and interchange of skills among non-professionals and professionals in teams structed so that less costly workers can do the job in lieu of more costly and usually scarcer workers. Such manpower is critical to most of the current national health services proposals be they acronymed by CHSO, HCC or HMD.

The array of performance measures which were developed as means of quantifying completeness and continuity of care is the heart of any mechanism for decision making and organizational direction and control or for reorganization of health services in existing alternatives currently proposed.

For example, each C & Y project receives each quarter a report on its absolute performance by an array of measures such as medical backlog, dental backlog, well child rate, reassessment interal etc. These measures tell the projects how they are performing, how long it will take to produce healthy children at their current productivity rate for all registrants and how they have allocated resources relative to the major jobs to be done in their project areas. In addition, each project receives a relative ranking to all other reporting projects on each performance measure.

Currently in vogue is another concept called outcomes of care. The C&L programs and its management information system was created to answer the outcome questions. Too long health programs, health workers and health facilities had believed their existence was a social good and that they were justified by expending time, effort and resources believing they were above accountability as stewards of societal resources. Their beliefs provided data which were no more than wing flapping statistics of head counts, lab tests, visits to clinics and dentists and physicians and days in the hospital. The unit item of service inputs never required nor could they answer whether all those resources did any real good, and only concentrated on accounting that the birds had in fact flapped their wings so many times. No one had questioned whether the bird flew—let alone how high, how far, how long. The C&L program and its tailor made management information system was designed to produce and document the production of healthy children and a management accountability system to assure that children were maintained in that healthy state—within the limits of our own knowledge and skill of the art and science of health care delivery.

To my knowledge, this is the only health program which is national in organization, which has an on going performance measuring system to reflect an accountability for health maintenance, with appropriate care which is available and accessible and acceptable which is adaptable to any locale in this diverse nation capable of adjusting locally required inputs by a process of providing services which result in accountable outcomes.

But this glowing tale of documented performance—no special date had to be created for this testimony, no case had to be made with scurrying for evidence of performance or cost benefit analysis—they're all there as an on-going part of this program—has a very bleak other side.

Our analysis shows that the costs are currently below what they should be. Backlogs are now rising, planned service rates are falling, the growth rate is approaching zero—meaning that many projects have closed their doors to new registrants and many more will within this fiscal year.

Even though we can with special and very sophisticated Markovian and foregone benefit economic analyses impute the annualized cost per child year for any project, compare it to the actual cost and then determine its economic efficiency the program at large is currently underfunded. Those underfunding effects are now showing operationally. They are deferring required services because of lack of dollar resources.

All of the program indicators taken in composite shows a jeopardizing of the state of health attained by these children. If the legislation is not extended, let alone if funding is not increased, these half million of America's most health economic deprived children face a return to the devastatingly inadequate, disease oriented crisis emergency scene that characterized the usual and usually only service available to nearly all of them prior to the implementation of these Children and Youth Projects.

Without question the need is critical, the evidence is in, the facts are available for the reading. The question in a sense becomes—is this just another great idea and a noble demonstration in the graveyard of the health field? Or is it one that has proven itself to become expanded and extended as a prototype for millions more of our children.

TESTIMONY OF DR. ROBERT E. COOKE CONCERNING TITLE V, SOCIAL SECURITY ACT, H.R. 1, NOVEMBER 16, 1971

MR. CHAIRMAN: I am Doctor Robert E. Cooke, Pediatrician-in-Chief, Johns Hopkins Hospital, professor of Pediatrics, Johns Hopkins University School of Medicine, and Chairman of the Scientific Advisory Board of the Joseph P. Kennedy, Jr. Foundation. Our Department at the Johns Hopkins Hospital operates one of the largest children and youth projects, caring for almost 20,000 poor infants, children, adolescents, and young adults of East Baltimore. For over five years the resources of the Children's Medical and Surgical Center of the Johns Hopkins Hospital have been dedicated to the 25% matching support for this program. The Johns Hopkins Medical Institutions have utilized the Comprehensive Child Care Clinic, as it is called, for research supported by private foundations, the Maternal and Child Health Service, and the National Institutes of Health, with participation by the Westinghouse Aerospace Industries. Studies are made on physician efficiency, clinic efficiency, the optimal design of outpatient facilities with respect to utilization of personnel and acceptability by patients.

RECOMMENDATION

I am appearing in support of amending H.R. 1 to extend Title V of the existing act as described in section 508 and 509 with full funding at the 350 million-dollar level with removal of 508B and 509B, as described in the Koch bill which was introduced by Congressmen Burke, Corman, Carey and others. This will continue project grants as 40% of the total, with funds being allocated on a state formula basis of 50% and for research 10.

JUSTIFICATION

The Maternal and Infant Care and Children and Youth programs have more than demonstrated their contribution to the health of mothers and children. I will devote my testimony primarily to the need for project grant continuation to permit the concentration of health care in high risk areas, rather than devoting the majority of my testimony to justification of the Maternal and Infant and Children and Youth programs.

The data is indeed impressive from Maternal and Infant Care centers for the reduction in infant mortality, and for the expansion of family planning services. These are services which cannot be carried out by traditional fee for service activities. The Children and Youth program has brought care to almost one half million needy children. In East Baltimore alone some 20,000 children are under care, with 70,000 visits being made each year, as well as 12,000 community home visits. Over 10,000 tuberculin tests and 3,500 vision screenings are made on an annual basis alone. This project provides the only medical care for some 25,000 children in an area where there is not a single physician caring for children. In one year alone, this project has detected over 200 cases of early tuberculosis, 225 behavioral disorders, 650 cases of asthma, and 200 cases of mental retardation and severe learning disabilities. All of these cases are under treatment. In a study of the effectiveness of the examination program in comparison with a similar control group not under Comprehensive Care, there was 50% greater elective correction of disabling defects—strabismus or squint leading to blindness if not corrected; hernias leading to disability in later life if not repaired early; and serious cosmetic defects which, if not corrected, could lead to serious psychic scars.

MAINTENANCE OF HEALTH

A highly sophisticated computer system has been developed in order to flag high risk patients or an uncooperative family needing special social work attention. This follow-up mechanism that we liken to the term "Esso's watchdog service" permits proper supervision of a large number of patients in a way that could not be done by any small group operation: In addition, it provides accountability data which is essential in any adequate assessment of financing.

COMMUNITY INPUT

The parents of the children's service provide continued input and review of the program through a fourteen-member Parent Advisory Board. They have assisted in the determination of the kinds and hours of service, made decisions regarding Food Stamps, and assisted in such activities as determining Food Stamp eligibility and housing problems. The parents have also assisted in a major way in combating drug abuse and school dropouts. The training programs for indigent poor have led to excellent employment programs, particularly by means of community health visitors who provide remarkable follow-up in social services.

A cancer screening program is established with blood and urine specimens assisting in the early detection and treatment of certain kinds of tumors and leukemia. A vigorous lead poisoning screening program has been in existence for several years. In one month alone some 246 children were screened, 88 were discovered with blood lead toxicity, 29 with major toxicity. Of the 29 with major toxicity, 24 have been spared brain damage by early detection, and the other five who were mentally retarded, have been given treatment. Extensive planning for family services has been made available. A training ground for personnel from the community, as well as physician training and recruitment, has been established.

Traditionally, Johns Hopkins has produced leaders in medical education. Now every medical student at Hopkins has the opportunity to see medical care in the community, to see effective preventive therapy in action. All these activities have been done at the cost of $142 per registered patient per year which includes outpatient and inpatient dental care, drugs, eyeglasses, applicances, and so forth. Of all the children in the census tract, the cost is approximately $153 per child per year.

Our project is not alone in having this excellent record. In Rochester, New York, sharp reductions in expenditures due to extensive economizing have been effected by Comprehensive Child Care. This includes a 38% reduction in expensive and usually unsatisfactory emergency visits.

NECESSITY FOR PROJECT GRANTS INSTEAD OF TOTAL STATE FORMULA ALLOTMENTS

If this amendment is not adopted, a decreasing amount of funds will go to states with urban populations. Following a 1935 formula which gave a double weight in funding for high rural birth areas, as a consequence, truly health depressed urban areas will lose their only source of comprehensive medical care. Fifty-six counties in the United States account for one half of all the yearly excess infant deaths in the United States. These fifty-six counties are mainly large metropolitan centers with large backlogs of other unmet child health needs. Every area needs more for mothers and children but urban ghettos have major health problems.

INFANT MORTALITY

Urban areas have far higher rates for infant mortality. For example, the District of Columbia has a mortality rate of 27.3% per 1,000; this is far higher than the national average.

PREMATURITY

Prematurity with its serious consequences of mental retardation in a high percentage occurs 2 to 3 times more frequently amongst the urban poor. Births out of wedlock, with a high risk of abnormality, are 10 to 15 times higher in urban areas, as are venereal disease rates in adolescents.

MEASLES

Measles occurs 2½ to 4½ times more frequently in low income urban areas. In Los Angeles, Dallas, Houston, and Little Rock, measles occurs earlier far more frequently, with brain damage from encephalitis leading to mental retardation. Inadequate measles immunization occurs in these cities with a much greater chance of spreading to epidemic proportions in crowded city areas.

TUBERCULOSIS

Tuberculosis occurs throughout the United States 18 cases per 100,000. In cities such as El Paso, Texas, the rate is 63.9 per 100,000; in Baltimore, Maryland, 54.4; in the District of Columbia, 48.9. Again, in crowded areas, tuberculosis spreads amongst the disadvantaged. Seventy-five percent of these cases could be kept from active disease if early identification and treatment could be carried out.

ACCIDENTS

In the National Health Survey of 1968, the accident rate, which is the major killer of youth, was higher by 25% in urban areas. Children had illnesses confining them to bed twice as frequently in the city and considerably more school was lost by the children who needed it most.

RHEUMATIC FEVER

Rheumatic fever is three times more common where there is crowding. In the city of Chicago, there are 35 cases of rheumatic fever per 100,000 as compared with Sweden, with 2.3.

MEDICAID NOT ADEQUATE SUBSTITUTE

In urban areas, Medicaid cannot substitute for Children and Youth programs. There are no physicians in most areas. The number of physicians giving primary care to children is dropping rapidly. As Doctor Albert Haynes has pointed out in his book *Health Care in the Ghetto*, there has been an extreme loss of physicians; in many center cities the only resource are Children and Youth programs.

An excellent study from Rochester, New York, published in the New England Journal of Medicine, indicates that the pattern of use by low income families has not changed at all as a result of Medicaid; medical services are not obtained except for major illness, in sharp contrast to the patterns of middle income families. Even if there are adequate numbers of physicians, the fee for service approach, conventional private practice approaches, or Medicaid approaches cannot reach the urban ghettos. To reach families who require help most, adequate organization extending into homes and into schools is needed. We have designated such approaches as "hot pursuit," an absolute essential. There must be a large active door-to-door field force and computer capabilities for flagging and identifying important cases.

EXPLANATION FOR DIFFERENCES

The major reason for the difference in approaches for staffing patterns which put emphasis on community follow-up results from a remarkable difference in compliance. For example, in community mental health programs amongst the urban poor, 50 to 60% drop out from conventional community mental health centers. Many mental health centers refuse social difficulties. If appointments are not kept, the patient is considered resistive and dropped.

On the other hand, centers such as those associated with C & Y activities have a vigorous follow-up program, and patients dropping out are considered to be the ones requiring treatment the most. The follow-up of tuberculosis needs active participation from a field force. INH, a very effective preventive measure in children without risk, can be given in a one-month supply but 50% of the children may not return.

Therefore intensive pursuit is required to develop effective treatment programs. Compliance in the taking of penicillin has been adequately studied. In private practice, 56% of children remain on penicillin for nine days for the treatment of streptococcal throat in order to prevent rheumatic fever. Of the urban poor, 71% have stopped taking penicillin in the treatment of streptococcal throat by the sixth day, and only 18% of clinic patients remain on penicillin through the ninth day, even when the penicillin is supplied free.

C & Y AS A FOUNDATION FOR CHILD DEVELOPMENT PROGRAMS

Congress has just passed major Child Development legislation. Many of these activities will use C & Y projects as a major foundation. Parent and Child Centers that are changing the patterns of development of poor young infants, as well as their parents, have frequently grown out of C & Y projects.

Title IV of the Elementary and Secondary Education Act has four of its eight projects through the Cooperative Research Act of the Office of Education, which are intimately associated with C & Y projects for health and nutrition services in Topeka, Kansas; New York City; Dayton, Ohio; and Galveston, Texas. Several of the new Advocacy Centers in Parent and Child Centers will depend upon C & Y projects for total health care.

DURATION OF EXTENSION

The administration has recommended a one-year continuation of the Special Project Grant component of Title V. Such a one-year extension can only be interpreted by the staff and those supporting C & Y projects as a terminal year. Less than a five-year extension will be interpreted as a lack of confidence and support by Congress with further deterioration of the program's activities.

A five-year extension will permit an incorporation of these activities in the prepayment plans of National Health Insurance programs if they come about, with very significant cost reduction features that have proven to be acceptable and efficient in operation.

These projects, according to a published paper of the Secretary of Health, Education, and Welfare, have been identified as excellent foundations for new Health Maintenance Organizations. It is absolutely essential that approval from Congress be expedited. Delay of the decision to next year will lead to severe morale problems and loss of critical staffs built up over the past five years.

SUMMARY

In over 30 years of medical activity, I believe these projects have accomplished more for the health of mothers and infants than any other federal activity. Instead of defending the continued existence of these projects, we should be encouraging their expansion with greater coverage in the care of needy mothers and children by effective health care programs, rather than simply patch-up procedures. The amendment which we support does not add to the tax burden and actually is one of the most effective means by which costly later disabilities, mental and physical, can be significantly reduced.

In conclusion, I should like to express my appreciation for the opportunity to appear before this Committee. The leadership of this Committee has traditionally provided wise direction and support for health and welfare programs for children throughout this nation.

TESTIMONY BY EDWIN F. DAILY, M.D., BEFORE THE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES

(Charts mentioned not printed in RECORD.)

I am here today in my capacity as the Director of the Maternity, Infant Care-Family Planning Projects of the New York City Department of Health to explain the necessity of continued Federal support of the MIC Project in New York City and similar Projects in 50 cities throughout the United States.

H.R. 11484, introduced on October 28, 1971 by Congressman Edward Koch, if enacted, will assure continuation of these urgently needed health services for mothers and children.

New York City has one of the greatest concentrations of low-income families in this country, with more than one-million people receiving public assistance in 1971. As in 1963, they continue to strain the resources of this city, as I believe they do in many other large cities. Before the MIC grants to New York City, there was serious overcrowding of the maternity services in the 15 inadequately staffed, tax-supported city hospitals. These hospitals were two or three bus fares away from many families who had no place else to go for maternity care in 1963, so many mothers often got little or no prenatal care.

In 1963, 40% of the city's residents giving birth were medically indigent; in 1970 this had increased to 50%. In 1963, the incidence of prematurity among general service patients was three times that of the private patients receiving adequate prenatal care and the infant mortality rate of these low or no-income patients was twice as high as that of private patients.

The New York City MIC program started in 1964 with two maternity clinics in district health centers and has grown each year until now it is operating in 11 Health Department centers in those ghetto areas of the City where the poorest families live. (See map.) The large stars represent clinics providing both maternity and family planning services; the smaller stars where family planning services alone are provided.

In 1970, 13,000 maternity patients received care in these 11 centers. In 22 Health Department centers family planning services were provided to 35,000 patients. (The graphs attached to my testimony show the growth of the MIC program since 1964.) Medical care is provided by skilled obstetricians or certified nurse-midwives from the staffs of 10 voluntary and 3 municipal hospitals affiliated with the MIC Project. The women are delivered in these hospitals.

The MIC patients receive total maternity care during pregnancy, at delivery, and postpartum. In addition to obstetricians and certified nurse-midwives, the clinics are staffed with public health nurses, social workers, nutritionists, dentists and the ancillary personnel needed—all under the direction of specialists in the field of maternal and child health. The clinics are operated on the appointment system—broken appointments are promptly followed up. Humane and dignified patient-doctor, patient-nurse relationships are maintained. Consultation or hospitalization for complications is readily available in the affiliated hospitals. Specialized teenage clinic sessions are available to meet the many difficult problems of the young unmarried mothers.

The MIC program has made great strides in reducing infant mortality in New York City, as evidenced by the following figures. In 1964, when MIC started, the infant mortality rate was 27 per 1000 live births; in 1970, it was 21.6—a decrease of 24%. However, the Mott Haven Health District of the Bronx, where MIC placed two of its largest services, the infant mortality rate has dropped over 50% during these six years! In the adjoining Morrisania Health District, also with MIC services, the rate dropped 30%! Another adjoining Health District—Tremont—without MIC services had an increase in infant mortality during the same six year period.

The perinatal mortality rate (late fetal and early infant deaths) is lower for MIC delivered women than for all private and nonprivate births in New York City. Considering that the MIC patients live in the poorest areas of the city, many of whom are known to have had inadequate housing and food for most of their lives, this reduction in infant and perinatal mortality rates must be attributed in no small part to the work of the MIC program.

We talk with every prenatal patient about the importance of preventing unwanted pregnancies by using a birth control method after the baby is born. Before they leave the hospital, our peer-level family planning counselors get them started on a birth control regime of their choosing. Studies have shown that 40% of the children born to low-income families were not wanted by the parents. In New York City alone, this would mean 25,000 unwanted children are born each year to low-income families. Unwanted children often create serious social and economic problems within the family, especially if there are other children. That is why, at the same time we try to provide good maternity care under MIC, we make every effort to minimize the occurrence of unwanted pregnancies in future years. I am confident these efforts are related to the declining birthrate in New York City. Furthermore, the cost of raising these children educating them and providing health and social services is often a staggering cost to the community. If the MIC and In-Hospital Family Planning program, described in the reprint attached to my testimony, prevents even 10,000 unwanted pregnancies in a year among the 60,000 women to whom we provide post-partum and post-abortal family planning service each year, it will result in a savings of at least $10 million in tax funds per year—which is three times as much as the annual MIC grants to New York City.

Mayor John Lindsay, in a recent communication to Secretary Elliott Richardson, stated that "It appears most unlikely that local funds could be made available to support these lifesaving health programs if the Federal MIC funds are not available after June 30, 1972."

The New York City Health and Hospitals Corporation announced in October that, because they have been unable to operate within the budget approved for the Corporation, they plan to reduce through attrition, all staff (except physicians and nurses) in the municipal hospitals by 12%. Inasmuch as the municipal hospitals are already inadequately staffed, this can only have a highly deleterious effect on patient care.

To abandon the MIC program and return the MIC patients to the overcrowded clinics of inadequately staffed and under-financed municipal hospitals would scatter to the winds all of the advancement made in the delivery of maternity care during the past seven years. Once again, these patients, many of whom face special health hazards, would be subjected to long hours of waiting in the overcrowed clinics of most of the municipal hospitals. There would be a means test and charges which would result in many patients receiving no care.

The quality of maternity care now available through the MIC board-qualified obstetricians and nurse-midwives, social workers, nutritionists and dentists, and other staff in the MIC clinics would not be available to this population without MIC. Gone would be the warm patient-doctor and patient-nurse relationship never before known to most of the patients before MIC. The MIC clinics convenient to the homes of the patients, now serve one-fifth of all general service patients in the City. 30% of MIC patients are on welfare and 70% are from what have been designated as "working poor" families. Without MIC or other Federal funding, the MIC maternity clinics in New York City will have to close. Last week, I talked with Dr. Byron Hawks, the MIC director in Little Rock, Arkansas, who told me that if MIC funds are not continued, the low-income women in that city would have to return to "granny midwives" for maternity care.

The United States is one of the wealthiest nations in the world. There are funds to support armies, to aid other nations, to subsidize the farmers and yes, even to subsidize the railroads and aircraft industry. Surely funds can be found to finance essential health services for the nation's low-income women. I know your committee is giving consideration to various proposals for financing nationwide health services. I hope that whatever legislation is enacted will assure the financing of specialized high quality maternity and infant care services wherever needed. Since a new nationwide health program cannot be operative for several years, discontinuing MIC would leave an enormous void between 1972 and until a national health program is in full operation.

I can assure you that tens of thousands of women living in ghetto areas of the cities who have or will benefit from MIC services, will be grateful and relieved if the Congress approves continuation of these desperately needed health services for mothers and their children.

New York City's In-Hospital Family Planning Program

(By Edwin F. Daily, M.D., Aileen R. Sirey, and Lucille S. Goodlet)

In May 1970 over 2,800 medically indigent maternity or post-abortal patients in 23 New York City municipal and voluntary hospitals received family planning counseling—and in seven out of 10 cases were initiated on a contraceptive method—before hospital discharge. The counseling is provided on the maternity wards by 51 family planning counselors specially trained and employed by the Maternity and Infant Care-Family Planning Project (MIC-FP) of the New York City Department of Health. The counselors are themselves mothers; some had been on welfare; all live in the vicinities of the hospitals they serve.

The In-Hospital Family Planning Program was begun on an experimental basis in July 1969 with maternity patients in three hospitals. The program is expected to reach 4,000 low-income women each month by the end of 1970 and will be extended from the obstetrics and gynecology departments at least to the out-patient departments of the municipal hospitals. Two more municipal, eight voluntary and four state mental hospitals will be added to the program, with counselors assigned to medical, surgical, psychiatric and other services. It is hoped that eventually in-hospital family planning counseling and services can be offered to all of the 140,000 general service patients of child-bearing age who are discharged each year from New York City municipal and voluntary hospitals.

The major objectives of the new in-hospital program are:

To offer family planning information and services to large numbers of women of child-bearing age at a time when they are most receptive,

To create a community system to provide such patient education and service involving the cooperation of the Department of Health and the OB/GYN departments (and eventually other departments) of New York City's municipal and voluntary hospitals,

To develop an effective method to select and train community women so as to foster a maximum of commitment and initiative, and provide them with sufficient skill and knowledge so that they can work with a minimum of supervision,

To operate this program at a per patient cost far less than the cost of traditional outreach programs, and

To augment scarce manpower resources by employing community women and preparing them as family planning counselors, thus channeling much of the program's funding back into the communities that are served.

BACKGROUND

The MIC–FP project basically provides prenatal care for 12,000 new patients each year in 14 neighborhood centers and hospitals, and family planning services for some 16,000 new patients a year in 28 neighborhood centers.

Early in 1968 the Department of Health, Education and Welfare invited the New York City Department of Health to submit a plan and budget for an expanded family planning program. The MIC–FP director met with chiefs of obstetrics and gynecology in 12 hospitals then participating in the MIC–FP program to seek their advice. These physicians emphasized the importance of getting family planning help to patients as soon as possible after delivery, since this was the period when motivation to accept contraception was highest. They pointed out that numbers of patients were becoming pregnant between their hospital discharge and post partum visit, and that at least 60 percent of patients never returned for a post partum examination. They also suggested that it would be useful to introduce birth control to postabortal, medical, surgical and psychiatric patients of child-bearing age. Despite the tremendous need for introduction of such services, these physicians said, family planning was a low priority item for busy hospital residents, nurses and social workers. A new type of health worker was needed, they said, recruited from the patients' own communities, and specially trained to educate their neighbors about family planning.

Initiation of contraceptive counseling and services immediately after parturition had been tried with some success at Cook County Hospital in Chicago and Grady Memorial Hospital in Atlanta. In neither case, however, was the counseling performed by peer group women drawn from the patients' own neighborhoods. (In Chicago, volunteers—predominantly white and middle-class—counseled a patient group which was poor and mostly black; in Atlanta nurses provided the counseling.) The In-Hospital Family Planning Program was developed (and endorsed by the OB/GYN chiefs of the 12 hospitals and other key health and family planning leaders in the city) so that family planning counselors would be recruited from the hospital communities, trained by MIC–FP project staff and placed in hospitals which wished to initiate family planning for their patients. The plan and budget ($137,000 for the first 12 months; it is now up to $500,000 a year) was approved by the Department of Health, Education and Welfare (DHEW) Children's Bureau* in March 1969. By July:

A core staff of family planning coordinators had been hired in MIC–FP's Division of Community Education to organize recruitment, screening, training and supervision of the family planning counselors. The coordinators are college graduates, some with experience in teaching or the behavioral sciences, and all with a deep interest in the development of family planning services.

Site visits were made to Grady and Cook County Hospitals to observe the in-hospital family planning programs developed there.

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*The Childrens Bureau initially directed DHEW's family planning projects grant program, now under the jurisdiction of the National Center for Family Planning Services of the Health Services and Mental Health Administration.

A seven-week training course for family planning counselors was developed, and an initial group of six women was recruited and trained.

DEVELOPING THE PROGRAM IN NEW YORK CITY

In October 1969 the program was extended to the OB/GYN departments of the nine voluntary and six municipal hospitals then currently participating in MIC–FP projects. Subsequently, agreements to participate in the in-hospital program were signed with a total of 13 municipal and 10 voluntary hospitals with two more municipal, eight more voluntary and four state mental hospitals expected to join the program by the end of 1970.

The in-hospital agreement is a formal document signed by the OB/GYN chief of the hospital and the MIC–FP director. The OB/GYN department of the hospital agrees:

To take charge of the family planning program in the hospital,

To offer all generally accepted methods of family planning (including IUD, pills, tubal ligation and rhythm),

To offer family planning services at least to all maternity and abortion patients, before discharge unless there is a medical contraindication,

To provide family planning services and materials to patients without charge,

To acquaint all doctors, nurses and nurses' aides working with women of childbearing age in the hospital with the importance of family planning to the health of the mother and of future children and to the economy of the family,

To inform all prenatal patients attending the hospital's OPD service of the importance of family planning and provide appropriate family planning literature,

To appoint a physician thoroughly familiar with all methods of family planning and the indications and contraindications for various methods, and give him responsibility for medical supervision of the in-hospital and out-patient family planning program.

To appoint a nurse-midwife or a nurse interested and fully informed about family planning to assume day-by-day supervision of the family planning counselors,

To instruct all nurses on daytime duty on floors covered by the family planning program about dispensing of pills when this is the method prescribed, and to instruct residents serving these floors about medical approval or disapproval of the methods selected and about insertion of IUDs,

That patients started on a family planning regimen (other than tubal ligation), will be given a written appointment for their first post discharge family planning visit in a hospital or health department clinic most convenient for the patient; a copy of the appointment slip will be sent to the clinic selected, and a copy sent to the MIC-FP director, and

That missed return appointments to the family planning clinic will be followed up by one or two telephone calls or letters requesting that another appointment be made.

The MIC-FP director agrees:

To employ and train family planning counselors and assign them to participating hospitals on a full- or part-time basis (depending on the average number of discharges per day of patients),

If the OB/GYN department already has family planning counselors, to reimburse the department for the number of hours each month spent on the in-hospital family planning program,

To pay the OB/GYN department to help defray its added costs: $4.00 for each inpatient initiated on a family planning regime of pills or diaphragm before discharge; $6.00 for each patient with an IUD inserted before discharge; $25.00 for each in-hospital tubal ligation before discharge.

The per capita reimbursement to the OB/GYN departments averages about $7.25 per patient who is initiated on a medically prescribed method.

The role of the counselor is clearly defined: Her duties consist solely of providing family planning information to patients, filling out statistical forms required for reimbursement and seeing to it that a post partum and family planning appointment is arranged for every patient who is initiated on a contraceptive method.

After the agreement is signed, the MIC-FP's Director of Community Education and Training and one of the family planning coordinators begin a series of informal meetings with key hospital staff to reinforce their awareness of program objectives and their understanding of the role of the family planning counselor, as well as to assist professionals in working through complementary role activities with these new peer counselors. Experience has shown that in some hospitals the program is met hesitantly at first.

Typical questions raised are: "Who *are* these people?" "What kind of training do they have?" "How much supervision will they need?" And, though never articulated, some staff members' attitudes clearly showed that they felt professionally threatened.

MIC–FP's coordinator is responsible at each hospital for establishing an atmosphere of cooperation, and assuring staff involved that the family planning counselors will not add to their already heavy responsibilities.

RECRUITMENT OF FAMILY PLANNING COUNSELORS

Community women are recruited as trainees for the in-hospital program through discussions with such grass-roots agencies as community corporations, Puerto Rican Manpower Development, Planned Parenthood's Community Action Department, the Puerto Rican Guidance Center and the New York State Employment Center. In some cases advertisements are placed in community newspapers.

No educational qualifications were established for the position of family planning counselor in order fully to utilize the untapped human resources in the community. At the same time some kind of criteria were needed to evaluate candidates so that the program would not be faced with continual turnover of staff into whose training a great deal of money, time and effort had been expended. A screening process was devised whereby groups of seven to 10 applicants are seen by a staff interviewer and observer. The interviewer describes the program, briefly outlines the responsibilities of the family planning counselor and stimulates group discussion on such subjects as local community problems or the applicants' feelings about family planning. Through this group screening process candidates are sought who can discuss "sensitive" topics on a mature level, show tolerance of the opinions of others and can articulate their own thoughts and feelings. Candidates are expected to show an interest in hospital work and need to be able to read and write sufficiently well to handle the statistical forms.

The interviewer and observer meet after each screening session to discuss each applicant's responses and to select candidates for training. Applicants about whom there is some question are asked back for an individual interview with a different staff member. About one out of five applicants are accepted for training.

Successful candidates are started in the training program immediately. The salary during the seven weeks of training is $2.50 per hour, $3.00 an hour when assigned to a hospital and $3.50 an hour after six months. The salary is supplemented with full health insurance (a benefit available for the first time to many of these women and their families).

TRAINING

The training program was developed to provide factual knowledge about family planning, reliable techniques to impart knowledge to patients and an understanding of hospitals and hospital procedures.

A number of questions about the training program soon became salient:

What did the trainees already know?

What would happen to the counselors' ability to relate on a "peer level" after intensive training?

If the counselors' education was formal and didactic, wouldn't they relate in the same formal and didactic way to the patients?

It was decided that a laboratory training experience tailored to each group's particular needs was required to encourage individual initiative.

The first day of training begins under the direction of a psychologist-consultant.

Both professional staff and trainees engage, on a first-name basis, in activities designed to break down the barriers to communication. On succeeding days the group discusses the role the counselor will play in the hospital. Out of the questions trainees raise about the job, topics for investigation are formulated about family planning, reproduction, human sexuality and hospitals. In the atmosphere of mutual respect engendered by this laboratory approach to training, life experiences are exchanged without self-consciousness, trainees giving "tell-it-like-it-is" reasons for human behavior, and the coordinators contributing factual knowledge from their own professional experience. Methods and media include lectures, panel discussions, role-playing and problem-solving sessions. On-the-job training experiences at a municipal and voluntary hospital are provided as part of the counselors' seven-week training course.

HOSPITAL EXPERIENCES

At least two family planning counselors are assigned for each hospital to talk about contraception with the patients and, where possible, with their husbands. When the patient is interested in a method, the counselor informs a resident, who prescribes a method after examining the patient. The counselor visits the patient again to explain the details of the method chosen. She completes the statistical form for reimbursement and makes a post partum-family planning appointment for four to six weeks after the patient is discharged. About one in five patients have received their prenatal care at an MIC clinic. These patients are referred to an MIC-FP center in their neighborhood for their post partum and family planning care. Others may come back to the hospital or are referred to a more convenient neighborhood facility. Appointment and counseling records follow the patients from hospital to clinic where a referral has been made. (Clinics have begun to participate in a joint record system whereby each patient is identified by a unique numbering system derived from her maiden name, date and place of birth.) The counselors have found almost all patients eager to discuss family planning (most have *never* discussed family planning before with a health worker) and to have their questions answered in their own language.[*] All the hospitals participating started the counselors on the OB/GYN service with instructons to interview all post partum and all post-abortal patients before discharge. Each counselor is able to reach about five to 10 patients each day. At the present time there are 51 counselors in 23 hospitals; in the month of May they interviewed more than 2,800 patients.

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[*] Of the first 3,500 patients counseled in the program, half were Puerto Rican and only 200 were mainland white. Well over half of the counselors are bilingual in English and Spanish.

The problems that have arisen are as interesting and as varied as the 23 hospitals with which we are working. Three OB/GYN chiefs objected to the immediate post-partum use of steroids, but were willing to prescribe other methods; patients wishing the pill in the three hospitals were given a supply of foam to use until their post partum appointment, and were informed that they would be started on the pill three to four weeks later. In a few hospitals, at the beginning, residents balked at cooperating with the program; they saw family planning as a low-priority item in their busy schedules and feared that the counselors would make extra work for them. Other hospitals did not have residents who were able to insert an IUD. One hospital pharmacy refused to dispense pills to patients before discharge; while in another the chief of obstetrics had to be persuaded not to ask the counselors to give pills to patients. A few floor nurses feared that the counselors would overlap some of their functions or "be in the way." This fear was quickly allayed as the nurses observed how well informed the counselors were, and how much the patients liked and trusted them. Soon nurses and other hospital personnel began to come and listen in on the patient-counselor discussions to become more closely acquainted with patient problems related to family planning. One hospital administrator questioned whether it was legal for a health department employee to work in the hospital. (He was reassured that liability for the counselor was assumed by the health department.) In several hospitals, operating room time is at a premium, and tubal ligations, though requested by patients and their husbands and approved by the hospital committee, cannot be performed before discharge. Such patients are asked to return when the hospital is less crowded and are provided with an interim method of contraception.

STATISTICS

Table 1 shows that between July 1, 1969 and May 1, 1970 family planning counselors interviewed 17,706 patients in 21 New York City hospitals. At least nine out of 10 patients interviewed indicated that they wished to begin contraception before discharge; 68 percent of this group received contraception while still in the hospital. Of those initiated on contraception in-hospital, 51 percent received pills, 19 percent IUD's, 10 percent tubal ligations and 20 percent foam and other methods. Some of the hospitals are much more committed and better staffed to implement patient choices about in-hospital initiation of contraception than others.

Thus in 13 hospitals where there is strong endorsement by the OB/GYN chief, and a resident assigned full-time to the program, more than 80 percent of patients interested were provided with contraception before discharge. In one hospital, of 1,247 patients interviewed, 1,226 indicated that they wanted to start family planning and 1,212 were initiated on a method of contraception before hospital discharge. As the program becomes more smoothly integrated into the routine of more hospitals, it is expected that the number of contraceptive initiations will be closer to 100 percent of the patients interested. This trend can be seen in Table 1: Whereas 67 percent of patients counseled in the first six months received contraception in-hospital, 76 percent of patients counseled in April 1970 were so initiated. The number is not likely actually to reach 100 percent of patients, however, since the policy of the various hospitals about initiation of certain methods (namely orals and IUDs) immediately after parturition varies, as does their capability to perform certain procedures (e.g., tubal ligations) while the patient is in the hospital. Fifty-seven percent of the patients initiated on a method of contraception declared they wanted no more children. Sixty percent of the women accepting a method had two or fewer children. Fifty-six percent were married; forty-four percent were single, separated or divorced.

TABLE 1.—NUMBER OF NEW YORK CITY WOMEN WHO HAVE RECEIVED IN-HOSPITAL FAMILY PLANNING COUNSELING, REQUESTED AND RECEIVED CONTRACEPTION IN PARTICIPATING HOSPITALS,[1] JULY 1, 1969 TO MAY 1, 1970

Month	Number of patients counseled	Number requesting contraception	Number initiated on contraception before discharge	Number of participating hospitals
July 1969	712	677	454	10
August 1969	804	746	586	11
September 1969	1,000	894	698	11
October 1969	1,047	951	703	18
November 1969	1,891	1,790	1,032	18
December 1969	2,325	2,161	1,344	19
1969 (6 month) total	7,779	7,219	4,817	19
January 1970	2,382	2,136	1,306	19
February 1970	2,130	1,836	1,231	19
March 1970	2,667	2,356	1,668	21
April 1970	2,748	2,441	1,848	21
1970 total for 18 hospitals[2]	7,647	7,062	5,500	18
1970 total for 3 hospitals[3]	2,280	1,707	553	3
1970 (4 month) total	9,927	8,769	6,053	21
Grand total	17,706	15,988	10,870	21

[1] Participating hospitals are: Bellevue, Beth Israel, Bronx Lebanon, Brooklyn Jewish, Brooklyn-Cumberland, Brookdale, Flower-Fifth Avenue, Greenpoint, Kings County, Fordham, Lincolh, Long Island College, Methodist, Metropolitan, Morrisania, Roosevelt, St. Luke's, Sydenham, Coney Island, Harlem, Jacobi. (On June 1 the program was extended to Brooklyn Women's and Delafield Hospitals.)

[2] Hospitals in which all methods are prescribed prior to discharge.

[3] Hospitals in which the pill is not prescribed in-hospital.

FOLLOW-UP

Patients' visit behavior after hospital discharge is monitored through a simple visit information form. Clinics to which the patients are referred receive five visit forms numbered for the first and each subsequent patient visit, and are asked to return the forms each time an appointment is kept. These visit forms are filled out almost entirely by the family planning counselor, and stamped self-addressed envelopes are included to minimize demands on busy clinics. Since compliance is voluntary, however, response from the clinics is uneven (though it has shown considerable improvement in recent months as clinic clerks have become more used to the procedure). To check out the rate of return for the post partum clinic visit, the statistical form was matched with clinic medical records for an MIC-FP clinic and its affiliated hospital for one month. The study showed that the kept appointment rate for the hospital clinic was 71 percent and for the MIC-FP patients 89 percent. This compares to a kept appointment rate of 40 percent for hospitals and about 80 percent for MIC-FP clinics prior to initiation of the In-Hospital Family Planning Program.

Using the established reporting system, non-MIC patients from three hospitals complying with the follow-up protocol were studied. The results add to the impression that pre-discharge initiation on a method helps to increase post partum return. An overall post partum return rate was calculated for each hospital. The samples were then dichotomized into "initiated" and "non-initiated" subsamples. The overall return rates for the three hospitals were: 40 percent, 50 percent and 63 percent respectively. Corresponding return rates for the "initiated" subsamples were: 63 percent, 83 percent and 81 percent. For each hospital, the sample constituted patients counseled during one full month. Return was defined as a kept post partum appointment reported within three months of discharge. Of these initiated patients who returned for the post partum appointment, 97 percent, 87 percent and 84 percent, respectively, reported that they were active contraceptors in the interim period between hospital discharge and post partum return.

Patient retention, however, is a general family planning in big cities; an average of 50 percent of family planning patients have dropped out of New York City clinic programs in the course of each year, mostly, it is believed, because of frequent changes of address. It is expected that increased in-hospital contraception and the resultant improved post partum returns should improve overall retention. Traditional follow-up and outreach programs involving home-visits to patients does not appear to be practical in New York City because of the high degree of mobility and the practice, on the part of some maternity patients, of falsifying address to gain admittance to a particular desired hospital. One New York City study found that the cost of locating each delinquent patient, utilizing trained community women as home visitors, averaged $361.00 per patient who returned to the clinic.[1] Home visits, therefore, are only made where there is a specific medical indication, such as a positive Pap smear.

Because of the known difficulties of following very mobile low-income families, a three-month pilot study of a new follow-up method was begun June 1 of this year in one voluntary and one municipal hospital chosen to provide a patient population representative of the city as a whole in terms of ethnicity, age, parity, economic status and contraceptive method chosen. Women who have begun a method of family planning in the hospital are being advised by the family planning counselors that a routine part of the service is a monitoring of her satisfaction with her chosen method after hospital discharge. Patients are told that other counselors will be available by telephone from 9 a.m. to 8 p.m. every day (except Saturday and Sunday) to answer questions. Patients are asked to telephone MIC-FP on dates suggested in advance for the first three months after hospital discharge.*

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[1] R. K. Westheimer, "Maternal Care, Family Planning, and the Paraprofessional Community Health Worker," paper delivered at the Ninth Annual Meeting of the American Public Health Association, Philadelphia, November 1969.

Each woman is asked to make the first call immediately after discharge to introduce herself to her "woman's health counselor." (The patient is given the name of the health counselor by the family planning counselor.) All patients are asked to call every week until one week after the post-partum visit. From that time the frequency of calls is varied systematically by patient groups (weekly, biweekly and monthly) to study which is most effective.

Patients are invited to call any time they have a question or problem, and are urged particularly to contact the counselor *before* discontinuing a method for any reason, or if they plan to move.

All groups are provided with a calendar that displays the telephone call schedule, the name of the woman's health counselor assigned to the patient and the MIC-FP direct line telephone number she is to call. The calls are without cost to the patient. A special telephone installation immediately processes *all* incoming patient calls toll-free. For example, a patient calling from a public telephone has her dime returned by the operator before the call is actually placed. And the patient is spared the potential embarrassment of telling the operator she wants to place a collect call: the special letter and digit combination of the telephone number itself advises the operator of the fact that the cost of the call will be borne by MIC-FP.

At least 50 percent of all patients counseled in the hospitals report having a phone in their own homes. The toll-free call system should encourage the use of public telephones among the balance of the women. The calls, whether placed from a home or a public phone, are a simple means to provide continuity.

The telephone calls are received at the MIC-FP central office by neighborhood women who have received the same training as the in-hospital family planning counselors as well as additional training in understanding telephone interaction. A complete record for every patient is kept adjacent to the telephone for immediate reference each time a call is received. With each new contact the record is updated. Calls from patients with problems or questions that require expert response are referred to appropriate MIC-FP professional staff.

A control group has been drawn from a simliar patient population. Efforts will be made to contact this group three months after the counseling experience. In the interim these patients will not have had any deliberate reinforcement of their initial counseling other than that which would have occurred at the post-discharge clinic visits; opportunity for reinforcement of method use in the clinics is equally available to all groups. Substantive information secured from the study groups will be asked of the control patients at the time of delayed contact. Retention in the two groups will be compared.

COST OF THE PROGRAM

Unit cost for the first 11 months of the in-hospital program was calculated on the basis of the costs of professional, paraprofessional and clerical personnel, educational materials, operational supplies and reimbursements to hospital OB/GYN departments.

The cost for each patient initiated on a family planning method before hospital discharge was $15.28, of which $7.25 (approximately 50 percent) represents a fixed per capita return to the participating OB/GYN departments. The cost of the family planning counseling service currently is $6.23.*

The cost to the Department of Health and the Department of Hospitals for continuing family planning visits for these patients must also be considered. This is about $40–50 per year per woman remaining on family planning. Thus, the total cost of initiating and maintaining a new patient on family planning is about $55–65 the first year.

In-hospital initiation thus appears to be a comparatively efficient and low cost means of bringing family planning to a post-delivery patient.

It is expected that the in-hospital program may double in 1971 the number of new patients coming to tax-supported clinics in New York City as compared to the number of new patients admitted in 1969. The eventual additional cost of initiating and maintaining our target of 50,000 patients on family planning each year, will be in the neighborhood of $3 million. This should be compared to current costs for care of unwanted children.

Applying the recent findings of Bumpass and Westoff[2] on unwanted pregnancies to New York City, there are at least 40,000 unwanted births occurring each year. The medical, hospital and related costs alone for these unwanted births are approximately $60 million per year. The subsequent increased welfare costs, infant care costs, care of mentally retarded, etc. for these unwanted children create a far greater fiscal burden for the community each year.

CONCLUSIONS

Within 11 months the in-hospital program encompasses 23 hospitals and has counseled 18,000 patients. Currently, over 2,800 women a month are receiving counseling and more than seven out of 10 receive contraception before discharge from the hospital. The program is being expanded this year to the OPD department of all municipal hospitals and into the medicine, surgery and psychiatry departments in one voluntary and one municipal hospital to determine whether our first priority should be to expand the program in participating hospitals or to extend services into OB/GYN departments of additional hospitals.

Hospital OB/GYN departments and the Department of Health have demonstrated that they can cooperatively develop an effective and efficient program for initiating a family planning regime before women are discharged. We believe this program can be duplicated by other MIC–FP programs and by health departments working with hospital OB/GYN departments in many other cities. The end results, as measured by prevention of unwanted births, will not be known for several years, and then only if new methods of follow-up of highly mobile urban families are productive.

The selection and education of peer level counselors is considered by the authors as the most important element in assuring success of such a program. Their proven usefulness in this program is evidence that peer level counseling can be used far more widely in family planning. For example, could not such family planning workers be valuable in such settings as junior and senior high schools where the community and teachers wish to initiate family planning discussions with teen-age boys and girls?

STATEMENT OF DR. ROGER B. BOST ON THE CHILDREN AND YOUTH PROJECT BEFORE THE HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS

INTRODUCTION

I welcome and appreciate this opportunity to talk with the Committee about a health care program, the continuance of which is vital to the State of Arkansas, individually, and the United States collectively—"The Children and Youth Project". I am Roger B. Bost, Director, Department of Social and Rehabilitative Services, State of Arkansas. I am also professor of Pediatrics at the University of Arkansas Medical Center, Fellow of the American Academy of Pediatrics and former Director of the Children and Youth Project in Little Rock, Arkansas.

GENERAL

The Little Rock Children and Youth (C&Y) Comprehensive Health Project 658 was funded 1 July 1968, initiating patient services 1 October 1968. Throughout its tenure, the Little Rock C&Y Project's primary thrust has been devoted to organizing and structuring a health care delivery system which would reflect the objectives envisioned by the 89th Congress in the 1965 Amendments to the Social Security Act. The prime objective has been to develop a system which would provide easily accessible, continuous, comprehensive health care services for children of low-income families through promotion of health including, "early case finding, preventive health services, diagnosis, treatment, correction of defects, and follow-up utilizing a multidisciplinary approach." One index relative to the effectiveness of these efforts is manifested by the $267,944 expended during Fiscal Year 1971 to support out-patient and in-patient services for our C&Y population. It is significant that these payments were authorized only after all other community resources had been petitioned, without success, to pay these charges. In Little Rock, and across America, the C&Y projects frequently represent the medically indigent's sole resource in obtaining health care for his family.

GEOGRAPHIC AREA

The Little Rock C&Y geographical area encompasses 25 census tracts in Pulaski County, Arkansas. Examination of the census tracts would reveal that they encompass the eastern portion of Little Rock and the southern and eastern portions of its twin city North Little Rock and three distinct areas outside the city limits. The principal criterion utilized in designing the project area was predicated upon the large number of low income families depicted on the 1960 census tracts. The total population for this area is approximately 118,103. There are approximately 25,521 family units of which 7,911 or 31% have a total income of less than $3,000 per year. There are approximately 35,248 children between 0–16 years of which an estimated 18,000 are eligible for treatment with project funds. Approximately 10,700 of these children are registered in the Little Rock C&Y Project. Children and youth costs per registrant per year have averaged approximately $60. Delivery of services along the entire health care continuum for this sum represents, by all accounts, a very favorable cost/benefit ratio.

HEALTH CARE DELIVERY SYSTEM

The children and youth enabling legislature encouraged creation of new health care

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*It was considered that follow-up would prove successful only if patients were invited to participate in a personally meaningful service available from the moment they left the hospital. It was decided, therefore, that counseling would be provided by a rotating staff of the very counselors the patients had come to know as informed peers; counseling would be immediately available, all day and through the evening hours, in a single, central location where there is supporting professional personnel.

*The proportion of the cost that represents reimbursement to hospitals is unaffected by cost-effectiveness considerations because it is fixed. The unit cost per patient interview, independent of initiation outcome, is the only aspect of cost that is sensitive to efficiency in the delivery of services.

[2] L. Bumpass and C. F. Westoff, "The 'Perfect Contraceptive' Population: Extent and Implications of Unwanted Fertility in the U.S.," *Science* (in press).

delivery systems. We have therefore endeavored to produce an operational model which would be both sensitive and responsive to the health needs of the population within our particular geographical area. From these efforts there has evolved a network of care centers with varying levels of capability. The University of Arkansas Medical Center, with its concentration of expertise, provides the base for specialty consultations and sophisticated diagnostic and therapeutic support for complex medical problems. Arkansas Children's Hospital, an 85 bed non-profit voluntary hospital, affiliated with the University of Araknsas Medical Center, represents the next level of care in our delivery system. Approximately 50% of our episodic and acute problems are solved in this very excellent institution which is easily accessible to a large segment of our project population.

The next level of care consists of satellite neighborhood health clinics. Each satellite clinic is routinely staffed by Children and Youth Project pediatricians, nurses, social service workers, nutritionists, a laboratory technician and clerks. A psychologist, physical therapist, audiologist and speech therapist are available to augment the clinic staff upon request. Care provided in the satellite clinics consists of episodic care, preventive health services, and assessments. The first satellite clinic was established at College Station, a community located in southeastern Pulaski County where it is isolated both geographically and socio-economically. Its problems reflect poverty that is extreme even relative to other portions of the Children and Youth Project area.

The College Station clinic is located in a community-controlled building which is leased by the community Economic Opportunity Agency, (EOA). Cooperative arrangements exist between the C&Y Project, EOA, The Community School, Head Start and Follow-Through programs. The second satellite clinic was established at Kramer School, Seventh and Sherman Streets, Little Rock, Arkansas. It was found to be impractical and was discontinued. The third satellite clinic was established in the North Little Rock Health Department in North Little Rock. Public transportation available to the clinic makes this an ideal location for all registrants in North Little Rock. Patients presenting conditions beyond the capability of the satellite clinic are referred to either Arkansas Children's Hospital or the University of Arkansas Medical Center. Within the parameters of this particular health care delivery system we are able to move each child toward the best state of health that the art and science of health care can now create.

COMMUNITY HEALTH SERVICES COORDINATION

Cognizant that interagency cooperation can potentiate the value of a multi-disciplinary approach to comprehensive health care, the Little Rock C&Y Project personnel have been eager to cooperate, rather than compete, with other modalities of health care in the community. There have been both intensive and extensive efforts by the C&Y staff to assure existing community services were utilized in developing treatment plans for their registrants. Some of these agencies include: Little Rock, North Little Rock, Pulaski County and Arkansas State Health Departments; School Health Programs; Volunteer Health Agencies; EOA Clinics; USDA and Commodity Distribution; Crippled Children's Division; Maternity and Infant Program; Police Courts; Child Welfare Agency, etc. Similarly, there has been extensive interactions with community groups to assure the consumer's point of view was given proper consideration.

SUMMARY

The Little Rock Children and Youth Project has provided health care services that were badly needed, genuinely wanted, effective and not exorbitantly expensive. Additionally, the wisdom of the 89th Congress in establishing Children and Youth Projects as a vehicle for providing comprehensive health care to low-income families while concomitantly encouraging innovative approaches in developing effective health care delivery systems has been well documented. The Little Rock Children and Youth Project has been an effective instrument in translating from legislation to reality the principle that good health care is a right rather than a privilege. I strongly urge that the Children and Youth enabling legislation be extended.

GI BILL ABUSE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. ROSENTHAL. Mr. Speaker, 23 colleagues (Mr. Brademas, Mr. Burton, Mrs. Chisholm, Mr. Conyers, Mr. Fraser, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mazzoli, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Moss, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. St Germain, Mr. Seiberling, Mr. Stokes, and Mr. Yates) join me today in reintroducing H.R. 11532, my bill to provide for the honorable discharge of GI drug addicts and their rehabilitation at civilian treatment centers.

The problem of drug dependency in the armed services should strike the conscience of every American. While we have called upon our men in the military to make superhuman sacrifices for us, we have selfishly stood back and condemned them for human failings. Instead of viewing them as sick individuals, needing treatment, by our own self-righteousness we have cast them into a backwash of disregard. They are the genuinely silent Americans, for no one is their spokesman. They are left on their own to handle a problem which constantly threatens to destroy them.

The military is not equipped to cure drug addicts. The Pentagon detoxification programs are crippled by a lack of sincere commitment combined with an overwhelming shortage of doctors and hospital space. Moreover, the prospects of an extended stay in the service is no incentive for a drug addict to voluntarily commit himself for treatment. H.R. 11532 would be a first payment on the debt we owe our addicted servicemen. In essence, the bill does three things:

First. It provides for discharge under honorable conditions for drug dependent servicemen, upon a physician's recommendation, and their civil commitment to Public Health Service hospitals or other appropriate facilities for treatment (costs would be reimbursed by the Defense Department);

Second. It allows the retroactive granting of such discharges to those previously discharged dishonorably by reason of narcotics dependency, thus making them eligible for veterans' benefits for medical treatment and cures, and

Third. It establishes medical confidentiality in the doctor-patent relationship in the military, excluding use of information about the drug problems in any criminal prosecution on the patient for use or possession of drugs. (The ban on prosecution would not necessarily apply to crimes which might have been committed while under the influence of narcotics.)

The hour to act came long ago. But it is still not too late to begin solving the problem of GI drug addiction. With this bill we have the chance to end the decline of our services into "drug jungles." I call upon all Members to join with us in recognizing the Nation's responsibility to our drug-dependent servicemen.

NATIONAL HUNTING AND FISHING DAY

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. RUPPE. Mr. Speaker, today I am joining many of my colleagues in the sponsorship of a House joint resolution which provides that the President of the United States declare the fourth Saturday of each September as "National Hunting and Fishing Day." It is fitting that the sportsmen of our Nation be honored in such a way, and I am pleased to endorse such a measure of recognition.

Generally speaking, one finds that sportsmen are the true environmentalists of our country. These men are the great lovers of the out-of-doors. No one feels more deeply a sensitivity to nature and the need for preserving a balance of nature. In an age when all citizens share this interest in nature and their environment, it is particularly appropriate for us to establish a means of tribute to these individuals.

There are a large number of participants in hunting and fishing sports. Last year in the United States more than 39 million licenses were issued for this purpose. In the State of Michigan, almost 3 million hunting and fishing licenses were issued in that same time period. Over 200,000 of these were issued to out-of-resident applicants who enjoyed the beauty and tranquility of the Michigan countryside through their participation in these sports. The contribution that these people make, both to the economy in general, but most specifically to the wildlife conservation programs which such moneys support, is significant.

This resolution will call to the attention of the public the Nation's appreciation of both the recreational aspects of hunting and fishing as well as the environmental role of these sportsmen in our society. I am proud to sponsor this legislation and am hopeful that both the House and the Senate will act favorably upon it in the near future.

HOUSE OF REPRESENTATIVES—*Friday, November 19, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Enter into his gates with thanksgiving and into His courts with praise: Be thankful unto Him and bless His name, for the Lord is good.—Psalms 100: 4.

Almighty and eternal God, beneath whose guiding hand our fathers crossed the sea and by whose providence they established here the beginnings of a free nation, we pause to offer unto Thee the gratitude of our hearts.

We thank Thee for the courage of the pilgrims for their devotion to freedom and to the coming of a new order of life in a new land. Now we pray that we who have entered into the heritage of their heroism may profit by their example and lift high the flag of freedom, hold steady the cause of justice, and persist in promoting the spirit of good will.

Let not the fun and festivities of this season blot out our remembrance of Thy goodness to our Nation and to us. With humble and hearty hearts we thank Thee and pray Thou wilt accept the gratitude of our sincere spirits.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 11, 1971:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes.

On October 14, 1971:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

On October 15, 1971:

H.R. 9634. An act to change the name of the "Nebraska National Forest" Niobrara division, to the "Samuel R. McKelvie National Forest";

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

On October 23, 1971:

H.R. 6915. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

On October 27, 1971:

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes.

On November 5, 1971:

H.R. 4590. An act to amend the Tariff Schedules of the United States with respect to the dutiable status of certain articles;

H.R. 10458. An act to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States; and

H.J. Res. 923. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

On November 17, 1971:

H.R. 8687. An act to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer;

H.R. 1867. An act for the relief of Bernadette Han Brundage;

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R. 1931. An act for the relief of Jesus Manuel Cabral;

H.R. 1962. An act for the relief of Dah Mi Kim;

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 2087. An act for the relief of Park Ok Soo and Noh Mi Ok;

H.R. 2107. An act for the relief of Jose Bettencourt de Simas;

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;

H.R. 2408. An act for the relief of Louis A. Gerbert;

H.R. 2706. An act for the relief of Miguelito Ybut Benedicto;

H.R. 2803. An act for the relief of In Kyong Yi;

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 3041. An act for the relief of Mary James Kates, owner of the Gladewater Daily Mirror;

H.R. 3082. An act for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris;

H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. An act for the relief of Helen Tziminadis;

H.R. 3475. An act for the relief of Paul Anthony Kelly;

H.R. 5422. An act for the relief of the American Journal of Nursing; and

H.R. 7085. An act for the relief of Eugene M. Sims, Sr.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 946) entitled "Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes."

The message also announced that the Secretary had been directed to return to the House of Representatives the bill (H.R. 10729) entitled "An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes," in compliance with a request of the House for the return thereof contained in House Resolution 709.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2819) entitled "An act to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. MANSFIELD, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, Mr. COOPER, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2820) entitled "An act to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. MANSFIELD, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, Mr. COOPER, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 153. Joint resolution to designate the week which begins on the first Sunday in March, 1972, as "National Beta Club Week."

FEDERAL REVENUE SHARING WITH THE STATES

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, in this morning's Washington Post, on page 2, there is a headline, "Agnew Attacks Mills' Delay on Tax Sharing" and the story goes on to say:

> Vice President Agnew sharply attacked House Ways and Means Committee Chairman Wilbur D. Mills (D.-Ark.), today for holding up action on the Nixon administra-

> tion's program of federal revenue-sharing with the states.
>
> Agnew drew strong applause from the Republican Governors' Conference here for his attack, but some governors, including Francis W. Sargent of Massachusetts, expressed displeasure with extemporaneous throw-away lines.

Mr. Speaker, there is no doubt that this attack by the Vice President was politically inspired. It apparently was made by the Vice President because of his lack of communication with the White House, because a few months ago President Richard Nixon requested the House Ways and Means Committee to delay action on the revenue sharing proposal. In fact, he asked that the welfare bill, which was so strongly endorsed by Richard Nixon in August, saying it was the greatest piece of legislation in 35 years, also be held up. This attempt on the part of the Vice President to blame someone for legislation being held up in Congress is typical of the campaign rhetoric we can expect during the next 11½ months. To conclude may I quote from "The Disowned"—1828, chapter 33:

> The easiest person to deceive is one's own self.

A PERIOD FOR SILENT PRAYER IN PUBLIC SCHOOL

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, I am today introducing, with some 30 cosponsors from both sides of the aisle, a constitutional amendment to allow the scheduling in public schools of a period for silent prayer or meditation. Under my proposal there can be no chance of a State-prescribed prayer offensive to many Members who voted against the Wylie amendment 2 weeks ago.

This brief amendment makes it clear that while schools may schedule a period for silent prayer or meditation, any student has the right to decline to participate if he or she chooses. Nor would this proposal embarrass or coerce an individual student by requiring him to stand mute while others in his class engage in prayer.

If adopted, this amendment will answer the overwhelming public demand for modification of the 1963 Supreme Court decision forbidding State-prescribed prayer in public schools. It will help to remove the unfortunate impression that the representatives of the people of America are opposed to prayer by young people in our schools.

I sincerely hope that as the provisions of this simple proposal are more clearly understood it will receive widespread support in the Congress and soon be adopted as the 26th amendment to our Constitution.

My amendment provides simply:

> "ARTICLE —
>
> "Nothing in this Constitution shall deny the right of persons lawfully in attendance in any public school to participate or decline to participate in a period of silent prayer or meditation."

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, NOVEMBER 19, UNTIL MONDAY, NOVEMBER 29

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 466) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

> H. CON. RES. 466
>
> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Friday, November 19, 1971, it stand adjourned to meet at 12 o'clock meridian, Monday, November 29, 1971.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, November 29, 1971, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY, ON DECEMBER 1, 1971

Mr. BOGGS. I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday, December 1, 1971, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE FOR MEMBERS TO REVISE AND EXTEND THEIR REMARKS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until November 29, 1971, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESS AT ANY TIME TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman please explain the reason for this request?

Mr. BOGGS. Well, we have one bill on the calendar for today, and it may be that we will complete that bill rather soon, and it may be we will have some messages we will have to receive from the other body. I say it may be. It may not be. There are certain concurrent resolutions that must be passed by the other body, and we have to wait on them.

Mr. GROSS. Could the gentleman give us any idea how long this recess might be? Will that carry us into the night?

Mr. BOGGS. No. My expectation would be that it would not be long, and it may not be at all.

Mr. GROSS. That would be my hope. If we are going into recess for the transaction of business that could run until late, I would certainly make sure that there was a quorum here to transact such business. I only say this because——

Mr. BOGGS. I am entirely sympathetic with the gentleman's point of view. I am as anxious to let the Members conclude today's business as quickly as possible as the gentleman is, but we are all confronted, I think, with certain inescapable facts.

Mr. GROSS. I say that because I think the good things of life ought to be spread to the greatest number.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF NOVEMBER 29

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time in order to ask the majority leader if he will inform us of the legislative program.

Mr. BOGGS. Will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. BOGGS. In reply to the gentleman, let me say that we will conclude the legislative program for this week with the conclusion of the pending bill. We will be in recess all of next week.

When we return on Monday a week, we will continue the consideration of the Federal election reform bill. We will be in the amendment stage on that bill when we return, and a final vote is anticipated either on Monday or on Tuesday.

That will be followed by H.R. 11589, the foreign sale of passenger vessels, which has previously been on the whip notice. That has an open rule with 1 hour of debate.

Then we will have the D.C. appropriation bill.

I should like to announce in connection therewith that of the foreign aid appropriation and the supplemental appropriation, which are the last two regular appropriations to be considered, are ready for action, we will call them up sometime during that week.

H.R. 1163, strategic storable agricultural commodities amendment, subject to a rule being granted.

Conference reports may, of course, be brought up at any time and any further program will be announced later.

Mr. ARENDS. May I just say to the gentleman that according to this announcement, so the Members may know, the election reform bill will be the first order of business when we return on November 29

Mr. BOGGS. That is correct.

RAILROAD - HIGHWAY SAFETY — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I am pleased to submit to the Congress part I of a two-part study of railroad-highway safety in accordance with the requirements of the Federal Railroad Safety Act of 1970 (P.L. 91–458).

Railroad-highway grade crossing safety is not a simple issue. It has many complexities which arise from such factors as the division of authorities and responsibilities for grade crossing safety among many governmental levels and jurisdictions, the important role of the private railroad companies who own and maintain the rights-of-way, the division of financial responsibilities between government and the private industry, and the cost and reliability of protective devices and grade separations.

The Report was prepared by the Department of Transportation as a comprehensive background survey of the problems involved. It contains a useful history of the grade crossing issue, a review of current problems and a discussion of the grade crossing problem within the context of highway safety.

Any recommendations for specific action will be presented in Part II of this Report to be submitted by next July 1972, under the provisions of the Highway Safety Act of 1970 (P.L. 91–605).

I commend this Report to you as important groundwork for a better understanding of the issues in this field, and I request that any definite legislative action on this subject be deferred until Part II of the Report has been transmitted to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *November 19, 1971.*

EQUAL EMPLOYMENT

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, I read with interest the colloquy in yesterday's RECORD between my colleagues on the Education and Labor Committee, the gentleman from Illinois (Mr. ERLENBORN) and the gentlewoman from Oregon (Mrs. GREEN) concerning the effect of the Equal Employment Opportunities Act as passed by the House. I must say that all the discussion about the Legislative Reorganization Act and whether or not extensions of remarks should be placed in different type, certainly clouds the issue. The heart of the matter is whether the Erlenborn substitute, which was narrowly substituted for the committee bill, supersedes the Equal Pay Act.

In my opinion it does and in rereading the materials which Congressman ERLENBORN released at the time he introduced his bill I get the distinct impression that at that time he may have so concluded as well. In the "Explanation and Analysis of H.R. 9247," which the gentleman from Illinois inserted in the RECORD, he states that the effect of his "exclusive remedy" section was: "to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, amongst others." If the "amongst others" did not include the Equal Pay Act, I would like to know what others it did include. Mrs. GREEN's repeated contentions then, are absolutely precise.

Let me add in conclusion that our opinion of the effect of the Erlenborn substitute is supported by many others outside this Chamber. A casual reading of the hearings held recently by the Senate Labor Subcommittee on their version of the act provides several examples. In particular I call attention to the statements by Olga Mador, vice president of the United Automobile Workers, Mrs. Sherman Ross, chairman of the Legislative Program Committee of the American Association of University Women, and Doris Meisner of the National Women's Political Caucus.

PROVIDING FOR CONSIDERATION OF S. 18, ASSISTANCE TO RADIO FREE EUROPE AND TO RADIO LIBERTY

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 699 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 699

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 18) to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 699 provides an open rule with 1 hour of general debate for consideration of S. 18 providing assistance to Radio Free Europe and to Radio Liberty. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and all points of order are waived against the substitute for failure to comply with the provisions of clause 7 of rule XVI—the committee substitute is nongermane.

The purpose of S. 18 is to provide a means for conducting a one-time study and evaluation of Radio Free Europe and Radio Liberty and to provide for financing while the study is in progress.

Until this year Radio Free Europe and Radio Liberty were financed by the CIA. This legislation would establish a tripartite commission, composed of representatives of the legislative and executive branches of the Government and of the public. The commission would expire on July 1, 1973.

The commission will "review and evaluate international radio broadcasting and related activities of Radio Free Europe and Radio Liberty" and report to the President by November 30, 1972.

Thirty-six million dollars are authorized to the chairman of the commission for fiscal year 1972 and $38.520 million are authorized for Radio Free Europe and Radio Liberty for fiscal year 1973 to continue operations pending completion of the study by the commission and action by the Congress.

The Committee on Foreign Affairs reported the bill by a vote of 23 to 1.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks made by the distinguished gentleman from Texas (Mr. YOUNG) in explanation of the rule. The reason that all points of orders are waived is included in the rule is because the Senate bill did not have this Commission in it for the study, so this is new material, and we had to waive points of order so that it could be considered.

Mr. Speaker, the purpose of the bill is to authorize funding for both Radio Free Europe and Radio Liberty during fiscal 1972 and 1973, and to create a commission to undertake a study and make recommendations concerning the future operations of the two broadcasting organizations.

The bill authorizes $36 million for fiscal 1972 and $38,520,000 for 1973 to finance the operations of both radio systems.

The report and recommendations which are to be the results of the study required by the bill are to be submitted to the President and the Congress by November 30, 1972. The Commission will cease to exist on July 1, 1973. It is to be composed of nine members as follows:

First, two Members of the House, appointed by the Speaker.

Second, two Members of the Senate, appointed by the President of the Senate.

Third, two members of the executive branch, appointed by the President.

Fourth, three members from the public, knowledgeable in mass communications, appointed by the President, one of whom shall be designated as Chairman by the President.

Radio Free Europe broadcasts to Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania. Radio Liberty broadcasts to Russia. Program content consists of news, music, sports, political commentary, and other features. These programs have a very wide audience, estimated at 50 percent of the population over 14 years of age.

Prior to last year the CIA was the primary source of funds for these operations. Congress has halted this practice and funding is now carried out through the Office of the Secretary of State. However, some permanent system should be developed, if it is found advisable to continue the operations. The responsibility of the Commission is to determine whether these radio systems should be continued, and if so, how they should be administered and funded.

There are no agency letters contained in the report.

There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

(By unanimous consent, Mr. YATES was allowed to speak out of order.)

FAA IS DERELICT IN ITS SAFETY INSPECTION PROCEDURES

Mr. YATES. Mr. Speaker, on October 21 of this year, an aircraft operated by Chicago & Southern Airlines crashed in Peoria, Ill., taking the lives of 16 persons. The airline was operating a commuter service between Chicago and Springfield, Ill. It was a service often used by members of the State legislature and others having official business in the State capital.

There were questions from the very beginning about the propriety of awarding this route to Chicago & Southern Airlines. Their record was not good. In fact, the city of Springfield, the Springfield Airport Authority, and the Springfield Association of Commerce and Industry all fought the decision to award the route to Chicago & Southern. An injunction was sought by a competitor against the Chicago & Southern operation, but it was denied in Cook County circuit court.

Despite the misgivings of those who questioned the airworthiness of the aircraft operated by Chicago & Southern Airlines, the Illinois Commerce Commission granted a certificate to the company, and the Federal Aviation Administration certified the company's aircraft as well as their pilots and crews. I want to address myself to the FAA's approval of the company's aircraft, pilots, and crews.

Mr. Speaker, I am very much concerned about the adequacy of FAA certification procedures. Only a month after it was awarded the commuter route, Chicago & Southern Airlines was involved in a series of minor accidents. A major tragedy occurred when a Chicago & Southern chartered plane was involved in a fatal crash in a Cleveland suburb, an accident which also took place after the certificate was awarded.

These FAA-certified aircraft have a record of engine failures, collapsing landing gear, and a propensity for making one-engine approaches to the Springfield airport. Examples of these are enumerated in a complaint filed with the FAA July 20 by the Board of Springfield Capitol Airport.

Why did the FAA certify aircraft with a record such as this? Did the FAA really make a thorough examination of the aircraft operated by Chicago & Southern Airlines and their pilots and crews? The answer, Mr. Speaker, is "No." A review of FAA safety inspection procedures reveals that they were token only, that the FAA, in fact, delegated its safety inspection authority—rather, its responsibility—to the person least likely to perform this function responsibly, the company itself. Oh, it may have made occasional spot checks, but the fact is clear that under FAA's procedures, it authorized inspection of Chicago & Southern Airlines by Chicago & Southern Airlines itself.

Frank Hanson, the pilot who perished in that fatal C. & S. crash of October 1971, was president of the company and a FAA-designated chief check pilot. He was in charge of examining other C. & S. pilots and crews and determining their competency. The company's records disclose that he checked the pilots and approved their competency.

Yet, according to the Chicago Daily News, Frank Hanson himself had been involved in two prior aircraft fatalities, one in Michigan in 1967 and another near O'Hare Airport 3 years earlier. Mr. Hanson had previously been fined for four violations of FAA safety regulations.

On what basis did the FAA find it proper to entrust a pilot with a record such as this with the responsibility for determining the competency of other C. & S. pilots and crews? Compounding this dereliction in safety procedures, the records of the Federal Aviation Administration indicate that Frank Hanson was tested and found competent by his precursor as an FAA-designated check pilot, Mr. James Saterfield. It turns out that Mr. Saterfield was also a Chicago & Southern employee.

The system under which the Federal Aviation Administration delegates its authority in this manner is called the approved inspection program. It is so widespread and patently so inadequate that we must be concerned with the possibility that other crashes will occur at any time under its loose controls.

In the hearings before the Subcommittee on Transportation of the Committee on Appropriations, Mr. George Moore, associate administrator for operations of the FAA, estimated that at least 70 percent of their work in the certification was delegated. This figure was later reestimated by Mr. Moore to "go high as 90 percent."

This system of "delegated authority" is clearly inadequate in assuring public safety. Both in the inspection of airline manufacturing and operation, the FAA had abdicated its responsibility. We do not allow the National Association of Manufacturers to determine violations of the Fair Trade Practices Act, the drug manufacturers to approve the safety of their products. Why should airline companies be in almost total control over questions of safety of their operations? Truly, the FAA has hired the rabbit to guard the lettuce patch, the fox to guard the chicken coop.

Our regulatory agencies are supposed to exist for a reason. The FAA is supposed to assure the safety of commercial airlines operations. Under its current practices, it sloughs off its responsibility, it compromises public trust.

In commercial aviation, consumer protection is the protection of a passenger's life and limb. Those who rely on commercial aviation—the passengers especially, the business community, the general public, and the government—have the right to expect that when they board such planes, the Federal Government attests to the fact that maximum safety revies of pilot and aircraft have been analyzed.

It is up to the FAA to provide this assurance—to tell the public they have done everything possible to insure the safety of the aircraft in which they ride. That is not being done today. And it is up to the Congress to require the FAA to carry out responsibly the safety task assigned to it.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ANDREWS of North Dakota. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 290, nays 3, not voting 137, as follows:

[Roll No. 409]

YEAS—290

Adams
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Bolling
Bow
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carney
Carter
Casey, Tex.
Chamberlain
Clawson, Del
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
Dellenback
Denholm
Dennis
Dent
Derwinski
Dickinson
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kyl
Kyros
Landgrebe
Landrum
Lennon
Lent
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCormack
McCulloch
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Martin
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Shriver
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Gross
Hall
Schmitz

NOT VOTING—137

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Badillo
Baker
Baring
Barrett
Bell
Blackburn
Blatnik
Boland
Brasco
Brooks
Broyhill, N.C.
Byrne, Pa.
Camp
Carey, N.Y.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Conyers
Corman
Cotter
Crane
Culver
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Devine
Diggs
Dingell
Dorn
Dowdy
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Fulton, Tenn.
Fuqua
Gallagher
Goldwater
Grasso
Gray
Griffiths
Grover
Hagan
Halpern
Harrington
Hathaway
Hébert
Heckler, Mass.
Hillis
Horton
Jonas
Kemp
King
Kluczynski
Koch
Kuykendall
Latta
Leggett
Link
McCloskey
McClure
McCollister
McDade
McFall
Macdonald, Mass.
Mann
Mathias, Calif.
Mathis, Ga.
Mills, Ark.
Mitchell
Mizell
Mollohan
Nelsen
Nichols
Passman
Patman
Pelly
Pepper
Pettis
Peyser
Podell
Pryor, Ark.
Purcell
Roberts
Robison, N.Y.
Rostenkowski
Rousselot
Runnels
Ruth
St Germain
Sandman
Sebelius
Shoup
Sikes
Slack
Snyder
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Stokes
Teague, Calif.
Ullman
Veysey
Waldie
Ware
Whalley
Wilson, Bob
Wilson, Charles H.
Winn
Wright

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Blatnik with Mr. Anderson of Illinois.

Mr. Boland with Mrs. Heckler of Massachusetts.

Mr. Byrne of Pennsylvania with Mr. Sandman.

Mr. Celler with Mr. Devine.

Mr. Davis of South Carolina with Mr. Goldwater.

Mr. Dingell with Mr. Esch.

Mr. Flood with Mr. McDade.

Mr. Fulton of Tennessee with Mr. Mizell.

Mr. Fuqua with Mr. Bell.

Mrs. Griffiths with Mr. Cederberg.

Mr. Runnels with Mr. Collier.

Mr. Roberts with Mr. Whalley.

Mr. Kluczynski with Mr. Blackburn.

Mr. Link with Mr. Nelsen.

Mr. McFall with Mr. Teague of California.

Mr. Mathis of Georgia with Mr. Pelly.

Mr. Nichols with Mr. Winn.

Mr. Pepper with Mr. Snyder.

Mr. Purcell with Mr. McClure.

Mr. Rostenkowski with Mr. Don H. Clausen.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Sikes with Mr. King.

Mr. Slack with Mr. Kuykendall.

Mr. Staggers with Mr. Baker.

Mr. Barrett with Mr. Horton.

Mr. Addabbo with Mr. Robinson of Virginia.

Mr. Brasco with Mr. Halpern.

Mr. Delaney with Mr. Fish.

Mr. Dorn with Mr. Jonas.

Mr. Mollohan with Mr. Camp.

Mr. Macdonald of Massachusetts with Mr. Clancy.

Mr. Mann with Mr. Broyhill of North Carolina.

Mr. Pryor of Arkansas with Mr. Pettis.

Mr. St Germain with Mr. Kemp.

Mr. Gray with Mr. Hillis.

Mr. Brooks with Mr. Ashbrook.

Mr. Anderson of Tennessee with Mr. McCloskey.

Mr. Abbitt with Mr. Edwards of Alabama.

Mr. Ullman with Mr. Eshleman.

Mr. Passman with Mr. McCollister.

Mr. Edmondson with Mr. Cleveland.

Mr. Dowdy with Mr. Steiger of Arizona.

Mr. Evins of Tennessee with Mr. Mathias of California.

Mrs. Grasso with Mr. Crane.

Mr. Hagan with Mr. Veysey.

Mr. Wright with Mr. Grover.

Mr. Patman with Mr. Latta.

Mr. Chappell with Mr. Peyser.

Mr. Clark with Mr. Conyers.

Mr. Leggett with Mr. Diggs.

Mr. Waldie with Mr. Stokes.

Mr. Flynt with Mr. Rousselot.

Mr. Gallagher with Mr. Mitchell.

Mr. Carey of New York with Mr. J. William Stanton.

Mr. Corman with Mr. Davis of Georgia.

Mr. Alexander with Mr. Ruth.

Mr. Baring with Mr. Sebelius.

Mr. Podell with Mr. Dellums.

Mr. Cotter with Mr. Shoup.

Mr. Abourezk with Mr. Badillo.

Mr. Culver with Mr. Steele.

Mr. Mills of Arkansas with Mr. Ware.

Mrs. Abzug with Mr. Clay.

Mrs. Chisholm with Mr. Koch.

Mr. de la Garza with Mr. Hathaway.

Mr. Eckhardt with Mr. Harrington.

Mr. Abernethy with Mr. Fisher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. ABOUREZK. Mr. Speaker, I was not present when the vote was just taken on House Resolution 699, and I wish to announce that if I had been present I would have voted "yea."

PROVIDING ASSISTANCE TO RADIO FREE EUROPE AND TO RADIO LIBERTY

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 18, with Mr. BRINKLEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from California (Mr. MAILLIARD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MORGAN asked and was given permission to revise and extend his remarks.)

Mr. MORGAN. Mr. Chairman, S. 18 authorizes funds to finance the operation of Radio Free Europe and Radio Liberty for 2 years. It also provides for a commission to make a study of what these programs are trying to do and the best way to do what should be done in the future.

I am afraid that there is a good deal of misunderstanding about Radio Free Europe and Radio Liberty.

They exist primarily to serve the listening audience in the satellite countries of Eastern Europe and listeners in the Soviet Union with uncensored programs of local interest.

Both Radio Free Europe and Radio Liberty operate primarily from Munich. Radio Free Europe directs its programs to the Eastern European countries. Radio Liberty directs its programs to the Soviet Union. Both concentrate on news and comment on developments within the individual countries concerned.

They are staffed by people who have left these countries, who speak the language and who know the interests and reactions of the people in the various countries.

These operations are fundamentally different from the Voice of America. The Voice of America is concerned with U.S. foreign policy and with events and issues of worldwide interest.

Originally, these stations were concerned primarily with cold war issues. In recent years, they have focused on news and comments of interest to their listeners, much of which would be broadcast by their own stations if they were not subject to censorship.

Although Radio Free Europe and Radio Liberty have been in existence for more than 20 years, this is the first opportunity the House has had to pass judgment on them. The reason is that heretofore they have been funded by the Central Intelligence Agency. That source of funds has been ended. It is, therefore, necessary to authorize and to appropriate funds for their continued operation in the usual manner.

Both stations were incorporated in the United States in the years immediately following World War II when the cold war was getting underway. Radio Free Europe broadcasts to five Soviet bloc countries—Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania. The broadcasts to each of these averages 15 hours a day in their native language. Radio Liberty broadcasts are directed to the people in the Soviet Union. Those broadcasts, which are around the clock, are made in Russian and 17 other major languages that are spoken in that country. Although the administrative headquarters of both organizations is in the United States, their base of operations is principally in Germany. The German Government licenses the stations as foreign nonprofit corporations.

The objectives of Radio Free Europe and Radio Liberty are much the same.

Members are well aware that the Soviet Union and the Soviet bloc countries practice heavy, even oppressive, censorship within their borders. It is only through the broadcasts of these two organizations that it is possible for the citizens of those countries to know what is going on in their own countries. Each organization maintains a highly specialized staff that analyzes news and information that comes from behind the Iron Curtain, whether in writing or in broadcasts. The quality of the staff work is recognized by western scholars, journalists, and government officials. In addition to news and information, the broadcasts are interspersed with music and other cultural material, sports, and other features.

Clearly, the unique contributions of Radio Free Europe and Radio Liberty arise from the fact that they provide material that would be available to their listeners if their own governments did not engage in censorship.

The Congress is faced with the issue whether Radio Free Europe and Radio Liberty serve our national interests and, if so, what is the best way to fund them.

The Senate provided stopgap financing for 1 year while it awaited the results of two reports—one by the General Accounting Office and one by the Library of Congress—to make a final determination. The administration recommended the creation of the American Council for International Communications, which would be a Government-financed but operationally independent agency.

The committee considered both the interim and the permanent approach. After hearings and executive consideration, we decided that there were too many unknows to warrant endorsing a permanent organization. We believed that large policy issues should be considered as well as plans for operation.

The committee, therefore, amended the Senate bill to provide for a far-ranging study by a body that would include Members of Congress as well as outside experts. Such a study would be carried out by a commission that would report by November 1972, and go out of business not later than June 1973. Pending the completion of that study, we also authorized funding for 2 fiscal years. In short, ours is also a stopgap measure that makes no final judgment on the future of Radio Free Europe and Radio Liberty at this time.

Mr. Chairman, I think we have chosen the only responsible course in this matter. I urge the House to pass this bill.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. STRATTON. I wonder if the distinguished chairman of the Committee on Foreign Affairs could explain what is the difference between these two radios included in this legislation and Radio Free Asia and why is that organization which appears to be on a par with these two not included in the legislation?

Mr. MORGAN. There is, as you know, a broadcasting station on Taiwan that broadcasts to Siberia and the parts of Russia that are in Asia. They do not broadcast to China, but the transmitter is on Taiwan.

Mr. STRATTON. Is there not an organization which calls itself Radio Free Asia and does that have the same sponsors?

Mr. MORGAN. That does not have the same sponsorship. I do not believe it is financed with Government funds. It may receive private contributions.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Texas.

Mr. CABELL. I thank the gentleman in the well for yielding.

I would like to say that several years ago I had the pleasure of serving as State chairman for Radio Free Europe in my State, and to have spent 2 weeks in Germany going over it carefully and trying very diligently to pick it to pieces. I have never found a better instrumentality for putting the American philosophy across to those people behind the Iron Curtain than Radio Free Europe was able to do.

I would like also to call the attention of this body to the fact that Radio Free Europe and its activities are not to be confused with the Voice of America program. Voice of America has a tinge that Radio Free Europe does not have because it has been separated from a strictly governmental agency.

I wish to commend the work that this committee has done and the chairman for bringing this legislation to light. I sincerely hope that this one instrumentality for bringing truth behind the Iron Curtain will be kept up. To prove the effectiveness of the program, if the Russians did not know that we are making inroads on their philosophy, they would not spend the millions of dollars they are spending in trying to jam the programs of Radio Free Europe.

Mr. MORGAN. I thank the gentleman from Texas. I share his views and I urge passage of the bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Can you tell the Committee who is in charge of programing? Who determines the program content?

Mr. MORGAN. They have a large staff of specialists. As I said, the headquarters is in New York, but most of the staff is located in Munich, Germany. The overall supervision is in the hands of people in New York who are not government officials but who understand broadcast operation. Radio Free Europe is headed by William P. Dunkirk. On the board of directors are distinguished individuals including Gen. Lucius Clay. But the real programing is done by the professional staff in Munich, Germany. They run what is largely a news broadcasting operation.

Mr. MAILLIARD. Mr. Chairman, I rise today in support of S. 18. This bill, as amended by the Committee on Foreign Affairs, would create a temporary commission for conducting a one-time study of Radio Free Europe and Radio Liberty. The legislation would also provide financing for their operations on an interim basis.

It is my opinion, Mr. Chairman, that a study and evaluation of the international radio broadcasting activities of Radio Free Europe and Radio Liberty is very timely.

These radios have been operating since shortly after World War II. Radio Free Europe and Radio Liberty act as "domestic" radios providing news and information that is not supplied by the Communist government controlled news organs. The emphasis of these radios is upon encouraging liberalization and peaceful reform. On the whole, I believe they have done a good job.

However, after so many years of operation, I think it is appropriate that a commission conduct an independent and comprehensive study. The commission, consisting of nine members, representing the legislative branch, the executive branch, and non-Government experts, would go out of business after the completion of its study, no later than July 1, 1973.

Radio Free Europe broadcasts to five Soviet bloc countries—Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania. Radio Liberty broadcasts to the Soviet Union in Russian and 17 other major languages spoken in that country. The focus in both Radio Free Europe and Radio Liberty is upon objective and accurate news reporting and balanced commentaries. They seek to encourage indigenous forces of peaceful reform as they provide news that listeners would receive from stations in their own countries if censorship did not exist.

Finally, I would like to emphasize the difference between these stations and the Voice of America, since their roles and functions are sometimes confused. Voice of America broadcasts on a worldwide basis as the radio arm of the U.S. Information Agency. Its purpose is to report and interpret U.S. life and policy. By contrast Radio Free Europe and Radio Liberty emphasize news, information, and entertainment, with a highly localized content and appeal. Their function and purpose are entirely different from the Voice of America. They use different frequencies and different transmitters from the Voice of America.

Mr. Chairman, while Radio Free Europe and Radio Liberty have done a good job, I believe the time has come to review their operations as we consider their future. In the meantime we should provide interim financing as provided for in the bill before us. I urge your support of S. 18 as amended by our committee.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Maryland.

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. HOGAN. Mr. Chairman, I rise in support of S. 18, providing assistance to Radio Free Europe and to Radio Liberty.

The principal purpose of this Senate bill is to create a temporary mechanism for conducting a one-time study and evaluation of Radio Free Europe and Radio Liberty, and to provide for interim financing of those operations while the study is in progress. To this end, enactment of this legislation will establish a nine-member Commission on International Radio Broadcasting, composed of representatives of the legislative and executive branches of the U.S. Government and of the public.

Both Radio Free Europe and Radio Liberty were conceived in the years immediately following World War II and have been funded, until this past fiscal year, by the Central Intelligence Agency. The legislation before us is nothing more than a stopgap measure until the Commission reports its findings in 1973 as to whether these radio stations should continue in the future to be financed by the U.S. Government and, if so, how they should be financed.

Mr. Chairman, in the 3 years that I have represented the people of Maryland's Fifth Congressional District in this body, I have joined each year during the third week in July—Captive Nations Week—with numerous of my colleagues in commemorating the observance of this week.

Despite the worldwide publicity given to the U.S. Captive Nations Week resolution when it first passed the 86th Congress in July 1959, and the annual reports on it since, it still remains a mystery why so few in the free world comprehend the captive nations concept. Similarly, there are few people today who could give an intelligent answer when asked what Radio Free Europe or Radio Liberty are.

To enumerate the captive nations accurately and historically one must begin in 1920 with the subjugation of Byelorussia, Ukraine, Georgia, Armenia, and several others in the Soviet Union. The second wave of Communist aggression reduced Latvia, Estonia, and Lithuania to captivity in the early 1940's. The third wave in the late 1940's enslaved a whole new group of nations, including Hungary, Poland, Czechoslovakia, Albania, and many others.

It was during this third wave, in the late 1940's and early 1950's, that Radio Free Europe and Radio Liberty came into being. The current emphasis of RFE is to give encouragement to the indigenous forces of peaceful reform and to provide a mechanism for increasing within authoritarian governments the public accountability of public officials for their public acts. Radio Liberty broadcasts, on the other hand, offer positive alternatives to the Soviet system, couched in friendly terms, and for the most part, by indirection. In recent months Radio Liberty has devoted an increasing amount of its programs to the plight of Soviet Jews.

Mr. Chairman, during the 13th annual commemoration of Captive Nations Week this past July, I wrote to each Member of this body requesting my colleagues to join me in sponsoring a resolution to safeguard the Hungarian Holy Crown of St. Stephen. In my letter to my colleagues, I said:

> In the past years, many of us have joined together during this week and, on the floor of the House, lamented the plight of those many foreign nations who still live under Communist domination and oppression. Unfortunately, too often each year, our words are forgotten as quickly as they are spoken. Rarely is it possible to take some kind of constructive action which will live on after the well-meaning words have long since died away.

Thirty-nine of my colleagues have joined me in sponsoring a resolution (H. Con. Res. 385), expressing the sense of Congress that the Holy Crown of St. Stephen—Hungary's national treasure and symbol of constitutional government—should remain in the safekeeping of the United States until such time as Hungary once again functions as a constitutional government established through the free choice of the Hungarian people.

Similarly, Mr. Chairman, this legislation before us today again gives the Members of this body another opportunity to act, rather than merely to speak. The hopes of these peoples, and the hopes of their brothers and sisters in this country, are dependent upon the continuance of such activities as Radio Free Europe and Radio Liberty. I urge my colleagues to approve this legislation with dispatch.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, there is one point that I think is extremely important, which should be considered by the committee, and which is referred to in the report, and that is the importance of maintaining the morale of the many devoted people who are working for these agencies.

I myself feel that it would be helpful for us to emphasize the fact that many, if not most of us, believe strongly in the objectives and workings of these agencies and that this report and this action is not in any way meant to prejudge that there will be a termination of these activities.

Mr. MAILLIARD. Mr. Chairman, I would agree with the gentleman.

Mr. MONAGAN. Mr. Chairman, I support this legislation to provide assistance to Radio Free Europe and Radio Liberty for a period of 2 fiscal years and to authorize the formation of a commission to study the problem of the continuation and support of these two related activities.

The revelation of past governmental support of these broadcasting facilities has raised this problem and obviously it must be settled. I believe that much helpful work is done by these two organizations in news reporting, in commentary upon international happenings and in explanation of the workings of our society. It is interesting to note that the Germans are about to construct a station that will be more expensive by far than the facilities which we are discussing and the Chinese also have plans for a very substantial facility.

The main justification for the continuance of this function is the gradual education of people behind the Iron Curtain in the ways of democracy and the provision for them of a balanced appraisal of the happenings in this country and throughout the world.

I know from experience the avidity with which people in the socialist countries look for dispassionate news sources and we provide them with a notable service in bringing unadulterated news and commentary to them. In addition, in this way we furnish the basis for the eventual return of representative government to these countries while giving proportion to the distorted picture of the United States which they might otherwise derive from the information agencies available to them. This bill will also provide a commission to make a very necessary long-range study of this whole problem and with directions that a response be made to the Congress in time to determine what the future policy of our Government will be in this regard. I support this bill and hope that it will be adopted.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding.

I arise to say I feel very strongly that both Radio Free Europe and Radio Liberty make sense. I would guess that any evaluation of their functions would come to that same conclusion. This is not arguing against the advisability of setting up a commission. I certainly would have no reason to suggest that a commission is not necessary.

I think it is important that we continue these activities. This legislation, for that reason, is important, because it does provide authority for the financing for a 2-year period of both these Radios.

I would like also to point out, because there is sometimes confusion, the different roles played by Radio Free Europe and Radio Liberty and the Voice of America. The Voice of America, as its name implies, basically is interested in and concentrates on reporting on the American scene and the American way of life. In contrast, Radio Free Europe and Radio Liberty are in effect national voices of the geographical areas to which they send their broadcasts. They analyze and they organize news from certain countries, and report to them in the same way that an independent radio station would if their governments had such programs.

We need to keep the distinction between the two types in mind, and we need also to recognize that both have their place.

Our committee discussed the possibility of the Voice of America taking over the activities of Radio Free Europe and Radio Liberty. Although we should not prejudice, or predict, what the commission may decide, I hope that a merger will not be recommended by the commission, as the responsibilities are quite different.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Michigan.

RADIO FREE EUROPE AND RADIO LIBERTY AS SEEN BY DIPLOMATS AND SCHOLARS

Mr. BROOMFIELD. Mr. Chairman, in looking at the radios, their aims, their methods and their impact, we should consider not only the views of the administration but also the views of independent observers who are able to make meaningful judgments about their work. We need to hear the words of disinterested and expert scholars and journalists throughout Western Europe and the United States. We need to examine the thinking of former Ambassadors who were stationed in the countries concerned and the statements of people who have recently come from those countries and who were dependent for their knowledge on what they heard over those radios.

In the committee hearings, testimony was given by the Honorable U. Alexis Johnson, Under Secretary of State, based on his experience as Ambassador to Czechoslovakia. The record also includes impressive, firsthand testimony by three recent emigres from Poland, Czechoslovakia, and the Soviet Union, and from two of our former Ambassadors to the Soviet Union and Poland, respectively, Foy Kohler and John Gronouski. The record also includes statements by Prof. Zbigniew Brzezinski, director of the Research Institute on Communist Affairs at Columbia University and by a spokesman for the Polish-American Congress.

All of those witnesses strongly supported the continuation of the work of the radios. They were reflective of the serious concern in the academic and political worlds that this valuable service might be coming to an end. However, these statements were by no means the only ones being made publicly. For example, Dr. Hugh Seton-Watson, the distinguished professor of Russian history at London University and one of the most knowledgeable scholars on Eastern European affairs in the Western World, wrote to the London Daily Telegraph, in part, as follows:

> For the great majority of the people in the censor-ridden Communist world, broadcasting is the only means the West has of conducting a dialogue with them. . . . I know from long personal experience that both the Europeans and the Americans responsible for running Radio Free Europe are extremely well informed, balanced in their judgments and in no sense fanatical crusaders. On the contrary, they are people who have been working for years to bring about true understanding.

One might question whether these Western opinions were valid if they were not echoed even more strongly from the East. A recent emigre, Mr. Henryk Birecki, wrote a letter to the Washington Star a short time ago in which he outlined his own background as a Communist official in charge of the Department of Cultural Exchanges in the Polish Foreign Office and then made an eloquent plea for continuing the radios. He talked about the deep concern in the Polish Communist Party about the influence of Radio Free Europe and how the decision was made to use all available diplomatic and secret channels to bring about its closure. He then said:

> The day when this goal will have been achieved will be a dark one for all these members of the Communist establishment who, like myself, have never lost hope that the system may become more humane and tolerant, less cruel and aggressive. They will lose a powerful ally.

These radios have been called the voice of the silent opposition in Eastern Europe. Their news broadcasts and commentaries are read and discussed daily both by the peoples and by their Communist leaders. There is good reason to believe that even the central committees of the Eastern European Communist Parties start their days by reading broadcast summaries. As Birecki said:

> Communist leaders who have become prisoners of their own monopoly of information need this radio for their own private enlightenment, but at the same time fear its impact on others.

After listening to all of the evidence about these radios, the Foreign Affairs Committee voted to report out the bill we have before us. It provides for the establishment of a commission which will examine thoroughly the operations of the radios but will do so within the overall context of international radio broadcasting. Before making its recommendations, the commission can look thoroughly into what the radios do and not just what others say they do. It can look into how the information is gathered, how reliable it is, and what kind of impact it makes. If it chooses, it can examine broadcasting done by others in the area and broadcasting done by the Soviet bloc. All this will take some time and the November 30, 1972, deadline for the commission's report is designed to allow for careful study. To set a shorter period would mean that we would have to consider permanent legislation almost as soon as action on the present bill is completed. I hope that the House will accept this bill and that the funds will be provided to carry on with this important work.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I rise today to express my strong support for S. 18.

The Commission it would establish is essential to proper congressional consideration of the future of Radio Free Europe and Radio Liberty. The money it would authorize—$36 million for fiscal year 1972 and $38.5 million for fiscal year 1973—would continue the operations of these radios during this interim period.

The hearings of the Committee on Foreign Affairs have provided firm evidence of the success of these radios during the years in which they have operated.

The need for their services was well stated by former Ambassador to Poland, John A. Gronouski, when he testified before our committee. Mr. Gronouski said:

> It is not enough for the people of Eastern Europe to get undistorted news of events in other parts of the world, however important this in itself may be. It is even more important that they have access to information about events in their own country other than that which those in control wish to make known.

> For if the international community is to make progress toward the East-West detente about which we all dream, this will come about through pressure exerted on their own governments by an informed citizenry.

This is the role, Mr. Chairman, that Radio Free Europe and Radio Liberty are helping to fulfill in their 24-hour-a-day broadcasts to the oppressed people of the Soviet bloc.

I would remind my colleagues of the House that much as we wish it, the battle for the minds of men is not yet over. So long as censorship prevails in the Soviet bloc, their citizens will seek to know the truth.

If we tire of the competition and write off the minds of millions in the Soviet bloc, we reduce their ability to influence their governments toward the liberalization of policies. To achieve a generation of peace, we must continue to compete for the minds of men.

Mr. Chairman, I would direct the attention of the House to the Commission which this legislation would establish. The Commission—composed of representatives of the legislative and executive branches of Government, and of the public—will perform an extremely important function as it reviews and evaluates the activities of Radio Free Europe and Radio Liberty.

The legislation we are considering today is a sensible and reasonable solution to the problem of funding Radio Free Europe and Radio Liberty. I urge its approval.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, as the distinguished chairman of the Committee on Foreign Affairs (Mr. Morgan) indicated at the outset, the legislation before the House embodies a compromise and provides interim financing for the broadcasting operations of Radio Free Europe and Radio Liberty.

I had suggested that compromise when it became apparent, after several days of active consideration of the matter at hand, that neither the Senate proposal—which called for a 1-year authorization of appropriations through the Department of State—nor the executive branch request—which envisioned the setting up of a permanent corporation to fund these activities—would carry in the Committee on Foreign Affairs.

The alternative which is embodied in the amended bill, S. 18, attempts to steer a middle course:

It recognizes that these broadcasting activities, financed for years through the CIA, have been, and may well continue to be, an important adjunct of the overseas operations of the U.S. Government;

It acknowledged that most of us here know all too little about them, or about their relevance to our country's current foreign policy undertaking; and

It provides for a way in which these broadcasting activities can be reassessed by an impartial panel in which the executive branch, the Congress and the public will participate. This task of reassessment is essential.

During the past two decades, without most of the Members of the Congress being informed about it, several hundred million dollars of the taxpayers' money has been spent on these operations.

This represents very substantial, and enduring, commitment of public funds and governmental support.

We cannot, in all logic and fairness, either terminate or perpetuate this commitment without knowing what it is all about.

The solution which I have proposed envisions the setting up of a tripartite Presidential commission which can do a thorough job of evaluating these operations and informing the Congress, and the public, about their relevance to today's and tomorrow's foreign policy of the United States.

This job will take at least a year. When it is completed, the commission will go out of existence and the Congress, supplied for the first time with relevant information, can decide what should be done about these activities.

In the meantime, the legislation before us will also provide interim financing for Radio Free Europe and Radio Liberty—financing through an independent commission, rather than through the Department of State.

OPPOSING ARGUMENTS

Mr. Chairman, the amended bill, S. 18, came to the floor of the House with bipartisan support. It was reported from the Committee on Foreign Affairs by a vote of 23 to 1. And it is, we have been told, fully acceptable to the administration.

Nevertheless, some objections have been raised to it, first, on the grounds that Presidential commissions often have a way of perpetuating themselves without rendering effective service; and, second, on the grounds that interim financing through the State Department would be preferable to an independent agency route.

The Committee on Foreign Affairs has considered both arguments and rejected them for the following reasons:

First, the bill before us provides clearly that the commission which will study the operations of Radio Free Europe and Radio Liberty will go out of existence by July 1, 1973. There is no way in which the commission can perpetuate itself under this legislation. This is a one-shot affair designed to accomplish a specific job. Once that job is done, the commission will be finished and will cease to exist.

Second, as to performance, the commission is being given a very definite, clear-cut assignment. It is required by legislation to report on that assignment to the President and the Congress. And to assure that the commission does not fall down on the job, part of the membership will be drawn from the Congress.

Finally, regarding the financing of Radio Free Europe and Radio Liberty operations, our committee has considered the possibility of using the State Department route and has rejected it for very good reasons. Neither of these two radio operations is a part of the State Department. Neither of them has been officially connected with the normal foreign policy apparatus of the U.S. Government. For some 20 years, these radio broadcasting activities have been financed by the CIA and conducted under the cloak of "private" sponsorship. This is no time to shove them on the Department of State. The administration does not want that; the State Department does not want it; and the Committee on Foreign Affairs has recommended against it.

I hope and urge that the House approve the recommendations of the committee.

UNITED STATES SPEAKS WITH MANY VOICES

Mr. Chairman, I would like to take this occasion to comment on a separate, but related, subject: The need for a thorough reappraisal of all overseas broadcasting activities of the U.S. Government.

For a number of years, while serving as chairman of the Subcommittee on International Organizations and Movements, I was deeply involved in a study of the impact on foreign audiences of the many far-flung and uncoordinated overseas broadcasting activities of the U.S. Government.

In Europe alone, for example, there are some 155 U.S.-financed radio transmitters which operate on short-wave, medium-wave and long-wave frequencies, broadcasting American messages to tens of millions of Europeans and Asians.

There is the Voice of America, the official information arm of the U.S. Government.

There are Radio Free Europe and Radio Liberty, whose primary targets are Eastern Europe and the Soviet Union.

There is RIAS—Radio in the American Sector in Berlin—which entertains American troops as well as millions of West and East Germans with American jazz, news, and other programs.

Then there is a special megowatt transmitter in Munich which is used occasionally to jam Soviet broadcasts to Eastern Europe.

And, finally, there is the Armed Forces Network which numbers many millions of Europeans among its audience.

All of these activities are supported by the American taxpayers, operate with the sanction of the U.S. Government, and, whether rightly or wrongly, are deemed to carry out Nation's message to the world.

The problem is that each of these operations is fairly autonomous and neither the Congress nor the American people have any clear idea of how much they cost, how they carry out their respective mandates, or whether they contribute to the advancement of our national objectives abroad.

Three years ago, in a report entitled "The Future of U.S. Public Diplomacy," our subcommittee recommended that the U.S. Government undertake a thorough reexamination of these and many other overseas information activities financed with Federal funds. The need for such a reappraisal is still urgent.

CONCLUSION

In conclusion, Mr. Chairman, I would again urge the House to approve S. 18 as reported by the Committee on Foreign Affairs.

This action not only will contribute to

a solution of an immediate problem and help the Congress obtain the necessary information to make an intelligent determination regarding the future of Radio Free Europe and Radio Liberty, but may also provide us with valuable experience and insights regarding how other problems in this area could be approached.

(Mr. WAGGONNER, at the request of Mr. FASCELL, was granted permission to extend his remarks at this point in the RECORD.)

Mr. WAGGONNER. Mr. Chairman, I submit that if we are going to find a solution to the question of how to preserve the good work of Radio Free Europe and Radio Liberty, we must be very clear about what it is we are preserving.

It has sometimes been fashionable to dismiss these unique communications activities as reactionary left-overs from the cold war. It may have been fashionable, but it has little to do with the facts.

The Los Angeles Times columnist Robert S. Elegant pointed this out last March, in a column which was reprinted in a number of leading papers. The attacks on Radio Free Europe and Radio Liberty by Communist governments are at least logical from the Communist point of view, Mr. Elegant said, because:

> Authoritarian governments are understandably distressed by outsiders challenging their monopoly of information.

But in the West, Mr. Elegant said:

> Attacks are levelled by the wrong people for the wrong reasons . . . True liberals should . . . support the stations' aims: free information and East-West relaxation . . . The fundamental point is simple. Neither tensions within Communist society nor tension between East and West would miraculously disappear if both stations went off the air tomorrow . . . Despite their human imperfections, both seek to reduce internal and international tension by the best means known to man—the freer flow of information.

This point deserves repeating. The distinguished Swiss newspaper Neue Zuercher Zeitung made its own thorough investigation of Radio Free Europe and Radio Liberty this spring and commented on June 30:

> The reason and justification for these stations are to be found in the fact that the Communist states know no freedom of opinion—that they hinder a free exchange of information . . . In our modern age of global communications and mass media, the leaders in Moscow and the East European countries try to work against this communication, keeping the Curtain closed at least to that extent, maintaining a "camp of controlled information."

And the Swiss paper concluded:

> It is their sealing-off that is unnatural and contradictory to the tendency of our age toward immediate, global and varied information—not the existence of the two stations, which fulfill important functions as gates to a world-wide process of communication, and thus actually serve that coexistence about which so much is said . . .

If we doubt this, we have only to turn to the Communists' themselves. When Czechoslovakia was occupied by Soviet and allied arms in 1968, and told to restore the censorship it had dropped during the Prague spring, party leader Dubcek and his Central Committee were forced to issue a resolution stating, and I quote:

> The press, radio and television are primarily an instrument for the implementation of the policy of the Party and state . . . They are responsible for the mass-information media working in an exclusively socialist spirit.

Now you and I may say that in the long run censorship cannot work. And indeed it does not, but only because organizations such as Radio Free Europe and Radio Liberty believe that truth is not a tool of political control but an absolute value, and act on that belief.

Even wiser heads in Eastern Europe realize the same things. One notable example is Wladyslaw Bienkowski—an old party man, a distinguished sociologist, a former Polish Minister of Education and friend of former Polish Party Leader Gomulka. Here is what he wrote about his own party's efforts at censorship, in a book published late in 1969—a book which, incidentally, had to be published outside of Poland. I quote:

> Today, when techniques of communication have done away with distances . . . the hierarchical method of selecting and censoring information has become a glaring anachronism. . . . If the authorities of a country employ the tactics of evading problems and hiding facts from their own people, there will always be others to do the job for them—who will inform the people, in the language of the country, and tell them why their own government kept these particular facts from them.

And Bienkowski goes on:

> It is astounding and alarming how far the influence of this foreign propaganda—represented chiefly by Free Europe—has extended not only over the society, but over our authorities.

Today's Communist leaders would also do well to read their own Karl Marx. Here is what the founder of the movement wrote for a German paper, 139 years ago:

> A censored press remains a bad thing, even when it publishes good products . . . A free press remains a good thing, even when it believes in bad products . . . The character of a censored press is the characterless disorder of unfreedom, a "civilized" atrocity, a perfumed monster.

Now, all of us can agree on the virtues of a free press and a free flow of information everywhere. But there are still two questions to which we should have clear answers:

First: If we carefully abstain from activities which the Communist leaderships of East Europe and the Soviet Union find objectionable, will they see the light? Will they abandon their ideological campaigns and efforts to arm their own people against us psychologically?

And second: Are these two radios actually worthy instruments to keep the channels of information open?

As to the first point, let me turn to official evidence from East Europe. In an April 1970 article, the then chairman of the Hungarian Parliament, Gyula Kallai, explained peaceful coexistence this way:

> The policy of peaceful coexistence is cooperation as well as struggle at the same time. The method to be applied is cooperation and competition in the economic and scientific fields, and struggle in the political, diplomatic and ideological spheres.

This spring the official weekly of the Czechoslovak Party, Tribuna, predicted that through the decade ahead:

> There will hardly be any reduction of tension in the ideological field . . . It is a long-term trend which will grow even sharper in the '70's.

As to whether Radio Free Europe and Radio Liberty are worthy instruments of freedom of information, allow me to quote a few impartial witnesses—neither East European nor American:

I have mentioned the Swiss daily Neue Zuercher Zeitung in another connection. In its June 30 study of the two stations, this paper also said, and I quote:

> A critical look at the broadcasts shows that RL and RFE work with the same methods and sources as other Western radio stations, and are just as open and accessible as the latter, so that one cannot speak of secret or "agitating" stations . . . the news programs are put together from material from Western agencies and from the official pronouncements of the Communist countries. These news programs are varied and objective.

This June, Poland's Foreign Minister protested to the Bonn Government about RFE's broadcasts, which he called a "hostile activity." The Polish press chimed in to accuse Radio Free Europe of "false information" and "subversive activity." In response, the major West German daily Sueddeutsche Zeitung—a supporter of the Brandt administration—took an unusual step: It printed translations of a full day's news programs of Radio Free Europe's Polish service, spread across much of two pages, and invited its readers to judge for themselves whether Radio Free Europe was objective.

The Dutch National Radio Service also made a careful study and broadcast a documentary lasting almost an hour. The broadcast ended with this comment:

> Radio Free Europe is not out of date . . . We would be doing an injustice to the people in East Europe if the station were to be closed down . . . Radio Free Europe is looked upon by the peoples of the East bloc countries in the same way we Dutchmen looked upon the BBC and *Radio Oranje* (the Dutch wartime freedom station) during World War II.

In regard to broadcasting to the Soviet Union, we have an eloquent statement from Anatoli Fedoseyev, the Russian scientist recently defected from the Soviet Union to England.

In talking about the shortsighted policies of the Soviet Government in the economic field, he said that the Soviet Union could, under other policies, make rapid advances and doing so would automatically put an end to the present tensions in Europe. He then asks:

> What can the outside world do to speed change . . .? The answer is simple: Increase the flow of information. There is no need for anyone to try to teach the Soviet people what to think. But there is an enormous and insatiable demand for information, for facts, about the outside world, about other Communist countries, and especially about the Soviet Union itself. The citizens of the Soviet Union are often the last people to hear news of events inside their own countries.

Mr. Chairman, all of us want a relaxation of tension and a growth of understanding and trust between this country and the Communist world. But we cannot afford to forget that such policies are real and durable only when they are backed by the will of informed peoples on both sides of the world. Let me close with the words of a very perceptive editorial which appeared in the Washington Post June 25. Said the Post:

> Detente, if it means anything, means widening the West's contacts with the East, not helping the East seal off its people from the West. It means the exchange of people, goods, words and ideas. This is the essential business of RFE and RL. The Congress, in its rightminded determination to shake the stations free of the CIA, should not lose sight of the reason for letting them continue it.

(Mr. **SIKES**, at the request of Mr. FASCELL, was granted permission to extend his remarks at this point in the RECORD.)

Mr. **SIKES**. Mr. Chairman, in the discussion of Radio Free Europe and Radio Liberty, I would like to look at the other side of the coin for a moment.

I am speaking of the international political effort of the Communist world—particularly as it displays itself through radio broadcasting.

Of course, you run into a contradiction immediately here. The Communist view of the doctrine of peaceful coexistence—whatever it means—does not include ideological coexistence—that is, a free exchange of ideas and information.

Thus if Western stations broadcast the truth as they see it, into areas under Communist control, that, in the eyes of Moscow and Warsaw and Prague is a violation of the spirit of peaceful coexistence. But if Communist governments are doing the broadcasting—and Radio Moscow is the world's leading international broadcaster—it seems to be something else again. Like all of us—but without any occasional saving grace of humility the Communists believe they have a patent on truth.

Soviet Party leader Leonid Brezhnev drew this distinction very plainly in his "State of the Union" message to the Soviet Party Congress this spring, when he said:

> We are living in conditions of unceasing ideological warfare.

The Soviet leader evidently believes he has a patent on truth, and he proposes to use it. He went on to say:

> Let the voice of truth about the Soviet Union be heard on all continents of the earth.

It is also interesting that Poland—after abstaining for many years—has recently resumed intensive "jamming" of RFE broadcasts. The Polish regime might be expected to argue—as its propagandists already argue—that RFE is a barrier to relaxing tensions in Europe because it interferes in internal affairs—Communist style.

However, we have heard nothing about any restriction of Soviet-bloc international broadcasts. And some of them are truly remarkable.

For example, in its broadcasts to Japan Radio Moscow has criticized local election candidates for—in its words—"flooding the voters' ears with sweet-sounding promises." To Indonesia, Radio Moscow quoted a publication of the outlawed Indonesian Communist Party and called on the Indonesian people for a confrontation with what it called the "new-order regime and its reactionary schemes."

A Soviet-operated station calling itself "Peace and Progress" radio has consistently criticized the Indian Government as well as non-Communist opposition parties in that country for the last 3 years. Other bloc broadcasts call for their listeners to overthrow the government of Turkey, Greece, Iran, and Brazil.

Soviet propaganda to West Germany goes still further. There is a powerful German-speaking radio—"Soldiers' Station 935"—which tries to create the impression that it is speaking from inside West Germany—but actually comes from East Germany; it addresses itself directly to the West German armed forces, and advises them on how to resist cooperation with NATO.

In other words:

> At a time when the Soviet Union and its allies are campaigning to shut down Radio Free Europe and Radio Liberty, their own propaganda stations are going full blast.

The fact is that the Soviet Union today is broadcasting in some 79 languages for 332 hours daily—an increase of 14 percent in the last 4 years. In 1970, radio stations of the Communist states aired just under 1,000-hours a day in 99 languages. A recent British study of Communist broadcasting concluded that—and I quote:

> Radio propaganda remains the most important means at the disposal of Communist countries in their attempts to gain credibility and to influence international developments in favor of Communist aims.

Therefore—even if RFE and Radio Liberty were to use the kind of tactics many Soviet broadcasts do—the Soviet and East European effort to call "foul" against Radio Free Europe and Radio Liberty would ring a bit hollow.

Mr. Chairman, the comment has been made in this country that Radio Free Europe is an anachronism, that it is out of place in an age of detente—an age, hopefully, of negotiation.

The answer to that charge is that in the attempt to bring about more normal relations between East and West, it is very important indeed to provide to East Europeans a full range of news and opinions about their own affairs as well as external matters. It is essential that East Europeans know the full truth about the real requirements for peace. Judging by careful interviews of East European travelers done by public opinion research institutes, Free Europe is heard regularly by 31 million people, over half the population over 14 in its audience area. In effect, it is they who have answered those who contend the radios have no function in the present era. Thirty-one million people do not listen to an anachronism. They do listen to Radio Free Europe in areas where it is very important that our side be heard. I consider it essential that this program continue.

Mr. **MADDEN**. Mr. Chairman, will the gentleman yield?

Mr. **MAILLIARD**. I yield to the gentleman from Indiana.

Mr. **MADDEN**. Mr. Chairman, I commend the Committee on Foreign Affairs for reporting this legislation to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty (S. 18).

These two information programs have been in operation since shortly after the close of World War II. At that time the threat of Soviet aggression still existed throughout countries of Western Europe.

To my mind the cheapest and probably the most effective offense and defense that the free world has against Communist aggression is to acquaint the people of the world both behind and outside the Communist Iron Curtain with the real facts and truths about Communist tyranny and enslavement. Numerous reports come from behind the Iron Curtain by the people who listen to the broadcast of Radio Free Europe and Radio Liberty to many of the secret operations of Communist tyranny from the standpoint of concealed enslavement of its people and the punishment rendered to its citizens who do not conform.

Through this information millions behind the Iron Curtain receive first-hand information of important news from the outside world and knowledge that our Nation and other free nations have not given up hope, and that the United States is continuing its programs and sacrifices to aid them in their fight for eventual freedom. Entertainment and informative programs are broadcast into their homes conveying aspects of American life and culture which is of great value to the families who are receiving the service of these broadcasts. For the billions of dollars that the American taxpayers have paid to curb the Communist tyranny from expansion, I think the educational and informative programs originating from Radio Free Europe and Radio Liberty are the most effective and produce great results in our program to curb Communist expansion throughout the free world.

Mr. **PIRNIE**. Mr. Chairman, will the gentleman yield?

Mr. **MAILLIARD**. I yield to the gentleman from New York.

Mr. **PIRNIE**. I thank the gentleman for yielding.

I, too, wish to express my appreciation of the mission of Radio Free Europe and the way in which it conveys inspiration and encouragement to its millions of listeners behind the Iron Curtain. It does express in a very vivid and very appropriate manner the ideals and the true spirit of America, and does keep alive the spirit of freedom in the hearts of those who have reason to feel oppressed because of the environment in which they are forced to live. I have supported this program since its inception and am proud of its achievements.

Mr. **MILLER** of Ohio. Mr. Chairman, will the gentleman yield?

Mr. **MAILLIARD**. I yield to the gentleman from Ohio.

Mr. **MILLER** of Ohio. I thank the gentleman for yielding. I see by the report that Radio Free Europe had an additional $1.5 million in operating funds, which came from private sources, and Radio Liberty has almost no private contributions. Can the gentleman explain what is the source of the $1.5 million, and why people would be interested in contributing to one and not to the other?

Mr. MAILLIARD. I cannot give a positive answer to that, but I have heard on the radio and various other places appeals for private contributions for Radio Free Europe. I do not recall ever having heard one for Radio Liberty. They are separate. I would suppose it would depend on the effort they might make to get private contributions.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Of course, Radio Free Europe has always had an organized fund-raising campaign. There have been frequent announcements on television and the radio. Radio Liberty has no organized campaign, and receives only a few small contributions from individuals who have a serious interest in the program. They make no public solicitation whatsoever. Their donations and contributions have been very small, I would say not more than $5,000 or $10,000 a year.

Mr. MAILLIARD. I should think that is the case.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. Chairman, I support S. 18.

Mr. FRENZEL. Mr. Chairman, I note that the committee report indicates in recent months Radio Liberty has devoted an increasing amount of its program to the plight of the Soviet Jews, and indicates that cultural programs have been featured along with Jewish holidays. I notice also that the Radio Liberty broadcasts in 17 languages. A number of us have tried to get some of its programing done with full programs in Yiddish. Radio Liberty and Radio Free Europe have resisted those suggestions. In my judgment, this is an important symbolic gesture on our part that these programs be made in Yiddish. I am wondering if the committee took this up and can give us any assurance that this kind of programing may be forthcoming.

Mr. MAILLIARD. I do not recall this particular question coming up during the hearings, but I did not attend them all. I will be glad to yield to the chairman of the committee for a response.

Mr. MORGAN. I agree with the gentleman who asked the question, that it is proper that some broadcasts should be in Yiddish. I want to assure him that the commission that will be formed to make a study under this bill will definitely have a responsibility to determine whether some of the broadcasts should be in Yiddish and Hebrew.

Mr. FRENZEL. Mr. Chairman, then I have the assurance of the committee chairman and the ranking Republican member that they will bend all their efforts to see to it we do get some broadcasts in Yiddish?

Mr. MORGAN. The bill provides that there will be two Members of the House on this commission. I am sure that whoever the the House Members on the commission are, they will recognize the importance of the issue which the gentleman has raised.

Mr. MAILLIARD. I am quite certain that this is one of the subjects that the commission should make some recommendations on.

Mr. FRENZEL. I thank both of the gentlemen, and I endorse this program wholeheartedly.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in strong support of this resolution simply because Radio Free Europe and Radio Liberty have been two of the most effective links that the free world has had with the people behind the Iron Curtain.

I had occasion to review many of the broadcasts of Radio Free Europe and some of the other work they are doing. I believe that Radio Free Europe has provided the heartbeat of hope and it continues to provide that heartbeat of hope for 180 million people behind the Iron Curtain living in the captive nations of Europe who, by listening to the Radio Free Europe program and broadcasts, are constantly reminded that we, as the free people of the United States, have not forgotten them and that we share in their great hope for the liberation and liberalization of these people with their ultimately rejoining the free nations of the world.

I think the adoption of this resolution will be a great morale booster for the many wonderful people who work for Radio Free Europe, people who have been making an enormous contribution. They are all people who have been carrying on this relentless struggle behind the Iron Curtain.

I must say that they have been showing a great deal of professionalism which they have developed over the years and that this has brought a great degree of confidence to the people listening to the broadcasts. Those who listen to Radio Free Europe and its broadcasts behind the Iron Curtain have certainly been given a great deal of hope from those broadcasts.

I have been behind the Iron Curtain to some of those countries and talked to those people and discussed with them the value and the importance of Radio Free Europe and Radio Liberty. In both instances they tell us that frequently this is the only link they have with the free world. Radio Free Europe is the only method by which these people can continue to understand what is happening to the rest of the world.

I certainly hope that the Commission goes over the program and sees to it that we have a continuation of the Radio Free Europe broadcasts after the 2-year period and that they give serious consideration to restoring Radio Free Cuba along with Radio Free Europe and Radio Liberty.

We had a very effective Radio Free Cuba operating into Cuba for a number of years and then it was shut down during the hysteria that swept this country a few years ago.

It seems to me that it is important for us to continue to get behind the Iron Curtain of Cuba and bring to the Cuban people the truth about America and what is happening on this continent.

So, I am most pleased and wish to congratulate the gentleman from Pennsylvania (Mr. MORGAN) and his committee on both sides of the aisle for not succumbing to the hysteria that swept our country a few years ago when there were strong voices trying to sweep aside Radio Free Europe for people behind the Iron Curtain.

Mr. Chairman, I think the Foreign Affairs Committee has shown excellent judgment in bringing this bill before the House and affording us an opportunity to vote on this measure in order to show the people in RFE the great confidence that we have in what they are doing.

So, Mr. Chairman, I strongly support the adoption of this measure.

Mr. MAILLIARD. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I wish to commend the Committee on Foreign Affairs and the chairman and ranking minority member for the action they are taking today on bills that were initially introduced by Senator CASE and myself, the purpose of which was to facilitate and insure ultimate direct funding for Radio Free Europe and Radio Liberty and to separate the funding from the CIA, thereby to increase, we believe, the credibility of the stations.

Mr. Chairman, I very much hope that the 2-year funding that is called for in the House version of the bill will prevail in any conference with the Senate. I think the assurance of continuity of these two stations is very important from several standpoints, not the least of which involves the personnel of the stations. Equally important, there are certain diplomatic implications beyond the study.

This study will take 1 year, and I hope that it may conclude not only that there is merit to continuing these stations, but also that they will be placed in broad-based American Council that would be analogous, perhaps, to the British Council which has so effectively carried forth endeavors that facilitate open communications.

I believe, therefore, that this bill should be supported. I think it only fair to say that when I was recently in Poland it was very clear that Radio Free Europe had played a very key, sensitive, and thoughtful role in reporting on the events brought on by the student riots in 1968 and, subsequently, in 1970.

These stations must become independent of the U.S. Government. Otherwise their credibility will be open to increasing question. And furthermore, we are dealing here with a sophisticated operation that must function within parameters of sensitivity, judgment, and the dictates of the truth.

What is called for is fidelity—straight news reporting, because we get from this a sensitivity to the kind of straight news that these countries do not have because of censorship, but which can be of very real benefit to the furtherance of open communications leading to higher living standards, more freedom and personal liberties in these countries.

Mr. BUCHANAN. Mr. Chairman, I rise in support of S. 18, as amended by the House Foreign Affairs Committee, because I believe the continuance of U.S. assistance to Radio Free Europe and Radio Liberty to be essential to the struggle for human rights around the world.

This legislation proposes a study, to be conducted by a Commission on International Radio Broadcasting, to determine what role the United States should play in the support of Radio Free Europe and Radio Liberty in the future.

The House version also provides interim funds, totaling $36 million for fiscal 1972 and $38.52 million for fiscal 1973, to enable these two vital networks to continue broadcasting daily news and features behind the Iron Curtain where many people are denied even the day-to-day reports of events occurring in their own countries.

Through such factual broadcasts they fill the void of information so necessary to world understanding—a void created by Government control of news media.

During hearings on these two stations, the Foreign Affairs Committee heard testimony on the widespread influence and effect of both networks, first by former Soviet residents who believe strongly that the broadcasts of Radio Liberty can reach sufficient listeners to ultimately help bring about changes and give rise within the Soviet Union to greater freedoms. We heard similar opinions expressed by other former Iron Curtain residents about Radio Free Europe.

As one witness so poignantly described it:

> Thought control was what enabled Stalin to invade Finland, Poland and the Western Ukraine, what enabled Hitler to occupy much of Europe. It is now being practiced at dangerous levels throughout the Soviet bloc.

While millions of Americans daily listen to and read the news and a divergency of opinion from independent media, they often take this uncensored dissemination of news for granted.

We in the United States have the opportunity to insure, through Radio Free Europe and Radio Liberty, that those behind the Iron Curtain will continue to receive at least a little of the truth for which they so hunger.

In my judgment, Mr. Chairman, these networks can help to bridge the gap of understanding between East and West and the truth itself can provide a foundation for peace with freedom in our time.

Support for S. 18 will guarantee the continuation of this vital service to millions of people who are daily denied the truth and thereby the weapon for freedom.

Mr. HORTON. Mr. Chairman, I rise in support of S. 18 as amended. The Foreign Affairs Committee of the House has acted wisely in calling for an extensive evaluation of Radio Free Europe and Radio Liberty while, in the interim, authorizing funds for their continued operation.

The measure reported out of the House Committee would establish a tripartite commission made up of representatives of the Congress, the executive branch, and the public. The commission is to review and evaluate the activties of Radio Free Europe and Radio Liberty and submit the results of its study to Congress by November 30, 1972. The bill authorizes appropriations to the commission chairman of $36 million for fiscal year 1972 and $38.5 million for fiscal year 1973 to enable Radio Free Europe and Radio Liberty to continue operations pending congressional evaluation of its report.

This approach is a realistic one. In the first place, it accomplishes the immediate goal of removing all secrecy and hidden funding of Radio Free Europe and Radio Liberty. At the same time, the bill withholds final judgment on whether and how to fund these broadcast operations. I am gratified that both the measure passed by the Senate and the bill under consideration by the House recognize the importance of continuing RFE and RL broadcasts pending further congressional evaluation.

The debate over the future of Radio Free Europe and Radio Liberty has perhaps received as much attention in the foreign press as in our own country. At this point, I would like to share with my colleagues several commentaries about RFE and RL that have appeared in the West European press:

The London Daily Telegraph on June 9 of this year stated:

> There is now talk of revising the status of these stations, and signs of a "liberal" offensive on their freedom. It is odd that the self-appointed defenders of civil liberty in the West should have so little concern for the same liberties in the East. Would it really make the world any safer or the Soviet leaders any nicer if our last thin line of communication with the people of the Communist world were cut?

In August 1968, the Manchester Guardian observed:

> When the West bemoans that it can do nothing to help, it forgets that it can supply information, and that is what eastern Europe needs to keep its hopes alive . . . It is not only in Czechoslovakia that honest news is needed. All the other satellite countries keep their people in ignorance of the facts. . . In fighting the sort of tyranny we now see in eastern Europe, a good transmitter is worth at least one nuclear submarine.

The Paris Nouvel Observateur commented in January of 1970:

> No other station in the world, American or other, exercises such influence direct or indirect on the public opinion of five countries. . . . its five radios are certainly more dangerous today than they were yesterday for the East European regimes.

The Muenchner Merkur, a West German paper, stated in June of this year:

> Careful analyses by the Federal Press Office already showed weeks ago that the American (RFE) take great pains, with extreme journalistic care and objectivity, in the formulation of their broadcasts. Precisely this—the non-tendentious representations of daily events in the West and East—is probably the true stumbling block for Warsaw.

The Hamburg liberal paper, Die Zeit, commented on July 2, 1971:

> Factual accuracy and objectivity are the first order of news analysis (at RFE), which depends on the superlatively reliable and careful work of an 80-man-strong Research and Analysis Department . . . The "agitation station" in Munich help to close gaps which continue to arise thanks to the anachronistic information policy of the Communist regimes.

Mr. Chairman, the above comments demonstrate the tremendous importance other Free World countries place on the role of RFE and RL. A more extensive analysis of these radio stations appeared in the Zurich daily Neue Zuericher Zeitung entitled "Free News for Unfree Countries." This article further illustrates the strong support of RFE and RL by the press in Western Europe and I commend it to my colleagues' attention during the current debate:

[Translation from Neue Zuericher Zeitung, June 20, 1971]

FREE NEWS FOR UNFREE COUNTRIES

With a screeching crescendo, Communist propaganda is increasing its campaign against Radio Free Europe (RFE) and Radio Liberty (RL), and presents them as major hindrances to a relaxation of tensions in Europe. Both stations were set up at the beginning of the 1950's by the Americans in Munich for the purpose of broadcasting information behind the Iron Curtain and to giving the peoples of Eastern Europe and the Soviet Union their own voice. According to the late President Kennedy, they were created to give the people on the other side of the Iron Curtain a sign that they have not been forgotten, and to guarantee "that the peoples of all countries receive the truth and through it are able [to make] intelligent judgments."

OPEN WORLD ON THE AIRWAYS

The two stations, whose programming centers are located in Munich, are independent of each other, have their own desks and broadcasting installations, and have different tasks. Radio Liberty broadcasts to the Soviet Union—from Lampertheim, Spain, and Taiwan, with a capacity of 1,840,000 watts—in Russian and 17 other languages of the Soviet peoples. Radio Free Europe has five transmitters in Holzkirchen, nine transmitters in Biblis, and eighteen transmitters in Portugal (including four each with 100 and 250 kilowatts) with a total strength of 2245 kilowatts, broadcasting daily 20 hours to Czechoslovakia, 19 hours to Poland and Hungary, 12 hours to Rumania, and 8 hours to Bulgaria. The reason and justification for these stations are to be found in the fact that the Communist states know no freedom of opinion, that they hinder a free exchange of information, and that the ruling Party maintains its opinion monopoly with every available means. In our modern age of global communication and mass media, the leaders in Moscow and the East European countries try to work against this communication, keeping the Curtain closed at least to that extent, maintaining a "camp" of controlled information. It is their sealing off that is unnatural and contradictory to the tendency of our age toward immediate, global, and varied information—not the existence of the two stations, which fulfill important functions as gates to a worldwide process of communication and thus actually serve that coexistence about which so much is said, not hindering it, as they are accused of doing.

SOVIET COUNTERMOVES

Since Khrushchev's successors, out of their fear of "convergence" and growing intellectual opposition, introduced a re-ideologization in the spirit of the Brezhnev Doctrine, and in April 1968 called for "ideological class struggle," they have been conducting an intensified battle against the influence of foreign radio broadcasts in the area they rule. The programs directed at the Soviet Union and Eastern Europe, not only by Radio Free Europe and Radio Liberty but by the BBC, Voice of America, and Deutsche Welle as well, are fought against as "indirect imperialist subversion." Jamming stations, which had been closed down during the period of Khrushchev's coexistence policy, went back into action (with the exception of Hungary and Rumania); and in the Soviet Union, the punishment for listening to foreign stations was increased. As these countermeasures apparently bore little fruit, the Soviet leaders are trying by propagandistic and diplomatic means to silence the stations themselves. This is the goal of the campaign directed against RFE and RL, which, as American organizations operating from the territory of the Federal Republic, are apparently the most vulnerable.

RL's supporter is the Radio Liberty Committee in New York, whose honorary president is Harry Truman and which is directed by former Deputy Secretary of State Howland Sargeant. RFE belongs to Free Europe, Inc., led by prominent personalities of America and advised by a Western European committee under Dirk Stikker. It had already been known for a long time that these stations were not being operated solely with contributions from American organizations and private persons; the recent revelation by Senator Case of the financing by the CIA was thus no surprise. However, President Nixon's initiative to put the financing of the stations on a new basis and thus insure their further activity is combined by Congress with its own drive for greater control over the government's foreign policy, and has found an opponent in Senator Fulbright.

Communist propaganda is, of course, trying to take advantage of these domestic American discussions. The information broadcast by RL and RFE is presented to their own subjects as "imperialist agitation" from the "CIA's witches' kitchen," and, appealing to latent anti-Semitic sentiments, is denounced as "Zionist propaganda." The 20th Olympic Games in Munich in 1972 are being used as the lever with which to demand a closing down of the stations whose activity, according to the Soviet version, would be contrary to the "Olympic spirit." The magazine *Sport v SSR* even threatened in April that one could not expect Communist sportsmen to appear in a place like Munich where anti-Communist and "revanchist" organizations were active. However, Avery Brundage indicated in a television interview on May 9 that an exchange of letters with the presidents of the radio stations had given him assurance that they understand the ideals of the Olympic Games and will comply with them, and he said he believed "that there should be no difficulty from this side."

PRESSURE ON BONN AND MUNICH

The campaign against the Munich stations is, however, not only concentrated on the Olympics, but is broadly connected with Brazhnev's Western policy. Moscow and Warsaw are obviously trying to infer from the treaties with Bonn the demand for suspension of the freedom stations; they see in them a danger for "European security." The Polish Government recently even undertook diplomatic steps in Washington and Bonn to achieve the closing down of RFE. The Bonn Government, which is responsible for granting the license to broadcast and has just renewed it for another year, has reacted to such pressure soberly and calmly until now. For legal, organizational, and technical reasons it would in any case be impossible to close RL and RFE overnight. Observing the Communist campaign directed against the Munich stations, one can see the GDR as the driving force, as well as the close cooperation among the orthodox forces in the Eastern Bloc. The fact that the radio and press in East Germany, the Ukraine, and White Russia are the strongest agitators against the two stations' presence in the Federal Republic gives rise to the suspicion that these attacks could have something to do with the criticism of Moscow's understanding with Bonn which has cropped up in those areas.

NUMEROUS LISTENERS

Communist propaganda's constant attacks on RL and RFE are an indirect proof of their effectiveness among the population of Eastern Europe and the Soviet Union. Even Party leaders admit that the programs from RL and RFE are widely spread in their countries and that they serve as a source [of information] for the rulers themselves. In the Soviet Union, there are about 27 million radio sets with short-wave reception, which means that every fifth adult Soviet citizen can receive foreign broadcasts. It is estimated that in times of crisis over two-thirds of the Soviet citizens listened to foreign stations. Radio Free Europe has, through continuing empirical surveys and constant interviewing of tourists from Eastern Europe, been able to produce a more exact picture of its listening audience and their reactions and attitudes, confirmed and supplemented by official surveys in Eastern Europe. It has been ascertained that nearly 31 million, or one-half, of the residents over 14 years of age in the target countries listen to RFE; in Poland alone, 12 million (59%); in Rumania, 6.5 million (57%); in Czechoslovakia, 5.5 million (50%); in Hungary, four million (55%) and in Bulgaria, 2.5 million (44%). The most recent surveys clearly indicate how, during and after the Polish unrest in December, the number of listeners rose abruptly—RFE's listening audience in Poland to 83%, in Rumania to 66%, and in Hungary to 78%.

WIDE SELECTION

A critical look at the broadcasts shows that RL and RFE work with the same methods and sources as other Western radio stations and are just as open and accessible as the latter, so that one cannot speak of secret or "agitating" stations. However, they do place greater emphasis on spoken information; 16% of the broadcasting time at RL and RFE is reserved for news. The news programs are put together from material from Western agencies and from the official proclamations of the Communist countries. These news programs are varied and objective—which even the Communist side cannot completely deny, as they recently have had to wage their battle against the "de-ideologization" of Western radio propaganda. For instance, Moscow accuses Radio Liberty, which it tries to portray as a disturbance to European "relaxation of tension," of having a [too] stressed interest in questions of European unity and security.

The two stations have one special and important function: the communication of Western press voices to those countries in which the population is not allowed to buy foreign newspapers. Radio Liberty broadcasts several times daily in 18 languages—a five-minute press review, and transmits in addition texts or excerpts from important editorials and reportage in well-known newspapers. Radio Free Europe broadcasts press reviews daily to Bulgaria, Poland, and Rumania (10 minutes apiece), Czechoslovakia (15 minutes), and Hungary (25 minutes). Not only American newspapers are cited in them, but the Western European press as well has a lot to say, including *l'Unita* and *Humanite.*

Let us look at an example: On May 25, RFE included in its press review for Rumania and in information programs in the Rumanian language the following material: commentaries from AFP, Daily Telegraph, and UPI on Podgorny's trip to Cairo (6 minutes); Federal Chancellor Brandt's interview in *Spiegel* on Ostpolitik and a Berlin agreement (5 minutes); the statement by Czech exile politicians in the *Neue Zuercher Zeitung* on the Prague Party Congress (5 minutes); Paul Wohl in the *Christian Science Monitor* on the ideals and experience of the Soviet population (10 minutes); Ernst Fischer's essay "The Revolution is Different" in excerpts (7 minutes); and Topping's report in the New York Times on Chou En-lai's statements on the Soviet-China conflict (8 minutes). This transmission of Western press voices gives the listeners in Eastern Europe and in the Soviet Union a view of the world which they wish for and something against which to measure their own Party press. Communist journalists have demanded, in the face of RL's and RFE's effectiveness, that greater openness and broader coverage be permitted in their own press and in the mass media.

EASTERN COPYING

The Communist side even uses as much as it can the freedom of opinion in the West to spread its own propaganda and to interfere in the internal affairs of other countries. For example, *Radio Prague* operates in Spanish and Italian among the Gastarbeiter in the Federal Republic [of Germany] and Switzerland. The form of organization and manner of working of the two Munich stations has been copied by the Soviet Union and, in addition to the official *Radio Moscow,* an allegedly independent *Radio Peace and Progress* has been created, which is supposedly run by the trade unions, journalists' union, and the *Novosti* agency, and which obviously is connected with the Soviet KGB (Secret Service). This radio, by the way, also uses transmitting installations outside of the Soviet Union—for example, for its German language broadcasts it uses a relay transmitter in the area of Leipzig. *Radio Peace and Progress* by far outdoes *Radio Moscow* as concerns sharpness; in Chinese it is the mouthpiece of anti-Maoist propaganda. When the Indian Government protested against attacks by *Radio Peace and Progress,* the Soviet Government declared (with a shrug) that it has no influence on this "independent station". . .

Mr. FRASER. Mr. Chairman, I support the proposal to establish a commission to make recommendations as to the future status of Radio Free Europe and Radio Liberty. I have always believed that this country should exert maximum efforts toward reducing cold war tensions with Eastern Europe and the Soviet Union, and also that the people of those countries—and everywhere as well—are entitled to objective and accurate reporting of the news. I would hope that the activities of Radio Free Europe and Radio Liberty would have a constructive influence in both regards. Certainly, if they serve to aggravate the tensions and their news reporting is slanted in favor of a certain point of view, they do not deserve official support from the U.S. Government.

S. 18, the bill on this subject as passed by the other body, was unsatisfactory in that it simply authorized appropriations in the budget of the State Department to fund these two activities without concerning itself with the effect of the activities on U.S. foreign policy. On the positive side, the bill did provide for overt fundings through the Department of State, an improvement over the previous methods of funding by the Central Intelligence Agency. In the course of hearings on this subject in the Committee on Foreign Affairs, I became particularly concerned with the lack of effort or intentions on the part of the executive branch to undertake a serious evaluation of the radio's consistency with U.S. foreign policy goals. Most of the testimony we heard simply applauded the past work of Radio Free Europe and Radio Liberty without getting to the more fundamental question of what relationship the ongoing operation might or ought to have with the U.S. Government. In this time of rapid change and realinements in international politics, this question must be addressed with serious deliberation.

S. 18, as amended by the Committee on Foreign Affairs, at the initiative of our colleague, the distinguished gentleman from Florida (Mr. FASCELL), provides for both an evaluative study and interim financing for the two radio activities while the study is in progress. The membership of the proposed commission would be balanced, with representatives from the executive branch, both Houses of Congress, and the private sector. Those who share my concern that these activities and the executive branch should not be given carte blanche without regard to the foreign policy implications in a fast changing world, should be encouraged that S. 18, as amended, withholds final judgment on whether—and how—to fund these two activities. At the end of the study period of approximately 1 year, we should be in a much better position to determine the proper role of the U.S. Government regarding Radio Free Europe and Radio Liberty.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a commission to be known as the Commission on International Radio Broadcasting (hereinafter referred to as the "Commission") composed of nine members as follows:

(1) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Two Members of the Senate appointed by the President of the Senate.

(3) Two members appointed by the President from among officers and employees of the executive branch of the Government.

(4) Three members appointed by the President from private life, including experts in mass communication in the broadcasting field.

(5) The President shall designate one of the members appointed from private life to serve as Chairman of the Commission. Any vacancy in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

SEC. 2. (a) It shall be the duty of the Commission to review and evaluate international radio broadcasting and related activities of Radio Free Europe and Radio Liberty.

(b) The Commission shall submit its report to the President for transmission to the Congress not later than November 30, 1972, setting forth the results of its findings and conclusions, together with such recommendations as it may deem appropriate, including, but not limited to, recommendations with respect to future management, operations, and support of such activities; establishment of a corporate or other entity to administer support for, or to conduct, such activities; and protection of the rights and equities of past and present employees of Radio Europe and Radio Liberty.

(c) The Commission shall cease to exist on July 1, 1973.

SEC. 3. (a) In addition to his function as head of the Commission, the Chairman of the Commission shall provide grants to support the broadcasting activities of Radio Free Europe and Radio Liberty and submit to the President for transmission to the Congress not later than November 30, as appropriate, of each grant made and a statement describing the utilization of each such grant.

(b) There are authorized to be appropriated to the Chairman for carrying out the purposes of this section, $36,000,000 for the fiscal year 1972 and $38,520,000 for the fiscal year 1973. Except for funds appropriated pursuant to this section, no funds appropriated after the date of first appropriation pursuant to this Act may be made available to or for the use of Radio Free Europe or Radio Liberty.

SEC. 4. (a) Members of the Commission who are Members of Congress or officers or employees of the executive branch shall serve without compensation for their services as members of the Commission. Members of the Commission who are not Members of Congress or officers or employees of the executive branch shall receive per diem at the daily rate prescribed for level V of the Executive Schedule by section 5316 of title 5 of the United States Code when engaged in the actual performance of duties vested in the Commission. All members of the Commission, while away from their homes or regular places of business in the performance of services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(b) The Chairman of the Commission is authorized to appoint and fix the compensation of such personnel as may be necessary. Such personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employee subject to civil service laws and regulations who may be appointed by the Chairman shall retain civil service status without interruption or loss of status or privilege. In no event shall any individual appointed under this subsection receive as compensation an amount in excess of the maximum rate for GS–18 on the General Schedule under section 5332 of title 5, United States Code.

(c) In addition, the Chairman of the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rates for GS–18 on the General Schedule under section 5332 of title 5, United States Code.

(d) Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this section.

(e) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 5. There are authorized to be appropriated to the Commission such sums as may be necessary for its administrative expenses.

Mr. MORGAN (during the reading). Mr. Chairman, this bill was printed August 3 and I am confident that everyone is familiar with its contents. Therefore, Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BRINKLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, pursuant to House Resolution 699, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 271, nays 12, answered "present" 1, not voting 146, as follows:

[Roll No. 410]

YEAS—271

Abourezk
Adams
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Bolling
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clawson, Del
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Dent
Derwinski
Dickinson
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Eilberg
Erlenborn
Fascell
Findley
Fish
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Gross
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Kee
Keith
Kemp
Kyl
Kyros
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCormack
McCulloch
McEwen
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.

Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Monagan
Montgomery
Moorhead
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—12

Burke, Fla.
Denholm
Edwards, Calif.
Hays
Kastenmeier
Landgrebe
Moss
Rarick
Schmitz
Whitten
Wolff
Wyman

ANSWERED "PRESENT"—1

Seiberling

NOT VOTING—146

Abbitt
Abernethy
Abzug
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Badillo
Baker
Baring
Barrett
Bell
Blackburn
Blatnik
Boggs
Boland
Bow
Brasco
Brooks
Broyhill, N.C.
Byrne, Pa.
Camp
Carey, N.Y.
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Conyers
Corman
Cotter
Crane
Culver
Davis, Ga.
de la Garza
Delaney
Dellums
Devine
Diggs
Dingell
Dorn
Dowdy
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Flynt
Ford, Gerald R.
Fraser
Fulton, Tenn.
Fuqua
Goldwater
Grasso
Gray
Griffiths
Grover
Hagan
Halpern
Hansen, Wash.
Harrington
Hastings
Hawkins
Hébert
Heckler, Mass.
Hillis
Horton
Jonas
Jones, N.C.
Jones, Tenn.
Keating
King
Kluczynski
Koch
Kuykendall
Landrum
Latta
Leggett
Lennon
Lent
Link
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McFall
Mann
Mathias, Calif.
Mathis, Ga.
Michel
Mills, Ark.
Mitchell
Mizell
Mollohan
Morse
Nelsen
Nichols
Passman
Patman
Pelly
Pepper
Pettis
Peyser
Podell
Pryor, Ark.
Purcell
Roberts
Robison, N.Y.
Rostenkowski
Rousselot
Runnels
Ruth
St Germain
Sandman
Sebelius
Shoup
Sikes
Slack
Smith, Calif.
Snyder
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Stokes
Teague, Calif.
Thompson, N.J.
Ullman
Veysey
Waldie
Ware
Whalley
Wilson, Bob
Wilson, Charles H.
Winn
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Brooks with Mr. Ashbrook.
Mr. Anderson of Tennessee with Mr. McCloskey.
Mr. Abbitt with Mr. Edwards of Alabama.
Mr. Ullman with Mr. Eshleman.
Mr. Passman with Mr McCollister.
Mr. Edmondson with Mr. Cleveland.
Mr. Lennon with Mr. Steiger of Arizona.
Mr. Evins of Tennessee with Mr. Mathias of California.
Mrs. Grasso with Mr. Crane.
Mr. Hogan with Mr. Veysey.
Mr. Young of Texas with Mr. Grover.
Mr. Patman with Mr. Latta.
Mr. Chappell with Mr. Peyser.
Mr. Clark with Mr. Conyers.
Mr. Leggett with Mr. Diggs.
Mr. Waldie with Mr. Stokes.
Mr. Flynt with Mr. Rousselot.
Mr. Fraser with Mr. Mitchell.
Mr. Carey of New York with Mr. J. William Stanton.
Mr. Corman with Mr. Davis of Georgia.
Mr. Alexander with Mr. Ruth.
Mr. Baring with Mr. Sebelius.
Mr. Podell with Mr. Dellums.
Mr. Cotter with Mr. Shoup.
Mrs. Hansen of Washington with Mr. Badillo.
Mr. Culver with Mr. Steele.
Mr. Mills of Arkansas with Mr. Ware.
Mrs. Abzug with Mr. Clay.
Mrs. Chisholm with Mr. Koch.
Mr. de la Garza with Mr. McDonald of Michigan.
Mr. Hawkins with Mr. Harrington.
Mr. Abernethy with Mr. Fisher.
Mr. Evans of Colorado with McDade.
Mr. Jones of Tennessee with Mr. Lent.
Mr. Jones of North Carolina with Mr. Keating.
Mr. Landrum with Mr. Smith of California.
Mr. Hébert with Mr. Gerald R. Ford.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Boland with Mrs. Heckler of Massachusetts.
Mr. Byrne of Pennsylvania with Mr. Sandman.
Mr. Celler with Mr. Devine.
Mr. Thompson of New Jersey with Mr. Goldwater.
Mr. Dingell with Mr. Esch.
Mr. Flood with Mr. McDade.
Mr. Fulton of Tennessee with Mr. Mizell.
Mr. Fuqua with Mr. Bell.
Mrs. Griffiths with Mr. Hastings.
Mr. Runnels with Mr. Collier.
Mr. Roberts with Mr. Whalley.
Mr. Kluczynski with Mr. Blackburn.
Mr. Link with Mr. Nelsen.
Mr. McFall with Mr. Teague of California.
Mr. Mathis of Georgia with Mr. Pelly.
Mr. Nichols with Mr. Winn.
Mr. Pepper with Mr. Snyder.
Mr. Purcell with Mr. McClure.
Mr. Rostenkowski with Mr. Don H. Clausen.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Sikes with Mr. King.
Mr. Slack with Mr. Kuykendall.
Mr. Staggers with Mr. Baker.
Mr. Barrett with Mr. Horton.
Mr. Addabbo with Mr. Robison of New York.
Mr. Brasco with Mr. Halpern.
Mr. Delaney with Mr. Bow.
Mr. Dorn with Mr. Jonas.
Mr. Mollohan with Mr. Camp.
Mr. Boggs with Mr. Clancy.
Mr. Mann with Mr. Broyhill of North Carolina.
Mr. Pryor of Arkansas with Mr. Pettis.
Mr. St Germain with Mr. Michel.
Mr. Gray with Mr. Hillis.

The result of the vote was announced as above recorded.

The title was amended so as to read: "An act to authorize the creation of a commission to evaluate international radio broadcasting and related activities of Radio Free Europe and Radio Liberty, to authorize appropriations to the Chairman of the Commission, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RURAL DEVELOPMENT—WHAT WE NEED IS THE RELEASE OF FUNDS WE HAVE ALREADY APPROPRIATED

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, yesterday the Washington Post carried the following big headlines: "Both Parties Push Aid Program for Rural Areas." The story followed, pointing out what a number of my colleagues plan to do toward passing legislation to meet rural needs. Prominent among those mentioned is our good friend and colleague, Senator ROBERT DOLE, Republican Leader in the Senate, and under that—with a question mark—appeared the words, "the White House Bill".

Mr. Speaker, what we need is action, not more talk. What we need is the release of present funds, not more legislation. What we need is to get President Nixon and his Director of the Budget, Mr. George P. Shultz, to turn loose the money we in the Congress provided for rural area programs in the appropriations bill which I authored as Chairman of the Appropriations Subcommittee handling the subject, Public Law 92-73. These funds are available now, but the President and Director of the Budget refuse to release them.

These frozen funds total $58 million for rural water and waste disposal grants, $75 million for the Farmers Home Administration to make production loans, $216 million for rural electrification loans, and $5.9 million for rural telephone loans, funds for rural housing for domestic farm labor, for mutual and self-help housing, flood prevention, resource conservation and development, land conservation and development.

Mr. Speaker, the Congress has done its part; however the Bureau of the Budget, with the approval of the White House, has cut back the agricultural conservation program, now REAP, by $55.5 million for next year despite a congressional directive to continue it at its former level. This means that the President and Mr. Shultz are turning their backs on 1 million Americans all over the United States who have each year put up an equal amount of their own money, in addition to their labor, to really do something about pollution.

Such veto reduces soil technicians for the Soil Conservation Service and greatly retards watershed programs as well as regular soil conservation activities.

Mr. Speaker, I repeat: What we need is action, not any more talk. What we need is the release of present funds, not more legislation.

RED CHINA AT THE U.N. COULD JEOPARDIZE SETTLEMENT OF ARAB-ISRAELI CONFLICT

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I want to alert my colleagues to a very serious situation that could arise in light of Red China's recent inflammatory remarks at the United Nations and the earlier expulsion of Nationalist China.

Let me first point out that when Nationalist China was thrown out, a dangerous precedent was set. It was the first time a member of the U.N. was expelled. Now, if they can make a claim that Taiwan is not a "legitimate" government, the same can be said of other governments.

Moreover, Red China has decided to cast itself as the self-styled champion of "third world" rights. The lesser developed nations of the world are ready to listen to the rhetoric of Mao and his cronies, and, what is more important, vote with them. As such this alliance can pose a formidable threat to peace efforts in the U.N.

Here is where the serious problem lies. Red China, in its maiden speech at the U.N. leveled a strong attack on Israel, claiming that it had committed aggression against the Palestinians and that it was not the legitimate government of the area. Will one of Red China's first acts in the U.N. be to order the expulsion of Israel and the seating of the Palestinian guerrillas?

The Middle East situation is the most explosive issue before the United Nations Security Council. The other four permanent members of that body have entered into negotiations in an effort to reach a settlement. Now with Red China on that Council, what chance will there be for a settlement of the Arab-Israeli conflict?

I am sure we will see a Red Chinese effort to thwart every action or initiative taken by the Security Council toward a settlement of the Middle East war. To permit a U.N. negotiated settlement would mean a "victory" for the Soviet Union in Red China's eyes. To see a continued confrontation would mean a greater opportunity for Red China to establish itself in the Middle East. Clearly the United Nations will become more impotent than ever.

I am sure we have not seen an end to the folly of the United Nations action against Taiwan. As one local newspaper recently put it, we have begun the era of "China in the Bullshop."

PRINCETON LYNCH MOB

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, on October 28, 1971, I described on the floor of this House the makeup of a group calling itself the Committee for Public Justice that has been created to harass and criticize the Federal Bureau of Investigation.

At that time I remarked that at least one member of the Committee for Public Justice, Lillian Hellman, had been identified in sworn testimony before Congress as a member of the Communist Party, U.S.A. In addition, an individual commissioned to prepare a paper for the Committee for Public Justice, Frank Donner, was identified in sworn testimony as a member of the Communist Party, U.S.A., and like Miss Hellman, when given an opportunity to explain his past activities, exercised his right to invoke the fifth amendment.

On November 3, 1971, the St. Louis Globe-Democrat carried editorial comment on this so-called Committee for Public Justice entitled "Princeton Lynch Mob."

I think the editorial pretty well sums up the Committee for Public Justice as a "manufacturer of garbage" and a "kangaroo court."

I would like to insert this editoral in the Record.

Princeton Lynch Mob

If the Ku Klux Klan announced that it was holding a conference at Princeton University to castigate the Federal Bureau of Investigation, it is highly unlikely that it would be given much credibility or news coverage.

Why then did certain liberal newspapers give a great amount of coverage to a conference at Princeton University held by a far leftist group that everyone knew was called for the single purpose of making a violent attack on the Federal Bureau of Investigation and its director J. Edgar Hoover?

Because certain leftist critics have no real case against Mr. Hoover or the FBI, they have to manufacture the garbage they put out.

Certainly the conference at Princeton (calling it a conference gives this kangaroo court too much stature) has to rank as one of the most vicious in memory. Under the sponsorship of the Committee for Public Justice, they proceeded to make a whole series of undocumented, unsubstantiated charges against the FBI and its director.

How could anyone give such an assemblage the slightest bit of credibility?

Just consider who some of the leading "critics" at the hate-the-FBI session were:

There was Ramsey Clark, who has been conducting a vendetta against Hoover and the FBI for years. In our book Clark was one of the worst Attorney Generals in the nation's history.

He was a weak sister from the word go. Hoover expressed it perfectly when he said several years ago that Clark was "like a jellyfish . . . a softie" when he was Attorney General.

There was Frank Donner, who in 1955 took the 5th Amendment when he was asked by the House Un-American Activities Committee about his connections with the Communist party. Donner made news in 1961 again when he attacked the Un-American Activities Committee in a book that was so biased most St. Louis bookstores refused to handle it.

There was Lillian Hellman, who was identified in sworn testimony before Congress in 1951 as having been a member of the Hollywood chapter of the Communist party, according to Rep. Richard H. Ichord, chairman of the House Internal Security Committee.

Ichord, who denounced the Committee for Public Justice for its hatchet job on the FBI, said Miss Hellman was a founder of that committee.

There also were three former FBI agents, several former assistant attorney generals, a professor and other known critics of the FBI who made various allegations about FBI surveillance and other operations—none of which had enough support to warrant a further inquiry.

Members of Congress, of course, should ignore the hot air from this verbal lynching of Mr. Hoover and the FBI.

The FBI may not be perfect but it continues to do a most outstanding investigative and enforcement job for the Department of Justice.

This kind of public smear attack on the FBI inevitably boomerangs. Those who engage in such stacked, public name-calling sessions make themselves look silly.

If these are the main accusers of the FBI, then the FBI and Mr. Hoover must be doing very well indeed.

Never has a barrage missed its mark so completely. The big artillery shell intended for the FBI plopped out of the Committee for Public Justice's howitzer and landed on top of the assembled leftist "eggheads." Hopefully this will be the last we will hear from this committee that apparently knows so little about public justice.

FREEZE OF FUNDS FOR AGRICULTURAL PURPOSES

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, a moment ago the gentleman from Mississippi cited that some of the funds allocated for agricultural purposes and to help rural America are being held by OMB.

I have an extremely high regard for the gentleman from Mississippi, and I believe our voting records indicate we philosophically agree on most every point, but I believe the gentleman from Mississippi did miss one point, and that is this: This Congress and this House of Representatives consistently have appropriated over the budget, and they have in every instance this year appropriated more money with one exception, and that is the Defense appropriation.

Now, my friends, how in the world is the President of the United States going to spend more money than we have coming in without going out to borrow more money? We have placed a limitation on how much he can borrow. We have only so much money coming in from revenues. When we spend over that someone has to stop spending. The buck stops with the President and the OMB.

I am sure the President agrees with many of us about the desirability of some of the great programs. I certainly agree with the idea suggested by the gentleman from Mississippi that these rural programs are necessary. But the President is doing the only thing he can do, when we are forcing him to spend more than we have and that is to freeze those funds.

FREEZE OF FEDERAL FUNDS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I just got in on the tail end of that conversation awhile ago about freezing funds, and I want to say that we can be pennywise and pound foolish.

We froze a lot of funds the other day when this House passed without a record vote the biggest giveaway program Congress has ever participated in and that was not needed. I am referring to the tax program which passed the House about 3 weeks ago. And the President supported that program, and I believe it is going to be disastrous for this country when one considers the fact that this year we will have a deficit of about $33 billion.

I want to say we could also be pennywise and pound foolish if we hold up money for construction of medical schools and things like that.

So there are two sides to this coin. Certainly there are some useless programs in this country that should be done away with, but it is not all a one-sided story. If the President wants to veto programs let him do so but I object to the withholding of funds to perhaps be released in time for an election.

MEXICAN DRUG ENFORCEMENT EFFORT

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, I recently spent several days in Mexico conferring with officials and seeing for myself what the Mexicans have done to stop the cultivation and trafficking in illegal drugs. I found, to my surprise, that the Mexicans are really trying to do something about the growing of poppies and the drug problem in general.

The following statistics indicate what the Mexican Government has been able to accomplish in the past 2 years in Operation Cooperation:

TOTALS OF OPERATION COOPERATION, OCTOBER 1969 TO OCTOBER 6, 1971

POPPY

Number of fields destroyed: 11,245.
Area in square meters: 28,534,200.
Number of plants destroyed: 313,549,402.
Seeds confiscated: 316 Kgs. 260 Grs.
Raw opium: 87 Kgs.
Heroin: 54 Kgs. 159 Grs. 6 Mgs.
Cocaine: 163 Kgs. 532 Grs.
Morphine: 11 Kgs.

MARIJUANA

Number of fields destroyed: 3,133.
Area in square meters: 18,006,809.
Dry Marijuana incinerated: 39 Tons 603 Kgs.
Confiscated Marijuana in stock: 76 Tons 434 Kgs. 550 Grs.
Seed confiscated: 348 Kgs. 690 Grs.

TOXIC PILLS

Barbiturates and amphetamines: 31,009,240.
L.S.D.: 584.
"Peyote": 3 Kgs.

VEHICLES CONFISCATED

Planes: 5.
Boats: 3.
Automobiles: 44.

DETENTIONS

Prior investigations: 1,832.
Persons accused: 5,204.
Foreigners: 914.

INTENSIVE PHASE OF THE CAMPAIGN AGAINST MARIJUANA, 1971

Results obtained to date, in the States of Sinaloa, Durango, Chihuahua, Michoacán and Guerrero.

MARIJUANA

Fields destroyed: 1,334.
Area: (square meters) 5,704,368.
Plants destroyed: 106,776,433.

POPPY

Fields destroyed: 826.
Area: (square meters) 2,195,871.
Plants destroyed: 37,992,916.

Despite these impressive statistics, the Mexican Government could be doing a much better job if it had more personnel and equipment. There are only 250 Federal officers in the entire nation. Moreover, only 6.2 percent of the Mexican budget covers the army, navy, general administration, and law enforcement. As a result the Federal agents are not well paid—$120 to $150 a month—and there is a severe lack of equipment, especially helicopters and airplanes which are the principal tools in the drug enforcement activities.

Hopefully, the U.S. Government can continue to work closely with the Mexican Government and provide badly needed assistance, such as equipment and training, so that the results can be even more meaningful.

ATOMIC ENERGY COMMISSION TO SOON ANNOUNCE LOCATION OF FIRST LIQUID METAL FAST BREEDER REACTOR

The SPEAKER. Under a previous order of the House the gentleman from Washington (Mr. MCCORMACK) is recognized for 15 minutes.

(Mr. McCORMACK asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, during the next few months the Atomic Energy Commission will announce the site of the first liquid metal fast breeder reactor—LMFBR. This nuclear reactor and its associated research facilities will demonstrate the design and engineering feasibility of the next generation of nuclear power reactors.

The LMFBR will be paid for by the Federal Government—through funds that have already been substantially appropriated—by the manufacturers of the reactor, and by a large group of electric utilities.

My comments today are intended to make you aware of the fact that the people of the Hanford area in eastern Washington, where I live, are almost unanimous in support of locating the LMFBR in the Hanford site. In this respect, my congressional district seems to be unique in the entire Nation.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I will be happy to yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, the gentleman from Washington is making a very important statement, and I want to compliment the gentleman on the dedication and interest that he has had in this particular subject which means so much not only to the people of his State, but also to the people of the United States, and to the world.

In fact, the subject of energy is gradually becoming a matter of primary concern to every Member of this body because informed estimates indicate that we must double our capacity in electric energy every 10 years in this country if we are to maintain our standard of living, and if we are to maintain the viability of this country.

We are faced with serious depletion of our fossil fuels—coal, oil, and gas. This is something that very few people know about. We are now short of gas, and short of sources of gas. We are becoming short of petroleum, and we are depending upon imported petroleum from sensitive areas in the world—I am speaking now of the Middle East as well as any of the ocean ways upon which oil has to be transported to this country.

We are also faced with an increase in the price of all fossil fuels. Within the last 2 years oil and gas have more than doubled in price to electrical utility plants, and they will continue to increase as the fuels become more scarce and as the need for energy continues to increase.

Mr. Speaker, I want to say a word of praise on behalf of President Nixon. President Nixon in his energy message this spring recognized this fact, and he came out very strongly for a program which would utilize every source of fuel more efficiently and with less damage to the environment.

He recognized, as I recognize, and the people who have studied this problem recognize, that we are going to need every kilowatt of electricity we can produce from all these sources. It is not a question of one fuel or another. It is a question of needing to use all of them, and needing that electricity to be produced at a cost which is compatible with our economy and with sufficient cleanliness to the environment.

With all these considerations in mind, the President has endorsed the liquid metal fast breeder reactor that the gentleman from Washington (Mr. McCORMACK) is talking about.

As the gentleman said, the selection of the first site is going to be made soon. As to the locality, I cannot at this time take a position as to where that shall be. It depends on many factors; but, regardless of site, it is going to be followed by at least one more, and it might have to be followed by a third reactor before we get to the point of economic competitiveness.

This commitment—which in the long run will cost less than $3 billion—compared to the $50-some-odd billion we have spent to put a man on the moon and bring him back home—will, in my humble opinion, far exceed the value of its contribution to society through the access to this energy which we must have if we are to survive.

This fast breeder reactor will increase the recovery of energy from each gram of uranium by 100-fold. We now get heat from seven-tenths of 1 percent of the uranium, and with the LMFBR we will get heat from 70 percent, which is 100-fold more out of each gram of uranium.

This, in my opinion, will solve the problem of fuel for energy not only for our country but for the people of the world for the next 1,000 years.

So the gentleman is talking on a very important subject—important to his State and to the Nation and to the world. I compliment the gentleman for his interest in this matter and for the work he is doing in the subcommittee's Task Force on Energy Research and Development.

I believe the message he is bringing today will become more important as the years roll by.

Mr. McCORMACK. Mr. Speaker, I thank the gentleman for his comments.

We all know that Congressman CHET HOLIFIELD is the immediate past chairman of the Joint Committee on Atomic Energy, and is eminently qualified for making the comments he just made. I particularly appreciate his doing so.

I emphatically agree that this Nation needs every source of energy which may become available.

Mr. Speaker, to repeat, the people of the Hanford area and eastern Washington almost unanimously support the location of the LMFBR at the Hanford site. As you may be aware, the Hanford Atomic Energy Commission Reservation was one of the original nuclear energy sites established by this Nation, and was one of the two major production areas for plutonium for military purposes through the 1940's, the 1950's, and into the 1960's. The Hanford area remains intact in operation, but its mission has been substantially converted to research associated with the peaceful applications of nuclear energy.

This is an ideal site for many reasons. This is remote desert country, with a large buffer zone of unpopulated country.

It is an existing nuclear research park with the most competent personnel in the world in the science of breeder reactors already working on the site.

While I am aware that the Congress will have little direct influence on the location of this facility, I want you to know of the almost unique desire of the people of this area to have the reactor located at Hanford, and of the almost unique qualification of the site for the LMFBR.

Recently President Nixon visited the Hanford area. At that time the government of the State of Washington prepared a pamphlet spelling out why Hanford is the best site for the LMFBR. I am sending a copy of this pamphlet to every Member of the House of Representatives so that you will have an opportunity to peruse it and understand the reasons for locating the LMFBR at Hanford.

I would like to point out to you that we have the largest operating nuclear power reactor in the free world operating today at Hanford. This is known as a "J reactor." Many of you recall authorizing it originally as a dual purpose reactor. It is the reactor which we fought successfully to keep in operation earlier this year.

We have one of the largest nuclear research facilities on earth, which, incidentally, is where I was employed before I came to the Congress.

The fast flux test facility is already under construction at Hanford. This may be considered as the forerunner to the liquid metal fast breeder reactor.

We also have under construction the high temperature sodium test facility. The FFTF and the HTSFT are very large research installations which are designed to test materials for the LMFBR and future breeder reactors.

So I would point out to the Members of Congress and to my colleagues that this site is ideally located, not only geographically, and not only with respect to the terrain, and not only for the fact that it has qualified personnel available and working on site now, but also because of the fact that the people themselves of this area are anxious to have the LMFBR located at Hanford.

Mr. PRICE of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman.

Mr. PRICE of Illinois. Mr. Speaker, I want to join my colleague, the gentleman from California, and colleague on the Joint Committee on Atomic Energy and former chairman of that committee and one of the most expert Members of the House in this field in commending you for the statement you have made here this afternoon.

The gentleman from Washington himself, who is experienced in this field, having had similar experience in a working capacity before he came to Congress, has maintained his interest in nuclear energy since becoming a Member of the House. I assure the Members that the problems facing us in the nuclear field to which the gentleman from California (Mr. HOLIFIELD) referred are recognized by the President of the United States. I think the Congress of the United States recognizes it. The Congress has pointed out the importance of solving the energy problem, and nuclear energy is certainly going to play a very important role in the attempts to solve the problem.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. MILLER of California. I join my colleague from California in commending the gentleman from the State of Washington (Mr. McCORMACK) as I also wish to commend the gentleman, Mr. HOLIFIELD, himself. I wish to congratulate the gentleman in the well, who happens to be a member of the Committee on Science and Astronautics and chairman of the task force to study energy.

I heard what my friend said it would cost to go to the moon and back, and I am happy to know that the Committee on Science and Astronautics is also interested in energy and the facets of energy. I want to congratulate Mr. McCORMACK as chairman of the task force for the constructive and fine work he is doing and assure him we will give him our full support.

Mr. McCORMACK. I wish to thank my chairman. His comments were most kind.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. HOLIFIELD. I wish to say in support of what my colleague from California (Mr. MILLER) has just said in relation to the cost of the space program, that he knows I have supported the space program over these years and have voted for every space appropriation. So what I said was not said in derogation of the space program. It was said to emphasize the amount of money that we might need to spend to attain our goals. Therefore, the statement was not derogatory in nature.

I also want to say that there are certain people in this country who, in their overeagerness to preserve the environment and to prevent any kind kind of ecological change, are going to the extreme. They are stopping the development of energy from all sources—from gas, oil, coal, and nuclear materials. They are stopping these by intervenor suits throughout the Nation. Little do they know that they are standing in the way of the very objective which they claim they seek, which is a clean environment, because unless we have an abundance of cheap, clean energy, we cannot solve the problems of pollution. We cannot clean air. We cannot clear water. We cannot process sewage. We cannot concentrate solid waste for transportation or disposal. And we cannot recycle waste materials for the raw materials which this country will need.

So, in their exuberance at having discovered the word "ecological," these people who have gone off the deep and for 100 percent pure environment are going to live to rue the day if they stop the production of energy, because it is only through the production of additional energy—and it must be cheap and it must be clean and it can be cheap and it can be clean—that we are going to solve the problems of pollution in our environment. I would say to each and every one of these people who have suddenly discovered the words "environmental" and "ecological" that they might well look behind the allure and the romance of those words to the realistic facts of life, and that is that you cannot solve the problems of pollution in this country without an abundance of energy, and unless you have energy, the pollution which is burdening our whole environment is going to increase in amount to the detriment of the people of the world.

When I make that statement, I make the statement as a man who believes in a pure environment, in a clean environment, and one who wants to approach the problem from a practical standpoint and not from an idealistic, romantic standpoint. I thank the gentleman.

Mr. McCORMACK. I certainly thank the gentleman from California for his remarks.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I wish to commend the gentleman from Washington for his very forceful and very apt statement I would moreover like to commend him for the initiative he has shown in developing through the Task Force on Energy of the Science Research and Development Subcommittee a real in-depth study into the many aspects of energy, particularly as related to research, which requires a real study of the whole field.

I think the gentleman from California, Chairman MILLER, and the gentleman from California, Chairman HOLIFIELD, are both to be very highly commended for having agreed to the appointment of this task force under the Science and Astronautics Committee. I am happy and honored to be a member of the task force.

As a conservationist of many years' activities, and one who for many years has known the meaning of the word "ecology" and some of the others we now hear bandied about, I would like to say that I agree with the sentiments expressed by the gentleman from California, the distinguished past Chairman of the Atomic Energy Committee. I think the work of the task force of the gentleman from Washington (Mr. MCCORMACK) is going to provide many of the answers to these problems.

Mr. Speaker, I thank the gentleman.

Mr. McCORMACK. I thank the gentleman from Ohio.

Mr. Speaker, In conclusion, I concur with the thrust of the remarks made by the gentleman from California (Mr. MILLER), the gentleman from Illinois (Mr. PRICE), the gentleman from Ohio (Mr. SEIBERLING), and the gentleman from California (Mr. HOLIFIELD).

I would like to point out that liquid metal fast breeder reactors are absolutely essential to providing clean energy during the remainder of the century. The LMFBR is the research prerequisite, and I hope the first LMFBR—not the second, but the first one—will be located at Hanford where people are anxious and able to accept it.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Mr. speaker, I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I wish to join my colleagues in commending the gentleman from Washington (Mr. MCCORMACK) for the leadership which he has shown in the area of providing sufficient energy for this country of ours. The gentleman's great foresight and enthusiasm in the pursuance of his goals will no doubt prove of great benefit to his State and to our country at large. The abundance of energy is one of the principal contributing factors to our greatness as a nation and the gentleman's depth of perception will help to maintain that greatness. His constituents have every right to be proud of their Representative to Congress. All Americans are fortunate to have the dedicated services of MIKE MCCORMACK.

THE U.S. STAKE IN WORLD TRADE AND CONTINUED INTERNATIONAL COOPERATION

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 60 minutes.

Mr. GIBBONS. Mr. Speaker, the subject matter of this special order is "the U.S. Stake in World Trade and Continued International Cooperation." I believe that our stake in this is very high. It affects not only our pocketbooks and our standard of living, but it could well affect our ability to peacefully organize this planet.

I want to talk about a number of things today.

First, I would like to review the U.S. history concerning world trade. Next I want to talk about where we are today, and finally, where do we go from here.

There is no substantial debate in our country that has a longer political history than does our involvement in world trade. One of the moving factors which brought about the American Revolution was resentment by the colonists about restrictions on their ability to trade with others. We have always been a trading nation and for many years we have been the world's largest trading nation. In recent years, we have exported about 17 percent of the world's total exports and have imported 14 percent of the world's total imports.

If you examine the crucial turns in our history, such as the War of 1812, the Civil War, some of our great depressions, and times of prosperity, you find a strong theme of foreign trade involved.

No debate in this Congress is older than the issue of free trade versus trade restriction.

Our Founding Fathers in our basic documents wisely created a common market for this part of our continent with a common internal trade policy to be regulated by a national government. Our United States is perhaps the outstanding example of the benefit to be derived by mankind from the tearing down of artificial barriers to trade and commerce.

Yes, we are today the wealthiest nation on earth. We are just slightly less than 6 percent of the earth's population and we have the use of 40 percent of its wealth. Our standard of living is the highest on this planet. There can be no doubt that this standard could never have been achieved had it not been for the vast free and competitive market that has been developed by us on this North American Continent.

We have all profited because manufacturing and agricultural producers in various parts of this country have been competing against each other to provide us with better products and better services. Although we recognize that this creates temporary internal dislocations, it is part of what we call "the great American competitive system."

It is interesting to note that wherever people have bound themselves together and reduced the artificial barriers to trade and commerce, they have prospered. Perhaps one of the best illustrations of the ability of a people to prosper even though they may be scattered throughout many parts of the world, and possess many different cultures, is the example of the British Commonwealth, with its system of reduced internal tariff and trade barriers. That system allowed the free flow of goods across great distances and among diverse people to raise the standard of living of all of those involved—indeed there can be no doubt that all within a system of free trade will ultimately prosper. It is just good, sound economic sense for each of us to produce those products for which we are best suited, considering our natural resources, our climate, our skills and our needs.

Anyone who has visited Europe in the last few years can see the benefit that has already begun to accrue to those people so long divided by artificial lines. The benefits that have come to them from the European Economic Community, their Common Market, are plainly visible in their improved life style, their vitality, and their optimism concerning the future.

No one can seriously argue that the world, particularly the free world, would not profit by a reduction in trade barriers. No one who has seriously examined history can fail to be convinced that whenever trade barriers go up around the world, the results are likely to be depressions and wars.

Today, America has a great responsibility in the world for whether we like it or not, we are the leaders and we must accept responsibility. If the wealthiest and the strongest nation cannot accept responsibility, how can we expect the others to do so? After all, we have as much to lose as anyone else. Trade and commerce are built upon confidence and mutual respect. This is not a world poker game. This is mankind's struggle to free itself from poverty and to find a better life.

Why then are we here today? It is time, I believe, that Members of Congress spend some time trying to come to a better understanding of our trade and payments problems and the implications of proposed solutions to them. First, let us review the facts:

The United States is the largest, single foreign trading nation in the world—so that what we do vitally affects everyone else in the world. For 25 years the U.S. dollar has been accepted in lieu of gold. The U.S. dollar has become the measuring yardstick for every economic transaction. At the end of World War II, the other major industrial nations of this planet had been devastated. Germany's industrial plant was in ruins; the Japanese industrial plant was in ruins; the industrial capacity of other nations had either been worn out, confiscated, or destroyed.

The United States had a mighty edge in technology and the physical capacity to produce almost unlimited amounts of goods. Our farmlands produced an overabundance of food. We took upon ourselves the burden of rebuilding the world and the role of peacekeeping. All of this was responsible action and was in our great self-interest.

We embarked upon a policy of reducing trade barriers and became wealthier from that activity. Since that time some of our institutions have failed because they did not possess the characteristic of self-renewal and the capacity to meet changing circumstances. For instance, the International Monetary Fund, for which the dollar was the foundation, found itself with no adequate machinery to adjust the differences in exchange rates that were bound to arise as other nations regained their economic strength.

We as a nation have failed in recent years to exercise our leadership and responsibility in this matter and in other matters affecting trade. We concentrated our efforts on military strength and on the space race. In the years since World War II we have gradually lost our competitive edge. We can build the most sophisticated device man has yet imagined to take him to the moon and return, but we must depend upon the Japanese and the Germans for the technology to produce looms for double-knit cloth.

We pride ourselves on our wizardry in electronics, but who can say that our technology in consumer items has kept up with world technology?

Our automobile industry has concentrated its efforts on building bigger, flashier, more powerful cars with planned obsolescence designed to make the consumer dissatisfied with his vehicle before it is 3 years old—and who cannot say that the Volkswagen has captured a large share of the American market because of its plain utility.

Yes, there are many who believe that the United States has become fat and lazy with the wealth we have been able to accumulate and use—and as our lead has been challenged, we have sought to blame our troubles upon others outside of our own borders.

Like many other Americans, I breathed a sigh of relief when the President finally on August 15 decided to do something about our our domestic inflation, our lagging economic growth, and our misvalued dollar. The President's actions in stemming the appetites of inflation in this country are praiseworthy; although too late in coming, they were needed.

The President's decisions to suspend the dollar's convertibility into gold was wise and should be made permanent. The import surcharge was wise as a very temporary expedient, but it has already been on far too long and is adversely affecting some of our warmest friends and neighbors, including Canada and Mexico.

I believe, as I have stated before, that the President's tax policies already passed by the House are a mistake and I shall not take time to elaborate further upon them on this occasion.

As I said earlier, trade and commerce depend upon confidence. Unilateral actions without consultation destroy confidence and when confidence is destroyed the essential ingredient upon which the businessman must rely is missing.

The United States at the end of 1971 is a nation that is short of many of the vital things it needs for its own survival. Because of our vast appetite for petroleum products, an appetite that I think we should reexamine, we now must import vast quantities of petroleum. Because of the great demands of our society, we must import some metals. In fact, our demand has grown so large that we now import more than 90 percent of the tin, chrome ore, nickel and manganese ore we use.

We still have the world's best agricultural system and, on the whole, the best technology and the finest land and climate. As I stated earlier, our technology has been distorted by our emphasis upon military security and the space race, and our educational system, as good as it is, simply has not trained the manpower that the United States needs.

We are a nation that loves to travel and there is nothing wrong with that, but a substantial portion of our balance-of-payments problem is directly related to our travel appetite. In addition to foreign travel, another big reason for our balance-of-payments deficit is our desire to invest our wealth in other countries.

Certainly we can do a lot more for our balance of payments by encouraging more foreigners to visit the United States and by reducing our military expenditures abroad wherever possible. Also, the Council of Economic Advisers has estimated that by 1975 there will be a net balance of $10.5 billion on our foreign investment. That is, we will be receiving this much more in interest from our investment in other countries than we will be paying out to foreigners for their investment in this country. Other estimates put this amount as high as $16 billion.

No nation can long run a favorable or an unfavorable balance of trade, but look at the record of our country—over the last 20 years we have been running trade surpluses totaling nearly $125 billion.

All this really means is that we exported more of our wealth than we imported of other people's wealth. We exported more of the fruits of our labor than we got back from others around the world. Ideally, we should be at an equilibrium, for the materials we have exported are just the products of our sweat and our natural resources.

There is nothing magic about trade. It is just the simple process of exchanging something that we have for something that we want.

I have chosen to start this debate on trade now because I believe there is a very real chance that we are beginning to go the wrong way in our trade policies.

Obviously, nobody wants a trade war. But nobody wanted a war in Vietnam either. The problem is that nations often want things they can't have without war. Thus, it is extremely important for us to know exactly what we do want from foreign trade and how much we are willing to pay for it.

I do not think we know this yet, and I think we have to do some serious thinking about this—for we have no right to make mistakes that our children will have to pay for, as we did with the Smoot-Hawley trade restrictions.

Let us look back a bit. Not since the United States walked out of the London Economic Conference in 1933 and decided to fight its depression alone has the world been more worried about our economic policy.

It took a long time before most Americans admitted—even to themselves—that the actions we took back in the thirties made matters worse for everyone in the world. Instead, we looked for villains, for someone else to blame.

We blamed our World War I allies for not paying their war debts. We blamed big business, "merchants of death," with their overseas investments. Even when world trade virtually dried up, we were so worried about import competition that the National Recovery Act allowed our industries to determine the amount of trade—if any—that would be acceptable.

We do not want to go through all that again. Yet, some of the same sanctimonious and shortsighted views of the past are on the rise again in America. Once again, we are looking for villains.

How ironic it would be if our efforts to improve our balance of trade by means such as legislative quotas resulted in much lower levels of mutually beneficial trade. Even if we did achieve a big trade surplus in the end, the dislocations could be tragic for our own economy and for the rest of the world.

No one can be sure that any drastic reduction in imports will be matched by an increase in domestic production. How many families would just do without if low-priced imports were not available in the bargain basements of our department stores? It is unlikely that many Americans would be added to payrolls in these cases, but Americans engaged in transportation, sales, and servicing, and even financing of those products would surely suffer. The result would be an economic loss to consumers that could not come at a worse time than during this recessionary period. If there is any benefit, the American consumer and our own export industries would pay the price for stifling world trade. In trade, whatever one American receives as a benefit from a restriction on imports, another American must pay for in higher prices or in loss of a job.

Most of us do not realize just how important trade is to this country in providing raw materials for our own industries, in making a greater variety of products available to consumers, sometimes at a lower cost, and in providing business and jobs through our numerous export industries.

Last year we exported nearly $43 billion worth of goods and services. It is estimated that for each $1 billion of this export trade, 100,000 jobs are created for Americans. In manufacturing industries alone, nearly 7 percent of all jobs are directly related to exports and, in most cases, another one to two more jobs are indirectly related.

A great deal has been said about foreign imports causing a loss in jobs. But how much unemployment has really been caused by imports? A recent study by an economist at the Brookings Institution, who is regarded as one of the most knowledgeable foreign-trade specialists, concludes that very little of our unemployment is related to foreign trade. This study shows that during the period from the first quarter of 1970 through the first quarter of 1971, imports increased at an annual rate of about $4.1 billion, while exports rose by only about $3.1 billion. Yet this $1 billion difference did not cause any direct loss of jobs to the economy as a whole. While the rise in imports and the decline in certain categories of exports wiped out 182,200 jobs, the increase in other exports and the decline in a few categories of imports created 182,700 jobs.

An estimated 11 million people lose or change their jobs each year for personal reasons or because of changes in industry resulting from changes in consumer tastes, technological change, plant relocation or changes in patterns of Government spending. We must realize that any industry or job dislocations resulting from changes in our trade patterns are only a small part of a continual adjustment process which Government assistance can, in many cases, help us make.

The American agricultural industry supplies about one-fifth of the world's agricultural exports. The crops harvested from one out of every four acres of our farm land are exported to other countries. This is true even though some countries have erected trade barriers to our agricultural exports.

Can you imagine how large our agricultural surplus would be if further trade restrictions—or a trade war—severely limited our agricultural exports?

There are many sources of information on the extent of our involvement in trade and its importance to our economy. One of these is the January 1971 State Department publication, Liberal Trade versus Protectionism.

The United States has set in motion powerful influences which are endangering world trade. Prolonged retention of the 10-percent import surcharge may have unintended and severely adverse effects. Our actions regarding monetary policy have made prices uncertain, with a deadly effect on international trade. Certain trade measures now pending in Congress seem likely to do us far more harm than good.

Frankly, I am worried. It seems quite unlikely that even the United States can have its way completely in today's world. Maybe other nations will meet all our desires and the surcharge will end and trade will be better than ever for Americans.

But maybe not. Maybe we will find ourselves with the tragic beginnings of an unintended and escalating trade war.

Some remarks that I have heard from my colleagues, and the pronouncements of the administration, give me cause for deep concern. I seem to have heard all of this before. Are not these the same things that were said in the 1920's before our great depression, and before the wars of the 1930's and 1940's?

We cannot live in splendid isolationism. We have recognized that militarily, but we have failed to recognize that our economic policy and our trade policy can divide this world and can divide us from our allies, and can lead to the type of subjugation that we dread. Further, no military alliance can survive over the long period unless it is based upon sound economic and commercial alliances. No one who has ever examined history can doubt this.

The freest possible exchange of goods and services among nations is one of the foundations upon which the wealth and prosperity of peoples and nations is built. The interests of the whole world are best served by reciprocal trade policies.

As international trade grows, it promotes communication and understanding between people. We are no longer isolated nations, living to ourselves, but we have common interests and desires—common desires to lift ourselves to higher standards of living, and common desires to wipe out poverty and ignorance wherever they exist.

Economic decisions made in one nation—in policies dealing with such matters as investments, interest rates, trade, and employment—have immediate and significant effects on other nations. But of all of these, our trading policies have the greatest impact on the world's economy.

I believe a reciprocal trade policy is necessary to develop peace, and build understanding between nations.

The real enemy in foreign trade is not Japan or Germany or any other country. The real enemy is the possibility of a trade war. We do face real international trade and payments problems but we must find constructive and cooperative solutions of these problems. If we let this all come to a trade war, we will all be the losers.

If some of the antitrade legislation that is now pending in Congress were to become law, this country would find itself in an even worse recession than we now have. In addition, this legislation would have the effect of destroying the confidence of all of our friends and neighbors in us as being the world's most responsible country. For if the wealthiest cannot be the most responsible, then who can?

I think there is one thing that should be made very clear in this debate and that is that our current troubles with inflation, high unemployment, and low growth rate, do not spring from, and are not caused by, our foreign trade competition. It seems to me that any in-depth examination will reveal that foreign trade, both export and import, is only about 8 percent of our GNP. In other words, we export and import about $80 billion worth of goods in an economy of $1 trillion.

Our economic problems spring from our failure to provide for a meaningful full employment program and for our failure to stem our own inflation. Our balance-of-payments deficit, while large, merely reflects our substantial overseas travel, investment, and large military expenditures.

Mr. Speaker, on May 21, 1970, the President of the United States appointed a distinguished group of Americans to study the principal problems faced in the United States in the field of international trade and investment. The Commission was composed of a broad spectrum of distinguished leaders in the field of commerce and labor, as well as economists and political scientists. The Commission made its report in July of this year, after a year of study, and this report is generally recognized as a balanced presentation of the complex issues we face.

The Commission appealed for a return to international, as opposed to unilateral, solutions to the vexing economic problems that divide us. It made many major recommendations, including an expanded and improved adjustment assistance program for firms and workers, and the elimination of all barriers to international trade and capital movements within 25 years.

Although there may not be agreement on all of the Commission's recommendations, I do not believe the Commission's report and its recommendations can be ignored. They deserve the careful consideration of all Members of Congress. At the conclusion of my remarks today, I would like to include the program for action from the Commission's report.

Mr. Speaker, I think it is most important that we spend some more time trying to come to a better understanding of our trade and payments problems and the implications of proposed solutions to them.

After the Thanksgiving recess I plan to ask for two more special orders to discuss the costs and dangers of trade restrictionism and, finally, constructive solutions to the real trade and payments problems we face.

I sincerely hope that other Members will join us in these debates. I think it is most important that Congress make a thorough study of our trade and payments problems.

The program for action from the July 1971 report of the President's Commission on International Trade and Investment Policy follows:

[From the report of the President's Commission on International Trade and Investment Policy, July 1971]

A PROGRAM FOR ACTION

A successful program of action must be based upon a clearly understood goal. Our primary interest is to maximize, on a continuing basis, the contribution of international trade and investment to the well-being of the United States.

In formulating an action program for the seventies, we address ourselves first to measures the United States itself can take to redress its international economic position. We shall then turn to immediate and longer-term problems that must be resolved on the international plane.

DOMESTIC MEASURES

Clearly, our present difficulties in international trade, investment, and payments are inextricably linked with domestic problems. We are, therefore, assigning high priority to measures the United States must take to increase the strength and resilience of its economy.

First of all, we must return to a condition of economic health, with much lower unemployment and greater price stability. This objective cannot be achieved by fiscal and monetary policies alone, although more could be done with those instruments. To avoid cost-push inflation, we will have to adopt other measures designed (to moderate wage and price increases, to increase productivity, and to improve the structure and functioning of our labor market.)

Second, we must take measures to stimulate economic growth and to improve the technological capability which largely supports our export performance. While a relative shift in U.S. economic activity from goods production toward services has been a constant feature of our economic growth (we should not contemplate becoming noncompetitive in goods production generally.)

(A high rate of growth would benefit exports by helping to hold down unit-labor costs.) It would also facilitate the reemployment of workers displaced by imports. Finally, the resumption of economic growth, with greater price stability (would make the United States more attractive to foreign, as well as U.S. investment.)

We believe the United States should adopt a program designed to develop the areas of potential strength in our domestic economy. Such a program should include government support (including tax incentives) for investment, research, and development; a more flexible policy on mergers consistent with competition and economic efficiency; regional development policies; and measures to remove structural impediments to the mobility and productivity of American labor and capital.

Third, the United States must launch a vigorous export drive for the 1970s. In addition to efforts to remove foreign barriers to our exports, such a program must include a new look at those U.S. policies, rules, and regulations which tend to impede our exports—for example, in the fields of antitrust, taxation, transportation, East-West trade, and export finance. Intensified export promotion efforts are also required. The entire program must be given impetus at the highest levels by the Council on International Economic Policy.

Fourth, we must deal with adjustment problems caused by import competition in ways which minimize potential injury to affected workers and small businesses and at the same time preserve the efficiency and competitiveness of our economy.

The government can ease adaptation to competition from imports in two ways. First, programs of adjustment assistance can enhance the mobility and upgrade the quality of our manpower and capital. Second, methods of temporary protection—import restrictions (tariffs or quotas) under the escape clause, or orderly marketing agreements—can provide time for industries to achieve a viable competitive position, either in the same or some other line of activity. The Commission feels that, in general, the government should encourage adjustment rather than impose restrictions on imports—except in those circumstances where orderly marketing agreements or escape clause restrictions may be more appropriate.

A major effort must be undertaken to strengthen and restructure the present program of adjustment assistance to workers, which is woefully inadequate and ineffective. More generous benefits are needed and much greater emphasis must be placed on measures to facilitate the retraining, upgrading and relocation of displaced workers. Procedures must be speeded up so that assistance and training become available when workers are laid off, not many months later. A way must be found to protect the pension rights and health and welfare benefits of workers who have to change jobs.

Adjustment assistance to firms should normally be limited to small businesses, but should be expanded to facilitate rationalization, modernization, diversification, or conversion to new product lines.

We believe a more effective program of adjustment assistance would substantially lessen the impact of import competition on workers and small firms. There may, however, be a case for temporary protection in some circumstances, where large segments of a major industry are seriously injured and adjustment assistance alone is not feasible.

The purpose of relief provided by import restrictions under the escape clause should be to permit a seriously injured domestic industry to become competitive again without continued restrictions. Such relief should be extended for a limited time only, and should normally consist of a temporary tariff increase; only in very unusual circumstances should import quotas be used.

Orderly marketing agreements may be appropriate when imports of particular products cause or threaten to cause severe problems of domestic adjustment in more than one importing country; when serious injury or threat of injury has been demonstrated under internationally agreed standards; and when the solution to the problem requires multilateral action. Negotiation of such agreements should normally be conducted under the auspices of GATT, with the participation of both exporting and importing countries. The arrangements themselves should be limited, as a rule, to no more than 5 years; should provide for a reasonable rate of growth of imports; and should be accompanied by measures of adjustment on the part of affected industries in all restricting countries.

ISSUES FOR NEGOTIATION WITH OUR MAJOR TRADING PARTNERS

The Commission believes that the time has been come to begin immediately a major series of international negotations:

To cope effectively with urgent international economic problems; and

To prepare the way for the elimination of all barriers to international trade and capital movements within 25 years.

The negotiations should be launched at the highest political level through a joint initiative by the United States, Western Europe, and Japan. A high-level international steering committee should provide direction and trust to the negotiations and monitor their progress.

We welcome the recent agreement to establish a high-level study group on trade problems in OECD as a step in this direction. We would hope that this initiative would be broadened to include investment and payments matters as well.

The ultimate goal should be to achieve for all people the benefit of an open world in which goods and captial can move freely.

Two concurrent, and parallel efforts should be initiated immediately.

Immediate problems

First priority should be given to these critical issues which now threaten to undermine the gains of past negotiations and block progress toward our long-term goal. These include:

The world payments problem. In addition to greater efforts on our part to stabilize U.S. prices, the solution of this problem requires (better coordination of monetary policy among major countries and more equitable sharing of the costs of the common defense.) It may also require, on the part of surplus countries, a further realignment of exchange rates along with removal of remaining quotas on imports and restrictions on captial exports. If the balance-of-payments problem persists, and if other countries find a further accumulation of dollars objectionable, the United States should indicate its readines to adopt a temporary, uniform import tax and export subsidy. Such a measure could improve the U.S. balance-of-payments position with minimum distortion to the U.S. and world economies.

The adverse effect on U.S. exports of the European Community's Common Agricultural Policy and preferential trade arrangements. We should seek a commitment to the elimination of illegal preferences, assurances that no further impairment of our agricultural trade interests will occur in the enlargement negotiations, and a commitment on liberalization of the Common Agricultural Policy as part of the negotiations on longer-term issues.

The problem of market disruption and the conditions under which orderly marketing agreements can be negotiated.

Our trading partners will undoubtedly wish to include subjects of priority importance to them.

Progress on each of these immediate problems seems essential to the development of a consensus in the United States in support of the goals sought in the longer-term negotiations.

Issues for the longer term

Concurrently with the negotiations on the immediate problems listed above, longer-term negotiations, looking toward the progressive reduction and eventual elimination of barriers to trade and investments, should be initiated.

These negotiations should be different in several respects from those of the past.

They should be comprehensive in scope. Unlike past negotiations, they should not be confined to tariffs, or even to trade problems in a broader sense. (They should also encompass foreign investment and measures to improve the balance-of-payments adjustments process.)

Reciprocity should be conceived in terms of the whole set of negotiations rather than as an objective to be achieved within self-contained compartments of trade, investment, or finance. In some cases, of course, it may be possible to arrive at mutually advantageous solutions within specific industrial sectors, and efforts should be made to find such solutions. On the other hand, in many cases a country will have to give more than it gets in one sector or functional area, and recoup by securing an equivalent advantage in another.

The United States, still the largest and most attractive market in the world, should more than in the past use its bargaining power in the defense of its economic interests. Where our rights in GATT have been impaired by actions of other countries, the United States should insist upon compensatory trade concessions or, failing this, take other steps to restore the balance of advantages.

The principal area for negotiation should include the following:

Reform of the international monetary system. Effective foreign trade and investment policies cannot be sustained in the absence of full currency convertibility and a well-functioning international payments system. In recent years, the world has experienced several international currency crises. A major task of the present decade is to develop a more responsive system of exchange rates to correct international imbalances which prove intractable by other means. We need a system which allows the changes in rates to be made in a more timely fashion. This would avoid the disruptive and costly speculative capital movements which have preceded most postwar changes in major exchange rates. Unless exchange rate changes can be made more timely, the open international economic system which has contributed so much to the present world prosperity is in danger of being damaged by tight controls over capital movements and increased barriers to international trade. All would lose by so fragmenting the world economy.

Agriculture. High priority should be given to the serious problems of agricultural trade, which have not been resolved in past trade negotiations. We believe the time is ripe for a concerted international effort to deal with all aspects of the problem including, in particular, the levels and techniques of agricultural support. Our main objective should be a substantial reduction in the high levels of support and protection of the European Community. The United States should be prepared, in turn, to improve the terms of access to its markets for imports of agricultural products in which other countries have a comparative advantage.

Preferential trade arrangements between the European Community and nonmember countries. The United States should oppose arrangements inconsistent with the requirements at GATT. Such arrangements deny us market access on a nondiscriminatory basis, and we should take appropriate steps both to prevent their proliferation and to obtain the elimination or phasing-out of existing ones. In the interim, the United States should insist upon compensation in the form of trade concessions on a most-favored-nation basis, benefitting in particular those U.S. exports which are adversely affected by the arrangements.

Nontariff distortions. Despite the tariff reductions of the last two decades, U.S. industries continue to meet difficulties at home and abroad as a result of foreign policies, practices, and institutional arrangements which distort competitive conditions to our disadvantage. Among these problems are technical, health and safety standards; subsidies and tax exemptions for domestic industries; tax incentives and special credit facilities to promote exports; and remaining quantitative restrictions. We should recognize, on the other hand, that a number of U.S. trade barriers are of concern to our trading partners. International agreements to reduce such barriers and distortions to trade are both necessary and feasible.

Public procurement policies. U.S. preferences for domestic producers are more visible than those in most other countries; our rules are published for all to see. We must work toward an agreement under which all governments make their procurement policies explicit and public, and where all agree to reduce the degree of preference to a uniform low level. We should deny access to public procurement in the United States to countries which do not adhere to such agreed rules.

Export subsidies. A pressing need exists for international action to discourage the subsidization of exports through the credit and tax systems. Rules should be developed, in particular, to limit competition in government-supported export credits. At the same time, the United States should take more vigorous action to enforce its countervailing duty and antidumping laws.

Tariffs. Our objective should be the progressive elimination of most tariffs over the next 10 years, and of all tariffs over the next 25 years. Progress toward this objective would gradually eliminate the discriminatory effects on the United States and other nonmember countries of the European Community and its preferential trading arrangements.

Foreign investment. The United States should strive to reduce artificial incentives and impediments to foreign direct investment in developed countries, whether they result from our own policies or from those of foreign governments. U.S. policy in this regard should continue to be guided by the principles of freedom of entry, of the respect for property rights, and of national treatment. A framework already exists in OECD which makes it a central forum for discussion and agreement on international investment issues among the industrial countries. The United States should cooperate in strengthening the codes, rules, and understandings which have been developed in OECD to ensure freedom of entry and acquisition, the remittance of earnings, and the avoidance of double taxation. Efforts to harmonize antitrust policies and tax rules should be continued and intensified.

International aspects of environmental policies. The mounting concern for preserving the quality of the environment will rapidly generate a plethora of new administrative regulations and procedures which may place domestic producers at a competitive disadvantage vis-a-vis foreign producers. The United States should join with other developed countries in an international agreement on principles of pollution control, incorporating in particular the rule that costs should be reflected in product prices and should not be borne by the government. If a workable agreement cannot be realized, the United States should take such measures as are necessary to ensure that our producers are not placed at a competitive disadvantage.

TRADE AND INVESTMENT RELATIONS WITH DEVELOPING COUNTRIES

The Commission supports the continuing U.S. interest in expanding trade with developing countries. These countries cannot rely on foreign aid to supply the foreign exchange for their imports and debt service payments—they must earn their own way through exporting. We should join with the other industrial countries in improving the developing countries' access to world markets.

Last year the industrial countries agreed in principle to extend temporary generalized tariff preferences to the developing countries. The Commission hopes that Congress will act promptly on the necessary legislation to enable the United States to carry out this agreement, which is already being implemented by the European Community and Japan. Even more important, the industrial countries should refrain from imposing new quantitative limitations on their imports from developing countries—subject to the usual safeguards against serious injury—and steps should be taken to reduce existing restrictions.

Foreign private investment in developing countries can make a major contribution to their economic progress. We support the program of insurance and guarantees currently administered by the Overseas Private Investment Corporation. While experience with joint ventures has been favorable in some cases, the United States should discourage host countries from setting rigid rules prescribing the form and extent of local participation in joint ventures. Moreover, investment, once made, should be granted equitable treatment.

Expropriation without prompt, adequate, and effective compensation should be vigorously opposed, and the President should have the authority to deny trade preferences as well as to cut off assistance if particular disputes cannot be equitably resolved and the host country refused to submit the issue to international arbitration.

ECONOMIC RELATIONS WITH COMMUNIST COUNTRIES

Within the bounds set by strategic considerations, the United States should attempt to expand its trade with the Communist countries. To this end, we should align our export restrictions and related regulations with those of other Western nations.

However, transfers of technologies, production processes, and/or assistance in the establishment of manufacturing facilities should continue to be subject to careful review by appropriate government agencies to ensure that they do not contribute significantly to the military capabilities of Communist countries.

The President should be given authority to remove the existing tariff discrimination against imports from Communist countries, in return for appropriate benefits for the United States.

We should explore with other Western governments possible multilateral arrangements designed to loosen the existing bilateral constraints on East-West trade.

THE NEED FOR DOMESTIC CONSENSUS

In discussing these issues with foreign countries, the importance of careful preparations at home cannot be stressed enough. Too often, the effectiveness of our negotiators has been impaired by a lack of coordination within the Executive Branch. With the establishment of the new Council on International Economic Policy, the United States should be in a better position to cope with negotiations of the scope and complexity outlined here. The Council should be used to ensure that domestic economic policy is made with an eye to its international implications and that coordination among foreign economic, political, and security policies is facilitated.

Even more serious, foreign governments have come to doubt the ability of U.S. Administrations to deliver on commitments made in international negotiations. They have difficulty in understanding the unique United States system of trade policy formation and administration. The U.S. Congress has the constitutional responsibility for regulating trade. It delegates the administration of this responsibility to the Executive, which has the constitutional responsibility for negotiations with foreign governments. This makes it all the more important that we do our utmost to provide for continuous, close communications between the Executive and the Congress, so as to ensure the effective pursuit of our national objectives.

We recommend that the negotiations be buttressed in advance by appropriate congressional action. In some areas, such as tariffs, a specific delegation of authority to negotiate and proclaim changes in U.S. restrictions will be needed. In other areas, the Administration should negotiate on the basis of a congressional declaration of intent; the results of the negotiations would be submitted to Congress, either for affirmative action, or preferably subject to an understanding that they could be implemented by the Executive unless rejected by Congress within, say, 60 days. Furthermore, some Congressmen should be included in the United States delegations to the negotiations.

Finally, we believe a greater effort should be made to bring the private sector into the negotiation process. Arrangements should be made for periodic consultations with business, farm, labor, and consumer groups to ensure that all interests are heard. Representatives of the private sector should be included in the U.S. delegations, as members or consultants, where appropriate.

THE NEED FOR URGENCY

The program we propose is ambitious. The difficulties are many and success is not assured.

Whether success can be attained will depend to a considerable degree upon the spirit and determination with which the United States and other nations deal with the immediate problems that have undermined confidence in the multilateral trade and payments system.

These problems will not wait. Several times during the past few years situations developed in which unilateral actions by one or another trading nation could have precipitated a major international crisis. The gains of a generation could have been lost.

We believe that the United States continues to have a compelling interest in preserving and improving the multilateral trade and payments system. We believe the United States should continue to try to solve the current problems in ways which will strengthen the system. We should avoid dealing with our short-term problems in ways which make it more difficult to realize a long-term goal: a world economic community of free nations.

But the time has come when this responsibility must be shared by the major trading nations and not carried disproportionately by the United States alone. Only through cooperative leadership can the world build on the existing foundation and forge an economic system which serves the interests of all.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. MORSE. Mr. Speaker, as the issue of U.S. trade policy becomes daily more visible, I am concerned by the arguments of many that the keystone in improving our trade policy is the imposition of expanded trade quotas. While there are a great number of constructive and necessary steps which can be taken to ease our trade and balance-of-payments problems, including initiatives to provide relief from unfair international trade practices and to increase the flow of U.S. exports, I fear that import quotas may, in fact, eliminate more American jobs through overall reductions in exports than will be gained by restricting imports.

I would like to take this opportunity to call to the attention of my colleagues the following report by Prof. Ann Krueger of the University of Minnesota in which the probable effect of trade quotas on our job market is analyzed:

QUOTAS ON AMERICAN IMPORTS WOULD REDUCE EMPLOYMENT IN AMERICAN INDUSTRY

(By Prof. Anne O. Krueger)

One of the most remarkable and encouraging developments of the past two and a half decades has been the rapid increase in international trade, and the continuing trend toward ever-greater liberalization of trade and payments regimes among the developed countries. This trend has, in large part, been the result of American foreign policy, and will probably go down in history as one of the outstanding achievements of American diplomacy in the post-World War II period. The United States is such a large factor in the world's trade and monetary system that American policy must, of necessity, set the pace. If the United States effectively restricts trade, other countries will be forced to retaliate.

The record of achievement is now threatened by the growth of protectionist sentiment in the United States, of which one expression is the import-quota bill currently pending before the American Congress. Most of the arguments against quotas are well-known: (1) quotas will be inflationary, by driving up the prices consumers must pay for goods; (2) quotas will result in reduced American exports, since American firms will have to pay higher prices for their inputs and will therefore be less competitive with foreign firms; (3) quotas will harm the efficiency of the American economy, by protecting domestic firms from international competition, and thereby increasing their domestic monopoly power; (4) quotas are difficult to administer, and provide larger windfall gains for those who receive them; (5) once quotas are legally sanctioned, it would be politically difficult, if not impossible, to resist pressures for new quotas so restrictiveness would inevitably increase.

If the pending quota legislation is passed, there can be no doubt that other countries will be forced to retaliate. Indeed, the Common Market countries have already warned the United States that passage of the quota bill will result in restrictions against American imports by Western European countries—our largest trading partners. The Japanese—who would probably be even more adversely affected—would also have no choice but to retaliate. The result would be a reversal of the gains of the past two decades, and increasing restrictions upon international trade.

This sorry outcome would be detrimental to the entire free world. Even for the United States' interests, narrowly interpreted, however, such a trade war would be disastrous. While there might be some companies whose profits would increase, and some workers whose jobs would be "saved," the gainers would be few and far between. Even for those who would gain, there are alternative ways of helping distressed industries which would impose a far smaller cost on the rest of American society. (Attention will return to this below.)

Surely, American agriculture would lose, and with that, farm incomes would decline. Meanwhile, the costs to the American taxpayer for storing agricultural surpluses, etc., would increase. Mining interests have little to gain: the United States is already a net importer of mineral products; these imports are vital for the maintenance of American industry.

This leaves American manufacturing interests, and it is on this ground that the battle over quotas is being fought. Many persons are concerned about the employment effects of imports on particular groups of workers. Among the affected industries, where concern for protection of employment opportunities appears paramount, are textiles, footwear, and steel. In some sectors of these industries, there are genuine problems associated with competition from imports, and policy measures (but not quotas) are needed. However, the likely employment effect of quotas and the inevitable foreign retaliation that would result is, in almost every instance, going to be negative.

The reason is that the employment opportunities in any industry depend, primarily, on the demand for that industry's product, less the volume of imports of that commodity. Demand for the product comes from consumers, from other industries, and from export demand.

Two things are generally overlooked in assessing the likely employment gains which might arise from quotas: 1) at higher prices of protected commodities, consumer demand will generally decrease; and 2) many products are exported indirectly. When an American firm exports a machine tool, for instance, that firm purchases steel, paint, packing materials, and a host of fabricated metal products from other American firms. As such, there are *indirect* exports of a variety of commodities which are seldom considered when evaluating the employment attributable to exports.

It would be extremely difficult to estimate the likely price increases, and associated decreases in domestic consumer demand, which might result from quotas. It is possible, however, to compute the *indirect* employment geenrated by American exports, and to contrast the direct and indirect employment opportunities resulting from American exports with those which would result by import replacement on an industry by industry basis. This is done in the remainder of this note.

To estimate the employment effects likely to result from quotas and the inevitable retaliation that would follow, data from the 1966 Census of Manufactures,[1] the 1963 input-output table of the American economy,[2] and 1966 export and import values were combined.[3]

The Census of Manufactures gives information on the number of workers per dollar of value-added (value of output less the value of inputs purchases from other firms) in each industrial sector, and also the average wage of production workers. The input-output table gives the purchase of each industrial sector from all the others per dollar of output. Combining these data with American export and import values, it is possible to compute what employment would have been had all goods which were imported been produced domestically (which is patently impossible, in some cases, because of lack of availability of raw materials). This hypothetical "quota-induced" employment can be contrasted with the direct plus the indirect employment actually generated by American exports in the same year. The results of this computation are given in Table I.

The first column of Table I gives estimates of the total number of jobs provided in each industry based on direct and indirect demand for exports. For example, 149,300 jobs in non-electrical machinery were attributable to direct and indirect exports. The second column gives an estimate of how many jobs, directly and indirectly, might have been provided, had all American imports been replaced with domestically-made goods on the assumption that costs would not rise, and consumer demand would be the same. Of course, this is an extreme assumption. For some products, such as pulp for paper, it would have been virtually impossible to produce enough domestically even at very high costs. At those costs, surely total American consumption would decline, so that these figures represent overestimate of possible jobs created. As can be seen, even in the industry where fewest jobs are dependent upon exports (footwear) relative to those that could be attained through replacing imports, the net potential employment gain is not large. Moreover, footwear is a commodity for which consumers decrease their purchases sharply in response to price increases. In general, the potential net employment gains are rather small and for most industries, there would be job losses.

Column (3) gives the ratio of the number of jobs attributable to exports (directly and indirectly) to the number which might have been created had the U.S. cut off all manufactured imports and produced the goods domestically. As can be seen, consideration of indirect demand alters the estimates of potential employment gains significantly. Steel is the most obvious case: direct exports of iron and steel in 1966 were $570.5 million, while imports were $1,477.2 million. Yet, when account is taken of indirect exports (in machinery, transportation equipment, and so on) the United States was, on net, a steel exporter. This is because American exports had a relatively high steel content, while American imports did not. Stated another way, if American manufactured exports ceased, and steel imports were cut off completely, the total demand for steel in the United States would decline, even without taking into account the effects of probably price increases on the quantity demanded.

Footnotes at end of article.

TABLE I.—EMPLOYMENT GENERATED BY EXPORTS, AND POTENTIAL IMPORT-SUBSTITUTING EMPLOYMENT

	Export employment (1)	Potential import employment (2)	Ratio (1)/(2) (3)	Exports/imports (4)	Average wage, 1967 (5)
Food products	52,700	68,000	0.77	0.75	4,702
Tobacco products	3,400	400	8.50	16.64	4,428
Yarn, textiles, and apparel	47,900	124,200	.38	.34	4,161
Lumber and wood products	35,700	67,600	.53	.41	4,211
Furniture	3,500	5,500	.63	.48	4,818
Paper and allied products	41,700	59,200	.70	.47	6,151
Chemicals	53,800	29,300	1.84	2.82	6,950
Plastics	21,600	13,200	1.64	4.99	6,631
Drugs	6,700	2,900	2.31	3.12	5,882
Paints	3,000	1,800	1.67	4.16	6,216
Petroleum refining	9,400	12,100	.78	.48	7,780
Rubber and plastic products	29,300	25,100	1.17	1.13	5,615
Leather products	1,900	4,700	.40	.51	5,310
Footwear	2,200	18,400	.12	.08	3,758
Glass products	11,900	11,100	1.07	1.03	6,170
Stone and clay products	15,300	18,300	.84	.66	5,776
Primary iron and steel products	87,600	86,300	1.02	.48	7,341
Nonferrous metal products	37,300	54,300	.69	.38	6,674
Fabricated metal products	79,900	46,600	1.71	2.43	6,364
Engines and turbines	16,000	4,200	3.81	6.68	7,740
Farm machinery	13,100	7,800	1.68	1.59	6,393
Other nonelectric machinery	149,300	48,900	3.05	4.67	6,899
Electric machinery	138,600	80,900	1.71	1.85	5,757
Transport equipment	134,600	76,200	1.76	1.49	6,184
Instruments	34,900	18,900	1.85	1.80	6,041
Total	1,031,300	885,900			

This same general result holds in many other sectors: in non-ferrous metals, American exports are about one-third of imports. This, of course, is partially attributable to the fact that copper and other nonferrous metals must be imported. Even so, many of our exports (fabricated metal products, transport equipment, etc.) have relatively high nonferrous-metal contents, and so our actual position is that exports are about two-thirds of imports when indirect demands are included.

For all the industries listed in Table I, total employment generated by exports of manufactured commodities in 1966 amounted to 1,031,300 jobs. The potential in import-competing industries was 885,900 jobs; on net, there were 145,400 more jobs than there would have been in the absence of trade. These computations take into account production workers only; were non-production workers considered, the total employment effect would appear even larger.

Column (4) gives the ratio of the value of exports to that of imports in 1966. Comparison of those ratios with those in column (3) provides an easy way of estimating the importance of indirect demands by industries. When the ratio of exports to imports is above the ratio of direct and indirect employment effects, it implies that the industry's exports, on net, contain products from other sectors. When the ratio of exports to imports is below that in column (3), it implies that products of that industry were, on net, indirectly exported by other sectors. Generally speaking, for those sectors where there was a negative trade balance (a ratio of less than one in column (4)), indirect demands resulted in more exports than were apparent from the trade statistics, and conversely.

Inspection of the data indicates that there are very few industries where employment gains might be substantial through the imposition of quotas; these include yarn, textiles and apparel, and footwear. In all other sectors, there are either potential employment losses, or very small gains which would probably not be realized as consumers cut back demand. In some cases, too (e.g. paper and allied products), the reason for imports is the raw-material based nature of the industry; producing as much domestically would be nearly impossible.

One last item appears in Table I: the average annual wages, in 1967, of workers, by industry group. In general, wages are high in those industries which are export oriented. This reflects the fact that the American competitive advantage in international trade lies in the skills of its people. A trade war, and consequent reductions in American exports, would not only adversely affect total American employment, but it would also result in a reduction in the average wage level of American workers, as jobs lost would be in high-wage industries, while the additional import-substituting jobs would be in lower-wage industries.

It is evident that American consumers, American business, and American workers have a great deal to lose by the imposition of quotas, and their probable consequences. A few workers, in footwear, textiles, and apparel might gain, but their gains would be relatively small. The price paid for these gains, by the rest of society, would be enormous.

These considerations, and the data in Table I, suggest that there are better ways to meet the problems of those producers and workers in the few industries where foreign competition leads to real hardship. There are very few of them, but the problems for workers in those industries are very real. Those workers are generally less skilled than those in other industries, and hence would have difficulty locating other jobs. The long-run solution lies in providing training opportunities for America's young people, so that the low-wage, low-skill industries can grow less rapidly than the economy as a whole. For workers now in the affected industries, if retraining is impossible, an alternative is assistance to the affected firms to provide job opportunities in the short run. Such assistance, which has already been provided to "distressed areas", would solve the problem of the existing workers and firms in the industry. without imposing the very high costs of a trade upon the American people.

FOOTNOTES

[1] Bureau of the Census, *Census of Manufacturers*, 1967.

[2] Presented in the *Survey of Current Business*, November, 1969.

[3] The year 1966 was chosen because that was the most recent year for which data were available on a commodity classification comparable to the input-output table and the Census.

Mr. SEIBERLING. Mr. Speaker, the gentleman from Florida (Mr. GIBBONS), deserves great credit for obtaining this opportunity to start a long overdue discussion in the House concerning our international trade policy.

I have been increasingly concerned about this problem for several years. While the President's belated action on August 15 made a beginning toward developing a new trade policy for the country, there is obviously a long way to go.

The problems of multinational corporations, of imports, of the export of know-how, of the growth of trade barriers and new trading blocs, of the increasing competitiveness of foreign industry, research and development investment, and even of national priorities are all interrelated. They have been developing for a long time. It just happens they have been brought to a climax at this time as a result of our Nation's profligate policies in Vietnam.

I am not only concerned, but my constituents are concerned. For them the issue is very simple—jobs. I intend to do everything I can to help protect their jobs and to restore jobs to those who have lost them. I am sure this objective is shared by most Members of Congress. The question is how to do it without creating even more serious difficulties?

Mr. GIBBONS and I, among others, have spent much time in recent months conferring with economists and other experts in this field. I hope that the Ways and Means Committee will itself conduct hearings where these problems can be explored in all their scope and depth. In the meantime, I believe it would be helpful to offer some of the material that we have received from experts in the course of our conferences with them.

On November 4, Mr. Edward Fried, senior fellow at the Brookings Institution addressed a bipartisan group of Representatives and Senators on the question of foreign trade and the U.S. national interest. He did not have a prepared text but has made available to us the outline from which he spoke.

Mr. Fried was from 1967–69 a senior staff member of the National Security Council with responsibility for Western Europe and International Economic Affairs. From 1965–67 he was Deputy Assistant Secretary of State for Economic Affairs. Prior to that time he held responsible positions in the White House staff of President Johnson and in the State Department's policy planning Council, where he had responsibility for Foreign Economic Policy. He is a distinguished public servant and economist. In preparing his talk, he was assisted by another economist of the Brookings Institute, Fred Bergsten.

Mr. Fried's outline follows:

FOREIGN TRADE AND THE U.S. NATIONAL INTEREST

I. A LOOK AT CURRENT ARGUMENTS FOR PROTECTIONISM

A. Foreign trade is creating unemployment:

1. In 1968 and 1969 the trade surplus went down, but so did unemployment. In these two years, unemployment reached its lowest level in 20 years, despite the lowest two-year trade surplus in the postwar period.

2. An equal reduction in US exports and imports, which would probably result from a trade war, would reduce US jobs and incomes. The job content of a dollar of US exports is greater than the job content of a dollar of US imports.

3. Even when the trade surplus is low there are more jobs in exports than in imports:

4. The US trade surplus went down in 1968–71 primarily because prices got out of hand domestically, which over-stimulated imports and led to overevaluation of the dollar. Present policy is aimed at both these problems: reducing inflation and achieving a realistic exchange rate for the dollar.

5. The employment effects of foreign trade are in any event small in relation to normal job requirements of US economy. US needs to create 1.5 million new job opportunities every year to employ normal additions to the labor force, whereas annual job effects from foreign trade (plus or minus) is on the order of 0.1 million. If we can regain 4-5% real growth a year—the average for the 1960s—full employment would be readily achieved.

6. The basic function of foreign trade is to increase productivity and income—not to create jobs. Achieving full employment depends primarily on domestic fiscal and monetary policy—not foreign trade policy.

B. US is investing and licensing itself out of exports and out of jobs:

1. There is no reliable evidence that foreign investment has on balance either reduced or increased exports. The mid 1960s were years of high US trade surpluses, high foreign investment, and declining unemployment.

2. Investment and licensing abroad can increase international specialization and contribute to investment in higher paying jobs at home.

	Trade balance (billions)	Jobs (millions)	
		Exports	Imports
Year:			
1966	$3.8	2.5	1.8
1969	1.2	2.7	2.5

C. Other countries are taking advantage of the US because we have overplayed the benefactor role and sold out our economic interests to buy foreign policy goals.

1. The US has legitimate complaints against:

Agricultural protectionism in Europe and Japan

Government procurement policies and other non-tariff barriers in Western Europe and Japan

Japanese administrative practices that restrict imports.

2. But these countries have legitimate complaints against the US. US quotas and voluntary restraints cover more trade than those of any other country, including Japan. The

US has more high tariff categories (above 20%) than anyone else. And we have our own Buy American rules and other non-tariff barriers.

3. In aggregate terms—Post-Kennedy Round tariffs among the major countries are not far apart. Weighted average tariffs are:

EEC	6.0
U.S	7.1
U.K	7.6
Japan	9.7

4. In sum, the US has received its share of trade benefits and commited its share of trade sins. Serious trade problems exist now and will arise over the future. They can only be managed through reciprocal multilateral bargains.

II. WHAT THESE ARGUMENTS IGNORE

A. International economic cooperation pays off in economic terms. Growth and prosperity in other countries contribute to US prosperity and jobs. If their economies now falter, our economy will suffer.

B. Trade is an important weapon to combat domestic inflation. Imports hold prices down and encourage efficiency in domestic industry.

C. Protectionism would involve substantial US political losses in Western Europe and Japan—with potentially significant adverse consequences for US security and higher US defense costs.

III. EXCHANGE RATES, TRADE, AND ALTERNATIVE POLICIES

Proper exchange rates affect trade and jobs positively, while protectionism affects trade and jobs negatively. The present international economic impasse provides an opportunity to move in either direction, with very different domestic and international consequences.

A. The U.S. can seek a reasonable settlement on monetary issues, avoid a breakdown in international cooperation and a trade war, and move toward a reduction of trade barriers. This will mean higher incomes and more jobs in the U.S.

1. New exchange rates, which other industrial countries agree are necessary to restore equilibrium to the U.S. balance of payments, would produce a U.S. trade surplus of $3–4 billion over the next two years or so. Exports would rise and U.S. industries could better compete with imports here.

2. Such a turnaround would create 500,000 additional jobs in the U.S. Many would be in the high paying capital goods and chemical industries, where our export surplus has steadily increased. In 1969, machinery exports alone (e.g. machine tools, computers and business machines, aircraft, and construction and farm machinery) involved 700,000 jobs.

B. *Or* the U.S. can move toward more quotas and trade restrictions. This would sacrifice the opportunity to set exchange rates right and to achieve reductions in foreign trade barriers. In addition, it would trigger retaliatory action by others and actually reduce levels of trade. The consequences would be:

1. Some gain in low income jobs but a much greater loss in high productivity jobs.

2. An increase in consumer costs and greater difficulty in regaining price stability. Present U.S. tariffs and quotas cost the consumer an estimated $10–15 billion—equivalent to about a 3% rise in the cost of living. Maintenance of the import surcharge and additional quotas would greatly increase these costs.

3. Adverse foreign policy consequences, which could dwarf the direct economic costs and ultimately add greatly to them.

IV. THE IMPACT OF CURRENT TRENDS IN THE WORLD ECONOMY

1. Rapidly accelerating wage rates in Western Europe and Japan are sharply narrowing the wage differential with the US.

2. Two-way investment is increasing, with foreign capital financing new US jobs.

3. There is increasing specialization within industries, rather than competition between whole industries, easing the adjustment to expanded international trade.

4. Economies are becoming increasingly oriented toward services rather than the production of goods, with jobs less affected by trade.

(60% of the US labor force is already engaged in services—health, education, trade, finance, transportation, etc.—and primarily interested in foreign trade as consumers. This proportion will rise to 70% by the end of this decade, and a similar trend is evident in Western Europe and Japan.)

5. These trends are all increasing the benefits of, and reducing the dislocations from, closer international economic cooperation.

V. POLICY DIRECTIONS

A. First priority is to achieve (a) a satisfactory realignment of exchange rates; and (b) international monetary reforms that will keep all countries, including the US, close to balance of payments equilibrium. The US gains immediately from these monetary improvements through a strengthening of its competitive position. But other countries will also gain from the assurance of continued world prosperity. US protectionist measures would be contrary to US interests because they would gravely jeopardize these prospects and would be self-defeating.

B. The US should move toward a renegotiation of GATT, as it is now renegotiating Bretton Woods.

1. The objective should be to build a framework of international rules and cooperation that meet the needs of the 1970s, and achieve for the future the same kind of benefits that the present GATT framework achieved in the past.

2. In this connection we should:

Explore the prospects of achieving a tariff-free world, both to maximize benefits from trade and to remove the trade effects of preferential areas on US exports.

Develop new provisions for agricultural trade and production, and for other non-tariff barriers.

Consider developing international rules for foreign investment.

3. This will be a lengthy process. If it is to be successful, the US must be prepared to make its share of concessions and adjustments.

C. We should seek a general approach to alleviate problems arising out of job dislocations from all forms of structural change in the US economy, including those from foreign trade.

1. A greatly improved adjustment assistance program is needed now to deal with job dislocations from foreign trade.

2. We should recognize, however, that adjustment assistance from foreign trade covers only a very small part of a more general problem. Even with full employment, sizable job dislocations occur from changes in consumer tastes, technological change, geographic shifts of industry, changes in government defense spending, and anti-pollution measures. These shifts dwarf those arising from foreign trade. Between 1968 and 1971 changes in defense spending alone reduced military and military-related employment by 2 million.

3. Providing new forms of income security and job retraining for workers who have a considerable job investment in threatened industries, and could not readily move to other industries, could ease the problems arising out of structural change. This would also facilitate policies in such fields as defense and the environment that would benefit US society as a whole.

4. There are many difficulties in moving in this direction. However, a program of this kind may be essential to achieve full employment with price stability in the 1970's.

Mr. HAMILTON. Mr. Speaker, the United States is the largest trader in the world. In 1970, we exported $42 billion worth of goods and imported $39.9 billion. Our exports alone constitute one-sixth of the world's total, and our imports one-seventh.

Trade is vital to our Nation. It promotes the kind of world we want, combats inflation, produces jobs, encourages prosperity, aids our balance of payments, and encourages effective use of resources.

ADVANTAGES OF TRADE

First. Trade promotes the kind of world we want. The United States for more than three decades has been the principal proponent and initiator of measures to reduce restrictions on the movement of goods and services across national boundaries. This Nation turns its back on such a course only at its peril.

Trade helps to maintain a peaceful, strong, and productive world. As President Nixon has said:

> We seek an open world—open to ideas, open to the exchange of goods and people—a world in which no people, great or small, will live in angry isolation.

This view reaffirms the consistent position of every President since the depression. President Johnson noted that continued trade flows means—

> New factories, more jobs, lower prices to consumers, and higher incomes for American workers and for our trading partners throughout the world.

President Truman also recognized the merits of trade when he said that—

> The United States will continue its efforts with other countries to expand trade by the reduction of elimination of barriers, and thus to build up the strength of the free world.

The growth of trade, based on mutual cooperation, reduces international friction and misunderstanding. It encourages man to turn his energies and ingenuity to peaceful and rewarding pursuits.

Second. Trade combats inflation. Trade is an important weapon in the fight against domestic inflation. Import competition holds down prices on domestically produced items, and provides more freedom of choice for many products, such as radios, footwear, clothing, and dairy products.

For producers, trade encourages efficiency in production techniques. As production costs decline, prices decline and the market for U.S. goods, both at home and abroad, improves. Costs of primary materials and components needed by our industries are also held down by the continued flow of imports.

Third. Trade produces jobs. Our stake in world trade is enormous in terms of jobs. Every $1 billion of goods and services we export supports 100,000 jobs. Taking the 1970 export level, this means that the jobs of 4.2 million Americans were directly dependent upon a continued market for our goods abroad. When combined with employment involved in imports, the figure exceeds 4.5 million workers.

Jobs in exports have a multiplier effect, as well. For every 100 jobs directly involved in producing items for export, there are 125 jobs in other industries indirectly involved in producing components for such items. Moreover, jobs directly associated with exports generate jobs to produce food, clothing, and housing for export workers, as well as jobs to erect the factories and build the machinery used by export industries.

Imports also create and support jobs for American shippers, transportation workers, and retailers. They keep factories running which might be idled or slowed down, if raw materials or component parts not available in this country were cut off.

American workers have a large stake in continued world trade. Weekly pay rates in major export industries are 10 to 30 percent higher than they are for manufacturing industries as a whole.

Economist Edward Fried has estimated that international cooperation in the reduction of trade barriers can mean 500,000 additional jobs in the United States, many of them in the high-paying capital goods and chemical industries, where our export surplus has steadily increased.

The basic function of foreign trade is to increase productivity and income—not to create jobs. Achieving full employment depends chiefly on the appropriate fiscal and monetary policies, not foreign trade policy, but, nonetheless, more jobs are an important aspect of expanding trade. Foreign trade has not created unemployment, as is often alleged, but rather it has created jobs.

Fourth. Trade maintains prosperity, at home and abroad. Expanding trade means busier factories, more profits, increased investments and a rising standard of living.

Our economy has been considerably bolstered by trade. In the 25 years since the end of World War II—1946 to 1970, our trade balance has been in surplus to the tune of $123.7 billion. Without that surplus, our balance of payments would be an economic disaster.

Trade is a two-way street. The strength of foreign economies contributes to the strength of our economy. Other countries cannot buy from us unless they earn dollars by selling to us.

Though we have exported more than we import, our trading partners have still earned over $405 billion in revenues through selling goods and services to us during that same 25-year period. We could buy from them because they had bought from us. Our exports cannot be expected to increase if foreign countries do not have their own export earnings to use. Clearly, the economies of trading nations are inextricably entwined for their mutual benefit.

Two-thirds of our foreign purchases are materials which we do not or cannot readily produce. Finally, imports generally stimulate efforts to increase efficiency, encourage improvements in quality, and spur technological refinements. In this sense they can be a boon to exports. As production costs decline and product quality improves, the market for U.S. export goods improves and industries threatened by imports are better able to compete.

Fifth. Trade encourages efficient use of resources. Trade forces countries to adhere to what economists call the theory of comparative advantage, whereby we export what we produce best and import goods that are not efficiently produced or just plain unavailable here.

Each trading country is looking for "best buys," where stressing the domestic production of certain items can result in savings from large-scale production, intense specialization, or low transportation costs. These items are the mainstay of our export market, and include such things as chemicals, pulp mill products, engines and turbines, and agricultural products.

Sixth. U.S. agriculture has a stake in trade. Farmers in particular have a large stake in our export trade. We are the world's largest exporter of farm products. Worth $6 billion in 1969, agricultural exports represented about one-sixth of the value of all U.S. shipments abroad, and in some years they have run as high as one-fourth of the value.

U.S. farmers supply about one-fifth of the world's agricultural exports. The crops from one out of every four acres harvested are exported. For certain crops, exports are especially important. Recently, we have exported on the average: 60 percent of our wheat, 81 percent of our dried peas, 42 percent of our soybeans, and 33 percent of our tobacco.

Agriculture makes an important contribution to the U.S. trade surplus. The excess of farm exports over imports in 1969 was nearly $1.1 billion.

Exports are important for the farmer because: exports provide employment for one out of every eight farm workers, they account for 17 cents of the farmer's market dollar, and for five of his major crops—soybeans, rice, wheat, grain sorghums, and raw cotton—exports are nearly 40 percent of his sales.

Seventh. Indiana's stake in trade. Our stake in world trade is brought closer to home when we turn from the national to the State level. In the case of Indiana, export sales of manufactured goods climbed 51 percent, to $998.5 million, in the period of 1966 to 1969. This was faster than the total U.S. export growth in these products, and ranked the State ninth in the Nation as a supplier to foreign markets.

Indiana also ranks among the top 10 in the exportation of agricultural commodities. The State's share of U.S. farm exports was estimated at $305 million in 1969–70, twice as much as it was a decade earlier. It is the third largest exporter of two important farm commodities that have seen rising demand abroad: soybeans and protein meal.

Mr. FRASER. Mr. Speaker, on November 12 and 13 I held a day and a half of hearings in Minneapolis on the new economic policy. Representatives of business, labor and the academic community testified along with interested citizens.

The subject of international trade was a recurring theme in many of the statements presented. Witnesses discussed several aspects of the trade picture, including the actions taken by the President and the move toward protectionism.

I would like to quote from a few of these statements to give you some idea of the interest Minnesotans have in this vital issue.

Mr. Edward Vinokur, director of world trade and transportation, Minnesota Department of Economic Development, discussed the importance of world exports to the economy of Minnesota. He stated that in 1970 approximately $500 million in manufactured goods were exported abroad from the State of Minnesota. Agricultural exports from the State reached approximately $275 million. This total of $775 million in exports for 1970 surpassed the 1971 projected goal by $25 million. The attached report, prepared by the U.S. Department of Commerce, identified Minnesota's major exports as of 1969.

[From State Export Origin series, April 1971]

EXPORTS FROM MINNESOTA, 1969

HIGHLIGHTS

Exports of manufactured goods from the State of Minnesota had an estimated value of $492 million in 1969;

Agricultural commodities shipped from the state to foreign destinations were estimated at $276 million in fiscal year 1969–70. Minnesota ranked ninth among the states in total value of agricultural exports and 10th on a per capita basis;

Iron ore exports from the state were valued at $21 million in 1969.

MANUFACTURED EXPORTS

Minnesota's exports of manufactures nearly tripled in the period 1960–69 to a level of $492.2 million. Over one-half of the trade gain was realized in the final three years. The rapid expansion in foreign sales boosted the state's national ranking from 24th place at the beginning to the 17th at the end of the sixties.

Export gains stemmed primarily from spectacular increases achieved by Minnesota's nonelectrical machinery industry. On top of large advances in 1960–63 and 1963–66, shipments abroad nearly doubled in the brief span of 1966–69 to a value of $243.3 million. Thus, nonelectrical machinery represented about one-half of the state's total manufactured exports, as compared to only one-fourth in 1960. Office and computing machines dominated this trade.

Products of the state's transport equipment and instrument industries have also shown considerable buoyancy. Exports of transport equipment, consisting overwhelmingly of motor vehicles and equipment, rose from only $9.3 million in 1963 to an estimated $52 to $57 million in 1969. (Disclosure regulations prohibit the publication of more specific information.) The spurt in shipments was influenced by the U.S.-Canadian Automotive Products Agreement of 1965, which provides for duty-free treatment of motor vehicles and original equipment moving between the two countries.

Foreign marketing of instruments and related products doubled in value between 1963 and 1969, reaching $27.5 million. Engineering and scientific instruments were in the forefront of the rise, with photographic equipment and supplies providing additional gains.

After expanding by 100% between 1960 and 1966, Minnesota's foreign sales of food and kindred products declined by nearly one-tenth to $66.3 million in 1969. Deliveries of grain-mill products dropped in recent years, although increases were noted in meat products and canned, cured, and frozen foods.

Survey results have shown a downward trend in exports of electrical machinery throughout the sixties. The 1969 estimate of $19.7 million was less than one-half of the 1960 value. This slippage is, however, inconsistent with increased production and employment reported by the industry and may reflect the survey's exclusion of relatively small manufacturing establishments.

The state's economy benefits from goods produced not only for direct shipment to foreign destinations but also for ultimate exports through other states. Such indirect exports are of particular importance in industries whose products require further processing or constitute components and parts for assembly into machinery or transport equipment. To avoid duplication, the finished products delivered abroad by exporters are credited at their full value to the state responsible for the final manufacturing process.

Minnesota's principal center for export production is the Twin Cities area, Minneapolis-St. Paul. About four-fifths of the state's transport equipment for the foreign market are made there. Duluth also supplies manufactures, notably nonelectrical machinery, for export.

AGRICULTURAL EXPORTS

Minnesota's agricultural exports are more diversified than those of most other states and provide a significant portion of its farm income. Foreign market sales accounted for 14% of the state's cash receipts from farm marketings in fiscal year 1969–70.

The state's share of U.S. farm exports, including some manufactures of agricultural origin, was estimated at $275.6 million in 1969–70, a modest increase of 15% in four years. A substantial export gain of 76%, however, was recorded for the full decade. Minnesota was ninth among the states in total value of agricultural exports and 10th on a per capita basis.

Minnesota led in exports of dairy products with sales of $35.2 million, or 32% of the nation's total. Its foreign deliveries of these products were about one-third higher than in 1965–66. Exports of soybeans, the principal farm commodity shipped abroad by the state, climbed even more rapidly to $72.7 million, 43% above their value, four years earlier. In the movement of feedgrains, however, there was a 16% decline in the same period, to $52.3 million.

Among other significant farm exports, shipments of protein meal more than doubled to $22.5 million, but wheat and flour dropped by one-fourth to $21.7 million. In meats and meat products and in flaxseed, in both of which Minnesota ranks third, foreign sales were valued at $8.9 million and $2.9 million, respectively.

MINERAL EXPORTS

Minnesota's exports of iron ore in 1969 reached the low point of the sixties. Foreign sales were valued at $21 million, a drop of 45% from 1966.

(See tables on exports of manufactures and shares of agricultural exports.)

STATE OF MINNESOTA: ESTIMATED EXPORTS OF MANUFACTURED PRODUCTS, PRODUCTION, AND EMPLOYMENT, BY INDUSTRY GROUP

[In millions of dollars, except as indicated]

Industry group	Estimated exports of manufactured products							Manufacturing 1967	
					Percent change		Percent of U.S. exports 1969		
	1969	1966	1963	1960	1966 to 1969	1960 to 1969		Production	Employment (thousands)
Total	492.2	326.5	222.1	171.6	+51	+187	1.7	9,443	[1]300
Nonelectrical machinery	243.3	131.5	74.5	46.9	+85	+419	4.0	1,565	53
Food and kindred products	66.3	72.6	42.2	36.3	−9	+83	3.1	3,298	49
Transport equipment	(52–57)	22.9	9.3	([2])	([2])	([2])	([2])	338	9
Instruments and related products	27.5	18.7	13.8	([2])	+47	([2])	2.5	231	9
Miscellaneous manufactures and ordnance	25.8	18.5	19.8	16.9	+39	+53	2.4	[3]136	[3]8
Electrical machinery	19.7	21.4	33.5	45.0	−8	−56	.8	573	25
Chemicals and allied products	(10–25)	(5–10)	6.2	7.0	([2])	([2])	([2])	392	6
Paper and allied products	9.0	8.8	6.8	8.8	+2	+2	1.1	683	18
Fabricated metal products	6.5	8.8	5.4	4.9	−26	+33	.6	469	18
Textile-mill products	(1–5)	(1–5)	1.2	.6	([2])	([2])	([2])	40	3
Apparel and related products	(1–5)	(1–5)	1.6	1.6	([2])	([2])	([2])	127	9
Lumber and wood products	(1–5)	(1–5)	2.1	1.6	([2])	([2])	([2])	165	6
Printing and publishing	(1–5)	(1–5)	1.4	1.1	([2])	([2])	([2])	407	24
Rubber and plastics products, n.e c.	(1–5)	(1–5)	(1–5)	([2])	([2])	([2])	([2])	([4])	([5])
Stone, clay, and glass products	(1–5)	(1–5)		([2])	([2])	([2])	([2])	160	7
Primary metal products	(1–5)	(1–5)	.7	([2])	([2])	([2])	([2])	170	8
Furniture and fixtures	(0–1)	(0–1)	.2	([2])	([2])	([2])	([2])	65	3
Petroleum and coal products	(0–1)	(0–1)	(0–1)	([2])	([2])	([2])	([2])	175	2
Leather and leather products	(0–1)	(0–1)	.2	([2])	([2])	([2])	([2])	([4])	([6])
Undistributed by industry group	94.1	23.3	3.2	.9				449	[1]43

[1] Includes administrative and auxiliary employment of 23,900.

[2] Comparable data not available.

[3] Excludes ordnance.

[4] Withheld to avoid disclosing figures for individual companies.

[5] 2,500 employees.

[6] 1,000 to 2,499 employees.

Note: Export values are f.o.b. producing plant. Data for 1960, 1963, and 1966 have been revised from those in the State Export Origin Series issued April 1968. Production is represented by shipments, i.e., net selling values f.o.b. plant; data may include duplication arising from intrastate shipments between establishments.

Source: "Survey of the Origin of Exports by Manufacturing Establishments, 1969" and "1967 Census of Manufactures Minnesota," Bureau of the Census.

Mr. Vinokur indicated that the success in surpassing the projected goal could be attributed to increased purchases of soybeans, soybean products, feed grains, manufactured goods, electronic equipment, and electrical manufacturing materials. The entrance of many small and medium size companies into the export business also contributed significantly to this success.

Another major factor in determining the importance of exports to the economy of Minnesota is the employment resultant from these exports. Many jobs in the State are created due to exports, both in manufacturing and in the agribusiness sector, according to information provided by the Commerce Department and interviews conducted with various Minnesota companies. The Port of Duluth offers an example of the importance of exports in providing employment. Over 2,000 jobs at the port are a direct result of the export activities centered there.

Mr. Russell W. Laxson, vice president of Honeywell, Inc., based in Minneapolis, provided some interesting statistics on the effect of the multinational company on the U.S. economy:

Honeywell has worked with a number of government and private groups to study the impact of multinational companies on this country's economic climate. Recently one of those groups, the Emergency Committee for American Trade (ECAT), conducted a survey of 40 firms who were members of ECAT. The survey has returned some very important information:

From 1964 to 1969, these firms reported increased domestic employment "from 1.9 million to 2.5 million, a gain of over 27%. During the comparable period, total manufacturing employment in the United States increased by only 16.8%, from 17.3 million in 1964 to 20.2 million in 1969—a rate considerably below that for the multinational companies."

Thirty-seven of these firms reported "increased employment during the period 1964 to 1969; two reported virtually no change, and only one reported a significant decline in employment, which was due solely to competitive developments in the U.S. market."

The median increase in domestic employment with the multinational companies from 1964 to 1969 was "29% while the upper quartile and lower quartile gains were 42% and 18%, respectively. The employment gains in the lower quartile firms even exceeded the average increase in all manufacturing employment during the corresponding period."

In part because of the physical presence in foreign markets, the companies surveyed achieved a "net export surplus, i.e., a surplus of exports from the U.S. over imports into the U.S., of $5.4 billion in 1968 and $4.8 billion in 1969. (The decline in the latter year was substantially attributable to a reduction in exports of aircraft and parts in 1969.) Over two-thirds of the companies surveyed increased their net export surpluses from 1968 to 1969, and these enormous export surpluses of $5 billion annually lead to employment in our domestic plants of approximately 500,000 American workers."

In 1968 and 1969, the companies "repatriated $1.2 and $1.3 billion respectively in earnings to the U.S. These repatriated earnings (net of foreign taxes) represented a return on equity invested of 9.9% in 1968 and 9.2% in 1969."

DANGERS OF TRADE WAR

Several of those testifying expressed concern that retention of the import surcharge for much longer will result in reciprocal tariffs and lead to a trade war.

William F. Ogden, Jr. of the First National Bank of Minneapolis stated that:

as a result of the 10% surcharge, we have already seen a reduction in orders for imported merchandise which reflects the uncertainty in the minds of many U.S. companies as to how they should shape their future plans. Although the surcharge provides an immediate and useful tool in negotiating the elimination of tariff and non-tariff barriers to U.S. exports, its effectiveness will diminish over a period of time. In any event, it should be concentrated against specific barriers in specific countries, and not as a general barrier. If it persists, it will lead, undeniably, to reciprocal barriers which will result in lower volumes of international trade. This will mean less jobs and lower standards of living for all Americans. The surcharge should be lifted by March, 1972. It must not be used to protect domestic industries from fair foreign competition. Assistance to inefficient domestic industries who are seriously affected by Foreign competition should be in the form of relocation and retraining allowances.

Lloyd Brandt, executive director of the Minneapolis Chamber of Commerce, testified that:

In general, the Chamber supports the actions taken by the President as they relate to the international sector. Certainly the relationships between various currencies had gotten out of line and the action of freeing the dollar appears to be necessary as a temporary measure. The 10% surcharge on imports as a part of the package and as a temporary measure probably was unavoidable. However, we believe that every effort must be made to bring currencies into relative balance and to revoke the 10% surcharge.

Unfortunately, the longer the surcharge remains in effect, the easier it is going to be for various segments of our population to insist that it remain a permanent feature of our international trade posture. While retaliatory measures at this time have been very limited, the continuance of the surcharge for any period of time or the enactment by the Congress of other restrictive measures may well bring about massive retaliation from our trading partners. This must be avoided at any cost.

Mr. Vinokur stated that Japan is primary purchaser of the power transmission equipment manufactured in Minnesota. Before the 10 percent surcharge was imposed, the duty on this equipment was very reasonable and it was accepted into Japan as AO—automatically approved. Now Japan requires import licenses for this same equipment. There has been a cutback in orders to Japan as a result of this action.

GROWING PROTECTIONISM

Witnesses were also alarmed at growing protectionist sentiments in the country. Mr. Brandt was one of many who expressed this concern:

"The trend in the United States toward isolationist policies has developed strongly ever since the passage of the 1962 Trade Expansion Act. We agree that the United States' negotiating position in the past has perhaps not fully met the expectations of the American people and we highly endorse the changes in the last few years that have seen the enforcement of laws currently on the books such as the Anti-Dumping Act, Countervailing Duties, etc. But this is not the time for import quotas, nor is it the time to deal harshly with multi-national corporations. We are disturbed at the introduction of the Burke-Hartke Bill (S–2592, H.R. 10914) which would have very extreme ramifications if allowed to become law. At this particular time, we urge moderation and reason in the development of international trade policy which will be fair to both the United States and our trading partners around the world.

Michael Prichard, an officer in the Minnesota World Trade Association, outlined the principles he believes Congress should follow in considering any proposals affecting foreign trade and investment:

First. it is my contention that mankind can best prosper and survive in a world in which men are free to trade goods and services. The United States itself is a huge market in which barriers to trade have, to a large degree, been eliminated. The European Common Market is making significant progress in eliminating barriers to trade among its member nations. A long-range foreign policy goal of the United States should be the worldwide elimination of barriers to trade.

Second, we must recognize that the world monetary system has serious deficiencies which, although structural in nature, can profoundly affect the economies of the world. Although it may not have been feasible for political reasons, many of our present troubles could probably have been averted if we had been willing to devalue the dollar vis-a-vis gold, rather than adhering to a system which provided for considerable inflexibility in the rates of exchange among the major currencies of the world. Far-reaching changes in the world monetary system may be necessary at this time. The best talent available in the United States and the rest of the world should be used to develop these changes, and the United States should be prepared to accept a less important role for its dollar in any new system which is devised. In connection with a new world monetary system which may be devised, the United States may be required to submit to some degree of supervision by a world monetary authority on matters which could affect its internal economy. We must realize that our domestic economic policies have repercussions throughout the world and in a new monetary system it would be equitable to afford an opportunity for other nations to be heard.

Third, the United States should adopt as one of its goals the maintenance of a flexible production base (and hopefully, a fully employed, innovative and diversified production base, as referred to in the Preamble to H.R. 10914). This would mean utilizing our human, natural and financial resources to best maintain and improve our competitive position in world markets, and may mean that production of goods which have historically been produced in the United States would decline as a result of market forces. In my opinion, production of goods which are not competitive in world markets should not be artificially continued and maintained. I think it is a proper role of government to assist workers in industries whose production has rapidly declined as a result of sudden changes in world markets, until the workers are able to find employment in other industries. I do not think it is a proper function of government to support industries which are not competitive in world markets.

Fourth, a mechanism should be provided to give the President, or some other appropriate representative of the United States, authority to negotiate with foreign governments on a broad scale with respect to trade practices, and a broad range of non-tariff barriers to trade, with a view toward reciprocal elimination of such barriers.

Fifth, the United States Government should maintain an atmosphere in which those of our industries which are competitive internationally can expand and prosper.

Sixth, it is my opinion that our present economic and financial situation, domestically and internationally, is largely a result of the conduct of the Viet Nam war. This was conducted for a very long period of time without the imposition of wage and price controls. It has also resulted in a very heavy drain on our balance of payments. Hopefully, an end is in sight.

The most disturbing aspect of the wage-price freeze, the import surcharge, and the proposals of H.R. 10914, is the apparent willingness of the United States Government and a large segment of American society to move from a free enterprise economy to a government controlled economy, not merely as a very short run measure to correct a temporary situation, but as a longer term measure. While quantitative controls on imports, prohibitions on foreign investments, and tax and similar measures may all be legitimate short-term tools, they are not effective for curing basic ills, namely imbalance in monetary parities and huge fiscal deficits. In my opinion, the consumer, rather than the government, should determine what he will buy. If the United States automobile oligopoly will not produce a car responsive to consumer demand, the consumer should not be prohibited by government from buying a foreign car which meets that demand. If there is some aspect of the sale of that car in the United States which is truly "unfair," we should concern ourselves with that aspect. In my opinion, an investor, rather than the government, should determine where he will invest his funds. His decision will be made on the basis of expected return, risk and similar factors. The development of our country until the early part of this century was heavily dependent on the availability of European capital, and the only way the economies of the underdeveloped nations of the world will develop is through the transfer of capital and technology from abroad.

One witness presented his testimony on the international trade question from a very interesting and important perspective. Mr. Eugene Harrison is a representative of the British Trade Council and is currently stationed in Minneapolis. I would like to request that Mr. Harrison's entire statement be included in the RECORD.

At the important meeting of the International Monetary Fund (IMF) in September, Mr. Anthony Barber, our chancellor of the exchequer said: "The problems faced by the United States administration, both as to the balance of payments and as to the domestic American economy, are immense.

Here is a nation which over the years has shown a generosity unparalleled in history. A people who have been prepared to back one administration after another in their actions to fortify the industrial world and to aid the developing world.

They are now entitled to look to their friends and to call for a common solution to a common problem.

Having said that, my question is whether or not we are going the right way about solving this all important common problem.

The U.S. move to protectionism cannot be the right answer surely?

PROTECTIONISM

Did protectionism create Hitler?

The Wall Street Journal of October 26, 1971 headed an important editorial: "Did protectionism create Hitler"? It went on to illustrate that U.S. protectionism brought on the Smoot-Hawley Tariff legislation of 1930 which set in motion a series of international moves that inhibited the movement of trade and money.

Foreign trade withered, prices fell precipitately and all values plummeted. U.S. unemployment rose from 5½ million to 11 million in 6 months.

The world was plunged into the deepest depression ever recorded. Protectionism certainly watered the soil that could nurture a Hitler.

U.S. TRADING PARTNERS

Let us look at the United States present trading position: your trading partners are now much stronger in every way since the 1950's. And growing from strength to strength.

This is, of course, in many cases, due to the large effective and generous aid given by the United States after World War II.

Japan and Canada have substantial balance of payment surfeits—with the entry of Great Britain and others into the Common Market we will have a huge and wealthy market of 255 million people. In other words—the large trading partners and blocks are dealing from strength. Hence, there is the danger of starting a huge trade war and bringing on another awful depression all over the world. "When the U.S. sneezes, the rest of the world catches a cold."

EUROPE

Is the U.S. position really as bad as is painted? With Japan and Canada it is true there have been large trading deficits. But with Europe the story is quite different. The average annual balances of payments, *favourable* to the U.S.A. are as follows:

Common Market, $1.2 billion; United Kingdom, $500 million.

After we enter EEC it is likely to improve in the favour of the U.S.A.

THE U.K.

Whilst we thoroughly sympathise with the United States in her position, we do not like the 10% surcharge which is now beginning to hurt our exports to the U.S.A. And we certainly are not in favour of the discriminatory 7% tax investment credit with the "Buy American" label.

Taken together with changes in exchange rates, these measures could establish a margin against British capital goods of over 30%. We believe that the "Buy American" stipulation in an investment tax credit to be definitely in direct conflict with the provisions of Article III of the G.A.T.T.

No other principal trading country operates discriminatory fiscal incentives to invest in a major way. With such a deterrent to free, competitive trading, we believe that it will in the end be only the U.S. public that will suffer.

I believe the United States Senate has thrown out the investment credit in its present form—we hope it never becomes law. Her Majesty's Government has sent an aide memoire on this subject to the Government of the United States.

TRADE RESTRICTIONS

The United States has a much wider "spread" of tariff rates than most other countries. It has a comparatively *low average* industrial tariff but on a significant range of items a much more *savagely* protective tariff. On non-tariff barriers, many examples can be provided: American selling price on chemicals, etc., systems of valuation, documentation for customs, wine gallon assessments and "Buy American" restrictions, copywrite laws, etc. etc.

U.S. EXPORTS AND FREE TRADE

We in the U.K. are firm believers in absolute free trade. We live by our exports and overseas investments. It is to be fervently hoped that all the U.S. moves toward protectionism can be stopped in the very near future. In case you don't know, the proportion of U.S. exports to gross national products is only some 4%. In the U.K. and many European countries it is in the nature of 20% or more.

I believe the answer to most of these problems is opening up free world trade even more than ever before and to allow the great American free enterprise system to flourish and flower but all over the world with increased exports and investments.

Mr. Speaker, as a result of the testimony of these witnesses and similar expressions of concern from others in my district, I am more convinced than ever that we must fully understand the impact that protectionist trade policies would have on our own economy. In September 1970, 4,800 American economists appealed to Congress and to the President to reject the proposed import restrictions. They wrote:

> Today, as in 1930, a protectionist policy . . . would directly impair our own prosperity. Foreign countries would have less purchasing power and hence less ability to buy from us. They would . . . retaliate . . . Prices in this country would tend to go up, reducing the real incomes of Americans, affecting especially those who can least afford it . . . But the right answer does not lie in triggering a trade war. That would only make a bad situation worse.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE INSIGHTS, THEORY OF VALUES, AND PERSONAL PHILOSOPHY OF A GREAT PROFESSOR

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, my home city of Independence, Mo., is known as the Queen City of the Trails because it is the starting point of the Santa Fe, California, and Oregon Trails. In the last 30 years we have become famous as the home of the 32d President of the United States. Please note that in deference to our first citizen's preferences we have described him as the 32d President and not the 33d President. In my home community, we are also proud that it is the home of the world headquarters of the Reorganized Church of Jesus Christ of Latter Day Saints.

Mr. Speaker, I hope and I am sure that history will not limit our fame to the three things I have just enumerated. We have produced many famous persons—authors, actresses, musicians, historians, and writers.

One very able and most talented present day writer is Mary Salisbury Hare. She is the wife of a distinguished lawyer, George Michael Hare, and the daughter of the late Spencer Salisbury, a well-known and respected businessman and savings and loan company executive. I might add parenthetically Mrs. Hares' father served as a commander of an artillery battery that fought side by side with the battery commanded by Capt. Harry S. Truman in World War I. Her husband George M. Hare practices law under the firm name of Hare and Truman, with John R. Truman, a near relative of our former President.

Mary Pearl Hare, as she is best known contributes regularly to the Kansas City Star and its morning edition, the Kansas City Times. Recently, on Friday, November 12, 1971 she authored a five-column spread on the editorial page of the Kansas City Times entitled "Still Looking for a Literary Giant." Her article is centered around the life history and particularly the teaching years of Dr. Alexander P. Cappon, professor emeritus of English literature at the University of Missouri-Kansas City. Dr. Cappon retired from teaching last spring. He is now engaged in the preparation of an anthology of the University Review which is the faculty publication of the University of Missouri-Kansas City where Dr. Cappon served as the editor-in-chief from 1937 to 1970. Among the authors who contributed to the University Review during those years were: Edgar Lee Master, J. D. Salinger, Robinson Jeffers, John Gould Fletcher and Pearl Buck.

Mr. Speaker, when I received my copy of this feature story, which is based upon an interview of Dr. Cappon by Mrs. Hare, I immediately recognize that here was a story that once again underlined the fact our Nation is fortunate to have a long tradition of public support of the importance of education and educational opportunities. As I read this article, it made me recognze once again that the American people will always be ready to support the strengthening and expansion of our educational institutions and opportunities. The Representatives of the people in the Congress are equally ready and willing to support educational institutions. Only a few days ago the U.S. House of Representatives passed and sent to the other body a monumental $22 billion aid to higher education bill.

Notwithstanding the money that has been or will be spent on education, the Congress, our educators and the general public have long been well aware that the quality of that education ultimately depends on the quality of the people who staff our educational institutions. It is so true that it is now accepted without question that without good teachers our schools and colleges can never hope to provide quality education. It is because of this awareness that it becomes so refreshing to read the article centering around the interview of Dr. Cappon who proved himself for many long years, not only to be a well qualified teacher but that he is one who was truly dedicated to the art of teaching.

The interview in the Kansas City Times, of Dr. Cappon embellished by Mrs. Hare covers a wide variety of subjects. As I look back over this story, it appears that it is devoted to two principal topics. First, the role of the professor in a university and also the role of the university in the community. Second, an appraisal of the contemporary scene in English literature.

Dr. Alexander P. Cappon, a long time student of English literature believes that while some of our 20th century authors have shown technological ingenuity, no literary giant has yet appeared on the scene. He points out that there have been writers who are not afraid to break with tradition but there is no one figure who seems to stand out above the rest.

About the only matter which a person such as myself, who is neither a writer nor a student of English literature could disagree with Dr. Cappon is that someone as he puts it:

> A Mailer perhaps would come along and avail himself of what has been learned and make significant use of it.

If he refers to Norman Mailer, as I am sure he must, I hope the good doctor will please forgive me if I dissent or at least mildly disagree.

Mrs. Hare herself has shown she is capable of an excellent literary style of her own as she goes about her interview. It reminds one of the style of question and answer writing so effectively used by that popular and widely read news periodical U.S. News & World Report.

Her entire article is well arranged. Each question leads in an orderly sequence to the one that follows.

One of the highlights of the interview is the question answered by Dr. Cappon as to whether or not a university should have an elite quality. His answer was that while every university should be selective, every teacher should do all that he can for every student sent to him notwithstanding the admission and probation committees. Then once again in answer to the question as to which art form is the most demanding his interesting answer was, "all art forms."

Dr. Cappon goes on in the interview to theorize that for the artist, the novel, drama and poetry are extremely demanding. He says he is disappointed that few poets today write epics because a great epic could be written that could deeply influence our culture. It is his belief that great artists are endowed with a grasp of life, acute sensitivity, depth of insight and imaginative intensity of spirit.

It is clear from the interview this great teacher of English literature believes that no human being can produce a perfect work of art on the postulant that any of us have the world by the tail and that sooner or later we will, or must discover something of complete perfection.

A most revealing and also most interesting answer by Dr. Cappon was to the question of what did he gain most from his professorship of English literature. The answer, simple and straightforward—it gave him a greater understanding of the world and its people.

He went on to say he enjoyed his teaching because as students gain personal improvement, not in writing skills alone but in creative endeavor, they add to their own mental health and become better persons.

One of the very encouraging parts of the interview is the optimism expressed by Dr. Cappon when he was asked if the world was in a sorry plight. He agreed it is, but he also believes the world has always been in a sorry plight. He thinks education has always been faced with a race against the problems that have been enclosed upon it and against catastrophe which would even overtake us, if we were ever foolish enough to relax.

Because of Dr. Cappon's statements in the interview, we believe that the expressions of his personal philosophy contained in the comments of this interview have significance far beyond the confines of the area it is my privilege to represent in the Congress. It is for that reason that I read into the RECORD at this time, the full interview by Mary Salisbury Hare of Dr. Cappon, who in this interview states the insights he has gained from many years of experience and reflection. I feel certain, a careful consideration of these ideas will benefit those who read this RECORD. At this point, I will read the entire interview as follows:

STILL LOOKING FOR A LITERARY GIANT

(By Mary Salisbury Hare)

While 20th century authors have shown tremendous technical ingenuity, no literary giant has appeared on the scene, in the opinion of Dr. Alexander P. Cappon, Professor Emeritus of English literature at the University of Missouri, Kansas City.

"This has been the age of experimentation, of writers who are not afraid to break with tradition," Dr. Cappon points out, "but we now would hope that someone—a Mailer perhaps—would come along and avail himself of what has been learned and make significant use of it."

Dr. Cappon has high regard for Faulkner and others of this century, but when he thinks of figures who stand above the rest, he thinks of such men as John Milton, his favorite poet.

Dr. Cappon first was attracted to the 17th century writer through his poetry, but his esteem for Milton grew when he read essays on freedom of speech and press, education, religion, divorce, and one called "The Tenure of Kings and Magistrates."

"In this one the important point Milton brought out," Dr. Cappon recalls, "is that the people have the right to choose and depose their rulers. This, of course, led the way to democracy."

Dr. Cappon, who retired from teaching last spring, continues to take an active part in the life of the campus. In the following interview he looks back on his years of teaching, commenting on a wide variety of subjects.

CONTACT WITH STUDENTS

Q What do you most look back to with pleasure in your connection with the university?

A A teacher looks back most to his contact with students. This is most important but it is always imperfect. I think there is no finer word than "teacher" unless it is "learner". I perhaps most greatly enjoyed my days as a student, and that is perhaps why I wanted to be a teacher. The word "professor" does not suggest to me the idea of "one who professes"—it suggests to me one who, along with others, inquires or tries to discover.

Q Do the students "discover"—uncover knowledge?

A Yes. That is the main thing they do—or ought to do. This is of course difficult, for teacher and student.

Q How long have you been connected with universities, up to the time that you retired?

A Let me say "quite a long time"—without being absolutely specific. I usually feel that it is best not to turn the pages of time backward too much. I like to look forward. I was editor-in-chief of our faculty publication, the University Review, for more than 21 years (while also teaching) and I was a teacher, of course, for a longer period than this.

MANY AREAS

Q Do you rememer specific students?

A Yes, many. I remember, for example, the student I carried in my arms to a second-floor meeting of the English Club. She went everywhere in a wheel chair. She later took a Ph.D. at Columbia University and was married in New York.

Q Did good students come from all areas of Kansas City?

A I have had good students from Independence, from Central High, Westport, Belton, North Kansas City, Excelsior Springs, from Red China, India, Pakistan—good students from everywhere. Many, of course, took the M.A. later and some went on for Ph.D. degrees—a surprisingly large number in the 19th century field in which I had specialized.

Q Does a university or should a university have an elite quality?

A The university as it operates has a selective aspect. But the teacher should do what he can for every student who is sent to him by the selective process. This depends upon the admission and probation committees.

Q What about disadvantaged students?

A Early at the university I had strong feelings about the problem of deprivation. Something ought to be done here for those deprived materially and in other respects: Raise scholarship money for Indians, Mexicans and admit Negroes. I was the first to introduce a Negro speaker to address one of our halls. As it happened it was Langston Hughes, whom I greatly admired. A university should serve its city and the city, the university. A metropolitan area can be used as a laboratory.

BOTH TAUGHT

Q Are you the only member of your family in the teaching profession?

A. No, my wife also taught world literature for some years here at the university.

Q. A study of the world's major literary masterpieces.

A. Not pure literature. A course in germinal ideas welded together: Moral, religious, political, economic and literary. Both of us have been much interested in a broad orientation for students, a wider world view. Selections ranged from ancient Greek dramatists, Plato, the Bible, Shakespeare, Balzac, Thoreau, Marx, Dostoyevsky to Oriental and Occidental philosophy. For one student whom we saw recently, Dorothy's course opened up insight into Africa and its problems through "Cry, the Beloved Country."

Q. What art form do you consider most demanding.

A. All art forms. For the artist the novel, drama and poetry are extremely demanding. Today few poets write epics. A great epic could be written that would deeply influence our culture.

Q. With what special qualities are great artists endowed?

A. A vast grasp of life, acute sensitivity, depth of insight and imaginative intensity of spirit. The modern writer should probe deeply into past and present philosophic contributions we fortunately have available to us.

WHY WRITE?

Q What motivates a writer?

A Motivations are mixed. To believe in only one—the aesthetic—is simplistic. The need to create an aesthetic object in its own terms fails to take account of man's imperfectibility. We are all mixed creatures. No human being can produce a perfect work of art. Even in pure science errors in thinking have been based on the postulant that we have the world by the tail, that we might have discovered something of complete perfection.

Q As a senior professor of English language and literature and creative writing, what have you gained most?

A A greater understanding of the world and its people. One satisfaction has been to see students gain personal improvement, not writing skill alone. In the process of creative endeavor people change. They add to their own mental health. At first my attention centered on better craftsmanship, later on better persons. Even though the individual may be a better craftsman he may become a worse person.

Q At present you are engaged in a specific project?

A I am working on the relationship between literature and philosophy in Wordsworth. My dissertation was written on a problem relating literature to philosophy in the works of Shelley. Also, the relationship between these areas in the work of Coleridge interests me.

Q Do you believe the novel is dead?

A. No. That's a great error. Rather the novel is in process of being taken apart rapidly in different ways. Out of this something richer will emerge. A novel's inner core is living, changeless, creative . . . very much alive. The original title "novel" meant something novel . . .

Q. Has Truman Capote's clinical reportage in the nonfiction novel, "In Cold Blood," established a serious new literary form?

A. He made a contribution of value. Despite our world of haste novels at times are still exceedingly large and astoundingly long. Joyce devoted the last chapter of "Ulysses" to Molly Bloom's unspoken monologue. Faulkner wrote unpunctuated sentences as long as 181 words in "Absalom, Absalom." Whatever form or style evolves the novel can't die.

Q. How did a writer of Faulkner's stature surface in the deprived State of Mississippi?

A. In an area that could not foster the arts Faulkner might have been lost. Fortunate circumstances combined with creative imaginative power saved him. In a sense the Nobel Prize winner's acceptance speech is an affirmation. I believe that man will not merely endure; he will prevail . . .

Q. What do you think of the modern world—for example, youth liberation?

A. I am friendly to youth—all my life I have been working on the side of liberation. In my younger days there was a current book published, "Youth in Revolt." I was brought up in that tradition.

Q. Has permissiveness been responsible for most of the ills of present-day youth?

A. I think not. Most parents will jaw at their youth too much. The trouble lies in this: We have a very complicated world to live in, and youth has a hard time adjusting to its complicated world. Also, teachers cannot be blamed for all the problems. Teachers in the high school are making a terrific effort and lower school work is being planned with a good deal of care. However, the problems are all difficult.

CAN'T GIVE UP

Q. Don't you think that the world is in a sorry plight?

A. Yes. But it has always been in a sorry plight. I would not want to underestimate the evils of the present world. Education has always been faced with a race against the problems that have been closing in—against catastrophe which might be imminent if we would foolishly relax.

Q. What do you think of modern poetry?

A. This question might mean: Are you in favor of conventional poetry? I am most friendly to modern poetry. We could think of formalized religion and formalized poetry. I am not attracted to anything which is formalized.

Q. What do you think of long-haired young men?

A. The length of the hair doesn't bother me a bit—or the scraggliness of the beard. I have had students like this in class—boys with very long hair who came to class in what appeared to be a girl's nightgown and a long string of colorful beads about their necks, as well as earrings. They turned out to be good students. Perhaps I have been lucky. The worst students tend to drop out early and therefore do not give rise to a problem.

I have almost always had a good core of reasonably good students. The long-haired students probably think of the teacher with shorter hair as the person who is formalized—that is conventionalized. But the students are willing to wait and see whether you are extremely conventionalized.

SENATOR BUCKLEY PROMOTES INTEREST IN THE RIGHTS OF ALL PERSONS TO EMIGRATE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, I was very pleased to learn that earlier this week Senator Buckley, on behalf of Senator Brock and himself, introduced Senate Concurrent Resolution 51 which is identical to House Concurrent Resolution 462 which I introduced on behalf of myself and 51 cosponsors. In addition, Senator Buckley sent out a dear colleague letter on November 18 requesting additional cosponsors. These resolutions recognize the persistent violations by Communist nations of the fundamental right of emigration, one that is specifically written into the United Nations' Universal Declaration of Human Rights. They also recognize the persistent refusal to allow a citizen to leave has most recently been dramatized by the plight of Russian Jews who seek to find a new life elsewhere.

Senator Buckley has been extremely active in pursuing the issue of Soviet Jewry, including his taking a continuing and personal interest in Voice of America programing beamed to the Soviet Union and Soviet Jews. He and his staff have also continued to work with national and international bodies on matters affecting Soviet Jewry.

Besides numerous initiatives undertaken by Senator Buckley's staff, at his direction, on a variety of factors affecting Soviet Jewry, such as assuring the free flow of mail to Soviet Jews from sympathetic Americans, Senator Buckley has personally pursued the VOA programing issue since last March and has worked closely with Frank Shakespeare, Director of the U.S. Information Agency.

Mr. Speaker, it is indeed an honor for myself and all of the cosponsors of House Concurrent Resolution 462 to have Senator Buckley, Senator Brock, and their colleagues join us in bringing this matter to the attention of the United Nations and the world. Any of my House colleagues who would still like to cosponsor House Concurrent Resolution 462 should contact my office promptly. It is my understanding that the Europe Subcommittee of the House Foreign Affairs Committee could report out a resolution next week.

Mr. Speaker, Senator Buckley delivered a speech on Soviet Jewry on Sunday, November 14, 1971, on the steps of the city hall in White Plains, N.Y. Portions of the speech will be translated and along with a report of the rally will be reported to the Soviet Union and Soviet Jews on the VOA. It is very fitting and a pleasure, therefore, to include at this point Senator Buckley's speech.

Major Speech by Senator James L. Buckley

Thank you very much, Mr. Katz. It's obvious that you've done a magnificent job in turning out a tremendous crowd today.

I can think of no better way to open my remarks today than by quoting the words of the chairman of the Westchester Conference on Soviet Jewry, Mr. Ernest Goldblum, when he accepted the B'nai B'rith Brotherhood Award some months ago:

"The 'plague of darkness' is with us," he said, "when we fail to see the needs, the pain, the joys of our fellow, when each is so preoccupied with his own place that he never goes out to share the concern of his neighbor. Brotherhood is the blessing of light which dispels the plague of darkness, and each of us must work together to rid the earth of the darkness that threatens to destroy."

This is why we are together here this morning, to bear witness to our concern, to raise our voices in protest against the latest chapter in the Soviet Union's long history of oppression, to help keep alive the fires of hope in the hearts of her captive peoples.

These peoples have each in turn felt the implacable determination of the Soviets to dominate, to tyrannize the human spirit: the Baltic nations in 1940, the Hungarians in 1956, the Czechs in 1968, and now the Soviet Jews, who are once again being victimized for their steadfast loyalty to the faith of their fathers, and of their father's fathers.

I don't know how many of you noted the extraordinary exchange which took place at the United Nations three weeks ago between the delegates of the Soviet Union and Israel. During a bitter debate Russia's Yakov Malik challenged the Israeli delegate, Yosef Tekoah, to rise in the Assembly and declare that Jews were a chosen people, a people closer to God than all others. Trembling with indignation, Mr. Tekoah rose to shout his reply that if the Jews were a "chosen people," they had been "chosen to suffer."

Certainly, there has been little in this horror-filled century to prove him wrong. Destiny seems to have assigned a special role for the Jewish People. They have served as a kind of litmus paper of civilization, an unfailing test of the justness and humaneness of governments and regimes. Those which oppress the Jew usually attempt to tyrannize others; and those which are based on a fundamental repudiation of human dignity and individual rights seem sooner or later to focus upon their Jewish citizens a singular intensity of oppression. This principle of history is now being exemplified once again in the events transpiring in the Soviet Union.

When the Russian revolution was born in 1917, it came bearing promises of dignity and brotherhood for all; and in fact, during the early days of the new regime, Russian Jews were provided with full equality for the first time in centuries. Within a few years, Soviet Jewry was able to establish an impressive network of schools and cultural institutions which gave promise of a vigorous development of Jewish culture, and it appeared that the virus of anti-Semitism had been banished from the land.

It soon became apparent, however, that the ultimate goal of the new regime for its Jewish and other minorities was not to grant them the freedom to pursue their individual faiths and cultures within the framework of the Soviet system, but rather to assimilate them into the system, to cause them to abandon their distinctive traditions, customs and beliefs. The old patterns of Jewish life, because of their intimate relationship to the life of the spirit, were particularly regarded as "bourgeoise evils" having a "counter-revolutionary influence." It was made clear that a Soviet Jew would be allowed to participate fully and on equal terms in Soviet society only at the price of his abandoning every aspect of his being which would characterizing him as a Jew. This is what equality requires, Soviet style.

While all Soviet citizens share in common the tyranny of the spirit which is visited by their government on all its subjects, and while all who have sought to preserve their religious beliefs have felt the heavy force of official displeasure the Soviet Jews have in recent years been singled out for a special harassment which can only be described as cultural genocide; and in the process an explicit anti-Semitism has once again been loosed upon the land.

We who have been blessed—most of us

from birth—to be the citizens of this great land in which the freedoms we enjoy are taken so much for granted, we too often find it beyond the reaches of our imagination to understand the subtle horrors to which the Jews and other captives of the Soviet system are daily subjected. We know intellectually that their misery exists, but we find it difficult to visualize its special quality.

I wish all of you could have been with me some months ago at a U.J.A. dinner in New York City to hear a young woman, one of the lucky few allowed to emigrate to Israel, describe in simple, poignant words what it is to be a Jew in Russia today; to hear from her lips of the ubiquitous hostilities and suspicions to which she was subjected in her schools and later at work, because she was a Jew. I wish you could have heard her describe the gnawing despair of all who still seek to follow the ancient teachings of their faith; and to hear her tell of her blinding joy when the unexpected news finally came that after years of effort, after all hope had disappeared, her application to leave Russia had finally been granted.

What she was able to convey was an understanding of the deep and growing frustration which recently led nine hundred courageous Soviet Jews from twenty cities to sign an appeal to the United Nations pleading for the elemental right to emigrate, to seek a new life in some more hospitable society. Their appeal described their plight in the following terms:

"Here, in the U.S.S.R., where there is no Jewish culture or national life, where there are no Jewish schools or Jewish theatres, where there is no possibility of studying Yiddish or the culture and history of the Jewish people, where the unprecedentedly low percentage of Yiddish-speaking Jews is declining from day to day, in this country there is no future for us as Jews."

There can be no greater example of the hypocrisy of the Soviet state, no greater act of self-condemnation than this denial to her people of the right to leave, to seek their own futures, to take their own chances in other lands. The Soviet constitution grants to all the freedom of religious worship, and the Soviet Union piously subscribes to the United Nations Universal Declaration of Human Rights which expressly lists as one of them the right to emigrate. But in practice, the whole despotic weight of the regime is brought to bear to make the practice of any religion virtually impossible, and all those who would seek to escape this tyranny are kept caged within the state.

The U.S.S.R. may encompass a vast land mass extending 6,000 miles east and west, and 3,200 miles north and south; but so long as it continues to deny its citizens the right to leave the peoples' paradise, it brands itself in the eyes of the world as a gigantic prison governed by jailers who are unwilling to put the loyalties of their subjects to the test.

This, then, is the plight of Soviet Jews today, the plight of all those who are caught in the iron grip of Soviet Communism. What we must now ask ourselves, is how we who enjoy the blessings of freedom can reach out to them, how we can help them in their struggle to achieve freedom and dignity. Let me suggest a few ways:

First of all, the United States must never relent in her historic concern for the oppressed in other lands. Since her birth almost two hundred years ago, this nation has been a beacon of freedom which has brought hope to peoples everywhere; she has represented a moral force which has moved events far from her shores.

I urge you to urge the President, as I have, to place Russia's treatment of her Jewish minority and her denial to her citizens of the right of emigration squarely on the agenda for his coming talks in Moscow. The Russians should be made to understand the full extent of American concern over the denials of basic human rights. It should be made clear that if the Russians are really serious about wishing to establish a meaningful dialogue between our two countries, this American concern cannot be ignored.

Secondly, we can continue to expand our efforts to reach the Jewish communities within Russia with news about Jewish religious and cultural events, with news about the free world's concern for them. In this way, we will help sustain that courage which has kept Jewish tradition and worship alive within the Soviet Union, that courage which has enabled tens of thousands to protest their treatment and to stubbornly insist on their right to leave the Soviet Union despite the sanctions which can be and are imposed on those who thus declare their opposition to the regime.

One way to let Russian Jews know they are not alone is by making the most effective use possible of our Voice of America broadcasts. Since March, I have been in constant touch with the United States Information Agency to see how its programming could be improved. In recent months broadcasts beamed to the Soviet Union have increased their coverage of items of specific interest to Jewish listeners; and I am pleased to be able to announce today that beginning on December 12th, the Voice of America will broadcast these items at specific times each week so that they may reach a maximum number of Jewish listeners. Items of religious, cultural and political interest to Soviet Jewry will be broadcast from that date forward each Sunday morning at 7:15, Moscow time, and they will be re-broadcast each Monday evening at 11:15. Portions of this speech, and incidentally a report of what we are doing here today are among the items of news which are scheduled to be broadcast to the Russian people by the Voice of America.

Thirdly, we can utilize the United Nations as an instrument for focusing the international spotlight on the Soviet Union's policy to deny her subjects the basic right to emigrate. This is a right which has been unequivically stated and restated in the Universal Declaration of Human Rights, and in subsequent solemn U.N. declarations which were unanimously approved by the General Assembly in 1948, 1965 and 1966, the Soviet Union being present and voting. I am supporting resolutions introduced by Senator Brock of Tennessee and Congressman Kemp of Buffalo which would urge the President to pursue in the General Assembly the issue of the Soviet Union's persistent violation of this elemental human right.

Fourthly, I believe that we should continue as we have been doing, raising our voices in protests, meetings, publications, and declarations. The voices of those who speak for those who suffer should never be stilled. Let those who rule in Moscow know that men of good will will not rest until justice is done and freedom won. Even totalitarian regimes must eventually take notice of the feelings of the people of the world.

Fifthly, there is the power of prayer. Let us, therefore, pray daily to God that the plague of darkness may finally be lifted from those lands now dominated by tyranny, that all men may come to know freedom, may be freed to pursue their individual destinies in peace.

Finally, and perhaps most important of all, we must sustain in ourselves and develop in our children a love for freedom and a determination to defend it when it is threatened. Perhaps the greatest hazard which we face is that we may come to take our own freedoms so much for granted that we will forget how precious they are. How many of us really understand what it means to be free? Those trapped behind the Iron and Bamboo Curtains know that to be denied freedom is a condition so numbing to the human spirit that tens of thousands of them each year risk their lives in desperate attempts to escape their oppression.

I shall never forget the first two paragraphs of a story in the New York *Times* three years ago which recited the extraordinary escape to freedom of a young East German who in ten days traveled 2500 miles through Czechoslovakia, Hungary, Rumania, and Yugoslavia before he finally reached safety in the West. The article began as follows: "The young East German, his tan scarcely hiding the strain of the wild ten day escape through four Communist countries, anticipated the question. 'I know it sounds trite,' he snapped, 'but I did it for freedom.' After a pause, he added, 'I would have tried anything to be a free man.' "

If we are to be worthy of our own gift of freedom, if we are to extend it to others, we must nurture the resources which make us human—faith, love, wisdom, sacrifice, and compassion. We must broaden our concerns and enlarge our vision. We must recognize that our duty as human beings is to feel the sufferings of those who are oppressed and to hear the voices of those who look to us for encouragement and help. We dare not rest until, in the words of the prophet, Amos, "Justice roll down as waters and righteousness as a mighty stream."

FEDERAL WATER POLLUTION ACT

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. Mizell) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to join with my distinguished colleagues on the Committee on Public Works in sponsoring amendments to the Federal Water Pollution Control Act of 1968.

I want to make it clear that I do not fully endorse these amendments in their present form, and that I am cosponsoring it partly in an effort to initiate further hearings and accumulate additional information on this vital issue.

Still, I am most enthusiastic about this legislation's major intent to clean up pollution in the Nation's waterways, and I want to do everything I can to insure the most effective, practical, and reasonable legislation possible.

I have certain reservations about various aspects of these amendments, and in the course of further hearings I would hope that both environmentalists and representatives of industry would be given the opportunity to express their views on these important matters.

The Senate, which drafted its water pollution bill behind closed doors, has made proposals related to some of these aspects without the benefit of expert testimony, and I believe it is our responsibility to devote additional time and attention that so important a piece of legislation merits.

I believe that if our Senate colleagues had really done their homework on this bill and taken the time to closely examine the legislation they were voting on, its passage would hardly have been unanimous.

The people of my district are greatly concerned about environmental quality and they are looking to the Congress to demonstrate leadership and concern in this vital area.

In the course of our deliberations, it may well be necessary to offer perfecting amendments to the legislation we are introducing today. I stand ready to introduce those amendments that would insure adequate protection of the environment while providing for the fair treatment of all concerned.

150 years, since the beginning of Amer-

We have been polluting our waterways carelessly and heavily for the past ica's industrial revolution. It is a well-worn phrase, but it is still true that we cannot solve this problem overnight.

Pollution must be controlled, but its effects on industry and the economy must be seriously considered.

I urge my colleagues to take all of these considerations into account, and let us concentrate on passing the fairest and most effective legislation possible.

DEPARTMENT OF COMMUNITY DEVELOPMENT HEARINGS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Horton) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, the Legislation and Military Operations Subcommittee of the Government Operations Committee is now holding hearings on H.R. 6962, a bill to create a Department of Community Development. The opening statement was made by the Honorable George Romney, Secretary of Housing and Urban Development on November 3, 1971. It is a clear and concise description of the proposed Department of Community Development, which would be created by pulling together related programs in HUD, DOT, Agriculture, Commerce, and OEO. Since this is an extremely significant piece of legislation, I felt all Members should have an opportunity to review his statement carefully, and thus, I am including the statement in the Record below.

This bill is part of the President's departmental reorganization program and properly has been called one of the most significant reorganizations of government ever attempted. Almost every domestic program would be affected by the reorganization, and its impact would probably be greatest on the ultimate beneficiaries and recipients of our domestic assistance programs, the people of this Nation.

In the lengthy overview hearings we held this summer on these proposals, we heard not only from present administration witnesses, but also from those active in previous administrations and from the academic world. In those hearings we found that there was a widespread feeling among those knowledgeable about government that a reorganization of the executive branch was necessary and, indeed, overdue;

We learned that the proposals made by the President reflected not only the work and thinking of the Ash Council but were similar to recommendations made by various study groups under Presidents Kennedy and Johnson;

We were told that some of the "instant experts" on governmental reorganization were wrong in their analyses of the effects of reorganization. For instance, the size of a department is not as important as developing an organizational structure that can handle the workload; and that the committee structure of Congress would not be affected by these proposals because there would be no change in the jurisdiction of the committees over programs.

On the basis of these overview hearings, I think it is fair to say that these are basically good bills, and that they are urgently needed bills.

Most important in our legislative work is the need to maintain the integrity of the basic concepts which underlie these bills. These concepts are:

First, the consolidation of programs, agencies, and departments around national goals;

Second, a building within the Federal Government of the capability to be responsive at the local level; and

Third, the strengthening of leadership and accountability within the departments.

These concepts are widely felt to be the best organizational principles for the Federal Government in this day. For the well-being of the Nation we must attempt to preserve these principles, even at the cost of upsetting certain entrenched interest groups. This Government needs reorganizing.

Certainly all three of the underlying concepts of this reorganization legislation are of crucial importance, but I think for the Members of Congress, the most important principle is the improvement of the responsiveness of the Federal Government to local and State needs. While the recent reorganization of HUD undertaken by Secretary Romney has improved the responsiveness of that department to community development needs, there is still a frustrating pipeline of delay, redtape, and paperwork which clogs the delivery of these services to localities. A Member of Congress sees these problems first hand, because it is he who receives the complaints from local officials, and who is asked to continually exert pressure to expedite Federal grants and loans and project approvals. In my office there are nine staff members who spend all or part of their time contacting Federal agencies to act as a go-between for local officials and organizations seeking action on a myriad of Federal program requests and applications.

In effect, we are a fully-staffed ombudsman office for my congressional district. Like other Congressmen, I am glad to provide this service, because I feel it is part of my job to make the Federal Government as responsive as possible to the needs of my constituents. But, at the same time, I see in this reorganization proposal an opportunity to improve the overall responsiveness of the Federal executive to these needs. I believe that we can enact a reorganization plan which can help to unclog the pipeline, untie the bureaucracy and improve the efficiency of service to the people of this country.

Efforts to expedite service on a case-by-case basis will always be necessary to one degree or another. But it is clear to me that these patchwork steps are insufficient to do the whole job. Three Presidents have recognized the need to correct these problems through comprehensive and basic changes in the Federal structure.

In the prepared statement printed below, Secretary Romney describes how the community development programs of the Federal Government would be pulled together to better serve the States, regional authorities, and communities which are the primary recipients of the community development programs. Secretary Romney goes into great detail on how the headquarters and field offices of the proposed Department would be structured and would operate. He appended to his statement numerous charts which illustrate many of the details covered in the text. Unfortunately, we are unable to print these charts in the Record and, thus, interested Members will have to apply to the Government Operations Committee or the Secretary's office in HUD for copies of the charts.

What makes this statement so outstanding is Secretary Romney's ability to describe the benefits of efficiency and effectiveness which could be expected from the proposed reorganization, using his experiences in private business, in State government, and as Secretary of the Department of Housing and Urban Development. The Secretary clearly understands the problems and opportunities involved in reorganizing large entities.

The Legislative and Military Operations Subcommittee is chaired by the Honorable Chet Holifield, who also chairs the Full Committee on Government Operations. Chairman Holifield has a well-earned reputation of being one of the most thorough and objective legislators in the Congress. Under his direction we can all expect that this Department of Community Development bill will receive the closest study, and that a review will be made of every responsible point of view. I expect that these hearings will be recognized as great acts of statesmanship by students of the legislative process—we have already substantial evidence that this will be the case in the overview hearings held on these proposals—now in print.

I believe the Government Operations Committee will be able to recommend to the House some of the most important and fundamental legislation of this or the past few Congresses. Under the leadership of our able chairman, I believe this legislation will effectively reorganize the Federal structure so that we might confidently address the issues and problems we will face as a Nation in the last third of this century.

Statement of George Romney, Secretary of Housing and Urban Development, Before the Legislation and Military Operations Subcommittee of the House Committee on Government Operations, on H.R. 6962, To Establish a Department of Community Development, November 3, 1971

Mr. Chairman and Members of the Committee, I appreciate this opportunity to present my views on H.R. 6962, legislation proposed by the President to establish a Department of Community Development.

Your earlier hearings have dealt with this bill as one important part of the President's overall program to enable the Executive Branch to carry out its increasingly complex tasks more effectively. Other witnesses—broadly representative of public and private life, and including several drawn from the highest ranks of both this Administration and the last Administration—have testified on the proposed four new departments concerned with human resources, natural resources, economic affairs, and community development. They have explained how this overall reorganization would provide a Federal structure under which major departmental functions and responsibilities are grouped according to basic Federal missions, and they have discussed the advantages of such a grouping.

I will not attempt to repeat, or even summarize, their statements. Instead I will try to draw on my own experience to explain why I am convinced that the advantages to be derived from the enactment of H.R. 6962 are not just theoretical, but very practical. And I will discuss in some detail the functions, the mission and the internal organization of the proposed Department of Community Development. While maximum benefits would flow from the creation of all four proposed Departments, the bill being considered today is so drawn that substantial gains would result from the separate establishment of this one Department. The Congress will of course be free to consider the other three on their merits.

Your Committee has had vast experience in the field of governmental management and organization. In less than two decades, you have participated in the creation of the Departments of Health, Education, and Weland of Transportation, as well as of many smaller units of Government. I imagine that you share my feeling of "having-been-here-before" as you approach this bill. While each reorganization gives rise to questions and problems peculiar to it, there are certain common principles of organization and management which are derived from experience. My own enthusiastic support of the proposed new Department is in no small part based on the three major reorganizations in which I have played a part.

While I was President of American Motors, we merged two separate automobile companies, and at the same time created a management structure where increased efficiency resulted from delegating authority to the level where the relevant problems and information were to be found. And while Governor of Michigan, I reorganized the Executive Branch, reducing over 140 disjointed, inefficient State agencies and independent boards to 19 departments, more nearly organized along general purpose lines and headed, in most instances, by individuals. The heads of the 19 departments knew they were responsible and accountable for their actions and decisions.

Most recently, I have reorganized the Department of Housing and Urban Development along lines defined by basic purposes. In my testimony I will discuss this HUD experience because it throws light on why we should have a Department of Community Development and on the concrete benefits we expect to gain from its creation. But first I would like to make some general comments on the need for and the role of the proposed new Department.

NEED FOR DEPARTMENT OF COMMUNITY DEVELOPMENT

Between 1930 and 1970, the number of civilian employees of the Federal Government increased from 600,000 to almost 3 million, and the number of Federal grant-in-aid programs from about two dozen to over 500. Existing departments and agencies expanded piecemeal and haphazardly, and new special-purpose agencies were created, sometimes filling organizational gaps and sometimes competing with existing agencies.

Because there remain many areas of disjointed and over-lapping responsibility, we are not now achieving adequate coordination of our many domestic Federal programs. Below the White House level authority is much too divided. At the White House level the President's Domestic Council is constantly being distracted from matters of high policy by the need to focus on administrative details of closely-related, but frequently conflicting, programs administered by scattered bureaucratic units. Under the proposed reorganization, the DCD, and the other major new departments, would have sufficient scope to dispose of countless issues that now unduly burden the attention of the Domestic Council, and even of the President. Thus, as the Departments do a better job of day-to-day administration, the Domestic Council could better take its intended place alongside the National Security Council as a Presidential instrumentality specializing in policy coordination of the highest importance, free from operational chores.

Let me cite one example of fragmented domestic programs. There are now, divided among *seven* different agencies, *four* major Federal programs of assistance for water and sewer facilities and *eight* smaller programs. The major ones are—

HUD's basic water and sewer facilities program.

The Farmers Home Administration's rural water and waste disposal facilities program.

The Economic Development Administration's public facilities program, and

The Environmental Protection Agency's waste treatment and collection facilities program.

Other programs are found in the Departments of Health, Education, and Welfare, the Interior, and Defense. Communities are frequently eligible for two or more of these water and sewer programs. Some degree of coordination is achieved through project-by-project joint funding arrangements and multiple applications for single projects. But this is doing it the hard way.

PROGRAMS OF THE NEW DEPARTMENT

Turning now to the proposed Department of Community Development, it would, as indicated by this first chart, include:

All of the programs of the Department of Housing and Urban Development (except for the college housing program).

The highway construction and mass transit programs of the Department of Transportation, and its safety grant programs relating to highway design and construction.

The rural electrification, public facilities and housing programs of the Department of Agriculture.

Programs of financial and planning assistance for public works and development facilities (except business development) now administered by the Economic Development Administration of the Department of Commerce, and that Department's Regional Action Planning Commissions, and

The Community Action and "special impact" programs of the Office of Economic Opportunity.

As may be noted from the chart, several other programs from other agencies would also be included.

A single Federal department would thus administer the major Federal programs of assistance for the physical and institutional development of our communities. That is, a single Federal department would administer assistance for the planning and building of houses and supporting public facilities and highways; for strengthening State and local governmental processes; and for involving all interested public and private organizations and citizens in this endeavor.

By bringing together programs concerned with community development, the new Department would move beyond fragmented Federal program administration. Equally important, it could move toward a community-oriented approach to problems. For the first time, there would be a Federal department having the ability to respond—in a coordinated manner—to local comprehensive community improvement programs. And for the first time there would be a Federal department of broad enough scope to help State and local governments, private organizations, and the citizens themselves to participate jointly and actively in developing these local programs. This means participation in articulating goals, setting priorities, and devising the best ways and means of improving not only the physical, but also the economic and social, environment of all our communities, from the smallest village to the largest metropolis.

As your Committee knows, the establishment of a Cabinet-level Department of Housing and Urban Development six years ago was aimed toward this same goal. HUD's creation raised to Cabinet-level status the national concern about our cities and towns, both large and small. The Department now has jurisdiction over many community-oriented programs. It was a move in the right direction. But it took us only part way.

The problems of growth and development in rural, urban and suburban communities are closely interrelated. Yet, communities in rural areas and depressed regions must still seek help among three different departments for the planning and construction of their public facilities.

The Department of Community Development, because of its broad yet unified scope, could better serve our communities, regardless of their size. And the President and the Congress would surely find it a more useful source of information and advice to them as they attempt to shape a balanced national growth policy, concerned with—to use President Nixon's words—"the farm as well as the suburb . . . the village as well as the city . . . the building of new cities and the rebuilding of old ones."

THE MISSION OF THE NEW DEPARTMENT

The broad mission of the Department is briefly summarized on my second chart. In general, the Department would be concerned with the sound development, through growth and renewal, of both urban and rural communities so that they may provide their citizens a wholesome living environment.

This basic mission has two aspects. First, the Department should strengthen the institutional capacity of State and local governments to work with private business enterprise and civic organizations in solving community problems and meeting community needs. Second, the Department would assist State and local governments and the private sector in carrying out urban and rural development, transportation, and housing programs. Within the Department, different program activities would be grouped according to their general purposes.

A similar pattern has been adopted in the United Kingdom, with encouraging results. A new Department of the Environment, headed by a Minister of Cabinet rank, was formed in November 1970 by the amalgamation of three former Ministries. The new Department consists of three sectors: Housing and Construction; Local Government and Development; and Transport Industries. The British reorganization goes considerably further than is proposed for DCD by covering more environmental and transportation programs.

THE NEW DEPARTMENT'S INTERNAL ORGANIZATION

HUD too has recently been reorganized along general purpose lines, and we have seen the benefits that result. When we took office—as you can see from the January 1969 organization chart (chart 3)—housing production was split between two Assistant Secretaries. Each had his own staff of architects, engineers, and financial specialists. Each program had its own specifications—sometimes in conflict—which discouragd builders and developers. Today, as the chart 3 overlay shows, an Assistant Secretary in HUD is responsible for "housing production" and is held accountable for results in this area. It can be noted from this overlay chart, that HUD has also grouped related activities in the areas of Housing Management, Community Planning and Management, and Community Development.

It is no longer necessary for builders and architects to shuttle between two HUD Assistant Secretaries concerned with housing production; or for tenants' organizations to negotiate with two Assistant Secretaries concerned with housing management; or for a mayor to deal with three Assistant Secretaries concerned with federally-aided public facilities being provided in his city. Also, as a result of this realignment, and of delegations to the field that I will describe later, HUD has been able to streamline its procedures, and to handle a work load that has increased tremendously over the past few years with a staff that has increased very little. Good organization is often the key to sharply rising staff productivity.

Our recent experience under the HUD reorganization gives us added confidence that the proposed organization of the new Department of Community Development along similar lines will produce similar benefits.

As you can see from our fourth chart, DCD will have three major general-purpose program administrations—for urban and rural development, community transportation and housing.

The Urban and Rural Development Administration would be responsible for programs designed to assist the physical and institutional development of urban and rural communities. As can be seen from the fifth chart, the Urban and Rural Development Administrator would be served by a Deputy, the only one contemplated in the three major administrations. The Deputy would have administration-wide responsibilities and would also head an Office of Rural Development, thereby assuring appropriate attention to the special problems of rural communities.

HUD's own program activities in small towns and rural areas provide precedents for the much broader attention that DCD will give these areas—

HUD's Comprehensive Planning Program enables small towns and rural areas to pursue broad community development planning in such fields as housing, transportation and community facilities. During fiscal year 1971 alone, comprehensive planning grants were distributed to 155 rural districts covering 791 counties in 34 States.

The Nation's smaller communities and rural areas participate widely in the Department's various community facilities assistance programs. For example, 805 water and sewer grant projects, representing over 43 percent of all such projects funded by HUD since the program began, are located in rural areas.

The first HUD new community development project—Jonathan, Minnesota—is 20 miles southwest of Minneapolis in rural Carver County. We have recognized that our rural areas and small towns have a potential for community development that offers an alternative to both metropolitan congestion and suburban sprawl.

My *sixth chart* indicates the increasing attention that HUD has given to *smaller communities* in this Administration.

Turning again to the *fifth chart*, we can see that, in addition to having an Office of Rural Development, the Urban and Rural Development Administration would have jurisdiction over present HUD programs relating to new communities and community planning.

The Community Action and "special impact" programs of OEO would also become a part of this Administration. In addition, HUD's Urban Renewal, Model Cities, Open Space and Neighborhood Facilities programs would be included. So would the Water and Sewer programs of HUD, the Farmers Home Administration and the Economic Development Administration. Also incorporated would be the Public Facilities programs of EDA and the economic Regional Commissions, and the Rural Electrification program of the Department of Agriculture.

Second, there would be a *Community Transportation Administration*. It would be built around the Federal Highway Administration and the Urban Mass Transportation Administration. These and other details concerning this Administration are shown on the *seventh chart*. Its interrelated programs would be administered with full consideration given to the transportation needs of individual localities; to the need for a balanced national transportation system; and to the need for coordinating all community development programs.

Many recent experiences have demonstrated that the highway and urban mass transportation programs are more intimately related to community planning and to housing and community facilities than they are to the bulk of the other programs now in the Department of Transportation. Few day-to-day relationships exist between highways and the marine and seaway functions of the Department of Transportation. On the other hand, a highway project which approaches or traverses a city or a town and a mass transportation project must each be planned and executed within a framework of community and sound land use.

Unless a highway is planned and executed in coordination with a community's overall development plans, many things can go wrong. There is the danger of personal hardship and ultimate economic loss when a highway enters a community by what seems to be the shortest and least expensive path—but which actually turns out to be the most costly in terms of homes and businesses destroyed and real estate values diminished. We are all familiar with examples out of the past of the damage that highways can do, sometimes upsetting city's master development plan and sometimes, as in New Orleans, threatening a unique and historic quarter.

While serving as Governor of Michigan, I became all too familiar with the background of a tragic riot in the 12th Street area of Detroit. From 1957 to 1967, the population of that small area increased from about 16,000 to 34,000. The overcrowding of that area was among the causes of that riot. And it was the uncoordinated relocation of persons displaced from other parts of Detroit by highway construction and by urban renewal that caused the overcrowding. Highway relocation is still under the jurisdiction of the Department of Transportation and urban renewal relocation is still under the jurisdiction of HUD.

There is also the danger that opportunities will be missed—opportunities to so design a highway or a mass transportation system that it will bring communities and neighborhoods together, create new jobs, and enhance the overall environment. But this takes comprehensive, coordinated planning with full knowledge of such matters as housing densities, the proposed location of sewer and water lines, heavy and light industry, of shopping centers, of parks and recreational spaces. It requires knowing how the people of the entire community can most quickly and most cheaply move among the places where they will live and work and find recreation over the many years to come.

Finally, there will be a Housing Administration built around the housing production and management functions now in the Department of Housing and Urban Development and the rural housing programs of the Farmers Home Administration. Its contemplated organization is shown on our eighth chart.

One of the basic goals of HUD has been to provide decent housing in both urban and rural settings. Once again it is our rural experience that is least known. For example, during fiscal years 1968 through 1970, 122,000 single-family homes were built in rural areas, representing about 9 percent of all HUD-FHA-insured home mortgages. One sixth of all HUD-aided public housing units have been provided to communities of under 10,000 population and one tenth to communities of under 5,000 population. (Chart 9) The fact is that very many small rural communities have found HUD's public housing aids especially suitable to their needs.

HUD and the Department of Agriculture's Farmers Home Administration have already recognized the inter-relationship of their respective housing programs, both of which often operate in the same rural areas. HUD and the Department of Agriculture two years ago organized a continuing inter-agency Rural Housing Coordinating Group. This group, which was later broadened to include OEO, deals with mutual problems of housing policy, the allocation of funds, and program operations as they affect rural areas. But the proposed Department of Community Development would permit a far more natural and effective coordination of these rural and urban housing programs, with better service resulting for both urban and rural citizens.

We are all of course aware that any reorganization proposal will give rise to some fear that people served by present units will not be served as well. This is only natural since all change tends to be at least a little disturbing. I am reminded of the early fears that attended the creation of the Department of Housing and Urban Development. At one time, the people who deal with the Federal Housing Administration sought to keep that agency independent. They thought its programs would wither if brought into HUD. History has proven these fears to be entirely unfounded. The FHA programs have grown in scope, in funding and in vigor. I predict a similar outcome for the housing, rural electrification, transportation and community development activities to be included in the Department of Community Development.

The new Department would also include the Federal Insurance Administration as it now exists in HUD.

The Secretary of Community Development will have the resources and the authority to bring about the coordination of all the closely inter-related programs of the new Department. He will also have the flexibility to decentralize their administration.

FIELD STRUCTURE OF THE NEW DEPARTMENT

When I first became Secretary of Housing and Urban Development, I learned that, for most HUD programs, the actual decision points for the approval of applications and the funding of projects were in Washington.

As indicated by the tenth chart, we have decentralized to our field offices the basic approval action for HUD activities that represent over 90 percent of our total program budget. For most of our programs, action on applications for funds now takes place in our Area and Insuring Offices. Those Offices administer the programs. They make the funding decisions without second-guessing at either the Regional or Washington Offices. They are, of course, subject to general supervision and evaluation. We are still adjusting to the magnitude of this reversal of traditional Federal bureaucratic operation. Our decentralized structure is new, and is not yet functioning as well as it will. But we have created a more efficient and effective organization which is structured and equipped to make faster and better decisions and to carry out our programs in a manner responsive to HUD's missions and goals.

Our field structure was designed to achieve maximum program coordination, while bringing decision making closer to where the problems are. The HUD experience is a forerunner of what we can expect under DCD's field structure. First, HUD adopted the Standard Regional boundaries and Regional Office locations. Then, where workload and staff permitted, we created Area Offices, based on State boundaries where feasible, to handle day-to-day program activities. Authority to take final program actions has been delegated through our Regional Administrators to our Area Offices. This strong field structure allows Area Offices to handle activities close to the people being benefited, making HUD far more responsive to their needs.

This past August, we undertook an extensive survey of 26 cities and towns of various sizes to discuss reactions to both the concept and the functioning of our Area Offices. Mayors, city managers and other key officials were interviewed. We found these reactions:

(1) 89 percent of city officials interviewed want Federal decision making decentralized closer to the municipal level;

(2) 92 percent believed their Area Office had improved, and would continue to improve, HUD service to them; and

(3) 92 percent felt that the Area Office concept enables HUD to be more sensitive and responsive to local needs, while also providing one-stop service.

The decentralization of HUD's decision-making authority to the Area Offices has made it easier for local communities to coordinate their applications to HUD, and for HUD to coordinate its responses. The localities have been encouraged to prepare their own annual plans for coordinated community development. On the basis of these local plans, HUD enters into agreements with cities covering the full range of housing and community development projects for the year. These "Annual Arrangements" commit both the Department and the various local agencies of each community to a specific set of priorities for the year.

The benefits of our Annual Arrangements strategy were first reflected in our pilot experiment in Gary, Indiana.

In December of 1970, Mayor Hatcher of Gary completed a negotiation with the Department under which we committed ourselves to approve a coordinated set of applications, if they met required standards for certain projects in several programs—

Public Housing,
Urban Renewal,
Water and Sewer,
Code Enforcement,
Neighborhood Facilities,
Urban Beautification, and
Model Cities.

HUD also agreed to provide technical assistance to Gary, as well as to coordinate with the City the processing of applications for HUD-assisted housing to be located there. The City meanwhile undertook actions to expand the supply of housing for low and moderate income families in its own redevelopment and Model Cities programs.

Mayor Hatcher called this Annual Arrangement "an historic and excellent example of what can result from sound Federal-Municipal relationships."

He added:

"If this is how President Nixon and Secretary Romney intend to shape their Republican Federalism then, as a Democratic Mayor, I support it fully."

Mr. Chairman, the type of intergovernmental cooperation demonstrated in Gary is not feasible on a national basis without decentralized decision-making authority in a strong field organization.

It is the intention of the Executive Branch to establish a similarly strong and effective field structure for the Department of Community Development. The field organization would be based on the ten Standard Regions, as established by the President. Unified DCD Regional Offices would be established immediately. Regional Directors would be responsible for all DCD operations and personnel in their regions. Each would be supported by a Deputy Regional Director, program specialists, and field operation personnel. The proposed DCD field structure is laid out for you in our next chart (number 11).

"State" DCD offices would be established within each Region. While we anticipate that these offices would correspond to State boundaries in most instances, they would be located primarily on the basis of workload, so that some States might have more than one such office, and a few might be served by an office outside the boundaries of the State. These offices would administer grants for housing, planning, public and community facilities and community action assistance.

The before and after charts I am about to show you (charts 12 and 12(a)) illustrate, quite dramatically, the concrete and substantial benefits which could accrue to a city official from the one-stop service to be provided under the proposed DCD field structure. Now the Mayor of Duluth, Minnesota, has to deal with four departments and agencies at five separate offices in three different cities in order to take full advantage of Federal community development aids. If the proposed new Department of Community Development were established, that same Mayor could be offered one-stop service by the Department at a single location, Minneapolis-St. Paul, for many types of assistance. It seems to me that this type of simplification offers increased effectiveness in achieving both local and national development policies. It would be especially helpful to small communities that simply do not have the staff to find their way through a Federal bureaucratic maze.

Within each State, there would of course be other local DCD offices close to the people who use the Department's facilities. For example, the county office structure of the Farmers Home Administration would be brought into DCD intact, and the work of the county offices would be coordinated with DCD's other programs by the State Directors. Similarly, local Federal Housing Administration insuring offices would remain in the field.

The Division Engineers of the Federal Highway Administration would maintain their identity. To the extent possible and within a reasonable time, the State offices of the DCD and the Division Engineers would be located together to facilitate their working together. This should greatly improve the capacity of DCD's State Directors to deal with community development issues on a community-wide basis.

The new Department would maintain and enhance easy accessibility to Federal assistance where it already exists. Thus, sponsors of rural housing would, as now, be able to turn to county offices to make applications; the Federal highway programs would remain substantively and organizationally intact; and HUD housing aid programs would be administered as they are today—that is, in field offices. Charts 13, 14, and 15 illustrate how the several types of field offices could be used to serve more localities better.

The administration of other Federal community development programs—for example, mass transit and Economic Development Administration public works projects—would be brought closer to the applicant agencies and groups, and made part of an overall community approach by a unified State DCD Office. Chart 16 provides an illustration of this.

To summarize, we are seeking to design a field structure that will result in decision making which is—

1. faster than now,
2. more coordinated than now, and
3. more responsive to local needs and priorities than now.

At the same time, the capacity of the Federal Government to deal with problems of uneven national growth in a coordinated manner would be greatly enhanced. This is so for both urban and rural areas. The proposed Department could focus on public plans and facilities for growth centers in a truly comprehensive manner. As a result, the benefits of regional infra-structure planning on such centers would be real, instead of illusory. In addition, the Department's full range of powers could be brought to bear on improving rural communities so as to help stem the migrations which have contributed so much to rural stagnation, central city overcrowding and deterioration and suburban sprawl.

In fields such as water and sewer assistance, different existing categorical programs now administered by numerous officials of scattered agencies would be administered by a single official, readily accessible to local communities. Thus, related programs could be coordinated through unified administration. And inter-agency approvals and liaison now achievable only in Washington would be possible at the field level. I have here before-and-after charts (17 and 17(a)), relating to water and sewer programs, which illustrate the simplification DCD would achieve. The potential savings in time and effort are obvious—for Federal, State and local officials and for private industry and individual citizens.

Mr. Chairman, the enactment of this bill would be a bold step in that it would create a truly new Department important to the effective operations of the entire Federal system. It seems to me that the confidence of the American people in their government has weakened to an alarming extent. As President Nixon said in his Message to Congress on Executive Reorganization:

"At this moment in our history, most Americans have concluded that government is not performing well. It promises much but it does not deliver what it promises. The greater danger, in my judgment, is that this momentary disillusionment with government will turn into a more profound and lasting loss of faith."

I do not, for a moment, suggest that the creation of the proposed Department of Community Development will, in itself, solve our problems, or guarantee the achievement of its goals. But it will certainly make an extremely difficult task far less difficult.

Mr. Chairman, because I believe that the proposed Department of Community Development could most effectively attack the barriers to a decent living environment for all American families, I urge early and favorable action by this Committee on H.R. 6962.

EVALUATION OF THE WATERSHED PROGRAM—A SOLUTION TO POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. Schwengel) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, the Conservation and Watershed Development Subcommittee of the Public Works Committee in the House of Representatives, chaired by Congressman Jim Kee, of West Virginia, and on which I am the minority leader, has been conducting a number of field hearings during the past several months. So far we have had hearings at six locations—Ardmore, Okla.; Bluefield and Princeton, W. Va.; Macon, Ga.; Greenville, Miss.—with representation from the States of Mississippi, Arkansas, and Louisiana; Davenport, Iowa; and Wichita, Kans. We plan to continue these hearings after the recess at several locations in the Western States.

Mr. Speaker, the purpose of these hearings as has been noted is to make an in-depth study of the entire watershed development program administered by the Soil Conservation Service. We want to meet with knowledgeable people at the grassroots level to ascertain whether the objectives of Public Law 83–566 are being met; to learn whether benefits have accrued as anticipated by the project sponsors when the act was passed; or whether we have fallen short or exceeded those contained in the original work plans. Also, we are interested in learning what additional authorities and funding would be helpful to make the program fully responsive to the needs of watershed communities.

We have been greatly impressed with the hearings to date. The testimony of witnesses has been overwhelmingly favorable in attesting to the many diverse benefits accruing to these watershed projects. Strong support for the program has been demonstrated by witnesses representing practically all public agencies and organizations—Federal, State, and local—concerned with resource conservation and development. It is clearly evident, as we had suspected, that many unevaluated or underevaluated benefits are accruing when these projects are fully implemented. The response at all locations was enthusiastic and the attendance more than had been expected. For example in Macon, Ga., the large courtroom where the hearing was conducted was filled to capacity with people standing in the aisles and along the back of the room. More than 90 testimony statements were offered. Also at Wichita, Kans., nearly 300 attended the hearing.

Witnesses repeatedly stressed the need for greater acceleration of the program and for amendments to the Public Law 566 to provide such authorities as Federal cost-sharing for municipal and industrial water supply and for water quality control; long-term contracts to strengthen and help accelerate the land treatment program; and authority to use other Federal funds for purchase of land, easements, and rights-of-way. These are the same amendments as contained in the House bill cosponsored by Jim Kee and myself along with a number of other House Members. Our bill is H.R. 11448, which was introduced October 27, 1971, and is identical to title II of Congressman Bob Poage's rural development bill H.R. 10867.

I was particularly impressed with the work which we saw in our own State. The Rock Branch watershed project in Jefferson County is a "model" of what can be done when local people, State, and Federal agencies unite to solve their watershed problems. The land treatment phase, in which you people in the ASCS have played such an important part, is absolutely spectacular when viewed from the air. The impoundments behind the grade stabilization structures contained clear water—an indication that soil erosion is being controlled. As evidenced in talking to several farmers during the watershed tour and further demonstrated in the hearing testimony, there is real pride in the accomplishments brought about by this team arrangement.

Several things have become apparent to me as a result of these hearings.

First, I think we should look upon the expenditure of funds for watershed development as an investment in America's future. Local organizations, individual farmers, together with State and Federal agencies assisting these groups, are to be commended for the fine job they have done with the limited funding made available for this important work. At the present rate of progress, it will take more than 100 years to bring some 8,000 watershed projects still needing attention under control, and we will have suffered irreparable losses in that time. It is time we got on with this job.

Second, we cannot overemphasize the contribution of the land stabilization program so important in watershed work in reducing and trapping harmful sediment that would otherwise move into our streams and rivers. Sediment is now recognized as the greatest pollutant—by volume—of water. In addition to its detrimental effects in filling reservoirs, navigation channels, estuaries, and increased water treatment costs, it is the main cause of many harmful chemicals, components of fertilizers, pesticides, herbicides, and bacteria getting into the river systems. For it is the sediment particle that serves as the transport mechanism for these pollutants.

The significance of the job being done to trap harmful sediment is reflected in figures furnished by the SCS which show that more than 14,650 structures have been planned under the watershed program. These planned structures, which include reservoirs, debris basins, and grade stabilization structures, will store 1,640,810 acre-feet of sediment weighing 2.8 billion tons. To illustrate the magnitude of these figures it would take 40 million 70-ton gondola cars to haul this amount of sediment. Placed end-to-end the cars would extend for 470,000 miles, or more than the round-trip distance from earth to moon, or would girdle the earth nearly 20 times.

A bill before our Public Works Committee, already passed by the Senate, proposes the expenditure of some $14 billion over the next 10 years to clean up municipal and industrial water pollution. Even with that huge Federal expenditure, the pollution problem in our rivers will not be corrected. Do you realize the hillsides in the country produce and send 700 times more solid wastes into our rivers than all the cities and their industries combined? I firmly believe that the solution to our river pollution problem rests to a significant degree on the proper stabilization and management of our watersheds. What we need is a massive effort with adequate funding of several billions of dollars to complete the watershed treatment program in the next 10 to 15 years.

In summary, money spent by the Federal Government for these watershed conservation programs is a paying proposition and should be considered as an investment in America.

The success of the watershed program has demonstrated that it can make extensive contributions to:

First, improving living space for people through the conservation, protection, and wise use of land and water resources;

Second, stemming the tide of migration from rural to overcrowded urban areas;

Third, strengthening communities by providing wider economic, social, and cultural opportunities;

Fourth, assuring continued high standards of living for all Americans through wise use of the Nation's natural resource base;

Fifth, contributing basic resource information and interpretations needed in developing sound and workable national land-use policies; and

Sixth, assuring improvement of our lands and waters needed to sustain production of food, fiber, and forest products.

These and associated influences are the very foundation for a safe, wholesome, and productive environment for our people.

Mr. Speaker, there can be no solution to pollution without the completion of the watershed and conservation program as envisioned and promoted by all the farm leaders, indeed all our rural people.

PROBLEMS OF WATER POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Harsha) is recognized for 10 minutes.

Mr. HARSHA. Mr. Speaker, I would like to address my remarks to an issue of crucial national importance. Both the Congress and the people are keenly aware of the problems of water pollution. Unfortunately, we are obliged to experience them every day. Conscious as we are of the problems, the options are many and solutions for effective action are difficult. In part, this may be caused by the fact that there is no simple answer.

A really effective solution to major pollution problems is necessarily highly complex, involving all levels of government and requiring extremely good intergovernmental relationships. The effective solutions may well have to go to the basic structure of our economic and industrial life, to our technological and scientific capability, and it must involve an analysis of that goal often called environmental quality. However, that term necessarily incorporates decisions which will affect and, in part, determine our quality as a nation.

The basic Federal law addressed to the issue of water pollution control is the Water Quality Act of 1965, which created the first truly national water pollution control effort. It was a far-reaching measure, which we hoped and expected would move us effectively toward a solution to water pollution, which we recognized as a nationwide menace.

That act incorporated our best judgments as of 1965, whatever the merits or faults of that legislation and its amendments, or of the implementation of its provisions at Federal and State and local levels. I believe we can all agree that progress toward our goal has not matched our expectations. More must be done. New knowledge, new technology, and our experience must be kept in mind and evaluated as we consider and thoroughly evaluate new legislative directions. We hope that the final product will provide a framework which will produce the results we want—a restoration and maintenance of the quality of the Nation's waters.

Among the many complexities we must face in devising that new legislation, several key issues must be addressed, thoroughly analyzed, and resolved. Some of the issues which I see as key are these:

First. What is the goal that we are seeking in this whole effort of water pollution control? What is the quality of the water which we would identify as necessary and essential? Should this major program be addressed to the achievement of absolutely pure water? Is such a drastic step either necessary or desirable? By water quality do we mean the highest quality that technology can produce? Do we mean water quality for the people's use and enjoyment? Until this question has been clearly and accurately answered, none of our answers to the other issues will have any real validity.

Second. What are the social and economic costs of achieving our goal? What is the mechanism for relating those costs to the social and economic benefits we seek? Not only must the reasonable relationship between these two be recognized and articulated in our legislative solution, but the technique for relating these costs and benefits, and clear and administerable criteria for assessing such costs and benefits must be provided.

In view of the major problem we face and the expenditure of money and effort we must make, these social and economic tests, which are at the foundation of any realistic approach to the problem are critical. Even if we have clearly identified the goal, but we fail to provide for the assessment and application of the social and economic considerations, our strategy in achieving the goal may be thwarted or severely deflected with far-reaching and possibly disastrous consequences.

Third. Will our legislative solution be practicable? Will the tasks we place on Federal, State, and local governments be achievable? Will it take into account present capabilities and resources, and the pace at which these can be augmented, if necessary? Will the legislation provide for the achievement of specific goals on stringent and exacting time schedules which are nevertheless sufficient to permit thorough, well developed, and fully considered implementations, or will they be unrealistic and promise the American people more than can be delivered?

In short, we must provide a reasonable and rational scheme to achieve our purposes. We must avoid duplication, inefficiency, and confusion by providing clear, concise, reasonable direction for administerable programs.

Fourth. How will requirements for water pollution control be imposed upon dischargers? Should a system of Federal permits be the mechanism? Should a system of State permits be used? Is the best answer here some combination of Federal and State permits or some other system of administrative orders, legal suits, public hearings, or other techniques either in addition to permits or in lieu of Federal or State permits? The real and practical success or failure of our efforts is finally dependent upon the efficiency and equity of the enforcement of our regulatory requirements. However well and efficiently administered the other aspects of the program may be, they are meaningless, unless they finally result in obliging dischargers to make the necessary effort toward the achievement of water quality. At this point, Federal, State, local, and private interests converge and in part conflict. For this reason, the structuring of our enforcement mechanism must be as carefully and finely constructed as possible.

Fifth. What will the appropriate Federal and State role in this overall effort be? Is the Federal-State partnership approach the best or only approach? What do we mean by the Federal-State partnership? This question of intergovernmental relationships has been and must continue to be a central concern in water pollution control legislation and efforts.

There are already extensive networks of both Federal and State programs and actions. We have been continuously confronted with questions of appropriate respective roles and authorities. These networks must be made to mesh and work together effectively.

The Senate has given us its answers to many of these issues in S. 2770, which passed the Senate on November 2. That bill is radically different from any of the bills on which public hearings were held in that body. It bears little resemblance to any of the bills considered in hearings conducted by the Public Works Committee of this House earlier this year. Without going into the merits of that bill, it certainly serves to highlight many of the issues I have mentioned. I am not prepared to say that S. 2770 resolves those issues, nor do I believe that this House should be prepared to accept those answers until we have had the benefit of comprehensive hearings. I am firmly convinced that full and open discussion of the problems and the alternative solutions is of the utmost importance for a full consideration of the issues for the provision of the foundation for further deliberation, and ultimately for a resolution of those issues by the House.

To provide the basis for discussion of the issues, I now wish to introduce H.R. 1895, a bill prepared by the staff of the Committee on Public Works. The entire membership of that committee on which I have now served for 11 years join with me as cosponsors of this bill for that same purpose. However, this does not mean that all the cosponsors agree with all of the provisions of this bill. I emphasize, this bill is introduced to provide a basis for review of the issues by the Public Works Committee in public hearings.

The initial public hearings on H.R. 1895 are scheduled for November 30 in the Committee on Public Works. We will endeavor during the course of those hearings to solicit the widest spectrum of views and to delve into the issues, we may weigh and test the validity and practicability of alternative solutions in an effort to bring before this House for its consideration a strong, realistic, far-reaching, and effective water pollution control bill.

GONZALEZ ASKS INVESTIGATION OF FEDERAL WITNESS IMMUNITY STATUTE

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I have today introduced a resolution calling for an investigation by the Judiciary Committee of the operation of the Federal witness statute.

This action comes about as the result of my continuing concern, spanning over most of this year, over the immunity granted Frank Sharp, who amassed $6 million fortune in Texas by bank manipulation and fraud.

I have repeatedly questioned the role of the U.S. Department of Justice and of the Federal court itself in granting immunity to the big culprit in the Sharp case, while indicting others as the result of Frank Sharp's testimony.

The Justice Department's criminal division head, Will R. Wilson, resigned on October 15 as the result of his involvement with Sharp.

Mr. Speaker, I want to know how many times and under what circumstances the Federal Government has granted immunity to witnesses in civil and criminal cases.

Among other things, I want to know just how and why the Justice Department saw fit to grant immunity to Frank Sharp, the chief culprit—the mastermind—of the biggest and most scandalous plot in the history of Texas. This man literally stole tens of millions of dollars, wrecked good businesses by the dozen, and subverted the greater part of the State government of Texas. Yet he was given absolute immunity, and I cannot understand why.

Aside from the monumental stupidity represented by the decision to grant immunity to Sharp, I cannot help but wonder if this represents a typical application of the immunity statutes. If it is, the law obviously is going to need some changes.

I want the Judiciary Committee to find out how this law is being applied, and whether it needs changes.

As the thing now operates, Federal judges have no choice but to grant immunity to criminals, when the Justice Department asks for it. This gives immense and unwarranted powers to prosecutors, and the result of this is immunity grants to men like Sharp. I think that the judges ought to at least have some discretion on the immunity question, so that they can demand that the Justice Department show exactly how it would be in the public interest to grant immunity.

Second, I wonder whether the immunity statute as it is currently written is even constitutional, and I believe that the Judiciary Committee ought to ascertain that.

Finally, under existing Federal laws and rules, a person can be convicted on the uncorroborated testimony of a witness who has immunity. Now a man with immunity will testify to anything, because he in effect is a puppet of the prosecutor. If he does not say what the prosecutor wants, he can be subject to punishment by the courts. If he pleases the prosecutor he will go free. So he will say anything. Now under Texas law, you cannot convict a man on the basis of uncorroborated testimony. We seem to have a pretty good record in Texas for the prosecution, so I cannot see why the Federal Government should not operate under about the same rules. I think that there is a need to require that testimony of immune witnesses be corroborated, before a conviction can arise. That would place no undue burden on prosecutors, certainly no greater than Texas law requires, and it would help end what appears to be massive abuse of the immunity statute under present procedures.

The whole Sharp deal stinks. I want to find out how many other Sharp deals have been made under cover of the immunity statutes, and why. Maybe this is a law that needs changing.

ADEQUATE HOUSING FOR THE ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE), is recognized for 25 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, today I seek recognition to discuss another major problem facing the elderly of our Nation—that of adequate housing. The need for shelter is probably one of the most basic, after food, that has faced man since the beginning of time. The problem has always been particularly acute for the aged and the infirm because, left on their own, many just cannot fend for themselves and provide for a roof over their own heads. The tragedy is that man has not progressed very far from earliest times in solving this basic dilemma of housing those unable to house themselves. In fact, in many ways the elderly today are probably worse off with respect to adequate housing than their ancestors 50 or 100 years ago. With all the jolts and shocks the family unit has experienced in the last 25 years, the elderly today just cannot rely on their own kith and kin for a basic need such as adequate shelter in their declining years. The ideal for the American family since the war seems to be for the young to get away from home as soon as possible and set up a home life of their own. The last thing today's families seem to want is a member of the older generation living with them to interfere in their private lives. Sunday visits are even going out of fashion and it is not surprising that nursing homes and homes for the aged are a multibillion dollar business today, whereas a few decades ago you had to drive for miles to find one. They are not filled to capacity with people that are really physically ill, but rather with people that have been left alone and put there, sometimes against their will, because there is no room for them, not at the inn, but the family home. The temptation to be melodramatic, I admit, is very great, but I do not think I am exaggerating in anything I have said so far.

At least, those who are spending their old age in institutional homes are those who can afford it or whose families find it worth the price. However, many millions more just cannot afford it or cannot depend on relatives who can afford it. These people are either in their own homes, some form of subsidized public housing, or literally living in hovels, in tenement houses and hotels. Statistics are lacking on the exact distribution in and among these different categories. The census never gave much information in this respect. The closest they came was in 1960 and then it was felt the questions were so personal and embarrassing that they were never asked in the latest census, in 1970. Thus, the most current official information available, limited as it is, goes back to 1960 when the census revealed that 30 percent of all households headed by persons aged 65 and over occupied housing that was either dilapidated, deteriorating, or lacking basic facilities. This figure represents about 2.8 million substandard units occupied by the elderly. Regrettably, there are few other sufficiently broad-ranged studies to rely on in this area and I admit that even this statistic does not begin to even scratch the surface of the real crisis facing the elderly. Through extrapolating available statistics, it is possible to estimate that since the President's Committee on Urban Problems concluded that "there was an immediate and critical social need for millions of decent dwellings to shelter the Nation's low income families" and that at that time, the Nation confessed to 24 million "poor" people, 20 percent were in all likelihood elderly. We are faced extrapolating further with the staggering statistic at the end of this circuitous route that some five million elderly citizens were in need of a minimum of between 1.2 and 1.6 million units in 1968. This need can then be projected as necessitating a minimum building rate of 120,000 units a year. Yet only 41,000 units of last year's housing starts could be identified as approved or committed to the elderly poor, according to the report of the Special Committee on Aging of the U.S. Senate, published in 1970.

There is no question that we are touching on a problem of massive proportions. To date, it is estimated that more than 20 million people in America are over 65 and by 1985, it is estimated that this age group will number 25 million elderly men and women. In view of the fact that even the elderly with adequate income are generally those with fixed incomes and experiencing rapid erosion of real income with today's inflation, I think the true proportions of the problem can begin to be appreciated. Basically, the elderly in this country are a hard-pressed sector of the economy whether they enjoy an income or not. It is this group, too, that must face a future of reduced physical ability and are not able to provide for themselves. Consequently, for all intents and purposes, they are totally reliant on friends or Government for help in their dilemma.

That the elderly are faced with a critical housing dilemma is unchallengeable. Even the statistics that over two-thirds of the elderly are fortunate to own their own homes and that 80 percent of these are free and clear of mortgages is hardly comforting. The fact is that given their fixed income, this home-owning group has probably been the group most affected by the incredible skyrocketing in local property taxes of the past 10 years. These homeowners are rapidly falling by the wayside and I just wish somebody could come up with the real figures on how many of those in their declining years have been forced to give up the struggle of owning their own home because they just cannot afford to pay their taxes.

The wage earner or the self-employed businessman, while hard-pressed by rising taxes to the point of despair, at least is able to rely on the prospect of wage increases or fee increases that are just not available to those in old age living entirely on pensions and/or social security. Statistics show that the elderly homeowners tend to live in the older, blighted sections of town. The percentage of senior citizens in model cities target areas, for example, range from 10 to 50 percent. Their homes, in many instances, are deteriorating around them as they struggle to raise the money necessary for taxes. They just cannot afford the repairs in far too many instances to live in dignified surroundings. Things often get so bad that when the elderly finally give up the fight, they are very often selling rundown property for very little money in a downtown area. Younger, more affluent suburbanites looking for a way out of the commuter fray are presented with the opportunity of buying inner city property at an incredibly low price to restore and eventually sell at greater prices. This story has to have a familiar ring to it for every member here. I am glad to see our inner cities in some quarters experiencing a new growth and prosperity, a restoration. I regret, however, the fact that it has come about largely at the expense of the elderly who are selling out and leaving their home of years at a tragically low price. There are always two sides, it seems, to every story. In other words, because of their fixed income, in a real sense the elderly are really forced to watch what is for most their only asset depreciate and decline in relative value compared to the homes of those younger and more competitive.

Another way of looking at the importance of housing to the elderly and the shadow the spiraling costs of housing cast over their lives is the statistic that already it is estimated that 34 percent of a retired couple's budget goes to housing. With housing costs going up and up and their income remaining fixed this percentage would seem to have nowhere to go but up in almost every instance. Thus, our problem as Federal officials is not just that today's homeless are looking to us for assistance as their court of last resort but the fact that even those with homes today, but probably not tomorrow, are also looking to us for relief and consideration.

What does the Federal Government hold out to these people who look to it for housing assistance? Section 202 of the National Housing Act authorizes a program of direct loans from the Federal Government to nonprofit sponsors who decide to provide housing to the elderly and handicapped. This is the real housing for the elderly section of the National Housing Act, although even here the elderly are grouped with the handicapped—who need not always be elderly—in the competition for limited funds. The other most widely publicized section of the National Housing Act with some relevancy to the elderly is section 236 which provides rental and cooperative housing for lower income families. Since the elderly usually qualify as lower income, those interested in constructing housing for the elderly in many cases are applying under this section. Under this section nonprofit, limited dividend and cooperative corporations can obtain HUD-insured mortgages at the prevailing interest rates, with HUD making monthly payments to the lender reducing interest rates cost considerably.

Effective interest rates have been reduced to as low as 1 percent under this interest subsidy feature. Tenants pay either basic rental or 25 percent of their adjusted income. My chief criticism here is the elderly are really not able to compete effectively with others for the limited spaces available under this program. High-rise apartments designed for low-income families are not always suitable for the elderly who have often need for special supportive services in their housing projects, such as congregate dining facilities, special social and recreation programs, emergency nursing and housekeeping help, outside maintenance and transportation. To expect a construction firm to construct housing under this section which provides these services is to expect too much. As often as not, these services are just not available to the elderly. Consequently, even on paper it is not surprising that lumping the elderly in which all other low-income family situations, quite often families with young children, is almost doomed to failure before it is even put into practice. In practice, the results are quite disappointing. The facts of life being what they are, quite often because of intense community opposition to the idea of low-income housing, availability of apartments for the elderly is further reduced. All of which leads me to criticize the present trend in the administration since 1968 to lump all needy groups into one category with one massive housing program. The fact is that on paper and in practice the needs of the elderly are different from those of other low-income groups and should be attacked with special or separate national program. That is why it is particularly regrettable that section 202 funds have been reduced to a trickle in recent years in favor of beefing up section 236 programs. The elderly are just not getting a fair shake in having to rely almost exclusively on section 236 for large-scale housing development.

Again, I can take little comfort in the fact that most of the low-income elderly today are being serviced by the public housing program through which the Federal Government provides financial and technical assistance through HUD, to local housing authorities to plan, build, and acquire, own or lease and operate low-rent public housing projects. Again, the elderly in ones or twos far too often find themselves standing at the end of a long queue of families with children whose needs must also be recognized by the local housing authorities. It is unfair in my opinion, to have the elderly in ones or twos forced to compete for limited funds and available apartments with large families with children. Increasingly the local officials are being required to exercise the wisdom of Solomon in deciding who comes first, the elderly or the babies.

If I, therefore, have anything to contribute to the debate on the national housing shortage and if I have any observation after reviewing available Federal housing programs it is that section 202 funds should be revived and restored; for the elderly there has been no other program quite as successful. If it cannot be 202 then some other program should be instituted to take its place. The main conclusion I have reached in recent months is that the administration is doing no favor to the elderly in consolidating all housing programs for the needy into one category. Such a consolidation is to ignore the advice of the experts and all we have learned from experience about how to make life in public or large-scale housing projects more comfortable, more relevant, more tailored to the needs of the elderly in the 1970's.

I am not unmindful that HUD has in operation a number of programs which might help the elderly, such as a special rent supplement program. But even this does not address itself exclusively to the problems of the elderly. Section 231 mortgage insurance, while tailored exclusively to provide insurance coverage for new or rehabilitated rental housing for the elderly just cannot rank for effect and results with a program such as 202 fully funded and operational. A conservative estimate of how much should be appropriated if we are to have a meaningful program of housing for the elderly at the Federal level is $150 million a year. I repeat, specifically for housing for the elderly. I think it extremely regrettable that Congress has gone along with the administration to the extent that no funds were appropriated under the section 202 program in 1970.

Another area which should be explored intensely this Congress are measures providing a tax abatement on the Federal income tax for local property taxes paid by the elderly. Until now we have been content, on the Federal level, to sit and wait for relief to come at the State level in the form of an abatement on local State income taxes, where they exist. Not only would a drive in this area on the Federal level have the advantage of national uniformity but it would also, doubtlessly provide much more significant relief, in view of the Federal tax bite. We should also turn our attention to making the prospect of housing for the elderly less the undesirable development that it is at present for local communities who face the prospect of seeing their already limited property tax base shrunk further with additional nonprofit housing. This certainly is one of the elements contributing to the opposition of local communities around the country to the development of low income housing for the elderly within their boundaries. It is a natural taxpayer reaction. There must be a way to allay their fears on this count.

In closing, just let me say that adequate housing is a basic prerequisite for human self-respect and peace of mind. If our elderly are to spend their final years in the dignity they are entitled to, then a minimum prerequisite is adequate housing. Has this Nation grown so old that it has forgotten one of the most stirring issues of the war of independence? "A man's home is his castle" was no mere slogan but an expression of deep feeling that one's home was even worth fighting for. As we approach the 200th anniversary of that war, I say that adequate housing for all, especially for those unable to take care of themselves, will always be worth fighting for. More than 25 years ago when I first ran for the State legislature, it was at the forefront of my campaigns. I regret to say today, 25 years later, it still has to be there because the need is still there and this country has not begun to meet this need.

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Johnson of California) is recognized for 15 minutes.

Mr. JOHNSON of California. Mr. Speaker, the John F. Kennedy Center for the Performing Arts has at last become a reality, a living memorial to a beloved President and a shining symbol of our Capital City's cultural maturity. The great halls and stages of this magnificent structure today are presenting to our people, and to the world, the finest that America has to offer in contemporary music, the theater, ballet, symphony, and opera—in all the lively arts that illuminate the character and the culture of this Nation.

The creation of this cultural center on the shores of the Potomac is the fulfillment of a goal envisaged long ago by the Founding Fathers of the Republic, a goal finally achieved through the dedication and untiring efforts of many people, and not the least of them past and present Members of this body. And I believe it fitting, Mr. Speaker, that the contributions they have made to the John F. Kennedy Center be inscribed in the record of this Congress.

Many of them have served on, or worked with, the House and Senate Committees on Public Works, the committees which created the authorizing legislation that gave birth to this Center. Without them, this splendid addition to the cultural life of Washington and the Nation could never have been achieved.

High on the list of those whom we would honor is Representative Robert E. Jones of Alabama, who, as chairman of the House Subcommittee on Public Buildings and Grounds in 1958, had the vision to urge upon his colleagues the need for a national cultural center here at the seat of the U.S. Government.

Working closely with Mr. Jones at that

time on the Public Works Committee were Representatives JIM WRIGHT of Texas, J. Harry McGregor of Ohio, and Edwin B. Dooley, our former colleague from New York. The year 1958 also saw the present chairman of the Public Works Committee, Minnesota's JOHN A. BLATNIK, and KENNETH J. GRAY, now chairman of the Subcommittee on Public Buildings and Grounds, supporting the National Cultural Center legislation. The committee chaired then by Representative Charles Buckley of New York, reported out favorably H.R. 13017, which became the National Cultural Center Act.

Those same gentlemen led the floor debate, where they were joined by Representatives Jim Fulton of Pennsylvania, Carroll Kearns of Pennsylvania, FRANK THOMPSON of New Jersey—the bill's sponsor—HENRY S. REUSS of Wisconsin, ROBERT WILSON of California, Frances Bolton of Ohio, Richard Simpson of Pennsylvania and Ken Keating from New York. With their leadership, H.R. 13017 was passed 261 to 55.

The bill provided for the establishment of a Board of Trustees, 15 ex-officio and 15 appointed by the President, with funds to be raised by private subscription. It was part of the legislative program of President Eisenhower and was actively sponsored by White House officials, including Sherman Adams and Bryce Harlow. Critical assistance for the legislation also came from Leonard Carmichael and James Bradley of the Smithsonian Institution, in which the Center was made a bureau; from the District of Columbia Commissioners; from David Finley, Chairman of the Fine Arts Commission; from the National Park Service, and from the National Capital Planning Commission.

The building was to be constructed on Federal lands on the Potomac, a site arrived at only after the most vigorous controversy, with many Representatives, who otherwise supported the concept of a National Cultural Center, proposing a Mall site which had been designated for the air museum.

Comparable groundwork for the National Cultural Center was done by the Senate Subcommittee on Public Buildings and Grounds, chaired by Senator Pat McNamara of Michigan. Testimony was presented to the subcommittee in support of the Senate version of the national cultural Senate bill, S. 3335, by Senators FULBRIGHT of Arkansas and ANDERSON of New Mexico. The Senate bill, sponsored by Senator FULBRIGHT, later joined by Senators ANDERSON and Wiley, was reported out of committee by the then chairman, the late Dennis Chavez of New Mexico, with the active support of virtually all the committee members, including Senators CHURCH, HRUSKA, and COTTON, and former Senators Neuberger of Oregon, Gore of Tennessee, and Kuchel of California. This support was responsible for Senate approval of the measure which followed.

In 1959, technical amendments were made to the National Cultural Center Act, with leadership in the House provided by the Public Works Committee and Congressman THOMPSON, our colleague from New Jersey, Senator Lyndon B. Johnson of Texas provided leadership in the other body after favorable consideration by the Senate Public Works Committee—still under the chairmanship of Senator Chavez.

In 1963, additional amendments were made to the act, extending the time for raising funds and enlarging the board to 45 members. The board of trustees had made considerable strides by that time. Over $13 million in contributions had been raised throughout the country and the stage had been set for making the center a truly national institution.

Recognizing the need to sustain momentum, Congressmen Buckley of New York and JONES of Alabama continued in their commitment to see a national cultural center brought to life in the Nation's Capital. S. 1652 was favorably reported out of the House committee. On the floor, Congressman JONES once again led the fight, joined by other members of the Public Works Committee, including Congressman MCCLOSKEY of Illinois, our colleague, FRED SCHWENGEL of Iowa, and James C. Auchincloss, Congressman from New Jersey. James C. Wright, Jr., Public Works member and member of the center's board of trustees, took the floor in support of S. 1652, as he had supported the 1958 national cultural center legislation. In the other body, the Senate Public Works Committee once again led the way under the leadership of the ranking majority and minority members of the committee, Senators McNamara and COOPER. The bill, sponsored by Senators FULBRIGHT, Saltonstall, and Clark, easily passed the Senate. Former Senator Morse of Oregon, in the floor debates, after committee approval, eloquently set forth the responsibilities of the trustees when he stated that:

> In directing the trustees to present all forms of the performing arts, Congress intended the Center to be a showcase of the finest talents in America and from abroad. It follows that the trustees would therefore have an almost elemental interest in fostering the arts throughout the country.
>
> The Center, like the Capitol itself, will belong to all the people, as do the Washington Monument, the White House, the Lincoln Memorial, and every other public building in the Capital.

The enactment of S. 1652 was followed by a flurry of activity, with President Kennedy and General Eisenhower in the forefront. Business leaders were convened in the fall and a massive national campaign was planned.

A broad consensus to see the project through had clearly been reached when President Kennedy was suddenly struck down by an assassin's bullet. Congressmen and Senators, too numerous to mention, rallied behind the Democratic and Republican leadership to support the concept of converting the National Cultural Center into a living memorial to John F. Kennedy. Senator Dirksen's behind-the-scenes efforts were particularly noteworthy in this nonpartisan movement.

Again the House Public Works Committee was instrumental in developing the legislation, originally House Joint Resolution 871 and guiding it through to passage. Unprecedented joint hearings, at the behest of the ranking members of the Public Works Committees, Representatves Buckley and Auchincloss and Senators McNamara and COOPER, were held on December 12, 1963, with further hearings on December 16, 1963. Our colleague from New York, Representative SEYMOUR HALPERN and the Honorable FRANK THOMPSON, Jr., testified at the joint hearings in support of the House Joint Resolution 871. The chairman of the House Public Works Committee, Representative BUCKLEY, promptly and favorably reported out the legislation. In justifying the renaming of the National Cultural Center, the House Public Works Committee stated in its report:

> Nothing was more characteristic of President John F. Kennedy than his support of the arts in America. His central concern was not merely with the immediate problems of government, important and difficult as those problems were, but with the quality of the American Civilization which he led. He was a follower of the arts himself. But, more than this, he believed that through its artists—its poets, musicians, painters, dramatists—a society expressed its highest values. He knew that the ultimate judgment of history upon the works and worth of mid-20th century America could rest not only on our ability to protect freedom and extend opportunity, but also on the quality of our cultural achievements and what those achievements told of our Nation. The history of man is witness to the validity of that belief. The triumphs of ancient Greece, of the Renaissance, of Elizabethan England, and of other great historical periods, are known to us largely through the artistic accomplishments of the times. John F. Kennedy knew and understood this and found it congenial to his own temperament and enthusiasms.
>
> No memorial could serve as a better tribute to this spacious view than the National Cultural Center. The establishment of a climate within which the Arts could flourish, and man could find opportunity for expression of his noblest thoughts and deepest passions, was a central objective of his administration. This was, to him, one of the great challenges of a free American society. The National Cultural Center is an effort to contribute to such a climate. Within its walls the poetry, drama, and music of our time will find expression and support. It was because of this that President Kennedy gave so much of his own time and attention to the drive to establish the Center. We are confident that naming the Center after him will serve as an additional spur and incentive to the Center directors to realize the limitless possibilities which were the heart of his vision.

On the floor of the House the going was somewhat more difficult, but again members of the Public Works Committee spoke up and the legislation was passed. Support on the floor came from many Public Works Committee members of both parties, including Representative Auchincloss from New Jersey, Illinois Congressman MCCLOSKEY, Mr. MACDONALD, Representative from Massachusetts, Representative JIM WRIGHT of Texas and ROBERT JONES of Alabama, and the ranking subcommittee Republican, Representative Cramer of Florida. Senate Joint Resolution 136, in lieu of the House joint resolution, passed the House on January 8, 1964.

Senate Joint Resolution 136 had previously been approved in the Senate after the chairman of the Subcommittee on

Public Works, Pat McNamara, reported favorably on the resolution with supporting ranking Republican, Senator COPPER, on December 17, 1963. Senators McNamara and COOPER have, over the years, devoted unstinting energies to the passage of necessary legislation for the Kennedy Center. They weathered the storm of argument and prevailed upon their colleagues in the 1963 Senate action and later in the critical 1969 legislative proceedings.

Senate Joint Resolution 136 was sponsored in the Senate by Senator FULBRIGHT on his own behalf and also for 54 other Senators from both sides of the aisle. The bill passed the Senate on December 18, 1963. The act, renaming the Cultural Center, provided for $15.4 million in borrowing authority and authorized a $15 million matching appropriation.

The bipartisan support which characterized the enactment of Senate Joint Resolution 136 has carried forward in both bodies to this day. It was only through the efforts of such men as Representatives GERALD FORD, former Speaker Joe Martin, SEYMOUR HALPERN, and Senators HUGH SCOTT, Dirksen, RANDOLPH, JORDAN of North Carolina, BYRD of West Virginia, Saltonstall, CASE, Prouty, and JAVITS that the bipartisan approach was attained.

The leadership of the House and Senate Committees on Appropriations following the enactment of Senate Joint Resolution 136 was critical to making the John F. Kennedy Center a reality. The Honorable Michael J. Kirwan, Congressman from Ohio, presided over subcommittee hearings on Thursday, February 20, 1964, on the Kennedy Center appropriations request. At that hearing, Daniel Shear, counsel for the National Cultural Planning Commission, testified concerning the acquisition of additional land for the Kennedy Center. Congresswoman HANSEN of Washington, always an ardent supporter of that which will enrich the lives of Americans, was particularly attentive to the needs of the Kennedy Center at this time, as were former Representative from Wyoming, William Henry Harrison, and Congressman Reifel of South Dakota. The committee reported favorably on the appropriations, and the bill was approved on March 17, 1964.

Staff support for the 1964 legislation was essential to its passage. John Jackson, administrative assistant to Senator Saltonstall, and Paul Eaton of the Appropriations Committee, worked diligently to insure that the memorial would be funded in the Senate. Their efforts were equal to those of Eugene Wilhelm, succeeded by George Evans, and other staff members of the House Committee on Appropriations.

The late Carl Hayden's Senate Committee on Appropriations favorably reported out H.R. 10433 on April 4, 1964. Floor debate took place on June 22, 1964; the bill was passed the following day with a slight modification of the House version. A conference report dated June 26, 1964, was submitted by Representative Kirwan and was adopted by the House and the Senate on June 29, 1964.

The efforts of the gentleman from Illinois, KENNETH GRAY, chairman of the Subcommittee on Public Buildings and Grounds, in making the Kennedy Center a reality, have been incomparable. In 1969 he mobilized the Public Works Committee and Members from both sides of the aisle, with the aid of Congressman Cramer, to support a critically needed additional authorization for construction. When others questioned why the funds were needed, he found out why: the unprecedented increase in construction wages during the period of Kennedy Center construction, coupled with initial delays because of the underestimation of the project by the architect/engineer. He impressed on his colleagues the immediate need to avoid further escalation in costs. With the characteristic bipartisan support of Public Works members GROVER of New York, the ranking subcommittee members, CLAUSEN of California, CLEVELAND of New Hampshire, and SCHWENGEL of Iowa, the authorization bill was approved. It increased the center's borrowing authority by $5 million to total $20.4 million and matching fund authorization by $7.5 million to total $23 million.

Our former colleague William Cramer provided in the 1969 authorization hearings uncommon understanding of the difficulties of running a performing arts institution which also would serve as a memorial to an assassinated President. He had foreseen in 1963 the need for an operation and maintenance appropriation which is being requested now by the Kennedy Center but which was not then envisioned. Mr. Cramer reestablished bipartisan support for the Kennedy Center and concurred with their Public Works Chairman George H. Fallon who favorably reported out H.R. 11249 from committee. However, a minority report was filed, which resulted in the relatively small margin of votes for the authorization—210 to 162.

The Congresswoman from Washington, Mrs. HANSEN, was instrumental in 1969 in bringing the project to fruition by her work on the appropriation request. The subcommittee which she chaired expedited review so that construction could continue without costly shutdowns which might have resulted in the Kennedy Center's being a lifeless monument on the Potomac. Again, South Dakota's Ben Reifel's support was critical to the prompt action given to the bill.

The very able chief counsel of the Public Works Committee, Richard J. Sullivan, has been a pillar of strength on many projects which will enrich the lives of millions of Americans, and particularly the Kennedy Center. His unceasing efforts to make the Kennedy Center available to all Americans, both in its performing arts activities and as a building which memorializes the late President, and his continued diligence and attention to detail have enabled me and my colleagues to eliminate the unnecessary and to meet the critical needs of the project from its inception. His work in 1969, with minority counsel Clifton W. Enfield, was thorough and of great service to the committee. And high tribute should also be given to the work of Robert L. Mowson, of the Office of Legislative Counsel to the House.

The Kennedy Center's general counsel, Ralph E. Becker, has been in the project for the past two decades. One of the first trustees who was appointed by President Eisenhower in 1958, Mr. Becker has helped unite both parties behind the Kennedy Center, establishing it as a unique bipartisan project. He has quarterbacked, has had a personal hand in all legislation relating to the Center, and has been, among other things, instrumental in obtaining many of the foreign gifts which grace the Kennedy Center today. His work also contributed immeasurably to meeting the needs of the Center in 1969. In 1969 they were joined in the lengthy floor debates supporting the critically needed Kennedy Center legislation by Senators JENNINGS RANDOLPH, of West Virginia, Public Works chairman; B. EVERETT JORDAN of North Carolina, Public Buildings and Grounds chairman; ROBERT BYRD of West Virginia, SHERMAN COOPER of Kentucky, CHARLES PERCY of Illinois, MILTON YOUNG of North Dakota, and Majority Leader MANSFIELD from Montana. As always, Senator FULBRIGHT was unequivocal in his support for the Center, and Richard Royce, J. B. Huyett, Jr., and the remainder of the Public Works staff worked tirelessly on the legislation.

These debates took place on the 3d and 6th of October 1969, when an attempt was made to postpone authorization of funds pending investigation of the cost escalation for construction of the Kennedy Center. William W. Schmidt, then Commissioner of Public Buildings of the General Services Administration, Robert B. Foster, Jr., Deputy Commissioner, Roger L. Stevens, Chairman of the Board, and Ralph E. Becker, General Counsel of the Center, had previously testified about the causes of the increase in costs. They frankly acknowledge where error had been made: by the trustees, the General Services Administration, the contractors on the job and the architect. This frank disclosure to the Congress carried the day and a later General Accounting Office review gave the Kennedy Center a clean bill of health.

There are, of course, numerous others, Members of this body and the Senate, White House officials under four Presidents, General Services Administration officials and civil servants and Kennedy Center staff and officials, who have had the courage over the years to understand the need for dynamic leadership for the country in the performing arts and to translate their understanding into affirmative action. The structure which now stands on the banks of the Potomac, the precursor to other Federal support of the arts in America, is the result of their labor.

On September 8, 1971, the Kennedy Center presented its inaugural performance in the Opera House of Leonard Bernstein's specially commissioned work, "Mass." The following day, the President attended the opening of the Concert Hall, where a revitalized National Symphony Orchestra played under the direction of Antol Dorati. Ginastera's "Beatrix Cenci," premiered in the Opera House on September 10, 1971, with a performance of the Washington Opera Society. The following week a rare production of Handel's "Ariodante" under the direction of Julius Rudel, was presented; at the same time Merle Haggard and "Chicago" performed in the Concert Hall. While thousands of Americans attended these and other performances, some with the benefit of reduced ticket prices, the Kennedy Center has been preparing for its annual, nationwide American College Theater Festival. At the same time it has thrown wide its doors for the public to see the memorial sculpture by Robert Berks and to roam the halls. All of these and other activities memorialize the late President John F. Kennedy. The building and activities which it spawns represent a challenge for us all to continue to enrich the Nation's cultural heritage in keeping with the aims of John F. Kennedy and three other Presidents—Eisenhower, Johnson, and Nixon—who have supported the Center.

RELIEF TO THE STATE OF ARKANSAS

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, the bill I am introducing today on behalf of myself and my distinguished colleagues, the Honorable WILBUR D. MILLS and the Honorable BILL ALEXANDER, is in response to the following petition to Congress for the relief of the State of Arkansas.

This legislation will not only bring equity but badly needed relief to the many people using the overburdened transportation system crowding Lake Norfolk in north-central Arkansas.

A new bridge would correct the expensive inconvenience and inequitable situation which has prevailed for the past 28 years. With huge hidden costs to road users and taxpayers, I am hopeful that Congress can recognize the ethical imperatives inherent in this early experiment and then in that light reopen for review and evaluation the true socioeconomic impact of the Norfork Dam and Reservoir project and the consequent in-depth cost benefit relationships.

Mr. Speaker, I introduce for appropriate reference a bill to provide for a highway bridge across the Norfork Reservoir in Arkansas and insert the text of the printed bill after my remarks and petition:

PETITION TO CONGRESS FOR THE RELIEF OF THE STATE OF ARKANSAS

(Brief in support of the petition of the Arkansas State Highway Commission for the Congress of the United States to compensate the Arkansas State Highway Commission for the loss sustained by the Arkansas State Highway Department by the flooding of U.S. Highway No. 62 and State Highway No. 101 by the ocnstruction of the Norfork Dam.)

The construction of the Norfork Dam was begun in the Spring of 1941. The United States Government and the Arkansas State Highway Department could not reach an agreement as to just compensation for the taking of U.S. Highway No. 62 and State Highway No. 101 which would be flooded by the construction of the dam. On May 29, 1943, the United States of America filed a Declaration of Taking and deposited in the registry of the United States District Court Western District of Arkansas the sum of $1,422,000.00 as estimated just compensation for the taking of these highways.

On the same date judgment was entered vesting title in the United States of America to all those portions of U.S. Highway No. 62 and State Highway 101 including the bridges located in the reservoir area. This was during the period of time when the United States of America was engaged in World War II and the prime concern of the country was the conduct of the War. On November 1, 1944, the United States of America filed a motion requesting the Court to enter judgment that no compensation was due the State of Arkansas or the Highway Department for the taking of the lands. Although this motion was overruled on September 15, 1945, it is apparent that it caused great consternation in the Highway Department.

Within three months after the overruling of the motion stipulations were entered into and filed with the Court. The stipulation basically provided that the Highway Department was entitled to $1,342,000.00 for the substitute highways taking into consideration the use of the dam as a roadway and that the Court would determine whether or not the Highway Department was entitled to compensation for providing temporary ferry service and if so that the Highway Department was entitled to the sum of $80,000.00. From a reading of the judge's various opinions in this matter, it is clear he was astounded that the Highway Department would enter into such stipulations. What caused the officials of the Highway Department to enter into such stipulations can only be surmised.

Certainly the monies deposited into the registry of the Court had already been committed by the Arkansas State Highway Department and the loss of such funds would have caused serious repercussions throughout the State of Arkansas. We can only surmise at the pressure which was brought to bear upon the Highway officials to enter into these stipulations due to the conduct of the War and the possible loss of all funds deposited in the registry of the Court and other considerations which were in existence at the time. Again it must be remembered that the Court's questioning the Highway Department's entering into such stipulations was made after it was apparent that World War II would be concluded and the safety of the country was no longer in danger.

Since the amount in the stipulations conformed exactly to the amount of money deposited by the United States of America, it is reasonable to conclude that the agreement of the stipulations had been reached by and between the United States of America and the Arkansas Highway Department prior to overruling of the motion filed by the United States of America to the effect that the Highway Department was not entitled to any compensation. It is further clear that due to the circumstances that the prime concern of the Highway Department was to keep what monies had been deposited and withdrawn by it as a result of the filing of the lawsuit.

It is interesting to note the Court's statements in its finding as to the issues involved in this matter.

The Court found that the highways and bridges were actually flooded on September 15, 1943, to such an extent that they could not be traversed and that the temporary approaches of the highways and ferry would be abandoned when the permanent substitute highways were constructed, and traffic would be routed over the substitute highways and across the dam that spans the river. The Court further found that it was necessary to cross the reservoir and that the parties agreed that the most practical manner of doing so was to relocate the substitute roads so that they would lead across the dam and would obviate the necessity of building an expensive bridge. Accordingly the parties by stipulations agreed that the cost of the necessary substitute highway was $1,422,000.00 if the relocation is made in such a manner that a new bridge would not be necessary.

The Highway Department had by the stipulations precluded itself from showing that the substitute highways would not provide the same facilities for the traveling public that existed prior to the taking. Although the Highway Department had precluded itself from offering such evidence the Court went to great lengths to point out that had it not done so then the Court would have made a different award.

The Court further went on to state that compensation to the State of Arkansas could not be measured by the cost of substitute highways and that just compensation in the case would be the actual money lost by the Highway Department because of the taking of the roads and bridges. The Court pointed out that United States of America objected to the cost, operation and installation of the ferry. The Court said this was compensable and expressed amazement that the State of Arkansas agreed ot the sum of $80,000.00 for the temporary operation of the ferry.

It is clear from the reading of the opinion in this case that the trial court's decision was made on the basis that the use of the Norfork Dam as a roadway would serve the same purpose as the construction of a bridge across the lake at Henderson. The trial court pointed out that it was the duty of the State of Arkansas to provide the temporary crossings, that the State lost not only the $1,422,000.00 cost of the permanent substitute roads, but a good deal more and, but for the agreement of the parties would be entitled to recover such an amount. The Highway Department prevented itself from showing or offering evidence of the true measure of compensation in this case because of the stipulations that it had entered into. Attached hereto is a compilation of the history and statistical analysis of the traffic problems involved in this matter which conclusively shows that the roadway across the Norfork Dam did not adequately replace the highway facilities in place at the time of the taking of those portions of U.S. Highway 62 and State Highway 101.

The trial court understood this but felt that it was bound by the stipulations that were agreed to by the Highway Department and the Federal Government. From a reading of all the documents in this matter it is apparent that the trial court did not think that it was providing just compensation to the Highway Department and the people of the State of Arkansas for the taking of the lands involved in the construction of the Norfork Dam, but that the Court felt that it was bound by the stipulations.

The next inquiry is to what the Court would have found to be just compensation, had all the facts in evidence been properly considered.

It is ironic indeed that the very case, *United States v. State of Arkansas*, 164 F2d 943, that has been cited so frequently as exemplifying the federal rule of law there recited—"The fundamental principle is that the public authority charged with furnishing and maintaining the public way, whether it be a highway, a street, or a bridge, must be awarded the 'actual money loss which will be occasioned by the condemnation***'" (164 F2d 944) can now be seen as falling demonstrably short of attaining that minimum objective.

It is to this rule that the Court is referring when it follows with the statement—"This amount is usually the cost of furnishing and constructing substitute roads." This is the federal rule of "substitute facilities", designed to furnish "just compensation" to the public condemnee when the United States is the condemning authority. (Note: *The Sovereigns Duty to Compensate for the Appropriation of Public Property*, 67 *Harv. L. Rev.* 1082–1120, at 1115, June, 1967; *Dau,* *Problems in Condemnation of Property Devoted to Public Use*, 44 *Texas L. Rev.* 1517–1534, at 1530, October, 1966.)

An excellent elucidation of this doctrine is found in the case of *United States v. Certain Property located in the Borough of Manhattan, City, County and State of New York*, 403 F.2d 800 (2 Cir. 1968). There the Court said:

"Under the Fifth Amendment, the owner of property in every condemnation case is entitled to 'just compensation.' The standard formulation for applying this Constitutional requirement is 'indemnity, measured in money, for the owner's loss of the condemned property.' Westchester County Park Commission v. United States, 143 F.2d 688, 691 (2 Cir.), cert denied, 323 U.S. 726, 65 S. Ct. 59, 89 L. Ed. 583 (1944). The owner 'is entitled to be put in as good a position pecuniarily as if his property had not been taken. He must be made whole but is not entitled to more.' Olson v. United States, 292 U.S. 246, 255, 54 S. Ct. 704, 708, 78 L. Ed. 1236 (1934). In most cases the concept of 'market value,' i.e., what a willing buyer (one not forced to buy) would pay to a willing seller (one not forced to sell) is applied. The standard of fair market value—particularly with private condemnees—has proven practical and effective.

"The principle of fair market value, however, 'is not an absolute standard nor an exclusive method of evaluation.' United States v. Virginia Electric & Power Co., 365 U.S. 624, 633, 81 S.Ct. 784, 791, 5 L.Ed. 2d 838 (1961). It should be abandoned 'when the nature of the property or its uses produce a wide discrepancy between the value of the property to the owner and the price at which it could be sold to anyone else.' United States v. Certain Land in Borough of Brooklyn, 346 F.2d 690, 694 (2 Cir. 1965).

"Frequently when public facilities are appropriated, the market value test is unworkable because these facilities are not commonly bought and sold in the open market, and seldom are operated for profit. (Note, Just Compensation and the Public Condemnee, 75 Yale L.J. 1053 (1965)). The result has been the development of the 'substitute facilities' doctrine to meet the unique needs of public condemnees. Brown v. United States, 263 U.S. 78, 44 S.Ct. 92, 68 L.Ed. 171 (1923) (entire town) (dictum); United States v. Certain land in Borough of Brooklyn, supra (playground); United States v. Board of Education of Mineral County, 253 F.2d 760 (4 Cir. 1958) (school grounds); State of Washington v. United States, 214 F.2d 33 (9 Cir.), cert. denied, 348 U.S. 862, 75 S.Ct. 86, 99 L.Ed. 679 (1954) (highway); Town of Clarksville v. United States, 198 F.2d 238 (4 Cir. 1952), cert. denied, 344 U.S. 927, 73 S.Ct. 495, 97 L.Ed. 714 (1953) (sewer system); City of Fort Worth v. United States, 188 F.2d 217 (5 Cir. 1951) (streets); *United States v. State of Arkansas*, 164 F.2d 943 (8 Cir. 1947) (highway); United States v. Des Moines County, 148 F.2d 448 (8 Cir.), cert. denied, 326 U.S. 743, 66 S.Ct. 56, 90 L.Ed. 444 (1945) (roads); Mayor and City Council of Baltimore v. United States, 147 F.2d 786 (4 Cir. 1945) (streets and alleys); Jefferson County v. T.V.A., 146 F.2d 564 (6 Cir.), cert. denied, 324 U.S. 871, 65 S.Ct. 1016, 89 L.Ed. 1425 (1945) (highway); United States v. Certain Land in City of Red Bluff, 192 F. Supp. 725 (N.D. Cal. 1961) (parking lot). Simply stated, this rule insures that sufficient damages will be awarded to finance a replacement for the condemned facility.

"When the public condemnee proves there is a duty to replace a condemned facility, it is entitled to the cost of constructing a functionally equivalent substitute, whether that cost be more or less than the market value of the facility taken. City of Fort Worth v. United States, supra, 188 F.2d at 223; Town of Clarksville v. United States, supra, 198 F.2d at 243. The duty may be legally compelled or one which arises from necessity, United States v. Des Moines County, supra, 148 F.2d at 449; the distinction has little practical significance in public condemnation. Insight into the usefulness and worth of community property may be gained as well from the responsible decisions of public officials and agencies acting under a broad mandate with discretionary powers, as from legislative determinations announced in statutes.

"Modern government requires that its administrators be vested with the discretion to assess and reassess changing public needs. If application of the 'substitute facilities' theory depended on finding a statutory requirement, innumerable nonlegal obligations to service the community would be ignored. Moreover, the 'legal necessity' test, applied woodenly, may provide a windfall if the condemned facility, though legally compelled, no longer serves a rational community need. We hold, therefore, that if the structure is reasonably necessary for the public welfare, compensation is measured not in terms of 'value' but by the loss to the community occasioned by the condemnation."

The public interest in streets, highways and bridges is the ability to use them for travel. The deprivation or impairment of this ability to travel would seem to measure the damage suffered by a unit of government when its streets are taken by eminent domain. Restoration of any diminished right to travel seems best accomplished by the present federal method of awarding the cost of substitute streets or roads, if substitutes are necessary and feasible. Otherwise, an award may be made for the cost of beefing up existing facilities to handle the increased traffic caused by the loss of the appropriated streets or roads.

But the present federal method has been expanded to include a consideration of an aspect of this cost-of-substitution measure of damages that, if not ignored in the case of *United States v. State of Arkansas*, supra, was certainly not reflected in the measure of damages awarded. The question of the adequacy of the substitute facilities and the degree of equivalence required by the courts was considered in the case of *City of Fort Worth v. United States*, 188 F.2d 217 (5th Cir. 1951), where a traffic artery was closed by condemnation. The federal government sought to award compensation by showing that an expressway was being constructed and an existing street could carry the diverted traffic. The city's evidence indicated that the diverted traffic added to the total on the additional facilities and that if the closed artery were opened, traffic on the other facilities would diminish. The court viewed the problem as one of determining the compensation necessary to enable the city to provide a facility that would carry the entire traffic load in an *equally adequate* manner as without condemnation. The Court said, 188 F.2d at page 222 and 223:

"It will not at all do to say that in determining the cost of providing any necessary substitutes, an award in condemnation may be denied because there are already in existence other available routes which will in some fashion handle the traffic diverted by the condemnation. * * * In any event, as is clearly shown by United States v. Des Moines County, supra; Jefferson County, Etc., v. Tennessee Valley Authority, 6 Cir., 146 F.2d 564; United States v. Los Angeles County, 9 Cir., 163 F.2d 124, and other cases which could be cited, the rule universally enforced in such an instance recognizes the existence of the duty of a municipality to provide for a necessary readjustment of its traffic facilities, and that the amount of compensation proper in such a case is the cost of constructing necessary substitute facilities in order to replace and rearrange its traffic arteries.

"In broad outline, the property taken is a part of the City's traffic system which it is under the duty to replace if neecssary. In any proper view of the requirements of just compensation, the substitute 'necessary' is that necessary to readjust its street and highway system to serve the municipality's requirements and needs in as adequate a manner and extent and with equal utility as such system would have provided had the facility in question not been condemned, so far as this is reasonably practical. United States v. Los Angeles County, supra, 163 F.2d 124.

"What means are necessary to reach this result, and the cost thereof, will of course vary according to the circumstances of each case, and we leave this primarily to the trial Court, but no application of the rule of necessity which is restricted only to whether there is or can be made, some arrangement whereby traffic can be handled, without due consideration of the benefits which would be derived by such handling if the condemnation had not been had, can in the very nature of the thing afford compliance with the primary requirement of just compensation. * * *

"It is true that there may, and probably will, exist some difficulty in dealing with such a subject in an endeavor to provide compensation sufficient to restore the municipality to its equivalent position prior to condemnation. While we are not expert in such matters, we must recognize that traffic engineering has become more or less of a science necessary in the plan and construction of streets and roads. It appears in this record that matters such as traffic counts and direction and destination of travel can, after observation for sufficient time, be estimated with accuracy so far as future needs are concerned. It would not appear extremely difficult for the Court after hearing evidence available and material on such questions, to make a determination fair and just to both parties in an amount necessary to restore a municipal traffic system as near as reasonably possible and practical to its former state of utility. This may or may not require duplicate reproduction as near as possible, or the restoration of each feature or form of the facility taken.

"In view of the nature of the subject matter condemned and the end to be attained, original cost or reproduction costs are not proper to be considered. The cost of adequate substitute facilities to be so computed, is proper whether such sum be more or less than the value of the street and facilities taken. U.S. v. Los Angeles County, Supra. We think the true rule in such cases is well stated in Jefferson County v. Tennessee Valley Authority, supra, 146 F.2d 564, 565, that 'The practical view is to consider the road and highway needs of the civil division affected by the taking and to allow the governmental unit such sum in damages as will pay the cost of road facilities equal * * * to those destroyed.

"* * * The constitutional phrase 'just compensation' means a full and perfect equivalent for the property taken. Monongahela Navigation Co. v. United States, 148 U.S. 312, 326, 13 S.Ct. 622, 37 L. Ed. 463. Just compensation rests on equitable principles and means substantially that the owner should be put in as good position as he would have been if his property had not been taken or as nearly so as is possible under the given circumstances.' "

In Town of Clarksville v. United States, the Government condemned parts of the city's water and sewer lines in order to establish a flood-control project. The stipulation between the parties that the construction of substitute facilities would constitute just compensaion provided for a judicial determination whether (1) the cost of construction of a sewage-treatment plant required by the state water control board under the proposed arrangement and (2) the cost of operation and maintenance of five lift stations (not needed under the old system), which the Government had agreed to construct, were compensable items. The court found both items to be properly included within the meaning of substitute facilities. The sewage plant was includible because the town could have probably operated under its old license for many years without the forced alteration by the Government. The lift stations were a new element forced upon the town by the action of the Government, which was required to bear the added burden thereby created. While the town sought to recover the operating costs for a period of ninety-nine years, the court allowed only the reasonable cost of operation for a reasonable time, which it left to the lower court to determine on remand. The equivalence requirement, then, relates to the utility of the substitute facility rather than the dollar value. Further, the substitute facility must be that which the claimant is legally required to construct and maintain, and it is immaterial that it be more expensive or efficient than the condemned facility.

Applying the logic of these two federal cases to the fact situation involved in the condemnation of highways and bridge in the Norfolk Dam Project, it is apparent that no consideration was given to the cost of the bridge *requisite* to restoration of equivalent utility. In the body of the opinion, the Court said, at page 944:

"We think the government's view of the case does not take into account the fact that the bridge was a part of the substitute highway, *the cost of which was not included in the sum paid.*"

An inadequate substitute, its manner of selection determined by the exigencies of the circumstance and the unavailability of materials required to furnish the equivalent bridge promised by the Government, is *no* substitute at all, and is *not* just compensation.

There is another facet of the "actual money loss occasioned by the condemnation" that remains as a hidden cost prevailing to the present date. This aspect of the case is covered in the case of *United States v. Certain Lands Located in the Township's of Raritan and Woodbridge, Middlesex County, New Jersey,* 246 F.2d 826 (1957). In that case the facts were that in 1941 the defendant-appellant, the County of Middlesex, New Jersey, owned a road known as the Industrial Highway. Because of World War II the United States expanded the Raritan Arsenal. A section of the Industrial Highway was appropriated by the United States in April 1942 to permit the expansion. The petition in condemnation was not filed until August 1946 and the case did not come to trial and judgment until 1956. The jury awarded the County of Middlesex $172,000.00 which represented the estimated cost of providing substitute highway facilities as of the date of taking, April 1942. The verdict recognized the necessity for the construction of a substitute road. The County had not constructed a substitute highway up until the time of the trial. The County sought to amend the judgment to include interest on the verdict.

In the opinion of the three-judge court of the Third Circuit Court of Appeals, the Court first recognized the general law that the measure of "just compensation" for the taking of a publicly-owned highway is the cost of constructing a necessary substitute-highway. Continuing, the Court said:

"While the general law expressed above is universally accepted there is a paucity of authority on the issue as to whether interest is payable on a sum awarded as compensation to cover the cost of providing substitute highway facilities. Perhaps one reason for the lack of authority on the issue is that where substitute roads are necessary they frequently have been furnished *in kind* by the United States. See Jefferson County, Tenn. v. Tennessee Valley Authority, supra, 146 F.2d at page 566; United States v. City of New York, supra, 168 F.2d at pages 390-391; *United States v. State of Arkansas,* 8 Cir., 1947, 164 F.2d 943, 944.

"We are persuaded that in the case at bar the Fifth Amendment and the equities require us to allow interest on the compensation awarded the County of Middlesex from the time of taking to the date of the payment. We are convinced that if we do not do so the County of Middlesex would be deprived of just compensation, which, as stated in United States v. Des Moines County, Iowa, 8 Cir., 1945, 148 F.2d 448, 449, 160 A.L.R. 953, should be related to 'financial loss or out-of-pocket expense caused or which will be caused, by the taking.' But the United States, while acting within its rights, elected to dispute the issue of whether substitute highway facilities were necessary.

"The jury found such facilities were necessary as of April 1942. We take judicial notice of the fact that the costs of building highways have greatly increased over what they were fifteen years ago, and we think it is equitable to take this factor into account. It is true that the County has been relieved of the burden of maintaining the road since April 1942 but it is also the fact that the County has been without a necessary substitute road for about fifteen years. In addition, an increased burden has been placed on the County's alternate highway facilities since April 1942."

Again we are confronted with a situation where the Norfork Dam condemnation (*United States v. State of Arkansas,* 164 F.2d 943) is cited as reflecting a rule of law or a fact situation that is not justified by a close examination of the opinion, along with the facts and restrictive stipulations upon which it was based.

If the United States of America had, in fact, furnished a substitute bridge in *kind* for the bridge on U. S. 62 at Henderson inundated by the Norfork Project the present claim of an inadequate and inequitable compensation would certainly not attain, nor would it be *necessary* to consider the costs stemming directly from the failure of the Corps of Engineers to carry through with the original plan agreed upon—an interim operation of a ferry service, at no cost to the State of Arkansas, and the construction of new bridge piers near the Highway 62 bridge, with the completion of the superstructure to be made after the war.

Applying the logic of the above case with regard to "the out-of-pocket expenses caused or *which will be* caused, by the taking," it is apparent that the State of Arkansas has been inadequately compensated for the "financial loss" that it has suffered over a period of twenty-eight years. It was not only inadequately compensated for its re-routing of the highways serving the Henderson Ferry, the building of long approaches to the ferry, the cost of construction of the ferry boats, barges and other equipment, and the cost of operating the ferry without cost to the traveling public to November 4, 1943 (Findings of Fact, Statement of District Court, Western District of Arkansas, October 14, (1946) but such out-of-pocket expenses have continued to mount to the present. The inadequacy of the payment made to accomplish even the minimum objectives of relocation of highways necessitated by the taking is reflected in the opinion of the Arkansas Supreme Court in *Jennings* v. *Lynch,* 228 Ark. 424, 307 SW 2d 781.

In that case, Cecil Jennings and others, all citizens and taxpayers living in the vicinity of Norfork Lake Baxter County, filed a suit in 1956 against Cecil Lynch and the other members of the Arkansas State Highway Commission, asking the Chancery Court to direct the Highway Commission to construct a road across the Norfork Dam and to relocate and reconstruct State Highways 62 and 101 in certain particulars. The Court said, at page 428:

"Exhibit No. 5, in the record, shows that the Highway Commission had, by 1950, spent on the ferry at Henderson and the roads in the vicinity of the dam as much money as it received from the U.S. Government."

The payment made by the United States had thus been expended by 1950 for necessary "out-of-pocket" expenses caused by the taking, with no substitute highways having been built to cross the dam, no bridges having been built to replace the old bridge ("the cost of which was not included in the sum paid"), and with the State still being required to shoulder the high cost of the ferry operation (Conclusions of Law: "It was the duty of the State of Arkansas to provide this temporary crossing. It could not allow the highways to be closed"). The "temporary crossings" that the State of Arkansas provided through its ferry service have been operated at a cost of some $4,000,000.00 since the operation began in September, 1943 (See Cost of Ferry Operations, Appendix A-1, Attached Proposal for Bridging Norfolk Lake), and the factor of inflated costs has operated not only to use all of the monies provided, but also to elevate the costs of providing a necessary substitute for this inadequate futile arrangement to such astronomical figures as to be completely beyond the fiscal resources supporting the Arkansas State Highway System. Has the "just compensation" standard of "the actual money loss occasioned by the condemnation" been met? It is the contention of the State of Arkansas that it has not even been approached.

"The actual money loss occasioned by the condemnation"—no, not even that minimum was adequately reflected in the sum paid. True, this failure was based on the stipulations entered into by the parties in that cause (*U.S. v. State of Arkansas,* supra), but equity requires consideration of the circumstances leading to those stipulations. In the statement of the District Court in the Conclusions of Law filed on October 14, 1946, District Judge John E. Miller stated:

"3. There is no doubt but that defendant had to readjust its system of roads when the reservoir area filled with water and inundated the bridge at the village of Henderson. The readjustment required something more than the mere relocation and building of new roads. It was necessary to cross the reservoir and all parties agreed that the most practical manner of doing that was to so relocate the substitute roads so that they would lead across the dam and thus obviate the necessity of building an expensive bridge. Accordingly the parties by stipulation have agreed that the cost of the necessary substitute highways is $1,342,000.00 if the relocation is made in such manner that no bridge will be necessary.

"In such a situation just compensation to the State of Arkansas cannot be measured or determined by the same rules as compensation for the taking of purely private property. Just compensation in such a case is the actual money loss occasioned by the condemnation and taking of the roads and the bridge. United States v. Des Moines County, Iowa, et al., 8 Cir., 148 F. 2d 448; Jefferson County, Tennessee v. Tennessee Valley Authority, 6 Cir. 146 F. 2d 564.

"4. The petitioner in the signing and filing of the stipulations based its objection to the allowance of more than $1,342,000.00 as just compensation on the contention that the cost of the installation of the ferry and its operation was not compensable, while the defendant, State of Arkansas, contended that such expenditures were items that were compensable and should be allowed, but strangely enough, the defendant agreed that if such expenditures were to be allowed as elements of just compensation that the court should take into consideration only the amount of $80,000.00.

"In the oral argument the petitioner contended that since the stipulation revealed that the cost of providing necessary substitute highways as of the date of the taking was $1,342,000.00, that such sum constitutes and is just compensation.

"It is clear that the parties had in mind at all times such a relocation of the roads as would permit the use of the dam in lieu of a bridge, and the agreement as to the cost of the substitute roads only included the actual construction of the relocated roads across the dam, and the parties did not intend to agree that the sum of $1,342,000.00 included all the costs to the State that were caused by the condemnation. The State of Arkansas expended large sums of money providing temporary means of crossing the reservoir lake, and spent large sums in the operation of the ferry prior to the time when it was possible to use the dam for crossing the barrier. It was the duty of the State of Arkansas to provide this temporary crossing. It could not allow the highways to be closed. The State has not only lost $1,342,000.00, cost of permanent substitute roads, but a great deal more, and but for the agreement of the parties, would be entitled to recover such additional sums as are set forth in paragraph two of the findings of fact."

The State had indeed lost "a great deal more." It is difficult to now assess to what extent the decision to enter into the improvident stipulations had been influenced by: (1) the conference in the Office of the Secretary of War on February 16, 1943, at which time the State Highway Director had been advised that a new bridge on U.S. 62 near Henderson was out, including piers for same, that it was a ferry or *nothing*, (2) the motion filed by the United States on November 1, 1944, moving the Court to enter judgment adjudicating that, as a matter of law, *no compensation* was due for the taking of the interest of the State or Arkansas in the lands condemned, and/or (3) the federal government's insistence, upon each partial disbursement of funds made upon petition by the State of Arkansas, that such disbursements be made without prejudice to the rights of the United States of America to recover from the State or Arkansas any sums disbursed in excess of the sum finally determined as being the amount due the State of Arkansas. In the face of contentions that it was entitled to *nothing* and that it was threatend with the possibility of having to refund monies already withdrawn in the amount of $1,342,000.00, be it classified as duress or compulsion, the impulse or feeling of being driven toward acceptance of that which had already been withdrawn must have been irresistible.

In *State of Washington v. United States*, 214 F.2d 33 (1954), the Court said, at page 40:

"Where the government takes a segment of an arterial highway and there is in existence no other road or roads which can adequately handle the traffic diverted from the road taken, the government is required to *provide* a substitute road or its equivalent in money. In such cases the only issue is the amount necessary to provide the necessary substitute." City of Fort Worth, Tex. v. United States, 5 Cir. 1951, 188 F.2d, 217; *United States v. State of Arkansas*, supra; Jefferson County etc. v. Tennessee Valley Authority, supra.

In that case, *State of Washington v. United States*, supra, the Court had also said, at page 39:

"The facts of a particular case control the application of this rule." (substitute facilities rule)

The Court, in that case, never reached the question of the reasonable substitute, and its costs, because it affirmed a lower court ruling that there existed no reasonable necessity for replacing the highway taken. How different are the facts of this case! The Circuit Court of Appeals referred to the "continuing obligation of the state to furnish and maintain its highways for the use of the public." The District Court had said: "It was *necessary* to cross the reservoir."

Applying all of these standards for "just compensation" to the facts of this case it becomes apparent that the only way that the State of Arkansas can receive a just and adequate compensation for the "money loss occasioned by the condemnation" would be for the federal government, the United States of America, to *provide* a substitute bridge for the one inundated or its equivalent in money (the money required to bridge the Norfork reservoir).

In the classic case of *United States v. Wheeler Township*, 66 F. 2d 977, the Court said with reference to the expenses of maintaining public roads:

"To the extent that this burden has been increased by this taking there is a deprivation for which the law requires compensation. * * * If the present standard be taken, and tomorrow the township be compelled to build a better type of road, there would unquestionably be an added expense in building such road, caused solely by this condemnation burden. Why should not this added expense be made good by the one causing it?"

All of the added expenses have been caused by this condemnation of the federal government. "Why should not this added expense be made good by the one causing it?"

There is precedent, of course, for allowing, at a later date, the consideration of claims against the United States when substantial justice requires a reopening of matters normally concluded by litigation or by operation of law. (See *County of Sarpy, Nebraska v. United States*, 386 F.2d 453 (1967), and Public Law 88–425, approved August 13, 1964, the special jurisdictional act referring the case to the Court of Claims. In the bill of congressional reference, jurisdiction was conferred, * * * "notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bar of laches * * *." See, also, *North Counties Hydro Electric Company v. United States*, 170 Ct. Cl. 241, 248–9 (1965) and H. Res. 189, 1st Session, 86th Congress, agreed to by the House of Representatives on May 19, 1959.

That resolution directed the Court to "proceed with * * * (H.R. 5093, a bill for the relief of plaintiff, introduced in the House on February 26, 1959) in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable against the United States, and the mount of damages, if any, legally or equitably due from the United States to the claimant, *the statute of limitations, the plea of res judicata, laches, any lapse of time, or any prior court decision of this claim by any court of the United States to the contrary notwithstanding*.")

The first of the Bill of Rights, Amendment No. 1 to the Constitution, prohibits Congress from making any law abridging "the right of the people . . . to petition the Government for a redress of grievances." It is clear, therefore, that from the very beginning, Congress has had a responsibility to act in areas which by statute, regulation, and contract are now delegated to others, but not altogether.

Citizens continue to petition Congress for the redress of wrongs. General laws cannot cover all situations equitably and "private laws" have been the standard answer for special cases. How is such a petition to Congress redressed? The petition itself, of course, does not confer on Congress any right to act. That right is spelled out and limited by Article I of the Constitution (Section 8. C. 1. Congress should pay the Nation's debts.

These debts may be legal or merely moral or honorary. Columbia Hospital v. United States, 125 Ct. Cl. 712 (1953)) and the Bill of Rights. The courts also have refined that right. When Congress pays a "debt" by private law it need not be a legal one but may be "honorary" or "moral" in the broadest sense of equity, and as such, a demonstration of the "Nation's conscience." As was said in the case of Burkhardt v. United States, 113 Ct. Cl. 658, 84 F. Supp. 553 (1949):

"* * * * the term 'equitable claim' as used in 28 U.S.C. 2509 is not used in the strict technical sense meaning a claim involving considerations of right and justice as administered by courts of equity, but the broader moral sense based upon general equitable considerations."

In this context, equity appears to be ethical rather than jural, and not grounded in any sanction of positive law.

In seeking private legislation, the petitioner is confronted with the necessity of convincing Congress that he has a claim it should consider. Having done so, he may obtain relief from a private bill passed for his benefit by both the Senate and the House and signed into law by the President, or he may be required by resolution of either House to present his petition to the Chief Commissioner of the Court of Claims who will accord him an adversary trial on the merits and make findings and a recommendation to the House that referred the bill to him. This then becomes the foundation for a private relief bill. At one time both the judges and the commissioners of the Court of Claims resolved these matters for Congress.

However, the Supreme Court has now declared the Court of Claims to be a constitutional court created under Article III of the Constitution and has suggested that it is improper for it to perform extra-judicial functions. So the Court of Claims no longer considers congressional references but limits its consideration to legal claims over which it has general jurisdiction or where jurisdiction has been conferred upon it by special legislation. The commissioners, who are the trial judges of the court but are not constitutional judges, continue to consider congressional references to determine their equities as that term has been defined above. In so doing, the commissioners are actually performing a legislative function in a judicial manner. Certain well-defined guidelines have been laid down for consideration of these claims for private relief and have been identified in an excellent discussion by the present Chief Commissioner of the United States Court of Claims, Colonel Marion F. Bennett, AFRes, in the November-December, 1967, JAG Law Review, "Private Claims Acts and Congressional References", Pages 9–19 and 39.

The relief by referral to the Court of Claims by Congressional resolution is, of course, in addition to the right of Congress to deal directly with the petition for redress, or to direct an administrative handling by the proper department or agency. Annually, for several years past, only a fraction of the private claims bills have required adversary, judicial processing. The overall volume of private claims bills and congressional references, when contrasted to the many thousands of claims annually asserted against the Government, bears eloquent testimony to the effectiveness of the manner in which most of them are disposed of administratively by Uncle Sam's departments and agencies.

But there will always be the unusual and closely contested claims, those suggesting need for an equitable exception to the general law, and claims which an agency is simply not authorized to adjust or will not for policy reasons. It is in this area that the sovereign has reserved its right to exercise its conscience with measures for special relief. The touchstone for such relief is that of moral and honorable treatment in the broadest sense of equity, such as exercised by the ancient chancellors in equity centuries ago.

The practicalities of time, a chief creator of injustice by delay in this case, indicate that following the procedure of referral to the Commissioners of the Court of Claims would not provide the remedy needed *now*. An administrative handling by direction of Congress or direct action by Congress itself would provide the needed immediate relief.

Congress, alone, has within its hands the power to remedy the inequities of this situation. An award, based upon the reasonable necessities of 1943, even if compounded by the allowance of interest from that date, as in the *County of Sarpy* case, or by a special allowance for delayed payment, as in *North Counties Hydro-Elec. Co.* case, would still fall far short of remedying the inequitable situation.

The bridges proposed, on the recommended locations, will lie wholly within the boundaries of the Norfolk Reservoir Reservation owned by the United States. The State of Arkansas would, at long last, receive a just and adequate compensation for "the money loss occasioned by the condemnation" if these bridges and approaches were to be built with monies appropriated for Corps of Engineers civil works.

The Arkansas State Highway Commission is obligated to submit this petition on behalf of the people of the State of Arkansas, for they are the ones who have been truly aggrieved. From the time of early planning of the Norfolk Flood Control Project, when they were assured that the bridge crossing for U.S. Highway No. 62 near Henderson would be retained, through their mass meetings and petitions to the Arkansas State Highway Department and the U.S. Corps of Engineers when it became apparent that such bridge location would be inundated, to their post-war pleas for help and public hearings directed toward a solution of the problems presented to the citizenry of the area and the traveling public, the public outcry has been loud, clear and insistent. The solution urged here has been the *one* consistently sought and the people of Arkansas have been the chief victims of the injustice created by the failure to provide such a remedy.

As President Lincoln said:

"It is as much the duty of government to render prompt justice against itself, in favor of citizens, as it is to administer the same, between private individuals."

We rely upon the Congress of the United States to render justice in favor of the citizenry of the State of Arkansas.

(Respectfully submitted, By: Arkansas State Highway Commission, Little Rock, Arkansas 72203.)

H.R. 11901

A bill to provide for a highway bridge across the Norfork Reservoir in Arkansas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfork Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Reservoir. Such bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities over such reservoir for highway traffic in the area.

Sec. 2. The cost of constructing the bridge authorized in the first section of this Act shall be borne by the United States except that the State of Arkansas shall be required to pay as its share of the cost of constructing such bridge the sum of $1,342,000, plus interest for the period from May 29, 1943, to the date of enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of one per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State of Arkansas as insufficient compensation for the highways inundated as a result of the construction of the Norfork Dam and Reservoir plus interest from the date of payment.

Sec. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HAMMERSCHMIDT. Mr. Speaker, today I am joining with 36 of my colleagues on the House Committee on Public Works in introducing a long-range water pollution bill. Our aim in cosponsoring this measure is to provide a vehicle for discovering legislative answers to the difficult and perplexing questions that confront us in the field of water pollution.

Water pollution abatement is a program which will require the investment of vast resources and which will likely have significant economic and social impacts on all Americans.

The abatement of pollution in our rivers and streams is subscribed to by almost everyone today. It is the means and methods of achieving our goals which have yet to be devised.

The bill my colleagues and I introduce today does not necessarily reflect a consensus among us. But, the proposed legislation is a starting place and will, in the days and weeks ahead with proper hearings, enable us to effectively come to grips with the critical questions and issues involved. These include:

First. The amount of money which must be authorized to accomplish our objectives;

Second. The formula for allocation of such funds;

Third. The Federal/State sharing formula;

Fourth. Whether sewage collective systems should be included;

Fifth. The impact on industry of attempting to achieve our water pollution goals;

Sixth. The number of jobs likely to be affected in the process; and

Seventh. The scope of the research and demonstration programs needed to assure the development of the kind of technology we require to achieve our goals.

And last, but not least, we will have to decide upon timetables and priorities for accomplishing our water quality objectives.

It is obvious from the foregoing that we have our work cut out for us. But, I am hopeful that the members of the Public Works Committee will, after examining witnesses' testimony from committee hearings and after due deliberation, be able to come up with the kind of practical and achievable bill that can be reported out to the House of Representatives and one that all Americans can subscribe to.

NATIONAL FAMILY WEEK

(Mr. MYERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MYERS. Mr. Speaker, more than a year ago, I first introduced a resolution which would establish a National Family Week observance coinciding with Thanksgiving.

With more than 400 proposals for special observances pending before Congress, the House Judiciary Committee has advised me that they can not complete consideration of this resolution in time for a proclamation this year. However, I am encouraged that action will be taken in time for a national observance in 1972.

Expressions of support for a National Family Week have come in from throughout the country. Because Thanksgiving is next week, I would like to share with my colleagues the following open letter which I direct to the President, Members of Congress, and Americans everywhere:

Dear Fellow Americans: Our Nation's freedom was born in the families that formed our thirteen colonies.

Our system of justice, government, education and worship are all grounded in the family.

Unity without uniformity, courage without recklessness, faith without blindness, and hope without dependence are all products of the American family. We did not create them. We discovered and applied them.

In the American Family lie the seeds of greatness. In the present tide of attacks upon the sanctity of the family and home lie the roots of our destruction.

If wars are ever to become past history and peace the light of day, the families of this Nation will have seen to it. If poverty is truly abolished, it will be because families cared about others. If illiteracy finally is banished, it will be by families who fear ignorance. If harmony is to return to our land, it will come only because families have practiced tolerance, patience, understanding, and affection to their own and to others. If prosperity is ever to be a natural part of our daily living, it will first emerge from homes where the spirit flourishes and where materialism is of second importance.

Lay before each American family the continuing challenge to save and preserve freedom, dignity, honor, and mutual trust among the people.

National Family Week will be a period of annual renewal of all that made of this land the place where freedom is born every moment of every day.

There must be a positive response to those who have rendered the verdict that the family is no longer of any value; has no purpose; and is useless in today's cruel crises.

Let that response be a National Family Week.

Let it be within the traditional week of Thanksgiving.

Let every succeeding President, each year, proclaim its high purpose.

Let every public official most responsible to citizens of towns, cities, counties and states echo that proclamation.

Then, let us be about restoring the family to its proper role in our national life.

DISTRIBUTION OF FUNDS APPROPRIATED UNDER TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I received a disturbing rumor yesterday that I think I should share with my colleagues. I hope that the preliminary information I have received is incorrect. But, if the information I have received is correct, I hope that the hour is not too late for the administration to reverse itself and take the equitable course in distributing funds appropriated by the Congress under title I of the Elementary and Secondary Education Act to local educational agencies throughout the Nation.

My colleagues will recall that the Congress acted expeditiously in passing appropriations for fiscal year 1972 to the U.S. Office of Education. This legislation cleared both Houses on June 30, H.R. 7016. This enabled the U.S. Office of Education to make prompt notification to all the States on the allocations to local educational agencies for title I purposes. Certainly, this could have been done prior to the beginning of school in September when the funds were to be used. I have just been advised that official notice of these allocations has not yet been received by the States, even though we are well into the third month of the academic year in which the funds are to be used.

As yet, I have received no information as to why there has been this great delay in notification. I have received unofficial information that 15 States will receive less money for title I purposes in fiscal year 1972 than they received last year. This is a very startling result when it is considered that the Congress actually appropriated more funds for title I in fiscal year 1972 than they appropriated in fiscal year 1971. The unofficial information that I have received indicates that the States adversely affected are as follows:

State	1971 allocation	1972 allocation	Decrease
Alabama	40,257,134	36,617,250	3,639,884
Arkansas	24,214,456	22,251,414	1,963,042
Georgia	39,947,788	36,197,932	3,749,856
Kentucky	37,131,906	33,755,352	3,376,554
Louisiana	34,683,312	32,268,324	2,414,988
Mississippi	42,074,152	38,105,822	3,968,330
Missouri	25,579,100	24,449,299	1,129,801
North Carolina	56,260,988	52,532,926	3,728,062
Oklahoma	18,199,914	17,338,006	861,908
South Carolina	34,313,121	34,256,587	56,533
South Dakota	6,266,048	6,002,025	264,023
Tennessee	36,288,395	33,172,359	3,116,036
Virginia	33,803,541	32,278,380	1,525,161
Washington	12,255,022	12,109,147	45,875
West Virginia	20,524,496	18,385,071	2,139,425

BUREAU OF NARCOTICS AND DANGEROUS DRUGS KNUCKLES UNDER TO FRENCH POLITICAL PRESSURE

(Mr. RANGEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANGEL. Mr. Speaker, I was shocked to learn that John Cusack, European desk chief for the U.S. Bureau of Narcotics and Dangerous Drugs, is being transferred out of Paris.

The reason? Cusack's hard-hitting fight against the French failure to crack down on the heroin processors and traffickers was embarrassing to the French Government. France is the source for most of the heroin which is flooding the United States.

The Department of Justice and the American Embassy in Paris are worried about smoothing the ruffled feathers of French pride. My concern, however, and that of John Cusack, is the lives of our children and servicemen, lives which are endangered by the heroin pouring in from our French "ally."

I have informed the House of Representatives on numerous occasions that France has refused to take action against the underworld kingpins who mastermind the French heroin traffic. The recent revelations of top-level corruption in the French Government which protects these merchants of death, coupled with the indictment of a French official for complicity in the smuggling of $12 million worth of heroin to this country further verifies the charges made repeatedly by Cusack. Now we find out that a French consular official in New York City has refused to testify before a Federal grand jury investigating this problem.

Today I have written Attorney General John Mitchell, requesting him to reverse his decision to transfer Cusack. My letter follows:

House of Representatives,
Washington, D.C., November 19, 1971.

Hon. John Mitchell,
Attorney General,
U.S. Department of Justice,
Washington, D.C.

Dear Mr. Mitchell: It has just come to my attention that Mr. John Cusack, European desk chief for the Bureau of Narcotics and Dangerous Drugs, is being transferred out of Europe due to political pressure being exerted on our Government by the government of France.

I cannot understand why you, as head of the Department of Justice, can approve such a transfer since Mr. Cusack has been fighting the flow of heroin from France to the United States with more vigor and dedication than any other BNDD official in Europe.

Heroin is murdering the young people of my community, Harlem. It has spread like a plague across this nation, to our cities, suburbs, rural areas and even our servicemen. The majority of that heroin is coming from France where drug processors and traffickers flourish with impunity. Despite self-serving public relations attempts, the French government is unable to convince the people of my community that they are seriously cracking down on heroin traffic—because they are not cracking down.

Mr. Cusack has been a vocal and strong critic of the French hide-and-seek game with the truth, and now that revelations of top-level corruption are surfacing, he is being sacked. Why?

I urge you not to knuckle under to the French attempt to silence its critics and return to its business-as-usual policy of protecting the drug merchants.

Charles B. Rangel,
Member of Congress.

Instead of being rewarded for his dedication to his mission and for his efforts to save the lives of thousands of young Americans, Cusack is being sacked. Therefore, the voice of every Member of Congress who is concerned about the narcotics epidemic should be raised in protest. Our Government should not knuckle under to diplomatic niceties and protocol when we are talking about drugs.

John Cusack should be permitted to continue his war against heroin in France.

I am inserting in the Record at this point several related articles:

[From the Washington Star, Nov. 18, 1971]

United States To Shift Boss in Paris Drug Office

Paris.—John Cusack, outspoken director of the U.S. Narcotics Bureau for Europe and the Middle East, will be replaced shortly, the American Embassy confirmed today.

Informed sources said Cusack's removal is an attempt to improve relations between French and U.S. agents fighting the illegal narcotics traffic.

Cusack has been a critic of French efforts to dismantle the illegal heroin laboratories in Marseilles, one of the major sources of narcotics destined for the United States. The sources predicted he will get a promotion in Washington.

His hard-driving, relentless style, although appreciated by his staff and superiors, has embarrassed and annoyed a number of high-ranking French police officers.

Cusack, 48, is due for rotation after more than five years of service in France, Italy and Turkey. His last 2½ years have been as chief of the expanded Narcotics Bureau operation in Paris.

The informants suggested Cusack's replacement became imminent with the indictment Monday in Newark, N.J., of Col. Paul Fournier, an officer in the French counterespionage service who is charged with conspiring to smuggle $12 million worth of heroin into the United States.

Fournier's superiors deny he is implicated in the case, and they are furious at the official American action against him. Cusack's replacement might placate them to some extent.

Cusack aroused French official ire in August when a Marseilles newspaper quoted him as big wheels in the drug business saying there were three or four there whose money and political contacts saved them from prosecution. The police commented that it wasn't the first time that "Mr. Cusack has, on his own initiative, made such declarations which until now have proved entirely unfounded."

Cusack denied the remarks attributed to him. But he also is known to believe that several underworld organizations connected to the Mafia maintain laboratories in the Marseilles area that transform Turkish morphine into high-grade heroin.

[From the New York Times, Nov. 18, 1971]

Consular Suspect Claims Immunity

(By Ronald Sullivan)

Newark.—A middle-level official at the French Consulate in New York City who was identified as a "contact" in a $12-million heroin smuggling conspiracy has refused to appear before a Federal grand jury here, an authoritative Government source reported tonight.

The source said that the French official, whom the Government declined to name, although it knows his identity, had contended that he was protected by diplomatic immunity.

He was said to have asserted that American law-enforcement officials had no right to subpoena him or to compel him to answer any questions in connection with what the United States Attorney here describes as a major "criminal organization" trafficking in illegal narcotics between France and the United States.

An American Government official said, however, that there was some doubt within the Department of State whether the consular aide was entitled to the protection normally given to consulate and embassy officials from foreign countries.

The doubt is apparently based on the assumption that if the official is proved to be implicated, then his alleged role in the conspiracy "certainly did not come within the scope of his official duties," which form the basis for his diplomatic immunity.

The American Government source said the French had thus far not demanded that the official be accorded immunity. Furthermore, considerable reluctance to push hard has been reported within the Department of State, since the consulate official's alleged involvement in the affair thus far is regarded as tenuous as best.

The consulate official was said to have agreed to respond to a series of written questions submitted by Herbert J. Stern, the United States Attorney for New Jersey, who led the Government's case against Roger de Louette, a former French counterespionage agent who pleaded guilty in Federal Court here yesterday to his part in an international heroin-smuggling conspiracy.

FRENCH COLONEL NAMED

De Louette testified that he was recruited and directed in the conspiracy by Col. Paul Fournier, a supervisory agent in the French Service of exterior Documentation and Counterespionage and de Louette's former superior officer.

During a lie-detector examination given by American officials to de Louette on Sept. 12, he said that Colonel Fournier had given him the "contact" in the French Consulate in Manhattan.

French consulate officials were not available today for any comment, and a French narcotics officer has branded de Louette's statements as "lies."

The official was said to be one of about 31 officers of varying rank who are assigned to the large, busy consulate at 934 Fifth Avenue.

In Washington, meantime, Nelson G. Gross, an assistant secretary of state and the department's senior adviser and coordinator for international narcotics matters, said that "we have been getting good cooperation from the French in this case."

DETERMINATION IN WASHINGTON

"At the same time, however," Mr. Gross said, "what must be done, must be done, no matter who is embarrassed."

Mr. Stern, the United States Attorney, has indicated that the French have not been as cooperative as they might have been.

Mr. Gross said that his department had received a communique from the French Ministries of Justice and Interior promising their full cooperation in investigating the charges made public here by a Federal grand jury on Monday.

In a three-count indictment, de Louette and Colonel Fournier were charged with smuggling into this country 96 pounds of heroin, concealed in a Volkswagen camper that was shipped from France to Port Elizabeth near here in April.

De Louette was arrested when he showed up to claim the vehicle and an alert customs agent searched the vehicle and discovered the heroin. He pleaded guilty to the charge yesterday and faces a prison term of from five to 20 years.

FOURNIER LIE TEST DENIED

As for Colonel Fournier, he was questioned earlier this week by an investigating magistrate in Paris. Today he was reported by the French newspaper France Soir to have taken a lie-detector test here last April in connection with the charges.

However, Mr. Stern said today that the report was a "lie" and that he had never so much as seen Colonel Fournier, despite his attempts to question him when he visited Paris two weeks ago. He sought French cooperation at that time to bring the colonel to trial.

Mr. Stern also said that in addition to the initial lie-detector test given to de Louette, he was given a second one on Oct. 4. The United States Attorney said the second test had been given at the request of French officials, who were allowed to submit their own questions.

The expert who gave both tests said that de Louette had told the truth both times.

French Inquiry at Standstill

Paris, November 17—French judicial authorities let it be known tonight that cooperation with the United States Attorney's office in New Jersey, which seeks to prosecute a French counterespionage agent as a narcotic smuggler was at a standstill.

"Authorized sources" issued a point-by-point refutation through the Agence France-Presse of statements made in court yesterday by Herbert J. Stern, the United States Attorney, when Roger de Louette pleaded guilty to a charge of conspiring to import heroin. The statements implicated the French agent, Col. Paul Fournier, in the trafficking.

Widespread skepticism here about the credibility of de Louette's testimony, differences between French and American law and annoyance over the attempt to involve an official in a sensitive security post have combined to put a serious crimp in French-American cooperation to curb narcotics smugglers to the United States. Both governments had been systematically praising the cooperation.

U.S. VERSION REFUTED

Tonight the French refuted to a large extent statements in a letter sent Sept. 28 by Mr. Stern to Max Fernet, head of the French criminal police—letter that Mr. Stern read in court yesterday.

It was confirmed that Mr. Stern had met with two high French police officials in Washington on Sept. 14, where the Frenchmen were attending a seminar on narcotics. But the French version of events revealed serious differences on the events after that.

A rogatory commission, a kind of subpoena, was issued Aug. 13 by Examining Magistrate Gabriel Roussel to Mr. Stern, the French said, to get evidence directly from de Louette. Through his lawyer, the French went on, de Louette refused to accept the commission unless he was guaranteed immunity from prosecution in France. Magistrate Roussel answered that French law did not contain a provision for such immunity.

When at the Sept. 13 meeting in Washington Mr. Stern expressed surprise that Colonel Fournier had not yet been arrested, according to the French version, the French police officials told him that they could not act unless they had an official statement from the person implicating the colonel—and that this de Louette had refused to give.

A TRIBUTE TO W. E. BURQUEST

(Mr. HALEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, in this day and time when so many people are making demands upon our Government, it gives me great pleasure to pay tribute to an outstanding citizen of my congressional district who has given a lifetime in public and civic service.

On October 13, 1971, the Board of Supervisors of the Sarasota, Fla., Soil Conservation District honored my dear friend, W. E. Burquest, for his 25 years of service on that board in a position without salary. Mr. Burquest was instrumental in the organization of the conservation district. He has received many awards and recognitions for his work in agriculture and specifically in conservation.

The brief summary of his career which I place in the Congressional Record at this time demonstrates that he is a good sound citizen who, to paraphrase the words of the late President John F. Kennedy, did not ask what his country could do for him but who has spent many years in service to his community, State and country. Our Nation needs more "Burk" Burquests, who quietly and voluntarily do the work and provide the leadership that is the strength and the heart of our grassroots America.

BRIEF SUMMARY

The Board of Supervisors of the Sarasota Soil and Water Conservation District are presenting Mr. W. E. Burquest with a Plaque honoring him for his 24 years of Service with this Board. The presentation was made at their meeting on Wednesday, October 13.

Mr. Burquest started as a farmer in Sarasota County in 1928. He worked toward the Organization of the District and was elected a member of the Sarasota District's first Board of Supervisors, which met for the first time on September 23, 1947. He was elected chairman of the Board of Supervisors on October 26, 1953 and served in that capacity until October 5th of this year.

He was appointed a member of the State Soil Conservation Board by Gov. Ferris Bryant in 1963, later served as chairman, then the name was changed to the Soil and Water Conservation Advisory Council up until 1970. He was Area Vice-President of the State Association of Soil and Water Conservation District Supervisors from 1960 to 1964. On February 16, 1962, he received the Governor's Award under the Florida Wildlife Federation's Conservation Award Program.

He was elected Chairman of the committee of the Sponsors of the Sarasota West Coast Watershed Project when the application was first made in 1957 and has served in that capacity up until the present time.

Mr. Burquest has been a member of the Sarasota Chamber of Commerce for 33 years, serving as a director, as a Vice-President and as Chairman of the Committee on Agriculture and also the Committee on Flood Control.

He served as a Director of the Florida Fresh Fruit and Vegetable Growers Association for many years, is a past President of Sarasota County Farm Bureau and a past director of the Sarasota Livestock Ass'n.

He is a past President of the Sarasota Kiwanis Club and Past Lt. Governor of Kiwanis Division 9 of the Florida District. He was Chairman of the Sarasota Civic League in 1962.

Mr. Burquest is an Elder of the First Presbyterian Church. He has been a member of the Advisory Board of the Salvation Army for 25 years and is a past Chairman of this Body.

Mr. Burquest has certainly earned recognition of his service to the cause of Soil and Water Conservation as well as for his service to the Sarasota Community.

Mr. Lyle Dickman of Ruskin, Chairman and Mr. Robert N. Morris, Coordinator of the State Soil and Water Conservation Advisory Council as well as Mr. Lynn Harrison, of the Manatee River District, Vice-President of the State Association of Soil and Water Conservation District Supervisors will be with the local Supervisors for the presentation.

JUSTICE FOR TEACHERS

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, a doctrine of equity should always be the determining force in enacting and administering legislation. Every schoolchild is particularly cognizant of the attitudes of school authorities concerning fairness in the classrooms and in the schools. They recognize the need for authority to run the school but quickly rebel if the authority is not administered equally and fairly to all.

But now it is the schoolteachers who are watching their Government to see if they are going to continue to be subjected to unfair, inequitable treatment that denies most of them the rights of a valid contract signed last spring for their services this school year.

School boards throughout the country drew up contracts early in 1971 offering them to teachers for this academic year. When negotiations were completed, budgets were prepared and approved and sent on to county officials for their approval, and mill levies to collect the necessary taxes were set and the taxpayers are paying that bill.

All of these steps are followed in a very democratic manner and are neither hurriedly completed nor rashly executed. The public is fully informed of each stage, and the public's approval and acceptance should not be ignored nor set aside by arbitrary Federal actions.

The President's wage-price freeze which resulted in several dictums on teachers' salary contracts by the Cost of Living Council was most confusing as the school year started.

Following several contradictory statements, the Cost of Living Council eventually ruled that no contract could be recognized that called for salary increases unless the teacher had been actively teaching prior to the freeze date. In effect, they invalidated almost all the contracts. If not illegal, it is certainly a ruling that should be struck down for the sake of equity by either Presidential executive order or an act of Congress.

Most teachers are now being paid what they received during the 1970–71 school year and, in Montana, with an increase of personal State income taxes, their take-home pay is even less than last year. I do not need to spell out how this affects the members of one of our most valued professions.

Hence, while the cost of living has soared, these teachers must live on less than they did last year.

I fail to understand how any Government body can void legal and reasonable contracts signed in good faith as far back as 6 months prior to the freeze date. It goes against all sense of justice and fair play.

Americans strongly support the President's attempt to control inflation and are willing to sacrifice to help achieve that goal. However, rulings by the Cost of Living Council to deny contract benefits causes some people to do far more than their share.

I back the amendment to the Economic Stabilization Act adopted by both the House and Senate Banking and Currency Committees requiring retroactive payment of all reasonable, valid wage and salary contracts signed prior to August 15.

To do otherwise is inequitable, unjust and probably illegal. We must end it with retroactive adjustment.

URBAN MASS TRANSIT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, that our Nation's urban mass transportation systems are in dire financial straits needs no elaboration. We are all painfully aware of their fiscal plight. This plight is compounded by the fact that the backlog of applications for Federal assistance placed with the Urban Mass Transit Administration presently totals $2.6 billion.

Yet despite the fact that the Congress has appropriated $900 million to fund the Urban Mass Transportation Assistance Act of 1970—Public Law 91–453—for fiscal year 1972, and despite the fact that this full amount is so desperately needed, the Nixon administration intends to spend only $600 million of this amount.

This simply will not be sufficient to meet the need.

In an effort to make the administration aware of the serious consequences of not allocating the full amount of funding, 52 Members of the House, at the request of Congressman SEYMOUR HALPERN and myself, have signed a joint letter to the President urging that the full $900 million provided by the Congress be speedily allocated. Similar action, initiated by Senator CASE and Senator WILLIAMS, has been taken by 37 Members of the Senate.

Not only are these funds necessary, but they would be put to almost immediate use. According to the Urban Mass Transit Administration, the full appropriated amount of $900 million can be committed between now and the end of the present fiscal year—June 30, 1972. In addition, a substantial portion of these funds can be quickly put to use on existing construction projects, thereby creating jobs in this period of high unemployment.

Mass transportation stands at a critical juncture. Without adequate Federal assistance it will be unable to fulfill its vital task. The Federal Government has made a commitment to help the thousands upon thousands of individuals residing in our metropolitan areas deal with their serious transit problems. That commitment must be met.

It is essential that the $900 million appropriated by the Congress for that purpose be made available promptly.

At this point I include the text of the letter sent to the President:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 12, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We urge the speedy allocation of the $900 million provided by Congress for the urban mass transit program in fiscal year 1972.

There is ample justification for committing the full amount of this appropriation. After years of neglect, the cost of revitalizing and expanding our urban and suburban transportation systems will be substantial. One striking measure of the cost of the backlog of applications for Federal assistance placed with the Urban Mass Transit Administration. It presently totals $2.6 billion.

That the states and cities will not be able to undertake the job on their own is beyond question. They understandably must look to the Federal Government as their principal source of financing.

Under the 1970 law, which expanded the mass transit program, it will be possible to provide $3 billion over a five-year period to help finance mass transit improvement. However if the program is to meet the need, as well as live up to the expectation it has created, it must be adequately funded.

The Administration request for a $600 million program level is a step in the right direction. Under this approach, $510 million would be allocated to capital grants, the heart of any effort to replace, improve and expand local bus, rail and subway systems.

Yet we believe that at least the full $900 million appropriated by Congress is needed. Under the Congressional figure, the allocation to capital grants will be $810 million.

The Urban Mass Transit Administration advises that it can commit the appropriated amount between now and the end of the present fiscal year next June 30. In addition, it believes a substantial portion of the $810 million can be put to use quickly on existing construction projects and thereby create jobs in this period of high unemployment.

Mass Transit stands at a critical juncture. Without adequate support from the federal government it surely will fail in the vital job which only it can perform.

The Federal Government has made a commitment to help the thousands upon thousands of people living in our metropolitan areas deal with their serious transportation problems. We must meet that commitment.

It is essential that the $900 million be made available promptly.

Sincerely,

William F. Ryan, Seymour Halpern, Bella S. Abzug, Joseph Addabbo, Les Aspin, Herman Badillo, Nick Begich, John Brademas, James A. Burke, Phillip Burton, Hugh Carey, William L. Clay, James C. Corman, John Conyers, Jr., Ronald V. Dellums, Frank E. Denholm, Harold Donohue, Robert Drinan, Joshua Eilberg, Dante B. Fascell, Donald M. Fraser, Bill Frenzel, Cornelius E. Gallagher, Ella Grasso, Michael Harrington, Augustus Hawkins, Henry Helstoski, Louise Day Hicks, Edward I. Koch, Spark Matsunaga, Abner J. Mikva, George P. Miller, Parren T. Mitchell, William S. Moorhead, Robert N. C. Nix, Claude Pepper, Bertram Podell, Charles B. Rangel, Thomas M. Rees, Peter W. Rodino, Jr., Robert Roe, Fred B. Rooney, Benjamin Rosenthal, Fernand St Germain, Paul S. Sarbanes, James Scheuer, Louis Stokes, Samuel Stratton, James W. Symington, Robert O. Tiernan, Charles Wilson, Lester L. Wolff.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Pride in our Nation is reflected at the highest echelons of Government.

Consider these remarks of President Nixon:

> Let us tell young Americans, all Americans, that we should love America. But let us love her not because she is rich and not because she is strong, but because America is a good country and we are going to make her better.

THE HUMAN SIDE OF STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there follows a statement delivered November 16, 1971:

STATEMENT OF REPRESENTATIVE KEN HECHLER, DEMOCRAT, OF WEST VIRGINIA, ACCOMPANIED BY IVAN R. WHITE, OF MADISON, W. VA., RETIRED COAL MINER AND MEMBER OF WEST VIRGINIA HOUSE OF DELEGATES. SENATE SUBCOMMITTEE ON MINERALS, MATERIALS, AND FUELS.

S. 1498, which I endorse, provides that the strip mining of coal is to be phased out six months after the enactment of the bill and includes a number of environmental safeguards covering the underground mining of coal.

Up until recently, most people have thought of strip mining as being a peculiarly Appalachian problem. Representing the largest coal-producing state in the nation, I can testify that strip mining has ripped the guts out of our mountains, polluted our streams with acid and silt, uprooted our trees and forests, devastated the land, seriously disturbed or destroyed wildlife habitat, left miles of ugly highwalls, ruined the water supply in many areas, and left a trail of utter despair for many honest and hardworking people.

Now strip mining is a national problem, with the land being ripped up and strippable reserves available in 28 states. The members of this subcommittee should visit stripped areas, and not only those where they are led to showcase reclamation projects where great sums of money have been spent to prove a point not generally applicable, or where reclamation has been carried out on strip-mined areas which used some of the older, smaller machinery to mine. This committee is well-acquainted with the damages caused by clear-cutting, and all you have to do is to multiply these environmental damages many times to get a concept of the devastation caused by strip mining.

This committee deserves the thanks of millions of Americans who share with pride the vast domain of our public lands. It is critical that this committee move quickly and decisively to protect America's public lands against the Damoclean sword of strip mining poised above them, ready to gouge, rip, tear and decapitate. Nearly one million acres of public and Indian coal lands in the west are already leased. The Bureau of Land Management indicates that there was a 50 percent increase in coal prospecting permits on Federal lands in the fiscal year ending July, 1970. In that year, strip coal prospecting permits hit 733,576 acres. In the same period, the Bureau of Indian Affairs issued coal exploration prospecting permits on 500,000 additional acres—which was precisely 500,000 acres more than the prior year.

As guardians of the public lands, this committee will, I trust, look seriously into these ominous developments. What belongs to all the people must be preserved for the people.

There is heavy pressure to expand the practice of strip mining into western lands. I hope that the members of this committee representing western states will take a sober look at what strip mining has already done to Appalachia before you eagerly embrace the systematic destruction of your own land, streams, and forests.

The arguments of economics are constantly being thrown back at those of us who are determined to stop this self-destructive hara-kiri. In West Virginia and throughout the Appalachian area, we are told that strip mining means jobs, profits, payrolls and taxes, so why destroy an industry to please some nature nuts? It is true that we need jobs, and people have been leaving West Virginia in great numbers. If strip-mining were so healthy for West Virginia's economy, I would think more people would stay and be attracted to come into our state. As a matter of fact, of the ten West Virginia counties which had the highest production of strip-mined coal between 1960 and 1970, nine out of the ten had losses of population ranging between 6.2 percent and 29 percent—or an average loss of 17.6 percent. This is a loss of nearly three times the statewide average loss in population between 1960 and 1970 (6.2 percent.)

The jobs in strip mining are temporary jobs, for when the coal is stripped out not only are the jobs gone but the land is gone too, and this makes the entire area unattractive for the tourist. Likewise, people do not flock to live in stripped-out areas where the water is polluted and the land ruined.

In all the discussions of the economics of strip mining and the energy crisis, too little attention has been paid to the human side of the dreary tragedies in strip-mined areas.

A quarter of a mile off the road up a hollow in Fayette County, West Virginia, Mr. and Mrs. Harvey Kincaid settled, bought and paid for a nice home in a clean neighborhood. Over a period of 13 years they remodeled the house a little at a time. "Then the strippers came four years ago with their big machinery and T.N.T.," said Mrs. Kincaid. "First they send in loggers to strip all the good timber out and then they come with their bulldozers . . . When the rains come and there isn't anything to stop the drainage, the mountains slide and the spoil-banks fall down to the next highwall and so on until the whole mountain slides. There is a small creek in the hollow and when the spring rains come, its banks won't hold the water. So where does it go—into people's yards; into their wells, under and into their houses. You have rocks, coal, and a little bit of everything in your yards."

Mrs. Kincaid went on: "Then the damages comes to your house because of so much dampness. The doors won't close, the foundation sinks and cracks the walls in the house, your tile comes up off your floors, your walls mold, even the clothes in your closets. Then your children stay sick with bronchial trouble." Mr. and Mrs. Kincaid moved four miles up the road, and one month after moving into their new house the same strip-mining company started blasting away, cracking the walls and foundations.

I wish each Member of this Committee could talk with Mr. and Mrs. Kincaid personally. I wish that the Members of the Committee could also talk with the thousands of other families in 28 states where the strip mining of coal is ripping up the land.

This is a human problem. It is hurting my people, and your people. I am shocked at the weak apologies and milk-and-water solutions being seriously advanced by the Administration. How can you justify, as the Administration Bill does, a two-year period beyond the passage of Federal legislation, during which the strippers *know* they can continue and escalate their devastation unchecked?

A few months ago a sixteen-inch rock crashed through the home of Glen Holliday at Stotesbury, W. Va. The rock resulted from a blast from a nearby strip mining operation of Ranger Fuel Corporation of Beckley, W. Va. The rock tore a hole in the roof the size of a wash bucket, and luckily missed his five children who were in an adjoining room. "The rock must have had a lot of force to it because it came straight down through the roof and put a hole in the floor," according to Holliday. "If anyone in the family had been there it would have killed them."

The newspaper publicity made the coal company very apologetic, and they sent a good carpenter to repair the roof. But everybody in the vicinity lives in fear of what may happen next.

In Amherstdale, W. Va., in my Congressional District, mud and rockslides come down from a hilly strip mine after almost every rain. The yards and lawns of the townspeople are coated with the gooey remains of the strip mine. I have had scores of letters from the unfortunate residents of Amherstdale, but nobody wants to offend a company which is a political power in the area. An elderly man took a short-cut through a muddy area three years ago, he got stuck, and nobody heard his cries. They found his body in the morning.

Mrs. Harold Almond of Buckhannon, W. Va., wrote me: "In a county not far from here, the mines have completely ruined the water supply and the people have become so apathetic that they just pour more Clorox in the water and go on." Mr. and Mrs. A. H. Harshbarger of Stollings, W. Va., wrote me: "Strip mining occurred up the creek several years ago. Now the bare mountainsides are left. When it rains, rocks, soil and plants wash down. They have filled up Dingess Run until it can no longer take care of the excess water which runs off the mountainsides in rainy weather. We are bothered by frequent floods since stripping was done."

A cancer of the earth is spreading across our nation. This cancer has already brought the death of mighty Appalachian mountains and rushing rivers. It has spread into the farmlands of the Midwest. It has recently attacked the ancient Indian homelands of the southwest: on the Black Mesa it is destroying the oldest area of continuous human habitation on the North American continent. Already, nearly 3,000 square miles of our land have succumbed to this cancer, along with hundreds of miles of streams and waterways. By the end of this century, unless its spread is curtailed, 10,000 square miles will be infected beyond recovery. Indeed, the U.S. Geological survey calculates that 71 thousand square miles of our land may be torn away by this disease—the equivalent of a strip of dead tissue, 25 miles wide, stretching from coast to coast.

This cancer is strip mining for coal. It is a menacing disease—a pathology deriving from our lust for energy at the cheapest monetary cost regardless of the social cost. Strip mining only seems cheaper because the environmental costs are passed on to future generations. The agents which transmit the disease are the giant earth-moving machines developed by an onrushing technology—machines which can gouge as much as 200 cubic yards of earth and rock at a single bite. The result is to pulverize and destroy layers of earth and rock which were fashioned in geological eras longer than human history but are now being uprooted in a single generation. Watertables are destroyed, depriving the earth of its channels of nourishment. The delicate surface fabric of life-supporting earth is cast to the bottom. Deep strata of rock and shale are pulverized and exposed to the elements, where they will leech acids and toxic minerals into the surrounding streams for generations. Mountains, now unstable, crack, slip and slide. Rains wash mud, sand and toxic substances down into the streams and rivers, filling their channels and poisoning their waters. And so the disease spreads as the waters flow from the mountains toward the seas.

The ultimate victims are human beings, people who must live in relation to the land. It begins with personal tragedies such as the Kincaid family and others I have mentioned; the families who have been subjected to a hail of boulders raining down on their yards from strip mine blasting; the families I know who lost their well water when the stripping shifted the underground water-courses. From personal tragedies stripping escalates to community tragedies. Surrounded by naked strip-mined mountains which hold no water, the silt-choked Coal River floods, periodically sending turgid waters into the living rooms of 100 homes and into the basements of uncounted others; the municipal water supply of the city of St. Albans, W. Va., is threatened as silt fills the natural reservoir which the river once provided and as the same silt carries growing quantities of bacteria into the strained treatment facilities; and, the ultimate irony, the people of Toney's Branch in Raleigh County, W. Va., planning to drive to their state capitol to protest strip mining, are locked in their own hollow when an overnight rain sends mud and rocks down from the strip mine to block their road.

The final victims of this cancer are entire political systems. As the mechanical monsters snatch jobs away from former coal miners, they also destroy the regions in which the miners live and all possibilities of alternative employment. What industry will locate next to flood-prone, silted and polluted streams? What housing can be built beneath an unstable spoil slope threatening to slide down the mountain? Who can lumber the once-rich hardwood forests where now hardly grasses and weeds can survive? What tourist will invest his vacation to inspect mountains defaced by endless highway scars and hideous rockslides? Who will hunt where there is no game, or fish in lifeless streams? And so we are seeing the growth of nothing but dismal ghost towns, whose death rattle you can hear when the strip miners scoop up their black diamonds of the soil.

As our mountains are destroyed to provide energy for your cities, our people are also forced to move to your cities to live on your welfare. The next time you figure the cost of your electricity, calculate in the cost of welfare paid to displaced mountaineers and farmers, the cost of abortive regional development programs, and the cost to future generations of the loss of great sections of our most beautiful and most productive land. Cheap power from strip mining is no bargain!

What is the cure for cancer? We passed a bill in the House yesterday, and the Senate has already acted. The cure, when it is discovered, is sure to require the removal of cancerous cells when they are found and the prevention of the rapid propagation of cancerous cells.

The Administration Bill on strip mining does not propose to remove this cancer. It merely sets up guidelines for the states. The states are required to administer the actual regulations—so the blame for the ensuing disaster can be kept a safe distance from Washington. Several Appalachian states are already administering regulations as rigorous as anything the administration proposes. The results are the natural and human disaster which is the reason for these hearings. Let us not pass law which will require us continuously to chase our tail in this manner while land and people are destroyed at an evergrowing rate.

As this Committee proceeds in its hearings it will be besieged with arguments concerning "reclamation"—a word of great promise and little substance. My colleagues on the House sub-committee gained wisdom by visiting one—and only one—reclamation site which is admittedly the most impressive in the nation: the Hanna Coal Company reclamation around Cadiz, Ohio. Here they exposed themselves only to the interpretation of the company. They returned impressed, in spite of the scars which clearly remain, in spite of the fact that only one species of grass has been induced to grow on this whole vast area of former farmland and woodland (an area uncharacteristically favorable for Ohio and Appalachia since the natural limestone neutralizes acid). They did not learn about the destruction of subterranean watercourses, changes in the surface temperature of the earth, the relative economic value and productivity of the land since strip mining, or the effect on the county tax base. They did not discover that the same company which reclaimed here failed to reclaim stripped lands a few miles away. Nor did they discover the documented fact that the waters running from this unusually non-acid land, even after treatment by the company, are still highly toxic, killing fish and discouraging plant growth. And Cadiz, Ohio, may be perhaps the best example the American stripping industry has to offer.

Gentlemen, you must visit strip mines to know the problem you are dealing with. But do not go out as sheep to be shorn. Do not rely on the wolves to be your guides. And do not rely too heavily on state reclamation officials who must justify their existence by sugar-coating the effects of their work. Don't get locked into showcases. Pick sites which are truly characteristic of current strip mining and "reclamation" practices. Pick sites which have been thoroughly studied by independent experts—not beholden to government or industry. Several such sites, I know, have been suggested to the Committee. Take such independent experts along with you so that your eyes are opened instead of blinded. And by all means, when you visit a strip mine, arrange to talk with some of the people who live nearby—common people whose lives are rooted in the community. They will tell you the real story of strip mining.

When you visit strip mining for coal in any part of this country you will see a practice which must be stopped. Your eyes can tell you that, and the conclusions of your eyes can be reenforced by ample independent scientific data in many areas, and by the witness of local residents who live with the effects of strip mining.

What we can plainly see must be stopped. But our perception is blunted by an array of arguments concerning "reclamation." The truth is that virtually no meaningful reclamation—truly restoring the land to its original usefulness, productivity and beauty—has been attempted in this country. Even limited-purpose reclamation, such as the $8,000 an acre spent by the State of Pennsylvania on Moraine State Park, is exorbitantly expensive. The argument about reclamation can seduce us into endless pilot projects, endless trials and endless errors, while all around the cancer is destroying the land at an ever increasing rate.

We cannot assume on the basis of vague and untested promises and theories, that a cumbersome and expensive regulatory bureaucracy, whether Federal or State, can wave magic wands and restore stripped lands to usefulness. We should not prescribe pain-killers for cancer. We must stop the spread of the cancer.

The coal reserves of this country are abundant for the foreseeable future needs of our society. It is our one truly abundant mineral resource. Most of this coal can only be deep mined, and that which can be deep mined can supply all our expanding needs for centuries. In Boone County, W. Va., alone, just a small segment of one coalfield, there are 4.6 billion tons of coal recoverable by present technology—enough to supply our whole nation for seven years. Of this coal, only 310 million tons, less than 7% of these reserves, can be recovered by the strip mining which is spreading rapidly throughout the county. To strip mine all this coal, 80% of the land area of mountainous Boone County would be destroyed—80% of the land destroyed to obtain 7% of the coal. Who will be able to live there to mine the rest? It makes no sense.

Great sums of money have already been invested in strip mining for coal. Fortunately, most of this investment is currently in areas and in equivalent which could survive the conversion back to deep mining. The base facilities for cleaning and loading coal, the largest part of the investment, can be used just as well for deep mining on the same sites in most parts of Appalachia and in some other areas. Most of the earth moving equipment, except for the largest shovels, can be used for road construction. Most of the employees, likewise, are skilled in trades for which there is demand in other industries.

But this situation is rapidly changing for the worse. Already in the Southwest hundreds of millions of dollars of private and public capital have been invested in strip mines and companion power generating facilities around "Four Corners." Much of this investment is directly dependent upon strip mining. The loss of this may seem great, but it is dwarfed by the possibilities of the decade ahead. As this Committee is already becoming aware, vast multimillion dollar complexes for power generation and for coal gasification are being planned on the economic presumption of unlimited quantities of strip mined coal at prices so cheap that they preclude even token reclamation. The whole American energy complex is lusting after the mountains and plains of the Northwest and their stippable resources. Once this investment is in place, and the subsequent environmental and social disaster creates a new Appalachia on a vaster scale, who then will have the courage to shut down the plants?

The time to act is now. The time to end strip mining for coal is now, when the temporary job losses in most areas can be offset even in the short term by economic and social gains for the surrounding communities. Imagine the upheaval a decade from now if the law passed by this Congress proves to be insufficient.

We must not temporize with the cancer of the land. We cannot afford to be duped by quacks who prescribe pills, palliatives and pain killers. We must have the courage to recognize the severity of this disease, and proceed immediately to save our land and our people from this deadly scourge.

RECESS

The SPEAKER. Pursuant to a previous order of the House, the House will stand in recess subject to the call of the Chair; and the bells will be rung 5 minutes prior to the reassembling of the House.

Accordingly (at 2 o'clock and 27 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 2 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 466. Concurrent resolution providing for an adjournment of the House from November 19, to November 29, 1971.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

CONFERENCE REPORT ON S. 1483, FARM CREDIT ACT OF 1971

Mr. McMILLAN, on behalf of Mr. POAGE, filed the following conference report and statement on the bill (S. 1483) to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–679)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1483), to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Farm Credit Act of 1971".

POLICY AND OBJECTIVES

SEC. 1.1 (a) It is declared to be the policy of the Congress, recognizing that a prosperous, productive agriculture is essential to a free nation and recognizing the growing need for credit in rural areas, that the farmer-owned cooperative Farm Credit System be designed to accomplish the objective of improving the income and well-being of American farmers and ranchers by furnishing sound, adequate, and constructive credit and closely related services to them, their cooperatives, and to selected farm-related businesses necessary for efficient farm operations.

(b) It is the objective of this Act to continue to encourage farmer- and rancher-borrowers participation in the management, control, and ownership of a permanent system of credit for agriculture which will be responsive to the credit needs of all types of agricultural producers having a basis for credit, and to modernize and improve the authorizations and means for furnishing such credit and credit for housing in rural areas made available through the institutions constituting the Farm Credit System as herein provided.

SEC. 1.2. THE FARM CREDIT SYSTEM.—The Farm Credit System shall include the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, the banks for cooperatives, and such other institutions as may be made a part of the System, all of which shall be chartered by and subject to the supervision of the Farm Credit Administration.

TITLE I—FEDERAL LAND BANKS AND ASSOCIATIONS

PART A—FEDERAL LAND BANKS

SEC. 1.3. ESTABLISHMENT; TITLE; BRANCHES.—The Federal land banks established pursuant to section 4 of the Federal Farm Loan Act, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration, not inconsistent with the provisions of this title, as may be necessary or expedient to implement this Act. Unless an existing Federal land bank is merged with one or more other such banks under section 4.10 of this Act, there shall be a Federal land bank in each farm credit district. It may include in its title the name of the city in which it is located or other geographical designation. When authorized by the Farm Credit Administration, it may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 1.4. CORPORATE EXISTENCE; GENERAL CORPORATE POWERS.—Each Federal land bank shall be a body corporate and, subject to supervision by the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make loans and commitments for credit, accept advance payments, and provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, and vice president, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act, define their duties, and require surety bonds or make other provisions against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents are elected or provided for; its property acquired, held, and transferred; its loans and appraisals made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually, or in concert with one or more other banks of the System, of such character, terms, conditions, and rates of interest as may be determined.

(11) Accept deposits of securities or of current funds from its Federal land bank associations and pay interest on such funds.

(12) Participate with one or more other Federal land banks in loans under this title on such terms as may be agreed upon among such banks.

(13) Approve the salary scale of the officers and employees of the Federal land bank associations and the appointment and compensation of the chief executive officer thereof and supervise the exercise by such associations of the functions vested in or delegated to them.

(14) Deposit its securities and its current funds with any member bank of the Federal Reserve System and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(15) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of any such agency, and make such other investments as may be authorized by the Farm Credit Administration.

(16) Conduct studies and make and adopt standards for lending.

(17) Delegate to Federal land bank associations such functions rested in or delegated to the bank as it may determine.

(18) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(19) Perform any function delegated to it by the Farm Credit Administration.

(20) Require Federal land bank associations to endorse notes and other obligations of its members to the bank.

(21) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

SEC. 1.5. LAND BANK STOCK; VALUE; SHARES; VOTING; DIVIDENDS.—(a) The capital stock of each Federal land bank shall be divided into shares of par value of $5 each, and may be of such classes as its board of directors may determine with the approval of the Farm Credit Administration.

(b) Voting stock of each bank shall be held only by the Federal land bank associations and direct borrowers and borrowers through agents who are farmers or ranchers, which stock shall not be transferred, pledged, or hypothecated except as authorized pursuant to this Act.

(c) The board of each bank shall from time to time authorize the issue or increase of its capital stock necessary to permit the issuance of additional shares to the Federal land bank associations so that members of such associations purchasing stock or participation certificates therein may be eligible for loans from the bank.

(d) Nonvoting stock may be issued to the Governor of the Farm Credit Administration, and may also be issued to Federal land bank associations in amounts which will permit the bank to extend financial assistance to eligible persons other than farmers or ranchers. Participation certificates with a face value of $5 each may be issued in lieu of nonvoting stock when the bylaws of the bank so provide.

(e) Dividends shall not be payable on any stock held by the Governor of the Farm Credit Administration. Non-cumulative dividends may be payable on other stock and participation certificates of the bank. The rate of dividends may be different between different classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the bank by such classes and issues, but otherwise dividends shall be without preference.

SEC. 1.6. REAL ESTATE MORTGAGE LOANS.—The Federal land banks are authorized to make long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, and continuing commitments to make such loans under specified circumstances, or extend other financial assistance of a similar nature to eligible borrowers, for a term of not less than five nor more than forty years.

SEC. 1.7. INTEREST RATES AND OTHER CHARGES.—Loans made by a Federal land bank shall bear interest at a rate of rates, and on such terms and conditions, as may be determined by the board of directors of the bank from time to time, with the approval of the Farm Credit Administration. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers at the lowest reasonable costs on a sound business basis taking into account the cost of money to the bank, necessary reserve and expenses of the banks and Federal land bank associations, and providing services to stockholders and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank.

SEC. 1.8. ELIGIBILITY.—The services authorized in this title may be made available to persons who are or become stockholders or members in the Federal land bank associations and are (1) bona fide farmers and ranchers, (2) persons furnishing to farmers and ranchers farm-related services directly related to their on-farm operating needs or (3) owners of rural homes.

SEC. 1.9. SECURITY.—Loans shall not exceed 85 per centum of the appraised value of the real estate security, and shall be secured by first liens on interest in real estate of such classes as may be approved by the Farm Credit Administration. The value of security shall be determined by appraisal under appraisal standards prescribed by the bank and approved by the Farm Credit Administration, to adequately secure the loan. However, additional security may be required to supplement real estate security, and credit factors other than the ratio between the amount of the loan and the security value shall be given due consideration.

SEC. 1.10. PURPOSES.—Loans made by the Federal land banks to farmers and ranchers may be for any agricultural purpose and other credit needs of the applicant. Loans may also be made to rural residents for rural housing financing under regulations of the Farm Credit Administration. Rural housing financed under this title shall be for single-family, moderate-priced dwellings and their appurtenances not inconsistent with the general quality and standards of housing existing in, planned or recommended for the rural area where it is located: *Provided, however*, That a Federal land bank may not at any one time have a total of loans outstanding for such rural housing to persons other than farmers or ranchers in amounts exceeding 15 per centum of the total of all loans outstanding in such bank: *Provided further*, That for rural housing purposes under this section the term "rural areas" shall not be defined to include any city or village having a population in excess of 2,500 inhabitants. Loans to persons furnishing farm-related services to farmers and ranchers directly related to their on-farm operating needs may be made for the necessary capital structures and equipment and initial working capital for such services. The banks may own and lease, or lease with option to purchase, to persons eligible for assistance under this title, facilities needed in the operations of such persons.

SEC. 1.11. SERVICES RELATED TO BORROWERS' OPERATIONS.—The Federal land banks may provide technical assistance to borrowers, members, and applicants and may make available to them at their option such financial related services appropriate to their on-farm operations as determined to be feasible by the board of directors of each district bank, under regulations of the Farm Credit Administration.

SEC. 1.12. LOANS THROUGH ASSOCIATIONS OR AGENTS.—(a) The Federal land banks shall, except as otherwise herein provided, make loans through a Federal land bank association serving the territory in which the real estate offered by the applicant is located. If there is no active association chartered for the territory where the real estate is located, or if the association has been declared insolvent, the bank may make the loan through another such association, directly, or through such bank or trust company or savings or other financial institution as it may designate. When the loan is not made through a Federal land bank association, the applicant shall purchase stock in the bank in an amount not less than $5 nor more than $10 for each $100 of the loan and the loan shall be made on such terms and conditions as the bank shall prescribe.

PART B—FEDERAL LAND BANK ASSOCIATIONS

SEC. 1.13. ORGANIZATIONS; ARTICLES; CHARTERS; POWERS OF THE GOVERNOR.—Each Federal land bank association chartered under section 7 of the Federal Farm Loan Act, as amended, shall continue as a federally chartered instrumentality of the United States. A Federal land bank association may be organized by any group of ten or more persons desiring to borrow money from a Federal land bank, including persons to whom the Federal land bank has made a loan directly or through an agent and has taken as security real estate located in the territory proposed to be served by the association. The articles of association shall describe the territory within which the association proposes to carry on its operations. Proposed articles shall be forwarded to the Federal land bank for the district, accompanied by an agreement to subscribe on behalf of the association for stock of the land bank equal to not less than $5 nor more than $10 per $100 of the amount of the aggregate loans desired or held by the association members. Such stock may be paid for by surrendering for cancellation stock in the bank held by a borrower and the issuance of an equivalent amount of stock to such borrower in the association. The articles shall be accompanied by a statement signed by each of the members of the proposed association establishing his eligibility for, and that he has or desires a Federal land bank loan; that the real estate with respect to which he desires a loan is not being served by another Federal land bank association; and that he is or will become a stockholder in the proposed association. A copy of the articles of association shall be forwarded to the Governor of the Farm Credit Administration with the recommendations of the bank concerning the need for the proposed association in order to adequately serve the credit needs of eligible persons in the proposed territory and a statement as to whether or not the territory includes any territory described in the charter of another Federal land bank association. The Governor for good cause shown may deny the charter applied for. Upon the approval of the proposed articles by the Governor and the issuance of such charter, the association shall become as of such date a federally chartered body corporate and an instrumentality of the United States. The Governor shall have power, in the terms of the charter, under rules and regulations prescribed by him or by approving bylaws of the association, to provide for the organization of the association, the initial amount of stock of such association, the territory within which its operations may be carried on and to direct at any time changes in the charter of such association as he finds necessary in accomplishing the purposes of this Act.

SEC. 1.14. BOARD OF DIRECTORS.—Each Federal land bank association shall elect from its voting shareholders a board of directors of such number, for such terms, in such manner, and with such qualifications as may be required by its bylaws.

SEC. 1.15. GENERAL CORPORATE POWERS.—Each Federal land bank association shall be a body corporate and, subject to supervision of the Federal land bank of the district and of the Farm Credit Administration, shall have the power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real estate and personal property necessary or convenient to its business.

(6) Operate under the direction of its board of directors in accordance with this Act.

(7) Elect by its board of directors a manager or other chief executive officer, and provide for such other officers or employees as may be necessary, including joint employees as provided in this Act; define their duties; and require surety bonds or make other provision against losses occasioned by employees. No director shall, within one year after the date when he ceases to be a member of the board, be elected or designated a salaried employee of the association on the board of which he served.

(8) Prescribe by its board of directors its bylaws, not inconsistent with law, providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers and employees elected or provided for; its property acquired, held, and transferred; its general business conducted; and privileges granted it by law exercised and enjoyed.

(9) Accept applications for Federal land bank loans and receive from such bank and disburse to the borrowers the proceeds of such loans.

(10) Subscribe to stock of the Federal land bank of the district.

(11) Elect by its board of directors a loan committee with power to elect applicants for membership in the association and recommend loans to the Federal land bank, or with the approval of the Federal land bank, delegate the election of applicants for membership and the approval of loans within specified limits to other committees or to authorized employees of the association.

(12) Upon agreement with the bank, take such additional actions with respect to applications and loans and perform such functions as are vested by law in or delegated to the Federal land banks as may be agreed to or delegated to the association.

(13) Endorse and shall become liable to the bank on loans it makes to association members.

(14) Receive such compensation and deduct such sums from loan proceeds with respect to each loan as may be agreed between the association and the bank and may make such other charges for services as may be approved by the bank.

(15) Provide technical assistance to members, borrowers, applicants, and other eligible persons and make available to them, at their option, such financial related services appropriate to their operations as it determines, with Federal land bank approval, are feasible, under regulations of the Farm Credit Administration.

(16) Borrow money from the bank and, with the approval of such bank, borrow from and issue its notes or other obligations to any commercial bank or other financial institutions.

(17) Buy and sell obligations of or insured by the United States or any agency thereof or of any banks of the Farm Credit System.

(18) Invest its funds in such obligations as may be authorized in regulations of the Farm Credit Administration and approved by the bank and deposit its securities and current funds with any member bank of the Federal Reserve System, with the Federal land bank, or with any bank insured by the Federal Deposit Insurance Corporation, and pay fees therefor and receive interest thereon as may be agreed.

(19) Perform such other function delegated it by the Federal land bank of the district.

(20) Exercise by its board of directors or authorized officers or agents all such incidental powers as may be necessary or expedient in the conduct of its business.

SEC. 1.16. ASSOCIATION STOCK; VALUE OF SHARES; VOTING.—(a) The shares of stock in each Federal land bank association shall have a par value of $5 each. No person but borrowers from the bank shall become members and stockholders of the association. If an application for membership is approved and if the applied-for loan is granted, the member of the association shall subscribe to stock in the association in an amount not less than 5 per centum nor more than 10 per centum of the face amount of the loan as determined by the bank. Stock shall be paid for in cash by the time the loan is closed. The association shall then purchase a similar amount of stock in the land bank. Stock shall be retired and paid at fair book value not to exceed par, as determined by the association, upon the full repayment of the loan and if the loan is in default may be canceled for application on the loan, or under other circumstances, for other disposition, when approved by the bank. The aggregate capital stock of each association shall be increased from time to time as necessary to permit the securing of requested loans from the bank for the association's members.

(b) The stock issued by an association may be voting stock or nonvoting stock of such classes as the association determines with the approval of the bank under regulations prescribed by the Farm Credit Administration. Each holder of voting stock shall be entitled to only one vote, and no more, in the election of directors and in deciding questions at meetings of stockholders. Participation certificates may be issued in lieu of nonvoting stock when the bylaws of the association so provide.

PART C—PROVISIONS APPLICABLE TO FEDERAL LAND BANKS AND FEDERAL LAND BANK ASSOCIATIONS

SEC. 1.17. LAND BANK RESERVES; DIVIDENDS.—(a) Each Federal land bank shall, at the end of each fiscal year, carry to reserve account a sum of not less than 50 per centum of its net earnings for the year until said reserve account shall be equal to the end of such year, after restoring and impairment thereof, to the outstanding capital stock and participation certificates of the bank. Thereafter, a sum equal to 10 per centum of the year's net earnings shall be added to the reserve account until the account shall be equal to 150 per centum of the outstanding capital stock and participation certificates of the bank. Any amounts added to the reserve account in excess of 150 per centum of the outstanding capital stock and participation certificates may be withdrawn from such reserves with the approval of the Farm Credit Administration.

(b) Any bank may declare a dividend or dividends out of the whole or any part of net earnings which remain after (1) the maintenance of the reserve as required in subsection (a) hereof, (2) the payment of the franchise tax as required by section 4.0 for any year in which any stock in the bank is held by the Governor of the Farm Credit Administration, and (3) with approval of the Farm Credit Administration.

SEC. 1.18. ASSOCIATION RESERVES; DIVIDENDS.—(a) Each Federal land bank association shall, out of its net earnings at the end of each fiscal year, carry to reserve account a sum not less than 10 per centum of such earnings until the reserve account shall equal 25 per centum of the outstanding capital stock and participation certificates of such association after restoring any impairment thereof. Thereafter, 5 per centum of the net earnings for the year shall be added to such reserve account until it shall equal 50 per centum of the outstanding capital stock and participation certificates of the association. Any amounts in the reserve account in excess of 50 per centum of the outstanding capital stock and participation certificates may be withdrawn with the approval of the Federal land bank.

(b) Any association may declare a dividend or dividends out of the whole or any part of its net earnings which remain after (1) maintenance of the reserve required in subsection (a) hereof and (2) bank approval.

(c) Whenever any association is liquidated, a sum equal to its reserve account as required in this Act shall be paid and become the property of the bank in which such association is a shareholder.

SEC. 1.19. AGREEMENTS FOR SHARING GAINS OR LOSSES.—Each Federal land bank may enter into agreements with Federal land bank associations in its district for sharing the gain or losses on loans or on security held therefor or acquired in liquidation thereof, and associations are authorized to enter into any such agreements and also, subject to bank approval, agreements with other associations in the district for sharing the risk of loss on loans endorsed by each such association.

SEC. 1.20. LIENS ON STOCK.—Each Federal land bank and each Federal land bank association shall have a first lien on the stock and participation certificates it issues, except on stock held by the Governor of the Farm Credit Administration, for the payment of any liability of the stockholder to the association or to the bank, or to both of them.

SEC. 1.21. TAXATION.—Every Federal land bank and every Federal land bank association and the capital, reserves, and surplus thereof, and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation, except taxes on real estate held by a Federal land bank or a Federal land bank association to the same extent, according to its value, as other similar property held by other persons is taxed. The mortgages held by the Federal land banks and the notes, bonds, debentures, and other obligations issued by the banks or associations shall be deemed and held to be instrumentalities of the Government of the United States and, as such, they and the income therefrom shall be exempt from all Federal, State, municipal, and local taxation, other than Federal income tax liability of the holder thereof under the Public Debt Act of 1941 (31 U.S.C. 742(a)).

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART A—FEDERAL INTERMEDIATE CREDIT BANKS

SEC. 2.0. ESTABLISHMENT; BRANCHES.—The Federal intermediate credit banks established pursuant to section 201(a) of the Federal Farm Loan Act, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration not inconsistent with the provisions of this title as may be necessary or expedient to implement this Act. Unless an existing Federal intermediate credit bank is merged with one or more other such banks under section 4.10 of this Act, there shall be a Federal intermediate credit bank in each farm credit district. It may include in its title the name of the city in which it is located or other geographical designation. When authorized by the Farm Credit Administration, it may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 2.1. CORPORATE EXISTENCE; GENERAL CORPORATE POWERS.—Each Federal intermediate credit bank shall be a body corporate and, subject to supervision of the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make and discount loans and commitments for credit, and provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice president, a secretary, and a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act; define their duties and require surety bonds or make other provision against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents elected or provided for; its property acquired, held, and transferred; its loans and discounts made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually, or in concert with one or more other banks of the System, of such character, and such terms, conditions, and rates of interest as may be determined.

(11) Purchase nonvoting stock in or pay in surplus to, and accept deposits of securities or of current funds from production credit associations holding its shares and pay interest upon such funds.

(12) Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(13) Buy and sell obligations of or insured by the United States or any agency thereof, or securities backed by the full faith and credit of any such agency and make such other investments as may be authorized by the Farm Credit Administration.

(14) Delegate to the production credit associations such functions vested in or delegated to the intermediate credit bank as it may determine.

(15) Approve the salary scale of the officers and employees of the association and the appointment and compensation of the chief executive officer thereof and supervise the exercise by the production credit associations of the functions vested in or delegated to them.

(16) Amend and modify loan contracts, documents, payment schedules, and release, subordinate, or substitute security for any of them.

(17) Conduct studies and make and adopt standards for lending.

(18) Enter into loss sharing agreements with other Federal intermediate credit banks and production credit associations.

(19) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

(20) Participate with one or more other Federal intermediate credit banks or production credit associations in the district, in loans under this title on such terms as may be agreed upon among such banks and associations.

(21) Perform any function delegated to it by the Farm Credit Administration.

SEC. 2.2. FEDERAL INTERMEDIATE CREDIT BANK

Stock; Value; Dividends; Additional Stock; Retirement.—(a) The capital stock of each Federal intermediate credit bank shall be divided into shares of par value of $5 each and may be of such classes as its board of directors may determine with the approval of the Farm Credit Administration.

(b) Voting stock of each bank shall be held only by the production credit associations which stock shall not be transferred, pledged, or hypothecated except as provided in this title or as authorized under regulations of the Farm Credit Administration.

(c) The Board of each bank shall from time to time increase its capital stock to permit the issuance of additional shares to production credit associations in such amounts as shall be determined by the board.

(d) Nonvoting stock may be issued to the Governor of the Farm Credit Administration. Nonvoting stock may also be issued to production credit associations in such amounts as will permit the association to extend financial assistance to eligible persons other than farmers, ranchers, and producers or harvesters of aquatic products. Participation certificates, with a face value of $5, may be issued in lieu of such nonvoting stock when the bylaws of the bank so provide.

(e) Participation certificates also may be issued by a bank to financing institutions other than production credit associations which are eligible to borrow from or discount eligible paper with the bank.

(f) Dividends shall not be payable on any stock held by the Governor of the Farm Credit Administration other than the tax imposed by section 4.0(c) but noncumulative dividends may be payable on other capital and participation certificates in an amount not to exceed a per centum permitted under regulations of the Farm Credit Administration, in any year as determined by the board of directors. Such dividends may be in the form of stock and participation certificates or, when the Governor of the Farm Credit Administration holds no stock in the bank, in cash. The rate of dividends may be different between different classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the bank by such classes and issues, but otherwise dividends shall be without preference.

(g) Each Federal intermediate credit bank, with the approval of the Farm Credit Administration, may determine the amount of the initial or additional stock in the bank to be subscribed for by the production credit associations in the farm credit district served by the bank in order to provide capital to meet the credit needs of the bank. The amount so determined shall be allotted among the associations in the district upon such basis that, as nearly as may be practicable, the sum of the stock already owned and the additional amount to be subscribed for by each association will be in the same proportion to the total amount of stock already owned and to be subscribed for by all of the associations in the district that the average indebtedness (loans and discounts) of each association to the bank during the immediately preceding three fiscal years is of the average of such indebtedness of all associations to the bank during such three-year period. Each association shall subscribe for stock in the bank in the amount so allotted to it. Such subscriptions shall be subject to call and payment therefore shall be made at such times and in such amounts as may be determined by the bank.

Whenever the relative amounts of stock in a bank owned by the associations differ substantially from the proportion indicated in the preceding paragraph, and additional subscriptions to stock through which such proportion could be reestablished are not contemplated, the bank, with approval of the Farm Credit Administration, may direct either separately or in combination such transfers, retirements, and reissuance of outstanding stock among the associations as will reestablish the aforesaid proportion as nearly as may be practicable. Outstanding stock which is retired for this purpose, except as otherwise approved by the Farm Credit Administration, shall be the oldest stock held by the association and the bank shall pay the association therefor at the fair book value thereof not exceeding par.

The banks may issue further amounts of participation certificates with the same rights, privileges, and conditions, for purchase by institutions other than production credit associations which are entitled to receive participation certificates from the bank as patronage refunds. Participation certificates held by other financing institutions may be transferred to other such institutions upon request of, or with the approval of the bank.

After all stock held by the Governor of the Farm Credit Administration has been retired, the bank may retire other stock at par and participation certificates at face amount under regulations of the Farm Credit Administration. Such other stock and participation certificates shall be retired without preference and in such manner that, unless otherwise approved by Farm Credit Administration, the oldest outstanding stock or certificates at any given time will be retired first. In case of liquidation or dissolution of any production credit association or other financing institution, the stock or participation certificates of the bank owned by such association or institution may be retired by the bank at the fair book value thereof, not exceeding par or face amount, as the case may be.

(h) Except with regard to stock held by the Governor, each Federal intermediate credit bank shall have a first lien on all stock and participation certificates it issues and on all allocated reserves and other equities for any indebtedness of the holder of such capital investments to the bank.

(i) In any case where the debt of a production credit association or other financing institution is in default, the bank may retire all or part of the capital investments in the bank held by such debtor at the fair book value thereof, not exceeding par or face amount as the case may be, in total or partial liquidation of the debt.

Sec. 2.3. Loans; Discounts; Participation; Leasing.—(a) The Federal intermediate credit banks are authorized to make loans and extend other similar financial assistance to and discount for, or purchase from, any production credit association with its endorsement or guaranty, any note, draft, or other obligation presented by such association, and to participate with such association and one or more intermediate credit banks in the making of loans to eligible borrowers, all the foregoing to be secured by such collateral, if any, as may be required in regulations of the Farm Credit Administration. The banks may own and lease or lease with option to purchase, to persons eligible for assistance under this title, equipment needed in the operations of such persons.

(b) The Federal intermediate credit banks are authorized to discount for, or purchase from, any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, and any association of agricultural producers engaged in the making of loans to farmers and ranchers, with its endorsement or guaranty, any note, draft, or other obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose, including the breeding, raising, fattening, or marketing of livestock; and to make loans and advances to any such financing institution secured by such collateral as may be approved by the Farm Credit Administration: *Provided*, That no such loan or advance shall be made upon the security of collateral other than notes or other such obligations of farmers and ranchers eligible for discount or purchase under the provisions of this section, unless such loan or advance is made to enable the financing institution to make or carry loans for any agricultural purpose.

(c) No paper shall be purchased from or discounted for any national bank, State bank, trust company or savings institution under subsection (b) if the amount of such paper added to the aggregate liabilities of such national bank, State bank, trust company or savings institution, whether direct or contingent (other than bona fide deposit liabilities), exceeds the lower of the amount of such liabilities permitted under the laws of the jurisdiction creating the same, or twice the paid-in and unimpaired capital and surplus of such national bank, State bank, trust company, or savings institution. No paper shall under this section be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes including the raising, breeding, fattening, or marketing of livestock, if the amount of such paper added to the aggregate liabilities of such corporation exceeds the lower of the amount of such liabilities permitted under the laws of the jurisdiction creating the same, or ten times the paid-in and unimpaired capital and surplus of such corporation. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased under subsection (b), to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities direct or contingent, will exceed the limitations here in contained.

Sec. 2.4 Terms.—Loans, advances, or discounts made under section 2.3 shall be repayable in not more than seven years from the time they are made or discounted by the Federal intermediate credit bank, and shall bear such rate or rates of interest or discount as the board of directors of the bank shall from time to time determine with the approval of the Farm Credit Administration, but the rates charged financing institutions other than production credit associations shall be the same as those charged production credit associations. In setting the rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers, at the lowest reasonable costs on a sound business basis taking into account the cost of money to the bank, necessary reserves and expenses of the bank and production credit associations, and providing services to borrowers from the bank and associations. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank. No obligation tendered for discount by a financing institution, without the approval of the Farm Credit Administration, shall be eligible for discount upon which the original borrower has been charged a rate of interest exceeding by more than 1½ per centum per annum the discount rate of the bank.

Sec. 2.5. Services Related to Borrowers' Operations.—The Federal intermediate credit banks may provide technical assistance to borrowers, members, and applicants from the banks and production credit associations, including persons obligated on paper discounted by the bank, and may make available to them at their option such financial related services appropriate to their on-farm operations as determined to be feasible by the board of directors of each district bank, under regulations of the Farm Credit Administration.

Sec. 2.6. Net Earnings—Determination; Annual Application; Surplus Account; Absorption of Net Loss.—(a) If, at the end of a fiscal year a Federal intermediate credit bank shall have stock outstanding held by the Governor of the Farm Credit Administration, such bank shall determine the amount of its net earnings after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such net earnings as follows: (1) to the restoration of the impairment, if any, of capital stock and participation certificates, as determined by its board of directors; (2) to the restoration of the amount of the impairment, if any, of the surplus account of allocated reserve account established by this subsection, as determined by its board of directors; (3) 25 per centum of any remaining net earnings shall be used to create and maintain an allocated reserve account; (4) a franchise tax shall be paid to the United States, as provided in section 4.0 of this Act; (5) reasonable unallocated contingency reserve account may be established and maintained; (6) dividends on stock held by production credit associations and on participation certificates may be declared as provided in section 2.2(f) of this title; and (7) any remaining net earnings shall be distributed as patronage refunds as provided in subsection (b) of this section.

Amounts applied to reserve accounts as provided in (3) above, either heretofore or hereafter, shall be allocated on the same patronage basis and have the same tax treatment as is provided in subsection (b) of this section for patronage refunds. At the end of any fiscal year that the allocated reserve account of any bank exceeds 25 per centum of its outstanding stock and participation certificates, such excess may be distributed, oldest allocations first, in stock to production credit associations and participation certificates issues as of the date of the allocations.

If and when the relative amounts of stock in a Federal intermediate credit bank owned by the production credit associations are adjusted to reestablish the proportion of such stock owned by each association, as provided in the first or second paragraphs of section 2.2(g) of this title, amounts in the reserve account that are allocated to production credit associations may be adjusted in the same manner, so far as practicable, to reestablish the holdings of the production credit associations in the allocated legal reserve accounts into substantially the same proportion as are their holdings of stock.

No part of the surplus account established by a Federal intermediate credit bank on January 1, 1957, consisting of its earned surplus account, its reserve for contingencies, and the surplus of the production credit corporation transferred to the bank, shall be distributed as patronage refunds or as dividends. In the event of a net loss in any fiscal year after providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves), such loss shall be absorbed by: first, charges to the unallocated reserve account; second, impairment of the allocated reserve account; third, impairment of the surplus other than that transferred from the production credit corporation of the district; fourth, impairment of surplus transferred from the production credit corporation of the district; fifth, impairment of stock and participation certificates held by production credit associations and participation certificates held by other financing institutions; and sixth, impairment of nonvoting stock.

(b) If at the end of a fiscal year a Federal intermediate credit bank shall have outstanding capital stock held by the Governor of the Farm Credit Administration, patronage refunds declared for that year shall be paid in stock to production credit associations and in participation certificates to other financing institutions borrowing from or discounting with the bank during the fiscal year for which such refunds are declared. The recipients of such patronage refunds shall not be subject to Federal income taxes thereon. All patronage refunds shall be paid in the proportion that the amount of interest earned by the bank on its loans to and discounts for each production credit association or other financing institution bears to the total interest earned by the bank on all such loans and discounts outstanding during the fiscal year. Each participation certificate issued in payment of patronage refunds shall be in multiples of $5 and shall state on its face the rights, privileges, and conditions applicable thereto. Patronage refunds shall not be paid to any other Federal intermediate credit bank, or to any Federal land bank or bank for cooperatives.

(c) If, at the end of a fiscal year a Federal intermediate credit bank shall have no outstanding capital stock held by the Governor of the Farm Credit Administration, the net earnings of such bank shall, under regulations prescribed by the Farm Credit Administration, continue to be distributed on a cooperative basis with an obligation to distribute patronage dividends and with provision for sound, adequate capitalization to meet changing financing needs of production credit associations, other financial institutions eligible to discount paper with the bank, and other eligible borrowers, and prudent corporate fiscal management, to the end that the current year's patrons carry their fair share of the capitalization, ultimate expenses, and reserves. Such regulations may provide for the application of less than 25 per centum of net earnings after payment of operating expenses to the restoration or maintenance of the allocated reserve account, additions to unallocated contingency reserve account of not to exceed such per centum of net earnings as may be approved by the Farm Credit Administration, and provide for allocations to patrons not qualified under the Internal Revenue Code, and the payment of patronage in stock, participation certificates, or in cash, as the board may determine. If during the fiscal year but not at the end thereof a bank shall have had outstanding capital stock held by the Governor of the Farm Credit Administration, provision will be made for the payment of the franchise tax required in section 4.0.

(d) Such allocations of reserve account shall be subject to a first lien as additional collateral for any indebtedness of the holders thereof to the bank and in any case where such indebtedness is in default may, but shall not be required to, be retired and canceled for application on such indebtedness, and, in case of liquidation or dissolution of a holder thereof, such reserve account allocations may be retired, all as is provided for stock and participation certificates in section 2.2(g) of this title.

Sec. 2.7. Distribution of Assets on Liquidation.—In the case of liquidation or dissolution of any Federal intermediate credit bank, after payment or retirement, as the case may be, first, of all liabilities; second, of all stock held by the Governor of the Farm Credit Administration at par; third, of all stock owned by production credit associations at par and all participation certificates at face amount; any remaining assets of the bank shall be distributed as provided in this subsection. Any of the surplus established pursuant to section 2.6 (excluding that transferred from the production credit corporation of the district) which the Farm Credit Administration determines was contributed by financing institutions other than the production credit associations discounting with or borrowing from the bank on January 1, 1957, shall be paid to such institutions, or their successors in interest as determined by Farm Credit Administration, and the remaining portion of such surplus (including that transferred from the production credit corporation of the district) shall be paid to the holders of voting and nonvoting stock pro rata. The contribution of each such financing institution under the preceding sentence shall be computed on the basis of the ratio of its patronage to the total patronage of the bank from the date of organization of the bank to January 1, 1957. The allocated reserve established pursuant to section 2.6 shall be paid to the production credit associations and other financing institutions to which such reserve is allocated on the books of the bank. Any assets of the bank then remaining shall be distributed to the production credit associations and the holders of participation certificates pro rata.

Sec. 2.8. Taxation.—Every Federal intermediate credit bank and the capital, reserves, and surplus thereof and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation except taxes on real estate held by a Federal intermediate credit bank to the same extent, according to its value, as other similar property held by other persons is taxed. The obligations held by the Federal intermediate credit banks and the notes, bonds, debentures, and other obligations issued by the banks shall be deemed to be instrumentalities of the Government of the United States, and, as such, they and the income therefrom shall be exempt from all Federal, State, municipal, and local taxation, other than Federal income tax liability of the holder thereof under the Public Debt Act of 1941 (31 U.S.C. 742 (a)).

Sec. 2.9. [Vacant.]

Part B—Production Credit Associations

Sec. 2.10. Organization and Charters.—Each production credit association chartered under section 20 of the Farm Credit Act of 1933, as amended, shall continue as a federally chartered instrumentality of the United States. Production credit associations may be organized by ten or more farmers or ranchers or producers or harvesters of aquatic products desiring to borrow money under the provisions of this title. The proposed articles of association shall be forwarded to the Federal intermediate credit bank for the district accompanied by an agreement to subscribe on behalf of the association for stock in the bank in such amounts as may be required by the bank. The articles shall specify in general terms the objects for which the association is formed, the powers to be exercised by it in carrying out the functions authorized by this part, and the territory it proposes to serve. The articles shall be signed by persons desiring to form such an association and shall be accompanied by a statement signed by each such person establishing eligibility to borrow from the association in which he will become a stockholder. A copy of the articles of association shall be forwarded to the Governor of the Farm Credit Administration with the recommendations of the bank concerning the need for such an association in order to adequately serve the credit needs of eligible persons in the proposed territory and whether that territory includes any area described in the charter of another production credit association. The Governor for good cause shown may deny the charter. Upon approval of the proposed articles by the Governor and the issuance of a charter, the association shall become as of such date a federally chartered body corporate and an instrumentality of the United States. The Governor shall have the power, under rules and regulations prescribed by him or by prescribing in the terms of the charter or by approval of bylaws of the association, to provide for the organization of the association, the initial amount of stock of the association, the territory within which its operations may be carried on, and to direct at any time such changes in the charter as he finds necessary for the accomplishment of the purposes of this Act.

Sec. 2.11. Board of Directors.—Each production credit association shall elect from its voting members a board of directors of such number, for such terms, with such qualifications, and in such manner as may be required by its bylaws.

SEC. 2.12. GENERAL CORPORATE POWERS.—Each production credit association shall be a body corporate and, subject to supervision by the Federal intermediate credit bank for the district and the Farm Credit Administration, shall have power to—

(1) Have succession until terminated in accordance with this Act or any other Act of Congress.

(2) Adopt and use a corporate seal.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Operate under the direction of its board of directors in accordance with this Act.

(7) Subscribe to stock of the bank.

(8) Purchase stock of the bank held by other production credit associations and stock of other production credit associations.

(9) Contribute to the capital of the bank or other production credit associations.

(10) Invest its funds as may be approved by the Federal intermediate credit bank under regulations of the Farm Credit Administration and deposit its current funds and securities with the Federal intermediate credit bank, a member bank of the Federal Reserve System, or any bank insured under the Federal Deposit Insurance Corporation, and may pay fees therefor and receive interest thereon as may be agreed.

(11) Buy and sell obligations of or insured by the United States or of any agency thereof or of any banks of the Farm Credit System.

(12) Borrow money from the Federal intermediate credit bank, and with the approval of such bank, borrow from and issue its notes or other obligations to any commercial bank or other financial institution.

(13) Make and participate in loans, accept advance payments, and provide services and other assistance as authorized in this title and charge fees therefor.

(14) Endorse and become liable on loans discounted or pledged to the Federal intermediate credit bank.

(15) Enter into loss sharing agreements with the Federal intermediate credit bank and other production credit associations.

(16) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired, its officers and employees elected or provided for, its property acquired, held, and transferred, its general business conducted, and the privileges granted it by law exercised and enjoyed.

(17) Elect by its board of directors a manager or other chief executive officer, and provide for such other officers or employees as may be necessary, including joint employees as provided in this Act, define their duties, and require surety bonds or make other provisions against losses occasioned by employees. No director shall, within one year after the date when he ceases to be a member of the board, be elected or designated a salaried employee of the association on the board of which he served.

(18) Elect by its board of directors a loan committee with power to approve applications for membership in the association and loans or participations or, with the approval of the bank, delegate the approval of applications for membership and loans or participations within specified limits to other committees or to authorized officers and employees of the association.

(19) Perform any functions delegated to it by the bank or the Farm Credit Administration.

(20) Exercise by its board of directors or authorized officers or employees, all such incidental powers as may be necessary or expedient to carry on the business of the association.

SEC. 2.13. CAPITAL STOCK; CLASSES OF STOCK; TRANSFERS; EXCHANGE; AND DIVIDENDS.—(a) A production credit association may issue voting stock; nonvoting stock, preferred stock, participation certificates, and provide for an equity reserve. Holders of stock, participation certificates, and equity reserve shall have such rights, not inconsistent with the provisions of this section, as are set forth in the bylaws of the association. Stock shall be divided into shares of $5 par value each, and participation certificates shall have a face value of $5 each.

(b) Voting stock may be purchased only by farmers and ranchers, or producers or harvesters of aquatic products, who are eligible to borrow from the association. Each holder of voting stock shall be entitled to no more than one vote except as otherwise provided in subsection (d) hereof. No voting stock or any interest therein or right to receive dividends thereon shall be transferred by act of the parties or by operation of law, except to another person eligible to hold voting stock, and then only as provided in the bylaws.

(c) Nonvoting stock may be issued to the Governor of the Farm Credit Administration and to other investors.

(d) Preferred stock, which shall be nonvoting, may be issued to the Governor and to other investors when authorized by a majority vote of the outstanding shares of voting stock, by a majority vote of the outstanding shares of the nonvoting stock, and by a majority vote of the outstanding shares of preferred stock, except that all stock held by the Governor shall be excluded from voting hereunder. For the purpose of this subsection only, the holders of such stock shall be entitled to one vote, in person or by written proxy, for each share of stock held. The authorization to issue preferred stock shall state the privileges, restrictions, limitations, dividend rights (either cumulative or noncumulative) redemption rights, preferences, and other qualifications affecting said stock, and the total amount of the authorized issue to which it belongs.

(e) Participation certificates may be issued to persons eligible to borrow from the association to whom voting stock is not to be issued.

(f) Each borrower from the association shall be required to own at the time the loan is made voting stock or participation certificates as provided in the bylaws of the association, in an amount equal in fair book value (not exceeding par or face amount, as the case may be), as determined by the association, to $5 per $100 or fraction thereof of the amount of the loan. Such stock and participation certificates shall not be canceled or retired upon payment of the loan or otherwise except as may be provided in the bylaws. Notwithstanding any other provision of this section, for a loan in which an association participates with a commercial bank or other financial institution other than a Federal intermediate credit bank or another production credit association, the requirement that the borrower own stock or participation certificates shall apply only to the portion of the loan which is retained by the association.

(g) Voting stock shall, within two years after the holder ceases to be a borrower, be converted into nonvoting stock at the fair book value thereof, not exceeding par. Consistent with the provisions of this part, and as provided in the bylaws of the association, each class of stock and participation certificates shall be convertible into any other class of stock (except preferred stock) and into participation certificates.

(h) As a further means of providing capital, an association may, as provided in its bylaws, and with the approval of the bank, require borrowers to purchase stock or participation certificates in addition to that required in subsection (f) hereof, or invest in the equity reserve, in an aggregate amount not exceeding $5 per $100 or fraction thereof of the amount of the loan. Any portion of the amounts invested under this subsection which is no longer required for the purposes of the association may be returned to the owners thereof by revolving or retirement in accordance with its bylaws.

(i) Dividends shall be paid on preferred stock in accordance with the authorization of the stockholders to issue each stock. Dividends on stock, other than preferred stock, and on participation certificates may be paid by an association as provided in its bylaws at such rate or rates as are approved by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration, and may be paid, upon such approval, even though the amount in the surplus accounts is less than the minimum aggregate amount prescribed by the bank as provided in section 2.14.

(j) Except with regard to stock held by the Governor, each production credit association shall have a first lien on stock and participation certificates it issues, allocated surplus, and on investments in equity reserve, for any indebtedness of the holder of such capital investments and, in the case of equity reserve, for charges for association losses in excess of reserves and surplus.

(k) In any case where the debt of a borrower is in default, the association may retire all or part of the capital investments in the association held by such debtor at the fair book value thereof, not exceeding par or face amount, as the case may be, in total or partial liquidation of the debt.

SEC. 214. APPLICATION OF EARNINGS; RESTORATION OF CAPITAL IMPAIRMENT; AND SURPLUS ACCOUNT.—(a) Each production credit association at the end of each fiscal year shall apply the amount of its earnings for such year in excess of its operating expenses (including provision for valuation reserves against loan assets in an amount equal to one-half of 1 per centum of the loans outstanding at the end of the fiscal year to the extent that earnings in such year in excess of other operating expenses permit, until such reserves equal or exceed 3½ per centum of the loans outstanding at the end of the fiscal year, beyond which 3½ per centum further additions to such reserves are not required but may be made) first to the restoration of the impairment, if any, of capital; and second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the Federal intermediate credit bank.

(b) When the bylaws of an association so provide, available net earnings at the end of any fiscal year may be distributed on a patronage basis in stock, participation certificates, or in cash, except that when the Governor holds any stock in an association the cash distribution shall be such percentage of the patronage refund as shall be determined under regulations of the Farm Credit Administration. Any part of the earnings of the fiscal year in excess of the operating expenses for such year held in the surplus account may be allocated to patrons on a patronage basis.

SEC. 2.15. SHORT- AND INTERMEDIATE-TERM LOANS; PARTICIPATION; OTHER FINANCIAL ASSISTANCE; TERMS; CONDITIONS; INTEREST, SECURITY.—(a) Each production credit association, under rules and regulations prescribed by the board of directors of the Federal intermediate credit bank of the district and approved by the Farm Credit Administration, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to (1) bona fide farmers and ranchers and the producers or harvesters of aquatic products, for agricultural purposes and other requirements of such borrowers, (2) rural residents for housing financing in rural areas, under regulations of Farm Credit Administration and (3) persons furnishing to farmers and ranchers farm-related services directly related to their on-farm operating needs. Rural housing financed under this title shall be for single-family, moderate-priced dwellings and their appurtenances not inconsistent with the general quality and standards of housing existing in, planned or recommended for the rural area where it is located. The aggregate of such housing loans in an association to persons other than farmers or ranchers shall not exceed 15 per centum of the outstanding loans at the end of its preceding fiscal year except upon prior approval by the Federal intermediate credit bank of the district. The aggregate of such housing loans in any farm credit district shall not exceed 15 per centum of the outstanding loans of all associations in the district at the end of the preceding fiscal year. For rural housing purposes under this section the term "rural areas" shall not be defined to include any city or village having a population in excess of 2,500 inhabitants. Each association may own and lease, or lease with option to purchase, to stockholders of the association equipment needed in the operations of the stockholder.

(b) Loans authorized in subsection (a) hereof shall bear such rate or rates of interest as are determined under regulations prescribed by the board of the bank with the approval of the Farm Credit Administration, and shall be made upon such terms, conditions, and upon such security, if any, as shall be authorized in such regulations. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers, at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the association, necessary reserves and expenses of the association, and services provided to borrowers and members. The loan documents may provide for the interest rate or rates to carry from time to time during the repayment period of the loan in accordance with the rate or rates currently being charged by the associations. Such regulations may require prior approval of the bank or of Farm Credit Administration on certain classes of loans; and may authorize a continuing commitment to a borrower of a line of credit.

SEC. 2.16. OTHER SERVICES.—Each production credit association may provide technical assistance to borrowers, applicants, and members and may make available to them at their option such financial related services appropriate to their on-farm operations as is determined feasible by the board of directors of each district bank, under regulations prescribed by the Farm Credit Administration.

SEC. 2.17. TAXATION.—Each production credit association and its obligations are instrumentalities of the United States and as such any and all notes, debentures, and other obligations issued by such associations shall be exempt, both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any State, territorial, or local taxing authority. Such associations, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, territorial, or local taxing authority; except that interest on the obligations of such associations shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such associations shall be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the production credit associations is held by the Governor of the Farm Credit Administration.

TITLE III—BANKS FOR COOPERATIVES

SEC. 3.0. ESTABLISHMENT; TITLES; BRANCHES.—The banks for cooperatives established pursuant to sections 2 and 30 of the Farm Credit Act of 1933, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration, not inconsistent with the provisions of this title, as may be necessary or expedient to implement this Act. Unless an existing bank for cooperatives is merged with one or more other such banks under section 4.10 of this Act, there shall be a bank for cooperatives in each farm credit district and a Central Bank for Cooperatives. A bank for cooperatives may include in its title the name of the city in which it is located or other geographical designation. The Central Bank for Cooperatives may be located in such place as its board of directors may determine with the approval of the Farm Credit Administration. When authorized by the Farm Credit Administration each bank for cooperatives may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 3.1. CORPORATE EXISTENCE; GENERAL CORPORATE POWERS.—Each bank for cooperatives shall be a body corporate and, subject to supervision by the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contacts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make loans and commitments for credit, provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice presidents, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act, define their duties and require surety bonds or make other provisions against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, or agents elected or provided for; its property acquired, held, and transferred; its loans made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually or in concert with one or more other banks of the System, of such character, and such terms, conditions, and rates of interest as may be determined.

(11) Participate in loans under this title with one or more other banks for cooperatives and with commercial banks and other financial institutions upon such terms as may be agreed among them.

(12) Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(13) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of any such agency and make such other investments as may be authorized by the Farm Credit Administration.

(14) Conduct studies and adopt standards for lending.

(15) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(16) Perform any function delegated to it by the Farm Credit Administration.

(17) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

SEC. 3.2. BOARD OF DIRECTORS.—(a) In the case of a district bank for cooperatives, the board of directors shall be the farm credit district board and in the case of the Central Bank for Cooperatives shall be a separate board of not more than thirteen members, one from each farm credit district and one at large. One district director of the Central Bank Board shall be elected by each district farm credit board and the member at large shall be appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

(b) For the purposes of this section the provisions of sections 5.1 (b) and (c), 5.4, 5.5, and 5.6 shall apply to and shall be the authority of the Central Bank for Cooperatives the same as though it were a district bank.

SEC. 3.3. BANK FOR COOPERATIVES STOCK; VALUE; CLASSES OF STOCK; VOTING; EXCHANGE.—(a) The capital stock of each bank for cooperatives shall be in such amount as its board determines, with the approval of Farm Credit Administration, is required for the purpose of providing adequate capital to permit the bank to meet the credit needs of borrowers from the bank and such amounts may be increased or decreased from time to time in accordance with such needs.

(b) The capital stock of each bank shall be divided into shares of par value of $100 each and may be of such classes as the board may determine with the approval of the Farm Credit Administration. Such stock may be issued in fractional shares.

(c) Voting stock may be issued or transferred to and held only by (i) cooperative associations eligible to borrow from the banks and (ii) other banks for cooperatives, and shall not be otherwise transferred, pledged, or hypothecated except as consented to by the issuing bank under regulations of the Farm Credit Administration.

(d) Each holder of one or more shares of voting stock which is eligible to borrow from a bank for cooperatives shall be entitled only to one vote and only in the affairs of the bank in the district in which its principal office is located unless otherwise authorized by the Farm Credit Administration, except that if such holder has not been a borrower from the bank in which it holds such stock within a period of two years next preceding the date fixed by the Farm Credit Administration prior to the commencement of voting, it shall not be entitled to vote.

(e) Nonvoting investment stock may be issued in such series and in such amounts as may be determined by the board and approved by the Farm Credit Administration and, except for stock held by the Governor, may be exchanged for voting stock or sold or transferred to any person subject to the approval of the issuing bank.

SEC. 3.4. DIVIDENDS.—Dividends may be payable only on nonvoting investment stock, other than stock held by the Governor of the Farm Credit Administration, if declared by the board of directors of the bank.

SEC. 3.5. RETIREMENT OF STOCK.—Any nonvoting stock held by the Governor of the Farm Credit Administration shall be retired to the extent required by section 4.0(b) before any other outstanding voting or nonvoting stock shall be retired except as may be otherwise authorized by Farm Credit Administration. When those requirements have been satisfied, nonvoting investment stock may be called for retirement at par. With the approval of the issuing bank, the holder may elect not to have the called stock retired in response to a call, reserving the right to have such stock included in the next call for retirement. When the requirements of section 4.0(b) have been met, voting stock may also be retired at fair book value not exceeding par, on call or on such revolving basis as the board may determine with approval of the Farm Credit Administration with due regard for its total capital needs: *Provided, however,* That all equities in the district banks issued or allocated with respect to the year of the enactment of this Act and prior years shall be retired on a revolving basis according to the year of issue with the oldest outstanding equities being first retired. Equities issued for subsequent years shall not be called or retired until equities described in the preceding sentence of this proviso have been retired.

SEC. 3.6. GUARANTY FUND SUBSCRIPTIONS IN LIEU OF STOCK.—If any cooperative association is not authorized under the laws of the State in which it is organized to take and hold stock in a bank for cooperatives, the bank shall, in lieu of any requirement for stock purchase, require the association to pay into or have on deposit in a guaranty fund, or the bank may retain out of the amount of the loan and credit to the guaranty fund account of the borrower, a sum equal to the amount of stock which the association would otherwise be required to own. Each reference to stock of the banks for cooperatives in this Act shall include such guaranty fund equivalents. The holder of the guaranty fund equivalent and the bank shall each be entitled to the same rights and obligations with respect thereto as the rights and obligations associated with the class or classes of stock involved.

SEC. 3.7. LENDING POWERS.—The banks for cooperatives are authorized to make loans and commitments to eligible cooperative associations and to extend to them other technical and financial assistance, including but not limited to discounting notes and other obligations, guarantees, collateral custody, or participation with other banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives, under such terms and conditions as may be determined to be feasible by the board of directors of each bank for cooperatives under regulations of the Farm Credit Administration. Such regulations may include provisions for avoiding duplication between the Central Bank and district banks for cooperatives. Each bank may own and lease, or lease with option to purchase, to stockholders eligible to borrow from the bank equipment needed in the operations of the stockholder.

SEC. 3.8. ELIGIBILITY.—Any association of farmers, producers, or harvesters of aquatic products, or any federation of such associations, which is operated on a cooperative basis, and has the powers for processing, preparing for market, handling, or marketing farm or aquatic products; or for purchasing, testing, grading, processing, distributing, or furnishing farm or aquatic supplies or furnishing farm business services or services to eligible cooperatives and conforms to either of the two following requirements:

(a) no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

(b) does not pay dividends on stock or membership capital in excess of such per centum per annum as may be approved under regulations of the Farm Credit Administration; and in any case

(c) does not deal in farm products or aquatic products, or products processed therefrom, farm or aquatic supplies, or farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members, excluding from the total of member and nonmember business transactions with the United States or any agency or instrumentality thereof or services or supplies furnished as a public utility; and

(d) a percentage of the voting control of the association not less than 80 per centum, or such higher percentage as established by the district board is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations as defined herein;

shall be eligible to borrow from a bank for cooperatives.

SEC. 3.9. OWNERSHIP OF STOCK BY BORROWERS.—(a) Each borrower at the time a loan is made by a bank for cooperatives shall own at least one share of voting stock and shall be required by the bank with the approval of the Farm Credit Administration to invest in additional voting stock or nonvoting investment stock at that time, or from time to time, as the lending bank may determine, but the requirement for investment in stock at the time the loan is closed shall not exceed an amount equal to 10 per centum of the face amount of the loan. Such additional ownership requirements may be based on the face amount of the loan, the outstanding loan balance or on a percentage of the interest payable by the borrower during any year or during any quarter thereof, or upon such other basis as the bank, with the approval of the Farm Credit Administration, determines will provide adequate capital for the operation of the bank and equitable ownership thereof among borrowers. In the case of a direct loan by the Central Bank, the borrower shall be required to own or invest in the necessary stock in a district bank or banks as may be approved by the Farm Credit Administration and such district bank shall be required to own a corresponding amount of stock in the Central Bank, but voting stock shall be in the one district bank designated by the Farm Credit Administration.

(b) Notwithstanding the provisions of subsection (a) of this section, the purchase of stock need not be required with respect to that part of any loan made by a bank for cooperatives which it sells to or makes in participation with financial institutions other than any of the banks for cooperatives. In such cases the distribution of earnings of the bank for cooperatives shall be on the basis of the interest in the loan retained by such bank.

SEC. 3.10. INTEREST RATES; SECURITY; LIEN; CANCELLATION; AND APPLICATION ON INDEBTEDNESS.—(a) Loans made by a bank for cooperatives shall bear interest at a rate or rates determined by the board of directors of the bank from time to time, with the approval of the Farm Credit Administration. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the net cost of money to the bank, necessary reserves and expenses of the bank, and services provided. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank.

(b) Loans shall be made upon such terms, conditions, and security, if any, as may be determined by the bank in accordance with regulations of the Farm Credit Administration.

(c) Each bank for cooperatives shall have a first lien on all stock or other equities in the bank as collateral for the payment of any indebtedness of the owner thereof to the bank. In the case of a direct loan to an eligible cooperative by the Central Bank, the Central Bank shall have a first lien on the stock and equities of the borrower in the district bank and the district bank shall have a lien thereon junior only to the lien of the Central Bank.

(d) In any case where the debt of a borrower is in default, or in any case of liquidation or dissolution of a present or former borrower from a bank for cooperatives, the bank may, but shall not be required to, retire and cancel all or a part of the stock, allocated surplus or contingency reserves, or any other equity in the bank owned by or allocated to such borrower, at the fair book value thereof not exceeding par, and, to the extent required in such cases, corresponding shares and allocations and other equity interests held by a district bank in another district bank on account of such indebtedness, shall be retired or equitably adjusted.

SEC. 3.11. EARNINGS AND RESERVES; APPLICATION OF SAVINGS.—(a) Each bank for cooperatives, at the end of each fiscal year when said bank shall have stock outstanding held by the Governor of the Farm Credit Administration, shall determine the amount of its net savings after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such savings as follows: (1) To the restoration of the amount of the impairment, if any, of capital stock, as determined by its board of directors; (2) 25 per centum of any remaining net savings shall be used to create and maintain a surplus account; (3) it shall next pay to the United States a franchise tax as provided in section 4.0 of this Act; (4) reasonable contingency reserves may be established; (5) dividends on investment stock may be declared as provided in this title; and (6) any remaining net savings shall be distributed as patronage refunds as provided in subsection (c) or (d) of this section: *Provided,* That any patronage refunds received by a district bank from any other bank for cooperatives shall be excluded from net savings of the district bank for the purpose of computing such franchise tax. Amounts applied as provided in (2) above after January 1, 1956, shall be allocated on a patronage basis approved by the Farm Credit Administration. At the end of any fiscal year any portion of the reserve established under (4) above which is no longer deemed necessary shall be transferred to the surplus account and, if the surplus account of any such bank for cooperatives exceeds 25 per centum of the sum of all its outstanding capital stock, the bank may distribute in the same manner as a patronage refund any part or all of such excess which has been allocated: *Provided,* That any surplus and contingency reserve shown on the books of the banks as of January 1, 1956, shall not be distributed as patronage refunds. In making such distributions except as otherwise provided in section 3.5 and distributions by the Central Bank, the oldest outstanding allocations shall be distributed first. Whenever used in this title, the words "surplus account" as applied to any bank for cooperatives shall mean any surpluses and contingency reserves shown on the books of the bank as of January 1, 1956, and any amounts accumulated as allocated or unallocated surplus after said date. Said surplus account shall be divided to show the amounts thereof subject to allocation as provided in this subsection and may be further subdivided as prescribed by the Farm Credit Administration.

(b) Whenever at the end of any fiscal year a bank for cooperatives shall have no outstanding capital stock held by the Governor of the Farm Credit Administration, the net savings shall, under regulations prescribed by the Farm Credit Administration, continue to be applied on a cooperative basis with provision for sound, adequate capitalization to meet the changing financing needs of eligible cooperative borrowers and prudent corporate fiscal management, to the end that current year's patrons carry their fair share of the capitalization, ultimate expenses, and reserves related to the year's operations and the remaining net savings shall be distributed as patronage refunds as provided in subsections (c) and (d) of this section. Such regulations may provide for application of less than 25 per centum of net savings to the restoration or maintenance of an allocated surplus account, reasonable additions to unallocated surplus, or to unallocated reserves of not to exceed such per centum of net savings after payment of operating expenses as may be approved by the Farm Credit Administration, and provide for allocations to patrons not qualified under the Internal Revenue Code, or payment of such per centum of patronage refunds in cash, as the board may determine. If during the fiscal year but not at the end thereof a bank shall have had outstanding capital stock held by the United States, provision will be made for payment of franchise taxes required in section 4.0.

(c) The net savings of each district bank for cooperatives, after the earnings for the fiscal year have been applied in accordance with subsections (a) or (b) of this section whichever is applicable, shall be paid in stock or in cash, or both, as determined by the board, as patronage refunds to borrowers of the fiscal year for which such patronage refunds are distributed. Except as provided in subsection (d) below, all patronage refunds shall be paid in proportion that the amount of interest and service fees on the loans to each borrower during the year bears to the interest and service fees on the loans of all borrowers during the year or on such other proportionate patronage basis as the Farm Credit Administration may approve.

(d) The net savings of the Central Bank for Cooperatives after the earnings for the fiscal year have been applied in accordance with subsections (a) or (b) whichever is applicable, shall be paid in stock or cash, or both, as determined by the board, as patronage refunds to the district banks on the basis of interests held by the Central Bank in loans made by the district banks and upon any direct loans made by the Central Bank to cooperative associations, or on such other proportionate patronage basis as the Farm Credit Administration may approve. In cases of direct loans, such refund shall be paid to the district bank or banks which issued their stock to the borrower incident to such loans, and the district bank or banks shall issue a like amount of patronage refunds to the borrower.

(e) In the event of a net loss in any fiscal year after providing for all operating expenses (including reasonable valuation reserves and losses in excess of any applicable reserves), such loss may be carried forward or carried back, if appropriate, or otherwise shall be absorbed by charges to unallocated reserve or surplus accounts established after the date of enactment of this Act; charges to allocated contingency reserve account; charges to allocated surplus accounts; charges to other contingency reserve and surplus accounts; the impairment of voting stock; or the impairment of all other stock.

(f) Notwithstanding any other provisions of this section any costs or expenses attributable to a prior year or years but not recognized in determining the net savings for such year or years may be charged to reserves or surplus of the bank or to patronage allocations for such years, as may be determined by the board of directors.

(g) For any year that a bank for cooperatives is subject to Federal income tax, it may pay in cash such portion of its patronage refunds as will permit its taxable income to be determined without taking into account savings applied as allocated surplus, allocated contingency reserves, and patronage refunds under subsections (a) or (b) of this section.

SEC. 3.12. DISTRIBUTION OF ASSETS AND LIQUIDATION OR DISSOLUTION.—In the case of liquidation or dissolution of any bank for cooperatives, after payment or retirement, first, of all liabilities; second, of all capital stock issued before January 1, 1956, at par, any stock held by the Governor of the Farm Credit Administration at par, and all nonvoting stock at par; and third, all voting stock at par; any surplus and reserves existing on January 1, 1956, shall be paid to the holders of stock issued before that date, stock held by the Governor of the Farm Credit Administration, and voting stock pro rata; and any remaining allocated surplus and reserves shall be distributed to those entities to which they are allocated on the books of the bank, and any other remaining surplus shall be paid to the holders of outstanding voting stock. If it should become necessary to use any surplus or reserves to pay any liabilities or to retire any capital stock, unallocated reserves or surplus, allocated reserves and surplus shall be exhausted in accordance with rules prescribed by Farm Credit Administration.

SEC. 3.13. TAXATION.—Each bank for cooperatives and its obligations are instrumentalities of the United States and as such any and all notes, debentures, and other obligations issued by such bank shall be exempt, both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any State, territorial, or local taxing authority. Such banks, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, territorial, or local taxing authority; except that interest on the obligations of such banks shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such banks shall be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the bank for cooperatives is held by the Governor of the Farm Credit Administration.

TITLE IV—PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM

PART A—FUNDING

SEC. 4.0. STOCK PURCHASED BY GOVERNOR; RETIREMENT; FRANCHISE TAX; REVOLVING FUND.—(a) The Federal land banks, the Federal intermediate credit banks, the banks for cooperatives, and, subject to section 2.13 (d), the production credit associations may issue stock which may be purchased by the Governor of the Farm Credit Administration on behalf of the United States as a temporary investment in the stock of the institution to help one or several of the banks or associations to meet emergency credit needs of borrowers. The ownership of such stock shall be deemed to not change the status of ownership of the banks or associations, but, during the time such stock is outstanding, the pertinent provisions of the Government Corporation Control Act shall be applicable.

(b) The Governor shall require the retirement of such stock at such time as in his opinion the bank or association has resources available therefor and the need for such temporary investment is reduced or no longer exists. If the Governor determines that a production credit association does not have resources available to retire stock held by him, but in his judgment, the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of nonvoting stock of said association and the association then shall retire the stock held by the Governor.

(c) For any year or part thereof in which the Governor holds any stock in a bank of the System, such institution after complying with sections 1.17, 2.6, 2.14, 3.11, respectively, shall pay to the United States as a franchise tax a sum equal to the lower of 25 per centum of its net earnings for the year before establishing any contingency reserves or declaring any dividends or patronage distribution, not exceeding a rate of return on such temporary investment calculated at a rate determined by the Secretary of the Treasury equal to the average annual rate of interest on all public issues of debt obligations of the United States issued during the fiscal year ending next before such tax is due, multiplied by the percentage that the number of days such stock is outstanding is of three hundred and sixty-five days. Such payments shall be deposited in the miscellaneous receipts in the Treasury.

SEC. 4.1 REVOLVING FUNDS AND GOVERNMENT DEPOSITS.—(a) The revolving fund established by Public Law 87–343, 75 Stat. 758, as amended, shall be available at the request of the Governor of the Farm Credit Administration for his temporary investment in the stock of any Federal intermediate credit banks or production credit associations as provided in section 4.0 and for any other purpose authorized by said Act. Funds received from the partial or the full retirement of such investments shall be deposited in this revolving fund.

(b) The revolving fund established by Public Law 87–494, 76 Stat. 109, as amended, shall be available at the request of the Governor of the Farm Credit Administration for his temporary investment in the stock of any bank for cooperatives as provided in section 4.0 of this Act. Funds received from the partial or full retirement of such investments shall be deposited in this revolving fund.

(c) The Secretary of the Treasury is authorized, in his discretion, upon the request of the Farm Credit Administration, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

SEC. 4.2. POWER TO BORROW; ISSUE NOTES, BONDS, DEBENTURES, AND OTHER OBLIGATIONS.—Each of the banks of the System, in order to obtain funds for its authorized purposes, shall have power, subject to supervision of the Farm Credit Administration, and subject to the limitations of paragraph (e) of this section, to—

(a) Borrow money from or loan to any other institution of the System, borrow from any commercial bank or other lending institution, issue its notes or other evidence of debt on its own individual responsibility and full faith and credit, and invest its excess funds in such sums, at such times, and on such terms and conditions as it may determine.

(b) Issue its own notes, bonds, debentures, or other similar obligations, fully collateralized as provided in section 4.3(b) by the notes, mortgages, and security instruments it holds in the performance of its functions under this Act in such sums, maturities, rates of interest, and terms and conditions of each issue as it may determine with approval of the Governor.

(c) Join with any or all banks organized and operating under the same title of this Act in borrowing or in issuance of consolidated notes, bonds, debentures, or other obligations as may be agreed with approval of the Governor.

(d) Join with other banks of the System in issuance of System-wide notes, bonds, debentures, and other obligations in the manner, form, amounts, and on such terms and conditions as may be agreed upon with approval of the Governor. Such System-wide issue by the participating banks and such participations by each bank shall not exceed the limits to which each such bank is subject in the issuance of its individual or consolidated obligations and each such issue shall be subject to approval of the Governor: *Provided, however,* There shall be no issues of System-wide obligations without the concurrence of the boards of directors of each of the 12 districts and the Central Bank for Cooperatives and the approval of the Governor for such issues shall be conditioned on and be evidence of the compliance with this provision.

(e) No bank or banks shall issue notes, bonds, debentures, or other obligations individually or in concert with one or more banks of the System other than through their fiscal agent under any provision of this Act except under subsection (a) of this section: *Provided,* That any bank or banks may issue investment bonds or like obligations other than through the fiscal agent if the interest rate is not in excess of the interest allowable on savings deposits of commercial banks of comparable amounts and maturities under Federal Reserve regulation on its member banks.

SEC. 4.3. AGGREGATE OF OBLIGATIONS; COLLATERAL.—(a) No issue of long-term notes, bonds, debentures, or other similar obligations by a bank or banks shall be approved in an amount which, together with the amount of other bonds, debentures, long-term notes, or other similar obligations issued and outstanding, exceeds twenty times the capital and surplus of all the banks which will be primarily liable on the proposed issue, or such lesser amount as the Farm Credit Administration shall establish by regulation.

(b) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or other similar obligations and at all times thereafter maintain, free from any lien or other pledge, notes and other obligations representing loans made under the authority of this Act, obligations of the United States or any agency thereof direct or fully guaranteed, other readily marketable securities approved by the Farm Credit Administration, or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or other similar obligations outstanding for which the bank is primarily liable.

SEC. 4.4. LIABILITY OF BANKS; UNITED STATES NOT LIABLE.—(a) Each bank of the System shall be fully liable on notes, bonds, debentures, or other obligations issued by it individually, and shall be liable for the interest payments on long-term notes, bonds, debentures, or other obligations issued by other banks operating under the same title of this Act. Each bank shall also be primarily liable for the portion of any issue of consolidated or System-wide obligations made on its behalf and be jointly and severally liable for the payment of any additional sums as called upon by the Farm Credit Administration in order to make payments of interest or principal which any bank primarily liable therefor shall be unable to make. Such calls shall be made first upon the other banks operating under the same title of this Act as the defaulting bank, and second upon banks operating under other titles of this Act, taking into consideration the capital, surplus, bonds, debentures, or other obligations which each may have outstanding at the time of such assessment.

(b) Each bank participating in an issue shall by appropriate resolution undertake such responsibility as provided in subsection (a), and in the case of consolidated or System-wide obligations shall authorize the Governor to execute such long-term notes, bonds, debentures, or other obligations on its behalf. When a consolidated or System-wide issue is approved, the notes, bonds, debentures, or other obligations shall be executed by the Governor and the banks shall be liable thereon as provided herein.

(c) The United States shall not be liable or assume any liability directly or indirectly thereon.

SEC. 4.5. FINANCE COMMITTEE.—There shall be established a finance committee for the banks organized and operated under titles I, II, and III, respectively, of this Act, composed of the presidents of each bank. Each such committee may have such officers and such subcommittees for such terms and such representation as may be agreed upon between the banks. When appropriate to the performance of their function, the subcommittees, or representatives thereof, of the various banks shall constitute such subcommittees in connection wtih System-wide issues of obligations. The finance committees and subcommittees acting for the banks of the System shall, subject to approval of the Governor, determine the amount, maturities, rates of interest, and participation by the several banks in each issue of joint, consolidated, or Systemwide obligations.

SEC. 4.6. BONDS AS INVESTMENTS.—The bonds, debentures, and other similar obligations issued under the authority of this Act shall be lawful investments for all fiduciary and trust funds and may be accepted as security for all public deposits.

SEC. 4.7. PURCHASE AND SALE BY FEDERAL RESERVE SYSTEM.—Any member of the Federal Reserve System may buy and sell bonds, debentures, or other similar obligations issued under the authority of this Act and any Federal Reserve bank may buy and sell such obligations to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under section 355 of title 12, United States Code.

SEC. 4.8. PURCHASE AND SALE OF OBLIGATIONS.—Each bank of the System may purchase its own obligations and the obligations of other banks of the System and may provide for the sale of obligations issued by it, consolidated obligations, or System-wide obligations through a fiscal agent or agents, by negotiation, offer, bid, syndicate sale, and to deliver such obligations by book entry, wire transfer, or such other means as may be appropriate.

SEC. 4.9. FISCAL AGENCY.—A fiscal agency shall be established by the banks for such of their functions relating to the issuance, marketing, and handling of their obligations, and interbank or intersystem flow of funds as may from time to time be required.

PART B—DISSOLUTION AND MERGER

SEC. 4.10. MERGER OF SIMILAR BANKS.—Banks organized or operating under titles I, II, or III, respectively, may upon majority vote cast by their voting stockholders and contributors to their guaranty funds in accordance with the voting strength provisions of section 5.2(c) of this Act relating to elections of directors of the district boards, and with the approval of the Farm Credit Administration, merge with banks in other districts operating under the name title of this Act.

SEC. 4.11. BOARD OF DIRECTORS FOR MERGED BANK.—In the event of merger of two or more banks to serve borrowers in more than one farm credit district, a separate board of directors shall be created for the resulting merged bank. The board thus created shall be composed of two directors elected by each of the district boards involved, at least one of which from each district shall have been elected by the eligible stockholders of or subscribers to the guaranty fund of the merging banks, and one director appointed by the Governor with the advice and consent of the Federal Farm Credit Board. Notwithstanding the foregoing, the bylaws of the merged bank may, with the approval of the Farm Credit Administration, provide for a different number of directors selected in a different manner. The board so constituted shall have such separate and distinct powers, functions, and duties as are normally exercised by a district board related to the operations and policies of the banks which were merged.

SEC. 4.12. DISSOLUTION; VOLUNTARY LIQUIDATION; MERGERS; RECEIVERSHIPS; AND CONSERVATORS.—(a) No institution of the System shall go into voluntary liquidation without the consent of the Farm Credit Administration and with such consent may liquidate only in accordance with regulations prescribed by the Farm Credit Administration. Associations may voluntarily merge with other like associations upon the vote of a majority of each of their stockholders present and voting or voting by written proxy at duly authorized meetings, and with the approval of the supervising bank and the Farm Credit Administration. The Federal Farm Credit Board may require such merger whenever it determines, with the concurrence of the district board, that an association has failed to meet its outstanding obligations or failed to conduct its operations in accordance with this Act.

(b) Upon default of any obligation by any institution of the System, such institution may be declared insolvent and placed in the hands of a conservator or a receiver appointed by the Governor and the proceedings thereon shall be in accordance with regulations of the Farm Credit Administration regarding such insolvencies.

PART C—RIGHTS OF APPLICANTS

SEC. 4.13. NOTICE OF ACTION ON APPLICATION.—Every applicant for a loan from an institution of the System shall be entitled to prompt notice of action on his application, and, if the loan applied for is reduced or denied, the reason for such action.

SEC. 4.14. RECONSIDERATION.—Any applicant who has reason to believe that the action on his application by an association failed to take into account facts pertinent to his application, or has misinterpreted or failed to properly apply the applicable law or rules and regulations governing his application, may, if he so requests in writing within thirty days of the date of that notice, request an informal hearing on his application and the action of the association in reduction or denial thereof, or the reason for such action, in person before the loan committee or officer or employee thereof authorized to act on applications under section 1.15(11) or 2.12(18). Promptly after such a hearing, he shall be notified of the decision upon reconsideration and the reasons therefor.

SEC. 4.15. NOMINATION OF ASSOCIATION DIRECTORS; REPRESENTATIVE SELECTION OF NOMINEES.—Each production credit association and each Federal land bank association shall elect a nominating committee by vote of the stockholders at the annual meeting to serve for the following year. Each nominating committee shall review lists of farmers from the association territory, determing their willingness to serve, and submit for election a slate of eligible candidates which shall include at least two nominees for each elective office to be filled. In doing so, the committee shall endeavor to assure representation to all sections of the association, territory and as nearly as possible to all types of agriculture practiced within the area. Employees of the association shall not be eligible to be nominated, elected, or serve as a member of the board. Nominations shall also be accepted from the floor. Members of the board are not eligible to serve on the nominating committee. Regulations of the Farm Credit Administration governing the election of district directors shall similarly assure a choice of two nominees form each elective office to be filled and that the district board represent as nearly as possible all types of agriculture in the district.

SEC. 4.16. PROHIBITION AGAINST TAX-EXEMPT GUARANTEES.—Notwithstanding any other provision of this Act, no guarantee shall be made on any instrument of indebtedness the income from which is exempt in whole or in part from Federal taxation.

TITLE V—DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION

PART A—DISTRICT ORGANIZATION

SEC. 5.0. CREATION OF DISTRICTS.—There shall be not more than twelve farm credit districts in the United States, which may be designated by number, one of which districts shall include the Commonwealth of Puerto Rico. The boundaries of the twelve farm credit districts existing on the date of enactment of this Act may be readjusted from time to time by the Federal Farm Credit Board, with the concurrence of the district boards involved. Two or more districts may be merged as provided in section 5.18(2).

SEC. 5.1. DISTRICT BOARDS OF DIRECTORS; MEMBERSHIP; ELIGIBILITY; TERMS.—(a) There shall be in each farm credit district a farm credit board of directors composed of seven members. Each farm credit district board may include in its title the name of the city in which the banks of the System for the district are located or other geographical designation.

(b) To be eligible for membership on a farm credit district board a person must be a citizen of the United States for at least ten years, and a resident of the district for at least two years.

A person shall not be eligible who—

(1) is or has, within one year next preceding the date of election or appointment, been a salaried officer or employee of the Farm Credit Administration or of any institution of the System;

(2) has been convicted of a felony or adjudged liable in damages for fraud; or

(3) if there is at the time of his election another resident of the same State who was elected to the district board by the same electorate, except where a district embraces only one State.

No director of a district board shall be eligible to continue to serve in that capacity and his office shall become vacant after his election or appointment as a member of a district board, he continues or becomes a salaried officer or employee of the Farm Credit Administration, of any institution of the System, or a member of the Federal Farm Credit Board, or if he becomes legally incompetent or is finally convicted of a felony or held liable in damages for fraud. In any event, no director shall, within one year after the date when he ceases to be a member of the board, be elected or designated to serve as a salaried employee of any bank or joint employee of the district for which he served as director.

(c) The terms of district directors shall be for three years, except that the terms of appointed directors may be for a shorter or longer term to permit the staggering of such appointments over a three-year period but in no event shall such appointed director be eligible to serve for more than two full terms.

SEC. 5.2. SAME; NOMINATION; ELECTION; APPOINTMENT.—(a) Two of the district directors shall be elected by the Federal land bank associations, two by the production credit associations, and two by the borrowers from or subscribers to the guaranty fund of the bank for cooperatives. The seventh member shall be appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

(b) At least two months before an election of an elected director the Farm Credit Administration shall cause notice in writing to be sent to those entitled to nominate candidates for such elected director. In the case of an election of a director by Federal land bank associations and borrowers through agencies, such notice shall be sent to all Federal land bank associations and borrowers through agencies in the district; in the case of an election by production credit associations, such notice shall be sent to all production credit associations in the district; and in the case of an election by cooperatives which are voting stockholders or subscribers to the guaranty fund of the bank for cooperatives of the district, such notice shall be sent to all cooperatives which are eligible, voting stockholders or subscribers to the guaranty fund at the time of sending the notice. The notice in the case of associations shall state the number of votes the board of each association is entitled to cast for nomination and election based on the voting stockholders of the association as determined by the Farm Credit Administration as near as practicable to the date of the notice. After receipt of such notice those entitled to nominate a director shall forward nominations to the Farm Credit Administration. The Farm Credit Administration shall, from the nominations received within sixty days after it sends such notice, prepare a list of candidates for such elected director, consisting of the three nominees receiving the highest number of votes, except that for elections to fill vacancies the Farm Credit Administration may specify a shorter period than sixty days but not less than thirty days.

(c) At least one month before the election of an elected director, the Farm Credit Administration shall mail to each person or organization entitled to elect the elected director a list of the three candidates receiving the highest number of votes from those nominated in accordance with subsection (b). In the case of an election of a director by the Federal land bank associations, the directors of each land bank association shall cast the vote of such association for one of the candidates on the list. Each association shall be entitled to cast the number of votes specified in the notice prior to the nomination poll as determined by the Farm Credit Administration to be the number of voting stockholders of each association, and each direct borrower and borrower through agent shall be entitled to cast one vote. Each production credit association shall be entitled to cast the number of votes specified in the notice of nomination poll as determined by the Farm Credit Administration to be equal to the number of voting stockholders of such association. Each cooperative which is the holder of voting stock in or a subscriber to the guaranty fund of the bank for cooperatives shall be entitled to cast one vote except as provided in subsection 3.3(d). The votes shall be forwarded to the Farm Credit Administration and no vote shall be counted unless received by it within sixty days after the sending of such list of candidates, except that for elections to fill vacancies the Farm Credit Administration may specify a shorter period than sixty days but not less than thirty days. In the case of a tie another runoff election between those tying shall be held.

(d) Any vacancies in the board of directors shall be filled for the unexpired term in the manner provided in sections 5.1 and 5.2 for the selection of such directors.

SEC. 5.3 DISTRICT DIRECTORS CONSTITUTE BOARDS OF DIRECTORS FOR FEDERAL LAND BANKS, FEDERAL INTERMEDIATE CREDIT BANKS, AND DISTRICT BANKS FOR COOPERATIVES.—The members of each farm credit district board of directors shall be and shall have all the functions, powers, and duties of directors for the Federal land banks, the Federal intermediate credit banks, and the district banks for cooperatives in their respective districts.

SEC. 5.4. DISTRICT BOARD OFFICERS.—Each farm credit district board shall elect from its members a chairman and a vice chairman and shall appoint a secretary from within or without its membership as it may see fit. The chairman, vice chairman, and secretary shall hold office for a term of one year and until their successors are selected and take office.

SEC. 5.5. COMPENSATION OF DISTRICT BOARD. Members of each farm credit district board shall receive compensation, including reasonable allowances for necessary expenses, in attending meetings of the board as district board and as directors of the district banks including travel time. The compensation shall not be in excess of the level set by the Farm Credit Administration. In addition to attending said meetings, a director may not receive compensation and allowances for any services rendered in his capacity as director or otherwise for more than thirty days or parts of days in any one calendar year without the approval of the Farm Credit Administration.

SEC. 5.6. POWERS OF THE DISTRICT FARM CREDIT BOARD.—(a) Each farm credit district board shall have power to—

(1) Act as the board of directors for the district and of the several banks of the System in the district.

(2) Provide rules and regulations, governing the banks and associations in the district, not inconsistent with law.

(3) Elect or provide for joint officers and employees for the banks in its district which are institutions of the System or, upon agreement with banks in other districts, joint officers and employees of institutions in more than one district. The salary or other compensation of all such joint officers and employees and the allocation thereof between the banks shall be fixed by the district farm credit board. Officers and employees elected or provided for by the district farm credit board, whether separate officers and employees of the institutions or joint officers and employees, shall be officers and employees of the district institutions served by them. Employment, compensation, leave, retirement, except as provided in subsection (b) of this section, hours of duty, and all other conditions of employment of such joint officers and employees and of the separate officers and employees of the institutions in the district provided for by the board of directors shall be without regard to the provisions of title 5 of the United States Code relating to such matters, but all such determinations shall be consistent with the law under which the banks are organized and operate. Appointments, promotions, and separations so made shall be based on merit and efficiency and no political test or qualification shall be permitted or given consideration. The limitations against political activity and conflict of interest of such officers and employees shall be in accordance with rules and regulations prescribed by the Farm Credit Administration.

(4) Authorize the acquisition and disposal of such property, real or personal, as may be necessary or convenient for the transaction of the business of the banks of the System located in its district, upon such terms and conditions as it shall fix, and to prorate among such banks the cost of purchases, rentals, construction, repairs, alterations, maintenance, and operation in such amounts and in such manner as it shall determine. Any lease, or any contract for the purchase or sale of property, or any deed or conveyance of property, or any contract for the construction, repair, or alteration of

buildings, authorized by a district farm credit board under this subsection shall be executed by the officers of the bank or banks concerned pursuant to the direction of such board. No provision of law relative to the acquisition or disposal of property, real or personal, by or for the United States, or relative to the making of contracts or leases by or for the United States, including the provisions set out in titles 40 and 41, and including provisions applicable to corporations wholly owned by the United States, shall be deemed or held applicable to any lease, purchase, sale, deed, conveyance, or contract authorized or made by a district farm credit board or the banks of the System under this subsection.

(5) Authorize agreements for the provision of joint services between institutions in the System and between districts for those banks' and associations' functions and for those services to borrowers which can most effectively be performed by the joint undertakings of the district or districts, all of such activities to be subject to the same supervision of the Farm Credit Administration as is applicable to such institutions under this Act.

(6) Formulate broad policy considerations concerning the funding operations of the banks in the district and, in concert with the other district boards, furnish unified long-range policy guidance for the funding of the System.

(b) The provisions of subsection (a) of this section are qualified as follows:

(1) Each officer and employee of the banks of the System who, on December 31, 1959, was within the purview of the Civil Service Retirement Act, as amended, shall continue so during his continuance as an officer or employee of any such banks or of the Farm Credit Administration without break in continuity of service. Any other officer or employee of such banks and any other person entering upon employment with any such banks after December 31, 1959, shall not be covered under the civil service retirement system by reason of such employment, except that (1) a person who, on December 31, 1959, was within the purview of the Civil Service Retirement Act, as amended, and thereafter becomes an officer or employee of any such banks without break in continuity of service shall continue under the civil service retirement system during his continuance as an officer or employee of any such banks without break in continuity of service and (2) a person who has been within the purview of said Act as an officer or employee of such banks and, after a break in such employment, again becomes an officer or employee of any of such banks may elect to continue under the civil service retirement system during his continuance as such officer or employee by so notifying the Civil Service Commission in writing within thirty days after such reemployment.

(2) Each of the banks of the System shall contribute to the civil service retirement and disability fund, for each fiscal year after June 30, 1960, a sum as provided by section 4(a) of the Civil Service Retirement Act, as amended, except that such sum shall be determined by applying to the total basic salaries (as defined in that Act) paid to the employees of said banks who are covered by that Act, the per centum rate determined annually by the United States Civil Service Commission to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in such section 4(a). Each bank shall also pay into the Treasury as miscellaneous receipts such portion of the cost of administration of the fund as is determined by the United States Civil Service Commission to be attributable to its employees.

PART B—FARM CREDIT ADMINISTRATION ORGANIZATION

SEC. 5.7. THE FARM CREDIT ADMINISTRATION.—The Farm Credit Administration shall be an independent agency in the executive branch of the Government. It shall be composed of the Federal Farm Credit Board, the Governor of the Farm Credit Administration, and such other personnel as are employed in carrying out the functions, powers, and duties vested in the Farm Credit Administration by this Act.

SEC. 5.8. THE FEDERAL FARM CREDIT BOARD; NOMINATION AND APPOINTMENT OF MEMBERS; ORGANIZATION AND COMPENSATION.—(a) There is established in the Farm Credit Administration a Federal Farm Credit Board. The Board shall consist of not more than thirteen members, one of whom shall be designated by the Secretary of Agriculture. The remainder of the Board shall be appointed by the President, with the advice and consent of the Senate, one from each farm credit district, to be known as the appointed members.

(b) In making appointments to the Board, the President shall have due regard to a fair representation of the public interest, the welfare of all farmers, and the types of institutions constituting the Farm Credit System, with special consideration to persons who are experienced in cooperative agricultural credit, taking into consideration the lists of nominees proposed by the Farm Credit System as hereinafter provided.

(c) Each appointed member of the Board shall have been a citizen of the United States and shall have been a resident of the district from which he was appointed for not less than ten years next preceding his appointment, and the removal of residence from the district shall operate to terminate his membership on the Board. No person shall be eligible for nomination or appointment if within one year next preceding the commencement of his term he has been a salaried officer or employee of the Farm Credit Administration or a salaried officer or employee of any institution of the Farm Credit System. Any person who is a member of a district farm credit board when appointed as a member of the Federal Farm Credit Board shall resign as a member of the district board before assuming his duties as a member of the Board. No person who becomes an appointed member of the Board shall be eligible to continue to serve in such capacity if such person is or becomes a member of a district farm credit board, or an officer or employee of the Farm Credit Administration, or director, officer, or employee of any institution of the Farm Credit System. No director shall, within one year after the date when he ceases to be a member of the Board, be elected or designated to serve as a salaried officer or employee of any bank, joint officer or employee, or officer or employee of the Farm Credit Administration.

(d) The Secretary of Agriculture shall designate one member of the Board to serve at the pleasure of the Secretary. He shall be known as the Secretary's representative on the Board. He shall be a citizen of the United States and shall have been a resident of the United States for not less than ten years preceding his designation on the Board. No person shall be designated by the Secretary if such person is a member of a farm credit district board, an officer or employee of the Farm Credit Administration, or an officer or employee of any institution operating under the supervision of the Farm Credit Administration. The Secretary's representative shall not be eligible to serve as Chairman, Vice Chairman, or Secretary of the Board but shall otherwise possess all the rights and privileges of membership on the Board.

(e) The term of office of the appointed members of the Board shall be six years and such members shall serve until their successors are duly appointed and qualified. No appointed member of the Board shall be eligible to serve more than one full term of six years and, in addition, if he is appointed to fill the unexpired portion of one term expiring before his appointment to a full term, he may be eligible thereafter for appointment to fill a full term of six years.

All vacancies for the offices of appointed members shall be filled for the unexpired portion of the term upon like nominations and like appointments: *Provided, however,* That the district board of directors may select a representative to meet with the Board, without the right of vote, prior to the filling of a vacancy occasioned by death, resignation, disability, or declination in the office of member from that district, under rules and regulations prescribed by the Board.

(f) A list of nominees for appointment as an appointed member of the Board shall be presented to the President for consideration in the filling of any office of Board member. The list shall be composed of one selected by each voting group in the district in which the member's term is about to expire or in which a vacancy occurs, determined in accordance with the procedure prescribed in section 5.2 of this title for the nomination and election of members of a district farm credit board, except that the list of candidates for the Board for final election in the district shall be the two nominees of each voting group receiving the highest number of votes.

(g) The members of the Board shall meet and subscribe the oath of office and annually organize by the election of a Chairman and Vice Chairman. The Board shall appoint a Secretary from within or without the membership. Such officers of the Board shall serve for one year and until their successors are selected and take office. The Board may function notwithstanding vacancies exist, provided a quorum is present. A quorum shall consist of a majority of all the members of the Board, for the transaction of business. The Board shall hold at least four regularly scheduled meetings a year and such additional meetings at such times and places as it may fix and determine. Such meetings may be held on the call of the Chairman or any three Board members.

(h) Each of the Board members shall receive the sum of $100 a day for each day or part thereof in the performance of his official duties at regular and special meetings of the Board and regular and special meetings of district boards. In addition to attending said meetings, members may receive compensation for services rendered as member for not more than thirty days or parts of days in any calendar year, and shall be reimbursed for necessary travel, subsistence, and other expenses in the discharge of their official duties without regard to other laws with respect to allowance for travel and subsistence of officers and employees of the United States. The Secretary's representative if he is a full-time officer or employee of the United States shall receive no additional compensation for his official duties on the Board, but may receive travel and subsistence and other expenses.

(i) The Board shall adopt such rules as it may see fit for the transaction of its business, and shall keep permanent records and minutes of its acts and proceedings.

SEC. 5.9. POWERS OF THE BOARD.—The Federal Farm Credit Board shall establish the general policy for the guidance of the Farm Credit Administration and approve the necessary rules and regulations for the implementation of this Act not inconsistent with its provisions; may require such reports as it deems necessary from the institutions of the Farm Credit System; provide for the examination of the condition of and general supervision over the performance of the powers, functions, and duties vested in each such institution, and for the performance of all the powers and duties vested in the Farm Credit Administration or in the Governor which, in the judgment of the Board, relate to matters of broad and general supervisory, advisory, or policy nature. The Board shall function as a unit without delegating any of its functions to individual members, but may appoint committees and subcommittees for studies and reports for consideration by the Board. It shall not operate in an administrative capacity.

SEC. 5.10. GOVERNOR; APPOINTMENT; RESPONSIBILITIES.—The Governor of the Farm Credit Administration shall be appointed by and serve at the pleasure of the Federal Farm Credit Board. He shall be responsible, subject to the general supervision and direction of the Board as to matters of a broad and general supervisory, advisory, or policy nature, for the execution of all of the administrative functions and duties of the Farm Credit Administration. During any period in which the Governor holds any stock in any of the institutions subject to supervision of the Farm Credit Administration, the appointment of the Governor shall be subject to approval by the President and during any such period the President shall have the power to remove the Governor.

SEC. 5.11. COMPENSATION; SALARY AND EXPENSE ALLOWANCE.—The compensation of the Governor of the Farm Credit Administration shall be at the rate fixed in the Executive Pay Schedule. The Board shall fix the allowance for his necessary travel and subsistence expenses or per diem in lieu thereof.

SEC. 5.12. COMPLIANCE WITH BOARD ORDERS.—It shall be the duty of the Governor of the Farm Credit Administration to comply with all orders and directions which he receives from the Federal Farm Credit Board and, as to third persons, all acts of the Governor shall be conclusively presumed to be in compliance with the orders and directions of the Board.

SEC. 5.13. FARM CREDIT ORGANIZATION.—The Governor of the Farm Credit Administration is authorized, in carrying out the powers and duties now or hereafter vested in him by this Act and acts supplementary thereto, to establish and to fix the powers and the duties of such divisions and instrumentalities as he may deem necessary to the efficient functioning of the Farm Credit Administration and the successful execution of the powers and duties so vested in the Governor and the Farm Credit Administration. The Governor shall appoint such other personnel as may be necessary to carry out the functions of the Farm Credit Administration: *Provided*, That the salary of positions of Deputy Governors shall not exceed the maximum scheduled rate of the general schedule of the Classification Act of 1949, as amended. The powers of the Governor may be exercised and performed by him through such other officers and employees of the Farm Credit Administration as he shall designate.

SEC. 5.14. SEAL.—The Farm Credit Administration shall have a seal, as adopted by the Governor, which shall be judicially noted.

SEC. 5.15. ADMINISTRATIVE EXPENSES.—The Farm Credit Administration may, within the limits of funds available therefor, make necessary expenditures for personnel services and rent at the seat of Government and elsewhere; contract stenographic reporting services; purchase and exchange lawbooks, books of reference, periodicals, newspapers, expenses of attendance at meetings and conferences; purchase, operation, and maintenance at the seat of Government and elsewhere of motor-propelled passenger-carrying vehicles and other vehicles; printing and binding; and for such other facilities and services, including temporary employment by contract or otherwise, as it may from time to time find necessary for the proper administration of this Act.

SEC. 5.16. ALLOCATION OF EXPENSES FOR ADMINISTRATIVE SERVICES BY THE FARM CREDIT ADMINISTRATION; DISPOSITION OF MONEY.—(a) The Farm Credit Administration shall prior to the first day of each fiscal year estimate the cost of administrative expenses for the ensuing fiscal year in administering this Act, including official functions, and shall apportion the amount so determined among the institutions of the System on such equitable basis as the Farm Credit Administration shall determine, and shall assess against and collect in advance the amounts so apportioned from the institutions among which the apportionment is made.

(b) The amounts collected pursuant to subsection (a) of this section shall be covered into the Treasury, and credited to a special fund and, without regard to other law, shall be available to said Administration for expenditure during each fiscal year for salaries and expenses of said Administration. As soon as practicable after the end of each such fiscal year, the Administration shall determine, on a fair and reasonable basis, the cost of operation of the Farm Credit Administration and the part thereof which fairly and equitably should be allocated to each bank and association as its share of the cost during the fiscal year of such Administration. If the amount so allocated is greater than the amount collected from the bank or other institutions, the difference shall be collected from such bank or other institutions, and, if less, shall be refunded from the special fund to the bank or other institutions entitled thereto or credited in the special fund to such bank or other institutions for use for the same purposes in future fiscal years.

SEC. 5.17. QUARTERS AND FACILITIES FOR THE FARM CREDIT ADMINISTRATION.—As an alternate to the rental of quarters under section 5.15, and without regard to any other provision of law, the banks of the System, with the concurrence of two-thirds of the district boards, are hereby authorized—

(1) To lease or acquire real property in the District of Columbia or elsewhere for quarters of the Farm Credit Administration.

(2) To construct, develop, furnish, and equip such building thereon and such facilities appurtenant thereto as in their judgment may be appropriate to provide, to the extent the Federal Farm Credit Board may deem advisable, suitable, and adequate quarters and facilities for the Farm Credit Administration.

(3) To enlarge, remodel, or reconstruct the same.

(4) To make or enter into contracts for any of the foregoing.

The Board may require of the respective banks of the System, and they shall make to the Farm Credit Administration, such advances of funds for the purposes set out in this section as in the sole judgment of the Board may from time to time be advisable for the purposes of this section. Such advances shall be in addition to and kept in a separate fund from the assessments authorized in section 5.16 and shall be apportioned by the Board among the banks in proportion to the total assets of the respective banks, and determined in such manner and at such times as the Board may prescribe. The powers of the banks of the System and purposes for which obligations may be issued by such banks are hereby enlarged to include the purpose of obtaining funds to permit the making of advances required by this section. The plans and decisions for such building and facilities and for the enlargement, remodeling, or reconstruction thereof shall be such as is approved in the sole discretion of the Board.

SEC. 5.18. ENUMERATED POWERS.—The Farm Credit Administration shall have the following powers, functions, and responsibilities in connnection with the institutions of the Farm Credit System and the administration of this Act:

(1) Modify the boundaries of farm credit districts, with due regard for the farm credit needs of the country, as approved by the Federal Farm Credit Board, with the concurrence of the district boards involved.

(2) Where necessary or appropriate to carry out the policy and objectives of this Act, issue and amend or modify Federal charters or the bylaws of institutions of the System; approve change in names of banks operating under this Act; approve the merger of districts when agreed to by the boards of the districts involved and by a majority vote of the voting stockholders and contributors to the guaranty funds of each bank for each of such districts, voting in the same manner as is provided in section 4.10 of this Act; approve mergers of banks operating under the same title of this Act, merger of Federal land bank associations, merger of production credit associations and the consolidation or division of the territories which they serve; and approve consolidation of boards of directors or management agreements. Such mergers shall be encouraged where such action will improve service to borrowers and the financial stability, effect economies of operation, or permit desirable joint management, or consolidation of territories and office quarters.

(3) Make annual reports directly to the Congress on the condition of the System and its institutions and on the manner and extent to which the purposes and objectives of this Act are being carried out and, from time to time, recommend directly legislative changes.

(4) Except for associations, approve the salary scale for employees of the institutions of the System, and approve the compensation of the chief executive officer of such institutions.

(5) Coordinate the activities of the banks in making studies of lending standards, including appraisal and credit standards; approve national and district standards, procedures, and appraisal forms; prescribe price and cost levels to be used in such standards, appraisals, and lending; supplement the work of the district under the foregoing where necessary to accomplish the purposes of this Act.

(6) Prescribe loan security requirements and the types, classes, or number of loans which may be made only with prior approval.

(7) Conduct loan and collateral security review.

(8) Approve the issuance of obligations of the institutions of the System and execute on behalf of the banks consolidated and Systemwide obligations for the purpose of funding the authorized operations of the institutions of the System, and prescribe collateral therefor.

(9) Approve interest rates paid by institutions of the System on their bonds, debentures, and similar obligations, the terms and conditions thereof, and interest or other charges made by such institutions to borrowers.

(10) Make investments in stock of the institutions of the System as provided in section 4.0 out of the revolving fund, and require the retirement of such stock.

(11) Regulate the borrowing, repayment, and transfer of funds and equities between institutions of the System.

(12) Coordinate and assist in providing services necessary for the convenient, efficient, and effective management of the institutions of the System.

(13) Undertake research into the rural credit needs of the country and ways and means of meeting them and of the funding of the operations of the System in relation to changing farming and economic conditions.

(14) Prepare and disseminate information to the general public on use, organization, and functions of the System and to investors on merits of its securities.

(15) Require surety bonds or other provision for protection of the assets of the institutions of the System against losses occasioned by employees.

(16) Prescribe rules and regulations necessary or appropriate for carrying out the provisions of this Act.

(17) Exercise such incidental powers as may be necessary or appropriate to fulfill its duties and carry out the purposes of this Act.

SEC. 5.19. DELEGATION OF DUTIES AND POWERS TO INSTITUTIONS OF THE SYSTEM.—The Farm Credit Administration is authorized and directed, by order or rules and regulations, to delegate to a Federal land bank such of the duties, powers, and authority of the Farm Credit Administration with respect to and over a Federal land bank or Federal land bank associations, their officers and employees, in the farm credit district wherein such Federal land bank is located, as may be determined to be in the interest of effective administration; and, in like manner, to delegate to a Federal intermediate credit bank such of the duties, powers, and authority of the Farm Credit Administration with respect to and over a Federal intermediate credit bank or production credit associations, their officers and employees, in the farm credit district wherein such Federal intermediate credit bank is located, as may be determined to be in the interest of effective administration; to authorize the redelegation thereof; and, in either case the duties, powers, and authority so delegated or redelegated shall be performed and exercised under such conditions and requirements and upon such terms as the Farm Credit Administration may specify. Any Federal land bank or Federal intermediate credit bank to which any such duties, powers, or authority may be delegated or any association to which any power may be redelegated, is authorized and empowered to accept, perform, and exercise such duties, powers, and authority as may be so delegated to it.

SEC. 5.20. EXAMINATIONS AND REPORTS.—Except as provided herein, each institution of the System, and each of their agents, at such times as the Governor of the Farm Credit Administration may determine, shall be examined and audited by farm credit examiners under the direction of an independent chief Farm Credit Administration examiner, but each bank and each production credit association shall be examined and audited not less frequently than once each year. Such examinations shall include objective appraisals of the effectiveness of management and application of policies in carrying out the provisions of this Act and in servicing all eligible borrowers. If the Governor determines it to be necessary or appropriate, the required examinations and audits may be made by independent certified public accountants, certified by a regulatory authority of a State, and in accordance with generally accepted auditing standards. Upon request of the Governor or any bank of the System, farm credit examiners shall also make examinations and written reports of the condition of any organization, other than national banks, to which, or with which, any institution of the System contemplates making a loan or discounting paper of such organization. For the purposes of this Act, examiners of the Farm Credit Administration shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Bank Act, the Federal Reserve Act, the Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law.

SEC. 5.21. CONDITIONS OF OTHER BANKS AND LENDING INSTITUTIONS.—The Comptroller of the Currency is authorized and directed, upon request of the Farm Credit Administration to furnish for confidential use of an institution of the System such reports, records, and other information as he may have available relating to the financial condition of national banks through, for, or with which such institution of the System has made or contemplates making discounts or loans and to make such further examination, as may be agreed, of organizations through, for, or with which such institution of the Farm Credit System has made or contemplates making discounts or loans.

SEC. 5.22. CONSENT TO THE AVAILABILITY OF REPORTS AND TO EXAMINATIONS.—Any organization other than State banks, trust companies, and savings associations shall, as a condition precedent to securing discount privileges with a bank of the Farm Credit System, file with such bank its written consent to examination by farm credit examiners as may be directed by the Farm Credit Administration; and State banks, trust companies, and savings associations may be required in like manner to file a written consent that reports of their examination by constituted State authorities may be furnished by such authorities upon the request of the Farm Credit Administration.

SEC. 5.23. REPORTS ON CONDITIONS OF INSTITUTIONS RECEIVING LOANS OR DEPOSITS.—The executive departments, boards, commissions, and independent establishments of the Government of the United States, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Reserve banks are severally authorized under such conditions as they may prescribe, upon request of the Farm Credit Administration, to make available to it or to any institution of the System in confidence all reports, records, or other information relating to the condition of any organization to which such institution of the System has made or contemplates making loan or for which it has or contemplates discounting paper, or which it is using or contemplates using as a custodian of securities or other credit instruments, or a depository. The Federal Reserve banks in their capacity as depositories, agents, and custodians for bonds, debentures, and other obligations issued by the banks of the System or book entries thereof are also authorized and directed, upon request of the Farm Credit Administration, to make available for audit by farm credit examiners all appropriate books, accounts, financial records, files, and other papers.

SEC. 5.24. JURISDICTION.—Each institution of the System shall for the purposes of jurisdiction be deemed to be a citizen of the State, commonwealth, or District of Columbia in which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any production credit association upon the ground that it was incorporated under this Act or prior Federal law, or that the United States owns any stock thereof, nor shall any district court of the United States have jurisdiction, by removal or otherwise, of any suit by or against such association except in cases by or against the United States or by or against any officer of the United States or against any person over whom the courts of the State have no jurisdiction, and except in cases by or against any receiver or conservator of any such association appointed in accordance with the provisions of this Act.

SEC. 5.25. STATE LEGISLATION.—Whenever it is determined by the Farm Credit Administration, or by judicial decision, that a State law is applicable to the obligations and securities authorized to be held by the institutions of the System under this Act, which law would provide insufficient protection or inadequate safeguards against loss in the event of default, the Farm Credit Administration may declare such obligations or securities to be ineligible as collateral for the issuance of new notes, bonds, debentures, and other obligations under this Act.

SEC. 5.26. REPEAL.—(a) The Federal Farm Loan Act, as amended; section 2 of the Act of March 10, 1924 (Public Numbered 35, Sixty-eighth Congress, 43 Stat. 17), as amended; section 6 of the Act of January 23, 1932 (Public Numbered 3, Seventy-second Congress, 47 Stat. 14), as amended; the Farm Credit Act of 1933, as amended; sections 29 and 40 of the Emergency Farm Mortgage Act of 1933; Act of June 18, 1934 (Public Numbered 381, Seventy-third Congress, 48 Stat. 983); Act of June 4, 1936 (Public Numbered 644, Seventy-fourth Congress, 49 Stat. 1461), as amended; sections 5, 6, 20, 25(b), and 39 of the Farm Credit Act of 1937, as amended; sections 601 and 602 of the Act of September 21, 1944 (Public Law 425, Seventy-eighth Congress, 58 Stat. 740, 741), as amended; sections 1, 2, 3, 4, 5, 6, 7, 8, 16, and 17(b) of the Farm Credit Act of 1953, as amended; sections 2, 101, and 201(b) of the Farm Credit Act of 1956 are hereby repealed. All references in other legislation, State or Federal, rules and regulations of any agency, stock, contracts, deeds, security instruments, bonds, debentures, notes, mortgages and other documents of the institutions of the System, to the Acts repealed hereby shall be deemed to refer to comparable provisions of this Act.

(b) All regulations of the Farm Credit Administration or the institutions of the System and all charters, bylaws, resolutions, stock classifications, and policy directives issued or approved by the Farm Credit Administration, and all elections held and appointments made under the Acts repealed by subsection (a) of this section shall be continuing and remain valid until superseded, modified, or replaced under the authority of this Act. All stock, notes, bonds, debentures, and other obligations issued under the repealed acts shall be valid and enforceable upon the terms and conditions under which they were issued, including the pledge of collateral against which they were issued, and all loans made and security or collateral therefor held by, and all contracts entered into by, institutions of the System shall remain enforceable according to their terms unless and until modified in accordance with the provisions of this Act; it being the purpose of this subsection to avoid disruption in the effective operation of the System by reason of said repeals.

SEC. 5.27. AMENDMENTS TO OTHER LAWS.—(a) The Executive Schedule of basic pay (80 Stat. 458, 5 U.S.C. 5311–5317), as amended, is further amended by striking from positions at level IV the "Governor of the Farm Credit Administration." (5 U.S.C. 5315(51)) and inserting in positions at level III the additional position "(58) Governor of the Farm Credit Administration." (5 U.S.C. 5314).

(b) The third paragraph of section 15 of the Federal Reserve Act (12 U.S.C. 393) is amended to read as follows:

"The Federal Reserve banks are authorized to act as depositaries for and fiscal agents of any Federal land bank, Federal intermediate credit bank, bank for cooperatives, or other institutions of the Farm Credit System."

SEC. 5.28. SEPARABILITY.—If any provision of this Act, or the application thereof to any persons or in any circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or in other circumstances shall not be affected thereby.

SEC. 5.29. RESERVE RIGHT TO AMEND OR REPEAL.—The right to alter, amend, or repeal any provision or all of this Act is expressly reserved.

And the House agree to the same.

W. R. POAGE,
JOHN L. MCMILLAN,
ED JONES,
PAGE BELCHER,
CHARLES M. TEAGUE,
Managers on the Part of the House.

HERMAN E. TALMADGE,
GEORGE MCGOVERN,
JAMES B. ALLEN,
JACK MILLER,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1483) to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment generally represented a refinement of the Senate bill, making minor technical improvements and changes designed to remove objections raised by some groups. The conference substitute therefore adopts all of the provisions of the House amendment with one exception. Under the Senate bill services or supplies furnished by a cooperative as a public utility were excluded in determining whether a cooperative is eligible to borrow from a bank for cooperatives as not having business with non-members in excess of that with members. The House omitted this provision, and it has been reinserted in the conference substitute.

The principal differences between the Senate bill and the House amendment are as follows:

1. (a) Land bank first lien:

1. Senate: No limitation.

2. House: First lien on interests in real estate of classes approved by FCA.

(b) Land bank loan-value ratio:

1. Senate: No limitation.

2. House: Not to exceed 85 percent appraised value.

(c) Appraisals:

1. Senate: Appraisal standards prescribed as approved by FCA.

2. House: Appraisal standards prescribed by the bank and approved by FCA.

2. Rural Housing Limitations:

(a) Senate: Single family low- and moderate-priced dwellings.

House: Single family moderate-priced dwellings.

(b) Senate: None.

House: Not to exceed 15 percent of outstanding loans (similar PCA but 15 percent in each PCA or on prior approval larger percent but not to exceed 15 percent of all PCAs in district).

(c) Senate: None.

House: Rural areas for housing purposes not to include cities and villages in excess of 2,500 inhabitants.

3. Financially Related Services:

(a) Senate: Appropriate to their on-farm operation as determined to be feasible under regulations of FCA.

House: Appropriate to their on-farm operations as determined to be feasible by the board of directors of each district bank, under regulations of FCA.

(b) Senate report: "On farm." "This would exclude tax, estate planning and other services not necessary to their on-farm operating needs."

House report: Credit life insurance justified as "necessary and incident" to lending. "The committee intends that this policy be continued and that the various agencies of the Farm Credit System should not be allowed to write or sell any form of insurance except credit life insurance which is 'necessary and incident' to protect their outstanding loans." (Same for PCA and BC.)

4. Supervisory Associations:

Senate: Governor's power under charter or regulations to provide for organization, management, and conduct of the business of the association.

House: To provide for organization of the association (Same for PCAs).

5. Cooperative Eligibility:

(a) Business with non-members:

Senate: Excludes from 50 percent rule for business with non-members "services or supplies furnished as a public utility."

House: Deletes exception.

(b) Voting media:

Senate: Minimum of 66⅔ percent held by producers.

House: Minimum of 80 percent.

6. Merger of Similar Banks:

Senate: On majority vote of stockholders.

House: On majority vote cast by stockholders and contributors to guarantee funds in accordance with voting strength same as for directors.

7. Involuntary Mergers of Associations:

Senate: If they have "failed to provide adequate credit services at reasonable costs."

House: Deletes.

8. Prohibition against Tax-Exempt Guarantees:

Senate: No prohibitions.

House: No guarantee of any debt the income from which is exempt from Federal tax.

9. Single Security:

Senate: Sec. 4.2d.

House: Adds proviso requiring concurrence of 12 districts and Central Bank.

10. Change in District Boundaries:

Senate: In discretion of FFCB.

House: With concurrence of district boards involved.

11. Appointment of Seventh Member District Board:

Senate: Governor appoints and *may remove*.

House: *Appoints only*.

12. Joint Services Agreements:

Senate: Authorized with FCA approval

House: All subject to some FCA supervision as applicable to banks individually.

13. Powers of FFCB:

(a) General Senate: Establish general policy for FCA and the Farm Credit System in carrying out the act.

House: For guidance of FCA "and approve the necessary rules and regulations for the implementation of this act not inconsistent with its provisions."

(b) Modify district boundaries:

Senate: Approve boundary modifications.

House: With concurrence of the district boards involved.

(c) Approve merger of districts:

Senate: After majority of the voting stockholders and contributors to guaranty fund of each bank in each district.

House: Upon majority *vote* of the stockholders and contributors voting with voting strength the same as for directors.

(d) Legislative reports:

Senate: FFCB make annual reports and recommend legislative changes.

House: Both "directly to the Congress."

(e) Governor's approval of bank's chief executive officer:

Senate: Approve the appointment and compensation.

House: Approve the compensation only.

14. Appropriations Limitation:

Senate: Collect assessments—"fund authorized to be *appropriated*."

House: Fund "without regard to other law *shall be available*."

15. Court Jurisdiction PCA:

Senate: PCA actions in state courts.

House: Except where state court has no jurisdiction (Indians).

As indicated above, the conference substitute adopts the Senate position on item 5(a).

While the conference substitute adopts the language of the House amendment with respect to item 2(a) and authorizes loans for "moderate-priced" rather than low- and moderate-priced dwellings, there was no difference in substance on this point; since authority to provide loans for "moderate-priced" dwellings includes authority to provide loans for low-priced dwellings, as indicated in the letter set out below from the General Counsel for the Farm Credit Administration:

FARM CREDIT ADMINISTRATION,
Washington, D.C., November 10, 1971.

Mr. HARKER T. STANTON,
Counsel, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. STANTON: You will recall my discussion of that House amendment to S. 1483 in Sec. 1.10 which limits rural housing financed under the Act to "single-family moderate-priced dwellings" in lieu of the Senate language introduced by Senator Miller restricting such loans to "single-family, low- and moderate-priced dwellings."

Your attention is called to the House report language, page 12, particularly the sentence "The Senate authorization for low-priced housing was deleted because this is usually associated with some subsidy." You will also recall my oral statement that the Miller amendment language was adapted from the use of the terms low and moderate income housing in the Rural Housing Act of 1949, as amended, and in other housing legislation. Current housing programs contemplate interest supplements or subsidies down to as low as one percent interest to be paid by the borrower, depending on his repayment ability as compared with a full market rate or cost-of-money interest charge. Since the Farm Credit nonfarm rural housing loans will not be subsidized in any degree, it was believed that the description of low-priced housing should be eliminated from the Senate language. Nevertheless, it is my opinion that the "moderate-priced" limitation in the House bill will not preclude loans for low-cost housing by the banks and associations of the Farm Credit System so long as the borrower has ability to repay the rate then being charged on such loans by the banks and associations of the Farm Credit System. Testimony shows that it is anticipated that repair and modernization of low-cost housing through land bank and production credit association loans will be one effective means of upgrading the quality of housing in rural areas. The testimony also indicates that, in the intermediate-term loan field, relatively low-cost mobile homes located on permanent sites will be financed.

For the foregoing reasons it is my opinion that the House version fully accomplishes the objectives of the Miller amendment.

Sincerely,

HOWARD V. CAMPBELL,
General Counsel.

Item 3(b) does not involve a difference in language between the Senate bill and the House amendment, but rather concerns report language. The conferees agreed with the language used in the Senate report, to wit, "This would exclude tax, estate planning, and other services not necessary to their on-farm operations."; but differed with the House report language. The language in the House report appeared at page 17 as follows:

"Section 1.11.—Some credit related services are now available to land bank borrowers, such as credit life insurance. Present law permits only such credit related services as can be justified as 'necessary and incident' to the banks lending function. The committee intends that this policy be continued and that the various agencies of the Farm Credit System should not be allowed to write or sell any form of insurance except credit life which is 'necessary and incident' to protect their outstanding loans."

In a letter to Senator Talmadge, dated November 3, the Governor of the Farm Credit Administration commented on this item as follows:

"Section 3(b). We strongly recommend that the conferees accept the House language in Items 1.11, 2.5, 2.16 and 3.7 concerning financially related services to borrowers, but that the joint conference report reject the attempt by the House committee to limit the scope of such services to less than that authorized by the language of these sections in the field of placing insurance to only providing 'credit life insurance "necessary and incident" to protect outstanding loans.'

"Credit life insurance was declared 'necessary and incident' in 1954, hail insurance in 1967 and comprehensive insurance on point of purchase sales in 1965. These insurance services have been important to the financial wellbeing of the members, as well as a protection to associations in the extension of credit. To deny associations the right to continue these services threatens the best interests of the members and the associations.

"In the past, members have expressed a need for insurance services. The *need factor* has been evaluated at the local, district and Federal Board levels. This approval procedure should reassure the committee that the system is only concerned with providing services where member owners have determined that real needs exist. The inference that a member owned cooperative under appropriate FCA supervision cannot act in the best interest of its membership is contrary to the legislative history enacted by Congress over the years.

"The basic thrust of this entire bill is to provide a charter for the Farm Credit System which will allow it to meet both present and future needs of its members. The authority to meet members' insurance needs is a critical part of financial related services.

"The limitations imposed by the House committee report would deal a devastating blow to the present and future members of this system who look to their associations for assistance in achieving efficient and profitable farm and ranch operations."

The General Counsel for the Farm Credit Administration further expanded on the extent to which Farm Credit institutions sell insurance as follows:

Farm Credit Administration,
Washington, D.C., November 16, 1971.

Mr. Harker T. Stanton,
Counsel, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

Dear Harker: In accordance with your telephone request of this date, this will inform you that at the present time practically all of the production credit associations offer to their member-borrowers credit life insurance in connection with their indebtedness to the production credit association. The borrower has the privilege of purchasing this life insurance in connection with the loan. In some associations the percentage of the members which take advantage of this service is as high as 85 percent. In others, however, only 30 or 40 percent of the members are covered. Credit life insurance is placed with eleven different private insurers under blanket arrangements. The compensation under these arrangements is paid directly to the production credit associations although the manager or other personnel responsible for placing the insurance requested by the borrower may be required to be a licensed insurance agent under State law.

The production credit associations in most districts also offer to borrowers hail insurance. Only about half of the production credit associations engage in this activity. This, too, is optional with the borrower and is placed under blanket policies with some twenty-nine commercial companies across the country. Almost half of the PCA borrowers in eight of the twelve districts have some hail insurance. Hail insurance placed through the production credit associations is chosen by from 3 to 18 percent of the PCA borrowers whereas from 16 to 37 percent of the borrowers carrying hail insurance obtain it through other sources.

Production credit associations also have arrangements to place liability and extended coverage on farm machinery in connection with the point-of-purchase program. When an implement dealer sells the machine to a borrower, he notifies the PCA which places the coverage on the equipment immediately. The borrower's note to the dealer is then purchased by the PCA and the cost of the insurance is added to the borrower's account.

Most of the land banks carry at their own expense an errors and omissions blanket policy on fire and extended coverage on real estate loans. To our knowledge, only one district, the Columbia Land Bank, has a blanket policy under which coverage is obtained on real estate improvements to their insurable value if the borrower fails to present evidence that he has a paid-up fire insurance policy with another company.

We hope the foregoing information will be of assistance to you in advising the conferees on the Farm Credit Act of 1971.

Sincerely,

Howard V. Campbell,
General Counsel.

The conferees discussed at length the scope of insurance services that should properly be made available to eligible borrowers. It is felt that the sale of liability insurance, and any insurance on passenger automobiles, is not "necessary and incident" to the functions of the lending institutions; but that they should be able to sell such insurance as may be necessary to protect the loan. Thus credit life insurance could be sold in an amount appropriate to insure repayment of the loan, and insurance against loss of any collateral securing a loan could be sold for the full value of such collateral. It is of course not the intent of the conferees that the borrowers' insurance necessarily be purchased through the Farm Credit System lender. These lenders should appropriately notify the borrowers that they possess the option of buying the insurance needed to secure the loan elsewhere if they so wish.

W. R. Poage,
John L. McMillan,
Ed Jones,
Page Belcher,
Charles M. Teague,
Managers on the Part of the House.

Herman E. Talmadge,
George McGovern,
James B. Allen,
Jack Miller,
Henry Bellmon,
Managers on the Part of the Senate.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM NOVEMBER 19 TO NOVEMBER 29, 1971

The Speaker laid before the House the concurrent resolution (H. Con. Res. 466) providing for an adjournment of the House from November 19 to November 29, 1971, together with the Senate amendment thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "1971." and insert: "1971, and when the Senate adjourns on Wednesday, November 24, 1971, it stand adjourned until 10 a.m., Monday, November 29, 1971.".

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

Mr. Hagan (at the request of Mr. Boggs), for today, on account of official business.

Mr. Pepper (at the request of Mr. Boggs), for today, on account of official business.

Mr. Corman, for today, on account of official business.

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Johnson of California, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Dent (at the request of Mr. Davis of South Carolina), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. McKevitt) to revise and extend their remarks and include therein extraneous matter:)

Mrs. Heckler of Masachusetts, for 15 minutes, today.

Mr. Kemp, for 15 minutes, today.
Mr. Mizell, for 5 minutes, today.
Mr. Horton, for 10 minutes, today.
Mr. Schwengel, for 5 minutes, today.
Mr. Harsha, for 10 minutes, today.
Mr. Veysey, for 45 minutes, today.

Mr. Horton, for 30 minutes, on November 30.

(The following Members (at the request of Mr. Davis of South Carolina) to revise and extend their remarks and include therein extraneous matter.)

Mr. Burke of Massachusetts, for 25 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Cabell, to revise and extend his remarks immediately following those of Mr. Morgan.

(The following Members (at the request of Mr. McKevitt) to revise and extend their remarks and include extraneous matter:)

Mr. Gubser.
Mr. Derwinski in two instances.
Mr. McClory in two instances.
Mr. Hall.
Mr. Esch.
Mr. Spence.
Mr. Halpern.
Mr. Schmitz.

Mr. Horton.

Mr. Wyman in two instances.

Mr. Landgrebe.

Mr. Frey.

Mr. Hosmer in five instances.

Mr. Schwengel in three instances.

Mr. Scott.

Mr. Martin.

Mr. Burke of Florida.

Mr. Thompson of Georgia.

Mr. Kemp in two instances.

Mr. Michel.

Mr. Anderson of Illinois.

Mr. Findley.

Mrs. Heckler of Massachusetts in five instances.

(The following Members (at the request of Mr. Davis of South Carolina) to revise and extend their remarks and to include extraneous matter:)

Mr. Dulski in four instances.

Mr. William D. Ford.

Mr. Gonzalez in two instances.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Kluczynski in two instances.

Mr. Fountain in three instances.

Mr. Corman in three instances.

Mr. Rangel in two instances.

Mr. Jones of Tennessee in two instances.

Mr. Burke of Massachusetts.

Mr. Yatron.

Mr. Boggs.

Mr. Dorn in two instances.

Mr. Purcell in two instances.

Mr. Stuckey.

Mr. Seiberling in two instances.

Mr. O'Hara.

Mr. Roush in two instances.

Mr. Fraser.

Mr. Bingham in five instances.

Mr. Miller of California in six instances.

Mr. Donohue in two instances.

Mrs. Sullivan in two instances.

Mr. Dingell in two instances.

Mr. Boland in three instances.

Mr. Hechler of West Virginia in two instances.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury; to the Committee on the District of Columbia.

S.J. Res. 153. Joint resolution to designate the week which begins on the first Sunday in March 1972 as "National Beta Club Week"; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 946. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 466 the Chair declares the House adjourned until 12 o'clock noon on Monday, November 29, 1971.

Thereupon (at 3 o'clock and 4 minutes p.m.) pursuant to House Concurrent Resolution 466, the House adjourned until Monday, November 29, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1299. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program, covering the period ended June 30, 1971, pursuant to section 4 of the Strategic and Critical Materials Stockpiling Act; to the Committee on Armed Services.

1300. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to donate a surplus electric railway crossing warning sign to the Pacific Southwest Railway Museum Association, Inc., San Diego, Calif., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

1301. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report of Gallaudet College on the establishment and operation of the Model Secondary School for the Deaf, pursuant to section 4(c) of Public Law 89–694; to the Committee on Education and Labor.

1302. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1303. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of transcribers of official court reporters' transcripts in the U.S. district courts, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. Conference report on S. 1483. (Rept. No. 92–629). Ordered to be printed.

Mr. HÉBERT: Committee on Armed Services. H.R. 9526. A bill to authorize certain naval vessel loans, and for other purposes; with amendments (Rept. No. 92–680). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK (for himself, Mr. Cleveland, Mr. Don H. Clausen, Mr. Schwengel, Mr. Snyder, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Mizell, Mr. Terry, Mr. Thone, Mr. Baker, and Mr. Miller of Ohio):

H.R. 11895. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. Jones of Alabama, Mr. Kluczynski, Mr. Wright, Mr. Gray, Mr. Clark, Mr. Edmondson, Mr. Johnson of California, Mr. Dorn, Mr. Henderson, Mr. Roberts, Mr. Kee, Mr. Howard, Mr. Anderson of California, Mr. Caffery, Mr. Roe, Mr. Collins of Illinois, Mr. Roncalio, Mr. Begich, Mr. McCormack, Mr. Rangel, Mr. James V. Stanton, Mrs. Abzug, Mr. Harsha, and Mr. Grover):

H.R. 11896. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. BURKE of Massachusetts (for himself, Mr. Abourezk, Mr. Brasco, Mr. Helstoski, Mr. Hillis, Mr. Lent, and Mr. Roncalio):

H.R. 11897. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 11898. A bill to amend the National Flood Insurance Act of 1968 to increase flood insurance coverage of certain properties, to authorize the acquisition of certain properties, and for other purposes; to the Committee on Banking and Currency.

By Mr. DOW:

H.R. 11899. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H.R. 11900. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT (for himself, Mr. Mills of Arkansas, and Mr. Alexander):

H.R. 11901. A bill to provide for a highway bridge across the Norfork Reservoir in Arkansas; to the Committee on Public Works.

By Mr. HENDERSON (for himself and Mr. Dulski):

H.R. 11902. A bill to provide for additional positions in grades GS–16, GS–17, and GS–18, to carry out the functions of the Economic Stabilization Act of 1970; to the Committee on Post Office and Civil Service.

By Mrs. HICKS of Massachusetts:

H.R. 11903. A bill to amend the General Education Provisions Act with respect to the maintenance of neighborhood schools; to the Committee on Education and Labor.

By Mr. HULL:

H.R. 11904. A bill to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years; to the Committee on Education and Labor.

By Mr. KEMP:

H.R. 11905. A bill to amend the Federal Salary Act of 1967, and for other purposes;

to the Committee on Post Office and Civil Service.

By Mr. LENT (for himself, Mr. Whitehurst, Mr. Drinan, Mr. Coughlin, Mr. Long of Maryland, Mr. Dulski, Mr. Hogan, Mr. Frelinghuysen, Mr. Smith of New York, Mr. Ryan, Mrs. Heckler of Massachusetts, Mr. Donohue, Mrs. Dwyer, Mr. Rodino, Mr. Minish, Mr. Conable, Mr. King, Mr. Stratton, Mr. Reid of New York, Mr. Harrington, Mr. Dow, Mr. Howard, Mr. Hunt, Mr. Daniels of New Jersey, and Mr. Thompson of New Jersey):

H.R. 11906. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOORHEAD:

H.R. 11907. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 11908. A bill to assist in the provision of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

By Mr. QUIE:

H.R. 11909. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 11910. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey (for himself, Mr. Daniels of New Jersey, Mr. Hawkins, Mr. Burton, and Mr. Gaydos):

H.R. 11911. A bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under that act; to the Committee on Education and Labor.

By Mr. THONE (for himself and Mr. Schwengel):

H.R. 11912. A bill urging units and individual members of the armed services to engage in civic works; to the Committee on Armed Services.

By Mr. DOW:

H.R. 11913. A bill to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs, and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers; to the Committee on Agriculture.

By Mr. LANDGREBE:

H.J. Res. 979. Joint resolution to amend title 5 of the United States Code to provide for the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 980. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. WYMAN (for himself, Mr. Haley, Mr. Michel, Mr. Snyder, Mr. Waggonner, Mr. Hogan, Mr. Garmatz, Mr. Karth, Mr. Baring, Mr. Cleveland, Mr. Runnels, Mr. King, Mr. Pirnie, Mr. Jones of North Carolina, Mr. Ware, Mr. Whalley, Mr. Gaydos, Mr. Saylor, Mr. St Germain, Mr. Duncan, Mr. Kuykendall, Mr. Collins of Texas, Mr. Archer, Mr. Fisher, and Mr. Downing):

H.J. Res. 981. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in silent prayer or meditation in public schools; to the Committee on the Judiciary.

By Mr. WYMAN (for himself, Mr. Broyhill of Virginia, Mr. Mollohan, Mr. Kee, and Mr. Zablocki):

H.J. Res. 982. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in silent prayer or meditation in public schools; to the Committee on the Judiciary.

By Mr. BURKE of Florida (for himself, and Mr. Baker, Mr. Baring, Mr. Broyhill of Virginia, Mr. Dennis, Mr. McClure, and Mr. Mann):

H. Con. Res. 467. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukranian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H. Res. 714. Resolution to provide for an investigation by the Judiciary Committee of the operation of the Federal witness immunity statute; to the Committee on Rules.

By Mr. PRICE of Illinois (for himself, Mr. Smith of Iowa, and Mr. Yates):

H. Res. 715. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

285. The SPEAKER presented a memorial of the Legislature of the State of Michigan, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States providing that no student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McCLORY presented a bill (H.R. 11914) for the relief of Gonzalo Perez, Martha Perez, and Gonzalo Perez, Jr., which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

160. By the SPEAKER: Petition of the City Council, Englewood, N.J., relative to withdrawal of American forces from Southeast Asia; to the Committee on Armed Services.

161. Also, petition of Ralph Boryszewski, Rochester, N.Y., relative to impeachment of officials; to the Committee on the Judiciary.

SENATE—*Friday, November 19, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whose will is our peace, we lift our hearts to Thee to renew our vows and offer our daily service to Thee. In this hushed and holy moment of prayer may we find our hearts quickened and strengthened for the duties and responsibilities of this day. Make it a great adventure of faith and spiritual discipline. And if we should forget Thee do not forget us.

In troubled times may we find in Thee the light, the guidance, and the wisdom to lead the people. May each day bring a larger unfoldment of Thy will for this Nation. Through plodding and tedious hours keep us serene within and magnanimous without. May we be diligent in duties, faithful in high trust, and ever loyal to Thee. At length may we rest in the peace of those who do justly, and love Thee sincerely.

We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 18, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the recognition of the joint leadership under the standing order there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with No. 440, and that the rest of the calendar be considered in sequence up to and including No. 472.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INCREASES IN APPROPRIATION CEILINGS OF THE NATIONAL PARK SYSTEM

The Senate proceeded to consider the bill (S. 2601) to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 9, after "Virginia:", strike out "section II" and insert "section 11"; on page 2, after line 11, insert:

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913), is amended by changing "355,000" to $780,000";

At the beginning of line 16, strike out "(3)" and insert "(4)"; at the beginning of line 19, strike out "(4)" and insert "(5)"; at the beginning of line 22, strike out "(5)" and insert "(6)"; on page 3, at the beginning of line 1, strike out "(6)" and insert "(7)"; in line 3, after the semicolon, insert "and section 2 of such Act is amended by revising the third sentence to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for park purposes"; "; at the beginning of line 11, strike out "(7)" and insert "(8)"; and, on page 4, line 21, after the word "approximately", strike out "233.15" and insert "267.90"; so as to make the bill read:

S. 2601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Assateague Island National Seashore—Maryland and Virginia: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827), is amended by changing "$16,250,000" to "$20,650,000", and by adding the following sentence after the period: "Funds authorized to be appropriated for the acquisition of lands and interests in land may, notwithstanding the foregoing limitation, be increased in appropriation Acts by such amounts as may be necessary to pay interest and deficiency awards owed by the United States as determined in condemnation actions for the acquisition of such lands and interests.";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913), is amended by changing "$355,000" to "$780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(5) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

(6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

(7) Ozark National Scenic Riverways, Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to "$11,111,000"; and section 2 of such Act is amended by revising the third sentence to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for park purposes";

(8) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia: section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600".

SEC. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.68 acres;

(2) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(3) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(4) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(5) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(6) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(7) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(8) Muir Woods National Monument, California: to add approximately 49.7 acres;

(9) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

SEC. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

SEC. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 304. There are hereby authorized to be appropriated not to exceed $1,328,000 for the acquisition of lands and interests therein added to the areas referred to in section 301.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–452), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED FOR AN OMNIBUS BILL

The Department of the Interior has been concerned for some time about the need to develop a less cumbersome means by which needed increases in appropriation ceilings and selected kinds of boundary changes in units of the national park system can be considered both by the Congress and within the executive branch. At the same time the Department believes such a method should be limited in its application to only those changes which are both necessary to implement the individual project and are consistent with the basic legislation authorizing a particular park service area. In cases where a change, regardless of how desirable it may be, would substantially alter the existing authorization insofar as the size, cost, or the general character of an existing area, the Department believes that separate legislation is desirable.

The Department has developed criteria which was used in the selection of the eighteen projects included in the proposal submitted by the Administration and it is contemplated that these same guidelines will be applied to future similar omnibus proposals. This procedure of combining a number of established and active units of the park system under one act appears highly desirable and from a practical standpoint would eliminate a considerable number of individual hearings on these separate projects.

ADMINISTRATIVE CRITERIA FOR OMNIBUS PROPOSALS RELATING TO EXISTING AREAS OF THE NATIONAL PARK SYSTEM

The National Park Service has considered a project for inclusion in omnibus proposals if the amendment to the original act meets one of the following criteria:

1. The proposed amendment is substantially in accord with the legislation establishing the area, and the proposed amendment is necessary to adjust or "round out" boundaries of existing areas to meet new management needs.

2. The proposed amendment is needed to authorize increased appropriations to complete land acquisition and development programs for an existing area, as it is now authorized.

A proposal would not be considered for inclusion in omnibus proposals if it would substantially after the existing authorization insofar as the size, cost, or the general character of the area.

DESCRIPTION

As introduced the bill consists of three titles, all relating to certain existing units of the national park system. Title I increases statutory ceilings in appropriations for land acquisition at eight areas as recommended by the committee; Title II increases statutory ceilings on appropriations for development at three areas; and Title III authorizes boundary revisions at nine areas.

Under Title I, increases in appropriation ceilings for land acquisition are needed for seven areas, as follows:

1. Assateague Island National Seashore, Maryland.—Increase in land acquisition from $16,250,000 to $20,650,000. This increase of $4.4 million is needed to acquire the remaining 2,923 acres of private lands within the authorized seashore boundaries.

There remains $800,000 available for land acquisition under the existing $16,250,000 limitation. We estimate that to complete the land acquisition program using the court's formula for the subdivision lots the sum of $5,200,000 will be needed. This, less the $800,000 already available, indicates a need for an increase in the statutory authorization of $4,400,000 which S. 2601, provides.

2. Big Hole National Battlefield, Montana.—Increase in the land acquisition ceiling from $20,000 to $42,500. The increase is needed for acquisition of the Clemow property, amounting to approximately 120 acres. This property lies within the authorized boundaries on the national battlefield. An option, to buy, in the sum of $22,000, has been agreed to by the owner for some time.

3. Bighorn Canyon National Recreation Area.—Increases the appropriation ceiling from $355,000 to $780,000, thus providing an additional $425,000 for land acquisition and highway improvement.

4. Effigy Mounds National Monument, Iowa.—Land acquisition ceiling increase from $2,000 to $14,000, for the acquisition of approximately 93.7 acres known as the Ferguson Tract. This property contains three small Indian burial mounds, one of which is an outstanding bird effigy. They all illustrate the primary theme of the national monument. Acquisition costs are $12,000; no development is proposed, and no additional staffing or operating costs are anticipated.

5. Fort Donelson National Military Park, Tennessee.—Twenty-one tracts consisting of approximately 22 acres are now urgently needed to enable Park Service personnel to improve interpretation of the historic resources of Fort Donelson, and to eliminate existing traffic hazards by redesigning roads. The proposed ceiling increase is from $226,000 to $454,000, an add-on of $228,000.

6. Lincoln Boyhood National Memorial, Indiana.—The acquisition of the 71.85 acres proposed in this legislation will complete the memorial by adding to it the remaining lands originally patented to Thomas Lincoln in 1827, with the exception of the railroad right-of-way still in use. This will raise the total acreage to 200—the legislative acreage ceiling for the area. The proposed land acquisition increase is from $75,000 to $395,000, an addition of $320,000.

7. Ozark National Scenic Riverways, Missouri.—A further total of about 8,400 acres of private land must be acquired, to assure adequate protection and development of the river resources. The estimated cost of acquiring these additional lands is $2,563,438.

The sum of $1,239,476 is also being requested to pay deficiency judgments on 46 tracts involved in condemnation actions already in progress. Finally, an additional $307,970 is the estimate for moving expenses and relocation benefits as provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Thus, a total of $4,111,000 is needed to complete the land acquisition program for this area, and the bill would amend the 1964 authorization accordingly, from $7 million to $11,111,000.

8. Shiloh National Military Park (Tennessee).—The acquisition of four tracts totalling 191.5 acres, including the site on which historic Shiloh Church stood in 1862, would complete the park in accordance with the master plan.

The acquisition of the tracts will enable the Park Service to eliminate three of four existing accesses, thereby providing more effective control of visitors. For this reason, the bill proposes an increase of $93,000, bringing the new ceiling limitation from $57,100 to $150,100.

Under Title II, increases in appropriation ceilings for development there are:

1. Herbert Hoover National Historic Site (Iowa).—New ceiling authority totalling $3,500,000 is needed to permit the completion of proper visitor facilities at this site. This is an increase of $1,850,000 over the existing limitation of $1,650,000. The additional funds will be used for further land acquisition ($78,000) and general development ($1,772,000).

2. Booker T. Washington National Monument (Virginia).—In order to complete the development for this park, authority is requested to increase development ceiling costs by $400,000. This will permit the elimination of modern structures which intrude on the scene of the living farm, demolition of an existing dwelling, and the construction of three employee residences and appurtenant facilities such as a water supply and sewer system which are urgently needed. Reconstruction of significant historic structures and expansion of a small existing parking lot are also proposed. The proposed ceiling addition will increase the limitation from $200,000 to $600,000.

3. Johnstown Flood National Memorial (Pennsylvania).—The proposed development ceiling increase of $244,600 includes the construction cost of a pedestrian bridge, trails and interpretive facilities. Terrain characteristics at the Croyle Township portion of the memorial preclude development of parking facilities for visitors.

Following are the justifications for boundary changes in nine areas under title III.

1. Adams National Historic Site (Massachusetts).—Acquisition of the Beale property immediately west of the Adams site is sought because of its direct relevance to the historical environment of John Adams' day. Also because of its usefulness as protection for the Adams property against private development in that immediate area.

The cost of adding these 3.68 acres to the national historic site is $122,000. Development costs total $50,000.

2. Fort Caroline National Memorial (Florida).—Here, 12.5 acres have been proposed for donation to enable the Service to round out boundaries by including the remaining acreage of Spanish Pond and providing protection to Shipyard Creek on the western boundary. Parking areas at St. John's Creek and Spanish Pond will be enlarged, and an interpretive facility with exhibits will be placed at Spanish Pond. Utilities will be placed underground. Development costs are estimated at $89,100; no additional costs are anticipated for land acquisition.

3. George Washington Birthplace National Monument (Virginia.)—It is proposed to add 62.3 acres to the national monument. This land is located centrally to the interpretive area of the park—its acquisition will add additional land for the development of the living farm concept. Land acquisition costs are estimated at $57,000.

4. Glacier National Park (Montana).—A boundary change is proposed along the south edge of the park. The flood in 1964 on the Flathead River and its tributary Bear Creek forced the realignment of the Great Northern Railroad tracks in a number of places. A boundary adjustment to conform to the new river and railroad location is needed in order that a clear interpretation of the boundary can be made. This is especially needed during the hunting season. A total of 64.23 acres of parkland will be removed from the park and will become right-of-way of the railroad. Also 4.24 acres of parkland will be removed from the park and will become Forest Service land. One-hundred-sixteen acres of Forest Service land, 117.15 acres of railroad land, and a small tract of private land will in turn become parkland. This tract of privately-owned land, 34.75 acres, would become an inholding within the park, and would be acquired under the general acquisition authority for the park at a cost of $6,000. This will result in a net addition to the park of approximately 199 acres.

5. Isle Royale National Park (Michigan).—Proposed acquisitions include the abandoned Houghton Flour Mill property. The value of the subject tract to the programs of the National Park Service at Isle Royale is inestimable. The land acquisition cost will be approximately $31,500.

6. Johnstown Flood National Memorial (Pennsylvania).—In addition to the increase in funds for development, as authorized in Title II of the bill, there is a need for 53.6 acres over and above the 55 acres authorized by the Congress in 1964. This would provide a buffer zone around a good portion of the site and would involve the purchase of only one 12.24 acre property at a cost of $11,500. The remaining average would be donated by the township.

7. Lassen Volcanic National Park (California).—It is proposed to exclude a tract of land containing approximately 482 acres and transfer it to the Forest Service. A Forest Service access road leading to a fire lookout on West Prospect Peak is located on this tract. In addition to this use, the Forest Service needs this road as an access for a timber sale in Lassen National Forest planned for FY 1973. The transfer of this tract of land would facilitate the management of the park and the Lassen National Forest. There are no costs involved in this transfer.

8. Muir Woods National Monument (California).—This proposal calls for the addition to Muir Woods National Monument of a detached tract of land totalling 49.7 acres which is located on the opposite side of the State highway from the southeastern corner of the Monument. Most of these lands are in what is called the Camp Monte Vista subdivision. While there are a large number of lots and parcels in the subdivision (273), there are only 15 residences. There is also a snack bar-souvenir stand facility (now vacant) called Muir Woods Inn, which was purchased by the National Park Foundation for $110,000 in 1969, and which will be conveyed to the government at cost. The estimated acquisition cost for the 49.7 acres, including relocation costs, is $1,100,000.

At the time of the committee hearing on the bill, certain of the landowners within the proposed taking area for the Muir Woods addition were concerned about their property being taken and their existing uses for school purposes being discontinued. In approving park legislation in the past, the committee has consistently sought fair and equitable treatment of established residents and users of the land to be acquired. In the case of Muir Woods, the committee believes that the owners of lands devoted to private educational purposes should be given appropriate assurances that their land can continue in its present use for a reasonable time. The normal periods of retained use and occupancy are for the owner's lifetime, in the case of a natural person, or for a period of up to 25 years. The committee understands that the Park Service will negotiate continued use and occupancy rights with the owners of the private schools affected on that basis. In such event the owners will receive full fair market value for their property with deductions appropriate to the term of use and occupancy retained by the owner.

9. Petersburg National Battlefield (Virginia).—An agreement has been reached whereby two areas of Petersburg National Battlefield not needed for park purposes, known as Flank and Defense Road—1.92 and 5.12 miles in length, respectively—will be transferred to the City of Petersburg, Virginia. The total land volume is approximately 258 acres. The proposed transfer will eliminate property no longer of value to the park, having been practically incorporated in the expansion of the City of Petersburg and no longer manageable as part of the park. There are no costs involved to the government; rather, it is expected that some savings will result.

COMMITTEE AMENDMENTS TO S. 2601

1. On page 1, line 9, strike "section II" and insert in lieu thereof "section 11". This is an editorial amendment.

2. On page 2, after line 12, insert the following new paragraph (3) and renumber the succeeding paragraphs in title I accordingly:

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913), is amended by changing '$355,000' to '$780,000';

The amendment increases the amount authorized for land acquisition at Bighorn Canyon Recreation Area from $355,000 to $780,000, an increase of $425,000. This additional sum, together with the amount of $165,000 presently available under the existing authorization is needed to complete the acquisition of lands and easements needed for the transpark road from the Horseshoe Bend area in Wyoming to the development area at Afterbay, near Fort Smith, Montana.

3. On page 2, after the semicolon in line 25, insert the following:

and section 2 of such Act is amended by revising the third sentence to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for park purposes.";

This amendment is curative in nature. It would provide specific Congressional consent to enable the Department of the Interior to accept the donation of certain State park lands, upon which improvements are to be constructed, under a reverter provision. A statute of the Missouri legislature has specified that these donated State park lands must be continued in park use and must receive initial development expenditures within three years of the date of donation; otherwise the statute provides for reversion of the lands to State ownership. Three key properties are involved in the donation, as conveyed by deed of December 5, 1969: Big Spring, Round Spring, and Alley Spring State Parks.

In the opinion of the Department of Justice, title to these lands, upon which the Department of the Interior intends to place needed facilities, cannot be approved without the enactment of legislation to authorize acceptance of the property subject to the reversion if it is not used for park purposes. This Committee is of the opinion that Congressional action would be required to devote Federal park lands to any other uses, and it is not aware of any recent case in which the Congress has done so. The amendment would expressly cure the objection to the acceptance of the three State parks which has been raised by the Department of Justice.

4. On page 4, line 12, strike "233.15 acres" and insert in lieu thereof "267.90 acres". This amendment is needed to correct a clerical error in addition which was contained in the legislation submitted by the Department of the Interior.

ALBERT G. FELLER AND FLORA FELLER

The bill (S. 247) for the relief of Albert G. Feller and Flora Feller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert G. Feller and Flora Feller, of Ketchikan, Alaska, the sum of $267.12, representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his United States Army preinduction physical examination in Anchorage.

SEC. 2. No part of the amount appropriated in this Act in excess of 20 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–455), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the payment of $267.12 to Albert G. and Flora Feller representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his U.S. Army preinduction physical examination in Anchorage.

STATEMENT

The facts of the case were set out by the Department of the Army in its favorable report on a similar bill of the 91st Congress, S. 2835, and are as follows:

The Department of the Army has no records concerning Albert G. Feller, Jr., son of Albert G. and Flora Feller, of Ketchikan, Alaska, but the following information was secured from the claimants, the Veterans of Foreign Wars, Juneau, Alaska, and the Selective Service System. In May 1966, Albert G. Feller, Jr., a selective service registrant, was given a transportation request by the Selective Service System to cover his necessary travel from Ketchikan to Anchorage, Alaska, for the purpose of being inducted into the Army. Mr. Feller reported to the induction center on May 24, 1966, but he did not meet existing standards for induction and was rejected. Mr. Feller was given another transportation request for the return travel to Ketchikan, and was scheduled to depart on May 26, 1966. On May 30, 1966, Mr. Feller drowned while swimming in Big Lake near Anchorage, Alaska. The transportation request was returned to the issuing agency, and Mr. Feller's body was shipped home at the expense of his parents.

All administrative claims made by the parents for reimbursement of transportation expenses for their son's body were denied by the Department of the Army on the ground that Mr. Feller had never acquired military status and no authority existed for payment. The Selective Service System also rejected claims by Mr. and Mrs. Feller for reimbursement on the ground that it had no authority to make payment. The pertinent Army regulation (AR 606–270, para. 12) in force at the time of Mr. Feller's death states that: "For registrants for induction, financial responsibility for transportation, meals, and lodging, while traveling to and from AFEES-Selective Service System [is responsible agency]." If Mr. Feller had lived, this provision would have covered his return transportation.

Mr. Feller traveled to Anchorage to report for induction. The United States was obligated to provide him with transportation to his home in Ketchikan. His untimely death terminated this obligation. There is no statutory or regulatory authority permitting administrative settlement of this claim. It is the opinion of the Department of the Army that it would be equitable to reimburse the parents under the unusual circumstances of this case.

The cost of the bill, if enacted, would be $267.12.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

The committee, after a review of the foregoing, believes that the bill is meritorious and recommends favorable consideration of S. 247, without amendment.

LUIS C. GUERRERO, GUADELUPE GUERRERO, AND ALFREDO GUERRERO

The Senate proceeded to consider the bill (S. 641) for the relief of Luis C. Guerrero, Guadelupe Guerrero, and Alfredo Guerrero which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act", strike out "Luis C. Guerrero, Guadelupe Guerrero, and Alfredo Guerrero" and insert Luis Guerrero-Chavez, Guadelupe Guerrero-Chavez, and Alfredo Guerrero-Chavez"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 20, 1958, and the periods of time each of them has resided in the United States since that date shall be held and considered to meet the residence and physical requirements of section 316 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–480), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiaries to file petitions for naturalization. The bill has been amended to reflect the proper names of the beneficiaries.

DR. BIMAN K. KHASTAGIR

The Senate proceeded to consider the bill (S. 1299) for the relief of Dr. Biman K. Kastagir which had been reported from the Committee on the Judiciary with an amendment in line 4, after the word "Act", strike out "Doctor Biman K. Kastagir" and insert "Doctor Biman K. Khastagir"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Doctor Biman K. Khastagir shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 27, 1965.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Doctor Biman K. Khastagir."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–481), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the spelling of the beneficiary's name.

DR. ALFREDO R. SOLIVA

The Senate proceeded to consider the bill (S. 1436) for the relief of Dr. Alfredo R. Soliva which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act", strike out "Doctor Alfredo R. Soliva" and insert "Doctor Alfredo Rivera Soliva"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Doctor Alfredo Rivera Soliva shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1964, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Doctor Alfredo Rivera Soliva".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–482), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the spelling of the beneficiary's name.

HAROLD DONALD KOZA

The bill (S. 1923) for the relief of Harold Donald Koza was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Harold Donald Koza, lieutenant, United States Navy, retired, of Dothan, Alabama, is hereby relieved of all liability to repay the United States the sum of $4,583.28, representing overpayments of salary paid to him for services he performed as a civilian employee of the United States Army Aviation Center, Fort Rucker, Alabama, for the periods from February 24, 1964, through November 30, 1964, and April 18, 1965, through May 28, 1965, the said Harold Donald Koza having been appointed to such civilian position on February 24, 1964, in violation of section 2 of the Act of July 31, 1894 (repealed effective November 30, 1964), which prohibited the employment of certain retired military officers in a civilian position, and subsequently having been erroneously granted a step-increase and grade promotion based in part upon his illegal period employment prior to December 1, 1964. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold Donald Koza the sum of any amounts received or withheld from him on account of the overpayments referred to in subsection (a) of this section.

SEC. 2. (a) For the purposes of all laws, rules, and regulations conferring rights and benefits on Federal employees, including, but not limited to, civil service status, retirement, and retention rights, the service performed by the said Harold Donald Koza from February 24, 1964, through November 30, 1964, as a civilian employee of the Department of the Army shall be held and considered to be valid and creditable Federal service.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold Donald Koza an amount equal to the difference between the salary received by him as a civilian employee of the United States at Fort Rucker, Alabama, for the period from May 29, 1965, to the date of enactment of this Act, and the salary he would have received for such period had he been promoted from step 2 of grade GS–7 to step 1 of grade GS–9 effective as of April 18, 1965.

SEC. 3. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claims referred to in this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JUN JUEN CHIU YEE (JUN JUEN McNEELY YEE)

The Senate proceeded to consider the bill (S. 2048) for the relief of Jun Juen Chiu Yee (Jun Juen McNeely Yee) which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act", strike out "Mrs. Jun Kuen Chiu Yee" and insert "Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeely Yee)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(4) and 204 of the Immigration and Nationality Act, Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeely Yee) shall be held and considered to be the natural-born alien daughter of Mrs. Charlene A. McNeeley, a citizen of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeely Yee)".

JOSE AMARAL DE SOUZA

The Senate proceeded to consider the bill (S. 1481) for the relief of Jose Amaral de Souza which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, the periods of time Jose Amaral de Souza resided in the United States since January 22, 1956, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–479), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

DEPORTATION OF MONG WAH LEONG

The resolution (S. Res. 194) opposing the suspension of deportation of Mong Wah Leong was considered and agreed to, as follows:

Resolved, That the Senate does not favor the suspension of deportation in the case of the alien hereinafter named in which case the Attorney General has suspended deportation pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254; 76 Stat. 1247):

A–8912950, Leong, Mong Wah

ROBERT REXROAT

The bill (S. 1089) for the relief of Robert Rexroat was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Robert Rexroat may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Robert Stanley Rexroat, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–456), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States and his lawful permanent resident wife.

ANTONIO PLAMERAS

The bill (S. 1675) for the relief of Antonio Plameras was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Antonio Plameras may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon the filing of a petition in his behalf by Dorothy Person, a citizen of the United States, pursuant to section 204 of such Act. The natural brothers or sisters of the said Antonio Plameras shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–457), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child to be adopted by a citizen of the United States.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The bill (H.R. 1836) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–460), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to compromise, release, or discharge in whole or in part the individual liabilities of four employees of the Post Office at Clare, Mich., for losses resulting from a burglary at that post office on the night of April 27, 1968.

STATEMENT

The facts of the case is contained in the House Report (No. 92–107) are as follows:

The Post Office Department in its report to the committee on a bill in the 91st Congress recommended relief in the form provided in the committee amendment and stated that it would favor the enactment of a bill in that form.

As is noted in the bill, the liability of the four clerks named in the bill resulted from losses due to a burglary on the night of April 27, 1968. The Post Office at Clare, Mich., was burglarized on that night. The burglars gained entry into the post office through a basement door by breaking the lock and splintering the door. An attempt was made to break into the walkin vault of the post office but the attempt failed. Investigation disclosed that Government loss of $1,237.16 was incurred when the vandals ransacked the envelope drawers of the four clerks causing shortages in stamp stock as follows:

Ruth V. Hawley	$528.37
Marvin E. Krell	305.78
Alaine E. Benic	303.14
Gerald L. Thayer	99.87
Total	1,237.16

The postmaster's claim for credit due to the loss was disallowed because the clerks had failed to place their stamp stock in the vault after their tour of duty ended, as required by postal regulations (Postal Manual 321.2).

Under existing law the Department has no alternative but to charge losses of this character to the postmaster or other employees whose negligence contributed to the loss. The Department noted that this practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterent against future negligence.

The Post Office Department recognizes that the assessment of liability as punishment is capricious. This is illustrated by this case in which the liability of the clerks varies from $528.37 to $99.87, although their fault was the same. Other equitable considerations likewise cannot be evaluated under current law.

In recommending the provision for administrative relief as provided in the amended bill, the Department stated:

"We believe some relief might be granted in this case. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved."

This language recommended by the Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government, and the interest of each employee. In this connection it can be noted that the recently enacted revision of the postal laws which will take effect in the future provides similar authority for relief in section 2601 of revised title 39 of the United States Code.

The Committee agrees with both the recommendation of the Department and the views offered by the House. Accordingly, it is of the opinion that the bill be considered favorably.

BERNADETTE HAN BRUNDAGE

The bill (H.R. 1867) for the relief of Bernadette Han Brundage was considered, ordered to a third reading, read the third time, and passed.

MRS. MARIA G. ORSINI (NEE MARI)

The bill (H.R. 1899) for the relief of Mrs. Maria G. Orsini (nee Mari) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–462), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Maria G. Orsini (nee Mari). The bill provides for an appropriate visa number deduction and for the payment of the required visa fee.

JESUS MANUEL CABRAL

The bill (H.R. 1931) for the relief of Jesus Manuel Cabral was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–463), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to cancel outstanding deportation proceedings in the case of Jesus Manuel Cabral.

DAH MI KIM

The bill (H.R. 1962) for the relief of Dah Mi Kim was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–464), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien child to be adopted by citizens of the United States, notwithstanding the fact that they previously adopted two alien children.

MRS. ANDREE SIMONE VAN MOPPES AND HER SON, ALAIN VAN MOPPES

The bill (H.R. 1970) for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–465), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve second preference status for the widow and son of a lawful resident alien, which is the status to which they would have been entitled were it not for the death of their husband and father.

PARK OK SOO AND NOH MI OK

The bill (H.R. 2087) for the relief of Park Ok Soo and Noh Mi Ok was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–466), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as immediate relatives of two alien children to be adopted by a U.S. citizen.

JOSE BETTENCOURT DE SIMAS

The bill (H.R. 2107) for the relief of Jose Bettencourt de Simas was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–467), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the son of a U.S. citizen.

NEMESIO GOMEZ-SANCHEZ

The bill (H.R. 2108) for the relief of Nemesio Gomez-Sanchez was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–468), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Nemesio Gomez-Sanchez to be classified as a returning resident alien.

LOUIS A. GERBERT

The bill (H.R. 2408) for the relief of Louis A. Gerbert was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–469), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Louis A. Gerbert, of Grand Rapids, Mich., of liability of $820.75 for shipping charges arising in connection with the shipment, in 1966, of certain personal and other property from San Diego, Calif., to Grand Rapids, Mich., when he was on active duty with the Navy. The bill would authorize the refund of any amounts withheld or repaid because of that liability.

STATEMENT

The facts of the case, as contained in the House report, are as follows:

"The shipment referred to in the bill was made at the time that Louis A. Gerbert, then a chief petty officer in the U.S. Navy, was being transferred from the staff of the commander, Cruiser-Destroyer Force, U.S. Pacific Fleet, San Diego, Calif., to the U.S. Naval Communication Station, Stockton, Calif. At the time of his transfer he had his household goods moved to his home of record, Grand Rapids, Mich., rather than to Stockton, Calif.

"By authority of 37 U.S.C. 406(b) Petty Officer Gerbert was entitled to have his household goods moved to his new duty station of Stockton, Calif., at Government expense. On May 10, 1966, about 1 month prior to the actual movement of his goods, he signed a standard application form titled "Application For Shipment of Household Goods" (DD 1299) requesting shipment of his household goods to Grand Rapids, Mich.

"The committee has secured additional information concerning this move including that contained in a supplemental report from the Navy. The Navy has indicated its opposition to relief in this instance. As is indicated in its reports and in that of the Comptroller General, relief is opposed on the ground that, except in the case of prior authorization, shipment was not authorized to Grand Rapids. The liability is based on the fact that the orders to Stockton would only result in payment for shipment for the distance from San Diego and Stockton.

"The committee sought additional information on the circumstances of this move because of a paragraph in the Comptroller General's report which stated that the records available to the General Accounting Office indicate that Mr. Gerbert requested shipment to his home rather than to his new station for personal reasons and that those reasons included the fact that his wife was ill. The additional information supplied the committee disclosed that Mr. Gerbert has a wife and four children. Navy records also indicated that the health condition of one of his daughters may also have influenced his decision to send his family home to Grand Rapids. It should also be noted that because the family made this move no shipments were made to Stockton or subsequently from Stockton to Grand Rapids. In this connection it should be noted that as a chief petty officer with nearly 15 years of naval service, Mr. Gerbert was entitled to shipment of his household goods from his last duty station to his home of record at the end of his enlistment. In other words, he would have been entitled to shipment of his household goods from Stockton to Grand Rapids at Government expense. In view of these facts and in view of the indication in the General Accounting Office report that Mr. Gerbert may have received misleading information concerning his rights to have the Government bear the cost of shipment from San Diego, Calif. to Grand Rapids, it is recommended that the bill be considered favorably."

In agreement with the view of the House, the committee believes that the bill is meritorious and recommends favorable consideration of H.R. 2408 without amendment.

MIGUELITO YBUT BENEDICTO

The bill (H.R. 2706) for the relief of Miguelito Ybut Benedicto was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–470), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien adopted son of a U.S. citizen.

IN KYONG YI

The bill (H.R. 2803) for the relief of In Kyong Yi was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–471), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien child to be adopted by a citizen of the United States.

REA REPUBLICA RAMOS

The bill (H.R. 2814) for the relief of Rea Republica Ramos was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–472), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the adjustment of status as an immediate relative of the alien adopted daughter of U.S. citizens.

MARY JAMES KATES

The bill (H.R. 3041) for the relief of Mary James Kates, owner of the Gladewater Daily Mirror, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–473), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Mary James Kates, owner and publisher of the Gladewater Daily Mirror, of liability in the amount of $746.63 for revenue deficiency resulting from errors on postage on second-class material at the post office at Gladewater, Tex., in the period from October 26, 1966, to November 8, 1967. The bill would authorize the refund of any amounts repaid or withheld by reason of the liability.

STATEMENT

As originally introduced in the House of Representatives, H.R. 3041 was for the relief of Postmaster John Harwin Parrish and Mary James Kates. Subsequently the House Judiciary Committee amended H.R. 3041 deleting John Harwin Parrish from the bill since he had been relieved of liability by the Comptroller General.

In its favorable report on the bill as amended, the Committee on the Judiciary of the House of Representatives said:

"The Postal Service in its report to the committee on the bill stated that it would have no objection to its enactment because it had determined that honest mistakes were made which led to the revenue deficiency and that the publisher relied in good faith on advice received from the Postal Service at the regional headquarters in Dallas, Tex.

"The Post Office has advised the committee that its records disclose that during the period of November 2, 1966, through June 1, 1967, mailings of the Daily Mirror were accepted at the bulk third-class postage rate, when the second-class transient rate (39 U.S.C. 4362) was the rate properly chargeable to the publisher. In so accepting these mailings, both the postmaster and the publisher relied on the advice from the Postal Services Center at regional headquarters in Dallas. The advice received was erroneous, with the result that a postage deficiency occurred in the amount of $746.63.

"The additional information submitted to the committee indicates that the Gladewater Daily Mirror began publishing a shopper edition of the newspaper. This edition was to come out once a month and the publisher contacted the post office to secure the necessary permit for mailing. It was planned to mail slightly less than 6,000 additional copies of the paper to be sent to the rural route areas surrounding the city of Gladewater, Tex. It was in this period that the postmaster and the representative of the newspaper contacted the regional headquarters office of the post office in Dallas to verify the exact procedure to be followed in connection with these mailings. As the mailings were continued, the newspaper contacted the post office from time to time to check on the accuracy of the procedures they were following. It was not until 1967 that the postmaster received a question concerning the procedures being followed because of a post office bulletin he had received. A postal inspector reviewed the matter and it appears that he made some suggestion concerning a change of format but still the newspaper was not advised that the rates should be changed. As was indicated in the department report, it was ultimately determined in November of 1967 that the previous advice was erroneous and that the newspaper owed a postal deficiency.

"The Department, after a review of the matter, concluded that it would have no objection to the enactment of relief legislation. In this connection the Department stated:

" 'The Department is satisfied that honest mistakes were made in this case which led to the revenue deficiency. Legally, the Daily Mirror is liable for the deficiency. On the other hand, it is also clear that the publisher relied in good faith on the erroneous advice received from Dallas, and that without fault on its part, the publication is now liable in the amount of $746.63 because of the administrative error. In the light of the circumstances, the Department would have no objection to the enactment of relief legislation in this case.

" 'It should be pointed out that Postmaster Parrish has already been relieved of liability in this matter by the Comptroller General. Therefore, should the committee give favorable consideration to H.R. 3041, the bill should be amended accordingly.'

"In view of the facts outlined above and in the quotation from the departmental report, the committee has concluded that this is a proper matter for legislative relief. The Department has recommended that the bill be amended to show the amount of the deficiency as $746.63 and that the name of the postmaster be deleted from the bill because the postmaster has already been relieved of liability in the matter by the Comptroller General of the United States. These amendments are recommended by the committee and it is further recommended that the amended bill be considered favorably."

The committee believes the bill is meritorious and recommends it favorably.

RONNIE B. (MALIT) MORRIS AND HENRY B. (MALIT) MORRIS

The bill (H.R. 3082) for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–474), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States of the adopted sons of a U.S. citizen as immediate relatives.

MRS. MAURICIA A. BUENSALIDO AND HER MINOR CHILDREN, RAYMOND A. BUENSALIDO AND JACQUELINE A. BUENSALIDO

The bill (H.R. 3383) for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido was considered, order to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–459), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido. The bill provides for appropriate visa number deductions and for the payment of the required visa fees.

HELEN TZIMINADIS

The bill (H.R. 3425) for the relief of Helen Tziminadis was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–475), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant first preference immigrant status to the adopted daughter of U.S. citizens, which is the status normally enjoyed by the natural-born alien sons and daughters of citizens of the United States.

PAUL ANTHONY KELLY

The bill (H.R. 3475) for the relief of Paul Anthony Kelly was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–476), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to waive applicable time limitations to permit the consideration and settlement of a claim under section 2733 of title 10, United States Code, in behalf of Paul Anthony Kelly, a minor, of Troy, N.C., for physical injuries he suffered on or about February 1, 1964, as the result of the explosion of a device left after an Army maneuver in the Uwharrie National Forest. The bill provides that a claim which was filed on or about July 7, 1966, shall be held and considered to have been timely filed and shall be considered, and, if found meritorious, settled and paid in accordance with otherwise applicable provisions of law.

STATEMENT

The facts of the case as contained in the House Report (No. 92–77) are as follows:

"The Department of the Army in a report to the committee on a bill for the relief of Paul Anthony Kelly in the 90th Congress indicated that it would have no objection to a bill waiving the applicable statute of limitations and authorized the settlement of the Kelly claim. The bill introduced in the present Congress, H.R. 8904, has been drafted to conform with the suggestion of the Department of the Army in that report.

"The accident giving rise to the claim referred to in the bill occurred on February 1, 1964, when Paul Anthony Kelly, then age 11, and two companions hitchhiked 9 miles from their homes in Troy, N.C., to Ophir, N.C., 'to see the Army camp' located nearby. They stopped to play in an adjacent community dump where Paul found a gray object, later identified as a grenade simulator. The boys exposed the main charge of the device and Paul ignited the powder with a match. The resulting explosion burned his face and right arm and hand. The boys were taken home by a passing motorist, and Paul was taken to the Montgomery Memorial Hospital by his mother. He was treated for first and second degree burns of the face, and second degree burns of the right hand and wrist. On February 5, 1964, he was transferred to Womack Hospital at Fort Bragg, N.C., where his burns healed rapidly and he was discharged on February 17, 1964.

"Investigation by the Army reveals that grenade simulators identical to the one which injured Paul, had been used by the Army in a maneuver near the Uwharrie community dump 1 week prior to the accident. After carefully policing the area for unexpended ammunition and debris, Army personnel threw the refuse into the dump, soaked it with gasoline, and burned it. Apparently the simulator which injured Paul survived this procedure intact.

"The Army in its report stated that immediately after the accident Mrs. Ruth Kelly, Paul's mother, retained an attorney in Charleston, S.C., to seek redress for Paul's injuries. On February 8, 1964, the attorney requested claims information from the Army and then, in January of 1965, released control of the case to another attorney in Kannapolis, N.C. On July 7, 1966, the Kannapolis attorney forwarded a claim (dated July 5, 1966) for $4,000 for Paul's injuries and resulting medical expense to Headquarters XVIII Airborne Corps and Fort Bragg. The claim was received at Headquarters XVIII Airborne Corps and Fort Bragg on July 11, 1966. The Department of the Army was without statutory authority to pay the claim because the claim was not timely filed (10 U.S.C. § 2733), and the quantum of damages could not be determined from the evidence furnished the Department.

"The Army in its report in the 90th Congress pointed out that the authorization for the payment of a lump sum such as was proposed in the bill in that Congress would have been preferential and discriminatory in that it would substitute legislative action for the normal procedures provided for claims settlement under the Military Claims Act provisions of section 2733 of title 10, United States Code. The committee agrees that matters of this type should be settled in accordance with the authority and procedures provided for in that section. As has been noted, the bill, H.R. 8904, is consistent with this conclusion for it provides that the settlement of the claim is to be made under the procedures of section 2733 of title 10. The bill merely provides for a waiver of the applicable statute of limitations and the recognition of the claim filed on or about July 7, 1966, as a timely claim.

"In its report, the Army indicated that should the Congress find sufficient basis for the waiver of the statute in this instance, it would not object to relief. The committee has carefully considered the facts of the matter and concludes that the most equitable and just resolution of that matter would be to extend the relief provided by this bill. Here is a case where the child's mother sought legal advice immediately after the accident to determine what steps could be taken to obtain redress for the boy's injuries. While the attorney promptly requested information concerning the filing of a claim, apparently no action was taken by him until the matter was turned over to a second attorney in January of 1965. Here again there was a delay on the part of the second attorney and when the claim was ultimately filed, the 2-year statute of limitations had expired. The committee has concluded that the mother had shown diligence in seeking professional assistance in asserting the claim and therefore was diligent and prompt in seeking to protect the rights of the injured minor. Secondly it must be remembered that the person most directly prejudiced by the failure to file the claim is the boy himself. It is clearly unfair to impute to him delays on the part of other persons over which he would normally have no control. This is not a matter in which the facts and records are unavailable to the Government and it does not appear that the Government has therefore been prejudiced by the delay in this instance. Accordingly, it is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives, this committee likewise recommends favorable consideration of H.R. 3475.

THE AMERICAN JOURNAL OF NURSING

The bill (H.R. 5422) for the relief of The American Journal of Nursing was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–477), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Comptroller General to settle the claim of the American Journal of Nursing for an advertisement carried by that journal in its August 1966 issue for the Department of Health, Education, and Welfare. The bill would authorize the settlement of the claim in the amount of $238.50 and make the payment payable from the appropriation "Hospitals and medical care, Public Health Service, 1967."

STATEMENT

The bill H.R. 5422 was introduced in accordance with the recommendations of the Comptroller General transmitted to the Congress in accordance with the provisions of section 236, title 31, of the United States Code, as a meritorious claim.

The August 1966 issue of the American Journal of Nursing carried an advertisement placed by the Public Health Service of the Department of Health, Education, and Welfare, advertising the fact that there was a vacancy in the position of nurse anesthetist on a public Health Service surgical team at Da Nang in South Vietnam. The bill for this advertising has not been paid by the Government because the advertisement was placed by telephone in advance of written authorization. The Bureau of Medical Services of the Public Health Service wanted to expedite the advertisement and desired to assure its appearance in the August issue of the American Journal of Nursing. The Comptroller General has observed that his action was taken in good faith and a requisition confirming the order was prepared on June 30, 1966, and approved by proper authority on August 5, 1966: however, the governing statute required proper written authorization prior to publication. The subsequent ratification of the placing of the advertisement was held not to comply with the terms of the statute.

The report of the Comptroller General to the Congress noted that the Bureau of Medical Services of the Public Health Service under an agreement with the Agency for International Development operates two surgical teams in South Vietnam. The teams are located in Da Nang and Nha Trang. The teams provide surgical care for the Vietnamese civilian population and their work involves treatment of casualties who are primarily war casualties. In June of 1966, the Bureau of Medical Services was faced with an unanticipated nurse anesthetist vacancy on the surgical team at Da Nang. The best method to recruit individuals for positions on the teams had been by notice in professional journals. The decision was, therefore, made to place an advertisement in the American Journal of Nursing in the same manner as had been done on previous occasions. As has been noted, the order for the advertising was placed by telephone because of the need to expedite the advertising and in order to place it in the August issue of the journal. The problem, of course, is that the technical requirement of prior written authorization was not complied with in time and the attempt to cure the discrepancy by subsequent confirmation was not effective.

In recommending this bill, the Comptroller General stated that it was the conclusion of the General Accounting Office that the exigencies of the Vietnam situation, the urgency of the recruitment need, and the fact that the services were ordered and rendered in good faith, constitute such elements of equity as to warrant favorable consideration of the claim by the Congress. The General Accounting Office therefore recommended that payment of the claim be authorized. The committee has carefully considered the facts set forth in the letter of the Comptroller General and agrees that relief is clearly required in this case. Accordingly, it is recommended that the bill be considered favorably.

EUGENE M. SIMS, SR.

The bill (H.R. 7085) for the relief of Eugene M. Sims, Sr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–478), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Army to settle the claim of Eugene M. Sims, Sr., based upon the loss of personal property while on active duty in the U.S. Army in Korea in 1950 by providing that it is to be held and considered as a claim cognizable under section 241 of title 31 of the United States Code. The Secretary of the Army would be authorized and directed to consider, settle, and if found meritorious, pay a claim based upon the said loss, if filed by the said Eugene M. Sims, Sr., within 1 year of the date of approval of this act.

STATEMENT

The facts of the case as contained in House Report 1070 of the 91st Congress on an identical bill (H.R. 14449) are as follows:

The Department of the Army in its report to the committee on the bill stated that it would not object to its enactment should the Congress find that the facts justify the relief provided by the bill.

The claim which is referred to in the bill arose during the Army service of Eugene M. Sims in Korea. The Army states that its search discloses only that Mr. Sims contacted the Army concerning the claim on March 30, 1965. Subsequent letters written by Mr. Sims and his attorney resulted in comprehensive searches but no record of any claim could be found, and no information was discovered which would confirm or deny the following version of the loss given by the claimant. Mr. Sims states that when his unit arrived in Korea (his recollection is that it was the city of Seoul), the members were told to pack all of their personal items in a box and turn the box in to a designated sergeant who would ship the boxes to the addressees. He packed the box and gave it to the sergeant for shipment to his mother. She never received the box. After completing his combat tour, Mr. Sims departed from Camp Nara, Japan, aboard the *General Brewster* and landed at the San Francisco Port of Embarkation Center in November 1952 (his date is in error). The returning soldiers were assembled in a room and told to fill out claims forms if they had lost items in shipment and the Government would pay for the items. Mr. Sims filled out the claim forms but does not remember the exact date in November 1952 that he completed and filed his claim. In the letter of March 1965, he was unable to recall a complete list of the items that he packed. In subsequent letters he claimed the loss of about $1,600 in currency, gifts of silverware and jewelry, and personal possessions.

When the first claim of record was received in 1965 Mr. Sims was informed that it could not be considered because of the 2-year statute of limitations imposed by the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 241). The private relief bill under consideration would remove this bar.

The committee was supplied with further correspondence from Mr. Sims describing the circumstances of his loss. He states that the box containing his personal effects was sent to his mother. Mrs. Eva Sims Lewis, General Delivery Box 421, Napoleonville, La. He further states that upon arriving home, his mother confirmed that she had not received the box. His mother had written on a number of occasions that the box had not arrived and he states that it was for this reason that he made out a claim in San Francisco, as outlined in the Army report.

The Army in its report states that it is possible that Mr. Sims' claim was lost because of the large number of troops who were being processed at the time he returned to the United States.

CORBIE F. COCHRAN, JR.

The Senate proceeded to consider the bill (H.R. 5419) for the relief of Corbie F. Cochran, Jr., which had been reported from the Committee on the Judiciary with amendments on page 1, at the beginning of line 6, strike out "Junior,"; on page 2, line 1, after the name "Cochran", strike out the comma and "Junior,"; and, in line 10, after the name "Cochran,", strike out "Junior,".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act for the relief of Corbie F. Cochran."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–484), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE AMENDMENTS

The purpose of the amendments is to correctly state the name of the claimant in the bill.

PURPOSE OF THE BILL AS AMENDED

The purpose of the proposed legislation is to provide that an advancement in grade of Corbie F. Cochran as an employee of the Department of the Army is to be deemed to have been made in conformity with the law and to further provide that the employee is to be relieved of any liability based upon the advancement action validated by the provisions of the bill. The bill further provides that any money paid or wihtheld by reason of the liability referred to shall be refunded.

STATEMENT

The bill H.R. 5419 was introduced in accordance with the recommendation of the Comptroller General of the United States transmitted to the Congress in accordance with the provisions of section 236 of title 31 of the United States Code, as a meritorious claim.

On December 21, 1963, Corbie F. Cochran applied for an appointment as a claims investigator, GS–9, with the Department of the Army at the U.S. Army Transportation Center at Fort Eustis, Va. On March 4, 1964, Mr. Cochran was advised that he had been tentatively selected for that position and that his formal appointment would have to await a security clearance and a report of his medical fitness. While he was awaiting confirmation of his appointment to the position of claims investigator, grade GS–9, with the Department of the Army, he accepted a career-conditional appointment with the Department of Justice, Bureau of Prisons, in the grade of GS–6. This acceptance was made on April 13, 1964, and was his initial employment by the Government. Shortly thereafter, on April 21, 1964, he was notified by the Army that he had been selected as a claims investigator and was asked to report for duty on April 29, 1964. Mr. Cochran, therefore, resigned from his employment with the Department of Justice, effective April 24, 1964, after 12 days employment, and on April 29, 1964, was appointed to the position of claims investigator, grade GS–9, $7,030 per annum, with the Department of the Army. On May 9, 1965, he received a within-grade increase to GS–9, step 2, $7,465 per annum.

As is outlined in the letter of the Comptroller General, the difficulty of this case stems from the fact that section 1310 of the Supplemental Appropriation Act of 1952, 65 Stat. 736, as amended, 5 U.S.C. 43, 1964 ed., footnote, had the effect of barring an advancement from GS–6 to GS–9. This is because the bar specifically applied to any type of appointment, including reemployment and reinstatement made within 1 year after separation from a nontemporary appointment.

Therefore, the advancement of Mr. Cochran to grade GS–9 from grade GS–6 upon his reemployment with the Department of the Army was in contravention of both the statute and applicable regulations.

The commanding officer, Fort Eustice reports that the claimant made known at the time of his reemployment by the Army his brief employment with the Department of Justice, but this information was overlooked in fixing Mr. Cochran's grade and rate of compensation as a result of administrative error.

The error was not discovered until some time in May 1965. On June 1, 1965, the Deputy Chief of Staff for Personnel, Department of the Army, directed that Mr. Cochran's appointment be corrected effective April 20, 1964, to show his entrance grade at GS–6, step 1, $5,235 per annum, with statutory salary increase, effective July 5, 1964, $5,505 and step increase to grade GS–6, step 2, $5,690 per annum, on May 9, 1965. The Deputy Chief of Staff also directed that the resulting overpayment of $2,035.52 be collected from the claimant. On June 20, 1965, Mr. Cochran, having met the year in grade requirement of the Whitten amendment, was promoted to grade GS–7, step 2, $6,250. Both actions were accomplished by personnel journals dated July 30, 1965.

The Comptroller General's letter also points out that in accordance with a proviso in the limiting law, the Civil Service Commission has authorized prospective relief which has the effect of confirming Mr. Cochran's position to grade GS–9, effective as of August 9, 1965. However, this authority on the part of the Civil Service Commission does not authorize retroactive relief. Therefore, notwithstanding the fact that Mr. Cochran performed the duty of a claims investigator in grade GS–9 for over 1 year, he remains indebted to the Government in the amount of $2,035.52, less any repayments, for the difference between the compensation of a person occupying grade GS–6 and that of GS–9

After noting that the commanding officer at Fort Eustis commented favorably upon Mr. Cochran's record, the Comptroller General summarized the reasons for relief in this case as follows:

In this case, however, there are several factors which we believe warrant making an exception. First, the employment accepted by the claimant during the period April 13 to 25, 1964—some 12 days—with the Department of Justice, pending completion of his security clearance by the Department of the Army, was his first employment with the United States and undoubtedly was accepted by the claimant without actual knowledge of provisions of the Whitten amendment and the adverse effect such statute would have upon his contemplated employment with the Department of the Army. Second, Mr. Cochran actually and successfully performed the duties of the grade GS–9 position for over a year as evidenced by the report of his commanding officer. Third, the U.S. Civil Service Commission, after review of the claimant's case, accorded him that prospective equitable relief which is provided by the Whitten amendment as an exception to its time-in-grade requirements and authorized his promotion to grade GS–9, effective August 9, 1965.

In accordance with the recommendation of the Comptroller General and based upon the facts outlined in his letter and referred to in this report, the committee recommends that the bill be favorably considered.

EXTENSION OF TIME FOR SUBMISSION OF REORGANIZATION PLANS

The Senate proceeded to consider the bill (H.R. 6283) to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert:

That (a) section 901(a) of title 5, United States Code, is amended to read as follows:

"(a) The Congress declares that it is the policy of the United States—

"(1) to promote better execution of the laws, more effective management of the executive branch and of its agencies and functions, and expeditious administration of the public business;

"(2) to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

"(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

"(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

"(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions as may not be necessary for the efficient conduct of the Government; and

"(6) to eliminate overlapping and duplication of effort."

(b) Section 901 of such title is amended by adding at the end thereof the following new subsection:

"(c) The President shall from time to time examine the organization of all agencies and shall determine what changes in such organization are necessary to carry out any policy set forth in subsection (a) of this section."

SEC. 2. (a) Section 903(a) of title 5, United States Code, is amended to read as follows:

"(a) Whenever, the President, after investigation, finds that changes in the organization of agencies are necessary to carry out any policy set forth in section 901(a) of this title, he shall prepare a reorganization plan specifying the reorganizations he finds are necessary. Any plan may provide for—

"(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency;

"(2) the abolition of all or a part of the functions of an agency;

"(3) the consolidation or coordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

"(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

"(5) the authorization of an officer to delegate any of his functions; or

"(6) the abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions.

The President shall transmit the plan (bearing an identification number) to the Congress together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to carry out any policy set forth in section 901(a) of this title."

(b) Section 903(b) of such title is amended by inserting after "and to each House while it is in session" a comma and the following: "and furthermore shall not transmit more than one such plan to Congress within any period of thirty consecutive days".

SEC. 3. Section 904 of title 5, United States Code, is amended to read as follows:

"§ 904. Additional contents of reorganization plans

"A reorganization plan transmitted by the President under section 903 of this title—

"(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head, and shall designate the name of an agency resulting from a reorganization and the title of its head;

"(2) may provide for the appointment and pay of the head and one or more officers of an agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary;

"(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

"(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective; and

"(5) shall provide for terminating the affairs of an agency abolished.

A reorganization plan transmitted by the President containing provisions authorized by paragraph (2) of this section may provide that the head of an agency be an individual or a commission or board with more than one member. In the case of an appointment of the head of such an agency, the term of office may not be fixed at more than four years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and if the appointment is not to a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of an officer of the government of the District of Columbia, it may be by the Commissioner or other body or officer of that government designated in the plan. Any reorganization plan transmitted by the President containing provisions required by paragraph (4) of this section, shall provide for the transfer of unexpended balances only if such balances are used for the purposes for which the appropriation was originally made."

SEC. 4. (a) Section 905(a) of title 5 of the United States Code is amended by striking out "or" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "or", and by adding after paragraph (6) the following new paragraph:

"(7) dealing with more than one logically consistent subject matter."

(b) Section 905(b) of title 5, United States Code, is amended by striking out "April 1, 1971" and inserting in lieu thereof "April 1, 1973".

SEC. 5. Section 911(a) of title 5, United States Code, is amended by striking out "10 calendar days" and inserting in lieu thereof "20 calendar days".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.".

Mr. MANSFIELD. Mr. President, that completes the call of the calendar.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now have a period of 30 minutes for the transaction of routine morning business with each Senator limited to 3 minutes.

Is there morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE NATIONAL DEBT OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, as of November 15 the national debt was $412.5 billion.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended until 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

INTERIM REPORT OF THE RAILROAD PASSENGER CORPORATION

A letter in the nature of an interim report from the chairman of the Financial Advisory Panel of the National Railroad Passenger Corporation; to the Committee on Commerce.

PROPOSED IMPROVEMENT OF JUDICIAL MACHINERY

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to improve judicial machinery by providing benefits for survivors of federal judges comparable to benefits received by survivors of members of Congress, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITION

The following petition was submitted:

A resolution from the General Assembly of the Christian Church (Disciples of Christ) meeting in Louisville, Kentucky, October 1971, concerning Indochina; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, November 19, 1971, he presented to the President of the United States the enrolled bill (S. 2559) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, with amendments:

S. 1821. A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States (Rept. No. 92–503).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 3749. An act for the relief of Richard C. Walker (Rept. No. 92–504).

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

S. 2887. An original bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes (Rept. No. 92–506).

SENATE RESOLUTION 201—REPORT OF A RESOLUTION RELATING TO EXPENSES OF THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. ERVIN, from the Committee on the Judiciary, reported the following resolutions:

S. RES. 201

Resolved, That section 6 of Senate Resolution 32, 92d Congress, agreed to March 1, 1971, is amended by striking out "$3,000" and inserting in lieu thereof "$10,000".

REPORT ENTITLED "A PRE-WHITE HOUSE CONFERENCE ON AGING, SUMMARY OF DEVELOPMENTS AND DATA"—REPORT OF THE SPECIAL COMMITTEE ON AGING (S. REPT. NO. 92–505)

Mr. CHURCH. Mr. President, I submit a report from the Senate Special Committee on Aging entitled "A Pre-White House Conference on Aging, Summary of Developments and Data," together with minority and supplemental views.

The PRESIDING OFFICER. The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations and a treaty were submitted:

By Mr. FULBRIGHT and Mr. WILLIAMS, jointly, from the Committees on Foreign Relations and Labor and Public Welfare:

Joseph H. Blatchford, of California, to be Director of Action.

CONFIRMATION OF NOMINATION OF HENRY M. RAMIREZ TO BE CHAIRMAN OF CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. PERCY. Mr. President, it is my privilege, on behalf of the Committee on Government Operations and its distinguished chairman, the senior Senator from Arkansas (Mr. MCCLELLAN), to report that the committee has voted unanimously to recommend to the Senate that the President's nomination of Mr. Henry M. Ramirez to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People be confirmed.

Mr. President, the Government Operations Committee held hearings on the nomination of Mr. Ramirez on November 9. At that time the committee heard expressions of support from the Senators from California (Mr. CRANSTON and Mr. TUNNEY), from Mr. HOLIFIELD, the distinguished chairman of the House Committee on Government Operations, and from my distinguished colleagues, the Senator from Arizona (Mr. FANNIN) and the senior Senator from Maryland (Mr. MATHIAS). Senator FANNIN, Senator TUNNEY, and Senator MATHIAS appeared personally to speak on behalf of the nominee.

Representatives of several private groups testified, including the Puerto Rican Association on National Affairs, the National Association for Puerto Rican Civil Rights, the National Puerto Rican Leadership Conference, and the Advisory Committee on Chicano Affairs to the Governor of Oregon. Opposition to the nomination was voiced by a representative of the National Association for Puerto Rican Civil Rights, but his right to speak for the organization was withdrawn by the organization, and two members of its board appeared in order to support the nomination of Mr. Ramirez. The only group in outright opposition to Mr. Ramirez was the National Puerto Rican Leadership Conference. The committee concluded that the expressions of opposition were not significant or substantial, and did not cast doubt on the ability of the nominee. These criticisms were instead directed mainly at the past record of the Cabinet Committee, in particular at its prior lack of concern for the problems of Puerto Rican Americans, and the fact that few Puerto Rican Americans had been represented on its staff either in professional or clerical positions.

After Mr. Ramirez' testimony the committee was reassured that the Cabinet Committee would show a new concern for the problems of all Spanish Americans, whether of Puerto Rican, Cuban, Mexican, or Latin American origin.

Mr. Ramirez has appointed as executive director for program evaluation and coordination a qualified Puerto Rican American from New York. Other Puerto Rican Americans have been employed in positions of responsibility. Under close questioning by the senior Senator from New York, Mr. JAVITS, and myself, Mr. Ramirez assured unequivocally of his intention that the committee's staff and its programs will be representative of Spanish-speaking Americans of all origins and of all parts of the country, and that the Committee's programs will be equally oriented toward meeting the needs, solving the problems and improving the lives of all our Spanish-American citizens. The Government Operations Committee has jurisdiction over the Cabinet Committee and will have ample opportunity to review the Cabinet Committee's performance.

I want to note especially the contribution of Senator JAVITS, who has taken a very deep interest over the years in making the Cabinet Committee more fully concerned with the interests of all Spanish Americans, particularly the very significant population of Spanish Americans of Puerto Rican origin in New York. I think the senior Senator from New York has now achieved a long and hard-fought goal, and that the Cabinet Committee will conceive of its responsibilities and implement its programs with a much broader perspective than before.

I am placing on the desk the report of the Committee on Government Operations recommending the confirmation of the nomination of Mr. Henry M. Ramirez as Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive B, a Treaty to resolve pending boundary differences and maintain the Rio Grande and Colorado River as the International boundary between the United States of America and the United Mexican States, signed at Mexico City on November 23, 1970 (Executive Rept. No. 92–11).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MCCLELLAN (for himself and Mr. FULBRIGHT):

S. 2881. A bill to provide for a highway bridge across the Norfork Reservoir in Arkansas. Referred to the Committee on Public Works.

By Mr. HUMPHREY:

S. 2882. A bill for the relief of Lars Tommy Holm. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2883. A bill for the relief of Miss Etsuko Yamamoto. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2884. A bill for the relief of certain corporations, associations, and individuals. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 2885. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes. Referred to the Committee on Commerce.

By Mr. PERCY:

S. 2886. A bill to provide for the appointment of an additional U.S. Circuit Judgeship. Referred to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina, from the Committee on Public Work:

S. 2887. An original bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes. Ordered to be placed on the calendar.

By Mr. CHURCH:

S. 2888. A bill to authorize the Secretary of Labor to make grants for the conduct of older Americans home-repair projects, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2889. A bill to amend section 5 of the Act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (for himself and Mr. FULBRIGHT):

S. 2881. A bill to provide for a highway bridges across the Norfolk Reservoir in Arkansas. Referred to the Committee on Public Works.

Mr. McCLELLAN. Mr. President, I introduce on behalf of myself and my distinguished colleague, Senator FULBRIGHT, a bill to provide long overdue relief to the people of North Central Arkansas, who have suffered intolerably and unnecessarily from their loss of the bridge connecting U.S. Highways 62 and 101, which was inundated when the Federal Government built the Norfolk Dam in 1943.

In 1934 the State constructed a bridge to serve Highways 62 and 101. Then, in 1943—during the Second World War—the Federal Government built Norfolk Dam and the resulting reservoir destroyed the bridge. To compensate for the loss of the bridge, the State of Arkansas received $1,342,000 from the Federal Government.

This bill would authorize the Federal Government to replace this bridge, which, in all equity, it should have done earlier. The bill further provides that the State of Arkansas shall contribute the $1,342,000 it previously received, plus interest, toward the construction cost of the new bridge.

Mr. President, it is clear that the State of Arkansas was inadequately compensated for the loss it endured. Perhaps, it is only one of the multitude of inequities which can be attributed to the hectic days of World War II.

The State of Arkansas is willing to make full restitution of the inadequate funds they received from the Federal Government, plus interest, and it is, I think, only fair that the Federal Government be required to replace this bridge, whose loss has severely hampered the economic growth and development of the area.

This vital transportation link is sorely needed. It connects the major east-west artery between the northern part of Arkansas. Its replacement is essential to the growth of this area and even more vital to its capacity to serve the number of visitors from outside the State who are increasing yearly.

A new bridge will benefit not only the people of Arkansas but facilitate the travel of the many thousands of American tourists who each year come to this scenic section of the Ozark Mountains for their recreational pleasures. The day will surely come when this part of the country will be one of our most popular national recreation areas. Included in its attractions are Bull Shoals, Norfork and Beaver Lake, the Buffalo River—which hopefully will become a national river—and the Blanchard Springs Caverns—which may soon be opened to the public.

Mr. President, I introduce, for appropriate reference, a bill to "provide for a highway bridge across the Norfork Reservoir in Arkansas," and I ask unanimous consent that its text be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfork Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Reservoir. Such bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities over such reservoir for highway traffic in the area.

SEC. 2. The cost of constructing the bridge authorized in the first section of this Act shall be borne by the United States except that the State of Arkansas shall be required to pay as its share of the cost of constructing such bridge the sum of $1,342,000, plus interest for the period from May 29, 1943, to the date of enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of one per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State of Arkansas as insufficient compensation for the highways inundated as a result of the construction of the Norfork Dam and Reservoir plus interest from the date of payment.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. METCALF:

S. 2885. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes. Referred to the Committee on Commerce.

Mr. METCALF. Mr. President, earlier this month the Ad Hoc Subcommittee on Surplus Property, chaired by my distinguished colleague from Alabama, Senator ALLEN, held hearings on several measures to amend the Federal Property and Administrative Services Act of 1949.

During the course of the hearings, I questioned Mr. Harold S. Trimmer, Jr., Assistant Administrator of the General Services Administration, concerning that agency's justification in law for appraisers' decisions that ignore the recommendations of those more expert in a given subject. I had a specific example in mind, and used it to illustrate my question. Mr. Trimmer's response has led to the bill I will introduce today.

Senators may be interested in a brief history, in part excerpted from the hearings: Below Fort Peck Dam in Montana there is a former ranch of 1,660 acres that was declared to be surplus by the Bureau of Reclamation. Both the Bureau of Land Management and the Montana Fish and Game Commission asked that it be given to the Bureau of Land Management for recreational purposes or, if not to them, to the Montana Fish and Game Commission for recreation, and for a waterfowl and wildlife refuge.

The General Services Administration determined that the land was not useful for recreational purposes and put it up for sale. Citizens wishing to examine the land were prevented from doing so by a guard, posted on the access road, armed with a shotgun. The land was subsequently purchased by owners of land nearby.

The Migratory Bird Conservation Commission, of which I have had the honor to be a member almost as long as I have been in the Senate, bought a parcel of adjacent land, as we believed that the area has value for resource purposes.

It was our opinion and the opinion of the Fish and Wildlife Service, that the land declared to be surplus was important and significant recreational land. It is the opinion of Mr. Frank Dunkle, who is head of the Montana Fish and Game Commission, and recent recipient of the American Motors' award for his contribution to conservation, that the 1,660 acres would be valuable to the Montana Fish and Game Commission. It was the opinion of the man who is responsible for the Charles M. Russell Game Range, just above the land, that it would be a valuable adjunct to the range, and therefore important for recreational and wildlife purposes.

Yet, despite recommendations of all of these experts in resources management, the General Services Administration ruled that the land was not suitable for that use.

Mr. Trimmer agrees with me that none of his appraisers is a specialist in fish and wildlife management and development of conservation lands and that if their judgment—which I consider inferior in such matters—is to be corrected by the judgment of professionals, it could be accomplished by a simple amendment of the law.

Mr. President, I introduce a bill to achieve this purpose.

My bill would delete one word from 16

U.S.C. 667b, the word "chiefly" which appears in the following passage:

> Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is chiefly valuable for use for any such purpose . . .

Mr. President, I ask unanimous consent that the entire section be printed in the Record following these remarks:

There being no objection, the section was ordered to be printed in the Record, as follows:

Section 667b. Transfer of Certain Real Property for Wildlife Conservation Purposes; Reservation of Rights

Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is chiefly valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation or other of the above-stated purposes and in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States. (May 19, 1948, ch. 310, § 1, 62 Stat. 240; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration, the functions of the War Assets Administrator were transferred to the Administrator of General Services, and the War Assets Administration, and the office of War Assets Administrator were abolished by section 105 of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 667c, 667d of this title.

By Mr. CHURCH:

S. 2888. A bill to authorize the Secretary of Labor to make grants for the conduct of older Americans home-repair projects, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

OLDER AMERICANS HOME REPAIR ASSISTANCE ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference the Older Americans Home Repair Assistance Act.

For most aged persons, the home is their only major asset. But today, large numbers of older Americans are finding themselves financially paralyzed by rapidly rising maintenance costs. Many now live in dilapidated housing which is oftentimes structurally unfit for human occupancy. And in some rural areas, running water, indoor toilets, and screened windows—accessories which are taken for granted in most cities—are the exception, rather than the rule.

In far too many cases, vital home repairs must be postponed because there is insufficient income to meet the elderly's daily personal requirements, such as food, clothing, and medicines. Others cannot perform these tasks because failing health makes it impossible. And some, especially elderly widows, simply do not have the requisite skills.

As a consequence, their living quarters continue to deteriorate further. In fact, it is estimated that perhaps 30 percent of all housing occupied by persons 65-and-older is either dilapidated, deteriorating, or lacking important facilities.

The bill that I introduce today is designed to make home-repair services available for elderly homeowners who would have difficulty in paying for these costs. In carrying out this proposal, the Secretary of Labor would be authorized to enter into contracts with public agencies and private nonprofit organizations sponsoring home-repairs projects, which would provide new and gainful employment opportunities for individuals 55 and older. Under this proposal, the elderly property owner would be required to furnish the supplies and materials. But the labor would be available without charge. Appropriate safeguards are also included in the bill to assure that these projects will not result in the displacement of employed workers or impair existing contracts.

The National Council of Senior Citizens and the National Farmers Union, I am pleased to say, have strongly supported this concept in their "Platform for the Seventies for All Older Americans." For example, one of their key recommendations called for "the rehabilitation of housing units inhabited by older people which are being ruined by deterioration and decay."

Equally important, this measure would provide productive employment for older workers in a wide range of useful activities, such as repairing leaky roofs, rebuilding porches to make them safe again, replacing rotten floors, and installing window glass.

Moreover, this bill would provide a basis for building upon the successful programs under Operation Mainstream, such as the Green Thumb project. Today nearly 3,000 Green Thumbers, ranging in age from 55 to 94, have already left their mark on America by planting over 4 million trees to beautify our countryside, building hundreds of roadside parks, and restoring numerous historical sites. Additionally, these elderly participants have performed valuable repair work in public housing units. However, existing Department of Labor regulations preclude repairs on private homes. But under my bill, Green Thumb and other similar community service projects would be able to provide these important services for homeowners who would not be able to pay for these costs.

Pilot projects such as Green Thumb have clearly demonstrated that there are many older Americans who are ready, willing, and able to perform services benefiting their localities. Greater utilization of their skills and experience would not only help the elderly jobseeker but the public as well.

Today, safe and decent housing is absolutely essential for a full, satisfying life for all elderly persons. And enactment of the Older Americans Home Repair Assistance Act can be an important step forward in making this goal a reality.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Home Repair Assistance Act of 1971."

DEFINITIONS

Sec. 2. For the purposes of this Act—

(1) "eligible individual" means an individual who is at least 55 years of age, who has an income, as determined by the Secretary, not in excess of 125 percent of the income for poor individuals established for that fiscal year under the Economic Opportunity Act of 1964, and who has or is determined reasonably likely to have difficulty in securing employment;

(2) "home-repair project" means any work determined by the Secretary to be appropriate for eligible individuals to perform with respect to the repair of a home of any adult categorical assistance recipient and includes carpentry, painting, masonry, plumbing, wallpapering, and electrical work;

(3) "eligible homeowner" means any person aged 65 or older whose income is not in excess of the intermediate budget for a retired couple in urban areas of the United States, as determined by the most recent data available to the Secretary;

(4) "Secretary" means the Secretary of Labor;

(5) "State" means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

APPROPRIATIONS AUTHORIZED

Sec. 3. There are hereby authorized such sums as the Congress shall deem appropriate for carrying out the purposes of this Act.

PROGRAM AUTHORIZED

Sec. 4. (a) In order to promote work opportunities for unemployed or underemployed persons who are at least 55 years of age and who have poor employment prospects and to assist eligible homeowners to repair their homes, the Secretary is authorized, in accordance with the provisions of this Act, to enter into contracts with public or private nonprofit agencies or organizations for the conduct of home repair projects.

(b) The Secretary shall not enter into any contract under this Act unless he determines that such project—

(1) will provide work opportunities for eligible individuals who do not have opportunities for other suitable paid employment;

(2) will provide work for such individuals only on a home-repair project;

(3) will result in an increase in employment opportunities for eligible individuals and will not result in the displacement of

employed workers or impair existing contracts;

(4) will utilize methods of recruitment and selection which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project to be assisted;

(5) will include such short-term training as may be necessary to make the most effective use of the skills and talents of those eligible individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(6) will assure that reasonably safe and healthy conditions of work will be provided, and will assure that persons employed under such programs will be paid at rates comparable to the rates of pay prevailing in the same labor market area for persons employed in similar work, but in no event shall any person employed under such programs be paid at a rate less than that prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, or the appropriate State minimum wage, whichever is higher;

(7) will be administered with the advice of persons who are knowledgeable with regard to the needs of older persons; and

(8) will authorize pay for transportation costs of eligible individuals which may be incurred in employment in any project assisted under this Act in accordance with regulations promulgated by the Secretary.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 5. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States and between urban and rural areas under this Act. In developing such criteria the Secretary shall consider, among other relevant factors, the ratios of population, unemployment, and income levels.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 6. (a) Federal financial assistance to any program carried out pursuant to this Act shall not exceed 90 per centum of the cost of such program, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that it is necessary to further the objectives of this Act to pay such excess. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

(b) Payments under this Act may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary determines necessary to carry out the objectives of this Act.

INTERAGENCY COOPERATION

SEC. 7. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this Act with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this Act and in promoting the identification and interests of individuals eligible for employment in projects funded under this Act.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 8. Eligible individuals who are employed in any project assisted under this Act shall not be considered to be Federal employes as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

ADMINISTRATION

SEC. 9. (a) The Secretary shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

(b) The Secretary may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

(c) In carrying out his functions under this Act, the Secretary is authorized to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

REPORT

SEC. 10. The Secretary shall transmit, as a part of the annual report required of the Department of Labor, a detailed report setting forth the activities conducted under this Act.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2889. A bill to amend section 5 of the act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk for appropriate reference a bill to provide for the preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds, on behalf of myself and the Senator from Colorado (Mr. ALLOTT).

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 17, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed bill to amend section 5 of the Act of September 21, 1968 (82 Stat. 860), "To provide for the preparation of a role of persons of California Indian descent and the distribution of certain judgment funds."

Section 5 of the Act provides that not more than $325,000 in all shall be available under the Act for the costs of roll preparation and the distribution of shares. Our proposal increases that limitation to $475,000.

Following approval of the 1968 Act regulations were issued which established December 31, 1969, as the deadline for filing applications for enrollment to share in the funds. More than 75,000 persons did so. Due to the flood of requests for forms and applications being filed, actual review of the applications could not begin until November of 1969. Since that time determinations have been made as to the eligibility of approximately 35,000 of the applicants. The Bureau of Indian Affairs has made every effort to complete the Indians of California roll and distribute the funds at the earliest possible date. To accomplish this objective the Bureau is undertaking an accelerated plan to review the remaining 40,000 applications.

The volume and complexity of the work on the California roll is overwhelming. In many cases an applicant's ancestry is derived exclusively from one or more of the tribes with claims for lands lying both within and without the State of California. Since these tribes, referred to as "splinter groups," have filed claims for compensation for lands in California as well as lands in adjoining states, they are excluded from sharing in the $29.1 million awarded "Certain Indians of California." Consequently, in addition to determining whether an applicant is entitled to share in the residual balance of the 1944 Court of Claims award, also being distributed under the 1968 Act, it is necessary to determine whether his tribal or band affiliation is with one of the "splinter groups" named in the Act. Identification of band affiliation was not a requirement under previous legislation providing for preparation of rolls of California Indians, and consequently, that information is not readily available from the previous rolls. This necessary research has slowed the review and determination of applications.

The last roll of Indians of California was prepared pursuant to the Act of May 24, 1950 (64 Stat. 189), which amended previous legislation relating to enrolling Indians of California and authorized distribution of $150 to each enrollee. That roll was completed on June 30, 1955. The roll currently being prepared has not been merely an updating of the 1950 roll but the compilation of an entirely new roll based upon the applications filed. While previous enrollment records have been helpful, their use has not obviated and of the work required to determine the eligibility of more than 75,000 applicants.

The cost of the 1950 roll was $245,000. We are now faced with preparing a roll almost twice the size some 20 years later with an increase in allowable costs of only $80,000. The Consumer Price Index of goods and services for California rose from 81.6 in 1950 to 132.1 in December of 1969. Inflation gives partial explanation of our failure to more accurately estimate the cost of preparing the California roll.

Every effort has been made to keep administrative costs to a minimum. In the category of major equipment only typewriters were purchased. Other items such as furniture and file cabinets were obtained from another Bureau within the Interior Department.

The bulk of the cost of preparing the roll has been and will continue to be the salaries of the staff working on the roll. However, there is no substitute for the human element involved in the review of the records to arrive at the results contemplated in the 1968 Act. Much of the costs of the Bureau's accelerated program are being absorbed by the Bureau of Indian Affairs. However, the Bureau's budget cannot absorb the costs now being borne by the judgment money. We see no alternative but to request that the enclosed proposal be enacted.

A history of the California claims awards and current financial statements of the $29.1 million judgment and the residual balance of the 1944 award are enclosed.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

HISTORY OF AWARD MADE IN 1944 TO THE "INDIANS OF CALIFORNIA" BY THE COURT OF CLAIMS AND THE AWARD MADE IN 1964 TO "CERTAIN INDIANS OF CALIFORNIA" BY THE INDIAN CLAIMS COMMISSION

In 1928, Congress enacted legislation (45 Stat. 602) which permitted a class of Indians known as the "Indians of California" to bring suit against the United States for "lands taken from them * * * by the United States to compensate them for their interest in lands * * * which the United States appropriated to its own purposes without the consent of said Indians * * *."

The 1928 act defined the Indians of California as "all Indians who were residing in the State of California on June 1, 1852, and their descendants now living in said State * * *." Pursuant to the 1928 act, the Secretary of the Interior prepared and approved on May 16, 1933, a roll of the Indians of California which contained 23,571 names. This roll included only persons who were alive at the time of the passage of the 1928 act, individuals who were descended from Indians living in California on June 1, 1852, and individuals who resided in California.

Although the legislation which entitled the Indians of California to sue the United States in the Court of Claims was passed in 1928, the court did not render a judgment until 1944, when a net award of $5,024,842.34 was made. This money was not distributed immediately, and in 1948 (62 Stat. 1166), Congress amended the 1928 act to direct the Secretary of the Interior before distribution to delete from the 1933 roll the names of all persons who had died since May 18, 1928, and to add the names of persons living in California who had been born after 1928 to persons listed on the 1933 roll.

While the Secretary was engaged in updating the 1933 roll, Congress in 1950 again amended the 1928 act (64 Stat. 189), this time to direct the Secretary of the Interior to enroll descendants of the previous enrollees who lived outside of California as well as to include persons otherwise eligible who had previously been denied enrollment because they lived outside the State. The 1950 act also permitted the distribution of $150 to each of the persons certified as eligible to be enrolled as Indians of California.

During the early 1950's representatives of the Department of the Interior struggled with developing a roll pursuant to the oft-amended 1928 act, but bogged down in the large number of appeals from enrollees who were unable to establish their entitlement. Finally, in 1954, Congress once more amended the 1928 act (68 Stat. 240), to direct the Secretary of the Interior to resume hearing appeals until June 30, 1955, before finally approving the roll of the Indians of California. This was done, and on the prescribed date, the Secretary approved a roll bearing 36,094 names. Each of these persons received a share of $150. The shares of deceased enrollees were paid to their heirs or legatees.

In 1946, shortly after the Court of Claims handed down its judgment in 1944 in the California case, Congress passed the legislation known today as the Indian Claims Commission Act. Two of the lawsuits filed thereafter with the Indian Claims Commission—those assigned to dockets 31 and 37—were filed on behalf of all the Indians of California. In 1950, the Claims Commission held that the Indians of California in dockets 31 and 37 did not constitute an identifiable tribe, band, or group within the meaning of the 1946 act and dismissed dockets 31 and 37. The petitioners appealed this decision to the Court of Claims. Two years later in 1952, the Court of Claims held that the statutory class defined by the 1928 act as the "Indians of California" was an identifiable group for the purpose of asserting the claims and remanded the case to the Indian Claims Commission to proceed with processing the case.

At this point, the Commission was faced with a serious dilemma. Not only had an identifiable group known as the Indians of California filed a lawsuit relating to all the lands within the State of California, but a number of individual tribes—which were also identifiable in terms of the 1946 Act—had filed lawsuits for particular tracts within the same area. In some cases, these individual lawsuits involved only lands in California; in others they involved lands lying both within and without the State.

During the years between 1952 and 1958, the lawsuits of the California Indians were in a considerable snarl. The lawyers for the Indians of California in dockets 31 and 37 combined their suits and attempted to convince the Claims Comimssion that they should be permitted to represent all the Indians of the State, rather than only those who had not filed individual tribal suits. In 1958 the Commission denied their right to exclusive representation. The petitioners, reserving their right to appeal to the Court of Claims, requested the Claims Commission to divide California into two parts: one to include all lands claimed by the individual tribes and to be known as area A; the other to include the remained of the lands in the State and to be designated area B. The Commission compiled with this request.

Also in 1958, with the concurrence of the attorneys, the individual claims of the Yokiah, Yana, and Shasta tribes were combined with those of the Indians of California. Dockets 176, 215, and 333 were thus merged with dockets 31 and 37.

In 1959, the Indian Claims Commission awarded the Pit River Indians—a tribe which had filed an individual suit—compensable title to 3,386,000 acres of land in California. At roughly the same time, the Commission awarded the Indians of California compensable title to 57 million acres in area B. This latter decision was appealed by the Department of Justice, which again contended that the Indians of California did not constitute an identifiable tribe, band, or group within the meaning of the 1946 act. The claimants in dockets 31 and 37 also cross-appealed seeking review of their claim to exclusive right to represent the Indians of California. This appeal, in turn, affected other tribal claims because of overlap in the areas claimed and inconsistencies between the legal theories of the various cases.

In 1963, the attorneys for the Indians of California in combined dockets 31, 37, 176, 215, and 333 reached an agreement with attorneys for the Department of Justice that the California suit would be settled for $29,100,000 provided that the Pit River and Mission Indians—the only remaining tribes with tribal or group claims wholly in the State of California—would consolidate their claims with those of the area B group.

The proposed compromise was presented to the Mission Indians in meetings on September 7, 8, 14, and 15, 1963. Of the 3,408 eligible voters, 1,913 (56 percent) cast ballots. The consolidation and settlement was approved by 1,559 or 81.5 percent of those voting.

On September 28, 1963, a meeting was held at Alturas, Calif., to permit voting by the Pit River Indians. Of the 730 eligible voters to whom notices were sent, only 187, or 24.5 percent, cast ballots at the September meeting. It was then decided, after consultation with the Indian Claims Commission, to seek the views of additional Pit River Indians by absentee balloting. The final tally of votes cast at the meeting and through the absentee process was 212 for and 188 against the compromise.

There was considerable bitterness among the Pit River Indians over the close vote and the opponents of the compromise and consolidation, who had held a slight majority at the open meeting, protested the decision to solicit absentee ballots. Their protests were heard by the Claims Commission and were rejected.

From January through March 1964, a series of 15 meetings was held at which other Indians of California voted. Balloting by mail was also permitted. Both in the open meetings and in the case of absentee votes, the proposal to settle the case through compromise passed overwhelmingly. The final tally of votes cast by all three groups was 11,427 for compromise and 3,310 opposed.

In accordance with this vote, the various dockets involving the Indians of California, the Pit River Indians, the Yokiah, Yana, and Shasta Indians, and dockets Nos. 80 and 80–D of the Mission Indians were combined, and the claims of all these groups were settled on July 20, 1964, for a total of $29.1 million. Upon the ratification of the compromise by the Claims Commission, the attorneys for both parties withdrew their appeals in the Court of Claims.

Shortly before the above action took place, the question of the entitlement of Indian tribes or groups with claims lying both within and without the State of California to participate in the Indians of California judgment was settled by the Indian Claims Commission. The Quechan or Yuma Tribe had petitioned to share in the Indians of California claim, but the Commission held that the Quechans were not a proper party to the suit, since they were maintaining a separate claim partly for the taking of lands outside California and partly within California. This decision of the Commission, which came on March 3, 1964, affected also the rights of certain other tribes which had come to be known as the splinter groups. These are the Northern Paiute Nation, the Southern Paiute Nation, the Mohave Tribe, the aforementioned Quechan Tribe, the Chemehuevi Tribe, the Klamath and Modoe Tribes, and the Yahooskin Band of Snakes, the Shoshone Tribe, and the Washoe Tribe. All these groups had filed lawsuits claiming compensation for lands in California taken from them, as well as for lands taken in an adjoining State to which they claimed ownership. Some persons affiliated with these groups had participated in the voting on the compromise issue, but not enough to have affected the result:

CERTAIN INDIANS OF CALIFORNIA AWARD, JULY 20, 1964, S. 21, 3 7, 80, 80–D, 176, 215, 333, AND 347

STATEMENT AS OF COB JUNE 30, 1971

	14X7426[1]	14X7926[2]
AWARD	$29,100,000	
Interest accrued on funds held in the U.S. Treasury through Dec. 31, 1970		$3,721,230.30
Interest accrued on matured investments		6,130,587.71
Total	29,100,000	9,851,818.01
EXPENDITURES		
Attorneys' fees	−2,609,000	
Expenses of enrollment program		−208,274.35
Current investments as of June 30, 1971	−26,491,000	−9,643,543.66
Balance on deposit in the U.S. Treasury	0	0

[1] Awards of Indian Claims Commission, certain Indians of California, award July 20, 1964.

[2] Interest and accruals on interest, awards of Indian Claims Commission, certain Indians of California, award July 20, 1964

CALIFORNIA INDIANS JUDGMENT FUND ACT OF MAY 18, 1928, CH 624, 45 STAT. 602 STATEMENT AS OF COB JULY 1, 1971

	[1] 14×7491	[2] 14×7991
RECEIPTS		
Judgment	$5,024,842.34	
Less litigation costs paid to the state of California	−27,842.50	
Total	4,996,999.84	
Proceeds, sale of portion of Lower Lake Rancheria, Public Law 443, 70 Stat. 58	3,650.00	
Value of land erroneously used as an offset in judgment against the United States obtained by the California Indians Public Law 91–64, 83 Stat. 105	83,275.00	$83,521.40
Interest accrued on funds held in the U.S. Treasury Dec. 4, 1944, through Dec. 31, 1970		2,089,571.95
Interest accrued on matured investments	154,529.29	110,652.13
EXPENDITURES		
Per capita payments	−4,037,130.00	−1,371,500.00
Expenses of per capita payment	+649.60	−245,326.62
Moving and relocating houses	−80,613.39	−18,785.63
Attorneys' fees	−10,000.00	
Attorneys' expenses	−76,639.12	−148,608.42
Expenses of enrollment program		−38,000.00
Judgment fund available	1,034,721.22	461,524.86
Current investment, financial management, Albuquerque, N. Mex	−1,034,421.22	−461.524,86
Balance on deposit in the U.S. Treasury	300.00	0

[1] California Indians 4 percent judgment fund.

[2] Interest and accruals on interest, California Indians 4 percent judgment fund.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1443 AND S. 1444

At the request of Mr. Chiles, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 1443, a bill to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes; and S. 1444, a bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance.

S. 2465

At the request of Mr. Chiles, the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Minnesota (Mr. Mondale), the Senator from Michigan (Mr. Hart), and the Senator from Missouri (Mr. Eagleton) were added as cosponsors of S. 2465, a bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2509

At the request of Mr. Scott, the Senator from New Hampshire (Mr. Cotton) was added as a cosponsor of S. 2509, a bill to incorporate Pop Warner Little Scholars, Inc.

S. 2724

At the request of Mr. Jackson, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2724, a bill to establish a national Indian education program by creating a National Board of Regents for Indian Education, carrying out of a national Indian education program, and the establishment of local Indian school boards.

S. 2800

At the request of Mr. Dole, the Senator from Vermont (Mr. Aiken), the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from Kentucky (Mr. Cooper), the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Fannin), the Senator from Wyoming (Mr. Hansen), the Senator from Montana (Mr. Mansfield), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), the Senator from North Dakota (Mr. Young), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 2800, the Rural Revitalization Act of 1971.

SENATE JOINT RESOLUTION 177

At the request of Mr. Humphrey, the Senator from Illinois (Mr. Percy) was added as a cosponsor of Senate Joint Resolution 177 relating to the publication of economic and social statistics for Spanish-speaking Americans.

SENATE RESOLUTION 200—SUBMISSION OF A RESOLUTION RELATING TO A COMPILATION ENTITLED "MAJORITY AND MINORITY LEADERS OF THE SENATE" TO BE REPRINTED AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD submitted the following resolution:

S. Res. 200

Resolved, That a compilation entitled "Majority and Minority Leaders of the Senate", prepared under the direction of the Secretary of the Senate, Francis R. Valeo, by the Senate Parliamentarian, Floyd M. Riddick, shall be reprinted with revisions and certain tables as a Senate document, and that an additional two thousand copies be printed for distribution by the Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 52—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE RIGHTS OF THE MENTALLY OR PHYSICALLY HANDICAPPED

(Referred to the Committee on Labor and Public Welfare.)

Mr. COOK. Mr. President, today I am submitting, with the Senator from Illinois (Mr. Percy), the Senator from California (Mr. Cranston), the Senator from West Virginia (Mr. Randolph), the Senator from Utah (Mr. Bennett), the Senator from Minnesota (Mr. Humphrey), the Senator from South Carolina (Mr. Hollings), the Senator from Alaska (Mr. Stevens), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Massachusetts (Mr. Brooke), the Senator from Pennsylvania (Mr. Scott), the Senator from Ohio (Mr. Taft), the Senator from Minnesota (Mr. Mondale), and the Senator from Kansas (Mr. Dole), a Senate resolution which recognizes the rights of mentally or physically handicapped persons. This resolution recognizes that the mentally or physically handicapped should have the same basic rights as other human beings.

The handicapped are a very significant segment of society. Six million persons in the United States are mentally retarded; 22 million persons have a physically disabling condition severe enough to interfere with their major daily activity; hundreds of thousands either have been crippled in traffic accidents or are disabled veterans. Although a sizable portion of the total citizenry, the mentally and physically handicapped are a hidden population. But no longer can we tolerate this situation in which these human beings are constantly denied their rights.

Less than a century ago, most people looked upon the mentally handicapped and the physically handicapped as hopelessly incapable of being self-sustaining. Today, we know that the majority of mentally or physically handicapped could become self-sustaining contributors to society rather than burdens on society, if education or training were available to them.

One of the most important provisions in this resolution is the recognition that the mentally or physically handicapped person has a right to education or training. It is astounding to learn from the Office of Education that out of a total of 7 million handicapped children, 60 percent are denied the special educational assistance they need and 1 million children are denied entry into public schools. Hundreds of thousands are committed to institutions and other programs where little more than physical sustenance is provided. Such sustenance costs at least $150,000 for the lifetime of a mentally handicapped person. This cost is far in excess of what education or training would cost.

According to the President's Committee on Mental Retardation, much of the under performance being diagnosed in children as mild mental retardation is preventable and reversible if attacked early. Many of the physically handicapped children do have the mental ability to attend public school but are denied that right due to architectural barriers and and-or transportation problems. This is a grave injustice when one considers that handicapped children, even the most severely handicapped, do learn when given the opportunity to participate in educational programs designed to meet their special needs to learn. There are lawsuits in Philadelphia and Washington, D.C., now underway in an attempt to establish that the mentally retarded have a right to education or training.

The means to becoming independent or semi-independent is employment. Although the mentally or physically handicapped person may be capable of working, he is often denied the opportunity.

The handicapped do not want special privileges, just an equal chance to compete for jobs.

In a study reported by the President's Committee on Mental Retardation, over 5,000 mentally retarded workers are employed by the Federal Government in over 100 different wage board classifications. Among these 5,000 employees, absenteeism and recidivism is lower than for nonhandicapped workers and job performance is excellent. The President's Committee on Mental Retardation stated that:

> Employers whose original motivation in hiring retarded workers came perhaps from charity rather than business sense have discovered that there are many jobs that the retarded can do well—often better than other workers—and that intelligence is not the only qualification for successful employment.

Today automation and specialization is actually an advantage to the handicapped worker. Cerebral palsy victims are being trained to use precision tools; paraplegics are working productively on assembly lines; one Chicago insurance company has found that deaf mutes make better than average file clerks and checkers; other deaf persons do well as linotype, tabulator, and keypunch operators; blind workers have made superior assemblers, inspectors and sorters in such industries as electronics, aircraft and missile production.

Yet, in many cases the handicapped employee is not paid a fair wage. Even the "protected workshops" set up to help the retarded sometimes fail to compensate the retarded workers adequately. Handicapped persons are capable of participating in community life. This individual should have the right to live with his own family and participate in all aspects of community life, instead of being shunted into an institution. If his handicap is too severe and he must be placed in an institution according to a qualified expert, that institution should provide an atmosphere which allows the handicapped person to develop to his fullest potential.

Our resolution contains recognition of these very basic rights to the handicapped. It amazes me that we even need to take such action and that the handicapped all over the country are not being allowed full rights as a citizen.

Such injustices are not isolated to just the United States, but rather this is a universal problem.

The United Nations has recognized the problem. At the March 1971 meeting of the United Nations Commission on Social Development, 22 countries expressed their support of a declaration of rights for the mentally retarded by the United Nations General Assembly. This declaration will be brought before the General Assembly on November 25, 1971. While our resolution would not eliminate the injustices that the mentally or physically handicapped now face, it represents an expression of congressional support for the United Nations fine effort to bring universal attention to the inequities suffered by these individuals.

Mr. President, we can no longer tolerate these inequities which our handicapped citizens live with everyday. I urge that every Senator back this effort and support this needed resolution. I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 52

Whereas the universal declaration of human rights, adopted by the United Nations Commission on Social Development, proclaims that all of the human family, without distinction of any kind, have equal and inalienable rights of human dignity and freedom; and

Whereas the declaration of the rights of the child, adopted by the United Nations Commission on Social Development, proclaims the rights of the physically handicapped child to special treatment, education and care required by his particular condition: Now, therefore, be it:

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the following rights of mentally or physically handicapped persons:

(1) A mentally or physically handicapped person has the same basic rights as another citizen of the same state and same age.

(2) A mentally or physcially handicapped person has the right to proper medical care and physical restoration and to such education, training, rehabilitation, and guidance as will enable that person to develop his ability and potential to the fullest possible extent, no matter how severe his or her degree of disability.

(3) A mentally or physically handicapped person has a right to economic security and to a decent standard of living. He or she has a right to productive work.

(4) A mentally or physically handicapped person has a right to live with his or her own family or with foster parents, to participate in all aspects of community life, and to be provided with appropriate leisure time activities. If care in an institution becomes necessary, such care should be provided in surroundings and under circumstances as close to normal living as possible.

(5) A mentally or physically handicapped person has a right to a qualified financial or legal guardian whenever such a guardian is required to protect the personal well-being and interests of that person.

(6) A mentally or physically handicapped person has a right to protection from exploitation, abuse and degrading treatment. If accused of a crime, the mentally or physically handicapped person has a right to a fair and speedy trial with full recognition being given to his or her degree of responsibility.

SEC. 2. Some mentally or physically handicapped persons may be unable, due to the severity of their handicap, to exercise for themselves all their rights. For others, modification of some or all these rights is appropriate. The procedure used for modification or determination of rights set forth in this concurrent resolution should contain provisions for proper legal safeguards, should be based on an evaluation of the social capability of the mentally or physically handicapped person by qualified experts, and should be subject to periodic reviews. Any decision from these reviews shall be subject to the right of appeal to higher appropriate authorities.

CERTAIN CREDIT FOR NATIONAL GUARD TECHNICIAN SERVICE—AMENDMENT

AMENDMENT NO. 714

(Ordered to be printed and referred to the Committee on Post Office and Civil Service.)

Mr. STEVENS. Mr. President, today I am introducing an amendment to S. 855. S. 855 would amend Title 5 to credit National Guard technician service for Civil Service retirement purposes.

The legislation I am today introducing would similarly provide that members of either the Alaska Territorial or National Guard, who have completed 6 years of Reserve service, be accorded the same benefits as those who have served 2 years of active duty in the armed services.

Guard units in Alaska, particularly the Eskimo Guard of remote northern and western Alaska, are designated for the defense of the State and are, in a sense, on active duty all the time.

During World War II, Lt. Col. Marvin—Muktuk—Marston organized territorial guard units throughout western Alaska. Even though the "tundra army" companies were not federalized at that time, Marston built them into a local defense system in a period when Japanese invasion was a danger and then a reality. Following the Dutch Harbor bombing in the Aleutians in 1942, the Japanese began to make coastal defenses and to develop submarine bases on another Aleutian island. The guard units had thousands of miles of coastline to patrol. They were undoubtedly familiar with every village in Alaska.

These troops proved so efficient during the war that Marston succeeded in having them included in the Alaska National Guard system as "scout battalions."

These and other Alaskans who have loyally patrolled and guarded the tremendous expanse of Alaska during territorial and statehood days for 6 years deserve the same status as those who have served 2 years of active duty.

Mr. President, I urge that my colleagues give their most serious consideration to this amendment and request unanimous consent that it be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 714

On page 3, line 8, insert the following: At the end thereof add the following new title:

TITLE II

SEC. 201. (a) Notwithstanding any other provision of law, any veteran of the Alaska National Guard shall, for the purposes of entitlement to benefits under title 38, United States Code, be deemed to be a veteran of the Vietnam era (as defined in section 101 (29) of title 38, United States Code) and shall be deemed to have met the minimum active duty service and discharge requirements necessary for entitlement to such benefits.

(b) For the purposes of entitlement to educational assistance under chapter 34 of title 38, United States Code, a veteran of the Alaska National Guard shall be deemed to have served on active duty for a period of twenty-four months.

(c) Any veteran of the Alaska National Guard who completed six years of service (as provided in subsection (d)) prior to the date of enactment of this Act shall be deemed for purposes of any delimiting date prescribed in title 38, United States Code, to have been discharged from active service on the date of enactment of this Act; and any person who completes six years of service (as provided in subsection (d)) on or after the date of enactment of this Act shall, for such purposes, be deemed to have been discharged on the last day of the month in which he completes such six years of service.

(d) As used in this Act, the term "veteran of the Alaska National Guard" means any person who has performed at least six years of service in the Alaska National Guard (including the Alaska Territorial Guard) and such service is creditable under section 1332 (a)(2) of title 10, United States Code, for purposes of determining entitlement to retired pay under section 1331 of such title.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 715

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to amendment No. 692, proposed by Mr. PASTORE, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENTS NOS. 716 AND 717

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted two amendments intended to be proposed by him to amendment No. 692, supra.

AMENDMENTS NOS. 721 AND 722

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted two amendments intended to be proposed by him to amendment No. 692, supra.

AMENDMENT NO. 728

(Ordered to be printed and to lie on the table.)

Mr. COOPER (for himself, Mr. COOK, Mr. GURNEY, Mr. BAKER, Mr. WEICKER, Mr. JAVITS and Mr. SCOTT) submitted an amendment intended to be proposed to amendment No. 692, proposed to H.R. 10947, supra.

AMENDMENTS NOS. 734 THROUGH 737

(Ordered to be printed and to lie on the table.)

Mr. FANNIN (for Mr. GOLDWATER) submitted four amendments intended to be proposed to amendment No. 692 to the bill (H.R. 10947), supra.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 718 AND 719

(Ordered to be printed and to lie on the table.)

Mr. COTTON submitted two amendments intended to be proposed by him to the bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972—AMENDMENT

AMENDMENT NO. 720

(Ordered to be printed and to lie on the table.)

Mr. JACKSON submitted an amendment intended to be proposed by him to the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

AMENDMENT NO. 731

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, I ask unanimous consent that an amendment I intend to offer to H.R. 11731, the Department of Defense Appropriations bill for fiscal year 1972, which restores funds to the Navy's Surface Effect Ship program, be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 731

On page 23, line 26, and page 24, line 1, strike out "$2,281,319,000" and insert in lieu thereof "$2,299,619,000".

On page 24, after the period in line 4, insert the following: "Of the $2,299,619,000 appropriated in the preceding sentence, not less than $33,689,000 shall be available for research and development in connection with the surface effect ship program."

VOTER REGISTRATION ACT AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 723 THROUGH 727

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself and Mr. ALLEN) submitted five amendments intended to be proposed by them jointly to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

MARINE PROTECTION AND RESOURCE ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 729 AND 730

(Ordered to be printed and to lie on the table.)

Mr. CASE submitted two amendments intended to be proposed by him to the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

DISTRICT OF COLUMBIA REVENUE ACT OF 1971—AMENDMENT

AMENDMENT NO. 732

(Ordered to be printed and to lie on the table.)

Mr. SPONG. Mr. President, I am today submitting an amendment to the District of Columbia revenue bill.

In 1966, Congress granted its consent to the Washington Metropolitan Area Transit Authority Compact and to the participation of the District of Columbia in that compact. In enacting that legislation, it declared as policy that costs of the regional transit system, to the extent that they were not covered by user charges, would be shared equally among participating jurisdictions, including the District of Columbia. Three years later, the Congress enacted the National Capital Transportation Act which authorized the Commissioner of the District to enter into a capital contributions agreement with the Transit Authority and the other participating jurisdictions in the area.

The purpose of my amendment is to reaffirm that policy and the commitments undertaken by the District government to share the cost of building the Metro system. It is a way of assuring the people of this area that no matter what temporary delays there may be in congressional action, the Congress is not going to turn its back on the subway project and it is not going to ignore the obligations it has assumed.

Yesterday, President Nixon called on the Congress to take immediate steps to end the delays that threaten the future of the Metro system. "Obedience to the law is at stake," he said. And so it is.

A great deal has been said over the past few years about the legal obligation of the District of Columbia to build certain highways and related projects in the District. Little has been noted, however, of the legal obligations of Congress, acting as the legislative body for the District of Columbia, to honor its own contractual obligations. Yet they are there and they are as binding on the Congress as anything applying to the District government.

Mr. President, I have had prepared an extensive legal memorandum on the nature of this legal obligation and I will ask that it be printed in full at the conclusion of my remarks. Suffice to note here that under the terms of the statutes which I have referred to, under a ruling of the Supreme Court and under an opinion by the U.S. Attorney General, there is no question of the obligations of the Congress to appropriate the District's contribution to the subway project.

But there is far more than a legal issue at stake here. The Congress rightly saw the necessity for some means of mass transit to serve the growing transportation needs of the residents of this National Capital area. It agreed to that project and on the strength of that agreement the jurisdictions of northern Virginia and of Maryland have contributed many millions of dollars. They have scrupulously abided by the compact they entered into. The Congress has a moral as well as a legal obligation to do not less.

Mr. President, it is time we acted to sweep away the obstacles which have been placed in the path of Metro. It is time, as the President has said, that responsible men join in responsible action to end this impasse and to salvage public faith in the honor of a congressional commitment.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

NATURE OF THE OBLIGATION OF THE CONGRESS TO FUND THE CAPITAL CONTRIBUTIONS OF THE DISTRICT OF COLUMBIA TO THE TRANSIT AUTHORITY

The failure of the Congress to appropriate funds for the District of Columbia annual contributions for 1970 and 1971 to the Transit Authority has placed the District of Columbia Government in a position of default under its Capital Contribution Agreement with the Transit Authority, is now causing a slow-down in the Transit Authority's construction schedule and threatens to invalidate the complex inter-governmental arrangements for financing the regional transit system. In view of this situation, it is pertinent to consider what obligations, if any, are imposed upon the Congress by the Compact and related legislation to fund the contractual obligations of the District of Columbia to the Transit Authority.

The Congressional Consent Legislation for the Compact (P.L. 89–774, November 6, 1966, 80 Stat. 1324) and the National Capital Transportation Act of 1969 (P.L. 91–143, December 9, 1969, 83 Stat. 320) are the principal relevant enactments.

OBLIGATIONS ARISING FROM THE COMPACT

Congress acted in a dual role in the adoption of the Compact. As the national legislative body, Congress, pursuant to the provisions of the Article 1, § 10, cl. 3, of the Constitution, granted its consent to the Compact. In addition, Congress, exercising its exclusive jurisdiction under Article 1, § 8, cl. 17 of the Constitution to legislate on all matters pertaining to the District of Columbia, enacted the Compact for the District of Columbia. The enacting clause of the Consent Legislation provides, as follows:

". . . that the Congress hereby consents to, adopts and enacts for the District of Columbia an amendment to the Washington Metropolitan Area Transit Regulation Compact, for which Congress heretofore granted its consent (Public Law 86–794, 74 Stat. 1031 as amended by Public Law 87–767 76 Stat. 764) by adding thereto Title III, known as the Washington Metropolitan Area Transit Authority Compact . . ."

In *State of West Virginia ex. rel. Dyer* v. *Sims* (341 U.S. 22, 95 L.ed. 713), which involved the Ohio River Valley Water Sanitation Compact (54 Stat. 752), the Supreme Court considered the nature of the obligation of a State to comply with the commitments imposed by a Compact. The State contended that the provision of the Compact requiring West Virginia to appropriate funds for the Compact Agency contravened several provisions of the State's Constitution and was, therefore, invalid. In a five to four decision, with two separate concurring opinions, the Supreme Court held that West Virginia was obligated to honor the commitment it assumed under the Compact to appropriate for the expenses for the Compact Agency.

The factual situations in *Dyer* and in our case present the same issue. In *Dyer*, Article X of that Compact required the participating States "to appropriate for the salaries, office and other administrative expenses, their proper proportion of the annual budget as determined by the Commission, and approved by the Governors of the Signatory States . . ." The State Legislature made the appropriation but the Auditor of the State refused to issue a warrant upon the treasury for the payment of the appropriation. In our situation, Section 18(c) of the Compact, provides that the commitment for financial participation by the District of Columbia "shall be created by appropriation or in such other manner, or by such other legislation, as the Congress shall determine". In response to this requirement, Congress, in Section 4(a) of the National Capital Transportation Act of 1969, authorized the Commissioner of the District of Columbia "to contract with the Transit Authority to make annual capital contributions". Pursuant to this Congressional directive, the District of Columbia entered into the Capital Contributions Agreement with the Transit Authority. Congress, however, has failed to make the necessary appropriations to fund the obligation.

A complicating factor in our situation is that the District of Columbia has the status of a municipal corporation (District of Columbia Code, 1967 ed., § 1–102) and is regarded for many purposes as an entity separate and distinct from the United States. That factor, however, has no relevance in determining the responsibilities of the Congress under the Compact. Congress, as the legislative body for the District of Columbia, has all the legislative powers which a State may exercise over its affairs (*Berman* v. *Parker*, 1954, 348 U.S. 26, 99 L.ed.27; *District of Columbia* v. *John R. Thompson Company*, 1953, 346 U.S. 100, 97 L.ed.1480; *Neild* v. *District of Columbia*, 1940, 110 F.2d 246, 71 App. D.C. 306) and these powers are exercised by the Congress as the legislature for the Union (*Cohen* v. *Virginia*, 1821, 19 U.S. 264, 5 L.ed.257; Washington Aqueduct, 1855, 7 Op.Atty.Gen.115; *Winkler* v. *Daniels*, D.C. Va. 1942, 43 F. Supp. 265). Thus, in determining the responsibilities of the Congress under the Compact, the question is not whether the District of Columbia is a governmental entity separate and distinct from the Federal Government but the relationship of the Congress to the District of Columbia. Viewed in that context, there is no rationale under the doctrine of *Dyer* which would relieve Congress as the legislative body for the District of Columbia from the obligation to make the appropriation for the District of Columbia required by the Compact.

In permitting the District of Columbia to enter into the Compact, the Congress, in substance and effect, represented to Maryland and Virginia that the District of Columbia would be able to meet the obligations imposed upon it by the Compact. Only Congress, as the legislative body for the District of Columbia, has the power to fulfill this representation. Under the doctrine of *Dyer*, Congress may not unilaterally abrogate its representations by withholding funds to meet the Compact obligations of the District of Columbia. In doing so, Congress places itself in the discredited posture taken by West Virginia in the Ohio River Valley Water Sanitation Compact.

OBLIGATIONS ARISING FROM THE CAPITAL CONTRIBUTIONS AGREEMENT

The National Capital Transportation Act of 1969 and the Capital Contributions Agreement executed by the District of Columbia pursuant thereto, also must be considered to determine whether they impose any responsibilities upon the Congress separate and apart from the responsibilities arising from the Compact itself. As stated above, Section 4(a) of the 1969 Act authorized the District of Columbia to make "annual capital contributions" to the Transit Authority and the Capital Contributions Agreement provided for such annual capital contributions.

The United States Housing Act of 1937 provides for a similar arrangement for annual contributions to local public housing agencies (50 Stat. 888, § 10, 42 U.S.C. 1410). The Attorney General of the United States has expressed the view that a contract between the United States Public Housing Authority and a local public housing agency to pay such annual contributions is a valid and binding obligation of the United States (41 Op. A.G. 138, 1953). A copy of that Opinion is annexed hereto. The rationale of the Opinion is found in the following excerpt:

"I conclude that an Annual Contributions Contract entered into pursuant to the terms and limitations set forth in the act constitutes a valid and binding obligation of the United States. Article I, Section 8, Clause 1 of the Constitution authorizes the Congress to 'pay the debts' of the United States. This 'grant implies the power to incur debts, a power which would in any event be inherent in sovereignty in the absence of express constitutional prohibition.' 37 Op. A. G. 241, 247 (1933). The fact that the debt is incurred by contract entered into by the PHA makes it no less valid since the 'Congress may create or use such agencies, * * * as it may deem appropriate to aid in carrying into execution any of the powers which the Constitution confers upon Congress.' *Ibid.* at p. 245.

There can be no doubt that the Capital Contributions Agreement creates a valid and binding obligation.

As pointed out above, the responsibility of Congress to fund the obligation is unaffected by whether the obligation is considered to be that of the United States or of the District of Columbia.

The Opinion of the Attorney General recognizes that Congress may utilize any agency subject to its control "to aid in carrying into execution any of the powers which the Constitution confers" upon it. Since the District of Columbia is no less subject to the legislative power of the Congress than the Housing Authority, Congress derives no greater insulation from the consequences of its legislation when it chooses to act through the District of Columbia rather than through a Federal agency.

The Opinion of the Attorney General was based on the finding that "Congress desired to authorize the PHA to enter into contracts for annual contributions . . . and to pledge the faith of the United States to the payment of the contributions thereby undertaken" (*supra*, at p. 142). In reaching this conclusion, the Attorney General stated" . . . that one of the primary purposes of the act was to obtain private financing of low rent housing projects through the sale of bonds by the local agencies and that the annual contributions are intended to provide a basis for protection of investors" (*supra*, at p. 141). The Capital Contributions Agreement was designed to perform a comparable function in the plan for financing the Transit Project. In setting the governing financial policy, Congress declared "The costs of the necessary facilities [should be] financed as far as possible by persons using or benefiting from such facilities and the remaining costs shared equitably among the Federal, State, and local governments" (See, preamble to the Consent Legislation for the Compact). This standard is incorporated in the Compact as Section 16.

In conformance with this standard the Authority's financial plan estimates that revenue bonds would be sold to provide approximately 30% of the cost of the regional system, with the balance of approximately $1.7 billion to be contributed as grants by the Federal Government and the local Political Subdivisions on a two-thirds to one-third matching basis. Such contributions are essential not only to provide the portion of the costs to be borne by the participating Governments but also to make the Authority's revenue bonds salable. The Capital Contributions Agreement provides assurance to the bond purchaser that the participating Governments will make the capital contributions required by the financial plan. Without such assurance the bonds would not be salable. It is, therefore, clear that Congress intended by the Capital Contributions Agreement to encourage both public and private investment.

In Section 18(c) of the Compact, Congress recognized that the District of Columbia, under the current governmental structure, does not have the financial capability, without Congressional support, to assume the obligation to make the required capital grants. The second sentence of Section 18(c) clearly reflects the understanding of the compacting parties that the District of Columbia was not to undertake the commitment solely on its own credit to provide its share of the capital grants unless the Congress granted it "plenary powers to create obligations and levy taxes". This qualification recognized that the District of Columbia has no power to incur any obligations without the approval of Congress (D.C. Code, 1967, et., § 1–801) and that the existing powers of taxation of the District of Columbia are inadequate to cover the required capital contributions out of general revenue.

In so far as it relates to the District of Columbia, Section 4(a) of the National Capital Transportation Act of 1969 provides the necessary legislative authorization for the District of Columbia to enter into the Capital Contributions Agreement and Section 4 (b) increased the authority of the District of Columbia to borrow from the United States Treasury to cover the authorized commitment. The District of Columbia has carried out these legislative provisions by entering into the Capital Contributions Agreement. The seven participating Political Subdivisions in Maryland and Virginia also have executed the Agreement to provide their proportionate share of annual contributions. The obligations of the parties, however, were expressly conditioned upon the enactment by "the 91st Congress of Federal legislation authorizing the District of Columbia to enter into this Agreement. . . ." (Capital Contributions Agreement, Article V).

The Political Subdivisions in Maryland and Virginia, relying on the commitment of the District of Columbia in its Capital Contributions Agreement, as the Congress clearly intended that they should, made their capital contribution for fiscal 1971 in the aggregate approximate sum of $56 million and have already paid in approximately $20 million, representing one-half of the fiscal 1972 commitment, with the balance due in January, 1972. The aggregate obligation of the District of Columbia for fiscal years 1971 and 1972 is approximately $72 million, none of which has been paid as a consequence of the failure of the Congress to appropriate the funds.

With respect to the funding of the annual contributions, neither the United States Housing Act of 1937 nor the National Capital Transportation Act of 1969 appropriated funds but simply authorized their appropriation. The Opinion of the Attorney General relies in substantial part on the fact that the Annual Contributions Contract was to be utilized by the local housing agencies to obtain funds in the public market. Congress clearly intended that the Capital Contributions Agreement should serve not only to encourage the Political Subdivisions to enter into commitments to make their proportionate share of capital contributions but to make possible the sale to the public of the Authority's revenue bonds. The feasibility of the Authority's Financial Plan, which Congress approved in the 1969 Act, was predicated on the execution by all of the participating Political Subdivisions of the Capital Contributions Agreement. All have done so and all have honored their commitments, except the District of Columbia which cannot meet its obligations until Congress makes the necessary appropriations.

Clearly, the situation presented in the Transit Project is comparable in all material respects with the problems considered by the Attorney General in his Opinion in the Housing Act. There, the statutory provisions were designed to foster the Congressional Policy to provide low-rent housing. Here, the 1969 Act and the Capital Contributions Agreement were designed to carry out the Congressional policy for a regional transit system. There and here, the PHA and the District of Columbia are subject to the sole legislative control of the Congress. There and here, Congress authorized PHA and the District of Columbia to enter into a contract to make annual contributions to an agency of State Government. There and here, PHA and the District of Columbia, pursuant to Congressional authorization, entered into a contract to make annual contributions. There, the contract was designed to induce private investors to buy the bonds of the local public housing agencies on terms more favorable than otherwise would be obtainable. Here, the Capital Contributions Agreement was designed to induce private investors to purchase the revenue bonds of the Transit Authority, which otherwise would not be salable. Here, unlike there, the 1969 Act and the Capital Contributions Agreement was designed to induce the Political Subdivisions to enter into the Capital Contributions Agreement and to make capital grants. Here, unlike there, (so far as appears from the Opinion of the Attorney General), the Political Subdivisions have made substantial capital grants to the Transit Authority in reliance upon the 1969 Act and the execution of the Capital Contributions Agreement by the District of Columbia.

Thus, it is apparent that the facts relied on by the Attorney General in the Housing Opinion are comparable and the reasoning fully applicable to the situation presented in the Transit Project. Only one difference is to be noted. In the Housing Act, the "faith of the United States is solemnly pledged to the payment of all annual contributions contracted for . . .". The pledge, however, did not create the obligation—that was created by the annual contributions contract. The pledge simply is a recognition and affirmation of the obligation created by the contract, provides a waiver of immunity from suit and, as the word implies, is a security device. That such a pledge is not essential to the creation of an obligation is established by the many contracts entered into by the Federal Government which contain no such peldge in either the contracts or the enabling legislation.

In view of the foregoing, it is to be concluded that Congress, on two separatè bases, is under a legal obligation to make the appropriations required to fund the District of Columbia commitment to the Transit Authority. Under the doctrine ennunciated in *Dyer*, the obligation arises from the Compact by virtue of the fact that the Congress is the legislative body for the District of Columbia. Under the rationale of the Opiniòn of the Attorney General the obligation arises, not from the Compact, but from the 1969 Act and the Capital Contributions Agreement. The Opinion of the Attorney General establishes that the Congress may not unilaterally absolve itself from the obligations arising from contracts of its agencies which it has authorized them to execute.

The legal issues must be viewed in the context of the practical aspects of the problem. Cooperative federalism is being increasingly relied upon to handle important domestic programs. The success of this essential political process depends in large measure upon the reliability of the financial commitments made by the participating governments at all levels. If Congress differentiates its obligations in such programs from those of the other participating political entities, such a policy would have regressive consequences for cooperative federalism as a useful tool and would be counter-productive to developing concepts of federalism. With respect to the District of Columbia, such a policy would raise grave doubts as to the acceptability of the District of Columbia as a participant in any future compacts or other cooperative programs in light of the Congressional control of the purse strings for the District of Columbia.

ANNUAL CONTRIBUTIONS TO LOCAL PUBLIC HOUSING AUTHORITIES UNDER UNITED STATES HOUSING ACT

The United States Housing Act of 1937, as amended, is valid and constitutional.

A contract to pay annual contributions entered into by the Public Housing Administration in conformance with the provisions of the act is valid and binding upon the United States.

The faith of the United States has been solemnly pledged to the payment of such contributions in the same terms its faith has been pledged to the payment of its interest-bearing obligations.

MAY 15, 1953.

The PRESIDENT.

MY DEAR MR. PRESIDENT: I have the honor to comply with your request for my opinion upon certain questions submitted by the Administrator of the Housing and Home Finance Agency relating to the liability of the United States for the payment of annual contributions under contracts entered into between the Public Housing Administration (hereinafter referred to as "PHA") and certain local public housing agencies.

I am advised that, pursuant to authority conferred on it by the United States Housing Act of 1937, as amended (50 Stat. 888; 52 Stat. 820; 55 Stat. 759; 61 Stat. 704; 62 Stat. 752; 63 Stat. 413; 64 Stat. 48; 65 Stat. 647; 65 Stat. 705; 42 U.S.C. 1401), PHA[1] has entered into contracts (herein called "Annual Contributions Contracts") with a large number of public housing agencies for annual contributions to assist in achieving and maintaining the low-rent character of certain housing projects identified in such contracts. Each Annual Contributions Contract is in substantially the standard form prescribed by PHA, such form being in two parts and identified as (1) Annual Contributions Contract, Part One (Form PHA–2171, Rev. September 1, 1951), and (2) Terms and Conditions Constituting Part Two of an Annual Contributions Contract (Form No. PHA–2172, Rev. September 1, 1951).

In accordance with the terms of the Annual Contributions Contracts many local public housing agencies have issued and sold bonds (known as "New Housing Authority Bonds") to the public to finance their housing projects. In turn, the agencies have pledged the contributions to which they are entitled under the contracts as security for the payment of the principal of and interest on the obligations represented by the bonds. In each case the bonds have been authorized by a bond resolution or ordinance in substantially the standard form recommended by the PHA (Form PHA–2188, October 1951). I am advised that, although in a few cases variations have been made from the standard form of the Annual Contributions Contract or from the bond resolution or ordinance, such variations are minor in character and are immaterial for the purposes of this discussion.

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[1] The act confers authority upon the United States Housing Authority. However, pursuant to section 1 of Reorganization Plan No. 3 of 1947 (61 Stat. 954; 5 U.S.C. Supp. V, 133y-16 Note), the United States Housing Authority together with its functions was consolidated into the Housing and Home Finance Agency. The section provides that, "There shall be in said Agency constituent agencies whch shall be known as the Home Loan Bank Board, the Federal Housing Administration and the Public Housing Administration." Section 4 provides: "The Public Housing Administration shall be headed by a Public Housing Commissioner * * *. There are transferred to said Commissioner the functions—(a) Of the Administrator of the United States Housing Authority (which agency shall hereafter be administered and known as the Public Housing Administration) * * *."

1. *The Constitutionality of the Act:*

The constitutionality of the act was settled by *Cleveland* v. *United States,* 323 U.S. 329. There its validity was challenged on the theory that the Congress has no power under the Constitution to establish low-cost housing projects. A majority of the lower court held the act authorized by the Constitution on the ground that "even though the evils of bad housing are local in their origin, their effect may become so widespread as to create a menace to the national welfare and that Congress is empowered to deal with the subject in that aspect." 323 U.S. at p. 331. The Supreme Court adopted this view concluding that "Challenge of the power of Congress to enact the Housing Act must fail." In doing so it emphasized the policy of the act "to promote the general welfare of the Nation by employing its funds and credit to assist the States and their political subdivisions * * * by improving housing conditions." *Ibid*, at p. 333.

While the *Cleveland* case, decided in 1945, passed only on the validity of the United States Housing Act of 1937, before its amendment by the Housing Act of 1949 (63 Stat. 413), the latter act did not change the basic legislation in any way which would affect the decision, but only refined the method of paying annual contributions, made certain other changes regarding loans by PHA, changed tenancy requirements, and revised the cost limitations applicable to the construction of housing projects. Under the original act local housing authorities were required to comply with certain conditions in order to avoid a reduction or cancellation of their rights to receive annual contributions. After the 1949 amendment, PHA was authorized to contract for the unconditional payment of annual contributions if the alternative methods of enforcement provided under section 22 (namely, delivery of possession or conveyance of a title to PHA subject to redelivery or reconveyance) were agreed to by the housing authorities and PHA. In short, the 1949 amendments did no more than modify the conditions under which the United States would thereafter employ "its funds and credit to assist the several States and their political subdivisions." Accordingly, I am of the view that the act in its present form must be considered valid and constitutional.

2. *Liability of the United States for annual contributions:*

Sections 10, 14, and 22 of the act authorize the PHA to enter into contracts to pay annual contributions, subject to conditions and limitations as set out in the act and, subject to the same conditions and limitations, to pay such contributions. Section 10(f) of the act provides that:

"Payments under annual contributions contracts shall be pledged, if the Authority so requires, as security for any loans obtained by a public housing agency to assist the development or acquisition of the housing projects to which the annual contributions relate."

Section 420 of the Annual Contributions Contract does so require. The basic purpose of this pledge is to "make possible the permanent financing of substantially all of the capital cost of low-rent housing by the sale of bonds to private investors, * * *.

"The sale of bonds for the permanent financing of low-rent projects at low interest rates has been made possible through a pledge of the Federal annual contributions as security for the bonds." H. Rept. No. 590, 81st Cong., 1st sess., p. 45. See also S. Rept. No. 84, Pt. 2, 81st Cong., 1st sess., p. 11.

It is true that section 22(a) of the act provides that the Annual Contributions Contracts may provide that a local public housing agency, in the event of substantial default in its covenants to the PHA, shall convey title to, or transfer possession of, the project to which the contract relates to the PHA, subject to redelivery or retransfer as provided in the section. However, pursuant to the congressional desire to secure the bondholders, section 22(b) provides that, if the contract contains provisions which the PHA, in such contract, determines are in accordance with section 22(a), and the local public housing agency has pledged the annual contributions as security for the payment of its obligations, "the Authority (notwithstanding any other provisions of this act) shall continue to make annual contributions available for the project so long as any of such obligations remain outstanding * * *." The authors of the act describe the purpose of these provisions as follows:

"After taking title or possession, PHA would continue to make annual contributions for the project, but not in excess of the amounts contracted for pursuant to statute. This would assure both (1) that the project will continue to operate as a low-rent housing project, and (2) that investors who have furnished the capital funds for its construction in reliance upon the continuance of its low-rent character and the making of annual contributions therefor during the entire life of the loan, will have their investment adequately protected." H. Rept. No. 590, *supra,* p. 46; see also H. Rept. 84, Part 2, *supra,* p. 11.

It is clear that one of the primary purposes of the act was to obtain private financing of low-rent housing projects through the sale of bonds by the local agencies and that the annual contributions are intended to provide a basis for protection of the investors. In accordance with this purpose section 10 (e) provides that "The faith of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section," and section 14 prohibits amendment or superseding of the Annual Contributions Contracts "in a manner which would impair the rights of the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged." It appears, therefore, tht the Congress desired to authorize the PHA to enter into contracts for annual contributions subject to the conditions and limitations set forth in the act and to pledge the faith of the United States to the payment of the contributions thereby undertaken.

I conclude that an Annual Contributions Contract entered into pursuant to the terms and limitations set forth in the act constitutes a valid and binding obligation of the United States. Article I, Section 8, Clause 1 of the Constitution authorizes the Congress to "pay the debts" of the United States. This "grant implies the power to incur debts, a power which would in any event be inherent in sovereignty in the absence of express constitutional prohibition." 37 Op. A. G. 241, 247 (1933). The fact that the debt is incurred by contract entered into by the PHA makes it no less valid since the "Congress may create or use such agencies, * * * as it may deem appropriate to aid in carrying into execution any of the powers which the Constitution confers upon Congress." *Ibid*. at p. 245. Of course, any delegation of congressional powers is subject to "the limitation of a prescribed standard." *United States* v. *Chicago, Etc., R. Co.,* 282 U.S. 311, 324, but the standards in the act appear, without question, to be of sufficient precision.

In reaching the conclusion that an Annual Contributions Contract creates a valid and binding obligation of the United States, it is pertinent to note that the language of section 10 (e), italicized herein, *"the faith of the United States is solemnly pledged to the payment* of all annual contributions contracted for pursuant to this section," is identical with language used by R. S. 3693 (31 U.S.C. 731) with respect to the interest-bearing obligations of the United States. It would be appropriate to conclude therefrom that the Congress intended to place on a similar footing the obligation to pay annual contributions contracted to be paid pursuant to the terms of the act.

In summary, I am of the view that:

(1) The United States Housing Act, as amended to this date is valid and constitutional; and

(2) A contract to pay annual cotributions entered into by the PHA in conformance with the provisions of the act is valid and binding upon the United States, and the faith of the United States has been solemnly pledged to the payment of such contributions in the same terms its faith has been pledged to the payment of its interest-bearing obligations.

Respectfully,

Herbert Brownell, Jr.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON. Mr. President, I offer an amendment to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes, and ask that the amendment be ordered to lie on the table and be printed.

The purpose of this amendment, Mr. President, is to relieve the acute financial pressure affecting a great many school districts throughout the country because of the transfer of property from the General Services Administration to the newly created U.S. Postal Service. As a consequence of this transfer, children who have in the past been considered "federally connected" for purpose of Public Law 874—the impact aid program—no longer qualify as such and the schools that they attend are no longer eligible to receive Federal funds on their behalf under the impact aid program.

My amendment would authorize a 2-year grace period for these school districts in order to permit them to receive Federal funds which they already have budgeted for the coming year and to permit 1 additional year for an orderly phaseout of this portion of the impact aid funding.

Congressman Roman Pucinski has introduced a similar bill in the House, H.R. 11809, and I ask unanimous consent that a list prepared at the behest of Congressman Pucinski showing the affected school districts be printed in the Record at the conclusion of my remarks.

There being no objection, the list was ordered to be printed in the Record, as follows:

Post Office Buildings Transferred to Postal Service Jurisdiction

Attached is a listing, by State and Congressional District, of Post Office Buildings *claimed in prior years* which have been transferred to the jurisdiction of the U.S. Postal Service and have been declared ineligible for the 1971–72 school year under the definition of Federal property contained in section 303(1) of P.L. 81–874. The P.L. 874 applicants claiming them are indicated with each.

Other Post Office Buildings were transferred but, to date, have not been claimed or have been determined ineligible under P.L. 874 prior to the transfer. Not all buildings that were transferred will become ineligible.

ALASKA

At large

Cordova City S.D.
1606 Ketchikon Gateway Borough S.D.
2 Greater Sitka Boro S.D.
805 Wrangell Pub. Schs.

ARKANSAS

Fourth Congressional District

Camden S.D. No. 35, Quachita County.

CALIFORNIA

First Congressional District

Old Adobe U.S.D., Petaluma.

Tamalpais U.H.S.D., Larkspur (also 6th Cong. Dist.)

Larkspur S.D. (also 6th Cong. Dist.).

Marlin Jr. Col. District, Kentfield (also 6th Cong. Dist.).

San Rafael S.D. (also 6th Cong. Dist.).

San Rafael H.S.D. (also 6th Cong. Dist.).

Dixie S.D., San Rafael (also 6th Cong. Dist.).

Novato Unif. S.D. (also 6th Cong. Dist.).

Third Congressional District

Rio Linda U.S.D.

Sacramento City Unif. S.D.

Los Rios Jr. Col. Dist., Sacramento.

Robla S.D., Sacramento.

Fourth Congressional District

Washington Unif. S.D., North Sacramento.

Marysville Jr. Unif. S.D.

Fairfield Suisun Unif. S.D.

Martinez Unif. S.D.

Fifth Congressional District

San Francisco Unif. S.D. (also 6th Cong. Dist.)

Catati Elementary S.D., Sonoma County.

Sixth Congressional District

Larkspur S.D. (also 1st Cong. Dist.).

Marlin Jr. Col. District, Kentfield (also 1st Cong. Dist.).

Tamalpais U.H.S.D., Larkspur (also 1st Cong. Dist.).

San Rafael S.D. (also 1st Cong Dist.).

San Rafael H.S.D. (also 1st Cong. Dist.).

Dixie S.D., San Rafael (also 1st Cong. Dist.).

Novato Unif. S.D. (also 1st Cong. Dist.).

San Francisco Unif. S.D. (also 5th Cong. Dist.).

Eighth Congressional District

San Leandro Unif., S.D.

Berkeley Unif. S.D.

Fremont Unif. S.D.

Pleasanton, Jr. S.D.

Amador Valley Jt. U.H.S.D., Pleasanton.

Oakland Unif. S.D.

Murray S.D., Dublin.

S Co. Jr. Coll. Dist., San Leandro.

Hayward Unif. S.D.

San Lorenzo Unif. S.D.

Peralta Jr. Col. Dist., Oakland.

Castro Valley Unif. S.D.

Emery Unif., S.D., Emeryville.

Tenth Congressional District

Palo Alto Unif. S.D.

Eleventh Congressional District

Laguna Salada U.S.D., Pacifica.

Jefferson S.D., Daly City.

Jefferson U.H.S.D., Daly City.

San Mateo U.H.S.D.

Thirteenth Congressional District

Los Angeles Unif. S.D. (also 17th, 20th, 21st, 22d, 24th, 26th, 27th, 28th, 29th, 30th, and 31st Cong. Dists.).

Fourteenth Congressional District

Pittsburg Unif. S.D.

Mt. Diablo Unif. S.D., Concord.

Lafayette S.D.

Richmond Unif. S.D.

Walnut Creek S.D.

Orinda U.S.D.

Acalanes U.H.S.D., Lafayette.

Moraga Sch. Dist.

San Ramon Valley Unif. S.D., Danville.

Fifteenth Congressional District

San Joaquin Delta Jr. College, Stockton.

Seventeenth Congressional District

Twentieth Congressional District

Twenty-First Congressional District

Twenty-Second Congressional District

Twenty-Fourth Congressional District

Twenty-Sixth Congressional District

Twenty-Seventh Congressional District

Twenty-Eighth Congressional District

Twenty-Ninth Congressional District

Thirtieth Congressional District

Thirty-First Congressional District

Los Angeles Unif. S.D.

Thirty-Fifth Congressional District

Oceanside U.S.D.

Chula Vista City S.D.

Santee S.D.

Grossmont U.H.S.D.

Cajon Valley S.D., El Cajon.

Escondido U.S.D.

S. Bay U.S.D., Imperial Beach.

Lakeside U.S.D.

Sweetwater U.H.S.D., Chula Vista.

Lemon Grove S.D.

La Mesa Spring Valley, S.D.

San Diego Unif. S.D.

Orange Glen S.D.

Jamul Las Flores U.S.D.

Grossmont Jr. Col. Dist.

Sweetwater Jr. Col. Dist., Chula Vista.

San Diego Comm. Col. Dist., San Diego County (also 36th and 37th Cong. Dists.)

Thirty-Sixth Congressional District

Thirty-Seventh Congressional District

San Diego Comm. Col. Dist., San Diego County (also 35th Cong. Dist.).

COLORADO

First Congressional District

S.D. No., Denver.

Second Congressional District

Jefferson Co. S.D. No. R1, Lakewood.

Englewood S.D. No. 1.

Adams Arapahoe Jt. S.D. No. 28, Aurora.

Adams Co. S.D. No. 14, Commerce City.

S.D. No. 6, Littleton.

Westminster S.D. No. 50.

S.D. No. 12, Denver.

Mapleton Pub. S.D. No. 1, Denver.

St. Vrain Valley S.D. Re. 1J, Longmont.

Third Congressional District

Colo. Springs S.D. No. 11.

Fourth Congressional District

Roaring Fork S.D. Re. 1, Glenwood Springs.

Garfield S.D. Re. 2, Rifle.

CONNECTICUT

Second Congressional District

Town of East Lyme Bd. of Ed.

Town of Colchester Bd. of Ed.

New London Bd. of Ed.

Town of Salem S.D., Norwich.

Third Congressional District

Milford Public Schs.

City of W. Haven Bd. of Ed.

Derby Bd. of Ed.

Orange Co. Bd. of Ed., Orange.

New Haven Bd. of Ed.

Town of Oxford Bd. of Ed.

City of Waterbury Bd. of Ed., New Haven County.

Fourth Congressional District

Bridgeport Bd. of Ed.

Town of Stratford Acting as a S.D.

Shelton Bd. of Ed.

Trumbull Bd. of Ed.

Town of Monroe Bd. of Ed.

Sixth Congressional District

Windsor Locks Public S.D.

Granby Bd. of Ed.

Enfield Bd. of Ed., Thompsonville.

Windsor Bd. of Ed.

Hartford Bd. of Ed.

Town of Suffield Bd. of Ed.

Bloomfield Bd. of Ed., Hartford Co.

DISTRICT OF COLUMBIA

At large

D.C. Public Schools.

FLORIDA

Ninth Congressional District

Tenth Congressional District

Broward Co. Bd. of Pub. Instr., Ft. Lauderdale.

Eleventh Congressional District

Twelfth Congressional District

Dade Co. Bd. of Pub. Instr., Miami.

GEORGIA

Third Congressional District

Muscogee Co. S.D., Columbus.

Harris Co. Bd. of Ed., Hamilton.

Houston Co. Bd. of Ed., Perry.

Crawford Co. Bd. of Ed., Roberta.

Twiggs Co. Bd. of Ed., Jeffersonville.

Pulaski Co. Bd. of Ed., Hawkinsville.

Fourth Congressional District

De Kalb Co. Bd. of Ed., Decatur.

City Schs. of Decatur.

Atlanta Pub. Sch. System (also 5th Cong. Dist.).

Fulton Co. Bd. of Ed., Atlanta (also 5th Cong. Dist.).

Fifth Congressional District

Atlanta Pub. Sch. System (also 4th Cong. Dist.).

Fulton Co. Bd. of Ed., Atlanta (also 4th Cong. Dist.).

Sixth Congressional District

Clayton Co. Bd. of Ed., Jonesboro.

Bibb Co. Bd. of Ed. & Orph., Macon.

Henry Co. Bd. of Ed., McDonough.

Carroll Co. Bd. of Ed., Carrollton.

Fayette County School System, Fayette County.

Monroe Co. Bd. of Ed., Forsythe.

Seventh Congressional District

Cobb Co. Bd. of Ed., Marietta.

Douglas Co. Bd. of Ed., Douglasville.

Paulding Co. Bd. of Ed., Dallas.

Ninth Congressional District

Cherfokee Co. Bd. of Ed., Canton.

HAWAII

First Congressional District

Second Congressional District

Bd. of Ed. of State of Hawaii, Honolulu.

ILLINOIS

First Congressional District

Second Congressional District

Third Congressional District

Chicago Public Schools No. 299 (also 5th, 6th, 7th, 8th, 9th, 10th, & 11th Cong. Dist.).

Fourth Congressional District

Posen Robbins Sch. Dist. No. 143½, Cook County.

Fifth Congressional District

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 10th, & 11th Cong. Dists.).

Tenth Congressional District

Chicago Public Schools No. 229 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, & 11th Cong. Dists.).

Melrose Park Broadview S.D. No. 89, Maywood.

Park Forest S.D. No. 163.

Rich Twp. H.S.D. No. 227, Park Forest.

Proviso Twp. H.S.D. No. 209, Maywood.

Cook Co. E.S.D. No. 102, La Grange Park.

Komarer S.D. No. 94, North Riverside.

Harvey Pub. Schls. Dist. No. 152, Cook Co.

West Harvey Dist. Schl. Dist. No. 147, Cook Co.

Eleventh Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, & 10th Cong. Dists.).

Twelfth Congressional District

Mundelein Cons. H.S.D. No. 120.
Twp. H.S.D. No. 110, Highland Park.
Mundelein E.S.D. No. 75.
Grayslake Comm. H.S.D. No. 127.
Community Unit S.D. No. 60, Waukegan Lake Co.

Fourteenth Congressional District

Lisle E.S.D. No. 70.
Maercker S.D. No. 60, Clarendon Hills.
Downers Grove H.S.D. No. 99.
Downers Grove E.S.D. No. 58.
Naperville Comm. H.S.D.
Naperville E.S.D. No. 78, Wheaton.
Lace Marion Hills S.D. No. 61, Wheaton.
Goodrich S.D. No. 68, Woodridge.
Comm. Cons. S.D. No. 181, Hinsdale.
Hinsdale Twp. H.S.D. No. 86.
Darien Pub. Sch. Dist. No. 61, DuPage Co.
Joliet Pub. S.D. No. 86 (also 17th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 17th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 17th Cong. Dist.).
Lockport E.S.D. No. 96 (also 17th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 17th Cong. Dist.).
Community Consolidated Schools, DuPage Co.

Seventeenth Congressional District

Georgetown E.S.D. No. 177.
Joliet Pub. S.D. No. 86 (also 14th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 14th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 14th Cong. Dist.).
Lockport E.S.D. No. 96 (also 14th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 14th Cong. Dist.).

Nineteenth Congressional District

Rock Island S.D. No. 41.
Moline S.D. No. 40.
East Moline Pub. S.D. No. 37.
Hampton E.S.D. No. 29.
Comm. Unit S.D. No. 200, Sherrard.
Geneseo Comm. Unit S.D. No. 228.
Rockridge Comm. Unit S.D. No. 300, Taylor Ridge.
Comm. Unit S.D. No. 115, Oquawka.

Twenty-Second Congressional District

Comm. Unit S.D. No. 335, La Harpe.

INDIANA

Sixth Congressional District

Clark Pleasant Comm. Sch. Corp., Whiteland.
Mooresville Cons. Sc. Corp.
Metropolitan S.D. of Martinsville.
Franklin Comm. Sch. Corp.
Comm. Sch. Corp. of Southern Hancock Co., New Palestine.
Greenwood Comm. Sch. Corp.
Center Grove Comm. Sch. Corp., Greenwood.

Seventh Congressional District

Avon. Comm. Sch. Corp., Indianapolis.
Plainfield Comm. Sch. Corp.

Eighth Congressional District

Metropolitan S.D. of Mt. Vernon.

Ninth Congressional District

Metropolitan S.D. of Vernon Twp., Crothersville.
Scott Co. S.D. No. 2, Scottsburg.
Salem Comm. Schs.

Eleventh Congressional District

Metropolitan Sch. Dist. of Lawrence Twp., Indianapolis.
Metropolitan S.D. of Warren Twp.
Indianapolis Pub. Schs.

IOWA

First Congressional District

Bettendorf Comm. S.D.
The Davenport Comm. S.D.
Pleasant Valley Comm. S.D.
Burlington Comm. S.D.
Danville Comm. S.D.
Mediapolis Comm. S.D.

Sixth Congressional District

Sergeant Bluff Luton Comm. S.D.
Westwood Comm. S.D., Sloan.
Sioux Comm. S.D.
Lawton-Bronson Comm. Sch. Dist., Woodbury Co.

Seventh Congressional District

Lewis Central Comm. Schs., Council Bluffs.
Council Bluffs Comm. S.D.

KANSAS

Second Congressional District

Unif. S.D. No. 437, Topeka.
Unif. S.D. No. 501, Topeka.
Unif. S.D. No. 343, Perry.
Unif. S.D. No. 340, Meriden.
Unif. S.D. No. 337, Mayetta.
Oskalooka Unif. Sch. Dist. No. 341.
Shawnee Heights Unif. S.D. No. 450, Tecumseh.
Unif. S.D. No. 464, Ronganoxie.

Third Congressional District

Shawnee Mission Rural H.S.D. No. 6.
Common S.D. No. 110, Overland Park.
Antioch C.S.D. No. 61, Overland Park.
Shawnee Common S.D. No. 27.
Roeland C.S.D. No. 92, Shawnee Mission.
Prairie S.D. No. 44.
Valley View C.S.D. No. 49, Overland Park.
Olathe Unif. S.D. No. 233.
Unif. S.D. No. 231, Gardner.
Bonner Springs Unif. S.D. No. 204.
Unif. S.D. No. 500, Kansas City.
Stanley Unif. S.D. No. 229.
Shawnee Mission Unif. S.D. No. 512.

Fourth Congressional District

Haysville Unif. S.D. No. 261.
Valley Center Unif. S.D. No. 262.
Unif. S.D. No. 260, Derby.
Maize Unif. S.D. No. 266.
Unif. S.D. No. 259, Wichita.
Unif. S.D. No. 265, Goddard.
Unif. S.D. No. 263, Mulvane.

Fifth Congressional District

Leon Unif. S.D. Jt. No. 205.
Douglass Unif. S.D. No. 39.
Rose Hill Unif. S.D. No. 394.
Andover Unif. S.D. No. 385.
Unif. S.D. No. 353, Wellington.
Unif. S.D. No. 356, Conway Springs.
Arkansas City Unif. S.D. No. 470.
Belle Plaine Unif. S.D. No. 357.
Osage City Unif. S.D. No. 420.
Unif. S.D. No. 434, Overbrook.
Unif. S.D. No. 454, Burlingame.
Marais Des Cygnes Valley D. No. 456, Melvern.
Lawrence Unif. S.D. No. 497.

KENTUCKY

Third Congressional District

Louisville Public Schools.

Sixth Congressional District

Berea Ind. Sch. Dist.
Fayette Co. Bd. of Ed., Lexington.
Clark Co. Bd. of Ed., Winchester.
Georgetown I.S.D.
Paris I.S.D.
Courbon Co. Bd. of Ed., Paris.

LOUISIANA

First Congressional District

St. Bernard Parish Sch. Bd., Chalmette.
Orleans Parish Sch. Bd., New Orleans (also 2d Cong. Dist.).

Second Congressional District

Orleans Parish Sch. Bd., New Orleans (also 1st Cong. Dist.).
Jefferson Parish Sch. Bd., Gretna.

Sixth Congressional District

St. Tammany Parish Sch. Bd., Covington.

MAINE

First Congressional District

S. Portland Bd. of Ed.
Old Orchard Beach Sch. Dist.
Biddeford Suptg. Sch. Comm.
Cape Elizabeth Sch. Dept.
Portland Pub. Schs.
Yarmouth S.D.
Town of Jefferson Sch. Committee, Windsor.
Sch. Adm. Dist. No. 57, East Waterboro.
Maine Sch. Adm. Dist. No. 35, South Berwick.

Second Congressional District

Calais Sch. Dept.
Vanceboro Sch. Dept., Danforth.
Sch. Admin. Dist. No. 19, Lubec.
City of Bangor Sch. Committee.
Town of Machias S.D.

MARYLAND

First Congressional District

St. Marys Co. Bd. of Ed., Leonardtown.
Calvert Co. Bd. of Ed., Prince Frederick.

Third Congressional District

Fourth Congressional District

Bd. of Ed. of Balt. Co., Towson (also 7th Cong. Dist.).

Fifth Congressional District

Prince Geo. Co. Bd. of Ed., Upper Marlboro
Bd. of Ed. of Charles Co., La Plata.

Sixth Congressional District

Bd. of Ed. of Fred. Co., Frederick.
Bd. of Ed. of Washington Co Hagerstown.
Bd. of Ed. of Howard Co., Ellicott City (also 8th Cong. Dist.).

Seventh Congressional District

Bd. of Ed. of Balt. Co., Towson (also 3d and 4th Cong. Dists.)

Eighth Congressional District

Bd. of Ed. of Mont. Co., Rockville.
Bd. of Ed. of Howard Co., Ellicott City (also 6th Cong. Dist.).

MASSACHUSETTS

First Congressional District

Town of Hatfield Sch. Comm.

Second Congressional District

Wilbraham Sch. Committee.
Hampden Wilbraham Reg. S.D.
Ludlow Sch. Comm.
City of Springfield Sch. Comm.
Sch. Comm. of the City of Chicopee.
City of Holyoke Sch. Comm.
Twn. of W. Springfield Sch. Comm.
Westfield Sch. Comm.

Third Congressional District

Shrewsbury Sch. Committee.
Southboro Sch. Comm.
Milford Pub. Schs.

Sixth Congressional District

Nahant Sch. Committee.
Middleton Sch. Committee.
Saugus Sch. Committee.
Danvers Sch. Comm.
Lynnefield Sch. Committee.
Rowley Sch. Comm., Georgetown.
Lynn Sch. Comm.
Masconomet Reg. S.D., Boxford.
Swampscott Pub. Sch.
Salem Public Schools.

Seventh Congressional District

Town of Wakefield, S.D.
City of Revere Sch. Comm.
Marlborough Sch. Comm.

Tenth Congressional District

New Bedford Sch. Comm.
Fairhaven Sch. Comm.
Town of Dartmouth Sch. Comm.
Acushnet Pub. Sch.

Twelfth Congressional District

Falmouth Sch. Comm.
Bourne Sch. Comm.
Town of Barnstable Sch. Committee.
Town of Sandwich Sch. Committee.

MICHIGAN

Second Congressional District

Pub. S.D. of City of Ann Arbor, Washtenaw Co.

Seventh Congressional District

Sch. Dist. of the City of Flint, Genesee Co.

Eighth Congressional District

Lansing Sch. Dist., Inham County.

MINNESOTA

First Congressional District

I.S.D. No. 196, Rosemount.
I.S.D. No. 191, Burnsville.

Third Congressional District

I.S.D. No 14, Fridley
I.S.D. No. 12, Circle Pines.
Anoka Hennepin I.S.D. No. 286.
I.S.D. No. 16, Minneapolis
Brooklyn Center I.S.D. No. 286.
Special S.D. No. 1, Minneapolis.
I.S.D. No. 281, Robbinsdale.
I.S.D. No. 271, Bloomington.

Fourth Congressional District

I.S.D. No. 621, New Brighton.
I.S.D. No. 625, St. Paul.
North St. Paul Maplewood S.D. No. 622, N. St. Paul.
I.S.D. No. 624, White Bear Lake.
I.S.D. No. 831, Forest Lake.
I.S.D. No 833, Cottage Grove
I.S.D. No. 623, St. Paul.

Sixth Congressional District

I.S.D. No. 724, St. Cloud.
I.S.D. No 742, St. Cloud.
I.S.D. No. 912, Milaca.
Princeton I.S.D. No. 477.
I.S.D. No. 728, Elk River, Sherburne Co.

Eighth Congressional District

I.S.D. No. 137, Lindstrom.
I.S.D. No. 136, Lindstrom.
I.S.D. No 139, Rush City
I.S.D. No. 138, North Branch.
I.S.D. No. 578, Pine City.

MISSISSIPPI

Fifth Congressional District

Biloxi Mun. Sep. S.D.
Ocean Springs Mun. Sep. S.D.
Gulport Mun. Sep. S.D.
Bay St. Louis Mun. Sep. S.D.
Jackson Co. Unit S.D., Pascagoula.
Harrison Co. S.D., Gulfport.
Laurel Municipal Sep. S.D., Jones Co.

MISSOURI

Fourth Congressional District

Cons. S.D. No. 2, Raytown.
Reorg. S.D. No. 7, Lees Summit.
Grain Valley S.D. No. 4.
Ft. Osage S.D.R. 1, Independence.
S.D. of the City of Independence.
Blue Springs Reorg. S.D. No. 4.
Wellington Napoleon Schs. R. 9.
S.D. of Kansas City.
Grandview Cons. S.D. No. 4.
Hickman Mills Cons. S.D. No. 1.
Reorg. S.D. No. 7, Odessa.
S.D. of Harrisonville R. 9.
Kingsville S.D.R. 1.
Center S.D. No. 58, Kansas City.
Midway Reorg. S.D. No. 1, West Line.
Belton S.D. No. 124.
Raymore Peculiar S.D.R. 2.
Warrensburg S.D.R. 6.
Cass Co. S.D. No. R. 8, Creighton.
Archie Pub. Sch. Reorg. Dist. R. V, Archie.
Miami Reorg. S.D. No. 1, Bates Co.

Sixth Congressional District

Clay, N. Kansas City S.D. No. 74.
Liberty Publ. S.D. No. 53.
Richmond S.D.R. 13.
St. Joseph S.D.
Polo Public S.D.R. 7.
Excelsior Springs S.D. No. 40.
Reorg. S.D. No. 2, Kansas City.
Norborne S.D.R. 6.
Lawson Reorg. S.D.R. XII.

Seventh Congressional District

S.D. of Springfield R. 12.
Willard S.D.R. 2.
Republic S.D.R. 3.
Fair Grove S.D. No. R 10.
Greene County S.D. R–8. Greene Co.

MONTANA

Second Congressional District

Billings E.S.D. No. 2.
Billings H.S.D.
H.S.D. No. 1A, Great Falls.
E.S.D. No. 1, Great Falls.
Vaughn S.D. No. 74.

NEBRASKA

Second Congressional District

S.D. of Omaha.
Rapillion Pub., S.D. No. 27.
Ralston S.D.
S.D. of the City of Bellevue.

NEW HAMPSHIRE

First Congressional District

City of Portsmouth Bd. of Ed.
Oyster River Coop. S.D., Durham and Madbury.
Rollingsford S.D.
City of Dover S.D. No. 11.
Timberland Regional Sch. Dist., Atkinson.
North Hampton S.D.
S.D. of the Town of Executer.
Nottingham Cooperative S.D.
Winnacunnet Coop. S.D., Hampton.
Concord U.S.D.
Newmarket S.D.
Epping S.D.
Raymond S.D.
Londonderry S.D.
Derry Coop. S.D. No. 1.
Manchester S.D. No. 37.
Goffstown S.D.
New Boston S.D.
Merrimack S.D.
Candia S.D.
Hooksett S.D., Suncook.
Allanstown S.D., Suncook.
Hudson S.D.

Second Congressional District

Gorham S.D.
Berlin Sch. Dist. No. 3, Coos Co.

NEW JERSEY

First Congressional District

Brielle Bd. of Ed.
Boro of Freehold Pub. Schs.

Second Congressional District

Bloomfield Mun. S.D. No. 6.

Third Congressional District

South Belmar Bd. of Ed. Monmouth Co.
Middletown Twp. Bd. of Ed.
City of Perth Amboy Bd. of Ed., Middlesex Co. (also 15th Cong. Dist.).

Fourth Congressional District

Trenton Bd. of Ed.
Hamilton Twp. Bd. of Ed.

Fifth Congressional District

Morris Hills Reg. H.S.D., Rockaway.

Sixth Congressional District

Bd. of Ed., Cinnaminson Twp.
Burlington City Bd. of Ed.
Burlington Twp. Bd. of Ed.
City of Beverley Bd. of Ed.
Riverside Twp. Bd. of Ed.
Westhampton Twp. Bd. of Ed., Mt. Holly.
Edgewater Park Twp. Bd. of Ed., Beverley.
Florence Twp. Bd. of Ed.
Burlington Co. Voc. Bd. of Ed., Mt. Holly.
Pemberton Twp. Bd. of Ed., Browns Mills.
Moorestown Twp. Bd. of Ed.

Seventh Congressional District

Hackensack Publ. Sch., Bergen Co.

Eighth Congressional District

Passaic Bd. of Ed., Passaic Co.

Tenth Congressional District

Bd. of Ed. of Newark (also 11th Cong. Dist.).

Eleventh Congressional District

Bd. of Ed. of Newark (also 10th Cong. Dist.).
Essex Co. Voc. Schs. Essex Co.

Thirteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 14th Cong. Dist.).
Bayonne S.A.

Fourteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 13th Cong. Dist.).

Fifteenth Congressional District

City of Perth Amboy Bd. of Ed., Middlesex Co. (also 3d Cong. Dist.).

NEW MEXICO

Second Congressional District

Clovis Municipal S.D. No. 1, Curry Co.

NEW YORK

First Congressional District

C.S.D. No. 5 Twn of Brookhaven, Holbrook.
U.F.S.D. No. 5 Twn of Islip, Bayport.
U.F.S.D. No. 2 Twn of Babylon, Huntington.
C.S.D. No. 5 Twn of Smithtown, Kings Park.
U.F.S.D. No. 1 Twn of Huntington, Elwood.
U.F.S.D. No. 12 Twn of Islip, Brentwood.
U.F.S.D. No. 3 Twn of Islip.
Ctr. S.D. No. 7 Twn of Brookhaven, Centereach
S.U.F.D. No. 10 Twn of Huntington, Commack.
U.F.S.D. No. 3 Twn of Brookhaven, Port Jefferson Station.
U.F.S.D. No. 1 Twn of Babylon, Dix Hills.
U.F.S.D. No. 9 Twn of Islip.
U.F.S.D. No. 5 Babylon, Suffolk Co. (also 2d Cong. Dist.).

Second Congressional District

U.F.S.D. No. 5 Babylon Suffolk Co. (also 1st Cong. Dist.).
U.F.S.D. No. 21 Twn of Oyster Bay.
U.F.S.D. No. 2 Twn of Hempstead, Uniondale.
U.F.S.D. No. 22 Twn of Farmingdale.
U.F.S.D. No. 17 Town of Oyster Bay, Hicksvills.
Town of Hempstead, East Meadow, Nassau Co. (also 4th and 5th Cong. Dists.).
Central S.D. No. 4, Town of Oyster Bay, Nassau Co. (also 4th and 5th Cong. Dists.).

Fourth Congressional District

Fifth Congressional District

Town of Hempstead, East Meadow, Nassau Co. (also 1st Cong. Dist.).
Central S.D. No. 4, Twn of Oyster Bay, Nassau Co. (also 1st Cong. Dist.).

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Tenth Congressional District

Eleventh Congressional District

Twelfth Congressional District

Thirteenth Congressional District

Fourteenth Congressional District

Fifteenth Congressional District

Sixteenth Congressional District

Seventeenth Congressional District

Eighteenth Congressional District

Nineteenth Congressional District

Twentieth Congressional District

Twenty-First Congressional District

Twenty-Second Congressional District

Twenty-Third Congressional District

Twenty-Fourth Congressional District

School District of the City of New York, Brooklyn.

Twenty-Fifth Congressional District

City S.D. of the City of Peekskill.
City S.D. of Yonkers, Westchester Co.

Thirty-Fourth Congressional District

Thirty-Fifth Congressional District

S.D. of the City of Syracuse.

NORTH CAROLINA

Third Congressional District

Onslow Co. Bd. of Ed., Jacksonville.

Fifth Congressional District

Forsythe Co. Schs., Winston-Salem.

Sixth Congressional District

High Point City Schs., High Point, Guilford Co.

Seventh Congressional District

Fayetteville City Bd. of Ed.
Cumberland Co. Bd. of Ed., Fayetteville.
Hoke Co., Bd. of Ed., Raeford.

Eighth Congressional District

Rowan Co. Admin. Unit S.D., Salisbury.

OHIO

Fourth Congressional District

Bethel Local S.D., Miami Co.

Seventh Congressional District

Mad River Twp. Local S.D., Dayton.
Dayton City Bd. of Ed.
Vandalia Butler City Schs.
Fairborn City S.D.
Northbridge Local S.D., Dayton.
New Carlisle Bethel Local S.D.
Kettering City S.D.
Xenia City S.D.
Washington Twp. Local Schs. Centerville.
Beavercreek Local Bd. of Ed., Xenia.
Springfield City S.D.
Madison Twp. Local S.D., Trotwood.
Jefferson Twp. Local S.D., Dayton.
W. Carrollton City S.D.
Northeastern Local S.D., Springfield.
Urbana City Sch.

Eleventh Congressional District

Exempted Village S.D., Windham.

Thirteenth Congressional District

Akron City S.D.

Fourteenth Congressional District

Barberton City Schs., Summit Co.

Sixteenth Congressional District

Seventeenth Congressional District

Canton City Bd. of Ed., Stark Co.

Twenty-Fourth Congressional District

Middletown City S.D., Butler Co.

OKLAHOMA

First Congressional District

Broken Arrow I.S.D. No. 3.
Skiatook I.S.D. No. 7.
Sand Springs I.S.D. No. 2.
Sapulpa I.S.D. No. 33.
Jenks I.S.D. No. 5.
Union I.S.D. No. 9, Broken Arrow.
Owasso I.S.D. No. 11.
Tulsa I.S.D. No. 1.
Kiefer I.S.D. No. 18.
Liberty I.S.D. No. 14, Mounds.
Sperry I.S.D. No. 8.

Second Congressional District

Pryor I.S.D. No. 1.
Catoosa I.S.D. No. 2.
Claremore I.S.D. No. 1.
Coweta I.S.D. No. 17.
Inola I.S.D No. .5.
Sequdyah I.S.D. No. 6, Claremore.
Cleveland I.S.D. No. 6.
Wagoner I.S.D. No. 19.
Omulgee I.S.D. No. 1.
Mannford I.S.D. No. 3.
Oilton I.S.D. No. 20.
Lone Star Dep. S.D. No. 8, Sapulpa.
Porter I.S.D. No. 3.

Third Congressional District

Krebs D.S.D. No. 9.
Wilburton I.S.D. No. 1.
Panola I.S.D. No. 4.
Stigler I.S.D No 20.

Sixth Congressional District

Elk City I.S.D. No. 6.

OREGON

Second Congressional District

Creek Co. S.D. No. 2, Creek Co.

Fourth Congressional District

Eagle Point S.D. No. 9.
Jackson Co. S.D. No. 91, Butte Falls.
Medford Sch. Dist. No. 549C.
Central Point S.D. No. 6, Jackson Co.

PENNSYLVANIA

Tenth Congressional District

Blakely Borough S.D., Peckville.
Valley View S.D., Peckville.
Mid Valley Sch. Dist., Olyphant.
Lakeland Sch. Dist., Lackawanna Co.
Old Forge Sch. Dist.
North Pocono S.D., Moscow.
S.D. of the City of Scranton.
Riverside S.D., Taylor.
Dunmore Pub. S.D.

Eleventh Congressional District

Pittston Area S.D.
Wyoming Area S.D., West Pittston.
Wilkes Barre City S.D.
Dallas Sch. Dist., Luzerne Co.
Wyoming Valley S.D., Kingston.
Plains Jt. S.D., Plains Wilkes Barre.
Greater Nanticoke Area S.D.
Ashley Sugar Notch Jt. Schs., Ashley.

Twelfth Congressional District

Susquentia Area S.D., Duncannon.

Fourteenth Congressional District

Penn Hills Township, Allegheny Co. (also 20th and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dist.).
Keystone Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 18th, 20th and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
S.D. of Pittsburgh (also 20th and 27th Cong. Dists.).

Sixteenth Congressional District

Palmyra Area S.D.
Annville Cleona S.D.
Cornwall Lebanon Sub. Jt. Sch. Sys.
North Lebanon S.D., Fredericksburg.

Eighteenth Congressional District

Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 20th, and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 20th, and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).

Twentieth Congressional District

Penn Hills Twp, Allegheny Co. (also 14th and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th, and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Clariton S.D. Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
McKeesport Area Sch. Dist., Allegheny Co.
S.D. of Pittsburgh (also 14th and 27th Cong. Dists.).

Twenty-First Congressional District

New Kensington-Arnold Sch., Westmoreland Co.

Twenty-Fourth Congressional District

Farrell Area Sch. Dist., Mercer Co.

Twenty-Sixth Congressional District

Peters Twp. S.D., McMurray.
Connelsville Area Sch. Dist., Fayette Co.

Twenty-Seventh Congressional District

Penn Hill Twp., Allegheny Co. (also 14th & 20th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Duquesne Sch. Dist. Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Sto-Rex Sch. Distr., Allegheny Co.
Carlynton S.D., Carnegie.
Bethel Park S.D.
Montour S.D., McKees Rocks.
West Allegheny S.D., Imperial.
Fox Chapel Area S.D., Pittsburgh.
South Park S.D., Library.
Baldwin Whitehall S.D., Pittsburgh.
Brentwood Boro S.D., Pittsburgh.
Chartiers Valley S.D., Pittsburgh.
West Jefferson Hills S.D., Pittsburgh.
S.D. of Pittsburgh (also 14th & 20th Cong. Dists.).
S.D. of the Twp. of Upper St. Clair, Bridgeville.

RHODE ISLAND

Second Congressional District

S. Kingstown Sch. Comm., Wakefield.

SOUTH DAKOTA

First Congressional District

Brookings I.S.D. No. 122.
Lennox I.S.D. No. 100.
West Central I.S.D. No. 154, Hartford.

TENNESSEE

First Congressional District

Sullivan Co. Bd. of Ed., Bloutville.
Kingsport City Sch. Sys.
Sevier Co. Bd. of Ed., Sevierville.

Second Congressional District

Knox Co. Bd. of Ed., Knoxville.
Blount Co. C.D., Maryville.
Knoxville Bd. of Ed.
Maryville City Schools.
Alcoa City S.D.

Third Congressional District

City of Chattanooga Bd. of Ed.
Marion Co. Bd. of Ed., Jasper.
Hamiltno Co. Bd. of Ed., Chattanooga.

Fourth Congressional District

Warren County Bd. of Ed., McMinnville.
Anderson Co. Bd. of Ed., Clinton.

Fifth Congressional District

DeKalb Co.

Sixth Congressional District

Franklin Co. Bd. of Ed., Winchester.

TEXAS

First Congressional District

Daingerfield I.S.D.
Cason I.S.D.

Third Congressional District

Grand Prairie I.S.D.
Irving I.S.D.
Duncanville I.S.D.
Lancaster I.S.D.
Cedar Hills I.S.D.
De Soto I.S.D.
Dallas I.S.D.

Fourth Congressional District

Howe I.S.D.
Terrell I.S.D.

Sixth Congressional District

Red Oak I.S.D.
Midlothian I.S.D.

Tenth Congressional District

San Marcos I.S.D.
Lockhart I.S.D.
Blanco I.S.D.
Hays Cons, I.S.D., Kyle.

Eleventh Congressional District

Conally Cons. I.S.D., Waco.
La Vega I.S.D., Bellmead Branch, Waco.
Waco I.S.D.
Midway I.S.D., Waco.
Robinson I.S.D., Waco.
Crawford I.S.D., No. 901.
China Spring I.S.D.
Mart I.S.D. No. 101 908.
Lorena I.S.D.
Bosqueville I.S.D., McLenna County.
Rosebud Lott I.S.D., Rosebud, Falls County.

Twelfth Congressional District

Birdville I.S.D., Ft. Worth.
White Settlement I.S.D., Fort Worth.
Hurst Euless Bedford I.S.D.
Arlington I.S.D.

Thirteenth Congressional District

Lewisville I.S.D.
Lake Dallas I.S.D.
Bridgeport I.S.D.
Denton I.S.D.

Seventeenth Congressional District

Coahoma I.S.D.
Forsan Co. Line I.S.D.

Twentieth Congressional District

Harlandale I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 21st & 23d Con. Dists.).
Edgewood I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Somerset I.S.D. (also 21st & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 21st & 23d Cong. Dists.).

Twenty-first Congressional District

Harlandale I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 23d Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 20th & 23d Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
San Antonio I.S.D. (also 20th & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Somerset I.S.D. (also 20th & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Judson I.S.D., No. 916, Converse (also 20th & 23d Cong. Dists.).
Boerne Co. Line I.S.D.
Comal Co. I.S.D., New Braunfels.

Twenty-third Congressional District

Harlandale I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 20th & 21st Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Somerset I.S.D. (also 20th & 21st Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 20th & 21st Cong. Dists.).
Devine I.S.D.
Schertz Cibolo I.S.D.
Floresville I.S.D.
Potect I.S.D.
Marion I.S.D.
Laredo I.S.D.
United Cons. I.S.D., Laredo.

VIRGINIA

Second Congressional District

Fredericksburg City Schs.
City of Alexandria Sch. Bd.
City of Fairfax Sch. Bd.
Portsmouth City Sch. Bd.
Sch. Bd. of the City of Norfolk.
Sch. Bd. of the City of Virginia Beach.
Sch. Bd. of the City of Chesapeake.

Third Congressional District

Co. Sch. Bd. of Chesterfield Co.

Fourth Congressional District

Co. Sch. Bd. of Prince George Co., Prince George.
Sch. Bd. of Nansemond Co., Suffolk.
Sch. Bd. of Isle of Wight Co., Isle of Wight.
Co. Sch. Bd. of Prince William Co., Manassas.

Sixth Congressional District

Co. of Roanoke Sch. Bd., Salem.
Roanoke City Pub. Schs.

Tenth Congressional District

Co. Sch. Bd. of Arlington Co.
Co. Sch. Bd. of Fairfax Co., Fairfax.

WASHINGTON

Second Congressional District

Edmonds S.D. No. 15, Lynnwood.

Third Congressional District

Newport Cons. Jt. S.D. Nos. 56, 417.
Peninsula S.D. No. 401, Gig Harbor.
Vancouver S.D. No. 37.

Fourth Congressional District

Walla Walla S.D. No. 140.
Daytona S.D. No. 2.
Yakima S.D. No. 7.
Clarkson S.D.
Union Gap S.D. No. 2.
Moxee S.D. No. 90, Yakima.
Naches Valley S.D. Jt. No. 3.
Zillah S.D. No. 205.
Selah S.D. No. 119.

Fifth Congressional District

Mead S.D. No. 354.
Spokane S.D. No. 81.
Cheney Jt. Cons. S.D. No. 360, 316.

Sixth Congressional District

N. Kitsap S.D. No. 400, Poulsbo.
Clover Pk. S.D. No. 400, Lakewood Center.
Franklin Pierce S.D. No. 402, Tacoma.
Eatonville S.D. No. 404.
Bremerton Cons. S.D. 1000.
Uni. Place S.D. No. 83, Tacoma.
Stellacoom S.D. No. 1.
Bethel S.D. No. 403, Spanaway.
Tacoma S.D. No. 10.
Sumner S.D. No. 320.
Puyallup S.D. No. 3.
Fife S.D. No. 417, Tacoma.

Seventh Congressional District

Kent S.D. No. 415.
Highline S.D. No. 401, Seattle.
Seattle S.D. No. 1.
Northshore S.D. No. 417, Bothell.
Bellevue S.D. No. 405.
Fed. Way S.D. No. 210.

WEST VIRGINIA

Second Congressional District

Jefferson Co. Bd. of Ed., Charles Town.
Tucker Co. Bd. of Ed., Parsons.

Fourth Congressional District

Cabell Co. Bd. of Ed., Huntington.
Wayne Co. Bd. of Ed., Wayne Co.

WISCONSIN

Second Congressional District

Jt. S.D. No. 8, City of Madison.
Jt. S.D. No. 2, Sun Prairie.
McFarland C.S.D., Jt. No. 8.
Jt. S.D. No. 10, Village of Arlington, Poynette.

Third Congressional District

Jt. S.D. No. City of Prescott.
Jt. S.D. No. 9, City of Elroy.

Eighth Congressional District

Jt. S.D. No. 1, City of Green Bay.
Jt. S.D. No. 2, West De Pere.

Tenth Congressional District

Jt. S.D. No. 1, City of Hudson-Troy, St. Croix Co.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, November 23, 1971, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Levin H. Campbell, of Massachusetts, to be U.S. district judge, district of Masachusetts, vice Charles E. Wyzanski, Jr., retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, November 29, 1971, at 10:30 A.M., in room 2228, New Senate Office Building, on the following nomination:

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims vice Don N. Larmore, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arknasas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ADDITIONAL STATEMENTS

PEKING'S DELEGATES ARRIVE AT UNITED NATIONS

Mr. ALLEN. Mr. President, remarkably candid speeches delivered on the occasion of the Peking delegation's arrival at the United Nations, by the Soviet delegate, Mr. Yokou A. Malik, and China's Deputy Foreign Minister, Chiao Kuan-Hua, leave little room for doubt about the future thrust of United Nations actions.

For one thing, Mr. Malik reminded us that as a result of Russia's advocacy of the policy of universality in the United Nations, it has been able "to achieve the admission into the United Nations of a large number of socialist states including Albania," which nation offered the resolution to seat Red China and kick out Taiwan, a charter member of the United Nations.

As for Mr. Chiao, no words were minced in outlining the intentions of Communist China as a member of the United Nations and of the Security Council. He hailed the General Assembly vote to seat Communist China and oust Nationalist China as "a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs." He also laid it on the line with respect to the future of Taiwan. He said:

> The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so.

In addition, he told the United States and the world what must be done in South Vietnam, Cambodia, and Laos. In his foreign policy prescriptions for the United States he let it be known that we must bow to Red China's demand for unification of Korea and then informed us what would be required to settle the Middle East tensions as well as the problems in Asian, African, and Latin American countries which together now constitute a voting majority in the United Nations.

Mr. President, the message is loud and clear. Communist China now not only has a voice, a vote, and a veto in the United Nations, but it also has majority backing in the General Assembly. There is no reason to doubt that Communist China intends to use that power to promote revolutionary objectives throughout the world. These objectives differ only slightly from those espoused by Soviet Russia. They are differences of means and not of ends.

Mr. President, the New York Times of November 13, 1971, published an article by Jefferson St. John, entitled "The U.N. Deserves a Decent Burial." Mr. St. John presents revealing insights and judgments on the United Nations organization.

Only those who are emotionally tied to a post era will take offense at suggestions that the time is at hand to reevaluate the United Nations as an institution. The evidence is in—its catastrophic failures have been cataloged. It is time now to question its intentions—its methods—its ends—its utility and also to dispassionately examine the consequences of our continued participation and support of this organization. I am satisfied that we can promote the ends of world peace by more effective institutional means than by reliance on a flawed and incapacitated United Nations organization.

Mr. President, in support of this judgment, I ask unanimous consent that Mr. St. John's article be printed in the RECORD, together with published results of a recent Gallup poll which reveal that the prestige of the United Nations has dropped to an alltime low.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 13, 1971]

THE U.N. DESERVES A DECENT BURIAL

(By Jeffrey St. John)

"This is not the time for cynicism," observed Secretary General Thant a few days before the ouster of Taiwan from the U.N. "This is the time when member states should honor their pledges. . . ."

One pledge was to honor the U.N. charter, clearly compromised when a founding member, Taiwan, was expelled. This hypocrisy is only one of a host of reasons why the United States should allow the world organization to commit suicide. Further U.S. moral and monetary support for the U.N. would be like giving life support fluids to a patient whose brain waves and vital body functions have failed.

During the debate over Red China's representation we were urged to "face reality." The reality of the U.N. today is that it is philosophically and financially bankrupt: The U.S. will only complicate its future conduct of foreign policy if it persists in the dangerous delusion that the moribund U.N. can work or is worth saving. The most honest and courageous act we can perform is to give the global organization a decent burial by paying for the U.N. to relocate in that graveyard of international conferences, Geneva.

The U.S. Senate faced reality when it voted to scuttle the American foreign aid program. It is superficial and shallow to say that the action was out of anger at the U.S. defeat over the China representation issue. It was, in reality, a not clearly identified revulsion against the chaos created by a quarter century of American international altruism.

As we have failed to be the policeman of the planet, so we have failed as welfare workers of the world via our own efforts and those of the United Nations. The worldwide hostility we have unleashed as paternalistic policeman and alms-giver to the globe was perfectly reflected in the unprecedented "glee" of U.N. members when they handed the U.S. its stunning defeat by ousting Taiwan. Only a country with a hideous capacity for self-flagellation would subject itself to a climate of hostile and irrational gang rule.

What doomed the U.N. from the very first for its false philosophical foundation, the assumption that nations would renounce their nationalistic self-interest in the name of a greater global good. Mr. Thant and others have berated member nations for indulging in "nationalistic self-interest" in an age when nationalism is the dominant reality. One of the first laws of nature and of nations is self-preservation and survival, the sisters of "selfishness" or self-interest. United Nations apologists have explained away every failure of the U.N. because of "hypo-nationalistic sins of greed and pride." This is not only an evasion, but a revolt from the reality that nations are offered nothing but a vague set of glittering generalities to replace their own deep-rooted institutions, traditions and boundaries.

During the last quarter century the Soviets and their allies have consistently served their own self-interest and sovereignty by working an obstructionist will within the world organization. In contrast, the U.S. has consistently subordinated its self-interest, never wanting to believe the specific goals the Soviets had in mind when manipulating the machinery of the United Nations. It has been, and continues to be, the goal of the Soviets, now to be aided by the Red Chinese, to use the U.N. as a psychological and propaganda weapon to isolate the West and particularly the United States from the uncommitted world. The weakness the U.S. has shown in the face of this quarter-century campaign has contributed to the loss of respect and of the American leadership role in the U.N.

Current and future attempts to make the U.N. "work" will fail as long as we refuse to face two central issues. One, that the world organization is used as a weapon against the West and its principal patron, America. Second, the U.N. has been unable to fashion a system of cooperation that works with, not against, the natural self-interest of men and nations.

We need a genuine dialogue and debate over whether the United States should further support or participate in a world organization that has failed in its stated goals and has too often become an instrument for fermenting peace-breaking rather than peacekeeping. Let U.N. supporters attempt to defend the indefensible and answer the proposition whether in fact it would be more humane to give the world organization a decent burial.

GALLUP SAYS U.S. PUBLIC RATES U.N. PRESTIGE AT A RECORD LOW

The prestige of the United Nations has dropped to an all-time low in the United States, the Gallup Poll reported yesterday.

The poll was conducted Oct. 29 to Nov. 1, after the United Nations rejected the United States' two-China policy. The Gallup organization said 1,562 persons had been interviewed in more than 300 localities.

It said a downward trend in the United Nations' prestige began in 1967, when 49 per cent of the Americans surveyed said they felt the United Nations was doing a good job. In the latest poll 43 per cent said it was doing a poor job.

The following question was asked during the most recent poll:

"In general, do you think the United Nations organization is doing a good job or a poor job in trying to solve the problem that it has faced?"

TREND SINCE 1967

Here are the latest results and trend since 1967:

[In percent]

	Good	Poor	No opinion
Latest	35	43	22
1970	44	40	16
1967	49	35	16

Some of the current bitterness toward the United Nations was attributed to its inability to bring about peace in Vietnam, the

Middle East and, most recently in the Pakistani-Indian conflict.

Republicans are less favorable disposed toward the United Nations than are Democrats, the Gallup Poll said. Among all age groups, persons under 30 give the organization the highest rate of approval.

RESULTS BY GROUPS

The following table shows the results by political identification, education and age groups:

[In percent]

	Good	Poor	No opinion
National	35	43	22
Republicans	31	48	21
Democrats	39	39	22
Independents	32	48	20
College	33	54	13
High school	37	41	22
Grade school	31	40	29
Under 30	41	40	19
30 to 49 years	34	43	23
50 and over	32	46	22

The United Nations started out in 1945 with overwhelming support, with the American public in favor of Senate ratification of its charter by a 20-to-1 ratio.

Since the late nineteen-fifties and early nineteen-sixties the organization's popularity has slipped steadily, according to the Gallup Poll.

A TRIBUTE TO TWO DISTINGUISHED OREGON CITIZENS

Mr. PACKWOOD. Mr. President, one of Oregon's outstanding citizens is R. W. deWeese of Portland. In Oregon, Bill deWeese is regarded his own man. He has an outstanding record of achievement in business and an equally outstanding record of accomplishments as a civic leader. That is why I am particularly proud and my home State is particularly honored to have President Nixon name Bill deWeese of Portland as chairman of the committee on State and Local Government Cooperation, an advisory panel to the President's Cost of Living Council, Price Commission and Pay Board.

The Advisory Committee is part of the post-freeze apparatus President Nixon outlined in his October 7 message on the economic stabilization program.

The committee will advise the Cost of Living Council in the application of the economic stabilization program to State and local governments, their subdivisions, and their employees. Appointment of the Board reflects administration interest in enlisting the assistance and cooperation of State and local governments in achieving the anti-inflation goals of the economic stabilization program.

Bill deWeese is 60 years old, but he has the spirit of a man half that age. He believes in this country and he believes in hard work. As the former vice president for marketing of the ESCO Corporation, Bill deWeese made a remarkable impact in the business world. He still serves as a member of the board of directors of ESCO, and is a director of the Cascade Corp., Great Western National Bank and Oregon Metallurgical Corp. He also is a technical counselor for Oregon State University and is a director of district No. 1 of the Portland Public Schools. He serves on the Portland Metropolitan Area Urban Coalition and is director of the Citizens Coalition for Responsibility. He is a graduate of Stanford University.

Let me add some personal thoughts about Bill deWeese.

I have known Bill a long time. There is no wasted motion about this man. He is superbly prepared and extraordinarily disciplined. As a result, Bill deWeese can accomplish in a few minutes or a few hours what it would take most of us many, hours or many days to accomplish. This committee will not fail because Bill deWeese will not let it fail. He will bring to this committee the leadership and inspiration which are essential if the job is to be accomplished as it should be. I know that all of Oregon joins me in applauding the naming of Bill deWeese to this significant job of responsibility. A better choice could not have been made.

Oregon is indeed honored to have a second distinguished person serving on this same panel. She is Dr. Eleanor Beard, a member of the Oregon State Board of Education.

It has been my pleasure to work with Dr. Beard on community programs. I know of her great interest in her community, in her State, and in her Nation. She has held office in State and local units of the League of Women Voters and the American Association of University Women. Mrs. Beard is a resident of Lake Oswego near Portland. She is indeed a credit to that community and to all of Oregon. I know she will do an outstanding job.

THE ICC MOVES TO HELP RECYCLING

Mr. MOSS. Mr. President, recently the Interstate Commerce Commission took an action that will help make recycling economically feasible. It ruled that carriers that wish to transport recycled material will no longer have to pay expensive filing fees and go through lengthy hearings to get ICC certification. Since many of these carriers are small companies, the old rules were a tremendous burden, which has now been lifted. The ICC action will help to relieve the acute shortage of carriers for recycled materials and will stimulate competition to keep transportation rates low.

Economical transportation is an essential element of any successful recycling program. Without it, such programs will die on the vine, and materials in our solid waste simply will never get reclaimed. Our national interest demands increased recycling, and the ICC decisions reflected this realization.

This move was significant, not for the total amount of recycling it will stimulate, but for the new awareness it represents on the part of the ICC on this issue. In part, the ruling reads:

> Pollution threatens our existence. An aware nation is attempting to save and restore an ailing environment.
>
> Programs have arisen throughout the land, sponsored by Government, industry, charitable groups and others. The success or failure of many of these programs depends on the availability of adequate transportation. This commission must authorize carriers to allow them to make such transportation available. Although certain carriers and carrier organizations believe that their interests may be adversely affected to some extent, failure to become part of the "team" fighting to halt pollution might seriously affect the future, not only of the trucking industry, but all American industry—We earnestly hope that all motor carriers will desire to join the national effort to save and restore our American environment.

The ruling is, I believe, in response to pressure that I and others have applied to the ICC in recent months to get it to wake up to its environmental responsibilities. Last month I introduced an amendment to S. 1729, the Fast Freight Car bill, to require railroads to eliminate discriminatory freight rates on recycled materials. Our special subcommittee on Freight Car Shortages inquired of the ICC what it is doing on the matter. To date we have received no response.

Congressman DINGELL has been carrying on a running correspondence with the Commission on this matter. The language of the commission's most recent response, dated October 6, 1971, is, in part, as follows:

> This commission has no authority to exercise specific planning functions with regard to the environment . . . We are anxious to participate in implementing the spirit of the Declaration of National Environmental Policy. However, in view of past litigation regarding the matter of scrap materials in ex parte Nos. 265 and 267, in the pending proceeding ex parte No. 270, it would be unwise in my opinion to invest any more of our limited resources at this time on this particular issue.

Seen in the light of the Commission's past reluctance in this area, the action last week is certainly a great leap forward.

It is less certain exactly what effect the ruling will have on the movement of recycled materials. For one thing, it will apply only to "waste" products ruling as part of a "recognized pollution control program." The meaning of the phrase "recognized pollution control program" is unclear, despite the Commission's attempt at clarification. I hope it will be construed broadly so that all good faith efforts to recycle solid wastes will be eligible. A stricter interpretation of the phrase would seriously undermine the spirit of the new ruling.

On the other hand, the definition of "waste" proposed by the Commission is an excellent one. The Commission makes it clear that what we are talking about is postconsumer solid waste. We would not be giving a windfall to manufacturers who are already reclaiming materials as a regular part of their production processes.

This is the same definition for recycled materials that I am requiring in my bills. Only if we aim our recycling incentives at the postconsumer solid waste will we be accomplishing our most important objectives.

The Commission is to be congratulated on its excellent initiative in this area. With its newfound environmental awareness, the Commission should now move to consider the environmental impact of discriminatory railroad freight rates on recycled materials. I urge that other Federal agencies such as the Government

Printing Office follow the Commission's lead.

It is time that all agencies in the Federal Government move to encourage the maximum possible amount of recycling. Our solid waste problems, and our resource scarcity problems, demand no less.

CAB CHAIRMAN SEEKS FINANCING AGENCY

Mr. DOLE. Mr. President, we are all greatly concerned about the balance of payments problem and our position in the world's marketplace.

From the time that Wilbur and Orville Wright had their success at Kitty Hawk, the United States has led the world in the exploration of inner space and in the development and sale of vehicles for that purpose.

The recent achievements of the Boeing Co. with the 747, the McDonnell Douglas achievement of the DC–10, and Lockheed's efforts toward the L–1011 and the C–5, not to mention the spectacular achievements of our recent Apollo moon missions, still have us in a position of world leadership in aerospace.

However, there are now in the Nation, under development, no new air frames or powerplants, but these are under development in other nations. In some cases this foreign development is using American ingenuity and technology as a result of agreements with U.S. manufacturers. We are at the threshold of exporting our technology.

Secor D. Browne, a noted figure in the aviation community, an engineer and Chairman of the Civil Aeronautics Board, has foreseen the danger of continuing down the present path and is proposing a way of combating this burgeoning technology drain.

I ask unanimous consent that the text of Mr. Browne's recent remarks before the American Institute of Aeronautics and Astronautics Conference in Washington, D.C., be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Secor D. Browne, Chairman, Civil Aeronautics Board, at the American Institute of Aeronautics and Astronautics Conference, October 28, 1971

Thank you, Mr. Chairman. I think the panel has done a remarkable job of defining the alligators in which we are up to the hips. I'm not sure that I agree in quite the same way with the statement about how we get rid of them. I don't want to just plan; I think we've got to move and move fast. I'm not sure we can wait for a totally integrated national-industrial plan.

Although I agree about our deteriorating international competitive position in all our industries, I believe we should begin at the beginning, and the beginning is the air transport market—a market that is, if not our greatest balance of payments earner, then certainly one of the key ones.

What we have to have is a new government entity to produce the next generation of aircraft. We certainly are going to have a requirement for more airplanes despite what some of my friends in charge feel as of today. I don't want to buy A–300–B air buses. The question is not will the A–300–B—and other foreign aircraft—be sold here, they *must* be unless we work out a system of developing and financing our own aircraft.

It is simply beyond the resources of Boeing or Douglas or Lockheed or perhaps the three of them put together even with the aid of a prudent financial community—and they must be prudent—to carry us through another transport air frame and engine program. The new 20,000 pound thrust class, high by-pass, clean, quiet engine will be made in France with GE technology (and some from Pratt & Whitney as well) and with the full support of the French Government for a French company.

As many of you have heard me say, I don't think that retrofit is technically feasible. In terms of time it makes no sense at all. If you are going to schedule retrofits, by the time you retrofit the airplanes most of them have been written off.

Likewise the economics of retrofit do not make sense. But, there is some possibility of re-engining. If we re-engine, it looks like we will re-engine with French engines. So, how do we get off the hook. . . .

Again, I come back to some sort of new government-supported entity. One of the great sorrows of the loss of the SST Program was not only the airplane but the loss of the beginnings of an entity which would make such a program possible again. I think in all candor that the SST Program suffered from the fact that it was just one office in a department with other pressures and duties.

I also feel there was a barrier between the airlines and the manufacturers. There seemed to be a lack of adequate communication or perhaps a kind of general trust in what was being done.

What I am asking for is some sort of new government entity which would be economic rather than technical. You could call it a national development bank or a finance corporation. Its job would be to apply the resources to move ahead with competitive programs to a point where airlines could carry on with their own money. There is the possibility that such a program could be carried further with the participation of the airlines to the point where aircraft could be shipped and would begin to pay for itself. In other words, pay the public back.

Now I have said time and time again that I can't conceive of a worse airline management team than the Civil Aeronautics Board. With all due deference to all kinds of government agencies, I don't think that they make very good design teams either. I think that manufacturers—not government officials—ought to design airplanes and engines. And I think that manufacturers should design to meet carrier needs—not what some government representative *thinks* the carriers need. One of the reasons that Russian airplanes are heavier and less efficient than ours, or have been so far, is that they are for the most part designed by government teams. It's difficult to get creativity or boldness from a government design team.

But, as I look at the list of government offices that are involved with worrying about what is going to happen with the aerospace industry, I come up with DOT, FAA, NASA, the National Aviation and Space Council, the Office of Science and Technology, the Domestic Council, the Council of Economic Advisors, the Treasury, the Justice Department and the Department of Defense. I don't want any of them either designing the airplane or running its financial program. So as I say, I obviously haven't refined my thoughts but I feel this very strongly.

Now turning to some other points that were raised. The first was rationalization of route structures. There is no question in my mind that we have too much capacity. This is in part because in the mid-60's it looked like more route awards made sense. It made sense to the carriers who asked for the routes and to the Board which granted the routes, and to the carriers who bought the equipment to service those routes. The awards were made and the carriers loaded up with new equipment.

And as a matter of hard fact without changing the statute there is no way for the Civil Aeronautics Board to kick anybody off a route. Internationally, it might help Pan Am and TWA to cut the competition between New York and Paris but I don't think that the French would like us to kick Air France out of New York. So, in the real world what the CAB can do is limited.

In the matter of supplementals being acquired by scheduled carriers, or the supplementals acquiring scheduled carriers, this is another difficult problem. It would take legislation to bring it off. In Europe, it's different. The supplementals are often the instruments of the scheduled carrier which in itself is state owned. So that simply means that the national governments of Europe and elsewhere in the world can wear any one of three hats if they want to: The government, the scheduled carrier or the supplemental carrier. They also have the great advantage of flying the same airplanes on both systems.

The third point is the matter of labor legislation to balance the equation. This is an urgent need and I can't emphasize it too much. I have spent a lot of time talking with people in the Administration and with influential members of Congress about this problem. It is an area which will trouble all of us unless something can be done.

Next was the point about freedom of pricing. There was a recent editorial in the Wall Street Journal that took the Board to task and pointed out that George Spater of American had said that what we need is price flexibility—freedom to price. I don't normally write letters to newspapers, but I did write in that case. I pointed out that in the Domestic Passenger Fare Investigation and decision of last April, we decided that the present level was wrong and some pricing flexibility should be given the carriers. We said the carriers can go out and raise their fares up to 6 per cent in each market. In response everybody, including my friend Mr. Spater, rushed out and raised fares the *full* 6 per cent *in each market;* yet, they had a range of pricing flexibility available to them between the former level and 6 per cent above it. I simply say that pricing flexibility is a dandy idea, and I wish the carriers would use it. As far as I am concerned I am for flexibility of pricing and I am for, and I believe that the Board is for, the exercise of more managerial initiative. While the Board has come up with standards in the fare case, they are not rigid rules. They are guidelines for the carriers to follow in pursuing their own responsibilities.

Another pressing matter is short-haul services. I have very strong feelings about the Northeast Corridor and other high-density transportation corridors.

I do not think they should be served by any type of government subsidized, fixed guideway system. By fixed guideway I mean the monorail, tracked air-cushion vehicle, or improved trains. I simply think that the European and Japanese experience with subsidizing state railway systems is not attractive to the American scene particularly when we appear to have the capability of mounting an efficient, economic, short-haul air service. In my judgment the example will be set for us by the Canadians. They have automatically solved some of the problems we're unable to wrestle with simply because they are subsidizing a suitable STOL vehicle and we are not. It may not be the greatest in the world but the DeHaviland machine is a short-haul machine designed for that purpose and the Canadian Government is supporting it. The Canadian Government happens to own their air traffic control systems so they can put in air navigation and the other elements that are part of a total STOL system. They own the airports, so they can take care of the decisions of whether you build STOL strips in or not. The Canadian Government has, I believe, announced that they are going to work on the STOL project in other places besides their big airports. And, of course, they own an airline. So, they have all the things they need to mount a STOL system and at the time they do it, we'll probably still be talking about it and doing nothing.

I know that the Board is unique among regulatory agencies in that it has a responsibility to promote air transportation.

I understand of course that Mr. Volpe has a different charter but I still am a little disturbed about the continued amounts of money apparently required to subsidize Amtrak's rail services and advertising campaigns directed against what is essentially a free enterprise transportation system.

The final point goes to priorities. This has disturbed me greatly. It disturbed me during the SST debate when there was much talk about a choice between the SST and other things like poverty programs and other welfare programs. But, the truth is that it is not a matter of a choice between social programs and something else. It is a choice between social programs and the ability to support social programs. Obviously, the economy cannot be made self-supporting if the economy is not a generator of goods. Without generators of wealth, there can be no social programs. Over and over again I say there is no such thing as a free lunch. The way we are going we cannot survive, because no one can survive as a Nation of service industries and that's the way we are going—a Nation that does nothing but take in each other's laundry.

COMMUNISM VERSUS CAPITALISM

Mr. ALLEN. Mr. President, the Honorable John C. Pearson, an attorney at law in Tuscaloosa, sent me an article from the Presbyterian Journal of October 27, 1971. The article bears the intriguing title "America's Darkest Hour" and was authored by Jack E. Noble, pastor of the Riverside Independent Methodist Church of Jackson, Miss.

The Reverend Mr. Noble quotes from Lenin, who predicted:

> First we will take Eastern Europe; next the masses of Asia. Then we shall encircle the last bastion of capitalism, the United States of America. We shall not have to attack; it will fall like an overripe fruit into our hands.

The author documents the manner in which the policy enunciated by Lenin has been implemented over the past two decades. The events he describes leads us to concur in his judgment that the United States may well be facing its darkest hour.

Mr. President, in view of current developments with respect to Communist nations, I believe that Senators and the public in general will find the article timely, informative, interesting, and challenging. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOT THE WINTER AT VALLEY FORGE, BUT THIS VERY DAY—AMERICA'S DARKEST HOUR

(By Jack E. Noble)

As Americans we have the greatest heritage of any nation on earth. I can remember when our history books showed pictures of veterans standing with tears running down their cheeks as the flag went by. To them it was not just a piece of cloth. In that flag they saw the dreams and ideals of all this country hoped to be, the dream for which their fellow countrymen had died.

I can remember when we pledged and covenanted anew that we would die ourselves, if need be, to preserve that great dream which was on its way to becoming reality, a dream which had begun on the East coast and stretched across this continent to the Pacific: to create a land where men and women could worship God together in the church of their choice, where people of all nationalities would come together to mold a great nation.

A GREAT HERITAGE

We have a great heritage, and the time has come in our history when we need to take it seriously. In recent years our young people have not been taught about their heritage. In only very few of our schools and churches have the things which were given to us as a sacred trust been taught to our young people. In the average history book today, our great patriots such as Patrick Henry, Samuel Adams and other leaders of the War for Independence, are cast in the role of radicals, and what is written of them reflects not much, if any, credit upon these famous men.

The Pilgrims came to this country from the security of Europe with its walled cities and paved streets to carve out of the wilderness a new life in which they could worship God and build a community of freedom.

Yet much of the modern teaching about the Puritans emphasizes only their hanging of witches. This dark episode in time, however, must not obscure the great heritage which they left us: their determination to keep the Sabbath holy, respect for the dignity of work and service to their country, and their concern to be law abiding citizens, to rear children who feared and respected God.

Today these characteristics of the Puritans are not emphasized. Our children have been denied from kindergarten through the university a right view and presentation of the heritage they have as Americans.

A people that have lost contact with their past and have no knowledge of their heritage will not continue to carry on the ideals nor perpetuate that which is dear and worthy. America is facing the greatest challenge in its history. The Communists have made the statement that on America's 200th anniversary they are going to pull down the Stars and Stripes and raise the Red flag.

If you were to poll the American people, I am sure a great percentage of them would say this will never happen, that the claim is ridiculous. But if we judge the next five years by the past ten years, we not only know that it is real, they will even have to slow down in order to postpone it for five years.

Lenin said, "First we will take Eastern Europe; next the masses of Asia. Then we shall encircle the last bastion of capitalism, the United States of America. We shall not have to attack; it will fall like an overripe fruit into our hands."

We only have to look at history to see how successful this strategy has been. Eastern Europe fell soon after World War II, then China went into the Communist camp. In 1961 Cuba became a Communist dominated island influencing the Western hemisphere. Chile is ruled by a Marxist president and is fast moving to become a totally Communist nation.

All we have to do is to look at the events of the last 20 years to see how well the Communists have been successful in carrying out the policies enunciated by Lenin. As for falling into their hands, we are getting riper all the time. We are losing our moral perspective. We have anarchy in the streets; lawlessness and all the elements of dissolution are growing beyond our imagination. We know any newly published FBI report will tell of the increase in the crime rate. The only surprise is the size of the percentage it has risen since the last report.

When I was teaching high school history in the '50's, I taught my class that America's darkest hour was at Valley Forge. All of us have a mental picture of George Washington praying at Valley Forge. We know it was a dark hour in the history of this republic.

DAYS OF OUR YOUTH

The Continental Congress was an unwieldy body which lacked direction, and the only thing that held us together at that time was the pressure of the war. Desertions were on the increase, Congress was not supplying Washington with food and clothing or the necessary equipment for his army. It was said that when he marched, a thousand men were barefoot and could be tracked through the snow from the blood of their bleeding feet.

In those days not all were patriots in America; some sold their produce to the British for hard cash because they were afraid the Continental currency would be worthless, and while Washington was at Valley Forge with his army, the social elite were entertaining the British in Philadelphia.

It was a bleak and a barren hour in the history of this nation, but we had one asset: Washington served our nation as a leader, as a general in the army, and later as a devoted statesman. Time and time again he told those who were nearest him, "We are going to win because we are right and because it is God's will."

During those days at Valley Forge, days which would have broken an ordinary man, Washington would leave camp in the early morning and journey into the woods. An old Quaker noted that when he returned his face was always brighter and showed a greater sense of determination. He knew he was going to win. One morning the Quaker followed Washington and discovered that each morning he was going to pray alone and ask God for the strength and direction it would take to bring fulfillment to the dreams in which he believed.

BASED ON GOD'S LAW

Our government was based from the beginning on God's law. God was acknowledged and His will was sought. The early patriots realized the odds that were against them; they knew there would be suffering and hardship but they also realized that if they hoped to bring about the realization of their endeavors, it would come only through the blessing of God. Their leader was a godly man, and their government and their hopes were based and placed upon God's Word.

We see another illustration of this shortly after the war ended in victory. The Articles of Confederation, because of its looseness, was falling apart and it seemed that anarchy would reign. The Constitutional Convention was called. Each man was a strong individualist and each one was trying to do the most for his section of the country. Different philosophies were represented at the convention; some believed in almost a pure democracy and others believed in a strong central government.

Day after day they debated during the summer heat, the only thing being accomplished that tempers were growing shorter. Benjamin Franklin suggested that they have prayer, that they look to God and seek His guidance. After that, each session was opened with prayer and from that time on progress began, and as a result we have our Constitution.

Our forefathers pledged not only their honor, but also their properties and their very lives in many instances. Many times all they had left was their honor. They invariably lost their property.

Although today the charge is made that it was wealthy men who wanted to preserve and form a new country so that they could have "advantages," the greatest advantage they had was the fulfillment of their dreams to form a country under God wtih freedom and justice, and the right to liberty and the pursuit of happiness.

NATIONAL SCHIZOPHRENIA

Now we have been told for the last 20 or 25 years that Communism is our enemy. This would be a most logical assumption because the Communist system is militantly atheistic and we are a Christian nation. They are a socialist nation and we are built upon the premise of free enterprise, they rule by tyranny, and we rule by freedom and liberty, and the direction of the government is in the hands of the people under law. From all their publications we know the Communists are set on world conquest. We have always been a nation that has believed in and strived for the self-determination of all nations.

On this assumption we have spent billions in defense and many billions in foreign aid, supposedly to contain Communism. Over 100,000 American lives have been lost since World War II fighting Communism. Now if we are really fighting Communism, we are suffering from a national schizophrenia because we sat by and allowed China to fall. and then we fought a no-win war in Vietnam. When Russia was weak militarily we were armed to the teeth and spent billions each year for new weaponry. Now that Russia is equal to us, or ahead in every area, we are pursuing a policy of unilateral disarmament.

We are becoming more and more demoralized at home. The only freedom we have left, it seems, is the freedom to sin and break laws. We talk about our problems, but our problem is basically spiritual and will require a spiritual answer.

We have millions of dreamers every four years. The American people believe they can elect the right man for president who will go to Washington and make everything right. This is an idle dream. We have educational programs and social programs which we hope will solve our ills, and we hope economic pressures will change, but these things will never be the answer. There will have to be a revival at the grass roots. We, the American people, will have to care enough, be willing to sacrifice enough and be willing to do what has to be done to rebuild.

This country has moved from God. In Psalm 127, verse 1, we read, "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain," and in the 33rd Psalm, verse 12, "Blessed is the nation whose God is the Lord." All our efforts will come to naught without God."

BUILT ON ROCK OR SAND?

The reason we became the most powerful nation in the world, the reason we were able to help more people in the world than any other nation was because we were a nation that acknowledged God and built our nation on His Word.

I remember hearing a Korean when I was in college. He said that as he and another Korean were traveling from the East to the West coast, through the great grain fields of the Midwest and out through the majestic Rockies of the West, his traveling companion asked, "Why is it that God has so richly blessed this country and has not blessed ours?"

Our speaker challenged us by telling us that his answer was, "These people came to these shores seeking God and His will. This is why this nation was so blessed. They sought God." Then the young Korean speaker further challenged us by saying, "Are you going to continue to serve God?"

Our heritage has been created by people who were seeking the will of God. The model for our Constitution was the Mayflower Compact. It was a document under God whereby free people covenanted together so they could be ruled by men whom they had appointed themselves, who would look to God for the final answer and be directed by Him. It was never the intention of our forefathers that this nation would be a nation that would be free from God; they founded a nation that was to be obedient under God.

Benjamin Franklin said, "I have lived, sir, a long time, and the longer I live the more convincing proof I see of this truth that God governs the affairs of men."

We can read the documents, the speeches and the statements of our forefathers and find their dependence upon God clearly shown. They acknowledged Him all the way. Yet the pronouncements from our high court today reflect nothing to indicate that spiritual considerations enter into any decision. We are fast becoming a nation that is known to be a nation free from God. We have created and encouraged a permissive society.

We were in our original intent a nation ruled by law and not by men. The law was derived from God and so therefore the law was transcendent and above any man. It was objective and all men, the educated, the uneducated, the high and the low, were judged alike by the laws derived from God's Ten Commandments.

TIME IS RUNNING OUT

When man moves away from this foundation to make judgments based on his own understanding, and on psychology and sociology, no longer does he have an objectivity but a subjectivity whereby one man's ideas and thoughts are of equal weight to any other. This will inevitably lead to anarchy, a condition which existed in Israel at its lowest period. We read in Judges 17:6, "In those days there was no king of Israel, but every man did that which was right in his own eyes." Out of anarchy there is always the prayer for a king or dictator to restore order.

The day of apathy and complacency in America is running out. We have to be blind and we have to be foolish not to see that things cannot go on indefinitely as they are. If America is going to have a free 200th anniversary, there will have to be a change of direction. We are at the midnight hour.

If God's people, and I would certainly like to think we are among them, will come into His house to repent and confess their sins, to ask Him for a rebirth of freedom and be willing to do what is necessary to make the sacrifice, God can turn the midnight hour into a bright and shining morning. We will never return to anything better until we have a revival in this nation.

There are some encouraging signs among our youth and among other elements which I never expected to see. These are good signs, but we need not wait. Where we live is here. What we do will be here. The hour is at hand when we must act. Do we feel the responsibility enough to be willing to say, "God here am I, send me; work through me. Make me be an instrument to Thy glory."

MILITARY COUP IN THAILAND

Mr. MOSS. Mr. President, once again we learn of a military takeover in Southeast Asia that serves as another grim reminder of the failure of the Nixon doctrine to support freedom and democracy in that part of the world. Thailand's loss of parliamentary government and blatant assertion of military rule can only reenforce Senate opposition to continuing involvement in Southeast Asia.

Three times in recent weeks the Nixon doctrine of using U.S. military and economic aid to assist Asian countries in maintaining democratic rule has suffered severe setbacks. On October 3, democracy was suspended in South Vietnam by the uncontested reelection of President Thieu. Cambodia's national assembly was suspended on October 20. And now we witness a return to absolute rule in Thailand. And yet in all three countries, the United States has been the major military and economic supplier.

The Senate has taken a firm stand in the revised foreign aid bill against continued U.S. support of Thai mercenaries fighting in Laos. Estimates are that some $200 million was spent in such assistance last year alone. Justification for Thai support has frequently been founded on arguments that Thailand serves as the model in Southeast Asia for the Nixon doctrine. The House is now provided with evidence as to the soundness of the Senate stand.

I recommend to Senators three timely articles dealing with the military coup in Thailand and ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 18, 1971]

COUP IN THAILAND

Thailand's reversion to absolute rule under its long-time Premier, Field Marshal Thanom Kittikachorn, reflects the mounting pressure of changing American policies on one of this country's closest allies in Asia.

Because Marshal Thanom and his associates have cast their lot heavily with the United States since they first came to power in a military coup d'état in 1957, turning their backs on an ancient Siamese tradition of neutrality, it is most unlikely that the new Government will cut ties with Washington. But the abrupt dismissal of a Parliament that never posed any serious threat to the ruling élite suggests that Bangkok has been severely shaken by the evolving Nixon Doctrine of self-sufficiency for Asian allies, gradual withdrawal of American troops from Vietnam and United States overtures to Peking.

In addition, the reauction of American personnel and military spending in the area and a threatened Congressional cutback in aid, coupled with a weakening in the markets for Thailand's principal exports of tin, rubber and rice have generated mounting economic problems for the regime. Economic stringencies have fed social unrest, especially in the cities where the impact of heavy American spending, and heavy-spending American troops, has upset traditional Thai values, including a tradition of acquiescence to authority.

This abrupt upheaval in Bangkok should give the Administration second thoughts about Thailand as a model for the Nixon Doctrine and a stable base for what is looking more and more like a policy of victory through air power in neighboring Indochina.

[From the Washington Post, Nov. 18, 1971]

FRAGILE DEMOCRACIES

(By Murrey Marder)

Thailand's loss of parliamentary government yesterday was the third setback in just over six weeks to the hazardous life-span of democratic rule in Southeast Asia.

For the Nixon administration, caught in an unprecedently intense struggle with Congress over foreign aid, the retrogression could not come at a more inopportune time.

Each setback has supplied new ammunition to the administration's adversaries on Capitol Hill to challenge the effectiveness of the Nixon Doctrine in supporting freedom and democracy: South Vietnam's uncontested re-election of President Nguyen Van Thieu on Oct. 3, the suspension of Cambodia's national assembly on Oct. 20, and now the military takeover in Thailand.

In each case, there has been embarrassment for the United States, which is the major military and economic supporter of all three nations. But in the case of Thailand yesterday, as in the previous instances, American officials indicated that no variation in U.S. policy is expected or likely.

Present U.S. strategy in the Indochina war, these sources point out, virtually locks in American policy to support the existing, pro-American, military power structures in all three countries while American troop withdrawals from South Vietnam continue.

President Nixon, in effect, pronounced the grin-and-bear-it attitude of his administration over the disappointments for democracy in Southeast Asia when he commented defensively about the South Vietnamese election outcome.

"We would have preferred . . . a contested election somewhat along the lines that would meet our standard," the President said on Oct. 12. However, he added, if the United States refused to send representatives to the inaugurations of winners of uncontested elections around the world," we would have only one-third as many delegations to send . . ."

American officials, trying to put the best face on their latest disappointments in Thailand, noted yesterday that the main power figures they have been doing business with over the years are generally still the men in control in Bangkok. At the same time, this also illustrates the shallowness of the roots of democracy in Thailand—which the United States prided itself on nurturing with every possible form of military and economic aid.

Now ousted from office, with all civilian officials, is one who holds a service record as foreign minister (since 1959), Western-trained Thanat Khoman, whose education includes attendance at Harvard University's graduate schools. Thanat provided his own epitaph yesterday for the Western concept of democracy in Thailand: "Somehow or other we have not mastered the political forms of Europe and America."

However, although Westernized democracy has a highly hazardous and erratic short history in Thailand, that nation, more than any other in the region, has been a centerpiece of U.S. policy.

Thailand, an original member of the U.S.-built Southeast Asia Treaty Organization, has provided the United States with major air bases for support of anti-Communist warfare throughout Indochina. It has also supplied 11,000 troops to fight in South Vietnam.

The Thai troops were supplied at considerable U.S. cost, estimated by a Senate Foreign Relations subcommittee last year as adding up to more than $200 million. Thailand also has supplied, clandestinely and later, semi-openly as "volunteers," thousands of its troops for service in Laos.

These Thai forces have been the principal target of recurring "anti-mercenary" legislation initiated in the Senate.

Sens. Stuart Symington (D-Mo.), Clifford P. Case (R-N.J.), J. W. Fulbright (D-Ark.) and other critics have repeatedly charged that the Nixon administration "circumvented" attempts to shut off U.S. payments to these Thai "mercenaries."

Current attempts to close this outlet have been accompanied by the Senate Foreign Relations Committee's protest that: "with continuing reports about U.S. financing of Thais and Cambodian mercenaries in Laos and even Thai mercenaries in Cambodia, it is virtually impossible for the Congress to judge the accuracy of these reports or know how much of the taxpayers' money is being used to support these activities . . ."

The administration is counting on greater sympathy for its strategy among members of the House in Senate-House conference to blunt, if not to remove, Senate limitations on these Thai forces.

[From the Evening Star, Nov. 17, 1971]

Thai Takeover Is Blow to Administration Fight for Aid to Asia

(By George Sherman)

The military takeover in Thailand today is seen here as another blow to the Nixon administration in its battle with the Senate over American aid to Southeast Asia.

U.S. officials were taken by surprise. They maintained that the decision of Premier Thanom Kittikachorn and his generals to remove the "inefficient" Parliament came from domestic factors—not Thai foreign policy.

But they said they feared repercussions in the U.S. Congress, where the foreign aid program already is under attack.

Both U.S. officials and congressional sources said they saw this latest move against democracy as reinforcing Senate opposition to continuing U.S. involvement in Southeast Asia.

At stake is the Nixon doctrine of using military and economic aid to help Asian countries defend themselves. Regarding Thailand the immediate issue is U.S. financing of Thai irregulars fighting in neighboring Laos.

The Senate has passed an amendment by Sen. Clifford Case, R-N.J., to the revised foreign aid bill forbidding all U.S. funds for such operations.

Sen. Stuart Symington, D-Mo., who has access to classified material, already has informed the Senate that 12,000 Thai forces are being groomed to operate in Laos during the coming dry season.

No exact figures are available on the cost of these operations. Symington said in October that the U.S. budget for these mercenaries—under a Thai general—is 25 percent higher than the whole military aid budget for the Royal Laotian army. That figure was set at $80 million for this fiscal year.

That would put the figure set aside by Washington for the Thais in Laos at about $100 million. The funds are included in budget for the CIA and Defense Department. But the Case amendment would prohibit spending these funds.

The administration says it is not prepared to accept the prohibition. It is resting its hopes on the House, traditionally more sympathetic to American military aid programs.

According to U.S. officials, the strategy has been to have the House pass a version of the new aid bill omitting the language of the Case amendment. Then, in a conference committee session on the over-all measure, administration supporters could fight to remove the Senate structures.

Officials admitted it is an uphill battle. Last year Congress put language into the aid bill forbidding U.S. support to any "foreign forces" in Laos. But the administration has claimed that the Thais are individual "volunteers" not covered by that earlier prohibition.

Case and other Senate critics on the Foreign Relations Committee now have moved to close that loophole. The dismissal of the Thai Parliament and the blatant assertion of military rule in Thailand is bound to strengthen congressional arguments against deeper involvement with still another dictatorship in Southeast Asia.

Experts in the U.S. government claim this argument is exaggerated. Thailand has had a series of military governments since 1932. Parliament was reinstituted in 1969, after 10 years of military government begun under Thanom's predecessor.

During the past two years Thanom has run a predominantly military government which has been at odds with the civilian Parliament. Reports from Bangkok indicate that the final blow came when Parliament recently voted to reduce the military budget.

The Thai military also is reported to be upset about the continuing inability to end the guerrilla insurgency supported by China in Northeast Thailand. A substantial portion of the military budget goes toward that operation.

U.S. officials said Thai-American relations have remained stable despite Senate criticism and Thai moves to open their own dialogue with Peking. U.S. forces there have been reduced from 48,000 to 32,000 under the Nixon doctrine. But that stability is now bound to come under new strain.

THE GENOCIDE CONVENTION AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, many people who oppose the Genocide Convention do so because they believe that ratification of the convention will deny American citizens their protections under the Bill of Rights. But this is not the case. The Genocide Convention would not infringe on the Constitutional guarantees of the American people.

Article VI of the Constitution says,

> This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

The Supreme Court in *Reid* v. *Covert* 354 U.S. 1 has made very clear the relationship among the Constitution, acts of Congress, and treaties. All acts of Congress and treaties must conform to the Constitution. Where they do not, they are null and void. Furthermore, the Supreme Court held in the same decision that whenever a treaty and an act of Congress are in conflict the last enacted is controlling. Thus Congress always has the opportunity to reconsider enabling legislation on the Genocide Convention any time it wishes.

Mr. President, the Genocide Convention will not endanger our legal system. I urge the Senate to ratify it as soon as possible.

NOMINATION OF WILLIAM REHNQUIST TO THE SUPREME COURT

Mr. FANNIN. Mr. President, we already have had ample evidence that William Rehnquist was not involved in any attempts to harass voters in Phoenix elections. Allegations made concerning an incident in 1964 have been proven false.

The smear tactics being used in an effort to keep Mr. Rehnquist off the Supreme Court have failed, as smear tactics most often do.

The Phoenix Gazette yesterday published an interview with Vincent Maggiore, who was Maricopa County, Phoenix Democratic committee chairman for the Democrats in 1962.

Maggiore says he is angered that attempts have been made to label Mr. Rehnquist as someone who would abuse anyone's right to vote.

And Mr. Maggiore said: "I would be glad to have him judge me."

Mr. President, I ask unanimous consent to have printed in the Record the Phoenix Gazette article which should be of interest to every Senator.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

REHNQUIST CALLED VOTE-ABUSE FOE

(By Lois Boyles)

The man who was chairman of the Maricopa County Democratic Committee in 1962 today labeled William Rehnquist as one he believes "would be totally opposed" to abusing anyone's right to vote.

The belief was cited by Vincent Maggiore, federal bankruptcy referee. "I would say Bill Rehnquist is a very democratic type when it comes to people's rights," Maggiore said. "I am a little angered that people in my own party are bringing this up (charges of harassing voters) and using it as a guise to hurt a very fine man."

Rehnquist—whose nomination to the U.S. Supreme Court is being considered today in Washington by the Senate Judiciary Committee—has been accused by two Phoenix Negroes of approaching several black voters at Bethune Precinct during the 1964 general election and demanding they recite passages from the U.S. Constitution.

Those signing the affidavits—Jordan Harris, 1825 W. Apache, and Robert Tate, 947 W. Watkins—contend they subsequently struggled with the man they said was Rehnquist.

The Justice Department has labeled the charges "false."

Rehnquist supporters have said opponents to the appointment have tacked a 1964 time tag on an incident that actually occurred in 1962 and which did not involve the high court nominee.

Maggiore said, "I definitely know Rehnquist was not involved" in any polling place squabbles in 1962. He discounted the idea the former Phoenix lawyer might have been so involved in 1964.

After the 1962 election Maggiore said he had occasion to talk to Rehnquist and to mention a proposal a bipartisan group get together in the future to check the challenges.

"He was in full agreement that people's rights should be protected," Maggiore said. "He indicated he didn't want any part in anything that would abuse the people's right to vote and that anyone doing so should be prosecuted to the extent of the law."

Maggiore called Rehnquist a "nice man" and said "I would be glad to have him judge me."

As for the 1964 general elections, attorney Tom Murphy, then chairman of the county Democrats, and attorney Wayne Legg, in an identical post with the Republicans, said they had no knowledge of any incidents of any nature involving Rehnquist.

Murphy said, "The only recollection I have is that 1964 was a lot less of a problem year than 1960."

As for a specific recollection of Rehnquist in relation to 1964 voting, Murphy said he had none "other than being aware Bill was working for the Republicans."

He contended, however, "it is traditional, as you know, for the GOP to try to slow down voting lines in heavy Democratic precincts."

AS JAMES J. KILPATRICK SAYS, THE PASTORE AMENDMENT "OUGHT TO BE PASSED. IT MERITS A FAIR TRIAL." LET'S GET ON WITH THE PEOPLE'S BUSINESS

Mr. McINTYRE. Mr. President, the distinguished conservative commentator, James J. Kilpatrick, expressed his views on WTOP television in Washington this morning. He was commenting on the campaign spending amendment offered by the distinguished Senator from Rhode Island (Mr. PASTORE), an amendment now before the Senate.

Although I often find myself in disagreement with views expressed by Mr. Kilpatrick, I nevertheless believe him to be one of the most forceful, responsible, and able exponents of the conservative viewpoint in the Nation.

I happen to think his expressions on campaign spending this morning are worthy of our consideration. I personally might not have quoted George Bernard Shaw as an expert on our democratic process, as Mr. Kilpatrick did, but the Kilpatrick conclusion that we need ways to bring about greater participation by all the people in our campaign process makes such sense to me.

That is why I think Senator PASTORE's amendment makes sense. That is why, as Kilpatrick says, "it merits a fair trial. It ought to be passed." Let us get on with the people's business.

I ask unanimous consent that Mr. Kilpatrick's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF JAMES J. KILPATRICK

"George Bernard Shaw once remarked he never looked upon an election 'without being ashamed of the whole sham democratic routine.' He thought such exhibitions 'were entirely intolerable and disgraceful to human nature and civic decency.' He happened to be speaking at the time in New York—this was in 1933—and he was speaking largely from experience with the electoral process in England. But Shaw's bitter description applies to our own elections today, and especially to our own presidential elections. They are indeed, in many respects, both intolerable and disgraceful.

"This is particularly true in the matter of campaign financing. It is absurd, dangerous, and potentially scandalous that candidates seeking our highest office be dependent upon the kind of massive private contributions that have been required in recent years. It is idle to contend that large gifts create no obligation. Of course they create obligations—and these are equally suspect whether they are obligations to big labor or to big business. A president—any president—enters upon his office a compromised man.

"The proposal suddenly revived in the Senate by which taxpayers could contribute a dollar each to a federal campaign fund, has great merit. The fund would be distributed according to a formula that fairly takes into account minority parties. Fully implemented, the proposal would bar private contributions altogether in presidential campaigns. The approach has its drawbacks—we would abridge one more freedom, the freedom to give—but it has great advantages also. At the very least, the system merits a fair trial. The bill ought to be passed."

FEDERAL CIVIL RIGHTS EFFORT—1 YEAR LATER

Mr. HUMPHREY. Mr. President, this week the U.S. Commission on Civil Rights issued an important progress report, entitled "The Federal Civil Rights Enforcement Effort: 1 Year Later."

In this highly effective followup action on its major analysis of executive branch activities directed at securing compliance with the Nation's civil rights laws, the Commission concluded that the present administration, despite operational improvements, must continue "to get low marks."

I hope this administration will give close attention to the Commission's central argument:

> Actual performance in the resolution of problems, not progress in the development of mechanisms alone, is the real yardstick by which the Government's civil rights effort should be measured.
>
> It is no consolation to the black farmer who continues to receive assistance from the Extension Service on a racially separate and unequal basis that the Department of Agriculture is making progress. It is no source of satisfaction to the Mexican American or Puerto Rican job seeker turned down by a Government contractor that the OFCC is gradually improving.

Yes, there has been improvement in the Federal Government in terms of compiling statistics, preparing reporting forms, and planning interdepartmental agreements; but all of this remains preliminary to actually enforcing civil rights policies.

The Commission's report notes the disparities among Federal agencies in the performance of civil rights responsibilities, with the Federal Home Loan Bank Board establishing a program that can be highly effective in preventing discrimination in mortgage lending, while sister financial institution regulatory agencies have declined to undertake similar action, to cite only one example. It is sharply critical of the Law Enforcement Assistance Administration, charging the LEAA with having "barely begun to implement compliance programs."

But I find most disturbing the Commission's conclusion that, too, often, Federal agencies seem determined to avoid upsetting the status quo for the sake of equal rights, or they have undertaken changes in form, but not of substance, to avoid unfavorable publicity. Where can we find any sense of leadership and initiative in all of this, on behalf of firmly establishing equal justice and opportunity for all Americans?

How can we have confidence in an administration where promises to enforce civil rights policies are only rarely being kept? As an example, the Commission cites the agreement, announced last June, between the General Services Administration and the Department of Housing and Urban Development, to assure living accommodations for poor people near new Federal installations. Yet 5 months passed before even regulations were issued, and no installation site housing investigations have been made.

The Commission and, I sincerely believe, the American people, ask nothing more than that Federal officials faithfully execute the law. Only by vigorous and sustained enforcement, can the Federal Government redeem the pledge of equal treatment made in the historic civil rights laws enacted over the past decade.

Mr. President, I ask unanimous consent that the introductory statement by the U.S. Commission on Civil Rights to its latest report on the Federal civil rights enforcement effort, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE U.S. COMMISSION ON CIVIL RIGHTS ON "THE FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT—ONE YEAR LATER"

The report the Commission is issuing today is a progress report on the status of civil rights enforcement by the Federal Government.

In October 1970 the Commission published a massive study of "The Federal Civil Rights Enforcement Effort." Based on an evaluation of more than 40 departments and agencies with significant civil rights responsibilities, the Commission found that enforcement was characterized largely by inaction, lack of coordination, and indifference. The deficiencies we found were so extensive as virtually to nullify the impact of the important civil rights laws enacted over the last decade and to make a mockery of the efforts of the many men and women who have fought for equal rights.

Last May, the Commission issued a follow-up report to determine what progress, if any, had been made in the seven months since its October 1970 study. Our basic conclusion was that some advances had been made, in the form of tentative first steps combined with promises to do better in the future. As we put it then: "The dinosaur has finally opened one eye."

More than a year has passed since the Commission first spelled out the numerous inadequacies that pervaded the Federal civil rights enforcement effort. Where do we stand today? There is no simple answer to that question. For one thing, the answer depends on the frame of reference used in evaluating the Federal civil rights effort. Thus, when compared to the situation that existed a year ago, the structure of the Government's effort has been improved in a number of important respects.

For example, the President's Council on Domestic Affairs, the key coordinator of executive policy in the domestic area, has established a Civil Rights Committee to focus specifically on civil rights issues of national importance. The Chairman of this Committee is George Shultz, Director of the Office of Management and Budget. A year ago, the Domestic Council had no plans for including the full spectrum of civil rights within the scope of its responsibility. By the same token, the Office of Management and Budget, which plays a central role in assuring effective implementation of national policy, has made a significant start in incorporating civil rights considerations into its entire operation. It was only a year ago that OMB even officially acknowledged that it had any civil rights function.

Nor is the advance limited only to these two agencies, important as they may be. Other agencies—those with more specific civil rights responsibilities—also have moved ahead. Agencies such as the Department of Housing and Urban Development and several of those which have responsibilities under Title VI of the Civil Rights Act of 1964, have improved their civil rights structure and mechanism substantially. Progress clearly is being made.

But judged by the more objective standard of civil rights performance, the Federal Government continues to get low marks. And in the Commission's view, actual performance in the resolution of problems, not progress in the development of mechanisms alone, is the realistic yardstick by which the Government's civil rights effort should be measured.

It is no consolation to the black farmer who continues to receive assistance from the Extension Service on a racially separate and unequal basis that the Department of Agriculture is making progress. It is no source of satisfaction to the Mexican American or Puerto Rican job seeker turned down by a Government contractor that the OFCC is gradually improving. The rights these people are being denied are rights to which they are entitled *now* and the fact that these denials continue cannot be justified on grounds that the Government is gradually gearing up to eliminate them.

Another reason for the difficulty in assessing the current status of Federal civil rights enforcement is the existence of wide disparities in the performance of the many departments and agencies with civil rights responsibilities. Some are taking actions necessary to perform effectively. Others still barely recognize that they have any responsibility at all. This is true even of agencies with the same civil rights responsibilities.

Thus the Federal Home Loan Bank Board, which regulates savings and loan associations, the Nation's major mortgage lending institutions, recently committed itself to an ambitious, and we believe potentially effective, program to assure against discrimination in mortgage lending, which is prohibited by Title VIII of the Civil Rights Act of 1968. But the Board's sister agencies, which regulate commercial and mutual savings banks, also major mortgage lending institutions, have so far declined to adopt similar measures. The Small Business Administration and the Economic Development Administration have been steadily improving their Title VI operation, but the Department of the Interior and the Law Enforcement Assitance Administration still have barely begun to implement compliance programs. . . .

The low grades we have assigned to so many agencies are indicators of lack of effective action on their part in dealing with continuing discrimination in areas where the law clearly prohibits it. And the fact that many agencies still are not organized to carry out the law has increasingly tragic and real implications for the future well-being of this country.

Over the past two years, since the Commission began this extensive study of Federal civil rights enforcement, we have learned a good deal about the impediments that underlie strong civil rights enforcement and about what is necessary to stimulate more vigorous action. Perhaps the principal impediment the Commission has found is inertia on the part of the Federal bureaucracy—in some cases, a blind, unthinking, fidelity to the status quo; in others, a calculated determination to do nothing to advance the cause of civil rights.

For example, last February, the Commission sent out questionnaires to a number of agenices in an effort to find out what changes they had made following the Commission's first report on civil rights enforcement. What we learned was that almost no changes had been made, that agencies, instead of responding affirmatively to the Commission's findings and recommendations, had been sitting tight in an effort to weather the storm. It is unfortunate that only when the Commission decided to announce its findings publicly, a few changes began to be made and a few promises extended. By comparison with the previous period, March was a busy month for civil rights throughout the Federal bureaucracy.

By the same token, when the Commission again questioned agencies in September to find out what additional progress had been made, and particularly, whether those agencies that had made promises were delivering on them, we found that only a handful had done anything of signficance during the preceding months. Again, the actions that were taken followed our announcement that we would report publicly to the Nation on the status of their civil rights enforcement programs. In few cases could the actions taken be ascribed to the self-initiation of the agency. For the most part, they appeared to be taken out of a desire to avoid public embarrassment. In other cases, the possibility of public embarrassment has failed to bring about even the slightest change.

We also have learned that appearances can be deceiving—that the mere establishment of a potentially effective civil rights mechanism does not necessarily mean that stringent civil rights enforcement will follow. For example, last June the General Services Administration and the Department of Housing and Urban Development announced a new cooperative agreement to assure availability of housing for lower-income families, open without discrimination, in any community in which a Federal installation was to be located. It took nearly five months before any regulations were issued, and internal operating instructions still have not been developed. Federal installations still are being located on a business-as-usual basis.

This example is not unique. In response to Commission inquiries, agencies are quick to announce structural changes that they plan to make, or that they have just made. But rarely do they report full implementation of these changes, and more rarely still, can they point to measurable improvements in minority living conditions as a result of them.

In short, most agencies seem determined to avoid upsetting the status quo for the sake of assuring equal rights and, if change must be made, they often will be changes in form, but not in substance.

The lessons we have learned, however, have not all been negative. We have learned that difficult as it may be to stimulate needed change, it can be done. Not all agencies are resistant to the idea of strict civil rights enforcement. There are agencies, including some that occupy key positions in the Federal hierarchy, that have responded affirmatively.

We also have learned that the instruments of continual monitoring of Federal civil rights activities and public reporting of their inadequacies, which are the principal weapons at the Commission's command, can achieve significant results. What this experience suggests is that a greatly expanded monitoring effort, involving resources much greater than those available to the Commission alone, must be undertaken—an effort in which the civil rights activities of Federal agencies will be subjected to close and continuing scrutiny, and agency heads held publicly accountable.

Here, recent developments are encouraging. Of special importance is the fact that Congress, itself, through a Civil Rights Oversight Committee of the House of Representatives, is now engaged in a review of civil rights enforcement to determine how agency performance should be improved. Private groups as well are recognizing the fact that the arena in which the struggle for equal rights is being fought has changed, from that of legislation to the more difficult one of administrative enforcement.

There are some, embittered by the frustrations of dealing with bureaucracy, who may think the Commission is tilting at windmills, that its effort to move the Federal Government to firm enforcement of civil rights laws is futile. The bureaucracy, they contend, responds only to the usual pressures from traditional sources. These pressures are exerted by special interest groups that successfully manipulate Federal programs and Federal officials. They also are exerted by long-time chairmen of key congressional committees and subcommittees—almost always selected by seniority from safe districts—whose power often is used to serve narrow interests, rather than the larger public good. Against these pressures, they are convinced that civil rights advocates can do little.

There are others who see the bureaucracy in a more optimistic light, but nonetheless despair of any progress. From their standpoint, it is all the fault of this Administration. The President's civil rights statements and actions, they contend, have demoralized the bureaucracy and rendered it incapable of positive civil rights action.

The Commission takes a different view. First, we reject the notion that inaction by the Federal bureaucracy is inevitable and we find totally unacceptable the explanation that political pressures in favor of the status quo are irresistible. The fact that salutary changes already have occurred demonstrates that efforts to stimulate them are not useless, that counsels of despair are not warranted.

Second, we cannot agree with those who claim that the problem lies solely with this Administration or with the President personally. As we have noted previously, problems of inadequate civil rights enforcement did not originate in this Administration, nor was there any substantial period in the past when civil rights laws were enforced effectively. In fact, measured by the structures and mechanisms that have been developed over recent months, we now are much better equipped for civil rights enforcement than we were in the past.

Further, those who keep pinning the blame entirely on the President tend to forget the wide discretion that Federal officials have in performing their duties. Always to point accusingly at the President permits many of these career and politically appointed officials a false excuse for inaction.

This is not to say that the President has no role to play in civil rights enforcement. He represents the ultimate source of policy direction to which the Federal establishment looks for guidance. An expression of firm and unswerving dedication to civil rights law enforcement on his part can do much to steel the Executive Branch to vigorous action. And he is, in the last analysis, responsible for the success or failure of his Administration's civil rights program. Above all, it is to the President that the Nation looks, not merely for efficient administration of the law, but, more important, for leadership in helping to resolve the difficult problems facing it.

The Administration has addressed itself to a number of important civil rights issues. The Commission has agreed with some of the policies the Administration has announced and disagreed with others. Thus the Commission has fully supported the Administration's call for increased staff for civil rights enforcement and the establishment of numerical goals and timetables to expand minority employment opportunities. But the Commission also has taken strong exception to some Administration policies, particularly those concerning techniques to facilitate school integration. Nor is the Commission entirely satisfied with the policy on open housing.

Many of these issues are complex and controversial, and have been the subject of deep concern to the Nation. The President has spoken out on them and this, we think, is important in itself. The President cannot lead the Nation by remaining silent on the important issues troubling its people. Further, such public expressions on the part of the Nation's leader can have the effect of sparking a public dialogue, which is a necessary element in the proper functioning of a democratic society.

Equally important, however, is that the policies adopted by the Administration be of the kind that will unify the country and serve the cause of equal justice. Thus it is imperative that the President's Statements on such subjects as school integration and open housing represent, not the last word, but only the beginning if a continuing public dialogue which will lead the American people to achieving a society in which all can share in the Nation's abundance. That goal is not yet in sight.

The Commission is aware of the strength of the forces that serve to impede progress in civil rights. We also are aware that the American people have grown somewhat weary, that the national sense of injustice, which was the foundation on which the legislative victories of the 1960's were built, has dimmed. We are convinced, however, that it can be rekindled and that through governmental leadership and vigorous action by public and private groups, the Nation's pledge of equality, reflected so brightly in the legislative enactments of the last decade, can be redeemed.

Let us be clear on the basic issue to which the Commission's reports have been addressed. The issue is simply law enforcement. Let us also be clear on what the Commission is asking government to do. We are asking nothing more than that Federal officials fulfill the obligation which our Constitution has imposed upon them—that of faithfully executing the law. This is the touchstone by which they can and must be held accountable. It is the standard by which the Commission will continue to evaluate the Government's performance.

LET US BAN DES, ONCE AND FOR ALL

Mr. MOSS. Mr. President, American consumers are entitled to much much more action than they are now getting. True, we have seen some rumblings down in the executive branch. As a matter of fact, when press officer John T. Walden, of the Food and Drug Administration, gave the public the kind of information it needs about a hazardous product, Alberto-Culver, undoubtedly joined by others in the pharmaceutical-cosmetic-food complex which makes up the backbone of our consumer economy, tried to have him fired. They did not succeed. But other than men like John T. Walden, where are the regulators?

There is very little meaningful regulating going on in either the Food and Drug Administration or the Department of Agriculture. Undoubtedly, there are many responsible men and women in each place who would like to do a tougher enforcement job—but they are being discouraged.

DES — Diethylstilbestrol — has been identified as a carcinogenic agent by Dr. Samuel S. Epstein of Case-Western Reserve University, Drs. Arthur L. Merbst, Howard Ulfelder, and David C. Poskanzer of Massachusetts General Hospital, and Dr. Roy Mertz of Rockefeller University.

When Dr. John N. S. White, formerly a veterinarian in the meat inspection program of the U.S. Department of Agriculture tried to publish articles on the hazards of the drug, Diethylstilbesterol—DES—in 1965, he was threatened with being fired. Outrageous you say?—not at all. Such initiative is consistently blocked in our regulatory agencies.

Did I say 1965? Yes, I did. Imagine, only today we are discussing DES in the Congress when 6 years ago a conscientious employee of the Department of Agriculture was being chastised for telling the medical community of his discovery.

The statistical base from which the Department of Agriculture has drawn its DES samples is atrocious. Just look at the number of samples inspected between 1965 and 1968, when, I am told, approximately 31 million beef cattle were slaughtered annually during this period. In 1965, 2.7 percent of 558 samples had DES residues, in 1966, 1.1 percent of 1,023 samples, in 1967, 2.6 percent of 495 samples, and in 1968, 0.7 percent in 545 samples. As Dr. J. S. Stein of the USDA slaughter inspection division said in an interview with the Associated Press:

> Our statisticians would shudder at calling it a statistically valid sample:

Besides, whatever happened to the Delaney amendment?

The crux of the matter is this: If any carcinogenic residues are detected in any meat for human consumption, then that agent must be removed. Obviously, the only way to remove the agent is to terminate its use.

For these reasons, I am wholeheartedly behind S. 2818, which I am cosponsoring with Senators Proxmire, Bayh, Case, McGovern, and Ribicoff.

This brings me to another point: The pending consumer product safety bill S. 983, which I am cosponsoring with the distinguished chairman of the Commerce Committee (Mr. Magnuson). In a current committee print of that bill, we provide for the total elimination of the Food and Drug Administration and the replacement of that agency with a Consumer Safety Agency.

Under the transfer of function title of the legislation we would transfer all property, records, obligations, commitments, unexpended balances of appropriations, allocations, other funds, and employees in grades GS–11 and below. Furthermore, we could transfer authority over the Food, Drug and Cosmetic Act and institute a new product safety standard setting mechanism.

We will transfer authority for nearly all consumer safety problems to the new agency, all assets including persons, but none of the liabilities, specifically, those officials who have made a mockery of protecting the public.

Furthermore, we propose to include in the Consumer Safety Agency a new provision calling for the issuance of critical safety problem reports by any employee of the agency who through research, or investigation, discovers a potentially critical situation which could cause significant injury. If that were the case in 1965, we would not be looking at the DES problem some 6 years after an employee of the U.S. Department of Agriculture is brazenly called on the carpet for trying to tell the truth.

Furthermore, we propose in our legislation, a section on agency employees responsibility permitting mandamus actions against any person in the agency who is alleged to be performing an act or—and I emphasize this, it is so applicable to the current situations—failing to perform an act in violation of a statutory duty imposed upon him.

It will take brave people, instilled with courage to wear the mantle of an employee of the Consumer Safety Agency. Men like John T. Walden and Dr. John N. S. White. But, Mr. President, can we afford to give the American people anything less? I think not.

Mr. President, I ask unanimous consent that several articles and other items on this subject be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Cancer Fear Lies Behind DES Concern

(By Morton Minz)

At the root of scientific concern about the use of diethylstilbesterol (DES)—either in livestock feed, or by pregnant women to try to prevent threatened miscarriage—is what one medical specialist has called the "exquisite sensitivity" of animal embryos to carcinogens (cancer-producing agents).

In mice, for example, one carcinogen caused tumors in infants with a dose 1/4000th as large as that required to produce tumors in adults.

The New England Journal of Medicine in recent months has carried reports on 13 young women with vaginal cancer whose mothers had taken DES in pregnancy 15 to 22 years earlier.

Consequently, Dr. Judah Folkman said in an editorial in the Journal on Aug. 12, DES residues in meat are "worrisome."

The human fetus being extremely vulnerable, "there is no way of judging the risk of stilbesterol residue that remains undetected by the current government assay method," he warned.

That method drew criticism from Sen. William Proxmire (D-Wis.) on Monday, when he introduced a bill to ban DES from the diet of cattle and sheep.

The assay method registers the presence of DES residue in meat only if it is present in a ratio of at least two parts per billion (ppb)—even though the food laws prohibit any residue whatsoever of any carcinogen in animals destined for human consumption, Proxmire said.

But no assay in 1971 has detected DES residue in a ratio smaller than 3.7 ppb, Proxmire said. In 10 samples taken in the first six months of this year, from carcasses from nine states, he said, the ratios were 36.9 ppb in sheep and 15.4 ppb in cattle. In mice, DES has caused cancer at a ratio of 6.25 ppb.

Last year, the Agriculture Department sampled only 192 carcasses. The goal for 1971 is 6,000—more than 30 times as many, but still, Proxmire said, "only one-fiftieth of one per cent of the 30 million cattle" expected to have been slaughtered by year's end.

[From the Washington Post, Oct. 27, 1971]

Drug Linked to Cancers in Daughters

(By Morton Mintz)

The Food and Drug Administration has sat for four and one-half months on an appeal aimed at protecting tens of thousands of young women from a risk of vaginal cancer apparently caused by a drug their mothers took to prevent miscarriage, The Washington Post learned yesterday.

The New York State Department of Health made the appeal to the FDA on June 15, after cancer researchers linked 13 cases of the sometimes fatal disease to the ingestion of a synthetic estrogen, diethylstilbesterol (DES). The number of known cases is now 60, medical sources said.

". . . we are officially notifying all physicians in New York State of the danger of estrogen administration during pregnancy," Dr. Hollis S. Ingraham, Commissioner of Health in New York, said in a letter to Dr. Charles C. Edwards, Commissioner of the FDA.

"We also recommend most urgently that the Food and Drug Administration initiate immediate measures to ban the use of synthetic estrogens during pregnancy," the letter said.

Ingraham said the department had begun a program of "continuous surveillance and monitoring" to try to detect the disease—for which surgical removal of the vagina is the standard therapy—as early as possible. Generally, adenocarcinoma of the vagina, as the affliction is called, is detectable only after the onset of menstruation.

"We suggest that similar surveillance and monitoring programs be conducted nationally," Ingraham told Edwards.

Replying eight weeks later on August 10, the FDA chief, through Deputy Commissioner James D. Grant, asked for the records on three fatal and two non-fatal cases discovered by New York State cancer researchers.

The agency also said it was "actively evaluating" the eight original cases that three physicians at Massachusetts General Hospital reported in the New England Journal of Medicine on April 13 that simultaneously were called to FDA's attention.

The use of DES, in heavy doses, to prevent threatened miscarriage began in the late 1940s and peaked in the 1950s.

The FDA letter hinted at the possibility that birth control pills—taken in early pregnancy, either in ignorance of it or as a substitute for DES to prevent miscarriage—also could cause vaginal cancer in the daughters of users.

"Whether this condition would occur with any estrogen substance, steroidal, or non-steroidal, administered during pregnancy remains to be defined," the FDA said.

The oral contraceptives contain "steroidal" forms of estrogen. These differ substantially in chemical structure, but not so markedly in biological impacts, from the "non-steroidal" estrogen DES.

Scientists dispute the significance of the difference. Some say research sufficient to permit valid conclusions has not been done. Others tend to exonerate birth control pills—on the ground that "steroidal" estrogens break down very swiftly in the body; "non-steroidal" estrogens do not.

In any event, untold thousands of women took oral contraceptives to preserve threatened pregnancies for the decade starting in 1958, a period when the FDA permitted the labeling to list such a usage. At the National Institutes of Health, an expert source said that many physicians continue to use these pills and even DES for this purpose. Some of the users are diabetics.

The FDA directed drug manufacturers to stop claiming that oral contraceptives could prevent threatened miscarriage after its outside experts on contraception reported in 1966 the evidence of efficacy to be inadequate. Yesterday, the NIH source emphasized to a reporter that the evidence—for either birth control pills or DES—remains insufficient today.

Several scientists not only endorsed the proposals Dr. Ingraham made to FDA, but suggested that the agency send physicians an individual letter similar to one Ingraham sent to 37,500 New York doctors on June 22.

That letter, terming it "likely that more young women will develop" vaginal cancer, said that any young woman "with persistent irregular bleeding should have careful intravaginal inspection to rule out" the possibility that she is afflicted.

These scientists included the NIH source; Dr. Samuel E. Epstein, a Case Western Reserve University specialist in the biological hazards of chemicals; and the three Massachusetts General Hospital physicians who made the stunning discovery of the mother-daughter link, Drs. Arthur L. Herbst, Howard Ulfelder and David C. Poskanzer.

The three researchers said yesterday, "physicians and the public should be informed of these events in a manner similar to that used by the New York Health Department."

In Cranford, N.J., Dr. Edmond R. Kassouf, a practicing physician long concerned with the effects of estrogen, urged, additionally, an FDA alert to all young women with persistent irregular bleeding, or whose mothers took DES or a related substance, dienestrol, to see a physician. "That's the only way they can be given a reasonable chance of protecting themselves," he said.

Dr. Ballin, director of the association's department of drugs, said an editorial with the thrust of the Ingraham letter has been written for the Journal of the AMA, is being reviewed by the editor and should appear within several weeks.

In Chicago, AMA official Dr. John Ballin said of Dr. Kassouf's "dismay" that "he's right."

Dr. Ballin, director of the association's department of drugs, said an editorial with the thrust of the Ingraham letter has been written for the Journal of the AMA is being reviewed by the editor and should appear within several weeks.

On Aug. 24, two weeks after the FDA requested the files on the five New York cases, the state health department forwarded them.

Yesterday, a request for comment from the FDA, made at noon, went unanswered.

Other developments yesterday concerned a growing controversy about the inclusion of DES in cattle and sheep feed, a practice intended to increase the meat yield (Dr. Epstein says its efficacy has not been proved) that is forbidden by 21 countries and that has produced residues in beef despite controls by the FDA and the Agriculture Department.

The House Intergovernmental Relations Subcommittee set Nov. 11 to resume hearings on key aspects of DES, including a department claim, later admitted to be in error, that no DES residues were found in cattle carcasses sampled in the first half of 1971. Investigators may also question why the department, while defending the use of DES in feed, pays farmers not to grow feed grains.

The National Resources Defense Council and the Environmental Defense Fund said they are considering filing a suit to compel the department and FDA to stop use of DES in livestock feed.

The Dangers of DES

With unsettling regularity, alarming reports have been appearing recently on the synthetic estrogen, diethylstilbesterol (DES). It has been established that DES causes cancer in animals, and strong evidence exists that it may cause cancer in the daughters of women who took the drug to prevent miscarriage. In mid-October, the Agriculture Department said it made an "inexcusable" error in telling Congress that no DES residue could be found in beef from cattle that had eaten feed containing the substance. Last June the New York State Department of Health notified all doctors of the danger of DES administration during pregnancy. Cancer researchers linked 60 cases of the disease to ingestion of DES. The New York Commissioner of Health suggested that the Food and Drug Administration begin surveillance and monitoring programs that would try to detect the disease as early as possible. Exact figures are not available on how many persons may be imperiled, but an authoritative estimate is in the tens of thousands.

The response of both the Agriculure Department and the FDA to the DES risk has not been strong. Agriculture continues to insist on the need to allow cattle and sheep raisers to use DES in feed, even though 21 other nations have banned it; moreover, the department long ago banned DES from chicken feed. Although new regulations say that cattlemen should stop feeding the estrogen seven days before slaughter—as against 48 hours in the old regulations—little is changed because voluntary compliance is relied on. Last March, the department revealed its indifference to the problem: less than one per cent of beef carcasses were being tested for DES. Now, Sen. William Proxmire (D-Wis.) and Rep. Ogden Reid (R-N.Y.) have introduced bills to assure that DES cannot contaminate the food supply.

Concerning cancer in young women, the FDA has not done what is most needed—issue a public alert stating that any young woman who knows or suspects that her mother took DES in pregnancy, or who has persistent irregular bleeding, should go to her doctor for a careful examination. In addition, the FDA has not responded to the appeal of the New York State Health Commissioner for a national surveillance and monitoring program. The main response of the agency has been to announce a plan to advise doctors not to prescribe DES for pregnant patients. This move may prevent future cases from occurring, but it does little to protect those whose health may already be imperiled.

The slow and incomplete response of these two federal bodies illustrates pointedly the need for an independent consumer protection agency that would be empowered to act against such unacceptable bureaucratic behavior; the House recently passed legislation for this agency, but a question exists whether the bill provides the needed muscle to intervene in time in matters like these. With the DES problem fresh in mind, the Senate may decide the House bill is inadequate. Meanwhile, it is puzzling to listen to the Nixon administration's rhetoric on the urgent need to find new ways of curing cancer, when right here with DES, it seems apathetic about fully protecting the public from a known cancer-causing hormone.

By coincidence, at the same time the public's health was being given low priority by the FDA, C. Joseph Stetler, president of the Pharmaceutical Manufacturers Association, was quoted as being elated at the general activities of the FDA. "We have an imaginative and cooperative commissioner of the FDA. Dialogue now between industry and FDA is candid and constant." That's fine, but the FDA is supported by public money not to serve the drug industry but to be "candid and constant" with the public—the millions of citizens who need protection from dangerous drugs.

CANCER EXPERT ATTACKS USE OF CATTLE FATTENER

(By Morton Mintz)

A leading cancer specialist testified yesterday that nothing short of a possible "famine situation" can justify continued use of a synthetic estrogen known as DES in cattle and sheep feed to make the livestock heavier.

Calling it a "foolhardy undertaking," Dr. Roy Hertz of Rockefeller University said that the economic benefits of treating feed with DES (diethylstilbesterol)—an estimated saving in meat costs of $3.85 per person per year—are totally insufficient to outweigh even a potential hazard of cancer.

Disagreeing, Commissioner Charles C. Edwards of the Food and Drug Administration contended that no American need fear the possibility of contracting cancer from DES residues in meat.

Tightened controls assure that such residues almost never will occur, Dr. Edwards insisted.

But Dr. Hertz, a former top scientist at two of the National Institutes of Health, termed the controls "impracticable."

The commissioner's assurances, backed by witnesses for the Agriculture Department, failed to erase doubts held by Rep. L.H. Fountain (D-N.C.), chairman of the House intergovernmental relations subcommittee.

Other developments at the hearing concerned FDA's response to stunning reports made in April and August in the New England Journal of Medicine: 13 young women whose mothers had taken DES in pregnancy—to avoid possible threatened miscarriage—developed an extremely rare and sometimes fatal vaginal cancer 15 to 22 years later.

Dr. Edwards termed "premature" a warning sent in June to every doctor in New York State by State Health Commissioner Hollis Ingraham—although FDA itself is now gearing up to send such a warning nationally, after not replying for eight weeks to Dr. Ingraham's appeal for this very action and to his offer to supply case histories.

Edwards, admitting that "perhaps we didn't act soon enough," also conceded under questioning by Delphis C. Goldberg of the Subcommittee staff, that a National Research Council panel had told FDA four years ago that it had no evidence of the efficacy of DES in preventing miscarriages—but that the agency withheld this finding until Wednesday, when it formally ruled the estrogen "contra-indicated" in pregnancy.

Asked why the FDA didn't try to alert all young women to seek a prompt medical examination if their mothers might have taken DES in pregnancy, or if they have irregular vaginal bleeding, the commissioner said the agency had to be "careful . . . not to create an emotional crisis on the part of American women. . . ."

The estimated annual saving of $3.85 per person in meat costs was derived by the subcommittee from Agriculture Department data. Despite the nation's huge corn crop, it costs more to fatten livestock on grain alone than on grain augmented with DES.

The disagreement about the wisdom of allowing DES in livestock feed—a practice banned by 21 other countries but permitted in the United States since 1954—centered on the reliability of controls intended to assure the absence of residues in meat.

Current federal rules, said by Edwards to be 99.5 per cent effective, require discontinuation of feed containing DES two days before slaughter. Under proposed rules, the withdrawal period would be extended to seven days and producers would be compelled to certify compliance.

The law forbids any residue whatsoever of a carcinogen, or cancer-promoter, in meat. DES is a proved carcinogen, having promoted cancer in five animal species. The method used to detect DES residues can establish their presence only if they exceed a ratio of two parts per billion (ppb). Thus far this year, residues of two ppb to 40 ppb have been detected in cattle and sheep livers.

Edwards and Dr. Clayton Yeutter, administrator of the Agriculture Department's Consumer and Marketing Service, emphasized that the human body normally produces estrogenic substances in vastly greater quantity, and that the chances of eating DES-contaminated meat more than once approach the infinitesimal.

But Rep. Fountain questioned the significance of this, partly on the basis of testimony by five physicians: Roy Hertz; Umberto Saffiotti of the National Cancer Institute; Morton Lipsitts, of the National Institute of Child Health and Human Development, and Arthur Herbst and Peter Greenwald, the physicians who reported the link between vaginal cancer and DES.

All of them emphasized that no one knows how tiny an amount of a carcinogen, taken for how short a time, can induce cancer. Perhaps one molecule in the 340 trillion in a five-ounce serving of beef liver can do it.

For that reason, Hertz said, it is "extremely ill-advised" to add carcinogens to a food supply in which such substances already are unavoidably present.

Edwards and Yeutter said they are prepared to ban DES entirely from feed if the controls prove to be ineffective. Hertz contended not only that the controls will prove to be "unfeasible and impracticable," but that the human cancers which may result would not be detectable for 10 to 20 years.

Hertz warned, in addition, that DES powder itself is a hazard to those who handle it, or who are close to those who handle it, and that the excrement of livestock that eat it enters the soil and streams.

FIRING OF FDA AIDE DEMANDED

(By Nancy L. Ross)

The leading producer of feminine hygiene deodorant sprays has demaded the firing of a government official following disclosure in The Washington Post that the Food and Drug Administration will seek to require warning labels on sprays containing hexachlorophene.

Leonard H. Lavin, president of the Alberto-Culver Company which makes the number one selling spray "FDS," sent telegrams to HEW Secretary Elliot Richardson and FDA commissioner Dr. Charles Edwards demanding that press officer John T. Walden be "fired forthwith" for his "inaccurate, irresponsible and unauthorized statements about certain products containing hexachlorophene." Walden was named as a source in the Post story.

Lavin accused Walden of "impropriety and violation of the ethics of his position." He charged Walden with "apparently helping to create adverse opinion (by making) entirely erroneous statements public without any FDA action or due process."

Informed of Lavin's charges, Walden declined immediate comment. However, another FDA official confirmed that FDA action on hexachlorophene is imminent. He said, "An FDA policy on hexachlorophene and feminine hygiene deodorant sprays will shortly appear in the Federal Register with ample time for comment by all interested parties."

Lavin will meet with Dr. Edwards today at 3:30 p.m. to discuss the matter.

Walden was quoted in the article as saying the FDA believes "there is no medical justification for hexachlorophene in feminine hygiene deodorant sprays." Lavin disputed this statement as "contrary to the results of carefully controlled animal and human studies in the possession of FDA." The studies were made for Alberto-Culver.

The FDA has also commissioned its own tests on hexachlorophene from the National Academy of Sciences. The NAS tests, soon to be published, would serve as the basis for the proposed warnings on sprays. The Wall Street Journal yesterday quoted experts who say that feminine hygiene deodorant sprays, which contain a maximum of 0.2 per cent hexachlorophene, can cause genital irritation because when other components of the sprays evaporate the hexachlorophene concentration can reach 20 per cent.

Lavin, in a telegram to The Washington Post, also charged that statements in the article were "undocumented, uninformed and completely without scientific basis." Sources for the article, in addition to Walden, were Dr. Renate D. Kimbrough's study published in the Archives of Environmental Health, the Journal of the American Medical Association, Medical Letter, a newsletter for physicians, the Cosmetic, Toiletry and Fragrance Association and the National Academy of Sciences.

U.S. DEPARTMENT OF AGRICULTURE,
CONSUMER AND MARKETING SERVICE,
San Francisco, Calif., June 3, 1965.

Subject: Letter of reprimand.

To: John N. S. White.

Thru: Dr. Schick, Area Vet. In Chg., Area Management Station, MID, Los Angeles, Calif.

I have before me a file disclosing that you acted contrary to supervisory instructions by offering for publication an article entitled "The Effect of Feeding Stilbestrol to Beef Cattle". Several months ago when you sought clearance, through appropriate channels, to publish this article it was made clear that the agency could neither sanction nor permit you to offer it for publication while in their employ.

The position was taken because your article could have been interpreted as the position or carrying the official sanction of the Department. Those reading your articles would reasonably assume your writings were based on information gained in your official capacity as a Veterinary Meat Inspector. We note you signed your name above the title USDA Veterinary Meat Inspector when offering your article for publication.

The fact that one of the publishers was sufficiently concerned to contact Washington officials of the Department is ample evidence that you have caused embarrassment to the Department.

You are hereby reprimanded for failure to follow supervisory instructions and conduct causing embarrassment to the Department. You are also warned that a repetition of this type of offense could result in severe disciplinary action and very possibly removal.

A copy of this letter will be placed in your OPF.

HANNAH K. DOWELL,
Chief, Personnel Branch, WAA.

NEW POWERS FOR SACB: FREEDOM IN PERIL

Mr. ERVIN. Mr. President, on October 5 and 7, 1971, the Judiciary Subcommittee on Separation of Powers, of which I am chairman, held hearings on S. 2466 and Senate Resolution 163. The bill and resolution seek to eliminate the threat which Executive Order 11605 presents to the constitutional doctrine of separation of powers. By Executive Order 11605, the President, in effect, seeks to legislate by Executive order.

Senate Resolution 163 expresses the sense of the Senate that Executive Order 11605 is an attempt to usurp the legislation powers conferred on Congress by the Constitution and is "an infringement on the first amendment rights of all Americans." It calls on the President to revoke the order or amend or revise it to bring it in line with article I, section 1, and the first amendment to the Constitution.

S. 2466 would make it unlawful for any employee of the Department of Justice or of the Subversive Activities Control Board to carry out or attempt to carry out any of the additional duties, functions, or powers which Executive Order 11605 purports to confer on the Board. The bill provides:

> No money appropriated by Congress shall be made available to the Department of Justice or the Subversive Activities Control Board to execute or implement any of the additional duties under Executive Order 11605.

As I said in my opening statement at the hearings, the major provisions of Executive Order 11605 represent an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new sweeping powers far in excess of those Congress sought to give it.

An editorial in the Greensboro Daily News of Greensboro, N.C., Monday, October 11, 1971, ably points out the dangers inherent in Executive Order 11605. I quote from the editorial:

> Rearmed by President Nixon's Executive Order 11605 of last July, [the SACB] now threatens to assume powers to meddle with and monitor the political thoughts and associations of rank and file Americans, whether or not they are applicants for government jobs.

I am happy to announce to the Senate that my Subcommittee on Separation of Powers has reported out favorably S. 2466 and Senate Resolution 163. I am confident that the Judiciary Committee will act on these measures in the very near future.

For the benefit of Members of Congress and all other interested persons, I ask unanimous consent to have printed in the RECORD the bills, my opening statement at these subcommittee hearings, and the editorial from the Greensboro Daily News.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. RES. 163

Resolution expressing the sense of the Senate with respect to the doctrine of separation of powers as it applies to Executive Order 11605, dated July 2, 1971

Whereas the first section of the first article of the Constitution states that "all legislative powers . . . shall be vested in a Congress"; and

Whereas the second article imposes on the President the obligation to "faithfully execute" the laws enacted pursuant to article I, section 1; and

Whereas under the Constitution the President has no constitutional statutory powers to alter by Executive order the content or effect of legislation enacted by Congress; and

Whereas Congress, in exercise of its authority pursuant to article I, section 1, has by statute invested in the Subversive Activities Control Board certain powers, functions, and duties as set forth in the Internal Security Act of 1950, as amended; and

Whereas these functions, powers, and duties as established by law cannot be altered, amended, expanded, or restricted except pursuant to law enacted by Congress; and

Whereas Executive Order 11605 purports to alter and expand the powers, duties, and functions conferred by statute on the Subversive Activities Control Board; and

Whereas the first amendment to the Constitution guarantees the rights of all Americans to free speech, free thought, free expression, and free association; and

Whereas the purpose of the first amendment is to make Americans politically, intellectually, and spiritually free; and

Whereas these rights include the right of every American to advocate ideas no matter how foolish, how unwise, or how abhorrent to the government, the Congress, or to other Americans; and

Whereas any governmental attempt to proscribe the advocacy of unpopular, unwise, or foolish ideas has the effect of restricting the right and ability of Americans to exercise their first amendment freedoms; and

Whereas the functions, powers, and duties purported to be conferred on the Subversive Activities Control Board by Executive Order 11605 are inconsistent with the Bill of Rights, and especially the first amendment: Now, therefore, be it

Resolved, That the Senate disapproves of Executive Order 11605 as an attempt to usurp the legislative powers conferred on Congress by the Constitution;

That the Senate disapproves of Executive Order 11605 as an infringement of the first amendment rights of all Americans;

That the Senate calls on the President to revoke Executive Order 11605, or to amend or revise it to bring it into conformity with article I, section 1 and the first amendment to the Constitution.

S. 2466

A bill to insure the separation of Federal powers and to preserve the constitutional rights of citizens

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It shall be unlawful for any employee of the Department of Justice or any employee of the Subversive Activities Control Board to carry out or attempt to carry out any of the additional functions, duties, or powers which Executive Order 11605, dated July 2, 1971 purports or undertakes to confer on the Board.

SEC. 2. No money appropriated by Congress shall be made available to the Department of Justice or the Board to execute or implement any of the additional functions, duties, or powers which Executive Order 11605 purports or undertakes to confer.

STATEMENT OF SENATOR SAM J. ERVIN, JR.

Today, the Subcommittee on Separation of Powers begins hearings on Executive Order 11605, issued on July 2, 1971, which undertakes to grant to the Subversive Activities Control Board new sweeping powers to investigate various organizations and groups in America to determine if they are intellectually or politically dangerous to the security of the Nation.

There are many of us who feel that the promulgation of this Executive Order was beyond the constitutional power of the President. To my mind, it flies directly in the face of article I, sections 1 and 8, of the Constitution, which quite plainly places "all legislative powers" in the Congress.

To remedy the damage done to the doctrine of separation of powers by Executive order 11605, I have introduced two pieces of legislation, both of which are subject to our consideration at these hearings.

The first is S. 2466, which provides that it "shall be unlawful for any employee of the Department of Justice or any employee of the Subversive Activities Control Board to carry out or attempt to carry out any of the additional functions, duties, or powers which Executive Order 11605 . . . purports or undertakes to confer on the Board." The bill also provides that no appropriated monies "shall be made available to the Department of Justice or the Board to execute or implement any of the additional functions, duties, or powers" under Executive Order 1605.

The second is S. Res. 163, a sense of the Senate resolution which would disapprove of Executive Order 11605 as "an attempt to usurp the legislative powers conferred on Congress by the Constitution" and "as an infringement of the First Amendment rights of all Americans." The resolution calls on the President to revoke the Order or "to amend or revise it to bring it into conformity with article I, section 1 and the First Amendment to the Constitution."

THE FIRST AMENDMENT

To discuss Executive Order 11605 and its ramifications, it is necessary first to examine the First Amendment. This is so because the Order obviously is inspired by a lack of faith in the First Amendment freedoms and a fear of their exercise by persons whose thoughts and words are understandably offensive to the established order.

The First Amendment outlaws governmental action which abridges freedom of thought, or freedom of speech, or freedom of the press, or freedom of association, or freedom of assembly, or freedom of petition, or freedom of religion. These freedoms embrace and nourish a kindred freedom, the freedom of dissent.

These freedoms, which may be called First Amendment freedoms, were created to make Americans politically, intellectually, and spiritually free.

The novelist Thomas Wolfe, sensed this when he said:

> So, then, to every man his chance—to every man, regardless of his birth, his shining, golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America. I do not believe . . . that the ideas represented by "freedom of thought", "freedom of speech", "freedom of press" and "free assembly" are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them.

The First Amendment grants its freedoms

to all persons within the boundaries of our country without regard to whether they are wise or foolish, learned or ignorant, profound or shallow, brave or timid, or devout or ungodly, and without regard to whether they love or hate our country and its institutions. Consequently, the Amendment protects the expression of all kinds of ideas, no matter how antiquated, novel, or queer they may be.

In the final analysis, the First Amendment is based upon an abiding faith that our country has nothing to fear from the exercise of its freedoms as long as it leaves truth free to combat error. I share this faith.

To be sure, the exercise of First Amendment rights by others may annoy us and subject us at times to tirades of intellectual or political rubbish. This is a small price to pay, however, for the benefits which the exercise of these rights bestows on our country.

THE NATURE OF FIRST AMENDMENT FREEDOMS

The First Amendment protects the expression of ideas, not the commission of acts, and for this reason cannot be invoked to justify criminal or violent deeds.

It is explicit in the First Amendment that the freedom of the people to assemble to petition for the redress of grievances must be exercised peaceably; and it is implicit in it that the other freedoms it secures must be exercised in like manner.

First Amendment freedoms are simply designed to secure to the people a constitutionally protected right to use the means which nature and man's ingenuity afford them to express to others their thoughts, ideas, and desires concerning government, society, religion, and all other things under the sun. Inasmuch as expression has persuasive power, this right must be recognized and exercised if government is to be responsive to the will of the people, and if society is to be free.

Since one of its principal purposes is to make America a politically free society, the First Amendment assures to every person or group of persons the right to express publicly ideas concerning any problem of government or society without prior restraint or fear of ideas are displeasing to government or are subsequent punishment even though the believed by a majority of our citizens to be false and fraught with evil consequences.

Why did the Founding Fathers secure this right to every individual and association and assembly within our borders?

There are two answers to this question, one philosophical and the other pragmatic.

As philosophers, the Founding Fathers believed that free and full debate teaches men the truth that frees them from the worst sort of tyranny, i.e., tyranny over the mind; and as pragmatists, the Founding Fathers believed that free and full debate is vital to the civil and political institutions they established.

The Founding Fathers were right on both counts.

Freedom of thought and speech are the things which distinguish our country most sharply from totalitarian regimes. They enable our country to enjoy a diversity of ideas and programs, and to escape the standardization of ideas and programs totalitarian tyranny requires.

Besides, a free and full interchange of ideas concerning the problems of government and society makes us aware of conditions and policies which need correction, and induce us to make in apt time and in a peaceful way the reforms that changing times demand. As a consequence, violent revolution has no rational or rightful place in our system.

POWER OF GOVERNMENT TO PROHIBIT OR PUNISH SPEECH

Like all freedoms, First Amendment freedoms may be abused.

Society is often disturbed by those who abuse these freedoms to protest, either rightly or wrongly, conditions or policies they deplore.

Society must ordinarily tolerate these abuses by protesters, however much it may hate their thoughts and words.

This is true because the power of government to deal with them is limited by the First Amendment.

It is well that this is so. If it is justified, protest may lead to reform; and if it is unjustified, protest may relieve at least temporarily the tensions of the protesters. In either event, protest has therapeutic value for both protesters and society.

Freedom of thought is absolute, and cannot be limited or punished by government in any way. Other First Amendment freedoms are qualified in the sense that their exercise may be circumscribed by government within narrow limits to protect other overriding social interests.

The general rule, however, is that people may express their ideas freely, and associate or assemble freely to make their ideas effective. But this general rule does not prevail in respect to the exercise of speech, association, or assembly which defames others, invades the privacy of others, constitutes obscenity, incites to crime or violence, obstructs the courts in the administration of justice, amounts to sedition, or imperils the national security.

Government may punish by law past speech, association, or assembly falling within these narrow limits, and under extraordinary circumstances subject it to prior restraint by obtaining injunctions from courts of equity.

Except when it acts within these narrow limits, government violates the First Amendment if it attempts to limit its freedoms by legislation. Moreover, government violates the First Amendment if it engages in conduct which is calculated and intended to stifle the willingness of people to exercise their freedom of speech, association, or assembly. It is to be noted in this connection that the First Amendment was written for the timid as well as the brave.

POWER OF GOVERNMENT TO PROHIBIT OR PUNISH SPEECH ADVOCATING CRIME OR SEDITION

In describing First Amendment limitations on the power of government, the Supreme Court declared in *Terminiello* v. *Chicago*, 337 U.S. 1, 4, that "freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

Strange as it may seem at first blush, the Amendment protects advocacy of conduct prohibited by law unless it incites action to bring such conduct about and creates a clear and present danger that it will provoke action to that end. This is so because the Amendment protects the expression of ideas, no matter how reprehensible they may be.

Since the doctrine of civil disobedience is invoked with such frequency nowadays, it seems not amiss to emphasize that the Constitution does not countenance civil disobedience which contemplates and produces unlawful acts.

Government has an inherent right to self-protection, and may under some conditions prohibit or punish the advocacy or teaching of the desirability of overthrowing it by violent action.

Judges have used multitudes of words in many cases to define the conditions under which government may exercise its rights of self-protection by limiting speech, association, and assembly.

While the words of some of the judges are sometimes somewhat elusive in meaning and for that reason difficult to comprehend, I interpret these cases to lay down these principles:

1. The First Amendment protects all utterances, individual or concerted, advocating constitutional or political changes, however revolutionary they may be, if the utterances contemplate that the changes are to be achieved by lawful means. Hence, freedom of speech permits an individual or a group to advocate the adoption of communism, fascism, or any other system of government by means of the ballot box.

2. The First Amendment also protects all utterances, individual or concerted, advocating or teaching as an abstract doctrine the desirability of the forcible overthrow of the government. This is true even though such advocacy or teaching is engaged in with intent to accomplish violent overthrow and with the hope that it may ultimately do so.

3. The First Amendment affords no protection, however, to utterances, individual or concerted, advocating or teaching action for the forcible overthrow of government.

4. Inasmuch as the capacity of a group to create danger is greater than that of an individual, the law makes a distinction between the power of government to exercise its right of self-protection against individuals and groups. Government may prohibit or punish utterances of an individual advocating or teaching action for the forcible overthrow of government only if his advocacy or teaching creates a clear and present danger that it will provoke action. But it may prohibit or punish utterances of a group advocating or teaching action for the forcible overthrow of government if their advocacy or teaching takes place under circumstances reasonably justifying apprehension that the action will occur either immediately or at a future time selected by the group.

When it enacted The Smith Act of 1940, Congress made it a felony knowingly or willfully to advocate or teach the desirability of overthrowing the government of the United States or any of its states, territories, districts, or possessions by violence.[1]

In construing the Smith Act, the Supreme Court decided that the words "advocate" and "teach" were not used by Congress in their ordinary dictionary meanings, because they had been construed in prior cases interpreting similar laws "as terms of art carrying a special and limited connotation."[2] By so doing, the Supreme Court adjudged that the principles which I have outlined were embodied in the Smith Act and in consequence such Act is not unconstitutional.

SEDITION LAWS

The Constitution expressly provides two ways to protect our country against domestic danger by civil means. Congress may make punishable as crimes dangerous acts, and, subject to First Amendment limitations, dangerous words; and those of us who esteem our system the best yet devised by man may use our First Amendment freedoms to instruct the ignorant, convert the doubting, and combat the efforts of those who undertake to destroy or injure it.

Justice Brandeis must have had these considerations in mind when he made this statement in his eloquent concurring opinion in *Whitney* v. *California*, 274, U.S. 357, 378:

> Among freemen, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly.

Since it was first organized as the nation's legislature, Congress has enacted these sedition laws: the Sedition Act of 1798, which still lives in infamy; the Espionage and Sedition Acts of 1917 and 1918, which Attorney General Palmer grossly abused in his "witchhunts" after the First World War; and the Smith Act of 1940, whose potentiality for abuse has been restricted by Supreme Court cases, which subject its broad language to First Amendment limitations. Each of these Acts was adopted in a time of great national strain.

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[1] 18 U.S.C. 2385.

[2] *Yates* v. *United States*, 354 U.S. 298, 319.

By each of these laws, Congress made utterances it deemed dangerous to the common weal punishable as crimes, and thus secured to all against whom the laws were invoked the right to trial by an impartial jury of the vicinage and the other protections created by the Constitution to prevent the punishment of the innocent.

FEARS OF COMMUNISM

From the time of the Russian Revolution until the day on which Russia became an ally of the United States in the Second World War, multitudes of Americans entertained profound fears in respect to the menace which they believed communism presented to peace abroad and security at home. As a result of Russia's intransigence in Europe and the communist take-over of mainland China after the end of the war, these fears were revived and intensified, and they rightly remain until this day insofar as they are based on concern for the threat which communism poses to world peace.

Inasmuch as they were based on concern for domestic security, the fears of communism persisted with intensity until the middle of the 1950's, and they still linger in some quarters.

There is room for dispute as to how substantial the communist threat to our domestic security actually was during the times it was feared most. There was some tangible evidence and plethoric surmise that communists had strongly infiltrated segments of the labor movement and had even penetrated government and the armed forces to a degree. The extent of the threat was exaggerated by a tendency on the part of the fearful to believe that persons of unorthodox views were tainted with communism.

Anyway, the fear of the threat to domestic security produced two pieces of major congressional legislation, the Smith Act of 1940, which has already been mentioned, and the Internal Security Act of 1950, which Congress passed over President Truman's veto.

THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Before the Internal Security Act of 1950 was adopted, our country steadfastly adhered to the principle that government ought not to punish anybody for anything except for crime of which he has been convicted in a constitutionally-conducted trial in a court of justice.

The Internal Security Act injected a novel concept into our system, which is alien to this principle.

This concept may be summarized in this way:

To protect society, our country should maintain a governmental agency to stigmatize publicly organizations the government considers intellectually or politically dangerous, and visit upon such organizations and their members severe penalties.

I use the phrase "intellectually or politically dangerous" to distinguish the stigmatized organizations and their members from organizations and individuals whose legally dangerous acts or words are punishable as crimes under constitutional safeguards.

The Internal Security Act of 1950 created the Subversive Activities Control Board. By the original Act and an amendment of 1954, the Board was given jurisdiction to act on petitions of the Attorney General to identify and require the public registration of communist-action, communist-front, and communist-infiltrated organizations, and members of communist-action organizations.

The Act as amended automatically imposed upon the organizations and the members of the organizations stigmatized by the Board severe penalties. For example, a stigmatized organization was denied the use of instrumentalities of communication unless it plainly revealed that they were being used by it and that it was "a communist organization"; and a member of a stigmatized organization was denied the right to hold any nonelective office or employment under the United States or even to seek such office or employment or employment in any defense facility without revealing his membership in the organization; the right to hold office or employment with any labor organization subject to the National Labor Relations Act; and the right to obtain or use a passport.

The Supreme Court adjudged, in essence, in *Communist Party of the United States v. Subversive Activities Control Board*, 367 U. S. 1, that Congress had the constitutional power to regulate the registration of communist organizations because of its finding that such organizations advocate or teach action for the forcible overthrow of government. It ruled, however, in other cases that the procedures prescribed by the Act to effect the compulsory registration of communist organizations violated the self-incrimination clause of the Fifth Amendment, and that major provisions of the Act relating to membership in communist organizations imposed penalties upon individuals on the theory of guilt by association and could not be reconciled with the First Amendment.

These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do.

By an amendment of January 2, 1968, Congress undertook to revive the moribund agency by repealing the compulsory registration provisions of the Internal Security Act, and by conferring upon the Board power to issue declaratory orders determining whether organizations it investigates are communist-action, communist-front, or communist-infiltrated organizations, and whether individuals it investigates are members of communist-action organizations.

The revival was short-lived. On December 12, 1969, the United States Court of Appeals for the District of Columbia Circuit handed down *Boorda v. Subversive Activities Control Board*, 421 F.2d 1142, holding that the provisions of the Internal Security Act and its amendments allowing public disclosure of an individual's membership in a communist-action organization without finding that the individual concerned shares in any illegal purposes of the organization to which he belongs violates the First Amendment.

The Supreme Court refused to review this ruling, and the Board found itself left once again with virtually nothing it could constitutionally do.

RECORD OF THE BOARD

Let us consider the record of the Board during the 21 years of its existence.

During these 21 years, the Board has found only one communist-action organization in all America, and that was the Communist party itself. It was not even able, by constitutional methods, to impose registration upon it.

During these 21 years, the Attorney General filed petitions alleging that 22 other organizations were communist-front or communist-infiltrated. Eight of these petitions were dismissed by the Board, and the other 14 came to naught because the organizations had ceased to exist or the Board was unable for other reasons to compel their registratin.

During these 21 years, the Attorney General filed petitions alleging that 66 individuals—that is, 66 persons out of about 200 million Americans—were members of communist-action organizations. These petititions were frustrated in large measure by the *Boorda Case* and other decisions.

As one who loves America and hates Communism, I take much comfort from the ineffective record of the Board. It corroborates my conviction that despite its enormous efforts to peddle its shoddy ideas, Communism has made few sales in America.

PRESIDENT NIXON'S ATTEMPT TO REVIVE THE BOARD

On July 2, 1971, President Nixon issued Executive Order No. 11605, which attempts to confer on the Subversive Activities Control Board vast power to harass and stigmatize Americans.

President Nixon's Order purports to amend Executive Order No. 10450, which was issued by President Eisenhower on April 27, 1953, to establish loyalty and security requirements for government employment. Hence, we must understand what power the executive department has in this area.

As Justice Frankfurter declared in his concurring opinion in *Garner v. Los Angeles Board*, 341 U.S. 716, 724–5:

The Constitution does not guarantee government employment. City, State, and Nation are not confined to making provisions appropriate for securing competent professional discharge of the functions pertaining to diverse governmental jobs. They may also assure themselves of fidelity to the very presuppositions of our scheme of government on the part of those who seek to serve it. No unit of government can be denied the right to keep out of its employ those who seek to overthrow the government by force or violence, or are knowingly members of an organization engaged in such endeavor.

President Eisenhower's Executive Order applies only to persons presently enjoying or presently seeking employment in federal executive departments and agencies, and requires the Civil Service Commission, the employing department or agency, or the F.B.I. to investigate matters relating to them as individuals, including their individual memberships in subversive organizations, which are relevant to the determination of whether the employment or retention in employment of each of them is clearly consistent with the interests of national security.

Hence, the Eisenhower Order establishes forthright and circumscribed procedures for insuring the loyalty of federal civil servants. Moreover, it merely implements powers vested in the President by the Constitution and Acts of Congress relating to government employment.

President Nixon's Executive Order is a different kettle of fish.

To be sure, it professes itself to be a mere amendment to the Eisenhower Order, and it does alter that Order in one or more insignificant respects.

The major provisions of his Executive Order represent, in reality, an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new sweeping powers far in excess of those Congress sought to give it.

To this end, the Nixon Order declares in express terms that the Board shall henceforth possess and exercise the power to conduct, on petition of the Attorney General, hearings to determine whether any of the innumerable organizations which claim the membership of millions of Americans who do not enjoy or seek federal employment are (a) totalitarian, (b) fascist, (c) communist, or (d) subversive organizations, or (e) organizations which have the policy "of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any "State," or (f) organizations "which seek to overthrow the government of the United States or any State or subdivision thereof by unlawful means."

The Nixon Order further declares that in making its determinations, the Board shall have power to investigate the activities and objectives of every group in America which commits acts of force or violence; or unlawfully damages or destroys property, or injures persons; or violates laws "pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses."

The Nixon Order provides that the Attorney General will transmit to each federal executive department or agency the names of all organizations condemned by the Subversive Activities Control Board for its use in determining whether persons enjoying or seeking employment by it should be employed or retained in employment.

It is manifest, however, that the real objective of the Order is to empower the Board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order. It is equally as manifest that such branding of these organizations and groups will place a political or social stigma on their members, and tend to minimize their exercise of freedom of speech, association, and assembly.

I submit that the provisions of the Nixon Order which purport to confer new powers on the Board have no legal force for these reasons:

1. Their promulgation was beyond the constitutional power of the President; it is a direct violation of the doctrine of separation of powers.
2. They are void for overbreadth.
3. They violate the First Amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

What was said by the Supreme Court in respect to President Truman's Executive Order in the steel-seizure case, *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 589, 588, makes it plain that in his attempt to expand the power of the Board, President Nixon undertook to make law.

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a Presidential policy be executed in a manner prescribed by the President.

It necessarily follows that the major provisions of the Nixon Order are void under Sections 1 and 8 of Article I of the Constitution, which give Congress all the law-making power of the federal government and deny any of it to the President.

I do not question the power of the President under the Constitution and Acts of Congress governing federal employment to establish by executive order procedures to assure the loyalty of federal civil servants. But I do assert with confidence that even if it were a bona fide effort to accomplish an objective, the Nixon Order would be void for overbreadth.

The Order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the federal establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of federal civil servants.

The President has no power to subject the organizational memberships, activities, or objectives of all Americans to the scrutiny of the Subversive Activities Control Board because some of them may be employed by the federal government or some of them may hereafter seek employment by it.

The Nixon Order also violates the First Amendment and the due process clause of the Fifth Amendment by applying the theory of guilt by association and stigmatizing politically and socially all the members of all the organizations or groups branded by the Subversive Activities Control Board, including those who may be passive or inactive members of such organizations or groups, or those who may be unaware of the unlawful aims of such organizations or groups, or those who may disagree with those unlawful aims.[3]

While I do not care to belabor the points, a pretty good case can also be made for the proposition that some of the powers the Order attempts to allot to the Board trespass upon areas the Constitution reserves to the States, and others offend the First Amendment principle that government cannot touch the mere advocacy of ideas, no matter how reprehensible they may be.

MY FAITH

Apart from its constitutional infirmities, President Nixon's Executive Order is to be deplored because it has no rightful place in our land.

It is not the function of government in a free society to protect its citizens against thoughts or associations it deems dangerous, or to stigmatize its citizens for thoughts or associations it thinks hazardous. Yet that is exactly what the Executive Order undertakes to empower the Subversive Activities Control Board to do.

If America is to be free, her government must permit her people to think their own thoughts and determine their own associations without official instruction or intimidation; and if America is to be secure, her government must punish her people for the crimes they commit, not for the thoughts they think or the associations they choose.

In closing, I affirm my faith in the sanity and steadfastness of the overwhelming majority of all Americans. I shall not fear for the security of my country as long as love of liberty abides in their hearts, and truth is left free to combat error.

As we open these hearings, I would like again to welcome our distinguished professional consultants who have contributed so much to the Subcommittee's successful studies of the separation of powers. With us today are Professors Philip B. Kurland of the University of Chicago School of Law, our chief consultant; Ralph K. Winter, of the Yale Law School; and Arthur S. Miller of the George Washington University National Law Center.

[From the Greensboro (N.C.) Daily News, Oct. 11, 1971]

FUNERAL FOR A FOSSIL

It is no mere coincidence that the Subversive Activities Control Board (SACB) and the frivolous Red-hunting career of the late Sen. Joe McCarthy of Wisconsin had their birth in the same year—1950.

Senator McCarthy faded away in discredit about four years later, when his preposterous attempt to brand the Army as a coddler of subversives backfired and led to his censure by the Senate. But the Control Board, although its powers have been all but nullified by the courts, survives in fossil form to this day. Rearmed by President Nixon's Executive Order No. 11605 of last July it now threatens to assume powers to meddle with and monitor the political thoughts and associations of rank and file Americans, whether or not they are applicants for government jobs.

Before it can pursue this new role, however, the SACB must overcome the formidable opposition of two judicious North Carolinians, Sen. Sam Ervin and Rep. Richardson Preyer.

In a speech September 22 to the American Newspaper Publishers Association, Senator Ervin called attention to the menace of thought-control that is implicit in the President's order.

"The real objective of the order (he said) is to empower the board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order . . . Such branding of these organizations will place a political or social stigma on their members, and tend to minimize their freedom of speech, association and assembly . . . The order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the federal establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of federal civil servants . . . The Nixon Order also violates the First Amendment and the due process clause of the Fifth Amendment by applying the theory of guilt by association and stigmatizing politically and socially all the members of all the organizations or groups branded . . . including those who may be passive or inactive members . . . or those who may be unaware of the unlawful aims . . . or those who may disagree with those unlawful aims."

It is a timely warning, whose real value could be emphasized only by a long review of some of the idiocies and injustices committed in the name of security in the era of the 1950s. Suffice it to say that this country needs no revival of the offending practices described by Senator Ervin.

Despite his early zeal in the investigation of defunct spy-rings, it seems likely that Mr. Nixon has bigger fish to fry as President and that the flawed executive order recently effected over his signature was cooked up by Justice Department subordinates with a less than perfect sense of the dangers it involves. Nobody has heard much of the Subversive Activities Control Board, except that it has little to do and that President Johnson underscored its salutary idleness two or three years ago by appointing to the Board the unemployed husband of one of his secretaries. We suspect that more constructive places on the federal payroll could be found for the present Boardmen, if they are otherwise unemployable in private enterprise.

To that end, a bill co-sponsored by Rep. Richardson Preyer makes good sense. The bill would replace SACB with a so-called Federal Employes Security and Appeals Commission, with the limited job of screening applicants for federal jobs while properly safeguarding their rights of due process. Beyond this limited function, this country needs no roving, free-wheeling band of thought policemen, free-loading on the taxpayer, with a hunting license to maintain surveillance of private political thoughts and organizations. At last glance, the FBI had that task well in hand anyway—and did it for the most part with far greater discretion. There is a case for an orderly and responsible agency to protect government from disloyal infiltration.

Between them, then, Senator Ervin and Congressman Preyer point the way to a sane security system that would preserve the integrity of government without duplicating the panicky and unwise measures taken in haste and alarm after the Red scare of the late Forties. The Subversive Activities Control Board is a fossil. It needs a decent funeral.

KEMP'S A COMER

Mr. HANSEN. Mr. President, the Wall Street Journal of November 18 printed some observations by Mr. Alan Otten in his column, "Politics and People," about one of the outstanding freshman Members of the House of Representatives—the Representative from Bulaffo, N.Y.

This recognition by the Journal of a Member of Congress who has a youthful image as well as being youth-oriented to some of today's changing times is most appropriate. For the first time next year on a national scale there will be a new age group of voters, and certainly the attributes of a leader like Jack Kemp will be important to how well these young people will be able to relate to their government.

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[3] *United States v. Robel*, 389 U.S. 258; *Scales v. United States*, 367 U.S. 203.

We in the United States enjoy the greatest system of government thus far devised, and it is vital that this new age group of voters respect and support the democratic values of the Republic.

Jack Kemp, with his personal appearances in a number of States, has caught the imagination of a lot of America's youth, and has shown them convincingly that the system of government by law is well worth preserving.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

KEMP'S A COMER

Washington.—Every two years, anywhere from 35 to 60 new members enter the U.S. House of Representatives. Even before they arrive, two or three are tabbed as "comers"—clever young go-getters who will quickly emerge from the faceless pack to become leaders of the House or move on to the Senate or even beyond.

One of the clear comers in the current freshman crop is a ruggedly handsome, highly articulate conservative Republican from the suburbs of Buffalo, N.Y., Jack F. Kemp. His fellow Republican freshmen chose him as president of their informal group, the 92nd Club. He was one of the three newcomers admitted into the Chowder and Marching Society, that elite group of such present and past House GOP greats as Richard Nixon, Melvin Laird and Gerald Ford.

He was picked by the White House to defend the President's Vietnam policy on the Dick Cavett and David Frost shows in debate with dump-Nixon Rep. Paul McCloskey. A recent trip to Vietnam won him an unusual half-hour audience to report to the President. He's in heavy demand as a speaker to raise money for House Republicans around the country, while Vice President Agnew and other administration bigwigs journey to Buffalo to help raise funds for his own campaign.

"There's no question Jack is the big star of the freshman class," a senior (and non-admiring) colleague ruefully remarks. A closer look at 36-year-old Jack Kemp helps reveal those factors that spotlight one man as a comer while others remain in the shadows.

Certainly it helps to start with instant name recognition—in this case, from 13 years as an all-star quarterback, first for the San Diego Chargers and then, until February 1970, the Buffalo Bills. Mr. Kemp led the Bills to two American Football League championships, was AFL Player of the Year in 1965 and for five years headed the AFL Players Association.

The football reputation, his wholesome good looks and his fluent way with words had long made him a much-sought Republican speaker, particularly on college campuses. People, he admits, were intrigued to find a professional athlete who not only was a conservative Republican but who also could use correctly such words as "bizarre" and "self-flagellation," talk knowledgeably about tax depreciation schedules and sulfur dioxide pollutants, and quote Edmund Burke ("A Representative owes his people not only his industry but his judgment").

Buffalo Republicans had long been hoping for just such a paragon to take on Democratic Rep. Richard McCarthy, and Mr. Kemp was more than willing. His well-financed and professionally guided campaign was helped mightily by Mr. McCarthy's later decision to give up the seat and run for the Senate, but Mr. Kemp still came to Washington with the valuable image of something of a giant-killer.

Still another asset was having good friends in high places. Old California buddies included White House aides Herbert Klein and Robert Finch, House GOP Campaign Chairman Rep. Bob Wilson. Mr. Kemp not only campaigned hard for Richard Nixon for President in 1960 and governor of California in 1962, but spent two weeks traveling with him on behalf of Bob Finch for lieutenant governor in 1966.

These people counsel him, speak in his district, open downtown agency doors for him. A Buffalo newspaper cartoon showed Messrs. Nixon, Klein and Finch in football uniforms blocking for Quarterback Kemp.

(And he repays the favors, as, for example, helping the White House by debating Mr. McCloskey. "My sense of fair play was challenged," he relates. "I don't quarrel with those who say we shouldn't have been in there or should get out faster—I say the latter myself—but to label the military as war criminals and to say the President really doesn't desire peace—that's something else.")

The young Congresman has other hallmarks of the true comer: boundless ambition and a ruthless readiness to put his own needs first; a shrewd instinct for spotting good political openings, and real hustle to follow through and take advantage of them.

When Amtrak cut back rail passenger service west of Buffalo, he quickly organized a House bloc to press for continued service west to Detroit and Chicago, persuaded the area governors to pick up part of any operating deficit, and finally got "provisional" service restored. He has taken the lead in a well-publicized push for a House resolution calling for United Nations debate on the Soviet Union's refusal to permit Jews to leave the country. Mr. Kemp says he seeks to dramatize the Soviets' disregard for human rights; cynics suggest he's cannily building good will among New York's large Jewish vote.

Pressed to explain his current reputation, the Congressman cites "a built-in advantage, as a moderately successful football player," and a popular hunger for stronger political leadership. "I learned long ago," he declares, "that you can't quarterback a football team by taking a poll and following the consensus. You have to weigh risks, make judgments, take chances."

Mr. Kemp campaigned as a "let's tell what's right about America" Republican, and his House record thus far is rated as 100% by the American Conservative Union and 15% by the Americans for Democratic Action. Yet in recognition of Buffalo's high unemployment, he has supported several spending measures far larger than the White House wanted.

Mr. Kemp is at some pains to deny as "absurd" rumors that he'll be the Conservative Party challenger against Republican Sen. Jacob Javits in 1974. "I have a forum here to exert some leadership, and that's exactly where I want to be," he says. Clearly, though, a Senate seat some day is well within his downfield vision.

It's not going to be all clear going, of course. First re-elections are normally considered the toughest, though a coming reapportionment plan will probably make his district more Republican. More seriously, some colleagues rate Mr. Kemp still naive and prone to error. For example, they say, it may flatter his ego to debate Mr. McCloskey on television or to have Mr. Agnew speak for him, but these may not be such good politics in a district where many well-educated suburbanities don't particularly like the war or the Vice President. Other House members complain that he skimps on the nasty nitty-gritty of committee work, and that his fast, purposeful pace often leaves bruised feelings behind.

It usually takes three or four terms to know whether the comers actually live up to their early billing. A good many people will be watching to see whether Quarterback Kemp can still throw the long bomb.

THE ABM ISSUE AND THE SECURITY OF THE NATION

Mr. STEVENSON. Mr. President, the charges made by Dr. Albert Wohlstetter and the Operations Research Society against the intellectual integrity of Dr. George Rathjens and Dr. Jerome Wiesner and other eminent scientists opposing the ABM were revived in a recent column by the estimable Joseph Alsop. The ABM issue is of undoubted importance to the security of the Nation. It is difficult enough to evaluate the claims made on behalf of the expensive and potentially destabilizing ABM without the intrusion of such regrettable charges.

To clear the air I ask unanimous consent that the column by Joseph Alsop, published in the Washington Post of November 8, 1971, and two letters in reply, one by Dr. Rathjens and the other by George Kistiakowsky, Herbert Scoville and Herbert E. York be printed in the Record at the conclusion of these remarks. Dr. Kistiakowsky was formerly Science Adviser to President Eisenhower and a chairman of the President's Science Advisory Committee. Dr. Scoville was formerly Deputy Director for Research, CIA, and Assistant Director at the Arms Control and Disarmament Agency. Dr. York was formerly Director, Defense Research and Engineering, DOD under President Eisenhower and a member of the President's Science Advisory Committee.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 8, 1971]

MISLEADING SCIENTISTS

The clamor surrounding the underground nuclear test at Amchitka is a very good reason for offering an extremely solemn warning. On such occasions, a great deal of the more leftwing "scientific" evidence must now be expected to be as crooked as a ram's horn.

Some attention has already been given to the so-called ORSA report that contains the proofs of the foregoing extremely grave statement. But no one has even begun to grasp the full seriousness of this solid, stolid, unimpeachably factual report. So it deserves re-examination.

ORSA, in brief, is the Operations Research Society of America, with a membership of about 8,000 scientists doing defense and industrial research and analysis. One of the society's stated original aims was to establish uniform standards and guidelines for this new and growing branch of research.

Hence the society was interested when one of its members, Dr. Albert Wohlstetter of the University of Chicago, asked for a panel to judge the standards of research and analysis displayed in the bitter debate about the "Safeguard" antiballistic-missile system in the Senate in 1969. Essentially that meant a panel to judge between ABM supporters like Dr. Wohlstetter, and its chief scientific opponents, such as the new president of MIT, Dr. Jerome Wiesner, and Drs. George Rathjens and Stephen Weinberg.

The ABM opponents were invited to make any contribution they chose, and also to nominate a member of the proposed panel. They haughtily refused to have anything to do with the inquiry. And they added a wholly groundless charge that the inquiry "could well appear to the nation as an ugly resurgence" of McCarthyism—but they ducked using the actual word.

A six-man panel of industrial and academic scientists was none the less formed, under the leadership of Thomas E. Caywood, past president of ORSA. The panel included men who had opposed the ABM in 1969, as well as men who had been for it. At least one former panel member, Dr. Howard M. Berger, of Xerox, "still hasn't made up his mind."

The results were devastating. "Analyses" that were "often inappropriate, misleading, or factually in error"; failure to meet "elementary standards for proper presentation of results to permit verification"; failure to "distinguish properly between the roles of analyst and advocate"—these were the main phrases in the summary of findings.

Dr. Rathjens was held guilty of "specific abuses of professional standards" in the ABM debate. He was further condemned for selecting his material in a most peculiar manner, mostly by omitting "data (that) would have substantially weakened his case". Other highly partisan inaccuracies were also found in his ABM testimony and in his subsequent exchanges with Dr. Wohlstetter.

Drs. Wiesner and Weinberg were found to have "ascribed official validity" to calculations which had no such validity. They were further found to have made extremely nasty false charges against the chief scientist of the Defense Department, Dr. John S. Foster.

Drs. Wiesner, Rathjens and Weinberg were jointly held to have been guilty of "misuse of source material" in the study of the ABM in a critique of the Pentagon's ABM position that was circulated by Senator Edward Kennedy. The same "misuse" was also found in the work done for Senator Kennedy by Dr. Wiesner and ABM charges throughout the ORSA report.

Thus placed in the dock and found guilty and crooking the evidence and purposeful prevarication, the anti-ABM scientists finally condescended to notice ORSA more seriously. They issued a reply, admitting some mistakes, yet claiming they were right about what mattered. To this Dr. Rathjens added the charge that the neutral panel member, Dr. Herbert Berger, secretly harbored personal animus against himself.

To this charge, Dr. Berger has now replied, in effect, that Dr. Rathjens is again prevaricating, and again, Dr. Berger's evidence is solid, stolid and unimpeachably factual, like the ORSA report itself. No open-minded person can fail to read either report without concluding it is all too true, both in detail and in broad outline.

It needs only to be added that the supposed "mistakes" proven in the report were at the very heart of the ABM debate. In sum, warning.

[From the Washington Post, Nov. 17, 1971]

Letters to the Editor on the Operations Research Committee Report and the ABM Debate

Joseph Alsop's column of November 8 for the most part accurately reflects the findings and tone of the recent critique by the Operations Research Society of America of the role of myself and others in the ABM debate. What Mr. Alsop failed to appreciate or convey to his readers was the fact that the ORSA report is a technically incompetent critique—based on bizarre procedural arrangements, selective use of evidence, and remarkably uncritical acceptance of administration assumptions, many of which had little or no foundation in fact.

This is not the place to discuss all of the deficiencies of the ORSA report—we have done that in some detail elsewhere—but lest readers be misled by Mr. Alsop's column it is perhaps useful to comment on two issues in the ABM debate: the possible vulnerability of the U.S. Minuteman force to a Solvet SS–9 "first strike" in the mid-70's, and whether the Safeguard ABM deployment would make a significant difference in Minuteman survivability.

Although the second question was really what the ABM debate was all about, ORSA focused its attention almost exclusively on the first, a hardly surprising fact since Albert Wohlstetter who instigated the inquiry, and whose lead it slavishly followed, had largely avoided commenting on Safeguard's utility in both his testimony and his specification of changes.

As regards Minuteman vulnerability, I would point out that estimates necessarily had to be based on interpretation of intelligence information and technical judgment of what the situation would be six years later. Various participants in the debate made quite different judgments, and such differences, not mathematical manipulation which was essentially trivial, nor the application of esoteric operations research techniques, accounted for my estimating that 25 per cent of the Minuteman force would survive while Mr. Wohlstetter and Defense Department spokesmen estimated 5 per cent. I leave it to the reader to draw his own conclusion as to whose judgments were more reasonable, pointing out that I would now revise my estimates of Minuteman survivability upward as it now seems even less likely than it did two years ago that the U.S.S.R. could fully equip its SS–9 force with highly effective multiple independently targettable reentry vehicles (MIRV's) by the mid-70's. Reports such as those by Michael Getler of a recent DOD/CIA sponsored study by TRW (The Washington Post, June 17), General Ryan's March 9 testimony before the House Appropriations Committee, and Secretary Packard's remarks of October 21 lead me to believe that the administration too might now estimate very substantial survivability.

The administration seems also to have largely come around to the views of its opponents with regard to the question of Safeguard effectiveness. Thus, it is now recognized, even in the Defense Department, that the missile site radar is the Achilles' heel of Safeguard, and there are serious efforts under way to design a dedicated hard-site defense employing less expensive radars as many of us recommended. And it is now considered, as we had suggested, that Safeguard as originally planned will be an inadequate defense if a build-up in Soviet missile capabilities continues, whereas originally it was argued that it was needed in case of such a build-up.

Mr. Alsop points out that we admitted mistakes. A single example will perhaps put that admission in perspective. I had argued that Messrs. Laird, John Foster and Wohlstetter had made unrealistic assumption in imputing to the Soviet Union the capability, in executing an attack against us, of compensating for all their missile failures by replacing the failures with other warheads aimed at the same targets. In fact, Mr. Wohlstetter had, unlike Messrs. Laird and Foster, apparently assumed that 15 per cent of the failures could not be so replaced. I was in error and was criticized by ORSA for the mistakes. It is to be noted that neither Mr. Wohlstetter nor the Defense spokesmen offered any analysis to support their contention that such tactics were feasible. Yet, the ORSA committee did not criticize this omission. Rather, it attempted the back-up analysis for them, in so doing finding it necessary to use assumptions about Soviet MIRV technology totally at variance with observations!

Finally, Mr. Alsop alleges that I charged Howard Berger, one of the ORSA committee, with harboring personal animus against me; that Dr. Berger has claimed I was guilty of prevarication in making such a charge; and that there is solid evidence to that effect. I made no such charge and challenge Mr. Alsop and Dr. Berger to produce evidence that I did, much less evidence that I lied in making it! What I and my colleagues did suggest was that since Dr. Berger had previously been relieved by me of a position of responsibility, he should have been disqualified either by himself or by ORSA from participating in the inquiry. In suggesting this, we were not charging animus on his part, but rather lack of sensitivity and appreciation of reasonable professional and ethical norms by him and ORSA, a charge which the style of the ORSA inquiry fully substantiates.

As has been the case with so many of his columns. Mr. Alsop has again regrettably elected to accept uncritically those arguments consistent with his deep-seated biases rather than to attempt to understand and elucidate the issues involved in a complex question—in this case, those relating to the Safeguard deployment question.

G. W. Rathjens.

Cambridge, Mass.

In September 1971, an Ad Hoc Committee of the Operations Research Society of America (ORSA) issued a report censuring, as not being up to the standards of the Society, the congressional testimonies in opposition to the Safeguard ABM system of Dr. Jerome Wiesner, president of MIT; Drs. George Rathjens and Steven Weinberg, professors at MIT, and to a lesser extent, Professor Wolfgang Panofsky, Stanford University. Predictably, this was put in the Congressional Record by Senator Jackson, the strongest proponent of Safeguard in the Congress. On October 13th, Donald Rumsfeld, Counsellor to the President, wrote from the White House a letter to Robert Machol, president of ORSA, stating that the report had been discussed personally with President Nixon, that Admiral Zumwalt, Chief of Naval Operations, discussed the work in a most favorable way, and that "you and the Society have performed a magnificent service." To cap it off, on November 8th, in a column which you carried, the columnist, Joseph Alsop, extolled the report and decried the dishonesty of the opponents of Safeguard.

Just to keep the record straight, we think it should be known that five members of the ORSA Council issued a minority report questioning the propriety, impartiality, and ability of the Ad Hoc Committee to carry out such an investigation. This minority report was not mentioned by Senator Jackson and others. More importantly, this unprecedented investigation was carried out at the request of Professor Albert Wohlstetter, the leading non-governmental protagonist for Safeguard, confidant of Senator Jackson, and consultant to Admiral Zumwalt. Professor Wohlstetter, who was praised in the report, is a member of ORSA; the other witnesses who were censured are not members and did not participate in the work of the Committee.

Although the primary purpose of the congressional hearings was to determine the need for Safeguard, and whether, indeed, it would work, the ORSA Committee study never even addressed the testimony on these central issues, but instead concentrated its attention on several sub-issues such as (1) the vulnerability of our Minuteman deterrent to an administration postulated Soviet threat, and (2) the Soviet ability to destroy both our minuteman missiles and bombers in a simultaneous attack. These sub-issues were suggested to ORSA by Professor Wohlstetter, one of the protagonists in the debate whose standards the Committee was, in theory, investigating. This action by the Committee would appear highly unethical, and the ORSA Council's sensitivity to such a charge is demonstrated by the fact that it excised from its published version of Professor Wohlstetter's letter those portions directing their attention to these sub-issues.

We think everyone should ask whether a group which employs such standards in its investigations has demonstrated the competence to evaluate the standards of such eminent scientists with a record of dedication to public service as Drs. Wiesner, Rathjens, Weinberg and Panofsky. We think one must conclude that the ORSA Ad Hoc Committee—and those Council members who endorsed the report—have just become additional protagonists in the continuing ABM debate along with Professor Wohlstetter, Senator Jackson, the White House and Joe Alsop.

George B. Kistiakowsky.
Cambridge, Mass.
Herbert Scoville Jr.
McLean, Va.
Herbert F. York.
La Jolla, Calif.

TRAGEDY IN ULSTER—VI—VIEWS OF THE NEW STATESMAN ON WITHDRAWAL OF BRITISH TROOPS

Mr. KENNEDY. Mr. President, one of the principal provisions of Senate Resolution 180, which I submitted last month with the Senator from Connecticut (Mr. Ribicoff), is the call for the withdrawal of British troops from Ulster and their replacement with adequate alternative methods of law enforcement. I am convinced that the withdrawal of British troops is the key to ending the killing and brutality in Ulster. Tragically, however, just as America maintained for so long in Vietnam, the British Government continues to maintain that there can be no peace until there is a military victory over the extremists.

In recent weeks and months, one of the most persistent and eloquent advocates of British troop withdrawal from Ulster has been the New Statesman, a respected British publication that has devoted much of its attention to the tragedy in Ulster. I believe that the views expressed in its columns will be of interest to all of us concerned with the issue, and I ask unanimous consent that two recent items, one an article entitled "Ulster—Our Vietnam" in the October 22, 1971, issue, and the other article entitled "Into the Ulster Quagmire" by Mr. Paul Johnson in the September 3, 1971, issue, may be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New Statesman, Oct. 22, 1971]

Ulster—Our Vietnam?

Unless the Labour Opposition wakes up and does its duty, this government will soon turn Ulster into our Vietnam. We shall be unable to extricate ourselves from an unwinnable civil war which corrupts our political morals and destroys our army as a fighting force. The real tragedy of Vietnam was that the Americans did not will it: they slithered into it. Indeed they hardly knew they were at war until it was too late to withdraw "without dishonour" and "without breach of faith." Much the same is happening to us now in Northern Ireland. Already the shooting of a couple of soldiers a week is no longer rated front-page news: it has become part of the normal process of "upholding law and order" in Northern Ireland. Internment without trial, which shocked us a few weeks ago, is now accepted as part of that same process. To judge by their previous facility for blind acquiescence, the government will soon be defending the methods of our investigators in the camps as "inevitable in the circumstances" The most deadly disease of British and American democracy is the way we acclimatise ourselves to the evils done in out-of-the-way places on our behalf. The British army is now occupying Ulster and waging the Orangeman's war against the IRA. Like the Kennedy/Johnson Administration our government has announced that the enemy must first be beaten; when that has been achieved they will consider a political settlement. But in order to smash the IRA we should have to cut off the supply of arms. We do not have the troops to close the border with the Irish Republic any more than the Americans had to seal off South Vietnam. As for gunrunning, the first planeload of communist arms was discovered in Amsterdam this week. But before we succumb to an orgy of self-congratulation we should remember that, both in Palestine and the Canal Zone where the Czechs supplied the arms to Jewish and Egyptian terrorists, our counter-measures failed. There is no reason to think that they would be more successful in the northern province of an island which most Irishmen deeply feel belongs to them.

That is why the government's policy of beating the IRA and then making a peace settlement is completely impractical. The very existence of Stormont precludes a discussion of the Irish problem in anything but Ulster loyalist terms. On that basis, since the IRA has the active support of the Communist world and the passive support of the Erie government and people, there is no reason why the fighting should ever stop.

The Labour Party cannot shrug off its responsibilities by being marginally more squeamish than the government as each stage of the crisis develops. Nor is it any use piously asking for all-Ireland conferences which everyone knows will never be convened. The situation cries out for an alternative strategy. The British people want to get out of this mess. There is now no tidy and painless way backwards, but there is a bold alternative available if the Labour Party has the courage and sagacity to proclaim it.

The NEW STATESMAN has urged before that we should take a firm decision to withdraw the army within a year. Present policies give no hope of a political settlement and a radical change of policy is at least worth a try. Stormont must go to make way for one year of rule from Westminster, whose purpose would be to force the hostile factions into compromise under threat of army withdrawal.

Such a suggestion sounds draconian and immediately it is made hands are thrown up in horror. It is not democratic, it would cause ill-feeling and worst of all it would lead to blood-letting. So say the critics. But what they do not face is the hopelessness of the present situation and the worse horrors soon to come.

As we know from long experience overseas, the British army is not immune to the pressures of a situation that would corrupt, demoralise and brutalise any army in the world. Fighting in Ulster is the usual dirty business—which our troops have grown to detest—when they have to police two hostile communities. On other occasions they have had hopes of a speedy release from the ordeal. If the army is told that it must garrison Ulster for a prolonged period then it will start to hit back at the terrorists by copying some of their methods. Fighting fire with fire will become the justification for tactics beyond any humane defence. Surely it was the signs that such a thing was beginning to happen and a resolution that it should go no further that brought us out of India and Palestine, Cyprus and Aden.

It is hypocritical to pretend that the army can be left in Ulster without a gradual depletion of its morale and degeneration in its methods. At the very least a change in policy would spare us the shame and grief of Americans as they discover more and more about how the Vietnam war was fought. But a new policy offers more than that. Irishmen would be given a choice. Come what may at the end of one year the British army would withdraw. During that year the Irish could co-operate in establishing a settlement if they chose. They would clearly understand the consequences of not doing so. Failing a settlement, when the army left there would be civil war. It would be a Palestine situation. We believe the great majority do not want that. The Labour Party should advocate a daring course that gives Irishmen, freed from the need to posture, a chance to opt for moderation.

[From the New Statesman, Sept. 3, 1971]

Into the Ulster Quagmire

(By Paul Johnson)

Mr. Heath is digging in a pit for himself in Northern Ireland. It is not clear how deeply or seriously the government has considered the various long-term policies which are open to it in handling the Ulster problem. All the evidence seems to suggest that it is living from hand to mouth, reacting to each successive crisis with more of the same treatment, and hoping that something will turn up. This, indeed, is the characteristic posture which British governments have adopted to Ireland. Officially, the policy is for the security forces to maintain law and order until the "reforms" of the Stormont regime have time to reconcile the minority to its continued existence. But does any member of the cabinet honestly believe that either aspect of the policy is working, or is likely to do so in the future? The truth is, the policy cannot possibly succeed, and sooner or later even a supremely obstinate man like Edward Heath will be brought to admit the fact. The question is how soon, how late?

Huge and hideous, the terrible examples of Algeria and Vietnam are before us to demonstrate the cost—not just in lives—of the failure of sophisticated modern governments to recognise that democracies cannot contain nationalism by force, and that if they try to do so they damage only themselves. Too late, the United States and France learned the bitter lesson. The Algerian conflict destroyed the Fourth Republic, and left a fearful legacy; even today, there are more armed police and security troops in the city of Paris than in the whole of Ulster. Vietnam shattered many American illusions, not least confidence in their native standards of public honour and decency; it educated an entire generation in violence and cynicism; it ended a quarter-century of sustained economic growth, undermined the world's strongest currency, and is now bringing about an "agonising reappraisal" of America's international role.

British statesmen watched these tragedies unfold with pity and condescension. Thanks to British wisdom and experience, such errors had been avoided while Britain divested herself of a world empire which made the burdens carried by France and America seem puny by comparison. If only they had taken Britain's advice! How ironic, then, if Britain should now find herself dragged into a similar blind drama on her own doorstep. Ironic, yet curiously appropriate, for Ireland has always been the sinister joker in the British pack. There, over the long centuries, all those qualities with which the British credit themselves—humanity, hatred of violence, moderation, flexibility, pragmatism, the ability to devise empirical solutions to logically insoluble problems—have been conspicuously absent. Ireland has been the one great historic failure of British statesmanship. Our first colony; now our last. It should come as no surprise if Ireland proves the deadly sting in the tail of British decolonisation.

Let us look at the omens of disaster in turn, beginning with the minority. The government's policy hinges on its reconciliation. But the Stormont regime has existed for over half a century, time for two entirely new generations to grow up and form their own opinions, and in that long period Stormont has never been able to acquire the loyalty of more than a handful of Catholics, let alone make serious inroads, into the solid republicanism of two-fifths of its subjects. 'Reforms' are now being introduced: the Stormont White Paper boasts of them. But if these changes are desirable—indeed, it is admitted, essential—why were they resisted for 50 years? And why should it be thought that the men who resisted them so long, and so bitterly, can apply them with success? It is not as though there has been any change of heart. Stormont still stands for 'a Protestant Parliament for a Protestant people'. The reforms were introduced in response to violence, and under the urgent pressure of a British Labour government. They cannot, and they are not intended to, admit the minority to any substantial role in the government of Ulster. They are the whitewash on the spulchre; and everyone in Ulster knows this.

Moreover, the attitude of the minority has changed decisively in the last two years. They were never reconciled to Stormont; but they had become resigned to it as at least a temporary solution. In the 1950s and early 1960s there were very few people, on either side of the Border, who believed it could be removed by violence. The IRA were occasionally active. But they were forced to operate from primitive hideouts in the Republic; they could not move about freely among the Ulster minority, or expect refuge, assistance or even silence from most of its members. In many parts of Belfast it was widely believed that the ghetto structure of the city was crumbling; that Catholics were moving into 'Protestant' streets and vice versa; and that on the new housing estates a completely new pattern was emerging. Some of this was doubtless wishful thinking, and it certainly didn't apply to Londonderry. Nevertheless, there was general agreement that the situation was growing no worse, and might even be improving. High-minded hopes were expressed for the future.

Today, the situation can only be compared to Palestine in the last days of the Mandate. The two populations have moved apart—physically, and still more emotionally. The minority no longer believes that even a *modus vivendi* is possible under Stormont. It is this which makes the reforms irrelevant, for no tinkering with the details, under the existing constitution, can produce anything but a solidly-Protestant governing majority in Parliament. More seriously, the minority as a whole has now renounced parliamentary politics and opted for direct action, ranging from civil disobedience and demonstrations to bullets and gelignite. Force has set the Ulster problem in motion again—as, indeed, the threat of force by the Unionists created it—and it will not now be renounced until the problem is resolved. The IRA has ceased to be a handful of cranks, mostly from the South, and has become the activist wing of a broad nationalist movement which embraces the entire Catholic population. It is no longer possible to treat them as civil criminals; they are guerrillas, operating from the base of active popular sympathy.

To make matters still worse, both the British army and the British government have now forfeited their claims to neutrality. They were never very substantial; but the recklessness with which Messrs. Heath and Maudling threw away these important cards makes one despair. Since the emergency began Stormont has been trying to persuade Whitehall that internment is the solution to the security problem. It is not; it is an anachronism, appropriate to the days when the IRA were an isolated minority of eccentrics, whose identities were notorious. The army did not initially like the idea. But it seems to have made the mistake of failing to develop its own intelligence service, rigorously separate from the machinery of the Royal Ulster Constabulary, and thus inherited not only ancient files, lists, and informers, but ancient attitudes. When, therefore, Heath surrendered to Faulkner over internment, as the price of cancellation of the Protestant marches, the machinery of repression was used, and was seen to be used, exclusively against Catholics.

The violence that followed, which caught the government completely by surprise, accelerated the process whereby the IRA is becoming integrated with the Catholic population as a whole. Overnight, the army became identified with Stormont, and the IRA with liberation. Moreover, the army not only lost its political virginity; it lost its professional prestige. Its extravagant claims on the success of the internment operation were immediately refuted. The way the operation was carried out produced the maximum political damage, and the minimum military advantage. So the official version had to be changed; from "rounding up the gunmen" it became, within hours, "bringing the gunmen into the open". The IRA, having emerged for a few days to display its power, and confirm its ascendancy over the Catholic population, has now reverted to the less costly and more effective weapon of gelignite. The army, to the Catholics, has become the enemy; an enemy, moreover, that can be made ridiculous. There it stands, in Ulster, a blind colossus; though not, alas, a dumb one.

To complete the catalogue of folly, Mr. Heath has now lost his temper with poor, reasonable Jack Lynch, the best Dublin premier any British government could possibly hope to have. By telling Lynch that what goes on in Ulster is none of Ireland's business—as though those thousands of refugees streaming across the frontier were figments of the Celtic imagination—Heath identified himself squarely with the official Stormont political theory. One might have supposed that Mr. Faulkner himself dictated the wording of the telegram, were it not clear, from internal evidence, that it is Heath's unaided work—the language he is accustomed to use towards chairmen of public corporations and other lesser breeds. Heath has already taught the Ulster minority that they have no political redress, and that their only recourse is violence. Now he invites the Republic of Ireland to draw the same conclusion.

Thus, it seems to me, the problem is bound to be internationalised. Hitherto Dublin governments have played Britain's game. They have given no assistance, and precious little sympathy, to the Ulster minority. They have made it extremely difficult for the IRA to operate from the Republic. They have prosecuted arms smugglers. Diplomatically, they have exercised every possible restraint, even in the UK; and they have made no move to enlist the support of Britain's enemies, though in the past this has always been the response of Irish nationalism. They have, in fact, stood idly by. But if the horrors of Ulster continue, no Irish government, it seems to me, can avoid becoming directly involved. What happens then? This week's border incident has already brought demands from Stormont for a virtual closure of the frontier. What will they ask Britain to do next? Build an Iron Curtain? Put up a Berlin Wall? How far is Heath prepared to go to maintain the *colons* of Ulster?

Already the bipartisanship at Westminster is foundering. It cannot be long before the Shadow Cabinet begins to oppose Heath's Irish policy not on detail and tactics—that has already happened—but on substance and strategy. There are signs of deep division among the British people, as they watch Ulster through the unblinking eye of television. Many fear, rightly, that as with Vietnam and Algeria, the strains of Ulster will soon be felt in the homeland, not indeed for the first time. "In the end," wrote Sir William Knollys to Mr. Secretary Cecil in 1599, "that state (Ireland) must perish of a consumption, and it cannot but so infect England as it may grow into the like danger." Ireland undermined the regime of Richard II, it darkened the last years of the great Queen Elizabeth, it broke Charles I's personal dictatorship, it forced William Pitt out of office, split Gladstone's party in two, brought Britain in 1914 to the verge of military insurrection, and destroyed the triumphant coalition of Lloyd George. The Irish problem is the graveyard of British generals and statesmen. There are plenty of ancient spectres beckoning Heath on, as he wades into the quagmire. Can his talks with Lynch at last change history?

For British must, and in time certainly will, disengage from Ireland. It is interesting to note that even those who still argue that Ulster is British, and support our military presence, do so increasingly on the sole grounds that to withdraw the troops would precipitate a blood bath, in which the Protestant extremists would hurl themselves on the defenceless Catholic minority. If this is indeed likely, it is an unanswerable reason for disarming the Protestants now, something no British government has ever dared to attempt. But in my view to accept the blood-bath theory is simply to capitulate to Unionist blub, a bluff successfully maintained for nearly a century, which created the anomaly of a separate Ulster in the first place.

It is now time that the bluff was called. In any case, the responsibility for the protection of Irishmen of all creeds should be placed where it morally belongs—on the Irish government. A period of direct administration from Westminster could be used to make transfer of responsibility smooth and uneventful; and even afterwards Britain should be prepared to offer any assistance the Irish government may reasonably require. But direct rule is a *terminus a quo*; the *terminus ad quem* is, and must be seen to be, all-Ireland rule from Dublin. Only when this objective s accepted as an inescapable political fact will violence cease to pay dividends. The whole of Ireland can then move into the secular age.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate for several rollcalls on Tuesday, November 16. However, had I been present I would have voted "yea" on Senator HUMPHREY's amendment No. 563—to increase the low-income allowance to $1,300 retroactive to January 1, 1971—and "yea" on Senator FULBRIGHT's amendment No. 672, and I would have voted "no" on Senator RIBICOFF's amendment to allow a 10-percent investment tax credit for industries located in urban areas of high unemployment and "no" on Senator PEARSON's amendment to allow a 10-percent investment tax credit for industries located in rural areas.

SENATOR LEN JORDAN: A REMARKABLE MAN

Mr. HANSEN. Mr. President, 8 years of running a sheep outfit in Hells Canyon, Idaho, with only a few distant neighbors would frighten most of us. The ranch in America's deepest gorge, forbiddingly rugged, could be reached only on foot or by horse and pack animal, or by a 12-hour boat ride up the Snake River from Lewiston, Idaho.

The long isolation, the realization that most emergencies had to be met head on by one's own family—often with no other help—would repel nearly all of us.

But for Len and Grace Jordan, it was both a challenge and an opportunity. This young couple, both graduates of the University of Oregon, might not have been expected to be so adept with their hands. Their rough ranch home, which Len and Grace rehabilitated, finally had plumbing—but not the Crane variety. The bathtub was handcrafted of concrete by Len himself. The story of their adventures is told by Grace Jordan in her interesting book entitled "Below Hells Canyon."

Their full commitment to the successful running of this remote and isolated ranch in wild country required that Grace assume the responsibility of teaching their three children until they reached the high school level, when the Jordan family moved to a nearby city.

Mrs. Jordan is an author in her own right, with several books published under her byline. She and Len are recognized by all who know them well as friendly and intelligent, and gifted with a down-to-earth philosophy which gives them the ability to walk with kings but never to lose the common touch. He has a remarkable insight into matters of far-reaching importance. His grasp of high moral principles is astounding.

Senator Len Jordan, a Phi Beta Kappa graduate in economics, displayed his interest in books and history in a recent talk before the Senate prayer breakfast.

Mr. President, I ask unanimous consent that Senator Jordan's prayer breakfast speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Senate Prayer Breakfast, November 1971

Recently I was browsing through our book shelves looking for a suitable topic for prayer breakfast discussion when my eye fell upon a book written by the famous historian, Arnold J. Toynbee, entitled "Civilization on Trial." It was published in 1948.

Although each of the thirteen chapters is concerned with a different problem, the book nevertheless has a unity of outlook, aim and idea. The unity of outlook lies in the standpoint of a historian who sees the universe, and all that is in it, in irreversible movement through time and space.

The common aim is to gain some insight into the meaning of this mysterious spectacle. The governing idea is the familiar one that the universe becomes intelligible to the extent of our ability to apprehend it as a whole. The culminating effect is one of understanding of our civilization in its relation to history and the road we are to take if we are to save ourselves and our civilization from disaster.

In describing his concept of space and time Toynbee uses the broadest of definitions. Said he: civilizations, like nations, are plural, not singular. There are different civilizations which meet and out of their encounters, societies of another species, the higher religions, are born into the world. That is not, however, the end of the historians' quest, for no higher religion is intelligible in terms of this world only. The mundane history of the higher religions is one aspect of the life of a Kingdom of Heaven, of which this world is one province.

As to time, he suggests that the span of years since history has been recorded may seem like a long time. Our scientists tell us, however, that the human race has been in existence on this planet for at least 600,000 years, life on this planet for at least 500,000,000 years and the planet itself for possibly 2,000 million years.

In this perspective the last five or six thousand years that have seen the rise and fall of civilizations are periods of such infinitesimal brevity that it would be impossible to show them drawn to scale, on any chart of whole history of this planet up to date. On this true time scale, the events of ancient history are virtually contemporary with our own lifetime.

Toynbee suggests that as a training ground, the history of the Graeco-Roman world has merit because it is visible to us in perspective and can be seen by us as a whole, because it is over—in contrast to our own Western world which is still an unfinished play of which we do not know the eventual ending.

Moreover, the surviving materials for a study of Graeco-Roman history are not only manageable in quantity but select in quality. We can see in the perspective given by lapse of time that the works of artists and men of letters outlive the deeds of businessmen, soldiers and politicians and the teachings of the prophets and saints like Christ and Buddha outlast them all.

In the teaching of the Prophets the unfolding of history is neither a cyclic nor a mechanical process. It is the masterful and progressive execution, on the narrow stage of this world, of a divine plan which is revealed to us in this fragmentary glimpse, but which transcends our human powers of vision and understanding in every dimension.

Toynbee addresses himself to the question "Does history repeat itself" with some very interesting analyses and conclusions. He states: A survey of historical landscape in the light of our existing knowledge shows that, up to date, history has repeated itself about twenty times in producing human societies of the species to which our Western society belongs, and it shows that, with the possible exception of our own, all these representatives of the species of society called civilizations are already dead or moribund. Moreover, when we study the histories of these dead or moribund civilizations in detail, and compare them with one another, we find indications of what looks like a recurring pattern in the process of their breakdowns, declines and falls.

Toynbee continues—We are naturally asking ourselves today whether this particular chapter of history is bound to repeat itself in our case. Is that pattern of decline and fall in store for us in our turn, as a doom from which no civilization can hope to escape?

In the writer's opinion, the answer to this question is emphatically in the negative.

The effort to create a new manifestation of life—be it a new species of mollusc or a new species of human society—seldom or ever succeeds at the first attempt. Creation is not so easy an enterprise as that. It wins its ultimate success through the process of trial and error.

There is nothing to prevent our Western civilization from following historical precedent, if it chooses, by committing social suicide. But we are not doomed to make history repeat itself. It is open to us, through our own efforts, to give history, in our case, some new and unprecedented turn. As human beings, we are endowed with this freedom of choice, and we cannot shuffle off our responsibility upon the shoulders of God or nature. We must shoulder it ourselves. It is up to us.

Thus the lessons of history would not be like an astrologer's horoscope. They would be like a navigator's chart which affords the seafarer who has the intelligence to use it, a much greater hope of avoiding shipwreck as when he was sailing blind, because it gives him the means, if he has the courage and skill to use them, of steering a course between charted rocks and reefs. The writer is not a determinist in the riddle of human life. He believes that where there is life there is hope and that, with God's help, man is master of his own destiny, at least to some extent and in some respects.

Writing in 1947, shortly after the end of World War II, Toynbee asks the question, What shall we do to be saved?

He suggests a three pronged attack:

1. In politics, etsablish a constitutional cooperative system of world government.

2. In economics, find working compromises (varying according to the practical requirements of different places and times) between free enterprise and socialism.

3. In the life of the spirit, put the secular superstructure back onto religious foundations.

Of these three goals, said Toynbee, the religious one is, of course, in the long run, by far the most important, but the other two are the more urgent, because if we fail in these in the short run, we might lose forever our opportunity of achieving a spiritual rebirth, which cannot just be whistled at for our convenience, but will only come, if it comes at all, at the unhurrying pace at which the deepest tides of spiritual creation flow.

The political task is the most urgent of all. The immediate problem here is a negative one. Faced as we are with the prospect that—given our present interdependence and present weapons—the world is now on the eve of being unified politically by one means or another, we have to stave off the disastrous denouement of unification by force of arms.

Can the United States and the other Western countries manage to cooperate with the Soviet Union through the United Nations? If the United Nations (please remember that I am quoting Toynbee in 1947) could grow into an effective system of world government, that would be much the best solution to our political crux. But we have to reckon with the possibility of the enterprise's failing, and to be ready, should it fail, with an alternative to fall back upon.

Could the United Nations split, de facto, into two groups without a breach of peace?

And supposing that the whole face of the planet could be partitioned peacefully into an American and a Russian sphere, could two worlds on one planet live side-by-side on a footing of non violent-non cooperation for long enough to give a chance for a gradual mitigation of the present differences in their social and ideological climates?

The answer to this question would depend on whether, on these terms, we could buy the time needed to carry out our economic task of finding a middle way between free enterprise and socialism.

These riddles may be hard to read, but they do tell us plainly what we most need to know. They tell us that our future largely depends on ourselves. We are not at the mercy of an inexorable fate.

So there you have it. That is the way one historian sized up the situation in 1947.

Now, with a generation of hindsight to our advantage, what validity do you find in his reasoning and what merit do you find in his conclusions?

THE PRESIDENT HELPS TEXTILES

Mr. ALLEN. Mr. President, the Honorable J. Craig Smith is chairman of the board of Avondale Mills, in Alabama, and an esteemd personal friend. He is one of Alabama's most respected business and civic leaders and a highly competent, farsighted, and articulate spokesman for the textile industry in Alabama and the Nation.

In a guest editorial published in the Sylacauga News on November 11, 1971, Mr. Smith rendered a much needed public service in providing perspective on the continuing problem of textile imports from low-wage countries.

Mr. President, I am confident that Senators and the public in general will find the editorial both interesting and informative. I ask unanimous consent that the editorial entitled "President Helps Textiles" be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

President Helps Textiles

(By J. Craig Smith)

President Nixon has concluded agreements with the governments of Japan, South Korea, Taiwan, and Hong Kong limiting the growth of those countries' exports of mand-made fibers and wool textiles and apparel to the United States. An arrangement, covering all countries, has been in effect for about eight years limiting the import of all cotton textile items.

President Nixon said while he was a candidate, and several times since his election, that some reasonable restraint had to be put on textile imports. One out of every eight industrial jobs in the United States is provided by the textile and garment industries. President Nixon knew that these jobs could not be sacrificed without tremendous hardship to the individuals concerned and to the economy as a whole. In this position, he had the full support of the senators and congressmen from the textile states. Vigorously and bitterly opposing the President's efforts were the New York Times, the Washington Post, Life and Time magazines, several of the large New York banks, and many other powerful influences. It took considerable political courage for President Nixon to carry out his commitment to limit these imports.

The textile industry would have preferred that the limitation result from Congressional action. All hope for this action was lost when Congressman Wilbur Mills, chairman of the Ways and Means Committee, made a private deal with the Japanese textile industry and announced that no legislation limiting imports would be reported out of his committee. After this announcement by Mr. Mills, our only hope was Presidential action.

Approximately 80 per cent of textile imports are coming from the four low-wage countries with which President Nixon has now concluded negotiations. These countries finally agreed to limit their imports for one reason, and one reason only: President Nixon finally convinced them that if they did not agree to some reasonable limitation, they would get something much less to their liking. The surtax on imports which the President put into effect was undoubtedly useful in getting agreement.

All the palaver in the liberal press that the textile agreements will cause vast unemployment in the four Asian countries is without any basis of fact whatsoever. The agreements do not provide for any cutback in the high level of imports now coming in. The agreements also provide for a reasonable growth rate. These Asian imports were rising at such a terrific rate that had they not been restrained, many other American mills would have gone the route of our Birmingham mill, Handley Manufacturing Company, Beaunit, and 50 other recent closures in the Southeast alone.

We are grateful to President Nixon for doing something about this problem. We are grateful to Senators Sparkman and Allen and to Congressmen Andrews, Bevill, Buchanan, Dickinson, Edwards, Flowers, Jones, and Nichols, as well as to the other Senators and Congressmen from the textile areas, who have so valiantly supported our position. This support we must continue to have. When these agreements expire, it is absolutely essential that they be renewed. We would prefer that they be renewed by legislative action, but if this cannot be had then we must have an administration in Washington that will act as President Nixon has acted.

NATIONAL GROWTH POLICY—ITS TIME HAS COME

Mr. HUMPHREY. Mr. President, the December issue of Yankee magazine contains a splendid and eloquent article entitled "To Make the Morning Last" by my good and dear friend and colleague, the Senator from New Hampshire (Mr. McIntyre). He addresses himself in the article to the revaluation of life styles that many Americans today are conducting for themselves. He also reminds us again of what is happening in both rural and urban America due to the lack of any national policies dealing with the growth and development of our Nation. He specifically cites the need for "a national growth policy aimed at dispersing people and opportunity," which he goes on to say, should be "a policy based on the obvious premise that we will never cure the problems of the cities, never hold them or reduce them to workable dimensions, until we first cure an ailing countryside."

Mr. President, as most Senators know, I have often addressed myself to the need for a balanced national growth policy. The need for getting on with that important task is now. I am at present preparing legislation which will address itself forthrightly to meeting that need. I hope to have that legislation ready for introduction before Congress adjourns this year, and I hope every Member of the Senate will give it his utmost attention and consideration at that time.

Mr. President, I commend the article to the attention of Senators and urge them to take the time to read it. I can assure them that it will be time well spent. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

To Make the Morning Last

(By U.S. Senator Thomas J. McIntyre)

Most of the change we think we see in life,
Is due to truths being in and out of favor.

—Robert Frost

There was a time when the bittersweet pleasures of nostalgia were the exclusive domain of those approaching the September of their years.

No more.

Today—suddenly—all America is turning on by turning back.

Look at the signs: two- and three-generations-old fashions in every store window. The popular resurgence of the humble bicycle. The rediscovered pleasures of ice cream. The return to organic farming. Trivia. Monopoly. Ruby Keeler tap dancing her way out of the past and into a Broadway smash hit. Divided college campuses uniting long enough to pay tumultuous welcome to Buffalo Bob and Howdy Doody.

And when a Yale instructor penned a modest little love story with old-fashioned sentiment, cynical critics were stunned when the book soared to the top of the best seller list.

But these are only superficial evidences of America's yearning for a yesterday that was greener and quieter, warmer and more serene. There are more substantive signs.

The ecology movement, in a very real sense, is an attempt to turn the clock back to a time when our rivers ran clean, our air was pure, our landscapes unmarred and uncluttered, and nature was in balance.

The yearning for peace goes beyond the desire to end the conflict in Vietnam. It embraces a wish to be done with *all wars*, to shrink global commitments to more realistic dimensions, to turn our attention inward for a while and concentrate on solving those problems that are ours and ours alone.

And then there is the craving—no milder word will do—to recapture personal identity . . . to rescue the "who" and the "what" we are from the faceless world of cards and numbers and punch-holes . . . to wrest control of our individual destinies from those remote and impersonal forces that now so inexorably direct our fate.

I see in the nostalgia phenomenon not a "copping out," not a retreat from reality and responsibility, but rather a keen awareness on the part of millions that something has gone wrong with us, that somehow we have lost our way, that to find it again we must retrace our steps from where we are to where we came from.

I see it as a widespread hunger to re-identify and clutch fast those standards and values and traditions—yes, and those personal relationships and manners of life—that carried us through crisis after crisis, and now, when we need them so again, seem blurred and emphemeral and elusive.

How else can we explain the depth of the nostalgia gripping the country?

It is easy enough to understand how those of my generation, or those in the autumn of their lives, can yearn for quieter, simpler times. Many of us have known them.

But, the younger generation—born into a time of traumatic transcience, living all their years under the shadow of the big bomb—hasn't. Yet this generation, too, seems, clearly bent on flipping back the calendar from Now to Then.

Why?

I strongly suspect that the answer lies in the instinct for survival, the subconscious drive to survive as a person, to survive as a society.

Today's Americans—of every generation, of every level of society in virtually every community, but perhaps the vulnerable young most of all—have been struck, directly or peripherally, by the "disease of change" that Alvin Toffler examines in his best-selling *Future Shock*.

Toffler makes a convincing case that the accelerating pace of change in our lives threatens a massive adaptational breakdown, contending that life today moves so fast that few of us can establish and maintain those ties of permanance—family, friends, places, yes, and even things—which anchor us to reality and stability.

He cites the geometrical progresssion of stimuli, of demands for learning and attention and decisionmaking (the sum total of human knowledge quadruples with every college graduating class) coupled with the frenzied pace and transcience of everyday living (20 per cent of us change address each year) as a tremendously significant factor in the conflict between generations and cultures, between children and parents, contributing as it does to widespread anxiety, confusional breakdown, irritibility, violence, apathy, the proliferation of the drug culture, alienation, polarization, mysticism and the politics of nihilism.

I cannot help but feel that the instinctual nostalgia we are now seeing in the young clearly bespeaks their realization that we older Americans once had something they never had—roots and ties, time to contemplate before having to cope, far less preoccupation with material luxuries and far more intimate involvement with all things living.

Witnesses, please, their poignant attempts to find this in their own milieu: the "Flower Child" phenomenon; the abortive attempts at subsistence farming; the establishment and the quick demise of commune after commune; the frantic clutching for warmth and comfort and support from their own peers; the wistful lyrics of many of their songs—"Slow down, you move too fast; got to make the morning last."

All right. How *can* we make the "morning last" long enough for them—and all of us—to savor it to the full, to catch our collective breath, to get our bearings before we move on?

Toffler, and others, have prescribed strategies ranging all the way from the simplistic (refusing to throw away a comfortable and comforting old jacket, for instance) to the highly sophisticated—creating an educational system geared to preparing children for a radically changed tomorrow and "taming" techinology by submitting each new advance to a test of its impact not only on the physical environment but also on "the social, cultural and psychological milieu."

But none of these stratagems comes to grips with what may well be the single biggest element in bringing on future shock and the "disease of change."

I speak of the unplanned, heedless, headlong stampede toward urbanization that has been going on for more than half a century, a stampede that has tumbled city after city into the chasm of social and financial chaos and left in its wake an empty countryside. Bear in mind that at the turn of the century only 15 per cent of all Americans lived in urban centers. Today—incredibly—more than 70 per cent of us are jammed into metropolitan areas that take up less than two per cent of the total land mass of this vast and wealthy nation.

In the past 25 years, 20 million people left the countryside for the cities. In the 1950s more than a million a year deserted the farms and small towns. In the 1960s the rate of exodus dropped to 600,000, not as a result of a slowdown per se but simply because the source, the rural population, had shrunk so much in the interim.

And there is no perceptible evidence to dispute the urbanologists' contention that in the next 30 years 75 million more of us will be crushed into cities where 140 million of us already live—or struggle to live in unprecedented congestion, pollution, crime and social disorder.

Talk about future shock!

Some of those year 2000 city dwellers will be born there, of course. But many others will be migrants from rural America.

Who are they, these people who leave the country for the city?

Well, on the one hand they are the brightest minds, the biggest talents, the potential community leaders. And on the other, they are the ill-educated, the untrained, the destitute and the discriminated-against.

Rural America can't afford to lose the gifted. Urban America simply cannot cope with any more of the unfortunates.

There was a time when our great cities were citadels of defense, crossroads of trade and commerce, glittering centers of learning and culture and entertainment, seedbeds for social reform, and great melting pots which brewed different cultures, races and creeds into a single people with a single sense of community.

No more.

Now far too many of our great urban centers have become physically obsolete, unmanageable, ungovernable, financially unworkable, garbage-strewn, polluted, and giant cesspools of crime, drug addiction, corruption and despair.

Worse still, the melting pot has ceased to function. Indeed metropolitan America now has become the very wellspring of social conflict and polarization. Perhaps never before has so much human isolation existed in such unbelievable congestion.

Describing life in today's cities, former Secretary of Agriculture Orville Freeman was moved to say: "It is a stratified, isolated existence in which human beings have lost rapport with other human beings of differing status, differing color, differing politics. We have lost the mix, the melting pot atmosphere, that was basic to making this nation great."

Is the plight of our cities hopeless? The answer is a qualified "no." In my judgment they can only be saved by reversing the thrust of our efforts in their behalf. In short, we have to begin treating causes instead of symptoms.

In the past, we have poured billions of dollars into city aid, only to see the problems outrace the solutions. It is not difficult to understand why we followed this approach. The ever increasing concentration of people in the cities has led to the dominence of Congress and State Legislatures by urban-oriented legislators. Urban crises monopolized their attention, and the crises were so acute they cried out for immediate action, however temporary, however superficial.

What we need now, as I see it, is a National Growth Policy aimed at dispersing people and opportunity, a policy based on the obvious premise that we will never cure the problems of the cities, never hold them or reduce them to workable dimensions, until we first cure an ailing countryside.

Less than a third of all our people now live in this ailing countryside, but half of our total poverty exists there.

In many rural areas welfare assistance programs are minimal, jobs scarce and wages abysmal. Schools lag in curricula, budgets and teacher salaries, and there are few opportunities for training, upgrading or diversifying job skills.

The health care gap yawns as widely as the job gap, the income gap and the education gap. The doctor-to-patient ratio in rural areas is as low as 43 per 100,000, contrasted with 171 doctors per 100,000 patients in metropolitan districts.

Coupled with all this is a utilities gap that continues to discourage industrial growth. Nearly 35,000 rural communities are still without modern central water systems. Another 40,000 lack adequate waste disposal systems.

As long as so much of rural America remains barren, hopeless and unpromising, the exodus of people will continue. And as long as the exodus proceeds without deterrent, the problems of the cities will continue to multiply and intensify.

I am not suggesting for a moment that America adopt an arbitrary policy of population control and distribution. Government-directed social engineering offends my independent Yankee spirit.

But I am suggesting that government lead the way to a redistribution of people and jobs, services and facilities, lead it by inspiration, by example, by supportive legislation, by providing or underwriting seed money for private and public rural development investment, developing additional financial incentives for industry to expand or relocate in less congested areas, and by working hand-in-glove with private citizens and groups of citizens in planning the kind of wise growth that circumvents the problems plaguing urban America.

Space will not permit a detailed examination of each of these strategies, but I'm happy to report that legislation—much of it encouraged and supported by the White House itself—has been or soon will be introduced to facilitate their development.

The Consolidated Farm and Rural Development Act introduced this year by Senators Hubert H. Humphrey and Herman E. Talmadge, for instance, and amendments and corollary legislation introduced by Republican Senator James Pearson of Kansas, may well comprise the most ambitious, comprehensive, far-reaching rural development program ever offered to America.

It is none too soon.

The war which has tortured and distracted us for seven long years is winding down. The time has come for America to look ahead, to decide, at long last, where we are going . . . and the best way to get there.

If we want an America where most of us are jammed into a few huge strip cities along both coasts, the Gulf of Mexico and the Great Lakes, while a handful of us rattle around empty little ghost towns, we do nothing.

But if we want an America where people can breathe again, and see the stars again, and "make the morning last" again, then we move boldly and decisively to change the pattern of national growth.

If we mobilize our resources, if we bring to this effort the same dedication, energy and ingenuity we brought to the challenge, say, of putting a man on the moon, we can create a new America—an America where our big cities have a chance to catch their breath, stabilize their populations, regain their health and vigor; an America where the countryside is dotted with new towns, rejuvenated older communities, small urban clusters, judiciously located factories, new payrolls, enhanced public facilities and services, colleges and technical schools . . . all of this making it possible, for the first time in generations, for Americans to live—and earn a living—where they *want* to live and earn a living. And poll after poll, year after year the story has been the same. Most Americans do *not* want to live in urban centers.

I opened this consideration of patterns for tomorrow by talking about nostalgia. I'd like to close it on the same note.

For nearly ten years now, Mrs. McIntyre and I have lived in the Nation's Capital. The electrifying excitement of the city, its aura of history enshrined and still being made, its oases of landscaped splendor . . . all this coupled with the personal challenges and satisfactions of my job have made those years memorable and rewarding.

I have no regrets over having chosen this course of career. In truth, I owe a great debt to the people of New Hampshire for having given this small town boy the opportunity for such a grand experience.

But . . . by birth and by choice I am a small town boy. No matter how long I live there, Washington, D.C., will never be "home." For "home" to Tom McIntyre is something vastly different.

It is Laconia, New Hampshire, and first names and warm faces. It is green leaves and blue water—Winnisquam, Winnipesaukee, and a sprawling frame house on the shore of Lake Opechee.

It is memories. The old court house. The venerable architecture of the mills. The Main Street buildings my father built from the turn of the century through the Twenties. His grocery stores and the dear recollection of his tall figure hustling about, waiting on customers, wearing the marketman's frock coat and—always—a straw hat. And it is other memories, some remote . . . some not so distant. Casino Square and my first penny candy. Winter nights and a bobsled (we called such sleds a "traverse") on the Morrill Street Hill. The neighborhood gang on Dewey Street. And all the other green and happy places of childhood.

In a larger sense, "home" is *all* of New Hampshire . . . from the mills of Manchester to Franconia Notch and "The Old Man of the Mountains" . . . from the forests of the North Country to the sandy beaches of Rye and Hampton.

And it is all the features of a changing theatre of seasons. Spring and a awakening meadows. The lush seductiveness of summer. The diamond clarity of a sunny winter's day. And richest of all, the autumn of the year, a feast of the senses that moved Gladys Taber to say: "If anyone asked me what happiness is, I should say it is a September day in New England."

And home is people. People I have known all my life. And all the bits and pieces of memory that go with each of them.

Home is my roots, my anchor to what is real and meaningful.

Home is the definition of What I am and Who I am.

One hundred-fifteen years ago, Walt Whitman wrote these lines:

There was a child went forth every day . . .
And the first object he look'd upon, that object he became
And that object became part of him for the day
or a certain part of the day,
Or for many years or stretching cycles of years.

Reflect for a moment on a bygone America where children once opened their eyes to the sight of loving parents who were secure in their own identity and sure of their own destiny, or first looked upon the loveliness of a unfolding rose, or a ripening field, a crystal brook or a placid lake, a stand of birch or a lofty mountain.

And then consider, if you will, the first objects looked upon by the children of a society which has let its roots wither, a society which has collided with its own environment: the ghetto child who opens his eyes to a despairing mother, or a broken window, or a dirty air shaft, or a trash-piled alley . . . or a hungry rat. The child of sterile suburbs who day after day looks out upon the stultifying sameness of a ticky-tacky world. The offspring of today's new band of nomads, the transient businessmen, professionals and technicians, children who rarely look upon a familiar landscape for more than months at a time, who make not friends but fleeting acquaintances, who have learned to know and cherish no more family than the immediate.

What roots do they have? What ties? What anchors to reality and identity and security? What defense do they have against the onslaughts of future shock and the disease of change?

We Americans have not changed. Deep inside, we have always known how important it was to have roots and ties and anchors. Our newly rediscovered appreciation of them is really nothing more than, as Robert Frost put it, an old truth moving back into favor.

But recognizing and appreciating and waxing nostalgic, all this is not enough.

If we truly want to bring back the opportunity to plant roots, to establish firm ties, to drop restful anchor, then we must bend every effort to re-create an America where all this is possible again.

This will not be easy.

And it will cost . . . cost a great deal in time, in ingenuity, in determination, yes, and in money.

But nothing worthwhile comes easy. Nothing worthwhile comes cheap. Yet what, I ask, could be more worthwhile than an America again at peace with itself?

ADMINISTRATION OF OUR LABOR LAWS

Mr. ERVIN. Mr. President, I have long believed that abuses by monopolistic labor unions destroy the rights of individual union members and, more importantly, the rights of those who choose not to join a union. It seems that every day we hear of such abuses, and of the power that has been amassed by the big unions.

For years I have advocated reform in our labor statutes and in the manner in which they are administered by the National Labor Relations Board. Just last year this need for reform was emphasized in hearings before the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, on a bill introduced by the distinguished Senator from Texas (Mr. TOWER) which would shift jurisdiction over unfair labor practice cases from the Board to the Federal district courts. The subcommittee approved S. 1320, an identical bill, on October 28, 1971.

Recently this need was again emphasized in a letter to the editor of the Wall Street Journal by Mr. Carl L. Shipley, a very able attorney in Washington, D.C. As Mr. Shipley pointed out in his letter, freedom of the individual worker must be restored by an impartial tribunal in order that wage-price escalation can be kept in line after the expiration of President Nixon's wage-price freeze.

The need also was poignantly pointed out in a letter to Mr. Shipley from Mrs. Margaret M. Eigensee of Columbus, Ohio. Mrs. Eigensee explained in very vivid terms how the power of one union was brought to bear on her family and its business.

Mr. President, I ask unanimous consent that the letters of Mr. Shipley and Mrs. Eigensee be printed in the RECORD.

There being no objection, the letters were ordered printed in the RECORD, as follows:

[From the Wall Street Journal, July 12, 1971]

THE NLRB AND PRICES

EDITOR: THE WALL STREET JOURNAL:

Your editorial "Help for the Labor Board" (June 23), suggesting that "perhaps it's time for Congress to redefine" the jurisdiction of the National Labor Relations Board, points up serious problems.

Continuing industrial warfare in the form of administrative proceedings before the NLRB is fogging up the chance for more cooperation between labor and management. We hear continuously about the adverse impact of the wage increase-price increase spiral on inflation. We read of the deteriorating U.S. position in the price competition of exporting our manufactured goods. The President is urged to impose wage and price controls or resort to the political stratagem of "jaw-boning" workers and employers.

The basic problem is an out-of-date National Labor Relations Act. It was passed in 1935, amended in 1947 and again in 1959. Under the Act, Congress declared a policy of "encouraging . . . collective bargaining." Over the years the NLRB has tended to construe its job as affirmative sponsorship of unionization. This has led to various thinly disguised forms of compulsory union membership, and constant pressure on employers to "check-off" union dues from workers' paychecks. Employes are deprived of freedom of choice in joining and paying union dues. This has led to industry-wide unions, not only in the private sector, but now in public employment.

Compulsory unionism and the check-off of dues have distorted free collective bargaining. The nation now lives under the continual threat of the general strike or national work stoppage in vital areas. It is time for Congress to change the law and guarantee a forum that is impartial. Employes, private and public, are entitled to generous income and the best possible working conditions. They should be able to enforce these basic rights in the courts, where all basic controversies should be resolved. Individual employes should have their freedom of choice protected—freedom to join or not to join a union, freedom to have or not to have union dues deducted from their paychecks. If these freedoms are restored, and an impartial tribunal decides disputes, the wage-price escalation can be kept in line with increased productivity.

CARL L. SHIPLEY,
Republican National Committeeman for the District of Columbia.

COLUMBUS, OHIO,
July 14, 1971.

Mr. CARL SHIPLEY,
Washington, D.C.

DEAR MR. SHIPLEY: I just read your letter to the editor of the Wall Street Journal and could not restrain from writing this letter to you. I am sick at heart and despairing of any help from anyone because of what a Union has done to my husband and my family. All my life, I believed that if I lived an honest and conscientious life, I had nothing to fear and this is what I have taught my children to believe. To me, my government was a bulwark for all the hard working, civic minded citizens in the land.

My husband is the owner of a small business—Borchers Carpet Cleaning Company, founded 92 years ago by his grandfather, Herman Borchers. It is in the original location, in the south side of Columbus where the family was born and raised. He employs about 55 people, many of them second and third generation employes.

Two years ago, a Union organizer approached my husband to tell him he wished to organize our employes. My husband told him that no one in the company was interested, that we have a variety of employes doing miscellaneous jobs—they were all satisfied with their hours and wages. The organizer told him—"either you let us organize you or I'll put you out of business". Not one employe would sign a request for an election to determine if they should be represented (we would have preferred to have an election to settle the issue). There then followed harassment and intimidation of the most unbelievable nature. Pickets, many of them, surrounded our plant in the mornings and followed our trucks to customer's homes where they paraded in front of homes and businesses. They contacted our customers and villified our company. Pickets marched on downtown thoroughfares with signs "Borchers are below Union Standards" etc. etc. My son was routed out of bed at 6 o'clock in the morning and taken to jail on a trumped up "Assault and Battery" charge. We learned that the Union had instructed the police to arrest him at that hour. My son in law was arrested for "assault and battery", and equally untrue charge. Windows in our plant were broken, tires slashed. Our workmen were interfered with at various jobs and threatened with various acts. Trucks delivering goods to our plant were stopped and customers going into our plant were accosted and intimidated.

In the beginning, we were confident that our attorney could certainly handle it and protect our rights—what a farce! The unions are protected right down the line. My husband made a trip to the N.L.R.B. board in Cincinnati where he was set straight. It represents the Union, period. My son wished to sue the Union for false arrest but was dissuaded by our attorney who told us we had very little chance of finding a judge who is not Union obligated or at least one who would have the courage to buck such a powerful organization. All the help we got from the "law" was a whopping attorney bill which we can ill afford.

We appealed to our Congressmen, who were "shocked" at the situation; our Governor "couldn't believe" what was happening. Our friends and associates simply could not believe that a Union can just set out to take over a company and then if thwarted proceed to "put us out of business". The unlimited funds they have at their disposal—what chance does someone like my husband have against such odds? Are we doomed to close up our business as so many are doing rather than submit to these gangsters? Isn't there going to be any more opportunity for individual incentive? Must we all be a dues-paying member of some Union? Believe me, my husband would have thrown in the towel but for my son and son in law who we had hoped would continue in the family tradition. God help them—I'm sure He is the only hope there is.

We have literally exhausted any possibilities for help. The Unions know only one method "violence". This becomes increasingly obvious when we read of the recent convention where officers elected to high posts in a Union are under indictment for criminal acts. In another, one reads of illegal activities among high Union officials. What chance has a law abiding, God fearing businessman against such odds?

Right now, I am trying to sort out my out of date beliefs and wondering how I'm going to keep from getting more bitter than I am. Is it any wonder that there is less and less respect for a government who only recognizes those people who can contribute large sums and the votes that accompany them? My brother was killed "defending his country" and I have to wonder how the country ever inspired such sacrifices.

If you are still reading, thank you.

Yours truly,

MARGARET M. EIGENSEE.

COLUMBUS, OHIO,
October 6, 1971.

DEAR MR. SHIPLEY: In answer to your request in your September 29th letter, I have no objection to having my July 14th letter put in the Congressional Record. I would do anything I could to help you or anyone to curtail union power. I would hate to think that any other family would have to be put through the nightmare that mine has suffered. Lack of time prevented me from replying to your letter of July 21. We have a labor file which we would be glad to have you see; it is not easy to pick out individual letters as so much of the action was not recorded. The physical acts were the most punishing and difficult to prove. As horrified and shocked as people generally were at the abuse which we took, it was not easy to get people to testify as they, too were afraid of union retaliation. Our own employes begged to be left out of any "witnessing" because they have families and were afraid of what might happen to them.

We have stacks of pictures my son in law took and I will enclose some of them to illustrate how the union organizers swarmed upon us during this period. They followed our trucks to customer's homes and businesses and picketed there. On several different occasions, they interfered with our workmen, deliberately blocking their work efforts. Several individual customers in homes were incensed and called police who of course could do nothing. In the cases of several businesses, the managers were terrified of the unions and we were of course forced to stop. We have been badly hurt, any number of customers were told by union organizers and heads that they were to no longer give us any business or they would suffer accordingly. We have no recourse—the unions have the protection of the law and of course great supplies of cash. My husband's trip to Cincinnati was completely frustrating—the N.L.R.B. made it plain they were interested in the union's welfare, not ours.

The real blow came when we talked to our attorney about suing the union and it's representatives for having our son arrested on an "assault and battery" charge, a completely trumped up charge and he warned us that any chances of our winning, if we should encounter a judge who had union support, would be practically nil.

My son and son in law are now helping to operate our business and my hope is that more and more young people come to see the evil that exists in unions just as they do. Just a few short years ago while in college, they had very idealistic attitudes about the good that unions have done. You will never see two more disillusioned young men. You have no idea how many people we know who go to great trouble to avoid doing any business with union dominated firms. I hope our number will grow.

Please let me know if I can be of any help.

Yours truly,

MARGARET M. EIGENSEE.

DEREGULATION OF UTILITIES UNDER PHASE II

Mr. METCALF. Mr. President, we have been confused, and, in some instances, misled as to the direction the Nixon administration would take on utility rate increases in phase II of its economic program.

Indications in the press and informal staff conversations with the Executive Office indicated that the White House might not be ready to loosen its grip over prices in the electric, gas, telephone, and other public service areas: First, because it was not sufficiently informed as to magnitude of rate hikes pending; and second, it had not developed the machinery for making a tight evaluation of the inflationary impact of such increases on the economy.

But now we know otherwise. The freeze has been virtually taken off all public utilities. Primary responsibility for determining whether the rate increases will be inflationary—and thus should not be granted—appears to have been delegated to the regulatory agencies. For instance, on rate increases which have already been approved, but were under the 90-day freeze, the regulatory agencies are required to review the increases for consistency with the Economic Stabilization Act. However, in these cases, the new Federal Price Commission appears to have no supervening authority to act.

For rate hikes approved by regulatory agencies after November 13, the Price Commission has only 30 days—after notification—to review and take action. If it does not, the increase can go into effect. The sheer ability of the Price Commission staff to read and analyze the voluminous records and decisions of regulatory price orders within 30 days defies the imagination. The assumption can only be that the bulk of the rate increases presently in the mill will clear the dike.

Utilities with $100 million or more in gross receipts are required to notify the Price Commission of their intentions to seek rate increases, but it is unclear what action the Price Commission either intends to take, or legally can take, to stop the big companies from filing rate applications before regulatory agencies, or how extensive will be the Commission's review of the utility rate increase requests. My expectation is that the problem of deciding what company should be stopped from filing for an increase will be more overpowering than trying to decide what authorized increases should be permitted, and thus most of the companies will be allowed to pursue the regulatory route to its inevitable end.

But apart from the administrative burden, there is another serious flaw in the process. When the Price Commission asserts its authority to make a decision with respect to a utility's application for an increase, or an already approved rate, there is no provision for the facts presented by the utility company to be tested or opposed by an adversary source. I have no doubt that the companies will be pouring on the pressure and evidence in their best interests, but there is no mechanism for keeping the procedure honest, no chance for the consumer or the public to straighten out the record. Because the Price Commission will meet in secret, we will never know how persuasive the utility companies will be in getting approvals to go ahead with their cases and increased rates.

Thus, the new utility price regulations are no more than business as usual. The Cost of Living Council, which recommended the basic policy here, has provided a mechanism which, as a practical matter, could result in the implementation of some $4 billion in electric, gas, and telephone rate increases in the next 6 months. The additional billions in annual increases which may go forward thereafter defy the imagination.

My experience after years of investigation is that regulatory agencies, particularly those at State and local levels, are overburdened, understaffed, and generally incapable of testing the evidence and rendering rational judgments with respect to rate increases under their own differing standards. In addition, they tend to be biased in favor of the businesses they regulate. To rest with them the additional responsibility of deciding matters of national impact, would seem to compound the problem and make the inevitable results all the more inflationary.

Under present constraints as to staffing and time in which to act, the Price Commission may be seriously limited to handling only special cases, leaving the bulk of anticipated rate increases to fall through the cracks. Even with the best of intentions, the Federal mechanism, as presently empowered and constituted, could not possibly cope with the overall impact of rate increases in the area of regulated industries.

This, of course, is what the utility industry wants. It has been lobbying against the freeze and against tight Federal controls for months. It is comfortable with the existing regulatory process because it has been getting its way. For the administration to buy the industry line and rely on that process to help reduce inflation and restore balance to the economy may be one of the most dangerous decisions it has yet made.

It is noted that the Code of Federal Regulations provides for appeal procedures with respect to those whose rate increases have been turned down by the Price Commission, but there are no direct judicial remedies for the consumer or individual who feels that the system is working against his interests.

I have asked the Cost of Living Council what provisions have been made to afford the public and the consumer full rights to be heard and represented in the decisionmaking process—at the regulatory level and at the Price Commission level. No answers are available to this question at the present time. Nor have I been able to find out what specific role the Price Commission—or the executive branch—intends to play in the State and local regulatory proceedings dealing with prospective rate increases.

At the moment, the Price Commission is but an advisory commission to the President, but its recommendations have been given the power of Presidential authority. Is this authority to be exercised as a result of decisions secretly arrived at, and perhaps secretly negotiated with industry, or will the public have the right to know what is going on? These are not trivial questions given our democratic process of government.

The 100 major utilities in the electric power field last year had a net profit, after taxes, which averaged 15 cents out of every dollar. The lion's share of these companies have obtained, or are in the process of requesting, higher power rates for next year and/or the remainder of this year. Yet neither the Cost of Living Council, the Price Commission, nor anyone else in the Federal Government knows the number and amount of these rate increases that are waiting for the phase II regulations. The magnitude of the inflationary impact, if these price increases are allowed to go forward, could not have been given sufficient study by the administration. If it had, the conclusion to keep the lid on utility prices would have been inescapable.

Mr. President, I have requested that Dr. Grayson, Chairman of the Price Commission, and a representative of the Cost of Living Council appear before the Senate Subcommittee on Intergovernmental Relations as soon as is convenient for them to discuss the future of phase II with respect to utility rate increases. The subcommittee presently has under consideration legislation on the subject of consumer information and representation with respect to utility—gas, electric, and telephone—rate increases and other matters—S. 607, the Utility Consumers' Information and Counsel Act. During the course of our hearings on this legislation, basic issues have been raised as to the role, criteria, and procedures of the Cost of Living Council and the Price Commission in dealing with such rate increases.

The plain fact is that with respect to utilities which are monopolies in their own special areas, the Nixon administration has not faced the main issue. On the big rate increases—where billions of dollars are involved—the freeze should have been continued, subject to special exemptions to be granted by the Price Commission under definitive and tight guidelines. The burden should have been placed on the big corporations to prove that rate increases approved by State agencies should be permitted to take effect. Requests for exemptions by companies should be announced in the Federal Register, and outside parties—consumers, taxpayers. the public—should be given an opportunity to argue before the Price Commission that the requested price increases were detrimental to the national economy as spelled out in the stabilization guidelines set forth by the Price Commission.

Above all, such guidelines should take into consideration the high profits which many utilities have been making over the past 2 years.

Most important, to the extent that price-wage controls are successful, and interest rates decrease, the need for rate hikes will decrease, and the justification for lower rates will increase.

Many of the pending rate increase requests were based upon projections of costs and prices that are being reduced. If the administration is going to let these rate increases, based upon outdated financial projections, go into effect, it will be saying that either, first, its wage-price controls are ineffective, or second, it does not object to inflation created by the utility corporations.

In order to protect the public, the administration should adopt much more stringent controls over utility rate cases or reverse its opposition to S. 607, the utility consumers' information and counsel bill, and support the proposal that the Utility Consumers' Counsel and his staff could represent the public interest before the Price Commission as well as the State and Federal regulatory commissions.

Mr. President, in order to provide additional background to my remarks, I ask unanimous consent that my correspondence with the Cost of Living Council and the text of chapter III of the Federal Register, issued Saturday, November 13, 1971, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
October 1, 1971.

Mr. ARNOLD R. WEBER,
Executive Director, Cost of Living Council, Washington, D.C.

DEAR MR. WEBER: In the event that utility rate hikes are permitted—subject to commission approval—following the 12 November freeze expiration, substantial increases can be expected. An extraordinary number of requests are now pending before commissions, some of which are conducting hearings during the freeze period. Government oversight is so slight that no one has even ascertained from the various State and Federal commissions the amount of rate increase requests pending. Reports in the Wall Street Journal and trade press indicate that the total of electric, gas and telephone industry requests amounts to several billion dollars.

The reduced costs incident to the wage-price freeze and the reduction in interest levels anticipated by Secretary Connally should substantially reduce utility revenue requirements. However, there is presently no provision for adequate representation of consumer interests before the regulatory commissions. This deficiency will be the subject of hearings on S. 607, the Utility Consumers' Information and Counsel Act of 1971, to be held later this month, before the Senate Subcommittee on Intergovernmental Relations.

I shall preside at those hearings and would like to have beforehand information on the amount of electric, gas and telephone rate increase requests pending before the State and Federal commissions. This is information which the Cost of Living Council also needs for its evaluation of the inflationary impact of a return to traditional methods of regulation.

Therefore, I request that you direct an appropriate agency or your own staff to obtain that information as quickly as possible, and to share your findings with the Subcommittee.

Very truly yours,
LEE METCALF.

EXECUTIVE OFFICE OF THE PRESIDENT, COST OF LIVING COUNCIL,
Washington, D.C., November 3, 1971.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: This is in response to your letter of October 1, 1971 to Arnold R. Weber. A member of the Council's staff has been in conversation with Mr. Reinemer of your staff concerning our interest in pending utility rate increases, as a part of the Council's responsibilities for determining coverage of these industries in the post-freeze stabilization program.

I am sure that the Price Commission would also be interested in knowing how many increases are pending before State and other commissions, for how much, in what areas of the country, etc. Unfortunately, the Council does not have the staff resources to make such a survey, and I doubt that the Price Commission will have sufficient resources, at least for some time.

Both organizations would appreciate any help your staff can provide. I will forward a copy of your letter to Dr. C. Jackson Grayson, Jr., Chairman of the Price Commission, so that he may know of your interest in this matter.

Sincerely,
EDGAR R. FIEDLER,
Deputy Director for Phase I.

U.S. SENATE,
November 5, 1971.

Hon. PAUL W. MCCRACKEN,
Chairman, Council of Economic Advisers, Member, Cost of Living Council, Executive Office Building, Washington, D.C.

DEAR CHAIRMAN MCCRACKEN: The Subcommittee on Intergovernmental Relations presently has under consideration legislation on the subject of consumer information and representation with respect to utility (gas, electric, and telephone) rate increases and other matters (S. 607, the Utility Consumer Council and Information Act). During the course of our hearings on this legislation, certain issues have been raised as to the effect of President Nixon's Phase II price stabilization program on utility rate increases, and the role, criteria and procedures of the Cost of Living Council and the Price Commission in dealing with such rate increases. It is estimated that around $3 billion in increases are pending and are awaiting the end of the present freeze.

In the absence of Secretary Connally, I am taking the liberty of writing to you to express to you, on behalf of the Subcommittee, an invitation to appear during the week of November 15, and to testify with respect to those plans, policies and proposals which the Cost of Living Council has developed, or is in the process of developing, concerning utility rate increases approved or pending at State and Federal regulatory levels.

However, since the date of November 15 is immediately upon us, it is necessary to obtain the following information as soon as possible:

(1) Have all electric, gas and telephone rates been frozen during the Phase I ninety-day price freeze, and, if not, what increases were permitted?

(2) Will all such rates be frozen after the Phase II date, and if not, what are the intentions of the Cost of Living Council and the Price Commission with respect to any rate increases to be permitted?

(3) What will be the specific roles of the Cost of Living Council and the Price Commission in investigating and making any final decisions with respect to such utility rates and increases?

(4) What procedures, guidelines, or other means have been developed for making decisions with respect to such rates and increases, and in, particular, what provisions have been made to afford the public and the consumer full rights to be heard and represented with respect to any proposed action by the Council or the Commission on such rates and increases.

Mr. E. Winslow Turner, special counsel with the Subcommittee, will be in communication with your staff to arrange the date and time for your testimony. We would be delighted to hear from any members of the Council or the Commission which you may wish to have accompany you. We would request, however, that the chairman of the Price Commission, Dr. Grayson, be available for questions.

We appreciate your special cooperation with respect to this very important matter.

Very truly yours,

LEE METCALF.

THE CHAIRMAN OF THE COUNCIL OF
ECONOMIC ADVISERS,
Washington, November 13, 1971.

Hon. LEE METCALF,
U.S. Senate, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR METCALF: This is in reply to your letter of November 5, 1971 inviting me to testify about the role of the Cost of Living Council in the control of utility rates and asking me certain specific questions. It will be clear from the answers to these questions, given below, that the subjects of interest to you are not now the direct responsibility of the Cost of Living Council, although the Cost of Living Council has a residual, overall responsibility.

Q 1. Have all electric, gas and telephone rates been frozen during the Phase I ninety-day freeze, and, if not, what increases were permitted?

A. All electric, gas and telephone rates were frozen during the Phase I ninety-day freeze.

Q 2. Will all such rates be frozen after the Phase II date, and if not, what are the intentions of the Cost of Living Council and the Price Commission with respect to any rate increases to be permitted?

A. All such increases are not frozen after the ninety day freeze. The Cost of Living Council has not exempted utility rates from control and they are therefore under the jurisdiction of the Price Commission. The Price Commission has issued the following regulation pertaining to regulated public utilities:

Code of Federal Regulations, Title 6 Section 300.016

(a) *In general.* A person which is a regulated public utility as defined in section 7701(a)(33) of the Internal Revenue Code of 1954 (26 U.S.C. section 7701(a)(33)) may charge a price, rate, or tariff in excess of the base price if such increase has been approved by a regulatory agency. A regulated person who had gross receipts of $100 million or more during its most recent fiscal year ending on or before November 13, 1971, shall inform the Price Commission of all requests for rate increases and immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase. A regulated person who had gross receipts between $50 and $100 million during its most recent fiscal year ending on or before November 13, 1971, shall immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase.

(b) *Special rule.* In the case of rate increases which were approved by a regulatory agency before November 14, 1971, but which were not permitted to take effect due to Executive Order 11615, such rate increase may take effect with respect to transactions occurring after November 13, 1971. However, before such increases may take effect, such regulatory agency shall review such increases with regard to their consistency with the purposes of the Economic Stabilization Act of 1970, as amended.

Q 3. What will be the specific roles of the Cost of Living Council and the Price Commission in investigating and making any final decisions with respect to such utility rates and increases?

A. The Cost of Living Council will be monitoring the policies and operations of the Price Commission and the Pay Board in their totality. It will not review individual cases. The Price Commission is retaining the right to review individual increases hereafter granted by regulatory authorities and, in the case of utilities with gross receipts in excess of $100,000,000, individual increases applied for hereafter. The Price Commission may take steps to implement more stringent standards than are applied by the regulatory authorities, but in the absence of such action no approval by the Price Commission is required.

Q 4. What procedures, guidelines, or other means have been developed for making decisions with respect to such rates and increases, and, in particular, what provisions have been made to afford the public and the consumer full rights to be heard and represented with respect to any proposed action by the Council or the Commission on such rates and increases.

A. At the moment it is not possible to add to the answers given to questions 2 and 3. The Price Commission is now in process of establishing procedures, guidelines, etc. for implementing the regulations it has just issued.

I would be happy to try to answer any other questions you may have about the policy of the Cost of Living Council but I think you can see that the decision-making at this time is in the hands of the Price Commission.

Sincerely,

PAUL W. MCCRACKEN.

CHAPTER III—PRICE COMMISSION

Part 300—Price and Rent Stabilization

It is the purpose of the regulations hereby adopted to provide guidance and procedures for the implementation of Price Commission policies designed to achieve a goal of holding average price increases across the economy to a rate of no more than 2½ percent per year. It is expected that all persons will voluntarily comply with the provisions contained in these regulations and all orders and other guidance issued hereunder.

In order to prescribe regulations for the stabilization of prices and rents after November 13, 1971, a new Chapter III—Price Commission is hereby established in Title 6—Economic Stabilization of the Code of Federal Regulations, and a new Part 300—Price and Rent Stabilization is added thereto and the following regulations are hereby adopted effective November 14, 1971:

Subpart A—General

Sec.	
300.001	Summary.
300.011	General rule.
300.012	Manufacturers.
300.013	Retailers and wholesalers.
300.014	Service organizations.
300.015	Rental of real property.
300.016	Regulated public utilities.
300.051	Prenotification firms.
300.052	Reporting firms.
300.080	Other considerations.
300.101	Definition of terms.
300.201	Seasonal patterns.
300.202	Taxes.
300.203	Contracts entered into prior to August 15, 1971.
300.204	Formula-determined rentals.
300.401	Exemptions.
300.498	May 25, 1970, limitation date.
300.499	Price Commission address.

Subparts B–E [Reserved]

Subpart F—Base Price

Sec.	
300.501	In general.
300.505	Sales and leases of personal property and services.
300.507	Sales and leases of real property.
300.509	New property and new services.
300.511	Geographic limitation.
300.513	Definitions.

Subpart G—Procedures and Administration

300.601	Records and ceiling price lists.
300.612	Exceptions by ruling.
300.613	Rulings.
300.614	Adverse determinations and appeal.
300.615	Failure to obtain relief.
300.616	Reports of alleged violations.
300.651	Penalties.

AUTHORITY: The provisions of this Part 300 issued under the Economic Stabilization Act of 1970, as amended (Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38), Executive Order No. 11627 (36 F.R. 20139, October 16, 1971), and Cost of Living Council Order No. 4 (36 F.R. 20202, October 16, 1971).

Subpart A—General

§ 300.001 Summary.

The rules contained in this subpart relate to increases in prices and rents which are allowable after November 13, 1971, with respect to:

(a) Sales and leases of personal property,
(b) The furnishing of services and
(c) Sales and leases of real property.

See § 300.011 for the general rule regarding increases in prices with respect to sales and leases for property and with respect to services. For special rules applicable to—

(d) Manufacturers, see § 300.012.
(e) Retailers and wholesalers, see § 300.013,
(f) Service organizations, see § 300.014,
(g) Rental property, see § 300.015,
(h) Regulated industries, see § 300.016.

For rules relating to firms required to notify the Price Commission before a price and rent increase can take effect, see § 300.051. For rules relating to firms required to make periodic reports to the Price Commission, see § 300.052. See § 300.101 for definitions of terms used in this subpart. For rules with respect to certain special situations, see § 300.201 and following. For rules exempting certain transactions from the operation of this subpart, see § 300.401.

§ 300.011 General rule.

Except as otherwise provided in this subpart, no person may charge a price or rent, with respect to any transaction involving sales or leases of property or services occurring after November 13, 1971, which exceeds the base price as determined under the rules prescribed in Subpart F of this part.

§ 300.012 Manufacturers.

A manufacturer may charge a price in excess of the base price (as determined under Subpart F of this part), to reflect allowable cost increases in effect on or after November 14, 1971, reduced to reflect productivity gains; provided, however, that the effect of all of a manufacturer's price changes is not to increase its profit margin as a percentage of sales, before income taxes, over that which prevailed during the base period (as defined in § 300.101).

§ 300.013 Retailers and wholesalers.

(a) *In general.* A person engaged in retailing or wholesaling may charge a price in excess of the base price where—

(1) The customary initial percentage markup with respect to the property sold is equal to or less than such person's customary initial percentage markup which prevailed during the base period (as defined in § 300.101), provided

(2) The effect of all such person's price changes is not to increase its profit margin as a percentage of sales, before income

taxes, over that which prevailed during the base period.

(b) *Posting Requirement.* (1) a retailer is required to display prominently at the place of sale, base prices with respect to:

(i) All food products (except those which are exempt under the provisions of § 300.401); and

(ii) Those 40 items in each department which have the highest sales volume, or those items which account for 50 percent of total sales in each department, whichever is less. Such base prices must be posted on or before January 1, 1972. No increase in price is allowable under paragraph (a) of this section until such base prices have been posted.

(2) A retailer must utilize the following interim procedure until base prices are posted under subparagraph (1) of this paragraph, with respect to base prices for all products (except for those exempted under § 300.401), and thereafter, with respect to base prices not posted under subparagraph (1) of this paragraph:

(i) There shall be posted on each floor of his establishment at least one sign (minimum of 22" x 28"), as specified below, announcing availability of base price information:

BASE PRICE INFORMATION

Information regarding the lawful base price for any item sold by this store not posted may be obtained by filling in a Base Price Information Request Form available at (specify location) and by handing it to (fill in). You will receive a speedy answer by mail.

(ii) There shall be made available in at least one location on each selling floor, Base Price Information Request Forms, as specified below:

BASE PRICE INFORMATION REQUEST FORMS

Please furnish me with your base price for the following item sold in your store:

Item --
(Describe)
Retail price--------------------------------
Style No.----------------------------------
Department where sold--------------------
Name --------------------------------------
Address ------------------------------------
---------------------- Zip --------

(c) The retailer shall respond to each such written request for base price information within 48 hours from receipt of the request using a letter, in substance similar to the one specified below, and signed by the owner or by an officer of the company:

To: (Name, Address, City, Zip)

Dear --------------------------:

In reply to your request, we are pleased to inform you that our base price for --------
-- is $------.

Sincerely,

---------------------- Owner or company officer

§ 300.014 Service organizations.

A person which is a service organization may charge a price in excess of the base price with respect to the furnishing of services or the leasing of personal property only to reflect allowable cost in effect on November 14, 1971, and cost increase incurred after November 14, 1971, reduced to reflect productivity gains: *Provided, however* That such increased price shall not result in an increase in such person's profit margin as a percentage of sales, before income taxes, which prevailed during the base period.

§ 300.015 Rental of real property.

(a)–(c) [Reserved]

(d) *Special record requirement.* Persons leasing or offering to lease any real property shall maintain records showing—

(1) The base price (as defined in Subpart F of this part) charged with respect to each unit of real property.

(2) The reason for any difference in the price described in subparagraph (1) of this paragraph and the price allowable on or after November 14, 1971, and

(3) The reason for any difference between the price described in subparagraph (1) of this paragraph and the maximum price allowable during the period beginning August 15, and ending November 13, pursuant to Executive Order 11615.

Such records shall be made available upon the request of any tenant, prospective tenant, or representative of the Price Commission.

§ 300.016 Regulated public utilities.

(a) *In general.* A person which is a regulated public utility as defined in section 7701(a)(33) of the Internal Revenue Code of 1954 (26 U.S.C. section 7701(a)(33)) may charge a price, rate, or tariff in excess of the base price if such increase has been approved by a regulatory agency. A regulated person who had gross receipts of $100 million or more during its most recent fiscal year ending on or before November 13, 1971, shall inform the Price Commission of all requests for rate increases and immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase. A regulated person who had gross receipts between $50 and $100 million during its most recent fiscal year ending on or before November 13, 1971, shall immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase.

(b) *Special rule.* In the case of rate increases which were approved by a regulatory agency before November 14, 1971, but which were not permitted to take effect due to Executive Order 11615, such rate increase may take effect with respect to transactions occurring after November 13, 1971. However, before such increases may take effect, such regulatory agency shall review such increases with regard to their consistency with the purposes of the Economic Stabilization Act of 1970, as amended.

§ 300.051 Prenotification firms.

(a) *In general.* A person which is a prenotification firm (as defined in § 300.101) may not charge a price in excess of the base price before the Price Commission has approved such increased price. However, in the event the Price Commission does not act upon a requested price increase within 30 days after receipt by the Price Commission of the request for such increase, such increase may go into effect.

(b) *Exceptions.* Prenotification requirements are not applicable:

(1) For wholesalers and retailers.

(2) With respect to price changes resulting from calculation of a base price under Subpart F of this part or from the operation of § 300.203, relating to contracts entered into prior to August 15, 1971.

(3) In respect of any price increase which reflects increases in costs of labor which become effective during the period November 14, 1971, through December 31, 1971.

(c) *Manner of notification.* Such person shall notify the Price Commission of its intention to raise the price of a product or service on forms to be prescribed by the Commission and shall provide information sufficient to enable the Commission to make a determination with respect to such proposed increase. If the Commission finds that the information submitted is not sufficient to make such a determination it shall notify the person and the 30-day period provided in paragraph (a) of this section shall begin to run from the time the additional information is submitted.

(d) *Reporting requirement.* Such person shall file a quarterly report with the Price Commission within 15 days after the end of each fiscal quarter commencing with its first fiscal quarter ending after November 13, 1971. Such quarterly reports shall be made on forms to be prescribed by the Commission and shall contain the information required by such forms.

§ 300.052 Reporting firms.

(a) *In general.* A person which is a reporting firm shall file a quarterly report with the Price Commission in the form provided in paragraph (b) of this section within 15 days after the end of each fiscal quarter commencing with its first fiscal quarter ending after November 13, 1971.

(b) *Manner of filing.* The quarterly report required under paragraph (a) of this section shall be made on forms to be prescribed by the Commission and shall contain the information required by such forms.

§ 300.080 Other considerations.

In making any determination, the Price Commission will take into account whatever factors it considers relevant to an equitable resolution of the case and considers necessary to achieve the overall goal of holding average increases across the economy to a rate of no more than 2½ percent per year.

§ 300.101 Definition of terms.

(a) *In general.* Except as otherwise provided, the definitions contained in this section shall only apply for purposes of Subpart A of this part.

(b) *Organizations subject to freeze*—(1) *Manufacturer.* The term "manufacturer" means a person who carries on the trade or business of making, fabricating, or assembling product or commodity by manual labor or machinery for sale to another person or persons.

(2) *Retailer and wholesaler*—(i) *Retailer.* The term "retailer" means a person who carries on the trade or business of selling property to ultimate consumers.

(ii) *Wholesaler.* The term "wholesaler" means a person who carries on the trade or business of purchasing property and, without substantially changing the form of such property, reselling it to another person who is not the ultimate consumer.

(3) *Service organization.* The term "service organization" means a person who carries on the trade or business of selling or making available services, including the leasing of property to another person or persons. The term also includes nonprofit organizations, governments and governmental instrumentalities which carry on such activities. The term also includes a person which provides professional services.

(4) *Person.* The term "person" includes any individual, trust, estate, partnership, association, company, corporation, or instrumentality of a governmental unit. However, such term does not include a foreign government, an instrumentality of a foreign government or an international organization.

(c) *Accounting terms*—(1) *Customary initial percentage markup.* The term "customary initial percentage markup," means, the customary initial percentage markup, determined on an item, product line, department, store or other pricing unit basis according to the person's customary pricing practice. For these purposes, the initial markup is that markup which is applied to merchandise when first offered for sale.

(2) *Allowable cost.* The term "allowable cost" means any cost, direct or indirect, unless disallowed by the Price Commission.

(3) *Profit margins.* The term "profit margin," means the ratio that net profits (determined before taxes) bears to gross sales as reported on the person's published financial statement and in accordance with generally accepted accounting principles consistently applied. For purposes of determining net profits, extraordinary items and taxes on income shall not be taken into account.

(d) *Reporting requirements*—(1) *Firm.* The term "firm" means a person whose gross income, in whole or in part, is derived from sales. For purposes of this section, if a firm or firms are controlled directly or indirectly by another firm, the controlled firm or firms and the controlling firm shall be treated as a single firm.

(2) *Reporting firms.* The term "reporting firm" means a firm subject to the requirements of § 101.13 of Chapter I, Part 101 of this title.

(3) *Prenotification firms.* The term "prenotification firm" means a firm subject to the requirements of § 101.11 of Chapter I, Part 101 of this title.

(e) *Base period*—(1) *Base period.* The term "base period" means the average of any two of a person's last 3 fiscal years ended prior to August 15, 1971, the selection of such 2 fiscal years to be made by such person.

(2) *Markup base period.* The term "markup base period" shall mean, at the person's option, either

(i) The last customary initial markup prior to November 14, 1971, or

(ii) The person's last fiscal year ending prior to August 14, 1971.

(f) *Base price.* The term "base price" means base price as defined in Subpart F of this part.

(g) *Other definitions*—(1) *Product.* The term "product" means an item of tangible personal property offered for sale to another person or persons.

(2) *Product line.* The term "product line," means an aggregation of products of the same manufacturer or different manufacturers, substantially similar as to intended function, usage, and structure, and offered for sale simultaneously, or within the same commercial season, by a person or persons.

(3) *United States.* The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico.

§ 300.201 Seasonal patterns.

(a) *In general.* Notwithstanding any provisions of this subpart, prices (including rents) which normally fluctuate in distinct seasonal patterns may be adjusted subject to the provisions of this section.

(b) *Distinct fluctuation.* Prices must show a large or otherwise distinct fluctuation at a specific, identifiable point in time. Such distinct fluctuation must be an established practice that has taken place in each of the past 3 years. New persons may determine their qualifications from those generally prevailing with respect to persons similarly situated, selling or leasing in the same marketing area. If there are no such similar persons in the immediate area, qualification may be established by reference to the nearest similar marketing area.

(c) *Time of price fluctuation.* The price fluctuation referred to in paragraph (b) of this section may not take place at a time other than the time at which such fluctuation took place in the preceding year unless the date of the price fluctuation is tied to a specific event such as a previously planned introduction of new models.

(d) *Allowable price.* If the requirements of paragraphs (b) and (c) of this section are met, the maximum price which may be charged by such person shall be either—

(1) The base price determined under the provisions of Subpart F of this part, or

(2) The price charged by such person during the first 30 days of the period following the seasonal price adjustment in the preceding year, whichever is greater. For purposes of this subparagraph (2), the price charged during such 30-day period shall be the weighted average of the prices charged on all transactions occurring during such period.

(e) *Limitation.* Notwithstanding the provisions of paragraph (d), of this section, the price charged by such person may not result in an increase of its profit margin as a percentage of sales, before income taxes, over that prevailing during the base period.

(f) *Return to nonseasonal prices.* Prices must be adjusted downward at the same date or identifiable point in time as in the previous season.

§ 300.202 Taxes.

Notwithstanding any other provision of this subpart, prices with respect to transactions occuring after November 13, 1971, may be increased dollar-for-dollar to reflect increases in excise taxes (including sales and use taxes), and duties on imports (including the import surcharge imposed by the President on August 15, 1971), but not increased franchise, gross receipts, property, or income taxes.

§ 300.203 Contracts entered into prior to August 15, 1971.

Notwithstanding any other provisions of this subpart, the price specified in any binding contract for the sale of property or services entered into prior to August 15, 1971, with respect to any delivery or performance occurring after November 13, 1971, shall be allowable provided that the contract price shall not exceed that amount which would result in an increase in the person's profit margin as a percentage of sales, before income taxes, over that prevailing during the base period.

§ 300.204 Formula-determined rentals.

Leases of personal or real property entered into prior to August 15, 1971, in which the periodic rental price is determined by means of a formula specified in the lease agreement may continue with such formula in effect. However, any increases in the periodic rental price due to the passage of time or increases in the consumer price index shall not be allowed.

§ 300.401 Exemptions.

The provisions of this Part 300 shall apply to all transactions involving the sale or lease of property and services except those enumerated in Subpart D of Part 10 of this title.

§ 300.498 May 25, 1970, limitation date.

No provision in this subpart shall operate to require a person to establish a price or rent which is lower than the average price which was received by the person in arms-length transactions involving the property or service on May 25, 1970. In cases where there were no arms-length transactions on May 25, 1970, involving the person, the nearest date preceding May 25, 1970, on which such a transaction did occur shall deemed to be May 25, 1970, for purposes of this section. However, the rules contained in this section shall not apply if the person did not offer the property or service on May 25, 1970, due to causes other than the temporary closing of his business.

§ 300.499 Price Commission address.

Any document, report, or other information required by these regulations to be sent directly to the Price Commission shall be addressed to—Price Commission, 2000 M Street NW., Washington, DC 20508.

Subparts B—E [Reserved]

Subpart F—Base Price

§ 301.501 In general.

The rules in this subpart relate to the determination of the base price for the purposes of applying the provisions contained in Subpart A of this part, after November 13, 1971, with respect to:

(a) Sales and leases of personal property.

(b) The furnishing of services, and

(c) Sales and leases of real property.

The base price is either (1) the ceiling price permitted for the period beginning August 15, 1971, and ending November 13, 1971, or (2) such ceiling price as adjusted in accordance with the rules provided in this subpart, which shall then constitute the base price. See § 300.505 for rules relating to the determination of the base prices with respect to sales and leases of personal property and with respect to services, § 300.507 for rules relating to the determination of base prices with respect to sales and leases of real property, and § 300.509 for rules relating to the determination of base prices with respect to sales and leases of new property and with respect to new services, as therein defined.

§ 300.505 Sales and leases of personal property and services.

(a) *Sales of personal property and services.* The base price with respect to sales of personal property and services is the highest price charged by the person to a specific class of purchasers in a substantial number of transactions involving such personal property or services during the freeze base period (as defined in § 300.513).

(b) *Leasing of personal property.* The base price with respect to the leasing of personal property is the highest price charged to a specific class of purchasers with respect to leases of the same or substantially identical personal property in a substantial number of transactions during the freeze base period.

(c) *Ten-percent rule.* For purposes of paragraphs (a) and (b) of this section and paragraph (b) of § 300.507, the highest price in a substantial number of transactions during the freeze base period shall be the highest price at or above which 10 percent of the units were priced in transactions with a specific class of purchasers during the freeze base period.

§ 300.507 Sales and leases of real property.

(a) *Sales of real property.* This section applies to sales of real property not exempted under § 300.401. The base price with respect to the sale of any interest in real property which is held by the person for sale in the ordinary course of trade or business is the highest price received with respect to the same type of interest in similar real property during the freeze base period. In the case of a sale of an interest in real property which is not held for sale in the ordinary course of a trade or business, such interest shall be deemed to be new property for purposes of paragraph (d) of § 300.509.

(b) *Leases of real property*—(1) *In general.* The base price for a lease of an interest in real property is the highest price charged by the person with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. A provision is a lease of an interest in real property executed prior to August 15, 1971, which provides for an increased rental to take effect August 14, 1971, may take effect after November 13, 1971, to the extent such increased rental does not exceed the base price for the rental of such real property.

(2) *Property vacant during the freeze base period.* If the property had been vacant for more than 1 year prior to the beginning of the lease period, the provisions of § 300.509 (b) relating to new real property shall apply.

§ 300.509 New property and new services.

(a) *In general.* For purposes of this section, new property or new services means property or services which the person has not offered for sale (or lease in the case of property) at any time during the 1-year period immediately preceding the date on which the person is offering the property or service for sale (or lease).

(b) *Lease of real property.* In the case of a person offering real property for lease which was never previously leased, the base price shall be determined by a computation based on the average arms-length price received by persons leasing comparable property in the same marketing area. For purposes of determining the average price referred to in the preceding sentence, only a quantity of transactions which is not insubstantial in relation to the total number of such transactions need be taken into consideration. A property, or part thereof, which undergoes a substantial capital improvement shall be treated as new property for purposes of a lease. For purposes of this paragraph a substantial capital improvement means a permanent improvement or betterment made to increase the value of the property or to restore the property or part thereof, the cost of which equals or exceeds at least 3 months' rent and exceeds $250.

(c) *Personal property or services.* Personal property or service shall be deemed new if substantially different from other property or services in purpose, function, quality, or technology or if the use of such property or service effects a substantially different result. Property or services that differ from other property or services only in appearance, arrangement, combination, or function shall not be considered as new. A change in fashion, style, form, or packaging will not ordinarily be deemed to create a new property or service. A property, or part thereof, which undergoes a substantial capital improvement shall be treated as new property for purposes of a lease. For purposes of this paragraph a substantial capital improvement means a permanent improvement or betterment made to increase the value of the property or to restore the property, the cost of which equals or exceeds at least 3 months' rent and which exceeds $100.

(d) *Base price determination.* In the case of a person offering new property or new services, the base price shall be deemed to be, at the election of such person, either—

(1) The price determined under the method prescribed in paragraph (e) of this section, or

(2) The price determined under the method prescribed in paragraph (f) of this section.

(e) *First method.* The method referred to in paragraph (d)(1) of this section is a method by which a person may determine the price with respect to new property or services by a computation based on the unit cost (including direct and indirect costs) of a similar property or services of such person plus a factor for profit (before income taxes) which equals the profit rate actually earned with respect to such similar property or services. The rules in this paragraph shall not be applicable to transactions involving property or services with respect to which the person offers no other property or services which are similar thereto.

(f) *Second method.* The method referred to in paragraph (d)(2) of this section is a method by which a person may determine the price with respect to new property of services by a computation based on the average prices received in a substantial number of arms-length transactions by persons selling or leasing comparable property or services in the same marketing area.

§ 300.511 Geographic limitation.

The provisions of this subpart shall not be applicable to transactions for sales, leases, or services occurring outside the United States. For purposes of this paragraph, a transaction shall be deemed to occur outside the United States if delivery of the property of rendering of the service which is the subject matter of the transaction occurs outside the United States, or if real estate which is the subject matter of the transaction is located outside the United States. If personal property which is the subject of a lease is used both inside and outside the United States during the period of the lease, the transaction shall be deemed to have occurred exclusively in the United States and the provisions of this subpart shall apply. Similarly, if services are partially rendered in the United States and partially outside the United States, the services shall be deemed to have been performed exclusively in the United States.

§ 300.513 Definitions.

(a) *In general.* Unless otherwise indicated, the definitions contained in this section shall apply for purposes of Subparts F and G of this part.

(b) *Transaction.* A "transaction" shall be deemed to occur at the time and place a binding contract is entered into between the parties to the transaction. A "transaction" shall mean an arms-length transaction, and shall include only transactions between unrelated persons which are not members of a controlled group.

(c) *United States.* The term "United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) *Person.* The term "person" includes any individual, estate, trust, partnership, association, company, corporation, governmental unit, or instrumentality of a governmental unit. However, such term does not include a foreign government, an instrumentality of a foreign government, an international organization.

(e) *Freeze base period.* The term "freeze base period" means either—

(1) The period beginning July 16, 1971, and ending August 14, 1971, or

(2) If a person had no transaction during the period specified in subparagraph (1) of this paragraph, the nearest preceding 30-day period in which he had a transaction.

(f) *Unrelated person.* The term "unrelated person" refers to a person other than a person described in 26 U.S.C. section 267(b), as amended.

(g) *Controlled group.* The term "controlled group" means a controlled group of corporations as defined in 26 U.S.C. section 1563(a).

(h) *Price.* The term "price" includes commissions, membership dues, margins, rates, fees, charges, tariffs, and premiums without regard to the form in which paid. The term also includes rents for the lease of real or personal property.

(i) *Service.* The term "service" includes all services rendered by one person for another person other than in an employment relationship (determined under the normal common law rules). The term also includes for example, professional services of any kind and services rendered by membership associations for which dues are charged.

(j) *Sale.* The term "sale" includes all sales, exchanges, transfers, and dispositions.

(k) *Lease.* The term "lease" includes any contract for the use of real or personal property of any descripition.

(l) *Rent.* The term "rent" means any price for the use of real or personal property of any description. The term also includes any charge, no matter how denominated in the lease or other agreement, for the use of any property or for any service in connection with the use of leased property.

(m) *Class of purchasers.* The term "class of purchasers" means purchasers to whom a person has charged a comparable price for comparable property or service during the freeze base period pursuant to customary price differentials between those purchasers and other purchasers. The term "customary price differentials" includes, but is not limited to, price distinctions based on discounts, allowances, add-ons, premiums, and extras based on differences in volume, grade, quality, or locations or type of purchaser, or terms or conditions of sale or delivery.

Subpart G—Procedure and Administration

§ 300.601 Records and ceiling price lists.

(a) *In general.* Any person who sells property or services, or leases property subject to the price and rent stabilization requirements of this Part 300 shall keep such permanent books of account or records as are sufficient to establish the base prices for all such property or services offered for sale or lease by such person and the prices at which such property or services were actually sold or leased.

(b) *Inspection of records or lists.* Records required to be maintained under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Internal Revenue Service for the purpose of ensuring compliance with the requirements of this part.

(c) *Special rule for imported items.* In addition to the records and lists required to be maintained under paragraphs (a) and (b) of this section, any item which has been imported into the United States and upon which an import surcharge has been imposed by the President in conjunction with other measures taken under the Economic Stabilization Act of 1970, as amended, shall, when sold, clearly have indicated upon the accompanying sales ticket or invoice the exact amount of the import surcharge the seller is passing on to the customer or that such an import surcharge though so imposed, is not being passed on.

(d) *Period for keeping records.* All records required to be kept under this section shall be maintained and preserved by the person required to keep such records for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in such accounts or records occurred or the property was acquired by such person, whichever is later.

§ 300.612 Exceptions by ruling.

(a) *In general.* The Chairman of the Price Commission, or his delegate, will by rulings make such exceptions from the operation of this Part 300 as the Price Commission deems necessary for the purpose of preventing or correcting gross inequities.

(b) *Requests for exceptions.* Except as otherwise prescribed by the Price Commission, persons requesting exceptions from the operation of this Part 300 should submit their request, in writing, to the District Director of Internal Revenue for the district in which such person has his residence or principal place of business. The request should state the reason why the exception is being requested and should contain sufficient information to establish to the satisfaction of the Price Commission that—

(1) The application of the provisions of this part to such person would result in a serious hardship or gross inequity, and

(2) That the request for exception is not part of a plan having as one of its principal purposes the avoidance of the purposes of the Economic Stabilization Act of 1970, as amended, and this Part 300. (See § 300.613 for a more detailed description of the manner in which a request for determination by the Price Commission should be made.)

§ 300.613 Rulings.

(a) *In general.* In the interest of sound administration of the Economic Stabilization Act of 1970, as amended, and this Part 300, the Internal Revenue Service will answer inquiries of persons regarding their status for price and rent stabilization purposes and as to the applicability of this Part 300 to their proposed acts or transactions.

(b) *Price stabilization ruling.* A "Price Stabilization Ruling" is an official interpretation of the law by the Internal Revenue Service which has been published in the Price Stabilization Bulletin. Price Stabilization Rulings are published for the information and guidance of the Price Commission, Internal Revenue Service officials and others concerned.

(c) *Ruling guidelines.* (1) Rulings will be issued only with respect to prospective transactions,

(2) Rulings will not be issued on alternative plans of proposed transactions or on hypothetical situations.

(3) A ruling will not be issued if the national office of the Internal Revenue Service knows or has reason to believe that the same or identical issue in connection with a possible violation of this part by the person who is the subject of the ruling request is before any field office of the Service or any other agency charged with enforcement of this part.

(4) Further, a ruling will not be issued with respect to a matter upon which a recent court decision adverse to the Government has been handed down until the

Government has decided whether to follow the decision or litigate further.

(d) *Instructions.* Any person requesting a ruling should direct such request, in writing to the District Director of Internal Revenue for the district in which such person has his residence or principal place of business. Each request for a ruling must include—

(1) A complete statement of all such information as is relevant to the status of the person and proposed transaction under this Part 300,

(2) Copies of all relevant documents affecting such status or transaction, and

(3) A statement, executed under penalty of perjury, that such statements and documents, to the knowledge of the person making the request, are true and accurate. Only one ruling request may be made with respect to a particular transaction, and no ruling request may be made with respect to an issue described in paragraph (c)(3) of this section.

(e) *Determination letters.* In the discretion of the Internal Revenue Service the request of the person may be answered with a determination letter directed solely to the attention of the person in cases in which the Service deems the question not of sufficient importance to the Price Commission, the Internal Revenue Service, or the public in general to warrant the issuance of a ruling.

§ 300.614 Adverse determinations and appeal.

If a person receives an adverse determination letter (as described in paragraph (e) of § 300.613) he may, within 10 days, file a written request for a conference with the district director who issued such adverse determination letter. If the district director fails to reverse his initial determination following such conference, the person affected may, within 10 days after notice of such final determination, file written application for an appeal, together with a brief outlining the basis for such appeal, with the Price Commission. A copy of the application for appeal and the brief shall, at the same time, be directed to the Internal Revenue Service, Attention: Assistant Chief Counsel (Stabilization), Washington, D.C. 20224.

§ 300.615 Failure to obtain relief.

If a person is denied relief by the Price Commission, either because of an adverse determination or because of the Price Commission's refusal to grant an appeal, such person may, within 30 days, file an action for relief in the appropriate U.S. District Court.

§ 300.616 Reports of alleged violations.

Whenever any person has reason to believe that a violation of these regulations has taken place, such person should contact the nearest office of the Internal Revenue Service. Such cooperation on the part of every citizen will insure that the price stabilization program achieves its maximum and intended effect.

§ 300.651 Penalties.

(a) *Illegal practices.* Any person who, by means of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, the falsification of records, the substitution of inferior commodities, the failure to provide the same services and equipment previously sold or leased, or in any other manner seeks to obtain a higher price or rent than is permitted by this part shall be subject to the provisions of paragraphs (b) and (c) of this section.

(b) *Injunctions.* Whenever it appears that any person is engaged, or is about to engage, in any act or practice described in paragraph (a) of this section, the U.S. Government may, in its discretion, bring an action in the proper district court of the United States to enjoin such acts or practices. Upon a proper showing, a permanent or temporary injunction or restraining order may be granted. In addition, upon proper applications, such court may issue mandatory injunctions commanding any person to comply with any provision of this Part 300.

(c) *Fines.* Any person who willfully violates the provisions of this Part 300 shall, upon conviction thereof, be subject to a fine of not more than $5,000 for each violation. See section 204 of title 2 of Public Law 91-379 (84 Stat. 800).

Because the purpose of this Price Commission regulation is to provide immediate guidance as to the price and rent stabilization rules applicable after November 13, 1971, it is hereby found impracticable to issue this Price Commission regulation with notice and public procedure thereon under 5 U.S.C., section 533(b), or subject to the effective date limitation of 5 U.S.C., section 553(d).

C. JACKSON GRAYSON, Jr.,
Chairman of the Price Commission.

[FR Doc.71-16759 Filed 11-12-71;4:43 p.m.]

COST OF LIVING COUNCIL

[Order No. 5]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of Stabilization of Prices, Rents, Wages, and Salaries

Pursuant to the Economic Stabilization Act of 1970, as amended (hereinafter referred to as the Act), and the authority delegated to the Cost of Living Council by Executive Order No. 11627 (hereinafter referred to as the Executive order) it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury (hereinafter referred to as the Secretary, subject to the general policy guidance of and coordination with the Cost of Living Council (hereinafter referred to as the Council) and in accordance with the general policy of the Act, authority to interpret, implement, administer, monitor, and enforce the stabilization of prices, rents, wages, and salaries pursuant to the coverage, classifications, and implementation procedures established by the Council. Such functions will include, but not be limited to, the following:

(a) Operation and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as the Secretary may determine;

(b) Dissemination of information and guidance to the public;

(c) Issuance of rulings and the receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Council and the establishment and operation of an appeal procedure;

(d) Receiving, analyzing, investigating, and preparing and forwarding recommendations upon applications for exceptions and exemptions from coverage, classifications, and the implementation procedures to the Council for decision;

(e) Conducting monitoring investigations as to the effectiveness of the stabilization program;

(f) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Council, where necessary;

(g) Making factual determinations on behalf of the Council in furtherance of any functions herein delegated; and

(h) Maintaining adequate records and the making of periodic reports to the Council.

2. All executive departments and agencies shall furnish such necessary assistance to the Secretary as may be authorized by law.

3. The Secretary may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. The Director, Office of Emergency Preparedness, shall continue to exercise responsibility and authority under Council Order No. 1 as necessary to complete actions in process and to effectuate an orderly transfer of functions to the Pay Board established by section 7 of the Executive order and the Price Commission established by section 8 of the Executive order.

5. Nothing in this order shall be construed to limit or otherwise supersede the authority heretofore delegated to the Pay Board by Council Order No. 3 or to the Price Commission by Council Order No. 4.

6. This order shall be effective at 12:01 a.m., November 14, 1971.

By direction of the Council.

DONALD RUMSFELD,
Director.

[FR Doc.71-16760 Filed 11-12-71;4:43 p.m.]

PRICE COMMISSION

[Order No. 1]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of Stabilization of Prices and Rents

Pursuant to Executive Order 11627 and the authority delegated to the Price Commission (hereinafter referred to as the Commission) by Cost of Living Council Order No. 4 (hereinafter referred to as the order), it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury (hereinafter referred to as the Secretary), subject to the general policy guidance of and coordination with the Commission and consistent with the general policy of Executive Order 11627 as developed by the Cost of Living Council, authority to interpret, implement, administer, monitor, and enforce the stabilization of prices and rents pursuant to the criteria, standards, and implementation procedures established by the Commission. Such functions will include, but not be limited to, the following:

(a) Operation and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as the Secretary may determine;

(b) Dissemination of information and guidance to the public;

(c) Issuance of rulings and the receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Commission and the establishment and operation of an appeal procedure;

(d) Receiving, analyzing, investigating, and preparing and forwarding to the Commission for decision recommendations upon applications for exceptions from the criteria, standards, and the implementation procedures;

(e) Conducting monitoring investigations as to the effectiveness of the stabilization program;

(f) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Commission where necessary;

(g) Making factual determinations on behalf of the Commission or in furtherance of any functions herein delegated; and

(h) Maintaining adequate records and the making of periodic reports to the Commission.

2. All executive departments and agencies shall furnish such necessary assistance to the Secretary as may be authorized by law.

3. The Secretary may redelegate to any agency, instrumentality, or official of the

United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. This order shall be effective at 12:01 a.m., November 14, 1971.

By direction of the Commission.

C. JACKSON GRAYSON, Jr.,
Chairman.

[FR Doc.71-16761 Filed 11-12-71;4:43 p.m.]

PAY BOARD

[Order No. 1]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of the Stabilization of Wages and Salaries

Pursuant to Executive Order 11627 and the authority delegated to the Pay Board (hereinafter referred to as the Board) by Cost of Living Council Order No. 3 (hereinafter referred to as the order), it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury (hereinafter referred to as the Secretary), subject to the general policy guidance of and coordination with the Board and consistent with the general policy of Executive Order 11627 as developed by the Cost of Living Council, authority to interpret, implement, administer, monitor, and enforce the stabilization of wages and salaries pursuant to the criteria, standards, and implementation procedures established by the Board. Such functions will include, but not be limited to, the following:

(a) Operation and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as the Secretary may determine;

(b) Dissemination of information and guidance to the public;

(c) Issuance of rulings and the receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Board and the establishment and operation of an appeal procedure;

(d) Receiving, analyzing, investigating, and preparing and forwarding to the Board for decision recommendations upon applications for exceptions from the criteria, standards, and the implementation procedures;

(e) Conducting monitoring investigations as to the effectiveness of the stabilization program;

(f) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Board, where necessary;

(g) Making factual determinations on behalf of the Board or in furtherance of any functions herein delegated; and

(h) Maintaining adequate records and the making of periodic reports to the Board.

2. All executive departments and agencies shall furnish such necessary assistance to the Secretary as may be authorized by law.

3. The Secretary may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. This order shall be effective at 12:01 a.m., November 14, 1971.

By direction of the Board.

GEORGE H. BOLDT,
Chairman of the Pay Board.

[FR Doc.71-16763 Filed 11-12-71;7:18 p.m.]

SENATOR HUMPHREY'S REMARKS TO THE NATIONAL MUNICIPAL LEAGUE

Mr. HUMPHREY. Mr. President, on Monday, November 15, 1971, I was privileged to address the National Municipal League's Conference on Government in Atlanta, Ga. The National Municipal League is an organization of civic leaders, government research institutes, and public servants dedicated to improving the responsiveness of American government. The league has pubished articles and drafted model legislation on State constitutional revision, taxation, programs for the elderly, and structural reform in American cities.

My address to the Conference stressed the need for services that are equal across the Nation. As I said in the speech:

> We are a mobile people. But, our standards of service must be constant.

Mr. President, I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

Have you ever wondered what it would be like if government really worked? If the hungry were fed. If there were no consumer abuses. If we had uniformly good schools with quality education for all children and if our elderly could live out their lives in security.

If our health system prevented illness rather than sought to cure it.

If peace were a fact of life rather than a long sought goal.

What would our future be like? I believe we would have a society that permitted the cultivation of man's individual spirit—that permitted him to grow, to learn to develop the full potential of his talents and abilities.

Man, at peace with himself, would be at peace with others. We could create what we all are seeking—a better quality of life.

But, as we know, that is not the reality.

Man is burdened with anxiety, ripped and torn by prejudice. Men still dream and hope. But they do so encumbered by a sense of frustration.

Government reflects these same frustrations.

Government in this nation has become muscle-bound. It is big, costly, and seemingly unable to respond to the needs of people.

This is true of government at all levels. In activity after activity—from street cleaning to public safety—communities are barely able to meet even the most basic minimum levels of service.

As a result, in all too many instances, the spirit has gone out of our cities. And, no matter how hard we try, we cannot seem to replace it.

Look at the statistics. People move out of—not into—the cities. And they move away from—not to—the rural areas. They move increasingly to the suburbs, creating larger and larger mass metropolitan areas.

And, those who leave the city are often the young, those with education, will, spirit, and those with earning potential.

The result is predictable: The gap between rich and poor, between the haves and the have-nots grows wider, seemingly unbridgeable, and frightening.

We wonder why and what can be done about it.

I'll not recite to you the usual litany about the urban and the rural crises. They are all too familiar.

What I want to do is give you my thoughts, perceptions about how to change life in American cities—cities of all sizes with all kinds of problems.

And, this is not gospel. It is just one man's analysis and one man's desperate hope that we can do better. I believe we can. I know we must.

All of us want responsive government. To get it, our nation must confront head-on the problem of public management. Professionalism, reorganization of institutions, use of new technology—these are beginnings, but they are not enough.

We must ask: What does government mean to people?

The average citizen does not differentiate among the various levels of government—he thinks about the government.

And, when things do not work, he blames the government. If he is disillusioned, if he is angry, if he is bitter, if he is frustrated, it is the government.

And we are all part of it.

But too often, we pretend that it is someone else's responsibility—the President's, the Senator's, the Mayor's, the Councilman's, or the City Manager's.

And government becomes alien, foreign, remote from the people.

What we must learn is that the government must serve people, not a system, or a board, or an authority, but people.

It is not an academic institution.

Government exists because of and for people.

I believe we need a refocus on that fact. We need to refocus on "street level government" and the essentials of public service.

People must be able to call city hall and have their sidewalks fixed, their apartments inspected, their garbage collected, snow removed, dependable electricity, enough heat.

Street level government means an equalization of fundamental services throughout the nation.

There is a great disparity today in the quality of government services.

Our people—no matter where they live—should have certain basic standards of service—standards of education, of health, of social services, of public services.

This is their basic right.

We are a mobile people. But, our standards of service must be constant. We should have the same basic minimum standards in Seattle as we have in Mississippi, in New York as in Atlanta.

But to achieve this will require the mobilizing of public commitment and the resources of a nation. We have done this for other great enterprises—the rebuilding of Western Europe, the landing on the moon.

We can do it for our communities and the people who live in them.

Already we have the beginning.

Cities are electing mayors of stature, leaders who want to do things for people.

And, the distrust that once existed between cities and states is, on balance, disappearing. More than ever before, leaders are recognizing that problems do not affect just one government level—problems are public, they are the concern of all governments.

There is a quiet revolution occurring in this nation. It is a revolution of people demanding accountability and sensibility from leadership.

It is a revolution that will reshape the nature of federalism from an adversary to a partnership—a partnership with national policy objectives, but without direct Washington controls.

Commitment—from people and leaders—is one half of the equation. Resources is the other half. And resources means money.

Our nation has massive public needs: There is a $12 billion poverty gap, a $70 billion waste disposal and sewage gap, a $15 billion clean air gap.

In 1975, over $35 billion will be spent by state and local government on education, over $12 billion on highways, $15 billion on health, $13 billion on parks and recreation.

Where are we going to get this money?

How are we going to pay the bill?

As many of you know, I have introduced a revenue sharing bill. Under this proposal, states and cities would share in the federal tax collections. The reasoning is simple. Since the federal government has the largest tax base. Why not use it to accomplish local social purposes.

This money is your money and the money of the people in your communities. It is not the federal or the state government's money. It represents the earnings of people. It should be used for programs for people.

My revenue sharing bill is directly tied to making government more responsive. It gives more funds to those governments that modernize their structure.

The bill is also tied directly to desperately needed tax reform.

Look at your own communities. About 35 to 45 percent of your total revenue is raised from the property tax. Yet, who gets hit the hardest with the property tax? It is the moderate income, the middle income, and the low income taxpayer.

Our entire tax system is distributed inequitably. The poor who can least afford it pay a disproportionate share of taxes; and many who should pay most do not.

And in the highest spirit of federalism, it accepts the negotiation process worked out between the cities and states as to the distribution of the pass through dollars.

We need an income tax system at the state and local governments—a tax system that is progressive and flexible—a tax system that will produce the kind of revenues that will make social progress possible.

There is a third resource need: Development.

Our nation is publicly poor, but privately wealthy. For too long we have neglected our pressing demands here at home.

I believe that the 1970's should be a decade of dynamic domestic development. It should be a decade of building needed public projects, improving essential services, financing mass transit, making our government work.

How are we going to do it?

The fundamental answer is a new credit mechanism—long term credit, and massive investment in public works.

In May of this year, I introduced the National Domestic Development Bank Act of 1971.

The objective of my bill is to provide an alternative source of funds for new schools, medical and hospital centers, day-care centers, parks, waste disposal plants, playgrounds, and much more.

Many of you here have used municipal bonds.

And you know how hard it is to sell a 40-year bond at any reasonable rate of interest.

Yet, the government of the United States, through such institutions as the Inter-American Bank makes loans for people you and I have never met.

I say to you that if we can make loans to Rio de Janeiro, at low rates of interest for 40 years, then we can make loans to Miami, to Williamsport, to Minneapolis, to Atlanta, or anywhere else right here at home.

We simply must change our financing system.

We are trying to build new community facilities on credit terms that were designed for the 1900's. And, it simply won't work.

We must have a credit structure that will eliminate the present stop-start method of public finance.

The National Domestic Development Bank emphasizes community planning—planning that results in decisions, to move on projects, not to have another study.

It is a bank that emphasizes multi-year financing so that longer-term projects are completed.

And, it is a system that can ensure that government *does* reach the people.

The National Domestic Development Bank can help large cities and counties—but what about rural areas?

Millions of people are leaving rural Americe for the cities, compounding the urban crisis, adding the problems of poverty and joblessness, and welfare.

It was with this in mind that I introduced companion legislation to the National Domestic Development Bank—a supplementary program specifically for communities under 35,000 population.

The Rural Development Bank bill can give our smaller towns new hope.

Credit financing will enable us to build the public projects that are so vital and so necessary. They can provide jobs. They can infuse the economy of a town with money, with enterprise. They can put people to work.

Long term credit and investment in public projects and services can help end the stagnation of our economy—help end the hopelessness.

If government is to work effectively, then our priorities are clear:

—A government that is people oriented.

—A minimum basic floor of services for all Americans.

A system of government organization and taxes that is up-to-date, progressive, and fair.

And, a financing strategy that provides the resources for local people to design their own solutions.

These are the elements—the fundamentals—that will allow us to improve the human condition.

As Lincoln said, "We must disenthrall ourselves of the past, for the times are new and the times call for new ideas."

FUTURE PROSPECTS FOR NATION'S COMMERCIAL AIRLINE INDUSTRY

Mr. INOUYE. Mr. President, as chairman of the Subcommittee on Foreign Commerce and Tourism, I am particularly concerned with the future prospects for our Nation's commercial airline industry. With the recent Commerce Department report that the United States recorded its greatest balance-of-payments deficit in history in the third quarter of this year, there can no longer be any question that we must improve our import-export position.

One important area where we can and must improve our import-export position is in the foreign sphere of the airline industry. In order to understand better some of the basic problems which now confront our own airline companies, I ask unanimous consent that the remarks of Mr. Edward E. Carlson, president and chief executive officer of United Air Lines, before the 27th annual general meeting of the International Air Transport Association, held in Honolulu, Hawaii, on November 18, 1971, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF EDWARD E. CARLSON

I was not even in the airline industry when you met last October in Tehran. That surely makes me one of the newest members of this association, but you couldn't find a more fascinated newcomer. In December 1970, my 40-year association with the hotel industry was interrupted when I was named as Chief Executive Officer of United Air Lines. I must say that the initiation routine in the airline industry can be an unforgettable and sometimes disquieting experience. Now, after almost a year in this job, I'm honored to be asked to share some observations with you.

I'm respectful of your long association with air travel. You have lived through its peaks of success and its valleys of disappointment. Your meeting last October came near the end of one of the most discouraging years financially in the history of the industry. When the final results of 1970 were in, the Air Transport Association of America reported that the net operating income of the U.S. scheduled airlines was 92 percent less than it was four years earlier in 1966. United Air Lines alone posted a net loss of over $40 million in 1970.

Our analysis of the outlook for 1971 indicated that revenues were going to be flat. Thus, if we were to make any substantial improvement in profit, we had to move quickly and earnestly in reducing expenses. The specific measures taken by United Air Lines to reduce costs were typical of those taken by other airlines. Overall employment was reduced by over 10% to date from its peak in August of 1970. This was a particularly difficult task because it involved the security and welfare of many fellow employees. Planned capital expenditures were slashed by $159 million. A large part of this was in aircraft acquisition. Four 747's were deferred from 1971 to 1973. Three DC-10's were deferred from 1972 to 1973. Eight DC-10 purchases were cancelled, and options for 20 more were passed. We could ill afford to further deplete cash reserves or add capacity when we already had an excess.

The number of departures on the United Air Lines system was unilaterally reduced by 18% during the first half of the year. These moves involved considerable risk of competitive losses. Also, our efforts to discontinue or reduce flying in non-productive route segments were not always popular with our customers in the cities affected; but when confronted with hard economic facts, they have been understanding. In major markets, the U.S. trunk carriers faced a serious problem of over-capacity. The inventory of seats far exceeded the demand, and United joined in requesting the CAB to allow the airlines to discuss mutual reductions of schedules in certain markets. Agreement was reached between United, TWA and American in four major long haul markets and subsequently approved by the Board. The reduced schedules were effective October 3, and we expect a substantial profit improvement in the first year under these revised schedules with no significant loss of revenue or impairment of service to the traveling public. Since schedules are a competitive feature of airline service, it would have been better if the same results had evolved due to free market forces.

However, these forces would not have been felt in time to avert serious harm through this heavy scheduling in certain segments. Accordingly, these agreements must have a definite lifetime. We have agreed that the last of the present arrangements will expire September 16, 1972.

As a newcomer to the business, I'm fascinated with the fact that while this is a regulated industry, it is also fiercely competitive. Competition is desirable and the public should have a choice, but it should not be a wasteful choice. If three carriers can provide adequate service and make a profit, then what is the justification for adding the fourth and fifth carriers to the market with the result that it becomes financially unattractive to all?

In any case, as a result of intensive cost cuts, coupled with the 6 percent fare increase which the CAB authorized to become effective May 7, we have experienced a substantial improvement in profits. But, as we've often said, you can't save yourself to solvency. Increased revenue, then, has to be a crucial consideration.

In preparing my remarks for today's conference with you, I read again with great interest the address which Mr. Ian Sinclair, Chairman of Canadian Pacific Railroad, made to this group in Tehran last year. He said in part, "I see signs . . . that the complacency which is typical of the older modes of transportation is spreading into the airline industry. A strong market position and an apparent lack of inter-modal competition when continued too long, lead to reliance on custom, habit, and precedent. The ability to innovate and develop is lost." He spoke of a ". . . club-like attitude centered around shared motivations and values which places the value of the club and its members above that of the enterprise." This was a serious admonition from a man with many years of firsthand experience in the industry. A lot has happened since Tehran and I think Mr. Sinclair would agree that the club-like atmosphere has been shattered during the past twelve months. There has been a remarkable desire to be innovative in marketing techniques and pricing policies.

There'll be a fierce tug-of-war for the United States pleasure traveler. There is still a great deal of fascination with the opportunity to visit Europe on the part of a great many people in the United States, and everyone in the U.S. is watching with interest the North Atlantic fare situation. The pleasure traveler is very sensitive to the overall cost of his vacation, and he plans his travel with great care. This coming winter and early spring will be a critical period for the United States carriers because this is the time when the majority of travelers are finalizing their plans for the peak summer travel season. With the fluctuations we have seen to date in the decreased buying power of the dollar abroad, we expect there will be a considerable uncertainty in the minds of potential travelers and their travel agents in determining in March or April the cost of the June or July overseas trip. We expect that some potential travelers faced with this uncertainty will decide on a vacation on the U.S. Mainland or Hawaii where the value of his travel dollar is constant. In making that statement, you obviously recognize that I'm making it as the spokesman for United Air Lines; and we propose to be competitive. Every other domestic U.S. airline worth its salt will be in exactly the same competitive posture. What then are the conclusions from these observations?

First, let me talk about areas in which we can be cooperative. Increased productivity is essential for all of us. Since there are not likely to be major technological advances in the near future to provide drastic improvements in productivity as the jet aircraft and computerization have done, we believe that inter-airline cooperation in non-competitive areas is a fertile spot to look for productivity and, thus, reduce cost. I've been fascinated by the cooperation that exists among the European airlines and their leadership in developing cooperative agreements among themselves. Recently, there has been substantial progress towards closer cooperation among United States carriers, and I cite particularly the United-American agreement in the early stages of the DC–10 design to standardize the cockpit of that aircraft and many other features. This was the most successful effort in hardware procurement among the United States carriers to date, and the evolving spirit reflected in this program has been seen in other areas. United, TWA, and American are also currently pursuing many possibilities for the mutual use of ground equipment and facilities. We should make a continuing effort to identify those areas which are truly non-competitive and earnestly work to pool resources and thus reduce the substantial fixed overhead cost of this capital-consuming industry. Some problems will develop as we work in this direction because of contracts with labor unions, but it can be reasoned that a financially strong airline industry is important to all employees of all airlines.

Next, I think we should remind ourselves that even today in the United States, 51% of the adult population has never flown commercially and that of the estimated $110 billion spent in the United States on leisure goods and services, only $2.4 billion is spent domestically on nonbusiness air travel. We really are competing with other forms of leisure—sporting goods, swimming pools, boats and so on—for potential customers. If only 2% of the leisure dollars not spent on air travel could be attracted our way, consumer spending for air travel would be doubled. This is revenue which produces real profit for the industry as a whole, not price war revenue from customers who are going to fly anyway and simply do so at a discount rate. Now, let me say that although I am a newcomer to the airline business, I have spent 40 years in the hotel business or one might say "the travel industry." In so doing, I have spent my adult business life selling "bed nights." Now I find myself selling "seat miles." Both are equally perishable. There's no inventory to put away for disposal at some sale at a later date. Anyone with long experience in the travel industry knows the tremendous value of attracting even a small increase in the discretionary spending of people—whether it be for hotel rooms or airline tickets.

Unless there is a sudden change in the course of events, during the next several months we will see a continuation of the historic struggle between the scheduled and supplemental airlines of the free world. It is reasonable to point out that the historic role of a schedule carrier has been to provide consistent service over regular routes at a price which will allow the carrier to have some fair return as detemined by a government regulatory body. This type of service developed a sound business market, and through the years a significant amount of pleasure travel, as well, has been attracted to scheduled air service.

In recent years scheduled carriers have been losing a significant portion of that pleasure travel. The Air Transport Association of America reports that in most North Atlantic markets, upward of 60% of the supplemental's customers probably would have flown on a scheduled carrier if the supplemental service were not available. This dilution exists in other markets as well, and the supplementals are getting customers. The fact is the supplementals were aggressive enough to see a market opportunity and to capitalize on it. Thus, the challenge to the scheduled carrier is to determine if earnings can be optimized by offering the product in different ways to reassert leadership in the vacation market by competing for large volume business and meeting charter prices and supplemental offerings to the maximum extent possible.

In looking to the future, one must recognize that the airlines cannot go it alone. To stimulate new traffic through group price reductions and service improvements, we must have the cooperation of travel agents, hotels, suppliers of ground transportation and others who will do their share in the spirit of cooperation, realizing that only increased travel volume through major generation of new traffic will bring significantly increased profits.

Let me cite an example. The total cost of an average trip to Europe for an American traveler in 1970 was $836. If air fares had gone up at the same rate as European hotel rates and meals for the past ten years, the cost would have been doubled. For a U.S. traveler going to Europe for ten days in 1958, air fare represented 75% of the total travel expense. In 1970, the air fare was only 48% of the total cost. The airlines obviously cannot continue to implement economies which will offset increases in costs of ground phases of travel. As vacation travel increases in importance, so will the vacation package concept. For the vacation traveler, reasonably priced and attractively designed packages can increase revenue and profits through new traffic generation. Our experience with Group Inclusive Tour packages verifies this. Our studies indicate that as many as 80% of the people who took advantage of these fares would otherwise not have taken the trip.

Let me emphasize once again the importance of finding new markets. If we merely shuffle passengers from one airline to another at reduced fares, we only add to our own financial woes. We firmly believe that coordinated, marketing packages with the enthusiastic participation of hotels, tour operators, and agents are important. These people must be encouraged and invited to participate actively in the design and marketing of group travel.

At the risk of taking a broad-brush, generalized approach to a very complex problem, may I just share with you the business relationship that is fundamental to all of us. There are really three elements to every business transaction in the airline industry. First, we have the customer. He wants to fly or ship goods on airplanes that represent the latest in technology and comfort, scheduled at times to fit his plans with the maximum amount of attention and comfort in cabin service. Furthermore, he wants all of these things at the lowest possible rate. In other words, he wants all he can get!

The next essential partner is the employee who serves the customer. In 1971 United will pay approximately 47% of its total revenues for salaries and benefits. This certainly gives the employee a prominent role in the partnership, and his needs receive corresponding attention. What are his needs? Whether he is management or non-management, we find that the employee wants good working conditions, good pay, adequate benefits for himself and his family, excellent travel privileges and good vacations. In other words, he wants all he can get!

The third partner is the shareholder. Under the free enterprise system in a capital intensive business such as the airlines, it is essential to have the confidence of those with dollars to invest in common stock. The airline industry is a great consumer of capital; both equity and long term credit. When the shareholder approaches the market place to invest his money in common stocks, he is interested in a company which has a good history of earnings and is completely solvent; a company with a consistent dividend record; a company which has shown sustained growth over a period of years with appreciation in the value of its shares; a company which has liquidity. In other words, the shareholder wants all he can get!

In the United States, and I would gather in all other countries, there is also a fourth partner—the government—which has a strong voice in the rates we charge and the routes we serve. This is as it should be. However, this creates a different set of challenges for the management of an airline than those which exist for many of the corporations in other fields of business and industry where it is possible to respond immediately with changes in price, level of service, or locations when significant changes take place in labor costs or other factors. Thus we have a responsibility to convince the representatives of government that it is in the national interest to maintain a financially strong airline industry.

It is incumbent upon all of us who are spokesmen for major companies to make certain that we establish the right priority in the four partner relationship that I have just enumerated. If we must make a judgment, we must start with the customer because without the customer, the employee is not needed; and the shareholder will not buy the shares. We must be competitive; and airlines will be competitive. At the same time, we must be resourceful enough to price our merchandise in such a manner that when our efforts are concluded, we will have achieved a profit and yet the value of the service to the customer will prompt him to look with enthusiasm toward future trips. But without profit, the service will not be adequate, the maintenance of the cabin amenities and the schedule offerings will be less than desirable, the employees will not be adequately paid, and in the final analysis the shareholders will not be interested in our offerings.

In summary, because no company can long survive with a poor balance sheet, in all of our fare offerings, in all of our pricing techniques, in all of our competitive efforts, we must never lose sight of the compelling fact that we must end up with more revenue than expenses. The alternative is quite obvious.

I've been speaking here today of the recent past and near future which has been very cloudy for the scheduled carriers. These clouds have been so numerous that it's sometimes difficult to see the brighter long-term outlook for our industry. By every measure we know, this business will show remarkable growth over the next ten years—many experts predict that revenues will more than double in this period. So while we have our current problems, we must prepare for the upward surge—learn from the experience of our current difficulties, but look ahead. If we learned our lessons well, we can look forward to some gratifying years.

Thank you.

NOMINATION OF DR. EARL BUTZ TO BE SECRETARY OF AGRICULTURE

Mr. MONDALE. Mr. President, the Committee on Agriculture and Forestry is conducting hearings on the nomination of Dr. Earl Butz for Secretary of Agriculture.

I do not have to tell you or the Senate about my concern over the plight of our family farmers. I am currently sponsoring and cosponsoring several bills which seek to increase the economic well-being of our farmers and to revitalize rural America. Because of these concerns, I have to oppose the nomination of Dr. Butz. His philosophy of agricultural policy does not give any indication that he will champion the cause of our family farmers.

Would we confirm the nomination of any enemy of business for Secretary of Commerce? Would we want an enemy of small business to head the Small Business Administration? Of course not. Therefore, we cannot settle for Dr. Butz as Secretary of Agriculture. The Secretary should be the spokesman for our farmers. The record of Dr. Butz shows nothing to indicate that he would serve that function. Throughout his career he has represented the interests of vertical integrators, grocery manufacturers, processors and other corporate giants. He has advocated the concept of fewer and larger farms and has said strongly that a large proportion of the farm population should leave farming for other types of work.

Improved efficiency and greater volume have often been the theses of his speeches. He has said that farmers must adapt to this system or die. What that idea leaves out is the fact that in that type of race for survival, several of our most efficient and most hard-working farmers will voluntarily leave the farm. Faced with a high degree of risk and continually narrowing margins, it becomes all too obvious to many of our sharpest young people that they can achieve greater economic rewards for the same amount of efforts in other forms of work. We cannot afford, socially or economically, to continue losing these people.

Many farmers in Minnesota who are hard pressed by the low corn and feed grain prices this fall are topnotch businessmen. Several would probably be considered efficient, even by Dr. Butz' standards. Being sharp businessmen, they will see that they are not getting any return for their labor when it costs 90 cents to produce a bushel of corn and they are offered only 88 cents a bushel in the market. Would General Motors spend $2,700 to build an automobile—then sell it for $2,640?

Mr. President, farm prices are the lowest they have been since the depths of the great depression. Many of our fine farm communities are depressed. Low farm income and reduced buying power of farmers can only lead to one result—stagnation of more communities. We cannot afford to allow this to continue.

The farmers and all Americans are entitled to know where Dr. Butz and the current administration stand on matters of farm policy. What will they do to better the critical situation which our farmers face? So far we have only the past record of the administration which has led us to the present overproduction and depressed price situation.

Concerning Dr. Butz, we also only have a past record on which to base our judgments. He has been an eloquent advocate of vertical integrators and conglomerate corporations which propose to either squeeze independent family farmers out of business or reduce them to the status of employees. Several of those forces have helped to create the current farm crisis.

Dr. Butz has long advocated a laissez faire type of agriculture. He loyally praised former Secretary of Agriculture Ezra Taft Benson for his alleged attempt to reduce surplus Commodity Credit Corporation stocks. In reality, during the Eisenhower-Benson years, CCC inventory increased fivefold—from $1.13 billion in 1952 to $5.37 billion in 1957.

During the Benson years, when other sectors of the economy were setting new highs in profits, wages were increasing, and other economic indicators were rising, the cumulative total loss of net farm income amounted to $14.2 billion. As a result of that dreadful decline in farmers' buying power, the Nation suffered a disastrous loss of smalltown businesses which had been dependent upon farmers for their volume and profits.

Mr. President, the time has come to redirect our priorities toward a revitalization of the countryside and this can best be started by preserving what we already have—the family farmer. Instead of forcing more people off the farm, we should be finding ways of keeping our fine young people on the farms and out of troubled, crowded cities. Polls have shown that 60 to 70 percent of Americans living in cities would like to live in the country. But, in fact, less than 20 percent of our people do live in rural areas.

Instead of forcing good farmers off the land, we should be rewarding them for their tremendous productivity performance. They are the envy, not only of other farmers over the world, but of other American businessmen as well.

Dr. Butz has not shown that he, as Secretary of Agriculture, would take steps to remedy the current depressed situation or that he will take steps to improve the long-run status of rural America; therefore, I cannot vote to confirm his nomination.

Mr. President, I have received hundreds of communications from farmers and rural businessmen in Minnesota opposing the nomination of Dr. Butz. I have made a selection of some of them, and I ask unanimous consent that some of the messages be printed in the Record.

There being no objection, the messages were ordered to be printed in the Record, as follows:

Minneapolis, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Washington, D.C.:

The nomination of Doctor Earl L. Butz as Secretary of Agriculture is unacceptable to Minnesota, great farming industry that I officially represent. A declining farm population and depressed farm economy could expect only hastened disaster from this chief architecture of the devastating policies applied during the sad administration of Ezra Taft Benson. Minnesota and American agriculture need a Secretary of Agriculture who will champion the cause of the family farmer essential to economic growth, rural development, and national population stability. Dr. Earl L. Butz in my opinion is at the opposite pole—a demonstrated champion of corporate farming. I strongly oppose the nomination of Dr. Butz.

John Wefald,
Commissioner of Agriculture,
State of Minnesota.

Owatonna, Minn.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Mr. Butz appointment as Secretary of Agriculture is a terrible mistake. Please do what you can to recitify this.

Leo Antl.

Sauk Rapids, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Washington, D.C.:

Dear Sir: We cannot and will not tolerate the approval of Earl Butz as Secretary of Agriculture.

Paul Wensmann.

Winthrop, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Ed and Dave Carlson.

Gibbon, Minn.

Winthrop, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of

Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

Francis Bigoauette.

Arlington, Minn.

Winthrop, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

Wilfred Landkammer.

Winthrop, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Roger Harbarth.

Gaylord, Minn.

Harmony, Minn.,
November 13, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Mr. Mondale: We believe the nomination of Mr. Butz for the new Secretary of Agriculture *Should Not* be confirmed by the Senate. We submit to you the following reasons:

1. As a director for the Ralston-Purina company he is not going to have the interests of the farmer at heart. Ralston-Purina is now in the process of integrating the hog industry as it has the chicken industry. With this type of background just how much does he know about the family farmer and his problems?

2. Serving under Ezra Taft Benson in the pro communist Eisenhower administration does he have the best interests of our great nation at heart?

Daniel Webster said: "Let us not forget that the cultivation of the earth is the most important labor of man. Unstable is the future of the country which has lost its taste for Agriculture. If there is one lesson in history which is unmistakable, it is that National Strength lies very near the soil." It is time to get a Secretary of Agriculture who believes in the family farm and will work to keep the family farmer farming!

Please vote No for Mr. Butz's confirmation as Secretary of Agriculture.

Yours truly,
Mr. and Mrs. Richard Kiehne.

Fairmont, Minn.,
November 16, 1971.

Dear Senator Mondale: I am writing in regarding to the appointment of Earl Butz as Sec. of Agri.

I understand he stands for corporation farming in this case I would strictly be against his appointment. We need a Secretary that would work in the best interest of the small farmer instead of getting rid of him.

I would like to see the corn be supported at a higher price. What good is our foreign markets, if I can't make any money at the price the Dept. of Agri. sets? In 1956 I sealed corn for $1.48, how in the world do they think we can produce corn any cheaper in 1971? We are suppose to have intelligent people in Washington, they are very intelligent when it came to raising their pay. However, we farmers are getting less for our products in spite of the fact that our operating expenses are costing us more each year. Just what in the world is the matter to expect us to take such a beating?

Something better be done in the regards to the price the farmer gets.

Yours truly,
Donald Wilson.

Brook Park, Minn.,
November 16, 1971.

Dear Senator Mondale: I am writing concerning the appointment of Dr. Butz as Secretary of Agriculture. I would like to see a man willing to support family-type farming in this position. I do not think Dr. Butz is this type of man and would like your support in fighting his nomination.

Sincerely yours,
Robert Monson.

State Bank of Worthington,
Worthington, Minn., November 15, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: The appointment of Earl Butz as Secretary of Agriculture is, in my estimation, an insult to the farm families of this nation. During the 50's when Mr. Butz was Assistant Secretary of Agriculture, his greatest efforts appeared to be directed toward the promotion of the corporate farm, and I think his business associations over the years substantiate that and the fact that he is not particularly interested in the survival of the family-type farmer.

On several occasions during his previous tenure in the Agricultural Department, I heard him address bankers' groups. The information he was giving at that time was so worded as to give a false and untrue picture of what was actually happening.

In my estimation, this appointment ranks in the same category as Carswell and Haynsworth, and I hope you will continue to vigorously oppose his confirmation.

Yours very truly,
John R. Troth,
President.

Lakeville, Minn.,
November 16, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

We, as family farmers strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. Vernon W. Jensen.

Waubun, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

Membership of Mahnomen County NFO strongly oppose Earl Butz as Secretary of Agriculture.

Ernest Stock,
Mahnomen County NFO Secretary-Treasurer.

Rochester, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

We find it deplorable that President Nixon has chosen Carl Butz for Secretary of Agriculture. We hope you will block this nomination on behalf of family farms.

Marvin Nelson.
Ray Peterson.
Thomas Heim.
Norval Johnson.

Kellogg, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

I protest the placement of Butz as Secretary of Agriculture.

Henry Rott.

Alexandria, Minn.,
November 17, 1971.

Hon. Walter Mondale,
Senate Office Building,
Washington, D.C.:

We oppose the nomination of Earl Butz for Secretary of Agriculture because he resists family farms.

Raymond Wagner.

Brandon, Minn.

Rochester, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Save rural America—keep Dr. Butz out of the Agriculture Department.

Mr. and Mrs. Paul Drenckhahn.

Minneiska, Minn.

Owatonna, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

I am a farmer and definitely opposed to Dr. Butz as Secretary of Agriculture.

Lester Buecksler.

Farmington, Minn.,
November 17, 1971.

Senator Walter S. Mondale,
Washington, D.C.:

Our personal opinion is that Earl Butz is worst possible choice for Secretary of Agriculture.

Mr. and Mrs. Robert Jensen.

Waseca, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

Stop appointment of Earl Butz as Secretary of Agriculture. We don't need corporation farms at expense of family farms.

Eldred Phillips.

Ruthton, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

We need solutions in Agriculture not more problems, keep Professor Butz out.

Delbert Erickson.

Balaton, Minn.

Holloway, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

I don't support the appointment of Doctor Butz as Secretary of Agriculture. Defeat this.

Robert Keene,
President, Swift County NFO.

Utica, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

We request your support in opposition to the appointment of Earl L. Butz as President Nixon's choice for Secretary of Agriculture.

Homer Mote.

Marshall, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

We do not feel that Earl Butz should qualify for Secretary of Agriculture.

Virgil Gregoire.

Lakeville, Minn.,
November 17, 1971

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

As dairymen, we ask you to vote no on Butz.

Fred Harris.

St. Cloud, Minn.,
November 17, 1971

Senator Walter Mondale,
Washington, D.C.:

We disapprove of Mr. Butz as Secretary of Agriculture.

Mr. and Mrs. Lawrennce Frehammer.
Sauk Rapids, Minn.

Wahpeton, N. Dak.,
November 17, 1971

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Request a no vote for Butz. He isn't for farmers.

James Hasbargen Wilkins Co.
Foxhome, Minn.

Lewiston, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Strongly oppose to Butz appointment to Secretary of Agriculture. Urge you work against it.

Paul Mueller.

Detroit Lakes, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

I oppose Butz for Secretary of Agriculture. He's no good for farmers.

Vernon Teiken.

Cologne, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Protesting appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. Nicholas Eiden.

Wabasha, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

We don't want Butz for Secretary of Agriculture.

Vincent Eversman.

Jackson, Minn.,
November 16, 1971.

Senator Mondale,
Washington, D.C.:

Vote down Earl Butz.

Wm. J. Roder.

Dodge Center, Minn.,
November 16, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Vote against the confirmation of Mr. Butz as Secretary of Agriculture.

Leroy Paulson.

Owatonna, Minn.,
November 16, 1971.

Senator Walter Mondale,
Washington, D.C.:

Urge you block Butz appointment, we need agricultural secretary who will work for family farmer.

Mr. and Mrs. Robert Springer.

Comfrey, Minn.,
November 16, 1971.

Senator Walter Mondale,
Washington, D.C.:

Definitely opposed to Earl Butz appointment for Secretary of Agriculture.

Donald Wiese.

Winthrop, Minn.,
November 16, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

Orville Saxton.

Heron Lake, Minn.,
November 17, 1971.

Senator Mondale,
Senate Office Building,
Washington, D.C.:

Before nomination of Butz, lots of people dissatisfied, request nonconfirmation.

Sincerely,

Keith Freking,
NFO President, Jackson County.

Mankato, Minn.,
November 16, 1971.

Senator Mondale,
Senate Office Building,
Washington, D.C.:

I oppose the appointment of Earl Butz for Secretary of Agriculture.

Dave Freking.
Heron Lake, Minn.

Montrose, Minn.,
November 16, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

We do not approve of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. Kenneth Pawelk.

Maple Lake, Minn.,
November 16, 1971.

Senator Walter Mondale,
Washington, D.C.:

Protest appointment of Dr. Butz.

Duane Bryant.

Vernon Center, Minn.,
November 15, 1971.

Senator Walter Mondale,
Washington, D.C.:

Urge you oppose nomination of Earl Butz.

John Corey.

Mora, Minn.,
November 15, 1971.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Sir: I would like to voice my opposition to the appointment of Earl Butz as Secretary of Agriculture. I do not think he would work for the best interest of the small farmer.

Sincerely,

Marvin Dresler.

Croakston, Minn.,
November 14, 1971.

Dear Senator: We are writing you to urge you to support any efforts to defeat the nomination of Earl L. Butz for Secretary of Agriculture. He is not a true representative of the family farmer and it's place in American Agriculture. His interests in agribusiness companies are in conflict with the honest efforts of the farmer. We will appreciate your efforts in our behalf.

Any assistance you can give Congressman Bob Bergland in his efforts to overhaul the Farmers Home Administration would be appreciated.

Thank you for your service to the farmers in Minnesota.

Sincerely,

Mr. and Mrs. Don Simmons.

St. Louis, Mo.,
November 16, 1971.

My Dear Senator Mondale: I do indeed hope that you will do all you know how to prevent Tricky Dick in his tricks to do who is politely called "Phase Out" the farm program—

This new stooge is no different than Cliff Hardin who they placed in a soft berth in Ralston. It took several weeks for Ralston to edge up for the deal after several Educational Institutions informed T. D. that they had "no place for him at this time."

So enter Butz. He is nothing more than a crude stand-in for Cliff.

His record is terrible. So please do to him what T. D. says to do to the farmer "Phase him out."

Your record is excellent. You did not fall for the Lockheed deal and the Penn Central deal.

Another thing, don't fall for these 2 Supreme Court stooges of T. D. They both are terrible, both actually are fit to go along with the Minnesota Twins Burger & Blackmun.

Thanks so much for your supreme efforts for us people in the past.

My good wishes, etc.

Chester J. Cadle.

St. Paul, Minn.,
November 15, 1971.

Hon. Walter F. Mondale,
Committee on Labor and Public Welfare,
Washington, D.C.

Dear Senator Mondale: I received your letter October 24 concerning the items on public school finance. Although they have not yet arrived I am still hoping they come for my future use.

The reason for this letter is to urge you to oppose or at least investigate the nomination of Mr. Butz to the position of Secretary of Agriculture. My opposition stems from his associates during the Eisenhower administration.

The American farmer cannot afford to have a re-incarnation of the Benson farm policies. I was farming with my father at the time of his disastrous plans, and well recall their effect. Benson's policies resulted in such a large surplus of corn and other feed grains that it took Freeman several years to get corn back to a decent level. The American farmer is not in good economic position today; more Benson-type ideas will only hasten the demise of the family farm in Minnesota and elsewhere.

My father was a solid Republican and Farm Bureau member until the Benson era. Since then, he's been death on Republicans as it relates to farm policy. That's how bad things got when Ezra T. had his way. If Butz still holds to that basic philosophy, woe to the American farmer. I implore you to investigate him thoroughly.

By the way, I'd appreciate receiving the 1971 edition of the Yearbook of Agriculture, and a copy of the 1971 Manpower Report to the President. Thank you.

Also enclosed is a change of address form for your records. Your newsletter still goes to Fairbault.

Thank you again for all your past assistance, and your worthy job representing Minnesota.

Sincerely,

Paul F. Thomas.

Owatonna, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I, as a farmer, am vigorously opposed to seating Dr. Butz as Secretary of Agriculture.

Bernard Dietz.

Rochester, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

Suggest you vote against Mr. Butz for Secretary of Agriculture.

Wayne Suhr.

Kasson, Minn.

Blooming Prairie, Minn.,
November 17, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

We are opposing the selection of new Secretary of Agriculture.

Mr. and Mrs. Isadore Gergen.

Fairmont, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

We don't need more butts in Washington. Too much emphasis on corporation farming now.

George Matson.

Trimont, Minn.

Wahpeton, N. Dak.,
November 17, 1971.

Senator Walter F. Mondale,
U.S. Senate,
Washington, D.C.:

I protest the appointment of Earl Butz, Wilkin County farmer.

Ellsworth Etten.

Rochester, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Save rural America. Keep Dr. Butz out of the Agriculture Department.

Mr. and Mrs. Alfred Drenckhahn.

Minneiska, Minn.

Rochester, Minn.,
November 17, 1971.

Senator Mondale,
Senate Office Building,
Washington, D.C.:

Vote against Butz farmers don't want him.

Loren Barnes.

Norwood, Minn.,
November 17, 1971.

Senator Walter Mondale,
Washington, D.C.:

I am against the appointment of Dr. Butz as Secretary of Agriculture.

Walter Kramer.

Rochester, Minn.,
November 17, 1971.

Senator Mondale,
Senate Office Building,
Washington, D.C.:

It is my desire that you vote against the appointment of Earl Butz.

Mrs. Hylah Durst.

Kasson, Minn.

Paynesville, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

We protest the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. Gerald Blonigen.

Willmar, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

We oppose confirmation Earl L. Butz as Secretary of Agriculture. Urge you work against confirmation.

Robert Lerohl.

Faribault, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

As a farmer I disapprove of Earl Butz as Secretary of Agriculture.

Gerhardt Blume.

Owatonna, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

I urge you to strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

Weldon F. Beese.

Owatonna. Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

I urge you to strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

Gene Phillips.

Cologne, Minn.,
November 17, 1971.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.:

Protesting appointment of Earl Butz as Secretary of Agriculture.

Carver County.

Waubun, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

We cannot accept Mr. Butz appointment as Secretary of Agriculture.

Martin Mattsen.

Watertown, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Washington, D.C.:

Am protesting appointment of Butz. He's not for family farm.

Mr. and Mrs. Joe Neaton.

Thief River Falls, Minn.
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Roy Mehrkens.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Jens Steen.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Clayton Johnsrud.

Goodrich, Minn.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Butz as Secretary of Agriculture.

Lewis L. Stenseth.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building, Washington, D.C.:

Studying the situation I protest the appointment of Earl Butz as secretary of agriculture.

Donald L. Erickson.

Plummer, Minn.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale
Senate Office Building, Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Edward L. Stucy.

Goodrich, Minn.

Spirit Lake, Iowa,
November 18, 1971.

Senator Walter Mondale,
Washington, D.C.:

As a family farmer we oppose the nomination of Earl Butz for Secretary of Agriculture.

Bernard Arp.

Jackson County, Minn.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Bennie Johnson.

Goodrich, Minn.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Jke L. Chenestad.

Oakley, Minn.

Thief River Falls, Minn.,
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Albert Katrba.

Goodrich, Minn.

Thief River Falls, Minn.
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I do not approve of Butz as Secretary of Agriculture.

Gate H. Anderson.

Thief River Falls, Minn.
November 18, 1971.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

Russ Culkins.

ROTHSAY, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I strongly protest the appointment of Earl Butz as Secretary of Agriculture.

Sincerely yours,

WALTER JERGER.

DETROIT LAKES, MINN.,
November 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We protest nomination of Butz as Secretary of Agriculture. We need a friend of farmers.

JAMES G. JOHNSON.

WAHPETON, N. DAK.,
November 18, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Oppose Butz appointment. Need man who understands farmers' problems.

VICTOR RADIG BRECKENRIDGE.

SAUK RAPIDS, MINN.,
November 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We protest the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. JEROME MEHRWETH.

DETROIT LAKES, MINN.,
November 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

I protest nomination of Butz as Secretary of Agriculture. We need a friend of farmers.

JAMES G. JOHNSON.

GALLAWA, MINN.

BELGRADE, MINN., *November 18, 1971.*

Senator WALTER MONDALE,
Washington, D.C.:

I want to protest the appointment of Mr. Butz as Secretary of Agriculture.

MARVIN H. MORRISON.

BELGRADE, MINN., *November 18, 1971.*

Senator WALTER MONDALE,
Washington, D.C.:

We protest the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. GEORGE GLIEDEN.

MEDFORD, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Am opposed to Butz for Secretary of Agriculture. Urge you oppose confirmation.

ALPHONSE WENCL.

ROCHESTER, MINN.,
November 17, 1971.

Senator MONDALE,
Washington, D.C.:

I am protesting the appointment of Butz for Secretary of Agriculture.

JOHN H. WELTI.

PLAINVIEW, MINN.

OWATONNA, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Earl Butz is not Agricultural man. I ask you not confirm his appointment.

ART CROFT.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

ARNOLD HILESHEIM.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

ARNOLD LAND.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

DONALD SCHILLER.

BROWNTON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

CLAYTON OVERSON.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

WALTER LEHRKE.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

MELVIN SCHUET.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is no no for family farmers.

SAM WHITE.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

OLIVER KROMMER.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

RICHARD KUPHAL.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

DEAN BRUNS.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

PAUL YOUNG.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

KENNETH GLEISNER.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

RUEBEN NOTHWEHR.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

CHARLES WOODS.

WINTHROP, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

BEN KEHR.

GAYLORD, MINN.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

Robert Rubischko.

Gibson, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmers. Push for a nomination of a farming farmer.

Walter Bushard.

Gibbon, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmers. Push for a nomination of a farming farmer.

Melvin Litzau.

Glencoe, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Arnold Johnson.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Robert Kizer.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Dennis Fischer.

Owatonna, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Washington, D.C.:

Oppose Earl Butz for Secretary of Agriculture.

Eugene Motl.

Blooming Prairie, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Wallace Benson.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Roman Jaus.

Gibbon, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

Elmer Kuphal.

Gaylord, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

Harold Groehler.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

Maynard Rucks.

Henderson, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

Harvey Stolz.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

Art Wisch.

Arlington, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

Kenneth Skaro.

Gaylord, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Tom Fogerty.

Belle Plaine, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Clarence Anderly.

Henderson, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Clifford Oakland.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Victor Kalbaske.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Rueben Jutz.

Gibbon, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Larry Buche.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Al Donney.

Greenisle, Minn.

Winthrop, Minn.,
November 17, 1971.
Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

Emmett Dressen.

Henderson, Minn.

WINTHROP, MINN.,
November 17, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

KENNETH PESCHAU.
ARLINGTON, MINN.

WINTHROP, MINN.,
November 17, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

JOHN FLOOT.

WINTHROP, MINN.,
November 17, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

RAY LUDOWESE.
STEWART, MINN.

WINTHROP, MINN.,
November 17, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

VERN PAULSON.

WINTHROP, MINN.,
November 16, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

LEROY BRIEST.
GAYLORD, MINN.

WINTHROP, MINN.,
November 16, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

MARVIN STARK.
GIBBON, MINN.

WINTHROP, MINN.,
November 16, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

DON PROST.
HENDERSON, MINN.

WINTHROP, MINN.,
November 17, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

KENNETH NARR.
ARLINGTON, MINN.

WINTHROP, MINN.,
November 17, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

GORDON POWERS.
GLENCOE, MINN.

WINTHROP, MINN.,
November 17, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

CLARENCE HARBAREARTH.
GAYLORD, MINN.

ROSEMONT, MINN.,
November 16, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We as family farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

DONALD GERONIME.

WINTHROP, MINN.,
November 16, 1971.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

HARLAN LAUWAGIE.

WILMONT, MINN.,
November 16, 1971.
Senator WALTER F. MONDALE,
Washington, D.C.:

We strongly oppose having Earl Butz as Secretary of Agriculture.

A. W. LOOSBROCK.

WILMONT, MINN.,
November 16, 1971.
Senator MONDALE,
Washington, D.C.:

We strongly protest the appointment of Butz as Secretary of Agriculture.

Mr. and Mrs. MARV RADNER.

WILMONT, MINN.,
November 16, 1971.
Senator MONDALE,
Washington, D.C.:

We strongly oppose having Earl Butz as Secretary of Agriculture.

Mr. and Mrs. B. SUERSTENBERG.

KENNETH, MINN.,
November 16, 1971.
Senator MONDALE,
Washington, D.C.:

We strongly oppose having Earl Butz as Secretary of Agriculture.

Mr. and Mrs. CLETIS SPEIKER.

BUFFALO, MINN.,
November 16, 1971.
Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We protest the appointment of Mr. Earl Butz as Secretary of Agriculture.

Mr. and Mrs. HARVEY BEHRENBRINKER.

LAKEVILLE, MINN.,
November 16, 1971.
Senator WALTER MONDALE,
Washington, D.C.:

We as family farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

CLINTON ZWEBER.

LAKEVILLE, MINN.,
November 16, 1971.
Senator WALTER MONDALE,
Washington, D.C.:

We as family farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

E. M. SAUBER.

NORTHFIELD, MINN.,
November 17, 1971.
Senator WALTER MONDALE,
Senate Office Building, Washington, D.C.:

As a family farmer I oppose Earl Butz as Secretary of Agriculture.

HAROLD AND JOAN QUINNELL.
RANDOLPH, MINN.

MANKATO, MINN.,
November 17, 1971.
Senator WALTER MONDALE,
Washington, D.C.:

As farmers we do not want Earl Butz as Secretary of Agriculture.

Mr. and Mrs. HAROLD BELGARD.
GARDEN CITY.

STANCHFIELD, MINN.,
November 18, 1971.
Senator WALTER MONDALE,
Senate Office Building, Washington, D.C.:

Urge you oppose Mr. Butz appointment as Secretary of Agriculture.

RAY SUNDERMEYER.

HUGO, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Strongly urge you to reconsider the appointment of Earl Butz as Secretary of Agriculture.

LARRY W. EHRET.

SPRING VALLEY, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Don't want Butz for Secretary of Agriculture. Like putting fox to guard henhouse, all new wealth comes from the land. U.S. short billions of dollars as result of robbing farmers for years Read book Unforgiven.

GEORGE HEIDTKE.

Mr. SPARKMAN. Mr. President, the Mobile, Ala., Press Register, on Sunday, November 14, 1971, published an editorial entitled, "Waste of Vital Resources." The editorial deals largely with some very urgent warnings expressed by the very able and conscientious Representative from Mississippi, Mr. JAMIE WHITTEN. JAMIE WHITTEN has been in Congress for more than 30 years. He has been intimately connected with farm problems and difficulties. His warning is against the wasting away of two of our greatest natural resources—two of our greatest assets in this country—timber and fertile soil.

I hope that every Senator will read his timely warning, and I hope that all of us may take it to heart.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WASTE OF VITAL RESOURCES

Inaccurate as it might be to say that vital American natural resources are vanishing. Rep. Jamie Whitten of Mississippi has sharply focused the spotlight on diminishing natural resources in this country.

He names timber and fertile soil as two conspicuous examples of what is happening.

"About 150 years ago," he told his congressional colleagues the other day, "this country had 8,000 billion board feet of timber. Today we have around 1,600 billion feet left—only 20 per cent of the original stand."

This decline is cause for concern. Mr. Whitten says of the problem:

"This terrible waste of timber resources points up the extent to which our highly competitive economy can deplete a national asset in the generation of new wealth.

"It points up the need for continuing and expanding conservation efforts on a national basis."

Turning from timber to soil, the Mississippi congressman had this to say:

"Only 175 years ago we had 500 million acres of fertile soil in this nation. We have already wasted 200 million acres—40 per cent—and another 100 million acres— 20 per cent—is washing away today.

"It has been estimated that an average of 40 acres of topsoil flow down the Mississippi River each day of the year. Also, estimates are that more than one million acres of arable land are lost to residential areas, highways and other urban developments each year."

This is an alarming drain on two vital natural resources—timber and soil.

Of course much is being done to better protect these vital resources from waste. But quite plainly more could well be done, because the nation cannot afford to see the wasteful drain continue indefinitely.

For the drain of waste to continue much longer would mean not simply diminishing natural resources but vanishing natural resources. Mr. Whitten makes the point in a few words: "Our soil is not an inexhaustible resource."

RIGHTS OF THE MENTALLY RETARDED AND PHYSICALLY HANDICAPPED

Mr. KENNEDY. Mr. President, I wish to emphasize the importance of the resolution on the rights of the mentally retarded and physically handicapped, which I have cosponsored. The resolution would put Congress on record as recognizing the rights of these disadvantaged individuals to the same basic opportunities and protections which are afforded to other citizens.

The resolution would recognize the rights of the mentally retarded and physically handicapped to; proper medical care and physical restoration; education, training, rehabilitation, and guidance; economic security and a decent standard of living; the benefits of family life and community participation; the protection of a qualified financial or legal guardian when necessary; and protection from exploitation, abuse, and degrading treatment.

I and my family have long been concerned with the problems of the mentally retarded. After the Second World War my parents established the Joseph P. Kennedy, Jr. Foundation in memory of my oldest brother. The foundation has been devoted to alleviation of mental retardation. Over the past 25 years the foundation has sponsored a variety of programs for the mentally retarded, including research, treatment, training, physical fitness, professional training, and programs of public understanding. Perhaps the best known example of these efforts are the special olympics for the mentally retarded, which have demonstrated their determination and ability to excel at athletics.

From our work with the retarded, we have learned to respect and admire their great courage and capacity to contribute to society and to enjoy life to the fullest, when afforded the opportunity to do so.

The resolution would be an important step toward assuring them those opportunities and protections to which all human beings are entitled.

The United Nations General Assembly will be debating a similar resolution later this month. At the meeting of the United Nations Commission on Social Development last March, 22 nations expressed their support of a Declaration of the Rights of the Mentally Retarded.

It is important now for the U.S. Congress to signify its firm support for this important advance in human rights. I urge all Members of the Senate to support the resolution.

COMBATING ALCOHOLISM

Mr. MAGNUSON. Mr. President, a recent series of articles by Don Duncan of the Seattle Times draws attention to a serious problem faced by almost every American community.

Mr. Duncan's perceptive reporting has resulted in what I believe to be an excellent portrayal of how one community is combating alcoholism. The Seattle-King County Commission on Alcoholism has commended the Seattle Times and Mr. Duncan for the service they performed in this highly informative series.

In order that more people may have a chance to learn of this work, with potential value to every community, Mr. President, I ask unanimous consent that the series of articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Seattle Times, July 18, 1971]

THE TIMES LOOKS AT ALCOHOL PROBLEMS

(By Don Duncan)

Today The Times begins a series on alcohol that may be educational, controversial, depressing or enlightening, depending upon one's viewpoint.

It is not intended to be the last word on the subject. But, hopefully, it will trigger level-headed discussion.

Some historians feel alcoholic beverages from fermented berries may have predated the wheel in man's slow climb from caves to split-level homes.

For many, alcohol has been a joy. For others, a curse.

Fifty million adult Americans are said to drink alcoholic beverages socially with no measurable ill effects. Although their alcoholic consumption may vary considerably, they exhibit rather uniform, controlled behavior patterns when drinking.

These "I-can-take-it-or-leave-it" drinkers enrich the public coffers with their beverage purchases. And they probably will chuckle, rather than be defensive, over these words once penned by Dr. William Osler, noted physician:

"Alcohol does not make people do things better; it makes them less ashamed of doing them badly."

For these responsible drinkers and for the estimated 27 per cent of adults who are teetotalers or who drink so seldom as to be statistically negligible, this series will touch their lives only as they can relate to the less-fortunate persons who do not, and often cannot, drink responsibly.

For those who have a problem with alcohol—either occasional or chronic—and for their spouses, children, relatives, friends and employers, this series may mean far more. They, too, number in the millions.

Dr. James Milam, psychologist and co-founder, with Dorris Hutchison, of Alcoholism Center Associates, Kirkland, puts society's dilemma over alcoholism this way:

"We do not outlaw sugar just because some people have diabetes. We should not outlaw alcohol just because some people are alcoholics.

"But no thinking person suggests we should not have researched the causes of diabetes and found the controlling agent, insulin. We cannot in good conscience do less with the tragic and fatal disease known as alcoholism."

[From the Seattle Times, July 18, 1971]

ALCOHOL—THE DOMINANT DRUG

(By Don Duncan)

Alcohol is this nation's most used drug—not marijuana, or "speed" or heroin. Researchers estimate alcoholics outnumber other "drug-dependent" persons by about 60 to 1.

If heroin is a quick plunge into hell, alcoholism can be likened to death on the installment plan.

Alcoholism—a progressive and finally total breakdown of the body's resistance to the depressant drug, alcohol—has been called the nation's No. 1 public-health problem.

But few seem to really believe it.

The mental block is explainable. While the disease of alcoholism is not socially acceptable in most circles, the causative agent, alcohol, is. Thus our hesitancy to make a serious, massive assault on the problem.

36 MILLION ARE PROBLEM DRINKERS

Dr. Morris E. Chafetz, head of the National Institute on Alcohol Abuse and Alcoholism, said recently there are 36 million problem drinkers in this nation.

Of that number, Dr. Chafetz added, 9 million are full-blown alcoholics. That figure is rising by 100,000 a year.

Our nation's alcoholic population is equal to every man, woman and child in the states of Washington, Oregon, Idaho, Nevada, Utah, Montana, Alaska and Hawaii.

Alcoholism is highest in urban areas. But suburban housewives compose the fastest-growing group of alcoholics and problem drinkers.

San Francisco, often called the nation's most sophisticated city, also holds the dubious distinction of having the highest alcoholism rate.

55,000 ALCOHOLICS IN KING COUNTY

The Seattle-King County area has an estimated 55,000 alcoholics and about 200,000 problem drinkers—more than 60 per cent of the state's total.

Alcoholism researchers say alcoholics die an average of 10 to 15 years sooner than do social drinkers or non-drinkers.

Dr. Chafetz says the disease of alcoholism claimed 86,000 lives nationally last year, excluding traffic accidents. Only France, which has annual per capita consumption of 65 gallons of wine, has a higher rate of cirrhosis of the liver.

Cirrhosis is the most common organic cause of death in alcoholics, although victims of alcoholism also are more prone to cardiovascular and pulmonary ailments.

Many alcoholics have a more lingering, tragic end, however—incarcerated in mental institutions or walking the streets with permanent brain damage.

Excessive use of alcohol—.1 or more alcohol in the bloodstream—has been linked to at least 50 per cent of the nation's 56,000 annual motor-vehicle fatalities.

Every two years, on the highways alone, irresponsible drinkers account for more than our total loss of lives in Vietnam.

Our state had 871 traffic fatalities last year. A recent Washington State Safety Commission report indicated alcohol-related traffic deaths in the state are up 27 per cent so far this year.

10,000 DRINKING DRIVERS ARRESTED

There were 10,000 arrests in King County last year for driving while intoxicated. About 12 per cent of those arrested were repeat violators.

Jack Nelson, director of the State Department of Motor Vehicles, estimates that 5 to 7 per cent of all drivers on the highway have a serious drinking problem.

The costs of alcoholism are enormous. The debit side of the ledger for one of the great tax producers is only beginning to be calculated.

Dr. Chafetz says alcoholism costs $15 billion annually in injuries, property damage and welfare.

A United States Senate subcommittee on alcoholism last year estimated that an alcoholic costs his employer 25 per cent of his salary because of poor performance, higher accident rates and absenteeism.

A spokesman for the National Council on Alcoholism has estimated the annual cost to industry at between $4 billion and $7.5 billion, with the larger figure probably more realistic.

It would be impossible to put a price tag on the lives lost or the shattering impact of alcoholism on marriages and children.

In Los Angeles County, which keeps detailed records, alcohol was found to be a primary cause in 75 per cent of divorces. In King County, alcohol was found to be a contributing factor in 30 per cent of 100 divorce cases taken at random.

Alcoholics Anonymous, the world-wide organization dedicated to helping alcoholics, has a rule of thumb that every alcoholic has a profoundly tragic effect on the lives of at least seven persons.

Americans spend an estimated $20 billion annually on alcoholic beverages of all types.

The number of beverage labels is enormous. The Washington State Liquor Control Board last year received samples of some 33,573 different distilled-spirit labels and 36,007 brands of wine available in the United States. Figures on beer labels were not readily available.

Dr. James Milam, psychologist and president of Alcoholism Center Associates, Kirkland, estimates that the nation's 9 million alcoholics account for about half the sales.

"Since alcoholics outdrink social drinkers, 10 to 1, they are the major consumers of the product that is killing them," Dr. Milam said.

In Washington State, $166 million worth of liquor, wine and beer was sold last year. This amounted to 77.2 million gallons of all types of alcoholic beverages, excluding sales on military establishments. That works out to 22.89 gallons for every man, woman and child in the state, or a 7.92 per cent increase over 1969.

By way of perspective, the money spent on alcoholic beverages in this state last year would have built 10 domed stadiums, financed 28 school levies similar to the one defeated with such disastrous results in the Shoreline School District, or paid the salary of the state's governors for the next 5,000-plus years.

LIQUOR SALES UP DESPITE RECESSION

Despite the most severe recession in the state since the depression of the 1930s, liquor sales for December, 1970, were up 3.34 per cent over the preceding year. A decline in hard-liquor sales has been compensated for by more sales of beer and wine.

Some $62.5 million in liquor profits, taxes and license fees was distributed this year to various arms of government throughout the state. The annual tax windfall is much prized by its recipients.

About 2 per cent went into alcoholism treatment and research.

A Deadly Way of Life in America: Few Voices Are Raised Against Billion-Dollar Disease

Americans, become indignant over smut in the mails, reports of diluted hamburger, unsolicited credit cards and the cutting of a favorite tree—none of which is fatal.

But few voices are raised over a monumental and deadly disease like alcoholism, which destroys lives and costs billions of dollars.

Hard liquor, wine and beer are the legal, accepted social lubricants in our nation. The frosted glass, the amber fluid in the bottle, the tinkling ice are a way of life in many circles.

Beer belongs. Wine is friendly. Whiskey denotes men of distinction. There's pride in being able to afford an expensive brand of Scotch.

Alcoholic beverages are consumed by leaders of government, business, the professions and, in many instances, the church. One man unwinds with his six-pack, another with his martinis.

"Belong" or not, its existence can no more be denied than our rainy weather.

It is consumed in considerable quantities by many of our lawmakers when they are deliberating in Olympia. The Heads Up Center, which fights drug and related problems among Eastside teenagers, had a cocktail party as a fund-raising device a few years back.

It is considered masculine for one to be able to "hold his liquor." But there is more than a little tolerance for those who cannot, until they become burdensome.

The drunk, as a sort of lovable, laughable W. C. Fields, is part of American folklore, a staple movie comic—at least until "The Lost Weekend" and "Days of Wine and Roses" depicted him as far more tragic than funny.

The disease of alcoholism cuts across all social and economic lines. No one who drinks has a built-in tolerance endowed by education, accomplishment or moral virtue. But there are some indications that certain ethnic and cultural backgrounds that have used alcohol since antiquity may be less prone to the disease, perhaps through an evolutionary weeding out of alcoholics.

The "may" should be emphasized. Studies have shown that Jews who have fallen away from orthodoxy have a rising rate of alcoholism and may have lost some of their "immunity" to the disease.

We swept our social debris—the unesthetic public inebriate—from Seattle's sidewalks with 10,145 arrests in 1969. A third were repeaters.

A Senate subcommittee on alcoholism reported that of the nation's 5.8 million arrests in 1969, 1.9 million—or a third—were related to the misuse of alcohol.

Police traditionally have been reluctant to interfere in family squabbles often very physical, that grow out of alcohol abuse.

The man who commits a crime "under the influence" is not necessarily excused, but he is understood by many in society who recall their own occasional excesses and think, "There but for the grace of God . . ."

There persists in the public's mind the belief that alcoholics are unshaven, out-of-work bums staggering on the streets and sleeping on benches. Yet only 3 to 5 per cent of alcoholics fit this Skid Row image of wretchedness.

The overwhelming majority of alcoholics function, to greater or lesser degrees, on jobs and as housewives, until they hit bottom and accept their disease or until they die or suffer incapacitating brain damage.

An alcoholic is one who has been diagnosed by a physician or one who admits to himself and to others that he is very sick and no longer has any control over alcohol.

There is no such thing as a "cured" alcoholic. The disease of alcoholism is incurable. Alcoholics do, however, recover through total abstinence.

Millions affected by alcoholics have tried once, twice, even 100 times to prove that once recovered they, too, can "drink like a man" or "learn to drink like a lady." Always and unfailingly the results have been disastrous.

There are in King County some 20 agencies, variously funded and offering a wide variety of alcoholism services, aimed primarily at the indigent 5 per cent of the population and the marginally poor 15 per cent.

The remaining 80 per cent have the option of using some of these facilities, going elsewhere in the state or nation for treatment or entering one of the three private treatment centers here—Shadel Hospital, Alcoholism Center Associates or The Studio Club.

There has been a tendency in the past for various lay and professional workers in the field of alcoholism to regard their methods as "the best" and often "the only way to deal with the problem."

Psychiatrists, social workers, physicians, recovered alcoholics, temperance groups and Skid Road missions, too often have guarded their little empires.

While some jealousies continue, there is far more dialog between agencies, public and private, than ever before. All involved with the problem of alcohol abuse are coming to realize that just as alcoholics differ in personality, if not in physiological dependence upon alcohol, so they will respond in different ways to the variety of approaches aimed at arresting their illness.

But any approach is worthless that is not rooted in absolute, continuing sobriety.

One hears frequent reference to treating the "whole man," a recognition that not only his physical, but also his psychological and spiritual needs must be met if he is to attain and continue sobriety.

And the treatment must not stop there. It also must be buttressed by family counseling and a host of related social services.

There are signs of stepped-up public education on alcoholism, an area which with few exceptions has been pitifully meager compared to the powerhouse programs aimed at socially unacceptable drugs.

There still is a reluctance on the part of some professional as well as laymen to do more than pay lip service to the diagnosis of alcoholism as a recognizable, patterned, treatable "disease."

No less than the American College of Physicians, in pointing up the urgency of dealing with alcohol as a health problem in its meeting last spring, termed alcoholism a "disease," an "addiction" and a "habit" in various places in its report.

Medical-insurance plans, many hospitals and a vast majority of the nation's businesses long have pointedly ignored the alcoholic, literally signing his death warrant through apathy or ignorance.

Dr. James Smith, director of Shadel Hospital, says he is "not about to bless marijuana today.

"Furthermore," Dr. Smith adds, "if I had sat on a Food and Drug Administration board 7,000 years ago I'd have turned down alcohol."

Quick Primer to Danger Signals—Where do You Fit in?

A quick primer on the danger signals of alcoholism once was prepared by Dr. Paul O'Hollaren, former director of Shadel Hospital.

Dr. O'Hollaren's scientific chart, resulting from case studies of men who began drinking at ages 18 and 19, frequently is cited by local researchers.

It ranges from a developmental zone to an overt-alcoholism zone to a deterioration zone.

The total elapsed time from social drinking to the deterioration phase is about 18.4 years.

How do you stack up?

Developmental zone: Social drinking, once a month, once a week, faster, more doubles, more drunk, drunk anytime he drinks, jealously protects his supply for the weekends.

Overt alcoholism zone (optimal treatment phase): Drinks before breakfast, drinks alone, drinks to still hand tremors, requires far less than normal amounts to get drunk, has blackouts, admits the problem to himself and finally to others.

Deterioration zone: Delirium tremens, general fatigue, sleeplessness, extreme vitamin deficiency, extreme nervousness.

Some alcoholics skip a few steps. A few have been known to accelerate the schedule to as little as 12.5 years. Others have stretched it out.

But the average age for men at Shadel, the "high-class" treatment center, and at Cedar Hills Treatment Center in Maple Valley, for court referrals, is identical: 42.5.

By not remarkable coincidence, the average age of Skid Roaders and others brought into the Seattle Treatment Center from the drunk tank is 43.

The bank president and the so-called bum usually get there about the same time.

Dr. James Smith, present director of Shadel, says the only reason the president of General Motors wouldn't wind up on Skid Road if he were an alcoholic is that "his bank account would hold out longer than his liver."

[From the Seattle Times, July 19, 1971]

Alcoholics Anonymous—Salvation of Thousands

(By Don Duncan)

Sometimes you get in on a birthday party, complete with cake and "Happy Birthday," marking one, two, three or maybe 20 years since someone was "reborn" into sobriety.

Other times you just sit and absorb the friendly atmosphere and drink coffee. Alcoholics drink enough coffee to float the Skagit Belle.

There are 67 Alcoholics Anonymous groups in the Seattle-King County area. There are 90 A.A. meetings a week. Earlybird, noon and night.

A white-collar worker or an executive secretary may feel more comfortable at a Laurelhurst-Windermere meeting, or at one on Mercer Island or the fastest-growing of all, in Bellevue.

Those who prefer a greater socio-economic mix, might find Fremont or Ballard or West Seattle more to their liking.

Vern H., who puffs his pipe and dispenses information at A.A. intergroup headquarters, Fourth and Pike Building, can steer you to the right one. Dial MA 3-3909 for help 24 hours a day.

Vern might even bend your ear with his patented joke:

"We expect you to go to 90 A.A. meetings in 90 days at the outset. Then if you don't like us, we'll refund your misery."

A.A. was founded in 1935 by a former New York stock broker and an Akron, Ohio, surgeon. Photographs of the late Bill W. and Dr. Bob are in every A.A. meeting room in the world. That is a lot of photographs, because there are some 10,000 local A.A. groups in this country and Canada and countless more in 90 other countries.

A.A. is nonprofit and accepts no contributions from any but its members. Members foot the bills for all their expenses and hall rentals.

Take a typical A.A. meeting on a recent rainy night. Maybe 30 men and women sat around the table. A young man lurched up the steep, long stairway and plopped into a chair next to the wall. He was not part of the circle, but it was his third such visit in three days. He was moving closer and nobody wanted to scare him away.

First names only are used. And when a speaker identifies himself, a cheery "Hi, Don," "Hi, Charlie," or "Hi, Gladys" rings in the room.

They all start the same way, just as Dr. Bob and Bill W. taught them. "I am Bill W. and I am an alcoholic." It is not an easy admission to make the first time.

They tell their stories in testimonial style, the way those reborn in Christianity or faith-healed used to do in midweek prayer meetings. Each had sunk to his personal bottom and then climed out of the pit, occasionally falling back but oh so grateful that A. A. was his lifeline.

Many speak of their dependence upon the serenity prayer adopted by A. A.:

"God grant me the serenity to accept the things I cannot change, courage to change the things I can, and the wisdom to know the difference."

It contrasts sharply with paintings on the walls—of men on park benches, stupified by alcohol, while the raw winter winds swirl around them.

"I'm Chuck and I'm an alcoholic."

"Hi, Chuck."

Chuck could identify with the members of A. A., "because whether we're from the Skid Row or the Top of the Hilton, we're all alcoholics."

"I'm Lee . . ." Lee is a woman of middle age, and she shows every one of her years.

"I drank all my adult life," Lee said. "I was married to a naval officer. The height of his ambition was to teach me to drink like a lady. I couldn't. I drank myself right out of the marriage, and I married myself a drinking buddy the second time. I learned to mix amphetamines and other drugs with alcohol to speed the effect. That, I can tell you, is a quick way to the grave."

Lee continued:

"My last marriage was violent. And I was the most violent part of it. I came to my first A.A. meeting drunk. I tried to talk and I cried. That was three years ago. I fell back once. It took 11 months for me to get straight again.

"My son is hung up on drugs. My daughter has had three nervous breakdowns. I come to six meetings a week. Sometimes I'm happy. Sometimes I'm desperate."

"Hi, George . . ." George is graying. He chews on his pipe. He says:

"It works. A. A. works. Many days you ask yourself why can't I drink? Why did this have to happen to me? I spend a few years and many thousands of dollars practicing learning to drink.

"I tried all the tricks—eating first, sticking to the same brand, sipping water or olive oil to soak it up, and no matter what I did I wound up drunk, on beer, on hard stuff on anything.

"I made jail. I ran into ditches. I never figured I drank too much. Everybody else did, but not me. To prove I could take it or leave it, I mashed a fifth of whiskey on the sidewalk. I'd show them.

"Then I made a beeline for the nearest saloon."

"I'm Frances, and I'm an alcoholic." Frances was a little older than most in the room, a frail, fidgety woman. She has a 20-year-old son, a top student in high school and a 4.0 average his most recent quarter at the University of Washington in chemistry and physics.

Frances spilled out her story:

"He came to visit me tonight to show me his latest grade sheet. Tall, golden blond hair and such a nice smile. I wanted to hug him and tell him to please come back to me. But he won't.

"He left because of my drinking, and I thought to myself tonight, 'Oh, God, what did I do? I was a wino, a 24-hour-a-day wino. I drank myself into a stupor the night of my son's high-school graduation party. I just lost a couple of days of my life. I see him and I don't know how I could destroy anything so precious."

Ann is a pretty woman. She comes to A.A. to "keep my sanity." She added:

"I have lots of false pride. It is a minute-by-minute struggle, sobriety. Everything I go into, I go into with both feet. I went into drinking that way."

"I'm Jim . . ." Jim is good-looking, husky, partly gray.

"I try to come here daily. I'm not overwhelmed by everything I hear here. I get discouraged by my own inarticulateness at times. I've been able to accept the idea I don't have to drink, though. I hung onto the old idea for a couple of months. I'd think, 'I'll go out of town and drink and nobody in A.A. will be the wiser.' But the third time I did it, the idea went away."

"I have accepted the idea that this higher power—call him God—wouldn't lay on me any troubles he wouldn't give me the strength to handle. I lived 25 years in ding-a-ling land. I did a lot of damage to my children, who aren't children anymore. What can one do to apologize? I guess we being making amends when we stop acting like psychos."

"I'm Barney . . ."

At the conclusion, all stood, bowed their heads and recited The Lord's Prayer.

The young inebriate reeled from his chair and managed to negotiate the long, steep stairway once more.

The words of a local Catholic priest who recovered from alcoholism came to mind.

"A.A. works because God works."

[From the Seattle Times, July 20, 1971]

Al-Anon and Alateen: Help Through Understanding

(By Don Duncan)

The setting was a church rectory on Capitol Hill. Suzy said:

"The best thing I learned was that I wasn't the reason for his drinking. When I accepted this, I then realized I couldn't change him. I then changed my life to raise my kids better. My daughter is starting to smile and talk now."

Suzy is a member of Al-Anon, an organization for the spouses of alcoholics. There are 32 Al-Anon groups in the Seattle area and male members are welcome, too. Eastside groups have a particularly large number.

Elsewhere in the city that night another meeting was going on. The setting was an upstairs room in a rather ramshackle building. Youngsters sat around sipping soft drinks, a few smoking, and always talking.

Ann: "They forget things they say they'll do, like promising to take you fishing. 'Just wait till next month or next summer,' he'll say."

Bill jumped in with: "My mother is always saying, 'Where did I go wrong?' And my dad, he cries when he gets drunk. I wouldn't believe it the first time my dad cried. Dads are supposed to be strong. It really tears you to see them cry."

The graying woman leading the discussion said, "Everybody in the family is sick when someone drinks. We continue to love them and try to understand their problems."

Ann and Bill are members of Alateens, an organization for the teen-aged children of alcoholic parents, one or both. They have six weekly group-therapy sessions throughout Seattle.

Both Al-Anon, started by the wife of a founder of Alcoholics Anonymous, and Alateens are separate from A. A. But their programs are patterned after A. A.'s 12-step approach to sobriety.

The difference is that while A. A. members admit their powerlessness over alcohol, Al-Anon and Alateen members admit their powerlessness over an alcoholic mate or parent and they try to bring order out of their chaotic lives through shared understanding.

For further information about either group write to Al-Anon Information Service, P. O. Box 1361, Seattle 98102, or call CH 6–0767.

The women in the church rectory were of all ages—married, separated, divorced. They had all tried pleading, crying, threatening and arguing. My, how they argued.

The boys and girls in the cramped upstairs room were caught in the middle, frequently put on the spot to arbitrate quarrels between their parents that were more childish than any they saw on the playground. Sometimes siding with one parent or another brought a physical beating.

Many spoke up at the Al-Anon meeting.

Beth: "I realize now I was often wrong in my reactions to his drinking. I was better off when I let him suffer the consequences of his mistakes than when I tried to bear them for him. One day when the boss called and my husband had a terrible hangover and said, 'Tell him I'm sick,' I just said very coolly, 'Here's the telephone, make your own excuses.' "

Shirley: "My husband fell off once on a recent two-week trip. In the past, I'd have blown up at him. But I handled it very serenely. When he got home, he'd gone long enough, though, and he really fell off. But I have learned not to fight with him."

Virginia: "I've learned through Al-Anon that the only person I can manage is myself. We're separated now. I understand he has been sober six weeks."

Dorothy: "Our boy is straightening out now. I'm grateful. I go twice a week to Al-Anon meetings."

Marg: "My greatest discovery is that allowing people to be dependent upon you is a sign of weakness, not strength."

Julie: "I try not to think of the past or the future, but to live today. Each morning is a new birth. Each evening is a death."

Sally: "Last Thursday was one of the roughest days of my life. My divorce was final. But I divorced him with love and not hate. If I'd gone on any longer, it would have been with hate. I simply couldn't afford to pay for his drinking any longer."

Kathy: "We now have five years of sobriety at our house and we're now communicating in almost all aspects of marriage."

Mary: "My husband has been drinking 25 years. He never lost his job. But he no longer could control his drinking. I joined Al-Anon. My husband joined A. A. He has been on the program six months. I live day to day."

And finally a very young woman: "It has taken me three years to realize my husband has a drinking problem. It's so hard to go out to social things. All our friends drink and I don't. I feel out of place."

Most Alateens don't drink either. But the odds on their becoming problem drinkers is higher for those whose parents do have a problem. One listens to their tales of disgust concerning how alcohol has warped their lives and wonders why they would ever chance the first drink.

The room crackled with dialog:

"I get caught in the middle of my parents' fights."

"Yeah, my oldest brother got in the middle and got belted."

"Parents are always asking, 'Who's right, me or him?' "

"My parents keep score on arguments. Really, like a couple of kids they are always trying to one-up each other."

"They try to buy my affection when they've been drinking."

"My father went just nuts. He took me and my brothers and sisters to the Seattle Center to make amends for his behavior. He blew $300. The works. Rides. Dinner in the Space Needle. Would you believe it? $300."

"It's hard to study at home because of the fights. It's embarrassing to bring kids home, because you don't know what you'll find. You make all sorts of excuses."

"I get headaches trying to figure it out."

"My dad writes me letters from jail, always promising to make everything up to me."

"My dad calls me from jail. He needs bailing out and wants me to get the money."

"My dad has been to those places they send you as a chronic drunk. He can really make things with his hands. You feel, 'Look at what he can do, just look at the beautiful things he can make.' Then he gets out and pretty soon he says, 'Your mother drives me to drink.' "

"You ever been around kids without an alcoholic dad, and they say, 'I've got a neat dad,' and I think, 'What's my dad ever done good for me?"

"My dad is like one of the children. Mom isn't his wife, she's his mother."

"I've lived in four homes and this is my fifth one. All foster homes. My real parents were drunk all the time. What's a real, normal home like where you're their real daughter and loved? How can I ever know so I can have one myself someday?"

[From the Seattle Times, July 21, 1971]

Shadel Hospital Offers Alternatives

(By Don Duncan)

Men in colorful, identical bathrobes sat in soft, theater seats and listened to the youthful-looking physician tell them that "most people have been brainwashed about the disease of alcoholism."

Dr. James Smith, director of world-famous Shadel Hospital, 12001 Ambaum Blvd. S.W., pulls no punches in a lecture which can be attended by persons interested in alcohol problems by telephoning in advance to CH 4–8100.

The men, having laid out $1,325 to come to Shadel—as men and women have been doing since 1935—were in for a very busy 14 days in the first-class hotel-like complex. At the end they not only would not care to drink, but they probably would be unable to stomach the sight of a liquor advertisement.

The aversion, alas, does not last a lifetime. There comes a time when it comes right back down to the man himself.

Shadel's stocks in trade are sodium pentathol-induced deep sleep and conditioned-reflex aversion therapy. An emetic used in therapy builds the aversion.

Several return visits the first year are part of the basic fee. "Booster" treatments of the drugs are given.

Dr. Smith explained to the men in bathrobes the physiology of alcoholism and some of the highly technical research being done on blood types, color blindness and taste buds to find clues to alcoholism. He has written his own research findings for learned journals.

The recovered alcoholic, Dr. Smith said, may well develop an intense craving for sweets. He also may substitute heavy coffee drinking for alcohol.

"The volume of alcohol one consumes is not the unfailing distinguishing feature between alcoholics and non-alcoholics," he added. "There are rare birds who can drink a fifth a day without being alcoholics. But I can wager that 99 per cent of those who drink that much are alcoholics."

Alcoholism is one of the few diseases in which almost every area of the body may be affected, Dr. Smith said. But the hardest hit are the central nervous system, cardiovascular system, liver and brain.

Dr. Smith continued:

"No psychiatrist, Alcoholics Anonymous or us can convert an alcoholic into a social drinker. The best we can do, or anybody else can do, is to convert the alcoholic into a nondrinker."

Each patient had been given a liver-function test upon admittance. All were eagerly awaiting the results. Dr. Smith told them not to be too cocky if they had a good reading or to be too depressed if their liver was functioning far below normal.

Livers can degenerate quickly if one resumes drinking. They can regenerate, in part, if one stops.

In tracing the predictable path of the alcoholic from social drinking to social and physical disaster, Dr. Smith paid tribute to the "tremendous ingenuity that goes into hiding bottles."

One fellow hid them in the air filter of his automobile, stopping now and then to put up the car hood and pretend to fix something, thereby sneaking a nip when his wife couldn't see him. Another rigged up an ingenious device so he could sip from a tube attached to his windshield washer. A woman hid liquor in vinegar bottles around the house. And a classic case was the secretary who bought inflatable "falsies" and sipped from a straw.

Delirium tremens and convulsions, which may occur as a result of withdrawing an alcoholic from the drug he needs, can be fatal without proper medical treatment, Dr. Smith said.

Left alone, about 15 to 20 per cent may die of D. T.'s if they are relatively young. The death rate soars as high as 40 per cent if they are over 50.

"But with good treatment," Dr. Smith added, "no one needs to die."

No, Dr. Smith said, he never had run across a person with D. T.'s who ever saw a pink elephant.

"But," Dr. Smith added, "I have seen them battle some pretty awful hallucinations. And again, I've seen them very calm, watching a television show—with only a blank heat radiator in their rooms as a screen."

The "Olympic" record for D. T.'s at Shadel is four weeks. The record for blackout is two months, set by a salesman.

Nobody in the room seemed in the mood to try for any new records.

Patients soaked up more things they needed to know to survive. Stay away from cough syrups containing alcohol. Never, but never, buy any over-the-counter medicines with alcohol as a base.

"The drink for old Aunt Tillie before dinner is silly. It is no earthly good for her heart.

"And I would recommend that every one tell his child not to drink. And I would demand that every child of mine got education on the subject.

"I'd also like it to be known by all in the alcoholism field that if you treat only the psychological problems, the best you can hope for is a well-adjusted alcoholic.

"For goodness sake, don't trade in one addiction for another like barbituates or many of the tranquilizers available on the market.

"Take your vitamins regularly. You are sadly depleted vitamin-wise."

Later Dr. Smith said he has a standard answer for those who say the cost of treatment at Shadel is too high.

"Listen, if you stay off liquor for seven months, and you bought only whiskey at the liquor store, you'll save the entire cost in booze money. If you bought at the bar, you can get it back a lot sooner."

During a tour of the facilities, Dr. Smith showed a room stocked with enough bottles of name-brand liquors, wines and beers to make an alcoholic think Christmas had come early. Alongside the bottles were enticing liquor advertisements.

This was the room where patients would undergo conditioned-reflex aversion therapy, and where they would learn to get sick every time they tasted the one thing they could not live without a few days earlier.

[From the Seattle Times, July 22, 1971]

Fighter Against Drinking Is Intense, Tireless

(By Don Duncan)

It is doubtful if anyone in the Seattle area is a more tireless fighter for reform in the field of alcoholism than is Dr. James Milam, president of Alcoholism Center Associates, Inc., 10240 N.E. 132nd St., Kirkland.

The psychologist is intense, outspoken and sometimes controversial. But no one questions his dedication or his intimate knowledge of the services available to alcholics.

Dr. Milam does not mince words. His scorn is ill-disguised when he speaks of those who "want to treat the alcoholic's psychological deterioration before they get him off the booze."

"You can't talk sense to a man whose drinking is out of control," Dr. Milam says.

"A drinking alcoholic is the world's most practiced liar. Sober, he has no more crippling neuroses and psychoses than the rest of the population. There are about 15 per cent with 'the crazies' in this nation, and they are proportionately divided between alcoholics and nonalcoholics."

Dr. Milam adds:

"However, alcoholism causes psychological disturbances and regressive behaviors that are far more profound than similar symptoms in the garden variety of mental illness. Traditionally these psychological symptoms have been mistaken for causes of alcoholism."

Alcoholism Center Associates, Inc., is a private program, featuring a comprehensive range of treatment services and a "sequence of care adapted to the needs of the individual."

Treatment components include hospital detoxification, resident and outpatient care, family counseling. Alcoholics Anonymous orientation and diagnostic and referral services.

One of the prime ingredients is Dr. Milam's hard-hitting lectures for alcoholics and their relatives.

Like Dr. Smith's lectures at Shadel Hospital, they are open to persons interested in the field of alcoholism. Appointments may be made by calling 822–1269, Kirkland.

The lectures contain the basic elements of what Dr. Milam calls "The Emergent Comprehensive Concept of Alcoholism," spelled out in a 40-page booklet he has published to counter what he feels are myths of too-long-standing regarding alcoholism.

Reversing what Dr. Milam says is the prevailing belief, the "emergent concept" views alcoholism as a "primary, progressively pathological reaction to alcohol, regardless of premorbid personality or social variables."

It is Dr. Milam's expectation that the "emergent concept" will be a breakthrough in alcoholism comparable to the founding of A.A. and Shadel Hospital in 1935.

Mrs. Marty Mann of the National Council on Alcoholism already has hailed it as a wave of the future and Dr. Milam rapidly is gaining national recognition as an authority on alcoholism.

The cheerful, spacious lecture hall is filled as Dr. Milam begins his lecture. Well-dressed persons, some chain-smoking and many drinking coffee, listen intently.

They include a crew-cut, white-haired man with military bearing, a handsome woman of middle age who might once have been a model, two pretty, black-skinned young women with a man who appeared to be their father, an obviously upper-crust family among whom one person—you couldn't guess which—was an alcoholic.

"People throughout history have thought of alcoholism as a symptom," Dr. Milam said. "Everybody from Dear Abby to psychologists talk about the alcoholic being a loser in school, immature, shy, easily recognizable early in life. This simply is untrue.

"Countless persons with these characteristics never become alcoholics. Furthermore, head injury, illness, all sorts of things can reduce one's ability to tolerate alcohol and lead to alcoholism. And, because of inherent susceptibilities many normal, moderate drinkers graduate innocently into alcoholism.

"It is a physical problem, plain and simple, but with profound psychological consequences. And it's a shame that for the past 15,000 years we've had the idea, perpetuated by professionals, that alcoholism primarily is psychological in nature."

Dr. Milam thinks plenty of money is being laid out in the public sector for alcoholism treatment. He believes the private sector—"80 per cent of alcoholics are not poor or indigent"—largely has been ignored.

Dr. Milam does, however, pay tribute to Cedar Hills Alcoholism Treatment Center in Maple Valley as "the model for the whole country." He is a consultant to the Cedar Hills operation.

The psychologist is particularly critical of "some of the do-gooders" working in the field of alcoholism—the professional as well as the layman.

"You might as well try to design an atom bomb by letting well-meaning people do it," the former research director for Shadel Hospital said, "You won't get an A-bomb."

Dr. Milam said:

"For 34 years after A. A. and Shadel were founded, each thought the other was no good. Each got dropouts from the other and concluded his method was better. The truth is they both were good. Shadel got a 50 per cent sobriety rate after three years, which is phenomenal.

"Charlie Shadel would have won a Nobel prize if he had done it with cancer. But he had done it with alcoholism and nobody likes to talk about that even though it is our nation's No. 1 public health problem."

Then Dr. Milam put forth more of his creed:

"Sobriety must be the primary purpose in treating alcoholism.

"Alcoholics are alike in their dependence upon alcohol the world over, regardless of other variables.

"Drinking alcoholics are incompetent to diagnose or treat their own condition. They must have help to start a recovery.

"You'll never make it if you keep looking for the reasons you drink—bad marriage, money, a father who didn't seem to love you, or any other psychological hangups.

"Not three alcoholics in ten know they're alcoholics until they've been diagnosed.

"The crime is that society denies and minimizes the problem and thus withholds effective help."

Dr. Milam explained that some alcoholics are fearful when they begin to recover. They love their rationalizations for continued drinking. They no longer can blame anyone but their own physical make-up.

Alcoholism, Dr. Milam said, is a progressive, fatal illness. It destroys brain cells, and some of that destruction is permanent, irreversible, pathological damage. It destroys the liver, and when that vital organ is gone you die. Dr. Milam continued:

"I'd like to explode once and for all the idea that, 'Oh, you can't be an alcoholic, Charlie, because you are too nice a guy.' Nice guy has nothing to do with it. If alcohol has become an addictive drug to Charlie, then he's an alcoholic.

"Alcoholism is a selective addiction. If you are a Jew or an Italian with a 15,000-year drinking heritage you have a better chance of not being an alcoholic than if your ancestors came from the Northern European countries, particularly Ireland, with a 1,500-year exposure.

"If you are an Indian or an Eskimo, with only a 300-year history of drinking, your chances of being an alcoholic probably are too high for you ever to risk drinking.

"Why? Probably evolution, natural selection and a natural immunity among survivors. It needs research from this new premise.

"I don't know why you're here in the audience. But let me guess. The kids won't speak to you. Your spouse has threatened to leave. The boss wants to fire you. Or your doctor says you'll die."

Dr. Milam closes on a cheerful note. People do get well from alcoholism by the tens of thousands. As an alcoholic progresses in recovery he becomes the real person he started out to be before alcoholism interferred.

"You can make it," Dr. Milam said. "But you, as a patient, have to disqualify yourself to guide your own treatment. You've beeen bungling things for too long."

In a later interview, Dr. Milam dropped another of his patented bombs:

"Don't go blaming industry for not doing anything. Industry got turned off because of bad treatment experiences in the past. You show industry something that will work, that will show really good recovery rates and businessmen will respond."

Dr. Milam had spoken. Since he gets around, giving freely of his time and expertise in so many places, he is being listened to more and more.

"Exclusive" Club Is Refuge for Former Alcoholics

It isn't the usual social club, the one on the fourth floor of the I.O.O.F. Hall, 915 E. Pine St. Membership requires that one be a sober alcoholic and have attended an Alcoholics Anonymous meeting the past week.

It is called Alano. There are Alano clubs throughout the nation.

John McG. runs Seattle's which offers snack-bar lunches, pool tables, playing-card tables and soft drinks and coffee.

When John McG. joined A.A. 15 years ago there were only 24 groups in Seattle. Today there are almost three times that number.

"I couldn't stay sober 30 days," John McG. said. "I failed 'em all—the church, the psychiatrist, my wife."

John McG. was an artful hider of bottles. You name the hiding spot, he tried it. But he never thought of doing what Ray Milland did in the movie, "The Lost Weekend," hiding the stuff in a chandelier. That took real imagination.

"I was always afraid I'd get caught short without a bottle in the house. I planned my life around alcohol. I'd black out. I'd wake up in the morning, after a bout, and I'd go out to the garage to see if the car was there. I'd check the fenders for dents and wonder if I'd killed somebody."

John McG. opened the door to the Big Hall on the second floor of the building, the place where A.A. members have Saturday-night dances. Good music, lively talk and nonalcoholic beverages.

"It would surprise you, but our bigger groups now are on the East Side," John McG. said. "Ten years ago there was just one—at Bellevue. Now there are 11 scattered all over. The Bellevue group is so big now on Monday nights they've had to divide up among several rooms to give everyone a chance to talk."

Conversation, laced with laughter, filled the Alano Club as members finished their lunches and prepared to return to their jobs.

"We can't change anybody but ourselves, no matter how near and dear they are to us," John McG. said. "My wife learned that about me. Finally, I changed myself."

[From the Seattle Times, July 23, 1971]

Salvaging Problem Drinker Is Just Good Business

(By Don Duncan)

Employers usually can exert far more leverage on problem drinkers than can pleading spouses, distraught offspring or well-meaning friends.

The vast majority of persons with alcohol problems are functioning, more or less, in society.

They seldom take lightly a threat to paycheck or pension.

Quite a few large businesses have set up programs to detect and to treat employes with alcohol problems. The federal government rapidly is moving off dead center.

Programs range from good to exercises in paper pushing.

But the vast majority of companies practice a conspiracy of silence regarding the problem-drinking employe.

The "conspiracy" is fostered by executives who don't want to rock the boat. They are aided and abetted:

By company-insurance plans that will pay for the medical consequences of alcoholism but not for preventive treatment.

By supervisors who say, "Oh, George drinks a little too much, but he's one of our best men when he's sober."

By George's co-workers, who try to shoulder his workload when he is absent or incapable of performing up to par.

While the coverup goes on, year after year, George's drinking costs his employer a great deal of money and his family anguish that cannot be measured in dollars and cents.

One day George commits whatever sin his firm considers unpardonable and his employment is terminated. Or worse, George's drinking progresses to where physical and mental deterioration are so massive he either dies or is permanently useless as a functioning human being.

Everybody in the office turns out for George's funeral, to commiserate with his widow and children. Good old George, dead usually between the ages of 40 and 60. Sure too bad about George.

Well-meaning people literally have signed George's death certificate.

Although there have been alcohol problems in this nation since its infancy, it was not until the early 1950s that the first company policies, aimed at help and not the easy copouts of silence and firing, went into effect.

Allis-Chalmers, Eastman Kodak, Consolidated Edison and Great Northern Railroad (now Burlington Northern) were among the pioneers. Today an estimated 350 corporate alcoholism programs are in effect in North America.

Niles A. Doolittle, social counselor for Burlington Northern here, says "all of us started in desperation, because no one is a prophet and there is no guarantee that if you fire a guy with a drink problem you won't hire a replacement who'll also be an alcoholic 10 years from now."

Doolittle added: "It's not just good for the employe and for his family, but, selfishly, it's good business for the company to straighten these men out. They cost money, of course. But they usually are good workers when sober, and the company has a considerable investment in their training and experience."

"It used to be a sign of manhood to get your foot up on the bar rail," Doolittle said. "I suppose it still is for some. But we're growing up a bit. Cancer and tuberculosis once were almost forbidden words in polite society. They aren't anymore. Alcoholism shouldn't be, either."

John Mulligan, director of personnel for the Postal Service here, said his agency is setting up an alcoholism-recognition-and-treatment program that has the wholehearted support of unions and management. Recovered alcoholics employed by the Postal Service are acting as counselors. Agency physicians make regular checks on the problem-drinking employe's progress. Anonymity is protected at all levels.

"We are more enlightened than we used to be," Mulligan said. "We've rescinded the law that one couldn't get disability benefits due to alcoholism or had to be fired for 'intemperate use of alcohol.' Employes are granted sick leave to take treatment. Unfortunately, few medical plans will pay the cost of private treatment."

It is estimated that 10 to 13 per cent of Postal Service employes have alcohol problems, Mulligan added.

At the Seattle branch of the Bethlehem Steel Corp., Dick Gebow, a company official, follows a national policy the company put into effect in 1965. It has shown good results.

Supervisors are charged with spotting a potential drinking problem, discussing it with their immediate supervisors and, if warranted, making an appointment for the employe with the company physician. If the diagnosis is positive, treatment and counseling are begun. There is periodic reassessment of the employe, whose file bears only a number, not a name.

"It is not only possible, but it has happened that an employe who once had a drinking problem has gone on to higher positions within the company," Gebow said. "All we want is an employe who has shaped up."

But even the Bethlehem program does not provide company funds for outside treatment. Nor is the employe paid while he is undergoing such treatment. His job, however, is waiting for him when he returns.

Donald Reiman of The Boeing Co. said a company physician works exclusively on alcohol-problem cases. While there is no organized statement of policy, Reiman said, "We try to spot the problem drinkers from attendance and performance patterns."

We try to work with them at least twice," Reiman added. "If they don't show improvement, we re-evaluate their job performance and can terminate their employment."

A spokesman for the Weyerhaeuser Co. said there is no formal program for the large lumbering firm, "but management is concerned." The spokesman added, "Although nothing is spelled out we do cooperate with physicians and nurses at our various mills when they are confronted by a drinking problem."

Neither does the Simpson Timber Co. have a formal program, according to Melvin Munson, vice president in charge of personnel.

"But when we find an alcohol problem in an employe, we set up a counseling session with our consulting psychologist," Munson said. "We are willing to invest in this. However, if it doesn't work, we're not very tolerant after four or five months. We've got some who have been rehabilitated."

Munson added: "I think paying for one program. We'll loan money, on a selected individual basis, for an employe to take private treatment. We've got 7,500 to 8,000 employes and more trouble, I think, with our salaried group than with our union employes."

Pacific Northwest Bell's Seattle office has a full-time alcoholism counselor known as Gordon. He performs an information and referral function, and he says the firms "one-more-chance" philosophy has been effective.

"The key," Gordon said, "is that the company must stick to its promise to terminate if the employe doesn't cooperate. The word gets around if you do what you say you will do. But our basic goal is not to terminate but to salvage employes."

Gordon believes Pacific Northwest Bell's program is successful, "conservatively," 60 per cent of the time. Anonymity is carefully protected. Although employes usually must bear the entire cost of treatment, the firm will pay an employe's salary while he undergoes private care.

Alcoholics Anonymous is the "backbone of the program" at the telephone company. Counseling is offered to the employe and to his immediate family.

Although most companies in the nation still are light-years away from being as compassionate about alcoholism as they would be for a heart attack or cancer, progress is being made.

What is being done for good old George at your company? You know George—the guy at the next lathe or the next desk.

[From the Seattle Times, July 25, 1971]

Police, Courts Are Acquiring Basic Tools They Need To Build From Human Wreckage

(By Don Duncan)

Police and courts, long frustrated by antiquated laws that treated alcoholics as criminals rather than sick persons, finally are acquiring a few of the basic tools they need if whole men are to be built from human wreckage.

Two such starts are Cedar Hills Alcoholism Treatment Center in Maple Valley, a 112-bed, nationally acclaimed model of how a court-referral program should work, and Seattle Treatment Center on the fourth floor of Providence Hospital, beset by some difficult growing pains but eventually to replace the old drunk tank entirely.

"Tax burdens turned into tax producers" is the favorite expression of Ron Fagan, director of Cedar Hills. The courts send men to Fagan's four-year-old, neat-as-a-pin layout, there to be filled with good food, alcohol education, group therapy, human dignity and the spirit of Alcoholics Anonymous.

But the thing that makes Cedar Hills more than just another place to get men with alcohol problems out of polite society's hair is its close tie with a Renton Technical Institute program headed by Alonzo C. Odem.

For the first time, many alcoholics are learning the rudiments of such trades as metal and woodworking and gardening. Others are sent on to clerical schools. A few have been enrolled in Seattle Community College.

A man of 35 who never before has been able to look anyone in the eye and say, "I have a skill and I am capable of earning a living," is a proud man, indeed. He also has a fighting chance of staying off alcohol.

The Seattle Treatment Center, bright and cheerful until one sees the shuffling feet, shaking hands and often comatose figures on beds, aims at detoxifying or drying out men and women.

Before they are cleared for release, usually in seven days or less, they will be counseled and told about A. A., halfway houses, public alcoholism clinics and other organizations that may help them lick the problem that is killing them.

But there are two drawbacks. The toxicity does not leave the body of an alcoholic in a few days. It may take months for him to become as normal as his deterioration will permit. Further, there is no law that will push these men and women into treatment against their will. They may be back tomorrow or next week. Too many of them will.

Dr. Hartwell Bass, head of physicians at the treatment center, is proud of having lost only one patient due to withdrawal, and "he had a bad heart."

Dr. Bass establishes easy rapport with those so shaky they couldn't hold a bucket of water without sloshing it out the sides. He sympathizes with their withdrawal agonies, is saddened when he sees the all-too-frequent cases of irreversible brain damage.

"Let me say I've got no quarrel with the drug alcohol," Dr. Bass says, "just how that drug is used."

There are 11 beds for private, paying patients at the treatment center. They aren't being used to anywhere near capacity, perhaps because many with the ability to pay don't want to associate with "Skid Roaders."

Yet, passing by the rooms and seeing men and women being detoxified, you can't tell the moneyed ones from the penniless. They are all sick drunks.

Superior Court Charles Z. Smith, a member of the board of the Seattle-King County Commission on Alcoholism has seen enough drunks from the bench to last him several lifetimes. And in his role as one of several rotating juvenile-court judges he sees the tragic impact of alcoholism on families.

"I discontinued the practice of fining people for being drunk when I was in municipal court," Judge Smith says. "It was a start."

If there is light at the end of alcoholism's tunnel, it's still a very long tunnel.

Judge Smith would like to see three pleas possible in court. Guilty. Not guilty. And, similar to the insanity plea, not guilty by reason of alcoholism.

While Judge Smith strongly feels voluntary consumption of alcohol is not an excuse for a crime he says a person who is an alcoholic may not be voluntarily intoxicated. Nor is a person in the throes of D. T.'s necessarily responsible for his behavior.

"The fact of a crime can be established in court," Judge Smith said. "The disposition of the case for an alcoholic might be different, however, than for a person who is not an alcoholic. Certainly sending an alcoholic to prison doesn't get him treatment."

When a man or woman appears in juvenile court with a youngster and says, "Judge, I haven't got a drinking problem," Judge Smith replies:

"If your wife says you have, and your kids say you have, and your driving record says you have, then you have a problem, whether you know it or admit it."

Luverne Rieke, University of Washington law professor and executive secretary of the Washington State Judicial Council, has file cards on 220,000 drunks arrested in Seattle the past 12 years. He has found instances of men who were bailed out four times in one day, and he is all too familiar with the tragic case of Wayne Jacob Hill, who died in the city jail drunk tank in 1969 after his 156th arrest for being drunk in public since 1945.

Hill, on whose behalf the American Civil Liberties Union once filed an alcoholism test case, received jail sentences totalling 18 years for drunkenness. His brain was shattered by alcohol when newsmen visited him—Bed Tag 165445, Room 428, Unit 8, Queen Anne County Hospital Annex.

Ironically, his death was hastened when he was struck by a drunken driver in Vancouver, B.C.

"During Prohibition the rate of alcoholism decreased dramatically," Prof. Rieke says. "But we paid a high price in social and enforcement costs. So that isn't the answer."

A problem of dealing with drunks as criminals, Prof. Rieke adds, is that "sentences ought to be geared to rehabilitate the individual. Punishment just to inflect pain is useless unless it's a deterrent. Jail certainly is no deterrent for the chronic drunk."

"Besides," Prof. Riek says, "we're not really arresting the man because he's drunk, but because he's vomiting, or because we fear him as he staggers down the street toward us, or he looks unesthetic, or he's fallen in the street and might get hurt."

Prof. Rieke contends "we should get 'alcohol involvement' more visible in our legal structure. We're just now beginning to look at alcohol related to highway deaths."

When the state's voters authorized mandatory breathalyzer tests and reduced the presumption of drunkeness from .15 to .1 for motor-vehicle operators, charts were prepared and distributed to police departments throughout the state. The charts show that drinking quickly, a 100-pound person is intoxicated after three drinks. A 240-pound person needs seven to arrive at about the same point of intoxication.

A considerable time lag between drinks helps. One may subtract small percentage points from the formula for each hour following a drink: 1 hour, .015; 2, .030; 3, .045; 4, .060; 5 .075, and 6, .090.

Thus a 160-pound man downing eight drinks in six hours would have a reading of .188, less .090, or .098 alcohol in his blood—just under the legal limit.

But experts increasingly are saying that anyone with a reading of .050 to .1 may be intoxicated. If he drives, he should use extreme caution.

They All Say That

Superior Court Judge Charles Z. Smith, who come before his bench with serious standing of the treatment available for those who does not drink, wanted a better under-alcohol problems.

Judge Smith anonymously attended an Alcoholics Anonymous meeting, signing the guest register in the acceptable way as "Charles S." No last name. No title.

The chairman called upon various men and women to testify to their struggles to gain sobriety. Finally he asked "Charles S." if he had anything to say.

No, Charlie S. did not.

"Come on, Charlie S.," the chairman persisted. "You are among friends."

"But I don't have a drinking problem," Judge Smith replied.

The chairman paused a moment and with a look of benign understanding said, "Charlie, they all say that."

Judge Smith now is an honorary member of A.A.

"I Was Lucky," Ron Fagan Rebounded After 4½ Years on Skid Road

Getting kicked out of Roosevelt High School for having booze in his locker was only the start of the downhill slide for Ron Fagan, director of the Cedar Hills Alcoholism Treatment Center.

But Fagan rebounded from 4½ years on Skid Road. Today he owns a college degree from Seattle University and he has written authoritative tracts on the Skid Road subculture.

"I am lucky," Fagan says. "I used to think I was crazy. My brothers could drink and I always wound up in the drunk tank. For me, alcohol was playing Russian roulette with a bottle, and every chamber was loaded."

After gaining sobriety through Alcoholics Anonymous, Fagan made the dramatic jump from being a Seattle Police Department's one-time drunk-tank inmate to membership on the staff as an expert on alcohol problems. That was in 1947. He has been in alcoholism work ever since.

"It wasn't until I discovered all my friends were Ph. D.'s that I decided to rectify that little 'misunderstanding' at Roosevelt and get myself an academic background," Fagan says.

Fagan is proud of Cedar Hills' reputation, of its 120-day program aimed at doing a "whole-man" job. When one of his patients wins a Toastmasters' contest or goes out in a new suit of clothes to face the world stone sober, Fagan beams.

"People used to whisper, 'I hear there's consumption in the family'," Fagan says. "We're still that way with alcoholism. I'm getting darned sick and tired of seeing people die needlessly. Wake 'em up out there."

Sometimes You Have To Bend Rules To Straighten Out the Ailing Man

"If I had died 10 or 11 years ago, my wife would have had to scrounge around to get enough people to carry me to my grave. Today I'm known all over town by hundreds of people and I like to think they'd pack the joint."

The words were spoken by Hal (not his real name), a silver-haired, well-dressed businessman.

Once Hal had visions of being the man of distinction, glass in hand and elbow perched jauntily on the fireplace mantel.

"The only trouble is my elbow kept slipping off," says Hal, who unashamedly calls himself "an alcoholic." A recovered one.

Hal made a pretty good run at killing himself. One night he was picked up by the police, hanging half out of his car. Dead drunk. He wound up in the drunk tank, and when his wife bailed him out he was smelly, unshaven and had a splitting headache. Only one cure for that, so he went to the nearest tavern for a cool beer to clear the cobwebs.

"I suddenly realized I was hitting myself on the head with the same hammer," Hal said. "I called A.A. from the bar and they said they didn't go to bars. I should go home and they'd send a couple of guys to see me."

Hal went home. Immediately he regretted calling A.A.

"I had visions of a couple of Skid Road types coming to the door, hands shaking and Bibles under their arms. Instead, they turned out to be a University of Washington professor and a sales manager for a big firm."

Hal became sober. He attended A.A. meetings faithfully.

"One day I said, 'Heck, this is easy.' I'd been sober for quite a spell and I figured I'd take a drink, in moderation this time. I had one bottle of beer and no bolt of lightning struck me. I walked out of the tavern convinced I had it whipped. A week later I took two high-balls and walked away from it. And the next thing I knew I was a 24-hour-a-day drunk. I tried to put 24 hours of sobriety together and I couldn't do it."

Hal drank in the morning, sneaked nips at the office, took long drink-filled lunches and stopped off for the happy hour on the way home from work. Often he was still on his private happy hour when the place closed.

One morning he needed a drink so badly he got up at 4 o'clock in the morning to make the opening of the first bar. He bolted a beer to quiet his nerves and to focus his eyes.

"The guy next to me would take a shot and then run for the can to throw it up. Jim was his name. Jim said to me, 'I'd give anything to knock this stuff.' I said there's a way and I took him to an A.A. meeting at 10 o'clock that morning. Jim was a fireman. The poor devil didn't make it. This time I did."

Seven years ago Hal and a realtor friend organized a weekly luncheon group in one of the city's poshest eateries. The well-dressed men around the table park their brief cases, but many would recognize them as physicians, architects, lawyers, bank officials, politicians and para-professionals.

They drink coffee, tea or milk.

All admit to a drinking problem, but they feel uncomfortable in a regular A.A. meeting. Besides the luncheon meetings, they also have weekly night sessions.

Despite the non-A.A. affiliation, the group spends a great deal of time on the first step of A.A. 12-step approach. They admit their powerlessness over alcohol.

"A dying man will listen," Hal says. "They don't have to be on Skid Road to listen. One can reach them when they still have a job, a car, a wife and a house."

Hal admits he is taking an A.A. program and changing it. That makes it controversial.

"A.A. may be right in criticizing this approach," Hal says. "I owe everything to A.A. But I'll take a drunk where I can get him. If the problem can be arrested without going through all the hell I did, then it's worth while to bend the rules."

Hal added, "It really cheats the entire community when these highly trained men fall. I have worked with disbarred attorneys, fallen coaches and priests with alcoholic tremors. Look around you, if you can't see a guy with a problem in your office, you need a new pair of glasses."

The first thing one must do for an alcoholic is to get him sober, Hal emphasizes. All the talk in the world is useless until that happens.

"Alcoholics are insane. They really are. They get arrested for drunken driving, their wife is sueing for divorce, the boss threatens to fire them, they blackout with two drinks and when you say, 'You've got a problem,' they reply, 'Who me? You sound like my wife'."

Hal continued: "After you get a guy off alcohol, it's a never-ending process no matter how long you've been recovered. Then you've got to restore some spiritual values in the man. Many laugh at this. But it's terribly important."

Hal is living his sobriety day by day. He likes the fact he can walk down the street, head high, and see scores of friends. Occasionally he thinks what distinguished mourners they will make.

[From the Seattle Times, July 26, 1971]

Agencies That Aid Alcoholics

(By Don Duncan)

The telephone rang in the office of Richard Silver, director of the Seattle-King County Council on Alcoholism, a U.G.N.-funded information and referral center.

A desperate-sounding woman on the line said her uncle hadn't eaten for two weeks, couldn't stop drinking and was going into convulsions. Where could she turn for help?

Within a few hours, Silver had the man in a treatment center. But he knew it probably wasn't the end of the man's problem. Even a brush with death doesn't keep many alcoholics sober for long.

"You can't get them into most hospitals when they are like that," Silver said. "They want them sober. It's like treating a kleptomaniac after he has quit stealing."

Silver's office is at 3109 Arcade Building. There are similar, usually busy, information and referral centers in Bellevue, Renton and the King County Courthouse funded by other sources.

Across town from Silver's office, in the Courthouse Annex, 100 Crockett St., is the office of Nick Hughes.

Hughes is director of the Seattle-King County Commission on Alcoholism, often confused with the Seattle-King County Council on Alcoholism. The commission is funded by state, county and city. Unlike the council on alcoholism, its job is to coordinate planning for a multiplicity of organizations dealing with alcoholism.

The commission, appointed by Mayor Uhlman and County Executive Spellman, also passes on requests for tax funds.

"Alcohol certainly is the nation's most frustrating problem," says Hughes, a social drinker. "You can say quit smoking or get lung cancer. You can say quit drugs, because they not only wreck lives but are illegal. But alcohol is legal, the government makes a heck of a lot of money from it, and, let's face it, millions of people drink without any trouble."

If Hughes is oriented to political, legislative and economic nuances of alcoholism, Silver is just as oriented to the social-worker standpoint, since that is his academic background and he spent several years as a counselor at a Veterans Administration hospital.

Silver has been critized as not being close enough to Alcoholics Anonymous and too often sending a person elsewhere in the state or nation for private treatment. But he also is applauded in many social-work and education circles for this tireless work.

"I've changed my mind considerably about alcohol problems in recent year," Silver admits. "I used to enjoy talking about the alcoholic's hangups, his feelings of inferiority, his poor sex life and his mean boss—and now I now that it was all very comforting to the alcoholic because I never got around to telling him to stop drinking, which was the real root of his problem."

Silver sees about 140 men and women a month, some with alcohol problems and some merely spouses of those with problems. He is familiar with most of the denial techniques of alcoholics and with wives who say, "My husband isn't an alcoholic, he just has this drinking problem."

Most schools, in Silver's opinion, sadly have neglected the subject of alcoholism.

"The major drug problem isn't with kids, it's with adults," Silver said.

Silver frequently counsels the spouses of problem drinkers. He is amazed at stories of physical brutality, of women keeping clubs beside their bed to ward off drinking mates who pull them from bed and beat them up when they return from drinking bouts.

"So many women who have lived in a hell for years say to me that they would divorce their husbands, but they don't believe in divorce," Silver says. "I often reply to them, 'I am surprised you believe in marriage, because you haven't got one.' "

Differing radically from many in the field of alcoholism, Silver says, "I don't buy this business of 'I was drunk and I hit my wife,' or 'I was drunk and I killed somebody with a car.' There is some responsibility for drinking. As long as we protect the drunk from himself and excuse him he can get away with murder."

Silver sometimes wonders if others are as concerned about the alcohol problem as he is. A typical reaction from old friends he meets on the street:

"Dick, what are you doing?"

"I'm a counselor for alcoholics."

"My God! You had such potential."

[From the Seattle Times, July 27, 1971]

Help Up From the Bottom for Alcoholics

(By Don Duncan)

A "halfway house" or a "recovery house" (call it either) is somewhere between a permanent home and the gutter or the inside of a jail for many persons with crippling alcohol problems.

Seattle has two big ones—the Louis Martin Home, 1808 18th Ave., and the Bishop-Lewis House, 703 8th Ave. Both provide counseling, Alcoholics Anonymous programs, religion, group therapy and job placement.

Few residents of either go on to lifetimes of sobriety the first time. Many eventually do, however.

Chuck Hughes runs the Louis Martin Home, an old monastery on Capitol Hill. On the wall of his paneled, carpeted office are these framed words:

"As it is written, there is none righteous, no, not one.

"For all have sinned and come short of the glory of God."

Hughes used alcohol as an escape for years—"an escape from pain and from problems."

"They say a person isn't going to straighten up until he reaches bottom," Hughes says. "But who's to say where your bottom is? It may be when you still have a home and family. Mine was the Skid Road."

Hughes' staff of six handles a capacity load of 134 men. About 600 a year pass through, with an average stay of about three months.

"I'm sorry to say we get a good percentage of rebounds," Hughes says. "The majority who make it to sobriety permanently will do so between the fourth and sixth tries. The guy who makes it the first time takes your word for it that he can't ever drink again, that he can't become the first man in history to beat the disease of alcoholism and become a social drinker."

It takes about 24 months for the nervous system to return to normal so a recovered alcoholic can sit back and enjoy life "without being fidgety or nervous," Hughes says. "There are bad spots along the way. Regular cycles. We can chart them."

The big tragedy, Hughes says, is when he finds a brain-damaged alcoholic—"and we see more than our share." There are plans for a center in Sumner, Pierce County, just to handle the custody of such alcoholics.

Hughes has had all types in his halfway house—parolees, Skid Roaders, craftsmen, business and professional men.

The men sitting around staring at walls or doing little chores as their bodies slowly get rid of alcohol's poisons know Hughes found sobriety and hope they can, too.

Hughes took his first drink at the age of 3 and got drunk. He never took a drink in his life that he didn't wind up drunk. No sipping for him. Just fast, hard drinking.

For years he managed to get to his automobile-repair business the next day. But youth passed and finally his body's tolerance of alcohol fell to zero.

"There's no immunity guaranteed to you, no matter what your education or background," Hughes says, "Knew a kid who never touched a drink until he was 24. Minister's son. On his 24th birthday he said to the guys egging him on, 'O.K., I'll try one.' Four and a half months later he was dead. Drank himself to death. The heck of it is, guys will always buy you a drink but they won't buy you a sandwich if you need it."

Hughes added: "Knew an alcoholic gal in town who sneaked out of Harborview in her nightgown in the dead of winter, walking to a tavern barefoot. The police caught up with her, but she nearly died of pneumonia."

"Still another alcoholic I know has lost all his marbles. Goes to Western Union every day, waiting for a check that never comes in, and never will. He has lost all touch with reality. People think he's funny. Not me. He once was a normal human being."

The Bishop-Lewis House, "a recovery house" from which many patients leave daily for outside jobs, is part of the Pioneer Cooperative complex that runs houses for alcoholics and public offenders and operates a business, Pioneer Industries, that has paid out close to $1.5 million in earned income since its first contract in December, 1966.

The operation began with an apple box for a chair in 1963. It now has an annual budget of $460,000.

The Bishop-Lewis House differs from the Louis Martin Home in having more job-holding patients and in its industrial program.

Harold Heath (Heath-Tecna Corporation) "angeled" Pioneer Industries at the outset. His name is spoken with reverence by Norman Chamberlain, executive administrator, and Dick Hudson, program director.

The Bishop-Lewis House is strongly A. A. oriented. It offers group therapy, visiting lecturers and counseling.

"We certainly aren't always successful," Hudson says. "But look at it this way. A guy is sober in our plant for six or eight months. Then he falls off. That's six or eight months of a lot better life than he would have had otherwise. Lots of guys do make it, permanently."

Recently a former resident of the Bishop-Lewis House visited Hudson and said he was on his first paid vacation in 20 years. He is buying a home. He has never been sober 18 months.

"The guy is 50 years old," Hudson said, "and he's beginning to find out what life's all about for the first time."

First and Foremost an Alcoholic: "If I Drink Again I'll Die; I Don't Want To"

Chuck started to drink in the fifth grade. Nobody drank at his home, but a friend's father always kept liquor around the house and they raided the supply.

That's how it all started, Chuck recalled, his good-looking young face straining to remember the details.

Chuck is in the Louis Martin Home as a parolee. First and foremost he is an alcoholic.

They don't often reach Chuck's stage at 28. But not everyone gets off to a rousing start in elementary school.

Chuck told his story in a slow drawl:

"In junior high I'd save my lunch money to drink with. I'd save up all week with my buddies, and we'd plan a beer bust on the weekend. But when the weekend came, they'd change their minds and go to a movie instead, because drinking didn't mean that much to them. So I'd go on my own and get some beer and drink. I was real fat then. I couldn't talk to anyone unless I had something to give me courage.

"I was especially shy around girls. But if I drank I could go out of my mind and feel I was a big man. I got into trouble before I got out of high school. Broke into a school. Then I stole money from a woman whose lawn I was mowing. She was real nice, but I needed the money to buy more to drink. I lived to drink.

"At 17 I went into the service. I got out about a year later. All I did in the service was drink. It was easy. Nobody stopped you.

"I broke into a service station near the small town where I lived in Texas. I only felt comfortable around other drunks. To finance my drinking, I stole all the time. But I couldn't steal unless I had something to drink first. It gave me courage.

"They gave me five years in prison, and I got out after 14 months. The day I got out, I hit the booze again. I was drunk a solid month. I stole all the time. And when I finally got caught, it was back to prison.

"I'd black out when I drank. I was real surprised when I learned what the rap was—breaking the lock off a newspaper stand to get at the nickles and dimes.

"I got five more years in prison. Made a little booze inside the walls but it wasn't easy to fool the guards.

"That last sentence ran 33 months, and all I thought about every day was hitting the streets and drinking again. The day I got out, I got drunk. I stole a car not long after and went back to jail. I got a 10-year probation. Don't ask me why, with my record. Anyway, I couldn't live with it. I ran, I ran and I ran.

"I've been running since 1968. All over the Southwest. Then the Deep South. Running and drinking and running. I came to Washington State. The first thing I did was get arrested up in the northern part of the state.

"The judge didn't send me back to Texas. He gave me probation. He said he was calling some Alcoholics Anonymous guys to take me to a treatment center in Seattle where I'd be under the court's jurisdiction. Boy, that judge had faith. He let me go out on the steps to wait. No guard. Nothing. I figured he was plain nuts to do that with a bum like me.

"I could have run to Canada. I thought about it. I thought about it, and I didn't. Because, God I'm tired of running. I've got a wife—she's 22 and very immature—and we've got a five-month-old daughter. So there I was when the A.A. guys came.

"I walked in here figuring I couldn't put my trust in anything but a bottle. But Marg and Chuck (Mr. and Mrs. Chuck Hughes, who run the Louis Martin Home), they're really nice. Marg listens to me. I told her my whole story, even the mean parts.

"Now I've been sober three weeks. I wash windows, anything to keep busy. My wife's in Texas with her folks. But they don't want her and the baby and she'll be coming up. I'd like to be a human being when they do."

Chuck's voice choked. He said:

"You know what I'd like to do? You know what? I'd like to be clean inside and outside, and be able to take my wife and baby on a ferryboat to Bremerton on a Sunday afternoon. We could sit on the deck and watch the boats and the water and feel the fresh air.

"I'd like to work all day and come home and help with the dishes and read the paper and maybe turn on the TV and talk with my wife and play with my little girl.

"They tell me if I drink again I'll die or wind up in a mental institution. I don't want to die.

"You know what? I never saw a time I couldn't cadge a drink. At least one. I could walk uptown. And I could come back drunk."

And never get on the ferryboat to Bremerton.

[From the Seattle Times, July 24, 1971]

Abstinence Movement: It's Less Popular But Still Alive

(By Don Duncan)

Ax-wielding Carry Nations may no longer be the scourge of bartenders. But there still are a few abstinence-minded preachers in pulpits and there are organizations which lean that way.

Remarkably the Alcohol Problems Association, Arcade Building, manages to sublimate its old temperance image (once it was the Washington Temperance Association) and do a good job of reaching high-school-age youngsters in classrooms throughout the state.

Much of the credit must go to low-key Lester Wetzstein, who is a graduate of the Yale University school on alcoholism and who carefully avoids moralizing in his lectures.

The physiology of alcoholism, what alcohol does to brain and body, particularly of the drinking driver, are his areas of expertise.

"In the classroom, I emphasize that you must understand alcohol and yourself," Wetzstein says. "You must make the decision on whether or not to drink."

Among the points Wetzstein hopes will influence that choice:

Alcohol is a depressant, not a stimulant. It first anesthetizes the frontal lobe of the brain, dulling judgment and social inhibitions. Drink enough at one time and you can die.

Social drinkers may well cause more highway carnage than drunks do, because many drunks don't drive.

Alcohol is worthless as a remedy for snake bite, head colds or shock.

Alcohol actually decreases body warmth when one is exposed to cold.

Hot, black coffee may awaken a drunk, but only his body's own rate of oxidation can sober him up.

Heavy drinkers are short on vitamins and minerals; their nutrition is impaired and they deteriorate physically and mentally.

Wetzstein's boss, Leon Hawley, long-time executive director of A. P. A., is less amenable to making alcohol a choice, however.

"Many churches have capitulated from the principle of abstinence they once held," Hawley says. "There is a breakdown where the talk about self-discipline should be the strongest."

Wetzstein says, "I prefer to say that a drug-free life pays dividends. It gives back values."

"And I'd say that family breakdown accentuates the alcohol problem," Hawley said.

Many who work in the field of alcoholism wish they could rid themselves of the "moralists," who they feel frequently turn many persons away from an understanding of alcohol problems.

But Hawley can say, with some conviction: "If you moralize them into never taking a drink they sure can't become alcoholics, can they?"

One can almost hear Carry applauding up there somewhere.

Teen-age Survey—Alcohol Education Has Little Effect

Three years ago, Unigard Insurance Group of Seattle sponsored a survey of teen-age drinking habits and of the alcoholism-education programs aimed at youth in several states.

The conclusion: While education may result in a slight modification in the nature or form of drinking habits, it is not likely to reduce the number of drinkers.

The conclusion was reached by Ronald L. Akers, of the University of Washington's Institute for Sociological Research, and by John L. King, former university regent.

Other findings:

From 25 to 90 per cent of high-school students, varying by geographic region and by schools, have consumed alcoholic beverages.

While most have done little beyond tasting them, about a third to a half of high-school boys and about a fourth of the girls have established a "pattern of drinking."

There appears to be an increase in the number of teen-age drinkers in the past 20 years, just as there has been an increase in the number of adult drinkers. But over-all consumption of "absolute alcohol" actually has decreased in the past 60 years.

Abstaining adolescents are most likely to come from abstaining homes. Similarly, heavy-drinking adolescents most often come from heavy-drinking homes.

"The impact of socializing agents such as church, school, mass media and others in the adult community are much less than that of either parents or peers."

The study indicates that "scare" tactics are pretty useless, particularly warnings about the dismal future awaiting adolescents convicted of drinking violations.

"Teen-agers can recognize this and would probably write it off as just another example of adult duplicity," according to the survey.

The surveyors go on to say that speeches and the distribution of booklets and pamphlets to adolescents, particularly those emphasizing the dangers of drinking drivers, have more impact than preaching "don't drink."

But there have been no good evaluations of such programs.

The best approach appears to be that of providing adolescents with adequate information about alcohol, warnings ("not horrible or improbable") about the consequences of drinking and driving, education in the early warning signs of problem drinking, advice against drinking alone or at "wild" parties, and education of parents in ways of undergirding either their abstinence positions or their moderate-drinking standards for their children.

Some states, according to the survey, have fairly good programs. Others have little to offer. Washington rates so-so.

[From the Seattle Times, July 29, 1971]

MANY APPROACHES TO THE PROBLEM . . . WITH MORE AND MORE OPEN-MINDEDNESS

(Eleventh of a series)

(By DON DUNCAN)

Seattle has a variety of men and women, in various disciplines, who are trying to make significant contributions to an understanding of alcoholism.

The fact that they may not always agree is less important than the growing spirit of cooperation, or at least open-mindedness, on so many fronts.

James E. Royce, S.J., Ph.D. and professor of psychology at Seattle University, founded the first undergraduate course on alcoholism in the United States in 1950. It still is going strong.

To it, Father Royce has added biennial institutes on alcoholism at Seattle University that have attracted some of the best minds now at work in the field of alcoholism. Recently he conducted a telecourse on alcoholism for KOMO–TV. It later was rerun by Channel 9.

Father Royce's broad and balanced presentation includes visiting psychiatrists, sociologists, social workers, physicians, physiologists, representatives of Alcoholics Anonymous, Shadel Hospital, Alcoholism Center Associates and temperance workers.

Despair is expressed by Father Royce over failure of the government to appropriate "one penny" of the multimillion-dollar federal grant for alcoholism research and treatment. He is highly critical of California's Gov. Ronald Reagan "for wiping out the entire alcoholism program in his state."

"I got into alcoholism because I saw so much of it as a priest and as a psychologist," Father Royce says. "And I was ashamed that psychologists weren't dealing with it."

Dr. John Lindberg, who headed the University of Washington's alcoholism-research department in the Harborview Annex until funds ran out recently, got interested when he discovered that so many of his private patients had liver disease and they "almost invariably were alcoholics."

Pointing up the dilemma of the physician, Dr. Lindberg said, "The physician cannot separate himself from this problem and maintain his professional status. Yet it is frustrating to a physician to do anything meaningful and satisfying. We tend to turn away."

Dr. Lindberg said that while alcoholism is controllable and preventable, there are irreversible damages to the body of an alcoholic "far down the pike." He is particularly saddened to learn of teen-age "thrill drinkers" who kill themselves by gulping more alcohol than body and brain can handle—"because the poor kids aren't even alcoholics."

"Once alcoholism is identified as a disease, and I think it is," Dr. Lindberg says, "you can apply control and prevention. You also have a handle with which to educate students and adults. The die for alcoholism is cast before 21 for a number of young people."

Dr. Lindberg adds:

"We know that in delirium tremens there is a severe brain syndrome that can, but should not be, fatal; that it takes more anesthesia to put an alcoholic to sleep, that he is more susceptible to other drugs. We also know that the greatest effort is being expended in picking up the person who is far advanced in alcoholism and in treating the consequences of his disease."

Dr. Lindberg believes the drug fads will run their course. LSD, "speed," barbituates have lost their lure. Heroin is in. "Maybe cocaine will be next."

"But what is there after that?" Dr. Lindberg asks. "After all the fads, the most legal, social and acceptable drug will be alcohol. They will try what's left."

All the levels of top government are going to have to become models of alcohol control, making it a point that alcohol is not involved in high-level decisions, Dr. Lindberg believes.

"A lot of snuff was used at the turn of the century," Dr. Lindberg said. "Very little is now. The leaders of society and government simply stopped using it."

Dr. Raymond Vath, psychiatrist, believes there is too narrow a focus on alcoholism.

The psychoanalyst looks at the alcoholic's head, the internist at his metabolic changes, the sociologist at his environmental stresses, the churches at his moral and spiritual well-being.

"I really believe each has its place and no one is the total answer," Dr. Vath says.

Dr. Vath also it not "entirely sold" on the idea that alcoholism is solely physiological.

"I'm very wary of any illness that is strictly biological," the psychiatrist added. "The organic approach helps deal with the guilt feelings. But I think there is more to it."

Dr. Vath contends there is an "alcohol schizophrenia" in our society.

"Alcohol is a major industry, a major source of tax revenues. It is also a major health problem. It is hard to fight things that have such tremendous economic value."

One of the things Dr. Vath believes is terribly important, and is being lost in our society, is the family unit. A good, solid family unit, he feels, is much more able to deal with alcoholism than one that has disintegrated.

If Charles Shadel, a chiropractor, could pioneer a breakthrough in the treatment of alcoholism, there is no reason to discount a a veterinarian. Dr. William Sudduth has been conducting alcoholism experiments on rabbits at Northeast Veterinary Hospital. They are so promising that he has hopes of getting a federal grant to expand his research.

Dr. Sudduth's years of observing animals with extreme bowel toxicity made him wonder if alcoholics might have a similar pathology, "since the symptoms in animals are the same as those for alcoholics on withdrawal."

The veterinarian's work has taken him back, he says, to the old, largely discarded "auto-intoxication" idea that all illnesses were caused by bowel intoxicity.

"Medicine began using auto-intoxication to explain every ailment known to man, and that is silly, of course," Dr. Sudduth says. "But I think they discarded the idea too soon."

Dr. Sudduth added:

"My theory is that ingestion of alcohol upsets the delicate bacterial balance in the bowel that determines health or sickness. These bacterial toxins flood the system, when thrown out of balance, causing mental, liver, hallucinatory and pancreatic symptoms, all identifiable in alcoholics.

"Continued use of alcohol, however, blocks the central nervous system, and, acting as a temporary antibiotic, keeps these toxins in check. But once the alcohol is stopped, the nervous system no longer is anesthetized and the toxins pour out their poisons on the body. There are tremors, delirium, tremens, convulsions and all the other withdrawal symptoms."

The man who gets into trouble is one whose resistance mechanism has broken down so that he is dependent—"the craving"—on alcohol to keep himself functioning, Dr. Sudduth believes.

"We need a massive effort on a national scale, just as we did for the A-bomb," the veterinarian said. "We can find the answers in five years, I believe, if we really go all-out on this."

And then one meets Miss Jane Kuhlman of the King County Alcoholism Clinic, 2120 First Ave. N., who doesn't exactly rule out physiological causes for alcoholism but says:

"Our philosophy is not held by everyone, of course. But we feel alcoholism is symptomatic of underlying emotional problems."

Miss Kuhlman says some people are known to continue to drink after they visit us.

"But I don't feel complete sobriety is the only measure of success," she adds. "Their total adjustment may still be poor after they become sober. Some may still have drinking bouts after coming here, but they are better off if they have solved some of their other problems. Of course, we've had many, many people we haven't helped at all."

Miss Kuhlman's' office sees problem drinkers that run the full gamut of the socioeconomic scale. Most of her referrals come from the Seattle-King County Council on Alcoholism.

[From the Seattle Times, July 30, 1971]

MOST ADULTS KNOW LITTLE ABOUT ALCOHOL

(By Don Duncan)

It is not outside the realm of possibility that all alcoholic beverages some day may bear a label similar to the one first placed on cigaret packages:

"Warning—The surgeon general has determined that consumption of alcoholic beverages may be dangerous to your health."

The word "is" now has been substituted for "may" on cigaret packages. But "may" should suffice for alcohol.

Millions of adult Americans drink alcohol without any ill effects.

But about 40 per cent of drinkers experience occasional problems. Some even kill people in automobiles while "under the influence." About 8 per cent of all adults kill their own bodies and brains—and frequently their homes, marriages and employment opportunities—because they are alcoholics.

The only certainty about the apparently selective disease of alcoholism is that alcoholics never should drink.

The entire subject, frequently identified as the nation's No. 1 health problem, is clouded by myths and misconceptions.

One of the favorite "ironies" of our society is the father lecturing his son on drugs and narcotics after he himself has downed three cocktails. Pretty silly, of course. But hard drugs inevitably are addictive. Alcohol is not inevitably addictive, or even addictive most of the time.

Youngsters don't know much about alcohol, but neither do their parents. And neither do most educators.

It is virtually impossible today for a child to go through school without hearing countless lectures on dope. But it is not only possible, but even likely, they never will hear a scientific one on alcohol.

The idea that alcohol is a drug, plain and simple, still is a shock to some.

You can pour it from a fancy bottle, add a slice of lemon or an olive, drop in some crushed ice and put it in the hand of King, President or the sweetest, white-haired grandmother in the world and it still is a drug. It is a depressant agent that goes to work on the frontal lobes of the brain, gets into the blood stream and eventually must be processed by the liver, which in the process can become diseased and kill an alcoholic.

As recovered alcoholics have learned, and as teetotalers have always known, there is nothing more boring at best, and downright distasteful at worst, than trying to converse in the company of people who are drinking heavily.

It is possible that Winston Churchill still spoke as a genius after copious quantities of brandy, but Sir Winston simply must have started with more brain than any of the folk who swing at cocktail parties or in bars.

Male nondrinkers no longer should bear the stigma of being something less than masculine. But neither should teetotalers be viewed as strong-willed "saints." Most nondrinkers either have tried and failed to be social drinkers or they prefer better odds than they feel alcohol offers for a long and healthy life.

It is high time the public demanded intensive research of alcoholism, since the drug that causes it is legal, tax-producing and unlikely to go away as long as so many people enjoy it.

The disease of alcoholism, and it must be regarded as that, infects society at all levels. Its true cost is incalculable. Certainly it runs into many billions of dollars annually.

Thus President Nixon's proposed $34.6-million "assault" on alcoholism should be recognized for what it is—a start. The federal government takes in about $4 billion annually in alcohol taxes, or nearly 1,200 times the amount earmarked to fight the problem. Our own rather small state's annual liquor sales are five times the President's "budget" for alcoholism.

Everyone from childhood on should be taught to recognize alcoholism's danger signals. It is criminal that so many people must be at the point of permanent physical deterioration before a helping hand is offered.

The Rev. Bill Prasch and Mrs. Bettye Marsh, both of whom are deeply involved in alcoholism education, testify to appalling ignorance of alcohol among adults as well as children.

Businesses can lead the way in prompt, early recognition of problem-drinking symptoms and exercising paycheck leverage to require treatment.

Insurance companies can recognize alcoholism as a disease best treated in its early stages before there is marked physical deterioration.

Physicians can become as aware of alcoholism's early symptoms as they are of those for appendicitis or hepatitis.

Our welfare laws appear to need some revision when they specify reduced payments for people entering alcoholism treatment centers but keep payments at higher levels if the alcoholic remains in his dwelling and drinks himself to death. That is reverse incentive.

Sources of supply can tighten up sales to inebriates when they are clearly recognizable. This will put a burden on dispensers of alcoholic beverages, but it is the law the same as following prescribed hours for the sale of beverages and not selling to minors.

There were just 33 arrests in the entire state last year for selling alcohol to intoxicated persons. Yet in Seattle alone more than 10,000 drunks were picked up on the streets.

There should be a thorough review of the legal .10 of 1 per cent blood-alcohol limit—already reduced from .15—to see if it still may be too high for safe driving. Many persons in the .05-to-.1 range are in no condition to be trusted with a couple of tons of steel. Alcohol-related traffic death tolls have become a national disgrace.

Although public funds allotted for alcoholism treatment may be meager, it appears they might be better utilized. Most are aimed almost exclusively at the Skid Road or at virtually penniless alcoholics who make up a very small part of the alcoholic population. In defense of the long-time practice, it is these most-visible alcoholics who are the main drain on welfare, public-hospital and police funds. But the loss to society of middle-class alcoholics can be even more costly.

There is growing awareness of alcoholism in women, particularly in the higher socio-economic levels. Marty Mann of the National Council on Alcoholism says old statistics showing male alcoholics outnumbering females 4 to 1 should be junked. She says it is getting closer to 50–50 every day.

King County can be proud of its Cedar Hills Alcoholism Treatment Center, a model court-referral complex that is, in a way, a monument to very-much-alive Ray Olsen, the long-time county public servant who pushed so hard for it.

Our city can be proud to have as citizens Charles Shadel and Harold Heath—the former for recognizing alcoholism as a "disease" when the idea was laughable, the latter for initial financial backing of Pioneer Industries, a firm that helps alcoholics and offenders earn money with dignity.

There can be pride, too, in all the toilers in the field of alcoholism who never are too busy to give a public lecture, attend a meeting or extend a helping hand to an alcoholic in need.

Alcoholics Anonymous truly has been a giver of life to many alcoholics. And even the Skid Road missions, whose soup and psalms may not change too many alcoholic lives, certainly cannot be faulted for being humane about a disease that too often is ignored "uptown."

Some public agencies have learned by making mistakes. But the time has come for the nonproducers to be eliminated. Any program that does not emphasize total sobriety for true alcoholics, as distinguished from those on occasional benders, simply is not doing the job.

To those agencies, public and private, that I did not contact during this series, my sincere apologies. It is my hope that almost all viewpoints were covered, while avoiding duplication.

Ron Fagan, director of Cedar Hills, likens the public's understanding of alcoholism to what we knew about tuberculosis prior to the First World War.

A tent city was set up out in the Ravenna District about 1913 to house consumptives. A broomstick brigade of righteous men and women promptly marched on it and demanded that "those immoral persons" be removed.

Alcoholism's Dark Ages may be about to end.

CHROME ORE FROM RHODESIA

Mr. McGEE. Mr. President, an excellent analysis of the ramifications of the U.S. Congress vote to violate a U.N. ban on the importation of chrome ore from Rhodesia appeared in this morning's edition of the Washington Post.

In an article written by Stephen M. Schwebel, professor of international law at the School of Advanced International Studies of the Johns Hopkins University, five points were scored which should be given considerable study by this body.

As Mr. Schwebel points out the sanctions have exerted considerable pressure on Rhodesia. So much so that the Rhodesian Government may be prepared to pay a price by way of promoting more humanist policies for removal of the sanctions. However, recent action by the U.S. Congress will harden the Rhodesian Government's attitude in this regard and impede Great Britain's efforts to come to equitable and responsible agreement with Rhodesia during their current round of negotiations.

Mr. Schwebel also points out that the image of the United States which has been willing to throw its international weight against racism will be severely damaged.

His third point notes that the U.S. standing and influence in the United Nations could be irreparably damaged "by a move which the generality of the membership finds provocative and the Africans find outrageous."

Fourth, the United States has been the "principal progenitor and patron" of the United Nations and has invariably upheld the Security Council's authority, "insofar as the Council has proved able to exert it. For the United States now to flout the Council's authority is to fly in the face of traditional and continuing American policy—and the self-interest that largely motivates the policy."

Mr. Schwebel's final point is one of very great importance for this Nation and any image of trustworthiness in our dealings in the international community.

As he so aptly points out:

> Violation of a treaty obligation in this unnecessary and unvarnished fashion will once again underscore a disregard for international law that has increasingly characterized American behavior in recent months, with damaging effects not only for the fabric of international law but for the credibility of American diplomacy.

It is apparent that the U.S. Congress did not take cognizance of these ramifications of its vote to violate this U.N. ban. If it had, the outcome would most certainly have been the reverse of what actually occurred.

I am hopeful, as Mr. Schwebel expresses a similar hope in his article, that the President will see fit to take action to remove chrome ore from the strategic and critical materials list in order to maintain the integrity of the United States in this matter. To do otherwise would be to compound the irresponsible and immature action taken by the U.S. Congress.

I ask unanimous consent that Mr. Schwebel's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 19, 1971]

A CHROME-PLATED TREATY VIOLATION

(By Stephen M. Schwebel)

President Nixon has signed legislation designed to remove the embargo on the importation of chrome ore from Rhodesia as of Jan. 1. That embargo was imposed by President Johnson in 1967, in response to what the current conference report of the House of Representatives on the subject describes as "mandatory economic sanctions on Rhodesia." Those sanctions are indeed mandatory. They have been adopted and reaffirmed in three U.S.-supported resolutions of the United Nations Security Council which expressly remind members that "the failure or refusal by any of them" to implement the measures prescribed "shall constitute a violation of Article 25 of the Charter."

Article 25, in turn, provides that: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." Interpreting that article, the International Court of Justice last June held that, ". . . when the Security Council adopts a decision under Article 25 in accordance with the Charter, it is for Member States to comply with that decision . . . To hold otherwise would be to deprive this principal organ of its essential functions and powers under the Charter."

Whether the U.S. Congress actually meant in enacting the chrome legislation to deprive the U.N. Security Council of its essential functions and powers may be doubted. But, if the President permits this breach in United Nations sanctions against Rhodesia to be applied, the United Nations perhaps may suffer no less a loss to its integrity and potential than did the League of Nations in the Ethiopian case. In any event, the negative consequences of the policy, if implemented, will be substantial.

First, at the very moment when the British Foreign Secretary, Sir Alec Douglas-Hume, has arrived in Salisbury in a renewed effort to reach an agreement between Britain and its rebellious territory of Southern Rhodesia, his negotiating position is prejudiced by this indication from the United States that it may join South Africa and Portugal in openly violating United Nations sanctions against the racist Rhodesian regime. While the U.N.'s sanctions have been far from successful, they have exerted pressure on Rhodesia. The export of goods and import of capital have suffered. The Rhodesian Government may be prepared to pay a price, by way of promoting relatively humanist policies, in return for removal of the sanctions; clearly it will not be so prepared if the United States in any event may take the lead in destroying them.

Second, the image abroad of the United States as a society whose national government is willing to throw its international weight against racism—whatever the racial problems at home with which that government must contend—will be damaged.

Third, United States standing and influence in the United Nations, already impaired by the failure of its campaign to preserve a seat for Taiwan, will be further prejudiced by a move which the generality of the membership finds provocative and the Africans find outrageous. On November 16, a resolution was adopted by the U.N. General Assembly expressing "its grave concern at recent legislative moves in the Congress of the United States . . . which, if carried through and confirmed, would permit the importation of chrome . . . from Southern Rhodesia and thus would constitute a serious violation" of the sanctions. Citing Article 25 of the Charter, the resolution calls upon the United States to take the necessary measures to maintain the sanctions. It was adopted by a majority of 106 to 2 (South Africa and Portugal) with 12 abstentions (the United States not participating).

Fourth, the credit and capacity for accomplishment of the Security Council and the United Nations as a whole will be set back if the power that has been the organization's principal progenitor and patron turns against it in this way. The United States has invariably upheld the Council's authority insofar as the Council has proved able to exert it. Today, it is a main aim of United States diplomacy to achieve a Middle East settlement through Security Council guarantees which, if they are to be meaningful, will have to be binding. For the United States now to flout the Council's authority is to fly in the face of traditional and continuing American policy—and the self-interest that largely motivates that policy.

And last, violation of a treaty obligation in this unnecessary and unvarnished fashion will once more underscore a disregard for international law that has increasingly characterized American behavior in recent months, with damaging effects not only for the fabric of international law but for the credibility of American diplomacy.

The principal reason for the legislation the Congress has just enacted is stated to be that a ban on the import of Rhodesian chrome makes the United States dependent upon the Soviet Union as a major source of a critical defense material. But, while the United States currently imports some 60 per cent of its chrome from the U.S.S.R., it imported about 50 per cent from the U.S.S.R. when there was no ban on Rhodesian chrome. Moreover, the United States possesses so large a surplus of metallurgical grade chromite in its stockpiles that legislation was introduced in the Congress last April, with administration support, to authorize the sale of 1,313,600 dry short tons. That chrome excess is estimated as sufficient to meet defense needs for at least a decade.

Short of the Congress squarely reversing itself, is there a way out? Apparently there may be more than one way.

The legislation just enacted, the "Byrd amendment," while incorporated in the veto-proof Military Procurement Act, amends the Strategic and Critical Materials Stockpiling Act to provide that, notwithstanding any other provision of law, after January 1, 1972, the President may not prohibit or regulate the import of any material determined to be strategic and critical pursuant to the act if such material is the product of a foreign country or area which is not Communist, "for so long as the importation into the United States of material of that kind which is the product of . . . Communist-dominated countries . . . is not prohibited by any provision of law." As the House conference committee report puts it, "Stated very simply, the language provides that the President cannot prohibit imports of a strategic material from a free world country if importation of such material is permitted from a Communist-dominated country."

Accordingly, if the President prohibits the import of chrome from Communist-dominated countries, he may continue to prohibit its import from Rhodesia. This the President apparently is entitled to do by reason of provisions of the United Nations Participation Act and the Trading With the Enemy Act.

A simpler course would be for the President to direct deletion of chromite ore from the strategic and critical materials listed under the Stockpiling Act. He apparently is entitled to do this under the act, which, while requiring congressional authorization for sales from stockpiles, leaves to executive discretion the determination of which materials are strategic and critical. Such executive action would negate the Byrd amendment altogether, since it applies only to materials listed under the Stockpiling Act.

By so proceeding on any of these grounds, the President would enable the United States to uphold its international obligations. Time beyond January 1 would be bought, in which the Congress either could reconsider the question or in which it could—if serious administration pressure were to be exerted—adopt the pigeonholed legislation authorizing the sale of a portion of the national stockpiles of chromite. Were the former course adopted, or were the President to have chromite delisted, the lamentable effects of the Rhodesian chrome amendment would be largely and directly overcome. Were the latter course adopted, a ban on the import of Soviet and Rhodesian chrome could be sustained for an extended time while the stockpiles are drawn down—as the administration has indicated they should be. That also would avoid a position of profound international embarrassment for the United States—and, incidentally, should drive down the inflated price for chrome.

Encouragement that such possibilities are under consideration in the White House may be derived from its statement of Nov. 17 stressing that the Byrd amendment does not come into effect until January and that, meanwhile, the United States will not take any action which will jeopardize long term settlement of Rhodesian problems.

GOLDEN EAGLE PASSPORT

Mr. MOSS. Mr. President, on November 17, the Committee on Interior and Insular Affairs reported S. 1893, a bill to restore and extend the Golden Eagle passport system. This bill is an important part of what should be a concerted effort to expand recreational opportunities for all Americans. There are several important new features of this bill which I feel merit discussion.

First, the bill enacts for the first time the Golden Eagle passport. It has been operating since 1965 as a part of the Land and Water Conservation Fund Act and is scheduled to die at the end of this year unless Congress enacts new authority.

I urge strongly that Congress take this action. Since its inception, hundreds of thousands of people have taken advantage of the Golden Eagle program as an inexpensive way to see some of America's natural treasures. It has provided a way for our citizens to see their national heritage. The enormous success of this program indicates that it should be authorized on a permanent basis.

Second, the bill establishes two different types of Golden Eagle passports. One is the regular passport, as it now exists. Its cost will be $10 per family, and will admit the holder into all designated fee areas. The other passport is the Golden Eagle recreation passport. It will cover both entrance fees and user fees, such as camping. The impetus for this second type of passport is the rapid rise of camping fees in many of our national parks and other areas. Many families were being priced out of this type of recreation. So we have provided a more comprehensive type of permit, similar to the Golden Eagle, to cover these fees too.

I strongly support this concept. In my testimony before the Interior Committee on May 20, 1971, I said:

> The answer to camping costs may lie in a double or super Golden Eagle passport which admits a family carload not only into a park but into the park campgrounds. I hope this idea will be explored in these hearings. If the Golden Eagle Passport is retained at $10 and I favor this then a double passport which covers both entrance and camping fees might be priced at $20 or $25.

I am gratified that the committee adopted this suggestion.

In that hearing I also stated:

> I also hope in these hearings we can consider the special problems of senior citizens who have the leisure to use our national

parks, but not always the money. We should look into the practicality of issuing a lifetime Golden Eagle Passport to senior citizens when they buy a passport after they reach the age of 65 or should consider other alternative means of making our recreation areas available to them at little or no cost.

I am pleased that the committee has also adopted that suggestion. As reported, S. 1893 provides for a Golden Age passport allowing citizens 65 or older free entrance to designated fee areas. They would not have to buy a Golden Eagle passport. Additionally, they would have to pay only $15 for the annual camping permit.

In reporting the bill, the committee rejected a competing administration proposal that would have gutted the Golden Eagle and replaced it with a $4 per person permit. Besides greatly increasing the cost of visiting our national parks and recreation areas, this proposal would have been an administrative nightmare. In addition, the administration proposed increasing camping fees to levels charged by non-Federal facilities. The committee definitely rejected this concept too, with specific language in the bill that rejected this "equivalency test." In so doing, the committee reaffirmed its commitment to keeping the price of camping within the reach of all Americans.

The committee has reported an excellent bill. I urge the Senate to act promptly on its passage, before the current Golden Eagle program goes out of existence. Hundreds of thousands of American families are depending on us.

NOMINATION OF DR. EARL BUTZ AS SECRETARY OF AGRICULTURE

Mr. HARRIS. Mr. President, I invite the attention of Senators to the testimony I presented before the Senate Agriculture Committee on the nomination of Dr. Earl Butz to be Secretary of Agriculture. My opposition to Dr. Butz' nomination stems not from any personal animosity toward him but rather from the belief that a man who has spent his entire public life working for and with the giant agribusiness corporations that are driving the independent farmer off the land is not the kind of man we need as Secretary of Agriculture. Moreover, the fact that Dr. Butz was on the payroll of several agribusiness giants at the same time as he was serving as dean of a land-grant university engaged in research and other work of direct interest to these firms raises very serious conflict-of-interest questions.

As Senators, we are called upon to confirm or reject the nomination of Dr. Butz. To do so intelligently we need all the information available on Dr. Butz' record. For this reason, I ask unanimous consent that a copy of my testimony before the Agriculture Committee be inserted in the Record. The testimony includes a report prepared by the agribusiness accountability project, headed by Mr. Jim Hightower, entitled "Agribusiness Corporations Served by the U.S. Secretary of Agriculture Nominee, Dr. Earl Butz," and a six-page telegram I received from David Hall, the Governor of my home State of Oklahoma, stating his objections to Dr. Butz' nomination. I ask unanimous consent that all these may be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of Senator Fred R. Harris

Mr. Chairman, since World War II, sweeping changes have taken place in American agricultural productivity, and much more is at stake than efficient food production.

In fact, the very shape and substance of the American countryside has been radically altered—there has been nothing short of a violent revolution in rural America. Consider these facts:

More than 70 percent of our people are now packed onto less than 2 percent of the land;

In 1970, for the first time since the nation was settled coast to coast, our farm population fell below 10 million;

There were more than six million farms in 1940—there are less than three million today, and USDA benignly predicts that at least another million farms will shut down during the next nine years;

Over the last three decades, 30 million rural Americans have had no economic alternatives but to leave their land and their rural homes and to move into the alien environment of our urban concentrations—this forced migration continues today at the rate of 800,000 people a year;

14 million rural Americans are left behind in rural poverty, with millions more existing just on the edge of poverty;

47.1 percent of the farm families in this country have annual incomes that fall below the poverty level of $3,000;

1.5 million farm workers averaged an income of $1,083 in 1970, another one million farm workers raised their average income to $2,461 in 1970 by also doing some non-farm work.

Why can't independent family farmers, farm workers and small town businessmen make a living in rural America?

There are two basic reasons. First, there has been a corporate invasion of American agriculture. Second, government has sided with agribusinessmen, turning its back on the little man who traditionally has been the strength of this country.

Food has become big business. In 1970, America's food tab came to $114 billion. It is not the independent farmer and the farm workers who are bringing that food to market and pocketing those billions. It is agribusiness—corporations such as Tenneco, Del Monte, Bud Antle, Ralston-Purina, Green Giant, Safeway, Swift, Heinz, U.S. Sugar and General Foods. Also, a number of "brave new farmers" are trying to harvest those profits—these are major industrial giants such as Boeing Aircraft, Dow Chemical, Prudential Insurance, Coca Cola, Standard Oil, Goodyear Tire and Rubber, American Brands, and Purex.

If the tractor was the symbol of American agriculture thirty years ago, the corporate board room is its symbol today.

Increasingly, agribusinessmen are in control of the land, of agricultural production and of farm markets. As they have moved into rural America, the little man has been moved out:

While the number of farms has declined by half over the last 30 years, the average size of farms has doubled;

Small farms still constitute more than half of the number of farms, but they account for only 7.8 percent of farm sales;

During the past three decades, an average of almost 2,000 farms a week have folded;

For every six farms that fold, one small town businessman shuts his doors.

Yet why, if the corporate giants are so efficient, do they need the support of the American taxpayer in the form of billion dollar subsidies and other benefits? An investigation of tax returns of large scale corporate farmers would show many losing money. Of course, some *intend* to show a loss in order to get a tax break. And for others, losses in production can be easily covered by huge profits in processing or marketing. The individual farmer doesn't have these options.

What is particularly galling to the independent farmer is that numerous USDA and university studies show that he possesses the needed acreage to farm efficiently. For example, maximum cost-saving production efficiency is reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches.

Mr. Chairman, the corporation of American agriculture is not the inevitable result of any economic process. The decisions to create and administer a farm policy aiding the giant agribusinesses are conscious ones; they are no more inevitable than a Communist nation's decision to create massive state farms. And the result for the independent farmer and farm worker is the same whether state or corporate interests control rural America: they have no power over their own lives.

We are at a crossroads in this nation today. We can decide that rural America should be a place in which people can live and work in dignity or that it will simply be a giant food factory to produce more corporate profits. This is a fundamental issue, and America has not faced up to it. We have no national rural policy. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine what will exist in the countryside and what will be the fate of millions of rural people.

President Nixon has let us know what kind of rural America he wants to see. I don't share his vision. Dr. Earl Butz, the President's nominee as Secretary of Agriculture, is clearly an agent of the giant agribusiness corporations that are driving the small farmers of America off the land. What we need is an Agriculture Secretary dedicated to stopping the tragic outmigration from rural America. We need a man who will speak for the small farmer, not the corporate executive. Dr. Earl Butz is not that man.

Dr. Butz at the time of his nomination served on the board of directors of Ralston-Purina, International Minerals and Chemical Corporation, and Stokely-Van Camp, all major agribusiness giants. In addition, he served on the board of J. I. Case, a leading farm machinery company, until that company was acquired by Tenneco. As Dr. Butz had readily acknowledged, he was paid $12,000 a year by Ralston-Purina; $10,000 by International Minerals and Chemicals; $4,800 by Stokely-Van Camp; and $3,000 by J. I. Case. He owns stock in all of these corporations, except, to my knowledge, J. I. Case.

Mr. Chairman, I have with me a report by the Agribusiness Accountability Project on the agribusiness corporations served by Dr. Butz. This report offers a valuable insight into the major agribusiness ties of Dr. Butz. I ask that it be inserted into the Committee record.

Dr. Butz has recently announced his intentions to disassociate himself from these corporations. This action will not solve the problem of Dr. Butz' corporate ties, because he cannot so easily give up lifelong attitudes.

The incestuous relationship between regulatory agencies in our country and those being regulated has increasingly become a point of public concern. The relationship between the U.S. Department of Agriculture and the giant agribusinesses should similarly be of great concern. It is curious indeed, Mr. Chairman, that the outgoing Secretary of Agriculture should accept a high salaried job with Ralston-Purina while the new Secretary arrives from the board of directors of the same corporation.

Mr. Chairman, I believe the nomination of Dr. Butz raises very serious conflict of interest questions. Dr. Butz has been and is now an agribusinessman. Moreover, his record gives no indication that this situation will change should he become Secretary of Agriculture.

At Purdue, a national symposium was held this past April 14–16 on "Vertical Coordination In The Pork Industry." The symposium was attended by feed companies, food chains, economists, and USDA officials. At least nine major executives of the Ralston-Purina Company, of which Dr. Butz was then a director, were on hand. Part of the program at the symposium included the showing of a Ralston-Purina film depicting the history of the hog industry—an industry fast being taken over by Ralston-Purina. Twenty-four USDA officials, including two Deputy Administrators, were also on hand. And on one of those days, Dr. Butz was the luncheon speaker.

I don't know whether Dr. Butz in his position as dean of continuing education, arranged this symposium bringing together academics, government officials, and corporate farm interests. But it is a fact that the company paying Dr. Butz $12,000 a year was able to present its position very forcefully at the symposium. I wonder if small hog farmers were as well represented at the conference?

Mr. Chairman, a symposium of this kind involves the use of tax dollars—state and federal. The land grant college system expends well over half a billion dollars a year of tax money—Purdue University has spent $8 million on research alone in fiscal year 1969. The land grant colleges were created in 1862—the same year as the Department of Agriculture—to be the people's universities. Serious questions are raised by Dr. Butz' background as to whether some of them may have in effect become research clinics for agribusiness interests.

Mr. Chairman, I hope that the Committee will not limit itself to two days of hearings here in Washington. Rural Americans have too much at stake for us to take only a cursory glance at who this man is. Governor David Hall of my home state of Oklahoma is evidence of that concern in rural America over Dr. Butz' nomination. Yesterday I received from him a 6-page telegram stating his objections to Dr. Butz' views. I ask that it be printed in the Committee record.

If the Committee acts quickly on the nomination of Dr. Butz, Senators will have to vote on the basis of the information available to us now. That information shows Dr. Butz to be an extremely articulate advocate of big corporate interests in agriculture. His record is clear: In 1957 Dr. Butz stated that many people "just weren't cut out to be farmers. It's not at all cold-blooded to suggest that they seek other employment." And just this week in an interview Dr. Butz told the Washington Post that "this trend toward less farms is not bad."

This attitude does not, I believe, qualify Dr. Butz to be our next Secretary of Agriculture; and I appear here in opposition to this nomination.

REPORT OF THE AGRIBUSINESS ACCOUNTABILITY PROJECT

The nomination of Dr. Earl L. Butz to be Secretary of Agriculture poses a crucial and fundamental question: "What do we want in rural America?"

Dr. Butz states forthrightly that rural America is a place to do business, not a place to live. And for him, doing business is big business. It means that large, agribusiness enterprises will be in charge, "with more highly concentrated capital, higher levels of management, more specialization of labor, and, if you choose, with a higher degree of integration."

Dr. Butz' vision of rural America is of an assembly line running from the field to the table. As corporations become vertically integrated and food production becomes otherwise concentrated, fewer independent farmers will be needed, and those that are left will be brought more and more under corporate control. Farm workers will not be a problem, for mechanization will eliminate the need for them. Purchase of farm machinery, seeds and feeds and other agricultural inputs will be either from corporate subsidiary or will be coordinated at corporate headquarters, so the small-town supplier will be expendable. Rural communities themselves will fold as people move to larger urban centers.

Dr. Butz has spent a lifetime working for this vision. In every phase of his career, he has been close by the side of agribusiness, serving its needs as an academician at Purdue University, as a politician during the Ezra Taft Benson era, as an author and lecturer, and as a stockholder and board member of agribusiness corporations. From his background and with his perspective, Earl Butz is better suited to be Secretary of Commerce.

It is possible to ask more from rural America than corporate profits. Earl Butz is not the only one with visions of what should exist. Millions of people—independent family farmers, farm workers, small town businessmen and other rural citizens—still would like to think of it as home. They want to live and to work there with dignity. They want more alternatives than merging into the corporate structure or moving into the cities. Of course, Dr. Butz puts it to them more bluntly: "Adapt or die," he said. As Secretary of Agriculture, he will be in a position to enforce that admonition.

EARL LAUER BUTZ

Birth: Albion, Indiana—July 3, 1909.

Education: B.A., B.S.A. Purdue, 1932; Ph.D., Purdue, 1937; Student, Universtiy of Chicago, Summer, 1936.

Married: December 22, 1937, Mary Emma Powell. Two children: William Powell, Thomas Earl.

Professional Career: Farmer, Noble County, Indiana; Grad. Research Assist. in Agricultural Economics, Purdue U., 1934–35; Research Economist, Federal Land Bank, Louisville, Ky., 1935–36; Instructor, Agricultural Economics, Purdue U., 1937–39; Assistant Professor, 1939–43; Associated Professor, 1943–46; Professor, Head—Agricultural Economics Dept. Purdue U., 1946–1954; Assistant Secretary, Department of Agriculture (USDA), 1954–57; Director, CCC; Dean of Agriculture, Purdue U., 1957–1967; Dean of Continuing Education, Purdue U., 1968–1971 (President).

Research Economist—Brookings Institute, 1944, 1951; Research Staff—National Bureau of Economic Research, 1944–45; Lecturer, School of Banking, Univ. of Wisconsin, 1946–1965; Lecturer, Rutgers Univ., 1950–1958.

Affiliations: Director, Standard Life Insurance Company of Indiana, Ralston-Purina Company, International Minerals and Chemical Corp., Stokely-Van Camp, Inc., (Ex) J. I. Case Company.

Farm Foundation (Chicago, Ill.) Foundation for American Agriculture (Washington, D.C.).

Chairman, U.S. Delegation FAO, Rome, 1955, 1957; Member, American Farm Economic Association; Vice-President, 1948; Sec.-Treas., 1953–54.

Member, American Society of Farm Managers and Rural Appraisers; Member, Indiana Academy of Social Science; Vice President, 1948.

Member, Canadian-American Committee; Member, International Conference of Agricultural Economists; Member, American Association of University Professors.

Publications (Books): The Production Credit System for Farmers (1944).

Office: Purdue University, Lafayette, Indiana.

Home: 312 Jefferson Drive, West Lafayette Indiana.

Also served on a 16-member committee appointed by President Nixon to study American foreign aid in 1969–1970.

Currently Vice-President of the Purdue Research Foundation.

RALSTON PURINA

Earl Butz was elected to the board of directors of Ralston Purina in 1960. As a member of the board, he received $12,000 annually in compensation and held 2,000 shares of stock. During his tenure, the company expanded from sales of $646,753,000 and net earnings of $22,859,000 during fiscal year 1961, to sales of $1,567,009,000 and net earnings of $56,770,000 during fiscal year 1970.

The first half of fiscal 1971 has been good to Ralston Purina, with the firm reporting record high sales of $859,170,000 and its second highest earnings ($28,948,000) for that six month period. Fortune magazine ranks Ralston Purina 71st in sales among the 500 largest industrial corporations in the U.S.

Ralston Purina describes itself in its annual report as "diversified in . . . operations, multinational in organization, and global in outlook." Its diverse operations are primarily agricultural, including:

Soybean processing for feed production and sale; commercially sold by-products

Grain merchandising

Manufacture of sanitation and biological products for animal disease prevention and control

Animal and poultry feed formulation from grain and grain products, soybean meal, alfalfa meal, cottonseed meal, fishery products, molasses and vitamin concentrates

Manufacture and distribution of breakfast cereals, hot and cold, and crackers

Canning and marketing of tuna fish

Production and processing of catfish

Pet food manufacture

Industrial cleansers and waxes manufacture

Production and leasing of swine

Production of mink and pathogen-free laboratory animals for medical research

Frozen convenience food production

Restaurant operation and restaurant supply (including warehousing and processing)

Protein products production

Operation of a ski resort

Research in feeds, pet foods, beverages, and protein products.

In some categories, Ralston Purina leads the industry. Feedstuffs, an agribusiness weekly, calls Ralston Purina 'the largest single factor in the total poultry industry."

In its annual report for 1969, Ralston Purina dubs itself the number one pet food manufacturer.

The following table shows the amount and percentage of consolidated net sales and consolidated earnings contributed by each lines of business:

[Dollar amounts in million]

	Net sales					Earnings				
	1966	1967	1968	1969	1970	1966	1967	1968	1969	1970
Agricultural products: Animal and poultry feeds, poultry products, soybean processing and other related operations:										
Amount	$709.0	$775.1	$734.8	$790.5	$878.9	$61.3	$32.5	$42.8	$53.6	$70.3
Percent	60	60	57	57	56	58	39	43	44	49
Comsumer products: Pet foods, sea foods, cereals and other products:										
Amount	$210.5	$220.0	$258.3	$293.2	$325.6	$24.5	$30.4	$36.8	$42.8	$43.4
Percent	18	17	20	21	21	23	37	37	36	30
Restaurant: Jack-in-the-Box fast service restaurants and other restaurant operations of Foodmaker, Inc:										
Amount	$20.7	$26.0	$33.1	$46.1	$69.2	$3.4	$4.5	$6.4	$10.0	$12.2
Percent	2	2	3	3	4	3	5	6	8	8
International (including Canada): Animal and poultry feeds, poultry products, pet foods and other related operations:										
Amount	$234.5	$280.1	$255.3	$256.5	$293.3	$16.8	$15.1	$13.6	$14.9	$18.0
Percent	20	21	20	19	19	16	19	14	12	13
Total	$1,174.7	$1,301.2	$1,281.5	$1,386.3	$1,567.0	$106.0	$82.5	$99.6	$121.3	$143.9
Unallocated corporate expenses						10.2	11.9	12.4	9.1	12.1
Interest expense						6.3	10.0	13.2	13.5	15.6
Earnings before income taxes						89.5	60.6	74.0	98.7	116.2

Ralston's "multinational organization" includes activities in 23 foreign countries with markets in Europe, Japan, and Australia accounting for the major sales. Ralston Purina was one of 12 founding companies of a U.S. investment concern, the Latin American Agribusiness Development Corporation.

Several aspects of Ralston Purina's business are subject to regulation by USDA:

Commodity and Exchange Authority—Ralston "protects part of its inventory position . . . by trading in futures markets." Abuses of futures trading are subject to regulation.

Consumer and Marketing Service—C & MS conducts meat, poultry and egg inspection; marketing regulatory programs and a plant variety protection program.

Packers and Stockyards Administration—P & S uses its regulatory powers to insure free competitive practices in the meat and poultry marketing and meat and poultry packing.

Agricultural Research Service—ARS inspects certain exported products and through its veterinary service provides for the humane treatment of animals used in research facilities.

In addition, USDA's activities affect Ralston Purina economically. In its 1969 Prospectus, Ralston Purina states:

"A very large portion of the cost of producing feeds is represented by the cost of raw materials . . . The government's price support programs have a significant effect on the prices of certain of the Company's raw materials."

Ralston Purina sells to USDA. For example, in fiscal year 1971, approximately 9% of the funds expended for the purchase of frozen turkeys through Section 32 funds went to Ralston Purina. (The Company also manufactures cereals for government usage.)

Two private antitrust suits have recently been brought by and on behalf of persons who were lesses of Jackin-the-Box restaurants. The suits seek substantial damages "for alleged illegal resale price maintenance and alleged illegal requirements that lessees lease property and purchase restaurant items from Foodmaker or Foodmaker designated sources at higher than competitive rates."

Four members of the board of directors of Ralston Purina have close ties with other agribusinesses. Donald B. Smiley, is a director of the RCA Corporation which produces Banquet Foods. Erwin A. Stuebner is a former director of Rohm and Haas Company. Leif J. Sverdrup, Jr. is on the board of the St. Louis National Baseball Club, Inc., a subsidiary of Anheuser-Busch. Albert J. O'Brien is a director of General American Life Insurance Company which owns stock in the following agribusinesses: Tenneco, Anheuser-Busch, Dow, Pet, Ralston Purina and Transamerica.

INTERNATIONAL MINERAL AND CHEMICAL CORPORATION

Earl Butz was elected to the board of directors of International Minerals and Chemical Corporation in 1961. As a member of the board, he received $10,000 in remuneration and owned 2,000 shares of stock. During his tenure at International Minerals, net sales increased from $133,786,000 in 1961 to $505,932,000 in 1970. Net earnings changed from $9,039,000 in 1961 to $4,503,000 in 1970. Fortune magazine listed IMC as 218th in sales among the top 500 corporations.

IMC is an international corporation with 109 subsidiaries throughout the world. The Company engages in four major lines of business:

Industrial products—including feldspathic materials and sand binders; highly formulated resins, oils and esters, bentonite clays.

Food Products, including monosodium glutamate sold under the brand name ACCENT. Other food products include rices, pepper, spice and vegetable products.

Business losses ascribed to 1970 publicity questioning the safety of monosodium glutamate led to a decision to sell that line of business

Trading operations, among them Continental Ore Corporation, a wholly owned subsidiary that engages in the purchase and sale of ores, minerals, ferroalloys metals, carbon products and industrial products and materials.

Agricultural, as a world supplier of fertilizer materials, mixed fertilizers, plant growth regulators, and microbiological insecticide.

Contributions of the four divisions to net sales and income are:

[In thousands of dollars]

	Fiscal years				
	1967	1968	1969	1970	1971
Agricultural products:					
Phosphate products	82,100	73,400	72,000	76,200	74,300
Potash products	50,400	49,000	42,400	46,300	51,000
All other agricultural products	101,500	106,700	96,700	70,000	77,100
Total	234,000	229,100	211,100	192,500	202,400

	Fiscal years				
	1967	1968	1969	1970	1971
Industrial products	75,600	102,500	99,200	86,400	68,100
Food products	21,500	26,400	25,600	22,800	23,300
Trading operations	130,600	143,800	168,700	204,200	223,800
Total net sales	461,700	501,800	504,600	505,900	517,600
OPERATING INCOME					
Agricultural products	26,900	16,500	5,800	11,900	25,800
Industrial products	5,200	4,500	4,600	3,200	100
Food products	2,600	3,000	(100)	(2,300)	(2,900)
Trading operations	4,900	5,600	3,300	6,500	7,000
Operating income	39,600	29,600	13,600	19,300	30,000

IMC is the largest domestic producer of monosodium glutamate and the fifth largest producer of agricultural fertilizers in the U.S. IMC mines raw phosphate and potash for its own fertilizer products and for shipment to other producers. "Virtually all of the phosphate mined by IMC goes to agriculture . . . almost none to industry." Phosphate is mined by open pit method in Florida where IMC controls or owns 49,300 acres of land. Of the phosphate recovered in 1970, 50% went to foreign markets and 4% was used by IMC within its own plants. In 1971, IMC formed an association to assist in export shipments of phosphate.

In its potash operation, IMC has federal cooperation. IMC leases land from the U.S. government through the Bureau of Interior to mine potash. Two tracts of land, one consisting of 1,342.37 acres and the other of 2,550 acres, are leased for $1.00 an acre under contracts that have been modified on several occasions.

Among IMC's potash mines are high grade deposits near Esterhaxy, Saskatchewan, Canada. IMC's income for agricultural products has increased significantly because of higher prices for potash resulting from production controls and a "floor price" higher than prevailing prices set on January 1, 1971 by the Canadian government. IMC's Canadian operations in 1967 netted them an investigation. The United States government "initiated an investigation into the alleged 'dumping' of potash into the U.S. by the Canadian producers thereof, including IMC (Canada) . . ." The investigation determined that Canadian producers sold potash in the U.S. market at lower prices than the prices charged by such producers in the Canadian market and that such sales had injured the domestic industry. Although IMC will be required to pay increased duties, the Treasury Department as late as June 30, 1971 had not determined the extent of the liability.

IMC's operations involve the corporation with USDA in one area. Continental Ore Corporation engages in "barter transactions with the U.S. government under which COC receives surplus agricultural commodities for export in return for supplying materials to the U.S. government agencies or for providing funds for operations of government agencies abroad."

"During 1969 IMC reached agreement with Internal Revenue Service on a substantial number of issues raised by the service units examination of the Corporation's federal income tax returns for the years 1960 through 1963. Accordingly, IMC provided $5,500,000 by a charge to retained earnings for additional income taxes relating to all issues through June 30, 1969, including interest (no income tax effect).

In November, 1963, the federal government filed an indictment charging violations of the Sherman Act with respect to export prices of phosphate rock from 1956 to 1962. (United States vs. International Minerals and Chemical Corporation.)

On December, 1964, an indictment was filed claiming that sales by Concentrated Phosphate Corporation Association (IMC is a member) to the Republic of Korea which were financed by the U.S. government through AID are beyond exemption under the Webb-Pomerene Act and in violation of the Sherman Act. (U.S. Concentrated Phosphate Export Association, Incorporated, et al.).

In 1970, the U.S. government filed a complaint regarding pollution caused by a chlor-alkali plant in Maine.

In addition to Butz, at least three members of the 12-man board of International Minerals and Chemical Corporation served on the boards of other agribusiness corporations (they continue as directors). Robert W. Purcel is a director of the International Economy Corporation and the Agricultural Insurance Company. John T. Ryan is a member of the board of H. J. Heinz, and Thomas H. Roberts is a director of DeKalb AgResearch, Inc.

STOKELY VAN-CAMP, INCORPORATED

Earl Butz was elected to the board of directors (Class II) of Stokely Van-Camp, Incorporated on October 7, 1970. His remuneration is reported at $4,800. Upon election he held no stock in the company, but has publicly stated that at the present he does now own stock.

For the year ending May 31, 1971, Stokely's net sales and operating revenues were $280,863,388, an advance of $6.2 million from 1970. Net earnings were $6,602,058, up $2.3 million from 1970.

The company is listed 362nd in sales according to Fortune magazine's top 500, number 420 in net earnings with a year's growth rate of 0.69%.

Stokely Van-Camp, Incorporated is a processor of foods for human consumption. In addition to its executive headquarters in Indianapolis, Indiana, its canned foods division (Van Camps, Stokely's Finest, Gatorade) operates in California, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio, Tennessee, Texas and Wisconsin. Its frozen foods division (Stokely's Finest, Picsweet) operates in California, Florida, Indiana, Minnesota, Oregon and Washington. In the latter operation, Stokely Van-Camp, Inc. leases land from Indian reservations (tax free) to grow crops, according to one report.

The Capital City Products Division, a processor of food oils to produce highly specialized products utilized by other processors as ingredients, has its general offices and operations in Columbus, Ohio. Pomona Products Division's general office and operations are in Griffin, Georgia. It distributes and processes a line of southern vegetables (Sunshine). It is the major marketer of pimientos in the United States.

The Kuner Empson Company Division, with headquarters and operations in Brighton, Colorado, distributes a line of canned fruits and vegetables (Kuners) in the Rocky Mountain and Plains areas. Purity Mills Division, with headquarters in Dixon, Illinois, and operations in Illinois, Indiana, and Ohio is a processor of unpopped popcorn (Popeye, Betty Zane) and puffed wheat and rice (Popeye).

Stokely's Can Manufacturing Division, with a general office in Indianapolis, Indiana, and operations in California, Indiana, Tennessee, and Illinois, is a manufacturer of cans from tin plate. The cans are supplied to other divisions for use in canning.

Subsidiaries include:

M. W. Graves and Company, Ltd., and Canada Foods, Ltd., Berwick, Nova Scotia. Distributors and processors of canned and frozen vegetables and fruits in Maritime Provinces of Canada under their own labels.

Hawaiian Fruit Packers, Ltd., Kapaa, Kauai, Hawaii. Packer of pineapple products for sale and use of Stokely Van-Camp, Inc.

Stokely Van-Camp of Puerto Rico, Manati, Puerto Rico. Sales corporation.

Stokely Van-Camp of Canada, Ltd., Essex, Ontario, Canada. Processor and distributor of canned vegetables distributed in Prairie Provinces of Canada under its own label.

The U.S. Department of Justice filed suit August 11, 1971, against Stokely Van-Camp, Incorporated, seeking to recover all the "substantial profits" made by the company on sales of the drink, Gatorade. The complaint stated that the formula for the drink had been developed at the University of Florida under grants from the Department of Health, Education and Welfare. All such inventions arising out of such grants are the property of the government, the Justice Department contends. In 1968, Dr. James Robert Cade, the developer of the drink, along with a few assistants formed a trust and sold the marketing rights for Gatorade to Stokely Van-Camp. A 1969 company report states the company pays the trust an annual royalty of $25,000 plus 3¢ per gallon sold. Three weeks prior to the government suit the Board of Regents at the University of Florida filed a similar suit against its employee, Dr. Cade, asserting that it had property rights to the drink.

The U.S. Department of Agriculture has twice suspended (in 1969 and 1970) its meat inspection operations at Capital City Products Company because of below-standard operations.

On November 1, 1971 the Food and Drug Administration rescinded a previous botulism warning on a 15,000 can batch of Stokely Van-Camp green beans.

Stokely Van-Camp has large exemptions for its workers from overtime provisions of the National Labor Relations Act. Agricultural workers are exempt from almost all provisions (except the $1.30 hour minimum wage and some child labor provisions) of the Fair Labor Standards Act. The company makes almost full use of interstate recruiting system for seasonal agricultural employees under the Wagner-Peyser Act.

On July 31, 1967, the Securities and Exchange Commission, alarmed by two weeks of heavy speculation on Stokely Van-Camp, Inc. stock due to the announced marketing of Gaterade, imposed a ban against margin buying of the stock, i.e. margin was set at 100%.

The U.S. Government (Defense Personnel Support Center and Veterans Administration Marketing Center) was a major 1970 purchaser of Stokely Van-Camp, Incorporated, products ($1,398,757).

In addition to Butz, at least five other members of the 9-man Stokely Van-Camp, Inc. board of directors serve in agribusiness-related organizations. J. W. Fisher is president of the Ball Corporation, a glass and bottle-maker, which is a supplier to Stokely Van-Camp and serves on the board of Calvert Exploration Company, a chemical manufacturer. H. R. Warren is on the board of directors for K–B Farms, Incorporated. W. B. Stokely III is president of the Indiana Canners Association and D. H. McVey (who served with General Mills from 1930–1960) is on the board of directors of the Rockford Can Company, which is owned jointly by Stokely Van-Camp, Inc. and Quaker Oats Company and is a major supplier to Stokely Van-Camp, Inc.

[Telegram]

OKLAHOMA CITY, OKLA.,
November 15, 1971.

Hon. FRED HARRIS,
U.S. Senate,
Washington, D.C.:

Press reports about the philosophies of Secretary-designate Earl L. Butz appear to place him in direct opposition to the best interest of Oklahoma Farmers and our State's economy.

Mr. Butz's strong connections with corporate conglomerates who are making major inroads into farming-ranching enterprises would cast serious doubt as to his acceptability as Secretary of Agriculture.

Mr. Butz's endorsement of consolidated farming and fewer farm families, as quoted by Nick Kotz of the Washington Post and reported in the Oklahoma Journal, ingores two factors:

First—the family farm is a way of life. By forcing families from the farms the rural people are moving into congested urban areas and adding to the problems of our cities,

Second, the experience and tradition of the family farm has produced food for Americans at historically low price, Americans now pay about 16% of their income for food. There is no guarantee that agribusiness combines will continue this trend. Indeed, evidence points sharply toward the fact that the opposite is inevitable with conditions moving closer to monopolies.

While President Nixon is to be commended for changing his mind about abolishing the Department of Agriculture, the confirmation of Mr. Butz as Secretary could have the same impact on Oklahoma Ranchers and Farms if his views have been correctly reported,

Your courageous opposition to Mr. Butz appears sound and in the best interest of Oklahoma Agriculture.

Mr. Butz should answer many questions including the following:

1. Should farmers be given collective bargaining power to deal with agribusiness?

2. With fewer food processors, would not opportunities for monopolistic control and subsequent consumer price increases be inevitable?

3. With competition reduced would not the food and fiber industry be tempted to less innovative and reduced productive thinking?

4. Were not the great advancements in agriculture made in a highly competitive, family farm environment?

5. Does not your past close relations with corporate conglomerates place you into a position that would detract from your understanding of the needs of a farmer who desires to serve his nation and make a living on his own free enterprise farm?

6. As farm families are displaced and move to urban areas, how do you propose to utilize workers with farm training in city settings?

Having recently returned from the Soviet Union, I toured the collective farms and saw the listless inefficient and high-cost production of state farms, that was the result of a far-leftwing swing.

In studying Mr. Butz' promonopolistic point of view, especially in light of agribusiness' declaration to control food from the "seedling to the supermarket", I foresee uninspired peonage for farmers and higher prices for consumers, that could be the result of a far-right-wing swing.

Oklahoma farmers want a voluntary farm program that will provide fair and equitable prices for their work and products. They want a responsive Secretary of Agriculture who believes that a viable farm program can preserve family farms which produce quality food at reasonable prices,

Your support of these positions would be deeply appreciated, you have my warmest best wishes

David Hall,
Governor of Oklahoma.

THE UNITED STATES AND THE SOVIET UNION: POWER IN TRANSITION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record the text of my remarks at the 1971 Eisenhower Symposium, the Johns Hopkins University, Thursday, November 18, 1971.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Senator Mike Mansfield

I am delighted to find myself delivering the benediction at these proceedings. It is an uncommon experience. The last word is something that is rarely reserved for the Leadership in a Senate of unlimited debate.

Notwithstanding this built-in propensity for talk, however, the Senate has acted with unusual dispatch during the past few weeks. While this symposium has pondered the dilemmas of power, the Senate has sought to resolve several of them.

With regard to Viet Nam, for example, the Senate voted first to establish a national policy of full withdrawal within six months. Later, at the insistence of the House, which had an assist from the Administration, the specific time span was removed and full withdrawal was accepted only as a Congressional rather than a national policy. Still later, in other legislation, and with the reluctant concurrence of the House and the Administration, the Senate's insistence on full withdrawal from Viet Nam was established as national policy but still without a specific withdrawal date. Finally, in a foreign aid bill, the Senate is making one more effort to restate its pristine and more emphatic position on Viet Nam, that is, full withdrawal within six months.

In similar tugs and starts and stops, the Senate voted to cut, then to increase parts of foreign aid, then to reject it in toto, only to resuscitate most of the Administration's aid program in two bills a short time later, underscoring the fact that foreign aid is a program with more lives than a cat.

Contrary to the appearances, these actions are more than marches up the hill and down. They are not empty gestures. They say what the people of the nation are saying. In language which is audible in the other Branches they say that the Senate wants the war in Viet Nam to end completely and soon. They say, too, that the Senate is growing insistent on a sweeping revision and scale-down of foreign aid.

The apparent indecisiveness of the actions arises, in part, from the fact that there are other centers of federal power—in the House and in the Presidency—wherein other ideas are held and with which the Senate must come to terms. It is also a reflection of a kind of dilemma of power: it is symptomatic of the uncertainty of the Congress in confronting the salient factor of the contemporary international situation.

I am sure this symposium has long since identified that factor. It is the surge of change which is sweeping the globe. From the rimlands of Asia to the western littoral of Europe international relationships of a generation are giving way; just as currencies, fixed in value for decades, are now floating, so too are old alliances and alignments.

In this nation, a new outlook is readily detectable. It is present especially in the young who are not bound by the fixations of the past but it is by no means confined to the young. The international experiences of the past few years have shocked the thought patterns of the entire nation.

In the United States, the time for a change in foreign policy is ripe. If this situation finds a counterpart in the Soviet Union, then we may well be on the threshold of the liquidation of the dubious heritage of the cold war. Ironically, the era of cold war is ending not in the "positions of strength," which at one time were regarded in U. S. policy as an essential of peace; indeed, the Secretary of Defense has even raised doubts about the present capacity of our defenses. Nor is the cold war closing in drastic changes in the state systems of Eastern Europe, or the West, which, once in the eyes of more militant ideologists in both countries, were held to be the only basis for its ending.

Rather, the heat has been taken out of the cold war, if I may mix the temperatures, by degrees. Old conflicts have dissolved slowly in symposia such as the one which is taking place here, to which I allude as symbolic of the growth of peaceful interchange between the two systems.

The old conflicts are also diluted by the emergence of other international considerations which have pressed into the purview of the two nations. China, for example, now looms large in the concerns of the Soviet Union. At the same time, the United States is immersed in the practical and urgent threats to the economy, more or less to the exclusion of the theoretical and distant menaces of alien ideologies.

Ironically, this transition comes at a time when the affairs of the nation are presided over by a Republican Administration which was once in the front ranks of what was termed the "battle for the minds of men." May I say that the irony is all to the credit of the incumbent political leadership. President Nixon has been able to set aside the things of the past. In the light of present realities, he is acting to remove some of the barnacles which encrust the foreign policy of the United States.

Without detracting from the Administration's achievement in any way, I think it is fair to note that the times have been overripe for this change. I like to think, too, that the level of reason is such in this nation that the transition might have come under any perceptive administration of whatever partisan stripe. But, perhaps, that is an excessively sanguine expectation. In any event, there is little question of the general effectiveness of the incumbent Administration. It is an effectiveness which tends to support Walter Lippmann's thesis that liberal change is best brought about by conservative government.

The critical element in the Administration's new approach to international policies, it seems to me, is the Nixon Doctrine which was unveiled in Guam in 1969. That Doctrine set the stage for a diminution of the role which the United States has played across the spectrum of world affairs for 25 years. In so doing, it elevated a concept of policy much articulated but little practiced since World War II—that of shared responsibility for the maintenance of world peace. The changes which have been wrought by the Doctrine are already evident not only in Southeast Asia but elsewhere around the globe, as bases are closed and U.S. military forces abroad are reduced.

In some quarters, there is a tendency to see in this process of military contraction some sort of shameful furling of the flag. Rather, the change is sensible and long overdue. It acts to reduce the too heavy burdens which have been carried for too long by the people of the nation often in the vague name of "international commitment." Moreover, if the flag has been placed by a mistaken policy in places where it does not belong—as in Indochina—its withdrawal under the Nixon Doctrine is not only an essential act in our vital national interests, it is also the only honorable course. Indeed, if the Doctrine is to have historic significance in my judgment, it will bring about not a partial but a complete termination of U.S. military involvement in Southeast Asia; that means everywhere on the mainland, be it in Viet Nam, Cambodia, Laos, or Thailand and by land, sea and air. The Doctrine will also provide, if it is to have historic significance, the rationale for a continuing reduction in our one-sided military efforts elsewhere in the world, notably, in Western Europe under NATO.

Notwithstanding the diminution of the U.S. military presence abroad, the United States is not about to disappear from the international scene. This nation's weight is immense and it will continue to be felt in many ways and in many places.

That is as desirable as it is inevitable. Indeed, a sensitive concern with affairs beyond our borders remains an essential of the world's civilized survival. That such is the case argues strongly for a most judicious use of our resources abroad. There is no longer a surplus to be extended in haphazard, almost indiscriminate fashion, for fear that the label of isolation may otherwise be pinned on our policies.

It is reassuring, therefore, that along with the military contraction, the omnipresence of U.S. economic aid is also in the process of receding around the globe. In this scale-down which affects largely the bilateral programs of aid, the Senate has played and will continue to play an important part. It is to be anticipated that pressure from the Senate will bring about further changes in the basic design of the program.

The fact is that the present system has lost much of the charisma which was imparted to it by the Marshall Plan, the Point-Four program and the Peace Corps of another time. Foreign aid has become, in recent years, a lavish grab-bag, an international pork barrel, and a world wide arms distribution. As presently constituted, the program is an economic drain on the nation. More seriously, it has led the United States via the path of a well-meaning humanitarian generosity into unwarranted political and military involvements in the inner affairs of other peoples.

It may be that foreign aid can be recast into its earlier form of people-to-people cooperation. As it involves economic development, the program has already moved in large part out of bilateral channels and into multilateral agencies. That is a welcomed change. It has the virtue of permitting the burdens of cost to be shared with other nations. At the same time, it insulates this nation from adventures in *unilateral internationalism* which can lead, as we have seen in Indochina, into tragic entanglements.

Underlying the new direction in U.S. policies, I believe, is a growing tendency to view this nation's interests less in the context of ideological generalities and more in terms of national well-being and survival. Viet Nam has alerted the people to the consequences of a blind pursuit of ideological obsessions. The dollar crisis and the dangerous sidetracking of the nation's inner needs by the demands of the involvement in Southeast Asia have revealed what lies at the end of the road of *indiscriminate internationalism*. Henceforth, it is to be expected that the United States will exercise greater discretion in choosing grounds on which to defend a more narrowly construed concept of this nation's responsibilities and interests in the world.

It is essential that the implications of the new U.S. approach be considered most carefully by the other nation whose dilemmas of power are juxtaposed against our own in this symposium. Indeed, the risks of confrontation between the United States and the Soviet Union may even be increased temporarily by the present contracting of the U.S. position. That would be the case if the contraction led to probings of the new limits of our interests abroad. If such probings were to occur, they could very well strike close to the vital considerations of civilized survival.

The effect of a number of other shifts in the balances of world power must also be considered in this time of transition. The world is moving away from a bipartite determinism of international politics. Major questions of war and peace may no longer rest overwhelmingly in the province of the Soviet Union and the United States. Now China is emerging as a major power. So, too, at least in economic terms, is the European Community and Japan.

With more major nations on the scene, more differences to settle and perhaps, more sources of military and nuclear power to manipulate, the problems of peace grow more complex. We may find that the risk of conflict increases in proportion to the rising number of contenders and the broader the diffusion of international power.

Hopefully, these unhappy possibilities will not come to pass. They need not if the dilution of the roles of the United States and the Soviet Union is accompanied by greater understanding and restraint between these two nations and timely adjustment of relationships with third nations. The United States and the Soviet Union are in a unique position at this point in history. They are emerging from a protracted period of mutual antagonism, without having come to a direct military confrontation. There is little doubt that the combined strength of the two nations, in harmony, could assure to them a substantial share in shaping the conditions of peace. By the same token, in disharmony, that strength can lead to the ultimate disaster of nuclear war or, at the least, it could condemn the possibilities of establishing a durable peace for decades to come.

I do not think that this new situation and the opportunities presented for negotiation have been lost on the Nixon Administration. The President, as you know, is pursuing a policy of rapprochment with the Soviet Union. He is proceeding on the assumption that many of the differences between the two governments can now be accommodated and that the interest of neither is served by continuing conflict.

In this process, the highest priority should continue to rest on the negotiations with regard to disarmament. The SALT talks have been described by the President as "the most important arms control negotiations this country has ever entered." Their successs could provide an inestimable contribution to international stability. By the same token, however, their failure could signal a resumption of the nuclear arms race at a point of great risk.

The initial indications reveal at least a mutual understanding of viewpoints and a mutual eagerness to move towards agreement. The Soviet concern is already delineated as seeking to forestall the U.S. deployment of defensive weapons, that is the anti-ballistics missiles, and to enlarge the talks to include U.S. nuclear weapons which are deployed at forward bases in Europe and elsewhere within relatively short-range bases in Europe and elsewhere within relatively short-range of Eastern Europe. On the other hand, the prime U.S. concern, it is clear, is the desire to limit Soviet offensive missiles and to maintain our alliances in Europe and the Far East.

Each of the two governments have acknowledged the priorities of the other. At least that is a beginnig, in which the cards have been placed on the table. The candor is refreshing and provides, in my judgment, some modest basis for hope to the arms-burdened people of both nations. In the months ahead the negotiators will be preoccupied with complex questions involving the mathematics of limitation. In what way must the United States curb its deployment of ABM's and by how much if agreement is to be reached? At what point should there be a ceiling on offensive Soviet ICBM's or on Soviet missile carrying submarines in order to achieve an agreement?

If the negotiators find answers to questions of this kind and an agreement is reached, the Senate will be well prepared to act on its responsibilities with regard to ratification. Even now, the talks are being watched with special interest in the Senate. Just a few weeks ago, I visited the U.S. Ambassador to the SALT talks who was at that time in Helsinki and, I must say, was reassured by his optimism.

Beyond disarmament, it seems to me that the two most complex issues which will confront the Soviet Union and the United States during this period of transition involve the relationships with inner Europe, east and west, and with China. With respect to China, it seems to me that the President has taken a highly significant initiative in his decision to go to Peking. The visit should not be expected to achieve much in the way of substance. After a lapse of contact for almost a quarter of a century, however, the very act of going should open new prospects for building a stable peace in the Western Pacific. If these prospects are to materialize, clearly they cannot be pursued by the United States in China oblivious to the concerns of the Soviet Union or Japan. It would be dangerous in the extreme if the path to Peking were to bypass either Moscow or Tokyo.

In my judgment, a durable pattern of international stability in East Asia depends upon relations of comity among all four principal powers. I am delighted, therefore, that by the Treaty of Okinawan Reversion, as well as in his brief meeting in Alaska with the Emperor of Japan, the President has acted to protect—so to speak—one flank of his peregrination to the Chinese capital. At the same time, his announced visit to Moscow should safeguard the other, especially when it is coupled with the public assurances which he has given that a rapprochement between China and the United States is in no way designed to exacerbate Sino-Soviet difficulties.

It may be that the round of personal contact by President Nixon will lead subsequently to more tangible results than meetings of this kind in the past. Who, now, for example, remembers Glassboro? And what was achieved there?

A natural follow-through of the President's visits, it seems to me, might well be quadrapartite talks on the maintenance of peace—a peace of the Pacific. In considering this question there is a need for a frank confrontation of the four major nations—Japan, the Soviet Union, China and the United States—whose power converges in the Western Pacific. There is also need for greater contact on this question between them and the smaller countries of the region. The clarity of direct contact can contribute, I believe, to the stability of a situation in which the nuclear power of three nations already converges and where the technical capacity exists to add a fourth input at any time. Indeed, it would seem that Japan, alone having chosen to eschew nuclear weapons, might well take the initiative in calling such a conference. A quadrapartite conference might well be designed in the first instance to seek to bring nuclear dangers—whether in testing or in potential conflict—under rational control in the Western Pacific.

With regard to Europe, negotiations underway and agreements already achieved appear to be leading to a more stable situation. That progress provides further rationale for the reduction of the military deployments of both the Soviet Union and the United States. The circumstances are there, I believe, for a new thrust for peace in Europe. The present Administration has shown a greater responsiveness to these circumstances than has heretofore been the case. For its part, I believe the Soviet Union has given evidence of a new flexibility in responding affirmatively to the "eastern policies" of Chancellor Willy Brandt. I refer in particular to the non-aggression pact which the Soviet Union and West Germany have already initialed and a similar treaty with Poland wherein West Germany has explicitly accepted the Oder-Neisse boundary. Finally, it should be noted that the Soviet Union has provided, in a four-power agreement, with France, the United Kingdom and the United States, official acknowledgment of the present status of West Berlin and its ties to West Germany.

In the light of these agreements as well as the hopeful emanations from the SALT talks, there is a timely opportunity for negotiating mutual and balanced reductions of forces between the NATO and the Warsaw Pact countries. Such reductions might well be over and above what I have long since believed can be a unilateral draw-down of 50% in U.S. force levels in Europe. May I say that I do not regard the present level of U.S. forces in Europe in any sense as a "bargaining chip" in negotiating a mutual reduction of forces with the Soviet Union. There is no bargaining power in the irrelavant; and excessive and antiquated U.S. deployment in Europe, and the enormous costs which it entails cannot strengthen the U.S. position in negotiations. It can only weaken further the international economic position of this nation.

Whether the Soviet Union reciprocates or not, therefore, I believe the United States would be well-advised to make a substantial reduction of its military deployment in Western Europe. Indeed, a unilateral initiative in this connection may even act as a spur to mutual agreement. I do not think the Soviet Union will find it practicable to keep inflated forces in Eastern Europe when there are not inflated U.S. force levels in Western Europe. I am reminded again of Dwight D. Eisenhower's conclusion that one division of U.S. forces in Europe would suffice for the purposes of the North Atlantic Treaty. That conclusion was set forth a dozen years ago by the first NATO Commander but has been studiously ignored by successive administrations ever since.

Looking beyond prospective developments

in arms control and the political and military stabilization of Europe, it seems to me that a major objective of our relationship with the Soviet Union should be a substantial increase in economic interchange. This nation's trade with the Soviet Union and the entire Eastern bloc has been held in check for many years by rusty barriers designed to prevent the shipment of so-called strategic items to Communist countries.

The present Administration has moved to facilitate the growth of trade in non-strategic goods with Eastern Europe. Nevertheless, the volume of U.S. trade with the bloc countries remains slender by any measure. Even though this trade rose by 30 percent in 1970 over the previous year, the total volume now amounts to only seven-tenths of one percent of U.S. trade with all countries.

Until the advent of the present Administration, the United States government had been most reluctant to spur commercial relationships with Eastern Europe. By contrast, the Western Europeans have pursued these ties with great vigor for a number of years. In 1969, their combined trade with Eastern Europe was 15 times that of the United States in dollar volume.

The potential of East-West trade could be more fully realized by U.S. business if certain steps were to be taken at once. One would be the restoration of equal treatment to Soviet export commodities and a bill to accomplish this is now pending in Congress. Another would be to revise the list of strategic items to permit American business to sell goods in Eastern Europe which are now freely offered there by other western nations. Still another would be to broaden the executive waiver power by which prohibitions can be lifted on financing sales to Eastern European nations through the Export-Import Bank. None of these things will necessarily result in a dramatic upsurge in trade but they might lead to increasing economic contacts. Over the long run, that could do much to strengthen the stability of the Soviet-U.S. relationship.

Following closely on the heels of trade, is the whole matter of cultural interchange which has so much to do with the perceptions that the two nations have of each other. Hopefully, if the people of the United States and the Soviet Union educate enough of each other's students, listen to enough of each other's musicians, watch each other's athletes compete, hold a sufficient number of symposia and so on through a wide range of activities, they might come to an increased understanding and appreciation with consequent reduction in the possibility of conflict. That is the premise on which our cultural exchange program is based. It seems to me to be a sound premise. Unfortunately, the present program with the Soviet Union has fallen on hard times for a variety of reasons, not the least of which have been acts of harassment by militant groups in this nation.

The Soviet Union and the United States have come a long way from the days of the Berlin Blockade, the Hungarian uprising, the Cuban missile crisis, and the bombastic encounters of the 1950's and early 1960's. We stand now at the threshold of a new era in which many of the suspicions and antagonisms of the past can be set aside. President Nixon has an opportunity to consolidate this progress, indeed, this progress to which his Administration has so greatly contributed.

It is a moment of historic opportunity—not in terms of national gain or political profit—but in the opportunity which is offered to increase the probability of the decent survival of modern civilization. If there is any lasting conclusion to which this symposium has led, I trust it is that we—both nations—the Soviet Union and the United States should not fail to seize this opportunity.

CLIFFORD M. HARDIN

Mr. CURTIS. Mr. President, Secretary Clifford M. Hardin has many friends and admirers in Nebraska. He is affectionately known as Cliff to Nebraskans. The Omaha World-Herald, in its lead editorial on November 15, 1971, wrote of Mr. Hardin's service as Secretary of Agriculture. I am sure that all the friends of Mr. Hardin will be pleased to have this editorial placed in the CONGRESSIONAL RECORD. I ask unanimous consent that it be printed at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CLIFFORD M. HARDIN: A SUCCESS STORY

There is an outstanding characteristic that has shown up repeatedly in the various endeavors undertaken by Clifford M. Hardin throughout the 56 years of his life. The characteristic is success.

As an Indiana farm boy, he was an outstanding 4-H Club member. That success won him a scholarship to Purdue University, where he became an agricultural economist.

At 31, five years after receiving his doctor of philosophy degree, he was chairman of the department of agricultural economics at Michigan State University. At 37, he became dean of that university's School of Agriculture. And at 38 he was appointed chancellor of the University of Nebraska, the youngest man ever to hold that position.

Thes university flourished under Dr. Hardin. There were important academic and physical improvements. Even before the University of Nebraska annexed the University of Omaha, enrollment had more than doubled during the Hardin administration. Hardin had much to do with that merger.

In 1969, Hardin left Nebraska to become a member of President Nixon's Cabinet.

It is not easy to gauge the success or failure of a secretary of agriculture. It's a "no-winner" kind of job. Hardin served through extremely difficult times—a period of inflationary costs for farmers without commensurate increases in most commodity prices paid them, especially for feed grains.

Darwin Olofson, the chief of this newspaper's Washington Bureau, is one of the most knowledgeable writers on agriculture and Department of Agriculture-related politics in the capital.

He described Hardin as a good secretary, a successful secretary.

His rapport with Congress was good, said Olofson, and "he managed reasonably well to keep people off the President's back."

Last year, as the Republican representative of a Republican administration, Hardin managed to steer major farm legislation through a Democrat-controlled and largely urban-oriented Congress.

Those are attributes of a good Cabinet officer.

Hardin had his critics, but he never was attacked as violently and as bitterly as his two predecessors, Orville Freeman and Ezra Taft Benson.

Those who have been condemning him will be assailing his successor, Earl Butz, "in two or three weeks," Olofson predicted.

When a Cabinet officer leaves before the end of a presidential term, there is often the suspicion that he was pressured out of his job. There is nothing to indicate that this was the case with Hardin. There is every reason to believe that he did leave because, after years of public service, he could scarcely afford to turn down what President Nixon described as "an exceptionally attractive offer" in private industry.

Hardin will become vice chairman of the mammoth Ralston Purina Co.

Nebraskans who know him so well will wish him success. And it is a sound prediction that he will be successful in private business and that he will contribute to the success of his new company.

CLEAN AIR ACT PROVIDED AUTHORITY FOR ACTION TO COPE WITH SERIOUS POLLUTION IN BIRMINGHAM, ALA.

Mr. RANDOLPH. Mr. President, within the past 2 days we have witnessed perhaps the most stringent response to an emergency situation arising from pollution ever taken in the United States.

With a heavy pall of pollution hanging in stagnant air over the city of Birmingham, Ala., a Federal judge used for the first time, the authority granted in the Clean Air Amendments of 1970 and ordered 23 major industrial installations closed. This was drastic action, but the situation that prompted it was declared serious enough to justify drastic action to protect the health of the people of the Birmingham area. The temporary closure of these industries affected 25,000 workers.

When Congress developed the Clean Air Act last year, questions were raised about the inclusion of strong provisions to cope with air pollution. Mr. President, the approach taken by Congress was shown this week to be right. Emergency powers are necessary to permit officials to act swiftly when the well-being of people is threatened.

The Senate recently passed a water pollution bill which I believe to be equally strong in its provisions. The situation in an Alabama city this week shows that our country, with its concentrated, industrialized communities, must have the tools at hand to act immediately when unusual situations arise.

It is my hope that the legislation we are passing in Congress will prevent these problems from developing in the future. If they do, however, we must be ready to act to safeguard our people.

THE 478TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO

Mr. KENNEDY. Mr. President, today the Commonwealth of Puerto Rico is celebrating the 478th anniversary of its discovery. This year, the celebration has an added importance since Puerto Rico is also commemorating the 450th anniversary of the founding of its capital, San Juan.

Since 1952, Puerto Rico has had a special and unique relationship with the United States, a relationship whose origin can be traced to the imaginative mind of former Gov. Luis Munoz Marin.

The political and economic maturation of the island resides in great part on the development of the commonwealth concept.

That relationship was ratified in a referendum by the people of Puerto Rico 4 years ago, and the United States has abided by that determination. I would hope that the key to future change in Puerto Rico always will be the view of the majority of the citizens of that island.

In the past 20 years, the economic development of Puerto Rico has been among the fastest in Latin America. The heritage and culture of Puerto Rico has enriched all who have traveled to the Caribbean island, and the many residents of the 50 States who trace their past to the island have brought their culture and language to enrich our own.

In my own State of Massachusetts, there are estimated to be more than 70,000 Puerto Ricans, with the largest number living in Boston. For New England, the Puerto Rican community has added more than a language to the Massachusetts citizenry. The Puerto Rican community has begun to take a full share in the life of the State, providing an additional proud chapter in the history of Puerto Rico-United States relations.

RIGHTS OF THE MENTALLY AND PHYSICALLY HANDICAPPED

Mr. PERCY. Mr. President, at a time when national interest has been so intensely focused upon the human rights of socially and economically disadvantaged persons, it is ironic to find our country's 6 million mentally retarded persons and 22 million physically handicapped persons lacking in equally zealous advocacy and representation.

I am therefore, very pleased to join my distinguished colleague from Kentucky in introducing, today, this resolution calling for a declaration of rights for the mentally and physically handicapped.

It shocks me that in this day and age such a declaration is necessary. However, many Americans are unaware of not only the special problems of the mentally and physically handicapped but of the fact that those afflicted are denied many rights and privileges which you and I take for granted. The evidence of prejudice toward the handicapped is reminiscent of antiquated attitudes toward persons who are "different." Vestiges of such attitudes can easily be seen in such areas as unequal job opportunities, unequal educational opportunities, social ostracism, exclusion from normal community and family life and the stubborn myth that programs for the handicapped are basically for charity.

I recognize that not all handicapped persons will be able to enter or return to the full social and economic mainstream of our society, but given the opportunity to education, training and the right to legal process and equal treatment, the handicapped can all be helped to achieve a more productive and satisfying quality of life.

The social, economic, and human impact on the Nation of limitations in the daily living, health, education and employment of 28 million mentally and physically handicapped Americans—or 14 percent of our population—can no longer be ignored. As the President's Task Force on the Physically Handicapped reported:

> The magnitude of the needs of the present and steadily increasing numbers of these handicapped people should be of the most serious concern to government at all levels and to the citizens of this nation.

Mr. President, this resolution, I hope, will begin a national commitment to eliminate the glaring neglect of our handicapped citizens. The mentally and physically handicapped should have the same basic rights and privileges as you and I. They should have the right to the possibility of maximum independence, security and dignity.

THE GETTYSBURG ADDRESS

Mr. BUCKLEY. Mr. President, 108 years ago, on November 19, 1863, President Abraham Lincoln delivered an address dedicating the cemetery at Gettysburg. Abraham Lincoln's words need no introduction, and I ask unanimous consent that the Gettysburg Address be printed in the RECORD.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

> ADDRESS DELIVERED AT THE DEDICATION OF THE CEMETERY AT GETTYSBURG, NOVEMBER 19, 1863
>
> Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.
>
> Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.
>
> But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow, this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.
>
> November 19, 1863.
>
> ABRAHAM LINCOLN.

WELFARE REFORM ON THE AUCTION BLOCK

Mr. CURTIS. Mr. President, it is my observation that the issue of welfare reform has recently been openly and flagrantly put on the auction block for sale to the highest bidder.

For 18 months or more, ever since the administration first indicated its willingness to consider the concept of a guaranteed annual income as a part of welfare reform, the wild bidding to up the ante has been building to a crescendo. This auction, conducted under the cloak of concern for America's poor, is beginning to be seen for what it really is—the rankest kind of political vote buying.

Such antics, I think, diminish the stature of the Congress. Perhaps we should be grateful, though, inasmuch as they also serve to point up the disastrous consequences which must be anticipated if the concept of a guaranteed annual income is ever given legislative approval.

Let me review the record. When first proposed by the administration, the annual income guarantee was to be $1,600 for a family of four. The outcry from the welfare lobby was so great that the figure was raised to $2,400 when the bill was reintroduced in the 92d Congress as H.R. 1. Thus, the ante was raised once before Congress ever acted on the measure.

Every one of these bills disregards certain kinds of income and continues various other forms of assistance—rent subsidies, medicare, child care, and so forth, which inflates the annual income figures well above the minimum which they appear to decree.

For example, benefits potentially available to a female-headed family of four in Wilmington, Del., under provisions of H.R. 1, can increase the federally guaranteed income of $2,400 to a figure of $4,357. This is accomplished by an earnings disregard for the first $720 of earned income, a State supplement of $216, public housing assistance amounting to $598, and medicaid benefits of $460. From this is deducted $37 in Federal, State, and social security taxes. If there are no earnings at all, no taxes are paid and public housing assistance increases to $728, netting this same family the equivalent of $3,804 in cash and benefits.

In Chicago or New York the total income equivalent for this family is substantially greater. These figures are based on the so-called "Williams charts," prepared for the Senate Finance Committee. Even when the more conservative estimates preferred by the Department of Health, Education, and Welfare are used, this family, with no earned income at all, will net $3,368 in Wilmington. With earnings of $720, the net figure increases to $4,195.

Now an amendment has been offered in the name of 18 Senators providing an initial minimum income of $3,000 which will escalate by 1976 to a level no less than an income equal to the poverty level. Not satisfied with that, another Senator and presidential aspirant has introduced S. 2747 calling for an initial minimum income of $4,000 escalating by 1976 to a level no less than an adequate income as defined by the Bureau of Labor Statistics low living standard, adjusted annually for changes in the median family income and local cost of living differences.

Moreover, whereas H.R. 1 provides for income supplements up to an annual income level of $4,300 for a family of four, S. 2747 provides such supplements, initially, to those with incomes up to $6,500, going eventually to a level of more than $10,000. It is very clear then, from these maneuverings, the pressures which will constantly be on the Congress to increase the benefit levels once the concept is adopted.

What of the cost of such grandiose scheme? The Washington Post blandly announced that S. 2747 would cost initially, $5 billion more than H.R. 1—which varying estimates indicate will cost from $5 to $10 billion more than the present programs in its first year—and eventually the gap probably would widen. Given the escalatory provisions built into the bill, probably can only be described as a patently deceptive adverb in that context.

Of more significance is the following observation of Chairman Wilbur Mills during the House debate on H.R. 1:

> If we went the route of the National Welfare Rights Organization and had brought a bill to the House that had a basic floor of support for a family of four without any income of $6,500 we would have been asking the House to approve a measure that would add not less than $70 billion to the present cost of welfare—$70 billion.

Yet the Bureau of Labor Statistics lowest adequate income standard, the benefit level goal for 1976 set out in S. 2747, is now $6,500. If it would cost $70 billion to implement such a program this year, it will undoubtedly require an even greater outlay by 1976. But how many enthusiasts for such legislation have stopped to consider that its cost—at $70 billion—represents more than half the national income from personal and corporate income taxes for fiscal year 1972, which is estimated at $130.4 billion, and nearly one-third of the entire fiscal year 1972 budget of $229.2 billion.

The Washington Post quotes the author of S. 2747 as saying he introduced the measure "in hopes of raising the threshold of eventual compromise," above the level of H.R. 1 which he termed "fatally inadequate." At least there is no equivocation about the desire to see the bill auctioned off to the highest bidder.

But if Chairman Mills' figure is even remotely accurate then the cost assessment of S. 2747 as reported by the Post is a ludicrous understatement.

Consider, too, that a minimum guaranteed annual income level of $3,600 for a family of four would qualify one-fourth of the entire U.S. population to go on the dole. At $6,500, nearly half the population would become eligible.

Worst of all, the debate over the minimum guaranteed income has centered almost entirely around these so-called ceilings and whether or not they constitute a living income or a raid on the taxpayers when, in fact, they are grossly misleading figures that are not representative of the economic impact of the measures, either on the income to be received by individual families or on the cost to the Federal Treasury.

The practical effect of all these programs would be once again to tilt the economic picture toward rampant inflation, the cruelest of all taxes upon the very poor they profess to help.

It all adds up to a gigantic political shell game—a "now you see it, now you don't" attempt to con the voters out of their votes in return for the promise of more and more.

It is time to stop evaluating welfare reform in terms of the minimum level of income guaranteed. It is time to begin looking at it in terms of those things which really need reforming—the inequities, the rigidity, the abuses and inconsistencies. If these were reformed and State and local officials were given meaningful control over the programs, costs could be reduced instead of increased while higher quality, more equitable assistance was being provided those who are truly needy.

The guaranteed minimum income should not be a part of welfare reform. Let it be divorced from welfare reform. You cannot reform welfare by adding 10 or 12 million to the existing rolls. Let us get on with the business of true welfare reform and not welfare expansion under the guise of reform.

RESOLUTIONS OF THE NEW ENGLAND MACHINISTS

Mr. PELL. Mr. President, this past October the International Association of Machinists and Aerospace Workers in New England held a conference and expressed their support for no-fault automobile insurance, a strong consumer protection agency, and legislation to protect American jobs from the impact of foreign imports.

Mr. President, I believe it is important that we consider the significance of these resolutions; and I ask unanimous consent that they be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution No. 1

NO-FAULT RESOLUTION

Whereas, the cost of automobile insurance, a necessity for virtually every working man and woman, has risen more than 65% in the past decade, a rate far greater than the average increase in take-home pay or the cost elements for which such insurance compensates, and

Whereas, only 40 cents of each dollar paid by consumers for liability protection is actually spent for the protection of accident victims, and

Whereas, the total sums paid for personal and family loss from serious-injury and fatal automobile accidents is only 20 per cent of the actual loss suffered under the present "fault" insurance system, and large numbers of families suffer serious financial reverses as a result, and

Whereas, the average cost of automobile insurance to all policyholders is as much as 40% greater under the present "fault" system than it would be under a no-fault system, and a major portion of this excess is the result of expensive, time-consuming litigations;

Now therefore, the Connecticut State Machinists, AFL-CIO, strongly re-iterates its support of adoption by the New England Conference of Machinists of a no-fault system of automobile insurance covering all accidents except those in which the victims are permanently disabled or disfigured or suffer extreme financial loss, and

Be it further resolved, that this resolution be communicated to the Governors, the chairmen of the appropriate committees of the General Assemblies, and Special Commissions which at the direction of the Legislatures are studying the no-fault system.

Resolution No. II

CONSUMER PROTECTION

Whereas, the American consumer has been victimized by fraudulent advertising, deceptive packaging, and products far below acceptable standards of safety and performance. Comprehensive legislation backed by an effective administration agency, is needed to protect the rights of the consumer,

Therefore be it resolved, that this conference go on record in support of appropriate federal legislation to establish an agency with sufficient powers and staff to protect American consumers against fraud.

Resolution No. III

IMPORTS

Whereas, tons of thousands of American workers in all industries have seen their jobs wiped out by the flood of imports from low-wage countries. While American workers average more than the national $1.60 minimum wage, workers in foreign countries earn but a fraction of this amount, as little as 9 cents an hour in South Korea, 11 cents in India and Pakistan, 15 cents in Taiwan, 18 cents in Portugal, 23 cents in the Philippines, 30 cents in Mexico, and 39 cents in Japan, to give but a few examples. So long as imports have free and unlimited access to the American market, garment and textile jobs are in jeopardy.

Be it resolved, that this conference wholeheartedly support the AFL-CIO efforts to secure federal legislation to regulate the rise in apparel and textile imports; and

Be it further resolved, that the Officers and Executive Board of the New England Conference of Machinists continue its efforts to secure the necessary legislation and undertake every action at its command to check job erosion brought about by imports.

THE WELFARE EXPLOSION

Mr. ALLOTT. Mr. President, much discussion—much of it intelligently critical—has been occasioned by the publication of a new book concerning the welfare explosion.

The book is by Profs. Frances Fox Piven and Richard Cloward and is "Regulating the Poor: The Functions of Public Welfare," published by Pantheon.

We owe the authors a debt of gratitude, but not for their theory—which is that welfare is a vicious scheme engineered by the powers that be for the torment of the unfortunate; and that the disastrous working of the welfare system is a blessing in disguise because it destroys social cohesiveness and hastens the advent of some unspecified revolutionary change.

Rather, we owe them thanks for provoking intelligent men of good will to demolish their theory.

On September 13 I caused to be printed in the Record a spirited and wise demolition by Mr. Irving Kristol. Today I want to call the attention of the Senate to another tidy essay with similar aim and effect. This is by Nathan Glazer and is from the current issue of New Yorker magazine.

So that all Senators can profit from Professor Glazer's wise analysis of the welfare issue, I ask unanimous consent to have his essay printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Regulating" the Poor—or Running Them

(By Nathan Glazer)

New Yorkers might properly be concerned about the tripling of the number of persons on welfare in New York City during the 1960s. That rise, from 330,000 to 1 million, was accompanied by an enormous increase in the budgetary requirements for relief, to the point where welfare costs in New York City for the first time in history exceeded education costs, traditionally the larget single element in the city budget. It occurred while the unemployment rate dropped (unemployment began to rise again in 1970, but that was after this enormous increase had already been accomplished). And it was accompanied by an aggravation of almost every problem that we associate with poverty—family breakup, the loss of social control over youth, increasing juvenile delinquency and crime, increasing drug addiction, increasing filth in the streets, increasing signs of misery and anger among the poor.

Those who seize upon Frances Fox Piven and Richard Cloward's *Regulating the Poor: The Functions of Public Welfare* (Pantheon, 389 pages, $10) will remain, I am afraid, only partially enlightened. They will, however, learn a good deal about how this enormous rise came about—where it took place, at what time, and even under what administrative and legal conditions. Oddly enough, it happended during a decade when new reforms were instituted that were designed to reduce the rolls, first with kindness (the reforms of 1962, which were to support more social work with clients for purposes of rehabilitation), and then with harshness (the reforms of 1967, with work incentives and attempts to simply freeze the AFDC rolls). No matter. The numbers on relief rose. They rose in New York City to the point where one in seven or eight of the population was on relief, and they rose in the rest of the country.

From one point of view, there is no mystery to the rise of the numbers on welfare in a time of relative prosperity. They rose, as Piven and Cloward (both faculty members at Columbia's School of Social Work) explain, because there was a substantial body of people employed to see that they rose. There were 100,000 workers in Community Action Agencies, established under the Office of Economic Opportunity after 1964; one of the major tasks of this legion was to tell poor people about welfare, accompany them to welfare agencies, argue for them, organize them in sit-ins, distribute simplified accounts of the rules governing welfare and the benefits available. In short, there were 100,000 recruiters for welfare that were not there before. In addition, there were at least 1,800 lawyers paid for by OEO projects in 1968; one of their functions was to challenge the restrictions around the granting of welfare—residence restrictions (relaxed), restrictions on "man-in-the-house" rules (also relaxed), and midnight searches and other harassing forms of investigation (abandoned). Litigation eliminated restrictive practices and intimidated welfare agencies and workers into accepting more on the rolls and into giving them more. Finally, there was the National Welfare Rights Organization—the book is dedicated to George A. Wiley, its leader—which was organized, according to the authors, in large measure by federally paid and recruited VISTA organizers, and which continued and expanded the pressure of community organizers and lawyers.

So in a sense there is no mystery, and Piven and Cloward have explained clearly how and why the number of families on welfare in the late 1960s exploded. The unsatisfying part to New Yorkers is likely to be not the immediate why, which we understand well enough, but rather, what we are to think of it. Was this a good thing or a bad thing? Is it good for the city? Is it good for the poor? And in the largest sense, what welfare policies should we adopt for the good of the city, the poor, and the nation—which of course suffered in very much the same way, even if the New York figures are most impressive in their size.

The purpose of welfare today, as in the past, the authors suggest, is to "regulate," or "discipline," the poor, so that they are required—forced—to take low-income jobs that no man or woman should be required to take. It "succeeds" by making it very hard to get on welfare, and by degrading the poor so they are shamed when they accept welfare, and try to avoid it if at all possible.

This theory of welfare as regulating the poor comes through clearly enough. But it is when the authors try to explain the role of the *explosion* of welfare in regulating the poor that they get very fuzzy. Welfare did not go up simply because the numbers of the poor increased. Piven and Cloward point out that the number of poor people in Northern cities increased in the 1940s and 1950s owing to the agricultural revolution in the South, and it was only in the 1960s that the welfare rolls exploded, and in the second half of the decade at that. Welfare did not go up because we became more generous and Presidents Kennedy and Johnson wanted to do more for the poor in the 1960s. "The historical pattern," they assert, "is not one of increasing liberalization." The power structure never *wants* to do more for the poor. Welfare did not go up because the administration was *forced* to do more for the poor, because of disorder and demands. That comes closer to it, but Piven and Cloward do not quite say that either. Rather, they say, the powers-that-be decide quite consciously to do somewhat more for the poor in order to draw the teeth of disorder. So by scattering the crumbs of welfare, they attempt to accommodate the disorder of the poor by concessions. Once these concessions are granted—temporarily, it is insisted—and have their effect in stilling disorder, then the "regulating" functions of the welfare system come into effect again. The *direct* relief of welfare is replaced by *work relief*. Through work relief at low wages the poor are forced to take any job on the market. Low-wage labor is replenished, and employers may now utilize it for greater profits, and the welfare rolls are cut back.

Thus there is a cycle of welfare, and the authors insist the cycle is not to be found only in the United States between the early 1960s and the early 1970s, but also in Roosevelt's New Deal (unemployment, increasing welfare, disorder, more welfare, work relief, cutting back first on welfare and then on work relief), and even in England between the sixteenth and nineteenth centuries.

Now there are a number of oddities about this approach. One oddity is the assumption—indeed the insistence—that powers—the administration, or the corporate leaders, or the government—are all-knowing, all-powerful, never wrong, and fully united. The authors *know* why the poverty program was established—it was a phase in the regulation of the poor, to draw their teeth by providing a bit more, prior to the phase of increasing harshness and repression, as they are driven back into the labor force. No one else involved, however, seems to know this. Piven and Cloward's attitude toward the participants who formulated the poverty program and wrote their accounts is one of disdain. Yet, as indicated clearly in this book, there were indeed all sorts of objectives in the poverty program. Some people wanted reform (which the authors characteristically put in quotes because in their view nothing ever happens except as part of a cycle, and "reform" is only one stage of it); some wanted to do something for the poor, some wanted to get votes, some wanted to coordinate federal services so they were more efficient, some wanted to put pressure on public and private welfare agencies to change their practices, some even wanted revolution, some wanted to rub raw the sores of discontent, etc., etc. All these, according to Piven and Cloward, are either mistakes, misunderstandings, or the views of persons without the higher insight that the purpose of the government poverty program was to respond to mass discontent by a phase of repression. And similarly with the New Deal.

There is a second oddity about this point of view. In this approach, history consists of one active element—the powers—and a passive element—the poor. Left out are all the intermediaries, *e.g.*, the social workers whom Professors Cloward and Piven teach, and the theoreticians of change (whether "reform," "revolution," or something else) that they themselves are. But more strikingly, Cloward and Piven's poor remain a faceless mass with no distinctive characteristics—people who are worked on by the powers, and respond as the powers wish. Even when they become apparently active, and pour onto the welfare rolls, that is all a matter of design by the powers—they after all gave the money to hire the community organizers and the lawyers and NWRO organizers, and have it all worked out as to where it fits into the scheme. According to Cloward and Piven, the power of the powers is indeed quite awesome. If there are few on the welfare rolls, well, that is because the powers want to maintain an army of unemployed, keep pay rates down and require people to accept any work at any rate. If there is an explosion of the welfare rolls, that is because the powers want to draw the teeth of the restive poor by throwing them some bones.

Professors Piven and Cloward are quite modest about their own role in the explosion of the welfare rolls. They are more committed to their view of history—in which everything comes from the existing powers—than to the proper evaluation of their own role. Seven or eight years ago a foundation executive spoke to me of their plan to get everybody possible to join the welfare rolls, thus bringing on a real crisis, and replacing the rotten system with—what, I asked? I was skeptical less of the possible success of this venture—it was very successful, it turned out—than of the hope that it would be replaced by something "better" rather than—as is happening even in such liberal states as New York—by something harsher. I thought that to encourage as many people as possible to take advantage of welfare benefits would lead to a worse society, and they thought it would lead to a better society. It is this issue that is most troubling to me; oddly enough, it plays all too small a role in their account.

Cloward and Piven are unreservedly committed to increasing the numbers on welfare. They are against work requirements—and, as far as one can tell, even work incentives. In any case, they do not discuss them in this book, either those introduced in 1967, or those introduced in experimental and demonstration projects, or those proposed in the Nixon welfare reform proposals. They are still quite committed to their welfare revolution, and against all proposals currently considered for reform. They conclude: "In the absence of fundamental economic reforms . . . *we take the position that the explosion of the rolls is the true welfare reform, that it should be defended, and it should be expanded* [their italics]. Even now, hundreds of thousands of impoverished families remain who are eligible for assistance but who receive no aid at all."

But what do they mean by "fundamental economic reforms"? In view of the fact that only this would justify the ceasing of the expansion of the welfare rolls it would be important to know. They are quite coy, but are willing to give one indication: "Reforms in economic policy that would lead to full employment at decent wages." This is all they say. It does not get us far. For the second half of the 1960s at least we had full employment in New York City, in the sense that anyone could get a job at the minimum wage if he or she were willing or able to get to work on time and perform at a minimally satisfactory level. Tens of thousands of such jobs went begging. But obviously that is not what the authors mean. What then do they mean?

At what point would they feel their "fundamental economic reform" consisting of "full employment at decent wages" had come to pass? They do not say and there is no way of knowing. They are quite insistent about what it is not. It is not the Nixon plan, with its incentives for work. It is not public service employment ("work relief")—this, they insist, is only the prelude to cutting the relief rolls and forcing people to work at wages they apparently would not consider decent.

Short of this totally unspecified reform, they seem quite complacent about insisting that more and more people be organized to get onto the relief rolls, even though they give what is to my mind a quite horrifying account of what this means. Thus, they write: "When large numbers of people come to subsist on the dole, many of them spurning what little low-wage work may exist, those of the poor and near-poor who continue to work are inevitably affected. From their point of view, the ready availability of relief payments (often at levels only slightly below prevailing wages) undermines their chief claim to social status: namely, that although poor they nevertheless earn their livelihood. . . .

"Moreover, when attachments to the work role deteriorate, so do attachments to the family, especially the attachment of men to their families. For all practical purposes, the relief check becomes a surrogate for the male breadwinner. The resulting family breakdown and loss of control over the young is usually signified by the spread of certain forms of disorder—for example, school failure, crime, and addiction. In other words, the mere giving of relief . . . does little to stem the fragmentation of lower-class life, even while it further undermines the patterns of work by which the lower class is ordinarily regulated."

These are truly astonishing passages, when taken together with the conclusion of the book that "the explosion of the rolls . . . should be defended, and expanded." Why would Piven and Cloward want to reduce the commitment to work? Why should they want to encourage the further breakdown of the family and the loss of control of the young?

Perhaps they feel most work is makework, or leads to profits for private entrepreneurs, or is demeaning, and thus the reduction of commitment to work for the poor is the way to their ultimate salvation. The authors are consistently suspicious of low-paid work. Thus, they describe the New Deal's WPA as "enmeshing people in the work role" in order to "quiet" the populace. On the other hand, whatever their antipathy to work, they are quite clear that the dole does weaken the family, does weaken social control over the youth, does lead to an increase in crime and addiction. If this is the effect of weakening the commitment to work produced by money relief, they should be less committed to an expansion of relief than they are. They should at the least consider how relief with dignity should be given. They should consider more seriously how persons can again be involved in work. One can only conclude that their commitment to the destruction of the system of work is so complete that they are quite prepared to see the full destruction of the poor on the way to reaching this objective.

This may be happening already. Ten years ago in New York City there were only one-third as many families on welfare as we have today. Ten years ago 12–13 percent of the black population was on welfare—today it is more like 35 percent. The figures for Puerto Ricans are even higher. And one can soberly ask oneself, whatever this has done to the city, what has it done for low-income blacks and Puerto Ricans? Has it reduced starvation and given them more food? Has it improved their housing? Has it improved their environment? Has it improved their clothing? Has it heightened their self-respect and sense of power? Has it better and more effectively incorporated them into the economic and political life of the city? These are not questions the authors ask, or seem very bothered about. Yet these are questions they should ask. Blanche Bernstein, director of research at the New School's Center for New York City Affairs, has estimated that 50 percent of the increase in welfare receipts in New York City during the 1960s was due to desertion and 25 percent was due to illegitimate births. She reports that in 1961 there were 12,000 deserted families on welfare in New York City. By 1968 there were 80,000. What happened in New York City was not an explosion in welfare alone. The city witnessed an explosion in desertion and in illegitimacy, an explosion concentrated in the black and Puerto Rican population.

Astonishingly, Cloward and Piven seem totally indifferent to that explosion and what it meant. Was it a response to lack of jobs or opportunities? Then why did it occur when jobs became plentiful and opportunities expanded? Or was it in part a response to welfare itself—its incentives, its ways of life, and the aspects of degradation that are integral to the notion of means-tested support and that seem inevitable, regardless of the liberality of welfare administrators and the numbers of lawyers engaged in defending welfare rights? I would argue that there was a close relationship between the explosion of welfare and the disaster that overtook the poor black and Puerto Rican areas, a disaster on a scale that we have not seen before in any other impoverished immigrant group. The disaster was that welfare, along with those who pressed its expansion, deprived the poor of New York of what was for them—as for the poor who preceded them—the best and indeed only way to the improvement of their condition, the way that involved commitment to work and the strengthening of family ties. In place of this, the advocates of revolution through welfare explosion propagated a false and demeaning sense of the "rights" of the poor, one which had disastrous consequences. For whatever the rights to welfare—and they are certainly rights—they are not the rights through which people can come to the best and strongest conception of themselves and their powers, and through which they can come to the best path to advancement.

Relief is necessary to the poor. In any civilized society it must be given generously, and if needed, extensively. But it should be the aim of every society to find and encourage *other* means to the maintenance of a decent standard of living than the distribution of charity. For whatever the position of modern advocates of welfare rights, welfare can never, if given regularly on an extensive scale, be other than alms, and whatever alms did for the souls of those who gave them, they could not be good for the souls of those who received them. Every society—capitalist, socialist, or "welfare state"—tries to find ways to replace money relief and to make it unnecessary. To advocate its expansion as a means of dealing with distress is one thing; to advocate its expansion as a means of breaking the commitment to work with its attendant effects on self-respect and on family life is irresponsible.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

REVENUE ACT OF 1971

Mr. HUGHES. Mr. President, I ask the Chair to lay before the Senate the unfinished business.

The PRESIDING OFFICER laid before the Senate the pending business, H.R. 10947, to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The Senate resumed the consideration of the bill.

AMENDMENT NO. 708

The PRESIDING OFFICER. The pending business is Amendment No. 708 of the Senator from Arizona (Mr. FANNIN), which the clerk will state.

The assistant legislative clerk read as follows:

On page 29, after line 19, insert the following:

"PROHIBITION OF CERTAIN POLITICAL ACTIVITIES

SEC. 1062. (a) Section 501 (relating to exemption from tax) is amended by redesignating subsection (f) as (g) and by inserting after subsection (e) the following new subsection:

" '(f) PROHIBITION OF CERTAIN POLITICAL ACTIVITIES—No organization described in section 501(c)(5) which requires any person to pay membership dues, fees or other assessments, as a condition of employment shall be exempt from taxation under subsection (a) for any taxable year in which any part of its income or of the amounts received for its support is used—

" '(1) to support or oppose any candidate for public office,

" '(2) to support or oppose any political party.'

"(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act."

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Arizona is recognized for 10 minutes.

Mr. FANNIN. Mr. President, first, in all candor, I must say that I believe the income tax checkoff system that is being proposed by amendment No. 692 is undesirable. It would provide for a new monolithic political party system.

If amendment No. 692 should pass, it will provide the national parties and major candidates with a great new source of campaign funds. We are told that candidates will no longer have to be beholden to big business or big labor.

Therefore, there should be no objection to my amendment which simply would provide an effective means of barring further illegal political contributions by unions or other organizations.

Senator GRIFFIN, my distinguished colleague from Michigan, pointed out yesterday that even if amendment 692 passes it still would not prohibit massive contributions by big labor. We do have laws, rather effective laws, which hold down the abuses by big business. Since we have delved into the matter again here today, let us close the loophole that has robbed union men of millions of dollars each year to pay the cost of campaigns run by the political favorites of union bosses.

If we are to provide a truly voluntary checkoff system through the income tax, we should be ready to abolish the illegal political bite being taken out of the union checkoff for involuntary dues.

Millions of American working men and women are forced to pay dues each month to unions. Contrary to the wishes of many of these union members, their dues and assessments are being used for political purposes.

Unions reported spending $10.7 million for political purposes in the 1970 elections, and this is only the very tip of the iceberg. Millions more were spent by the unions for unreported contributions, to provide facilities for campaigns, to pay for supplies for campaigning, to pay the salaries of supposed union officials who actually were full-time political campaigners for various candidates.

Mr. President, last week, I inserted in the RECORD a list of salaries and expenses totaling $443,862.95 paid to officials of the AFL–CIO for political education. These salaries were not filed with the Clerk of the House of Representatives, as one would suppose under our reporting system procedures. These salaries were reported to the Department of Labor by the AFL–CIO. As far as can be determined from records, it would appear that the funds to pay these salaries came from the AFL–CIO general fund which is drawn from union dues.

It should be noted that the salaries are only for employees earning $10,000 or more. COPE reported other expenditures of $969,328 for 1970 in its report to the Clerk of the House. It is obvious that the entire COPE total should have been at least $1.4 million for 1970.

Mr. President, as we all know, this kind of report is misleading in that it grossly understates the actual expenditures—estimated to total $6 million or $7 million.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables from the book entitled "Financing the 1968 Election," written by Herbert E. Alexander.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

LABOR NATIONAL-LEVEL COMMITTEES GROSS DISBURSEMENTS, 1956, 1960, 1964, 1968

	Reporting committees	Gross disbursements (millions)
1956	17	$2.2
1960	21	2.3
1964	31	3.7
1968	37	7.1

GROSS DISBURSEMENTS OF THE 10 LARGEST LABOR NATIONAL-LEVEL COMMITTEES, 1960, 1964, 1968

	1968	1964	1960
Committee for good government	$251,000	$122,000	$77,000
COPE (AFL–CIO)	1,207,000	989,000	794,000
DRIVE (Teamsters)	211,000	270,000	50,000
ILGWU	1,077,000	426,000	316,000
Machinists	572,000	260,000	193,000
Marine engineers	262,000		
Seafarers	947,000	121,000	
Trainmen	215,000	43,000	10,000
UAW	309,000	269,000	61,000
Steelworkers	240,000	251,000	239,000

Adding the 2 UAW committees together, $560,000 was spent in 1968, $391,000 in 1964, and $138,000 in 1960.

Mr. FANNIN. Mr. President, these reports, show that the Labor National-Level Committees gross disbursements for 1956, 1960, 1964, and 1968 were: 1956, $2.2 million; 1960, $2.3 million; 1964, $3.7 million; and 1968, $7.1 million.

Those are rather sizable amounts.

Mr. President, these tables show that in 12 years the number of labor committees reporting on the national level more than doubled. Their reported contributions went from $2.2 million to $7.1 million. Again, let me point out that these represent only a fraction of the actual union expenditures for political campaigning.

The executive director of COPE, Alexander E. Barkan, has provided some impressive statistics on the role that his organization and other union bodies played in the 1968 elections.

Barkan has said that they distributed 110 million pieces of printed matter.

They registered 4.6 million voters—mostly of one political party.

COPE operated telephone banks in 638 locations with a total of 8,055 telephones.

This—and again it is only a very small sample—shows how deeply the unions were involved in the election of public officials. It was the union members who paid the freight for the materials and facilities used, and for the salaries of union officials who served as the key political organizers.

No one asked the union workers whether they approved of this.

No one asked the union rank and file which candidates should be supported.

The decisions were made by the union bosses who have fantastic resources at their disposal to use in grinding their favorite political axes. These union bosses naturally are going to use these resources to promote the election of public officials who will support legislation and policy that is to the benefit of the union bosses.

One of the major jobs of Government is protecting rank and file workers from exploitation by ruthless union leaders. How is Congress supposed to do this when so many Members become deeply indebted to the union bosses?

This brings us back to the matter of protecting the integrity of our entire political system.

Congress has enacted effective laws to prevent big business from gaining an iron grip on the Government. In the legislation we are considering today, the objective is to keep some balance in our campaign and election system—to prevent special interests from "buying" the candidates.

It is my contention that big money from union bosses is the biggest threat to our political system because of the concentration of resources and the control of not only funds but the facilities and manpower that can make or break candidates for public office.

If we do not put some meaningful restraint on the unions they will be left free to "buy" the candidates election after election.

It occurs to me that without my amendment, the passage of amendment 692 would enhance the role of kingmaker for the union bosses.

Unions will be able to concentrate their buying power on primary elections. They can throw their considerable resources behind chosen candidates in the early, hard-to-finance days of campaigns. Once they get the nomination of their man, then they can rely on the public funds to help carry their man to victory in the general election.

Mr. President, unions have prospered because they have been given broad protection by Congress. Our laws are heavily biased in their favor. This is why they can exact dues and assessments to amass the resources that can make or break politicians in certain areas of our Nation.

Yet, the union membership makes up only a small portion of our country—less than 10 percent of our population.

Mr. President, it is time that we whittle the political power of the union bosses back down to its rightful size.

The amendment I have introduced would deny tax-exempt status to organizations using mandatory membership dues or assessments for political purposes.

The bill would prohibit any organization which requires the payment of dues or other assessments and which membership in such organization is a condition of employment from claiming an income tax exemption for any taxable year in which any part of its income or of the amounts received for its support is used, directly or indirectly:

First, to support or oppose any candidate for public office.

Second, to support or oppose any political party.

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator has expired.

Mr. FANNIN. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional 5 minutes.

Mr. FANNIN. Mr. President, labor unions currently are taxed on unrelated business income, but under 501(c)(5) of the Internal Revenue Code they are not taxed on passive or investment income, such as dividends, interest, annuities, or royalties; 501(c) of the code provides some 17 categories of exemptions for a number of varied organizations.

Section 501(c)(5) is the only one of the 17 paragraphs that contain no definitions, limitations, or prohibitions. Because of this, my amendment is an absolute necessity.

Tax exemption under section 501(c) of the Code is a special privilege which was intended only if tax exempt organizations do not engage in activities beyond their exempt purposes.

Congress clearly intended that unions should not engage in political activities through the use of involuntary dues. This was spelled out in the Federal Corrupt Practices Act.

The Internal Revenue Code has been interpreted as permitting a union tax exempt status no matter how much of its money it spends for political purposes. In a very real sense, the Internal Revenue Code is condoning illegal political activity and rewarding it with a tax exemption.

Mr. President, it is common practice

for a portion of involuntary union dues to be allocated to special committees which channel these funds into political campaigns. These often are called "Political education" or "community action" committees, but this is a very thin veil. These committees "educate" people to support the politicians who are in favor with the union bosses. They bring about "community action" which will boost the political fortunes of the chosen party or candidate.

This amendment is intended to put some reasonable restraint on the staggering sums of money and resources now being poured into these political activities by the unions.

This would not prevent the use of separate political arms or organizations. I do not dispute the right of unions to have political action machinery which is truly supported by voluntary contributions.

This amendment would not affect other voluntary political action groups such as the League of Women Voters or associations which are allowed to engage in certain political activity under other sections of the Internal Revenue Code.

Someone is bound to argue that we do not need this amendment because political spending by unions already is illegal.

Mr. President, it is obvious that the Federal Corrupt Practices Act has not done the job. There have been attempts to enforce this law, but the results have been singularly unimpressive.

Mr. President, my amendment would bring an effective new restraint on the undesirable and illegal political spending by labor organizations. These organizations are more concerned about maintaining their tax exempt status than they are about the remote possibility of prosecution under current law.

As I said earlier, tax exemption under section 501(c) is a special privilege. The amendment would make it clear that this privilege will continue only so long as unions do not abuse the privilege.

Unions could remain tax free simply by sticking to the business of being unions rather than playing at the role of kingmaker. To keep their tax-exempt status, they would have to remain free of political wheeling and dealing.

One more point I would like to make is the fact that my amendment is consistent with the Supreme Court decisions in the Street and Allen cases. The Justices held that Congress did not intend to authorize unions to use compulsory dues and fees for political purposes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FANNIN. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional 2 minutes.

Mr. FANNIN. Mr. President, I am very concerned about the abuses being perpetrated by labor unions in collecting dues and assessments for political purposes. The Wall Street Journal recently carried an excellent article telling of the shameful tactics used by the Marine Engineers Beneficial Association, AFL–CIO, to collect political funds from pensioners.

The Wall Street Journal article says, in part:

> The Marine Engineers, or MEBA, is not a union that seems in need of help. It collects initiation fees of $1,000 from young men wanting to join, and it can afford to pay President Jesse Calhoon a $75,000 salary.
>
> But MEBA lacks a membership willing to give generously to the union's political fund. So, to compensate for stinginess among seagoing engineers, it leans on pensioners who can't so easily elude the political collectors—and at times leans on deceased members' widows too.
>
> Supposedly, the retirees are all donating voluntarily, as Federal law requires. But because the union controls pension payments, a member applying for retirement thinks twice before refusing to contribute. Once a pensioner has agreed to give, the union makes sure he doesn't forget: it deducts the $10 contributions from the monthly retirement checks it sends out.
>
> In most cases, the oldsters supplying political dollars don't know where their money is going.

Mr. President, we should provide some protection from this type of extortion by union bosses. We should protect not only pensioners, but every rank and file worker who is having money taken from his paycheck for union dues. And in the process we will be protecting the American public from union officials who are more interested in pulling the strings of political power than they are in watching over the welfare and rights of their members.

Allow me to summarize.

The purpose of this amendment is to protect the rights of rank and file union members who are now forced to contribute to political causes they do not believe in. It is designed to maintain some balance in our political system by requiring unions to abide by the same regulations that apply to other segments of our society.

Mr. President, I yield 6 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 6 minutes.

Mr. PACKWOOD. Mr. President, prior to my election to the Senate, I practiced labor law for about 5 years and had a fair degree of personal relationship with most of the union business agents for the various different unions that exist in a normal city.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. FANNIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FANNIN. I thank the distinguished Senator.

Mr. PACKWOOD. Mr. President, in addition to practicing labor law I had occasion to be the Republican county chairman in the county that included the Portland area, with about 500,000 people, from 1960 to 1962. During that time I had some degree of relationship with COPE, the Committee on Political Education.

In Oregon and throughout the Nation on occasion, unions endorse some candidates. I had occasion to go to the Labor Temple and to work during the day with union-paid officials, who were on union salaries, on the union premises, in an effort to lend a hand in making phone calls and sending out literature. We worked on behalf of Republican candidates or Democratic candidates, but the union was working on behalf of all those they endorsed.

I am talking about the expenditure of money—not COPE contributions because in theory those are voluntary. In theory the union member checks off $1 or $2 for COPE and that money goes to the expenditure of funds for political candidates.

I am talking about salaries, sound trucks, telephones, space, mimeograph and typewriters, all paid for out of union dues and being used for true partisan support of candidates, Democrat and Republican, all in violation of the law, and none of those violations ever prosecuted.

Mr. President, the unions are going to tell you, and I have heard them say this with a straight face, "Why, all of our contributions are voluntary. We do not spend any 'dues'."

Anyone who has been in politics, especially to the extent of having been elected to the Senate, cannot be blind to the fact that union dues, uniform assessments, and membership fees, which are paid by union members, are being used for partisan political endeavors, in addition to the so-called COPE contributions. This Senate cannot turn its mind from the fact that it exists. There is not a single Senator in this room who knows other than that it does exist.

If because it inures to the partisan benefit of some is reason not to choose to recognize it legally, so be it. But let us make it clear when we vote. If the amendment of the Senator from Arizona is rejected the Senate is saying to the unions of this country, "You go ahead and illegally spend your dues, illegally spend your uniform assessments, because we in the Senate, while we piously claim you should not do it, are going to refuse to pass the one law that could make a difference, and that is the removal of your tax-exempt status."

I know it would be said by other Senators that there are other laws prohibiting unions from giving money and why do we not enforce those laws. There are other laws. The Corrupt Practices Act prohibited people from giving more than $5,000 to a campaign, and other kinds of contributions, and that is observed in the breach. The reason we passed the Campaign Financing Reform Act was that we recognized that the Corrupt Practices Act, despite its legal limitations, does not work. We should recognize that the legal limitations on the books to prevent unions from spending dues, assessments, and initiation fees do not work. If we truly want it to work, we should agree to this amendment. If we do not care, let us reject the amendment, but let us admit what we are doing when we do it.

Mr. FANNIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. FANNIN. I reserve the remainder of my time.

Mr. PASTORE. Mr. President, I am very safe in saying that this amendment is an old chestnut. It has been before this body several times and sponsored by the same individual. It is an antilabor amendment. It was voted down in 1969. It seems to pop up every time we have a bill of any nature.

Now, the inconsistency here, if I may say so, in rebuttal to the two speeches made, is the fact that if they really want purity in presidential elections they should vote for the checkoff. And this is the reason. If you allow every taxpayer of this country to allocate to the presidential fund $1 of what he owes the Government, candidates will be free of any influence of any organization, be it labor or anything else.

But this is a sledge hammer amendment to beat labor over the head.

We hear the argument they are doing things illegally and getting away with it. You have a Republican Attorney General; why does he not prosecute? He has the jurisdiction and the responsibility. If you know of any labor leader or anybody else in this country doing anything illegally, I say have him indicted, tried, and convicted. But this idea that you cast an aspersion on the whole labor movement in this country just because some individuals do not agree with that movement is something I cannot accept.

Mr. President, I do not want to take too much time. This amendment should be rejected. Its proponents do not have the courage to say "labor." They say only "organization." They even hide that when they make speeches. All they say is "labor." Why do they not be honest with themselves and put it explicitly in the amendment.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. GURNEY Mr. President, I think what the Senator wants to accomplish with his amendment, as I understand it, is to take the political influence out of elections.

Mr. PASTORE. That is right.

Mr. GURNEY. That is, the influence that may go with substantial contributions.

Mr. PASTORE. That is right.

Mr. GURNEY. Regardless of where they come from.

And they also seek, I presume, to get into the campaigns of both parties an equal amount of money or something that is approximately equal so that a political campaign will hopefully hinge upon the candidates themselves and the issues as they present them.

Is that not what the Senator seeks to do?

Mr. PASTORE. Precisely.

Mr. GURNEY. Very well. Now I go to my question. I think that the Senator is right in his assertion that as far as this campaign contribution amendment is concerned, that will put an equal amount of money into both political parties. That is all right as far as it goes. But now, let me ask the Senator this question. The Senator has been in politics a lot longer than I have, and a lot longer than most of us have.

Mr. PASTORE. Thirty-five years continuously.

Mr. GURNEY. He knows precisely how the political apparatus in this Nation works. He also knows what the distinguished junior Senator from Oregon just said, and that is that there is a great deal of political activity in every campaign on the part of labor, and there is nothing wrong with that. It goes to some of our candidates, as well as to some candidates on the Senator's side.

Mr. PASTORE. That is right.

Mr. GURNEY. Only, unfortunately, it goes to candidates on the Senator's side. That is all right. That is part of the process.

But my question to the author of the amendment is this: It was estimated in the 1968 campaign that organized labor put $60 million into the campaign. I do not know whether that is an accurate statement but certainly we all know that they put tens of millions of dollars into that campaign. How in the world is the Senator going to explain to the Senator from Florida or any other Member of this body how you can make both political parties equal so far as moneys that go into that campaign are concerned, under the Senator's amendment, if he does not do something to plug the loophole of what the labor organization spends on political campaigns that we cannot do anything about. If he can tell me how we can equalize that input, I will be inclined to support his amendment.

Mr. PASTORE. The Senator asked me a question. First of all, this is an indictment you have not proved. Did they put in the $10 million legally or illegally? The argument here is that it was done illegally. They indict on the floor of the Senate a respectable organization. Now, there are possibly some thieves and crooks somewhere in labor organizations. There are thieves and crooks even in public life. But the point is why are you choosing labor and indicting all labor without proof?

Mr. GURNEY. I did not do that.

Mr. PASTORE. Without——

Mr. GURNEY. Just a moment now. I did not do that.

Mr. PASTORE. All right. You are asking me the question: Why do I not support the amendment? For the simple reason that this amendment is an indictment of labor and you have not proved the case.

Mr. GURNEY. I have not said it was an indictment of labor.

Mr. PASTORE. No, but——

Mr. GURNEY. As a matter of fact, I admitted that the amendment was fair to both political parties insofar as the amendment itself goes. What I asked the Senator is this: How are you going to equalize on the side of all the other influences that go into a campaign—businesses, professionals, just ordinary people? How are you going to equalize the tens of millions that organized labor puts into political campaigns? That is all I want to know.

Mr. PASTORE. Do you mean they do it voluntarily through their workers?

Mr. GURNEY. What is that?

Mr. PASTORE. Do they do it voluntarily through their workers, and if so what is wrong with that?

Mr. GURNEY. Well——

Mr. PASTORE. Why cannot a workingman put $2 into my campaign like the man who bought a $500 ticket to go to your Republican affair last week?

Mr. GURNEY. I can tell the Senator from Rhode Island that there are a whole lot of workers who came to me after the election and said, "Senator, why don't you do something about the AFL–CIO"—or the particular union involved—"taking my union dues and putting them into the campaign of a man running against you when I support you?" I know people came to me in Florida after every election——

Mr. PASTORE. You are indicting——

Mr. GURNEY. I am not indicting.

Mr. PASTORE. Because they came to you.

Mr. GURNEY. You said these contributions are voluntary. That was the answer to the Senator from Oregon that they are not voluntary.

Mr. PASTORE. The voluntary thing is that they have put it into COPE. The question to decide is whether that is violating the law. If that man came to me, I would say, "Go see the district attorney."

Mr. FANNIN. Mr. President, is the Senator saying that all this money is voluntary?

Mr. PASTORE. I have no idea, but I say most of it is. It is just as voluntary, or maybe just as honest or just as questionable, as the man who pays $500 for a fund-raising ticket.

Mr. FANNIN. When you talk about an indictment of labor organizations; yes, that is true. I am indicting some of those labor organizations who are committing illegal acts and it is in the news every day what they are doing.

Mr. PASTORE. You are indicting them all.

Mr. FANNIN. Those who are in violation of the law; yes. The best article that illustrates what is happening——

Mr. PASTORE. Mr. President, on whose time are we working?

The PRESIDING OFFICER. On the time of the Senator from Rhode Island.

Mr. FANNIN. I was answering the Senator's question.

Mr. PASTORE. You are not answering the question. You are asking a question.

The PRESIDING OFFICER. The Senator from Rhode Island——

Mr. PASTORE. Use your own time. Make your speech.

Mr. FANNIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. PACKWOOD. Mr. President, I would like to ask the Senator a question.

Mr. PASTORE. On your time, I will answer any question.

Mr. PACKWOOD. I will ask it on your time.

Mr. PASTORE. No. On your time.

Mr. FANNIN. Mr. President, I yield 2 minutes to the Senator from Oregon

Mr. PACKWOOD. Are you suggesting that if there is any violation of the laws, we have ample laws to prosecute?

Mr. PASTORE. That is right.

Mr. PACKWOOD. Was not the same thing true with respect to other violations; we had the Corrupt Practices Act that covered this situation?

Mr. PASTORE. That is right.

Mr. PACKWOOD. Did not we pass the Campaign Reform Act because we knew the law did not work?

Mr. PASTORE. That is right.

Mr. PACKWOOD. Just exactly the same situation as here.

Mr. PASTORE. That is not just exactly the same situation as here. You jump over two humps.

Mr. PACKWOOD. Does the Senator from Rhode Island support the use of involuntary dues—not voluntary contributions, but involuntary dues and assessments, and membership fees—for partisan politics?

Mr. PASTORE. No one should be forced to do anything. That is duress, and it is against my principles.

Mr. PACKWOOD. You do not accept that?

Mr. PASTORE. I will not accept it.

Mr. PACKWOOD. In your 35 years in politics have you ever seen money paid by union members or union workers as dues used for partisan politics?

Mr. PASTORE. I have received money from COPE. I have received money from individuals. I have never received money under the table.

Mr. PACKWOOD. Answer my question: Have you ever seen money or dues paid by union members or a union building used for political partisan purposes?

Mr. PASTORE. No.

Mr. PACKWOOD. In your 35 years you have never seen that?

Mr. PASTORE. No, no.

Mr. PACKWOOD. Let me ask you one last question: If I bring you evidence that it happens, would you support this amendment?

Mr. PASTORE. No.

Mr. PACKWOOD. That is right——

Mr. PASTORE. No. Wait a minute.

Mr. PACKWOOD. I see what you are saying.

Mr. PASTORE. You know what I will do.

Mr. PACKWOOD. You do not want to support the amendment when we have evidence that it happens——

The PRESIDING OFFICER. Senators will cease until we get this body back in order. The Senator from Rhode Island has the floor.

Mr. PASTORE. You bring that individual to me and I will take him down to John Mitchell.

The PRESIDING OFFICER. Is the Senator asking to be recognized?

Mr. PASTORE. Yes, on my time. You bring him to me and I will take him down to John Mitchell to let you prove he did it.

Mr. GURNEY. Mr. President, will the Senator yield for one brief question?

Mr. PASTORE. On your time.

Mr. GURNEY. I do not have time.

Mr. PASTORE. Well, get it.

Mr. FANNIN. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Following the colloquy between the distinguished Senator from Oregon and the distinguished Senator from Rhode Island, have you ever witnessed or known of a boilerroom operation in the State of Rhode Island run by labor unions?

Mr. PASTORE. What is a boilerroom operation?

Mr. GURNEY. Well, I must say, if the Senator does not know what one of those things is, he had forgotten all the 35 years' experience he has ever had.

Mr. PASTORE. No, I have not forgotten one thing.

Mr. GURNEY. It is where a union has about 100 or 200 or 300 people in a room.

Mr. PASTORE. And they do what? Torture them?

Mr. GURNEY. And they tell them what to do. Have you never heard of one of these operations?

Mr. PASTORE. No, no. Where I come from we have good unions and I am proud of every one of them.

Mr. GURNEY. That does not have anything to do with it.

Mr. PASTORE. I am not ready to indict them.

Mr. GURNEY. What has that to do with what the Senator is saying? We just got through saying that the unions finance partisan operations, and the Senator from Rhode Island knows that just as much as I do.

Mr. PASTORE. How come you end up with all the money? How come you end up with all the dough?

Mr. GRIFFIN. Because the unions do not report what they get.

The PRESIDING OFFICER. We will return to regular order. Who is asking for recognition?

Mr. PASTORE. The Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. On my time. Will you tell me how much you have in your treasury now?

Mr. GURNEY. Are you asking me a question?

Mr. PASTORE. How much do you have in the Senate Republican Campaign Committee?

Mr. GURNEY. If I knew, I would answer. If there is anybody here who knows, I hope he does answer.

Mr. PASTORE. If you find out, let me know.

Mr. GURNEY. I will ask the Senator what is wrong with that? Is there anything wrong with the Democrats or Republicans raising money?

Mr. PASTORE. No.

Mr. GURNEY. The Senator is envious because the Senator's party has a huge campaign debt that is not paid and the Republicans have received that and some other money.

Mr. PASTORE. You mentioned something here. You have been throwing around $60 million from the unions. You have been throwing around $10 million. I am just asking how much has been thrown into your office.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. On your time.

Mr. COOK. If I may have 30 seconds, I will only say——

Mr. PASTORE. Wait a minute. I do not yield. Take it out of your time.

Mr. FANNIN. Mr. President, I yield 30 seconds to the Senator.

Mr. COOK. The Senator from Rhode Island said all day yesterday and the day before, "Do not worry about your fund. You already have it." I thought you knew how much we had. That is what you have been telling us. You told us repeatedly for two and a half days, "You do not have to worry about that," and so on. The Senator does not have to know the answer. He already has it.

Mr. PASTORE. What is your question?

Mr. COOK. You have been telling us all about this. I thought you knew. That is the question.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes remaining.

Mr. FANNIN. Mr. President, the distinguished Senator from Rhode Island has made quite an issue about identifying the role of labor in electoral politics. I have here an article entitled "The Political Activities of Unions" by Alexander E. Barkan, director of COPE, which appeared in "Issues in Industrial Society," in 1969.

Here, I think, is the best example of what is being done, and it is not being done by voluntary dues, it is being done through compulsory dues. This is what Alexander Barkan says:

> The real untold story of this election—

Referring to the 1968 election—

> is the role of the labor unions in it. This is a remarkable story. There is no question but that the trade union movement effort materially affected the outcome and contributed substantially to Mr. Humphrey's total vote.

Then he goes on to say:

> Evidence of the intensity of labor's political activity in 1968 was the 55 million pieces of printed matter distributed by national COPE to union members and an additional 60 million-plus distributed by state AFL–CIO bodies and international unions. It is unlikely that any organization—including the two major parties—ever produced so much political literature in any one campaign.

Is the Senator from Rhode Island trying to tell me that all these activities were supported entirely by the voluntary contributions to COPE? I am sure he does not. Would the Senator care to respond to the question as to whether he believes that this was all done by voluntary dues to COPE?

Mr. PASTORE. The Senator from Rhode Island will speak for himself.

Mr. FANNIN. I just asked the Senator a question.

Let us see what George Meany said:

> The fact is that labor has never succeeded in raising by voluntary contributions more than a small fraction of the total amounts expended in any campaign.

That was published in the Washington Post, in a statement by AFL–CIO President George Meany.

I do not know what could be more impressive as to what has actually happened than the quotations from these gentlemen who are so active, both in the AFL–CIO, of which George Meany is president, and in COPE, of which Alexander Barkan is director.

The PRESIDING OFFICER. All the time of the Senator from Arizona has expired.

Mr. SPONG. Mr. President, during the Senate's consideration of the Revenue Act of 1971, an amendment was offered by Senator FANNIN to deny a tax exemption to any organization which requires membership dues or fees as a condition of employment and which uses any part of its income for political purposes. Existing law already prohibits use of compulsory dues for political activities. The Fannin amendment as I read it would have established a penalty for use of voluntary contributions as well. That raises serious constitutional questions in my mind. I do not believe the Congress should be in the business of restricting the voluntary political activities of a particular group of individuals and for that reason I opposed the amendment.

By contrast, I voted not to table the Dominick amendment to the campaign spending bill which was before the Senate on August 4. That amendment sought to strengthen the prohibition against political use of compulsory dues money but it specifically exempted voluntary contributions. Section B of the amendment provided that:

> Nothing herein shall prohibit the voluntary contribution of any individual members of any organization to or for the benefit of any candidate or political committee, as long as such contribution is unrelated to dues, fees or other monies required as a condition of membership in such organization or as a condition of employment.

I am opposed to forcing individuals to contribute to a political candidate or party whom they may not support and I would vote to strengthen existing law in this regard. But it is not corrective of such abuses as may exist to turn the coin and say there will be no political contributions of any kind by the members of that organization.

Mr. GAMBRELL. Mr. President, during the Senate's consideration of the Revenue Act of 1971, containing the proposals for tax relief under phase II of the President's economic policy, an amendment was offered by Senator FANNIN of Arizona to deny tax exempt status to any organization which requires "any person to pay membership dues, fees, or other assessments, as a condition of employment," if the organization uses "any part of its income or the amounts received for its support" for political purposes.

Under existing law, use of compulsory union dues contrary to the wishes of union membership is restricted. The Fannin amendment, however, would have denied tax exempt status to a labor organization which makes political contributions with the consent of, and even from voluntary contributions of, its membership.

In this respect, the Fannin amendment was more restrictive than the Dominick amendment, which was tabled in the Senate in early August, and I therefore voted against the Fanning amendment.

It is unfortunate that efforts to prevent involuntary political contributions by union members, have been so poorly prepared. The Fannin amendment, like the Dominick amendment, was hastily drawn during debate covering other subjects, and overshot the mark which it sought to reach.

I would join in a responsible effort to eliminate involuntary political contributions, and am opposed to heavy political influence from special and secret sources. For this reason, I have supported the Political Campaign Reform Act of 1971 placing limits on spending and contributions, and requiring full disclosure of contributions and contributors. This legislation covers contributions by labor unions and other special interest sources.

Mr. PASTORE. Mr. President, I want to say one thing. When we held the hearings on the campaign expenditures bill that was approved by this body, and against which the Senator from Arizona appeared before our committee with the same kind of an amendment.

When the Deputy Attorney General, Mr. Kleindienst, came before our committee, I asked him categorically, "Do you recommend the insertion of this amendment into the law?"

He said, "No, I do not. I do not."

That is all I wish to say to my Republican brethren.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. KENNEDY. Is there anything in this amendment that applies equally to business and corporations in terms of their contributions, or is this solely directed against the labor unions?

Mr. PASTORE. Well, there is quite a bit. Very cleverly, it says "no organization," but when they get up to make their speeches, all they talk about is the labor unions. They know if they would write in there "labor unions," it would be a dead duck. They know that.

That has been the ploy here. That is the maneuver: "Let's sugarcoat it a little bit, and maybe they will swallow it."

I do not think the Senate is willing to swallow anything like that.

In answer to the question of the Senator from Massachusetts, there is honesty in everyone and there is a little dishonesty in almost everyone. I am not saying labor unions are 100 percent pure, and I am not saying that everyone who belongs to the National Association of Manufacturers is not a decent man, or that everyone who belongs to the chamber of commerce is not a decent man, or that everyone who works for the Lockheed Co. in an executive capacity is a dishonest man. I am not saying that. All I am saying is that they are running an amendment here as an indictment of the entire labor movement of this country, and I cannot buy it, and I will never buy it. I hope the amendment will be defeated.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENTSEN). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona (Mr. FANNIN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alabama (Mr. SPARKMAN) and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 31, nays 61, as follows:

[No. 362 Leg.]

YEAS—31

Allen
Allott
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd, Va.
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Packwood
Roth
Stennis
Taft
Thurmond
Tower
Young

NAYS—61

Aiken
Anderson
Baker
Bayh
Beall
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fong
Fulbright
Gambrell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—8

Hartke
Jackson
McGovern
Mundt
Pearson
Saxbe
Sparkman
Talmadge

So Mr. FANNIN's amendment was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENTSEN). Who yields time?

Mr. GRIFFIN. Is time required to suggest the absence of a quorum?

The PRESIDING OFFICER. Someone must yield time.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to suggest the absence of a quorum, with the time not to be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Ken Davis, a member of the staff of the Senator from

Pennsylvania (Mr. SCOTT); Mr. Joel Abramson, a member of the staff of the Senate Judiciary Committee——

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GAMBRELL). The Senate will be in order. The galleries will be in order. The Senator wishes to speak.

Mr. MATHIAS (continuing). And a member of the staff of the Senator from New Jersey (Mr. CASE), as designated by him, be permitted on the floor during the debate and votes on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

Mr. COOK. Mr. President, would the Senator withhold that request?

Mr. HARRIS. I withhold that request.

PRIVILEGE OF THE FLOOR

Mr. COOK. Mr. President, I ask unanimous consent that David Huber, a member of my staff, be permitted on the floor during the debate and votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that my assistant, Timothy Brosnahan, be permitted on the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I ask unanimous consent that during the course of the debate and the votes today, James Sanderson, of my staff, be permitted on the floor.

Mr. PROXMIRE. Mr. President, reserving the right to object, the distinguished acting majority leader, the Senator from West Virginia (Mr. BYRD), has asked me to help him out, because he is at a meeting right now. I know that he has been very careful about this kind of request. I think that there would be no objection if the staff members were permitted to be present on the floor for debate on the amendment. However, I think that I must object to the request until the Senator from West Virginia can be consulted. However, if the Senator from Colorado wishes to request permission for him to be present during debate on the pending amendment, I have no objection.

Mr. ALLOTT. Mr. President, I will wait until the Senator gets through, and I will take the floor in my own right.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HARRIS. Mr. President, I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, after conferring with the assistant majority leader, I now request that my staff assistant, Mr. James Sanderson, may be permitted on the floor during the course of the debate——

Mr. KENNEDY. Mr. President, reserving the right to object, and I shall not object——

Mr. ALLOTT. Mr. President, I should like to state my request before I am interrupted.

I ask unanimous consent that James Sanderson, my staff assistant, be permitted on the floor during the debate and rollcalls today.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I would like to ask unanimous consent that my assistant, Mr. Carey Parker, also be permitted on the floor.

Mr. BYRD of West Virginia. For how long?

Mr. KENNEDY. During the course of the debate.

Mr. BYRD of West Virginia. On this bill?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Is there objection? Hearing no objection to the request of the Senator from Colorado, that request is agreed to.

Does the Senator from Massachusetts have a request?

Mr. ALLOTT. I yield to my distinguished colleague.

Mr. DOMINICK. I send an amendment to the desk.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BYRD of West Virginia. He made a similar request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HANSEN. Mr. President——

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I send to the desk two amendments for printing.

The PRESIDING OFFICER. The amendments will be received and printed, and will be held at the desk.

Who yields time?

Mr. WEICKER. Mr. President, I request that my amendment No. 710 be reported.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 7, line 8, delete "1971", and insert in lieu thereof "1973".

On page 26, line 22, delete "1972" and insert in lieu thereof "1974".

On page 29, line 2, delete "1970" and insert in lieu thereof "1972".

Mr. CURTIS. Mr. President, will the distingushed Senator yield?

Mr. WEICKER. I yield to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator. If the Senator would prefer to make a statement on what his amendment is about——

Mr. WEICKER. No. I realize the Senator has other business to look after, and I yield the floor to him for 7 minutes.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, as I understand the amendment of the distinguished Senator it would delay the effective date of the Pastore amendment. That I would support. My reasons for supporting it are that I believe that the Pastore amendment, amendment No. 692, before us, is an outrage. I predict that it will meet with the disapproval of a vast majority of the American voters when they find out what has happened. I hope that the Senate will stop and think before the final vote is taken to incorporate this amendment as a part of the very necessary tax bill which must be passed.

This amendment carries the provision that any taxpayer in making out his income tax return can make a certain check mark on his return and $1 of his taxes can be paid into a fund to be used for the campaign expenses of politicians running for office.

Let us consider just how this works. If the Treasury Department takes the dollar and turns it over to this fund for political purposes the Treasury is short a dollar. The transaction is the same as if the Treasury mailed to the taxpayer a dollar and the taxpayer in return put it into a political campaign, or it is just the same as if there were a direct payment out of the Treasury to finance the presidential campaign. This, I would oppose, but at least it is more forthright.

This amendment is before us not because of the desires or actions of the rank and file of citizens of the United States who affiliate with the Democrat Party. These Democrats, like Republicans, put our country above party. This amendment, I dare say, is not before us because the rank and file of Democrat Senators approve of it. It is before us because of the scheming of the political strategists of the Democrat Party.

This raid on the Treasury is no small matter. Should in a given year 150 million taxpayers file individual tax returns and one-half of them authorize the check-off which comes not out of their money but out of the public treasury, it would amount to $75 million.

Mr. President, we hear a lot about priorities. There is not enough money in the Treasury to provide the full amount for those worthwhile causes that have a high priority. We could recite a long list of activities for human welfare where more money is being sought. In addition to the human needs of people, there are many public needs that are suffering for the lack of money. Why should the politicians' coffers have a "super top priority"? If this nefarious scheme passes, these Democrat strategists will get their hands on the money before it ever rests in the Treasury or comes within the jurisdiction of the Appropriations Committee.

Mr. President, I hold in my hand the daily statement of the United States Treasury for November 9, 1971. It shows that the national debt on that date was

$413,999,139,134.81. A year ago on that date it amounted to $383,093,867,954.87. Think of the idea of turning millions and millions of dollars over to the Democrat National Committee at a time when the national debt is increasing at the rate of $58,000 per minute.

The Republican National Committee does not want this money. In the first test vote in the Senate every Republican voted against it.

It is difficult to believe that the Democrat National Committee is callous enough to insist that the Democrat Members of this Senate should have to vote on such an immoral proposition. I am convinced that great numbers of the Democrat Senators would find this most distasteful.

This raid on the public treasury and this clever but unwise and unsound and unfair strategy on the part of the Democrat chieftains is not only bad but it is worse because of the attempt to place this in the much needed tax bill that should be enacted.

The bill before us does a number of things. It brings relief for individuals which will mean more jobs. It provides, among other things, for the reinstatement of the investment credit and the repeal of the tax on new automobiles. The whole objective of these actions is to produce jobs. Jobs mean wages. Wages and income mean more revenue for the Government. Jobs mean fewer people on welfare.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Will the Senator yield to me for 1 additional minute?

Mr. WEICKER. I yield.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CURTIS. Mr. President, if the Democratic high command forces the President of the United States to either veto the tax bill or accept it with such an outrageous provision in it, it will be the biggest political blunder on the part of the Democratic National Committee of the century.

To say the least there should be no money flow out of the Treasury for political campaigns until the Congress of the United States sets the Nation's financial house in order. I, therefore, will propose an amendment which makes this pending amendment ineffective until the budget is balanced.

Mr. President, in the meantime I shall support the amendment of the distinguished Senator from Connecticut, and I thank him for yielding.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Nebraska because he has put his finger on the key issue of priorities. I am sure the distinguished Senator from Nebraska receives daily in his mail pleas from his constituents relative to problems of employment, problems of health, problems of transportation, problems of housing, problems of environment, disease, and so forth.

I would like to know from the Senator from Nebraska just how many cards and letters he has received imploring him to do something about supplying him or anybody else on this floor with additional campaign funds.

Mr. CURTIS. I am certain I cannot tell how many requests I get, but I am certain the elderly of this country who are waiting for more housing to be built for the elderly will be up in arms if they find out we are taking money out of the Treasury instantly without any appropriation—device, even—and put it in political campaigns. It is public money. It is not the politicians' money. I think it would be wrong for the budget balance, but we ought to wait until we take care of the needs.

Mr. WEICKER. I thank the Senator. The point I am making here is, Who asked for this? Who asked for it? Where are all the cards and letters asking us to "Please pass this amendment so that the politicians will be taken care of"? They told us to produce a revenue bill so we could get people back to work, so we could get the economy going again. We certainly have received mail relative to the real problems and priorities that exist, but where are the cards and letters asking for the Pastore amendment? I have not received one single letter suggesting that a Federal campaign fund is a priority.

Mr. PASTORE. Mr. President, will the Senator yield, on my time?

Mr. WEICKER. I yield.

Mr. PASTORE. How many cards did the Senator receive on the accelerated depreciation reserve?

Mr. WEICKER. I have received letter after letter saying, "Please do something to get the economy going"—something that has caused me sometimes to go against the administration. But finally we have arrived at an economic cure that we can agree on. Yes; I have received letters asking me to do something about the 10-percent unemployment in my State.

Mr. PASTORE. And most of them are Democrats, and we have unemployment in my State, and I am for the Senator's bill. When some of our colleagues voted against the ADR, I voted for it. It was carried only by three votes. I heard some of our colleagues say, after my argument, that my argument was the only reason they voted for it.

I am for the accelerated depreciation reserve. I am for the 7-percent investment credit. That has nothing to do with it. What I am complaining about is that you are delaying the passage of this bill by the tactics used. You wanted to delay the operation of it for 7 years. Now you bring it down to 2 years. If you lose that, you will bring it down to 1 year. If you lose that, you will get it down to 2 months, and keep going until you get it down to tomorrow.

Mr. WEICKER. The reason is that I think it is a travesty to use human misery and unemployment to vote a smelly bill through the Senate.

Mr. PASTORE. You speak on your time.

Mr. COOK. Mr. President, I have the floor. It was yielded to me by the Senator from Connecticut.

Mr. PASTORE. Mr. President, he can only yield for a question. He does not own the floor, but he can peddle it around.

Mr. COOK. You do not own the floor either, I would suggest to the Senator from Rhode Island.

Mr. WEICKER. Mr. President, I yield the floor.

Mr. PASTORE. You yield the floor?

Mr. WEICKER. Yes.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. I want it clearly understood that the tactics being employed here are to delay—delay—delay. Yesterday the Senator from Connecticut suggested that we postpone the effectiveness of this legislation until 1977. Today he comes in and he says, "Let us make it 2 years." He will come in tomorrow, if he loses this one, and say, "Let us make it 1 year." And this is how it is going.

Now, my friend from Connecticut keeps talking about unemployment, as though he is distressed about it more than I am. Unemployment means as much to me as it does to him, and I dare say I have done more about it than he has ever done.

Mr. President, we want the bill that the President would like to have. But, for some reason, it matters not that the Republicans on that side of the aisle be in the minority or the majority, it is either their way or nothing at all. This is a filibuster. Let us face it—it is a filibuster. If they are going to use these tactics, what they are doing in effect is delaying the President's program. That is what they are doing. So I say the time has come to look at this matter straight in the face.

They keep saying here, "You are going to raid the Treasury of the United States." Now, let us see what this bill actually does. The bill leaves it up to the individual taxpayer, who can determine, by his own choice, that of the money that he is to pay——

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. PASTORE. Let me finish my sentence. Of the money he has to pay to the Government anyway, he is saying, "Take that dollar that will go into the Treasury, that I have to pay anyway, and allocate it to this fund, so that the people of this country will have the proper exposure of the candidates, whether those candidates are rich or poor, so the people may decide for whom they shall vote."

If a person feels that this is a raid, he does not have to check it off. But who has the definite decision? The Senator from Connecticut? No. The Senator from Rhode Island? No. My decision can only go to $1, and his decision can only go to $1; but the real decision is to be made by the American taxpayer for himself.

What does it amount to? When you add it all up, about $60 million—$15 million less than we spend in 1 day in Vietnam. To do what? To lose American boys, the way they are dying in Vietnam? Nothing of the kind. It is just to make sure we get the best individual to be the President of the United States. That is our purpose.

They say the American people are not going to like the opportunity of the checkoff. Let us assume that responsibility. We will assume the responsibility of going before the American people and protecting and defending what we are doing here today. I am not afraid of it. I am not afraid to explain to the American people and to the people of my State why I voted for the bill. I will stand up and tell them why, and when I do, I will wave the American flag at the same time. I will wave the flag and say, "It is because the day has come when we remove the old roadblock—the fact that the only time one can afford to run for the Presidency is if he has a barrel of money—either he or his family—either that or he has to go out and get on his knees and humiliate himself at cocktail parties, at $500 dinners, in order to raise his campaign money."

That is what we are here for. I can keep making this speech time and time again, and I say to you Republicans who have voted solidly against this proposal, we Democrats accept your challenge to defend ourselves. We are glad to do it. You like to use the word "raid." Well, use it. We like to use the word "purity" of the ballot. We like to use the word, the best to become President. And that is what it is all about.

Mr. COOK. Mr. President, a parliamentary inquiry.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I will yield on the time of the other side.

Mr. COOK. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. PASTORE. On the time of the Senator from Kentucky.

Mr. COOK. Does the Senator mean a parliamentary inquiry cannot be made, that it has to be charged to a side?

Mr. PASTORE. When we are operating on limited time, that is true.

The PRESIDING OFFICER. The Senator who has the floor does not have to yield for a parliamentary inquiry.

Mr. PASTORE. Mr. President, I ask unanimous consent that time be allowed for the Senator to make a parliamentary inquiry without charging the time to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COOK. Mr. President, I would like to submit a parliamentary inquiry. The Senator from Connecticut had the floor and yielded the floor to me, and I was told by the Senator from Rhode Island that he could not yield the floor to me except for a question, and I want to put to the Chair the question: If the Senator from Connecticut had the floor and he yielded the floor to me for 5 minutes, is it not correct that I was entitled to the floor for the 5-minute period?

The PRESIDING OFFICER. The Senator from Connecticut had the right to yield to the Senator from Kentucky under the unanimous consent agreement, but the Senator from Rhode Island had the floor at the time the request was made.

Mr. PASTORE. Another parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is it not true that all the Senator from Connecticut can do is yield 5 minutes? He cannot yield the floor. The power of recognition is in the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. Is the Senator from Rhode Island right or wrong?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. That is what I thought.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor at this time?

Mr. PASTORE. I am all through. I made my speech.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I ask unanimous consent that the Senator from Michigan may have the opportunity to make a parliamentary inquiry without the time being taken from either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. As long as we are trying to get the rules clear here, is it not also a fact that when the Senator from Rhode Island has the floor, he does not have the option to yield it, provided it is assigned to the other side? If he wants to hold the floor, it seems to me he would only be able to hold it from his side. If he is going to require that time be yielded from the other side, he would have to yield the floor, would he not?

The PRESIDING OFFICER. A Senator is entitled to place conditions on his yielding especially when we are under limited and controlled time.

Mr. WEICKER. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOK. I thank the Senator.

Mr. President, this amendment is really very simple, and I cannot quite understand the ranting and raving of the distinguished Senator from Rhode Island. All it says, very frankly and very honestly, is that here we are, in 1971, there is an election next year, and as a matter of fact I would assume that, with this amendment, the Senator from Connecticut would even buy this bill, if it did not carry with it an amendment that, first of all, requires that the President of the United States, who is President now, must sign the bill and, when he signs it, he also says to the American people, at the time that he signs it, "I am assigning myself the ability, if I am the candidate of my party, to take $21 million out of the fund."

It would seem to me that this also applies to every Senator who is a candidate for the Presidency or a potential candidate for the Presidency, so that he could stand up before the people next year and say, "We have got a system going, beginning with the next election, that will see to it that this no longer occurs, but for this election I can honestly stand up and say to you I did not vote for or participate in a bill that gave me $21 million of your money to campaign with."

That is all this amendment says; and I assume that, if it is successful, the Senator from Connecticut will vote for the Pastore amendment. It says we are not creating a fund for 1972, and allowing that fund to be established by the votes of people who will be participants in it, but that it will apply to the following election. That is what it says; and it also says to the President of the United States, whoever he may be, "Mr. President, you do not have to sign it for right now, and be the recipient of the $21 million. You can sign it into law and stand before the people and be able to say, at the next election for President of the United States, 'There will be a fund, but I have not put my name on a bill that has given to me, as the prospective nominee of my party, almost $21 million of your money to spend.' "

That is what this amendment says. And I will be frank with the Senator from Rhode Island, if this amendment is agreed to, so that the provision does not apply to the election that is coming up, I will vote for his amendment; but I do not believe that it looks very good for the Senate of the United States to sit here, with all of the potential candidates voting "yea," and then, after the convention next year, picking up $21 million worth of credits against their bills.

One of the reasons, I might say, is a little article published in the newspaper this morning, which indicates that the telephone company has told the Democratic National Committee to pay its overdue 3-year-old $1.4 million telephone bill by July 1, and they also say that they have got to put up securities or a bond for next year.

Now, what can that security and bond be? It is very simple. They can say, "I'll tell you what, we do not need security or a bond after the national convention, because we will be able to draw on the Federal Treasury." And someone in this room, conceivably, on that side of the aisle, who is voting "yea" on all these things, is going to be the recipient of the ability to take credit for it. I say it is wrong. But if this proposal goes into it, I say to the Senator from Rhode Island, to make it effective 4 years from now, so there will not be any opportunity for there to be what I consider to be the greening of the Democratic Party, not the greening of America, then I will vote for his proposal.

Let us not embarrass the President of the United States, if he does not have all that money the Senator from Rhode Island says he has—and I do not know whether he has it or not—by forcing him to put his signature on a bill that would give him $21 million of the taxpayers' money; and let us not embarass some Member of this body on that side of the aisle by putting him in the same position. Let us put it into operation 4 years from now.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. Gladly.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. If a Senator just had to cough a little bit, would the Senator from Kentucky say he was ranting and raving?

Mr. COOK. I would say so, yes.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I was interested in hearing the Senator from Kentucky explain what the amendment said. I was glad to hear that the Senator from Kentucky now acknowledges that this principle is good, that it is sound, and that if this were 4 years from now he would vote for it, and that he said the Senator from Connecticut would also. I do not know whether the Senator from Connecticut agrees with that, but the Senator from Kentucky has said that. So now we recognize the principle is sound, that this is good, to allow the people to make their choice and determine whether we should have that dollar or not.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CHILES. I am glad the Senator recognizes that the principle is sound and good. When I finish my remarks, I shall be glad to yield.

But the Senator's amendment says a little more to me than that we are going to put this off for 4 years. The amendment says to me, "We acknowledge that the principle is sound, but we do not want to do it now. We want to raise the money another way." The amendment says to me, "We have got $30 million; we can raise it from big contributors. We do not have to worry about $1 contributions, where everyone will only have the requirement of choosing whether to contribute $1. We are going to be able to get into the big money, and then we can worry later about how we have to disburse the fund."

That is what the amendment says to me. Like every other amendment we have had today, it says, "We do not want to give people the right to determine whether they want to check off $1."

But I say to the Senator, we do not merely seek to give people the right to determine whether they want to check off $1. We want to give people an equal voice, so that every man who checks that return can have as much to do with financing the campaign for President of the United States as the guy with $5 million to contribute. That is what the Pastore amendment says to me.

Mr. COOK. Mr. President, I do not say I think it is that sound. I do not favor it in principle. I am just trying to make a better situation out of a bad situation. I am only proposing this amendment so there will be no taint.

Mr. CHILES. The Senator said he would vote for it. I would think the Senator from Kentucky would not vote for the amendment, if he does not think it is sound.

Mr. COOK. Sometimes you have to. I daresay sometimes the Senator from Florida has voted for what he did not think was sound, but voted for it because he was unable to get anything better.

Mr. CHILES. I would hope that the Senator would permit the Senator from Florida to speak for himself, as to how he would vote.

Mr. COOK. Mr. President, the Senator from Florida spoke for me, and said I thought it was the soundest principle in the world.

Mr. CHILES. No, I only understand the Senator to say he would vote for the Pastore amendment, with this provision.

Mr. COOK. The Senator is saying I said it is sound in principle.

Mr. CHILES. I am.

Mr. COOK. I am merely saying to the Senator that if it is sound, it will be just as sound to go into it after a period of time, so that there is no taint on any candidate who would either have to vote for it or sign a bill to say that it was written into law.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I yield 1 minute to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, I say to the Senator from Florida that I hope he recognizes he is using the editorial "we" when he says, "We think the principle of this amendment is sound." I am not part of the "we." I do not. Because I do not think it is sound to tax people and split the money between two major parties and thereby shut out any diversity in our society to institutionalize, if you will, the political process by a tax.

Do not tell me this checkoff is anything but a tax. It is not a voluntary thing that has anything to do with the individual contributing his dollar. No. When he checks that box, he is taxing everybody in the United States for a piece of that action, because you cannot choose what party you want the money to go to. If you really have confidence in the American people, why not let them put down where the money should go? Why split it up between the fat cats on top today? Why not let the young people have some of the money? Show that you have confidence in the American people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. I yield myself 5 minutes.

Mr. President, how much time remains to the proponents and the opponents?

The PRESIDING OFFICER. The Senator from Connecticut has 12 minutes, and the Senator from Rhode Island has 20 minutes.

Mr. GRIFFIN. Mr. President, will the Senator yield, for the purpose of getting the yeas and nays on the amendment?

Mr. WEICKER. I yield.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, briefly, I should like to set forth the purposes of this amendment, and additionally I shall have some comments to make on remarks that have emanated from the other side of the aisle.

All this amendment tries to do is to bring some sense of ethics and propriety to the proposed legislation. I tried to make the Senate 100-percent clean yesterday by the 6-year amendment making sure that none of us would share in the emoluments generated by the amendment of the Senator from Rhode Island. At least not until we went to the people who elected us and told them what we had done; and then they would have a choice as to whether to keep us or kick us out. That is fair enough.

What I have done here today is to shorten the length of time, so at least we get the presidential election of 1972 out of the way. I do not think the President should share in this money, any more than I think any Members of the Senate should share in it. That is what it does, very simply. It does concede merit to much of what the Senator from Rhode Island is trying to do. Yes, it does. I do not happen to belong to the school that believes that because it emanates from the Democratic side, it is all bad. It is not. I think he has a good idea going here. It is a reform we need. There is not 100-percent disagreement. But, for heaven's sake, let us give it some degree of ethical responsibility.

The Senator from Rhode Island makes mention of the Vietnam war, going to the American people, and so forth. I want to reemphasize the point I made yesterday. Very simply put, the reason why the Democratic Party has no money and the reason why the Democratic Party does not occupy the White House is that the Democratic Party got us into the Vietnam war and was unable to get us out of the Vietnam war; and the American public made the judgment that such a party was deserving of neither their money nor the White House.

Now, let me warn my friends on this side of the aisle that if we fail to get out of Vietnam, or if we involve ourselves in additional conflicts throughout the world, we will not enjoy the confidence of the American public, and it will be we who neither have the money nor the White House.

On our side of the fence, we are in the minority, as I stated last night—both in this body and in the House. There is good reason. It is not, as the Senator from Rhode Island and Members on the other side of the aisle have said many times, that we have all the money in the world to spend. If we have all the money and that is supposed to buy an election, why are we not in the majority? Because over the years—not recently, but over the years—we failed to generate or kindle the response on the part of the American people necessary to being elected. I guess we did not have the ideas, the issues, the candidates. That is what elections really are decided on in this Nation—the quality of the candidates, the quality of the issues. When the money does not come in, it does not come in for a lack of those reasons, or it comes in for those reasons.

This is what is at issue here in the amendment of the Senator from Rhode Island. What he says is that you can make all the errors in the world, you can do anything you want with our international or national policies, and you are not going to be held accountable; that the American people are still going to pay to keep you in office.

That is what is at issue here. It is not a question of the purity of the vote. It is not a question of rich versus poor. It is a question as to whether the emphasis in American politics is still going to be on quality or whether we are going to subsidize failure and mediocrity. It is as simple as that.

Mr. President, am I still operating within the framework of the 5 minutes which I requested?

The PRESIDING OFFICER. The 5 minutes of the Senator have just expired.

Who yields time?

Mr. WEICKER. I yield 2 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am

glad that the Senator from Connecticut has yielded me time to pursue an inquiry which I made earlier of the Senator from Rhode Island.

The Senator from Rhode Island, when he was speaking so eloquently and so forcefully to the Senate—let me say to the Senator that he did not need to wrap the flag around his shoulders to persuade the Members of the Senate of his patriotism and his devotion to the country.

Mr. PASTORE. I did not wrap it around me; I waved it.

Mr. MATHIAS. I think the Senator was wrapping it firmly around himself.

Mr. PASTORE. That is the language of the Senator from Maryland, not mine.

Mr. MATHIAS. There is no question about his devotion and his patriotism. We are all convinced of that. But he talked about the fact that this proposal would give people a choice. There is a limited amount of accuracy in that statement. It does give people a choice. It gives people the choice of diverting from the general revenues, into a special fund, $1 of the tax money they would otherwise pay. But that is the choice they have—no more—just diverting money out of the Treasury, away from the general purposes of the Government, into a special fund. At that point, they lose all control over their dollar.

In the hypothetical situation I laid out yesterday, of every dollar, 40 cents probably would go to Mr. Nixon, 40 cents to the Senator from Rhode Island (Mr. PASTORE)——

Mr. PASTORE. I am not running for the Presidency.

Mr. MATHIAS. Some people have greatness thrust upon them, and that might be the case.

So 40 cents to Senator PASTORE, 12 cents to George Wallace, and 8 cents to Gene McCarthy. What kind of choice is that for people? Is that a real choice? Many people are somewhat fastidious about the kind of political principles they support. Some might not want to support any one of those four candidates.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. I yield 1 additional minute to the Senator.

Mr. MATHIAS. Some of them might feel very reluctant about that.

I am going to offer an amendment, as I promised the Senator from Rhode Island I would at a very early stage of this debate; and if that amendment, which would give a checkoff and a choice, a real choice, to the American people, is adopted, then I am prepared to support this plan. But I do not think the Senator from Rhode Island can honestly say to the American people that any realistic choice is involved here, because the only choice is to contribute to a system, and that system will further dehumanize the political process and limit participation instead of expanding it; and I think it will be altogether harmful.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. If the Senator wants more time, I will yield it to him, because I am going to answer him.

Mr. MATHIAS. No.

Mr. PASTORE. Mr. President, let me say to the distinguished Senator from Maryland that I think he has lost sight of the principle involved here. We are not aiming at aggrandizement of the candidate. That is not the question at all. We have got to recognize the fact that, at the minimum, it takes $20 million to make a real run for the Presidency. It takes that amount of money if you expect to win. The big question is, if you do not have that kind of money, do the candidates have the proper exposure for the benefit of the people? If you lose sight of that, you fall into error. The money can be used only for the purposes of a campaign.

The question is, How much money must be spent in order that the people of the United States will have the proper exposure to the candidates and the issues, so that they can make a valid judgment? That is the judgment and theory that is involved here. That is the reason this was made into a fund.

I want to say to my good friend from Maryland that his idea was considered in depth. It has merit. It has considerable merit, because he has a limitation in his amendment that no matter how much is checked off for a party nominee, you can only write in x number, which is the 15 cents formula.

Mr. MATHIAS. No one can run away with the whole box.

Mr. PASTORE. That is right. No one can run away with the whole box. That is a meritorious limitation. The only trouble with it is this: We have had many arguments made on that side of the aisle, by the Senator from Ohio (Mr. TAFT), by the Senator from Colorado (Mr. DOMINICK), yesterday, and by two or three other Senators, that we are not recognizing minority parties or independent parties. They went so far as to glorify the name of Mr. McCarthy, for whom they will never vote anyway.

So, what happens? When you attempt to designate your party, you are doing that by April 15, 1972. That is the last day to file the income tax return. How do you know if McCarthy will run? How do you check him off? What do you do for him? That is the one gap the Senator will have to explain to me. If he can get that solution, he has a good amendment. But let the Senator tell me how we handle the situation where the known candidate will get the checkoff and those not yet known cannot get the checkoff because the taxpayer does not know who he is yet or what party he will represent yet. What do we do about that?

Mr. MATHIAS. Would the Senator like an answer to that right now?

Mr. PASTORE. Wait a minute. I will give the Senator the time, if he needs it. What concerns me is what do we do about minority parties? Take the Wallace candidacy. Whether you like him or not, whether you vote for him or not, he has a right as an American to run. He has a right to be treated like everyone else. That is what you are trying to do. By the same token, someone else might come along and file in a certain number of States whereby be becomes qualified on the presidential ballot. He is a candidate no one ever heard of on April 15 because he does not file until May, June, or July, and he was out of the picture completely then. What happens to him?

Where is the equity? That is what disturbs me. If the Senator can explain that and fill that in, maybe we have an answer here, because I would welcome the Senator's vote.

Mr. MATHIAS. Let me say, in response to the distinguished Senator from Rhode Island, that we contemplated this problem. Of course, it is true that anyone who—

The PRESIDING OFFICER (Mr. TUNNEY). On whose time is the Senator speaking?

Mr. PASTORE. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seventeen minutes.

Mr. PASTORE. I give 5 minutes to the Senator from Maryland. That is the generosity of the Democrats. [Laughter.]

Mr. GURNEY. Will the Senator reserve 1 minute to me to ask a question later on? Do not give it all away.

Mr. MATHIAS. The Senator from Rhode Island is generous, as he always is, and I appreciate it. But what I will have to say will be a good investment of his time, because we can answer the question of whether there is a choice in the plan as it now stands, and how it might be improved so that there could be a choice.

It is true, if a citizen were obeying the law, the last time he would have an opportunity to check off and choose would be the 15th of April. Under long-established political custom in this country, we will not know who the nominee of a party will be until someone in the summer. That is a practical difficulty with which we are confronted. But in the amendment which I intend to offer, we do define what "party" is, and we make it broad enough to take care of not only the major parties but also new political movements so that they are not stifled whether McCarthy or whether Wallace——

Mr. PASTORE. Will the Senator read that part of his amendment, please?

Mr. MATHIAS. We define "party" as follows:

> "Party" for the purposes of this Act shall mean any political party which registers its name with the Comptroller General in accordance with regulations promulgated by the Comptroller General, and declares its intent to nominate a candidate for the office of President and Vice President in the next presidential election.

What could be simpler than that?

Anyone who is seriously considering running for President in November has an inkling of that fact by the 15th of April, so that is broad enough to take care of the problem.

Mr. PASTORE. If the Senator will yield, the Senator from Maryland has a staff member who has researched this. That designation with reference to the Comptroller General will have no standing because you have not qualified in the States to be a party and you cannot be a party until you qualify under State laws. You file in the primary and run in the primary and get a certain number of signatures. All of that is very complicated——

Mr. MATHIAS. These are matters which could be resolved in the period between the close of the tax year and the 15th of April and the actual designation of a nominee by the party which is so qualified.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am speaking on the Senator's time and I am totally subject to his indulgence, but I would like to finish this thought first, if I may.

Under the committee bill, you guarantee that there will be a Wallace ticket, for example. You really guarantee it, because you guarantee that there will be $6 million or $8 million available for the Wallace campaign. Under this proposal, people would have a choice.

I know that the Senator, with his record in Rhode Island and his record throughout the country, is not afraid to let the people choose. I do not think he is afraid to give the discretion to the people. He does not distrust the choices that people make. He does not do that. That is not his record. However, I cannot understand why he is so reluctant to let a taxpayer choose the political vehicle——

Mr. PASTORE. Of the money.

Mr. MATHIAS (continuing). Through which or under which his or her money will be channeled within the limitation.

Mr. PASTORE. Would the Senator consider——

The PRESIDING OFFICER. The 5 minutes of the Senator from Rhode Island have expired.

Mr. PASTORE. Mr. President, I yield myself 2 minutes to pursue this.

Would the Senator consider a combination of the two in some form? The thing that concerns me is the new starters. I would not want to feel that here we are jacketing in parties that have received 5 percent of the vote and who do have legal questions that arise, as to whether a legal party can be considered in April when someone has to qualify for that party in May. This raises the question whether we cannot work in a combination of the two, whereby a person would have the choice to say it could be a Democratic or a Republican nominee, or an American Party nominee, or whatever party nominee—at the same time we could open the door so that the individual can put his dollar in the pool without any choice or further allocating it to protect a new party or a third or a fourth party.

Mr. MATHIAS. I would like to explore that with the Senator. We have to recognize plan is involved, the auditing and the bookkeeping problems will be extremely difficult to solve. A candidate who arrives on the scene without the old base will have the right to be reimbursed under the Pastore plan, but he will not know what the reimbursement will be until the votes are counted. So that there are all kinds of enormous auditing problems here.

If we are going to say that the auditing problems and the practical considerations are going to be so great that nothing can be done, I believe that we had better go home and give up the game.

Mr. PASTORE. There is no pride of authorship here. There is no desire to do anything that is partisan, although, apparently, we have not been able to get that point over. If the Republicans come up with a combination that is acceptable, I tell the Senator frankly, I would be amenable to it and I would be recommending that your staff sit down with our staff and see if we can work out something that makes some sense. I am perfectly willing to be reasonable. Even though we have been winning consistently, we are not trying to clobber anyone here. If we could come up with something that will be more palatable to the other side, yet not do injustice to the concept we are trying to establish here, I would be agreeable to talk it over and to consider it.

Mr. MATHIAS. Mr. President, as the Senator knows, I told him yesterday that I was willing then and I am willing now to sit down with him and have the staff sit down and explore it to the fullest.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield for a question.

Mr. GURNEY. Mr. President, on this very point, because I think all of us should be concerned with the proliferation of political parties and I think we see some of that going on today, I think we can agree that one of the great strengths of the American political party has been a stable system of politics.

I would like to inquire of the Senator from Rhode Island if, where the amendment breaks down the money and permits it to be available to different groups and political parties, it would not encourage proliferation.

Mr. PASTORE. Well, it might. However, the point was made on the other side, in the argument against my amendment, that we were not doing enough for third and fourth parties. I do not mean to be facetious, but they even raised the point that it might involve McCarthy. I do not want to stop him if he wants to get on the ballot. I want him to get on the ballot like everyone else, if he wants to do so. It is true that it does contain a suggestion of proliferation.

Mr. GURNEY. Mr. President, I am delighted that the Senator made that point. I voted against the amendment yesterday for that reason. I do not support the idea either. I think the idea is extremely dangerous. One of the reasons we had a hangup in this body on the electoral college system, which is long overdue, is because of the fear that we might come up with an idea that encourages the proliferation of political parties.

As I see it, this is the greatest danger that has been presented to the Senate. I hoped that the Senator from Rhode Island and the Senator from Maryland could come up with some workable arrangement so that we could make a decision that would eliminate at least proliferation.

Mr. PASTORE. Mr. President, as I said before, I am amenable to anything that makes sense. We are trying to take the whole presidential electoral process out of the arena of big, astronomical money and contributions. That is all I am trying to do.

Mr. GURNEY. Mr. President, may I make one other comment on the Senator's time?

Mr. PASTORE. Yes, the Senator may.

Mr. GURNEY. Mr. President, I think that the last colloquy that we have just had between the Senator from Maryland and myself and the Senator from Rhode Island points up the very fact that we should not be writing political campaign bills on the floor today in a tax matter which affects the country. I think that points this up more than any other colloquy we have had.

Mr. PASTORE. Mr. President, I might say in answer to the Senator from Florida that he brought up a social security amendment which I supported. And that was writing legislation on the floor of the Senate. And certainly I did not accuse him of anything wrong. I supported him. I was one Democrat who supported him.

Mr. GURNEY. Mr. President, will the Senator yield for 1 minute on his time?

Mr. PASTORE. Mr. President, I do not have the time.

The PRESIDING OFFICER. The Senator from Rhode Island has 6 minutes remaining.

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, I am for the Pastore amendment. I am all for it. I am for the most controversial part in the amendment. Mr. President, I assure the Senate and my distinguished friend, the Senator from Rhode Island in all honest sincerity that I am for the amendment.

I would like to say as floor manager of the bill, however, that we have gotten to the point where we are arguing over amendments to the amendment presented to the Senate by the Senator from Rhode Island that would drastically affect the proposed method of financing presidential campaigns.

We have other amendments to the bill that are purely tax amendments. Could we agree in the interest of getting on with the bill, rather than arguing about amendments to setting the campaign amendment temporarily aside and getting on with the other tax amendments? I would like to do that without prejudice to anyone. Then we could come back to the campaign financing issue after we have made some progress on the rest of the bill.

Mr. President, as far as I am concerned I would like to move ahead with the bill right now. We are at a phase where we are talking about an amendment that I have not seen. However, I do know what the Senator is talking about.

Mr. MATHIAS. Mr. President, I laid it on the Senator's desk yesterday.

Mr. LONG. I have not seen it. I would love to see it.

Mr. MATHIAS. There it is.

Mr. LONG. The Senator has handed me about three papers.

Mr. MATHIAS. There are three copies of the amendment.

Mr. LONG. I see.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I yield 1 additional minute to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG. Mr. President, I would like to ask whether we could agree to temporarily lay aside the campaign amendment and go back to the tax amendments for a while, because at least in that area, it would seem to me that we would be making progress toward the final culmination of the consideration of the pending bill.

Mr. PASTORE. Mr. President, I will answer the distinguished chairman of the committee.

Mr. LONG. I will vote for it. I am for it.

Mr. PASTORE. I know, but we are talking about tactics and not substance. If the majority leader is willing to put it off temporarily with the understanding that when it comes back we will be at the same point, I would be agreeable.

Mr. LONG. That is what I am talking about.

Mr. PASTORE. That is a matter that is up to the majority leader and that I have no control over.

Mr. GRIFFIN. Mr. President, would we be able to have a short quorum call without the time being charged against either side?

Mr. PASTORE. That would be agreeable.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I ask unanimous consent that there be a short quorum call without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until not later than 12:45, subject to the call of the Chair, with the time not to be charged against either side.

Mr. President, I revise my request and ask unanimous consent that the Senate stand in recess until 10 minutes to 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 12:18 p.m., the Senate took a recess until 12:50 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. TUNNEY) in the Chair).

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut has 4 minutes remaining.

Mr. WEICKER. Mr. President, I ask unanimous consent that no time be charged to either side.

Is anyone from the side of the opponents in the Chamber, before we commence debate?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. LONG. What is the request?

Mr. WEICKER. I wanted to make sure that Senator PASTORE or Senator LONG or someone else representing the opponents was present before we commenced the debate.

Mr. LONG. I have not had a chance to study the amendment, but I assume that I am regarded as the opposition, so I will undertake that burden.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I yield myself 2 minutes.

Mr. President, in essence, I think the amendment is clear as to what it attempts to achieve. It does not deny the propriety of the principles espoused by the Senator from Rhode Island. I think we all recognize the necessity for reform. What it does is to cut out the unseemly haste—I think that is the best expression—of getting the hand in the cookie jar.

In effect, it recognizes that there is a valid principle of reform, that should be enacted for the benefit of future Americans, but not for the benefit of those Members who are voting on this bill or the gentleman who presently occupies the White House, or anyone who, in effect, is going to bring into being the legislation. Certainly, in a day and age when we lack credibility, such an endeavor can only be termed honorable and living up to the highest traditions of this Nation.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. WEICKER. I yield myself 1 additional minute.

I would be more than willing to withdraw my pursuit of this goal if, in fact, I could get all parties to agree—I mean the President of the United States, the Republican National Committee, the Democratic National Committee, and those who are Democratic candidates—not to participate in any of the funds engendered by this legislation.

Quite frankly, this request might come forth during the course of the debate, and then let us see who is acting on the basis of high principle for the Nation or who is acting on the basis of low reality.

I think that will cut it pretty fast as to the rhetoric. Principle or reality.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, those of us who favor the amendment feel that if what we are proposing is good, and we believe it is, and if it would make for better government, and we believe it would, then the time has come to do it. If it is not a good idea, then it should not be done at any time.

This is an issue on which, as far as we can determine at this point, we have eliminated the shortcomings that could be raised and have been raised in the earlier phase of this issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator has no more time.

Mr. LONG. Then, I will not yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Connecticut has 1 minute remaining.

Mr. WEICKER. Mr. President, I would hope that in the time ahead, in the immediate time ahead, it would be possible to sit down with the proponents of the Pastore amendment and, quite frankly, make it a better amendment, with suggestions presented by the Senator from Maryland and the Senator from Connecticut, on the side of substance, on the side of ethics, and on the side of propriety.

Nobody is saying that the Pastore amendment is wrong. It has merit. But it has become obvious that additional good ideas have been presented on the floor. I hope that as we go back to the tax measure, if that is what we are going to do, we can utilize some of the ideas to make it a better amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "nay."

I further announce that if present and voting, the Senator from Alabama (Mr. SPARKMAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kansas (Mr. PEARSON) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Maryland (Mr. BEALL) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 37, nays 51, as follows:

[No. 363 Leg.]

YEAS—37

Aiken
Allott
Baker
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
Mathias
McClellan
Miller
Packwood
Percy
Roth
Schweiker
Scott
Stafford
Taft
Thurmond
Weicker
Young

NAYS—51

Allen
Anderson
Bentsen
Bible
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gambrell
Gravel

Harris
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Smith
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—12

Bayh
Beall
Goldwater
Hartke
McGovern
Mundt
Nelson
Pearson
Saxbe
Sparkman
Stevens
Tower

So Mr. WEICKER's amendment (No. 710) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BELLMON. Mr. President, I have an amendment at the desk. I ask that it be reported.

The PRESIDING OFFICER (Mr. RIBICOFF). The clerk will report the amendment.

The legislative clerk read as follows:

On Page 3, line 15, immediately following the word "any" insert the words "independent, unaffiliated".

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

RAILROAD-HIGHWAY SAFETY REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

I am pleased to submit to the Congress Part I of a two-part study of Railroad-Highway Safety in accordance with the requirements of the Federal Railroad Safety Act of 1970 (P.L. 91-458).

Railroad-highway grade crossing safety is not a simple issue. It has many complexities which arise from such factors as the division of authorities and responsibilities for grade crossing safety among many governmental levels and jurisdictions, the important role of the private railroad companies who own and maintain the rights-of-way, the division of financial responsibilities between government and the private industry, and the cost and reliability of protective devices and grade separations.

This Report was prepared by the Department of Transportation as a comprehensive background survey of the problems involved. It contains a useful history of the grade crossing issue, a review of current problems and a discussion of the grade crossing problem within the context of highway safety.

Any recommendations for specific action will be presented in Part II of this Report to be submitted by next July 1972, under the provisions of the Highway Safety Act of 1970 (P.L. 91-605).

I commend this Report to you as important groundwork for a better understanding of the issues in this field, and I request that any definite legislative action on this subject be deferred until Part II of the Report has been transmitted to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *November 19, 1971.*

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message received from the President of the United States be jointly referred to the Committee on Commerce and the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 466) providing for an adjournment of the House from November 19, to November 29, 1971, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I strongly support the objectives of title IX of H.R. 10947, to provide more equitable tax treatment for citizens who make contributions to candidates for public office.

I have always resented the attitude that political giving is somewhat less noble, less in the public interest than giving to the United Fund, buying Easter seals, supporting the Red Cross or many other similar so-called tax-exempt organizations.

Government is a necessary part of society. In our system, political parties and campaigns are equally necessary.

Citizens who support the political process are in most cases among the most unselfish and the most to be admired. They deserve to be treated the same as others who make sacrifices in the public good with no expectation of selfish gain.

The citizens who support the political process in most cases are most unselfish and most of them are to be admired and deserve to be treated the same as others who make contributions.

While I am in agreement with the purposes of title IX, I feel there is a small but highly significant deficiency in the amendment. I am offering this amendment to help correct it.

The problem is that, under the bill as written, special interest groups can use the device and the inducement of tax exemption to gather large sums of money from their members and then use these funds to make large single contributions to certain candidates.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma will suspend. The Senate will be in order. Senators will please take their seats. The Senator from Oklahoma is entitled to be heard. The Senator from Oklahoma may proceed.

Mr. BELLMON. Mr. President, special interest groups can use devices that are tax exempt to get larger sums of money from their members and use these funds en bloc to make large single contributions to certain candidates or causes.

For instance, if we had a national association with a 14,000 to 15,000 membership, such as the National Association of Manufacturers, that association could form a political action committee. They could then urge each of the members of the National Association of Manufacturers that they should contribute $50 to the committee, for which he would be entitled to tax deduction. If all of the members contributed, that would mean an amount of $750,000.

I think any of us can realize that this much money in the hands of a political organization can have a significant impact on a large number of candidates or even on an entire political organization. If only one in 10 members contributed $50 it would raise a slush fund of $75,000.

Take another national organization, the American Medical Association. Our research has discovered that there are about 200,000 to 225,000 members of the American Medical Association. Again, if each member of the American Medical Association was to ante up $50, for which they would be eligible to receive a tax deduction, it would provide a fund of more than $11 million, which in the hands of that organization could certainly have a tremendous impact on the outcome of any political campaign. And, again, if only one in 10 were to contribute, it would make available approximately $1,125,000.

Take the Teamsters Union. The Teamsters Union has 1,800,000 members. If each member of the Teamsters Union were to contribute $50, which they could deduct from their taxes, it would make a campaign slush fund of $90 million.

Mr. President, this is the very thing that I would like to get away from. I would like to see individuals give money to any campaign or to the candidate of their choice. However, when the money is given to an organization which may have very strong lobbying practices, in my judgment it provides a dangerous possibility that could damage, rather than help, the political climate in the country.

Here again, if only 1 out of 10 Teamsters were to contribute, it would still amount to $9 million.

The American Farm Bureau has 1,800,000 members. The same facts would apply to the American Farm Bureau as apply with relation to the Teamsters Union.

The National Education Association has from 1 million to 1,100,000 teachers that belong to that association. If each teacher were to contribute $50, for which he would be entitled to a deduction, it would amount to a slush fund of up to $55 million. However, if only 1 in 10 were to contribute, it would still amount to $5,500,000 that would be available for political campaigns.

Mr. President, one can easily see that such coordinated organizational fundraising activities raises the possibility, even the likelihood, that serious abuses will arise, such as coercion of members to get them to give. The ability of an organization to make large single contributions would create a dangerous potential for making deals with candidates, who are desperate for funds.

It is my firm belief that single small gifts from a large number of contributors is the healthiest method of financing campaigns. In this way, the temptation for deals is nonexistent. People who contribute $10, $20, or $50, or $100, do not expect any direct and selfish gain by reason of the contribution. People would be encouraged to make contributions only because they wish to see good government in their country, or their local unit of government. If we could encourage this kind of giving, as I feel title IX generally would do, this would vastly increase the participation on the part of individual citizens in the political process.

Title IX, I believe, if amended, would accomplish this greatly needed objective, which is to see a large number of our citizens making small contributions with no strings attached. The contributions could be to candidates, committees of candidates, or to political parties of the country.

For these contributions, they would expect no special favors, but rather would expect to see that the candidates elected would perform the duties of their office in the very best way possible.

In my judgment, unless the language on page 3, line 15, of amendment No. 692 is changed, the present condition could be worsened instead of improved.

My amendment simply adds the words, "independent, unaffiliated" following the word "any", in line 15 so that the definition of a political contribution would include, among other things, "any independent, unaffiliated committee, association, or organization—whether or not incorporated—organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office."

Mr. President, this means that so long as the taxpayer makes his contribution directly to the candidate or to a committee established by the candidate or a political party, the contribution would be tax deductible.

However, if the contribution is made through a committee affiliated with an organization created for professional, business or other purposes, such contribution would not be tax deductible.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I am sure the Senator has good intentions, but it seems to me that this amendment might do many things to frustrate the purpose of the provision he wants to amend. The Senator would add the words "independent, unaffiliated" to the definition of a political committee to which contributions eligible for the credit or deduction could be made. These words raise a lot of questions—independent of what? Unaffiliated with whom?

But even more fundamentally, if people want to get together and form a committee to raise money to support someone for office, why should we prevent people from contributing to that committee? It is a proper political donation. They should be permitted to make it.

This Senator has no intention at all of forcing anyone to make a contribution and the Pastore amendment would not force anyone. But a person should be allowed to make contributions if he wants to.

The Senator's amendment, however, is so vague and indefinite that it probably would apply to all kinds of situations to which the Senator might not want it to apply.

Unaffiliated with whom? If people associated with a labor union want to form an organization and raise money for a candidate they support, the contributions to the organization are proper political contributions. I do not believe that they should not be able to do it. If a group of business people feel a man has done well and has made a good public official and they want to join together and support that man, just because they are members of the Chamber of Commerce or a manufacturing association is not a good reason why they should not be able to get together and raise money to support a candidate.

My point of view is that this language is so vague and indefinite that it might very well prohibit all kinds of very proper and highly motivated people from getting together and raising money for a legitimate political purpose.

For that reason I oppose the amendment.

Mr. President, at this time I yield 5 minutes to the Senator from Georgia with regard to other matters involved here.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GAMBRELL. Mr. President, I appreciate the distinguished junior Senator from Louisiana yielding this time for me and the Senator from Iowa to engage in a brief colloquy in reference to a matter which I would like to bring to the attention of the Senate.

I offered an amendment to the amendment of the Senator from Rhode Island which, I believe, has been given the number 703.

My amendment seeks to require any candidate who would receive money or distribution of funds under the Pastore amendment to be nominated by a party which is governed by a national committee which has been democratically selected and fairly apportioned.

In substance, the amendment would require the Democratic Party and the Republican Party, if they wish to have their candidates participate in the funds under the Pastore amendment, to fairly apportion their national committees to require them to be elected in a democratic manner.

I do not know the system of the Republican Party, but the Democratic Party has a system under which two national committeemen or a man and woman, are elected from each State by the national convention each 4 years. Democrats resident in the State do not have an opportunity to vote in the selection of those national committeemen and committeewomen.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. GAMBRELL. I yield for a question.

Mr. DOMINICK. I wish only to comment on the Senator's reference to our party. Our States select our own national committee from the States.

Mr. GAMBRELL. Are they apportioned by population?

Mr. DOMINICK. By the central committee, at a central committee meeting in each State.

Mr. GAMBRELL. Then, the State of Alaska has as many representatives on the national committee as the State of California.

Mr. DOMINICK. Yes, there is a national committeeman or woman from each State.

Mr. GAMBRELL. This is another part of my proposal, that they be fairly apportioned.

In my party we have during the past 4 years, pursuant to mandate from the national convention in 1968, gone through a program of reform whereby delegates to our national convention next year are supposed to be democratically selected and fairly apportioned within each State. I have supported that reform. I initiated similar reform when I was chairman of the State party in Georgia to require our State committee members to be fairly apportioned in the State and democratically selected.

My amendment would step up to the national committee level the same requirements the national committee imposed on each State delegation to the national convention. I think this would be a desirable reform.

I have not called up my amendment because I think it would be only fair to give the national committee a reasonable opportunity to cause the reform itself.

I, a number of other Members of this body, and a number of Democrats throughout the country would be very interested and seek very urgently to accomplish this reform before the convention next year. I urge my colleagues to give it consideration and I urge support from their States and in the national committee.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. GAMBRELL. I yield.

Mr. HUGHES. I compliment the junior Senator from Georgia on this particular amendment which would incorporate into law, if it were brought up and passed, many of the principles our party has been trying to bring into being through party reorganization as a result of the mandate of the 1968 National Convention of the Democratic Party. It does not go as far as many discussions that have taken place in this country have suggested, but it would reapportion selection of the national committee of the parties involved on a proportional basis, that proportion being on the basis of one man, one vote, or one Democrat, one vote. It could go as far down into the States as being selected on the basis of one Democrat, one vote in the congressional district to affect internal selection in States which have a convention procedure rather than a primary procedure for selecting State nominees. As these matters differ from State to State, the importance of this amendment would be the reapportionment of the National Convention and the representation of the national committee, which thereby makes the decisions handed out through the national chairman of our particular party, that involve selection of the convention site, the procedures by which they are conducted. They must go through that convention political process in order to be translated into a platform that is then translated through the candidates of the people of America and, hopefully, translated at that time through the Congress of the United States, to have a direct effect on the people of the land as a result of the political processes of this Nation.

If this process becomes clogged at any point, it then is a hindrance to the individuals in the State having an active voice in the political procedures that affect their lives every day they live.

The junior Senator from Georgia has brought this issue into focus in having presented his bill, or in presenting his amendment—I do not know whether he intends to call it up—but as one who has been active in the political reform of the Democratic Party, I want to commend him for bringing it to our attention.

Mr. GAMBRELL. Mr. President, I would like to ask the Senator from Iowa, while he is on his feet, if in fact the national committees of the two parties run the two parties for a period of 4 years between the conventions and if the reform we have had in the Democratic Party, when it comes to a head in the convention, simply covers 4 days in 4 years, and the rest of the 4 years we have the undemocratic management system.

Mr. HUGHES. I am unable to speak for any other member of the Democratic Party, in which I have been active, and I know the junior Senator from Georgia has, but the effect is that our national committee today, which national committee was selected prior to the 1968 national convention, not only made the decisions then, but has made the decision now for the next national convention. That has prevailed for the preceding 3 years and will continue for the next 7 or 8 months, until the new selection process takes place. So, in fact, it is the governing body for 4 years.

Mr. GAMBRELL. And if it is not reformed prior to the next convention, we will have an undemocratically selected national committee for the next 4 years and an unfairly apportioned national committee for the next 4 years?

Mr. HUGHES. That is correct, because unless it is reapportioned then for the next 4 years, or until 1976, we will again be faced with an unfair apportionment of the representation of the people of this country in our political party.

Mr. GAMBRELL. I thank the Senator from Iowa for those comments.

It seems to me that all the talk of reform in the Democratic Party is so much hot air if the reform does not go to the body which governs the Democratic Party for 4 years with the exception of 4 days. The reforms we have been talking about and about which there has been so much hue and cry simply reform for 4 days, and not 4 years. The reform we are talking about in the Pastore amendment is a fine contribution to the political history of this country, but it seems to me to be a little hypocritical to be talking about a magnificent reform of this type and talk about reforms in Georgia, Iowa, and other parts of the country, but when the Democratic National Committee meets in Washington to decide such things as who shall be chairman of the credentials committee or who shall be chairman of the platform committee, or such other matters, they meet with an undemocratically selected organization to manage its party.

I feel strongly that our national committee and that of the Republicans, if they purport to be a fair and representative political management body in this country, should adopt reforms along the lines I am suggesting in this amendment.

May I say I do not plan to call the amendment up with reference to the Pastore amendment, but I do intend to call up, and have pending, a bill to this effect, and plan to offer it as an amendment if it continues to be disregarded by the national committee and the leadership in the committee to which it has been referred.

Mr. President, moving on to another subject, but in reference to this bill, and in the absence of the Senator from Louisiana, who has yielded, as I have indicated, I support the Pastore amendment because, as it stands, without any alteration or without any modification, it is a tremendous step forward in the political life of this country. It furnishes a platform on which candidates of all stripes and persuasions can stand and be heard, and no candidate has to be excluded for lack of money or opportunity to make his voice heard in the world.

What bothers me about the position of our brothers on the other side of the aisle is, to carry their position to its extreme in logic, they would not want to have a public platform in a public park provided to members of any political persuasion to make a speech. They do not believe in a publicly supported opportunity for candidates to be heard. That is all in the world this is. It is a platform on which candidates for political office can stand, and I dare say with public facilities that will be made available to presidential candidates of all persuasions. Next year that will be worth much greater than the $20 million or $40 million or $100 million. It is a public platform in a public park or other public place that is equally available to all candidates, whether they be Wallace, McGOVERN, or anyone else.

I do not see why there is any difference between that and the public furnishing of the opportunity for candidates to be heard throughout the land, without discrimination because they are unknown or without discrimination because they do not have money. It seems to me their opposition is simply an effort to choke it off so they will be in an underfinanced position, which is exactly what the bill undertakes to prevent in the first place.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GAMBRELL. It is not my time. I think the Senator might ask the Senator from Oklahoma to yield on his time.

Mr. MILLER. Will the Senator yield for a question?

Mr. GAMBRELL. I yield for a question.

Mr. MILLER. Did I understand the Senator to say Senators on this side of the aisle do not wish to support public financing of an opportunity to present public appearances by political candidates?

Mr. GAMBRELL. I said that was the ultimate conclusion of the principle which you are standing for—that the money should not be made equally available for candidates to expose their ideas. I wondered if that is any different from making a public park available for that purpose.

Mr. MILLER. Let me clarify the record. The Senator from Georgia has overlooked the fact that there has always been strong support on this side of the aisle, including that of the Senator from Iowa, for a limited tax deduction or a tax credit on the income tax return for political contributions, and that certainly amounts to public financing, if I understand the meaning of public financing. Would the Senator agree with that?

Mr. GAMBRELL. I would agree with that, but that sort of financial arrangement makes it possible for a rich man to put more into a campaign than a poor man. All we are trying to say is that everybody should be able to put up $1 for this purpose.

Mr. MILLER. May I say to my colleague from Georgia that we have always agreed on a maximum of $50 or $100 and a $25 or $50 tax credit. So I do not understand his reference to the rich and the poor.

Mr. GAMBRELL. A $50 deduction means more to a rich man than it does to a poor man, and he is also in a much better position to make it.

Mr. MILLER. It is for that reason that the Senator from Iowa has preferred the tax credit approach. I must say, if we are going to get into the question of giving the rich man a preference over the poor man, the Senator from Georgia could have supported my amendment, which would have given the tax credit instead of the personal exemption increase. So I think we had better be careful about the charge about the rich man and the poor man.

Mr. GAMBRELL. I am talking about the opposition on that side of the aisle to the second part of the Pastore amendment, the checkoff system.

Mr. MILLER. I wanted to clarify it, because I did not think the Senator from Georgia would deny that we are supporting a tax deduction or tax credit as a means of public financing of political campaigns.

Mr. GAMBRELL. I would be inclined to agree that some on that side of the aisle have supported those means of public support for political campaigns which would work in their favor. But what I am saying is that the ones that would apparently work against their interests currently, they are opposing currently.

Mr. MILLER. May I say to my friend from Georgia, I wish he would not say, "which will work in their favor." I have never supported a tax credit or tax deduction for political campaign purposes with the idea that it would benefit any one person or any one political party. I have done so in order that people in general can join in financing the campaigns of political candidates and political parties, and let the chips fall where they may. I see no reason why a tax credit, for example, should not work with equal favor to the members of both parties.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, in response to the statement by the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG), I say to him that it is intended, of course, that this amendment be definite and clear, and I would certainly welcome any suggestions as to how it could be made more so. It is certainly not intended by the amendment that anyone would be restricted from making a donation. If the American Medical Association wants to set up a political action committee and go out and collect money and use it for a political slush fund, certainly they can do so; but that kind of political giving certainly, in my judgment, should not be tax-exempt, because any oragnization that does so is likely to use the funds to forward its position on issues that may come before various governmental agencies, and while this certainly is legitimate activity, I do not feel that such activity should be supported, in part, by Federal revenues, but that such kinds of giving should certainly not be tax deductible.

What I am trying to accomplish by this amendment is to make it so that if the individual citizen gives the money to any one candidate, or to a committee set up for the sole purpose of forwarding the campaign of a candidate, this is a deductible type of contribution, and if we can make it more clear and more definite, certainly I would welcome the suggestions of the Senator from Louisiana.

Mr. LONG. Mr. President, if the Senator will yield, the language now in the Pastore amendment says:

> (B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office,

The committee would have to be set up to try to bring about the nomination or election of a candidate, or candidates, and they would have to have, according to my understanding, particular candidates in mind.

Mr. BELLMON. Mr. President, let us use a real entity. Let us talk about AMPAC, the political education arm of the American Medical Association. As I read the amendment, that organization would not be eligible. I wonder if it is intended by the Senator from Louisiana that such an organization would be able to collect money on a tax-exempt basis?

Mr. LONG. Let me ask the Senator, doesn't that group do other things than try to elect a particular candidate or a number of designated candidates, or are they limited entirely to that? That would be the test.

Mr. BELLMON. Mr. President, I do not have any inside information as to how they operate, but I know that that organization and many others similarly organized and run do actively seek the nomination or election of one or more individuals or candidates for election to Federal office. It seems to me if they did that, certainly they would be eligible under the terms of this act.

Mr. LONG. Let us just talk about the intent. In other words, let us assume that people say, "All right, now, here are the candidates we want to support, and here are 30, 40, or 50 people that we think have done a good job so that we should go out and pass the hat and raise some money, and whatever we can raise we should distribute pro rata among all of them," or "we should give twice as much to this one as to the other one, because he is running in twice as large a State.'

Having decided that, they devote themselves exclusively to try to elect these candidates. It could be all Republican or all Democratic candidates, or a combination, but they designate who they have in mind to support.

If you know to whom you are contributing your support when you support the committee, and they are working exclusively for that purpose, and not involved in other things, then that donation to them would be for political purposes to help finance those campaigns. It would seem to this Senator that they should be permitted to regard that as a political contribution toward the support of a number of candidates or group of candidates, and that it would be just as much deductible as if they had contributed directly to a candidate, or gone around and mailed 10 individual contributions to 10 different candidates.

Mr. BELLMON. Mr. President, the difference of opinion between the Senator from Oklahoma and the Senator from Louisiana is that when an organization formed for a professional or business reason, or for a labor reason, or any other reason, uses its mailing list, its staff, and whatever good offices it has to solicit campaign contributions, and then takes those contributions in bulk, in a large bulk sum, and goes into the political arena and gives its support to the candidates they choose, who in many cases are candidates they have selected to forward the purposes of the organization, to me the organization is a very self-serving operation, and it is wrong to expect the Federal Treasury to put up half the money they are using, which is what we do when we give a tax deduction or a tax credit, as under the Senator from Rhode Island's proposal.

Mr. LONG. Of course, that is a reason why I am not enthusiastic about the deduction and the $25 tax credit.

Mr. BELLMON. Let me say I am in favor of that, as I said earlier.

Mr. LONG. As far as I am concerned, a private campaign contribution is often a contribution by a person who is either seeking to reward a candidate for past favors, or to contribute for favors hoped to be received in the future. The self-seeking nature of a private campaign contribution is not eliminated just because the contribution is made to support a number of candidates rather than to support one candidate. In either event, it may be a completely selfish contribution on the part of the taxpayer.

The proposal here is to make campaign contributions deductible or to allow the taxpayer a tax credit. I am not enthusiastic about this part of the amendment, but if we are going to have it, it seems to me there is no reason we should deny people the right to get together and form an association to support a candidate or group of candidates.

Mr. BELLMON. Mr. President, it is not the intent of the amendment that it would in any way prohibit a group from getting together for the purpose of supporting candidates or groups of candidates, but the purpose is to keep organizations that are already together for quite a different purpose from getting into the business of raising tax deductible funds for forwarding the purposes of their organization.

Mr. LONG. Under the language of the Pastore amendment, they cannot do that. The Senator's amendment is not necessary to keep that from happening.

If these people have an association that has any purpose other than to support the nomination and election of a candidate or a group of candidates, then the deduction or credit would not be available for contributions to the association. The language here is clear that they have to be organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for public office.

Mr. BELLMON. Could such an organization be affiliated with, say, the Teamsters Union?

Mr. LONG. Yes. People who are in the American Medical Association or people who are in a labor union could form a separate association, the only purpose of which is to help elect somebody to office. If that were exclusively what the association is organized and operated for, to help elect somebody to office, contributions to it could be deducted as political contributions. I do not see how we can separate that from the kind of situation where any group of people get together and set up a campaign committee to support one man for Senator or one man for Governor or one man for President. It would seem to me that, in any event, the purpose is the same. It is to join together and act collectively to try to nominate somebody or a group of people and support these people for office, and a contribution to that kind of association is a political contribution.

If the association is set up and operated exclusively for the political purpose of electing someone to office, contributions to it would be deductible contributions. But, if it is set up for any purpose other than that—for example, if it is a labor union or a medical society or if such a group establishes an association for purposes other than electing someone to public office—the contributions would not be deductible.

Mr. BELLMON. Does the distinguished Senator from Louisiana see the danger here? If, say, the American Medical Association wants to undertake to influence the direction of Government, it is very simple to set up a subsidiary organization devoted strictly to the purpose that is permissible under the bill—the nomination or election of one or more individuals to office—and use the mailing lists and the publications of the existing organization and put together a very large political slush fund; and this, then, could become a tool of the existing organization and could be virtually outside the purpose of the bill, which is to eliminate that kind of questionable activity.

Mr. LONG. I understand what the Senator is speaking of, but I do not see how the people can be denied the opportunity.

Mr. BELLMON. It is not intended to deny it. If they want to make a regular contribution and not have it tax deductible, they can do it. I am talking about taking from them the right to take a tax deductible contribution from a large membership and use it for a slush fund of an organization that already exists.

Mr. LONG. The Senator is talking about doctors who organize a group of doctors for political action, and they have a list of candidates who they think voted for what they think is right, and they also have a list of candidates who voted against what they think is right. They ask doctors and others to contribute to the group.

Or, on the other hand, you may have a group of laboring people who get together and form an organization—call it COPE, the Committee on Political Education, or call it something else—and say, "Here is a list of candidates"—it could be 300—"who have voted the way we think is right and that helps the laboring man. Here is a list of candidates who voted against the way we think a laboring man's interests would lie. We would like to ask people to contribute, because we want to help this group and we want to fight that group."

Why should they not have the privilege of going out and saying "We do not think Senator Jones is our friend at all, so let's go out and raise money to oppose Senator Jones. We do not think Senator Rappahanock is a friend of ours, so give us some money to fight him. We do not think Senator Gunk is a friend of ours, so give us money to fight him. On the other hand, here is a group of fellows who are our friends, so give us a check for each one of them."

It is difficult for me to understand why they should not be able to do that. They are contributing to the candidates with whom they agree, and they should be able to do it collectively, just as they can do it individually.

Mr. BELLMON. Mr. President, to me, there is nothing in the amendment I propose that would keep a group of doctors or a group of labor people or a group of farmers or any other group from getting together to raise funds to support candidates who they believe will help their purpose. This is entirely proper; it is done now; and I do not propose to change it. But, under the terms of the proposed legislation, we are going to ask the Federal Treasury to pay roughly half the cost of such activities, and this is what I believe is wrong.

If the individual citizen wants to give $50 to a candidate or a dozen candidates, that citizen wants to make a small contribution in the interest of trying to help the governmental processes of the country.

But when that citizen puts in his contribution to a slush fund of an organization, then, so far as I am concerned, that becomes an investment, and he expects some kind of return from it—at least, he may, depending upon the way the organization is run. I do not feel it is proper for Congress in this way to subsidize the selfish interests of various groups, no matter what their purposes are.

Mr. LONG. Unfortunately, the Senator's amendment goes far beyond anything he has in mind. This amendment say that the committee or organization must be independent and unaffiliated. If I go out and organize a committee, I would assume that they were affiliated with me and that they were associated with me. Thus, if I were the fellow who went out and got the group together, it could be contended—very logically, under the language of the Senator's amendment—that inasmuch as they were affiliated with RUSSELL LONG, a contribution to that group, to support his candidate, would not be deductible, although it would be deductible if they were not affiliated with someone.

But they cannot be affiliated with anyone, according to the amendment. They cannot be affiliated with Senator BELLMON; or perhaps they are the Senator's friends, and they organize because he asked them to do so. In that case, it can be contended that they are not independent, that somebody has the power to persuade them to do what he thinks they should do; and, and therefore, that they are not independent, that they can be controlled by someone. In this manner no committee could be assured that it was entirely independent of and unaffiliated with someone.

If the Senator's amendment were drafted so that it did exactly what he is talking about when he says that this is a committee that is controlled by a labor union or a committee controlled by a medical association, in which case the contribution would not be deductible, I would think that he might have a better argument. But his amendment says that the committee must be independent, which would suggest that it must be independent of everyone—that is hard to demonstrate—and that it must not be affiliated with anyone.

It could well be argued that under the amendment no committee could qualify; or, at the very least, no one would know, when he made a contribution to a committee, whether or not it was deductible. A taxpayer is entitled to know, under the law, what the tax consequence is.

The Senator has an understandable concern. If the Senator wants to take some kind of action, I think it would be better to have the members of our staff try to draft something to carry out his intent and limit it to the cases he has described, rather than use the broad, general language he has in the amendment, which we think could very well negate the whole intent of permitting a committee to be organized to raise funds to support a candidate or a number of candidates.

Mr. BELLMON. Mr. President, I am thankful for the suggestion of the distinguished Senator from Louisiana. I believe it certainly has merit. It was my intention to accomplish the objective I have tried to explain to the Senate. If the Senator would agree, I should like to ask for a quorum call, and perhaps we could try to work out some language that might be satisfactory.

Mr. GURNEY. Mr. President, will the Senator yield to me for a question, before he does that?

Mr. BELLMON. I yield.

Mr. GURNEY. I should like to pursue that a little further and pose a question to the distinguished chairman of the Finance Committee, if I may have his attention.

In what way would the addition of these two words to this section by the amendment of the Senator from Oklahoma—"independent" or "unaffiliated," as I understand the words—in any way inhibit committees being organized and working in behalf of a political campaign? I do not understand that, but that was the Senator's statement. How could this prevent anybody from organizing and aiding the Senator's campaign or my campaign or the President of either of our parties?

Mr. LONG. Mr. President, the point is, a committee may not be affiliated with anyone. The committee could not be dependent on anyone. It would have to be independent of everyone and everything. It would have to be unaffiliated with everyone and everything. How could we know, when we contributed to a committee, that that committee was independent of everything and everyone and also was unaffiliated with everything and everyone?

It might be affiliated with someone but if it is organized exclusively for the purpose of supporting a particular candidate for office, it would seem to me that contributions to it should be deductible. Frankly, if the Senator wanted to do the kind of thing he has in mind, he should pinpoint what he wants, who he wants to forbid a committee to be affiliated with, and who he wants a committee to be independent of. If he will specify that, then we can know what we are talking about. The Senator says he wants to have it independent of the American Medical Association, independent of the AFL–CIO, independent of the Teamsters Union. We can understand what we are talking about, if that is what we are saying.

This language, however, would mean that it would have to be independent of and not affiliated with anyone or anything. If a committee is organized to support Senator Jones it seems to me that that committee would be affiliated with Senator Jones. It also is affiliated with whoever, or it is controlled by whoever, organized it for the purpose of helping Senator Jones. The language negates the Senator's own intentions.

The Senator's purpose is not carried out with the language that he has, because the language goes so far beyond what he proposes to do. I would suggest that we not withhold action on other amendments which someone might care to offer while we are waiting for the Senator to draft a different amendment, but that he either withdraw the amendment or that we vote it up or down and then go on to something else.

Mr. GURNEY. Mr. President, if I may make an observation, I do not disagree with anything the chairman has said. What I am trying to point out is that the statement concerning these two words, that it would inhibit or prevent political activity, is really not the right expression, because what we are talking about is tax deductibility. That is the principle involved. It has nothing to do with whether we can organize X, Y, Z committees to back a political candidate for President. We are talking about tax deductibility. The Senator suggests that possibly it would be a good idea for all of these organizations to be put in the same boat as far as all contributions would be tax deductible. The insertion of these two words has nothing whatsoever to do with inhibiting or preventing any kind of political activity. As a matter of fact, we know now, so far as some of the organizations which have been mentioned here during the course of the debate are concerned, that the deductions are not taxable; but there are all kinds of political activity, believe me, on behalf of the organizations, and I was merely trying to straighten out this record, that the Senator's proposed amendment, with the insertion of these two words, has nothing whatsoever to do with inhibiting, prohibiting, nullifying, discouraging, chilling—or any other adjective you want to use—political activity on behalf of a committee independent of an unaffiliated committee. I was just trying to straighten that out. I know that the Senator would not think of doing anything like that.

Mr. LONG. If we are going to permit a person to make a contribution to the candidate himself or to a number of individual candidates, the question is, why should we not permit him to let his contribution be made through a committee organized to support those candidates? Let us say that in the State of Delaware, for instance, the Republicans prefer a person not to make a contribution to the candidate himself. As Senators will remember, former Senator John Williams of Delaware took that view. He did not want a contribution made directly to him but rather to the Republican Party, in order to support all the Republican candidates who would be on the slate. In this manner he would not be beholden to anyone who made a contribution to him directly, and the contributions, if made to a whole group, would not favor him over anyone else.

If it could be argued that the committee is raising money for those candidates affiliated with the Republican Party, then contributions to it would not be deductible. There is no reason why it should not be deductible, if one wants to make a contribution to that committee for the slate of candidates.

Mr. GURNEY. That is covered in sections D and E on page 4 of the Pastore amendment.

Mr. LONG. Yes. But the problem would exist if the committee were not designated by the national committee—if it were just a committee to support that slate of candidates. A committee is always going to be affiliated with someone—the organizers, the candidate, or someone else—and so the amendment wouldn't allow tax deductible contributions to be made to a political committee. But if we allow a person to contribute directly to the candidate, then why not allow him to do it through a committee. Why should we not allow contributions to be made through a committee organized for a candidate or a group of candidates?

Mr. President, I yield back my time.

Mr. BELLMON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BELLMON). On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) would vote "yea."

The result was announced—yeas 27, nays 62, as follows:

[No. 364 Leg.]

YEAS—27

Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Griffin
Gurney
Hansen
Jordan, Idaho
McClellan
Miller
Packwood
Percy
Roth
Taft
Thurmond
Tower
Weicker
Young

NAYS—62

Aiken
Allen
Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—11

Bayh
Chiles
Goldwater
Hartke
Hruska
McGovern
Mundt
Pearson
Saxbe
Sparkman
Stevens

So Mr. BELLMON's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HANSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD is as follows:

On page 17, line 12, after the word "fund", include the following:

"*Provided*, that all campaign debts incurred within the previous five years arising from presidential campaigns are paid and satisfied in full by the party receiving the money. The Comptroller General of the United States shall make the determination as to whether said debts are fully satisfied."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 1 minute?

Mr. HANSEN. Yes, indeed. I yield to the Senator from Montana.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 466.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate the concurrent resolution (H. Con. Res. 466) which was read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Friday, November 19, 1971, it stand adjourned to meet at 12 o'clock meridian, Monday, November 29, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be considered.

Mr. SCOTT. Mr. President, I ask that we have absolute perfect order because this amendment is very important.

The PRESIDING OFFICER. The Senate will please be in order so that Senators may hear this important amendment, which the clerk will state.

The amendment was read as follows:

> On page 1, at the end of line 5, strike the period and insert a comma and the following: "and when the Senate adjourns on Wednesday, November 24, 1971, it stand in adjournment until 10 a.m. on Monday, November 29, 1971."

Mr. SCOTT. Mr. President, reserving the right to object, and I will not, I do this to point out that while the other body at a very critical time in our legislative process is——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. HANSEN. I yield.

The PRESIDING OFFICER. The motion is not debatable.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Republican leader may make a few remarks.

Mr. GRIFFIN. Without the time being charged?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, my apologies for proceeding out of order.

While the other body, at the height of a crucial part of the legislative process is, for reasons best known to itself, recessing for 10 days, the Senate intends to be absent for only 2 working days. This is because we want to get ahead with the tax bill and get ahead with other business. Certain suggestions are pending which could expedite progress on this bill. They have been made by me on behalf of my colleagues. We are doing the best we can and we want to adjourn in December, as early as possible.

To prove our good faith, the joint leadership have asked our colleagues not to be absent beyond the recess period granted, even though the other body has gone for a longer time. That is all.

I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, may I be heard under the same conditions?

Mr. HANSEN. Would the Senator not use time on the amendment?

Mr. MANSFIELD. Not on the time of the amendment of the Senator from Wyoming.

Mr. HANSEN. I thank the Senator.

Mr. MANSFIELD. Mr. President, I have sent a telegram to every Democratic Senator requesting his continued presence because this is a most important bill which is confronting us and I would anticipate that we would have a very good attendance tomorrow and on Monday, Tuesday, and Wednesday of next week. I would like to see this legislation expedited. So far, we are playing it by ear, but that is the best we can do.

Mr. SCOTT. We may be returning with some suggestions for the Senate's approval at a later hour.

Mr. MANSFIELD. I hope so. It is news to me.

Mr. SCOTT. I thought I would take the majority leader into my confidence.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 466), as amended, was agreed to, as follows:

> H. CON. RES. 466
>
> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Friday, November 19, 1971, it stand adjourned to meet at 12 o'clock meridian, Monday, November 29, 1971, and when the Senate adjourns on Wednesday, November 24, 1971, it stand adjourned until 10 a.m., Monday, November 29, 1971.

REVENUE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. HANSEN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will please take their seats so that the Senator may be heard. The Senate will be in order.

The Senator may proceed.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, my amendment is simple and direct. Its inclusion would strengthen this bill by making explicit and as a matter of law one of the most fundamental of all American traditions, the tradition that Americans pay their bills. The amendment reads:

> On page 17, line 12, after the word "fund", include the following:
>
> "*Provided*, that all campaign debts incurred within the previous five years arising from presidential campaigns are paid and satisfied in full by the party receiving the money. The Comptroller General of the United States shall make the determination as to whether said debts are fully satisfied."

While the inclusion of the amendment would clearly strengthen the bill, let me make clear my very strong belief that our failure to adopt it would be nothing short of scandalous. The Senate has made plain in the present debate that its concern is with equity. What the Senate is seeking in the current enterprise is a way to separate from the electoral process the economic entanglements that, some claim, demean the electoral process.

The threat is there—and no one will deny it—that the fiscal obligations incurred by a presidential candidate may possibly weigh more heavily on him in the execution of his duties than the good of the Nation.

I note with interest, Mr. President, that it is the Democrats—I repeat, that it is the Democrats—who have this fear. As a Republican, I have every confidence that the Republican nominee can, will, and always has, put his country first. However, I agree that in that sense the current debate has merit. The present effort to find an acceptable and responsible way out of this democratic dilemma is the kind of high enterprise that this body must here today concern itself with, and it is precisely for this reason that I offer my amendment.

My amendment simply makes it clear that political debts incurred within the past 5 years must be paid.

I would note that this morning's paper calls attention to the fact that one of the major telephone companies in the United States has made certain demands upon one of the political parties that its debt, going back to 1968, must be paid by July 1st. It is in this context, Mr. President, that I think it should be obvious that what I talk about is not some nightmare, some fantasy of one's imagination, but, rather, a very real concern.

Though I am well aware of the fate that has befallen the other good amendments provided by our side of the aisle, I do not expect my Democratic friends will oppose this amendment, because it seems to me they must feel, and I do believe they feel, as I do, and as my Republican colleagues do, that they want to pay their bills, that they want to be honest, that they do not want to go around being a bunch of deadbeats. I do not think that, and I do not accuse them of that, and I do not propose this amendment with any idea at all that it will have any opposition.

I think it is so elementary, sound, just, and fair that it will merit the kind of support that will insure its adoption immediately following the close of this debate. As a matter of fact, I would be surprised if there were debate, if there are those on the other side of the aisle who would challenge what I say here, because I cannot think——

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HANSEN. Mr. President, if I may, let me say that I shall be very happy to yield to my Democratic colleague, a man for whom I have great respect, a man whose integrity is well known, and whose honesty is his bond. I want, however, to finish my statement, if I may, because I have assured some of my Republican colleagues that I shall be glad to yield time to them.

As my great Democratic Senate colleague knows, he has time on his side, and as quickly as I finish and after I have yielded to my Republican colleagues the time I assured them I would, I shall be glad to yield to the Senator from Rhode Island such time as I have remaining.

My amendment simply makes it clear that political debts incurred within the past 5 years must be paid. It states to this Congress, and most importantly to this Nation, that there is nothing in this bill which can absolve the debts incurred by the major political parties in past campaigns over the last 5 years.

No matter what this debate may tell us about past campaign finance methods, it cannot tell us that because those methods were inefficient or inequitable, the consequences of past inefficiency may be ignored.

In America people expect to get what they pay for. That is a truth so basic to our way of life that it has become a cliche. But it is also fundamentally true that in America one pays for what he gets. I am proposing nothing more complex or mysterious than that we write this truth into law.

I say that to fail to adopt this amendment would be scandalous. If we fail to adopt it, we ignore our obligation as lawmakers to make the law both crystal clear and responsive to the people's understanding of their own obligations. As politicians, we apply those obligations to ourselves or we do not. It is our decision. But if we do not adopt my amendment, Mr. President, we send a clear signal to the people of this country that hypocrisy is alive and thriving in the United States Senate.

Every law we pass here places obligations on our citizens, obligations that often require financial sacrifice. We are talking about a tax bill, about the right of Government to levy taxes and to take whatever subsequent steps may be necessary if those taxes are not paid. And we are not talking about voluntary contributions. We are talking about tax dollars that are paid, under penalty of law, and we are talking about a system whereby we are going to take those tax dollars and turn them over to our political parties.

It is in that context that I think what we do here and now is tremendously important in declaring, in a clear, unmistakable fashion, what the sentiments, what the moral fiber, what the commitment of the Members of the Senate is.

We often create new obligations for our citizens. Sometimes we raise taxes and require a greater sacrifice. But we do it motivated by concern for the common good.

Out of this same concern, how can we fail, then, to require of ourselves that as politicians we meet our own obligations? It is clear to me that we cannot.

I recognize that the campaign spending reform bill that we now consider will, in the opinion of its sponsors, produce a campaign fund that can satisfy the needs of all presidential candidates. Proponents contend that is certainly is the intention of this legislation to do just that. But individuals now involved in the campaign for 1972 have already incurred some debts under the old method of campaign financing. Others, according to press reports, have dropped out of the race already, badly in debt. And debts remain from the 1968 presidential campaign which were incurred in good faith.

I am only suggesting to the Senate, Mr. President, that these campaign debts must be paid; that we must make it clear that we have no intention by whatever action we take on this legislation to attempt to absolve those debts.

I would assume that a vote against this amendment would in truth be a vote that a political party or a political candidate is governed by different laws and a different moral code than those by which we govern and which we expect from the American people.

I wonder who here, Mr. President, is willing to accept that sort of a criterion.

Mr. President, I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I commend the Senator for his amendment. I think it makes a great deal of sense.

I would like to make the point that while it has been assumed here that only the Democrats have debts, this is not necessarily the case. In my State the Republican Party is in debt from the last campaign. I think both parties in my State have indebtedness. Ours is larger than that of the Democrats.

I realize, of course, that this legislation applies only to presidential campaigns. But let us not fool ourselves; the principle being established here will soon be expanded. If this proposal should become law, there is no question but that within a short period of time there will be moves to finance out of the public treasury, with tax dollars, the campaigns of Senators, Governors, and the others running for public office. The precedent that would be set by the adoption of the Pastore amendment would lead inevitably in that direction.

What the Senator from Wyoming is saying, it seems to me, is that the debt of the Republican Party in Michigan should not be paid off with taxpayers' money. Is that what the Senator is saying?

Mr. HANSEN. Would the Senator repeat his question? I am sorry, there is a lot of interference. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. I was making the point that the Senator's amendment is eminently fair and reasonable. I was pointing out that Democrats are not the only ones who have debts and calling attention to the fact that in my State of Michigan the Republican Party is in debt.

I also said I have no illusions. If this Pastore amendment is adopted, it would be setting a precedent which would be expanded upon—that it would be but a very short time until there would be movements to finance other campaigns out of the public treasury.

Mr. HANSEN. I agree with what the Senator from Michigan is saying.

Mr. GRIFFIN. What the Senator is really saying is that debts incurred by Republicans or Democrats should not be paid off with the taxpayers money. Is that correct?

Mr. HANSEN. That is correct.

Mr. GRIFFIN. I think that is a principle that ought to be agreed to, and I hope the amendment will be adopted.

Mr. HANSEN. Mr. President, I reserve the remainder of my time, in order that my friend from Rhode Island may speak on his own time.

Mr. DOMINICK. Mr. President, before the Senator does that, will he yield to me for about 2 minutes?

Mr. HANSEN. Mr. President, if I may do so, I ask unanimous consent that I may yield 2 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. I have read the Senator's amendment with some care and, if my interpretations are correct, I am certainly in favor of the amendment.

Am I correct in saying that, before any money would be distributed under this proposal, prior existing debts must be paid out of voluntary contributions?

Mr. HANSEN. I would say this: What the amendment presumes to say—and it is my hope that this will be the interpretation—is that, before any moneys can be distributed by the Comptroller General, he must be satisfied that all previous debts of both parties, or of whichever party is to receive the money, have been paid. There is nothing said as to how those bills shall be paid. It might be that the party would want to go to a lending institution and borrow money to pay off those debts.

It simply says that all parties which want to participate in this distribution of tax dollars to political parties shall have first paid all debts they owe, before they can get any money. It does not prescribe the manner in which those debts are to be paid.

Mr. DOMINICK. But if they went and got a loan at a bank and paid off outstanding debts, would the Treasury money then be available to repay the loan? I certainly do not think that should be the case.

Mr. HANSEN. I will say this: The Comptroller General shall have first been satisfied that all debts have been paid and satisfied. I believe the Senator from Colorado is correct; simply to change a debt from one place to another, it would seem to me, would not meet the thrust of my amendment.

Mr. DOMINICK. I thank the Senator from Wyoming. When we get a little more time, I shall come back and see if he has any more of them. I think it is a good idea.

Mr. HANSEN. Mr. President, I reserve the remainder of my time in order that the Senator from Rhode Island may comment.

Mr. PASTORE. Mr. President, I must say that I have boundless respect and regard for the distinguished Senator from Wyoming. I not only respect him, I love him.

Mr. HANSEN. The love affair is mutual.

Mr. PASTORE. But I am a little surprised, even so, at the temerity of his saying I should accept the amendment with question and without debate.

As a matter of fact, if you raise your copy of this amendment and put it to the light, you can see the elephants all over it. (Laughter.)

And sadly enough, the trunk is hanging down. And do you know why? In shame.

This is the situation. We have drawn a bill that gives a candidate, a lawful candidate of a party, specifically the candidate a certain amount of money to spend in his campaign, and it must be spent in his campaign. Now Mr. HANSEN would say, "But before he can collect any money to get the proper exposure before the people, he has got to make sure that the national committee"—over which he has no control—"has paid all the debts incurred by it over 5 years."

Oh, what a sledgehammer that is. I mean, how far will you go in trying to badger us?

The reason we are doing this: if I can make my position understood, is not to enrich the coffers of the national committee one way or the other. The money does not go to the committee. The money goes to the candidate. He is the one who is responsible. He is the one who has to apply for it, and he is the one who is going to account for it.

I think my good friend from Wyoming gave his hand away when he talked about a telephone bill that has not been paid. Yes, the Democratic Party is in debt. It is in terrible debt. I do not know how much it owes, but it runs into the millions of dollars.

Does he mean to fasten this on the candidate personally? What kind of election do you want next time? The kind they had in Vietnam, with only one candidate? Is that the kind of election you want? Or do you want the candidates to appear before the people to explain their views, to be granted the opportunity for the exposure that is necessary to bring their message to the American people?

That is what we are talking about. And I have never seen anything so punitive in all my life. This is like putting your brother in jail for something you did. That is what it amounts to. And that is the purpose of this latest amendment.

I think that the Senator from Colorado was on the right track. He misunderstood this amendment, but I tell him very frankly, he did not have a bad idea in the misunderstanding. What he wanted to make certain is that you could not use the public's money to pay off the debts that a national committee incurred 5 years ago.

I would buy that. That is what the act says. Even the surplus money from what a candidate may have had to borrow for his primary cannot be used; If he has any money left over, he has to give it back before he can take any of this presidential fund. There can be no carryover.

But the Senator from Wyoming does not say that. What the Senator from Wyoming is saying is that before any Democrat in the next election can use any of this money, once he is nominated by the convention, he has to make sure that the Democratic Party has paid all its debts for the last 5 years.

And you think I ought to take it? Well, I may be a nice guy, but I am not stupid.

I think this amendment should be roundly defeated. I must say that I am surprised that it should have been introduced.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, before yielding to the distinguished Senator from Tennessee, I yield myself 2 minutes.

I must say that the Senator from Rhode Island speaks more clearly than he sees. I see no elephant on this bill. I do see many honest Americans hoping that the political parties will observe the same rules that the rest of us are called upon to observe, that we pay our debts. The whole idea of the tax system in this country is that no one shall escape the obligation and responsibility of paying his debts.

We are asking approximately 70 million Americans to pay their debts to the United States of America, and we are going to take some of those tax dollars and give them to all those who may qualify, under the terms of this bill, to aspire to become President of the United States. Then, if I correctly understand my good friend, the Senator from Rhode Island, he is saying, "But we will forget the past. It does not matter if you owe a lot of money around this country. If a lot of little people who have a hard time paying their phone bills are going to have their phone bills made greater because some of those aspiring to become President did not pay their bills, because some politicians thought it was all right to forget a debt in excess of a million dollars, forget all about that. Let the little guy pick up the tab."

That is what my good friend, the Senator from Rhode Island, is suggesting. He is saying this is the way we ought to do this. Why does he say this? Because we are going to come out with the symbol of purity. He said this morning that this will not be a raid on the Treasury; that this is simply an effort to assure purity in the choice of a man in whose hands shall be placed the destiny of our country, the President of the United States.

It is just that simple. It does not mean anything else. Are we going to pay our bills, or are we going to shift those burdens upon others, whose shoulders are even less firm than ours, asking that they pay?

I do not ask the Senator from Rhode Island to respond to that. I think the American people should respond to that, and I expect that they will.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 10 minutes remaining.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. HANSEN. I am happy to yield.

Mr. COOK. I was very interested in the remarks of the Senator from Rhode Island when he said that this did not go to a campaign committee, that this will go to an individual, and that the individual was the one who qualified for this $20 million that would be in the fund.

Does the Senator from Wyoming—I present this to all Senators, and for the benefit of the Senator from Rhode Island—have any idea what would happen if the presidential candidate who has approximately $20 million at his disposal died the week before a November election?

Mr. HANSEN. I shudder to think of it.

Mr. COOK. Does the Senator have any idea how those bills would be paid? Does he have any idea what would occur as a result of a new candidate being picked by the Republican Party who was not the nominee of his convention, as is set forth in this bill; and if he is not the nominee of his convention, as established in this bill, he might not even qualify for any funds at all?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. I yield 1 additional minute.

I think the question is very appropriate. I am certain it makes the point that needs to be understood clearly here this afternoon.

Mr. PASTORE. Mr. President, will the Senator yield for a question on my time, on that point, inasmuch as the Senator from Rhode Island has been mentioned?

Mr. HANSEN. I yield.

Mr. PASTORE. I wonder if before St. Peter would let the Senator from Wyoming in, he would want to make sure that his debts were paid.

Mr. COOK. That does not answer the question.

Mr. PASTORE. The Senator did ask what would happen in the case of death. The poor fellow would have to go there or someplace else. If he were a Democrat, he would go to Heaven—and he could not take the money with him. [Laughter.]

Mr. HANSEN. I can only say that the good opinion that the Senator from Rhode Island has of members of his party is shared by me. I think they will go to Heaven.

I yield 4 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I asked for this time simply to pursue this line of questioning.

Under the bill as written, if a candidate elects to receive these moneys from the Public Treasury—in essence, from the taxpayers of the United States—he commits himself not to exceed the total of $20.4 million in his campaign. Is that not true?

Mr. HANSEN. That is correct.

Mr. BROCK. He can spend no money beyond that. If he spends slightly less, he has to return those moneys.

Mr. HANSEN. Yes.

Mr. BROCK. He gets $20 million, and he cannot spend more than that. So that, in prospect, this bill would prohibit the accumulation of debts. Is that not so?

Mr. HANSEN. I would think so.

Mr. BROCK. All that the Senator from Wyoming is proposing, then, is that we apply that in the instance of the current election, so that the debts do not affect the 1972 elections and the taxpayers are not required to repay the excesses of the

Democratic Party from 1968. Is that not so?

Mr. HANSEN. That seems a fair interpretation.

Mr. BROCK. In effect, what the Senator is saying is that what is sauce for the goose is sauce for the gander. What is good in 1972 is good in 1976, and the law should apply equally across the board.

What troubles me is this: The Senator from Rhode Island made perhaps the most accurate statement of the day when he said he was friendly but not stupid. I think he has demonstrated the validity of both in abundance this day. I agree. But I think he has demonstrated his acumen in opposing this amendment, only in the sense that he is protecting the interests of his party, not in the sense of trying to define how this amendment would work; because the fact is that in most instances the political committee that works for the election of a President, after the candidate is nominated by a party, is the national committee of that party. That is true of the Democratic Party and of the Republican Party, and it has been so historically for many years. Is that not true?

Mr. HANSEN. That is correct.

Mr. BROCK. It is also true that when any party or any individual has a debt, and it continues to do business with the crediting firm, moneys paid in on account are applied first against the debt and not against new purchases. Is that not so?

Mr. HANSEN. I would think so.

Mr. BROCK. In any normal business practice that would be true.

So the Senator from Rhode Island was not really correct in saying that once the Democratic Party created a new national committee, this money could not be used to pay off the debt. As a matter of fact, it has to be. The creditors will insist that it be used to pay off the debts of the Democratic Party dating back to 1968 before they will provide new services. That is a matter of commonsense business logic. Is that not so?

Mr. HANSEN. That is correct.

Mr. BROCK. I think the Senator from Wyoming is simply saying this: By what conceivable right does this body obligate the taxpayers of the United States to pay off the campaign obligations of any political party 4 years in the past?

Mr. PASTORE. I want to say once more to my friend that this money cannot be paid or used to pay anybody's debts, only those of the candidate, and only from the time he is nominated until the time of the election, period. If the Senator does not understand it that way, I suggest that he read the bill.

Mr. BROCK. I have read the bill.

Mr. PASTORE. What the Senator from Wyoming is actually saying in his amendment is that if Mr. MUSKIE or Mr. McGOVERN or Mr. KENNEDY or anybody else is nominated at the convention, he cannot receive a dime of this money until the national party pays all the money it owed in the past 5 years. If that is not laying somebody's sins on a third party, I do not know what it is.

The Senator from Colorado had his finger on the crux of this whole matter, and this is what the bill the Pastore amendment makes emphatic that the candidate cannot pay off the debts of anybody, even his own, if they are incurred before he is nominated.

Mr. COOK. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I yield.

Mr. COOK. Does the Senator see anything in the amendment that makes it illegal for the telephone company, the first time the telephone bill is paid after there is a Democratic nominee in August, to apply payment of that bill to an existing bill?

Mr. BROCK. Nothing whatsoever.

Mr. COOK. Is there anything in here that says, as a matter of fact, that it would in any way prohibit the telephone company, when it receives that first payment on the bill after the August convention of the Democratic Party, or after convention of the Republican Party, that they cannot apply that payment to an existing bill?

Mr. BROCK. The way the amendment of the Senator from Rhode Island is written, there is nothing in it to prohibit that action.

Mr. PASTORE. I suggest that you read the amendment. What you are saying is that if the telephone company shuts off the telephone service of the national committee because it has not paid its bill, and the national committee cannot pay that bill until, let us say, a year later then it is the individual candidate who is held liable. What you are actually saying is that any candidate cannot have a telephone unless he makes sure that the bill owed by his national committee is paid. That is what the Senator from Wyoming said. He says you could not take a dime, until every bill incurred by the national committee in the previous 5 years has been paid in full.

Mr. BROCK. But even though the problems——

Mr. PASTORE. Take HUBERT HUMPHREY. Money is owed on the last campaign. Let us assume that he is made his party's nominee, this year. Let us assume that. You are saying that he cannot take 5 cents of this presidential fund to be used in the new campaign exclusively for the new campaign until he proves that he has paid the bills that are previously owed.

Mr. COOK. I ask the question again: Is there anything in here that prohibits the supplier of a service from adding or attaching a payment that is made by a candidate onto an existing debt? That is all I am saying. Is there anything in the bill——

Mr. PASTORE. I am not talking about what the telephone company might do. The point is, the candidate cannot use the money to pay a back bill. That is on page 10 of section (b) of the amendment.

Mr. COOK. The point I am trying to make is that the candidate pays a $5,000 telephone bill and the telephone company takes that $5,000 and applies it onto an existing bill. I am not talking about what the candidate does. I am talking about whether there is anything in here that prohibits in any way the vendor of a service from applying that payment, if it is a payment made on a current bill, to an existing debt?

Mr. PASTORE. That would raise a serious question as to whether the telephone company would become responsible and be in violation of the law because that candidate cannot use that money for any prior debt.

Mr. COOK. I say to the Senator, please do not pass on to corporations third party responsibility for any liability of that kind——

Mr. PASTORE. I am not doing that. I am reading the law.

Mr. COOK. I am afraid the Senator is stretching the law so that the telephone company or any other vendor could be in violation here. I think the Senator is aware of that.

Mr. BROCK. The question is, Must we apply that money to pay the debt first?

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator has expired.

Mr. GURNEY. Mr. President, will the Senator from Wyoming yield me 3 minutes?

Mr. HANSEN. I am happy to yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. GURNEY. I came in a little late. Mention was made of the Democratic National Committee's telephone bill which I understand is overdue to the extent of $1.4 million; is that not correct?

Mr. HANSEN. I would not know. That story is out of the Washington Post.

Mr. GURNEY. Well, at least that is from a report published in the Washington Post which, incidentally, is a publication highly favorable to the Democratic party, I believe.

Mr. HANSEN. Some think so.

Mr. GURNEY. Earlier today we had colloquy on the subject of boilerroom operations which, I understand, have become quite common in the political game ever since the invention of the telephone. I am not sure that Alexander Graham Bell knew what he was doing for political campaigns when he invented the telephone, but boilerroom operations are widely used by both parties.

Much to my amazement, the Senator from Rhode Island disclaims any knowledge of any such activity on behalf of political candidates as respects boilerroom operations.

My question to the Senator from Wyoming is: Does any part of this $1.4 million owed by the Democratic National Committee to the telephone company involve boiler room operations? Does the Senator have any idea?

Mr. HANSEN. I must say, first of all, that I simply do not know whether the committee owes one dime. According to the Washington Post, that is what they owe, but I would not know about boilerroom operations there. I must admit that my naivete approaches that of the distinguished Senator from Rhode Island. I, too, know nothing about boilerroom operations, but perhaps the Senator from Rhode Island could enlighten us further on that.

Mr. GURNEY. I might pose that question to the Senator from Rhode Island: Does he know whether any part of the telephone bill was incurred as a result of boilerroom operations?

Mr. PASTORE. Let me answer that question by asking the Senator from Florida: Is he trying to be funny? Please be honest with me. Are you trying to be funny?

Mr. GURNEY. I am trying to find out whether the telephone company bill owed by the Democratic National Committee had anything to do with the boilerroom operations.

Mr. PASTORE. I do not know what you are talking about. Will the Senator please be a little more explicit?

Mr. GURNEY. I cannot pursue the question any further.

Mr. PASTORE. I cannot help that.

The PRESIDING OFFICER (Mr. BEALL). The Chair would inform the Senator from Wyoming that he has 1½ minutes remaining.

Mr. HANSEN. Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, I am ready to yield back my time.

Mr. HANSEN. Mr. President, I have a minute and a half left, I think?

The PRESIDING OFFICER. The Senator is correct.

Mr. HANSEN. Mr. President, I yield myself that 1½ minutes.

Mr. PASTORE. Mr. President, I withhold the remainder of my time.

Mr. HANSEN. Mr. President, let me say this, that it seems strange, indeed, that people in parties who would hope to lead this country could be so intent on capturing the first prize that the methods they choose to get there would be of no concern to them. I cannot believe that there are many people in this Chamber who do not think that the basic ingredient of honesty which has as a corollary the paying of one's bills, is not the most important step that must be taken along the way. I cannot believe that the Office of the President is a prize of such worth as to justify casting aside morality, all the mores, all the ethics that as a people we have built up——

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. PASTORE. Mr. President, there is no question of immorality or dishonesty involved here. I assume that the parties acknowledge these obligations. I think the Republican Party, at one time, was in debt. I do not believe there was anything immoral or dishonest about that. In time, they got the money and paid their bills. They raised the money according to the system. After awhile, the Democratic Party, according to the system, will raise the money and will be able to pay its debts.

To come back to the statement that when the telephone company has money owing to it from an individual, it does not have to give that individual further service, I doubt very much that a candidate could use this fund, or that any other candidate could use the fund to pay previous debts because it would be in violation of the law or the individual pays the money he owes on his debt. The individual would have to find some way to pay it back, but he cannot use this money—I repeat, he cannot use this money under the provisions of this act either to pay the debts incurred, whether in a primary or money used to pay off debts on any previous obligations. This money has to be used strictly for campaign purposes. It is subject to guidelines promulgated by the Comptroller General from the time the candidate is nominated until the time of election day, if he so chooses to accept that money. That is what the law is all about.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MAGNUSON. Mr. President, I think it is awfully unwise to involve the national committees in what we are trying to do here for this reason. The prime purpose of the national committee is to elect Democratic nominees in our case and Republican nominees in the case of the Republican National Committee. However, they do many other things. As a matter of fact, over the years I have been associated with the national committee when we would raise money for a given senatorial candidate. Their work is quite varied.

After the nomination in July of the Democratic candidate and in August of the Republican candidate, the committees will concentrate on this. However, in the meantime they are registering people. That money is used for that purpose.

These funds should not be used over a 4-year period by the national committee. What we are trying to do here strictly and literally is for a presidential race.

Mr. PASTORE. And a candidate in that race.

Mr. MAGNUSON. The Senator is correct. A part of the telephone bill was incurred for a lot of other purposes.

Although that is a prime purpose of a national committee, I know of cases where they have helped raise money for congressional candidates, the same as the Republican National Committee has.

I have been chairman of the committee a couple of times when we would be an agent of the national committee to aid the Democratic nominees. Once in a while we find a Democratic nominee for the U.S. Senate that has been aided by the national committee in his own State, maybe in a voter registration drive, and when the nominee is chosen, he is not too happy. Sometimes he does not lift a finger to do anything.

The national committee has varied activities. It is not at all solely and literally for the purpose of electing a President, although that does become its main job when the nominees are selected.

It would be a very complex thing to get into the debt of the national committee for 3 years back when we had the last presidential election. This would complicate it so that we would never get the cobwebs out of it to see what we are doing.

This is not the property of the President or anyone else. It is the property of the Democratic Party, which has some varied opinions once in a while about nominees of some of our people. It is not the property of the President. It is the property of the Democratic Party nationwide.

Mr. PASTORE. And it should not be made responsible for things like this.

Mr. MAGNUSON. The Senator is correct. It should not have anything to do with whatever arrangements they have with the telephone company.

Mr. PASTORE. The Senator sees the gimmick here. They want to shut it off completely.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CANNON. Mr. President, we considered this matter when we were considering election reform legislation earlier last year in title IV of the bill we passed, S. 382. After considerable study and debate in the committee, we determined that there should be some provision with respect to regulated industries and regulated industries alone.

We adopted a provision in the bill that was passed and sent to the House that reads as follows:

> SEC. 4. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

We considered this matter thoroughly. And we imposed this restriction with respect to the regulated industries, which is as far as we are entitled to go. Certainly to try to impose an obligation upon a candidate who might receive these moneys for the nomination to pay the debts of another candidate, over which he had no control, would be absolutely absurd.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. COOK. Mr. President, that bill has not become law yet nor, obviously, have the regulations been promulgated.

Mr. CANNON. The Senator is correct. This is the bill that passed the Senate. It is now on the House side. I think they have started to consider it along with other election reform legislation. I understand it has been put over until after the Thanksgiving recess.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. DOMINICK. Mr. President, it seems to me that the basis upon which the Senate is operating in that connection is that in the case of the Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission, all of these bodies are regulated in terms of what they can charge and in what areas they can operate by the Federal Government. Here we are dealing in exactly the same fund. And we said there that they have to take care that they do not get into debt. Here we are appropriating Federal tax funds for the benefit of political purposes.

It seems to me that we ought to put

something in this bill to make sure that the debts are paid.

Mr. CANNON. Mr. President, this money is paid to assist a candidate in running in a national election and not for the purpose of taking that money and paying the debts of another candidate over which he had absolutely no control.

Mr. DOMINICK. The Senator was not here during the colloquy about the undemocratic processes of the national committee and how it should be changed, because the national committee determined who was on the national committee and those members incurred most of the debt. If the Senator had been here for that colloquy he would be able to see why we are concerned about the overriding influence of the Democratic Committee to determine who the candidate will be and the debts that will be incurred.

Mr. CANNON. Mr. President, I did not yield for a speech. I yielded for a question.

The Senator must be aware that the restriction in the bill absolutely prohibits the payment or use of any of these funds before the nominee becomes a candidate of the party. So, we would be saying that he cannot legally do it. Now, we are saying that he has to pay those bills or else he cannot have the money.

I thank the Senator from Rhode Island for yielding.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been consumed or yielded back. The question is on agreeing to the amendment of the Senator from Wyoming. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), would vote "yea.'"

The result was announced—yeas 30, nays 60, as follows:

[No. 365 Leg.]

YEAS—30

Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Jordan, Idaho
Miller
Packwood
Roth
Schweiker
Scott
Stafford
Thurmond
Tower
Weicker
Young

NAYS—60

Aiken
Allen
Anderson
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gambrell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Tunney
Williams

NOT VOTING—10

Bayh
Chiles
Goldwater
Hartke
Hruska
McGovern
Mundt
Pearson
Saxbe
Stevens

So Mr. HANSEN's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 466) providing for an adjournment of the House from November 19, to November 29, 1971.

The message also announced that the House had passed a bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10729) to amend the Rodenticide Act, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BEALL) laid before the Senate a message from the President of the United States submitting the nomination of Leroy J. Contie, Jr., of Ohio, to be a U.S. district judge for the northern district of Ohio, which was referred to the Committee on the Judiciary.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be read, and I ask that a copy be delivered to the Senator from Rhode Island.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 16, line 15, after "General" insert "; Approval by Congress".

On page 16 beginning with line 20 strike out through line 2 on page 17 and insert in lieu thereof the following: "from time to time to the Congress the amounts of the payments to which such candidates are entitled under section 1004.

"(b) The Comptroller General shall certify to the Secretary for payment to such candidates under section 1006 the amounts appropriated by the Congress for such purposes after the certification by the Comptroller General under subsection (a).".

On page 17, line 20, before "except" insert the following: "as provided in appropriations Act, and".

Mr. DOMINICK. Mr. President, I will explain it in a moment.

Right now I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes, and I yield 30 seconds to the Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. Mr. President, I ask for the attention of the Senator from Rhode Island.

While several Senators are in the Chamber, I wish to say that I shall offer an amendment which I think should have some appeal to Members of the Senate. The Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. JAVITS) will join me, and perhaps also the Senator from Connecticut (Mr. WEICKER).

The amendment would strike title IX of the amendment of the Senator from Rhode Island, provided also that funds shall be available to candidates before the nomination—that is when they need the money—and secondly, would substitute for title IX the Clean Elections Act, which was sponsored by the Senator from Rhode Island, was passed by the Senate, and is sleeping in the House. The amendment will provide funds for candidates and will also provide a clean elections bill.

Mr. COOK. Mr. President, I would like to join the Senator in that.

Mr. WEICKER. Mr. President, I want to join the Senator in that.

Mr. DOMINICK. Mr. President, if I may have the attention of my colleagues, I think I can be fairly explicit about this amendment. If I may have the attention of the Senator from Kentucky and the Senator from Tennessee, because they may be interested in my comments.

Without changing the formula, I am proposing that before payments are made the appropriation process must be gone through so that the Appropriations Committee can determine whether or not the proper amounts are being paid out. That is the effect of the amendment.

Let me tell my colleagues why that is necessary. First of all, in the process of determining how much money is going to be put in the pocket of a candidate, the Internal Revenue Service will have to go through over 85 million individual returns. It will have to do that to ascertain whether there is a tax liability. Then, as they wean out the ones that do not have a tax liability of $1 or more, there will be 59.4 million returns with a tax liability of $1 or more; 40,800,000 of those will be joint returns.

If every taxpayer who makes a return makes a checkoff—which I very much doubt—there will be $100,200,000 involved in this particular bill. That is a lot of money. It is going to be divided between the major parties and the eligible minor parties and is going to be based on how much individuals decide to contribute.

For example, under the bill, it provides that a taxpayer can make a checkmark and say he will contribute a dollar. What happens if the taxpayer says no, he wants to contribute $10? What are we going to do about that? What happens if he says, "I have checked it off. I want it to go to a specific candidate"? Are we going to say no? Obviously we are going to say "no" under the bill, because if a person has designated his choice, we are going to appropriate out of the general Treasury. It is an automatic appropriation. It is backdoor spending to the potential tune of $100 million. There is no appropriation review. There is no method for Congress to determine what is going on.

What happens is that the certification and the examination under section 1007—which is provided so they can go over the candidate's books, schedules, records, and information—occur after the payment has been made. It says so specifically in the bill.

Section 1005(a) reads as follows:

> On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 1007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 1006 the payments to which such candidates are entitled.

So you have nothing. The candidate comes in and says, "Here are my qualified expenses. This is what I think it ought to be."

Before any records or books are examined at all, that amount, is certified from the information that is received by the Comptroller General. He does not have any right to review it or question it. Then he goes ahead and certifies it to the Secretary, and the Secretary pays, and the Appropriations Committee has no idea until after it is all over how much money is going to be spent, where it is going to be spent, who is going to get it, who will be eligible, or anything else, until after the fact.

What I am saying is that in that intervening time between the time when the Comptroller General has received the papers and the information, and prior to audit, the Comptroller General then reports it to the Appropriations Committee, and the Appropriations Committee, at that point, would have the right to get together with the various officials in the Federal Government, just as we do with every other expenditure that goes through this Congress—or at least most of them, anyway; not as many as we would like sometimes—and put them all together, and say, "All right, this seems to us, on the basis of the information we have before us now, a proper charge upon the Treasury of the United States."

If they find out that certain of these expenses, as they are developed in the process of the hearings, are not eligible, obviously they would be thrown out, and less money would be made available.

This makes it before the fact. Otherwise, what we really have here is a decision by the Senate of the United States, or the Congress of the United States, if this should go all the way through, that the very first order of priority on any single expenditure from the U.S. Treasury is going to be for political purposes, for electing a President.

I think the Senator from Washington will be extremely interested in this, because it requires an expenditure every fiscal year. It is not just in the election years. You accumulate this fund every year; and it could be as much as $400 million by the time you get to the 1976 collection. Then you say, only after the expenditures have been made for candidates, that the balance of the fund shall be put back into the Treasury, and then you start the accumulation all over again. You could also come to the other situation. You could find, after you have gone through 85 million separate returns and 59.4 million individual returns, of which 44.8 million are joint returns, that only 1 million people have checked the box. Then you have only $1 million to spend, and over 4 years you have $4 million. Possibly that is not a problem. It indicates that people do not want their tax money used this way, and I would not blame them a bit on that; I would not want mine used that way, and I would not check the box. And I do pay more than $1 in taxes each year.

But I can tell you this: We do not know what we are dealing with here, and we will not know what we are dealing with until we have gone through 6 or 7 years of this process, so that the American people can decide whether this is the way they want to go forward, or whether they want to return to giving money to the candidate of their choice, which in my opinion is the only way it ought to be done.

So, having said that, the only control we can put in here is the appropriation process, that I can see, that will be at all feasible. I think we all rely on the Appropriations Committees extensively, over and over again, to try to determine how much money ought to be spent on the vast demands that there are out of the tax revenues that are given to the Federal Government, and only they can determine whether or not this amount ought to be paid or that amount ought to be paid.

When we make a mechanistic—and that is what it is in this proposal, mechanistic—calculation that we are going to have a drawdown on the Treasury each year of an amount which is determined by reviewing that many returns, it strikes me that we have gone away overboard in the process of trying to figure out how we can get Federal tax funds in a political campaign.

We have a few other problems, it strikes me, in this particular proposal. I tried to do something before with respect to title 9. But this one, I think, is the real key one. For the life of me, I do not see why just in the case of political campaigns we should go to any length in order to avoid the normal appropriation process. That is what we have done here.

Having said that, I am happy to hear whatever reply the Senator from Rhode Island may make, and I reserve the remainder of my time.

Mr. PASTORE. Mr. President, let me say this to the Senator from Colorado: I appreciate his point of view, but I think under all the circumstances it is regrettably unsound. I would be the last, as a member of the Appropriations Committee, to deny that committee any jurisdiction over the expenditure of money. But I say to the Senator, I think you have to be very realistic about this if you want this law at all.

If we want this law at all, we have got to read and digest the law in order to understand why it is rather impossible to do what the Senator from Colorado has suggested.

Here is the story: No man is entitled to this money under any circumstances until he is nominated. To give the Senator an example, the Democratic Convention will be held in July. When that convention comes around, almost all the Democrats will go to the convention. As a matter of fact, the Senate will be in recess. Then the next month, the month of August, the Republicans will hold their convention.

As the Senator well knows, before you can be entitled to this money, you have to make application for it; and you cannot make application for it until such time as you are nominated. And when you are nominated, Congress is out of session, and for practical reasons, as a matter of timing, it would be impossible to do what the Senator from Colorado suggests.

But in order to achieve a sound procedure in administering this presidential campaign fund, the Senators must understand what we have done here.

No. 1, as shown on page 21, we have required the Comptroller General to make a report to Congress as to the amount of money given out, how it was spent, and under what circumstances. Not only that, it has to be spent according to rules and regulations formulated by the Comptroller General, and I intend to accept an amendment by the other side which would subject this to court review, which will be a clarification of the law.

But then I point out page 27. Realizing the fact that Congress must be cognizant of what is going on, we wrote here subtitle B, to establish a presidential election campaign fund advisory board; and this is what it is supposed to do:

> (a) There is hereby established an Advisory Board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the "Board"). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act of 1971.
>
> (b) The Board shall be composed of the following members:

> (1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;
>
> (2) two members representing each political party which is a major party (as defined in section 1002(6) of the Presidential Election Campaign Fund Act of 1971), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and
>
> (3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

Then it goes on to explain the further functions of the board.

I do not think we could have done much more than we have done. I point out again, I would not be adverse to the Appropriations Committee process, but the trouble is that under the circumstances it becomes impossible. I mean, at what point would they decide who made what application and for what kind of money and for what purpose he is going to use it?

You have to have a standing advisory council to do this, because when decisions are to be made, the Senate and the House will not be in session, and that is the problem. That is the serious problem, and I do not see how you can overcome it.

For that reason, I hope that the Senator, rather than expect me to accept his amendment, would withdraw it. I know exactly what he wants. He wants honesty and proper accounting in the spending of this money. This provision requires that while the money goes into the fund, what is not spent has to go back to the Treasury right after election. And what is spent is going to be spent under very strict supervision. Let the Senator read the penalties herein contained. We have an advisory council that not only has to oversee operations but also has to make sure that the Comptroller General carries out the responsibilities of his office. That is about as far as I thought we could go. I hoped we could have the appropriation process, but it just will not work.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LONG. The Senator said earlier—and I know he is telling the truth—that any amendment which helps to perfect or carry out the intent of his amendment or to take care of any oversight that the mind of man can conceive, the Senator from Rhode Island would be willing to accept. Obviously, though, he is not in favor of accepting something that would make the provision fail to work.

The problem with the Senator from Colorado's amendment is this: When people book you for television time or for radio time or when they accept your ads in the newspaper, they want to know right then, "Do we get paid or don't we get paid?" They just would not know that because they would not be paid unless Congress appropriates the money and the President signs the bill.

Usually, when we act on an appropriation bill, we appropriate the money and then, having appropriated the money, the money is paid out as the expenses occur. In this case, however, we wish to make the money available as expenses are incurred—we wish to have them paid then. But the money would not be made available under the Senator's amendment until after the expenses are incurred.

The Comptroller General is named in this bill because we want to have somebody who is not in politics make that decision; a man who would have to do business with the candidates, and who could serve with either one—to work with them and keep tabs on them, to see that the money is spent honestly and honorably.

It is not unprecedented to have an automatic appropriation. We do it with interest on the national debt and with other items, not knowing what the cost will be, but knowing that something must be paid.

The Senator made one good point, and I will tell the Senator that I would be willing to support an amendment to take care of one thing the Senator from Colorado mentioned. He said the fund might accumulate more money than would be needed. I would be happy to vote for an amendment that would provide that if the fund ever accumulated more than $80 million, anything more than that would go back in the general funds.

Frankly, if it would persuade some Republicans to vote for the bill, I would be willing to support an amendment that would add the words to the checkoff, where the person would designate $1 for the presidential fund, so that it would read ", if needed,".

To make it clear, if more money went into the fund than was needed, the remainder would go back into the Treasury. That seems to have created a great deal of consternation on the other side of the aisle—that the checkoff might be so well received that everyone might decide that he wanted his dollar to go under the fund.

I would be glad to support an amendment to do that, if it would make those who raise these doubts vote for the measure or be any more agreeable to it. The certainty that you will be paid, and that there is not going to be any politics in deciding whether you do or do not get paid, is something that should be resolved. The day might come when there might be some very partisan members on the Appropriations Committee who may have ill will from past experience in serving with those running for President, and they might refuse to recommend the appropriation. Thus, after $20 million of liability had been incurred, Congress might not pass the bill.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MAGNUSON. I have no doubt that they will get paid, but the question is, When? A hearing might be going on down there all during August, and two or three candidates running for office would be trying to get television time and to pay their bills. The Appropriations Committee can hold things up if they do not like it. That goes on here too frequently. I do not want to be personal. The bills ultimately will be paid, but when? I have seen the Appropriations Committee when they can dillydally once in awhile, if they do not like something. We want this to go to them so that it can be used for the benefit of the public.

Mr. LONG. We want to be sure that partisanship stays out of it. That is the reason why the Comptroller General is designated to look at the vouchers and to certify that the expense should or should not be paid. That is the only way it can be done with assurance that it will work. Otherwise, how do you know that those who do not like the idea might not gain control of Congress at that very election, and even though the law provided that the expenses be paid, just refuse to appropriate the money in view of the fact that it required the appropriation process?

If you want the person who puts the man on the air or who runs his ad in the newspaper to know he is going to be paid, the best way is to provide an automatic and a permanent appropriation.

Mr. PASTORE. If the Senator will permit me, I want to make another observation, in answer to what the distinguished Senator from Colorado said—that he does not know how many people are going to contribute.

I said yesterday that there are two schools of thought with respect to this: the school of thought that coincides and agrees with the Senator from Colorado, that we ought not have any public financing at all; and the school of thought that we ought to go as far as the British system, where it is all financed publicly and the campaign period is limited. We have not gone that far. We are just limiting it to the national office of President of the United States.

The Senator said that he does not know how many people are going to contribute. I do not think anyone has the answer to that. I am hopeful that the people generally will participate. But I want to make this observation: If what he has predicted might be true, that perhaps only $2 million will be collected under this program, I will tell him, frankly, that I will be the first to come back and say, "Let us have done with it." If this is not going to be productive—and we will never know until we try it—if it eventuates that after several years all that has been accumulated is $5 million, I think we have offered something that the people do not accept. I do not think I can talk for the people, to say that they want it, any more than anyone can say that the people do not want it. That is something I do not know.

There is tremendous feeling on this side from people who are not trying to be partisan about it. The Senator from Michigan thinks all campaigns should be publicly supported, because he is aware of the money it costs and the scandalous situations that are arising and the corruption that can grow out of a great deal of money—and a great deal of money sometimes could lead to corruption.

I realize what the Senator is trying to do, but I hope he will reconsider it. I tell him very frankly that I do not see how it would work, because the bill would have to originate in the House. That is not all. We have it written into the law, for example, that if the presidential campaign fund reaches only the amount that will allocate, let us say, $10 million, when a person is entitled to $20 million, he will have to raise the balance on his own. If you go to the appropriation process, there will be a great deal of pressure to appropriate the full amount, and this can be done only on the money that is allocated to that particular fund. If, because of the 113 million taxpayers, each one subscribes a dollar under these circumstances and it comes to $113 million, the surplus money has to go to the Treasury, anyway.

My own projection is that it will not run much above $50 million. As I said yesterday, that is $25 million less than it costs us for 1 day in Vietnam.

What are we doing? We are trying to give popular exposure to the presidential candidates so that the people will know them and the issues. That being the case, if a Senator does not see fit to withdraw his amendment, I must say in full honesty that when time is yielded back, I shall move to table.

Mr. DOMINICK. I thank the Senator for being so frank. I suspect that this is the first amendment on which there will be a motion to table.

Mr. PASTORE. If the Senator has a strong feeling about it, I will withdraw that.

Mr. DOMINICK. It is all right with me. It does not make any difference. I want to make some comments in any event. I want to make some comments on the statement just made. First of all, with respect to the mechanics of how the bill will work, the Senator from Rhode Island was pointing out that the final income tax returns are filed in April and the conventions are in July and August of that year. Then he went on to say that the appropriations process would not work because Congress would be out of session. I do not really understand that, because the qualified expenses that will be eligible for payment out of the fund do not start until September 1 of any year. To the best of my recollection—and I admit that I have only been in Congress for 11 years now—we have never gotten out of here by September 1 in most cases. As we are doing now, it goes into late November or early December. It seems to get later every year.

Even if we were out of session, and let us say we are out of session 3 weeks before the election of 1972, which will put us about into the middle of October, there is nothing in the world which says that these qualified expenses must be paid out of public funds within 30 days. There is nothing in here which says when they have to be paid. The Senator from Rhode Island has made a deep plea in connection with the amendment of the Senator from Wyoming (Mr. HANSEN), saying that we should not worry even if debts are over 4 years overdue, which is true insofar as, I gather, the national committee of the Democratic Party is concerned.

Mr. PASTORE. Mr. President, if the Senator from Colorado will yield on my time, I never said such a thing. I never said that we should not worry about debts which are overdue. All I said was that we should not apply debts to a man who had nothing whatever to do with them when they were first incurred.

Mr. DOMINICK. I accept the statement of the Senator from Rhode Island but it is obvious that he did not really think those debts should be paid prior to getting our hands on this money. That is true, because we just finished voting it down. So there is not anything—and this is the point I am making—that says we have to pay all these expenses within 30 days, nor is there anything that says these expenses are to be paid within 60 days. The likelihood is that, with the distinguished Senator from Washington, and the distinguished Senator from Louisiana who handled the Appropriations Committees really very well, we could get action on this in a pretty short time if we are in session and we would have the opportunity, by so doing, to have Congress have the ability to determine what is going on.

For example, and I say this to the Senator from Rhode Island, the Senator from Washington, and the Senator from Louisiana, think of this: How much will it cost the IRS to run through individually over 85 million separate returns, to find out, first of all, who is eligible; and then to find out among the people who paid $1 or more whether they have checked off their contribution; how much extra computer work they will have to do; and how much additional personnel they will have to put on; and how much overtime will be involved?

Those expenses also, in fact, should be paid out of the fund, if we are going to do it that way, because they will be created by this bill but it will not be paid out. It will be by a separate expenditure, which the general taxpayer, who may not have agreed to check off any money for a contribution, will have to bear the cost of this.

Mr. COOK. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. COOK. I would like to add to this discussion relative to the Comptroller General and the problems that would be caused between his Office and the IRS. The Senator will recall, in S. 382, when we gave the responsibility to the Comptroller General to do this, that he said he did not want it, that he did not know whether he could do it, and that he did not know whether he had the staff to do it. Frankly, he said that it would be a kind of principal agent relationship with Members of Congress and that under those circumstances he thought he would be overseeing his own principals and he did not want that responsibility.

I might add that we probably have that same problem here.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Comptroller General dated May 25, 1971, to the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), relative to the bill that was then before us.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 25, 1971.
Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate

DEAR MR. CHAIRMAN: This replies to your request of March 10, 1971, for comments on S. 1121, 92d Congress, a bill to be cited as the "Campaign Financing and Lobbying Reform Act of 1971." The bill contains five main titles with the following principal provisions:

Title I provides an income tax incentive to encourage individuals to make political contributions to candidates at all levels—Federal, State, and local—by means of a full tax credit for contributions up to $50 in any year ($100 for a husband and wife filing a joint return).

Title II amends the criminal code provisions relating to elections and imposes a $1,000 annual limit on political contributions by any person. The $1,000 limit also applies to campaign spending by any candidate or his immediate family.

Title III concerns the reporting and disclosure of campaign contributions and expenditures. Political committees and candidates for Federal office—President or Vice President; Senator; Representative; Resident Commissioner or Delegate to Congress—would be required to file reports of contributions and statements of expenditures with the Comptroller General of the Untied States. Statements would also be required from any other person who makes contributions aggregating $100 or more within a calendar year.

Section 308(a) prescribes the duties of the Comptroller General under title III. He is to develop procedures and forms; preserve reports and statements for at least 10 years (except 5 years for the House of Representatives) and make them available for public inspection and copying; prepare and publish an annual report and special reports from time to time; assure wide dissemination of summaries and reports; make audits and field investigations with respect to reports and statements filed with him and with respect to alleged failures to file; and report apparent violations of law "to the appropriate law enforcement authorities." He is also given the same powers as the Federal Trade Commission (15 U.S.C. 49, 50) to issue subpoenas for the attendance of witnesses and the production of documentary evidence.

Section 308(b) of title III provides that any candidate may file a complaint with the Comptroller General charging a violation of the title. If, on the basis of investigation and after notice and opportunity for a hearing on the record, the Comptroller General determines that a violation has occurred, he shall order the violator to take such action as necessary to correct the injury caused by the violation, including making public the violation and the nature thereof. The Comptroller General may also take action to correct the injury by making public the violation and by making public complete statements containing the information required by title III. Appeals from orders of the Comptroller General may be taken, within 60 days, to the United States Court of Appeals for the local circuit or to the United States Court of Appeals for the District of Columbia circuit. The findings of fact by the Comptroller General are made conclusive, "if supported by substantial evidence." The court may affirm, reverse in whole or in part, or remand the case to the Comptroller General to take further evidence. Such appeals are to be given priority ahead of all other actions.

Section 308(c) provides a civil penalty up to $5,000 for violations of a final order of the Comptroller General in the same manner as applies to orders of the Federal Trade Commission (15 U.S.C. 45(1)).

Title IV repeals the "equal time" provisions for broadcasting in presidential elections, and—in 1972 only—in congressional and gubernatorial elections. Broadcasting charges for candidates for any office may not exceed the lowest unit charge of the station. No candidate for President, Senator, Representative, or Governor, may spend for broadcasting a total of more than 7 cents times the number of votes cast in the last preceding general election for the office, or $20,000, whichever is greater. In primary elections, 50 percent of the above amount is allowed.

Title V would amend the Federal Regulation of Lobbying Act, enacted in 1946. It would place the administration of the Act under the Comptroller General instead of under the Secretary of the Senate and the Clerk of the House of Representatives as at present. It would increase the period for preservation of records from 2 years to 5 years. It would broaden the coverage of the Act to include the expenditure of funds, where a "substantial part" or a "substantial purpose" is to pass, defeat, or influence legislation before the Congress, and to include persons who expend over $1,000 to pass, defeat, or influence legislation before Congress "by the use of any means involving direct communication" with Congress. It would also require lobbyists having contingent fee contracts to file with the Comptroller General a description of the contingency and of the amount of the fee, either in dollar amount or percentage of recovery.

Title V would also add a new section to the Act prescribing the duties of the Comptroller General "as the agent of Congress," as follows: (1) to develop methods and forms for the filing of reports and statements; (2) to make all filed reports and statements available for public inspection; (3) to ascertain whether any person has failed to report as required or has filed any incomplete or inaccurate report, and notify such person that he is obligated to report in compliance with the Act; (4) to refer to the Justice Department any failure to register or any filing of a false, improper, or incomplete registration or information; (5) to make studies and recommendations to Congress as necessary or appropriate; (6) to retain each filed report and statement for 5 years and make them available as public records open to public inspection; and (7) to transmit an annual report to Congress on the administration of the Act.

We shall discuss below the two main features of the bill directly involving the General Accounting Office.

CAMPAIGN FINANCING

We are opposed to title III of the bill because it places the responsibility for the administration of its campaign financing provisions in the Comptroller General. It is the position of the General Accounting Office that we should not be given the responsibility for any audit, investigative and enforcement duties in connection with campaign fund reporting. We consider that the effectiveness of our Office depends in large measure upon a reputation for independence of action and objectivity of view. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might place us in a position where we might be subject to such criticism, the inevitable result of which would be a diminution of congressional and public confidence in our integrity and objectivity.

Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. Over the years this Office has had frequent and recurring associations with many of the various committees of the Congress as well as with many of the individual members thereof. Our relationship has been most harmonious. However, we are fearful that the relationship would be severely impaired were we required to investigate, inquire into, and report on individual members of the Congress concerning campaign funds and expenditures.

We agree that there is a need for legislation relating to the disclosure and financing of Federal election campaign costs, but strongly recommend that the administration of any legislation in this area not be placed in the General Accounting Office.

REGULATION OF LOBBYING

The current law, the Federal Regulation of Lobbying Act, was enacted in 1946 and was designed to require public disclosure of certain activities of those persons engaged in lobbying. Using criminal sanctions to effect compliance, that Act sought disclosure of lobbying activities by imposing certain record keeping, registration, and reporting requirements upon persons within its purview. The Act lodged administrative responsibility with the Clerk of the House of Representatives and the Secretary of the Senate. According to a report of the House Committee on Standards of Official Conduct, House Report No. 91-1803, the current law has, without exception, been described as a thoroughly deficient law.

Under S. 1121, the Federal Regulation of Lobbying Act would be amended by a broader measure to be administered by the Comptroller General. In reporting on earlier measures that would have simply transferred responsibility for the administration of the Federal Regulation of Lobbying Act from the Secretary of the Senate and Clerk of the House of Representatives to the Comptroller General, we have advised that we would interpose no objection to such transfer, if the Congress deemed it desirable, so long as our Office performed its role as an agency of the Congress. We note that section 506(b) of S. 1121 expressly provides that the Comptroller General would be acting "as the agent of the Congress" in exercising his powers and duties under the Act. We view this provision as manifesting a clear intention that all duties to be performed by the Comptroller General under S. 1121 would be performed by him as an agent for the Congress. Accordingly, and while we would not seek responsibility for the administration of the proposed Act, we will accept such responsibility if the Congress desires.

Section 602 of the bill authorizes appropriations of such sums as may be necessary to carry out the Act. While we are not prepared at this time to offer any meaningful estimate of man hours translated into dollar amounts because meaningful estimates must be based on an experience factor after several months operation, it is clear that the administration of this Act would require a substantial increase in the staff and the appropriations of the General Accounting Office.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. COOK. He made it clear—I wish I could find the paragraph in here—where he said, in essence, that he felt he stood as an agent to his principals and that, under the circumstances, he did not want to be placed in the position where he was auditing his principals. Obviously, if he is going to audit the records of the President, he is going to be auditing one of his principals.

Mr. DOMINICK. That is an extremely important point. I am delighted that the Senator from Kentucky brought it up. That is what will happen. The nominees of each party must send in their reports to the Comptroller General and, regardless of who will be President, their data, their information and documents in relation to their expenses will have to be reviewed by the Comptroller General. The expenses will be on a nationwide basis, and they will just pour in from every place in the country, and a determination as to their qualification will have to be made, and then the comptroller will certify to the Secretary and the Secretary will pay the money out. The Comptroller General will be inspecting the records, of course, of the man who will be his President for the next 4 years. At least one will be. As a result, he will be in an extremely embarrassing position, as he was under the other act.

Mr. COOK. If the Senator will yield further, let me read that paragraph I referred to earlier:

> We are opposed to title III of the bill because it places the responsibility for the administration of its campaign financing provisions in the Comptroller General. It is the position of the General Accounting Office that we should not be given the responsibility for any audit, investigative and enforcement duties in connection with campaign fund reporting. We consider that the effectiveness of our Office depends in large measure upon a reputation for independence of action and objectivity of view. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might place us in a position where we might be subject to such criticism, the inevitable result of which would be a diminution of congressional and public confidence in our integrity and objectivity.
>
> Because our relationship to the Congress closely resembles that of principal and agent.

I assume that is the same with the President of the United States—

> We especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. Over the years this Office has had frequent and recurring associations with many of the various committees of the Congress as well as with many of the individual members thereof. Our relationship has been most harmonious. However, we are fearful that the relationship would be severely impaired were we required to investigate, inquire into, and report on individual members of the Congress concerning campaign funds and expenditures.

Mr. DOMINICK. I thank the Senator from Kentucky. That hits the meat of the problem we have before us.

Mr. LONG. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield to the Senator from Louisiana.

Mr. LONG. Would it be necessary, under the Senator's amendment, to pass a bill through Congress and have the President sign it into law to pay the appropriations discussed here?

Mr. DOMINICK. It would be part of the regular appropriations process; yes.

Mr. LONG. Then we would have to pass an act of Congress and have the President sign it or override the veto.

Mr. DOMINICK. He can veto the bill, yes, and that would be a part of the appropriation bill. It would not necessarily be an individual bill. It would be highly unlikely for him to do so. It would put him in a bad political light if he vetoed someone else's qualified expenses—even worse if he vetoed one of his own.

Mr. LONG. But that is one of the things we would like to know when the expenses are incurred, that they would be paid with the certainty that a certain amount of money would be available. But that certainty would not remain if we had to pass an act of Congress which had to be signed by the President. Frankly, it could be the subject of the partisanship that sometimes invades this Chamber as well as the House.

The Senator made reference to the Comptroller General. The fact that the Comptroller General would send that letter is a good indication of the fact that he is about the right person we would want to handle it.

Mr. DOMINICK. This is on the Senator's time, right? I do not have much more.

Mr. LONG. I asked the Senator to yield to me but I will proceed on my own time.

Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. If we had someone else who had the confidence and the impartiality and who was beyond the reach of politics to the extent that the Comptroller General happens to be, we would be in favor of putting the responsibility for refusing the expenditures with him. But this impartiality and objectivity in the Comptroller General is the reason why it should be there. The Comptroller General is not asking for it and would prefer not to have it. That is an indication that that is where it should be. He is not wedded to either side and is outside of politics.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. Mr. President, it is not a question of whether the Comptroller General wants it or does not want it. It is up to the Congress of the United States to decide what he should do. If we think it is a good thing, he has to take it. We invite his cooperation and we give him authority. If the Senate decides we should not pass the law, he does not have anything to worry about.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I think that the colloquy has been very interesting. Suppose we have the payment of expenses. So, the data comes in. The Secretary then certifies to the Comptroller General and says, "I have the data. I do not know what it all is, but I have the data." The money is paid out. The candidate is defeated. He goes home to nurse his wounds.

Subsequently, there is an audit and $50,000 is found to be ineligible for payment. The candidate is sitting there at home, and the United States, with a winning candidate in office, is forced to bring an action of some kind against a defeated candidate in order to recover the money.

What kind of political position does that put anyone in? The President of the United States is newly elected. The Attorney General is perhaps newly appointed. The Congress of the United States by this amendment has put them in a position where they have to go after the individual and have him return the amount that has been overspent by action of the Federal Government to start with, by not having taken the necessary precautions before it made the payment.

It seems to me that we have been going much too fast without looking at the matter thoroughly enough. This process would make an enormous improvement in the bill.

I do not like the bill. I do not like to use tax funds for this purpose. I think that having a person designate on his tax return where the money will go, if we had a checkoff where they could say, "Deduct a dollar for President Nixon or Senator JACKSON or Senator HUMPHREY or whomever," it might be a different thing.

In that case, the citizens would be exercising their free choice. But here, where we are doing it solely on the basis of spreading it out according to what we want, and not what the people want, I think the bill is wrong in theory.

The Senator from Rhode Island referred to an advisory committee and said that the Congress has an overseeing responsibility because we have three Members of Congress on the committee. As far as I can see, the Members of Congress are in the minority. And there is not anyone on the committee to represent the minority parties on the advisory board. Once again they have been knocked in the head. And that has not accomplished anything.

Mr. GAMBRELL. Mr. President, will the Senator yield?

Mr. DOMINICK. I will yield on the Senator's time.

Mr. GAMBRELL. Mr. President, the Senator seems to be concerned about the auditing of these accounts. I think it is an indication of the fairness and impartiality in which the bill is presented. If it is enacted this year, the Comptroller General under the Republican administration will have an opportunity to write the regulations governing it. And I assume that they will be written in such a way that they will not need an act of Congress, an audit, or anything else.

We are not asking for an auditing of the accounts. We are asking for the Comptroller General in a Republican administration to write the regulations as to what should be done.

Mr. DOMINICK. Mr. President, let me say to the Senator from Georgia that the Comptroller General is not a political office. They have been laboring for 11 years under all kinds of problems. The present Comptroller General came in under President Johnson's administration. So, I do not think that is much cake cutting on either side.

What I am saying is that whether the Comptroller General is totally honest, and I am sure he is, and whether the Secretary is totally honest, and I am sure he is, and whether this Congress, is totally honest, and I am sure it is, the fact of the matter remains that qualified expenses are explicitly mentioned here and they are subject to an audit after the payments have been made.

That is a heck of a way to do business, I suggest, to have an audit to determine whether things have been done in a proper manner.

They ought to have the audit before paying the bill. However, in this measure we say that we will pay first and find out later if it is right. It does not make any sense to me. That is why I think very strongly that the amendment ought to pass.

Mr. President, I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. WEICKER. I thank the Senator from Colorado for yielding. I concur 101 percent in his comments.

Mr. President, I have to comment upon the remarks made by the Senator from Rhode Island earlier, remarks that he has made again and again during the debate, about candidates having to grovel for money and indebt themselves to givers of large amounts.

Let us make no mistake about it. Let us tell the American people what the amendment is about. It does not eliminate that possibility. It takes only a small segment of the election process into consideration. But what about the primary and the period preceding the primary? It covers none of these activities in which I imagine debts are being incurred by various candidates.

I think it important to point out that if this election bill carried the principle of the Senator from Rhode Island all the way, then the comments of the Senator would be correct. But unfortunately there is a tremendous loophole. Specifically all the electioneering that takes place before the convention.

As far as the exchange between the Senator from Colorado and the Senator from Rhode Island as to the responsibility of taking care of another man's debts incurred 3 to 4 years before, there is a difference in philosophy. The purpose of a political party is to focus responsibility. It is the purpose of having political parties. The Senator has always been opposed to nonpartisan or bipartisan efforts because there is no way to focus the responsibility for right or wrong.

I think the Democratic Party should be held accountable for the acts of men they had in office, 2, 3, or 4 years ago, as long as we are paying the consequences today. There comes a time when the issue may become moot, but not as long as we are living with the consequences.

We are living with the economic consequences of the Democratic administration of the sixties today. We are living with Vietnam today. As far as I am concerned, those are the responsibilities of the Democratic Party. If, for some reason or other, that makes people a little less generous in giving because they remember these errors, so be it. That is the consequences of a political system. The people know who is responsible—in the case of Vietnam and the economy the Democratic Party.

God knows, we suffered from Democratic recollections of the depression of the 1930's. This has been thrown in Republican faces even to this day. So the Democrats will have to put up with Vietnam and the economy. That is the way the system operates and properly so.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 1 minute remaining.

Mr. DOMINICK. Mr. President, we are dealing here with a situation where, theoretically at least, we could have as much as $100 million a year going into a fund. It does not get paid out until after 4 years. Whatever excess remains after taking care of expenses goes back to the Treasury. So, we could have $400 million pocketed in this fund.

Certainly we ought to have some kind of an appropriation procedure before we go ahead with this. Appropriations ought to be going forward to put it into the fund, and audits ought to be going forward before the payments are actually made to the candidate. Under this measure they are actually being paid before we really know the obligations or the debts that are legitimately incurred under the terms of the bill.

When we are dealing with, as I said before, 85 million individual returns which have to be scanned, 59 million of which at the present time pay more than $1 in taxes, when we do not know how much added expense in every one of these branches will have to be incurred to meet the terms of this measure, it seems to me appropriate that the Committee on Appropriations in this situation, as in every other situation, should have jurisdiction over determining what expenditures are going to be made.

Mr. PASTORE. Mr. President, I do not want to prolong the debate. I merely want to say that under the law this money, this fund, is under the jurisdiction of the U.S. Government. When the election is over any remainder goes back to the Treasury of the United States. I want to make that clear. It goes back to the Treasury by the effect of the law itself and no one can change it, once it is law, unless Congress does it.

I yield back my time.

The PRESIDING OFFICER. All time having been yielded back or consumed, the question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 36, nays 54, as follows:

[No. 366 Leg.]

YEAS—36

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Jordan, Idaho
McClellan
Miller
Packwood
Percy
Roth
Schweiker
Scott
Smith
Stafford
Taft
Tower
Weicker

NAYS—54

Allen
Anderson
Bentsen
Bible
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Eastland
Ellender
Fulbright
Gambrell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—10

Bayh
Chiles
Goldwater
Hartke
Hruska
Mundt
Pearson
Saxbe
Stevens
Thurmond

So Mr. DOMINICK's amendment was rejected.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair has recognized the Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WEICKER. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO FILE REPORT TOMORROW

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may file tomorrow a report from the Committee on Banking, Housing, and Urban Affairs dealing with the President's phase II economic program, together with individual views, and that we may have until midnight to make the material available to the printer.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. SPARKMAN. I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 728

Mr. COOPER. Mr. President, I send to the desk an amendment for myself, Senator BAKER, Senator JAVITS, Senator WEICKER, Senator COOK, Senator GURNEY, and Senator SCOTT, and ask that it lie on the desk and be printed. I may call it up later, but it depends upon circumstances.

First, my amendment incorporates the provisions of S. 382, the Federal Election Campaign Act of 1971 as passed by the Senate on August 5, 1971.

Secondly, part E of my amendment allows the same amount of tax credit of $25, or tax deduction not to exceed $100 as does the Pastore amendment, but limits the tax credit and deduction to campaign contributions for candidates for the Office of President and Vice President. These tax incentives would be extended to campaign contributions to all presidential candidates in the preconvention or primary period as well as during the period after such presidential candidates have received the nomination of their respective political parties and have undertaken their campaigns for election.

In order that these financial contributions be eligible for a tax credit or tax deductions the candidate is required to publicly declare his candidacy for President or Vice President and to file a notification of his candidacy with the Secretary of the Treasury.

I think this amendment would provide substantial sums to candidates of all parties, and would give the Congress a final oportunity to pass an election reform bill this year.

I hope very much that this amendment will be considered on both sides of the aisle, particularly by the distinguished Senator from Rhode Island, because he was one of the chief architects of the Election Reform Act, which has been passed by the Senate.

The PRESIDING OFFICER. The amendment will be received, printed, and will be on the table.

Who yields time?

Mr. WEICKER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 692 of the Senator from Rhode Island (Mr. PASTORE).

Mr. MANSFIELD. Mr. President, is there an amendment to the amendment?

The PRESIDING OFFICER. There is none pending as yet.

Mr. TAFT. I have an amendment to the amendment which I send to the desk and ask to have stated.

Mr. PASTORE. May I ask the Senator, is this amendment printed?

Mr. TAFT. The amendment is not printed but it is a simple one. I can give Senators the language. I have copies coming on the way over from my office but they are not here yet.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> On page 26, line 4, strike "political committee" and insert in lieu thereof the following:
>
> "Any corporation, labor organization, partnership, association, political committee, political education committee, or any other committee"

Mr. MANSFIELD. Mr. President, if the Senator from Ohio will yield, I ask to be recognized with no time to be taken from the time of the Senator from Ohio (Mr. TAFT).

The PRESIDING OFFICER. Without objection, the Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, for the information of the Senate, we will stay in session until a reasonable hour tonight—9 or 10 o'clock or thereabouts—and dispose of as many amendments as we can.

The Senate will come in at 9 o'clock tomorrow morning. We will continue the resumption of the business before us. We hope to stay in to a reasonable hour tomorrow—I would guess 6, 7, or maybe 8 o'clock.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 10 A.M. MONDAY, NOVEMBER 22, 1971

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. TUESDAY AND WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday and Wednesday morning next, the Senate convene at the hour of 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. So, all Senators are on notice that we will have long sessions. We will have plenty of amendments. There will be no lack of amendments. Tomorrow there will be no lack of votes, may I say, to my distinguished friend, the Senator from New Hampshire, and the other 98 Senators.

So we can anticipate a lot of votes, if nothing else.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without the time being taken from the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I simply want to say that the majority leader and I will do our best to see if we can work out agreements on amendments, agreements on order of priority of amendments, agreements which might expedite passage of the bill.

This consummation, devoutly to be wished, has not as yet been achieved. We will, I am sure—and I say this for both of us—continue working and we will see what comity does, we will see what schedules do, we will see what engagements do. We will see even what the Sabbath may accomplish, among us and our brethren.

Mr. MANSFIELD. Mr. President, may I say, if the minority leader will yield, that we will both keep open minds and do the best we can to keep the Senate functioning and working on a reasonable and rational basis.

Mr. SCOTT. And we will pray devoutly on Sunday, a prayer that we hope will be joined in by the remainder of the Senate.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. TAFT. Mr. President, I have offered an amendment to the language which is very brief, we will have copies here very shortly.

On page 26, on line 4 of section 1010 (f)(1) of the bill it is provided at the present time that:

> It shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, or to make contributions to such candidates or any of their authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $1,000.

Mr. President, I concur with the purposes of this section. And I believe that it is a distinct contribution to the handling of the problem in the way that title 10 proposes to handle it.

I would like to say once again something I said in proposing my amendment of yesterday. I do not basically agree with the approach in title 10. I think it is a mistaken approach. If the amendment I had offered on yesterday had been agreed to, I would not have voted to retain title 10 regardless.

I might say that I consider the terms of the amendment I offer so important and so revolutionary and so much needed in the electoral process in this country today that if this language were agreed to, I believe, I would be constrained to vote to retain this title 10, because it does not seem likely that the improvement that would incur would come about through any campaign bill we would be likely to pass.

The language in my amendment would delete the words "political committee" in line 4 and substitute the words "any corporation, labor organization, partnership, association, political committee, political education committee or any other committee."

Mr. President, I think this language is necessary purely to accomplish the purposes of the bill.

In mentioning political committee, as the present terms of the bill does, the desire, of course, is to prevent any political committees from being formed as a subterfuge so that they can go out beyond the authorization of the committees and make expenditures that were not within the limitations of the expenditures which are in the bill.

My purpose is to apply that same restriction to any other type of organization. I might point out that it does not include an individual. An individual, I believe, should be able to make any kind of expenditure or effort he wants to himself on behalf of a presidential candidate or a party in whom he has confidence and desires to support.

However, we already have, of course, prohibitions in the corrupt practices act against expenditures of the type involved for corporations or labor organizations or labor unions as such. And I have repeated them here. I brought it in here again, perhaps in a redundant manner, but neverthless in a manner to bring them specifically under the provisions of this particular section, in addition to the section of the corrupt practices act, under which they would already be constrained to some degree.

However, I have gone on and included, in addition to political committee, partnerships, associations of whatever kind, political education committees, or any other committee.

It seems to me that with respect to any other group, no matter what its background might be, no matter what its purpose might be, when it goes out to spend funds on behalf of a particular presidential candidate, whether authorized or not, whether the political committee is or is not in a sense contributing to the election of a particular individual, we all know, and let us be candid, we all know and know very well that many activities of this sort are being done indirectly today.

Many committees do not report expenditures for a candidate and make such expenditures on behalf of candidates for political office, for the presidency or otherwise.

In my State campaign for the Senate last year, my opponent, for instance, had reported expenditures on his behalf or contributions to his campaign committee from labor organizations in the State at a higher figure than those reported by any other senatorial candidate throughout the Nation. These reported expenditures constituted a total of $170-some-odd thousand, as compiled from the records on file with the Secretary of State of the State of Ohio, over and beyond those reported expenditures.

I would suggest, I am reasonably certain that indirectly a tremendous amount of effort was put in expenditures of other items, values and services, and exposure provided by political education committees.

I am not alleging any violation of the law by the unions themselves spending these funds. But there certainly were very clearly, as pointed out by the record, contribution made by those organizations which demonstrate very clearly their sympathies in that particular race. I think they are wrong in their sympathies, but nevertheless that is how they wished to make their expenditures on behalf of a candidate in that particular race.

But going beyond that, I am reasonably confident they have made expenditures for services and other items of value which were considerably, perhaps several times, in excess of the actual money contributions that might have been made on behalf of my opponent in that race.

I say what is sauce for the goose is sauce for the gander, if this restriction is going to be applied to political committees, as I think it must. I think the Senator from Rhode Island is correct in having this restriction in the proposal.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. PASTORE. This amendment has just been introduced. I have just received a copy. I have been studying it as the Senator went along. I would like to ask a few questions. From the copy I have the amendment states:

> Strike "political committee" and insert in lieu thereof the following:
>
> "Any corporation, labor organization, partnership, association, political committee, political education committee, or any other committee."

Does that include COPE?

Mr. TAFT. Yes, it would.

Mr. PASTORE. Does the Senator mean that COPE could only spend not more than $1,000 to promote the candidacy of someone COPE believed in?

Mr. TAFT. That would be sound principle. I am glad the Senator from Rhode Island stated it so correctly. If there is to be a limitation of $20 million, or whatever the effect of the bill is to be, on expenditures on behalf of a particular political candidate, which is the purpose of this section, I feel strongly it should apply to COPE or any other such group. I do not care whether it might be labor or management. I do not care what the issue might be. But if we are to have a limitation in the bill, and lacking contributions on behalf of a particular campaign, and then put a prohibition on any other political committee coming in, why should not the same thing apply to other committees?

If the Senator is telling me that COPE is not a political committee—which I think it would be under the language here—that flies in the face of fact, for we all know it is a political committee.

To qualify as being an education organization but to say that it is not a political committee flies in the face of the facts.

Mr. PASTORE. If I may proceed on my own time, let us assume that a group on a campus, say faculty members, got together and formed a committee. Does the Senator mean to tell me they would have to get the permission of the candidate to be authorized to make a statement in his support? Do we not get into freedom of speech here?

Mr. TAFT. I do not believe freedom of speech would apply except to an individual.

Mr. PASTORE. I am talking about a committee, a committee of faculty members say at Columbia University who might get together and buy radio time for $1,000 to broadcast their support. Would they have to get the permission of the candidate?

Mr. TAFT. I suggest if the amount put on as a limitation of expenditures, as an attempt to put an overall limit on expenditures in presidential campaigns is included, if this is to have meaning, it has to have that.

Mr. PASTORE. There is a distinction. Usually a political committee is formed for the purpose of directly aiding that candidate and there is no question about being authorized by that candidate. We wrote something to that effect in the other bill. How far are we going to go without obligating independent organizations and committees furthering the promotion of a particular candidate on their own?

I know what the Senator is trying to accomplish but I am wondering on this amendment whether or not we may be opening Pandora's box. There is no question about what the Senator said.

Mr. TAFT. I am perfectly willing to agree with the Senator that labor organizations are the principal organizations.

Mr. PASTORE. That is right.

Mr. TAFT. Making expenditures of this kind.

Mr. PASTORE. That is the thing that concerns me to no end.

We insert something in general terms, and then we inject labor every time. We are trying to indict labor in one way or another, as though labor meant second-class citizens. After all, they have a perfect right to endorse candidates of their choice and they have a right on their own to further what they believe to be their cause.

This amendment provides:

> (f) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a poltiical party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, or to make contributions to such candidates or any of their authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $1,000.

Now, it strikes me it is rather hazy at this point and that is the thing that deeply disturbs me.

A corporation or labor organization cannot make contributions anyway. As to partnerships, individually they can. Associations are in the same category. That is the guts of this. Then, there is COPE.

Mr. TAFT. The Senator is aware of a good many cases of committees organized in a good many other areas in the labor area. We have heard a great deal of screaming about AMPAC and a number of other organizations of this kind that have been set up and continue to collect funds and make contributions for candidates. I think all these contributions should come in. I think they should all be under the limitation. If there is going to be a limitation, let there be a limitation and a limitation that is meaningful.

I predict this amendment will be defeated on the same kind of party line as other amendments. I suspect that will be true. But I bring the amendment up today because this is a matter on which we are going to have to make a decision on this kind of an amendment, and I think this is the direction in which it will be considered.

Mr. TOWER. Mr. President, will the Senator yield to ask for the yeas and nays?

Mr. TAFT. I yield to ask for the yeas and nays.

Mr. PASTORE. Before the Senator does that could the Senator temporarily withdraw this amendment with the condition he can presently renew it. This is in order to give our staff a chance to study it? I do not want to say we are going to defeat this amendment just because we defeated the others. I would like to understand it better. This comes as a surprise and I would like to know its ramifications. We have a long way to go.

I would ask unanimous consent that the time the Senator has consumed even up to now be not counted.

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. Without taking it from any time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. I say to my distinguished colleague from Ohio that I discussed this matter with the members of the staff, and certain very thorny problems have presented themselves. For instance, I am wondering about this: Let us assume that a labor organization regularly publishes a newspaper. Is the Senator saying that if they furthered the candidacy of a particular candidate who came under the provisions of this law, they would be limited to space publicity to a value not to exceed $1,000, which would be considered as a contribution to that candidate? Is that the Senator's understanding?

Mr. TAFT. I would say that the answer to that question, in my judgment, not having researched the matter, but as a matter of first opinion, would be that it would depend upon the nature of the material which would be printed in that newspaper.

Let me go on and elaborate somewhat on that, if I may.

My feeling is that a simple editorial on an individual candidate, in the editorial columns of the newspaper, would probably, I think, be within the prerogatives under the free speech provisions of the Constitution. But going beyond that, or continual news coverage and other activity designed and capable of being interpreted as participating in a material way—and I think such activity could contribute in a material way—to the candidacy of a particular candidate, would fall within the purview of the prohibition.

Mr. PASTORE. Taking the illustration a step farther, let us assume that the New York Times wrote an editorial promoting a candidacy, as they usually do, promoting the candidacy of either candidate. Of course, that would represent a space cost of more than a thousand dollars. Would that be subject to the prohibition?

Mr. TAFT. Of course, a part of the problem that the Senator raises is that it is already in existence, under the law. I would suggest that probably the same standards apply in that situation to labor newspapers as apply to normal newspapers. The New York Times is already a corporate entity. But whatever practices it might engage in that might violate the provisions of the act, the same standards would apply as to a labor newspaper.

Mr. PASTORE. But they involve a larger expenditure; what is the construction of that? I can understand making a contribution in terms of money and say it is too high. We are talking about committees that have not been authorized.

Mr. TAFT. Suppose they run free advertisements, in the normal political advertisement sense? The New York Times would thereby be contributing to the candidacy of a given candidate.

Mr. PASTORE. But why not an editorial? That is furthering a candidacy, is it not?

Mr. TAFT. I do not believe, within the purview of this legislation, that it would be so interpreted.

Mr. PASTORE. We have made some history here. I will oppose this amendment, for the reason that I think the implications here would be serious. But I would recommend to the conferees—if it ever reached that point—that they would take all of that into consideration and perhaps work something out.

I will tell the Senator, frankly, that I am not one to disparage the thought that once you come to this you are limited to a certain amount of money. On the other hand, I do not want to begin to straitjacket organizations that have a legal right, because of the character of their constitution, to proceed to express their personal opinion without permission from or obligation to the candidate they favor. I do not feel that they should have to get his permission or be subject to a fine. That is getting into pretty dangerous territory.

I do not want any outsider to make a contribution—I do not care what the organization is—unless the person comes under it. But this goes a step further. The reason why it was put in the law was to recognize the fact that somewhere along the line are certain parties who have no direct contact with the candidate, but only because they like his view on issues they want to support him. They do not want to get permission to be authorized, because they are independent in that respect. On the other hand, they do not want to subject themselves to a fine.

In this day and age, you might say they can operate up to $1,000. We are talking about the Presidency. We are not talking about a ward councilman or a mayor. We are talking about the Presidency. When you incur an expense to promote the candidacy of a presidential candidate, $1,000 is small.

Mr. TAFT. I would be in favor of knocking out $1,000, for that matter. I do not see why the limitation. We propose to amend the language. I do not see why the $1,000 should remain in there.

Mr. PASTORE. The Senator's entire case has been an attack upon COPE and how they operate. I know, as a matter of fact, that the Chamber of Commerce and the National Association of Manufacturers are interested in candidates and have been over the years. But in the eyes of some, every time the word "labor" is seen, it takes on an awful look to them. I do not know why.

Mr. GRIFFIN. Mr. President, will the Senator from Ohio yield to me for a question?

Mr. TAFT. I believe the Senator from Rhode Island has the floor.

Mr. PASTORE. I yield the floor.

Mr. TAFT. Before yielding to the Senator from Michigan, I wish to state that during the period we suspended activities on the floor, it came to my attention that in order to make the amendment meaningful, it should be modified to apply as well to the sanctions provision.

Therefore, Mr. President, I move to modify my amendment on page 26, line 15, as follows:

> On page 26, line 15, strike "political committee" and insert in lieu thereof the following: "any corporation, labor organization, partnership, association, political committee, political education committee, or any other committee".

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and it is so modified.

Mr. TAFT. So that it stands in the same language in the sanctions section as in the prohibition section.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, we have taken a very delicate situation and have drawn it into a criminal category. I am largely in sympathy with what the Senator wants to do, and I think it ought to be corrected in conference. Now we are getting right at the guts of the thing. Now the Senator is throwing it into the penalty section. I think we are making a criminal offense out of it, and that is pretty dangerous ground. For that reason, I have to oppose it.

Mr. TAFT. I am sure the Senator would not want an amendment in the bill in which there is no sanction. It seems to me that the sanction against a political committee would be the correct sanction to apply against the other groups as well.

Mr. PASTORE. The Senator will admit that it came as an afterthought, even to him.

Mr. TAFT. No, it did not. I certainly intended the sanctions to apply. It has been called to my attention that they might not. I thought they would apply without the modification.

I yield to the Senator from Michigan.

Mr. GRIFFIN. I regret that I have not been on the floor throughout the explanation by the Senator from Ohio of his amendment.

Do I correctly understand that his amendment point up the fact that the so-called limitation of $20 million that would go to the campaign of a presidential candidate is no limitation at all insofar as an organization such as COPE is concerned? Is that the situation?

Mr. TAFT. That seems to be the interpretation given by the sponsor of the amendment. I take it that that is true. The language in the definition of political committee that appears on page 9, subsection 8, might be thought by some to apply to a political education committee such as COPE. It reads:

> (8) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

But as I recall the cases dealing with this question which have gone to the courts, there has been a very liberal interpretation of what an organization might be that calls itself an educational organization, such as COPE. For that matter, the same applies to any of the other organizations that have been set up as political education committees. I feel very certain that what one would think would be the normal interpretation of that language, which would include COPE, has been taken into consideration in the drafting of the proposed legislation, and that the language here, as construed, or as it would be construed by the courts on the basis of precedents presently on the books, would not include COPE or any other political education committee.

Mr. GRIFFIN. It is interesting to me—and I say this with no disrespect—that the sponsor of the amendment, the Senator from Rhode Island, does not accept the amendment of the Senator from Ohio. It seems to me that that points out very clearly that COPE is not covered and apparently was not intended to be covered. So there is no limitation of $20 million. Of course, the junior Senator from Michigan knew that all along and never really believed that there was. But many people who read the newspapers might think there really is.

Mr. TAFT. This is a practical situation we have in my own State when one is running, under the rather strict campaign expenditure limitation laws of my State and the reporting that has to be done. Yes, COPE's direct contributions to the candidate are reported. They have to be reported to the Secretary of State.

As I have indicated, in my own campaign, contributions of this sort from this type of labor organization constituted more than $170,000 of my opponent's warchest. But that did not stop COPE from going out and engaging in other activities which contributed materially to his campaign.

Mr. GRIFFIN. Suppose, for example, they decide that they want to support a candidate for President. There need be, of course, no particular agreement or understanding or authorization from that candidate for the Presidency. But they decide that they are going to go out and go from door to door and find out who is inclined to support that candidate and then make sure those people get to the polls on election day. That is a very valuable part of a campaign.

Mr. TAFT. It certainly is, and it would be included in campaign expenditures as defined.

Mr. GRIFFIN. If union members, themselves, are used for that purpose—and they are in many elections—that ought to be regulated very carefully, but it is not.

Every amendment that has been offered to try to make the limitation meaningful so far as labor organizations and their political activities are concerned has been beaten down on the floor. Unfortunately, I do not think the public realizes that there are these big loopholes, not only in this bill but also in the other so-called clean elections bill that passed this body because it had such a noble title on it that we all had to vote for it. It is over in the House now and it has the same loophole in it—no meaningful limitation insofar as what labor organizations can do politically. The public does not know that yet. They think there is a limit when there is not.

Mr. TAFT. I agree with the Senator from Michigan. I was saying a few minutes ago that I do not expect this amendment to be adopted because there are some political implications in it that I do not think will be "bought" by the other side at this time. But the issue raised by this amendment is one of the most important political issues before America today. It is an issue that the public, sooner or later, will wake up and demand Congress take some action on. It is not too early to call attention to it, once the Senate goes on record today as to what its position is.

I am delighted to have this debate now, because I think the issue has been made very clear by the Senator from Rhode Island in his responses, where he has pointed out that the question is whether an organization such as COPE or AMPAC is included in this limitation, or is it not.

Mr. PASTORE. As I said before, I am not expressing any strong feeling one way or the other. I would like to leave that to the Senate. It seems to me it is not clear at all exactly what we are up against in this, because we may be impinging upon the freedom of speech.

Mr. TAFT. The Senator from Rhode Island has raised the questions. For one thing, after replying to his earlier suggestion that I might withdraw the amendment at this time and try to work out other language answering some of the questions after additional research, I have been considering that, but my feeling is that it would be a mistake to do that now. I think the amendment should go to a vote, and if the amendment should be defeated and if there is some sentiment for doing something about the problem, we can frame a separate section dealing with this issue which we will be ready, willing, and able to bring up later.

Mr. PASTORE. I would hope that the conferees would be able to get to that, but if it is $20 million, it should be $20 million. What disturbs me is the freedom of speech point and how far we may be going to circumvent that.

Mr. TAFT. Let me ask the Senator from Michigan, who gave us another example not involving freedom of speech but political canvassing——

Mr. GRIFFIN. Freedom of speech is a very small part of what COPE does.

Mr. PASTORE. That is one of the most sacred rights every American has.

Mr. GRIFFIN. Fine, of course, and we must protect it, but what about all the rest of the things they do?

Mr. TAFT. How does the Senator feel about canvassing over the telephone bucket shop? I know a great deal about the telephone bucket shop and how it is run for political election. If the Senator from Rhode Island has been so fortunate to be so far ahead of that that he has not had to use it, I can only envy him; but in the kinds of activities which are financed, backed, and organized by organizations of this type, such as COPE, are they going to be forbidden or not? Are they going to be forbidden within this limitation?

Mr. GRIFFIN. This amendment, I think, emphasizes the point that the junior Senator from Michigan made yesterday, that the Pastore amendment does not put a ceiling at all on what would be spent in a campaign. The practical effect of it would probably be to add on to what is spent in a political campaign instead of putting any ceiling on or a limit on what will be spent.

Mr. TAFT. Mr. President, will the clerk please state the time remaining?

The PRESIDING OFFICER (Mr. MONTOYA). The Senator from Ohio has 8 minutes remaining.

Mr. TAFT. And the Senator from Rhode Island?

The PRESIDING OFFICER. Seventeen minutes remain to the other side.

Mr. PASTORE. Mr. President, I am ready to yield back the remainder of my time.

Mr. TAFT. Mr. President, the Senator from Colorado (Mr. DOMINICK) would like to comment on this and I yield him such time as he may need for that purpose.

Mr. DOMINICK. My understanding is that, in addition to the original amendment, the Senator has also included the same wording in the penalty section on page 26; is that correct?

Mr. TAFT. That is correct. On line 15 we have deleted the words "political committee" and put in exactly the same language included in the original amendment.

Mr. DOMINICK. That, in your opinion, is the enforcement provision behind your effort to try and limit the other organizations which are spending, because the other organizations presumably are not authorized committees; is that correct?

Mr. TAFT. That is correct.

Mr. DOMINICK. One of the things I was not clear on, and I discussed this with some people during the temporary "adjournment" we had here earlier, was how many authorized committees can you have in the bill? I did not understand that at all. It looks as though there is only one but I am not sure whether that this true.

Mr. TAFT. I am not sure, I say to the Senator from Colorado, but I would be glad to have the Senator from Rhode Island enlighten us on that point.

Mr. DOMINICK. How many authorized committees can we have under the bill? One or any number?

Mr. PASTORE. He can have any amount, but he would be responsible for the full amount that they would spend.

Mr. DOMINICK. He could have political committees collecting funds for him for payment of whatever portion of his qualified expenses are not paid for by political funds and he could have that all over the country, could he not?

Mr. PASTORE. Only money by political parties.

Mr. DOMINICK. I say political funds—I said he could have, for the purpose of paying so-called qualified expenses, authorized committees, committees authorized by him over the entire country. Let us say there are only three per State. That would be 150 committees authorized specifically by him to solicit and obtain voluntary contributions from the American public. Now, as I understand it, if that is true, and I think this is what the Senator from Rhode Island has just said, and his qualified expenses are not so large as the amount of money raised, then the candidate is required to pay it back into the Treasury. Is that correct?

Mr. PASTORE. Yes, if he is a member of a major party. If any money comes in in excess of the $20 million.

Mr. DOMINICK. Does he have to pay the political money back, or his own money back in?

Mr. PASTORE. Anything that he collects by any committee authorized by him directly or indirectly.

Mr. DOMINICK. He gives it back to the Treasury?

Mr. PASTORE. Restitution has to be made.

Mr. DOMINICK. To the Treasury?

Mr. PASTORE. Not to the Treasury but to the contributors.

Mr. DOMINICK. Well, I did not read it that way. Maybe I am wrong. I read the amendment I do not know how many times. There are so many loose ends in it, it is very hard to follow.

Mr. PASTORE. It is very simple. Once he comes under law—and I am saying this on my time, Mr. President—all he can collect from the Government is $20 million. He cannot collect one penny from anyone else. That is as simple as I can make it. He cannot collect one penny. If anyone gives him a penny, he has to give it back. He cannot have it both ways. But we are not talking about that but about an independent, unauthorized committee that functions on its own, without any contact with the candidate himself—because the candidate has not become a party to the transaction because otherwise indirectly it is authorized—but any group acting on its own. I gave the example of the college campus group that gets together on behalf of a Republican or a Democratic candidate and they publish a pamphlet urging the candidacy of Mr. Nixon, say, at a cost of $1,500. The question is, Are they subject to a $5,000 fine? I asked that question, and the Senator from Ohio said "Yes."

That is what bothers me. That is what bothers me.

Mr. DOMINICK. Mr. President, would the Senator from Rhode Island on his time yield me a few minutes to ask some more questions briefly so as to get the record clear?

Mr. PASTORE. I yield.

Mr. DOMINICK. First of all, do I understand that the top level of expenses cannot exceed the amount that will be paid by the Federal Government?

Mr. PASTORE. The Senator is correct—by the candidate or any authorized committee. I hope that the Senator is not endeavoring to entrap me. I have been around a little bit, too.

Mr. DOMINICK. It can go way over what is paid by the Federal Treasury.

Mr. PASTORE. I have made it plain. He cannot collect a nickel over $20 million.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. TAFT. Anybody, under the circumstances of the principle that the Senator from Rhode Island is espousing, to follow it through, anyone that made any payment to a major party, is making a gift to the Federal Government indirectly. That is the problem that I see if we go this route. There are candidates who will not elect to go that route.

Mr. PASTORE. Mr. President, I want to say to the Senator from Ohio that this is the most sensitive area in which we can legislate. This problem was in the other bill. The only problem is that the Senator from Ohio always keeps on hammering at COPE, instead of hammering at the chamber of commerce.

Mr. TAFT. Or an oil company.

Mr. PASTORE. The Senator keeps hammering at COPE, COPE. The devil appears to be COPE. It appears to be COPE every time. It is a tough area in which to legislate. For example, anyone is entitled to think as he likes and to say what he thinks. He is not authorized by the candidate to do so. He gets together a committee because they think it is to their advantage, whether school teachers, COPE, or some other group. And they issue an article that costs $1,500. The candidate does not know what it is about. He never heard of the article, much less read it. Under this law, this group would be subject to a $5,000 fine. It is hard for me to buy. It is close to the line.

I repeat that there is a lot of substance in what the Senator is saying. However, we are dealing in a very sensitive area. I will tell the Senator, frankly, that I do not have the perfect answer.

Mr. TAFT. Mr. President, the situation the Senator described would fit within the political committee as defined in the bill. It may be covered anyway and subject to the criminal sanctions.

Mr. PASTORE. For political reasons. But this may not be for political reasons. It may be for personal reasons.

The PRESIDING OFFICER. The time of the Senator from Rhode Island is running.

Mr. DOMINICK. Mr. President, will the Senator from Rhode Island give me a few minutes.

Mr. PASTORE. I yield.

Mr. DOMINICK. Mr. President, there are a number of things which make the pending bill so very difficult for anyone to understand. Let us say that the Senator from Rhode Island is running for the Presidency. So far as I know, he is one of the few on that side of the aisle who has not said or intimated that he is up to this time. So I use him as an example. Let us say that in 1972 Senator PASTORE is running for the Presidency.

Mr. PASTORE. Can the Senator not use someone else's name? Let us not let that get in the CONGRESSIONAL RECORD. Please let us not let that get in the RECORD. Just say PETE DOMINICK.

Mr. DOMINICK. The April returns come along and we then find out. We are going to take a couple of months to find out how many people have followed through with this procedure. In the meantime, the Senator is running and he gets the nomination. At what point, I wonder, does the Senator have to decide whether he is going to rely on political contributions or on what he might get out of this pot.

Mr. PASTORE. Almost immediately.

Mr. DOMINICK. Almost immediately, the Senator is correct. So the Senator decides to jump in and finds all of a sudden that all he can get is $2 million.

Mr. PASTORE. The Senator is correct.

Mr. DOMINICK. Can the Senator back out at that point and say he does not want it?

Mr. PASTORE. No. The trouble is that the Senator is not getting the calendar right. The returns are made on April 15.

Mr. DOMINICK. That is correct.

Mr. PASTORE. Within a matter of weeks, everyone knows how much is in the pot.

Mr. DOMINICK. I do not see how they can do it. We have 89 million returns to check.

Mr. PASTORE. Mr. President, we have computers today.

Mr. DOMINICK. I know, but we do not have big enough computers to check this. I have talked to IRS about it.

Mr. PASTORE. We will know at least by June.

Mr. DOMINICK. Maybe.

Mr. PASTORE. The first convention is in July. So when a man is nominated he will know enough to make his choice.

That is in 1972. In 1976 it will be another 4 years. After the 1972 campaign, the money will have to go back to the Treasury and we start over again. The next time the return is filed, they check it off again. The returns are to be filed by April 15.

I think that with the mechanism we have today and the speed we have developed, a nation that has been able to go to the moon can readily find out pretty much what is in the pot.

Mr. DOMINICK. Mr. President, if Senator PASTORE gets $20 million, maybe he can run as Senator PASTORE as the nominee for President. He decides that $20 million will probably be sufficient. So he decides to go.

Let us suppose he gets $10 million and

does not think it is enough. He has to make the decision immediately after the nomination. But there is not a single nominee who will rely on the fact that there will be enough in there. They are already raising money all over the place, and the Senator knows it.

The question is, we have passed this bill and what happens to the money that has been so raised. What will we do about it?

Mr. PASTORE. If it is in excess, they have to give it back. They keep books and they know who they get money from.

Mr. DOMINICK. Mr. President, there are five or six Senators from the Democratic side who will run in the Democratic primaries next year.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired on that side.

Mr. PASTORE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 12 minutes remaining.

Mr. DOMINICK. Mr. President, will the Senator yield me 3 minutes?

Mr. PASTORE. I yield the Senator 5 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator. Some of those expenses and some of those contributions are going to be incurred constantly during the primary until a person is nominated. By that time, if he is any kind of political candidate—and there is not anyone in the Senate who is not or otherwise he would not have been here—he would have raised a fund already to try to help him through the rest of the election. All of a sudden he says, "No, I don't need it." That means he will have to send it back to whom, to what committees. They are committees formed under the existing law, the law that was passed 4 or 5 years ago.

This is one of the reasons that I thought the amendment of the Senator from Connecticut was so good, because things will be so fouled up next year for every one of these candidates that they will not know what they are doing in the way of the money that has been raised and that they are trying to spend. In addition, as I understand, although this is money they can spend to do anything under the bill as now written, any person in a political education committee, without the Taft amendment, can go out and spend as much money as they want.

Mr. TAFT. As far as I know he can on the basis of what is in the bill. I assume that is the case. And it has been verified by the debate.

Mr. DOMINICK. It would not make any difference whether it was COPE or IMPACT or any one of the other various political education committees around.

Mr. TAFT. The Senator from Colorado is correct.

Mr. DOMINICK. I suppose that makes it even-Stephan, but it does not cut down on the expenses. As I pointed out on the previous amendment, that I could not get by the distinguished Senator from Rhode Island, if you appropriate money by backdoor spending out of the Treasury every fiscal year, by 1976 you could have $400 million in the presidential campaign fund, and that is certainly not what I would call trying to put a limitation on expenses in an election.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I listened with interest to the Senator from Colorado with respect to the matter of the timing of this checkoff. Does the Senator mean the taxpayers make the checkoff prior to any knowledge as to who will be the nominees?

Mr. DOMINICK. The Senator is totally correct. They are saying, "I want to put it in a pot and you can use it for whoever the nominees might be."

Mr. CURTIS. Is that buying a candidate in a poke?

Mr. DOMINICK. I think so.

Mr. PASTORE. We are considering the modification. I hope after the Senator reads it he will be more amenable to the bill.

Mr. CURTIS. I think any modification will help the bill.

Mr. PASTORE. That is true. It always does. That is what we are here for.

Mr. DOMINICK. The modifications already offered would have helped the bill. I am sorry we got tied up here and were not able to get them through.

Mr. PASTORE. If Senators on that side of the aisle did not vote so solidly we could have.

Mr. DOMINICK. Senators on the other side voted solidly.

Mr. PASTORE. I would not say that. We had some Senators who did not, and I am not critical of that because they exercised their consciences. But on the other side there was not one defection.

Mr. DOMINICK. I want to emphasize again that the bill, unless the Taft amendment is agreed to, has nothing to do with cutting down on overall expenses. All you do is say, "Okay. We will spend $10 million of Treasury money. Then we will go out and get political education committees of various industries to spend twice as much as we are going to spend."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. Fulbright), and the Senator from Indiana (Mr. Hartke), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Nebraska (Mr. Hruska), the Senator from Kansas (Mr. Pearson), the Senator from Alaska (Mr. Stevens) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Utah (Mr. Bennett), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater) and the Senator from New York (Mr. Javits) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. Hruska), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea".

The results were announced—yeas 30, nays 56, as follows:

[No. 367 Leg.]

YEAS—29

Allott
Beall
Bellmon
Boggs
Buckley
Byrd, Va.
Chiles
Cook
Cotton
Curtis
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Jordan, Idaho
McClellan
Miller
Packwood
Percy
Roth
Scott
Spong
Stafford
Taft
Tower
Weicker
Young

NAYS—56

Aiken
Allen
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Gambrell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Sparkman
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—15

Baker
Bennett
Brock
Cooper
Dole
Fulbright
Goldwater
Hartke
Hruska
Javits
Mundt
Pearson
Saxbe
Stevens
Thurmond

So Mr. Taft's amendment, as modified, was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield time from the time allotted on this side on the Pastore amendment.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROOKE. Mr. President, is a motion to adjourn in order at this time?

The PRESIDING OFFICER. A motion to adjourn is in order at this time, and is a motion of highest privilege.

Mr. BROOKE. Mr. President, I move we adjourn.

Mr. MANSFIELD. Mr. President, would the Senator withhold that? This is a most unusual procedure. It is a prerogative usually accorded to the leadership on both sides. I would hope the distinguished Senator would not pursue that motion; but of course if he wishes to, that is his right.

Mr. GRIFFIN. Mr. President, will the Senator yield to me to say to the majority leader that I did not realize, and I want to be sure that he knows that I did not realize, that that was the motion the Senator from Massachusetts was going to make when I yielded him the time. I join in the remarks of the distinguished majority leader.

Mr. MANSFIELD. It happens to be a joint responsibility accorded to us by custom and tradition, by the Senate.

Mr. BROOKE. Mr. President, I will respect custom and tradition. I ask that the majority and minority leaders seriously consider the temper of the Senator from Massachusetts in making that motion.

Mr. President, I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BUCKLEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Buckley's amendment is as follows:

On page 2, strike out lines 10 through 15.

On page 2, line 16, strike out "(2)" and insert "(1)".

On page 2, line 24, strike out "(3)" and insert "(2".

On page 6, strike out lines 5 through 8 and insert:

"(1) Amount.—The deduction under subsection (a) for any taxable year shall not exceed $100 ($200 in the case of a joint return of a husband and wife).

Mr. PASTORE. Mr. President, may we have order? Will the Senator yield, on my time?

Mr. BUCKLEY. I yield.

Mr. PASTORE. Is this a printed amendment?

Mr. BUCKLEY. No, it is not. I send a copy of the amendment to the distinguished Senator from Rhode Island. It is easy to explain.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Will not the Senator tell us what it is all about, before we order the yeas and nays?

Mr. COOK. The yeas and nays have already been ordered.

Mr. PASTORE. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been ordered. How much time does the Senator from New York yield himself?

Mr. BUCKLEY. I yield myself 5 minutes.

The amendment addresses itself to a rather surprising discrimination that appears in two sections of title IX. I speak of that discrimination which affects 9 million of my constituents, and which affects 94,354,000 Americans—all of those who happened to be married.

The amendment as now written grants to the individual, the unmarried individual, up to a $25 tax credit. However, a husband and wife filing a joint return are allowed, between them, that same $25; or, if they choose to file individual returns, they are each allowed only $12.50.

This same discrimination against matrimony is repeated in the limitation on deductions. Again, whereas the single individual is entitled to deduct up to $100 each taxable year, the married individual is limited to $50.

I am not quite sure why this provision was inserted, but it does have the effect, next year, of depriving 94,354,000 Americans of a potential personal deduction of $50 each—a deduction which is accorded to their fellow citizens who happen not to have been married.

I might point out that the bill to which the amendment is sought to be appended is supposed to stimulate consumption by increasing personal exemptions.

Mr. COOK. Mr. President, may we have order? It is difficult to hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. The Senator will not proceed until we have order in the Chamber. Senators will take their seats. The Senator from New York will not proceed until all Senators are at their desks.

The Senator may proceed.

Mr. BUCKLEY. I thank the Chair. I certainly feel that it would be in the spirit of the underlying bill to which these amendments are being appended to make sure that everyone is treated equally as far as the potential deductions are concerned. I ask the distinguished Senator from Rhode Island the reason for this discrimination against people who happen to be married.

Mr. PASTORE. Mr. President, on first impression, this might seem to have been an oversight. As a matter of fact, serious thought was given to the question. You could argue it one way or the other, depending on the judgment you want to use, and depending on the frugality that has to be exercised in determining how much money is involved.

The committee gave this serious thought. The Senator from New York, as a conservative, is being much more generous than the committee chose to be. What we did was make it $25 per couple, and of course if one were unmarried and filed a single return, it would still be the $25.

Then, of course, we provided the deduction of $100 for the married couple, which would be $50 apiece.

I think we have gone pretty far, but I leave it up to the sentiment of the Senate. For my part, I think it would be, if I may say so, touching on fiscal irresponsibility if we increased the amount.

Mr. COOK. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. I yield.

Mr. COOK. I would first have to say that the Senator from New York and the Senator from Rhode Island indicated that the committee discussed this matter. I do not know what committee discussed it, because it is my understanding that this Pastore amendment was prepared by the Senator individually for presentation on the Senate floor.

Second, I think the Senator's amendment is so well-taken that I would suggest to him that I wonder if the proponents of the amendment as it presently stands would not only want to see to it that somehow this fund is created, but somehow or other, in order to get some logical contribution to political candidates, insist that husbands and wives have to be of the same political affiliation. Because apparently if husbands and wives differ in political philosophy, and one gives a contribution to a Republican and the other gives a contribution to a Democrat, they are immediately cut in half as to what they can deduct on their income tax return on a joint basis; whereas, if one who is single decides to give the entire amount of his contribution to one candidate or another, he gets the opportunity to take all of it.

We have had a number of things on this floor, including the Tunney amendment, designed to insure that husbands and wives who both wish to work can have a greater exemption to pay for day care centers for their children, so that they can both work.

Does that not mean, if they can both work, that they can both give money to the candidates of their choice and be treated the same as other individuals under this bill?

If we are really talking about fiscal irresponsibility, we ought to be talking about the entire amendment. But if we are talking about fiscal responsibility, we surely should not attempt to achieve it by way of discrimination.

Mr. BUCKLEY. Mr. President, I very much agree with the distinguished Senator from Kentucky, and I am very much taken by the remarks of the Senator from Rhode Island. I am delighted, incidentally, to hear talk about fiscal responsibility from that side of the aisle; and if the Senator prefers, I would be delighted to rearrange my amendment in order to cut the exemptions and the deductions for the single individuals down to the level allowed by the distinguished Senator's amendment for married people. If he would prefer that, I would be glad to submit a substitute amendment.

Mr. PASTORE. If the Senator does that, I will accept it.

Mr. BUCKLEY. Very well.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. CURTIS. I wish to ask the Senator a question. It does not directly relate to the amendment, but I have given considerable thought to this legislation. Assuming that title X becomes the law, can this money be spent to pay salaries of employees, directors, or chairmen of political committees, and if so, is there any limit on how much they might be paid from these tax funds?

Mr. BUCKLEY. Mr. President, I am afraid I am not an authority on title X. I believe that it would perhaps be more useful if the Senator from Nebraska would direct his questions to the proponent of the amendment, so that he could tell him exactly what he had in mind in drafting title X.

Mr. CURTIS. I thank the Senator.

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BUCKLEY. The time to be equally divided, in order that I might work up a substitute amendment as suggested by the Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I offer a substitute for the amendment which I earlier withdrew and ask that it be stated.

The PRESIDING OFFICER. It will take unanimous consent if that is an amendment in the second degree.

Mr. PASTORE. Mr. President, I ask unanimous consent that the original amendment be withdrawn and the order for the yeas and nays be rescinded and that the Senator introduce it as an amendment in the first degree and I will accept it.

Mr. BUCKLEY. Mr. President, I would like to retain the order for the yeas and nays.

Mr. PASTORE. Mr. President, the Senator can ask for the yeas and nays over again. We have enough here.

The PRESIDING OFFICER. Is there objection to rescinding the yeas and nays and withdrawing the amendment? The Chair hears none, and it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

On page 2 strike out line 7 and insert: "exceed $25 (except that in the case of a joint return the amount shall be $50), payment of which is made by the taxpayer (or either spouse in the case of a joint return) with-".

On page 2, strike out lines 10 through 15.

On page 2, line 16, strike out "(2)" and insert "(3)".

On page 2, line 24, strike out "(3)" and insert "(4)".

On page 6, strikes out lines 6 through 8 and insert:

"(a) shall not exceed $50, except that in the case of a joint return the deduction shall not exceed $100."

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, if the Senator will yield, we know what the amendment would do. We will be perfectly willing to accept it or to vote "aye."

Mr. BUCKLEY. Nevertheless, I would like to continue to make some of the observations and remarks which I had not made in making my earlier presentation. I very much appreciate the consideration of the Senator from Rhode Island.

Mr. President, I feel that the amendment which has now been substituted for the earlier one, the new amendment that I have submitted, does overcome any deficiency which I pointed to earlier. It will also have the effect of achieving a maximum tax saving, about $450,000, which in these days is not to be sneezed at.

I am also delighted to say that it removes that stigma relating to the state of matrimony which might have been attached to the Senator from Rhode Island, and I know that a man of his sobriety and fine reputation would not have wanted to have done that.

Mr. President, I would like to take this occasion to talk a little collaterally to this amendment in itself.

I believe that the IX provides a more appropriate way in which one should analyze the tax structure of the United States in order to encourage a direct, broad-based participation by Americans in their political process. It leaves to each individual the choice of how he will contribute, to whom he will contribute, and the extent to which he will contribute.

It also means, frankly, that candidates such as I, who have had to depend on broad sources of financing through the mails, can reach our constituencies in a much broader and more effective base.

I received 40,000 contributions. Had this new amendment been in effect, I know that I would have had major contributions.

One of my opponents, on the other hand, borrowed $2.5 million from his mother for the primary fight.

I think this is an amendment that moves in the proper direction. I also feel, however, that the contrast between title IX and title X is particularly apparent when we see the involuntary marshaling of tax dollars on the one hand, provided for in title X in contrast with the mechanism of title IX, where the individual taxpayer is encouraged to take an interest in all of the candidates who are available in his locality and at the national level, to take sufficient interest to determine how he will utilize the tax credit we are providing to make this financial commitment which will more directly involve him in the candidate of this choice or the party of his choice.

I think this is important to a healthy process and a healthy direct involvement.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 30 minutes on the new amendment.

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BUCKLEY. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I yield 5 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my colleague for yielding. I want to say I did not understand clearly what the amendment was supposed to accomplish as it was first proposed. It is my understanding the Senator from Rhode Island (Mr. PASTORE), along with the Senator from New York, has worked out a compromise that is acceptable. Am I correct about that, at least insofar as those two Senators are concerned?

Mr. BUCKLEY. That is correct. It eliminates the discrimination against married people which was built into the original Pastore amendment by reducing the tax credit allowed the individual taxpayer, the unmarried taxpayer, and the deduction allowed the unmarried taxpayer down to the level allowed for married taxpayers in both categories. In the process it achieves a potential savings of a half million dollars, assuming each individual qualifies for the deduction and takes advantage of it.

Mr. HANSEN. Do I understand then, making the comparison between an individual taxpayer and a married couple paying taxes, the individual taxpayer would be entitled to take only one-half the amount of a deduction—would be entitled to only one-half the amount of the credit that would be available to a married couple?

Mr. BUCKLEY. To a married couple filing a joint return, yes.

Mr. HANSEN. What is the situation if married couples file separate returns?

Mr. BUCKLEY. The same situation as the individual.

Mr. HANSEN. The same as the individual.

Mr. BUCKLEY. Otherwise we would have had a situation where 94 million Americans would have been, in effect, second-class citizens, although presumably their individual votes are as important in the electoral process.

Mr. HANSEN. I thank my colleague.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time may be taken equally from both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. That the quorum be charged equally against both sides.

Mr. PASTORE. I object to that. The Senator knows I am going to accept his amendment. I cannot understand this at all. After all, it is a simple thing. The Senator contends there was a discrimination in there, we debated it back and forth. One could take it or leave it. Because of the Senator from New York we agreed to it.

If the Senator wants a quorum call he will have to do it on his own time.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield such time as the Senator from Kentucky requires.

Mr. COOK. May I say to the Senator from New York I am of the opinion that last Saturday there was a series of votes, 68 to 0, 69 to 0, and I could not understand when I looked at the rollcall why anyone would ask for a rollcall vote on amendments that apparently had been accepted by 68 and 69 Senators, with no votes against them. I could not understand that. So I cannot understand the attitude of the Senator from Rhode Island that he is upset about it.

Mr. PASTORE. I am not upset about anything. All I am saying is that there is going to be a 100-percent vote.

When you have won your case, be silent.

Mr. COOK. Mr. President, I think the remarks of the Senator from Rhode Island were contrary to the rules and they should be stricken.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Oh, I do not care. I will strike it if I hurt anybody's feelings.

Mr. COOK. I remind the Senator from Rhode Island about what he said to one of our colleagues—I think it was the Senator from Tennessee—that he was out of order in his remarks. I think it should work both ways.

Mr. PASTORE. Is the Senator from Kentucky getting to be thinskinned?

Mr. COOK. Not a bit.

The PRESIDING OFFICER. Who yields time?

CALL OF THE ROLL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be divided between both sides.

Mr. PASTORE. Take it out of our time. I mean that. All the time to be taken out of the side of the opposition.

The PRESIDING OFFICER. Is there objection? The Chair hears——

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Have the yeas and nays been ordered?

Mr. WEICKER. I made a request for a quorum call.

Mr. PASTORE. Out of my time.

Mr. WEICKER. I am willing to share it.

Mr. PASTORE. No, no; out of my time.

Mr. MANSFIELD. There is just too much sweetness in life.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WEICKER. No.

Mr. MANSFIELD. No, a quorum call was put in by the Senator from Connecticut and it is on the time of the Senator from Rhode Island.

Mr. WEICKER. The yeas and nays have already been ordered, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CURTIS. Mr. President, I regret to do this, but I shall insist that we have a live quorum.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 368 Leg.]

Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin

Fannin
Fong
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller

Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present. Who yields time?

Mr. MANSFIELD. I yield back the remainder of the time of the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. Does the Senator from New York yield back his remaining time?

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BURDICK). All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), and the Senator from Virginia (Mr. SPONG), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senators from Tennessee (Mr. BAKER and Mr. BROCK,, the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from New York (Mr. JAVITS) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 369 Leg.]

YEAS—82

Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin

Fannin
Fong
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller

Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—18

Aiken
Baker
Bennett
Brock
Dole
Fulbright

Goldwater
Hartke
Hruska
Javits
Mundt
Pearson

Percy
Saxbe
Spong
Stevens
Taft
Thurmond

So Mr. BUCKLEY's amendment was agreed to.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 738

(Ordered to be printed and to lie on the table.)

Mr. PELL, for himself and Mr. STAFFORD, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 10947), to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 739

(Ordered to be printed and to lie on the table.)

Mr. MILLER submitted an amendment intended to be proposed by him to amendment No. 692, proposed to the bill (H.R. 10947), supra.

AMENDMENT NO. 740

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to amendment No. 692, proposed to the bill (H.R. 10947), supra.

AMENDMENTS NOS. 741 AND 742

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted two amendments intended to be proposed by him to amendment No. 692, proposed to the bill (H.R. 10947), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 700

At the request of Mr. PELL, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of amendment No. 700, intended to be proposed to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. ALLOTT, the Senator from Alabama (Mr. SPARKMAN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Concurrent Resolution 49, calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The PRESIDING OFFICER (Mr. MONTOYA). Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself as much time as I may desire on the amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I think, in view of the feeling and the feelings of the Senate, it would be most inadvisable to continue the fruitless discussions which have marked the activities of this body today.

May I say, in all candor, that this has not been one of the Senate's finest hours. We have been dilatory. We have used tactics of obstruction. We have been playing politics, to put it plainly.

The economic situation in the country is improving only gradually—if at all. This, at one time, was, as I understood it, considered the administration's highest priority measure.

To repeat, the economy, while it may be showing a trend upward here and there, is not in too good shape.

The latest indices in the cost of living show two-tenths of 1 percent for the month of October. The latest unemployment figure is 5.8 percent, down from 6.1 percent a few months ago. The rate of inflation is still somewhere in the vicinity of 5 percent or a little above.

The President undertook certain actions, first in the statement he made to the American people on August 15 last at which time he made recommendations as to what should be done. He put into effect directives which he thought were in the interest of the Nation as a whole.

Mr. President, I approved of what the President did. I approved of the shock treatment applied because I felt that in no other way could the desired effect be achieved.

Since that time, the President has asked us to lay aside consideration of the welfare program, H.R. 1, and the revenue sharing proposals. Later, he came back and said that he did not mean that we should not consider them this year but that we should report them out and pass them next year. They should be out of the committees.

As a result of what the President recommended, the Finance Committee laid aside its consideration of H.R. 1 and took up the tax package now before this body. The committee spent long hours—many long hours and many days, in seeking to bring out a bill which would in some form or some fashion meet the wishes of the President and conform to the emergency which he stated truthfully was and is upon this country.

The manager of the bill, the distinguished Senator from Louisiana (Mr. LONG), the proponent of the pending amendment the distinguished Senator from Rhode Island (Mr. PASTORE), and the leadership on this side of the aisle—and, may I say, where possible, the leadership on the other side of the aisle—were prepared to enter into a time agreement to vote on the pending amendment.

It should be said that this agreement which was made by the majority leader, the Senator from Montana now speaking, was offered to accommodate the administration as a way of expediting the economic tax bill.

I think it should be clear to all by now as to where the blame for the delay lies.

It is not on this side of the aisle, but it is elsewhere.

The Senator from Montana has proposed a number of times to enter into a unanimous-consent agreement covering the various divisions inherent in the pending measure, but all those proposals were objected to.

The Senator from Montana is prepared, once again, to offer a unanimous-consent agreement, but I feel loath to do so because I feel that it might be objected to once more.

May I say to the Members of this body and specifically to certain ones who made sacrifices to be here tomorrow, that in view of what has occurred, I am sorry that a Saturday session was scheduled, but a Saturday session has been scheduled and the session will be held and rollcall votes will occur.

I ask unanimous consent, Mr. President, that when the Senate completes its business today, it stand in adjournment not to the hour of 9 o'clock tomorrow morning, as previously agreed, but to the hour of 10 o'clock tomorrow morning.

Mr. WEICKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, we will come in at 9 o'clock tomorrow morning then, which was the previous agreement.

Mr. President, the reason the Senator from Montana—and I speak as a Senator from a State—made the request was that many Members are tired and I thought, due to the fact that this was a hard week, this might be a reasonable accommodation, to give them a little more rest, but then the Senate will abide by——

Mr. LONG. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, this Senator went through this experience, except on the opposite side of the coin. We all remember that when the former Senator from Delaware, John Williams, was here, he led the fight on the other side of the aisle to keep the very same provision we are talking about here from going into effect.

The attitude of the former Senator from Delaware at that time, as I understood it, and his group was that they just were not going to let the President pass a bill—which incidentally involved the same issue, the same investment tax credit, 7-percent investment tax credit, the same economic issue—until they were able to have a vote on their views with regard to this issue that is involved in the Pastore amendment at a time when they could have all their troops present.

We had seven votes over a period of 5 weeks. They were not satisfied, and I would count the troops, and eventually we would get our troops back and we would vote again. And they were not satisfied. Eventually we got to a vote.

Their attitude was that the President wanted this bill badly enough that he would have to let them vote on the amendment at a time of their choosing.

Frankly, the way I had it counted, with the Vice President in the chair, now Senator HUMPHREY, formerly Vice President HUMPHREY, we could win it. I had to keep our troops in town and let the thing come to a vote.

I recall the attitude of those who were against President Johnson's position at the time. They were confident that they had a majority. I am not positive they had a majority, but if so, they had it by a margin of one vote, if any. Their attitude was that they were not going to let that bill pass unless they were going to vote on the bill at a time of their choosing.

I do not know why those on this side of the aisle who are interested in the same issue would permit them to array their forces and permit them to run 50 plays against the goal line and then another 50 plays against the goal line. We should play the game the same way. When they are ready to vote on the Pastore amendment, we will be glad to accommodate them at a time when they can be here and we can be here.

I say to those interested in the Pastore amendment, which is mainly those on this side of the aisle, that I do not think we have to accommodate those who show very little interest in going ahead with the bill.

It seems to me that at some time we should lay the bill aside and have someone call the President to see if he wants the bill enough to let us vote up or down on the Pastore amendment. If he does not want it that much, it seems to me that we should get on to some other bill which is not a revenue bill. However, to spin our wheels here arguing about some sort of perfecting amendments to insert some words that offer no additional meaning but really confuse the language of the bill is not the way, it would seem to me, to do business.

The best I can make out, there is a majority, even allowing for pairs for those Senators who are absent. If we have a majority and the opposition wants to pass the bill, we should take a vote. This would let them vote. That is all we have been voting on in the last 2½ days.

I would urge the leader to lay this bill aside and get on to other business. Perhaps he might want to let the opposition run another 50 plays to the goal line. I assume that we can keep the troops in town tomorrow.

We are giving the opposition an opportunity to vote if everyone is in town. That does not make much sense to me.

I think that one of these days our able leadership is going to tell those who do not agree with the Pastore amendment that he does not agree with them, and I hope that time will be soon.

Mr. SCOTT. Mr. President, we have reached a place here where accusation exceeds accusation, where even comity is breaking down. And I will return to that in a minute, because I thought we had an understanding as to who would be occupying the chair at 8 o'clock. But perhaps more important than our getting along with each other, I am prepared to make a proposal in perfectly good faith. I am going to test the good faith of the opposition. I am going to find out before the Senate and the country who is engaging in politicking.

I have asked one Senator who has not been voting with me what is happening. He said that they are afraid to go because they are afraid they will jeopardize the money they will get.

Let me tell the Senator that if Senators here who subsequently become candidates for the Presidency or who are now candidates for the Presidency vote themselves a slush fund of $20 million, in my judgment, they are going to be accused by speakers from one end of this country to another of conflict of interest.

They are going to have a hard time explaining how they can sit here as Senators and vote themselves an enormous slush fund and walk out and spend the taxpayers' money from that slush fund and say they are for purity in the election, because this is the greatest conflict of interest of which a Member of the Senate can be guilty of, in my opinion.

Now, if that is what you want to do, all right. However, let us review the situation. Where are we? We have tried all day, and I will propose another unanimous-consent request, to get on with the substantive measure of the tax bill. We have proposed that we go on with the bill and with the amendments which would be handled by the distinguished Senator from Louisiana and the distinguished Senator from Utah. We will get on with the people's business. We will concern ourselves with what is to be returned to the people in the tax bill, not what is to be grabbed from the people by the political grab bag operation.

We are willing to do that. We are not delaying the Senate. This bill would have been passed by now, in my opinion, if it had not been for the interjection of a political fund raising amendment to bail out a political party from its own shortcomings and its own failure to impress the people of this country sufficiently with their merits to raise their own money and not the money of the taxpayers to do it for them. So, what did they do. We were going along very nicely with the tax bill. We would have finished it by now, I think. However, they come in here and offer section X. What happens. Somebody has to call the tune. Somebody has to tell the people. Somebody has to ring the bell. Somebody has to sound the alarm. Somebody has to say, "Why do you take $40 million or $50 million from the social welfare purposes involved in the tax bill and give it to yourselves?"

Every moment you do that, you are increasing the number of Senators who will have to vote against the tax bill, including the speaker, including myself, because I cannot buy a bill which is for the benefit of myself and my colleagues.

I cannot face a situation which would deprive me from going into all States of the Union where candidates are running for reelection without being free to say, "You voted this money at the expense of the people in this audience, and here are one-thousand people." That is, if I can get that big a crowd, and I think I can with as sufficient and concise oratory of this type. And I will say to this 1,000 people,

> Look at the incumbent and look at the opponent, and say to yourself, "Do you want a man who voted a slush fund out of your pocket or do you want a man who is opposed to this grab bag?"

No, we are not delaying the bill. We are ready right now to go back to the bill and I am ready to propose now a unanimous-consent request and that is——

The PRESIDING OFFICER. Does the Senator yield for a unanimous-consent request?

Mr. MANSFIELD. I yield for that purpose, providing I hold the floor.

Mr. SCOTT. Before I propose the request I better clarify something. It was my understanding there was an agreement that the Senator from Connecticut would be in the chair from 8 o'clock on. I may be wrong on this; I do not want to do anybody an injustice. We never had the problem of comity before. But the Senator was ousted from the chair, over his objection. He will confirm that. The chair was turned over to a Member of the majority party, for purposes which escape me. I hope it does not happen again, but if it does I am going to ask my colleagues not to occupy that chair during the late hours of the day. If our tenure is so uncertain and a tenure at will, I am going to ask them not to cooperate because we exist here only through cooperation.

Having said that, and having vented myself of a very minor degree of ill will, which will get me no friends, I now propose a unanimous consent request with the consent of the distinguished majority leader and that is——

Mr. President, I ask unanimous consent that section 10 of the so-called Pastore amendment—otherwise known as the relief of George Wallace or debilitation of SHIRLEY CHISHOLM, or whatever one wants to call it——

I ask unanimous consent that section 10, that consideration of it be deferred until 1 o'clock on Monday; that the Senate proceed to the immediate consideration of the other and substantive items in the tax bill; and that we then return to consideration of the Pastore amendment at the time indicated on Monday.

Mr. MANSFIELD. Mr. President, reserving the right to object, and I shall object, we are on the Pastore amendment at the present time. I think the only way we can face up to it is to face up to it. I think the time has passed when the Pastore amendment can be laid aside. The issue is before us and the leadership is prepared to suggest to the Senate that we are prepared to vote on this side at any time, and we think that on the basis of majority rule, that the majority, no matter on what side it is, should be the determining factor.

Mr. LONG. Mr. President——

Mr. MANSFIELD. I would like to make a countersuggestion and request of the minority leader that he give the most serious and if possible immediate consideration to an agreement on a time certain to vote on the various divisions.

Mr. SCOTT. I will withdraw, with the consent of the majority leader, my request for unanimous consent and submit another.

I request unanimous consent that at this time we return to the consideration of the amendments, other than the Pastore amendment to the tax bill, that we return to the consideration of the Pastore amendment at noon on Monday, and that we vote on the Pastore amendment and all amendments or amendments thereto, not otherwise disposed of, not later than 3 p.m. on Monday.

Mr. MANSFIELD. Mr. President, reserving the right to object, I do so only to yield the floor to the distinguished Senator from Rhode Island to find out what his reaction is.

Mr. PASTORE. Mr. President, if this appears to be somewhat rash, it is, but there is only one characterization I can make of the oratory of the minority leader, inasmuch as he used my name, by characterizing his emotion over his rationality as pure baloney.

Mr. SCOTT. The Senator will have to do better than that to be persuasive.

Mr. PASTORE. You just wait until I get through. [Laughter.]

You just wait until I get through.

The name "Pastore amendment" has been battered around this Chamber now for the last 3 or 4 days, and we have talked emotionally about what we are doing for ourselves and the fact we do not want to leave it to the people. We do not want to leave it to the people?

What is the essence of the Pastore amendment? The Pastore amendment is that the people of this country who pay the taxes shall have the ultimate decision to decide whether or not $1 of their taxpayer money shall be allocated to make sure that the American people have the privilege and opportunity, not only to well know their candidates but also to know the issues that are being advocated by their candidates.

If you call that selfishness, I call that denial of the right of the people to decide what they can do for themselves. I realize there is a little politics in this.

Mr. COOK. Twenty million dollars worth.

Mr. PASTORE. There is a little politics on both sides. All you have to do is look at the votes, and I know what the votes are. Let us face it. Let us face it.

The coffers of the Republican Party are loaded with dough. All we are looking for is a little bit of yeast.

Mr. COOK. Tell us how much.

Mr. PASTORE. After all, what are we saying here? What are we actually saying here?

Here we are, we spend $75 million a day for our involvement in Vietnam—$75 million a day. And what are we talking about here? Fifty million dollars to make sure that the people of the United States will have the opportunity to elect the best man as President and Commander in Chief of the United States of America.

What are we doing here? We are saying, "Take the Presidency off the auction block and give it back to the people. Give it back to the people where it belongs."

But you do not have that confidence. At one time you talk about $113 million and the next time you say it is only $2 million we get. Let us wait and see. Let us wait and see.

The Senator from Rhode Island has said time and time again that if only 2 million people vote for it or allocate the $1 I will be the first one to ask for the repeal of this, but on the other hand if 50 million people participate I say we have struck something that is good for the future and destiny of this great land of ours.

We get up here and shake our bodies about what we are doing for ourselves. That is good politics. But let me tell you something. The American people are not that blind. Only a week ago all over this country you had your President hopping from city to city, to do what? To charm people who could afford to buy a $500 ticket. Why were they there? Because they liked his looks, or are you kidding yourselves? I bet 80 percent were waiting for ambassadorships, and between you and me they stand in the first line, and that is what we are trying to rid this Government of. We are trying to rid this Government of the power of money and give it back to one man, one vote, one dollar. That is all we are talking about.

[Applause—laughter.]

That is the clarion call—one man, one vote, one dollar.

Mr. MILLER. Mr. President, may we have order? I cannot hear the speaker.

[Laughter.]

Mr. PASTORE. Do you know what I am going to do for the Senator from Iowa? I am going to allocate $10 for a hearing aid for him.

[Laughter.]

Because I think he needs it badly.

So I say to my colleagues, do not kid yourselves. The stakes here are big. The stakes here are tremendous. We are not talking about peanuts here tonight. We are talking about big stakes. We are talking about the ability of one party, because it is in power, to raise $50 million while another major party has to go begging, and that is not fair. That is not fair. That is not good for democracy, if you want equality and justice. It is not a matter of who can raise money.

I see the Senator from Colorado there just chirping away. I guess if I had his money I would not worry, either.

Mr. ALLOTT. Are you talking about me?

Mr. PASTORE. No; I am talking about Colorado—the man who was just smiling, and I am saying to my colleagues——

Mr. SCOTT. Mr. President——

Mr. PASTORE. I have the floor. If you want to raise a point of order, raise it.

Mr. SCOTT. The point is you do not have the floor.

Mr. MANSFIELD. Mr. President——

Mr. PASTORE. I have the floor. All I want to say is, go on with your filibuster, you destroy the President's program, and I want to say to my colleagues on the other side, I have supported your President more times than some of you have.

Mr. SCOTT. Mr. President——

Mr. PASTORE. And so I conclude by saying, you try what you want, but in the long run justice will prevail, and this idea, "I ask unanimous consent that we go back to the old bill without the Pastore title X"—you can sell that to the Indians, but not to PASTORE. [Laughter.]

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I would like——

The PRESIDING OFFICER. Let us have order in the Senate Chamber.

Mr. MANSFIELD. Mr. President, may we have order? Who has the floor?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. I would most respectfully request the distinguished Republican leader to repeat his unanimous consent request.

Mr. SCOTT. I shall be glad to, now that the distinguished Senator from Rhode Island has run down.

Before I repeat it, let me say that for every dollar checked off under this amendment, the rest of the people in this country are taxed that much more to run the Government—which we have lost sight of.

I would like to make the point, also, when the Senator from Rhode Island mentions the $500 tickets, what about the $1,000 dinners on his side? When he pleads only for an equal amount of dollars, he cheerfully refers to that every time he mentions money.

I would like to further mention the reference to a filibuster. A filibuster is evidently to be defined now as a tactic of reaction on our part to an attempt by the majority side to grab the money from the taxpayer and run. I do not so define a filibuster. I define it as the highest possible duty of a Senator that whenever we see the public deprived of their tax money for the benefit of an individual to be used in his campaign, we should resist it with all the force at our command, and if we have the votes, we will be successful, and if we do not, we will carry the issue to the country—I think to the extreme discomfort of those who have voted for this money.

Now I repeat the unanimous-consent request. The Senator from Connecticut has asked the majority leader to yield, if he will do so before I repeat my request.

Mr. MANSFIELD. Mr. President, I will be delighted to yield if I do not lose the floor, and then——

Mr. SCOTT. And then I will repeat the request.

The PRESIDING OFFICER. The Senator from Montana yields to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I appreciate being recognized by the Senator from Montana, being in the position I am in rather than in the Chair, due to his efforts——

Mr. MANSFIELD. What did the Senator say?

Mr. WEICKER. I would only comment——

Mr. MANSFIELD. No, Mr. President. What did the Senator say?

Mr. WEICKER. I said I appreciate being where I am rather than in the Chair which was due the Senator from Connecticut at the time——

Mr. MANSFIELD. Due to my efforts, did you say?

Mr. WEICKER. Yes. I was asked to remove myself from the Chair, in order that the Senator from New Mexico might be recognized to take the Chair. But let us get to the merits——

Mr. MANSFIELD. First, I want the record clear that I had no responsibility for what happened up there, and I hope the Senator will take my word for it.

Mr. WEICKER. I take the Senator's word for it.

Let me first say to the Senator from Rhode Island, the suggestion that we get to the business of America, which specifically is not campaign funding, but which is the economic bill, came not from this side of the aisle but from the distinguished Senator from Louisiana, who suggested for a few minutes that we might consider important proposals attendant to this bill that are relevant to this bill. Therefore, I want to make clear that it is not the Senator from Pennsylvania, the minority leadership, or my party who made the suggestion, but, rather, the Senator from Louisiana, and I think he is correct. If we are going to spend some time in these sessions, it should be for the people who are unemployed and the economy that is lagging, and not for those are going to get the money for campaigns.

Number two, the Senator from Rhode Island said we spend $75 million every day on Vietnam. Because we are spending $75 million a day in Vietnam—and more than that prior to this administration—is why your party cannot raise $2 a day in the United States, because that is where you put it.

And then lastly, the piety exhibited by the Senator from Rhode Island and the majority leadership on the other side as to this great bill to reform elections in the United States—make no mistake about it, there is no piety. You are holding America and its unemployed and the lagging economy in hostage to pay your campaign debts.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCOTT. Mr. President——

Mr. PASTORE. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. COOK. Mr. President will the Senator from Montana yield?

Mr. MANSFIELD. Mr. President, I do not wish this colloquy to go any further. I think the Senate has had enough to say for one day and one night, and I am prepared to move that the Senate adjourn very shortly——

Mr. SCOTT. Before that——

Mr. MANSFIELD. Before that I would like to hear the unanimous consent request repeated.

Mr. SCOTT. Mr. President, in order that we can get back to the people's business, I propose again a unanimous consent request that we set aside consideration of the Pastore amendment, that we return to consideration of other amendments in the Tax Bill until noon of Monday next, that thereafter the Pastore amendment shall again be in order, and that a vote shall be had in the interim on amendments, and not later than 3 o'clock there shall be a vote on the Pastore amendment and on any amendment or amendments thereto undisposed of.

Mr. PASTORE. Mr. President, reserving the right to object—will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Will the Senator from Pennsylvania state the reasons for his request?

Mr. SCOTT. Certainly. I have already stated my reasons.

Mr. PASTORE. I know. He just made a unanimous consent request.

Mr. COOK. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Montana yielded to the Senator from Rhode Island.

Mr. SCOTT. Mr. President, the Senator from Rhode Island has addressed a question to the Senator from Pennsylvania as to why I have posed a unanimous-consent request. It is because I believe that action on the tax bill and the impact of that tax bill on the peopeople of this country are of such importance that we should get on with it; that we should make it a priority order of business; that we should then dispose of the Pastore amendment in as brief a time as possible so that we can get to the Defense Department appropriation bill and the economic package; and if the Senator is further curious—he is seeking to ascertain whether we have the votes or not——

Mr. PASTORE. No, no, if the Senator will yield, with the consent of the majority leader——

Mr. MANSFIELD. I yield.

Mr. PASTORE. Did the Senator from Pennsylvania request that on Tuesday next, we will vote on the Pastore amendment?

Mr. SCOTT. Monday next.

Mr. PASTORE. On Monday?

Mr. SCOTT. I requested that by 3 o'clock on Monday we vote on the Pastore amendment, together with any amendments to the Pastore amendment that have not been disposed of by that time.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object——

Mr. MANSFIELD. I yield for that purpose.

Mr. DOMINICK. I have a right to reserve an objection.

The PRESIDING OFFICER. The Senator has a right to object.

Mr. DOMINICK. I reserve the objection.

Mr. MANSFIELD. I yield to the Senator for that purpose.

Mr. DOMINICK. I thank the majority leader very much.

What happens to amendments to the Pastore amendment which are pending, which have not been voted on, if we have been considering the tax amendments in the meanwhile? How do we get any discussion on those?

Mr. SCOTT. My unanimous-consent request would allow for a 3-hour interval. If the Senator from Colorado thinks that is not enough, I would be glad to extend the time on Monday to allow additional time, but it would be my hope that we could dispose of most of the amendments as expeditiously as possible.

Mr. DOMINICK. Further reserving the right to object—and I do not know whether I shall or not—I want to say this: Having been caught in the same kind of a time bind that the Senator from Rhode Island seems to be caught in on two occasions, at the urging of the majority leader and the whip of the majority party, I have withdrawn my amendments so as not to hold up the pending business.

The Senator from Rhode Island does not seem willing to do that. He seems willing to hold up the tax bill as a hostage to his own political amendment, and I find this extremely difficult to accept. It strikes me at this point that what they are doing is saying, "OK, we are going to go along with that," as opposed to saying, "OK, you keep it up against the blade, and if you, by virtue of your amendment, want to kill the whole tax bill, that is your responsibility and not anyone else's."

I find that extremely hard to swallow. I will say to the Senator from Pennsylvania, my distinguished minority leader, and to the majority leader, that I have put up three amendments—no, two amendments; I have two more only—both of which were substantive and good amendments, I thought, to this bill. I was unable to get very many Senators to listen. That is an understandable situation. I was unable to get anyone over there even to accept the appropriation process of this Government to figure out whether or not we ought to use it in effectuating the Pastore amendment.

Having gotten that off my chest, and having told Senators on the other side that we find it difficult to find that we always give and they do not, I will say I will not object to my own leader's request, because I think that would be invidious of me, but I say I do this with considerable alarm, by virtue of the fact that we are letting ourselves be hostages to an amendment which has nothing to do, in fact, with the matter before us.

The PRESIDING OFFICER. Is there objection?

Mr. COOPER. Mr. President, reserving the right to object——

Mr. MANSFIELD. I yield to the Senator for that purpose.

Mr. COOPER. I do not think I ordinarily hold up the works of the Senate, but I must say I find myself in a good deal of sympathy with the Senator from Colorado. This may seem personal, but today I offered an amendment with five or six cosponsors which attempts to be of some help. It would accept almost wholly title IX, except that it would make those funds available also for candidates before nomination, and it would substitute for title X the election reform bill which this body has passed, and of which the Senator from Rhode Island was one of the chief architects.

I would like to have a chance to propose that on Monday, to see if my friends on the other side would be willing to accept title IX, which they themselves proposed, and be willing to accept as a substitute for title X the bill which this body passed, and which they called the great election reform bill.

I think I must say also that I have listened to my good friend from Rhode Island—long-time friends, we call each other, and I think he is. I do not mind having this title of this amendment called what it is, but I do hate to hear it clothed in virtue. I think myself it is the most undemocratic amendment of any kind I have seen before this body, because it is an attempt to force people to donate to candidates whom they oppose.

I just wanted to know what the prospects are for Senators who have now, even as late as I, offered amendments, to have them voted upon. I want to have my amendment voted upon. It is the amendment of the majority.

Mr. SCOTT. Mr. President, if the distinguished Senator from Kentucky and the distinguished Senator from Montana will yield, I would propose amending my request so that, instead of the Pastore amendment becoming the order of business at noon on Monday, with the votes I have suggested occurring not later than 3 p.m., I would suggest that the Pastore amendment become the order of business at 9 a.m. on Monday, which would then give 6 hours for the introduction and disposition of amendments, if that meets with the approval of the distinguished junior Senator from Colorado, the distinguished senior Senator from Kentucky, and the distinguished senior Senator from New Hampshire, who I see is on his feet.

Mr. COTTON. Mr. President, may I reserve the right to object?

Mr. MANSFIELD. Yes, I yield for that purpose.

Mr. COTTON. I am not trying to inject myself into this donnybrook; as far as I am concerned I would just as soon vote on the Pastore amendment right now. I do not think we are gaining anything by all this maneuvering. The issue has been pretty well defined.

But there were five amendments at the desk to follow the Pastore amendment, amendments to the bill.

Mr. MANSFIELD. The Senator is correct.

Mr. COTTON. I came in fifth, so there were four for the time allotted before mine is reached.

As to the amendment of the distinguished Senator from Kentucky, which may be a cure-all for all ill feeling and wounded hearts, I can see the benefits of it. I am in the same position that he is. I am a good soldier, and if this is a party fight, I want to be on the Republican side, and I do not want to object to anything that my leader asks for, but I wish he would not make a request that is absolutely sure to freeze the Senator from New Hampshire right out from consideration of his amendment.

The amendment I have was presented on the tax bill 2 years ago. The Senate passed that amendment by a vote of 65 to 30. It is germane; it does not cost a red cent; and it is, I think, an amendment that deserves another consideration. It was thrown out in conference with the House of Representatives 2 years ago, as I think the distinguished chairman of the Finance Committee will recall.

What I would like to inquire from the distinguished majority or minority leader, whoever wants to answer it, is, if we do not have a chance to discuss the amendments that are at the desk and to vote on them prior to the time that we go back to the Pastore amendment, will we have any chance after the Pastore amendment is disposed of? Because you can filibuster all you want to, but I just do not like to be pushed off the floor of the Senate and deprived of the opportunity to present an amendment which is a serious amendment and which the Senate has once passed by a vote of 65 to 30.

That is my inquiry.

Mr. MANSFIELD. Mr. President, if the Senator will allow me to resume the floor, I think that the requests and suggestions of the distinguished Senator from Kentucky (Mr. Cooper) and the distinguished Senator from New Hampshire (Mr. Cotton) could both be taken care of, because the Senator from New Hampshire already has an allotted time for an amendment which he has had printed, I believe.

Would it be all right to suggest, may I say to the distinguished Republican leader, that he add the following: That all amendments considered during the interval be those on which time has already been limited.

That would take care of this and the others.

Mr. CURTIS. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Mr. President, if I understand the request that is propounded by the distinguished minority leader, it is that the Pastore amendment be temporarily laid aside until 9 o'clock on Monday morning; that, in the meantime, the Senate proceed to consider other amendments to the bill.

I invite attention to the fact that if the Pastore amendment is laid aside until 9 o'clock on Monday morning and we come in tomorrow, when we proceed to consider this bill on tomorrow, the first amendment up will be No. 697, by Mr. Nelson, on which there is a 1-hour time limitation. Of course, amendments can be offered to that amendment, and motions can be made, with time thereon.

Following the disposition of that amendment, the next amendment which is clocked in is No. 544, by Mr. Nelson, on which there is a time limitation of 1 hour. Again, amendments in the second degree and motions and appeals would be in order.

Following that amendment, there is an amendment by Mr. Fulbright, No. 674, on which there is a 30-minute limitation. Again, amendments in the second degree and motions and appeals, with the exception of nondebatable motions, have certain time limitations which I do not recall at the moment.

Following that, an amendment by Mr. Eagleton, No. 687, would be taken up, and there it a time limitation of 30 minutes on that amendment, with amendments in the second degree and so forth in order, again.

Then, No. 5, the amendment by Mr. Cotton, on which there is a time limitation of 1 hour, would be taken up.

Following that amendment, an amendment by Mr. Hansen, on which there is a limitation of 1 hour, would be called up.

So here are six amendments dealing with other parts of the bill on which there is a total time limitation of four and a half hours, aside from the time on rollcalls, aside from time on amendments in the second degree, motions, and so forth.

So there is a good day's work tomorrow on the six amendments to which consent has already been given to limit time thereon. It seems to me that this aspect poses no problem at all. If we agree to the request by the distinguished Senator from Pennsylvania—the Republican leader—these six amendments automatically fall into line for consideration.

Then, when we come in on Monday, and we return to the consideration of the Pastore amendment the first thing, could we have the understanding that a vote occur on that amendment at 3 p.m. on Monday?

Mr. CURTIS. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Would the Senator make it at, rather than by, 3 p.m.?

Mr. COOK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I will yield when the Senator from West Virginia has finished.

Mr. COOK. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. COOK. It is my understanding that the Senator from New York has already asked for a division on the Pastore amendment.

Mr. BYRD of West Virginia. That is correct.

Mr. COOK. Is the Senator saying that prior to 3 o'clock, the division must also occur, including all amendments to the Pastore amendment, and then a division must take place; and if a division is unsuccessful, then a final vote on the Pastore amendment at 3 o'clock; or does he say that the vote on the division which, in essence, is a vote on the Pastore amendment, must take place at 3 o'clock?

Mr. BYRD of West Virginia. I understand the minority leader's request to be that there would be a vote on the Pastore amendment at 3 o'clock.

Mr. COOK. Division has already been ordered.

Mr. BYRD of West Virginia. That is true.

Mr. SCOTT. That would be two votes.

Mr. BYRD of West Virginia. That is correct. The vote would occur on title IX first, and it would be immediately followed by a vote on title X.

Mr. COOK. I thank the Senator.

Mr. CURTIS. Mr. President, reserving the right to object——

Mr. MANSFIELD. I yield for that purpose.

Mr. CURTIS. I rise now to inquire what would be the status of amendments that are offered to the Pastore amendment. I have in mind one amendment which the junior Senator from Nebraska has offered that is printed—it will be printed. It was offered some time ago. Can we have assurance that there will be time, when we return to the Pastore amendment, for a discussion of all amendments that are offered; and if so, how much time?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. At such time as the Senate returns to the consideration of the Pastore amendment—and that would be on Monday, at 9 a.m.—the time agreement with reference to that amendment would still be in effect.

Mr. CURTIS. I did not so understand the request of the distinguished minority leader. It seems to me that under his request, one amendment could be debated for the entire time.

Mr. BYRD of West Virginia. I was just about to say that the agreement with reference to the Pastore amendment would not be vitiated by the unanimous-consent request. Once we get back on the amendment by Senator Pastore, that agreement would still obtain, and there would be 1 hour on any amendment to the Pastore amendment until the hour of 3 o'clock is reached.

Mr. CURTIS. If it is not vitiated, suppose we have 10 amendments. How are we going to have an hour for 10 amendments and vote on some of the amendments and vote on the amendment itself?

Mr. BYRD of West Virginia. Under the rules and precedents of the Senate, in a situation where there is unanimous consent of this kind, there would be 1 hour on each amendment until the hour of 3 o'clock. When the hour of 3 o'clock arrives, if there is a pending amendment in the second degree, we would vote on that amendment. There might be only 10 minutes left.

Mr. CURTIS. Suppose there are amendments waiting to be offered that have not even been called up.

Mr. BYRD of West Virginia. They could be offered. There would be no debate on them, but they would be voted on prior to the two votes on the two titles of the Pastore amendment.

Mr. SCOTT. Mr. President, the Senator from Arizona has a question that bears on that.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. CURTIS. What is suggested here can very well prevent someone from presenting his amendment and explaining it.

Mr. BYRD of West Virginia. That happens here many times when we have a consent agreement that we vote at a particular time on an amendment or a bill.

Mr. CURTIS. It happens when we vote cloture.

Mr. BYRD of West Virginia. It also happens when we have unanimous consent to vote at a particular time on an amendment, as here. A Senator has a right to make a motion or to offer an amendment when all time has expired, but he cannot have any time for debate on it, except by unanimous consent.

Mr. CURTIS. I understand that; but, as does the Senator from Colorado, I dislike to object to an agreement offered by the leadership. But I think the record should stand that we are asked to agree to a procedure here in which amendments offered in good faith may never even get to be explained.

Mr. MANSFIELD. I yield to the distinguished Senator from Arizona.

Mr. FANNIN. I thank the Senator.

Mr. President, my colleague from Arizona (Senator GOLDWATER) asked me to offer four amendments for him this afternoon. I did so. He is absent on business and could not be here. I am sure that he intended to offer these amendments, and that he would expect to have the 30 minutes provided. I do not want to object, but I think he certainly should be given consideration. Will he have time? Thirty minutes was allotted on each of those amendments—30 minutes on each side.

Mr. MANSFIELD. Yes. May I say that tomorrow we would have the amendments which have been enunciated by the assistant majority leader; and after the Pastore amendment is disposed of one way or the other, then other amendments would be in order and would be given consideration. The Senator's rights will be protected.

Mr. FANNIN. Is it understood that these are amendments to the Pastore amendment? These amendments are amendments to the Pastore amendment.

Mr. MANSFIELD. On the bsasis of what the Senator from West Virginia has said, they could be offered; but it would depend on the amount of time used on other amendments as to whether the amount of time Senator GOLDWATER desires would be available.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I suggest that the time for the vote on the Pastore amendment be changed to 5 p.m. While this may not give every proponent of an amendment 1 hour or even half an hour, it would give us 8 hours debate on Monday on amendments to the Pastore amendment.

Mr. FANNIN. Mr. President, I feel, since I introduced these amendments on behalf of my colleague, Mr. GOLDWATER—because he could not be here tonight, he is absent on business—that it would not be my province to say that we would not have the time of 1 hour, which would be 30 minutes on a side, on which to debate each amendment.

Mr. MANSFIELD. Would the Senator allow us to come to an agreement, if possible; and, in the meantime, discuss the matter with the distinguished Senator from Arizona (Mr. GOLDWATER) on his return?

Mr. FANNIN. Would it be that the distinguished majority leader could give us assurance of 1 hour of allotted time to each amendment, if my colleague so desires it?

Mr. MANSFIELD. That is why I would like to discuss it with him, because I could not give that assurance in good faith now.

Mr. FANNIN. I thank the Senator.

The PRESIDING OFFICER (Mr. MONTOYA). The Chair would like to get some clarification on the unanimous-consent request. This is a request to encompass only those amendments for tomorrow which are pending, the six which have been enumerated and amendments thereto; is that correct?

Mr. SCOTT. Mr. President, that is the request of the assistant majority leader, that part of it.

Mr. BYRD of West Virginia. That is not my request. I am simply saying that the unanimous-consent request to lay aside the Pastore amendment——

Mr. COOK. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER. Could any other amendment be offered under that unanimous-consent request when these are disposed of?

Mr. SCOTT. Under my unanimous-consent request; yes.

Mr. COOK. Mr. President, if there are only six amendments tomorrow to the tax bill which are not pertinent to the Pastore amendment, after the vote on the Pastore amendment the bill is open to amendment anyway, and any further amendments anyone wishes to introduce to the bill would then be available, is that not true?

Mr. MANSFIELD. That is right. I thought I said so, but I am glad that the Senator reemphasized it.

Mr. SCOTT. Mr. President, let me restate my unanimous-consent request, then, that we lay aside the consideration of the Pastore amendment until we have disposed of those six amendments as to which unanimous consents have already been had, and that subsequent thereto, amendments shall be in order whether to the Pastore amendment or not but that, in any event, at 9 a.m. on Monday next, the Pastore amendment shall be in order or continue to be in order, and that a vote on the Pastore amendment and any undisposed of amendments to amendments or substitutes shall be voted on at 5 p.m. on Monday. This gives time—before the 6 hours—to consider amendments to the Pastore amendment if desired, after these six amendments to the bill itself, and it gives us 7 or 8 hours on Monday.

Mr. DOMINICK. Mr. President, reserving the right to object once again, if I may——

Mr. MANSFIELD. Yes, sir——

Mr. DOMINICK. I would like to have some idea as to how many amendments to the Pastore amendment have not yet been disposed of. The Senator from Arizona said that his colleague, Mr. GOLDWATER, has introduced four amendments. I have three amendments. The Senator from Iowa (Mr. MILLER) says that he has one. The Senator from Kentucky (Mr. COOPER) has one. The Senator from Nebraska (Mr. CURTIS) has one. The Senator from Kentucky (Mr. COOK) has three. The Senator from Wyoming (Mr. HANSEN) has two.

How are we going to get through all those amendments by 5 o'clock and get some decent consideration of them?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. DOMINICK. A quick count shows that we have 15 amendments over here, at the desk for printing.

Mr. MANSFIELD. It may well be, depending on the outcome of some of the amendments, that others might not be offered. There is always the possibility that the sponsors of the amendments might consider reducing the time on them.

The PRESIDING OFFICER. Is there objection to the——

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. FANNIN. Mr. President, reserving the right to object, do I have the assurance of the majority leader that my colleague, Mr. GOLDWATER, will have the 4 hours in which to debate his amendments, with 30 minutes on each side?

Mr. MANSFIELD. No, I could not give the Senator that assurance, but I would like to talk with the Senator from Arizona (Mr. GOLDWATER) to see if something could be worked out. May I say that I have always found Senator GOLDWATER to be a most reasonable and understanding man.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. FANNIN. I thank the Senator from Montana. I will not object, having that assurance from the majority leader.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Republican leader include in his unanimous-consent request a provision that there be a limitation on the amendments that could be called up tomorrow? The limitation I am referring to is that we consider only those amendments tomorrow on which a time limitation has already been agreed to. That would place a limitation on the number of amendments tomorrow—six at the most.

Mr. SCOTT. I would rather not, if the assistant majority leader does not mind, for the obvious reason that we may have some more amendments come in.

Mr. BYRD of West Virginia. I see. Very well.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SYMINGTON. Mr. President, reserving the right to object, what is the unanimous-consent request?

Mr. MANSFIELD. Consent to the unanimous-consent request has just been given. It will allow the Senate to take up six amendments on a 1 hour time limitation tomorrow, beginning at 9 o'clock and ending at 5 o'clock, and then we come to the vote on the division on the Pastore amendment.

One thing I want to make clear, that while the hour of 5 o'clock has been set, I think the Senate should be on notice that if an accommodation is necessary with a Senator like the Senator from Arizona (Mr. GOLDWATER), that accommodation will be made.

Mr. FANNIN. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? There being no objection, the unanimous-consent request is agreed to.

Mr. HANSEN. Mr. President, reserving the right to object——

Mr. MANSFIELD. It has already been agreed to. It was just agreed to.

Mr. HANSEN. It was?

Mr. MANSFIELD. Yes, it was. Even when the Senator raised the question, but if the Senator wants to rescind it, I will be glad to do so.

Mr. HANSEN. No.

Mr. LONG. Mr. President, if I understand it correctly now, beginning on Monday next, we come in at 9 o'clock and then do I understand correctly that we will be voting on amendments to the Pastore amendment every hour after 9 o'clock with the same 1-hour limitation on amendments up until 5 o'clock, and then at 5 o'clock we will be voting on amendments which may arise therefrom?

Mr. MANSFIELD. That is what it will amount to, but again I ask my colleagues to understand the situation which has developed because of the fact that the Senator from Arizona (Mr. GOLDWATER) has four amendments, about which we knew nothing. It may go beyond that time.

Mr. LONG. Then Senators should be on notice that they can expect a vote on the first amendment to the Pastore amendment to come at about 10 o'clock on Monday morning next?

Mr. MANSFIELD. Roughly.

Mr. BYRD of West Virginia. If the distinguished majority leader will yield, I am not going to belabor this, but there is something that the distinguished Republican leader, I thought, included in his request that concerned me. It is for that reason that I want to have it clarified. I thought he indicated that on tomorrow we would proceed with other amendments to the bill which would include the six, and I thought he went on to include amendments also to the Pastore amendment.

Mr. PASTORE. No.

Mr. SCOTT. No. I will be glad to clarify that. I may have said it, but I think I requested that we vote on the six amendments first and then on other amendments to the bill, not including any amendments to the Pastore amendment. That will simplify it.

The distinguished majority leader and I will undertake to work out something in regard to the four amendments of the Senator from Arizona (Mr. GOLDWATER) with protection of the time there. Somehow, even if it is necessary to ask for a change in the unanimous-consent request, we will do so.

Mr. BYRD of West Virginia. I thank the Senator.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. I yield to the Senator from Wyoming.

Mr. HANSEN. That was precisely the point I was attempting to raise and I thank my distinguished colleague for clarifying the situation.

Several Senators addressed the Chair.

Mr. MILLER. Mr. President, may I say, on the basis of what the leader has said, that I am confused about tomorrow. I thought I heard it explained by the Senator from West Virginia and I thought others had, too, that tomorrow we were going to come in and discuss the six amendments and that we do not go on to anything else.

Mr. MANSFIELD. That is correct. If the Senate wants to, it can, but it will be up to the Senate to decide that. But we have those six on tomorrow.

Mr. ALLOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am glad to yield to the Senator from Colorado and then I shall move to adjourn the Senate.

Mr. ALLOTT. Mr. President, I have one short piece of legislative history which I want to establish with regard to this bill.

Do we have to get unanimous consent for me to have time to do that, or do I have to take time out of amendments on tomorrow to do it?

Mr. MANSFIELD. We will try to come to an accommodation in some way with the Senator. I cannot answer the question now.

Mr. ALLOTT. Mr. President, it will not take 5 minutes.

ADJOURNMENT TO 9 A.M.

Mr. MANSFIELD. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Saturday, November 20, 1971, at 9 a.m.

NOMINATION

Executive nomination received by the Senate November 19, 1971:

U.S. DISTRICT COURTS

Leroy J. Contie, Jr., of Ohio, to be a U.S. district judge for the northern district of Ohio vice James C. Connell, retired.

EXTENSIONS OF REMARKS

VETERANS DAY—NOVEMBER 11

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. LANDGREBE. Mr. Speaker, several of my distinguished colleagues in this House have already introduced legislation to return the Veterans Day holiday back to its traditional November 11 date. I commend these gentlemen and I will be joining them shortly with identical legislation of my own. I would urge my colleagues to give speedy and favorable consideration to this action, which would serve to remind Americans of the importance and value of their precious heritage.

Until recently, I had looked upon the shift away from our traditional holiday observances and toward the new 3-day weekend holidays with equanimity. I cared little about it one way or the other. Then, two things happened within the past week that have given me pause to reflect.

First, I participated in a traditional Veterans Day observance in Hobart, Ind., on the old date of November 11. The observance, sponsored by the Veterans of Foreign Wars, was one of the most moving ceremonies I have ever experienced. My first thought was, "Patriotism is not dead in Hobart."

But then the greater significance of the event hit me. November 11 was not even a holiday any more. And still the people of Hobart turned out. Why? To pay tribute to those brave men, living and dead, who sacrificed so greatly to preserve their Nation and their freedom. Hobart's citizens did not need a day off from work to do this; they did it because they cared—because they valued the heritage of the American veteran.

The second event took place Sunday in Merrillville, Ind., only a few miles from Hobart, when I attended worship services at the Prince of Peace Lutheran Church. This is not my home church, but I had several appointments in Merrillville that day. The pastor, Rev. Larry L. Shaver, delivered the sermon on the importance of the American legacy. I obtained an excerpt of that sermon and commend it to the attention of the House. The excerpt follows:

FROM SERMON DELIVERED BY REV. LARRY L. SHAVER, PRINCE OF PEACE LUTHERAN CHURCH, MERRILLVILLE, INDIANA, SUNDAY, NOVEMBER 14, 1971

Recently, I was shocked to read that our traditional Armistice Day observation of November 11 was being abandoned in favor of adding another 3-day holiday to the growing schedule of leisure-loving America. I suppose to many people this was looked upon as a very good move, especially to those who are thought to be overworked. But the importance of our American legacy is much more important! It seems that we have taken the freedoms provided by our forefathers' blood, sweat, tears and diligence and partially examined their sacrifice, siphoning off that which brings us pleasure and discarding that which costs us.

I've been told by some well-meaning people that we are not to become excited about our forefathers' experiences. And what is more, what they thought important is not necessarily binding on us today.

I cannot stand by and agree with apathetic and naive acquiescence to a partial view and appreciation of American history. I believe our legacy as Americans is something to get excited about. Our legacy as Americans is something to be proud of. Our legacy as Americans has an eternal lesson we must keep before us, namely, that freedom and the exercise of that freedom comes through and is guaranteed by our responsibilities gladly accepted and sacrifices willingly paid.

November 11 was a day set aside by thoughtful Americans as a day of solemn commemoration and astute hope for lasting world peace. It was a day men wanted to remember as a day when all wars should cease. Men died for that conviction. But our present day society has allowed through ignoring that precious legacy the latitudinarian element of our society to permeate. So, the new permissiveness that "everybody is doing it" ushers in the dangerous guarantee that legacy will be ignored and history will be forgotten. We have forgotten first principles. The Bible warns us that "to whom much is given, much is required."

The first book of the Bible, Genesis, lays down a clear mandate for law and order as the basis of a created universe. God wants man to live in an ordered society. But we in America have decided that occasions of prayers of commemoration and solemn thanksgiving should be replaced with a three-day holiday, a three-day vacation, if you please.

In a time when we need to embellish the fact of a costly national legacy, we have chosen to abandon the responsibilities to heed the lesson the legacy teaches. Monday can now be used to sober up from Sunday. In intent, this is a far cry from the famous Bible verse thought so precious to some framers of the Constitution, namely "Righteousness exalteth a nation."

NATIONAL DAY OF RECOGNITION FOR SENIOR CITIZENS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BROOMFIELD. Mr. Speaker, I stand today to commend the efforts of VIP—Very Important Patients—to dedicate Thanksgiving Day as a day of remembrance to America's senior citizens.

This nonprofit, voluntary agency has served to remind us all of the great debt of appreciation that we owe to the 20 million citizens age 65 and over. Indeed, in the final analysis, it was through their sacrifice, perseverance, and hard work that this Nation has scaled the heights of greatness.

I can think of no more appropriate time to extend our gratitude to this all too often neglected segment of our population. Thanksgiving is a day when we should take pause; to stand back and recall the many blessings that we have.

Unfortunately, for all too many senior citizens, especially those living alone or in homes for the aged, Thanksgiving Day is but another day filled with unbroken solitude. This is why I am most proud to join with my colleagues to make this occasion a truly meaningful event for these deserving people.

Mr. Speaker, these Americans which we seek to honor next week have written an admirable chapter in American history. Their record speaks for itself. I need not remind anyone here today of their defense of this country in two world wars nor their perseverance during the depths of the great depression. These are but a few examples of the spirit and vitality of this generation which we call older Americans.

They have displayed a quality of leadership and strength of moral character which, unlike mere physical power, endures the test of time. These same qualities still burn fiercely within these people to light the way for those of us who may be too easily tempted to despair.

I would be deeply disappointed, Mr. Speaker, if this national day of recognition did not serve as the impetus for a renewed concern for the peculiar handicaps which the elderly face. There is a great deal that we can do legislatively to amend these inequities.

In the meantime, I hope that all American families will take a moment this coming Thursday to acknowledge the blessings that our older citizens have bequeathed to us and demonstrate a continuing concern for their welfare.

LEGISLATIVE QUESTIONNAIRE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MIZELL. Mr. Speaker, since I first entered Congress in January 1969, I have done my best to provide the most accurate and effective representation possible for the people of the Fifth District of North Carolina.

Through a large volume of constituent mail, frequent visits with citizen groups in the district, open office hours in each of the district's eight counties, in private conversations with hundreds of my constituents every year and in other ways, I have sought to learn their views on the great issues facing the Nation today, as well as their individual problems involving the Federal Government.

One of the most effective means I have found of gaging popular opinion in my district is the legislative questionnaire, a series of several questions dealing with matters of concern to my constituents and to the Nation at large.

I have recently tabulated the results of my 1971 legislative questionnaire, and I have already announced the results of the polls to the news media in the Fifth District.

I believe the results of the poll will also be of interest to my colleagues in the House, perhaps to compare my constituents' responses to those in other areas of the country.

Therefore, I would now like to place in the RECORD the text of my news release announcing the questionnaire results.

The text follows:

LEGISLATIVE QUESTIONNAIRE

WASHINGTON, D.C.—U.S. Representative Wilmer (Vinegar Bend) Mizell (R.-N.C.) today released the results of his 1971 legislative questionnaire.

Based on almost 10,000 responses, the poll reflects the opinions of Mizell's fifth district constituents on a wide variety of issues.

In releasing the results, Mizell said, "I sincerely want to thank the thousands of people in the fifth district who responded to my questionnaire. The results of this poll will be an invaluable tool in my efforts to represent as accurately and effectively as possible the views of the people I serve."

The questions and opinion percentages are as follows:

1. Do you favor the busing of school children to achieve racial balance?

5% yes; 93% no; 2% uncertain.

2. Do you bbelieve the present welfare system needs to be reformed?

93% yes; 5% no; 2% uncertain.

3. Do you support a welfare reform that establishes a guaranteed annual income?

13% yes; 82% no; 5% uncertain.

4. Do you favor Congress enacting a national health insurance program to cover catastrophic or prolonged illnesses?

69% yes; 24% no; 7% uncertain.

5. Do you support the President's Vietnamization program for ending American involvement in Vietnam?

79% yes; 16% no; 5% uncertain.

6. Do you support the overall objectives of the President's revenue sharing proposal to move power and control from Washington to the local level?

80% yes; 13% no; 7% uncertain.

7. Do you think government workers and other public employees should have the right to strike?

25% yes; 69% no; 6% uncertain.

8. Do you believe pornographic material should be sent through the mail only to those who have specifically requested it?

77% yes; 17% no; 5% uncertain.

9. Are you satisfied with President Nixon's overall performance?

55% yes; 37% no; 8% uncertain.

10. Do you favor restoring the right of voluntary prayer in schools and other public facilities?

92% yes; 5% no; 3% uncertain.

11. Do you favor the President's proposed trip to mainland China?

65% yes; 26% no; 9% uncertain.

12. Do you favor the admission of mainland China to the United Nations? (Select one)

(A) Provided Nationalist China retains its seat in the U.N?—71%.

(B) Even if the result is Nationalist China's withdrawal or removal from the U.N.?—16%.

WELFARE REFORM: TIME TO DO IT RIGHT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. MIZELL. Mr. Speaker, my colleagues all know that I have spoken several times in this Chamber and elsewhere on the need for meaningful and constructive reform of the welfare system in America.

In my 1971 legislative questionnaire, 93 percent of my constituents in the Fifth District of North Carolina who responded to the questionnaire said they felt some kind of welfare reform was necessary.

The Congress has been considering this same problem during this session, and the House has passed a bill that goes a long way toward providing improved assistance to those who really need it.

One of the provisions of that bill, however, is totally unacceptable to me and, again according to my latest questionnaire, unacceptable to the vast majority of the people I represent.

That provision is the establishment of a guaranteed annual income floor. Eighty-two percent of my constituents responding to my recent questionnaire expressed definite opposition to this policy. I voted against the legislation passed by the House earlier in this session, largely on the basis of my unqualified and uncompromising opposition to a guaranteed annual income.

But I am still anxious for this Congress to continue its efforts to find a more suitable and practical solution to the welfare problem.

In my efforts to contribute to this worthwhile debate, I would like to insert in the RECORD at this time the text of a speech delivered last month to the West Virginia Chamber of Commerce by Mr. Archie K. Davis, who, as current president of the U.S. Chamber of Commerce, is one of my most prominent constituents.

I believe his remarks will prove informative and enlightening to my colleagues, and I urge them to give careful consideration to Mr. Davis' well-expressed message.

The text follows:

WELFARE REFORM: TIME TO DO IT RIGHT

(Address by Archie K. Davis)

My primary purpose this evening is to discuss briefly some matters of grave concern to us all. I am aware that such an approach flies in the face of the public relations dictum that everything must be presented in a positive way. Unfortunately, the closest I can come to honoring that advice is to state that this country of ours, without question and in a very positive way, is deeply in trouble.

As Winston Churchill realized, early in World War II, there comes a time when sugar-coating bad news is ignoble and totally inadequate to the occasion, for great and courageous peoples have a way of overcoming seemingly insurmountable obstacles once they have made up their minds to face them.

Until President Nixon's dramatic economic policy statement, we Americans had not really faced up to our troubles. We were living—midway through the second half of the Twentieth Century—in a state of euphoria, if not in a fool's paradise.

EVIDENCE OF ECONOMIC TROUBLE

Consider the evidence that confronted the President and his economic advisors just three weeks ago:

The postwar era of total American industrial and technological supremacy has ended. We now live in an age of intensifying international competition, but we have continued to behave, in many ways, as if nothing has changed.

Our economic problems have been steadily compounding. We have grown accustomed to three-year increases of 30 and 40 percent in wages, which have resulted in escalating prices in the face of relatively high unemployment. Our balance of payments position remains highly unsatisfactory. The United States faces its first trade deficit since 1893. The Federal budget deficit for fiscal 1971, just ended, is a near record $23.2 billion. The Administration estimates that if we were at full employment, the budget would have shown a surplus of $2.5 billion. But what difference do hypothetical calculations of non-existent full employment surpluses make when we are living through a deep-rooted and persistent inflation which has shown few signs of abating?

The post-World War II inflation in other industrial countries, particularly Canada and Great Britain, says Federal Reserve Board Chairman Arthur F. Burns, "shouts warnings that even a long stretch of high and rising unemployment may not suffice to check the inflationary process."

The reason is that inflationary tendencies in our economy have become chronic because of the rise of the welfare state, the growing imbalance in the power of the labor unions, and the shift of employment towards the service industries.

The welfare state pushes the Federal Government, under any administration, towards chronic budget deficits, and we have had 16 years of such deficits in the 21 fiscal years since 1950. Budget deficits that recur so regularly contribute to expectations of inflation, even though deficits incurred in recessions may not contribute to excess demand in a technical sense.

There are many new and costly forces at today's union bargaining table. They include unrealistic wage expectations of more militant union members who, expecting that chronic inflation will continue, want protection from both past and future inflation. They include wage settlements patterned on 30 percent increases compounded over a three-year period in basic industries like steel, compared with annual productivity gains of three percent per man-hour.

The result of excessive cost-push by unions in an economy pledged to full employment has been lessened resistance of employers to excessive wage demands. And the result of the wage-price spiral has been the loss of competitiveness in American products—and jobs—in the marketplaces of the world. Therefore, we are seeing an ominous trend towards government restriction of trade with other countries in order to protect union jobs and industry products in affected industries. But building discriminatory walls of tariffs and quotas to keep out foreign products would only bring retaliation as trading partners prohibit or restrict our exports to them.

The rising pressure by unions and some industries for selective trade restrictions, however, occurs at just the time when Europe and Japan offer a new competitive challenge to our mass production industries and jobs. The rapid move of the EEC countries toward economic unity gives their corporations, for the first time in the modern industrial era, economies of scale in production for a subcontinental freetrade market—an advantage that we have long enjoyed.

Japan, whose people save and invest more than 20 percent, as contrasted with our five-to-six percent of personal income, has more than doubled our record of growth since World War II. Continued expansion by Japan in coming decades at past rates would make Japanese incomes the highest in the world.

Meanwhile, the shift of employment here from goods-producing to service industries may see 60 percent of our labor force in service industries by 1980. Our gains in productivity, however, have come most rapidly from agriculture and manufacturing. This means that, in order to maintain the real growth in our output which has been the source of our gains in reducing poverty, we need to concentrate on improving productivity in the service industries as well as in agriculture and manufacturing.

NEW PROBLEMS AND OLD ILLUSIONS

It is only when we view our problems in their total relationship to one another that we begin to comprehend their total magnitude. A growing welfare state, chronic government deficits, steadily mounting inflation, a deteriorating competitive position in world trade, shrinking trade surpluses, the possibility of mounting unemployment, continued deficits in the international balance of payments, the declining value of the dollar, devaluation—all are so closely related that action and reaction are inevitably and predictably linked.

This was the grim and sobering evidence that confronted the Nation's top economic planners that August weekend at Camp David.

I believe these men realized that somewhere along the line, no matter how well-intentioned, we had gotten off the track. Our house was not in order. In a relative sense, other parts of the world were positioning themselves to move ahead of us. We could no longer afford the illusion of unchallengeable supremacy; that day had long passed, and yet there were—and still are—those among us who seem to think we still have unlimited resources, that the law of supply and demand, a desire to work, competitive efficiency in production, and financial responsibility really don't apply to us.

The irony of the moment is why this great nation of ours, at a time when its world leadership is seriously challenged, is so preoccupied with welfarism that it has been neglecting the basic ingredients of economic opportunity.

Such thoughts, I am sure, must have occured to the President, because the economic program he announced August 15 places great emphasis on re-creating economic opportunity—on stimulating industry and providing new jobs. We cannot yet tell if the program will achieve its commendable goals, but there is no disagreement about the objectives.

And the President did something else of great significance on that day: He announced that the proposed welfare reform and revenue sharing programs would be deferred.

TIME TO REEXAMINE THE WELFARE PROBLEM

We do not know if Congress will accede to the President's wishes—the House has already passed the welfare reform bill—but we may hope so. There is a desperate need to pause and take a long, hard look at the entire subject of welfare reform before we plunge recklessly into a disaster of unprecedented magnitude.

So with these thoughts in mind, I would like this evening to make a contribution to what I hope would be at least a year of responsible, thorough analysis of the welfare problem and its solution. We have gained a valuable breathing-space; it is essential that we use it to the best possible advantage.

And it is within this context one must strongly question the wisdom of the existing bill, H.R. 1, the so-called "welfare reform" measure with a price of almost incalculable dimensions. Attempting to solve the welfare problem in the manner represented by this bill would be directly comparable to fighting a fire with gasoline.

But to understand why this is true, we need to know something of the background of our persent welfare system—or nonsystem, to be more precise.

"Welfare" today comprises four major income-maintenance or income-supplement programs, plus Medicaid. Medicaid is worth an entire speech in itself, but I will exclude it from this discussion as it is not really a general income supplement.

The four programs remaining are Old Age assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children.

There are really no problems with the first three of these programs—aid to the aged, the blind and the disabled. The numbers of recipients in these categories have remained fairly stable over the years. There is no alarming growth trend, nor is there any argument about the justification for aid. These unfortunate citizens are unable to work through no fault of their own. Our society can care for them, and simple compassion demands that we do so. The only reform needed with respect to these categories is a simplification of administrative procedures, which is provided in H.R. 1, along with federalization of the payments, which is simply a form of revenue-sharing. It is one of the new noncontroversial sections of the bill.

AFDC: THE ROOT OF THE PROBLEM

The entire welfare problem is associated with the fourth category of aid—Aid to Families with Dependent Children.

AFDC began modestly enough in the 1930's, as a federal supplement to state widow's pensions. It has since become a monster that seems to feed and grow larger on every attempt to reduce its size. By the beginning of this year, there were nearly 10 million people on AFDC rolls. The typical AFDC family has three children, one adult. Most live in big cities. Half the families are white, half black. In three cases out of four, the father is absent. Two out of five families include illegitimate children.

From the early 1950's to 1970, the average monthly benefit of AFDC families more than doubled. Throughout these same years, the numer of welfare workers has increased 50 percent faster than the number of welfare recipients.

There are now at least 168 programs in the Federal Government designed to eliminate poverty. They are conservatively estimated to have cost $23 billion in the fiscal year 1970. The projected cost for these programs for fiscal 1972 is $31.1 billion. That is enough money to provide $4,800 for every poor family of four, if it were distributed directly to the recipients.

MORE MONEY NOT THE ANSWER

In short, we have attempted to overcome the problem by a vast increase in the amount of money and manpower devoted to its solution. The result is almost incredible: The AFDC rolls increased by nearly 300 percent during the most affluent period in this nation's history. In the last ten years alone, the cost of AFDC benefits has gone up nearly 500 percent, to $4.85 billion for 1970.

It should not be surprising to discover that offering higher welfare benefits tends to increase the number of people on welfare. That is the effect one would naturally expect. As AFDC payments get larger, they reach the wage level for low-paying jobs. New Jersey and Alaska, for example, both have AFDC payment schedules calling for more than $4,000 a year for a family of four. In New York City, a family of four on AFDC, and living in public housing, is receiving the equivalent of more than $7,000 a year. Under these circumstances, one would expect many workers in low-paying jobs to quit work and go on welfare. There is ample evidence that this is precisely what is happening. The higher the welfare benefits, the faster this process will escalate.

Needless to say, if the incentives are such that former workers are quitting in favor of welfare, it is not realistic to expect many welfare recipients to seek jobs. There *is* evidence that many welfare recipients would prefer to work for a living, but not if it means a cut in their income. The welfare recipient who is receiving the equivalent of $7,000 a year in aid, without taxes, will hardly leap at a job paying $4,000 a year, with taxes, if it means the loss of the aid.

GUARANTEED INCOME A GUARANTEED DISASTER

H.R. 1 attempts to meet this problem by permitting the welfare recipient to keep some of his welfare check even after getting a job. As the bill now stands, the government would provide a minimum of $2,400 a year for a family of four with no income, and would pay benefits on a decreasing scale until a family's earned income reached $4,320. That means the government would be paying money to those with low-paying jobs as well as to those without jobs.

This tapering-off of aid is supposed to provide an incentive for the recipient to seek work. Apparently not even the authors of H.R. 1 felt this incentive would work, for included in the bill are provisions *requiring* the able-bodied and trainable to accept job-training and jobs.

Several studies have shown that this kind of work "incentive" is really an incentive to *quit* work. The most recent was a study commissioned by the National Chamber and conducted by two Georgetown University economists, Prof. Alfred J. Tella, and his wife, Dorothy. It indicated that the effect of work "incentives" like those proposed in H.R. 1 would tend to induce the "working poor" to work less, not more.

A federal test of the guaranteed income concept is now in progress in New Jersey. It is not yet complete, but the preliminary findings indicate the same result as the Chamber study, namely, guaranteed income plans *reduce* rather than enhance the work incentive. To put it another way, neither the theory nor the recipients work well in practice.

So in the final analysis, what the taxpayer would be asked to do under this bill is to pay for a huge expansion in the numbers of people on welfare—from 10 to 25 million—in the *name* of "welfare reform," but without any real reform.

Further, there is every evidence that the cost of this program—if it were enacted—would increase more sharply than any welfare program in U.S. history. The initial proposal of a minimum benefit of $1,600 a year has already been increased twice—to $2,200 and then to $2,400—and the law is not yet through Congress! The National Welfare Rights Organization is demanding a guaranteed minimum income of $6,500 a year—a figure that would cover half the population of the country and cost $75 billion a year, *if* there were still any taxpayers left to pay it.

The fact that it would make the welfare problem worse, rather than better, is undoubtedly the *biggest* thing wrong with the "welfare reform" bill, but it is not the *only* thing wrong with it.

SOCIAL SECURITY TAXES UP

If this bill were passed, Social Security Taxes would go up as well. Next year, the tax rate would increase from 5.2 to 5.4 percent, which doesn't sound like much in itself, but the taxable wage base would also rise—from the present $7,800 to $10,200. These two changes would cost an extra $142.30 a year for anyone making at least $10,200 annually. They would cost his employer the same amount.

In other words, for the average man, this one increase alone would more than wipe out the benefits of the tax relief the President has proposed for next year.

And that's only the first of a series of proposed rate increases. By 1980, the cost of Social Security under H.R. 1 would be double the cost scheduled for that year under the present law. The combined employer-employee tax rate would increase from the present 10.4 percent to 14.8 percent by 1980, and the wage base would climb to $14,100.

Some of the government's own experts are reported to be questioning the need for such steep increases, and we can only hope that those reports are true. If the government takes away with its left hand more than it gives with its right, efforts to stimulate consumer buying activity are doomed to early failure.

What, then, might be the net effect of the kind of welfare program embodied in H.R. 1? It could expand dramatically the numbers on welfare in our nation, reduce significantly the amount of work performed, and raise ominously the taxes ordinary Americans may have to pay in order to finance a huge underclass of nonworkers and part-time workers who will have, with government approval, a vested interest in steadily increasing the level of income guarantee in the years ahead.

If anyone thinks "it can't happen here," he only has to look at New York City, where with a modified income guarantee in effect for the working poor, one out of seven people in that rich city are on welfare—that's 1,200,000 people out of 7 million, receiving close to $2 billion in support from taxpayers.

WELFARE AND INFLATION

There is much more yet that is wrong and disturbing about the philosophy exemplified by H.R. 1. It is that such an expansion of the welfare state would threaten the middle class family with continued chronic inflation, just when the country is at last trying to come to grips with that danger.

The plain fact is that inflation and higher taxes have long been eating away the real gains in income of many middle class Americans. The Tax Foundation has calculated the experience during the 1960's of a hypothetical family, the Greens, having a 19-year-old son—a freshmen in college—and a 17-year-old girl, a high school senior. Charlie Green makes $11,000 a year, owns his own home, worth $30,000, and commutes to his job by car. Total direct taxes (not counting hidden taxes) now take 32 cents out of every dollar of his income, compared to 23 cents ten years ago. Even though he earns $3,500 more in salary than in 1960, there is no net gain. Higher taxes have taken over half his pay raise: $1,768 to be exact. Inflation has taken the other half, since the dollar of 1960 has shrunk to 77 cents today.

Inflation and taxes in this country have been wiping out the gains in real income of tens of millions of poor and nonpoor families while our government leaders, again no matter how well-intentioned, have been fundamentally undermining our will to work for a living. The huge increase in taxes of the 1960's has not brought the people of this country the reduction in poverty, the increase in human welfare, or the improved quality of life that the liberal spenders promised us. Instead, they have brought the opposite.

No matter how hard Congress tries to "abolish poverty by 1976," poverty cannot be abolished by legislation, it can only be abolished by intelligent use of our resources to raise people's real incomes by economic growth and a stable dollar. Abolishing poverty by legislative fiat is a tragic and deceptive shell game to buy off the poor, while taxes and inflation eat away at their incomes and at the vital center of our confidence in intelligent economic advance.

GUARANTEE OPPORTUNITY, NOT INCOME

The National Chamber believes we need in this country to open, not close the door to job opportunity. We can guarantee opportunity for the poor and the nonpoor, for business and labor, not by more subsidies that swell the size of an already surfeited welfare state, but by getting our government fiscal house in order, winning the battle against inflation, which has been bleeding poor and nonpoor alike, and providing conditions for stable, noninflationary economic growth and high employment.

The National Chamber is urging the Administration and Congress to develop a continuing new program which recognizes (1) that most AFDC families are on welfare because they have lost their regular breadwinner, and (2) that the long-range solution must be found in helping the family adult—in most cases, a mother—become a regular breadwinner.

This new program must emphasize occupational rehabilitation, and operate at the community level in our 130 larger cities (where the majority of AFDC families live). The goal must be to train able-bodied adults now on AFDC and to get them into jobs. This can be done by:

Identifying the manpower potential of AFDC adults in each of these communities.

Developing priorities among these adults for referral to job training.

Making expanded child care facilities available, so that AFDC mothers can take job-training and subsequent jobs.

Identifying shortages of qualified workers for entry-level jobs—on a continuing basis, through such methods as the Job Bank.

Providing adequate training allowances.

Continuing some welfare for a period of time; for about one year of regular full-time employment, to facilitate debt repayment and help overcome the uncertainties of initial job success.

Solution of the AFDC problem must be given top priority in any welfare reform. Additionally, the Administration and the Congress should develop a program for upgrading the regularly employed family heads whose present earning capacity is relatively low.

This approach should be centered on establishing public-afterwork training programs for those in "working poor" families. It would help those at lower-pay levels to improve their lot, if they have initiative and desire, and it would also help meet employers' needs for workers with better skills.

It would help solve the AFDC problem, because, as these workers moved up the ladder, jobs for AFDC adults would be opened.

Such a constructive two-part alternative is needed to solve our welfare problem. We do not need merely a welfare expansion bill.

A REPRIEVE

This review of the relationship of inflation to welfare schemes brings us full circle to H.R. 1 and its threat to overflow our welfare rolls, escalate our tax rates, and dry up the work effort of our people.

President Nixon has given us a reprieve. He has recognized that bold, new initiatives are essential to surmount our serious economic problems. And he has also recognized that it is time to set aside some of the old initiatives that threatened to lead us ever downward.

I heartily endorse his strong leadership in the struggle for economic stability, and I welcome his implied assessment of the family assistance plan as a program we cannot now afford.

But it is important to remember that where H.R. 1 is concerned, a reprieve is not a pardon. Nor is the decision to stall this costly program the President's alone. Business leadership will still be sorely needed to combat with all the vigor at its command the potentially disastrous effects of a guaranteed income.

Every businessman in this country, who cares about the social values which have made this nation great, should urge his senators to defer H.R. 1 not just for a year, but forever. Then let's get busy and find a *real* solution to the welfare problem. We in the National Chamber intend to do all we can, and we need your help.

THE NORTHERN IRELAND SITUATION: A REPORT, NO. 15

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BIAGGI. Mr. Speaker, an English inquiry panel recently investigated charges of brutality by British soldiers against citizens of Northern Ireland. Their conclusions were that there was no brutality. This is absurd.

I have been including in the RECORD over the last several weeks, affidavits of abuse and brutality. Bear in mind, that these are only a few of the cases. Many will not sign affidavits for fear of reprisals. The inquiry was nothing short of whitewash.

Mr. Speaker, we here in Congress must continue to protest the persecution and denial of rights that are daily occurrences in Northern Ireland. My resolution calling for a plebiscite in all of Ireland to determine the question of national reunification should be passed. To delay action is to deny to the citizens of Northern Ireland the justice they are due.

The report follows:

REPORT ON ARREST, INTERROGATION AND TREATMENT OF: JOSEPH HUGHES

Age: 45. Father of 10 children, ages 3–19.

On Monday August 9, 1971 at about 4 a.m. my wife heard shouts and the door being broken down. There were 8 soldiers there. She woke me. She preceded me downstairs and was butted by a rifle in the stomach. My daughter Geraldine (16) was struck on the head with a baton. The officer in charge kept repeating, "Hugh Joseph Hughes" (not my name). Another said, "let's have him." The soldiers were agitated and in hurry and kept saying, "the women will be out any moment."

I was pulled by the hair on to the street, batoned on the head and kicked on the leg. I was then forced to run 400 yards in my bare feet to a truck.

The children upstairs panicked and screamed as I was rushed off. My wife was butted with a rifle as she protested to the soldiers.

I was transferred to a lorry, made to be face down on the floor, covered with blankets and struck with rifles. There were other detainees in the lorry, some lying on top of each other.

The lorry drove off to collect other detainees. We reached Girdwood Army Barracks about 7 a.m. I was pushed off the lorry and on to the ground. I was put into a room and interrogated, (name, address, politics etc.) During the morning a number of detainees were maltreated by the army in full view of the police.

About 12 noon I was removed to Crumlin Road jail. There were two other detainees in the cell, one was taken away later. I was kept there until Tuesday night 10 August at 11 p.m. I was finally released at 11:45 p.m. I was refused transport home and had to go up Cliftonville Road, while there was a lot of shooting in the vicinity.

My specific complaints are:

1. Injuries to myself:

(a) From batoning

(b) A severe stomach wound inflicted by a soldier with his gun when on the lorry

(c) Blisters on my heels and feet from forcible exercise over the obstacle course

(d) An army injury received when I refused to sing "The Queen"

(e) Wounds on hands and legs from kicks

2. Obscene language—e.g.:

(a) On the obstacle course "Run and train like soldiers, you bastards."

(b) In the lorry, "Your Virgin Mary was the biggest whore in Bethlehem.

(c) Also in the lorry, "Sure they are all the Pope's bastards."

FAVORABLE ACTION TAKEN BY HOUSE BANKING AND CURRENCY COMMITTEE ON VARIOUS LEGISLATIVE PROPOSALS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. PATMAN. Mr. Speaker, on November 16, the House Banking and Currency Committee met in executive session and took action on several bills. It has been requested that these bills be placed on the next suspension calendar, which I believe will be Monday, December 6. The ranking minority member of the committee, the Honorable WILLIAM B. WIDNALL, and the full committee are in accord with the request to have these bills placed on the suspension calendar for this date.

In an effort to provide the Members of the House with as much information on the import of this legislation as soon as possible, I am taking this time to inform the Members of the legislation which the committee favorably reported and provide a brief analysis of each of the substantive provisions thereof.

The House Banking and Currency Committee, by a vote of 25 to 0, favorably reported H.R. 11452, to amend the National Flood Insurance Act of 1968 to extend for 2 years—until December 31, 1973—the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, to suspend—until December 31, 1973—the existing provisions making flood insurance coverage a condition of Federal disaster assistance, and to assure the inclusion of church properties among those for which flood insurance is provided.

H.R. 11452 basically extends and amends certain provisions of the National Flood Insurance Act of 1968. The National Flood Insurance Act was enacted as part of the omnibus 1968 Housing and Urban Development Act after almost 15 years of consideration by the Congress. Under the 1968 act, in order to qualify for flood insurance, a comprehensive flood study of the community by the Corps of Engineers would have to be undertaken and completed so that an actuarial basis upon which to write the flood insurance policies could be determined. For many communities this would represent many years before they could qualify for this coverage. In the 1969 housing bill, with the cooperation of our distinguished ranking minority member, the emergency flood insurance program was enacted, which waived the comprehensive flood study for flood prone communities and permitted the Federal Flood Insurance Administrator to determine a proper premium rate to be charged. There is no question that this program has proved most successful and popular throughout the country, but more important, it has provided essential flood insurance for many areas of this country who need this coverage immediately. At the present time some 653 communities have Federal flood insurance coverage and of these 653, some 433 are covered under the emergency flood program. This program expires on December 31, 1971, and must be renewed for another 2 years if these communities are to be able to keep their flood insurance.

Another section of H.R. 11452 would extend for 2 years—until December 31, 1973—the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage. Many communities just now being covered by flood insurance face a much too early time within which to make adequate provisions for land use and control measures.

Section 3 of H.R. 11452 would suspend until December 31, 1973, the existing provisions of the Flood Insurance Act prohibiting Federal disaster assistance to the extent that flood insurance is available in an area.

Finally, Mr. Speaker, section 4 of H.R. 11452 amends the Flood Insurance Act and makes it clear that church properties are to be included in the definition of those properties eligible to be covered.

Mr. Speaker, the second bill which the committee favorably reported is H.R. 11488, which, if enacted, would amend section 404(g) of the National Housing Act by striking out "1.75 percent" and substituting in lieu thereof "1.60 percent." An amendment to this bill was adopted, which amends the Housing and Urban Development Act of 1965.

The purpose of the two sections of H.R. 11488 are as follows: By changing the ratio of insurance reserves held by the Federal Savings & Loan Insurance Corporation to insured savings from 1¼ percent to 1⅗ percent, it would provide an estimated $450 million in additional funds which savings and loans could make available for home mortgage loans, rather than being forced—as existing law would require—to prepay such funds into the FSLIC. This would be the effect of this amendment. In no way would the FSLIC fund be impaired.

Present law requires that if the ratio of the Federal Savings & Loan Insurance Corporation reserves to insured savings falls below 1.75 percent by December 31 of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. It was not anticipated that FSLIC reserves would fall to 1.75 until 1973 or 1974—by which time the Congress would have worked out a more permanent and stable method of maintaining an adequate FSLIC financial structure. There has been, however, an extraordinary increase in insured savings in 1971—which has been extremely helpful in stimulating home building—and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. The reserve ratio decline is solely the function of the increase in savings and does not reflect a reduction of dollar reserves.

By changing the 1.75 in existing law to 1.60, the triggering of the prepaid premiums can be postponed for a year, giving Congress enough time to review this matter and time to devise a permanent system for generating FSLIC reserves. This amendment would leave the FSLIC reserves at a very adequate level—substantially above the 1.25 reserves existing for the Federal Deposit Insurance Corporation.

The amendment adopted to this legislation by the committee would extend the waiver of conformity to comprehensive planning as a prerequisite to water and sewer grants. This waiver expired as of October 31, 1971, and this section would reinstate it to June 30, 1972.

Mr. Speaker, H.R. 11488 as amended passed the committee unanimously.

Mr. Speaker, the House Banking and Currency Comimttee also favorably reported, with amendments, House Joint Resolution 838 which, if enacted, would defer until January 1, 1973, the effective date of an amendment to section 5219 of the revised statutes relating to the taxation of national banks by States, by a vote of 21 to 4.

Basically, Mr. Speaker, Public law 91-156 revised the law as regards the ability of States to tax national banks. This act provided for a two-step revision of Section 5219 of the revised statutes. For the period from December 24, 1969, through December 31, 1971, this law permitted the home State of a national bank to subject such bank to any tax that is imposed generally on a nondiscriminatory basis throughout the taxing jurisdiction—other than a tax on intangible personal property. The interim provisions also authorized imposition of a number of taxes on national banks that have their principal offices outside the taxing State, if the tax is imposed generally throughout the taxing jurisdiction on a nondiscriminatory basis. Such taxes included sales and use taxes, taxes on real property, documentary stamp taxes, taxes on tangible personal property, and taxes imposed on the ownership, use or transfer of tangible personal property.

This act also directed the Board of Governors of the Federal Reserve System to make a study to determine the impact on the banking system and other economic effects of these changes in existing law, especially the effects of allowing States to impose intangible property taxes, so-called doing business taxes and other similar taxes on national banks. The Board of Governors of the Federal Reserve System concluded its study and states that additional legislation is needed before the permanent amendment becomes effective on January 1, 1972. The House Banking and Currency Committee has not had the time to delve into this matter in detail. It is, therefore, for this reason that this extension has been recommended by the committee.

Finally, Mr. Speaker, the House Banking and Currency Committee, by a vote of 14 to 11, favorably reported House Joint Resolution 944, with an amendment. The effect of this legislation, if enacted, as amended, would retain for an additional 6 months, until June 30, 1972, the discretionary authority which the Secretary of the Department of Housing and Urban Development and the Director of the Veterans' Administration have with respect to the establishment of FHA and VA mortgage interest rates at levels determined necessary to meet mortgage market rate conditions.

Also, the committee adopted an amendment which would allow the Government National Mortgage Association, for a period of 6 months after enactment, to issue commitments to purchase mortgages where the original principal obligation does not exceed more than 50 percent of the limitations now contained in existing law. This means that in high-cost areas GNMA would be allowed to issue commitments on FHA-insured mortgages where the original principal obligation amounts to a range of $33,000 to $36,000, whereas now they are limited to issue commitments to purchase mortgages only up to a range of $22,000 to $24,000.

Mr. Speaker, as indicated initially, my reason for making this statement is to provide the Members of this body with the basic information necessary to consider various proposals which, hopefully, the Speaker will place on the suspension calendar for December 6. Certainly at that time, if recognized for this purpose, as chairman of the committee, I shall endeavor to fully explain these proposals and attempt to answer any questions that may be raised.

AVIATION IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. BEGICH. Mr. Speaker, aviation plays a major role in communication and transportation in Alaska. As a result, it is absolutely necessary that the industry be safe and reliable.

Much of the responsibility of assuring that the aviation industry is safe and reliable depends on the flight and ground school instructors. It is their responsibility to provide the aviation industry with qualified men and women. Through their dedication and service, they have shown they are committed to this responsibility and will continue to make Alaska's air travel safe, reliable, and efficient.

In an effort to show our gratitude for the dedication shown by these people, Gov. William A. Egan of Alaska proclaimed the week of October 24, 1971, Alaska Flight and Ground School Instructor's Week. I am proud of the work done by these instructors, and they can be proud of their magnificent contribution to the growth of aviation in Alaska.

I am including a copy of the proclamation for my colleagues' inspection:

PROCLAMATION—ALASKA FLIGHT AND GROUND SCHOOL INSTRUCTORS' WEEK

The air commerce and general aviation industry has contributed immeasurably to the growth and development of the state of Alaska and shall continue to play a vital role in the future development of this great, sovereign state.

The state of Alaska recognizes the important functions of all flight and ground school instructors in their continuing dedicated effort to foster and promote safe flight standards in all fields of aviation in Alaska.

The Alaska Transportation Commission is the sponsoring agent for a Flight Instructor Clinic to be presented in Anchorage by the Federal Aviation Administration during the month of October 1971.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim and call upon the people of our state to observe the week beginning October 24, 1971, as Alaska Flight and Ground School Instructors' Week to be dedicated to the Alaska flight and ground school instructors in recognition of their continuing efforts to raise the standards of aviation and assure high quality of aviation training to present and future Alaskan pilots.

Dated this 19th day of October, 1971.

WILLIAM A. EGAN, *Governor*.

RESOLUTION—HOPE FOR PEACE IN IRELAND

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. WOLFF. Mr. Speaker, the Congress and the people of this country have been deeply concerned over recent developments in Northern Ireland, especially with the growing violence and killing as a result of the hostilities between the Catholic and Protestant factions in this dispute.

I have joined with a number of my distinguished colleagues in introducing a sense of Congress resolution expressing our fervent hope for peace and setting forth our wish to see a unified Ireland, with an end to this tragic strife.

Thus, I am especially pleased to call to the attention of my colleagues in the House a resolution recently adopted by the Bedding, Curtain & Drapery Workers Union of New York, AFL–CIO, which similarly expresses the hope that this turmoil and discrimination cease in Northern Ireland.

RESOLUTION

Whereas, the Catholic population in Northern Ireland is a minority which has been subject to discrimination in housing, employment and voting rights by the Protestant majority of Northern Ireland; and

Whereas, at the request of the government of Northern Ireland, Great Britain has dispatched armed troops to aid the Protestant dominated government in suppressing the efforts of the Catholic minority to obtain equal rights, justice and opportunity; and

Whereas, the presence of the British troops has led to increased hostility and polarization between the peoples of Northern Ireland; and

Whereas, the Protestant Prime Minister of Northern Ireland has invoked "emergency powers" which permits the incarceration of the Catholic minority without trial; and

Whereas, the presence of British troops and the invocation of "emergency powers" has resulted in the death of at least seventeen people, the arrest of hundreds more, and the wholesale suspension of the Catholic minority's civil liberties;

Therefore, it is hereby resolved that the members of Local 140, U.F.W.A., are strongly opposed to British military intervention and the support which it provides the oppressive majority, and hereby demands that the British Government immediately withdraw its military forces from the territory of Northern Ireland as a step toward unity of all Ireland and freedom.

ALTERMATT OF CONNECTICUT

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. STEELE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

[From Journal of American Insurance, NOVEMBER-DECEMBER, 1971]

ALTERMATT OF CONNECTICUT

Connecticut may be known officially as the Constitution State, but to millions of Americans it's the Insurance State, and with good reason.

Hartford, the state capital, has practically become synonomous with the word "insurance." In all, some 59 insurance companies with total assets of more than $30 billion have home offices in the state. Over 42,000 persons are employed in the state's insurance industry.

The list of Connecticut insurance "firsts" is long, but a few of them are:

The first auto insurance policy.

The first aviation policy.

The first accident insurance policy.

The first industrial engineering organization designed to reduce the number and severity of industrial accidents.

The first life insurance policy for astronauts in space.

Diversification, however, is the key to Connecticut's economy. One of the smallest states in the nation (it ranks 24th in population and 48th in area), it has the highest per capita personal income, is 12th in total value added by manufacture, and in 1970, had a gross state product of $17.8 billion.

Of the total GSP, some 38 percent was attributable to the output of manufactured products; the services on nonmanufacturing establishments added another 61 percent, and agriculture made up the balance.

Today, the state is a national leader in the production of aircraft engines, helicopters, submarines, bearings, silverware, copper rolling and drawing and the cold finishing of steel shapes.

Connecticut ranks first in the nation in the per capita number of industrial research laboratories, and in recent years there has been an influx of major business organizations relocating corporate headquarters or executive offices in the state.

During the past three years such noteworthy names as American Can Company, International Business Machines, Xerox Corporation and Schweppes, Limited, have constructed or announced plans for new facilities in the state.

Helping to underwrite the economy of Connecticut is the insurance industry which supervises the activities of the 633 insurance companies licensed to do business in the state. Heading the department is Paul B. Altermatt who was appointed Connecticut Insurance Commissioner on February 10, 1971, to a term which will expire on March 1. 1975.

Commissioner Altermatt attended New Milford public schools in Connecticut, and later graduated from Wesleyan University in Middletown. From 1951 to 1953 he served as a U.S. Marine Corps officer and had a tour of duty in Korea.

In 1956, he was graduated from Georgetown Law School, Washington, D.C., and was admitted to practice law in the state and federal courts of Indiana and Connecticut. In 1957 and 1958 he practiced law in Muncie, Indiana, and then returned to Milford where he became a partner in the law firm of Cramer and Anderson, serving until he resigned to take up his state duties.

Commissioner Altermatt is a member of the American Bar Association, the Indiana Bar Association, the Connecticut Bar Association, Danbury Bar Association, and Litchfield County Bar Association. He is also the former town attorney of New Milford and Bridgewater, and former chairman of the United Fund and Milford Hospital Fund Drive. He is also a long-time member of the New Milford Board of Education.

As a member of the National Association of Insurance Commissioners, he serves as Chairman of Zone 1, which includes eight Eastern states and the Virgin Islands. He is also a member of the NAIC Committee on Financial Condition, Examination and Reporting. In addition, he serves on the group's Valuation of Securities Subcommittee, and the Subcommittee to Consider Elimination of Reinsurance Offset in Model Rehabilitation and Liquidation Act, where he is vice chairman.

Commissioner Altermatt, 41, is married to the former Ann Taylor. They have five children.

PRESIDENT NIXON SHOULD TAKE ACTION ON CHEESE IMPORTS

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. PURCELL. Mr. Speaker, President Nixon should delay no longer in taking action on the Tariff Commission's recommendations on quota-type cheese costing 47 cents a pound or more.

The Commission, at the President's request, held hearings earlier this year and submitted their recommendations to him on July 28. At that time they recommended that the 47-cent-price break be eliminated and that those cheese types costing over that amount be placed in the same quota with their less costly counterparts.

Though more than 3 months has passed, the President has done nothing.

Unfortunately cheese costing more than 47 cents a pound, still outside of quota, is coming into this country at a far greater rate than last year. For the first 9 months of 1971 these were running 10 to 15 percent above the same period last year.

I believe that much of this increase is due to the fact that importers are trying to get as much shipped in as they can before quotas are imposed by Presidential action. Thus any delay on the President's part in taking action is only playing into their hands, to the detriment of the domestic dairy industry.

For these reasons it is imperative that the President take early action.

TELL IT LIKE IT IS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. STEELE. Mr. Speaker, in politics as in advertising, these days, the emphasis is on youth. Our advertising experts tell us that the youth market is of prime importance—that young people set the styles, and will be tomorrow's major customers. As for politics, there are few among us who do not expect the new young voters to be a decisive force in the next elections.

It is one of the great strengths of Radio Free Europe and Radio Liberty and they have won a solid and increasing place in the minds of young Soviet citizens and young East Europeans. The letters they receive confirm this more and more. And RFE's audience surveys show that the steady growth in listenership which this station enjoys is coming primarily from the 16-to-25 age group.

Here are the figures—based on public-opinion polls conducted by leading West European opinion-testing institutes among East European visitors to the West.

In Czechoslovakia, the percentage of persons 16 to 25 who listen to RFE jumped from 40 percent to 65 percent between 1965 and 1969.

In Hungary it jumped from 53 percent to 67 percent, and in Poland from 35 percent to 56 percent.

In the first two countries, RFE now attracts larger proportions of youth than of any other age groups.

In Poland the young listenership has almost drawn even with the others.

RFE's music programs have had an effect in attracting the young. But as a Hungarian boy recently wrote to Radio Free Europe:

> We don't turn off the station while it broadcasts news . . . often we listen to you on the streets; the policeman stands by and pretends not to hear it. Three boys in our group are sons of Party officials, and the same is true about their fathers.

As that letter suggests, music may have initially brought a lot of young listeners to Radio Free Europe, but the radio's youth-oriented programs have held this new audience and made it a permanent one. First there is Radio Free Europe's straightforward, no-nonsense news about internal affairs of East Europe and the outside world. But also there are lively talk programs for youth, conducted by East Europeans—many of them young and only recently arrived in the West—who have learned from their own experience what it is like to be cut off from the world and even from the truth about one's own country. These programs deal with ideals, discussions and dissent among Western students, fun and fashion, films, books, religion, and history. They include free-speaking roundtable conferences and interviews which are widely popular.

A Rumanian student writing to the Neue Literatur—a cultural publication in his own land—in February of this year, explained the need for such programs. He wrote:

> Here we are not used to discussions. Our heads are stuffed with the ideas and theories of other people. We do not ask for freedom to act, but why are we denied the freedom to think?

East European governments worry about their young people listening to youth-oriented programs from the West. They know that it creates a pro-Western cult, which has an underlying political significance. Nevertheless, the East European radios have been forced to copy such broadcasts and air them at the very same time Radio Free Europe does its own. Poland, Czechoslovakia, Hungary, Rumania, and Bulgaria all do this.

Hungarian officials who try to guard the ideological purity of young people have gone even further. Back in 1965, when Radio Free Europe introduced a late-afternoon program of music and talk called Teenager Party, the national youth organization's monthly journal admitted that the "overwhelming majority of the young people are definitely enthusiastic" about that program.

There have even been direct admissions of Radio Free Europe's impact. The Soviet official youth publication Komsomolskaya Pravda said last May that Western nonpolitical programs directed toward youth are "seemingly innocent"—but, it warned, the 16-year-olds who today are only interested in these programs will become accustomed to listening to Radio Liberty and Radio Free Europe and will begin to listen to other programs of these stations.

In May of last year, there was a particularly frank appraisal of Radio Free Europe in the Czechoslovak Communist Party's theoretical journal, Nova Mysl, based on a study of listenership by the Czechoslovak radio itself. The writer said this study revealed that Radio Free Europe was the most popular of foreign radio stations among Czechoslovak listeners of all ages, and especially popular with youth. The author went on, and I quote:

> Analysis of the sociological structure of the respondents shows that the number of listeners was substantially higher among young people and among people of higher education, who are clearly interested in gathering information from the largest number of sources. . .

The telling point here, I think, is the admission that Radio Free Europe's listenership is highest among the young and the well educated, who want "information from the largest number of sources." The standard propaganda line against Radio Free Europe and Radio Liberty used to be that they were "cold war instruments," staffed by aging refugees who had lost touch with their countries, capable only of anti-Communist polemics or extravagant claims for the capitalist system. But that line has changed—at least among responsible critics in East Europe. They recognize that these stations concentrate on events and trends within the East European societies themselves, and that they know what they are talking about. Especially they recognize that these stations speak the same language as the young and imaginative and liberal-thinking element inside East Europe.

Czechoslovak Party leader Gustav Husak, on the day he took over from Dubcek in April, 1969, complained that the journalist and writers and intellectuals who had tried to create "socialism with a human face" in 1968 were still thinking and saying the same things a year later . . . and that Radio Free Europe was talking their language. Husak said:

> If one reads the monitoring of Radio Free Europe, one finds the same things—the same way of speaking—and frequently the same terminology as one does in the writings of some of our publicists.

And a year earlier, the Polish Party Central Committee's chief of "Educational Affairs"—that is, ideological indoctrination—complained that the March 1968 demonstrations of students and writers in Poland had provided ammunition for Western broadcasters. He said:

> Free Europe could proclaim to all and sundry that it had not invented an "anti-regime affair," but had merely provided a platform for the writers of Poland.

In short, what Radio Free Europe and Radio Liberty are doing is to drag facts and ideas out into the light of day, where young East Europeans can examine them and make up their own minds. And I need hardly add: the way they make up their minds will affect the future of our young people as well as themselves.

We can even hope that this ventilating of facts and ideas will persuade the Communist governments themselves to give their youth a chance to think. Let me quote again from the Soviet youth journal, Komsomolskaya Pravda, on May 29 of this year. It said that Soviet publicists could draw serious lessons from the work of Radio Free Europe and Radio Liberty, and added:

> The press reports which we publish should deal more openly with the unfavorable aspects and developments of our society. It is better for us to analyze these aspects ourselves than to wait for the commentaries of Western radio stations . . . We fail to impress many people these days by talking about the "bared teeth of savage imperialism." We must analyze things more thoroughly for our young people.

When official radio in the Communist bloc acts seriously on this recommendation, it will start to draw listeners away from Radio Free Europe and Radio Liberty. Until their competition follows their route, however, Radio Free Europe and Radio Liberty have an important role to play.

WILL THE U.N. EXPEL THE UNITED STATES?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. RARICK. Mr. Speaker, the approval of this Congress to permit the President to authorize purchase of chrome ore from Rhodesia so long as this country is dependent on Communist sources as the sole supplier was signed into law yesterday at noon. Such action by this Congress to approve of non-Communist sources for strategic materials vital to our national security and defense drew immediate retaliation from the United Nations. By a vote of 106 to 2 the United Nations sought by the use of world propaganda to intimidate the President of the United States to violate the laws as well as the security of the people of his own Nation.

The interesting follow up to the U.N. called for prohibition of trade with Rhodesia was U.S. approval of $528 million in export licenses for sophisticated U.S. equipment to be shipped to a truck factory in the Soviet Union.

The expulsion of the Nationalist Chinese may prove to be to their benefit. In fact, many informed Americans feel that expulsion of the United States by the United Nations "peace bloc" would benefit the United States. And they would expel the United States if it were not that we were bankrolling the organization and furnishing the real estate as well as suppling the barn which houses the conspirators.

I include the following related news clippings:

[From the Chicago Tribune, Nov. 17, 1971]

U.N. VOTES 106 TO 2 TO BAN CHROME DEAL

(By William Fulton)

NEW YORK.—Members of the United Nations General Assembly, including Red China, today ordered the United States to continue its ban on the importation of chromium ore from Rhodesia.

The vote was 106 in favor, 2 against with 13 abstentions.

The resolution attempted to force a reversal of congressional action permitting President Nixon to purchase the ore from Rhodesian sources as long as this country is dependent on the Soviet Union as the sole supplier.

The U.N. Security Council in 1968 embargoed the ore along with other Rhodesian products in an effort to bring the Salisbury white minority government to its knees.

HAS CONGRESS' OK

Both houses of Congress have approved the new legislation, which is awaiting the President's signature. The United States did not participate in today's voting on the grounds the matter was still in the constitutional process.

"We do not participate, announced Astronaut Alan B. Shepard Jr., a U.S. delegate, when his country's name was called.

Portugal and South Africa cast today's negative votes. Abstentions were registered by Belgium, Brazil, Britain, Canada, Dominican Republic, El Salvador, France, Greece, Guatemala, Italy, Luxemburg, Malawi, and the Netherlands.

Today's attempt by the assembly to apply pressure upon a sovereign state in the midst of law-making procedure was unprecedented.

CONCERN TOLD

The U.N. resolution expressed the assembly's "grave concern at the recent legislative moves in the Congress of the United States of America which, if carried thru and confirmed, would permit the importation of chrome into the United States from southern Rhodesia and thus would constitute a serious violation of the above-mentioned Security Council resolution imposing sanctions against the illegal regime in southern Rhodesia."

A key operating clause called upon the Government of the United States to take the "necessary measures" to prevent Rhodesian imports. It reminded Washington of Article 25 of the U.N. Charter stating that member countries would carry out Security Council decisions.

The resolution requested the government of the U.S. report to the assembly on the action taken.

Twenty-four countries most of them African, drew up the resolution. The Soviet Union hopped on the bandwagon.

TERMED ILLEGAL

Soviet Delegate Ivan G. Neklessa charged that the "illegal Ian Smith regime" in Rhodesia was being supported by the United States, Britain and other North Atlantic Treaty Allies.

Ambassador Huang Hua, delegate for the Communist People's Republic of China, said that his vote for the current resolution did not imply it had supported previous resolutions on this subject. This was interpreted to mean that past action had not been severe enough.

Rako Naco of Communist Albania said his delegation would have preferred a stronger resolution even to the point of condemning "United States imperialists."

Hassan Kaid Abdulleh of Somalia charged the American Congress has defied the U.N. by its vote.

RESUME ARMS DEBATE

The assembly resumed its debate on a Soviet proposal for a world disarmament conference, postponed until the arrival of the Red Chinese delegation. Representatives of Poland, Bulgaria and Hungary, Soviet satellites, were among the speakers.

Western delegates regard the matter as a grandstand play for Afro-Asian delegates demanding a greater voice in U.N. disarmament talks. The Westerners feel a global conference would be too unwieldy for effective negotiations.

[From the Washington Evening Star, Nov. 18, 1971]

NEW CHROME LAW PUTS ADMINISTRATION ON SPOT

The White House is being studiously indecisive about the new law allowing U.S. imports of Rhodesian chrome in direct violation of U.N. sanctions against the rebel white regime in Africa.

The law was contained as an amendment by Sen. Harry F. Byrd Jr., I–Va., in the $21.3 billion military procurement legislation signed yesterday by President Nixon.

Byrd argued that resuming chrome imports from Rhodesia allows the U.S. to break its current dependence on the Soviet Union for this strategic material, which is used mainly in the manufacture of steel.

But White House press secretary Ronald L. Ziegler and State Department officials noted yesterday that the amendment does not become effective until Jan. 1. Ziegler said the United States would make no comment or take any action to "jeopardize" the current negotiations between Britain and Rhodesia to end the rebellion.

PROTESTED IN U.N.

The chrome amendment has caused a storm of protest in the United Nations. On Tuesday the General Assembly voted 106–2 to condemn the United States for breaking the Rhodesian embargo. Yesterday angry black African delegates threatened to take the matter to the U.N. Security Council.

But the more immediate problem for the Nixon administration is the impact of the law on relations with Britain. British Foreign Secretary Sir Alec Douglas Home is now in the Rhodesian capital of Salisbury negotiating a compromise with the all-white regime, and the British have suggested this symbolic American break of the sanctions undermines a "tough" British position.

American officials admit that the new law, requiring the President to admit Rhodesian chrome into the U.S. so long as that ore is bought from Communist countries, is in violation of the U.N. charter. But the legislation is perfectly legal, they say, since a U.S. statute, effective subsequent to provisions of a treaty, prevails over the obligations of that treaty.

MOST FROM SOVIET UNION

Last year the United States imported about $35 million worth of chrome, nearly 60 percent of it from the Soviet Union. The administration, in opposing the Byrd amendment in Congress, argued that the huge U.S. stockpile of this strategic material was sufficient guarantee against over-dependence on the Soviet Union.

Now the administration, according to U.S. officials, is studying the new law to see whether any loopholes exist in administering it. In the meantime they are playing down the importance of this congressional mandate to break the U.N. charter.

[From the Washington Evening Star, Nov. 18, 1971]

FACTORY TOOLS—$528 MILLION SALE TO RUSSIA OKAYED

(By George Sherman)

The Commerce Department today announced approval of $528 million in new licenses for American equipment to be shipped to a truck factory in the Soviet Union.

It is the second announcement of a multimillion dollar trade deal with the Soviet Union by the Nixon administration this month. On Nov. 5 the administration said $136 million in seed grain was being sold for cash to the Soviet government.

The announcement today covers 54 licenses for truck and machine tool equipment to go to a foundry at the Kama River truck plant. The licenses, which cover potentially defense-related equipment, have been approved by both State and Defense departments.

STANS VISITING RUSSIA

The announcement follows by only a day the departure for Moscow of Commerce Secretary Maurice H. Stans on a mission to increase trade with the Soviet Union. He is scheduled to stay 10 days, returning Dec. 3 by way of Warsaw.

Before leaving yesterday, Stans is reported to have told a group of leading American businessmen in New York that the administration sees a potential of $5 billion in trade developing annually between the Soviet Union and the United States.

Given the current tally on Soviet-American trade, the estimate is considered startling by experts here. Last year the United States exported $118 million in goods to the Soviet Union, and imported $72 million from there. So far this year U.S. exports to the Soviet Union are running at $111 million, with a projected total for 1971 of $150 million.

Imports to the United States from Russia have declined. For the first nine months this year they were only $48 million, with a projected total for this year of $65 million.

But Commerce Department officials point out that licenses given for trade of potentially defense-related materials have increased enormously. So far, $1,112,000,000 worth of licenses have been given this year for such trade to the Soviet Union.

Officials note that administration has launched a calculated campaign to increase trade as a preliminary to President Nixon's scheduled trip to Moscow in May. This decision reflects the conclusion in policy-making circles that Moscow, partly because of its conflict with China, has decided to reach long-term agreements with the West.

Last June the administration sought to stimulate trade with the Soviet Union by taking grain and many other items off the list which requires prior government consent to export to the Communist bloc. It did this at the same time it announced the relaxed trading restrictions for Communist China.

The 54 licenses authorized today come on top of 15 others worth $461 million already authorized for the Kama River truck plant. The over-all project is estimated to be worth $1.5 billion and is going forward despite the decision by the Mack Truck Co. to withdraw from another $750 million deal regarding that plant.

The material authorized for the foundry today includes equipment and machine tools to manufacture truck axles and transmissions, plus the furnaces to produce crankshafts and gears.

Under American law, the U.S. government can approve these exports if it can show they will not be for military use and that the same equipment could be obtained by the Soviet Union from non-U.S. sources.

COMPUTER HARDWARE AND TECHNIQUES IN UNITED STATES UNDERUTILIZED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. HANNA. Mr. Speaker, I have long been concerned about the underutilization of the computer hardware and techniques developed in this country. If we are to remain out in front in this exciting field, we must give greater attention to broadening the practical application of the techniques and hardware. I am including recent correspondence with the National Bureau of Standards Center for Computer Sciences and Technology. I am sure my colleagues in the House will find it worth their attention and concern:

OCTOBER 12, 1971.

Mrs. RUTH M. DAVIS,
Director, Center for Computer Sciences and Technology, National Bureau of Standards, Gaitherburg, Md.

DEAR MRS. DAVIS: I want to thank you for your thoughtful and most helpful testimony before the Science Research and Development Committee, of which I am a member.

I wish to ask you two questions to be answered in writing for the record. I have long been concerned about the gap between the potential of computer hardware and the level of utilization of that hardware. I believe that this gap is due to the fact that we have two kinds of specialists (computer technicians and problem area subject matter specialists) who often are unable to communicate effectively with each other. The failure to interface computer expertise and social problems leads to underutilization of computers.

Is it your experience that the quality of performance of the Center is related to the quality of the inputs developed for computers?

Is it your opinion that the value of computers is closely related to the quality of the systems that generate the activity for which the computer is adopted?

I would very much appreciate your views on these matters. Please forward copies to me and to the Committee.

Thanking you in advance, I remain

Yours sincerely,

RICHARD T. HANNA,
Member of Congress.

NATIONAL BUREAU OF STANDARDS,
Washington, D.C., November 17, 1971.

HON. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: Thank you for your letter of October 12 requesting additional information relative to my testimony before the Subcommittee on Science, Research and Development on September 22.

Your observations and questions concerning the gap between the potential of computer hardware and the level of actual utilization of that hardware are most perceptive. The effective utilization of computer resources is a problem of serious concern to the Center for Computer Sciences and Technology at a time when there is a need to insure that computer services meet the needs of the computer customer.

I have attached an answer to the two questions you have raised. Because of the interrelationship of the two questions, I have answered them as a single question. I am sending copies of this correspondence to Mr. Philip Yeager for use by the Subcommittee as you requested.

I would be happy to provide any further information you may want regarding the subject of computer utilization.

Sincerely,

RUTH M. DAVIS, Ph. D.,
Director, Center for Computer Sciences and Technology.

Question 1. Is it your experience that the quality of performance of the center is related to the quality of the inputs developed for computers?

Question 2. Is it your opinion that the value of computers is closely related to the quality of the systems that generate the activity for which the computer is adopted?

These two questions, as we view them, directly address a major problem we all face in dispelling unjustified misapprehensions and criticisms of computers. I should like to rephrase your questions as part of my answer, however, so that there will be no doubt as to what is my interpretation.

The first question highlights the relationships between the quality of computer services provided to customers and the completeness, accuracy, and timeliness of the information supplied to the computer system for processing. It also, and correctly so, implies the need for an adequately managed information system to insure proper inspection and analysis of the inputs to computer systems followed by the correction of detected errors and the insertion of missing relevant information.

I would be quite comfortable in rephrasing your question to state axiomatically that:

The quality of computer services is directly dependent upon the completeness, accuracy, and timeliness of the inputs available to the computer system. Conversely, if the handling of information being supplied for processing by a computer system is poorly done, then the computer services being provided will not be satisfactory to customers.

Some of the most frequent and, perhaps, most disconcerting examples of the relationship between quality of input and quality of computer services provided occur in computer-based systems for maintaining customer billings and providing account statements. The pervasiveness of computer usage for these functions has exposed large numbers of people to the frustrations of inaccurate billing statements caused by poor quality inputs to the computer. Some of these cases, such as a recent one involving the repossession of a citizen's automobile based on erroneous information from a computerized billing system, are submitted to the courts for resolution.

Some business enterprises have initiated significant legal actions to recover damages resulting from alleged inadequate performance of computer systems. *Scientific American* magazine's suit to recover damages caused by the inaccurate performance of a computer system to handle files on subscribers, and Transworld Airlines' suit relative to its computerized passenger reservation system are two examples of the growing concern of business over the quality of computer services. Most often, the causes of these service problems are incorrect inputs prepared manually for computer processing.

Another example of this relationship involves the quality and accuracy of the software developed to run on computers. There is a tendency for customers to assume that the numerical results produced by their computers are accurate; however, in some cases this is an unwarranted assumption. For example recent validation tests of 27 computer programs for calculating least square representations of data showed that many of those programs gave poor results, some totally unacceptable. The major concern here is that important policy decisions may be made on the basis of computer-produced data which are invalid because of inaccuracy in the input data or in the computer software or both.

The second question addresses a very complex and significant topic about which much misunderstanding and confusion have arisen. It essentially contains its own answer. I should, therefore, like to rephrase the question as a set of descriptive statements as follows:

Computers are oftentimes acquired to perform some portion of the functions which are the responsibility of an existing organization. The newly acquired computers may perform in a different way, functions previously done or may perform new functions not done previously.

In either case, the services provided by the computer system are affected by the quality of performance of all the other organizational elements on which it depends. As a result, the actual value of a computer to a customer will be less than its realizable value when the computer is inserted into an organization of low quality performance. Similarly, the acquisition of a computer will not, *per se*, improve the quality of services provided.

Unfortunately, there are numerous examples of organizations planning the acquisition of a computer with high expectations of success in solving specific problems only to find later that the problems not only were not solved but, indeed worsened by the computer. Many local governments, for example, are finding that the acquisition of computers on an uncoordinated, departmental basis has not really solved their problems: instead the computer system makes more untenable problems in compatibility and information transferability between existing department systems. Frequently, this failure is due to narrow and inaccurate analyses of a single department's functions without regard to the interactions with other departments or without any serious attempt to streamline functions to create a quality environment in which the computer can function effectively. As a result, systems conflict with each other, create chaos in providing services, and drive operating costs upward. These difficulties, primarily the high operating costs, are forcing local governments to reappraise their computer utilization and perform comprehensive systems analyses across the whole spectrum of governmental functions in order to develop applications which are of sufficient quality and effectiveness to warrant the costs of implementation and operation.

Some eastern states are learning that computers, *per se*, will not improve the quality of services in the area of maintaining accountability of old oil and gas wells. These states, accustomed to maintaining a manual accountability of locations of such wells through files of old deeds, have attempted to automate the process. The input to the computer is information derived from deeds, a source which was inadequate even in the manual system. As a result, states which need to locate old wells to replace rotten wooden plugs in order to protect the environment against leakage and to prevent injury to people who might fall into the abandoned wells are finding that their expensive computer systems provide little improvement over the manual system. This further illustrates the correctness of your concern about the value of a computer being dependent upon other supporting systems.

LEN B. JORDAN—IDAHO'S DISTINGUISHED CITIZEN OF THE YEAR

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. HANSEN of Idaho. Mr. Speaker, when I came to the Congress nearly 3 years ago I was given so much assistance by so many of the Members that it would be impossible for me to recount. From my own State of Idaho, Senator LEN JORDAN smoothed the path, and continues to do so, at every opportunity. No newcomer to the Congress has ever had a finer friend and mentor than I have in Senator JORDAN. On Monday night in Idaho's capital city of Boise, I was honored to be present as the 45th All-Idaho Congress named Senator JORDAN as Idaho's Distinguished Citizen.

Ralph J. Comstock Jr., president of the Idaho State Chamber of Commerce, presided at the standingroom only banquet which was attended by business and professional leaders from all parts of Idaho. He pointed out that Senator JORDAN had more than met the criteria set for the distinguished citizen recognition, that is, "achievement in the highest traditions of individual enterprise, devotion to principle and service to his State and its people."

In private life, Senator JORDAN has been a laborer, cowboy, accountant, woolgrower, cattleman, and businessman. He enlisted in the Army during World War I and earned an officer's commission before his honorable discharge. The Senator worked in lumber camps and on ranches and utilized football scholarship to help him attain a degree in business administration. He was not only a varsity halfback but his scholarship is attested to by holding the key of Phi Beta Kappa.

Senator JORDAN has given more than 20 years of service to Idaho and the United States, serving in the Idaho House of Representatives, as Governor of Idaho; Chairman, U.S. Section, International Joint Commission; member, International Development Advisory Board and as a U.S. Senator.

Since their marriage, his wife Grace, an outstanding author and lecturer, has worked by his side and shared in his public service.

Mr. Speaker, as part of my remarks I include the letter sent by President Nixon to Senator JORDAN; the text of remarks made by Marcel Learned on "Len Jordan—The Man" and remarks made by J. Lynn Driscoll in presenting the award to the Senator:

WHITE HOUSE,
Washington, D.C., November 5, 1971.

DEAR LEN: Nothing could give me greater pleasure than to express my wholehearted concurrence in your selection as Idaho's Distinguished Citizen of the Year.

Your twenty years of public service as State Representative, Governor, and United States Senator speak for themselves of distinguished accomplishment and unswerving dedication to the public trust.

There is little one can say to embellish the high standard you have set, or to add luster to the effective legislative leadership that has earned you the confidence of the people of Idaho and the respect of your colleagues and associates.

As one who has valued your friendship, your judgment and your support, I am proud to join in tribute to you as a distinguished citizen of your State and your Nation.

Sincerely,

RICHARD NIXON.

LEN JORDAN—THE MAN

Address Given at the Presentation of the Distinguished Citizen of Idaho Award to the Honorable Len B. Jordan, U.S. Senator by Marcel Learned in Behalf of the 45th All-Idaho Congress

Senator Len, Grace, President Ralph, Ladies and Gentlemen:

I consider it my very good fortune, Len, to have been asked to speak at this presentation tonight. Over a long number of years it has been not only my privilege to have been associated with you professionally and in your business affairs, but, more importantly (to me, at least) as a personal friend.

Vividly do I remember the combinations of business and pleasure I have shared with you—particularly the visits we made together to some of the ranches in which you were interested.

I seriously debated with myself as to how I might structure this presentation—should I relate all the mass of statistics and accomplishments that this man has garnered over the years? Certainly his accomplishments are many—they are most impressive. Yes, they indeed are worthy of note. Still, it seemed to me that we have gathered here tonight to pay homage to Len Jordan—The Man—not his accomplishments—and in this respect it also seemed to me that we ought to explore a bit the Inner man of Len Jordan—what makes him tick—why has he been able to ascend to high places?

A few days after I mentioned to Jane that I had been afforded this opportunity for tonight, she handed me a clipping from the newspaper that she believed might be appropriate for a "theme," as it were, for what I have to say about Len Jordan—The Man. I liked the quotation and I want to share it:

"On his desk in Tokyo, the late General MacArthur kept a plaque inscribed as follows: Youth is not a time of life—it is a state of mind. You are as young as your faith—as old as your doubt; as young as your self confidence—as old as your fear; as young as your hope, as old as your despair."

I think that quotation fits Len Jordan—for he is, in his own way, a philosophical man. And as such, he is a young man—for he has faith, he has hope, he has self confidence—and he is a believer in the rights of others.

Faith—Yes, Len Jordan has faith—a faith that is of multiple facets, Grace Jordan has said that Len's faith was based upon a belief in three things—the honesty of human nature, a just and kindly God—and the law of averages. And Len has lived by those tenets all his life. He believes in people and he thrusts them—unless, of course, someone comes along such as occurred in Washington a couple of years ago. And then he used a part of his faith—his "law of averages." He felt he had more than a 50–50 chance that a quick blow to the chin of his opponent would give him the edge. And so it did—the potential robber lost his shirt and was most happy to make a speedy exit without any of Len's possessions.

Len Jordan has always been a God-fearing man. It is interesting that when Len was attacked, he was on his way to the Senate Prayer Breakfast. He merely brushed himself off, said nothing to anyone, delivered that morning to the Senate Prayer Breakfast his speech entitled "The Good Samaritan," and then went about his business. It was only when his secretary noticed an ugly welt appearing over his eye that the story was reluctantly told later that day.

Len has solid religious beliefs—based upon the very practical approach that he needs the help of God in his everyday endeavors. It has been said that the prayers a man lives on his feet are just as important as those he says on his knees.

I think Len Jordan himself best epitomizes the honesty of human nature. Years ago, shortly after Grace and Len had come out of the Snake River Canyon and settled in Grangeville, Len had the opportunity to acquire an insurance agency. This agency had been run by a young man who had gone to the War. He was a pilot and he had been declared missing in action. The young man's father sold that agency to Len Jordan. Len took it and built the agency to more than double its previous size—then the soldier appeared on the scene, very much alive—and I'm sure we can all imagine the chagrin of the young man and that of his father who sold the agency to Len. It is a measure of the stature of *Len Jordan—The man* that he returned the business intact to that young pilot for exactly the amount he had paid for it when it was a much smaller business.

HOPE—Certainly *Len Jordan—the man* has—and has always had—hope. Len was caught in the depression days with his funds in a bank which closed for the bank holiday and that bank never reopened. Len, with a great wife and three small children, had but little else except a fine reputation, a willingness to work 18 hours each day, and a hope for the future.

A bank owned Kirkwood Bar Ranch, the "Home Below Hell's Canyon" that Grace Jordan made famous. The bank had confidence in Len Jordan. He believed his "law of averages" would help him succeed—Len Jordan had the *faith* that caused him to believe he could pay off on that ranch. Len and Grace fought the bears, they fought the cougars. Len rode the range in all kinds of weather—and they raised a family to their teens. Len worked tirelessly improving his wool and lamb output by better breeding practices. He kept his expenses trimmed to the bone. And eleven years after Len and Grace moved to the Canyon, *hope* had paid off for them. They had accumulated a modest stake and they moved their family to Grangeville. It was from Grangeville that Len Jordan was to ultimately launch his political career. Yes, Len had *hope*—he had faith—he believed in people.

And Len Jordan is a man of great *Self-confidence*. Had that not been so, he would never have risen to the heights he has achieved. I'm sure, Len, that we might be forgiven for indulging just briefly in the political arena tonight. For it was *self-confidence*—belief in yourself—that elected you Governor of the State of Idaho. You were virtually an unknown back in 1950 within the political world, were you not? I'm told that in the first meeting wherein your possible candidacy was first discussed, you, Grace, Dave Doane and Bill Campbell comprised the entire "committee."

And it was the confidence displayed by Grace, Bill and Dave that provided the spark you needed to announce your intentions. I think I'd be remiss if I didn't mention that you had a formidable press section, Len. Grace, being the writer that she is, prepared your press releases, and Bill Campbell, being the errand boy that he is (excuse me, Bill) delivered those releases to the local newspapers. Incidentally, I think it of interest that one of Len's great friends today was his

Democratic opponent in that Governor's race, Calvin Wright. Well, each of us knows the results of all of your campaigns, Len. Grace has been a great campaigner with you, and you have had a multitude of great people to assist you. Your own self-confidence, your confidence in others, and their confidence in you, has always stood you in good stead.

And, ladies and gentlemen, may I indulge one bit further in the realm of politics. Len Jordan and Frank Church have made a great team in the U.S. Senate. Here, a Democrat and a Republican have stood side by side on those matters important to Idaho. And I think it a tribute when the Senator from the other side of the aisle recently said "Len, I hardly know how to say how much I shall miss you. Our relationship has indeed been ideal."

Self-confidence—Yes, indeed, Grace tells the story about Len having a very severe toothache one night when they lived in that *Home Below Hell's Canyon*. Grace's father was a country doctor who sometimes had to pull teeth. Len found the dental forceps used by the good doctor and decided he could pull his own lower molar. Things were going fine until the tooth was about half out and the forceps slipped off. The pain was doubly severe by this time, but Len set Grace's bedroom mirror on the kitchen table, pulled the kerosene lamp a bit closer, reapplied the forceps and again went to work. He grunted, he groaned, and he succeeded in extracting the tooth. Grace built up the fire, fixed Len a cup of coffee and he went to bed, obviously pleased with himself.

Len Jordan—The Man?—Might he not more appropriately be called *Len Jordan—the Gentleman?*—for the definition of a gentleman is a man who is well-bred—and a man who is an honorable person. Yes, I think we could all agree that:

Len Jordan—the Gentleman—Has Faith, not doubt; *Self-confidence*, not fear, *Hope*, not despair.

Thank you much for this privilege.

REMARKS BY J. LYNN DRISCOLL IN PRESENTING DISTINGUISHED CITIZEN OF IDAHO AWARD TO SENATOR LEN B. JORDAN

When Hugh Wilson offered me the opportunity to take this place on tonight's program and after I had accepted the invitation, I began to wonder why he had selected me for this honor. After considerable mental effort the only plausible conclusion that I could come to was that he wanted someone who by having already qualified for the groups which Len will soon be joining and who could therefore rightfully welcome him to the now much publicized Senior Citizens Fraternity and the Unemployed.

While I cannot say that I was personally acquainted with Len Jordan during his days as a sheepman below Hell's Canyon, and in the Grangeville area, I knew of him in those days and then became very well acquainted with him as Governor of Idaho, as a member of the International Joint Commission, the Canadian-U.S. Commission, working on settlements of the problems involved in the use of the waters in the rivers arising in Canada and flowing into the U.S. and vice versa; and then as U.S. Senator.

While I have not always agreed with him I have most certainly learned to respect his ability, his intelligence, his judgment and his honesty. I have seen him, as many of you have, take actions or cast votes that were not politically popular and which beyond doubt cost him votes at the ballot box but his innate honesty made him do what his conscience told him was right regardless of the political consequences.

Due to his living and working below Hell's Canyon for so many years, his experience as Governor of the State of Idaho when there was strong pressure being brought to bear to have the present Hell's Canyon Dam built by the Bureau of Reclamation to provide funds for the irrigation of the Mountain Home desert, his years on the International Joint Commission and later as United States Senator where he had full access to all the engineering studies and reports on Hell's Canyon and the Snake River, I know of no man better qualified to vote intelligently on the proper program for the use of Hell's Canyon than Len Jordan nor in whom I would have more confidence in his judgment on that question.

In passing let me suggest that if you have not already read the book, "Life Below Hell's Canyon" written by Grace Jordan, Len's distinguished wife, I suggest you do so. It is a very interesting and entertaining book.

Len, I sincerely regret your decision not to run for office again. I am very sure you could have been easily reelected but I believe I understand your reasoning. In all honesty I must say that I find myself in total agreement with your decision.

It is now my privilege to present you with the award that the Idaho State Chamber of Commerce has seen fit to bestow upon you, the 1971 Distinguished Citizen of Idaho. I know of no one more richly deserving of it.

Welcome, Len, to the Senior Citizens and the ranks of the Unemployed!!

BELL HELICOPTER—A PRIME EXAMPLE OF GOOD MANAGEMENT IN THE AEROSPACE INDUSTRY

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. WRIGHT. Mr. Speaker, it may be unfortunate in one respect that so much recognition is given to various deficiencies, large and small, in the performance of various aerospace companies on various Government procurement.

A tragic consequence of this preoccupation with negatives is the American public's image of an industry that played a major role in holding this Nation together during World War II and two other major conflicts in our century. A growing segment of the public is placed under the impression that the aerospace industry now is being led by inept, bumbling management.

Against this background it is incumbent on us to present to the public the other side of the coin.

A number of aerospace firms have, over a period of many years, exercised very good management and avoided monumental cost overruns and severe technical difficulties.

A refreshing example is Bell Helicopter Co., of Fort Worth, which has achieved an outstanding record in filling Government contracts.

Perhaps no single aircraft program has been of more importance to the U.S. Army than the development of the UH-1 "Huey" and, subsequently, the AH-1 Huey Cobra helicopters. The Bell management record on these projects speaks for itself:

During the period of 1958–69, Bell Helicopter Co. compiled a record of on-schedule deliveries unmatched in aircraft manufacturing. This achievement included one 18-month span during 1965–66 when production increased 150 percent to meet the Government's wartime needs.

While many defense-related firms have released figures showing cost overruns on their Government programs, Bell has fulfilled its obligations at below negotiated cost on more than $1 billion worth of business with the U.S. Government.

On the UH-1 and AH-1 programs, Bell has achieved cumulative value engineering savings of $18.5 million to the U.S. Government.

Cumulative work simplification program savings have amounted to $9 million.

Bell's cost awareness program, inaugurated in 1964, has resulted in overall savings of $58.8 million.

Thus these three programs alone have resulted in identifiable savings totaling $86.3 million for the benefit of the American taxpayer.

It should be noted in regard to the value engineering, work simplification, and cost awareness programs that these savings are computed on the basis of the net amount that accrued during the 12-month period following actual installation of the improvement. However, actual savings are far greater when one considers that these economies continue to accrue as long as the object of the cost improvement is in effect.

During the course of the UH-1 and AH-1 programs, Bell has maintained a high level of logistics support while meeting production demands. This has included supporting aircraft accumulating some 3 million flying hours yearly.

This Bell success story began in 1955 when the Defense Department named the company winner of an industrywide design competition to develop the Army's first turbine-powered helicopter. It was to be used for medical evacuation and general utility missions.

The initial UH-1's met or exceeded contract requirements for speed, load capacity, rate of climb and hovering capabilities. In the ensuing years, successive models have been gradually upgraded to accommodate a number of growth version engines, to double their tactical payload capacities, and to carry out a large range of missions, including weapons-firing roles.

Officially called Iroquois but more popularly known by their GI-coined name of Hueys, these helicopters also joined the inventories of the Marines, Air Force, and Navy in the 1960's—the only vertical-lift aircraft in history to enjoy such commonality of use.

There were many skeptics when the Hueys went into Vietnam combat. However, they carried out their combined roles of aerial ambulance, truck, jeep, and artillery so effectively under the most demanding climatic and topographic conditions that the conflict became known as the helicopter war.

That these versatile machines were designed to absorb enemy hits in major components and still return safely home is vividly pointed up in Army statistics. These show that throughout their service in Vietnam, the loss rate has been one helicopter for every 33,000 sorties, and their availability rate has been an extremely high 72 percent.

However, by 1964, Bell had become increasingly aware of the fact that Hueys serving as armed escorts for their troop-carrying counterparts required increased speed, maneuverability, range, and endurance plus improved protection for helicopter and crew.

In September 1965, Bell announced that it had developed the high-speed, tandem-seat, streamlined Huey Cobra gunship to meet these requirements. The Government awarded Bell a production contract in April 1966, and 14 months later the first Huey Cobra was delivered to the Army. This is an amazingly short period of time from diagnosis to fulfillment of a critical need. It undoubtedly resulted in the saving of countless lives. Huey Cobras were credited with blunting the Communist Tet offensive of early 1968 and have been the backbone of our close support of ground troops ever since.

During the past decade almost 10,000 of these two series of helicopters have effectively served our Armed Forces and those of other free world nations. This is a tribute to the foresight of Bell management and its parent organization, Textron Inc., and their continuing efforts in product improvement and research and development—much of which has been company-sponsored.

Bell has long been recognized as a low-cost producer. Effective and comprehensive cost controls are inherent in the company's operation.

In 1968, Bell received the first annual U.S. Army Aviation Systems Command Contractor Cost Reduction Award. In 1969, the Department of Defense cited these efforts, presenting its Contractor Cost Reduction Achievement Award to Bell.

The company has maintained close cooperation with the Small Business Administration to insure participation by smaller firms in building Bell helicopters. In 1969, 65.5 percent of purchase orders were placed with small businesses, representing 28.4 percent of dollar value of all purchases.

This is the other side of the coin—the side that all too seldom is given recognition. In the face of the highly publicized adversities with which a number of aerospace companies are faced, I believe the public is entitled to know about these and other examples of good management, cost consciousness and technical excellence in the aerospace industry.

SPEECH OF CHAIRMAN WILBUR MILLS BEFORE THE 58TH NATIONAL FOREIGN TRADE CONVENTION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. VANIK. Mr. Speaker, on Tuesday, November 16, Hon. WILBUR MILLS, chairman of the House Ways and Means Committee—with whom I have been privileged to serve—delivered a major address before the 58th National Foreign Trade Convention. As usual, the chairman's speech was remarkable for its clarity, its directness, its competency, and its comprehensiveness.

Chairman MILLS pointed out the frightening parallels between the world trading situation which existed during the darkest days of the great depression and which exist today. He warned that while international trading imbalances cannot be corrected overnight, it is imperative that action be taken soon:

> Indeed, there is every evidence that, as the timetable for lifting the additional duty on U.S. imports remains indefinite, the negotiating leverage for achieving a meaningful realignment of currencies will be dissipated.

He stated that our present drift must not be allowed to destroy the mechanisms and atmosphere which have permitted world trade to expand from $55 billion in 1950 to $311 billion in 1970.

As Chairman MILL's pointed out, the President's action of August 15 was taken without congressional authorization and without the request for enabling legislation. To provide legitimacy for this Nation's policies, to give direction and restore confidence, the Congress and the executive must cooperate in the development of new policies.

I am sure that under the guidance of the able gentleman from Arkansas we will soon be able to develop a trade policy that will be in the best interests of our own Nation and of the world trading community.

Following is a full text of Chairman MILL's statement:

REMARKS OF CONGRESSMAN WILBUR D. MILLS, BEFORE THE 58TH NATIONAL TRADE CONVENTION, NEW YORK, N.Y., NOVEMBER 16, 1971

I am both pleased and honored to be here today and to participate with you in your exploration of the "Imperatives for World Economic Progress" in this 58th National Foreign Trade Convention. This annual convention has a long tradition of deliberating on those policies of business and government which enhance the free flow of trade and investment and which contribute to economic growth and well-being throughout the world.

I am sure I am not the first speaker to pay tribute to that tradition by quoting from a statement by Secretary of State Cordell Hull. Secretary Hull spoke a great many truths concerning the importance of foreign trade and the vital necessity of international cooperation in trade relations. As I view the state of our international economic affairs, it occurs to me that a statement of Secretary Hull before the Committee on Ways and Means is particularly apropos at this time.

The date is March 8, 1934, and the statement is in support of H.R. 8430, which became the Reciprocal Trade Agreements Act of 1934. Secretary Hull observed: "The field of international trade, however, upon the existence of which the economic lives of scores of nations depend, and the economic well-being of all nations in important measure depend, is hopelessly clogged and obstructed by prohibitions, embargoes, quotas, restrictions, and numerous other economic and currency impediments. The processes of exchange and distribution have broken down and *adequate relief imperatively requires the restoration of confidence, employment, normal commodity prices, and normal trade, both internal and external.*" (Emphasis supplied.)

This description of conditions in international trade of 37 years ago appears to me to be perilously close to conditions which can develop in the world economy should the present attitudes and policies in world trade centers persist. Prohibitions, import quotas, bilateral restrictions, discriminations, economic and currency impediments are coming to be increasingly used, if not in practice, at least in terms of proposals by governments as they seek to protect their own economic situations or to redress real or alleged imbalances in their economic affairs.

There is no doubt that the economic conditions, both internal and external, which faced the United States this past summer were of an extremely serious nature. Inflation, under-employment and long-time budgetary deficits domestically, were reflected in increased imports, lagging exports, and deficits in our balance of payments and balance of trade.

These conditions to which the President addressed his action on August 13 did not develop overnight. And I believe we need to remind ourselves that they cannot be corrected in a brief period of time.

Internationally, the President's action in imposing an additional duty of 10 percent on most dutiable imports and suspending the convertibility of the dollar into gold represented for the United States a new freedom from the rules of the game as they particularly applied to this country. Given the role of the dollar in the international monetary and financial system, the United States has not had the flexibility enjoyed by other countries to adjust the value of its currency to reflect shifts in economic conditions and relative economic strengths. In trade, the position of leadership assumed by the United States had up until this summer foreclosed unilateral action in the trade field to assist in the necessary adjustments in the international economic accounts.

The President's shock treatment certainly worked up to a point. Our international economic problems have now received the attention of our trading partners which they previously had tended to ignore in face of the overall economic strength of the United States. I believe that the reaction of our trading partners after the initial shock has been for the most part one of cooperation.

The correctness of the United States action on August 15 will be lost sight of, however, if other governments are given time to react in response to pressures from their own producing interests. Indeed, there is every evidence that, as the timetable for lifting the additional duty on United States imports remains indefinite, the negotiating leverage for achieving a meaningful realignment of currencies will be dissipated.

Indeed, as Mr. Hull observed, we need a "restoration of confidence," for despite the actions of August 15, we still have a crisis of confidence on the part of the business community and labor. This is particularly true of our trade policy.

Abrupt changes in policy are usually characterized as the end of an era. It is my hope that the forces which have been set to work since August 15 will not result in the end of the era of cooperation in international trade and monetary policy in which world trade has expanded from $55 billion in 1950 to $311 billion in 1970.

Trade expansion policies, including the trade policy the United States has pursued, anticipate economic adjustments. Trade expansion policies run into trouble when the economic adjustments resulting from reduction in trade barriers develop faster than they can be assimilated by the affected economic interests. The success of the trade agreements program until recently has been due to the recognition that trade liberalization must proceed surely but slowly if it is to remain economically viable and politically acceptable.

The leadership the United States has been able to exert in international trade is due to the fact that under the trade agreements extension acts and the Trade Expansion Act of 1962, the Congress and the President were speaking with one voice. The failure to extend the President's trade agreement authority after June 30, 1967, has contributed substantially to the deterioration of consistency in our trade policy and indeed has raised the question as to whether the United States has a trade policy.

The history of the trade agreements program has been one of the President seeking increased flexibility to deal with our trade problems internationally and the Congress providing written safeguards in recognition of the interest of producing groups in our economy. Thus, over the years, a balance of forces was achieved in delegating tariff adjustment authority to the President under specified conditions which provided for escape from situations of import competition to which industries and workers could not adjust.

In the Trade Expansion Act of 1962, the Congress granted the President more sweeping tariff reduction authority than ever before. However, despite the introduction of the concept of adjustment assistance for firms and workers injured by imports, the safeguard provisions of the 1962 Act and their administration failed to recognize that our producing interests would need quick and effective relief in dealing with the type of competition from imports that subsequently developed. In part, we failed to recognize that economic growth abroad has contributed greatly to the efficiency of foreign producers. Moreover, in administering other phases of our trade laws, we have failed to take into account the type of trade practices, often government-assisted, which have placed our own producers at a disadvantage, not only in the United States markets but abroad.

The tremendous shift in attitudes toward our trade policy on the part of a number of major industries and labor unions is compelling testimony to the failure of government policy to deal adequately with competitive forces to which our own trade laws should be addressed. It is an important aspect of the crisis of confidence on the part of manufacturers and workers.

Industry after industry has failed in its efforts to obtain relief under the tariff adjustment provisions, or, as they are known more familiarly, the escape clause provisions, of the Trade Expansion Act. Relief under the Antidumping Act or the countervailing duty provisions has either been so slow in coming or administered so reluctantly that the United States producers have despaired that the government would provide any assistance with unfair pricing policy of the foreign exporters and their governments.

There has been improvement recently in the administration of the Antidumping Act. Nevertheless, the complete breakdown in confidence of both management and labor that the government would respond to severe problems of import competition has caused industry after industry to seek legislated import quotas. Such proposals would impose quotas on imports across broad industrial sectors. Such relief is in contrast to the more selective type of relief contemplated in the escape clause provisions, and is, of course, of great concern to our trading partners, since it represents a completely different approach from trade policy that this country has pursued up to this time. Such an approach contradicts the type of international obligations which we must insist our trading partners live up to in view of our own great interest in world markets.

I share the concern of those who feel that the trade problems facing the United States are so serious that we must devise trade controls which will limit imports to a certain percentage of the domestic market. I still feel, however, if we amend our present laws wisely and prudently, we can retain the benefits of expanded world trade and safeguard our own producing interests, both business and labor.

But we must do so very soon. That is why I am concerned that we have not been able to take advantage of the imposition of the additional duty on imports to obtain quick and responsible action on the part of all major trading nations in the realization of exchange rates. It obviously is not possible to agree on a restructuring of the international monetary system in a short period of time. Nevertheless, an interim agreement on currency values could do much to quiet the concerns of many that the longer the present situation in the international monetary market persists, the more governments will resort to artificial currency manipulations and trade controls. I think we need to remember that whatever the cost of the failure to act earlier to make fundamental changes in the international monetary systems, it is at least partially offset by the great increase in world trade achieved under that system due in no small part to stable currency values. Thus, in any political strategy to reform the monetary system, I think we must keep in mind that the reforms must be accomplished without losing the economic benefits all countries enjoyed under the old system.

Among the beneficiaries, too, have been those economic interests actually engaged in international trade and investment. The indefiniteness of the present monetary and trade situation is not one that instills confidence in businessmen to make those decisions which lead to economic growth. Thus, the very nature of the present series of confrontations in trade policy give me great concern.

As I have indicated, the imposition of the additional duty on imports was basically sound and necessary in view of the currency crises and other ominous trends of last summer. Indeed, I had publicly stated my willingness to consider legislation under which a temporary border tax adjustment could be imposed. However, the President's action in imposing the 10 percent additional duty on most dutiable imports was without the specific authorization of the Congress. As you are aware, there has been no clear-cut explanation of the legal basis of the President's action under the national emergency he declared. Suffice it to say, the President has apparently terminated, in whole or in part, previous Presidential proclamations reducing duties pursuant to his trade agreement authority.

On some $4.5 billion in imports in 1970, the President's action had the effect of terminating all previous trade agreement concessions so that the rates of duty applying to imports are the statutory rates of 1930. It now appears that some importers are considering whether to petition for a ruling on the legality of the additional duty. A collateral question arises as to the President's authority, under the trade agreement provisions, to rescind the additional duty once he has terminated the previous tariff reductions.

Still another problem that must be faced is whether and how the President will deal with the last stage of the Kennedy Round scheduled to become effective on January 1, 1972, under a previous trade agreement proclamation which the President has terminated, in part, or "suspended." While such a question may appear superfluous in face of the 10 percent additional duty, it will hardly appear so minor to our trading partners.

Thus, my concern here is that, despite the obvious necessity of the additional duty, the lack of appropriate consultation with and delegation of authority from the Congress regarding this matter in particular has created uncertainty as to what trade policy in the United States is, and what the aims of this country are in dealing with our trading partners.

Again, in my own view, we are in the position we find ourselves because, by force of circumstances in both the executive branch and in the Congress, it has not been possible to work together to develop a balanced package of trade measures which would, on the one hand, give the President authority and flexibility to deal with trade problems internationally and, on the other hand, provide in our own domestic trade law reasonable and effective programs to deal with adverse competitive situations *and available to all producing interests on the same basis.*

In this regard, it is popular these days to state that many of our international trade problems will be solved if we recapture the competitive spirit and effectiveness of the proverbial Yankee Trader. I, too, subscribe to that theory. I certainly do not share the views of others that United States exports are passe, and that the United States should resign itself to becoming a service economy. Such a concept may fit the econometric models that are also popular these days, but which have little in common with the real world.

A part of the real world of international trade is contained in a number of bills pending before the Committee on Ways and Means which are based on hard analysis that existing trends in trade are robbing United States workers of job opportunities and eliminating profitable operations of many small firms which cannot adjust by investing abroad. The realities of trade policy in the 1970's, therefore, must involve a new awakening between workers and business in the United States as to the mutuality of their interest. For too long have we ignored the vital commercial aspects of day-to-day developments in our trade relations. Too often, market access problems abroad for United States producers have gone unsolved and the only viable answer for the individual corporations has become increased investment to produce abroad. It may well be that we should spend less time in coordinating policies and more time and thought to developing a single government department which will have the full responsibility for pursuing United States commercial interests abroad with the same fervor and success that foreign producers expect and obtain from their governments.

The world moves very swiftly these days. If we do not shortly begin to exhibit that maturity and political ability to understand and be understood by our major trading partners, all of the benefits we have come to enjoy from years of international economic cooperation can soon disappear. Moreover, there is a task ahead of rebuilding a trade policy for the United States which will reflect, first, its economic and, second, its political position in the world today. This task cannot be accomplished by the President alone. Today more than ever before, the President's power and flexibility to meet problems in trade must necessarily rest on the authority delegated to him by the Congress.

Finally, both management and labor must work toward the common goal of recapturing the competitive edge in producing in this market and abroad. This may sound like so much sophistry to some, but if this country is to remain the economic power and political force in the world economy that our traditions demand, it must be done through business and labor working with and through government toward their own interests both as *producers* and *consumers.*

ADMIRAL ZUMWALT OUTLINES NAVAL TRENDS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. SCHMITZ. Mr. Speaker, Adm. E. R. Zumwalt, Chief of Naval Operations and member of the Joint Chiefs of Staff, made an excellent speech on October 14 of this year concerning various facets of the current decline of our naval forces in the face of a Soviet naval buildup which the admiral characterizes as, "a seeming frantic effort."

Before inserting this sobering assessment of the Soviet naval threat into the RECORD for the benefit of my colleagues I would like to take the liberty of listing here a few of the essential points made by our Chief of Naval Operations.

Admiral Zumwalt points out that:

Between 1966 and 1971, when the U.S. produced 88 combatant and amphibious ships, Soviet shipyards produced more than 200.

Two of the products of their development and shipbuilding are capable of directly challenging the ability of the United States to use the seas. These are the expanding Soviet anti-ship missiles, and their submarine forces. They exist and are at sea today, and they are increasing at a rapid rate.

Anti-ship missile launching platforms have increased four-fold since 1960, while the Soviet submarine force now numbers over 300 attack and cruise missile submarines as compared to the 57 which the Germans had at the beginning of World War II.

Not counting ballistic missile types, the Soviets overtook and passed us in total numbers of nuclear submarines in 1963—almost eight full years ago—and they are still building them at a faster rate than we are.

Since 1965, Navy strength has been reduced by 25 percent of its ships, 20 percent of its combat aircraft and 7 percent of its total uniformed and civilian personnel. Thus while the Soviets have been making a seemingly frantic effort to build a Navy capable of challenging our own . . . we have been sliding steadily downhill.

To replace even our present level of naval forces on an orderly basis every 25 years, we must invest $3 billion each year in new construction, at 1972 price levels. We have not been able to approach that level of investment for the last eight years.

Although the dollar level of Navy funding today is higher than in the years before Vietnam, our real purchasing power has been cut 13 percent as a result of inflation. We have in effect lost a whole generation of shipbuilding in the last decade—and, given the accelerated Soviet effort in the same period, they have established tremendous relative momentum.

Today, our allies and the uncommitted nations of Eurasia and Africa may well see themselves as increasingly encircled by offshore Soviet naval might as a result of visible and frequent Soviet naval exercises in the Atlantic, and the continuous Soviet naval presence in the Mediterranean Sea and Indian Ocean.

Admiral Zumwalt projects present trends into the future and, based on an increasingly evident U.S. weakness relative to the Soviet Union, sees our allies first moving toward "an accommodation by some toward Soviet Power, then growing neutralism, and finally, the United States could become an island, economically and militarily isolated—and Americans might have no choice but to stand helplessly watching as the final sands of our hour of greatness run out."

The full text of the remarks delivered by Admiral Zumwalt at the military banquet of the Chamber of Commerce—Navy League, St. Louis, Mo., on October 14, 1971, follow:

REMARKS BY ADM. E. R. ZUMWALT, JR.

I am delighted to be with you here in St. Louis—Gateway to the West since the earliest days of the republic, and now an increasingly important gateway to world markets for the commerce of the American middlewest.

It is clear that St. Louis is deeply involved in the international trade of our country when one considers that the overseas export trade alone from the port of St. Louis in 1969 amounted to a value of $322 million dollars; and further, that the state of Missouri has had the highest annual growth rate in overseas trade of all the 50 states in the past decade. These are impressive indicators that this community is indeed aware of the significance of our overseas trade.

I am sure, then, that you will be interested in hearing my perceptions of the changing realities of American maritime power—and the possible implications I see for the future, assuming the continuance of present trends. I also want to discuss with you the Nixon Doctrine which seeks a generation of peace.

First, by way of background, you are all aware that unprecedented demands are today being placed upon the energies and resources of our nation as a result of the confluence of the two great currents of world and national affairs—within the nation we are buffeted by turbulence arising from well springs of social, political and economic instability, while in the world beyond our shores, ponderous forces are afoot, slowly tipping the scales of the international security balance to a position markedly different from that of the past 25 years.

Many of the specific issues arising from these dual pressures on the nation have been widely publicized, and are therefore known to you—but I would like to speak to you tonight of a trend which is neither widely known nor clearly understood in America.

This is the fact of the declining balance of the naval strength of the United States as compared to the Soviet Union, and its implications for the future welfare of our country.

I believe that it is vital for all Americans to understand the nature and extent of the change in our military and maritime situation because, although honest men may differ in their choices of solutions to commonly perceived problems, it is essential to clearly understand the nature of the problem before an informed choice can be made. The ultimate decision makers on this, as on all issues, are the American people acting through their elected and appointed representatives. Thus, they need to be as well-informed on this issue as they are on those now more widely-publicized in the land if a rational ordering of priorities for our national resources is to be made.

Secretary Laird recently pointed out that, although the United States is the number one nation in the world economically and would maintain that position in the future, he could not say the same thing about the projected relative position of the United States militarily in the years immediately ahead. He added "I'm still convinced the American people do not want to be inferior militarily . . . and I think this talk of budget cutting will be something of the past . . . once they realize the significance of the tremendous momentum of the Soviet Union."

That momentum encompasses the full spectrum of military power. Within the conventional field specifically, Soviet naval and maritime power is on the increase, and the fact that it is has added a new dimension to world affairs. Only the best informed and most perceptive Americans have sensed that it has already changed the secure viewpoint from which we have observed world affairs since 1945. Here is why.

The Soviet Union emerged from World War II as the greatest of the European land powers. When the Soviets shortly thereafter tried to use their superior land power to acquire European and middle eastern territory, we and our allies undertook to halt them by executing a series of mutual defense agreements. NATO was the foremost of them, and was followed by a number of bilateral and multi-lateral pacts which now include over 40 nations in what has come to be known as the free world alliance system. These agreements were backed by American economic strength, our Navy and our strategic nuclear superiority. They were effective in countering Soviet thrusts and are responsible in large part for western strength and prosperity today.

These are maritime alliances in the fullest sense. They depend utterly upon the ability of the United States to freely use the seas to support its allies and to prevent them from being encircled from the sea. Their maritime nature can best be demonstrated by considering the relative positions of our friends and our potential opponents. Almost all of our allies are overseas, as are all of our potential opponents.

The President noted the unique maritime dependence of the United States in 1970 when he said:

"One other point I would make briefly is this: What the Soviet Union needs in terms of military preparedness is different from what we need. They're a land power primarily, with a great potential enemy on the east. We're primarily of course a sea power and our needs, therefore, are different."

This is a most perceptive and telling observation. Soviet vital interests require a large army and air force to protect the Eurasian heartland—our vital interests require a capability to control and use the seas which bind together the maritime alliance of which we are a part.

Why then are the Soviets committing resources to building a Navy? Because, since World War II, the balance of world power has depended upon a series of countervailing western alliances, which in turn depended to a great extent upon the large and powerful United States Navy which came out of that war.

As in the past two centuries, when Russian objectives of expansion were forestalled by the British and Japanese fleets, the Soviets today perceive the U.S. Navy as the key obstacle standing in the way of their goal.

Since World War II, the U.S. Navy, in conjunction with its allied free world navies, has been the guarantor to all that our seaborne commerce and strategic materials would continue to flow and that our interlocking alliance system was underwritten by credible naval power.

The Soviets see this fact as a point of vulnerability, and so they have carefully optimized their forces to be most effective against the U.S. Navy.

Our Navy has four principal functions and capabilities which it must provide:

First, in this nuclear age, it must contribute to deterrence of nuclear war.

Second, it must be able to control the areas of the sea that we wish to use—in short, to keep our sea lines of communications open.

Third, when it is our national policy to do so, it must be able to project U.S. power ashore on foreign soil and against opposition to protect our own vital interests or support our own or allied ground forces.

Fourth, in peacetime it must manifest an overseas presence demonstrating to our allies and possible adversaries that a challenge to our overseas interests or those of our allies may result in a confrontation with U.S. armed forces.

After the strategic nuclear role, the most essential of these capabilities is that of Sea Control, for if we are unable to use the seas against opposition, all other missions are neutralized—the Soviets also perceive this as vulnerability, and they have chosen their weapons well. The Soviet Navy thus far is designed not to overpower us on the surface of the sea and to attack our shores, but to deny us the use of the seas and to drive us from the positions from which we support our alliances. The large Soviet submarine and missile fleets are admirably suited to the task.

Having thus set the stage, let me develop the case further by pointing out four realities in today's environment which influenced our need for and govern the Navy's ability to perform these functions.

The first of these realities is nuclear parity. Today, we no longer possess superiority in nuclear arms. Soviet arms are on a par with ours.

The main effect of this stand-off is that the United States must look to conventional forces to provide the means of protecting our interests. Without sufficiently strong and mobile conventional forces we may only have two options where our interests are threatened: to engage in nuclear war, or to back down. These, as you recall, were the only options available to Khrushchev in the 1962 Cuban Missile Crisis.

The second reality is the Nixon Doctrine. Although under it we will continue to honor our commitments, it stresses increased, self-reliance on the part of our allies and promises reductions in our own overseas bases and forces. As such it contains important naval implications:

First, if we are to reduce overseas forces and bases, it is essential that we maintain a credible capability to return in force if needed—even if opposed—for in the absence of such a capability, both our allies and possible adversaries may question the worth of our commitments.

Second, our commitments demand adequate sealift. Even with the availability of the newest cargo aircraft, over 90 percent of overseas military cargoes must travel to their destinations on the surface of the oceans. For this reason, there can be no plan for the possible engagement of U.S. armed forces overseas which does not assume that we or our allies will be in control of the sea lines of communication to the threatened area.

Finally, we must maintain an independent U.S. capability to prevent an effective challenge to our free use of the oceans and of international air space. There will be times when we will be called upon to go it alone. Cuba was one such instance, Jordan in 1970 was another.

The third reality, as I have mentioned previously, is Soviet naval and maritime expansion. Since we no longer possess nuclear superiority, Soviet naval expansion gives them the potential to greatly diminish our conventional military capability to support our alliances and to protect our commerce.

As we might have expected, this Soviet naval growth can be traced directly to the Cuban Missile Crisis of 1962, when the weakness of the Soviet Navy and U.S. strategic nuclear superiority forced them to back down in the face of a resolute U.S. stand.

Since then, the Kremlin has allocated vast resources to gaining strategic nuclear parity and to naval building programs—resources made available in part by drastic cutbacks in the Soviet manned space effort. To illustrate their renewed naval emphasis, between 1966 and 1971, when the U.S. produced 88 combatant and amphibious ships, Soviet shipyards produced more than 200. The Soviet fleet now approaches the U.S. fleet in total numbers of combatant ships.

This development has not gone unnoticed by our allies—in the new edition of the prestigious naval annual Jane's Fighting Ships, its editor Mr. Raymond V. B. Blackman says:

"The situation for the U.S. Navy is serious. By any standards, the Soviet fleet now represents the supernavy of a superpower."

Two of the products of their development and shipbuilding are capable of directly challenging the ability of the United States to use the seas. These are the expanding Soviet antiship missile forces, and their submarine forces. They exist and are at sea today, and they are increasing at a rapid rate.

Anti-ship missile launching platforms have increased fourfold since 1960, while the Soviet submarine force now numbers over 300 attack and cruise missile submarines as compared to the 57 which the Germans had at the beginning of World War II. Not counting ballistic missile types, the Soviets overtook and passed us in total numbers of nuclear submarines in 1963—almost eight full years ago—and they are still building them at a faster rate than we are.

The fourth and final reality is our own reduction in the numbers and strength of our own naval forces.

Since 1965, Navy strength has been reduced by 25% of its ships, 20% of its combat aircraft and 7% of its total uniformed and civilian personnel.

Thus, while the Soviets have been making a seemingly frantic effort to build a Navy capable of challenging our own, even to the possible extent of conceding the moon race to us, we have been sliding steadily downhill. Two forces prompted our decline.

First, to replace even our present level of naval forces on an orderly basis every 25 years, we must invest $3 billion each year in new construction, at 1972 price levels. We have not been able to approach that level of investment for the last eight years.

The higher budgets of the Vietnam years were committed to replacement of losses or expenditure of weapons—shipbuilding allocations were cut back to help pay these daily operating costs of the war. In essence, we were forced to accept steadily growing obsolescence as one of the costs of that war.

Secondly, although the dollar level of Navy funding today is higher than in the years before Vietnam, our real purchasing power has been cut 13% as a result of inflation. We have in effect lost a whole generation of shipbuilding in the last decade—and, given the accelerated Soviet effort in the same period, they have established tremendous relative momentum.

If these two opposing trends continue, it is inevitable that the United States Navy will one day be inferior to the Soviet Navy.

In my opening remarks, I said that Americans must understand the nature and extent of changes in our military and maritime situation and also their implications with regard to our welfare, future security and economic well-being.

What would be the affect on Americans if the relative circumstance I have suggested does ultimately come to pass?

First, one must accept the fact that the ability to move commerce across the earth's surface, and, if need be, to project power beyond national boundaries, are foremost among the essential determinants of a nation's international importance. For the United States, both of these factors entail movement over the world's oceans.

The elements of national power are clearly understood by both our allies and our adversaries. Today, our allies and the uncommitted nations of Eurasia and Africa may well see themselves as increasingly encircled by offshore Soviet naval might as a result of visible and frequent Soviet naval exercises in the Atlantic, and the continuous Soviet naval presence in the Mediterranean Sea and Indian Ocean. They are watching these developments with interest.

No one can foresee the future, but it is possible to construct a hypothetical scenario for the future which fits the facts as they are and which is consistent with the lessons of history—a scenario which can become real only if we allow it to. First, there are certain assumptions which can be drawn from the facts as they are known today:

For instance, it is generally considered that, so long as an approximate parity in nuclear delivery and defense systems exists between the USSR and U.S., nuclear war is not likely between them. The awful results to the populaces of both nations would make initiation of nuclear attack an irrational act.

If we concede the irrationality of a nuclear war between the U.S. and USSR, we must further hypothesize the improbability of a NATO war. Because of the enormous importance of the outcome of a NATO conflict, we have tied our nuclear commitment to NATO for the past twenty-five years. The near certainty of a NATO war triggering a nuclear exchange is recognized by both parties. For this reason, it is logical to assume that both parties will try to avoid circumstances which could lead to a NATO war.

And so, my scenario is premised on an assumption that the Kremlin may therefore be expected to continue seeking to achieve its objectives short of nuclear war. And, for the first time in modern history, the door is ajar for Russia to break free of the entanglements of encircling land alliances and to spread power and influence toward historical objectives in the Middle East, Asia and even in Europe.

Under such circumstances, the Kremlin could choose to follow this course:

They could continue to avoid nuclear war, or situations which they perceive could readily result in nuclear war.

In the absence of an agreement at the SALT talks they may continue their build-up of strategic nuclear weapons for psychological effect.

They could take advantage of the momentum of their naval expansion and increase "showing the flag" or "gun boat diplomacy" actions in Eurasia and Africa.

They could continue to foster communism worldwide through aid and subversion, exported along with trade and economic programs to key areas of western vulnerability.

Finally, possibly later in this decade, if they feel they are ready, they could be free to confront the United States with superior force in a non-NATO area of the world where we must stand alone, and we might be forced to back down, as they were forced to do over Cuba. Under my hypothesis, if and when this time comes, the Soviets would be very rational and cautious, as we have been when the preponderance of power lay with us—they would be certain to allow us the option to back away—and they would carefully calculate the outcome so that our allies and friends around the world will clearly perceive the fact that we have backed away.

And, if we allow this scenario to become reality, or even to become a realistically calculable outcome, our allies may then make the interpretation that our weakness reflects a lack of will to continue as a great power, and they may choose to believe that the game is over for us all.

If they did so, there would first be an accommodation by some toward Soviet power, then growing neutralism, and finally, the United States could become an island, economically and militarily isolated—and Americans might have no choice but to stand helplessly watching as the final sands of our hour of greatness run out.

But the tragedy to America's hopes and aspirations I have described need not come to pass—there is yet time for you, and your fellow Americans, to influence the outcome.

The dilemma you face is real—the needs of our cities; of the environment; of our more deprived citizens and of an adequate defense must all be provided for—and our resources, although vastly greater than those of any other nation, are not limitless. But as President Nixon has said:

"Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither."

Americans know that the paths of history are littered with the remnants of great nations whose strength at crucial times was proven second-best—and I believe very strongly with Secretary Laird and President Nixon that the dynamic ideology of individual freedom espoused by all Americans will not permit such a tragedy to overtake us or those who have stood with us.

Finally, President Nixon has designed his Nixon Doctrine around the three pillars of strength, partnership and a willingness to negotiate. We are in or about to begin many talks and negotiations which we believe can lead to a generation of peace and world stability—and the Navy's role during this period is to contribute to the strength of our nation as we negotiate.

With your help the Navy is ready to do its part of the job.

COL. RICHARD BENSON, ELKINS, W. VA., LUMBERMAN AND SKILLED PILOT, PROVIDES HAPPY HOURS FOR YOUNGSTERS FROM THE WEST VIRGINIA CHILDREN'S HOME AND GROUP OF CUB SCOUTS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, November 19, 1971

Mr. RANDOLPH. Mr. President, much of what we see and hear is both bad and sad. News that floods our television screens, travels the air waves to our radios, and appears in newspaper type, is too often weighted on the negative side of our constantly changing American scene.

Sometimes we ponder if people are pausing, in their hurried life, to be kind and helpful to others.

Richard Benson, of Benson Lumber Co. in Elkins, W. Va., recently entertained 54 youngsters from the West Virginia Children's Home with a bountiful wiener roast, airplane rides, and short spins in Benson's 1914 Model T Ford. Benson and his wife, Dorothy, hosted youngsters from the West Virginia Children's Home who thoroughly enjoyed their hospitality.

Benson also took a group of 86 Cub Scouts, Boy Scouts, and members of their families, for rides in his refurbished DC-3, the Gooney Bird. The Elkins Scouts had Carl R. "Budd" Bennett, of Buckhannon, as their copilot.

These young people were excited with their experiences, and their letters to Benson emphasized their enthusiasm, some of which were quoted in the November 8 issue of the Inter-Mountain, published in Elkins, and edited by Eldora Nuzum.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Inter-Mountain, Elkins, W. Va., Nov. 8, 1971]

IT'S LIKE CHRISTMAS—54 CHILDREN AT BENSONS SATURDAY

The tall dark-haired boy peered out the airplane window eagerly. "Boy," he said to nobody in particular, "this is just like Christmas."

He and the other 53 youngsters at the West Virginia Children's Home were invited by Elkins lumberman and pilot, Richard Benson for a ride in his DC-3 plane and for an old-fashioned weiner roast in the Benson's backyard on Saturday afternoon.

The weiner roast featured—what else—hot dogs, marshmallows, pop, potato chips and lots of games.

But the big attraction of the day was an airplane ride for every child. The children were divided into two groups and then each group went for a half-hour ride in Benson's DC 3.

All through the flights the young passengers talked and squealed with excitement.

"Wow, this is the first time I've ever been on an airplane. Can I sit with you? When are we going to take off? Hey, are we taking off? Wheeeeeeeeee! Can we take off our seatbelts now? Look down there. Is that a cow? That's not big enough to be a cow. Can I go up and see the pilot? Watch me be sick, I'm going to be sick. Hey, this is fun! Can we go again?"

Once on the ground, the children were caught up in still more excitement.

They were provided with sharpened sticks, given hotdogs and pointed in the direction of the open fire.

"That was good," one boy said happily, polishing off a hot dog. "Can I have another one?"

"Me, too," a girl chimed in. "That makes five for me!"

When the hotdogs were gone they toasted marshmallows—approximately 1,000 of them—and gulped pop. Many danced to music provided by tapes set out along the bank of the stream which borders the Benson's yard, while others threw footballs and played golf.

Some romped with the Benson's Great Dane, "Princess," and more played with "Dustball," a cocker spaniel owned by next-door neighbors Mr. and Mrs. Harry Marson.

Another star attraction was a 1914 antique car, Benson's pride and joy, which Don Adams drove and countless excited kids rode—and rode. "Can I drive, can I drive?" boy after boy shouted hopefully.

Sunday night, after the outing at the Bensons was over and only memories left, the youngsters sat and wrote to the adults who "threw" the party.

"I enjoyed the picnic very much," said nine-year old Keith Dills. I also liked the airplane ride. The most fun was the games, and the roasted hotdogs. And the very best is how nice the people were."

"I thought that everyone had a groovy time," said 16-year-old Rhonda Sands. "All I have left to say is thank you for the fun time you all gave us, and for taking time to do it."

"It was the first time that I had ridden in a plane and it was very exciting," said Francine Palmer, 14, "The food was good, I like the Model T Ford car, too. I'm glad you took time out to give us so much fun."

"I liked the airplane, that was the best," Cynthia Critelli wrote. "It was the first time I had been on one."

"I liked the plane ride very much," said 15-year-old Marvin Hollandworth. "And the hot dogs were delicious. I really liked the party a lot. I wish that we could do something for you all sometime."

"I like the picnic," wrote eight-year-old Craig Dills. "I like the airplane. I like the Model T car. I like to look down out of the airplane. I wish I could go back."

"I enjoyed the picnic and the delicious food," said Roger Graves. "I wish that I could do something for you someday. I want you to know that I enjoyed the airplane ride, and it was the first time I was on an airplane. So I guess that was the reason that I enjoyed it so much."

"We saw houses that looked like blocks and cows that looked like dots," wrote ten-year-old Joseph West. "Thanks a lot."

"Just a few lines to let you all know we enjoyed the airplane ride," Jerome Graves wrote.

"It was fun riding that and the truck. It was my first time in an airplane. I want to thank you for all letting us come to the picnic. Have a fun winter!"

"It is fun to do something you have never done in your life. and I had never been on a real airplane until you all took me," 14-year-old Lorraine Farmer wrote. "Thank you very much."

MARINER 9, FIRST MANMADE OBJECT TO ORBIT ANOTHER PLANET OF OUR SOLAR SYSTEM

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. MILLER of California. Mr. Speaker, recently a historic milestone was reached in America's unmanned space exploration program directed by NASA, when the Mariner 9 spacecraft became the first manmade object to orbit another planet of our solar system. Several days ago, I had the privilege of visiting Caltech's Jet Propulsion Laboratory in Pasadena, Calif., during the very critical orbit insertion maneuver of the Mariner spacecraft. The calculations were so precisely implemented by the Jet Propulsion Laboratory mission operations team that the orbit achieved was well within the planned nominal parameters. A small orbit trim was later performed to refine the orbit to improve telecommunications to earth.

The near perfection of this project can be traced to the high caliber of management of NASA, Caltech and the Jet Propulsion Laboratory who together achieved a rare working relationship where each contributed complementary expertise required to meet the rigid design and operations schedules.

To a large degree, the success of the Mariner program can be attributed to the conservative engineering approach of basing, in part, the design of each succeeding spacecraft upon the proven designs of prior Mariners, as well as the Ranger and the Surveyor projects. Another factor was the retention of experienced technical teams at Jet Propulsion Laboratory and NASA. For example, Mr. Dan Schneiderman, currently Mariner '71 project manager was also project manager of the successful 1967 mission to Venus. Earl Glahn, the NASA Mariner '71 program manager was also associated with Jet Propulsion Laboratory on a previous space mission.

While at Jet Propulsion Laboratory, I read an article in the Los Angeles Times for November 14, 1971, covering the orbit insertion phase of the Mariner mission. Mr. Speaker, I insert this article in the RECORD:

MARINER 9 ENTERS ORBIT AROUND MARS FLAWLESS MANEUVER SETS STAGE FOR 3-MONTH PHOTO PROBE

Mariner 9 intercepted Mars Saturday, fired its rocket brake and looped into orbit around the dust-shrouded planet 75 miles from the surface.

The flawless encounter after a flight of almost half a year marked the first time a spacecraft has orbited another planet and set the stage for three months of photographic exploration and mapping when a vast Martian storm subsides.

Scientist Albert Hibbs, monitoring spacecraft communications for newsmen announced the complete success of the extraordinary maneuver sequence after Mariner reappeared from behind the planet.

"Everything looks exactly as predicted," he said. "The results of the orbital maneuver appear to be so close to perfect they would be off if they were any closer.

EVERYTHING LOOKS GOOD

"Mariner 9 vanished behind the planet within one second of the time expected.

The battery is charging at high rate. We are getting data as we should. The spacecraft looks good. The orbit looks good. Everything looks good."

Chasing Mariner to the same target planet are two heavy Soviet probes which the Russians acknowledged Saturday will attempt to land instrument packages on the Martian surface, the first within a few days, the second at the end of the month.

Cheers resounded in mission control at the Jet Propulsion Laboratory in Pasadena when Mariner cut off the 300-pound thrust of its little braking engine at precisely the right second and again when the probe reappeared after vanishing behind the planet for 36 minutes.

Just prior to encounter, the spacecraft electronic brain maneuvered it through two turn sequences (roll and yaw) to align it properly for the 15-minute braking burn that slowed it from 10,917 m.p.h. to 8,612 m.p.h. and permitted its capture by the invisible tether of Martian gravity at 4:33 p.m.

Critical in the gyro-stabilized maneuver sequence were two periods when the probe's signals to earth were cut off in shifting antennas.

A CRUCIAL MOMENT

And particularly crucial was the regaining of Mariner's stabilizing lock on the sun after the maneuver was completed. Without power, the probe's batteries could have kept it functioning for only five minutes after it appeared from behind the planet.

As it was, the sun lock was regained shortly before Mariner disappeared behind Mars. The cruciform probe flipped into an initial orbit that carried it from a low point of about 800 miles out to a high point of approximately 11,000 miles.

The braking burn started when Mariner was 1,711 miles off the Martian surface, streaking over the sunlit side of the southern hemisphere 60 degrees below the planet's equator.

Fourteen minutes after engine cutoff—when orbit was achieved—the probe raced behind the planet and started its long climb up the far side of Mars to reappear off the dark side at a point 60 degrees above the equator.

Its momentum carried it to the 11,000-mile-high point of the orbit, called apoapsis, where its speed dwindled to 1,969 m.p.h. only to accelerate again as Mars dragged it back to the low point (periapsis) at a velocity of 8,612 m.p.h.

The spacecraft swept into its initial orbit that will be altered with a trim maneuver Tuesday to reduce the high point of the swing to 10,200 miles and settle Mariner into a two-a-day orbit routine.

Details of these distant events in space were transmitted to the monster 210-foot Goldstone antenna near Barstow, but because of the vast distance involved controllers at the Jet Lab were always more than six minutes behind time in learning what had transpired.

This also means that if Mariner's electronic brain reports some critical occurrence in the weeks to come it would be more than 13 minutes—with signals at the speed of light—before the probe could be given corrective commands (with instant response from earth), considering two-way signal time.

In passing behind Mars, and then reappearing after 36 minutes, the spacecraft provided its first occultation information for scientific study of the Martian atmosphere.

This is data obtained from variations in radio signal strengths as the transmissions pass through the Martian atmosphere just before and just after the probe is occulted or hidden behind the planet.

Three earlier flyby explorations of Mars (Mariner's 4, 6, and 7) produced only one entering and one exit occultation study each. Mariner 9, by comparison, will provide two sets of data each day—in two orbits—for a total of 180 studies in three months.

Mariner's final series of approach pictures, played back to mission control Saturday night after the spacecraft hooked into orbit, showed Mars looming huge in size but still obscured by dust raised by the storm that has been sweeping the planet.

Scientists were encouraged, however, despite the blank appearance of the planet on the TV monitors, because computer enhancements indicated that features not visible in the raw photos will show up when the pictures are finally processed.

They said also that the dust storm will be a bonanza for investigators studying variable features of the planet and said Mariner's camera should be able to follow the course of the waning storm and learn much about the processes that affect the surface.

Another encouraging factor was the improved view of the southern polar cap, which showed up distinctly in photos taken closer to the planet.

MISS KATHERINE W. CLOSE, ALLEGANY COUNTY, MD.

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, November 19, 1971

Mr. BEALL. Mr. President, for many years the work of the Republican Party in Allegany County, Md., has been furthered immeasurably by the long and diligent work of Miss Katherine W. Close. But her dedication to the GOP is matched only by her loyalty to the Baltimore Colts in general, and star quarterback Earl Morrall in particular.

Recently, Miss Close had the opportunity to have dinner with Mr. and Mrs. Morrall, as well as with Tom Matte, stellar halfback of the Colts. Needless to say, this was a tremendous thrill for her. On November 10, 1971, the Cumberland Evening Times published an article written by its very able sports editor, J. Suter Kegg, detailing the occasion. I ask unanimous consent that the article be printed in the RECORD, so that Senators might read of the work of this fine Republican lady.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cumberland Evening Times, Nov. 10, 1971]

MORRALL HAILS "CLOSE" CALL

(By J. Suter Kegg)

For years Katherine W. Close has been a Republican pillar, being regarded as one of the most diligent and hardest-working party members in Allegany County. So it was naturally a tremendous thrill when some years ago she met the late President Eisenhower at a reception for U.S. Sen. Charles McC. Mathias, then a congressman from Maryland's Sixth District.

But something embarrassing happened to Miss Close that day. She was so excited by the chance to shake the President's hand that she couldn't think of Allegany when he asked her which county she was from.

Two Sundays ago Miss Close had a similar experience, only this time she didn't lose her tongue. She not only met her favorite football player, quarterback Earl Morrall of the Baltimore Colts, but had dinner with him and his wife at the Green Spring Valley Inn following the Steeds' 34–21 victory over Pittsburgh.

Also in the party were Tom Matte, the Colts' veteran running back, and Dr. and Mrs. James Cotton. Dr. Cotton is head of the Geography Department at Frostburg State College.

Matte was a "friendly intruder" of sort at Green Spring Valley Inn because prior to entering professional football he played at Ohio State. And anyone who knows anything about the Big Ten realizes that Ohio State and Michigan State are enemies on the gridiron.

Miss Close became an admirer of Morrall when he was an All-American at Michigan State. She had seen him play there a number of times and followed his career with enthusiasm when he entered the NFL. In 1968, the year the Colts got him in a trade with the New York Giants, Earl's popularity rating with the Frostburg woman rose dramatically.

"Can you imagine a 62-year-old woman being a football hero-worshipper?" Miss Close asked. "But I guess it's true because there's not a player for whom I've had as much admiration as Earl. Up until I met him I read everything I could about his personal life and I pictured him as being an All-American off the field as well as on it."

She is convinced of this more than ever following the dinner meeting of two Sundays ago. The same goes for Morrall's wife, Jane. "She, like Earl, is the type of person upon meeting for the first time, you think you've known all your life. And whereas I couldn't talk when I met President Eisenhower, I do not believe I ever stopped chatting during my visit with the Morralls."

Miss Close didn't go to Baltimore empty handed upon learning that she was going to meet the Morralls. She baked one of her special pound cakes and took it along, topping it with, as she put it, "real yummy icing with lots of calories."

The surprise of the day, however, was the appearance of the amicable, ever-smiling Tom Matte. "He really put the icing on the cake," she said, "in spite of being from Ohio State."

Miss Close is an authority when it comes to cakes. Prior to retiring three years ago, she was home service counselor in schools and among homemaker groups for the Potomac Edison Company for 38 years. She has also served many years as judge of baked goods in the Cumberland Fair as well as the Garrett County Fair.

Up until last year Miss Close, who resides at 93 Broadway in Frostburg, had seen Michigan State in at least one home game for 17 straight seasons. Her brother-in-law, Louis Potter Jr., is professor of music at MSU, a position he held prior to that at Illinois.

She used to see Illinois play, too, but no one on that team ever impressed her as has Earl Morrall.

Miss Close never saw a pro game in person until this year. She sat through the rain in Baltimore's opener with the Jets, as she did when the Colts entertained the Steelers. "But it was worth it, well worth it," she said. Morrall happened to lead the Colts to victory in both games.

SURRENDER OF PANAMA CANAL?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. RARICK. Mr. Speaker, as my State of Louisiana is an important coastal State with large numbers of people involved in shipping. I have long been interested in Panama Canal problems because 70 percent of trans-Isthmian traffic either originates or terminates in U.S. ports. What happens to traffic through the Canal inevitably makes its impact on many States in our country, especially those with ocean shipping, such as Louisiana.

In recent years in the Congress I have observed with increasing concern that, because of ill-advised policies of placating radical revolutionary groups in Panama, continued U.S. sovereignty over the Canal Zone and Canal is in serious danger.

This, Mr. Speaker, is not accidental but the result of inept conduct of canal policies on the part of certain elements in the Department of State who at this moment seem determined to surrender to Panama our treaty-based sovereignty over the Canal Zone, regardless of the provision of article IV, section 3, clause 2 of the U.S. Constitution that vests this power in the entire Congress and not alone in the treatymaking department of our Government—President and Senate.

On November 8, 1971, the able and distinguished chairman of the House Panama Canal Subcommittee, Mr. MURPHY of New York, announced that on November 29 his committee would start hearings on the entire canal problems. This is most fortunate for the taxpayers of our country who as of June 30, 1968, had invested a net total of more than $5,000,000,000 in the Panama Canal enterprise, including its defense.

In this connection, I would stress that the Canal Zone is not an ordinary piece of real estate comparable to that for a shopping center but a strategic major artery of marine transportation. It is naive or worse for officials of our government to think that they can give away a bowling alley or other elements of that vast industrial enterprise with impunity, for the canal must remain wholly American or it will be lost to the only other great power capable of handling it.

As informed Members of both the Senate and House have repeatedly stressed the real issue at Panama is not United States sovereignty over the Canal Zone versus Panamanian but U.S. control versus U.S.S.R. domination. Its loss by the United States as planned by certain elements in the State Department would be a threat to the entire free world.

On November 18, 1971, Anthony Harrigan published in his column Sensing the News, an interesting discussion of the present Canal situation. I note with special interest that he did this on the 68th anniversary of the signing of the treaty with Panama that granted the United States exclusive sovereign powers over the Canal Zone in perpetuity for the purpose of constructing, maintaining, operating, sanitating and protecting the Panama Canal.

Because of the timeliness and pertinence of the indicated article, I quote it as part of my remarks:

SENSING THE NEWS

(By Anthony Harrigan)

SURRENDER OF PANAMA CANAL?

Current negotiations concerning the future of the Panama Canal could lead to another setback for the cause of freedom in this hemisphere.

Public attention has been focused on the Nixon administration's new Asian policy, which has resulted in expulsion of the free Chinese from the U.N. and American appeasement of Red China. But the U.S. is in danger of surrendering strategic advantage much closer to home. In Washington, many observers believe the Nixon administration is prepared to turn over much of the Panama Canal Zone to the Panamanians.

No need exists for such action. The United States purchased the Canal Zone and dug the canal. It has been generous, perhaps excessively generous, with Panama. The U.S. has a right to the Canal Zone in perpetuity.

Control of the Canal Zone is one of the few strategic and political advantages the U.S. possesses in Latin America after a decade of retreat from a position of unquestioned power in this hemisphere. Indeed the Panama Canal is essential for interfleet mobility for major U.S. naval vessels. Effective operation of the canal wouldn't be feasible if an unstable, left-oriented Panamanian government controlled the Canal Zone. Panama, unfortunately, is a notoriously unstable country.

Sen. Strom Thurmond (R-S.C.) recently pinpointed the strategic importance of the Panama Canal, saying: "As an artery of marine transportation, the Panama Canal enterprise became, and still is, a part of the coastline belonging to the United States. As such its exclusive control by the United States is necessary for national defense just as the control of the Chesapeake Bay or New York Harbor is necessary for national defense."

The senator added: "It is discouraging to report that negotiations are once again underway with Panama, even though the present government is a revolutionary regime with little prospect of stability and with no procedures for ratifying a new treaty."

It is shocking that U.S. officials would contemplate giving away a U.S. strategic advantage and throw away the vast sums American taxpayers have invested in the Canal Zone. Transfer of the Zone to Panama would deprive the United States of significant military and economic protection. It is doubtful that the U.S. could use the canal in a time of international crisis if an antagonistic regime were in charge in the Canal Zone. Indeed whoever controls the Canal Zone is in a position to exert leverage on all countries using the canal, especially the South American countries whose goods must transit the canal to reach U.S. and European markets. Panama is not a suitable country to exercise this leverage. The world already has had bitter experience with another unstable country—Egypt—controlling a key waterway.

Today, the Panama Canal Zone is an island of freedom in a region ridden with demagogic or totalitarian regimes. Central America, in particular, has a long history of petty dictatorships and violence. In World War II the free world narrowly avoided Axis political domination in Panama.

An American resident of the Canal Zone recently protested in a letter to The New York Times any sell-out of the U.S. control of the Zone, noting "the rule of terror under which the people of Panama exist." The author of the letter asked: "Is this the kind of life we are expected to live in the Canal Zone? Are we Americans, who have fought for freedom since the birth of our country, going to surrender now?"

Now is the time for the American people to let President Nixon know that they are opposed to any surrender of U.S. sovereignty in the Panama Canal Zone or any lessening of American control over the "Crossroads of the World." If the American people don't assert their convictions on this point, the U.S. security interest in the Panama Canal Zone may fare as the cause of the Free Chinese has fared at the hands of liberal advisers in the White House and State Department.

MEMORIAL RESOLUTION FOR THE LATE CLINTON M. HESTER, CHAIRMAN, EXECUTIVE COMMITTEE, MADISON MEMORIAL COMMISSION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, November 19, 1971

Mr. RANDOLPH. Mr. President, Clinton M. Hester, a cherished personal friend and, until his death recently, chairman of the executive committee of the James Madison Memorial Commission, will be missed by members of the commission and those who are interested in and have worked for the Madison Memorial Library.

Clinton Hester diligently studied the Madison era and gave exceptional service to the commission. He was dedicated to this high purpose and toiled each day as a gentleman and benefactor.

Dr. Harold W. Dodds, chairman, James Madison Memorial Commission, and public members: Dr. Colgate W. Darden, Jr., Norfolk, Dr. William T. Hutchinson, Chicago; Senate Members: ALAN BIBLE of Nevada, WALLACE F. BENNETT of Utah, ROMAN L. HRUSKA of Nebraska, and the Senator now speaking; House Members: EMANUEL CELLER of New York, JOHN M. SLACK, Jr., of West Virginia, WILLIAM C. WAMPLER of Virginia and S. FLETCHER THOMPSON of Georgia, have participated in the formulation of a memorial resolution for Clint Hester.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

MEMORIAL RESOLUTION FOR THE LATE CLINTON M. HESTER, CHAIRMAN, EXECUTIVE COMMITTEE, MADISON MEMORIAL COMMISSION

The members of the James Madison Memorial Commission record with genuine sorrow the death of Clinton M. Hester, Esquire, a member of the Commission since its creation and for several years Chairman of its Executive Committee. Mr. Hester was a lifelong student of the Madison period of our country's history and deeply interested in the Madison Memorial Commission. He was firm in his determination that Madison, who played such a leading role in the formative years of our nation's history, should be memorialized in an appropriate manner. We regret that his hope to see this realized in the form of the Madison Memorial Library of the Library of Congress to the accomplishment of which he contributed so substantially could not be fulfilled. He was untiring in promoting the aims of this Commission. His devotion and his valuable services as Chairman of our Executive Committee will be a constant reminder of his exemplary citizenship.

THE OLD FIRST CHURCH OF SPRINGFIELD, MASS., BECOMES A HISTORICAL LANDMARK

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BOLAND. Mr. Speaker, the Old First Church of Springfield, Mass., one of New England's most striking examples of the lingering Federalist influence on the Greek revival architecture of the early 19th century, has just been designated a historical landmark by the Massachusetts Historical Commission.

It is a beautiful church, Mr. Speaker, and it wholly merits its new status.

Completed in 1819 in what is now Springfield's Court Square, it is the earliest extant church by Isaac Damon and quite probably the second one he designed. The parish it serves—the First Congregational Parish—was organized in 1637 and is now considered the oldest continuing body of worship in Massachusetts.

I was honored, Mr. Speaker, to take part in the ceremonies dedicating the Old First Church as a historical landmark.

I place in the RECORD an Old First Church bulletin outlining the church's history, the program for the dedication ceremonies, and an article about the church published August 25, 1819, in Springfield's old Federalist & Journal:

REACHING BACK WHILE REACHING FORWARD

Blest more than most churches with a glorious past, we who are privileged to serve the church today drew strength from the past in order to thrust ourselves into the present and future with the same Gospel proclaimed by those who have gone before us. It is with a deep sense of the past, and appreciation for it, that makes us a unique community of Christians facing the future together. The church has always been that instrument of God's which combines both past and present and has a unique ability to survive into the future.

Next Monday afternoon at 2:00 p.m. in our sanctuary we will be invited to share a joyous occasion involving our rich heritage. It will also give us an opportunity, both as individuals and as a church, to reevaluate ourselves and our ministry and think again of reaching forward into the future.

You will recall that on September 12 a special meeting of the church was held following our regular morning worship. At that meeting a motion was passed that requested the Massachusetts Historical Commission to designate Old First Church an historical landmark. This action had been on the minds of many of our members for many years and the motion presented to the meeting on September 12 was passed with great enthusiasm. As a result of our action, the Massachusetts Historical Commission will hold an open public meeting in our sanctuary on Monday afternoon, October 18 (this coming Monday) starting at 2:00 p.m. The purpose of the meeting will be to certify our beautiful church as a state landmark.

It will mark another significant milestone in the long history of Old First Church. Please plan to come. If you work, try to get an hour off; and if you have other appointments, perhaps you will feel this to be important enough to rearrange your schedule. Your presence will help us make it the grand and glorious day memory of the past and hope for the future that it deserves to be.

Many of you will not need to be reminded that our present building is the fourth meetinghouse to accommodate our congregations throughout its long history. The Massachusetts Historical Commission, after inspecting the church and reading something of its history, has prepared an evaluation that will undoubtedly become an important record for the church. The evaluation reads:

"The First Church of Christ, Congregational, completed in 1819, is the earliest extant church by Isaac Damon and is probably the second church he designed. This is the fourth meetinghouse built for the First Parish, which was organized in 1637 and is thought to be the oldest continuing body of worship in Western Massachusetts.

"The First Church seems to set the pattern for church design Damon was to follow throughout most of his career. Elements used in the First Church—the tower and arch, the spire stages derived from the Wren-Gibbs idiom—continues to appear in Damon's later churches.

"The style of the First Church is a country builder's interpretation of the transition between the late Federal and early Greek Revival styles. The building contains the same components as the numerous New England meetinghouses built during this period. A rectangular mass with pitched roof houses the auditorium. The giant Doric portico, carrying the same roof pitch as the auditorium, serves as a focal point for the entrance. The tower, which partially projects from the auditorium, rises from the platform of the portico through its roof. It is supported, in part, by the roof of the auditorium and terminates in a three stage spire.

"Although alterations to the auditorium have been made at various times, the basic proportions of the room have not been disturbed and little change has been made in the components most important to the character of the church. The gallery, which is supported by graceful Ionic columns, still runs along three sides of the chamber. The original coved ceiling remains in place, though its curves have been shortened and decorative detail added at a later date.

"In the 1870's a brick Parish House was added to the rear of the Church. This Venetian Gothic structure was altered in the mid-twentieth century, but fortunately a few original architectural details remain."

In 1945 the church published a booklet entitled "Meeting Houses of First Church of Christ" written by Harry Andrew Wright. At the end of that booklet he mentions the great timbers in the church which came from far up the Connecticut River. They were immense white pines that cannot be found today. He also relates the following:

"Here worshipped Thomas Blanchard, who in 1825 (146 years ago) drove through Main Street in the world's first automobile, a car equipped with three-speed transmission, foot brake and differential. Here came John Brown, whose soul still marches on. Here Jenny Lind sang. In 1848, in the center aisle, the body of John Quincy Adams lay in state when enroute from Washington to Boston."

And to this place, so lovely and beautiful, so rich in memories, and so filled with hope and faith for the future, we have invited our Mayor, our Commissioners, our friends and loved ones, to hear the Massachusetts Historical Commission hold their meeting and designate this church as a State Historical structure. Do plan to be with us as we reach back and reach forward.

WELCOME TO OLD FIRST CHURCH ON THE OCCASION OF ITS CERTIFICATION AS A MASSACHUSETTS HISTORICAL LANDMARK

MEMBERS OF THE MASSACHUSETTS HISTORICAL COMMISSION

John F. X. Davoren, Chairman.
Dr. Richard W. Hale, Jr., Acting Chairman.
Thomas B. Adams.
Dr. John O. Brew.
Msgr. Edward G. Murray.
Robert F. Needham.
Prof. William H. Pierson, Jr.
Dr. Maurice Robbins.
Dr. Clifford K. Shipton.
Dr. Walter M. Whitehill.
Albert B. Wolfe, Esq.
Carroll P. Sheehan.
Alfred Sherman.
Arthur W. Brownell.
Bruce Gullion.
Miss Anne Wardwell, Survey Director Commonwealth of Massachusetts.

OPEN MEETING OF THE MASSACHUSETTS HISTORICAL COMMISSION

Certification ceremony

Remarks from the Senior Minister of Old First Church, Rev. Delwin R. Lehmann.

Remarks from Mr. Robert Walker, Chairman, Special Committee of the Church.

Remarks from the Honorable Frank H. Freedman, Mayor of Springfield.

Remarks from the Chairman and-or Acting Chairman, State Historical Commission.

The Anthem, Old First Church Choir, "How Lovely Is Thy Dwelling Place" from Brahms "Requiem".

Dedication Prayer, Rev. Lehmann.

The Singing of the Hymn 264, "O Where Are Kings and Empires Now."

Remarks and Benediction, Dr. Frederick Field Driftmier, Senior Minister South Congregational Church.

The Procession to the Hall of Records, The Commission and Representatives of the Church.

INVITED GUESTS

The Honorable Edward P. Boland, Representative.

The Honorable Frank H. Freeman, Mayor.

Commissioners of Hampden County, William F. Stapleton, Chairman, Armando G. Dimauro, Stephen A. Moynahan.

Springfield City Council Members, Paul Sears, President.

Springfield Planning Board, Stephen Pitkin, John R. Wilson.

Miss Juliette Tomlinson, Director, Connecticut Valley Historical Society.

The Council of Churches of Greater Springfield.

Historical District Study Committee, appointed by the Mayor, Stephen E. Hays, Mrs. Raymond Kalita, Mrs. Theodore Morehead, Lester J. Premo, Donald O. Reichert.

Rev. Avery Post, President, Massachusetts Conference, U.C.C.

Rev. James L. Lancaster, Western Area Office, Massachusetts Conference, U.C.C.

Mr. J. Norman Alberti, Moderator Old First Church.

[From the Springfield (Mass.) Federalist & Journal, Aug. 25, 1819]

DEDICATION

On Thursday last, the capacious and stately house recently erected by the first parish in this town, for public worship, was set apart by religious services for the name of the Lord God of Israel. The Rev. Mr. Osgood preached from Zechariah vi, 12 & 13. The sermon was practical, highly-finished and impressive, and might fearlessly abide scrutiny in word, or doctrine.

The Rev. Mr. Storrs, of Longmeadow, pronounced the consecrating prayer with eloquence and devotion.

Col. S. Warriner, of Pittsfield, led in the performances of sacred music, and to those who know *him*, it is needless to say they were of the first order: They consisted of four set pieces, selected very judiciously in point of length and character. We wish those who decry every attempt at excellence among Americans, could have heard on that day, "Ordination Anthem," composed by T. Hastings, an *American*, sung by an *American* choir, with an *American* master at their head. But "every one to his notion;" we wish ours might be as well suited in some of our grand cities, by some of the trans-atlantic nonpareils.

Every part of the day's services was orderly and gratifying—we rejoice in the liberality that has erected this grand temple—we hope its sacred walls will neither witness a diffusion of the unprofitable speculations of men, nor the extension of unwarrantable indulgence to their consciences—we hope the watchman who is set over this branch of the house of Israel, will never cease to blow the trumpet, and warn the people, whenever and from whatever quarter he sees the coming of the sword, and that he who walks around our holy dwelling may ever be justified in making a good report.

The house was filled to overflowing—it is pretty accurately ascertained that more than three thousand people have assembled on this occasion.

A CARD

We think ourselves safe, when in behalf of the parish generally we publicly testify to the orderly and exemplary deportment of the workmen who have just completed our meetinghouse—Capt. Isaac Damon, the Architect, will long be remembered by us with that respect and regard which the upright, useful and liberal citizen will always find.

DECLINING QUALITY OF URBAN ENVIRONMENT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, November 19, 1971

Mr. METCALF. Mr. President, one of the most critical domestic problems facing this Nation today is the rapidly declining quality of the urban environment. This is a problem of massive proportions encompassing every area of critical concern to the American people. The difficulty of eliminating pollution and overcrowding, providing adequate transportation and housing facilities and, in general, improving the quality of life for all Americans are amply reflected by the deplorable conditions in many of our Nation's cities.

Last semester, the University of Pennsylvania's Graduate Division of Civil and Urban Engineering and Office of Continuing Engineering Studies conducted a "Colloquium on Urbanism" to provide an in-depth consideration of the urban dilemma and its relationship to the engineering profession. On March 31, 1971, the distinguished junior Senator from Washington (Mr. Jackson) presented a lecture entitled "Overview on Environmental Problems" to colloquium participants. Mr. President, in view of the significance of the Senator's remarks to the activities of Congress, I ask unanimous consent that major excerpts from the address be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Overview on Environmental Problems

(By Senator Henry M. Jackson)

I. INTRODUCTION

The task of upgrading our metropolitan and urban areas is actually only one aspect of the larger national objective of providing quality life in quality surroundings for all Americans.

Unfortunately, the importance of this aspect is often lost amid the fashionable enthusiasm and expressions of grave concern which spur the vanguard of each new social movement bent on creating new public values. We must be cautious not to minimize the problems confronting our urban areas and direct ourselves in a conscious effort to achieve a balanced perspective from which to analyze and hopefully, to develop realistic and attainable solutions.

The American city in the decade of the 1970s embodies in an intensified form all the environmental problems which the American people presently face. Overcrowding, pollution, noise, severe strain on common and finite resources, lack of recreational opportunity, and inefficient and destructive use of the land are among the problems significantly magnified by the pressures of congestion, by exaggerated notions of the rights of private property, by the inertia of history, and by outmoded laws, policies and institutions.

These problems in turn exacerbate the disparities which exist among the various income groups. The 1970 Census reveals that while 20% of the American population receives 48% of the total national income, another 20% receives only 3%. Of the latter group, over one-half reside in our urban areas. It is toward this segment of the population that a major part of our national efforts to improve the quality of life must be directed, for it is this group to whom the advantages of a quality environment have been most consistently denied by choice, by economic factors and by unequal access to amenities.

We must also keep in mind that, as this nation embarks upon the implementation of an urban policy with renewed commitment and with newly acquired legislative tools, we must, at the same time, apply considerable energy and resources to the development of an effective program which will revitalize our rural communities and halt the substantial out-migration to urban areas.

In 1790, when the first census was taken, 95 per cent of our population lived in rural areas. Today only 10.5 million—less than 5 per cent—remain. At the present time, 70 per cent of our population is crowded onto 1 per cent of the land. And the rural to urban shift is still gaining momentum.

Today over two-thirds of the American people live in some 230 metropolitan areas. If past trends continue the next 100 million Americans will also live—whether they want to or not—in one of these already overburdened cities and compound the problems which congestion generates.

Only three years ago, amidst a climate of intense racial and social unrest aggravated by rapidly deteriorating systems of essential public services, the condition of our nation's cities and metropolitan areas came to the fore as a matter of critical national concern. The ills plaguing our cities were easily identified: overcrowding, inefficient transportation systems, increasing tax burdens, unequal job opportunity, inadequate educational facilities, unavailable or barely habitable housing, racial discrimination, shortages of medical services. All these problems elicited intensive efforts to develop new approaches and new programs to improve the urban social environment.

Over a short period of time, however, widespread public concern and government support have subsided, to be roused only sporadically by the occasional tragic incidents of hot summer days. A look at our cities today reveals that little of substance has been achieved and the priority social problems of three years ago remain and, in many cases, have grown worse.

Simultaneous with the decline in constructive actions to improve the state of our cities has been a growing public awareness of the condition of our environment. The attainment of environmental quality has emerged as a major national objective. It is my hope that this new national goal will not be transitory and will not fade from the minds of the American people and their elected representatives before meaningful progress has been made toward its attainment. Perhaps the most important aspect of this growing concern is the recognition that the concept of "environment" embraces far more than merely the natural environment of air, water and land; but also includes man-made environments, both economic and social. If we are to attain a "quality environment" not only must we clean our rivers and curb the pollution of our atmosphere, but we must also eliminate poverty, improve education, and provide decent housing and jobs before it can be justly said that we have achieved a quality life, in a quality environment for all Americans. It is through recognition of the enormous scope of the problem which confronts us, and of the inter-dependence of both natural and man-made environments that progress has been made. No longer will we delude ourselves into believing that ending water pollution, preserving wilderness, providing jobs or improving education will alone solve our "environmental" problems.

Another point which is important to attaining a perspective on the problems of the urban environment is that programs to remedy these problems require money. Environmental programs, to a large extent, must compete with other programs for scarce funds. Fortunately, a large portion of the required funds will, through new laws and the direction of new institutions, be spent by private enterprise to correct past abuse and to avoid future misuse of the common resources of air, water and land. There is also the question of individual responsibility. Whether we can in fact turn our vast national resources, human, natural, scientific and technological, to the accomplishment of the task at hand is largely dependent upon the ability of the American people to internalize those understandings, values and attitudes which will guide their conduct in a manner which will result in a better environment.

II. THE EMERGENCE OF ENVIRONMENTAL MANAGEMENT AS A PUBLIC FUNCTION

1. Changing needs and values

As the United States approaches her 200th Anniversary as a nation we are confronted by a circumstance that is totally new in human history. Man has rapidly completed the occupancy of the easily inhabitable areas of the earth while his numbers have continued to increase at an accelerating and exponential rate. Simultaneously, unprecedented economic power and advances in science and technology have permitted man to make enormously increased demands upon available resources and the environment. In no nation are these coincidental developments—especially man's mastery of science and technology—more dramatically evident than in the United States. And yet, many Americans still find it difficult to understand why environmental management should now suddenly become "everybody's business." Long-accepted values, traditions and ways of thinking and acting in relation to one's surroundings are now being called into question. A better understanding of what has happened can be obtained by a simple exercise in arithmetic.

At the time of the American Revolution the total population of the continental United States barely exceeded 3 million individuals. The resource and environmental demands of the American Indians and European colonists on the Atlantic seaboard were very light when contrasted with current exactions and pressures. By the close of the 20th century if the U.S. population approximates 300 million, which is entirely possible, the daily stress man places on the environment will, on the basis of numbers alone, have increased 100 times over. Technology has alleviated some forms of stress (as on forests for fuel or on wildlife for food) but science, technology, man's mastery of sophisticated machinery, and tremendous consumption of energy resources has greatly increased environmental stress in general. The net result has been enormous and unprecedented demands upon the environment and on a finite resource base.

The rate at which the Nation has changed since 1890 when the frontier officially ceased to exist has been unexceeded by any other social transformation in history. Scarcely one long generation removed from the last days of the frontier, America has become an urbanized and automated society with publicly institutionalized values in social security, labor relations, civil rights, public education, and public health that only a short while ago were considered utopian and radical. In the absence of a system for adequately assessing the consequences of technological change, who could have predicted the many ways in which applied science would transform the conditions of American life? Powerful new tools applying the discoveries in chemistry, physics, biology, and the behavioral sciences were put to work for improving the health, wealth, comfort, convenience and security of Americans. Using the vast natural resources of the American environment, we were able to achieve the world's highest standard of living in a very short period of time. Unfortunately, we are now coming to recognize that our productive technology has been accompanied by side effects which were not always foreseen nor welcomed. Experience has shown us that large social costs as well as benefits can flow from the careless application of technology.

Over the years, in small but steady and growing increments, we in America have been making very important decisions concerning the management of our environment. Unfortunately, these haven't always been very wise decisions. Throughout much of our history, the goal of managing the environment for the benefit of all citizens has often been overshadowed and obscured by the pursuit of narrower and more immediate economic goals.

It is only in the past few years that the dangers of this form of muddling through events and establishing policy by inaction and default have been very widely perceived. Today, with the benefit of hindsight, it is easy to see that in America we have too often reacted only to crisis situations. We always seem to be calculating the short-term consequences or the alternatives open to future action.

This nation long ago would probably have adopted a coherent policy for the management of its environment had people recognized that overstressing or misusing the environment incurred huge social and economic costs. This recognition came belatedly for several reasons: environmental deterioration in the past tended to be gradual and accumulative, so that it was not apparent that any cost or penalty was being exacted; it seemed possible to defer or to evade payment either in money or in obvious loss of environmental assets; and the "right" to pollute or degrade the environment (unless specific legal damages could be proved) was widely accepted. Exaggerated doctrines of private ownership and an uncritical popular tolerance of the environmental side effects of economic production encouraged the belief that costs projected onto the environment were costs that no one had to pay.

Today, the American people and government at all levels are coming to realize that to enjoy the benefits of technological advance, the environmental costs of all that we do must be made a part of all products and all resource-commitment decisions. From now on "pay-as-you-go" will increasingly be required to insure against the risks inherent in man's manipulation of nature.

2. *A public environmental policy and philosophy*

Fulfillment of this new public responsibility means that government must break the shackles of incremental policy-making in the management of the environment. We must recognize that in order to make intelligent decisions which are not based in the emotion of conservation's *cause celebre* of the moment or in the error of simply perpetuating past practices, a national capacity must be developed for constructive criticism of present policies and the development of new institutions and alternatives in the management of land, air, water and living space. Developing this capacity requires that representatives from all elements of our national life—industry, the university, Federal, State and local government—participate in forming the needed policies. It requires the creative utilization of technology to improve the condition of the environment and to prevent unanticipated future instances of costly abuse. It also requires that government, business and industry pay closer attention to a far greater range of alternatives and potential consequences when they make decisions having environmental impacts than they have in the past.

In the 1960's there were sporadic, uncoordinated efforts to deal with various aspects of the "environmental problem." All of these efforts were responses to specific problems. We did not attempt to formulate, let alone achieve, a coherent statement of policy or public philosophy with respect to man's relationship to his surroundings. This awaited the 1970's.

On January 1, 1970, the "National Environmental Policy Act of 1969" became law. Though few realized it at the time, this measure was to make important institutional reforms and fundamental and far-reaching changes in the Federal decision-making process. Environmental values which had in the past been ignored with impunity were suddenly elevated as a matter of Federal law to the status of national goals. All Federal agencies were directed to consider environmental values in all of their actions. A three-member Council on Environmental Quality was established in the Executive Office of the President to insure that the statutory mandate was followed and that environmental issues of national concern received the personal attention of the President.

Adoption of the Act constituted Congressional recognition of our Nation's need for a comprehensive policy and a new organizing concept by which governmental functions can be weighed and evaluated in the light of better perceived and better understood environmental requirements and goals. As the Act's author, I felt a national policy for the environment was necessary to provide both a conceptual basis and legal sanction for applying to environmental management the sophisticated methods of analysis which have proven to be of value in universities, private enterprise, and in some areas of government.

The National Environmental Policy Act declared that:

". . . it is the continuing policy of the Federal government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

The Act also sets forth national environmental goals to "the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."

These goals are "man" oriented. They are concerned with humanity and man's relationship to his surroundings. Too often, in my view, Federal policies and laws become "object" oriented. Human values and aspirations become submerged in programs and numbers. We see this in declarations about how many new cities, highways, and housing units are needed. The issues tend to become quantitative and objective. Qualitative, humanistic considerations are too often lost.

Passage and implementation of the National Environmental Policy Act was begun in an atmosphere of public attention—almost a competition for primacy in advocating environmental causes. This atmosphere has had beneficial as well as detrimental effects upon achievement of the Act's objectives. Public support undoubtedly has greatly accelerated the adoption of the new mandate by the various Federal agencies. It has also resulted in making the Council on Environmental Quality a focal point of Federal decision-making. The importance assigned to the Council by the White House has greatly strengthened it in its relations with other agencies. The Council has achieved great stature and influence throughout the Executive establishment in an incredibly short period of time.

Along with attention, however, have come pressures which have made the transition to comprehensive environmental management more difficult. The President has looked to the Council for day-by-day guidance on current environmental issues and, consequently, it has become preoccupied with short-term crises.

The Council's preoccupation with environmental "brush fires" has detracted from other major responsibilities assigned to it under the Act. The Council, for example, has made little progress toward developing procedures for the collection and analysis of raw data and for the measurement and evaluation of environmental indicators so necessary as a proper base for long-term decision-making. It has made little contribution to the tremendous job of improving policies and procedures, for making the hard tradeoff decisions between preservation and development that will measure our ultimate success in environmental management.

The contemplative consideration of general directions, the anticipation of emerging problems, and the design of new decision criteria are critically important; though they are not dramatic and, thus, seldom newsworthy. Fulfilling these functions will not capture public attention the way the latest pronouncement on mercury poisoning, a major oil spill, or the Alaska pipeline can. In the final analysis, however, man's ability to survive on this earth and to enjoy quality social cultural, and esthetic conditions and experiences will not turn upon the handling of a single contaminant, nor the decision on a particular oil spill or construction proposal. It will depend upon our ability to develop policies and decision-making models which integrate environmental concerns along with the full range of other important human values.

3. Recent institutional changes

a. National Oceanic and Atmospheric Administration.—In addition to adoption of the National Environmental Policy Act, other changes have been made in the Federal establishment to improve responsiveness to the new importance of environmental concerns. The President has established two new organizations which are primarily concerned with environmental matters. The first is the establishment of a National Oceanic and Atmospheric Administration within the Department of Commerce. This reorganization involved the transfer of a number of existing agencies to better consolidate the nation's oceanographic effort.

b. Environmental Protection Administration.—The second reorganization, created a new independent agency, the Environmental Protection Agency (EPA). This important Federal reorganization involved the consolidation of existing agencies, but it also removed these agencies from the Executive Departments and created a new independent entity in government. EPA has developed its own constituency and its own institutional viewpoint which are now no longer influenced by the broader divergent interests and responsibilities of their former parent departments. EPA provides a new center of activity and source of influence in environmental affairs. It is a particularly potent one because it commands a large and growing technical staff, a significant budget, and some of the nation's strongest environmental action programs.

In establishing EPA, the President said that one of his objectives was to divorce the environmental protection and enforcement concerns of the Federal government from the conflicting developmental missions of the parent departments in areas such as water resources development, transportation, and urban assistance.

The Federal government has important traditional responsibilities in support of economic and social development. Under the Environmental Policy Act, it also has important environmental protective responsibilities.

That conflict or competition inevitably exists between environmental protection functions and the developmental demands of society is undeniable. The organizational choice which must be made is where the conflict should take place. The establishment of EPA removes a great many of these decisions from the internal workings of the Executive Departments and places EPA in an adversary position on the side of environmental protection versus some other entity with developmental responsibilities. EPA, which must serve a preservation oriented constituency, will find it difficult to accept compromise. The debates and decisions will certainly be made more visible, and some of them will necessarily be elevated to the White House level for final judgment.

4. Proposed institutional and policy changes

a. Environmental Policy Institute

While some of the responsibilities now being placed upon EPA and the Council on Environmental Quality are probably transitory, it is evident that there is a need for a highly skilled and competently staffed organization to provide a continuing interdisciplinary, professional service in environmental policy analysis . . . analysis which would reduce and order the massive amounts and difficult complexity of raw data to forms more readily understandable by and useful to environmental decision-makers.

To fill this need I have introduced in the 92nd Congress a bill to establish a National Environmental Policy Institute. The Institute would perform many of the important long-range needs which were recognized in the National Environmental Policy Act, but which have not received adequate attention because of the pressing, more immediate demands being placed upon the Council's resources and personnel.

Some of these long-range needs include:

Designing a uniform and comprehensive system of national and worldwide environmental monitoring;

Subjecting available data on urban problems and on domestic natural resources to analysis;

Developing proposed methods for anticipating future and emerging environmental problems before they reach crisis proportions (air and water pollution and the introduction of chemical agents such as lead and mercury into the environment prove classic examples of problems which could have been largely avoided if they had been perceived as "problems" at an early enough point in time); and

Providing in-depth policy analyses, using systems analysis techniques, of alternative solutions for dealing with environmental problems.

5. Making traditional Federal programs relevant to urban America

During the past decade the Nation has made unprecedented progress in providing present and future generations of Americans with recreational opportunity, natural beauty, solitude, and other environmental amenities. Over the past decade alone, Congress has acted to set aside and preserve a large portion of the land, the mountains, the rivers, and the lakes which make up our Nation's natural heritage.

Between 1960 and 1968, four new national parks, six new national monuments, and 29 new national memorials, historic parks and historic sites were established.

In 1961, there was only one national seashore, today there are seven more.

In 1964, there were no national recreation areas. Today there are eight: in the West, on the Gulf, and in the East.

In 1965, there were no national lakeshores. Today there are three and others are under study.

This is an impressive record of national commitment. These areas are important to our national history; our traditions and the future enjoyment of all our people.

Often lost, however, amid the public enthusiasm to set these great scenic and recreation areas aside is a recognition that they are *not* available, at the present time, to "all" our people. Historically, environmental and recreational programs which have enjoyed almost unopposed support have involved the preservation of areas accessible only to middle and upper income groups. Unfortunately, these programs have little present relevance to life in the crowded inner city.

New emphasis must be placed on acquiring recreational facilities which are accessible to our larger metropolitan areas. Primary consideration in the development of such facilities must be given to making them accessible both financially and logistically, to the low-income, high population density, high social problem areas.

A case in point is the proposal to establish the Gateway National Recreation area on the New York-New Jersey shore in New York's harbor, which I have joined other members of the Senate in sponsoring. This area would serve nearly 50 million visitors annually with indoor and outdoor recreational, educational and cultural facilities. The outstanding feature of this plan is that it brings "Parks to the People". Principal consideration has been given to development of an innovative mass transit system to provide efficient and economically feasible transportation from the inner city to the recreation area..

This is the kind of program which is necessary if we are to serve that large segment of the population whose employment and housing circumstances have virtually barred access to environmental and recreational amenities.

III. THE NEED FOR BALANCE

1. "No growth" versus "quality growth"

As the national will to preserve a quality environment grows it is essential that we not lose sight of the actual meaning and intent of a national environmental policy. Environmental policy, broadly construed, is concerned with the maintenance and management of those life-support systems—natural and man made—upon which the health, happiness, economic welfare, and physical survival of human beings depend. Environmental policy should not be confused with efforts to preserve natural or historical aspects of the environment in a perpetually unaltered state. Environmental quality does not mean indiscriminate preservationism, but it does imply a careful examination of alternative means of meeting human needs before sacrificing natural species or environments to other competing demands.

Environmental quality is therefore, concerned with the total environmental needs of man—ethical, esthetic, physical, and intellectual as well as economic.

Such a concept of the environment renders more complex the problems we face. And because of such complexity, many have retreated to simplistic responses.

At one extreme are those who argue that social and environmental change cannot or should not be consciously planned or given direction. They make dire predictions of ruin should the laws of the free market be amended, no matter how slightly, by the laws of society. They argue that public planning and implementation of policies for protection of our environment invade constitutionally protected private rights.

On the other hand, we are all familiar with the litany of those who attribute *all* of the Nation's environmental ills to "economic growth." Their answer is a policy of "no growth," "slow growth" or growth confined to today's urban boundaries.

One cannot fault these new advocates of the status quo for their concern for the environmental crises. All of us are increasingly outraged as our sensibilities are assaulted, our enjoyment impaired, and, even at times, our well-being threatened by an economy that, in the past, institutionalized environmental degradation.

Yet many of these new "Miniver Cheevys," these advocates of a "no growth" policy, have themselves flourished in America's growing affluence. Thus they seldom appreciate the consequences that adoption of a no growth policy would bring. One need only review the state of the nation today—lost productivity, declining tax revenues and the high social costs of unemployment—to gain an appreciation of the price which this nation has paid over the past two years for conscious policies that stifle economic growth.

A strict policy of no growth ignores the interests of millions of Americans for whom the struggle to attain job security and provide the necessities of life for themselves and their families leaves little time for pursuit of abstract notions of environmental esthetics.

I am deeply concerned that the tactics of some environmental extremists are jeopardizing the whole movement for a liveable environment. Excluding all other alternatives, they ask us to choose between preservation and progress, between technological advance and environmental degradation. Their dogmatic approach has put economic growth and environmental quality on a collision course.

I am convinced that this small band of extremists are already alienating support that the environmental quality movement can ill afford to lose. By ignoring the interests of millions of Americans for whom job security and the prospect of the good life are decent aspirations, they are turning the fight for environmental quality into a confrontation between the "haves" and the "have nots". The poor people of this country want good jobs and decent housing. They aspire to the material goods and comforts enjoyed as a matter of course by more affluent Americans. Understandably, they don't want to be volunteered as the first victims of some state-backed program of spartan rigor.

One of the most disturbing aspects of this no growth approach is the tendency to hold science and technology responsible for all of our environmental problems. It takes little effort or imagination to trace almost any environmental problem to some scientific, technological, or engineering development. The indispensable contribution of science, technology and engineering to our well-being is however, easily forgotten, when unreasoning extremists attempt to sacrifice economic growth and public well-being on the altar of ecology. Also, conveniently disregarded is the fact that it is not science and technology but the way in which they are used that has damaged our environment in the past and constitutes a major threat to the future of environmental quality. Barry Commoner has suggested that recent industrial processes do appear to tax more heavily our environment. Yet, it is we who chose those processes. Technology can pollute and it can clean and preserve; it is up to us to give to it the proper direction.

Establishment of a no growth concept accompanied by major cutbacks in areas of scientific and technological advance would soon make this nation a technological Appalachia at a time when we need our best scientific and engineering talent as never before. For the present and in the future we must rely heavily on this talent to solve major environmental problems—to provide clean energy, to devise pollution-free manufacturing processes, and to develop new techniques for recycling and reusing our resources. The solution to these problems is not to halt the development of science and technology but to develop and preserve responsible programs and policies to guide their use.

Let's face it: Economic growth is essential to achievement of all our national goals. Economic growth underwrites our programs for public welfare, for private prosperity, *and* for protection of the environment. That extra GNP every year, properly used, means not only cleaner air and water, but better housing, better schools, and a higher standard of living for *all* Americans. That is why people won't rush to board the ecological bandwagon if they are led to believe that economic growth must be sacrificed to save the environment.

Just look at some of the needs we have to meet in the next few years:

We must build 26 million new housing units in the next decade.

By 1975 our parks and recreation areas, many of which are already overcrowded, will receive twice as many visitors as today, perhaps 10 times as many by the year 2000.

Each decade, new urban growth will absorb 5 million acres, an area equivalent to the State of New Jersey.

By the year 2000, we must more than double the physical plant of all our cities. This means building a new school, hospital, highway and university for every one now in existence. We will have to accomplish in three decades what our forebears did in 200 years. And we must do it without degrading the quality of the environment.

It is obvious that the most urgent domestic problem we face in the last one-third of the 20th century is preparing for and accommodating growth. This will require innovation because our existing urban and metropolitan areas simply cannot continue to absorb more and more people.

It is clear that present trends must be reversed. We can no longer continue to ignore growth patterns which threaten to disrupt and cripple the ability of metropolitan areas to provide good government and a decent place in which to raise a family.

Equally clear is the fact that we cannot hope to keep pace with the demands of our dynamic society unless we enjoy sound and vigorous economic growth. Otherwise, we simply won't have the necessary resources to do the job.

It took us more than 200 years to achieve our first trillion dollar GNP. We will add the second trillion in only ten years. The challenge is to add that second trillion without destroying our environment. Successfully reorganizing our systems of government at all levels will help to insure the kind of investment in both public and private sectors that will help achieve our social and economic goals with clean water, clean air and clean land.

While we cannot ignore the past, the growth that will take place over the next few decades offers us a great opportunity for a fresh start. In effect, we must rebuild America before the year 2000. Whether planned or not, we will find ourselves making this kind of investment in any event. The imminence of this awesome investment confronts us with a challenging choice: We can do it on the haphazard, hit-or-miss basis of the past or we can harness the full power of the public and private sectors in a dynamic attempt to protect and shape our physical environment. Considering the alternatives there is no real choice.

2. The national energy crisis

A striking example of the need to balance the preservation of nature with the need to provide the essential requirements of a growing society has arisen in the area of energy supply and utilization.

For the first time in decades there is a real question concerning the adequacy of the supply of energy for the rapidly growing U.S. market. At the same time there is intense public concern about the impact on the environment of producing, transporting, and consuming fuels such as coal, oil, nuclear energy, or electric power. And in the near future, there is likely to be consumer resistance to the increased prices which will surely result from inflation, from the costs of implementing environmental protection measures and from a potential weakening of competitive forces in the energy business.

Our ability to develop a comprehensive and effective energy policy will be a vital factor in the future achievement of our most important national goals. National security, full employment, equal opportunity, and providing for quality life in a healthful and satisfying environment are all fundamentally dependent upon developing adequate solutions to our energy problems. To attain these goals the Congress and the Nation must initiate policies which will lead to the development of new technologies capable of supporting a strong industrial economy, providing the necessities and conveniences of a modern society, and avoiding the placing of intolerable demands upon the resources and environmental systems involved.

The nation is now entering a transition from a time when an ever-increasing annual use of such resources can no longer be taken for granted. Energy supply has become increasingly threatened by the pressures of our rapidly expanding population and continuing economic growth.

Energy demand has been growing at a very fast rate—about 5% per year for the past five years—nearly double the long-term average. This growth rate has exceeded the expectations of industry and government in planning to meet consumer demands. The growth rates have been especially strong for electric power and natural gas, exceeding 7%.

Some of the energy industries have, to a major extent, been living off of their resource inventories for several years. In addition, their surplus productive capacities have now all but disappeared. Exploration and development of oil, natural gas, and coal resources have not kept pace with increased usage, and today there is little domestic reserve capacity to meet expected peaks in demand.

Delays in completion of new nuclear powerplants combined with the start-up and operating difficulties of new large electric power generating plants of all types are causing brownouts and blackouts and forcing utilities to curtail service on days of peak load.

The new emphasis on environmental consideration has played a significant role in limting our nation's energy supply.

Air pollution standards, when implemented, could, for example, make most of our coal resources and imported residual oil unusable because of their high sulphur content, unless new technology is developed to effectively eliminate harmful emissions. These same air pollution regulations have greatly increased the demand for natural gas and thus contribute to the present gas "shortage". The coal mine safety act along with tanker accidents and oil spill problems in off-shore drilling pose additional constraints on supply. The gamut of problems in siting powerplants and finding acceptable routes for high voltage transmission lines are making it difficult to meet construction timetables for new power facilities.

In effect, we have a new dimension to energy demands—the nation wants its energy in a clean form and with a minimum of damage to the human and physical environment. These new demands impose severe restraints on energy supply. To deal with new demands a national energy policy must be developed. It must be concerned with the implementation of new environmental and health and safety standards in a decisive and rapid manner while at the same time avoiding energy supply shortages, unemployment and economic dislocations.

By Senate resolution, the Senate Interior and Insular Affairs Committee has been authorized to conduct a two-year study of this nation's energy policies. It is hoped that this study will produce an evaluation of the existing energy supply situation as well as long-range projections of the future of power production. It is further hoped that the study will produce substantive policy recommendations for achieving an adequate balance between the energy demands of a growing society and the nation's demand for a quality environment achieved through efficient use of its natural resources.

3. Toward a national land use policy

One cannot help but be impressed by the fact that environmental management is principally concerned with tradeoff decisions between environmental preservation and the demands the development places upon environmental resources.

We have made great strides toward introducing environmental values into all governmental decisions, and we have initiated action programs to deal with the problems which have been identified. We have not, however, developed institutional machinery and the specific laws and policies which we will need to do a comprehensive, coherent job of management rather than merely reacting to problems which already exist.

We need a framework within which the spectrum of proposals to use environmental resources for economic growth and social betterment can be balanced against one another and measured against the demands they collectively impose upon the environment. We need a focal point upon which we can compare alternative proposals to achieve our goals. The focal point, I submit, is the use of land.

To a very great extent, all environmental management decisions are intimately related to land use decisions. All environmental problems are outgrowths of land use patterns. The collective land use decisions which we make will dictate our success in environmental management. The land use decisions of today will shape the environment of future generations.

If, as I contend, land use underlies environmental quality, then environmental quality objectives can best be achieved through reform of the laws and institutions by which the Nation makes its land use decisions. Presently, land use is dictated by private motives and influenced, for better or worse, by governmental action at all levels. Most of these decisions and actions are unrelated to environmental values. Clearly, many of them will continue to be dictated by private objectives—very often economic objectives.

Some of the decisions which have been made in response to private goals and narrow, single purpose public missions, however, have resulted in the kind of environmental insults which are no longer acceptable to society at large.

In accord with governmental responsibilities for environmental management, we must be certain that every governmental action, whatever its principal aim, recognizes the environmental impacts, avoids unacceptable damages, and minimizes unavoidable losses. We have begun to work toward this goal.

Beyond this, however, we can no longer permit private decisions to go forward in disregard of the general public demand for environmental quality. We must impose upon private proposals criteria which will prevent unthinking, unnecessary environmental impairment and which will prohibit the loss of important public values in the name of short-term private profit.

The basic authority and responsibility for regulating private land use actions rests with the State governments. States, or their political subdivisions have traditionally applied public standards to private lands through zoning, property taxes, and regulation. Some of the States, notably Hawaii and Colorado, have begun to implement statewide land use planning.

Often, funds to collect data and build a technical staff are lacking. In some States, the resistance to "planning" in any form is difficult to surmount. In every State, the tremendous influence of Federal activities such as highways, water resource projects, airports, and military establishments is largely beyond the control of the State government. For these reasons, a National land use policy is needed.

I have introduced legislation in the Senate which is designed to effect some basic changes in the Nation's management of its land resources. The "National Land Use Policy Act" I have proposed has three major provisions. *First,* it establishes a grant-in-aid program to assist State and local governments in improving their land use planning management capability. *Second,* States are required to exercise "States Rights" and develop and implement a state-wide "environmental, recreational and industrial land use plan." *Third,* the Federal government's responsibility for coordinating Federal land use planning activities, for improving Federal-State relations, and for developing data on land use planning activities, trends and projections is enlarged and centralized.

The continued initiation of Federally financed public works within a state will be contingent upon performance of the state's land-use planning responsibilities. When a state-wide plan has been completed and reviewed by the Federal coordinating body, the Federal agencies will be obliged to act in conformity with it unless compelling reasons of national policy justify exceptions.

CONCLUSION

In recent years and months, the level of debate on environmental issues has, in my judgment, not been very distinguished. Many people have chosen to engage in what might be characterized as the "demon" theory of environmental concern. The basic assumption of the "demon" theory is that there are evil men in society who are engaged in a conspiracy to pollute, to plunder, to destroy the quality of American life. Among the "demons" identified is the engineering profession. Engineers are characterized by some as destroyers: dam and highway builders and developers of new technology who wreak havoc on the environment.

To blame technology and engineers for the problem is simplistic and like all simplistic answers it has no validity. Technology has served the purposes which society demands. Until society incorporates into its systems those criteria which recognize ecological and environmental values, technology will continue to serve the predominant values of the recent past—the economic laws of the marketplace.

Fortunately, the developments which I have been discussing signal some significant changes in society's values. Economic indices are no longer viewed as the sole criteria for progress. We are entering an era in which qualitative values and esthetic factors are considered as important, even more important in some respect, than economic wealth. What most critics fail to appreciate, however, is that these new values, if they are to be realized, require the services of technology. To successfully manage the pressures which modern society imposes upon the environment will be the greatest scientific and engineering problem in the history of mankind.

Engineers have always accommodated constraint in their work. They are accustomed to measuring and recognizing economic values. Now they must recognize and incorporate environmental values in their daily work. To see and meet demands for electric power without insult to the esthetic values of the countryside or pollution of the air and water is as valid an engineering problem as to seek to meet the same demands within the capital investment capabilities of the producers. Admittedly, it is probably a more difficult problem, having more constraints and new factors which are more difficult to measure.

Solving these problems successfully will tax the most advanced analytical methodologies. Above all, it will require the most innovative capabilities and the best technical minds. I urge the engineering community to accept the challenge of environmental management. For if you can help this Nation to accommodate the demands of a growing economy without sacrificing the quality of the environment, it will be the greatest contribution your profession has ever made.

FEDERAL ELECTION REFORM

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mrs. DWYER. Mr. Speaker, in view of the complex parliamentary situation which will confront the House when we begin consideration of amendments to H.R. 11060, the Federal election reform bill, following the Thanksgiving recess, I want to bring to the attention of our colleagues a proposal which I may offer as an amendment at the appropriate time.

If I should decide to offer it, Mr. Speaker, the amendment would direct the Secretary of the Treasury and the Comptroller General to make a joint study of the feasibility of substituting special-purpose Federal scrip in place of cash or checks for purposes of campaign contributions and expenditures.

The scrip plan is not designed to take the place of any other campaign finance reform proposal; it is designed to make any such reform adopted by Congress work effectively. By replacing money—which is virtually impossible to trace in political campaigns—with serially numbered scrip by means of which each transaction can be recorded, computerized, and publicly reported, both disclosure and limitations can be made enforceable.

As a part of my remarks Mr. Speaker, I include a newsletter and my statement before the Committee on Standards of Official Conduct which will explain the scrip plan in greater detail. I also include the text of the amendment.

Let me emphasize, Mr. Speaker, that the amendment, in the event it is offered, will simply provide for a 1-year study of the plan, a study which I am confident can be made without requiring additional personnel or appropriations by the Department of the Treasury and the General Accountng Office.

The newsletter, statement, and amendment follows:

NOBODY KNOWS—BUT WE CAN FIND OUT

At a recent post-election meeting of professional political consultants in New York City, the campaign manager for the successful candidate for Governor of one our largest states estimated his candidate spent $2 million to be elected.

His opponent's campaign manager immediately dissented. "You spent at least $4 million," he declared with considerable conviction.

That two top professionals, so close to the scene, should disagree so markedly about a matter the law requires be publicly recorded and reported is bad enough.

But it's even worse when you come to realize that neither political pro really knows how much was spent—or does anyone else.

Campaign financing, it is clear, has gotten completely out of hand. Estimates of the cost of electioneering in this year's Congressional campaigns alone—an off-year, at that—vary from $100 million to $200 million, a huge sum of money that engulfed much of the nation in a torrent of words and images: from billboards, direct mail, radio and television, newspapers, fliers, magazines and a host of campaign gimmicks.

TOO MUCH MONEY

Obviously—and the pros concede this—much of it was wasted. Too much of even expert use of the media (and a great deal is low quality) tends to turn people off and ceases to be either interesting or informative.

But, and here's one big part of the problem, so long as the money comes in, it will be spent. Few, if any, candidates ever feel they have enough; there's always something more that can be done that just might make a difference.

Too much money is bad enough, but couple it with too little reliable information as to where it comes from, who gets it, and how it's spent, and we produce an increasingly serious result—an electorate which severely distrusts the electoral process.

Money is *the* critical element in political campaigns. Adequate funds are essential to enable candidates to reach the people effectively, to make themselves known, to present their programs and debate the issues, to explain and to persuade.

But money, by the same token, is the root of political evil. Too much for one candidate and too little for another prevent the people from making a balanced judgment. Personal wealth may give a candidate an unbeatable advantage. Excessive reliance on a few big contributors—or contributions of questionable integrity—may compromise an elected official's independence or objectivity and thus destroy the whole purpose of representative government.

TOO LITTLE CONTROL

Most of all, however, it's the not knowing that hurts. Federal and State laws set limits on contributions to and expenditures by candidates and political committees and require public reporting of such spending. But, with few exceptions, these laws are so full of loopholes and exemptions, so unrealistic in their limitations, so seldom enforced and so often unenforceable, that they have little meaning or effect. What evidence we do have of election financing practices inevitably feeds the suspicion and distrust and cynicism of voters—a steadily diminishing proportion of whom even bother to cast their ballots.

I do not believe we can go on much longer without making fundamental reforms in our election finance laws. A great many have been proposed—more realistic spending and contributing limitations, elimination of loopholes which often exempt political committees and primary elections from legal requirements, tax deductions or credits to encourage more but smaller contributions, and many more—most of which have considerable merit.

Nevertheless, even these changes, desirable as they may be, would not make a substantial difference until or unless we find a way to trace political money from its source to its final destination—and in a manner that will make it possible for the public to understand and make timely judgments as to its use in specific elections.

ACCOUNTABILITY IS POSSIBLE

This is the basis, therefore, of the proposal I launched last week—after considerable thought and study—a proposal which would provide a reasonably foolproof way of accounting publicly and systematically for *all* campaign contributions and expenditures and thus make possible the effective controls we need.

Since money—cash—is virtually impossible to trace, my plan calls for the substitution of specially designed Federal scrip, to be issued and redeemed by the U.S. Treasury and designed to serve as the exclusive medium of exchange for purposes of Federal elections.

Here, briefly, is how it would work. The scrip would be issued in the same denominations as money. It would be sold—and could be redeemed—at all U.S. Post Offices and all Federally licensed financial institutions such as commercial and savings banks, savings and loan associations and credit unions. Each individual piece of scrip would be identifiable by a serial number. It would also contain a brief form on its back, together with one or two small detachable certificates, for the purpose of indicating the purchaser, the candidate or committee to which it is contributed, the purpose for which it's spent, and the person or company receiving it as payment for goods or services. At each step of the way, from purchase to redemption, the information would go straight into a Treasury Department computer which would produce comprehensive, cumulative weekly public reports.

REFORM CAN WORK

To make the new system work, the law would have to prohibit entirely the use of anything but scrip for contributions or expenditures aimed at influencing, directly or indirectly, any Federal election. Penalties for violations would be provided and both parties to a violation would be liable—the contributor *and* the candidate, the purchaser *and* the provider of campaign goods or services.

Both publicly and privately, the response to my proposals to date has been most encouraging. Students and practitioners and observers, alike, of the political process recognize the pressing need for reform. And this plan—with the help of computers which surely have the capacity to handle this relatively small job—has the virtues of simplicity, convenience, equity to all involved, ease of administration, and technical feasibility. It can work.

Alone, the scrip plan would, for the first time, guarantee the people's right to know the facts of election spending and provide the essential means for legislating effective reforms. Together with such reforms, the plan would help to restore the people's confidence in the integrity of our elections. Each, I think, a rather important objective.

So far, I've run into only one major objection: the plan would be likely to work too well.

In all seriousness, this will probably be the chief hurdle confronting the plan here in Congress. Beneficiaries of the present looseness won't want to tighten it up. But we'll know better when the House Committee on Standards of Official Conduct holds hearings, hopefully this Fall.

Meanwhile, I solicit comments and criticisms. We all have a stake in assuring clean elections.

STATEMENT OF REPRESENTATIVE FLORENCE P. DWYER

Mr. Chairman, I am deeply grateful that you and your colleagues have begun your consideration of campaign contributions and expenditures while the issue is fresh in people's minds and while the experience of the last campaign is still immediate and compelling.

With your help, I hope the Congress can assemble the facts, consider the alternatives, and determine a course of corrective action in a field in which disregard for the law has become a national scandal.

No special purpose would be served by reciting the facts of campaign finance today—its inequities, its loopholes, its favoritism, and the dangerously hidden nature of this activity which denies to the people their legal right to know who is influencing Federal elections. The nature of the problem is too well known. What we need to find is a solution. And a solution, if it is to come, will only emerge from the kind of active public concern which we are experiencing today.

One of the most encouraging manifestations of this interest in election spending reform has been the reaction to the President's veto of the Political Broadcasting Bill (S. 3637). Almost without exception, supporters and opponents alike of the bill—Members of Congress, the Administration, the press, radio and television, and private organizations and individuals—have emphasized the need for comprehensive reform, covering all aspects of campaign finance. They seem especially united on two points: that we're spending too much on elections and that the principal difficulty in reform is to identify contributors, the candidates to whom they give, and the amounts of their contributions.

Obviously, the two are inseparably linked. We cannot hope to control spending until we find a way—a reasonably foolproof way—to determine how much is being spent and where it is coming from, in other words to trace campaign funds from their origin to their final destination.

As I see it, there are only three ways of accomplishing this objective:

First, by doubling the size of the F.B.I. and assigning the new agents to full-time enforcement of the election laws.

Second, by subsidizing completely all the costs of Congressional and Presidential campaigns, with the Federal Treasury paying all campaign bills directly, up to the legal maximum, and with all other spending prohibited.

Third—and this is the proposal I wish to submit for your consideration—by substituting for cash or any other medium of exchange a single-purpose Federal scrip, issued by the Treasury in denominations similar to those of our regular currency, available to contributors through post offices and existing Federally chartered financial institutions, with each piece numbered serially for instant identification, and with the whole process from purchase to redemption put on to computers for systematic public accounting. Contributions and expenditures in any other form than scrip would be completely prohibited.

The first alternative, I suggest, is manifestly impractical. The second, while it has considerable merit, is probably well in advance of public opinion.

The third—my own proposal—is, I submit, technically feasible, relatively inexpensive, eminently fair and equitable and, most important effective.

Before I outline my ideas in greater detail, let me emphasize this point: My plan is *not* intended to be a comprehensive reform proposal. It does not, of itself, change anything in present law except for the *form* in which contributions and expenditures may be made. It does not establish new limits, nor does it provide any subsidies.

What it would do, however, is two essential things: It would make the present system manageable, in the sense that it would automatically reveal what we now cannot know about contributions and expenditures; and it would make any further reform workable and effective by closing the loopholes which money now keeps open.

I would go even further: Without some such means as I propose, no reform I have yet seen—except for a total Federal subsidy—could work properly, simply because cash is impossible to trace in political campaigns. And what can't be traced cannot be controlled.

Simple as it is, my plan would provide this essential foundation for reform: A systematic, continuous, and public accounting of all election funds, and in a manner that will make it possible for the people to understand and make timely judgments about the source and use of funds in specific elections.

Here, in somewhat greater detail, is how my plan would work. A contributor would stop at his bank or savings and loan association or credit union or post office—there is at least one in every community—and exchange his check or cash for scrip in the amount he wishes to contribute. In doing so, he would simply fill in a detachable certificate with his name, address, principal source of income, and the candidate or committee to which he is contributing. That small certificate would immediately be sent to the Treasury Department and the information placed in the computer.

On the reverse side of the scrip, a similar short form would be provided on which the recipient candidate or committee's name would be entered together with the purpose for which the scrip was being spent. Finally, the person or company providing the goods or services would confirm the transaction in the space provided and simply redeem the scrip for cash or deposit it in his account. The scrip would then be returned to the Treasury Department and the information on it entered in the computer.

Given our high level of technical competence in the computer field, it would be a simple matter to publish weekly reports of all contributions and expenditures.

To make the new system work, the law would have to prohibit entirely the use of anything but the scrip for contributions or expenditures designed to influence, directly or indirectly, any Federal election. Penalties for violations would be provided and both parties to a violation would be liable to prosecution—the contributor *and* the candidate, the purchaser of the goods or services *and* the provider.

I believe, Mr. Chairman, that this system would be at least 90 to 95 percent effective—a degree of efficiency I think most of us would settle for. Since the great bulk of campaign spending is done with responsible firms and institutions—radio and television stations, newspapers, printers, the Post Office, outdoor advertising companies, and the like—there is little likelihood that such firms would risk clear violations of the law by accepting payment in a form other than scrip. And with this degree of compliance assured, a very strong measure of pressure would be brought to bear on any others who might be inclined to deviate. At worst, the area of potential violations—under-the-table payments to workers or staff, for instance—would be greatly restricted and, hence, much easier to identify if the need arose.

Let me emphasize again, Mr. Chairman, that my proposal is not intended to substitute for, or serve as an alternative to, any other campaign finance reforms. While it can stand alone and thus improve the intelligibility of the present system, it is designed to accompany—and make effective—any more comprehensive reform Congress may enact, whether it is one which imposes new restrictions and limitations on campaign finance, or one which provides a degree of Federal subsidy, or both.

My concern is that if we are serious about clean elections, if we want reform that will really work, then any plan we adopt must include the means of making campaign contributions and expenditures completely visible and accountable.

I believe my plan will accomplish this central objective, and thus help to restore our people's badly damaged confidence in our political process.

Amendment Offered by Mrs. Dwyer

(Page and line references are to H.R. 11280.)

Page 45, immediately after line 14, insert the following:

FEASIBILITY STUDY OF USE OF FEDERAL SCRIP IN POLITICAL CAMPAIGNS

Sec. 402 (a) The Secretary of the Treasury and the Comptroller General of the United States are directed to study the feasibility of a plan to strengthen the effectiveness of disclosure requirements and the enforceability of limitations on contributions and expenditures by (1) prohibiting the use of cash, checks, credit cards or any other medium of exchange in any campaign for Federal office (as defined in section 301 (c) of this Act) and (2) requiring the use of Federally issued scrip for the purposes of contributions and expenditures in connection with any campaign referred to in clause (1) of this subsection.

(b) In conducting this study, the Secretary of the Treasury and the Comptroller General shall consider, but not be limited to, the following factors in the formulation and implementation of the scrip plan:

(1) The issuance of scrip by the Secretary of the Treasury, in size and denominations similar to United States currency, with each piece serially numbered and accompanied by the necessary number of detachable certificates for purposes of record-keeping, to be available for purchase at all Federally chartered or licensed financial institutions and all U.S. Post offices, and to be fully redeemable by such financial institutions and post offices in cash or other negotiable instruments.

(2) The installation and operation by the Secretary of the Treasury or the Comptroller General of the United States of automatic data processing equipment adequate for the purpose of recording all sales, exchanges, and redemptions of serially numbered scrip and for reporting in a form available to the public all such sales, exchanges, and redemptions of scrip, including in each such instance the name, address and principal source of income of the purchaser of scrip, the name and address of the candidate or political committee to which the scrip was contributed, and the name and address of the person redeeming the scrip together with identification of the goods or services for which the scrip was exchanged.

(3) The prohibition of the use of cash, checks, or other negotiable instruments or medium of exchange, or credit, in amounts exceeding $50, for the purpose of making contributions to any candidate or political committee in connection with any election for nomination or election to Federal office. In the case of contributions in the amount of $50 or less, candidates and political committees shall purchase scrip and simultaneously submit to the seller of scrip a complete list of the name and addresses of contributors and the amounts of their contributions.

(4) The prohibition, equally binding on both the purchasers and purveyors of goods and services for Federal election purposes, of all expenditures by candidates and political committees and others in connection with any campaign for nomination for election, or election, to Federal office in any form other than scrip.

(5) The design of the scrip. Such scrip should be designed in such manner as may be necessary to permit the recording of the purchase, exchange, and redemption of scrip by names and addresses of the parties involved and the identifying of the goods or services for which the scrip was expended. Such information should be available in such form as may be necessary to permit its transfer to computers at the time of each purchase, exchange, and redemption of such scrip.

(6) The need, if any, of supervisory arrangements to assure the adequate functioning of the scrip plan, including compliance and enforcement.

(7) Determination of the form and conditions under which continuous information could be made publicly available regarding campaign contributions and expenditures.

(8) The nature and amount of penalties to be assessed for violations, and the manner in which such penalties should be shared by parties to a violation.

(9) The possibility, under the scrip plan, of eliminating requirements for record-keeping and reporting imposed on candidates and political committees under political campaign finance laws.

(10) The cost to the Federal Government of implementing and operating the scrip plan as compared with similar costs under existing or proposed political campaign finance control systems.

(c) The Secretary of the Treasury and the Comptroller General of the United States shall report to the President and to the Congress the results of the study conducted under this section not later than one year after the date of enactment of this section. Such report shall contain such recommendations as the Secretary of the Treasury and the Comptroller General of the United States may deem appropriate. Such recommendations shall be made jointly, except that, in the case of any disagreement, both the Secretary of the Treasury and the Comptroller General of the United States may submit a separate recommendation.

And renumber the following section accordingly.

KEMP'S A COMER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. DULSKI. Mr. Speaker, I had the opportunity to watch him on the gridiron when he was quarterback for the Buffalo Bills and for the past 11 months I have had an opportunity to observe him as a legislator. He does well in both roles.

I was very pleased and impressed at the complimentary article in Thursday's Wall Street Journal on our colleague and my neighbor, the Honorable Jack F. Kemp, of Buffalo, N.Y.

The excellent article by Alan L. Otten, Journal political writer, speaks for itself and I include it as a part of my remarks.

The article follows:

[From the Wall Street Journal, Nov. 18, 1971]

Kemp's a Comer

(By Alan L. Otten)

Washington.—Every two years, anywhere from 35 to 60 new members enter the U.S. House of Representatives. Even before they arrive, two or three are tabbed as "comers"—clever young go-getters who will quickly emerge from the faceless pack to become leaders of the House or move on to the Senate or even beyond.

One of the clear comers in the current freshman crop is a ruggedly handsome, highly articulate conservative Republican from the suburbs of Buffalo, N.Y., Jack F. Kemp. His fellow Republican freshmen chose him as president of their informal group, the 92nd Club. He was one of three newcomers admitted into the Chowder and Marching Society, that elite group of such present and past House GOP greats as Richard Nixon, Melvin Laird and Gerald Ford.

He was picked by the White House to defend the President's Vietnam policy on the Dick Cavett and David Frost shows in debate with dump-Nixon Rep. Paul McCloskey. A recent trip to Vietnam won him an unusual half-hour audience to report to the President. He's in heavy demand as a speaker to raise money for House Republicans around the country, while Vice President Agnew and other administration bigwigs journey to Buffalo to help raise funds for his own campaign.

"There's no question Jack is the big star of the freshman class," a senior (and non-admiring) colleague ruefully remarks. A closer look at 36-year-old Jack Kemp helps reveal those factors that spotlight one man as a comer while others remain in the shadows.

THIRTEEN YEARS OF FOOTBALL

Certainly it helps to start with instant name recognition—in this case, from 13 years as an all-star quarterback, first for the San Diego Chargers and then, until February 1970, the Buffalo Bills. Mr. Kemp led the Bills to two American Football League championships, was AFL Player of the Year in 1965 and for five years headed the AFL Players Association.

The football reputation, his wholesome good looks and his fluent way with words had long made him a much-sought Republican speaker, particularly on college campuses. People, he admits, were intrigued to find a professional athlete who not only was a conservative Republican but who also could use correctly such words as "bizarre" and "self-flagellation," talk knowledgeably about tax depreciation schedules and sulfur dioxide pollutants, and quote Edmund Burke ("A Representative owes his people not only his industry but his judgment").

Buffalo Republicans had long been hoping for just such a paragon to take on Democratic Rep. Richard McCarthy, and Mr. Kemp was more than willing. His well-financed and professionally guided campaign was helped mightily by Mr. McCarthy's later decision to give up the seat and run for the Senate, but Mr. Kemp still came to Washington with the valuable image of something of a giant-killer.

Still another asset was having good friends in high places. Old California buddies included White House aides Herbert Klein and Robert Finch, House GOP Campaign Chairman Rep. Bob Wilson. Mr. Kemp not only campaigned hard for Richard Nixon for President in 1960 and governor of California in 1962, but spent two weeks traveling with him on behalf of Bob Finch for lieutenant governor in 1966.

STILL QUARTERBACKING

These people counsel him, speak in his district, open downtown agency doors for him. A Buffalo newspaper cartoon showed Messrs. Nixon, Klein and Finch in football uniforms blocking for Quarterback Kemp.

(And he repays the favors, as, for example, helping the White House by debating Mr. McCloskey. "My sense of fair play was challenged," he relates. "I don't quarrel with those who say we shouldn't have been in there or should get out faster—I say the latter myself—but to label the military as war criminals and to say the President really doesn't desire peace—that's something else.")

The young Congressman has other hallmarks of the true comer: boundless ambition and a ruthless readiness to put his own needs first; a shrewd instinct for spotting good political openings, and real hustle to follow through and take advantage of them.

When Amtrak cut back rail passenger service west of Buffalo, he quickly organized a House bloc to press for continued service west to Detroit and Chicago, persuaded the area governors to pick up part of any operating deficit, and finally got "provisional" service restored. He has taken the lead in a well-publicized push for a House resolution calling for United Nations debate on the Soviet Union's refusal to permit Jews to leave the country. Mr. Kemp says he seeks to dramatize the Soviets' disregard for human rights; cynics suggest he's cannily building good will among New York's large Jewish vote.

Pressed to explain his current reputation, the Congressman cites "a built-in advantage, as a moderately successful football player," and a popular hunger for stronger political leadership.

CONSENSUS, NO; DECISIONS, YES

"I learned long ago," he declares, "that you can't quarterback a football team by taking a poll and following the consensus. You have to weigh risks, make judgments, take chances."

Mr. Kemp campaigned as a "let's tell what's right about America" Republican, and his House record thus far is rated as 100% by the American Conservative Union and 15% by the Americans for Democratic Action. Yet in recognition of Buffalo's high unemployment, he has supported several spending measures far larger than the White House wanted.

Mr. Kemp is at some pains to deny as "absurd" rumons that he'll be the Conservative Party challenger against Republican Sen. Jacob Javits in 1974. "I have a forum here to exert some leadership, and that's exactly where I want to be," he says. Clearly, though, a Senate seat some day is well within his downfield vision.

It's not going to be all clear going, of course. First re-elections are normally considered the toughest, though a coming reapportionment plan will probably make his district more Republican. More seriously, some colleagues rate Mr. Kemp still naive and prone to error. For example, they say, it may flatter his ego to debate Mr. McCloskey on television or to have Mr. Agnew speak for him, but these may not be such good politics in a district where many well-educated suburbanites don't particularly like the war or the Vice President. Other House members complain that he skimps on the nasty nitty-gritty of committee work, and that his fast, purposeful pace often leaves bruised feelings behind.

It usually takes three or four terms to know whether the comers actually live up to their early billing. A good many people will be watching to see whether Quarterback Kemp can still throw the long bomb.

NATIONAL BIBLE WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. RODINO. Mr. Speaker:

> You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should. Therefore, be at peace with God, whatever you conceive Him to be. And whatever your labors and aspirations, in the noisy confusion of life, keep peace in your soul.

These words, originally found unsigned on an empty wall of Old St. Paul's Church, Baltimore, in 1962 and titled "Desiderata", capture simply and preciously the essence of the message and meaning of the Bible. Each man conceives his God in his own manner. Yet all individuals seek similar answers—all men question, all doubt, all at one time express the words of Jeremiah, "Why me?" and the dream of Micah:

> And they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war anymore. Ch. 4: 3.

The biblical words we read so enveloped in human emotion are in turn, words which provide our chief source of human consolation:

> Comfort ye, comfort ye my people, saith your God. Isaiah 11: 1.

It is often reiterated that the Bible was regarded by the founders of the Nation as their greatest personal treasure. The hope, the promise, the inspiration which gave them the necessary courage to continue despite all difficulties and disappointments were found within its covers.

I recall the story of an old religious teacher who began the first day of his class by throwing the Bible on the floor and shouting:

> This book is not holy. How can it be holy if its words hold no meaning for you and if you make no effort to understand its words?

One is encouraged to study and to question, for only in questioning will the answers be found.

The Bible has been described as "a tree of life for them that hold fast to it"—a tree with its branches spreading, intwining, bending and straightening, yet continually reaching and growing.

A young boy was asked by his grandfather to bring him a copy of the New Testament. The old man, looking up at the boy stated:

> My son, you carry that book easily in your youth but when you are as old as I am, it must carry you.

The contents of the Bible touch upon nearly every area of human thought, from philosophy and government to poetry and ethics. Its authors include the shepherd and the king, men of considerable learning and men counseled through the experiences of day to day life. Beneath this diversity of human authorship lies a wonderful unity, pointing to the operation of one directing mind. Thus, while variety is found in writing style and emphasis, a powerful theme of direction persists.

Look again at the words of "Desiderata"—be at peace with God . . . and keep peace in your soul. This is the ever present theme of our Holy Scriptures, be it said by a wise man, a beggar or a prophet. Jeremiah, Hosea, Hezekiah—their distinction lies in the fact that they were human beings who dared to speak out against the unfair practices of their day, men who refused to compromise with injustice. The simple words of the prophet Micah carry with them the full message of peace for every man and for every nation:

> And what doth the Lord require of thee, but to do justly and to love mercy and to walk humbly with thy God. Ch. 6:8.

As we observe the 31st annual American Bible Week, may we reflect once again upon his words.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PROTECTING AMERICAN JOBS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. SEIBERLING. Mr. Speaker, for many months I have been greatly concerned about the impact of imports on employment in this country, and, in particular, employment in the tire industry. Although the impact is fairly easy to determine, the solutions are not.

Legislation has been introduced, and is now pending before the Ways and Means Committee, which addresses itself to this problem and proposes various solutions. I have written the chairman of the Ways and Means Committee, the Honorable Wilbur Mills, urging that hearings be scheduled on this subject at the earliest practicable date.

In the meantime, I think it will contribute to a better understanding of the problem and the implications of some of the proposed remedies if material already available can be inserted in the Congressional Record for study by the many Members of Congress who are also concerned. For this purpose, I think I can say that the tire industry typifies the problems facing many industries. Accordingly, I intend to insert into the Record from time to time materials relating to the problems of international trade as they affect the tire industry.

As the initial insert I am offering the statement of Mr. Peter Bommarito, international president of the United Rubber, Cork, Linoleum & Plastic Workers of America, AFL–CIO. This statement was made in person several months ago to the Members of the House who constitute the Northeast Ohio Congressional Council. While it may be that the President's actions in connection with the dollar "float" and the import surcharge have had some effect on the immediate crisis, the long-range problem remains.

Mr. Bommarito's statement follows:

Protecting American Jobs

My name is Peter Bommarito, I am the International President of the United Rubber, Cork, Linoleum and Plastic Workers of America, AFL–CIO. I welcome this opportunity to attend this meeting and to present to you the problems confronting the members of our Union. I appreciate the concern that you display, as evidenced by your presence.

JOB SECURITY

The single most important subject facing the rubber worker today is the stability of his employment. During the past two decades the number of jobs available and the employment in the Akron rubber companies has declined drastically. The Firestone Tire and Rubber Company in 1944 employed 12,000 production and maintenance workers. The number is now down to 4,000. The B. F. Goodrich Company dropped from a high of 11,000 to the present 4,000. The Goodyear Tire and Rubber Company fell from a high of 15,800 in 1943 to 7,000 present active employees. In the three large Akron-based rubber companies alone over 24,000 jobs have ceased to exist since World War II. The U.S. Department of Labor estimates nationwide job losses for the period 1966–1969 at 700,000 because of Imports alone.

REASONS GIVEN

Many theories have been offered by economists, industrialists and other concerned civic leaders as to why the jobs have left not only in the Akron area but in the nation as a whole. Economists talk about comparable advantages; industrial leaders blame high wages and low productivity; civic leaders are at a loss for an explanation. Regardless of what theories we accept it is time that we take a realistic approach to the overall unemployment problem based on facts and not suppositions, based on the truth and not propaganda.

IMPACT ON NATIONWIDE EMPLOYMENT

The American worker today is the major victim of the falloff in exports, of the flood of imports, or both. The current deterioration of the U.S. position in international world trade is having an adverse effect on employment and job security. The workers have come to the unions for help and their unions, acting in concert, seek redress and remedies to this very great threat. Tens of thousands of workers are suffering loss of jobs, unemployment, lowered standards of living and loss of their dignity in their role in our work-oriented society. The workers' grievances are with the government of the U.S. because it is the government's foreign trade and investment policies that are responsible for this situation. It is time to adopt a trade policy that enhances the well-being of the American people in place of one that increases corporate profits and enhances private greed. Organized labor intends to pursue this issue and continue to fight for international trade and investment policies that will restore the workingman's dignity and end these hardships.

TRADE UNIONS' POSITION

Since 1934 the trade union movement has supported government policies for the expansion of world trade. This support was based on labor's goal of increased employment and improved living standards, both at home and abroad. As world trade expanded, changes in economic conditions occurred; foreign governments established direct and indirect subsidies for exports and erected barriers to imports. U.S. investments, combined with patent and license agreements, transferred American technology throughout the world—by the late 1960's imports were taking over large and growing portions of U.S. domestic markets of manufactured merchandise and components.

TIRE AND OTHER PRODUCT IMPORTS

The total value of automobile tires imported in early 1960 was $10 million; today this figure exceeds $300 million. That is approximately 10% of the domestic tire market. In 1969 the deterioration in our balance of trade reflected a deficit of $173 million for the tire industry. This represents a net job loss to 7500 American workers (based on 457 persons employed for every 1 million tires produced).

In 1957, 6% of the bicycle tires sold in the U.S. were brought in by foreign industries; today 85% of the bicycle tires and tubes purchased in the U.S. are imported from foreign producers. Only two American companies operating domestically are now in existence.

The U.S. has become a net importer of steel, autos, trucks, automotive parts, clothing, footwear, glass, electronic goods, musical instruments, television, wigs, hair pieces, TV sets and transistor radios to mention only a few. These events are the results of changes in world economic conditions that require change to be made in the U.S. trade policies. The hard facts of life dictate that the government's foreign trade policies be swiftly modified in light of the rapidly increasing domination of foreign products.

COMMON FALLACIES

For the past several years the American consumer has been led to believe by leading industrialists, the U.S. Chamber of Commerce and newspaper editorials that increased imports created a distinct economic advantage with resultant low prices. We also read and hear that job exports are the fault of organized labor for constantly asking for higher wages, increased fringe benefits or strict antipollution measures and stringent safety and health regulations; that it is the fault of the workingman because of low productivity, disinterest in his job, disloyalty to the company and a lack of enthusiasm for zero defects that causes the increase in unemployment, but that just isn't the truth.

IMPORTS VERSUS PRICES

Imports do not serve to "discipline" prices. Often, the American consumer receives no benefit at all. The imports are generally sold at the prevailing American price, with resultant substantially widened profit margins. We were told that the American industrialists' answer to the small import foreign car was the Pinto—it was produced with engines imported from England and Germany and the standard transmission from other European manufacturers. Sales price—higher than the import.

"Buy American" has become a myth. It should read *"Buy American if you can find it."* Only recently an Akron rubber worker from Goodyear Tire and Rubber Company purchased an American made car with what he thought was American produced Goodyear tires only to find that the tires actually were made in Austria. Nearly all foreign import tires are sold domestically at American prices regardless of the cost of production. Make no mistake about it, the sales price will be at whatever amount the consumer is willing to pay. There are few import bargains.

There are also multinational corporations who produce component parts in American and foreign subsidiaries—assemble them in Mexican border plants, and return them duty free to the United States under TSUS Item 807. Although the corporation has realized a tremendous labor savings, it is not passed on to the consumer. Shoe prices rose 38% between 1960 and 1971, faster than the 31% increase in the overall Consumer Price Index. During this period the shoe imports skyrocketed, many shoe factories closed their doors, thousands of American shoe workers lost their jobs, yet the consumer benefited not at all.

WORKER'S ADJUSTMENT

There are many people who show a complete indifference to these trade-caused worker problems and they recommend that an unemployed worker should adjust, equating a worker with a retooling of a machine. This attitude is not only shocking in terms of social ethics, it reflects an ignorance of the workers' problems.

Labor is not an interchangeable part as some economists believe. A jobless rubber worker in Akron does not automatically become a clerical worker in New York or even in Portland.

While capital and machines can be moved from one part of the country to another, or to other countries, workers do not have full mobility. Workers have great stakes in their jobs and their communities. They have skills that are related to the job or industry. They have seniority and seniority-based benefits such as vested pensions, vacations, and supplemental unemployment benefits. Workers have investments in their homes, a stake in the neighborhood, schools and churches. This lack of mobility is not a fault. It is a virtue. It is an important factor in giving stability to a community and to society. Moreover a worker's skill is among his most valuable assets. It cannot, however, be transferred to another industry or occupation with ease, if at all.

Further illustration of this indifference is the lack of data and information on the impact that international trade has on U.S. workers. There is a great void of information bearing on the employment impact and other effects on workers. This shortcoming can only be attributed to a lack of interest by foreign trade experts in government and business. We note that there is a great abundance of information and data available from the U.S. government to businessmen who wish to relocate their business abroad.

MULTINATIONAL EXPLOITATION OF LABOR

It has long been the history of most corporations to exploit labor. Organized labor, through its efforts, was successful in overcoming the once prevalent 7 day, dawn to dusk, sweat shop conditions that once existed in this country.

In the early 1930s and on into the 40s the working conditions in the shops of this nation were unbearable. Men and women were forced to work under intolerable conditions that threatened their safety, impaired their health and caused early retirement and premature death. Through the concept of collective bargaining, organized labor obtained for the working force a decent wage and vastly improved working conditions. The workingman achieved a high degree of dignity with equity and security.

In order to combat these successful efforts, the corporations began to divide and diversify. Looking for pools of cheap labor, plants moved from the highly industrialized cities in the north to the rural nonindustrial areas of the southern states. For several years they were able to maintain low wages among these workers; however, organized labor once again was able to improve the standard of living and the working conditions in these plants through the bargaining process.

The corporations then turned to a multinational status and exported American jobs to foreign markets at the same time reducing, and in many instances eliminating their flow of exported goods to these countries.

U.S. firms invested approximately 3.8 billion dollars in plants and machinery in foreign subsidiaries in 1960. The U.S. Commerce Department estimates that U.S. based plants will invest more than 8 billion dollars abroad in manufacturing in 1971.

During the past 25 years about 8 thousand subsidiaries of U.S. companies have been established on foreign soil with estimated annual sales of approximately 200 billion dollars, obviously displacing U.S. produced goods in both American markets and world markets. These companies also export American technology; some of it developed through the expenditure of government funds paid for by American tax payers—their biggest export, of course, is U.S. jobs.

The multinational is not simply an American company moving to a new locality where the same laws apply and where it is still within the jurisdiction of Congress and the government of the United States. This is a runaway to a foreign country, with different laws, different institutions and different labor and social standards. In most instances, even the name changes. The tentacles of American industry reach far into foreign lands. It is ironic that these same multinational corporations have sought to influence U.S. trade legislation in the name of "free trade." Unlike their competing corporations in the U.S., these multiglobal operations are beyond the reach of present U.S. law or the laws of any single nation.

INTERNATIONAL BANKS

In the 1960's we have seen an important related phenomenon—the expansion of United States-based international banks, which service and help to finance foreign subsidiaries of U.S. companies. At present, there is a vast global network of branches of U.S. banks, which moves funds easily from one country to another, beyond the direct reach of the monetary policies of any government, including our own.

When the government's squeeze on the American money market threw homebuilding into a recession and hit other groups in the American economy in 1969, the U.S. international banks increased their borrowings from their foreign branches by an amazing $7 billion.

This $7 billion was for the aid and comfort of the American central offices of those international banks and their prime customers—the big corporations. The rates to the special customers were considerably less than those paid by small businessmen or home-buyers. When the money squeeze eased here, and the interest rates declined, this same "hot money" was transferred back abroad, and was partly responsible for the recent dollar crisis in the European money markets. Financial reporters attributed much of the manipulation in the money market to the treasurers of multinational corporations who were busy selling their dollars for stronger currencies.

In view of these developments by the banks, the multinational firms and the radically changed concepts of international relationships, the question must be asked: How long can the United States government and the American people permit such operations of private companies and banks to continue without regulation?

Canadian-Michelin Tire Company Agreement

The Michelin Tire Company of France and the Canadian government have entered into an agreement the effect of which will undoubtedly become a most serious threat to the security of employees in the United States tire industry.

The Canadian government has committed to Michelin a 15-year, $50 million low cost loan from the Provincial government's Industrial Promotion Agency to aid in the building of three plants. The Federal Department of Regional Economic Expansion has also signed an agreement with the French company offering two grants totalling $10 million.

Canada has granted tariff concessions by proposing the reduction or complete elimination of tariffs on most Michelin imports, to commerce in 1971. Further tariff relief has been offered on imported production machines in conjunction with a rapid write-off of production equipment in two years and on buildings in five years.

The entire value of the company's investment, including government grants, is also eligible for depreciation. Property tax concessions are available limiting annual taxes to 1% of the value of the buildings for ten years with no taxes to be levied during this same period on land, equipment or inventory.

It is my opinion that the foregoing agreement between the Canadian government and Michelin Tire may be construed as a violation of the contractual authority of the GATT Agreements. I am of the further opinion that these subsidies, in the form of special concessions, could be offset as provided for under Section 303 of the Tariff Act by the imposition of countervailing duties.

I offer the following specific steps for the protection of American workers and for the preservation of our industrial society:

1. The U.S. government must stop helping and subsidizing U.S. companies in setting up and operating foreign subsidiaries. Section 806.30 and 807 of the Tariff Schedules should be repealed; these sections of the Tariff Code provide especially low tariffs on imported goods, assembled abroad from U.S.-made parts. Moreover, the U.S. tax deferral on profits from foreign subsidiaries should be eliminated, so that the profits of these subsidiaries will be subjected to the U.S. corporate income tax for the year they are earned.
2. The government should regulate, supervise and curb the substantial outflows of American capital for the investments of U.S. companies in foreign operations.
3. The government should regulate, supervise and curb the export of American technology—by regulating the foreign license and patent arrangements of American companies.
4. The government should press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.
5. In the face of growing unresolved problems, an orderly marketing mechanism is needed immediately to regulate the flow of imports into the U.S. of those goods and product-lines in which sharply rising imports are displacing significant percentages of U.S. production and employment. Such quotas that bar the rapid displacement of U.S. production and employment by flood tides of imports could slow down the disruptive impacts on American society and help to provide an orderly expansion of trade.
6. The U.S. government should take immediate positive action by continued negotiations with the Canadian government as provided under the terms of the GATT Agreements to alleviate the Michelin situation.

WHITSON KIRK: 50 YEARS OF SCOUTING

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. HALL. Mr. Speaker, it is a pleasure for me to direct the attention of my colleagues to the exemplary record of dedication and service in behalf of the Boy Scouts of America that has been achieved by Mr. Whitson Kirk, of Webb City, Mo.

Mr. Kirk is being honored as the only individual in the Mokan Area Council who has accumulated 50 years of service to Scouting, during the council's annual recognition ceremony.

As a recipient myself of the Silver Beaver and Silver Antelope awards, and one who has also long been interested in Scouting, I can attest to the truly commendable service Mr. Kirk has rendered.

I submit the following newspaper article and Boy Scout service record of Mr. Kirk for enlightenment of all:

[From the Joplin (Mo.) News Herald, Jan. 10, 1967]

Webb City Man Has Long Record in Scouting

(By Irene Holt)

Webb City, Mo.—Whitson Kirk, 902 West Second street, has the longest registered tenure with the Boy Scouts of any adult in the Mo.-Kan. Area Council, with a 43-year record, according to Richard Miller, council scout executive. "It could be said that if we have a Mr. Scouting in the Joplin area it would be Whitson Kirk," Miller said.

Kirk, who is president of the Mo.-Kan. Area Council, was reelected for a second term, beginning this month. He first joined

Webb City troop No. 2 sponsored by the First Presbyterian church in January, 1920. Kenneth Glazier, was scoutmaster of the troop and Dr. Raymond Kuhn, assistant scoutmaster. Rufus Lane of Joplin was scout commissioner of the Webb City district.

"Our scout uniforms were fattened after the World War I soldiers' uniforms," Kirk said. "We had laced up breeches, wrapped up leggings, and a wide-brimmed hat.

"At the time I went into scouting Webb City was operating on its own basis with a complete scout organization within the town. In June, 1924, 12 or 15 of us were the first to make an overnight stay at Camp Nihkagaha. In that group was William Chinn, Gordon Told, and Chester Roney. We camped three days beside the spring there."

Kirk, who is a life scout, has held every office in the local troop, being senior patrol leader, at the time of the first camp-out.

When asked why his interest in scouting had continued through the years, he said: "I have always liked it. It was also partly for civic pride and partly because I was left without a father at the age of 10 and a mother at 13. Other scout leaders had taken me under their guidance so I always tried to pay back some of it."

Whitson Kirk Jr., who lives in Leawood, Kan. also is a life scout.

In 1950, while serving as contingent leader for the Mo-Kan area group, he made the trip to Valley Forge, Pa., to the National Jamboree there, accompanied by 68 scouts from the area. This is a four-year national program in scouting. "Normally a boy will spend four years in the scouts. The aim is to give every boy a chance to attend."

Last August Kirk attended the voluntary training center at Philmont Scout ranch near Cimmaron, N.M. as finance chairman. The same week he was there for training Ed Johnson, public relations chairman, also attended.

Kirk received the Golden Sun award in 1938 and the Silver Beaver award, the highest award a council can give adults, in 1944. He also is a member of the Vigil Honors of the Order of the Arrow for honor campers. He was on the camping committee at the time of the securing of donations for the Frank Childress Scout reservation.

It is generally acknowledged that Kirk was instrumental in formulating all the arrangements after Paul Childress told Kirk of his intention to give, in memory of his mother and father, the two sections of land with all the improvements to the Girl Scouts and Boy Scouts. This was an unusual intention—for the Girl Scouts and Boy Scouts to own something jointly, and after months of work it was through Whitson Kirk's efforts that this was accomplished.

"Whitson is an unusual council president in that his scouting background entails work as a scoutmaster, troop committeeman, past council commissioner, and an individual that has been involved in the camp development program at both the old Camp Nihkagaha and the present Frank Childress Scout Reservation," Richard Miller said.

Whitson Kirk is general manager of General Steel Products Company, 2002 West Seventh street.

Boy Scout and Community Service Record of Whitson J. Kirk

1. BOY SCOUTS OF AMERICA

A. Local level

Tenderfoot Scout, January 1, 1920, Kenneth W. Glaser, Scoutmaster, Troop 2, Presbyterian Church, Webb City, Missouri, Rufus Lane, Scout Commissioner.

Member Troop 1, September, 1921.

Member Troop 25, September, 1922; Senior Patrol Leader 1923 to 1926; Assistant Scoutmaster, September, 1926–1938; Scoutmaster, October 31, 1939–1940; Troop Committee, 1940–1962.

B. MoKan Area Council

Neighborhood Comimssioner, December 31, 1941–1942.

Chairman of Camping and Actitvites, December, 1942–1943.

Scout Commissioner, March 31, 1945–1949.

Council Executive Board Member or Member at Large, 1949–1971.

Chairman of Organization and Extension, March 31, 1950.

President of MoKan Area Council, 1966 and 1967.

Attended Regional Meeting, Colorado Springs.

Attended Regional Meeting, Kansas City.

Attended National Meeting, Dallas, Texas.

C. National council

Natonal Jamboree, Valley Forge, Pennsylvania.

Philmont Scout Ranch—Leaders Training 1966.

II. OTHER ACTIVITIES

A. General Manager of General Steel Products Company, employed there 42 years.

B. Member of Webb City Rotary Club since 1945.

C. Member of Presbyterian Church—Webb City; Elder since May 5, 1946; Board of Trustees—elected in 1952—completing 6th term.

D. Member American Institute of Mining and Metallurgical Engineers since 1953.

E. Member Webb City Housing Authority Board.

III. SPECIAL OUTSTANDING ACCOMPLISHMENTS

A. In 1961, through the coordinating efforts of Mr. Kirk, Mr. Paul Childress made a gift of 200 acres including buildings and fencing to be used jointly by the Boy Scouts of America and the Girl Scouts of America for a camping area. This facility is presently being used by both Boy Scouts and Girl Scouts and is known as Childress Scout Reservation.

B. While President in 1967 of the MoKan Area Council the present Scout Service Center was acquired and opened as a Scout Service Center. Dignitaries at the open house included the Governor of the State of Missouri, Warren E. Hearnes.

IV. AWARDS

A. In 1939 he was awarded the Order of the Golden Sun, a special award presented by the MoKan Area Council Boy Scouts of America annually to outstanding Scouters.

B. December 6, 1944 he was awarded the Silver Beaver by the National Court of Honor.

C. On August 29, 1959 he received the Vigil Honor, Order of the Arrow.

PROSPERITY—DOES IT TRICKLE DOWN OR PERCOLATE UP?

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. O'HARA. Mr. Speaker, the conventional thing to say these days is that the President's most effective political ploy is his ability to surprise everyone by doing what is least expected. We are told that his China trip was unexpected, and his sudden conversion to wage and price "controls" was a total surprise.

There is no doubt, of course, that the trimmings on Presidential policies are usually arranged in as surprising and attention-getting a manner as possible. But when you penetrate the rhetoric and examine the substance, the policies of President Nixon in most cases, notably including the area of wage and price "controls," is really not all that new and different.

Most Republican Presidents after Lincoln have believed, with a deep and fervent faith, in the proposition that business men are the only creators of national wealth, and that everyone else prospers or fails depending on how much of the businessman's profits trickle down to them. Neither the working man nor the farmer, in this orthodox Republican view of the world, actually contribute anything to the Nation's well-being. It is only as they share in the profits of business that they can expect to be well-off. This fervid belief in the law of economic gravity has survived Republican depression after Republican depression. It survives crises after crisis and is one area, at least, in which truly good Repubicans can be counted upon to put principle ahead of politics. President Nixon is following loyally in the footsteps of many of his GOP predecessors, and in the trail blazed by the previous Republican administration of which he was a part. Those administrations did not let massive unemployment and the prospect of losing an election shift them away from their devotion to the trickle-down theory, and neither is the present administration.

Naturally, the President seeks to put the best face on it.

This summer, when the President announced his freeze on working people's wages, and expressed his pious wish that profits might also be kept within moderation, he sought to justify it by expressing the belief that somehow this would fight unemployment and fight inflation. Since the unemployment was largely caused by the President's earlier efforts to fight inflation, the unemployed could be pardoned a certain skepticism about the new Nixon formula for creating jobs. But if you believe in trickle-down economics it all makes sense. Under the ancient trickle-down theory, if you just direct every organ of public policy and private power to insure that those who have the most get more, then it follows that those who have the least may, somehow, from the generosity of those who have everything, get something.

The other side of the administration's anti-inflation coin—the administration's idea of what to do for business when you freeze workers' pay—is to propose big tax breaks for industry, in the hope that they will somehow create jobs for the unemployed.

As I suggested at the beginning of these remarks, the more you examine the Nixon surprise economic package the less surprise and the more Republican orthodoxy there appears in it.

Fortunately, the President is not the only ex-Vice President around to give us economic advice. There is another, presently an active Member of a nearby legislative body, and his advice continues to be basically a good deal sounder than that of his fellow ex-Veep.

The able junior Senator from Minnesota has persuaded the Senate to amend the pending tax legislation to increase the minimum standard income tax deduction from $1,000 to $1,300. This will not do much for big businessmen directly or individually, but it will provide a massive shot in the arm for the economy by making more money available to those who have it the least and need it the most.

Senator Humphrey's proposal is not based on trickle-down theories. It assumes that it is the people who create wealth and that big business and the banks and the other beneficiaries of "Nixonomics" profit only as the people are prosperous. Senator Humphrey believes that wealth moves upward, while President Nixon believes that wealth trickles down. Both men are deeply sincere. And their respective ideas have been tried out. The prosperity of the 1960's stemmed from an application of the Humphrey theory. The Nixon theory has given us the highest unemployment rates in years. I know which theory I accept.

The distinguished Washington Post columnist, William Raspberry, in today's issue of that newspaper, analyzes the comparative theories of the Humphrey and Nixon school of economics. I ask unanimous consent that that column be printed at this point in the Record.

Tax Break for the Poor

(By William Raspberry)

Not everyone is convinced that the President's proposal of investment credit tax breaks for big firms will work out the way Mr. Nixon hoped when he dubbed it a "job development" scheme.

The theory is that manufacturers will be moved by the prospect of an investment credit to lay in new machinery, increase their productivity and, ultimately, provide more jobs. That prospect would seem more logical if most plants were operating at full production now. They aren't.

One of the best hopes that the proposal really will lead to major economic stimulation is contained in an amendment introduced this week by the junior senator from Minnesota.

What Hubert Humphrey has proposed (his bill cleared the Senate Tuesday by a vote of 46 to 34) is an increase in the minimum standard income tax deduction from $1,050 to $1,300, a device for giving tax relief to poor and low-income families.

While the main proposal, which Humphrey supports, is based on the hope that manufacturers will use their new tax advantage to create new jobs, and thereby stimulate the general economy, the Humphrey amendment would virtually guarantee economic stimulation.

Big firms can exercise options about what to do with their tax savings. But poor people really have no option; they will spend all they get, whether through wages or tax refunds. And they will spend it on the things that manufacturers produce—food, clothes, TV sets—thus increasing sales which stimulates production, which creates jobs.

As Humphrey put it, it's the difference between trickle-down and percolate up.

Not only is percolating up a more certain prospect; it also directly helps those who most need help—the poor. Humphrey estimates that some 70 per cent of the benefits under his proposal would go to families with incomes under $4,500 a year.

"If there is any group of American families that deserve some consideration by Congress," the former Vice President said, "it is that group of families with incomes under $4,500 and that group that we call lower-middle-income families of $10,000. These people are the great purchasers of consumer goods because they represent such a multitude of our people. They can help stimulate the economy if they have a little additional purchasing power."

He would provide that new purchasing power right away. His amendment would apply the new deduction to 1971 income. That might make a problem for the Internal Revenue Service, which has its tax forms already printed, but it would be an unmitigated boon to an awful lot of poor people.

Aside from what the Humphrey proposal would do to stimulate the sluggish American economy, it would go a long way toward eliminating one of the incongruities of our tax laws.

As things are now, millions of people whose incomes fall below the level officially defined as poverty still are subject to income taxes.

Humphrey's amendment would come very close to making tax-free-income levels and poverty levels the same. But it would also provide some relief for low- and moderate-income families.

For example, a family of four whose income is $7,500 a year would save about $60 in taxes. That isn't much but it involves so many people that it would be bound to produce some economic stimulus. As Humphrey observes, "Low-income families do not save—they spend."

He said his proposal would cost $992 million in revenues, but he thinks it is worth it.

"The Treasury loses this revenue," he said. "There's no getting around it. But it loses it from those who can least afford to pay—and, I may say, those whom society can least afford to tax."

THE TAX REFORM ACT OF 1972—REINTRODUCED WITH COSPONSORS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. CORMAN. Mr. Speaker, on October 5, I introduced a bill, H.R. 11058, the Tax Reform Act of 1972. Twenty-five Members have since expressed their wish to cosponsor this legislation with me, and yesterday I was pleased to introduce two bills under this title: H.R. 11862 on behalf of myself and Mr. Aspin, Mr. Bolling, Mr. Danielson, Mr. William Ford, Mr. Halpern, Mr. Hawkins, Mr. Helstoski, Mr. Jacobs, Mr. Johnson of California, Mr. McFall, Mr. Meeds, Mr. Moorhead, Mr. Moss, and Mr. Obey; and H.R. 11863 on behalf of myself, Mr. Pepper, Mr. Pike, Mr. Rees, Mr. Reuss, Mr. Ryan, Mr. Schwengel, Mr. Sisk, Mr. Stokes, Mr. Van Deerlin, Mr. Waldie, and Mr. Charles H. Wilson of California.

The enacting clause of the Tax Reform Act of 1972 reads:

> To gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions.

In short, this is a bill with one major objective: To provide meaningful reform of our tax laws in order to make them more equitable and more productive of revenue.

None of the provisions of the Tax Reform Act is new or novel. Proposals to make our tax laws more equitable and productive have long been proposed and discussed, in and out of the Congress. In theory, our tax rates are progressive and should have the effect of placing the tax burden according to an individual's ability to pay. But, a variety of special exemptions, incentives and privileged interpretations of complex tax laws have made a mockery of the theory. Inequities abound, not only in the area of individual income taxation, but likewise in regard to corporation, estate and gift taxes.

Some reform was accomplished in the Tax Reform Act of 1969, but it did not go far enough. Events since the 1969 Act have made it imperative that the Congress give its attention to further reform, both in the interest of tax equity as well as gaining revenue.

This is especially true in view of the prospective enactment of the Revenue Act of 1971, which reflects the tax aspects of the President's new economic policy. In attempting to solve the dual problems of inflation and unemployment, which have reached crisis proportions because of the administration's standpat policies of the past 2½ years, the Ways and Means Committee acted quickly on this legislation, though making significant changes in the President's recommendations. While this legislation is necessary, it is also true that under the House-passed bill some $15 billion will be lost to the Treasury for the calendar years of 1971, 1972, and 1973. This is a substantial loss, especially since the deficit for fiscal year 1972, based on the administrative budget, is estimated to be over $35 billion.

The Tax Reform Act of 1972 is not meant to be an alternative to the Revenue Act of 1971. Rather, it is meant to complement that Act. It would assure greater revenue in the long run, would reduce our budget deficits, and in times of high economic activity could even help to eliminate a budget deficit entirely. It would strengthen the economy by channeling greater purchasing power to individuals at the lower income levels, who are more likely to spend their earnings than persons with larger incomes. It would remove a number of lower income people from the income tax rolls, even though they would still be responsible for substantial social security taxes. Finally, it would enable us to tackle more vigorously the great volume of unmet needs which continue to cry for attention and which Government must meet.

The additional revenue produced by the Tax Reform Act of 1972 could help us begin to rehabilitate our cities, improve our educational system, redevelop the rural areas of the country, meet the Nation's growing health care crisis, provide adequate housing, minimize the condition of poverty in the American scene, and effectively control pollution. We also need to find ways to assist local government to meet their traditional responsibilities and somehow help to lessen the awesome burden of property taxes on homeowners. At the same time, we must not lose sight of the need for adequate financing of essential on-going Federal programs.

Very simply, this all takes money, most of which must come from Federal revenue. We must find a way, and the way can be found only by "producing" revenue for the Treasury, not by "reducing" it. By a conservative estimate, the Tax Reform Act would bring $11 billion new revenue into the Treasury for calendar year 1973, and when fully effective by 1980, Treasury would receive in excess of $19 billion a year. When we consider the revenue loss resulting from the Revenue Act of 1971, even the conservative figures I have just quoted make enactment of the Tax Reform Act essential. As the economy improves and the expanded tax base produces more than adequate revenue, the Congress then can consider rate reduction—the most desirable end product of tax reform.

At the conclusion of these remarks, I am inserting a summary of the provisions of the tax reform proposal; also, several tables showing the tax burden in 1973 under present law and under the proposal to substitute a tax credit for the personal exemption allowance at selected levels of adjusted gross income. This is summarized in title I, section 101 of the bill. I call special attention to these tables for they clearly point up an important purpose of the Tax Reform Act—to gear the income tax more closely to an individual's ability to pay.

Mr. Speaker, I urge my colleagues to examine the provisions of the Tax Reform Act carefully. Its enactment will help us to find our way back to fiscal responsibility and equitable tax treatment for the average American taxpayer—both necessary ingredients for a stable, prosperous, and healthy economy.

The summary of contents of the Tax Reform Act and four tables follows:

SUMMARY OF CONTENTS OF TAX REFORM BILL

Section 1—Short title

This section provides that the Act may be cited as the Tax Reform Act of 1972.

Section 2—Technical and conforming changes

This section provides that the Secretary of the Treasury shall, within 90 days after the date of the enactment of the Act, submit to the Committee on Ways and Means a draft of any technical and conforming changes in the Internal Revenue Code which should be made to reflect the substantive amendments made by the bill. The bill, for example, does not attempt to make all conforming amendments to the cross references provisions within the Code or to the various tables of contents in the Code.

TITLE I—AMENDMENTS PRIMARILY AFFECTING INDIVIDUALS

Section 101—Credit against tax for personal exemptions

This section provides a credit against tax for personal exemptions in lieu of the existing deduction from gross income for personal exemptions. The credit provided is $150 for each exemption. Thus, a single person over age 65, and with no dependents, would have a credit against tax of $300 (two exemptions).

Under present law, a deduction of $750 against gross income for a personal exemption is worth $525 to the taxpayer in the highest bracket, but only $107 to a taxpayer in the lowest bracket. While the $150 credit will be of more benefit to taxpayers in the low brackets than the existing $750 deduction from gross income, it will, of course, be of less benefit than the $750 deduction to taxpayers in the higher brackets. Approximately 30 million taxpayers with adjusted gross incomes below $10,000 will receive a tax reduction under this amendment. But over all, this section of the bill would increase tax revenues by approximately $1.9 billion a year.

This section also provides that if the taxpayer is claiming a child as a dependent (and thereby receiving a credit of $150 against tax) the parent shall include in his gross income any income received by the child during the taxable year from a trust created by the parent, and also any dividends, interest, or royalties received by the child from any property given to him by the parent. Income which is so taxed to the parent would not be taxable to the child. This provision will not apply if the parent does not choose to claim the child as a dependent.

Section 102—Repeal of $100 dividend exclusion

This section repeals the provision in present law that allows a taxpayer to exclude from from gross income $100 of dividends received on corporate stocks. Present law gives no similar exclusion in the case of interest received on savings accounts, a much more common form of investment by individuals in the lower brackets.

Section 103—Floor on charitable contributions

This section provides that charitable contributions by an individual are deductible only to the extent they exceed 3 percent of adjusted gross income. This is the same floor as applies in the case of the deduction of medical expenses. Under the amendment, routine contributions to the church and other charities, like routine medical and dental expenses, would not be deductible, but extraordinary amounts would be deductible when they exceed the 3-percent floor.

Section 104—Elimination of vacation resort house as tax shelter

This section eliminates as tax shelters such items as beach cottages, condominiums at ski resorts, mountain cabins, and the like, which the taxpayer uses for pleasure and rents when he can in order to obtain tax deductions greater than the rentals. The amendment would also apply to the rental of a house which is used by the taxpayer as his principal place of residence.

Under the amendment deductions for depreciation, repairs, insurance, agent fees in handling rentals, etc., would be allowed as deductions only up to the amount of rentals received during the year reduced by interest and taxes paid (and deducted) on the rental property. The rentals would not be taxed (except in the unusual case where they exceed all expenses) because they would be offset by allowable deductions; but the excess costs for repairs, depreciation, insurance, etc., could not be used to shelter income from other sources.

Section 105—Disallowance of expenses attending conventions outside the United States

This section disallows expenses of travel (including meals and lodging) of an individual in connection with attending a convention held outside the United States. As a general rule, such expenses are incurred primarily for pleasure rather than business. Thus, expenses of lawyers attending the American Bar Convention in London in 1971 would have been disallowed if the amendment had been in effect. The amendment applies to expenses incurred after the date of the enactment of the bill.

Section 106—Computation of earnings and profit on a consolidated basis

Some conglomerate companies have been paying dividends which are not fully taxable because the parent company does not have sufficient earnings and profits to cover the distribution although the consolidated group had earnings and profits during the year greater than the amount distributed. This section of the bill provides that the earnings and profits of a parent corporation for a year shall not be less for dividend purposes than the earnings and profits of the consolidated group for the year.

Section 107—Dividend on certain sales of stock

The Tax Court held that if a transaction is described in section 304 of the Code (which can produce dividend income if stock of one controlled corporation is sold to another controlled corporation) and is also described in section 351 (dealing with tax-free exchanges), then section 351 applies and not section 304. This section of the bill changes the rule of the Tax Court case and provides that the tax-free provisions of section 351 do not apply to the extent the application of section 304 produces an amount taxable as a dividend.

Section 108.—Termination of stock option provisions

Under present law, an officer of a corporation is not taxed at the time he exercises a qualified stock option granted him for performance of services. If he sells the stock after 3 years, the compensation is taxed only as a capital gain. If he holds the stock until he dies, the compensation is never taxed. This section of the bill provides, in the case of options options granted after 1971, that the compensation realized on exercise of a stock option will be taxed at the time of exercise as ordinary income.

The enactment of this amendment will be welcomed by many corporate shareholders. The liberal granting in the past of stock options has diluted, in some cases seriously, the equity ownership of shareholders of the companies who grant stock options. With the demise of tax free stock options, management will no longer have to explain or contend to shareholders that authority to grant stock options is necessary to attract or keep "key employees".

Section 109.—Limitation on deduction for percentage depletion on royalties

The percentage depletion allowance is intended to provide an incentive for the discovery and development of oil and gas and other minerals. In the case of royalty income this incentive is generally meaningless. As one commentator asked with respect to the passive owner of an oil royalty: "What perils has he overcome in the quest for oil? To what extent has he been gambling with fate like a tenacious wildcatter?

This section of the bill provides that the owner of a royalty cannot deduct percentage depletion after he has received depletion deductions in an amount equal to 4 times the amount he expended for exploration and development of the deposit from which he is drawing his royalty. In the usual case of a landowner who receives royalties from a lessee who did the exploration and development work, this would mean that no percentage depletion would be allowed. But the owner of an overriding royalty may have sub-leased the property after having first made expenditures for exploration and development and he would be allowed percentage depletion on his royalty income until he has recovered 4 times his expenditures for exploration and development. This multiple of 4 times would apply even though the drilling or development expenditures were deducted when incurred.

Section 110.—Disallowance of certain double deductions

Present law provides that the expenses of administering an estate can be deducted by the executor on either the income tax return or the estate tax return, but not on both. The courts have held that expenses of the executor in selling property can be deducted on the estate tax return and can also be used on the income tax return as an offset against the selling price of the property. This section of the bill provides that such selling expenses cannot be used in the income tax return as an offset to the selling price if they are deducted as an expense of administration on the estate tax return.

Section 111.—Treatment of trust income payable to children of grantor

Under present law, a father can, in effect, deduct on his income tax return gifts to his children if he makes a gift out of income from stocks and agrees to do so for at least 10 years. To get that result, the parent need merely transfer stock to himself as trustee and agree to pay out to his children the income from that stock for 10 years, at which time the stock will be returned to him free of the trust. Use of short-term trusts in this manner is commonplace with affluent taxpayers who can afford to give some of their dividend income to their children.

This section of the bill provides that the income of such a trust will be taxed to the grantor (if he has a reversionary interest) so long as the income is payable to a child who is under the age of 21 years or who is attending college and is a dependent of the taxpayer for purposes of the credit for personal exemptions.

Section 112.—Repeal of exemption for earned income from foreign source

Under present law, citizens of the United States can exclude from gross income certain amounts of income they earn in foreign countries if they are present in the foreign country for 17 out of 18 months or if they become a bona fide resident of the foreign country. The exclusion is $20,000 a year if the taxpayer meets the 17 out of 18 month test and is $25,000 a year if he is a bona fide resident of the foreign country. This section of the bill denies such exclusion from gross income in the case of taxable years beginning after the date of enactment. The foreign tax credit will prevent double taxation of the income if the foreign country also taxes the earned income.

Section 113.—Nontaxed capital gains: Carryover basis at death

Under present law, on the death of an individual his property receives a new basis for tax purposes—the fair market value used for purposes of the estate tax. Unrealized capital gains are, therefore, not taxed when the executor or the heirs sell any appreciated property held by the decedent. This section of the bill provides for a carryover of the decedent's basis if the decedent's gross estate exceeded $60,000. The decedent's basis in appreciated property is increased by its proportionate share of Federal and State estate taxes attributable to the amount of the appreciation. This section would apply to decedents dying after June 30, 1972.

Section 114.—Repeal of alternative capital gains tax for individuals

This section repeals the alternative capital gains tax for individuals. The tax was partially repealed by the Tax Reform Act of 1969. With this amendment, one-half of all long-term capital gains (not offset by capital losses) would be taxed to the individual as ordinary income.

Section 115.—Capital loss carryback for individuals

This provision grants relief to an individual who has an unused capital loss of at least $10,000 by allowing him to carry it back (as can a corporation) to the 3 preceding taxable years. Cases have arisen where a large capital gain in one taxable year is followed by a large capital loss in the following year which may never be utilized even with the unlimited carry forward.

The carryback is elective with the taxpayer. This will make the provision less of an administrative burden on the Internal Revenue Service, for in many cases the taxpayer would rather not file a claim for refund (and audit) of taxes paid in a prior year if the loss can be used on a carryforward. Moreover, if the taxpayer elects to treat a net capital loss as a carryback, the entire capital loss is treated under the amendment as a long-term capital loss even though it is made up completely or in part from short term losses.

The carryback cannot be used to offset ordinary income, although a carryforward can offset ordinary income up to $1,000 a year, and the carryback cannot produce or increase a net operating loss for a preceding taxable year. In the case of the death of the taxpayer a net capital loss for the year of his death can be carried back even though the loss is less than $10,000.

Section 116.—Repeal of capital gain treatment for patents

Under existing law, capital gain treatment is granted on the sale by an individual of a patent even though he is a professional inventor. This section of the bill repeals this provision, so that sale of a patent by the person whose personal efforts created the property will produce ordinary income, just as the sale of a copyright does under existing law.

Section 117.—Income tax treatment of certain gifts to members of family

It has become fairly common for an individual who has produced a copyright or a literary or musical composition which is producing royalty income to give it to his children or to a trust so that the income will be less heavily taxed. This section of the bill provides that where there is a gift of such property by the taxpayer to a member of his family, to a trust for the benefit of any member of his family, or to a corporation more than 50 percent owned by the taxpayer or his family, the taxpayer will be treated as having received ordinary income at the time of the gift in an amount equal to the fair market value of the property at that time.

Section 118—Farm losses

The excess deductions account with respect to farm losses, adopted by the Tax Reform Act of 1969, applies only if the taxpayer has nonfarm income in excess of $50,000, and even then a farm loss is taken into account only to the extent it exceeds $25,000. This section of the bill reduces the $50,000 figure to $30,000, and reduces the $25,000 figure to $10,000.

Section 119—Transfers taking effect at death

Before the enactment of the 1954 Code, if a taxpayer transferred property to a trust which provided that the income should be accumulated during the grantor's life and upon his death the trustee should pay the corpus and accumulated income to his children, such a transfer was included in the decedent's gross estate as a transfer taking effect at death. The 1954 Code provided that such a transfer will be included in the gross estate only if the decedent retained a reversionary interest equal to 5 percent of the value of the property. This section of the bill strikes out the 5-percent reversionary interest test since it is completely a non sequitur in a statute which imposes an estate tax on a lifetime transfer of an interest which can be possessed or enjoyed only by surviving the transferor. This amendment would apply to transfers made after December 31, 1971.

Section 120—Life insurance included in gross estate

Prior to the 1954 Code, life insurance on a decedent's life was includible in his gross estate to the extent he paid the premiums on the policy. In such a case it was immaterial whether he had given the policy to members of his family before his death. This section of the bill restores the premium payment test in the case of life insurance, so that the insurance will be included in the insured's gross estate in the ratio that the premiums paid by the decedent on the insurance policy bears to all premiums paid on that policy. In applying this rule the premiums paid by the decedent before July 1, 1971, shall not be included in the numerator of the fraction but would be included in the denominator.

Section 121—Charitable deductions in the case of estate tax

The first amendment made by this section of the bill provides that a charitable bequest will be deductible for estate tax purposes only if it is to be used predominantly within the United States or its possessions. Under present law, a citizen of the United States can give his entire estate to a church located in Germany or to an orphanage in Israel and no Federal estate tax will be imposed on his estate.

The second amendment places a limitation on the charitable deduction for estate tax purposes, similar to what we have for the income tax. Under present law, a decedent can give his entire estate to a private foundation created by his will, and no Federal estate tax will be imposed. This amendment states that the aggregate charitable deduction shall not exceed 50 percent of the gross estate reduced by the debts of the decedent and the expenses of administration.

The third amendment deals with the interplay of the charitable deduction and the marital deduction for estate tax purposes. The marital deduction cannot exceed 50 percent of the adjusted gross estate (gross estate less debts, losses, and expenses of administration). Cases have arisen where executors have claimed, in order to raise the amount of the adjusted gross estate for purposes of the marital deduction, that transfers made to charities during the decedent's lifetime were includible in the gross estate. Increasing the gross estate for such lifetime transfers produced no estate tax for the charitable deduction was increased by the same amount, but a larger maximum deduction was allowed for bequests to the surviving spouse. This amendment provides that in computing the adjusted gross estate there shall be excluded any transfer made by the decedent during his lifetime if an estate tax charitable deduction is allowed for that transfer.

Section 122—Underpayments of estimated tax

This section provides that an individual cannot base his estimated tax payments on the prior year's tax (or at the current year's rates applied to the prior year's facts) if in any one of the 3 preceding taxable years the tax shown on his return was in excess of $100,000.

Section 123—Joint ventures for drilling oil wells or development of other minerals

Under present law, drilling funds are being peddled as tax shelters for affluent taxpayers. The general technique is for the taxpayer to make an investment as a limited partner under an agreement which provides that the entire amount which he invests will be deductible by him in the same year as intangible drilling costs. The amendment made by this section of the bill would put a stop to this tax shelter by providing that any unincorporated organization which has more than

5 members and which is formed or created after January 1972, for the primary purpose of exploring for or developing oil or gas wells or other mineral properties, shall be treated for the purposes of the Internal Revenue Code as a corporation. It is also provided that subchapter S (election to treat a corporation like a partnership) will not apply to a corporation if it has more than 5 shareholders and the deductions for intangible drilling or mine development costs exceed its net income from mineral properties, computed without regard to the depletion deduction and the deductions for drilling and development.

Section 124—Income accumulated in foreign corporations for United States citizens

Under present law, a citizen of the United States, by use of a foreign corporation, can accumulate a fortune while living in the United States without the payment of any income tax (by himself or the corporation) to the United States on the accumulated fortune. If the foreign corporation is engaged in shipping, no income tax will be paid by the corporation on the shipping profits to any country. The United States citizen will not be taxed on undistributed profits of the foreign corporation because it will have enough business income to avoid being treated as a foreign personal holding company. This section of the bill provides that after a United States citizen's share of the accumulated earnings of a controlled foreign corporation (or a group of controlled corporations) exceeds $1 million, from then on the individual will be taxed on his share of 70 percent of the current earnings of the foreign corporation even though the earnings are not distributed. This rule will apply only if the individual has an interest of 10 percent or more in the controlled foreign corporation.

TITLE II. AMENDMENTS PRIMARILY AFFECTING CORPORATIONS

Section 201—Depreciation deductions not to exceed book depreciation

This section provides that a corporation cannot take depreciation deductions for a taxable year in an aggregate amount in excess of the depreciation taken into account in reporting profit or loss for the year to shareholders. This amendment would greatly reduce the revenue loss over the next decade of approximately $40 billion which will result from the Treasury's recent ADR regulations (Asset Depreciation Range), since it is not likely that many publicly held corporations would be willing to report to shareholders the reduced earnings which would be created by computing book depreciation in accordance with ADR. In the case of an affiliated group of corporations, regulations will prescribe whether the report by the common parent corporation to its shareholders, rather than the report of subsidiaries to the parent, will be taken into account for purposes of this amendment.

Section 202—Limitations on dividends received deduction

Subsection (a) of this section of the bill provides that the dividends received deduction cannot exceed 85 percent of taxable income (computed without regard to the net operating loss deduction or to any capital loss carryback). The chief effect of this is to change present law which allows a full deduction for 85 percent of dividends received if this deduction will produce or increase a net operating loss for the taxable year. The amendment also provides that any amount disallowed for the taxable year because of the net income limitation shall be allowed as a deduction for the following taxable year if there is sufficient taxable income in that year. This gives the taxpayer a carryover which he does not have under present law.

Subsection (b) provides that dividends received from an unaffiliated corporation shall be reduced (for purposes of the dividends received deduction) by the amount of any interest on indebtedness incurred or continued to purchase or carry the stock of the unaffiliated corporation. An unaffiliated corporation is any corporation except one that is a component member of a controlled group of corporations which includes the taxpayer.

This section of the bill also provides that if the aggregate amount of dividends received during the year from unaffiliated corporations (after first being reduced by any interest paid as provided in the preceding paragraph) exceeds the amount of dividends paid by the corporation during the taxable year, no dividends received deduction shall be allowed with respect to the excess. Thus, if no dividends are paid by the taxpayer, no dividends received deduction can be claimed for dividends received from unaffiliated corporations. However, the amount which is so disallowed shall be treated as a dividend received in the following year for purposes of the dividends received deduction. Moreover, if dividends paid during a taxable year exceed the dividends received during the year from unaffiliated corporations, the amount of the excess will be treated as a dividend paid in the following year for purposes of the dividends received deduction.

Section 203—Dividends in property to foreign corporations

This section provides that a dividend in property paid to a foreign corporation shall be the fair market value of the property, instead of the adjusted basis in the hands of the distributing company. The Internal Revenue Service says that this result is reached under present law, but the Courts disagree. The amendment is prospective only, but it is provided that no inferences shall be drawn, in the case of past distributions, from the fact that the amendment is not retroactive.

Section. 204—Use of appreciated property to redeem stock

Under present law, if a corporation redeems stock with appreciated property, gain is recognized except in certain cases. One of the exceptions is where stock or securities are distributed pursuant to a court proceeding under the antitrust laws. This section provides that the stock or securities must have been acquired before January 1, 1970, in order for the exception to apply. It is not believed corporations which have violated the antitrust laws should have a tax benefit not available to other corporations who distribute appreciated securities.

Section 205—Denial of tax-free exchanges in case of investment companies

In 1966 tax-free exchanges of appreciated stock for shares of mutual funds (so-called swap funds) was brought to an end by an amendment which provided that section 351 of the Code would not apply to transfers to an investment company. This amendment did not complete the job. For years the Massachusetts Investment Trust, and other mutual funds, have been issuing their shares to acquire all of the stock or assets of family held personal holding companies, and these exchanges are treated under section 368 as tax-free reorganizations. This is nothing but swap funding to obtain diversification plus a readily marketable security. The amendment would make such exchanges taxable and it would also make mergers of two investment companies taxable.

Section 206—Certain transactions disqualified as reorganizations

This section of the bill provides that there cannot be a tax-free reorganization if the shareholders of the smaller company involved in the transaction end up with less than 20 percent of the voting stock of the surviving corporation in a merger or of the acquiring corporation in the case of a so-called B reorganization (stock-for-stock) or a so-called C reorganization (stock-for-assets). If a conglomerate company whose stock is listed on the New York Stock Exchange issues less 20 percent of its voting stock to acsues less than 20 percent of its voting stock to acquire the stock or assets of a company whose stock is not listed, it is more realistic to treat the shareholders of the unlisted company as having sold out for a marketable security rather than having taken part in a reorganization of their company. A similar provision was contained in the House version of the Internal Revenue Code of 1954.

Section 207—Repeal of special treatment of bad debt reserves of financial institutions

This section of the bill provides that banks and other financial institutions who now are allowed to take special deductions for reserves for bad debts will, in the case of taxable years beginning after 1971, compute any addition to a reserve for bad debts on the basis of the actual experience of the taxpayer, the rule which is applied to all other corporations.

Section 208—Repeal of deduction for western hemisphere trade corporations

This section of the bill repeals the special deduction now allowed domestic corporations who obtain most of their income from foreign countries in the Western Hemisphere.

Section 209—Involuntary conversions

This section provides that if gain on an involuntary conversion of property is not recognized because the taxpayer purchases stock of a corporation owning property of the kind which was converted, the basis of that property in the hands of the corporation shall be reduced by the amount of gain not recognized on account of the purchase of the stock.

Section 210—Computation of underpayments of estimated tax

This section of the bill provides that a corporation cannot compute its estimated income tax payments on the basis of the prior year's tax (or on the basis of the prior year's facts and the current year's rates) if in any one of the 3 preceding taxable years the tax shown on its return was in excess of $300,000.

TITLE III—AMENDMENTS AFFECTING INDIVIDUALS AND CORPORATIONS

Section 301—Repeal of exemption for interest on new issues of State and local bonds

This section of the bill provides that interest on State and local bonds issued after December 31, 1972, will not be exempt from Federal income taxation. In the case of interest on State and local obligations issued before January 1, 1973, such interest will continue to be exempt from taxation, but section 401 of the bill provides that such interest will be treated as an item of tax preference for purposes of the minimum tax.

Section 302—Deduction for depreciation based on equity on rental real estate

This section provides that in the case of a building which the taxpayer rents to others, the deduction for depreciation cannot exceed the taxpayer's equity in the building and the land. That is, no additional deductions for depreciation will be allowed (including existing buildings) to the extent it would reduce the adjusted basis of the building below the unpaid balance of the mortgage on the land and building (minus the tax cost of the land). However, until the depreciation deductions equal the equity, the depreciation would be computed on the entire cost of the building and not on the amount of the equity. This amendment would not apply to a building if the primary use is by the taxpayer and not by tenants. This amendment would practically eliminate real estate ventures as tax shelters for investors.

Section 303—Charitable gifts of appreciated property

Under an amendment made by the Tax Reform Act of 1969, if capital assets which have appreciated in value are given to a private foundation, the charitable deduction is reduced by one-half of the capital gain the individual would have had if he had sold the property at fair market value. This section of the bill extends this rule to gifts of appreciated property to any charity.

Section 304—Computation of net operating loss deduction

This section of the bill overrules a decision of the Tax Court which held that a net operating loss which is carried back or forward does not have to be reduced by long-term capital gains in an intervening year if the alternative tax was paid on the capital gains. This amendment provides that capital gains are taken into account, for this purpose, in the same manner as other gains. Prior to the Court decision, capital gains have never received preferential treatment for net operating loss purposes. The amendment applies only in computing deductions for taxable years ending after the date of the enactment of the bill, but it is provided that in the case of earlier taxable years no inferences shall be drawn from the fact that the amendment does not apply retroactively.

Section 305—Capital expenditures in planting and developing fruit and nut groves

Present law requires the capitalization of expenditures incurred in planting citrus or almond groves. This section of the bill would extend the rule of capitalization to any fruit or nut grove planted after June 30, 1971.

Section 306—Limitation on aggregate deductions for percentage depletion

This section of the bill provides that the aggregate deductions of a taxpayer for percentage depletion on oil and gas and other minerals cannot exceed one-half of the taxpayer's taxable income from all mineral properties, computed without regard to percentage depletion and as if all the properties (whether or not in production) were a single property. By comparison, Canada grants a percentage depletion deduction of ⅓ of the aggregate net income from all mineral properties, without a limitation based on separate properties. This amendment does not disturb the existing limitation that percentage depletion in the case of a mineral property cannot exceed 50 percent of the taxable income from that property. The amendment is a limitation on the aggregate of the percentage depletion deductions, first computed separately for each property.

Section 307—Repeal of capital gain treatment for timber and for coal and iron ore royalties

This section of the bill repeals the provision of existing law which grants capital gain treatment on the cutting of timber and for coal and iron ore royalties.

Section 308—Repeal of tax exemption for ships under foreign flag

This section of the bill repeals the provision of existing law which state that a non resident alien of a foreign corporation (even though 100 percent owned by a U. S. corporation or an American citizen) is not taxable on income derived within the United States from the operation of ships documented under the laws of a foreign country which grants an equivalent exemption to United States citizens or corporations.

Section 309—Limitations on foreign tax credit

The first amendment made by this section of the bill provides that a foreign tax credit shall not be allowed for any foreign tax on income which is excluded from the taxpayer's gross income so far as the Federal income tax is concerned. In addition, any foreign income tax paid on a gain realized by an individual or domestic corporation which is not recognized under the Internal Revenue Code would likewise be a non-creditable tax. The basic rationale for this amendment is that the foreign tax credit is supposed to eliminate double taxation on income. If the United States does not tax the income, there is no reason to give a credit for the foreign tax paid on that income by the taxpayer.

The second amendment made by this section provides that the foreign tax credit shall be subject to both the per country limitation and the overall limitation. This was the applicable rule from 1932 to 1954.

The third amendment made by this section provides three new rules with respect to the treatment of capital gains for foreign tax credit purposes. The first rule is that in computing taxable income for purposes of the per country and overall limitations, there shall be excluded any capital gain which is treated as income from sources outside the United States unless the gain is taxed by a foreign country. Most capital gains are not taxed by foreign countries and treating such capital gains as foreign income for purposes of the limitations can result in a reduction of the tax which the Federal Government receives on income of the taxpayer from United States sources.

The second new rule is that there shall be excluded, in computing taxable income for purposes of the limitations, any long-term capital gain which is from sources within the United States. This change operates only in favor of the taxpayer. Under present law, if a corporation pays a foreign tax of 48 percent on the income earned abroad, the per country limitation will not allow a full credit for that tax if there are long-term capital gains in the United States, since such gains are taxed at less than the 48-percent rate.

The third rule added by the amendment is that for purposes of the limitations the United States tax (against which credit can be taken) shall be reduced by the United States tax on any capital gain excluded from taxable income under the two rules described above.

Section 310—Holding period of capital assets

This section provides that a capital asset must be held for more than 12 months, rather than 6 months, to qualify as a long-term gain. This provision was in the Tax Reform Act of 1969 as it passed the House.

Section 311—Gain from the sale of certain property between related persons

This section expands the scope of section 1239 of the Code which now treats as ordinary income any gain on the sale of depreciable property between a husband or wife or between one individual and a corporation which is more than 80-percent owned by that individual (or by his spouse and minor children and grandchildren). Section 1239 was designed to prevent a step-up in basis of property subject to depreciation by paying only a capital gains tax on the amount of the step-up.

This amendment expands section 1239 so that it applies to sales between a trust and the grantor or beneficiary of the trust, and to sales between corporations which are component members of the same controlled group of corporations. It also covers a sale where several individuals as co-owners sell property to a corporation which they control.

The amendment also extends the scope of section 1239 to sales of land, if the land is held by the purchaser for sale to customers in the ordinary course of a trade or business. At the present time a taxpayer can sell land which he holds for investment to a wholly owned corporation for subdivision and sale to customers, and the corporation receives a step-up in basis (for purpose of computing ordinary income on sales) at a cost to the seller of only a capital gains tax. This amendment would treat the seller's gain as ordinary income.

Section 312—Recapture on sale of purchase price previously deducted

Section 1245 now provides for recapture of depreciation previously deducted (after 1961) on personal property if the property is sold at a gain. That is, the gain to the extent of the prior depreciation deductions since 1961 is treated as ordinary income rather than capital gain.

This amendment provides the same rule of recapture if the taxpayer deducted the purchase price of the property as an expense when he acquired it. Thus, if a lawyer deducts the purchase price of periodicals and other books as he acquires them, any gain on the subsequent sale (to the extent of the amount previously deducted) would be ordinary income. Likewise, if the lawyer gave the books to a charity, the charitable deduction would be reduced by the amount of ordinary income he would have had if he had sold the books. This reduction would occur under the existing provisions of section 170(e) of the Code, taking into account the amendment of section 1245 by this section.

Section 313—Recapture of depreciation on sale of real property

This section of the bill provides that if depreciable real property is sold at a gain, the gain shall be treated as ordinary income to the extent of depreciation taken on the real estate for periods after June 30, 1963. This provides for real estate the same rules that are applied under existing law for recapture of depreciation on personal property which is sold at a gain, except that all depreciation deducted after 1961, instead of June 30, 1963, is taken into account in the case of personal property.

Section 314—Gain from disposition of certain mineral properties

Under present law, a taxpayer can deduct the intangible drilling costs on a lease, and if the drilling is successful he can sell the lease and receive capital gain treatment on the entire gain. This provision would recapture as ordinary income the deduction taken for intangible drilling and development costs if they were incurred 10 years before the sale of the lease. The amendment also would apply to development expenditures deducted in the case of a mine.

The recapture provisions are similar to those now provided under section 1245. However, the amount to be recaptured for intangible drilling or for development costs would be reduced by the amount (if any) of any additional depletion deductions the taxpayer would have received if the costs had been charged to capital account.

TITLE IV—AMENDMENTS OF MINIMUM TAX ON TAX PREFERENCES

Section 401—Minimum tax

Although the Tax Reform Act of 1969 adopted a minimum tax on tax preferences, it remains possible for individuals with very high economic incomes to pay, literally, no Federal income tax. This is possible primarily because State and municipal bond interest and intangible drilling costs are not treated as tax preferences under existing law for purposes of the minimum tax. The amendments made by this section of the bill, together with section 301 of the bill which repeals the exemption for State and municipal bond interest, will insure that no one with a high income can continue to avoid payment of Federal income taxes.

This section makes a number of amendments to the existing provisions of the minimum tax. First, it repeals the provision of existing law that allows regular income taxes to be deducted from the items of tax preferences.

Second, the $30,000 exemption for tax preferences is reduced by the bill to $12,000.

Third, the following items are added to the list of items which constitute tax preferences:

(1) Deduction of intangible drilling and development costs for oil and gas wells.

(2) Deduction of development costs in the case of mines.

(3) Tax-exempt interest on State and local bonds (issued before January 1, 1973).

(4) Credit allowed for foreign income taxes.

(5) Credit allowed for the investment credit on depreciable property.

(6) Deduction of charitable contributions to the extent attributable to appreciated property.

(7) The amount of farm losses.

(8) The amount of amortization for coal mine safety equipment.

Another provision is added to avoid a tax on an item of preference if the taxpayer obtained no tax benefit from the item. This provision will permit a taxpayer to elect to waive the deduction of an item of tax preference, or to treat a capital gain as ordinary income, in which case the item would not be taken into account for the minimum tax. However, such waiver can be made only at such time, and subject to such terms and conditions, as may be set forth in regulations promulgated by the Secretary or his delegate.

Finally, this section of the bill strikes from existing law the provisions which treat tax preferences attributable to foreign sources more favorably than preferences attributable to sources within the United States.

TABLE 1.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A $150 TAX CREDIT FOR THE $750 PERSONAL EXEMPTION [1]

SINGLE PERSON

Assuming nonbusiness deductions of 10 percent of income			Assuming nonbusiness deductions of 18 percent of income		
	Income tax			Income tax	
Adjusted gross income [2]	Under present law	Under the proposal	Adjusted gross income [2]	Under present law	Under the proposal
$1,750 [3]	0	0	$1,750 [3]	0	0
$2,031.25 [4]	$39	0	$2,031.25 [4]	$39	0
$3,000	185	$160	$3,000	185	$160
$3,500	268	255	$3,500	268	255
$4,000	358	350	$4,000	358	350
$5,000	548	540	$5,000	548	540
$5,375 [5]	619	619	$5,375 [5]	619	619
$7,500	1,031	1,050	$7,500	984	996
$10,000	1,530	1,565	$10,000	1,458	1,490
$12,500	2,059	2,109	$12,500	1,965	2,008
$15,000	2,703	2,770	$15,000	2,509	2,567
$17,500	3,443	3,525	$17,500	3,094	3,169
$20,000	4,255	4,360	$20,000	3,722	3,816
$25,000	5,895	6,040	$25,000	5,140	5,270
$30,000	7,703	7,890	$30,000	6,730	6,880
$40,000	11,915	12,140	$40,000	10,315	10,540
$50,000	16,740	17,040	$50,000	14,528	14,790

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

[4] Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

Note: Staff of the Joint Committee on Internal Revenue Taxation, Sept. 2, 1971.

TABLE 2.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A $150 TAX CREDIT FOR THE $750 PERSONAL EXEMPTION [1]

MARRIED COUPLE WITH NO DEPENDENTS

Assuming nonbusiness deductions of 10 percent of income			Assuming nonbusiness deductions of 18 percent of income		
	Income tax			Income tax	
Adjusted gross income [2]	Under present law	Under the proposal	Adjusted gross income [2]	Under present law	Under the proposa
$2,500 [3]	0	0	$2,500 [3]	0	0
$3,000	$70	0	$3,000	$70	0
$3,062.50 [4]	78	0	$3,062.50 [4]	78	0
$3,500	140	$70	$3,500	140	$70
$4,000	215	150	$4,000	215	150
$5,000	370	320	$5,000	370	320
$7,500	786	771	$7,500	744	729
$10,000 [5]	1,190	1,190	$10,000	1,133	1,124
$12,500	1,628	1,658	$10,365.85 [5]	1,190	1,190
$15,000	2,150	2,210	$12,500	1,545	1,575
$17,500	2,760	2,835	$15,000	1,996	2,035
$20,000	3,400	3,520	$17,500	2,473	2,548
$25,000	4,700	4,880	$20,000	2,985	3,072
$30,000	6,200	6,550	$25,000	4,100	4,240
$40,000	9,710	10,040	$30,000	5,372	5,576
$50,000	13,820	14,260	$40,000	8,387	8,696
			$50,000	11,915	12,320

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

[4] Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

Note: Staff of the Joint Committee on Internal Revenue Taxation, Sept. 2, 1971.

TABLE 3.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A $150 TAX CREDIT FOR THE $750 PERSONAL EXEMPTION [1]

MARRIED COUPLE WITH 2 DEPENDENTS

Assuming nonbusiness deductions of 10 percent of income			Assuming nonbusiness deductions of 18 percent of income		
	Income tax			Income tax	
Adjusted gross income [2]	Under present law	Under the proposal	Adjusted gross income [2]	Under present law	Under the proposal
$4,000 [3]	0	0	$4,000 [3]	0	0
$4,882.35 [4]	$124	0	$4,882.35 [4]	$124	0
$5,000	140	$20	$5,000	140	$20
$7,500	514	471	$7,500	476	429
$10,000	905	890	$10,000	848	824
$10,588.24 [5]	1,000	1,000	$10,975.61 [5]	1,000	1,000
$12,500	1,309	1,358	$12,500	1,238	1,275
$15,000	1,820	1,910	$15,000	1,666	1,735
$17,500	2,385	2,535	$17,500	2,117	2,248
$20,000	3,010	3,220	$20,000	2,610	2,772
$25,000	4,240	4,580	$25,000	3,680	3,940
$30,000	5,660	6,140	$30,000	4,892	5,276
$40,000	9,080	9,740	$40,000	7,802	8,396
$50,000	13,100	13,960	$50,000	11,240	12,020

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

[4] Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

Note: Staff of the Joint Committee on Internal Revenue Taxation, Sept. 2, 1971.

TABLE 4.—FEDERAL INDIVIDUAL INCOME TAX BURDEN IN 1973 UNDER PRESENT LAW AND UNDER A PROPOSAL TO SUBSTITUTE A $150 TAX CREDIT FOR THE $750 PERSONAL EXEMPTION [1]

MARRIED COUPLE WITH 4 DEPENDENTS

Assuming nonbusiness deductions of 10 percent of income			Assuming nonbusiness deductions of 18 percent of income		
	Income tax			Income tax	
Adjusted gross income [2]	Under present law	Under tax proposal	Adjusted gross income [2]	Under present law	Under tax proposal
$5,500 [3]	0	0	$5,500 [3]	0	0
$6,473.68 [4]	$136	0	$6,675.22 [4]	$136	0
$7,500	271	$171	$7,500	288	$129
$10,000	620	590	$10,000	569	524
$11,176.47 [5]	810	810	$11,585.37 [5]	810	810
$12,500	1,024	1,058	$12,500	953	975
$15,000	1,490	1,610	$15,000	1,342	1,435
$17,500	2,040	2,235	$17,500	1,787	1,948
$20,000	2,635	2,920	$20,000	2,238	2,472
$25,000	3,820	4,280	$25,000	3,260	3,640
$30,000	5,180	5,840	$30,000	4,412	4,976
$40,000	8,465	9,440	$40,000	7,217	8,096
$50,000	12,380	13,660	$50,000	10,565	11,720

[1] These burdens have been computed without use of the optional tax table.

[2] Wages and salaries.

[3] Highest level at which there is no tax under present law.

[4] Highest level at which there is no tax under the proposal.

[5] Level at which tax is the same under present law and under the proposal.

Note: Staff of the Joint Committee on Internal Revenue Taxation, Sept. 2, 1971.

INSIDIOUS SYSTEM OF APARTHEID IN SOUTH AFRICA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BINGHAM. Mr. Speaker, the insidious system of apartheid in South Africa is implemented primarily through a law which requires all South Africans to carry a government pass showing their racial group and other information. Under a new law to further enforce apartheid, central government records are being established on every man, woman, and child, and 50-page identification documents are being issued to all adults which they must carry at all times.

This elaborate system of apartheid implementation, of course, is extremely cumbersome. To make it efficient, the Government of South Africa has recently decided to computerize the entire operation, and has announced that the computers will be provided by International Business Machines, Inc.—IBM.

The American Committee on Africa has recently issued a most revealing fact sheet on IBM's role in the apartheid enforcement system in South Africa. I trust that this information will be of interest to the many Members of the Congress and readers of the RECORD who deplore, as I do, the policy of apartheid in South Africa. I, therefore, submit it for publication at this point in the RECORD:

IBM IN SOUTH AFRICA

BIG BROTHER 360–50

An IBM computer is the key U.S. contribution to the South African police state system of classification of people by race in order to control and exploit them. Africans have long been required to carry and produce on demand a reference (pass) book which now records jobs, tax payments, permission to be in a particular area, and other details; between two and three thousand people are arrested every day for technical violations of such apartheid regulations. As of August 1, 1966, every individual 16 or older in South Africa was required to possess an identification card stating his racial group.

Extending its degree of control over all the people of South Africa, the state, in 1970, produced a "Population Registration Act" under which a central register is being compiled which will contain detailed information about every woman, man and child in South Africa. This will include every person's identity number, name, sex, date and place of birth, race classification, citizenship, marital status and a photograph. It will also store information about every individual's residential and postal address, health information, particulars concerning passports and permits to leave the country and dates of departure and return; particulars concerning driver's licenses, gun licenses, etc.; educational qualifications and occupation; the official language each individual chooses to use; and finally, particulars of death or final departure from the Republic.

So far as Africans are concerned, the register will contain all the above information and, as well:

District in which he ordinarily resides;

Ethnic group or nation and tribe to which he belongs;

If his date and place of birth are unknown, estimated year of birth, and district in which he was born;

If he is not a South African citizen, his fingerprints.

When introducing the legislation in Parliament, the Minister announced that the whole records system would be computerized (over a five year period) thus making it far more efficient. In March, 1971 the South African Government announced that an IBM 360/50 computer was to be rented at a monthly cost of $43,978.73 to operate the system. Thus all the information used to register, regulate and control African labor under the myriad tax and so-called pass laws will be processed into easily accessible form through the IBM computer.

In addition to being listed at the central register from February 1, 1972, every white, Coloured and Asian person will have to carry a 50-page blue identification document full of personal information similar to that listed above. All those under 16 will have 12-page light green books instead of the longer documents; the green book will be issued to and infant instead of a birth certificate. Africans will continue to carry their 96-page reference books for the present.

To keep the population register and all identity documents up to date, fresh copies of two photographs must be submitted whenever the current ones are no longer recognizable. The Secretary of the Interior must be notified of any change in permanent or residential address within 14 days (or such time as he may set); the proprietor of any premise is responsible for all its residents and must notify the Secretary within 45 days of arrivals and departures if the people concerned have not done so themselves. Thus the whole of the population comes under complete state control, and people are turned into informers against one another.

The ruling National Party Congress in Windhoek (Namibia) has demanded that the "Book of Life" identification system be extended at once to include Africans in that territory. One delegate reveals white expectations for the new computerized control by protesting that thousands of Ovambos (Namibia's most numerous African group) "defect" from their jobs and take other jobs, and remain in "South West Africa," i.e. outside their assigned homeland, illegally. Whites, Coloureds, Namas in Namibia are already scheduled for registration, thus solidifying South African control and integration of the territory in defiance of both the United Nations and the International Court of Justice.

THE PASS SYSTEM

South Africa's system of apartheid rests firmly on rigorous and detailed police controls, and the computer which can streamline and speed up enforcement of the controls will be a boon to the white regime. Apartheid's core is the preservation of the cheap labor supply that makes South Africa so profitable for foreign investors. Africans, the majority of the workers, have no political or economic rights; their unions are not recognized and strikes are illegal. They are allowed into 87 per cent of the country (called the white areas) only as workers, while the aged, the children, the unemployed, the disabled, all termed "superfluous appendages," are subject to deportation to the 13 per cent of the land reserved for Africans. Once workers are in these reserves they can get out only by taking jobs through the local labor bureau. The passes show their permission to be in the white areas. These areas are likewise divided into places and even buildings where Whites or Coloureds or Asians or Africans (those temporarily permitted) may live or work or eat or see a movie or play tennis. Everything depends on race. Race depends on classification. And identification will depend on IBM. As a corollary, political opposition to the system must be ruthlessly suppressed, for the ruling whites are outnumbered more than four to one. This is easier when the whole population is chained by an internal passport system, and Big Brother 360/50 knows all about them, with a 50-page compulsory document for a start.

BRAINS FOR APARTHEID

Number One Policeman is not IBM's only job in South Africa. Two years ago the National Research Institute for Mathematical Sciences of the Government Council for Scientific and Industrial Research in Pretoria installed an IBM system valued at $2.8 million and further additions are planned to cope with the ever increasing needs of the Institute. IBM is thus aiding the industrial and scientific (and as a corollary, military) expansion of the apartheid state in a very fundamental way.[1] The Council works with NASA (the U.S. Space Agency) and it sold to the U.S. Army a military electronic device "tellurometer" which is developed in cooperation with Plessy (armaments company). Viet Nam has revolutionized war in many ways, the most far-reaching of which (though not yet fully efficient) is the electronic battlefield, and South Africa is so far advanced in the technique that it has been able to aid the U.S. Army. Gen. William Westmoreland, in the Congressional Record for October 16, 1969 revealed:

On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through use of data links, computer assisted intelligence evaluation, and automated fire control. With first round kill probabilities approaching certainty, and with surveillance devices that can continually track the enemy, the need for large forces to fix the opposition physically will be less important.

IBM thinks for South African Airways, too. As part of the government's $50–70 million expansion of facilities at Jan Smuts international airport, SAA has spent $8.4 million to put in a "new fully automated, integrated passenger reservations and message-switching system." Its nerve center is IBM duplex system 360. The computer system, known as SAAFARI for South African Airways Fully Automated Reservations Installation, links all major cities in South Africa with the central computer in Johannesburg to give instant information. It became operational in 1971. South African Airways is a government agency whose operations are controlled by apartheid law, and plays a key role in its outreach tactics. The airline's expansion to major world centers (i.e. New York and Rio in 1969) is part of the drive for tourists which is bolstering foreign exchange and also sending home foreign sympathizers who have seen only the privileged white society and shared its pleasures.

Another duplexed IBM system 360 is in use by Volkskas, a large banking system with branches throughout the country whose data will be linked through the IBM network. IBM has a special team devoted to businesses dealing with stocks and shares. The Volkskas innovation set off speculation about other fields, especially in higher education, where centralized data banks would improve efficiency and information. Volkskas-IBM is using the wire services of the Post Office telecommunications system, as, presumably, similar computer ventures would. Thus the South African government and IBM cooperate to improve financial facilities and strengthen the apartheid economy. South Africa's largest retail chain, O.K. Bazaars, is among the businesses that have installed IBM systems.

IBM AND THE LABOR "SHORTAGE"

IBM deals in small business as well as large. In June, 1971, the first IBM copier commercially installed in South Africa was acquired by the Manufacturers Life Insurance Company in Johannesburg; that means an almost infinite field for expansion has opened. One of the most dangerous aspects of IBM's operations in South Africa is the extent to which apartheid supporters may find automated solutions (consistent with white control) to the artificial scarcity of skilled labor created by job discrimination laws. If IBM continues its growth in South Africa it will become an indispensable pillar of apartheid.

The government's determination to keep nonwhite workers from skilled jobs serves as a brake on the growth rate of the expanding economy and industrialists are protesting, trying to import skilled white workers instead of employing South Africa's nonwhites (IBM is said to import many of its ranking employees), searching for alternative ways to meet the artificial shortage. A paper presented at a National Development and Management Foundation conference dealing with the labor shortage argued that the computer could "significantly reduce the demand for labor." A *Sunday Times* (Johannesburg) section on computers (August 1, 1971) under the heading "Labour Scarcity Propels Us Into Computer Age" opened: "South Africa's continuous shortage of skilled labour is making it an ideal market for computer and data-processing equipment."

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[1] "Defense" is a misnomer for South Africa's military activities. It controls Namibia illegally by force and one of its greatest violations of the League of Nations (now UN) mandate was the fortification of the Caprivi strip, where air bases are aimed against the north; the airport it is building for Malawi is reported to have similar significance. South African troops have been in Rhodesia (Zimbabwe) supporting the illegal Smith regime since the first guerrilla attacks after UDI. There are South African helicopter bases, and reportedly troops, in Angola aiding Portuguese forces against the liberation movements, and in the Tete province of Mozambique for the same reason.

U.S.-owned computer firms in South Africa may insist that they oppose apartheid and are helping their workers in spite of it. But the fact that their computers can do more than any other technique to enable apartheid to survive; computer methods allow the economy to run with a minimum number of skilled workers, methodically reducing the economic pressure that was beginning to force training and upgrading on the job for black workers.

100 PERCENT AMERICAN

IBM does business in South Africa[2] through a wholly owned subsidiary, International Business Machines (S.A. Pty.). Because of its favorable growth rate, IBM has this year invested an additional $3.42 million by buying shares in the local company, nearly doubling its capitalization, now $8.4 million. The new U.S. funds were to enable the company to obtain more computers from the United States to lease in South Africa. The market, which five other companies share with IBM, is now worth around $50.4 million annually, but IBM's South African managing director believes the potential is $252 million and will more than double that in a decade. In 1970 more than half the parent IBM's net income came from overseas and it controls more than half the market in every country except Britain.

THE IBM OPERATION

IBM has been in South Africa since 1952, primarily as a marketing operation. As of December, 1970 it employed about a thousand people, some 75 of whom were nonwhites, including 50 Africans. 125 employees received training overseas last year but no racial breakdown of this, or how many and who went to the United States, is available. Almost certainly all this training was for whites. IBM claims every other employee is a university graduate.

IBM reports that black employees hold positions in accounting, planning, and service areas, warehousing, and maintenance, and that their numbers will be increased as the "growth and nature" of the business permit. The word "nature" assumes that some type of job reservation is in effect. Since blacks comprise the great majority of all South African workers, the percentage employed by IBM is small (5 per cent). As all U.S. companies in South Africa, IBM discriminates openly.

Advertisements placed by IBM in the South African (white) press to attract employees do not mention color but they could not meet U.S. Civil Rights Acts standards on either sex or age criteria: "A matriculated young lady under 30", "go-ahead young man under 35" and the like.

IBM also reports identical pay scales for black and white, but this gives no clue as to how many identical jobs and how many identical pay checks there are (one of the ways South Africa meets its labor "shortage" is by retitling, and sometimes breaking down, white jobs to be done by nonwhites at lower job rates). Blacks employed by IBM are reported to earn twice as much as blacks similarly employed by other companies, but even these wages may still come out below the poverty datum line. IBM is proud of many benefits provided for all employees (insurance, pensions, medical and educational aid) and estimated the cost at $700 per employee per year; but there is no indication of employee participation in the determination or direction of these.

IBM PRINCIPLES AND APARTHEID

In the general statement which prefaces its seven principles of business practice, IBM gives away the basis of its support for apartheid.

It is the policy of IBM to hire people strictly on their qualifications to perform a given job, regardless of race, colour, creed, national origin, age or sex, insofar as *laws and local practices* within the country permit (emphasis added).

Against this background, IBM's anti-apartheid statements are irrelevant. Not only law constrains IBM, but local practice takes precedence over qualifications to perform the job.

By South African standards, IBM may be a better than average employer as it claims; but by U.S. standards it is in violation of labor and civil rights legislation. As far as apartheid is concerned, IBM—like all other U.S. employers in South Africa—cannot protect its workers from the worst ravages of the system: breakup of families, subjection to segregated facilities, the indignity of having every aspect of political and economic life determined by others. There is no indication that IBM has registered any protest against such "local practices." And it directly strengthens the police state tyranny of the apartheid government far more than most U.S. concerns which primarily aid the economy.

Among its principles, ironically, IBM lists:

To play our part in furthering the progress of the communities in which our facilities are located; and to recognize our responsibilities as a corporate citizen of the nation and the world.

In the South African community, it aids the police apparatus to suppress dissent and so prevent change and progress. In the world it defies the efforts of the United Nations to isolate and remove support from apartheid. (For instance, General Assembly Resolution 2506 (XXIV), November 21, 1969, asks member states "to desist from collaborating with the Government of South Africa by taking steps to prohibit financial and economic interests under their national jurisdiction from cooperating with the South African Government and companies registered in South Africa.")

WHO IS IBM?

IBM is a corporate entity, but many identifiable people share responsibility for its partnership in apartheid.

First are its *officers and directors* who profit themselves, and who represent those who profit most. Those whose other interests are particularly relevant are listed. Protests should be directed to them. IBM's general offices are at Armonk, New York, 10504.

Thomas J. Watson, chairman of the Executive Committee. Mr. Watson is also an official or trustee of Bankers Trust Company, Rockefeller Foundation, Brown University and the California Institute of Technology.

T. Vincent Learson, newly appointed chairman and chief executive. He came up from the ranks in IBM and is a member of the Board of Overseers of Harvard University.

Bruce Bromley whose legal firm, Cravath, Swaine, and Moore, handles IBM's business.

Paul L. Davies of Lehman Brothers, a firm that has arranged loans and investments for southern Africa status quo interests.

John M. Fox, President of United Fruit Company.

G. K. Fulston of Olin Corporation, whose subsidiary Olin-Mathieson Chemical Corporation does business in South Africa.

Amory Hougton Jr. is chairman of the Board of Corning Glass Works, is a director of U.S. Steel, New York Life Insurance, serves on the boards of Harvard University and Episcopal Theological Seminary, and is a Trustee of the Rockefeller Foundation.

Grayson Kirk, president emeritus of Columbia University, serves on the boards of Socony-Mobil, Con Edison, the Council on Foreign Relations, the Asia Foundation, the Greenwich Savings Bank, Nationwide Securities, and is a trustee of the Institute of International Education.

Louis H. LaMotte, of New College and Bennett College.

Patricia Harris of Fried, Frank, Harris, Shriver, and Kampelman, named in April, 1971 as a woman and black token representative following an annual meeting in which opposition to IBM management and policies was voiced.

Second are the *stockholders*, few of whom have questioned IBM policies. Among them are:

American Baptist Convention; Christian Church, Disciples of Christ; Lutheran Church in America; United Presbyterian Church, U.S.A.; United Church of Christ; Protestant Episcopal Church; United Methodist Church.

It is likely that many universities are also represented among the stockholders. People who are concerned should find out whether they are related to stockholders in any way: church, university, union, pension investment, other agencies and groups.

Third are the *customers*, who buy or rent typewriters, copiers, and computers, or who support agencies, organizations, and businesses that do. Check your own home and office.

Fourth are the *workers* of IBM, among them the IBM Black Workers Alliance which calls upon IBM to end its business in South Africa, as well as demanding an end to racial discrimination in IBM employment policies in the United States. (Other similar organizations of IBM workers include the Black United Front and the Concerned Workers Alliance.) BWA reports the firing of three employees and forced resignation of a fourth, all in the Washington, D.C. area because of their campaign against business with South Africa. Complaints about discrimination have been filed with the Human Relations Commission in Washington.

ACTION AGAINST APARTHEID

Directors can demand that IBM withdraw from southern Africa. That means *leased* computers will stop implementing apartheid.

Stockholders can vote for directors who will withdraw; can demand withdrawal themselves; can sell their stock if IBM won't.

Customers can stop buying and leasing.

Everybody can boycott.

Workers can organize and educate to build the Alliance and join with other forces against apartheid.

Everybody can raise the issue in some way. Write to IBM, especially if you have contact with an officer or director. Write to the press the next time a story on wonderful IBM (they are frequent) appears. Bring it up in meetings, organize delegations to see those responsible if you are part of any agency involved with IBM. Learn more about southern Africa so you can effectively tell others why IBM—and all U.S. enterprise—should stop support for apartheid rule and get out of South Africa now.

References: Source of information used in preparing this Fact Sheet include the Argus; Financial Mail, Forbes (September 1, 1971), Hansard Q&A; IBM material: correspondance, notices and reports of annual meetings, official releases such as Personnel Policies and IBM Principles; Natal Mercury; New York Times; Office of Church Resource Studies material; Rand Daily Mail; South African Digest; South Africa Property Gazette; The Star; The Sunday Times; Survey of Race Relations 1971; The Technological Warlords (Computer People for Peace); Wall Street Journal.

For further information: The American Committee on Africa, 164 Madison Avenue, New York, New York 10016.

REPUBLIC OF SOUTH AFRICA, HOUSE OF ASSEMBLY DEBATES (HANSARD), SECOND SESSION—FOURTH PARLIAMENT, MARCH 2, 1971, QUESTIONS AND REPLIES

New system of the population registration.

4. Mr. E. G. Malan asked the Minister of the Interior:

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[2] IBM has small marketing and service operations in Angola, Mozambique, and South West Africa (Namibia). Shipments to Rhodesia were stopped in 1968.

(1) Whether it is still intended (a) to commence with the new system of the population registration on 1st June, 1971, and (b) that the entire conversion is to take approximately five years; if not, (i) what is the new date or period and (ii) what are the reasons for the change:

The Minister of the Interior:

(1) (a) No.
(b) Yes.
(i) 1st February, 1972.

(ii) The completion of the accommodation to house the register and the computer was delayed on account of the shortage during 1970 of cement and certain steel products.

(2) how many persons employed by (a) his Department and (b) other departments will, it is estimated, mainly be working on it during the 1971–72 financial year:

(2) (a) 438 as from 1st February, 1972.
(b) None.

(3) what will be the official designation of the person directly in charge of the system:

(3) Deputy Secretary.

(4) whether the cost of the new system has been estimated for the 1971–'72 financial year; if so, what is the estimated amount:

(4) Yes. R500,000.

(5) whether computers will be used for the system during 1971–'72: if so, (a) how many, (b) what is the name of each model and (c) what is the purchase price or rental of each model.

(5) Yes.

(a) One; which will also be used for other departmental work and bureau services for other Government Departments.

(b) I.B.M.360/50.

(c) Monthly rental of R31 413.38.

JAPAN AND THE EMERGING PACIFIC ECONOMY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, there is no dispute that the United States must dramatically improve its trade and payments position in the world. Although the President's economic program attempts to correct the Nation's present international economic position, at the same time we must not completely isolate ourselves as many trade protectionists have advocated. I have long maintained that free trade is necessary both to the United States as well as to the rest of the world. To revive trade protectionism would create serious long-range consequences.

I would like to place in the RECORD an excellent speech by the Honorable H. E. Nobuhiko Ushiba, Ambassador of Japan to the United States at a recent civic luncheon in Los Angeles sponsored by the Bank of Tokyo of California. The Ambassador urged a more prosperous Pacific economy which is only possible with the close cooperation of the United States, Japan, Taiwan, Korea, and Australia.

The speech follows:

JAPAN AND THE EMERGING PACIFIC ECONOMY

I am honored to have a part in this prestigious gathering of international business leaders. Together you represent, not only the present and future of the great and growing Southern California economy, but also a potent force for trade and development throughout the vast Pacific region. You have demonstrated this through your long tradition of close and mutually rewarding ties with your neighbors across the Pacific.

You will gladly join me, I am sure, in congratulating the Bank of Tokyo of California for making this event possible. As you perhaps know, the Bank of Tokyo has the longest experience of any Japanese financial institution in the field of international trade, especially trans-Pacific trade.

I feel fortunate to be in such excellent company!

The timing of our get-together is appropriate for two reasons:

First, although the Pacific is the world's "youngest" region—in the sense that it is only recently discovering its interdependence as a region—it has what may be the greatest growth potential of any area of the world. It is by far the vastest and most populous region. Its wealth in diversified resources has scarcely been tapped, let alone measured. And it is now taking its first steps toward interdependent economic development.

Second, whether healthy patterns of trade and investment do emerge in the Pacific, and the many different peoples of the region begin to share in a common prosperity, depends very much on the two nations represented in this room. The future of the Pacific depends in great measure on the vision and policies of the United States and Japan, the two most powerful economies in the Pacific—indeed, in the free world.

Let me deal with these points in turn.

It is difficult, I realize, to think of the huge Pacific as a single region. It is really a hemisphere, whose population is concentrated around its edges. Yet the Asian edge of the Pacific alone contains well over a third of the human race. In addition to Japan and the United States, the Pacific contains three other highly developed economies—Canada, Australia and New Zealand. It also contains three of the fastest-growing economies in the world—Japan, Taiwan and the Republic of Korea. And the trade and investment patterns now emerging in the Pacific suggest the future shape of a dynamic and potentially prosperous Pacific economy.

By far the largest volume of Pacific trade is, of course, between Japan and the United States. It is estimated this trade will surpass $12 billion, both ways, this year. In all the world, only Canada and the United States enjoy a larger two-way commerce.

There are other traditional trading patterns in the Pacific region. Just as the United States has a special "vertical" economic relationship with developing Latin America, Japan has a comparable vertical relationhip with the nations of Southeast Asia, and of course with neighboring Taiwan and the Republic of Korea. Last year the developing countries of Asia consumed one quarter of Japan's exports, and provided 16 percent of our imports. Japan's imports from these countries are now growing very rapidly, and an increasing proportion of these imports are manufactured goods—especially textiles, including apparel, and sophisticated consumer goods such as watches and electrical appliances. Japan's textile imports from East and Southeast Asia, for example, doubled in the last two years to $314 million. Japan is, in fact, rapidly becoming a net importer of textiles as developing Asia enters the industrial age.

Pacific trading patterns have also been affected by the growth of the European Common Market, and by the approaching entry of the United Kingdom into the European Community. Japan is already a much larger market for Australia than Britain—in fact, two and a half times as large. Australia ships 85 percent of its iron ore and a third of its wool crop to Japan—a quarter of its total exports to the world.

The United States has become Australia's second largest market, and part of a triangular relationship that is vital to Australia's economy. In the fiscal year which ended last June, for example, Australia's trade deficit of $600 million with the United States was offset by its trade surplus of $700 million with Japan. This interaction should be kept in mind by those who are concerned over Japan's current trade surplus with the United States. The triangular relationship provides a more realistic perspective to bilateral trade accounts.

Britain's entry into the European Community is not only encouraging Australia to diversify its markets, it is also a stimulus to more rapid industralization, including ore processing and steel making. This is being accomplished in part with Japanese and American as well as European capital and technology. Under these same pressures, New Zealand is turning from Britain and the European Community to the Western Pacific as a market for its meat and dairy exports, and Canada for its grain exports.

A long-range but promising prospect is for Latin America to export its minerals, timber and other raw materials to the Western Pacific, and especially to resource-hungry Japan.

In short, the complex patterns of a multilateral trading relationship throughout the Pacific have begun to emerge. There are also some difficult obstacles to overcome before these patterns can mature. The greatest uncertainties are those facing the developing countries of the region, especially developing Asia. Their chief problems are to achieve sustained economic growth and profitable participation in regional and world trade. They must do both if they are to enter the mainstream of the Pacific and world economies.

A handful of developing Asian countries succeeded in doubling their GNP during the last decade. These were the Republic of Korea, Taiwan, Thailand, Singapore and Malaysia. Among the 18 less-developed countries who are members of the Asian Development Bank, average economic growth rates compared favorably during the 1960's with the rest of the developing world. Unfortunately, however, much of the benefit of this progress was canceled out by rapid population growth.

Developing Asia has also made some encouraging progress in trade expansion. During the later half of the sixties, this trade grew 7.5 percent a year on a compounded basis. The content of this trade also improved. Import emphasis has been shifting from consumer goods to capital goods, and an increasing proportion of the exports is manufactured goods.

Some of the signs have been less encouraging. Trade between developing Asian countries has grown hardly at all, and their overall trade has grown more slowly than world trade. Thus their share of world trade is actually declining. In addition, the terms of trade for nearly all developing countries have worsened. Prices have been rising for the capital goods they must import in order to industrialize, and prices have been falling for the primary commodities which still furnish the bulk of the exports of the developing countries. The net effect on payments of these price trends is about $4 billion a year.

The trade outlook for developing Asia has also been depressed by two other recent developments which have had a sluggish effect on world trade—the winding down of the Vietnam war, which has dampened import demand within the area, and the general business slowdown which has affected all the advanced industrialized democracies—Japan, North America and Western Europe. The outlook in mid-1971, in other words, was not very promising for the developing economies of the Pacific region. With few exceptions, domestic economic growth was barely keeping ahead of population growth. And international economic developments were unfavorable to trade expansion.

Since this summer, the outlook has become even bleaker.

Economic policies adopted by the United

States since August 15 are having the following effects:

All exports to the United States, other than certain exempted items, must now hurdle the 10 percent import surcharge. This is a considerable hardship for all your trading partners, but it is especially hard on the developing economies that are only beginning to earn their own way in international trade.

Almost all types of textiles entering the United States, especially those coming from Far Eastern countries, are now regulated by rigid quotas. Again, the effect is damaging to Japan, but it is relatively more damaging to countries such as the Republic of Korea and Taiwan, who have entered the textile trade as an important step in their own industrialization.

More recently, scheduled cuts in the American aid program—and the shocking threat to abandon the program entirely—have raised real fears in the developing countries that their economic modernization plans are in jeopardy.

Suddenly the vision of interdependent economic development throughout the Pacific has receded. The enormous power and importance of the American economy has never been demonstrated more starkly.

Let me say very quickly that the reasons for these unilateral American actions are understood by your Pacific neighbors, as elsewhere in the world. There is no question that the United States must significantly improve its trade and payments position in the world. The United States cannot continue to operate in deficit, either for its own economic health, or for the health of the international economy, in which it plays the dominant role.

It is also widely recognized that your principal trading partners—Canada, Japan and Western Europe—have the responsibility to cooperate in achieving this objective. Cooperative measures are already in process, including the multilateral realignment of currencies. Even before President Nixon's August 15 announcement, Japan had already initiated a number of steps designed in large part to ease America's international economic burdens. These included advancing by nine months the effective date of its Kennedy Round tariff cuts, reducing import barriers to Western European levels, reducing export pressures, expanding our foreign aid program, applying preferential tariffs to exports from the developing countries, and liberalizing both inward and outward capital flows.

Japan, in other words, has been trying to deal responsibly with the delicate international economic situation, and the difficult American position in the international economy. The aim of these various Japanese measures taken during 1971 has been to reflate the Japanese economy, shifting resources from the private to the public sector, dampening our export drive, and stimulating imports. Admittedly, these measures have not yet obtained their desired effect to a satisfactory extent, since recession still persists in Japan and recovery from general business slowdown has been further delayed owing to uncertainties created by the new economic policies of the United States. Yet, we have been and are still attempting seriously to accomplish this turnaround without any adverse effects on our trading partners, and especially on the developing countries of Asia.

Unfortunately, however, Japanese and American economic policies are now seriously out of phase with each other. It is as if we were working at cross purposes. This is not a situation that can be allowed to continue. The long-range consequences would be too serious—in a revival of trade protectionism around the world, in depressing the growth of world trade, in undercutting economic growth in the developing areas.

We have all glimpsed a better vision, and we need to readjust our policies in concert to achieve it.

As I suggested at the outset, the potentially prosperous Pacific economy is an important part of that vision. I do not conceive of the emerging Pacific as a new and exclusive trading bloc, but rather as a dynamic economic community fully integrated with an expanding world economy. I view it, not as a rival to an inward-looking European Community, but rather as an open system that will encourage an open Common Market.

Obviously there are certain essential steps in achieving this aim. The flow of foreign aid and investment to developing Asia must be increased, not reduced. The rich markets of the advanced industrialized world must be opened wider, not restricted, to the exports of the developing countries.

This is the course Japan has chosen. Japan's foreign aid last year reached $1.8 billion, close to 1 percent of our GNP, and second only to the United States in value. Sixty percent of Japan's aid is now channeled to developing Asia. Japan's total foreign private investment is now $2.7 billion. Of this, $233 million has been invested in Southeast Asian manufacturing, and another quarter billion in Latin American manufacturing.

We Japanese are committed, in other words, to the vision of an expansive, integrated and prosperous Pacific Community in full partnership with a growing world economy. This dream is possibly only with the full and vigorous participation of the most powerful and creative economy in the world—the United States.

JOSEPH SMITH—A MAN OF VISION AND VISIONS

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. RANDALL. Mr. Speaker, it was my privilege on Sunday afternoon last to be present at the National Portrait Gallery for the presentation by President W. Wallace Smith of a copy of the only known life portrait of his grandfather, that great religious leader, Joseph Smith, Jr., 1805–44.

In my judgment, some of the finer things that have been said or could be said describing the subject of this presentation comes from the Office of Public Affairs of the Smithsonian Institution in its announcement that this portrait copy will be on public display in the gallery's second floor sculpture court on and after Monday, November 15, 1971.

Marvin Sadik, Director of the National Portrait Gallery, in his news release described Joseph Smith as "a man of vision and visions, who as a founder of a new church in America, will always occupy an important place in the religious history of this country."

Mr. Sadik went on to say:

> The addition of this portrait to the permanent collection of the National Portrait Gallery will add a significant chapter to the story of our past.

The Director of the National Portrait Gallery in this same release tells of the life of Joseph Smith, Jr., when during the 1820's a series of visions revealed to this religious leader a "divine appointment" to restore Christ's church, which Smith and five other men organized together with some 30 converts on April 6, 1830. The same year Smith published "The Book of Mormon," an account of the ancient Hebrew people transplanted to America. Some said he "translated" this record under divine guidance from golden plates unearthed 3 years earlier by angelic direction.

Director Sadik, in his announcement of the presentation of the portrait continues his description of the happenings in the life of Joseph Smith by saying:

> Nearly two decades after his series of visions, Smith wrote of his earlier experiences: "So great were the confusion and strife among the different denominations that it was impossible for a person young as I was and so unaccustomed to man and things, to come to any certain conclusions as to who was right and who was wrong."

Joseph Smith, Jr., therefore, did what a number of Americans with similar feelings have done. He started a new church. Later, Smith led a series of pilgrimages westward from New York to establish the city of Zion. These journeys took the Latter Day Saints to Ohio, Missouri, and finally to Illinois where they built the city of Nauvoo. There Smith had both ecclesiastical and political authority as prophet, mayor, and military commander. It was there the Latter Day Saints found some of their neighbors angry and hostile. It was in Illinois that Smith and his brother were arrested and assassinated on June 27, 1844.

Two years later many of Smith's followers began their famed trek to Great Salt Lake Valley in Utah. Others remained in Illinois and Missouri. Among those who remained in Missouri was Smith's wife and young son, Joseph Smith III. Smith's son became the president of the reorganized Church of Jesus Christ of Latter Day Saints in 1860. The presidency has remained in the Smith family since that time and the church is now headed by President W. Wallace Smith.

Mr. Speaker, as one high school student in my home city of Independence, Mo., who would often follow our football team in its games away from home I recall hearing so frequently my fellow students proudly say, "I'm from Zion City."

Today the world membership of the Reorganized Church of Jesus Christ of Latter Day Saints returns every 2 years for a conference at the auditorium, in their Zion City of Independence, Mo. There in Heritage Hall they stand in reverence before the original portrait of their founder and prophet, Joseph Smith. Now, Mr. Speaker, all the Members can take pride in knowing a copy of that original will hang in the national portrait gallery in our Nation's Capitol.

LATVIAN INDEPENDENCE, NOVEMBER 18, 1918

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. PUCINSKI. Mr. Speaker, today, November 18, marks the 53d anniversary of Latvian independence. Also today this proud Baltic Republic is enslaved by the cruelest colonial empire of all times, the Soviet Union.

This fact, however, does not deter the Latvian people to be free. Latvians in exile the world over have not ceased the struggle to free their country and their countrymen from Soviet oppression.

Peace cannot accommodate itself unto the peoples of the world so long as a sizable segment of world population suffers a tyranny in quest of world empire.

The will to be free is derivative of aspiration. The will to remain free withers when tranquilized by complacency.

We ourselves must not be complacent to remain free and to help those who aspire to be free. So long as free men elect to live in the shadow of tyranny, basking in their own complacency, wishing not to be disturbed, peace will continue to elude mankind.

As Latvia celebrates her anniversary of independence, let us join her and her sister captive nations in their quest to be free nations again.

I should like to place in the RECORD today a press release issued by the Chicago Latvian Community Center.

The release follows:

LATVIAN INDEPENDENCE, NOVEMBER 18, 1918

THE LATVIAN NATIONAL ANTHEM

God, bless free Latvian Land,
Guard well my Fatherland,
Thus pray my heart and mind:
God, save Latvia!

Let there sound free my voice,
Daughters and sons rejoice!
Let there be a happy choice!
God, bless Latvia!

We are still too close to the events to get a true perspective, but it may be confidently asserted that when the full story comes to be told, the epic of the Latvian struggle for independence will rank high among the world's record of such performance. Without an épopée, said Gothe, can never become of much worth, but in their quest of freedom the Latvian peoples have contributed much to the "Mosaic of America", and proved their worth. Therefore: it is the duty of those of us who are living in freedom to remind the world what we are, what we are going to be, why we have existed and why we are going to continue to exist.

The economic development in *independent* Latvia will show to those who have doubted and still doubt that, in spite of a comparatively small political unit for economic opportunity, Latvia could exist without the help, as the political exploitation was called, of her powerful neighbors. At the end of World War Two, approximately 100,000 persons emigrated from Latvia and later were dispersed throughout the free world. Today, statistics show that, through three generations, many hundreds of this number are true scholars of higher learning in the humanities, as well as technical sciences and other departments. The numerical majority are of the younger generation, those who attained their success in emigration and this shows the strength of vital creativity in the people even during difficult times.

Therefore, to reiterate the contributions of the Latvian peoples and their great endeavors to fit into the pattern of the "Mosaic of America", and bringing their hopes of freedom to this great country, their ethnic heritage and cultures, arts, science, history and knowledge which has contributed much to this great country of America.

The legal existence of Latvia still continues despite the military occupation, of the U.S.S.R. The Soviet administration occupying Latvia lacks any legal basis, and in accordance with recognized principles of international law, should be regarded only as a temporary military occupation.

The major powers, including the United States, have refused to recognize the incorporation of the Latvian State into the U.S.S.R. as claimed by the latter. In accordance with the principles of international law, a military occupation cannot terminate the legal existence of a state.

Unable to plead their own cause, we urge the President of the United States to bring the forces of world opinion at the U.N. and other international forums to bear on behalf of the restoration of the independence of Latvia.

All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty and the pursuit of happiness. Lest We Forget: we are thankful for primacy, sanctity and prayer. As an American, we must be thankful for many more blessings—the list is long.

SENATE—*Saturday, November 20, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God who has watched over this Nation in the past and raised up prophets and patriots, soldiers and statesmen for every period of need, guide, we pray Thee, these Thy servants, called by the people to serve the present age. Grant them patience, charity, and wisdom for their tasks. May the prayers of the people ascend on their behalf. Answer these prayers, we beseech Thee, as may be most expedient for the welfare of the Nation. May goodness and mercy attend them here, follow them hereafter, that they may abide with Thee eternally.

We pray in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 19, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Reports, will be stated.

ACTION

The second assistant legislative clerk read the nomination of Joseph H. Blatchford, of California, to be Director of Action.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

The second assistant legislative clerk read the nomination of Henry M. Ramirez, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and without objection, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

RIGHTS-OF-WAY AT FORT DERUSSY, HAWAII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 430, S. 1466.

The PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 1466, to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to the requirements of section 809 of the Act of October 21, 1967, Public Law 90–110 (81 Stat. 279, 309), and for the purpose of enabling the widening and improvement of Kalia Road in the city and county of Honolulu, Hawaii, the Secretary of the Army, or his designee, is hereby authorized to grant, under existing statutory authority and in accordance with existing regulatory procedures, easements over such portions of Fort De-Russy, Hawaii, as are determined available therefor, (1) to the city and county of Honolulu for a road right-of-way and related uses, including but not limited to water and sewer pipelines, fire hydrants, and other necessary appurtenant structures, and (2) to appropriate parties for electric, gas, telephone, or other public utility lines required to be located within the new roadway area.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with No. 479 and ending with No. 488, with No. 487 excluded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 138) authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. Res. 138

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $20,000 in addition to the amount, and for the same purpose, specified in section 134 (a) of the Legislative Reorganization Act approved August 2, 1946, as amended.

ADDITIONAL FUNDS FOR THE COMMITTEE ON FINANCE

The resolution (S. Res. 182) to provide additional funds for the Committee on Finance for routine committee expenditures, was considered and agreed to, as follows:

S. Res. 182

Resolved, That the Committee on Finance is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $20,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

ADDITIONAL FUNDS FOR THE COMMITTEE ON VETERANS' AFFAIRS

The resolution (S. Res. 185) to provide additional funds for the Committee on Veterans' Affairs, was considered and agreed to, as follows:

S. Res. 185

Resolved, That the Committee on Veterans' Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $10,000, in addition to the amount and for the same purpose specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

ORGANIZED CRIME

The resolution (S. Res. 187) authorizing the printing for the use of the Committee on Government Operations of additional copies of part 4 of its hearings entitled "Organized Crime," was considered and agreed to, as follows:

S. Res. 187

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 4 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime".

GUIDE TO FEDERAL PROGRAMS FOR RURAL DEVELOPMENT

The concurrent resolution (S. Con. Res. 50) authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That with the permission of the copyright owner the handbook entitled "Guide to Federal Programs for Rural Development", published by the Independent Bankers Association of America, be printed with emendations as a Senate document, and that there be printed twelve thousand additional copies of such document for the use of the Senate Committee on Agriculture and Forestry.

SUSPENSION OF RULE IV TO PERMIT PHOTOGRAPH OF SENATE IN SESSION

The resolution (S. Res. 197) temporarily suspending rule IV of the Rules for the Regulation of the Senate Wing of the U.S. Capitol to permit a photograph in the Senate in session was considered and agreed to, as follows:

Resolved, That rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the United States Capitol Historical Society to photograph the United States Senate in actual session.

Sec. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

GRATUITY TO WILLIEMAE C. ABNEY

The resolution (S. Res. 198) to pay a gratuity to Williemae C. Abney was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Williemae C. Abney, widow of Robert Abney, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO MAMIE B. WALLACE

The resolution (S. Res. 199) to pay a gratuity to Mamie B. Wallace was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund at the Senate, to Mamie B. Wallace, widow of Robert J. Wallace, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERNATIONAL BOOK YEAR

The joint resolution (S.J. Res. 149) to authorize and request the President to proclaim the year 1972 as "International Book Year" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of (1) the fact that the United States, during its entire history, has recognized importance of universal education in a free society and the commitment of the people and Government of the United States to the free flow of information, (2) the fact that books are basic to both universal education and the free flow of information, and (3) the designation by the United Nations Educational, Scientific, and Cultural Organization of the year 1972 as "International Book Year", the President is authorized and requested to issue a proclamation designating the year 1972 as "International Book Year", and calling upon executive departments and agencies, the people of the United States, and interested groups and organizations to observe such year with appropriate ceremonies and activities both within and without the United States.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed 20 minutes, with time therein to be limited to 3 minutes to each speaker.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DISTRICT OF COLUMBIA REVENUE BILL—H.R. 11341

Mr. MANSFIELD. Mr. President, for the information of the Senate, and after discussing the matter with the distinguished minority leader, it is our hope to bring up H.R. 11341, an act to provide additional revenue for the District of Columbia which, I understand, is noncontroversial, although an amendment will be offered, which will be accepted.

The purpose of the amendment is to help to speed up the appropriations process and get the appropriations bill to the floor of the Senate that much sooner.

The PRESIDENT pro tempore. The Chair would inquire of the Senator from Montana. Will that be during the day?

Mr. MANSFIELD. Hopefully, Mr. President, during the morning hour, if Senators Mathias, Spong, and Eagleton who have been sent for, can come to the Chamber.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF AMENDMENT NO. 608, H.R. 10947

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a star print be made of my amendment No. 608 in order to correct a technical printing error made in the first printing of the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—TIME LIMITATION ON NELSON AMENDMENTS

Mr. MANSFIELD. Mr. President, I have discussed the matter with the distinguished Senator from Wisconsin (Mr. Nelson), the manager of the bill; the distinguished Senator from Georgia (Mr. Talmadge); the ranking Republican member of the committee, the distinguished Senator from Utah (Mr. Bennett); and the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott), and with their approval—and I hope the Senate's—I ask unanimous consent that the time on the two Nelson amendments be reduced from 1 hour to a half-hour apiece, the time to be equally divided as heretofore agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT FROM TODAY TO 9 A.M., MONDAY, NOVEMBER 22, 1971

Mr. MANSFIELD. Mr. President, in view of the agreement reached yesterday, I ask unanimous consent that the Senate, instead of coming in at 10 o'clock on Monday, as had been agreed to, and in line with the agreement made, come in at 9 o'clock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, the joint leadership has consulted with the Senator from Arizona (Mr. Goldwater) about his amendments. We have reached a satisfactory conclusion, and the hour of 5 o'clock appears fairly definite at this time.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEFICITS IN FEDERAL FUNDS, 1953–72 INCLUSIVE

Mr. BYRD of Virginia. Mr. President, I have prepared a tabulation on the deficits in Federal funds, 1953 to 1972, inclusive. I ask unanimous consent that the tabulation be printed in the Record.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

DEFICITS IN FEDERAL FUNDS, 1953-72 INCLUSIVE

[In billions]

	Receipts	Outlays	Surplus (+) or deficit (−)
Year:			
1953	$64.7	$74.1	−$9.4
1954	64.4	67.5	−3.1
1955	60.2	64.4	−4.2
1956	67.9	66.2	+1.7
1957	70.6	69.0	+1.6
1958	68.6	71.4	−2.8
1959	67.9	80.3	−12.4
1960	77.8	76.5	+1.3
1961	77.7	81.5	−3.8
1962	81.4	87.8	−6.4
1963	83.6	90.1	−6.5
1964	87.2	95.8	−8.6
1965	90.9	94.8	−3.9
1966	101.4	106.5	−5.1
1967	111.8	126.8	−15.0
1968	114.7	143.1	−28.4
1969	143.3	148.8	−5.5
1970	143.2	156.3	−13.1
1971	133.6	163.8	−30.2
1972[1]	143.0	178.0	−35.0
20-year total	1,853.9	2,042.7	188.8

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication which was referred as indicated:

Proposed Supplemental Appropriation, Fiscal Year 1972, for Department of Health, Education, and Welfare (S. Doc. No. 92–44)

A communication from the President of the United States, transmitting a proposed supplemental appropriation, for the fiscal year 1972, in the amount of $350,195,000 for health manpower programs of the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 2891. An original bill to extend and amend the Economic Stabilization Act of 1970 (Rept. No. 92–507).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS:

S. 2890. A bill to authorize the Civil Service Commission to furnish assistance to provide for the emergency transitional employment by State or local governments of Federal employees who lose their positions as the result of reductions in force in areas of high unemployment. Referred to the Committee on Post Office and Civil Service.

By Mr. SPARKMAN (from the Committee on Banking, Housing and Urban Affairs)

S. 2891. An original bill to extend and amend the Economic Stabilization Act of 1970. Ordered to be placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2890. A bill to authorize the Civil Service Commission to furnish assistance to provide for the emergency transitional employment by State and local governments of Federal employees who lose their positions as the result of reductions in force in areas of high unemployment. Referred to the Committee on Post Office and Civil Service.

FEDERAL EMPLOYEES TRANSITION ACT OF 1971

Mr. MOSS. Mr. President, in recent years the Federal Government has made significant reductions in its civilian labor force. In 1970 and 1971 alone, 105,000 employees have been forcibly dropped from the Federal payrolls.

These reductions, which often take the form of mass layoffs or "rifs" at major Government installations, have had a severe impact on local economic conditions in many parts of the country. Businesses have closed. Supporting industries have shut down. In some cases local commerce has been all but obliterated in the wake of these cutbacks.

To a large extent these reductions-in-force have resulted from the diminished manpower requirements for national defense. With the slow winding down of our military involvement in Indochina, there has been a reduced need for these supporting installations here at home. Moreover, this downward trend in Federal employment has been accelerated considerably in the last few months by a conscious administration policy aimed at cutting Government payrolls.

Regardless of their justification, these Federal cutbacks have resulted in great human hardship to the families of these workers who receive the "rif" notices. They have also led to a worsening of economic conditions in communities which have long depended on Federal jobs and wage income for their commercial stability. The net effect of these mass layoffs is to throw thousands more workers into labor markets which are, in many cases, already hit by substantial unemployment.

The Federal employee who is caught in one of these mass "rif's" finds little public recognition of his predicament. The usual civil service benefits, such as transfer rights, are almost irrelevant in localities where thousands are looking for work and jobs in Government and in private industry are scarce.

In these cases the trained Federal employee has no opportunity to use the skills and experiences gained from years of Government service. His talents are allowed to become dormant and a major public investment is wasted.

Today I introduce legislation which I believe gets to the heart of a number of these problems. The Federal Employee Transition Act of 1971 would authorize the Civil Service to assist these economically depressed communities in employing these "riffed" workers on a temporary basis, thus giving them an opportunity to put their skills to work for the good of the community.

The operation of such a program would present few difficulties. At present, the Civil Service Commission maintains precise records as to the skills, training, and experience of all Federal employees. This body would be well equipped to take advantage of this information in channeling these human resources to local public service.

At the time of a Federal reduction-in-force in an area of unemployment, the local government would apply for special funds to hire the "riffed" employee. Communities applying for such assistance would inform the Commission of the types of jobs they wanted filled and supply the relevant information. Priority would be given to those jobs which offered the best opportunity for permanent careers.

The public benefits of this problem would be considerable. Local communities would be given the opportunity to take advantage of skilled Federal employees in their efforts to supply needed public services. Talents developed through years of Government service would be put to work. New wage income would reduce the economic shock felt by these areas when a major government installation cuts back on its payrolls. Commerce would be given a needed boost and new markets would be given a chance to develop.

The transitional employment would give a welcome breathing spell to the "riffed" Federal employees and their families. It would allow them the opportunity to learn new skills which could be utilized in private industry. In many cases this temporary employment would lead to a permanent position in the local public service.

Ultimately this program would have a great effect on reducing the general unemployment. It would also allay the chronic fears of many Federal employees which is often sparked by any reference to the term "new national priorities."

Most of all it would open up the possibility that these skills and experience developed at the taxpayers expense would not go to waste but would be put to immediate local use.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employee Transition Act of 1971".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that—

(1) the release of Federal employees as a result of reductions in force in economically depressed localities tend to aggravate the economic conditions in such localities;

(2) there is little opportunity for displaced Federal employees to find alternative employment, either in government or in private industry in such localities; and

(3) furnishing resources for transitional public service employment and related training and manpower services can ease the impact of unemployment for the affected Federal employees and reduce the pressures which tend to generate further unemployment.

(b) It is the purpose of this Act to provide emergency transitional employment in State and local governments for those persons affected by Federal reductions in force in localities of high unemployment.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) "Federal agency" means any Executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States;

(2) "eligible employees" means an individual who is released by a Federal agency as a result of a reduction in force and who resides in or who was, prior to such release, employed in, a locality of high unemployment;

(3) "participant" means an eligible employee who is, or is proposed to be, employed under an emergency transitional employment program;

(4) "eligible applicant" means—

(A) a unit of State or general local government;

(B) a public agency or institution which is a subdivision of State or general local government;

(C) any combination of units of general local government; or

(D) an Indian tribe on a Federal or State reservation, which is, or which is in, a locality of high unemployment;

(5) "locality of high unemployment" means an area which the Secretary of Labor determines has a rate of unemployment substantially above the national average;

(6) "Commission" means the United States Civil Service Commission; and

(7) "State" means any State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

FINANCIAL ASSISTANCE

SEC. 4. The Commission shall enter into agreements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available for emergency transitional employment programs to employ eligible employees who have been released in reductions in force in localities of high unemployment. Such transitional programs shall provide for employing eligible employees in work of needed public service and shall provide, to the extent feasible, training and manpower services which are otherwise unavailable and which may enable such employees to obtain employment not supported under this Act.

APPLICATIONS

SEC. 5. (a) Financial assistance under this Act may be provided by the Commission for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Commission in accordance with the provisions of this Act.

(b) An application for financial assistance for an emergency transitional employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant;

(2) a description of the area to be served by such programs, a copy of the determination by the Secretary of Labor that such area is, or is located in, a locality of high unemployment, and data indicating the number of anticipated participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing, when feasible, complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the preceding objectives are not feasible or appropriate;

(4) assurances that, to the extent feasible, transitional employment shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate period of time during which participants would be assigned to such jobs;

(7) the wages or salaries to be paid participants in programs assisted under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(8) assurances that all participants, other than necessary technical, supervisory, and administrative personnel, will be selected from among eligible employees; and

(9) such other assurances, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 6. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Commission determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for financial assistance does not exceed 90 percent of the cost of carrying out the program proposed in such application, unless the Commission determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Commission; and

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Commission; and

For the purpose of clause (2) of the preceding sentence, contributions by or in behalf of an applicant may be in cash or in kind, including real and personal property or any combination thereof, or services.

ALLOCATION OF FUNDS

SEC. 7. (a) The amounts appropriated under this Act shall be allocated by the Commission in such a manner that the sum of $300,000 shall be the minimum amount allocated for each State and its subdivisions during the 1972 fiscal year, and $900,000 shall be the minimum amount allocated for each State and its subdivisions during the 1973 fiscal year.

(b) The remaining funds shall be allocated equitably by the Commission in accordance with (1) the numbers of Federal employees who have been released in reductions in force in localities of high unemployment, and (2) the potential of the eligible applicants to use the funds most effectively.

ADMINISTRATIVE PROVISIONS AND CONDITIONS

SEC. 8. (a) The Commission may make payments with respect to financial assistance agreements under this Act in installments, in advance, or by way of reimbursement. The Commission is authorized to withhold such payments in order to recover any amounts expended in the current or immediately prior fiscal year by an applicant in violation of any provision of this Act or any condition or other requirement imposed under this Act.

(b) The Commission shall not provide financial assistance for any program under this Act—

(1) unless the agreement with respect to that program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any eligible employee in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs;

(2) which involves political activities, and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in violation of chapter 15 of title 5, United States Code;

(3) unless the agreement with respect to that program provides that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship; and

(4) unless it determines that participants shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer.

(c) The Commission is authorized to issue such regulations as may be necessary to carry out the purposes of this Act.

REPORTS FROM AGENCIES

SEC. 9. Each Federal agency shall, upon request, furnish to the Commission reports containing—

(1) the names and addresses of employees of that agency who have been released as a result of reductions in force;

(2) a description of the employment held by each such employee and a description of that employee's background and experience; and

(3) such other information as the Commission may require in order to carry out its functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated not to exceed $50,000,000 for the fiscal year ending June 30, 1972, and $150,000,000 for the fiscal year ending June 30, 1973, to carry out the purposes of this Act.

EFFECTIVE DATE

SEC. 11. This Act shall become effective upon the expiration of 90 days after is enactment.

ECONOMIC STABILIZATION ACT OF 1971—AMENDMENT

AMENDMENT NO. 743

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself, Mr. BUCKLEY, Mr. ERVIN, Mr. DOLE, and Mr. JORDAN of North Carolina, submitted an amendment intended to be proposed by him to the bill (S. 2712) to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 744

(Ordered to be printed and to lie on the table.)

Mr. BEALL submitted an amendment intended to be proposed by him to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 745

Mr. COOPER (for himself, Mr. BAKER, Mr. JAVITS, Mr. WEICKER, Mr. COOK, Mr. GURNEY, and Mr. SCOTT) submitted an amendment intended to be proposed to amendment No. 692, proposed to the bill (H.R. 10947), supra.

ANNOUNCEMENT OF HEARINGS ON BLACK LUNG LEGISLATION

Mr. WILLIAMS. Mr. President, the House of Representatives has recently passed H.R. 9212, black lung amendments to title IV of the Federal Coal Mine Health and Safety Act of 1969. On the Senate side, Senator RANDOLPH has been joined by Senators BYRD, HARTKE, and myself in introducing similar but broader legislation (S. 2675) and Senator HARTKE has introduced S. 2289 cosponsored by Senator RANDOLPH.

All of us know of the leadership of our distinguished colleague from West Virginia, Senator RANDOLPH, in enacting the first black lung benefits program in 1969. It was his amendment, adopted without a dissenting vote, which brought desperately needed relief to thousands of deserving people.

Therefore, I have asked Senator RANDOLPH, as the ranking majority member of the Committee on Labor and Public Welfare and of its Subcommittee on Labor, to chair the hearings on this legislation.

Those hearings will begin on Wednesday, December 1, 1971. Any persons wishing to be heard should contact the counsel to the Subcommittee on Labor at room G-237, New Senate Office Building, Washington, D.C. 20510, telephone 225-3674.

ADDITIONAL STATEMENTS

CRIME AND THE ELDERLY

Mr. WILLIAMS. Mr. President, we read daily in the newspapers and magazines of the crime rates and the costs associated with this crime. Yet, how often do we hear of the impact of these crimes in human terms? How often do we hear of the long-term impact of these events? At a recent hearing of the Subcommittee on Housing for the Elderly of the Senate Committee on Aging, I attempted to ascertain just what this impact is and what could be done to prevent such crimes.

Elderly persons are especially vulnerable to crime. They not only have less physical power to resist but they are hurt more deeply as the result of criminal activity. It is obviously easier to knock down an older person and take his money than it is to do the same to a middle-aged person. Housing for the elderly, however, is often constructed in areas that abound with crime. There is often resistance to the construction of new dwellings for the elderly in established, stable neighborhoods. This resistance, sometimes expressed in zoning law, in effect forces much of this housing into areas with a high incidence of crime.

Many elderly homeowners, of course, either cannot, or will not, move out of crime-ridden neighborhoods. Perhaps they have become attached to the house in which their childen grew up, or perhaps their few surviving friends live in this area. We know that relocation places great burdens upon the elderly and that many would rather take their chances where they are, rather than undergo those hardships associated with moving.

Elderly witnesses reported that many old people are afraid to set foot outside their homes after dark. They are, in effect, "prisoners in their own homes." Some elderly are afraid to go marketing.

An elderly witness from my own State of New Jersey was employed and in good health prior to his being mugged. It has been a year since that mugging, and this gentleman is still feeling the effects of that crime. He has suffered physically, emotionally, and financially. He lost his job and was forced to go on welfare. Even now, he is harassed by local youths who know the man arrested for the mugging.

Much other compelling testimony

emerged from the hearing, including a statement by Mr. Noel E. Tomas, Northeast regional representative for the National Council on the Aging. Mr. Tomas is the former director of a city agency on aging in Hartford, Conn. He was deeply concerned in that position with a serious crime problem in that city. He has since explored similar problems in other communities. I ask unanimous consent that his statement be printed in the Record.

In addition, I also ask unanimous consent to have printed in the Record two recent New York Times articles which tell of specific criminal activities directed at the elderly in New York City. These articles provide only a sampling of recent stories on similar happenings; the Times is to be commended for focusing public attention on a serious and perhaps growing problem.

There being no objection, the items were ordered to be printed in the Record, as follows:

Testimony of Noel E. Tomas

Mr. Chairman, distinguished members of the Senate Subcommittee on Housing for the Elderly:

My name is Noel Tomas. I am the Northeastern Regional Representative of the National Council on the Aging, Elderly in Model Cities Project.

It is with mixed emotions that I am appearing before your Subcommittee. The subject of criminal attacks against old people, to whatever degree from felonies to simple harrassment, is one I view with alarm and subjective feelings. It is in that context that I welcome this opportunity to appear before your distinguished group to shed some light on a subject talked about by many, long confronted by the elder segment of our population living in lower income federally assisted housing, but little examined at our state and national levels.

It is your exploration of this subject with action implied that presents the ray of hope to hundreds of brutalized aged citizens. The implications that swift results from your level of attention will lift up our public housing projects of terror, where these exist, to the standards promulgated in the Housing Act which defined such quarters to be "decent, safe and sanitary."

Whether this terror is real or imagined and it is both, its effects right now on our older citizens demand countermeasures if they are to survive to their predicted life expectancies rather than die or cease to function rationally before then.

In a sense, then, I am classifying real and imagined crime facing the older person on an equal critical survival level with food. And I will illustrate later in my testimony one such case where, thank God, an aged woman was able to survive the horrors and can now think of other needs just above the survival index, such as medicines and doctors' visits which she gave up when faced with fear.

You have asked me to talk about crime against our elder citizens living in public housing. I will do so by presenting various cases to illustrate the nature of the crimes in the cities of Hartford, Conn., where I did an exploratory study when I was Chairman of the City Commission on Aging; in Baltimore, Md., and Lowell, Mass., where I now work and in Boston where my Regional Office is located.

I have some witnesses who are residents of the housing projects in Baltimore and Boston who will explain the feelings of those people suffering from criminal attacks in their communities.

And I will suggest some thoughts for correcting some of the security problems. This will be illustrated by some direct action rereported by my Boston witness, who, incidentally, is a representative of the Council of Elders.

If I may begin with a letter from a resident of one of the more infamous public housing projects in Hartford, Charter Oak Terrace, where criminal attacks are more frequent and considered a way of life, I believe it expresses in that tenant's words what many old people have indicated to me and others in a variety of restricted communications and fear-filled explanations. I will further illustrate with news stories other crimes that typify those committed more frequently than the public is aware of. I have submitted a collection of such news articles to this Subcommittee for its perusal.

This woman wrote, "I hope you will not think me presumptuous for writing you. I was happy to know somebody was trying to do something; I have been hoping to see somebody come to investigate, but finally I decided perhaps we have been overlook.

"Now I do not want any publicity, that is what you said. I am a woman 68 years old and my husband 67. Two months ago he had his third stroke, leaving him with his right arm and hand useless, his right leg crippled. He can get around but with difficulty.

"I live in Charter Oak Terrace. My apartment is on two floors. My husband has to go up and downstairs. He has to come down backwards and has fallen twice, not seriously. I have lived here six years. There never has been one drop of paint since I moved in here. The roof leaked for six months. Finally the ceiling fell down at least a 2-foot square piece. It is in the same shape as it was over a month ago. The Housing did fix a part of the roof after that. The paint is chipped and falling off throughout the house. Some of the windows are broken. The Housing fixed the worst ones.

"Last summer kids threw rocks, bottles and cans through my doors and windows. My screen doors are here to show the affects. Across the street from me, the large boy shot BBs at my kitchen window time after time. I called police several times. They said they could do nothing. One policeman finally went over there and took the gun away. Since then every chance the kids get, they bombard the house with rocks. I won't call police anymore. It doesn't do any good. Police can't catch them. Just last night somebody, some kid, of course, threw a large chunk of ice at my door.

"If we did anything to any of these kids, I could see it in a way, but I never talk to anybody other than a couple of neighbors and my husband can scarcely walk. We both have bad hearts and to tell you the truth it is terrible.

"I want to move out of here. I am scared to death to live here. My daughter has tried to talk to different people about our getting into decent housing, but to no avail. Everybody tells me and her that we can't move.

"We cannot afford to move into a private house. All we receive is Social Security—my husband $123.40 and me $56.10.

"We have four rooms and need that many. I have a daughter in Norwich (an institution for those with mental problems). She comes home once a month for one or two weeks. My husband is a tuberculosis patient also, but of course is okay now. He had been in Cedarcrest twice. He has one lung and one kidney left from the TB.

"I have health problems too and everything combined is not what adds up to a very cheerful life.

"Now please don't think I am trying to give you a sob story. Everything I have told you is 'gospel truth' and you can verify it. I would not write if you had not promised it would be anonymous.

"Thank you for reading my long letter."

In a feature article in the September 13, 1970 Sunday Parade Magazine, the lead began, "In Boston not too long ago during a crime wave, scores of elderly residents of a housing project were mugged. This outrage became too much for Mrs. Gertrude Pratt, a chipper lady in her 70s who represented a senior citizens group—the Council of Elders. She sent a request to City Hall for an appointment to discuss the problem. She got no reply. So she sent a registered letter to City Hall which concluded:

"This is an election year. Would you like us to tell people that our Mayor doesn't want to listen to old citizens?"

That hit a raw nerve. City Hall phoned back immediately. A meeting was arranged with the mayor. And two days later foot patrolmen were assigned to the housing project during the dangerous hours of darkness."

Another recent headline and story in the Boston Herald read, "Mission Hill Elderly cite Robberies Terrorism—Guardsmen Urged to Protect Project.

"Anthony Ferd thinks the National Guard should be called to protect the elderly at the Mission Hill housing project in Roxbury.

"Without it, he figures, the muggings, robberies and terrorism will continue.

"The 68-year-old Ford says that in the three years he has lived at the project, he has watched it go from bad to worse as bands of young hoodlums roam the streets.

"He has been beaten and robbed three times and has had his Social Security checks stolen from his mailbox on several occasions.

"As a result, Ford, and most of his elderly neighbors are afraid to venture outside their apartments."

In a Hartford Courant December, 1969 story headlined "You Can't Have Flowers, Elderly Mourn, Recounting Terrors," it was said,

"Residents of the housing project at Charter Oak Terace had rejected increased police protection as an answer to crime and disorders in the project neighborhoods.

"A woman who circulated a petition signed by 116 of the elderly in the summer of 1968 said better police protection comes and goes capriciously in the project. 'Now I've given up fighting,' she said. 'It is always forgotten,' added her neighbor, also one of the 300 elderly at Charter Oak Terrace.

" 'Fear is much stronger at this time of the month because the young hoodlums know that the Social Security checks of the elderly arrive now and that they can rob them without much difficulty or fear of retribution,' she said.

"The woman told of a companion of theirs who was robbed last month, although she had taken the precaution of going to the bakery without her purse. And though it was about 10 a.m. on a Sunday morning, a youth cut off the pocket of her coat, scooped up the coins and fled, they said.

"Her neighbor told of trying to sit on a lawn chair outside during the summer months. The gangs will go by, she said, 'and if they see you've got something like a piece of candy, they grab it and run away.'

" 'You can't have flowers or they'll trample them,' her companion continued, 'And if they put a tree outside to look at, they cut it down.'

"Both of them agreed the troubles in Charter Oak Terrace are caused by youths of all races.

"The woman who has given up fighting recounted the experiences of a man who was robbed and beaten last month in his own apartment. The attackers threw eggs at him after he was beaten, she said 'Eggs are hard enough to get on our money,' she said. 'They don't care what they do.'

"And she added, 'Once you live here you stay here until you die. And everybody's afraid of their shadows around here.'

" 'Everybody's afraid to do anything at all,' she concluded."

Then the Hartford Courant said in an editorial: (See attached editorial).

Without fail, the crimes continued in Hartford despite the measures Hartford officials were able to take and in the Courant

June 10 of this year, this story appeared: (See attached article).

What brought about my investigations into criminal attacks and harrassment on the elderly late in 1969 and into 1970 and to this day I expressed in this letter I wrote the Mayor and City Council. (see attached letter).

That was not the end of Mrs. Wagner's story. She wrote me this month and I spoke to her this week in her new home in Gulfport, Fla.

She said in her letter: "I have received your letter and was surprised and glad to hear from you. As you see by this letter, I have left Hartford last April and moved to a little quiet town, because the situation for the elderly people was just getting unbearable in Hartford. This move was not easy for me leaving my family and friends behind me, but it was the only way to stay sane and forget the horrible experiences I had to go thru in Hartford.

"If there is anything I can do to help you in your fight for the elderly, I'll be more than willing. Thanking you again for your concern and kindness while I was in the hospital beaten up so badly."

Mrs. Wagner, who is now 71, located the retirement village in Florida where some Hartford friends had relocated. It also costs her the $65 a month she formerly paid in Hartford. She is in private housing. Although medicine costs are double Hartford's and health department facilities are negligible compared to Hartford, she has found a peace of mind she said that has rebuilt her strength.

"I will never come to Hartford again, even for a visit to my son and daughter and their families," She said. "I am more alert than most people my age and can care for myself. I've always been on my own. Even when you are desperate, you can do more than you think. I had to move with my son's help from Hartford before I lost my mind all together.

"What happened to me and others in Hartford in that Village, I can never forget. Many of those people are moving. One woman, she is Jewish, isn't being allowed to move out. I don't think that is right. How long can one suffer from those people flipping cigarette ashes in your face, pushing you into the streets, shoving you aside at a store counter . . . If I have peace of mind, I can do without food to get it."

Mrs. Wagner is very bitter racially, a prejudice, she did not suffer before the assault on her in Mary Mahoney Village. She noted that some blacks might be better people than she, but she is afraid of them and if any move into Gulfport, she will move again, this time to Austria where a friend of hers lives.

During the period when I was Chairman of the Hartford Commission on Aging, we began a study of both physical and social conditions among the elderly residing in public housing. It was then in my report which has been submitted to your Subcommittee, Mr. Chairman, that I said,

"Probably the most significant data that has been documented is the crime rate that singles out the elderly and is occurring at higher rates than the percentage of similar crimes against citizens in the City of Hartford. Fully 30 percent of the 211 surveyed reported crimes against them and their property.

"Of the people responding, 23 percent have had their apartments broken into. Thefts ranging from money to household furniture (including items worth more than $100) took place among 27 percent of the respondents. Of all the thefts, 38 percent took place during 1969, 24 percent of the individuals knew who committed the crimes and 70 percent of these had reported the burglaries and robberies to the police.

"Of the 190 persons who answered the question on assault upon their person, six per cent reported attacks, 45 per cent of these took place in 1969 (not including those occurring after this report's publication which included a rape and several assaults).

"The interviewers noted that a reluctance, even a fear, prevailed during several of the interviews. It appeared that in the crime area, the tenants might have feared reprisals regardless of the assurances of anonymity, therefore, some crimes may not have been reported to the interviewers and authorities.

"Of the 211 respondents, 65 persons (31 per cent) expressed a fear of neighbors, kids and others in the project. And 5 persons said they would move immediately if they could. Nine persons cited dogs as a major problem to them.

Lowell, Mass. does not have the severity of crime that the elderly suffer in the larger cities. I have submitted a survey of that city to this Subcommittee for its examination as I have a report on Baltimore, Md.

I do not wish to minimize the problems of harrassment and criminal attacks on the elderly in Lowell, but, I believe that city and Baltimore compare to the detailed findings the Hartford study revealed.

Baltimore only differed in that a number of murders had taken place such as two murder-rapes in the Lawrence Douglas project where entries were made through windows and the murder of a deaf and dumb man who was beaten and robbed in his apartment in the Gilmore project and then after his killing a few weeks later, his aged wife was robbed in the same apartment. Assaults, muggings and purse snatchings are commonplace in Baltimore.

The response to calls for help in both cities is slow, almost withheld in Lowell. But measures are being taken to correct the Lowell police response problem.

I would like you to hear about how some of the elderly feel about being subjected to and living constantly with criminal attacks. Miss Catherine Gant, who in her 60s works as a health aide in the project in which she resides in Baltimore, McCullough, is here to talk about those problems.

(Questions of Miss Gant.)

Before I speak about solutions, let me summarize the crimes that occur against aged people who live in poverty ghettos. There were the murders I spoke of in Baltimore, the rape of a 78-year-old Baltimore woman at 3 a.m. in her apartment and the many other rapes, burglary and house breaks such as the case of a 76-year-old Hartford woman who woke up at night to find a man in her livingroom, who grabbed a knife from a companion outside the window and fled when her son answered her shout to call the police, purse snatchings and assaults, check and mail thefts, tying up elevators in high-rise buildings, vandalism to windows, screens and doors for which the tenant must pay repairs if they cannot and will not identify the culprit, neighborhood fighting and rowdyism, window peeping, door knobs being tried all night long, lights kept on all night and even tenants staying up all night and sleeping during the daytime, spitting upon and speaking abusively to old people, running them down with bicycles, shooting BBs at them and many other indignities, harassments, shakedowns and attacks—all of this taking place in this nation would lead one to believe we have created or allowed to develop a chamber of horrors for these golden years of life where the worst of human nature can thrive. It is a means by which we allow the destruction by physical terror and mental paranoia our elderly poor.

So what are the solutions? Certainly retaliation with a superior police force is an answer, but not the best one nor the least costly.

In the Boston Globe it was reported this year, "Men who are convicted of knocking down and robbing elderly women will get no leniency from Superior Court Judge Wilfred J. Paquet.

"Following a Suffolk Superior Court jury verdict of guilty against Gary L. Boseman, 17, and John A. Hopkins, 22, both of Roxbury, Judge Paquet sentenced Boseman to eight years at Concord and Hopkins to nine to 15 years at Walpole.

"The word has to go out that these people who knock down and grab handbags from old ladies, whether in Roxbury or any other part of the city, will not get a chance to do it again by receiving a suspended sentence or probation, Judge Paquet said.

"Boseman and Hopkins were charged with taking a handbag containing 50 cents from Bertha Holland, 85, and knocking down her companion, Helen Bartlett, 74, last April 18. The two women, residents of the Elizabeth Carleton Home on Columbus Avenue, were walking near that home at the time."

In my opinion, that too is not a good solution because it too does not get at the core of the problem. It is becoming more of the reaction sought by public officials in keeping the peace temporarily, but not permanently.

Mr. Oliver Ifill, a resident of one of Boston's housing projects, as both a resident and a member of the Council of Elders, has dealt with some immediate solutions. I would like him to compare very briefly the crime there to that I spoke of in Hartford, Lowell and Baltimore. And then I would like him to speak about a couple of the solutions his group was able to effect. After his comments, I will present a few more thoughts for your consideration.

(Mr. Ifill's testimony.)

Some solutions have been suggested. Let me suggest other ideas. We are talking about crime in complex terms when we speak about one or a group of individuals committing brutality upon another. We are simplifying our focus slightly when we narrow the area of crimes to federally assisted housing project environs where the elderly aged poor are clustered. The objective we seek simply stated is to reduce criminal attacks on poor old people living in public housing.

We have data showing the range of crimes committed, when, where, how and against whom. We are aware the solutions must be both immediate and long-term if we are to effect a reduction more permanently.

Therefore, these ideas come to mind for lessening crime. We need eyes and instantaneous communications to harass the would-be criminal. We need obstacles to create great difficulties for him in getting at old people. We need swift police response to effect captures. We need self-protection devices or education for the old person to prevent harm being inflicted upon him and his loss of property. We need attitudes and motives developed among susceptible young people and irresponsible adults that will change their anti-social behavior to socially productive and concerned roles.

There are immediate and long-range goals stated among that listing.

In the eyes arena I am talking about people and electronic devices. These include teen patrols, scout or other types of escort trips when Social Security checks arrive, adopt a grandparent, telephone reassurance, church and synagogue visitations and services, group feeding to lessen grocery store trips or group buying at better discounts with stores delivering to a central project distribution point, neighborhood grade school holiday entertainment, housing security patrols, burglar photo-electric beams, wired window panes and doors, one-way glass in doors, central alarm buzzer systems, mass housing unit electronic alarms connected through police dispatchers instantaneously to neighborhood police patrol units (such as Lowell, Mass. is developing in model cities), refined police surveillance mobile units (although this breeds a "big brother" feeling like Hoboken, N.J.'s television cameras mounted at high-crime street corners).

When I talk about other obstacles, I speak about such construction materials as unbreakable glass, fiberglass or plastics; vandal-proof screens, sliding outer doors and electronic locks; limited access to buildings containing older people; non-hallway buildings with bright, abscessed vandal-proof lights; projects apart from multi-family projects for elderly only (as Baltimore is phasing elderly into and Lowell is phasing families out of); better situated projects with more thought and federal requirements for neighborhood selection, possibly regional projects surrounding a core city with each project broken into small clusters among more middleclass "safe" neighborhoods; no more basement utilities for laundry, etc., but placed on each floor; elevators with constant television monitors or photo camera for identification of troublemakers; various protective project fencing and outside lighting, and cheaper modular construction techniques so security costs can be included to keep unit prices at present federal standards.

Other police response besides those I noted in the eyes section could include a special project patrol either on scooters or on foot with sophisticated individual surveillance devices. Even the consideration of legislating that some crimes taking place within federally funded projects are a federal crime or a crime requiring joint police jurisdiction such as local, state and/or federal.

Self-protection devices for the elderly now range from small purse alarms to tear gas weapons. Most devices are more self-assuring than they are protective short of the "kill" weapons which would be most dangerous in the hands of any citizen.

Perhaps the marking in obscure places of property in the apartment unit for later identification such as is done in Boston, other personal property with markings so that police can identify such goods if these appear in local pawn shops or other outlets may be a preventive step. Going to stores alone during near darkness hours and the securing of the apartment property need to be stressed among the elderly. It may be housing authorities need Congressional direction or federal regulations to set aside a portion of their budgets to purchase social and protective services from such community service agencies.

But the root of crime remains the most important issue to attack. The alienation that is growing more widespread among youngsters and parents and parental nonconcern has much to do with crime reduction. There are programs being tested in a number of communities that need examination and adoption on a wider scale. Several are directed at getting the youth involved again in his community. Others are helping put the old and the young together in productive relationships.

Ideas that stretch past the point of present public acceptability might be tested. Such a test could be directed at the sex criminal now housed in various institutions in this nation. On a volunteer basis, he might be tested to determine his present violent sexual reactions toward the old person and the youngster. Then he might be fed a diet of pornographic materials and his reactions tested again for violence severity.

Somehow there must be more immediate answers to stopping the sex criminal than by waiting to catch each one after an attack occurs or filling institutions with them. I am suggesting in order to stop violence of this kind against the old and the young, other avenues must be traveled besides limited psychiatric therapy.

I also submit that an elder tenant or advocate should be a required member on a housing authority board of commissioners. And I would suggest that ombudsmen be considered for the elderly within cities. Such a position can be approved by the mayor and city elected officials and funded federally with administration left to appropriate units in a state university.

Many other ways of reducing crime against the elderly can be conceived. All must be tested. Those now in existence that appear successful and those programs and social conditions of foreign nations where crime against the older person is almost negligible, need to be examined and listed for expansion and/or application in this nation.

Without a good planning and coordination approach based on vigorous input from old people, especially in the areas where Congress creates legislative direction and funding for units of the federal government to contract, operate, or delegate programs, services, planning and coordination, construction and other activities, the risk of piecemeal action and fragmentation will remain high. And it is the aged victim of crime who continues to be exposed to the chambers of horror he now lives in.

If Congress is going to move on crime against old people and the many other related problems of our aged citizens, then it will have to do so on a large scale. We hope that you will move against the problems quickly, with commitment and the necessary funding required to get the job done.

[From the New York Times, Nov. 10, 1971]

Center for Elderly Robbed a Third Time Here in Three Weeks

"We're just miserable," Frances King, director of the Sirovich Senior Center, said yesterday.

On Monday night, for the third time since the weekend of Oct. 24, the center, in a five-story building at 203 Second Avenue, between 12th and 13th Streets, was broken into and looted. This time the thieves took a camera and darkroom furnishings, including lenses, lamps and an enlarger—the third enlarger to be stolen in recent weeks. Also taken was a tape recorder, given by a benefactor after the first two burglaries.

In all, according to Miss King, burglars have taken about $8,000 worth of goods from the center, including many of the musical instruments used by its orchestra, which performs at nursing homes and hospitals.

The center serves about 600 people between the ages of 60 and 98.

Among the items stolen during burglaries on the weekend of Oct. 24 and on Oct. 27, according to Miss King, were cameras and lenses, slide and motion-picture projectors, typewriters, adding and sewing machines, a lectern, fans, tape recorders, silverware, scissors, $100 in cash from a safe and gifts to be distributed to members at Christmas.

Aside from some office equipment, Miss King said, the goods were uninsured. She said that the police were investigating the burglaries and had been very cooperative with the center, which is operated by the city's Department of Social Services in cooperation with the William I. Sirovich Memorial Association.

Despite the thefts, Miss King said, many of the center's activities, such as language classes and current events programs, go on.

"The glee club continues to sing," she said. "They couldn't take their voices away."

Slaying Spurs a Rise in Queens Housing Patrols

(By John Darton)

The city and Housing Authority police increased their patrols in a moderate-income housing project in Far Rockaway, Queens, yesterday following the death of an 80-year-old woman who was mugged near her building Monday morning and died that night.

The police said the victim, Mrs. Dora Zabrowsky, had been attacked by a teen-ager on a walkway near her building, at 54–41 Almeda Avenue, in the mammoth Edgemere Houses project.

The assailant punched her in the face and grabbed her black pocketbook, containing about $5 and a Social Security card, as she slumped to the ground. He fled down Almeda Avenue and has not been apprehended.

The mugging occurred at about 11 A.M. At 10:40 P.M. the police in the Far Rockaway precinct received word from Peninsula Hospital that Mrs. Zabrowsky, who suffered a fractured pelvis, broken left arm and a fractured jaw, had died.

According to the police, no witnesses to the murder have come forward. But on the basis of a description furnished by the victim they are searching for a youth about 14 years of age.

FEAR RESULTS

The killing of an elderly neighbor, has filled the residents of Edgemere Houses with terror. Some have told the police that they were afraid to leave their apartments.

Lately the 24-building complex, bordered by a large park and a neighboring project almost equal in size, has become a stalking ground for muggers. Particular targets are the elderly residents, who make up about one-third of the more than 1,400 people living there.

The muggers, some say, are mostly teenage boys who frequently accost their victims in vestibules or elevators.

"Who cares for the elderly people?" said one tenant. "Nobody cares. When you go out of your apartment, you thank God when you come back."

In recognition of the fears, a spokesman for the Housing Authority police said eight men had been added to the two or three normally on duty at Edgemere Houses. The city police said an extra force of 12 patrolmen and two sergeants also had been assigned there.

Mrs. Zabrowsky was said by the police to have lived in Edgemere Houses with her husband, Philip, for about seven years.

WHICH WAY, AMERICA?

Mr. BROOKE. Mr. President, last spring the National Urban League lost a great leader in the tragic and untimely death of Whitney M. Young, Jr.

Speaking only a few months after Whitney Young's death, the then acting executive director, Harold R. Sims, told the 1971 Urban League Conference that Whitney Young's policies would be continued. The Urban League has always been concerned with problems of poverty and jobs, health and education, crime and environment. The challenge which it has offered, and which it continues to offer, is to call to all Americans to join in combating these afflictions.

I believe that Mr. Sims' point of view is one which is shared by millions of Americans, and which therefore must be heard. On one point in particular I think we must all agree: on the eve of the 200th anniversary of the founding of this Nation, we need a new declaration of interdependence. We are one Nation. We are interdependent. And we will solve our problems only insofar as we recognize this fact.

Mr. President, I ask unanimous consent that the complete text of this important speech by Harold R. Sims be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

WHICH WAY, AMERICA?

(Keynote Address by Harold R. Sims, Acting Executive Director, National Urban League, at the 1971 National Urban League Conference)

This 61st Annual Conference of the National Urban League opens under the long, deep shadows of a loss so profound, a voidcreation so great, that it defies reason, understanding and faith—the untimely and tragic death of our leader, colleague and friend—Brother Whitney Moore Young, Jr.

Whitney, the humanist, statesman, confidant of Presidents, yet, champion of youth, justice, and the poor; the giver of power, voice and hope and the fighter for equality of results; the greatest ambassador to all the racial, warring camps of our time—the bold leader, who built bridges between the races and unity among black people is no longer with us in the physical presence of this hour and in the imagery of our every day.

W. E. B. DuBois has written that "Throughout history, the powers of single black men flash here and there like falling stars, and die sometimes before the world has rightly gauged their brightness." The powers of Whitney Young blazed across the American firmament for a brief decade of national leadership—a shining star of inspiration—a black prince whose temporal existence was untimely ended, but whose work and meaning will live on so long as there are men who can dream and people who value justice and decency.

And so, in a very real sense, we meet not under the shadows of death, but in the bright sunshine of his life and the legacy he bequeathed us. He lives on through our deeds and commitment. He lives on through the voice, hope and power he gave to those who were voiceless, hopeless and powerless.

The spirit of Whitney Young is alive and well;
We only laid to rest his earthly shell;
His movement is marching on!

This great man dreamed bold dreams and charted the great voyage of spirit and hope that this society must take. His dreams are our dreams. His program is the Urban League's program. His hopes are our hopes. His cause is the Urban League's cause. Our identification with his life's work is total and complete, and our commitment to bringing it to fruition is all-encompassing.

He believed in an *open society; a* society founded not in narrow separatism nor in the cultural suicide of assimilation, but rather a society founded on mutual respect, cooperation and pluralistic group self-consciousness and pride, in which black people have their fair share of the power, the wealth and the comforts of the total society. *Towards this we still strive.*

He called for a Domestic Marshall Plan; a massive public-private effort on the scale of that taken by this nation to rebuild the ruined remnants of post-World War II Europe; an undertaking that led to booming economies; full employment and new housing in the cities of our former enemies, while black veterans who fought in that war endured poverty, joblessness and slums at home. It was Whitney's idea for this nation to do at home what it so willingly did abroad. He called for a massive reordering of national priorities so that the poor and non-white minorities would receive the resources and national commitment to make America's age-old promise of equality and decent living standards, come true for all, and not just for a majority, whose composition is determined by wealth and skin color. He wanted specific goals and timetables set for reaching those goals. He wanted for Americans what this nation helped other people to achieve. *Towards this, we still go forward.*

He was the first to realize that it's not enough to talk about equal opportunities; there must be equal results. Equality is a sham if it does not mean that black people share equally in all aspects of society's rewards. His measure was that equality will have been reached when there are proportionately as many blacks as whites who succeed and who fail. *Towards achieving this condition, we still strive.*

He transcended the provincialism of "doing your own thing" in a vacuum; he refused to accept the limits of the microcosm of the minority community alone. He knew that we must transcend the boundaries imposed upon us, and forge solid unity within the black community and go forward from there to build action coalitions with other minorities and with all poor people. And from that base of shared interests and common power, to negotiate with the Establishment and build coalitions around issues that would bring power and equality to America's oppressed masses, finally bringing us truly together as a nation founded on equality and justice. *Towards this, we are committed.*

He believed in building strong black organizations and strong, black-led interracial coalitions which we, as a movement, exemplify.

Whitney's legacy is a dynamic, revitalized League, and this movement's achievements since his tragic death, amply demonstrate his unique and unprecedented achievement of building the strongest human rights organization in the history of the nation.

For the first time in our 61 years, we lost a leader in office—not just a leader, but the most effective spokesman of the poor and champion of black people in the country. His warmth and his humanity had suffused the movement. It was not just organizational pain we felt, but it was personal grief and anguish, as well. And it came at a time of great national crisis and organizational challenges.

Any other organization may have faltered and stumbled blindly, splitting apart in despair, in shallowness, and opportunism. Any other organization may have simply marked time, holding the fort and sat still waiting, . . . waiting, . . . waiting. But for the Urban League, at a time when the sufferings of black people and poor people are increasing we could not sit tight. At a time when the challenges facing the agency and the total society were mounting to unprecedented proportions, we could not mark time. At a moment when Whitney had been taken from us, his organization, his followers, his disciples who walked in his footsteps and who sharpened their skills to serve him, could not betray his legacy and the meaning of his life.

That could never be true of this agency and its freedom-fighters. Instead, these past 137 days have been covered with the glory of achievement and with the restless, energetic momentum of a united, determined movement—61 years in the struggle—out to exceed its previous grasp, and to carry its work forward to a new plateau of excellence.

This, we have done.

First, we met the enormous demands of the tragic interment, with a dignity and with a professionalism that served his memory well. Our respect and dedication remained in those difficult days that followed, as we worked to smooth the path for Whitney's treasured family, preserving their memorial options, and absolutely refusing to exploit his name or his memory.

Once we had done that, we promptly moved to assure a confused public that the Urban League was still in business, and Whitney's agenda was still in vogue. We spoke out forcefully on the issues and provided leadership in the nationwide campaign to create jobs and called attention to the plight of black workers who are experiencing depression unemployment in a trillion-dollar economy.

We continued through our programs to serve students, workers, welfare mothers, veterans, the unemployed . . . all of America's hungry and dispossessed. These Urban League programs continued to have results to the general society far out of proportion to their limited costs. Our Labor Affairs program places apprentices and journeymen, and every dollar spent on it generates $15 in benefits. The cost of each apprentice is almost equal to the taxes he pays in his first year of work. Every dollar spent on the On-the-Job training program yields society $13; every dollar spent on our Veterans Affairs program multiplies by more than ten in its impact on society. These programs and our many others put green power into black hands and have a tremendous impact on making this a better country for all.

And we did more than keep the Urban League machine humming at full capacity—we expanded into new areas of concern, in response to the new challenges of these terrible times.

A major study of the creeping cancer of housing abandonment was published by the Urban League, focusing national attention on the way cities are dying today. Unnoticed and unsung by the complacent majority. Our documentation of the death agonies of urban housing is a call to action that provides a testing ground of whether we will remain a great nation or whether this society's values and its meaning will like its housing for the poor, be abandoned, desolate and rubble-strewn.

The Urban League Research Department, in concert with 53 of our affiliates, came up with a penetrating documentation of the employment crisis in black America that resulted in our call for the immediate designation of 53 cities as employment disaster areas. At this conference, we will also set forth a major statement on the strengths of the black family, on the nation's Census and on the perils of the situation facing the black aged—action research that we hope will lead to new paths for the League and for the nation.

We successfully met the challenge of financing our operations at a time of red ink and national recession. The League has implemented internal management strategies that make us by far the most efficient public or private agency in the field of human resources.

We became the first of our kind to initiate major programs in correctional system reform, new town development and construction and master planning for long-term results in meeting human needs.

And we have moved our program of effective partnership further ahead, employing the hard-earned nickels and dimes of black tax money for the benefit of black people. Shortly before his death, Whitney went to the White House and pointed out the irony and futility of federal spending to bail out private corporations with public money; the tragedy of disproportionate concern over physical resources while human resources were neglected.

Out of that meeting came a commitment to involve black-run community organizations in the implementation and evaluation of federal programs, and the Urban League has taken the lead in insuring that black people will benefit from the otherwise dormant dollars that could be the levers of change.

They represent an unprecedented return on the investment of private individuals, organizations and foundations in the Urban League over the last 61 years—a private investment which we know will not only be sustained but increased.

Some of these new commitments will enable us to expand our job training, health, and veterans programs. Some will result in demonstration projects that will innovate in new areas, such as the establishment of comprehensive centers in urban and rural areas.

Others will involve the first black evaluation of federal programs, and still others will set the stage for major reforms in employment practices and in the system of criminal justice that discriminatees against black people.

And we moved ahead on our total programming thrust that involved Urban Leaguers—on their own time—in changing their professions and the institutions they come in contact with. And on our total organizational strategy aimed at involving Urban Leaguers in every professional ethnic and human rights organization important to the success of our program and our objectives.

We did these things because we had to; because the plight of black people is still profane and sacred, withdrawn and extroverted, overstudied and undermet; because we were determined not to sit still but to move forward.

For this is a bad year for blacks, browns, reds and the poor. Poverty for the first time in decades is on the rise. Over a million people are now counted among the long term unemployed. Black unemployment, especially teen-agers, exceeds depression level averages in the core areas of major cities, and approaches ten percent overall. *Environmental deterioration continues. Access to quality health care lessens. Consumer protection is largely rhetoric. Housing starts are paltry and inaccessible to most blacks and lower income citizens. Career oriented jobs, where created, tend to be in suburban areas. Crime, dope and unrest run rampant. Cities teeter on the edge of bankruptcy.* Here in Detroit, as in many other big cities, public jobs go unfilled for lack of funds, while unemployment hits nearly one out of every six families.

Veterans return in increasing numbers from the slaughter of a war nobody wants and everybody hates. Trained to destroy, ill-cared for and job denied, they find that their blood has been spilled in vain, that jobs are closed to them and that the barred streets are their reward for heroism in battle, sacrifice in war.

This city offers us the story of one such black GI, one man who was called a hero one day, and tragically killed, a victim of his environment, the next. His name was Dwight Johnson, and he grew up in a project in Corktown. He was an altar boy and an Explorer Scout. He overcame the grinding poverty and frustration of black ghetto life. He was called to the army and went to Vietnam. Sergeant Johnson served his country as he was told to; he became a hero, the winner of a Congressional Medal of Honor, the highest award a man can win. He went to the White House and received it from the President. He was also honored right here in Cobo Hall, at a massive dinner at which the Army Chief of Staff spoke. But the horrors of war pursued him. His sleep and his dreams were red with the blood he had seen spilled. And he was haunted by his memories and his uncertain future. The debts piled up, and the pressures on a black man from the ghetto mounted.

Dwight Johnson was killed in a grocery store the police said he had tried to hold up, but the real truth may have been that, as his mother was quoted in the newspapers, "Sometimes I wonder if he was tired of life and needed someone else to pull the trigger."

The tragic death of an American hero is not only a Detroit story; it is an American story; it's a black story of hope shattered against the rocks of adversity and of a fellow human being whose potential was warped in a manipulative, callous society. There are hundreds of thousands of Dwight Johnsons, and it is our solemn responsibility to change this society so that it cannot do to them what it did to him.

He stands as a symbol of how this society relentlessly crushes the aspirations of black people and other minorities. His story, and the challenges non-white people face today, places a great responsibility on the Urban League movement at this Conference.

Our task then is reflected in what the Black Coalition of Waterbury, Connecticut wrote me days after Whitney's tragic death.

"First," they wrote, "we think you should tell the politicians that kind words for the dead are not enough, that verbal commitment to black dreams is not enough, and that a wreath on the grave of a dead black man is not the same as a loaf of bread on the table of his live brother. We don't need the white man to teach us how to grieve for our dead. We have had plenty of practice.

"Second, we think you ought to make it clear to the black community that the struggle has not been won just because the President comes to our funerals. When he comes to our births, to our weddings, to our graduations, when he starts to share our life, not just our death, then we may be able to say things are changing.

"That has not happened yet. You can make it happen. Let us get on with the living; we have had enough of the dying."

And so we are asking at this assembly, this week, "Which way, America?" Which way, business? Which way, Labor? Which way, church? Which way, school? Which way, government? Which way, citizens? Which way, reds, blacks, yellows, whites and browns? Which way, Americans—together up or apart down? Will we continue down the road to separatism, conflict, hate, war, extinction, resegregation and repression? Or will we turn and head up the road to real togetherness, harmony, peace, love, survival, racial pluralism, liberty and justice? Will we put away our race prejudice or simply put the old hates in a new bottle? Will we banish the idea that one economic class must rule over another or will we sustain an unethical aristocracy? Will we accept the responsibilities and sown seeds of our realities, or will we continue to blame the victim and reap the harvest of fools?

We say that history, fact and vested interest leave us only one direction to travel—towards the free society we've died and suffered to attain—and that way is the way which requires us to demonstrate by example and through sharing—that the rights of the least or less privileged of our citizens are as worthy of the same protection as are those of our highest—that the principles of truth, justice and humanity cannot be reserved for rich folks and white folks only.

One way for America to go in mapping out this progressive and constructive route is to create partnerships for effective action in human development and use; partnerships among creditable and committed public and private sources in the interest of human resources and systems change; partnerships between decent, concerned people of all races in all our places, of all beliefs in all our kingdoms, of all faces and needs within a framework of result-oriented militancy which seeks to make life, liberty and happiness pursuits for all. Partnerships between groups with similar interest and like purposes; partnership for results beyond racism and philosophy.

The important thing in such partnerships or coalitions we think, is to be tough-minded and flexible enough to coalesce around the issues with those with whom you will not always agree. We must also in partnership-building, never lose sight of our goals and clearly separate in our minds and our rhetoric, tactics from strategy. There is a non-white agenda that we've got to pursue, a blueprint for building black, brown, red, yellow and poor folk power and equality within a framework of pluralism, and the test of our coalition or partnership tactics must be integrity and bulldog tenacity of our pursuit towards ultimate goals.

For the present system of applying patent medicines to society's open, bleeding wounds must be replaced by a bi-partisan, public-private commitment to meet society's unmet human priorities with a massive infusion of funds, brains and effort that will get at the root causes of America's urban and rural disintegration.

It is the work of this conference to find ways to help us mount strategies for the seventies to help us do this so that under the new leadership of our exceptionally able and experienced Executive-Director-Elect, Vernon E. Jordan, Jr., a trusted colleague and friend, we can move the Urban League movement into a new era of power and leadership in America.

My father always observed that, in the history of mankind, the nations that grew and prospered always acted in time. Arnold Toynbee proved that 26 great civilizations did not act in time and died internally from decay and rot. The seconds are ticking fast for America too, and the time is now. Rhetoric won't help; neither will promises of tomorrows. The tensions that threaten to split us apart—tensions between black and white, young and old, male and female, suburb and city—man and his machines—are all mounting and the clock keeps ticking—ticking with nuclear power and rocket speed. Now is the time; now is the moment for action and for courage.

Now is the time to expose the cancer of hate and deception that eats at the heart of this nation. For this is a country that tells black people who provided slave labor for 250 years and who, throughout its history have done the hardest, dirtiest and most back-breaking of America's tasks, that they are lazy. This is a nation that runs schools that teach Indian children that Columbus discovered America. This is a country that proclaims "all men are created equal" and then relegates every ninth citizen to the bottom rung of the ladder because his skin is black.

Now is the time for this country to face up to the hell it has created for its own people—not to mention those in distant lands—and to act with honor and dignity as befits a nation with pretensions to power, leadership and morality.

Now is the time for this Administration and this country to push forward on a humane, massive, nonpartisan program to end poverty want, racial tensions, and urban and rural decay; to create a meaningful, well-paid job for every adult who can and will work; to build the houses for every family now lacking decent shelter; to create the schools and careers for every child in the land; to provide the health security that will leave no one uncared for and to create the framework of that society which every citizen can truly say is just and good.

Now is the time to move beyond racism, beyond petty prejudice, beyond the stifling confines of a system based on exploitation and suspicion. Time to move beyond civil rights to human rights!

And now is the time for the Urban League to fulfill its broad, noble goal set forth last year, to build a lasting unity among black people; a unity that spans the generation gaps and ideological gaps; a unity that focuses on the *many* things that we share rather than on the *few* things that divide us. For there is a brotherhood in blackness, in oppression, and in poverty that is the foundation stone of our coming strength and power.

And it is now time to start moving beyond the program of black unity to build a new unity among America's oppressed minorities—black, brown, yellow, red, and the millions upon millions of poor and exploited people who are white—to build an example of the United Nations Charter in action among ourselves so that we might really influence, through that example, the results of the one located within poor borders in New York City.

The shifting sands of current conditions and short-term tactics must not sway us from pursuing our ultimate goal of a pluralistic, open society with integrity, leadership and tenacity.

And now is the time for America to say to its black people, indeed to all its non-white minorities, what Whitney Young persistently said it must say; that "We believe in you, as you have believed in us through centuries of degradation and horror. Your faith has been betrayed in the past, but we, white America, now recognize that we are one people with a common destiny, and the fate of the man highest will be that of the man farthest down."

America must and should say this because it tolerated slavery for the few, and paid for it with the graves of many. It tolerated racism and segregation and is paying for it now in racial strife and mistrust. It tolerated organized crime and drug addiction that victimized black people, and is now paying for it in heroin in white suburban schools. It tolerated poverty and urban decay and is now paying for it in a wrecked economy and in a decline of its cities. It tolerated racism at home and now pays for it in suspicion by good Third World nations abroad. Truly, as Frederick Douglass said, "Crime, allowed to go unpunished, unresisted and unarrested, will breed crime." The crimes of the past and the present may yet kill this country's future. It is reaping that which it hath sown.

But descent to oblivion, like ascent to glory, is reversible. The tide can be turned if this nation will but steel itself to the effort.

Now is the time for the United States of America, on the eve of the 200th Anniversary of its Declaration of Independence, to come forth with a Declaration of Interdependence—a declaration of unity that recognizes health, pluralistic diversity, a declaration that the needs of some must be the needs of all, an affirmation that 200 years late, the American dream will be the American reality; a Declaration of Interdependence (declaring, that all Americans will be free to work out our common destiny without the hate and the racism and the economic deprivation that have kept us chained to the ground, when we should be on the launching pad of greatness.

So. Which way, America? In the words of Blake, "He whose face gives no light will never become a star. The busy bee has no time for sorrow. What is now proved was once only imagined. When thou seest an eagle, thou seest a portion of Genius; lift up thy head."

Which way, America? Can we lift up our heads to the American eagle? Will it take our hopes and dreams and fly to freedom? Or will it, burdened by inequities and bigotry, fall down from the skies in which it hoped to soar?

For our sakes, for our children's sakes, for the sake of all mankind, let it soar high and bold, let it take Whitney Young's challenge and his program and with wings like that, it must span the heavens with that glory that only goodness and integrity command! So that the summary of Whitney's life, our life, America's life will not be a long foolish day's journey into night, but rather a long wise night's journey into day. In that way our deeds can become Whitneys legacy and his time our future.

PROPOSED LEASE OF LAND AT HANFORD

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD correspondence forwarded to the Joint Committee on Atomic Energy by the Atomic Energy Commission concerning a proposed lease of land in the Commission's Hanford project near Richland, Wash.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

ATOMIC ENERGY COMMISSION,
Washington, D.C., Nov. 3, 1971.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: The Atomic Energy Commission proposes to lease certain land located in the Commission's Hanford project near Richland, Washington, to the Washington Public Power Supply System for the purpose of constructing and operating Hanford No. 2, a light water nuclear electric generating station having a design capacity of 1,100 MW. This land would be leased under the authority of Section 120 of the Atomic Energy Community Act of 1955, as amended, and Title 43 USCA 931–c.

Section 120 of the Community Act provides that the Commission may lease land on the Commission's Hanford project upon a determination by the Commission that such disposition will serve to prevent or reduce the adverse economic impact of actual or anticipated reductions in the Commission's programs in the area and that compensation to the Government for any such disposition shall be the estimated fair market value or estimated fair rental value of the property as determined by the Commission. 43 USCA 931–c authorizes the Commission to grant leases to states, municipal corporations or other public agencies to construct on public domain lands under its jurisdiction public buildings or public works.

Section 120 of the Community Act provides that before any disposition of property the basis for the proposed disposition (with necessary background and explanatory data) shall be submitted to the Joint Committee on Atomic Energy. Accordingly, enclosed are the Commission's determinations (Appendix "A"), and the basis of the arrangements for the proposed disposition (Appendix "B"). The proposed lease is included as Appendix "C." Appendix "D" is a copy of a letter dated September 29, 1971 from J. J. Stein, Managing Director of the Washington Public Power Supply System, forwarding a resolution of the WPPSS Board of Directors approving the proposed leasing arrangements.

We will be pleased to provide any supplemental information the Joint Committee on Atomic Energy may wish.

Sincerely,

R. E. HOLLINGSWORTH,
General Manager.

Enclosures: Appendices "A". "B".

(Appendix "A")

FINDINGS AND DETERMINATIONS

Pursuant to the Atomic Energy Community Act of 1955, as amended, Section 120, and Title 43 USCA 931–c, the following Findings and Determinations are made.

FINDINGS

1. Since 1964, the Atomic Energy Commission has engaged in the cutback of the production facilities at Richland, Washington. The latest reductions involved the shutdown of the KE reactor and other programmatic cutbacks and adjustments. At the end of Calendar Year 1970, Hanford operations and service contractors employed more than 6,300 people. As a result of the latest reactor shutdown and other reductions, employment by these contractors was approximately 5,300 on August 31, 1971. This total will be further reduced to about 5,150 by June 30, 1972 because of additional reductions in reactor operations and support services.

2. The construction by the Washington Public Power Supply System of the proposed nuclear electric generating plant will result in a construction employment at a peak of about 800 people, construction wages will approximate $55 million, with secondary wages in the community of approximately $5 million.

3. The normal operating crew for this plant in continuous operation in 1977 will be between 85 and 100 employees.

4. The Richland economy is still primarily dependent upon AEC employment and maintaining a viable community there is important because of continuing AEC programs.

5. The Corps of Engineers, U.S. Army, conducted in January 1971, a real estate study of several sites on the Hanford reservation which were then under consideration by the Washington Public Power Supply System as potential construction sites. The proposed site was one of those surveyed.

6. On the basis of the study, the Corps of Engineers recommended that a part of the land to be leased be valued at $150 per acre and the remainder at $100 per acre.

7. Based on a reasonable return on investment the Corps of Engineers concluded that an estimated fair rental value of the $150 per acre land is $10.50 per year and the $100 per acre land is $7.00.

8. The parties have agreed that the annual rental of the plant site for the first five-year period will be $3,976 per annum and $7,952 per annum for the remainder of the term of the lease; provided, that after the initial ten-year period and at subsequent intervals of five years or more, the annual rental is subject to revision by the Commission.

DETERMINATIONS

I hereby determine that:

a. Lease of 728 acres of Government-owned land under Section 120 to the Washington Public Power System for the purposes of construction, operation, maintenance and use of a nuclear electric generating plant will serve to prevent or reduce the economic impact of actual or anticipated reductions in the Commission's programs at Richland, Washington.

b. Lease of 358 acres of Government-owned land under Title 43 USCA, Section 931–c, for the purposes stated in *a.* above will be to a municipal corporation for constructing and maintaining public buildings and performing public works.

c. The compensation to the Federal Government under the proposed arrangements between the United States Atomic Energy Commission and the Washington Public Power Supply System represents fair rental value as required by Section 120 of the Atomic Energy Community Act of 1955, as amended, and fair market value as required by Title 43 USCA 931–c.

R. E. HOLLINGSWORTH,
General Manager.

Dated: Nov. 3, 1971.

(Appendix "B")

BASIS FOR DISPOSITION—BACKGROUND AND EXPLANATORY DATA

OBJECTIVE

The objective of this proposed arrangement is to reduce the economic impact of recent reductions in the Atomic Energy Commission's programs at Richland, Washington, by leasing to the Washington Public Power Supply System (WPPSS) certain real property located in the Commission's Hanford project so that WPPSS may construct a light water nuclear electric generating plant having a nameplate rating of approximately 1,100 MW.

PARTIES

The Atomic Energy Commission and the Washington Public Power Supply System, Kennewick, Washington, a municipal corporation, joint operating agency and publicly owned utility, organized under the laws of the State of Washington, and composed of 17 public utility districts.

OPERATING ARRANGEMENTS

The plant will be constructed and operated by the Supply System in accordance with an agreement between the Supply System and the Bonneville Power Administration. The plant capability will be purchased under agreements between the Supply System, Bonneville and 95 statutory preference customers of Bonneville, nine of which initially will purchase a zero share. Under the Net Billing Agreements, each participant will assign its share of the plant capability to Bonneville. Payments by the participants to the Supply System will be credited against the billings made by Bonneville to the participants for power and certain services. The output of the plant will be added to the other power resources of Bonneville.

POWER PLANT DESCRIPTION

The plant proposed by WPPSS would be in the range of 1,100 MW in design capacity and will utilize a boiling water type reactor. The project proposes to use a cooling tower system. The plant would cost approximately $400 million and is scheduled to come on the line in 1977. It would be number four in a series of seven thermal plants which have been approved by the Joint Planning Council for the Pacific Northwest. The plant was originally scheduled to be constructed at Roosevelt Beach in Grays Harbor County, Washington, but as a result of the four-year moratorium on the plant scheduled for Eugene, Oregon, the WPPSS plant was rescheduled to come on the line a year earlier. To meet the deadline, the plant site was shifted to Hanford to speed the certification and licensing processes because the Hanford site characteristics were well known.

SITE DESCRIPTION

The site selected by the Supply System is shown on the attached maps, (Exhibit 1). The location is approximately six miles north of the 300 Area. The nuclear electric generating plant and related facilities will be located in Section 5. The pump station will be located on the river frontage in Section 2. The plant and pump site will be connected by a corridor across Sections 3 and 4, approximately two miles long and 1,000 feet wide for roads, utilities and similar facilities. Total acreage of the site is 1,086 acres. Sections 3 and 5 are acquired lands, and Sections 2 and 4 are public domain. Actual use of the site for a nuclear electric generating plant is contingent upon the Supply System being able to establish that the site is licensable and meets other safety, programmatic and environmental concerns.

LEASING AUTHORITY

It is proposed that the acquired land be leased under Section 120 of the Atomic Energy Community Act of 1955, as amended, and the public domain land under authority of Title 43 USCA 931–c. The legislative history of Section 120 indicates that it is limited to acquired lands. The code section cited authorizes Federal agencies having jurisdiction over public lands to grant leases to states, municipal corporations, or other public agencies to construct on such lands, public buildings or public works. Authority to lease under this section is limited to 30 years. WPPSS' bond counsel has advised that the use of this authority would not appear to create any legal difficulties or impair the marketability of the bonds, (Exhibit 2). The Regional Solicitor, Department of Interior, BPA, concurs in the view that the AEC has authority to lease the public domain lands to WPPSS under this code section and that a subsequent extension of the lease would not be inconsistent with the statute, (Exhibit 3).

ECONOMIC IMPACT

Since 1964, the AEC has been engaged in the cutback of production of plutonium at Richland and has shut down eight reactors and associated separation facilities. The latest reduction in Commission activities at Richland involved the shutdown of the K Reactor, and other programmatic adjustments and consolidation of support services. At the end of Calendar Year 1970, Hanford operating and service contractors employed slightly more than 6,300 people. As a result of the latest reductions, employment by those same contractors was about 5,300 at August 31, 1971. This total will be further reduced to about 5,150 by June 30, 1972, because of additional reductions in reactor operations and support services. Although other AEC programs and the diversification efforts of the operating contractors have tended to temper the efforts of earlier cutbacks, the economy of Richland is still primarily dependent upon the level of AEC employment. The construction of the proposed nuclear electric generating plant will result in a construction employment which will peak at a level of about 800 during the period 1974 through 1976. It is estimated that the construction wages will approximate $55 million and the secondary labor wages in the community will be about $5 million. The normal crew for the plant during the operating period is 85 to 100 employees.

CORPS OF ENGINEERS' APPRAISAL

Both the Atomic Energy Community Act and Title 43 USCA 931–c require that fair compensation to the Federal Government be obtained for the leased premises. The Corps of Engineers conducted a real estate study in January 1971 of several sites on the Hanford reservation which were under consideration by the Supply System, including the site finally selected. Subsequent correspondence with the Corps established that a further detailed appraisal of the selected site was unnecessary at this time. On the basis of the study, the Corps recommended that 100 acres (river frontage Section 2) be valued at $150 per acre and the balance of the acreage (986) be valued at $100 per acre. In the absence of precedence for a lease of this type in the area, the study concluded that reliance must be placed on a reasonable return on investment which was computed to be seven percent of the fee value, or $10.50 per acre for 100 acres of river frontage, and $7.00 per acre for the balance.

GENERAL FEATURES OF PROPOSED LEASE

1. *Uses.*—The Commission will make available approximately 1,086 acres of land upon which the Supply System will construct and operate a nuclear electric generating plant and related facilities. The plant will be designed, constructed and operated in accordance with the construction permit and an operating license issued by the Commission and in a manner determined by the Commission that will not materially interfere with existing or proposed Commission programs in the Hanford reservation area.

2. *Term.*—The term of the nuclear generating plant site which will be leased under the provisions of Section 120 of the Atomic Energy Community Act of 1955, as amended, will be 50 years with options for extension for two successive ten-year periods. The term for the rest of the site, which will be leased under 43 USCA 931–c, will be 30 years with provision for extension.

3. *Payments.*—The annual rental for the plant site for the first five-year period will be $3,976 per annum. The rental for the remainder of the term of the lease will be $7,952 per annum, provided that after the initial ten-year period and at subsequent intervals of five years or more, the annual rental is subject to revision by the Commission.

4. *Termination.*—The Commission will have the right to terminate the leased premises for misuse or disuse or if the Supply System becomes insolvent. The Supply System will be able to terminate the lease if it is unable to obtain the necessary permits and licenses, such as the construction permit. The liability of the Supply System in such event would be limited to the pro rate portion of rental due as of the day of termination and the obligation to restore the premises.

5. *Ownership, Removal and Disposition of Property.*—The Supply System will have one year following expiration or termination of the lease to remove any of its property whether affixed to the land or not. If the Supply System attempts to salvage or remove any property affixed to the land, it will have to restore the premises to its original condition if requested by the Commission. Any property not removed will become the property of the Government. The Supply System will be required to secure the premises against all health and safety hazards.

6. *Protection Against Claims and Losses.*—The Supply System will hold harmless and indemnify the Commission, its contractors, and their employees for loss or damage arising out of activities on the leased premises, unless the injury, destruction or death is caused by the negligence or the fault of the Commission or its contractors or as to which the Supply System is a person indemnified under Section 170 of the Atomic Energy Act of 1954, as amended. The Supply System will be required to maintain insurance to provide protection against such claims and actions.

7. *Commission Access Rights.*—The Commission will have the right of access at all times to the leased premises for all reasonable purposes.

8. *Government-furnished Supplies and Services.*—The Commission will provide supplies and services to the Supply System to the extent (1) that they are not reasonably commercially available; (2) that the Commission has excess capability; and (3) that the Commission continues to provide such supplies and services for its own needs. The charges will be based upon the Commission's established pricing policy. The Commission or its contractors would not be responsible for interruptions in services or for failure to provide any supplies or services.

9. *Miscellaneous Provisions.*—The lease has other provisions relating to ingress and egress right, condition of the leased premises, taxes and assessments, and various other standard clauses required in all contracts to which an agency of the United States is a party.

FRICTION IN CONGRESS

Mr. MATHIAS. Mr. President, when President John F. Kennedy was a Member of the other body, but aspiring to election to the Senate he referred to the House of Representatives as a bucket of worms, in which it was difficult to make an individual impact. Later, when he was a Senator he lamented the frustration of service here, because the real decisions were made downtown.

These interesting and significant relationships within the institution of government have been explored by Adam Clymer in the Baltimore Sun on November 14, 1971. I ask unanimous consent to include it in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Silly Or Sad, Friction in Congress

(By Adam Clymer)

Washington.—This is the time of year when the House starts feeling like Aladdin's genie, a little weary of doing the work while the Senate, just by rubbing on a bottle, gets the credit.

The late night oratory goes like this (Representative H. Allen Smith, a California Republican, last Wednesday):

"If we do not stand up here today, we are giving notice to the other body that they can continue to run over the House whenever the notion strikes them. . . ."

The validity of this self-image of hard-working dedication is open to considerable question. The House, after all, usually works a three-day week and will take off ten days for Thanksgiving. Its pride is order, not substance; what gets done, or whether it gets done at all, seems to matter less than doing it the way it was done in 1912. "If I start departing from precedent, there's no end to it," proclaimed Speaker Carl B. Albert a few weeks back.

SENATE FORGETS THE HOUSE

But even if the mirror is flawed, how the House sees itself is what matters in the friction between the two bodies.

And it probably doesn't help a bit that the Senate doesn't answer back in kind. "The Senate forgets the House," one leading Republican senator said.

"I don't think senators think about the House much at all," observed Senator J. Glenn Beall, Jr. (R., Md.). The Senate, several senators agreed last week, spends its energies contending with the executive, not with the House. And this tone, said Senator Hugh Scott, Pennsylvania Republican who is the minority leader, leads the House to "feel the Senate looks down on it."

The most frequent expression of that feeling is the commonplace greeting to a senator who wanders over to visit the House: "Oh, slumming again?"

And again it is heard in the defensive contentions of representatives that theirs is "the people's House" or Mr. Albert's promise last January to "give this House of Representatives its rightful place, a pre-eminent place, among the branches of government."

The Senate doesn't bother with such claims so much, though occasionally it pats itself on the back for its deliberation and boasts of its constitutionally greater role in foreign affairs (matched by the House's constitutional precedence on taxes and self-assumed precedence in appropriations). It feels secure in its six-year terms, its ready access to television and the newspapers, even its superior social status in Washington.

FRICTION IS SERIOUS

The friction is more than an amusing social foible, for it is reflected in the lack of consultation between the two houses on major bills, both before and after passage. This shows up most glaringly in the joint House-Senate conference committees which seek to compromise differences after two versions of a bill have been passed, and in the popular mythology in each house that its conferees always sell out to the other body's.

This was the issue that Mr. Smith was unhappy about. The Senate had tacked several amendments onto the military procurement bill that didn't have much to do with military procurement. Under the tight parliamentary rules of the House they would have been out of order.

They included, among others, a declaration on pulling out of Vietnam, a new military pay raise, and a provision to allow the import of Rhodesian chrome ore to break the United Nations embargo.

The conferences modified the first, scrapped the second, and kept the third.

But because the House has been annoyed for years with the Senate custom of adding "non-germane" riders (either because it couldn't get the measure out of one of its own committees regularly, because it was blocked in a House committee, or simply to increase its leverage by sticking something the House didn't want onto a bill the House did want), the House adopted a rule last year to make this practice difficult.

Under that rule, which slipped past the Senate unnoticed, House conferees are barred from even negotiating on Senate provisions which would be non-germane if they had been offered in the House. There is a loophole; they may negotiate if a separate House vote is taken when the measure is sent to conference to allow them to negotiate. But because one of the arts of the House is avoiding votes on controversial issues (the Senate seems to thrive on them), not once this year have House leaders facilitated such a vote.

"NON-GERMANE" RIDERS

At least twice so far this year, armed services bill conferees from the House have gone ahead and negotiated anyway, though they used the argument of House rules in the conference as an additional bargaining point. And Wednesday night, after taking one of those separate votes after the fact (upholding the Rhodesian chrome importation), the House accepted the conference report.

One of the key problems for the House lies in its inability—and the unwillingness of its parliamentarian, Lewis Deschler—to adapt to new rules, even of its own choosing. If the chrome vote had gone the other way, the whole conference report might have been dead, and the confusion over what would happen next contributed to the decision on chrome.

The issue is a growing one, with Senate leaders becoming increasingly aware of and annoyed by it. Senator Mike Mansfield (D., Mont.), the majority leader, said last week he expected to discuss it soon with Mr. Albert.

Sometimes the issues have been amazingly petty. A few years back, appropriations conferences were stalled until the two aging committee chairmen found a room equidistant between the House and Senate chambers. Senator Scott recalled that once when he was in the House (from 1943 to 1959) one of the larger gripes was that senators were provided with electric clocks in their offices while representatives were not.

OTHER ISSUES

There are other issues. The Senate spends more freely on everything except defense. It is more worried about the war. It is quicker to seize on "liberal" popular issues, like the environment, slower on "conservative" ones, like busing or school prayer.

Those differences merge into attitudes. House members feel they are closer to the real pulse of the nation, with their smaller districts. And senators, while they don't say so to reporters, think they are more in tune with the nation because they don't represent just one city or collection of corn fields, but states that include both.

That feeling, and the necessity to specialize in a small area of expertise if one is to make a name in the mob of the House, leads to another resentment. House members often feel that their greater knowledge is ignored by the public while a senator can flit from topic to topic, making headlines wherever he goes. Indeed, Senator Mansfield contended this was one of the major problems, arguing that "the press is to blame for giving the Senate too much attention." Representative Abner J. Mikva (D., Ill.) commented that "when a senator sneezes, it's national news," and said that senators and their staffs often paid as little attention to representatives as the press, creating friction and inviting backbiting.

Some of this is reportorial sloth, some the star quality of the Senate's many would-be presidents, some the apparently greater ability of the Senate to concentrate on immediate national concerns, and some the House's long refusal to admit television into its committee meetings—a practice that ended this year but only after television had come of age. Moreover, the House rules themselves minimize the importance of speeches, while the Senate's glorify them.

But the difference in expertise is acknowledged, by Senator Mansfield and others, although one senator observed caustically that "while House conferees usually know their subject better, they always come in assuming that they do."

TAKE SELVES LESS SERIOUSLY

Much of the difference is a matter of style. A majority can upset the leadership in the Senate far more easily than it can in the House; the 100-member Senate is more casual, more free-wheeling, more democratic while the House has to have tight rules to get anything done in a body of 435. But, perhaps relaxing outside the chamber, representatives talk more casually, take themselves and their colleagues less seriously than do often pompous senators.

The differences are there, perhaps accentuated by an accident of architecture. Originally—in Philadelphia's Independence Hall—the Senate was one flight up and was logically known as the Upper Chamber. Today, they are on the same level architecturally, but not in the minds of the public, or—really—in the minds of the members.

SHERIFF JERSEY JOE WALCOTT

Mr. WILLIAMS. Mr. President, on November 2 the people of Camden County, N.J., elected a most remarkable man as their sheriff—Jersey Joe Walcott.

I am sure that he is familiar to all of us as the former heavyweight champion of the world. But there are other aspects of Jersey Joe Walcott the man which are not so familiar to many people.

Jersey Joe Walcott possessed the God-given ability to rise to the top of his profession. But he never lost sight of the fact that there are many young people who do not have such great gifts, so after his ring career, he returned to his native Camden to help those young people.

Ralph Bernstein, of the Associated Press, has written a story which describes the career of this most remarkable man. The story shows that in life as in the ring, Jersey Joe clearly has earned the right to be called a world's champion.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jersey Joe? Sheriff Cream? Same Man But Different Ideal

(By Ralph Bernstein)

(Editor's Note.—New Jersey's Camden County has a new sheriff, a man whose toughness is not likely to be challenged. He's Jersey Joe Walcott, former world heavyweight champion who returned to his home town after his retirement from prize fighting. He's been fighting to help its youth ever since. Last Tuesday's election brought him new honors.)

Camden.—Jersey Joe Walcott has had two careers. In his first he was required to knock people down. Now, he is picking people up.

Walcott was the heavyweight boxing champion of the world at 37, the oldest man ever to hold the title.

"When I was a fighter it was understood that the fellow who could knock the most people down is the fellow who will reach the top the fastest," says Walcott who, after 21 years in the ring, knocked out Ezzard Charles in 1951 to win boxing's most coveted title.

DIFFERENT PHILOSOPHY

Now, at 57, Jersey Joe has won a new title—sheriff of Camden County, across the Delaware River from Philadelphia. He was elected in the Nov. 2 election to become New Jersey's only black sheriff. And he has a different philosophy of life.

"The fellow who can pick up the guy who is a fallen human being and help him to find his way, I think that is as great a challenge as boxing and believe you me this is what will be done."

Walcott, who lost his title to the late Rocky Marciano in 1952, and failed to regain it in a return bout a year later, came back to Camden, his home town, after his retirement from the ring.

HAD TO QUIT

He was born Arnold Cream, the third of 10 children. His father was a laborer and Arnold had to quit school at the age of 14 to help support the family.

He turned to boxing, took the name of Jersey Joe Walcott and won his first fight for a $7.50 purse.

"In 1951 when I won the title I made a promise to myself and to God," Walcott recalled, as he sat in his office still glowing from his election victory. "I said that if I became champion I would dedicate my life to serving people, young people."

That's exactly what Jersey Joe has done.

After his return to Camden, Walcott took a job as a juvenile aid officer at $10 a day. He said his pay was classified as expense money.

HELPED PATROL STREETS

"I have been trying to help young people ever since, doing my thing my way, trying to prove to people that this is a land of opportunity for those who are willing to pay the price, I mean make the sacrifices, have faith and work hard."

Later, he was appointed assistant director of public safety in charge of juvenile affairs. He handled the administrative phase of his job during the day, and at night he helped patrol the streets and keep the peace.

He is credited with helping ease racial tensions in the city. In 1969, he was named head of the Department of Community Relations.

What did Walcott tell the kids who were walking the wrong side of the street?

"My best approach and most effective, is that I try to sit down with one or many and explain to them the type of things that I've experienced, the life that I lived, the conditions that I lived under, the faith that I had, and the realization that there wasn't any shortcuts to success. This way I developed a good relationship with young people."

WON BIG MARGIN

Walcott led the Democrats to their first victory in this county of 450,000 in many years, carrying several candidates into office with him. He believes his sincerity and dedication helped carry him into the sheriff's office by a margin of about 8,000 votes.

"I don't say anything today that I can't say tomorrow," observes the ex-fighter.

Walcott made all his speeches off the cuff, during the recent campaign, refusing to use a speech writer. He wouldn't allow any of his supporters to say a derogatory word against his opponent, and the day after victory took his Republican opponent, William Strange, out to lunch.

Walcott feels he has been blessed in every area of life, despite the death of his wife about a year ago. He notes proudly that his oldest son, Arnold Jr., is a lieutenant on the Camden police force; two daughters are schoolteachers, one a beautician and another an executive secretary. His youngest son is a Baptist pastor.

"Life has just begun," he says.

NEW OCEAN SEARCH-RECOVERY VESSEL

Mr. SCHWEIKER. Mr. President, on Thursday, November 4, I had the opportunity to tour *Alcoa Seaprobe*, a 243-foot, all-aluminum search-and-recovery vessel which is based here in Washington.

To my knowledge, no existing or proposed ship has anything approaching *Seaprobe*'s capabilities. It was developed by the Aluminum Co. of America to recover 200-ton payloads from a depth of 6,000 feet; to search, core, and sample mineral deposits on the sea floor; and to perform other oceanographic research and exploratory functions.

As a member of the Senate Armed Services Committee, I have often wondered how the tragedies of the U.S. submarines *Thresher* and *Scorpion* might have been averted. Perhaps the answer lies with vessels like the *Alcoa Seaprobe*.

The capabilities of the ship are detailed in the following remarks by F. Worth Hobbs, vice president of Ocean Search, Inc., owner and operator of *Alcoa Seaprobe*. I ask that Mr. Hobbs' remarks be printed in the RECORD at this time.

There being no objection, the statement was order to be printed in the RECORD, as follows:

REMARKS BY F. WORTH HOBBS

In April, 1963, loss of the nuclear submarine *Thresher* in more than 8000 feet of water focused worldwide attention on existing limitations for conducting deep-ocean search and recovery operations. These limitations were emphasized further during the H-bomb search off Palomares, Spain, in 1966, the search for the submarine *Scorpion* near Azores in 1968, and the recovery of the research submerisible *Alvin* off Martha's Vineyard in 1969.

Most major search and recovery operations have called on the combined efforts of surface ships; towed devices containing magnetometers, sonars, television and still cameras; manned submersibles and remotely operated manipulator devices. The *Alcoa Seapore* program is designed to capitalize on the best features of existing search and recovery systems.

In search and recovery work, the primary limitations of submersibles (*Alvin, Pisces, Aluminaut, Trieste,* etc.) are:

(1) endurance in terms of time on station and susceptibility to the effects of weather

(2) precise positioning ability on the bottom

(3) no heavy lift capability

Most towed sensor systems (*Mizar, Deep Two, Obbs*) are limited by:

(1) inability to conduct real time examination of bottom objects (photographic coverage only)

(2) no lift capability

Currently available, remotely operated manipulator devices (*Curv, J-Star, Nedar, Sord, Rum*) are limited by:

(1) the relatively small area over which they can search

(2) light lift capability only

The *Alcoa Seapore* concept brings the deep-ocean working environment a broad gauge capability with the following basic advantages:

(1) stable surface platform capable of using bottom-mounted acoustic or surface and satellite precision positioning systems

(2) omni-directional Voith-Schneider ship propulsion system

(3) precision ship control system for search and recovery maneuvering and positioning control

(4) tethered and remotely controlled bottom-search sensors, and recovery devices which do not require man-rating, i.e., not certified for human occupancy and life support

(5) heavy lift capability limited only by the tensile strength of the pipe string used

(6) endurance up to 45 days on station

The deep-ocean work systems of the *Alcoa Seaprobe* concept currently are in the developmental stage. The search and sensor package—the "pod"—has been tested to 600 feet in the Great Lakes. The first generation recovery device and pipe thruster system have been tested in the shallow waters of Chesapeake Bay. The pipe handling system (without the "pod" or recovery devices) has been tested to 6100 feet under static and dynamic conditions in deep water off the Virginia coast.

Upon departure from Washington, the ship will proceed to the Bahamas for continued test and evaluation of the entire system to 8000 feet. After the 8000-foot tests, any system modifications necessary to extend the capabilities to the design goal depth of 18,000 feet will be made.

In addition to conducting traditional search and recovery operations, the capabilities of *Alcoa Seaprobe* will be readily applicable across the full range of academic and scientific ocean endeavor. Such activities will include oriented bottom sample retrieval, intermediate depth coring, precise positioning of data gathering packages, ocean floor mapping, examinations of sea mounts for geological and biological data and dumping ground surveys. The range of applications essentially is unlimited once the fundamental principles and capabilities are proven.

Another area of potential use which requires further examination lies in the field of underwater archeology. It is possible *Alcoa Seaprobe* could be used to recover objects of archaeological significance from ocean depths where reduced oxygen content, cold temperatures, minimal currents, and small sedimentation rates enhance the preservation of the object, as well as ease the task of locating it. Research in this field is currently underway on a number of fronts within the archaeological community.

We are most enthusiastic about the performance of the ship. The systems and the crew have performed admirably in preliminary tests, and we are looking forward to continued deep-water tests in the Bahamas.

THE NOMINATION OF EARL BUTZ

Mr. HUGHES. Mr. President, President Nixon's nomination of Earl Butz for Secretary of Agriculture is a blow to our farmers not only because of Mr. Butz' devotion to agribusiness, but also because of his obsession with agribusiness.

Mr. Butz' record on this is clear and consistent: the steady decline in the number of farms in America is inevitable, it will continue, it is not bad, there is nothing Government can do about.

Mr. Butz predicts that we will lose another 1 million farms in this country by 1980. And he predicts that of the Nation's 1 million "commercial" farms, 400,000 will be out of business by the end of this decade.

Who are those 400,000 commercial farms over whose economic demise Mr. Butz will willingly preside? The top 1 million farms in this country, according to the last reported U.S. Census of Agriculture, sold nearly $10,000 a year of farm products or more. These are not inefficient operators, tilling the soil with horse-drawn plows. These are highly capitalized, large-scale operations with over 200 acres of farmland each. And yet Mr. Butz predicts that 40 percent of these farmers will be out of business by the end of the decade.

The psychology of bigness, of which Mr. Butz is a leading apostle, is largley responsible for the mess that farmers are already in. Over the past 20 years, the land grant colleges, the extension service, and some farm organizations have been preaching bigness and growth for growth's sake. But lack of efficiency is no longer the crucial farm problem. Most agricultural economists agree that operations the size of those for which Mr. Butz predicts failure are efficient production units. The basic agricultural problem is not insufficient production, but surplus production.

The record of the past two decades is clear: the decline in the number of farms has not meant a decline in total farm production. In fact, farm production has steadily increased each year while 70,000 farmers annually were driven from their farms. For as the number of farms has decreased sharply, the average size of each farm has grown dramatically.

The overriding trend in agriculture over the past two decades has been the concentration of farm production into fewer and fewer hands. Today, less than 1 percent of the Nation's farms generate about one-third of all farm sales. The smallest 56 percent of our farms produce only about 8 percent of all farm sales.

Those of us who deplore this creeping concentration are not simply romantics who long for a return to the 18th century. We are pragmatists who realize that the backbone of a rural economy must be in its agriculture, and that unless we can preserve the small, independent, and already efficient farm operations, we cannot reverse the flow of population to our already overcrowded cities.

Too many farmers have already been trapped by the growth syndrome. They are told to get bigger so they buy more acreage. In order to work the increased acres, they are forced to buy more farm machinery and go more deeply in debt to pay for it. To amortize their debt they are pressured to produce even more, to expand even further, to go more deeply in debt.

It is like running on a treadmill where the treadmill is moving faster than the runner.

The farmers who are being squeezed out of business by the larger operators do not want to leave farming. I have never seen a smiling farmer boarding up his barns. This is an essential fact that Mr. Butz does not seem to recognize. The drive of the Department of Agriculture, Mr. Butz told his confirmation hearings in the Senate Agriculture Committee, must be to find rural alternatives to farming for farmers forced to leave.

> The trends are going to continue.

He told the Washington Post in a recent interview.

> No matter what government does . . . This trend toward less farms is not bad . . . (it) releases people to do something else useful in our society.

With about 5 million Americans presently unemployed, and welfare rolls bulging in our cities, where does Mr. Butz suggest these "released" farmers go?

Bigness and concentration in farming are neither accidental nor inevitable. They are in large part the product of farm policies, tax laws, and Department of Agriculture practices over many years. The farm subsidy program, as it is presently designed, disproportionately favors the large operator. The bulk of farm price support payments go to the largest farm operators. Our tax laws encourage bigness. The Federal Extension Service, part of the Department of Agriculture, has from its beginnings had a strong bias toward the larger farmers in the Nation. The research policies of the Department of Agriculture and the land-grant colleges have shortchanged the problems of the small operators in their rush to serve agribusiness and large farm operations.

There is much that a willing Secretary of Agriculture could do to reverse the trend toward concentration and bigness. But Earl Butz shows no disposition to marshal the resources of that Department to save the small operator.

"Adapt or die, resist and perish," summarizes Mr. Butz' agricultural philosophy. It is not a conclusion he has recently arrived at, but an essential tenet of his agricultural thinking.

On March 10, 1955, he told the Record-Stockman:

> Too many people are trying to stay in agriculture that would do better some place else.

On November 29, 1957, he told the U.S. News & World Report that what is wrong with the Nation's farm economy is "too many farms." "There are some people who just weren't cut out to be farmers," he went on, explaining that many of these will leave the farms for other jobs "if the politicians will stay out of their hair."

Perhaps the most comprehensive statement of Mr. Butz' vision, at least at the time, was a statement he made to the Cincinnati Post on May 6, 1958:

> This is not a new trend toward larger and fewer commercial farms. It has been going on for decades. It has only been accelerated in the present decade. It will accelerate still more in the decade ahead. All the power of government can't stop it. Nor should it. It can only confuse the issue. The big growth will be in enterprise managers. After all, integration generally involves single enterprises, not whole farms.
>
> These changes may alter the traditional entrepreneurial, risk-taking function of the individual farmer. It may even move him in the direction of a quasi-riskless, semi-guaranteed wage earner. But this is not necessarily bad, per se. He may be, and frequently is, better off this way than he was before.
>
> The commercial farm will increasingly assume the characteristics of a manufacturing establishment. The gross margin per dollar of receipts will become narrower, and profits will depend increasingly on growing volume. This will place still more pressure on the smaller and less productive farm units.
>
> Our country-side will become "rurbanized". Our modern science and technology have made it possible for farm and city folk to live alongside each other in our newly "rurbanized" communities. The effect of the resulting intermingling has been that there is no longer a clearly defined farm population and industrial population, especially within forty or fifty miles driving distance of our big industrial centers.
>
> Ultimately farmers will lose their vocational identity. At this point farming will no longer be a "way of life", but will be a "way of making a living," just the same as other business enterprises.
>
> Political leaders will resist the trend toward large, well-capitalized units in agriculture, in their oratory, in their Congressional hearings, and in their legislation. The philosophy of the small- owner-operated family farm is deeply ingrained in our social and political pores. The controversy over this issue is often more emotional than economic.
>
> Political pressure will continue to be on the side of maintaining small, family farms, even though modern technology dictates strongly that family farms become larger.
>
> There is no prospect that ambitious politicians in Congress will stop demogoging the emotionally explosive family farm issue, any time in the foreseeable future.

I do not share Mr. Butz' vision. The efficient, but small independent operator who has spent his life building his farm business should have a right to stay in farming. We must break our obsession with business and growth for its own sake. As Edward Albee once wrote:

> Growth for the sake of growth is the ideology of the cancer cell.

The following letters are merely a representative sample of the many letters of opposition to Mr. Butz' nomination that I have received from farmers, rural businessmen, and concerned citizens in my state:

From a high school senior:

> I am an 18 year old senior in high school and someday plan to farm. I am deeply disturbed by the fact that Mr. Nixon has nominated Mr. Butz for Secretary of Agriculture. All newspaper reports and TV interviews tend to show that he favors the large corporation farm over individual family farms. I don't want to see a man with his opinions representing the farmer.

From an Iowa farmer:

> We farmers feel like we've been "kicked in the teeth" for making a touchdown. We were encouraged to plant corn and offset the blight. Now we can't make expenses with the market price.
>
> Several years ago we had a fair price which the government brought way down by dumping corn on the market. Now why don't they stabilize the market by buying it?

From another farmer:

> I am writing in regard to the appointment of Mr. Earl Butz for Secretary of Agriculture.
>
> It seems to us, that we have enough problems without having someone with his background and ideas to represent us.
>
> We farm 430 acres in Butler County and would like to keep on doing so. We feel that with someone like Mr. Butz, it wouldn't be long and we would be forced off to big corporations.
>
> Please do what you can to get a plain *Dirt Farmer* in the Agriculture Department. We don't want someone like Mr. Butz.
>
> P.S. We don't want another Benson.

From a tax and management consultant to farmers in my State:

> I am writing regarding the proposed appointment of Earl Butz to the post of Secretary of Agriculture. I believe that careful investigation is necessary as from the information in the press and so forth I question very much if he has the interest of the average farmer at heart. He is quoted to have said that "adapt or die" indicating that he thinks farms have to get larger and more closely associated with agribusiness. He is quoted as predicting that farms will be reduced by 1,000,000 by 1980.
>
> I do tax work for a good many farmers and I have yet to see that growing big is necessarily the answer as I have several clients who are walking on pretty thin ice because they are trying to get big. The large majority of the farmers I work for are average farms and doing very well, paying their bills, providing a good home for their wife and family and taking their place in community activities.
>
> I think the word $ucce$$ has too many dollar signs in the name.

BUCHWALD SPOOFS MILITARY ON BIG WEAPONS PROCUREMENT

Mr. PROXMIRE. Mr. President, in the past few years the examination by the critics of the Pentagon have turned up some pretty horrible examples of weapons waste. Some do not work. Some are unneeded. Others are built by one service to keep pace with a sister service.

One of the biggest questions of them all is why we need more than 15 aircraft carriers. The Russians have none. As one Senator has said, to knock them out with modern missiles is easier than hitting a bull in the butt with a bass fiddle. Yet the Navy continues to push and press and lobby for more carriers.

This is bad in itself. But when it occurs at the same moment the Navy tells us it must have billions for modernization of the fleet, it appears to me to compound the waste.

Now Art Buchwald has placed the entire matter in perspective. He argues that the Navy's success in getting its carrier will make it possible for the Army to procure its new tank and for the Air Force to rush the B–1 bomber into production. If one service gets a billion for a carrier—and, in fact, carriers and their supporting ships cost $1.8 billion—then what is there to stop the Army and the Air Force?

Mr. Buchwald puts the matter better by spoofing it than many of us have been able to do with serious argument. I ask unanimous consent that his article entitled "Billion Dollar Aircraft Carrier" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

BILLION DOLLAR AIRCRAFT CARRIER

(By Art Buchwald)

WASHINGTON.—It had to come sooner or later. The unthinkable has become thinkable. The U.S. Navy is asking for one billion dollars to build one aircraft carrier.

No one thought it would happen for five years, but when the word got out there was jubilation in all the military services at the Pentagon.

An Army general said, "I never thought the Navy would have the guts to ask for it, but now they've broken the sound barrier, we're all free to ask for a billion dollars for our favorite weapon."

"Then you're not mad at the Navy for asking for that kind of money for an aircraft carrier?" I asked.

"Why should we be mad?" the general answered. "We've been piddling around with $100 million here, $100 million there on a new piece of hardware, when everyone knows you really can't get a bang for a buck less than a billion.

"But we didn't know how Congress would react until the Navy asked for the billion for a carrier. It didn't faze them in the least, so now if the Navy can get a billion for an aircraft carrier, we can get a billion for something we've wanted to build for some time.

"What is that?"

"It's a giant tank," he said, "and it takes up eight football fields. It's the greatest advance in military hardware since the invention of the Gatling gun."

"A billion dollars for one tank?"

"It's not just a tank, you fool," the general said. "Look at this model. The top of the tank is flat so bombers can take off and land on it. On the sides you have missiles and in the front and rear you have four 16-inch guns."

"But even with all those things it doesn't seem as if it would cost a billion dollars."

"Aha, that's the surprise," he chuckled. "You see this here on the bottom?"

"It looks like a keel."

"Exactly. This is a floating nuclear airborne tank, something the U.S. Army cannot do without."

"But it looks just like an aircraft carrier," I said.

The general took the model away angrily. "How can it look like an aircraft carrier?" he said. "It's painted brown!"

The Air Force was also celebrating the Navy's billion-dollar breakthrough. An Air Force colonel in research and development showed me the latest plane the Air Force wants to build.

"This is the greatest bomber ever designed by man," he said. "It flies at 60,000 feet, floats on water and can cut its way through a jungle so silently that not even birds can hear it."

"But it looks like a tank," I said.

"How can it be a tank?" he grumbled. "It says U.S. Air Force on the side."

Although there was excitement in the Army and Air Force wings of the Pentagon it was nothing comparable to what was going on over at the Navy Department.

Officers were handing out cigars and you could feel the excitement in the air.

While I was talking to one admiral, another admiral came down the hall and my admiral rushed up to him saying, "Zeke, for gosh sakes, I haven't seen you in four years. You look like a billion dollars."

The other admiral laughed. "You look like a billion dollars yourself."

NOMINATION OF EARL BUTZ TO BE SECRETARY OF AGRICULTURE

Mr. STEVENSON. Mr. President, the nomination of Earl Butz to be Secretary of Agriculture has provoked an angry reaction among farmers in the State of Illinois.

This has been a disastrous year for farmers in the Midwest. A catastrophic decline in corn prices has had devastating consequences for farmers in Illinois. The nomination of Mr. Butz hardly gives them cause to believe that better times are coming.

I share their view that this nomination reflects the administration's indifference to the plight of small farmers. In this appointment, as in many other ways, Mr. Nixon has come down on the side of big business—in this instance, big agribusiness.

I want Senators—particularly those who do not have large farm constituencies—to know how farmers in my State feel about the nomination of Mr. Butz. I ask unanimous consent that excerpts from representative letters and telegrams I have received from rural communities be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

EXCERPTS FROM LETTERS AND TELEGRAMS

From Alma, Ill.: "Why Butz for Secretary of Agriculture? Represents only large corporations. Small farmers must be considered."

From Peoria: "Please oppose Butz nomination . . . His close connection with agricultural interests and apparent hostility to small farmers makes him an undesirable choice."

From Nashville: "Farming at stake. Butz not qualified. I speak as Farm Bureau member."

From Ashley: "Help us solve problems, do not create new ones. Do not seat Butz."

From Brownstown: "Butz for Secretary of Agriculture would be capital punishment for small farmers."

From Peterpoint: "Save the family farm. Request you do not confirm the appointment of Earl Butz."

From Glen Carbon: "Give agriculture back to farmers. Give Butz the boot."

From Nashville: "As Farm Bureau member, I request Butz not be seated."

From Peru: "A vote for Earl Butz is a vote against me, a farmer."

From Danville: I object to Earl Butz appointment . . . He isn't for the family-size farmer."

From Sterling: "Don't believe Earl Butz represents farmers. Please vote against confirmation."

From Tiskilwa: "I am very dissatisfied with President Nixon's selection of Earl Butz . . . We need a man to work for the family type farmer."

From Morton: "As a farmer I oppose the nomination of Earl Butz . . ."

From Springfield: "Illinois Farmers Union opposes the nomination of Earl Butz . . . We believe his corporate agribusiness interest would have priorities over family farm interest . . ."

From Seaton: "Please do not seat Earl Butz . . . He will ruin family farmers."

From Pana: "I am opposed to Earl Butz . . . The family farmer needs help."

From Hartsburg: "I don't approve Earl Butz . . . It would be disastrous."

From Buncombe, a telegram with 12 signatures: "Cannot tolerate Earl Butz for Secretary of Agriculture."

From Lolstant: "Vote against Butz. Let's keep the family farm and private enterprise."

From Greenville, a telegram with 40 signatures: "Against Earl Butz for Secretary of Agriculture. He favors corporations and against family farmers."

From Pocahontas: "Protest appointment of Earl Butz; has too many ties in agribusiness and is opposed to family farms."

From New Boston: "I believe Mr. Butz to be a very poor choice for Secretary of Agriculture."

From Taylorville: "We as farmers are opposed to the appointment of Earl Butz as Secretary of Agriculture."

From Elgin: "We bitterly protest the nomination of Earl Butz . . . There has to be family farms if people are going to eat."

From Morton: "Please do all you can to stop the nomination of Earl Butz as Secretary of Agriculture. He is not for the farmer."

From Hartsburg: "Because of Earl Butz's corporate interests I sincerely believe he shouldn't be Secretary of Agriculture."

From West Brooklyn: "As a farmer I do not approve Earl Butz as Secretary of Agriculture."

From Hillsboro,, a telegram with 30 signatures: "We oppose the appointment of Earl Butz as Secretary of Agriculture."

From Sheffield: "Butz must go."

Mr. STEVENSON. Mr. President, I have announced my intention to vote against the confirmation of Mr. Butz. I ask unanimous consent that my statement to the Committee on Agriculture be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR ADLAI E. STEVENSON III, OF ILLINOIS, BEFORE THE SENATE COMMITTEE ON AGRICULTURE, NOVEMBER 19, 1971

Mr. Chairman, I am dismayed—as all who have an interest in the well-being of rural America and its people should be—by the President's nomination of Mr. Earl Butz as Secretary of Agriculture.

The piece of paper on which the nomination was transmitted to this Committee may be the death warrant for the remains of rural America. Mr. Butz now speaks of his interest in the survival of family farms, but his record in the board rooms of agribusiness, as Assistant Secretary under Ezra Benson, and at Purdue, bespeaks a commitment to the very forces responsible for the demise of some 3 million family farms since World War II.

I appear before this Committee as a Senator from one of our great heartland states. Illinois is one of the nation's largest agricultural producers. Family farms are the lifeblood of rural Illinois and of many of our urban communities.

I appear before you also as Chairman of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare. In an effort to help farmworkers and their families overcome the helplessness and hopelessness that are the stigma of migrant labor, the Subcommittee has undertaken a searching examination of questions relevant to the nomination of Mr. Butz.

Our inquiry has brought us face to face with a vast upheaval in rural America—an upheaval the more remarkable because it is, for the most part, unseen and unheard by most Americans.

Often, in speaking of life in rural America we resort to statistics—and the figures sometimes disguise as much as they reveal. They tell us, for example, that Americans in great numbers have been leaving the farms and moving to the cities. But the numbers do not capture the hidden meaning of the rural migration: ruined hopes, deserted homes—a dying way of life.

The American dream, whatever else it may mean, has always had something to do with free men tilling their own soil: prosperous, independent citizens in control of their own lives, enjoying a full and fair return for their hard work.

The dream goes a long way back. Thomas Jefferson was its most eloquent champion. But it is still very much a part of our image of ourselves. Most of us still believe, or want to believe, that a man of modest means can survive and prosper by his own toil on land he calls his own.

There are some these days who consider that version of the American dream quaint, if not obsolete—like the buggy whip or the pot-bellied stove. They call themselves "realists." They are devoted to "progress" and "efficiency." They advance a new sort of ideal for rural America which emphasizes bigness and "economies of scale." They do not mourn the passing of the family farm and the small town. They tell us that today, the earlier version of the American dream is little more than a nostalgic fantasy.

I am not so sure. I am not ready to abandon that old dream until we study the alternatives—until we examine the new way of rural life admired by these so-called realists.

If reality must mean bankruptcy and frustration for the small farmer and the farmworker, what price reality?

If "progress" in rural America means hunger, disease and malnutrition; poor medical care and low educational standards; bad housing and decaying communities, then what price "progress"?

If "efficiency" means that we must have a permanent underclass of migrant workers, depressed and dispossessed, what price "efficiency"?

If "economies of scale" mean that our cities must bear the pressure of rural out-migration, with its burden of welfare payments, unemployment and social tension, then we can rightly ask if "reality" is worth what it is costing us.

Upon examination it may be found that the small farmer, tilling his own land, is a more efficient producer than the agribusiness farm, particularly in the labor intensive production of fruits and vegetables. It may be found that he produces a better quality product and does less violence to the earth and water.

Mr. Butz says the government should not intervene to save the small farmer. Upon mere reflection, it may be found that the government has intervened—with tax laws, land reclamation programs and the services of land grants colleges—to help agribusiness and hurt the small farmer.

Mr. Chairman, I will not take up this Committee's time by reciting once more Mr. Butz's identification with policies and practices that have contributed to the dehumanization of rural America. Despite his recent assurances of an interest in the fortunes of small farmers, I am forced to conclude that Mr. Butz's philosophy, like his stock portfolio, reflects his commitment to big business—big agribusiness.

I suggest, Mr. Chairman, that in considering this nomination the Senate cannot ignore the many voices speaking out in and for rural America.

The fate of our nation is still bound in large degree to the fate of rural America. For every six farms which close down, a small business shuts its doors. The plight of our cities arises in large measure from the plight of rural Americans.

Our object ought to be a national policy whose effect is not simply "efficiency," or progress," or "economy of scale," but a decent life for all rural Americans.

In pursuit of such a policy, many questions have to be asked:

Will a citizen in the America we are building be able to find a decent, independent life in a small town or on his own farm land? Or will he be a nameless worker in a vast food-processing combine, managed by a corporate owner?

Will rural America be dominated by its own citizens—or by absentees who care greatly about profits, and only vaguely about the quality of rural schools, rural hospitals and rural life?

Will the goal of public policy be a decent standard of living for all Americans—or simply a higher level of profits for some?

Is the United States Department of Agriculture living up to its self-declared "moral and legal responsibility to farmers and farmworkers"? Or is it, through indifference, or design, or soulless "realism," abetting the destruction of the family farm—and of farm families?

Mr. Chairman, we cannot meet our responsibility to rural America by permitting the President to place the Department of Agriculture under this man. To confirm as Secretary of Agriculture the Assistant Secretary of Agriculture who said in 1955 "Adapt or die! Resist and perish" would be to sign, seal and deliver a symbolic death warrant for rural America. I hope the Senate won't do it.

ISRAEL NEEDS MORE AIRCRAFT

Mr. WILLIAMS. Mr. President, the administration is continuing a policy which presents the gravest threat to peace in the Middle East. Only 4 days ago the Secretary of State justified the administration policy of refusing to sell jet aircraft to Israel by claiming the Soviet Union had shown "restraint" in supplying arms to Egypt. Yesterday the State Department announced that the Soviet Union has shipped more planes to Egypt which, for the first time, can fire air-to-surface missiles. The introduction of this new offensive armament greatly increases Egypt's potential for aggression against Israel. In spite of the mass of evidence that the balance of power is shifting dramatically in Egypt's favor, the State Department continues to "assess the impact" rather than to act to restore the balance.

On October 15, more than three-quarters of the Members of the Senate joined to urge the President to supply F–4 Phantoms to Israel. For all of this time the administration has ignored the continued shipment of Mig–21's and the TU–16's to Egypt. It has also disregarded our statement of concern that Egypt will not conduct serious negotiations as long as they hope to succeed militarily. Finally, the administration has refused to react to Israel's pleas for the means of self-defense.

Now that the State Department has agreed to facts which confirm our view of the changing strategic situation in the Middle East by the military build-up in Egypt, I believe we again should strongly encourage the President to take affirmative action on Israel's pending request for F–4 Phantom aircraft. The threat of war is too critical to permit further delay; therefore, I feel it is essential for everyone concerned about this issue to express his position once again, hoping that the administration will finally act.

TRAGEDY IN ULSTER—VII—ROOTS OF THE PRESENT CRISIS, PART 1

Mr. KENNEDY. Mr. President, the November 14, 1971, issue of the London Sunday Times contains the first article in a current two-part series, tracing the roots of the present tragedy in Ulster. The series presents a long and excellent analysis and chronology of the events that brought Ulster from the peaceful civil rights movement of the mid-sixties to the threshold of civil war today.

A major section in the first part of the series deals with the deterioration in conditions that led to the decision to send British troops into Ulster in 1969, and it closes in turn with the deterioration in relations between the British troops and the Catholic minority they were sent to protect.

The second part of the narrative, to be published in tomorrow's Sunday Times, will deal with the most recent events leading up to the initiation of the internment policy by the British Government in August 1971.

Mr. President, I believe that the article contains an extremely valuable record of the development of the tragedy in Ulster today, and I ask unanimous consent that it may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Insight: A Perspective on Ulster—The Bloody Path Paved With Easy Options

The narrative that starts below—the first of a two-part report—is an attempt to get at the roots of the present tragic imborglio in Northern Ireland. We have talked to as many of the principal actors, past and present, as we could: Ministers, generals, civil servants, guerrilla leaders.

How did a clinical peace-keeping exercise by British troops turn into a murderous confrontation from which there sometimes seems no way out? The reasons that emerge go beyond history, religion and politics. They include incompetence, secret intrigue, blunder and betrayal.

But the narrative of Ulster is not simply a story of evil or guilty or even callous men. There have been many good intentions and many honest mistakes, and if some of the criticisms we make are informed by hindsight they may none the less have lessons for the future.

Our enquiries have brought countless fresh points of fact to light; but chiefly they illuminate the hardening attitudes among the politicians, the Provisionals, the soldiers and the Protestants which contributed over a period of three years, to a slow and inexorable darkening of the scene.

The beginning of the recent story of Ulster is a lethal error by the ruling Ulster Protestants. It was to mistake the Civil Rights movement of the Sixties for an attack on the State of Ulster itself. Thus, by choice of the ruling elite, the energy of the reformist impulse has been made to shake the foundations of society.

Every previous challenge to the authority of the rulers of Ulster had indeed involved an attack on the existence of their State. At the beginning of the Sixties, Ulster had just been subjected by the Irish Republican Army to a six-year campaign, in which armed men from the South attacked across the border with the aim of promoting a rising among Ulster Catholics.

It was, by present standards, small-scale. Six Ulster policemen and eleven IRA men were killed in the whole campaign. It was also a total failure. Many unionist politicians, and especially Brian Faulkner, then Minister for Home Affairs, believed that this owed much to the use of internment. But the underlying cause was an almost total lack of response from the Catholics in Ulster. The IRA communique announcing the end of the campaign admitted that the chief reason was "the attitude of the general public. . . ."

Whatever their views about the legitimacy of the Protestant Government and the injustices it visited upon them, the Catholics were not then ready to support its overthrow by violence. Ulster was therefore, at some level, a workable society. The IRA was for the moment irrelevant.

The time was ripe to begin dismantling the apparatus of total Protestant supremacy—especially the electoral gerrymander which gave the Unionist a monopoly of power, and the various physical and legal instruments, notably the armed militia (the B-Specials), by which they oppressively exercised it.

The Unionist did not see it that way. The suggestion that Catholics might be admitted to the Unionist Party, which Brian Faulkner revived ten days ago, got nowhere then. At the first suggestion Sir George Clark (now chairman of the Unionist Standing Committee) brought out the Reformation brimstone: "An Orangeman is pledged to resist by all lawful means the Ascendancy of the Church of Rome. . . ." Lord Brookeborough, Prime Minister until 1963 and author of the dictum that "there is only room for one political party in Ulster," said that those who favored admitting Catholics were "charging against windmills and beating their heads against a wall."

1960's A New Middle Class Emerges

But socially and economically Ulster was slowly changing. Lord Cameron, the Scottish judge who in 1969 was appointed by the Labour Government to inquire into the Ulster disturbances, summed up the effects of social advance: "A much larger Catholic middle-class has emerged, which is less ready to acquiesce in the acceptance of a situation of assumed (or established) inferiority and discrimination. . . ."

The weapons of this new class were not guns, but ones Protestant Ulster was perhaps less equipped to deal with.

The new middle class, Catholic as well as Protestant, was often close enough to its working-class originals to see itself as a spokesman for working-class grievance. It contained able and ambitious men and naturally developed a measure of theoretical radicalism among its student population. But the complaints it articulated in the mid-Sixties were moderate by any sensible standards.

They were typically set out in a Sunday Times article of July 3, 1966, which instanced such matters as gerrymandering and public employment in Londonderry.

The classic example (of gerrymandering) is Londonderry, Ulster's predominantly Catholic second city. There are 14,325 Catholics on the local roll, and 9,235 Protestants; but the wards are so organised as to give Protestants majorities in enough of them to win control of the City Council . . .

In employment, the pattern of prejudice is the same. In Londonderry the heads of all City Council departments are Protestant. Of 177 salaried employees, 145—earning £124,424—are Protestant, and only 32—earning £20,420—are Catholic.

At that time the suggestion that reform would never come without "vigorous prodding from Westminster" attracted deep Protestant fury. Three years later the Cameron Report presented a picture which was not substantially different, though far more authoritative. But Cameron was reporting after the violence had begun, and the sequence of events which led to it needs to be carefully set out.

The decisive step was the foundation of the Northern Ireland Civil Rights Association in 1967. This took place against a background in which Catholic grievances had been widely acknowledged, but had been met with glassy indifference by the majority of Unionists politicians.

A typical confrontation occurred at a conference in London in 1965. Charles Brett, a Belfast lawyer (and a Protestant), called for "immediate legislation to deal with discrimination in employment and housing." John Taylor (now a Minister in the Faulkner Government) immediately repudiated the necessity for any such reforms. Religious discrimination, he declared, was being used as a "political strategem" by the Republicans.

One Unionist who did admit the need for reform—and publicly at that—was Terence O'Neill, who had succeeded Brookeborough as Prime Minister in 1963. O'Neill's admission confirmed Catholic faith in the legitimacy of their demands, but at the same time his inability to carry his party into actual and concrete reform increased Catholic frustration.

Powerful currents began to run through the Catholic community, and it was the Civil Rights Association which, almost unintentionally, tapped them. It had been modelled on the National Council for Civil Liberties in England, and for its first year of existence it behaved similarly, dealing with individual complaints.

In June, 1968, a Catholic family were evicted from a council house in which they had been squatting at Caledon, a village of the Dungannon Rural District. On June 13, a 19-year-old Protestant named Emily Beattie, secretary to a prominent Unionist, was moved into the house. The case, which seemed a particularly gross one, was brilliantly publicised by Austin Currie, the local Nationalist (i.e., Catholic) member of the tiny Opposition at Stormont, the Ulster Parliament.

Currie suggested that the Civil Rights Association should stage a march between the neighbouring towns of Coalisland and Dungannon, to protest against the inequities of local housing policy. With some reluctance, the CRA agreed, and it was announced for August 24.

The immediate response from hard-line Unionists was that there would be violence if the march entered Market Square, Dungannon.

In the event, the march was a huge success—especially because it halted peacefully at a police barrier some distance away from Market Square. Several thousand people gathered to hear Currie and a battery of speakers. The police, in the words of Miss Bernadette Devlin, were very good-natured.

"There was a hope among many participants that something new was taking place in Northern Ireland, in that here was a non-violent demonstration by people of many differing political antecedents . . . united on a common platform of reform." The words are those not of a marcher but of Lord Cameron.

The police calculated that seventy of the stewards at Dungannon were Republicans, and ten of them members of the IRA—but on the other hand, there had been no display of Republican symbols, such as the Tricolour flag. The meeting closed with the marchers singing, hopefully, "We Shall Overcome."

It took only one more demonstration—in Londonderry on October 5, 1968—to turn civil rights into a mass movement. And it was a mass movement which, according to the well-publicised views of the then Minister of Home Affairs, William Craig, was under the control of the Irish Republican Army.

"We have investigated this matter with particular care," wrote the Cameron Commission later. ". . . While there is evidence that members of the IRA are active in the organisation, there is no sign that they are in any sense dominant or in a position to control or direct policy of the Civil Rights Association."

The situation was admittedly subtle. First, not all Republicans are gunmen: the term can cover an IRA gelignite bomber or theoretical adherents of the Wolf Tone Society and James Connolly Clubs. Secondly, republicanism is one of the major streams in Irish political history: almost any successful broad-based movement would take in people who had been part of it.

Secondly, there was the new policy of the IRA. After the collapse of the 1956–62 campaign, the old IRA of Gaelic piety and violence virtually ceased to exist, so much so that many of the disgust—until, in 1969, some Ulster police brought the gun back into politics.

So far as Northern Ireland was concerned, the IRA concentrated on taking part peacefully in the open Civil Rights campaign. And at least among those members who stayed with the new "political" IRA, the policy stuck. Cameron commented upon the fact that members of the IRA who served as stewards in Civil Rights demonstrations were "efficient and exercised a high degree of discipline. There is no evidence . . . that such members either incited to riot or took part in acts of violence."

The leaders of the new-look IRA seemed to have an each-way bet in the Civil Rights movement. If the reforms were granted, so much to the good; they would share in the credit. If, on the contrary, reforms were savagely refused by the Unionist Right, then there was a Machiavellian consideration: the ruling party of Ulster would be split, and through the resultant chaos the IRA would lead the people toward Socialism.

At this stage in the narrative, what is significant is that from any reasonable Ulster standpoint it should have been possible to see that a marching-and-talking IRA (especially one that was prepared *de facto* to recognise Partition) must be an improvement on a shooting-and-bombing IRA. And quite certainly it was a basic act of misgovernment to allow that there was anything revolutionary in the set of demands that Civil Rights finally adopted as its programme. These were:

1 One-man-one-vote in local elections
2 The removal of gerrymandered boundaries
3 Laws against discrimination by local government, and the provision of machinery to deal with complaints
4 Allocation of public housing on a points system
5 Repeal of the Special Powers Act
6 Disbanding of the B-Specials.

October 1968: Police Attack on March

It was Lord Cameron's dry estimate that these reforms were not such as would "in any sense endanger the stability of the Constitution." To judge by his response, the Minister for Home Affairs did not see things in that light. The confrontation came almost immediately after the success of the Dungannon march, when a similar demonstration was announced for October 5, in Londonderry.

Derry is an emotive symbol in the Ulster tragedy, a flashpoint of Catholic and Protestant history. In the siege of 1689 the Protestant citizens held the wall for 109 days against Catholic besiegers. Its recent history has been one of grotesque unemployment—one in five of the men out of work—and the crudest Protestant manipulation of housing allocation and political power.

The Derry police regarded the local march committee with disfavour, which is understandable in view of the presence in Eamonn McCann, of at least one eagerly self-confessed revolutionary. Rather less reasonably, they went on to equate the whole Civil Rights movement with Republican extremism.

During September, the Civil Rights Association notified a march route to the police, one which crossed the river by the Craigavon Bridge and ended inside Derry's famous Walls (whose gates the prentice lads slammed against Catholic James II in 1689). Five days before the march was due, the General Committee of the Apprentice Boys of Derry—who of course, are substantial citizens these days—informed the police that the "annual" parade of persons attending their Initiation Ceremony would be passing over exactly the same route on the same day as the Civil Rights march.

The police concluded that violence was likely. On October 3 the Minister for Home Affairs issued an order banning marches in Londonderry.

The Apprentice Boys' parade was cancelled without demur. (Curiously enough, this "annual" event had never occurred before and has not since.) But the Civil Rights movement faced a harder decision. After a long and agonising meeting the local militants insisted on defying the Ministerial ban, and the national leadership reluctantly acceded.

Originally, the prospects for the march had not been spectacular, because the local organizers did not carry great weight in the Catholic community. But "the effect of the ministerial order was to transform the situation. It guaranteed the attendance of a large number of citizens . . . who actively resented what appeared to them to be totally unwarranted interference."

The events of October 5 were splashed on television sets all over the world. Over 2,000 people gathered at the Waterside station, representing "most of the elements in opposition to the Northern Ireland Government and the Unionist regime in Londonderry." Mr. Craig and the police, it seems, were prepared for violence. They did not regard it as sufficient to let the march proceed and lay charges afterwards.

The march immediately faced a police cordon, and the officer in charge warned that women and children should depart. The marchers tried to avoid the police by taking a different route, but when that route also was blocked they walked right up to the police. At this point, two Stormont Opposition MPs, Mr. Gerry Fitt and Mr. Eddy McAteer, were batoned, and Fitt (who also sits at Westminster, and had brought over three Labour MPs) was removed to hospital.

The Cameron Commission found that Fitt was making an "irresponsible" speech, but also that he and McAteer were batoned "wholly without justification."

The immobilised march now turned into a meeting, which after half an hour was asked by its leaders to disperse. What happened next is far from clear, but Cameron decided that there were certainly extremists present—not of the IRA—who wished to provoke violence, or anyway a reckless confrontation with the police.

Violence, certainly, was what they got. It appears that some of the Young Socialist Alliance from Belfast threw their placards and banners at the police. Some stones were also thrown, and "many of the police having drawn their batons earlier, the County Inspector in charge ordered them to disperse the march . . . the police broke ranks and used their batons indiscriminately. . . ."

The physical injuries involved eleven policemen and seventy-seven civilians, mainly with bruises and lacerations to the head. The political results sprang from the shocking effect of televised police violence, and on Sunday, October 6, a group of students from Queen's University, Belfast—some of whom had been at Derry—marched in protest to the home of William Craig. "Their reception by Mr. Craig was hostile and calculated to incense already inflamed feelings. He so far forgot his position . . . as to call the students generally 'silly bloody fools.' "

The day after Craig's well publicised display of intransigence, some 800 students decided on a protest march to Belfast City Hall. This immediately attracted a counter-demonstration led by the Rev. Dr. Ian Paisley. Only at the price of halting the student's march and provoking a three-hour sitdown in the city centre could the police keep the two groups apart.

Out of this experience grew the People's Democracy group of Bernadette Devlin and Michael Farrell, loosely based on students and ex-students of Queen's. PD was no more a conspiracy of violence than was the Civil Rights Association (indeed, its members stayed under the CRA "umbrella"), but it was prepared to go further by sit-downs and disruption in bringing violence upon itself—"calculated martyrdom," Cameron called the attitude.

Several streams of violence, each dominant at different times, were now running in Northern Ireland. There was the violence of parts of the Royal Ulster Constabulary (the RUC, it should be remembered, was an overstretched, if over-armed, force). There was the unofficial, sometimes conspiratorial violence of some inflamed Protestant citizens, who assumed from Mr. Craig's behaviour that a Fenian rising was imminent. There was the special category of violence by off-duty members of the B-Special Constabulary.

November 1968: O'Neill Makes Reforms

In the face of impressive difficulties the Prime Minister, Terence O'Neill, was trying to stitch together a Cabinet consensus which would enable him at last to deliver some tangible reforms to the Catholic population. The problem was not only that his Home Affairs Minister took the public stance that any such action would be mere pandering to revolution. O'Neill's private, and not unjustified, suspicion was that his Minister for Commerce, Brian Faulkner—an old enemy—was calculating the best moment to withdraw support.

Events still centred on the city of Derry, sick with unemployment and communal tension, as indeed they were to do again and again until Derry became the immediate cause of British involvement. In the furious aftermath of the October 5 beatings the Derry Citizens' Action Committee was formed: its dominant figure was an ex-teacher called John Hume.

The committee made clear that it would mount a series of protests against the behaviour of the police and the partisan structure of Derry Corporation. On November 13, Mr. Craig announced a one-month ban on all processions within Derry Walls.

This was followed three days later by an enormous Catholic and Civil Rights procession, 15,000 strong. Had the procession been violent, it could certainly have swept aside the police barriers protecting the forbidden territory. As it was, the march dispersed after a "token" breach of the barriers by its leaders.

Restraint was about to break when on November 22 O'Neill announced his reform package. It was not large but it was a beginning: an Ombudsman, a system of housing allocation by points, a promise to repeal parts of the Special Powers Act and the announcement that there was to be a comprehensive reform of local government elections by the end of 1971. He also suspended the hopelessly unrepresentative Derry Corporation, and put in a nominated commission: the effect on the Catholics of Derry was to produce a period of calm.

The effect on Protestant opinion was otherwise, as was shown at Armagh and Dungannon.

A Civil Rights march had been announced for November 30 in Armagh. The local police had no objection to the march plans: although known Republicans were involved, the police did not expect them to be provocative. However, the Armagh RUC found themselves confronted with Ian Paisley, who informed them that the Government had quite lost control in Derry, and that if they did not stop the Armagh march he intended to do the job himself.

During the week before the march, red-painted notices were shoved through letter-boxes in Armagh:

Ulster's Defenders, A Friendly Warning, Board up your windows, Remove all women and children from the City on Saturday, 30th November, O'Neill must go.

Minatory posters also appeared, bearing the initials of the Ulster Constitution Defense Committee: that is to say, the controlling mechanism of the Ulster Protestant Volunteers, whose members pledge that "when the authorities act contrary to the Constitution, the body will take whatever steps it thinks fit to expose such unconstitutional acts." The arbiters of unconstitutional behaviour appeared to be Dr. Paisley, chairman of the UCDC, and Major Ronald Bunting, Commandant of the UPV.

Around 1 a.m. on November 30 Paisley and Bunting arrived in Armagh with a convoy of cars, which were parked around Thomas Street on the route of the march. For the rest of the night about 130 people stayed with them, walking about and talking in small groups. Approached by the police, Dr. Paisley said he intended to hold a religious meeting.

At 8 a.m., the police placed roadblocks around the town and began to search incoming cars. They found two revolvers, and 220 other weapons, such as pipes hammered into points. "The groups standing in Scotch Street and Thomas Street were now seen to be carrying weapons such as sticks and large pieces of timber. Dr. Paisley carried a blackthorn stick and Major Bunting a black walking stick."

The police did not care to break up the Paisleyite crowd, because its individual armed members might be even harder to control. There was no option but to ask the unarmed civil rights march to stop—which it did, although the stewards had "some rough work" enforcing orders. Trouble was thus averted, except for the case of an ITV cameraman struck down with a leaded stick. But the fact remained that a lawful march had been prevented by carefully-laid plans of violence.

In Dungannon, where Major Bunting had been involved in a "violent and irresponsible" (Cameron's words) counter-demonstration against People's Democracy on November 23, there was worse trouble on December 4. Protestant extremists, including off-duty B Specials, gathered to counter a Civil Rights meeting in the Parochial Hall. There was stone-throwing, from both sides, and then a member of the Protestant crowd fired a shot at a Press photographer which narrowly missed.

The Right Wing of the Protestants was already affronted by the failure of the Catholics to respond with sufficient humility to the O'Neill reform package. On December 11 Capt. O'Neill went further by dismissing William Craig from the Ministry of Home Affairs, a move which evoked more hostility from the Right. The previous day O'Neill had made an emotional appeal on television for a united and peaceful Ulster, and there was enormous public response in his support. The Civil Rights bodies agreed to give him time: they called a truce over Christmas.

THE MARCHERS ARE "SEEN ON THEIR WAY"

It was at this delicate moment that the students in the People's Democracy decided to stage "the long march" from Belfast to Londonderry. With the O'Neill package and the Craig dismissal already achieved, it was a dangerous exercise in gloating.

According to some of the leaders of PD the long march—through Protestant strongholds—would not have been completed if the ferocity it met with at the end could have been anticipated. But that may have been only one of many views in the amorphous body of PD. The character of the outfit was frankly conveyed in some words of Bernadette Devlin, which may have been a little too frank for her colleagues' taste:

"We are totally unorganised and totally without any form of discipline. . . . I'd say there are hardly two of us who really agree."

Basically, the PD people were non-communist Marxists, themselves of Catholic origin, pursuing the idea—a novel and possibly thankless one in Ulster—of inter-denominational workers' revolution. As one of them observed some time after the Long March: "Everyone applauds loudly when one says in a speech that we are not sectarian, that we are fighting for the rights of all Irish workers, but really that's because they see this as a new way of getting at the Protestants."

Because a march 73 miles across the province would cross many strong Protestant areas and entail serious physical risk, it appealed.

Certainly there were militants, extremists and even subversives among the Civil Rights workers, and this was especially true of the People's Democracy faction.

But, although Lord Cameron and his colleagues found that "politically subversive and mischievous" people did at times "inflame passions . . . and either irresponsibly or deliberately invoke violent incidents," they also wrote: "We disagree profoundly . . . with the view which professes to see agitation for civil rights as a mere pretext for other and more subversive activities."

The march began on New Year's morning, 1969, peacefully and comically, with 80 participants. Their progress, inevitably, was haunted by Major Bunting, who started off skittishly pretending to "lead" the march with a Union Jack; he dropped out of the procession, his timing inviting ribald remarks, at the entrance to Bellevue Zoo.

One anarchist had turned up, but nobody would help him carry his banner. A Republican Club contingent was asked not to carry the Republican flag; in the end anarchist and Republicans compromised. They would carry their poles but the banners would be furled.

After three days of the march, on January 3, Paisley saw Captain Long, the new Minister for Home Affairs, and tried without success to try to persuade him to ban the last stage.

That night, while the PD marchers rested in Claudy, eight miles outside Derry, Paisley held a religious meeting in the Derry Guildhall. Outside, in Guildhall Square, a riot broke out, and the windows of the Guildhall were smashed. Major Bunting told the audience to prepare for the defence of the women and children; chairs and banisters were broken up to make clubs, and Paisley supporters debounched from the hall in defensive formation. Outside, a considerable fight took place, and Major Bunting's car was burnt out.

Bunting took care to inform both the Protestant audience and the media that it was a "Civil Rights mob" which had endangered women and children. He also said that as many people as possible should be at Brackfield Church next morning, near Burntollet Bridge, "to see the marchers on their way."

The Cameron Commission found that the Guildhall riot had nothing to do with any Civil Rights organization. It was random and largely drunken sectarian hooliganism, sparked by the mere fact of Paisley's presence.

On the morning of January 4, the marchers arrived at Burntollet Bridge, led by an escort of eighty policemen. Waiting for them were about 200 men, armed with clubs of various kinds.

Certainly these people were inflamed by the belief that the Derry riots of the night before had been fomented by civil rights workers. But their attack was hardly spontaneous, for many of them wore white arm-bands to identify each other in the thick of the fight.

There was no chance that the police could protect the unarmed marchers against assault. The attackers had chosen a natural ambush site, where fields sloped sharply down to the road. Here, they had stacked "ammunition," such as rocks and lumps of old iron.

The police were able to protect the head of the march to some extent, but they could do nothing about the main body. When the missiles began to rain down, some of the marchers tried to escape through the fields, where they were set upon individually.

Both the police and the marchers were taken aback by the ferocity of the attack, and indeed the affair probably exceeded any coherent Protestant intentions.

For all moderate opinion, the result of the march was disastrous. If it was the aim of the PD marchers to demonstrate a commitment to violence among substantial numbers of Protestants, they succeeded perhaps better than all but their hardiest spirits desired. Also, in Catholic mythology, they demonstrated a complaisance by the police towards violence.

The Cameron Commission found, to the contrary, that the police did make a serious attempt to stop the ambush at Burntollet, and that they were unready rather than complaisant. But on the night of January 4–5, and on several nights thereafter in Derry, members of the RUC proceeded to do things enough to justify some, if not all, of the mythology.

As the Catholics of Derry see it, there has been for years a simple, frightening pattern about police reactions to trouble in the city. Disorder breaks out—often, as on January 4, 1969, the result of Protestant provocation. Immediately afterwards, the police mount a punitive expedition against the Bogside, the Catholic "ghetto" area.

Whatever the truth about other occasions, something very like this must have happened the night after the Protestant attacks on the PD marchers.

It should be said that the first reaction of the Bogsiders that night was to start building barricades in their streets, a task in which they were encouraged by some of the PD people. This, which they themselves called "protection," could be counted as a provocation to the forces of the law—but one of a rather special kind, for the RUC did not then and do not now exercise any real police control of the Bogside.

We have to record with regret [said the Cameron Commission] that our investigations have led us to the unhesitating conclusion that on the night of January 4–5 a number of policemen were guilty of misconduct which involved assault and battery, malicious damage to property, to streets, in the predominantly Catholic Bogside area giving reasonable cause for apprehension of personal injury among other innocent inhabitants, and the use of provocative sectarian and political slogans. . . .

THE CAMPAIGN THAT BROUGHT O'NEILL DOWN

This was a cool, legal description of a night in which groups of burly RUC men roamed through the Bogside, crashing from time to time into the tiny terrace houses and dealing out arbitrary "punishment" with their batons. The Commission thought that even though the police were overstretched and exhausted, there could be "no acceptable justification or excuse" for this "unfortunate and temporary breakdown in discipline."

The very appointment of the Cameron Commission to investigate such incidents was itself now to become part of the drama.

The appointment was used as *casus belli* for the campaign which brought O'Neill down. Some people surmise that had Mr. Faulkner, the present Prime Minister, himself succeeded to the Premiership (in March 1963), then his power-base in the Unionist right might have been used to make successful reform where O'Neill was bound to fail. What is beyond surmise is that, as events turned out early in 1969, that power was used to destroy O'Neill's last chance.

On January 23, eight days after Cameron's appointment, Faulkner resigned from O'Neill's Cabinet, citing as his reason the lack of "strong government." Weakness, in his view, was being shown by appointing a Commission to investigate the disturbances of the Civil Rights campaign: he had always been "unhappy" about the idea. Then, while claiming to be in favour of reform, Faulkner deplayed a classic reactionary defence: he affected to object to the manner, not the matter, of reform.

The Ulster Government, he said, must choose between two quite different courses. *Either* it must gain Unionist Party approval for "a change of policy," including immediate universal suffrage in local elections, or it must set out simply to resist "the pressures being brought to bear."

O'Neill's reply was bitterly contemptuous politics. In view of the supposed strength of Faulkner's view on the Commission, O'Neill found it "rather surprising . . . that you did not offer to resign when the Cabinet reached its decision. . . ."

"I will remind you," he went on, "that . . . after the events of October 5 in Londonderry . . . it was you who were one of the principal protagonists of the view that there ought to be no change under what you described as 'duress'." It was true, said O'Neill, that when the Commission was mooted, Faulkner had proposed instead that the party be asked outright to approve one-man-one-vote. But as Faulkner himself had said earlier that the franchise could not be changed in the short term, and knew "full well" that the party would refuse, then the suggestion was "disingenuous."

"You also tell me that you 'have remained' through what you term 'successive crises.' I am bound to say that if, instead of 'passively remaining' you had on occasions given me that loyalty and support which a Prime Minister has a right to expect from his deputy,, some of these so-called 'crises' might never have arisen."

O'Neill had one move left to make. He called a general election for February 24 (1969), a gamble predicated on the hope that he might find among the electors the "middle ground" support which was insufficiently available among the politicians.

It is hard to recall, now that the Falls Road and the Ardoyne are IRA fortresses, that in February, 1969, O'Neill, the Unionist Premier, could go into those districts and be swept off his feet by cheering crowds. And it is worth remembering that, in strict terms, O'Neill won the election. That is, he and the Unionists who supported or tolerated his policies formed a simple majority in the new Parliament.

But to resurrect his full authority O'Neill needed to inflict exemplary punishment on his opponents. He did not do so. In only two cases were established anti-O'Neill members upset by O'Neill supporters. Out of thirty-one contested Unionist seats, eleven were won on specifically anti-O'Neill platforms, while others were ambiguous. The anti-O'Neill victors included some of the most important Protestant spokesmen (William Craig, Desmond Boal, Joe Burns) together with Brian Faulkner and several of his present Government (Captain John Brooke, John Taylor, Harry West). "Wee Johnnie" McQuade, a wizened docker, who outdoes Paisley in intransigence if not in coherence, increased his majority, and O'Neill himself, who had never before had to defend a seat, came within 1,414 votes of losing to Paisley.

It was therefore a weakened O'Neill who now faced a further turn of the screw. And Derry was once more the scene of a particular incident with powerful symbolic effects: the Samuel Devenney affair.

The North Derry CRA proposed to stage a march on April 19, 1969, which would start at Burntollet Bridge and enter the city. Fears that Protestant reaction would be violent caused the Ministry of Home Affairs to ban the march, and after a long meeting with the Minister the CRA officials agreed to respect the ban.

On the 19th, there was a spontaneous sit-down by Civil Rights supporters inside the Derry walls. Nearby, there was a gathering of Paisleyites who had been to Burntollet just in case the march might take place. Stone-throwing between the two groups began.

The police response was to drive the Catholics back into the Bogside, and the result was a battle which lasted until midnight. (One policeman in difficulties fired two shots, which he said were sent up into the air). Although the events of the 19th were outside Cameron's terms of reference, the Commission still reported that "we were presented with a considerable body of evidence to establish further grave acts of misconduct among members of the RUC . . . these should be vigorously probed and investigated."

The Devenney family were among the victims. At 9 pm on the 19th—this comes not from Cameron, but from subsequent inquest records—Samuel Devenney, a man of 43 with a weak heart and a record of TB, was at home with his wife and five children, aged between five and eighteen. Nearby, some Bogside teenagers were stoning a group of RUC men.

April 1969: Bogside's First Martyrs

Six police Land Rovers came round the corner, and the youths dashed into the nearest open doorway, which chanced to be the Devenneys' in William Street. Just what happened to them is uncertain, but somehow they got away—probably by rushing straight through the house while the Devenney children tried vainly to stop them.

The policemen then burst into the house, and fell upon the Devenney family with batons and boots.

Samuel Devenney was taken to a hospital with a badly-cut scalp, and within hours he and his family had become symbolic martyrs for the whole of the Bogside.

His subsequent death—which was never linked by medical evidence to the police assault—and the consequences of the delayed abortive inquest belong later in the narrative. But the vital fact should be noted here that the officers who made the assault were never brought to justice.

The reason why the matter could never be "probed and investigated" as Cameron recommended was more significant than the brutality of the event itself.

On the night Samuel Devenney was beaten the senior officers of the RUC in Derry were not in control of what was happening in Bogside. Police from other forces had poured into the city: nobody knew where they had come from, or where they had been deployed. At the station nearest to the action, the desk log was not kept properly: in any normal force, the culprits might have been traced from the duty rosters, but in Derry that night those basic documents were not kept.

Records are one essential attribute of a police force which is restrained by law, but in Derry on the night of April 19, 1969, large sections of the RUC had turned into a sectarian mob.

Yet the beatings which the RUC had handed out in Derry did not slake the increasing Right-wing Unionist demands for "strong government." Indeed, the case for strength appeared to become incontrovertible, for bomb explosions now became a part of the political brew.

On April 20, the Belfast water-supply lines from the Silent Valley reservoir were seriously damaged by gelignite explosions. On April 25 there were further and more damaging explosions, which dislocated supplies to the city fairly thoroughly.

"IRA plan behind the blasts, says RUC," ran the Belfast Telegraph headline.

The bombs alone, of course, did not bring O'Neill down, but they were weighty final straws. On April 28, the Premier resigned, saying that what was impossible for him "may be—I do not know—easier for someone else." He was, in the words of the Daily Telegraph, "the one politician willing to lead this province of 1,500,000 people out of the dark shadows of religious strife." Two other, and less sensible, comments on his fall may be worth recording, one denying the reality of any "dark shadows," and the other revelling in their opacity:

Bernadette Devlin, on this occasion, thought it was all capitalist nonsense to talk about religious strife, and distilled the PD view into the starkest naiveté it has yet achieved: "Ulster's problem is *not* a Catholic-Protestant problem."

The Rev. Ian Paisley, exulting over the fall of a "traitor," said: "We see this as the hand of God."

The Almighty's hand, however, had received some assistance on this occasion. At the time, the view that the Silent Valley bombs were IRA work could not be effectively discounted, and even today the history of the episode is clouded. But after the British intervention, and after Sir Arthur Young had taken over the Royal Ulster Constabulary, William Stephenson and several other men were placed on trial for the Silent Valley explosions. Stephenson was self-styled "Chief of Staff" of the Ulster Volunteer Force, the shadowy Protestant equivalent of the IRA: he pleaded guilty and gave evidence against the other men charged, who pleaded not guilty.

The evidence of Stephenson, a man of dubious character, was not enough to convict his fellow prisoners, and they were acquitted. (The atmosphere of the trial was marred by the fact that towards its end a bomb went off outside the jury room.) But it is still reasonable to take Stephenson's own plea and conviction as evidence that it was Protestants who first turned to the use of gelignite in this particular cycle of Ulster politics.

Ulster's constitution is the Government of Ireland Act, 1920, one section of which says that "Notwithstanding the establishment of the Parliament of Northern Ireland . . . the supreme authority of the Parliament of Westminster shall remain unaffected and undiminished over all persons, matters and things [in Northern Ireland]." If there is one thing which has united Labour and Tory at Westminster, it is a desire to leave that section gathering dust as long as possible.

During all the long exposure of Ulster injustice in the Sixties, any Parliamentary question at Westminster was turned aside on the grounds that "by convention" the "internal affairs" of Northern Ireland should not be discussed. During the 1964 election, Harold Wilson saw Sir Alec Douglas-Home, about to appear on a TV programme beamed at Northern Island, tear off his own tie and put on one which bore the Red Hand of Ulster: Wilson was amazed at even so trifling and symbolic a breach of the tradition of separateness. "Any politician who wants to get involved with Ulster," he muttered, "ought to have his head examined."

Throughout 1968, Wilson managed to minimise his entanglement with Terence O'Neill's problems, although he concurred in the O'Neill's reforms of November, 1968, and in the appointment of Lord Cameron's Commission. But after the fall of O'Neill, it became steadily plainer that the British Government was going to get deeply involved.

It seems reasonable to look for evidence that some major debate took place within the Labour Government at this point. We have not, however, been able to find any. There does not seem to have been a Cabinet meeting which was devoted entirely to Irish questions until after the troops went in (in August, 1969) and Labour's policy is well described in the words of a civil servant. "We chose the least disturbing option every time," he said.

Terence O'Neill's calibre was that of a decently competent Westminster Tory, which is what he set out to be before he became king fish in the more limited Stormont pool.

He was succeeded by an honourable, but politically simpler man, his distant cousin James Chichester-Clark. Conceivably, relations with Westminster would have been better had the "professional" Faulkner won, but Faulkner lost by one vote: a result which instances the effect of personality in Ulster politics.

Even though it was the withdrawal of Chichester-Clark's support which finally brought O'Neill down, O'Neill still voted for his cousin against Faulkner. It was done not for family loyalty or for reasons of state, but simply because "Jimmy had only been trying to bring me down for six weeks. Brian had been trying for six years."

The authority of the old O'Neill Government had been destroyed during a long winter of the repression of marches and demonstrations designed to advertise the grievances of the minority. The authority of the new Government now faced the summer season of Orange marches, designed to exalt the supremacy of the majority. More than one newspaper speculated that British military force would soon have to come into play, and it was scarcely difficult to anticipate the dangers. There remained, all the same, much complacency in both Stormont and Westminster.

There were already British troops in Northern Ireland, but they were garrison troops, not engaged in putting down riots. Their headquarters was in Lisburn, in pleasant rolling country worlds away from the gritty Belfast slums. Nevertheless, when General Sir Ian Freeland arrived on July 9 to take up his command as GOC Northern Ireland, he smelt trouble in the air at once.

Next day, Freeland met Chichester-Clark and Anthony Peacocke, head of the RUC. The first big Orange parades, the Boyne celebrations in Derry, were just forty-eight hours away. Violence had been mounting for the past three weeks: rival crowds, savage speeches, sporadic punch-ups. Yet Chichester-Clark and Peacocke were unworried. There would be no trouble, they told Freeland. Orange marches never caused trouble.

As there has been no lack of people to explain later that Freeland was not "the right general for the job"—whoever that unlikely paragon may have been—it might as well be said that he seems to have been one of the few actors on the Ulster scene who never tried to pretend the difficulties did not exist. But in face of Stormont's optimism, there was nothing he could do except warn Whitehall.

Neither Freeland nor any other serious

soldier seems to have been exactly enthusiastic about the chances that a military presence could restore communal peace to Ulster, but the one thing they were sure of was that an inadequate military presence would be disastrous.

Freeland had just 2,400 garrison soldiers in the province, and half of them were tied up guarding power-stations because of the April bombs. Still, Ulster in Ministry of Defence reckoning stood behind the Far East, the Rhine Army and the Strategic Reserve in the queue for reinforcements. "Why won't they realise we are on the brink of civil war?" said Freeland to one of his staff in July.

On July 12 the Orangemen marched in twenty places throughout Ulster, including Londonderry, by now a city of seething neurosis. By the morning of July 13, 1969, the police were scarcely able to keep the two communities apart.

Labour Agrees to Troops, But With Strings

Three days later, the British Government began to prepare. A rising young minister, Roy Hattersley, was summoned to the Prime Minister's room at the House of Commons.

Wilson explained that he had planned a Government reshuffle in September, but meanwhile the Defense Secretary, Denis Healey, had to go soon into hospital. Would Hattersley therefore leave the Department of Employment and Productivity at once, and go to Defense as Healey's deputy? His first task would be to make ready for the possible use of British troops in Ulster.

The obvious step, after the disturbances of July 12, was to ban all further parades in the province. It could hardly be said to be undemocratic after the bans imposed on Civil Rights marches, and it was clear that the RUC's capacity to maintain order was now vestigial.

Both Wilson and Healey favoured a ban. But Ulster was firstly the responsibility of the Home Secretary, James Callaghan. He talked to Chichester-Clark, and reported that the Ulster Premier would fall from power if he had to cancel the Orange marches still to come. Reluctantly, the Cabinet agreed to the marches, and this was to become a familiar mechanism: a British government agreeing to follow a policy which it did not favour, but which was thought necessary to protect an Ulster Premier from his "supporters."

The alternatives were to accept a new Premier, perhaps some such primitive as Craig—or to impose direct rule from Westminster. There is conflicting testimony about how seriously and in what terms direct rule was discussed by Labour.

The Ministry of Defense calculated on the basis that direct rule could mean military rule, if the Ulster civil service refused to cooperate. That would require some 30,000 troops. Denis Healey, wrestling with NATO commitments, said that was "impossible."

The real reasons against direct rule were perhaps less concrete. Crossman and Jenkins lectured the Cabinet on the lessons of Irish history. "If there is one thing I have learnt," said Jenkins, "it is that the English cannot run Ireland." "It was damned easy to get Makarios to the Seychelles," said Callaghan, recalling Cyprus, "but damned hard to get him back again."

Most of the Labour Government discussion towards the end of July turned on a technical question: assuming that troops were to go to the aid of the civil power, on what basis should they do so? The question of what civil power they ought to be aiding was never really faced.

Sir Elwyn Jones and the law officers produced a "minimum answer" which raised as few principles as possible. The soldiers should go in as "common law constables."

On July 30–31, 1969, the Labour Cabinet held a two-day meeting to wrap up business before the summer holidays. Wilson and Callaghan were given authority to give Chichester-Clark troops if he asked for them. The "strings" would be worked out later.

Two days later the consequences of Labour's ambiguous formula began to work themselves out on the Ulster streets. On August 2 an Orange march paraded past the block of Catholic flats, near Belfast city centre, which are ironically named Unity Flats. At the height of the riot that followed, when it looked as though two police stations might be overrun, the Belfast police commissioner, Arthur Wolseley, called troops to his aid.

For a few hours about sixty men of the First Queen's, plus a tactical HQ unit, were actually stationed at police headquarters in East Belfast. But Freeland ordered them back to barracks before the fact came out, and the August 3 message log of 39th Brigade (the Ulster force) makes clear the reason, and the Army's interpretation of the formula:

"No question of committing troops until all methods exhausted by the police."

Wolseley and his chief, Peacocke, questioned Freeland. Did "all methods" mean that the police had to call out the B-Specials before the Army would move?

It did.

Even the RUC men were taken aback. Did Westminster not realise that the effect calling the B-men into Belfast would have on the Catholics?

As one of Freeland's own officers not long afterwards referred to the B-Specials as "a trigger-happy bunch of sportsmen," there could be no doubt how he felt. But all he could do was repeat his orders. The consequence of the British Government's position was that before troops could go in, the Stormont Government must be forced into an assault that the Catholics would neither forgive nor forget.

In the words of one of its members, the policy of the Labour Government amounted to "doing anything to avoid direct rule." Yet during the week before the Apprentice Boys' march, the London newspapers were full of stories suggesting the exact opposite.

The Financial Times, on August 6, was quite unambiguous: "British troops would only be used to restore law and order in Ulster if the Northern Ireland Government first agreed to surrender its political authority to Westminster.

The journalists were reporting with perfect accuracy the information which Harold Wilson was feeding into the political lobby system. "Harold," recollected a Whitehall civil servant, "was huffing and puffing about 'not being a rubber stamp for Stormont'."

This was a last-minute attempt to bluff the crisis away, the theory being, apparently, that if the Ulster Cabinet read in the newspapers that Labour policy was the opposite of what it really was, then they might be frightened to ask for troops, and might therefore ban the Apprentices' parade.

But it is not easy to bluff men who are playing for political survival. On Friday, August 8, Chichester-Clark had an angry session with Callaghan at the Home Office. Chichester-Clark was demanding reserves of CS gas and Army helicopters: Callaghan, supposedly, was "explaining the facts of life" to the Ulster Premier.

"Jimmy more or less told Callaghan to stuff it," said Chichester-Clark's brother Robin, who sits as a Westminster Unionist MP.

August 1969: Petrol Bombs Begin To Flare

Over the weekend of August 9–10, the Stormont Cabinet learned that despite Callaghan's sermonising, they would not lose their independence if they called in British troops. The only lasting result of this episode was to convince the Ulstermen that Whitehall only rarely meant what it said, and on Monday, August 11, the Stormont Cabinet met and ratified their decision to let the Apprentices hold their parade.

The decision set off a series of complex and often violent interactions in Derry, Belfast and Whitehall. The week of August 11–16 was when the British public suddenly came face to face with the fact that there was a part of Britain where politics could kill.

The sheer savagery of the streets was conveyed at the time by television and newspapers. What was harder to distinguish, let alone convey, in the bloodstained jumble of events, was the sequence that precipitated British power into Ulster.

The Apprentice boys' parade on August 12, 1969, was not significantly more "provocative" than others in previous years. But to discuss it in degrees of provocation is to imply that it is, like a students' demonstration in England, a basically pacific event which may on occasion be taken over by wild spirits.

The Apprentices' parade is a matter of solid citizens celebrating their continued enjoyment of something which they hold to be required for their survival: namely political hegemony over their Catholic fellow-citizens.

It therefore assumed on August 12 its normal form of 5,000 men wearing bowler hats (the Orange "uniform") marching along the walls of Derry, which enclose the old Protestant town and look down upon the impoverished Catholic Bogside. They were accompanied by bands and banners, and sang *The Boyne* and other anti-Catholic songs.

As they went, some people in the parade threw pennies down into the impoverished Catholic Bogside.

In August, 1969, after nearly ten months of intense political excitement, the Bogsiders were not prepared to take insults quietly. It is not clear to us when pennies were replaced by stones, nor from which side the first stone came.

What matters is that violence was implicit, and that the moment it erupted it assumed a pattern which the police could not contain.

The Catholics began to build barricades across the entrances to the Bogside. On the roofs of flats and houses, children were put to work making crates of petrol bombs. The RUC drew up on the perimeter of the Bogside, and behind them the old city was full of gangs of Protestant youths anxious to follow the police into the Bogside and teach the Catholics a lesson.

On Tuesday night, and throughout Wednesday violence assumed a ritual form. RUC constables, armed with batons and riot shields, made charge after charge into the Bogside. Each time they were repelled by rocks and petrol bombs.

From the police viewpoint, this was an attempt to restore authority in the face of hooliganism. In the view of the Bogside it was simple self-defense. Samuel Devenney had died three weeks earlier: with his example in mind, it was not necessary to be a radical, but only an ordinary family man to want to make sure that there was not another RUC "punitive expedition" into the Bogside.

Throughout Wednesday the attempt to subdue the Bogside continued, with the police becoming more disorganised.

There is no doubt that during the rioting the Republican tricolour was flying from several Bogside buildings. To Protestant opinion throughout Ulster, it seemed obvious that the province was facing a Fenian insurrection.

The next afternoon, as the wind shifted and began to blow CS gas back into the city's Protestant area, the order went out from the new Prime Minister in Stormont to mobilise the B Specials.

Almost at once these armed and scarcely trained men began to mingle with Protestant mobs who were burning shops in the outlying Catholic pocket of Bishop Street. There would have been a ferocious clash between the Specials and the Bogsiders, if events had continued on this course.

But at 3:30, half-an-hour after the call went out for the B-men, Chichester-Clark had called Downing Street and said that his police could no longer guarantee order in Derry. At the same time a letter from the police chief Peacocke conveyed the same formula to an unsurprised General Freeland.

It was a call—this time unavoidable—for British troops.

Northern Ireland's permanent garrison was not in great strength because earlier that month one of the four battalions had been sent to Kenya. But the police admission that order could no longer be maintained meant they had to be committed at once. At 5 pm that day—Thursday, August 14, 1969—the first truckloads of soldiers began rumbling across the River Foyle into Derry.

As the police departed, the Bogsiders cheered. There could be no doubt that the RUC withdrawal was a short-term Catholic victory, nor that the news of that cheer reached Belfast the same evening. In Derry, of course, a Catholic victory is alway possible, for the Catholics have a local majority and easy access to the border with the Republic. In Belfast, the Catholics are outnumbered and hemmed into their ghettoes: traditionally, the Belfast Catholics have been held hostage for the good behaviour of others elsewhere.

And on Thursday night, the traditional mechanism went into action in Belfast.

The sending of troops into Derry was bound to shatter the last remnants of civil order in Belfast. Because the B-men had to be mobilised before there could be a call to the military, the Catholics, in genuine fear, would start to barricade the Falls and Ardoyne ghettoes. Because it meant a defeat for the RUC, it would provoke Protestant attacks on the Catholic areas, in which the police would be likely to get involved.

Whatever the trigger, there can be no doubt of the ferocity of the violence which reached its apex in Belfast on the night of August 14/15, 1969. Before it was extinguished, ten civilians had been killed and 145 civilians and four policemen wounded by gunfire.

The RUC was in an anxious mood. According to Deputy Commissioner Bradley, intelligence sources said the IRA had plans to pick off selected officers with sniper fire.

(In fact, it was not until October that the first RUC man was killed, and then it was by a Protestant gunman.)

The events of August 14/15 in Belfast are known in Catholic mythology as "the pogrom", a misuse of history as severe as any Protestant rubbish about the Revolution Settlement. The Scarman transcripts disclose nothing akin to the Turkish massacre of the Armenians: they do disclose, however, the RUC using firearms with such freedom as to quite disqualify it from being called a police force. And the circumstances in which Shoreland armoured cars with Browning machine guns came into play were certainly such as to provide the seeds for myth.

The Shorelands—unarmed—had first been brought on to the Belfast streets to control rioting on Tuesday. On Wednesday morning Anthony Peacocke, head of the RUC, had consulted with Arthur Wolseley, the Commissioner for Belfast, and Wolseley's deputy, S. J. Bradley. An immediate order was placed for ten more Shorelands. This decision was certainly Peacock's, as evidence before the Scarman Tribunal shows. But the decision was also taken to arm the existing Shorelands with .30 calibre Browning machine guns, and this no one is prepared to acknowledge.

Bradley told the Tribunal that he and Wolseley recommended to Peacocke that the guns—normally kept to border skirmishes—should be fitted. Peacocke said he could not remember being asked to take such a decision. They were, however, fitted, and several inexperienced crews were assembled to man them.

Troops Enter Belfast and a Myth Is Born

A Browning machine-gun of this sort has a range of about two miles, and fires ten high-velocity bullets every second. It is a sophisticated weapon of war, unsuited for riot control in a crowded city.

Around midnight on August 14, there was a battle near the Divis Street section of the Falls Road. Here, a complex of post-war flats and maisonettes overlooks a mass of Victorian terraces. It is a Catholic area.

A mob from the Protestant Shankill Road, slightly to the north, had come down to attack the St. Comgall's Catholic School on Falls Road near the Divis Flats. Shots were being exchanged, both Catholics and Protestants were being wounded, and just as a detachment of three Shorelands arrived a Protestant civilian named Herbert Roy was shot.

The police believed that there was at least one man shooting from the Divis Flats. In the opinion of District Inspector Cushley, in charge there, it would have been correct for the Shorelands to fire at the flats, if they could see an "identifiable target." This, even though innocent people in the flats would be endangered. One such person was a nine-year-old boy named Patrick Rooney, who was sheltering in his bedroom.

Head-Constable Gray first told the armoured car crews they could open fire. To judge from his evidence, Gray was under considerable pressure. "People were shouting, 'A man is dying, a man is dying. What are you going to do?' " (The man was Herbert Roy, bleeding to death on the pavement.) Gray's suggestion was that the armoured cars might fire over people's heads; Inspector Cushley amplified this by saying they could engage "identifiable targets."

Exactly how the cars came to open fire, and what they thought they were firing at, is not clear from the evidence of the crews—who appeared at the Scarman Tribunal under code-names. One man thought there was a machine-gunner by the Divis Flats. Another saw a grenade-thrower. It was quite clear, however, from subsequent investigation that at least eight bursts of Browning fire hit the Divis Flats. The guns cannot in practice fire fewer than five rounds in a burst.

Four bullets entered Patrick Rooney's bedroom, and blew half his head away.

It should, of course, be said that of the six people killed on that night, several were Protestants like Herbert Roy. But they were killed in Catholic areas; in other words, they were not killed by Catholic mobs going into Protestant districts. And indeed, where police guns and batons did drive the Catholics off the streets, they were followed over and over again by Protestant mobs setting fire to houses. By Friday morning, around 150 houses, nearly all Catholic, had been destroyed by fire.

The flow of events now began to submerge both Army and politicians. When his troops went into Derry, General Freeland realised they would have to cover Belfast, too. But he told Whitehall that he was so short of men that they would have to be deployed with exceptional care for any hope of success; at least thirty-six hours would be required. The Vice-Chief of the General Staff, Lieut-Gen Fitzgeorge-Balfour, agreed, and the Home Secretary was told that the troops would go into Belfast on Saturday, August 16.

But at noon on Friday, August 15, Callaghan had a Press briefing scheduled. With the morning papers carrying the news of the burning of Belfast, he could hardly have cancelled it. Callaghan badly needed something to say, "Gentlemen," he announced, "the troops are going into Belfast."

Freeland got the news of this abrupt acceleration of the move into Belfast when he happened to tune in to BBC radio's World at One news programme. Fitzgeorge-Balfour and Roy Hattersley, the Army Minister, heard at the same time, and there was an argument of no small proportions which culminated in this exchange:

Fitzgeorge-Balfour (opposing the move): As an old soldier, let me tell you that the time spent on reconnaissance is never wasted.

Hattersley: As a young politician, let me tell you that when the Home Secretary says troops are going into Belfast, troops are going into Belfast.

Two hours later, the soldiers were desperately trying to get in between the two communities, but without any certainty where one ended and the other began. "We couldn't have been worse off," said Freeland. The Army was going in too late to save the Catholics from the attacks of the night before, too early to be prepared against future attacks, and too thin on the ground to be effective. Out of the confusion, another Catholic myth was born.

On Friday night, a reinforcement battalion landed at Aldergrove and drove straight to the Crumlin Road—but they were too late. That afternoon Protestant workers had crossed into the fringes of the Falls ghetto to burn more Catholic houses in Bombay Street. The Army, it was said, had stood by and let it happen. The truth was that the handful of Welsh soldiers who were in the vicinity did not have the slightest idea what was going on.

Despite incidents like this, which were exploited only much later, there were numerous reports about the gratitude with which the Catholics were receiving the troops, especially in Derry. And it is no doubt true that the incursion cut short an offensive which certainly some Protestants were prepared to see claim many more Catholic lives. "If it hadn't been for the ———ing British Army," complained one Unionist statesman to the former Prime Minister, now Lord O'Neill, "we would have killed a thousand of them by Saturday."

There is no doubt about the bitterness of some Protestant reaction. (It was not the Catholics, but Ian Paisley who first compared the British Army to the SS). And this, together with some fine reforming rhetoric from James Callaghan, concealed for a time the underlying reality: that when the Labour Government sent troops to aid "the civil power" in Ulster, they sent them to support the Orange supremacy. In at least one quarter, the truth was realised.

Aboard the Thames houseboat which is his London residence, Captain Lawrence Orr, leader of the Unionist MPs at Westminster and Grand Master of the Grand Orange Council of the World, said: "We're getting the troops, and we're getting them without strings."

A few days after Britain entered its most significant military commitment for a generation, there was a meeting at which the Labour Cabinet solemnly asked themselves if there might not be some Oxford academics who could perhaps advise them on Northern Irish affairs. The depth of Ministerial innocence was profound: it is generally held that until 1969 the last ministerial presence in the province had been Labour's 1964 Home Secretary, Sir Frank Soskice, and that for one afternoon.

Yet the Labour Government, chiefly through the presence of James Callaghan, managed to give the impression of being more or less in control of Ulster. This is something that the Tories have failed to do, but in retrospect this has more to do with the fact that Labour were lucky to lose the General Election before the new season of Orange marches began, and before the emergence, late in the drama, of the IRA gunmen.

Outflanked by Wilson on the B-Specials

The truth is that Labour's policy on Ulster was short-term and limited in objectives. The Cabinet formed a Northern Ireland Committee which included Wilson, Callaghan, Healey, Jenkins and Lord Gardiner. But it was concerned in the main with "sorting out the endless disputes between Freeland and the police or between the Ministry of Defence and the Home Office."

Labour reformed the police and announced social reforms. But what is now seen as the central issue, the Protestant monopoly of Power at Stormont, was never tackled; and to be fair nobody in public life in England was urging Labour to tackle it. "We ought to have got round to it early in 1970, but the Election came and we missed our chance," one of the Ministers involved has reflected to us.

Labour made two other errors with whose consequence the Tories have had to live. First, they overestimated their own capacity to force on the Stormont Government the need to make reforms which would be really meaningful, quickly, to the Catholic population. Second, they underestimated the extent to which the very fact of the military presence, even in a "peace-keeping" role, might itself corrode the trust of the community and leave the way open for the ruthless exploitation of new senses of grievance.

Indeed, the first tangible result of Labour policy was a misunderstanding which almost destroyed the authority of James Chichester-Clark, their supposed agent of reform.

On August 19, 1969, James Chichester-Clark, escorted by Brian Faulkner, went to London for a five-hour bargaining session with Harold Wilson, James Callaghan and Denis Healey. The outcome was the famous "Downing Street Declaration," which committed both governments to reform in housing, employment and civil liberties. But it turned out that what was not written down was what really mattered.

Discussing strategy before the meeting, Chichester-Clark, Faulkner and Robert Porter, the new Ulster Minister for Home Affairs, had realised that Labour would want the B-Specials disbanded. They also agreed that it would be political suicide to agree.

They devised a scheme, and when the B-men came up, Chichester-Clark sprang it. Why not, he proposed, put both the police and the B-Specials under Army command?

"I think you could fairly say," he reported later, "that a pin might have been heard to drop." The three Labour men retired to consider this suspicious surrender, when they returned, accepting it, Chichester-Clark thought that he was home. He agreed to their suggestion that the B-Specials should also be "phased out" of riot control.

The meeting broke up just as ITN's News at Ten was beginning, and Wilson went on at once to announce that "the B-Specials are being phased out." Horrified viewers in Ulster took this to mean disbandment—which was exactly what it did mean in the mind of Denis Healey at least.

Of course, it was not what Chichester-Clark had in mind. But he was at the other end of the studio, and he did not hear what Wilson was saying. Therefore, when he followed Wilson on to the programme and muttered a few standard sentiments, he appeared to acquiesce in the destruction of the B-men. He had no idea what he had done—or what had been done to him—until he landed at Belfast Airport in the early hours and was met by his incredulous wife, who had watched the programme.

At once, a feeling of doom overcame Chichester-Clark. In retrospect, he feels that he never really recovered from the damage the episode did him. He just about managed to quell the inevitable revolt among the Stormont Unionists by handing out assurances on the future of the B-men, but in the Downing Street talks he had agreed to the idea that Lord Hunt should be appointed to look into the organisation of the Ulster police.

When, on October 10, 1969, Lord Hunt reported, and recommended that the B-men indeed be disbanded, it merely seemed that Chichester-Clark had been party to a plot.

FREELAND GIVES THE RIOTERS A BLOODY NOSE

The Hunt Report came as an appalling shock to Protestant opinion, because moreover it recommended that the regular RUC should be sweepingly reformed and *disarmed*. Its release on a Friday night was admirably timed to fit in with the weekly rhythms of Belfast violence (a mistake which has not been repeated), and it evoked riots from the Protestant Shankill mob as bad as anything since 1922.

An RUC inspector was killed: no policeman, surely, could die a more ironic death than to be shot down by a mob protesting against disarmament of his own force. But the most potent thing about these riots was the manner in which the Army put them down. It illustrates, outside the Catholic context, the effects which follow when an army is pressed into service as a police force.

The Army claimed later that the rioters fired more than 1,000 rounds from weapons which included a machine-gun and several sub-machine-guns. Even if that figure is a little high, there can be no doubt that the Shankill riots were a considerable affray. Equally, there is no doubt that the Army's reaction was vigorous. "We gave them a bloody nose," said Freeland.

The heartiness of that euphemism begins to convey the difference between civilian and military scales of violence, for the "bloody nose" amounted to two Protestants shot dead by Army marksmen, and a large number injured.

Edward Bawman, a 32-year-old plumber's mate, was one of the injured. Bawman and two friends were among those accused in court of disorderly behavior. An Army sergeant said that he had seen three men throwing stones: when they flew down a side street, he was ordered to pursue and arrest them.

Bawman said in court that he and the other two had been talking outside his house when soldiers charged down the street. They fled indoors to avoid trouble. Seconds later the soldiers burst in, and the evidence of violence was not arguable: Bawman had a broken arm, and at the hearing another was still in hospital with a fractured skull.

"They beat us and beat us and beat us," he said. The case against Bawman and his friends was dismissed because the magistrates could find no clear pattern in the evidence, except that violence had clearly been used and the accused men had been the recipients.

The ruggedness of the military approach to law and order was one thing. There were also signs that its application might be arbitrary: a point which can be made by looking at some of the cases in which evidence was given by Sergeant William Power of the Third Battalion, Light Infantry.

Sergeant Power, clearly an outstanding soldier, won the BEM for his courage during the Shankill riots. He gave evidence in at least a dozen cases—mostly charges of disorderly behavior—arising from them. In four, convictions were overturned on appeal, when striking inconsistencies emerged from Army evidence.

THE ARMY GETS DOWN THE BARRICADES

There was the case of Cyril Brinkley, a labourer aged thirty-one. Sergeant Power said that about midnight he saw Brinkley come forward from a crowd of about 800 and throw a petrol bomb. Power said he had then dashed forward and arrested Brinkley.

Brinkley told, in detail, a different story which the magistrate did not believe but the higher court did:

After watching Match of the Day on television, I was out for a walk about midnight when I head someone say that a man had been shot. I went to Mansfield Street, where I saw man who I knew lying on the ground. I took a white cloth and eventually reached the Shankill Road, where I went up to a military barricade and asked if I could phone for an ambulance . . . I was told to shut up. The next thing I knew I was lying on the ground. My face was busted, also my right eye. . . . The nearest I ever got to a petrol bomb was seeing them on TV.

When we subsequently checked the Army log for that night, October 11/12, we found corroboration for Brinkley's story.

Such incidents do not remotely justify Ian Paisley's claim at the time that the British Army was emulating the SS. They do not show that Sergeant Power was deliberately lying. What they do support is the reasoned complaint of a senior police officer that "the Army quite often had no idea who they had arrested, when or where."

This is scarcely surprising, for soldiers are not trained to make arrest and note evidence. As a result, the Army can be used for community pacification only with certain clear risks to relations between the community and the Executive, something that few people in or out of Whitehall had taken on board in 1969. Mr. Enoch Powell emphasized the point in a speech yesterday, but even now it sounds perverse.

In 1969 the relations thus put at risk were between the Protestant and the ruling power. It was not until the start of this year that the corrosive impact of the Army began to bear upon the Catholics.

The British Army is composed of decent, honourable and well-trained men, but given this intrinsic unsuitability for the job it is irrelevant to say that "no other army could have shown such restraint," or to compare it favourably with American behaviour in Vietnam. Towards the end of 1969 there were several behind-the-scenes disputes about this basic question, between General Freeland and Sir Arthur Young, the City of London policeman sent out, after the Hunt Report, to take over the RUC from Anthony Peacocke and civilianise it.

Freeland's original orders in August had been "to command and task" the RUC as well as the Army. Young, when he arrived, got that changed, though he had to threaten resignation, and Freeland's responsibility became to "co-ordinate" Army and police. Young and Freeland did not always see eye to eye on what this means, but there was no direct way to resolve conflicts, because the British Government was similarly divided. Healey ran the Army, Callaghan ran the police, and Callaghan, jealous of the Home Office's role, saw to it that plans for a joint Ulster Department were scrapped.

In theory, difficulties should have been solved at Stormont's Joint Security Committee, chaired by Robert Porter, with Freeland and Young as its most powerful members. But Freeland had been given sole charge of "security operation" by the Downing Street Declaration, and he felt that this entitled him to mount road-blocks, searches, vehicle curfews and the like without necessarily consulting the committee.

In September the Army had a signal victory in its volatile relations with the Catholics. It got the barricades down—by talking with the IRA, still in its peaceful posture.

The Unionists complained furiously, and accurately, that the Army was negotiating with the IRA. But there was very little choice about this, unless the Army wanted to fight its way in and destroy the barricades itself (which was just what the Unionists wanted to see).

In negotiating to get the Falls barricade down, Freeland's chief of staff, Brigadier Tony Dyball, had a certain number of contacts to work through. On the Belfast "Peace Committee," he had met a Falls Road priest named Fr Patrick Murphy, who had close contacts with the CCDC, which was largely dominated by Jim Sullivan of the IRA.

On Saturday, September 6, Freeland himself went to the upstairs room of St. Peter's Presbytery on the Falls Road to meet Fr

Murphy, a businessman named Tom Conaty (another Peace Council contact), Jim Sullivan himself and what Murphy called "six or eight good men and true," who accompanied Sullivan.

Disastrously, in the Army view, news of the meeting reached Tony Geraghty of The Sunday Times, and next day we carried a report that the Army was negotiating with the IRA. It was one of those hard cases where a true report has unhappy consequences. That night, there was a Protestant riot in Belfast, and on Monday, September 8, Chichester-Clark had to go on television and say that the barricades were an act of defiance, and must come down in twenty-four hours.

Both Army and Catholic leaders were horrified, and everyone began to play for time. The idea came up of a delegation to Callaghan, and after hasty factional debate, a formidable team was assembled: Conaty and Murphy of the Peace Council; Paddy Devlin and Paddy Sullivan, both MPs in the Catholic minority at Stormont; Gerry Fitt, a colleague at Stormont and also the Westminster MP for Belfast West; Jim Sullivan from the CCDC (or the IRA) and a lawyer named Jim McSparren. Callaghan agreed to see this gathering at 2 pm on Thursday, and in the meantime the threat of barricade removal was held over.

The meeting lasted seven hours. Callaghan said that he couldn't see Sullivan, because of the rumpus over the Sunday Times story, so Sullivan and Paddy Kennedy repaired to the Irish Club. (According to Conaty, they later came back secretly to meet Callaghan in his ante-room.) Agreement was reached, with Callaghan's personal assurance that if the barricades came down there would be soldiers at each end of every street to prevent Protestant incursions.

The weekend was spent trying to sell this deal to the rest of the CCDC, in the face of obstruction from men like Billy McKee and Francis Card, who were soon to emerge as leaders of the Provisional IRA. On Monday, when the Army was getting desperate, Fr Murphy had to call in his bishop, Dr Philbin, to work over the CCDC leadership.

Just before midnight, Brigadier Dyball rang Murphy, and the priest said it looked all right for Tuesday morning, but not too early for God's sake. Murphy still needed time to explain things, to get some sleep, and get back on the street for the demolition.

They agreed on 11 am. Then Dyball called back to suggest 9 am. Murphy said it was too early—even when the Bishop called, at Freeland's instigation, also to ask for 9 am. Murphy fell into bed at 5:30, to be awakened at 8:30 with the news that the Army had arrived.

When Murphy refused to come out, the Army waited patiently till 11 am, when Dr. Philbin turned up and the demolition began. In front of the TV cameras, the Bishop received a long denunciation from one of the future Provisionals, but all the barricades were down by Wednesday morning.

Ten days later, three Catholic houses were burnt, and the barricades went up again. This time Murphy negotiated direct with Freeland, and once more they were removed.

That such a raw-edged relationship between the Army and the Catholics should have survived through the autumn and into 1970 was an amazing feat of human relations. But the underlying danger remained—the fact that no Army, however well it conducts itself, is really adapted for police work.

Arthur Young, the police chief, continued to argue that the presence of the Army on the streets kept the tension screwed up and made it virtually impossible to get any civilian policing under way.

"My task," Young used to say, "is to talk the police back into the Falls," a piece of shorthand for a complex political problem.

The Unionist, and the general Protestant position was that when the Army had arrived in August and separated the two communities, it had "expelled" the police from the Catholic areas. These were the famous "no-go" areas behind the barricades, with which Ian Paisley made such play.

Since the Army had expelled the police from the Falls, said the Unionists, the Army must somehow put them back. The truth was that the RUC had not patrolled the Falls area for five years, except in pairs of armed Land Rovers—indeed, in the days of Home Affairs Minister Craig they had closed a station in the Falls, just as in the Bogside of Derry. But although Freeland, Young and Porter all knew this, none of them could say it publicly.

The first task was to somehow win the Catholics' confidence, and Young's policy was simply to talk to anyone. Seated beneath tricolour flags, listening to beery Republican songs, Young got an ovation from the Central Citizens' Defence Committee above a bar in the Lower Falls, and if he heard the sound of previous RUC chiefs revolving in their graves he gave no sign.

The method scarcely commended itself to Protestant opinion, and in mid-October, 1969, with Young in London for the day, Porter announced that the police were going back into the Falls—if necessary, with military backing. Porter was under immense back-bench pressure at the time, because this was just after Lord Hunt's verdict on the B-Specials.

Trying to repair the damage, Young spent the next day touring the Falls. Unfortunately, television cameras caught him talking to Jimmy Sullivan, the CCDC and IRA leader. Protestant outrage was little soothed by the fact that the IRA had still not yet made a single aggressive move.

What drove Young to such risks was shortage of time. He knew the "honeymoon" with the Catholics could not last while executive power lay with Protestant Stormont, and in November he proposed a bold solution to Freeland. The basic riot squad, he suggested, should be 100–200 soldiers armed only with batons, plus 100 policemen similarly equipped.

Porter seized on the idea. He wanted unarmed troops—"batons and gym shoes"—to accompany RUC men on patrols into Catholic areas. Gradually, he believed, it would be possible to withdraw the soldiers.

In retrospect it looks a risk worth the taking: it might just have appeased Porter's back-benchers without alarming the Catholics.

Freeland's reaction, however, to both original idea and elaboration was outright refused. "Soldiers in riot situations," Freeland told the Joint Security Committee, "must carry guns, and show they mean business." A man with a gun, of course, means only one kind of business—but in the end, that is the business the Army is in.

Granted, Freeland has plenty to go on apart from military convention. There was a question whether the RUC was yet fit for such a task. Young had arrived to find a force which was not only partisan and disposed to violence (he once defined a baton charge, in RUC terms, as "each policeman drawing his baton, and striking the nearest member of the public") but also under strength, out of date, and demoralised by having been placed under Army command.

It was easy enough to restore formal independence, and with a little more difficulty the RUC was persuaded to drop the distinction of being the only armed police force in Britain.

But to get the force back in charge of the streets was another matter. Here, Freeland effectively had the final say, and he neither agreed with Young's optimism about the RUC changes, nor saw the argument that the Army's presence on the streets actually hindered further RUC improvement.

The Army thought RUC staff work semiliterate ("You couldn't get them to number paragraphs," said one of Freeland's officers, "because they used to write like Mark Twain—start a new paragraph when you feel like a drink"), and they thought its intelligence was years out of date. But bascially they considered the RUC as not really a police force at all, but an undisciplined paramilitary body.

The impression had been first created when Army officers discovered how the RUC had used their armoured cars on the Falls Road. And it was strengthened when, at Young's request, they cleared the RUC armoury at Sprucefield. "We took enough out of there to equip a division," said an officer.

If the RUC cut loose again, Freeland feared, the Army's own knife-edge relationship with the Catholic minority would be imperilled.

1970—And the Calm Is Deceptive

As 1969 drew to a close, the Labour Government still managed to maintain a confident demeanour. This was largely because of Callaghan's deftness.

Ulster dropped out of the headlines, but the quiet was dangerously deceptive—and perilous in itself, for it induced a false sense of security in the British Government and in British public opinion. Whitehall was congratulatng itself on the excellence of the troops' relations with the Catholic population—which was, of course, a simple inverse product of the fact that relations were at that stage bad between the Army and the Protestants.

And nobody appreciated that relations with the Catholics could not for much longer be maintained by friendly soldiers while the mechanism of Unionist supremacy remained.

The Downing Street Declaration of August, 1969, had committed both governments, in theory, to a series of reforms. These took in all the demands of the Civil Rights movement, all the more of the concessions O'Neill had made: fair housing practice, new boundaries and adult suffrage in local elections, fair employment laws, the disarming of the RUC, the setting up of an ombudsman system and a civilian police council. But these were, of course, exclusively legislative reforms, which were—hopefully—to be passed by an unreformed Stormont.

In Ulster, where a sectarian block vote has given permanent power to a single party, there has always been a strong case in Ulster for proportional representation. One academic who, at this time, passed on to Labour the tip that even the IRA might consider this a major concession, was given a cool reception by Callaghan's understudy, Shirley Williams. "Think what Jeremy Thorpe and the Liberals would make of it," he was told.

Labour began to lose its sense of urgency, and with it a grasp of the scale of change needed. Callaghan himself was affected by the mood.

One of his first acts after the troops went in had been to instigate the setting-up of reform working parties. By the end of 1969 a small group under the Ulster Attorney-General, Basil Kelly, had spent four months examining the Special Powers Act—the keystone of the system of supremacy.

Perhaps surprisingly, Kelly's group reported in the early days of January, 1970, that it was time to make an end of Special Powers, at least in the form in which it stood.

The Act, they said, was demonstrably despotic, and much of it meaningless, or unenforceable, or both. Some especially useless additions had been made during the Craig regime: membership of "Republican clubs" had been made illegal, and the sale of the IRA paper, the United Irishman, had been proscribed.

The first was unenforceable, there being no sensible way of defining a Republican club. The second was bigotry, since on the whole the United Irishman (the voice of the

Official, or "political" IRA) was scarcely more inflammatory than such Protestant journals as the Newsletter, Belfast's respectable morning paper.

(An anecdote illustrates the flavour of Newsletter thought: the paper was, and is, fond of advocating "firm measures" to deal with Catholic disorder. One day, a high-ranking British officer was sufficiently annoyed to get the editor, Cowan Watson, into a conversational corner and make him reveal just what "measures" he had in mind. At last, the astounded officer understood Watson to suggest that perhaps a few Catholic hostages could be taken, and if necessary shot. Confirming this to us later, Watson said that he thought the context might be that "by trying to be more humane now, one was leading to greater inhumanity later.")

Attorney-General Kelly's working party advised that out of the Special Powers Act, only the power of internment should be kept—but instead of being dependent upon the signature only of the Minister of Home Affairs, it should, under a new Act, become possible to introduce it only with the prior consent of Parliament. Virtually everything else, such as the right to suspend inquests, and the police right to hold a man indefinitely on suspicion, should be scrapped.

Apparently, Kelly and his colleagues feared that Labour would want to repeal the Special Powers Act entire: therefore, this large series of concessions was offered to preserve the internment power in a usable form. If so, they overestimated Labour's reforming zeal.

So extensive a remodelling of the Act required Westminster approval: and this Callaghan refused to give. He was confronted with a golden opportunity to make a gesture to the Catholics which the Protestants would accept. Incredibly, he turned it down: Rather than drafting a new Act, he said, would it not be better to "let the old Act fall into disuse?"

It must have been a rosy future James Callaghan saw, in which Special Powers could "fall into disuse."

Any instant of calm in Ulster is enough to generate hundredweights of official optimism. People discover that the worst is over or—more recently—that the gunman is being mastered. One of the clearer voices raised in this cause during the peaceful early days of 1970 was that of Oliver Wright, the diplomat who had been serving as Harold Wilson's representative in Ulster. As Wright's tour of duty ended in March, he gave an ebullient Press conference.

"Cheer up!" was his message. "Things are better than you think." He was, of course, mistaken. But Britain was preoccupied with the June 18 General Election campaign, and its sequel in a new Tory Government, as the balance of tension began to change dramatically in Ulster.

Wright's successor, Ronald Burroughs, saw at once that danger sprang from the new series of Protestant marches due to start in June and the trouble began with great promptitude on June 3, 1970, when one of the first of the marches was making its way back from the City Centre along the Crumlin Road.

The route's march would take it right along the southern boundary of the Ardoyne, an isolated but therefore militant Catholic sector. Indeed, the march was heading for two sensitive spots: the mouth of Hooker Street, full of burnt-out houses, and the Ardoyne Catholic Church, which is cut off from its parish by the width of the Crumlin Road.

The colonel locally in charge got his first intimation when he saw the march coming up the Crumlin Road—somehow, the police had not told him of the route. Improvising, he tried to divert the marchers at Cambrai Street, a couple of hundred yards before the Ardoyne—and found himself with two nights of Protestant rioting.

A deeply worried Joint Security Committee met at Stormont on Wednesday, June 24, to consider the next weekend's Protestant marches. Proposed routes went past just too many predictable trouble spots. For example, one was along Cupar Street, which forms the northern boundary of the Catholic Clonard. This would take it right past Bombay Street, burnt out in 1969. It would inevitably cause fighting—but the routes of Ulster marches are difficult to change, because each one is based on a set of closely-argued territorial precedents.

Ronald Burroughs and Arthur Young of the RUC thought that the only course was to ban the marches. Both had excellent Catholic contacts, and had been warned that if the Protestants were allowed to march over the ground of their previous 'victories," there would be attempts to repel them. Brigadier Hudson, Freeland's new Chief of Staff, seems to have inclined to this view. But the Prime Minister, Major Chichester-Clark, maintained, exactly as he had the previous year, that his followers would destroy him if the marches were banned.

Freeland made the vital contribution. He said that the Protestants would march whether legally or not. Legal marches would simply be easier to control, and according to one account he told the Committee: "It is easier to push them through the Ardoyne than the Shankill." In other words, if the Catholics don't like it, they must lump it.

Freeland's attitude was that, in the end, the Army must show who was boss. Burroughs, as a diplomat, was more conciliatory. He knew that technically the Catholics had no legal right to try to repel Protestant marchers, but he also understood that fear is stronger than respect for legal technicality.

Next evening, after a dinner at the Wellington Park Hotel, Burroughs took the Catholic leader, Tom Conaty, aside in the car park and told him of the Security Committee's decision. Conaty, who was by now chairman of the CCDC (an organisation he had originally been shy of because of its "Republican" connections) knew that this meant illegal "defenders" (i.e., IRA men) would offer their services to the Catholic ghetto-dwellers: it was a point which Burroughs also understood.

Burroughs told Conaty that he would do all he could to get the decision changed, and would use his personal access to the British Prime Minister. At midnight, Burroughs got a call through to Edward Heath, who had then been in Downing Street just eight days.

Burroughs told Heath that bloodshed over the weekend was now inevitable—unless Heath stepped in and banned the Protestant marches. Heath listened coldly, and said that he would consult the new Home Secretary, Reginald Maulding. They decided to do nothing.

Early on Saturday thousands of Orangemen made their way in groups across the city towards the Shankill Road, where the major Orange parade was to begin. Most groups had their bands, and were singing Orange songs. (Orange songs vary from the traditional Boyne and the Sash, to more hair-raising freelance efforts, such as: "If guns are made for shooting, then skulls are made to crack/You've never seen a better Taig, than with a bullet in his back")

The first trouble was stoning between Protestant and Catholic crowds on the Catholic Springfield Road. This led into a battle on the nearby Ballymurphy estate between Catholic youths and the Army, who fired numerous CS canisters into the estate, but with relatively little effect. There was rioting, more or less severe, all over Belfast throughout the day: The Army was stretched perilously thin, and in all 276 people were injured.

But it was the two shooting affrays which were really serious. The first was in the Ardoyne, and it began when an Orange lodge marched up the Crumlin Road past the burnt buildings of Hooker Street. They then retreated a little way into Palner Street, on the Protestant side of the road, and stoning began between crowds on either side.

HEATH USHERS IN THE DAYS OF TORY SILENCE

Quite suddenly, gunfire broke out, and there were exchange for roughly thirty minutes. At the end, three Protestants lay dead. When five Ardoyne men were tried (and acquitted) on murder charges, the police gave evidence that a group of gunmen emerged suddenly from the mouth of Hooker Street and fired without warning into the Protestant crowd. The local IRA Provisional commander is equally adamant that the first shots came from the Protestant side.

The second engagement began in the East Belfast ghetto called the Short Strand, or Seaorde Street, which is even smaller and more exposed than the Ardoyne—one pocket of about 6,000 Catholics among 60,000 Protestants on the east side of the Lagan River. The key to this small area is St. Matthew's Church and churchyard, which stands on Newtownards Road facing a group of tough Protestant streets to the north.

One is Gertrude Street, whose Orange Band is famous for its zest and repertoire. As the band passed St. Matthew's on its way home, someone flaunted a Tricolour from Seaforde Street, and the stones began to fly. A few shots were fired, without anybody being hurt, and things died down quite suddenly. But the scene was set for a bloody night.

There was more shooting, again harmless, around 10 p.m. Shortly afterwards, a Protestant group tried to set fire to the church with petrol bombs: the sexton's house, near by, was set alight. By this time the Stormont MP, Paddy Kennedy, was there, and he went to the Mount Pottinger RUC station near by to ask for protection for the church. He was told that the Army was already overstretched on the west of the river, and nothing could be done.

Also on the scene were the Belfast brigade commander of the Provisional IRA, Billy McKee; the local batallion commander Billy Kelly and his followers; and some local freelancers with guns. At around the time that Kennedy went to the police station, Kelly says that he approached a group of policemen in the Newtownards Road and asked them to do something about protecting the church, but they refused.

Kelly goes on that he then approached the officer in charge of a small army patrol, but was told. "You can stew in your own fat." Whether all the details of these exchanges are accurate is hard to say, but whatever was the case in the Ardoyne earlier, the IRA men in the Short Strand enclave seem to have had only defensive intentions.

Around 11 pm, Protestant groups, under covering fire from the streets to the north, began to attack the church with petrol bombs. Kelly and his men, established among the gravestones, began to shoot back, and Billy McKee joined in the battle, over Kelly's strongly-voiced objections. (This was a breach of the rules by McKee: in any local situation, even the chief of staff is supposed to defer to the local commander.)

The shooting went on until 5 am, when the Army at last arrived. By then two Protestants had been killed; another two died later from their injuries, and several more were wounded. (As the attackers, the Protestants were the more exposed.)

McKee himself had also been seriously wounded: he and another Provisional called McIlhone suddenly came face-to-face with a Protestant gunman who had actually got inside the churchyard The man opened fire with a carbine, hitting McKee. McIlhone hesitated for a fatal moment. The Protestant gunman had faster reflexes or fewer inhibitions. He shot McIlhone through the chest.

The fact that so long a gun-battle could go on was, of course, a simple failure by the Army in its basic task of getting in between the two sides. Catholic imagination soon added new dimensions: it was said in the Short Strand that the Army had sealed the bridges over the river, so that the attackers could finish the task at leisure. The truth was that, just as Kennedy had been told, the Army was just so busy in West Belfast that no one was spared to look the other way.

Surveying the wreckage of the weekend, which claimed six lives in all, and £500,000-worth of damage, Ronald Burroughs said to a friend: "That was the greatest miscalculation I have ever seen made in the course of my whole life." But there was worse to come, very shortly.

Maudling: What a Bloody Awful Country

The new Home Secretary, Reginald Maudling, had a chance to help retrieve things when he arrived in Belfast the following Tuesday, June 30, for a quick visit. But unlike Callaghan, Maudling could not even manage a helpfully emollient presence. "Tell me," said one of those who met Maudling, "is he really as innocent as he seems? He didn't appear to grasp the first thing of what was going on."

Maudling's own feelings were made clear as his plane gathered height on the way back to London. "For God's sake bring me a large Scotch," he said. "What a bloody awful country."

At about the time Maudling boarded his plane on July 1, a small group of men approached the occupant of 24 Balkan Street, a terrace house in one of the maze of streets threading the Lower Falls Catholic enclave in the centre of Belfast.

They were from the leadership of the "Official" wing of the IRA. (The Falls, the main Catholic ghetto, is the homeland of the Officials—the more aggressive Provisionals being dominant in the outlying areas.) The occupant of No. 24 was an "auxiliary," which is to say he was not a member of the "Officials" but that, in the aftermath of the burnings of August, 1969, he had volunteered to do some arms drill in case a Falls militia were needed.

The Officials asked this man to store a load of arms. The auxiliary was horrified. He had a wife and children; and this was more than he had bargained for. Reluctantly, he agreed—on condition that the arms stayed only 24 hours. The consignment was 15 pistols, a Schmeisser submachine-gun (a World War Two relic, minus magazine and assorted ammunition.

When the 24 hours were up, the Officials said there had been a mixup. On the morning of July 3, therefore, when the auxiliary left for work, his wife went once more to the Officials. They reassured her: the arms would be removed after dusk.

But the next visitors to No. 24 were not the IRA. Shortly after 4:30 pm a police car and four or five Army trucks roared into Balkan Street. While the Royal Scots soldiers sealed the street, the police began to search the house.

That account of the background to the Balkan Street arms haul—the biggest in the past two years—was pieced together later by a local priest. It fits in with the Army's subsequent analysis.

The information on Balkan Street came to the Army from three police raids in Hammersmith, London, on July 2, which had themselves produced four Bren light machine-guns, 12 rifles and 17,000 rounds of assorted ammunition. On July 3 the CID officer who had led the Hammersmith raids arrived in Ulster. The troops moved into Balkan Street only hours later.

No doubt they were glad to get a good tip about illegal arms. But it seems doubtful that anyone at Army HQ in Lisburn had considered the cumulative effect of arms raids on this most sensitive of Catholic areas only six days after the mayhem following the Orange parades, which it was known the Army had forced through. Against a background of open jubilation by the Stormont Unionists at the Tory election triumph in England, it did not need an overly paranoid Catholic to discern a political-military plot.

Ironically it is easier in retrospect to see the affair for what it was: not the result of new Tory pressure, but just the reverse—the lack of any political pressure at all. Under Labour scarcely a day had passed without, say, the Army Minister, Roy Hattersley, on the phone querying decisions as apparently trivial as the use of the water cannon. Freeland now had freedom and liked it: "Not so many backseat drivers," he said approvingly.

But the Tory silence, if it pleased Freeland, fretted some of his colleagues. "When you're in unknown territory, it is useful to have native guides" is how it was put by General Anthony Farrar-Hockley, Commander Land Forces under Freeland. Possibly, the Labour Cabinet would have banned the Orange marches—anyway, some members now say they would have. Almost certainly, they would have played Balkan Street more circumspectly (and the whole issue, of course, would have looked different in their hands).

If Balkan Street was stamped with political naivety, however, the dizzy escalation of the search into a two-day curfew over the whole Falls area was a series of straight-forward military misadventures.

The Balkan Street search was completed by about 5.45: the troops were leaving. But crowds had inevitably gathered all over the Falls. As the last truck drew away, it was stoned.

Where trouble is brewing, the Army stays around, on the theory that military presence damps it down. The practice, at least as often than not, is that the military presence both increases the tension and provides a handy target. Anyway, when the stones hit the last truck, its troops dismounted—and once more faced the crowd.

The only distinct thread in the subsequent confusion is that the Army over-reacted. Local residents say CS gas was used in two streets almost immediately, though the Army log puts the first canisters at around 7 pm. When it came, the gas terrified people. The Army were using new multiple dischargers to clatter clusters of canisters—some with such force that they soared over the roofs into neighbouring and relatively peaceful streets.

The tiny houses provided no refuge from the choking clouds. The Army added to the panic by pouring in troops to reinforce the original beleaguered lorry-load.

A shipment of raw troops had just arrived in Belfast and were waiting in lorries for dispersal. They were sent in—"and they were absolutely terrified," the Chief of the Brigadier Staff, Brigadier Hudson, admitted later.

Until about 7 pm things remained more or less under control, because Brigadier Hudson was directing events from a helicopter. Suddenly, Hudson and pilot heard a loud clang in the airframe and the pilot, thinking it might be the impact of a bullet, put the machine down in the grounds of the Royal Victoria Hospital.

By the time Hudson was on the move again, things were out of control, with confused troops crowding into the area, bumping into each other and firing more and more CS gas.

The inhabitants, alarmed at such disorganised behaviour, took it for an invasion. By 8:30, nail bombs and petrol bombs were being thrown, and two, perhaps three grenades were thrown, injuring five of the Royal Scots. Shooting also began—and some of it seems to have been random shooting by the soldiers.

By 10 pm Freeland believed that the only way to stop widespread bloodshed was to get everyone off the streets. He declared a curfew over the whole Falls area, and he did not lift it until Sunday morning, 35 hours later.

The decision was entirely Freeland's own. He did not consult the rest of Stormont's Security Committee, let alone Westminster. Had Young, the police chief, been consulted, he could only have said, anyway, what was soon all too clear—which was that Freeland did not have the legal authority to impose a curfew. (For this reason, none of the Falls people arrested for curfew-breaking were prosecuted.)

But while the curfew lasted, the Army took the opportunity to conduct a house-to-house search of the whole area—and this obvious military course also contained some slight political element. Freeland was under numerous pressures from Chichester-Clark, and insofar as Maudling's brief visit had dealt with policy matters at all, it had been to suggest that the Army might do a little more to make Chichester-Clark's life easier.

Area searches were a device close to Chichester-Clark's heart: normally, the military refused to consider them on the grounds that the opprobrium incurred out-weighed any advantage. But since they had incurred the opprobrium anyway, Chichester-Clark might as well be given a leg up. Just as the soldiers had always prophesied, the returns were not large—especially if it was considered as the arsenal of 30,000 people supposedly bent upon violent conspiracy.

For this haul, the Army paid a very high price. Four civilians were dead; one run over by the Army, and three shot. None of the dead was alleged to be connected with the IRA, but it is perhaps fortunate, in view of the volume of fire, that more people did not die.

Illegal confinement, summary search and exposure to unprecedented amounts of CS gas outraged large sections of the Falls Road population.

But on top of this, men from two of the regiments involved, the Black Watch and the Devon and Dorsets, were accused of smashing up and sometimes looting the houses they searched. General Farrar-Hockley, after a rigorous inquiry, came to the conclusion that this had indeed happened, even though he could not get the evidence to justify charges. (He found that although the Falls Road citizens wanted to vent their wrath against the Army, they would not identify individual soldiers, out of a traditional distaste for "felon-setting" and informing.)

The writer Conor Cruise O'Brien was in the Falls Road when the confined people came boiling out of their homes on Sunday morning. An Army helicopter was cruising by, with a British officer calling through a loudspeaker: "We are your friends, we are here to help you." Men and women alike shook their fists, and hurled stones impotently at the machine.

Father Murphy saw an abrupt change in many of his parishioners. "Women who had been giving soldiers cups of tea, those very same women, were now out on the streets shouting: 'Go home, you bums, go home'."

It was not quite the end of relations between the Army and the Catholics, but was the decisive change. From then on, it was all, or nearly all, downhill. Brigadier Hudson, who saw all too clearly what had happened, called a meeting of community leaders on the day the curfew was lifted. "Let's keep talking," he said.

"What's the use?" he was asked.

Not everybody in Ulster was upset and angry, though. As the Falls Road arms haul was displayed in the yard of Terence Street police station, the Stormont Home Affairs Minister, William Long, squeezed the arm of a young constable. "It's a grand day for us," he said.

It was indeed: the Army had been "turned round." The next development was to draw the Army itself into the corrupt mechanism of the Orange supremacy.

North and South: Two States Born Out of Bickering

The province of Ulster has had points of difference from the rest of Ireland ever since its Iron Age inhabitants were slow in succumbing to the northward-moving Celts. The Celts similarly resisted the Normans, who were, of course, Catholics; and the Catholic faith resisted the northward advance of Protestantism under Henry VIII and Elizabeth I.

After the province had been subdued by Elizabeth and planted with Scottish and English settlers by James I. Ireland was run as a unit, largely by a Protestant aristocracy and the Government in London; and from 1800 on (after a brief and promising experiment with a nominally independent Parliament in Dublin) the country had no other Parliament than Westminster.

But Ulster and the rest of Ireland gradually drew apart from one another again under the influence of different ancestries, different faiths, and different degrees of prosperity (Ulster, already a producer of linen and soon of ships, escaped the worst of the potato famine in 1845–49). After long and sometimes bloody bickering, Westminster made Ireland into two separate states by the Government of Ireland Act, 1920.

The Lloyd George Government of the day did not intend the settlement, or even the line of the border, to be final: there was provision for a boundary commission, and for an all-Ireland Council above the two regional Parliaments, as a means towards later reunification. But the North rejected the boundary commission, and the South rejected the parliamentary arrangements, becoming successively a dominion and a republic.

The Northern Parliament is subordinate to, and financed by, Westminster. In 1949, under Section 1(2) of the Ireland Act, the Attlee Government affirmed that "in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland."

The Parliament, called Stormont, has substantially more powers than a county council. The (Protestant) Unionists have a three-to-one majority in it over various fragmented (Catholic) Opposition parties, who are not now attending. The first Catholic Cabinet member was appointed last month from outside Parliament.

Men at the Centre

Brian Faulkner: Prime Minister of Northern Ireland since March, 1971. A 1969 resignation helped bring Terence O'Neill down. Widely regarded as last credible PM and has used this reputation to press security demands. Astute but lacks the confidence of either community.

Lord O'Neill: Prime Minister of Northern Ireland from 1963 till May, 1969, when he was forced out by the Unionists after announcing reforms in housing, investigation of grievances, local government, franchise and special powers. Artistocrat now totally sidelined.

Ian Paisley: Chaplain to the Protestant backlash, founder and head of Free Presbyterian Church of Ulster. MP since April, 1970, at Stormont and since June, 1970, at Westminster. Co-founder of a new Democratic Unionist Party. Surprising sense of humor, good political brain.

William Craig: Authentic voice of hardline Unicnism. As Home Affairs Minister in the O'Neill Cabinet, until dismissed in 1968, insisted on regarding demands for Catholic civil rights as subversion. Has just formed ginger group called Unionist Vanguard. Resolutely ambitious.

Sir Arthur Young: Inspector General of the RUC as a Callaghan appointee from October 1969 till November 1970, when he returned to his old job as Commissioner of the City of London Police. Found RUC to be intractable.

John Hume: Leading theorist among (now abstentionist) Stormont Opposition MPs. As a civil rights leader played a pacifying role in August 1969 and later Derry disturbances. Now believes Stormont system permanently finished.

Lord Moyola: As Major Chichester-Clark was Prime Minister after O'Neill from May, 1969, to March, 1971, when Unionist pressures and office weariness impelled him to resign. Soldierly, generally trusted, finally unpersuasive. Now farming sheep.

Sir Robert Porter: Home Affairs Minister March 1969 to August 1970, since when the job has been combined with the Prime Minister's. Gentle, academic lawyer and reluctant minister, known to his colleagues as Beezer. Has returned to the Bar.

General Freeland: Appointed GOC Northern Ireland, as his last command, in July, 1969, the month before the arrival of British troops. Abused by Unionists as an enemy of the state, retired in February, now lives in Norfolk.

General Tuzo: GOC Northern Ireland since February, 1971. Oxford-educated Gunner. Diplomatic in his dealings with politicians, which may explain conflicting beliefs about his advice on internment.

Gerry Fitt: De facto leader of the Social Democratic and Labour Party, main Opposition grouping. Voluble, tireless member of Westminster Parliament, Stormont and Belfast City Council.

John Taylor: In charge of Home Affairs as Minister of State (while Premier doubled as the full Minister) since August, 1970. Youngish, burly, authoritarian advocate of expedients like cratering border roads.

NO WORLD COURT FOR GENOCIDE

Mr. PROXMIRE. Mr. President, article VI of the Genocide Convention, in addition to stipulating that persons charged with genocide are to be tried by a court in the country where the crime was committed, says that the accused may be tried—

> By such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

There has been some confusion about this point. Some opponents of the convention have held that it creates a "World Court" to which the Federal Government will be obligated to send American citizens for trial without any of the guarantees of the Bill of Rights. This is not the case. The language of this clause is conditional. The Genocide Convention does not create a "World Court." Such a court must await future international action, and, of course, such action would be subject to further ratification by the Senate.

In the 22 years that the Genocide Convention has been in force it has been ratified by 75 nations. If article VI creates a "World Court," then where is that court? It does not exist. It does not exist because this treaty does not establish it.

Mr. President, I urge the Senate to ratify the Genocide Convention as soon as possible.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

REVENUE ACT OF 1971

Mr. NELSON. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

> Calendar No. 428, H.R. 10947, a bill to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of the bill.

Under the previous order, the first amendment is amendment No. 697, offered by the Senator from Wisconsin. The amendment will be stated.

The legislative clerk read as follows:

> On page 36, line 11, it is proposed to strike "20" and insert in lieu thereof "10".

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Mr. President, with approval of the distinguished majority leader, and after having cleared the request with the assistant Republican leader and the distinguished manager of the bill; the Senator from Georgia (Mr. TALMADGE); and the Senator from Utah (Mr. BENNETT), I ask unanimous consent that on amendment No. 688, offered by the Senator from Oregon (Mr. PACKWOOD), there be a limitation of 30 minutes, the time to be equally divided between the mover of the amendment and the Senator from Georgia (Mr. TALMADGE), and that on any amendment in the second degree thereto, motion, or appeal, except nondebatable motions, there be a limitation of 20 minutes, to be equally divided between the mover of such and the Senator from Georgia (Mr. TALMADGE), and that Senator PACKWOOD's amendment be called up immediately upon the disposition of the Hansen amendment, No. 693.

Mr. PERCY. Mr. President, reserving the right to object, the distinguished Senator from Oregon (Mr. PACKWOOD) spoke to me about his amendment last night. He will not be here today. I wonder if he has discussed it with the distinguished assistant majority leader.

Mr. BYRD of West Virginia. No; he did not tell me that he would not be here today.

Mr. PERCY. Which amendment is that?

Mr. BYRD of West Virginia. It would provide for a domestic tax credit to apply to foreign as well as to domestic capital goods.

Mr. PERCY. Did he agree to the limitation?

Mr. BYRD of West Virginia. He did. He agreed to a 30-minute time limitation.

Mr. PERCY. He will not be here today. He has a longstanding commitment in Oregon. He asked that I take it up if the Senate were to finish all other amendments. If it is the desire of the majority leader to bring up all amendments that fall in the same category, I shall be happy to bring it up.

I would rather that the amendment come at the tail end, rather than at the beginning, so that if all other amendments are not called up, this one might go over until Monday, when there is a possibility that the Senator will be here.

Mr. BYRD of West Virginia. Mr. President, I ask that the time consumed during this colloquy not be charged to the time on the amendment of the distinguished Senator from Wisconsin.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, if all the amendments scheduled were to be taken up, there would be five amendments. Actually, six are scheduled. One of them may not be brought up. The Senator from Wisconsin (Mr. NELSON) has two amendments; the Senator from Missouri (Mr. EAGLETON) has one amendment; the Senator from Arkansas (Mr. FULBRIGHT) has one amendment—which may not be called up; the Senator from Wyoming (Mr. HANSEN) has one amendment; and the Senator from New Hampshire (Mr. COTTON) has one amendment.

Mr. PERCY. If all amendments in that particular category were called up, so that one of them would be held over until Monday, I would call up Senator PACKWOOD's amendment. It would not be the desire of the Senator from Oregon to hold up the business of the Senate at all. However, if some of the amendments were to go over until Monday, I should prefer that his also be held over so that he could handle the amendment.

The PRESIDENT pro tempore. Does the Senator wish the unanimous-consent request to be acted upon?

Mr. BYRD of West Virginia. Mr. President, I may withdraw the unanimous-consent request.

We anticipate completing action on all six amendments today. If agreeable to Senators, the Packwood amendment will follow the Hansen amendment. Six amendments are already scheduled for today. It is very important that we dispose of as many amendments to the bill as possible, and as soon as possible, because when we come in on Monday we will go immediately to the Pastore amendment.

Mr. PERCY. I agree with the distinguished assistant majority leader. I will not pursue the matter any further.

Mr. TALMADGE. Mr. President, I agree with the course of action followed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on amendment No. 688, by Mr. PACKWOOD—an amendment to provide that the investment tax credit apply to foreign as well as to domestic capital goods—there be a limitation of 30 minutes, to be equally divided between the Senator from Illinois (Mr. PERCY) and the distinguished Senator from Georgia (Mr. TALMADGE); provided further, that the time on any amendment to the amendment, motion, or appeal, with the exception of nondebatable motions, be limited to—perhaps we had better say 30 minutes, and if it is not used it can be yielded back—30 minutes, to be divided in the same way.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I have one final request.

I ask unanimous consent that on amendment No. 706 by Mr. PACKWOOD——

Mr. PERCY. Mr. President, if the Senator will yield, the Senator from Oregon did not discuss that amendment with me, but I know it is his desire to move along on these amendments. I will examine it and talk with his staff, and if they feel I should bring it up, I shall.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. May I say to the distinguished acting majority leader that I assumed when he talked with me about this amendment that he had also discussed it with the sponsor of the amendment (Mr. PACKWOOD) but apparently he had not.

Mr. BYRD of West Virginia. The Senator from Michigan assumed who had discussed it with the Senator from Oregon?

Mr. GRIFFIN. The distinguished acting majority leader.

Mr. BYRD of West Virginia. I did. The Senator from Oregon asked me to make the request.

Mr. GRIFFIN. I thought that was the case, but the Senator from Oregon will not be here.

Mr. BYRD of West Virginia. Yes; he was very desirous, I thought, of having his two amendments brought up upon the disposition of the first six amendments.

Mr. GRIFFIN. I assumed that was the case.

Mr. PERCY. It may be that he discussed it with some other Senator.

Mr. BENNETT. Why not get the unanimous-consent agreement on the second amendment? Then, if necessary, it could be lifted.

Mr. BYRD of West Virginia. Yes. I thank the Senator.

Mr. President, I ask unanimous consent that on amendment No. 706 there be a limitation of 30 minutes, to be divided between the Senator from Illinois (Mr. PERCY), who will offer the amendment on behalf of the Senator from Oregon (Mr. PACKWOOD), and the distinguished Senator from Georgia (Mr. TALMADGE), the acting manager of the bill; provided further, that any amendment in the second degree, motion, or appeal, with the exception of nondebatable motions, be limited to 30 minutes, the time to be equally divided and controlled between the mover of such and Mr. TALMADGE.

The PRESIDING OFFICER. Is there objection?

Mr. HANSEN. Mr. President, will the distinguished majority whip yield for a question?

Mr. BYRD of West Virginia. I yield.

Mr. HANSEN. I would like to ask the distinguished Senator from West Virginia if there would be a chance of having the amendment of the Senator from Texas (Mr. TOWER) called up earlier today. I believe it is listed in the RECORD as being my amendment. Both the Senator from Texas and I will have to be gone later this afternoon, and we would be most grateful if that could be done. According to the calendar, our amendment is scheduled for final action, sixth on the list.

Mr. BYRD of West Virginia. I would be glad to talk with the Senator from Missouri (Mr. EAGLETON) and the Senator from New Hampshire (Mr. COTTON) about that, but we could take it up only with their permission because their amendments are scheduled ahead of that one.

Mr. HANSEN. If I may make one further inquiry, I would like to inquire of the Senator from Texas if it is not possible that less time than the 30 minutes might be required on each side.

Mr. TOWER. I think it could be 15 minutes to a side.

Mr. HANSEN. That would be helpful.

Mr. BYRD of West Virginia. I understand the Senator from Arkansas (Mr. FULBRIGHT) is not here. In the event he has not asked other Senators to call up his amendment, there would be a 30-minute slot into which the amendment of the Senator from Wyoming could be worked if agreement by parties concerned can be reached. I will do my best to see if that is possible.

Mr. HANSEN. I thank the majority whip.

Mr. GRIFFIN. Mr. President, in fairness to the Senator from Wisconsin, I have a further inquiry. May we have unanimous consent that the time now being consumed not be charged to the time of the Senator from Wisconsin?

Mr. BYRD of West Virginia. That has already been given.

Mr. GRIFFIN. I wish to address an inquiry to the acting majority leader.

Mr. BYRD of West Virginia. Yes.

Mr. GRIFFIN. It is clearly understood, so far as the unanimous-consent agreement arrived at last night is concerned, that upon the disposition of the Pastore amendment at or about 5 o'clock on Monday, the bill itself will be open to further amendment, and that no time limitation has been agreed to with respect to any further amendment. Is that correct?

Mr. BYRD of West Virginia. That is correct.

Mr. GRIFFIN. I want to indicate, at the request of several Senators on my side, that no unanimous-consent request which would further limit debate with respect to any amendment to the bill thereafter be made, and I am sure it would not be made without the minority leader and the assistant minority leader being here; but also we will have to check and get agreement with a number of Senators on our side who have specifically said they would not agree to such a request without being notified in advance. I would like to serve that notice on the acting majority leader.

Mr. BYRD of West Virginia. The Senator has that assurance.

Mr. GRIFFIN. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Wisconsin for his patience and his courtesy in yielding to me at this time.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is so ordered.

Who yields time?

Mr. NELSON. Mr. President, I yield myself whatever time I may need.

The PRESIDENT pro tempore. The Senator has 15 minutes.

AMENDMENT NO. 697

Mr. NELSON. Mr. President, this amendment would cut back the administration's ADR system of depreciation.

This proposal would save the Federal Treasury more than $10 billion over the next 10 years. These funds could be used to stimulate consumer spending in the short run; and to fund high priority programs—such as welfare reform, health care, and fiscal relief for State and local governments—later on.

In January, the Treasury issued new regulations governing the depreciation of plant and equipment. The major change was a 20-percent shortening of guideline lives. Thus, an asset which previously had a guideline life of 10 years could now be depreciated over 8 years.

This amendment would limit taxpayers to a 10-percent speedup of their depreciation schedules.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the distribution of the Federal revenue loss resulting from the Revenue Act of 1971.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—DISTRIBUTION OF FEDERAL REVENUE LOSS, REVENUE ACT OF 1971 (H.R. 10947)

[Billions of dollars]

	Business				Individuals					
Calendar year	ADR	7-percent investment credit	DISC	Total business	Personal exemptions	Standard deductions	Low-income allowance	Total individuals	Excise[1]	Total revenue loss
1971	$0.7	$1.5		$2.2	$0.9		$0.4	$1.3	$0.9	$4.4
1972	1.7	3.6	$0.1	5.4	1.9	$0.3	1.0	3.2	2.6	11.2
1973	2.4	3.9	.2	6.5			1.1	1.1	2.3	9.9
1974	2.9	4.2	.2	7.3			1.1	1.1	2.2	10.6
1975	3.5	4.5	.2	8.2			1.2	1.2	2.3	11.7
1976	3.7	4.8	.3	8.8			1.2	1.2	2.4	12.4
1977	3.4	5.1	.3	8.8			1.3	1.3	2.5	12.6
1978	3.1	5.5	.3	8.9			1.3	1.3	2.0	12.2
1979	3.1	5.8	.4	9.3			1.4	1.4	1.6	12.3
1980	3.0	6.2	.4	9.6			1.4	1.4	1.2	12.2
Total	27.5	45.1	2.4	75.0	2.8	.3	11.4	14.5	20.0	109.5

[1] These estimates reflect revenue changes over those which would have occurred under existing law.

Sources: U.S. Treasury, Joint Committee on Internal Revenue Taxation.

Mr. NELSON. Mr. President, table I shows the distribution of the Federal revenue loss resulting from the Revenue Act of 1971 as passed by the House. The total comes to an annual average of $11 billion over the next 10 years. And the Senate has added over $5 billion a year in tax cuts. So the average annual cut in the Senate bill is about $16 billion.

With all of our any unmet domestic needs, this is hardly the time to be giving away so much Federal revenue.

Moreover, the House-passed bill is badly out of balance as between tax cuts for consumers and tax cuts for business. Adding the new depreciation rules to the investment credit and DISC, it adds up to about $8 billion a year over the next 10 years. Meanwhile, the bill gives the consumer about $1.5 billion annually. And as far as 1972 is concerned, the individual tax cuts will be almost wholly canceled out by a $3-billion social security tax increase.

This distribution of tax cuts is unfair. It is also bad economics. With industry operating at 73 percent of capacity, businessmen have little incentive to expand plant and equipment. Therefore, the corporate tax cuts will have little effect on investment, and instead will increase corporate cash reserves. Meanwhile, consumer spending will continue in its depressed state until consumers regain their confidence, or until something is done to stimulate their spending.

Economists—whether supporting or opposing the new depreciation rules—have agreed that their effect on investment will come very slowly. Dr. McCracken, Chairman of the Council of Economic Advisors, described the new regulations in this way:

> The impact here will build fairly slowly. It takes time for these [investment] decisions, of course, to be changed.

Many businessmen agree with the economists. As Chairman John Roche of General Motors said recently:

> It should be understood that most companies of any size determine their purchases of equipment by the needs of the business and not by any short-term tax advantages.

Mr. Roche went on to say that what mattered was consumer purchasing power:

> It must be noted that the tax credit and accelerated depreciation applies only after equipment is purchased and put to use. This, like the other elements of the program, means very little unless we can achieve the improved economy the President has called for.

Mr. Roche's argument has been supported by numerous surveys. The Wall Street Journal reported on one of these in a story headlined: "Easing of Depreciation Rules Won't Spur Capital Spending Flood, Survey Indicates." Business Week—January—reported:

> Scant evidence that liberalizing depreciation at this time will induce many companies to change investment plans.

The evidence through 1971 has been unambiguous. As Walter Heller told the Joint Economic Committee:

> That depreciation provision . . . is not having much stimulative effect on investment.

And—as might be expected—corporate cash reserves are now jumping to historical highs.

The administration also maintains that the depreciation speedup is needed to preserve the international competitiveness of American firms.

In his testimony before the Finance Committee, Secretary Connally argued that income tax policies in the United States are less favorable to investment than in other industrial countries.

Mr. President, I ask unanimous consent to have printed in the RECORD a table which compares the effective corporate tax rates in certain major industrial countries.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—*Estimated effective corporate tax rates in major industrial countries (1966)*

[In percent]

Italy	44.00
Canada	43.50
Germany	43.30
France	42.20
United States	42.10
United Kingdom	35.00
Netherlands	25.60
Japan	24.00

Mr. NELSON. Mr. President, table 2 compares the effective corporate tax rates in certain major industrial countries. These effective rates take into account accelerated depreciation, percentage depletion, and other special tax rules affecting corporations.

Table 2 shows that the taxation of corporate income in the United States does not differ substantially from that in other major industrial countries. The United States is above the United Kingdom, the Netherlands, and Japan, but below Italy, Canada, Germany, and France.

Secretary Connally's data are presented in table 3, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—COMPARATIVE COSTS OF CAPITAL AS INFLUENCED BY INCOME TAX POLICIES AND REAL GROWTH RATES OF GNP AND EXPORTS, 10 INDUSTRIAL COUNTRIES

	Comparative capital costs of manufacturing machinery and equipment as influenced by income tax policies	Percentage growth in GNP (constant prices)			Percentage growth in exports 1960–68 (constant prices)
		1960–68	1968–69	1969–70	
United Kingdom	79.1	26	1.6	1.7	37
Japan	81.1	129	12.1	11.2	198
Italy	81.9	55	5.9	5.1	161
West Germany	82.8	40	8.1	4.9	59
Sweden	83.0	41	5.0	4.4	62
Belgium	84.7	42	6.5	5.5	86
France	89.7	65	8.0	6.0	81
Netherlands	94.1	55	4.6	4.1	56
Canada	97.2	50	5.1	3.3	105
United States	100.0	45	2.8	−1.0	70

MR. NELSON. Mr. President, they supposedly demonstrate that the cost of capital is higher in the United States than in other industrial countries.

The only witness who commented on these figures in the Finance Committee hearings—Paul Taubman, Professor of Economics at the University of Pennsylvania and a widely respected expert—condemned them as faulty and grossly misleading.

But even if they are accepted at face value, their significance is very much in question.

Table 3 shows that there is no discernable relationship between Secretary Connally's capital cost index and the growth rates of GNP in the different countries. Nor is there any relationship between this index and the growth rate of exports.

Indeed the United Kingdom which has the lowest capital cost figure also has the lowest GNP growth rate, and the lowest growth rate of exports.

The fact is that these relatively small differences in the tax treatment of capital play a minor role in determining a country's international competitiveness. Wage rates play a much larger role, as do differing rates of inflation.

The United States today is faced with serious competition from abroad. But the way to adjust to this competition is through exchange rate realinement, not special tax subsidies, import surcharges or export rebates. These measures may be needed on a temporary basis. But the long-term solution to an international economic imbalance is revaluation.

Our Nation is now in the middle of a wholesale realinement of foreign currencies in relation to the dollar. This realinement, together with removal of trade restrictions elsewhere and a resharing of defense burdens should bring about the needed turn-around in our balance of payments. Of course, we can not predict the final shape of these changes. But as Stanley Surrey, Assistant Secretary of the Treasury under Presidents Kennedy and Johnson has said:

> We and the rest of the world know already that the end result is bound to be a real improvement in the United States Trade position.

This—and not excessive tax incentives—is the way to cope with international competition.

Tax policies toward consumption and investment should be made on the basis of our domestic needs, not the practices of other countries. We cannot allow fundamental decisions regarding our tax structure to be made in Japan or West Germany. Because one or another of these nations has decided to pursue policies favoring very rapid capital growth does not mean that we have to, or ought to.

Aside from everything else, the effort to meet foreign competition through tax subsidies is bound to fail. U.S. Steel received $207 million in tax subsidies in the period 1962–1970, and it is certainly less competitive today than it was in 1962.

The relative burden of taxation on wages and profits represents a basic decision about national priorities. And most Americans today must surely question whether a 20-percent corporate tax cut—as called for in the administration tax package—is what this Nation needs.

A large number of economists believe that the new depreciation guidelines should be withdrawn. They have argued that the investment credit and the depreciation speedup together represented an excessive corporate tax cut. This position was taken by most of the witnesses in the recent hearings before the Joint Economic Committee. Senator Proxmire chairman of the committee, stated:

> They [the witnesses] agreed that if there is to be an investment credit, then the ADR should be withdrawn.

This amendment is much more modest than that. It does not remove the ADR system. It merely limits the degree to which depreciation can be accelerated. Moreover, under it, businessmen would still receive most of the tax relief provided, by the full 20-percent speedup. Thus, whereas the full 20-percent speedup would give business $11.2 billion in tax relief over the next 5 years, the 10-percent speedup would grant relief of $7 billion.

Mr. President, I ask unanimous consent to have printed in the Record a tabulation of revenue loss to the Treasury resulting from speedup in depreciation schedules of 10 percent and 20 percent.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

REVENUE LOSS TO TREASURY RESULTING FROM SPEED-UP IN DEPRECIATION SCHEDULES OF 10 AND 20 PERCENT

(Dollars in billions)

Calendar year	Speed-up of Depreciation Schedules of—	
	10 percent	20 percent
1971	$0.4	$0.7
1972	1.1	1.7
1973	1.5	2.4
1974	1.8	2.9
1975	2.2	3.5
Total 1971–75	7.0	11.2

Mr. NELSON. Mr. President, the Senate has already added large tax cuts to the administration bill: $1.1 billion in 1971, and about $5.2 billion annually thereafter.

Many of these additions have been desirable; many have received support from both sides of the aisle.

But those who have supported these new tax cuts should be willing now to join in the effort to recapture some of the lost revenues through reductions elsewhere.

Reducing the depreciation speedup to 10 percent is an act of fiscal responsibility. It would represent a small step away from further erosion of the Federal tax base. It would greatly increase the chances that the conference bill would contain some of the additions approved by the Senate. And it would bring a measure of economic justice to a tax package that is badly in need of it.

Mr. President, the Senate has already voted twice on the ADR system: This amendment would cut back ADR from 20 percent to 10 percent. It would save the Federal Treasury more than $10 billion over the next 10 years. The 20 percent acceleration of depreciation in the bill before the Senate would cost the Treasury $700 million in 1971; the 10 percent would cost $400 million. In 1972 the 20 percent accelerated depreciation would cost $1.7 billion; and 10 percent would cost $1.1 billion.

This issue has now been debated on the floor of the Senate twice and voted on twice. The first proposal was to eliminate the ADR entirely. That lost by 2 votes. The second was to reduce it by 5 percent. That lost by one vote. This proposal is to limit it to 10 percent.

I do not think there is any necessity for engaging in a prolonged discussion of this issue. Everyone is familiar with it.

The PRESIDENT pro tempore. Who yields time?

Mr. BENNETT. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield such time as the Senator from Utah may desire.

The PRESIDENT pro tempore. The Senator from Utah is recognized for 15 minutes.

Mr. BENNETT. Mr. President, as the sponsor of the amendment indicated, we have been around this track twice. Now we are playing the numbers game. They could not win on lower numbers, so they are raising the ante a little to see if they can gain one or two converts. I am not going to repeat all that has been said on this basic principle, but there is one point I would like to make because it becomes more important as these figures go up.

The new class life depreciation system is designed to achieve a massive simplification of the tax treatment of depreciation. Any such simplification will greatly benefit small firms relative to large firms. Typically, it is only the larger companies who find it economical to employ the specialists in law and accounting, whose services are essential to effective business planning in the face of a complicated tax law. This is clear from the infrequency with which small firms used the old Kennedy-sponsored guideline lives because those guidelines required the use of a complicated reserve ratio test which the ordinary small businessman could not understand.

In 1963, under those provisions, 10 percent or fewer of those corporations with assets of less than $100,000, and no unincorporated businesses, used the guideline life because they could not calculate it. On the other hand, 50 percent of businesses with assets of more than $250 million took depreciation deductions under the guidelines and got benefits of the guidelines.

As for the benefits of greater depreciation deductions, it is relevant that the ability to take depreciation deductions is more important for small businesses. A study using 1966 data shows that corporations with assets of less than $500,000 took depreciation deductions of $5.3 billion, or 14 percent of the total corporate depreciation deductions of $37 billion. Yet these small firms had only 7 percent of total corporate assets, 10 percent of corporate net worth, and 11 percent of the income of corporations with positive net income. In other words, the opportunity to take depreciation is worth twice as much to a small business as it is to a large business.

The reason is that very small businesses have to depend on internally generated funds for their cash flow. Large businesses have access to capital markets for their sources of money. When markets are tight, large businesses, with the added clout they have with their lenders, can get money, then small businesses are turned away.

So it is particularly important that we give small business the opportunity to generate funds internally through the use of the most favorable depreciation schedules.

For firms with total assets under $50,000 in 1968, depreciation allowances provided 25 percent of their internal funds. In 1963 the proportion was 43 percent. In 1958 it was 35 percent. By contrast, for firms with assets of $1 million to $5 million, depreciation allowances constituted less than 10 percent of their internally generated funds.

Depreciation is obviously a far more significant source of funds for small firms than for large firms. It is equally clear that the new class life depreciation system, which provides more favorable, and more realistic, tax treatment of depreciation, will convey particularly greater benefits to small firms.

There is one matter the Senate should clearly understand. The depreciation system contained in the bill is not the ADR system originally adopted by the Treasury by administrative action and proposed for legislative validation. Congress has eliminated one of the two major elements in the ADR system, the so-called special first year convention which allowed extra depreciation in the first year an asset was placed in service. This feature was in addition to the 20 percent shortening of depreciation of lives. The first year convention did little more than duplicate in part the purpose of the 7 percent investment credit. By eliminating this feature from the system, the revenue loss from the system for the 3-year period 1971 through 1973 was reduced from $10.1 billion to $4.8 billion. Thus, it was a major cutback in the system.

Furthermore, the new class life system incorporates the old guideline system of depreciation adopted in 1962 and makes other changes in the Treasury-adopted ADR system. It is a different, and much-improved, depreciation system which has been adopted by both the House and the Senate Finance Committees.

The House Ways and Means Committee and the Finance Committee studied this problem carefully and both came to the conclusion that a 20-percent range was needed. There is no evidence that we will be able to do the job needed to generate the necessary cash flow for small business if the range is reduced to 10 percent. The Senate should not gut the effectiveness of this fine new system by adopting the Nelson amendment.

May I say again that we have already voted twice on amendments making changes in the new class life depreciation system, and we have rejected them. I hope, for the benefit of small businessmen in our country, we will reject this third attempt.

I yield back my time.

Mr. NELSON. Mr. President, I yield myself 3 minutes.

Mr. President, Mr. Thrower, ex-Commissioner of the Internal Revenue Service, and a Republican appointee, has said that a 10-percent speedup in depreciation is all that is needed for simplification—to give businessmen an initiative to adopt the guidelines.

The only issue here is whether we ought to save the Treasury an average of $1 billion a year by allowing a depreciation speedup of 10-percent instead of 20 percent. That is the only thing at stake here.

I am rather surprised that the Republicans, who talk so much about a balanced budget, do not seem to be concerned that we are giving away to business, an extra $10 billion by insisting on 20-percent acceleration instead of 10 percent.

As I said earlier, this issue has been discussed several times. Everybody knows what is involved. I am prepared to yield back the remainder of my time if the Senator from Utah is ready to do so.

Mr. TALMADGE. Mr. President, at least one Senator has asked to yield him some time briefly.

I now yield 2 minutes to the distinguished Senator from Arizona (Mr. FANNIN).

Mr. FANNIN. Mr. President, we have gone over this question again and again.

Mr. President, the United States invests a substantially smaller proportion of its gross national product in business-fixed investments annually than do its principal foreign competitors. The percentage of GNP represented by gross private investment in the years 1968 through 1970 averaged 13.7 percent. This compares with the 18.3 percent for the United Kingdom, and 30 percent for Japan. In Western Germany, while the only years available were 1968 and 1969, the average is 28.7 percent.

In considering these figures, it should be recognized that, although the percentage of the U.S. gross national product so invested is low, it would be still lower but for the liberalization of depreciation rules and the enactment of the investment tax credit in 1962.

Not only is our investment-to-GNP ratio not improving anywhere near rapidly enough when compared to foreign countries, our absolute dollar levels of investment are also discouraging. The annual dollar outlay for manufacturing plant and equipment was about $28 billion from 1966 to 1968. It moved up to just over $31 billion from 1969 to 1970, and planned 1971 expenditures have fallen to $30.1 billion. However, after adjusting for price inflation since 1966, the real manufacturing capital expenditures planned for 1971 are $22.5 billion, or 12 percent below the 1966 level.

Similarly, obsolescence, as measured by the average age of equipment installed in the United States, indicates a need for greater stimulus for replacement activity. The upward trend in the average age of equipment, which reversed itself soon after the changes in depreciation and the enactment of the investment tax credit in 1962, has again shown signs of a reversion toward a higher average age of equipment.

One survey undertaken in the last quarter of 1970 showed that U.S. business considers 12 percent of its facilities technologically obsolete, and estimates that it would have to spend $144.5 billion for their replacement by the best available new plant and equipment.

It is true that a portion of U.S. plant and equipment is currently idle. But, as indicated above, a large part of this is obsolete and becoming more so. Critics have said that this so-called excess capacity shows a lack of need for a tax credit and depreciation reform.

In my view, in the present circumstances it shows the opposite. Not until we again achieve leadership in productivity will we be able to increase output and employment and thus absorb the capacity that we have the power to employ for the benefit of the consuming sector of the economy. Past experience indicates that when production of equipment increases, jobs also increase. For example, in the 1960's producers durable equipment increased by over 10 percent per year and employment in the economy as a whole increased by 2.8 million.

Prompt action must be taken to reestablish incentives for capital investment. If new jobs are to be created, if productivity is to be increased, and if our high standard of living is to be extended to all citizens without inflationary results, American business must be encouraged constantly to improve and modernize its plant and equipment. New jobs result only from greater productive activity. Higher wages result only from: First, reduced profits; second, higher selling prices; and third, increased productivity. Profits are already at unusually low levels. Higher prices can compound inflation. Thus, the only acceptable route to higher wages is through greater productivity, and the key to this is new investment.

Mr. President, the ADR system is a logical culmination of the guideline system of depreciation initiated in 1962. The guidelines were adopted to provide flexibility, to bring depreciation lives closer to reality, and to reduce the area for taxpayer/IRS dissension.

These objectives continue to be served by the ADR system. The optional 20-percent shortening or lengthening of lives gives added flexibility, makes the system suitable to a greater range of taxpayers, and provides a useful incentive to taxpayers to elect to use the systems. The elimination of the reserve ratio test removes an unnecessary and highly complex hazard to use of this depreciation system. The test was unnecessary because excessive depreciation is recoverable under section 1245 when sale occurs, and its complexity challenged even the most sophisticated tax experts. The "repair allowance" concept of ADR is highly significant in narrowing the area of dispute between taxpayers and IRS in distinguishing capital expenditures from deductible repairs. It is clearly uneconomic for both industry and the Government to have protracted disputes over such matters, which generally involve difficult conceptual questions but are productive of little revenue. The first year averaging convention should be retained at 75 percent rather than being reduced to 50 percent since it constitutes an additional investment incentive.

In terms of export capability and our ability to compete against imports, the investment incentives offered by other industrialized nations are highly significant. We have been behind for some time. We will continue to be behind even if the investment credit and ADR provisions as proposed by the Finance Committee are enacted.

If the capital cost of manufacturing machinery and equipment in the United States in 1970, as influenced by income tax polices, is expressed as 100 percent, the comparative cost in other countries is as follows:

[In percent]

United Kingdom	79.1
Japan	81.1
Italy	81.9
West Germany	82.8
Sweden	83.0
Belgium	84.7
France	89.7
The Netherlands	94.1
Canada	97.2

Without ADR, we were behind every other industrialized nation. With ADR and the level 7-percent credit proposed by the House, the U.S. figure would be 87.1, placing it behind six nations and ahead of only France, the Netherlands, and Canada. If ADR were not modified, the U.S. figure with a 7-percent credit would be 86.2, which is still lower than six major nations. Only with the full ADR system and a 10-percent credit do we move to 82.1 and fourth place.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. JORDAN of North Carolina. I thank the Senator very much.

Mr. President, following up the information which the distinguished Senator from Arizona just gave us about foreign competition and their depreciation rates as against those allowed in the United States, it happens that I know a considerable amount about that situation, because I have studied it over a number of years. I have been to a good many foreign plants and have checked what their depreciation is. Some of them have 25 percent. In 4 years they can get their whole cost back and can then put in up-to-date, high-speed, modern equipment, which we cannot compete with unless we can do the same or close to the same thing.

This does not reduce the tax receipts to the Federal Government in any way whatsoever, except that it accelerates them in the beginning period instead of over the long-haul period of time. Suppose a man buys some equipment that costs $100,000; he has a depreciation rate of 10 years. He would take off $10,000 a year. Under this measure, during the first four years he could accelerate that, which would help him, because if he had to borrow the money—and a great many of them do have to borrow the money—he could pay back the first loan or partial loan much more quickly than he could otherwise, and come nearer to getting the money when needed.

This would stimulate the purchase of new equipment, new buildings, and everything else it takes to put people back to work and to relieve unemployment, which is a serious problem in this country today. The biggest problem we have and the biggest cause of the serious crisis we are in, is that so many people are out of work; and more are being put out of work every day instead of being put back to work. Anything we can do to stimulate the purchase of new equipment and the acquisition of new plants means putting more people back to work. This amendment would have the opposite effect, and should certainly be defeated.

Mr. TALMADGE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. TALMADGE. Mr. President, the thrust of this tax bill is twofold: First, to get the economy of this country moving, to reduce unemployment, to put people back to work; and second, to try to make American industry more competitive in the world market.

We have been outtraded and outsold throughout the world for more than 20 years. We have had only two or three favorable balances of payments in the last two decades. We have had a deficit in our balance of trade, contrary to the statistics coming from the Department of Commerce, for the last 5 years.

There are many reasons for that, Mr. President, but one of the principal reasons is the less favorable recovery of the cost of capital expenditures on plant and equipment in our country's tax system vis-a-vis those of our principal competitors.

What are the facts? Virtually every industrialized nation in the world at the present time has a greater advantage on depreciation and capital recovery than the United States of America. The House Ways and Means Committee and the Senate Finance Committee considered these facts carefully, after hearing expert witnesses, to try to do something to restore our competitive situation in this country.

The Committee on Ways and Means changed the Treasury Department's asset depreciation range provisions by eliminating the so-called three-quarter year convention. The Senate Finance Committee also looked into the matter and concurred with the House bill with respect to ADR. The bill we have before us has a combination of an investment tax credit with a depreciation schedule that gives American business certain recovery of their investments.

If the two of them are combined, what is the situation? In the United States, we still have to spend 87 cents for every $1 of capital investment. That is over a long period of time. What is the situation in our principal competitive countries that we are going to trade with?

In the United Kingdom, it will be 79 cents on the dollar as against our 87 cents. In Japan it will be 81 cents on the dollar as against our 87 cents. In West Germany it will be 83 cents as against our 87.

Thus, Mr. President, even if the amendment of the distinguished Senator from Wisconsin is defeated, which I hope it will be, the United States of America, on a comparative test for recovery of capital investments, will still be in worse shape than our principal competitors.

For that reason, I think it is vital that the amendment be rejected. Since we are being swamped now with foreign goods in our own domestic market, we have ceased to be competitive on a worldwide basis.

I yield my remaining time to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I fully concur with what has just been said. Together with the distinguished Senator from Utah and a very few other Members of the Senate, I have spent a majority of my life in manufacturing—about 25 years.

I can simply say it is very disheartening indeed for American manufacturers to see the way we treat investment in capital equipment, as against all other industrialized nations of the world. We call ourselves a capitalistic country, and yet we discourage capital investments, by our tax rules, more than any other modern nation in the world today. It is very discouraging indeed to be in a highly competitive business and find that you are competing against Japan, which encourages——

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired.

Mr. PERCY. Will the Senator yield me 5 additional minutes?

Mr. TALMADGE. My time has expired.

Mr. PERCY. I ask my distinguished friend from Wisconsin if he can spare any time. If he intends to yield any time back, I would very much appreciate it. Otherwise, I do not ask him for any.

Mr. NELSON. Mr. President, we have already been through these arguments on two previous occasions. I question whether it serves any purpose to go through them all again. I yield back the remainder of my time.

The PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. NELSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Arkansas (Mr. FULBRIGHT) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOPER), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND), would each vote "nay."

The result was announced—yeas 25, nays 55, as follows:

[No. 370 Leg.]

YEAS—25

Bayh
Bentsen
Burdick
Cannon
Chiles
Church
Cranston
Eagleton
Harris
Hart
Hollings
Hughes
Jackson
McGee
McGovern
McIntyre
Mondale
Moss
Nelson
Pell
Proxmire
Stevenson
Symington
Tunney
Williams

NAYS—55

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Inouye
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
Miller
Montoya
Pastore
Pearson
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Talmadge
Tower
Weicker
Young

NOT VOTING—20

Beall
Case
Cooper
Fulbright
Gravel
Hartke
Hruska
Humphrey
Javits
Kennedy
Long
Magnuson
Metcalf
Mundt
Muskie
Packwood
Saxbe
Stevens
Taft
Thurmond

So, Mr. NELSON's amendment was rejected.

Mr. TALMADGE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. BENNETT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 544

The PRESIDENT pro tempore. The next amendment is No. 544 of the Senator from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, I send to the desk a technical modification of this amendment changing certain page and line references.

The PRESIDENT pro tempore. The amendment with its modification will be stated.

The assistant legislative clerk proceeded to read as follows:

On page 123, beginning with line 3, strike out all through line 8 on page 176.

The PRESIDENT pro tempore. Who yields time?

Mr. NELSON. Mr. President, I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MONDALE), and myself, I call up amendment No. 544.

This amendment would remove the DISC proposal from the bill.

The DISC proposal seeks to expand exports by providing special tax advantages to a new kind of corporation—Domestic International Sales Corporation—which is involved only in exporting. American manufacturers producing for export would channel their exports through a DISC. The DISC's profits would be subject to reduced income tax if they are used for "export-related activities." In the bill before us, 50 percent of all DISC earnings would be free from tax.

The version of DISC adopted by the Finance Committee is much less expensive than that recommended by the administration: it is much simpler and more equitable than the House version.

Nevertheless, even in this form, the DISC proposal has little merit; it should be rejected.

Initially, Treasury estimated that DISC would increase exports by $1 billion, while costing $600 million in Federal revenues. The Congressional Joint Committee on Internal Revenue Taxation has questioned this $1 billion estimate of increased exports, and placed the true figure at closer to $300 million. But even accepting the Treasury estimates, DISC turns out to be a very expensive proposition: every dollar of increased exports costs the Treasury 60 cents. In effect, the Treasury would be subsidizing over half the cost of new exports.

The modified DISC approved by the Finance Committee is relatively less costly than the administration version. Nevertheless, it would still cost almost $1 billion during the first 4 years, and $400 million annually by 1978. Moreover, to the extent that the revaluation of currencies currently underway leads to a major increase in exports, the cost could be much greater. At the same time, the Treasury has given us no estimates of the new exports that DISC—as modified by the Finance Committee—would generate. If the original proposal would have increased exports by $300 million to $1 billion, one must conclude that the Finance Committee version would result in a much smaller increase.

I ask unanimous consent to have printed in the RECORD, the Finance Committee DISC figures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Finance Committee DISC

[Cost in millions]

1972	$100
1973	170
1974	240
1975	300

Mr. NELSON. With one minor exception, Treasury has provided Congress with no serious studies nor solid evidence to support DISC. The only available study—performed by the Congressional Joint Committee on Internal Revenue Taxation—raises serious questions regarding its desirability.

On October 15, I wrote Assistant Secretary Volcker requesting any studies or other evidence supporting the DISC proposal. On October 20, I received a letter from Assistant Secretary Petty. Attached to Mr. Petty's letter were copies of two letters—from Union Carbide and Hewlett-Packard. Mr. Petty pointed to the data in these two letters as evidence of how U.S. companies would increase their exports under DISC.

These are the only specific, detailed statistics that Treasury has come up with in support of DISC.

The data in these two letters have been analyzed by the staff of the Joint Committee on Internal Revenue Taxation. The conclusions of the staff study lend little support to DISC. For instance, with respect to Hewlett-Packard:

> The original data presented suggests that it would be more advantageous to the company to retain the additional funds provided by a DISC corporation rather than to expand exports. The revised data made available this last October suggests that the necessary [export] promotion expenses are small enough so that incurring of additional export expenses (with the resulting increase in exports) would appear attractive whether or not the DISC proposal were to be adopted.

In other words, in the first case, the company would have larger profits under DISC if it did not increase its exports; in the second case, it has an incentive to increase exports even without DISC.

Given the absence of any solid evidence in support of DISC, it is hardly surprising that this proposal was vigorously opposed by almost every economist who testified before the Finance Committee in the recent hearings. It has been strongly opposed by Stanley Surrey, Assistant Secretary of the Treasury under Presidents Kennedy and Johnson. The Wall Street Journal has attacked it editorially as a "tax gimmick"; the AFL–CIO has called it a "tax giveaway." Significantly, the President's Commission on International Trade and Investment Policy—the Williams Commission—refused to recommend DISC in its recent report.

Support for DISC might be justified even without strong empirical evidence if the logic of the proposal were self-evident. But the opposite is the case.

Treasury states that DISC profits—to remain tax-exempt—must be used in "export-related activities." But there is no requirement in the legislation that DISC earnings be traced to facilities or equipment actually used in production for export. As a result, DISC earnings can be used for almost any form of domestic investment. The funds can be used by large manufacturing companies, who are presently exporters, for purely domestic activities where the favored companies are able to compete with tax-free DISC money against companies not so favored.

According to Treasury, DISC would exempt some portion of export profits from taxation. In fact, however, under the formula used for determining export profits, much—in some cases all—manufacturing profits would be included as well.

The formulas define DISC export earnings as 50 percent of the difference between cost and sales price, or 4 percent of the sales price, whichever is greater. In many cases—particularly in industries with low rates of return on sales—the 4 percent of sales price could place the entire profit on the sales within DISC export earnings, and thus subject to 50 percent tax exemption.

In arguing for DISC, the Treasury points out that taxation of U.S. foreign subsidiaries is "deferred," and that DISC is required to prevent domestic exporters from going overseas to obtain this tax advantage. This overlooks the fact that U.S. foreign subsidiaries pay foreign income taxes which in many cases are close to—or more than—our's. Table I shows comparative corporate tax rates in major industrialized countries. The United States is close to the middle, and only Japan is significantly lower. Table II shows estimated effective corporate tax rates in major industrial countries. These effective rates take into account such special provisions of the tax laws as accelerated depreciation and percentage depletion.

I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE CORPORATE TAX RATES IN MAJOR INDUSTRIAL COUNTRIES

Canada, 51.41 percent.
Germany,[1] 51.00 percent.
France,[2] 50.00 percent.
United States, 48.00 percent.
Netherlands, 47.38 percent.
Italy, 45.20 to 37.80 percent.
United Kingdom, 45.00 percent.
Japan,[1] [2] 35.00 to 26.00 percent.

Mr. NELSON. Table II shows that the United States is in line with most of our trading partners. Only Japan and the Netherlands are significantly lower, and Italy, Canada, Germany and France are higher.

Mr. President, I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—Estimated effective corporate tax rates in major industrialized countries—1966

[In percent]

Italy	44.00
Canada	43.50
Germany	43.30
France	42.20
United States	42.10
United Kingdom	35.00
Netherlands	25.60
Japan	24.00

Mr. NELSON. Moreover, if deferral for our foreign manufacturing subsidiaries is a material inducement to invest abroad, the obvious course is to end the deferral and leave the U.S. tax system neutral between investment abroad and investment at home. Instead, Treasury says we must keep our inducements to foreign investment, and we must exempt export income because of these inducements to foreign investments. This makes no sense. And it would leave a gaping hole in the income tax.

There are numerous other objections to DISC.

It is extremely complex. Prof. Stanley Surrey has written that:

> Its weaknesses and further loophole potential will be fertile hunting ground for tax avoiders.

It is likely to cause foreign retaliation and emulation which would only hurt our trade position. This is particularly so inasmuch as we have already imposed a 10-percent surcharge on our trading partners.

And it represents another tax break for the largest corporations. The study by the Joint Committee on Internal Revenue Taxation stated:

> The major impact of the revenue loss from DISC would, of course, be concentrated among the major exporting companies. The Commerce Department estimates that roughly 100 of the largest U.S. firms account for the majority of our exports, more than 50 percent, although this is a rough guess. They would presumably receive approximately their proportionate share of the tax reduction.

Maybe DISC made some economic sense when it was first proposed. Nothing was being done at that time to cope with the fundamental imbalance in our international position.

But today, with the President's new economic plan, we are taking direct steps to deal with our balance of payments problem. Tax gimmicks like DISC should be put aside in favor of the new measures.

The United States is now in the middle of a wholesale realinement of foreign currencies in relation to the dollar. This realinement, together with removal of trade restrictions elsewhere and a resharing of defense burdens should bring about the needed turnaround in our balance of payments. Of course, we cannot predict the total effect that these changes will have on our trade. But even so, this is hardly the time to institute a permanent tax gimmick like DISC. We should at least await the outcome of these international developments to see what further steps, if any, are needed to assist our exporters.

Finally, the DISC proposal violates the most basic standards of fairness. According to Professor Surrey:

> When the questions are asked why is our tax system so unfair, why are there such gross escapes for some from the tax burdens borne by others, why do we have so much difficulty in focusing our scarce funds on pressing needs, the DISC proposal is a sharp and bitter answer.

And the Wall Street Journal:

> The result [of proposals like DISC] is a sense of unfairness and ill will among taxpayers, which is the first step towards wide scale efforts at evasion.

DISC would simply add a new loophole to a tax system that already has too many. It is inconsistent with a sound trade policy; it is inconsistent with tax simplicity; and it is inconsistent with the view that the tax system must deal justly and evenly with all members of the society.

Mr. President, I ask unanimous consent that there be printed in the RECORD a letter I wrote to the Assistant Secretary of the Treasury and the response to that letter; a letter and an analysis of DISC prepared by the Joint Committee on Revenue Taxation, with accompanying charts and documents; an editorial from the Wall Street Journal which analyzes the DISC proposal and identifies it as a tax gimmick; an article by Harvard Law School Prof. Stanley Surrey, who was Assistant Treasury Secretary for Tax Policy during the Kennedy and Johnson administrations.

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[1] A lower rate of tax applies to distributed earnings.

[2] Figures shown do not include substantial provincial taxes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 15, 1971.

MR. PAUL VOLCHER,
Assistant Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. VOLCHER: In the Finance Committee hearings of October 1, you may remember that I questioned you concerning the DISC proposal.

One of my questions concerned previous documentation of economic studies of just how and to what extent and for what good this proposal would increase our exports. You answered that you were relying on "extensive talks and studies not only within the Treasury but with private companies concerned."

I realize that you cannot relate to me all these conversations with businessmen. I also understand that in the nature of things, the effects of DISC are somewhat speculative. But I would like to study whatever evidence does exist on this proposal. If some of this has been presented before and is a matter of public record, I would be glad to have the references.

I appreciate any help you can give me on this matter. Since the Committee hearings are fairly well along, I hope you will be able to respond expeditiously.

With best regards,

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., October 20, 1971.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In response to your request of October 15 to Under Secretary Volcker for supporting material concerning the DISC proposal, I am glad to enclose several documents. The first contains answers to several frequently asked questions about the DISC. In particular, the answer to question 2 summarizes our conclusions about how, when and by what amount DISC will stimulate U.S. exports.

The enclosed copies of two letters—from Union Carbide Corporation and Hewlett-Packard—are good examples of how DISC will fit into the export sales planning of many corporations. With regard to other company responses to the DISC proposal I refer you to pages 31–35 of the Senate Finance Committee Hearings on the Trade Act of 1970 and Social Security Amendments of 1970 (Part 1 of 2 Parts), October 9 and 12, 1970.

In addition to enclosing the material noted above, I would like to emphasize the following points. In order to achieve the increase in exports which we have projected, the DISC incentive must apply to all exports and again and again by the heads of companies with whom we have discussed some form of tax incentive to exports over the past few years. As regards permanency, no company management is willing to undertake a substantial shift of company resources into export operations—which we expect the DISC to encourage—without assurance that the benefits of DISC will continue into the future. We are not aiming for a short-term stimulus to U.S. exports through the DISC proposal but for a permanent reorientation of business attitudes towards export business.

As regards the application of DISC to all exports rather than to incremental exports only, one third of our hundred largest exporters have had a declining or indefinite export trend in recent years. Reversing downtrends or, at least, preventing further erosion of particular exports will contribute as much to restoring our trade balance as increasing other exports.

I am glad to provide the enclosed material. If you should have any questions, members of Treasury staff will be glad to discuss them with you at your convenience.

Sincerely yours,

JOHN R. PETTY,
Assistant Secretary.

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 20, 1971.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: I am replying to your October 14 request for a staff evaluation of the data provided by Union Carbide and Hewlett-Packard concerning increased exports which might arise as a result of the use of a DISC corporation. I asked an economist on the staff to evaluate the data in the information supplied by these two companies.

The analysis prepared by the economic staff in the case of Union Carbide suggests that for the DISC type operation to result in increased exports the unit production costs with respect to the additional units produced must be relatively low or the promotion expenses necessary to obtain the export expansion must be relatively low if the DISC operation can be expected to appreciably expand exports in this case. The information supplied is not sufficient to show whether either of these two conditions exists. To the extent that these conditions exist, it is not clear why an export expansion would not occur under existing law.

With respect to the Hewlett-Packard Company, the original data presented suggests that it would be more advantageous to the company to retain the additional funds provided by a DISC corporation rather than to expand exports. The revised data made available this last October suggests that necessary promotion expenses are small enough so that incurring of additional export expense (with the resulting increase in exports) would appear attractive whether or not the DISC proposal were to be adopted.

It is, of course, difficult to provide any conclusive information in cases of this type since so much depends upon the evaluations of the executives in the firms involved. The analysis made by my staff economist, however, indicates what would apparently be the decisions made strictly on the basis of the economics involved in these cases.

Sincerely yours,

LAURENCE N. WOODWORTH.

ANALYSIS OF DATA SUBMITTED BY UNION CARBIDE AND HEWLETT-PACKARD CONCERNING INCREASED EXPORTS IN RESPONSE TO GREATER PROMOTIONAL EFFORT UNDER DISC [1]

SUMMARY

The data submitted by Union Carbide and Hewlett-Packard indicate that in some cases it may be more profitable for an exporter to maintain his present level of exports under DISC rather than incur additional promotional expenses to increase his exports and in other cases, it would be profitable to increase exports even without DISC. The precise result depends basically on the cost of the promotion expenses per dollar of increased exports.

In the Union Carbide presentation, increased profits resulting from greater promotional effort and higher exports depends on a reduction in unit production costs. More precisely, they depend on the relationship between the decrease in unit production costs ($.02 per unit) and increased promotional costs ($.03 per unit). If unit production costs do not decline or additional promotional expenses are $.05 or more per unit, it would be more profitable not to incur additional promotion expenses to increase exports according to the Union Carbide data. This is not to say that their estimates are wrong, but to point out that there may be a rather narrow range of circumstances where it is more profitable to incur additional promotion expenses and increase exports than to maintain the present level of exports under DISC.

The Hewlett-Packard data submitted on November 11, 1970, indicate that it would be more profitable not to incur additional promotional expenses to increase exports under DISC. Basically, their data show that gross profit without regard to additional promotion expenses would be $21 million higher in 1971 through 1975 if these expenses were incurred and exports increased but the additional export promotion expenses would be $36 million. Thus, before-tax profits would be about $15 million higher if no additional export promotion expenses were incurred to expand exports. After-tax profits under DISC would be about $9 million higher over the period if these expenses were not incurred and exports increased.

The revised data submitted by Hewlett-Packard on October 8, 1971, shows a much lower cost of export promotion expense per dollar of increased exports than the November 1970 data. The latter indicates that a 5-percent increase of exports would require additional export promotion expenses equal to 15 percent of additional exports whereas the latter indicates the 5-percent export increase would require promotion expenses equal to 3 percent of additional exports. On the basis of their October 1971 estimates, an increase of exports of $142 million over the period 1972 to 1976 would require $10 million of export promotion expenses (compared to the previous estimate of $36 million). On this basis, gross profits before taxes without regard to export promotion expenses would be $22.5 million higher if these expenses were incurred and net profits after these expenses would be $12.5 million higher. These profit figures are without regard to DISC and, if correct, raise the question of why exports would not be increased via higher promotion expenses under present law even though they would result in a lower than average return on sales.

UNION CARBIDE DATA

The data on unit cost and profit presented by Union Carbide for its "Class B" exports, those which would respond to increased selling effort, is as follows:

	Present	With increased sales effort— Without DISC	With increased sales effort— With DISC
Unit selling price	$1.00	$1.00	$1.00
Production cost	.79	.77	.77
Overhead	.12	.15	.15
Profit before tax	.09	.08	.08
Income tax [1]	.045	.04	.02
Profit after tax	.045	.04	.06
Net return on sales (percent)	4.500	4.00	6.00

[1] 50 percent under present law and 50 percent on ½ of profits on 25 percent under DISC.

The example provided and the data for this class of exports indicate that the increased profits resulting from greater promotional effort depends on a reduction in production costs as a result of increased exports. If unit production costs do not go down as a result of increased sales due to greater promotional effort, the company would earn a greater total profit and a higher rate of return on sales under DISC by not incurring the promotional expense and not increasing exports. Alternatively, if export promotion expenses go up by $.05 per unit rather than $.03 (shown as an increase in overhead from $.12 to $.15 per unit), the company would also earn a greater profit under DISC by not increasing exports.

These relationships for the 1970 level of exports (which also applies to the entire period) are as follows: Estimated total exports in 1970 are $235 million; Class B exports are about 10 percent or $23.5 million. They estimate that increased promotional effort would increase exports $65 million over the 10-year period or $6.5 million per year. The net rate of return on sales after taxes under DISC if no increase in exports took place would be 6.75 percent (the 9.0 percent before tax return shown in the "present" column minus the tax of 2.25 percentage points, a 50 percent rate on half the profits). Total profits for 1970 would be $23.5 million x 6.75 percent, or $1.59 million. With increased sales effort under DISC, sales for 1970 would be $30 million at 6 percent or total profits of $1.80 million.

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[1] This analysis covers the data submitted by Union Carbide on July 2, 1970, and by Hewlett-Packard on November 11, 1970, and the revised data it submitted on October 8, 1971.

If production costs do not decrease, the figures are:

Increased sales effort and present production costs under DISC

Unit selling price	1.00
Production cost	.79
Overhead	.15
Profit before tax	.06
Income tax	.015
Profit after tax	.045
Net return on sales (percent)	4.50

Under this assumption, profits would be 4.50 percent on $30 million of sales which is $1.35 million, or $0.45 million less than if no promotion expenses are incurred and export expenses are not increased.

Their figures may well be correct and it may be more profitable to incur additional exports promotion expenses. The above analysis points out, however, that the tax saving from DISC is not sufficient to cover increased promotion expenses (in their case) and lower unit production costs are necessary to make such expansion profitable. This combination of increased promotion costs and lower unit production costs which make expansion profitable may not exist generally. Lower unit production costs for expanded output imply either excess capacity or the ability to acquire new, more efficient facilities. Note, however, that if production costs decrease by $0.3 per unit (rather than the $0.2 they indicate) as a result of expansion, then the export expansion yields the same rate of profit on sales as the present situation (4.5 percent after taxes) without DISC.

HEWLETT-PACKARD DATA

Hewlett-Packard data submitted in November 1970 projects their exports over the period 1971 to 1975 at $880 million without DISC. (This data and the data discussed below is shown in Table 1.) Their estimated profit rate of 15 percent yields a before-tax profit of $132 million and an after-tax profit of $66 million on these exports. Their projections under DISC show exports of $1,020 million over this period, an increase of $140 million, in response to additional export promotion expenses. Before-tax profits at the 15-percent rate without regard to additional export promotion expenses would be $153 million. Additional export promotion expenses are given as $36 million over the period. Net profit before taxes would therefore be $117 million. After-tax profits under DISC would be $84.4 million. Tax deferral under DISC would be $26 million.

Based on the same figures, if there were no additional export promotion expenses, exports would be $880 million and before-tax profits would be $132 million. After-tax profits under DISC would be $93.5 million which is $9 million or 10.6 percent higher than if exports were increased by additional export promotion expense. Tax deferral would be $27.5 million.

In effect, the Hewlett-Packard original presentation is saying that export promotion expenses of $36 million would increase exports by $140 million on which a profit of $21 million would be earned before taking account of export promotion expense. After export promotion expense, there would be a loss of $15 million on the transaction but the tax deferral under DISC still makes an increase in after-tax profits possible compared to present law. This is not the relevant comparison, however, as the higher after-tax profits under DISC without increased export promotion expenses indicates.[2]

Hewlett-Packard's data submitted on October 8, 1971, differs from the November 1970 data principally in the substantially lower estimated cost of export promotion expense per dollar of increased exports. The two estimates are shown below. The aggregate export promotion expenses necessary to increase exports by approximately $140 million over a five-year period were estimated at $36 million in the 1970 data and at $10 million in the 1971 data.

Percentage increase in exports	Estimated promotion expenses as a percent of additional sales— 1970 estimate	 1971 estimate
0 to 5	15	3
6 to 10	16	5
11 to 15	18	7
16 to 20	20	10

The 1971 data is more comprehensive with respect to the use of DISC income, the pattern of dividend payments, etc. The question of the use of the DISC income is not considered here, however, because it is secondary to the question of whether DISC would increase exports.[3] In this connection, their gross profits before the additional export promotion expenses would be $22.5 million higher if these expenses were incurred and exports increased than if they were not. Net before-tax profits after the $10 million of export promotion expenses would therefore be $12.5 million higher.

This raises the question of why they would not incur these expenses and increase before-tax profits under present law. The Hewlett-Packard analysis indicates that they would not incur these promotion expenses without DISC, however, although it would increase total profits because it would result in a lower than average return on sales. This line of reasoning appears to attribute too much impact on exports to DISC because it says that exports which require higher than average promotion expenses will take place only with DISC.

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[2] The $36 million of export promotion expenses can also be viewed as financed by $26 million of tax deferral from DISC and roughly $9 million of lower after-tax profits compared to DISC and no export promotion expenses.

[3] Their data shows that the net tax deferral after payment of dividends by the DISC to the parent would be $10 million over the period. This is equal to export promotion expenses and implies that they will incur such expenses only if the Federal Government finances them.

TABLE 1.—COMPARISON OF PROFITS UNDER DISC WITH AND WITHOUT EXPORT EXPANSION BASED ON HEWLETT-PACKARD DATA SUBMITTED, NOV. 11, 1970

[Amounts in millions of dollars]

	Case I—DISC and increased export promotion expenses						Case II—DISC and no additional export promotion expense					
	1971	1972	1973	1974	1975	Total	1971	1972	1973	1974	1975	Total
Projected exports	130.0	161.8	203.8	241.7	282.5	1,020.0	130.0	150.0	175.0	200.0	225.0	880.0
Gross profits (15 percent)	19.5	24.3	30.6	36.3	42.4	153.1	19.5	22.5	26.2	30.0	33.8	132.0
Export promotion expense	1.9	4.8	7.3	10.5	11.5	36.0						
Net profit [1]	17.6	19.5	23.3	25.8	30.9	117.1	19.5	22.5	26.2	30.0	33.8	132.0
Manufacturing net profit [2]	8.6	9.3	10.9	11.9	14.4	55.0	9.75	11.25	13.13	15.00	16.88	66.0
Tax (50 percent)	4.3	4.65	5.45	5.95	7.20	27.5	4.88	5.63	6.56	7.50	8.44	33.0
Manufacturing after-tax profit	4.30	4.65	5.45	5.95	7.20	27.5	4.87	5.62	6.56	7.50	8.44	33.0
DISC net profit [3]	9.0	10.2	12.4	13.9	16.5	62.0	9.75	11.25	13.13	15.00	16.88	66.0
Tax [4]	2.25	1.28	1.55			5.08	2.44	1.41	1.64			5.5
DISC after-tax profit	6.75	8.92	10.85	13.90	16.50	56.92	7.31	9.84	11.49	15.00	16.88	60.5
Total after-tax profit	11.05	19.12	16.30	19.90	23.70	84.42	12.18	15.46	18.05	22.50	25.32	93.5
Tax deferral	2.25	3.82	4.65	6.95	8.25	25.9	2.44	4.22	4.92	7.50	8.44	27.52

[1] This presentation excludes the R. & D. expenses and depreciation on fixed assets acquired from producers' loans under DISC in the Hewlett-Packard analysis for simplicity since those amounts relate to the use of tax savings under DISC rather than the basic profitability in the 2 cases. Nor does it include any dividend payment.

[2] One-half of net profit less 10 percent of export promotion expenses. These amounts differ slightly from those in the Hewlett-Packard data which incorrectly adjusted for export promotion expenses. This also applies to footnote 3.

[3] One-half of net profit plus 10 percent of export promotion expense.

[4] 25 percent in 1971, 12.5 percent in 1972 and 1973 and zero thereafter.

TABLE 2.—COMPARISON OF PROFITS UNDER PRESENT LAW WITH AND WITHOUT EXPORT EXPANSION BASED ON HEWLETT-PACKARD DATA SUBMITTED OCT. 8, 1971

[Amounts in millions of dollars]

	Case I—Present law and no export promotion expense						Case II—Present law and additional export promotion expense					
	1972	1973	1974	1975	1976	Total	1972	1973	1974	1975	1976	Total
Projected exports	130.0	147	170.0	197.0	225.0	869.0	136.9	169.3	207.9	237.5	267.5	1,019.1
Gross profit (15 percent)	19.5	22	25.5	29.5	33.8	130.3	20.5	25.4	31.2	35.6	40.1	152.8
Export promotion expense							.6	1.9	2.2	2.5	2.8	10.0
Net profit	19.5	22	25.5	29.5	33.8	130.3	19.9	23.5	29.0	33.1	37.3	142.8
Tax (50 percent)	9.75	11	12.75	14.75	16.90	65.15	9.95	11.75	14.50	16.55	18.65	71.40
After-tax profit	9.75	11	12.75	14.75	16.90	65.15	9.95	11.75	14.50	16.55	18.65	71.40

[From the Wall Street Journal, Sept. 30, 1971]

THAT SHINY DISC

While not everything can be applauded in the new tax package that emerged from the House Ways and Means Committee last week, there is at least one evidence that the committee is fulfilling its obligation to check administration impetuosity.

Chairman Mills and his committee took some of the shine out of an administration tax gimmick designed to encourage American business corporations to step up their export activity. If the idea disappears entirely before the tax bill becomes law, it will be no great loss.

The idea in question is the administration's proposal that American corporations be allowed to set up "domestic international sales corporations," or "DISCs," to handle their export business. DISCs would be allowed to "defer" federal income taxes on profits from exports if those profits were applied to new export or "export-related" activities.

In a recent Washington Post article, Harvard Law School tax expert Stanley S. Surrey said that the administration proposal would, to a large degree, have been an exemption, not merely a deferral, that it would have revived the "tax haven" idea that Congress tried to kill nine years ago and that it would have cost the government some $1 billion a year. Professor Surrey, who was the Treasury's top tax specialist in the Kennedy and Johnson administrations, added that there is very little assurance that the tax bonus would in fact boost exports appreciably.

Professor Surrey's objections are persuasive and can be augmented. The use of special tax incentives to further public policy is a doubtful technique in principle, to begin with. It soon gets the entire tax structure out of kilter, creating loopholes for some taxpayers and transferring to others the burden that has been lifted from the fortunate. The result is a sense of unfairness and ill will among taxpayers, which is the first step toward wide scale efforts at evasion.

There are still other objections.

DISC is another example of the practice, which is becoming too popular, of trying to fudge against the accepted rules of international trade.

U.S. authorities who try to justify such activities insist that other nations give incentives to exporters. They do, but such things are partly a matter of degree, and few nations have gone as far as the original DISC proposal would have gone towards an outright exemption from income taxes. The U.S. already is inviting retaliation from its trading partners for its 10% surcharge on imports and it is not likely that tense trade relations can withstand much further aggravation.

Further, there is a serious flaw in the idea that subsidizing industry somehow makes it more competitive. A subsidy supplies the means to become less, not more, competitive, as should have been adequately proved a long time ago by the heavily subsidized U.S. ocean-shipping industry.

Despite all these objections and despite the fact that DISC-type proposals have been cut out of some tax bills of past year, Ways and Means did not kill DISC outright this time. The committee tried to provide that the tax benefit would actually be an incentive and at the same time sharply cut its potential impact on revenues. In the new version, DISC tax benefits would be based mainly on the amount by which their export sales exceeded the three previous years.

Treasury Secretary Connally doesn't think this would be sufficient "incentive" to exporters. In our view, it is a better incentive than the original, since only measurable gains would be rewarded.

But the Ways and Means version still doesn't answer the objection to tax incentives in principle. Nor does it preclude the possibility that once DISCs are established they will win further concessions. With that thought in mind, we would be very happy if the full Congress decides to send this particular DISC sailing, far enough that it wouldn't be likely to return.

DISC: A BILLION-DOLLAR TAX LOOPHOLE HIDDEN IN NEW ECONOMIC POLICY

(By Stanley S. Surrey)

The President's speeches on the New Economic Policy do not mention the "DISC proposal, and so it receives almost no notice in the daily press discussions.

This silence cloaks the efforts of the Treasury Department once again to slide the DISC proposal into the tax law. Last year the attempt was made as part of the Trade Bill, when the fierce legislative battle waged over import restrictions permitted the DISC proposal to pass through the House, almost unnoticed and unseen and certainly not understood. Fortunately, the Senate Finance Committee then viewed the proposal with suspicion and it died at the end of the session.

There is good reason to keep the DISC proposal out of the spotlight. The proposal opens up a billion-dollar loophole in the income tax, through permitting U.S. exporters—especially our largest corporations—to escape that tax.

It would be a cruel irony to have the first significant technical income tax legislation to pass the Congress after the 1969 Tax Reform Act—the kind of legislation that only technicians and experts can follow—open up one of the largest tax escapes ever legislated by the Congress. Yet we find the Treasury Department being the moving force behind this attempt.

A DISC—Domestic International Sales Corporation—would be a new type of corporation conjured forth by this change in the tax law designed to "defer" the income tax on the "export profits" received by a domestic corporation engaged solely in the export trade. The quotation marks are used because the words they enclose turn out, as is so often the case in tax legislation, to have a significance far beyond their normal usage.

American businesses manufacturing goods that are sold abroad would be expected to organize DISCs—which need be only paper subsidiaries—through which their present exports would be channeled. The profits of a DISC from its export sales would not be subjected to income tax if the profits are used in export activities of the DISC or loaned to the parent-manufacturer corporation for "export-related activities"—again the significant quotation marks. This is the way the Treasury describes the proposal.

But under the terms of the actual legislation, it turns out that "deferral" would in practice become exemption; that "export profits" would very often include manufacturing profits; that "export-related activities" of the parent-manufacturer becomes activities having nothing to do with exports, extending even to investment for manufacture abroad; and that the references in title and description to "domestic" export subsidiaries cloak in practice an inducement to form foreign subsidiaries and, moreover, to form them in tax-haven countries, thus bringing back a pattern of abuse against which Congress legislated in 1962.

These are aspects that the Treasury does not talk about when it urges the proposal. For example:

1—The Treasury stresses in urging DISC that only a deferral of tax is involved, in terms that imply deferral is really not much—the tax is not paid now but must be paid a bit later on. Indeed, "deferral" for most Congressmen is a word that lulls them into believing very little is being given away. But the Treasury and corporate controllers know better. Thus, a high Treasury official, in talking recently to a professional group on aspects of accounting, said:

"I need not tell this group that tax deferral is the name of the game. A tax deferred one, two, or several years is simply a lower amount of tax on those who achieve such deferral—a burden that must be assumed by all other taxpayers."

For a profitable company, the present value of 15 years deferral—at the least the period the Treasury and business have in mind under DISC; indeed the deferral for many will be indefinite—is just about worth the amount of the tax itself, which makes deferral the equivalent of exemption. The reason is that the deferred tax-money that a company keeps over such a period (in effect an interest-free loan for that period) can be put to work earning additional money. In a typical case, the real cost to a profitable company for each $100 in deferred taxes would only be $18 to $20.

2—The Treasury stresses that domestic subsidiaries will be used and that this is helpful to unsophisticated businesses. But the tax experts who study the technical details know that the arrangement which gives the greatest tax windfall under the proposal is to combine DISC with a foreign tax haven subsidiary—a Swiss or Panamanian company. In 1962 the Congress rightly legislated against tax haven abuses. Now in 1971 under the cloak of a few technical words in the DISC proposal, the Treasury is sweeping away that legislation and directly legalizing and encouraging the widespread use of these tax havens.

3—The Treasury stresses that the profits of a DISC, freed from taxes, will be used to promote export activities. But the tax experts who study the technical details know that these tax-free funds can be used for activities that have nothing to do with exports.

Thus, the funds can be used by large manufacturing companies, who are presently exporters, for purely domestic activities where the favored companies are able to compete with tax-free DISC money against companies not so favored. They can be used even to build manufacturing plants abroad—and thus reduce the export trade of the United States. The DISC money is simply made available to the companies and the Treasury will ask no questions on how it is so used.

The purpose claimed for this proposed tax-favored treatment of our exporters—exempting an entire activity from the income tax—is that it will stimulate our export trade and thereby help our balance of payments. But the revenue loss in the billions occurs even if not a single dollar of new exports occurs. Moreover, no one—not even the Treasury—has offered any public documentation and serious economic study of just how and to what extent and for what goods this windfall to exporters will increase our exports. On the contrary, most economists believe just the opposite, that the change will have only a slight effect on our exports out of all proportion to the revenue loss involved. No other country, even among those most incentive-minded, has adopted such a sweeping tax escape from its income tax.

When the questions are asked why is our tax system so unfair, why are there such gross escapes for some from the tax burdens borne by others, why do we have so much difficulty in focusing our scarce funds on pressing needs, the DISC proposal is a sharp and bitter answer.

Some corporations are of course pushing for the legislation, as are some law firms which see profits for them in reorganizing the business structures of their clients to fit DISC into the corporate organization charts. But to their credit, many a business concern and its executives, as well as their tax advisers, know the proposal is wrong—wrong for them because it means a windfall received which will not materially affect their level of exports and wrong for the country in terms of our national priorities. But it comes hard not to offer support when the Treasury pushes for their backing of the proposal.

In fact, I suspect almost everyone concerned knows DISC to be a bad tax provision. Surely the House Ways and Means Committee which initiated the tax reform legislation in 1969 should know better. One can believe that it does know better—after all, a dissenting report filed last year by some committee members explained in detail how the proposal was seriously wrong and had no place in our tax system. One suspects also that the Treasury tax experts know better. Nevertheless, the proposal has found a place in the New Economic Policy of the President.

One suspects a cultural lag. Last year, pushed by Commerce, the Treasury came up with the DISC proposal to show it was trying to "do something" about exports. This year in August, however, the Treasury moved directly to get at the crux of our trade imbalance—the unfairness to our trade that resulted from the relationship of our dollar to foreign currencies—and is now seeking a realignment of those currencies. It is also using a temporary device—the 10 percent surcharge on imports—to emphasize the need for currency adjustments and other trade related changes such as removal of unfair restrictive practices in other countries.

But the DISC proposal, which will not really help our exports and instead will create a large tax escape, was left around from the earlier blueprints. It is now being quietly carried along as a windfall to business, even though we have a new set of blueprints really designed to do the job that must be done to improve our trade position.

The DISC proposal should simply be dropped as a bad idea—a major loophole if viewed as a tax provision; utterly in conflict with our national priorities if viewed as an expenditure device; ineffective and now supplanted by meaningful, direct steps if viewed as a trade measure.

Mr. TALMADGE. Mr. President, recent history of our exports shows that they are going down, down, down. Recently history of our imports shows that they are going up, up, up. Recent history of our balance of payments shows that the deficits get greater and greater and greater.

Recently, we have had many American companies move overseas and incorporate there to do business because the tax costs overseas were more favorable than in this country. This means that we are exporting American jobs whenever a plant moves overseas.

One of the reasons that it is difficult to compete with our competitors overseas is the fact that many nations of the world provide, as in the Western European countries, as part of their tax system, a value-added tax. When they export their commodities, the value-added tax is rebated.

This means that their commodities go into the world market at a much cheaper rate than ours do, because the tax in that particular country has been rebated. Thus, the tax is not reflected in the price of the commodity when it reaches the American market.

Our country is in a dangerous economic situation. In the third quarter of 1971, the deficit of our balance of payments for that quarter alone were $12,100,000,000. The deficit for the entire year of 1970 was much less than that, or slightly less than $10 billion. If our deficit for the first three quarters of 1971 is put on an annual basis, it means that we will have a deficit this year of $31 billion in our balance of payments.

What about trade? That is equally alarming. There was a time when our trade surplus was huge year after year. However, that has been going down, down, down. Now we have a trading deficit. The truth of the matter is that on the CIF basis we have had a deficit for some 5 years.

This proposal is a modest attempt to try and make American goods more competitive in the world market. Admittedly, it will not do what the value added tax has done for the European countries, who are our principal competitors. But it will be a modest beginning to make American products more competitive on our world market.

The estimate for the first year cost by the Treasury Department is about $100 million. The Treasury Department hopes it will ultimately stimulate our export trade by $1.5 billion. Admittedly, these estimates are not conclusive because we do not have a track record to go by. We do not know what the ultimate result will be. The Committee on Finance does know we have to do something to make American commodities more competitive on the world market or we will export all our jobs, all the people of this country will be on welfare, and our dollars will be rolled around in wheelbarrows and not carried around in pocketbooks.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I will yield to the Senator for a question or a comment.

Mr. PASTORE. I would like to make a comment.

Mr. TALMADGE. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I want to say at the outset that I realize the motive for this amendment and I congratulate the Senator from Wisconsin. But we have to be a little realistic.

While we do not have a track record, we have a background on which this is predicated. I speak now of the textile industry. There was a time when 15 percent of the American textile production was being exported. Today it is almost zero. There is no country in the world, in the free world, that does not make concessions with reference to the goods they export from those countries. As a matter of fact they go even so far that in the purchase of basic raw materials they make concessions as to prices.

Not too long ago a cutlery manufacturer in the United States, incidentally it is the largest knife manufacturer in the world, told me that the steel being sold in Japan for purposes of export, is being sold cheaper than the steel being sold for domestic manufacture.

We have to face the facts of life. Unless we begin to do something to protect American industry, we are going to find that eventually we are going to extinguish all American manufacturing jobs and we are going to be confined to nothing but service operations. That will not help the security and the survival of the American economy.

I understand the nobility of purpose on the part of the sponsor of the amendment. If the Senator had to live with the situation we have endured over the past decade, he would see the need for the committee proposal. I am going to vote against the Senator's amendment. I do it reluctantly, but I do it because it is necessary.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER (Mr. SPONG). The Senator from Arizona is recognized.

Mr. FANNIN. Mr. President, I concur with the statement by the distinguished Senator from Rhode Island. We are not just talking about increased exports; we are talking about saving the companies that are exporting and keeping them from losing what they now have in the way of exports.

Mr. President, there is no question about the need to increase exports—there has been plenty of talk about it. Government has urged business to enter the export field and to expand its exports. However, what we need is action—not talk—the removal of penalties and the enactment of incentives to help U.S. manufacturers to overcome the obstacles with which they must contend in selling U.S. goods in foreign markets. These obstacles include—but are not limited to—ever-higher U.S. labor costs per unit of production, transportation costs to overseas markets, and increased foreign taxes.

Since 1962, the U.S. income tax law has penalized exports of U.S. products. The 1962 U.S. income tax measures directed against foreign trade have helped to wipe out our favorable balance-of-trade position and to increase our terrible balance-of-payments deficits.

To be effective, any tax incentive must confer a real benefit. DISC would not reduce the amount of tax payable on the entire profit realized from the export of U.S. products, but would permit deferral of the time of payment of the tax on a portion of such profits. The U.S. manufacturer would be required to report a fair share of the income realized on exports through a DISC, and the DISC would be allowed to defer the tax on a portion of such income as long as the funds representing that income continued to be employed in the export of U.S. products. This seems to be fair to both parties—to the manufacturer that risks loss of capital as well as income in exporting or expanding the volume of its exports, and fair to the Government that defers tax on a portion of that income as long as the resulting profits are being used to produce more export income.

The Senate has heard theoretical arguments against DISC. Do those who spin these theories know what they are talking about—that is, business?

American manufacturers have demonstrated the requisite skill and organizing ability to sell great volumes of U.S. products abroad, in the face of many obstacles and keen competition.

Theorists will not and cannot produce the increased exports we need. Only competent business organizations can produce that result.

Opponents of DISC say it would exempt from U.S. tax all income from exports. This is false.

DISC would not exempt from tax one penny of income. If that were true, it would, indeed, rapidly and greatly increase the export of U.S. products. However, it is false—DISC does not provide any exemption from tax. It does postpone the time for payment of tax, but on only a portion of the income from exports, and only so long as the DISC earns 95 percent of its income from exports and 95 percent of its assets are employed in exporting and export-producing assets.

Other statements by the opponents of DISC, while misleading and believed to be unjustified, can not be branded as false, since they are only opinions, guesses and predictions—not asserted as facts.

The opponents of DISC say that it would be ineffective in increasing U.S. exports, and they say it would lead to retaliation against U.S. goods entering foreign markets. If DISC—as originally proposed—would not be effective in increasing U.S. exports, would European governments and industrialists be so concerned about it? The New York Times—September 17—reports from Paris that DISC "Is seen as an essentially powerful stimulus that would intensify U.S. competition in the European market." This clearly indicates that those most concerned and in a position to know, are convinced that DISC would be effective in increasing exports of U.S. products.

Those with knowledge and experience in the field of international business know that DISC would increase U.S. exports—quickly, in the case of smaller U.S. manufacturers that have not hitherto made much, if any effort to export, and more gradually but in vastly greater volume in the case of larger U.S. manufacturers already selling widely in foreign markets.

Mr. President, in other words, we are not talking about something that is a giveaway program but something that is very much needed if we are going to compete with other countries of the world and keep jobs in America. We have worked hard to work out a system that will do this. I hope we can realize the position we are in this country and try to help keep these jobs in America.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the distinguished ranking minority member of the committee, the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, we have discussed this at length in considering an earlier amendment which the Senate rejected. It is tempting to go back and refute statement by statement the claims made in defense of the amendment, but I think we should be concerned with the overall problem which both of the preceding speakers against the amendment have brought up.

We are face to face with the necessity of preserving the jobs in American industry—in the American manufacturing industry. We are face to face with the situation that if we go on as we have done for the past few years we will not generate enough money from our exports to even balance the imports that have been flooding in on us.

I can understand that consumers may be more interested in prices than in the sources of production.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, I yield 1 additional minute to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 additional minute.

Mr. BENNETT. Mr. President.

Mr. NELSON. Mr. President, has the time for debate been extended?

The PRESIDING OFFICER. No.

Mr. NELSON. I thought I heard the Chair state that the 15 minutes had expired.

The PRESIDING OFFICER. No. The Chair said that the 2 minutes that had been yielded to the Senator from Utah had expired.

Mr. NELSON. I thank the Presiding Officer.

Mr. BENNETT. Mr. President, there also are people who are persuaded this is a tax windfall for business. I would point out that, actually, unless a business does export, unless the products it makes go into the export market, it cannot take advantage of the minor benefit of this provision.

Mr. President, the Senate must reject this amendment, which would have catastrophic adverse effects on U.S. industry and U.S. employment.

At a time when our balance-of-payments deficit has reached the rate of $31 billion per year, the worst deficit in U.S. history, and our international trade posture is at a critical juncture, it is unthinkable that we should remove from this bill the one provision designed to increase U.S. exports and thus increase our balance of trade and U.S. production. DISC is designed to keep jobs and production in the United States by encouraging manufacture for export. The House, after careful study, cut back the DISC proposal as originally recommended by the administration. The Senate Finance Committee found an even better way to keep the DISC proposal but limit the benefits, including a limit to prevent the investing of any tax deferred DISC profits in foreign plants or equipment. The DISC as so limited will result in a revenue loss of only $100 million in 1972 and $170 million in 1973, as stated in the Finance Committee report. This is a very small price to pay in terms of the tremendous revenue losses under other provisions of this bill to keep jobs in the United States and to deal in a meaningful way with our present balance-of-payments emergency.

The tremendous importance of the DISC in keeping jobs in the United States must be recognized. DISC is a provision which is an incentive for U.S. companies to continue manufacturing in the United States for export, thus preserving and creating jobs at home. It balances our tax system to permit our companies to compete more effectively against foreign owned enterprises that are favored by the export promotion laws and policies of their governments. The DISC stimulates U.S. exports in a manner entirely consistent with our international obligations and treaties.

The benefits of DISC are carefully confined to insure that the beneficial treatment will be limited to export sales and to companies which engage in no activity other than export sale. Further export stimulation is assured by a rule permitting a DISC to retain its tax deferred income only if it reinvests that income in qualified export assets, or lends to U.S. producers engaged in export production.

DISC will also serve to offset the effect of foreign export incentives which reduce the ability of our exports to compete in third country markets and which encourage U.S. manufacturers to establish plants abroad to take advantage of those incentives. The DISC proposal will remove a real impediment to maintaining and expanding facilities in the United States for export production.

The DISC approach is trade expanding, rather than contracting through tariffs or quotas. It is a positive inducement to private action rather than an additional form of government-imposed limits or controls on U.S. business. It will be effective as soon as it is passed in persuading companies to maintain and increase their export sales, thus preserving and creating employment in the United States.

The Senate Finance Committee made three substantial changes in the DISC proposal as introduced by the Treasury. First, it limited the DISC rules to a period of 10 years to insure that Congress reexamines the functioning of this change in our tax laws. Second, the committee reduced the amount of income entitled to deferral to one-half of the DISC's income. This was a substitute for the complexities and inequities of the so-called incremental approach the House adopted in approving DISC. Finally, the bill now contains provisions making it largely impossible for the tax-deferred income of a DISC to be used to invest in foreign subsidiaries.

Thus, the benefits available to DISC's are reduced from the Treasury's original proposal, and there are more safeguards to assure that these benefits are used to stimulate exports. We should not lose this opportunity, at a very small cost in terms of revenue loss, to deal with the problem of maintaining and increasing U.S. employment and improving our balance-of-payments position.

The Senate rejected a previous attempt to strike the DISC provision out of the bill. I hope it will be wise enough to reject this one.

Mr. TALMADGE. Mr. President, unless the distinguished Senator from Wisconsin wishes to debate the matter further, I am prepared to yield back our time.

Mr. NELSON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. President, I ask unanimous consent that a summary explanation of DISC and foreign country practices be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY EXPLANATION OF DISC AND FOREIGN COUNTRY PRACTICES

The DISC proposal provides for tax deferral only on the income deemed allocable to the selling of U.S. products abroad. The amount deemed allocable to the foreign selling activity may be an amount up to 50% of the combined income from the manufacture of the product in the U.S. and the sale abroad. Thus, 50% of such combined income is deemed allocable to the U.S. manufacturing activity and would be currently taxed in full in the United States.

The DISC is proposed in the form of a domestic corporation, incorporated under the laws of the United States. As will be explained, the same tax deferral benefit may be obtained in many cases under present law by using a *foreign* subsidiary. If such benefits are to be available, there is no good reason to require that they be obtained by using a *foreign* corporation rather than a domestic corporation, with all the attendant added legal and accounting costs. However, the availability of the benefit through use of a domestic corporation is not essential to the proposal.

An understanding of the background of the DISC proposal requires some historical perspective. In 1961, the United States, alone among developed countries of the world, enacted legislation seeking to tax foreign sales companies currently on their income. No developed country has adopted comparable taxing provisions within the 10 years that have passed since that legislation. Ironically, even the United States law provided escape mechanisms for (1) certain United States exports sold through foreign based companies under severe limitations, and (2) a major escape mechanism known as "minimum distributions" which has the effect of permitting deferral in foreign sales subsidiaries where the United States corporate investor has substantial manufacturing activities outside of the United States.

For some years a policy has been advocated that the United States should be a model for other countries by fully taxing its export income. This position becomes increasingly more difficult to maintain when its effect is the erosion of production in the United States and the transfer of jobs to foreign manufacturing in those cases in which tax factors influence decisions on the source of production. After a decade the United States as a model of leadership has no followers. Developments within the last two years are instructive. During this period foreign sales company legislation was proposed in the Canadian White Paper on tax reform and in "tax haven" legislation proposed by the German Government.

1. *Canadian Proposal.* The White Paper proposed that shareholders of controlled foreign subsidiaries would be subject to tax on the holding company investment income of the subsidiary and on income from the "trans-shipment" of products in sales transactions. This appeared to include base company sales income. The final Canadian Government proposal eliminated the "trans-shipment" income from the income subject to tax.

2. *German Legislation.* The German legislation, as originally proposed in 1970, included passive investment income and base company sales income. The rule had an objective test based upon the amount of sales company income. The revised proposal issued in the spring of 1971 substantially eliminates the tax haven sales company income provision. It provides that the income is taxable to the shareholders only if it is not earned in a commercial activity of the sales company. The German reasoning has been as follows: they are imposing, for the first time, a strict inter-company pricing rule on sales income. It is possible that some income would always be attributable to the wholesale function, even if the base company had no substance. Therefore, they have included in their tax haven rule a rule of substance requiring that the base company must perform a normal commercial activity. Clearly, this permits the continued use of intermediary subsidies in low tax countries where there is a significant sales function actually being rendered. In addition, the German rule has no application to sales by base companies on behalf of manufacturing companies controlled by Germans but producing in countries other than Germany.

In the world today, there is no effective limitation on sales by domestic manufacturers through low tax countries in Australia, Belgium, Canada, France, Germany, Japan, Italy, the Netherlands, Switzerland, Sweden, or any other developed country. If the DISC were a foreign sales subsidiary, it would correspond to foreign sales subsidiaries owned by shareholders in any of those countries.

In administrative practice, no other country exercises the surveillance on allocation of income between a manufacturing company and a related selling affiliate to the extent this surveillance is exercised by the United States. No other country has had the tendency to restrict exports by complicated inter-company pricing rules. Because of lack of manpower and/or conscious decisions to promote export activities, general rules of thumb permit allocations of income comparable to the DISC rules for allocating income between a manufacturer and its related subsidiary. For example:

"Incentive Exception For Exports. The exemption from the French corporation income tax of the income of a foreign branch, when earned and when remitted (11/2.5c), and of the income of a foreign subsidiary until remitted (11/2.5d), may put a great strain on the definition of foreign income, especially in the case of export sales. It may be to the fiscal advantage of a French exporter to make sales to a foreign branch or subsidiary at low prices in order to divert income abroad, but this diversion may run afoul of Code article 57.

"The French government has had to weigh its interest in the proper allocation of income against its growing desire to increase exports (10/9.3). The interest in exports has won out. In 1959, the tax administration announced that "too strict" an application of Code article 57 might interfere with the establishment and operation of foreign sales branches or subsidiaries that might develop French exports "to the maximum." As a result, the administration announced that it would take into consideration all commercial conditions surrounding the operation of such overseas enterprises before it decided to apply the reallocation-of-income rules; especially in the case of a French firm whose volume of exports qualified it for an "exporter's card" (7/3.3e, 10/9.3c), the administration would not apply the reallocation rules if the French firm could demonstrate that it had made export sales to an affiliated foreign enterprise at "prices close to cost" out of commercial necessity rather than out of a desire to transfer profits beyond the reach of the French tax system." Source: Taxation—France, Harvard Law School International Tax Program, Commerce Clearing House, Inc. p. 787 (1966).

Other illustrative cases abound, such as a reported instance in which the subsidiary of U.S. corporation in a developed country sold to its foreign affiliates at such low intercompany prices that it impaired the capital of the subsidiary, without being subject to questioning by the local tax authorities. It is possible that multi-lateral agreement on principles of taxation applicable to foreign sales affiliates could permit uniform treatment of such income. Such agreement should also cover situations where tax holidays are granted by countries to induce the location of foreign manufacturers who will export from the country granting the tax holiday or other financial and tax inducements to locate in the country. Such inducements may include reduced tariffs on the import of raw materials, government loans on favorable terms, development of industrial zones, etc. When faced with a critical problem of exporting from the United States, it is not possible to act as if the rest of the developed countries do not create a stimulus for their exports and in many cases for the implantation of production in their countries by American companies.

PRESENT IMBALANCE FAVORING THE USE OF FOREIGN SUBSIDIARIES

The DISC proposal has been criticized as an incentive provision distorting economic activity. On the contrary, this proposal is intended to overcome a disadvantage for production in the United States and the export of United States products. The present tax structure favors international activity by our largest corporations, but even in this case depends upon foreign manufacturing and sales subsidiaries. This fact emerges from a complex web of taxing rules that are literally manipulated by large corporations with foreign subsidiaries and sophisticated tax computer planning. A summary of our rules throws considerable light on what in fact is happening.

U.S. TAXATION OF INCOME FROM DIRECT EXPORTS FROM THE UNITED STATES

A corporation incorporated under the laws of the United States, other than a Western Hemisphere Trade Corporation, and corporation subject to section 931 of the Internal Revenue Code, is subject to full current U.S. corporate income taxes on all of its income from the manufacture and sale or purchase and sale of property produced in the United States and sold by such corporation abroad.

U.S. TAXATION OF INCOME FROM FOREIGN OPERATIONS

A United States corporation is not subject to current U.S. income tax on income realized in the following circumstances:

1. *Foreign manufacturing.* If the U.S. corporation creates a foreign manufacturing subsidiary, the income realized by that subsidiary on its sales, wherever they are made, is ordinarily not subject to current U.S. income tax on its non-U.S. source income, either directly or on the basis of a deemed distribution. See IRC sections 881, 882, and 951 *ff*. Only when such income is distributed as a dividend by the subsidiary to the U.S. corporation does the U.S. corporation have taxable income. At the time of distribution, a foreign tax credit is given by the United States (up to the full amount of the U.S. income tax on the dividend) for any foreign income taxes imposed on the income of the

subsidiary out of which the dividend is paid and for the foreign withholding taxes imposed on the dividend itself.

2. *Foreign sales intermediary*. If the United States corporation creates a foreign subsidiary, which handles the sales of products or commodities that were manufactured or produced by a related company in the United States or in a foreign country, the sales income received by such subsidiary on such products is not taxed currently by the United States if any of the following rules apply:

A. the sales are made in the country of incorporation of the subsidiary (IRC Section 954(d));

B. the manufacturing or production occurred in the country of incorporation of the sales subsidiary (IRC Section 954(d));

C. the sales of such products are made out of the country of incorporation of the subsidiary and the gross income from such sales (and other foreign base company income) is less than 30 percent of the subsidiary's gross income (IRC Section 954(b)(3)(A));

D. the subsidiary qualifies as a foreign Export Trade Corporation with 75 percent or more of its gross income from the sale of property grown, extracted, produced or manufactured in the United States, and the deferred income does not exceed the lesser of 1½ times the export promotion expenses of the export trade corporation, or 10 percent of its gross receipts for the year, to the extent the income is invested in "export trade assets" (IRC Section 970).

3. *Minimum distributions—combining foreign manufacturing and a foreign sales intermediary*. If a U.S. corporation establishes a manufacturing subsidiary or subsidiaries in one or more countries with relatively high foreign tax rates, the products of such corporations and those of the U.S. parent corporation, may be sold through a foreign sales intermediary based in a jurisdiction with minimal local income taxes. If the rate of foreign taxes on the combined manufacturing and sales operations approximates 90 percent of the U.S. tax rate, U.S. corporate tax on the sales company income is deferred until its ultimate distribution. IRC Section 963. The considerable utility of this provision was summarized by corporate tax counsel in a professional tax publication as follows:

"U.S. companies that at present do not have foreign subsidiaries operating in low-tax-rate countries can now consider creating such companies, certain in the knowledge that they will be shielded from current U.S. tax, even if these companies earn substantial Subpart F income, so long as the requirements of this section are met. U.S. companies which presently have foreign companies of this nature can now consider creating additional companies of this type. "How to Determine Eligibility and Claim Exception for Minimum Distributions," in *Practical Problems of Taxation of Foreign Income*, published by the *Journal of Taxation Inc*. p. 120 (1965).

4. *Inter-company pricing*. Regulations under section 482 of the Internal Revenue Code apply a strict standard for arm's length inter-company pricing on sales by United States exporters to foreign affiliates, thus limiting the advantages of a foreign sales intermediary used for the distribution of U.S. exports. In comparison, inter-company sales between foreign manufacturing affiliates and related foreign sales companies are subject to foreign inter-company pricing rules which are often less strict than the U.S. section 482 regulation. The comparatively lenient foreign rules in combination with the rules discussed above, and the possibility of organizing a sales company in a low tax country, provide an additional impetus for foreign manufacture by U.S. companies.

SUMMARY—EFFECT OF DISC

The DISC proposal is simply an effort to cut through all this maze of complexity and provide, in forthright fashion, the opportunity for tax deferral by use of a *domestic* corporation, rather than a foreign subsidiary. A firm inter-company transfer pricing rule is provided comparable to that applied in other countries (the prices may be established so that DISC earnings may amount to a maximum of 4% of its export sales or 50% of the combined income from manufacture and sale of the products (as previously explained), whichever is higher, plus 10% of its export promotion expenses). This is entirely reasonable, straight-forward tax deferral treatment for export income, not unlike tax deferral benefits for export income granted by other countries.

Proposals to impose higher taxes on U.S. affiliates abroad, or to deny foreign tax credits for foreign taxes imposed on such affiliates, do not affect the problem of U.S. producers competing in foreign markets with producers controlled by foreign owners and who are able to take advantage of policies of their countries favoring export activity. Higher current U.S. taxation would have the practical effect of foreign countries obtaining the revenues, either by increasing their taxes to match the U.S. rate, or through withholding taxes, since U.S. companies would tend to distribute the income to obtain tax credits and reinvest it by way of capital contributions. Moreover, indiscriminate, punitive tax measures, such as denying tax credits and creating double taxation, could result in U.S. companies abandoning foreign markets altogether.

Tax factors are by no means the sole reason for foreign investment. There is a wide range of factors affecting a decision to invest abroad. In some cases local trade barriers may effectively prevent exporting to the country; in other cases shipping costs are a barrier to exporting. To eliminate foreign investment by indiscriminatory tax measures is too blunt an instrument of policy. The DISC proposal is merely intended to eliminate preferential tax treatment of production abroad relative to production in the U.S.

PRACTICES IN OTHER COUNTRIES

Th material which follows describes certain provisions in foreign tax systems that affect export transactions in various countries of the world.

Provisions in Foreign Direct Taxation Laws Affecting Export Activities

On May 12, 1970, during the Treasury Department's presentation of its proposal for the Domestic International Sales Corporation to the House Ways and Means Committee, the Treasury Department was requested to submit information regarding the income tax laws and practices of other nations which operate to the advantage of export activities. The following description of foreign income tax law and practices is confined largely to other industrialized countries. It should be noted that in many foreign countries tax treatment favorable to export activities is frequently accorded on an informal administrative basis and may, therefore, be difficult to identify.

This memorandum is intended to suggest some of the income tax provisions and administrative practices that can affect the export of products from various foreign countries. Some of the most significant provisions that would affect tax-planning for export sales were not intended as export incentives when adopted but evolved from traditional theories of tax jurisdiction and taxation of foreign source income.

Devices having the effect of export incentives range well beyond income tax measures, including, among others, direct grants, government credit facilities, interest subsidies, insurance, guarantees, internal shipping subsidies, exchange control privileges, and tax measures other than those affecting income taxes. Some forms of government assistance may be available ostensibly for domestic as well as export activities, making it difficult to classify them solely as export incentives.

Rebates of value-added and other turnover taxes provide an export inducement to exporters in countries having such sales tax systems.

The following summary is not exhaustive nor has it been verified by counsel in each of the countries. It is nevertheless believed to to accurate and, except where specifically indicated, evident. The summary consists of a list of seven specific types of provisions. Attached to the list are individual country summaries for 17 countries. It should be recognized that numerous U.S. corporations have established foreign subsidiaries which have benefited from the favorable treatment discussed in many of these countries.

The various laws and practices are as follows:

1. *Taxation of Foreign Source Income*. Unlike the United States, many industralized countries impose income taxes on a territorial basis, which means that foreign source income is often wholly or partially tax exempt. Such exemption may apply not only to income from direct investments abroad, but also to foreign sales of domestically-produced products either through a foreign subsidiary or through a branch or dependent or independent agent.

In the case of most developed countries, exports can be made through controlled sales companies organized in low tax jurisdictions with a consequent tax shelter for the sales profits. For example, a manufacturing corporation. A, in country X, which may or may not be a subsidiary of a U.S. corporation may make its export sales through a related sales corporation. B, located in country Y where corporate taxes are minimal. To the extent Corporation B makes part of the profit that Corporation A would have made in direct sales, the tax burden is reduced.

While most countries have protective provisions in their tax laws that permit the local tax authorities to reallocate income between related entities, different countries have different rules as to such allocations, and considerable flexibility is often found in inter-company pricing. In at least some cases (as indicated below) it is understood that no reallocation would result from the prices charged by Corporation A to B as long as Corporation A earned at least one-half of the combined profits.

In some cases foreign sales corporations can establish purchasing and coordinating branches in the manufacturer's home country without affecting the income tax exemption of the foreign sales corporation, while facilitating exports through the sales corporation.

2. *Specific Exports Income Exemptions*. Some countries, such as Ireland, have income tax exemptions for export sales. Such exemptions are sometimes limited to products produced in free-trade zones or depressed areas. As indicated below some countries extend income tax exemptions or other benefits to companies locating in depressed areas, but in practice the benefits are offered largely to companies with a high export or import substitution potential.

3. *Accelerated Depreciation*. Several countries (e.g., Japan, France) permit or have permitted accelerated depreciation allowances for assets used in export production.

4. *Special Reserves* (*Market Development, Bad Debt*). Several countries, (e.g., Australia, France, Japan, Spain) have permitted special deductions for export market development or special bad debt reserves in connection with export credits.

5. *Special Deductions, Rate Reductions or Credits Related to Exports.* Australia reduces payroll taxes by an amount related to export increases. New Zealand permits a deduction from income taxes of 15 percent of increased export receipts. France permits deductions for the expenses of establishing foreign sales offices although income from such offices may subsequently be exempt.

6. *Favorite Inter-company Pricing Rules.* Either express rules or administrative practices frequently provide an additional incentive for export transactions through related foreign subsidiaries. In some countries, administrative practice permits considerable flexibility in inter-company pricing rules. In some jurisdictions, rule-of-thumb allocations permit 50–50 divisions of taxable income, even in cases where the foreign subsidiaries perform minimal functions.

7. *Discriminatory Allocation of Benefits Based on Exports Production.* In addition to provisions related formally or informally to exports, there are often benefits (tax holidays, capital grants, investment allowances, interest subsides, etc.) designed to attract new investment which are not always tied to exports in the legislative enactments, but potential exports are an important factor in the granting of such benefits. In some cases, the import substitution effect is also of importance in granting such benefits.

Not only are each of the devices listed above employed by one or more foreign countries, but the cumulative effect of these devices used by certain individual countries should not be overlooked. Thus, for example, Japan uses the following in combination:

1. Accelerated depreciation based upon export performance;
2. A deductible reserve for the development of overseas markets;
3. Special deductions for a variety of activities producing foreign exchange;
4. Liberal entertainment expenses to promote export sales.

AUSTRALIA

Foreign source income

Income derived by a resident Australian company from foreign sources is exempt from Australian income tax provided that it is not exempt from tax in the country of origin. The income earned by a foreign sales subsidiary of an Australian company is not subject to Australian income tax until distribution to Australian shareholders.

Export market development rebate

Australian law provides a tax rebate (credit) of 42.5 percent of an expenditure incurred for export market development and also permits the full deduction of the expenditure incured. The combined effect, as computed under the tax laws, permits a total tax saving of 87.5 cents for each dollar of expenditure. Qualified expenditures include among others: market research, overseas advertising, certain travel expenses, labels and packaging for export, protection of property rights, the preparation of tenders or quotations, and the supplying of technical data.

Payroll tax

A refund of payroll taxes is made in the event of an increase in export sales over a base period.

BELGIUM

Foreign establishments and subsidiaries

Income from a foreign establishment of a Belgian company is taxed at a reduced income tax rate equal to one-fourth of the ordinary rate; provided the income was generated and taxed abroad.

The income of a foreign sales subsidiary is not taxed until dividends are distributed. Upon distribution, the net dividends received (after deduction of foreign tax) are subject to a 10% tax withheld by the paying agent in Belgium. The amount remaining after the foreign tax and 10% Belgium tax is entitled to a 95 percent exemption in determining the Belgian company tax. The company income tax therefore applies to an amount equal to 5% of the net foreign source dividends.

Development subsidies

The Belgian government provides incentives for investment in certain areas of Belgium. The current provisions have a termination date of June 30, 1970. However, a new law to extend the provisions has been proposed. The incentives currently offered consist of interest subsidies, loan guarantees, capital, allowances (with tax exemption for such allowances), and exemption from the registration tax. It is understood that export projections are included in the criteria for determining the granting of such incentives.

CANADA

Foreign subsidiaries

Canada does not presently tax currently the undistributed earnings of foreign sales subsidiaries. Dividends from a nonresident foreign corporation acting as a foreign sales subisidiary are exempt from Canadian income tax if more than 25 percent of the share capital is owned by the Canadian corporation receiving such dividends. A tentatively proposed Canadian tax reform would limit such exemption to foreign corporations in countries with which Canada has entered into income tax treaties.

Grants

Canada offers grants to companies, domestic or foreign, to locate in slow growth areas. These incentives are not expressly tied to export sales or import substitution. Most of the provinces also offer grants and loans to achieve the same desired objectives. The Province of Quebec has, however, an incentive program which is designed to aid companies who use "advanced technology" and "who are in position to supply world markets." Grants are also available to Canadian companies to encourage scientific research and development in Canada. To qualify for such assistance, recent amendments have required Canadian companies to be prepared to exploit the results of such research in Canada's export markets as well as in Canada. The grants are not available to companies excluded from selling to major export markets.

DENMARK

Foreign permanent establishment; sales subsidiaries

Where a resident Danish company has income from a foreign establishment, the proportion of total Danish tax payable with respect to such income is reduced. The reduction amounts to 50 percent of the Danish income tax applicable to the before tax net income of the foreign branch or other establishment.

A foreign sales subsidiary is not taxed currently on its sales profits. Dividends paid to a Danish corporation owning 25 percent or more of the shares of the subisidiary are taxed at a reduced rate of application for a refund with the reduction being computed in a manner comparable to the reduction for foreign branch income above.

FRANCE

Export sales

Profits on sales of goods which are manufactured in France and shipped abroad by a French company are taxed only to the extent that they are realized through the allocable to operations in France ("entreprise exploitée en France"). Profits are treated as foreign source income and not subject to current French income tax where they are: derived from establishments abroad (Conseil d'Etat. March 9, 1960); derived from operations abroad of dependent agents (Conseil d'Etat. June 5, 1937); derived from operations abroad which constitute a complete commercial cycle ("cycle commercial complet") (Conseil d'Etat. February 14, 1944).

The territorial exception applies to the foreign source profits when earned and when remitted to the French company.

Foreign sales subsidiary

Profits earned by a foreign sales subsidiary of a French company are not taxed currently in France. Upon distribution of a dividend from a foreign subsidiary to a French company, there is a 95% inter-company dividends received deduction. To obtain such deduction the parent must have a minimum of 10% in the equity capital of the subsidiary or the cost acquisition of the participation must have been at least 10 million francs.

The 5 percent taxable portion of the dividends represents a lump sum deduction to cover business expenses attributable to the exempt dividends.

Distribution of foreign source income to French shareholders

The tax exempt foreign source income of a French corporation, including income exempt under the territorial rules or under the 95 percent intercompany dividends received deduction is not taxed until a distribution to shareholders. Upon distribution a French company must make a supplementary tax payment (*precompte*) equal to one-half of the dividend to the French Treasury with respect to profits that did not bear the normal 50 percent French corporate tax rate.

At the shareholder level, the shareholder is entitled to a credit equal to one-half the dividend, which is applied against his personal tax on the dividend grossed up by the credit.

Inter-company pricing

Article 57 of the *Code General des Impots* provides that profits indirectly transferred to controlled enterprises outside of France through inter-company pricing are to be reallocated and that such adjustments may be based on comparison with the operations of similar enterprises operating normally. However, it is understood that, under administrative interpretation. Article 57 is not employed where exporting enterprises can establish sales made by a parent French corporation to foreign subsidiaries at prices approximating cost do not have as their objective the shifting of income but are due to "commercial requirements."

Specific export incentive provisions

1. A 1950 reform law provided that depreciable assets (other than immovables) purchased or manufactured between January 1960 and January 1965, were entitled to special accelerated depreciation in the case of "exporting enterprises." The accelerated depreciation is equal to the straight-line depreciation multiplied by 150 percent of a fraction, the numerator of which is the export production and the denominator of which is total production. (Article 39A *Code General des Impots*).

2. French enterprises are allowed a special deductible reserve for middle terms (2–5 years) loans extended to foreign customers (Article 39–1–5 *Code General des Impots*). The reserve allowance is more generous than normal bad debt reserves.

3. Expenses for establishing and operating foreign sales offices during their first three years of operation may be deducted against domestic income, even though future profits may be tax exempt. (See Article 39 *Code General des Impots;* Article 31 of the Law of July 12, 1965).

GERMANY

A resident German corporation is taxed on its worldwide income.

When business profits are derived through a foreign "business establishment" they are deemed to be from a foreign source. This rule is applied to any fixed installation or facility which serves the business activity of the Germany enterprise. A permanent representative (whether dependent or independent) is included in this concept whether physical facilities are present or not. Broadly speaking, a foreign business connection is generally sufficient to create foreign source income.[1] Some German commentators have stated that domestic source income is limited to profits derived from deliveries of goods to foreign countries by German enterprises which have no business connection whatsoever in the foreign country concerned.

Foreign tax credit or reduced rate

Where a German company has foreign source income under the above rule, a tax credit is available for foreign income taxes imposed upon such income. As an alternative, German law authorizes the tax authorities to grant reductions of the German corporate tax with respect to foreign source income. A decree promulgated in 1959 provides for a flat rate of 25 percent on qualifiying foreign source income. (Decree of July 9, 1959, BStB1 1959 11 132.) Sales profits derived through a foreign establishment qualify as foreign source income under this rule. This relief measure is applicable on request of the taxpayer and may be elected for specific foreign countries.

Exemption

Under its tax treaties, Germany ordinarily exempts the foreign source income allocable to a foreign permanent establishment as defined in the applicable treaty. Presumably such establishments have borne local corporate taxes. Recent amendments of the regulation permit foreign losses to be deductible from taxable income despite the potended exemption of future profits.

Foreign subsidiaries

A German corporation may establish a foreign sales subsidiary and will not be subject to current taxation on the income of the foreign sales subsidiary, whether incorporated in a high or low tax jurisdiction. Dividends received from the foreign subsidiary are includable in the taxable profits of the German parent corporation. The parent may elect to have the dividends taxed at a flat 25 percent rate. Under certain circumstances, losses in foreign subsidiaries may be deducted by the German parent corporation.

Where a tax treaty is applicable Germany ordinarily exempts the dividend income received by the German parent corporation from German tax. A 25 percent stock ownership is ordinarily required for such exemption.

IRELAND

Export exemption

A corporation, whether or not incorporated in or managed in Ireland, having a manufacturing operation in Ireland can obtain a 15-year exemption from Irish corporate taxes on all export sales, plus a reduced rate of tax for a further 5 years. Dividend distributions out of such profits are themselves exempt from all Irish income taxes. Cash grants of up to 50% of capital costs of plant and machinery are also available.

There is a separate scheme for the Shannon Airport area, including tax exemptions for the importing, handling, and reexporting of goods.

ITALY

Foreign branches and subsidiaries

Foreign source income of an Italian company is exempt where allocable to a foreign branch having separate management and accounting.

A foreign sales subsidiary of an Italian company is not subject to current income taxation in Italy. A branch of such a corporation may be maintained in Italy if it does not sell in Italy. The non-Italian source profits of such a branch would not be subject to Italian income taxation.

JAPAN

Direct income tax incentives relating to exports fall under four general categories:

1. Accelerated depreciation
2. Reserve for development of overseas market
3. Export allowancs, and
4. Entertainment expenses.

Accelerated Depreciation in Case of Export Sales

A. A corporation is allowed a tax deduction for accelerated depreciation based on export sales made in the immediately preceding year. The amount of additional depreciation is computed by applying the ratio of export sales over total sales to maximum ordinary depreciation available. In other words, if export sales are 30% of total sales, ordinary depreciation is increased by 30%. Ordinary depreciation is at generous rates in the first place.

B. The aforementioned increase in ordinary depreciation is further increased by 80% if the company is recognized as a type "A" export contributing corporation or 30% if a corporation is recognized as a type "B" export contributing corporation.

If a corporation satisfies both of the following two conditions, such a corporation will be recognized as an "A" export contributing corporation if condition (1) is satisfied, but (2) is not, the corporation will be recognized as a "B" export contributing corporation:

(1) The first condition is that export sales for the immediately preceding year increased 1% or more over export sales for the year immediately prior to that year.

(2) The second condition is that the ratio of export sales to total revenue for the immediately preceding year exceeds such ratio for the year immediately prior to that year, or the increase in exports as a percentage exceeds ⅔ of the nation's increase in exports, also stated as a percentage.

In other words, the factor used to establish whether or not a company is entitled to the extra depreciation over and above that provided by merely having exports includes consideration for both the amount of the increase in exports and the ratio of exports to total sales.

For example: Assuming a percentage of export sales against total revenue of the preceding year of 80%.

	Rank of corporation		
	(A)	(B)	Other
Maximum ordinary depreciation	100,000	100,000	100,000
te of accelerated deprecia-Ration (percent)	128	101	80
Accelerated depreciation	[1] 128,000	[2] 104,000	80,000
Total	228,000	204,000	180,000

[1] 160 percent multiplied by 80 percent.

[2] 130 percent multiplied by 80 percent.

The "special depreciation reserve" must be restored to taxable income in each of the next succeeding ten years at a minimum rate of 10% of the amount credit to the reserve. Thus, the relief is a deferral of taxes and increased cash flow.

Reserve for Development of Overseas Markets

A. A corporation is allowed a tax deduction for a reserve for development of overseas markets to the extent of 1.5% (in case export of goods purchased from other, 1.1% if capital is more than ¥100 million) of export sales in the immediate preceding year. The rates are increased from 1.5% to 2.4% for a type "A" export contributing corporation, and to 1.95% for a type "B". The same conditions as those mentioned previously govern the type "A" or "B" classification.

There is a decrease in these rates if the export is of goods purchased from others and an increase if the corporation is capitalized at less than ¥100 million.

B. The reserve is required to be restored to income, for tax purposes, at the rate of 20% of the amount originally provided, in each of the next succeeding five years. Thus, this provision represents a tax deferral mechanism. This reserve is not deductible for enterprise tax purposes.

Export Allowance

A corporation may take an income deduction to the extent of the amount computed by applying various percentages to certain consideration earned in foreign currency during each qualified current accounting period. In most cases, the maximum deduction is 50% of taxable income for the period.

A. 20% of the consideration for rendering services regarding survey, and/or research, planning, advice, drawings, supervision or inspection for construction of manufacturing facilities, etc., which require scientific technical knowledge.

B. 30% of the consideration for transfer of motion picture films, copyrights and 30% of motion picture distribution revenue earned abroad.

C. 70% of the consideration for transfer and/or supplying of industrial technology, know-how, etc., created by a corporation.

D. 3% of the consideration for freight revenue on certain overseas export ship operations and repairing, processing or construction services.

Although deduction is not allowed for enterprise tax purposes, this item represents a permanent tax savings.

Export related entertainment expenses

There is a generally severe limitation on the deductibility of entertainment expenses for tax purposes in Japan. Ordinarily a deduction is limited to about $11,000 per corporation plus ¼ of 1% of capital. The deduction for entertainment expenses in excess of this is liimted to 40% of the expenditure. However, a reasonable amount of overseas and/or domestic travel and hotel expenses in Japan paid for non-resident visitors and entertainment expenses incurred abroad in connection with export transactions are not treated as entertainment expenses for purposes of determining the deductible amount of entertainment expenses, and are fully deductible for corporate income tax purposes.

THE NETHERLANDS

Foreign establishments and subsidiaries

Tax relief is granted to Dutch companies for certain foreign source income, including income derived through foreign branches and dependent agents and subject to foreign taxes. No minimum functions or payroll is required for the foreign establishment and the rate of foreign tax on such income is immaterial.

The undistributed income of a foreign sales subsidiary is not subject to Dutch tax currently. Dividends received from such subsidiaries are exempt in the Netherlands where the Dutch company owns at least 25 percent of the paid-in-capital of the foreign subsidiary.

NEW ZEALAND

Special export deductions

Certain expenditures incurred in promoting the export of goods and services, rights in patents, trademarks and copyrights, in addition to being an ordinary business deduction, qualify in certain circumstances for a further deduction of 50 percent additional to the actual cost.

In addition, 15 percent of the increase in a firm's exports of manufactured goods over a previous base period can be deducted from gross revenue for corporate tax purposes.

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[1] Where there is no foreign connection, full German tax rates (without foreign tax credits) apply.

NORWAY

Foreign branches and subsidiaries

Income from operation of a permanent establishment abroad is reduced by 50 percent for purposes of Norway's income tax. The income of a foreign sales subsidiary is not taxed until distributed to Norwegian shareholders. A special election provision permits Norwegian shareholders to be taxed currently on 50 percent of the earnings of a foreign subsidiary with the dividends from such subsidiary being exempt from Norwegian tax.

Export market development reserve

A tax-free reserve of up to 20 percent of taxable income each year may be established for purposes of future market development abroad to assist Norwegian exports. No similar reserve is allowable for domestic market development. The taxpayer must show evidence to the authorities that the allocated amount has been used for approved measures within 5 years from the date of allocation.

SOUTH AFRICA

Foreign source income

Foreign Source income from a foreign permanent establishment or foreign subsidiary is exempt when received by a South African corporation.

Exporters allowance

An extra deduction from income of a percentage of market development expenditures is permitted for exporters. The percentage varies from 50 percent to 75 percent. Qualifying expenditures include market research, advertising, solicitation of orders, providing samples and technical information, preparing tenders and quotations and to certain sales commissions and fees. The foregoing expenditures are entitled to deduction as ordinary expenses and the additional percentage is also permitted as a deduction whether or not there were any exports; if the current year's exports exceed those of the preceding year, the percentage is increased.

EXPORTERS' ALLOWANCE PERCENTAGES

[In percent]

Tax year	If no increase in turnover	If current year's export turnover exceeds preceding year's turnover— By more than 10 but not more than 25 percent	By more than 25 percent
1967	25	37½	50
1968	37	50	62½
1969	50	62½	75
1970	50	62½	75

SPAIN

Export reserve

Spain permits the creation of an export reserve to which between 30 percent and 50 percent of the profits derived from exports may be transferred. Income taxes on such reserve are deferred as long as the amount is invested in machinery and equipment and other assets and activities related to exports.

SWITZERLAND

Foreign subsidiaries and establishments

The earnings of foreign subsidiaries of Swiss companies are not subject to current income taxation and dividend distributions are exempt from Swiss Federal income tax and from most cantonal and local income taxes.

A foreign branch of a Swiss company is also exempt from Swiss Federal income taxation on income allocable to such branch, although the rate of tax is determined on the basis of the total profits of the company including its foreign branches.

Cantonal arrangements

Certain cantons offer export incentives under their cantonal tax laws and certain cantons offer export trading companies reduced tax rates on a negotiated basis. Intercompany pricing arrangements are also subject to agreement on a basis favorable to exporters. As a result, Switzerland has become a leading center for export sales companies which are subject to nominal taxes on export income.

UNITED KINGDOM

Foreign sales subsidiaries

The income of foreign sales subsidiaries of U.K. companies is not taxed until distribution to a resident U.K. shareholder.

Investment grants

Under the Industrial Development Act of 1966 cash grants are made in respect of capital expenditure on new plant or machinery for use in Great Britain in the manufacturing, extractive and construction industries. The rate of grant is 20 percent. If the investment is in a "development area" the rate becomes 40 percent. The investment grant scheme is administered by the Board of Trade, which may accord additional incentives for industry in the designated "development areas." Tax exempt grants have been received by U.K. manufacturing affiliates of U.S. companies presumably manufacturing for sale not only in the U.K. but in the EFTA trade area and elsewhere.

Overseas Trade Corporation (1958–66)

In 1958, the U.K. adopted an Overseas Trade Corporation provision in its tax laws which exempted qualifying corporations, incorporated in and managed from the U.K. from tax on their retained "trading profits," as distinguished from investment profits. Essentially, this provision was intended to defer the tax on earnings arising principally from export sales. Upon distribution to British shareholders, the profits were taxed in the same manner as other dividend profits. This legislation was repealed in 1966 as part of a general tax reform.

VENEZUELA

Exemption of foreign source and export income

Foreign source income of a Venezuelan corporation is ordinarily exempt from income tax in Venezuela. Export sales of Venezuelan manufactured products may be exempted by agreement for a period of 10 years. To obtain such agreement, the exporter may be required to reinvest profits on such exports in Venezuela.

Rate reduction in exports of extractive industries

A special provision provides for a reduction of .25 percent of taxable income for each one-percent increase in gross income from the exportation of minerals or hydrocarbons and related products over the average of the preceding two years. This reduction is limited to a maximum of two percent of taxable income in any year, with a three-year carry forward.

Mr. TALMADGE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. NELSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Arkansas (Mr. Fulbright) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Hruska), the Senator from New York (Mr. Javits), the Senator from Oregon (Mr. Packwood), the Senator from Alaska (Mr. Stevens), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Hruska) would vote "nay."

The result was announced—yeas 22, nays 65, as follows:

[No. 371 Leg.]

YEAS—22

Bayh
Burdick
Case
Church
Cranston
Eagleton
Harris
Hart
Hollings
Hughes
Kennedy
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Proxmire
Stevenson

NAYS—65

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
Mathias
McClellan
Miller
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—13

Fulbright
Gravel
Hartke
Hruska
Humphrey
Javits
Long
Mundt
Muskie
Packwood
Saxbe
Stevens
Taft

So Mr. Nelson's amendment was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate——

Several Senators. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order. Senators will take their seats.

The Senator from Montana may proceed.

Mr. MANSFIELD. It is the intention to ask unanimous consent at this time to call up Calendar No. 476, H.R. 11341, an act to provide additional revenue for the District of Columbia, because of its dependence on the acceleration of the appropriation bill, and because it will not take long. I understand there is no opposition. There is one amendment, which will be accepted.

I do this with the concurrence of the distinguished minority leader, the distinguished Senator from Maryland, the ranking minority member of the District of Columbia Committee, and the chairman of the District of Columbia Committee, the distinguished Senator from Missouri (Mr. EAGLETON), and the distinguished Senator from Virginia (Mr. SPONG).

Mr. President, if unanimous consent is granted, as requested, for an 8-minute limitation on that measure, it is then the intention to return to the consideration of the pending business and call up amendment No. 693, by Senators ANDERSON and TOWER, with a 30-minute limitation; following that, amendment No. 687, by the Senator from Missouri (Mr. EAGLETON), with a 30-minute limitation; and following that, amendment No. 698, by the Senator from New Hampshire (Mr. COTTON), with a 1-hour limitation.

Mr. President, I ask unanimous consent that the order providing for the calling up of amendment No. 674 at this time be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL REVENUE FOR THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 476, H.R. 11341.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The PRESIDING OFFICER. Without objection, rule XII will be waived.

Mr. EAGLETON. Mr. President, I yield myself 3½ to 4 minutes. We now have before us the District of Columbia Revenue Act of 1971 (H.R. 11341) as unanimously reported from the Senate Committee on the District of Columbia.

The major features of the Senate version of H.R. 11341 are as follows:

First. A Federal payment of 43 percent, which works out to $181,589,000. The House bill figure is $170 million, or 40¼ percent of general fund tax revenues.

Second. In addition to the House provisions on taxation, the bill includes an increase of $0.02 in the cigarette tax, which would generate revenues of $1.6 million a year.

Third. It also raises the business income tax an additional 1 percent, from 7 percent to 8 percent in 1975, to compensate for loss in revenues by the repeal of the inventory tax.

The Senate version of H.R. 11341 contains the following miscellaneous provisions:

First. A delegation to the City Council of authority of the Congress to tax the residents of the District of Columbia. There is a specific exception prohibiting the Council from levying a personal income tax on nonresidents.

Second. A delegation to the City Council of the right to grant tax exemptions from the real estate tax for individual organizations.

Third. A provision to allow the police to impound vehicles which have two or more warrants issued for outstanding vehicle violations. Under present law such vehicles can be impounded only if illegally parked when discovered by the police.

Finally, Mr. President, the Senate District of Columbia Committee deleted the following provisions from the House bill:

First. The provision regarding the withholding of rent from welfare payment recipients.

Second. The provision granting an absolute exemption from overtime to truckers in the District of Columbia.

Mr. President, I reserve the remainder of my time, and I yield to the Senator from Maryland.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. BYRD of Virginia. Is the understanding of the Senator from Virginia correct that the committee has eliminated anything in regard to a commuter tax?

Mr. EAGLETON. Yes. There is a specific prohibition as to the imposition of a commuter tax, a reciprocal income tax, or any other tax on nonresidents of the District of Columbia.

Mr. BYRD of Virginia. I thank the Senator, and I thank the committee.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original test for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

At the top of page 4, insert a new title, as follows:

TITLE II

AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

SEC. 201. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2802(a)) is amended by striking out "4 cents" and inserting in lieu thereof "6 cents".

SEC. 202. (a) Except as otherwise provided, the amendment made by section 201 shall apply with respect to cigarette tax stamps purchased on or after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of cigarette tax stamps which have been purchased prior to the effective date of this title and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2810).

On page 6, line 1, change the title number from "II" to "III"; at the beginning of line 3, change the section number ftom "201" to "301"; in line 19, change the title number from "III" to "IV"; at the beginning of line 21, change the section number from "301" to "401"; on page 7, at the beginning of line 21, change the section number from "302" to "402"; on page 8, line 1, change the title number from "IV" to "V"; in line 2, after the word "Corporate", insert "And Unincorporated Business"; at the beginning of line 4, change the section number from "401" to "501"; after line 7, strike out:

SEC. 402. The amendment made by this title shall apply with respect to taxable years beginning after December 31, 1971.

After line 10, insert a new section, as follows:

SEC. 502. Section 3 of title VIII of such Act (D.C. Code, sec. 47–1574b) is amended by striking out "6" and inserting in lieu thereof "7".

After line 13, insert a new section, as follows:

SEC. 503. Section 2 of title VII of such Act (D.C. Code, sec. 47–1571a) is amended by striking out "7" and inserting in lieu thereof "8".

After line 16, insert a new section, as follows:

SEC. 504. Section 3 of title VIII of such Act (D.C. Code, sec. 47–1574b) is amended by striking out "7" and inserting in lieu thereof "8".

After line 19, insert a new section, as follows:

SEC. 505. The amendments made by sections 401 and 402 of this title shall be applicable to taxable years beginning after December 31, 1971. The amendments made by sections 403 and 404 of this title shall be applicable to taxable years beginning after December 31, 1973.

On page 9, line 1, change the title number from "V" to "VI"; at the beginning of line 3, change the section number from "401" to "601"; at the beginning of line 7, change the section number from "502" to "602"; on page 10, after line 9, strike out:

TITLE VI

INCREASE IN AUTHORIZATION OF THE FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

SEC. 601. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) is amended (1) by striking out "1971", and inserting in lieu thereof "1972", and (2) by striking out "$126,000,000" and inserting in lieu thereof "$170,000,000".

After line 17, insert a new title, as follows:

TITLE VII

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

SEC. 701. (a) Regular annual payments are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District of Columbia, and such annual payments, when appropriated, shall be paid into the general fund of the District of Columbia.

(b) The annual payment so authorized shall be an amount which is equal to 43 per centum of all general fund revenues derived by the District of Columbia from taxes, and that part of the motor vehicle registration fees which is credited to the general fund. Such authorization shall be based upon the estimate of such revenues which the Commissioner of the District of Columbia determines will be credited during each fiscal year to the general fund of the District of Columbia, but excluding any amounts derived from grants and loans from the Federal government to the District of Columbia.

(c) The Commissioner of the District of Columbia shall annually compute the amount of the Federal payment authorized to be appropriated under this section, and the amount of such authorization so computed shall be submitted to the Office of Management and Budget with each regular budget of the District of Columbia, and, as approved by the Director of the Office of Management and Budget, shall be submitted to the Congress. Each such computation shall be determined on the basis of estimates of the revenues referred to in subsection (b) of this section which are expected to be credited to the general fund of the District of Columbia during the fiscal year for which the annual payment is being computed; except that the amount so determined shall be subject to review after such fiscal year, and if the Federal payment appropriated on the basis of the amount so determined differs from the amount determined on the basis of revenues actually received and credited to the general fund, the Federal payment authorization for the second year succeeding such fiscal year shall be adjusted to the extent of such difference.

(d) Any amounts authorized to be appropriated by this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year.

(e) Article VI of the District of Columbia Revenue Act of 1947 (61 Stat. 361), as amended (D.C. Code, secs. 47-2501a and 47-2501b), is repealed.

(f) This section shall be effective with respect to the fiscal year ending June 30, 1972, and each fiscal year thereafter.

On page 12, line 17, change the title number from "VII" to "VIII"; at the beginning of line 19, change the section number from "701" to "801"; on page 13, at the beginning of line 22, change the section number from "702" to "802"; on page 14, at the beginning of line 5, change the section number from "703" to "803"; on page 15, after line 3, strike out:

SEC. 704. Section 16 of the District of Columbia Public Assistance Act of 1962 (D.C. Code, sec. 3-215) is amended by inserting "(a)" immediately after "SEC. 16.", and by adding at the end of the section the following:

"(b)(1) If a recipient fails to make his regular rental payment for a period of ten days after the date such payment was due then the lessor (including a sublessor) of such recipient may send written notice of such failure to the Commissioner. Upon receipt of such notice the Commissioner shall deduct from the monthly public assistance grant for such recipient for the next month following such notice an amount equal to the monthly shelter allotment for such recipient. Such deducted amount shall be disposed of by the Commissioner according to the following provisions of this subsection.

"(2) If it is determined that there is no legal basis for the recipient's failure to make such regular rental payment then the amount deducted and held by the Commissioner shall be paid to the lessor legally entitled to receive such payment. The Commissioner shall continue to deduct such amount from such grant for each month thereafter for so long as such recipient receives such grant, and to pay such amount directly to the lessor of such recipient.

"(3) If it is determined that there is a legal basis for the recipient's failure to make such regular rental payment then the Commissioner shall pay to the lessor legally entitled to receive such payment such part of the amount deducted and held by him as is determined to be owed to the lessor. The Commissioner shall restore to the monthly public assistance grant for such recipient such shelter allotment for each month thereafter for so long as the recipient receives such grant and makes his regular rental payments.

"(c)(1) If any lessor, receiving payments from the Commissioner under subsection (b) fails to maintain the premises of the recipient according to all applicable laws and regulations of the District of Columbia, then the recipient may send written notice alleging such failure to the Commissioner. Upon receipt of such notice the Commissioner shall suspend such payments for such recipient for each month thereafter, and shall hold and dispose of such amount according to the following provisions of this subsection.

"(2) If it is determined that there is no basis for such allegation by the recipient the Commissioner shall pay such amount to such lessor and continue to make such payments for such recipient.

"(3) If it is determined that there is a basis for such allegation by the recipient the Commissioner shall pay to the lessor such part of the amount suspended as is determined to be owed to him. The Commissioner shall restore to the monthly public assistance grant for such recipient the monthly shelter allotment for each month thereafter for so long as the recipient receives such grant and makes his regular rental payments.

"(d) Suspension of rental payments under subsection (b) or (c) above shall not be cause for eviction of any recipient.

"(e) For the purpose of any regulations of the Secretary of Health, Education, and Welfare, or of any other requirement of law, the total amount of assistance given to a recipient shall include that amount suspended and held, or paid by the Commissioner as authorized under subsections (b) and (c) Nothing in this section shall operate to deny to the District of Columbia any funds from any program of the Federal Government relating to public assistance which are paid to the District of Columbia on the basis of the funds appropriated directly to the District for programs administered under this Act."

On page 17, after line 20, insert a new section, as follows:

SEC. 804. Section 6 of the District of Columbia Traffic Act, 1925 (43 Stat. 1119; D.C. Code, sec. 40-603) is amended by adding at the end thereof the following new subsection:

"(k)(1) Any unattended motor vehicle found parked at any time upon any public highway of the District of Columbia against which there are two or more outstanding or otherwise unsettled traffic violation notices or against which there have been issued two or more warrants, may, by or under the direction of an officer or member of the Metropolitan Police force or the United States Park Police force, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Commissioner, or immobilized in such a manner as to prevent its operation, except that no such vehicle shall be immobolized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

"(2) It shall be the duty of the officer or member of the police force removing or immobilizing such motor vehicle, or under whose directions such vehicle is removed or immobilized, to inform as soon as practical the owner of an impounded or immobilized vehicle of the nature and circumstances of the prior unsettled traffic violation notices or warrants, for which or on account of which, such vehicle was impounded or immobilized. In any case involving immobilization of a vehicle pursuant to this subsection, such member or officer shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

"(3) The owner of such impounded or immobilized motor vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon the depositing of the collateral required for his appearance in the Superior Court of the District of Columbia to answer for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant."

On page 19, at the beginning of line 10, change the section number from "705" to "805"; on page 20, at the beginning of line 20, change the section number from "706" to "806"; on page 21, after line 5, strike out:

SEC. 707. Paragraph (6) of section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-404) is amended to read as follows:

"(6) any employee with respect to whom the Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act (49 U.S.C. 304)."

After line 13, insert a new section, as follows:

SEC. 807. Paragraph (e) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1089), is amended (1) by inserting "(1)" immediately after "(e)", and (2) by adding immediately after paragraph (e) the following:

"(2) Property exempted from taxation by the Commissioner of the District of Columbia pursuant to regulations promulgated by the District of Columbia Council."

At the beginning of line 23, change the section number from "708" to "808"; on page 22, after line 16, insert a new section, as follows:

SEC. 809. (a) Effective January 1, 1972, the District of Columbia Council, subject to the provisions of subsection (b) of this section, shall have the same legislative power to impose taxes in the District of Columbia as that exercised by the Congress in its capacity as a legislature for the District of Columbia, including legislative power to amend or repeal any Act of Congress which is restricted in its application exclusively in or to the District of Columbia and which relates primarily to the imposition of taxes therein.

(b) The District of Columbia Council shall have no authority to impose any tax on property of the United States or any of the several States, or upon the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District. For purposes of this section, the terms "individual" and "resident" shall have the same meaning as that provided for in section 4 of the Act of July 16, 1947 (61 Stat. 332).

On page 23, line 9, change the title number from "VIII" to "IX"; at the beginning of line 11, change the section number from "801" to "901"; at the beginning of line 16, change the section number from "802" to "902"; on page 24, at the beginning of line 3, change the section number from "803" to "903"; at the beginning of line 15, change the section number from "804" to "904"; after line 17, insert a new title, as follows:

TITLE X—ESTABLISHMENT OF THE DISTRICT OF COLUMBIA TRANSPORTATION TRUST FUND

BONDING AUTHORITY

SEC. 1001. (a) The District of Columbia is authorized to provide for the payment (1) of its share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), and (2) of cost incurred by it in carrying out the highway and street projects included in the District of Columbia Government Six-year Capital Improvements Program—Fiscal Years 1972–1977 (June 1971), by an issue or issues of negotiable obligations of the District of Columbia. Any such bonds so issued shall bear interest at such rate or rates as the Commissioner of the District of Columbia (hereinafter referred to as the "Commissioner") may from time to time determine are necessary to make marketable each such issue of obligations.

(b) The bonds of any authorized issue may be issued all at one time, or from time to time, in series and in such amounts as the Commissioner shall deem advisable. The Commissioner, in issuing any series of bonds, shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of the bonds and ending not more than thirty years from such date. The Commissioner shall fix the amount of such series to be payable in each year so that, when the annual interest is added to the principal amount payable in each year, the total amount payable in each year in which part of the principal is payable shall be substantially equal. For purposes of this section, it shall be an immaterial variance if the difference between the largest and the smallest amounts of principal and interest payable annually during the term of the bonds does not exceed 3 per centum of the total authorized amount of such series.

(c) The Commissioner shall prescribe the form of the bonds to be issued pursuant to this title and the interest coupons pertaining thereto, and the manner in which such bonds and coupons shall be executed. Such bonds and coupons may be executed by the facsimile signatures of the officer or officers authorized by the Commissioner to sign the bonds, except that at least one signature shall be manual.

(d) Bonds issued pursuant to this title may be issued in coupon form in the denomination of $1,000, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest, such bonds may be issued in denominations of multiples of $1,000. Bonds issued pursuant to this title and the interest thereon may be payable at such place or places within or without the District of Columbia as the Commissioner shall determine.

(e) All bonds issued under this title shall be sold at public sale upon sealed proposals at such price or prices as shall be approved by the Commissioner after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in a newspaper of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of bonds bid for, and the Commissioner shall reserve the right to reject any and all bids.

(f) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all bonds of the District hereafter issued pursuant to this title whether or not such pledge is stated in the bonds.

(g) As soon as practicable following the beginning of each fiscal year, the Commissioner and the Comptroller General of the United States shall review the amounts of District revenues which have been set aside and deposited in the trust fund pursuant to this title. Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of, and interest on, bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. If the Commissioner and the Comptroller General determine that sufficient District revenues have not been so set aside and deposited, then an amount determined by the Commissioner and the Comptroller General as necessary to provide that sufficiency shall be credited to the trust fund from the Federal payment made to the District of Columbia for the fiscal year within which such review is conducted.

(h) Bonds issued by the Commissioner pursuant to this title and the interests thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

(i) Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District of Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control, in any bonds issued pursuant to this title, it being the purpose of this subsection to authorize the investment in such bonds of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds issued by the Commissioner pursuant to this title to the same extent as national banking associations are authorized by paragraph 7 of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase, and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District of Columbia, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds issued pursuant to this title; except that nothing contained in this subsection shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

(j) The District of Columbia may reserve the right to redeem any or all of its obligations under this title before maturity in such manner and at such price or prices as may be fixed by the Commissioner prior to the issuance of such obligations.

BOND REVENUES

SEC. 1002. (a) Revenues derived from the issuance of bonds pursuant to this title are hereby appropriated to the District of Columbia and shall be available for use until expended only for the following purposes:

(1) To provide for the payment by the District of Columbia of its share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (93 Stat. 320);

(2) To provide for the payment by the District of Columbia of costs incurred by it in carrying out the highway and street construction and improvement projects included in the District of Columbia Six-Year Capital Improvements Program—Fiscal Years 1972–1977 (June 1971); and

(3) To provide, subject to the provisions of subsection (b) of this section, funding for programs of construction projects to meet capital needs for highways and streets in the District of Columbia which are not included within such capital improvement program referred to in paragraph (2) of this subsection.

(b) (1) No revenues derived from bonds issued pursuant to this title shall be expended for construction under paragraph (3) of subsection (a) of this section, unless such construction has been approved by resolutions adopted by the Committees on the District of Columbia of the Senate and House of Representatives, respectively. For the purpose of securing consideration of such approval, the Commissioner shall transmit to the Congress a prospectus of the proposed project including but not limited to—

(A) a description of the project to be constructed and the need therefor; and

(B) an estimate of the maximum cost of the project.

(2) The Committees on the District of Columbia of the Senate and the House of Representatives shall not approve any project under paragraph (3) of subsection (a) of this section if the total cost of such project exceeds $1,000,000, and in no event shall such committees approve, with respect to such project, expenditures of revenues derived from bonds issued pursuant to this title in an amount in excess of $500,000.

(c) No revenues derived from bonds issued pursuant to this title shall be expended in connection with any specific project or construction to meet capital needs for highways or streets in the District of Columbia except in accord wtih the applicable provision of title 23, United States Code, and the laws of the District of Columbia.

SEC. 1003. (a) There is established in the Treasury of the United States a trust fund to be known as the "District of Columbia Transportation Trust Fund" (referred to in this title as the "trust fund"), which shall consist of the amounts set forth in subsection (b) of this section, together with any amounts credited pursuant to subsection (g) of section 901 of this title. The trust fund shall be available for the purposes set forth in subsection (d) of this section.

(b)(1) The following revenues accruing to the District of Columbia shall, in accordance with paragraph (2), be deposited in the trust fund:

(A) Revenues received by the District of Columbia from fees charged by the District of Columbia for the registration and titling of motor vehicles;

(B) Revenues received by the District of Columbia from excise taxes imposed by the District of Columbia on motor vehicles; and

(C) Revenues received by the District of Columbia from taxes imposed by the District of Columbia on motor vehicle fuels.

(2) Revenues referred to in paragraph (1) of this subsection shall be deposited in the trust fund as follows:

(A) With respect to revenues referred to in subparagraph (A) of paragraph (1) of this subsection accruing to the District of Columbia during fiscal years 1972, 1973, and 1974, 75 per centum of such revenues; and with respect to such revenues so accruing during fiscal year 1975 and each fiscal year thereafter, 100 per centum of such revenues;

(B) With respect to revenues referred to in subparagraph (B) of paragraph (1) of this subsection accruing to the District of Columbia during fiscal years 1974 and 1975, 50 per centum of such revenues, and with respect to such revenues so accruing during fiscal year 1976 and each fiscal year thereafter, 100 per centum of such revenues; and

(C) With respect to revenues referred to in subparagraph (C) of paragraph (1) of this subsection accruing to the District of Columbia during fiscal years 1974 and 1975, 25 per centum of such revenues, with respect to such revenues so accruing during fiscal year 1976, 35 per centum of such revenues, and with respect to such revenues so accruing during fiscal year 1977 and each fiscal year thereafter, 45 per centum of such revenues.

(c) All moneys deposited in the trust fund, including deposits pursuant to subsection (g) of section 901 of this title, are hereby appropriated to the District of Columbia and shall be disbursed in compliance with the provisions of this title for the purposes set forth in subsection (d) of this section.

(d) All necessary payments from the trust fund shall be made by the Secretary of the Treasury to the disbursing officer of the District of Columbia, upon requisition of the Commissioner of the District of Columbia, for such amounts as may be required from time to time for necessary disbursements in connection with the following:

(1) to pay the principal and interest on Treasury loans, outstanding on January 1, 1972, made to the District of Columbia for highway construction and the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320),

(2) to pay the principal of and interest on bonds issued pursuant to this Act, and the premiums, if any, upon the redemption thereof, as the same respectively become due and payable, and

(3) to pay the principal and interest on loans made to the District of Columbia pursuant to section 904 of this title.

LOAN AUTHORITY

SEC. 1004. (a) The Commissioner is authorized to accept loans for the District from the United States Treasury, and the Secretary of the Treasury is authorized to lend to the Commissioner, such sums as the Commissioner may determine are required to complete payments on capital outlay contracts which have been awarded for highway construction not later than ninety days after the date of the enactment of this Act. In addition, such loans may include funds to pay the District's share of the cost of the Adopted Regional System specified in the National Capital Transportation Act of 1969 through the fiscal year ending June 30, 1972.

(b) In addition to the loan authority contained in subsection (a) of this section, the Commission is authorized to accept loans for the District from the Treasury, and Secretary of the Treasury is authorized, with respect to any project or projects the cost of which is authorized to be paid from revenues derived from bonds issued pursuant to this title, to lend to the Commissioner, such sums as the Commissioner from time to time determines are necessary to provide for the continuation of work on any such project or projects, pending the sale of an issue of District obligations. Any such loan shall be for such term as may be agreed upon by the Commissioner and the Secretary but in no event shall the term of any such loan extend for more than thirty days beyond the date on which proceeds from the sale of the District's obligations become available for the construction of such project or projects.

(c) Loans advanced pursuant to this section during any six-month period shall be at a rate of interest determined by the Secretary of the Treasury as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowing at a maturity approximately equal to the period of time the loan is outstanding.

(d) There are authorized to be appropriated such sums as may be necessary to make loans under this section.

REPEAL OF LOAN AUTHORITY

SEC. 1005. (a) Effective January 1, 1972, section 402 of title IV of the Act of May 18, 1954 (D.C. Code, sec. 7-133), authorizing loans from the United States Treasury for the District of Columbia highway construction program, is repealed.

(b) Nothing contained in this title shall be deemed to relieve the District of Columbia of its obligation to repay any loan made to it under the authority of such section 402, nor to preclude the District of Columbia from using the unexpended balance of any such loan appropriated to the District prior to the effective date of such repeal.

(c) The first section of the Act of April 23, 1924 (D.C. Code, sec. 47-1901), is amended by deleting "shall be deposited" and inserting in lieu thereof "shall, except to the extent otherwise provided in section 903(b) of the District of Columbia Revenue Act of 1971, be deposited".

ADDITIONAL BONDING AUTHORITY

SEC. 1006. On and after the date of the enactment of this title, the Commissioner is authorized to submit to the Committees on the District of Columbia of the Senate and the House of Representatives requests for authorization by the Congress to the District of Columbia for issuance by it of bonds, in addition to those authorized by this title, to finance capital outlays for additional transportation projects. Each such request shall include—

(1) a description of each such project for which authorization is requested;

(2) the maximum cost of each such project; and

(3) recommendations for additional sources of revenues to be deposited or paid into the trust fund, if necessary, to finance such additional bonds.

Mr. MATHIAS. Mr. President, I have technical amendments that I send to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the Record.

The amendments are as follows:

On page 31, line 19, strike out "section 901" and insert in lieu thereof "section 1001";

On page 33, line 10, strike out "section 901" and insert in lieu thereof "section 1001";

On page 34, line 6, strike out "section 904" and insert in lieu thereof "section "1004".

On page 36, line 12, strike out "section 903(b)" and insert in lieu thereof "section 1003(b)".

Mr. MATHIAS. Mr. President, these are typographical errors which appear in the bill. The chairman of the committee is familiar with them.

Mr. EAGLETON. I have no objection.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments of the Senator from Maryland.

The amendments were agreed to.

Mr. MATHIAS. Mr. President, the committee report on H.R. 11341 unfortunately contains two typographical errors. I would like to note the corrections in the Record.

First, on page 3 of the report, section 701(b) is stated incorrectly as recommending a Federal payment equal to 40 per centum of general fund taxes. The correct figure as recommended by the committee is 43 per centum.

Second, on page 22, the report states that the authority to grant exemptions from the District's real property tax is transferred "to the Commissioner of the District of Columbia, or his representative." Section 807 actually transfers this authority to the District of Columbia Council.

Mr. President, in considering this legislation, we are fulfilling our constitutional obligation to provide for the government of the National Capital. The additional revenues authorized in this bill will enable the District of Columbia to meet the needs of its citizens, provide necessary services for millions of visitors, and strengthen its position as the vital center of a dynamic, fast-growing metropolitan area.

In addition to meeting the immediate financial needs of the Capital City, this legislation as reported by the Committee on the District of Columbia also enables the Congress to lighten its own burdens by transferring to the local government certain functions and responsibilities which can and should be within the province of the District Government. In so doing, we are advancing the principle summarized by President Nixon in his message to Congress on the District of Columbia on April 7: "The way to help local government become more responsible is to entrust it with more responsibility."

The most important general revenue item in this bill is a proposed increase in the annual Federal payment to the District, coupled with the shift of that payment from a flat dollar amount to a stated percentage of District general tax revenues. The committee has recommended a Federal payment of 43 percent of local general tax revenues, or approximately $181.5 million in this fiscal year. The use of a formula, of course, gives the District Government an additional incentive to increase local taxation, such as the real property tax, to levels which will generate more revenues while remaining generally comparable to taxation in surrounding jurisdictions. At the same time, the level of the proposed payments does recognize the inescapable fact that the unique character of the Capital City places very real constraints on the city's ability to raise local taxation. The District cannot, for example, tax the property of the Federal Government and related institutions and organizations which occupy over half of the city's land and place heavy demands on city services.

The increased Federal payment also compensates for the Congress' refusal to permit the District to levy taxes on the income of nonresidents. While I believe that the Congress has acted properly in rejecting the city's proposal for a so-called reciprocal income tax, I also feel that the Congress has the responsibility to provide alternate revenues.

While this is not a modest bill, it is by no means an extravagant one. As Mayor Washington noted in his testimony before the District Committee this week, even the revenues herein authorized will barely meet the city's needs in vital areas such as law enforcement, corrections and education. For example, the city must provide for salary increases enacted by Congress, and must have additional funds to carry out the landmark court reform legislation approved last year. In fact, in light of the city's needs and the escalation in municipal costs across the country, this is really a very lean bill.

Of course additional economies in the District's operations should always be sought. The Nelsen Commission, on which I serve, will be submitting its comprehensive report and recommendations next March, and is likely to propose improvements in many areas of public management. I have recommended some steps, such as the creation of a youth commission to end the present fragmentation of youth programs. But at the same time we must recognize that the District, like all major American central cities, is caught in the spiral of inflation and soaring public needs for local services. We cannot afford to starve essential programs, for the long-term cost of false economy would be unbearable to the District and intolerable for the Nation as a whole.

One specific project which must be allowed to proceed without delay is the Metro system. I am very pleased that the committee adopted my amendment to this bill to establish the District of Columbia transportation trust fund and issue bonds to obtain funds to pay the local share of the Metro and approved highway projects between now and 1977. This legislation would place the District's contributions to Metro on a virtually automatic basis and would end the roadblocks, delays, and uncertainties which have brought this vital mass transit system to the current perilous point.

As President Nixon stated yesterday:

> Not only to delay in Metro work cost taxpayers heavily; they might even erode confidence and cooperation seriously enough to consign the entire project to an early grave, with all the sad consequences that could have for metropolitan development in the years ahead. I strongly urge the Congress, therefore, to take appropriate action at once to end the present delay and to prevent any more such derailments of Metro progress.

My amendment to this bill fills the President's prescription. It would enable the District of Columbia to obligate local revenues—not Federal funds, but the fruits of local taxation—to pay the District share of the Metro without delay. At the same time, it also insures that, as various essential highway and street projects are approved in accord with applicable laws, the funds for the local share of those projects will also be available. In short, this proposal gives us a new road to the balanced transportation system which the people of this region need and want.

As the President concluded,

> We have come to a critical juncture. Obedience to the law is at stake. A huge investment is at stake. The well-being of the capital area is at stake. It is time for responsible men to join in responsible action and cut this Gordian knot.

In conclusion, I want to congratulate the distinguished chairman of the District of Columbia Committee, the junior Senator from Missouri (Mr. EAGLETON), for the efficient and statesmanlike way in which he has managed this legislation and led the committee throughout this year. He has shown a real grasp of the problems of the District and the Washington area, and an openminded hospitality to many alternatives. The Senator from Hawaii (Mr. INOUYE) also deserves special praise for his willingness to assume the double burdens of serving on this committee and chairing the Subcommittee on Appropriations for the District of Columbia, a task which he is carrying through with great skill and perception. It is a pleasure to work with these gentlemen and the rest of the members of this panel.

I think this bill, in a reasonable but adequate way, meets the financial needs of the National Capital. I think it takes a farsighted approach to laying the foundation for some reasonable fiscal planning in the District which has been lacking for a long time.

Of most immediate concern, it provides an opportunity to get the Metro system underway after a long, long time of being stalled in the station. I hope the Senate will take advantage of this opportunity, because if we do not get the Metro moving now, it may never roll in our time and perhaps never in our children's time, nor in our grandchildren's time. This is almost the last chance to get on board. So I am hopeful that the Senate will support the proposed legislation, including the opportunity to save the Metro, and pass this measure today.

I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I commend the Senator from Missouri for the work he and the members of the committee have done on this revenue bill. I commend the Senator from Maryland for the unique approach he has taken in an effort to move Metro off dead center.

On Thursday, the President of the United States urged Congress to do whatever it could to get the Metro system underway. He said: "Obedience to the law is at stake."

I believe that is true.

Yesterday, I submitted an amendment, which I call up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SPONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> On page 24, after line 17, insert the following new section:
>
> SEC. 905. In granting its consent to the Washington Metropolitan Area Transit Authority Compact and enacting that compact for the District of Columbia, Congress declared the policy that, to the extent that costs of the regional transit project are not covered by user charges, such costs shall be equitably shared among the Federal, District of Columbia, and participating local governments in the transit zone. In the National Capital Transportation Act of 1969, Congress, in conformance with this policy, authorized the Commissioner of the District of Columbia to contract with the Transit Authority to make annual capital contributions to provide the District of Columbia's share of the cost of the regional transit project. Pursuant to this authorization, the District of Columbia has entered into a Capital Contributions Agreement with the Transit Authority and the political subdivisions in the transit zone to make the agreed upon annual contributions. It is the purpose of this section to reaffirm the aforementioned policy established by Congress with respect to the regional transit project and the contractual obligation of the District of Columbia to provide its share of the cost of the regional transit project.

Mr. SPONG. Mr. President, this amendment reaffirms the legal obligation of Congress to see that the District of Columbia participates in the Metro System. The communities of Virginia and Maryland have put up their money to build the system, and it is not right for the share of the District of Columbia to continue to be withheld. The matter of the Three Sisters Bridge is in the courts. It is a matter to be decided by the courts. It is not proper for Metro to be held as hostage for highway construction.

By adding this amendment and reaffirming the obligation that already exists to go forward with the transit system, we will be complying with the President's request, and we will be doing what we owe the citizens of Metropolitan Washington including the residents of Virginia and Maryland, who have participated heretofore in good faith.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

Mr. MATHIAS. I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time has been yielded back.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 11341) was passed.

Mr. EAGLETON. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections in the engrossment of amendments to H.R. 11341.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

REVENUE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, did the distinguished majority leader get unanimous consent to call up at this time amendment No. 693?

The **PRESIDING OFFICER.** The Chair affrms that he did.

Mr. BYRD of West Virginia. Mr. President, did the distinguished majority leader get consent to cut the time in half on that amendment?

The **PRESIDING OFFICER.** Yes, he did.

Mr. BYRD of West Virginia. I thank the Chair.

AMENDMENT NO. 693

The **PRESIDING OFFICER.** The Chair lays before the Senate the amendment of the Senator from Texas (for himself, Mr. HANSEN, Mr. BELLMON, Mr. PEARSON, Mr. STEVENS, Mr. RANDOLPH, Mr. DOMINICK, and Mr. BENTSEN) which will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

In the table of contents on page 1, immediately below the item relating to section 109, insert the following:

"Sec. 310. Tax credit for expenditures made in the exploration and development of new domestic oil and gas reserves."

On page 40, after line 3, insert the following:

"SEC. 110. TAX CREDIT FOR EXPENDITURES MADE IN THE EXPLORATION AND DEVELOPMENT OF NEW DOMESTIC OIL AND GAS RESERVES.

"(a) Subpart A of part IV of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 41 as 42, and by inserting after section 40 (as added by section 701 of this Act) the following new section:

"'SEC. 41. EXPLORATION AND DEVELOPMENT EXPENDITURES FOR NEW DEPOSITS OF OIL AND GAS RESERVES AND EXPENDITURES FOR THE SECONDARY RECOVERY OF OIL AND GAS RESERVES.

"'(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount (subject to the limitations of subsection (b)) equal to 7 percent of the amount of expenditures paid or incurred by the taxpayer during the taxable year for—

"'(1) the purpose of ascertaining the existence, location, extent, or quality of any domestic deposit of oil or gas, and paid or incurred before the beginning of the development stage of such deposit, or

"'(2) the development of a domestic deposit of oil or gas if the existence of oil or gas in commercially marketable quantities in such deposit is ascertained after the date of the enactment of this section, or

"'(3) the development of a domestic deposit of oil or gas on a secondary recovery basis if the recovery operations commence after the date of the enactment of this section.

For purposes of this subsection, a domestic deposit of oil or gas is a deposit located in the United States (within the meaning of section 638(1)).

"'(b) LIMITATIONS.—

"'(1) DURATION.—The credit allowed by subsection (a) shall apply to expenditures paid or incurred within the 10-year period beginning on the first day of January of the year in which this section is enacted.

"'(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), section 38 (relating to investment in certain depreciable property), and section 40 (relating to expenses of work incentive programs).

"'(c) CARRYBACK AND CARRYOVER OF UNUSED CREDITS.—

"'(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (a) for any taxable year exceeds the limitation provided by subsection (b)(2) for such taxable year (hereinafter in this subsection referred to as "unused credit year"), such excess shall be—

"'(A) an exploration or development credit carryback to each of the 3 taxable years preceding the unused credit year, and

"'(B) an exploration or development credit carryover to each of the 7 taxable years following the unused credit year, and shall be added to the amount allowable as a credit by subsection (a) for such years (determined before the application of this subsection), except that such excess may be a carryback only to a taxable year ending after the first day of January of the year in which this section is enacted. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraph (A) or (B)) such credit may be carried, and then successively to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"'(2) LIMITATION.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not, when added to the amount of the credit under subsection (a) (determined before the application of this subsection), exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of—

"'(A) the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), section 38 (relating to investment in certain depreciable property), and section 40 (relating to expenses of work incentive programs); and

"'(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"'(d) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"'Sec. 41. Exploration and development expenditures for new deposits of oil and gas reserves and expenditures for the secondary recovery of oil and gas reserves.

"'Sec. 42. Overpayment of tax.'."

Mr. COTTON. Mr. President, will the Senator yield?

Mr. TOWER. I yield 1 minute to the Senator from New Hampshire.

Mr. COTTON. I merely want to say that I agreed to defer the order in which my own amendment appears, both for this amendment and the amendment of the distinguished Senator from Missouri. One reason is that it is my understanding that the Senator from New York, who is opposed to my amendment, is on his way here from New York for the purpose of opposing it; and I have never been guilty of the kind of discourtesy that I would try to take advantage and push an amendment through when I knew a Senator was on his way to oppose it. The second reason is that I would like to accommodate Senators.

On the other hand, I hope that as many Senators as possible will remain here to vote on my amendment. I would like to get a reasonable hearing, with a reasonable number of Senators, so that it can have real consideration.

I thank the Senator.

Mr. TOWER. Mr. President, I have sent to the desk certain modifications of the amendment, which are simply technical and make the amendment consonant with other provisions of the bill. I ask unanimous consent that those modifications be printed in the RECORD.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The modifications are as follows:

On page 3, line 7, after "year" insert "following the year";

On page 3, line 9, after "exceed" insert "one half of";

On page 4, line 11, after "year" insert "following the year";

On page 5, line 1, after "exceed" insert "one half of".

Mr. TOWER. Mr. President, this amendment is designed to breathe new life into the domestic oil and gas industry by allowing it a new incentive to discover oil and gas reserves or rework old fields to make them again economically viable. Those of us who are concerned with the domestic petroleum reserves have known for some time that a crisis was coming in this field. This fact, unfortunately, has largely been ignored by consumer groups. However, recently this problem has brought home all too graphically to those who live in the Washington, Maryland, and Virginia area. The Washington Gaslight Co. has recently announced that it will be unable to accept any new industrial customers due to the shortage of natural gas.

Correspondingly, I understand that gas companies in Baltimore are discouraging the installation of any new gas heat in homes, for the very same reason. When suppliers are refusing new customers, something is definitely wrong. As I will point out later, in a study recently completed compiling figures through 1970, the Chase Manhattan Bank reviewed 28 selected petroleum companies. The result of this study on the 28 companies, which I shall refer to as the group, is truly alarming. To quote from the report:

> For the past decade the growth of the net income has lagged substantially behind the expansion of both end market and capital spending and in the last two years while the market for oil increased by more than 18 percent the Group's net earnings declined.

To illustrate this point the group's net income from domestic operation declined 4.4 percent between 1969 and 1970 and the rate of return on investment declined for the third consecutive year. The rate of return decreased to 12.6 percent in 1968, to 10.9 percent in 1969, and to 9.9 in 1970. Thus, correspondingly, the investment donated to the search for new petroleum reserves in the United States was at the lowest level in 1970 of any of the past 4 years. As I have said before, the decline in exploration and production in this vital industry means the loss of jobs throughout the Nation, jobs that we can ill afford to lose.

I have warned repeatedly during the past few years that this Nation would experience dangerous shortages of energy resources unless corrective actions were taken. Much to my regret and alarm, few such actions have been taken and these few have been inadequate. Consequently, we continue on a collision course with dangerous energy shortages.

The causes and dimensions of these shortages have been abundantly documented in numerous recent reports and statements by representatives of government and industry. Because of these reports, there has been a growing awareness that a serious national energy problem exists.

I would like to focus upon a particular consequence of our energy resource shortages which I find appalling. That is our increasing reliance upon Middle East sources of crude oil to make up the growing deficiency between our ability to produce and our consumer demand.

Estimates of the magnitude of our future reliance on Middle East sources vary. But, practically all the reports conclude that during the next 15 years we will be forced to rely increasingly upon imports of crude oil from the Middle East to meet larger portions of our burgeoning energy demands.

Secretary of the Interior Rogers C. B. Morton reached this conclusion in his June 15 testimony before the Senate Committee on Interior and Insular Affairs. He estimated that by 1985 our total oil consumption would approach 24 million barrels per day and that the United States could be forced to import approximately 12 million barrels of crude oil per day from Middle East sources. He concluded:

> Unless a marked and early improvement occurs in exploration and discovery success and . . . investment in oil producing activities in the United States, there appears little chance that domestic production can keep up with the strong upward trend in demand.

He further predicted that by 1985 we will be forced to rely upon the Middle East for at least 45 percent of our supply of crude oil.

A more pesimistic view of our growing reliance on Middle East oil was presented by Mr. M. A. Wright, chairman of the board of Humble Oil & Refining Co. on May 17. He told the Florida Governor's Conference on the Big Swamp that—

> After the next year or so, essentially all of the growth in U.S. petroleum demand will have to be met with imports from the Eastern Hemisphere. Unless we make a substantial effort to increase domestic supplies of all forms of energy, by 1985 foreign imports will supply over half our demand for petroleum and most of this will come from the Middle East.

He attached a chart to his statement which showed that by 1985 imports of liquid petroleum products could be 62 percent of our consumption.

I find these projections by the Interior Secretary and an eminent industrial leader most alarming. Unfortunately, these two projections cannot be considered to be either unique or without foundation.

Our national security objectives regarding supplies of crude oil were officially established in 1959 by Presidential Proclamation No. 3279. These criteria were reaffirmed by the President's Task Force on the Oil Import Question in February 1970, and more recently by the "Report on Crude Oil and Gasoline Price Increases of November 1970" issued by the Office of Emergency Preparedness in April 1971.

The criteria are as follows:

First. The need to guarantee supplies sufficient to meet the needs of U.S. military forces and defense industries.

Second. The need for a sufficient supply of crude oil and its derivatives to meet essential civilian demands, and sustain economic growth.

Third. The need to foster exploration and development so as to insure a depletion of reserves to an extent which would not jeopardize the capability of the petroleum industry to meet future demands, without undue reliance on foreign sources of questionable reliability.

The Cabinet task force report of 1970 also recommended that imports from Eastern Hemisphere sources not exceed 10 percent of our domestic consumption.

In summary, then, these objectives explicitly recognize that we must encourage continued exploration in order to insure sufficient producing petroleum reserves to meet both our military and essential civilian needs; that we should maintain a producing capacity sufficient to guarantee future economic growth; and that we should not become overly dependent upon foreign sources of questionable reliability.

These objectives were hammered out over an extended period of time. They have been honored by several administrations. They recognize that petroleum is a vital ingredient to our national defense and to our continued economic health.

I cannot stress strongly enough the importance I place upon the maintenance of these objectives. If the projections of the experts come true, we will have knowingly violated these national security and economic goals. Unless we act now to reverse the current trend, our military capability and our national economic health will be seriously jeopardized, perhaps irrevocably.

Perhaps the single most important development which highlighted the insecurity of Eastern Hemisphere oil was the dramatic display of bargaining strength and unity by the members of the Organization of Petroleum Exporting Countries in their recent negotiations with the oil company concessionaires. This organization is often referred to as OPEC, and is composed of the following countries: Abu Dhabi, Qatar, Kuwait, Saudia Arabia, Iraq, Iran, Algeria, Libya, Venezuela, Indonesia, and Nigeria.

This list includes practically all the major producers of crude oil in the free world besides the United States. The importance of this organization is exhibited by the fact that we presently draw 55 percent of our total imports, equivalent to about 11 percent of our total oil consumption, from these OPEC members.

The tough and unified bargaining stance taken by the OPEC countries represented a reversal of several of our traditional concepts concerning Middle East oil.

First, this was essentially the first time that these countries united to bargain for their common good. In the past, these countries had bargained on an individual basis, often exhibiting a lack of trust in each other. Their overall stance has made it relatively easy for the oil companies to bargain effectively with one at a time.

Second, the demands made by the OPEC countries and finally obtained by them were extremely tough. They extracted large percentage increases in their participation in the profits derived from the production and transportation of oil within their own countries.

Third, their main bargaining weapon was the threat of an embargo on all oil shipments from these countries. This was a most powerful and effective weapon. Until 1970, few believed that any Middle East country would voluntarily reduce or terminate its oil production. Most believed that none of these countries would deprive itself of the substantial revenues derived from the production. But in 1970, Libya stopped producing a sizable percentage of its oil, and the myth was shattered.

In order to appreciate the relative bargaining strength of the OPEC, it is necessary to examine the increased reliance of Western Europe, Japan, and the United States on Middle East oil. In 1950, the primary source of energy for Western Europe and Japan was coal. Now over one-half of the total energy supplies of these large industrial nations is supplied by Middle East oil. As to the magnitude of this source, the 10 OPEC countries control over 80 percent of the known oil reserves in the world.

We presently import only 3 percent of our needs from Middle East sources. This figure, though small, is deceptive. Middle East oil constitutes 92 percent of the fuel oil consumed on the east coast of the United States. And I have already stressed the trend of increasing reliance upon imports from the Middle East to meet oil deficits. Some areas of the United States are already overreliant on Middle East oil, and it is now predicted that we shall become overreliant as an entire nation.

The result of the OPEC bargaining was that the balance of power tipped in favor of the oil exporting countries. Under the terms of the resulting contract, oil revenues to these countries will be increased by approximately $8 billion over the next 5 years. Large portions of this increase in cost to the oil companies will probably be passed to the consumers.

The critical aspect of these negotiations was the use of the threat of embargo on oil shipments from these countries. This threat can, and probably will be used again. Most of the oil-consuming countries will be powerless to do anything but to capitulate to the demands of the exporting countries.

The United States does not have to cower before threats of embargo. We have enough indigenous oil reserves to satisfy our needs for several decades to come at projected rates of consumption. It has been reliably estimated that there remains to be discovered more oil in the United States than we have yet discovered throughout our history. The U.S. Geologic Survey has estimated that approximately 430 billion barrels of recoverable oil await discovery in the United States. It has been estimated that we will consume an average of 21 million barrels of oil per day over the next 15 years. If this estimate is accurate, we will consume approximately 105 billion barrels of oil the next 15 years. So, we have adequate undiscovered reserves of oil to meet all our needs.

But, the mere possession of undiscovered oil reserves does not give us a viable alternative to increasing reliance upon Middle East oil. Our undiscovered reserves must be converted into producing oil fields.

Converting undiscovered reserves into producing reserves can be accomplished only through massive investments in exploration. Estimates of the required investments range into the tens of billions of dollars.

Yet, at the present time, our exploration investment is minimal and the level of our domestic exploration activity is at a 28-year low.

The reason for the depressed level of exploration activity can be attributed to the overall negative attitude of the public and Government toward the domestic petroleum industry. This negative attitude has been manifested by a combination of Government policies which appear to have been especially designed to inhibit and discourage domestic exploration activity rather than encourage it.

For example, the Tax Reform Act of 1969 reduced the depletion allowance from 27½ to 22 percent. It has been estimated that this placed an additional cost on the industry of approximately $700 million per year. Thus, at the very time when the oil industry desperately needed help, this tremendous tax burden was added. This dampened domestic exploration.

At this very time, our producing reserves are declining more rapidly than they are being supplemented. Our surplus producing capacity is now less than our imports. Therefore, our own producing reserves are no longer sufficient to sustain normal consumption should our imports be disrupted. Our energy-supply situation is bad and is worsening.

In providing policies designed to bring forth adequate supplies of this essential commodity, we must not be overly cautious. I am proposing today a tax-incentive program to encourage the domestic production of oil and to provide more jobs for this country.

Tax incentives encourage exploration. Our history has shown that this form of incentive works. We must devise new and imaginative tax incentives designed to stimulate exploration for new reserves of oil and natural gas.

In this connection, the measure I am proposing today would establish a 7-percent domestic exploration investment tax credit. This tax credit would reduce a year's income taxes by 7 percent of any money spent that year in exploring for or developing new domestic reserves of oil and natural gas. In addition, an identical 7-percent credit would be available for money spent to revitalize an old oil or gas field, where profitable production was the result. The tax credit would be a temporary one and would expire automatically 10 years from enactment of the bill.

This measure is similar to a bill that I had introduced on July 14 of this year, S. 2273, which is currently pending before this committee. The only difference between the two is that my original measure called for a 12½-percent credit and did not include the secondary recovery provisions of the current amendment. I have changed the 12½-percent figure to the general 7-percent figure already approved by the House and upon reflection have become convinced that secondary recovery must be included to have a well-rounded approach to our energy crisis.

The intent of this legislation is to stimulate investments for exploration of new domestic reserves of oil and natural gas. It is intended to help reverse the present dangerous trends which would result in our growing reliance upon insecure Middle East sources of crude oil and to guarantee the consumer the energy supplies he requires.

I urge the adoption of this proposal. We must act now to reverse the depressed level of domestic exploration activity so this Nation will not be dependent upon insecure Middle East sources for the bulk of our crude oil supplies which are so vital to our national security and our economic health.

Mr. President, I ask unanimous consent that the following Senators be made cosponsors of my amendment:

Messrs. HANSEN, BENTSEN, BELLMON, STEVENS, PEARSON, COOK, and RANDOLPH.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

Mr. TOWER. Mr. President, two interesting articles were published in the Washington Post this morning. The thrust of my amendment is to back the 7-percent tax investment credit for new exploration in an effort to stimulate the finding of new sources of nonpolluted gas and petroleum to meet the energy demands of this country and to meet the danger of having to rely on foreign sources for oil. This is all pointed up in the two articles, one entitled "Stans Says U.S. May Buy Soviet Oil," and the other "Canadians Deny U.S. Gas Import Applications."

Secretary Stans says that the United States is interested in buying Soviet mineral products.

In the article from Ottawa, it states in the first paragraph:

> The National Energy Board announced today that Canada has no additional natural gas available for export to the United States and turned down applications to export 2.7 trillion cubic feet.

Mr. President, I ask unanimous consent to have the two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STANS SAYS UNITED STATES MAY BUY SOVIET OIL

STOCKHOLM, SWEDEN.—U.S. Commerce Secretary Maurice Stans said today the United States was interested in buying oil from the Soviet Union.

Stans is scheduled to leave Saturday for trade talks in Moscow and other Soviet cities.

"We are interested in mineral products like oil and natural gas and in time possibly in manufactured products," Stans told newsmen. "I'm going over there to develop a shopping list. There are many possibilities."

Stans will meet Soviet Premier Alexei Kosygin and top officials during his 10-day stay, which could lead to American companies pouring millions of dollars into Soviet enterprises. The Stans party will go on to Poland for trade discussions there.

Stans said he hoped the trip would start a sequence of events "which may be very helpful to President Nixon." The American President visits Russia in May, and there are suggestions that he may conclude a trade pact in Moscow.

The commerce secretary had two days of talks in Stockholm with Swedish leaders. Sweden is reported on the verge of signing a natural gas pact with the Soviet Union, but Stans said there was no relation between that and his visit to Moscow.

He said the American balance of payments problem does not primarily stem from the Indochina war but from economic support to other nations and cited Marshall Plan aid to Europe after World War II and a deterioration in the terms of trade as two main factors.

CANADIANS DENY U.S. GAS IMPORT APPLICATIONS

OTTAWA.—The National Energy Board announced today that Canada has no additional natural gas available for export to

> the United States and turned down applications to export 2.7 trillion cubic feet.
>
> Since the decision came while energy talks between Canada and the United States were stalled, the announcement prompted speculation that Ottawa was using the issue as a lever in an attempt to gain exemption from U.S. surtaxes on imports.
>
> Canada told the U.S. government early in the fall that it was too "preoccupied" with the new U.S. trade restrictions to continue the talks, which began in 1969.
>
> The decision was expected to arouse strong protest from Alberta, where the Provincial Energy Board had already approved export of the gas from the province.
>
> But the National Energy Board said Canadian supplies of natural gas as of June 30 were 1.1 trillion cubic feet less than reasonably foreseeable domestic needs in the next 25 years.
>
> The board asserted that future discoveries could be expected to supply enough additional gas to meet these needs, but was not willing to predict enough discoveries to permit new exports.
>
> A total of about 17 trillion cubic feet has already been authorized in previous decisions for export to the United States between now and 1995 on various contracts.
>
> Currently, Canadian natural gas—piped mainly to the U.S. Pacific Coast and Middle West regions—accounts for about 3 per cent of total U.S. consumption. But several U.S. distributors are worried about future supply sources to meet growing demand.

Mr. TOWER. Mr. President, I yield to the Senator from Wyoming (Mr. HANSEN) such time as he may require.

Mr. HANSEN. Mr. President, I could not agree more with the distinguished Senator from Texas in his calling attention to the critical energy shortage that faces the United States today.

The approach suggested by the pending amendment is neither unique nor new. From time to time, the country has recognized the need for a certain commodity, a certain supply of some kind or another and, as a consequence, has used this device in order to encourage it. During World War II, we had a commodity price support program on wheat in order to give farmers the encouragement necessary to make certain that we had an adequate amount of grain in this country.

There is a very serious crisis facing the United States today. Just 2 or 3 days ago, Assistant Secretary of the Interior, Hollis Dole, in testifying before the Committee on Interior and Insular Affairs on the gasification of coal, in response to a direct question, made the statement that there are only two ways in which the United States can hope to solve its critical gas shortage. One was to give encouragement to industry to go out and search out and make the investment necessary in order to bring the new supplies of natural gas in, or to import liquefied natural gas from foreign countries.

That is exactly what we are doing. One of the insertions my distinguished friend, the Senator from Texas (Mr. TOWER), had printed in the RECORD would do just that.

There are reports today of negotiations which have been reported between the United States and Soviet Russia. I do not think that is the way that millions of Americans in this country would believe is a very acceptable manner to solve the energy crisis.

I hope very much that the amendment will be agreed to by the Senate today, because it is going to be important not only to those in excess of 40 million individual homes who depend upon natural gas for heating supply, but also to the very many industries that will have to close down this winter simply because there is not enough gas to go around.

Mr. President, I could not agree more with the remarks of the distinguished senior Senator from Texas and, like him, opposed the cut in depletion allowance in the Tax Reform Act of 1969.

As a result of that and other provisions of that act, the oil industry is now paying some $700 million more in Federal taxes at a time when natural gas reserves are declining and demand is increasing for this cleanest of all of our fuels.

We face unreasonable competition from imported fuels at the very time when our Nation is adopting drastic measures through this bill to bolster its balance of payments which reached a record deficit of $12.1 billion in the third quarter of this year and for the first three quarters stands at a deficit of $23.4 billion, far larger than any year in the Nation's history.

Already nearly a quarter of our petroleum supplies are imported and the percentage is rising, yet national measures which would increase our domestic oil and gas production are either denied or delayed. Today the United States is turning more and more to the politically unstable and often hostile Middle East and North Africa.

Even now, one company proposes to spend billions of dollars on gas liquefying facilities in Algeria and the specially built refrigerated ships to import this gas to the United States at prices more than double the delivered price of domestic gas to the same users.

Mr. President, the Algerians have already expropriated American oil company properties and made payments of something like 50 cents on the dollar. They now propose to sell back to another U.S. company the gas produced from expropriated U.S. properties. And it was the Algerians who cosponsored the move in the U.N. that defeated the United States on the China issue. The Algerians embraced one another over their victory. This is the area that controls three-fourths of the free world oil and gas reserves and on which we must depend more and more unless we take the sensible route and develop our own resources.

According to the most reliable sources the United States has within its boundaries all the energy resources it needs for any degree of self-sufficiency it chooses to maintain but their development will be more costly than purchasing our energy from abroad—that is at present costs.

But if the United States continues its trend and becomes excessively dependent on these sources, foreign oil prices may well rise to levels about those in the United States. By that time it would be too late, for the domestic industry would have lost its capability to respond quickly to increased demand. Time is of the essence and the natural gas shortage that is upon us will grow worse, even should we add these incentives now. And if we do not, then the cost of converting to other fuels and the risks involved in further dependency on foreign oil will far outweigh the cost of the tax incentive the able Senator from Texas and I propose.

For many years, the Chase Manhattan Bank has conducted a detailed study of the financial performance of a large number of petroleum companies. The companies included in the study, 28 of them, together account for more than three-fourths of the crude oil produced in the free world. And their gross fixed investment also represents more than 75 percent of the industrywide total.

The Chase Manhattan study says:

> Obviously, The Group's ability to satisfy growing market demand depends upon a continuously expanding program of new capital investment. And, if it is to support such a program, The Group must, of course, have enough money to spend. For several years, however, The Group has failed to generate sufficient funds from its operations. And, consequently, it was forced to resort to borrowed capital to a growing extent. If the trends of the past decade continue, The Group will soon be borrowing more money than it generates internally. Such a development is highly unlikely, however. There are sound reasons for doubting that The Group will be willing—or even able—to incur such a high proportion of debt. Some force of correction, therefore, must soon be brought into play.
>
> Among The Group's sources of capital funds, net income ranks as the most important. And net income necessarily must grow at a rate that is consistent with market expansion and the related need for new investment. But that has not happened. For all of the past decade, the growth of net income has lagged substantially behind the expansion of both markets and capital spending. And in the last two years—while the market for oil increased by more than 18 percent—The Group's net earnings actually declined.
>
> The reason for the failure of The Group's net income to keep pace with its growing need for capital funds is readily apparent. As the financial measurements in this report clearly indicate, The Group has not achieved through its pricing mechanism a sufficient recovery of its costs. Some costs are controllable to a degree. And over the years The Group has aggressively sought to limit them. But there are other costs over which The Group has little or no control. Foremost among them are taxes.
>
> Although all elements of cost have been rising for many years. The Group has managed to maintain a fairly stable relationship between the rise of operating costs and the expansion of gross revenue. Taxes, however, have increased much faster than revenue. In 1971, The Group's tax payments increased by 22 percent. Over the past two years—while The Group's net income declined—its taxes increased 40 percent. And in the past decade, taxes have risen by 258 percent compared with an increase of 89 percent for net income. Thus, for every dollar that net income increased, taxes rose by $2.30.
>
> Unfortunately, there is a rather widespread notion that petroleum companies should absorb rising taxes—and other increasing costs—without passing them on to consumers through higher prices. But the proponents of that curious idea characteristically do not explain how such a feat of magic can be performed. In the long run, of course, all costs must eventually be recovered through adequate prices, if a business activity is to remain viable. There simply is no other alternative. But, as noted earlier, The Group has not achieved a sufficient recovery for many years. Indeed, despite rapidly rising taxes, The Group's average unit price was actually lower in 1970 than 1960.

> And its poor earnings performance was the inevitable result.
>
> Clearly, if The Group is to have enough money in the future to support a program of capital investment sufficient for expanding market needs, its earnings will have to grow at a substantially faster rate than in the past. And, to provide for that growth, its price structure will have to be adequate.

Mr. President, only last February, the 11-nation Organization of Petroleum Exporting Countries threatened to embargo oil shipments to the United States, Europe, and Japan unless their terms were met in higher crude prices and taxes. They were met by the companies in an agreement that the companies understood to include a 5-year pledge of price and supply stability. But now the OPEC nations are back demanding a 7 percent increase in prices retroactive to August 15 to offset losses they say resulted from de facto devaluation of the dollar. Also they are preparing a major campaign to begin obtaining control of the oil companies that operate on their soil. The first step is a demand for "effective participation" in ownership, management and staffing of the companies. Venezuela, our major supplier outside of the continent—Canada supplies about 700,000 barrels daily of our 14,000,000 barrels daily use—that is crude and imported residual and other refined products. And Venezuela has already announced her intentions of taking over the oil companies, mostly United States when their concessions expire.

So certainly it must be obvious to anyone that foreign oil will not stay cheaper than U.S.-produced oil for long. We found that they read English very well when the Oil Import Task Force recommended that the United States abandon its oil import program and substitute a tariff of some $1.35 a barrel on foreign oil. Their objective was to increase oil imports, enrich the Treasury, and force U.S. prices down. The President wisely rejected the ill-advised plan but the OPEC nations took the hint and joined solidly in raising their own prices—and have now come back in less than a year for another round.

Mr. President, we here in the Senate have the choice of reversing this suicidal course and can start by restoring some of the incentives we have taken away from the industry in added taxes.

We have the choice of maintaining U.S. self-sufficiency in energy and guaranteeing our national security and future economic progress as compared with the certainty of living under the threat of blackmail and embargo.

There are no alternatives. Solution of our energy problems, if we started today, will take some time. Coal gasification, oil shale, atomic energy—these are at least 10 years away.

Only oil and natural gas can be developed quickly and they would not be unless we make the political decisions here and now.

During the period between 1946 and 1961 the average wellhead price of gas increased from 5.3 cents per Mc.f. to 15.1 cents. During that time the number of gas wells drilled increased 56 percent and gas well footage drilled increased 147 percent.

However, between 1961 and 1970 the average wellhead prices of gas increased only from 15.1 cents per Mc.f. to 17.4 cents. During this latter period there was a 41-percent decrease in gas wells drilled and a 32-percent decrease in gas footage drilled.

The same situation has prevailed in oil well drilling as costs of steel, pipe, labor and all other cost ingredients skyrocketed while the price of crude oil and oil products remained relatively stable or rose at much lower rates.

Mr. President, the real and only solution to the energy crisis that threatens the Nation is in the hands of Congress.

Rather than an endless series of hearings in both the House and Senate—mostly intended and aimed at harassment and intimidation of the petroleum industry, Congress needs to unshackle the industry from needless and harmful regulation and price control and remove some of the tax burden imposed by the Tax Reform Act of 1969.

It is ridiculous to control the price of gas in interstate commerce at prices often 50 percent less than the same gas sold inside the State or to be spending billions of dollars on facilities for liquefying and transporting gas from insecure foreign sources to be sold at prices more than double that of domestic produced gas delivered to the same point.

Mr. President, we learn from history that Nero fiddled while Rome burned and we may soon see Washington freeze while Congress holds more hearings on the energy crisis.

We have an opportunity, Mr. President, to take the first step in reversing this suicidal trend by making investments in oil and gas exploration and development more attractive and provide the Nation with the fuel so essential to its national security and economic survival.

Mr. BENTSEN. Mr. President, will my distinguished colleague from Texas yield?

Mr. TOWER. Mr. President, I yield to my collegaue from Texas.

Mr. RANDOLPH. Mr. President, the amendment offered by the able Senator from Texas (Mr. TOWER), is joined in by others who understand the problem and who come from other States.

The PRESIDING OFFICER. Whose time is the Senator from West Virginia speaking on?

Mr. BENTSEN. Mine.

Mr. RANDOLPH. I am appreciative.

Mr. TOWER. That is quite all right. The Senator from West Virginia may proceed.

Mr. RANDOLPH. Mr. President, with reference to this amendment, West Virginia still is an oil and gas producing State, but in a lesser degree than former years. We understand the problems of exploration for oil and gas and realize the necessity that Congress act in a well-reasoned manner to help our country move forward with measures to avert a fuels and energy crisis in this country.

Yes, there is the potentiality of a fuels and energy breakdown in this Nation. The natural gas shortage already is very real. The administration has begun to move from the administrative level to take certain corrective actions, but, perhaps, not enough under the circumstances.

Also, the Senate approved the study resolution which I sponsored jointly with the distinguished Senator from Washington (Mr. JACKSON) and other colleagues. Accordingly, within the Interior and Insular Affairs Committee a national fuels and energy policy study is underway. Several important hearings, fundamental to that study were held recently.

Some members of that committee are on the floor at this time, including the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. HANSEN), and perhaps others. They are interested. They are knowledgeable men making helpful contributions to the search for solutions to our country's fuels and energy problems.

But we know that the problems are complex in some degree—but simple in other respects. Certainly more money needs to be made available for exploration—a venture in which the risk is great and, more frequently than not, the venture goes beyond being unprofitable and becomes a substantial loss.

So, Mr. President, I join in the expressions of approbation for the amendment of the Senator from Texas. I hope the amendment will have the support of the Senate.

Mr. TOWER. Mr. President, I yield such time as I have remaining to the Senator from Texas.

Mr. BENTSEN. Mr. President, I am a sponsor of the amendment to extend the 7-percent investment tax credit to all costs of exploration for domestic oil and gas reserves.

The first charge that will be made is that this is favoritism to a single industry. Mr. President, rather than favoritism, it is the application of a basic tax incentive to meet one of the most pressing problems that this Nation faces—and that is a crisis in the reserves of the energy resources to keep this Nation growing and expanding.

Only last week we read in the Washington papers that the utility here will no longer sign contracts to supply natural gas to commercial ventures, or even to commercial apartment structures, and that all future supply will be restricted to homes.

We read just today that Canada plans to limit its sale of gas to the United States. And in this morning's newspapers, Secretary of Commerce Stans is quoted as saying that he intends to explore the possibilities of purchasing gas and oil from the Soviet Union.

Mr. President, the point I am making is that finally the message of an energy shortage, particularly in natural gas, seems to be getting through to someone other than those in the industry. And one of the basic reasons that there is such a shortage of natural gas is that there has been no great inducement to go out and seek greater domestic supplies.

Further, we are becoming more and more dependent on foreign oil reserves for our energy needs. Unless we move to encourage our domestic producers to seek out reserves, then we can look forward to even greater dependence on foreign sources.

This bill will add part of the needed inducement to encourage greater exploration. In so doing, Mr. President, this will further meet the purposes of this tax bill: create jobs and get the economy moving again.

The gap between the U.S. petroleum requirements and domestic oil production widened even further during the first 10 months of this year, and the trend is becoming critical. The daily demand for oil products from January through last month averaged almost 15 million barrels, an increase of over 3 percent compared to 1970.

Only three-fourths of that supply came from U.S. production, and during the period when demand rose over 3 percent, domestic production increased only 1.2 percent.

It does not take a college mathematics professor to see that this is a trend that must be reversed if we do not want to become more and more dependent on other sources of oil and gas.

Mr. President, this is an investment tax credit that will encourage greater exploration, and create more jobs in so doing. Most importantly, it will mean that our domestic industry will be encouraged to go out and find those reserves that are so critical to the future growth of the Nation.

The PRESIDING OFFICER (Mr. Hughes). All time of the Senator from Texas has expired.

Mr. TALMADGE. Mr. President, I yield 2 additional minutes to the Senator from Texas.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield.

Mr. CHILES. Mr. President, would the 7-percent investment tax credit be in lieu of the depletion allowance?

Mr. BENTSEN. That would not be in lieu of the curtailed depletion allowance that is now in effect.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, there is an admitted gas shortage in this country. A further erosion of tax resources would not solve this problem. I think the problem of the shortage of gas lies primarily with our regulatory agencies and the ratemaking agencies.

The effect on the revenue would be to reduce our tax revenue $100 million a year.

What would it do? Among other things, it would authorize a 7-percent investment credit for drilling expenses of oil or gas wells. At present those expenses are already 100-percent tax deductible. If one drills for a well and gets a dry hole, it is 100-percent deductible. If he gets an oil or gas well, it is still 100-percent deductible. This means a savings of $325 million a year to the oil industry of this country at the present time.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. KENNEDY. Mr. President, is there any other industry in this country that has that kind of tax break?

Mr. TALMADGE. It is one of the two most favored areas in the tax laws of America at the present time. The provision I had reference to is not even subject to the regular tax law.

Mr. President, this would create an entirely new precedent. It would create an investment tax credit for a service rendered rather than for the purchase of equipment.

If we are going to extend it for services rendered, why limit it to oil drilling? Why not make it available for haircuts? Why not make it available for a shoe shine? Why not make it available for any other service that is rendered in the United States?

Mr. President, I hope that the Senate will reject the amendment, because I think it is uncalled for in view of the fact that the oil industry in this country has the highest degree of tax preference present time.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. Mr. President, I yield for a question.

Mr. HANSEN. I would like to ask my distinguished colleague from Georgia if he supported the act passed during World War II to place price supports on wheat to encourage the production of wheat at that time?

Mr. TALMADGE. I was not in the Senate during World War II. I was in the South Pacific. But I do support price supports on wheat. If oil gets too much below the cost of production, I might support price supports on oil, but not a tax credit for drilling a hole in the ground that is 100-percent deductible the year it is made.

Mr. HANSEN. Mr. President, will the Senator yield for one further question?

Mr. TALMADGE. I yield.

Mr. HANSEN. I would like to ask this question: Was it not the purpose of the Price Support Act passed in World War II to make certain that by virtue of going as far as the Government could go in guaranteeing a profit on investment we would guarantee an adequate supply of wheat for the country?

Mr. TALMADGE. The Senator is correct, and I would like to point out there is no investment tax credit for planting wheat, for planting cotton, or for planting corn, or any other agricultural commodity in America; and there is no percentage depletion in any of those commodities, as the Senator knows.

Mr. HANSEN. Is it not true that none of those commodities is in short supply?

Mr. TALMADGE. No.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. COTTON. I think my colleague may want to say something about this, but it occurs to me that the Senator raised the query, if we are so apprehensive of the failure of local oil supplies, why the oil companies persist in their opposition in allowing oil-starved New England to receive some imported oil to help our power and heating problems?

Mr. TALMADGE. Unfortunately, the Senator from Georgia cannot respond to that question.

Mr. COTTON. The Senator might be sympathetic to that.

Mr. TALMADGE. I am. We are short of oil at times, also.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. McINTYRE. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I yield for a question.

Mr. McINTYRE. I want to ask: Did the committee consider this amendment?

Mr. TALMADGE. Yes, the committee considered this amendment, as I recall, and tabled it. I believe the Senator from Wyoming remembers that.

Mr. McINTYRE. I want to pay my respect to the Senator from Georgia because he is alerting us to what we in the Northeast feel is favoritism toward this industry. Is it not true this industry already has a depletion allowance, an intangible property deductible, and some tax credits, and here they are now asking for an additional $100 million to be subtracted from the revenue? Is that correct?

Mr. TALMADGE. Yes, $100 million.

Mr. McINTYRE. Has a rollcall vote been requested on the amendment?

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, I yield such time as he may desire to the distinguished ranking minority member of our committee, the Senator from Utah, and then the Senator from Oklahoma (Mr. Bellmon) had requested time, if he is available I will be glad to yield to him.

Mr. BENNETT. Mr. President, the Senator from Utah is in a rather difficult position because oil is produced in my State, but I agree with the distinguished manager of the bill that under the circumstances it would be very hard to defend the proposal to provide additional tax benefits that go beyond complete relief from cost in order to provide an initiative for further oil field development. So reluctantly I must vote against the proposal.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. I yield to the Senator from Texas for 2 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, I think our friends from New England are abusing themselves when they oppose anything that is designed to stimulate the domestic exploration and recovery of oil and gas.

I have just placed a report from today's paper in the Record that Canada has refused to sell us any more gas. Where are those in New England going to get gas if not from Canada? We do not have a sufficient supply now in this country to meet our domestic needs.

The people in New England recently asked the domestic refineries to come up with additional refining facilities for fuel because they discovered their foreign sources of fuel oil are inadequate; and when they come under the mercy of OPEC countries, the oil exporting countries, they are going to have to pay a much higher price for fuel, so they better get behind domestic programs to develop new sources in order that they may have a reliable supply of very important heating fuel.

The more they rely on sources from areas which are so unstable politically, the worse off they will be. Maybe they will learn their lesson this winter. I hope they do not have to, but maybe they will.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Why does the Senator not let New Englanders speak for themselves? Why do not our good friends from oil-producing States abide by the report of the President's task force that said we should abolish the oil import quota system?

It is so interesting that here we have the Senator from Texas speaking for the people of New England. We can speak for ourselves. When the President's task force made its report they recommended abolishing all the present import quotas system.

Why are we not permitted to import the oil we need for New England when a high percentage of the Nation's total consumption of home heating oil is located there? It is as indispensable in our part of the country as food and clothing. Yet we are forced to subsidize the oil companies while they refuse to raise prices above the world market price. We have to pay 20 percent of the oil import quota cost. And whenever we demand additional imports we are told that it would threaten our national security. The President's task force concluded that the present system, in no way, I repeat, in no way, is necessary to assure our national security. The real reason it remains is because oil companies are able to raise their profits at will under it.

If we are concerned about national security then, I say it is better to preserve the oil in strategic reserves in this country and utilize the sources outside.

I challenge the Senator from Texas to deny that the boards studying the problem under this administration, as well as previous administrations, have recommended we abolish this oil import quota system, a system that is imposed by the oil industry of this country to the disadvantage of millions of people in New England.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield 1 minute to the Senator from Massachusetts so that he may yield to the Senator from Wyoming for a question.

Mr. KENNEDY. For a very brief question.

Mr. HANSEN. I would like to ask my friend, the Senator from Massachusetts, if he is saying that the considered consensus of advisers of this administration are still saying we should abolish the mandatory——

Mr. KENNEDY. I am saying what was said by the report of the committee established by this administration, the task force report——

Mr. HANSEN. The task force report itself suggested, contrary to most reports on it, that we impose a high variable tariff on oil imports except for shipments from the Middle East, where the report recommended a quota. So the report recognized the national security need for an oil import program, but suggested the need could be met by a variable tariff and quota scheme rather than by a straight quota. The Senator from Massachusetts would be interested in knowing that Mr. Lincoln, the Director of the Office of Emergency Preparedness, told the Finance Committee that a high tariff on oil imports would cost the New England consumer more than the present quota scheme. So I think the Senator is misstating the task force's conclusions.

Mr. KENNEDY. The Cabinet task force report. I am referring to the Cabinet task force report. What did that recommend? That recommended we abolish the oil import quota system and then that report, like every other report—and it goes back to Democratic administrations just as well—disregarded the report. The oil import system was first put on by a Republican administration—and this Republican President's task force recommended we abolish the oil system and start to look elsewhere.

But what happened to that report? The President did just what was done with every other report, he rejected its conclusions and the consumers of New England are paying for that decision.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Texas. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG) and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

If present and voting, the Senator from Nebraska (Mr. HRUSKA) would vote "yea."

The result was announced—yeas 22, nays 65, as follows:

[No. 372 Leg.]

YEAS—22

Baker
Bellmon
Bentsen
Bible
Burdick
Cook
Dole
Dominick
Eastland
Ellender
Fannin
Goldwater
Hansen
Mansfield
McGee
Pearson
Randolph
Sparkman
Stennis
Thurmond
Tower
Young

NAYS—65

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Eagleton
Ervin
Fong
Gambrell
Griffin
Gurney
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—13

Curtis
Fulbright
Gravel
Hartke
Hruska
Humphrey
Long
Mundt
Muskie
Packwood
Saxbe
Stevens
Taft

So Mr. TOWER's amendment (No. 693) was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McINTYRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 687

Mr. EAGLETON. Mr. President, I call up my amendment No. 687.

The PRESIDING OFFICER. The Senate will be in order. The amendment will be stated.

The legislative clerk read as follows:

PROPERTY TAX CREDIT FOR THE ELDERLY

(a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. RESIDENTIAL REAL PROPERTY TAXES OR EQUIVALENT RENT PAID BY INDIVIDUALS WHO HAVE ATTAINED AGE 65.

"(a) GENERAL RULE.—In the case of an individual who has attained the age of 65 before the close of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter the amount of real property taxes paid by him during the taxable year which were imposed by a State or political subdivision thereof on property owned and used by him as his principal residence, or the amount of rent constituting such taxes, as defined in subsection (c) (6).

"(b) LIMITATIONS.—

"(1) IN GENERAL.—The credit under subsection (a) for any taxable year shall not exceed $300 ($150, in the case of a married individual filing a separate return).

"(2) ADJUSTED GROSS INCOME OVER $6,500.—The credit otherwise allowable under subsection (a) for any taxable year (determined with the application of paragraph (1)) shall be reduced by an amount equal to the amount by which the taxpayer's adjusted gross income for the taxable year exceeds $6,500 ($3,250, in the case of a married individual filing a separate return).

"(3) JOINT OWNERSHIP.—In the case of property owned and used by two or more individuals (other than a husband and wife), as their principal residence, the limitations provided by paragraphs (1) and (2) shall, under regulations prescribed by the Secretary or his delegate, be applied collectively to such individuals.

"(4) APPLICATION WITH OTHER CREDITS.—The credit under subsection (a) for any taxable year shall not exceed the tax imposed by this chapter reduced by the credits allowable under sections 33, 35, 37, and 38 for the taxable year.

"(c) SPECIAL RULES.—

"(1) HUSBAND AND WIFE.—In the case of a husband and wife who file a single return jointly under section 6013, the age requirement contained in subsection (a) shall, with respect to property owned jointly and used by them as their principal residence, be treated as satisfied if either spouse has attained the age of 65 before the close of the taxable year.

"(2) PROPERTY USED IN PART AS PRINCIPAL RESIDENCE.—In the case of property only a portion of which is used by the taxpayer as his principal residence, there shall be taken into account, for purposes of subsection (a), so much of the real property taxes paid by him on such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of such property so used by him. For purposes of this paragraph, in the case of a principal residence located on a farm, so much of the land comprising such farm as does not exceed 40 acres shall be treated as a part of such residence.

"(3) COOPERATIVE HOUSING.—For purposes of subsection (a), an individual who is a tenant-stockholder in a cooperative housing corporation (as defined in section 216(b))—

"(A) shall be treated as owning the house or apartment which he is entitled to occupy by reason of his ownership of stock in such corporation, and

"(B) shall be treated as having paid real property taxes during the taxable year equal to the portion of the deduction allowable to him under section 216(a) which represents such taxes paid or accrued by such corporation.

"(4) CHANGE OF PRINCIPAL RESIDENCE.—If during a taxable year a taxpayer changes his principal residence, subsection (a) shall apply only to that portion of the real property taxes or rent paid by him with respect to each such principal residence as is properly allocable to the period during which it is used by him as his principal residence.

"(5) SALE OR PURCHASE OF PRINCIPAL RESIDENCE.—If during a taxable year a taxpayer sells or purchases property used by him as his principal residence, subsection (a) shall apply only to the portion of the real property taxes with respect to such property as is treated as imposed on him under section 164(d), and, for purposes of subsection (a), the taxpayer shall be treated as having paid such taxes as are treated as paid by him under such section.

"(6) RENT CONSTITUTING PROPERTY TAXES.—The term 'rent constituting property taxes' means an amount equal to 25 percent of the rent paid during a taxable year by a taxpayer for the right to occupy his dwelling during that year, exclusive of any charges for utilities, services, furnishings, or appliances furnished by the landlord as a part of the rental agreement.

"(d) ADJUSTMENT FOR REFUNDS.—

"(1) IN GENERAL.—The amount of real property taxes paid by an individual during any taxable year shall be reduced by the amount of any refund for such taxes, whether or not received during the taxable year.

"(2) INTEREST.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of real property taxes which caused such underpayment.

"(e) DEDUCTION NOT AFFECTED.—The credit allowed by subsection (a) shall not affect the deductions under section 164 for State and local real property taxes."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Residential real property taxes or equivalent rent paid by individuals who have attained age 65.

"Sec. 41. Overpayments of tax."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after the date of the enactment of this Act.

The PRESIDING OFFICER. On this amendment, there are 30 minutes, to be equally divided.

Mr. EAGLETON. Mr. President, I yield myself 5 minutes.

I ask unanimous consent that my legislative assistant, Miss Suzanne Murray, have the privilege of the floor during the debate and vote on this amendment.

Mr. TALMADGE. Mr. President, what was the Senator's request?

Mr. EAGLETON. That my legislative assistant be permitted the privilege of the floor.

I ask unanimous consent that the names of the following Senators be added as cosponsors of my amendment: The Senator from Kansas (Mr. PEARSON), the Senator from California (Mr. TUNNEY), the Senator from Texas (Mr. BENTSEN), the Senator from Virginia (Mr. SPONG), and the Senator from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, my amendment would provide a Federal income tax credit for those 65 and over for property taxes or rent constituting property taxes paid on their residences.

Approximately two-thirds of all persons 65 and over own their own homes. Home ownership among elderly couples runs as high as 75 percent.

Many of these people would like to remain in their homes. It may well be the only home they have known during their married lives. They have raised their children there. They have worked and saved to pay off the mortgage. It is a familiar place in a familiar neighborhood among old friends, and they would like to spend their last years there.

Other elderly people may be literally trapped in a home that represents their entire life's savings. In a deteriorating neighborhood with declining property values, they either cannot sell or cannot afford to sell. In any case, other decent but inexpensive housing is often not available to them.

For elderly homeowners of moderate means, the costs of owning and maintaining a home are becoming intolerable. Housing is the single largest expense for the elderly—constituting 34 percent of the Bureau of Labor Statistic's budget for a retired couple.

The costs of home ownership have risen even more rapidly in recent years than have prices generally. In many communities, property taxes have doubled or even tripled in the past 10 years. And understandably so, since the property tax is the source of 85 percent of the revenues raised by local governments for schools, police, fire protection, and other essential services.

Because the property tax is based on the value of the property rather than on the income of the owner, retired homeowners with reduced incomes pay a disproportionately large percentage of their income for property taxes.

Even those elderly people who rent do not escape, since landlords inevitably pass property tax increases on to their tenants.

At best, older citizens find themselves in the unhappy position of having to choose between their own financial survival and the welfare of their community when new school taxes or bond issues are proposed.

Some are forced to liquidate other assets to pay the taxes on their home—assets that they should have in reserve to provide for other necessities and emergencies of old age.

At worst, many must finally give up the homes they have worked a lifetime to provide for their retirement years, and then join the competition for an inadequate supply of decent rental housing.

Home ownership is not simply an economic matter. It is also a crucial element in the ability of older people to retain a sense of independence. Loss of independence and the dignity that it confers frequently leads to declining health and morale, and then in many cases to institutionalization.

What can we do to help the elderly retain their homes and prolong their independence?

In my view, the responsibility for removing the property tax burden from the poorest of the poor—those who do not pay a Federal income tax—lies primarily with the States.

More than half of the States now provide some measure of relief to elderly homeowners through either the homestead exemption or circuit-breaker plans. I am hopeful that the forthcoming White House Conference on Aging will provide the impetus for laws providing adequate tax relief for the elderly in every State.

In the meantime, and in addition to action by the States, I believe the Federal Government should act to ease the property tax burden on those elderly persons of moderate means who pay a Federal income tax.

Under my amendment this would be accomplished by means of a tax credit of up to $300 against property taxes paid on an owner-occupied residence or against 25 percent of rent paid on a personal residence. This tax credit would be available to those 65 or over who have adjusted gross incomes of $6,500 or less.

Federal law now permits all taxpayers to deduct real property taxes from their gross income. But this relief is available only to those who itemize their deductions. In 1969, 7.2 million tax returns were filed by persons 65 or over. Of these, only one-half itemized their deductions. Therefore, 3.6 million elderly households received no benefit from this deduction.

There is now of course no Federal tax relief at all for those elderly people who rent their residences—although they may actually be in greater need of relief than homeowners.

My amendment would provide Federal tax relief to all elderly people of moderate means who pay property taxes or rent their residences. The Treasury Department estimates that this relief would total approximately $225 million a year.

The people who would benefit from this tax credit have been paying taxes—Federal, State and local—for more than 40 years. I believe the Federal Government can afford to give them this measure of relief from the burden of taxation on their homes during their retirement years.

Finally, let me add, Mr. President, that last week the distinguished Senator from South Carolina (Mr. HOLLINGS) had printed in the RECORD an interesting memorandum prepared by a Columbia University law professor. That memorandum showed that in 1968, the Federal Government spent over $7 billion in tax expenditures to support private housing through deductions for mortgage interest and property taxes and exclusion of rental value of owner-occupied houses. Of that amount, 77 percent, or more than $5 billion, went to persons with incomes of over $10,000 a year; $2 billion of it went to persons with incomes of over $20,000.

Mr. President, if we can spend $2 billion to subsidize housing for the affluent, we can surely afford to spend $225 million to help the moderate-income elderly.

Mr. President, I am pleased to yield 1 minute to the Senator from Kentucky.

Mr. COOK. Mr. President, will the Senator from Missouri honor me by making me a cosponsor of his amendment?

Mr. EAGLETON. Mr. President, I ask unanimous consent that the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: The Senator from Rhode Island (Mr. PASTORE), the Senator from Nevada (Mr. BIBLE), the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, in essence, this can wind up, believe it or not, as being of tremendous benefit not only to people over 65 but also to the respective State governments. If a State government has an income tax and if it allows a deduction of the Federal income tax before the State tax is computed, this will mean less of a deduction for Federal income tax on the tax return of the individual so filing, and it will increase their State income tax. So it will be of tremendous benefit to the State at the same time it gives a tremendous credit to people who are 65 years of age and older who rent or own their residences.

So, in essence, this can work as a revenue-sharing measure with the States in reverse, by giving a credit to people 65 years of age and older and allowing less Federal deduction of income tax on the State income tax return, thus resulting in an increased State tax that the States need very badly.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield 2 minutes to the Senator from Indiana.

Mr. BAYH. Mr. President, I have not had the opportunity to study the ramifications of this amendment in the detail that the Senator from Missouri has, but it would seem to me that perhaps one of the most salient selling points of this amendment would be that, at a time when we need not only the help for the individuals involved but also at a time when the economy needs a shot in the arm, these people, in their later years of life, when income has fallen off, who are hard pressed and must tighten their belts, are going to have increased purchasing power. Thus, this will be a shot in the arm for the economy from those in the greatest need. I salute the Senator from Missouri for this double-barreled benefit.

Mr. EAGLETON. I could not agree more with the Senator from Indiana. We can be certain that such benefits as will accrue from this amendment to taxpayers 65 and over will find its way into the economy very quickly. These are not people who are going to sit on another $300. They have to spend every dime they have in the bank now, and this $300 will work its way promptly into the economy; and it will have, as the Senator has said, a double-barreled effect.

Mr. TALMADGE. I yield myself such time as I may require.

Mr. President, under this bill those over 65 years of age already receive a double $800 exemption and a 15-percent credit on up to $3,048 of retirement income. This gives a married couple over 65 free income up to an income level of $7,548. I repeat: A married couple 65 years of age or older can have tax-free income, under our Federal tax structure, of $7,548.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. BENNETT. In addition, if they have social security income, that is all tax free.

Mr. TALMADGE. The Senator is correct.

Mr. BENNETT. So if they have anything approaching the maximum social security income, that $7,500 rises above $10,000.

Mr. TALMADGE. The Senator is correct.

This amendment allows a tax credit for property taxes on the principal residence of those over 65. The credit is for taxes paid up to $300, and it is available for those with income up to $6,500, with some advantage up to $6,800. So it would be of rather limited benefit.

If the 65-year old individal has a wife who is younger than 65, it may be of some benefit to him; or if he is single, it may be of some benefit to him. But if it is a married couple 65 or older, the tax laws already give them such large benefits that they would not benefit from the Senator's amendment.

It was interesting to listen to the viewpoint of the distinguished Senator from Kentucky, the idea being, "Let's look into the Federal Treasury and roll out money. Give it to them and let the local governments and the State governments raise the tax rates." That is not my idea of equity, particularly at a time when we cannot balance our budgets.

I think States and local governments ought to be encouraged to grant tax benefits to our elderly citizens. Many States are doing that. They are giving tax advantages in the way of homestead exemptions or credits under the State income tax to some of our elderly people. But the argument of the Senator is that we should discourage that and encourage the States to raise their taxes on these old folks and we will give it to them out of the Treasury, on money that we have to borrow from the folks before we give it away. That is the policy and tenor of the Senator's argument.

It is interesting, also, that the Senator's amendment would grant both a tax credit and a tax deduction. In other words, it gives it to them both ways. If they pay some property tax, first they can deduct it; then they turn around and take it as a tax credit. A tax credit, as Members of the Senate know, is subtraction from taxes, not a deduction.

So that is the situation with reference to this amendment. It also provides for the return of a portion of rent paid, an estimate of property taxes paid by the renter, equal to 25 percent of the rent paid. It also says that a residence shall be not only the residence but also that 40 acres of a farm may be treated as part of a residence. One could have a residence in town with 40 acres of land, worth $10,000 an acre—$400,000—and under the Senator's amendment, that would be tax exempt. They would get a double deduction and, in addition to a double deduction, they would get a tax credit on both.

It is difficult to argue against amendments that would help old folks. I have supported the elderly all my life. I doubled their welfare benefits when I was Governor of Georgia. Every time I have had an opportunity in the U.S. Senate, I have voted to increase their social security benefits. I voted for medicare. I voted for medicaid.

But the Senator's amendment is not thought out very well. I would hope that he would reconsider and withdraw it, because it would give benefits that I am sure the Senator never considered or intended. I ask the Senate to reject the amendment.

I yield to the Senator from Arizona such time as I have remaining.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Georgia. We are opposing a proposal that would aid the elderly, and of course that is always unpopular—if it really aids the elderly.

When proposed legislation is being considered that does not accomplish the proposed objectives, I think it is fair that we bring out to the Members of this body the facets of the amendment that are not favorable.

The amendment is poorly designed to

assist the needy. Sixty percent of the aged own their own homes, and most of them own their own homes, mortgage free. The financial stress of housing costs is far less among the aged than among younger couples who are still financing homes or saving for the education of their children. We should put the money where it is most needed.

This, too, has been referred to as a revenue sharing device. As a revenue sharing device, the amendment should not be considered as part of this tax bill, but should be considered within the context of the revenue-sharing program now being considered by the Congress.

Furthermore, the Committee on Finance has not had hearings on this matter. It should be set aside until such time as it can be given adequate consideration by the Finance Committee.

Let me point out some of the problems I see with the amendment.

First. This amendment can be compared with competitive programs of aids and reliefs for the many deserving groups of the population, including the urban low-income population, generally, the rural poor and the disabled, as well as the aged.

Second. Many aged homeowners and renters who live alone share their housing with boarders. To the extent that the real property tax is shifted to the boarders, then property tax relief becomes a windfall.

Third. Homeowners can currently obtain a deduction for real estate taxes paid. Under the amendment aged homeowners would also obtain a 10-percent credit subject to limitations. This means that the aged homeowner would get at least 114-percent credit for every dollar of property tax paid.

Fourth. The aged homeowner who has income below the nontaxable Federal level would receive no benefit under the amendment. As a consequence, those who need the relief most are not helped at all. Under present law, an aged single person is nontaxable if his income is $2,500 plus social security benefits. He may be nontaxable if his income is $4,024 if he receives no social security benefits. Similarly, a married couple is nontaxable if its income is $4,500 plus social security benefits or $6,786 without social security benefits. Obviously, the many aged with incomes below these nontaxable levels would receive no benefit whatever from the amendment.

Fifth. The aged now receive substantial tax benefits which make their incomes nontaxable at higher levels than other taxpayers. In fact, the aged will benefit more than others by the tax bill provisions now passed by the Senate and the House-passed H.R. 1. For example, the $800 exemption passed by the Senate—which is really $1,600 for those over 65—plus the $1,300 minimum standard deduction, plus the retirement income credit liberalization in the House-passed H.R. 1 will permit a single aged person to have as much as $5,400 tax free and an aged couple as much as $8,250 tax free. Certainly, this relief is much beyond the phaseout levels in the amendment and strongly suggests that the tentative reliefs already provided are quite generous.

It has been brought out by the Senator from Georgia that we have given many tax benefits to the elderly in the bill.

Mr. President, certainly I am very much for assisting the elderly, but when we start to talk about something that is not equitable, it is as wrong if it pertains to the elderly as it is wrong if it pertains to anything else.

Sixth. The amendment has a serious inequity because above the phaseout level it treats persons with social security benefits more generously than those who have other forms of retirement income. This arises from the fact that social security is not included in the definition of income for the purpose of determining the phaseout.

Seventh. The amendment would create monstrous compliance and administrative problems. It will be difficult to determine "rent constituting property taxes" which must exclude the value of utilities, services, furnishings, and appliances. How can the allocation of rent for these purposes be determined reliably and equitably?

Eighth. The rental credit is arbitrary. What reason is there for believing that 25 percent of rent represents property tax. It is impossible to know whether the correct proportion is 0 or 5 or 50 percent.

Ninth. The amendment would make it attractive to localities to increase their reliance on the property tax—a vehicle which has come under increasing fire for placing heavier burdens on the poor than on the rich.

Tenth. A combination of Federal and State property tax reliefs will cause a multitude of problems. It would not be a simple substitution of Federal relief for State and local relief because the forms of relief at the State and local level differ materially. In some cases, it may be difficult to determine what form of real estate tax paid is eligible for Federal relief if the structure of the local relief is such that definitions of income and eligible taxes differ, income phaseout levels differ, proportions of rents attributable to property tax differ, and so forth.

Mr. President, this amendment does not accomplish the goals stipulated by the distinguished Senator from Missouri (Mr. Eagleton), and it has many problems. I urge the Senate to reject it.

Mr. BENTSEN. Mr. President, I rise as a cosponsor and a strong supporter of the Eagleton amendment to the Revenue Act.

It is very clear that older Americans in this country have suffered severely from the ravages of inflation. Far too few can look forward to retirement as a period of ease and comfort. Because of many interrelated and complex factors, too often aging is a time of need—need for food, need for work, need for financial security, and need for friendship.

The cruel fact is that over one-third of today's 20 million older Americans are either in poverty or being threatened by it.

Many are living in substandard housing because they cannot afford to buy or rent a decent place on fixed incomes.

Malnutrition and lack of adequate medical care is common to many who have passed the age of 65.

And isolation and idleness is prevalent among many who desire stimulating and rewarding work.

In the near future, I will be offering a detailed summary of my own thoughts on how we can provide more aid to our forgotten generation of older Americans.

For the present, let me say that the Eagleton amendment offers us a chance to attack the most fundamental problem facing the elderly: economic insecurity.

A recent report of the Senate Special Subcommittee on Aging notes that the average urban household pays about 4 percent of its total income for property taxes. It goes on to say that older homeowners with markedly reduced incomes in retirement pay a disproportionately large percentage of their total income for property taxes.

In Wisconsin, more than 8,000 aged homeowners living on less than $1,000 a year paid about 30 percent of their total family income for property taxes; 30 percent.

It is estimated that elderly households with family income below $5,000 pay about $1.5 billion in local property taxes.

The Eagleton amendment is directed to remedying that situation. It would allow a tax credit to individuals with an adjusted gross income less than $6,500. The credit could not exceed $300—or $150 in the case of a married person filling a separate return—for the amount of State and local real property taxes paid on an owner-occupied principal residence or for the amount of rent constituting property taxes.

Mr. President, it is true that Federal tax law allows individuals to deduct real property taxes, provided they itemize their deductions. But this offers slight relief to low-income elderly persons, since their income is frequently so low that the relief offers them little benefit. In fact, much of the benefit goes to aged property owners in the middle and upper income brackets.

Mr. President, tax relief from State resources for older homeowners and centers does not appear to be economically feasible because of the severe financial straits in which most States find themselves.

But we must have relief, for if we do not, the elderly will find their retirement incomes dwindling faster and faster.

The Eagleton amendment offers us a beginning. I urge its adoption.

Mr. PEARSON. Mr. President, it is with great pleasure that I have cosponsored this amendment with the distinguished Senator from Missouri (Mr. Eagleton). In addition, I would like to congratulate the Senator for offering this amendment at this time, as I believe it will certainly help underscore the plight of many older Americans today.

Last May 4, I introduced a bill very similar to the amendment now under consideration. At that time, I commented that the median income of older persons living in retirement is approximately $2,000. With this income, a senior citizen is guaranteed precious little security to assure a retirement of ease and enjoyment.

One of the few material satisfactions many older Americans have is ownership of their homes. Nearly 70 percent of all people over 65 own and occupy their homes. Yet a recurring fear is the prospect that someday rising prices and taxes may force them to give up their hard-won homes.

Mr. President, in this wealthy and prosperous Nation, I feel that such fears and realities should not exist. Clearly, we owe senior citizens, who have worked throughout their lives to better themselves and their communities, a great measure of our gratitude and respect. That they will be forced to sell their homes and take up residence in accommodations more within the means dictated by their shrinking budgets is, I believe, a disheartening comment on our society and our times.

For these reasons, there are many measures which need to be approved. The amendment we offer today is one of them. Under this proposal, a tax credit not to exceed $300—or $150 in the case of a married person filing a separate return—would be granted to any American 65 years or older earning an adjusted gross income of $6,500 or less.

There is another facet of this measure which, in my judgment, enhances the merits of this proposal. If approved, the amendment would also grant a tax credit of 25 percent of the rent older Americans pay for their residences. Since over 20 percent of the Nation's 20 million senior citizens rent their homes or apartments, I feel that this particular proposal is extremely beneficial, and I congratulate Senator Eagleton for including it in this amendment.

Mr. President, with the upcoming White House Conference on Aging, it would be particularly appropriate for us to express our concern for the plight of the elderly by approving this measure today. One of the goals of this conference will be to find ways to insure that all retired citizens remain in the mainstream of American life. If we are to achieve the means whereby an active, useful, and rewarding retirement can be assured, it must surely be acknowledged that our aging Americans deserve the benefit of knowing that no Federal, State, or local government shall contribute to the loss of their home.

Mr. SPONG. Mr. President, I am pleased to cosponsor and support the amendment offered by the Senator from Missouri (Mr. Eagleton), to provide a tax credit against their Federal income taxes for certain persons over 65 years of age for local real estate taxes paid on owner-occupied homes and for that portion of rent which results from local property taxes.

Those of our elderly citizens who live on social security, pensions and other fixed incomes are particularly affected by the inflation and continuing rises in the cost of living which seem to plague our economy.

Faced with limited resources, inability to work or restricted opportunity for employment, and often with high medical bills, these persons find the local property taxes particularly burdensome. The cost of maintenance, taxes, and insurance on a home, which generally pose no problem for these people while they are working, become a major and growing expense.

The alternative is often to cut on certain items, perhaps food, or to move to another usually smaller and less convenient area—to leave behind the home they bought and paid for and in which they have invested their time and efforts, to leave the neighbors and neighborhoods they have known for years, to give up the security of familiar surroundings.

I believe our Nation can and should assist these persons. These are people who worked long and hard for many years and who paid their taxes—Federal, State, and local—for perhaps three or four decades.

I hope the Senate will act to help our elderly citizens with one of their most difficult problems by accepting this amendment.

Mr. KENNEDY. Mr. President, I rise to support the amendment offered by the Senator from Missouri, who is chairman of the Senate Subcommittee on Aging, and who has long sought to relieve the poverty and isolation that accompanies the aging process for too many Americans.

Today, there are some 20 million elderly Americans and 1 of every 4 is living in poverty. Older Americans are the only group in this society which has been getting poorer during the past decade while the rest of the Nation was getting richer. Ten years ago, only 15 percent of the total number of poor in the Nation were over 65. Today 20 percent of the poor are elderly.

In the past 2½ years, unemployment has risen over the 5.5 million mark, the older American has been the first to be fired and the last to be hired.

No wonder that today only 26.7 percent of the men over 65 years of age are even counted in the work force, and only 9.7 percent of the women over 65 are in the work force.

Yet these are men and women who want to work. They want to work, they are physically able to work, but we have arranged it so that no one wants them and they have to exist during these years of forced retirement on the most meager of incomes.

That is why this amendment, which would provide a tax credit for the amount of State and local property taxes paid by low- and moderate-income elderly is so important.

When the median income for the 5.7 million elderly Americans who live alone is $1,855, it becomes clear that a tax credit as proposed by this amendment is really a very modest attempt to relieve the economic burden borne by older Americans.

It would provide a tax credit of up to $300 to cover property taxes on either an owner-occupied home, or up to 25 percent of the rent paid by elderly persons whose incomes are less than $6,500.

Mr. President, in my own State of Massachusetts, where some 11.4 percent of the total State population is over 65, we have ever-present knowledge of the tragic circumstances in which so many of our senior citizens are forced to live.

To a degree, Massachusetts has sought to meet this problem with a variety of programs for the elderly. Strong advocates of the interests of the elderly such as the Massachusetts Council of Elders have played an important role in communicating the special needs of the elderly.

In Massachusetts, there is a limited exemption available for relieving citizens of property tax burdens. But as in most of the other 21 States where similar exemptions have been enacted, there is no adequate provision to relieve the economic burden on the elderly renter who pays his property tax through his monthly rent.

In fact, across the Nation, only three States, Wisconsin, Minnesota, and Vermont, have provided any relief to the elderly person who pays taxes. In Wisconsin, that relief was passed after it was found that more than 8,000 aged homeowners living on less than $1,000 a year paid nearly 30 percent of their total family income for property taxes.

Across the Nation, it is estimated that elderly households with family income below $5,000 pay some $1.5 billion in local property taxes.

Mr. President, if we want to show the Nation's older Americans who are to be represented by delegates to the upcoming White House Conference on Elderly that we recognize their needs, approval of this amendment would be an excellent way of doing that.

Mr. BAYH. Mr. President, I am pleased to cosponsor this amendment which can help restore a bit of financial security to older Americans who find that social security and private pensions are not enough to keep pace with the cost of living. This amendment recognizes the terrible burden skyrocketing property taxes have placed on senior citizens living on fixed incomes.

This is a straightforward proposal with a number of points to recommend it.

Senior citizens with an annual income of $6,500 or less will be able to reduce their Federal income tax payments by the amount of their property taxes with a maximum credit of $300.

This is not another deduction whose dollar value is often less than it first appears. This is a direct credit against taxes due; it is a true out-of-pocket savings.

By setting a maximum income for eligibility at $6,500, the amendment aids those who truly need the assistance—the senior citizens living on a tight, fixed income.

There can be no question about the fact that the persistent inflation of the last 7 years has been particularly severe in its impact on the elderly. These are the golden-age Americans who, after decades of hard work, have justly retired to enjoy the fruits of their labor. What a terrible irony it is for them to find that the value of the dollar has shrunk to the point where social security and private pensions barely provide the basic necessities of life.

These are the people who worked and saved, who paid social security and contributed to private pension plans; these are the people who dream of secure retirement years in which they would not be a burden on their families or on society. They deserve that right.

Of these senior citizens, two-thirds own their own homes; 80 percent of those have paid off their mortgages. And despite substantial equity—more than $25,000 for half of this group—many are forced to give up their homes because of the inability to meet soaring property taxes while on a fixed income.

Inflation is undermining the security which these Americans worked so hard to create for themselves. This amendment provides one step in the direction of a solution and I am proud to cosponsor it. I commend the distinguished Senator from Missouri (Mr. EAGLETON) for introducing it.

But our efforts must not rest here. We must remain diligent until all senior Americans have realized the basic right to enjoy a minimum standard of living. This is why I cosponsored S. 1645 introduced by the Senator from Idaho (Mr. CHURCH) to guarantee every American over the age of 65 a minimum income of $1,852, or $3,328 for a married couple. The passage of this legislation would be evidence of our commitment to the principle that no senior citizen should be forced to live on an income defined by the Federal Government as a poverty-level income.

If we are ever to have a bill of rights for the elderly, the hallmark of that bill of rights will be the right not to live in poverty.

Another fundamental right is the right to the best possible medical care regardless of financial means. This was our aim when we established medicare 6 years ago, and we must not back down from this goal.

But all of our efforts for the senior citizens of this Nation will prove futile if the administration refuses to meet its responsibilities. I refer specifically to the cynical cutback in the Administration on Aging established in 1965 to coordinate Federal programs for the elderly.

While every independent study has recommended strengthening the Administration on Aging, the Nixon administration has refused to request even the most minimal budget for this valuable program. While requesting billions of dollars for unnecessary programs of questionable worth, the administration has requested only $29.5 million for the Administration on Aging for the current fiscal year, or a mere 28 percent of the amount authorized by the Congress.

What a foolish and cruel economy measure to deny the very slight funding needed to sustain the Administration on Aging. The refusal to adequately fund programs for the elderly has required these cutbacks:

The staff of the Administration on Aging has been reduced from 80 to less than 30.

The community services program has been emasculated, with the administration proposing to spend only a third of what was spent 4 years ago.

The Foster Grandparents program was made voluntary, taken away from the Administration on Aging, and the minimal reimbursement needed by participants was denied.

It is all too clear that the Administration on Aging is facing a deliberate and systematic attack by the same Nixon administration which is going into a White House Conference on the Aging without having met some of the long-standing needs of the elderly established at the last conference 10 years ago. Conferences are fine, as far as they go. But if they fail to lead to positive action—which was the failure of the White House Conference on Food, Nutrition, and Health—then they are a waste of time and a waste of money.

The senior citizens of this Nation need much more than cheap rhetoric. They need help; they need specific programs and the funding to make them work.

For my part, Mr. President, as a cosponsor, I shall support the pending amendment for the property tax credit as one part of a program in which promises are met and commitments honored.

The PRESIDING OFFICER (Mr. HUGHES). Who yields time?

Mr. EAGLETON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes remain to the Senator from Missouri.

Mr. EAGLETON. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. EAGLETON. Mr. President, this amendment has been criticized by the distinguished Senator from Georgia (Mr. TALMADGE) and the distinguished Senator from Arizona (Mr. FANNIN). Some of the criticism relates to the fact that this amendment does not go far enough; namely, recitation was made of the people who will not benefit from the amendment. It is faulted for being too meager. With that latter criticism I have to at least in part subscribe. I consider this to be a first important step—but only a first step in the direction of adequate tax relief for the elderly.

I accept the criticism that it does not go far enough. I also accept the criticism that my amendment is too fiscally responsible.

Mr. TALMADGE. Will the Senator from Missouri yield at that point?

Mr. EAGLETON. I yield.

Mr. TALMADGE. Those were criticisms that did not occur on the Senate floor. To whom is the Senator referring?

Mr. EAGLETON. The Senator from Arizona (Mr. FANNIN) referred to the people who would receive no benefits from the amendment.

Mr. FANNIN. Mr. President, I stated that it would be unfair and inequitable to other groups of people who are more in need of relief. I believe in relief for the elderly but it is not possible to provide relief to every conceivable group of taxpayers in this one bill.

Mr. EAGLETON. I thank the Senator from Arizona for his clarification.

Mr. President, the second criticism I heard of the amendment, mostly from the Senator from Georgia (Mr. TALMADGE), was that would add to, or duplicate, the amendment the many tax benefits that older people now have.

Mr. TALMADGE. Will the Senator from Missouri yield at that point?

Mr. EAGLETON. I do not yield at this moment. I will, after I have finished this comment.

The Senator from Georgia failed to point out what I tried to emphasize in my initial remarks. We can talk about all the deductions in the world, but the stark truth is that one-half of all elderly taxpayers do not itemize their deductions. They take the standard deduction. Thus, they do not get all the juicy benefits, mentioned by the Senator from Georgia.

Under the tax credit system in my amendment, those elderly persons will also get benefits, as much as $300, money they so desperately need.

Would anyone argue that the elderly of this country are so well off and so prosperous and so much in command of their own financial destiny that they do not need this relief. Countless task forces, committees, and commissions have documented the precarious economic situation in which a majority of our older citizens live.

I will not take the time of the Senate to itemize the relief given already in this bill to big corporations, to big this, and to big that. I believe we can afford to provide this $225 million in property tax relief which the elderly so desperately need.

I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Missouri (Mr. EAGLETON).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Arkansas (Mr. FULBRIGHT) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA) would each vote "nay."

The result was announced—yeas 65, nays 19, as follows:

[No. 373 Leg.]

YEAS—65

Aiken
Allen
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Dole
Eagleton
Fong
Gambrell
Griffin
Gurney

Harris
Hart
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Sparkman
Spong
Stafford
Stevenson
Symington
Thurmond
Tunney
Weicker
Young

NAYS—19

Allott
Anderson
Bellmon
Bennett
Brock
Buckley
Byrd, Va.
Cooper
Dominick
Eastland
Ellender
Ervin
Fannin
Hansen
Jordan, Idaho
Smith
Stennis
Talmadge
Tower

NOT VOTING—16

Curtis
Fulbright
Goldwater
Gravel
Hartke
Hruska
Humphrey
Inouye
Long
Mundt
Muskie
Packwood
Saxbe
Stevens
Taft
Williams

So Mr. Eagleton's amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, will the majority leader yield to me so that I may propound a unanimous-consent request?

Mr. MANSFIELD. I yield.

Mr. EAGLETON. Mr. President, I ask unanimous consent that Senators Hatfield, Randolph, Hollings, Montoya, Moss, Percy, Byrd of West Virginia, Ribicoff, Cannon, and Javits also be listed as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. Stevenson). The Chair recognizes the Senator from New Hampshire.

Mr. MANSFIELD. Mr. President, may we have order in the Senate so that the Senator from New Hampshire, who has been most patient, can be heard.

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 698

Mr. COTTON. Mr. President, I call up my amendment No. 698.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with. I can explain it fully and quickly.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

At the end of the bill insert the following:

TITLE X—PROTECTION OF AMERICAN INDUSTRY AND LABOR

Sec. 1001. Authorization for Imposition of Quotas or Other Barriers

(a) Imposition of Restrictions.—Whenever the President finds that—

(1) the importation of any commodity from a foreign country is at such levels so as to disrupt the domestic market or is causing injury to industries, firms, or workers in the United States, or adversely affecting the balance of payments of the United States, and

(2) the foreign country producing such commodity is imposing restrictions (by means of quotas, import licenses, tariffs, taxes, or otherwise) against the importation into such foreign country of articles produced in the United States,

he is authorized, by proclamation, to impose such quantitative limitations and such other restrictions as he determines necessary on the importation into the United States of articles produced in such foreign country.

(b) Termination of Restrictions.—In any case in which the President has imposed restrictions under subsection (a) on the importation of articles produced in any foreign country, whenever the President determines that the restrictions imposed by such foreign country on the importation into such country of articles produced in the United States no longer exist, he shall, by proclamation, terminate the restrictions imposed under subsection (a) on the importation of articles produced in such foreign country.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. COTTON. Certainly. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, who controls time in opposition?

The PRESIDING OFFICER. The opposition is controlled by the manager of the bill.

Mr. RIBICOFF. Mr. President, in view of the fact I will vote for the Cotton amendment, I would be pleased to place the time in opposition in the hands of the Senator from New York.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BENNETT. Will the Senator place that time in my hands?

Mr. RIBICOFF. I beg the Senator's pardon.

Mr. President, I place the time in opposition in the hands of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah will control the time in opposition.

Mr. COTTON. Mr. President, before I ask for the yeas and nays, I desire to modify the amendment and send the modification to the desk.

Mr. President, in line 1, I desire to modify the title of the amendment. Changes have taken place since this same amendment was adopted by the Senate in December, 1969, causing the title to be a misnomer.

Therefore, Mr. President, I ask unanimous consent to modify the amendment in lines 1 and 2, as follows:

Promotion of Reciprocal Trade and Protection of American Jobs.

In addition, I ask unanimous consent to modify the amendment in lines 3 and 4 on page 1 to read:

Authorization for imposition and removal of quotas or other trade barriers.

The PRESIDING OFFICER. Without objection, the modification of the amendment will be made.

The amendment as modified reads as follows:

At the end of the bill insert the following:

TITLE X—PROMOTION OF RECIPROCAL TRADE AND PROTECTION OF AMERICAN JOBS

Sec. 1001. Authorization for Imposition and Removal of Quotas or Other Trade Barriers.

(a) Imposition of Restrictions.—Whenever the President finds that—

(1) the importation of any commodity from a foreign country is at such levels so as to disrupt the domestic market or is causing injury to industries, firms, or workers in the United States, or adversely affecting the balance of payments of the United States, and

(2) the foreign country producing such commodity is imposing restrictions (by means of quotas, import licenses, tariffs, taxes, or otherwise) against the importation into such foreign country of articles produced in the United States,

he is authorized, by proclamation, to impose such quantitative limitations and such other restrictions as he determines necessary on the importation into the United States of articles produced in such foreign country.

(b) Termination of Restrictions.—In any case in which the President has imposed restrictions under subsection (a) on the importation of articles produced in any foreign country, whenever the President determines that the restrictions imposed by such foreign country on the importation into such country of articles produced in the United States no longer exist, he shall, by proclamation, terminate the restrictions imposed under subsection (a) on the importation of articles produced in such foreign country.

Mr. COTTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. COTTON. Mr. President, I hope that we will be able to dispose of this amendment without using all of the time which has been allotted.

This is a simple amendment. I think it is clear and understandable without much discussion. I offered the amendment to the tax bill in December, 1969, and it was agreed to by a vote of 65 to 30 in this body. It was thrown out in conference because at that time the House conferees did not consider that it was really germane to that particular tax bill.

It certainly is more germane to this bill because this tax bill recites as one of its purposes the creation and encouragement of jobs and employment.

The amendment provides that whenever the President finds that:

(1) the importation of any commodity from a foreign country is at such levels so as to disrupt the domestic market or is causing injury to industries, firms, or workers in the United States, or adversely affecting the balance of payments of the United States, and

(2) the foreign country producing such commodity is imposing restrictions (by means of quotas, import licenses, tariffs, taxes, or otherwise) against the importation into such foreign country of articles produced in the United States,

he is authorized—

Not directed and not compelled, but he is authorized—

by proclamation, to impose such quantitative limitations and such other restrictions as he determines necessary on the importation into the United States of articles produced in such foreign country.

(b) TERMINATION OF RESTRICTIONS.—In any case in which the President has imposed restrictions under subsection (a) on the importation of articles produced in any foreign country, whenever the President determines that the restrictions imposed by such foreign country on the importation into such country of articles produced in the United States no longer exist, he shall, by proclamation, terminate the restrictions imposed under subsection (a) on the importation of articles produced in such foreign country.

Mr. President, I say now as I said 2 years ago, but I can say it now with greater emphasis, that this is not a protectionist measure. This is a free trade measure in the fullest sense of the word because it calls for true free trade in that there must be a two-way street.

As far as the authority granted the President in the first part of the amendment, it probably does not grant him any more authority than he already has because he has exercised authority under the Reciprocal Trade Act of 1962, I believe, and also by reason of an act in 1917 he exercised the authority to impose the 10-percent surtax arbitrarily, and he might or might not be sustained by the courts in that.

But it does make clear his authority and it also attaches a definite right. When this amendment was debated before the Senate in 1969, it was opposed by the Department of Commerce.

At that time Secretary Stans was engaged in negotiations in the matter of textiles with Japan and other countries—negotiations, by the way, which came to naught, but he was engaged in those negotiations. He and the Department of Commerce—and I assume they represented the administration—objected to this measure because they felt it would be taken as a provocation by other nations and might make their negotiations all the more difficult and might start a trade war.

It is not opposed now because the administration and the Commerce Department have now gone far in advance, and the President has imposed, as we all know, the 10-percent surcharge, which will presumably, if we are worried about trade wars—I am not worried about them, but if we are worried about trade wars—will prove more provocative than anything that is in this amendment.

Indeed, I wish to assert and argue to the Senate that this is a measure which should be reassuring to other nations, because it declares a policy that, even though other countries are producing cheaper products because of low wages and even though other countries have many advantages, this Nation is ready and willing to meet them on even terms in free competition without asking protection because of differences in wage scales or any other differences. All we ask—and it is our proclaimed policy—is that free trade shall be a two-way street and that we may be permitted to try to produce and try to sell in other countries just as they will be permitted to produce and sell to us.

If there is anything in that declaration—particularly since the developments that have taken place in the time that has elapsed since 1969—and if there is anything in this amendment that is provocative, that is protectionist, that would promote a trade war and discourage reciprocal trade, it is very difficult for me to find it.

Mr. President, I remember when we debated this matter before that they talked about automobiles. They said it was true that the Japanese were flooding our country with shoes and electronic products and textiles—other countries were, not just the Japanese—but that our trade balance, however, on the whole was advantageous, and they recited again and again automobiles.

Now we have a situation in which German and Japanese automobiles are flooding this country. Germany has a tariff of up to 16 or 17 percent, I believe. Japan for practical purposes does not let automobiles into that country. The Toyota is selling in California for about $2,000, but the Vega, if that is the General Motors product of the size of the Toyota, if it gets into Japan—and then only in limited quantities—sells for $4,000, just double the price.

I visited Spain not too long ago, and the commercial attaché of our Embassy told me that the Spanish people have a tremendous desire, a great yen, to buy American-produced electrical household appliances like toasters and other appliances, but that they cannot get them because only a limited quantity of licenses was granted by the Government to import these appliances, and the quantity was so restricted that only one in 3 or 4 hundred people in Spain had an opportunity to purchase the American-made product.

I do not wish to prolong this debate. I simply direct attention to the fact that it is only optional with the President if he is to place restrictions, but it is mandatory in this amendment that if foreign countries remove their restrictions he shall remove ours. That is why I call the amendment an amendment for the promotion of reciprocal trade as well as for the protection of American jobs. That is why I feel it clarifies——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 1 minute more.

It clarifies and at the same time it establishes a policy which is, I assert, completely fair not only to this Nation but to every other nation on earth.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, first let me thank the Senator from New Hampshire (Mr. COTTON) personally for having delayed the presentation of this amendment until I could arrive in Washington, knowing that I wished to oppose it.

I oppose the amendment because I believe it only pyramids the mistakes we and the administration have already made, and having made them—to wit, the inclusion of title VI in this bill—this particular amendment is far less specific and far less artful in its design. In addition, it has no date of expiration, whereas title VI of the bill does have a date. The authority expires in 1974.

It is true, as the Senator from New Hampshire says, that he is giving a grant of authority to the President. The grant of authority to the President is, on the part of the President, optional—he may or he may not exercise it—but the giving away of authority by the Congress is absolute and final, and it is that that I object to.

Deeply believing in international trade as I do, I do believe we have many problems which require a reshaping of American trade policy, but the reshaping must be done not with a cutlass but with a scalpel, because the reshaping will have to take into account a new situation in the world in which we can do more harm by this type of legislation than the benefit we could possibly derive therefrom.

What I object to in this amendment are the following four matters: One, it is less refined and particularized than title VI, which has already been sustained by the Senate, notwithstanding the efforts of the Senator from California (Mr. CRANSTON), myself, and other Senators to strike it out. Second, it has no terminal date. Third, it gives to the President, in a kind of broad sweep, all the powers which we ourselves must carefully examine and husband in order to reshape the international economic policies of the United States. Fourth, it like title VI is not germane to tax legislation and I remind my colleagues that this germaneness rule was used and very wisely used in 1969 to strike this exact amendment from another tax bill.

Now, lest the Senate believe that I am just making a general statement, I beg Senators to examine title VI, which is headed, "Protection of Balance of Payments." It deals with, first, the date: The exercise of the authority is limited to up to December 31, 1974. That was the successful Fulbright amendment.

Second, Mr. President, it limits the authority of the President to using it when he declares a balance-of-payments emergency, and that term, balance-of-payments emergency, is defined.

In addition, Mr. President, it deals with the problem of both the surcharge which the President has imposed and whatever restrictions he places on imports of particular goods, and limits the aggregate figure to 15 percent.

These are only some of the requirements which are introduced into title VI.

We already know that in the other body there will be great effort to develop comprehensive trade legislation. Indeed, the Mills bill, which failed last year, as we all know, because it became a Christmas tree, specifically dealt with this area with the greatest refinement, and hopefully will again, Mr. President.

So artlessly drawn is this amendment—and I am not complaining about it, because I believe it ought to be struck down altogether, so I am not giving that as the reason why Senators should vote against it—that while, for example, it is by now deeply rooted in the law that only such importations as can cause "serious injury," and that is the specific term by law, should call for some redress by the United States, this particular amendment goes back to the old use of the word "injury," which was found very inadequate for the policy of our country.

Another artless point, Mr. President, is where it says "is causing injury to industries, firms, or workers now." It does not even call for industries, firms, or workers in a competitive industry. Any industry, firm, or worker would be eligible.

I repeat, I am not trying to call those things to the attention of the Senate by way of a decisive argument to defeat the amendment. I only call attention to them to show we are laying on with the cutlass in a very critical area instead of laying on with the scalpel, especially as we now have in the bill a designed measure, to wit, title VI, which gives the necessary authority to the President as the Senate now wishes to sustain it; and I think it would be very unwise, in essence, to give another authority which is far broader, thereby, in effect, canceling out title VI.

I also wish to point out that the administration decision to support title VI, I have subsequently found out, caused enormous dissension within the administration as well it should since it is a double-edged sword that could cut both ways in our relations with the rest of the free world.

Moreover, the President has recognized that we are in a new situation, involving new alinements of currencies as well as the effect of currencies realinements upon capitalization; and finally the fact, which I think is undeniable, that the United States has to, because of its own financial situation, review the situation of multinational corporations, which there is a good deal of complaint.

My feeling is, instinctively as well as from what I have seen, that we can show a heavy balance of benefit to all the people of the United States from the operations of the multinational corporations as a group, up to now. But that is still sub judice. The whole subject needs to be looked into dealt with, and proved. The recent votes of the Senate clearly indicate that the multinational corporation has not made its case sufficiently, with the Congress.

I agree with the President when this is the policy of the United States when he stated:

> We cannot remain a great Nation if we build a great wall of tariffs and quotas around the United States, and let the rest of the world pass us by. We cannot turn inward and we cannot drop out of competition with the rest of the world.

This, it seems to me, is valid, and it must encompass the real possibility that as we act so will other nations react in kind with quotas or import licenses, tariffs, taxes, or otherwise, which may restrict our market access to their markets. If the criterion in the bill are the only criterion for the President's action, forget about criteria; just write him a letter and tell him:

> Do anything you please respecting the foreign economic policy of the United States; we sign off.

That is all we are doing. We are totally abdicating the constitutionally defined congressional role in codetermining the trade and monetary policy of the United States.

And again this abdication is taking place at the most crucial time in our economic relations with the free world since the end of the Second World War.

Mr. President, I warn that we are reaching a watershed in our economic relations with the free world—with our allies in the free world. If the pendulum swings too far and it has swung too far in the Senate, the consequences for the free world's economy and our national security could be enormous.

I find it tragic that at the very time we are seeking new markets in the Soviet Union, at the same time that we are opening the door for American investment in Yugoslavia and Rumania, we are jeopardizing our traditional trading and investment relations with our allies in the free world.

Clearly, Mr. President, we need to design a new policy. The growth of protectionism among American labor, which I decry, is nonetheless real. We cannot avoid it. The drastic impact of Japanese concentrated imports within a short time on a given business—how much more time do I have?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. May I have 1 more minute to finish?

Mr. BENNETT. I yield the Senator 1 minute.

Mr. JAVITS. Finally, Mr. President, I urge the Senate not to adopt this amendment, in view of the fact that there is a far more refined instrument already in the bill, which has been sustained by the Senate, and that, from our point of view, this is an absolute grant of power to the President. Until a time when we have to deal with this whole issue in a very refined way, we should not strip ourselves of that authority and give it totally to the President to use at his discretion.

Mr. BENNETT. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I fully recognize the vigilance of the distinguished Senator from New Hampshire in promoting industry in his own State and his own region of the country, which has been subjected to competition within our country and drainage of plants moving south, and also by foreign competition. The Senator is vigorously attempting to protect in every way he legitimately can the economic interests of his area. I honor him for those attempts.

I regretfully will have to oppose the amendment, for a number of reasons.

First, I think it gives too great a new grant of authority to the President to impose import quotas. It is almost another Gulf of Tonkin resolution in the area of foreign economic policy.

We have pursued a policy of liberalizing trade in order to expand markets ever since the disastrous days of the Smoot-Hawley Tariff. This has been true of all Presidents and all administrations since the 1930's. I would hate to see us take a step that would imbue the President with power that I feel confident he does not want and does not intend to use, but which would symbolize to the world that somehow we are reversing a course of action that the country has taken for many, many years.

Second, I would point out that this present bill already provides a good deal of additional authority to impose protective trade measures and already this additional authority is giving cause for alarm to many of our friends and trading partners. It grants the authority for a new surcharge of 15 percent. It provides for discriminatory treatment of foreign capital equipment; and it provides for the ability to reimpose excise taxes on imported cars and trucks.

So there are protective and protectionist measures already enunciated, which are already causing considerable alarm.

Third, I say, therefore, that the amendment as now offered is really a case of overkill. I simply cannot conceive that we would be willing to move in such a direction, offering such vague powers that would cause tremendous international concern—powers that I feel the President would simply not use, because he fundamentally has always been a believer in the concept of freer trade.

Next, I would point out that the world economy is right now in a state of shock. There is the possibility of worldwide recession. There is a recession now in certain European countries. Though we have unemployment in this country, our good trading friends in Canada have more unemployment, and they and others are deeply concerned with the current 10-percent import surcharge, the discriminatory application of the investment tax credit, and the additional protectionist measures in the Senate bill.

Every measure that we take to try to protect certain industries in this country is a way of insuring that someone retaliates against us, which hurts some other industry in this country which depends upon export markets. We are in a very precarious and delicately balanced position right now with respect to other world economies, which have depended for their growing prosperity upon the relatively free movement of goods between the free countries of the world. If we start, step by step, to impair that progress just in order to give a little bit of protection here and a little bit of protection there, everyone else is going to give a little protection here and a little protection there. It is pretty hard to be a little pregnant—and it is very difficult to just keep moving in the direction that will reverse the course this country has been taking for many years.

Last, I would oppose the amendment because I am deeply concerned about the vague wording. I am not really sure what "injury" means and what "destruction of domestic markets" means. It is a terrible disruption to a manufacturer and an industry in this country—say it is American Motors—if General Motors puts out a car that competes effectively with the models they have out now. Are we to protect every business in America from disruption or from injury? They are injured every day. Every time someone makes a competitive advantage through research, through lowered cost, through greater efficiency, through greater output, through better marketing—whatever it may be—someone is injured, because we are not always expanding every market. Someone in the competitive system has to give a little; that makes him work harder.

If we provide a little degree of protection against disruption in the domestic market or against injury because somebody imports a product that the American consumer really wants, it is going to make us relatively inefficient with respect to world markets. I would hate to see the day in this country when we decided to forgo the markets of 3 or 4 billion people abroad and just kept selling to the 200 million people in this country. It would mean increasingly higher prices and less efficiency. This would be real isolationism, and the person who would pay the hardest would be the consumer and the taxpayer.

For these reasons, I must oppose the amendment, though I respect fully the spirit in which it is offered by my valued colleague.

Mr. BENNETT. I yield myself such times as I may use.

Mr. President, I want to summarize the things that have been said.

I have been in business all my life. I am completely in sympathy with the objective of the Senator from New Hampshire, but I am very much afraid that his proposal will not accomplish the real objectives we should have in trying to solve this problem.

In the first place, let me repeat that the President now has this authority. This amendment would not give him any new authority that he does not now have. But with respect to the part of the amendment that would require him to lift restrictions when our trading partners might do something on their side of the bargain, we would be limiting his authority.

The problem we face is not basic authority. It is the question of programs and procedures under which the authority should be used. We in the Finance Committee have the responsibility for supervising, from the legislative point of view, our trade policies. We have become very much aware that there are policies in these practical fields. The members of the committee have made one trip to Europe. We have had hearings. We will have many more hearings in the months ahead.

We wrote some necessary procedures into the Trade Act of 1970, and they had to be dropped because we were so late in the year that we could not get the act through. I would hope that the Senate would give the Finance Committee and its Special Trade Subcommittee an opportunity to give the study to this problem that is needed, the study that it intends to give.

A point has already been made with regard to the question of retaliation, the question of the psychological effect of the passage of another restricted protectionist amendment on this bill. The President, the Secretary of the Treasury, and the Secretary of Commerce and their resources are trying to work out the multitude of problems that exist between us and our trading partners, which are different with respect to each country and our relations with them. Another expression of protectionism in this bill would make their task very much more difficult.

So, since the President already has the authority, since the committee is determined to do what it can to solve some of the practicable problems involved in the basic underlying problem, and since we have this delicate balance between us and the rest of the world as we try to work out these various imbalances one at a time, country by country, I hope we will reject this shotgun approach.

Mr. PASTORE. Mr. President, will the Senator from New Hampshire yield me time?

Mr. COTTON. How much time does the Senator want?

Mr. PASTORE. Two minutes.

Mr. COTTON. I yield 5 minutes to the Senator.

Mr. PASTORE. Mr. President, this is not a new idea. This matter came before the Senate once before, and it was overwhelmingly adopted by the Senate.

The Senator from Rhode Island has been somewhat disturbed in recent years by what has been happening to our economy insofar as it is affected by this international trade. All my life I have been an internationalist, and I have been a free trader. I have not been a protectionist. I have always voted for the Trade Expansion Act, no matter who the President was. I have said that before. But I have learned that there is not a country in the free world that does not have a limitation against some importation of American goods. Why we have tolerated this over the years is beyond my understanding.

Here we have John Connally being characterized and criticized by our allies—nations whom we have lifted, indeed, from economic frustration. Mr. Connally is being criticized for being a little too tough on this question, that he wants these governments to remove restrictions against the importation of American goods.

Do you know that you cannot sell an American camera to Japan? Watch the photographers around here. Everyone of them has a Japanese camera. They bought them in America. If you can buy a Japanese camera in America, ask the Japanese why can you not buy an American camera in Japan? Do you know what they tell you? "We cannot import your cameras because that would disrupt our economy." Well, how about the disruption of the American economy? Who is going to worry about us?

I realize that the President has certain powers in this area. I regret very much that they have not been employed up to now. My friends here said the other day, "Well, we are giving too much power to the President of the United States"—and that was said by Republicans. I have always said that the only place you can resolve these international questions is in the Oval Room of the White House.

My good friend, the Senator from Utah, tells us that the President has that power. Well, it took a long time before it was exercised, and this happened only a few months ago. Why was it done then? Because the integrity of the American dollar had been damaged all over the world. Imagine an American businessman going to a hotel cashier in Geneva to pay his bill and being told that they would not take the American dollar. That is what happened to us.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. COOK. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PASTORE. I know that this amendment is not going to survive in conference, no more than the other did, and perhaps this may be an exercise in futility. But I think that if we adopt it in the Senate, it will have a good psychological effect. It would strengthen the hand of John Connally and it would strengthen the hand of the President of the United States. It would make the entire world know that we have problems too. The difficulty is, we always recognize and understand the problems of other people but those people never seem to understand ours.

I remember several years ago, when Canada determined that there were too many publications coming into Canada from the United States, so what did they do? They slapped a limit on it. That was the end of it.

Denmark, only a short while ago, placed a surtax on American imports into that country.

Every time we would try to do something like that, we would be misunderstood by our friends. After all, who are our friends? Is it the people that would like to see us die on the vine, or those who understand our problems? That is what this amendment is all about. We want them to understand our problem.

I repeat, perhaps the amendment goes a little bit too far. I know that it is not going to be accepted in conference any more than the last one, but it is going to do PASTORE and Connally a lot of good to see it passed.

Mr. COTTON. Mr. President, there are some Senators who have to leave shortly, and I do not want to prolong this debate, but merely wish to say that there have been some inconsistent statements made in opposition to the amendment.

The opponents have asserted that this would give the President too much power. They also assert that it would not give him enough power.

I was rather startled with the opposition of my good friend from Utah because he voted for this very same amendment in 1969. He has since found that it is bad.

The assertion is made that the President has already got the power to impose surcharges and limitations. If that is true, then why did the committee find it necessary in title VI expressly to confer on the President that power?

Mr. BENNETT. If the Senator will yield on that point, what the committee did in title VI was to increase the ranges of the power. It did not confer on the President any power that he did not already have.

Mr. COTTON. Mr. President, I am only a country lawyer. Every time we have this kind of debate, my good friend from New York talks about "words of art" and "artless"; nevertheless, it is my fixed belief that even though the President has imposed a surcharge claiming that power under the acts of 1962 and 1917, I mentioned earlier, I still think there is some question here.

I am not so pessimistic about the amendment's going out in conference, because title VI in the bill is infinitely more drastic. This amendment declares a policy that is eminently fair. We do not need to worry about the President's overexercising his authority. Every Senator who remembers past history knows that every President of the United States since I have been around here—and I have been here 25 years—whether a Democratic or a Republican President, has been so much influenced by the State Department—particularly the State Department, but sometimes by the Department of Commerce—that they have leaned over backwards to sacrifice the interests of the American worker to aid our foreign policy. This President has indicated the same thing himself. So that the danger of a President's becoming arbitrary in this matter is extremely limited.

I notice that my friend from New York complains about the form of the amendment—I did not ask for the yeas and nays at the outset and if he wants to place a terminal date, I think that is more or less his objection—an arbitrary objection—he could have suggested that change. This is a simple declaration of policy, as a result of which I predict it will have more of a chance to survive in conference, than the more rigid provision of section VI.

I am perfectly willing to surrender my time to any other Senator who wishes to speak at this time.

Mr. JAVITS. Mr. President, I think the critical point here, which is being emphasized all over the place, is the very generality of the amendment as a complete grant of power by Congress on a tax bill, without the basis of trade hearings as to the new competitive situation, the new situation of multinational corporations, and so forth. That is why I used the word "artless," because we are depriving ourselves of authority that we may want to use tomorrow, yet here it is connected in some way to a peripheral amendment which is not even germane.

Mr. COTTON. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the November 16, 1971, Washington Post, showing that our balance-of-payments deficit is now the highest in history.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. PAYMENTS GAP LARGEST IN HISTORY—THIRD QUARTER DEFICIT HIT $12.1 BILLION

(By Carole Shifrin)

The United States recorded its greatest balance of payments deficit in history in the third quarter, the government reported yesterday.

The Commerce Department said the deficit—the difference between what the country takes in and what it spends overseas—doubled from the second quarter to the third to a whopping $12.1 billion after seasonal adjustment.

The deficit, measured in terms of foreign official holdings of dollars, thereby reflecting immediate exchange pressure on the dollar, was $2.3 billion greater in the third quarter than the $9.8 billion deficit for 1970 as a whole.

The $23.4 billion payments deficit for the January-September period "far surpasses" any yearly deficit in the nation's history, a Commerce official said, and is the equivalent of an annual rate of $31 billion for 1971 as a whole.

The huge outflow of dollars represented in the deficit was one of the major reasons for President Nixon's decision announced on Aug. 15 to suspend the convertibility of the dollar into gold and to impose a 10 per cent surcharge on imports, Harold Passer, Assistant Secretary of Commerce for Economic Affairs, said. Both actions are designed to restore a trade surplus and to strengthen the balance of payments.

It is still too soon to assess the impact of the import tax, Commerce noted. Imports may have been restrained by the imposition of the tax on goods shipped after Aug. 15, the department said, but the small amount of tax collections in September suggested that a large part of the imports that month were still exempt, probably goods already in transit when the tax was announced.

Another measure of the balance of payments, called the "net liquidity" balance (it includes all transactions with foreigners, both private and official) was a record $9.3 billion in the red in the third quarter after seasonal adjustment, a deterioration of more than $3.5 billion from the second quarter.

Passer said most of the third quarter outflow of dollars occurred in July and early August when the dollar was under severe pressure in foreign exchange markets. In the first six weeks of the quarter, the department noted there were growing expectations that a number of leading currencies would appreciate in value vis a vis the dollar.

Contributing to the official balance deterioration was a large increase in net outflows of liquid private capital. Commerce said there was a $2 billion shift in liquid liabilities to foreign commercial banks, mostly those of American banks' main offices to their foreign branches. In addition, there was an unfavorable shift of $580 million in liquid claims reported by U.S. banks and corporations.

All figures are preliminary and subject to later revision.

The department said "massive accumulations" of dollars by foreign central banks "mirrored" the record payments deficits in the third quarter. Gains tapered off "markedly" in September, the department said, but still there was a record jump of more than $11 billion in U.S. liquid liabilities to foreign official reserve agencies.

U.S. official reserve assets dropped to $1.2 billion, seasonally adjusted, with almost all the loss occurring before Aug. 15.

In discussing the substantial worsening of the "liquidity" deficit, the Commerce Department report said that "both U.S. residents and foreigners evidently contributed to the outflow, involving transactions ranging from speculative dollar sales to leads and lags in commercial and financial payments and receipts."

The department said that the trade deficit—what the United States imports over what it exports—narrowed in the quarter.

Also helping to offset the adverse shift in the balance of payments were an increase in net foreign purchases of U.S. securities and a reduction in net U.S. purchases of foreign securities.

Most of the improvements occurred in the latter part of the quarter after the new economic policy was announced.

Most of the other major industrial countries allowed their currencies to fluctuate in some degree in the exchange markets after Aug. 15, with some imposing exchange restrictions designed to limit the appreciation of their currencies or additions to their official reserves. According to Commerce, from April 30 to the end of September, the German mark had appreciated by about 10 per cent against the dollar in foreign exchange markets, the Japanese yen by about 8 per cent, the British pound sterling by about 3 per cent, and the French franc (commercial) was unchanged.

Mr. COTTON. Mr. President, let me conclude by saying that I am not terrified by the word "artless." The amendment may be artless but it is clear, plain, fair, a declaration of policy which is fair to other nations, and fair to us.

Through all the years that I have served in the Senate, every time we tried to get a measure through to protect textiles, shoes, electronics, and so forth, when we got down to brass tacks we were overwhelmed by the very same people who say that this amendment is too general.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. STEVENSON). All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New Hampshire (Mr. COTTON).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA) would each vote "yea."

The result was announced—yeas 57, nays 26, as follows:

[No. 374 Leg.]

YEAS—57

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Brock
Brooke
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hollings
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Symington
Talmadge
Thurmond
Tower
Weicker

NAYS—26

Aiken
Bayh
Bennett
Buckley
Burdick
Byrd, Va.
Case
Church
Cooper
Cranston
Griffin
Harris
Hart
Hatfield
Hughes
Inouye
Javits
Kennedy
Metcalf
Miller
Mondale
Percy
Proxmire
Stevenson
Tunney
Young

NOT VOTING—17

Boggs
Curtis
Fulbright
Goldwater
Gravel
Hartke
Hruska
Humphrey
Long
Mathias
Mundt
Muskie
Packwood
Saxbe
Stevens
Taft
Williams

So Mr. COTTON'S amendment (No. 698) was agreed to.

Mr. COTTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 1 minute, without the time being taken from either side in order that I might ask the majority leader a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader what other votes, if any, he expects today.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Illinois (Mr. PERCY) is going to call up two amendments.

Will there be rollcall votes?

Mr. PERCY. No; and I can dispose of this in just a moment.

Mr. MANSFIELD. Fine.

Mr. PERCY. In view of the fact it is now quite clear that the Senator from Oregon (Mr. PACKWOOD) will be able to call up his own amendments after disposal of the Pastore amendment at 5 o'clock on Monday, I ask unanimous consent that the unanimous-consent agreement we entered into on amendments 688 and 706 be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Then, it is the intention of the joint leadership to call up Calendar No. 437, Senate Joint Resolution 176, a joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages. The distinguished Senator from Massachusetts has an amendment, which I understand will be accepted, and I will have a brief colloquy with the chairman of the committee. There will be no rollcall votes on the joint resolution unless somebody asks for one.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Then, it is the intention to call up Calendar No. 489, S. 2878, a bill to amend the District of Columbia Election Act, which likewise is noncontroversial.

So on the basis of what the distinguished Senator from Illinois said, there will be no further rollcall votes this afternoon, and I anticipate the Senate should be out no later than 2 o'clock.

Mr. SCOTT. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I just wish to serve notice I will call up a noncontroversial amendment which has been cleared with both sides and on which we need no rollcall vote.

I am glad we will be able to adjourn today, Saturday because there is a saying, Dies dominicus non est juridicus, meaning legal proceedings may not be transacted on a Sunday.

Mr. MANSFIELD. Well, may I say that any credit for this early adjournment of the Senate on this Saturday goes entirely to the Republican leadership and our Republican colleagues who were so gracious yesterday in helping us to arrive at an agreement.

Mr. SCOTT. We always have been.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. SCOTT. Mr. President, I send to the desk an amendment of a technical nature, which I ask the clerk to state.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 79, line 3, strike out all through line 6 and insert in lieu thereof the following:

"(c) EFFECTIVE DATE.—The amendments made by this section shall be applicable only with respect to reorganizations and other changes in ownership occurring after the date of enactment of this Act pursuant to a plan of reorganization or contract entered into on or after September 29, 1971."

Mr. SCOTT. Mr. President, this amendment, in the technical nature, would correct an injustice which would occur under the pending legislation as it is now drafted.

Section 302 of the bill denies certain surviving corporations in certain reorganizations the opportunity to use the full amount of carryovers of unused investment credits of the merged corporation. The provision would be effective upon approval of this act. An inequity arises, however, where parties to a reorganization have executed contracts prior to the effective date, but because of Federal governmental delay in processing the merger application, have not consummated the reorganization.

A case in point is the pending merger of Allegheny and Mohawk Airlines. Although these parties entered into reorganization contracts before any action was taken on the pending legislation, the governmental approval necessary for consummation of the reorganization has not been finalized.

My amendment merely allows parties who have executed contracts prior to September 29, 1971, the date on which the Ways and Means Committee reported this legislation, to complete their reorganization under the tax laws in effect at that time.

I have discussed my amendment with the distinguished chairman of the Senate Finance Committee, Senator LONG, and the distinguished ranking member of that committee, Senator BENNETT. Both have indicated agreement with this amendment. In addition, I have received a letter from John S. Nolan, Deputy Assistant Secretary of the Treasury indicating their support of this amendment. I ask unanimous consent that this letter be printed at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C., November 17, 1971.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: It has been brought to our attention that Allegheny Airlines and Mohawk Airlines entered into a plan of reorganization pursuant to contracts executed prior to any action on H.R. 10947, the proposed Revenue Act of 1971. The parties will be adversely affected by section 302 of the bill, which denies to a surviving corporation in certain reorganizations the opportunity to use the full amount of carryovers of unused investment credits of the merged corporation where less than a 20 percent interest in the surviving corporation is received by the shareholders of the merged corporation in the reorganization.

The reorganization has not been completed pending approval by the proper government agencies and probably cannot be consummated before the date of enactment of the Revenue Act of 1971.

In the Allegheny-Mohawk case, the parties had no reason to expect this type of limitation on the use of unused investment credit carryovers when the agreement and plan of reorganization were entered into. The provisions of the bill would change the tax consequences on the basis of which the commitments of the parties were made, and the availability of these unused carryovers would ordinarily be a material factor in determining the relative value of the assets of the two companies and hence the stock exchange ratio to which the parties agreed.

Under these circumstances, the Treasury Department would support a change in the effective date provision so that the new provision will not be applicable with respect to reorganizations after the date of enactment of the bill if the plan of reorganization was adopted pursuant to contracts entered into prior to September 29, 1971. The latter date is the date the House Ways and Means Committee reported this bill and the nature of this special limitation first became generally known.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. TALMADGE. Mr. President, I have examined the amendment. It is a binding contract amendment. I recommend its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT. I thank the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment, as follows:

On page 83, strike out line 18 and all that follows through line 2 on page 84 and insert in lieu thereof the following:

"(2) MULTIPLE LEASES OF SINGLE PARCEL OF REAL PROPERTY.—If a parcel of real property of the taxpayer is leased under two or more leases, paragraph (1)(A) shall, at the election of the taxpayer, be applied by treating all leased portions of such property as subject to a single lease.

On page 85, strike out line 3 and all that follows through line 11 and insert in lieu thereof the following:

"(A) if a parcel of real property of the taxpayer is leased under two or more leases, paragraph (4)(A)(i) shall, at the election of the taxpayer, be applied by treating all leased portions of such property as subject to a single lease; and

Mr. TALMADGE. Mr. President, I have consulted with the distinguished ranking minority member of our committee, as well as the chairman of the Finance Committee. It remedies an action that we thought the committee took in executive session, and the committee report so states, but the language does not make it quite clear.

The amendment would allow taxpayers to aggregate all their leases on a parcel of real property and treat the leases as a single lease for purposes of determining whether in the aggregate the real property is subject to a net lease and thus is considered investment property, or, on the other hand, is to be considered as business property.

Accordingly, my amendment would allow taxpayers who have a parcel of real property which is subject to two or more leases to aggregate the leases and treat the property as if it were subject to just one lease for purposes of determining whether the property is to be considered subject to a net lease.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. HARRIS. Mr. President, we have spent a great deal of time over the last week debating the Revenue Act of 1971. I am of the opinion that the bill is blatantly biased in favor of big corporations. Another very real problem in our tax system, however, is loopholes for the superrich. The Tax Reform Act of 1969 was supposed to take care of some of the larger loopholes for rich individuals and big businesses who grew even richer by avoiding legitimate taxation.

I want to call attention to an article by Sylvia Porter, in the Evening Star of November 16, 1971, in which she brings us up to date on those wealthy persons who do not pay their share of income taxes. Her conclusion is that they still do not pay. What she is implying is that what is really needed in this country is comprehensive and effective tax reform. Instead, we are getting piecemeal bills which open new loopholes and make it even harder to collect those taxes to which the Treasury is entitled. I ask unanimous consent that the article be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Nov. 16, 1971]

NO TAXES PAID BY SUPERRICH

(By Sylvia Porter)

Whatever happened to the 154 Americans who had incomes of $200,000 to $1,000,000 and more in 1966 on which they paid not a penny in federal income taxes—and who thereby kicked off what was to become the historic Tax Reform Act of 1969?

They grew.

The 154 increased to 301 in 1969, the latest year for which we have statistics on individual income tax returns.

The 18 with "nontaxable" adjusted gross incomes of $1,000,000 or more in 1966 expanded to 56.

A new tax law will be on our statute books in a matter of days under which taxpayers in all income groups are getting some immediate tax reductions. Actually, the tax cuts were written in basic form in the 1969 act but they weren't slated to go into effect until 1972 and later. The 1971 law is accelerating part of the cuts into this year to help lift our economy out of its sluggishness—which has forcibly reminded me of that massive mismash of tax legislation in 1969, that monstrosity which was impelled into being by the disclosure of the 154 super-rich nontaxables.

Of course, the 1969 act is now making it much harder for millionaires to pay no income taxes at all. There is now a 10 percent minimum tax on a specified list of deductions (called Tax Preferences) which demands at least a limp salute.

But you still can invest your entire fortune—millions of dollars—in tax-exempt bonds at today's high interest rates and receive the entire interest income tax-free. Just to suggest what tax-free bonds can mean to the wealthy, in the 50 percent tax bracket a tax-free rate of 5 percent equals a taxable interest rate of 10 percent, and in the 60 percent bracket 5 percent tax-free is the equivalent of 12.5 percent taxable interest.

You can still incur deductible intangible drilling costs for gas and oil wells in whatever amounts you think you need to reduce your current taxable income to the level you wish. This is the tax shelter the oil industry battled to protect intact and it achieved its goal; the reduction in the depletion allowance won by the reformers never was of prime importance to the oil industry's leaders.

These were and still are the two most popular tax shelters. They weren't even touched by the 1969 law. Nor does the minimum tax of 10 percent bar, limit or tax these breaks in any way. In fact, in some ways the two shelters have become more valuable than they were when they were being so widely publicized and denounced.

What's more, the 1969 act added several new tax breaks for the shrewd and sophisticated. Businessmen can now amortize and deduct over a 60-month period the cost of railroad rolling stock and certain anti-pollution facilities. If you invest in low and middle-income housing, you may be able to defer your tax on the gain from sales of this type of housing if you reinvest the proceeds in similar housing. Corporations can now use their appreciated assets to buy back their stock in certain situations without paying tax on the appreciation. And so it goes.

As the statistics on individual tax returns beginning in 1970 become available, it is to be hoped that few, if any, of the super-rich are getting away with paying zero.

Still, it is certan that a hefty percentage of the superrich will be paying a mere pittance—say, a few thousands of dollars on incomes of hundreds of thousands, or payments at tax rates far, far below the levels at which most of us pay.

In sum, the Reform Act of 1969 never was, is not and will not ever be the "reform" most people have assumed. And it will be a long time before Congress dares tackle that subject again.

Below are some figures from the latest official tax tables.

Adjusted gross income 1969	*Individuals paying no tax*
$1,000,000 or more	56
$500,000 or more	117
$200,000 or more	301
$100,000 or more	761
$50,000 or more	2,180
$30,000 or more	4,374
$25,000 or more	5,264
$20,000 or more	8,264

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, are there further amendments to be offered to the pending business?

AMENDMENT OF THE DISTRICT OF COLUMBIA ELECTION ACT

Mr. MANSFIELD. Then, Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 489, S. 2878.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2878) to amend the District of Columbia Election Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. EAGLETON. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–502), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF THE BILL

The purpose of the bill is to amend the D.C. Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code, sec. 1–1100 et seq.), and for other purposes, in several aspects so as to update and reform the election laws.

In particular, the bill would redefine qualifications for qualified electors, increase the compensation for members of the Board of Elections, provide for referendums, advisory elections and community elections on the ballot, establish a presidential preference primary and establish procedures for electing delegates to political party national conventions, change the residency requirements for candidates for office, provides requirements for reporting campaign funds, allows a credit on D.C. income tax for campaign contributions, and includes the District of Columbia in the definition of state in the Federal Corrupt Practices Act.

The bill would also make the present election laws consistent with the Federal Voting Assistance Act, the D.C. Delegate Act and other laws through several technical amendments.

PROVISIONS OF THE BILL

1. Definition of qualified electors

The District of Columbia Election Act provides in part that a qualified elector—that is, one who is qualified to register and vote—must be a U.S. citizen who has resided or has been domiciled in the District of Columbia continuously since the beginning of the 1-year period ending on the day of the next election.

This 1-year residency requirement has been part of the election law since 1955, and until at least recently, has been considered to apply to voting in all elections.

During recent years, the durational residency requirements for voting have been shortened in a number of jurisdictions throughout the country, sometimes by legislative action and sometimes by court action.

In June 1970, the Congress in Public Law 91-285, determined, in effect, that in the case of presidential elections, a durational residency requirement of more than 30 days was constitutionally abhorrent. In that legislation, Congress directed that each State provide by law for the registration of its duly qualified residents at any time up to 30 days before a presidential election.

That legislation specifically included the District of Columbia in its definition of the word "State"; and so there is at the very least a clear congressional statement of policy that the 30-day residency requirement should be applicable in the case of presidential elections.

The statute was, of course, national in scope; but its precise language leaves considerable doubt as to whether in the case of the District of Columbia is was in fact entirely self-implementing, since the statute did not either specifically amend the District of Columbia Election Act or delegate regulatory authority to any District of Columbia agency to shorten the residency period.

Legislative clarification of this point in the case of presidential elections in the District is therefore important, and the matter should be put to rest well before next year's presidential election.

The applicability of the 1-year residency requirement in the case of elections for the District of Columbia's Delegate to the House of Representatives was also challenged in 1970, in this case by court action. Last November, a three-judge Federal court struck down as unconstitutional the 1-year residency requirement in the case of persons who had resided here for less than 1 year and who wished to vote in the elections of the Delegate to the House.

This case, *Lester* v. *Board of Elections* (319 F. Supp. 505 D.C. 1970), was by its terms applicable only to the election of Delegate to the House of Representatives.

The District Government requested the court in *Lester* to clarify the scope of its opinion and order, in an effort to get a ruling as to whether its decision applied to other elections; but the court, in denying the District government's motion, stated that it had "held only that the District of Columbia 1-year durational residency requirement applied to elections for nonvoting Delegate to the House of Representatives (citations omitted) was unconstitutional."

The court in the *Lester* case specifically upheld as constitutional other provisions in the District of Columbia Election Act which prohibited registration for any 30-day period prior to an election.

The *Lester* case was decided in November of 1970, and was applicable to the initial party primary elections for District of Columbia Delegate held in January 1971, and to the initial general election for District of Columbia Delegate held in March 1971, for the short initial congressional term which ends in January 1973.

As a result of *Lester*, a number of people registered here who had lived here less than a year before one or the other of these Delegate elections. Many of these people had not resided here for a full year by this November, at which time the District held regularly scheduled Board of Education elections.

Since the *Lester* case quite clearly does not rule on the residency requirements for Board of Education elections, voting by those registered voters who were here less than a year but who nevertheless were able to vote in January and in March for the elections for Delegate to the House of Representatives was either forbidden or allowed as a challenge ballot which was not counted.

A possibly even more confusing residency problem will arise in connection with the party elections on May 2, 1972. On that day there will be two different closed party elections, and unless the residency period is changed by statute, there will be two sets of residency requirements for all persons who have lived here less than a year.

There will be a closed party primary election under the 1970 act to choose party candidates for Delegate to the House of Representatives—to which the 30-day residency requirement will apply under the authority of the *Lester* case.

On the same day there will be closed party elections also under the original 1955 Election Act for candidates for delegate to the presidential nominating conventions, for national committeemen and national committeewomen and members of local political parties, as well as voting on the so-called party questions.

The statutory 1-year residency requirement would appear to apply to this second group of elections, unless the period were amended by legislation.

In view of this confusing situation in regard to the durational residency requirements for qualified electors in the District of Columbia and because of the difficulty in administering the elections in November, the bill establishes a 30-day residency requirement.

The bill also changes the minimum age for voter qualification in the existing D.C. Election Act (D.C. Code, sec. 1-1102(2)(b)) from 21 to 18 years of age.

The 26th Amendment to the U.S. Constitution, which was implemented by S.J. Res. 7 of the 92nd Congress, ratified promptly by the requisite 38 states, and certified on July 5, 1971, provides that any U.S. citizen who is otherwise qualified may vote in any state or political subdivision in any election if he is at least 18 years of age. Hence, the provision referred to above in the 1955 D.C. law is no longer valid, and the change made by this provision of H.R. 10784 is merely a matter of conforming the D.C. Election Act to the 26th Amendment to the Constitution.

The bill further enfranchises a felon who has been pardoned or is no longer subject to the jurisdiction of any court. In recent years, not only has the whole issue of disenfranchisement of former felons been challenged in the courts, but also several jurisdictions have moved toward restoration of the right to vote. To enable the ex-offender to participate in meaningful community activities and to not foster his sense of estrangement, the bill moves toward this restoration.

2. Increased compensation for members of the Board of Elections

Under the present law, members of the Board of Elections are compensated at the rate of $50 per day, with a maximum of $2500 a year. This has served to either limit a Board member's participation to 50 days or else force him to contribute his time to Board matters. The $50 rate has also created the anomalous situation of the Board being able to pay consultants more than the members themselves. This bill would provide for compensation at the rate of $75 per day, with a limit of $11,250, or the equivalent of 150 days.

3. Presidential preference primary and part delegates

The bill establishes a presidential preference primary election during May of each presidential election year. This primary will allow the qualified electors of the District of Columbia to indicate their preference among the candidates for nomination for President. The bill also allows for four categories of delegates to a particular political party national convention: slates of delegates committed to the support of a particular candidate for nomination for President, slates of delegates uncommitted to any particular nominee, individual delegates committed to the support of a particular candidate for nomination for President, and uncommitted individuals. The ballot shall have the names clearly indicated on the ballot of which slates or individuals support which candidates for nomination for President so that the voter's choice is clear.

4. Records and reporting of campaign funds

The bill considerably strengthens the requirements for keeping records and reporting campaign funds. Every political committee is required to maintain an address in the District of Columbia and register with the Board of Elections. Such committee is also required to file between 3 and 5 days before an election and 30 days after an election a complete accounting of contributions, expenditures, debts and obligations. Such statements are to be made part of the public records of the Board of Elections open to public inspection.

Failure to file such statements requires the Board to publish an announcement that such statements were not filed by a candidate in violation of law and the candidate cannot be certified as having been elected to office.

5. Credit for campaign contributions

The bill provides a tax credit of up to $20 per individual for 50% of any campaign contribution to any candidate to any office covered by the D.C. Election Act. The committee feels that this will encourage campaign contributions from a broader number of citizens and thus eliminate the necessity for a candidate having to rely on large private contributions. It is hoped that this will make government more responsive to the changing needs of the people.

6. Federal Corrupt Practices Act

The District of Columbia was not included in the definition of the word "State" in the Federal Corrupt Practices Act when it was passed, an omission which has persisted until today. Thus, when a "political committee" includes committees which accept contributions or make expenditures in two or more states, operation of such committee in the District of Columbia has not affected its status as far as reporting requirements. This bill would include the District of Columbia in such definition of State.

HEARINGS

Public hearings on these and other amendments to the D.C. Election Act were held on August 24, 1971, and October 11, 1971. Testimony was received from members of Congress and from spokesmen for the District of Columbia Government, the D.C. Board of Elections, the D.C. Republican Committee, the D.C. Democratic Central Committee, and the Statehood Party of the District of Columbia, as well as from private citizens.

CONCLUSIONS

The Committee is of the opinion that the provisions of this bill will amend and update the D.C. Election Act of 1955 in several important aspects which are timely and in the public interest. For these reasons, the Committee urges prompt and favorable action on this bill.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act (D.C. Code, sec. 1–1100 et seq.), is amended as follows:

(1) The first section of such Act (D.C. Code. sec. 1–1101), is amended (A) by inserting "(a)" immediately after "That", (B) by striking out in clause (3) thereof the words "at large", (C) by striking out in clause (2) thereof the final "and", and (D) by redesignating clause (3) as clause (4), (E) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and",

and, (F) by adding at the end thereof the following new subsection:

"(b) Candidates for office participating in an election of the officials referred to in clauses (2) and (3), or designated pursuant to clause (4), of subsection (a) of this section may be elected or designed, as the case may be, at large or by precinct or ward."

(2) Subsection (2) of section 2 of such Act (D.C. Code, sec. 1–1102), is amended to read as follows:

"(2) The term 'qualified elector' means any person (A) who, for the purpose of voting in an election under this Act, has resided or has been domiciled in the District continuously during the thirty-day period ending on the day of such election, (B) who is a citizen of the United States, (C) who is, or will be on the day of the next election, at least eighteen years old, (D) who has never been convicted of a felony in the United States, or if he has been so convicted, has been pardoned or is no longer subject to the jurisdiction of any court with respect thereto, (E) who is not mentally incompetent as adjudged by a court of competent jurisdiction, and (F) who certifies that he does not claim, and has not, within thirty days immediately preceding the day of the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than the District of Columbia)."

(3) Subsection (4) of section 2 of such Act (D.C. Code, sec. 1–1102) is amended by deleting "a school" and by inserting the word "an" in lieu thereof.

(4) Subsection (b) of section 4 of such Act (D.C. Code, sec. 1–1104), is amended by striking "$50 per day, with a limit of $2500 per annum" and inserting "$75 per day with a limit of $11,250 per annum" in lieu thereof.

(5) Paragraph (2) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by inserting immediately before the semicolon a comma and the following: "including, upon approval by majority vote of the City Council, referendums, advisory elections, and other community elections such as those for model cities programs, as part of any regular election".

(6) Paragraph (3) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by striking "official" and inserting "sample" in lieu thereof.

(7) Paragraph (4) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105), is amended by deleting the word "school".

(8) Paragraph (6) of subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended (A) by striking "paragraphs (1), (2), (3), or (4)" and by inserting "paragraphs (1), (2), or (3)" in lieu thereof, and (B) by inserting after "(69 Stat. 584)" the words "as amended."

(9) Section 5 of such Act (D.C. Code, sec. 1–1105), is amended (A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and (B) by adding after subsection (a) the following:

"(b)(1) The Board shall, on the first Tuesday after the first Monday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

"(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than forty-five days before the date of such presidential primary election a petition on behalf of his candidacy signed by the candidate and at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the nominee.

"(3) Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held under this Act as:

"(A) slates of candidates for delegates supporting a candidate for nomination for President: *Provided,* That there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, the candidate for nomination for President supported by the slate, and by at least one thousand qualified electors of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the qualified voters of such slate;

"(B) as slates of candidates for delegates not committed to support any named candidate for nomination for President: *Provided,* That there shall have been filed with the Board, no later than forty-five days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least one thousand qualified electors of the District of Columbia who have registered under section 7 of this Act, and of the same political party as the qualified voters and such slate;

"(C) as an individual candidate for delegate supporting a candidate for nomination for President: *Provided,* That such candidate for delegate shall have complied with subsection (a) section 8 of this Act (D.C. Code, sec. 1–1108) and the petition referred to that subsection is signed by the candidate for nomination for President supported by such candidate for delegate, and

"(D) as an individual not committed to support any named candidate for nomination for President: *Provided,* That such candidate for delegate shall have complied with subsection (a) section 8 of this Act (D.C. Code, sec. 1–1108).

"(4) The Board shall (a) arrange the ballot for the presidential preference primary so as to enable each voter to indicate his choice for presidential nominee and for the slate of delegates and alternates pledged to support that prospective nominee with one mark, and provide an alternative to vote for individual delegates or uncommitted slates of delegates and (b) clearly indicate on the ballot the candidate for nomination for President which a slate or candidate for delegate supports.

"(5) The delegates and alternate delegates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall be obligated to vote for the candidate for nomination who received at least a plurality of the votes cast in the presidential preference primary for all such candidates of that party for President held in the District of Columbia at which such delegates were elected on the first and second ballots cast at that convention for nominees for President, or until such time as such candidate receiving a plurality of such vote cast in the presidential preference primary withdraws his candidacy, but on subsequent ballots so cast each such delegate shall be free to cast his ballots in his discretion without restriction.

"(6) The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purposes and provisions of this subsection."

(10) Subsection (d) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking "persons not absent from the District but who are physically unable", and inserting "either persons temporarily absent from the District or persons physically unable" in lieu thereof.

(11) Subsection (a) of section 7 of such Act (D.C. Code, sec. 1–1107) is amended by striking in the second sentence "person" and inserting "qualified elector".

(12) Paragraph (1) of subsection (d) of section 7 of such Act (D.C. Code, sec. 1–1107), is amended (A) by striking from clause (A) the words "odd-numbered calendar year and of each presidential year" and inserting "even-numbered year" in lieu thereof, and (B) by striking from clause (B) the words "presidential election" and inserting "even-numbered" in lieu thereof, and (C) by inserting in clause (c), after the word "special", the words, "or runoff."

(13) Subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(2) Candidates for offices referred to in clause (1) of the first section of this Act and for offices designated pursuant to clause (3) of such section shall be the persons registered under section 7 who have been nominated for such office by petitions prepared and presented to the Board in accordance with rules prescribed by the Board, but not later than forty-five days before the date of the election, and signed by the following minimum number of qualified electors duly registered under section 7 of the same political party as the nominee:

"(1) in the case of petitions nominating candidates for offices referred to in clause (1) of the first section of this Act and of petitions nominating candidates designated for election at large pursuant to clause (3) of such section, signatures of at least two hundred such electors;

"(2) in the case of petitions nominating candidates for offices designated for election from a ward pursuant to clause (3) of such section, signatures of at least fifty such electors residing in such ward, or one-half of 1 per centum of the registered electors of such party residing in such ward, whichever is less; and

"(3) in the case of petitions nominating candidates for the office of Delegate and for member of the Board of Education, they shall be accompanied by a guarantee of $200 in the form of currency, surety or a bond, at the choice of the candidate. Such guarantee shall be forfeited by the candidate in the event he fails to receive at least 5 per centum of the vote cast in the election for which he has presented a petition to the Board. In the event such candidate received at least 5 per centum of the vote cast, the guarantee shall be returned in full."

(14) Subsection (b) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(b) No such person shall hold elected office pursuant to this Act unless—

"(1) he has been a bona fide resident of the District of Columbia since the beginning of the one-year period ending on the date of the election in which he was elected to such office; or

"(2) in the case of a person elected from a ward, he has been a bona fide resident of the District of Columbia since the beginning of the one-year period ending on the date of the election in which he was elected to such office, and a bona fide resident of the ward from which he was elected since the beginning of the six-month period ending on the date of such election;

and is a qualified elector registered under section 7 of this Act."

(15) Subsection (c) of section 8 of such Act (D.C. Code, sec. 1-1108) is amended to read as follows:

"(c)(1) In each election of officials referred to in clause (1) of the first section of this Act, and in each election of officials designated for election at large pursuant to clause (3) of such section, the Board shall arrange the ballot of each party to enable the registered voters of such party to vote separately for each official duly qualified and nominated for election to such office; and

"(2) In each election of officials designated, pursuant to clause (3) of the first section of this Act, for election from a ward, the Board shall arrange the ballot of each party to enable the registered voters of such party, residing in such ward, to vote separately for each official duly qualified and nominated from such ward for election to such office from such ward."

(16) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1-1108), is amended by striking "August 15" and inserting "the third Tuesday in August" in lieu thereof.

(17) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1-1108), is amended to read as follows:

"(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a petition (1) filed with the Board not later than the forty-fifth day before the date of such primary election; (2) signed by qualified electors registered under section 7 of this Act equal in number to 1 per centum of the total number of such electors in the District of Columbia who are of the same political party as the nominee, as shown by the records of the Board as of the ninety-ninth day before the date of such primary election, or by two thousand of such qualified electors who are of the same political party as the nominee, whichever is less; but in no case less than one hundred qualified electors. A nominating petition for a candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate."

(18) Paragraph (1) of subsection (j) of section 8 of such Act (D.C. Code, sec. 1-1108), is amended to read as follows:

"(j)(1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than the forty-fifth day before the date of such general election; and (B) signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters of the District, as shown by the records of the Board as of the ninety-ninth day before the date of such election, or by three thousand persons duly registered under section 7 of this Act, whichever is less but in no case less than one hundred such duly registered voters. A nominating petition for such a candidate for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of such nominating petitions.

(19) Subsection (m) of section 8 of such Act (D.C. Code, sec. 1-1108) is amended to read as follows:

"(m)(1) Designation of offices of local party committees to be filled by election pursuant to clause (3) of the first section of this Act shall be effected, in accordance with the provision of this subsection, by written communication signed by the chairman of such committee and filed with the Board not later than ninety days before the date of such election.

"(2) Such designation shall specify separately (A) the titles of the offices and the total number of members to be elected at large, if any, and (B) the title of the offices and the total number of members to be elected by ward, if any.

"(3) In the event that a party committee designates members to be elected by ward pursuant to clause (B) of paragraph (2) this subsection, the number of such officials to be elected from each of the wards shall be based on the relative numerical strength of such party in such ward, as compared with the total numerical strength of such party in the District, in each case as measured by the total number of registered votes of such party residing in each ward (as shown by the records of the Board as of one hundred-twenty days before such election) based on the method known as the method of equal proportion, with no ward to elect less than one member. The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purpose of this subsection."

(20) Paragraph (1) of subsection (n) of section 8 of such Act (D.C. Code, sec. 1-1108), is amended by striking "qualified electors" and inserting "duly registered voters" in lieu thereof.

(21) Subsection (o) of section 8 of such Act (D.C. Code, sec. 1-1108), is amended to read as follows:

"(o) Each candidate in a general election for members of the Board of Education shall be nominated for such office by a petition (A) filed with the Board not later than the forty-fifth calendar day before the date of such general election; and (B) signed by at least two hundred persons who are duly registered under section 7 of this Act in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least fifty persons in each ward of the District who are duly registered in such ward, and such additional number of persons duly registered under section 7 of this Act, without regard to ward, as may be necessary for such petition to contain not less than one thousand persons. A nominating petition for a candidate in a general election for members of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for members of the Board of Education, the Board shall arrange the ballot for each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election."

(22) Subsection (q) of section 8 of such Act (D.C. Code, sec. 1-1108) is amended by inserting the words ", or slates of candidates" after the word "candidates".

(23) Section 8 of such Act (D.C. Code, sec. 1-1108), is amended by adding at the end of that section the following:

"(r) Any petition or other document required to be filed under this Act by a particular date must be filed no later than 5 o'clock post meridian on such date."

(24) Subsection (l) of section 8 of such Act (D.C. Code, sec. 1-1108), is repealed.

(25) Subsection (c) of section 9 of such Act (D.C. Code, sec. 1-1109), is amended to read as follows:

"(c) Any candidate or group of candidates may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places and at the place or places where the vote is to be counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to question the accuracy in the vote count, and otherwise to observe the conduct of the election at the polling places and the counting of votes."

(26) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1-1110), is amended to read as follows:

"(a) (1) The elections of the officials referred to in clauses (1), (2), and (3) of the first section and of officials designated pursuant to clause (4) of such section and the presidential preference primary under section 5(b) of this Act shall be held on the first Tuesday after the first Monday in May of each presidential election year."

(27) Section 10(a)(7)(A) of such Act (D.C. Code, sec. 1-1110), is amended (A) by striking out "a majority" and inserting "at least 35 per centum" in lieu thereof and (B) by striking out "on the twenty-first day following such election" and inserting "either on the twenty-first day following such election or, in exceptional circumstances determined by the Board to make such date impracticable, not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding general election. At the time of announcing such determination the Board shall establish and announce the date of the runoff election, if one is required."

(28) Section 10(a)(7)(B) of such Act (D.C. Code, sec. 1-1110), is amended by striking out "a majority" and inserting "at least 35 per centum" in lieu thereof.

(29) Paragraph (8) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1-1110), is amended by striking "less than a majority" and by inserting a period instead.

(30) Subsection (a) of section 11 of such Act (D.C. Code, sec. 1-1111), is amended by inserting immediately before the last sentence thereof, the following new sentence: "In no case, however, shall the petitioner be required to pay the cost of any recount in any such election if the difference in the number of votes received by the petitioner in connection with any office and the number of votes received by the person certified as having been elected to that office, in the case of an election from a ward, is less than 1 per centum or fifty votes whichever is less, or in the case of an election at large, is less than 1 per centum or two hundred votes, whichever is less."

(31) Subsection (b) of section 13 of such Act (D.C. Code, sec. 1-1113), is amended by striking "or" immediately before "delegate"

and inserting "or alternate," immediately after "delegate".

(32) Subsection (d) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended by striking "or" immedately before "delegate" and inserting ", or alternate" immediately after "delegate".

(33) Subsection (e) of section 13 of such Act (D.C. Code, sec. 1–1113), is amended to read as follows:

"(e)(1) Every independent committee or party committee which receives or expends funds on behalf of any candidate or group of candidates in an election for any office referred to in the first section of this Act, or in a primary election held under section 5(b) of this Act, shall have a chairman and a treasurer and shall maintain an address in the District of Columbia where notices may be sent. Every such committee shall register with the Board of Elections.

"(2) In any election held in the District of Columbia with respect to any office referred to in the first section of this Act, or with respect to a primary election held under section 5(b) of this Act, each candidate for election, and the treasurer of each independent or party committee, shall file with the Board of Elections not less than three nor more than five days before, and also within thirty days after, the date on which such primary or general election is held, an itemized statement, complete as of the day next preceding the date of filing, setting forth—

"(A) a correct and itemized account of each contribution received by such candidate or committee, or by any person for such candidate or committee with his or its knowledge or consent, from any source, for use in connection with such election, together with the name of the actual contributor;

"(B) a correct and itemized account of each expenditure made by such candidate or committee or by any person for such candidate or committee, with his or its knowledge or consent, in connection with such election, together with the name and address of the person to whom such expenditure was made, the date of such expenditure, and the purpose for which it was made; and

"(C) a correct and itemized account of any unpaid debts and obligations incurred by such candidate or committee with respect to such election, and the balance, if any, of such contributions remaining in the candidate or committee's possession.

"(3) A statement required by this subsection to be filed by a candidate or the treasurer of an independent or party committee shall be signed by the candidate or the treasurer of such committee, as the case may be, and shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths. Such statement shall be deemed properly filed when deposited at the Board of Elections within the prescribed time. Such statement shall be preserved by the Board of Elections for a period of two years from the date of filing, shall constitute a part of the public records of such Board, and shall be open to public inspection.

"(4) In any case in which a candidate fails to timely file a statement required under this section to be filed prior to such election, the Board of Election shall, on the second day before such primary or general election in which such candidate is entered, cause to be published in one or more newspapers of general circulation in the District of Columbia an announcement stating that the candidate did not file a report of campaign expenditures as required by law. No candidate for election to any such office or participation in such primary shall be certified as having been elected to that office, or as a winner of any primary held pursuant to section 5(b) until all statements required to be filed by such candidate pursuant to this section have been filed. Any candidate or other person who wilfully violates this section shall be subject to imprisonment for thirty days or a fine of $5,000, or both."

SEC. 2. (a) Title VI of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1567—47–1567e), is amended by adding at the end of that title the following new section:

"SEC. 7. (a) CREDIT FOR CAMPAIGN CONTRIBUTIONS.—For the purpose of encouraging residents of the District to participate in the election process in the District, there shall be allowed to an individual a credit against the tax (if any) imposed by this article in an amount equal to 50 per centum of any campaign contribution made to any candidate for election to any office referred to in the first section of the District of Columbia Election Act, but in no event shall such credit exceed the amount of $20.

"(b) If the amount of credit allowed an individual by subsection (a) for a taxable year exceeds the amount of tax (computed without regard to such subsection but after allowance of any other credit allowable under this article) imposed under this article on such individual for such taxable year, a refund shall be allowed such individual to the extent that such credit exceeds the amount of such tax.

"(c)(1) A husband and wife filing separate returns for a taxable year for which a joint return could have been made by them may claim between them only the total credit (or refund) to which they would have been entitled under this section had a joint return been filed.

"(2) No individual for whom a personal exemption was allowed on another individual's return shall be entitled to a credit (or refund) under this section.".

(b) The table of contents of such article is amended by adding at the end of the part of such table relating to title VI the following:

"Sec. 7. Credit for campaign contributions.".

SEC. 3. Paragraphs (1), (2), and (3) of subsection (c) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31–101 (c)), are amended to read as follows:

"(1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the six-month period immediately preceding his nomination, resided in the school election ward from which he is nominated, and (C) have, during the one-year period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, and (B) have, during the one-year period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and (A) hold another elective office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or (B) also be an officer or employee of the District of Columbia government or of the Board of Education. A member will forfeit his office upon failure to maintain the qualifications required by this paragraph.".

SEC. 4. Subsection (i) of section 1 of the Act of June 25, 1910 (ch. 392, 36 Stat. 822), as amended (2 U.S.C. 241 (i)), and section 591, title 18, United States Code, are each amended by deleting the period at the end thereof and by inserting in lieu thereof a comma followed by the words "and the District of Columbia".

SEC. 5. The provisions of this Act and the amendments made thereby shall take effect as of January 1, 1972.

TEMPORARY EXTENSION OF CERTAIN HOUSING AND OTHER ACTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 437, Senate Joint Resolution 176.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SPARKMAN. Mr. President, the purpose of the resolution, Senate Joint Resolution 176, is to extend certain housing laws for temporary periods and to provide for certain exemptions now found in housing and other related laws.

The most important provision in the bill has to do with the interest rate ceiling on FHA and VA mortgages. Section 1 of the resolution would extend for a 6-months period the existing authority for the ceiling to be established by the Secretary of the Department of Housing and Urban Development. This authority expires on January 1, 1972, and the resolution would extend it to June 30, 1972. The committee expects to report a comprehensive housing bill to the Senate early next year and this matter will be fully debated and it is hoped a more constructive solution will be found to the interest rate question prior to the expiration date of June 30, 1972.

Section 2 of the resolution contains an extension of expiration dates applicable to the flood insurance program. Unless otherwise extended, certain authorities under the flood insurance program would cease as of December 31, 1971. The resolution before us would extend the date for 2 years—to December 31, 1973.

Section 3 of the resolution would suspend for a period of 2 years a requirement in existing law that Federal disaster assistance would not be available for a property owner located in an area that is eligible for flood insurance if the property owner has not taken advantage of the flood insurance. Because of the failure of the administration and others to notify properly such property owners, it is believed that the existing statute would work a severe hardship on these families. The committee, therefore, is recommending that the property owners have an additional 2 years to fulfill the requirements of the law. Two years would also permit the Federal Insurance Corporation to work more closely with local governing bodies and private insurers to publicize the statutory requirements.

Section 4 of the resolution contains a provision which would remove the existing ceiling on FHA and VA mortgages to be purchased by the Government National Mortgage Association under its tandem plan. The existing ceiling of $22,000—or $24,500 for 4-bedroom or larger units—limits the application of this program only to about one-half of the States. The purpose of the program is to avoid raising the FHA and VA ceiling above 7 percent. With this purpose in mind, the committee felt that it would only be fair that the program apply to all FHA and VA mortgages and not just to those States where costs permit the financing of a home at a level below $22,000.

Because it is expected that interest rates will soon drop, to meet the purpose of this program the extension is limited to 6 months—to June 30, 1972.

Section 5 of the resolution would extend for 1 year the effective date of an amendment relative to the taxation of national banks by the States. A comprehensive tax law—Public Law 91-156—was approved by Congress in 1969 establishing for an interim period—expiring December 31, 1971—a State tax policy regarding national banks. The law also called for a study of the impact of this law on the banks and the Nation's credit system by the Federal Reserve Board. The Board sent a report to Congress requesting additional legislation be written before the permanent amendment became effective on January 1, 1972. Because of the time requirement for such legislation, the committee has recommended that the interim period be extended for 1 year—January 1, 1973.

Section 6 of the resolution contains a provision which would reduce the statutory requirement for insurance reserves held by the Federal Savings and Loan Insurance Corporation. Under existing law, the statute requires that the insurance reserves amount to $1\frac{3}{4}$ percent of the savings held by member associations. In view of the large volume of savings flowing into the associations this year, the addition to reserves necessary to meet the $1\frac{3}{4}$-percent requirement would work considerable hardship on the associations and would take away funds that otherwise would be available for mortgage purposes. The committee is recommending that the statutory percentage be reduced from $1\frac{3}{4}$ percent to $1\frac{3}{5}$ percent and thus avoid the necessity for as much as $400 million being taken away from available resources for mortgage lending purposes.

I may say, Mr. President, that practically all of these provisions have been passed by the Senate at one time, but they were passed in individual bills, and to meet a situation which was involved in the House of Representatives' consolidating them, we are consolidating the bills and presenting them in one resolution.

Mr. BENNETT. Mr. President, representing the minority on the committee, I am happy to join in support of the program that has been laid out by the chairman of the committee, and, representing the Senator from Texas (Mr. TOWER), who is the ranking minority member of the committee, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, after line 21, add the following:

INCREASE OF AUTHORIZATIONS FOR COMPREHENSIVE PLANNING GRANTS AND OPEN-SPACE LAND GRANTS

SEC. 7. (a) The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "$420,000,000" and inserting in lieu thereof "$470,000,000".

(b) Section 708 of the Housing Act of 1961 is amended by striking out "$560,000,000" and inserting in lieu thereof "$660,000,000".

Mr. BENNETT. Mr. President, Senator TOWER's amendment would authorize the appropriation of an additional $50 million for comprehensive planning grants under the 701 program and an additional $100 million for the open space land program. Each of these programs is administered by the Department of Housing and Urban Development.

Legislation identical to this proposed today was passed by the Senate on July 15 of this year as Senate Joint Resolution 52. That action had the effect of increasing the authorizations to the full amount requested by the President in his budget message to Congress for fiscal year 1972. Unfortunately, however, the House has not yet taken any action on these proposed increases.

With the adoption of this amendment by the Senate, we will be able to go to conference assured of House consideration of the proposal at that time, with the prospect of a supplemental appropriation at some point during the early months of next year.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report which accompanied Senate Joint Resolution 52—No. 92-254—explaining the purpose of the amendment.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

WHAT THE RESOLUTION WOULD DO

Senate Joint Resolution 52, would authorize the appropriation of an additional $50 million for the comprehensive planning grants (sec. 701(b) of the Housing Act of 1954) and an additional $100 million for the open space land program (sec. 708 of the Housing Act of 1961). This additional authorization would be provided by increasing from $420 million to $470 million the statutory limits on the amounts which may be appropriated for section 701(b) and would increase from $560 million to $600 million the amount which may be appropriated for the open space land program.

The President's budget program for fiscal 1972 proposes an appropriation of $100 million for the section 701 comprehensive planning grant program and an appropriation of $200 million for the open space land program. These program levels, which had not been formulated in time to be submitted during the consideration of the Housing and Urban Development Act of 1970, are an integral and important portion of the Department's activities in providing needed assistance to the communities of his Nation.

As the President indicated in his message of February 8, transmitting a program to save and enhance the environment, appropriations requested for the open space program would be used in connection with the program's new emphasis on the acquisition and development of additional park lands in urban areas, including the provision of facilities such as swimming pools to add to the use and enjoyment of these parks. The additional appropriations requested for the comprehensive planning program would be used to carry out the program's new objectives contemplated for 1972, which are designed to strengthen the executive and managerial capabilities of State and local governments.

Existing authorizations for these programs, as increased by the Housing and Urban Development Act of 1970, will fall short of providing the authority for the requested appropriation by $41 million in the comprehensive planning grant program and $91 million in the open space land program. The $41 million is the authorization needed to meet the President's budget request for the regular section 701 program independent of the approximate $26 million unused earmarked authority for community development districts. Because of the nature of the appropriations process, unless additional authorizations are enacted prior to the time the Appropriations Committee acts, consideration of these two requests would have to be split between the annual appropriation bill and a supplemental appropriation bill.

The committee reports the resolution at this time so that the Independent Offices and Department of Housing and Urban Development appropriations bill before the Senate can include the full amount requested in the President's budget program for fiscal 1972 for both comprehensive planning grant program and the open space land program. It is expected that this appropriation bill will be reported to the Senate within the very near future.

ELIMINATION OF REDTAPE AND DELAYS

In reporting Senate Joint Resolution 52, the committee is mindful of the testimony it has received concerning the delays and large amounts of unnecessary paperwork which has encumbered the program. The committee urges the Department of Housing and Urban Development to put into effect a plan which would drastically reduce paperwork required for 701 applications. To make this effective, the committee recommends that the Department work out self-imposed period of time for the Department to consider an application and to provide an answer to the applicant. One group of witnesses before the committee suggested that a reasonable time for such a period would be 60 days.

SUPPORT FOR STATE AND REGIONAL COUNCILS OF GOVERNMENT

Testimony submitted to the committee documented the increasing needs for 701 funds to assist the Councils of Governments in carrying out their project review and coordination responsibilities under existing law.

The State and regional project review functions are carried out in accordance with the requirements of the Intergovernmental Relations Coordination Act of 1968. The actual review process which a State and regional Council of Governments is requested to follow is contained in the Office of Management and Budget Circular A-95, and the review is known as the A-95 process.

The A-95 review activity has proved extremely valuable in avoiding project duplication and project conflicts at the regional and State level. The Office of Management and Budget has documented that these review activities have, since the inception of the program, netted substantial savings to the government over the last few years. A more recent limited review conducted by the National Service to Regional Councils estimated these savings to be over $300 million. If properly supported, we are convinced that the State and Council of Governments review activities function as required under A-95 can reflect even greater savings to Government. We encourage HUD to use the increased funds to take whatever steps appropriate to help improve the project review process at the State regional level.

PROPOSED LEGISLATION

In urging the Senate to pass this bill, we do not wish to imply that we necessarily support the substance of the proposed title II of S. 1618, which would establish an executive management planning program to replace the existing 701 urban planning assistance program.

While we agree that the executive management planning functions as outlined in S. 1618, which HUD wants at the local mayor and State Governor level is important and is worthy of Federal aid, we do feel that the committee may want to set more refined procedures and objectives for the program when substantive legislation is recommended. HUD has had authority to fund mayors and Governors in this general manner for some time, but in the case of mayors and other elected local executives, the agency has never requested the additional funding required for this purpose.

DESCRIPTION OF THE COMPREHENSIVE PLANNING GRANT PROGRAM

The comprehensive planning grant program is authorized by section 701 of the Housing Act of 1954, as amended. Under this section, the Secretary is authorized to provide comprehensive planning assistance to State, areawide, and local public agencies. * * * for solving planning problems, including those resulting from the increasing concentration of population in metropolitan and other urban areas and the outmigration from and lack of coordinated development of resources and services in rural areas; to facilitate comprehensive planning for urban and rural development, including coordinated transportation systems, on a continuing basis by such governments; and to encourage such governments to establish and improve planning staffs and techniques on an areawide basis * * *.

Grants may be made for up to two-thirds of the total cost of planning work. However, grants may cover up to 75 percent of the planning costs for localities in designated redevelopment areas, in areas facing a substantial reduction in employment because of Federal Government action, in economic development districts (and cities, counties, and municipalities located in such districts) and for regional commissions established by the Appalachian Regional Development Act. The Housing and Urban Development Act of 1970, also authorized grants of not more than 75 percent of the cost of certain activities necessary to the development or implementation of plans and programs in areas whose development has significance for the purposes of national growth and urban development objectives.

The statute clearly sets forth comprehensive planning as a process to assist State and local elected officials in formulating and then implementing policies for growth and development. Comprehensive planning provides a framework for individual development and management decisions spanning a broad range of governmental activities, services, and investments. This framework guides the selection, sequence, and timing of specific functional planning and enhances coordination with comprehensive overall policies and objectives. This comprehensive scope of the program distinguishes it from the other Federal planning assistance programs that are limited to function interests.

DESCRIPTION OF THE OPEN SPACE LAND-GRANT PROGRAM

The open space land programs were authorized under title VII of the Housing Act of 1961, as amended. The original program elements were (1) Acquisition and development of undeveloped land; (2) urban parks; (3) urban beautification and improvement; (4) historic preservation; and (5) demonstrations, studies, and publications.

Title IV of the Housing and Urban Development Act of 1970 combined the former program elements, and clarified and broadened statutory authorities. The amended program provides for grants to States and local public bodies to acquire and develop open space land. In addition to providing parks and recreation areas, the program helps curb urban sprawl and prevent the spread of urban blight and deterioration, encourages more economic and desirable urban development, assists in preserving areas and properties of historic or architectural value, and helps provide necessary conservation and scenic areas.

As provided in the HUD Act of 1970, up to 50 percent grants may be made to help finance the acquisition of title or other interest in open space and the development of open space or other public land in urban areas, including development of publicly owned or controlled land. Grants of up to 75 percent may be made for the acquisition if interest in undeveloped or predominantly undeveloped land which would have special significance in helping to shape economic and desirable patterns of urban growth. Up to 50 percent of the non-Federal share of a project may be made up by donations of land or materials. Where appropriate, temporary use of leaseholds, with limited development activities, may be provided through the program. The cost of relocation payments and services shall be made as part of a project involving acquisition.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas (Mr. TOWER).

The amendment was agreed to.

Mr. MONDALE. Mr. President, I send to the desk an amendment, and ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. MONDALE's amendment is as follows:

In sentence one, section 718(a) of the Housing and Urban Development Act of 1970 strike "State or local public body or agency" and insert in lieu thereof "State, local public body or agency, or other entity".

Mr. MONDALE. Mr. President, this was an amendment prepared by HUD. I do not believe there was any objection to it. It is designed to make nonprofit organizations eligible for supplementary grants as a part of the new community assistance program.

The present law makes public bodies eligible for supplementary grants, but inadvertently omitted nonprofit organizations as being eligible for such supplementary grants just as they are now eligible for regular grants for certain community assistance projects such as the Hill-Burton program concerning hospital and health services. The amendment would make nonprofit organizations eligible for supplementary grants in cases where they are now eligible for the regular grants for those new community assistance projects which the Secretary determines are necessary or desirable for a new community program.

I understand that the Department supports the amendment. I think it does fill a loophole that was inadvertent, and I would ask the floor manager if this amendment is acceptable to him.

Mr. SPARKMAN. Mr. President, I am willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. MANSFIELD. I have a question I would like to address to my colleague from Alabama. There are a number of national banks located in Montana which are owned by a bank holding company located outside the State of Montana. Would the passage of Senate Joint Resolution 176, more specifically section 5, prohibit the State of Montana from levying a tax on those banks?

Mr. SPARKMAN. Definitely not. If the bank is organized under the laws of Montana and is located and does business in the State of Montana, it is subject to the same taxes that other banks in Montana pay regardless of the facts that it may be owned or controlled by a holding company located outside the State.

Mr. MANSFIELD. Is it correct that even with the passage of Senate Joint Resolution 176, a State may levy any taxes it wishes on a national bank located within its borders except a tax on intangible personal property?

Mr. SPARKMAN. That is correct. Public Law 91-156 which Congress approved approximately 2 years ago was designed to remove immediately all prohibitions on the taxation of national banks located in the taxing State, with the sole exception of a tax on intangible personal property. Senate Joint Resolution 176 does not alter the impact of Public Law 91-156 in that respect. Thus, a State may impose any form or forms of taxes it desires—except an intangible personal property tax—on national banks within its borders so long as they are imposed generally on a nondiscriminatory basis throughout the State.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator for answering the two questions which were uppermost in the minds of the administration of my State concerning this particular piece of legislation.

Mr. SPARKMAN. I appreciate the Senator's bringing this matter up. It is a matter that has been of concern to one or two other States, which brought up situations not identical, but somewhat similar.

The passage of this measure would not

interfere with what the Senator from Montana has in mind.

Mr. MANSFIELD. I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BROOKE. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BROOKE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE's amendment is as follows:

At the end of the joint resolution insert the following:

PUBLIC HOUSING RENT REDUCTIONS

SECTION 1. Section 2 (1) of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

"Notwithstanding any other provision of Federal law or regulations thereunder, a public agency shall not reduce welfare assistance payments to any tenant or group of tenants in low-rent housing as a result of any reduction in rent resulting from the application of the rent limitation set forth in this paragraph (1) and required by such limitation."

Mr. BROOKE. Mr. President, this is a clarifying amendment intended to correct an oversight in our current housing laws. It applies to the so-called Brooke amendment of 1969, whereby public housing tenants were relieved of the burden of having to pay more than 25 percent of their adjusted income for rent. Unfortunately, it soon became apparent that those tenants receiving public assistance would, in most States, be denied the benefit of the amendment. Most of the States pay out assistance for rent on an "as-paid" basis up to a maximum. Thus, if the Brooke amendment were to be applied, their public assistance payments would be reduced accordingly with no benefit accruing to the tenants or their families.

Mr. President, you will recall that I introduced a similar amendment in the last Congress which, like the one I offer today, is designed to aid those tenants residing in federally assisted public housing projects who are receiving public assistance. It was reported favorably out of the Senate Committee on Banking, Housing and Urban Affairs and was passed by this body as a part of the Housing and Urban Development Act of 1970 on a vote of 59 to 2. However, when this amendment was considered in conference, we were asked by administration officials to refrain from immediate legislative action in this area so that a joint HEW–HUD task force could review the various alternatives in depth and provide us with their recommendations. Accordingly, and at the expense of the poorest of our poor in public housing, we refrained from providing them direct relief for the time being.

Since that time, I have maintained continuing contact with the progress of the task force. In addition, I recently spoke to the Secretary of Health, Education, and Welfare, Mr. Richardson, who was kind enough to draft a followup letter on this subject. From these three sources. I have been given every indication that the only realistic alternative we have before us is the amendment that I offered last year. It is also my understanding that the joint task force report will be forthcoming in the near future and will generally support this position.

The amendment that I offer today was thoroughly debated on its merits in committee and on the floor during the last session. The only question properly before us is whether there is any other viable solution. In my view, that question has been adequately answered in the negative.

I have spoken to the chairman, and he has indicated his support for this amendment.

Mr. SPARKMAN. Mr. President, the committee discussed this amendment by the distinguished Senator from Massachusetts, and agreed that we were willing to accept it, if the Senator would obtain certain information concerning its operation. He has done that, and we agreed at that time that we would handle it in this fashion on the floor of the Senate. We accept the amendment.

Mr. JAVITS. Mr. President, I just want to state my feeling that this is not only desirable, but essential to the true purpose and intent of what the committee did in the Brooke amendment, which has had remarkable effect other than for this problem, and I am very pleased that the Senator from Massachusetts and the committee have been able to work out this solution to that problem.

Mr. BROOKE. I thank my friend from New York.

Mr. SPARKMAN. This is really cumulative to the previous amendment that the Senator from Massachusetts offered and the Senate accepted.

Mr. JAVITS. That is right.

Mr. SPARKMAN. Which was adopted 2 years ago, in 1969.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. BROOKE).

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (S.J. Res. 176) was passed, as follows:

S.J. RES. 176

Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FLEXIBLE INTEREST RATE AUTHORITY

SECTION 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "January 1, 1972" and inserting in lieu thereof "June 30, 1972".

EXTENSION OF PROVISION FOR EMERGENCY IMPLEMENTATION OF FLOOD INSURANCE PROGRAM

SEC. 2. Section 1336(a) of the Housing and Urban Development Act of 1968 (42 U.S.C. 4056(a)) is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

SUSPENSION OF THE REQUIREMENT PERTAINING TO THE AVAILABILITY OF FLOOD INSURANCE AS A CONDITION OF FEDERAL DISASTER ASSISTANCE

SEC. 3. The provisions of section 1314(a) (2) of the Housing and Urban Development Act of 1968 (42 U.S.C. 4021(a) (2)) shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 4. The Government National Mortgage Association is authorized to issue commitments to purchase, and to purchase, mortgages under section 305 of the National Housing Act without regard to the limits set forth in clause (3) of the first sentence of section 302(b) (1) of such Act, if—

(1) the President declares such action is necessary to assure a greater availability of mortgage credit for federally insured or guaranteed mortgages without increasing the maximum interest rate then in effect; and

(2) the commitment to purchase is issued, or the purchase is made, prior to July 1, 1972.

Any commitment to purchase issued pursuant to this section prior to July 1, 1972, may be honored after such date.

EXTENSION OF DATES APPLICABLE TO CERTAIN PROVISIONS OF LAW RELATING TO THE TAXATION OF NATIONAL BANKS

SEC. 5. The Act entitled "An Act to clarify the liability of national banks for certain taxes", approved December 24, 1969 (83 Stat. 434), is amended by striking out "1972" in sections 2(b) and 3(a) and inserting in lieu thereof "1973".

REQUIREMENT AFFECTING THE PREPAYMENT OF PREMIUMS BY INSURED INSTITUTIONS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SEC. 6. Section 404(g) of the National Housing Act, as amended (12 U.S.C. 1727(g)), is amended by striking out "1¾" and inserting in lieu thereof "1⅗".

EXPANSION OF SUPPLEMENTAL GRANT ASSISTANCE UNDER NEW COMMUNITY ASSISTANCE PROGRAM

SEC. 7. In sentence one, section 718 (a) of the Housing and Urban Development Act of 1970 strike "State or local public body or agency" and insert in lieu thereof "State, local public body or agency, or other entity".

PUBLIC HOUSING RENT REDUCTIONS

SEC. 8. Section 2(1) of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

"Notwithstanding any other provision of Federal law or regulations thereunder, a public agency shall not reduce welfare assistance payments to any tenant or group of tenants in low-rent housing as a result of any reduction in rent resulting from the application of the rent limitation set forth in this paragraph (1) and required by such limitation."

INCREASE OF AUTHORIZATIONS FOR COMPREHENSIVE PLANNING GRANTS AND OPEN-SPACE LAND GRANTS

SEC. 9. (a) The fifth sentence of section 701 (b) of the Housing Act of 1954 is amended by striking out "$420,000,000" and inserting in lieu thereof "$470,000,000".

(b) Section 708 of the Housing Act of 1961 is amended by striking out "$560,000,000" and inserting in lieu thereof "$660,000,000".

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN subsequently said: Mr. President, I ask unanimous consent, in connection with Senate Joint Resolution 176, which the Senate has just acted on, that the Secretary of the Senate be authorized to make certain technical changes that may be required.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

GRAYSON—A PRICE CZAR SHOULD BE SUBJECT TO SENATE CONFIRMATION

Mr. PROXMIRE. Mr. President, on Thursday morning the Chairman of the Price Commission, Jackson Grayson, appeared before our Joint Economic Committee.

He was impressive. He responded easily to complicated questions and he impressed members of the committee not only with his articulate intelligence, but with his disarming affability.

But, Mr. President, Jackson Grayson has become one of the three or four most powerful men in this Government.

If there ever was a case for Senate confirmation of a Presidential appointee we have it in the case of Mr. Grayson.

He has been referred to as a "price czar" and that is exactly what he is.

The Price Commission can flatly determine whether prices of American firms go up and how much they go up. That is literally a life or death power over business.

The complex regulations under which a firm may increase its prices are promulgated by the Price Commission. They decide what they are. They decide and interpret how they will be administered.

Now how much power does Mr. Grayson have on this Board?

After all, it is a seven man body. Does he not have just one vote out of seven?

The answer, Mr. President, is that Mr. Grayson will run that board about the way Lyndon Johnson as majority leader ran the U.S. Senate.

Here is what Mr. Grayson has said:

> I will make most of the decisions on whether to allow price increases.

With advice from the staff, Grayson will determine which cases he will decide and which he will refer to the full commission or a panel of whatever three or four members of the seven-man commission he may choose.

Grayson has said that the great majority of cases must be decided by the chairman because the full commission probably will meet only once or twice weekly after the control program is launched.

Grayson has also said that it is his judgment that "at least theoretically" he as chairman has the right to make a final decision by himself—even if the other members want to participate.

Some Senators may argue that Mr. Grayson will never operate this way. He will not?

Consider what he has already done.

It has been reliably reported that on Wednesday, Grayson made the first big decision—that permitting American Motors to raise its prices 2½ percent on its 1972 models—on his own, and after consulting with exactly one other member, to wit, Robert F. Lanzilotti.

Mr. President, for the moment I am not proposing that the Senate should amend phase II control bill, which we will take up next week or shortly after, to specify how to limit the powers of the chairman. What I am suggesting is that the Senate should insist on confirming Mr. Grayson.

This Congress is giving Mr. Grayson immense power. He is exercising far more power than this Senator thought that he would exercise as chairman, and at the very least we should insist on Mr. Grayson going through the confirmation process.

Frankly, Mr. Chairman, I would be inclined to confirm him. I am impressed by his ability and character, but we should have a far clearer record of just how he intends to exercise the immense power he has assumed, and the full Senate should weigh Mr. Grayson's qualities; and in the hearing process, committee members should express to him any reservations we may have on the manner in which he exercises them.

Would an amendment to the phase II bill requiring confirmation for Mr. Grayson delay action by Mr. Grayson or the Price Commission? It would not.

Mr. Grayson could and would serve until the Senate acted on his confirmation. There would be no delay. And, frankly, this Senator would feel much better about the exercise of this immense power if this powerful chairman were acting with the knowledge that a Senate inquiry into his exercise of power and Senate confirmation action were forthcoming.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SPARKMAN. Mr. President, I want to comment briefly on what the Senator has said. I heard over the radio what the Senator has referred to, about Dr. Grayson's statement to the effect that he was almost a one-man board. I am sure it was not the intention of the President, in setting up this Board—I know it would not be the thought or intention of our committee, and I do not believe it would be the intention of Congress—that this should be a one-man board.

I have been very impressed with Dr. Grayson. I think he is a man of great ability and diligence, and I have great confidence in him and in his performing the job with sincerity and with dedication to the idea of doing justice, equity, and fairness.

I like to think that the statement he made was more or less a slip of the tongue. He is a full-time man and he is there at work all the time, and I am sure that he probably has a better opportunity to make up his mind than the part-time members do.

Mr. PROXMIRE. The difficulty is that the President's order, as I understand it, gives the Chairman the authority to act for the Board; and the Chairman feels that because the other members of the Board are part time and because he understands that they will come in town only once or twice a week he must exercise this immense power. I am sure there will be hundreds of firms which will have to appeal for a price increase—it would take full-time attention on the Chairman's part, with only broad policies and very important decisions being referred to other members. Perhaps it has to be run that way. I agree wholeheartedly with the Senator from Alabama that it would be far better if it did not have to be. But I am not complaining about that as much as the necessity that in the case of a man with this immense power—I think the Senator from Alabama suggested that we might consider the confirmation of the chairmen of the two committees——

Mr. SPARKMAN. Yes, I did.

Mr. PROXMIRE (continuing). This might be a wise action on the part of the Senate.

Mr. SPARKMAN. I still think that, although he is working full time, some plan can be worked out whereby the board will be brought in when it is necessary to make an important decision, and at least have a meeting and discuss it. He might have three, four, or a half dozen problems that he will work out to the best of his own decision; but before making a final decision, let the board come in, lay it before them, let them say their piece; and, as a matter of fact, supply them with such facts and figures as may be necessary which they can be studying while they are back home. But at least have them present to discuss the matter and make the final decision.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. PERCY. Is it clear before what committee Dr. Grayson would appear for such confirmation as envisioned by the amendment to be offered?

Mr. PROXMIRE. That is to be determined, I presume, by the Parliamentarian; but I think there is every likelihood that he would appear before the Committee on Banking, Housing and Urban Affairs, of which the Senator from Alabama is the chairman.

We were the committee responsible for providing the basic legislation that established the board. We are the committee that is responsible for the phase 2 legislation generally. So I would think it would be our committee.

Mr. PERCY. First, I should like to comment that I do not know of a better committee before which he could appear.

Mr. SPARKMAN. The Senator used to serve on it.

Mr. PERCY. As an alumnus of that committee, I can say so. I have had 4 years of very fine service on the committee.

I am pleased, indeed, to hear the chairman and such a ranking member as Senator PROXMIRE evidence such high regard for Dr. Grayson, high regard that I fully share. I feel that he is one of the finest choices that could have been made. He is a man of great intelligence, a decisive man, and yet a man of balanced judgment, utterly fair, who has the full knowledge of the consumer-management position and labor's position in many of these matters.

However, I think there is a great deal to be said for the fact that it would be desirable to have clarified before a confirming committee the distribution of power. I was somewhat surprised with the declaration of how the Commission would operate. Yet, as I went back and read over the order, Dr. Grayson is operating within the power that has been given to him, and I do not know a better man to exercise that power. But I do not think of any of the decisions he will be making will be unimportant. They are decisions of life or death. The prices that a business can charge will determine whether that business can survive.

I have knowledge that he has a very close relationship with the Cost of Living Council and a close relationship with Donald Rumsfeld. Certainly, all factors will be taken into account when he renders a decision. They will not be snap decisions. But many decisions will have to be rendered with swiftness, in providing the greatest protection that the business and the workers in that business and the consumers and the distribution organizations can have.

I do not know whether the procedure would be available to have a debating society on every one of those and deal with them with the dispatch that the conditions call for. But it certainly would be within the province of the Senate, I should think, to further clarify how the Commission will operate; and I think that all American business and labor would benefit from it.

I have a delegation of 25 of the top industrialists coming to Washington on Monday to find out how these various boards and commissions are going to operate. A great deal of information needs to be given to the American public, and the hearings could serve as a sounding board for the expression of such views will give a much better public understanding, which would be a part of the educational system to further the work of the Commission and certainly fulfill the responsibility of the Senate, so that I would be inclined to support the amendment of my distinguished colleague from Wisconsin.

Mr. PROXMIRE. I thank the Senator very, very much.

Mr. President, I yield the floor.

TRIBUTE TO THE CHICAGO SYMPHONY ORCHESTRA AND ITS CONDUCTOR GEORG SOLTI

Mr. PERCY. Mr. President, I had the great privilege, on yesterday, to introduce to many Members of this body one of the most remarkable men in the field of the arts, sciences, and humanities in the world today. He is Hungarian born Georg Solti, who is the present music director of the Chicago Symphony Orchestra. He has held that position since 1969, although he first conducted the Chicago Symphony Orchestra at the 1954 Ravinia Festival.

In my conversation with Mr. Solti yesterday, it became apparent to me why he has reached the pinnacle of success in his chosen field. His principles apply to almost every field of endeavor. First, he loves his work. It is apparent that he is consumed with the idea that music can do a great deal to bring out an individual, that it can do a great deal for the spirit of a person, and that it can do a great deal also for people in emphasizing the important role music can play in the life of a nation.

Mr. Solti has just returned with his orchestra from a triumphant visit to Europe. I hope that he will take the Chicago Symphony Orchestra as frequently as possible to other areas of the world, whether they be Communist or non-Communist.

For the peoples of other countries to see American culture represented in its highest form, which Mr. Solti and the Chicago Symphony Orchestra represent it to be, would be a major contribution to better understanding of the kind of people that Americans are. Americans are sometimes looked upon as a materialistic people. However, after all, we have more symphony orchestras in this country than the rest of the world combined. So that the love Georg Solti has for his music, I think, is one of the reasons he enjoys such prominence and success today.

Second, he has the highest respect for his orchestra and its members. These members are able to feel that respect and this, in a sense, in addition to the quality of his work and his conducting, enables them to extend themselves to the limit of their abilities.

Third, I believe that Mr. Solti is a man who has deep appreciation for the public support given to the symphony orchestras in this country, as well as the arts, by the public and by the Federal Government. The role of the Federal Government is an increasing one in support of the arts and the humanities in the United States today.

As I listened to Mr. Solti yesterday tell of the response from the audiences that listened to the Chicago Symphony Orchestra in London, Paris, Vienna, and other capitals in Europe, I was somewhat concerned whether the audience which listened to the Chicago Symphony Orchestra when it opened last night at the Kennedy Center would respond as enthusiastically.

Last night, when Georg Solti conducted a brilliant performance, at the end of the Gustav Mahler Giant Fifth Symphony, the audience rose in acclamation and gave many accolades and expressions of appreciation which lasted many, many minutes, and following the performance they brought Georg Solti back to the podium many, many times.

Mr. President, I ask unanimous consent to have printed in the RECORD the following material:

One, a biography of Georg Solti.

Two, an article written by Paul Hume, published in the Washington Post on November 16, 1971, entitled "Chicago and Solti." Let me read the beginning:

> Beyond argument, there is not in the world today a greater orchestra-conductor combination than the Chicago Symphony Orchestra and Georg Solti.
>
> In everything that makes an orchestra superb, the Chicago Symphony has attained the highest eminence. And Solti stands easily on one of those lofty peaks where only a few survive today.

Three, Paul Hume's article on November 20, 1971, published in the Washington Post, giving a review of the performance of the symphony orchestra last night.

Four, an article published in the New York Times on October 19, 1971, on a performance of the Chicago Symphony Orchestra in New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF GEORG SOLTI

Born in 1912 in Budapest, Hungary, Georg Solti studied with Béla Bartók, Ernst von Dohnányi and Zoltán Kodály. Early in his career he was a conductor of the Budapest Opera and assistant to Arturo Toscanini at the Salzburg Festival. Prior to World War II, Mr. Solti fled Hungary to live in Switzerland and appeared as a pianist in concerts and recitals. In 1942 he received first prize at the International Piano Competition in Geneva. The American military government of Bavaria in 1946 invited Mr. Solti to conduct a performance of Beethoven's *Fidelio* in Munich. The success resulted in Mr. Solti's appointment as Music Director of the Bavarian State Opera. He also conducted performances at the Salzburg Festival and traveled extensively, making appearances as a guest conductor in Vienna, Berlin, Paris, Rome, Florence and Buenos Aires. In 1952 he accepted a post as Artistic and Music Director of the Frankfurt City Opera, where he remained for ten years. He made his United States debut with the San Francisco Opera during the 1953–54 season, and first conducted the Chicago Symphony at the 1954 Ravinia Festival. In the United States he also has conducted the orchestras of New York, Philadelphia, Pittsburgh, St. Louis, Dallas and Los Angeles. He has conducted frequently at New York's Metropolitan Opera, where in 1964 he led two performances of Verdi's *Requiem* in memory of President John F. Kennedy. Shortly after his debut in 1959 at Covent Garden, Mr. Solti was named Director of the Royal Opera House. Recently Mr. Solti was named a Commander of the Order of the British Empire by Queen Elizabeth, an honor seldom extended to non-British subjects. For his recordings he has received the French Prix du Disque six times. His most celebrated recording achievement is the entire *Ring* cycle, which took seven years to complete. Mr. Solti conducted the Vienna Philharmonic Orchestra for the series on the Decca label. Georg Solti became Music Director of the Chicago Symphony Orchestra in 1969.

[From the Washington Post, Nov. 16, 1971]

CHICAGO AND SOLTI

(By Paul Hume)

Beyond argument, there is not in the world today a greater orchestra-conductor combination than the Chicago Symphony Orchestra and Georg Solti.

In everything that makes an orchestra superb, the Chicago Symphony has attained the highest eminence. And Solti stands easily on one of those lofty peaks where only a few survive today. When they come to the Kennedy Center's Concert Hall on Friday night, they will be the fourth of this country's Mighty Five to appear there thus far, having been preceded by New York, Philadelphia and Boston, in that order, with Cleveland due to arrive in the winter.

For his Washington debut. Solti has announced a program of magnificent design.

Elliott Carter's Variations for Orchestra, which he took with him on the Chicago's recent triumphant conquest of Europe, and the Fifth Symphony of Mahler, music wherein Solti has his own high place.

It is not less than tragic that Washington will be so near to and yet so far from one of the historic events in the musical history of this country. The night after their concert here, Solti and the Chicagoans will repeat for New York what they gave Chicago with resplendent power last week: Arnold Schoenberg's epic "Moses and Aaron." Considering the titanic power of this music and that which Solti accomplished with it at Covent Garden several seasons ago, we can only imagine what it must be when he has the Chicago orchestra at his disposal. And separated from us by a mere 24 hours! Washington is as obviously the place for this great work as are Chicago and New York, but someone has not yet gotten that message. Meanwhile, Friday night's concert is sold out.

This week's National Symphony programs include the premiere of a work by one of the orchestra's first violinists, Andreas Makris. Entitled "Anamnesis," or "remembrance," it is music which Makris completed last year.

Dorati will also conduct the Mahler First Symphony, and with Ruggiero Ricci, the Washington premiere of the Fourth Concerto of Paganini.

Jesus Maria Sanroma, Puerto Rico's distinguished pianist, will continue that Commonwealth's current series of Washington concerts with a recital at 8 p.m., Sunday, Nov. 21, in the Department of Commerce Auditorium. Sanroma, whose pedigree includes seasons as pianist of the Boston Symphony Orchestra, is noted in the fields of solo and chamber music as in the orchestral-concerto world. His Sunday concert, free to the public, includes three Soler sonatas, the Brahms G Minor Rhapsody, Beethoven Sonata in E Flat, the Schubert G Flat Major Impromptu, and music by Gershwin, Debussy, and Campos.

Two pianists, utterly different, and wholly compelling, play in the Kennedy Center this weekend: Alicia de Larrocha on Saturday night and Rudolf Serkin on Sunday afternoon.

On Sunday evening, at 8:30 p.m., Roberta Peters, who sang in the Center only two weeks ago, will return to sing the Greater Washington Winter Concert, with Cantor Noah Griver of Beth Sholom Congregation. They will be joined by a double quartet in opera, songs in English, and classical liturgical music. The concert continues a series begun last year by Jan Peerce at Shady Grove. Tickets are on sale at the Center, Campbell's, and Montgomery Wards.

For your further delectation: a recent ad in The Philadelphia Inquirer announced "Joseph Kline, organist, in the complete organ works of Johann Sebastian Bach, Sat. Nov. 6, at 4 p.m." Would anyone care to figure out just when that concert could have come to an end?

[From the Washington Post, Nov. 20, 1971]

CHICAGO SYMPHONY

(By Paul Hume)

The program Georg Solti conducted last night with the Chicago Symphony Orchestra in the Kennedy Center was a compliment to his audience, a compliment of peerless proportions.

His orchestra is one of the wonders of the world. To describe it would be an idle listing of the kinds of perfection that are dreamed of in imagining an ideal orchestra. In the final analysis this orchestra embodies—and projects with irresistible power—the full majesty of music under total command.

At least when it plays for Georg Solti. An orchestra with this ensemble's history of greatness can always summon up greatness. But it must be challenged to its highest standard by one of the few geniuses who, at given time, is available to lead it.

Solti chose to play two works last night: the Variations for Orchestra by Elliott Carter and the Mahler Fifth Symphony. Nothing more was needed to establish the supremacy of this conductor and these players.

Carter's Variations plunged the audience into the very midst of great music in a reading of electrifying power. Clarifying the sometimes knotty music as he expounded it, Solti made it possible to understand the virtuosity of musical thought that fills these variations. They are changes on an essentially lyrical theme, a series of changes comparable to those in the Goldberg or Diabelli Variations with the added factor that today's composer has a vastly wider range of musical means with which to work.

Through the myriad mutations of shape and color, rhythm and form, Solti continually kept clear the thread with which Carter built his modern version of a Keplerian musical universe. One of the triumphant results of the Chicagoans playing was the vociferous enthusiasm with which Solti was recalled to the stage at its conclusion. A lesser man and lesser orchestra would be hard to take even though it is music that should be heard from as many orchestras as can handle it.

Solti is one of the few conductors to have recorded the entire cycle of Mahler symphonies. That he has as much right to this domain as any living mortal was obvious at every moment of the Fifth. His reading, projected with vivid fidelity by his inspired musicians, was a revelatory illumination of Mahler's whole purpose. It sounded as the composer must have dreamed it would when he said, "My time will come."

Every nuance of sound and phrasing, each change of mood was ideally anticipated and impeccably conveyed. If you know this symphony, you know all that this implies. If you do not, Solti's recording will give you a superb image of much that happened last night. But it is hard not to believe that there was a special empathy at work during the Kennedy Center playing that lifted even this genius and his ardent followers to special heights.

[From the New York Times, Oct. 19, 1971]

GLORY TIME HAS ARRIVED FOR THE CHICAGO SYMPHONY

(By Donal Henahan)

There is a time for penance and a time for glory, and for the Chicago Symphony Orchestra glory time has arrived. After many decades of enforced modesty when the orchestra rarely left home, the Chicago Symphony recently has been getting out to let the world know what it has been missing. Its first European tour was completed this summer with immense success, and Wednesday night the orchestra for the first time in its history opened its own series of concerts at Carnegie Hall.

Among musicians the Chicago Symphony has for many years rated at or very close to the top, but it has taken its current music director, Georg Solti, to spread the word.

Before Mr. Solti's regime, the Chicago Symphony had become a great orchestra that too often did not give great performances. But Wednesday, at least, Mr. Solti's ensemble went from excitement to excitement. Breathtaking virtuosity was the rule, but thankfully not the point.

Schumann's Third Symphony ("Rhenish") glowed with robust Germanic sonority, and Mr. Solti brought out varieties of tone color not easy to achieve in Schumann's indifferently orchestrated symphonies. Strings were richly evident, but the magnificent Chicago brass and woodwinds made themselves felt, too. Although Mr. Solti's readings sometimes can be too drivingly tense and brilliant, the Schumann balanced its peaks with valleys of solemnity and calm.

The Bartók Concerto for Orchestra, a Chicago Symphony showpiece since the days of Fritz Reiner transformed the audience into a yelling throng of Soltiacs. The Bartók, for all its power and thrust, actually impressed one most for its exceptional grace and precision, and for Mr. Solti's concentration on a musical line rather than on orchestral show.

The Prelude to "Die Meistersinger" might have been anticlimactic under the Chicago wind battalions really poured it on here, and set the audience bellowing happily again.

At intermission, Isaac Stern presided over a ceremony at which a proclamation by Mayor Lindsay was read, making the 80th anniversary season of Carnegie Hall. Mr. Stern led a citizen group that saved the hall from destruction more than a decade ago.

Mr. PERCY. Mr. President, I believe that all Senators can be proud, indeed, of the support which the Federal Government is giving, through appropriations and authorizations, to the arts and humanities in America.

We can also be proud that last night saw once again another distinguished performance at the Kennedy Center by the Chicago Symphony Orchestra. Indeed, the Kennedy Center is becoming increasingly, day by day, a cultural jewel in the Nation's Capital.

RELIEF OF DOROTHY G. McCARTY

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1810.

The PRESIDING OFFICER (Mr. GOLDWATER) laid before the Senate the amendment of the House of Representatives to the bill (S. 1810) an act for the relief of Dorothy G. McCarty, which were, in line 6, strike out "sections" and insert "section".

In line 7, strike out "and 8339(h)".

In line 11, after "Service" insert ": *Provided*, That she makes the required employee contribution to the Civil Service Retirement and Disability Fund. In the event that such credit is granted for retirement under the provisions of chapter 83 of title 5 of the United States Code, no credit for the same employment for the period from August 1, 1947, through April 30, 1952, shall be granted under the provisions of the Social Security Act (Act of August 14, 1935, chapter 531, title II, section 201 et seq., as amended; 42 U.S.C. 401 et seq.)"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate concur in the amendments en bloc.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, the amendments are considered and agreed to en bloc.

ORDER FOR ADJOURNMENT FROM MONDAY TO 9 A.M. ON TUESDAY, NOVEMBER 23, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 9 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY TO 9 A.M. ON WEDNESDAY, NOVEMBER 24, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in adjournment until 9 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON TREATY

Mr. BYRD of West Virginia. Mr. President, a parilamentary inquiry.

The PRESIDING OFFICER. The Senator from West Virginia will state it.

Mr. BYRD of West Virginia. Under the resolution that has been adopted, does the Senate convene at 10 a.m. on Monday, November 29, 1971?

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator is correct.

Mr. BYRD of West Virginia. Very well.

Mr. President, I ask unanimous consent that, on Monday, November 29, 1971—that is the Monday following the Thanksgiving recess—at 11 a.m., the Senate proceed to vote—and undoubtedly it will be a rollcall vote—on Calendar No. 12, exhibit B, 92d Congress, first session, the treaty to resolve certain pending boundary differences between the United States and Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I call up amendment No. 715 of the Senator from Nebraska (Mr. CURTIS), having been authorized to do this by the distinguished assistant Republican leader, in order to make it the pending business, and I ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 29, lines 1 and 2, strike out "Effective with respect to taxable years beginning after December 31, 1970, section" and insert "Section".

On page 29, after line 19, insert the following:

"(d) The amendment made by subsection (c) shall apply to taxable years beginning after the close of the first fiscal year ending after the date of the enactment of this Act in which the total income of the Government of the United States exceeds the total expenditures made by the Government of the United States, as determined and published by the Director of the Office of Management and Budget. The provisions of subtitles A and B and of subsections (a) and (c) of this section shall take effect on the first day of the fiscal year following the first fiscal year described in the preceding sentence.".

Mr. BYRD of West Virginia. Mr. President, this is an amendment in the second degree proposed to the Pastore amendment. There will be a 1-hour limitation on this amendment under the previous agreement. That hour will not start running until Monday morning. The Curtis amendment will be the pending question on Monday morning, and undoubtedly there will be a rollcall vote thereon which will occur at circa 10 a.m.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday and the next few days, as clearly as can now be foreseen, is as follows:

On Monday, November 22, the Senate will convene at 9 a.m. Immediately, consideration of the Pastore amendment to the Revenue Act of 1971 will be resumed. The pending question at that time will be the Curtis amendment, No. 715, an amendment in the second degree.

Amendments to the Pastore amendment will be in order throughout the day until 5 p.m., with a time limitation on any amendment, motion or appeal—with the exception of nondebatable motions—of 1 hour.

The vote on the Pastore amendment will occur at 5 p.m.

I would express this caveat. The vote on the Pastore amendment itself will actually entail two votes, a division of the question having been ordered.

The first vote will occur on title IX. The second vote is to occur immediately thereafter on title X. No tabling motion will be in order under the agreement entered into with respect to either of the two division votes on the Pastore amendment.

Also, after all time has expired and the hour of 5 p.m. having been ordered in the agreement as the hour for a vote on the Pastore amendment, it is quite possible that at 5 p.m., other amendments could be offered to the Pastore amendment. But there would be no debate thereon. However, the movers of such amendments could demand rollcall votes thereon, and that would be within their rights.

Following the disposition of the Pastore amendment, further amendments, without any time limitation as of now, to the Revenue Act of 1971 will be in order. It is hoped that action on the Revenue Act of 1971 can be completed on Monday evening and that the defense appropriations bill can be laid before the Senate and made the pending business for Tuesday. In any event, the defense appropriations bill will follow the disposition of the Revenue Act of 1971.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAKER. Mr. President, do I understand that it is the interpretation of the distinguished junior Senator from West Virginia that the hour of 5 p.m. on Monday next having arrived, other amendments might be offered to the pending business, on which there could be rollcall votes, although no debate.

Mr. BYRD of West Virginia. Mr. President, when the hour of 5 o'clock has been reached on Monday next, the Chair will state that the time has arrived for the vote on the division of the two titles in the Pastore amendment. But at that moment, any Senator who wishes to offer an amendment to the Pastore amendment may do so. That is within his right if he can get recognition. But he would not have any time for debate on his amendment. He would be entitled to a vote, however, before the vote occurs on the Pastore amendment.

Mr. BAKER. Mr. President, I think that the Senator from West Virginia and I are talking about the same thing. I wonder if his interpretation of the rule would be the same as that of the Chair; that is, that the vote on the Pastore amendment need not occur at 5 o'clock in this situation.

Mr. BYRD of West Virginia. Mr. President, the Senator is precisely correct. In such a situation the vote would be taken on any amendment pending or offered at the hour of 5 p.m. to the Pastore amendment, and on any subsequent amendment offered to the Pastore amendment, prior to the vote on the Pastore amendment.

Mr. BAKER. Mr. President, prior to the ruling of the Chair, the point I make is my concern that the hour of 5 p.m. having arrived on Monday next, under the unanimous-consent order that, as I understand it, provides for a vote on the Pastore amendment at 5 o'clock, notwithstanding the unanimous-consent order, any number of amendments ad infinitum could be offered, but without debate, and they could proceed then to a rollcall vote.

I understand that would be the understanding of the Senator from West Virginia. I wonder if that is the understanding of the Chair.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator is correct. As the Chair understands it, the vote at 5 o'clock would be on whatever amendment was being considered at that point. And after the vote, any amendments could be offered to title IX and voted on without debate.

After that, the same procedure could occur on title X and the amendments could be voted on without debate, after which, when we have exhausted those, the vote would occur on title X.

Mr. BAKER. I thank the Chair for that statement. I reserve that question further, if I have any further rights on that point, until the issue arises Monday next.

I thank the Senator.

Mr. BYRD of West Virginia. I thank the Senator from Tennessee.

May I state this further point. Perhaps it need not be stated by me. And I would like to know if the Chair concurs.

Once all amendments in the second degree to the Pastore amendment pending at 5 p.m. on Monday have been disposed of, the Senate will proceed to vote on title IX, and following the vote on title IX, the vote on title X will occur immediately.

The PRESIDING OFFICER. If no amendments were called up, the Senator is correct.

Mr. BAKER. Mr. President, if the Senator would yield further, I would like to direct a question to him.

Is it my understanding of his interpretation of the rules that if amendments in the second degree, in response to the order, are pending, that there would be no time for debate on amendments to title X.

Mr. BYRD of West Virginia. It is my understanding.

The PRESIDING OFFICER. After 5 o'clock, no debate would be in order.

Mr. BAKER. Mr. President, I ask further if it is my understanding of the explanation of the Senator from West Virginia, and if the Chair concurs, that "amendments pending" is to be interpreted to mean amendments at the desk at 5 o'clock.

The PRESIDING OFFICER. Not necessarily.

Mr. BAKER. So any amendments, whether at the desk or not, could be offered after 5 o'clock, in sequence, but without debate.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I am not clear on one point. It is my understanding—and if I am in error, I want the Chair to state so, and I know the Chair will—that once the Senate votes on title IX, the vote on title X will occur immediately, without any chance for Senators to offer intervening amendments to title X.

The PRESIDING OFFICER. As the Chair understands it, once the amendments to title IX have been exhausted, having reached of 5 p.m., we would then proceed to title X.

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER. After voting on title IX.

Mr. BYRD of West Virginia. Mr. President, I do not understand the point at issue in that way, and I beg the indulgence of the Chair. I may be wrong, but I think the matter should be clarified now without question.

Under the agreement the vote is to occur on the Pastore amendment at 5 p.m. The Pastore amendment entails both title IX and title X.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. I interpret the agreement to provide that once the hour of 5 o'clock is reached, amendments in the second degree to either title IX or title X may still be offered and voted on without debate prior to the vote on title IX, but once title IX is voted on, there is no chance for any Senator to offer an amendment in the second degree to title X but, rather, the vote on title X must occur immediately.

The PRESIDING OFFICER. Until we dispose of title IX, and when we dispose of title IX, further amendments are not debatable, but are in order.

Mr. BAKER. As to both title IX and title X.

The PRESIDING OFFICER. No. The question was as to the point of title X, not title IX, after the hour of 5 p.m., is reached.

Mr. BAKER. My point is if amendments are eligible and may be voted on with respect to title IX, and with the same rules and regulations, after we dispose of title IX, then amendments are further eligible to title X, with limitation as to number, but without debate.

The PRESIDING OFFICER. That is right.

Mr. BYRD of West Virginia. Apparently the Chair is going to sustain the interpretation of the Senator from Tennessee, but if that is to be the case, why did not the agreement say that the vote at 5 o'clock will occur on one-half of the pastore amendment, the first half?

The agreement was to the effect that the vote would occur on the Pastore amendment at 5 o'clock, and the Pastore amendment includes both titles IX and X.

The PRESIDING OFFICER. The reason is when you have a demand for a division, you vote on the first part of the division first and the second part second.

The Chair might observe that if there are no amendments pending at the hour of 5 p.m., the vote would occur on title IX, followed by title X, but should amendments be offered to title X, following the vote on title IX, it is the Chair's opinion that would be in order without debate.

Mr. BYRD of West Virginia. From the time that the Senator from New York (Mr. JAVITS) asked for a division, to which he was entitled, amendments have been in order to either title.

I am afraid, in view of what the chair has just stated, that the majority of the Senate, or at least some Senators, have labored under a misunderstanding as to just what a vote on the Pastore amendment at 5 p.m. on Monday actually means.

It was my thought—and I stated it last night—that once a vote had occurred on title IX of the Pastore amendment, a vote on title X would occur immediately, with no time for votes on amendments in between.

I did not understand there could be an intervening period following a vote on Title IX—which could last indefinitely—during which amendments to title X could be called up and voted on.

It seems to me that if that is the case, we agreed last night to vote only on one-half of the Pastore amendment—title IX—at 5 o'clock, whereas the second half—title X—may be voted on next Tuesday or Wednesday or after the first of the year, or at some future date, depending on the number of amendments which may be called up after title IX is disposed of.

The PRESIDING OFFICER. The Chair observes we were operating under rather unusual conditions at the time the Senator from New York made his request. We were on controlled time. If we had not been, the statement of the Senator from West Virginia would be correct, but not having time allocated to a division, we have to operate as the Chair ruled.

Mr. BYRD of West Virginia. As far as I am concerned we are going to operate as the Chair ruled. I do not anticipate appealing the ruling of the Chair at this time, but I suggest the absence of a quorum so that some discussion of this matter may be had.

Mr. BAKER and Mr. GRIFFIN addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, I withhold the suggestion.

Mr. GRIFFIN. Mr. President, if the Senator will yield for the purpose of clarification, in the unlikely event but possible event that all amendments in the second degree to the Pastore amendment should be disposed of at 5 o'clock and there are no pending amendments, I take it from the unanimous-consent agreement we would vote at 5 p.m.

The PRESIDING OFFICER. The Senator is correct, unless the unanimous consent is modified.

Mr. BAKER. I would like to say, lest I be misunderstood in pressing for an interpretation of the existing unanimous-consent agreement, I want the Senate to clearly understand I have no such string of amendments in mind. I do not think this is a good technique and I think it circumvents the intent of the unanimous-consent order and I would be greatly assured if we heard a similar statement from the acting majority leader.

Mr. BYRD of West Virginia. I concur in what the Senator from Tennessee has said and I have no misunderstanding as to the reasons and purposes of the Senator in propounding his questions for the Chair's consideration. I feel reasonably sure that it was the intent of all Senators present—and certainly it was their interpretation of the agreement, and I so stated last night, for everyone to hear, and no one questioned it—that immediately following the vote on title IX of the Pastore amendment, the vote on title X would occur. My statement last night was in response to the Senator from Nebraska (Mr. CURTIS) who brought up the question of whether or not other amendments to the Pastore amendment, the hour of 5 o'clock having arrived, would be in order.

It was agreed by everyone apparently that amendments could be offered at that time in the second degree to the Pastore amendment, that votes could be had, but no debate; and that once the Senate reached the vote on the Pastore amendment, the vote would first occur on title IX and then on title X immediately thereafter with no intervening amendments.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HUMPHREY. On page 42411 of the RECORD of yesterday, in a colloquy with the Senator from Nebraska (Mr. CURTIS), the Senator from Nebraska said:

> Mr. CURTIS. Suppose there are amendments waiting to be offered that have not even been called up.
>
> Mr. BYRD of West Virginia. They could be offered. There would be no debate on them, but they would be voted on prior to the two votes on the two titles of the Pastore amendment.

I distinctly recall that colloquy last evening in which the Senator from West Virginia made it manifestly clear that we would vote first on title IX, immediately followed by title X.

The PRESIDING OFFICER. Unless unanimous consent were granted, title X would not be open to amendment, until title IX had been disposed of.

Mr. HUMPHREY. Title IX would be first disposed of.

The PRESIDING OFFICER. That is correct.

Mr. HUMPHREY. And unless there were unanimous consent to reopen immediately thereafter—without unanimous consent title X would be voted.

The PRESIDING OFFICER. Unless somebody offered an amendment, which is not debatable.

Mr. HUMPHREY. That is the point.

Mr. BYRD of West Virginia. That is the point.

Mr. BAKER. If it is in order on both sides of the aisle, I would be happy to see the propounding of a unanimous-consent request to cut off offering amendments without debate, because I think offering amendments without debate on issues of this sort is handling a serious matter in a haphazard way.

Mr. BYRD of West Virginia. I would like to propound a request shortly, but first, for the record, I would like to proceed just a bit further in reading from yesterday's Record, in which the distinguished Senator from Minnesota was engaged just a moment ago.

Mr. President, on page 42410 of yesterday's Record, in response to a question by the distinguished Senator from Kentucky (Mr. Cook), and joined in by the distinguished Republican leader (Mr. Scott), I made a statement. I shall read the colloquy, which is as follows:

> Mr. Cook. Is the Senator saying that prior to 3 o'clock—

At the time of that colloquy, it was thought the distinguished Republican leader would suggest that the vote on the Pastore amendment occur at 3 o'clock—

> the division must also occur, including all amendments to the Pastore amendment, and then a division must take place; and if a division is unsuccessful, then a final vote on the Pastore amendment at 3 o'clock; or does he say that the vote on the division which, in essence, is a vote on the Pastore amendment, must take place at 3 o'clock?
>
> Mr. Byrd of West Virginia. I understand the minority leader's request to be that there would be a vote on the Pastore amendment at 3 o'clock.
>
> Mr. Cook. Division has already been ordered.
>
> Mr. Byrd of West Virginia. That is true.
>
> Mr. Scott. That would be two votes.
>
> Mr. Byrd of West Virginia. That is correct. The vote would occur on title IX first, and it would be immediately followed by a vote on title X.
>
> Mr. Cook. I thank the Senator.

There was no question raised against the interpretation I stated, and I am sure that in the minds of the distinguished Republican leader, who propounded the request, and other Senators who were present that interpretation was accepted.

So, Mr. President, without questioning the Chair's interpretation, I shall propound a unanimous-consent request.

Before doing so, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, once again, just so there can be no misunderstanding of the colloquy between the senior Senator from Tennessee and the junior Senator from West Virginia and the distinguished acting minority leader, I want to point out that the only reason why I wanted to clarify the unanimous-consent request was to make sure that at the last moment, at 5 o'clock next Monday, the Senate is not confronted with an onslaught of amendments we have never heard of and that cannot be debated. I think the issue is too serious to put us in that position. So to eliminate that, I would sincerely hope that the acting majority leader might ask for a modification of the unanimous-consent request in order to effectuate those purposes.

Mr. BYRD of West Virginia. I shall do so.

Mr. President, is it not a fact that the Senate has been voting, prior to today, on amendments to both title IX and title X of the Pastore amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Is it not a fact that in the normal course of things under the rules, a point of order could be raised against the offering of amendments to title X prior to the disposition of title IX?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. No point of order having been raised, consequently the Senate has proceeded to act on amendments to both titles?

The PRESIDING OFFICER. The Senator continues to be correct.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

Mr. President, I ask unanimous consent that any and all amendments to the Pastore amendment which have been presented in writing at the desk by or before 5 o'clock p.m. on Monday next, either to title IX or title X of the Pastore amendment, but not yet disposed of, if otherwise eligible, may be in order for consideration;

Provided further, that those amendments at the desk, if such there be, be voted on at 5 o'clock if called up prior to the vote on title 9 of the Pastore amendment; and that once all such amendments have been disposed of, the vote occur on title 9 of the Pastore amendment, and that the vote on title 10, without any intervening amendment or amendments being in order, occur immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, and I certainly do not intend to object, I want to make sure that I fully understand two points.

One is that any eligible amendments at the desk at 5 o'clock to either titles 9 or 10 of the Pastore amendment will be disposed of before the Senate proceeds to the disposition of either title 9 or title 10, under the order for division?

The PRESIDING OFFICER. The Senator is correct. With the understanding that there will be no debate on any amendment.

Mr. BAKER. I thank the Chair.

The second point is that the words "if otherwise eligible," as quoted in the request of the distinguished assistant majority leader, would not invalidate any other rule of the Senate, such as the prevention of amendments beyond the second degree.

The PRESIDING OFFICER. That would be correct, if the request of the Senator from West Virginia is agreed to.

Mr. BAKER. On the theory that we are not setting up a situation where we could amend and amend beyond the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I have no objection.

Mr. GRIFFIN. Mr. President, further reserving the right to object, in the explanation given by the majority whip, he indicated that, pursuant to the division of the amendment demanded by the distinguished Senator from New York (Mr. Javits), amendments to title X are not in order until amendments to title IX are disposed of. Is that the situation?

Mr. BYRD of West Virginia. May I respond?

Mr. GRIFFIN. Yes.

Mr. BYRD of West Virginia. Normally, that would be the case. As I understand it, a point of order could normally be raised against consideration of amendments to title X before amendments to title IX, and title IX itself, had been disposed of.

Mr. President, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. But in view of the fact that——

Mr. GRIFFIN. Let me suggest that——

Mr. BYRD of West Virginia. Let me make one further statement, which I think ought to be made for the record.

I ask the Chair if this is not correct: In view of the fact that we have been operating under a time limitation agreement on the Pastore amendment, there is no definite precedent which would sustain such a point of order, had it been raised. Am I correct?

The PRESIDING OFFICER. The Senator is correct. We have been operating under a peculiar situation.

Mr. GRIFFIN. Let me make the suggestion——

Mr. BYRD of West Virginia. And may I make the further statement——

Mr. GRIFFIN. Well, let me just make the suggestion that in order to protect all Senators, the Senator might include in his unanimous-consent request a provision to make it clear that amendments to either title IX or title X would be considered and would be in order under the unanimous-consent agreement during that period.

The PRESIDING OFFICER. That is a part of the unanimous-consent request that the Senator from West Virginia has made.

Mr. BYRD of West Virginia. It was a part of the proposed agreement.

Mr. GRIFFIN. I understood that the agreement pertained only to amendments at the desk at 5 o'clock. My inquiry relates to amendments that might be presented prior to 5 o'clock, during the day.

Mr. BYRD of West Virginia. I thought I said "by or before 5 o'clock."

The PRESIDING OFFICER. The Senator is correct. The Senator from West Virginia asked that all amendments offered in writing before 5 o'clock be in order, and that they be disposed of before we start to vote on the two titles.

Mr. BYRD of West Virginia. Yes. Let me just conclude by saying this, Mr. President:

While we have been operating under the time-limitation agreement, no point of order has been raised to the offering of amendments to title 10 prior to the vote on title 9. I would hope that no point of order would be raised, because there are no precedents, and I would hope we could avoid having to face that problem.

The PRESIDING OFFICER. The unanimous-consent agreement would take care of it.

Is there objection to the request of the Senator from West Virginia?

Mr. BAKER. Mr. President, reserving the right to object, do I understand that the potential point of order difficulty that has been identified is taken care of and disposed of by this unanimous-consent agreement, whether it relates to 5 o'clock or a time prior to 5 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I apologize for imposing on the time of the Senate, but I think this discussion has been helpful and could prevent some brouhaha on down the road. Now, Mr. President, I proceed with the program for Tuesday.

The Senate will convene at 9 a.m. on Tuesday. Whether there will be any 15-minute speeches or early morning business is indefinite as of now. In any event, if action has not been completed on the Revenue Act of 1971, the Senate will resume the consideration of that measure.

If action on that measure has been completed, the Senate will proceed to the consideration of the Defense appropriation bill, and, no doubt, there will be rollcall votes on that day.

On Wednesday, November 24, the Senate will convene at 9 a.m. Whether there will be any 15-minute speeches or morning business has not been determined as yet, but at any rate, the Senate will resume the consideration of the Defense appropriation bill if that measure has not been disposed of. There will undoubtedly be rollcall votes on Wednesday, inasmuch as every effort will be made to complete action on the Defense appropriation bill on that date.

On Thursday, November 25; Friday, November 26; and Saturday, November 27, there will be no sessions.

On Monday, November 29, the Senate will convene at 10 a.m. A rollcall vote will occur at 11 a.m. on the treaty to resolve certain boundary differences between the United States and Mexico.

Following the rollcall vote on the treaty, the Senate will resume consideration of the Defense appropriation bill, if that measure has not yet been disposed of, though hopefully it will have been.

In any event, phase II of the President's economic proposals will be called up following disposition of the Defense appropriation bill. There will be rollcall votes on phase II.

In addition to the foregoing measures, action will be taken on the following, and it is hoped that we can adjourn sine die by December 4:

The District of Columbia and supplemental appropriation bills.

The Supreme Court nominations.

A nomination to the Office of Secretary of Agriculture.

Conference reports.

And there will be action on other matters.

In fine, rollcall votes will occur daily throughout Monday, Tuesday, and Wednesday of next week and Monday of the following week, and long daily sessions may be expected.

ADJOURNMENT UNTIL MONDAY AT 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. on Monday morning next.

The motion was agreed to; and (at 2 o'clock and 48 minutes p.m.) the Senate adjourned until Monday, November 22, 1971, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20, 1971:

ACTION

Joseph H. Blatchford, of California, to be Director of Action.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Henry M. Ramirez, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

EXTENSIONS OF REMARKS

H.R. 5—A NEW PLAN TO MEET COLLEGE COSTS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, as millions of American parents each year discover, financing their youngster's college education is a serious and costly prospect. Often, family savings are limited, scholarships are not in abundance, loans are not the best solution for all students, nor are they always available.

I rise again then for the third time this year, Mr. Speaker, to focus attention on my bill, H.R. 5, the Higher Education Funding Act of 1971, a new plan to meet college costs. H.R. 5 would assist families by permitting parent-taxpayers to set aside limited amounts of money annually to meet college expenses. A deduction from gross income would be allowed for amounts contributed to a trust, purchase of insurance or annuity contracts, custodial accounts with banks, nontransferable face amount certificates, and/or Government bonds.

Joining me in reintroducing H.R. 5 are Congressmen JAMES ABOUREZK, of South Dakota, FRANK J. BRASCO, of New York, HENRY HELSTOSKI, of New Jersey, ELWOOD HILLIS, of Indiana, NORMAN LENT, of New York, and TENO RONCALIO, of Wyoming.

A list of cosponsors of this approach to meeting college costs follows:

Watkins M. Abbitt, Virginia; Thomas G. Abernethy, Mississippi; Joseph P. Addabbo, New York; William R. Anderson, Tennessee; Frank Annunzio, Illinois; Edward G. Biester, Jr., Pennsylvania; Edward P. Boland, Massachusetts; Joel T. Broyhill, Virginia; John Buchanan, Alabama; and James A. Byrne, Pennsylvania.

Bob Casey, Texas; Frank M. Clark, Pennsylvania; James C. Cleveland, New Hampshire; George W. Collins, Illinois; William R. Cotter, Connecticut; Edward J. Derwinski, Illinois; Harold D. Donohue, Massachusetts; Thaddeus J. Dulski, New York; John J. Duncan, Tennessee; and Joshua Eilberg, Pennsylvania.

Walter Flowers, Alabama; William D. Ford, Michigan; James G. Fulton, Pennsylvania; Richard H. Fulton, Tennessee; William J. Green, Pennsylvania; Charles H. Griffin, Mississippi; Gilbert Gude, Maryland; G. Elliott Hagan, Georgia; Seymour Halpern, New York; and John Paul Hammerschmidt, Arkansas.

Julia Butler Hansen, Washington; Ken Hechler, West Virginia; Henry Helstoski, New Jersey; Floyd V. Hicks, Washington; Louise Day Hicks, Massachusetts; Jack F. Kemp, New York; John C. Kluczynski, Illinois; Speedy O. Long, Louisiana; Paul N. McCloskey, Jr., California; and John Y. McCollister, Nebraska.

John Melcher, Montana; Robert H. Michel, Illinois; Abner J. Mikva, Illinois; Parren J. Mitchell, Maryland; John S. Monagan, Connecticut; G. V. (Sonny) Montgomery, Mississippi; F. Bradford Morse, Massachusetts; John M. Murphy, New York; Thomas P. O'Neill, Jr., Massachusetts; and John J. Rhodes, Arizona.

Benjamin S. Rosenthal, New York; William R. Roy, Kansas; Edward R. Roybal, California; Fernand J. St Germain, Rhode Island; Robert H. Steele, Connecticut; Frank A. Stubblefield, Kentucky; Charles Thone, Nebraska; Guy Vander Jagt, Michigan; John C. Watts, Kentucky; Charles H. Wilson, California; and Lester L. Wolff, New York.

LAMPREY CONTROL PROGRAM IN THE GREAT LAKES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. DINGELL. Mr. Speaker, I recently received a letter from Mr. Bill Mavety, reporting on the lamprey control program in the Great Lakes.

I believe the information contained in Mr. Mavety's letter will be of interest to my colleagues and request the text of the letter appear at this point in the CONGRESSIONAL RECORD.

The letter follows:

MAVETY OIL CO.,
Traverse City, Mich.

Hon. JOHN D. DINGELL,
Conference of Great Lakes Congressmen, House of Representatives, Washington, D.C.

DEAR SIR: Even though we received increased funding for lamprey control, we are still losing the battle to preserve our Great Lakes Fishery. The lamprey count from the eight weirs operated by the Great Lakes Fishery Commission shows double the count in 1971 over 1970. Besides, according to Robert Scolfield of the Great Lakes Fisheries Commission, the 1971 count was predominantly female—an even more ominous sign.

About 9,634 lampreys were taken from these eight weirs which indicates an average of 1,200 lampreys per stream. In Lakes Michigan and Superior an average of 40 streams are treated every four years which indicates 160 lamprey producing streams. Multiplying the number of lampreys per stream (1,200) by the number of lamprey producing streams (160) we come up with 192,000 as an estimate of the residual population of lampreys in Lakes Superior and Michigan. Each one of these lampreys will kill 40 pounds of fish. When we multiply the number of lampreys (192,000) by the kill of each predator (40 pounds) we find that each year the lamprey takes a minimum of 7,650,000 pounds of our fish, the majority of which are trout.

Compared to the lamprey, man is a very poor fisherman. Mr. John Scott, DNR Fisheries Biologist testified as follows to the projected 1971 catch.

	Pounds
Lake Michigan Sports	1,000,000
Commercial	75,000
Indians	50,000
Lake Superior Sports	513,000
Commercial	200,000
Indians	50,000
Total pounds	1,888,000

This shows that the lamprey outfishes men 4 to 1.

But to make matters even worse, members of the Great Lakes Fisheries Commission tell me that the Bureau of Sport Fisheries and Wildlife is prohibited from hiring the necessary extra help to implement an increased lamprey control program. This in effect nullifies the increase in funding that we all fought so hard for. If the lamprey population is allowed to double another year, we can look for a kill of at least 15,000,000 pounds of trout.

This is disaster. This represents eight years harvest by man.

I firmly believe that our multi-million fisheries resource is worth saving—do you?

BILL MAVETY,
Traverse City, Mich.

CONGRESSMAN YATRON ANNOUNCES POLL RESULTS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. YATRON. Mr. Speaker, my second public opinion poll has been tabulated and I would like to take this opportunity to share the results with my colleagues in the House of Representatives. The questionnaire, which was included in my recent newsletter, requested the opinions of my constituents on current issues before the Congress. More than 34,000 responses have been recorded.

This 20-percent response, which is well above the number who usually participate in polls of this kind, clearly indicates that the people of Berks and Schuylkill Counties are deeply interested in the major issues of the day and are eager to convey their views to their elected representatives. Many thousands replied and hundreds amplified their answers with letters detailing the reasons for their responses.

We know that the strength of our Government is dependent upon the existence of a procedure for the regular exchange of views between Government officials and their constituents. The questionnaire is one of my attempts to involve my constituents in the decisionmaking process and I would like to express my sincere appreciation to all who replied.

The questions related to both domestic and foreign policy issues. These issues covered the economy, health insurance, China, the Vietnamese war, international relations, and domestic affairs—all areas of major concern before the House today.

It was interesting to note, however, that one area high school in Berks County did participate voluntarily in this questionnaire. Since the 26th amendment to the U.S. Constitution lowered the voting age to 18, I think it is important that the views of these young people be examined.

Significantly, in eight out of the 10 questions asked in the questionnaire, the views of these high school seniors paralleled those of their parents. There were only two areas in which there was a wide divergence of opinion. While only 56 percent of the new voters thought we should concentrate on domestic matters to the exclusion of international problems, nearly 90 percent of the adults felt domestic concerns were our top priority. Also, 57 percent of the young people, and only 28 percent of the adults, felt that the Government should guarantee loans to big businesses.

Before I insert the complete results of the questionnaire into the RECORD, I would like to draw some conclusions about their significance.

Fifty-four percent feel that the Nixon administration has not met the basic needs of the country.

Just over half favored the establishment of a national health insurance plan.

A majority—55 percent—approved the freeze on wages and prices.

On the question of the seating of the Red Chinese in the United Nations and United States trade with that country, just under one-half agreed that these actions were acceptable.

Three-quarters of this group were strong in their conviction that the Vietnamese war should be ended by acceptance of the best possible compromise settlement.

Fifty-six percent approved of revenue sharing between the Federal Government and the States.

Nearly 90 percent felt that we should concentrate on domestic problems to the exclusion of international concerns.

A full 61 percent felt our financial commitments abroad were not necessary to our national security.

Sixty-five percent felt that the Government should not guarantee loans to big businesses.

The overwhelming majority, however—97 percent—were in favor of legislation which require a welfare recipient to work or accept training for a job.

Mr. Speaker, this public opinion poll has proved to be extremely useful in measuring precisely the attitudes of my constituents on some of the major problems confronting the 92d Congress. I know it will help me provide the people of the Sixth Congressional District with effective representation in the days and months ahead.

In conclusion, while it is not expected that everyone will agree on every issue, it is hoped that we can all agree that the process of exchanging views is healthy and should be encouraged. I feel that, through these newsletters and questionnaires, this goal is reached and everyone's interests are served.

At this point in the RECORD, I would like to include the full text of the results from my recent questionnaire:

QUESTIONS AND PERCENTAGE RESPONSES

(Answers in percent)

1. Do you think the Nixon Administration is meeting the basic needs of the country such as housing, health care, education, jobs and stable prices?

Response: Yes, 38; No, 54; Undecided, 8.

2. Do you favor the present establishment of the wage and price freeze announced by the President on August 15th?

Response: Yes, 55; No, 41; Undecided, 4.

3. Do you favor establishment of a national health insurance program which would cover all the medical expenses of every American?

Response: Yes, 54; No, 40; Undecided, 6.

4. Do you favor:

a. trade with Red China?

Response: Yes, 49; No, 41; Undecided, 10.

b. seating Red China in the United Nations?

Response: Yes, 49; No, 40; Undecided, 11.

5. Do you agree that we should end the Vietnamese War by accepting the best possible compromise settlement?

Response: Yes, 74; No, 21; Undecided, 5.

6. Do you favor proposed revenue sharing plans which would return a portion of federal income taxes to state and local governments?

Response: Yes, 56; No, 37; Undecided, 7.

7. Do you feel that government should concentrate less on international problems and more on our own domestic problems during the decade of the 1970's?

Response: Yes, 87; No, 10; Undecided, 3.

8. Do you feel our financial commitments abroad are necessary to our national security?

Response: Yes, 29; No, 61; Undecided, 10.

9. Do you favor legislation which would guarantee government loans to big business to keep these companies from going bankrupt?

Response: Yes, 28; No, 65; Undecided, 7.

10. Should we establish a uniform federal welfare program which would require among other things, each recipient to accept a job, or training, if he is physically able to work?

Response: Yes, 97; No, 3; Undecided, 0.

NEVER A LESSON

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, one of the most uplifting and moving articles I have read in some time appeared recently in the Taunton Daily Gazette, which services Taunton, within my 10th Congressional District, in Massachusetts. This fine article tells something of the warmth and pleasure that a remarkable gentleman, Frank V. Pacheco, has brought to so many civic and community groups, let alone friends, through his playing of the accordion, at which he is an acknowledged master.

It is always encouraging in times like these, when we hear so much of gloom and doom, to encounter the rare person, such as Frank Pacheco, with a wonderful philosophy of life which harmonizes itself in music. What is remarkable is that Frank Pacheco, in his entire life, has never taken one lesson, and yet he plays the accordion with the touch of the master. This is an achievement all the more notable, since Frank Pacheco has been blind since birth. The congregation at the Winthrop Street Baptist Church, the members of the Kiwanis Clubs, the Golden Age Club, and many other groups and friends, have had their lives made richer by his friendship and music. He is owed a great debt, and it is a pleasure for me to include in my remarks at this point, a column which appeared on October 23, 1971 in the Taunton Daily Gazette:

HE ENTERTAINS THE BLIND

(By Mike Williams)

A 62-year-old accordion player, blind since birth, doesn't need sheet music. He relies on his memory.

"I never took lessons," said Frank V. Pacheco of 24 Linden St. "I can hear a tune and I'd be like a tape recorder. I can sit right down and play it."

Pacheco has played his accordion for various groups, including civic and social organizations in the city.

He is a member of the Friendly Circle for the Blind, and has been with the group since its inception in February of 1936.

The Friendly Circle for the Blind is one of the 12 organizations that come under the United Fund, which is having its annual fund drive this month.

Pacheco was born 62 years ago on Broadway in Taunton, son of the late John and Mary Pacheco. He laughingly refers to himself as a "Broadway baby."

Pacheco began his accordion playing in a dream.

"It was the Friday before Christmas," he told us, "when I was 11 years old.

"I had a dream that I got an accordion and that I could play it," he said. "I told my mother and father about my dream and dad asked me if I'd like to have an accordion."

The answer, of course, was yes.

"By that Sunday," he said, "I was playing it. Just simple tunes of course, but I was playing the accordion."

He began entertaining for organizations and started playing for the Friendly Circle for the Blind at their first meeting at the Winthrop St. Baptist Church. At present, there are 35 blind persons who are members of the group. He entertains them at each meeting.

Pacheco also has played at Kiwanis Club meetings and for the Golden Age Club, other senior citizen groups, the Catholic Guild for the Blind, and similar organizations.

He receives some compensation from groups, but he's ready to play almost anywhere, just for the joy of it.

"All I need is my accordion and transportation," he told us.

He resides with a sister, Mary, and has two brothers and four sisters. During the holidays Pacheco and his accordion travel to the homes of relatives.

"I used to play at some clubs or night spots," he said. "But no more."

"There can be a couple of drunks that start a fight and you never know if a bottle is going to come flying at you," he said. "I quit that circle."

Pacheco's gig is now "Singalong With Frank" and he demonstrated his ability by playing the accordion and singing "Red Roses for a Blue Lady."

He doesn't play much "modern stuff."

"I'm getting old and can't grasp it very much," he said.

But the "modern stuff" doesn't matter when Pacheco begins playing. His ability to overcome a handicap and to entertain is inspiring music all by itself.

THE 30TH ANNIVERSARY OF PEARL HARBOR IS CLOSE UPON US

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. SCHWENGEL. Mr. Speaker, although 30 years have passed since its sinking, the battleship *Arizona* is considered by the Navy to be a vessel in commission because its dead crew is still aboard. The *Arizona*, lying on the bottom of Pearl Harbor, is a memorial to the bravery and sacrifice of our fighting men, and to the continuing determination of the American people never to be caught unaware again.

As we have gone from one crisis to another, it has become difficult to remember with any accuracy those early, desperate days of World War II. Yet we owe to our heroic dead, and to those alive among us who helped win that war, heart-felt tribute to their devotion to country and to their service in its cause. In recalling those days, now seemingly so long ago, it is possible that we may strengthen ourselves for our present dangers. Such memorial observances of Pearl Harbor should be conducted in this Chamber and throughout the country.

In the solemn spirit of stern resolution "to gain the inevitable triumph—so help us God" expressed by President Roosevelt to the Congress, and shared by all Americans in that grim hour of the Pearl Harbor attack, we can find an example to follow today. In the years which have passed since we were so infamously attacked, our enemies have become deadlier, weapons more fearful, and the need for devotion to country greater. We can best remember Pearl Harbor by meeting the terror of our own days with the courage of that day.

Every day hundreds of people board small sightseeing boats docked in Kewalo Basin, near central Honolulu, and head for Pearl Harbor. Each of these boats takes its group of visitors to Hawaii past the breakwater and then heads into the open sea. From the deck of their boat the tourists can enjoy a broad panorama of the leeward side of peaceful Oahu.

Diamond Head lies far behind, along with the beach at Waikiki, Honolulu's high-rise buildings, the volcanic mountains, the tall Aloha Tower guarding the harbor, the pineapple-shaped tower of the Dole Co., and the International Airport.

During the first part of the boat ride, Oahu seems to the tourists an unreal island in an unreal sea, but, as the boat approaches Pearl Harbor, it suddenly becomes a pinpoint target, a tiny volcanic mass of brown, green, and yellow earth.

When the boat enters Pearl Harbor itself, the passengers become hushed. An announcer briskly declares through a loudspeaker that within a few minutes all cameras must temporarily be stowed amidships. The boat passes Bishops Point, to starboard, and Iroquois Point, to port, and stops briefly at Drydock No. 4 where naval police come aboard, a reminder of the haunting past, a past which has led to instinctive precaution.

Tourists look puzzled as cameras are gathered up. Ahead lies giant cranes and huge drydocks, submarines and destroyers, parade grounds and the neatly tended lawns of barracks. A giant troopship swings by, heading out to sea. In the distance are fields of sugar cane, and the ever-present clouds of rain hanging over the mountains.

The tourist boat's announcer is a controlled sort of man. It is not in him to hurt the feelings of anyone aboard, westerner or Oriental. At one moment, he speaks softly of a Japanese decision not to bomb a hospital ship lying in Pearl Harbor, but then he lowers his voice slightly as it takes on a slightly metallic tone when he mentions the harbor entrance, guarded by nets, through which Japanese submarines made their way in December of 1941.

The boat chugs slowly past Ford Island, in the middle of Pearl Harbor. The announcer's voice becomes chillier, more impersonal. History, he seems to be implying, is history, and history is worth remembering. He says:

> Streaking in over Oahu from the west at 7:40 A.M., Japanese planes struck at Schofield Barracks. At 8:00 A.M., another flight of torpedo planes attacked from the east. The second attack came at 8:40 A.M. from the northeast, the attacking groups consisting of dive bombers, high-level bombers, and fighter aircraft, which flew offshore of Waikiki in a circuitous route to strike at their targets out of the sun.

The little tourist boat rounds the northern tip of Ford Island, turns east, and then turns south, gliding almost noiselessly now past hunks and chunks and pieces of other submerged vessels, bits of bulkhead, bits of decks, scraps of superstructures lying quietly in the water. There is rust and sea and memory in this strange graveyard, where the grotesque shapes of silent ships lie on their sides. The tourist boat stops briefly alongside the *Arizona*, her fore and aft still showing, her midships covered with a memorial concrete canopy.

Then the tourist boat heads back into the open sea, turning in the direction of

Waikiki and the high-rise buildings of Honolulu. Children sit quietly along the upper deck, enjoying the Pacific breezes. Nobody says much, not even the announcer.

But we ought to have something to say in this Chamber about Pearl Harbor's 30th anniversary when December 7 comes around. We owe it to the memory of the men killed in their country's service on that day. We owe it to those who fought in World War II, the war whose best known slogan was "Remember Pearl Harbor." Have we forgotten so soon?

NATIONAL HEALTH INSURANCE PROPOSALS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mrs. ABZUG. Mr. Speaker, it is truly shocking to observe that with our gross national product exceeding $1 trillion annually, few Americans—rich or poor—receive adequate health care. Even if adequate care is available, its costs are often so high as to discourage less affluent individuals from seeking medical attention when they need it.

There is no excuse for this situation. Medical care is as much a right of every American as is public education or police protection, and no one should ever be denied it because of his financial condition.

The House Committee on Ways and Means is presently considering a number of health insurance/health care bills. Some of them are no more helpful than a bandage on a cancer. The Health Security Act, which is also known as the Kennedy-Griffiths bill and of which I am proud to be a cosponsor, is the only one of these bills which holds out any promise of fundamental change in the fragmented, ill financed, and often irresponsible way in which our health care is provided. While it is not perfect, it is basically a strong, progressive piece of legislation.

Today, I had the privilege of presenting my views on this subject to the Committee on Ways and Means. At this point in the RECORD, I include the text of my statement to the committee:

TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG

The American medical system, long assumed by Americans to be the world's finest, is under vigorous attack, and with good reason. Almost alone among the prosperous industrial nations, we have treated medical care as a commodity not very different from any other and have largely permitted the market place to regulate its organization, distribution, financing and quality control. There may be reason for producing and distributing automobiles this way, but it is no way to regulate the provision of a service that is a *sine qua non* of decent life.

Numerous legislative proposals now face the Ways and Means Committee. All purport to improve our medical care system; some are plainly rear-guard actions by frightened segments of the health care marketplace, desperate to preserve their influence; others offer trivial reforms that are far too limited to alter the consistent failure of American medicine to serve all Americans. Only the Health Security Act, which was introduced in the House by Representative Griffiths and four other Members of this distinguished Committee and in the Senate by Senator Kennedy, and of which I am a co-sponsor, demonstrates an accurate comprehension of the disgraceful gap between what our medical system is and what it should be.

I intend first to make a few remarks about the problems of our existing health care system and then to comment on pending legislative proposals to change it.

WHAT IS WRONG WITH TODAY'S HEALTH CARE

Distribution of services

Health services are not distributed according to the need for them. The poor suffer disproportionately from preventable but unprevented diseases and conditions like anemia, acute rheumatic fever, tuberculosis, malnutrition, and maternal death during childbirth, because there are too few hospitals and doctors serving them and because medical services cost more than they can pay. Rural areas, too, lack medical facilities, and there are entire counties without a single doctor.

We do not produce the right mix of medical personnel and services.

We have too few doctors in general practice but an excess in the more glamorous surgical specialties.

We have too many hospitals, sources of prestige to communities and community leaders, but too few out-patient facilities.

We have failed to attack our serious public health problems.

We, the world's most prosperous country, have tolerated crippling malnutrition in rural and urban poor and debilitating occupational diseases in miners and chemical workers.

We might have had present-day levels of auto safety years ago, had we cared to, and, many experts feel, we could have had a nearly crash-proof car by now.

We allow treacherous tires on our cars, highly flammable clothes on our backs, corrosives and poisons in our kitchens.

We have been half-hearted in our attempts to regulate the fouling of our air and water, sluggish in protecting our citizens against medical hoaxes, and timid in controlling the tobacco industry, a major cause of the cancer we are about to try to conquer.

Organization of medical care

Proper medical care, whether received through clinics, groups, or individuals, requires the attention of a generalist, who will be responsible for all aspects of preventive care and treatment of most medical problems, and readily available specialists who will deal with problems of greater complexity and advise and teach the generalist. Medical facilities should follow a similar pattern, with small installations for simple care and procedures, general hospitals for more difficult but still common problems, and sophisticated regional centers for treatment of obscure diseases, housing of expensive but infrequently used equipment, and maintenance of complex services requiring extraordinary skill, such as open heart surgery. Obviously, records must be kept and must flow freely from one level to another and the patients movement from one level to another should be straightforward and unimpeded.

In fact, we have none of this. Most people have no doctor who is regularly responsible for their well-being. They do not know how to find out whether they need a specialist or what kind they do need. They do not know what tests to have annually. Their records do not travel with them. Our institutions all wish to be total services facilities; consequently, there is a fabulous redundancy of equipment and puerile competition for training fellows, patients and federal grants.

One reason for the development of a medical organization that leaves patients confused and undirected is the failure of medical institutions to bother asking patients, the consumers of health services, about their preferences. Any reorganization that fails to achieve significant consumer input will be unlikely to satisfy consumer needs better than the present one.

Financing

Medical care is a fundamental right, like police protection or primary education. The need for services should be sufficient reason to receive them. Personal wealth should be irrelevant. No bargain basement compromises can be countenanced, because medical care, unlike many commodities for which a cheap version will serve as well as a costly one, comes really only in two qualities, good enough and not good enough. The latter, no matter how cheap, is without value and fraudulent.

Americans have for years accepted the principle that the fundamental services provided by the government for all people, such as national defense, the judicial system, pollution control, food and drug regulation, etc., should be funded out of general revenues, and that these revenues should be collected principally by means of a progressive income tax. Medical care is just such a basic service and should be so funded.

The per capita cost of our medical care is rising rapidly and is already large compared with other industrial nations. This large relative cost, which has not brought us superior quality, is the consequence of several facts of the medical market place. The first fact is the doctor shortage, creating a sellers' market that will persist for the foreseeable future. The shortage is exaggerated by our failure thus far to make use of skilled paramedical personnel. The second fact is the position of the medical insurance companies, acting as fiscal intermediaries between patients and services but failing utterly to exercise the cost control that should be part of their function. There are several reasons for their indifference to rising medical cost. Their premium rates are adjusted to provide a set rate of profit, often by a cost-plus arrangement. Larger cash flow thus means a larger profit. Insurance companies invest money they hold and larger cash flow also provides more investment capital.

A very costly example of the insurance industry's failure to encourage efficient use of services has been their willingness to pay for unnecessary hospitalization. Because hospitalization has always been the catastrophe against which people most wanted protection, far more people own hospitalization insurance than have coverage for non-hospital costs. Diagnostic evaluations are therefore routinely performed in hospitals, where their real cost is large but where they are a covered service if a bogus "emergency" diagnosis is given. The same evaluations could be done more cheaply in outpatient facilities, but their cost would not be covered. Insurance companies have made no effort to discourage this practice by refusing to pay for these pseudo-emergencies, but have merely raised their rates to cover the deceptive practice.

The third fact is the outrageous profiteering and inefficiency of the medicine-associated industries, notably the drug industry. Drug manufacturers have an average rate of profit twice that of the average American company, although they have no unusual risks. Fully a quarter of their income is spent on promotion and marketing a practice resulting in overuse of drugs and use of heavily promoted, new and expensive drugs instead of older, less expensive preparations which may be just as suitable. This modern medical sideshow is justified as needed to cover the cost of the development of new, wondrous drugs, but research and development is only six percent of drug sales, and of that, the greater part is devoted to development willing to answer candidly will admit that he knows doctors who are too foolish, too old, or too irresponsible to meet even minimal standards of performance.

The point is not that doctors and hospitals are wretched; it is that we don't know much about them, because we don't look. They are self-regulating which means in medicine, as in every other human endeavor, unregulated except when disaster has struck or appears ready to strike. A proper national health insurance plan will set standards of care, evaluate performance in relation to these standards, and deal firmly with violations.

HEALTH CARE LEGISLATION

The health insurance proposals before the Ways and Means Committee vary as widely in cost ($2 billion to $70 billion) as they do in ambitiousness, but there are no bargains to be had. The total cost of medical care, now estimated at $70–80 billion per year, is more or less fixed, whether paid out of federal revenues or private resources. The question is whether reforms are going to affect a trivial part of that care and its cost or whether they will impinge on all aspects of the medical system. To emphasize this once more: we can only judge these legislative proposals as part of the whole cost of medical care. The "expensive" Health Security Act, at $70 billion, does not cost more than the Administration's "cheap" National Health Insurance Partnership Act, at $15 billion, when you add to the latter the $55 billion that will be paid by private and other governmental sources. The difference between the various proposals is not the cost, it is what we get, and what we get should be measured against the problems outlined above.

Some of our health care problems are more obvious, though not necessarily more important, than others. Obviously, the disaster of a catastrophic illness, destroying well-ordered, prudent families, is an event with which we all empathize, and there are many proposals to insure against this scourge. At the same time, Congress clearly is moved by the plight of the penniless and several proposals do provide free health insurance for them. The AMA-devised Medicredit plan, or Health Care Insurance Assistance Act, is one of these. It also provides some help to the near poor, though not much, since a family of four with a net income of about $5500 would receive a federal payment of only 10% of the cost of insurance. Such measures as these are directed at the extremities of the health care problem; they make no impression at all upon the body of our expensive, inefficient, fragmented, non-quality-controlled medical system.

Even worse, Medicredit would pour new billions into the health insurance companies that have financed, supported, and encouraged the present system. In testimony before the Senate Finance Committee, Secretary Richardson said that the bill "would have little effect on the organization and delivery of medical care or on controlling rising costs. The proposal would inflate demand for services yet it does not promote appropriate ways to use the leverage of new funds to help influence the quality and efficiency of services." The Secretary is correct, but similar criticisms apply just as strongly to the Administration-backed National Health Insurance Partnership Act.

The Administration bill purports to offer a new National Health Strategy, principally through encouraging doctors and hospitals to form comprehensive health care institutions, the health maintenance organizations (HMO's) and encouraging people to join them. I believe that an HMO, offering total, prepaid health care, can in fact be a more efficient provider of high-quality, unfragmented care than can doctors scattered about the community, and can perform patient education and preventive services, keep and organize records and evaluate therapy, to an extent impossible for the solo practitioner. It is the basic unit of an intelligent health care system if it is held to high standards and if its performance is under constant scrutiny by the people who receive its services and pay its bills. The existing HMO's such as HIP in New York, Kaiser-Permanenté on the west coast, Group Health in Washington, and many others, have grown rapidly in recent years, indicating that despite some criticism of understaffing and a tendency to discourage use of the facility, these units have provided considerable patient-doctor satisfaction.

Unfortunately, the HMO question would seem to be a bit of a smoke-screen at present, since, unlike the Health Security Act, the Administration bill does not provide much financial inducement for people to join HMO's or to doctors to form them. The proposal's principal feature is the requirement that employers buy three-fourths of a health insurance plan for their employees and employees' families. The minimum plan cannot have a very large cash value since there are substantial deductibles and coinsurance. The dollar value of the insurance would be applied at their employee's option, toward membership in an HMO, but there would be an additional cost to the employee equal to the actuarial values of the deductible and coinsurance, which is probably larger than the value of the insurance. The attractiveness of the HMO's will be inversely related to the extra money the family must pay to join.

An HMO needs doctors as well as patients. The National Health Insurance Partnership Act does not attempt to control fees paid to private practitioners. Will large numbers of doctors give up the huge incomes of private practice for the merely generous incomes of the HMO?

If the Administraton bill does not move consumers and doctors effectively toward HMO's it offers nothing more than the same new billions into private health insurance, without any more organizational change, that Medicredit would produce, and we've seen what Secretary Richardson thinks of that. The Administration bill also shares with Medicredit the particularly condescending features of deductibles and co-insurance, which are present because of a widely held view that poor people enjoy going to the doctor and will go often just for fun, even if they are not sick.

In his National Health Insurance speech President Nixon stressed cost consciousness. He said: "Only as people are aware of these costs will they be motivated to reduce them. When consumers pay virtually nothing for services and when, at the same time, those who provide services know that all their costs will also be met, then neither the consumer nor the provider has an incentive to use the system efficiently." It is very strange to put the responsibility for cost control on the patient, who, not being a doctor, does not know whether he is "sick enough" for medical care. (Interestingly, the HMO's supported by the administration do not have deductibles or coinsurance.) Cost control should be exerted by regulating the fees paid to providers, but this form of cost consciousness is not mentioned in the Administration bill. It seems to me to be a basic principle that we want no person to wonder, when he feels sick, whether he should spend money for treatment. Incredibly, it is a principle which both the present system and most of the pending bills stress. It has always been the situation faced by the poor. We want even the poor person to see a doctor, who can decide on the basis of his expert knowledge whether to treat the patient or reassure him. If we can educate patients so that they recognize certain symptoms as not serious, that will be excellent, but we do not want them to stay away because they don't have the cash.

The Health Security Act, in contrast to all of the other proposals before the committee, will promote broad organizational changes and will attack most of the ills of our health care system. As I will point out, it is far from a perfect bill, but it is worth reviewing briefly some of the beneficial changes it will promote with respect to problems outlined earlier.

Distribution of services

Wealth will no longer determine the amount or quality of one's medical care. There will be no financial barrier to seeking services; providers will be compensated directly by the system. The Act sets aside five percent of the total money in the Trust Fund for health planning and for dealing with a variety of distribution problems. Funds will be available for training specialists in short supply, for encouraging desirable geographic movements, and for planning and building facilities which are necessary to provide services. There is a commitment to equalize throughout the U.S. the avalability of services by channeling more funds into areas which are now poorly served.

Organization of medical care

The Health Security Act encourages doctors to enter HMO's or comprehensive health service organizations, as the Act prefers to call them, by taking away the enormous fees now possible in fee-for-service medicine. Payments for a given service will be an appropriate fraction of the money available to care for a person's total health needs, i.e. the capitation payment. Therefore, comparable services delivered on a fee basis and on a capitation basis will lead to comparable incomes, except that the efficiencies of the HMO in terms of better use of paramedical personnel, office space, etc. may well permit greater net earnings for the HMO doctors. With rewards more or less equal the advantages to the physician of HMO's, such as easily available consultations, regular schedules and well-defined night call, and provisions for in-service continuing education, should prove adequate to bring doctors into that form of practice.

The Act provides funds for organizing new forms of health care delivery. Its governing board has the power to eiminate redundant service by ordering a provider to cease providing it, and to demand that new services be offered. Further, there is, for the first time an attempt to develop a consumer input into the medical care system. I will return to this a little later on.

Financing

Money for health care insurance and planning will come half from general revenues and half from employer and employee taxes. This is a far more progressive format than that of the Administration bill, although it suffers from the same flaws as our entire tax system does, generally failing to collect enough money from wealthy people. Payroll taxes appear at first to be a tax on businessmen; in fact, they are quickly passed along to consumers or compensated for by lower wages.

Private health insurance with its attendant costs will no longer be needed under the Health Security Act. Although the doctor shortage will not be eliminated overnight, the spiralling costs due to the sellers' market will be controlled by regulation of fees-for-service and capitation payments. Overutilization of hospitals will be discouraged since outpatient services will be paid for.

Quality control

Among current health proposals, the Kennedy-Griffiths Bill is the only one concerned with the quality of services delivered. All providers will be committed to furnishing information needed for peer review of utilization and for review of surgical procedures. Institutional providers will have to have good records, a proper utilization of review mechanism, and a therapeutics committee. HMO's must provide continuity of care, easy referral, and easy access to their services.

Practitioners will have to meet federal standards in addition to state licensing criteria and will have to meet federal continuing education requirements. Their participation as providers can be terminated for inferior care or unethical behavior. They cannot be paid for services delivered in a nonparticipating hospital.

In addition to its concern with the quality of services provided by health professionals and institutions, the Health Security Act will study broad trends in mortality, disease indigence, and therapeutics, attempting to evaluate the quality of the health care system as a whole.

The Health Security Act will encourage rational drug prescribing by paying only for drugs that are efficacious and safe and by requiring that doctors practicing outside the scrutiny of health institutions and their therapeutics committees identify the disease they are treating and use a drug known to be effective in treating that disease.

Despite the contentions of its critics, the Act encourages pluralism in delivery of care, permitting providers to organize in almost any way they choose, and be paid either on a fee-for-service basis or by capitation methods. It is "monolithic" only in that it will control the *amount* of payment and the *quality* of care.

The scope of the Kennedy-Griffiths Bill is impressive, but it does have some key deficiencies. A Bill called the Health Security Act, proposing to bring to all citizens equal and high-quality health care, cannot justifiably avoid dealing with aspects of public policy that have a large influence on health. Thus, while concern with auto safety has resided largely in the Department of Transportation, the death and injuries of tens of thousands of people in highway accidents has large health implications. Similarly, malnutrition, industrial disease, dangerous household products, air pollution, and smoking should be recognized as basically health problems. Allocation of resources to deal with them and studies of the efficacy of such allocations should flow from an agency whose concern is health.

Although the Bill empowers the Health Security Board to eliminate redundant services, it does not make explicit the desirability of having institutions, especially hospitals, be organized pyramidically, with, for example, large numbers of relatively small general hospitals and a much smaller number of regional centers where usually difficult or rare problems could be dealt with, where costly programs would be sufficiently utilized to justify their cost, and where high-quality clinical research could be maintained.

The financing of health care under the Kennedy-Griffiths Bill can also be criticized. Without entering into any discussion of our supposedly progressive income tax, I question the degree to which the Bill relies upon payroll taxes and social security-type levies. These are not progressive at all; in fact, the social security tax is quite regressive, since it has an income ceiling. At the very least, this ceiling should be eliminated. A payroll tax, in addition to being passed along to consumers, tends to make workers cost more and thus encourages an already-dangerous trend toward substitution of capital for labor. The most equitable and most rational financing mechanism would be from general revenues. It is condescending to suppose that Americans cannot understand that excise taxes take their money away just as unpleasantly as income taxes do.

The Health Security Act does not make a sufficient commitment to ending medical profiteering. It should be a stated goal that profits of medical industries not be larger than those of the average American industry. Measures suggested by the 1969 Task Force on Prescription Drugs would represent a fine start toward this end.

Although the Health Security Act will provide rigorous standards of quality control—there are essentially no standards now—it fails to set for solo practitioners the sort of demands it makes of doctors in comprehensive health service organizations. This makes little sense, since the solo doctor is often quite isolated from contact with other physicians and from new information. The Act should authorize the Health Security Board to set up local peer review committees for participating practitioners who do not belong to institutions already having such committees. Furthermore, it is time we recognized that while the M.D. degree, like a diamond, is forever, the knowledge and skills that came with it are not so permanent. In addition to requiring continuing education, the bill should demand periodic relicensing of physicians and possibly of other health professionals.

Perhaps the most important responsibility facing the organizers of health care is assuring that the system can never again become so isolated from and unresponsive to the people it serves. The Health Security Act provides for a Health Security Advisory Council made up of more than 50% health consumers. This Council also has regional and local counterparts. The function of these Councils is to advise the governing Health Security Board on matters of policy. Unresolved disagreements between Board and Council will be presented annually to Congress, but it would seem that the Board can ignore with impunity most of the Council's recommendations. One mechanism for partially easing the imbalance in power between Board and Council might be to give the Council explicit standing before the federal courts in cases involving questions of whether the Board has carried out its functions properly.

Consumer input may be even more important at the level of primary patient care, but there are few requirements in the Health Security Act for such input. Comprehensive health service organizations are required only to consult with enrollees regarding policy; this provision is inadequate unless expanded. At the very least, it should provide that unresolvable disputes be brought promptly before the local Board for mediation, and before the courts if need be. Hospitals, nursing homes, and medical facilities other than the comprehensive health service organizations are not required to have any consumer input at all. This is a serious deficiency. All *medical* institutions receiving any public funds should be required to consult with the people they serve, have consumer representation on all peer review and other committees, and respond to criticism from enrollees.

This said, a hopeful word is in order. The current feeling that providers and consumers inevitably have hopelessly different aims, needs, and preferences is probably false. It is our institutions that make it seem so. Once the relations between health professionals and patients are no longer predominantly fiscal, they can relate to one another as parties interested only in quality health care.

While I consider the flaws in the Kennedy-Griffiths Bill real and significant, I must emphasize again my conviction that it is the only health insurance bill before the Ways and Means Committee that will change our health care system at all. It asserts for the first time a national interest in equitably distributed, progressively financed, intelligently organized, high-quality medical care and takes a giant step toward that goal. The other bills are tranquilizers, quieting the demand for medical reform without meeting it. They are worth little and would be worse than nothing, because they would create an illusion of our having acted, an illusion that would stifle real reform for years to come. Let us have something better.

DEMOCRATIC PARTY REFORM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. FRASER. Mr. Speaker, the commitment of the Democratic Party to reform has recently been reaffirmed by Chairman Lawrence O'Brien.

Both governmental and political institutions are experiencing their own credibility or confidence gaps. In the Democratic Party we have taken a hard look at our processes and have written new party rules to assure fairness and openness as we move toward the 1972 Miami convention Chairman O'Brien outlines this purpose in a recent statement:

O'Brien Urges Vigorous State-Local Action To Implement Reforms; Reform Commission Chairmen Laud National Committee Support

Washington, Oct. 31.—Democratic National Chairman Lawrence F. O'Brien called today for vigorous and imaginative action at the state and local level" in order that the sweeping reforms adopted by the Democratic Party will be fully implemented by the 1972 Democratic National Convention.

It is not enough to have written the laws—to have opened the door of full participation for every Democrat, OBrien said in a message to Democratic national committeemen and women, governors, state chairman, and mayors. "We must now carry the message to the people, particularly those individuals who traditionally have not participated in party activities, for whatever reason."

O'Brien's memorandum accompanied a special reform issue of FACT, the party newsletter, detailing the unprecedented reforms adopted unanimously by the Democratic National Committeee in the wake of the 1968 National Convention.

The newsletter contains letters from the party's two reform commission chairmen—Rep. Donald M. Fraser, D-Minn., chairman of the Commission on Party Structure and Delegate Selection, and Rep. James G. O'Hara, D-Mich., chairman of the Commission on Rules.

"Without your unwavering support over these past months," Fraser wrote O'Brien, "we would not, in my judgment, have been able to achieve the enormous progress that we were able to report to the Democratic National Committee meeting on October 14. The solid support that you have given our staff and the shoulder-to-shoulder posture you have taken with the Commission, demonstrate beyond any doubt the Democratic Party's commitment to reform."

O'Hara wrote: "Those of us who have had the privilege of working with you in achieving the reforms now adopted know we could not have come this far without your steadfast support and encouragement. When you rap the gavel opening the Miami convention, it should be with real satisfaction in the revitalization of the Democratic Party that has been accomplished under your leadership."

O'Brien's memorandum expressed special concern "that we reach young people, women, blacks, Spanish-speaking Americans, Indians, and other minorities—all of whom have been seriously underrepresented in past national conventions.

"Nothing would be more tragic than for these historic reforms to go unrecognized and unused by our failure to reach these critically important people. Let me, therefore, urge each of you to give your personal attention to devising programs that spread the good news of Democratic Party reform."

Noting that the Republican Party has done nothing in the way of reform, O'Brien said: "They have examined their existing procedures and institutions and concluded that nothing could be improved. And so their convention—and their party—will continue to represent only a small fraction of the American people—and a highly unrepresentative fraction at that. This, too, is a fact we must make clear to the voters of America."

O'Brien's memorandum and text of the special issue of FACT are attached.

MEMORANDUM

To: Democratic National Committeemen and Committeewomen; Democratic Governors; Democratic Mayors; Democratic State Chairmen.

From: Lawrence F. O'Brien, National Chairman.

Subject: The record of Democratic Party reform and the unfinished agenda.

The enclosed special edition of the DNC's newsletter, FACT, summarizes the remarkable progress that has been achieved in the past 2½ years to implement the mandate for reform enacted by the 1968 Democratic National Convention. This document, for the first time, summarizes both the reforms of the Commission on Rules and the Commission on Party Structure and Delegate Selection, as well as detailing the implementing steps that have been taken to date. It is, in my judgment, an impressive record. I hope you will review it carefully.

The Democratic National Committee and its staff intend to pursue the full implementation of the reforms, particularly in the area of delegate-selection, will require the most vigorous and imaginative action on the state and local level. It is not enough to have written the laws—to have opened the door of full participation for every Democrat. We must now carry the message to the people, particularly those individuals who traditionally have not participated fully in party activities, for whatever reason.

I am especially concerned that we reach young people, women, blacks, Spanish-speaking Americans, Indians and other minorities—all of whom have been seriously underrepresented in past national conventions. Nothing would be more tragic than for these historic reforms to go unrecognized and unused by our failure to reach these critically important people. Let me, therefore, urge each of you to give your personal attention to devising programs that spread the good news of Democratic Party reform. I would appreciate receiving from you periodic reports of the affirmative action programs that are underway in your state or locality.

We have taken a number of bold and innovative steps of which we can be exceedingly proud. The Republican Party, by comparison, has done nothing. They have examined their existing procedures and institutions and concluded that nothing could be improved. And so their convention—and their party—will continue to represent only a small fraction of the American people—and a highly unrepresentative fraction at that. This, too, is a fact we must make clear to the voters of America.

In my "Return to the White House: A Nine-Point Political Strategy," I listed "party reform" as the first point. This was quite deliberate since I noted that ". . . no other factor will contribute more to a Democratic victory in November 1972."

The foundations of Democratic reform have now been completed; implementation is already well underway. With your active cooperation and assistance, we can finish the job in the next nine months. And, in so doing, we will take a major step forward in winning the White House next November.

THE NEW PARTY

In his closing remarks to the Democratic National Committee on October 14, National Chairman Lawrence F. O'Brien said ". . . We have steadfastly maintained the course charted by the 1968 National Convention in the area of party reform. We have taken the '68 mandate and implemented it . . . Never has a political party so totally changed its way of doing business in such a short period of time. . . . And there will be no turning back."

This issue of Fact will tell the story of "the new party"—the remarkable achievement that has taken place within the Democratic Party in the past 2½ years. Born in chaos and controversy of Chicago 1968, the reform effort took root due to the leadership of Democratic National Chairman Fred Harris, Senator George McGovern, Rep. James O'Hara, Senator Harold Hughes and Rep. Donald Fraser, among others.

In 1970, the new DNC Chairman, Lawrence F. O'Brien, sustained these beginnings and generated the comprehensive backing that was essential to their adoption by the National Party. By October 1971, every major reform envisioned in early 1969 has been achieved.

Although implementation of these reforms by the states is not finished—and the 1972 National Convention is still nine months away—the foundations are now firmly in place to guarantee that the 1972 Democratic nominee will be the most democratically-selected candidate in Party history. This Fact special report will summarize every major Democratic Party reform . . . and what these reforms are likely to mean in nominating the Democratic presidential and vice-presidential candidates next year.

THE NEW CONVENTION

Every four years the TV commentators, editorial writers and average voters wonder aloud about that peculiar American tradition; the National Nominating Convention.

"How can grown men and women carry on like that?"

"Can't they speed things up?"

"What's going on, anyway?"

"It's two o'clock in the morning and the balloting for President hasn't even started."

"There must be a better way to do it."

The Democratic Party agrees. Out of the controversy of the 1968 National Convention in Chicago came a new determination to modernize and streamline the institution of the National Convention.

The '68 Convention mandated the Commission on Rules, headed by Rep. James O'Hara of Michigan, to prepare recommendations to make the Convention more efficient, more easily understood, and more responsive to the electorate. For more than two years, Rules Commission members and staff crossed the country, hearing scores of witnesses. Hundreds of hours were spent drafting, considering and refining the many proposals for improving the national convention as an instrument for nominating the candidates and adopting the Party's platform.

At its October 13–14 meeting, the Democratic National Committee unanimously approved the last of the recommendations made by the Commission on Rules affecting pre-Convention activities. The final determinations on the procedural (post-gavel) rules will be sent directly to the Rules Committee of the Convention.

This means that every major reform advocated by the Commission on Rules and the Commission on Party Structure and Delegate Selection (McGovern-Fraser) has now been adopted by the Democratic National Committee. Two years ago few persons believed possible such a revolution in Party procedures and structure. (See statement by Senator Harold Hughes on the progress of Democratic Party reform).

Transmitting the final determination of the Rules Commission to the Democratic National Committee, Rep. O'Hara said, "The proposed rules changes will make future Democratic National Conventions representative, open, deliberative and fair."

TO MAKE THE CONVENTION REPRESENTATIVE

The recommendations of the Commission and the formula prescribed by the Democratic National Committee revise delegate apportionment in the direction of one man-one vote and one Democrat-one vote. The old formula was based on the electoral college strength of a state, past Democratic vote and a victory bonus system, while the Commission formula was based on 50% population and 50% Democratic vote in the past three presidential elections. The formula adopted by the DNC is comprised of 53% electoral vote and 47% Democratic vote in the past three presidential elections.

At the 1968 National Convention, the votes of the 13 largest delegations comprised a majority. In 1972 the 9 largest states will be sufficient.

In previous years, the standing committees of the Convention were composed of one man and one woman from each state delegation. Under the new rules, the size of each delegation will be reflected in the composition of the Credentials, Platform and Rules Committees. The membership of each Convention committee will total 150—a state or territory will have at least one member, the remaining 95 will be apportioned according to size of the delegation. (For example, California and New York will have 9 members each on these committees; Delaware will have one.)

Each delegation will elect its delegates to the Convention committees, and the committees will select their own permanent chairmen.

To ensure women equal representation on these committees, the recommendations require that when a state elects a single committee member to each of the standing committees, it must divide its representation to the committees as equally as possible between men and women. States that elect two or more representatives to the committees are required to elect an equal or nearly equal number of men and women, giving due regard to the race and age of the members elected.

Further, women will be represented in equal numbers among temporary and permanent officers of the Convention, and the proposed procedural rules also say the Convention vice chairman shall not be of the same sex as the chairman.

The temporary roll call shall consist of persons whose seating has been recommended by the Credentials Committee's majority report—whether challenger or challenged—and they shall be permitted to vote on everything except their own seats.

TO MAKE THE CONVENTION OPEN

All meetings of the Convention committees—including all committee votes—are to be open to the public and to the press.

To ensure wide participation by Democrats in drafting the platform for the 1972 Convention, the Platform Committee is directed to hold at least eight regional public hearings. Subcommittees of the Democratic Policy Council are currently holding pre-platform hearings on a wide range of subjects.

Each committee must publish its report and make it available to the delegates before the National Convention. The Platform and the Report of the Rules Committee must be printed and in the hands of delegates at least 10 days prior to the opening of the Convention, and the Credentials Committee must have its report available two days before the gavel falls. This advance preparation of reports will give the delegates a clearer idea of the proposals before them and facilitate meaningful debate. Upon the request of ten per cent of the members of a committee present and voting at a meeting, a minority report shall also be prepared and, along with the majority conclusions, be submitted to the full National Convention—thus assuring a hearing for all viewpoints.

Extensive procedures have been established for the Credentials Committee, whose members must adjudicate all challenges to a delegate's right to represent a state at the Convention.

Specific deadlines are provided to assure full protection of rights for all parties in the credentials proceedings. A written notice of intent to challenge must be filed within 10 calendar days after the delegate-selection process is completed in a state, a requirement that it is hoped will minimize last minute credentials challenges during the days immediately preceding the Convention.

The Credentials Committee is also empowered to hold hearings in the states and to appoint its own impartial hearing examiners to develop the facts in the case.

TO MAKE THE CONVENTION DELIBERATIVE

All resolutions, committee reports and minority reports must be fully debated and voted upon by the Convention delegates. To avoid surprise or misunderstanding, amendments from the Convention floor will not be permitted.

Motions to lay on the table, order the previous question and other peremptory motions will not be permitted, nor will interruptions of the roll call and dilatory motions, amendments and appeals.

In order to speed up Convention business, the total time permitted for a candidate's nomination and seconding speeches will be limited to a total of 15 minutes. Planned demonstrations will be banned (no more hired bands and conscripted participants). Spontaneous eruptions on a candidate's behalf will be taken out of the 15 minute time allotment.

"Favorite son" nominations are foreclosed by the requirement that a candidate establish substantial support in three or more states before his name may be placed in nomination. Under the new rules, a nominating petition must contain the written backing of at least 50, but not more than 200, delegates, with no more than 20 from one delegation. A delegate may not sign more than one nominating petition. The same procedure also applies to the nomination of the Vice President.

A delegate will be permitted to vote for whomever he pleases even if his conviction is contrary to a state law binding him to another candidate. This is considered a matter between the delegate and his state, not the Convention, which will record his preference at the time the roll is called.

TO MAKE THE CONVENTION FAIR

For the candidates

To further democratize the proceedings, the roll call of the states, as well as the order of nomination, will be determined by lot.

Each declared presidential candidate is entitled to appoint a non-voting member to the Convention Arrangements Committee and to the drafting subcommittee of the Platform Committee.

Each delegate by his participation in the Convention agrees to help place Democratic candidates on the ballot in his state and agrees not to support any candidate other than the nominee of the Democratic National Convention.

And for the delegates

"Unit voting," whereby a majority of one could swing an entire delegation's strength behind a particular candidate, has been abolished.

Seating arrangements on the Convention floor will be determined by lot at a drawing held before the Convention is brought to order. In the past, the Arrangements Committee determined the seating arrangements for the delegations.

Communications between the floor and the Convention chairman will be provided to ensure that the chairman will identify any delegate seeking recognition. Requests for recognition will be electronically registered in a manner visible to the chairman, the delegates and the news media.

Communications equipment must be sufficient to permit the delegates to communicate with the rostrum, with the candidates' headquarters, with the press and with each other.

These far-reaching reforms of the convention system will eliminate much of the traditional hoopla, as well as the unnecessary boredom, of the past. Instead, these new procedures, in combination with a new, lively format, will result in orderly attention to the issues and to the nomination.

THE NEW DELEGATE

"A quiet revolution is sweeping the Democratic Party," Rep. Donald M. Fraser told the Democrats' Commission on Party Structure and Delegate Selection in mid-July.

Rep. Fraser, successor to the Commission's first Chairman, Sen. George McGovern, made the prediction that by the end of 1971 a minimum of 40 states would be in compliance with the Commission's 18 Guidelines for choosing delegates to next year's Democratic National Convention.

On October 15 (reporting to the Democratic National Committee) Fraser announced: "That figure is now in sight."

He released an analysis showing that 36 state Democratic parties had already fully met the new reform standards or were acting on new rules that would move them into the "full compliance" column well before December 31.

Moreover, virtually all the remaining states and territorial parties are hard at work to complete the admittedly complex job of changing past procedures—a process guaranteeing the most open, non-brokered Democratic National Convention in history.

How can the quiet revolution be explained? Most simply:

In the past two years, Democrats decided to make Party reform more than a catch phrase. And these Democrats went to work.

For many state parties it meant a sharp break with decades of tradition. For more than a third of the states, it meant writing substantive party constitutions, by-laws and rules *for the first time*. Ten states that picked all or significant portions of their national delegations by committee had to adopt a new democratic process where rank-and-file Democrats choose the delegates.

When the 18 Guidelines were adopted nearly two years ago and the first "compliance letters" sent to state parties in February, 1970, *not one state met the 18 new standards.*

At best, state parties were out of compliance on only five, six or seven guidelines. Most of them missed the mark by better than half; some were out of compliance on as many as 16 or 17 of the guidelines.

Addressing himself to this point in his October 15 report, Rep. Fraser said: "Looking at the 50 state parties and the total number of guidelines they were out of compliance with when they began, we have moved from zero to 78% up the ladder toward full compliance on the basis of rules adopted and proposed rules that will soon be acted upon."

This record can be explained only by the extraordinary breadth of the reform effort in state after state, as well as the personal commitment of countless Democrats to see the job through to a successful conclusion.

In the two-year period that state Democratic parties have been at work to comply with the new standards, an impressive record has been written. As of mid-October:

36 state parties had either acted upon or were preparing final action to adopt new rules in full compliance with the guidelines.

Virtually all the remaining 14 states and territories have set a definite time schedule for completing action.

13 state parties have successfully obtained legislative changes opening the system to wider citizen participation.

Every state Democratic party named a reform commission or committee to study its system and propose appropriate change. Over 1,000 Democrats have been working in these reform groups.

Approximately half of the state parties held public hearings to obtain grassroots opinion. In all, several hundred public hearings were held—one state alone held 20 hearings.

The Commission on Party Structure and Delegate Selection itself held 17 public hearings—beginning with a national hearing in Washington, D.C. on April 24, 1969 and ending four months later in Boston, Mass. Some 500 Democrats testified at these hearings and provided the substantive basis on which the new guidelines were developed.

All the Commission's meetings have been open to the press and the public.

THE GUIDELINES: WHAT DO THEY MEAN?

Two principles are at the core of the 18 Guidelines that will govern the selection of delegates to the 1972 Democratic National Convention: non-discrimination and the grassroots election of delegates. Specifically, these principles mean the following requirements for state and territorial Democratic Parties:

Party rules must specify no discrimination on basis of race, color, creed or national origin.

All vestiges of discrimination on basis of sex and age must be eliminated.

Affirmative steps must be taken to encourage representation on the national convention delegation of young people, women and minority groups in reasonable relationship to their presence in the state's population.

Remove excessive costs and fees (over $10).

Remove mandatory assessments of delegates.

Remove petition requirements in excess of 1% of standard used.

Adopt explicit Party rules and make then readily available to all persons upon request.

Adopt uniform times and dates for meetings; fully publicize this information well in advance.

Prohibit proxy voting in delegate selection process.

Prohibit unit rule at all levels.

Clearly designate delegate-selection process as distinct from other Party business.

Adopts rules setting quorums at not less than 40% for all committees involved in delegate-selection process.

Alternates must be chosen in same manner as delegates.

Delegate vacancies must be filled by "timely" and "representative" Party committee, by reconvening body that elected delegates, or by delegation itself acting as a committee.

Select at least 75% of national delegates in convention system at congressional district or smaller units.

Apportion each body selecting delegates at all levels on basis of population and/or Democratic strength.

Give each candidate for delegate an opportunity to state presidential preference on the ballot at each stage of process or be designated "uncommitted."

Prohibit all delegate selection processes prior to the calendar year of the Convention.

Limit selection of National Convention delegates by committee to 10% of the total delegation. The committee making these selections must be timely and properly apportioned.

Slate-making process must be open to full and meaningful participation by all Democrats, with no undue burden placed on any Democrat who wishes to challenge for a position on the slate.

Party groups making up delegate slates must have been elected, assembled or appointed with adequate public notice that such a task would be performed.

Several other guidelines "urge" state parties to take additional action, such as:

Work for removal of all laws, customs and practices that restrict voter participation in the political process, i.e., restrictive voter registration laws.

Remove all costs and fees.

Explore ways of easing the financial burden on delegates and alternates.

Provide for fair representation of minority views in the Convention delegation.

Provide easy access for unaffiliated voters and non-Democrats to become Democrats.

ARRANGEMENTS COMMITTEE

A major reform stemming from the Commission on Rules has been opening up planning for the 1972 National Convention to a broad spectrum of Democrats, including governors, state chairmen, members of Congress, elected state officials, young people and the presidential candidates.

Responding to criticism that past National Conventions were planned by an unrepresentative group of party officials, the Rules Commission instructed the DNC chairman to nominate for an Arrangements Committee a slate that would include representatives of principal groups in the Party structure, as well as persons who traditionally have been underrepresented in all phases of the National Convention.

At the October 13–14 meeting the DNC, the members unanimously elected an Arrangements Committee slate proposed by Chairman O'Brien that included 8 women, 7 men, 2 blacks, 1 Spanish-speaking American and one 19-year-old. Each presidential candidate will also appoint an *ex-officio* member.

The Arrangements Committee is responsible for housing; communications; radio, television and press; security, seating of delegates, visitors and guests; admission and passes; transportation and finance. The membership of the Arrangements Committee for the 1972 Democratic National Convention includes:

Lawrence F. O'Brien, Chairman, Democratic National Committee.

Mary Lou Burg, Vice-Chairman, Democratic National Committee.

Dorothy Vredenburgh Bush, Secretary, Democratic National Committee.

Robert S. Strauss, Treasurer, Democratic National Committee.

Jacob M. Arvey, National Committeeman from Illinois; senior member of the Executive Committee.

Mrs. Beatrice Rosenthal, National Committeewoman from Connecticut; senior female member of the Executive Committee as regards continuous service on the National Committee.

Gov. Reubin O. D. Askew, Florida (host state for the convention).

Mrs. Caroline Wilkins, State Chairman from Oregon, only female State Democratic Chairman.

Robert S. Vance, State Chairman from Alabama.

U.S. Sen. Philip A. Hart, Michigan (recommended by the Majority Leader of the United States Senate).

U.S. Rep. Edward P. Boland, Massachusetts (recommended by the Speaker of the House of Representatives).

Mrs. C. Delores Tucker, Secretary of the Commonwealth of Pennsylvania, Vice-Chairman of the Pennsylvania Democratic Party.

State Sen. Barbara Jordan, Texas.

State Rep. Mrs. Waldo S. Benavidez, Colorado, Denver Democratic Party leader.

Gwendolyn R. Mink, 19 years old, sophomore at the University of Chicago, Speakers Bureau Chairman of the National Student Vote, former intern in the offices of Senator Edward M. Kennedy and Speaker Carl Albert.

CONVENTION REFORM

Numerous recommendations of the Commission on Rules have already been incorporated into the planning for the arrangements of the 1972 National Convention. Among these are the following:

Arrangements have been made to print the reports of the Platform and Rules Committees and to distribute them to the delegates ten days in advance of the opening of the Convention.

Low-cost air conditioned housing has been provided, not to exceed $5 or $6 a day.

25 caucus rooms are being constructed within the convention hall.

All Presidential candidates will be provided with equivalent office space adjacent to the convention hall.

All delegates and alternates will be seated on the floor for the first time.

A special expense fund has been established by the Committee with which to pay the expenses of the Standing Committee members.

Seating of the delegations will be done by lot.

Aisles will be wide so as to allow easy passage for all delegates.

For the first time the Convention Manager and an Arrangements Committee, widely representative of all Party groups, were elected by the full National Committee.

Security within the hall is under the sole authority of the Arrangements Committee.

All Presidential candidates will be offered equal headquarters facilities in at least two hotels.

Extensive facilities have been provided for full media coverage of the Convention, including easily accessible TV booths, camera stations commanding full view of the proceedings and sufficient lighting to allow color TV.

Discussions are now underway with the telephone company to provide a network of telephonic communications between the press and delegates, between delegations and between delegations and the rostrum.

Finally, the Roll Call will no longer be alphabetical, but will be done by lot.

FINANCING REFORM

The Democratic National Committee has, to date, provided $310,000 to support the Fraser-McGovern and O'Hara Commissions. "Money has never been better spent," said DNC Treasurer Robert Strauss. "I am totally behind the work of the reform commissions and I am delighted that our fund-raising efforts have been able to provide this financial support. I am particularly pleased with the election of Mrs. Patricia Harris as temporary chairman of the Credentials Committee for I know she will bring her many talents and dedication to the task of assuring democratic selection of delegates to the 1972 Convention." Strauss emphasized that the Credentials Committee would receive full financial backing by the DNC in overseeing the delegate-selection process in 1972.

DNC Vice Chairman Mary Lou Burg has been working tirelessly to involve more women in the political process. In the past year, Miss Burg has participated in numerous fund-raisers and given a host of speeches on behalf of distaff Democrats all over the country. She is particularly delighted with the election of Pat Harris as Temporary Chairman of the Credentials Committee. "I'm happy to see Mrs. Harris doing the job, not just because she's a woman," said Miss Burg, "but because she's a really fine administrator and I know the reins are in capable hands."

ENFORCING REFORM

Patricia Roberts Harris is a symbol of change: She's a Black woman who's risen to a position of prominence in what has up to now been a white male-dominated sphere of influence. Why, then, have some come to feel her latest post, temporary Credentials Committee Chairman for the 1972 Democratic National Convention, is somehow antithetical to the reforms adopted by the Democratic National Committee? Some say it's because she doesn't have a long record of party reform activity behind her.

"True enough," admits the busy lawyer, ex-U.S. Ambassador, board chairman of two major corporations and dedicated wife. "I haven't been making loud noises about reform up to now. Well, I haven't been making too many statements about child abuse either. Is that supposed to mean that I'm for cruelty to infants? The fact is that I'm not sure why there were doubts about my commitment to reform. All I can say to the doubters is, come Convention time, watch my smoke."

Mrs. Harris also points out the McGovern-Fraser Guidelines and the O'Hara rules on Convention reform ensure that, whoever the chairman of the credentials committee, he or she would be under the mandate of those regulations to enforce the new Convention procedures for seating state delegations at the 1972 Democratic National Convention.

There was talk throughout the brief struggle between Mrs. Harris and Sen. Harold Hughes for the committee chairmanship that the contest would precipitate a breach among party leaders. After the vote, however, a move to make the Harris election unanimous was approved by the full DNC.

SO, YOU WANT TO BE A DELEGATE . . .

If you are interested in running for delegate to the 1972 Democratic National Convention, be sure to familiarize yourself with the procedures and regulations in your state. Each state party is required to make its rules readily available.

A copy of the 18 Guidelines is available from the Commission on Party Structure and Delegate Selection. To receive a copy, send your name and address to: Mr. Robert Nelson, Commission Staff Director, Democratic National Committee, 2600 Virginia Ave., N.W., Wash., D.C. 20037.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 18, 1971.

LAWRENCE F. O'BRIEN,
Chairman, Democratic National Committee, Washington, D.C.

DEAR LARRY: The meeting last week of the National Committee was certainly a victory for Party reform. For those of us who have worked on the Commission on Rules, adoption by the Democratic National Committee of our recommendations for Convention Rules and the implementation of our proposals for the Arrangements Committee and the Standing Committees was very gratifying.

I know you share our satisfaction in the progress to date and our determination to have a nominating convention next year that is completely representative, deliberative, open, and fair.

Larry, those of us who have had the privilege of working with you in achieving the reforms now adopted know we could not have come this far without your steadfast support and encouragement. When you rap the gavel opening the Miami convention, it should be with real satisfaction in the revitalization of the Democratic Party that has been accomplished under your leadership.

Best wishes.

Sincerely,

JAMES G. O'HARA,
Chairman,
Commission on Rules.

SENATOR HUGHES PRAISES DELEGATE REFORM

Sen. Harold Hughes (D-Iowa) had words of high praise for the Democratic Party's reform efforts in the past two years.

An acknowledged leader of party reform efforts since the 1968 Democratic National Convention, when he chaired an *ad hoc* commission on the presidential nominating process, Sen. Hughes is vice chairman of the Commission on Party Structure and Delegates Selection.

At a Commission meeting Oct 15, Sen. Hughes said the Democratic Party's accomplishments in meeting the reform standards are "amazing."

"When I look back two years and see the futility of what we faced, it's amazing how far the states have come. It's been a very successful thing," he said.

Hughes praised the Party's commitment to reform. "Two years ago," he said, "I doubted that 10 states would be in conformity" with the guidelines for delegate selection. "Now I think that between 45 and 43 states will be."

House of Representatives,
Washington, D.C., October 19, 1971.
Hon. Lawrence F. O'Brien,
Chairman, Democratic National Committee,
Washington, D.C.

Dear Larry: As we move through the critical fall months toward the beginning of the convention year, I want to thank you for your invaluable assistance in backing the Commission's efforts to obtain full compliance with the guidelines among all the state parties.

Without your unwavering support over these past months, we would not in my judgment, have been able to achieve the enormous progress that we were able to report to the Democratic National Committee meeting on October 14. The solid support that you have given our staff and the "shoulder to shoulder" posture you have taken with the Commission, demonstrate beyond any doubt the Democratic Party's commitment to reform.

I wish to express my strong gratitude for your help at this point, in light of the unwarranted questioning of your position on reform, as an aftermath of the contest for a temporary chairman of the Credentials Committee.

Incidentally, I was particularly impressed with your leadership in encouraging the National Committee to reverse its position and unseat itself as automatic delegates. This action by the Democratic National Committee was a strong affirmation of the guidelines.

Congratulations.
Sincerely,
Donald M. Fraser.

THE NATIONAL CANCER ATTACK ACT OF 1971

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. ROGERS. Mr. Speaker, on Monday, November 15, 1971, the House overwhelmingly passed the "National Cancer Attack Act of 1971" by a vote of 350 to 5. This action has generated considerable reaction from the American public in support of the House passed version of this legislation.

At this point I would like to insert in the Record editorial comment from the New York Daily News which addresses this issue:

How Hunt Cancer Cure(s)?

House and Senate are agreed that the government shall steeply increase spending on cancer-cure research. But the Senate wants to set up an independent agency for the purpose, while the House favors keeping the existing cancer institute within the National Institutes of Health.

We hope the Senate-House conferees will settle for the House version.

Create an independent organization, and we'll encourage the setting up of similar groups to hunt for cures for all the ailments on which sizable numbers of people think unlimited sums should be spent.

The end results most likely would be tragic in many cases and needlessly expensive in all. Why not let the NIH direct all of these cure quests?—which, unless we're mistaken, was one purpose for which the NIH was created.

TRADE POLICY

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BOGGS. Mr. Speaker, last Tuesday, the able chairman of the Committee On Ways and Means (Mr. Mills), delivered a thoughtful and timely speech to the 58th National Trade Convention in New York.

The subject of trade policy is one of special importance to anyone who is concerned about our country and its economic role in the world.

Few individuals can speak with as much authority or expertise in this field than Chairman Mills. I am therefore inserting the text of his address in the Record, and calling it to the attention of my colleagues:

Remarks of Congressman Wilbur D. Mills

I am both pleased and honored to be here today and to participate with you in your exploration of the "Imperatives for World Economic Progress" in this 58th National Foreign Trade Convention. This annual convention has a long tradition of deliberating on those policies of business and government which enhance the free flow of trade and investment and which contribute to economic growth and well-being throughout the world.

I am sure I am not the first speaker to pay tribute to that tradition by quoting from a statement by Secretary of State Cordell Hull. Secretary Hull spoke a great many truths concerning the importance of foreign trade and the vital necessity of international cooperation in trade relations. As I view the state of our international economic affairs, it occurs to me that a statement of Secretary Hull before the Committee on Ways and Means is particularly apropos at this time.

The date is March 8, 1934, and the statement is in support of H. R. 8430, which became the Reciprocal Trade Agreements Act of 1934. Secretary Hull observed: "The field of international trade, however, upon the existence of which the economic lives of scores of nations depend, and the economic well-being of all nations in important measure depend, is hopelessly clogged and obstructed by prohibitions, embargoes, quotas, restrictions, and numerous other economic and currency impediments. The processes of exchange and distribution have broken down and *adequate relief imperatively requires the restoration of confidence, employment, normal commodity prices, and normal trade, both internal and external.*" (Emphasis supplied.)

This description of conditions in international trade of 37 years ago appears to me to be perilously close to conditions which can develop in the world economy should the present attitudes and policies in world trade centers persist. Prohibitions, import quotas, bilateral restrictions, discrimination, economic and currency impediments are coming to be increasingly used, if not in practice, at least in terms of proposals by governments as they seek to protect their own economic situations or to redress real or alleged imbalances in their economic affairs.

There is no doubt that the economic conditions, both internal and external, which faced the United States this past summer were of an extremely serious nature. Inflation, under-employment and long-time budgetary deficits domestically, were reflected in increased imports, lagging exports, and deficits in our balance of payments and balance of trade.

These conditions to which the President addressed his action on August 15 did not develop overnight. And I believe we need to remind ourselves that they cannot be corrected in a brief period of time.

Internationally, the President's action in imposing an additional duty of 10 percent on most dutiable imports and suspending the convertibility of the dollar into gold represented for the United States a new freedom from the rules of the game as they particularly applied to this country. Given the role of the dollar in the international monetary and financial system, the United States has not had the flexibility enjoyed by other countries to adjust the value of its currency to reflect shifts in economic conditions and relative economic strengths. In trade, the position of leadership assumed by the United States had up until this summer foreclosed unilateral action in the trade field to assist in the necessary adjustments in the international economic accounts.

The President's shock treatment certainly worked up to a point. Our international economic problems have now received the attention of our trading partners which they previously had tended to ignore in face of the overall economic strength of the United States. I believe that the reaction of our trading partners after the initial shock has been for the most part one of cooperation.

The correctness of the United States action on August 15 will be lost sight of, however, if other governments are given time to react in response to pressures from their own producing interests. Indeed, there is every evidence that, as the timetable for lifting the additional duty on United States imports remains indefinite, the negotiating leverage for achieving a meaningful realignment of currencies will be dissipated.

Indeed, as Mr. Hull observed, we need a "restoration of confidence," for despite the actions of August 15, we still have a crisis of confidence on the part of the business community and labor. This is particularly true of our trade policy.

Abrupt changes in policy are usually characterized as the end of an era. It is my hope that the forces which have been set to work since August 15 will not result in the end of the era of cooperation in international trade and monetary policy in which world trade has expanded from $55 billion in 1950 to $311 billion in 1970.

Trade expansion policies, including the trade policy the United States has pursued, anticipate economic adjustments. Trade expansion policies run into trouble when the economic adjustments resulting from reduction in trade barriers develop faster than they can be assimilated by the affected economic interests. The success of the trade agreements program until recently has been due to the recognition that trade liberalization must proceed surely but slowly if it is to remain economically viable and politically acceptable.

The leadership the United States has been able to exert in international trade is due to the fact that under the trade agreements extension acts and the Trade Expansion Act of 1962, the Congress and the President were speaking with one voice. The failure to extend the President's trade agreement authority after June 30, 1967, has contributed substantially to the deterioration of consistency in our trade policy and indeed has raised the question as to whether the United States has a trade policy.

The history of the trade agreements program has been one of the President seeking increased flexibility to deal with our trade problems internationally and the Congress providing written safeguards in recognition of the interest of producing groups in our economy. Thus, over the years, a balance of forces was achieved in delegating tariff adjustment authority to the President under specified conditions which provided for escape from situations of import competition to which industries and workers could not adjust.

In the Trade Expansion Act of 1962, the Congress granted the President more sweeping tariff reduction authority than ever before. However, despite the introduction of the concept of adjustment assistance for firms and workers injured by imports, the safeguard provisions of the 1962 Act and their administration failed to recognize that our producing interests would need quick and effective relief in dealing with the type of competition from imports that subsequently developed. In part, we failed to recognize that economic growth abroad has contributed greatly to the efficiency of foreign producers. Moreover, in administering other phases of our trade laws, we have failed to take into account the type of trade practices, often government-assisted, which have placed our own producers at a disadvantage, not only in the United States markets but abroad.

The tremendous shift in attitudes toward our trade policy on the part of a number of major industries and labor unions is compelling testimony to the failure of government policy to deal adequately with competitive forces to which our own trade laws should be addressed. It is an important aspect of the crisis of confidence on the part of manufacturers and workers.

Industry after industry has failed in its efforts to obtain relief under the tariff adjustment provisions, or, as they are known more familiarly, the escape clause provisions, of the Trade Expansion Act. Relief under the Antidumping Act or the countervailing duty provisions has either been so slow in coming or administered so reluctantly that the United States producers have despaired that the government would provide any assistance with unfair pricing policy of the foreign exporters and their governments.

There has been improvement recently in the administration of the Antidumping Act. Nevertheless, the complete breakdown in confidence of both management and labor that the government would respond to severe problems of import competition has caused industry after industry to seek legislated import quotas. Such proposals would impose quotas on imports across broad industrial sectors. Such relief is in contrast to the more selective type of relief contemplated in the escape clause provisions, and is, of course, of great concern to our trading partners, since it represents a completely different approach from trade policy that this country has pursued up to this time. Such an approach contradicts the type of international obligations which we must insist our trading partners live up to in view of our own great interest in world markets.

I share the concern of those who feel that the trade problems facing the United States are so serious that we must devise trade controls which will limit imports to a certain percentage of the domestic market. I still feel, however, if we amend our present laws wisely and prudently, we can retain the benefits of expanded world trade and safeguard our own producing interests, both business and labor.

But we must do so very soon. That is why I am concerned that we have not been able to take advantage of the imposition of the additional duty on imports to obtain quick and responsible action on the part of all major trading nations in the realization of exchange rates. It obviously is not possible to agree on a restructuring of the international monetary system in a short period of time. Nevertheless, an interim agreement on currency values could do much to quiet the concerns of many that the longer the present situation in the international monetary market persists, the more governments will resort to artificial currency manipulations and trade controls. I think we need to remember that whatever the cost of the failure to act earlier to make fundamental changes in the international monetary systems, it is at least partially offset by the great increase in world trade achieved under that system due in no small part to stable currency values. Thus, in any political strategy to reform the monetary system, I think we must keep in mind that the reforms must be accomplished without losing the economic benefits all countries enjoyed under the old system.

Among the beneficiaries, too, have been those economic interests actually engaged in international trade and investment. The indefiniteness of the present monetary and trade situation is not one that instills confidence in businessmen to make those decisions which lead to economic growth. Thus, the very nature of the present series of confrontations in trade policy give me great concern.

As I have indicated, the imposition of the additional duty on imports was basically sound and necessary in view of the currency crises and other ominous trends of last summer. Indeed, I had publicly stated my willingness to consider legislation under which a temporary border tax adjustment could be imposed. However, the President's action in imposing the 10 percent additional duty on most dutiable imports was without the specific authorization of the Congress. As you are aware, there has been no clear-cut explanation of the legal basis of the President's action under the national emergency he declared. Suffice it to say, the President has apparently terminated, in whole or in part, previous Presidential proclamations reducing duties pursuant to his trade agreement authority.

On some $4.5 billion in imports in 1970, the President's action had the effect of terminating all previous trade agreement concessions so that the rates of duty applying to imports are the statutory rates of 1930. It now appears that some importers are considering whether to petition for a ruling on the legality of the additional duty. A collateral question arises as to the President's authority, under the trade agreement provisions, to rescind the additional duty once he has terminated the previous tariff reductions.

Still another problem that must be faced is whether and how the President will deal with the last stage of the Kennedy Round scheduled to become effective on January 1, 1972, under a previous trade agreement proclamation which the President has terminated, in part, or "suspended." While such a question may appear superfluous in face of the 10 percent additional duty, it will hardly appear so minor to our trading partners.

Thus, my concern here is that, despite the obvious necessity of the additional duty, the lack of appropriate consultation with and delegation of authority from the Congress regarding this matter in particular has created uncertainty as to what trade policy in the United States is, and what the aims of this country are in dealing with our trading partners.

Again, in my own view, we are in the position we find ourselves because, by force of circumstances in both the executive branch and in the Congress, it has not been possible to work together to develop a balanced package of trade measures which would, on the one hand, give the President authority and flexibility to deal with trade problems internationally and, on the other hand, provide in our own domestic trade law reasonable and effective programs to deal with adverse competitive situations and available to all producing interests on the same basis.

In this regard, it is popular these days to state that many of our international trade problems will be solved if we recapture the competitive spirit and effectiveness of the proverbial Yankee Trader. I, too, subscribe to that theory. I certainly do not share the views of others that United States exports are passe, and that the United States should resign itself to becoming a service economy. Such a concept may fit the econometric models that are also popular these days, but which have little in common with the real world.

A part of the real world of international trade is contained in a number of bills pending before the Committee on Ways and Means which are based on hard analysis that existing trends in trade are robbing United States workers of job opportunities and eliminating profitable operations of many small firms which cannot adjust by investing abroad. The realities of trade policy in the 1970's, therefore, must involve a new awakening between workers and business in the United States as to the mutuality of their interest. For too long have we ignored the vital commercial aspects of day-to-day developments in our trade relations. Too often, market access problems abroad for United States producers have gone unsolved and the only viable answer for the individual corporations has become increased investment to produce abroad. It may well be that we should spend less time in coordinating policies and more time and thought to developing a single government department which will have the full responsibility for pursuing United States commercial interests abroad with the same fervor and success that foreign producers expect and obtain from their governments.

The world moves very swiftly these days. If we do not shortly begin to exhibit that maturity and political ability to understand and be understood by our major trading partners, all of the benefits we have come to enjoy from years of international economic cooperation can soon disappear. Moreover, there is a task ahead of rebuilding a trade policy for the United States which will reflect, first, its economic and, second, its political position in the world today. This task cannot be accomplished by the President alone. Today more than ever before, the President's power and flexibility to meet problems in trade must necessarily rest on the authority delegated to him by the Congress.

Finally, both management and labor must work toward the common goal of recapturing the competitive edge in producing in this market and abroad. This may sound like so much sophistry to some, but if this country is to remain the economic power and political force in the world economy that our traditions demand, it must be done through business and labor working with and through government toward their own interests both as producers and consumers.

JAMES G. FULTON

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. DORN. Mr. Speaker, Jim Fulton was a highly respected Congressman, a great American and a dear friend. We shall miss him, and we extend our deepest sympathy to his family and to the people of Pennsylvania.

Mr. Speaker, we all knew of Jim Fulton's interest and expertise on scientific matters, for he was his party's ranking member of the House Science and Astronautics Committee. We knew too of his dedication to the people of Pennsylvania as the senior member of his party in Pennsylvania's delegation to the Congress. And we knew of his sincere interest in people. I well recall the day that he personally escorted my young son to introduce him to a foreign royal visitor to the Capitol. My son will never forget that simple act of friendship. Jim Fulton was a member of a family long prominent in Pennsylvania public life. He was devoted to this great heritage. Jim was also a dedicated member of the Committee on Foreign Affairs. He had a deep interest in foreign affairs and he realized that America could not remain great if it isolated itself from the rest of the world. James Fulton was a statesman, and we shall miss him. Again we extend our sincere sympathy to his family and to his friends.

THE 25TH ANNIVERSARY OF FRANK & EDWARD SKWIAT POST NO. 451, AMERICAN LEGION, MICHIGAN CITY, IND.

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BRADEMAS. Mr. Speaker, today I have the most pleasant duty of congratulating the Frank & Edward Skwiat American Legion Post No. 451 of Michigan City, Ind., on its 25th anniversary. In these past 25 years, the Frank & Edward Skwiat Post has contributed the time of its members and the resources of its treasury to virtually every civic project in Michigan City. In the short span of 25 years, the post has become a respected institution in Michigan City.

Mr. Speaker, the civic-minded activities of the Frank & Edward Skwiat Post are another reason for Michigan City to be proud of itself as a community. The common council of the city recently recognized this fact in a resolution, which I insert at this point in the RECORD.

The resolution follows:

RESOLUTION CONGRATULATING THE FRANK & EDWARD SKWIAT POST NO. 451, THE AMERICAN LEGION, ON ITS 25TH ANNIVERSARY

Whereas, in this year, the Frank & Edward Skwiat Post No. 451, The American Legion, Department of Indiana, will celebrate the 25th anniversary of its Charter, and

Whereas, in the Preamble to the Constitution of The American Legion, it is recited that among the fundamental precepts upon which The American Legion is founded includes the individual obligation to uphold the Constitution of the United States, and to safeguard and to transmit to posterity the principles of justice, freedom and democracy, and

Whereas, the Frank & Edward Skwiat Post No. 451, The American Legion, has exhibited throughout its organization a great desire to fulfill such precepts by its engagement in the National and Departmental programs of The American Legion, such as: Boys' State, Oratorical Contests, Flag Education, Patriotic Observations, Community Services, Rehabilitation of Veterans, Knightstown Home, and Child Welfare, and

Whereas, the Frank & Edward Skwiat Post No. 451, The American Legion, has built and maintained a Post Home at 121 Skwiat Legion Avenue which has served our community for educational activities, political functions, recreational programs, ceremonial observances, and civic projects, and

Whereas, among its many accomplishments, the Frank & Edward Skwiat Post No. 451, The American Legion, has purchased equipment for the Fire Department of Michigan City, and for the Police Department of Michigan City; has purchased animals for the Michigan City Zoo; has sponsored and participated in athletic events for children and adults; has provided American flags and Indiana State flags to schools within the Michigan City area, and has made generous contributions to worthwhile projects and programs including, but not limited to, Mental Health, United Funds, Heart Association, and Scholarship Foundation.

Now, therefore, be it resolved by the Common Council of the City of Michigan City that it does hereby officially congratulate the officers and members of the Frank & Edward Skwiat Post No. 451, The American Legion, and officially recognizes its contributions to the Community, State, and Nation as an outstanding Legion Post.

Be it further resolved that a copy of this Resolution, after its passage and approval by Conrad S. Kominiarek, Mayor of Michigan City, be forwarded by Philip J. Schroeder, Clerk of the City of Michigan City, to Kenneth L. Beach, Commander of the Frank & Edward Skwiat Post No. 451, The American Legion, with the official seal of the City of Michigan City affixed thereto.

Introduced by:

RAY H. PARRY.

Passed by the Common Council of the City of Michigan City, Indiana, this 19th day of October, 1971.

JAMES L. KINTZELE,
President of the Council.

Approved by me, this 20th day of October, 1971.

CONRAD S. KOMINIEREK,
Mayor.

Attest:

PHILIP J. SCHROEDER,
City Clerk.

MEETING THE DEMANDS FOR M.D.'S

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I was pleased to note in the American Medical News of September 27, an article by Dr. Robert Rosenberg, an outstanding physician from my hometown of Rockford, Ill. Dr. Rosenberg makes the important point that the doctor shortage confronting the Nation is not simply a matter of having too few physicians to go around. Rather, the real problem is that the doctors we do have are distributed unevenly, with overconcentrations in certain geographic areas and in certain specialties. We have too few physicians in central urban areas and in rural parts of the country, and too few primary care or family physicians in relation to the number of specialists and surgeons.

Because we are currently considering a number of proposals to improve the availability and quality of health care in the Nation, I believe Dr. Rosenberg's observations are particularly timely. It will not be enough merely to pour large sums of new funds into the health care system; effective reform will require that we also devise incentives to reduce the kind of imbalances that Dr. Rosenberg has identified. I would commend this article to my colleagues and include it at this point in the RECORD:

[From the American Medical News, Sept. 27, 1971]

MEETING THE DEMAND FOR M.D.'S

(By Robert J. Rosenberg, M.D.)

Twenty-five years ago, and less, there was a clamor for more electronic and industrial engineers. Today we have many areas with an oversupply of these highly trained men, but with no jobs for their sophisticated areas of expertise. Consequently, there are hundreds, perhaps thousands, of skilled men forced to accept other employment to support themselves and their families. Five years ago our educational experts predicted a marked shortage of teachers in elementary schools. With the dropping off of the population explosion and an economic downturn, thousands of college graduates equipped to serve in this field are now idle. This is yet another example of a planning program which did not anticipate future realities. Also within the medical profession during World War I and World War II, due to the emergent situation overseas, there was a marked shortage of general surgeons. The outcry at that time was for young physicians to engage in general surgery. This has been done with a resultant over-population supply in relation to the population needs.

Our primary shortage of physicians at this time is directly related to an over-population of highly specialized individuals as opposed to family practitioners and a maldistribution of physicians into the more densely populated urban areas. The age of specialization has removed doctors from many neighborhoods and the need for having expensive diagnostic equipment available in order to do good work has now taken the generalist away from the corner drug store and into the medical centers. The public may not realize it, but the physician recognizes that the evaluation of medical care has changed. Not long ago people sought the services of the doctor in the hope that they might be helped. Today they go to the doctor expecting to be cured.

The figures show that the physician population has been increasing 25% faster than the population growth for the past 20 years. It is clear that we must plan, and as we plan, we must be factual and flexible. Merely to increase the number of physicians would not adequately meet the requirements for physician availability.

VETERANS UNEMPLOYMENT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BEGICH. Mr. Speaker, unemployment in our Nation and particularly in Alaska is a very serious problem. A significant portion of this unemployed force is the veterans who have recently returned from military service.

In an attempt to help alleviate the plight of the unemployed veteran, I have written letters to 120 community leaders urging them to provide opportunities for our returning veterans. I attempted to point out to these leaders that we have a special obligation to these men. They have given up prime years that could have been spent securing a job with security and good pay. These are men who are qualified to hold responsible jobs, but because of their temporary absence from the labor force, are finding suitable employment opportunities scarce.

I am pleased to report that in response to the letters I sent out, the Department of Labor in Alaska has sent me an informative letter explaining what they are doing to deal with this same problem. I would like to commend them for their work and dedication to our veterans. I am inserting a copy of that letter for my colleagues inspection so that they may see the fervor with which Alaska is dealing with this problem.

STATE OF ALASKA,
DEPARTMENT OF LABOR,
Juneau, Alaska, October 28, 1971.

Honorable NICK BEGICH,
Congressman for Alaska, House Office Building, Washington, D.C.

DEAR CONGRESSMAN BEGICH: We were pleased to see a recent news story indicating you had sent letters to 120 community leaders in Alaska urging their assistance in finding jobs for returning veterans.

Our Employment Security Division of the State Department of Labor has been pursuing a vigorous program through its Manpower Centers aimed at placing as many of our Vietnam Era Veterans in Alaska as possible into jobs.

Working in cooperation with the State Veterans' Representative, a number of mail promotion techniques have been used in Alaska. Our experience, however, clearly demonstrates that personal employer contact is the most effective technique for veteran job development, and, to the extent available staff resources of Alaska Manpower Centers permit, this approach is stressed. The employer interest cards used nationally to stimulate employer action in hiring veterans actually has elicited little response from Alaskan employers; however, direct contact and coordinated local publicity has obtained some good results.

In Anchorage, where the 1½ staff positions provided to Alaska by the Manpower Administration of the U.S. Department of Labor, were assigned to augment the Jobs for Veterans drive and where a Jobs for Veterans task force is active, results have been very satisfactory thus far.

During the 5 months following the kick off of our statewide Jobs for Veterans Campaign in April 1971, the record shows our Manpower Centers have taken 2,152 new applications for employment from veterans, of which 809 were Vietnam Veterans. During the same period 1,187 job placements of veterans were made, with 693 being Vietnam Era Veterans.

We anticipate the impact of the jobs made available through the Emergency Employment Act of 1971 will stimulate further job placement of Vietnam Era Veterans. As a matter of fact, early reports from our Manpower Centers concerning this program show a high number of veterans placed in the openings now being processed under the Emergency Employment Act.

Sincerely,
FRANK E. CASHEL, *Director.*

OUR NATIONAL LABOR POLICY

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1971

Mr. HENDERSON. Mr. Speaker, you may be surprised to learn that during the first 150 years of our country's existence, there was no such thing as a Federal labor law. Not until 1926 when Congress passed the Railway Labor Act did the Federal Government take any action toward regulating labor or employment relations.

The Railway Labor Act came about because of the great number of disputes in the railroad industry after World War I which disrupted transportation of goods in interstate commerce. Its purpose was to provide a procedure for settlement of such disputes and to prevent rail carriers from interfering with efforts of their employees to form and join labor unions. The central policy of the Railway Labor Act was expressed in the statement in section 2, fourth, that:

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing. (45 USC, sec. 152, Fourth)

Nothing was said in the act about the right of employees to refrain from joining or forming labor unions, and within a short time the railroad brotherhoods became worried about the possibility that workers could be coerced by the carriers into joining company dominated and controlled unions. As a result the unions requested that Congress amend the railway act to include a prohibition on any form of compulsory unionism agreements. In accordance with this request Congress in 1934 amended section 2, fourth, to read:

> It shall be unlawful for any carrier to interfere in any way with the organization of its employees . . . or to influence or coerce employees in an effort to induce them to join or remain or not join or remain members of any labor organization, or to deduct from the wages of employees any dues, fees, assessments or other contributions payable to labor organizations.

It is thus an historic, if somewhat ironic, fact that organized labor itself was the first to insist upon incorporation of the right to work principle in a Federal labor statute. These union officials were well aware that compulsory unionism agreements are frequently nothing more than "sweetheart" contracts.

Until the year 1935 workers in industries other than the railroad industry had no Federal law to protect their organizing activities or their efforts to obtain collective bargaining rights from their employers. All this was changed with the enactment in 1935 of the Wagner Act, officially known as the National Labor Relations Act, which was the first comprehensive Federal labor statute.

This new statute was frankly designed to encourage the formation of labor unions and to strengthen their bargaining position with employers. The act made it unlawful for an employer to interfere with organizational activities of employees or to refuse to bargain with a union representing employees. One of the most important features of this new law was the provision in section 8(a)(3) which permitted union agreements requiring all workers in a bargaining unit to belong to the union and pay union dues.

Armed with this extraordinary privilege of being authorized to demand agreements requiring all employees to join the union and pay union dues as a condition of employment, labor officials launched intensive organizing drives which skyrocketed their membership from a level of approximately two million in 1935 to an estimated high of 17 million in the next 10 years, and swelled their treasuries with a tenfold increase in dues payments, initiation fees, and other types of assessments. How many of the newly acquired "members" were forced into the unions under compulsory union shop and closed shop contracts is impossible to determine, but conservative estimates place the number at 3 million. Compulsory unionism mushroomed under the emergency created by World War II.

Labor Department reports show that prior to World War II only 20 percent of all employees covered by union contracts were bound by compulsory membership agreements; however, in 1946, 77 percent were subjected to such clauses. During the war, the Government-sanctioned wage-price administrators frequently recommended forced unionism clauses as the price for keeping union officials from calling employees out on strike.

Emboldened by their success union officials began pushing their demand for compulsory unionism harder and harder, and, as might be expected, these efforts did not go unnoticed by the American public, particularly those members of the public who were unwillingly forced to pay union dues. In response to the public reaction a number of States, beginning in 1944, adopted laws prohibiting compulsory unionism. The first such laws were adopted as amendments to the constitutions of Florida and Arkansas, in 1944. Other States quickly followed suit and there are now 19 States with right to work laws on their books.

Eleven of these State right to work laws were in force at the time Congress adopted the Taft-Hartley Act amendments to the National Labor Relations Act in 1947, and in order to eliminate any doubt as to the effect the Federal law would have upon such State laws Congress wrote into the Taft-Hartley Act the now famous section 14(b), which expressly provides that nothing in the National Labor Relations Act—

> Shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

In 1951, the railroad unions were successful in pushing through Congress an amendment that deleted the 1934 right to work provision in the Railway Labor

Act. Immediately thereafter officials of the railroad brotherhoods insisted that management accede to their demands for compulsory "union shop" agreements. Management objected, and President Truman then appointed Emergency Board No. 98 to settle the dispute. That Board concluded that the Congress, by adopting the 1951 amendment to the act—section 2, eleventh—established a Federal policy in favor of the "union shop." It recommended that the railroad companies conform to that policy, and they were compelled to do so.

Recalling that it was the railroad unions that favored voluntary unionism in 1934, why the change of view in 1951? Mr. George Harrison who was President of the Brotherhood of Railway Clerks in 1951 and the chief spokesman for the Railroad Brotherhood officials, answered this question when he complained that unions were unable to discipline members effectively because of the voluntary nature of their affiliation with the union. Associate Justice Brennan referred to this when giving the opinion of the U.S. Supreme Court in *International Association of Machinists et al.* v. *S. B. Street et al.*, 367 U.S. 740, 763, 6 L. Ed. 2d 1158 (1961):

> Mr. Harrison expressly disclaimed that the union shop was sought in order to strengthen the bargaining power of the union. . . . Nor was any claim seriously advanced that the union shop was necessary to hold or increase membership. The prohibition against union security in the 1934 Act had not interfered with the growth of union membership or caused the unions to lose their positions as exclusive bargaining agents.

Totally virtually all railroad workers in the country are victims of compulsory unionism as a direct result of the action taken by the Congress in 1951. Previously, they were protected by a right to work provision in the National Railway Labor Act. None of them is protected by the existing 19 State right to work laws, inasmuch as the governing Federal statute does not contain a provision similar to section 14(b) of the Taft-Hartley Act. Therefore compulsory union shop agreements are enforceable in the railroad and airline industries in all 50 States.

The review of the development of our national labor policy makes it crystal clear that the problem of compulsory unionism actually arises because it is sanctioned by the Government of the United States. Yes, the culprit is the Federal Government. Our Federal labor policy encourages and abets interference and intrusions on the individual rights of the Nation's working men and women. It is injurious to the country's economic and political wellbeing. Union abuses will continue to multiply until Congress establishes a policy of voluntary, rather than compulsory unionism.

It is well to note that Congress moved in that direction by including in the Postal Reorganization Act of 1970 a provision permitting only voluntary unionism in the Postal Service. In that instance, the House of Representatives went on record as favoring voluntary unionism by a vote of 226 to 159.

Now Congress must take the necessary action to correct the inequities resulting from the National Labor Relations Act and Railway Labor Act by passing the National Right to Work bill. This will give workers in the private sector of our economy the same rights and freedoms which have been given the postal workers in the public sector by specific congressional action.

EXTREME POLLUTION IN RHINE RIVER, GERMANY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of October 14, 1971, carried an article datelined Bonn, West Germany, under the heading "Even Eel Fishers Draw Empty Nets on Rhine."

The article makes it clear that the reason that eels, a hardy species, are absenting themselves from the Rhine River is because of extreme pollution. There are rivers in the United States which are polluted to the same or almost the same extent as the Rhine.

There is legislation pending in the House which would enable us to correct this situation and I feel that it is time for the Congress to act.

I include the text of the Christian Science article at this point in the CONGRESSIONAL RECORD:

EVEN EEL FISHERS DRAW EMPTY NETS ON RHINE

(By Harry Ellis)

Morning after morning over the past hot summer the eel fishers of the Rhine have drawn up their nets and found them—empty.

In a good season each of the 27 men who fish this section of the Rhine for a living catches upward of 5,000 pounds of the long, snakelike fish, esteemed by German gourmets.

Last summer, according to Paul Jansen, chairman of the Rhine Fishermen's Association, not one of his colleagues has taken more than 60 pounds of eel since the end of May.

The reason, experts agree, is pollution. Not pollution of a sudden, dramatic kind, like the spilling of insecticide into the Rhine, which killed all fish in the river in 1969.

The culprit this year is cumulative pollution, the gradual wearing down of the river's ability to cleanse itself, with the result that even coarse fish—eel, carp, and the like—cannot survive.

Understandably, Mr. Jansen and other men who work on the roiled, dark waters of the Rhine see the problem in terms of providing a living for their families.

OXYGEN CONTENT HIT ZERO

Water-pollution experts, taking a wider view, project growing danger for millions of Germans and Dutchmen dependent on the lower Rhine for drinking water, irrigation, and industrial use.

On June 8 and 9, according to state officials of North Rhine-Westphalia, the oxygen content of the Rhine at the city of Koblenz, assaulted by a massive onslaught of urban and industrial sewage from the Main and Neckar Rivers, dropped to zero.

Oxygen-starved bacteria no longer could neutralize polluted wastes, and the river at Koblenz and downstream turned foul smelling and almost black.

All three rivers, Rhine, Neckar, and Main, had been low, with the result that much sewage had sunk to the bottom, instead of flowing out to sea.

Then had come heavy rains and the Main and Neckar, flowing more swiftly, had carried their stirred-up bottom mud to the Rhine.

Quickly the oxygen content at the measuring station at Koblenz sank to zero milligrams per liter of Rhine water, from earlier levels of 4 to 6 milligrams.

"At the Dutch-German frontier," declared a Dutch engineer in The Hague, "the oxygen count in the Rhine was down to 1 milligram per liter, instead of the normal 3 at this time of year." (Even 3 milligrams is considered dangerously low.)

DISCHARGE ORDER STOPPED

Immediately the state government of North Rhine-Westphalia ordered factories to stop discharging heated water into the Rhine until the oxygen content of the river had restored itself.

This is easier said than done. Huge cooling towers used by modern industrial plants reduce, but cannot eliminate, the temperature rise in river water cycled through factories. Many older plants lack cooling towers.

Meanwhile, stringent laws in North Rhine-Westphalia, which houses the industrial Ruhr, require any new factory to guarantee no damage to the environment before the plant can be built. Such laws, effective on a federal scale, should prevent industrial pollution from multiplying in the future.

BUILDUP IS DENSE

Some existing Ruhr factories are building water-purification plants, beginning to reduce chimney emissions of sulfur dioxide and other noxious gases, and shipping their acid wastes in sealed containers out to sea to be dumped, instead of pouring them into the Rhine.

"All this is to the good," remarked an expert. "But the problem is, here in the Ruhr we build our factories and cities cheek by jowl, so that often a residential community is separated from a chemical plant only by a fence."

The result for the Rhine, he continued, is that urban and industrial wastes have poured into the river in unprecedented volume since World War II, as German production boomed.

Gradually the Rhine's ability to cleanse itself has been so taxed that sudden rains, as in early June, can "kill" the river at critical points by exhausting the river's oxygen.

Mr. Jansen himself pays tribute to the efforts of federal, state, and local governments to restock the Rhine after the total fish kill of 1969.

But the empty eel nets he and his colleagues have drawn up from the river this summer show how much more must be accomplished before the damage of decades can be undone.

Even at best, such measures are only palliatives. With the temperature of the Rhine slowly but inexorably rising year by year, the June 8-9 disaster could recur at any time.

The problem, as one German expert put it, is twofold. Scientists must develop some way to restore oxygen to a river, by "chemical, technical, or biological means," instead of leaving the job to nature.

Second, Chancellor Willy Brandt's government must hammer through Parliament a law giving environmental control authority to the federal government. Currently each Land, or state, has jurisdiction over its own water, land, and air, with the result that regulations vary in kind and effectiveness from state to state.

LEGISLATORS DELUGED

Deluged by expert opinion that air and water pollution in congested areas of West Germany has passed the danger point, Parliament deputies appear ready to give Mr. Brandt's government the authority it seeks.

That would allow coordination, as scientists grapple with the unsolved problem of restoring oxygen to a starved river.

A few giant German chemical and petrochemical firms have developed cleansing systems that pump oxygen into "used" water, so that billions of bacteria—nurtured by the factory—can neutralize wastes before the water is returned to the Rhine.

To build such a purification plant for a single large factory costs millions of dollars. To do the same job for the Rhine itself is a task whose technical and cost aspects are staggering.

THE VAIL MEDAL AWARDS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. GUBSER. Mr. Speaker, recently two of my constituents, employees of the Western Electric Co. in Sunnyvale, Calif., were awarded the Vail Medal for heroism and courage. These gentlemen are Mr. George R. Wolf, engineering associate at Western Electric, and Mr. Harlan E. Shoemaker, systems equipment engineer. Mr. Wolf received the silver Vail Medal and Mr. Shoemaker the bronze Vail Medal.

I include the following:

For the past fifty years, acts of helpfulness—often heroism—by telephone men and women have built a tradition which demonstrates their keen awareness of their individual responsibility to serve their fellow man.

Many of these acts are so outstanding they merit a lasting symbol of recognition. In the Bell System, such recognition is provided by the Vail Medal Award, established in 1920 as a memorial to Theodore N. Vail, president of the American Telephone and Telegraph Company from 1907 to 1919. The award reflects the Bell System's abiding traditions of loyalty and devotion to duty.

Cast in gold, silver or bronze, the medal exemplifies and perpetuates the high ideals of Vail, whose likeness appears on the face of the medal.

The standards to be met to qualify for a Vail medal are exacting. It is given for intiative, resourcefulness, courage, fortitude and accomplishment in averting or easing the effects of catastrophe, saving human life, maintaining or restoring telephone service, and preventing or minimizing damage to property.

In the course of the fifty years of the award's existence, it has been presented to more than 2,260 Bell System people. Of their number, 1,998 have received bronze medals, 248 silver medals and 19 gold medals.

During this time, Western Electric people received 46 bronze medals, 13 silver medals and two gold medals. Today's awards mark the first time people at the Pacific Region's headquarters in Sunnyvale have received Vail medals. For this and their acts of heroism and their individual willingness to serve their fellow man, Western Electric is especially proud to honor George R. Wolf and Harlan E. Shoemaker.

GEORGE R. WOLF

The Silver Theodore N. Vail Medal for Noteworthy Public Service was awarded to George R. Wolf, Engineering Associate, Sunnyvale, California, for heroism and quick-thinking response in the rescue of a young boy from possible drowning.

On May 29, 1970, Mr. Wolf, his wife and friends were fishing along a creek in Yosemite National Park. The creek, swollen with melting snow runoff, had turbulent rapids. Mr. Wolf was on the bank of the creek changing a lure on his fishing line when he heard shouts from upstream. He saw a small boy being carried downstream by the swift current.

Without regard for his own safety, Mr. Wolf instantly dropped his fishing pole, threw off his jacket and plunged into the icy water. He positioned himself in the stream and intercepted the child as he was swept down. The ranging current carried Mr. Wolf and the boy further downstream before he was able to grab hold of a rock in the rapids and prevent them from being swept over a 25-foot waterfall a short distance downstream.

A group of people on shore formed a human chain into the water and helped Mr. Wolf and the badly bruised child to safety. The six-year-old boy was treated at a hospital for a mild concussion, bruises and abrasions.

Through his courageous disregard for his own safety, Mr. Wolf is credited with saving a life.

HARLAN E. SHOEMAKER

The Bronze Theodore N. Vail Medal for Noteworthy Public Service was awarded to Harlan E. Shoemaker, Engineering Associate (promoted to Systems Equipment Engineer, September, 1970), Sunnyvale, California, for spontaneous action and courage in helping to rescue a seriously injured climber.

On May 7, 1970, Mr. Shoemaker and his wife had paused at a scenic spot high above a valley in Yosemite National Park, when they heard a faint cry for help. Unable to spot anyone through his binoculars, Mr. Shoemaker quickly drove his car back down the road about three miles to where he had seen as empty parked car. Here he encountered an hysterical young man who asked for help for his companion who had fallen approximately 270 feet while rock climbing.

Despite his street shoes and no climbing experience, Mr. Shoemaker scaled 500 feet over large boulders and rocks in search of the injured victim, but to no avail. Then, joined by a Park Ranger and the other young man, they climbed 350 feet and located the unconscious victim on a rock ledge.

Mr. Shoemaker and the victim's companion each positioned a foot on a small outcrop of rock. They began treating the injured man for shock by loosening his clothing and massaging his arms and legs while a former Army combat medic climbed above the victim to treat his severely bleeding head wound. When it became apparent the victim was in danger of slipping over the ledge and falling another 50 feet, Mr. Shoemaker unhesitatingly placed both feet on the jutting ledge and held onto another rock with one hand. He kept his precarious position for approximately two hours continuing to administer first aid with his free hand until a rescue team arrived. Subsequently, the victim underwent successful brain surgery.

Exhibiting bravery, tenacity and clear thinking in the face of crisis, Mr. Shoemaker's actions exemplify the finest tradition of service to the public.

Both Mr. Wolf and Mr. Shoemaker received personal letters of congratulation from President Nixon and it is a pleasure for me to bring the heroic deeds of these fine gentlemen to the attention of the House of Representatives. Their acts should serve as an example for all Americans.

BUD HILLIS—AVIATION AUTHORITY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. LANDGREBE. Mr. Speaker, it is rare when a freshman Member of this House gains a reputation as a leading authority in the House on a subject. But my dear friend and distinguished colleague from Indiana, Bud Hillis, has managed to attain that stature. As evidenced by his floor managership of the air controller bill in a recent session, Bud Hillis has become one of our foremost authorities on the subject of aviation.

Bud comes by this authority from personal experience. During his service in the Army Air Corps during World War II, he was bitten by the aviation bug. In postwar civilian life, he qualified for a pilot's license and has flown his own private airplane for many years. Like every flyer I have ever known, he is an absolute nut on the subject.

Now that he is a Member of this House, Bud has brought his wealth of information and his dedication to aviation with him. He realizes that American aviation has many problems, with which this House must deal. Foremost among these is the potential safety crisis of air traffic control. As a member of the Post Office and Civil Service Committee, he is in a unique position to assist the hard-pressed air controllers in the Federal Aviation Administration.

Recently, Bud visited a modern air control facility in Knoxville, Tenn., and learned some information, which will be of interest to this House and to the public. In the event the air controllers bill goes to conference, it would be of special interest to the conferees. Bud yesterday made a 5-minute radio broadcast to the people of his district on the subject. Because of its national importance, I include the text of his broadcast at this point in the Record:

November 18, 1971.

RADIO REPORT NO. 43

Announcer. And now for another Washington Report with your Congressman Bud Hillis, who represents the Fifth Congressional District of Indiana.

I understand that you have just seen something that is perhaps a breakthrough in the area of safety from the standpoint of our airlines and air traffic.

Hillis. Yes, this is right. I most recently had the opportunity to go to Knoxville, Tennessee and view the very latest equipment that FAA now has under test in this important area of air safety.

This equipment is quite a sophisticated application of the use of data processing information and computer technology to display on a radar screen to a controller on possible conflicting air traffic. This means that the machine will accept programmed data from the controller, analyze it and also analyze other information that has previously been stored in it and will warn the controller of any problems that it sees in the way of traffic conflicts in that area.

Announcer. In other words, this will tend to eliminate great areas of potential human error.

Hillis. It could do that. It certainly would eliminate some of the stress and strain that I know so well that the air traffic controllers of this country are under.

Announcer. Let's back up just a moment and discuss the legislation which you have introduced and supported to improve traffic safety and then let's discuss how this new innovation will tie into that legislation.

Hillis. Well, first of all, the legislation which passed the House took into effect the terrific strain and stresses the air traffic controllers are under in peak hours in their duties. This legislation would provide for early retirement and more importantly if a man was unfit physically to go on, retraining for other work.

This legislation passed the house some four weeks ago and is now in the Senate. It no doubt will pass the Senate but probably will come back again before what is known as a Conference Committee which Members of our Committee will serve. I want to be in a position to advise the Conferees if I am not a conferee myself on what the latest developments are in this field. When this legislation was under consideration, I visited various air traffic control facilities and saw some of the newest equipment. I wanted to apprise myself of this latest development even though it is experimental.

ANNOUNCER. Even though experimental, Congressman Hillis, the fact is that if it works over the long run, as the experiments are carried out, it could prolong the working life of the air traffic controller. Isn't that correct?

HILLIS. Oh, I think it definitely will do that because every place we went previously we found that this was a young men's business. A man as he gets into his middle forties perhaps is too old to make these quick decisions that are necessary. Perhaps with this type of equipment at his disposal, he won't be called on to have to make that instantaneous but correct decision that he is not able to do at that age.

ANNOUNCER. Let me go behind the scenes here just a little bit in Congress. Now you have picked up some new information on this trip to Knoxville, how do Congressmen go about informing their colleagues of the fact that a new technological breakthrough may be in the offing?

HILLIS. Well, just as soon as this breakthrough is announced, I intend to prepare a statement for the Congressional Record which is distributed to all the offices here and read by all the Members and many of their staffs informing them of this latest development and the conclusions that I reached as the result of actually getting to see it in action.

ANNOUNCER. Congressman Hillis, what was the most revolutionary thing that you saw concerning this new equipment down in Knoxville?

HILLIS. Well, to me it was when they explained to us that next spring, beginning about in either April or May, they will program this equipment and that the controller will inform a pilot of a special radio frequency and when he switches to the frequency he will then talk directly to the computer itself and the computer will answer him. Now this is done much as we record a voice today on tape.

ANNOUNCER. Just like we are doing right now?

HILLIS. Yes. It's done by the storing of digital information in the computer and the computer through its intricate workings can come up with the right answer at the right time. In other words, the computer will search out itself and all of the traffic information it has stored and advise the pilot that perhaps there is a plane out there very close to him.

ANNOUNCER. Thank you, Congressman Hillis. This has been another Washington Report with your Congressman Bud Hillis, who represents the Fifth Congressional District of Indiana.

NATO: 22 YEARS OF AGE: MAJORITY OR SENILITY

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. ROUSH. Mr. Speaker, for some time I have been concerned about the size of our troop commitment in Europe and our failure to give a serious review to the numbers of troops we continue to maintain there. I believe that at this time there is a more receptive attitude toward this concern of mine. Accordingly I would like to discuss this issue in some detail.

Our troops have been in Western Europe for 25 years. The troops initially remained there as an occupation force and for mutual defense against a Soviet attack. American presence was needed because the Western European countries were ravaged both militarily and economically. I might add here that the Soviet Union was equally ravaged with over 20 million dead. Yet because of the very nature of Russia's vastness and subsequent American and British aid, the Soviet Army had survived the brutal attack and was recovering. The Soviets were unchecked in much of Europe and were in a position to take and hold any objective which was left to them by the United States and Britain.

The Soviet Union did retain old expansionistic goals which were motivated by economics rather than political humanitarianism. While the allies' decisions were motivated by what would end the war most expeditiously, Soviet decisions were political and motivated by nationalistic policy. Churchill understood this and sought a troop landing in the Balkans in order to head off Soviet strength in Eastern Europe. His warnings were not heeded and the Soviet Army was permitted to "liberate" Eastern Europe and capture Berlin. Like the rest of Europe, the Soviet Union had been terribly hurt by the war, but the Soviet Army was in Berlin while the rest of Europe was prostrate.

In the center of this macabre circus stood the world's only nuclear power. This country, in 1945, had $21 billion in gold reserves, or 70 percent of the world's supply.

This percentage excludes the Soviet Union's reserves as that country refuses to release its figures. By 1948 the United States had extended its wealth to $29 billion and set out to lift Western Europe off its own back. Initially the problem was primarily economic but by 1948 the U.S.S.R. had successfully enshrouded Eastern Europe and had an atomic bomb. The world Communist design became a renewed threat. Communist activity seemed to be at its apogee in China, Eastern Europe, and the third world.

This was the world into which NATO was ultimately born. The theory had been hatched by Roosevelt and Churchill in the early 1940's and the need seemed all the more desperate by the late 1940's.

To say the world has changed in the past 25 years is the ultimate in understatement. The lines are still basically the same but they are thin, more fluid, and not always visible.

Western Europe has been restored to economic stability and the United States now faces economic peril. Where this country once held 70 percent—$29 billion—of the world's known gold supply it now has $10.3 billion or roughly 25 percent of the world supply. West Germany alone has more American dollars than we have gold. In total, our overseas liabilities amount to four times our available gold supply. This means we would need the world's entire known gold supply plus $1 billion more to back up these liabilities. Unemployment in this country is greater than in any of the Western European countries. In West Germany where the core of our NATO troops are based, unemployment is less than 1 percent and 2 million workers have been imported as a needed force. These figures reflect not only a strong economy but an apparent boom. So, as regards the basics, Western Europe is in better shape than the United States. Western Europe has more manpower and has a greater gold reserve than the United States.

The latest development has been a refusal to support the dollar. As of the end of fiscal 1971 the dollar had been devalued 4 to 7 percent all over Europe. Our liabilities are stretched well beyond reasonable limits and this devaluation might well be only the beginning of greater financial problems. Very simply, Europe has more dollars than it needs. The continent is saturated with our paper; we have nothing to back it up and Europe knows it.

But in spite of this, our troop levels and dependent levels remain high—unreasonably high in light of their purpose, but I shall discuss this later.

To top off this bleak economic picture, the United States has had a deficit in its balance of payments for 19 out of the last 21 years. Since 1961 this Nation has operated on a deficit in Western Europe averaging $1.6 billion. Our offset agreements with Germany—the last one ran out June 30, 1971, and we are presently negotiating a new one—cannot hope to make up this deficit. What is more, much of the offset payments are short-term German loans and therefore only postpone the fiddler's payment. The offset agreement is literally a postponement agreement and nothing more.

So this is what can happen when 6 percent of the world's population assumes the role of world guardian and banker. It is like the man who gives blood in order to save another individual but is not permitted to get off the table until he himself is prostrate, or worse, until he has nothing left to give. Let me mention a few statistics.

We have between 300,000 and 307,000 troops in Europe. This includes the 6th Fleet in the Mediterranean.

The troops are deployed as follows:
Germany, 215,000 troops.
Greece, 3,000.
Italy, 10,000.
Spain, not a member of NATO, 10,000.
Turkey, 8,000.
United Kingdom, 20,000.

The service breakdown is:
Army, 185,000.
Air Force, 75,000.
Navy/Marines, 35,000.
MAAGS, 5,000.
Dependents, 225,000.

As pointed out above we have 225,000 dependents in Western Europe. The majority, 145,000, are in West Germany.

The costs of U.S. forces in Europe have been estimated on three bases:

First. $14 billion represents the estimated total cost of U.S. general purpose forces usually based in the United States and maintained primarily for use in a European emergency, related support elements and headquarters in NATO Europe, the support in the United States such as training and logistics required for these forces, military assistance for NATO countries and the NATO military construction program.

Second. $7 to $8 billion represents the cost of general purpose forces stationed in NATO Europe—including the Sixth Fleet—plus the U.S. support base required for these forces, that is, cost of new equipment and training and logistics support.

Third. $3.2 billion represents the operating cost of U.S. forces actually stationed in NATO Europe—including Sixth Fleet. It includes military personnel costs and the costs for operating and maintaining equipment and facilities used by these personnel. It excludes indirect logistics and administrative costs outside of NATO Europe, major procurement and construction to the NATO construction program. The $3.2 billion total is included in $7 to $8 billion total which, in turn, is included in the $14 billion estimate.

Fourth. The balance-of-payments drain for fiscal year 1971 was $1.8 billion.

With regard to our offset agreement with the Federal Republic of Germany—FRG—it used to be of great benefit to this country in the early 1960's when the FRG was building up a defensive force. This agreement largely offset the balance-of-payments impact of U.S. defense expenditures in West Germany—approximately 80 percent of deficits. At this time, the German buildup has ceased and hence the need and actual buying of arms from the United States has also ceased.

Our NATO Allies contribute to the central front (i.e. primarily West German bases) as follows:

FRG, 326,000.

France, 34,000—has withdrawn militarily from NATO.

Britain, 53,500.

Italy, none.

Portugal, none.

Greece, none.

Turkey, none.

Netherlands, 80,000—considered in central front.

Belgium, 70,000—considered in central front.

Canada, 3,100.

Denmark, 27,000—considered in central front.

Luxembourg, 550—part of the central front.

The figures listed for Netherlands, Belgium, Denmark, and Luxembourg indicate the entire army force in each country. The number of troops contributed by the Allies to NATO's central front is 594,150. The United States contributes 215,000.

The U.S. share of manpower has declined in the past 10 years. In 1961, the United States provided roughly 50 percent of NATO's combat ready troops. Our troops are down from a high of 434,000 in 1961 and the other NATO countries have increased their quotas. At present, our NATO Allies have over 2 million men in their armies. They spend a combined total of $24 billion annually.

The primary contribution made by the Allies is their purchase of improved weaponry: modern tanks, improved mobilization systems, antisubmarine ships, and aircraft. Ten of the European Allies—the Eurogroup—have established a European defense improvement program—EDIP—which contributes beyond the NATO commitments. The EDIP is expected to add $1 billion to the effort in the next 5 years.

Last, I might add that the other allies have, in the past, purchased military equipment from the United States on the average of $250 million annually.

Allow me to add a parenthetical breakdown on expenses: NATO costs its members at least $40 billion annually. Fourteen of the 15 members contribute $24 billion. Ten of those 14 members intend to add another $200 million per year for the next 5 years. The United States spends $14 billion on NATO and NATO-oriented forces. Plus, this country lost $1.8 billion in the balance-of-payments drain last year in Western Europe alone. This $1.8 billion figure represents the direct dollar cost for supporting our troops in Western Europe. Our grand total becomes $16 billion.

Despite the fact that the NATO Allies now supply 90 percent of the manpower, the United States continues to pay 40 percent of all NATO costs.

To get a true picture of the pertinence of our NATO force in Europe one must bring the already discussed troop figures to life by analyzing combat effectiveness.

Our NATO combat force consists of 4⅓ divisions at 90-percent strength according to the Department of Defense. This means we have 59,000 combat troops less, of which 40,000 are prepared to fire at the enemy. In addition to these combat units we have 4⅓ initial support increments, and 2⅓ sustaining support increments or 88,000 support troops. In each of the 4⅓ combat divisions there are an additional 8,000 troops who do not fight but fulfill further support duties. There are 7,000 officers and enlisted men assigned to administrative commands. One general/flag officer for each 2,343 men is assigned to Europe. Few, if any, Armed Forces units of less than 3,000 men are authorized a general/flag officer as a commander. This still leaves the function of 22,900 men virtually unexplained.

One can easily see how our present posture in Europe is breaking our back economically. The obvious question becomes: Is it worth the price? Tragically the answer appears to be "No." Advocates of our present troop levels in Europe say we are pared to the bone—that we need the present number of troops to deter a Soviet attack and at the same time maintain a war on a conventional plane. This is the crux of the dilemma. "We need the present force levels to avoid nuclear war." Says who? In the event of a Soviet attack, the use of tactical nuclear weapons has been in our Army's game plan for over 10 years. This is evidenced by the fact that the United States has 7,000 nuclear warheads stored in Europe.

NATO is no longer an effective shield but a symbol. Our troops are outnumbered and are so ill-positioned that it was estimated during the 1962 Berlin crisis that it would take 30 days to mobilize. Bear in mind that this would have taken place during peacetime. Under war conditions—the Soviets would have air superiority—our forces may never succeed in mobilizing.

Two combat divisions could serve the same purpose as the 4⅓ divisions presently on the central front. Theoretically, one man, or even a piece of paper, could serve the same military purpose.

I was able to speak with the man who prepared the extensive memorandum on the NATO issue for Senator MANSFIELD, Mr. Edward L. King. This memorandum was literally 6 years in preparation. Mr. King has had a great opportunity to study the NATO question as a staff planner within the military stationed in Europe. I felt, in closing, his remarks would be pertinent.

Mr. King said that from his study of the subject he had concluded that our combat force—actually numbering 40,000 to 50,000 men—is extravagantly oversupported. He felt a troop cut of 150,000 men was more realistic than our present force levels but that a troop level of 75,000 to 100,000 was probably most realistic. Mr. King maintained we could cut our costs in one or both of two ways. The United States could cut its NATO force in Europe or cut its NATO committed troops stationed on domestic bases. He favored taking both steps but said that if only one could be taken, he would prefer the former. The cut in our Europe based troops would save roughly $500 million on our balance-of-payments drain and $1 billion in cost savings. A cutback in our NATO committed forces in the United States would only represent a cost savings.

Mr. King concluded that our NATO force is no longer an effective shield and likened its continuance to pumping blood into a corpse. Mr. King said he has seen and studied the degenerating operation of our NATO force and considers its structure tottering. His greatest fear at present is that as a result we may actually totter and topple into a nuclear war. It does not require a fertile imagination to recognize this fear as a valid one.

In terms of our actual national security and recent economic dilemma, a reevaluation of our present commitments would appear to be wise.

WESTERN EUROPE CAN BE SAVED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. DERWINSKI. Mr. Speaker, there is necessary preoccupation with the President's forthcoming visits to Peking and Moscow and the euphoria surrounding such trips is something that must be properly recognized. Of special importance is the need to recognize that the foreign policy goal of the Soviet Union and the Communist bloc is that of continued expansion, by whatever means possible, of communism, and the free world cannot for a moment relax.

Therefore, it was with special interest that I noted the article in the Aurora, Ill., Beacon-News of November 5 by Dumitru Danielopol, the distinguished foreign correspondent of the Copley Press, which I believe is a very pertinent and timely commentary on Western Europe.

The article follows:

Western Europe Can Be Saved

(By Dumitru Danielopol)

WASHINGTON.—Can Western Europe be saved from sweeping domination by the Soviet Union?

"Yes," says Axel Springer, "but only just."

Germany's largest publisher recently gave a Washington audience a straight-from-the-shoulder appraisal of the European political situation as seen from his 20-story headquarters hard by the Berlin Wall.

Chancellor Willy Brandt and backers of his "ostpolitik" wouldn't have appreciated it.

Brandt's "ostpolitik," Springer said, dovetails with a Soviet "westpolitik" that aims at controlling all Europe.

Springer rejects the illusion that the Kremlin leaders have changed, that they have abandoned their ambition to conquer Western Europe and eventually the world for communism.

Compromise with the Reds is impossible, he said. "Peaceful coexistence aims at taking away from the capitalists by peaceful means all positions they still hold," he said.

The tall, blond, handsome German newsman ran into trouble in pre-war Germany for opposing Hitler. He started to build his newspaper empire in 1945 armed only with a license from the occupying British Army and a borrowed typewriter.

His publishing group today is the largest in Europe with five newspapers including the world famous Die Welt of Hamburg.

In the relentless struggle between East and West, Berlin is vital, Springer says, "one of the most important pawns for the Soviet Union."

Brandt, a former mayor of West Berlin, is well aware of its importance, Springer says.

"Berlin exists for the vision some day to be the capital of a free and united people," Brandt once said.

But Brandt cannot forget western inaction in 1961 when the Russians built the Berlin Wall, Springer adds.

"It may be that the seeds of his new dangerous policy towards the East were already lain on this fateful August 13, 1961," according to the publisher.

If Brandt's "ostpolitik" goes unchallenged, the results will not be a "peaceful, prosperous, quiet, united Europe, which is a partner of the United States, the result will be rather a Europe whose total resources would be at the disposal of the Soviet Union."

To substitute treaties with Moscow for guarantees of NATO, he says, would be a "catastrophe."

Without the alliance of the West, built with American help and with America as the leading member, the free world would be doomed, he claims.

As Springer sees it, the choice for Germany and for the free world is a simple one.

They must decide, he says, between a "Pax Americana" or a "Pax Sovietica."

"One excludes the other," he says. "Pax Americana would mean continued hope for all mankind; Pax Sovietica, new dark ages in our time."

FORTRESS ON 78TH STREET

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. CARTER. Mr. Speaker, the November 19, 1971, issue of Life magazine contained an article describing the abject fear pervading certain areas of New York City. It seems that these citizens are in constant danger, that their homes are frequently broken into and treasures stolen. Ofter they are attacked, abused, and mugged.

I regret to say that this same situation exists throughout the District of Columbia. Only 3 weeks ago my car was stolen from behind the apartment in which I live. When it was found, it had been completed wrecked.

Every day we read of murders, rapes, and heinous crimes. Mr. Speaker, we must do more to make the homes of American citizens safe. It may require doubling the number of police; but if that is required, it must be done.

I include the article from Life magazine for the perusal of the Members:

Fortress on 78th Street

Street crime moves indoors—shoving into hallways, up fire escapes, over rooftops, chiseling away at doors and windows. In every large American city and in the suburbs as well, burglars and robbers wage their guerrilla warfare against homes and apartments. In defense, Manhattan's once proud, tree-shaded East 78th Street has become a solemn row of brownstone fortresses. East 78th Street is not a slum area; it is actually one of the city's richest and safest. Yet in one six-story building, shown on these pages and on the cover, 17 of the 24 apartments have been burglarized at least once. Apartment 2B in that building is less a home than a jail cell, a nearly impregnable bastion defended by five locks, two peepholes as well as alarms, chains, bars, bolts and booby traps. This fortress on 78th Street is not simply a response to a crime problem particular to Manhattan. On the contrary: nine other major U.S. cities have worse burglary problems than New York.

TO QUOTE SOME OF THE TENANTS

"I often see prowlers on the balconies of the building next door," says Norma, apartment 4B. "I call the police, the police come and chase the prowler up to the rooftop, then the prowler jumps over onto our fire escape, climbs up on our roof and gets away. I've met intruders face to face in my apartment and my handbag was stolen. I know my apartment is vulnerable, but I won't live behind bars. So rather than set up gates, I splurged on an expensive alarm system."

Alexander, who lives in 4C, has never been burglarized, though not long ago he was mugged on a neighboring street. "We never get robbed because we never take down the storm windows, and my wife is always there." He's been in the apartment 27 years. "We only have one lock because lots of locks mean people are wealthy and they must have something worth stealing. This city was a paradise in 1907 when I came from Gibraltar. Now it's not safe anymore. I think I'd like to live in Pennsylvania."

Rosalind has been in apartment 3C for 20 years. "It used to be safe in this neighborhood," she says. "Now I find signs that they've tried to pick my lock and force the door." Because she's home most of the day, burglars have not yet broken in. She has a chain on her door, a heavy lock, special screw locks on the windows, and has hammered nails into the window frames so that the windows will open only a few inches at the bottom. "They broke into my mailbox," she says. "They even stole the name off it."

Bob, burglarized once in 5D, has window gates, nails in the window frames, and two locks on the door. His car and his bicycle were stolen in front of the apartment house. "When they took the bike, they left the chain and lock behind." Burglars who invaded his apartment made off with a guitar, radio, jewelry, cash—and a spare set of door keys. "Now I've got new locks, a new car, and a motorcycle, which I keep in a garage."

THE RAIDERS ARE BOLD, THE TENANTS CAUTIOUS

Burglars attacking the fortress go at it like commandos dropped behind enemy lines. Mostly heroin addicts and often black, they are after whatever can be quickly converted into cash. Escape routes are prepared, barbed wire cut, bricks pulled from building walls to give footholds to the roof. Inside, the tenants hear noises and wait for the sound of chisels, the face at the window. A teacher in 4D has been burglarized once, and many other times has seen prowlers on the fire escape. One night her window opened and two hands came through and parted the curtains. She says, "I scream, and call the police a lot." A stewardess in 3D no longer opens her door to anyone whose voice she cannot recognize. While she was away on a flight, burglars picked her lock and emptied the apartment, clothes and all. The man in 5C had a fake burglar-alarm sign on his door. It was stolen—along with the doormat. The tenants, who have asked that their full names not be used in this article, try to help each other. The man in 4A, himself burglarized once, ran to a neighbor's aid with a steel bar, and on another occasion chased away lock pickers with a butcher knife. Once he had a German shepherd for protection. Someone stole it.

Kevin, 5B, is a two-time loser. "The first time they picked the lock. The second time they just took it out altogether. I knew my original locks were weak—I picked them myself once when I forgot my keys. I guess I was a case of the American Innocent in from the suburbs. Now I'm a veteran. I can tell stories at parties along with the rest of them. I've paid my psychological dues for living in Manhattan. I think about getting out, but where could I run to?"

It's ego-deflating if you're a male and you have to lock yourself in at night," says George, apartment 3A. He has a pick-proof lock and window shutters lined with metal. "I see people coming out of alleyways with shopping bags, and I know they've been burgling somewhere, but I don't want a confrontation, not even with panhandlers who ask for money. You can't walk down the street anymore."

Burglars often work from rooftops, courtyards, back walls and fire escapes. Before robbing apartments in the fortress, they cut through wire fences and make steps in brick walls to give themselves a ready means of escape if they are discovered and chased.

HOW TO KEEP BURGLARS OUT OF YOUR HOME

The only thing that can keep a burglar from getting at your wealth is wealth. The apartment dweller or home-owner who starts laying in alarms learns quickly that protection is a matter of expense: the more you spend, the safer your home. A relatively simple alarm system that wires doors and windows costs up to $100 per opening, or several hundred dollars for an apartment and into the thousands for a large suburban home. Other sophisticated alarms use microwaves, ultrasonic transmitters, electric eyes, and devices that automatically dial the police and play a recorded cry for help. Shortcuts are often worthless. Fake protection stickers ("These Premises Are Protected by the Jones Alarm Co., Inc.") are laughed at by professional thieves. Even when burglars spot a real alarm system, they may crack a door or window just to see if it works. The best compromise between expensive alarms and phony stickers is locks—some virtually pick-proof. Public pressure helps, too. Where demands for more police protection have brought increased foot patrols, for instance, the burglary rate has almost always dropped. Tenants can urge their landlords and legislators to provide adequate lighting in streets and hallways, to require burglar-proof construction, built-in alarm systems, intercoms between apartments and street entrances. But no protection is perfect. If a burglar *really* wants to get into your home, he'll get in.

A bicycle on the street is sure to be stolen, but inside it has a chance when it is chained and padlocked to a refrigerator. The owner says she would not be surprised to come back and find all four gone.

When all the locks and alarms don't work, there is the ultimate protection—a gun. The man in 2B carries construction company payrolls, and the automatic he uses on the job is just as handy at home.

A cat's night vision can make it an efficient burglar-detector. In apartment 4B a cat stares at the fire escape, meowing and arching its back at the approach of prowlers.

The TV set in 6C is partially disassembled to make it unattractive to thieves, then bolted to a steel plate which is bolted to a brick wall. "To get it out," says the tenant, "they'll have to take the wall."

"OUR REAL SECURITY IS IN EACH OTHER"

We are scared, the other tenants and I, and this month we met for a second time to talk about how to protect ourselves.

George, the building superintendent, volunteered his apartment for the meeting. It was a warm fall evening, and his steel-backed shutters were opened wide for a change. People came in slowly, hesitant at first to abandon their carefully preserved New York anonymity. We passed around wine and cheese, and gradually we began to open up to each other.

We talked about what our first meeting a couple of months earlier had accomplished. Most important were what we called the vigilante groups. Ray, Rita and Bill, Bob and I—all within earshot of each other's apartments—had exchanged telephone numbers and agreed that if we heard strange noises in an apartment, we would call. If no one answered, we would call the police. Already Ray, who lives below me, has checked with me twice, and I am grateful.

We had persuaded the landlord to put up a convex mirror in the hallway, so that we could see around a dark corner. At the second meeting it was suggested that we ask him about an intercom to replace our ancient buzzer system for letting visitors into the building.

Meanwhile Ray offered an alternative. "Give your friends a buzzer code, like three short and one long. Then don't answer to anything else unless you go downstairs to see who it is." Norma, who runs an art gallery on the first floor, offered to make signs reminding everyone to be sure and shut the roof and street-level doors tightly behind them.

Gail, a teacher, maintained that the fire escapes are the real problem. "I tried to get the first department to saw off the bottom level of the fire escape. It's as easy to walk up as a flight of stairs. They say it's against the regulations."

Bob reacted bitterly. The fire department won't help. And gates on the windows don't help—burglars broke through the ones I put up with one healthy shove. We can call the cops, but they never catch anyone anyway."

There's a limit to what we tenants can do, without becoming total prisoners. We think about window gates, for instance. But twice recently we've read about people who died, trapped in fires by their own elaborate security measures.

One girl, Carol, is new in the building, but already her folks want her to move to a safer part of town. Is there one? Those of us who live in the fortress have come to think that our only real security is in one another. Our meetings have produced one happy result: we now have friends to run to, not just faceless, nameless neighbors. There's a practical side as well. I now know when to be suspicious of people I pass in the halls, and when to smile and say hello.

APARTMENT 6'S ORDEAL: BURGLARIES, ROBBERY, ATTEMPTED RAPE

Rita and Bill have had it worse than anyone else in the fortress. After two years in apartment 6D their score stands at three burglaries, one robbery and an attempted rape. In December 1969, burglars smashed through the door frame and stole $300 worth of Christmas presents. A few months later, burglars forced open a living room window, bent back a heavy iron gate and got away with jewelry and a radio. Last year, burglars squeezed through a 15-inch-wide bathroom window, took a camera, clothes and jewelry then ripped an iron grille and air-conditioner out of a living room window, through which they escaped. The last time was the worst. A man followed Rita into the downstairs hallway and at knife point forced her to let him into her apartment. He took clothes, a camera, jewelry, and then ordered her to undress. When she refused, he slashed her sweater. She told him her husband would be home soon, and he grew frightened and ran. Today Rita and Bill have a new door frame, two locks, double iron gates on the kitchen window, a city sewer grating bolted to the brick wall of the bathroom window, an air-conditioner and iron gate on the living room window, wooden shutters and a metal bar bolted across the bedroom window, and broken glass and flower pots on the fire escape. "In all," says Bill, "we've lost $3,000—and a lot of sleep."

Bill spends free time maintaining fortifications: inspecting his roof, fitting a steel bar over wooden shutters and bolting an iron grating into the brick wall around the bathroom window. But he can't be everywhere. While he was working on his apartment, thieves broke into his car. They took a set of encyclopedias, a new tire and the battery.

TRIBUTE TO RALPH C. WILSON, JR.

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. KEMP. Mr. Speaker, it was my good fortune to play for Ralph Wilson, owner of the Buffalo Bills, for 8 years. No one has done as much for football in Buffalo and for the American League in general over the years than Ralph Wilson. His help to the players has always been of the utmost importance, and all recognize Mr. Wilson as a good friend.

Jim Peters, the outstanding Buffalo Courier-Express sportswriter who has covered the Bills since 1963, did an excellent feature story on Ralph Wilson in the November 14, 1971, issue. It is my privilege to call this to the attention of my colleagues and include the article at this point.

The article follows:

TRIBUTE TO RALPH WILSON

(By Jim Peters)

Ralph C. Wilson looks the part impeccably. He's tall, about 6–3. Slender, a trim 180 pounds or so, almost to the point of appearing frail in stature. A smart, but conservative dresser. He walks with the confident stride characteristically associated with the wealthy. A millionaire's millionaire.

He's the man who for the past decade has left undeniable imprints on the Niagara Frontier, ranging, at various times, from public administration—as when he brought professional football back to Buffalo in 1959—to public outrage, when last summer his threats to pull up stakes in search for financially greener grazing grounds for the Buffalo Bills cracked open a hornet's nest of civic concern.

Undoubtedly, there are those who think of the Buffalo Bills' 53-year-old owner as a distant individual whose primary reason for being here is to pad his already-extensive bank account. They couldn't be more wrong.

A more accurate description would be that printed by a national weekly sports magazine about five years ago: "Ralph Wilson," it observed, "is a gentleman and a sportsman, a man with a great deal of class."

That is how his friends and associates in pro football, horse racing and other businesses with which he is affiliated know Wilson. That he has been successful financially in most of his ventures hardly can be held against the man.

A shrewd businessman, yes. Coldhearted, not at all. The deep regard held for him by those in his employ and their unshaking allegiance to him is the best evidence of the latter.

"You don't work for Ralph Wilson, you work with him," one member of his football organization has said many times.

If only a few Buffalonians really know Wilson, however, certainly even fewer are familiar with his background. They might know he is from Detroit, that he is a Navy veteran, that he is more wealthy than the average man and that he likes big, new stadiums to house his football team. But, generally, that's about it.

Wilson was born in Columbus, Ohio, the youngest of two sons of Mr. and Mrs. Ralph C. Wilson Sr. His family (his brother died at an early age) moved to Detroit when he was three years old. Educated at Detroit University School, with one year at Kentucky Military Institute, Wilson received his B.A. degree from the University of Virginia and had finished one year at the University of Michigan Law School when World War II erupted.

"Then I joined the Navy and spent six months as an enlisted man," Wilson recalled recenty whie awaiting the kickoff for a Bills' game. "In those days, if you had a college degree, you could apply for a commission, which I did."

After attending Officers' Training School and, later, a mine warfare school, Wilson was assigned as a junior officer to a mine sweeper based in Casablanca. His commanding officer was George Schaaf, a Buffalo contractor, and together they took part in the Allied invasions at Salerno and Anzio.

Wilson doesn't talk much about his wartime experiences, although he later succeeded Schaaf as CO of Mine Sweeper 29 and, after the vessel was turned over to France, he became senior officer aboard the sweeper fleet's mother ship and saw additional duty in the Pacific.

By coincidence, one of Wilson's sister ships at Anzio struck a mine and was devastated. Two of that ship's crew, both of whom were decorated for pulling buddies out of the water, were the late actor, John Howard, and the brother of Mrs. Jack Horrigan, wife of the Bills' vice president in charge of public relations.

"I went into the insurance business with my father in Detroit after being released from the Navy in 1946," says Wilson, who thought very seriously of making the Navy his career. "My father spent most of the war on civic matters and his business was only of moderate size, but he gave me half and said if I wanted to build it up, fine, or if not, that was all right, too."

The elder Wilson, who died last year, also had bought a trucking company just before Ralph left the Navy. "He knew a little about it, having insured some trucking firms, but the auto business, like about every other after the war, expanded rapidly," recalls Wilson.

"We remained partners in these two businesses until 1959, at which time my father wanted to retire. Our agency bought his share."

Wilson, who never played football but who always has been a football fan, and his father were among the 60-odd stockholders who purchased the National Football League's Detroit Lions in 1947.

"I played basketball and baseball in high school," smiles Wilson today. "In college, I was waived from the freshman basketball team but did play shortstop for the freshman baseball team. Our interest in the Lions was more of a civic thing. No one could own more than four per cent." It was enough, though, to spark a keen interest in the sport.

Wilson's opportunity to become a full-fledged football team owner came in 1959, when ultra-wealthy Lamar Hunt of Dallas, another young sportsman with class, offered him a franchise in the American Football League Hunt was planning to found. "Lamar gave me my choice of six cities," says Wilson. "I was familiar with Miami, as my family had spent a lot of time there, but I was turned down in my attempt to lease the Orange Bowl.

"I didn't know anything about Buffalo. In fact, the only person I knew in Buffalo was George Schaaf, my former CO in the Navy. But Edgar Hayes, a Detroit sports writer, told me of the city's record in the old All-America Conference. I made one visit and committed myself before I got out of town."

Wilson says he isn't at all sorry he did, especially now that a new 80,000-seat stadium is on the horizon, but the early years of the AFL might have made a less-determined man pull out. The financial battles he and his AFL cohorts had with the older, established NFL were beauties.

"The funny thing is, if Lamar had been given an NFL franchise in Dallas as he wished, there wouldn't have been an AFL," says Wilson. "We started the AFL to give pro football to cities we thought could afford and support it.

"The success of the AFL is a phenomenal story. It was such an uphill fight and the odds were so big against us that the early owners—fellows like Lamar, Barron Hilton in San Diego, Wayne Valley in Oakland, Billy Sullivan in Boston and so on—had to stick together.

"We were subjected to ridicule. The media and public looked upon us as a third-class outfit, a rag-tag league. And we had many differences, but when it came down to something crucial, we all stuck together. That really was the reason for its success. We were determined to prove we could play as good football as the NFL."

Wilson admits he "never envisioned the merger" with the NFL which came finally in 1966. And, while he lauds former New York Jets' owner Sonny Werblin's role in helping bring it about, the Bills' boss feels certain the AFL would have survived on its own—somehow.

"We'd have fought on, I'm sure," he says. "It was a matter of pride. No one ever ran out on anyone. Even when Harry Wismer (the late owner of the New York Titans, who preceded the Jets) was in financial difficulty, we all pitched in about $65,000 each to save the league."

Since the merger, Wilson says the game has become "almost a full-time job with me." He is a member of three NFL committees and spends considerable time in New York on league matters, the biggest of which has become the labor problem, magnified by the growth in influence of the NFL Players' Assn.

"We have to reach some kind of understanding and mutual respect or accord between the owners and Players' Assn., or there will be some dark days ahead for pro football," warns Wilson, a member of the NFL Labor Committee.

Traveling to New York so frequently has enabled Wilson to visit his daughters—Christy, 25; Linda, 23, and Edith, 20—and to watch his race horses run. He admits to having been a "horse racing nut" since childhood.

Ironically, horse racing also provided Wilson with one of his greatest embarrassments recently when he drew a 30-day suspension by the New York Racing Commission over the controversial sale of Jim French, a horse which later ran in the 1971 Kentucky Derby. Wilson insisted he was the victim of a technicality and his standing among NFL club owners was unchanged after an investigation by league officials.

But his greatest love in sports still is pro football. And his admiration for NFL czar Pete Rozelle is unequivocal. "We're very fortunate in football to have a commissioner like Pete Rozelle," Wilson says. "Pete's very bright, far-sighted and tactful. If he weren't commissioner, I'm sure he'd be a senator or vice president, he's that competent. I don't know anyone who could do the job he has done.

"As for the Bills, I'm very optimistic about their future in the Western New York area now that the stadium is to become a reality."

Wilson was asked if he ever considered selling the Bills. "Never," he replied. "Oh, I've had a lot of people who wanted to buy the team, but they all wanted to move it from Buffalo."

People who know him realize a class guy like Ralph Wilson wouldn't permit that.

THE UTILIZATION OF PETROLEUM WASTES WINS ENVIRONMENTAL HONORS FOR CITY OF LONG BEACH, CALIF.

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. COLLINS of Texas. Mr. Speaker, the department of oil properties of the city of Long Beach, Calif., has received national recognition for its innovations in waste utilization. Petroleum Engineer rated city of Long Beach first for its program to eliminate dumping 500,000 barrels per day of produced oilfield brine into the Long Beach Harbor.

City of Long Beach is operator for the big Wilmington and East Wilmington fields, the latter field being run on contract by Thums, a combine composed of Texaco, Humble, Union of California, Mobil, and Standard of California. America shares the pride of city of Long Beach for it progressive programs in environmental control as recognized by Petroleum Engineer:

> City of Long Beach Department of Oil Properties' environmental control seeks elimination of dumping of about a half million bbl/d of produced oilfield brine into the Long Beach Harbor, in order to improve channel and harbor waters as a livable habitat for marine life. This produced water contains about 25–50 ppm oily residue, 25–50 ppm solids, about 0.1 hydrogen sulphide, and is oxygen deficient. This oxygen-deficient brine, although otherwise compatible to marine life, served to depress O_2 levels. The goal was harbor water with an oxygen content of 5 ppm, as established by the State of California and supported by the City of Long Beach.
>
> Many intermediate goals and objectives related to choice and design of equipment and systems were set along the way. Test programs regarding water quality, ability to clean various elements from the produced water, ability of the zones to accept the water and the need for biocides were carried out during early project stages.
>
> The method chosen by the City is to re-inject all produced water into the oil zones. This solves a 2-fold problem—that of fluid waste disposal and that of a partial source of water for the injection program. Filtration, corrosion inhibiting and biocides all are necessary to permit successful injection. Direct injection causes a rapid loss in well injectivity that is costly to repair, but innovations in selection and use of filters, biocides, equipment configurations and water blending have solved these problems.
>
> Two different produced water filtration systems are used: a diatomaceous earth filter plant with a 105,000-bbl capacity; and sand bed filter systems of various capacities. All are specially designed, high volume, recyclable units. Corrosion was effectively curtailed using organic biocides of the acrolein type along with film forming inhibitors. Blending purchased fresh water with the brine also aids injection efficiency.
>
> Objectives of the program are about 90% accomplished. Equipment is being installed which will completely eliminate dumping of dead water into the harbor from City operated properties by the end of 1972.

WORLD LEBANESE UNION CONVENTION IN BEIRUT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, among the many peoples and cultures which have enriched American life has been that of the Lebanese, many of whom reside within Fall River within my 10th Congressional District in Massachusetts. For the Lebanese-Americans of Fall River, and of New Bedford, the recent visit of two fine citizens, Mr. and Mrs. Louis Lataif of 991 President Avenue, Fall River, to their native Lebanon, is particularly poignant and interesting. Mr. Lataif, who attended the World Lebanese Union Convention in Beirut in his capacity as the president of the Lebanon American Federation of New England, returned to his home, carrying a special message of blessing from the Maronite Patriach, Paul Peter Cardinal Meoucchi, to the Lebanese residents of Fall River and New Bedford. For Cardinal Meoucchi, who knows Fall River well, and its Lebanese people, and who served as a pastor in New Bedford, the opportunity to transmit this special blessing must surely have been a most pleasing one.

Mr. and Mrs. Lataif, upon their return, offered many valuable and interesting insights into the culture and life of modern-day Lebanon, and it is a pleasure for me at this point to incorporate in my remarks an article which appeared concerning their visit on October 22, in the Fall River Herald.

The article follows:

MEMORIES OF LEBANON LINGER ON

> Mr. and Mrs. Louis Lataif of 991 President Ave. have returned from a trip to Lebanon, bringing back with them memories of foods, customs, and places visited.
>
> Lataif was among 5,000 world delegates to attend the World Lebanese Union convention in Beirut.
>
> He was there in his capacity as president of the Lebanon American Federation of New England.
>
> He read special messages of greetings and best wishes to the convention from Secretary of Transportation John A. Volpe and from Sen. Edward M. Kennedy.
>
> The Lataifs were welcomed by Slaiman Franjiah, president of Lebanon when they visited the summer palace at Ehden.
>
> They also visited the summer residence of the Maronite patriarch, Paul Peter Cardinal Meoucchi, where they were given a five-hour private audience. The Lataifs were invited to hear him celebrate mass in his private chapel.
>
> The cardinal, who had served as a pastor in New Bedford and Los Angeles before returning to Lebanon, was invited back to America by Lataif.

The cardinal replied that he would like to but his age, 76, prevents him from undertaking the trip.

The cardinal sent a message of blessing to the Lebanese community in Fall River. The blessing was recorded on tape by Lataif.

The Lataif's memories of the trip began with the arrival of their charter flight. Mrs. Lataif remembers seeing lightning in the sky. The lightning, which she thought was over Lebanon, turned out to be over Greece. Thinking there was rain, she later learned that it was the dry season, with no rain contemplated for eight months.

The Lataifs gave the following description of the food at the hotel where they stayed:

"For an appetizer, they had a choice of about 30 different hors d'oeuvres. Following the main course, you are presented with a large serving wagon brimming with the greatest delicacies of desserts, including the best of American, European and Lebanese types, also the many varieties of the famous Lebanese fruits including grapes, pears, peaches, apricots, plums, figs, cherries, apples, melons, dates and the like."

On occasions when they took short trips in taxis and talked with several merchants during shopping tours, they found a great understanding by the people for "the American public's desire to see a peaceful solution for all the Middle East."

The Lataifs said that "there is a strong sentiment about the American government's policy toward the Arab world, especially when they see thousands of Palestinian refugees living in tents under very poor conditions on Lebanese ground."

They said that the Lebanese people hope the UN and the great powers will find a solution to Middle Eastern problems.

Among the Lebanese people, the Lataifs said they did not see any poverty to a great extent or any beggars reaching for handouts. They reported that many of the middle class people have one or two cars and live comfortably.

The sights the Lataifs saw included the historical Cedars of Lebanon located in the area of three mountains, one in the north and two in the middle of the country. The large cedar trees in the village of Barouk and Maaiser are said to be thousands of years old. They are reported to be the same from which King Solomon built his temple.

They also saw a huge natural spring formed into a lake at Zable.

At its mouth the lake spreads out into the Bardouni River which is surrounded by two mountains covered with a variety of trees, fruits, and cedars. The river runs between several famous outdoor eating places.

Also visited were the ruins at Baalbak. The Lataifs said they were awestruck by the ruins. Mrs. Lataif was particularly awed by the 100-foot high, 30-foot in diameter pillars of the ruins.

ACTION NEEDED ON CHEESE IMPORTS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. QUIE. Mr. Speaker, foreign dairy producers have an uncanny ability to circumvent U.S. efforts to keep imports of dairy products within reasonable bounds so as not to interfere with the domestic price-support program.

In response to a Presidential request, early this year the Tariff Commission conducted an investigation on the importation of so-called over-47-cents cheese. The report of the investigation was transmitted to the President on July 28, 1971.

Between 1953 and 1965, annual imports of dairy products were equivalent to 0.4 to 0.7 percent of the U.S. output of milk. In 1966 and 1967, foreign producers exported considerably more dairy products to the United States so that the ratio of imports to total domestic milk production was 2.4 percent. The President wisely imposed quotas on dairy products that accounted for 95 percent of the increase in imports.

Foreign exporters then made a remarkable transition into the commodities which were free of quotas.

Quotas were established for most cheeses, but those cheeses having a purchase price of 47 cents per pound or more were excluded. A dramatic increase in the importation of the over-47-cents cheeses within the Swiss or Emmenthaler cheese and Gruyere-process cheese category and the cheeses containing not over 0.5 percent butterfat is occurring this year. Imports during the first three quarters of this year range from 110 percent to 115 percent of last year's imports.

The actual figures on the first three quarters of 1970 and 1971 are as follows:

1970—9 months:	*Pounds*
Swiss	16, 444, 000
Gruyere	6, 677, 000
Other	15, 767, 000

1971—9 months:	*Pounds*
Swiss	18, 579, 000
Gruyere	7, 356, 000
Other	18, 175, 000

It is interesting to note that the importation of "over-47-cents" Swiss in the first three quarters of this year already exceeds the imports during the full year of 1969 when 16,430,000 pounds were imported. The same fact holds for other cheeses. During 1969, only 16,262,000 lbs. of this category cheese were imported while 18,175,000 pounds have been imported during the first three quarters of this year.

The Commission recommended to the President that quotas be imposed on these cheeses by eliminating the free entry of the over-47-cent cheeses because imports were interfering with the domestic price support program. I am hopeful the President will soon take action on this matter which is of great importance to the American dairy farmer.

REPRESENTATIVE ED DERWINSKI SPEAKS AT UNITED NATIONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. MICHEL. Mr. Speaker, those of us who have had the privilege over the years of working closely with our colleague from Illinois (Mr. DERWINSKI) have come to appreciate his direct, no-nonsense style of getting to the heart of an issue, whether it be on the domestic or international scene. How many times over the years have we heard the statement made that "you never have to guess where ED DERWINSKI stands."

Once again he has demonstrated this capacity for getting to the heart of an issue when he spoke to a committee of the United Nations earlier this week, debating the question of self-determination and lambasted the Soviet Union as the most imperialistic nation in the world today. It is appropriate that we should all be reminded again of the tragic fate of the Baltic States of Latvia, Lithuania, and Estonia, which were taken over forcibly by the Russians so many years ago and are still denied their right to freedom.

I include the text of his remarks to the General Assembly in the RECORD at this point:

SPEECH OF MR. DERWINSKI

Madame Chairman, my country has a rich heritage of independence from colonial rule which Americans have cherished for almost 200 years. We have welcomed to our shores millions of refugees fleeing from political oppression to share the freedom which is synonymous with America. By far the overwhelming numbers have found happiness, prosperity, and individual dignity in this country.

We are committed to the proposition that peoples can only fully determine their own destiny where there is freedom of expression and choice and the absence of arbitrary regimes or external interference. We believe that a free society with the right to choose leaders and policies from among alternative candidates through secret ballot is the best means by which the desires of peoples can be accurately reflected. We therefore deplore totalitarian or arbitrary systems where the only voice heard is that of the particular individuals in power. Freedom and self-determination entails legitimate lively dissent and testing at the ballot box with frequent regularity.

The United States has been a foremost advocate of freedom for oppressed peoples. We desire that they have the same opportunity for freedom that we possess—so much so that hundreds of thousands of Americans have given their lives that other peoples might benefit from that precious heritage—the right of a people to determine their own destiny free of external threat or domination.

The United States Delegation was responsible in large measure for those provisions of the United Nations Charter which uphold human dignity and freedom; viz., Articles 55, 73, and 74. We stand for freedom and self-determination today as we have throughout our history as a nation. We believe this is a universal principle, and not one to be applied selectively.

We are highly gratified that fully 97 percent of the people who were under colonial domination in 1940 have achieved self-determination and independence. Eighty-three countries since 1941 have attained independence and have assumed their rightful place in the international community of nations. And each year new states emerge and are welcomed into the United Nations.

We have made our position clear on the unfinished task of self-determination in southern Africa on numerous occasions most recently under the previous agenda item in this committee. We support the right of the peoples of Namibia, Southern Rhodesia, Angola, Mozambique, and Portuguese Guinea to self-determination.

We also believe that we should not overlook new forms of colonialism and denial of self-determination which have been manifested since the Second World War.

We must be ever mindful of those proud nations which have lost their freedom in this period as well as those brave peoples everywhere who are denied national dignity and the right of self-determination.

The Baltic States—Lithuania, Latvia, and Estonia—represent a special case in point.

They have been physically annexed by the Soviet Union and forcibly incorporated into the cluster of its "Socialist Republics." So far as the communists are concerned, Lithuania, Latvia, and Estonia have ceased to exist as separate entities entitled to their own national identity and independence. These views are not shared by the United States, nor by numerous other countries. To this day, the United States accords diplomatic recognition to the representatives of the last legitimate governments of the three Baltic States.

Large numbers of Baltic peoples were transferred to the Soviet interior after 1940. There are indications that as many as 60,000 Estonians and 25,000 Latvians, and probably more Lithuanians, were deported or killed during the first Soviet occupation of the Baltic States in 1940-41. The largest deportation occurred on the eve of the German invasion. After the war several waves of deportations were conducted, particularly from Lithuania, and chiefly in connection with the collectivization drives in the Baltic States.

Comparison of Soviet data on peasants in Latvia for the period from early 1947 to May 1949 shows that some 36,000 families or about 150,000 individuals were eliminated from the rolls during the period. Making allowance for migration to cities, it appears that well over 100,000 Latvian peasants were deported to the interior. The figure for Lithuania may be assumed to be still higher. The Baltic peoples were evidently resettled in various regions of Siberia, as well as in the north.

We can judge whether a government reflects the will of the people by the extent to which it is confident enough to permit its citizens to emigrate freely. We have serious doubts as to whether self-determination exists in a country, for example East Germany where over 4,400 citizens have fled in 1971 alone by such means as swimming the Baltic to Denmark or Sweden, or scaling border fortifications. Or a country where citizens are refused permission to emigrate because they may create embarrassment for the regime.

We are all too familiar with the grim events of Hungary in 1956 and 1968 in Czechoslovakia when brave peoples seeking merely the rights guaranteed by the Universal Declaration of Human Rights—to live in freedom and dignity—were ruthlessly suppressed by external force of arms. At this point I want to emphasize that the United States *unequivocally* rejects the doctrine of "limited sovereignty." It is a form of *imperialism and colonialism* that no free man can condone. The fact is that the Soviet Union is practicing classical imperialism.

We have heard much from representatives of totalitarian states concerning the economic and social benefits to be derived from a Communist society. But the facts betray these assertions. In every case, economic development has been slowed or even reversed when men have not been free to make their own economic decisions. The contrast between the Communist countries, where per capita income is barely a third of that in the United States is a clear contrast. It is interesting to observe that in some of the Communist countries steps are being taken to relax restraints in order to encourage private initiative and foreign investment in an effort to improve economic conditions. Communism has produced stagnation, not legitimate progress.

Let me reiterate our unreserved support for the right of peoples to self-determination everywhere—for only then can they enjoy the fundamental human rights and freedoms enshrined in the Universal Declaration of Human Rights.

Madam Chairman, in an effort to expedite the proceedings this morning, I would also wish to comment as a matter of propriety and proper record on the comments made by the distinguished delegate from the U.S.S.R.

In reference to the situation in Southeast Asia, I believe it is proper for us to emphasize that in Laos and the Khmer Republic, the victims of communist aggression are the peoples in those countries, and they are victims of communist imperial colonialism in its worst form. The people in South Vietnam are in fact victims of communist aggression and are defending their country against that constant pressure.

I should point out that in South Vietnam they have had free elections and they have a functioning parliament where there is freedom of speech and expression far more so than any freedom of speech and expression that may exist in the Soviet parliament.

And also reference was made by the distinguished delegate of the Soviet Union to the Pentagon papers, the implication that this was some great development. The fact is, and if someone in the Soviet delegation had any understanding whatsoever of freedom of press and freedom of speech, they would know that most of that material was and has been available, and it certainly was not denied the American public or the people of the world in any basic form.

Of course we appreciate the fact that it is very difficult for the Soviet officials to understand freedom of press and freedom of speech. We hope that the example of the Pentagon papers is an inspiration to them to permit information to be freely disseminated to their own people.

Then there was a reference made to U.S. aggression since 1947. I suppose that is a reference to the situation that existed, for example, in Korea, where the aggression came from the communists, and certainly in the halls of the United Nations of all places, it ill behooves any delegation to condemn the United States for the proper action taken with U.N. endorsement in defense of the freedom of the people of South Korea.

Then I should add that in Latin America, Africa and Asia we have had numerous examples where attempts at subversion, instigating rebellions of all sorts have occurred in which direct involvement of communist diplomats and officials has been evident. This is certainly not to the credit of the nations who continually foster those activities and the expulsion of diplomats from certain lands. The breaking relations which have occurred merely dramatize the facts.

Then even though I made reference to the Baltic States, Lithuania, Latvia and Estonia, I should reemphasize that there are many other non-Russian states within the U.S.S.R. where the people are deprived of legitimate self-determination. Again, it ill behooves a country which in fact is the world's largest practitioner of colonialism and imperialism to continually use the U.N. as a forum for anti-American cliches which in the exposure of free press and proper information falls far short of reality.

DONALD R. LARRABEE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. HATHAWAY. Mr. Speaker, at its annual dinner here on November 16, the Maine State Society of Washington honored Columnist Donald R. Larrabee for his outstanding service to Maine through his profession as a journalist. Mr. Larrabee is a past president of the society which is composed of former and present Maine residents currently living and working in the Washington area.

In his remarks at the dinner, Mr. Larrabee spoke about the present economic crisis in Maine and the apparent dichotomy between developing the economy and protecting the environment. He also talks about changes in the Washington press corps during his 25 years here and gives a very perceptive description of the task of the Washington communicator today. For the benefit of my colleagues, I would like at this time to include in my remarks in the RECORD Mr. Larrabee's speech at the Maine State Society of Washington dinner:

REMARKS BY DONALD R. LARRABEE

This is a wonderful and flattering occasion for a newspaper reporter. Honestly, I'd rather cover an affair like this than be involved in it. The Maine Society has meant a great deal to me from my earliest days in Washington. It captures the spirit of Maine and although many of its members have not lived there for years, their hearts are there. And, as often happens with those who view things from a distance, they are able to find the faults, if not the solutions.

Over the years in Washington, it has been painfully evident that Maine was trying to find a panacea—instant riches or at least something lasting to uplift the economy. The fact is, of course, that Maine has riches—in its ocean, its pure air and water, its woodlands and, most of all, its honest, hardworking people.

But it is poor, indeed, in sources of reasonable steady income for many thousands of its citizens. And, if anything, it seems to be getting poorer, relatively speaking. I saw the potato industry go down the drain in the early 1950's after the government sank $500 million into subsidies. The potato scandal subsided but Maine's potato industry never fully recovered.

Efforts to find a second crop in sugar beets have failed to materialize. Heralded efforts to build cheap power to attract industry have failed because private power and conservationists objected. Efforts to attract the oil industry, which wants to come to the Maine coast, have failed in part because of environmentalists and summer people who want to keep Maine just as it is—a jewel of a vacationland—unspoiled, for their private use in summer, and the heck with the natives the rest of the year. The old industries have gone and there are no new ones.

No one wants to see Maine polluted but Maine must find a way to accommodate economic development with the wisest and best use of its resources. It shouldn't have to be an either/or proposition. Maine can progress without pollution. It may have continuing difficulty if the "summer people" from Massachusetts, New York and Washington insist on putting up the "no trespassing" signs to further development and if they are able to dictate Maine's future behind the scenes. I assure you that big money and powerful political influences have had their part in keeping the State of Maine an isolated pocket of poverty in the best of times.

As a Maine son, who left the state, I suppose it might be said that it comes with poor grace to criticize. I should be there, working. Well, in a way, I have been working for Maine down here . . . keeping an eye on five senators and about ten congressman for 25 years. And if you think that isn't a job! Especially when they have been as active as Owen Brewster, Fred Payne, Margaret Chase Smith and Ed Muskie. And, in the House, Peter Kyros, Bill Hathaway and Cliff McIntire.

There have been some memorable stories. Surely Senator Smith's declaration of conscience in 1950 ranks at the top for its national impact. Now, we have a native son attracting attention to Maine as a serious candidate for the presidency. Ed Muskie could very well be our President next year at this time but don't hold me to that prediction. I have to respect the power of White House incumbency on the basis of past history.

This has been my traveling year. Something like 50,000 miles. I began by going to Israel, Egypt and Moscow with Senator Muskie and now I'm just back from a tour of Portuguese Africa. When you are thousands of miles away, you begin to miss things like cold, pure drinkable water, a good full newspaper, a real hot dog or hamburger. Believe it or not, the thing I find that I really don't miss is television. Maybe it's because this medium has had such a drastic, and, at times, damaging effect on the credibility of both government and journalism since I have been in Washington.

When I came here 25 years ago, Washington was a smaller community with a smaller government. The press and the politicians were at each other's throats, of course. They still are. But, perhaps we are all more aware of it today. I think television has made the difference.

The press corps in Washington in 1946 was still largely a pencil and paper profession. The government was foundering after a big war. The President at the time met newsmen in his office. He had the audacity to hold a private conversation with one reporter and he was condemned by the rest of the press for favoritism. Now, a president talks with selected television newsmen, in a completely spontaneous discussion in which millions of Americans are allowed to be eavesdroppers. This is a dramatic measure of how the communications field has changed in Washington.

It demonstrates the power of this medium on which so many millions depend for their news. Every President since Dwight Eisenhower has been using television to reach the voters. It is something the politician must reckon with these days because it is unbalancing the American political system. It favors those who are in office and those who have the money to pay for it. Ed Muskie is beginning to learn the cost of seeking the presidency and it will become a more painful reality in the months ahead.

The job of the Washington communicator today is probably no different than it ever has been. But the impact of our words is felt more deeply and reaches more people faster than ever before.

Our power to influence, to mold opinion, and to interpret what is happening in terms of the average person is incredible. And our responsibility is horrendous. I, for one, am not certain that we are fulfilling that responsibility adequately. We need to take a closer look at ourselves.

News is, of course, a fundamental force in the struggle to govern. Every day, hundreds of thousands of words are spoken; scores of events occur. We sit here and judge what is most important for the American people to know. We assign priorities to these words and events. We do it quickly, by necessity, and we do it quite well in the circumstances—but we make mistakes in judgment, and sometimes they are very bad mistakes. We did not do a good job of covering the Vietnam war—and now, it seems to me, we are trying to salve our consciences with the Pentagon papers. The American people have tended to trust us to a remarkable degree. Yet we are feeling a challenge from all sides these days and this is not necessarily a bad thing. The speeches by Vice President Agnew are blunt and sometimes excessive—but they say what most politicians secretly feel. Politicians have never been more than fair-weather friends with the press. We are true adversaries. The politician tries to use the press to further his policies and goals; the press uses the politician to gain information necessary to fulfill his task. The relationship of politician and press can never be neutral.

But television, on which all too many Americans rely for their news and information, has made actors of all too many politicians and performers of all too many reporters. The urge to be "on stage", to be part of the event, or the event itself, is a new development in journalism that is changing the profession and jeopardizing our credibility as communicators.

In a way, newsmen—in Washington and elsewhere—are selling a product. They think they will find more readers and sell more papers by exposing failures than by trumpeting successes. They think people are more excited by corruption than by dull virtue. They also deal in image-making in an extraordinary way.

I covered John F. Kennedy from the day he set foot in Washington as a young congressman. He cultivated the working press, the columnists and others who form the bridge between the public figure and the unseen constituency. We received Scotch at Christmas and free plane rides. He was more accessible to journalists seeking personal interviews than any President before him. He used television skillfully and he projected an image of a dynamic president although he had more failures than successes and never really had a chance to prove himself. The evidence is there, in black and white, that the press has a Kennedy fixation.

Lyndon Johnson never quite got over the fact that the press was not as sympathetic to him as to his predecessor. Four years ago this summer, I spent an evening with Mr. Johnson and a handful of reporters talking about Vietnam, a subject which was troubling him deeply. We talked of the crises in the cities and his relations with Congress. But he kept turning back to the press. Mr. Johnson, privately but rarely publicly, accused the press of lying and distorting. In terms much stronger than those of Vice President Agnew, he blamed a small group of liberal Eastern reporters and newspapers—"the establishment"—for calling the shots. All the rest of the press automatically follows this tiny group, according to Johnson.

Well, there is some truth to this. There are more than a thousand daily press correspondents in Washington. But we don't have a thousand probes into government. Instead, we find hundreds pursuing a single story and duplicating each other. Indeed, we have a bad habit of interviewing each other. And I have seen reporters for major newspapers get together after a press conference to decide what they are going to feature in their story.

There is a process of selectivity, of selective disclosure that goes on in the press. But it goes on in government as well and it has gone on since men began to govern in this country. We both have something of the same problem. We deny news to the public by our selectivity and we think we are justified in doing it.

As you can see I am as much concerned about the failings and distortions of the press as I am about the bias of the politicians. I think it was the editor of the Washington Post, J. R. Wiggins, now retired and living in Maine, who said that too many reporters today tend to be concerned with letting the readers know what they think about what a man said and less about what the public man really said. His point is well taken.

It is time, I suggest, for the press to do some self-examination, instead of simply pouting and pontificating over the attacks by the Vice President and the Attorney General or the Attorney General's wife. They hit sensitive nerves. They may have gone too far into the bone.

But we do indeed give tremendous attention to student rioters and dissenters, to professional agitators who probably would be much less violent if the TV cameras were not trained on them. I submit that the presence of reporters can influence the flow of events. I have seen it happen in the simplest of situations in Congress. A microphone stuck in a congressman's face elicits inflammatory comments that he never intended to make. And in front of live TV cameras, reporters can—and often do—become a part of the story.

The journalistic profession needs to look at itself and assess what we are doing with our freedom and our responsibility to the public. We are heading for trouble if we don't. The press is on trial. It has a credibility problem in terms of convincing the American people that it is telling the full story. And, just as surely, the government has a credibility problem in terms of convincing the people that they are hearing the full truth.

We both must do a better job. Government must convince the people they can believe in government as it now exists. My growing concern is that people will not believe what they hear from their government. But I trust that this will not come about because the press has failed to do its job.

H.R. 11895 AND 11896, WATER QUALITY ACT AMENDMENTS OF 1971

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. SCHWENGEL. Mr. Speaker, I would like to add my strong endorsement to the statement made earlier today by the gentleman from Ohio, the ranking minority member of the House Public Works Committee (Mr. HARSHA) with respect to H.R. 11895 and 11896. He has pinpointed the problems we face and clearly enunciated the need for full and complete hearings on this legislation.

The one area on which I would comment further, and I use the term advisedly because I believe the gentleman from Ohio, and many other Members are in agreement with me, is that of the need for greater resources for the small watershed program.

Recent hearings by the Conservation and Watershed Development Subcommittee of the House Public Works Committee have given me still further evidence that we can't begin to seriously attack the water pollution problem unless we include in the program, a vastly expanded small watershed program. These hearings as well as the earlier hearings by the full committee have demonstrated that sediment washed into the streams from our hills and fields is a far greater source of pollution than all of the sources of municipal and industrial waste put together. In fact, 700 times greater.

For these reasons, I intend to offer an amendment to this legislation to greatly increase the resources allocated to the small watershed program.

CENTENNIAL ANNIVERSARY OF MOUNT CARMEL CHURCH IN MASSACHUSETTS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BOLAND. Mr. Speaker, Our Lady of Mount Carmel Church—a Catholic parish in my congressional district—has just recently celebrated the centennial anniversary of its founding.

I am proud to call my colleagues' attention to its 100-year history of uninterrupted service to the community.

Our Lady of Mount Carmel Church was founded on July 16, 1871, by the Reverend Louis Gagnier. In May of the following year, the cornerstone for the first church was laid. There were 84 families in the parish at this time.

Rev. John T. Sheehan was appointed pastor of the parish in 1880, and held this position until his death in 1935. Father Sheehan earned the respect and confidence of his people by his selfless dedication and concern. Under his leadership the parish flourished. A new school, staffed by the Sisters of St. Anne, was built. A rectory was added. And the present church building on Pleasant Street was dedicated in 1930. His dedication to the church and to his community for 55 years was truly admirable.

Father Sheehan was made a monsignor in 1925. He was invested with the purple robes in 1926.

After Monsignor Sheehan's death, the Reverend C. Ernest Lapierre assumed leadership of the parish. Under the guidance of this dedicated priest, the debts of the parish were consolidated and greatly reduced.

Father Lapierre was also the driving force in beautifying the parish cemetery, which still remains as a memorial to his many hours of hard labor and leadership. Father Lapierre was called to his eternal reward on July 9, 1948.

The burning of the mortgage on the present church was done on October 30, 1950, under the pastorship of Rev. Josephat T. Brodeur. Father Brodeur was pastor until October 1955. He was succeeded by Rev. Fernand Roy, who was the spiritual leader of the parish until 1961.

On January 14, 1961, Rev. W. Francois Dufrense assumed the duties of pastor of the Mount Carmel flock. It was Father Dufrense's task to implement the directives of the second Vatican council. To him should be given the credit for being the fearless leader of the religious community in Ware, for spearheading the changes in the liturgy, as well as the renovation of the church. He was also the driving force behind the ecumenical movement in the community.

Our Lady of Mount Carmel Church has the unique distinction of having had only seven pastors during its 100 years of existence.

Our Lady of Mount Carmel Church is also proud to claim that during its first 100 years it has had 26 of its parishioners enter the religious life. Nine young men have entered the priesthood and 17 young ladies have entered several religious orders.

PRODUCTIVITY TURNABOUT

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. SCOTT. Mr. Speaker, the current issue of a publication for industrial managers, "Industry Week," has an editorial by Editor in Chief Walter J. Campbell entitled "Productivity Turnabout." It makes a lot of commonsense. This brief case history tells how one aging industrial plant dramatically changed from a losing operation to a profitmaking one. I feel my colleagues and others concerned with employment stability and sound economic growth will find it interesting reading.

The editorial follows:

PRODUCTIVITY TURNABOUT

(By Walter J. Campbell)

Two years ago, Alcan Aluminum Corp. issued a terse announcement: The 50-year-old rolling facility at Fairmont, W. Va., would be closed.

The nearly 300 employees became alarmed. They faced the loss of their jobs. Prospects for other jobs in the West Virginia area were dim. Many of the workers were mature. Some were approaching the threshold of retirement. They wanted to realize their pensions.

They faced up to reality.

"We'll turn out so much metal, and we'll increase our productivity so much you won't be able to shut us down," they told the company in effect.

Nine months later, Alcan issued another announcement: The plant would not close.

The reason: Productivity (output per manhour) had increased by 25 percent. The plant had passed from losing money to breaking even to making a modest profit.

What happened in Fairmont is more than the scaring of a workforce into working harder. The plant manager says he had no complaints on the efforts of workers before the decision to close the plant. "They were putting out a fair day's work then. Now, they are working above and beyond the call of duty. But there is something else."

Actually, the threatened closing brought management and labor into a closer cooperation. They talked with each other. They became a team, working to preserve the plant and the jobs it supplied in the community. The union adopted a positive attitude in the face of adversity and expressed a determination to save the operation.

Scrappage was cut sharply. Formerly, 3,200 pounds from a 10,000-pound coil wound up as scrap. That figure was cut to 2,400 pounds.

Management and labor combined to evolve a better product mix, and to utilize equipment better. Restrictions on crew size were forgotten.

Everyone was working toward a single goal—save our plant.

The people of Fairmont are prouder today as a result of their success.

Perhaps, they may offer an example for the rest of America.

CARL S. HALLAUER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. HORTON. Mr. Speaker, the real strength of this country lies not with our political, economic, or military might, but with the individual men and women who are working toward building a nation of peace and prosperity. If I had to single out one individual who exemplified the kind of American who makes this country great, I would name Carl S. Hallauer of Rochester, N.Y.

Many of my colleagues knew Carl Hallauer as one of America's most respected industrial, civic, and political leaders. We were deeply saddened to learn of his death on November 6 at the age of 77.

Carl Hallauer's life story is that of an orphaned newspaperboy who rose to become a corporate and civic giant, serving as director or trustee of more than 60 civic and business organizations. Yet, apart from his tangible accomplishments, Carl Hallauer will be remembered most as a good and giving man. As he once said:

> Sure it's satisfying to be successful in business, but I think it's more satisfying to be successful with people. That's what this life is all about.

Carl Hallauer's death was a deep personal loss for he was my friend and close personal confidant for many, many years. As a member of the board of directors of the St. Louis Cardinals, Carl was instrumental in the drive to save baseball in Rochester. One would have to give Carl as much credit as anyone for enabling the people of Rochester to buy stock and establish an independent baseball operation.

I had the privilege to serve with Carl on the executive committee and board of directors of the Rochester Community Baseball, Inc., and I relied on him throughout my service as president of the Rochester Red Wings for 6½ years.

To Carl Hallauer's wife, Florence, his daughter and son-in-law, Nancy and Arnold Johnson, I extend my family's most heartfelt sympathy.

At this point, Mr. Speaker, I would like to include for the RECORD an article from the November 7 Democrat & Chronicle entitled "Carl Hallauer: People and Politics." Following is a tribute to Carl Hallauer which appeared in the Monroe Doctrine, the student newspaper of Monroe Community College, and an editorial by Andrew Wolfe from the November 11 Brighton-Pittsford Post. These tributes tell the story of how much Carl Hallauer did for his community and the Nation as a whole and how much he will be missed. I think our young people especially will find in Carl Hallauer an inspiring example of how profound an impact one individual can have on the welfare of his fellowman.

The three articles referred to follow:

[From the Democrat & Chronicle,
Nov. 7, 1971]

CARL HALLAUER: PEOPLE AND POLITICS

(By Bill Beeney)

There really is no emphatic point of time in his career to begin a story about Carl Hallauer.

You can talk about his early days—as he sometimes did. An orphan at 9, he went to work while still in short pants, selling newspapers on Front street.

You can talk about the days, 15 or 20 years ago, when Carl was at the height of his political activity—as he also frequently did. But never in a "good old days" sense; he enjoyed filling in small gaps of local political lore.

You can talk about the politics of today, and tomorrow—as Carl always did. He was as current as today's newspaper, and his associations with top Republican figures at every level never flagged. His counsel was still much sought-after.

It was in the political arena that his greatest interests lay. But you'd better include people at the top of that interest list. People with a capital P; People and Politics, they were Carl Hallauer's abiding love, and they returned that affection in kind.

Of course, he had impressive stature on the national and international business scene as president and later chairman of the board of Bausch & Lomb Inc. But he said one time: "Sure, it's satisfying to be successful in business, but I think it's more satisfying to be successful with people. That's what this life is all about."

He probably was a wealthy man when he died yesterday at the age of 77, but that status was comparatively recent. It mostly followed B&L's change from a home-owned company to a public corporation on the New York Stock Exchange. He wasn't all that concerned with monetary success.

Hallauer was seven years old when his father, who was working as a janitor at the old Union League Club, met George Aldridge, the Republican boss in Rochester.

Aldridge didn't know the elder Mr. Hallauer, but he talked with him and was impressed with his intelligence and capabilities. "How do you happen to be doing a job like this? It's not good enough for you," Aldridge said. Hallauer said that jobs were hard to find, and that he had to make a living somehow to support his family.

"See me tomorrow," said Aldridge.

Hallauer's father did see Aldridge. The politician gave him a job as Overseer of the Poor. Thus, overnight, he became a man of some standing, instead of a janitor. He only kept the job two years, because he died when Carl was nine, but in those two years he was able to support hs family in comparative splendor, compared with his janitorial years.

"I never forgot that lesson," Carl said. "There are some things you always remember. That was an early one for me. I realized what a favor could mean to a man and his family."

Throughout his own political career (never an elected official, but always a man-behind the-scenes counselor to the Republicans) Carl did favors for people.

"Politics is service to people—and favors," he once said.

That doesn't mean fixing speeding tickets. ("I never tried to fix one. I don't believe in trifling with anything that has to do with lives.") It meant to Hallauer such things as attending funerals (he rarely attended fewer than 50 a year), helping people with their personal problems, and making friends and keeping them through hundreds of small, apparently insignificant but thoughtful deeds.

As an executive he applied "a few simple rules."

"First, you can never lose your temper. Now should you never 'bawl out' anyone in front of another person. It's also important that when a fellow does a good job he be given a pat on the back. A little encouragement is a wonderful thing. But you must be just as firm in the opposite direction if someone isn't doing his job. You must take quick, proper action whether you like it or not. All of these things work in both directions."

He was one of the prime movers of the program, successfully engineered by Morrie Silver, to create the community-owned Rochester Baseball Club after the St. Louis Cardinals bowed out. He was a director of the club for many years and attended games frequently.

He also was a great fan of professional basketball, especially in the days when the Rochester Royals were here; his daughter, Nancy, married Arne Johnson, who played on those Royals teams. He was an enthusiastic golfer, but enjoyed the game more for the fellowship and conversational exchanges it permitted than for the competition itself.

He was a great admirer of J. Edgar Hoover and Herbert Hoover, whose pictures were among those on his office wall.

"Those two fellows have done as much for this country as any two men," he once said, meaning the two Hoovers.

Hallauer had a long association with President Nixon, whose ability impressed him greatly. He enjoyed applying the common touch even to Presidents.

When Nixon and his wife Pat visited Rochester last summer, Hallauer met them at the airport. About six years ago, he had given Nixon a pair of glasses. Carl asked the President, "How are your glasses?" Nixon admitted that he hadn't had a recent eye examination. Said Carl: "Well, you'd better get another examination and then send me the prescription and I'll have a new pair made for you. I want to make sure you can see what you are doing." Nixon laughed.

In his first meeting with the late Gov. Alfred E. Smith, back in the days when Smith was building the Empire State Building, Hallauer learned that Smith intended to use Zeiss coin-operated telescopes atop the building. That, in Hallauer's book, didn't figure.

"Al saw the light quickly when I pointed out that America's greatest building should have America's finest telescopes—Built by Bausch & Lomb," Hallauer recalled. "He went along with my suggestion."

But Smith, ever the politician, also had something to sell. "Why don't you," he suggested to Hallauer, "open an account in our bank downstairs?" Hallauer obliged, with a small account.

Although he never was particularly impressed with a person's background, Hallauer could trace his ancestry back, on his mother's side, to the American Revolution.

He was the sole living male descendant of Jeremiah Swift, a Connecticut Army captain killed in action in the Revolutionary War. And he was the great grandson of Gen. Philetus Swift, a Revolutionary general who helped found the village of Phelps in 1789, was a county judge, served five terms as a state senator and, for a while, was lieutenant governor of New York State.

There really is no place to begin a story about Carl Hallauer. And no place to end one. His name and contributions to Rochester's history will be forever fresh.

[From the Monroe Doctrine, Nov. 11, 1971]

MONROE COMMUNITY COLLEGE MOURNS A FRIEND

In 1960, Carl S. Hallauer, on a trip to Corning, N.Y., saw Corning Community College. When he returned to Rochester, he phoned County Manager Gordon A. Howe and said, "Monroe County has to have a community college."

Less than a year later, Monroe Community College was born and Carl S. Hallauer was named to its original Board of Trustees. He remained a regular trustee until 1970 and since then has been an honorary trustee, attending practically every board meeting.

Mr. Hallauer died early Saturday morning (Nov. 6, 1971) while vacationing at Hilton Head, S.C.

"This comes as a terrific loss to Monroe Community College and to the community," Dr. LeRoy V. Good, president of the college, said when he learned of the death.

"He hardly ever missed a meeting of the board, to this day. He has been serving as an honorary board member this last year. He was deeply fond of the college.

"His sense of humor and optimism will be terribly missed. This comes as a terrific personal blow to me. The board and faculty members will all miss him deeply."

Mr. Hallauer was born in Rochester Jan. 5, 1894. He rose from orphaned newsboy to become a friend of presidents.

In his business career he rose to become president and then chairman of the board of Bausch & Lomb. This for some people would be enough, but not for Carl Hallauer. His political, civic and personal achievements in Rochester and around the world outshine even his business attainments.

In order to earn a living, he had to quit high school after one year, yet he became a member of the board of three colleges—Monroe Community College, Rochester Institute of Technology, and Clarkson College of Technology.

Besides his association with Bausch & Lomb, in business, he was also a director of Community Savings Bank, Garlock, Inc., Lincoln Rochester Trust Co., Rochester Gas and Electric Corp. and Tobin Packing Co.

In government, he was a member of the advisory board of the American Ordnance Association, a director of the Navy League and a member of the national Committee on Electoral Reform.

In politics, he was the man behind the scenes in the local Republican party for many years. He also attended every New York State Republican Convention from 1919 to the present. He was a delegate to every Republican national convention from 1932 to 1964. He was a member of the Monroe County Republican Committee from 1928 to the present; the State Republican Committee from 1924 to the present; and was a presidential elector in 1932, 1936, 1940 and 1948.

In philanthropic, cultural and educational fields, he was a director of the Rochester Community Chest; commissioner of the Rochester Municipal Museum; trustee of Monroe Community College; trustee of Rochester Institute of Technology; member of the Board of Governors of the Society of the Genesee; member of the Board of Governors of the Rochester Club; life trustee of Clarkson College of Technology; commissioner of the Saratoga Springs Commission; member of the Society of the Cincinnati, and director of the Saratoga Performing Arts Center.

In community service, he was a director of the Salvation Army; life member of the Salvation Army Advisory Board; director of Rochester Community Baseball Inc.; member of the advisory council of the Salvation Army National War Service; co-chairman of the committee on Americanism of the Sons of the American Revolution; general chairman of the Rochester Centennial in 1934; co-chairman of the Bishop Kearney Golden Jubilee in 1955; director and treasurer of the Automobile Club of Rochester; member of the Rotary Club; director of the Rochester Convention and Publicity Bureau; chairman of the Police Benevolent Fund; life trustee of the Rochester Fire Benevolent Association; life member of the YMCA; and honorary trustee of St. John's Home for the Aging.

Among his awards and honors were: Honorary captain of the Rochester Detective Bureau; honorary chief of the Rochester Fire Department; honorary member of the International Chiefs of Police; honorary member of the New York State Chiefs of Police; honorary member of the International Identification Association; honorary life member of the Genesee Conservation League; honorary life member of the Police Locust Club.

Honorary chief of the Iroquois Indian Reservation; honorary member of the Lincoln League of Rochester; honorary member of the Capt. Henry Lomb Post, GAR; honorary member of the Firemen's Holy Name Society; honorary member of the Police Holy Name Society; honorary member of the 209th Veterans Association of Rochester; Citizens Award from Rochester Business Institute.

Page One Award from the Newspaper Guild of Rochester; Citizenship Award from the Sons of the American Revolution; honorary Sc. D. from Clarkson College of Technology; Outstanding Citizens Award from Lincoln League Republican Club; honorary Ll. D. from Alfred University; Horatio Alger Award from Committee of American Schools and Colleges.

S.A.M.A. Award from Scientific Apparatus Makers Association as Scientific Industry's "Man of the Year" in 1961; Citizen of the Year Award from Kiwanis International in 1961; and the Civic Medal from the Rochester Museum of Arts and Sciences.

He was also a director of the Associated Industries of New York State and president of the Scientific Apparatus Makers Association—and many, many more.

But what was most in his eyes—he was a friend to the students at Monroe Community College.

[From the Brighton-Pittsford Post, Nov. 11, 1971]

CARL S. HALLAUER

(By Andrew D. Wolfe)

What is the best measure of the late Carl S. Hallauer's contribution to the metropolitan community?

He was a major business figure, heading Bausch & Lomb, Inc., and playing a central role in the community's economic life for many years.

He was a political and governmental figure of legendary skills, although he often and with humor spoofed the idea that he and his close colleague, T. Carl Nixon, were powers behind the throne in Republican party counsels. A stunning accomplishment was his work for the development of the community college, work without which that institution could not have been so immediately and so spectacularly effective.

Nevertheless, despite all these accomplishments we would like to think that his greatest gifts were as a communicator—a man able to speak with and understand individuals of every possible background and interest.

Carl Hallauer had warmth, and wit, and above all, sympathy. He didn't hesitate to give his opinions, and he could voice sharp criticism of ideas he didn't like. But no matter how wide the ideological chasm might be between him and another person, he could find in such people human qualities which he admired and liked.

This is why he was so valuable a civic leader. More than any other man of his responsibilities, he devoted countless hours to maintaining lines of communication with an extraordinary range of people, from the most obscure to even the president of the United States. Thus he knew, particularly in his beloved home area, what people were thinking and what they wished and needed.

In a community which has been so successful in developing business and economic skills, Carl Hallauer's ability to inject the human ingredient into civic, political, and governmental thinking was unique.

There was nothing synthetic about his relations with his friends. For, basically, they were simply that—friends.

Thousands of them will miss him deeply.

MANY CHANGES HAVE COME TO ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BEGICH. Mr. Speaker, many changes have come to Alaska in the past few years, brought on mainly by a huge oil find and increased communications. Many more changes will come to my State for Alaska has been discovered—again. But the greatest changes have not occurred in the three largest cities, Juneau, Anchorage, or Fairbanks. They have affected "village Alaska," and have pushed these rural, remote communities abruptly into more modern times, including welfare checks and food stamps.

A number of young women from these communities have seen the culture and tradition of their native people slip away, and they have done something about it. They have questioned what will happen if their people are not given the opportunity to learn the skills that these times will bring to Alaska. Their work has been invaluable, and I believe their efforts will do much to assure Native Alaskans a place in the future and a pride in their past. An article in yesterday's New York Times speaks well for three such Alaska Native women, and I am very pleased to include its text so that all may have the benefit of reading it.

The article follows:

NATIVE WOMEN OF ALASKA UNITE IN FIGHT TO UPLIFT THEIR PEOPLE

ANCHORAGE.—Back about five years, when she left her village of Barrow and went to work in far-off Washington, D.C., as a 22-year-old receptionist for Ernest Gruening, then one of Alaska's Senators, Brenda Itta quickly became known as "that Eskimo girl."

Miss Itta is back in Alaska now, doing community relations work for the Atlantic Richfield Company, which has oil interests on the state's North Slope, less than 200 miles from her home town at the northernmost point of the United States. But the memory of her Washington experience still bothers her.

An attractive woman partial to miniskirts, Miss Itta said she thinks visitors to Senator Gruening's office were disappointed because she wasn't short, stocky and wearing furs.

"It's such an old-fashioned idea to think that Eskimos fit into a pattern," she said.

Today Miss Itta is one of the young, well-traveled, articulate and motivated Natives (in Alaska its spelled with a capital N and refers to Eskimos, Indians and Aleuts) who are emerging as leaders in the growing Native rights movement. Their aim: Upgrade their standard of living by improving education and job opportunities and at the same time, improve the degree of respect among whites toward the Natives.

FEELING OF RESPONSIBILITY

For the most part, women activists such as Miss Itta were born in rural villages, left their homes as teenagers to attend a state-supported school and then went to college. They left brothers and sisters, parents and grandparents back home, and now, because they have college degrees, the women feel responsible for the welfare of their villages.

"We're united now and we're vocal," said Miss Itta, who is active both in the Alaska Federation of Natives and the smaller Arctic Slope Native Association.

To Miss Itta, her activism is in great part aimed at seeking to erase the patronizing attitude she said she finds toward Natives. ("In school, I was sent to a corner if I ever spoke a word of Eskimo.")

To Frances Degnan, who has spent the last six years working full time at no salary seeking to make Natives qualify for Government projects, education is a prime goal. ("If a Native wants to stay in the village, he should have a way to make a good living. If he wants to leave, he should have the skills to make it somewhere else.")

And to Rosita Worl, a Tlingit Indian who was born in Petersburg on Alaska's southeastern arm and grew up in Juneau, the state capital, heritage is most important. ("The sense of heritage has broken down and we need to bring it back. Young Tlingits grow up now without knowing their language, their history, their heritage.")

A PERSONAL GOAL

Miss Itta still bristles at the memory of her school days. "People seemed to think I was incapable of speaking for myself," she recalled. "They became overly kind, overly helpful, extra courteous. What that said to me was, 'You're a Native, and you don't know how to think.'"

She said that she hopes to see that attitude changed in her lifetime and to see Natives running their own businesses, administering their own hospitals and planning the curriculum in their own schools.

Miss Degnan, an earnest, articulate woman of 28, who is one of the two women serving on the board of the Alaskan Federation of Natives, which was formed six years ago by joining scattered Eskimo, Indian and Aleut organizations, looks upon herself as a motivator, not a leader.

"I'm working at being an Eskimo," she says when anyone asks her about her work. "I want to see the Native have a choice in his life."

Miss Degnan has been doing what she calls "gut work" on a volunteer basis in her tiny village of Unalakleet, 150 miles southeast of Nome, working with Government agencies to make the town's 600 residents eligible for Federal projects and combing the village for students who could qualify for financial aid for college education.

EXODUS OF GRADUATES

She knows that the rewards are sparse. Of the eight college graduates Unalakleet has produced, for example, only Miss Degnan and a local teacher have returned.

"The Eskimo likes village life," said Miss Degnan, who has a degree in psychology and sociology from the University of Alaska. "It's rigorous, but we've lived there in harmony with nature for centuries. A lot of us would like to keep living there, but we want to know how we can raise a family without worrying about our next meal."

For Rosita Worl, 30, the fierce pride she has in her Indian heritage is reflected in almost everything she does.

She pushed successfully for a course in Tlingit culture and language in Juneau High School, went back to school to study cultural anthropology (she will be graduated from Alaska Methodist University, a small private school in Anchorage) and is planning a book on Tlingit culture for Alaskan school children.

Before she returned to college, she was active in the Alaska Native Brotherhood, the major organization of Natives in southeast Alaska, and worked to blunt the tendency of white administrators to direct bright Natives toward vocational schools rather than college. ("I told them, get your degree, go back home and make that Indian system yours.")

"We have so much culture, so much art, and so many of the qualities people are trying to retrieve these days—love, honor, respect," she said, "I'm afraid we've grown up thinking the Western way was the only way."

CROATIAN FRATERNAL UNION OF AMERICA

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. GAYDOS. Mr. Speaker, I recently had the honor to address the members of one of the oldest fraternal groups in my 20th Congressional District of Pennsylvania—Lodge 146 of the Croatian Fraternal Union of America.

This organization was founded February 24, 1901, by 14 men, meeting in the home of Josip Zegudovic, who became the group's first president. From that humble start, Lodge 146 has grown over the years until today it has 654 regular members, 349 junior members, and owns the building where it conducts meetings and social events.

It was my pleasure to be among the

speakers at the lodge's 70th anniversary banquet and to witness the presentation of 50-year pins to nine outstanding members by the national president of the CFU, John B. Adovinac. The recipients of this award included Magda Bozicevic, Julija Grgas, Jelica Pavlecic, Ljubica Reskovac, Jelica Yelencic, Mila Zalac, Ivan Blazic, Andrew Gruber, and Maksa Karija.

They also received some well-deserved tributes from several prominent people attending the anniversary observance. Among them were Roy Cindric, president of Lodge 146; Rev. William M. Miller of St. Denis Church; John Montgomery, mayor of Versailles Borough where the lodge is located; Michael Grasha, a director of the CFU's Junior Order; Mr. Badovinac, and Leonard C. Staisey, chairman of the Allegheny Board of Commissioners.

Mr. Speaker, it is with great pride I join in the salute to Lodge 146 and its members. I would like to commend the men and women who lead that fine organization today for continuing to foster and build the ideals conceived by Mr. Zegudovic and his friends so many years ago. I insert the names of these officers into the Record and call the attention of my colleagues to them: president, Roy Cindric; vice president, William Kercell; secretary, John Rednak; treasurer, Glenn Kucera; recording secretary, Mary Balun; junior nest manager, Joseph Zalac; trustees, Frank Pavlecic, George Pavlecic, and Peter Bacon; house committee, Steve Sipkovich, William Kercell, Peter Puhala, James Lewis, and Joseph Zalic; club committee, William Kercell and Joseph Bogovic; sports directors, Frank Pavlevic and Joseph Zalac.

WILLIAM H. REHNQUIST

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. RHODES. Mr. Speaker, with all of the accusations by innuendo and guilt by association directed against William H. Rehnquist, I think that the following column of November 19 by the political editor of the Arizona Republic, Mr. Bernie Wynn, is particularly appropriate and should be read by every Member of both the House and Senate.

The column follows:

> It is ironic that the liberals opposing the appointment of William Rehnquist to the U.S. Supreme Court are using the "witch hunt" tactics for which they condemned the late Sen. Joseph McCarthy, R-Wis.
>
> Guilt by association, innuendo, half-stated facts, surmises, smear and exaggeration all have been used in an all-out effort to convince the Senate Judiciary Committee that Rehnquist is unfit for confirmation.
>
> In the last few days, the cries of the pack have swelled into hysterical tones and self-appointed Rehnquist investigators are lurking behind virtually every palm tree and cactus in Arizona.
>
> Last of the bloodhounds, it is hoped, was Sidney Zion, former reporter for the New York Times. He's at present a freelance gun for hire.
>
> His claim to fame is that he first identified Daniel Ellsberg as the leaker of the Pentagon Papers to the Times.
>
> Now Zion contends that sources he considers reliable, "A very heavy guy on the right," reported that Rehnquist was "part of a Birch (John Birch Society) cell in Phoenix in 1961 and 1962."
>
> Not a card-carrying member of the society, Zion hastened to explain, just a member of a "clandestine group or cell."
>
> Sen. McCarthy, in his zealous search for Reds in the bushes around Capitol Hill, also had this trouble of catching a suspect with an official card from the Communist Party.
>
> At this juncture, McCarthy also tried to tie the luckless victim in with a "clandestine group or cell," on the basis of highly reliable, unimpeachable sources but unfortunately anonymous as well.
>
> Rehnquist, a capable student of the law, submitted affidavits to the Senate Judiciary Committee denying that he ever was a member of the Birch Society.
>
> Last week a Democrat (Paul Rademacher) told me that he attended a Birch Society meeting some years ago and saw Rehnquist at the meeting. He claimed he attended the meeting out of curiosity and had never mentioned seeing Rehnquist "because he may have been there for the same reason."
>
> This may or may not be true since, for me, Rademacher has not always been the "unimpeachable source" that Zion claims to have discovered.
>
> I suppose it's about time for my confession. In 1965, I attended a "clandestine group or cell" meeting of the John Birch Society. It was out in Sun City, as I recall.
>
> In fact, I may have attended more than one Birch meeting during this period. And I encountered some interesting people, a few nuts, and even a couple of distinguished citizens.
>
> I attended out of curiosity, too. But I also wrote a seven-part series on the activities and influence of the Birch Society in Arizona politics after a five-month investigation.
>
> Never did the name of Bill Rehnquist come up, although he was politically active in GOP affairs at the time.
>
> Meanwhile, one should keep in mind the target of the liberal attack isn't really Rehnquist. The real target is President Nixon.
>
> In light of this, I called the White House last week and told President Nixon that I would have to decline any high federal appointment he might have in mind for fear my Birch association would be used to embarrass the administration.
>
> He said he fully understood the situation. So we left it at that. But I could tell he was quite disappointed.

LET US PAUSE TO REAFFIRM OUR FAITH

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. YOUNG of Florida. Mr. Speaker, once again Thanksgiving draws near, and we, as a nation, will pause to give thanks for the countless blessings we enjoy. I think it is very appropriate that this same time should be observed as National Bible Week, for indeed these two occasions go hand in hand.

Our country was founded on the principles of religious freedom; our forefathers who landed on Plymouth Rock, were humble and devout pilgrims who had the courage of their religious convictions and together sought a new way of life. Upon these principles contained in the Bible, our Nation grew strong and prosperous. The Bible has had a guiding hand in many key episodes in the history of our Nation. Each President has been sworn into office with his hand resting on the Bible and in its pages are found the guidelines upon which they built the American way of life.

I feel that I must agree with Abraham Lincoln who stated that the Bible is one of the greatest fights which God has given to man, for through this book we may come to know right from wrong, to know and understand our fellow men with deeper love and empathy, to feel the true worth and dignity of each human being, and to have the strength to uphold our convictions.

For centuries, men have turned to the Bible in their hours of darkness for the answers to the troubling questions of life, death, and man's individual purpose, and it can help us now, too. That is the everlasting beauty of this book—it is timeless and unchanging.

I have had concern, as has everyone else, about the religious nature of this country and its deteriorating moral fiber. I am convinced that these are important qualities which must be rebuilt in our society. I pray that this week, when we draw our families together to celebrate Thanksgiving, we might remember the true purpose of this holiday and pause to affirm or reaffirm our faith in the great teachings offered in this, the greatest of all books.

HISTORY'S GREATEST VICE PRESIDENT STILL INFURIATING THE LIBERALS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. FREY. Mr. Speaker, on November 9 of this year the following article appeared in a local paper from my district, the Orlando Sentinel. This editorial, which was written to commemorate the birthday of one of our country's noted, and certainly most newsworthy, Vice Presidents, points out how this man, who was a political unknown just 4 years ago, came to be one of the most independent and hard hitting of our Vice Presidents to hold office—Vice President Spiro T. Agnew, a household word:

> Tuesday is the birthday of that American household word—ah, what was it again? Oh, yes. Spiro Agnew.
>
> Mr. Agnew's natal day has not attained a significance leading to the closing of public buildings or even the flying of the flag. But the Quixote of the Nixon administration has slain enough windmills to make it worthy of note in passing.
>
> He has undoubtedly been the greatest vice president in history, perhaps the only one to establish and maintain an individual identity in that office.
>
> Others have come to it with national reputations established, men such as Lyndon Johnson. Others have built reputations by succeeding to the presidency from it, such as Harry Truman.
>
> Agnew came to it an unknown, a curiosity if you will. He has emerged as a national

celebrity with a profound effect upon our way of life.

This effect has come chiefly through his attacks upon the press, particularly the liberal Eastern metropolitan papers and the three national television networks.

Before Agnew, instant television analysis was commonplace and accepted. Beautifully coiffed, resonant voice young men followed speeches by the President, with pitiless dissection of his remarks, paraphrasing and distorting to a point where millions watching and listening didn't know if they should really be trusting their nation to Lyndon Johnson instead of Sander Vanocur.

Then, a bit over two years ago, Mr. Agnew made a speech in which he said "a spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Since then, boys and girls, it has been a different ball game. Overnight, Spiro Agnew became a household word and Eastern liberals and television pretty boys have been on the defensive ever since.

Agnew has bared the lance against them on other occasions and has yet to lose a battle. One of his favorite descriptions of them is "nattering nabobs of negativism."

What does it mean? Who knows? Who cares? We—and they—get the message.

He isn't always right, of course. He said of himself, "I moved from a potential unknown to an actual unknown," and that is untrue.

He has struck a responsive chord in middle Americans who identify with his refusal to be spoon-fed a diet of television propaganda which forbids them to think for themselves and who chuckle at his inability to cure his slice or develop a "really consistent serve."

He is definitely not with it. He is square. He is out to lunch. So are most of us.

When Yale University President Kingman Brewster said black revolutionaries can't get a fair trial in America, Agnew replied American students couldn't get a fair impression of their country under Kingman Brewster.

About student radicals, he said they should be separated from society the way "we discard rotten apples from a barrel."

About law and order, he said "a sniveling, hand-wringing power structure deserves the violent rebellion it encourages if it doesn't stop cringing in fear of the young."

This sort of thing infuriates the liberals but to us it sounds pretty much like an average American telling the bozos off.

We make bold to suggest history will see it that way and will see Mr. Agnew as a crusader of his time who wrought a profound influence upon television news and commentary.

We further make bold to wish him a happy 53rd birthday.

WESLEY STOUT—A MAN TO REMEMBER

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BURKE of Florida. Mr. Speaker, Florida lost one of its truly great journalists when Wesley Stout of the Fort Lauderdale News passed away on November 13 from cancer.

It is true that he lived to a remarkable old age, but it is ironic that he died from the ravages of cancer as did his wife 14 years ago. I regret that he probably did not know or perhaps was not aware that the House just this week passed the Cancer Attack Act, which we all hope will not only bring tangible results, but will lead us to the road in finding a cure for this dreaded disease.

Wesley Stout had an illustrious career. Prior to his coming to Florida to retire, he was a writer and later editor of the Saturday Evening Post when that magazine was at its zenith insofar as the reading public was concerned. Those who worked with him will readily acknowledge his great contribution to the field of journalism.

Although he came to Florida to retire, he was one of those who found the so-called retirement life boring. He wrote an almost daily column which appeared in the Fort Lauderdale News under the heading "The Beachcomber." He loved his country and followed politics and often wrote philosophically his views on politics in his column.

I had the pleasure of knowing him in person and considered myself a fan of his. I will miss his humor, his wit, and philosophy, but most of all, I will miss him and his writings about people, the State of Florida, and the Nation. I am proud to call to the attention of my colleagues the editorial which appeared in the November 16 issue of the Fort Lauderdale News concerning the well respected Wesley Stout, which reads as follows:

Wesley Stout Left a Legacy of Historical Information and Informed Readers

He was a bottomless well of human and historical stories, a keen, accurate observer of the passing scene, and a man who gloried in trying to satisfy his insatiable curiosity.

Wesley Stout was all of that and more. Perhaps his readers found in his columns spanning nearly 20 years on this page the characteristics that made him unique, that made him so rare even in a time of journalistic greats.

His typewriter still was banging away last Saturday, but on Sunday the clatter of keys had punched out the legendary "30," the end of his profession.

While the ravages of cancer continued to drag him down for nearly a year—as it had his wife 14 years earlier—there was little change in his copy nor in the mind that stored up knowledge like a computer.

He knew his days were numbered but accepted it without bitterness. His prime regret was that there were things he wanted to see before laying aside his copy paper for good.

In one column several weeks ago, he wrote about the likelihood the Democratic National Convention next year was shaping up into a battle royal. His remark was that he only wished he could be around to see it.

As he approached the 80 mark, he expressed satisfaction over the inauguration of Richard M. Nixon as President. He explained he never wanted to die in a Democratic administration.

During his 19 years as the Beachcomber, he roamed the length and breadth of Florida, stopping in libraries, newspaper morgues and wherever else facts of the past could be searched out.

He was a great one for comparing notes—what may have been reported in a 60-year-old Jacksonville paper as against the news item in a St. Augustine, Fort Pierce publication.

And he searched out oldtimers who could cull from their memories details of yesterday.

Despite Florida's relatively short history, he was able to put the pieces together and bring it alive. That was particularly true of South Florida which interested him most as his adopted home.

While we shall miss him greatly and mourn his passing, we feel we were—and Florida was, too—extremely lucky to have known him, and we are grateful we had the opportunity of displaying his great talents to our readers.

He left behind a legacy in the form of voluminous notes which were turned over to the Fort Lauderdale Historical Society a few months ago. And his legacy included tens of thousands of interested readers and better informed citizens.

THE UNITED STATES AND THE UNITED NATIONS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BIAGGI. Mr. Speaker, the expulsion of Nationalist China from the United Nations and the seating of Red China has led to a serious—and long overdue—evaluation of our commitment to the world body. I have joined others in this Congress in recommending an immediate reduction of U.S. contributions so that our payments are equal to our representation.

The expulsion of Taiwan was most disheartening. Disheartening not so much for the loss of prestige suffered by the United States—we are stronger than that. Nor so much for the insult of a close friend and ally by the world body—Taiwan will still be our friend and ally. But rather, it is disheartening that an international council established to search for peace among all the nations of this world has chosen the politics of isolation as its course and misguided polemics as its primary purpose for existence. I say to you, the United Nations will not survive its actions.

This expulsion represents a serious precedent that should not be taken lightly. Nationalist China has been a faithful member of the U.N. since its founding. It has abided by all the rules and promulgations of that body. It did nothing to merit expulsion.

What will prevent a politically oriented coalition of Communist nations and third world favor-seekers from uniting to expel other members at will and for no cause? The failure of many nations considered allies of the United States to keep their promises, may indicate such coalitions will find support among a wider group of countries.

In examining the history of the U.N. in the last few years, one wonders why this Nation continues to maintain this forum for philosophical fantasies. What steps has the U.N. taken to help mediate the problems in Vietnam? None. What has the U.N. done to help ameliorate the situation in the Middle East? Nothing. What has this supposedly humanitarian body done for the Soviet Jews? The Northern Irish? Very little indeed.

Why, then, does this Nation continue to maintain a center for world discussion when it consistently finds it must go outside the United Nations to seek solutions to world problems?

There may not be justification now for dismantling of the world body, if for no other reason than the hope that someday in the future it might serve as a true instrument for negotiating international peace.

Certainly, however, there can be no justification at this time for the United States to continue to finance one-third of the operating budget for the U.N. We do not own one-third of the world's wealth. Nor does one-third of the world's population live in these States. In no way of reckoning can that share be considered fair—a share, by the way, that added up to $250 million this year. Let other nations maintain the burden as well.

Moreover, our contributions to various special projects has been dollars down the drain. In particular, drug control programs emanating from the U.N. and largely financed by this country have been useless exercises in political piddling. No substantive proposals have come from the U.N. No international treaty agreements. No multinational efforts. No nothing.

Additionally, this Nation will have to assess our foreign aid commitments to other nations who have shown the shallowness of their friendship with the United States. While I am not saying that our foreign aid dollars should buy unalterable support for our country's position, I do feel that on important issues of interest not only to the United States but to the entire free world, these "allies" should stand behind us.

It appears the "dollars for diplomacy" theory is finally dead. Let us use that money to help solve the problems we have here at home. A nation with a stronger moral and spiritual fiber, a better housed and better cared for populace, a stronger government, an efficient defense, will be in a far better position to bring peace to the world than any body packed with the problems evidenced at the United Nations in recent weeks.

PRESIDENT SHOULD SET NEW CHEESE IMPORT QUOTAS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. JONES of Tennessee. Mr. Speaker, over 3 months have passed since the Tariff Commission completed its findings on the importation of cheese and made its recommendations to President Nixon. The President should delay no longer in setting the quotas they recommended.

Early this year President Nixon asked the Tariff Commission to hold hearings and make recommendations to him on the importing of certain types of cheese which cost over 47 cents a pound and on which there were no quotas. This was a very proper move on his part inasmuch as these cheeses constituted a substantial part of the dairy import total and had nearly doubled in volume in 1970 from 1969.

The Tariff Commission held the proposed hearings and made a recommendation to the President in late July that the "over 47-cent" cheeses be placed under quota.

Unfortunately since then the President has not acted on the Tariff Commission's recommendation. In the meantime the importers have been increasing their shipments of these types of cheese to the United States, so that they are now running 10 to 15 percent above those of the same period last year. Domestic milk production is running about 1 percent higher than last year, so there is no need to allow these imports to continue without restriction to meet our country's needs.

It would appear that the importers ultimately expect the President to act on the Tariff Commission's recommendations and establish quotas and are therefore increasing their imports prior to that time.

As a result it is our American dairy industry which is hurt during this period by this competition. The President should therefore act promptly in establishing quotas.

RECOMMENDS SPEEDIER TRIALS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. DERWINSKI. Mr. Speaker, there is no doubt that one of the obvious complications facing effective law enforcement is the delays which have all too often become standard procedure as far as trials in our courts are concerned. The Chicago Heights Star, in an editorial on November 11, very effectively and properly comments on the judicial conference which has recommended speedier trials.

The editorial follows:

AS WE SEE IT . . . FOR "SPEEDY TRIALS"

The law's delay, one of the more vexing facts of life in democratic societies, may become less so if federal efforts aimed at stepping up the trial process are successful.

Under the chairmanship of Chief Justice Warren E. Burger, the Judicial Conference of the United States has formally asked the U.S. Supreme court to amend the federal rules of criminal procedure to require all U.S. courts to set up "speedy trial" timetables.

Congress, at the same time, has before it a bill to accomplish this purpose.

At present, no time limits exist within which defendants must be tried and sentenced. Under the judicial conference's proposal, federal district courts would set realistic timetables to accomplish these ends.

In Congress, Senator Sam J. Ervin, Jr. (D., N.C.) has been pushing a bill that would require defendants to be brought to trial in federal courts within 60 days.

The Judicial conference, a 25-member group of ranking federal jurists, is the administrative and policy-making arm of the federal judiciary. If the Supreme court accepts the group's recommendations, they will become binding unless Congress objects.

A similar procedure will be followed with regard to a comprehensive new compilation of rules called the "uniform rules of evidence."

The judicial conference has approved the rules, which were the product of a six-year study by a committee of judges, lawyers and professors of law. The rules constitute the first compilation of federal evidenciary law, which previously had to be gleaned from widely-scattered case decisions.

Justice is not temporal; it is eternal. To delay it is to deny it, as the saying goes. Not only is protracted litigation costly, but it can result in "lost" witnesses and-or foggy memories.

By its action, the Judicial conference has made what could be a significant contribution to the cause of justice.

BROTHERHOOD IN MASSACHUSETTS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, one of the most unusual examples of brotherhood and community generosity which has come to my attention in some time is that which the Sun Chronicle of Attleboro, Mass., described concerning the ingenious resolution of the need for housing which faced Mr. and Mrs. William Demers, who are residents of my 10th Congressional District in Massachusetts.

As a member of the Subcommittee of Housing of both the Veterans' Affairs Committee, and the Banking and Currency Committee, I noted with particular interest the openhanded outpouring of help and elbow grease of the wonderful citizens and groups within Attleboro. It seems that Mr. and Mrs. Demers, who were required to relocate due to a mortgage foreclosure, in a display of ingenuity, relocated themselves, and their 10 children, into a tent which they put up at the Massasoit camping grounds in Taunton until they were fortunate enough to be able to remove the tents closer to Mr. Demers place of employment, which they did when a space behind the Provincial Building at the LaSalette Shrine was made available for them. The need of Mr. and Mrs. Demers, and their children, was a source of great concern to all in the community, and a spontaneous effort took form to help them. Among those extending the hand of help were Municipal Councilmen William J. Crowley, Jr., and Paul H. Lallier, and Father Normand Boulet of St. Joseph's Church, and Father Edward J. Byington of St. John's Church. Bishop Daniel Cronin, learning of their unfortunate circumstance, took a personal interest, and all the community, and its civic groups, became involved. More than 30 citizens volunteered their time and help to restore and brush up a two-family dwelling at 12–12½ Holman Street, which had been vacated, so that one-half of it could be immediately used.

The constructive solution to the housing problem of Mr. and Mrs. Demers and their children, and the commendable generosity of so many, working together to help a family in a time of need, is worthy of much attention, and I would like to include the entire article at this point which appeared in the Attleboro Sun Chronicle on September 25:

FAMILY OF 12 FIND LOVE, GENEROSITY IN ATTLEBORO

(By Dale King)

ATTLEBORO.—The cynics who feel sure there is no love and generosity in the world any more may take a lesson from a group of Attleboro residents, clergymen, laymen, Municipal Councilmen and just plain good neighbors who have assisted a man, his wife and their 10 children in settling into a renovated home.

In May, the 12 members of the William Demers family had to leave their Summer Street home when the mortgage was foreclosed. When they could find no other house to occupy immediately, they resorted to a less-desirable substitute—a tent.

The Demers family has been living in this tent since late last spring. They originally set up the makeshift structure at the Massasoit Camping Grounds in Taunton, but were granted permission to put up the tent behind the Provincial Building at the LaSalete Shrine here, closer to where the elder Demers is employed as a custodian at the Attleboro Public Library.

City fathers and members of the ministry realized in the spring that the family would require suitable quarters eventually and the process of finding these quarters began.

The problem was first taken up by Municipal Councilmen William J. Crowley Jr. and Paul H. Lallier. The former is councilman for Ward 6 where the Summer Street home was located.

Crowley got together with the Rev. Normand Boulet of St. Joseph's Church and the Rev. Edward J. Byington of St. John's Church in seeking a means of remedying the situation. A lawyer from St. John's Parish volunteered his services in contacting city officials and agencies involved in housing.

Light seemed to show through in early summer when Father Boulet attempted to make the Nazareth Home on Commonwealth Avenue in Attleboro Falls available to the family. The home, the former St. Mark's Church building, had been sold, however.

But by this time, the situation became known to Bishop Daniel Cronin of the Fall River Diocese and the effort suddenly became one which embraced the entire Christian community.

A two-family dwelling at 12–12½ Holman St., vacated several years ago, suddenly became the focal point of the group now organized to help the Demers family relocate. The home is owned by the city and it was slated to be torn down to make way for a parking lot.

Mayor Thomas A. Piggott was contacted about the house and the situation was explained to him. The mayor agreed to change the plans about tearing down the house, but since the home and property were owned by the city, the house and land could not be bought outright by the Demers family. By law, the dwelling and property must be put out to bid.

In the meantime, a group of more than 30 persons, members of St. Joseph's Parish, St. John's, St. Stephen's of Dodgeville, St. Mary's of North Seekonk, Attleboro's Emmanuel Lutheran Church and Marathon House, have been donating their time, effort and elbow grease to bring the old structure, boarded up and decayed by neglect for several years, up to a level suitable for housing the couple and their 10 children.

City Health Agent Henry Brousseau has been at the house during the renovations and said that the home, though its appearance is that of a dilapidated dwelling, is structurally sound, with efforts needed only in the area of cleaning up, patching broken plaster, replacing broken windows and installing utilities.

Much of this work has been done in preparation for the move by the Demers into their new home. The move is expected shortly, long before the coming of cold weather which would make tent living both unhealthy and dangerous for the family.

The Demers will occupy the 12½ Holman side of the two-family structure, with a divider separating their nine-room section from the other section which will not be renovated at this time. Eventually the family may occupy the entire house.

To assist the family in getting back on its feet, donations are being made by the St. Vincent de Paul Society through St. John's Church and St. Joseph's Christian Youth Organization is also working on the home. Some companies in the city have made donations of furnishings to the home.

Those who doubt that the virtue of charity has gone out of this computerized, modernized and impersonalized world need only visit 12½ Holman Street to have their faith lifted.

TO LIMIT INDIVIDUAL CONTRIBUTIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BINGHAM. Mr. Speaker, in a November 11 edition of the New York Post, widely syndicated columnist Sylvia Porter discussed campaign spending legislation. Her article adds further insight into the urgent need for reforming the Federal Corrupt Practices Act. In concluding her article, Miss Porter describes four "essential provisions" of any final bill which the Congress passes. These four "must" provisions are:

First, full disclosure by candidates before and after the election of contributions and expenditures;

Second, reasonable ceilings on total campaign spending;

Third, effective enforcement rules by an independent agency with authority to halt abuses; and

Fourth, a ceiling on the amounts any individual may contribute to a candidate.

It is noteworthy that the Senate bill covers only points 1 and 3. I concur with Miss Porter that any bill which this Congress passes should contain all four.

The following is text of Miss Porter's article:

[From the New York Post, Nov. 11, 1971]

CAMPAIGN COFFERS

(By Sylvia Porter)

When a group of 60 millionaires met behind closed doors at an unprecedented luncheon in the 21 Club here a fortnight ago, they agreed that it was imperative to seek limits on spending for political campaigns.

Since the potential political contributions of these 60 millionaires alone will represent perhaps an astounding one-fourth of the funds necessary for the '72 Presidential campaigns, this single agreement at this extraordinary luncheon telegraphs the probability that for the first time in history, truly significant controls on political campaign spending are on the way.

Already—a full year before the 1972 elections—money to finance the '72 political campaigns from coast to coast has become a bitter issue and brutal headache. Not ever has the financing issue loomed so large so early in our election history.

Already, the phenomenal costs that will be involved have impelled Congress to debate major controls—including meaningful ceilings on the amounts candidates may spend plus strict enforcement measures and rules requiring disclosure of who contributes how much to each candidate's campaigns.

And already, the wide bipartisan support for action—both inside Congress and outside Congress, as illustrated by the attitudes of the 60 millionaires—makes it probable that a campaign financing law will be on the book before the '72 fights move into a high gear.

The background is exceedingly sobering:

The total cost of the 1968 campaigns at all levels hit a record $300 million, up a staggering 50 per cent from 1964 and nearly double the $155 million spent as recently as 1956.

In 1968 the two main Presidential candidates spent more than $35 million, 40 per cent more than in 1964. Today, the cost of waging a single Presidential candidate's campaign is estimated at $25 million.

In 1968, the two major political conventions cost more than $2.5 million, $796,263 for the Republicans and $1,746,301 for the Democrats. These totals were merely to pay for the two short extravaganzas at which Humphrey and Nixon were nominated.

Today, it may cost tens of thousands, if not hundreds of thousands, to run for even a minor national office.

Candidates at all levels are being forced to make ever expanding use of such expensive new techniques as computer data banks, professional pollsters, speechwriters and political consultants who may charge $500 or more a day for their services. Meanwhile, the cost of TV continues to soar: in the '70 elections, the cost of TV political advertising rose nearly 50 per cent above '68 costs.

As a result, it is becoming even more difficult for an unknown, or an American of limited means, to enter a political race. As a result, campaign fund raising has become a year-round burden for political contenders of all stripes. (I've received dozens of solicitations even at this early date for financial support from a variety of hopefuls, and probably so have you).

As a result, candidates of both parties are increasingly forced to lean on expensive mail blitzes and a relatively small handful of big contributors—leaving the little guy with a growing cynicism about the whole American political process and an equally mounting feeling of helplessness to make any changes.

There is no disputing the pressure for workable ceilings on campaign spending, nor doubting the need for controls on contributions. The details of the final bill Congress will vote are still to be written, but surely among the essential provisions will be:

Full disclosure by all candidates and political parties of the amounts of contributions and expenses, both before and after the elections.

Reasonable ceilings on total campaign spending be directly authorized by the candidates. The most popular total for such spending in the bills now before Congress is 10 cents per eligible voter for any given candidate.

A ceiling on the amounts any given individual may contribute to any given candidate.

Effective enforcement of the rules by an independent bipartisan elections commission with real power to halt abuses.

MURDER BY PROXY: THE CONTINUING AIR WAR IN SOUTHEAST ASIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. RANGEL. Mr. Speaker, the President of the United States continues to tell us that American involvement in the war in Southeast Asia is rapidly winding down. He prolongs the withdrawal of American servicemen, yet regularly appears on television to announce that a few more combat ground troops will soon be on their way home. Despite the 1970 Cambodian incursion, he would like this Nation to believe that he is bringing peace to the war-torn region which we have bombed, strafed, defoliated, and wasted for a decade.

Something is wrong, however, when the President of the United States hides the slaughter of Southeast Asians behind a smokescreen of duplicity. That is exactly what is happening in the air war in Indochina.

Recently, the Center for International Studies at Cornell University released its landmark report, "The Air War in Indochina." The study shows that in the first 3 years of the Nixon administration, more bomb tonnage was dropped on the people of Southeast Asia than in the last 4 years of the Johnson administration. Since 1965, the United States has dropped approximately 6,200,000 tons of air-delivered munitions on Indochina, in contrast to 2,000,000 tons in all theaters in World War II and 1,000,000 tons during the Korean conflict.

Our 6,200,000 tons of air-delivered munitions have been spread as follows:

[In tons]

South Vietnam	3,600,000
North Vietnam	500,000
Ho Chi Minh Trail	1,400,000
Northern Laos	500,000
Cambodia	200,000

And, Mr. Speaker, this massacre by proxy, bombing from the relative safety of the skies, is going on today.

CONSUMERISM AND CONSUMERISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on consumerism and consumerists. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON CONSUMERISM AND CONSUMERISTS

Much publicity is being given today in accentuating the consumer movement and to the self appointed consumerists who purport to be the protectors of the rights of all consumers.

Who are consumers? They are buyers—anyone and everyone who buys anything is a consumer. You are a consumer. Do the radical militant consumerists speak for you or only because you are silent and others think they do?

I thought we'd talk today about the consumerists. Who they are and what they are really after.

Most Americans realize that there have always been short-change artists unbalanced scales, cutrate specials, and other frauds practiced upon the buyer. I think it is reasonably safe to say that such thievery has been going on in the marketplace from time immemorial. Many solutions and deterrents have been proposed but the most successful has been that the consumer once stung does not repeat. He or she goes elsewhere. This is called experience. It cannot be bought, taught, nor legislated.

Certainly many consumer announcements and proposals have merit. On the other hand, some of the crusade objectives are absurd to the extent of constituting an insult to every housewife in our land. For contrary to the contemporary rationalizations of some, most housewives and consumers who work hard for their money have enough commonsense to know what they want to buy without some Government bureaucrat taking their hand and leading them to the nationalized noncompetitive store stocking no choice of products from which to pick. That is why bars of soap have different colored wrappers and various scents—a choice.

Many people are awakening to realize that some consumer movements have become quite profitable—especially to the leaders. While others, promoting seemingly worthwhile causes, appear far more interested in developing impossible political issues and organizing a new bloc vote than in accomplishing results. Then there are those few informed onwatchers who have pierced the veil of emotion do-gooderism of helping consumers and see the threat from the national socialist movement dedicated not at helping the buyer but to a fully nationalized economy—full wage, price, and market control. And to that end the consumerism movement is contrary to the bona fide interests of the consumer whose only true source of relief is through competitive free enterprise.

Our people are hearing a lot these days about "consumerism" and the promised goals of so-called consumer pressure groups. Since the self-styled spokesmen of consumerism claim to speak for all of us, I feel these unelected leaders and their self-selected goals are entitled to some scrutiny and discussion.

I want to make clear that when I refer to consumerist groups, I am not talking about the several legitimate organizations, such as the Better Business Bureaus, which work constructively through the free enterprise system to protect the consumer. I am referring to self-appointed independently financed activists who would stir up conflict and dissension between producers and consumers. They have been referred to as the "disaster lobby." They proclaim disaster for the nation unless government action is promptly taken to remedy their every claim of discriminatory and unwise business practices which they say are harmful to consumers. They have attacked the automobile industry for making unsafe cars, packers and processors for contaminated food and for cheating the consumer with odd-size containers, and have charged industry and business with false advertising. They consider business a target; profit, their enemy. They advocate more controls over free enterprise. In the ultimate the consumer loses by price and selection. They would have the federal government nationalize industries and operate the machine of production along guidelines set by the consumerist whiz kids. Their real goal is the destruction of the free enterprise system by placing private industry under public controls. One of the leading consumerist spokesmen proposed that corporations abusing the public interest should be taken over by the government and their officers sent to jail. Who then would run the corporation and for how long would it produce and what would it produce?

The public has a right to know the background of the consumerist lobby which is after all supposedly working on the public's behalf since we are all consumers. The two most outspoken consumerist groups claiming to speak for Americans are Consumers Union and the Consumer Federation of America.

Consumers Union was formed in 1935 as a rival organization to a legitimate consumer group known as Consumers Research. A dissident group of employees of Consumers Research, unsuccessful in their attempt to gain control over Consumers Research, formed Consumers Union.

According to testimony before the House Special Committee on Un-American Activities in 1938, Consumers Union was formed as a result of a 1935 Communist Party directive to "launch a whole new series of united front organizations dealing ostensibly with the interests of consumers." Consumers Union has been cited as a communist front by the U.S. Government as well as by the governments of California and Pennsylvania.

The other major consumerist group is the Consumer Federation of America. It was formed three years ago. At the first national conference of consumers called the Consumers Assembly held in April, 1966, and presided over by the President of Consumers Union, it was proposed by a Special Assistant to the President of the United States that a federation of consumers be established.

Two years later, the Consumers Federation of America was a reality. There is a close relationship between Consumers Union and the Consumer Federation of America. An assistant director of Consumers Union served at the same time as secretary-treasurer and a member of the executive Committee of the Consumer Federation of America.

It is of interest to note that when an executive of a large national retail chain asked about becoming a member of the Consumer Federation of America, he was told that his company did not qualify since it had no consumer program and since it was run for profit. Only members like consumer cooperatives are eligible to join.

Thus far, I have attempted to show briefly that there have been Communist influences in the drive for consumer rights and that the real purpose of the consumerists is not so much to protect consumers as it is to destroy free enterprise. Under the pretext of protecting rights of millions of consumers, the consumer lobby is launching an attack on the productive sectors of our society, both labor and management, in its ultimate goal of transforming our free enterprise economic system into a government-managed and controlled society.

There is no doubt that the consumerists have achieved considerable power and influence since their Consumers Union was formed in 1935. The Consumer Federation of America's President was selected in 1968 by the then HEW Secretary Wilbur J. Cohen to head the newly created Office of Consumer Services, and the two consumer groups were the only consumer organizations testifying at House hearings on the Consumer Protection Act of 1971, which the House passed on October 14. The consumer Lobby does constitute a threat to free enterprise. The best weapon for counteracting the threat is truth—truth about the fabricated charges of the disaster lobby and truth about the proven superiority of free enterprise over any other economic system.

Take air pollution for example, while the consumerists clamor that industrial leaders should be jailed for polluting the atmosphere, the truth is that the amount of pollutants in the air has steadily decreased in almost every major city.

And the charge that the planet will soon have standing room only if we don't reduce population is false. The birth rate in just about every major country in the world has been declining so fast that there is a genuine concern about underpopulation.

A good example of how the American housewife was fooled by those who pretend to protect the consumer is the use of phosphates in laundry detergents. Following a campaign by the consumerists to abolish the use of phosphates as being unsafe and dangerous, various communities prohibited their use. Producers had to change their formulas and spend millions in advertising to tell the people which soaps did not contain phosphates. Then it was discovered that phosphates were perfectly safe but that the substitutes for phosphates were harmful to children. This illustrates how the unfounded scare tactics used in one so-called consumer protection program cost American industry and consumers millions of dollars, harming rather than helping the consumer.

Many more examples might be cited to show how consumerists exaggerate by nitpicking to mislead consumers.

The nation's news media and schools would render a real service in the cause of freedom by frequently proclaiming the benefits of the free enterprise system, which along with the two other main sources of our strength—the Holy Bible and the U. S. Constitution—made America the most prosperous country in the world and the emulation of other nations.

Let us emphasize that the consumers' best friend is competitive free enterprise which responds to their needs much more readily than government bureaucrats. Is the record of the government bureaucrats so successful in other fields that we can now in confidence trust them with another control over our lives?

Let us constantly remind citizens that government has nothing to give that it doesn't first take from people. Likewise socialism only works where it has been allowed to feed from the progress of free enterprise produced taxes to pay for government corruption and political promises.

Let us impress upon the citizenry that the struggle between communism and capitalism is a struggle between dictatorship and a free economic system—between slavery and freedom.

Let us explode the myth that a planned socialist economy under the direction of government is more efficient than a productive free enterprise economy.

And let us remember our experiences that the only thing governments can control is people. And that governments can control people, only by taking away the people's right to control themselves. Governments don't control prices, only people. A pound of tomatoes doesn't care what the price is. But people care—the people who grow the tomatoes, the people who sell the tomatoes, and the people who buy the tomatoes.

By proclaiming the truth about the superiority of a competitive free enterprise system over a controlled economy and acting in accordance with this truth, we can counteract the propaganda by so-called consumerists to one of the pillars of America's greatness—the free enterprise economic system.

NATIONAL BIBLE WEEK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. DORN. Mr. Speaker, it is most fitting and proper that we observe National Bible Week during the week of Thanksgiving, November 21 through 28. America, more than any other nation, has much for which to be thankful. We are the bastion of democracy and the hope of the free world. We have reached this position of strength and abundance as "one Nation under God." Religion and Bible reading are basic and fundamental to our national heritage. We are all familiar with the picture of the American pioneer heading west with few personal possessions other than his Bible. For our forebears, as it is for many of us today, the Bible was a living book. The Bible is timeless literature. It is rich history. It is the supreme code of ethics for our daily lives. The Bible can be the source of all true wisdom. Especially during these troubled times, Mr. Speaker, the Bible can be the invaluable source of strength, guidance, and comfort.

Throughout American history no other book has been more closely bound with our national destiny. President Abraham Lincoln relied on the Bible for many of his decisions. Some of his most memorable speeches and proclamations borrowed from Biblical text and wording. There are innumerable examples of how phrases from the Scriptures have become part of our daily language. The Bible is today a strong and vibrant force in the life or our Nation. I firmly believe, Mr. Speaker, that our Nation's dedication to those great principles enunciated in the Bible is largely responsible for the strength, liberty, and abundance of this great land.

Yes, at this Thanksgiving season we do have much to be thankful for. Some nations suffer untold misery and human degradation, while others feel the harsh yoke of atheistic and materialistic oppression. In America, we are on the right track. We are moving in the right direction. We are, more than any other nation in the history of the world, one Nation, under God, with liberty, justice, and abundance for all.

Again, Mr. Speaker, I commend the coordinators of this the 31st annual National Bible Week. It is highly fitting and proper in the Thanksgiving season for us to encourage the reading and study of the Holy Scripture and to reaffirm the close and lasting connection of our national heritage to the word of the Bible. I commend to my colleagues in the Congress and to all Americans renewed study of the greatest Book of all.

SUSAN ANTHONY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. KEMP. Mr. Speaker, our distinguished and able colleague, the Honorable SEYMOUR HALPERN, has introduced an excellent bill, of which I am pleased to be a cosponsor, to provide for the portrait of Susan B. Anthony to appear on the $2 bill. The Treasury Department has indicated that the revitalization of the $2 bill would save the taxpayers a considerable amount in printing and distribution costs, and I feel it most fitting that women be represented on this denomination by Susan Anthony, who contributed so much to womanhood and our national heritage.

Mr. HALPERN's bill has gained wide support here in the House, from the Governors of many States and from dozens of women's organizations. At this point I would like to share with my colleagues one of many endorsements of the legislation, this one from Louis Rukeyser, ABC News, New York. Rukeyser's comments follow:

RUKEYSER'S WORLD

I'm Louis Rukeyser, ABC News, New York, and this is "Rukeyser's World" on the American Information Radio Network. I'll have a look at liberated money in sixty seconds.

At last comes an idea from the fanatics of women's liberation that even an old male chauvinist can support. The suggestion that women replace men on the faces of at least some of the nation's currency is aesthetically pleasing, culturally fair and financially realistic.

The faces of the bills would then be of the same gender as the hands that so often spend them, and what could be more reasonable than that?

The actual opening suggestion, as sponsored in Congress by New York's Representative Seymour Halpern, calls for a substitution on the face of the two-dollar bill, Susan B. Anthony going in for Thomas Jefferson.

It would be taken as frivolous, I gather, to comment on the physical appearance of the stern suffragette, or to propose some more voluptuous type for some higher denomination. After all, George Washington and Andrew Jackson didn't win any beauty contests, either, yet their rugged countenances have adorned our currency for years.

You will notice that I have not mentioned, as an argument in favor of this change, the traditional statistics indicating that women already own most of the nation's wealth.

Julia Montgomery Walsh, a dynamic lady who combines looking after twelve children with being the first woman member of the American Stock Exchange, once told me that these statistics are misleading, because much wealth nominally owned by women is in fact controlled by men.

A similar point was made by that devoted liberationist, Gloria Steinem, who grumbled that all the nation's money now has men's faces on it, which she said was, and I quote, "symbolic of where the power is."

Well, that's going a little too far, I think—at least at my house. And while I support the movement to end sex discrimination on crumpled dollar bills and battered quarters, I would caution the more militant ladies that as a contribution to economic prosperity, the face on the currency is only skin deep.

After all, the British have had Queen Elizabeth's face on all their money since her reign begun, yet the pound still gets devalued just as often as if they still had a King.

I'm Louis Rukeyser, ABC News, New York, and this has been "Rukeyser's World" on the American Information Radio Network.

THE COLLEGE VOTER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BINGHAM. Mr. Speaker, in the October 1971, edition of State Government News, a monthly publication of the Council of State Governments, the question of where students may vote—at home or at college—is discussed. The article summarizes the opinions of a number of State attorneys general. Some of them advise students that they are free to choose their own residency without being required to offer evidence of intent or undergo extensive questioning, and others caution that a student's residence is presumed to be that of his parents' and to change it requires factual proof of intent. Thus, the laws on voter residency differ widely among the several States.

In order to carry out the full intent of the constitutional amendment grant to 18-year-olds the right to vote, it is logical that the States should modernize their voter residency statutes to permit student voters the right to register and vote either at their parents' home or at their college home.

The text of the article follows:

WHERE MAY STUDENTS VOTE—HOMETOWN OR COLLEGE?

Attorneys General are divided on what qualifications students should possess to vote in their college towns.

Some Attorneys General are advising that students and minors are as free as adults to choose their own residency without being required to offer evidence of intent or submitting to extensive questioning.

Others are cautioning that a student's residence is presumed to be that of his parents' and to change it he should offer factual proof of his intentions. These opinions suggest questions registrars may ask in determining residency.

Laws on establishing voter residency differ among the States. Opinions on the state residency laws were issued primarily to aid election officers in registering the newly enfranchised 18- to 21-year-olds. The Attorneys General stressed that the registrars would have to determine each case individually and no blanket guidelines could be given.

It is the student's intent which is a major point of contention. Attorneys General differ on whether the student's intent to reside in a community while a student is sufficient to meet state requirements. The liberal view was expressed by the Attorneys General of Florida, Massachusetts, Missouri, and Washington. They declared adequate the intent to remain while a student, coupled with an intent not to return to the previous residence.

Many States have a law or constitutional provision which stipulates that a person is not deemed to gain or lose a residence by attending an institution of learning, serving in civil or military duty of the United States, engaging in navigation, or residing in a public institution.

The Michigan Supreme Court held unconstitutional this provision in Wilkins v. Bentley (August 27, 1971) because the State could demonstrate no compelling interest for placing this burden of a rebuttable presumption on the right of students to vote and thus had denied them equal protection of the laws.

Attorneys General of States which have this provision generally interpreted it as meaning that physical presence in a community while at school must be coupled with an intent to remain.

The first State Supreme Court ruling on the 26th Amendment was the California decision that 18- to 21-year-olds must be treated the same as adults for voting purposes. In Jolicoeur et al. v. Mihaly et al. (August 27, 1971), the Court held it would violate minors' rights to require them to vote in their parents' district, even by absentee. It also concluded "strong state policies require that voters participate in elections where they reside." The Court ruled applicants could not be specially questioned because of their "age or occupational status."

The California Supreme Court ruling overturned an opinion issued by Attorney General Evelle J. Younger that the voting residence of an unmarried minor was the parents' home. He noted there was no specific state law on the question and requested judicial or legislative clarification. He commented that 21-year-old students could vote at their school residency if they met requirements and abandoned their former residence.

Summaries of Attorneys General's opinions which declared minors and students eligible to freely establish their own voting residency follow.

Florida Attorney General Robert L. Shevin advised: The only voting requirement is one-year state and six-month county residency. Student vacations away from college towns, like temporary absences of all voters, do not affect residency. Students are eligible to vote in municipal elections, regardless of whether or not they live in a dorm. To apply different standards to students and other voters would violate "equal protection" of the law. Students are affected by local legislative, executive, and judicial decisions. They observe local conditions, have access to news, and often work in the community. Students should be treated no differently than corporation employees, assigned to localities for limited periods.

Georgia Attorney General Arthur K. Bolton explained: A person with more than one residence may choose which is his domicile. For voting purposes, a minor has this choice.

College towns benefit from the census count of students in larger state and federal grants and more legislative representation. Students are affected by local decisions, have access to news, and have the "same stake in the outcome of the elections as any other citizens in the community."

A 1970 U.S. Supreme Court decision (*Evans* v. *Cornman*, 398 U.S. 419), allowing residents of a federal enclave to vote in state and local elections, could be applied to college students, who also are included in a census of the town, affected by state and local laws, and pay taxes.

Idaho Attorney General W. Anthony Park stated: Residence for voting is the place of an elector's fixed habitation and to which, whenever he is absent, he has the intention of returning according to law. "Intent to stay in a place permanently or temporarily is subjective, and thus not ascertainable by objective observation . . . the residence determination for voting purposes should be left for the voter himself to determine."

An out-of-state student is qualified if he is a six-month resident and declares his intent to become a permanent Idaho resident. Vacations do not affect residency .

The county clerk may register voters at branch locations and the "registration of students for their college classes would be an optimum time to register them to vote . . ."

Illinois Attorney General William J. Scott pronounced: Students and those 18 to 21 must be treated the same by registrars as those over 21. They cannot be asked about parental support, driver's license address, or denied registration because they live in a dorm.

The law requires only proof of age, six months residence in the State and 30 days in the precinct. However, they must be "permanent residents" as required by the new constitution or risk having their vote challenged at the polls. The State Supreme Court, in a number of rulings, has held that in order to vote in a college town a student must prove that he has a "permanent" residence there, and not at the home of his parents.

Louisiana Attorney General Jack P. F. Gremillion explained: Under the constitution a person is not deemed to gain a residency by attending an institution of learning. "To overcome this presumption," a student should file a bona fide residence six months prior to registering to vote and file a letter of intent with the clerk of court to establish residency. The filing of the letter shows the intention of the student to vote in the parish and serves as proof that he has resided there.

The 18- to 21-year-olds are emancipated for voting purposes and not tied to their parents' residency.

Massachusetts Attorney General Robert H. Quinn declined to give guidelines to use in specific cases, but announced the following general principles: Students who are six-month residents and declare an intention to stay in the community for an indefinite period are eligible to register. The fact that the applicant is a student should "place on him no greater burden of proving his domiciliary intent." It is of no relevance whether a student has parental support, resides in a dorm, or whether his parents reside out of State. "The basic question to be answered is whether he intends to return to his former home as soon as his course of studies is completed."

Missouri Attorney General John C. Danforth stipulated that: A student may change his residency if he (1) declares he has abandoned his original residence and does not intend to return to it, (2) declares his intent to reside in the community for an indefinite period, and (3) his declarations are consistent with facts. "Indefinitely" can be for the time necessary to complete an education with an intent not to return to the previous residence. Neither parental control nor support precludes a minor from establishing his own residency.

Courts have considered church and other membership and listed addresses in determining residency, but none of these are "conclusive."

North Dakota Attorney General Helgi Johanneson said: "Residence is acquired by an overt act coupled with intent." A student may vote in his school community if he meets residence requirements. ". . . one of the basic questions which must be answered is the intent of the student . . . . If he intends to return to his home and does not make the place where he is staying while attending school his residence," he does not qualify. Under state law, persons 18 and over are adults and thus not considered minors bound to their parents' residence.

The fact that the census counts students in their college town does not affect state laws dealing with residency.

Oklahoma Attorney General Larry Derryberry declared: Eighteen-year-old students may register in the community where they attend college if that is their legal residence and if they are otherwise qualified electors. When a person becomes a "resident" for voting purposes involves a question of fact and is "largely determined by the acts and intentions of the particular person desiring to vote." This applies to students "as well as all other persons in determining whether they are qualified electors."

Washington Attorney General Slade Gorton advised State Representative Arthur C. Brown: Existing law would not be changed by a statute providing that students could vote at their school residence if they declare they have no present intention to move to any other voting area. A constitutional provision, which states a student does not "gain or lose" a residence while at school, does not prevent establishment of a voting residence at school if there is an intent to remain permanently or indefinitely.

On the issue, 25 Am. Jur. 2d, Elections, Section 72, is quoted, "As a general rule, a residence for voting purposes may be acquired where a student attending school or college has no intention of returning home, but is not certain as to the place of his future residence . . . ."

Synopses of Attorneys General's opinions which generally held applicants must offer some proof of their eligibility to vote in a new district follow.

Alaska Attorney General John E. Havelock stated: The law provides that the residence of a student who meets the voter qualifications is the "residence shown on his last registration at the institution (of learning) made at least 30 days before an election."

Arkansas Attorney General Ray Thornton in a fact sheet on voter registration sent to all county clerks instructs: For a student to register in the county where he attends school, he must first establish his legal residence there. The Arkansas Supreme Court ruled, in *Ptak* v. *Jameson*, 215 Ark. 292, "A student who comes to Fayetteville for the sole purpose of securing an education does so without making a change of residence. It is necessary to have a bona fide intention to make Fayetteville his home permanently or for an indefinite period and not to limit it to the time necessary to get an education."

Delaware Attorney General W. Laird Stabler, Jr., approved an opinion issued by State Solicitor C. Edward Duffy which states: A student may establish a voting residence where he attends school if he meets durational residency requirements, abandons his previous residence, and has actual intent to establish his new residence for an appreciable period of time. It is the intention of the prospective voter to abandon his old residence and adopt the new which must be determined. All the facts and circumstances of each case must be considered.

An out-of-state married student attending school nine months a year does not qualify. A student who remains during vacation with an idea toward settling in Delaware in the future might well qualify.

Iowa Attorney General Richard C. Turner pronounced: Residence for voting means domicile which is largely a matter of intent. A student may intend to make the community where his college is located his domicile or permanent residence after he leaves college. But, if he intends to move after graduation or does not know what he is going to do, that place is not his residence. While this test of residency is subjective and inquiry into a person's state of mind somewhat difficult, the student can be asked under oath by challengers: his original residence, his vacation residence, what address is listed on his college registration, his driver's license or draft card, and "to produce anything he is carrying on his person to substantiate his testimony."

A student, like any other prospective voter who is challenged, must sign a "declaration of eligibility," and be permitted to vote. The State must look for its remedy in prosecuting the voter for false swearing.

Kentucky Attorney General John B. Breckinridge declared: ". . . the general rule is that a student in a college town is presumed not to possess legal residence and the fact that he has resided there the necessary length of time to qualify to vote . . . does not of itself entitle him to this right." A student must have no intention of returning to his parental home. His intentions cannot be ascertained solely on his own statement, but "determined in the light of all the facts and circumstances." The facts must be "wholly independent and outside of his presence as a student and should be very clear and convincing. . . ."

A student also is eligible who is free of parental control, regards the community as his home, and has no other to which to return in case of sickness or domestic affliction. Marriage emancipates a minor from parental control.

Maine Attorney General James S. Erwin related: "Our law specifically decrees that a student does not acquire, nor can he claim, residence for voting purposes from the fact of his attendance at an educational institution." It is up to local boards to decide whether an applicant meets residency requirements. "Mere verbal claims of intent are not enough. The local boards must be satisfied in each individual case that the totality of circumstances indicates a good faith intent to reside indefinitely in the State."

Maryland Attorney General Francis B. Burch advised: The registrar must determine whether there are affirmative facts which establish the bona fide intent of a student to abandon his old domicile and establish a new one in his college community. The same standards must be applied to all seeking to change residency, whether student or businessman. "Neither age nor occupational status are valid reasons for unequal treatment by the registrars."

A list of 14 factors which courts have used in determining residency include frequency of return to previous domicile, employment, address on income tax and driver's license, and parental residence and intent to return to it. No certain number must be answered and each case must be judged individually.

New Hampshire Attorney General Warren B. Rudman said: Although there may be special circumstances where a student's legal residence is the place where he attends school, generally speaking, the legal residence of a student is that of his parents. This applies equally to in-state and out-of-state students. "If anyone contends his name is illegally kept from the checklist, he may file a complaint in the Superior Court and he will be entitled to an immediate hearing . . ."

The law is that a student does not gain or lose a residence by a temporary absence.

Virginia Attorney General Andrew P. Miller stated: The registrar must ascertain the intent of the student. "The intention to remain in a given jurisdiction only so long as a student . . . is not sufficient." The intent to remain for an indefinite period is necessary. There can be no official guidelines that registrars might employ in making this complex determination. Various courts have considered student plans after graduation, payment of out-of-state tuition rates, vacation home, parental control and support, driver's license address, and bank account location.

A law that students are not deemed to gain or lose a residence at school does not prohibit them from registering there.

STRUCTURE, OPERATION, AND REGULATION OF SECURITIES MARKETS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. STUCKEY. Mr. Speaker, since coming to Congress in 1967 a major portion of the work of the Commerce and Finance Subcommittee of the House Committee on Interstate and Foreign Commerce, on which I serve, has been devoted to the securities industry.

During this period, the financial community has been shaken by internal crisis. In 1969 alone, an estimated 150 brokerage firms liquidated and others either entered into mergers or cut back their operations.

The changes within the industry can be attributed in large measure to internal structural change. Because this is a complicated industry, there are still many aspects of it that are not clearly understood.

At the present time the Securities and Exchange Commission, the Commerce and Finance Subcommittee of the House Committee on Interstate and Foreign Commerce, and the Securities Subcommittee of the Senate Committee on Banking, Housing and Urban Affairs are conducting investigative studies in an attempt to add additional insight into the vast body of data already published on this industry.

Earlier this week, Arthur Lipper III, president of Arthur Lipper Corp., a New York Stock Exchange firm, which serves only institutional clients, announced that his firm would shortly withdraw from the institutional brokerage business. The unusual aspect of the announcement was that Arthur Lipper Corp. is withdrawing from the business at a time when the firm's net worth is close to its alltime high. Mr. Lipper cited as a principal reason for his decision the fact that structural changes taking place within the industry cast doubt on the future ability of his firm to earn an adequate, risk-related, return on the ever increasing amounts of capital which are required in the operation of such a business.

Yesterday, in testimony before the SEC's investigatory hearing on the "Structure, Operation, and Regulation of Securities Markets," Mr. Lipper explained in greater detail basic structural changes he believes to be necessary to insure a sound securities market in the future.

Because of widespread interest in this topic, I ask unanimous consent that Mr. Lipper's introductory remarks and a text of his statement presented to the SEC be included at this point in the Record:

INTRODUCTORY REMARKS OF ARTHUR LIPPER III

Gentlemen: Having submitted an intentionally brief, prepared statement, I am hopeful that it has been read and that I can now constructively answer any questions which may have been stimulated.

In short, I believe the following to be in the public interest in the restructuring of our securities markets.

1. Competitively negotiated commissions.
2. Institutional access.
3. A communication system based central market.
4. A single, common Central Clearance and Depository Agency.
5. A separation of those activities giving rise to irreconcilable conflicts of interest, specifically those of investment advisory and broker/dealer functions.

In order of priority, I would suggest the establishment of a central market system as being the most important, with the Central Clearance Agency being the next most vital.

Before I begin answering whatever questions you may have, I would like to make two broad points not included in the prepared presentation.

Firstly, there exists an overall investment industry problem of major proportions. That is simply the fact that, at presently existing levels of investment management fees, there is no profit possible for many of the organizations currently offering investment management services without resorting to practices which are adverse to the beneficial investors' interest. For example, I believe that only a small number of the very largest trust departments of commercial banks would be profitable on the basis of true cost allocation offset only by the advisory fees charged. Similarly, management fees alone are not sufficient to earn a profit for most fund management companies, were commission charges to be either considered discretionary expense items and, therefore, subject to limitation, or for Moses V. Burgin type reasons. Even with the use of commissions for the acquisition of services, including those of investment advisory, in the form of brokerage firm research, I estimate that individually the vast majority of management companies themselves lose money. I believe that the focus of attention on the fee level is misplaced.

Detailed disclosure of the investment related services being provided would be a competitively effective manner of insuring that investors received value for their fees. For example, I suggest new investment company prospectus requirements regarding investment related personnel and facilities with disclosure of compensation, experience and areas of responsibility for all individuals playing a meaningful decision making role. Specific costs of maintaining investment related facilities and services should also be disclosed.

The focus of attention must be shifted to the positive achievement of valid investment objectives from that of stated compensation minimization. The present emphasis on limiting or reducing the visible fee structure causes many of the less visible practices which, in the end, are more costly to the investor.

Secondly, even with its faults and inequities, ours is the finest securities market in the world. I believe that there should be a Commission sponsored attempt to make our hopefully central market the international center of securities transactions. To accomplish this, a greater sophistication and flexibility will be required of the SEC, participating issue companies, banks and broker/dealers than has been demonstrated in the past. It will also be necessary perhaps for Congress to recognize the potential importance of the United States achieving the competitively advantageous position of providing the forum for international securities ownership exchange in that possibly enabling legislation will be required.

Due to the highly regulated nature of our markets and the breadth and depth of our distribution, the United States could be the focal point in the internationalization of world securities markets. I believe this to be a desirable result from the standpoint of our national interest.

I am now ready to answer your questions, and thank you for the opportunity.

STATEMENT OF ARTHUR LIPPER III

My name is Arthur Lipper III, and I am genuinely pleased to have been provided this opportunity to present my views regarding a number of the issues currently being studied relating to the structure of the U.S. securities markets.

I believe that many basic structural changes must occur for our securities markets to function in the most efficient manner possible from the standpoint of both the individual and institutional investor.

As the changes in market structure and practice which I propose will be considered by many to be extreme, and clearly contra personal interest, and because I believe these changes partly inevitable, a brief description of my firm may be in order. Although this description is accurate in terms of the range of activities in which we have engaged, it is not reflective of our future corporate interests, as we have this week announced our intention to withdraw from the securities brokerage business. Much of the rationale for the decision to leave the institutional stock brokerage business is contained in this presentation. Many of the activities might therefore more appropriately be described in the past tense as in the future, we intend to concentrate our efforts towards our corporate capital enhancement rather than client service.

Arthur Lipper Corporation, of which I am the principal stockholder and President, is or has been a member of the New York, American and most regional stock exchanges. Serving institutions primarily, we have more than 1500 institutional accounts on our books. We maintain offices in New York, Washington, London, Geneva and Tokyo. We provide clients with research studies relating to investment companies, investment management companies, and foreign issues of U.S. institutional interest. Our Washington office monitors and prepares reports regarding the activities of governmental agencies which affect corporate earnings, and our Tokyo office provides a constant flow of information regarding Japanese investment companies and industrial corporations.

Except as relating to our publications, we do not engage in the investment advisory area, nor do we "handle" or manage accounts other than our own. We do not act as underwriters nor do we generally participate as members of selling groups. We do not have a sales agreement with any mutual fund, nor do we recommend the purchase or sale of investment company shares.

As agent for institutional clients, we provide an expert execution capability through a fully staffed and highly experienced transactions department. We do employ firm capital to facilitate many agency transactions, in that we are frequently forced through competitive pressures to be at risk in assuming long or short positions contra those of our client to earn the right to charge that client a commission. We are, on those occasions, in the ridiculous and uncomfortable position of being able to profit only if, in the short term, our client's market judgment is not as good as our own. As principal, we are an important dealer (market-maker) in the American Depositary Receipts of major foreign companies and also conduct a dealer business in U.S. equity and debt issues. Foreign arbitrage is one of our important activities.

The existing market structure has been so enormously profitable for those vested industry interests that it is difficult to envision these interests voluntarily accepting change. However, if the public interest is to prevail, change must come and the areas of conflict resolved in favor of the public interest. Over the longer term, the interests of the users and the sponsors of any system must be similar, or the users will find alternative means of achieving their objectives.

Unfortunately, a number of the specific structural and regulatory changes which I advocate as being in the public interest are sufficiently adverse to the interests of firms such as my own, as to make the continued viability of such institutionally-oriented, client-service organizations highly questionable. However, I do believe that securities firms, not unlike other commercial organizations or groups, must either profitably accommodate themselves to the changing needs of those whom they serve or perish.

The creation and maintenance of anticompetitive and restrictive membership and trading barriers intended to thwart the legitimate objectives of institutional clients or fiduciaries is not an appropriate method of serving those clients. The New York Stock Exchange's denial of membership to a qualified and experienced brokerage affiliate of a major investment company advisor while, at the same time, accommodating a number of basically similar arrangements is at best inconsistent, and at worst exemplifies the reasons why Congress originally enacted antitrust legislation. Another restrictive practice is embodied in the New York Stock Exchange's Rule 394. Rule 394 theoretically places every NYSE member receiving an order (which is not designated by the client "stock exchange execution only") in jeopardy in terms of his fiduciary obligations and certainly raises questions for the institutional investor in similar terms of achieving "best execution." In this regard, I understand that several of the country's largest banks are currently using the third market for more than 30% of their executions.

For most institutionally-oriented exchange member brokerage firms, it is no longer feasible to serve institutional investors on an agency basis, where that specific activity must stand the test of profitability. Moreover, improved communication systems cast serious doubt, from the institutions' standpoint, on the necessity or desirability of utilizing the services of securities brokers or, in fact, the Stock Exchanges.

Therefore, I believe the following developments are logical and desirable in light of current investor needs, market structure realities and the public interest.

I. Competitively negotiated agency commission charges on all securities transactions.

II. Establishment of a central market in the form of a computer-based communications system.

III. Institutional access to the central market system.

IV. Establishment of a mandatory industry-wide, central Common Clearance and Depository Agency.

V. Separation of investment advisory activities from those of broker/dealer functions.

In my discussion of each area, I have not assumed acceptance of any of the above proposed specific developments and will, therefore, discuss them primarily in relation to the current industry situation.

I. COMMISSION CHARGES

The concept of an enforceable schedule of fixed minimum agency commission charges, as applicable to institutions, is fallacious. In actual practice, all exchange member brokerage firms—while nominally adhering to a fixed level of commission charges—provide a wide range of complimentary services of widely varying and, in some cases, indeterminable value to their clients. These complementary or "bundled" services range presently from all types and qualities of research to security safekeeping and dividend collection, entertainment, block positioning, and tax and estate planning advice. The range of services is broad and the cost of providing services is the principal form of competition between firms. Professor Seymour Smidt of Cornell has testified that, in his opinion, which I share, "There is a strong tendency for the level of costs to adjust itself to the brokerage rate schedule, since firms can attract customers from their competitors only by offering more service, even when the services cost more than they are worth to the customers."

It could be stated that the "quality" of research or investment advice is the truly distinguishing factor between competing firms. This position is, however, considerably weakened when it is recognized that specific individuals are most responsible for creating research or investment advice and are highly mobile. They can, for the most part, be recruited by competing firms on the basis of the competitor being willing to spend more of gross commission revenues for the services of those individuals. In other words, brokerage firms adhering to fixed commission levels compete by allocating discretionary and varying percentages of gross commission income to provide services over and above the cost of physically settling transactions.

Would it not be more logical to encourage firms to charge clients fees which permitted profitable operations based on each firm's cost of providing the services necessary to attract each client? The argument that the large brokerage firms could provide their clients certain services, at a cost of considerably less per unit of service than that of smaller firms (due to economies of scale), is certain to be put forth. It is also probably valid. So what! Larger firms would, in time, due to competitive pressures, reduce their charges to competitively realistic levels. Of course, this process would be hastened and assured were free institutional access possible, since major financial entities would enter the general brokerage business if lack of competition made profit margins exceptionally attractive.

Although I do not believe that all smaller brokerage firms would be forced out of business, I do believe that most would assume the role of investment advisors, using the mechanical brokerage services of other organizations. Almost of necessity, the investment advisory business is a personal service business, a one-to-one relationship between investor and advisor, not unlike the practices of medicine, law and accounting. Most individual brokers are really, from the clients' standpoint, advisors, and should, therefore, be viewed in that context. Many investors desire professional investment advice and are willing to pay the necessary fees. There is still ample opportunity for the competent individual practitioner and smaller entity to profitably serve the real need of investors for sound investment advice.

The public interest would appear to be served by permitting competitively negotiated commissions, thereby allowing the natural laws of supply and demand to function for the benefit of the "market" in the broadest sense.

II. CENTRAL MARKET SYSTEM

Assuming the desired function of a governmentally supervised securities market is to provide a fair, equitable and efficient method for the mobilization of capital and, therefore, the exchange of ownership of publicly traded securities, it is clear that the current system is far from perfect. That which is needed, in my opinion, is a central market system having continuous ability to consummate transactions within a reasonable period of time, to broadly disseminate market related information to both actual and prospective buyers and sellers and to equitably represent both agency and principal orders.

A stock exchange or federation of competing stock exchanges utilizing a common or composite tape does not a central market make. A central market, in the United States, in the 1970's, is not a building or group of buildings having large unobstructed floor spaces—it is a communication system—a computer-based, nongeographically dependent communication system. In prototype form, it exists today. It is called NASDAQ.

There are, of course, other systems which contain useful elements, among them AutEx, Instanet and even the NYSE's BAS. The New York Stock Exchange's proposed Automated Trading System may possibly be constructive, but not nearly so as the Trading Terminal Plan which was rejected by the NYSE because ". . . among other considerations, this plan (TTP) would effectively eliminate the trading floor . . ." The NYSE states as one of the reasons for favoring its Automated Trading System that "it builds upon a prime Exchange asset, the Specialist system." As regarding the virtues of the current Specialist system, I would refer interested parties to Professor Seymour Smidt's testimony on October 12th, 1971. I believe that the highly qualified Professor Smidt pinpointed some of the basic weaknesses of the currently noncompetitive NYSE specialist system, and has, in a totally logical and understandable manner, described a central market concept which the Commission should seriously consider implementing.

Were a NASDAQ-type system to be used as the basis for the Central Market, as I believe is currently practical, then a number of structural, regulatory and mechanical improvements should be implemented. These include:

1. Competing specialist/market-makers should designate the size of their quoted dealer markets by class of market. In other words, a class A market would be one in which a specialist/market-maker was prepared to buy or sell upwards of 5,000 shares, a class B market would require upwards of 2,000 shares being "good" on both the offer and bid, and a class C market would be the one for less than 2,000 shares. It should be possible for a market-maker to display within the system more than one class of quoted market. For example, a class C market quote by one specialist/market-maker in a given security might be 50½–¾, whereas 50–51¼ might be the class A market (more than 5,000 shares bid for and offered) quoted by the same dealer.

2. Agency orders accepted by a specialist/market-maker should take precedence over that specialist/market-maker's principal bids or offerings. Within the quoted market spreads, specialist/market-makers should disclose whether acting in a principal or agency capacity.

3. The system must be capable of creating a sequential trade tape, as well as having recall capabilities to display historical information such as: last sale, volume, firm involved in latest transaction, summary of individual firm transactions, etc. It would be desirable if the same system could store and recall fundamental corporate data relating to each issue such as: latest earnings, dividends, news flashes, etc.

4. The system should be capable of transaction consummation without requiring direct contact between specialist/market-makers, thereby "locking in" trades. Transactions would be cleared through a Central Clearance and Depositary Agency which I will discuss later. Direct negotiation would still be required for transactions involving any substantial number of shares.

5. All securities transactions should be required to be consummated within the system and all users of the system should be regulated equally.

Although the totally automated mechanism envisioned by Professor Smidt is probably the ultimate ideal central market concept, I believe that a NASDAQ-type system, mechanism possible in terms of existing hardware, software and vested securities industry political considerations.

III. INSTITUTIONAL ACCESS

I believe it appropriate for institutional investors and fiduciaries to be accorded full access to whatever form of central market ultimately evolves. I believe that many of the problems of nonuniform exchange regulation and undesirable reciprocal practices which have plagued the investment and securities industries are directly traceable to denial of full access. I also believe that all brokerage profits earned by fiduciaries from securities transactions should be used to reduce related investment management fees. However, protection from legal action should be afforded a fiduciary who decides not to enter the brokerage business based on a bona fide judgment that the costs outweigh the savings to the institution he advises or that the institution's best interest would not be served.

As a practical matter, the members of the NYSE should accept institutional access at the same time as they may be forced to accept competitively negotiated commissions, as the practical effect would be to relieve the pressures for reduced commission rates on institutional sized transactions.

It is simply illogical to believe that the securities industry can be an exception to a basic law of the marketplace which dictates that a large quantity customer or user will deal on different and more favorable terms than the small customer or user. It is also illogical for an exchange to welcome as members wealthy individuals who join for purposes of personal transaction expense reduction and market mobility and, at the same time, deny membership to organizations having an obligation to achieve the same ends for others.

If a central market is intended to create an environment of maximum capital mobilization, it would then follow that all responsible asset management entities should be encouraged to participate directly.

IV. COMMON CLEARANCE AND DEPOSITARY AGENCY

If there is one single cause of the securities industry's chronic earnings cyclicality and related concern for the safety of customer assets, it is the massive duplication of operational and administrative facilities which currently exists. Were the overhead burden of unevenly utilized, and for the most part unnecessary, personnel, equipment and real estate removed or lessened by the establishment of a Common Clearance and Depositary Agency, many presently troubled brokerage organizations could anticipate an extended and profitable existence, while, at the same time, reduce client charges.

This concept can only work, for political reasons, if it were required that all securities dealers exclusively utilize the Agency and be denied the ability of holding customer assets within their own control. The method of financing the Agency is envisioned as being similar to that of financing exchanges presently. In fact, I believe that one of the basic functions of any exchange is, or should be, to provide its members with mechanical services to settle transactions which would otherwise have to be duplicated by many of the individual member firms.

The proposed Common Clearance and Depositary Agency could pay an appropriate rate of interest to the clients of securities firms based upon free credit balances left with the Agency.

The Agency could also play a leading role in the movement towards reducing the necessity for individual stock certificates, as well as assuming corporate stock transfer and registrar functions. Also the establishment of such an agency would reduce, if not eliminate, the problem of brokerage firm securities thefts.

I believe that, as regards the establishment of a Common Clearance and Depositary Agency, the public interest and that of the securities industry are similarly served.

V. SEPARATION OF INVESTMENT ADVISORY AND BROKER/DEALER FUNCTION

In the structuring of a central market, whatever be the ultimate form, I believe there should be a separation of functions wherein unresolvable conflicts of interest exist.

The Martin Report identifies exchange member control of investment company advisors as one such area. I choose to believe that the basis for concern resides in the possibility of the investment advisor generating transactions for personal profit, and is not simply an attempt to "trade off" this area to preserve the brokerage business exclusively for the New York Stock Exchange membership.

While I agree that meaningful conflicts of interest exist in this area, I believe the same conflicts exist in the investment management control of other types of discretionary institutional accounts. Furthermore, I believe that the identical problem exists with respect to the vast majority of individual retail accounts, since in most instances specific recommendations made by registered representatives are generally accepted. The individual client is, of course, provided with "facts" and reasons for the recommendation, but normally is not in a position to either verify the factual content nor assess the validity of the opinion. Therefore, it would appear that the distinction between retail discretionary and non-discretionary accounts is more legal than real.

Because of prevailing reciprocal practices, the ability to direct the placement of substantial brokerage business on a discretionary basis is one of the most valuable assets any organization can have whether or not it is a member of a stock exchange.

The situation whereby an advisor generates revenue for himself through client activity regardless of investment result is one of continuing concern. Obviously, an even greater conflict of interest is present in situations where the advisor is acting in a underwriter or dealer capacity.

Therefore, it is suggested that all advisory functions be separated from those of a broker/dealer. Mechanically, this could be accomplished by requiring those organizations which have confidence in their advisory abilities to concentrate in this area and be compensated by investors on a fee basis. In certain rare instances, performance incentive fees may be justified. Those broker/dealer organizations which choose to remain in the business of trading securities or investment banking would then have as prospective clients a materially expanded number of investment advisory firms whose sole interest would be achieving satisfactory investment results for their advisory clients. To avoid conflict, the investment advisory clients should designate broker/dealers to be used by their investment advisors on their behalf. Investors wishing to make their own investment decisions would be free to use the services of broker/dealers, but broker/dealers would not be permitted to render investment advice.

I believe that only through such an enforced separation, as suggested, will this area of conflicting interests be ultimately resolved in favor of the investor and, therefore, the public interest.

In summation, I believe that:

I. Commission charges should be fully negotiable.

II. A central market communication system should be established.

III. Institutions and their fiduciaries should be accorded the same degree of access to the central market system as qualified wealthy individuals or corporate investors.

IV. A Common Clearance and Depositary Agency should be established to settle all securities transactions and, at the same time, have the responsibility of safeguarding investor assets.

V. Investment advisory and broker/dealer functions should be separated.

I am sincere in my concern relating to the areas discussed and am anxious to answer any questions which I hope my presentation has stimulated. I would also welcome the opportunity of cooperating with the Commission in any detailed study of these areas as well as making a contribution in any way deemed appropriate.

Thank you.

A MEDICAL AUTHORITY COMMENTS ON THE PROBLEM OF LEGALIZED ABORTION

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. DONOHUE. Mr. Speaker, reference to the voices and recommendations of authority and experience on both sides of the question is always an invaluable asset in our everlasting efforts to study and solve the very complex and challenging problems of our time.

Such a modern problem is the matter of legalized abortion in this country and an acknowledged authority on this subject is Dr. Denis Cavanagh. Dr. Cavanagh is a non-Catholic physician with extended experience in this area as professor of obstetrics and gynecology, Department of Obstetrics and Gynecology, Royal Hobart Hospital, Tasmania, Australia, and consultant to the dean of obstetrics and gynecology, St. Louis University School of Medicine.

Last May, Dr. Cavanagh addressed an assembly of the Texas Conference of Catholic Hospitals in San Antonio on the subject of legalized abortion and excerpts from his very thoughtful and timely analysis of the problem appeared in the August 1971 issue of the magazine, Hospital Progress, and I wish to include the article at this point:

LEGALIZED ABORTION: THE CONSCIENCE CLAUSE AND COERCION

(By Denis Cavanagh, MD)

There is a small but very active group of individuals in this country who favor abortion as a measure of population control. Most of them are very active in the movement for liberalization of the abortion laws and, as a blind for their activities within this movement, they use the well-meaning and conscientious physicians who merely desire clarification of the laws.

In the State of Missouri, we are faced at the present time with a determined effort to achieve liberalization or repeal of the abortion laws, and I'm sure that a similar campaign is being waged in Texas. In 1968, I appeared at the Missouri Senate hearings to speak for moderate liberalization of the abortion law on the basis of the American Law Institute proposal because I felt that this was a "middle-of-the-road" solution which most people wanted, alhough I believed personally that abortion was only justified to save the life of the mother. In 1969 and again this year, because of the experience in Colorado and California, I spoke against liberalization in Missouri. I am not completely opposed to any liberalization of the abortion laws for a number of reasons, and I think these are reasons that anybody with an open mind can understand.

The California and Colorado liberalized abortion laws were well-written laws, but they have led to more dishonesty on the part of both patients and doctors than ever existed before. For example, in California in the first year, over 50 per cent of women treated were unmarried and most were affluent,[1] although the law was supposed to help the married and the poor. Almost 90 per cent of the indications were psychiatric vs. five per cent for organic disease. (If you believe that the doctors and patients were being honest you must also believe that serious mental illness is 18 times more common than serious physical illness in pregnant women in the State of California.)

From these examples it is evident that dishonesty is more prevalent with liberalization of abortion laws than without it. Certainly, when mental health is substituted for serious mental illness you will have *de facto* "abortion on request."

MONEY IN ABORTIONS

My second reason is that I believe patient care is suffering in the presence of liberalized laws and a significant number of complications are occurring most of which are not being reported.[2] The complications are being concealed because: 1. Doctor abortionists do not want to face malpractice suits; and 2. they want to be allowed to continue to make enormous sums of money doing abortions. (Suction curettage, saline induction, and hysterotomy are all relatively simple procedures but the average fees charged private patients in California are $350, $550, and $650 respectively.)

When all is considered it is now generally accepted that liberalized laws, especially those including psychiatric and environmental indications, have created more problems than they have solved. As a result the question is no longer whether you will accept liberalization of your abortion laws, but whether you will accept "abortion on demand."

In view of this, I strongly advise against any liberalization of the current abortion laws. I speak especially against any law which would allow abortion for non-medical reasons. I speak as a Christian, as a citizen, as a gynecologist, and most important of all as a grown-up fetus.

There is a great deal of talk about "not getting emotional" about this subject, but how unemotional can you get when you consider that a change to "abortion on demand" in Texas could result in the killing of thousands of unborn babies every year?

We hear statements made by doctors to the effect that there is disagreement about when human life begins. There is no real disagreement as to the scientific facts, but only as to the ethics of the situation.

In support of this statement, I would like to cite the following excerpt from the editorial entitled, "A New Ethic for Medicine and Society" from *California Medicine*, September, 1970. This is the official journal of the California Medical Society and the article is written by a pro-abortionist, with reference to the present attempt to move from liberalized abortion to abortion on demand in the State of California.

. . . Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices.

Even the people who are introducing bills to legalize abortion apparently recognize that it is wrong to kill a viable fetus, and in their bills usually prescribe punishment for those guilty of this offense. In doing so, they are apparently supporting the view that an unborn baby has rights, and so the main disagreement appears to be *when* the fetus is to be granted that most precious right of all, the right to life itself.

The crux of the moral and legal debate over abortion is, in essence, the right of the mother to determine whether or not she should bear a particular child versus the right of the child to life. The most vigorous proponents of legalized abortion talk about the fetus as "a blob of protoplasm," and feel it has no right to life until it has reached a certain stage of development. This is given variously as from 12 weeks to 28 weeks of intra-uterine life, and some apparently feel it has no right to life until after full-term delivery. If we take the definition of life as being said to be present when an organism shows evidence of individual animate existence, I think that certainly from the blastocyst stage the fetus qualifies for respect. It is alive because it has the ability to reproduce dying cells. It is human because its parents are human. It can be distinguished from other non-human species, and once implanted in the uterine wall it requires only nutrition and time to develop into one of us. If it contains an intrinsic genetic defect, or if it is deprived of nutrition and time, it becomes a dead human fetus.

I think that this is a reasonable, philosophical conclusion based on biological knowledge. It recognizes that human development is a single continuous process from implantation of the fertilized ovum in the uterine wall to the achievement of adult personhood. It seems quite irrational, even if convenient, to choose a given point in this biologic continuum, e.g., the appearance of the heartbeat, or the feeling of movements, viability, or even expulsion from the uterus, as the beginning of human life. It seems evident then that the fetus is only different from you and me in that it has not yet been given the time to develop its whole potential.

SOME FACTS OF LIFE

Let us consider a few embryologic facts. The ovum is usually fertilized in the lateral portion of the fallopian tube, and in from seven to 14 days the blastocyst becomes implanted in the uterine wall. At the end of the second week differentiation of the cardiovascular and nervous systems begins. At the end of six weeks all of the internal organs of the complete human being are present, although still in a rudimentary stage of development. Brain waves have been detected at 43 days. By the end of the eighth week the skeleton has begun to form, and the eyes, fingers, and toes are evident, so that the embryo is now called a fetus.

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[1] Keith P. Russell, MD and Edwin W. Jackson, MD, "Therapeutic Abortions in California," *American Journal of Obstetrics and Gynecology*, Nov. 1, 1969, p. 757.

[2] William Droegemueller, MD, et al., "The First Year of Experience with the New Abortion Law in Colorado," *American Journal of Obstetrics and Gynecology*, March 1, 1969, p. 694.

After the eighth week, no new major structures will be added, and the heart can be picked up by ultrasonic techniques. Further growth will consist of maturation and the development of the existing structures rather than the creation of anything new. By the end of the 12th week, the fetus can swallow amniotic fluid. If delivery occurs after the 20th week, and the baby weighs approximately 500 grams (1 lb.) it is referred to as a premature infant rather than as an abortus. I would point out that in the *Canadian Medical Association Journal* in 1939, Monroe reported the case of a baby which weighed 397 grams on the second day of life, and which developed normally. I submit that to this very durable individual the term "abortus" can scarcely be applied.

Today, it seems evident that the age of "viability" or survivability can no longer be considered as immutable, because too many variables, such as DNA synthesis, test tube incubation, intra-uterine transfusion, and chromosomal manipulation, are involved. Legislative communities should realize that, in view of recent technological advances, the 20-week survivability standard is about as sacred as the four-minute mile. With the development of an effective artificial placenta, probably within the next decade, the 20-week or perhaps the 12-week fetus may survive to become as you and me.

Sir John Peel, former president of the Royal College of Obstetricians and Gynecologists, in an address to the faculty at the University of Melbourne, put the subject of abortion in perspective as follows:

> Let us be quite clear in our minds. The deliberate termination of a pregnancy at whatever stage in pregnancy it is undertaken before viability is the same procedure. Attempts to determine an artificial dividing line before which a pregnancy may be terminated for nonmedical reasons is pure sophistry. A fetus of 10 weeks is not essentially different from one of 20 weeks, or one of 20 weeks from one of 30 weeks. It may be safer medically to terminate pregnancies at 8 rather than 16 weeks, but one is no more or less justified than the other if the alleged indication is a nonmedical one.
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> . . . If society gives sanction to the destruction of life for one set of circumstances for what it claims to be the good of society, why should it not sanction the killing of the abnormal neonate, the mental defective, the delinquent, the incurable, the senile? The mind recoils from such suggestions, but let us face it, society in the past has sanctioned all of these. Is it fanciful to think that we may be moving toward a situation in which the sanctity of human life is no longer recognized—where life can be created artificially at will, and equally at will expunged?

For those of you who think that Peel was being fanciful, let me remind you that the very liberal British Abortion Act was passed in 1967, and in 1969 a euthanasia bill ("mercy killing") was only defeated in the House of Lords by 61 votes to 40. In the State of Florida, a euthanasia bill was defeated by fewer votes than the bill to liberalize abortion. In the State of Colorado, the bill to liberalize abortion was passed in 1967 and in 1970 the Colorado Nurses' Association voted 173–109 in favor of euthanasia with 55 abstentions.[3]

And why not? Because when we sanction legalized abortion we adopt a new ethic. This is the ethic of Aldous Huxley's *Brave New World*. It is being embraced by many of the intelligentsia. Francis Crick the Nobel laureate has said that a baby should not be declared alive until 48 hours after birth and there should be compulsory death at the age of 80 years.[4] Is this the course that we want to follow?

In 1970, piglets conceived in Canada were flown across the Atlantic in a tube and implanted in the uterus of a sow of a different breed. The parents then presumably were two sows and a boar of the Canadian Yorkshire breed, and the embryos were conceived on March 16 on a Canadian Department of Agriculture farm at Hull, Quebec. The foster mother at Weybridge, Surrey, has now delivered her litter of piglets successfully. It would seem that it is technically quite possible that we will be able to do this in the human within the next decade. The "responsible" mother with an unwanted pregnancy could then be given the choice of having the embryo removed and transferred to the uterus of an infertile foster mother, or going to term and giving the baby up for adoption. In this way the natural mother could be given the right to make the decision as to whether she wants to continue to carry her unborn child, and the right of the unborn to life would not be denied. But "prenatal adoption" is not available yet and, until such time as it is, the right of the fetus to life must surely be held above the convenience of the mother or of society. Many good people who say they are for legalized abortion simply don't know what abortion is all about. There are pressing social problems to be solved and abortion provides a quick solution to many of them.

Let's get abortion in true perspective. Let's look at the abortion "specimens." Currently the three most popular methods of abortion are: 1. Suction curettage (done up to 14 weeks); 2. saline induction or "salting out" (done after 14 weeks). 3. hysterotomy (done usually when saline induction fails).

However, we should realize that many of the proabortionist civil libertarians feel genuinely that they, by their activities, are building a better world for you and me. These well-meaning people could be classified as "seduced idealists," and this, of course, was the defense presented by German doctors at Nuremberg. I believe that the pro-abortionists are wrong and that they must be stopped.

The informed pro-abortionists know that the fetus is a living human being. The informed pro-abortionists know that the fetus is innocent, but they feel that a new ethic is called for to bring quick solutions for the problems of society. This is the type of thinking that led to Belsen and Dachau. Inconvenient as the fact might be for you, for me, or for society, the fetus is not a potential human being, the fetus is a human being with potential.

THE "CONSCIENCE CLAUSE"

The pro-abortionists, when pushing for legalized abortion, almost invariably assure us that no medical personnel will be forced to participate in abortions and no hospitals will be forced to permit them. Already, however, questions are being raised which suggest coercion will be applied.

One of the questions now being raised is: Why shouldn't a doctor or a hospital be required to refer a patient after refusing her an abortion?

Initially, it seemed that the suggestion of patient referral was intended to keep the patients out of the hands of illegal abortionists. But consider what Harriet Pilpel, a prominent American Civil Liberties Union attorney, wrote on the subject in the *New York Times*, in her review of Daniel Callahan's book *Abortion, Law, Choice and Mortality*.

> As our laws in the United States are repealed or liberalized or declared unconstitutional, it becomes clear that only half the battle is won and that public and professional attitudes and the will (or lack of will) to implement the freedom conferred are also crucial. The Callahan book pays too little attention to the practical aspects of what he is talking about. For example, although his "ideal law" would include "a conscience clause" for doctors and nurses, it apparently would not include the obviously necessary further requirement which most students of the question believe necessary, namely, an obligation to refer the patient elsewhere if she is refused on conscience grounds.

It must be clear from this statement that enforced referral is looked upon as a means of changing public and professional attitudes toward abortion. The more abortions that are performed, the less abhorrent they become. Thus, even those doctors who refuse to perform abortions will become, by the referral device, unwitting tools in the forging of an abortion mentality.

Dr. Robert Hall, in an article in *Playboy Magazine* writes:

> Doing an abortion properly requires medical training, but deciding whether to do it, in most cases, does not. The only excuse for a doctor refusing to do an abortion should be the contrary dictates of his conscience, and then he should be obligated to refer his patient elsewhere.

It is becoming evident, then, that relaxed abortion laws, far from giving the doctor greater freedom to practice medicine, actually put him in the position of a puppet who must react when his patient pulls the strings. Objections of conscience aside, is a doctor always required to perform surgery or refer the patient? If a patient came to a doctor and asked, without any medical justification, that he amputate her left hand would that doctor also be required to do it (or refer her) to the exclusion of his judgment on whether the operation was medically necessary?

Another question being raised is what steps can be taken against hospitals and doctors who refuse to perform abortions or strictly limit abortions?

I believe they will be subjected to all sorts of pressure:

1. *Community pressure.* As pointed out by Robert Byrn the hijacking of hospitals is running "a respectable third" to the hijacking of airplanes and universities. Radical community groups, aided and abetted by pseudo civil libertarians, are already claiming that all hospitals "belong to the people." In pursuance of that claim, some are prepared to take over a hospital and intimidate its personnel until such time as the group's demands are met. We should anticipate that in states where the law has been liberalized these tactics may be used against hospitals which forbid or severely limit the practice of abortion, regardless of whether or not the hospital is religiously affiliated.

2. *Pressure from the media.* The *New York Times* has characterized the reluctance of doctors to get involved in the "messy business of abortion" as "foot-dragging medical conservatism." In states with liberalized laws we should anticipate increased pressure from the media, perhaps in the form of an exposé of the overcrowded conditions at hospital X (due to abortions) while down the street hospital Y (which performs no abortions), is "refusing to carry its fair share of the health-service burdens in the community."

3. *Pressure from doctors doing abortions.* Resident doctors in Orange County Hospitals, taxed with an overload of abortions, complained to the county medical officials that other hospitals in the area should be required to perform their "fair share" of the abortion load. The same charges have been made in the State of Maryland. In many university hospitals, in states where the laws have been liberalized, both the faculty and house staff are split over abortion, and when a staff appointment is being contemplated the question, "Do you do abortions?" is being asked increasingly. Also, in private practice many a prospective associate is being turned down because of his unwillingness to participate in the lucrative business of "elective abortion."

4. *Intra-hospital pressures.* Consider the situation of Catholic medical and nursing personnel in a non-Catholic hospital: There is nothing in most proposed abortion bills which protects personnel from being dismissed from their positions for refusing to participate in abortions. They should not

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[3] *RN Magazine*, July, 1970, p. 7.

[4] *London Daily Express*, Oct. 31, 1968.

count on a shortage of such personnel as protection against dismissal. After all, claiming a shortage of funds, we have, for years, countenanced a high infant mortality rate in the big city ghettoes, yet now in New York, thousands of dollars are being spent to advertise abortion and set up abortion clinics in the ghetto, using money which could have been spent for improved maternal and infant care.

Consider the situation of a Catholic hospital administrator: It seems obvious that administrators who forbid or limit the practice of abortion should be prepared to face lawsuits by doctors claiming that their rights (to give their patients the accepted standard of medical care) are being denied by restrictive hospital regulations.

5. *Legal pressure*. Consider the situation of a doctor refusing to do an abortion on a woman threatening suicide: He may find himself being sued for failure to perform an abortion when the pregnancy is considered to be a serious threat to a patient's physical or mental health. Obviously, if I was in a hospital where a medical abortionist had just perforated a woman's uterus and she was in shock from severe blood loss, I would do all I could to save the woman's life even if a hysterectomy with removal of the remaining fetal tissues was necessary. On the other hand, I would not agree to terminate a pregnancy for an acute psychiatric emergency, since even psychiatrists are not agreed on psychiatric indications for abortion. This is the problem with the conscience clause in the British Abortion Act and the inclusion of a mental health loophole will be the problem with almost all conscience clauses associated with liberal laws.

OUTRIGHT LEGAL "BLACKMAIL"

Consider the situation of hospital administrators who will be faced with outright legal "blackmail" under the guise of civil liberties: In New York, there have already been threats of lawsuits to cut off public funds from Catholic hospitals on the grounds of their refusal to perform abortions. It will probably be claimed that the church-state constitutional issue overrides any statutory exemption in favor of such hospitals. I may say that having grown up in Scotland (a Protestant country) and having had my education free in a Catholic school, I feel that the overemphasis on the separation of church and state in the United States seem to benefit only those who are churchless and those who are stateless.

The answer to this threat is to have a plan of action and to realize, as other minority groups do, that the more active you are in defense of your principles, the more likely your principles will be able to survive.

As Sister Mary Maurita, executive director of The Catholic Hospital Association, has pointed out, Catholic hospitals have gone on public record against abortion in two special actions taken by the CHA Board of Trustees and House of Delegates on June 10, 1970.

It seems clear that no Catholic hospital may either directly or indirectly permit elective abortion. Presently, Catholic hospitals in states with liberalized abortion laws are exempt from performing such procedures. But they should commit their time, energy, and resources to work with all groups dedicated to "The Right To Life." These groups are growing in strength, as more Christians realize that abortion is indeed the killing of an unborn baby and that "termination of pregnancy" is a euphemism. I feel that every Catholic hospital has a moral obligation to officially communicate its position against abortion and for the right to life of every unborn baby, not only to its personnel, its physicians, its patients, but also to the community it serves. Every person working within the Catholic hospital must understand and, I say, accept this position. (There are all too many doctors working both sides of the street.)

Furthermore, Catholic hospital administrators, trustees, and personnel should pledge themselves to work with any agency or any group to assist medically, economically, socially, and culturally all mothers, whether unwed or wed, to assume the responsibilities of motherhood, in keeping with the role of woman and with the dignity of man. The fetus is not a potential human being; the fetus is a human being with potential. The fetus is our brother and we must be our brother's keeper.

THE SO-CALLED CHILD DEVELOPMENT PROGRAM

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. SPENCE. Mr. Speaker, the so-called child development program incorporated into the OEO extension bill raises serious questions about the proper role of the Federal Government's intervention into the private lives of family and children. Increasingly, this aspect of the "child development" issue is coming under discussion, as doubts spread concerning the wisdom of this proposal, which would put the Federal Government in the position of contending that it can bring up infants and preschool-children better than the individual attention and love of the child's parent.

There are, however, two points which I feel should be made regarding the debate over child development. First is an issue which is not being discussed: Need. To the best of my knowledge, the last major inquiry into need was made in 1965: "Child Care Arrangements of Working Mothers in the United States," by Seth Low and Pearl G. Spindler, published by the Children's Bureau Publications Office. In the study—in 1965, remember—the researchers found that less than 10 percent of all children under the age of 6 were in need of day-care centers. One should note from this that the figure would: First, be much lower for comprehensive child development services; and second, since 1965, many churches, private organizations, and former schoolteachers have gone into providing child-care services for families and mothers in need of the services. In fact, day-care centers have become a significant growth industry in this Nation during the last few years. I am confident a more up-to-date study would show a much diminished need for Federal intervention. I do not fail, of course, to recognize that a valid need does exist for Federal assistance in providing day care for children of mothers who need and want to work. But this is not the issue involved in the "Child Development" title of the OEO bill.

The second issue is one which seems to be getting the lion's share of consideration, and that is the issue of money. How much we are willing to pay for this program is a vital concern, but it does not come before that of whether we ought to graft these child development centers into the American scheme of things. Quite honestly, Mr. Speaker, the notions behind this proposal are definitionally wrong and no amount of money, however large or small, would change that fact. It is the substance of this proposal that is unwise, regardless of the cost.

Still, just in case anyone is not informed of the planned for extensiveness of this project, let me give the figures. Based on the provisions of the bill which call for eventual universality of the program, we are talking about a project which ranges from $20 to $30 billion, depending on the amount finally agreed upon by the conference, to determine who gets free treatment and who does not. It would be very wrong if we allowed financing to become the legislative question when we ought to be discussing and debating the merits of the proposed federalization of child rearing.

Mr. Speaker, to say that I am deeply concerned with this proposal is to engage in understatement. I firmly believe that this House should do what is necessary to insure that the final OEO bill does not include this most unworthy experiment with the children of American parents.

IMPORTATION OF CHROME FROM RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, November 20, 1971

Mr. BYRD of Virginia. Mr. President, by a vote of 106 to 2, with 13 abstentions, the United Nations General Assembly condemned the Congress of the United States for passing legislation permitting the importation of chrome from Rhodesia.

Chrome is a vital U.S. defense material, essential for nuclear submarines, jet aircraft, and all stainless steel products.

Because of an Executive order by President Johnson in 1967 resulting from a mandate from the United Nations, the United States has been prohibited from importing chrome from Rhodesia. Thus, having no chrome of our own, we have become dependent on Communist Russia for this vital defense material.

On September 23, the Senate of the United States decided to call a halt to such a ridiculous situation; and on November 10, the House of Representatives concurred. The House vote on the direct issue was a smashing 251 to 100.

It was not a regional vote or a party vote.

Analysing these two critical votes, we find that the proposal to remove the embargo on Rhodesian chrome received strong support from members of both political parties—and from Representatives from 46 of the 50 States.

Leading the list were California, Texas, Pennsylvania, Illinois, New York, Ohio, and Michigan.

The legislation was signed into law by President Nixon this week.

The Rhodesian trade ban, besides being foolish and unprincipled, is a bankrupt policy.

Even the New York Times, which strongly supports the trade ban, published a report from Salisbury, Rhodesia, dated November 17, from its correspondent, Anthony Lewis, which made clear just how bankrupt and ineffective the Rhodesian trade ban is.

It is a significant article. Its lead paragraph reads:

> Despite the total British ban on trade with Rhodesia, a $3 million paper mill which was in England until recently, is now operating here. It was moved first to a third country, then to Rhodesia.

The times reporter says that is just an example of just how ineffective the U.N. trade ban against Rhodesia has been.

The New York Times reporter then adds:

> Everything from Kodak cameras to Kleenex is available in the shops.

In a recent editorial, the Chicago Tribune chided the United Nations for its hyprocrisy, pointing out that many of the nations voting to condemn the Congress of the United States are themselves ignoring the trade ban with Rhodesia.

I ask unanimous consent that the page 1 article in the New York Times of November 17, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RHODESIA TRADE BAN FOUND INEFFECTIVE

(By Anthony Lewis)

> SALISBURY, RHODESIA, November 17.—Despite the total British ban on trade with Rhodesia, a $3-million paper mill that was in England until recently is now operating here. It was moved first to a third country, then to Rhodesia.
>
> The story is told by one of the businessmen working to break the net of world economic sanctions imposed by the United Nations Security Council in 1966. It is just one example, a particularly dramatic one, of how ineffective the trade war against Rhodesia has been.
>
> The casual visitor to Salisbury—in these days when Sir Alec Douglas-Home, the British Foreign Secretary, is here to try to negotiate a settlement of the six-year rebellion of this former self-governing colony—sees at once that the country is not starving for consumer goods. Everything from Kodak cameras to Kleenex is available in the shops.
>
> [President Nixon signed legislation that would effectively terminate the ban on the importation of Rhodesian chrome as of Jan. 1. Page 13.]
>
> On the import side, it appears that Rhodesia is able to buy just about anything she wants. Orders are placed through South Africa or Portuguese East Africa or through middlemen elsewhere—as in the paper mill saga.
>
> But there is a cost to Rhodesia in getting imports through the barrier. The middlemen naturally want a fee, and that raises the prices of goods for the customer—and uses up the country's precious supply of foreign currency.
>
> Foreign currency is the crucial problem for Rhodesia. And informed sources say that, despite the evident success in circumventing sanctions, there are now pressures in the currency situation, for two reasons.
>
> First, Rhodesia benefited greatly, after she declared her independence from Britain unilaterally in 1965, from a world rise in prices of base metals. She is an exporter of copper and nickel, for example, and was able to keep exporting these, through intermediaries, at rising prices.
>
> But more recently the trend has gone the other way. Copper is down from $1,440 a ton 18 months ago to $986 now, according to Rhodesians, and nickel is hard to sell at any price. The term of trade generally have turned against the developing countries, and Rhodesia among others is suffering.
>
> Second, Rhodesia needs to make big new investments in capital goods. For example, replacement and modernization of her railway system have been postponed: picturesque steam engines can still be seen puffing up to Salisbury from Umtali on the Mozambique border.
>
> New locomotives must come from abroad, and so must other items for the economic structure. The demand for foreign currency for these purposes is soaring—and sanctions are an obstacle there.
>
> The need for more foreign exchange makes most businessmen urgently desire a settlement with Britain and the end of sanctions. But the record of the last six years makes clear that they will carry on if there is no settlement.
>
> The American Congressional action No. 4 to lift the ban on imports of Rhodesian chrome is seen here as only a more candid expression of what other countries have in fact been doing. The authorization for American imports of chrome from Rhodesia is contained in a military procurement bill that President Nixon signed today. Yesterday, by a vote of 106 to 2, with 13 abstentions, the United Nations General Assembly cautioned the United States that imports of chrome from Rhodesia would be a breach of its international treaty obligations.
>
> Exactly who buys what is a dark secret, but Rhodesian mines have been at full production for years—and the asbestos and chrome and copper are going to the rest of the world. There are even reports, believed here, that the Soviet Union has been buying Rhodesian chrome and then selling its own chrome ore to the United States at twice the price.
>
> Nevertheless, the American Congressional action is undoubtedly significant psychologically. African leaders have spoken bitterly of it to visitors here for the talks being conducted by the British Foreign Secretary. One group that visited Sir Alec today said he had told them that the American decision was an important sign of how sanctions were eroding.
>
> The original purpose of the United Nations sanctions was to bring political pressure on the white Rhodesian public. In those terms the campaign has been ineffective.
>
> Most businessmen were opposed to the Rhodesian declaration of independence and, five years ago, were gloomy about the chance of withstanding sanctions. But world pressure led them to fight back, unifying opinion behind the rebel Government of Prime Minister Ian D. Smith. The businessmen have plainly had much pleasure in the struggle.

VALLEY DISTRICT DENTAL SOCIETY CELEBRATES ITS 75TH ANNIVERSARY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BOLAND. Mr. Speaker, the Valley District Dental Society, 1 of 13 chapters in the Massachusetts Dental Society, has just celebrated its 75th anniversary. Serving three counties—Hampden, Hampshire, Franklin—the Valley Society has been promoting dental health throughout western Massachusetts ever since 1895.

Its membership, just a handful of dentists when the organization was founded, now reaches past 300. And its services cover the entire spectrum of modern dentistry: general practice, prosthetics, periodontia, endodontia, pedodontia, oral, and maxillary surgery.

Seven members of the Valley Society have served as presidents of the parent Massachusetts Society, just one index of how significant a role this organization plays in the State's dental programs.

Aside from the vital services it provides for its dentist members, the Valley Society takes part in a broad range of civic and social activities—activities that have made the public aware of the need for scrupulous dental hygiene and preventive dentistry.

I am sure my colleagues join me in congratulating the Valley District Society and wishing it the best for the future.

A PETITION TO CHANGE HALLOWEEN FROM OCTOBER 31 TO JUNE 22

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. MARTIN. Mr. Speaker, I have received a petition signed by 37 grade school students in Gordon, Nebr., giving cogent reasons why Halloween should be changed from October 31 to June 22. I feel that their arguments are logical and carry a great deal of weight.

I am today introducing such a resolution, as I believe there is more logic to changing this date than those of the four holidays that were changed to a Monday 2 years ago.

The petition is as follows:

> We the undersigned wish to have the date of Halloween changed from October 31st to June 22nd.
>
> Halloween comes when our section of the Country is cold. Many times we are subjected to cold and snowy weather on Halloween. This is dangerous to us as roads and streets are icy. We have to wear coats and mittens over our costumes, this hinders and interferes with our vision, besides there is always the danger of catching cold or pneumonia.
>
> Many times Halloween comes on a week day and we have to get up early for school, so we aren't allowed to celebrate Halloween.
>
> More hours of daylight are in June. This would add to our safety. Congress can change other holidays. We would appreciate having this one changed to a more suitable month.